IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** - NW/Corner Joppa Road and Orchard Tree Lane **(1528 East Joppa Road)** 9th Election District 5th Councilmanic District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
Gettier-Joppa, LLC, Owner; Dana Gans, Contract Purchaser/Petitioners	*	Case No. 06-366-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Gettier-Joppa, LLC, and the Contract Lessee, Dana Gans, through their attorney, J. Neil Lanzi, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in zoning Case No. 69-238-A and to approve a pit beef stand as an accessory use to the existing restaurant/catering use on site. In addition, variance relief is requested from Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve 134 parking spaces in lieu of the required 186 parking spaces, a landscape buffer of 0 feet on the northern and western property line in lieu of the required 6 feet, and to allow 0 percent of the paved interior to be used for landscaping in lieu of the required 7 percent. The subject property and requested zoning 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 Dana Gans, Contract Lessee, John Scott, chef and co-owner of Petitioner's business, Bruce Doak, the Surveyor with Gerhold, Cross and Etzel who prepared the site plan for this property, and J. Neil Lanzi, Esquire, attorney for the Petitioners. Also appearing in support of the request was Chris

McCullom of the Baltimore County Department of Economic Development. Donna Spicer, Executive Director of the Loch Raven Community Council, appeared as an interested citizen and on behalf of the community association. There were no Protestants or other interested persons present.

It should be noted that the property in question was the subject of a Baltimore County Code violation. A hearing on the code violation (Case No. 03-9394) was held before the Chief of Code Inspection and Enforcement; however, was dismissed for lack of service. The pending violation concerned the pit beef stand which is the subject of the instant special hearing and variance requests before this Zoning Commissioner.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the north side of Joppa Road, just west of its intersection with Pleasant Plains Road in east Towson. The property contains a gross area of 1.300 acres, more or less, zoned BM and is improved by the former Orchard Inn restaurant structure and a partially constructed pit beef stand on the front portion of the property nearest Joppa Road. The zoning history for this property includes Case No. 64-138-A where by Order dated May 18, 1964, 102 parking spaces were allowed in lieu of the 104 required and rear and side yard setbacks of 6 inches were allowed in lieu of the 30 feet required. Subsequently, in Case No. 69-238-A by Order dated May 7, 1969, a Variance was granted for the existing restaurant to allow 127 parking spaces in lieu of the required 171 for a proposed 51' x 21' addition. The Petitioners now come before me seeking certain zoning relief to allow the operation of a pit beef stand with an outdoor dining deck in the front portion of the property.

In this regard, testimony and evidence disclosed that Dana Gans and John Scott are the current tenants of the property and are the owners of the Orchard Landing Restaurant and G&G

Catering business operating on the subject property. The Petitioners obtained a valid food permit and commenced construction of the pit beef stand when a stop work order was issued. Mr. Lanzi proffered that extensive meetings were held between the Petitioner, Donna Spicer and the Office of Planning. As a result of those meetings, a rendering of the proposed pit beef stand and landscape plan were drafted and offered as Petitioner's Exhibits 2 and 4, respectively. Petitioner's Exhibit 3 consists of several photographs of the property, the existing structure and surrounding neighborhood. Testimony confirmed that Petitioner has already made significant interior and exterior improvements to the property and intends to make further improvements as shown by Exhibits 1, 2 and 4.

Further testimony and evidence presented confirmed the pit beef stand is intended as an accessory structure and used to support the principal restaurant structure and business. In this regard, it was indicated that the hours of operation for the various businesses would be staggered with the pit beef stand open during the lunch hour and into the mid-afternoon, and that various sections of the restaurant will be closed during this time, depending on the volume of business.

Pursuant to Section 409 of the B.C.Z.R. and the Baltimore County Landscape Manual, 186 parking spaces are required for the subject property and businesses thereon. In addition, a landscape buffer of 6 feet is required on the northern and western property line and 7% of the paved interior area is to be used for landscaping. In its Zoning Advisory Committee (ZAC) comment dated March 8, 2006, the Office of Planning did not oppose Petitioner's variance requests, contingent upon approval of a landscape plan by the County's Landscape Architect, Avery Harding. In fact, the landscape plan entered as Petitioner's Exhibit 4 has been reviewed and approved by the Office of Planning, Ms. Spicer on behalf of the Loch Raven Community Council and Mr. Harden. The Office of Planning in its comments also requested Petitioners

pursue an access easement from the property owner of 1524 East Joppa Road to allow for internal traffic to exit the subject property via the existing access point immediately west of the site. Testimony offered by Petitioner confirmed that good faith efforts were made with the adjoining property owner to obtain the requested access easement without success. In that Petitioners were unable to obtain such an access easement, the two comments from the Office of Planning regarding egress along the west side of the property and closure of the westernmost curb cut are moot. Finally, the Office of Planning requested that the existing wood sales operation toward the rear of the property be terminated in conjunction with any continued restaurant/catering use on the property. The Petitioners agreed to the above condition.

With regard to the Special Hearing relief, the Office of Planning in its comment stated that, in the event the pit beef stand was considered an accessory use, it would recommend the intended use and structure become a permanent part of the existing building structure, including the use of similar colors and materials. A condition of the Office of Planning for its support of the pit beef use was the submission of a schematic drawing for the finished pit beef stand to Jeff Long, Deputy Director for the Office of Planning, prior to the issuance of any building permits. A copy of that plan was submitted into evidence and marked as Petitioner's Exhibit 2.

After due consideration of the testimony and evidence presented, I am persuaded to grant the Special Hearing and Variance requests. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. and the case law by establishing that the subject property contains unique characteristics that disproportionately impact this lot. As noted above, the subject property was the previous beneficiary of two variance cases. Given the size of the property, the location of the existing restaurant structure and topography, I find that strict compliance with the regulations would result in a practical difficulty or unreasonable hardship

for the Petitioner and that the variance relief meets the spirit and intent of the B.C.Z.R. Moreover, I find that the proposed development is consistent with the character of the neighborhood and will not result in any detriment to the health, safety or general welfare of the surrounding locale. Thus, I am persuaded that the relief requested is appropriate in this instance and should be permitted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of April 2006, that the Petition for Special Hearing to amend the previously approved site plan in Zoning Case 69-238-A and to approve a pit beef stand as an accessory use to the existing restaurant/catering use on site, in accordance with Petitioner's Exhibits 1, 2 and 4, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Variance seeking relief from Section 409 of the B.C.Z.R. to approve 134 parking spaces in lieu of the required 186 spaces, to approve a landscape buffer of 0 feet on the northern and western property line in lieu of the required 6 feet and to approve 0 percent of the paved interior to be used for landscaping in lieu of the required 7%, in accordance with Petitioner's Exhibits 1 and 4, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for its building permit and may be granted same upon receipt of this Order; however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. Petitioner shall submit Exhibit 2 to Jeff Long of the Office of Planning for approval in accordance with the Office of Planning Comment and Petitioner shall comply with the landscape plan as shown on Exhibit 4.

3. Within sixty (60) days of the date of this Order, the Petitioner shall cease operating and remove the firewood business from the subject site.

4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING
Date 4-15-00
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 5, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NW/Corner Joppa Road and Orchard Tree Lane
(1528 East Joppa Road)
9th Election District – 4th Council District
Gettier-Joppa, LLC, Owners; Dana Gans, Contract Lessee - Petitioners
Case No. 06-366-SPHA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing 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.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Albert F. Gettier
6102 Gentry Lane, Baltimore, Md. 21210
Messrs. Dana Gans & John Scott, Orchard Landing Restaurant
1528 E. Joppa Road, Towson, Md. 21286
Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Boulevard, Towson, Md. 21286
Ms. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234
Mr. Chris McCullum, Department of Economic Development
Mr. Jeffrey Long, Office of Planning; Code Enforcement; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1528 E. JOPPA ROAD

which is presently zoned BM

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)

SEE ATTACHED LETTER

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

SEE ATTACHED LETTER

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:

Dana Gunst
Name - Type or Print

Dana Gunst 823-5050
Signature

4 Antree Rd
Address Telephone No.

Balt Md 21284
City State Zip Code

Legal Owner(s): GETTIER-JOPPA, LLC

By: Albert F. Gettier
Name - Type or Print

Albert F Gettier
Signature

Name - Type or Print

Signature

6102 Gentry La 410-377-6554
Address Telephone No.

Baltimore Md 21210
City State Zip Code

Attorney For Petitioner:

J Neil Lanzi
Name - Type or Print

J Neil Lanzi
Signature

J NEIL LANZI, P.A.
Company

409 Washington Ave #617 410 2960686
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

BRUCE DOAK
Name

320 E. TOWSONTOWN BLVD 823-4470
Address Telephone No.

TOWSON MD 21286
City State Zip Code

ORDER RECEIVED FOR FILING
Date 4/5/06
By

Case No. 06-366 SPHA

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By _____ Date 1-27-06

January 26, 2006

LETTER TO ACCOMPANY A PETITION FOR VARIANCES ON THE GETTIER-JOPPA, LLC PROPERTY LOCATED AT 1528 EAST JOPPA ROAD

VARIANCES REQUESTED

FOR A VARIANCE FROM SECTION 409 OF THE B.C.Z.R. TO APPROVE THE USE OF 134 PARKING SPACES RATHER THAN 186 PARKING SPACES AS REQUIRED.

FOR A VARIANCE FROM THE BALTIMORE COUNTY LANDSCAPING MANUAL – CONDITION B PARKING LOTS TO APPROVE A LANDSCAPE BUFFER OF 0' ON THE NORTHERN & WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 6'.

FOR A VARIANCE FROM THE BALTIMORE COUNTY LANDSCAPING MANUAL – CONDITION B PARKING LOTS TO APPROVE 0% OF THE PAVED INTERIOR TO BE USED FOR LANDSCAPING IN LIEU OF THE REQUIRED 7%.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1528 E. JOPPA RD

which is presently zoned BM

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

TO AMMEND PREVIOUSLY APPROVED SITE PLAN IN ZONING CASE #69-238-A.

TO APPROVE A PIT BEEF STAND AS AN ACCESSORY USE TO THE EXISTING RESTAURANT/CATERING USE ON SITE,

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:

Dana Gans
Name - Type or Print

Dana Gans
Signature

1528 E Joppa Rd — 823-5056
Address — Telephone No.

B.. M — Md — 21284
City — State — Zip Code

Attorney For Petitioner:

J. NEIL LANZI
Name - Type or Print

Signature

J. NEIL LANZI, P.A.
Company

409 WASHINGTON AVE #617 — 410-296-0686
Address — Telephone No.

TOWSON MD 21204
City — State — Zip Code

Legal Owner(s):

GETTIER-JOPPA, LLC
By: Albert F. Gettier
Name - Type or Print

Albert F. Gettier
Signature

Albert F. GETTIER
Name - Type or Print

Signature

6102 Gentry La — 410-377-6554
Address — Telephone No.

Baltimore Md. 21210
City — State — Zip Code

Representative to be Contacted:

BRUCE DOAK
Name

320 E. TOWSONTOWN BLVD — 823-4470
Address — Telephone No.

TOWSON MD 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JMN Date 1-27-06

Case No. 06-366SPHA

REV 9/15/98

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

January 23, 2006

ZONING DESCRIPTION
GETTIER-JOPPA, LLC. PROPERTY
1528 JOPPA ROAD
BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land lying, situate and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the northern side of Joppa Road being 38 feet, more or less, northwesterly from the center of the intersection of Joppa Road and Orchard Tree Lane, running thence and binding on the north side of Joppa Road, the following course and distance: (1) South 81 degrees 30 minutes 53 seconds West 103.67 feet, thence leaving the north of Joppa Road and running and binding on the following five courses and distances, viz: (2) North 08 degrees 29 minutes 07 seconds West 233.20 feet, (3) North 08 degrees 29 minutes 07 seconds West 220.00 feet, (4) North 81 degrees 30 minutes 53 seconds West 125.00 feet, (5) South 08 degrees 29 minutes 07 seconds East 220.00 feet, and (6) South 08 degrees 29 minutes 07 seconds East 233.09 feet to the zoning point of beginning.

Containing 1.300 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

STATE OF MARYLAND
SCOTT ALAN LINDGREN
No. 21081
PROFESSIONAL LAND SURVEYOR

1/24/06

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: #06-366-SPHA
1528 E. Joppa Road
Northwest corner of Joppa Road and Orchard Tree Lane
9th Election District – 5th Councilmanic District
Legal Owner(s): Albert F. Gettier
Lessee: Dana Gans

Special Hearing: to amend previously approved site plan in Zoning Case No. 69-238-A and to approve a pit beef stand as an accessory use to the existing restaurant/catering use on site.

Variance: to approve the use of 134 parking spaces rather than 186 parking spaces as required and to approve a landscape buffer of 0 feet on the northern and western property line of the required 6 feet and to approve 0% of the paved interior to be used for landscaping in lieu of the required 7%.

Hearing: Thursday, March 16, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley 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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 2/741 February 28 85867

CERTIFICATE OF PUBLICATION

3/2, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/28, 2006.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1079

DATE 1-27-06 ACCOUNT Fnl-001-615D

AMOUNT $ 650.00

RECEIVED FROM: DANA GANS — 15 [illegible]

FOR: SDA, A.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

RECEIPT	ACTION	TIME	DRW
[illegible]	[illegible]	15:12:09	4

[illegible]
RECEIPT # [illegible] [illegible] CASH
Dept [illegible] 5 [illegible] VERIFICATION
Ck No. 001079
Recpt Tot $650.00
$650.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 06-366-SPHA
PETITIONER/DEVELOPER:
Albert F. Gettier
DATE OF HEARING: March 3, 2006

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:
1528 East Joppa Road

(see page 2 for full size photo)

POSTED ON: February 13, 2006

SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE# 06-366-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

TIME & DATE:
10:00 AM Friday March 3, 2006

Special Hearing: To amend previously approved site plan in zoning case #99-238-A and to approve a pit beef stand as an accessory use to the existing restaurant/ catering use on site.
Variance: To approve the use of 134 parking spaces rather than 186 parking spaces as required and to approve a landscape buffer of 0 feet on the northern and western property line in lieu of the required 6 feet and to approve 0% of the paved interior to be used for landscaping in lieu of the required 7%.

HEARINGS ARE HANDICAPPED ACCESSIBLE

02/13/2006

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 06-366-SPHA
PETITIONER/DEVELOPER:
Dana Gans
DATE OF HEARING: March 16, 2006

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:
1528 E. Joppa Road

(see page 2 for full size photo)

POSTED ON: February 24, 2006

SIGNATURE OF SIGN POSTER

John Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE # :06-366-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

10:00 AM Thursday, March 16, 2006

Special Hearing to amend previously approved site plan in Zoning Case No. 69-238-A and to approve a pit beef stand as an accessory use to the existing restaurant/catering use on site.

Variance to approve the use of 134 parking spaces rather than 186 parking spaces as required and to approve a landscape buffer of 6 feet on the northern and western property line in lieu of the required 8 feet and to approve 0% of the paved interior to be used for landscaping in lieu of the required 7%.

[illegible]

HEARINGS ARE HANDICAPPED ACCESSIBLE

02/24/2006

TO: PATUXENT PUBLISHING COMPANY
~~Thursday, February 16, 2006~~ Issue - Jeffersonian
Thus Feb. 23

Please forward billing to:
Bruce Doak (410-823-4470)
Gerhold, Cross & Etzel
320 E. Towsontown Blvd.
Towson, MD 21286

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: 06-366-SPHA
1528 E. Joppa Road
Northwest corner of Joppa Road and Orchard Tree Lane
9th Election District—5th Councilmanic District
Legal Owner: Albert F. Gettier
Lessee: Dana Gans

Revised 02/17/06

Special Hearing to amend previously approved site plan in Zoning Case No. 69-238-A and to approve a pit beef stand as an accessory use to the existing restaurant/catering use on site.

Variance to approve the use of 134 parking spaces rather than 186 parking spaces as required and to approve a landscape buffer of 0 feet on the northern and western property line in lieu of the required 6 feet and to approve 0% of the paved interior to be used for landscaping in lieu of the required 7%.

3/16/06

Hearing: Friday, March 3, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 28, 2006 Issue - Jeffersonian

Please forward billing to:
Bruce Doak (410-823-4470)
Gerhold, Cross & Etzel
320 E. Towsontown Blvd.
Towson, MD 21286

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: 06-366-SPHA
1528 E. Joppa Road
Northwest corner of Joppa Road and Orchard Tree Lane
9th Election District—5th Councilmanic District
Legal Owner: Albert F. Gettier
Lessee: Dana Gans

Special Hearing to amend previously approved site plan in Zoning Case No. 69-238-A and to approve a pit beef stand as an accessory use to the existing restaurant/catering use on site.

Variance to approve the use of 134 parking spaces rather than 186 parking spaces as required and to approve a landscape buffer of 0 feet on the northern and western property line in lieu of the required 6 feet and to approve 0% of the paved interior to be used for landscaping in lieu of the required 7%.

Hearing: Thursday, March 16, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(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

February 17, 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: 06-366-SPHA
1528 E. Joppa Road
Northwest corner of Joppa Road and Orchard Tree Lane
9th Election District—5th Councilmanic District
Legal Owner: Albert F. Gettier
Lessee: Dana Gans

Special Hearing to amend previously approved site plan in Zoning Case No. 69-238-A and to approve a pit beef stand as an accessory use to the existing restaurant/catering use on site.

Variance to approve the use of 134 parking spaces rather than 186 parking spaces as required and to approve a landscape buffer of 0 feet on the northern and western property line in lieu of the required 6 feet and to approve 0% of the paved interior to be used for landscaping in lieu of the required 7%.

Hearing: Thursday, March 16, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco

Timothy Kotroco
Director

TK: raj

C: J. Neil Lanzi, Esq., J. Neil Lanzi, P.A., 409 Washington Ave., #67, Towson, MD 21204
Albert F. Gettier, 6102 Gentry La., Baltimore, MD 21210
Dana Gans, 4 Aintree Rd., Baltimore, MD 21284
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, MD 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 1, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 366

Petitioner: DANA GANS

Address or Location: 1528 E. Joppa Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE DOAK

Address: 320 E. TOWSONTOWNE BLVD.
TOWSON, Md. 21286

Telephone Number: 410-823-4470

Revised 7/11/05 - SCJ

Department of Permits and Development Management

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

Baltimore County

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

March 6, 2006

J. Neil Lanzi
409 Washington Avenue #617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 06-366-SPHA, 1528 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 27, 2006.

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
Albert F. Gettier 6102 Gentry Lane Baltimore 21210
Dana Gans 4 Aintreo Road Baltimore 21284
Bruce Doak 320 E. Towsontowne Blvd Towson 21286

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

February 24,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 13, 2006

Item No.: Item Numbers 356,364,366 through 374

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.

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

LT. Roland P. Bosley Jr.
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 21, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2006
Item Nos. 356, 364, 366, 367, 369, 370, 371, and 374

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-02212006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 8, 2006

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

SUBJECT: 1528 East Joppa Road

INFORMATION:

Item Number: 6-366 ***(revised comment)***

Petitioner: Albert F. Gettier (Owner) / Bruce Doak (Gerhold, Cross & Etzel, Ltd.)

Zoning: BM

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

Requested Action: Variance
Given the existing restaurants proximity to the property boundaries and the total square footage of the structure with the proposed addition (deck w/ awning), the Office of Planning recognizes the practical difficulty with strict adherence to section 409 of the Baltimore County Zoning Regulations and Condition B of the Baltimore County Landscape Manual. As such, the Office of Planning does not oppose the petitioners' request for variance from BCZR section 409 to approve the use of 134 spaces in lieu of the required 186 spaces. Additionally, the Office of Planning does not oppose the petitioners' request to approve a landscape buffer of zero feet on the northern and western portions of the property and to allow for zero percent of the interior paved area to be used toward landscaping requirements. This support is contingent upon the submission, review and approval of a final landscape plan to Avery Harden, Baltimore County Landscape Architect that includes vegetative plantings at the northeast, northwest, and southeast corners of the parking area. Furthermore, the existing wood sales operation toward the rear of the subject property shall be terminated in conjunction with any continued restaurant / catering use on the property.

It should be noted that the subject property is within the ongoing East Joppa Road Corridor Study, which was initiated by Council resolution 47-03. One of the goals for this study is to reduce the amount of curb cuts along the corridor wherever practical. In this instance, the petitioner has agreed to faithfully pursue an access easement from the property owners of 1524

East Joppa Road so as to allow for internal traffic to exit the subject property via the existing access point immediately to the west of the site.

Should the aforementioned access easement be attainable, the Office of Planning requests that the site plan be revised to show the following:

- Point of egress long the west side of the property. (This Office would support additional parking variances that may result from any loss in available parking area from the before mentioned easement access).
- Closure of the western most curb cut on the subject property. If such a closure is made, additional landscaping treatments should accompany the final landscaping plan being submitted to the County landscape architect.

SUMMARY OF RECOMMENDATIONS:

Requested Action: Special Hearing

If the Zoning Commissioner should decide that the intended use is an 'accessory use', thus granting the petitioners request, this Office in conjunction with the Zoning Office (PDM) recommend that the intended use (sale of pit beef) become a permanent part of the existing building/structure. More specifically, the structure used for the public sale and advertisement of pit beef must be architecturally attached to the main building (Orchard Landing Restaurant), including similar consistent roof pitches, use of white block and/or stucco along the exterior walls, as well as proper placement of window treatments.

The Office of Planning also recommends that the following conditions be met:

- Revise site plan to show enhanced landscaping treatments along the East Joppa Road frontage. Any improvements to the Joppa Road frontage shall be compatible with the American with Disabilities Act (ADA).
- Pedestrian connections must be made from the sidewalks along East Joppa Road to the main entrance of the site.
- A schematic drawing for the finished pit beef stand shall be submitted to and approved by Jeffrey Long, Deputy Director of the Office of Planning prior to the issuance of any building permits.

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

Prepared by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\6-366revised.doc

East Joppa Road so as to allow for internal traffic to exit the subject property via the existing access point immediately to the west of the site.

Should the aforementioned access easement be attainable, the Office of Planning requests that the site plan be revised to show the following:

- Point of egress long the west side of the property. (This Office would support additional parking variances that may result from any loss in available parking area from the before mentioned easement access).
- Closure of the western most curb cut on the subject property. If such a closure is made, additional landscaping treatments should accompany the final landscaping plan being submitted to the County landscape architect.

SUMMARY OF RECOMMENDATIONS:

Requested Action: Special Hearing

The Office of Planning recommends that the petitioner request to use the subject "accessory use (pit beef stand)" be denied, as it is in direct conflict with the Baltimore County Code Section 32-4-101.

On the contrary if the Zoning Commissioner should decide that the intended use is an 'accessory use', thus granting the petitioners request, this Office in conjunction with the Zoning Office (PDM) recommend that the intended use (sale of pit beef) become a permanent part of the existing building/structure. More specifically, the structure used for the public sale and advertisement of pit beef must be architecturally attached to the main building (Orchard Landing Restaurant), including similar consistent roof pitches, use of white block and/or stucco along the exterior walls, as well as proper placement of window treatments.

The Office of Planning also recommends that the following conditions be met:

- Revise site plan to show enhanced landscaping treatments along the East Joppa Road frontage. Any improvements to the Joppa Road frontage shall be compatible with the American with Disabilities Act (ADA).
- Pedestrian connections must be made from the sidewalks along East Joppa Road to the main entrance of the site.
- Architectural drawings and elevations for the finished pit beef stand shall be submitted to and approved by the Office of Planning prior to the issuance of any building permits.

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

Prepared by: Curtis Lawrence

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-366.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Map. 3-16

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

DATE: March 8, 2006

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

SUBJECT: 1528 East Joppa Road

INFORMATION:

Item Number: 6-366

Petitioner: Albert F. Gettier (Owner) / Bruce Doak (Gerhold, Cross & Etzel, Ltd.)

Zoning: BM

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

Requested Action: Variance
Given the existing restaurants proximity to the property boundaries and the total square footage of the structure with the proposed addition (deck w/ awning), the Office of Planning recognizes the practical difficulty with strict adherence to section 409 of the Baltimore County Zoning Regulations and Condition B of the Baltimore County Landscape Manual. As such, the Office of Planning does not oppose the petitioners' request for variance from BCZR section 409 to approve the use of 134 spaces in lieu of the required 186 spaces. Additionally, the Office of Planning does not oppose the petitioners' request to approve a landscape buffer of zero feet on the northern and western portions of the property and to allow for zero percent of the interior paved area to be used toward landscaping requirements. This support is contingent upon the submission, review and approval of a final landscape plan to Avery Harden, Baltimore County Landscape Architect that includes vegetative plantings at the northeast, northwest, and southeast corners of the parking area. Furthermore, the existing wood sales operation toward the rear of the subject property shall be terminated in conjunction with any continued restaurant / catering use on the property.

It should be noted that the subject property is within the ongoing East Joppa Road Corridor Study, which was initiated by Council resolution 47-03. One of the goals for this study is to reduce the amount of curb cuts along the corridor wherever practical. In this instance, the petitioner has agreed to faithfully pursue an access easement from the property owners of 1524

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 2. 10. 02

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

RE: Baltimore County
Item No. 366 JCM

Dear. Ms. Matthews:

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

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

Very truly yours,

S. F. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

NOTE TO FILE:

THE STREET-SIDE SETBACK FOR THE PIT-BEEF BIULDING WAS DISCUSSED WITH APPLICANT AND THEY DECIDED TO FILE AS-IS.

JCM
01/27/06

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
1528 E. Joppa Road; NW corner Joppa Rd & Orchard Tree Lane	*	ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts	*	FOR
Legal Owner(s): Albert Gettier Contract Purchaser(s): Dana Gans Petitioner(s)	*	BALTIMORE COUNTY
	*	06-366-SPHA

* * * * * * * * * * * * *

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 10th day of February, 2006, a copy of the foregoing Entry of Appearance was mailed Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 and J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

FAX COVER SHEET

Date: Feb. 10, 2006

To: Bruce Doak

~~Fax number:~~

From: Robin Jameson

Fax number: 410-823-4473

Number of pages (including this cover sheet): 3

Message: Re: 06-356-SPH
06-366-SPHA
Hearing: Fri, March 3, 2006
Post By: Thurs. Feb. 16, 2006
Published By: Thurs. Feb. 16, 2006

Notices faxed. Please Post.

If any part of this fax transmission is missing or not clearly received please call:

Name: Robin

Phone number: 410-887-3391

FAX COVER SHEET

Date: 2/21/06

To: Susan Nickinson
Jeffersonian

~~Fax number:~~ 410-825-4278

From: Robin Boring (PDM)

Fax number: 410-887-3391

Number of pages (including this cover sheet): 5

Message: Notices for publication: 2/28/06
06-364-SPH
06-367-A
06-374-A
06-366-SPHA

If any part of this fax transmission is missing or not clearly received please call:

Name: Robin

Phone number: 410-887-3391

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 2, 2006

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:	Item No.:	366
	Legal Owner/Petitioner	Dana Ganz
	Contract Purchaser:	N/A
	Property Address:	1528 E. Joppa Rd.
	Location Description:	NW corner Joppa Rd & Orchard Tree La

VIIOLATION INFORMATION:	Case No.	03-9394
	Defendants:	Dana Ganz

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

X 1. Complaint letter/memo/email/fax (if applicable)
X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
X 3. State Tax Assessment printout
☐ 4. State Tax Parcel Map (if applicable)
☐ 5. MVA Registration printout (if applicable)
☐ 6. Deed (if applicable)
☐ 7. Lease-Residential or Commercial (if applicable)
☐ 8. Photographs including dates taken
X 9. Correction Notice/Code Violation Notice
X 10. Citation and Proof of Service (if applicable)
☐ 11. Certified Mail Receipt (if applicable)
X 12. Final Order of the Code Official/Hearing Officer (if applicable)
☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
X 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/rr
C: Code Enforcement Officer

Entered NL

CODE ENFORCEMENT REPORT

DATE: 12/11/03 INTAKE BY: Shelton CASE #: 03-9394 INSPEC:

COMPLAINT LOCATION: 1528 E Joppa Rd
Orchard INN ZIP CODE: DIST:

COMPLAINANT NAME: John Bryant PHONE #: (H) (W) X3985

ADDRESS: ZIP CODE:

PROBLEM: Adding on to Existing Shed - Food Stand

IS THIS A RENTAL UNIT? YES ____ NO ____
IF YES, IS THIS SECTION 8? YES ____ NO ____
OWNER/TENANT INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION: 12-12-3 Illegal Const. of Roof & Enclosure to Beef Stand. Issued Stop Work order
Rechek 12-18-3

REINSPECTION: John Bryant not available

GB

REINSPECTION:

REINSPECTION:

DATE: 03/01/2006 STANDARD ASSESSMENT INQUIRY (1)

TIME: 15:16:31

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
19 00 013830	09	2-0	23-00	N	NO		01/04/06

GETTIER-JOPPA LLC

DESC-1.. IMPS1.300 AC NS JOPPA R

DESC-2.. NW COR ORCHARD TREE

6102 GENTRY LN

PREMISE. 01528 E JOPPA RD

00000-0000

BALTIMORE MD 21210-1035 FORMER OWNER: PACHINO HERSHEL

	FCV PRIOR	FCV PROPOSED		PHASED IN CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	329,200	423,200				
IMPV:	397,000	386,100	TOTAL..	781,600	781,600	753,900
TOTL:	726,200	809,300	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	08/01	10/04				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	781,600	05/24/05
ASSESS:	753,900	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

D9

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 03-9394
Property No. 1900013850
Zoning:

Name(s): GETTIER - JOPPA LLC

Address: 0102 GENTRY CA

Violation Location: 1528 E JOPPA Rd.

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCZR 500.1 IBC 105.1

BUILDING PERMIT and/OR ZONING USE PERMIT REQUIRED FOR BEEF STAND ON FRONT PARKING LOT OF PROPERTY.

(SEE JOHN SULLIVAN - ZONING)

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 12-30-03
Date Issued: 12-19-03

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Richard Rohlfs

INSPECTOR: RD Rohlfs

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:
Date Issued:

INSPECTOR:

DEFENDANT

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 03-9394
Property No. 0000138830
Zoning:

Name(s): GETTIRD DEPAL LLC

Address: 6102 GEN HWY 2N

Violation Location: 1528 Dunpe

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IBC 105.1

BUSINESS ROOF (50)

AND ENCLOSURE (50) Y

BEEF STAND without

PERMITS.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:

Date Issued:

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than: 12-18-03

Date Issued: 12-12-03

INSPECTOR: R Rohlfs

DEFENDANT

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcemc
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 03-9394
Property No. 1900013830
Zoning:

Name(s): GETTIER - JOPPA LLC
DANA GANZ

Address: 6102 GENTRY LA

Violation Location: 1528 E. JOPPA RD.

Violation Dates: 12-19-03 — 9-2-05

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

BCZR 500.4, IBC 105.1
BUILDING PERMITS NOT OBTAINED
BY PRIOR AGREEMENT WITH DIRECTOR
KOTROCO.
BEEF STAND MUST BE REMOVED.

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: $ 120,000.00

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: 10-20-05 Time: 9 AM

Citation must be served by: Date: 9-16-05

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: RICHARD ROHLFS

9-2-05 RD Rohlfs
Date Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:
Citation/Case No.:

Address:

Date Defendant's Signature

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 119
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. DANA GANZ, Defendant

Case # 03-9394 Violation Address 1528 E. Joppa Rd Zip 21286

Hearing Date 10/20/05 Issued Date 9/2/05 Expiration Date 9/16/05

Author of Citation Richard Rohrs

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

___ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

✓ A Citation and all other papers filed with it were served by personal delivery to DANA GANZ (Individual or agent served)

1528 E. Joppa Rd (At this address) Zip 21286, on 9/2/05 (Date) 3:00 (Time) ~~a.m.~~/p.m.

Description of Person Served: Race W Sex: (M) F Height: 5 ft. 10 in. Wt. 175 lbs.

Age: 40 yrs. Other: ___

Telephone verification of citation acknowledgment from ___ on ___/___/___.

I was unable to serve:

1st Attempt ___/___/___ ___ a.m./p.m. because ___ ___ Initials

2nd Attempt ___/___/___ ___ a.m./p.m. because ___ ___ Initials

3rd Attempt ___/___/___ ___ a.m./p.m. because ___ ___ Initials

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

111 W. Chesapeake Ave. Towson, MD 21204
Server's Address

410-887-3351
Telephone

Richard Rohrs
Server's Name (Print)

9/2/5
Date

Server's Signature

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

In the Matter of

Civil Citation No. 03-9394

Gettier-Joppa LLC
Dana Ganz
6102 Gentry Lane
Baltimore, MD 21210

1528 East Joppa Road

Respondent

FINDINGS OF FACT AND CONCLUSION OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on October 20, 2005, for a hearing on a citation for violations under the Baltimore County Zoning Regulations § 500.4 and the International Building Code § 105.1 for failure to obtain building permit for a pit beef stand on property zoned BM located at 1528 East Joppa Road, 21286.

On September 2, 2005, pursuant to §3-6-205, Baltimore County Code, a code enforcement citation was issued by Richard Rohlfs, Code Enforcement Officer. The citation was not legally served on the resident agent or corporate officer of listed LLC.

The citation proposed a civil penalty of $120,000.00 (one hundred and twenty thousand dollars) to be assessed. A code enforcement hearing date was scheduled for October 20, 2005.

The hearing is unable to proceed due to proper service not being obtained. However, the facts of the case were discussed. A building permit has not been applied for; therefore the structure is considered an illegal structure. The pit beef stand operator stated he would contact Bruce Doaks of Gerhold Cross and Etzel and pursue the permit application process. Mr. Ganz has not applied for a permit to date in part due to the belief that a variance hearing is required. I have discussed the issue with Mr. Richards of Zoning and have determined that the property is zoned BM, that the side set back appears to not be an issue in a BM Zone and that a building permit application and site plan should be

filed as soon as possible. Filing a permit application and commercial site plan will clear any misconceptions as to what is required in order to operate the pit beef stand as an accessory use to the existing restaurant on site. Reviewing agencies will place in writing any requirements and/or restrictions relative to the subject site.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 24th day of October 2005, that citation #03-9394, issued on September 2, 2005 by Richard Rohlfs, is hereby dismissed for lack of proper service. The Respondents are advised to file a building permit application in 30 days or less or face additional citations and civil penalties.

Signed: Raymond S. Wisnom, Jr.
Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

The violator is advised that pursuant to §3-6-301(a), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §3-6-302(a)(b)(c)(d) requires the filing of a petition setting forth the grounds for appeal and a filing fee of $150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

RSW/jaf

PDLV0102F Permits Development - Livability System

View Cases

Case No: 03-9394

Address: 01528 E JOPPA RD 21222

Insp Area: 017 Dist: 000 Date Rcv: 12/11/2003 Grp: ENF Intk: SHELTON

Inspec: ROHLFS, R Inspec2: Date Inspec: 3/29/2006

Close: 0/00/0000 Activity: Delete: _

Problem: ADDING ONTO EXISTING SHED - FOOD STAND

OLD ORCHARD INN

CL Name: BRYANT JOHN

CL Address: 00000 BALTO. COUNTY

CL Home Phone: CL Work Phone: 410-887-3985 Tax Acct. 1900013830

Owner:

Enter=Continue F12=Cancel

PDLV0104F Permits Development - Livability System

View Cases

Case No: 03-9394

Notes: 03-9394 7/6/04 EXTEND TO 7/30/04. R.ROHLFS/NS*** 0
8/02/04 OWNER ISSUED TEMP. USE PERMIT PER T. KOTROCO. P/U 10/29/04. R.ROHLFS/KH.
*** 1
0/29/04 SEE ABOVE. P/U 09/01/05. R.ROHLFS/KH.*** 0
9/02/05 ISSUED CITATION PER T. KOTROCO. HEAR. DATE 10/20/05. P/U 10/18/05. R.ROH
LFS/KH.*** *
*9/26/05 ON DOCKET FOR 10/20/05 FILE TO R ROHLFS /JF**. 1
0/19/05 AWAITING RESULTS OF CITATION HEAR. P/U 11/18/05. R.ROHLFS/KH.*** *
*10/25/05 FINAL ORDER SENT TO GETTIER-JOPPA LLC, DANA GANZ FILE TO R ROHLFS. /
JF**. 11/21/05 CASE HEARD. AWAITING RESULTS FROM HEARING OFFICER. P/U 01/11/0
6 R.ROHLFS/NS*** 0
1/11/2006 STILL NO WORD FROM HEAR. OFF. P/U 03/29/06. R.ROHLFS/KH.***

Enter=Continue F12=Cancel

PDLV0103F Permits Development - Livability System

View Cases

Case No: 03-9394

Notes: 12/12/03 ILLEGAL CONST. OF ROOF & ENCLOSURE TO BEEF STAND. ISSUED SWO. J.BRYANT NOT AVAILABLE. P/U 12/18/03. R.ROHLFS/KH.***
PER ZONING ISSUED CORRECTION NOTICE TO OBTAIN BUILDING PERMIT FOR BEEF STAND ON FRONT OF PROPERTY. P/U 12302003 RROHLFS/TB***
12/29/03 SPOKE TO OWNER WHO HAS OBTAINED DRAWINGS & SITE PLANS IN AN ATTEMPT TO FILE FOR PROPER PERMITS. P/U 01/05/04. R.ROHLFS/KH.***
1/6/04 RECHECK 1/12/04. P.HOHNE/NS***
01/14/04 SPOKE BY PHONE TO DANA GANS-HE EXPLAINED THAT HE HAS HIRED AN ATTORNEY ENG. & PERMIT SERVICE TO OBTAIN ALL NECESSARY HEARINGS, VAR. &/OR PERMITS FOR THE BEEF STAND. HE CAME IN & SPOKE TO JMA REGARDING THE MATTER. PER JMA WE WILL EXT. THE P/U TO 02/18/04. R.ROHLFS/KH.***
02/19/04 OWNER REQUESTS MORE TIME FOR ENG. & LAWYERS. P/U 03/24/04. R.ROHLFS/KH .*** 03/29/04 EXT. BY REQUEST. P/U 04/28/04. R.ROHLFS/KH.***
04/29/04 OWNER AWAITING ENGINEERING P/U 5/24/04 R.ROHLFS/JB***
05/25/04 OWNER CALLED TO SAY ZONING HEAR. IS IN THE WORKS. HE WILL KEEP ME POSTED AS TO DATE. P/U 06/30/04. R.ROHLFS/KH.***
*****SEE NEXT PAGE *****

Enter=Continue F12=Cancel

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06-366-A

Date Completed/Initials	
1/30/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
_____	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
_____	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
_____	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
_____	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
_____	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
_____	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
_____	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
_____	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
_____	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
_____	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

FAX COVER SHEET

Date: Feb. 17, 2006

To: Bruce Doak

~~Fax number:~~ 410-823-4473

From: Robin

Fax number: 410-887-3048

Number of pages (including this cover sheet): (2)

Re: 06-366-SPHA

Message: Notice of Hearing

Please call re: resched. Case #06-~~366~~ (356) -ASPH

Copy to Neil Lanzi

If any part of this fax transmission is missing or not clearly received please call:

Name:

Phone number:

Case No.: 06-366-SPHA

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	ELEVATION OF PROPOSED PIT BEEF STAND	
No. 3	Photo's - 3A thru 3O	
No. 4	PROPOSED LANDSCAPING PLAN	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

(SIGN IN SHEETS – OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning – My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. **THESE PROCEEDINGS ARE BEING RECORDED**

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number 06-366 SPHA

Cat-12R

This is a Petition for ✓ *Variance*
✓ *Special Hearing*
____ *Special Exception*

filed by GETTIER - JOPPA LLC (OWNER) DANA GANS - LESSEE for property located at 1528 E. JOPPA RD and zoned BM.

"Read language from file"

The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted 2-24-06 by John Dill, an approved sign poster and shows the time, date, place and subject matter of the hearing.

The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.

I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS

LOOK AROUND ROOM – AND ASK – IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST?

NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. LANZI DOAK, since there is no opposition, if you want to make AN **INFORMAL PROFFER** of the ***testimony*** and ***evidence,*** you're welcome to do so.

IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you to sign so that we can mail you a copy of the decision in this case.

OP - Condition ① Submission of Landscape plan to Avery Harden for review & APPROVAL
② termination of Wood Sales
③ EXIT THRU EXISTING CURB Cut @ 1524 E. JOPPA RD - PLAN APPROVED

PLEASE PRINT CLEARLY

CASE NAME 1528 E. Joppa Rd.
CASE NUMBER 6-366 SPH
DATE 3-16-06

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Donna Spicer	8719 Eddington Rd.	Balto. MD. 21234	sscomp@verizon.net
Chris McCullum	Economic Dev.		

PLEASE PRINT CLEARLY

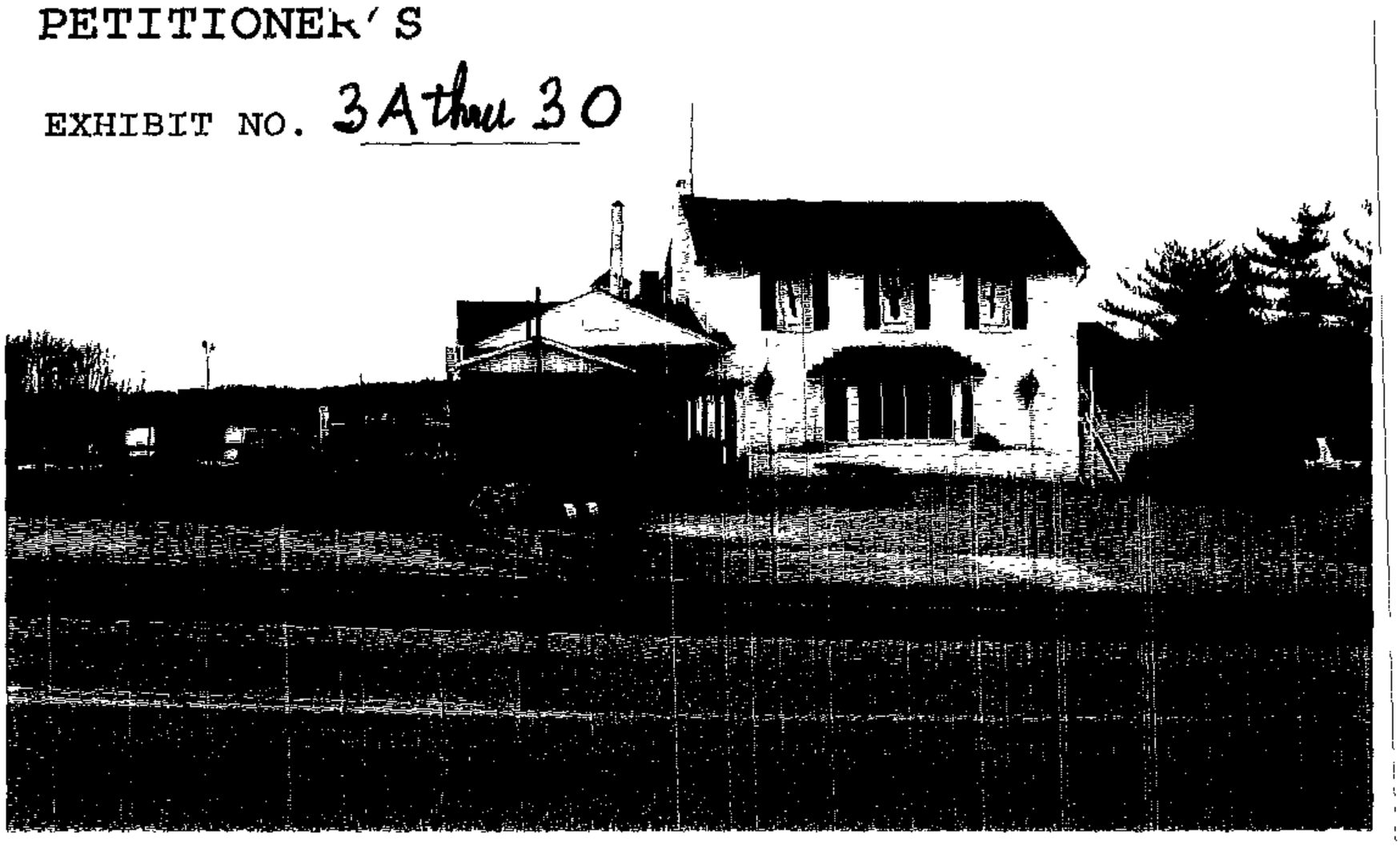
CASE NAME_____
CASE NUMBER_____
DATE_____

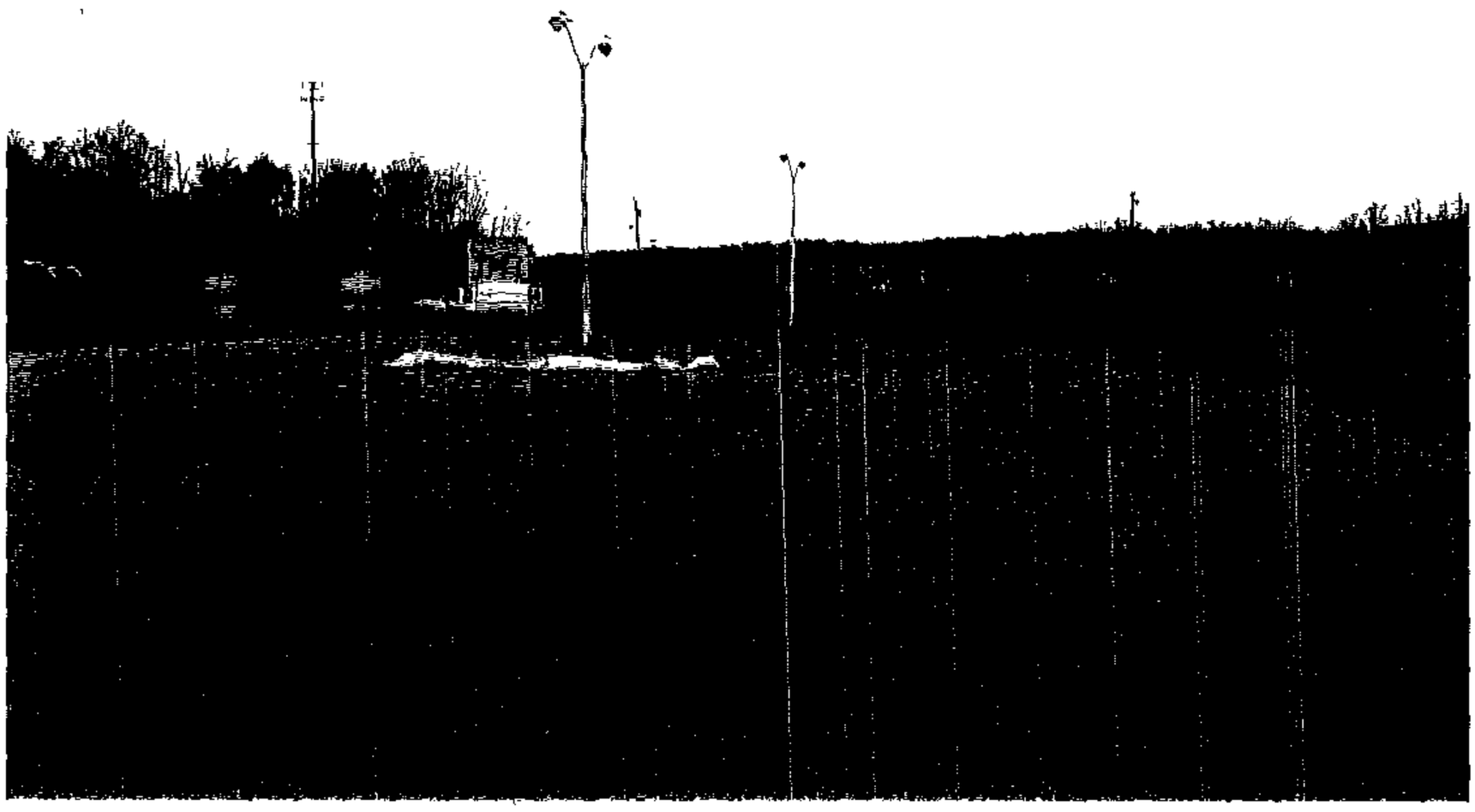
PETITIONER'S SIGN-IN SHEET

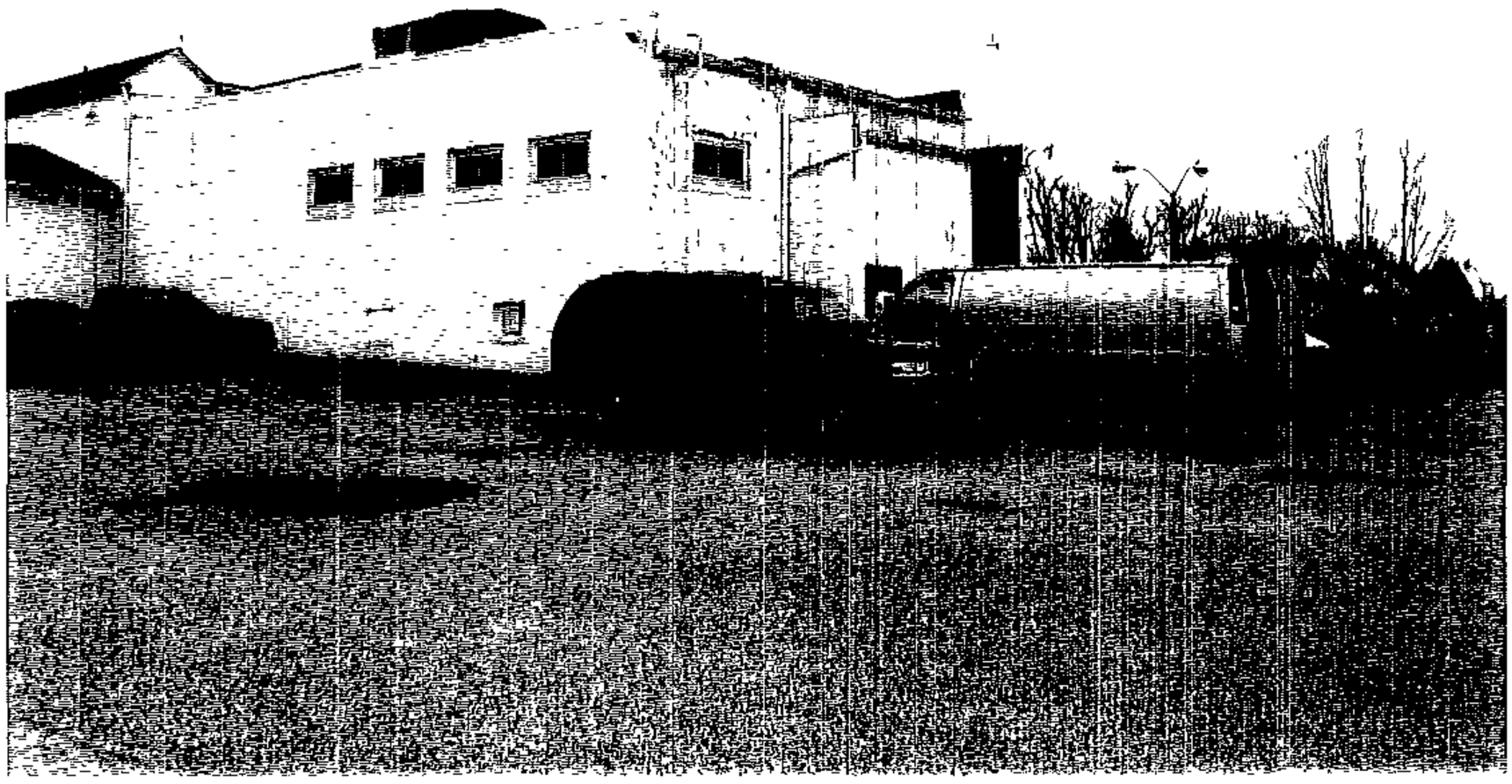
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bruce E. Doak	320 E. Towsontown Blvd.	Towson Md 21286	
Gerhold Cross & Etzel			
Dana Buns/John Scott	1528 E Joppa Rd	Towson Md 21286	
Neil Lanzi	409 Washington Ave #6.7	Towson MD 21204	

PETITIONER'S

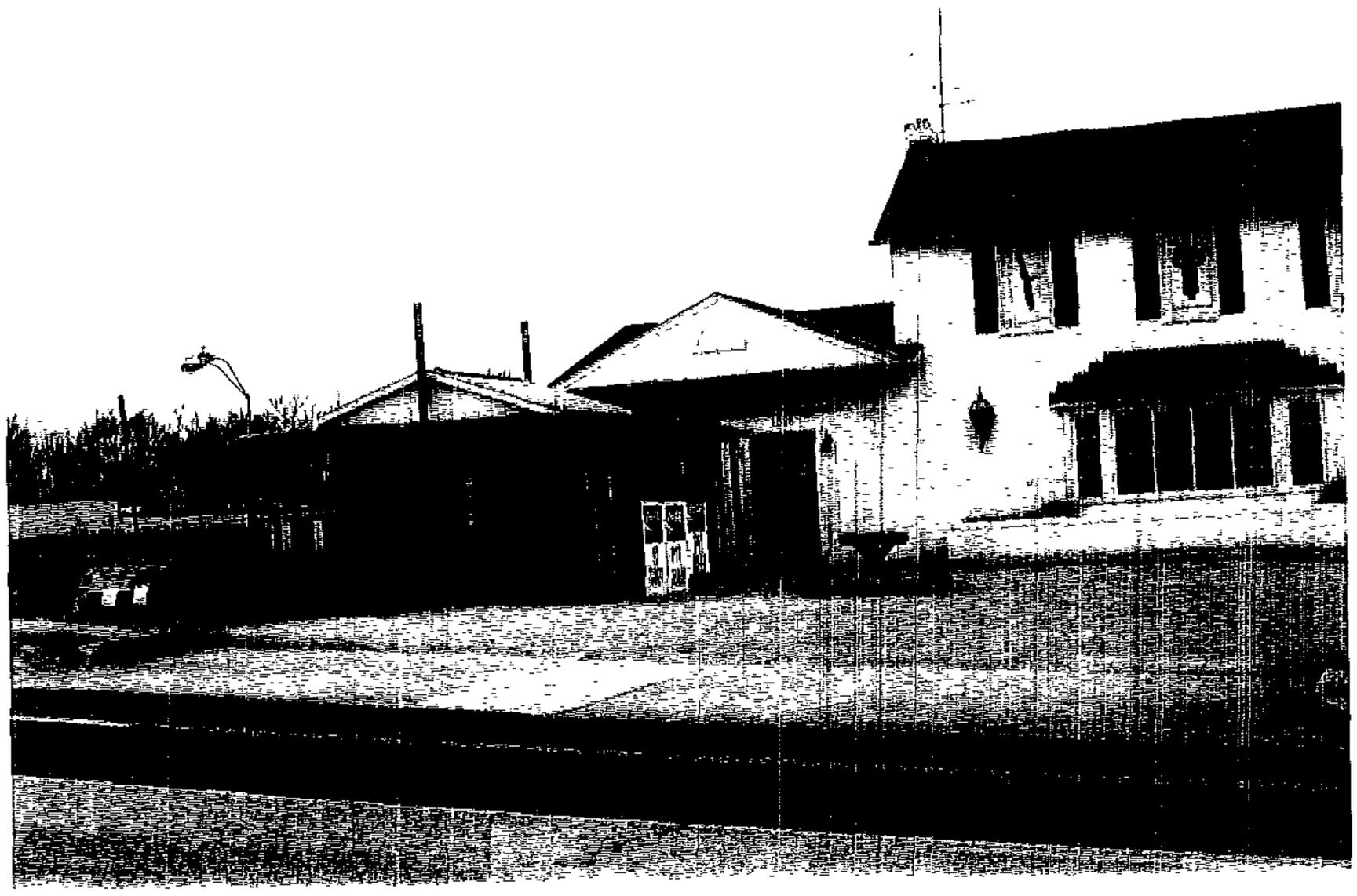
EXHIBIT NO. 3A thru 30





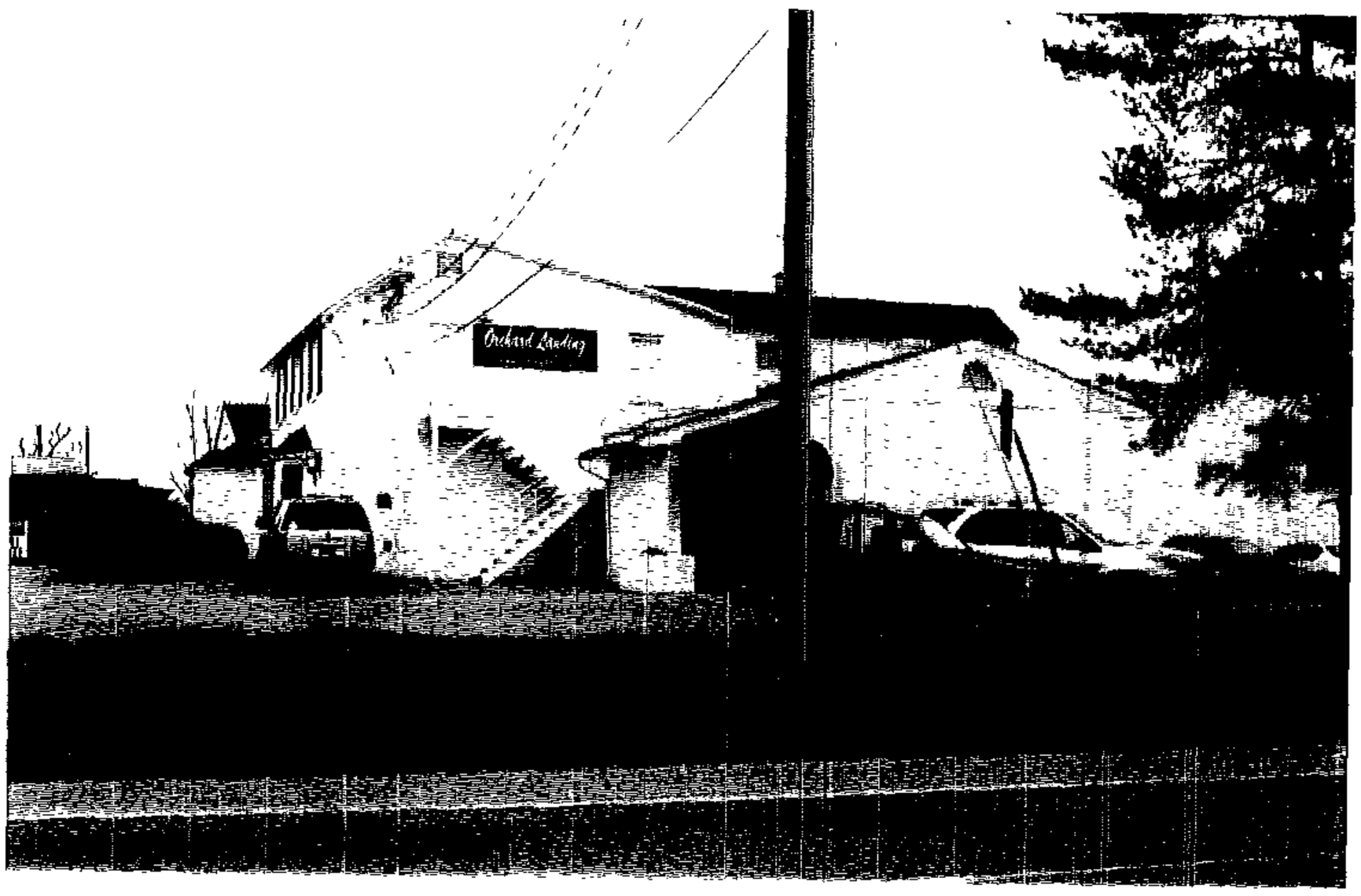



TREE
DURON
AINTS & WALLCOVERINGS
Now Open
Beef
823-5757
PIT
BEEF




1528
Coca-Cola
PIT
BEEF


Beef


Orchard Landing


Orchard
Landing
Restaurant & Lounge
410-821-5050
Orchard Landing


DOLLAR
TREE