

IN THE MATTER OF THE APPLICATION*	BEFORE THE
OF KATHRYN BELITOS –LEGAL	
OWNER /PETITIONER FOR SPECIAL *	COUNTY BOARD OF APPEALS
HEARING, SPECIAL EXCEPTION AND	
VARIANCE ON PROPERTY LOCATED *	OF
ON THE W/S OF FALLS ROAD, 100' N	
OF C/L OF BARE HILLS AVENUE *	BALTIMORE COUNTY
3 RD ELECTION DISTRICT	
2 ND COUNCILMANIC DISTRICT *	CASE NO. 05-567-SPHXA

* * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals as an appeal of the decision of the Deputy Zoning Commissioner's denying Petitioner's request for a Special Exception and Variance. The Petitioner is the owner of a property in Baltimore County known as 6302 Falls Road. The Petitioner made three applications to the County consisting of:

1. A Special Exception pursuant to § 502.1 of the *Baltimore County Zoning Regulations*;
2. A Special Hearing to approve an amendment to a previously approved plan from Case No. 97-266 SPH;
3. A Variance from § 409.6 of the *Baltimore County Zoning Regulations* to allow for 35 parking space in lieu of the required 44 parking spaces.

Background

The Petitioner is the owner of an improved parcel of land consisting of 0.73 acre and has a zoning classification of MLR. The improvements to the lot consist of an office building with two attached warehouses. The Petitioner purchased the subject property in 1996. Thereafter the owner of the subject property sought to gain approval for several alternative uses of the property.

A hearing was held before the Deputy Zoning Commissioner for Baltimore County at which Petitions for Special Hearing, Special Exception and Variance were heard. The Special

Exception requested approval for a restaurant use in an MLR zone in accordance with § 248.4B of the *Baltimore County Zoning Regulations* (BCZR). The Special Hearing was requested to approve an amendment to a previously approved site plan in Case No. 97-266-SPH and for approval of a modified parking plan

After hearing the evidence presented in this matter, the Deputy Zoning Commissioner approved the modified parking plan and denied the requested variance for parking. As to the request for a special exception for a restaurant use in an MLR zone, the Deputy Zoning Commissioner determined that the request met each of the criteria of BCZR § 502.1 and would not have an adverse impact upon the surrounding community. The Deputy Zoning Commissioner attached several conditions to the approval of the special exception for a restaurant use in an MLR zone.

An appeal of the Deputy Zoning commissioner's Order was taken by the owner of the subject property wherein she requested an amendment to the previously approved site plan in Case No. 97-266-SPH and for the approval of a modified parking plan in accordance with § 409.12 of the *Baltimore County Zoning Regulations* (BCZR)

Issues Presented

1. Does the proposed amendment to the previously approved plan for a restaurant use comply with BCZR. Section 248.4.B?
2. Does the proposed modified parking plan comply with the requirements of BCZR Section 409.12?

Discussion

The proposed special exception would allow for the use of a portion of the subject property as an eat-in restaurant in an MLR zone. The proposed restaurant would be a standard "eat in" restaurant with no fast food or carryout functions, and would be situated 292 feet from

Falls Road and 112 feet from Shoemaker Road. It is to be noted that Shoemaker Road is a private road and is unimproved.

At the hearing Mr. Joseph Larson of Spellman & Larson, Civil Engineers, testified and rendered his opinion that the proposed restaurant met the requirements of BCZR § 502.1. The Board reviewed the individual requirements listed under § 502.1:

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water sewage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purpose of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

The evidence adduced at the Board's hearing indicated that 180 to 200 trips per hour would be generated in the morning hours should the restaurant be approved. Access to the proposed site, as of the date of the hearing, could only be achieved by the use of an entrance on Falls Road. The owners of the subject property offered that additional access to the site could

be had via the private way known as Shoemaker Road. However, there was no evidence presented at the hearing that approval for use and dedication of Shoemaker Road had been submitted or approved. The Appellant testified that he had a right to use Shoemaker Road, although he did not know who owned the property. The property owner noted that the State Highway Administration indicated in a letter dated June 3, 2005, that it had no objection to the proposed plan subject to a highway widening dedication to an ultimate 80-foot right-of-way and frontage improvements to include curb, gutter and sidewalk from property corner to property corner. Additional evidence was taken from property owners in the surrounding area that indicated that significant traffic disruptions would occur along Falls Road if the special exception were granted for the restaurant use. No traffic engineering surveys were presented into evidence by the property owner to rebut the allegation of the surrounding property owners.

The Board considered the available evidence and concluded that the property owner had the affirmative burden of establishing that the proposed special exception would comply with all of the requirements of § 502.1 of the BCZR. The Board concluded that a sufficient showing of compliance was not met to the extent that there was no showing that a special exception, if granted, would not create congestion along a public road. The evidence presented did not convince this Board that the proposed use would not conflict with BCZR § 501.1(B). The Board concluded that the request for a variance was moot as a variance would be unnecessary without the special exception. Accordingly, the requested special exception is denied, and the related special hearing and variance relief is moot.

ORDER

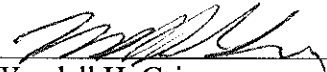
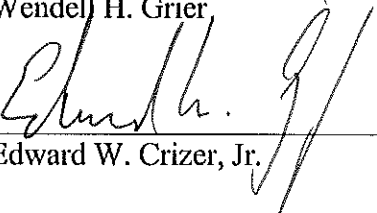
IT IS THEREFORE THIS 20th day of November, 2007 by the
County Board of Appeals of Baltimore County

ORDERED that the request for a Special Exception to the *Baltimore County Zoning Regulations* is hereby **DENIED**; and it is further

ORDERED that the requested special hearing and variance relief is therefore **MOOT**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY¹**

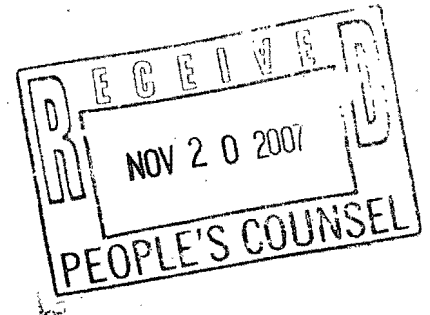

Wendell H. Grier

Edward W. Crizer, Jr.

¹ This case was originally heard and deliberated by a panel comprised of three members of the Board of Appeals of Baltimore County; viz., Margaret Brassil, Ph.D., Chairperson; Wendell Grier, and Edward W. Crizer, Jr., who reached the above unanimous decision. However, prior to issuance of a final Opinion and Order, Dr. Brassil resigned from the Board of Appeals.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182



November 20, 2007

Leslie M. Pittler, Esquire
25 Wandsworth Bridge Way
Lutherville, MD 21093

RE: *In the Matter of: Kathryn Belitsos - Legal Owner/Petitioner*
Case No. 05-567-SPHXA

Dear Mr. Pittler:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: F. Vernon Boozer, Esquire
Kathryn Belitsos, Petitioner
and Peter Belitsos
Joseph Larson /Spellman, Larson & Associates, Inc.
Nancy W. Horst
Neil Meyerhoff
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



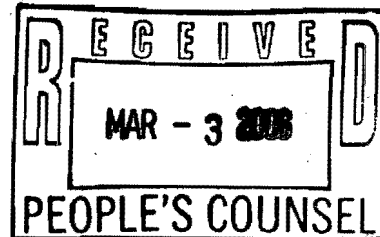


County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

CD
/pm2

March 3, 2006



F. Vernon Boozer, Esquire
COVAHEY, BOOZER, DEVAN & DORE, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: *In the Matter of: Kathryn Belitsos. – Legal Owner/
Petitioner* Case No. 05-567-SPHXA

Dear Mr. Boozer:

This will acknowledge receipt of your letter dated February 14, 2006 in which you indicate that your office does not represent Kathryn Belitsos in the subject matter.

The file has been noted so that you will no longer receive future correspondence and/or notices regarding this matter.

Please call me if I can be of any further assistance.

Very truly yours,

Kathleen C. Bianco
Administrator

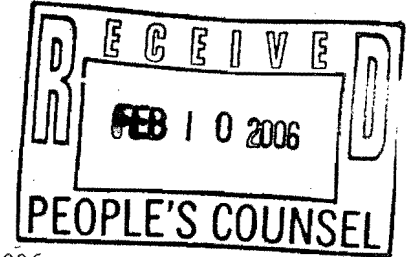
c: Peter and Kathryn Belitsos
Leslie M. Pittler, Esquire
Office of People's Counsel





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182



Asd
PC involved?
PMZ

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 8, 2006

NOTICE OF ASSIGNMENT

CASE #: 05-567-SPHXA

IN THE MATTER OF: KATHRYN BELITSOS –Legal Owner /
Petitioner 6302 Falls Road
3rd Election District; 2nd Councilmanic District

8/05/2005 –D.Z.C.'s Order in which requested zoning relief was GRANTED
in part (SPH and SE with restrictions); and DENIED in part (variance
relief)

ASSIGNED FOR:

TUESDAY, MARCH 28, 2006 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be
in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Bianco
Administrator

c: Appellant /Protestant

: Leslie M. Pittler

Counsel for Petitioner
Petitioner

: F. Vernon Boozer, Esquire
: Kathryn Belitson, Petitioner
and Peter Belitsos

Joseph Larson /Spellman, Larson & Associates, Inc.

Nancy W. Horst
Neil Meyerhoff

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



APPEAL

Petition for Special Hearing, Special Exception & Variance
6302 Falls Road
W/s of Falls Road, 100 ft. N/of c/line of Bare Hills Avenue
3rd Election District – 2nd Councilmanic District
Legal Owner: Kathryn Belitsos

Case No.: 05-567-SPHXA

Petition for Special Hearing/Special Exception/Variance (May 5, 2005)

Zoning Description of Property

Notice of Zoning Hearing (June 13, 2005)

Certification of Publication (July 14, 2005 – The Jeffersonian)

Certificate of Posting (July 14, 2005) by Linda O'Keefe

Entry of Appearance by People's Counsel (May 20, 2005)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plat to accompany Petitions
2. (A) Photograph (B) Drawing
3. Petition of Support
4. Easement Document

Protestants' Exhibits – None in file

Miscellaneous (Not Marked as Exhibit) –

1. Letter dated July 22, 2005 in opposition of Petition

Deputy Zoning Commissioner's Order (GRANTED – Special Hearing/ DENIED – Variance/
GRANTED – Special Exception – August 5, 2005)

Notice of Appeal received on August 25, 2005 from Leslie M. Pittler

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Vernon Boozer, 614 Bosley Avenue, Towson 21204
Joseph Larson, 105 W. Chesapeake Avenue, Towson 21204
Peter & Kathryn Belitsos, 8 Wyndham Court, Timonium 21093
Leslie Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
Nancy Wordenhorst, 7819 Ellenham Road, Towson 21204
Neil Meyerhoff, 9 Meadow Road, Baltimore 21212

date sent November 3, 2005, klm

**Department of Permits and
Development Management**



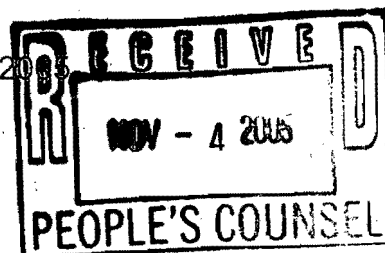
PM2
Baltimore County

cd
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

*PL
involved?*

October 17, 2005



Vernon Boozer
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Boozer:

RE: Case: 05-567-SPHXA, 6302 Falls Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 25, 2005 by Leslie Pittler relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

- c: William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Joseph Larson, 105 W. Chesapeake Avenue, Towson 21204
Peter & Kathryn Belitsos, 8 Wyndham Court, Timonium 21093
Leslie Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
Nancy Wordenhorst, 7819 Ellenham Road, Towson 21204
Neil Meyerhoff, 9 Meadow Road, Baltimore 21212



Leslie M Pittler P.A.

Attorney at Law

25 Wandsworth Bridge Way
Lutherville, Maryland 21093

CRD
PC involved?
\$2400
PM

PC NOT INVOLVED -
SPECIAL EXCEPTION

August 23, 2005

Telephone: 410-823-4455
Fax: 410-296-4461

JUDGMENT CALL
BOTH SIDES REPRESENTED

PMZ

Baltimore County Board of Appeals
400 Washington Avenue
Towson, Maryland 21204

RE: Case Number 05-567- SPHXA
Property: 6302 Falls Road

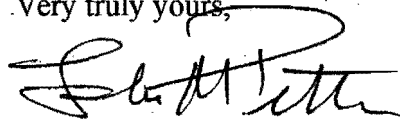
Dear Sir/ Madam:

Please be advised that I am taking an appeal from the Baltimore County Deputy Zoning Commissioner's decision in the above-captioned case. The decision of the Zoning Commissioner was rendered on the 5th day of August, 2005.

I am appealing the following:

- A. The granting of the Petitioner's request to approve an amendment to a previously approved site plan from Case Number 97-266 SPH and also the approval of a modified parking plan in accordance with Section 409.12 of the Baltimore County Zoning Regulations
- B. The granting of the Petitioner's request for special exception for a restaurant use in a MLR zone in accordance with Section 248.4B of the Baltimore County Zoning Regulations.

Very truly yours,



Leslie M. Pittler

Cc. Vernon Boozer, Esquire

RECEIVED

AUG 25 2005

Per.....

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
W/S of Falls Road, 100 ft. N
centerline of Bare Hills Avenue
3rd Election District
2nd Councilmanic District
(6302 Falls Road)

Kathryn Belitsos
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 05-567-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance filed by the legal owner of the property, Kathryn Belitsos. The property, which is the subject of this request, is located at 6302 Falls Road in Baltimore County. The Petitioner is requesting a special exception for a restaurant use in a MLR zone in accordance with Section 248.4.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner is requesting a special hearing to approve an amendment to a previously approved site plan from Case No. 97-266-SPH and also to approve a modified parking plan in accordance with Section 409.12 of the B.C.Z.R. Finally, the Petitioner is requesting a variance from Section 409.6 of the B.C.Z.R., to allow 35 parking spaces in lieu of the required 44 spaces.

The property was posted with Notice of Hearing on July 14, 2005, for 15 days prior to the hearing in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 14, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;

- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights. A ZAC comment was received from the Office of

Planning dated July 18, 2005. ZAC comments were also received from the Bureau of Development Plans review dated June 2, 2005 and Revised comments dated July 5, 2005. In addition, ZAC comments were received from the State Highway Administration dated June 3, 2005. Finally, ZAC comments were received from the Fire Department dated May 20, 2005. Copies of these comments are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the special hearing request were Bu Boozer, Peter Belitsos, Kathryn Belitsos, Petitioner and Joseph Larson of Spellman, Larson & Associates, Inc., the engineering firm that prepared the site plan of the property. Vernon Boozer, Esquire represented the Petitioner. Kim Hammond appeared in opposition to the requests. Les Pittler Esquire represented the protestant. Nancy Wordenhorst, President and Neil Meyerhoff, Board Member, of the Ruxton/Riderwood/Lake Roland Area Improvement Association, attended the hearing as interested citizens. Correspondence was received from a Mr. Hoffberger representing Shoemaker Limited Partnership who objected to the use of Shoemaker Road by the Petitioner. People's Counsel entered their appearance in the case.

Testimony and Evidence

The subject property contains approximately 0.73 acres and is zoned MLR. The site is improved by an unoccupied building, which appears from Petitioners' Exhibit 2A to be an office and two attached warehouses. The Petitioners purchased the property in 1996. In this request they initially proposed to convert the office into a café, convert the first section of warehouse to medical offices and convert the second section of warehouse to a day care center. However, due to opposition from the Planning Department regarding a day care facility at this location, the Petitioners changed their plan to show a warehouse and warehouse addition in place of the day care center. See Petitioners' Exhibit 1. Also see Petitioners' Exhibit 2B a rendering of the proposed uses. Mr. Boozer indicated that all other changes recommended by the Office of

Planning had either been implemented or were acceptable to the Petitioners. Mr. Larson opined that the traffic pattern proposed would result in improved circulation given the entrances on Shoemaker Road and Falls Road. This would require a new entrance on Falls Road. Mr. Larson indicated that the comments from the State Highway Administration extending the right-of-way of Falls Road would not affect the Petitioners requests. He was confident that he could persuade the State Highway Administration to approve the new entrance onto Falls Road.

The Petitioners propose to provide 35 parking spaces in lieu of the required 44 spaces. They alternatively request a variance for this number of spaces or approval of a modified parking plan pursuant to Section 409.12 of the B.C.Z.R. Apparently, both day care and warehouse uses base parking requirements on the number of employees, which the Plan to Accompany indicates will be 10 maximum. Consequently, the number of spaces required was the same regardless of which use is made of the property.

Mr. Larson opined that the property was unique from a zoning standpoint in that it contained buildings built in the 1950's before the MLR zoning regulations were imposed. He further noted that it would be a hardship and practical difficulty for the Petitioners to strictly comply with the regulations under these circumstances. He indicated that this property's configuration may not be different from other properties in the neighborhood but that it was still unique because of the building, which pre-existed the regulations.

Mr. Larson further opined that the plan for a restaurant in this MLR zone met each criteria of Section 502.1 of the B.C.Z.R. He indicated that there would be no adverse impact on the community. He admitted that he is not a traffic expert, and that he did not know the present traffic counts on Falls or Shoemaker Roads. He was not certain who owns or has right to use Shoemaker Road which all agree is a private road. However, Mr. Larson contends that the Petitioners and their predecessors have used Shoemaker Road for more than 50 years, which he

believed would give the Petitioners the right to continue such use. He offered no direct proof of the Petitioners' use of Shoemaker Road for any length of time.

Peter Belitsos indicated that he spoke to prior owners of the subject property who confirmed the Petitioners' contention that Shoemaker Road had been used by the prior owners for more than 50 years. No prior owners attended the hearing to testify. A letter was received from a Mr. Hoffberger representing Shoemaker Limited Partnership who objected to the use of Shoemaker Road by the Petitioners. Mr. Hoffberger was unable to attend the hearing.

Mr. Belitsos indicated that the Petitioners commissioned Richard Mitchell, a title researcher, who did not attend the hearing, to look into Petitioners' right to use Shoemaker Road. He reported that Mr. Mitchell found the Petitioner had the legal right to use Shoemaker Road and presented in support thereof an easement signed by the Petitioners' predecessor granting an access and utility easement to a non-party for use of Shoemaker Road. Mr. Belitsos reasoned that, if his predecessor could grant an easement to a non-party, the predecessor must have had the right to use the road.

Finally, Mr. Belitsos indicated that the idea of a café at this location found wide support among all adjacent property owners except Dr. Hammond. He opined that presently the property was in disrepair but that the proposed plan would greatly enhance and improve the neighborhood. Ms. Wordenhorst and Mr. Meyerhoff indicated that the Association's primary concern was with the previously proposed day care center, but that a warehouse use drew less concern. Both indicated that they wanted the property cleaned up and that the entrance onto Falls Road could be problematic due to the steep banks at this location. Ms. Wordenhorst, speaking for herself, applauded the idea of a café but indicated the Association took no position on the project. Dr. Hammond attended the hearing but did not testify.

Findings of Fact and Conclusions of Law

Obviously, the parties anticipate a de novo appeal at the Board of Appeals. I have no idea why Dr. Hammond opposes the project, because although he attended the hearing he did not testify. That certainly is his prerogative. Mr. Mitchell opined from afar that the Petitioners can use Shoemaker Road, as did Mr. Hoffberger with the opposite conclusion. No one had the opportunity to ask them the basis for their opinions.

Fortunately, this Commission has no jurisdiction to determine whether or not the Petitioners can use Shoemaker Road. This would be for the Circuit Court to determine. All I can do is to look at the zoning issues and, based on a very limited record, draw my conclusions. I will assume for what follows but, do not find (having no jurisdiction whatever), that the Petitioner may use Shoemaker Road in the manner indicated on the plan.

Parking

Mr. Pittler adamantly argues that the parking variance can not be granted as the property is not unique in a zoning sense. As I noted at the hearing, I understand that the Petitioners' requested parallel relief in regard to parking. While they asked for a variance to allow 35 spaces in lieu of the required 44, they also asked for a modified parking plan under Section 409.12. In the latter, this Commission may grant such a parking plan, if the Petitioner shows undue hardship. Traditionally, we have used modified parking plans in older communities with mixed uses where lot size limitations simply do not allow meeting the sum of the individual use parking requirements. I will do so here under the circumstances.

From Petitioners' Exhibit 1, I note that the restaurant must be a standard restaurant (not carryout), since 16 spaces per 1,000 feet of gross floor area are indicated. Section 409.6 B 3, Shared Parking, further indicates that such restaurants have complimentary parking requirements to office or industrial uses or, said another way, when restaurants are busy on evenings and weekends, office and industrial uses are not. I realize that the Petitioners' plans for the property

are in the earliest stages. It may be possible that, once the details of these uses are known, no variance or modified parking plan is actually needed. For example during weekdays, the regulations allow a 50% reduction in parking for a restaurant which shares parking with another use. This would mean 10 spaces would be required rather than 19. The other uses require 25 spaces. From this analysis, the number of parking spaces and the number provided looks pretty close. As an aside, this complementary parking might not be applicable for a day care center and restaurant.

In summary, I find that the parking for the proposed uses are likely to be compatible, and that the Petitioner would suffer undue hardship if the modified parking plan were not granted. Therefore, I will approve the modified parking plan. My only disappointment is that the modified plan does not contain handicapped parking, etc. I will require the plan to be brought up to standard to the extent possible as a condition of approval. Because I approved the modified parking plan, I will deny the variance for parking.

Restaurant

In regard to the request for special exception for a restaurant in an MLR zone, I find that the request meets each of the criteria of Section 502.1 and will not have an adverse impact on the community. In fact, members of the community seem quite excited to have such a restaurant at this location. It may be that Dr. Hammond has some important objection to a restaurant next to his animal hospital, but I do not know what his objections are. I also acknowledge that the Petitioner did not present a traffic expert to testify as to the impact of additional traffic on Falls Road which would be generated by the proposal. I take seriously the warning of the Association members' concerning an exit onto Falls Road at this point. However, I have confidence that the permit process outlined in the SHA comments will adequately address both issues. If it is, in fact, unsafe, no permit will be granted.

Finally, I remind myself that special exceptions are not variances, which have to run the gauntlet of *Cromwell v Ward*. Instead, special exceptions have the legal presumption that they are accord with the general welfare and valid as long as they do not have a disproportionately adverse affect on the community. Special exceptions are expected to produce traffic, noise, etc. The question is whether that impact of the proposed use at this location will produce effects above and beyond those normally inherent with such use if located anywhere else within the same zoning district. I have no evidence of such an impact. Consequently, I find that this request for a restaurant in an MLR zone meets the criteria of Section 502.1 of the B.C.Z.R. and will not adversely affect the health, safety, or welfare of the community.

That said, I notice that 16 parking spaces per 1,000 feet of gross area are also specified for fast food restaurants. That use would be wholly inappropriate here, given the other uses of the property and configuration of the lot and buildings. I heard absolutely nothing from the Petitioners that they intended a fast food restaurant, and so I will condition my approval of the special exception prohibiting such.

For the reasons above, I will approve the Petitioner's request to modify the site plan in Case No. 97-266-SPH.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the requested relief shall be granted in part and denied in part.

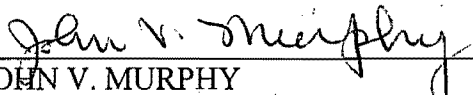
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5 day of August, 2005, that the Petitioners' request for a special hearing to approve an amendment to a previously approved site plan from Case No. 97-266-SPH and also to approve a modified parking plan in accordance with Section 409.12 of the B.C.Z.R., be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petitioners' request for variance from Section 409.6 of the B.C.Z.R., to allow 35 parking spaces in lieu of the required 44 spaces, be and is hereby DENIED; and

IT IS FURTHER ORDERED, that the Petitioners' request for special exception for a restaurant use in a MLR zone in accordance with Section 248.4.B of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners must comply with the enumerated ZAC comments submitted by the Office of Planning dated July 18, 2005, a copy of which is attached hereto and made a part hereof.
2. The Petitioners must comply with the ZAC comments received from the State Highway Administration dated June 3, 2005, a copy of which is attached hereto and made a part hereof.
3. The Petitioners must comply with the ZAC comments received from the Fire Department dated May 20, 2005, a copy of which is attached hereto and made a part hereof.
4. The Petitioner shall make a good faith effort to bring the parking plan up to present standard including handicapped parking.
5. The restaurant shall be a standard restaurant and not a fast food restaurant.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6302 Falls Road
which is presently zoned MLR

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

An amendment to a previously approved Site Plan from Case No. 97-266-SPH.
And also to approve a modified parking plan in accordance with Section 409.12 of the BCZR.

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.

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:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Kathryn Belitsos

Name - Type or Print

Signature

Name - Type or Print

Signature

9 Wyndam Court 410-967-7366

Address Telephone No.

Timonium MD 21093

City State Zip Code

Representative to be Contacted:

Spellman, Larson & Associates Inc.

Name

105 W. Chesapeake Ave. 410-823-3535

Address Telephone No.

Towson MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 05-567-SPHXA

Reviewed By BN Date 5/5/05



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6302 Falls Road

which is presently zoned MLR

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 a restaurant use in a MLR Zone in accordance with Section 248.4.B of the BCZR.

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Kathryn Belitsos

Name - Type or Print

Signature

Name - Type or Print

Signature

9 Wyndam Court

410-967-7336

Address

Telephone No.

Timonium

MD

21093

City

State

Zip Code

Representative to be Contacted:

Spellman, Larson & Associates Inc.

Name

105 W. Chesapeake Avenue

410-823-3535

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 05-567-SB/HA

RE 09/15/98

5/5/05



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6302 Falls Road
which is presently zoned MLR

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 of the BCZR to allow 35 parking spaces in lieu of the required 44 spaces.

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Kathryn Belitsos
Name - Type or Print _____
Signature Kathryn Belitsos
Name - Type or Print _____
Signature _____
9 Wyndam Court 410-967-7366
Address Telephone No.
Timonium MD 21093
City State Zip Code

Representative to be Contacted:

Spellman, Larson & Associates Inc.
Name _____
105 W. Chesapeake Avenue 410-823-3535
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

Case No. 05-567-S.PHX/A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BH Date 5/5/05

**Department of Permits and
Development Management**

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



PM2
Baltimore County

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

July 18, 2005

Kathryn Belitsos
9 Wyndam Court
Timonium, Maryland 21093

Dear Ms. Belitsos:

RE: Case Number: 05-567-SPHXA, 6302 Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 5, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Spellman, Larson & Assoc. 105 W. Chesapeake Avenue Towson 21204

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



**Department of Permits and
Development Management**

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



PMM
Baltimore County

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

June 20, 2005

Kathryn Belitsos
9 Wyndam Court
Timonium, Maryland 21093

Dear Ms. Belitsos:

RE: Case Number: 05-567-SPHXA, 6302 Falls Road

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W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Spellman, Larson & Associates, Inc. 105 W. Chesapeake Avenue Towson 21204



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 18, 2005

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

RECEIVED

JUL 22 2005

SUBJECT: 6302 Falls Road

INFORMATION:

Item Number: 5-567

Petitioner: Kathryn Belitsos

Zoning: MLR

ZONING COMMISSIONER

Requested Action: Special Hearing, Variance, and Special Exception

SUMMARY OF RECOMMENDATIONS:

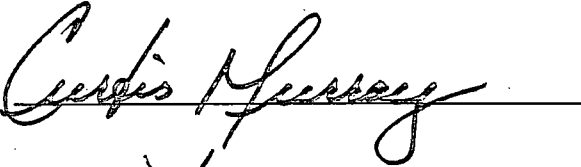
The Office of Planning has reviewed the petitioner's request and is opposed to a day care at this location due to the fact that as a land use it is inappropriate at this heavily industrialized location. Additionally on-site outdoor play area is required by the State Health Department in the amount of 75 square feet per child for ½ of the total enrollment. Outdoor play area has not been provided on the submitted plan. However the Office of Planning does not oppose the request to permit a medical office and café on the subject property provided a revised site plan is submitted for review and approval that addresses the following:

1. Show an alternate use for the 6240 sq ft building. The creation of additional medical office would require additional unfeasible parking. Show a use that conforms to the BCZR requirements.
2. Architectural elevation drawings for exterior changes to the building.
3. Per Condition B 2.d of The Baltimore County Landscape Manual, provide 6-foot sidewalks between the buildings and proposed parking spaces as well as to the building entrance.
4. Ten feet of landscaping along Falls Road and Shoemaker Road that meets the minimum requirements as per the Landscape Manual.

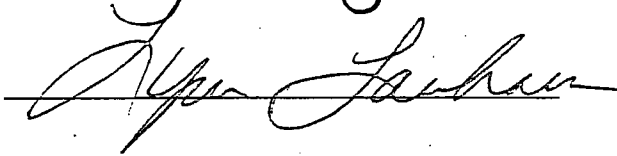
5. A parking layout that functions from a layout and circulation standpoint. Show the actual dimensions of proposed parking spaces.
6. Signage details for any freestanding signs.
7. Show all dumpster locations.
8. Show adjacent buildings, lot configurations and principle uses.

For further information concerning the matters stated here in, please contact Curtis Murray at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 18, 2005

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

SUBJECT: 6302 Falls Road

INFORMATION:

Item Number: 5-567

Petitioner: Kathryn Belitsos

Zoning: MLR

Requested Action: Special Hearing, Variance, and Special Exception

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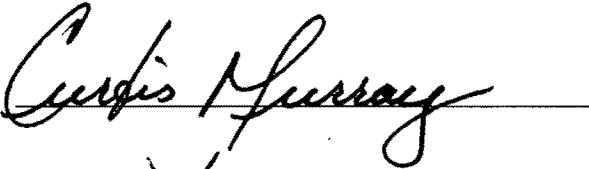
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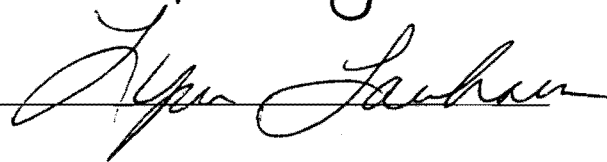
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Prepared by:

A handwritten signature in cursive script, appearing to read "Curtis Murray", written over a horizontal line.

Division Chief:
AFK/LL: CM

A handwritten signature in cursive script, appearing to read "John Lachar", written over a horizontal line.

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



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

Maryland Department of Transportation

June 3, 2005

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

RE: Baltimore County
Item No. 567(BPR)
MD 25
6302 Falls Road
Mile Post 1.03

Dear Ms. Matthews:

We have reviewed the referenced plan and have no objection to approval of the item.

However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements may be required:

- Highway widening dedication to an ultimate 80' right-of-way.
- Frontage improvements to include curb, gutter and sidewalk from property corner to property corner.

Should you require any additional information regarding this subject, please contact Larry Gredlein at 410-545-5606 or by E-mail (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

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



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

Maryland Department of Transportation

June 3, 2005

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

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Item No. 567 (BPR)
MD 25
6302 Falls Road
Mile Post 1.03

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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

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

May 20, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 20, 2005

Item No : 567, 583, 588

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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Insp. Tribble
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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

May 20, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 20, 2005

Item No: 567, 583, 588

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Insp. Tribble
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



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

May 20, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 20, 2005

Item No. : 567, 583, 588

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Insp. Tribble
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 2, 2005

FROM: ^{DAK} Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2005
Item No. 567

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

A 25-foot right-of-way from the existing paving centerline shall be deeded over to Baltimore County at no cost (ultimate 50-foot row.) Shoemaker Road shall be improved along the entire property frontage. The setbacks and variances shall be modified accordingly. The Proposed development is subject to all development regulations.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 567-06022005.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 2, 2005

FROM: ^{DM} Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2005
Item No. 567

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DAK:CEN:clw

cc: File

ZAC-ITEM NO 567-06022005.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE *
6302 Falls Road; W/side Falls Road, 100' N * ZONING COMMISSIONER
c/line Bare Hills Avenue *
3rd Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Kathryn Belitsos *
Petitioner(s) * BALTIMORE COUNTY
* 05-567-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to Spelman, Larson & Associates, Inc, 105 W. Chesapeake Avenue, Towson, MD 21204, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

MAY 20 2005

Per.....
SP

cd
pm
RECEIVED
JUL 26 2005
ZONING COMMISSIONER
Jm
7/29

SHOEMAKER LIMITED PARTNERSHIP

July 22, 2005

ZONING COMMISSIONER- BALTIMORE COUNTY
407 County Courts Building
401 Bosley Avenue
Towson, Maryland 21212

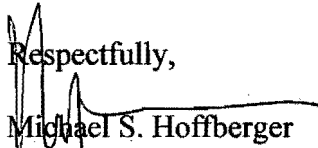
Re: VARIANCE APPLICATION #05-567-SPHXA

Dear Sirs:

I am the managing partner of the Shoemaker Limited Partnership. This partnership owns 1406 & 1408 Shoemaker Road. Shoemaker Road is a private road. I am unfamiliar with the petitioner's site plan and proposed access to his property and I will be out of the country at the time of the hearing. Petitioner's property, 6302 Falls Road, does not have any access rights to use Shoemaker Road for the benefit of his property, so far as we are aware. My purpose in writing this letter is simply to notify the zoning board, in the event that they are unaware of these facts, that without the permission of all property owners with frontage on Shoemaker Road petitioner may not use the road for any reason.

I can be reached after August 2 at 443-773-3000.

Respectfully,


Michael S. Hoffberger
Shoemaker Limited Partnership



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

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 03 Account Number - 1600011792

Owner Information

Owner Name: BELITSOS NICHOLAS J
BELITSOS KATHRYN M Use: INDUSTRIAL
Principal Residence: NO
Mailing Address: 9 WYNDAM CT
LUTH-TIMONIUM MD 21093-3715 Deed Reference: 1) /11483/ 502
2)

Location & Structure Information

Premises Address

6302 FALLS RD

Legal Description

0.731 AC
6302 FALLS RD
SW COR SHOEMAKER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
69	21	706						1	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built

1954

Enclosed Area

11,374 SF

Property Land Area

31,842.00 SF

County Use

07

Stories

Basement

Type

Exterior

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	141,800	153,600		
Improvements:	175,900	174,800		
Total:	317,700	328,400	324,832	328,400
Preferential Land:	0	0	0	0

Transfer Information

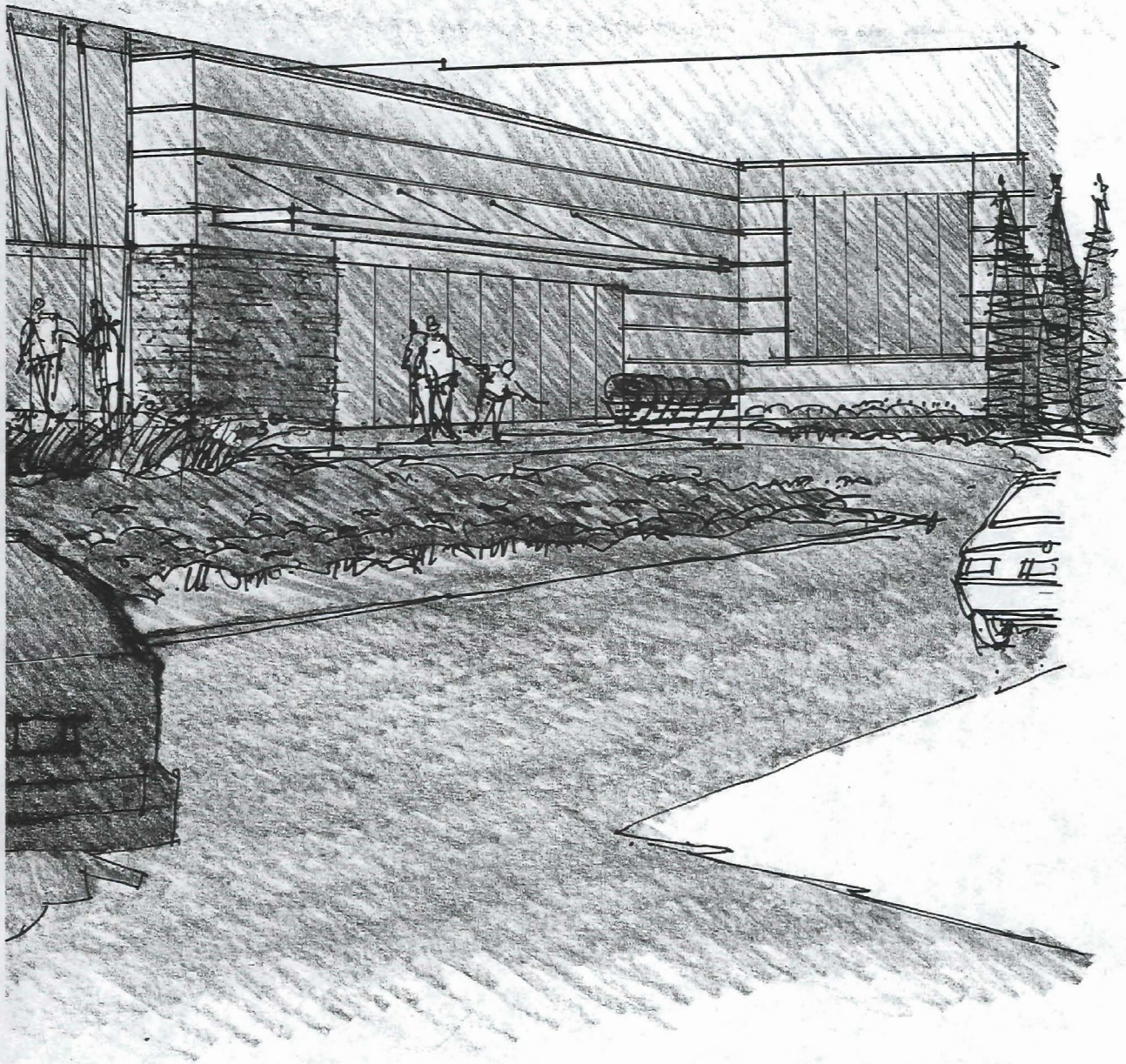
Seller: NIELD WAYNE L,2ND	Date: 03/18/1996	Price: \$315,000
Type: IMPROVED ARMS-LENGTH	Deed1: /11483/ 502	Deed2:
Seller: NIELD WAYNE L,2ND	Date: 05/17/1995	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11049/ 82	Deed2:
Seller: BAUER JOHN G	Date: 02/16/1988	Price: \$400,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7792/ 659	Deed2:

Exemption Information



Rel
2A





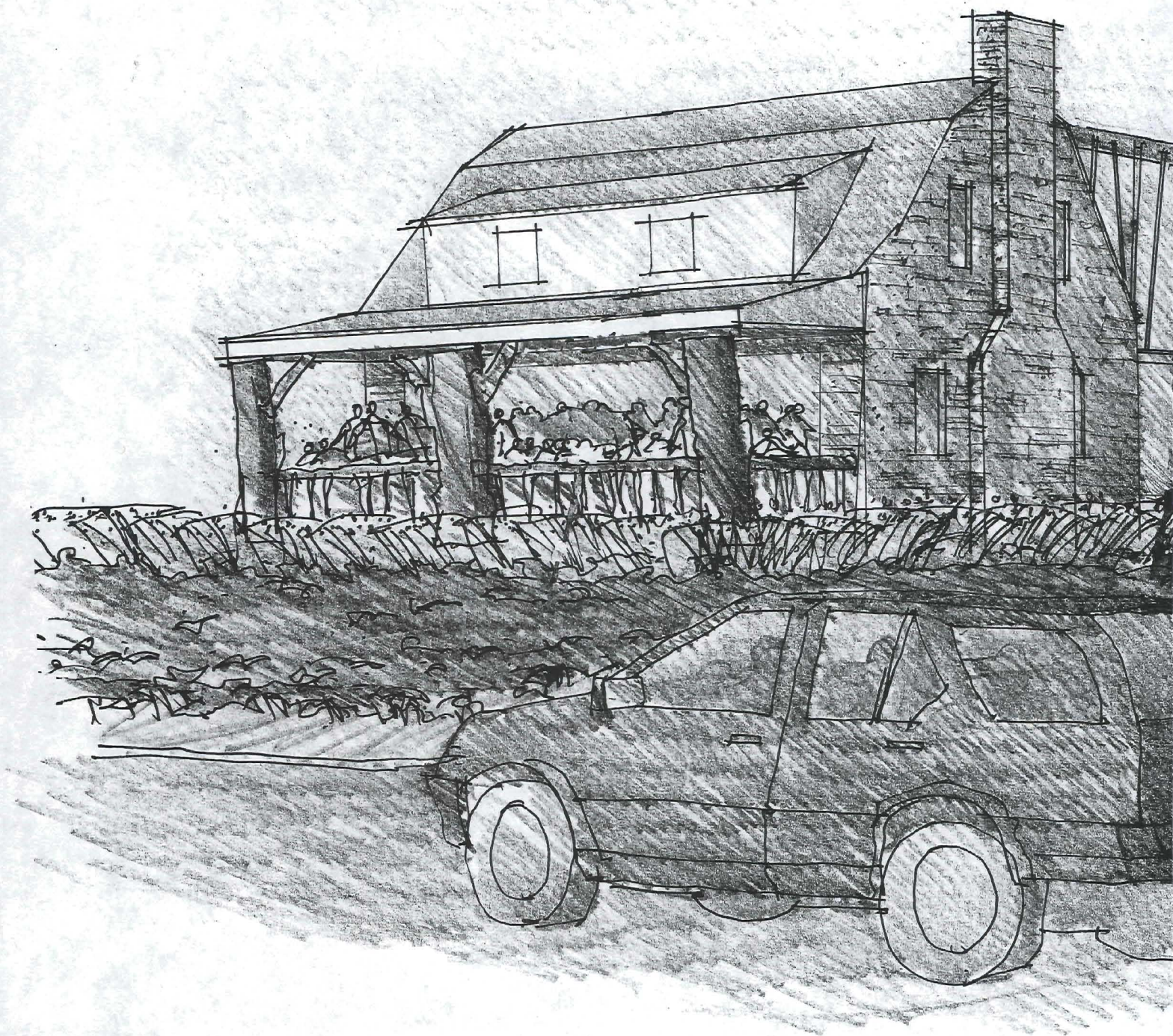
peter fillat architects
p i l l a t a r c h i t e c t s

SCALE: AS NOTES
DATE: 05.20.05

PERSPECTIVE

6301 Falls Road
05009

Pet
2B



Pete 410-967-7366
C.D.
P.M.

Petition for 6303 Fall Rd. Redevelopment

We the undersigned would like 6302 Falls Road to be refurbished and it would be nice if we could go there to eat. We hope that a special exception for the restaurant/café and a parking variance for the changed use is excepted.

Kleenize Wayne Spangler President 9/21/05

PRECISION ENGRAVING Frank Lee PRESIDENT 5/21/05

Freedom Sys. Mark Thistel, Pres. 7-21-05

Sunnyfields David A. Schuler

Pet #3

EASEMENT

THIS EASEMENT AGREEMENT is made this 12th day of July, 1990 by and between each and all of the parties designated on Exhibit A attached hereto (individually and collectively, "Grantors"); and OLD PIMLICO LIMITED PARTNERSHIP ("Grantee"), a Maryland limited partnership.

RECIPIENTS:

A. Grantee is the fee simple owner of that parcel of land ("Grantee's Parcel") located in Baltimore County, Maryland and more particularly described in a Deed dated May 12, 1988 from Iacoboni Realty Company to Grantee and recorded in the Land Records of Baltimore County, Maryland at Liber 7861, Folio 831, such Parcel containing approximately 11.4 acres of land located at the southeast corner of the intersection of Old Pimlico Road and Interstate 83.

B. Each of the Grantors is either the fee simple owner of, or the holder of some other interest in, those parcels of land (individually and collectively, "Grantors' Parcels") located in Baltimore County, Maryland which abut and/or are a part of the private road approximately 25 wide and located between Falls Road and Grantee's Parcel, such private road being known as "Shoemaker Road."

C. Grantee desires the right to construct, maintain and use walkways, roadways, driveways, entrances and exits for vehicular and pedestrian traffic in, over and across Shoemaker Road and the right to construct, maintain and use water, sanitary sewer, storm sewer, gas, electric, telephone and other utilities and services in, under, over and across Shoemaker Road between Falls Road and Grantee's Parcel; and, to the extent Grantors possess any right, title or interest in Shoemaker Road, Grantors are willing to grant Grantee such rights.

NOW, THEREFORE, WITNESSETH: That in consideration of the receipt of Five Dollars (\$5.00) and other good and valuable considerations, of which are hereby acknowledged, Grantors hereby grant and convey to Grantee, its agents, employees, contractors, customers, invitees and its successors and assigns, as easements appurtenant to Grantee's Parcel, (a) the free and uninterrupted perpetual right to construct, maintain and use walkways, roadways, driveways, entrances and exits in, over and across Shoemaker Road as it now exists between Falls Road and Grantee's Parcel for the purpose of pedestrian and vehicular access between Falls Road and Grantee's Parcel, and (b) the free and uninterrupted perpetual right to construct, maintain and use water, sanitary sewer, storm sewer, gas, electric, telephone and other utilities and services, in, under, over and across Shoemaker Road as it now exists between Falls Road and Grantee's Parcel for the purpose of providing utility service to Grantee's Parcel.

All easements granted hereby are made on the following terms and conditions:

1. Any installation, use, operation, maintenance, repair or replacement performed hereunder shall, unless agreed to in writing by any of the Grantors, be at no cost to any of the Grantors and shall be performed so as not to materially and adversely interfere with the use and enjoyment of Grantors' Parcels.

2. If Shoemaker Road is disturbed by the performance by Grantee of any installation, use, operation, maintenance, repair or replacement hereunder, the portion of Shoemaker Road disturbed thereby shall promptly be restored by Grantee to the physical condition immediately prior to such disturbance.

3. No building or other structure shall be erected by Grantors or Grantee on or over Shoemaker Road between Falls Road and Grantee's Parcel or any walkway, roadway, driveway, entrance, exit or utility installed by Grantee hereunder.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

SIGNATURE

7/12/90

7/12/90

B RC/T 26.00

0 #

26.00

0702 0004 R01 T10:34

07/12/90

Ret #44

