IN RE: PETITION FOR SPECIAL HEARING

S/S of East Joppa Road, opposite

Seven Courts Drive

11th Election District
5th Councilmanic District

(4117 East Joppa Road)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Baltimore County Savings Bank, FSB, Perry Hall Presbyterian Church, Inc.

Legal Owners and Petitioners

Great American Sandwiches, Inc., Eric Caplan Lessee

CASE NO. 07-030-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on September 19, 2006 on a Petition for Special Hearing for the property located at 4117 East Joppa Road. The Petition was filed by Great American Sandwich Inc., lessee, Baltimore County Savings Bank, FSB, landlord, and Perry Hall Presbyterian Church, Inc., property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow business parking in a residential zone (R.O.) per Section 409.8B subject to compliance with Section 409.8B.2 for leased parking spaces.

The property was posted with Notice of Hearing on September 4, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 5, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning

THE STANFORMS

Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: ZAC comment letters were received from the Office of Planning dated August 17, 2006 which contains restrictions; a copy of which is attached hereto and made a part hereof.

Interested Persons

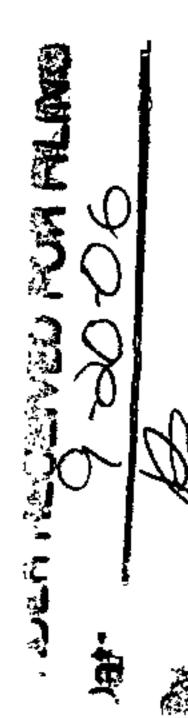
Appearing at the hearing on behalf of the requested special hearing were Eric Smith for Perry Hall Presbyterian Church, Inc., and Eric Caplan, President, Great American Sandwiches, Inc. John Gontrum, Esquire, represented the Petitioner. Rick Richardson, with Richardson Engineering, LLC, prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 0.686 acres +/- is zoned RO and is improved as part of a parking lot for the Perry Hall Presbyterian Church with 22 spaces. Great American Sandwich Inc. would like to lease the existing building a 4117 East Joppa Road for their sandwich shop and restaurant. See Petitioner's exhibit 1. The building is the former WAWA convenience store and corporate offices which are presently vacant. There are 18 parking spaces on site. However based upon use as a full standard restaurant the Petitioner need to provide 40 spaces. Consequently they propose to lease 22 spaces from the Church as shown.

Mr. Gontrum proffered that the Church not only owns the property on which it is sited but also the miniature golf course east of the subject site. Based on the size of the Church, the

2



Church is required to have 38 spaces. Based upon the number of holes of the miniature golf course, this facility requires 27 spaces. The Church and miniature golf course spaces are used mostly on weekends and at night. However the Church provides 101 spaces on its lot and the miniature golf course lot so that it can easily lease 22 spaces to the Petitioner without putting itself in a variance situation or considering shared parking.

Mr. Gontrum presented a letter from the Church, exhibit 3, which indicated that the Petitioner and Church have entered into an annual lease agreement to rent 22 spaces shown on exhibit 1. In addition he presented aerial photographs of the site, exhibit 2, which shows the relationship of the Petitioner's business, the miniature golf course and Church parking lots.

Upon questioning at the hearing, he further indicated that although a stand of trees are shown on the aerial photographs between the Petitioner's business and the leased parking spaces, he indicated from personal knowledge that there are not that many trees between the sites and that customers will have signs directing overflow parking to the leased spaces and use of the existing paved driveway which directly connects the sites. He opined that given human nature it is also likely that overflow customers of the sandwich shop will find ways to park on the miniature golf course lot directly adjacent to the Petitioner's business. Again this is owned by the Church who will not object. Finally when asked about the lease with the Church which is only for one year, he noted that the Church was not agreeable to a longer term lease as it may want to expand in the future. Aware of this possibility the Petitioner added note 25 which states that if, as and when the Church does not renew its lease, the Petitioner is prepared to remove all tables and chairs for sit down service and rely strictly on carry out business. If this would occur, the Petitioner would need 5 spaces per 1000 square feet or 13 spaces and has 18 spaces available.

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Findings of Fact and Conclusions of Law

From Mr. Gontrum's personal observation of the relationship of the leased spaces to the subject site, I find that the leased space would be effective parking to meet the regulations. My greatest concern is the annual lease. This Commission has always required long term leases to secure business parking spaces in residential zones to provide assurance the space would actually be available as proffered. Here the Church is willing to give only an annual lease. Well aware of this problem, the Petitioner says in writing that it will remove all sit down facilities in the restaurant and rely on carry out business only if it loses the lease and can not find equivalent parking off site.

In practice I expect little if any use will be made of the lease overflow parking area by the sandwich shop customers as long as the miniature golf course has open spaces along the common driveway leading to the Church. The Church also owns this property and can make sure the miniature golf course tenant does not complain. Also given the substantial surplus of parking spaces overall I do not expect parking conflicts which have plagued other sites.

On balance I am satisfied that the parking arrangement is viable but to be sure I will repeat the Petitioner's note 25 in the Order so that this matter is not lost in the plat to accompany. With this condition I find that the lease of these spaces on the Church property will not adversely affect the community. I also find that the proposed use meets the spirit and intent of the criteria of Section 409.B 2 and the request should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for special hearing should be granted.

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THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20th day of September, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow business parking in a residential zone (R.O.) per Section 409.8B subject to compliance with Section 409.8B.2 for leased parking spaces is hereby GRANTED subject to the following.

- 1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition; and
- 2. Should the lease for 22 parking spaces with the Perry Hall Presbyterian Church be cancelled or void for any reason, the Petitioner will have 90 days to obtain a substitute lease for said spaces; and
- 3. If the Petitioner is unable to obtain a substitute lease, the Petitioner shall stop operating as a standard (eat in) restaurant but shall continue to operate as a carry out restaurant only.

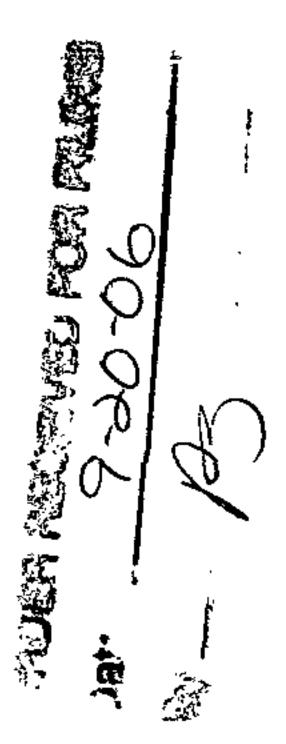
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

September 20, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

ROBERT SMITH AGENT FOR PERRY HALL PRESBYTERIAN CHURCH 8848 BELAIR ROAD BALTIMORE MD 21236

Re: Petition for Special Hearing
Case No. 07-030-SPH
Property: 4117 East Joppa Road

Dear Mr. Smith:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Eric Caplan, Great American Sandwiches, Inc., 3411 Maple Valley Way, Baltimore MD 21234 Rick Richardson, Richardson Engineering, LLC, 110 Old Padonia Road, Suite LC, Cockeysville MD 21030 John Gontrum, Esquire, Whiteford, Taylor & Preston, L.L.P, 210 West Pennsylvania Avenue, Towson, MD 21204



Petition for Special Hearing

for the property located at <u>M/> Ext YORK Rol</u>.

which is presently zoned <u>R.O.</u>

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Special Hearing un County, to determine whether or not the Zoning Commissioner	is described in the description and plat attached hereto and der Section 500.7 of the Zoning Regulations of Baltimore should approve
residential zune (R.O.) Per Section	w 409. 813 Subvect to
Compliance with Section 409. 81	3.2 For Level Baling
saces.	
Property is to be posted and advertised as prescribed by the zon, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursu	a, posting, etc. and further agree to and are to be bounded by the
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print Fine P. Caplan, President Signature 4117 5057 Jurga rd 410-236-1785 Address Telephone No. BALT. MW. 21236	Name - Type or Print Signature Peary Holl Prosbetter Church Inc. Name - Type or Print Name - Type or Print Name - Type or Print Reserve D-Smart President
City Zip Code	Signature
Attorney For Petitioner:	8545 Belain 16 40-256-6280 Address Telephone No.
Name - Type or Print	RAZT; MC・コル36 City State Zip Code
Signature Signature	Representative to be Contacted:
Company Company	Name
210 W. Pennsylvia Ave 4/10-832-2055 Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
~ ~ ~ ~ ~ ~ \ \ \ \ \ \ \ \ \ \ \ \ \ \	ESTIMATED LENGTH OF HEARING
Case No. 07-030 5PH	UNAVAILABLE FOR HEARING
Review 115198 A 20-00	wed By JCM Date

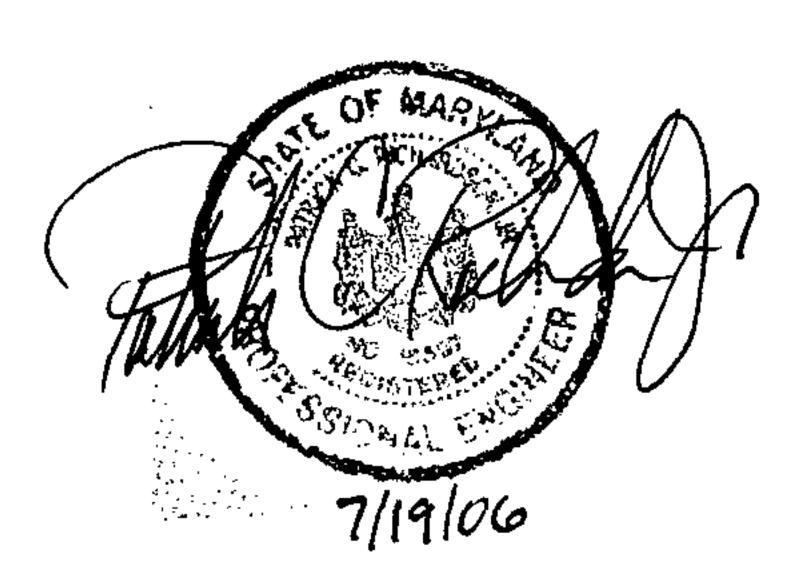
110 Old Padonia Road, Suite LC Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION GREAT AMERICAN SANDWICHES SPECIAL HEARING AREA 4117 EAST JOPPA ROAD 11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point South 21 degrees 03 minutes 07 seconds West 34.76 feet from were the property owned by Baltimore County Savings Bank FSB intersects with the property owned by Perry Hall Presbyterian Church, Inc., thence running and binding on the following bearings and distances (1) South 46 degrees 06 minutes 04 seconds East 99.71 feet, (2) North 43 degrees 53 minutes 56 seconds East 115.31 feet, (3) North 47 degrees 24 minutes 10 seconds West 31.68 feet, (4) South 74 degrees 35 minutes 54 seconds West 133.27 feet, to the point of beginning

Containing a net area of 0.173 acres or 7,540 square feet of land, more or less.



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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: #07-030-SPH

4117 East Joppa Road
Southside of East Joppa Road opposite of Seven Courts Drive
11th Election District — 5th Councilmanic District

Legal Owner(s): Baltimore County Savings Bank, FSB, Perry Hall Presbyterian Church, Inc.
Contract Purchaser: Great American Sandwiches, Inc., Eric Caplan

Special Hearing: to allow business parking in a residential zone (R.O.) per section 409.88 subject to compliance with Section 409.88.2 for leased parking spaces.
Hearing: Tuesday, September 19, 2006 at 9:00 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 9/605 Sept. 5

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in the following weekly newspaper published in Baltimore County, M. once in each of THIS IS TO CERTIFY, that the annexed advertisement was publis successive weeks, the first publication appearing

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

LEGAL ADVERTISING

100

BALTIMORE COUNTY, MARY
OFFICE OF BUDGET & FINANCE
BAICCELL ANEOUS RECEIPT

No. 8897

7-21-06 ACCOUNT POOL-6150 * 325. 500 4117 E-298A

DISTRIBUTION WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS 7/24/2006 7/21/2006 15:23:19 REG WSD4 WALKIN DDOL DMD OFLN 7/21/2006 5 528 ZONING VERIFICATION Dept CR NO. 008897 Recpt Tot \$325.00 \$.00 CA \$325.00 CK

Baltimore County, Maryland

CASHIER'S VALIDATION

7-030-SPH JOE MERREN

Copy of RECEIPT. APPLICANT WILL

OUPLICATE PAID RECEIPT
Baltimore County, Maryland
Office of Budget & Finance
Customer Service Division

BUSINESS ACTU	AL TIME	DRW
7/24/2006 7/24/3	2006 10:26:3	33 2
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5 MISCELLANOUS CAS	SH RECEIPT	
CR NO. 008897		
528 ZONING VERIFICA	TION	
001-006-6150		
	1	\$325.00
Receipt total		\$ 325.00
All receipts		\$325.00
CHECK	1	\$325.00
Total remitted		\$325.00

Thank you for your payment.

CERTIFICATE OF POSTING

	RE: Case No.: 07-030-5PH
	Petitioner/Developer: GREAT
•	AMERICAN SANDWICHES
	エルこ でんこ CAPとられる Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Fowson, Maryland 21204	SEPT 19, 200
TTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	A STATE OF THE STA
osted conspicuously on the property located 4//7. EAST	- <u>_</u>
he sign(s) were posted on	SEPT 4, 2006.
	(Month, Day, Year)
	Sincerely,
	2 Robert Black 9-6-06
	(Signature of Sign Poster) (Date)
INING NOTICE	SSG Robert Black
E#07-030-SPH	(Print Name)
SLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER- IN TOWSON, MD	1508 Leslie Road
ROOM 407, COUNTY COURTS BUILDING	(Address)
IND TIME: TUISDAY, SEPTEMBER 17. 2006 IN PARTIES ST: SPECIAL HEARING TO ALLOW BUSINESS IN A RESIDENTIAL ZONE (R.O.) PER SECTION	Dundalk, Maryland 21222
S PORTECT TO COMMINKE WITH SECTION 409 885	(City, State, Zip Code)
pt Mic with the court have defined and the strained below the court of the	(410) 282-7940
HUMBICULARY VCCERPARY	(Telephone Number)

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

August 3, 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: 07-030-SPH

buth Kotroco

4117 East Joppa Road

Southside of East Joppa Road opposite of Seven Courts Drive

11th Election District – 5th Councilmanic District

Legal Owners: Baltimore County Savings Bank, FSB, Perry Hall Presbyterian Church, Inc.

Contract Purchaser: Great American Sandwiches, Inc., Eric Caplan

Special Hearing to allow business parking in a residential zone (R.O.) per section 409.8B subject to compliance with Section 409.8B.2 for leased parking spaces.

Hearing: Tuesday, September 19, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: John Gontrum, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Baltimore 21204 Robert D. Smith, 8848 Belair Road, Baltimore 21236 Eric Caplan, Great American Sandwiches, Inc., 4117 East Joppa Road, Baltimore 21236

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 4, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 5, 2006 Issue - Jeffersonian

Please forward billing to:

- Pr

Great American Sandwiches, Inc., 4132 East Joppa Road, Ste. 104 Baltimore, MD 21236

410-236-1789

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: 07-030-SPH

4117 East Joppa Road

Southside of East Joppa Road opposite of Seven Courts Drive

11th Election District – 5th Councilmanic District

Legal Owners: Baltimore County Savings Bank, FSB, Perry Hall Presbyterian Church, Inc.

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Hearing: Tuesday, September 19, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAMO MASEMAN 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.



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 030 Retitionaria (2 + 1) excenses 5 - 1/2 (2 - + - + - + - + - + - + - + - + - + -
Petitioner: Great American Sandwiches, Inc. Address or Location: 4117 E. Joffa R.L. Balto. MD. 21236
PLEASE FORWARD ADVERTISING BILL TO:
Name: Great American Sandwiches Ine
Address: 4132 F. Jopparl Suite 104 Balto. Ml. 21236
Telephone Number: 410-236-1789



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 13, 2006

John B. Gontrum Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 07-030-SPH, 4117 East Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 21, 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,

u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Robert D. Smith Baltimore County Savings Bank FSB 8848 Belair Road Baltimore 21236

Eric Caplan Great American Sandwiches, Inc. 4117 East Joppa Road Baltimore 21236

Fire Departmen:

700 East Joppa Road Towson, Maryland 21286-5 100 Tel: 410-887-4500





James T. Smith, Jr., County Executive John J. Hohman, Chief

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

Towson, Maryland 212 14

August 1,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 31,2006

Item No.: 492, 015, 0.024, 025, 027, 028, 029, 0.030, 032, 033, 034 and 035.

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

* "" www.maryiandroads.com

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



Printed on Recycled Paper





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2006

Department of Permits & Development

Management

284

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 7, 2006

Item Nos-06-492, 07-015, 024, 025, 027,

029, 030, 032, and 033

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-08012006.doc

DATE: August 17, 2006

RECEIVED

AUG 2 2 2006

ZONING COMMISSIONER

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

SUBJECT:

4117 East Joppa Road

INFORMATION:

Item Number:

7-030

Petitioner:

Robert Smith

Zoning:

BL

Requested Action:

Special Hearing

The subject property, addressed as 4117 E. Joppa Road (Tax ID # 1123001375) is zoned BL, and not RO as indicated on the official petition for this case. The petitioner is requesting to establish business parking associated with the proposed retail use, on the adjacent Perry Hall Presbyterian Church property. The business parking associated with the proposed retail (Great American Sandwiches) is zoned RO (Residential Office). The area being proposed for business parking is part of a larger parking area currently utilized by the Perry Hall Presbyterian Church. It is also important to point out that the church uses their existing parking areas for both their institutional uses as well as recreational / entertainment use (e.g. miniature golf course under construction - Tax ID # 1120067081).

The Office of Planning does not oppose the petitioner's request to establish business parking on the adjacent residential zone (RO) in this instance. However, there must be a written agreement between the petitioner and the Perry Hall Presbyterian Church property owners stating that the parking needs associated with the proposed retail use on the subject property as well as from the neighboring recreational / entertainment use shall not coincide with normal hours of operation for the church itself. This shall be demonstrated and furnished to the Zoning Commissioner at the time of Special Hearing and made as a final notation on the site plan submitted.

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

Prepared by

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Division Chief:

AFK/LL: CM

W:\DEVREV\ZAC\7-030.doc

RE: PETITION FOR SPECIAL HEARING
4117 E. Joppa Road; S/S E Joppa Road
opposite Seven Courts Drive
11th Election & 5th Councilmanic Districts
Legal Owner(s): Baltimore County
opposite Seven Courts Drive
Contract Purchaser(s); Great American
Sandwiches, Inc by Eric R. Caplan, President

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-030-SPH

ENTRY OF APPEARANCE

Petitioner(s)

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AU3 0 3 2006

Per....

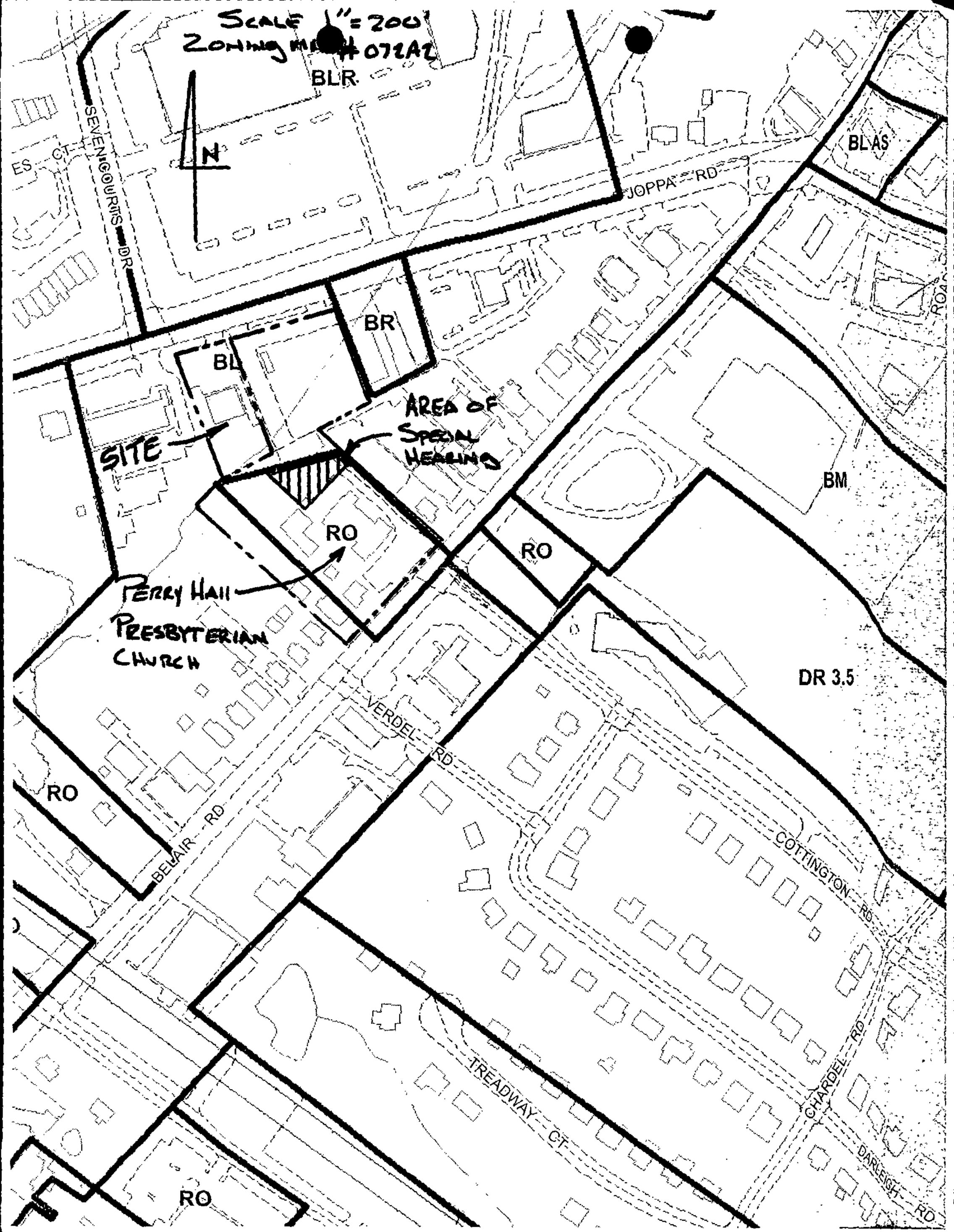
PETER MAX ZIMMERMAN

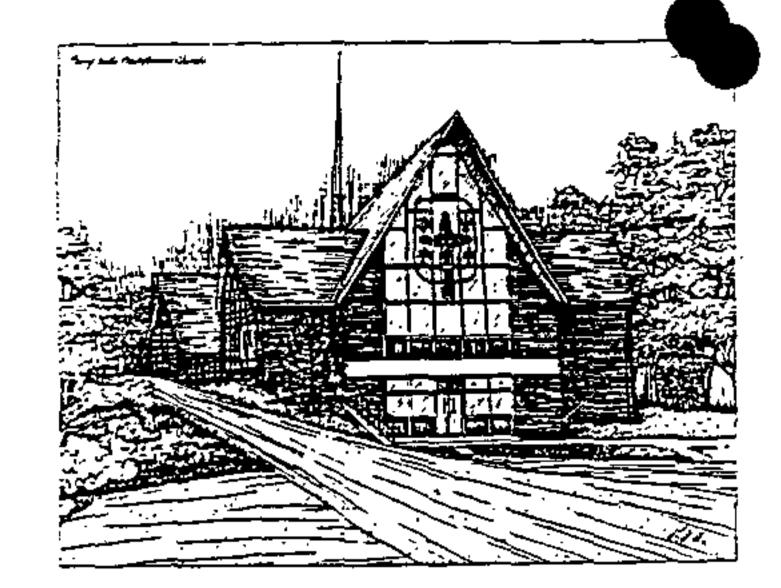
People's Counsel for Baltimore County

CASE NAME GREAT AMERICAN SAMPLICH
CASE NUMBER 07-030 SPH
DATE 9/19/00

THE WILK'S SIGN-IN SHEE

						RICK RICHARDSON EDGERDSMITH AGENT FOR PRINGER GONDRUM S.
						ADDRESS NO OLD PADONIA RD ST. LC 3411 Plaple View William 8848 Securia RD V 21236
						COCKEYSVILLE, NAD 21030 Ballo MD 21236
						ELLO ELLIREDSONENGINGERING. NIET RICCEPTANTE RAF. Com RDSMITTE RAF. Com





PERRY HALL PRESENTERIAN CHURCH

8848 Belair Road Baltimore, MD 21236 Telephone: 410-256-6780

Fax No: 410-256-6803

E-Mail: <u>phpcmail@juno.com</u>
Web-Site: http://www.perryhallpc.com

GEORGE R. DEMASS, MINISTER

September 18, 2006

Great American Sandwich 4132 E. Joppa Rd Suite 104 Baltimore, MD 21236

Attention:

Mr. Rick Caplan

Owner

(410) 236 1789

Reference:

Agreement for Parking Space Lease

Perry Hall Presbyterian Church

Dear Mr. Caplan:

This letter is to inform you that the Board of Session at Perry Hall Presbyterian Church voted and approved a motion to negotiate a renewable annual lease for parking with your company in support of the proposed business move to the former Wawa property owned by Baltimore County Savings Bank, adjacent to the church property.

The recommended terms are to include 20 to 22 vehicle spaces.

Please let us know if you need additional information at this time by calling the church office at (410) 256 6780, or by mobile (443) 677 3935, or email at rdsmith@rmf.com.

Sincerely,

The Board of Trustees - Perry Hall Presbyterian Church

Robert D. Smith, P.E.

President / Finance Chair

Det #3



4123 East Joppa Road Baltimore, MD 21236 410-254-PUTT (7888)

To Whom It May Concern:

I am writing this letter to let you know that I am in support of Rick Caplan and the Great American Sandwich in his request for parking for his new restaurant. I will be Rick's most immediate neighbor and will probably be impacted more than anyone else.

It is my belief that this facility will be a great benefit to the community and I look forward to having Rick as a neighbor.

If you should have any questions or concerns, please do not hesitate to contact me.

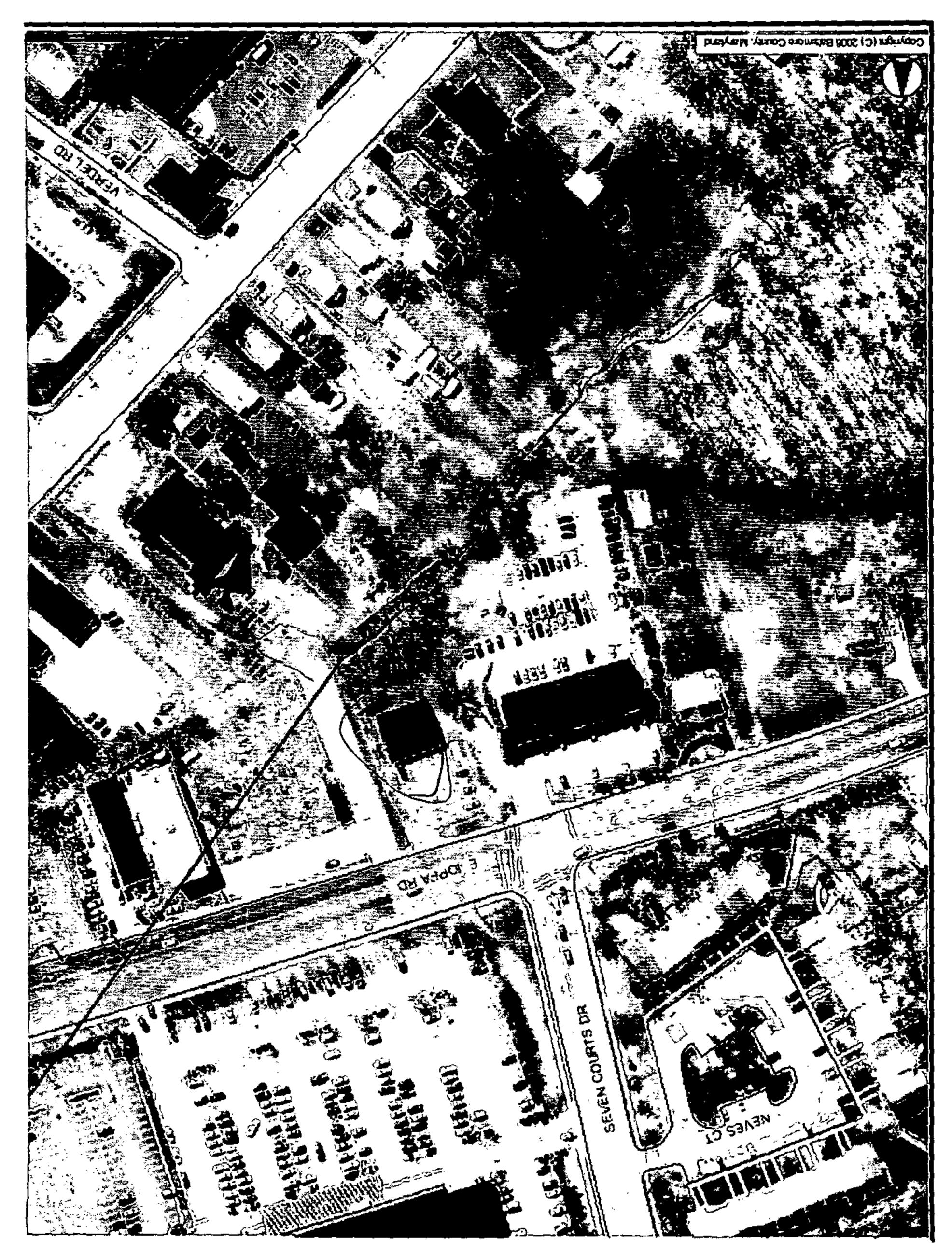
Thank you for your consideration in this matter.

Athan Demetrides

President


ParTee Golf, Inc.

Day Jan









ADC Map No. 29 grid A-7
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AVE. COMMANDE COM







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

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

Maryland Department of Transportation

Date: 8.1.04

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

RE:

Baltimore County

Item No. 230

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,

Steven D. Foster, Chief

Engineering Access Permits Division