IN RE: PETITION FOR VARIANCE

E/S Belair Road, 107' S of the c/l

Prague Avenue

(6703 Belair Road)

14<sup>th</sup> Election District 6<sup>th</sup> Council District

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 06-610-A

Charles J. Fowler, Jr. (Deceased), Legal Owner;

John & Cathleen DeAngelis,

Contract Purchasers/Petitioners

\*

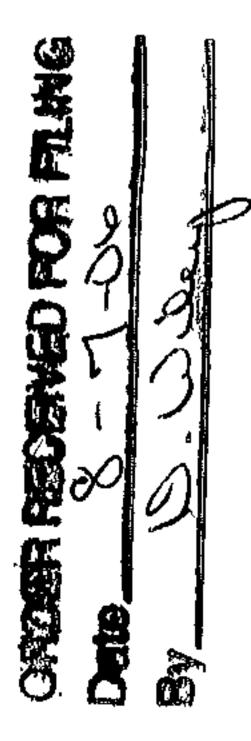
\* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by James L. Fowler on behalf of his father, Charles J. Fowler, Jr., now deceased, as Trustee and Executor, and his sister, Cathleen DeAngelis, and her husband, John DeAngelis, the Contract Purchasers. The Petitioners seek relief from Sections 409.6.A.2 and 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required 40, and a rear yard setback of 0.8 feet in lieu of the required 20 feet, for the existing two-story tavern. 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 James Fowler, on behalf of the Estate of Charles J. Fowler, Jr., property owner; John DeAngelis, Contract Purchaser and son-in-law of the deceased Mr. Fowler; John Petti, a nearby resident, and Bob Infussi and David Billingsley, the consultants who assisted the Petitioners in the filing/application process. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a narrow, rectangular shaped parcel located on the southeast side of Belair Road, just south of that road's intersection with Prague Avenue in Overlea. The property contains a gross area of 0.091 acres, more or less, zoned B.L.-C.C.C., and is improved with a two-story brick and frame tavern.



TO TO THE TABLE OF THE TABLE OF

Testimony indicated that Charles Fowler owned and operated the subject tavern for many years prior to his death and that his daughter and son-in-law wish to take over ownership. However, during the course of preparing the title transfer documents, it was discovered that a one-story addition to the rear of the building was apparently added without benefit of a building permit. Thus, the Petitioners were advised to file the instant Petition to legitimize existing conditions on the property. Testimony indicated that this addition was previously an open deck and was apparently enclosed at some point by Mr. Fowler to provide a meeting room for neighborhood clubs and associations. Due to the narrow width of the property and the location of existing improvements thereon, access to the rear of the property is impossible. Moreover, there is insufficient room on either side of the building or in the front to provide parking.

In support of the request, the Petitioners noted that the bar has existed on the property for many years and that parking has never been a problem. In this regard, testimony indicated that the property is located between a dry cleaning business and a carry-out restaurant and apparently they have a shared parking arrangement. The Petitioners testified that none of the neighbors have any objections to the variance being granted and noted that this is a neighborhood bar where most of their customers walk to their establishment. Finally, the Office of Planning supports the proposal. Within their Zoning Advisory Committee (ZAC) comment, they noted that there is no history of the establishment ever having any on-site parking and that metered parking is available along Belair Road. They also indicate that the subject request is consistent with the community plan currently in progress for this area.

After due consideration of the testimony and evidence, I am persuaded to grant the requested relief. There were no adverse comments submitted by any County reviewing agency and the neighbors support the proposal. It is clear that strict compliance with the zoning regulations is impractical, given the existing circumstances and conditions which have existed on the property for decades. I find that the relief requested is appropriate in this instance and that there will be no detrimental impact upon adjacent properties or the surrounding locale.

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

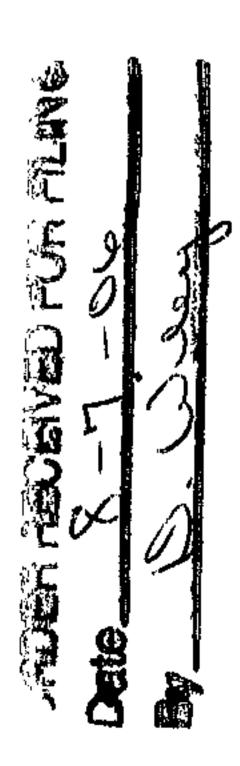
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this The day of August 2006 that the Petition for Variance seeking relief from Sections 409.6.A.2 and 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required 40, and a rear yard setback of 0.8 feet in lieu of the required 20 feet, in accordance with amended Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WJW:bjs

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County





JAMES T. SMITH, JR. County Executive

August 7, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. James L. Fowler 9308 Montego Avenue Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE

E/S Belair Road, 107' S of the c/l Prague Avenue

(6703 Belair Road)

14<sup>th</sup> Election District – 6<sup>th</sup> Council District

Charles J. Fowler, Jr. (Deceased) and John & Cathleen DeAngelis - Petitioners

Case No. 06-610-A

Dear Mr. Fowler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. & Mrs. John DeAngelis, 5403 East Avenue, Baltimore, Md. 21206

Mr. David Billingsley, 601 Charwood Court, Edgewood, Md. 21040

Mr. Bob Infussi, P.O. Box 1043, Belair, Md. 21014

Mr. John Petti, 9602 Baron Place, Baltimore, Md. 21237

Office of Planning; People's Counsel; Case File



## Petition for Variance

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) 331.38. 409.41.2 (BCZE)

SECTIONS 409.6.A.2 AND 232.3.B (BCZR) TO PERMIT 0 PARKING SPACES AND A REAR YARD OF 0.8 FEET IN LIEU OF THE REQUIRED 40 PARKING SPACES AND 20 FEET RESPECTIVELY.

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

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

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

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

		is the subject of this retition.	
Contract Purchaser/Lessee:		Legal Owner(s):	. 1
Y	ANGELIS	CHArles J. Fowler	Jn (deceased
Name - Type of Print	Name -	Type of Print  CEACEL	<u>.,</u>
Signature Signature Signature Signature	410-608-9498	Signature JAMes L. Fowler C	Rustee & Execution
Address	Telephone No. 2/20(	Name - Type or Print	
City State	Zip Code	Signature O. For	
Attorney For Petitioner:	Zip Oddo	9308 MONTEGO	Ave 1410-665-2
		Address 111D	Telephone No.
Name - Type or Print	City	State	Zip Code
è		Representative to be Contacted	<u> -</u>
Signature		Robert INFUSSi	
Company	··········	Name 20 BOX 1047	4/0-8/2-2236
Address	Telephone No.	Address	Telephone No.
		13el Hir MO	21014
City State	Zìp Code	City State	Zip Code
		OFFICE USE ONLY	
9		ESTIMATED LENGTH OF HEARING	<del></del>
esse No. $06-610-A$		145 444 475 475 F F F F F F F F F F F F F F F F F F F	
	Reviewed By	D.T. Date 61106	<del></del>
BE 9/15/98	(107)01103 57		
/ 19			

# ZONING DESCRIPTION 6703 BELAIR ROAD

Beginning at a point on the east side of Belair Road, U.S. Route 1 (80 feet wide), said point being distant southwesterly 107 feet from it's intersection with the center of Praugue Avenue (25 feet wide) thence (1) S 42°45′00″E 140.00 feet, thence (2) S 47°00′00″W 28.33 feet thence (3) N 42°45′00″W 140.00 feet thence (4) N 47°00′00″E 28.33 feet to the place of beginning. Containing 3,966 square feet or 0.091 acre of land, more or less

Being known as 6703 Belair Road. Located in the 14<sup>tTH</sup> Election District, 6<sup>TH</sup> Councilmanic District of Baltimore County, Maryland.

			ALDATION
	を		CASHIER'S V
			W - CUSTOMER
			DISTRIBUTION OF SECOND

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### 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: #06-610-A
6703 Belair Road
East side of Belair Road, 119.5 feet south of centerline

of Prague Avenue
14th Election District - 6th Councilmanic District
Legal Owner(s): Charles J. Fowler, Jr. (Deceased) &
James L. Fowler (Trustee & Executor)
Contract Purchaser: John & Cathleen Deangells
Variance: to permit 0-parking spaces in lieu of the
required 40 parking spaces and to permit an existing
structure with a rear yard setback of 0.8 feet in lieu of the

required 20 feet. Hearing: Friday, July 28, 2006 at 11:00 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.

7/105 July 13

### CERTIFICATE OF PUBLICATION

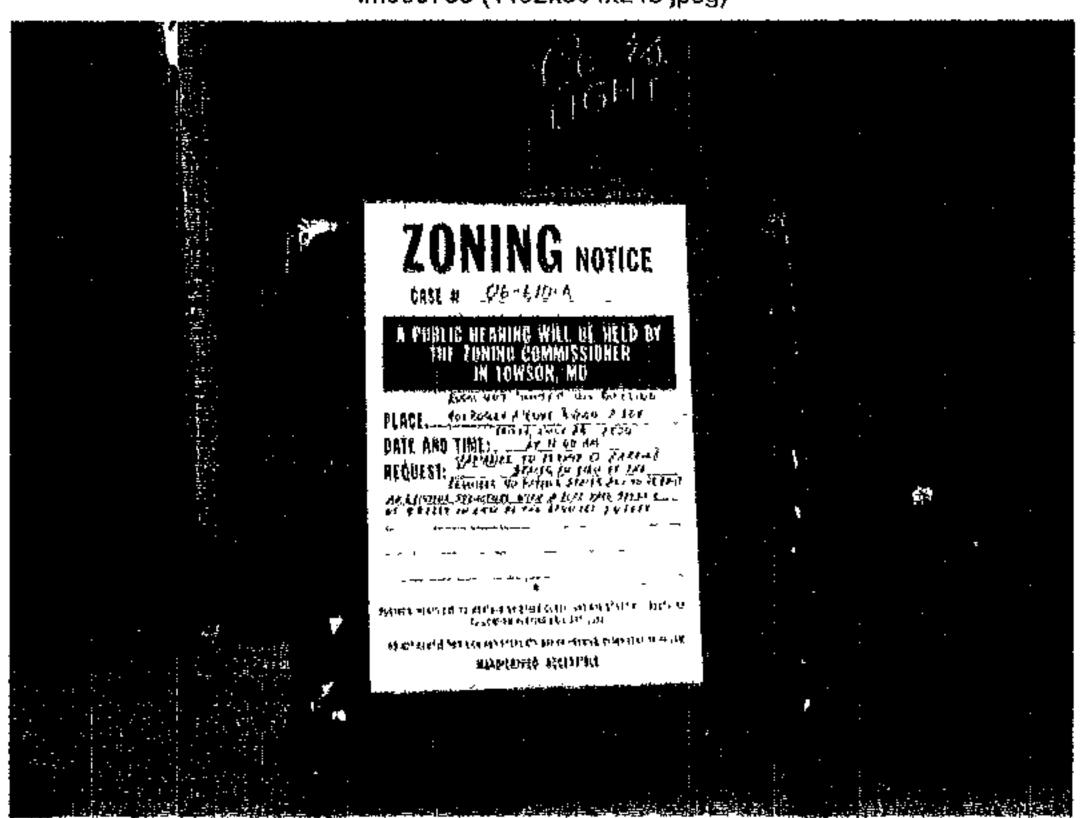
7/13/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $\frac{713}{,206}$ .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

	RE: Case No: 06-610-A
	Petitioner/Developer:TOHN (
	Date Of Hearing/Closing: fully 28, 2000
Baltimore County Departme Permits and Development M County Office Building, Roc 111 West Chesapeake Avenu	lanagement om 111
Attention:	
Ladies and Gentlemen:	
This letter is to certify under sign(s) required by law were at	the penalties of perjury that the necessary posted conspicuously on the property Less BELAIR LD
This sign(s) were posted on	(Month, Day, Year) Sincerely,  (Signature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court  Address

im000733 (1152x864x24b jpeg)



Martin Ogle 7/13/06

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 13, 2006 Issue - Jeffersonian

Please forward billing to:

Robert Infussi P.O. Box 1043 Bel Air, MD 21014 410-812-2236

### **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: 06-610-A

6703 Belair Road

East side of Belair Road, 119.5 feet south of centerline of Prague Avenue

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Charles J. Fowler, Jr. (Deceased) & James L. Fowler (Trustee & Executor)

Contract Purchaser: John & Cathleen Deangelis

Variance to permit 0-parking spaces in lieu of the required 40 parking spaces and to permit an existing structure with a rear yard setback of 0.8 feet in lieu of the required 20 feet.

Hearing: Friday, July 28, 2006 at 11:00 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 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 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

June 14, 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: 06-610-A

6703 Belair Road

East side of Belair Road, 119.5 feet south of centerline of Prague Avenue

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Charles J. Fowler, Jr. (Deceased) & James L. Fowler (Trustee & Executor)

Contract Purchaser: John & Cathleen Deangelis

<u>Variance</u> to permit 0-parking spaces in lieu of the required 40 parking spaces and to permit an existing structure with a rear yard setback of 0.8 feet in lieu of the required 20 feet.

Hearing: Friday, July 28, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: James Fowler, 9308 Montego Avenue, Baltimore 21237

John & Cathleen Deangelis, 5403 East Avenue, Baltimore 21206

Robert Infussi, P.O. Box 1043, Bel Air 21014

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 13, 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

# 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 ubject 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:	06-610-A	·····
Petitioner: DEAN	6ELIS	<u> </u>
Address or Location: 6203	ZelAin ROALL	
	•	
PLEASE FORWARD ADVERTISING BILL TO	D:	<b>b</b>
Name: Fobeit Infussi	(Cropedija,	((()
Address: P.O. BOY	1043	, market
Bel: Air	, , ,	21019
Telephone Number: 9-10-818	2-236	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

July 20, 2006

James L. Fowler 9308 Montego Avenue Baltimore, MD 21237

Dear Mr. Fowler:

RE: Case Number: (6-610-A, 6703 Belair Road

The above re erenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 1, 2006.

The Zoning A dvisory 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 fird m the members of the ZAC are attached. These comments are not intended to indicals 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 arc posed 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

u. Callalal D.

WCR:amf

Enclosures

People's Coursel Robert Infuss P.O. Box 1043 Bel Air 21014 John & Cathle en Deangelis 5403 East Avenue Baltimore 21206

### BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence



ГО:	Timothy M. Kotroco									
FROM:	Dave Lykens, DEPRM - Development Coordination JW <sup>L</sup>									
DATE:	June 22, 2006									
SUBJECT:	Zoning Item Address	# 6703 Bel Air Road06-610 6703 Bel Air Road (Fowler Property)	)-A							
Zonin	g Advisory Cor	nmittee Meeting of June 12, 2	2006							
<del></del>	•	nvironmental Protection and ve-referenced zoning item.	Resource	e Management has no						
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:									
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Secti 33-3-101 through 33-3-120 of the Baltimore County Code).									
	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).									
<u> </u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).									
<u>Additi</u>	onal Comment	<u>s:</u>	•							
Revie	wer: G. Sha	asser	Date:	June 21, 2006						

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** July 24, 2006

JUL 2 7 2006

ZONING COMMISSIONER

**SUBJECT:** 

6703 Bel Air Road

**INFORMATION:** 

Item Number: 6-619

Petitioner:

James L. Fowler (Trustee and Executor)

Zoning:

BC-CCC

Requested Action: -- Administrative-Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request, the subject Tavern has been in existence for 80 years and there is no history of the establishment having any on-site parking. Members of the community's advisory board stated that patrons of the Tavern usually parked in the adjacent parking lot at Cappy's Dry Cleaners, as well as the parking lot between the sub shop and the present Pizza Hut. There is metered on-street parking on Belair road and the Tavern is in fairly good condition, with appropriate signage as well as landscaping to the front of the building. Additionally there is a community plan that is in progress, and the subject request is consistent with efforts outlined in that plan.

For further information concerning the matters stated here in, please contact Laurie Hay or Nkechi Hislop at 410-887-3480.

Prepared by:

**Division Chief:** AFK/LL: CM

W.\DEVREV\ZAC\6-610.doc



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

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

### Maryland Department of Transportation

Date: 6.13.276

**Baltimore County** 

Item No. 6/17

RE:

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

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

Very truly yours,

Steven D. Foster, Chief

P.J. South

Engineering Access Permits Division

**RE: PETITION FOR VARIANCE** 

6703 Belair Road; E/S Belair Road, 119.5'

S c/line Prague Avenue

14<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts Legal Owner(s): Charles & James Fowler

Petitioner(s)

BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 06-610-A

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

### **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

RECEIVED

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 14<sup>th</sup> day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Robert Infussi, P.O. Box 1043, Bel Air, MD 21014, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Date 3 -/4.06

### To Whom It May Concern:

We, as adjacent property owners have no objection to the building in the rear of the property located at 6703 Belair Road.

Address_	6705 BOLAIR RD
Name	KMIS-MADLE INC MICHAEL CAPOBIANCO (V
Address	
Name	Gilla Gilla LLC
Address	670, Below Rd
Name	670, Below Rd D. D. War. (mem)

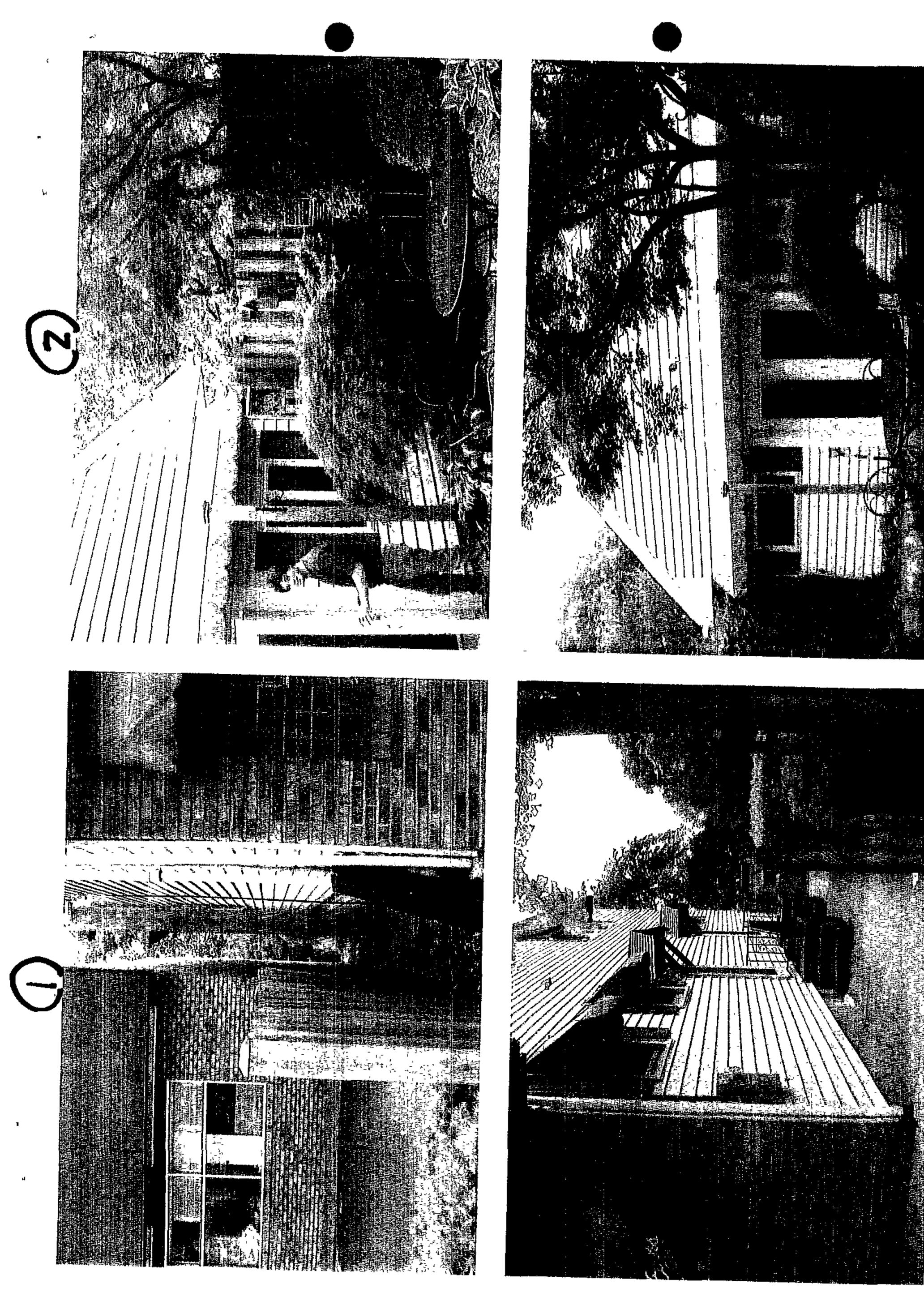
Case No.: 06-610-A 6703 Belan Rd

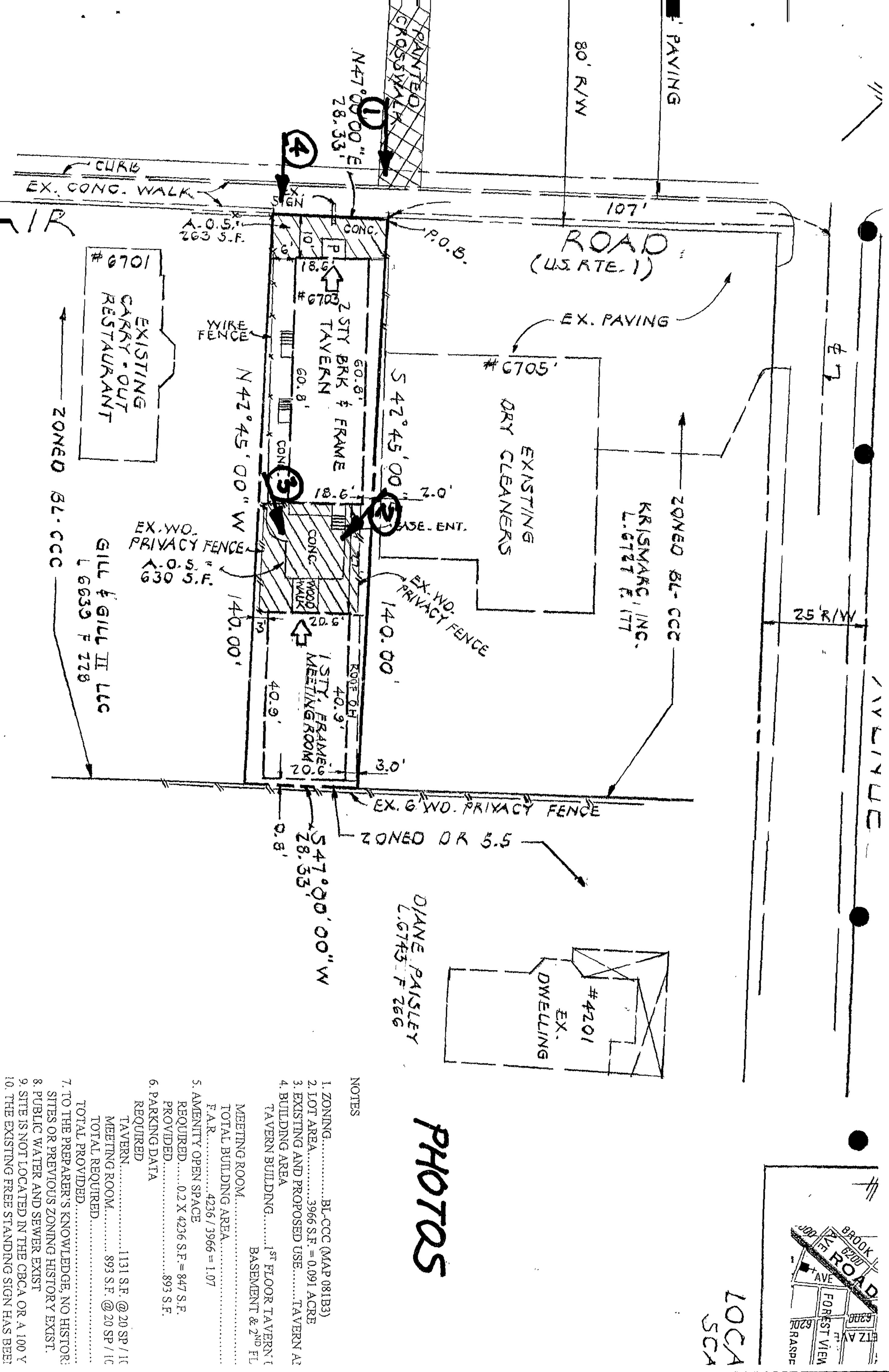
### **Exhibit Sheet**

### Petitioner/Developer

### Protestant

No. 1		
	Site PLAN	
No. 2	PHotographs	
No. 3		
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No. 5	•	
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No. 12		
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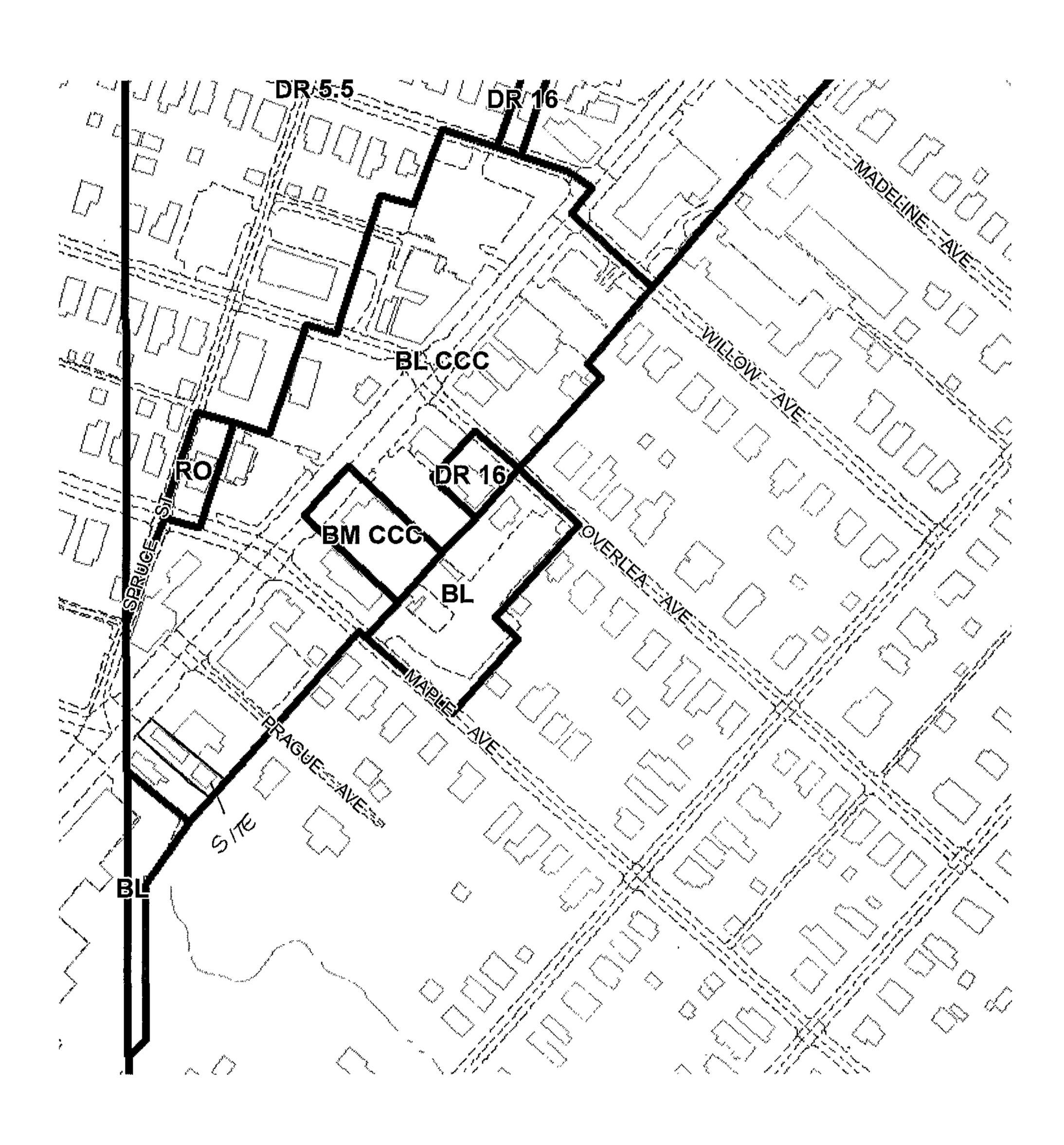


PLEASE PRINT CLEARLY

CASE NAME 6103 DELAIR RA CASE NUMBER 06-610-A

# PETITIONER'S SIGN-IN SHEET

E- MAIL	drubozos e yahoo.com	Znon	NoNE									
CITY, STATE, ZIP	EDSEWOOD MD 21040	To. MD 21239	BALTO. 11337	8 EL AIR, MO. 2/014								
ADDRESS	GOI CHAR WADO CT.	9308 MONTEGO AVE.	GARDD PLACE	PO BOX 1043						•		
NAME	LLI	'   <b>\ 1</b> [	John Petri	BAB INFUSSI								





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