IN RE: PETITION FOR SPECIAL HEARING E/S York Road, 100' S of Regester Avenue

(6805 York Road)
9th Election District
4th Council District

Stone York L.P., Owners; Terrapin Court Enterprises, Inc., t/a Sam's Bagels, Lessees – Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 03-072-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, Stone York Limited Partnership, by Andrew J. Georgelakos, Partner, and the Contract Lessees, Terrapin Court Enterprises, Inc., t/a Sam's Bagels. The Petitioners request a special hearing to approve that the change of name/ Lessee from Bagels, Inc. to Terrapin Court Enterprises, Inc., trading as Sam's Bagels, meets the spirit and intent of the original Order issued in Case No. 00-016-SPHA. In addition, the Petitioners request approval of an amendment to Restriction No. 4 thereof to allow ten (10) additional seats to be placed outside, making a total of 35 seats and 3 highchairs; and, an amendment to Restriction No. 3, which limited store hours to 6:00 AM to 4:00 PM to 6:00 AM to 9:00 PM, seven days a week. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioners was Arnold Greenspun, a representative of Terrapin Court Enterprises, Inc., t/a Sam's Bagels, Lessees of the subject property. Also appearing in support of the request were Jean K. Duvall on behalf of the Rodgers Forge Community Association, and Jim Dobson on behalf of the Anneslie Community Association. Appearing as Protestants in the matter were Ed and Stephanie Rohe, Proprietors of the Harry Little Sub Shop, which is located nearby.

Testimony and evidence offered revealed that the subject property is located on the east side of York Road, between Murdock Road and Regester Avenue in Towson. Although the

properties immediately adjacent to York Road are commercial/retail/office in character, the residential communities of Rogers Forge, Stoneleigh, and Anneslie are located nearby. The site is located south of Towson University and the Baltimore County Government Center, and just north of the Baltimore County/Baltimore City Line. The property contains a gross area of 0.19 acres, more or less, and is improved with a two-story brick and block building which houses a variety of commercial uses. Among these uses is the subject bagel shop, which occupies approximately 1,915 sq.ft of the subject building, a restaurant/carryout establishment operated by Mr. & Mrs. Rohe, known as the Harry Little Sub Shop, a computer/video store, and an oriental restaurant.

This is the third hearing on the subject property that has come before the Zoning Commissioner's Office owing to the bagel shop operation. In the first case, a Petition for Variance was filed under Case No. 97-64-A, which was considered by Deputy Zoning Commissioner Timothy M. Kotroco. By his Order dated January 14, 1997, Deputy Commis-sioner Kotroco granted a parking variance to permit six (6) spaces in lieu of the required 16. In approving the request, Deputy Commissioner Kotroco imposed a number of restrictions. These included limiting the relief granted to a specific proprietor of the bagel shop, and limitations on the hours of operation and the amount of seating. The second case involved a Petition for Special Hearing filed under Case No. 00-016-SPHA, which was also heard by Deputy Commissioner Kotroco. By his Order dated November 15, 1999, Deputy Commissioner Kotroco granted special hearing relief providing that the terms and conditions of the prior Order were applicable to the then current owner of the bagel business, known as Bagel's Inc., trading as Sam's Bagels. Deputy Commissioner Kotroco also dismissed a portion of the variance request for parking relief, finding that same was unnecessary. Additional restrictions were attached to the grant of the relief, similar to those previously imposed.

The present case relates to a request to amend the relief granted in the prior Orders. Mr. Greenspun is now the proprietor of the business and operates the bagel shop under the name Sam's Bagels. The holding corporation is known as Terrapin Court Enterprises, Inc. Relief is requested to permit the present Lessee to operate the business in a manner consistent with the prior Orders. Moreover, the Petitioners seek approval of two amendments to the prior restrictions. The first

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amendment is to allow a small outdoor seating area of providing up to an additional ten (10) seats. This would allow 35 total seats and 3 highchairs for the bagel shop. The second amendment is to allow an expansion of the hours of operation as set out above.

On behalf of the Petitioners, Mr. Greenspun offered testimony and evidence in support of the request. He described the operation and noted that Sam's Bagels is a neighborhood business that largely caters to residents of the surrounding residential communities named above. He also indicated that many of his customers walk to the bagel shop. Although acknowledging the lack of parking for businesses in the general area, Mr. Greenspun believes that the relief requested would not aggravate existing conditions and is appropriate.

Quite interestingly, Mr. Greenspun's request enjoys significant community support. Ms. Duvall on behalf of the Rodgers Forge Community Association and Mr. Dobson on behalf of Anneslie's Community Association both indicated that they are in favor of the request. Letters outlining their position were submitted at the hearing and are part of the record of this case. A similar letter in support from David M. Hudson, Jr., President of the Stoneleigh Community Association, was also offered at the hearing. This is somewhat unusual in that typically, residents can be expected to oppose a request that might generate traffic congestion. However, the residents who live nearby indicated that they support the bagel shop operation. Apparently, this stretch of businesses has become somewhat of a meeting place for the community and many of the surrounding residents walk to the shops. They believe that the requested relief is appropriate.

Mr. & Mrs. Rohe appeared in opposition to the request. A review of Deputy Commissioner Kotroco's prior opinions indicates that they appeared as Protestants in the prior cases. They have operated the Harry Little Sub Shop business down the street for many years. They are concerned about the impact of the proposal on their business.

As I observed during the public hearing, the concerns identified in this case are generated because of the layout of the community. Obviously, York Road has been a commercial core in this location for many years, well prior to the adoption of the first County zoning regulations in 1945.

The residential neighborhoods of Anneslie, Stoneleigh and Rodgers Forge are long established

communities in this area. If the subject property and adjacent parcels were being developed today, strict compliance with the zoning and development regulations would be warranted. In that instance, the developer would be required to meet the current requirements as they relate to the number of parking spaces required, building setbacks, etc. However, the reality of the situation is that these businesses have existed on the subject property for many years. The lack of parking in the area is a long-existing fact of life for both the business and residential community.

Upon due consideration of the testimony and evidence offered, I agree with the impartial opinion offered by the Office of Planning through Jeff Long, who appeared at the hearing in support of the request. He compared the subject property and operation to a village town center that generates pedestrian traffic from the surrounding residential community. He noted the County's ongoing goals of community conservation and revitalization of older areas. He believes that the requested relief is consistent with those goals and is appropriate. I agree.

I am appreciative of the opposition from the neighboring business and their concerns about traffic congestion. That is indeed a legitimate concern. However, the success of one small business in this area is a benefit to other small business operators. I do not believe that a modest expansion of the bagel shop operation as requested in the Petition will adversely impact adjacent businesses. In my view, it will generate more foot traffic into the area and could indeed help adjacent businesses.

Based upon the cumulative testimony and evidence offered, I am persuaded to grant the relief requested. However, in so granting I will reincorporate some of the restrictions imposed by Deputy Commissioner Kotroco in the prior cases. Moreover, in the event of the change of the Lessee from Terrapin Court Enterprises, Inc., to another entity not operated by Mr. Greenspun, the relief granted herein shall cease. I am confident that Mr. Greenspun will continue to operate the business in an appropriate manner, but the issues presented herein should be revisited in the event there is another Proprietor of the bagel shop business.

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 day of October, 2002 that the Petition for Special Hearing seeking approval that the change of name from Bagels, Inc. to Terrapin Court Enterprises, Inc., trading as Sam's Bagels, meets the spirit and intent of the original Order issued in Case No. 00-016-SPHA, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that Restriction Nos. 3 and 4 of the Order issued in prior Case NO. 00-016-SPHA shall be amended to allow ten (10) additional seats to be placed outside, making a total of 35 seats and 3 highchairs, and an increase of store hours from 6:00 AM to 9:00 PM, seven days a week, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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 relief granted herein is limited to Arnold Greenspun and Terrapin Court Enterprises, Inc., t/a Sam's Bagels. In the event the Lessee changes from Terrapin Court Enterprises, Inc., to another entity not operated by Mr. Greenspun, the relief granted herein will be forfeited.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that but for the modifications set forth herein, all other terms and conditions of the Order issued in prior Case No. 00-016-SPHA shall remain in full force and effect.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs



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

October 3, 2002

Fax: 410-887-3468

Mr. Andrew J. Georgelakos Stone York LP, c/o KLNB Management, LLC 100 West Road, Suite 505 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
E/S York Road, 100' S of Regester Avenue
(6805 York Road)
9th Election District – 4th Council District
Stone York, LP, Owners; Terrapin Court Enterprises, Inc., t/a Sam's Bagels - Petitioners
Case No. 03-072-SPH

Dear Mr. Georgelakos:

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,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Arnold H. Greenspun, V.P. Terrapin Court Enterprises, Inc., t/a Sam's Bagels 6805 York Road, Towson, Maryland 21212

Ms. Jean K. Duvall, 227 Murdock Road, Baltimore, Md. 21212

Mr. Jim Dobson, 510 Murdock Road, Baltimore, Md. 21212

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

Ms. Loni Ingraham, Towson Times, 409 Washington Avenue, Towson, Md. 21204

Mr. Jeff Long, Office of Planning; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 6805 YORK ROAD which is presently zoned BL-AS

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

- 1. That the change of name from Bagels, Inc. to Terrapin Court Enterprises, Inc. trading as Sam's Bagels meets the spirit and intent of the original order in Case # 00-016-SPHA.
- 2. That Restriction # 4 in prior case # 00-16-SPHA be amended to ten (10) additional seats to be placed outside making a total of 35 seats and 3 highchairs.
- 3. That Restriction # 3 in prior case # 00-16-SPHA limiting the store hours from 6 A.M. to 4 P.M. be amended to 6 A.M. to 9 P.M. seven days a week.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): TERRAPIN GURTENTERPRISES, INC. STONE YORK LIMITED PARTNERSHIP Name - Type or Print Name - Type or Print ARNOLD H. GREENSPUN, V.P. Signature Signature Andrew J. Georgelakos, Partner Address Telephone No. Name - Type or Print スススス Zip Code Signature c/o KLNB Management, LLC **Attorney For Petitioner:** 410-321-0125 100 West Road, Suite 505 Address Telephone No. Towson MD 21204 Name - Type or Print City State Zip Code Representative to be Contacted: Signature ARNOLD GREENSPUN Company Name Address Telephone No Address BALTIMORE. 7 Zip Code State Zip Code State OFFICE USE ONLY ADER RECEIX ESTIMATED LENGTH OF HEARING Case No. 03-072-SPH UNAVAILABLE FOR HEARING Reviewed By JNP per WCR Date 8/8/02 1 9/15/98

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

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

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

Containing 0.144 acres of land more or less.

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

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 8/8/02 ACCOUNT R-001-006-6/50 REGIONAL STATEMENTS OF STATE

YELLOW - CUSTOMER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

PATTY RECEIPT

SUBJECT OF ACTUAL TIME

1/09/2002 3/08/2002 14:17:38

REG NGOS WALKIN RAGG LRB DRAWEF: S

>>RECEIPT # 286985 8/08/2002 0FLN

Dep: 5 528 ZONING VERIFICATION

CR NO. 016438

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250.00 Ck .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

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The Zening Commissioner of Baltimore County by Suthority 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, #03-072-SPH

6805 York Road

br E/S of York Road, 100' SE of Register, Avenue

Is 9th Election District - 4th Councilmanic District

- Legal Owner(s): Stone York Limited Partnership

I Contract Purchaser Tenapin Count Enterprises Inc. Va Sam's Bagels

91Special Hearing: to approve change of name from Bagels,

- Inc. to Terrapin Court Enterprises, Inc. as Sam's Bagels

meets the spirit and intent of the original order in prior meets the spirit and intent of the original order in prior case number 00-016-SPHA; to approve the restriction #4-an prior case number 00-16-SPHA be amended to ten adviolitional seats to be placed outside making a total of 35 seats and 3 highchairs. That Restriction #3 in prior Case 12#00-16-SPHA limiting the store hours from 6 a.m. to 4-sq.m. be amended to 6 a.m. to 9 p.m. seven days a week.

Silventing: Friday, September 13, 2002 at 11:00 a.m. in Shoom 106. Baltimore County Office, Building; 111, W. in Chesapeake Avenue.

Silventing: Commissioner for Baltimore County of the Special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

10 (2) For information concerning the File and/or Hearing,

ion (2) For information concerning the File and/or Hearing, oscontact the Zoning Review Office at (410) 887-3391.

CERTIFICATE OF PUBLICATION

<u>8</u> 29,20 <u>02</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 829 , 2002 .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 03-072-SPH
Petitioner/Developer:
Terrapin Court Enterprises
Inc. t/a Sam's Bagels
Hearing Date: 09/13/02

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

第9~9700

Attention: 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 6805 York Rd.

The sign(s) were posted on 08/29/02.

Sincerely,

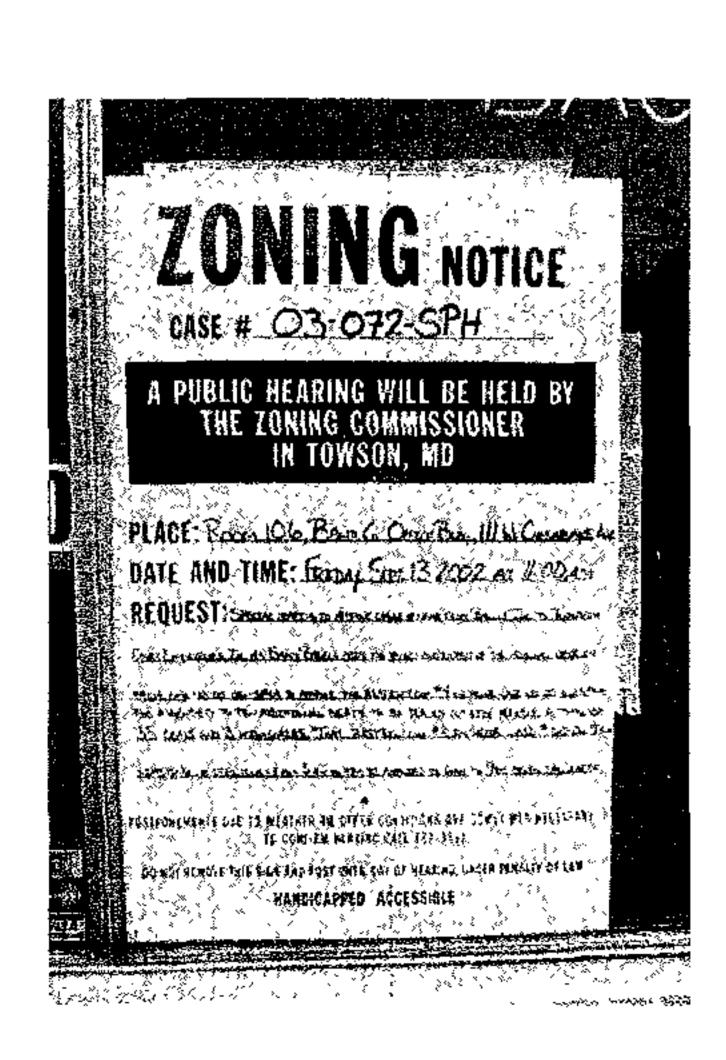
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



RE:	PET	ITION F	OR SP	ECIAL	HEAR	RING	*	BEF	ORE T	HE		
	6805	York R	oad E/s	side of	York R	oad						
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	Contract Purchaser: Arnold H. Greenspun									_		
	VP, Terrapin Court Enterprises, Inc.						*	03-072-SPH				
	_		Petiti	ioner(s)	_						.4.	_4
*	*	*	*	*	*	*	*	*	*	*	*	2

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 28th day of August, 2002, a copy of the foregoing Entry of Appearance was mailed to Arnold H. Greenspun, V.P., TERRAPIN COURT ENTERPRISES, INC. 6805 York Road, Baltimore, MD 21212 Representative for Petitioner(s).

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 29, 2002 Issue – Jeffersonian

Please forward billing to:

Terrapin Court Enterprises Inc 6805 York Road Baltimore MD 21212

410 372-0500

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:

03-072-SPH

6805 York Road

E/S of York Road, 100' SE of Register Avenue 9th Election District – 4th Councilmanic District Legal Owner: Stone York Limited Partnership

Contract Purchaser: Terrapin Court Enterprises Inc t/a Sam's Bagels

Special Hearing to approve change of name from Bagels, Inc to Terrapin Court Enterprises, Inc as Sam's Bagels meets the spirit and intent of the original order in prior case number 00-016-SPHA; to approve the restriction #4 in prior case number 00-16-SPHA be amended to ten additional seats to be places outside making a total of 35 seats and 3 highchairs. That Restriction #3 in prior Case #00-16-SPHA limiting the store hours from 6 a.m. to 4 p.m. be amended to 6 a.m. to 9 p.m. seven days a week.

HEARING: Friday, September 13, 2002 at 11:00 a.m. in Room106, Baltimore County Office

Building, 111 W Chesapeake Avenue

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

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

August 20, 2002

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:

03-072-SPH

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HEARING:

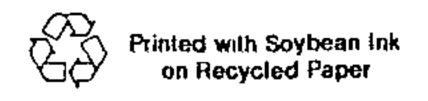
Friday, September 13, 2002 at 11:00 a.m. in Room106, Baltimore County Office Building, 111 W Chesapeake Avenue

Arnold Jablon Director

C: Terrapin Court Enterprises Inc, Arnold H Greenspun, 6805 York Road, Baltimore 21212 Stone York Limited Partnership, Andrew J Georgelakos, 100 West Road, Suite 505, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 29, 2002.

- (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.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

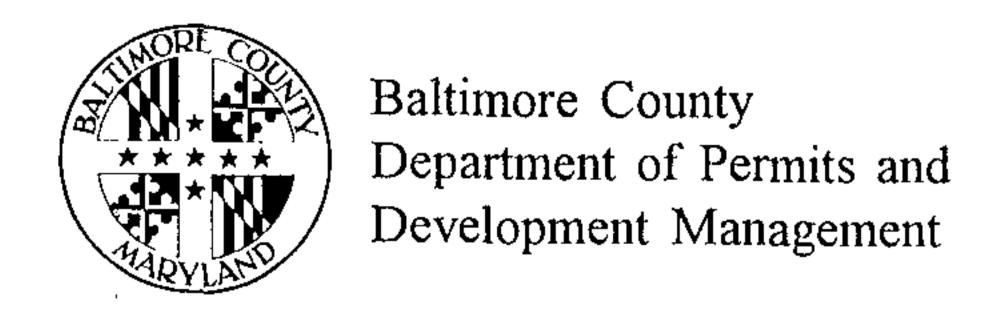
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 03~072~SPH
Petitioner: Stone York Limited Partnership
Address or Location: 6805 York Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Terrapin Court Enterprises</u> , Inc.
Address: 680st York Road Baltimore, MD 21212
Baltimore, MD 2/2/2
Telephone Number: _410-372 - 0500



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

September 6, 2002

Stone York Limited Partnership Andrew J Georgelakos 100 West Road, Suite 505 Towson MD 21204

Dear Mr. Andrew J Georgelakos:

RE: Case Number: 03-072-SPH, 6805 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 08, 2002.

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. 692___

W. Carl Richard, Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Arnold Greenspun, 6805 York Road, Baltimore 21212 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 8, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 26, 2002 Item Nos. 068, 069, 070, 071, 072, 073,

074, 076, 077, and 080

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

RWB:CEN:jrb

cc: File

f9/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 29, 2002

. i

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

6805 York Road

INFORMATION:

Item Number:

03-072

Petitioner:

Stone York Limited Partnership

Zoning:

BS-AS

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request regarding the subject special hearing. This office is of the opinion that the proposed use will enhance and revitalize the commercial corridor where the subject site is located.

Prepared by:

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 9.6.02

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

RE: Baltimore County

Item No.

JMP

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 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,

1-

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

PETITIONER(S) SIGN-IN SHEET

arada NATURENS DUEN	ADDRESS
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JEANK. DUVALL for	
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(PARTICIDANT)	BALT- MO 21212
JANGED & STEDHANIE ROUF	605 MURDOCK RD
COMMERCIAL BUSINESS OWNERS ANNESLIE COMM. RESIDENTS	603 MURDOCK RO
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Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W. Kienitz
Secretary
Mary Ahrams
Deputy Secretary

August 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 8/26/02 re: Case numbers 03-068-SPHXA, 03-069-A, 03-070-SPHX, 03-071-A, 03-072-SPH, 03-073-SPH, 03-074-A, 03-075-A, 03-076-A, 03-077-A, 03-078-A, 03-079-A, 03-080-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/22/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

TO: , PDM, MAIL STOP-1105

August21, 2002

FROM: LIEUTENANT JIMMIE MEZICK

BALTIMORE COUNTY FIRE MARSHAL OFFICE MAIL STOP-1102F, PHONE (410) 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: Andrew Georgelakos

PROJECT NUMBER: /03-072-sph

LOCATION: 6805 York Rd.

DISTRICT: 9th

COMMENTS:

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", 2000 edition prior to occupancy

Mr. Lawrence Schmidt Zoning Commissioner, Baltimore County 401 Bosley Avenue Room 405 Towson, MD 21204

Dear Mr. Schmidt,

the York Road area.

#13-172-5PH We recently became aware that Sam's Bagels, 6805 York Road, has applied for permission for additional seating and extended hours. As area residents, we would like to add our voices to endorse this proposal. We all enjoy the ability to walk up to York Road for food and would love to be able to have an opportunity for another outlet in the evening. The outdoor seating would be a great addition especially with the sprucing up of

The owners of Harry Little were quoted in the Towson Times as having issue with parking but they themselves drive to their establishment from their home which is within 2 blocks of their store so they are using up the very parking they are concerned about. Most people in Stoneleigh, Anneslie and Rodgers Forge walk to York Road to these places which is one of the great things about living here. We hope you will approve this proposal which will benefit our residents.

Thank you,

Toby and Linda Grove

SEP 2 4 3 16

ANNESLIE COMMUNITY ASSOCIATION

FROM THE DESK OF CHUCK FRANKLIN

April 17, 2002

Mr. Arnold Greenspun Sam's Bagels at Rodger's Forge 6805 York Road Baltimore, Maryland 21212

Dear Arnold,

On April 16, 2002 at the monthly meeting of the Anneslie Community Association Board of Governors, a motion was passed to support your efforts to add four exterior tables to the business known as Sam's Bagels at Rodger's Forge located at 6805 York Road. Our support is based upon the following:

- 1) The four tables and accompany chairs will be in addition to the number already allowed by the Baltimore County Zoning exception for the business.
- 2) The tables will be placed close to the building and will not restrict pedestrian and customer traffic along York Road.
- 3) The tables may be left outside on a 24 hour basis as long as they are stacked neatly and secured to prevent theft and vandalism.
- 4) Sam's Bagels will be responsible for policing the area and cleaning up and disposing of any accumulated waste.
- 5) Every attempt will be made by Sam's Bagels to keep their area neat and clean and in a fashion which will encourage additional business and investment in the area. This could include the addition of small planters in keeping with the proposed York Road streetscape improvements.
- 6) This support will not convey with any transfer of Ownership of the Business.

We appreciate the investments you have already made in the property and the transformation of your business into a viable, neighborhood asset. We encourage your efforts to join with fellow merchants to improve other businesses and breathe fresh life into what has become a somewhat run-down strip along York Road. With the upcoming streetscape improvements, the area could be completely rejuvenated and filled with great services and abundant customers.

Sincerely

Charles Franklin III, President Anneslie Community Association

Board of Governors

ANNESLIE COMMUNITY ASSOCIATION

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Sincerely,

Charles Franklin III, President Anneslie Community Association Board of Governors

ANNESLIE COMMUNITY, INC.

November 4, 1999

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

Dear Mr. Fine

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

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

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

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

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

Best Regards,

James W. Dobson, President For the Board of Governors

Anneslie Community Association

cc. Baltimore Zoning Commissioner / Anneslie Board of Governors

MATTHEW L. KIMBALL, ESQ. 800 Chumleigh Road Baltimore, Maryland 21212

September 12, 2002

Mr. Arnold Greenspun Sam's Bagels 6805 York Road Baltimore, MD 21212

Re: Zoning Application

Dear Arnold:

I am writing in support of your application to increase the seating of Sam's Bagels to thirty-five (of which I understand ten will be placed outdoors in a café style) and to extend your hours of operation to 9:00 p.m. Although I am as past president of the Stoneleigh Community Association, Inc., I am writing only in my personal capacity. That said, I am grateful for the generous support you have shown of many Stoneleigh community activities, including in particular our neighborhood foot race known as "The Stoneleigh Stampede."

As a nearby resident and patron, I value the investments you have made in Sam's Bagels to date, and look forward to your continuing successes in your York Road location.

Best regards.

Very truly yours,

Matthew L. Kimball

MLK/mlp

cc: Mr. David Hudson

Mr. Jim Clemmens

Stoneleigh Community Association, Inc.

707 Kingston Road

Mr. Greenspun Sam's Bagels 6805 York Road Baltimore, MD 21212

September 12th, 2002

Mr Greenspun,

The Stoneleigh Community Association would like to add their support to your plans for your business. We feel the plans of increasing the seating by 10 and extending the business hours to 9 p.m. would be acceptable. We however, do feel that this change in zoning should only apply to you as current owner and should not transfer to new ownership. Any change of ownership would revert to the original specifications.

We appreciate the great business you operate and wish it continued success. We also thank you in all your support you have shown for the local communities!

The Stoneleigh Community Association

David M. Hudson, Jr., Bresident

The Rodgers Forge Community, Inc.

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

September 6, 2002

To Whom It May Concern:

This is to certify that Jean K Duvall is authorized to address the issue of Case Number 03-072-SPH on behalf of the Rodgers Forge Community Association.

At our August Board Meeting the Board voted as follows:

"To support Terrapin Court Inc for the amendments to prior case #00-016-SPHA as specified in this application—with the following stipulations:

Should Terrapin Court Inc and /or Arnold Greenspun not be affiliated with Sam's Bagels as owner and/or operator of said business, then the zoning will revert back to the original opinion and these requested amendments will become null and void."

Melissa Tillman, President

Rodgers Forge Community, Inc

Lauren Bowen, Secretary

Rodgers Forge Community, Inc



Baltimore County Department of Permits and Development Management

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

May 16, 2002

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

Dear Mr. Greenspun-

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

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

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

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

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

Sincerely,

Jeffiey N. Perlow

Planner II

Zoning Review

JNP

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

03-072-584



NOTE TO FILE

DATE:

May 15, 2002

TO:

Zoning Review Office

Department of Permits and Development Management

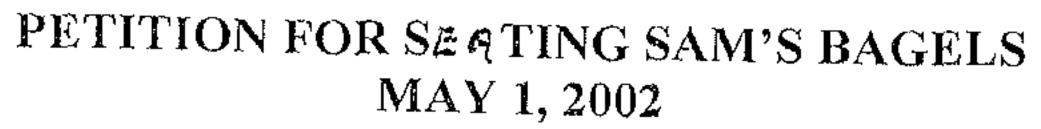
FROM:

Tim Kotroco, Deputy Zoning Commissioner

RE:

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

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



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