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IN RE: PETITION FOR VARIANCE

N/S East Joppa Road, 210' SW of the c/l

Loch Raven Boulevard

(1632 E. Joppa Road)

9<sup>th</sup> Election District 5<sup>th</sup> Council District

Rosemary Tyler, Owner;

Gita V. Patel, Lessee

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-120-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Rosemary Tyler, and the Contract Lessee, Gita V. Patel. The Petitioners seek relief from Section 409.6.A 2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing fast-food restaurant with 8 parking spaces in lieu of the minimum required 22 spaces, and from Section 409.8.A.4 of the B.C.Z.R. to permit a parking space with a setback of 0 feet from the public street right-of-way line in lieu of the minimum required 10 feet. 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 Rosemary Tyler, property owner; Jagdish (Jack) Patel, Prahlad J. Patel, Hitesh Patel, Contract Lessees; Vincent Moskunas, a representative of Site Rite Surveying, Inc., the consultants who prepared the site plan for this property; and, Deborah C. Dopkin, Esquire, attorney for the Petitioners. Also appearing in support of the request were Paul Knott and Theresa Janda. Appearing as interested citizens were Larry Denton, who appeared on behalf of his elderly mother who owns property across from the subject site, and Donna Spicer, who appeared on behalf of the Loch Raven Community Council and the Loch Raven Business Association. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel located on the north side of East Joppa Road, just west of the intersection of Loch Raven Boulevard and Joppa Road in Towson. The Joppa Road/Loch Raven Boulevard intersection is a heavily traveled route and there are businesses and commercial uses along the frontage of both streets in the vicinity. The subject property contains a gross area of 0.223 acres, more or less, zoned B.R.-A.S., and is improved with a one-story, concrete block building, approximately 1375 sq.ft. in area. Previously, the building was used for a retail tee-shirt business; however, has been converted to a Subway restaurant. The balance of the site is largely macadam-paved. As shown on the site plan, there are currently 8 parking spaces on the west side of the property, 16° x 8.5° in dimension, including one handicapped space. Additionally, a 21° x 7.5° parallel parking space is provided to the front of the building, and there are 5 employee spaces shown on the west side of the property.

The Petitioners recently converted the building for restaurant use and opened a Subway in April 2003. The Subway restaurant is a national chain and is well known to residents of Baltimore County, including the undersigned Zoning Commissioner. There are numerous Subway restaurants in the area and this location opens at 10:00 AM and serves a lunch and dinner menu. It was indicated at the hearing that the building was not enlarged; however, internal improvements were made that substantially changed the interior of the structure. Although Baltimore County issued the requisite permits for conversion of the building to restaurant use (see Petitoiner's Exhibits 4A through 4C), it was subsequently discovered that the above requested variances may be necessary. The Petitioners were cited with a zoning violation which has been held in abeyance pending the outcome of this case.

A question arose at the hearing as to the exact nature of the use of this property. Section 101 of the B.C.Z.R. defines land uses and the words used to describe same in the regulations. There are four different classifications of restaurants uses. These include a standard restaurant, a carryout restaurant, a fast-food restaurant, and a restaurant, fast-food, drive-through only. The Subway operation at this location is clearly not a restaurant, fast-food, drive-through

ORDER RECEIVED FOR FILLING
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only in that there is limited customer seating in the interior of the restaurant and no drive-through facility.

A "standard restaurant" is broadly defined as a facility or part of a facility used primarily to serve meals and beverages to persons seated at tables on the premises. Under the parking regulations contained in Section 409 of the B.C.Z.R., 16 parking spaces are required for each 1,000 sq.ft. of gross general floor area of a standard restaurant. Given the square footage of the subject building, 22 spaces are required. The "fast-food" restaurant definition includes an establishment which principal business is to sell ready-to-eat food and beverages in disposable containers. As with a standard restaurant, the parking regulations contained in Section 409 of the B.C.Z.R. would require 22 spaces. A "carryout" restaurant is defined as an establishment which principal business is the sale of ready to consume food and beverages to customers who order their food and beverages over the counter, by telephone or fax machine, and whose principal characteristic is that food and beverages are consumed off the premises. A carryout restaurant requires only 5 parking spaces per 1,000 sq.ft. of gross floor area. In this case, if the Subway is considered a carryout restaurant, only 8 spaces are required. The Petitoiners argued at the hearing that the proposed facility is a carryout restaurant. If that is the case, then variance relief form Section 409.6.A.2 would not be required in that sufficient parking is provided.

As noted above, the undersigned Zoning Commissioner is familiar with the Subway restaurants. Although there is limited seating within the restaurant, many people purchase food and drink and consume it elsewhere. The question here is whether food is principally consumed off-site. Based upon the testimony and evidence offered in this case, it appears that the Subway restaurant at this location should be considered a carryout facility. This conclusion is drawn because of the particular nature of the area and the clientele. In this regard, testimony offered was that many of this Subway's customers are from the adjacent commercial and office buildings. It was indicated that given the particular location of this restaurant, a minority of customers dine onsite and most order their food "to go." Based on this testimony, I find that the Subway facility is a carryout restaurant and as such, variance relief from Section 409.6.A.2 is not required. However, I

do note in passing that even if the restaurant were determined to be a "fast food" restaurant, or a standard restaurant, the appropriate zoning variance would be granted. The testimony and evidence presented was that the peculiar nature of the site, including its shape, small size and grade to the rear justifies a variance. Moreover, pursuant to the testimony of Ms. Spicer, there has not been an adverse impact occasioned or an overflow of parking caused by the restaurant since it opened in April of this year. Mr. Denton's mother owns property across the street that is leased to another sub shop. He recognized that the case could not be decided based on economic/competitive grounds, but was concerned about traffic in this area. The restrictions entered hereinafter will hopefully address those concerns.

Although a variance from the required number of spaces is not necessary, relief is required from Section 409.8.A.4 as to the location of the handicapped parking space immediately adjacent to the public street right-of-way. As more particularly shown on the plan, again driven by the factors noted above, particularly the property's small size and grade to the rear, variance relief will be granted. I find that there are unique characteristics that drive the need for this variance and that relief can be granted without detrimental impact to adjacent properties. However, in granting the relief requested, certain conditions will be imposed pursuant to the Zoning Advisory Committee (ZAC) comments received from the Office of Planning. That comment indicates that there are two curb cuts leading into the site from Joppa Road and that the curb cut on the western portion of the site closest to the Loch Raven Boulevard/Joppa Road intersection should be used for access, only. Traffic can then circulate around and behind the building and exit utilizing the easternmost access. Exiting traffic should turn right only to proceed easterly on Joppa Road. Allowing traffic exiting the site to turn left would be difficult as it would have to cross eastbound traffic on Joppa Road; however, traffic may enter the site from either direction through the entrance curb-cut. Secondly, the Petitioners shall remove the parking space proposed in the front portion of the site as no variance is needed from the number of spaces required, and it appears that this area should remain open to promote traffic flow. A ZAC comment was also received from the Bureau of Development Plans Review requesting the plan be amended to correctly show the rightof-way for Joppa Road. Thus, an amended site plan shall be submitted incorporating the modifications set forth above prior to the issuance of any permits.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_day of December 2003 that the Petition for Variance seeking relief from Section 409.8.A.4 of the B.C.Z.R. to permit a parking space with a setback of 0 feet from the public street right-of-way line in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, the 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) Within sixty (60) days of the date hereof, the Petitioners shall submit an amended site plan to the Department of Permits and Development Management showing the correct right of way for Joppa Road and removal of the parking space in the front of the building.
- 3) The exit curb cut shall be for right turning traffic, only.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing fast-food restaurant with 8 parking spaces in lieu of the minimum required 22 spaces, be and is hereby

DISMISSED AS MOOT.

ES:bis

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



### Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

December 9, 2003

Deborah C. Dopkin, Esquire 409 Washington Avenue Towson, Maryland 21204

PETITION FOR VARIANCE RE:

N/S East Joppa Road, 210' SW of the c/l Loch Raven Boulevard

(1632 E. Joppa Road)
9<sup>th</sup> Election District – 5<sup>th</sup> Council District

Rosemary Tyler, Owner; Gita V. Patel, Lessee - Petitioners

Case No. 04-120-A

Dear Ms. Dopkin:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

Ms. Rosemary Tyler, 1802 Belvue Drive, Forest Hill, Md. 21050 cc:

Ms. Gita V. Patel, 1 Fawn Ridge Court, Reisterstown, Md. 21136

Mr. Vincent Moskunas, Site Rite Surveying, Inc., 200 El Joppa Road, Towson, Md. 21286

Ms. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234

Mr. Larry Denton, P.O. Box 468, Queenstown, Md. 21658

Development Plans Review; Office of Planning; People's Counsel; Case File



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



### Petition for Wariance

to the Zoning Commissioner of Baltimore County

for the property located at 1632 E. TORA Rd. Townson which is presently zoned BR-AS MD 2128

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) 409.6. A.2, 409.8.A.4, BCZR, to permit an existing fast-food restaurant with 8 parking spaces in lieu of the minimum required 22 parking spaces, and to permit a parking space with a 0 feet set back from the public street right-of-way line. If in lieu of the minimum required 10 feet set back from the public street right-of-way line.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) 1. This parcel of ground has been held in tact since August 1965, with no continguous ownership

"2. The irregular shape of the lot and the location of the existing building restrict the ability to meet the Baltimore County Zoning Regulations for this site.

3. In addition, the slope of the grade at the rear of the property restricts the ability to widen the paving section to accommodate the necessary spaces and aisle widths.

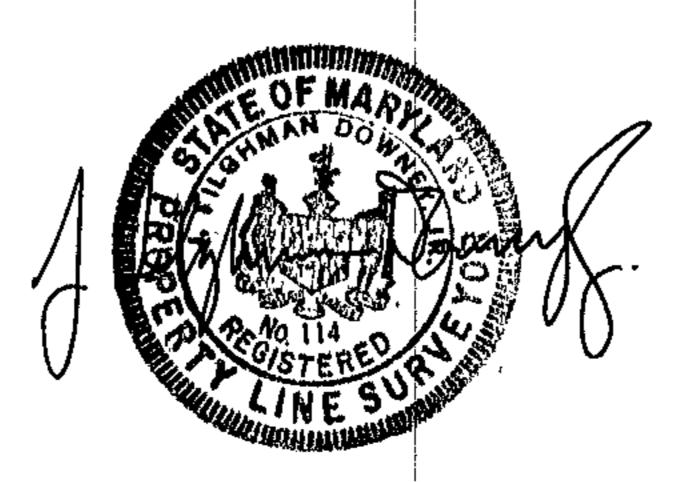
Property is to be posted and advertised as prescribed by the zoning regulations.

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:	Legal Owner(s):
, , , , , , , , , , , , , , , , , , ,	RoseMARY Tylor
Name - Type or Print	Name - Type or Print
GiTA V. Patel	
Signature   Signature   A ( )   Q ( )   Q ( )   C T ( 410 ) - 683 - 1/4	Signature  Name - Type of Print  Name - Type of Print
Address AAA	Marine - Type of Film
City State Zip Code	Signature 1802 Be/Vue 28. (410)-879-12
Attorney For Petitioner:	Address Telephone No
	Forest Hill MD 21050 State Zip Code
Name - Type or Print	City
	Representative to be Contacted:
Signature	Name Name  TACK PATEL Manager (Cell)  Name  O 1 (448) - 677-958
Company	12 2 COPDA KO (410)
Address  Telephone No.	Address MD dbl86
State Zip Code	City State Zip Code
8270	OFFICE USE ONLY
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Ease No. 64-120-A	
T the T	UNAVAILABLE FOR HEARING Date 9/8/03
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### **ZONING DESCRIPTION FOR #1632 E. JOPPA ROAD**

BEGINNING AT A POINT ON THE NORTH SIDE OF E. JOPPA ROAD WHICH IS
70 FEET WIDE AT A DISTANCE OF 210 FEET SOUTHWEST OF THE
CENTERLINE OF LOCH RAVEN BOULEVARD WHICH IS 100 FEET WIDE. AS
RECORDED IN DEED LIBER 12424 FOLIO 349 AND RUNNING THENCE N 14
DEGREES 39 MINUTES 35 SECONDS W, 86.12 FEET; THENCE S 69 DEGREES
01 MINUTES 25 SECONDS W, 120.00 FEET; THENCE S 14 DEGREES 39
MINUTES 35 SECONDS E, 83.83 FEET; THENCE WITH A RADIUS OF 3786.72
FEET AND A LENGTH OF 11.71 FEET AND THENCE N 72 DEGREES 50
MINUTES 49 SECONDS E, 107.68 FEET TO THE PLACE OF BEGINNING,
CONTAINING 9,310 SQUARE FEET, MORE OR LESS. ALSO KNOWN AS #1632
EAST JOPPA ROAD AND LOCATED IN THE 9TH. ELECTION DISTRICT, 5TH.
COUNCILMANIC DISTRICT.



J. TILGHMAN DOWNEY, JR.

SITE RITE SURVEYING, INC. 200 E. JOPPA ROAD SUITE 101 TOWSON, MD 21286 (410)828-9060

04-120-A

0 **(4)** AMOUNT A ora RECEIVED TO CA GA (6 ha ANEOUS OF BUDGET **بري.** ا DAIE

### HELTICE OF ZONTHE 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: # 04-120-A

1632 E. Joppa Road

N'south of east Joppa Road, 210 feet southwest of Loch Raven Blvd.

9th Election District-5th Councilmanic District

Legal Owner(s): Rosemany Taylor.

Contract Purchaser(s): Gita V. Patel.

Rariance: to permit an existing fast food restaurant with 8 parking spaces in lieu of the minimum required 22 parking spaces. Fo permit parking spaces with a 0 foot setback spaces. Fo permit parking spaces with a 0 foot setback

mom required 10 feet.

Hearing: Monday, November 17, 2003 at 9:00 a.m. in.
Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E SCHMIDT
Zoning Commissioner for Battimore County

Contact the Zonnis Review Office of (#10) 887

## OF PUBLI

10130,2003

TIFY, that the annexed advertisement was published successive weeks, the first publication appearing dy newspaper published in Baltimore County, Md., in the following weel THIS IS TO CER once in each of

¥ The Jeffersonian

Arbutus Times

Catonsville Times

☐ Towson Times

□ Owings Mills Times

□ NE Booster/Reporter

☐ North County News

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### CERTIFICATE OF POSTING

•	Petitioner/Developer: 174 V. 1476
	Date of Hearing/Closing: MOV, 17 2003
altimore County Department of crinits and Development Management county Office Building, Room 111 11 West Chesapeake Avenue cowson, MD 21204	
ttention: BECKY HART	
•	the penalties of perjury that the necessary sign(s) required by
were posted conspicuously on the property local	cd at # 1632 E. JOPPA ROAD
- · · · · · · · · · · · · · · · · · · ·	
the sign(s) were posted on $OCT$ , $31$	7003 Month, Day, Year)
	Sincerely,  Signature of Sign Poster and Date)
	GARLANDE, Moores (Printed Name)
	3225 RYERSON CIRCLES
	PAUTINIARE, MD. 2127 (City, State, Zip Code)
	(Telephone Number)

RE: Case No.: 04-120-A

### Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



### Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 26, 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: 04-120-A

1632 E. Joppa Road

N/south of east Joppa Road, 210 feet southwest of Loch Raven Blvd.

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Rosemary Taylor Contract Purchaser: Gita V. Patel

Variance to permit a existing fast food restaurant with 8 parking spaces in lieu of the minimum required 22 parking spaces. To permit a parking spaces with a 0 foot setback from the public street right-of-way line in lieu of the minimum required 10 feet.

Hearings:

Monday, November 17, 2003 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:rlh

C: Rosemary Taylor, 1802 Belvue Drive, Forest Hill 21050 Jack Patel, Manager, 1632 E. Joppa Road, Towson 21286 Gita Patel, 1 Fawn Ridge Court, Reisterstown 21136

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 1, 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, October 30, 2003 Issue - Jeffersonian

Please forward billing to:

Jack Patel

410-683-1157

1632 E. Joppa Road Towson, MD 21204

### 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: 04-120-A

1632 E. Joppa Road

N/south of east Joppa Road, 210 feet southwest of Loch Rayen Blvd.

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Rosemary Taylor Contract Purchaser: Gita V. Patel

Variance to permit a existing fast food restaurant with 8 parking spaces in lieu of the minimum required 22 parking spaces. To permit a parking spaces with a 0 foot setback from the public street right-of-way line in lieu of the minimum required 10 feet.

Hearings:

Monday, November 17, 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 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

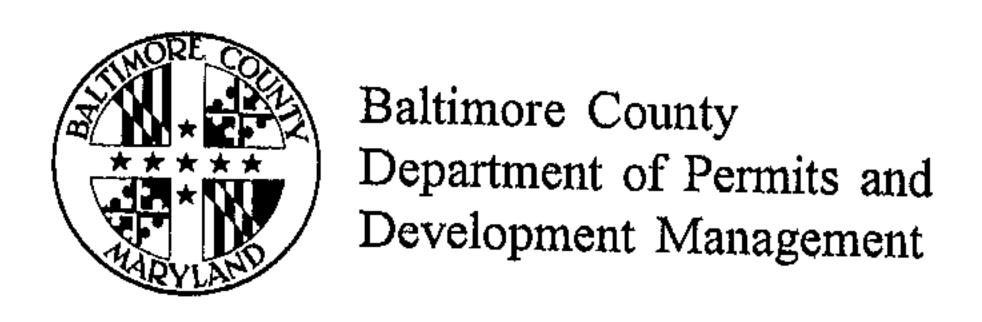
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

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For Newspaper Advertising:	
tem Number or Case Number: <u>04-12で A</u>	· · · · · · · · · · · · · · · · · · ·
Petitioner: Tyler	<del>-</del>
Address or Location: 1632 E. Joppa Road	
PLEASE FORWARD ADVERTISING BILL TO:	· \
Vame: All All All All All All All All All Al	- Jack Patel
Address:	32 12 JODPA POAD
	bivison No 21286
Telephone Number: 410 683-1157	j
TOOPHOID THUILDON	<u>,, , , , , , , , , , , , , , , , , , ,</u>

Revised 2/20/98 - SCJ



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

November 14, 2003

Rosemary Tyler 1802 Belvue Drive Forest Hill, MD 21050

Dear Ms. Tyler:

RE: Case Number: 04-120-A, 1632 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 8, 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,

U. Carl Dichards de

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Gita Patel, 1 Fawn Ridge Court, Reisterstown 21136 Jack Patel, 1632 E. Joppa Rd., Towson 21286



700 East Joppa Road Towson, Maryland 21286-\$500 410-887-4500

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

September 24, 2003

ATTENTION: Rebecca Hart

Towson, Maryland 21204

Distribution Meeting of: September 22, 2003

Item No.: 112, 114-122, 124, 126, 128-130, 136

Dear Ms. Hart:

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

7. The Fire Marshal's Office has no comments at this time.

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

cc: File





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

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION -

Date: 9.23.273

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

RE:

**Baltimore County** 

Item No.

120

JAP

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

1-

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

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley 23 MT

DATE:

October 22, 2003

**Zoning Petitions** 

Zoning Advisory Committee Meeting of September 22, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

04-113,114,118,119,120,121,122,123,127,128,129,130,136

frin

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 6, 2003

RECEIVED

0CT - 72003

ZONING COMMISS

**SUBJECT:** 

1632 E. Joppa Road

INFORMATION:

Item Number:

04-120

Petitioner:

Rosemary Tyler

Zoning:

**BR-AS** 

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested variances to permit an existing fast-food restaurant with 8 parking spaces in lieu of the minimum required 22 parking spaces, and to permit a parking space with a 0 feet setback from the public street right-of-way line in lieu of the minimum required 10 feet setback from the public street right-of-way line. This support is contingent upon the exit driveway being changed to allow right turn exit only. Joppa Road is high volume arterial road, and subject site is in close proximity to an intersection. This office is of the opinion that any left hand turn onto Joppa Road would endanger driver safety.

Prepared by:

Section Chief: Lulmy Gentubuch

AFK/LL:MAC:

### **BALTIMORE COUNTY, MARYLAND**

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 30, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 30, 2003

Item No. 120

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

The right-of-way for Joppa Road is 70-feet. Modifications shall be made to comply with this right-of-way.

RWB:CEN:jrb

cc: File

PETITION FOR VARIANCE RE:

1632 E Joppa Road; NW of E Joppa Rd,

210' SW Loch Raven Blvd

9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts

Legal Owner(s): Rosemary Tyler Contract Purchaser: Gita V Patel

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-120-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

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 September, 2003, a copy of the foregoing Entry of Appearance was mailed to, Jack Patel, Manager, 1632 E Joppa Road, Towson, Md 21286, Representative for Petitioner(s).

SEPZACT

dimmorman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME JUBURY 1632 & Japas CASE NUMBER OY-120 A DATE 11-17-03

## CITIZEN'S SIGN-IN SHEET

MAIL	FAX 410-668-5522	10827-8520										
<b>→</b>	m2 212											
ADDRESS	8719 Edding To Rd	70(Dox 465)										
NAME	Down Greek	LASTER DE LANGE				•						

### PLEASE PRINT CLEARLY

CASE NAME SEBWAY'S
CASE NUMBER OY- 120 A
DATE 11/17/03

# PETITIONER'S SIGN-IN SHEET

Sub west a) dopkin land. Con @ Swat Grown-Com VIM KVMRAOLICOM E- MAIL dolopkin 一大の共口 Phust 21050 210 SO 21237 98217 40217 21093 AX Z Z CITY, STATE, A X AD OU 100 200 Freed Nill \* Reisterstown Rosedale FOREST HILL Townson TONKON 6342 Kenwood Ave Rosedale 1987 414 GOUCHER BLVD
2 Fame Icidge Sto 40 AVO 1802-(Bd/ve Da RO 1902 Boldue Dane **ADDRESS** 15 W AyLESDURY E.Johna 409 WASLINGTON 200 Jagdisz (Jack) Patel Hitesh Patel T500 Dakin SITE RITE SURVENING, 1 1167 John Arec 7/6 NAME Rosmard PAUL BUOD Deborah Menesa PRAHLA®

