IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE

(1715-1725 Taylor Avenue)

SW/corner of Taylor Ave. & Oakleigh Rd.

9<sup>th</sup> Election District

4<sup>th</sup> Councilmanic District

Legal Owners: Mark J. Pappas, et ux Petitioners BEFORE THE

ZONING COMMISSIONER

FOR

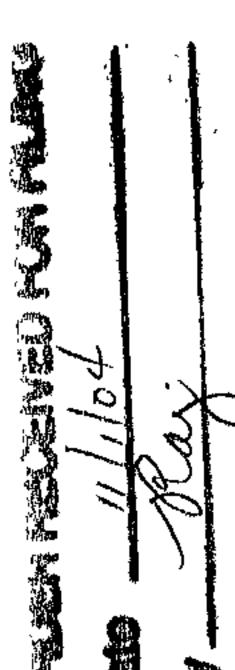
BALTIMORE COUNTY

\* Case No.: 05-117-SPHXA

#### FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner from the filing of a Petition for Special Hearing, a Petition for Special Exception and a Petition for Variance for the property known as 1715-1725 Taylor Avenue, in Parkville, Baltimore County, Maryland. The Petitions were filed by Mark J. Pappas and Harriet M. Pappas, his wife, property owners. The Petition for Special Hearing requests relief pursuant to Section 500.7 of the Baltimore County Zoning Regulation (B.C.Z.R.) to approve an amendment to Case No.: 98-14 SPHA to allow 108 parking spaces (existing) in lieu of the permitted 128 spaces. The Petition for Special Exception seeks the approval to use the property for an arcade pursuant to Section 423(b) and 422(A)(1)(11) or (18) of the (B.C.Z.R.). The Petition for Variance seeks the approval for variance from Section 301.2 (B.C.Z.R.) to approve an entrance as a projection into a yard with a length of 40 feet in lieu of the permitted 10 feet.

Appearing at the hearing, were Steve M. Pappas, the owner and operator of the Pappas Family Restaurant and related business located on the site, who is the son of Mark and Harriet Pappas; Steven Hill of STH Design Associates, John H. Staley of KLS Consultants, Inc. and C. William Clark, Esquire of Nolan, Plumhoff & Williams, Chartered, Attorneys for the Petitioner. Also appearing were Ms. Donna Spicer and Keith Connor, appearing as citizens residing in the Dommunity and interested in the proceedings. At the commencement of the hearing, I inquired



as to whether or not there was any opposition to the proposed petitions. No one appeared in opposition. Mr. Clark then proceeded by way of a proffer to present his case.

Mr. Clark proffered that witnesses in attendance, if called to testify, would demonstrate through documented evidence the following facts. The property at 1715-1725 Taylor Avenue consists of 1.78 acres which is split zoned BL and DR 5.5. The property contains three buildings containing a variety of uses. The largest building is the one sitting nearest the intersection of Oakleigh Road and Taylor Avenue which houses the Pappas Restaurant, a liquor store, a sports bar, a carry-out and a second floor catering facility. The second building at 1717 Taylor Avenue contains a one-story brick and block building which houses a restaurant. The third building at 1715 Taylor Avenue also consists of a one-story brick and block building, which houses an additional restaurant. The Site Plan for the property was marked as Exhibit 1A with a revised version showing one additional dimension relating to the proposed new lobby which was marked and introduced into evidence as Exhibit 1B. The building at 1725, which houses the Pappas Restaurant, has been operating as the Pappas Restaurant for 32 years. It is a neighborhood family-oriented restaurant, which has hours of operation from 11:00 a.m. to 10:00 p.m. daily. The Tavern, which now houses a sports bar, has its hours of operation from 9:00 a.m. to 2:00 a.m.. There is a small carryout where persons can order food from the restaurant and pick it up. A liquor store exists in the southeast corner of the building, which operates from 10:00 a.m. to 10:00 p.m. The catering hall is used only when contracted for by patrons who rent the hall for such event as parties, birthdays, anniversaries, wedding receptions, retirement dinners and the like. Over the life of the building, it has evolved and expanded at various times which results in an asymmetrical building foot print with five separate entrances and irregular dimensions and angles created by the exterior walls of the building. Photographs of the building were introduced as Exhibits 2, A,B,C, and 3 A,B,C. The restaurant facility is required to have handicapped accessibility and presently has a ramp approximately 30 feet long extending from the existing entrance to the restaurant out in the direction of the parking lot. That existing ramp is not covered and is presently exposed to inclement weather elements. The Petitioners propose to construct a new lobby at the southwestern corner of the 1725 Taylor Avenue building to relocate the main entrance to the restaurant and to enclose and put under cover the handicap accessible ramp to the building as well as a stairwell to the second floor catering facility. Additionally, Petitioners propose to install a new handicap accessible bathroom. Testimony disclosed that Petitioners have experienced difficulty in keeping snow, ice and rain water off of the handicap excess ramp which creates a safety hazard for their patrons which consist mainly of senior citizen patrons.

During the course of pursuing permits to construct a new lobby, Mr. Hill, the architect for the Petitioners discovered a discrepancy between the number of parking spaces on the ground and the number referenced in a prior zoning opinion issued by Lawrence Schmidt, the Zoning Commissioner in Case No. 98-14 SPHA. A copy of that Opinion was introduced as Exhibit 5. Mr. Hill counted, and representatives of KLS Consultants confirmed, that 108 spaces exist on the property as shown on Petitioners Exhibit 1A and 1B. However, on page 11 of the Zoning Commissioner's Opinion in Case No. 98-14 SPHA, the Zoning Commissioner ordered that a variance to permit 128 spaces be granted in lieu of the required 202 spaces. Following the approval of the Opinion in Case No. 98-14 SPHA, Petitioners hired a contractor to mark and pave the lot. In comparing the plat prepared by Mr. Hill and Mr. Staley of KLS Consultants, Inc. with that prepared by William Monk, Inc. in Case No.: 98-14 SPHA., introduced as Exhibit 6, and upon further scrutiny of the Zoning Commissioner's prior Opinion, it appears that the

Zoning Commissioner erred (or a typographical error occurred) in the language used to describe the variance on page 11 of his Opinion. The plat prepared by Mr. Monk in Case No. 98-14 SPHA shows parking to be provided as 128 spaces. However, at page 8 of Schmidt's Opinion, the Commissioner determined that, 20 spaces in the notch behind the dwelling at 1730 Hilyard Avenue, a new area of parking shown by shading and crosshatching on the plan should not be allowed. However, as evidenced by the testimony, the Zoning Commissioner failed to subtract the 20 spaces from those which were included in the number 128 as stated on the site plan filed in Case No.: 98-14 SPHA. The correct number (108), which the Zoning Commissioner approved were placed on the ground and have existed to date.

Furthermore, the evidence proffered showed that there have been no code citations or problems with the number of parking spaces at the site. Mr. Staley was prepared to proffer an opinion that 108 parking spaces is adequate for the site.

Based upon my review of the site plans, the exhibits and the prior Zoning Commissioner's opinion, I find as a fact that the prior opinion contains an error in the number of spaces actually approved by the Zoning Commissioner, and therefore will approve Special Hearing relief to amend the prior plan to permit 108 spaces in lieu of the required 128 which is the number of spaces previously approved by the Zoning Commissioner in his prior opinion despite the language to the contrary.

Although the proposed new lobby has not yet been reduced to a final design, evidence presented by Mr. Hill discloses that the proposed lobby involves extending the roof line to cover the area cross hatched and shown as the proposed new lobby on site plan marked A Exhibit 1A that will result in structural weight bearing walls on the exterior of the building. Driven by the Drequirements of the Americans With Disabilities Act and the maximum grade permitted for the

access ramps, the length of the ramp needs to be at least 30 feet long. By incorporating the ramp under the cover of the new proposed lobby and by redesigning the lobby so that the entrance is at the southwest corner of the building, this will improve the flow of pedestrians through the lobby and into the restaurant and shield customers from adverse weather conditions which they are now exposed to. In order to transition the proposed lobby into the existing structural wall and to continue the site lines of those walls is necessary to have the proposed lobby dimensions to be 41 feet in length, as site plan Exhibits 1A and 1B disclose. In view of this necessity, I will amend the Petition to grant the requested relief. The proposed new lobby entrance will be in the rear of the building, the building front faces Taylor Avenue. Under Section 301 of the (B.C.Z.R), that a lobby such as the one proposed, may project into a required yard not more than 25 % and may not be longer than 10 feet. Although the property is zoned BL and has no required yards in this case, under Section 232.3(b), since the rear lot line abuts a lot in a residential zone, there is a rear yard requirement of 20 feet. That requirement is met. The proposed projection into the rear yard is for a distance of 4 feet as shown on Exhibit 1 B, and therefore does not need a variance. However, the length of the proposed projection, being greater than 10 feet (a distance of 41 feet, 6 inches), requires a variance. The Petitioners proffered the testimony of John A. Staley, an expert on the Baltimore County Zoning Regulations that in his opinion the proposal meets the The evidence proffered demonstrates the building is tests of Section 307.1 of the B.C.Z.R. unique considering the number of irregular and asymmetrical expansions to the building and the existing exterior wall being at irregular angles, which in order to enclose the building and to cover the required 30 foot handicap accessible ramp, demonstrate that there are special circumstances peculiar to this building which meet the first part of the test of Section 307.1. Secondly, the owners demonstrate that the test for practical difficulty is met as well since

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compliance with the strict language of Section 301.2 would unreasonably prevent the property owners from using the property for a permitted purpose, and granting the variance would do substantial justice to the applicant as well as to other property owners in the community as well as benefit the restaurant customers when entering the covered handicap accessible ramp. The relief can be granted in such a fashion that the spirit of the ordinance will be observed and the public safety and welfare secured.

Finally, Petitioners seek approval for an arcade license for the area indicated on Exhibit 1A consisting of that area which includes the building at 1725 Taylor Avenue, but not Petitioners other buildings at 1715 and 1717 Taylor Avenue. The evidence proffered shows that Petitioners operate a sports bar in the front of the building facing the intersection of Taylor Avenue and Oakleigh Road. Currently, the sports bar has 4 coin operated amusement devices which is the maximum permitted by Section 422 of the Baltimore County Zoning Regulations. Petitioners propose to add an additional 4 amusement devices in the Tavern for the entertainment and leisure activities of the patrons of the establishment. Since the property is zoned BL, a Special Exception can be approved by the Zoning Commissioner who shall determine the number of devices to be permitted. Petitioners proffered the testimony of John A. Staley, who has qualified in the past and testified as an expert on Baltimore County Zoning Regulations. He believes that the proposed arcade use meets the test of Section 502.1 of the Zoning Regulations. It does not appear from the evidence that the additional 4 amusement devices will be detrimental to the health, safety or general welfare of the locality involved; tend to create congestion in the roads, streets, alleyways; create potential hazard or fire panic or other danger; or create any of the other conditions which would prevent the granting of the Special Exception under 502.1.

Ms. Spicer, as a representative of the community, who was also in attendance at the prior hearing (98-14 SPHA) concurred with Petitioners proffer that the prior Zoning Commissioner's Order regarding the number of parking places was an error and that the correct number of parking spaces should have been 108; and that an increase of 4 additional amusement devices (but, no more) was acceptable. Mr. Connor who requires the assistance of a cane to walk, agreed that expanding and creating a new lobby to cover the handicap accessible ramp was a good idea. The Office of Planning and Zoning, through a written comment does not oppose the relief sought so long as the existing fence and landscaping between the parking lot and the existing adjoining dwellings are kept and maintained.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions 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 day of November 2004 that the Petition for Special Hearing to amend the decision in Case No.: 98-14 SPHA be and the same is hereby GRANTED, thereby approving the number of parking spaces to be 108 in lieu of the required 202; and

IT IS FURTHER ORDERED, that the Petition for Variance is granted to approve an entrance as a projection into a yard with a length of 41 feet 6 inches in lieu of the permitted 10 feet, upon the condition that the Petitioner shall keep and maintain the fence along the southern property line to buffer the commercial use from the dwellings in that area, as well as the landscaping that has been installed as a buffer between the parking lot and the residential dwellings; and

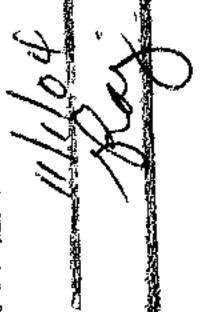
IT IS FURTHER ORDERED, that the Special Exception to permit an arcade pursuant to Section 422 and 423 of the Baltimore County Zoning Regulations is GRANTED, upon the

condition that the Petitioners be and are hereby permitted to have a total of 8 amusement devices, subject to the following restriction:

1. The Petitioners may apply for their building 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.

WILLIAM J. WISEM

Zening 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 William J. Wiseman III, Zoning Commissioner

November 1, 2004

C. William Clark, Esquire Nolan, Plumhoff & Williams 502 Washington Avenue, Suite 700 Towson, Maryland 21204

Re: Petitions for Special Hearing, Special Exception & Variance Case No. 05-117-SPHXA Property: 1715-1725 Taylor Avenue

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case.

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

William Wiseman, III

Zoning Commissioner

WJW,III:raj Enclosure

c: Steve M. Pappas, 19213 Shandall Ct., Parkton, MD 21120 Stephen Hill, 1921 York Road, #2, Timonium, MD 21093 John A. Staley, 4401 Philadelphia Rd., Bel Air, MD 21015 Donna Spicer, 8719 Eddington Rd., Baltimore, MD 21234 Keith Connor, 1710 Hilyard Rd., Parkville, MD 21234 Joanna Tanner, 14509 Old York Road, Phoenix, MD 21131



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



# Petition for Special Exception 9th Election District, 6th Councilmanic District Petition for Special Exception

# to the Zoning Commissioner of 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

Telephone No

Zip Code

for the property located at 1715 -1725 Taylor Avenue

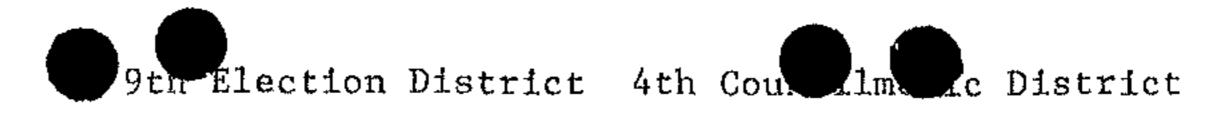
which is presently zoned BL Dr 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for an arcade pursuant to Section 423(b) and 422 (A) (1), (11) or (18)

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

I, or we, agree to pay expenses of above Special Exception, 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

		is the subject of this Petition.		
Contract Purchaser/Lessee:		Legal Owner(s):		
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Signature	. <u> </u>	Signature		······································
Address	Telephone No	Name · Type or Print Harriet M. Pappas Signature		
City	Zip Code	Signature	(410)	661-4357
Attorney For Petitioner:		1725 Taylor Avenue		
C. William Clark, Esquire		Address Rollsimone MD		Telephone No
Name - Vipe or Print		Baltimore, MD City	State	21234 Zip Code
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# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1715 -1725 Taylor Avenue which is presently zoned BL DR 5.5

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

Case No.: 98-14 SPHA to allow 108 parking spaces (existing) in lieu of the permitted 128 spaces.

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.

Legal Owner(s):

IWe 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.

#### Name - Type or Pont Name - Type or Print Signature Harriet M. Pappas. Name - Type or Print Address Telephone No. City State Zip Code Signature (410) 661~4357 1725 Taylor Avenue Attorney For Petitioner: Address

911iam Clark, Esautre Baltimore, MD City Representative to be Contacted: Signature NOLAN, PLUMHOFF & WILLIAMS, CHTD. Company 502 Washington Ave., Ste. 700 (410) 823-7800Address Talephone No Towson, MD21204 City State Zip Code City

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Case No. 05-117- -- SPHXA

Contract Purchaser/Lessee:



# Petition for Variance District Petition for Variance Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 1715-1725 Taylor Avenue which is presently zoned BL DR 5.5

is the subject of this Petition.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned legs owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto are made a part hereof, hereby petition for a Variance from Section(s) 301.2 to approve an entrance as a projection into a yard with a length of 40 feet in lieu of the permitted 10 feet.

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

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

If 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.

Contract Purchaser	/Lessee:		Legal Owner(s):
			Mark J. Pappas
Name - Type or Print			Name - Type or Print
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Signature			
**************************************			Harriet M. Pappas
Address		Telephona No.	Name - Type or Print
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Attorney For Petitic	ner:		1725 Taylor Avenu
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C. William Clark.	Esquire		Baltimore, Cmy
Name . Type or Print	Clar	-	Representative to I
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	WILLIAMS, CHI	D.	Stephen T. Hill
Company			Name
502 Washington Ave	., Ste. 700	(410)823-7800	1921 York Road, St
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Towson,	MD	21204	Timonium, Md
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(410) 661-4357r Avenue Telechone No MD 21234 Z.p C೨೮ ಕ State tive to be Contacted: Hill (410) 561-9161oad, Ste 2 Talephone No 21093 State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Date 9 1104

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

perjury, that I/we are the legal owner(s) of the property which

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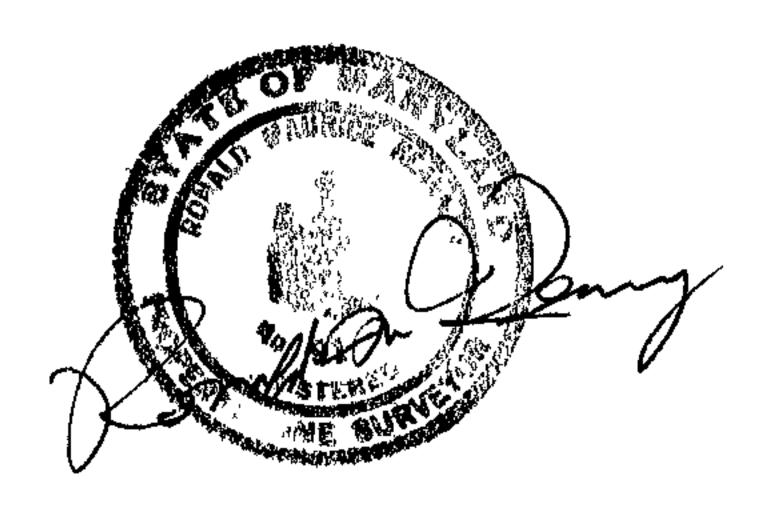
Case No. 05- Mo-SPHXA

(117)

#### **ZONING DESCRIPTION**

Beginning at a point on the south side of Taylor Avenue which is 60 feet wide at a distance of 270.05 feet from the centerline of Oakleigh road which is 40 feet wide, thence the following courses and distances: South 68 degrees 41 minutes East 250.05 feet, thence binding on the west side of Oakleigh Road, south 09 degrees 56 minutes West 198.91 feet, thence leaving the said west side, North 68 degrees 41 minutes West 139.30 feet, South 21 degrees 19 minutes West 110 feet to the north side of Hilyard Road, thence binding on the said north side, North 68 degrees 41 minutes West 200.0 feet, thence leaving Hilyard Road, North 71 degees 19 minutes East 175.0 feet, South 68 degrees 41 minutes East 50.0 feet, North 21 degrees 19 minutes East 130 feet to the place of beginning as recorded in Liber 5350 Folio 141, Liber 5400 Folio 255 Liber 5657, Folio 148, and Liber 5750 Folio 955.

Being Lots 1 through 10, part of Lot 70, part of Lot 72, and Lot 71, Lots 236 through 243 Plat 2 Hilleneale Park as recorded in Baltimore County Plat Book No. 9 folio 70, containing 1.78 acres of land. Also known as 1715-1725 Taylor Avenue.



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PEX

# NOTICE OF ZONING HEARING

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

Case: #05-117 SPHXA

1715-1725 Taylor Avenue

- S/west corner of Taylor Avenue and Cakleigh Road

9th Election District — 4th Councilmanic District

Legal Owner(s): Mark J, and Harriet M. Pappas

Special Exception: to permit an arcade. Variance: to approve an entrance as a projection into a yard with a length of 40 feet in fleu of the permitted 10 feet Special Hearing: to allow 108 parking spaces (existing) in lieu of the permitted 128 spaces.

Hearing: Thursday, October 21, 2004 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) 887-4388.

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

JT 10/815 Oct. 5

# CERTIFICATE OF PUBLICATION

107,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $105/$ _,2004.
The Jeffersonian  Arbutus Times  Catonsville Times
☐ Towson Times ☐ Owings Mills Times ☐ NED Towson Times
□ NE Booster/Reporter □ North County News

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: <u>O5-117-SPHXA</u>

Petitioner/Developer: <u>MARK J.</u>

HARRIET M. PAPPAS

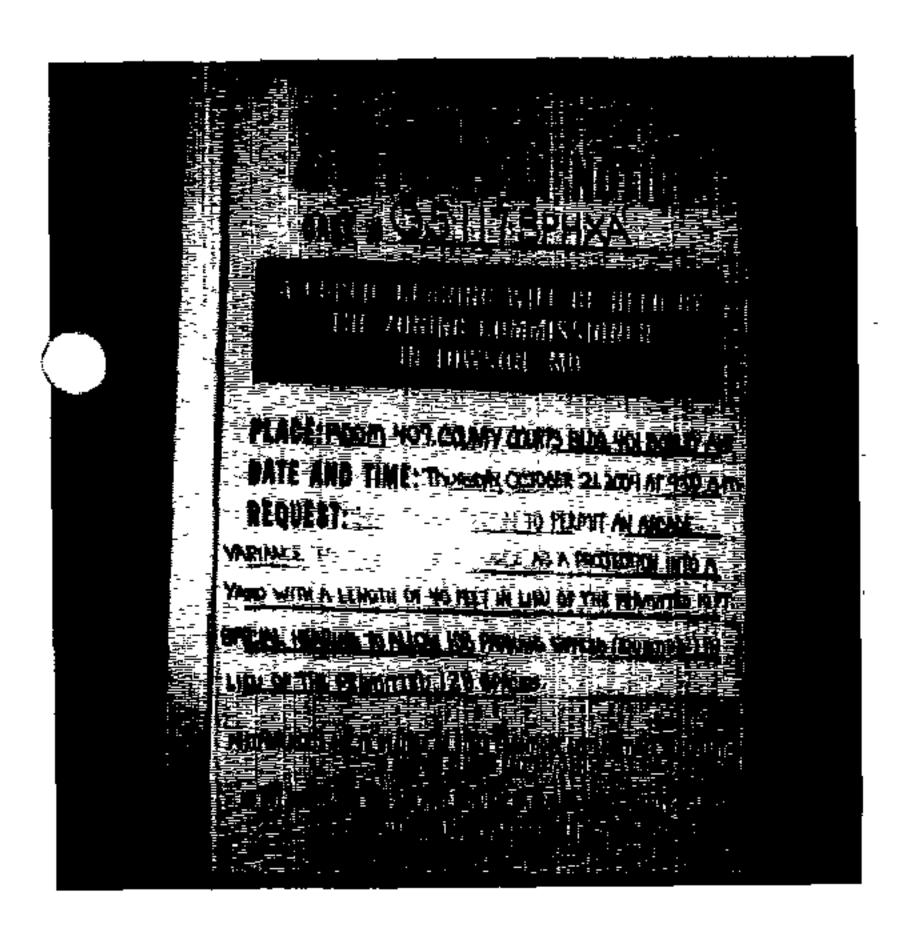
Date of Hearing/Closing: <u>10/21/04</u>

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the pen posted conspicuously on the property	alties of perjury that the necessary s v located at:	igu(s) re	quired by l	aw were
17/5-17	25 TAYLOR AVE	·		14
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The sign(s) were posted on	(Month, Day, Year)		• ····································	· <u> </u>
	Sincerely.	10		



Robert Blech 19/7/04
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

RECEIVED

OCT 12 2004

DEVELOPMENT MARRIED NEWS

# 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 10, 2004

# **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: 05-117-SPHXA

1715-1725 Taylor Avenue

S/west corner of Taylor Avenue and Oakleigh Road

9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Mark J. and Harriet M. Pappas

<u>Special Exception</u> to permit an arcade. <u>Variance</u> to approve an entrance as a projection into a yard with a length of 40 feet in lieu of the permitted 10 feet. <u>Special Hearing</u> to allow 108 parking spaces (existing) in lieu of the permitted 128 spaces.

Hearing: Thursday, October 21, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: C. William Clark, 502 Washington Avenue, Ste. 700, Towson 21204 Mark & Harriet Pappas, 1725 Taylor Ave., Baltimore 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 6, 2004.

- (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

Tuesday, October 5, 2004 Issue - Jeffersonian

Please forward billing to:

C. William Clark Nolan, Plumhoff & Williams 502 Washington Avenue, Ste. 700 Towson, MD 21204

410-823-7800

# **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: 05-117-SPHXA

1715-1725 Taylor Avenue

S/west corner of Taylor Avenue and Oakleigh Road

9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Mark J. and Harriet M. Pappas

<u>Special Exception</u> to permit an arcade. <u>Variance</u> to approve an entrance as a projection into a yard with a length of 40 feet in lieu of the permitted 10 feet. <u>Special Hearing</u> to allow 108 parking spaces (existing) in lieu of the permitted 128 spaces.

Hearing: Thursday, October 21, 2004 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Lawrence B. 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.



## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:						
Item Number or Case Number: 05-117 - SPHXA						
Petitioner: Mark J. Pappas and Harriet M. Pappas						
Address or Location: 1725 Taylor Avenue						
PLEASE FORWARD ADVERTISING BILL TO:  Name:						
Address: 502 Washington Avenue, Suite 700 Towson, MD 21204						
Telephone Number:(410) 823-7800						

# Department of Permits and Development Management

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





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

October 14, 2004

C. William Clark, Esquire Nolan, Plumhoff & Williams, Chtd. 502 Washington Avenue, Ste. 700 Towson, Maryland 21204

Dear Mr. Williams:

RE: Case Number:05-117-SPHXA, 1715-1725 Taylor Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 1, 2004.

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. Call Rihall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel
Mark J. and Harriet M. Pappas 1725 Taylor Avenue Baltimore 21234
Stephen T. Hill 1921 York Road, Ste. 2 Timonium 21093

# Fire Department

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



# Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

and the second s

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

September 14, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of September 13, 2004

Item No.:

108, 116<del>-119</del>, 122-124, 128 & 129

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

: File

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

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

#### Maryland Department of Transportation

Date:

RE:

9.13.04

**Baltimore County** 

Item No. 117

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109

Towson, Maryland 21204

Dear. Ms. Matthews:

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. 1. Doell

Steven D. Foster, Acting Chief Engineering Access Permits Division

Byo/2/ Robins

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

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 📆

DATE:

October 6, 2004

RECEIVED

0CT = 6 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 13, 2004

\_\_X\_ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-108

04-117

04-118

04-119

04-121

04-122

04-123

04-124

04-126

04-128

04-129

Reviewers:

Sue Farinetti, Dave Lykens

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 27, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

**SUBJECT:** 

1715-1725 Taylor Avenue

SEP 2 8 2004

INFORMATION:

Item Number:

5-117

ZONING COMMISSIONER

Petitioner:

Mark J. Pappas

Zoning:

BL/DR 5.5

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the existing fencing and vegetative buffers are maintained so as to provide adequate screening between the proposed lobby and the rear yards adjacent to the subject property.

Prepared by:

**Division Chief:** 

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: September 28, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 20, 2004

Item Nos (117, 119, 122, 123, 124,

128, and 1<del>29</del>

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

RWB:CEN:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND Interoffice Memorandum

DATE:

September 1, 2004

TO:

Zoning Commissioner and File

FROM:

Donna Thompson, Planner II, Zoning Review

SUBJECT:

Item No. 117, Case No. 05-117-SPHXA

1715-1725 Taylor Avenue

9th Election District

The attorney for the petitioner, C. William Clark has filed for a zoning variance from Section 301.2 BCZR to approve an entrance as a projection into a yard with a length of 40 feet in lieu of the permitted 10-feet. It is the opinion of this office that such variance is not required. The proposed entrance addition meets the setback requirements of 20-feet to the property/zone line.

DT

RE: PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE

1715-1725 Taylor Avenue; SW corner of

Taylor Avenue & Oakleigh Road

9<sup>th</sup> Election & 4<sup>th</sup> Councilmanic Districts

Legal Owner(s): Mark J & Harriet M. Pappas

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

05-117-SPHXA

## 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.

RECEIVED

SEP 2.2 2004

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Caroles. 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 22<sup>nd</sup> day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to Stephen T. Hill, 1921 York Road, St. 2, Timonium, MD 21093 and C. William Clark, Esquire, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

IN RE: PETITIONS FOR SPECIAL HEARING \*
AND ZONING VARIANCE
SWC Taylor Avenue and Oakleigh \*
Road
1715-1725 Taylor Avenue \*
9th Election District
4th Councilmanic District \*
Mark J. Pappas, et ux, Petitioners

ZONING COMMISSIONER

BEFORE THE

OF BALUEMORE COUNTY
Case No. 98-14-SPHA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property known as 1715-1725 Taylor Avenue in Parkville. The Petitions were filed by Mark J. Pappas and Harriet M. Pappas, his wife, property owners. Within the Petition for Special Hearing, relief is requested pursuant to Section 409.8.B. of the Baltimore County Zoning Regulations (BCZR) to permit business parking in the D.R.5.5 zoned portion of the site; to establish three nonconforming free standing signs for the 3 individual buildings (1 per building); and to establish the nonconforming parking areas and parking spaces for lots 1 thru 10 of the Hillendale Park Plat No. 2 (i.e., to permit vehicles backing into a public right-of-way, parking spaces less than 10 ft. from public right-of- way, etc.). Additionally, four specific variances are sought within the Petition for Variance. They are: (1) from Section 1B01.1.B(e)(3&5) of the BCZR to permit as little as a 0' buffer and a 3 ft. setback in lieu of the required 50 ft. buffer and 75 ft. setbacks respectively, as shown on the site plan; (2) from Section 1B02.3.C.(1) to allow a rear yard setback of 12 ft. in lieu of the required 30 ft. for the dwelling located at 1726 Hilyard Road; (3) from Section 409.8.A.4 to permit parking spaces to be situated 4 ft. from the right of way in lieu of the required 10 ft.; and (4) from Section 409.6.A.2 to permit 128 spaces to serve all 3 commercial properties in

wireless telecommunications towers and personal wireless service facilities. [Bill No. 30-1998]

WIRELESS TELECOMMUNICATIONS TOWER — A self-supporting, guyed or freestanding structure that is designed and constructed for the purpose of supporting one or more wireless telecommunications antennas for telephone, radio and similar communication purposes, whether such support is the primary or secondary purpose of the structure. The term includes self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, and cellular telephone towers. [Bill Nos. 30-1998; 9-2002<sup>20</sup>]

YARD — Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

YARD, FRONT — A yard extending across the full width of the lot, between the front lot line and the front foundation wall of the main building.

YARD, REAR — A yard extending across the full width of the lot, between the rear lot line and the rear foundation of the main building.

YARD, SIDE — A yard extending from the front yard to the rear yard, between the side lot line and the side foundation wall of the main building.<sup>21</sup>

#### Section 101A Critical Area Definitions [Bill Nos. 32-1988; 9-1996<sup>22</sup>]

In addition to the terms and words defined in Section 101, the following words and terms as used in these regulations have the meanings indicated for application within the Chesapeake Bay Critical Area. Except as otherwise noted, these definitions are applicable only within the Chesapeake Bay Critical Area and shall supersede all other definitions. For the definitions in these regulations of words not defined in this section, refer to Section 26-438 of the Baltimore County Code, 1988 Edition, as revised, and COMAR, Title 27, Subtitle 01, Chapter 01. Any word or term not defined in Section 101, Section 101A, Section 26-438 of the Baltimore County Code, or in COMAR, Title 27, Subtitle 01, Chapter 01, shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

AGRICULTURE — All methods of production, processing, storage and management of livestock, crops, vegetation and soil. This includes but is not limited to the related activities

Editor's Note: This bill also provided that it would take effect on March 11, 2002, and would apply to any application for permit or special exception which had not received final approval as of March 11, 2002.

Editor's Note: The definition of "zone" which followed this definition was repealed by Bill No. 40-1967.

Editor's Note: This bill repealed and amended a number of definitions in this section. For a complete listing of the former definitions, see Bill No. 9-1996.

- systems, dog runs and parking areas, may not be located within 200 feet of the nearest property line or lease line.
- If a veterinarian's office or a veterinarium is allowed in a residential zone as a special exception, it shall be located only on a lot having an area of 2 acres or more, and any part of the use may not be located within 100 feet of the nearest property line.
- 421.4 A person may not own, keep, or harbor more than 10 dogs, not including puppies less than 4 months old, in a private kennel that is located in a D.R. Zone.
- In granting any special exception under this section, the Zoning Commissioner may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number and breeds of dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.

## Section 422 Amusement Devices [Bill Nos. 29-1982; 66-1983]



Amusement devices are permitted as of right in the B.L., B.M. and B.R. Zones when used in combination with (1) a tavern; (2) a bowling alley; (3) a hotel or motel; (4) billiard or pool rooms; (5) skating rink; (6) airport; (7) boatyard/marina; (8) bus, train, boat terminal; (9) community building; (10) racetrack; (11) restaurant; (12) miniature golf; (13) truck stop; (14) swimming pool; (15) social, fraternal or veteran clubs; (16) indoor tennis and racquet clubs; (17) public bathing beaches; or (18) other uses which the Zoning Commissioner finds, after public hearing, to be entertainment, leisure or recreation oriented; and provided, however, that no more than four amusement devices shall be permitted unless a special exception for an arcade is obtained.

- B. One amusement device, or two such devices if the net floor area of the location's interior space actually devoted to the principal use exceeds 1,500 square feet, is permitted as a matter of right in the B.L., B.M. and B.R Zones when in combination with uses which are not entertainment, leisure or recreation oriented. The square footage required by this subsection need not be devoted exclusively to the amusement device or devices.
- C. Amusement devices are permitted as of right in the Manufacturing, Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones when used in combination with, and accessory to, any entertainment, leisure or recreation oriented principal use provided for in Section 422.A, provided that:
  - 1. The amusement devices are located on the same lot as the principal use.
  - 2. The amusement devices are located within a building which houses the principal use or which houses facilities that are incidental to the principal use.

how had had

4-85

PLEASE PRINT CLEARLY

CASE NAME 5-117-5PHYA CASE NUMBER PAPPAS DATE 10-21-04

# SITIZEN'S SIGN-IN SHEET

E- MAIL										
CITY, STATE, ZIP	Parkulle 1110 21284 Roes: x 120 2131									
ADDRESS Onia Tilling	15/0 Hillyda Rd.				•					
NAME	Kailh Chounce									

PLEASE PRINT CLEARLY

CASE NUMBER 05- 117 SPHXA

THEIR VICENCIAL STREET

E- MAIL			
Tiwonium AND 21095 Parkton, Md 2 1120 BEL Kir MD 21015 TONSON MD 21015			
1925 Shandall GT 4401 Philedelphia Rd 502 WASTANGTON AVE			
Sper M. Pappers John A. STALEY C. W. LAMEN C. W. LAMEN			

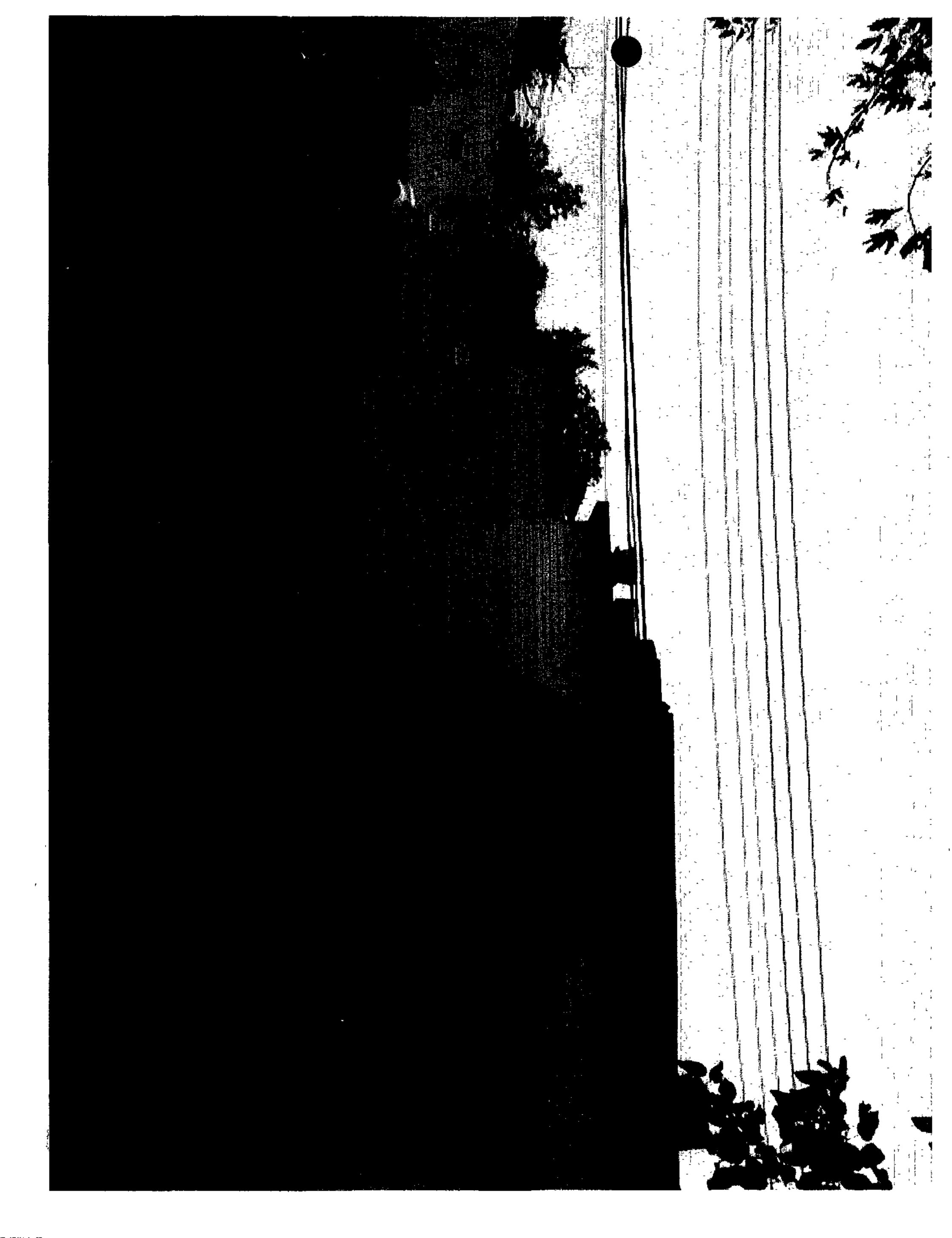
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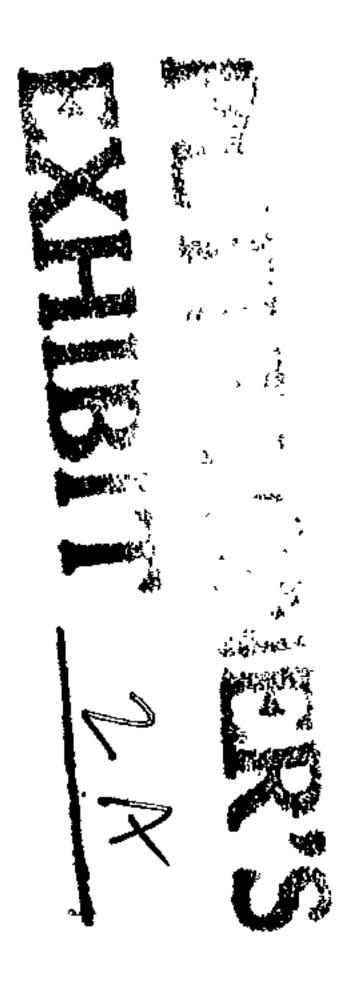
# **Exhibit Sheet**

# Petitioner/Developer

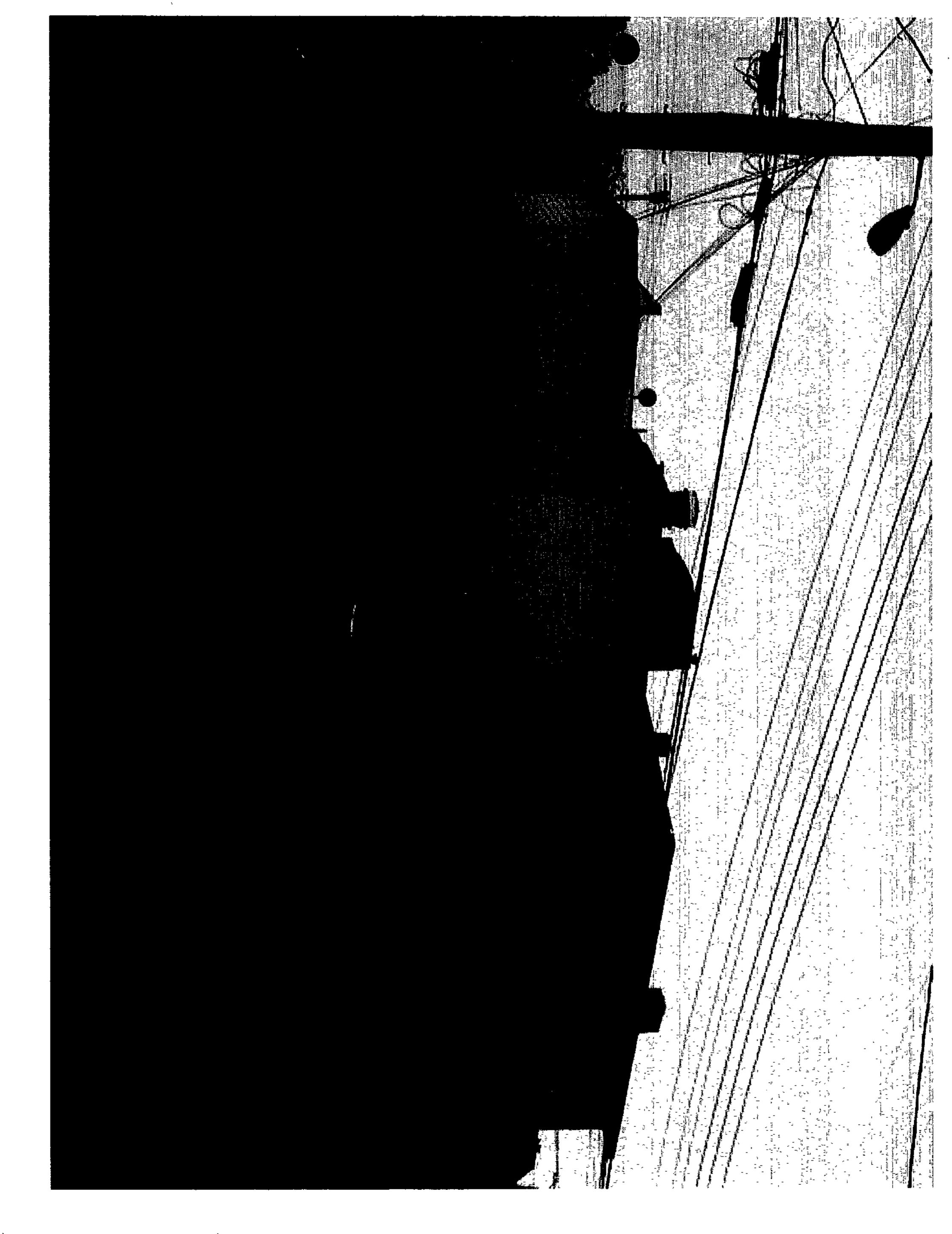
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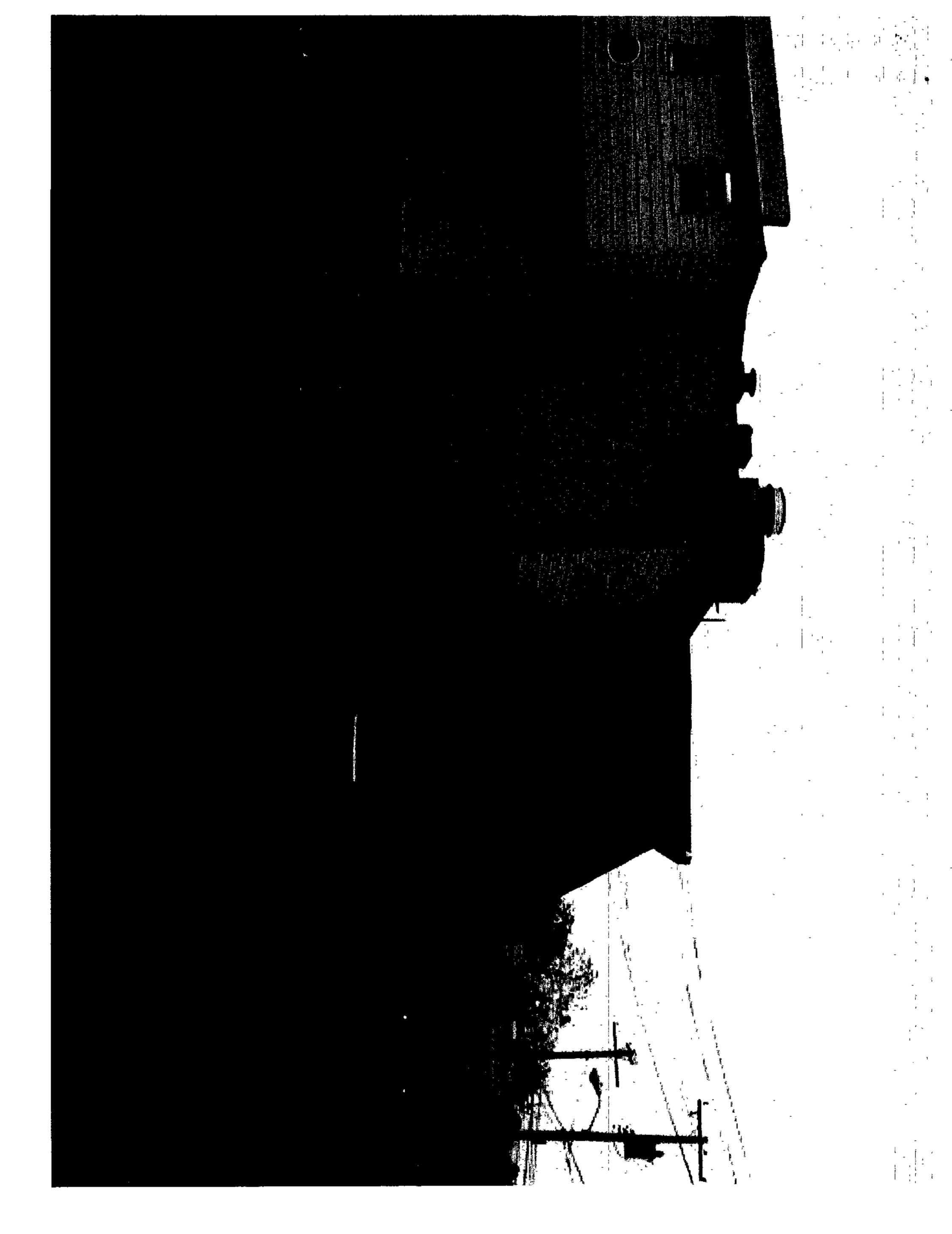
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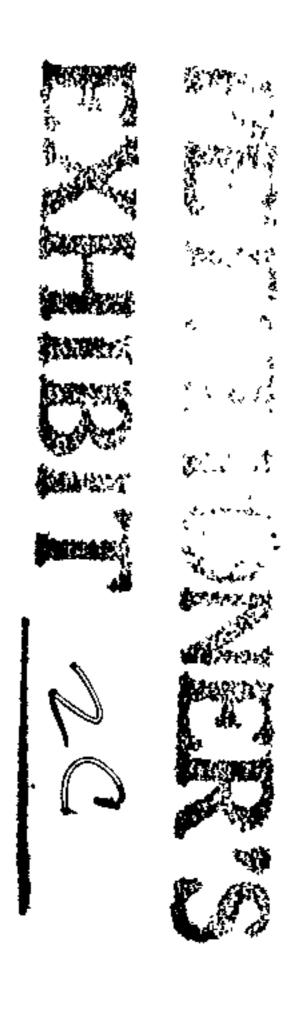




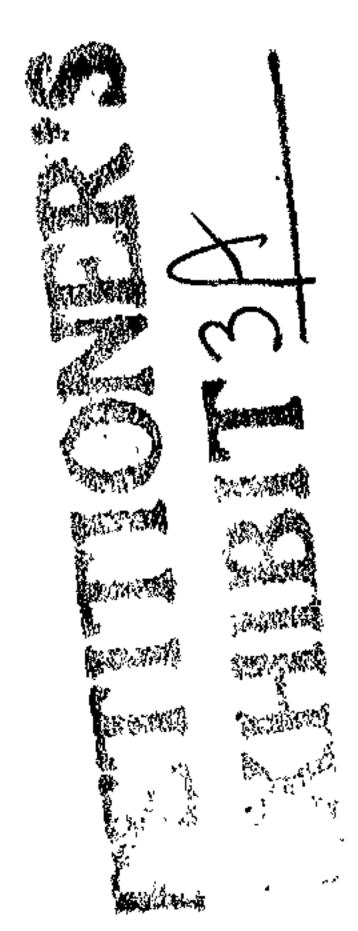
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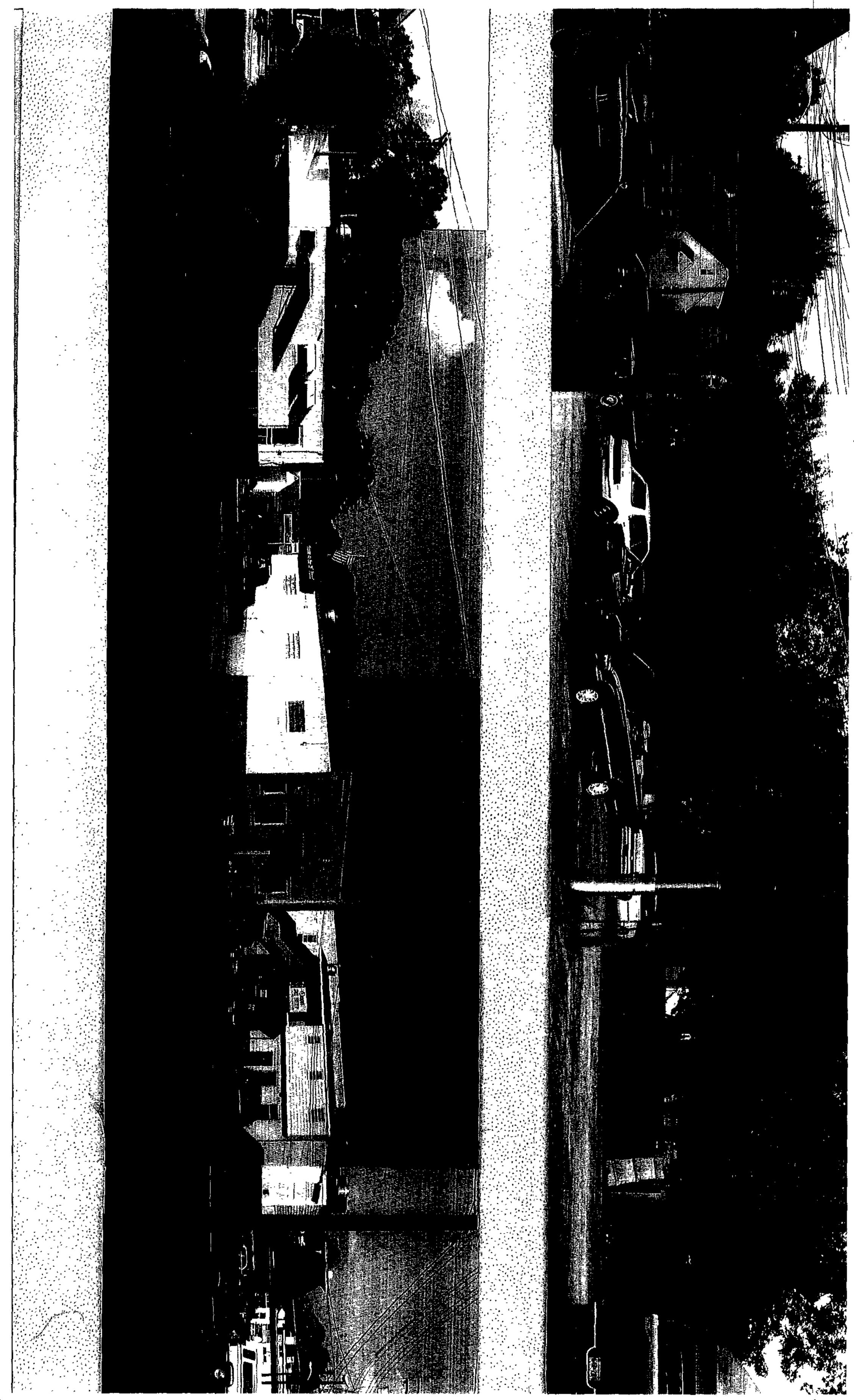






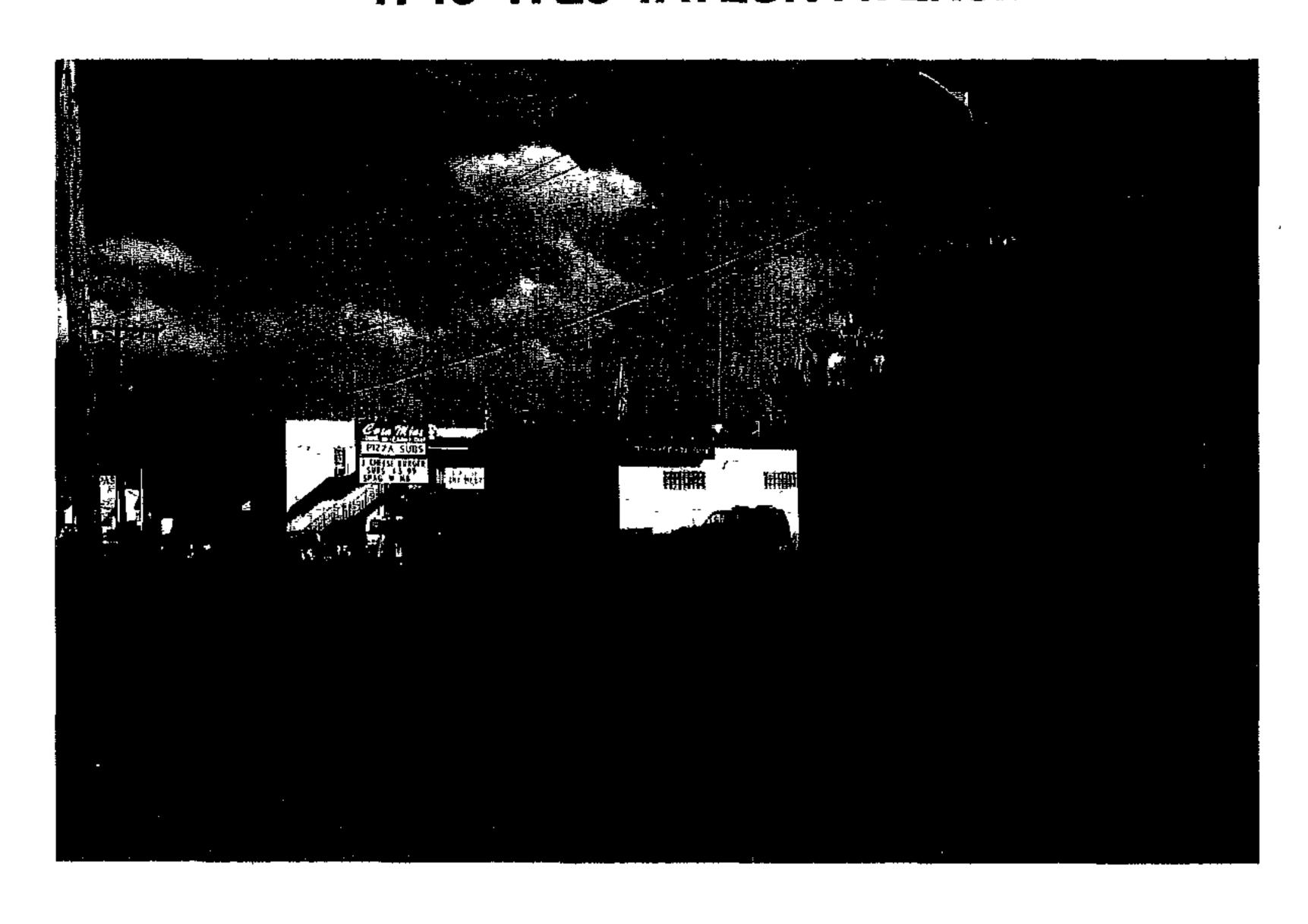


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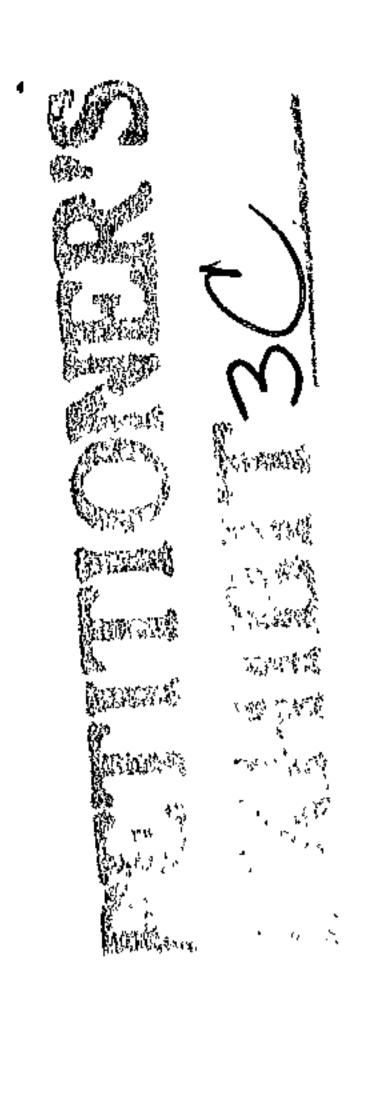





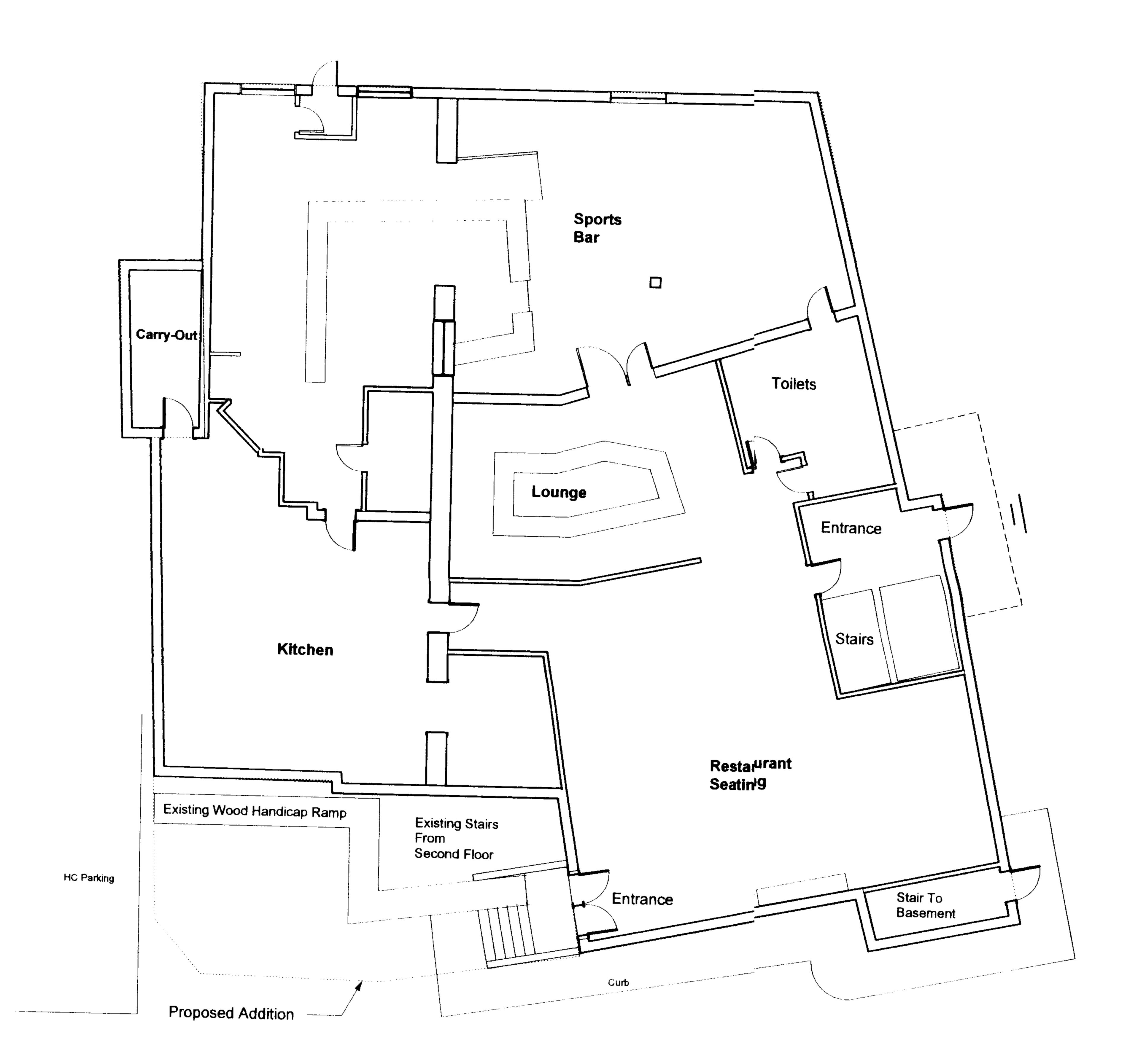
## **1715-1725 TAYLOR AVENUE**











Rough Layout of First Floor

Scale: 1/8" = 1'-0"

Note: This Plan Is A Representation Of the Existing Conditions. Dimensions and details have not been field verified.

Totally that these descents yours proposed or appropriately that I was a day form. Architect in the State of Minryland, Lineage.

STH DESIGN Associates

Stephen T. HMI, Architect 1921 York Road, Suite 2 Timonium, MD 21083 410.561.9161 fax 410.561.9162

entractor

PAPPAS Restaurant

Entoting Layou

sheet

Floor Plan

revisio

ETITIONE ES ZHIBIT 4

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