ORDER RECEIVED/FOR FILING Date S/9/// 3 IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – SW/Corner Baltimore National Pike & Ingleside Ave. (5701 Baltimore National Pike)

1st Election District 1st Council District

Ramji-Krupa, Inc., Owners; Mar-Check, Inc., Lessees

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 03-446-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Ramji-Krupa, Inc., Owners of the subject property, and Mar-Check, Inc., Contract Lessees, through their attorney, Sebastian A. Cross, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved special hearing relief in Case No. 00-218-SPHA to include changes to an existing, nonconforming sign. In addition, variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.10(A) to permit 13 stacking spaces in lieu of the required 16; from Section 409.6.A (1) and (2) to allow 142 parking spaces in lieu of the required 183; and, from Section 450.4 to allow four (4) wall-mounted signs in lieu of the zero permitted. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Keith Martin, Principal of Mar-Check, Inc., Contract Lessees; Wayne Newton, a Professional Engineer with Messick & Associates, the consultants who prepared the site plan; and Sebastian A. Cross, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

The subject property is an irregularly shaped parcel located on the southwest corner of the intersection of Baltimore National Pike and Ingleside Avenue in Catonsville. The property contains a gross area of 1.98 acres, more or less, zoned B.M.-C.C.C. and is improved with a seven-story hotel building, which operates under the trade name as the "Best Inn", and an accessory in-ground

swimming pool. In prior Case No. 00-218-SPHA, the Owner of the subject property requested special hearing and variance relief to establish an existing sign as a legal, nonconforming use, and to allow 172 parking spaces in lieu of the required 269 for a proposed freestanding restaurant building and existing hotel. Deputy Zoning Commissioner Timothy M. Kotroco granted that relief by his Order dated January 20, 2000.

The subject of the instant Petitions relates to a smaller portion of the site, approximately .73 acres in area. As noted in Deputy Commissioner Kotroco's prior decision, the owner of the hotel anticipated leasing a part of the site for a freestanding restaurant building. In this regard, a contract has been entered into between the property owner and Mar-Check, Inc., to permit the construction of a Checker's Restaurant on the western portion of the site. This is a carry-out restaurant franchise that operates on a national basis, including in Maryland. Common to Checker's Restaurant operation, there is no interior seating, only drive-thru service is provided; however, there will be some outdoor seating within a proposed patio area. The details of the proposal, including the traffic circulation pattern, proposed landscaping, areas of parking, etc., are more particularly shown on the site plan.

Special hearing relief is requested to amend the previously approved site plan and Order in Case No. 00-218-SPHA. As noted above, variance relief was granted in the prior matter to allow fewer spaces than required for the existing hotel and proposed restaurant. In this regard, the Petitioner proposed to replace a former Howard Johnson's restaurant building, which contained 7,626 sq.ft. In the instant case, the proposed restaurant building will contain only 798 sq.ft. Thus, the variance relief requested in this case is less on a percentage basis than previously granted.

It is clear that the Petition for Special Hearing should be granted. Baltimore National Pike in this area is a highly commercial corridor containing a mix of retail and service uses. In my view, the proposal represents an appropriate scheme of development for this site and will not be detrimental to the health, safety or general welfare of the locale.

As to the three zoning variances requested, two relate to parking and traffic circulation on the site. As noted above, variance relief is requested to allow less parking than that required. Testimony offered by Mr. Martin regarding the operation of the restaurant and hotel was persuasive to

 a finding that the uses are compatible. It appears that the proposed number of spaces will easily accommodate both uses, particularly given the fact that there is no interior seating provided. Variance relief is also requested to allow a lesser number of stacking spaces (13) in lieu of the required 16. As shown on the site plan, traffic will enter the site from Baltimore National Pike or Ingleside Avenue. Vehicles will be queued from the front portion of the site towards the interior of the property, thereby preventing traffic from backing up and extending into adjacent streets. In my view, the proposed traffic circulation appears reasonable and appropriate.

The third variance relates to signage. In this regard, three wall-mounted signs are proposed in addition to the existing, freestanding sign, which was approved as legal and nonconforming in the prior case. Although no one appeared in opposition to the request, a Zoning Advisory Committee comment was received from the Office of Planning requesting that the existing freestanding sign be redesigned to comply with current size and height requirements. The Petitioners indicated that they have redesigned the sign, as shown on the site plan, and that same now complies with the requirements of the B.C.Z.R. As to the wall-mounted signs, the Petitioners indicated that only three wall-mounted signs are proposed. In this regard, the Petitioners filed the request due to an interpretation by the Office of Planning that the subject property contained a multi-tenant retail building. In fact, there are two buildings on the site which are not connected and which are occupied by two different tenants. One such building is the hotel and the other is the restaurant. These are two separate buildings and enterprises that are not operating under the same roof. In my judgment, the three wall-mounted signs proposed are permitted, by right, pursuant to Section 450.4.5 of the B.C.Z.R. Thus, this particular variance request is not necessary and shall be dismissed as moot.

It is also to be noted that the Office of Planning suggested that a walkway be provided from the sidewalk along Baltimore National Pike to the proposed crosswalk and that landscaping, including street trees, should be provided along the public right-of-way. In this regard, Commissioner Kotroco's order required that a landscape plan be submitted to Avery Harden, the County's Landscape Architect, prior to the issuance of any permits. These conditions will be incorporated as appropriate conditions on the grant of the relief requested.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 May 2003 that the Petition for Special Hearing to approve an amendment to the previously approved site plan and relief granted in Case No. 00-218-SPHA to reflect the proposed modifications as shown on Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve changes to an existing, nonconforming sign, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow three (3) wall-mounted signs, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.10(A) of the B.C.Z.R. to permit 13 stacking spaces in lieu of the required 16, and from Section 409.6.A (1) and (2) thereof to allow 142 parking spaces in lieu of the required 183, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building 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) Prior to the issuance of any use permits, the Petitioners shall submit a landscape plan for review and approval by the County's Landscape Architect, Avery Harden.

3) When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

10000 6 201 0000

Zoning Commissioner for Baltimore County

LES:bjs



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

Fax: 410-887-3468

May 20, 2003

Sebastian A. Cross, Esquire Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE SW/Corner Baltimore National Pike & Ingleside Avenue (5701 Baltimore National Pike)

1st Election District — 1st Council District
Ramji-Krupa, Inc., Owners; Mar-Check, Inc., Lessees - Petitioners Case No. 03-446-SPHA

Dear Mr. Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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. Yeswant Patel, President, Ramji-Krupa, Inc.
5701 Baltimore National Pike, Baltimore, Md. 21228
Mr. Keith Martin, President, Mar-Check, Inc.
1410 N. Crane Highway, #9A, Glen Burnie, Md. 21061
Mr. Wayne Newton, Messick & Associates,
31 Old Solomons Island Road, #201, Annapolis, Md. 21401

Office of Planning; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5701 Baltimore National Pike which is presently zoned BM-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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

to amend the previous special hearing relief granted in Case No.00-218-SPHA. to enclude the changer to mon conformy sign. SC

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.

Contract Purchaser/Lessee:	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. Legal Owner(s):
Name - Type of Print (pres.) Signature	Yeswant Patel Ramji-Krupa, Inc. Name-Type or Print Community Community Pres.
1410 N.Crane Highway, Suite 9A Address Glen Burnie, MD 21061 (410)787-1175 City State Zip Code	Signature Name - Type or Print Signature
Attorney For Petitioner; Sebastian A. Cross	5701 Baltimore National Pike Address Telephone No.
Name - Type of Print Signature Signature	Baltimore, MD 21228 (410)747-8900 City State Zip Code Representative to be Contacted:
Gildea, LLC Company	Sebastian A. Cross
Address St. Suite 900 Telephone No.	301 N.Charles St., Suite 900 Address Telephone No.
Baltimore, MD 21201 (410) 234-0070 City State Zip Code	Baltimore, MD 21201 (410)234-0070 City State Zip Code

Baltimore, MD 21201 (410) 2.
State

City

Addiess				Telephone No.
Balt	imore, N	1D 21201	(410)	234-0070
City			State	Zip Code
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Reviewed By _	JL	Date	3/	27/03



Detition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5701 Baltimore National Pik which is presently zoned BM-CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto ar made a part hereof, hereby petition for a Variance from Section(s)

See attached

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

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I. or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zon regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Lessee:

Keith Martin, Mar-Check, Inc. Name - Type of Print Signature N. Crane Highway, Suite Address Telephone No. Glen Burnie, MD 21061 (410)787-1175City State Zip Code Attorney For Petitioner: Sebastian A.Cross Name - Type or Pi阴 'Ller Signature Gildea, LLC Company 301 N.Charles St, Suite 900 Address Telephone No. Baltimore, MD 21201 (410)234-0070 City State Zip Code Case No. /

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.

Legal Owner(s):

Yeswant Patel, Ramji-Krupa, Inc.
Name - Type or Print
· · · · · · · · · · · · · · · · · · ·
Signature
Ilswant Pals, Pres.
Name - Type or Print
Signature
]
5701 Baltimore National Pike
Address
Baltimore, MD 21228 (410)747-8900
State Zip (
Representative to be Contacted:
tration to be collidition

Sebastian A. Cross
Name

301 N.Charles St., Suite 900
Address
Telephone
Baltimore, MD 21201 (410)234-007
City
State
Zip (

OFFICE USE ONLY

UNAVAILABLE FOR HEARING Date 3 77/03

Sugar Sugar

REV 9/15/98

Attachment to Petition for Variance

1. From Section 409.10 (A) to permit 13 stacking spaces in lieu of the required 16.

2. From Section 409.6A(1) & (2) to allow 142 parking spaces in lieu of the required 183 spaces.

50 3. From Section 450.4. AMM to allow four ball mounted signs in lieu of yero permitter.

Date 2000 FOR FILING By 2000 FOR FILING

DESCRIPTION OF THE RAMJI-KRUPA, INC PROPERTY 5701 BALTIMORE NATIONAL PIKE TAX MAP 95, PARCEL 169, BALTIMORE COUNTY, MD

Tax Account No. 01-0123157040

Beginning at the southwest corner of the intersection of Baltimore National Pike & Ingelside Avenue, said point being coincident with the northwest corner of a right of way taking as referenced in a deed recorded in the land records of Baltimore County in liber 5727 at folio 773. Said property now being described based on a survey by John C. Mellena Sr., Inc. dated October, 1999, leaving said point and traversing the following courses and distances:

- (1) Running with & binding on the western right of way line of Ingelside Avenue, South 11 degrees 28 minutes 47 seconds East 51.42 feet, thence
 - (2) South 03 degrees 38 minutes 34 seconds East 187.46 feet, thence leaving said right of way,
 - (3) South 82 degrees, 21 minutes, 20 seconds West 146.60 feet, to a point, thence
 - (4) South 82 degrees, 21 minutes, 20 seconds West 214.00 feet, to a point, thence
 - (5) North 04 degrees 31 minutes 40 seconds West 233.79 feet, to the southern right of way line of Baltimore National Pike, thence
 - (5) Running with & binding on said right of way line, North 80 degrees 51 minutes 30 seconds East 336.99, thence
 - (6) South 17 degrees 44 minutes 20 seconds East 4.20 feet, thence
 - (7) North 81 degrees 21 minutes 20 seconds East 20.18 feet to the place of beginning.

CONTAINING 86,063 square feet or 1.98 acres of land more or less.

46

MISCELLANEOUS OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARY RECEIPT

AMOUNT

ACCOUNT_

FROM:

RECEIVED

DISTRIBUTION
WHITE - CASHIER

PINK -AGENCY

CUSTOMER

MEPT 100°639 Mary on the Country Harvior 023131 別間 別 2003 (19:59:45 2003 (19:59:45 2077/2003 5 VERIFICATION 5

VALIDATION

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 <u>Towson</u>. Maryland on the property identified herein as follows:

Case: #03-446-SPHA

5701 Baltimore National Pike
S/west corner ingelside Avenue and Baltimore National

THIS IS TO CERTIFY, that the annexed advertisement was published

424 3003

in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing

1st Election District-1st Councilmanic District
Legal Owner(s): Yeswant Patel, Ramip-Krupa, Inc.
Legal Owner(s): Yeswant Patel, Ramip-Krupa, Inc.
Contract Purchaser Kenth Martin, Mar-Check
Contract Purchaser Kenth Martin, Mar-Check
Special Hearing: to permit the previous Special Hearing
relief granted in Case No. 00–218-SPHA and to include the relief granted in Case No. 00–218-SPHA and to include the changes to non-conforming sign. Variance: to permit 13 changes to non-conforming sign. Variance: to permit 142 stacking spaces in lieu of the required 183 spaces and to permit (4) four wall mounted signs in lieu of (0) zero permitted.

R00II Hearing: Friday, May 9, 2003 at 11:08 a.m. in 106, County Office Building, 111 W. Chespeake

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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.

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Arbutus Times

The Jeffersonian

Catonsville Times rson Times

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Owings Mills Times

Booster/Reporter

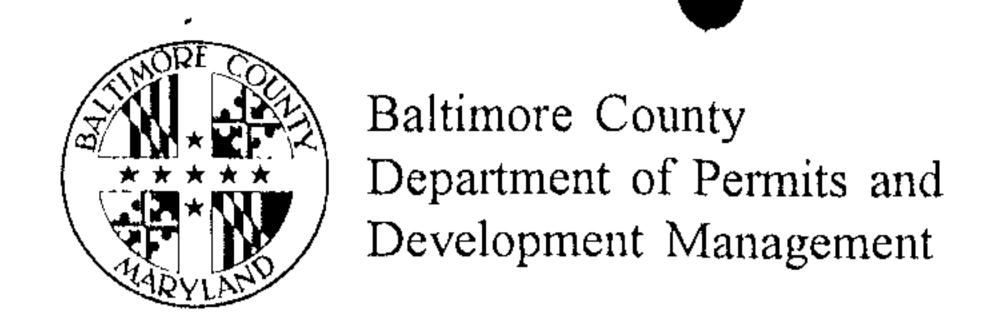
E

North County News

LEGAL ADVERTISING MULLINSA

CERTIFICATE POSTING

	RE: Case No.: () 3-446-3-14
•	Petitioner/Developer: IEITH
	MARTIN, MAR-CHECK
	Date of Hearing/Closing: 5/9/03
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:	
were posted conspicuously on the property	of perjury that the necessary sign(s) required by law located at 570/BALTIMONE 9710NAL PICE
The sign(s) were posted on	4/19/03 (Month, Day, Year)
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
	SSG ROBERT BLACK
PUBLIC HEARING WHILBS HILD BY A TO THE TONING COMMISSIONS REPORTS TO THE TONING TONING TO THE TONING	(Printed Name)
	1508 Leslie Rd
	(Address)
	Dundalk, Maryland 21222 (City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
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Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

April 8, 2003

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: 03-446-SPHA

5701 Baltimore National Pike

S/west corner Ingelside Avenue and Baltimore National Pike

1st Election District – 1st Councilmanic District

Legal Owner: Yeswant Patel, Ramji-Krupa, Inc.

Contract Purchaser: Keith Martin, Mar-Check

<u>Special Hearing</u> to permit the previous Special Hearing relief granted in Case No. 00-218-SPHA and to include the changes to non-conforming sign. <u>Variance</u> to permit 13 stacking spaces in lieu of the required 16. To permit 142 parking spaces in lieu of the required 183 spaces and to permit (4) four wall mounted signs in lieu of (0) zero permitted.

Hearings: Friday, May 9, 2003 at 11:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

Arnold Jablon

Director

AJ:klm

C: Sebastian Cross, Gildea LLC, 301 N. Charles St., Suite 900, Baltimore 21201 Yeswant Patel, Ramji-Krupa, Inc., 5701 Baltimore National Pike, Baltimore 21228 Keith Martin, Mar-Check, Inc., 1410 N. Crane Highway, Suite 9A, Glen Burnie 21061

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 24, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 24, 2003 Issue - Jeffersonian

Please forward billing to:

Gildea LLC 301 N. Charles Street, Suite 900

Baltimore MD 21201

410-234-0070

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: 03-446-SPHA

5701 Baltimore National Pike

S/west corner Ingelside Avenue and Baltimore National Pike

1st Election District – 1st Councilmanic District

Legal Owner: Yeswant Patel, Ramji-Krupa, Inc.

Contract Purchaser: Keith Martin, Mar-Check

Special Hearing to permit the previous Special Hearing relief granted in Case No. 00-218-SPHA and to include the changes to non-conforming sign. Variance to permit 13 stacking spaces in lieu of the required 16. To permit 142 parking spaces in lieu of the required 183 spaces and to permit (4) four wall mounted signs in lieu of (0) zero permitted.

Hearings:

Friday, May 9, 2003 at 11:00 a.m. in Room 106, 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

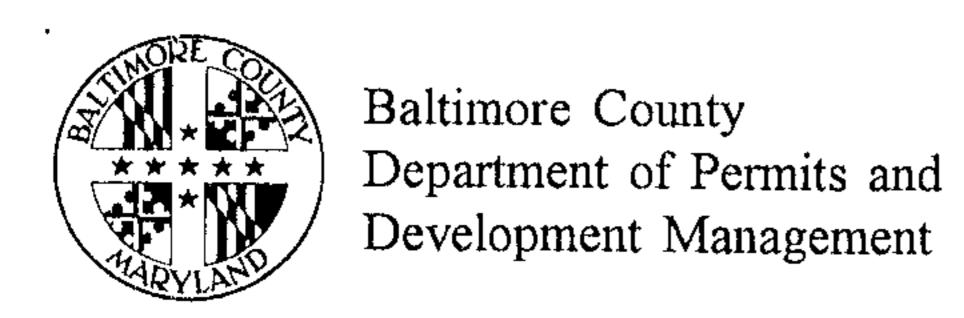
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

Item Number or C	
Petitioner:	Keith Martin
Address or Locati	on: 5701 Baltimore Mational
Name:	RD ADVERTISING BILL TO:
Name:	ildea LLC
Name:	1
Name:	ildea LLC



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

May 2, 2003

Sebastian Cross Gildea LLC 301 N. Charles Street, Ste. 900 Baltimore, MD 21201

Dear Mr. Cross:

RE: Case Number: 03-446-SPHA, 5701 Baltimore National Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 27, 2003.

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

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel Yeswant Patel, Ramji-Krupa, Inc., 5701 Baltimore National Pike, Baltimore 21228 Keith Martin, Mar-Check, 1410 N. Crane Highway, Ste. 9A, Glen Burnie 21061



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pederson, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.9.03

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

RE: Baltimore County

Item No. 446 JLL

Dear Ms. Hart:

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

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

Very truly yours,

f. f. smill

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



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

April 08, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 7, 2003

Item No.:

445-455

Dear Ms. Hart:

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.

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

cc: File

Sega

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 25, 2003

RECEIVED

APR 2 5 2003
ZONING COMMISSIONER

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

5701 Baltimore National Pike

INFORMATION:

Item Number:

03-446

Petitioner:

Yeswant Patel, Ramji-Krupa, Inc.

Zoning:

BM-CCC

Requested Action:

Special Heating/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and recommends the following:

- 1. The existing freestanding sign should be redesigned to comply with the current size and height requirements for that type of sign.
- 2. Provide a walkway from the sidewalk along the Baltimore National Pike to the proposed crosswalk shown on the site plan.
- 3. Provide landscaping (including street trees) along all public right-of-way. Submit a landscape plan to this office for review and approval prior to the issuance of any building permits.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 28, 2003

Department of Permits & Development Management

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

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 14, 2003. Item Nos. 399 446, 448, 450, 452,

453, 454, and 455

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

RWB CEN: jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING
	AND VARIANCE

5701 Baltimore National Pike; SW corner Ingelside Avenue & Baltimore Nat'l Pike 1st Election & 1st Councilmanic Districts Legal Owner(s): Yeswant Patel, Ramji-

Krupa, Inc

Contract Purchaser(s): Keith Martin, Mar-

Check, Inc

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 03-446-SPHA

* * * * * * * * *

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 day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to Sebastian A Cross, Esquire, Gildea, LLC, 301 N Charles Street, Baltimore, MD 21201, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

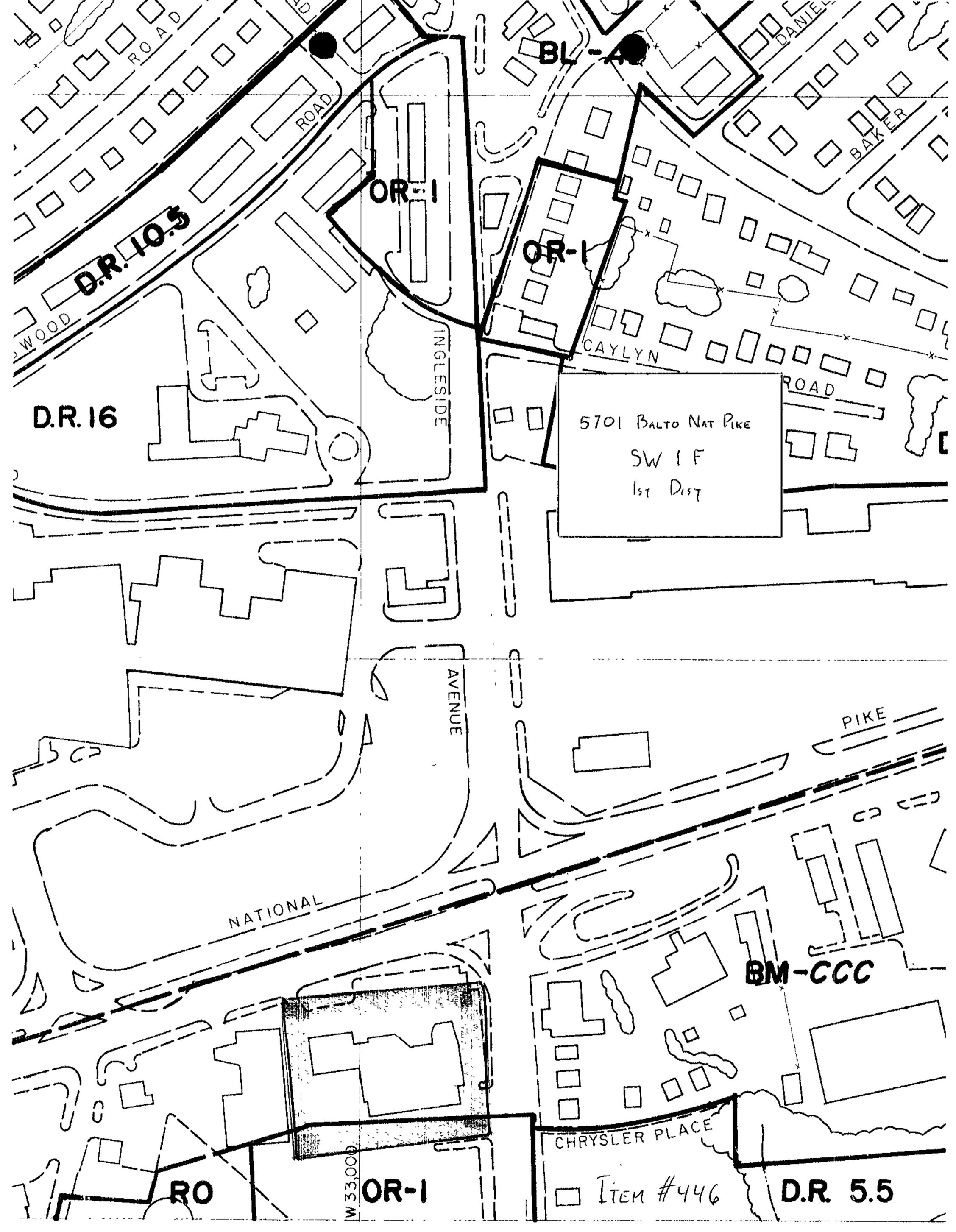
People's Counsel for Baltimore County

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IN RE: PETITION FOR SPECIAL HEARING
SWC Baltimore National Pike
and Ingleside Avenue
1st Election District
1st Councilmanic District
(5701 Baltimore National Pike)

Ramji-Krupa, Inc. Petitioner

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- CASE NO. 00-218-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Ramji-Krupa, Inc., by and through Yeswant Patel, its president. The Petitioner is requesting a variance for property they own at 5701 Baltimore National Pike. The subject property is zoned BM-CCC. The Petition was filed by Michael P. Tanczyn, attorney at law, representing the Petitioner.

Appearing at the hearing on behalf of the special hearing and variance request were Yeswant Patel, John Mellama, Jr. and Michael Tanczyn, attorney at law. Also attending the hearing was Mr. Ken Harn, a representative from the State Highway Administration. There were no protestants in attendance.

As stated previously, the Petitioner is requesting a special hearing to approve an existing free standing sign as a legally non-conforming use pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) 450.8 (c.).1.(a) and (c) 2 and (c) 6. In addition, the Petitioner is requesting a variance from Section 409.6 (a) 1 of the B.C.Z.R. to allow 172 parking spaces in lieu of the required 269 for a combination hotel/motel and restaurant. The property which is the subject of this request is situated at the southwest corner of the intersection of Baltimore National Pike and Ingleside Avenue in the Catonsville area of Baltimore County. The subject property is improved with a seven-story brick hotel/motel known as the "Best Inn". The subject

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hotel has existed on the property for many years. Formerly existing on the property was a onestory restaurant building which consisted of approximately 7,626 sq. ft. The subject restaurant was destroyed by fire and the structure itself razed. The Petitioner has filed this special hearing and variance request in order that he may reconstruct the former restaurant on site.

The Petitioner is the owner and operator of the Best Inn Hotel, and is preparing to market the property in hopes of finding a restaurant operator. The subject restaurant was previously operated as a Howard Johnson's and the free standing sign which advertised the Howard Johnson's still exists on the property. At this time, the Petitioner wishes to convert the old sign to an identification sign for his Best Inn Hotel. Once a restaurant tenant is found for the property, the sign would be converted for use with the restaurant business. However, in order to market the property, the Petitioner is requesting a variance to approve the number of parking spaces provided on the site and also confirmation to continue to utilize the sign in question.

As stated previously, no one appeared in opposition to the Petitioner's request. Furthermore, the petition was reviewed by the Office of Planning. The Planning Office recommends approval of the request conditioned upon certain restrictions being imposed upon the Petitioner. After considering the testimony and evidence offered at the hearing, I find that the Petitioner's variance to allow 172 parking spaces in lieu of the required 269 should be granted. The parking spaces provided on site are more than adequate to handle the needs of both the hotel/motel use and that of a future restaurant. It can be anticipated that shared parking between these uses will occur on the property.

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

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals. Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In addition, the Petitioner is requesting special hearing relief to allow the existing sign to remain on the property. Testimony and evidence offered at the hearing demonstrated that the sign in question is a legally non-conforming sign and may continue to exist on the property subject to the maintenance requirements of Section 450.6 (c) and the abatement requirements of Section 450.8(d).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20 day of January, 2000, that the Petitioner's Request for Special Hearing to approve an existing free standing sign as a legally non-conforming use pursuant to Sections 450.8 (c.).1.(a) and (c) 2 and (c) of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED.

IT IS FURTHER ORDERED, that Petitioner's request for variance from Section 409.6
(a) 1 of the B.C.Z.R., to allow 172 parking spaces in lieu of the required 269 for a combination hotel/motel and restaurant, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until 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.
- 2) The Petitioner shall be required to submit a landscape plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for his review and approval prior to the issuance of any building permits. Said landscaping plan shall take into consideration the landscaping and beautification efforts currently under way for this area of Baltimore National Pike.
- 3) The Petitioner shall be required to submit elevation drawings of the proposed restaurant to the Office of Planning for their review and approval prior to the issuance of any building permits.
- 4) At the time that a use permit is issued for the operation of a restaurant on the property, the subject parking lot shall be used by the patrons and employees of the Best Inn and the restaurant tenant only. The practice of automobile storage from any automobile dealership shall cease and desist at the time of the issuance of a use permit for any future restaurant.

5) When applying for any use and building permits, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

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