

IN RE: PETITION FOR SPECIAL EXCEPTION	* BEFORE THE
W/S York Road, 705' N of the c/l	
Seminary Avenue	* ZONING COMMISSIONER
(1534 York Road)	
8 th Election District	* OF BALTIMORE COUNTY
4 th Council District	
	* Case No. 05-414-X
Bielski Brothers, LLC	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Bielski Brothers, LLC, through their attorney, Edward C. Covahey, Jr., Esquire. The Petitioners request a special exception for an arcade with more than four (4) amusement devices, specifically, 12, as a use in combination with a restaurant in a B.L. zone, pursuant to Sections 423.B and 422.A of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and use proposed are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1 and the interior layout of the restaurant marked into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Randall Bielski, co-owner of the subject property, Tony Paszkiewicz, Douglas L. Kennedy, the Professional Engineer who prepared the site plan for this property, and Edward C. Covahey, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a roughly square-shaped parcel, located on the west side of York Road, between Seminary Avenue and Bellona Avenue in Lutherville. The property contains a gross area of 0.80 acres, more or less, predominantly zoned B.L. (0.77 acres) with a small sliver of D.R.5.5 (0.03 acres) along the rear portion of the site. The property is improved with a one-story, 6500-sq.ft. building, which contains a restaurant/carryout business, known for some 20 years as the Ocean Pride Restaurant. The

ORDER RECEIVED FOR FILING

Date 4/22/15

By [Signature]

Petitioners have owned the property since March 2004 and are in the process of making interior improvements and renovations to the existing restaurant. The bar area of the restaurant has a sports-related theme and features numerous televisions, sports memorabilia, displays, etc. In addition, there are currently four (4) amusement devices located within the bar area. In this regard, the Petitioners are desirous of increasing the number of amusement devices to 12. Pursuant to Sections 422.A and 423.B of the B.C.Z.R., amusement devices are permitted in the B.L. zone as a matter of right, when used in combination with a restaurant or similar use. However, the number of devices is limited to 4 unless a special exception for an arcade is obtained. Section 101 of the B.C.Z.R. defines an arcade as: "A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained." In that the Petitioner proposes the installation of 8 additional entertainment games within the restaurant, the requested special exception is necessary.

In support of the proposal, Mr. Bielski testified that these games are family-oriented to accommodate both children and adults, and will include such games as driving simulators, golf, checkers, and aviation. There will also be 2 or 3 adult amusement devices, including general video games, like Poker, Trivial Pursuit, and a claw machine. As detailed on the interior floor plan marked as Petitioner's Exhibit 2, devices will be placed in the bar and waiting area located at the entrance to the restaurant to entertain customers and their children who are waiting to be seated or served. Mr. Bielski testified that he did not believe the increase in amusement devices would draw additional customers and thus create parking or traffic congestion. Moreover, these machines are to be used by customers of Ocean Pride, only, while they are waiting to be seated or served. Further testimony revealed that Mr. Bielski has extensive background in the bar and restaurant business, having been affiliated with the Charles Village Pub for many years. He does not believe that the proposed use will cause adverse impacts to adjacent properties or other businesses operating along this corridor of York Road.

Based upon the testimony and evidence presented, I am persuaded that relief should be granted. The Petitioner has produced testimony and evidence sufficient to satisfy the requirements

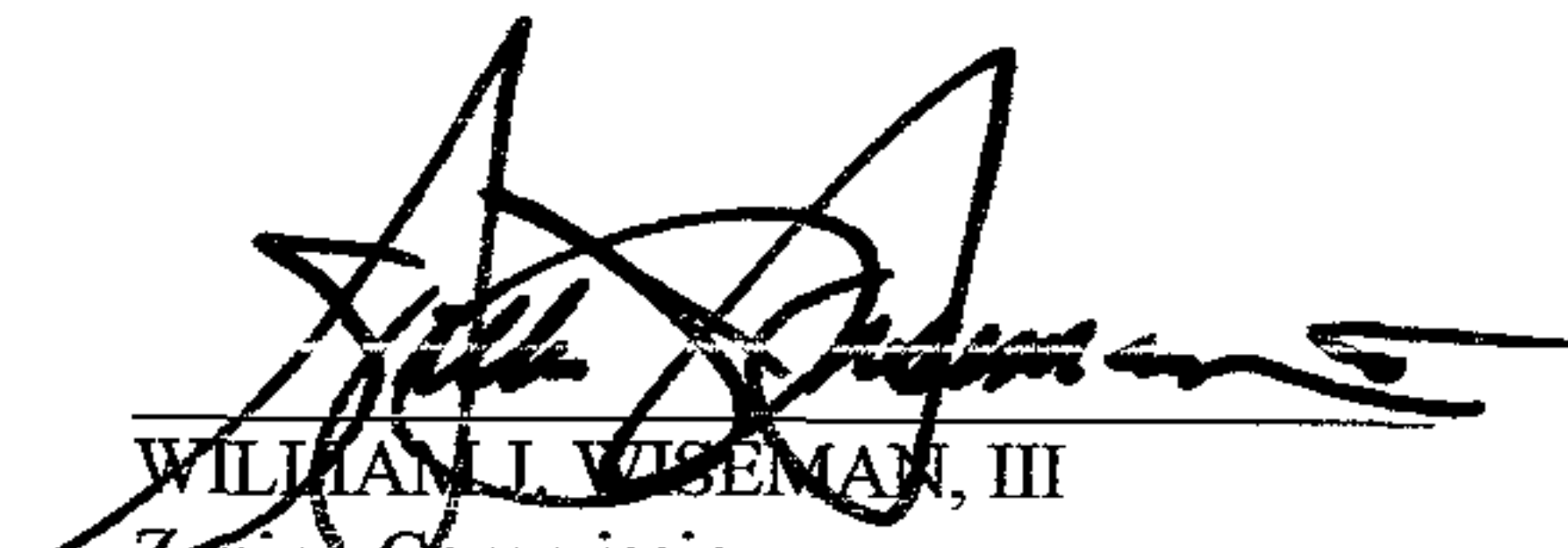
of Section 502.1 of the B.C.Z.R. I further find that the proposal is entirely consistent with the existing use and will not adversely impact adjacent properties. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one appeared in opposition. Thus, it appears that the relief requested can be granted and that there will be no detriment to the health, safety or general welfare of the surrounding locale.

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 22nd day of April 2005 that the Petition for Special Exception for an arcade with more than four (4) amusement devices, specifically, 12, as a use in combination with a restaurant in a B.L. zone, pursuant to Sections 423.B and 422.A of the Baltimore County Zoning Regulations (B.C.Z.R.), 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, 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.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 4/22/05
By [Signature]

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

April 22, 2005

Edward C. Covahey, Jr., Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
W/S York Road, 705' N of the c/l Seminary Avenue
(1534 York Road)
8th Election District – 4th Council District
Bielski Brothers, LLC - Petitioners
Case No. 05-414-X

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Randall Bielski, c/o Ocean Pride
1534 York Road, Lutherville, Md. 21093
People's Counsel; Case File

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





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1534 York Road

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 with more than four (4) amusement devices; namely pursuant to Section 423.A. and 422.A. of the Baltimore County Zoning Regulations as a use in combination with a restaurant in a Business Local (BL) zone.

3

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Covahey & Boozer, P.A.

Company

614 Bosley Avenue

410-828-9441

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Bielski Brothers, LLC.

Name - Type or Print

Signature

Randall Bielski

Name - Type or Print

Signature

1534 York Road

Address

Telephone No.

Lutherville

MD

21093

State

Zip Code

Representative to be Contacted:

Randall Bielski

Name

1534 York Road

Address

410-321-7744

Telephone No.

Lutherville

MD

21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By

5507

Date

02-16-05

REV 09/15/98

Case No. 05-414-X

ORDER RECEIVED FOR FILING

Date

4/22/05

By

290



ZONING DESCRIPTION

PROPERTY OF BIELSKI BROTHERS, LLC
1534 YORK ROAD
8th Election District
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the west side of York Road, 66 feet wide, at the distance of 705 feet north of the centerline of the intersection of York Road and Seminary Avenue; thence the following courses and distances:

1. S.72° 00' W. 200.0'
2. N.18° 00' W. 175.0'
3. N.72° 00' E. 200.0'
4. S.18° 00' E. 175.0' to the place of beginning.

Containing 35,000 s.f. or 0.80 acres of land, more or less.

Being the same property as recorded in Deed Liber 19813, Folio 708.

Also known as 1534 York Road.



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: #05-414-X
1534 York Road
W/side of York Road, 705 feet north of centerline of Seminary Road

8th Election District — 4th Councilmanic District
Legal Owner(s): Bielski Brothers, LLC, Randall Bielski

Special Exception: to permit an arcade with more than four (4) amusement devices; namely pursuant to Section 423-A and 422-A of the Baltimore County Zoning Regulations as a use in combination with a restaurant in a Business Local (BL) zone.

Hearing: Tuesday, April 12, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 3/794 March 29

44622

CERTIFICATE OF PUBLICATION

3/30/2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/29/2005.

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



LEGAL ADVERTISING

BAITIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

OS-414 X

No. 441397

DATE 02-16-05 ACCOUNT RC001-006-6150
AMOUNT \$ 350.00

RECEIVED FROM K.C.W. ENG.

FOR Ocean Pointe Restaurant
1534 York Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS NAME TIME
2/17/2005 2:16 PM 15:26:45
ISSUED BY WALKER, JIM
RECEIPT # 30297 2/16/2005
Dept 5 525 BIRTH CERTIFICATE
X NO. 441397
Receipt Tot 1320.00
1320.00 0.00 1.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. **05-414-X**
Petitioner/Developer:
Bielski Brothers, LLC,
Randall Bielski
Hearing Date: **April 12, 2005**

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

Attention: Ms. Kristen Matthews:

Ladies and Gentlemen:

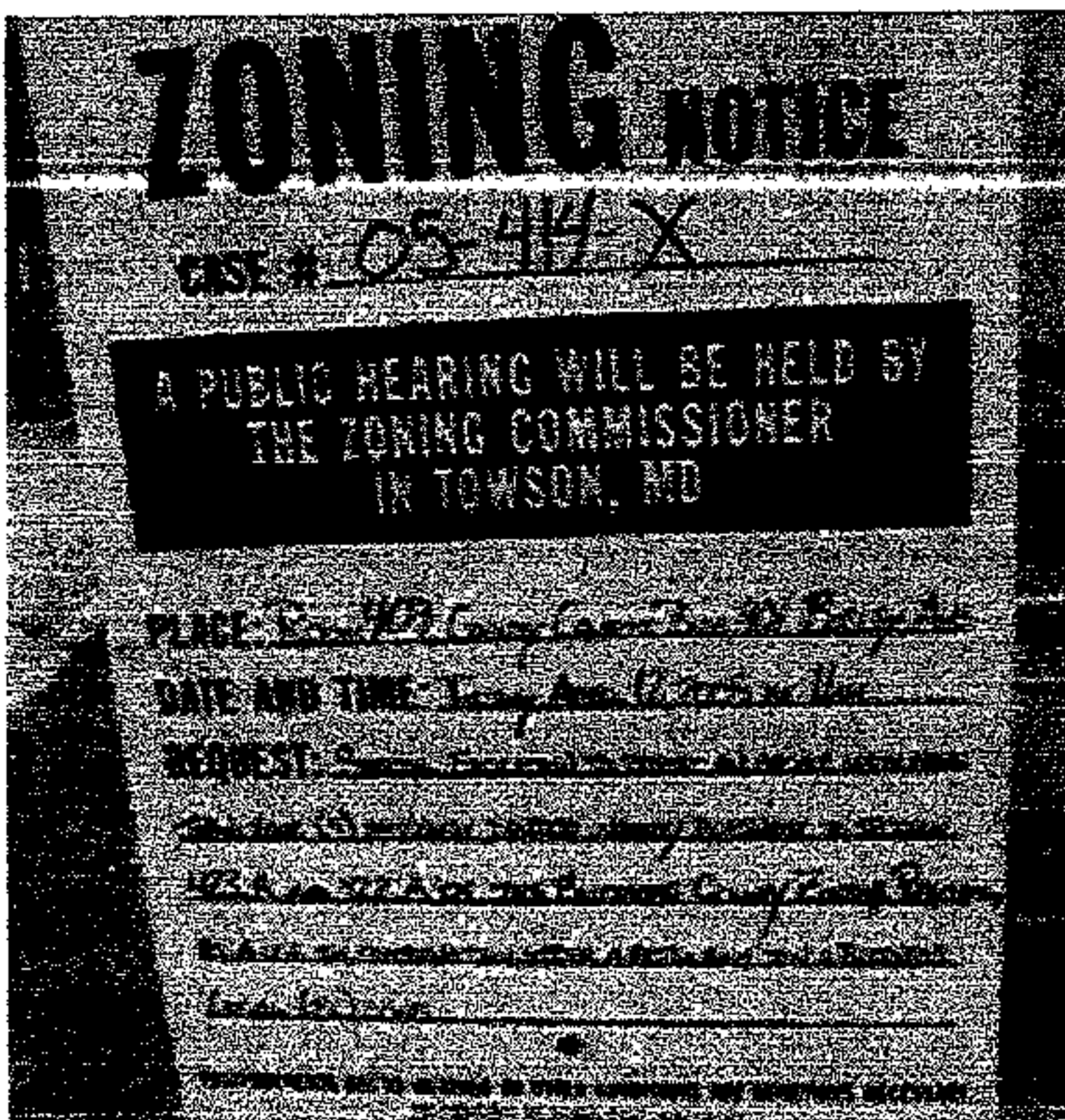
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located **1534 York Rd.**

The sign(s) were posted on **3/21/05**

Sincerely,



Diana Sugitachi
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668



**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

March 8, 2005

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: 05-414-X

1534 York Road

W/side of York Road, 705 feet north of centerline of Seminary Road

8th Election District – 4th Councilmanic District

Legal Owners: Bielski Brothers, LLC, Randall Bielski

Special Exception to permit an arcade with more than four (4) amusement devices; namely pursuant to Section 423.A and 422.A of the Baltimore County Zoning Regulations as a use in combination with a restaurant in a Business Local (BL) zone.

Hearing: Tuesday, April 12, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klml

C: Edward Covahey, Covahey & Boozer, 614 Bosley Avenue, Towson 21204
Randall Bielski, 1534 York Rd., Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 22, 2005.**
- (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.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 29, 2005 Issue - Jeffersonian

Please forward billing to:
Randall Bielski
1534 York Road
Lutherville, MD 21093

410-321-7744

CORRECTED 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: 05-414-X

1534 York Road

W/side of York Road, 705 feet north of centerline of Seminary Road

8th Election District – 4th Councilmanic District

Legal Owners: Bielski Brothers, LLC, Randall Bielski

Special Exception to permit an arcade with more than four (4) amusement devices; namely pursuant to Section 423.A and 422.A of the Baltimore County Zoning Regulations as a use in combination with a restaurant in a Business Local (BL) zone.

Hearing: Tuesday, April 12, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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.



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

March 2, 2005

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: 05-414-X

1534 York Road

W/side of York Road, 705 feet north of centerline of Seminary Road

8th Election District – 4th Councilmanic District

Legal Owners: Bielski Brothers, LLC, Randall Bielski

Special Exception to permit an arcade with more than four (4) amusement devices; namely pursuant to Section 423.A and 422.A of the Baltimore County Zoning Regulations as a use in combination with a restaurant in a Business Local (BL) zone.

Hearing: Wednesday, April 6, 2005 at 11:00 a.m. in Room 106, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klml

C: Edward Covahey, Covahey & Boozer, 614 Bosley Avenue, Towson 21204
Randall Bielski, 1534 York Rd., Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 22, 2005.**
- (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, March 22, 2005 Issue - Jeffersonian

Please forward billing to:
Randall Bielski
1534 York Road
Lutherville, MD 21093

410-321-7744

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: 05-414-X

1534 York Road

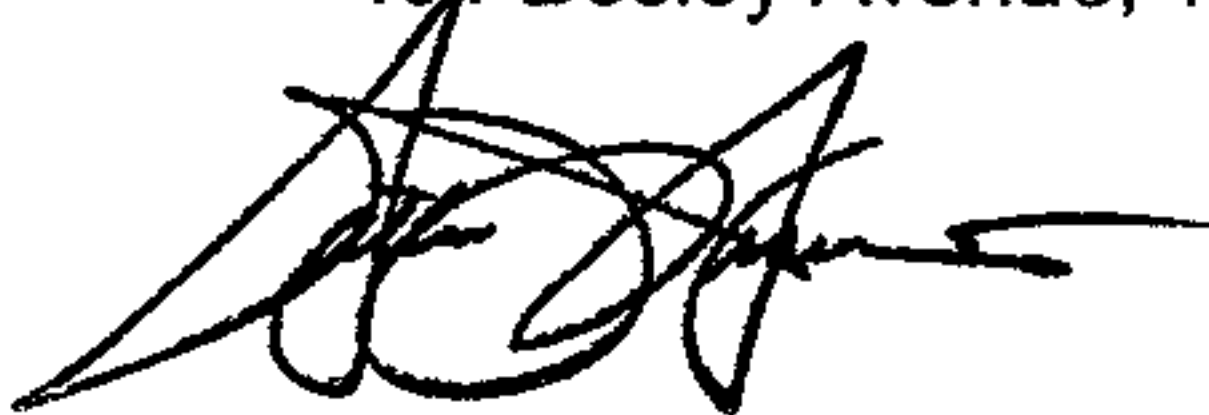
W/side of York Road, 705 feet north of centerline of Seminary Road

8th Election District – 4th Councilmanic District

Legal Owners: Bielski Brothers, LLC, Randall Bielski

Special Exception to permit an arcade with more than four (4) amusement devices; namely pursuant to Section 423.A and 422.A of the Baltimore County Zoning Regulations as a use in combination with a restaurant in a Business Local (BL) zone.

Hearing: Wednesday, April 6, 2005 at 11:00 a.m. in Room 106, County Courts Building,
401 Bosley Avenue, Towson 21204



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

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

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

For Newspaper Advertising:

Item Number or Case Number: OS- 414-X

Petitioner: BIELSKI BROTHERS, Inc.

Address or Location: 1534 YORK ROAD, LUTHERVILLE, MD. 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: RANDALL BIELSKI

Address: 1534 YORK ROAD
LUTHERVILLE, MD. 21093

Telephone Number: 410-321-7744

**Department of Permits and
Development Management**

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



Baltimore County

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

April 5, 2005

Edward C. Covahey, Jr.
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Covahey:

RE: Case Number: 05-414-X, 1534 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Bielski Brothers, LLC. Randall Bielski 1534 York Road Lutherville 21093

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



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

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

February 24, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 28, 2005

Item No.: 405-407, 410-415

(414)

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.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 2.25.05

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

RE: Baltimore County
Item No. 414 JRD

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{Jr}
DATE: March 15, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 28, 2005

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

05-407

05-409

05-413

05-414

05-415

Reviewers: Sue Farinetti, Dave Lykens

BW 4/12 4/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 1, 2005
RECEIVED

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

APR - 3 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-414

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark A. Cunningham

Division Chief: [Signature]

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: March 8, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 7, 2005
Item Nos. 407, 411, 414, and 415

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

RWB:CEN:jrb

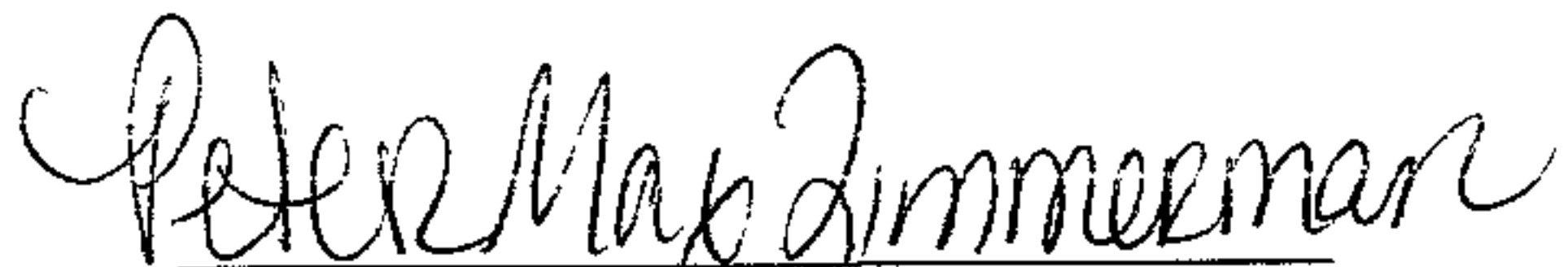
cc: File

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
1534 York Road; W/side York Road, *
705' N c/line Seminary Road * ZONING COMMISSIONER
8th Election & 4th Councilmanic Districts *
Legal Owner(s): Bielski Brothers, LLC * FOR
by Randall Bielski
Petitioner(s) * BALTIMORE COUNTY
* 05-414-X

* * * * *

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 and documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



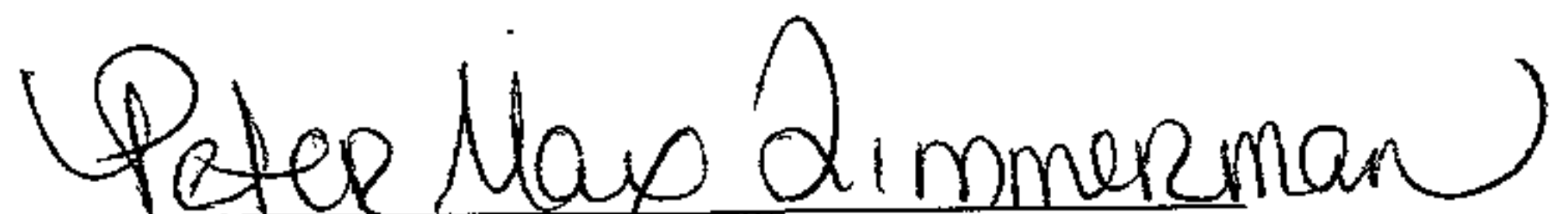
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2005, a copy of the foregoing Entry of Appearance was mailed Randall Bielski, 1534 York Road, Lutherville, MD 21093 and to Edward C. Covahey, Jr, Esquire, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
YONA OPENDEN

410-828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

*ALSO ADMITTED TO D.C. BAR

March 7, 2005

VIA FAX - 410-887-5708

Ms. Kristen Matthews
Baltimore County DPDM
111 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Case No. 05-414-X
1534 York Road

Dear Ms. Matthews:

Please treat this letter as a request that the above-captioned matter be postponed from April 6, 2005 as I have a case in the District Court for Harford County.

In the meantime, I have marked my calendar for the new date of April 12, 2005 at 11:00 a.m. per our discussion. I would appreciate a note confirming this date.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
0307ldr08

*OK to postpone
T-*

Click here for a plain text ADA compliant screen.

 Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back
	View Map
	New Search
	Ground Rent

Account Identifier: District - 08 Account Number - 1900010626

Owner Information

Owner Name:	BIELSKI BROTHERS LLC	Use:	COMMERCIAL
Mailing Address:	1701 YORK RD LUTHERVILLE TIMONIUM MD 21093-5607	Principal Residence:	NO
		Deed Reference:	1) /19813/ 708 2)

Location & Structure Information

Premises Address

1534 YORK RD

Legal Description

LTS 7 -11
1534 YORK RD
LUTHERVILLE HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	Plat Ref:
60	24	593					7	2		7/ 68

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	5,590 SF	25,000.00 SF	06

Stories

Basement

Type

Exterior

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments	
			As Of 07/01/2004	As Of 07/01/2005
Land:	462,000	650,000		
Improvements:	290,800	364,300		
Total:	752,800	1,014,300	752,800	839,966
Preferential Land:	0	0	0	0

Transfer Information

Seller: CURRERI FAMILY VENTURES LLC	Date: 03/31/2004	Price: \$1,151,596
Type: MULT ACCTS ARMS-LENGTH	Deed1: /19813/ 708	Deed2:
Seller: CURRERI ROBERT S	Date: 06/30/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /13875/ 360	Deed2:
Seller:	Date: 11/02/1983	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6365/ 324	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

1534 YORK ROAD
CASE NAME OCEAN PRIDE
CASE NUMBER 05-414-X
DATE APRIL 12, 2005

CASE NUMBER 05-414-X
DATE APRIL 12, 2005

CASE NUMBER 05-414-X
DATE APRIL 12, 2005

[illegible]

of PASZKIEWICZ - SUPPLYING VIDEO MACHINES

Case No.:

05-414-X

Exhibit Sheet

Petitioner/Developer

Protestant

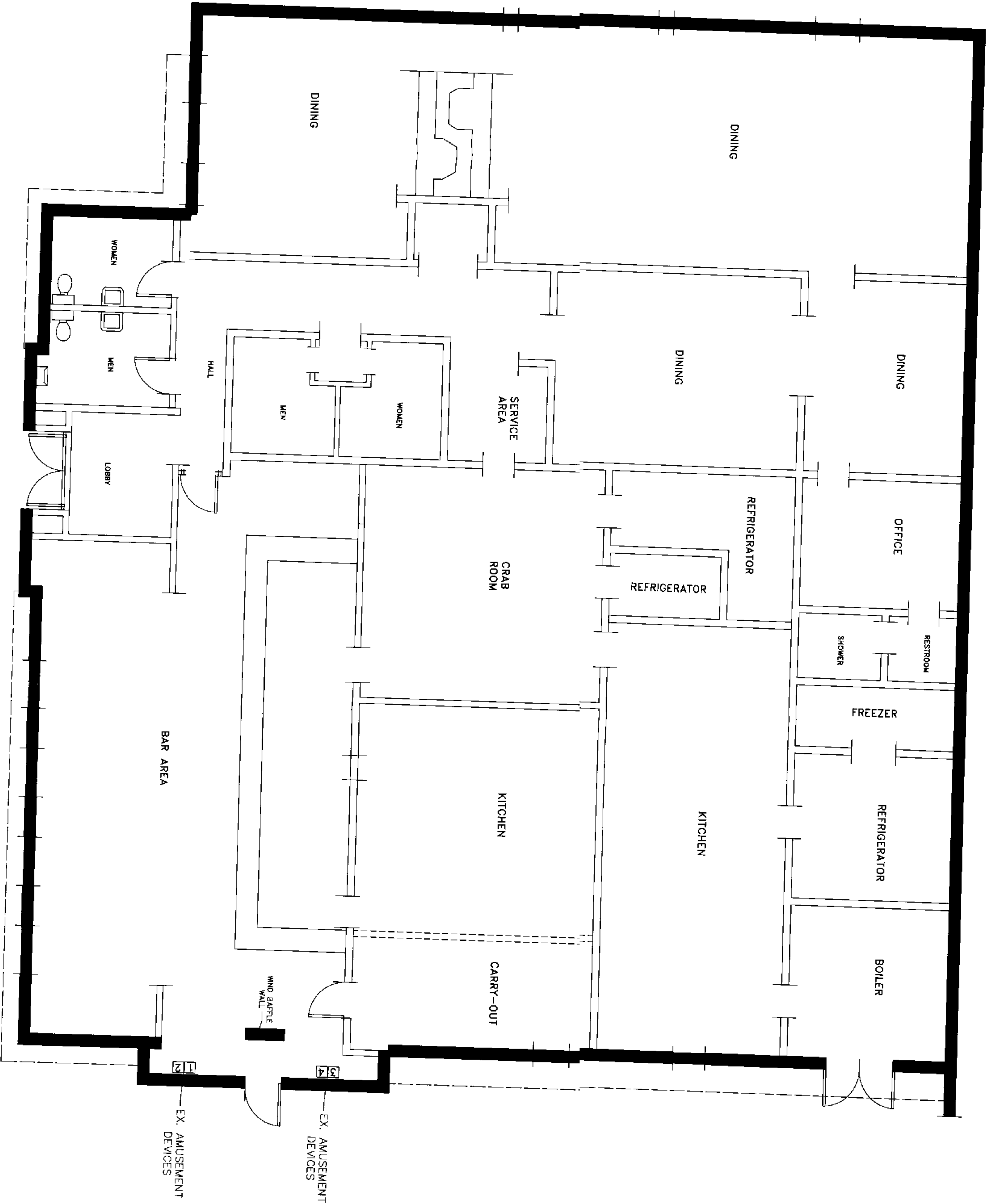
No. 1	Site PLAN	
No. 2	INTERIOR LAYOUT PLAN	
No. 3	AERIAL LOCATION	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

NW 12-A



OS-414-X





YORK ROAD

PETITIONER'S
EXHIBIT NO. 2

PETITIONER'S
EXHIBIT NO.

INTERIOR LAYOUT PLAN

OCEAN PRIDE RESTAURANT
1534 YORK ROAD
LUTHERVILLE TIMONIUM, MD 21093
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT - 8
SCALE: 1" = 20'
COUNCILMANIC DISTRICT - 4



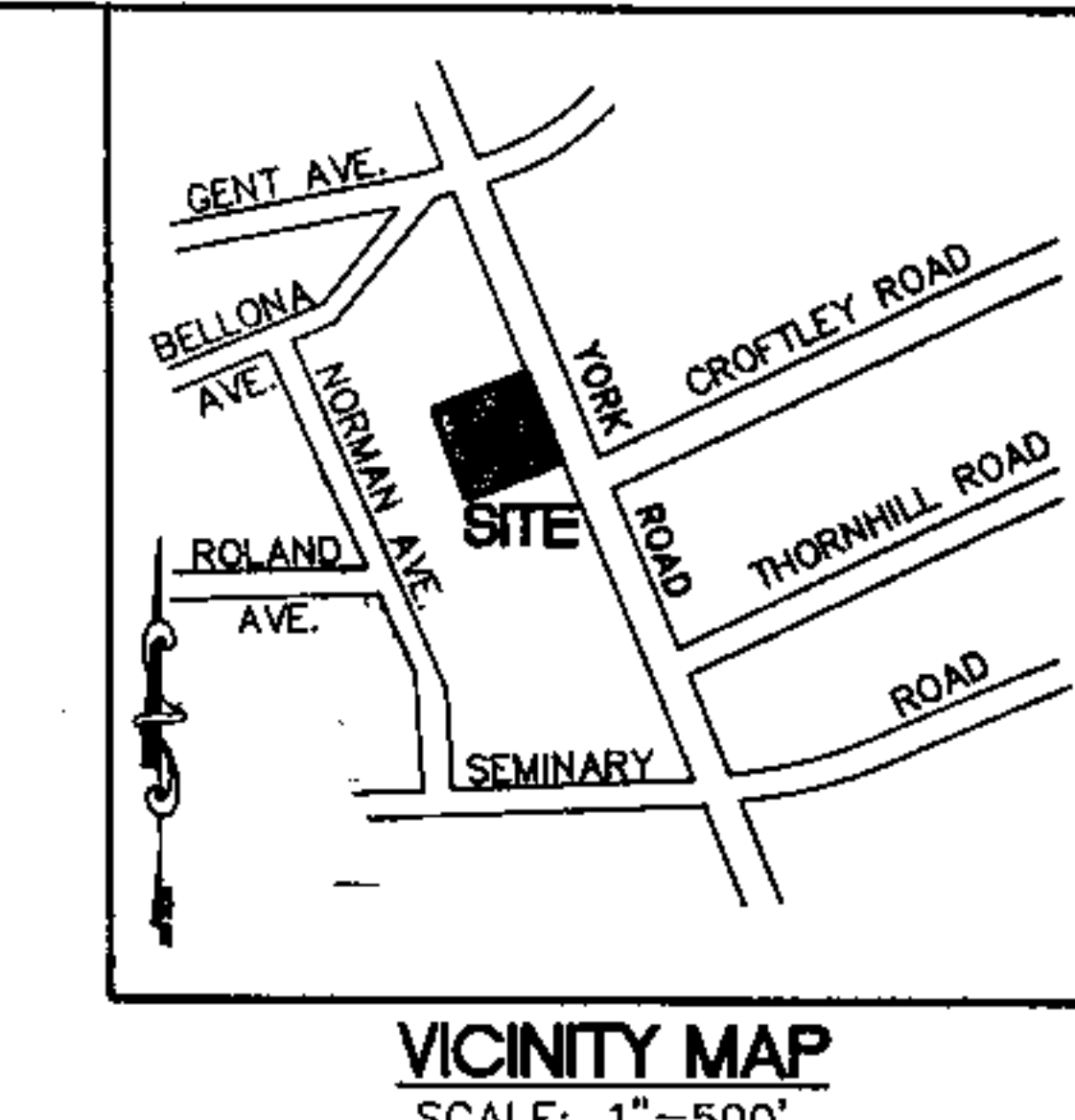
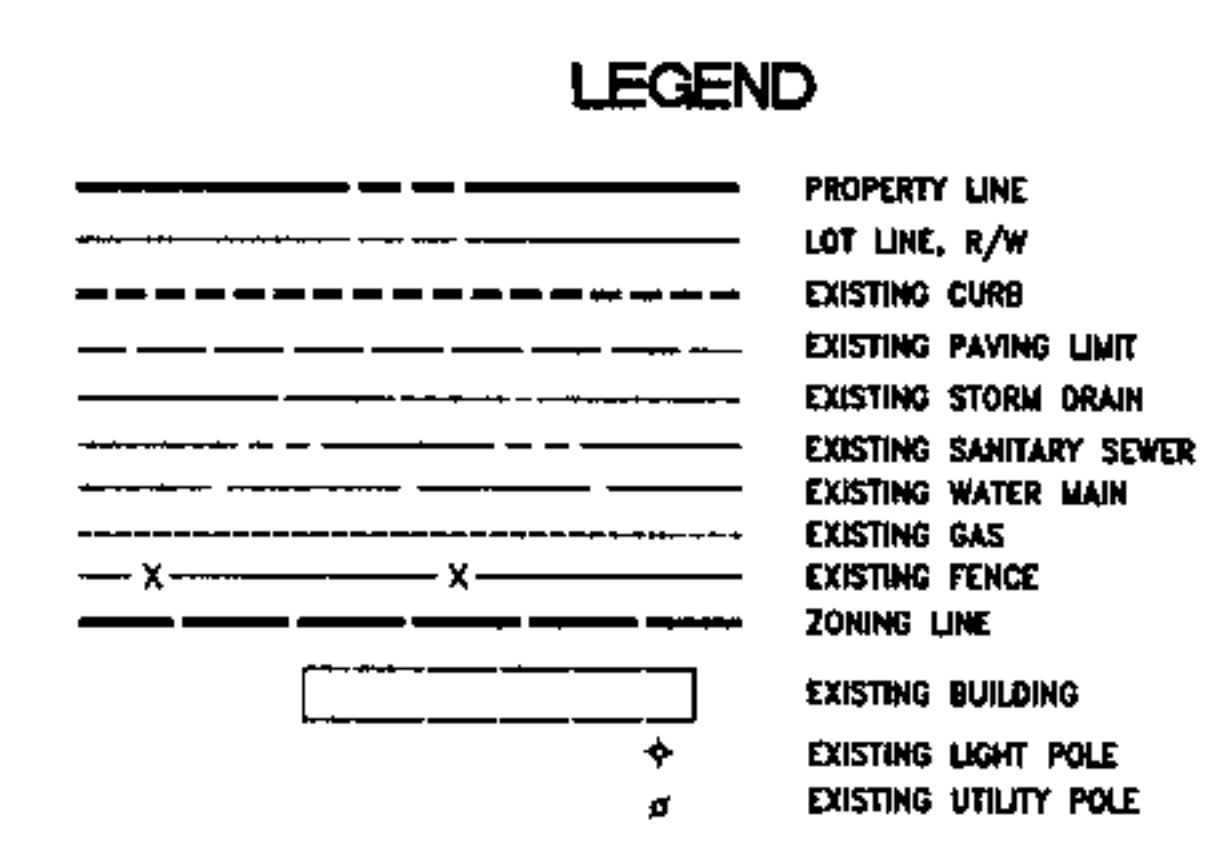
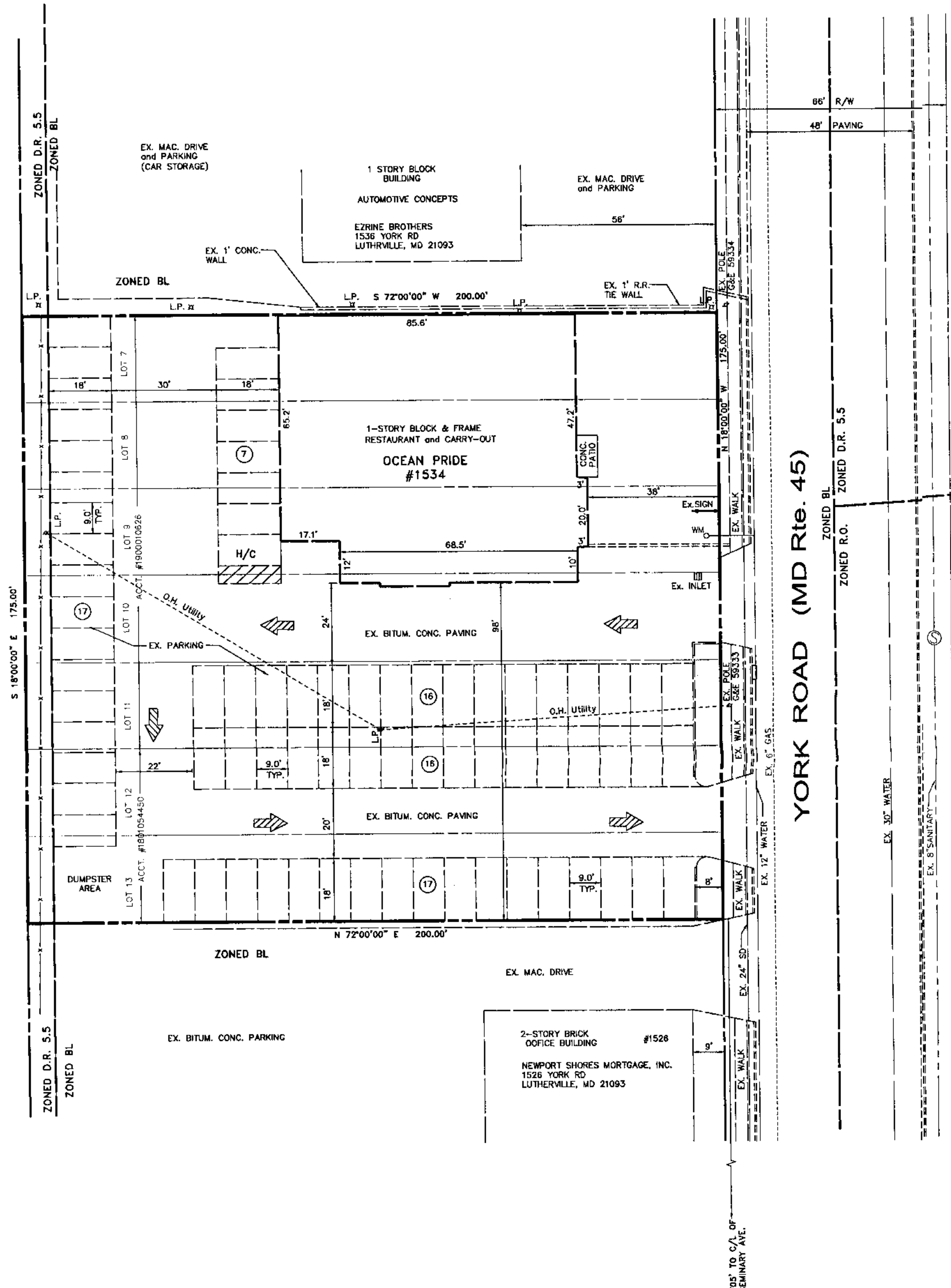
KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, Maryland 21244
Tele (410) 281-0033
Fax (410) 281-1065
www.KCW-ET.com

OWNER:

BIELSKI BROTHERS, LLC
1534 YORK ROAD
LUTHERVILLE TIMONIUM, MD 21093
Attn: Randall Bielski
Tele: 410-321-7744

REVISIONS

DATE	DESCRIPTION	KCW J.O.:
		2050070
		SCALE: 1/4" = 1'
		DESIGNED: ST
		DRAWN: ST
		CHECKED: DLK
		DATE: FEB 15, 2005
		DWG: Z-102



GENERAL NOTES

- OWNER : BIELSKI BROTHERS LLC
1534 YORK ROAD
LUTHERVILLE TIMONIUM, MD 21093
Attn: Randall Bielski
Tele: 410-321-7744
- LOCATION: 1534 YORK RD.
- DEED: Liber 19813 folio 708
AREA: 35,000 s.f. (0.80 ac.±)
- ELECTION DISTRICT: 08
COUNCILMANIC DISTRICT: 04
- PROPERTY: "LUTHERVILLE HEIGHTS" PLAT 7-68
Account No.: 1900010626 Lots 7, 8, 9, 10, 11
Account No.: 1801054450 Lots 12, 13
Tax Map 60, parcel 593
- ZONING: BL (0.77 ac.) and D.R.5.5 (0.03 ac.)
- LAND USE: Restaurant and carry-out within BL zone and unimproved within D.R.5.5 zone.
- BUILDING AREA: 6,500 s.f.
- PARKING : 73 p.s. (Including 1 H.C. spaces)
- UTILITIES: Public water and sanitary are existing.
- This site does not lie within the 100-year Flood Plain.
- PREVIOUS COMMERCIAL PERMITS: None.
- PRIOR ZONING CASES:
76-116-ASPH to allow 40 parking spaces in lieu of the required 60 spaces and parking for a commercial use in D.R.5.5 zone granted per Order of the Zoning Commissioner dated February 17, 1976 and Order of the Board of Appeals dated March 10, 1977.
82-245-A to allow 40 parking spaces in lieu of the required 86 spaces and a sign with a total area of 112 s.f. in lieu of the permitted 100 s.f. granted per Order of the Zoning Commissioner dated July 30, 1982.
87-409-A to allow front yard setback of 18 feet in lieu of the required average 32.5 feet denied by Order of the Deputy Zoning Commissioner dated May 6, 1987 and granted per Order of the Board of Appeals dated October 15, 1987.
01-324-A to allow 69 parking spaces in lieu of the required 106 spaces, to allow parking spaces within 8 feet of the right-of-way line of a public street in lieu of the required 10 feet, and to amend previously approved Zoning Cases granted per Order of the Zoning Commissioner dated April 17, 2001.

PETITION FOR SPECIAL EXCEPTION

FROM BCZR SECTION 423.A. AND 422.A.
TO ALLOW AN ARCADE WITH MORE THAN FOUR AMUSEMENT DEVICES AS A USE IN COMBINATION WITH A RESTAURANT IN BUSINESS LOCAL (BL) ZONE.

PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL EXCEPTION

OCEAN PRIDE RESTAURANT
1534 YORK ROAD
LUTHERVILLE TIMONIUM, MD 21093
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT - 8
COUNCILMANIC DISTRICT-4
SCALE: 1" = 20'



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OWNER:
BIELSKI BROTHERS LLC
1534 YORK ROAD
LUTHERVILLE TIMONIUM, MD 21093
Attn: Randall Bielski
Tele: (410) 321-7744

REVISIONS		KCW J.O.: 2050070
DATE	DESCRIPTION	SCALE: 1" = 20'
		DESIGNED: ST/YN
		DRAWN: S
		CHECKED: DLK
		DATE: FEB. 15, 2005
		DWG.: Z-101

CS-414-X