| | | |
|---|---|---|
| IN RE: PETITION FOR VARIANCE<br>NW/S Harford Road, 100' SW<br>centerline of Taylor Avenue<br>9th Election District<br>6th Councilmanic District<br>(7732 Harford Road)<br><br>Richard Stephen Osenburg<br>*Petitioner* | *<br>*<br>*<br>*<br>*<br>*<br>* | BEFORE THE<br><br>DEPUTY ZONING COMMISSIONER<br><br>OF BALTIMORE COUNTY<br><br>CASE NO. 03-262-A |

* * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Richard Osenburg. The Petitioner is requesting variance relief for property he owns at 7732 Harford Road. The property is a commercial site zoned BL-CCC.

Appearing at the hearing on behalf of the variance request were Richard Osenburg, owner of the property, Geoffrey Schultz, a representative of McKee & Associates, the engineering firm who prepared the site plan of the property, and Howard L. Alderman, Jr., attorney at law, representing the Petitioner. Other residents appeared in support of the request as is evidenced by their signatures on the Petitioner's Sign-In Sheet. Appearing in opposition to the variance request was Ruth Baisden, a representative of the Greater Parkville Community Council.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.506 acres, more or less, zoned BL-CCC. The subject property is located on the west side of Harford Road, just south of its intersection with Taylor Avenue in the downtown area of Parkville. The property is improved with masonry buildings wherein the owner of the property operates the business known as "Racer's Café". Racer's Café is a tavern as that term is defined within the Baltimore County Zoning Regulations. At this time, Racer's Café operates within the one-story masonry building shown on the site plan as 7732 Harford Road. Mr.

Osenburg also owns the two-story masonry building identified on the site plan as 7726-7730 Harford Road. As can be seen, the two buildings are adjacent to one another and share a common structural wall. At the present time, the building shown as 7726-7730 is vacant. It was formerly occupied by a beauty shop. Mr. Osenburg is interested in expanding the Racer's Café into the area formerly occupied by the beauty shop. In order to proceed with the expansion of the tavern business, the variance request is necessary.

As can be seen from the site plan submitted into evidence, the Petitioner's buildings are located directly on Harford Road. There is no area for parking in front or to the side of these buildings. However, to the rear of the site exists a grassy area whereupon parking could be provided. That grassy area of the Petitioner's property is land locked in that there is no legal access to that area. The testimony and evidence offered at the hearing demonstrated that Mr. Osenburg has attempted to obtain permission from his neighbors to gain access to the rear of his property. He approached the owner of the Kentucky Fried Chicken, situated to the south of this site, as well as the owner of the property to the north and west of this site, all of whom declined to provide him legal access to the rear of his site. Therefore, given this landlocked situation, the Petitioner is unable to provide parking on site for his business.

Mr. Osenburg explained that the adjacent businesses have granted verbal permission to him to allow his patrons to utilize their parking lots so long as it does not interfere with their own businesses. This is a verbal agreement only and had not been committed to writing. Apparently, these adjacent businesses do not wish to lock themselves into a lease agreement for parking.

In addition, customers of the Racer's Café are able to utilize the large parking field on the east side of Harford Road which is the site of the Parkville Shopping Center. There is also metered parking along Harford Road.

2/23/03 R. Ignatz

As stated previously, Ms. Ruth Baisden appeared in opposition to the Petitioner's request for variance. Ms. Baisden testified that in her opinion the property owner has not exhausted all possibilities as to providing parking for his patrons. She believes that more attempts should be made by this property owner to gain permission to access the rear of his properties. She therefore asks that the variance be denied and that other alternative methods for finding parking be explored.

It should also be noted that a letter of opposition to this variance was received from the owner of "Jerry D's Saloon" which is located on the north side of Taylor Avenue, on the west side of Harford Road. Mr. Dotterweich objects to the granting of a variance for Racer's Café indicating in his letter that parking in this area of Parkville is at a premium and that the granting of this variance would exacerbate the parking problems experienced by all businesses along Harford Road.

After the close of the hearing before me, I performed a site inspection of this area of Parkville in an effort to better understand the concerns raised at the hearing and by the letter submitted by Mr. Dotterweich. My inspection revealed that the customers who patronize Mr. Dotterweich's establishment, for the most part, either park along Harford Road or on the metered parking lot directly across the street from his saloon. This is the preferred method of parking when one wishes to patronize Jerry D's Saloon. I myself have parked in that fashion on many previous occasions when I have patronized that particular establishment. On the other hand, based on my inspection of Mr. Osenburg's business, the preferred method of parking for customers of the Racer's Café would be either the metered parking on Harford Road, the large Parkville Shopping Center parking lot across the street from the Racer's Café, or the parking lots associated with the Kentucky Fried Chicken and/or the Hair Cuttery. Only after those parking

lots were not available would a customer entertain the idea of parking further down Harford Road in the area where the customers for Jerry D's Saloon would normally park. Therefore, given the distance between these businesses and the available parking associated with each establishment, I find that the concerns raised by Mr. Dotterweich in his letter are not sufficient to warrant that the parking variance be denied.

As to the concerns raised by Ms. Baisden, I find, based on the testimony offered at the hearing, that Mr Osenburg has in fact exhausted all attempts to find alternative methods of parking for his business. Mr. Osenburg has operated his business at this location for almost 40 years. He has approached all neighbors, who have declined to grant him access over their properties. Therefore, he has no ability to provide parking on his property.

It should also be stated that the variance request in this application is actually for 38 additional parking spaces. This is determined based on the fact that the beauty shop, which formerly occupied this building, generated a parking requirement of 19 spaces. By virtue of expanding the tavern into this area of the building, the parking requirements would be a total of 57 spaces, a difference of 38 additional spaces. The Petition filed is somewhat misleading because it takes into account the parking requirements for all of the property owned by Mr. Osenburg and not just the area of the proposed expansion.

In the event the Petitioner's application were denied, the building would remain unoccupied and vacant. This certainly does not promote a healthy business district and tends to contribute to the decline of our older communities. Therefore, I believe it is a better practice to have a thriving business within this vacant building than to allow it to continue to deteriorate from its current status. Accordingly, I believe it is appropriate for the reasons stated herein, that the variance request to allow 0 on-site parking spaces in lieu of the required 135 be granted.

The photographs submitted into evidence and my site inspection revealed that the property is in need of cosmetic repair and improvement. Accordingly, and prior to the issuance of any occupancy permit for the expansion of Racer's Café into the building shown as 7726-7730 Harford Road, the Petitioner shall make improvements to the outside façade of the building and the sidewalk area, all of which shall be supervised and approved by the Office of Planing. Mr. Osenburg testified that he intends to renovated the exterior of both of his buildings. This certainly would be a benefit to the Parkville business community. Accordingly, as a condition of the approval of this variance request, Mr. Osenburg shall submit to the Office of Planning details of the improvements he intends to make to both of his properties at this location. The Planning Office shall review and approve of all exterior changes to this property, all of which shall be completed prior to the occupancy of the building shown as 7726-7730 Harford Road.

THEREFORE, IT IS ORDERED, this 20th day of February, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 409.6A.1 and 409.6A.2 of the Baltimore County Zoning Regulations, to allow 0 on-site parking spaces in lieu of the minimum required 135, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner shall be required to submit to the Office of Planning elevation drawings and details of the renovations and improvements he intends to make to the exterior of all of the properties designated on the site plan as Nos. 7726-7732 Harford Road. These improvements shall include not only the front façade of the businesses, but also those areas of the property that are generally visible by the public. These renovations and improvements shall be completed prior to the issuance of an occupancy permit for that building shown as 7726-7730 Harford Road. The elevation drawings and details of these renovations shall be submitted to the Office of Planning within thirty (30) days from the date of this Order for their review and approval.

2) The Petitioner shall also be required to keep and maintain, in a state of good repair and order, the sidewalk area situated directly in front of his businesses.

3) When applying for a building permit, the site plan filed must reference this case.

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

Baltimore County
Zoning Commissioner

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

February 20, 2003

Howard L. Alderman, Esquire
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variance
Case No. 03-262-A
Property: 7732 Harford Road

Dear Mr. Alderman:

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 Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Printed with Soybean Ink
on Recycled Paper

Copies to:

Richard S. Osenburg
7732 Harford Road
Baltimore, MD 21234

Geoffrey C. Schultz
McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, MD 21030

Ruth Baisden
Greater Parkville Community Council
7706 Oak Avenue
Baltimore, MD 21234

Gerard B. Dotterweich
Jerry D's Saloon
7808 Harford Road
Baltimore, MD 21234

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 7732 Harford Road

which is presently zoned BL-CCC

**This Petition shall be filed with the Department of Permits and Development Management.** The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6A.1 and 409.6A.2 to allow zero on-site parking spaces in-lieu-of the minimum required 135.

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

Buildings on the site are existing and do not allow the creation of any on-site parking.

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:***

Howard L. Alderman, Jr.
Name - Type or Print

Signature

Levin and Gann, P.A.
Company

Nottingham Centre, 8th floor
502 Washington Avenue (410) 321-0600
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

***Legal Owner(s):***

Richard Stephen Osenburg
Name - Type or Print

X
Signature

Name - Type or Print

Signature

7732 Harford Road (410) 665-6000
Address Telephone No.

Baltimore, Maryland 21234
City State Zip Code

***Representative to be Contacted:***

Geoffrey C. Schultz
McKee and Associates, Inc.
Name

5 Shawan Road, Suite 1 (410) 527-1555
Address Telephone No.

Cockeysville, Maryland 21030
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 03-262-A

Reviewed By BA Date 11/27/02

REV 9/15/98

Re Quality

McKEE & ASSOCIATES, INC.
*Engineering • Surveying • Environmental Planning*
*Real Estate Development*

November 27, 2002

STATE OF MARYLAND
JAMES WILLIAM MCKEE
NO. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

**ZONING DESCRIPTION OF**
**7726 THRU 7730 HARFORD ROAD**
**9TH ELECTION DISTRICT**
**6TH COUNCILMANIC DISTRICT**
**BALTIMORE COUNTY, MARYLAND**

**BEGINNING** at a point on the northwest side of Harford Road (variable width right-of-way), said point being 100 feet southwest of the southwest side of Taylor Avenue (60-foot right-of-way) and being Lot 6 as shown on a plat of "Parkville" as recorded in Plat Book 1, Page 34.

**CONTAINING** 9,509 square feet or 0.218 acres as recorded in Deed Liber 15662, folio 603.

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

#262

**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: #03-262-A
7732 Harford Road
N/west south Harford Road 50 feet southwest centerline Taylor Avenue
9th Election District
6th Councilmanic District
Legal Owner(s): Richard S. Osenburg
**Variance:** to permit zero on-site parking spaces in lieu of the minimum required 135.
**Hearing: Tuesday, February 4, 2003 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.
JT 1/722 Jan 21 C583712

# CERTIFICATE OF PUBLICATION

1/24/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/21/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

E COUNTY, MARYLAND
UDGET & FINANCE
NEOUS RECEIPT

No. 13625

27/02 ACCOUNT R001-006-650

AMOUNT $ 500.00

B50 Properties Inc.

Variance

PINK - AGENCY YELLOW - CUSTOMER Item # 262

PAID RECEIPT
BUSINESS ACTUAL
12/03/2002 11/27/2002
REG W504 WALKIN DOL
>>RECEIPT # 204493 11/2
Dept 5 529 ZONING VA
CR NO. 013625
Recpt Tot
500.00 CK
Baltimore County

CASHIER'S V

# CERTIFICATE OF POSTING

RE: Case No.: 03-262-A

Petitioner/Developer: Richard S. Osenburg

Date of Hearing/Closing: 2-4-03

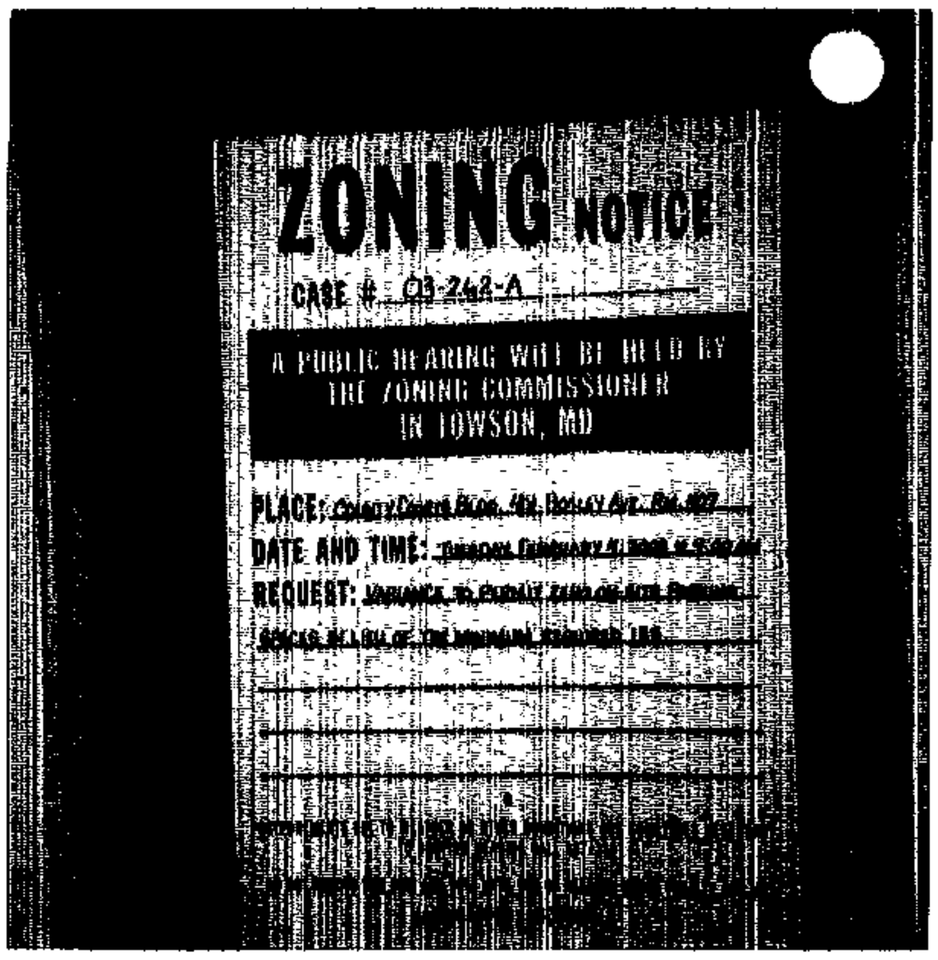
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 7732 Harford Road Baltimore, MD 21234

The sign(s) were posted on January 13, 2003
(Month, Day, Year)




Sincerely,

Stacy Gardner 1-13-03
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784
(Address)
(City, State, Zip Code)

410-781-4000
(Telephone Number)

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

December 31, 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: 03-262-A**
7732 Harford Road
N/west south Harford Road 50 feet southwest centerline Taylor Avenue
9th Election District – 6th Councilmanic District
Legal Owner: Richard S. Osenburg

Variance to permit zero on-site parking spaces in lieu of the minimum required 135.

Hearings: Tuesday, February 4, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Howard L. Alderman, Jr., Levin & Gann, 502 Washington Ave., 8th Fl, Towson 21204
Richard S. Osenburg, 7732 Harford Road, Baltimore 21234
Geoffrey Schultz, McKee & Assoc., 5 Shawan Road, Suite 1, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 20, 2003.**
(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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 21, 2003 Issue - Jeffersonian

Please forward billing to:
Geoffrey Schultz 410-527-1555
McKee & Associates
5 Shawan Road, Suite 1
Cockeysville, MD 21030

---

## 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: 03-262-A**
7732 Harford Road
N/west south Harford Road 50 feet southwest centerline Taylor Avenue
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Legal Owner: Richard S. Osenburg

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Hearings: Tuesday, February 4, 2003 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.

| | | | |
|---|---|---|---|
| RE: | PETITION FOR VARIANCE | * | BEFORE THE |
| | 7732 Harford Road; NW S Harford Rd, 50ft SW C-line Taylor Avenue | * | ZONING COMMISSIONER |
| | 9th Election District | | |
| | 6th Councilmanic District | * | FOR |
| | Legal Owner(s): Richard Stephen Oesburg Pres. RSO Properties, Inc | * | BALTIMORE COUNTY |
| | | * | 03-262-A |

* * * * * * * * * * * * *

## ENTRY OF APPEARANCE

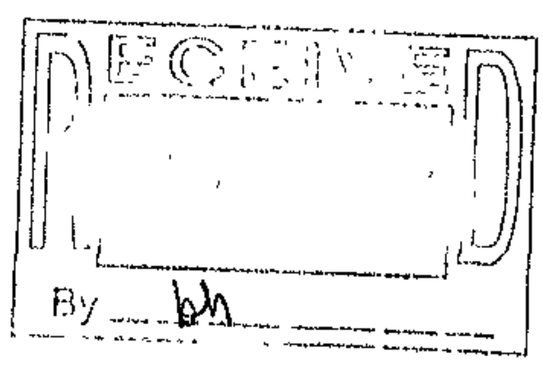
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in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

Peter Max Zimmerman
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 23rd day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to, Geoffrey C. Schultz, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, & to Howard L. Alderman, Levin & Gann, PA, 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).




Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

# 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: 03-262-A

Petitioner: RSO Properties / Richard Stephen Osenburg

Address or Location: 7726 to 7730, & 7732 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: McKee & Associates

Address: 5 Shawan Rd
Hunt Valley MD 21030

Telephone Number: (410) 527-1555

Revised 2/20/98 - SCJ

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

January 31, 2003

Mr. Howard L. Alderman, Jr.
Levin and Gann
502 Washington Avenue
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 03-262-A, 7732 Harford Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 27, 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.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
Richard Stephen Osenburg, 7732 Harford Road, Baltimore 21234
Geoffrey C. Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville 21030



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on Recycled Paper

**Maryland Department of Transportation**
*State Highway Administration*

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.30.02

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

RE: Baltimore County
Item No. 262 BR

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~~ 147.
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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

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

December 31, 2002

ATTENTION: George Zahner

Distribution Meeting of December 23, 2002

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

257-290

262

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

cc: File

Printed on Recycled Paper

Baltimore County
Fire Department

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

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

December 19, 2002

ATTENTION: George Zahner

Distribution Meeting of 12/23/02

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

267

242-249, 251-269

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

cc: File



Printed with Soybean Ink
on Recycled Paper

Sim 2/4

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** January 27, 2003

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

RECEIVED
JAN 27 2003
ZONING COMMISSIONER

**SUBJECT:** 7732 Harford Road

**INFORMATION:**

**Item Number:** 03-262

**Petitioner:** Richard Osenburg

**Zoning:** BL-CCC

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning is concerned about the lack of available parking germane to the subject site. Therefore, it is incumbent upon the petitioner to prove to the satisfaction of the Zoning Commissioner that parking needs can be accommodated without negatively impacting the community.

**Prepared by:** Mark A Cumpton

**Section Chief:** Lynn Lochar

AFK/LL:MAC:

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** January 27, 2003

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

**SUBJECT:** Zoning Advisory Committee Meeting
For December 30, 2002
Item Nos. 257, 258, 259, 260, 261, 262,
263, 264, 265, 266, 267, 268, 270, 271,
272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282, 283, 284, 285, 286, 287,
288, 289, and 290

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

RWB:CEN:jrb

cc: File

DW
2/4.

| | | | |
|---|---|---|---|
| RE: | PETITION FOR VARIANCE | * | BEFORE THE |
| | 7732 Harford Road; NW S Harford Rd, 50ft SW C-line Taylor Avenue | * | ZONING COMMISSIONER |
| | 9th Election District | | |
| | 6th Councilmanic District | * | FOR |
| | Legal Owner(s): Richard Stephen Oesburg Pres. RSO Properties, Inc | * | BALTIMORE COUNTY |
| | | * | 03-~~261~~ 2262-A |

* * * * * * * * * * * * *

## 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
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 23rd day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to, Geoffrey C. Schultz, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, & to Howard L. Alderman, Levin & Gann, PA, 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR ZONING VARIANCE
NW/S Harford Road, 120.67 ft.
NE of c/l Taylor Avenue
7802 Harford Road
14th Election District
6th Councilmanic District
Parkville Federal Savings Bank
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
Case No. 95-380-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for the property located at 7802 Harford Road in Parkville. The Petition is filed by the Parkville Federal Savings Bank, property owner. Variance relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow 0 parking spaces for an existing bank building and proposed second story addition, in lieu of the required 14 spaces. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan.

Appearing at the requisite public hearing was David O. Martin, President of the Parkville Federal Savings Bank. Also present was Alexander P. Ratych, the Registered Surveyor who prepared the site plan. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence presented established that the subject property is zoned B.L.-C.C.C. and is 4024.36 sq. ft. in area. This small office property is located on Harford Road in the heart of old Parkville. This is a long established commercial/business town center which has recently been refurbished as part of the County's community conservation initiative.

The subject property is a small lot and is entirely improved with an existing one story brick building which is the site of the Parkville Feder-

ORDER RECEIVED FOR FILING

al Savings Bank. This is an old lot and structure, having been at this location for many years. There seems to be no doubt that the site and improvements thereon predate the adoption of the first zoning regulations in Baltimore County in 1945. There is no doubt that the existing structure could be legitimized from a zoning perspective as a nonconforming use.

As noted above, the bank building occupies the entire site. The well known Jerry D's Restaurant operates immediately next door. Other commercial enterprises surround the site and are across on Harford Road. Parkville Federal Savings Bank is a neighborhood bank which has three offices. The subject site serves as the headquarters.

Proffered testimony offered was that the Petitioner desires to expand the building. As shown in the photographs submitted (Petitioner's Exhibits 2A thru 2F) the building is small and the quarters are cramped. A second story addition is contemplated to provide additional office and storage room.

The existing bank building would require 7 parking spaces. The proposed addition would require 7 more under the BCZR. No on-site parking is obviously provided in that the building occupies the entire site. Nonetheless, testimony offered was that parking is not a problem. Metered parking is available along Harford Road and a large public parking lot is immediately across the street. Moreover, the hours of operation for the business (9:00 A.M. to 3:00 P.M., Monday thru Friday, and 9:00 to 12:00 noon on Saturday), do not conflict with peak hours of traffic on Harford Road.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded that the requested relief should be granted. This is surely a case where where a deviation from the BCZR [illegible] justified. The regulations are not intended to harm long existing businesses such as the Parkville Federal Savings Bank. This bank provides a [illegible]

asset and stabilizing influence to the surrounding community. The proposed second floor addition is entirely warranted.

Moreover, it is clear that the property is of a unique character so as to legally justify the variance. Quite simply, the layout of this lot, which was no doubt undertaken many years ago, does not allow for the construction of any parking spaces. Moreover, none are clearly needed in view of the fact that public parking is available in the immediate vicinity. I find that the Petitioner has satisfied the burden set forth in Section 307 of the BCZR and that the Petition should be granted. There is clearly no adverse impact on the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

**THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County** this 6th day of June, 1995 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow 0 parking spaces for an existing bank building and proposed second story addition, in lieu of the required 14 spaces, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mm

# PETITION FOR ZONING VARIANCE
# FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

XXXX we, MELVIN ABRAMS & LUCILLE ABRAMS legal owners 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 409.2, a&b to permit zero off street parking spaces instead of the required 28 spaces

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

Hardship and practical difficulty exists in that the property is situated in a fully developed commercial area (Parkville) and no additional off-street parking can be provided on the site or immediately adjacent to it.

Property is to be posted and advertised as prescribed by Zoning Regulations.

XXXX we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

MELVIN ABRAMS

Contract purchaser

LUCILLE ABRAMS — Legal Owner

Address 7719 Harford Road

Baltimore, Maryland 21234

RICHARD RUBIN, Petitioner's Attorney

Protestant's Attorney

Address 36 S. Charles Street, 6th Flr.
Baltimore, Maryland 21201

ORDER RECEIVED FOR FILING

DATE 2/22/80

BY

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of January, 1980, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 6th day of March, 1980 at 10:00

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variance requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of May, 1980, that the herein Petition for Variance to permit zero parking spaces in lieu of the required twenty-eight spaces, in accordance with the site plan prepared by Paul Lee Engineering, Inc., revised January 18, 1980, and marked Petitioners' Exhibit 1, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. That the retail sales area not be increased by more than 15% of the original floor area devoted to retail sales existing prior to any addition to the premises. Such addition shall not exceed that shown on the aforementioned site plan.

2. Approval of the aforementioned site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

RECEIVED FOR FILING
DATE May 22, 1980
BY Jack L. Dillon
ADMINISTRATIVE ASSISTANT

Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the herein Petition for the Variance(s) be denied.

Click here for a plain text ADA compliant screen.

**Maryland Department of Assessments and Taxation**
**BALTIMORE COUNTY**
**Real Property Data Search**

**Go Back**
**View Map**
**New Search**

**Account Identifier:** **District** - 09 **Account Number** - 0911471183

## Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | NGK & ASSOCIATES<br>C/O MOORE/LIBOWITZ,ETAL | **Use:** | COMMERCIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 7738 HARFORD RD<br>BALTIMORE MD 21234-6404 | **Deed Reference:** | 1) / 6657/ 6<br>2) |

## Location & Structure Information

| Premises Address | Zoning | Legal Description |
|---|---|---|
| 7738 HARFORD RD | BLCCC | PT LT 8<br>SW COR TAYLOR AVE<br>PARKVILLE |

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Group | Plat No: |
|---|---|---|---|---|---|---|---|---|---|
| 81 | 1 | 685 | | | | | 8 | 81 | Plat Ref: 1/ 34 |

**Special Tax Areas** **Town** **Ad Valorem** **Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|---|---|---|---|
| 1930 | 1,738 SF | 7,000.00 SF | 06 |

| Stories | Basement | Type | Exterior |
|---|---|---|---|
| | | | |

## Value Information

| | Base Value | Value As Of 01/01/2002 | Phase-in Assessments As Of 07/01/2002 | As Of 07/01/2003 |
|---|---|---|---|---|
| **Land:** | 84,000 | 84,000 | | |
| **Improvements:** | 59,400 | 64,900 | | |
| **Total:** | 143,400 | 148,900 | 145,233 | 147,066 |
| **Preferential Land:** | 0 | 0 | 0 | 0 |

## Transfer Information

| | | | | | |
|---|---|---|---|---|---|
| **Seller:** | KLICOS REALTY CO INC | **Date:** | 01/17/1984 | **Price:** | $0 |
| **Type:** | NOT ARMS-LENGTH | **Deed1:** | / 6657/ 6 | **Deed2:** | |
| **Seller:** | | **Date:** | | **Price:** | |
| **Type:** | | **Deed1:** | | **Deed2:** | |
| **Seller:** | | **Date:** | | **Price:** | |
| **Type:** | | **Deed1:** | | **Deed2:** | |

## Exemption Information

| Partial Exempt Assessments | Class | 07/01/2002 | 07/01/2003 |
|---|---|---|---|
| **County** | 000 | 0 | 0 |
| **State** | 000 | 0 | 0 |
| **Municipal** | 000 | 0 | 0 |

**Tax Exempt:** NO
**Exempt Class:**

**Special Tax Recapture:**

* NONE *

Click here for a plain text ADA compliant screen.

**Maryland Department of Assessments and Taxation**
**BALTIMORE COUNTY**
**Real Property Data Search**

Go Back
View Map
New Search

**Account Identifier:** **District** - 09 **Account Number** - 0911471184

## Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | NGK & ASSOCIATES | **Use:** | COMMERCIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 7738 HARFORD RD<br>BALTIMORE MD 21234-6404 | **Deed Reference:** | 1) / 6657/ 6<br>2) |

## Location & Structure Information

| Premises Address | Zoning | Legal Description |
|---|---|---|
| TAYLOR AVE | BLCCC | PT 8<br>140 NS HARFORD ROAD<br>PARKVILLE |

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Group | Plat No: |
|---|---|---|---|---|---|---|---|---|---|
| 81 | 1 | 685 | | | | | 8 | 81 | Plat Ref: 1/ 34 |

**Special Tax Areas** **Town** **Ad Valorem** **Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|---|---|---|---|
| 0000 | | 2,500.00 SF | 06 |

| Stories | Basement | Type | Exterior |
|---|---|---|---|
| | | | |

## Value Information

| | Base Value | Value As Of 01/01/2002 | Phase-in Assessments As Of 07/01/2002 | As Of 07/01/2003 |
|---|---|---|---|---|
| **Land:** | *15,000* | *15,000* | | |
| **Improvements:** | 0 | 0 | | |
| **Total:** | 15,000 | 15,000 | 15,000 | 15,000 |
| **Preferential Land:** | 0 | 0 | 0 | 0 |

## Transfer Information

| | | | | | |
|---|---|---|---|---|---|
| **Seller:** | KLICOS REALTY CO INC | **Date:** | 01/17/1984 | **Price:** | $0 |
| **Type:** | NOT ARMS-LENGTH | **Deed1:** | / 6657/ 6 | **Deed2:** | |
| **Seller:** | | **Date:** | | **Price:** | |
| **Type:** | | **Deed1:** | | **Deed2:** | |
| **Seller:** | | **Date:** | | **Price:** | |
| **Type:** | | **Deed1:** | | **Deed2:** | |

## Exemption Information

| Partial Exempt Assessments | Class | 07/01/2002 | 07/01/2003 |
|---|---|---|---|
| County | 000 | 0 | 0 |
| State | 000 | 0 | 0 |
| Municipal | 000 | 0 | 0 |

**Tax Exempt:** NO
**Exempt Class:**

**Special Tax Recapture:**

* NONE *

File

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

February 27, 2003

PLEASE DELIVER THE FOLLOWING PAGES TO:

| NAME | TELEFAX NO. |
|---|---|
| Timothy M. Kotroco, Deputy Zoning Commissioner | 410-887-3468 |

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 3

CLIENT/MATTER: 7726-7732 Harford Road, Case No. 03-262-A

COMMENTS: **Mr. Kotroco: as discussed, Richard Osenburg, owner of the referenced property contacted the owners/operators of the two buildings which adjoin the subject property regarding access through their respective properties so that parking spaces could be installed in the rear of the buildings located on the subject property. I am sending a copy of a letter from the President of the Klicos Painting Company (where the Hair Cutter is located, north of the subject property) denying the requested access. I am also sending a copy of a letter from Mr. Osenburg to me indicating his numerous attempts to discuss the issue with the owner/operator of the Kentucky Fried Chicken location to the south. As indicated, Mr. Osenburg's calls were not returned. Should you need additional information or desire the originals of the following letters, please do not hesitate to call me.**

[ x ] ORIGINAL WILL NOT BE MAILED

**If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.**
**My return FAX Number is (410) 296-2801.**

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for expenses. Thank You.

# KLICOS PAINTING COMPANY

COMMERCIAL, INDUSTRIAL, & BRIDGES SINCE 1927

7738 HARFORD ROAD ; BALTIMORE, MD 21234


February 19, 2003

Mr. Richard Osenburg,

Please be advised we cannot give you access to the back of your property from our parking lot.

KLICOS PAINTING COMPANY, INC.

George Klicos
President

Phone - (410) 668-1865 Fax - (410) 668-8419 E-Mail - georgek@erols.com

Feb 27, 2003

Mr Alderman,

I talk to Tony Cameron from K.F.C.
4 Times. He has not return my call.
from Feb 10 to Feb 18.

Thank you
Pres.

7732 Harford Road • Baltimore, Maryland 21234-6404
Phone. 410.665.6000 • Fax: 410.882.5212

410-665-0525

Jerry D's SALOON

7808 HARFORD ROAD
BALTIMORE, MARYLAND 21234

February 2, 2003

Mr. Lawrence Schmidt
Zoning Commissioner, Baltimore County
Room 407, County Courts Building
401 Bosely Avenue
Towson, MD 21204

RE: Case #03-262-A

Dear Mr. Schmidt:

I am writing to express my opposition to the variance request by Racer's Cafe (7726-7730 Harford Road; Case #03-262-A) to allow expansion of their facilities without providing the required and adequate on site parking. As a fellow business owner on Harford Road, I support a vital and growing business community in Parkville. I must take issue, however, with allowing an already serious parking problem on Harford Road to become worse. To allow a variance to permit zero (0) on site parking spaces in lieu of the minimum requirement of one hundred thirty five (135) would be a serious mistake.

Baltimore County will be inconsistent in its application of the parking requirement by approving this variance and would set a dangerous precedent for the Harford Road business corridor. The primary concern of the business community during the State Highway Administration's (SHA) Harford Road Improvement Design Study was to retain all existing parking and to improve the situation where possible. A lack of adequate parking is considered to be one of the primary issues affecting the viability of most businesses in Parkville. The requirement to provide private parking for my customers on site uses a large portion of my property and therefor potentially limits expansion of my business. Will I be given a variance for over one hundred parking spaces in order to expand my business?

Where does Racer's propose to have their customers park? Since they provide no parking on site and there is not adequate public parking, the answer can only be to use the private parking of other businesses in the area. In fact, this problem has already been affecting my business. I have repeatedly witnessed customers from Racer's parking in my lot. I can not continue to allow this practice to affect my business, but I also do not want to create ill will by towing these cars from my lot. If this issue is not resolved, I will have no choice but to pursue this course of action. If you approve this variance, you will be giving Baltimore County's approval to an untenable situation.

Racer's should be required to provide adequate parking for their customers. If parking can not be provided on their property, then they should be required to acquire property for a parking lot or lease spaces from other business owners in the area. An option could be leasing spaces across from their property in the Parkville Shopping Center lot. Parking, whether on site or leased, is a cost of doing business in Baltimore County. By waiving a parking requirement for only selected businesses in an area with inadequate parking, Baltimore County will essentially be subsidizing a particular business while creating a burden for others in the area. Unequal application of regulations seems contrary to the intent of these regulations in the first place.

I appreciate your consideration of my concerns regarding this matter. I believe that Baltimore County has an obligation to all business owners and their customers to insure that adequate parking is available. To deviate from this practice to the extent requested by Racer's would be wrong and harmful to the Parkville Business Community as a whole. I am sure that when you objectively review the circumstances associated with this case you will deny the request. Please contact me if you would like further information regarding my position on Case #03-262-A.

Sincerely,

Gerard B. Dotterweich
President

GBD:ll

410-665-0525
Fax 410-665-3963

# Jerry D's SALOON

7808 HARFORD ROAD
BALTIMORE, MARYLAND 21234

PLEASE DELIVER THE FOLLOWING FAX TO:

NAME: LAWRENCE SCHMIDT
FIRM NAME: BALTIMORE COUNTY ZONING COMMISSIONER
CITY/STATE: TOWSON, MD 21204
FAX NUMBER: 410-887-3468

SENDING PARTY: JERRY D'S SALOON (Fax 410-665-3963)

TOTAL NUMBER OF PAGES (INCL. TRANSMITTAL PAGE): 3
DATE OF TRANSMISSION: 2/3/03

NOTE: IF YOU DO NOT RECEIVE ALL PAGES, OR IF YOU HAVE ANY QUESTIONS REGARDING THIS TRANSMITTAL, PLEASE CALL LISA LEONARD AT 410-665-0525.

SPECIAL MESSAGE:

CASE #03-262-A
HEARING DATE: FEB. 4, 2003 ; 9AM
RACER'S CAFE, 7726-7730 HARFORD RD.

PLEASE REVIEW THE ATTACHED LETTER AND ENTER IT INTO THE SUBJECT CASE FILE.
THANK YOU, GPTSD

CONFIDENTIALITY NOTICE
THIS FACSIMILE TRANSMISSION CONTAINS CONFIDENTIAL INFORMATION BELONGING TO THE SENDER, WHICH MAY BE LEGALLY PRIVILEGED INFORMATION. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THE FACSIMILE DOCUMENTS IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE ORIGINAL FACSIMILE DOCUMENTS TO US

# Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

December 27, 2002

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

Re: **Zoning Advisory Committee Agenda, 12/30/02 re: case numbers 03-257-A, 03-258-SPHA, 03-259-SPHA, 03-260-A, 03-261-A, 03-262-A, 03-263-A, 03-264-SPH, 03-265-A, 03-266-XA, 03-267-A, 03-268-A, 03-270-A, 03-271-A, 03-272-A, 03-273-A, 03-274-A, 03-275-A, 03-276-A, 03-277-XA, 03-278-SPH, 03-279-A, 03-280-A, 03-281-SPHA, 03-282-A, 03-283-SPHA, 03-284-A, 03-285-A, 03-286-A, 03-287-A, 03-288-A, 03-289-A, 03-290-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/26/02. The information has been submitted to Mr. Mike Nortrup.

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

Sincerely,

Dana for Jim Gatto

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

RECEIVED
JAN 2 2003
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

PLEASE PRINT CLEARLY

CASE NAME Osenburg 7726-7732 Harford Rd
CASE NUMBER 03-262-A
DATE 04 Feb 03

# PETITIONER'S SIGN-IN SHEET

9:00 AM

| NAME | ADDRESS | CITY, STATE, ZIP | E-MAIL |
|---|---|---|---|
| Howard L. Alderman, Jr. | LEVIN & GANN, PA, Nottingham Centre 8th Floor, 502 Washington Avenue | TOWSON, MD 21204 | halderman@LevinGann.com |
| GEOFFREY C. SCHULTZ | MCKEE + ASSOC. INC 5 SHAWAN ROAD | HUNT VALLEY MD 21030 | |
| Richard S. Osenburg | 7732 Harford Road | Balto md - 21234 | |
| Donna Preisinger | 9715 Oak Summit Ave. | Balto., md. 21234 | |
| Adam Preisinger | 9213 Hines Rd. | Balto., md. 21234 | |
| Graceann Shipe | 8011 Woodhaven Rd | Balto MD 21237 | |
| Glenn Rehbein | 8011 Woodhaven Rd | Balto. MD. 21237 | |
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PLEASE PRINT CLEARLY

CASE NAME OSENBURG
CASE NUMBER 03-262-A
DATE 04 Feb 03

9:00 AM

# CITIZEN'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E-MAIL |
|---|---|---|---|
| RUTH BALSDEN, GREATER PARKVILLE, | 7206 Oak Ave | Balto. MD 21234 | speeclocpl.net |
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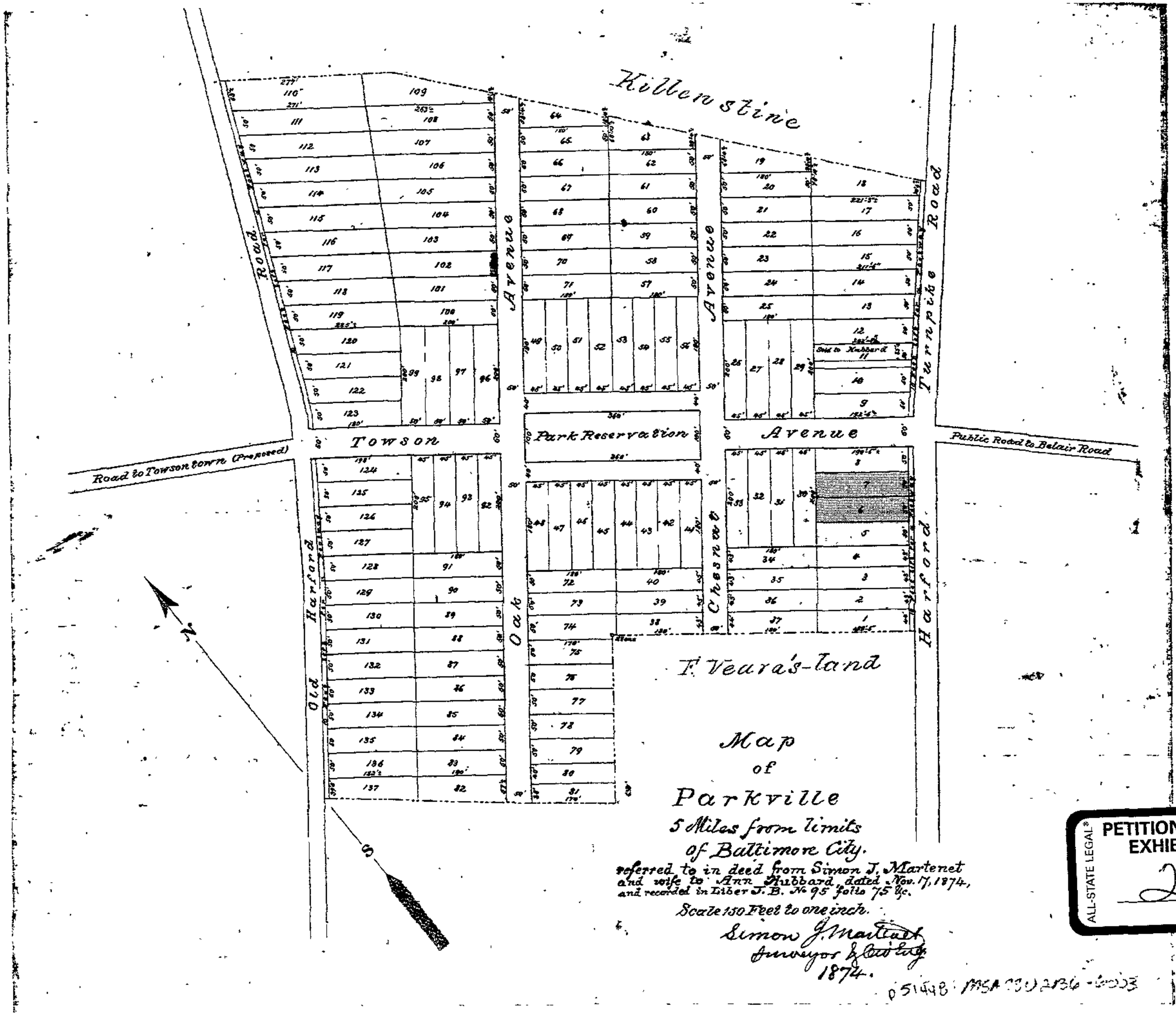
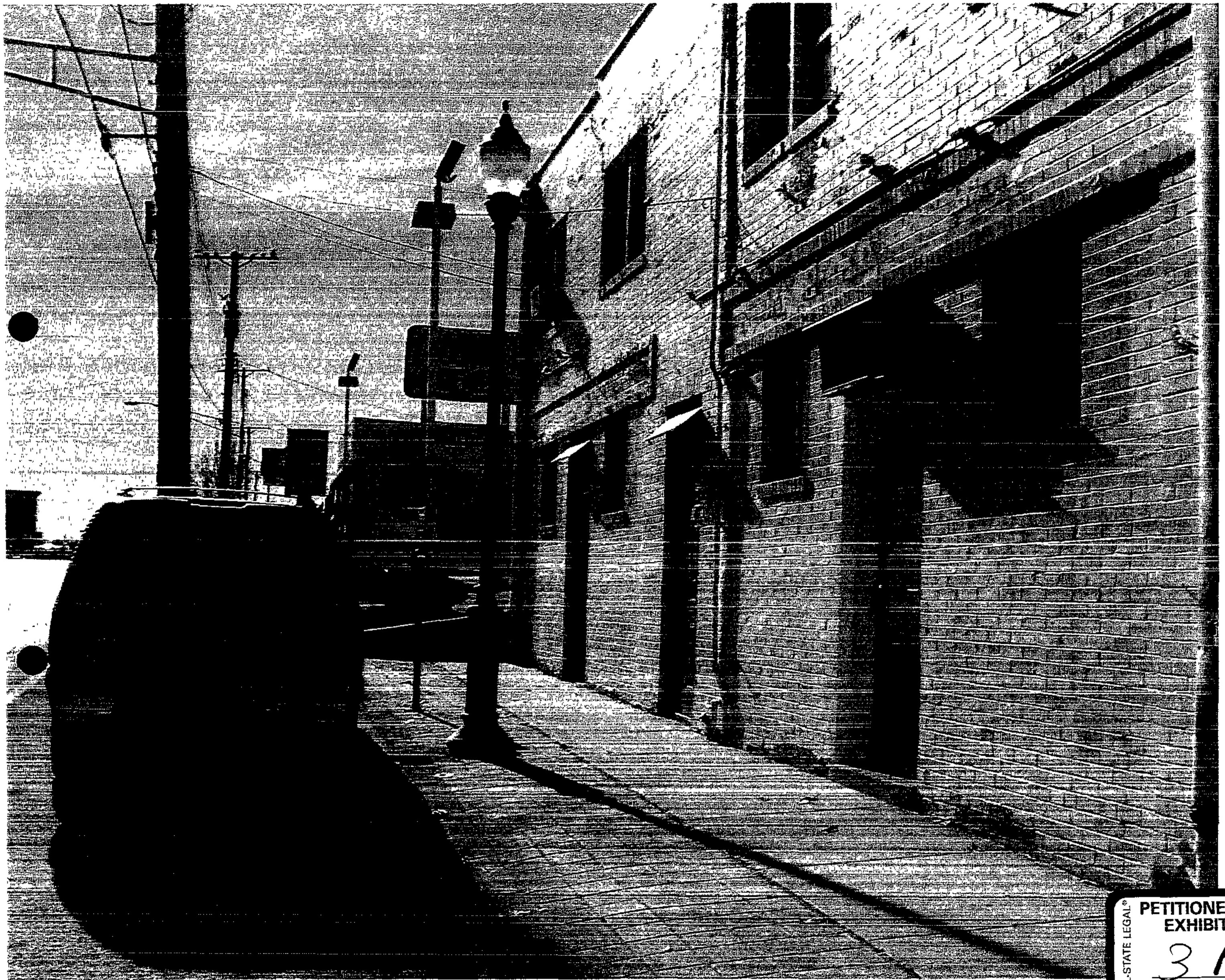

Killenstine
Road
Harford
Old
Oak
Avenue
Chesnut
Avenue
Harford
Road
Turnpike
Road
Towson
Avenue
Park Reservation
Road to Towsontown (Proposed)
Public Road to Belair Road
F. Veura's-land
Map
of
Parkville
5 Miles from limits
of Baltimore City.
referred to in deed from Simon J. Martenet
and wife to Ann Hubbard dated Nov. 17, 1874,
and recorded in Liber J. B. No 95 folio 75 &c.
Scale 150 Feet to one inch.
Simon J. Martenet
Surveyor
1874.
PETITIONER'S
EXHIBIT
2
ALL-STATE LEGAL®



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3 A

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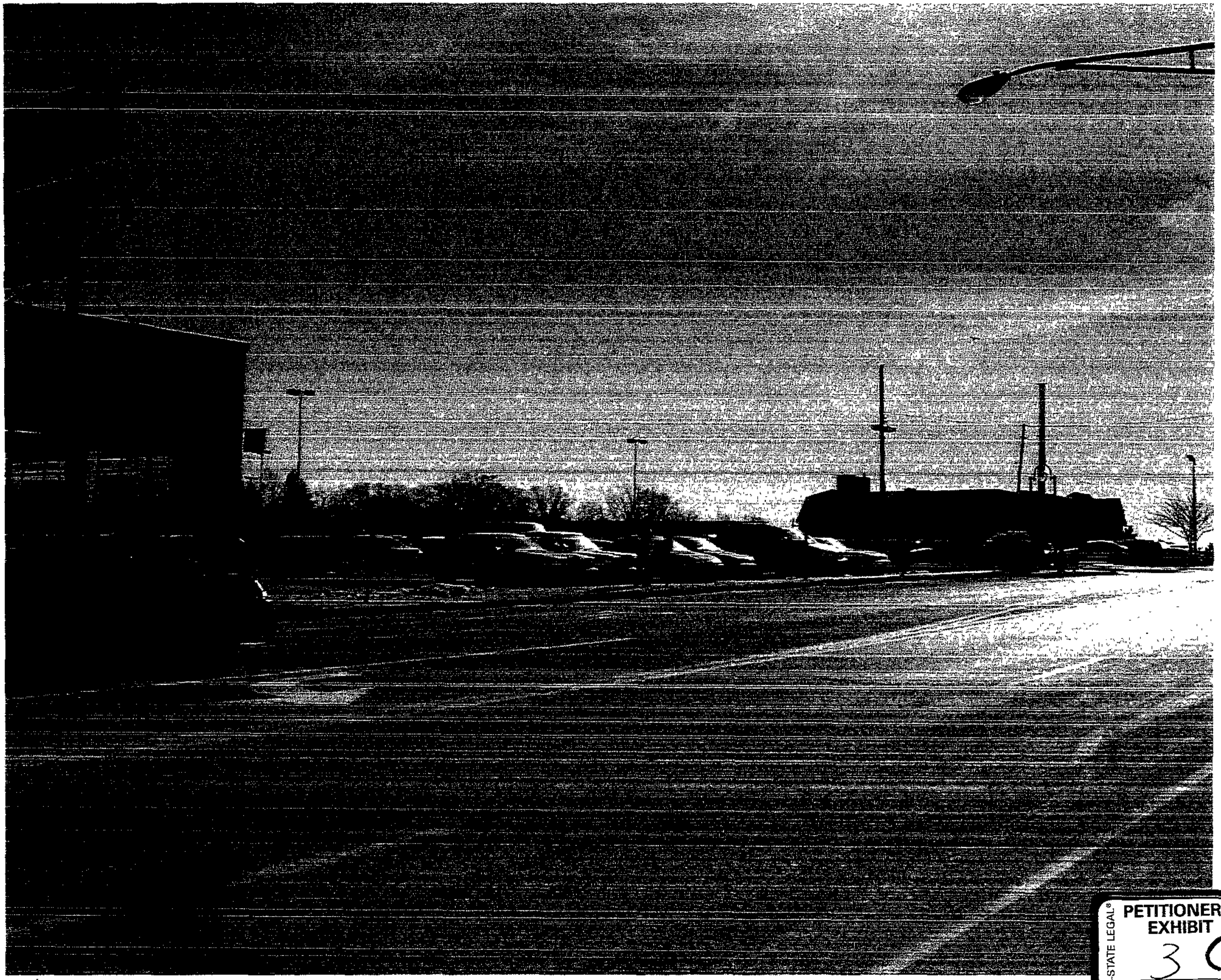
PETITIONER'S EXHIBIT
3B



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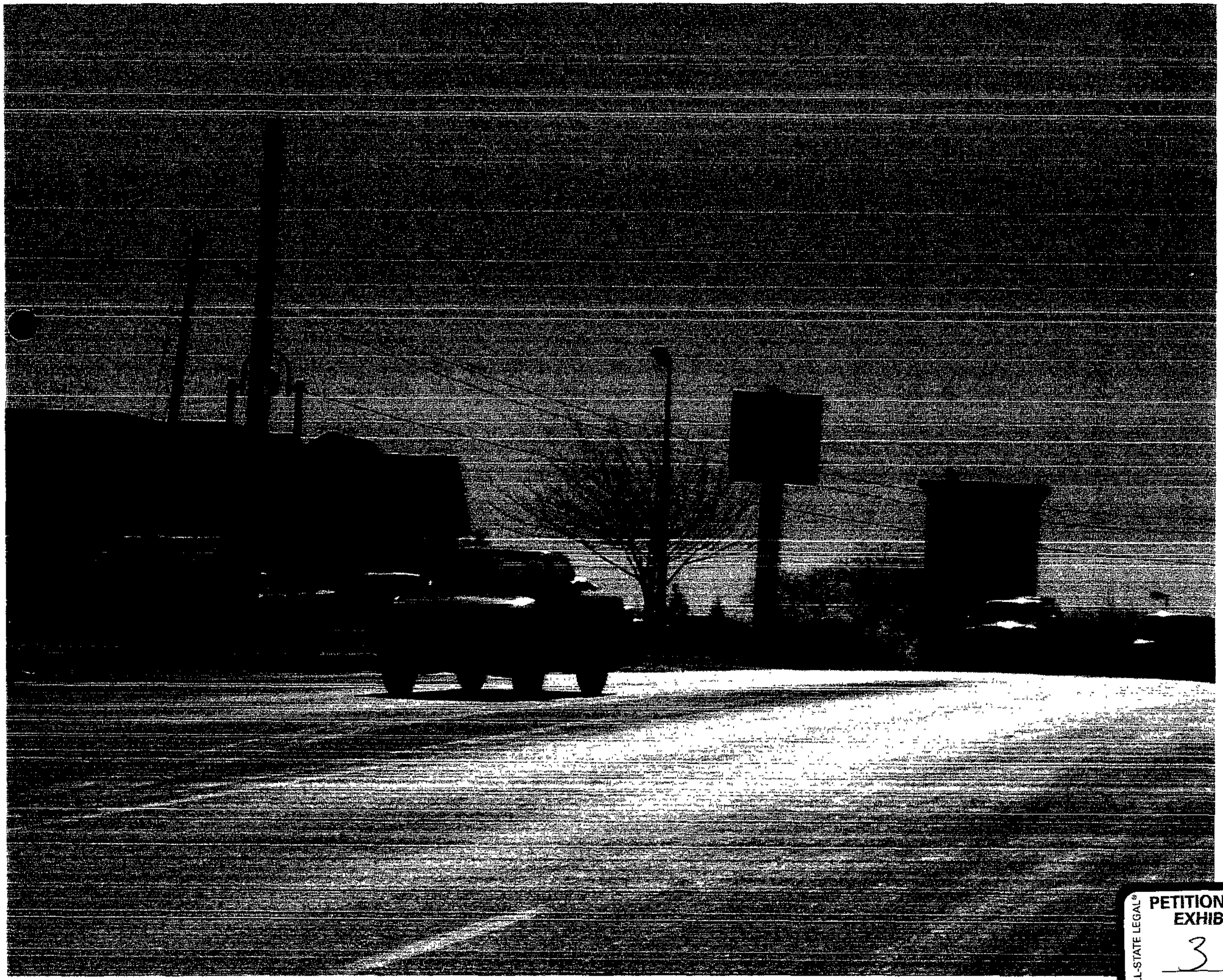
PETITIONER'S EXHIBIT

3C



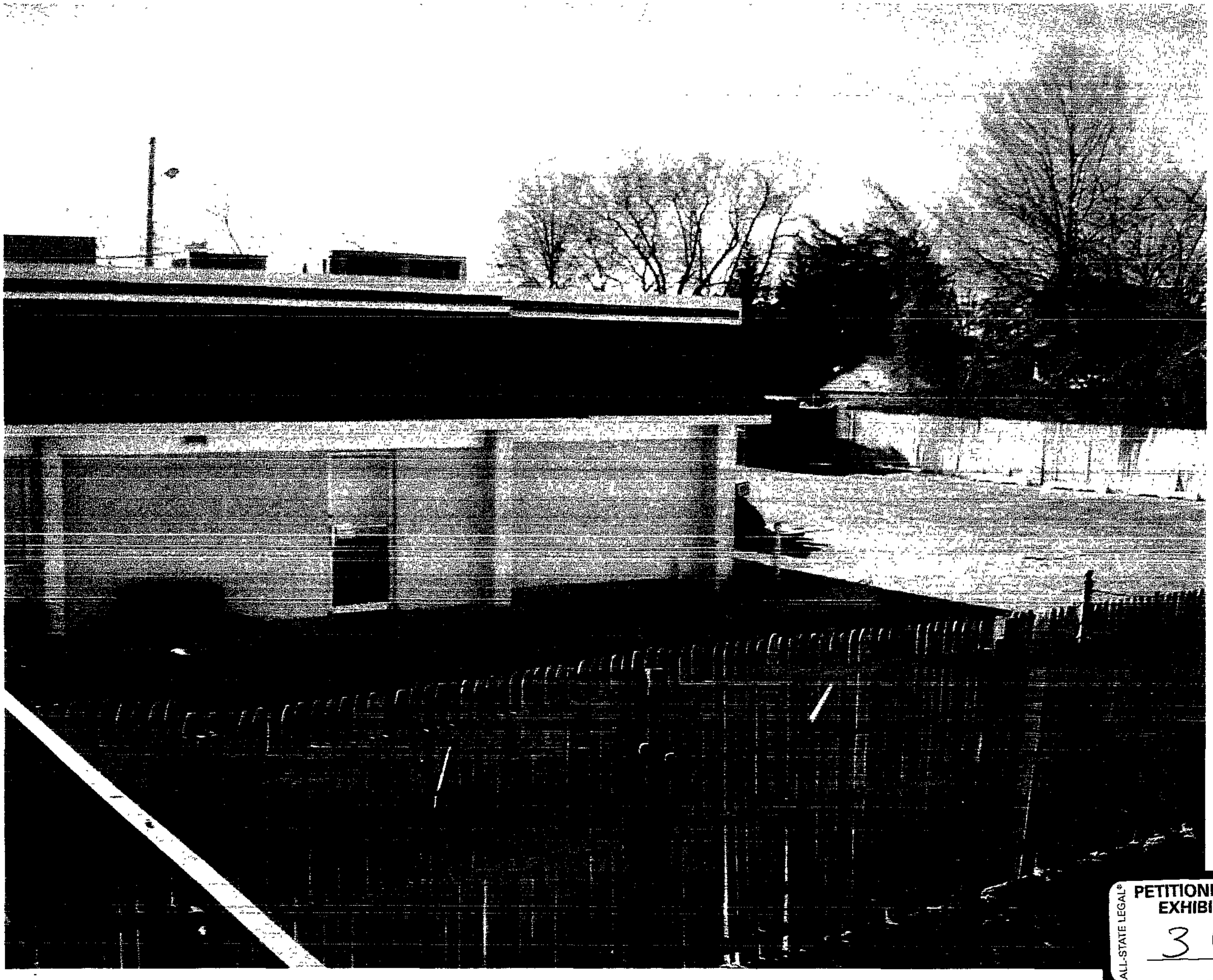
ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
3D

ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
36

ALL-STATE LEGAL®

PETITIONER'S EXHIBIT

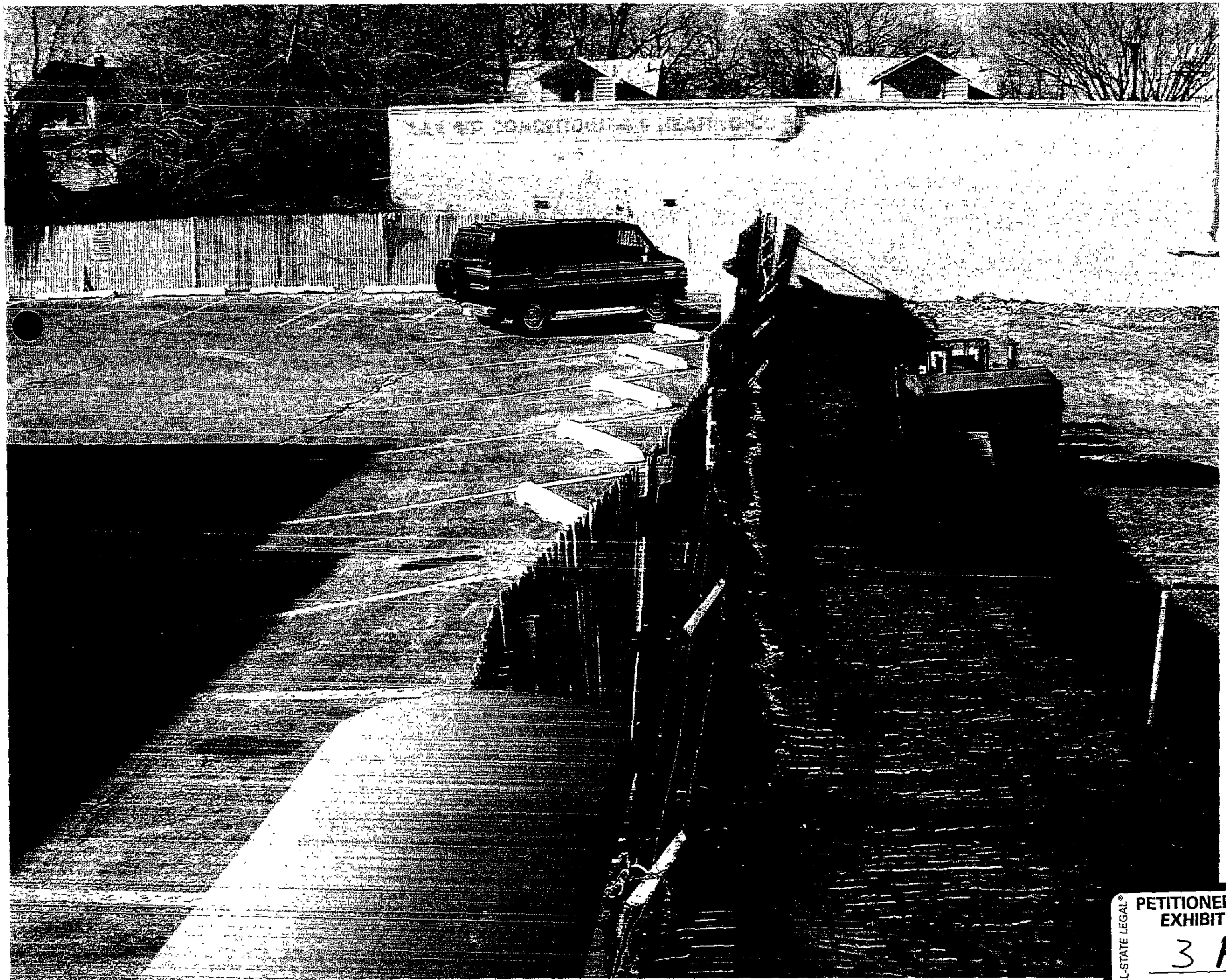
3F



ALL-STATE LEGAL®

PETITIONER'S EXHIBIT

36



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PETITIONER'S EXHIBIT

3H

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
3 I

ALL-STATE LEGAL®

PETITIONER'S EXHIBIT

3 J

Pet Ex 4

# PETITION IN SUPPORT OF ZONING PARKING VARIANCE

7726-7732 Harford Road
Owner: Richard Osenburg
[Racers' Café]
**Case No. 03-262-A**

We, the undersigned, have been made aware that R. Osenburg is seeking a parking variance of zero (0) on-site parking spaces to allow an improvement and modest expansion of his use on Harford Road and by affixing our respective name and address below hereby **AFFIRM OUR SUPPORT OF THE VARIANCE REQUEST.**

| NAME [please print] | ADDRESS [please print] |
|---|---|
| Kim Sullivan | 23 Teakwood Ct 21234 |
| SCOTT SULLIVAN | 23 Teakwood Ct 21234 |
| Tim Hart | 704 Glenmore Ave. 21030 |
| Bobbi Akkus | 8117 Glen Arry Rd 21234 |
| Andy Gorgel | 6 Bonrock Ct 21234 |
| Paul M. HOFFMAN | 1437 COVINGTON ST. 21220 BALTO. MD |
| MIKE SANSOSTI | 2651 EBONY 21234 |
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| NAME [please print] | ADDRESS [please print] |
|---|---|
| IAN BURKE | 3410 CHESLEY AVE |
| Adam L. Preisinger III | 9213 Hines Rd. 21234 |
| Richard Heinly | 2918 Hillcrest Ave 21234 |
| [illegible] | 7728 Harford Rd 21234 |
| [illegible] | 2115 Gough St 21231 |
| [illegible] | 2305 Kings Arms Dr. Fallston MD 21047 |
| [illegible] | 54 REYNOLDS MILL RD. YORK, PA 17403 |
| [illegible] | 6721 Harford Rd. 426-6000 21234 |
| [illegible] | 3201 NORTHWIND RD 21234 |
| [illegible] | 9215 HINES RD 21234 |
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| NAME [please print] | ADDRESS [please print] |
|---|---|
| Donald Andrew Wiley | 1 Overpark Court 21234 |
| MICHAEL BUCKMASTER | 605 DUNWICH WAY 21221 |
| DAVID WAGNER | 103 THISTLEDOWN Ct 21050 |
| [illegible] | 3206 Texas Ave 21234 |
| Harry S. BRAZIL | 2505 CIDER MILL RD. |
| Shirley Thayer | 3206 Texas ave |
| Leonard J. Green, Jr | 2419 Louis Deane Dr. 21234 |
| JAMES M. STRICKLAND | 2418 Bradford Rd. 21234 |
| Matt Cherian | 9422 Bellfall Drive 21236 |
| Cyriac Cherian | 7728 B Harford Rd. 21234 |
| MICHAEL KILBRIDGE | 1318 SARATOGA RD 21014 |
| VINCE BUSSEMI | 6014 HARFORD RD 21234 |
| EMILY ROBINSON | 1113 Washington Irving Ln. 21220 |
| CHARLES CHEIT | 903 ARRAN Rd BALTO MD 21239 |
| PAUL L. MORRISON, JR | 3003 DuBoise AVENUE |
| Jibreel Garner | 1707 Edgewood Rd, Balto. MD |
| JOHN J. LOWNEY | 9716 HARVESTER CIRCLE, PERRY HALL MD 21128 |
| Steven Rollins | 5907 THEODORE AVE — BALTO., MD 21214 |
| Gary Gross | 319 Pearl Rd W, Forest Hill MD |

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| NAME [please print] | ADDRESS [please print] |
|---|---|
| Barb Hoffman | 3020 Edgewood Ave |
| Kirk Hoffman | 3020 EDGEWOOD AVE |
| Kevin Wendler | 6212 Brook Avenue 21206 |
| DENISE WENDLER | 6212 BROOK AVE 21206 |
| Paula [illegible] | 2110 Hyden Ct. 21047 |
| Rick [illegible] | 215 MARSHALL DR Forest Hill |
| Bill Hewings | 8636 RICHMOND AVE 21234 |
| TERESA Hewing | 8636 RICHMOND AVE 21234 |
| JOHN DUNNE | 55 JURREN LANE 21236 |
| Donna Preisinger | 9715 Oak Summit Ave. 21234 |
| EUGENE BROWN | 4512 KENKAW AVE 21215 |
| Dominic H. CASCIOTO Jr. | 2903 Inglewood Ave 21234 |
| Tim Bailey | 2812 Lingamore Dr 21234 |
| Lisa Redifer | 2812 Lingamore Dr. 21234 |
| DAVID Brown | 2808 Montebello Terrace Balt 21214 |
| Reina Romero | 2808 Montebello Terrace Balt 21214 |
| Joea Rivera | 41-100 Reston Virginia |
| Dominique Rivera | Reston Va - Atlantic City New Jersey |
| MICHAEL WHITE | 8159 KAVANAGH RD 21222 |

(SHEET N.E. 8-D)
RO
TAYLOR AVE
CHESTNUT AVE.
PARKVILLE
GANORE
RD.
AVE.
147
ROAD
TAYLOR
SITE
E 21,000
AVENDER
DR16
BL-CCC
HARFORD
BALTIMORE CO.
BALTIMORE CITY
AVE.
200 SCALE ZONING MAP
#7726 to #7730 AND #7732
HARFORD ROAD
MAP NO. NE 7-D

#262

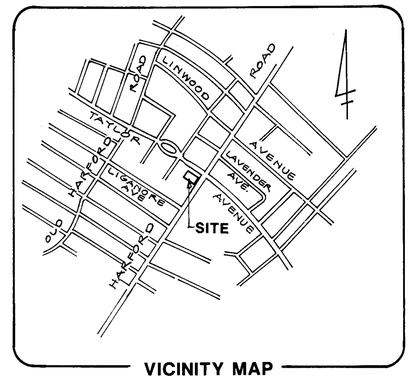
## GENERAL NOTES

1. ELECTION DISTRICT: 9TH
2. COUNCILMANIC DISTRICT: 6TH
3. 200 SCALE ZONING MAP NO.: NE 7-D
4. THERE HAVE BEEN NO PREVIOUS ZONING HEARINGS FOR THESE PROPERTIES.
5. ALL SIGNS SHALL COMPLY WITH ALL APPLICABLE ZONING REGULATIONS.
6. PROPERTIES ARE SERVED BY PUBLIC WATER AND PUBLIC SEWER.
7. THERE ARE NO STREAMS, STORMWATER MANAGEMENT SYSTEMS WITHIN 50 FEET OF THE PROPERTY.
8. THIS SITE DOES NOT LIE WITHIN A 100-YEAR FLOOD PLAIN.
9. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
10. THERE ARE NO BASIC SERVICE MAP DEFICIENCIES FOR THIS SITE.

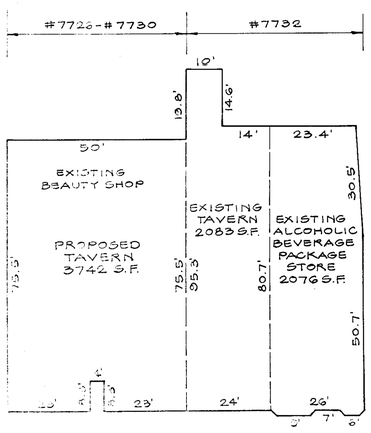
## PROPERTY INFORMATION

LOT 6
PLAT REFERENCE: "PARKVILLE" 1/34
ADDRESS: 7726 THRU 7730 HARFORD ROAD
OWNER: RSO PROPERTIES, INC.
RICHARD S. OSENBURG, PRES.
7732 HARFORD ROAD
BALTIMORE, MD 21234
(410) 665-0600
DEED REFERENCE: 15662/603
ACCOUNT NO.: 09-09-150040
TAX MAP 81, GRID 1, PARCEL 685-6
GROSS AREA: 11,009 S.F. = 0.253 ACRES
NET AREA: 9,509 S.F. = 0.218 ACRES

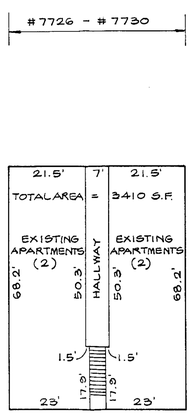
LOT 7
PLAT REFERENCE: "PARKVILLE" 1/34
ADDRESS: 7732 HARFORD ROAD
OWNER: RICHARD S. OSENBURG
7732 HARFORD ROAD
BALTIMORE, MD 21234
(410) 665-0600
DEED REFERENCE: 14375/688
ACCOUNT NO.: 09-03-670810
TAX MAP 81, GRID 1, PARCEL 685-7
GROSS AREA: 11,015 S.F. = 0.253 ACRES
NET AREA: 9,515 S.F. – 0.218 ACRES



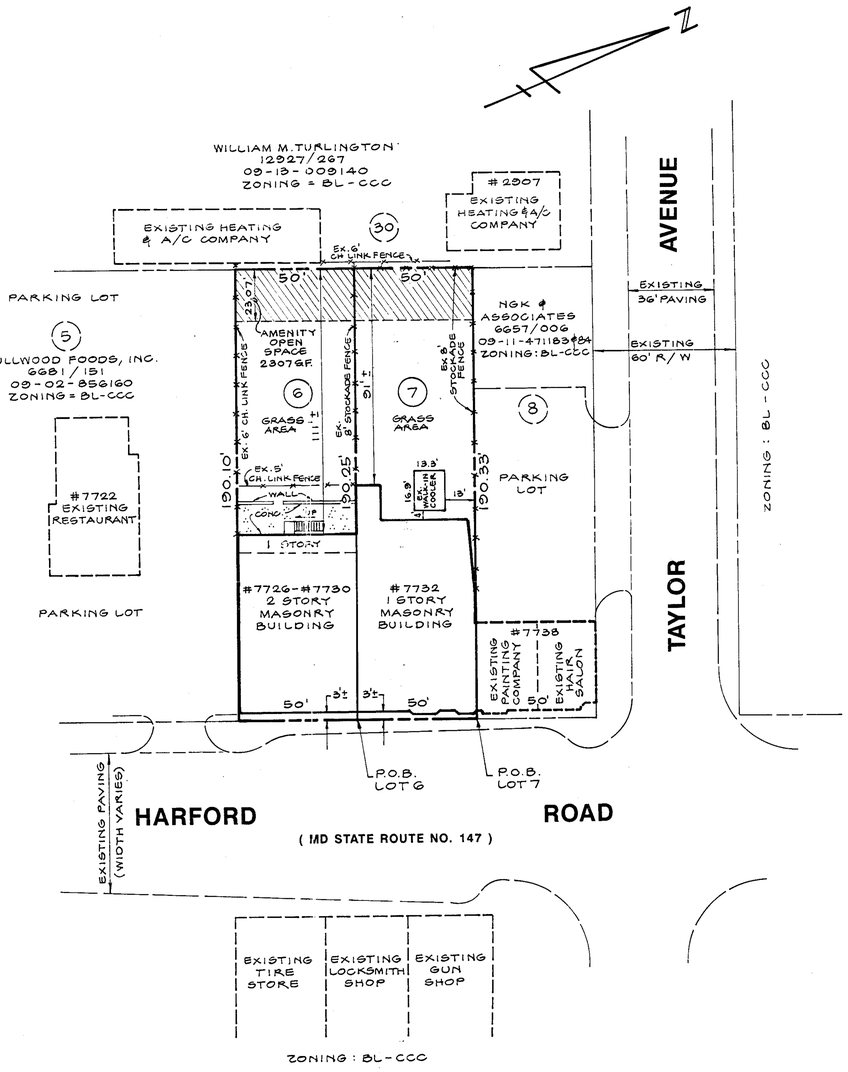

VICINITY MAP
SCALE : 1" = 1000'




1ST FLOOR PLAN
SCALE : 1" = 20'




2ND FLOOR PLAN
SCALE : 1" = 20'




## SITE TABULATION

1. EXISTING ZONING OF PROPERTY: BL-CCC
2. GROSS AREA: 22,024 S.F. = 0.506 ACRES +/-
3. NET AREA: 19,024 S.F. = 0.436 ACRES +/-
4. EXISTING USES AND FLOOR AREAS:
   - TAVERN: 2,083 S.F. (1ST FLOOR)
   - ALCOHOLIC BEVERAGE PACKAGE STORE: 2,076 S.F. (1ST FLOOR)
   - WALK IN COOLER (PACKAGE STORE): 225 S.F.
   - BEAUTY SHOP: 3,742 S.F. (1ST FLOOR)
   - APARTMENTS: 3,410 S.F. (2ND FLOOR)
5. PROPOSED USES:
   - TAVERN: 5,825 S.F. (1ST FLOOR)
   - ALCOHOLIC BEVERAGE PACKAGE STORE: 2,076 S.F. (1ST FLOOR)
   - WALK IN COOLER (PACKAGE STORE): 225 S.F.
   - APARTMENTS: 3,410 S.F. (2ND FLOOR)
6. FLOOR AREAS:
   - FIRST FLOOR: 8,126 S.F.
   - 2ND FLOOR: 3,410 S.F.
   - GROSS TOTAL: 11,536 S.F.
7. MAXIMUM FLOOR AREA RATIO PERMITTED: 4.0
8. FLOOR AREA RATION PROPOSED: 11,536 S.F./22,024 S.F. = 0.52
9. AMENITY OPEN SPACE REQUIRED: (0.2 X 11,536 S.F.) = 2,307 S.F.
10. AMENITY OPEN SPACE PROVIDED: 2,307 S.F.
11. PROPOSED PARKING REQUIRED:
    - TAVERN (5,825 S.F./1,000 X 20) = 116.5 SPACES
    - ALCOHOLIC BEVERAGE PACKAGE STORE (2,076 S.F./1,000 X 5) = 10.4 SPACES
    - WALK IN COOLER (PACKAGE STORE) (225 S.F./1,000 X 5) = 1.3 SPACES
    - APARTMENTS (4 X 1.5) = 6 SPACES
    - TOTAL PROPOSED PARKING REQUIRED = 135 SPACES
12. EXISTING ON-SITE PARKING = 0 SPACES
13. PROPOSED ON-SITE PARKING = 0 SPACES

Pet Ex #1


McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD COCKEYSVILLE, MARYLAND 21030
(410) 527-1555


Computed by: GCS
Drawn by: WDG
Checked by: GCS
Job Number:

11/26/02
James W. McKee Date
(Maryland Registered No. 9012)

STATE OF MARYLAND JAMES WILLIAM MCKEE NO. 9012 REGISTERED PROFESSIONAL LAND SURVEYOR

PLAT TO ACCOMPANY
PETITIONS FOR ZONING VARIANCES

# # 7726 TO # 7730 AND # 7732
# HARFORD ROAD

9TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE :1" = 30' DATE : NOVEMBER 25, 2002

#262