SERVEN FOR FIRE

IN RE: PETITIONS FOR SPECIAL EXCEPTION

and VARIANCE - SE/Corner Annapolis Road

and Illinois Avenue

(4301 Annapolis Road)

13<sup>th</sup> Election District

1<sup>st</sup> Council District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 06-240-XA

4301 Annapolis, LLC, Owners; Carroll L. Bond, III, Lessee

\* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner for consideration of Petitions for

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Special Exception and Variance filed by the owners of the subject property, 4301 Annapolis, LLC and the Contract Lessee, Carroll L. Bond, III, through their attorney, David F. Mister, Esquire. The Petitioners request a special exception for an arcade with not less than six (6) amusement devices in combination with the use as a tavern, pursuant to Section 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from Section 409.6.A.2 of the B.C.Z.R. to permit a commercial building with use as a tavern, carryout and areade to have 38 parking spaces in lieu of the required 63; to permit a one-way drive aisle for angled 45° angle parking with a width of 12 feet in lieu of the required 14 feet, pursuant to Section 409.4C of the B.C.Z.R.; to permit plant screening and distance to public street line to have a variable width of 4 feet to 10 feet adjacent to onsite parking in lieu of the required 10 feet, pursuant to the Baltimore County Landscape Manual (Adopted by Resolution 60-00, August 7, 2000, and as amended) and Section 409.8.A.1 and 409.8.A.4 of the B.C.Z.R.; and, to permit no landscape strip between onsite paved surface and adjacent paved surfaces, and no paving setback from lot line and existing paved surface of adjacent commercial use property for noninterconnected parking lots, pursuant to Section 409.8.A.1 and the Baltimore County Landscape Manual (Adopted by Resolution 60-00, August 7, 2000, and as amended.) The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Carroll (Roy) Bond, III, a principal of 4301 Annapolis, LLC, property owner, Virginia Kline, the proprietor of the proposed use, and Clyde Hinkle, Vice President of Bafitis & Associates, Inc., the engineering consultants who prepared the site plan for this property. Appearing as an interested citizen was Joseph L. Katz. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southeast corner of the intersection of Annapolis Road and Illinois Avenue in Arbutus. The property contains a gross area of 0.513 acres, more or less, zoned B.L.-A.S., and was previously improved with a tavern that had existed on the property for more than 100 years; however, was completely destroyed by fire in 2004. The Petitioners are desirous of redeveloping the property with a new tavern and packaged goods store. As shown on the site plan, the original building was a small, one-story structure (2,275 sq.ft.) located in the northwest corner of the site, in close proximity to the intersection of Annapolis Road and Illinois Avenue. The new building will be slightly larger (3,120 sq.ft.) and will be located in the eastern (rear) portion of the site. Parking for up to 38 vehicles will be provided along the front and side property lines. It was indicated that the new building has been attractively designed with split-face block, in keeping with the character of the surrounding neighborhood.

At issue in the instant case is the Petitioners' proposal to utilize a portion of the new tavern building as an arcade consisting of not less than six (6) amusement devices. In this regard, the B.C.Z.R. permits by right up to four (4) amusement devices as an accessory use to a tavern/bar. Thus, the requested special exception relief is necessary. In addition, variance relief is requested to allow 38 parking spaces in lieu of the minimum required 63 spaces and from the landscaping requirements set forth in the Baltimore County Landscape Manual, owing to the small area of the property and the uses proposed.

In support of the proposal, Mr. Hinkle testified on behalf of the Petitioners that the subject property is located in a mixed use neighborhood consisting of both commercial and residential uses. He indicated that the proposed use will be a community tavern whose customer

base will be primarily foot traffic from neighboring homes and businesses, consistent with the prior use of the property, and that it will not foster additional traffic to the area. In this regard, it was indicated that Ms. Kline has discussed the proposal with residents in the community and that they were happy that the property was being redeveloped as proposed and would no longer be used as a storage facility for commercial vehicles. Mr. Hinkle testified that the subject property is not located in a highly congested traffic area and that the 38 parking spaces provided will be sufficient for the proposed use. He indicated that there are an additional 20 parking spaces available on the side streets, if necessary.

As noted above, no one appeared in opposition to the request. Moreover, there were

no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, but for the Office of Planning. In this regard, the Office of Planning believes that the Petitioners' request for variance relief is self-created and that there are other uses consistent with the B.L. zoning of the property that would not require such relief. I do not agree with the position taken by the Office of Planning and will not require the submittal of such plans as a condition of my approval. As noted above, this property was the site of a community tavern for over 100 years until that building was destroyed in 2004. In my view, the use proposed is consistent with the prior use and meets the requirements of Section 502.1 of the B.C.Z.R. for relief to be granted. The Fire Department regulations require that the size of the building be increased to accommodate current Fire Code requirements. Moreover, I find that relief is warranted from the landscaping requirements, owing to the size of this lot and its corner location. There will be landscaping provided along Annapolis Road and the Petitioners are discussing the potential of constructing a small retaining wall along the southern property line to buffer the use and difference in grade from the adjacent 7-Eleven Store. However, as a condition to the relief granted, I will require that building elevation drawings of the proposed building along with a landscaping and lighting plan be submitted to the Office of Planning for their review and approval prior to the issuance of any permits.

Within its ZAC comment, the Bureau of Development Plans Review recommended that the proposed access off of Illinois Avenue closest to Annapolis Road be eliminated and that the "angled" parking spaces in that area be replaced with "parallel" parking spaces. In response to this recommendation, Mr. Bond testified that there is scarcely any traffic along Illinois Avenue and that public safety would be better served by having two access points into the site than the resultant back-ups that would occur from limiting access to one entrance. I tend to agree with his reasoning. Moreover, blocking off this access would not allow for more parking on the premises. Finally, the circulation of traffic on the site as proposed has not changed from that which has existed since the original tavern building was constructed and there has never been a problem in the past. Thus, I find that the proposed parking arrangement is appropriate. It is also to be noted that the State Highway Administration had no objections to the proposal and recommended only certain roadway improvements be made as a condition of approval.

Based upon the undisputed testimony and evidence offered, I am persuaded that the special exception and variance relief should be granted. In my judgment, the proposed use will not be detrimental to the health, safety or general welfare of the surrounding locale and satisfies the requirements of Section 502.1 of the BCZR. Moreover, the proposed redevelopment is consistent with the prior use of the site and is supported by the adjacent community. Thus, I find that the relief requested is appropriate and should therefore be granted. However, as a condition to the relief granted, I will limit the number of amusement devices to ten (10).

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the Petitions for Special Exception and Variance should therefore be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May 2006 that the Petition for Special Exception to permit an arcade with not less than six (6) amusement devices as a use in combination with the primary use of the property as a tavern, pursuant to Section 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

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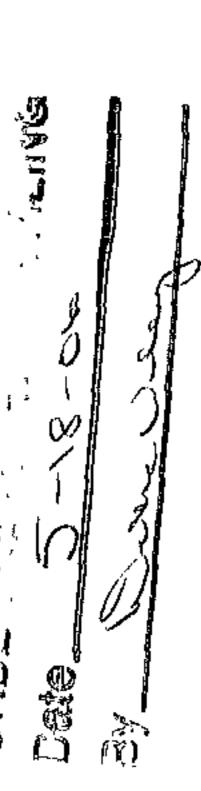
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the B.C.Z.R. to permit a commercial building used as a tavern, with a carry-out and arcade to have 38 parking spaces in lieu of the required 63; to permit a one-way drive aisle for 45° angled parking with a width of 12 feet in lieu of the required 14 feet, pursuant to Section 409.4C of the B.C.Z.R.; to permit plant screening and distance to public street line to have a variable width of 4 feet to 10 feet adjacent to onsite parking in lieu of the required 10 feet, pursuant to the Baltimore County Landscape Manual (Adopted by Resolution 60-00, August 7, 2000, and as amended) and Section 409.8.A.1 and 409.8.A.4 of the B.C.Z.R.; and, to permit no landscape strip between onsite paved surface and adjacent paved surfaces, and no paving setback from lot line and existing paved surface of adjacent commercial use property for non-interconnected parking lots, pursuant to Section 409.8.A.1 and the Baltimore County Landscape Manual (Adopted by Resolution 60-00, August 7, 2000, and as amended), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and the Board of Appeals reverses this Order, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Office of Planning and the State Highway Administration, copies of which are attached hereto and made a part hereof.
- 3) The number of amusement devices permitted on the premises shall be limited to ten (10).
- 4) Landscaping shall be provided for the site as shown on the plan.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

WILLIAM J WISEMAN, III Zoning Commissioner

for Baltimore County



WJW:bjs

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 25, 2005

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4301 Annapolis Road

INFORMATION:

Item Number: 6-240

Petitioner:

4301 Annapolis, LLC

Zoning:

BL-AS

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and is unable to offer support. It appears that the petitioner's need for variance is self-created. The BL zone permits many other commercial uses that do not require the amount of parking required for taverns. However if the petitioner's request is granted the following shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits:

- 1. Building elevations that show the exterior design, colors, and materials of the proposed building.
- 2. A landscaping and lighting plan that shows the location of all lights to be used on the property. The plan should also include dumpster locations and respective screening.

The aforementioned landscape plan shall also be submitted to Avery Harden, Baltimore County Landscape Architect for review and approval.

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

Prepared by:

OT FILING

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Division Chief:

AFK/LL: CM

W:\DEVREV\ZAC\6-240,doc

State Highway

Administration

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

### Maryland Department of Transportation

Date: November 15, 2005

Ms. Kristen Matthews
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
Towson, Maryland 21204

RE: Baltimore than ty

Item I (o. 240 (J IP) 4301 Annapolis RD

MD 648

Dear Ms. Matthews:

This office has reviewed the referenced Item and has no objection to approval of the Special Exception. 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:

- Replacement of existing curb, gutter and sidewalk from property corner to property corner.
- The proposed entrance shall be 25' wide.
- Provide a typical section showing the proposed improvements.
- A hydraulic analysis may be required.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required 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



JAMES T. SMITH, JR. County Executive

May 18, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

David F. Mister, Esquire Mister, Winter & Bartlett, LLC 30 E. Padonia Road, Suite 404 Timonium, Maryland 21093

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
SE/Corner Annapolis Road and Illinois Avenue
(4301 Annapolis Road)
13<sup>th</sup> Election District — 1<sup>st</sup> Council District
4301 Annapolis, LLC, Owners; Carroll L. Bond, III, Contract Lessee
Case No. 06-240-XA

Dear Mr. Mister:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

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

VILLAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Very truly yours

WJW:bjs

cc: Mr. Carroll L. Bond, III, 4301 Annapolis, LLC
5501 Pulaski Highway, Baltimore, Md. 21205
Ms. Virginia Kline, 4715 Walther Avenue, Baltimore, Md. 21214
Mr. Clyde Hinkle, Bafitis & Associates, Inc.
1249 Engleberth Road, Baltimore, Md. 21221
Mr. Joseph L. Katz, 406 W. Pennsylvania Avenue, Towson, Md. 21204

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



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 4301 Annapolis Road which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6 A.2

- 1. To permit a commercial building with use as a tavern, carry-out and arcade to have 38 parking spaces in lieu of 63 required spaces.
- 2. See attached.

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

To be discussed at Hearing.

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

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

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

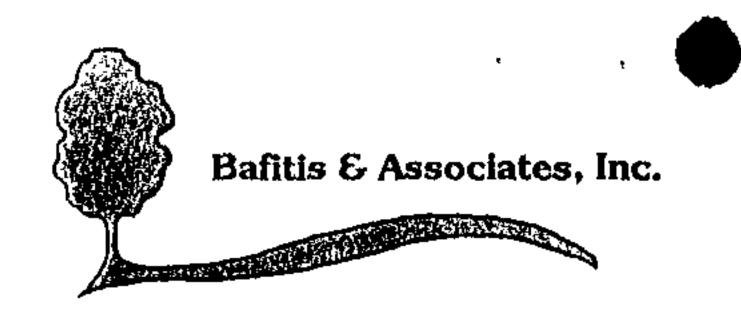
Contract Purchaser/Lessee:	Legal Owner(s):
Carroll L. Bond, III Name-Type of Print	Hame - Type of Prince Manager 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Signature	Signature
5501 Pulaski Highway 410-971-0575 Address Telephone	
Baltimore, Maryland 21205 City State Zip (	Code Signature
Attorney For Petitioner:	4301 Annapolis Road 410-971-0575
David F. Mister Bautre	Address Telephone No.  Baltimore, Maryland 21227
Name - Type of Frint	City State Zip Code  Representative to be Contacted:
M. ster, Winter & Bartlett, LLC	i
Mister, Winter & Bartlett, LLC Company 30 E Padonia Rd., Ste 404 410-56	David F. Mister, Esquire Name  1-3000 30 F. Padaria Pd. Sta 404 410.561 3000
Actiress	No. Address Telephone No.
Timenium, Maryland 21093  C State Zip C	Timonium, Maryland 21093 Code City State Zip Code
∞ 	OFFICE USE ONLY
gaso No. 06-240-X2	ESTIMATED LENGTH OF HEARING
Revie	wed By UNAVAILABLE FOR HEARING Date 1/1/05
R V9715/98	

### ZONING VARIANCE REQUEST ATTACHMENT

### 430 Annapolis Road Baltimore Maryland 21227

- 2. To permit a one-way drive aisle for angled 45° parking with a width of 12' in lieu of the required 14', Section 409.4C.
- 3. To permit plant screening and distance to a public street line to have a variable width of 4' to 10' adjacent to onsite parking in lieu of the required 10' per the Baltimore County Landscape Manual (Adopted by Resolution 60-00, August 7, 2000, and as amended) and Section 409.8 A.1 and 409.8 A.4 BCZR.
- 4. To permit no landscape strip between onsite paved surface and adjacent paved surfaces, and no paving setback from lot line and existing paved surface of adjacent commercial use property for non-interconnected parking lots per section 409.8 A.1 and the Baltimore County Landscape Manual (Adopted by Resolution 60-00, August 7, 2000, and as amended).

06-240-XA



### ZONING DESCRIPTION FOR 4301 ANNAPOLIS ROAD

Beginning for the same at a point at the intersection of the East side of Annapolis Road, 60 feet wide, and the South side of Illinois Avenue, 50 feet wide;

- 1) Thence running along Annapolis Road South 01°-06'-11" West 170.82 feet to a point; Thence leaving said road the two following courses;
- 2) South 72°-43'-19" East 112.53 feet to a point;
- 3) Thence North 17°-18'-34" East 164.03 feet to a point on the South side of Illinois Avenue;
- 4) Thence running along said road North 72°-41'-26" West 160.21 feet to the place of beginning.

Containing 22,366 Square Feet or 0.513 Acres more or less.

Being known as Lots 5 thru10 and part of Lot 4 shown on a plat entitled; Baltimore Highlands recorded among the Land Records of Baltimore County, Maryland, Plat Book 2, Folio 379.

illiam N. Bafitis P.F. Md.Reg. No. 11641

10/14/05 Date

MISCELL WHITE - CASHIER ANEOUS RECEIPT 5. ----PINK - AGENCY المامة المامة المامة المامة FINANCE ACCOUNT AMOUNT YELLOW - CUSTOMER À

### 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: #06-240-XA

4301 Annapolis Road

Corner east side of Annapolis Road and south side of lithods Avenue

Illinois Avenue

13th Election District - 1st Councilmanic District
Legal Owner(s): 4301 Annapolis, LLC
Contract Purchasers: Carroll Bond, III
Special Exception: to allow an arcade with not less than six (6) amuserient devices in combination with the use of a tavern. Variance: to permit a commercial building with a tavern, carrybut and arcade to have 38 parking spaces in lieu of 63 required spaces.
Hearing: Tuesday, May 9, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Towson 21204,

WILLIAM J. WISEMAN, III
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.

2774/704 Apr. 25

### CERTIFICATE OF PUBLICATION

4/27/,2006	
THIS IS TO CERTIFY, that the annexed advertisement was publis	shed
in the following weekly newspaper published in Baltimore County, M	Id.,
once in each ofsuccessive weeks, the first publication appear on $4625$ _,2006.	ing
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News	

LEGAL ADVERTISING

### **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: #06-240-XA

4301 Annapolis Road Corner east side of Annapolis Road and south side of Illinois Avenue

13th Election District - 1st Councilmanic District
Legal Owner(s): 4301 Annapolis, LLC
Contract Purchaser: Carroll L. Bond, III
Special Exception: to allow an arcade with not less than six (6) amusement devices in combination with the use as tavern. Variance: to permit a commercial building with use as a tavern, carry-out and arcade to have 38 parking spaces in lieu of 63 required spaces.
Hearing: Wednesday, December 14, 2005 at 9:00 a.m. In Room 106, Baltimore County Office Building, 111
West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

J<u>T/</u>11/<u>71</u>6 Nov. 22

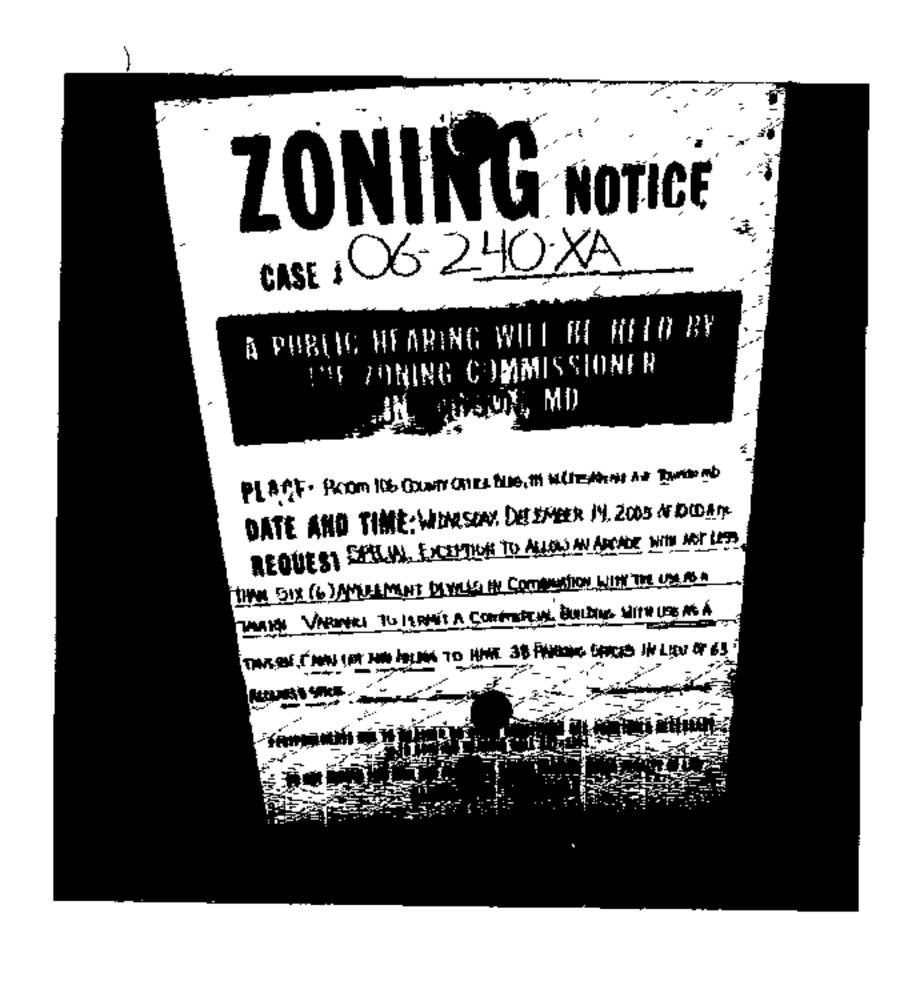
### CERTIFICATE OF PUBLICATION

<del> </del>	<u> </u>
1123,2005	
THIS IS TO CERTIFY, that the annexed advertisemen	nt was published
n the following weekly newspaper published in Baltimor	!
once in each ofsuccessive weeks, the first public	ation appearing
on $11 22 $ ,2005.	
The Jeffersonian	
Arbutus Times	<u> </u>
☐ Catonsville Times	
Towson Times	 
☐ Owings Mills Times	
☐ NE Booster/Reporter	
North County News	
S. Wilkins	12

LEGAL ADVERTISING

### **CERTIFICATE OF POSTING**

Petitioner/Developer: CARROLL L Date of Hearing/Closing: DEC 14/2005 **Baltimore County Department of** Permits and Development Management **County Office Building, Room 111** 111 West Chesapeake Avenue Towson, Maryland 21204 **ATTN: Kristen Matthews {(410) 887-3394}** Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 4301 ANNAPOLIS RD 11-28-05 The sign(s) were posted on (Month, Day, Year) Sincerely,



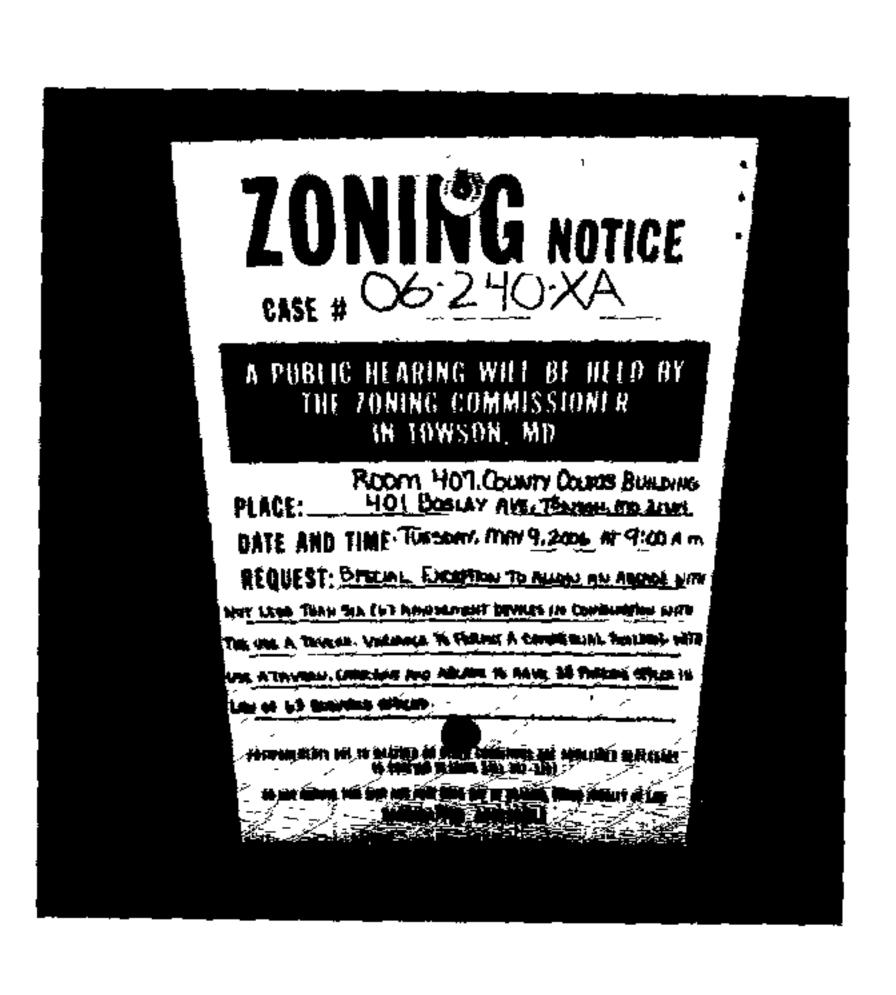
Robert Black 1+22-0
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

RE: Case No.: 06 - 240 - XA

4301 ANNAPOLIS RD

### CERTIFICATE OF POSTING

	RE: Case No.: 06 240 -	KA.
	Petitioner/Developer: CAZ	R-011
	BOND 111	
	Date of Hearing/Closing: 5	7-04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
ATTN: Kristen Matthews {(410) 887-3394}		
Ladies and Gentlemen:	,	į
This letter is to certify under the penalties of perpentition of posted conspicuously on the property located a	erjury that the necessary sign(s) required by l t:	aw were
4301 ANNAPOLIS	5 20	**************************************
The sign(s) were posted on	4-23-06	al-t-s-realized week to relieve to the way the
	(Month, Day, Year)	##*## TE TOTAL TOTAL AND
	Sincerely,	



Robert Black 4-24-06
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT : ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

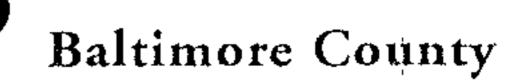
### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	ļ
Item Number or Case Number: $06-240-XA$	······································
Petitioner: <u>CARROLL L. BOND JR</u>	
Address or Location: 4301 ANNAPOLIS ROAD	· · · · · · · · · · · · · · · · · · ·
	ı
PLEASE FORWARD ADVERTISING BILL TO:	ı
Name: Pavid F. Mister	·
Address: 30 E. Padonia Rd, Suite 404	
Timonium MD. 21097	
	; !
Telephone Number: 4-10-561-5000	 

# Department of Permits and Development Management

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





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

November 8, 2005

### Tel: 410-887-3353 • Fax: 410-887-5708 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: 06-240-XA

4301 Annapolis Road

Corner east side of Annapolis Road and south side of Illinois Avenue.

13<sup>th</sup> Election District, 1<sup>st</sup> Councilmanic District

Legal Owner: 4301 Annapolis, LLC.

Contract Purchaser: Carroll L. Bond, III

Special Exception to allow an arcade with not less than six (6) amusement devides in combination with the use as tavern.

Variance to permit a commercial building with use as a tavern, carry-out and arcade to have 38 parking spaces in lieu of 63 required spaces.

Hearing: Wednesday, December 14, 2005 at 10:00 a.m., in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK: clb

C: David F. Mister 30 E. Padonia Road, Ste. 404 Timonium 21093 4301 Annapolis, LLC 4301 Annapolis Road Baltimore 21227

## NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 30, 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, November 22, 2005 Issue - Jeffersonian

Please forward billing to:

David F. Mister

410-561-3000

30 E. Padonia Road, Ste. 404 Timonium, Maryland 21093

### **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: 06-240-XA

4301 Annapolis Road

Corner east side of Annapolis Road and south side of Illinois Avenue.

13<sup>th</sup> Election District, 1<sup>st</sup> Councilmanic District

Legal Owner: 4301 Annapolis, LLC.

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Special Exception to allow an arcade with not less than six (6) amusement devices in combination with the use as tavern.

Variance to permit a commercial building with use as a tavern, carry-out and arcade to have 38 parking spaces in lieu of 63 required spaces.

Hearing: Wednesday, December 14, 2005 at 9:00 a.m., in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204

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

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



### Baltimore County

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

April 5, 2006

### 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: 06-240-XA

4301 Annapolis Road

Corner east side of Annapolis Road and south side of Illinois Avenue 13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: 4301 Annapolis, LLC Contract Purchasers: Carroll Bond, III

Mutty Kotroco

Special Exception to allow an arcade with not less than six (6) amusement devices in combination with the use a tavern. <u>Variance</u> to permit a commercial building with use a tavern, carryout and arcade to have 38 parking spaces in lieu of 63 required spaces.

Hearing: Tuesday, May 9, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: David Mister, 30 E. Padonia Road, Timonium 21093 Carroll Bond, III, 5501 Pulaski Highway, Baltimore 21205

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 24, 2006.
  - (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, April 25, 2006 Issue - Jeffersonian

Please forward billing to:

David F. Mister Mister, Winter & Bartlett, LLC 30 E. Padonia Road, Ste. 404

Timonium, MD 21093

410-561-3000

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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# Department of Permits Development Management

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





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

May 5, 2006

David F. Mister, Esquire Mister, Winter & Bartlett, LLC 30 E. Padonia, Ste 404 Timonium, MD 21093

Dear Mr. Mister:

RE: Case Number: 06-240-XA, 4301 Annapolis Road

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

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel 4301 Annapolis, LLC 4301 Annapolis Road Baltimore 21227 Carroll L. Bond, III 5501 Pulaski Highway Baltimore 21205



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





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

December 12, 2005

David F. Mister Mister, Winter & Bartlett 30 E. Padonia Road, Ste. 404 Timonium, Maryland 21093

Dear Mr. Mister:

RE: Case Number: 06-40-XA, 4301 Annapolis Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 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,
U. Call Rillal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Carroll L. Bond, III 5501 Pulaski Highway Baltimore 21205 4301 Annapolis LLC. 4301 Annapolis Road Baltimore 21227



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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** November 16, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 7, 2005

Item No. 240

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

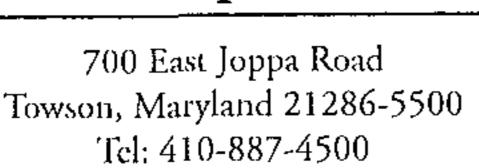
The proposed access off Illinois Avenue closest to Annapolis Road should be eliminated and the "angled" parking spaces should be replaced with "parallel" parking spaces.

DAK:CEN:clw

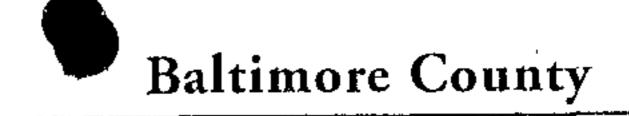
cc: File

ZAC-ITEM NO 240-11162005.doc

### Fire Department







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 November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 240

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.

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.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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



### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** November 25, 2005

FROM:

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

SUBJECT:

4301 Annapolis Road

INFORMATION:

Item Number: 6-240

Petitioner:

4301 Annapolis, LLC

Zoning:

**BL-AS** 

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and is unable to offer support. It appears that the petitioner's need for variance is self-created. The BL zone permits many other commercial uses that do not require the amount of parking required for taverns. However if the petitioner's request is granted the following shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits:

- 1. Building elevations that show the exterior design, colors, and materials of the proposed building.
- 2. A landscaping and lighting plan that shows the location of all lights to be used on the property. The plan should also include dumpster locations and respective screening.

The aforementioned landscape plan shall also be submitted to Avery Harden, Baltimore County Landscape Architect for review and approval.

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

Prepared by:

Division Chief: AFK/LL: CM

W:\DEVREV\ZAC\6-240.doc



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

RE:

Date: November 15, 2005

Ms. Kristen Matthews
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
Towson, Maryland 21204

Baltimoreanty

Item No. 240 (JAP) 4301 Annapolis RD

MD 648

Dear Ms. Matthews:

This office has reviewed the referenced Item and has no objection to approval of the Special Exception. 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:

- Replacement of existing curb, gutter and sidewalk from property corner to property corner.
- The proposed entrance shall be 25' wide.
- Provide a typical section showing the proposed improvements.
- A hydraulic analysis may be required.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. 1. Meell

Steven D. Foster, Chief

Engineering Access Permits Division

RE: PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

4301 Annapolis Road; Corner E/S Annapolis\*

Road & S/S Illinois Avenue

13<sup>th</sup> Election & 1<sup>st</sup> Councilmanic Districts

Legal Owner(s): 4301 Annapolis LLC

Contract Purchaser(s): Carroll Bond, III

Petitioner(s)

**BEFORE THE** 

**ZONING COMMISSIONER** 

**FOR** 

BALTIMORE COUNTY

06-240-XA

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 all 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 7<sup>th</sup> day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to David Mister, Esquire, 30 E. Padonia Road, Suite 404, Timonium, MD 21093, Attorney for Petitioner(s).

RECEIVED

NOV 0 7 2005

Per (2)

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

### LAW OFFICES MISTER, WINTER & BARTLETT, LLC SUITE 404-PADONIA CENTRE 30 E. PADONIA ROAD TIMONIUM, MD 21093

(410) 561-3000 **FACSIMILE** (410)560-0588

DAVID F. MISTER LESLIE A WINTER ANTHONY T. BARTLETT

AMY K. FINNERAN

OF COUNSEL: ANDREW II, VANCE ROBERT L. FRANK ELIZABETII C. YAREMA

WRITER'S EMAIL dmister@mwblaw.net

March 24, 2006

Kristin Matthews Department of Permits and Development Mangement Development Processing County Office Building, Suite 111 111 West Chesapeake Avenue Towson, Maryland 21204

Re: 4301 Annapolis Road Case No.: 06-240-XA

Dear Ms. Matthews:

Please be advised that I represent the property owners and contract purchasers of the business at the above-described property, Carroll L. (Roy) Bond, III, being the principal of each, in the above-referenced zoning petitions.

The above-referenced matter was originally scheduled for a hearing on December 14, 2005, at 10:00 a.m., but was postponed due to the purchasers' interest in obtaining additional adjacent real estate parcels which would have required revisions to the submitted site plan. The purchasers have since reconsidered the expansion and wish to continue with the originally submitted zoning petitions.

Therefore, we are ready to proceed with the originally submitted plans and respectfully request that a new hearing date be scheduled.

Respectfully submitted,

David Frankly

David F. Mister

DFM:vdg cc: Roy Bond

Peter Max Zimmerman, People's Counsel

William Bafitis
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MAR 27 2006 06-62/

# LAW OFFICES MISTER, WINTER & BARTLETT, LLC SUITE 404-PADONIA CENTRE 30 E. PADONIA ROAD TIMONIUM, MD 21093

(410) 561-3000 FACSIMILE (410)560-0588

DAVID F. MISTER LESLIE A. WINTER ANTHONY T. BARTLETT

AMY K. FINNERAN

OF COUNSEL:
ANDREW II. VANCE
ROBERT L. FRANK
ELIZABETH C. YAREMA

WRITER'S EMAIL dmister@mwblaw.com

December 5, 2005

Timothy M. Kotroco, Director Department of Permits and Development Mangement Development Processing County Office Building, Suite 105 111 West Chesapeake Avenue Towson, Maryland 21204

VIA FACSIMILE: 410-887-5708 and FIRST CLASS MAIL

Re: 4301 Annapolis Road Case No.: 06-240-XA

Current Hearing Date: December 14, 2005

Krister postporon Rest to post for in wait to per date. Mr pew date.

### Dear Director Kotroco:

Please be advised that I represent the property owners and contract purchasers of the business at the above-described property, Carroll L. (Roy) Bond, III, being the principal of each, in the above-referenced zoning petitions.

The above-referenced matter is scheduled for hearing on December 14, 2005, at 10:00 a.m. We are considering some revision to the lay-out and site plan due to a recent opportunity to acquire additional real estate parcels contiguous to the development site.

For the foregoing reason, we respectfully request a postponement of the hearing date for this pending matter. We anticipate preparing an amended site plan and submitting it in the foreseeable future. However, due to unforeseeable architect and engineer schedules, as well as the immediately impending Christmas and New Year holidays, we request that this matter be reset upon our request.

Please be advised that this request is being made more than five (5) business days prior to the scheduled hearing and People's Counsel for Baltimore County does not object to this postponement.

Respectfully submitted,

David F. Mister

DFM:vdg cc: Roy Bond

Peter Max Zimmerman, People's Counsel William Bafitis
M \Wpwm60\CLIENTS\SPORTSMAN'S BAR\Kettoco postponement 1qst hr 120505 wpd

DATE	CASE NUMBER	CASE NAME

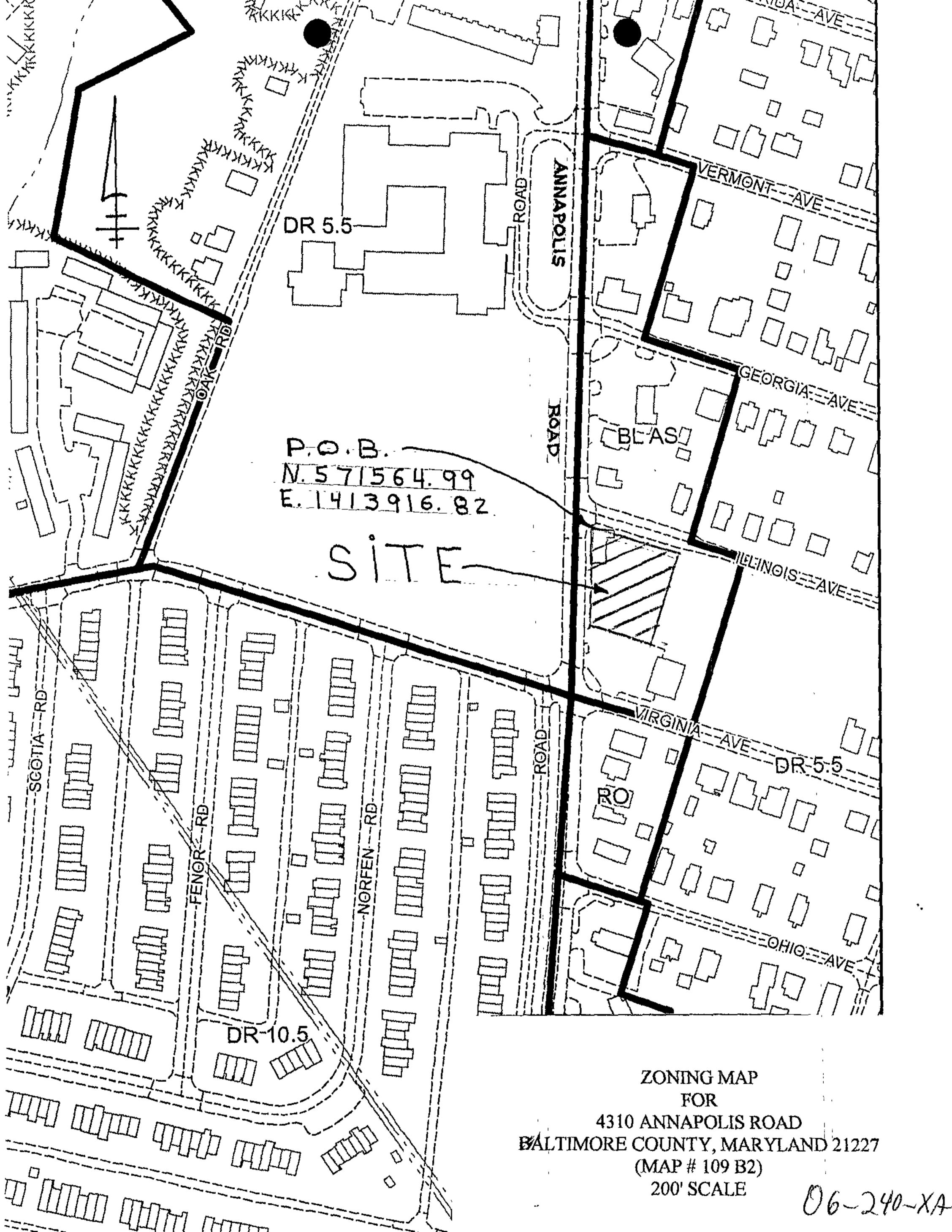
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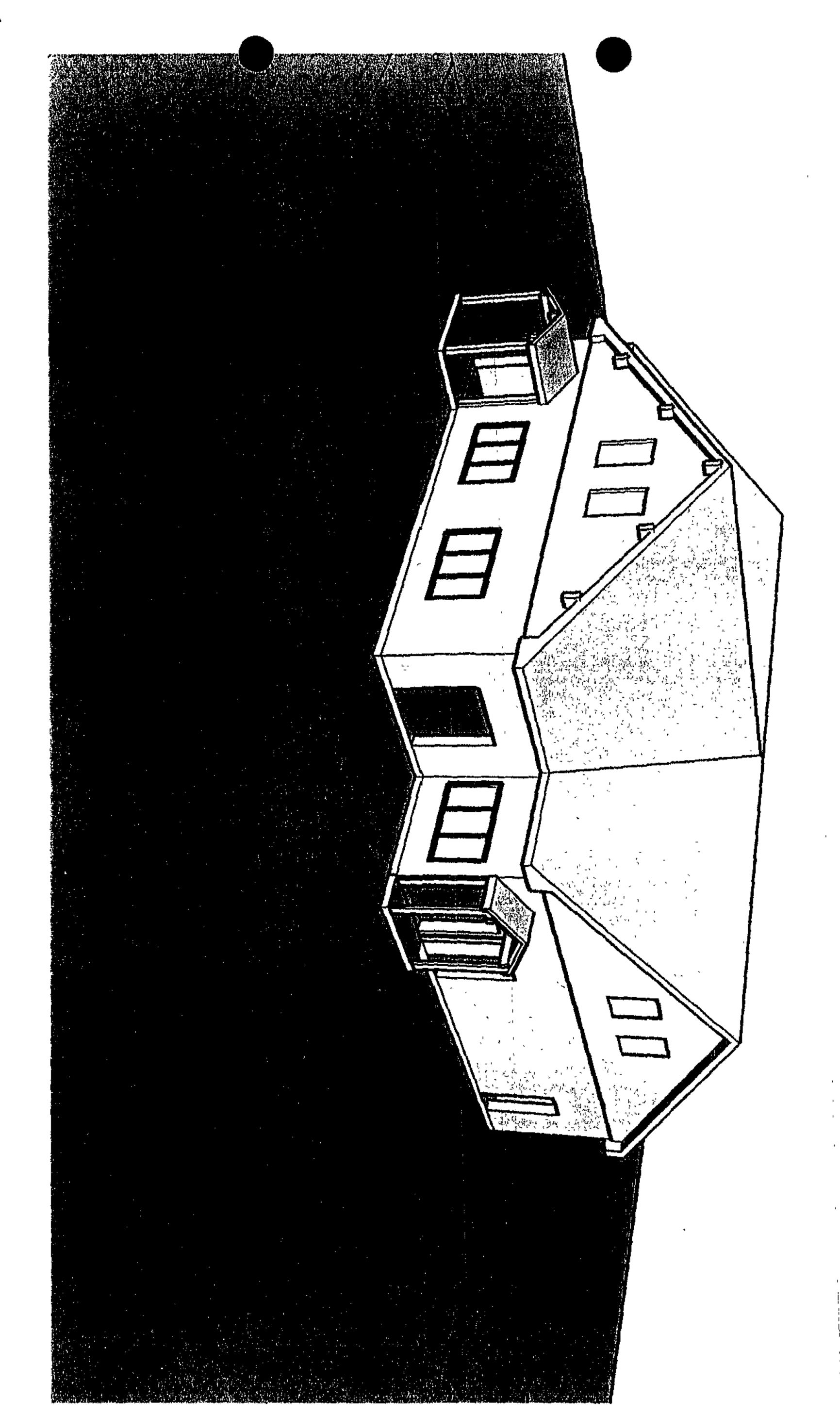
Case No.: 06-240-XA

### **Exhibit Sheet**

### Petitioner/Developer

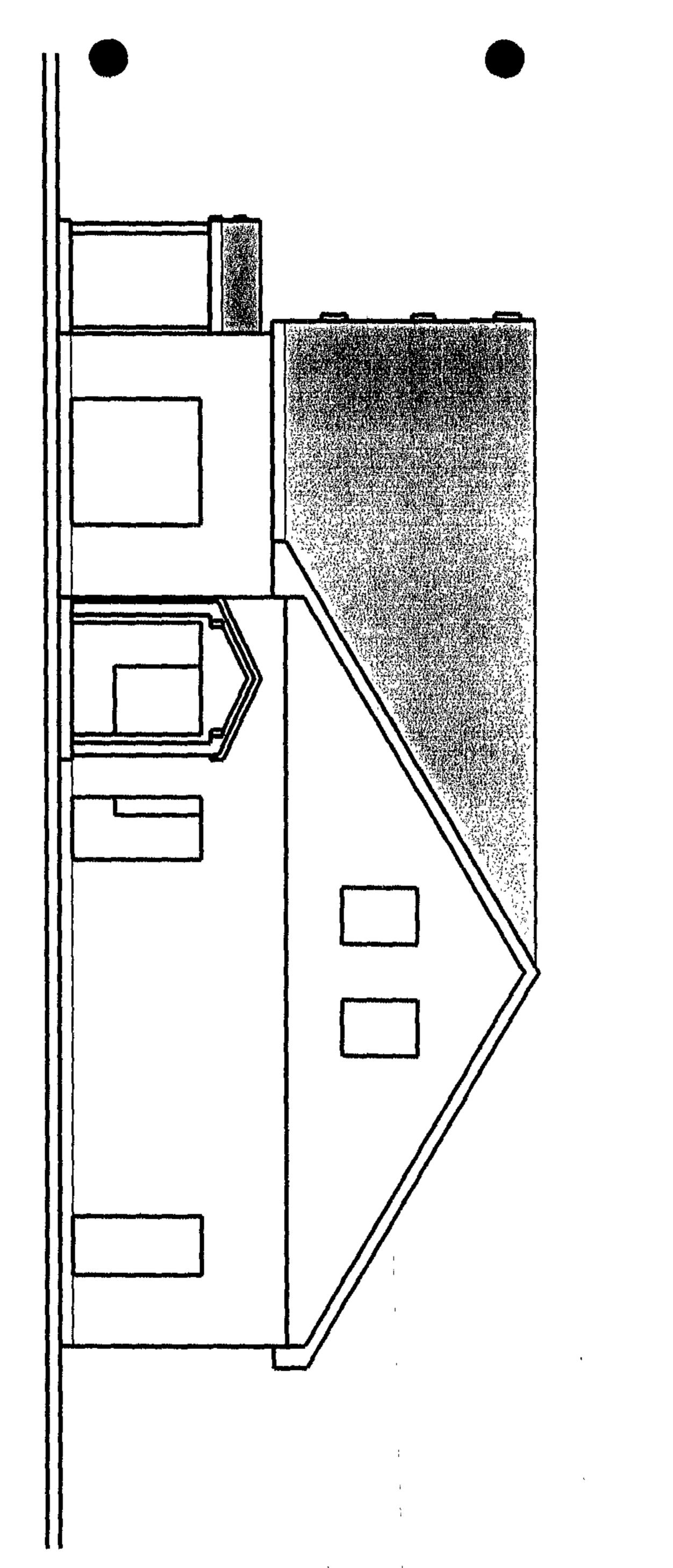
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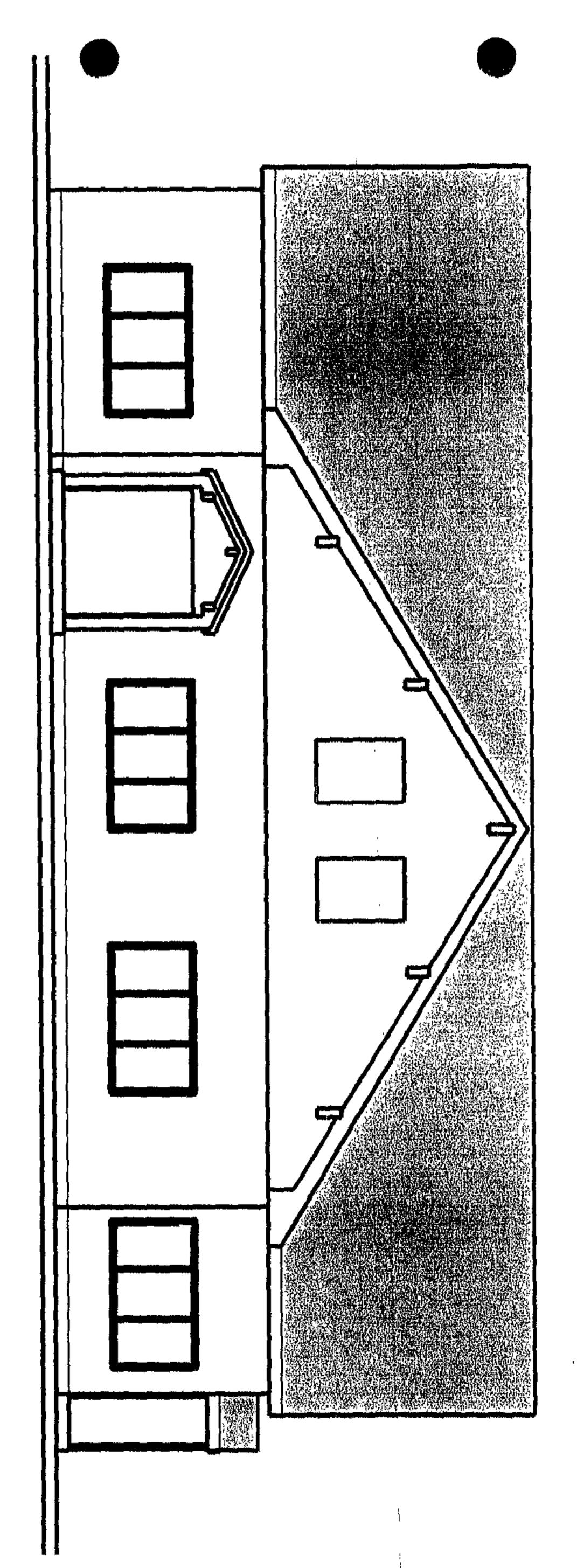
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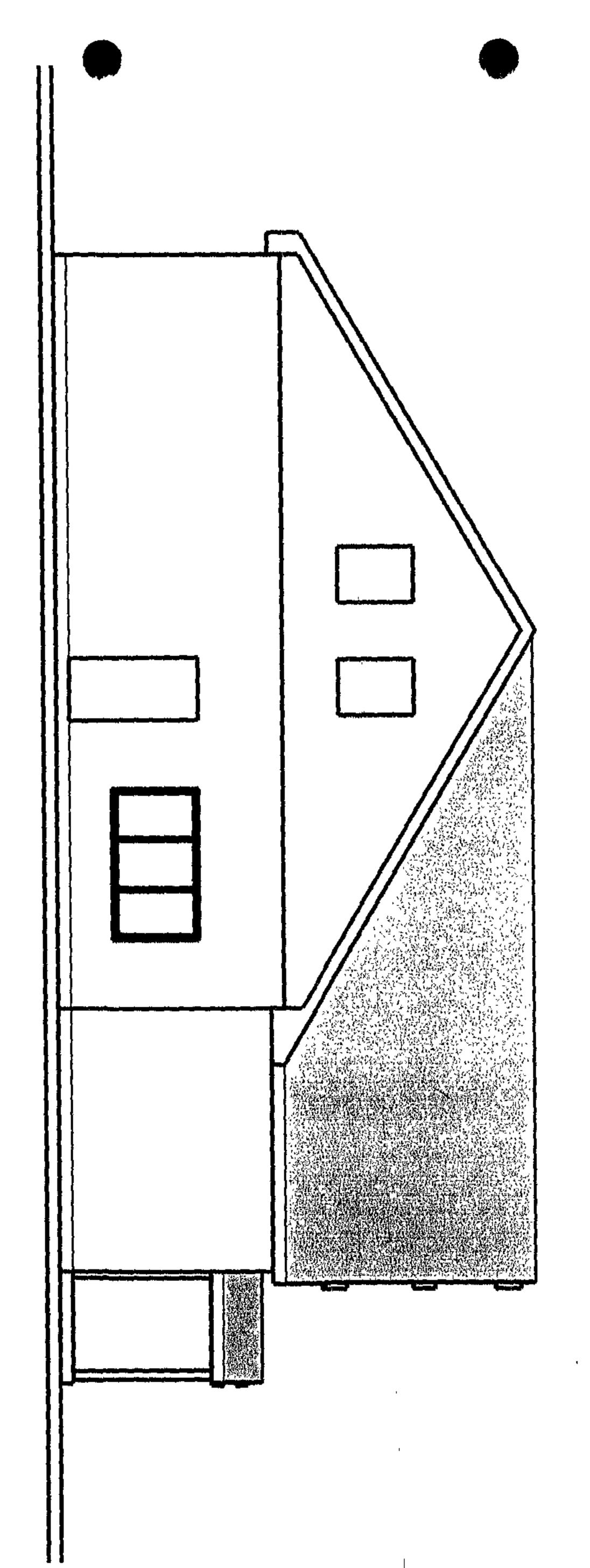
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