

**IN RE: PETITIONS FOR SPECIAL HEARING
VARIANCE**

NW side of East Homberg Avenue,
248 feet W c/l Southeastern Blvd.
15th Election District
7th Councilmanic District
(1220 East Homberg Avenue)

Sandra Foos and Giuseppe A. Mirabile
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-242-SPHA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Sandra Foos and Giuseppe A. Mirabile. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that the existing parking on the subject property is a non-conforming use to the subject bar/restaurant, which has been at the subject location since prior to 1955, such that no variance is required. The Variance request is in the alternative to permit 51 parking spaces in lieu of the required 71. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance petitions was Petitioner Sandra Foos and her attorney, Arnold Jablon, Esquire. Also appearing in support of the requested relief was Thomas A. Church with Development Engineering Consultants, Inc., the professional engineer who prepared the site plan, and Chris McCollum with the Baltimore County Department of Economic Development. There were no Protestants or other interested persons in attendance at the hearing.

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This matter is currently the subject of an active violation case (Case No. 07-10767) in the Division of Code Inspections and Enforcement. A Correction Notice was issued in this matter on September 18, 2007 alleging that a rear addition was built without the required permits.

It should be noted, for the record, that the fact that a zoning violation is issued is generally not relevant to this zoning case. This means that Petitioner cannot use the fact that a structure has already been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. Conversely, the fact that something may have been done which could violate the regulations is not held against Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This Office decides the discreet legal issue of whether a petitioner is entitled to relief from the zoning regulations based on the facts and law pertaining to each particular case. Zoning enforcement is generally not the purview of this Office.

Turning now to the instant matter, the testimony and evidence was offered by way of a proffer and revealed that the subject property is an irregular-shaped parcel containing approximately 95,157 square feet or 2.18 acres, more or less, and zoned B.L. and D.R.5.5. The property is situated west of Southwestern Boulevard (Route 702) on the northwest side of East Homberg Avenue in the Essex area of Baltimore County. The B.L. zoned portion of the property is improved with an existing restaurant, with parking for the restaurant located in both the B.L. and D.R.5.5 portions of the property¹. A photograph of the restaurant was marked and accepted into evidence as Petitioners' Exhibit 2A.

¹ A request has been forwarded and is currently pending as part of the Comprehensive Zoning Map Process to change the present zoning where parking is located from D.R.5.5 to B.L.

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[Signature]

Petitioners purchased the restaurant property several years ago and have gone to considerable time and expense to renovate and improve the restaurant. The restaurant has been in existence at the location since at least 1963. The original one-story existing restaurant is approximately 2,918 square feet in size. As part of the improvements to the restaurant, Petitioners began to expand its size with construction of an addition; however, the addition was begun without obtaining the requisite permits from the County. Petitioners attempted to obtain the permits, but were informed they were in need of zoning relief, thus the filing of the instant Petitions. In the interim, permits were issued, though they are conditioned on favorable resolution of the outstanding zoning issues.

Petitioners are in need of zoning relief in order to legitimize the existing parking conditions. Photographs of the site, including the parking areas, were marked and accepted into evidence collectively as Petitioners' Exhibits 2B through 2F. Petitioners' Exhibit 2B shows the parking area to the rear of the property -- in the residential zoned portion of the property. Petitioners' Exhibit 2C shows the entrance into the property from East Homberg Avenue and also shows the view toward Route 702. There is a wooded area in this vicinity, to the rear of the property and on adjacent Lot 41 (also owned by Petitioners), which is shown in the photograph that was marked and accepted into evidence as Petitioners' Exhibit 2D. The wooded area contains environmental constraints as well as a utility easement that has existed since the early 1950's. Another interesting feature depicted in this photograph is the guardrail running from the entrance to the property along East Homberg Avenue to Route 702. As a result of this guardrail and the aforementioned environmental areas, there is no access to adjacent Lot 41.

In support of the requests for zoning relief, Mr. Church, Petitioners' consultant, offered some historical background information based on his research of the property. Mr. Church

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submitted a 1955 Zoning Map which was marked and accepted into evidence as Petitioners' Exhibit 4. This map shows the zoning of the property to be B.L. Mr. Church indicated that there has been commercial use continuously on the property since before 1955, and that the parking configuration has been largely unchanged since that time. As to parking specifically, Mr. Church indicated that presently, the restaurant requires 16 spaces per 1,000 square feet of space or 46.7 spaces, and the bar requires 20 spaces per 1,000 square feet or 23.9 spaces, for a total of 71 spaces. Petitioners propose 51 spaces, which again, Mr. Church indicated has existed on the property for a long period of time. In short, Mr. Church indicated that the present use of the property is a conforming use, yet the parking configuration is nonconforming.

In addition, Mr. Church noted that a formal liquor license was granted in 1963 likely based in part on the existing parking at that time. Thereafter in 1968, the owners sought to expand the bar/restaurant and obtained permits from the County. Although the parking was short of the required number of spaces then, the County issued permits. In 1974, the owners again sought to expand the structure and again the County approved the issuance of permits with the existing conditions. As discussed above, because the parking configuration has existed for such a long time, Petitioners seek a determination that the current parking shown on the site plan is nonconforming and approval to continue parking in the same manner as prior years.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comment received from the Office of Planning dated December 12, 2007 and indicates that a field visit was conducted and the Office does not oppose Petitioners' request. However, the existing fence along the southwestern side of the property should be extended to screen the rear of the property as well. The objective is to buffer late night noises and lights from the adjacent residential properties. Comments received from the Department of

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Environmental Protection and Resource Management (DEPRM) dated January 11, 2008 indicates the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within the Limited Development Area of the C.B.C.A. and must comply with all requirements of the Baltimore County Code Article 33, Title 2. The owners have to date complied with these requirements and now must meet conditions of DEPRM sent to them by recent letter. Comments received from the Bureau of Development Plans Review dated December 13, 2007 indicates that the site plan should be revised to show the limits of the 100 year tidal and/or riverine flood plain.

Mr. McCollum with the County's Department of Economic Development also indicated that his agency supports the requested relief. Petitioners obtained a low interest loan from the County to assist in the renovation and expansion of the bar/restaurant. It is viewed as an economic asset to the community and Mr. McCollum's department is interested in the success of the business at that location as part of the County's overall economic revitalization plan for the Middle River area.

Turning to the requested special hearing, based on the testimony and evidence, I find that the present parking configuration and the number of parking spaces has existed since before 1955. Prior to the present split zoning of the property, it was zoned B.L. and was used consistent with that zoning classification. The zoning has since changed on a portion of the property, but the use, including the parking arrangement, has not changed. Hence, I find the existing parking on the subject property to be a non-conforming use to the bar/restaurant and shall grant the requested relief. In regard to the request for variance, there are a number of factors that make the property unique, including the split zoning, the existing nonconforming parking, the very irregular shape of the property, the environmental constraints running along the rear of the

DEPRM RECEIVED FOR FILED
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property, and the inability to access the property (Lot 41) adjacent to the subject property. These factors would persuade me to find the property unique in a zoning sense, and would also cause me to find practical difficulty and undue hardship to Petitioners in making changes to the parking in order to comply with the zoning regulations; however, based on the granting of the special hearing, the variance is rendered moot.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' special hearing should be granted with conditions and the variance dismissed as moot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 15th day of March, 2008 that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that the existing parking on the subject property is a nonconforming use to the subject bar/restaurant, which has been at the subject location since prior to 1955, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioners' request for Variance in the alternative to permit 51 parking spaces in lieu of the required 71, be and is hereby DISMISSED as MOOT.

The granting of the relief herein shall be subject to the following:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The site plan shall be revised to show the limits of the 100 year tidal and/or riverine flood plain

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3. 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).
4. The site is located within the Limited Development Area (LDA of the Chesapeake Bay Critical Area and must comply with all the requirements of the Baltimore County Code Article 33, Title 2, Chesapeake Bay Critical Area Regulations.
5. The existing fence along the southwestern side of the property shall be extended to screen the rear of the subject property to buffer late night noises and lights from the adjacent residential properties.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
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CBCA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1220 East Homberg Ave

which is presently zoned BL & DR 5.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

to confirm that the existing parking on subject property is a non-conforming use to the subject bar/restaurant, which has been at the subject location since prior to 1955, and no variance is required.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave. 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Sandra Foos

Name - Type or Print

Signature

Giuseppe A. Mirabile

Name - Type or Print

Signature

1220 East Homberg Ave 443-570 8940

Address

Telephone No.

Baltimore, Maryland 21221

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave., 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 08-242-SPA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 11/23/07

3-18-08



CIBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1220 East Homberg Ave
which is presently zoned BL & DR 5.5

Deed Reference: 25046 / 425 Tax Account # 15-19-3912

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)

in the alternative, to permit 51 parking spaces in lieu of the required 71, see Petition for Special Hearing

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

to be determined at hearing

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Arnold Jablon _____

Name - Type or Print _____

Signature _____

Venable, LLP _____

Company _____

210 Allegheny Ave 410 494 6298 _____

Address _____ Telephone No. _____

Towson, Md 21204 _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Sandra Foos _____

Name - Type or Print _____

Signature _____

Giuseppe A. Mirabile _____

Name - Type or Print _____

Signature _____

1220 East Homberg Ave 443-570-8940 _____

Address _____ Telephone No. _____

Baltimore, Maryland 21221 _____

City _____ State _____ Zip Code _____

Representative to be Contacted:

Arnold Jablon _____

Name _____

210 Allegheny Ave 410 494 6298 _____

Address _____ Telephone No. _____

Towson, Maryland 21204 _____

City _____ State _____ Zip Code _____

Case No. 08-242-SPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 11/23/07

SPHA RESERVED FOR PLAT

3-18-08

13

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

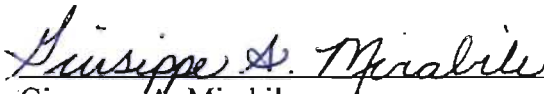
Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 1220 East Homberg Ave, property we own.

Further, the undersigned are the owners of said property, and hereby and herewith authorize Mr. Jablon to be our attorney-in-fact and attorney-at-law and represent us in this matter.



Sandra Foos
1220 East Homberg Ave, Baltimore, Md 21221

11.15.07 (Date)



Giuseppe A. Mirabile
1220 East Homberg Ave, Baltimore, Maryland 21221

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

FOR

1220 E. HOMBERG AVENUE

BEGINNING FOR THE SAME at a point on the northwest side of East Homberg Avenue, 60 feet wide more or less, said point being 248 feet more or less, from the centerline of Southeastern Boulevard (Maryland Route 702), variable width,

Thence the following courses and distances:

1. South 47 degrees 48 minutes West, 155.00 feet
2. South 42 degrees 12 minutes East, 6.54 feet
3. South 47 degrees 48 minutes West, 40.14 feet
4. North 42 degrees 12 minutes West, 190 feet
5. North 47 degrees 48 minutes East, 82 feet
6. South 73 degrees 51 minutes 44 seconds East, 215.54 feet

to the place of beginning.

Containing 25,469 square feet or 0.58 acres of land, more or less.

Being a part of the parcel of land described in a deed dated November 22, 2006, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 25046, Folio 425.

Also known as 1220 East Homberg Avenue, located in the 15th Election District, Baltimore County.

Our Contract No.: 07-129



November 8, 2007

08-242-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: #08-242-SPHA

1220 East Homberg Avenue

N/west of E. Homberg Avenue, 248 feet west from centerline of Southeastern Blvd.

15th Election District - 7th Councilmanic District

Legal Owner(s): Sandra Foos and Giuseppe A. Mirabile

Special Hearing: to confirm that the existing parking on subject property is a non-conforming use to the subject bar/restaurant, which has been at the subject location since prior to 1955, and no variance is required. **Variance:** In the alternative, to permit 51 parking spaces in lieu of the required 71, see Petition for Special Hearing.

Hearing: Thursday, January 31, 2008 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/744 Jan. 15

160496

CERTIFICATE OF PUBLICATION

1/17/2008

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 1/15/2008.

- ☒ 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 AND FINANCE
MISCELLANEOUS RECEIPT

No. 209

Date: 11/28/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				650.00

Total: 650.00

Rec

From: VENABLE LLP

For: ITEM # 242 08-242-SPHA
1220 E. HOMBERG AVE.

J THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 08-242-SPHA

Petitioner/Developer: SANDRA FOOS

AND GIUSEPPE A. MIRABILE

Date of Hearing/Closing: 1-31-08

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: _____

1220 EAST HOMBERG AVE

The sign(s) were posted on _____

1-16-08

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

1-22-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 08-242-SPHA

Petitioner: SANDRA ROOS + GIUSEPPE A. MIRABILE

Address or Location: 1220 EAST HONBERG AVE, BALTO 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEVELOPMENT ENGINEERING CONSULTANTS, INC

Address: 6603 YORK RD, BALTO, MD 21212

Telephone Number: 410 377-2600



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 20, 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: 08-242-SPHA

1220 East Homberg Avenue

N/west of E. Homberg Avenue, 248 feet west from centerline of Southeastern Blvd.

15th Election District – 7th Councilmanic District

Legal Owners: Sandra Foos and Giuseppe A. Mirabile

Special Hearing to confirm that the existing parking on subject property is a non-conforming use to the subject bar/restaurant, which has been at the subject location since prior to 1955, and no variance is required. Variance in the alternative, to permit 51 parking spaces in lieu of the required 71, see Petition for Special Hearing.

Hearing: Thursday, January 31, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy M. Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Sandra Foos, Giuseppe Mirabile, 1220 East Homberg Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 16, 2008**
- (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, January 15, 2008 Issue - Jeffersonian

Please forward billing to:

Development Engineering Consultants, Inc.
6603 York Road
Towson, MD 21204

410-377-2600

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: 08-242-SPHA

1220 East Homberg Avenue

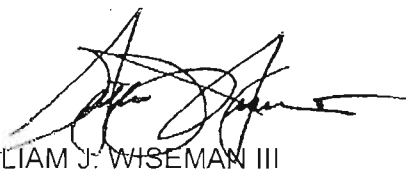
N/west of E. Homberg Avenue, 248 feet west from centerline of Southeastern Blvd.

15th Election District – 7th Councilmanic District

Legal Owners: Sandra Foos and Giuseppe A. Mirabile

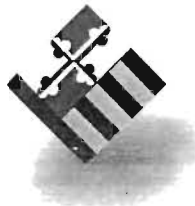
Special Hearing to confirm that the existing parking on subject property is a non-conforming use to the subject bar/restaurant, which has been at the subject location sine prior to 1955, and no variance is required. Variance in the alternative, to permit 51 parking spaces in lieu of the required 71, see Petition for Special Hearing.

Hearing: Thursday, January 31, 2008 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 23, 2008

Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 08-242-SPHA, 1220 East Homberg Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 23, 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
Sandra Foos Guiseppe A. Mirabile 1220 East Homberg Avenue Baltimore 21221

TB 1/31
10am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: December 12, 2007

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

RECEIVED
DEC 13 2007

SUBJECT: 1220 East Homberg Avenue

INFORMATION:

BY:.....

Item Number: 8-242

Petitioner: Sandra Foos and Giuseppe Mirabile

Zoning: DR 5.5

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. After visiting the site this office does not oppose the petitioner's request, however the existing fence along the southwestern side of the property should be extended to screen the rear of the property as well. The objective is to buffer late night noises and lights from the adjacent residential properties.

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

Reviewed by *Curtis Gurney*

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

TB 1/31
10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 11 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination **JNL**

DATE: January 11, 2008

SUBJECT: Zoning Item # 08-242-SPHA
Address 1220 East Homberg Avenue
(Foos/ Mirabile Property)

Zoning Advisory Committee Meeting of December 10, 2007

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following 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 (Sections 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).

X 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).

Additional Comments:

The site is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and must comply with all requirements of the Baltimore County Code Article 33, Title 2 – Chesapeake Bay Critical Area Regulations. The owners have to date, complied with these requirements, and now must meet conditions of DEPRM sent to them by recent letter.

Reviewer: Paul A. Dennis

Date: 12/28/07

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 13, 2007

FROM: ^{DM}
Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2007
Item No. 08-242

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

The plan should be revised to show the limits of the 100-year tidal and /or riverine flood plain.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-242-12122007.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 12/5/2007

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

RE: Baltimore County
Item No. 8-242-SHA
1220 EAST HOMBERG AVENUE
MIRABILE 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. 8-242-SHA.

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,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



Baltimore County
Fire Department

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 3, 2007

Item Number: 223,236,237,238,239,240,241,242,244,246,247

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1220 East Homberg Avenue; NW/S East * ZONING COMMISSIONER
Homberg Avenue, 248' W c/line SE Boulevard *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Sandra Foos & Giuseppe Mirabile *
Petitioner(s) * BALTIMORE COUNTY
* 08-242-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of December, 2007, a copy of the foregoing Entry of Appearance was mailed Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

DEC 03 2007

Per.....

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

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 6, 2007

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

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

SUBJECT: Item No.: 242
Legal Owner/Petitioner: Foos, Sandra & Mirabile, Giuseppe
Contract Purchaser: N/A
Property Address: 1220 E. Homberg Ave
Location Description: N/W side E/Homberg Ave, 248' W/centerline
Southeastern Blvd

VIOLATION INFORMATION: Case No. 07-10767
Defendants: Foos, Sandra & Mirabile, Giuseppe

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

NAME	ADDRESS
------	---------

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

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

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

RSW/gk
C: Code Enforcement Officer

B-677A10

Armed 720

DE ENFORCEMENT REP

DATE: 9/11/07 INTAKE BY: CASE #: 07-10767 INSPEC: B. Kido

COMPLAINT LOCATION: 120 E. HOMER AVE

ZIP CODE: DIST: 15

COMPLAINANT (JMA)
NAME: BACTO. CO. INSPECTIONS PHONE #: (H) (W)

ADDRESS: ZIP CODE: 21221

PROBLEM: ROOM ADDITION BUILT W/O PERMITS

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

TAX ACCOUNT #: 1519391200 ZONING:

INSPECTION: 9/11/07 - VISITED SITE, ISSUED SWD, GAVE COPY TO ONE OF THE WORKERS AT RESTAURANT.
R/C 9/24/07 M. Xld

REINSPECTION: 12/4/07 - PERMIT B-677A10 WAS ISSUED ON 11/14/07. 12/4/07 CASE CLOSED. M. Xld

REINSPECTION:

REINSPECTION:



Baltimore County
Department of Permits and
Development Management

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

DIST 15

Building Inspection:

410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 07-10767	Property No. 1519391200	Zoning: N/A
-------------------------------	----------------------------	----------------

Name(s): FOOS SANDRA } OWNERS
MINABILE GIUSEPPE AS

Address: 1220 E. HENDER LANE BALTO, MD 21221

Violation Location: 1220 E. HENDER LANE (GRAB-A-GRAB)

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

INC 2006 SEC 105, 109 B.C.C. 75-2-304

① OBTAIN BUILDING, ELECTRICAL + PLUMBING PERMITS, FOR NEW STRUCTURE, UNDER CONSTRUCTION, LOCATED IN REAR OF RESTAURANT + LOUNGE.

② MUST CALL FOR ALL REQUIRED INSPECTIONS WHEN PERMIT(S) ARE ISSUED.

③ A CIVIL PENALTY OF \$3,000.00 MUST BE PAID AT ISSUANCE OF PERMIT(S)

ANY QUESTIONS CALL OFFICE HAS

7:30-8:00 / 3:00-3:30

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

On or Before:	Date Issued:
---------------	--------------

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

Print Name

INSPECTOR:

STOP WORK NOTICE

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

On or Before: 10/1/07	Date Issued: 9/18/07
--------------------------	-------------------------

INSPECTOR: Grant Kidd GRANT KIDD

AGENCY

DATE: 09/20/2007

STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:34:17

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 19 391200	15	3-0	23-00	N	NO		04/18/07

FOOS SANDRA

DESC-1.. IMPS1.633 AC PT LT 41

MIRABILE GIUSEPPE A

DESC-2.. HOMBERG

1220 E HOMBERG AVE

PREMISE. 01220 HOMBERG

AVE E

00000-0000

BALTIMORE

MD 21221-3745 FORMER OWNER: FRAZIER ENTERPRISES INC

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	131,100	161,100				
IMPV:	77,800	119,200	TOTAL..	256,500	256,500	232,700
TOTL:	208,900	280,300	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 08/02 08/05

---- TAXABLE BASIS ---- FM DATE

ASSESS: 256,500 01/26/07

ASSESS: 232,700

ASSESS: 0

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

DATE: 09/20/2007

STANDARD ASSESSMENT INQUIRY (2)

TIME: 14:36:06

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 19 391200	15	3-0	23-00	N	NO		04/18/07
LOT....	41	BOOK....	0007	MAP.....	0097	LOT WIDTH.....	271.30
BLOCK..		FOLIO...	0129	GRID....	0004	LOT DEPTH.....	.00
SECTION..				PARCEL..	0675	LAND AREA..	71133.000 S
PLAT..	0					YEAR BUILT.....	00

-----TRANSFER DATA-----

NUMBER..... 353127
 DATE..... 01/10/07
 PURCHASE PRICE..... 550,000
 GROUND RENT..... 0
 DEED REF LIBER..... 25046
 DEED REF FOLIO..... 0425
 CONVEYED IND..... 1
 TOT-PART TRAN IND..... T
 GRANTOR ACCT NO.. 15-19-391200

CRITICAL NEW CONST CARD

AREAS CODE	YEAR	NO	CODE	SQ. FEET
		18854		2485

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE..... 000
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

TIME: 15:03:48 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 11/13/2007
DATE: 12/04/2007 GENERAL PERMIT APPLICATION DATA EDW 16:24:47

PERMIT #: B677810 PROPERTY ADDRESS
RECEIPT #: A578084 1220 E HOMBERG AVE
CONTROL #: C- SUBDIV: HOMBERG
XREF #: B677810 TAX ACCOUNT #: 1519391200 DISTRICT/PRECINCT 15 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 220.00 NAME: FOOS SANDRA & MIRABILE GIUSEPPE
PAID: 220.00 ADDR: 1220 E HOMBERG AVE BALTIMORE MD 21221-3745
PAID BY: APPL

DATES

APPLICANT INFORMATION

APPLIED: 09/28/2007 NAME: MIRABILE GIUSEPPE

ISSUED: 11/14/2007 COMPANY:

OCCPNY: ADDR1: 1220 E HOMBERG AVE

FINAL INSPECT: ADDR2: BALTIMORE MD 21221-3745

INSPECTOR: 15C PHONE #: 410-967-7547 LICENSE #:

NOTES: CPC/EDW OK TO FILE PER JA HOLD FOR VARIANCE/SPECIAL HEARINGS CR/DR

RECEIVED SITE PLANS & DRAWINGS 10/1/07 EDW; ZONING PROVISIONAL APPRVL

BASED ON OUTCOME OF ZONING HEARING-WCR/TMK

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 15:05:34
DATE: 12/04/2007

AUTOMATED PERMIT TRACKING SYSTEM
BUILDING DETAIL 1

LAST UPDATE 09/28/2007
EDW 14:39:49

DRC# 081307J

PERMIT # B677810 PLANS: CONST 02 PLOT 9 PLAT 0 DATA 0 EL 1 PL 1
TENANT

BUILDING CODE: CONTR: FOOS SANDRA & MIRABILE GIUSEPPE
IMPRV 2 ENGNR:
USE 19 RESTAURANT SELLR:

FOUNDATION BASE WORK: CONSTRUCT ADDITION ON REAR OF EXISTING
RESTAURANT AS PER PLANS TO CREATE STEAM ROOM,
CONSTRUC FUEL SEWAGE WATER WALK-IN FREEZER, NEW KITCHEN, TAKE-OUT &
2 1E 1E DELIVERY COUNTER, & OUTSIDE DECK 71'7"X28'5"=
CENTRAL AIR 2,151SF. SEPARATE PERMIT REQUIRED FOR ANY
ESTIMATED COST ADDITIONAL WORK

65,000.00 PROPOSED USE: RESTAURANT & ADDITIONS

OWNERSHIP: 1 EXISTING USE: RESTAURANT

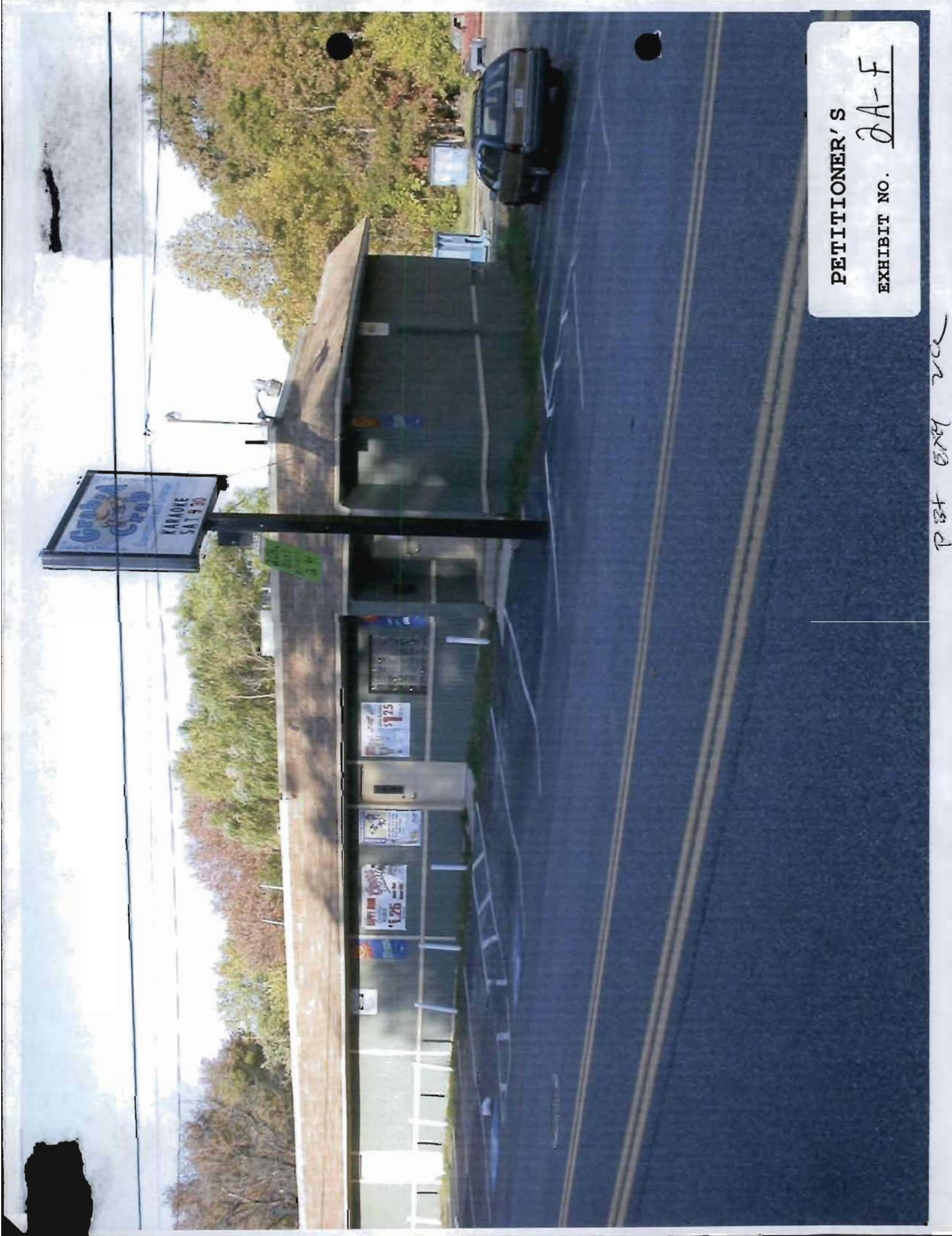
RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

CASE NAME _____
CASE NUMBER 08-242-SPNA
DATE _____

[illegible]



PETITIONER'S

EXHIBIT NO.

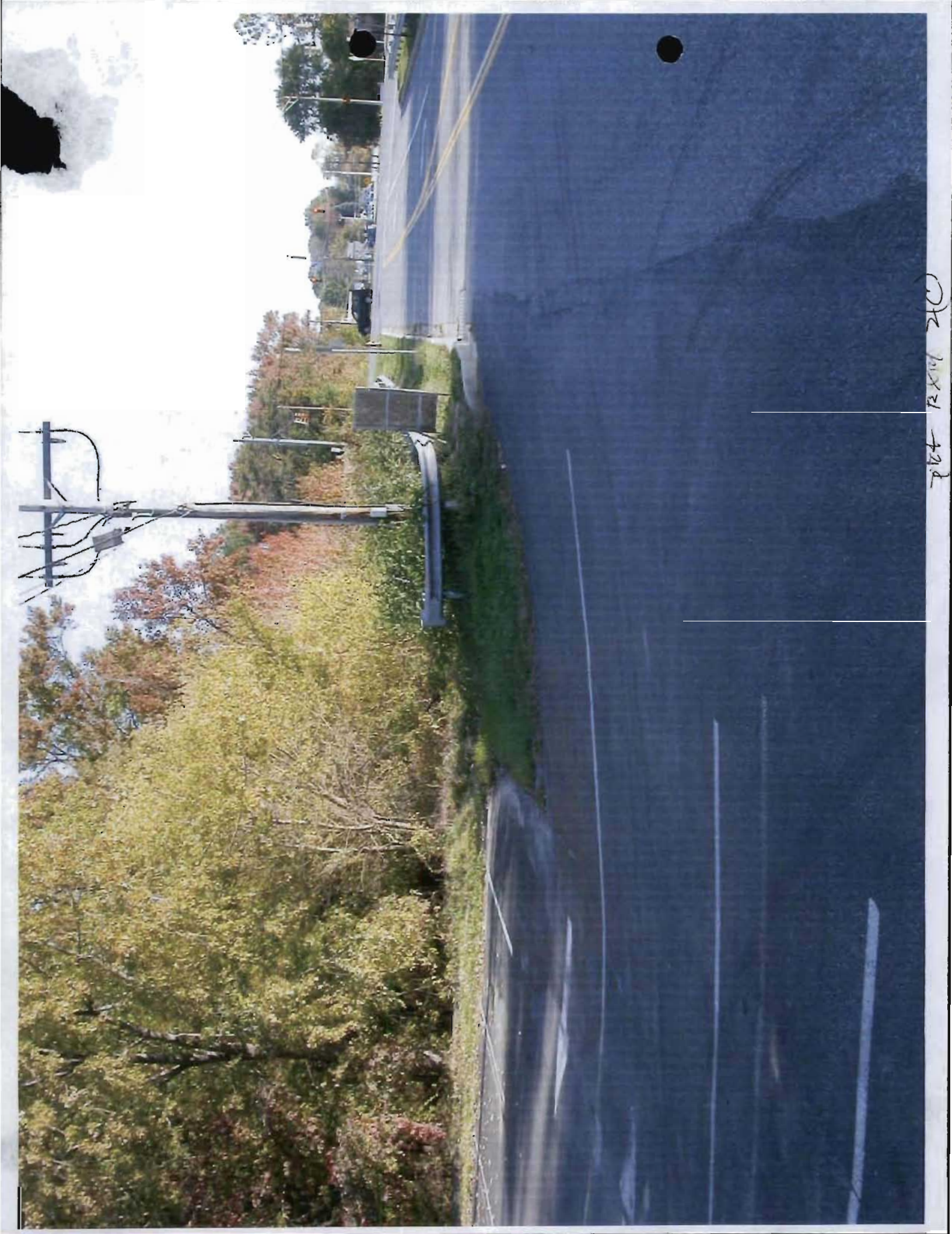
2A-F

P 1st EXHIBIT 2A-F

pet 0x01 26



OK 10/24/2020



202 MAR 20

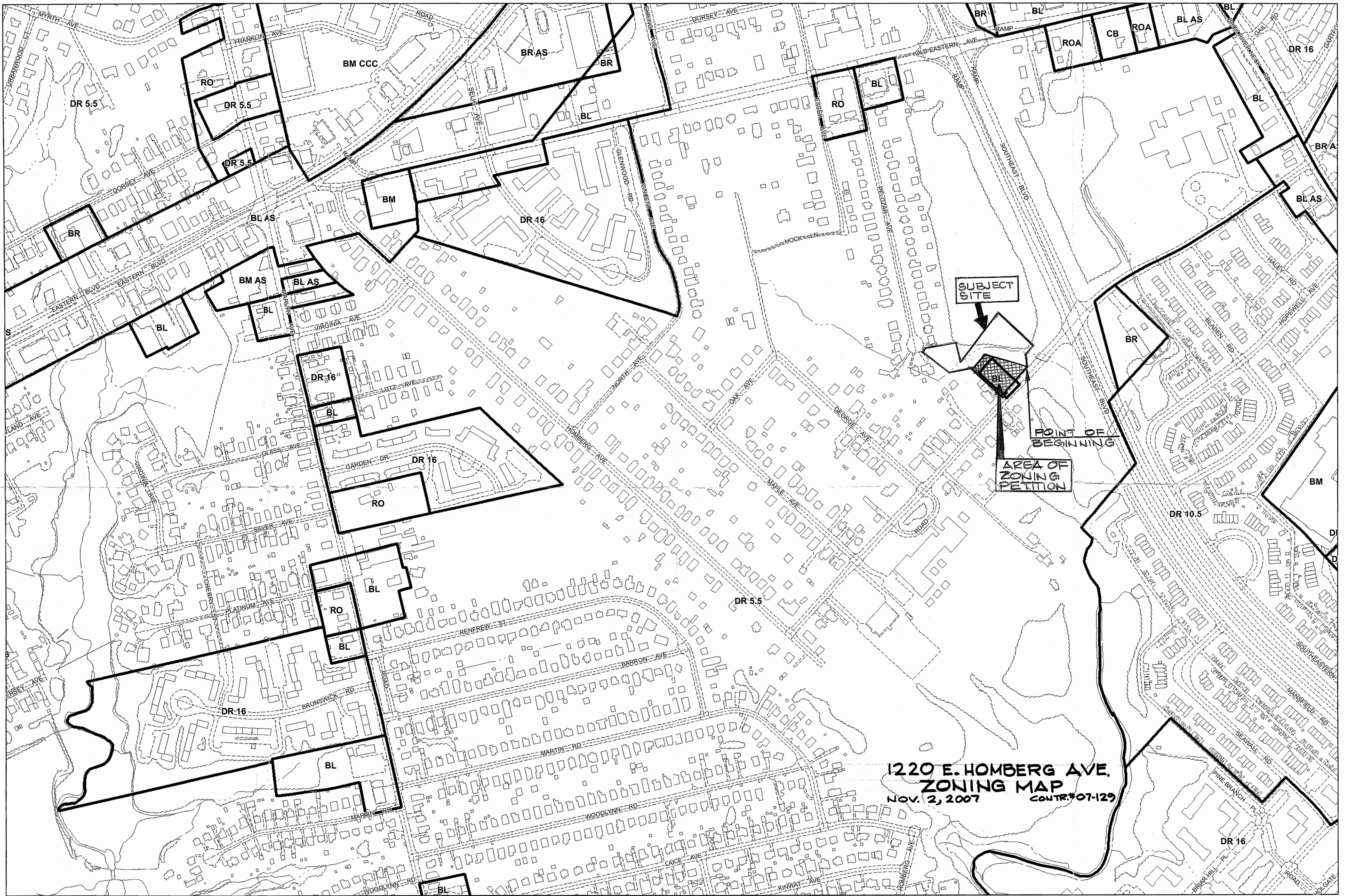




2-24-94



EX 2 F



1220 E. HOMBERG AVE.
ZONING MAP
 NOV. 2, 2007 CONTR. #07-129

Plan Sheet: 097B1

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

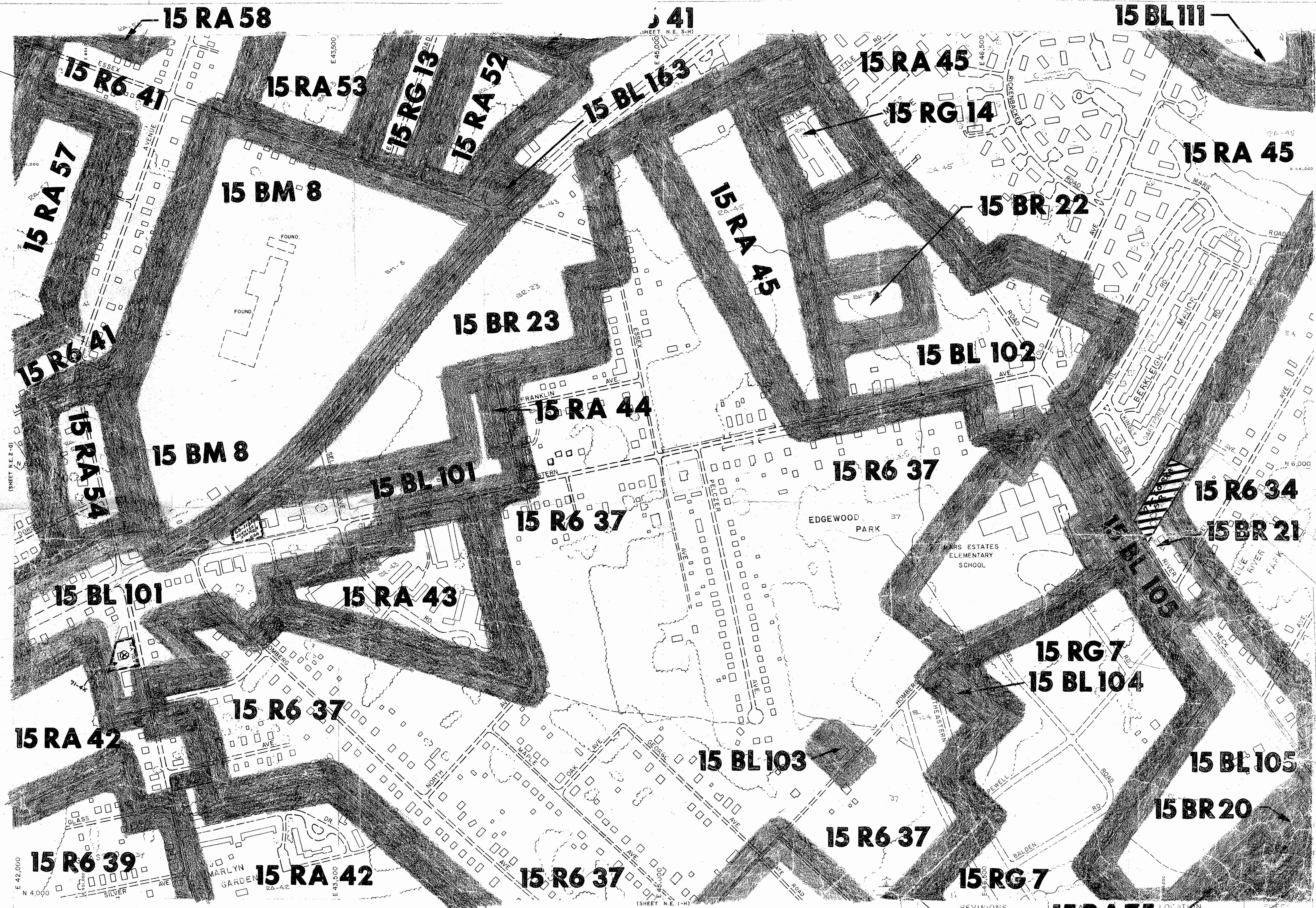
089C3	090A3	090B3	090C3	091A3
096C1	097A1	097B1	097C1	098A1
096C2	097A2	097B2	097C2	098A2

Scale
 1" = 200'
 0 100 200 400 Feet

1

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

PETITIONER'S 3
EXHIBIT NO.



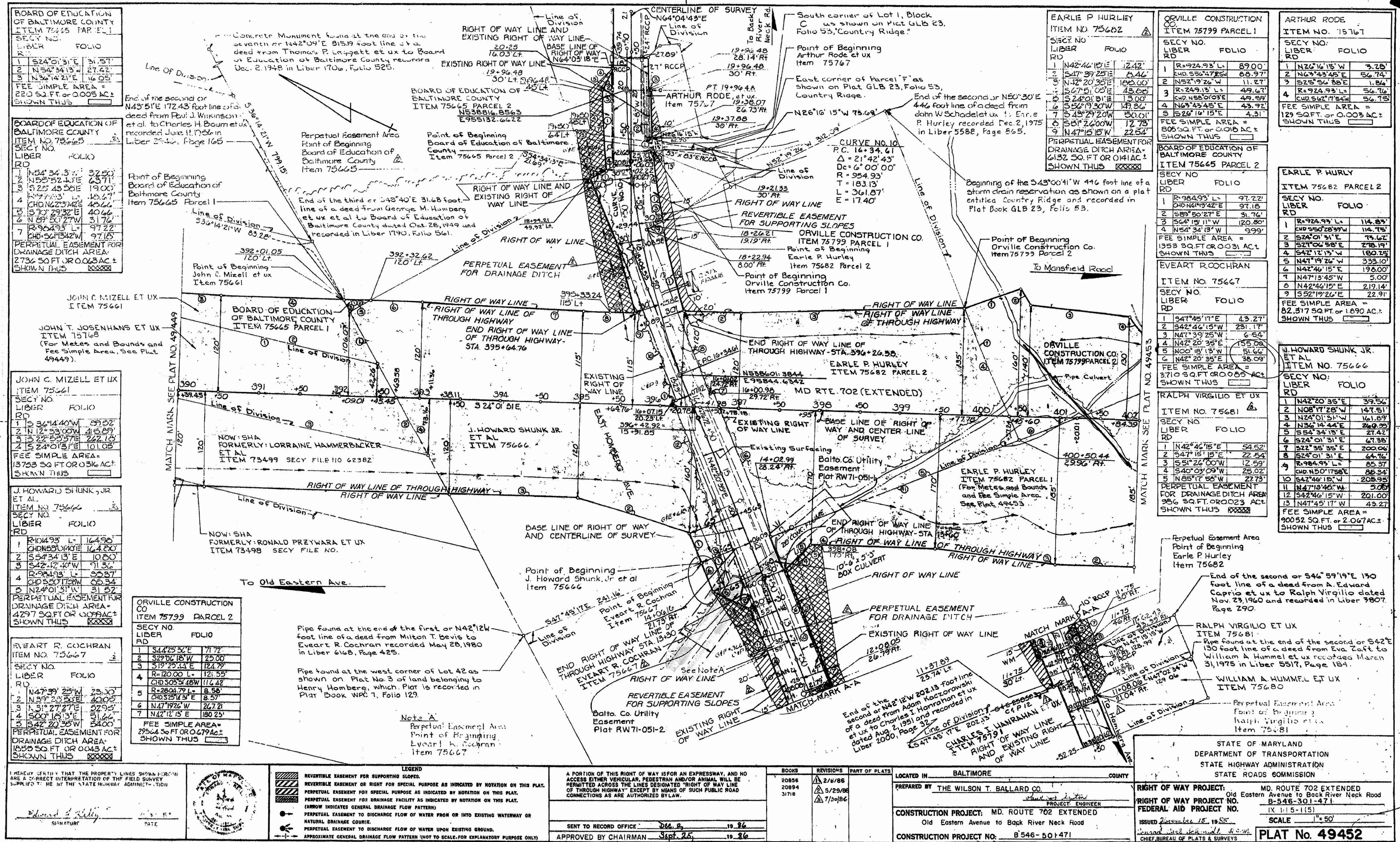
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		DATE	BY

Topography Compiled by Photogrammetric Method
ABRAMS AERIAL SURVEY CORP. LANSING MICH.

15TH DIST.

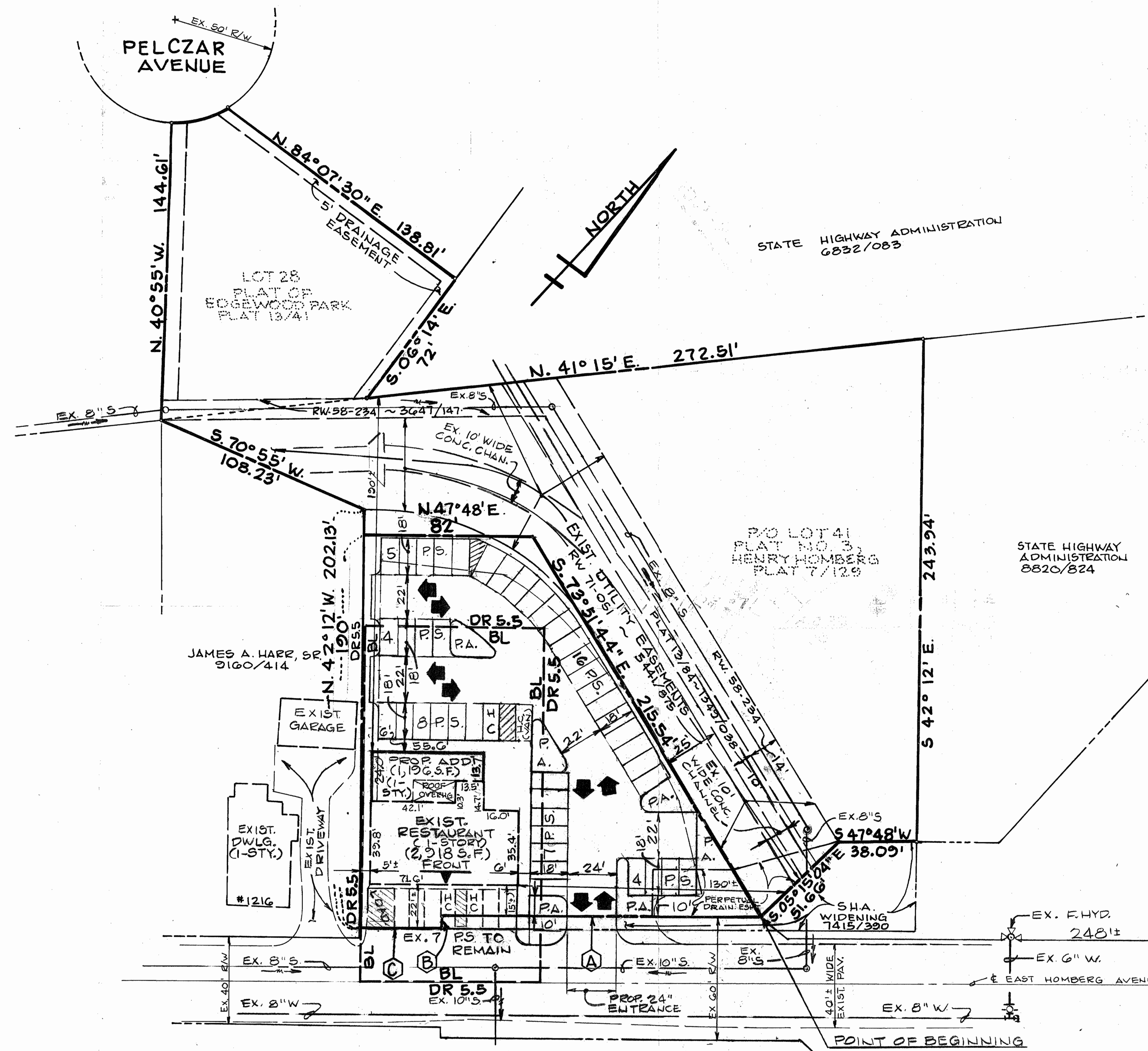
PETITIONER'S
EXHIBIT NO. 7



MSA CSU2140-3443

PETITIONER'S
EXHIBIT NO. 8

PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ VARIANCE, ☒ SPECIAL HEARING



GENERAL NOTES

THERE IS NO 100 YEAR FLOODPLAIN SHOWN ON F.I.R.M. NO. 240010 0440 C THAT AFFECTS THIS SITE.

BUILDING AREA

EXISTING =	2,918 S.F. (RESTAURANT)
+ PROPOSED ADDITION =	1,198 S.F. (BAR/TAVERN)
TOTAL =	4,114 S.F.

PARKING DATA

REQUIRED: $(2,918 \text{ S.F.} \times 16) \div 1,000 = 46.7$

RESTAURANT = $(2,918 \text{ S.F.} \times 16) \div 1,000 = 46.7$

+ BAR/TAVERN = $(1,198 \text{ S.F.} \times 20) \div 1,000 = 23.9$

TOTAL = 70.6 (71)

PROVIDED: 51 (INCL. 4 H.C. SPACES)

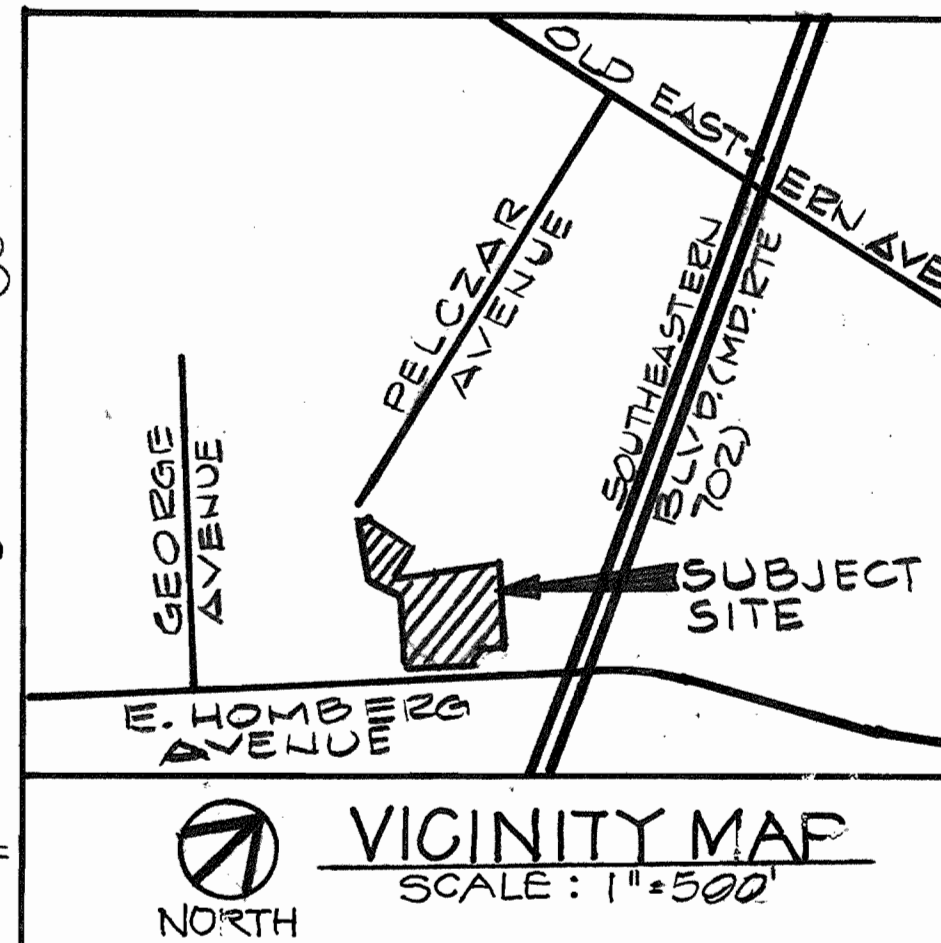
FLOOR AREA RATIO (FAR)

FAR = $4,114 \text{ S.F.} / 95,157 \text{ S.F.} = 0.04$ (≤ 3.0 MAX. ALLOWED)

AVERAGE DAILY TRIPS (A.D.T.)

USE: RESTAURANT-HIGH TURN OVER (DIT DOWN)

$(140 \times 4,114 \text{ S.F.}) \div 1,000 = 576 \text{ A.D.T.}$



AREA OF ZONING DESCRIPTION

25,469 S.F. = 0.58 AC±

LOCATION INFORMATION

ELECTION DISTRICT #: 15

COUNCILMANIC DISTRICT #: G

1" = 200' SCALE MAP #: 097 B 1

ZONING: BL & DR 5.5

LOT SIZE:

NET = 87,027 S.F. = 2.00 AC±

GROSS = 95,157 S.F. = 2.18 AC±

PUBLIC PRIVATE

SEWER: ☒ YES ☐ NO

WATER: ☒ YES ☐ NO

CHESAPEAKE BAY CRITICAL AREA (C.B.A. DESIGNATION): ☒ YES ☐ NO

PRIOR ZONING HEARINGS: NONE FOUND

PREVIOUS COMMERCIAL PERMIT: C-485-68 (ADDITION), C-1063-74 (ADDITION)

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
DT.	242	08-242-SPHA

PROPERTY INFORMATION

OWNERS:

SANDRA FOOS AND GIUSEPPE A. MIRABILE

1220 EAST HOMBERG AVENUE

BALTIMORE, MD. 21221-3745

443-570-8940

DEED REFERENCE: 25046 / 425

PLAT REFERENCE: 7 / 129 AND 13 / 41

TAX ACCOUNT NO.: 15-19-391200

EAST HOMBERG AVENUE
(SHA. PLAT NO. 49452)

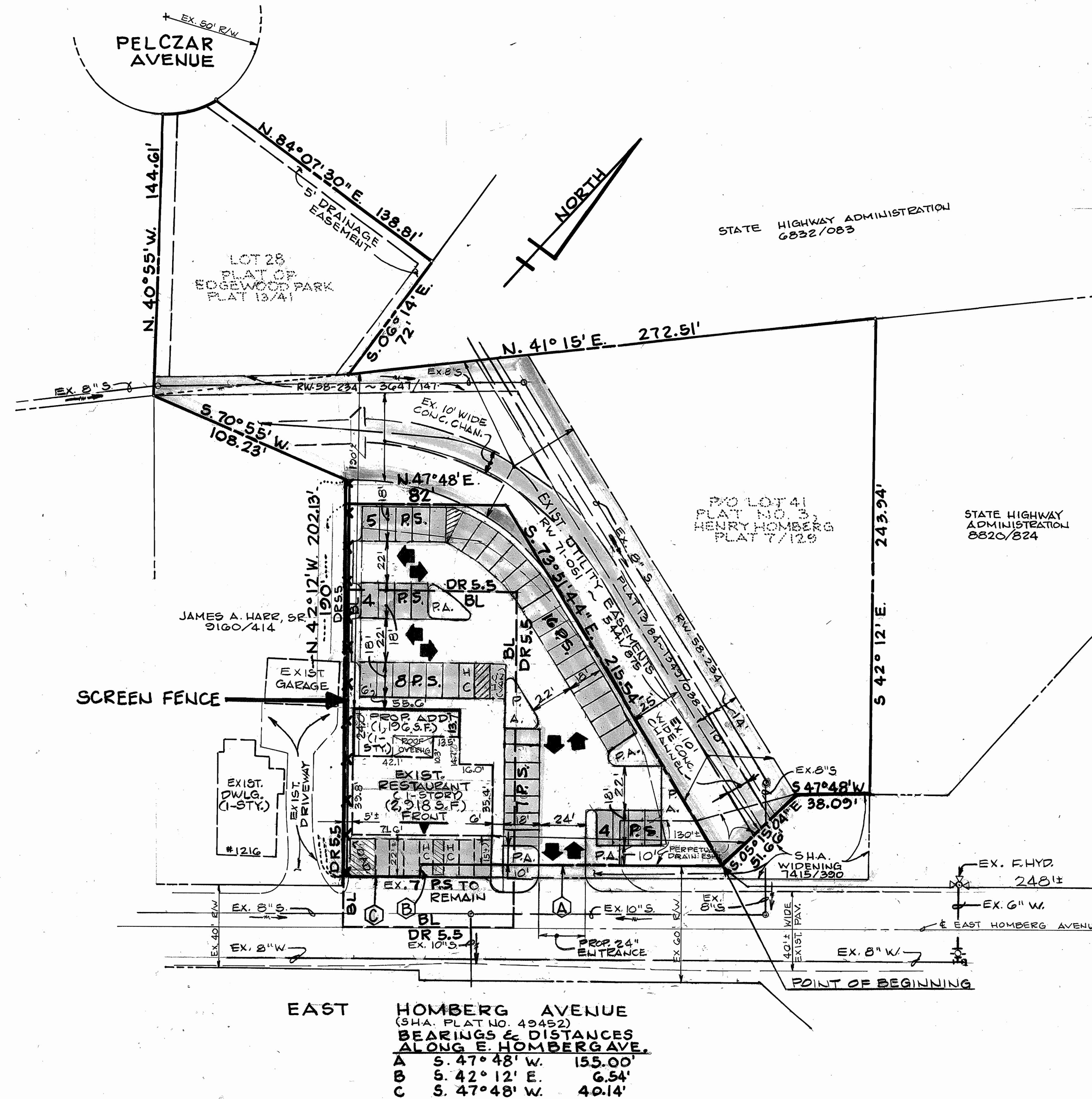
BEARINGS & DISTANCES ALONG E. HOMBERG AVE.

A	S. 47° 48' W.	155.00'
B	S. 42° 12' E.	6.54'
C	S. 47° 48' W.	40.14'

AREA OF DISTURBANCE: LESS THAN 5,000 S.F.

SITE PLAN FOR BUILDING PERMIT

PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ VARIANCE, ☒ SPECIAL HEARING



GENERAL NOTES

THERE IS NO 100 YEAR FLOODPLAIN SHOWN ON F.I.R.M. NO. 240010 0440 C THAT AFFECTS THIS SITE.

BUILDING AREA	
EXISTING =	2,918 S.F. (RESTAURANT)
+ PROPOSED ADDITION =	1,196 S.F. (BAR/TAVERN)
TOTAL =	4,114 S.F.

PARKING DATA	
REQUIRED =	$(2,918 \text{ S.F.} \times 16) \div 1,000 = 46.7$
+ BAR/TAVERN =	$(1,196 \text{ S.F.} \times 20) \div 1,000 = 23.9$
TOTAL =	70.6 (71)
PROVIDED:	51 (INCL. 4 H.C. SPACES)

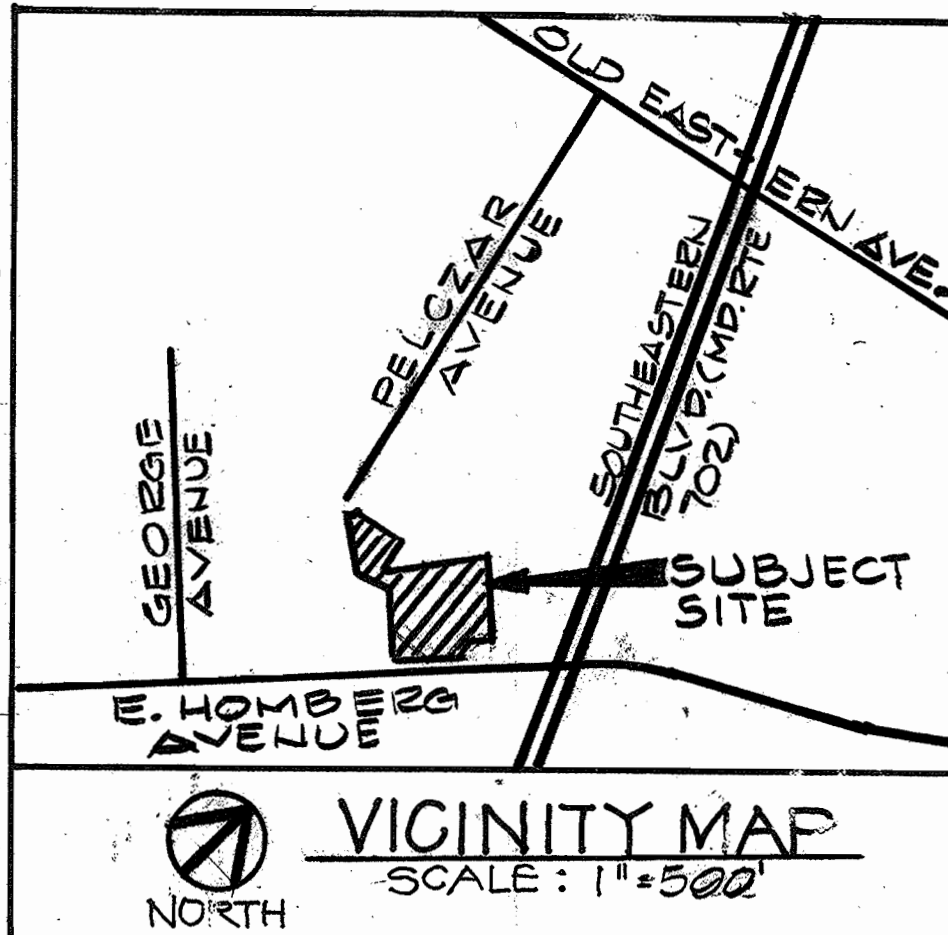
FLOOR AREA RATIO (FAR)

FAR = 4,114 S.F. / 95,157 S.F. = 0.04 (< 3.0 MAX. ALLOWED)

AVERAGE DAILY TRIPS (A.D.T.)

USE: RESTAURANT-HIGH TURN OVER (SIT DOWN)

$(140 \times 4,114 \text{ S.F.}) \div 1,000 = 576 \text{ A.D.T.}$



LOCATION INFORMATION

ELECTION DISTRICT #: 15

COUNCILMANIC DISTRICT #: 6

1" = 200' SCALE MAP #: 097 B1

ZONING: **BL & DR 5.5**

LOT SIZE:

NET = 87,027 S.F. = 2.00 AC±

GROSS = 95,157 S.F. = 2.18 AC±

AREA OF ZONING DESCRIPTION

25,469 S.F. = 0.58 AC±

PUBLIC PRIVATE

SEWER: ☒ ☐

WATER: ☒ ☐

CHESAPEAKE BAY CRITICAL AREA (C.B.A. DESIGNATION) ☒ ☐

PRIOR ZONING HEARINGS: NONE FOUND

PREVIOUS COMMERCIAL PERMIT: C-485-G8 (ADDITION), C-1003-74 (ADDITION)

ZONING OFFICE USE ONLY

REVIEWED BY: _____ ITEM #: _____ CASE #: _____

PROPERTY INFORMATION

OWNERS:

SANDRA FOOS AND GIUSEPPE A. MIRABILE

1220 EAST HOMBERG AVENUE

BALTIMORE, MD, 21221-3745

443-570-8940

DEED REFERENCE: 25046 / 425

PLAT REFERENCE: 7 / 129 AND 13 / 41

TAX ACCOUNT NO.: 15-19-391200

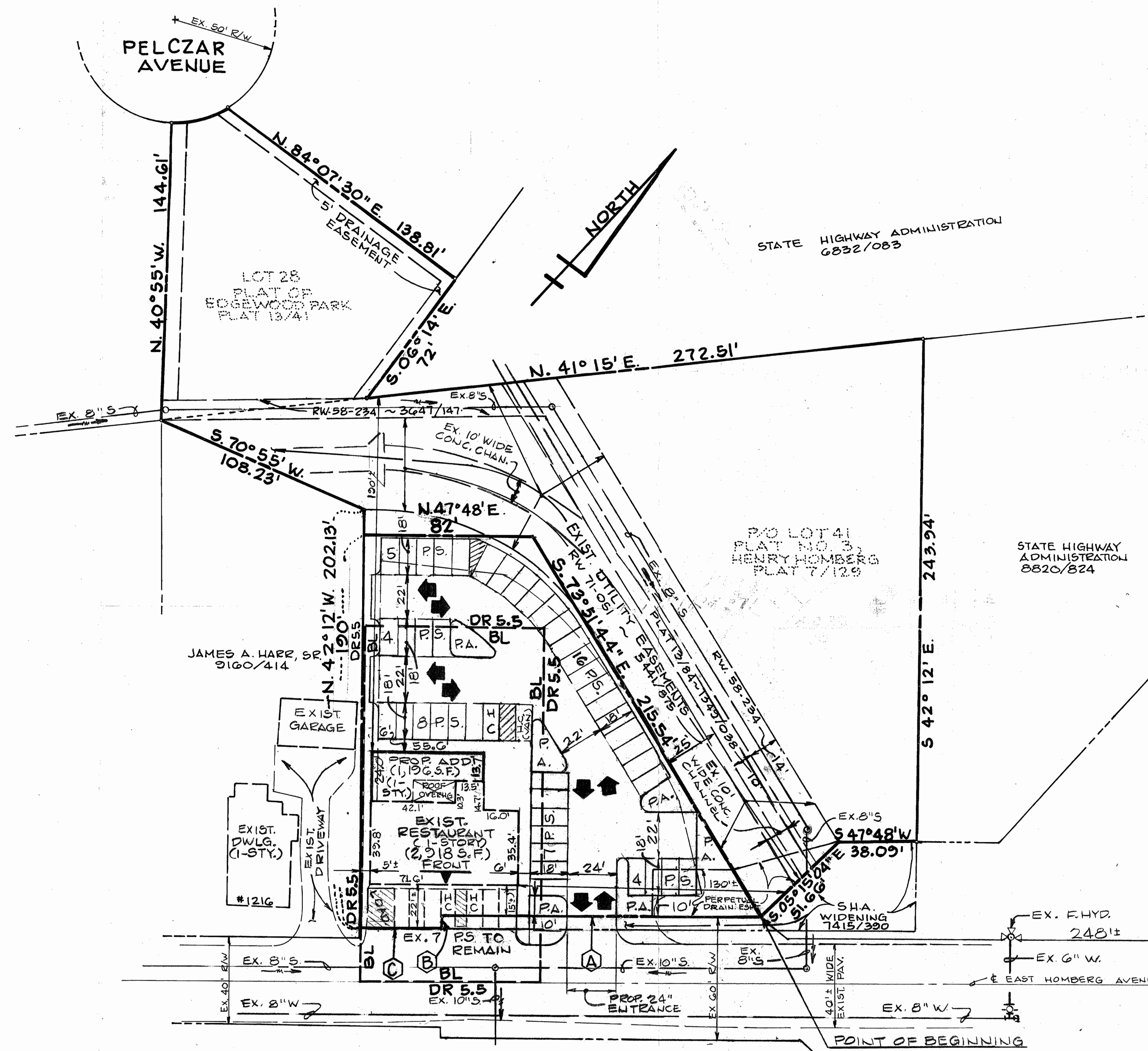
NOTE: THIS SITE IS NOT AFFECTED BY A 100 YEAR TIDAL OR RIVERINE FLOODPLAIN.

PETITIONER'S EXHIBIT NO. 1

CASE No: 08-242-SPHA

Drafting: TLB	DATE: _____	REVISIONS: _____	DEVELOPMENT ENGINEERING CONSULTANTS, INC. SITE ENGINEERS & SURVEYORS 6603 YORK ROAD 410/377-2600 BALTIMORE, MARYLAND 21212	APPLICANT: ROGER MOWERY 1220 E. HOMBERG AVE. BALTIMORE, MD, 21221-3745 443-570-8940	ELECTION DISTRICT 15	PLAT TO ACCOMPANY PETITION FOR VARIANCE AND SPECIAL HEARING 1220 EAST HOMBERG AVENUE COUNCILMANIC DISTRICT 6 BALTIMORE COUNTY, MARYLAND	SHEET 1 OF 1	DATE 11-2-2007 SCALE 1" = 30'	CONTRACT NO. 07-129
---------------	-------------	------------------	---	---	----------------------	--	--------------	----------------------------------	---------------------

PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ VARIANCE, ☒ SPECIAL HEARING



GENERAL NOTES

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PARKING DATA

REQUIRED: $(2,918 \text{ S.F.} \times 16) \div 1,000 = 46.7$

RESTAURANT = $(2,918 \text{ S.F.} \times 20) \div 1,000 = 58.4$

+ BAR/TAVERN = $(1,198 \text{ S.F.} \times 20) \div 1,000 = 23.9$

TOTAL = 70.6 (71)

PROVIDED: 51 (INCL. 4 H.C. SPACES)

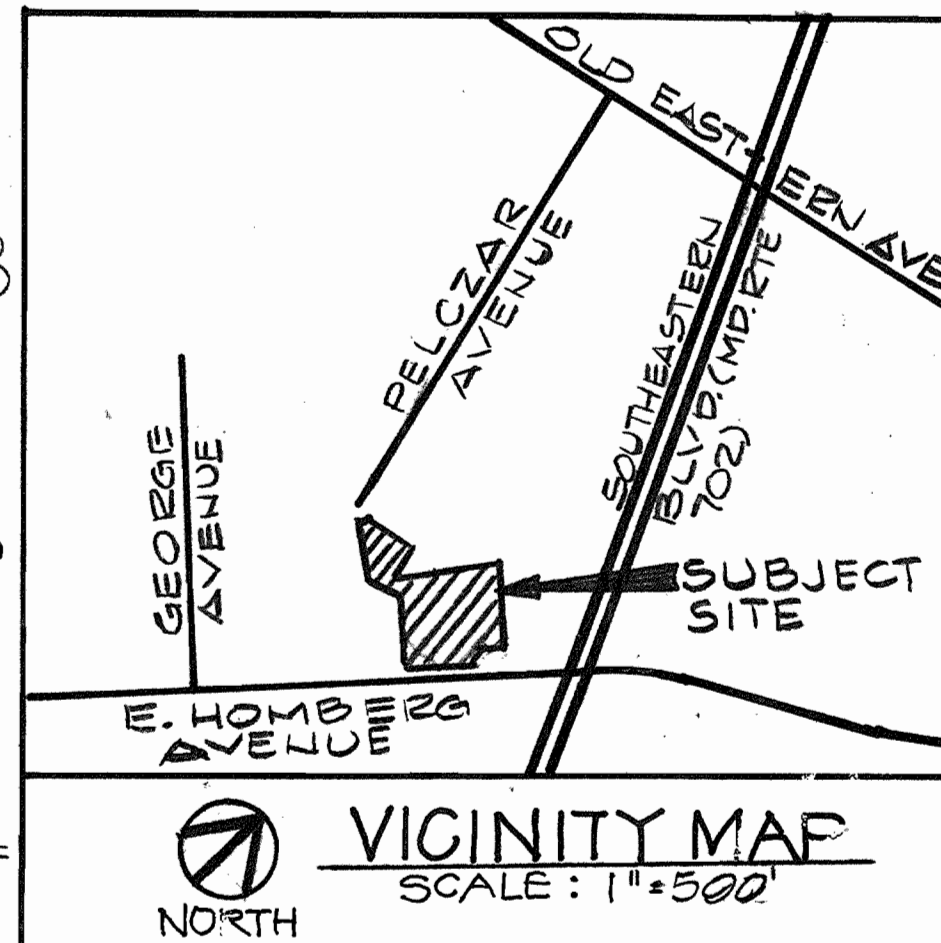
FLOOR AREA RATIO (FAR)

FAR = $4,114 \text{ S.F.} / 95,157 \text{ S.F.} = 0.04$ (< 3.0 MAX. ALLOWED)

AVERAGE DAILY TRIPS (A.D.T.)

USE: RESTAURANT-HIGH TURN OVER (DIT DOWN)

$(140 \times 4,114 \text{ S.F.}) \div 1,000 = 576 \text{ A.D.T.}$



AREA OF ZONING DESCRIPTION

25,469 S.F. = 0.58 AC±

LOCATION INFORMATION

ELECTION DISTRICT #: 15

COUNCILMANIC DISTRICT #: G

1"=200' SCALE MAP #: 097 B 1

ZONING: BL & DR 5.5

LOT SIZE:

NET = 87,027 S.F. = 2.00 AC±

GROSS = 95,157 S.F. = 2.18 AC±

PUBLIC PRIVATE

SEWER: ☒ YES ☐ NO

WATER: ☒ YES ☐ NO

CHESAPEAKE BAY CRITICAL AREA (C.D.A. DESIGNATION): ☒ YES ☐ NO

PRIOR ZONING HEARINGS: NONE FOUND

PREVIOUS COMMERCIAL PERMIT: C-485-68 (ADDITION), C-1063-74 (ADDITION)

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
DT.	242	08-242-SPHA

PROPERTY INFORMATION

OWNERS:

SANDRA FOOS AND GIUSEPPE A. MIRABILE

1220 EAST HOMBERG AVENUE

BALTIMORE, MD. 21221-3745

443-570-8940

DEED REFERENCE: 25046 / 425

PLAT REFERENCE: 7 / 129 AND 13 / 41

TAX ACCOUNT NO.: 15-19-391200

EAST HOMBERG AVENUE

(SHA. PLAT NO. 49452)

BEARINGS & DISTANCES ALONG E. HOMBERG AVE.

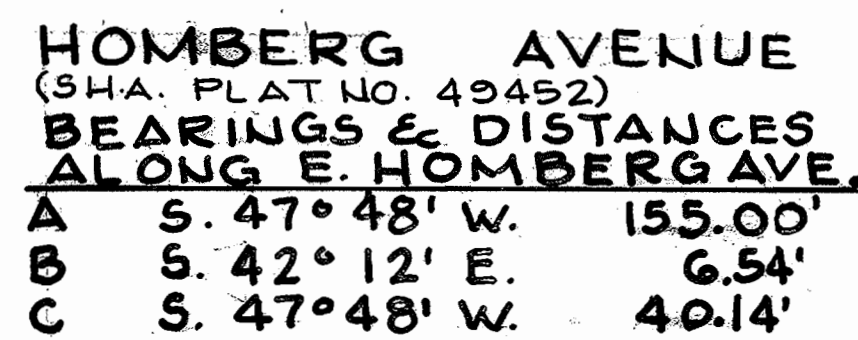
A	S. 47° 48' W.	155.00'
B	S. 42° 12' E.	6.54'
C	S. 47° 48' W.	40.14'

AREA OF DISTURBANCE:

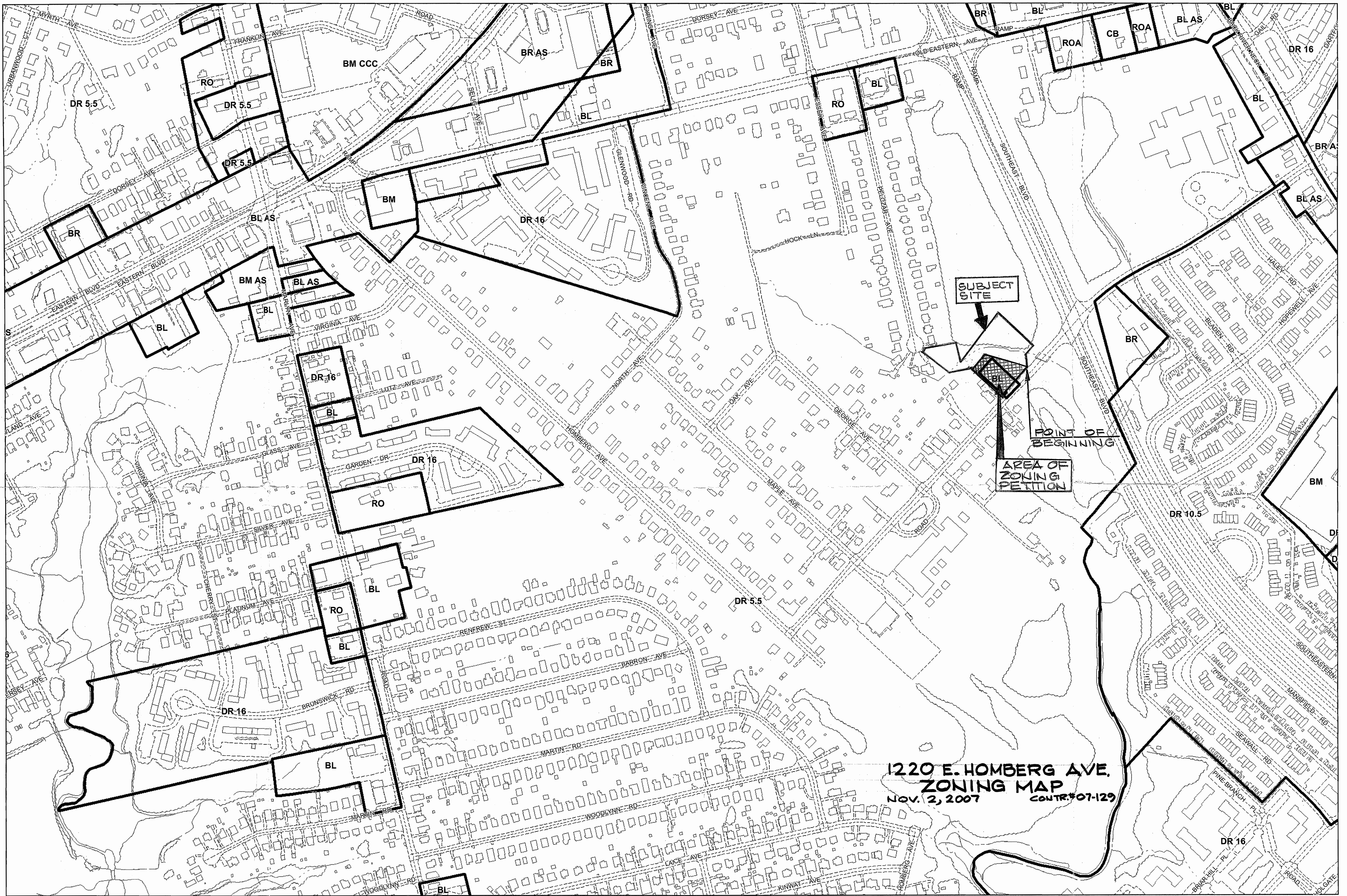
LESS THAN 5,000 S.F.

SITE PLAN FOR BUILDING PERMIT

HEARING



SHEET 1 OF 1	DATE 11-2-2007 SCALE 1"=30'	CONTRACT N° 18BR 07-129
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1220 E. HOMBERG AVE.
ZONING MAP
 NOV. 2, 2007 CONTR. #07-129

Plan Sheet: 097B1

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

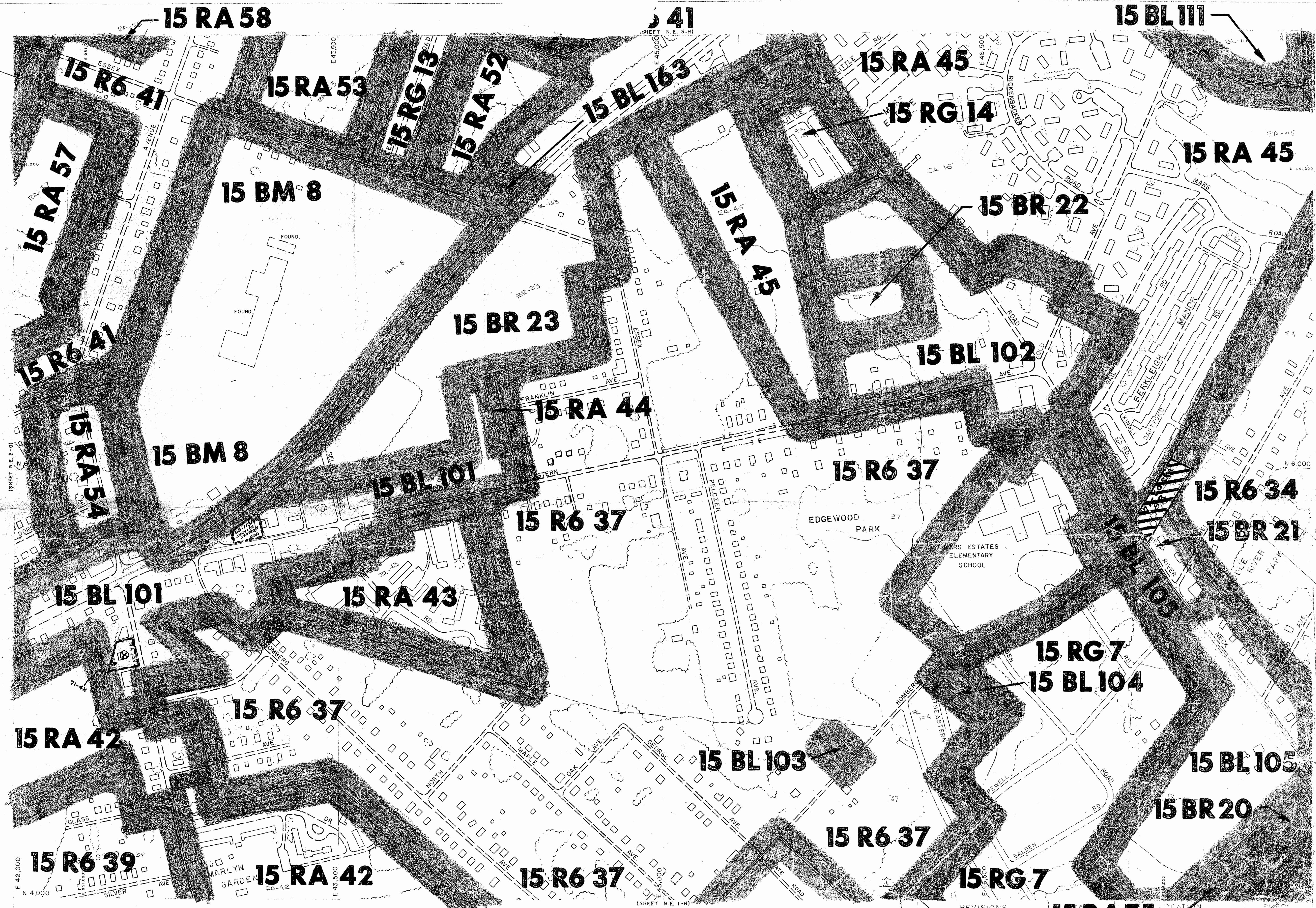
089C3	090A3	090B3	090C3	091A3
096C1	097A1	097B1	097C1	098A1
096C2	097A2	097B2	097C2	098A2

Scale
 1" = 200'
 0 100 200 400 Feet

1

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

PETITIONER'S 3
EXHIBIT NO.



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		DATE	BY

Topography Compiled by Photogrammetric Method
ABRAMS AERIAL SURVEY CORP. LANSING MICH.

15TH DIST.

PETITIONER'S
EXHIBIT NO. 7

