IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
SE/S Pulaski Highway, 1,640′ NE/S from C/line of Middle River Road	*	ZONING COMMISSIONER
(9727 Pulaski Highway)	*	OF
15th Election District 6th Council District	*	BALTIMORE COUNTY
	*	**Case No. 07-479-SPHA**
Gilbert Sapperstein & Russell Schaffer, *Legal Owners*	*	
Blue Lagoon, Inc., *Lessee* *Petitioners*	*	

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Gilbert Sapperstein and Russell Schaeffer, and the contract lessee, Blue Lagoon, Inc. The Special Hearing relief was filed in the alternative (from a parking variance) requesting approval of a modified parking plan and modified parking requirements for the existing parking spaces and areas in accordance with the detail shown on the site plan in lieu of the minimum requirements of the Baltimore County Zoning Regulations (B.C.Z.R.); for an amendment to the site plan approved in Case No. 96-385-SPHA, and for such further relief and approvals as the nature of this case may require. The Variance relief filed in the event that the Special Hearing relief is not approved, requests [1] the approval of a total of 71 parking spaces in lieu of the 95 spaces required pursuant to B.C.Z.R Section 409.6A and [2] to approve such additional variance relief as the nature of this case may require, within the spirit and intent of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted and marked into evidence as Petitioners' Exhibit 1.

ORDER RECEIVED FOR FILING
Date 8-1-07
By

Appearing at the requisite public hearing on behalf of the Petitioners were Wilber L. Duvall, Jr., P.E., of W. Duvall & Associates, Inc. (now a principal with G.W. Stephens and Associates, Inc.) and Howard L. Alderman, Jr., Esquire, attorney for Petitioners. There were no Protestants or other interested persons present.

An appreciation of the property's past history and uses is relevant and is briefly outlined. In 1975, a petition was filed and approved for a non-conforming shooting range on the subject site that was restricted to the rear of an existing 82′ x 45′ building provided that the operation of the shooting gallery complied with Baltimore County Police Department regulations. Next, a petition was filed in Case No. 87-119-SPH in which the Petitioners were granted a non-conforming use of the existing parking lot and tavern. The property currently operating as the Blue Lagoon was formerly known as the Blue Gables Restaurant, later renamed the Opitz Crab House which encountered financial difficulty and ended up in bankruptcy. During this time, Russell Schaffer had entered into a contract to purchase the property and made extensive improvements to the site and added a package goods store. The second floor was expanded to encompass the entire building and included a banquet room, dining room, offices and an existing apartment which Mr. Schaffer utilized in the late 1980's. Thereafter, the Petitioners sought special hearing and variance relief in Case No. 96-385-SPHA for a modification of the previously approved site plan (87-119-SPH) and to permit a reduction in parking spaces for all uses (23 spaces in lieu of 88 required) and to approve the existing non-conforming use of 149% of total floor area. Then Deputy Zoning Commissioner Kotroco, on May 13, 1996, granted the relief requested subject to certain restrictions allowing the property to be used as a package goods store, restaurant and apartment. The Petitioners now come before me and desire to

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Date 8-1-07
By

continue all existing uses and add an essential 431 square foot addition to the kitchen/storage area at the rear of the restaurant.

Testimony and evidence offered revealed that the subject property is located on the northeast side of Pulaski Highway, in the Middle River area of the County. The property consists of 0.91 acres, more or less, zoned M.L.-A.S. and is improved with a 2-story combination restaurant/package goods store and apartment, which, as noted above, have existed on the property for many years. These uses operating with prior approvals can be easily summarized as:

• Second floor apartment	2,000 square feet
• Package goods store	1,800 square feet
• Restaurant & associated kitchen/storage	4,820 square feet
Total:	8,620 square feet

The proposed improvements encompass the existing uses and a much needed addition to be added to the kitchen consisting of 431 square feet, thereby increasing the size of the restaurant and kitchen area to 5,251 square feet, for an increased total square footage for all uses of 9,051 square feet (an expansion of 5%). In this regard, Mr. Duvall pointed out that since the last hearing (96-385-SPHA) additional parking spaces have been added. Today, as shown on the site plan, there are a total of 71 spaces existing instead of the previously approved 23 spaces. Based on current B.C.Z.R. requirements, a total of 95 spaces would be required as depicted below:

• Apartment	2 spaces
• Parking Goods Store	9 spaces
• Restaurant & associated kitchen/storage (existing)	78 spaces
• Proposed 431 square foot addition[1]	6 spaces

[1] It was clear from the testimony and evidence presented that the proposed kitchen/storage area in actuality will not drive a need for additional visitors or affect the actual parking demands on the property.

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Date 8-1-07
By

With regard to the special hearing request, Messrs. Alderman and Duvall indicated that the current owners had no role in locating the existing building on the subject property or in defining the property lines of the subject property. They have added 48 spaces, including 5 handicapped spaces. This is an old existing building on an old lot. The Petitioners would suffer a practical difficulty if the regulations were strictly enforced. The existing building cannot be moved or reduced in size and the owners have performed renovations and added substantial additional parking. As mentioned at the hearing in cases involving older commercial zones, I find a modified parking plan under Section 409.12 of the B.C.Z.R. is much preferred over variances. Variances simply reflect what is there, no matter how unsafe or outdated. Modified parking plans give the County a chance to make good faith improvements to parking for safety and updated regulations. I find the Petitioners have made good faith efforts to update the plan to the extent reasonable. I find that the existing conditions on-site greatly constrain the parking that can be accommodated and that providing the regulatory parking would be an undue hardship on the Petitioners. Therefore, I will grant the special hearing request. Moreover, Mr. Duvall gave an opinion that the modified parking requirements for the proposed uses meets the criteria of Section 502.1 of the B.C.Z.R. and will not adversely affect the community. Compared to the site plan previously approved in Case No. 96-385-SPH, the present plan is a welcome change and major improvement.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' Special Hearing request should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of August 2007 that the alternative Petition for Variance relief is dismissed as

ORDER RECEIVED FOR FILING
Date 8-1-07
By

moot and the Petition for Special Hearing to approve a modified parking plan and modified parking requirements for the existing parking spaces in lieu of the minimum requirements of the Baltimore County Zoning Regulations (B.C.Z.R.) (71 in lieu of the required 95); and the approval of an amendment to the site plan previously approved in Case No. 96-385-SPHA, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED.

- Petitioners are made aware that proceeding at this time is at their own risk until such time as the thirty (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.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 8-1-07
By

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9727 PULASKI HIGHWAY
which is presently zoned ML-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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.

XXXXXXXXXXXXXXXXX/**Lessee:**

BLUE LAGOON, INC
Name - Type or Print

By: Signature

9727 PULASKI HIGHWAY (410) 574-3200
Address Telephone No.

BALTIMORE MD 21220
City State Zip Code

Legal Owner(s):

GILBERT SAPPERSTEIN
Name - Type or Print

Signature

RUSSELL SCHAFFER
Name - Type or Print

Signature

9727 PULASKI HIGHWAY (410) 574-3200
Address Telephone No.

Baltimore MD 21220
City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print

Signature

Levin & Gann, PA
Company

502 Washington Avenue, Suite 800 410-321-0600
Address Telephone No.

Towson Maryland 21204
City State Zip Code

Representative to be Contacted:

W.Duvall&Assoc., Inc. Attn: Wilbur J. Duvall, Jr.
Name

12246 Roundwood Road, Unit 101 410-409-5959
Address Telephone No.

Timonium MD 21093
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By A. Tsui Date 4/18/2007

Case No. 07-479 SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 8-1-07
By DW

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: 07-479-SPHA

Address: 9727 Pulaski Highway

Legal Owner: Gilbert Sapperstein & Russell Schaffer

Lessee: Blue Lagoon, Inc.

Present Zoning: ML-AS

REQUESTED RELIEF:

"*why the Zoning Commissioner should approve*": (i) in lieu of the companion variance requested herewith, approval of a modified parking plan and modified parking requirements for the existing parking spaces and areas in accordance with the specific detail shown on the Plan filed herewith, in lieu of the minimum requirements of the BCZR; (ii) an amendment to the site plan approved in Case No. 96-385-SPHA; and (iii) for such further relief and approvals as the nature of this case may require.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

07-479 SPHA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9727 PULASKI HIGHWAY

which is presently zoned ML-AS

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

SEE ATTACHED

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

SEE ATTACHED

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:

XXXXXXXXXXXXXXXX
BLUE LAGOON, INC.
Name - Type or Print

By: Signature

9727 PULASKI HIGHWAY (410) 574-3200
Address Telephone No.
Baltimore MD 21220
City State Zip Code

Legal Owner(s):

GILBERT SAPPERSTEIN
Name - Type or Print

Signature

RUSSELL SCHAFFER
Name - Type or Print

Signature

9727 Pulaski Highway (410) 574-3200
Address Telephone No.
BALTIMORE MD 21220
State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor
Company
502 Washington Avenue 410-321-0600
Address Telephone No.
Towson, MD 21204
City State Zip Code

Representative to be Contacted:

W.Duvall&Assoc., Inc. Attn: Wilbur L. Duvall, Jr.
Name
12246 Roundwood Road, Unit 101 410-409-5959
Address Telephone No.
Timonium MD 21093
City State Zip Code

OFFICE USE ONLY

Case No. 07-479-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By A. Tsui Date 4/18/2007

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 8-1-07
By DW

Attachment 1
PETITION FOR VARIANCE

CASE NO: 07-479-SPHA

Address: 9727 Pulaski Highway

Legal Owner: Gilbert Sapperstein & Russell Schaffer

Lessee: Blue Lagoon, Inc.

Present Zoning: ML-AS

REQUESTED RELIEF:

In the event that the modified parking plan pursuant to a companion Petition for Special Hearing is not approved as requested: [1] a variance from: BCZR §§ 409.6.A to permit a total of 71 parking spaces in lieu of the 95 spaces required and [2] for all such additional variance relief as the nature of this request and the parking layout on the Plan filed herewith may require.

JUSTIFICATION:

1. Irregular shape of property;
2. Existing buildings, utilities and extensive setbacks from Pulaski Highway; and
3. For such further reasons that will be presented at the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

07-479 SPHA

ZONING DESCRIPTION

For 9727 Pulaski Highway

Beginning at a point 1640 Feet Northeasterly of the intersection of the centerline of Middle River Road. Thence leaving said point and following the 4 bearings and distances

1. N 49° E, 116.27 feet
2. N 65° 43' E, 73.01 feet
3. S 39° 33' E, 196.54 feet
4. S 49° W, 181.20 feet
5. N 41° W, 217.50 feet

07-479 SPHA

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: # 07-479-SPHA
9727 Pulaski Highway
S/east side of Pulaski Highway, 1640 feet n/east side from centerline of Middle River Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Gilbert Sapperstein and Russell Schaffer
Lessee: Blue Lagoon, Inc.

Special Hearing: to approve a modified parking plan and modified parking requirements for the existing parking spaces and area in accordance with the specific detail shown on the plan herewith in lieu of the minimum requirements of the BCZR and an amendment to the site plan approved in Case 96-385-SPHA. **Variance:** in the event that the modified parking plan pursuant to a companion Petition for Special Hearing is not approved as requested: a variance to permit a total of 71 parking spaces in lieu of the 95 spaces required.

Hearing: Thursday, July 19, 2007 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 7/605 July 3 140735

CERTIFICATE OF PUBLICATION

7/5/, 2007

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 7/3/, 2007.

- [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. 26771

DATE 4/18/07 ACCOUNT 001-0066150

AMOUNT $ 650 —

RECEIVED FROM: W. Dwyer & Assoc.

FOR: 9129 Pulaski Hwy

07-497-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-474-SPHA

Petitioner/Developer: BLUE LAGOON, INC

Date of Hearing/Closing: 7-19-07

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

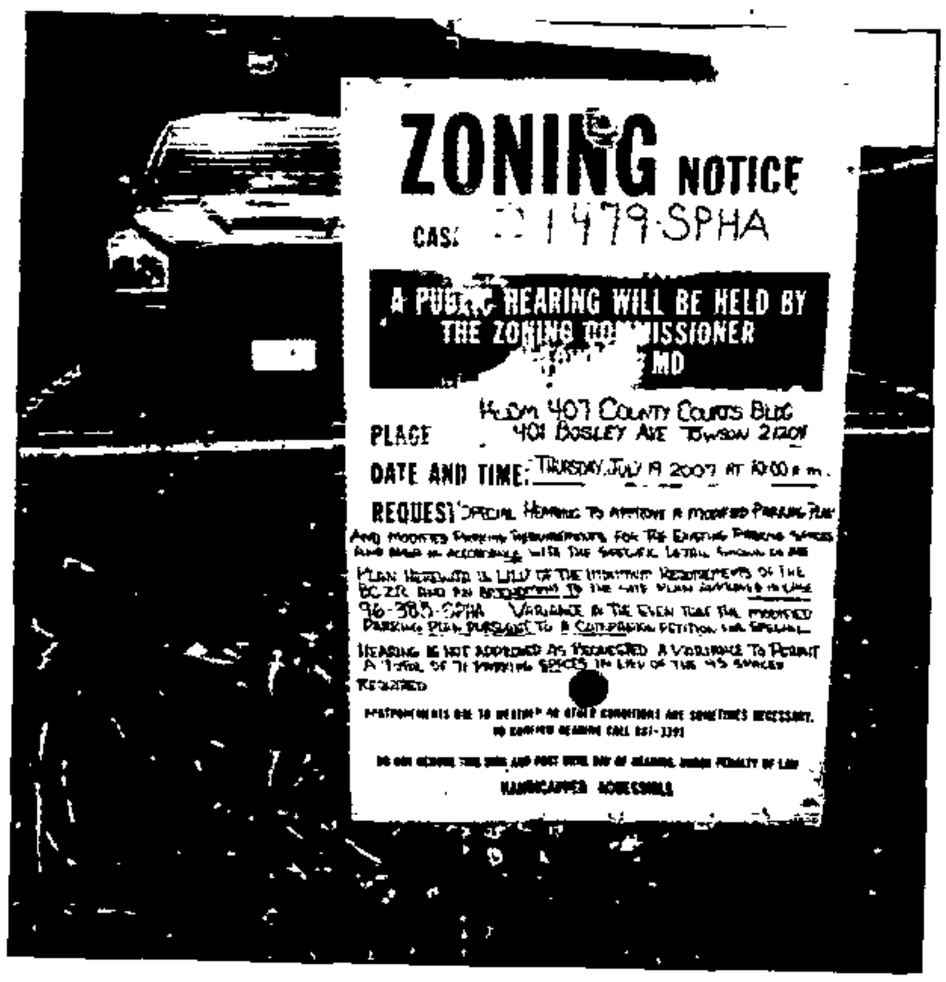
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 9727 PULASKI HWY

The sign(s) were posted on 7-4-07
(Month, Day, Year)

Sincerely,



Robert Black 7-6-07
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

May 14, 2007

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

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: 07-479-SPHA
9727 Pulaski Highway
S/east side of Pulaski Highway, 1640 feet n/east side from centerline of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: Gilbert Sapperstein and Russell Schaffer
Lessee: Blue Lagoon, Inc.

Special Hearing to approve a modified parking plan and modified parking requirements for the existing parking spaces and area in accordance with the specific detail shown on the plan herewith in lieu of the minimum requirements of the BCZR and an amendment to the site plan approved in Case 96-385-SPHA. Variance in the even that the modified parking plan pursuant to a companion Petition for Special Hearing is not approved as requested: a variance to permit a total of 71 parking spaces in lieu of the 95 spaces required.

Hearing: Tuesday, July 10, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Gilbert Sapperstein, Russell Schaffer, 9727 Pulaski Highway, Baltimore 21220

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 25, 2007.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 26, 2007 Issue - Jeffersonian

Please forward billing to:
Blue Lagoon, Inc.
Attn: Gilbert Sapperstein
9727 Pulaski Highway
Baltimore, MD 21220

410-574-3200

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: 07-479-SPHA
9727 Pulaski Highway
S/east side of Pulaski Highway, 1640 feet n/east side from centerline of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: Gilbert Sapperstein and Russell Schaffer
Lessee: Blue Lagoon, Inc.

Special Hearing to approve a modified parking plan and modified parking requirements for the existing parking spaces and area in accordance with the specific detail shown on the plan herewith in lieu of the minimum requirements of the BCZR and an amendment to the site plan approved in Case 96-385-SPHA. Variance in the even that the modified parking plan pursuant to a companion Petition for Special Hearing is not approved as requested: a variance to permit a total of 71 parking spaces in lieu of the 95 spaces required.

Hearing: Tuesday, July 10, 2007 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 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.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 1, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

NEW 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: 07-479-SPHA
9727 Pulaski Highway
S/east side of Pulaski Highway, 1640 feet n/east side from centerline of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: Gilbert Sapperstein and Russell Schaffer
Lessee: Blue Lagoon, Inc.

Special Hearing to approve a modified parking plan and modified parking requirements for the existing parking spaces and area in accordance with the specific detail shown on the plan herewith in lieu of the minimum requirements of the BCZR and an amendment to the site plan approved in Case 96-385-SPHA. Variance in the even that the modified parking plan pursuant to a companion Petition for Special Hearing is not approved as requested: a variance to permit a total of 71 parking spaces in lieu of the 95 spaces required.

Hearing: Thursday, July 19, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Gilbert Sapperstein, Russell Schaffer, 9727 Pulaski Highway, Baltimore 21220

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 4, 2007.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 3, 2007 Issue - Jeffersonian

Please forward billing to:
Blue Lagoon, Inc. 410-574-3200
Attn: Gilbert Sapperstein
9727 Pulaski Highway
Baltimore, MD 21220

CORRECTED 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: 07-479-SPHA
9727 Pulaski Highway
S/east side of Pulaski Highway, 1640 feet n/east side from centerline of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: Gilbert Sapperstein and Russell Schaffer
Lessee: Blue Lagoon, Inc.

Special Hearing to approve a modified parking plan and modified parking requirements for the existing parking spaces and area in accordance with the specific detail shown on the plan herewith in lieu of the minimum requirements of the BCZR and an amendment to the site plan approved in Case 96-385-SPHA. Variance in the even that the modified parking plan pursuant to a companion Petition for Special Hearing is not approved as requested: a variance to permit a total of 71 parking spaces in lieu of the 95 spaces required.

Hearing: Thursday, July 19, 2007 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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 that is the subject of an upcoming zoning hearing. For those petitions that 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: 07-479-SPHA

Petitioner: Gilbert Sapperstein & Russell Schaffer

Address or Location: jksjfksdlskld
9727 Pulaski Highway

Please Forward Advertising Bill to:

Name: Blue Lagoon, Inc. Att.: Gilbert Sapperstein

Address: 9727 Pulaski Highway

Baltimore, Md. 21220

Telephone: 410-574-3200

Revised 2/20/98 – SCJ

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SE/S Pulaski Highway, 1640' NE of the c/l of Middle River Road (9727 Pulaski Highway) 15th Election District 5th Councilmanic District

Ataollah Golpira, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-385-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 9727 Pulaski Highway, located in the vicinity of Mohrs Lane and the Price Club facility in White Marsh. The Petitions were filed by the owners of the property, Ataollah and Yekta Golpira, and the Contract Purchaser/Lessee, Russell M. Schaeffer. The Petitioners seek approval of a modification to the previously approved site plan in prior Case No. 87-119-SPH and variance relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction in the number of parking spaces from the required 88 to the provided 23 spaces, and from Section 104.3 of the B.C.Z.R. to permit an increase in the total floor area for a nonconforming use of 149% in lieu of the permitted 25% for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petitions were Russell Schaeffer, Contract Purchaser, Joseph Larson, Professional Engineer who prepared the site plan for this project, and Vernon Boozer, Esquire, attorney for the Petitioners. There were no Protestants present.

ORDER RECEIVED FOR FILING
Date 3/13/96
By

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
2

Testimony and evidence offered revealed that the subject property consists of 0.91 acres, more or less, zoned M.L.-A.S. and is improved with a two-story combination tavern/restaurant and apartment which has existed on the property for many years. The property was the subject of prior Case No. 87-119-SPH in which the Petitioners were granted a nonconforming use of the existing parking lot and tavern. The property was formerly known as the Blue Gables Restaurant, and most recently, Opitz Crab House. Testimony revealed that Opitz Crab House was unsuccessful financially and ended up in bankruptcy. The Petitioners have entered into a contract to sell the property to Mr. Russell Schaeffer, who wishes to make extensive improvements to the site. Mr. Schaeffer proposes a large L-shaped addition to the first floor to square off the existing building and add a packaged goods store. The second floor will be expanded to encompass the entire building and will include a banquet room, dining room, offices and the existing apartment which Mr. Schaeffer wishes to continue to utilize. The Petitioner submitted as Petitioner's Exhibit 3 a site plan of this property depicting existing and proposed improvements. Furthermore, he submitted floor plans for the first and second floors of the existing building. Further testimony revealed that as a result of the proposed expansion of existing uses on the site, an increased number of parking spaces will be required, and the overall floor area of the nonconforming use will be significantly increased.

There being no adverse comments by any Baltimore County reviewing agency, nor any opposition expressed by any adjoining property owner, it appears that the relief requested should be granted. Photographs of the site show that the property has deteriorated and is in dire need of renovation and clean-up. Obviously, the improvements proposed by Mr. Schaeffer

Date 3/13/90
By

will be beneficial to this site as well as other businesses located along the Pulaski Highway corridor, and will offer a much needed service to the citizens who reside in the area. Furthermore, I find that there has been no abandonment of the nonconforming use previously established for this site as a restaurant, tavern and apartment.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and

Date 3/3/96
By

that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1996 that the Petition for Special Hearing seeking approval of a modification to the previously approved site plan in prior Case No. 87-119-SPH to reflect the proposed improvements as set forth on Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction in the number of parking spaces from the required 88 to the 23 spaces provided, and from Section 104.3 of the B.C.Z.R. to permit an increase in the total floor area for a nonconforming use of 149% in lieu of the maximum permitted 25% for proposed additions, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 relief granted herein shall be rescinded.

2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and

Date 5/13/96
By

approval by the Landscape Architect for Baltimore County.

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

IT IS FURTHER ORDERED that the previously approved nonconforming use in prior Case No. 87-119-SPH is hereby extended and revalidated in that I find that there has been no interruption in the use of the property as a tavern, restaurant and apartment.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

July 12, 2007

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 07-479-SPHA, 9727 Pulaski Highway

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 18, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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
Gilbert Sapperstein Russell Schaffer 9727 Pulaski Highway Baltimore 21220
Blue Lagoon, Inc. 9727 Pulaski Highway Baltimore 21220
W. Duvall & Associates, Inc. Attn: Wilber J. Duvall, Jr. 12246 Roundwood Road, Unit 101 Timonium 21093

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500

Baltimore County

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

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

May 4,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 30, 2007

Item Number: 474,475,477 and 479 through 487

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: April 30, 2007

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

RE: Baltimore County
Item No. 7-479-SPHA
9727 Pulaski Hwy
Sapperstein/Russell Property
Special Hearing
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-479-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 3, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For May 7, 2007
Item Nos. 07-474, 475, 477, 478, 479, 480, 481, 482, 483, 484, 486, and 487

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-05032007.doc

BW 7/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 19, 2007

RECEIVED
JUL 20 2007
BY:.....

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-479- Special Hearing and Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lynn Lewis

CM/LL

W:\DEVREV\ZAC\7-479.doc

Patricia Zook - Planning comments needed for Bill's cases - next week

From: Patricia Zook
To: Murray, Curtis
Date: 7/12/2007 3:33 PM
Subject: Planning comments needed for Bill's cases - next week
CC: Wiley, Debra; Wiseman, Bill

Hello Curtis -

We need comments from the Planning Office for the following cases scheduled for hearings next week:

07-412-XA, hearing on Tuesday, July 17, 2007 at 9:00 am
07-495-SPHA, hearing on Thursday, July 19, 2007 at 9:00 am
07-479-SPHA, hearing on Thursday, July 19, 2007 at 10:00 am

Bill would like to have the comments on Friday, July 12.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

May 21, 2007

Kristen: OK to postpone + reset. TMK

VIA TELEFAX & REGULAR MAIL

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

William J. Wiseman, III, Esquire
Baltimore County Zoning Commissioner
410 Bosley Avenue, Suite 405
Towson, Maryland 21204

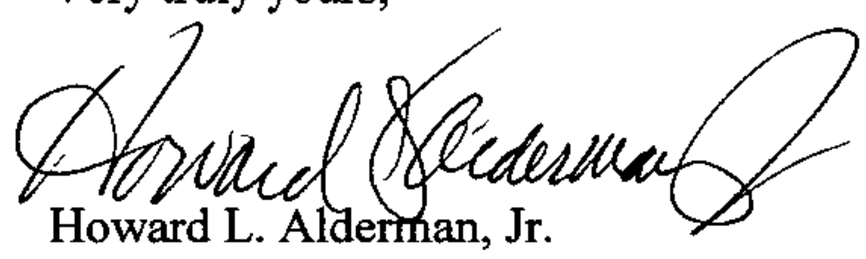
RE: 9727 Pulaski Highway
Case No. **07-479-SPHA**
Scheduled Hearing: July 10, 2007 @ 9:00 a.m.
Request for Postponement and Immediate Rescheduling

Dear Messrs. Wiseman and Kotroco:

This morning I received the enclosed Notice of Hearing in the above-referenced matter. A postponement and immediate rescheduling of this case is hereby requested due to the fact that I will be out of the State the entire week of July 9, 2007. I have also enclosed a list of dates in July and August for which I will be out of the office that I hope will assist Kristen in rescheduling this matter. I respectfully request that the hearing on the above-referenced case be **postponed** and that it be **rescheduled as soon as possible. If Kristen will contact me before rescheduling the hearing I will ensure that the date is clear with all concerned.**

Thank you and please contact me if there is any problem with this request.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
c: Blue Lagoon, Inc.
Messrs. Gilbert Sapperstein and Russell Schaffer
Wil Duvall, PE
Ms. Kristen Matthews

9727 Pulaski Highway
Case No. 07-479-SPHA

Dates that Howard Alderman is **NOT available [as of May 21, 2007]:**

July 9 through 15, 2007

July 24, 2007

July 30 thru August 6, 2007

LEVIN & GANN, P.A.
NOTTINGHAM CENTRE, 8TH FLOOR
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4525

FIRST CLASS

UNITED STATES POSTAGE
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Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 111
Towson, Maryland 21204

21204+4602

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 9727 Pulaski Highway; SE/S Pulaski Highway 1640' NE/S from c/line of Middle River Road 15th Election & 6th Councilmanic Districts Legal Owners: Gilbert Sapperstein & Russell Schaffer Contract Purchaser(s): Blue Lagoon, Inc., Lessee Petitioner(s)	* * * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-479-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

RECEIVED
MAY - 4 2007
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2007, a copy of the foregoing Entry of Appearance was mailed W. Duvall & Associates, 12246 Roundwood Road, Unit 101, Timonium, MD 21093 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME Blue Legion / Sappenstein Shoppe
CASE NUMBER
DATE 19 July

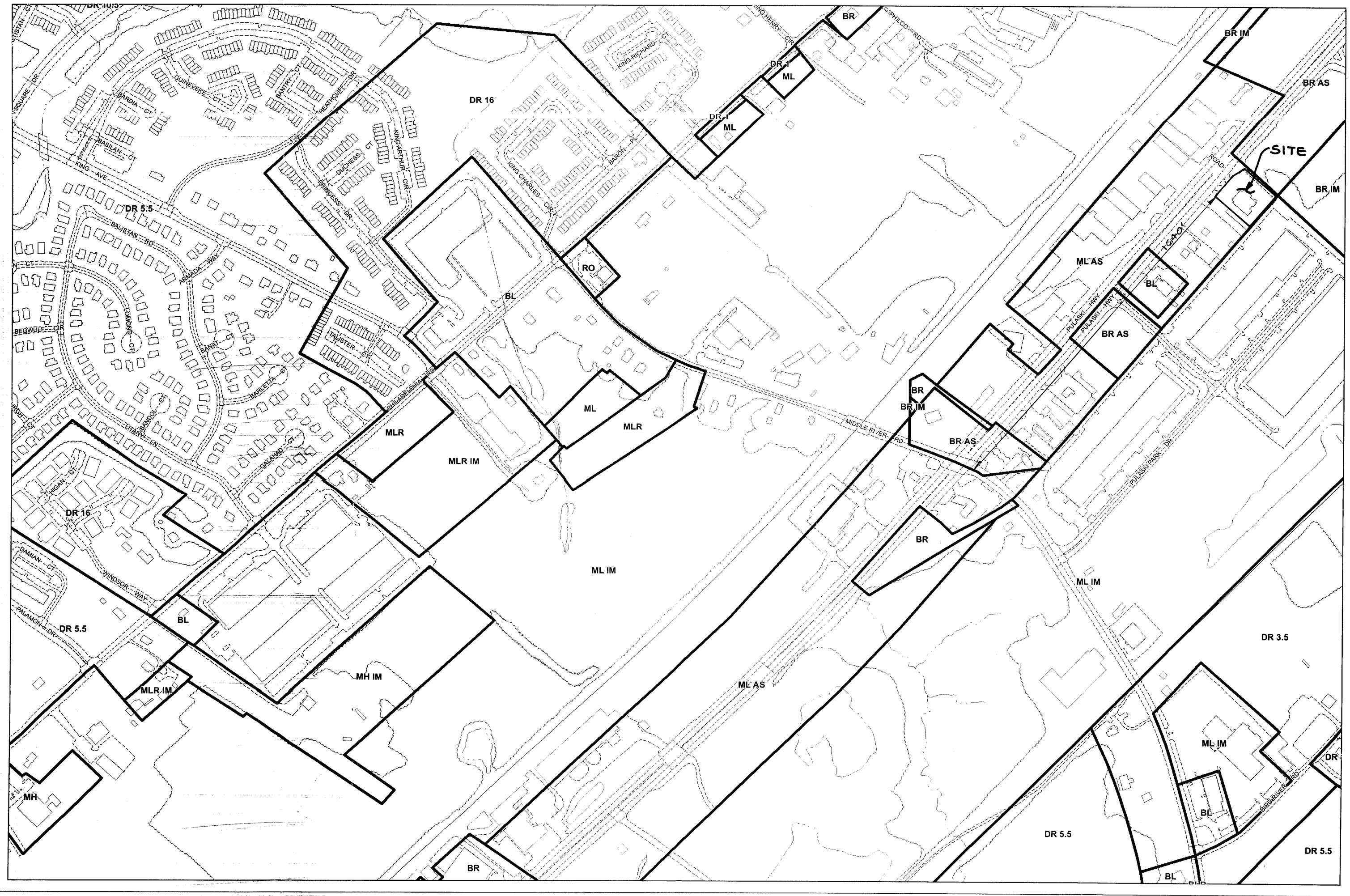
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Wil Duvall	12246 Roundwood Road #101	Timonium, Md 21093	
Howard L Alderman Jr	502 Washington #500	Towson MD 21204	

Case No.: 07-479 SPHA ~~9722~~ 9727 PULASKI HWY

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	ORDER CASE NO. 96-385-SPHA	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Plan Sheet: *082B3*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

081C2	082A2	082B2	082C2	083A2
081C3	082A3	082B3	082C3	083A3
089C1	090A1	090B1	090C1	091A1

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

07-479-SPHA

SITE DATA

SITE AREA	0.91AC.±
ELECTION DISTRICT	15
COUNCILMANIC DISTRICT	3
EXISTING ZONING	ML-AS
DEED REFERENCE	11903/275
TAX MAP/PARCEL/GRID	82/16/285
TAX ACCOUNT NO.	1516600490
EXISTING USE	RESTAURANT
PROPOSED USE	RESTAURANT

BUILDING FLOOR AREA COMPUTATIONS

ZONING CASE NO. 87-119 SPH APPROVED A NON CONFORMING USE FOR THE EXISTING BUILDING AND PARKING LOT AS SHOWN ON A SITE PLAN DATED JULY 16, 1986.

EXISTING FLOOR AREA = 8620 S.F.
EXISTING PARKING = 74 SPACES

PROPOSED NEW FLOOR AREA

EXISTING FLOOR AREA	8620 S.F.
PROPOSED ADDITION	431 S.F.
TOTAL	9051 S.F.

BUILDING EXPANSION PERCENTAGE = 5%

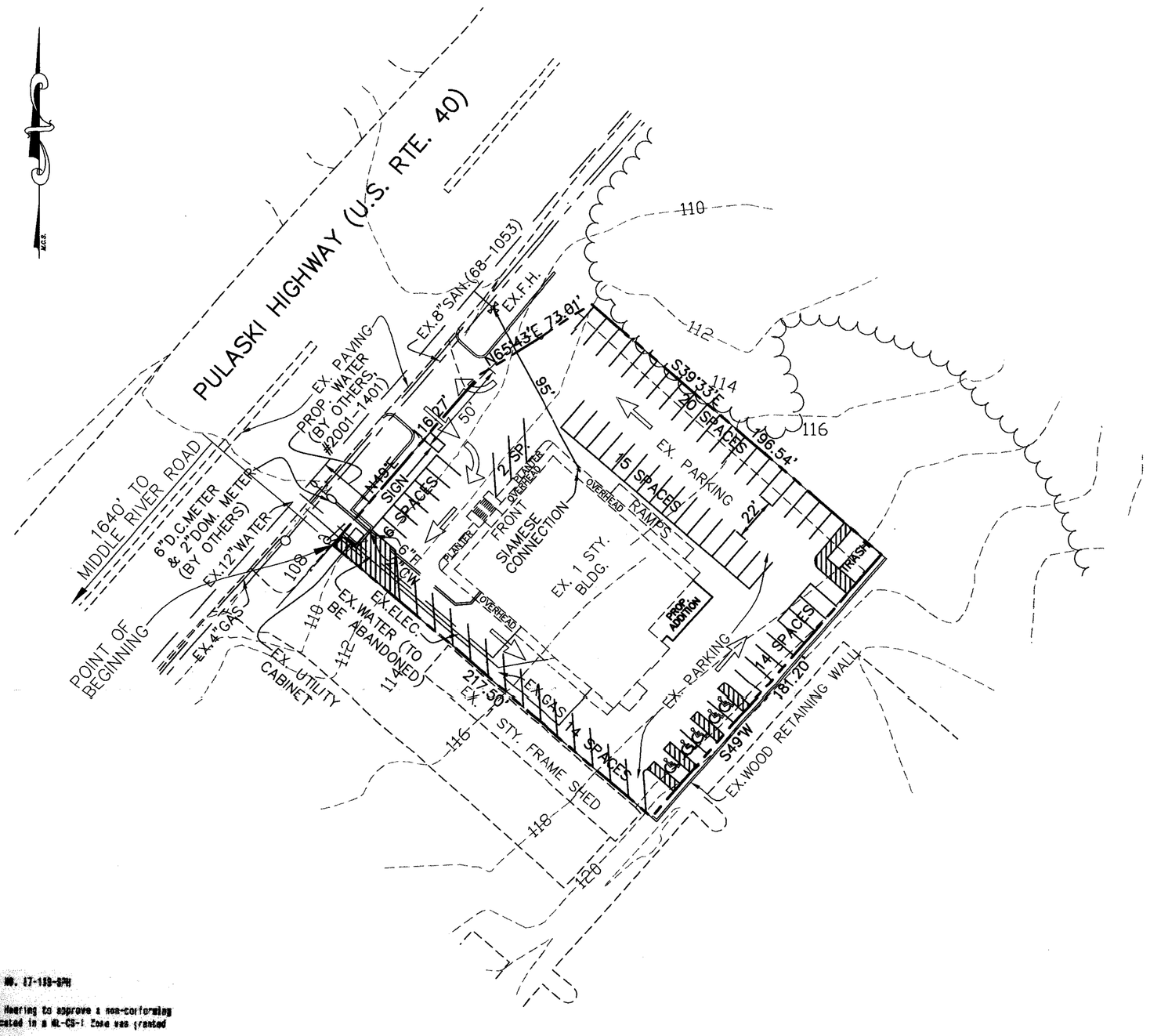
PARKING COMPUTATIONS

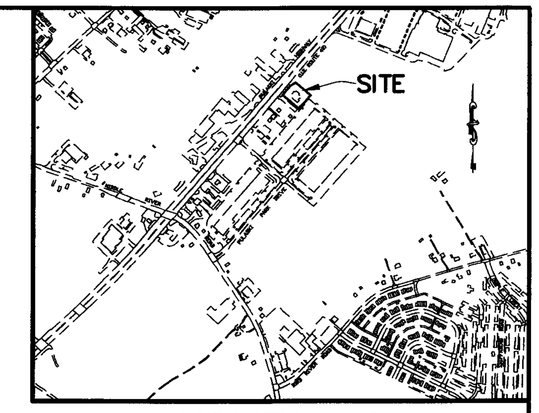
BUILDING ADDITION

NET FLOOR AREA = 9051 S.F.

FLOOR AREA ITEMIZATION

OWNER'S APARTMENT = 2000 S.F. =	2 SPACES
PACKAGE GOODS STORE = 1800 S.F./200 =	9 SPACES
RESTAURANT AREA = 5251 S.F. (5.25)(16) =	84 SPACES
PARKING SPACES REQUIRED =	95 SPACES
TOTAL NO. OF PARKING SPACES PROVIDED =	71 SPACES
PARKING DEFICIT =	24 SPACES





VICINITY MAP
SCALE: 1"=1000'

PARKING:
8.5' x 18' SPACES = 66
HANDICAPPED SPACES = 5

TOTAL SPACES = 71

ZONING ORDER CASE #96-385-SPHA

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1996 that the Petition for Special Hearing seeking approval of a modification to the previously approved site plan in prior Case No. 87-119-SPH to reflect the proposed improvements as set forth on Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the restrictions set forth below, and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction in the number of parking spaces from the required 95 to the 71 spaces provided, and from Section 104.1 of the B.C.Z.R. to permit an increase in the total floor area for a nonconforming use of 149% in lieu of the maximum permitted 25% for proposed additions, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 relief granted herein shall be rescinded.

2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.

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

IT IS FURTHER ORDERED that the previously approved nonconforming use in prior Case No. 87-119-SPH is hereby extended and revitalized in that I find that there has been no interruption in the use of the property as a tavern, restaurant and apartment.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

PROPERTY ZONING HISTORY

CASE NO. 75-215-SPH

Petition for special hearing to approve a non-conforming shooting range on the subject site.

Petition granted on May 14, 1975 for a shooting range restricted to the rear of the exist. 62' X 65' building and to the east of the exist. 14' X 36' building as shown on the Petitioners Plat. The operation of the shooting range shall comply with the following recommendations of the Baltimore County Police Dept.

Approved applicants should provide for the range officers, approved by the Baltimore County Police Department. These range officers are to be stationed beside the shooter, one to the left and the other to the right. Ammunition should not be issued until the shooter reaches the firing point. Ammunition used should not be larger than three drams powder, 3 1/8 ounce shot, size of shot 7 1/2 (low brass shells only).

Safety would require a distance of 620 feet (200 yards) from firing point to effected area. This would mean a distance of 175 yards beyond target would be effected by shot. If the target area is backed or has a back board construction to prevent shot from traveling, these distances would not be required.

If a range is near a public highway, it is suggested that berms be constructed so as to collect shot down range in case of any accidental firing.

It is also recommended that no alcoholic beverages be allowed on or near the shooting range. It is strongly recommended that no person having imbibed in any alcoholic beverage be allowed on or near the shooting range.

The possibility of noise complaints must be taken into consideration. Also, the event should be planned to occur within reasonable hours.

CASE NO. 87-119-SPH

Petition for Special Hearing to approve a non-conforming Tavern and Parking lot located in a ML-CS-1 Zone was granted on September 24, 1986.

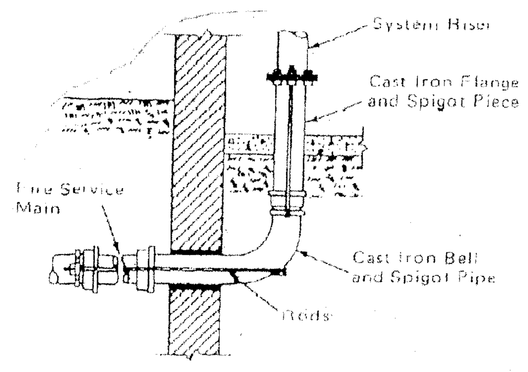


Figure A-8-6.2(c) Typical connection to a fire protection system riser.

07-479-SPHA

W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
Phone: 410.583.9571
Fax: 410-583-1513

PLAN TO ACCOMPANY SPECIAL HEARING

9727 PULASKI HIGHWAY

COUNCILMANIC DISTRICT 6
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE : 1" = 40' OCTOBER 18, 2005

03023

PETITIONER'S
EXHIBIT NO. 1