

**IN RE: PETITIONS FOR SPECIAL EXCEPTION,
SPECIAL HEARING & VARIANCE**
SW corner of Fait Avenue and 46th Street

12th Election District
7th Councilmanic District
(6915 Fait Avenue)

Nartnov, LLC; John Vontran, Member
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-243-SPHXA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception, Special Hearing and Variance filed by the legal owners of the subject property, Nartnov, LLC, by John Vontran, member.

The Petition for Special Exception requests relief pursuant to Sections 422.A, 423.B and 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) for an arcade containing eight amusement devices in lieu of the permitted four for an existing building.

The Petition for Special Hearing requests relief pursuant to Section 500.7 of the B.C.Z.R. to (1) confirm that previous approvals granted in Case No. 76-126-ASPH satisfy the current parking requirements for this existing building; and (2) confirm that previous approvals granted in Case No. 76-126-ASPH allow a commercial use within a residential zone or, in the alternative, (3) permit part of an existing commercial building within a residential zone.

The Variance requests are as follows:

- from Section 232.2.B of the B.C.Z.R. to permit a side yard setback of zero feet in lieu of the required 10 feet for an existing building; and
- from Section 1B01.2 of the B.C.Z.R. for a side yard setback of zero feet in lieu of the required 20 feet for an existing building; and

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- from Section 232.1 of the B.C.Z.R. for a front yard setback of 29 feet in lieu of the required 40 feet from the centerline of the street, and four feet in lieu of the required 10 feet from the property line for an existing building; and
- from Section 1B01.2.C.1.a of the B.C.Z.R. for a zero foot rear yard setback in lieu of the required 30 feet for an existing building.

The subject property and requested relief are more fully described in the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the special exception, special hearing, and variance petitions was Sebastian A. Cross, Esquire as the attorney representing Petitioner Nartnov, LLC. Also appearing in support of the requested relief were John Hermann and Matt Bishop with Morris & Ritchie Associates, Inc., the consultants who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a square-shaped parcel containing approximately 6,600 square feet or 0.36 acre, more or less, and zoned B.L. and D.R.5.5. It is located at the southwest corner of Fait Avenue and 46th Street in the Essex area of Baltimore County. The property is improved with several structures. The primary structure is an existing two-story commercial structure featuring a restaurant/tavern known as the "Corral Inn" and located on the south side of the property, partially facing 46th Street. This structure is red in color and was built in approximately 1919, and a one-story addition was constructed in the 1970's. There is also a second, two-story structure located on the north side of the property facing Fait Avenue. It is unknown exactly when this structure was built. It is white in color and is currently vacant, however, Petitioner's attorney, Mr. Cross, indicated it has been used for commercial purposes and most recently was utilized by a tax preparation service.

Mr. Cross indicated that his client is not proposing to make any changes or additions or alterations to the property or to the structures. Rather, his client is interested in keeping things as

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they have been for a number of years, and formalizing and legitimizing the existing uses. In particular, Mr. Cross indicated the restaurant/tavern structure has existed for a number of years -- at least prior to 1975 -- and his client desires for that use to continue. In addition, the restaurant/tavern has featured amusement devices during this time and currently has eight machines in the tavern area. On October 25, 2007, an individual from the County's Business and Amusement Inspection Office inspected Petitioner's restaurant/tavern and found that the number of machines exceeds the four machines that are permitted as of right, and issued a Violation Notice. As a result, Petitioner requests a special exception to permit the existing eight machines to remain on the premises. In requesting relief as to the number of amusement devices, Petitioner was informed that it is also necessary for all other aspects of the property be up to current zoning standards. This requires Petitioner to seek special hearing relief to allow the commercial use within a residential zone, and to confirm and approve the existing parking for the property and structures. Finally, Petitioner seeks several variances in order to legitimize the current location of the existing restaurant/tavern building vis-à-vis the setback requirements contained in the zoning regulations.

By way of background information, Mr. Cross referenced the prior zoning case in 1975. In that case, Case No. 76-126-ASPH, the property owner requested variance relief from Section 409.2.b(3) of the B.C.Z.R. to permit 19 parking spaces in lieu of the required 120 spaces, and special hearing relief to approve off street accessory parking in a residential zone. A site plan attached to the petitions shows the property and the parking configuration in existence at that time. It also depicts the two structures currently in existence today. The restaurant/tavern structure is shown very close to the property line, and beyond the setback requirements from the street and adjacent properties. The site plan also depicts an open beer garden abutting the restaurant/tavern building, which was converted to the aforementioned addition shortly after the

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1975 hearing. In an Order dated December 10, 1975, the Deputy Zoning Commissioner granted the requested relief.

As to the instant matter, and in support of the requested relief, Mr. Cross introduced photographs of the subject property and improvements which were marked and accepted into evidence as Petitioner's Exhibits 3A through 3H. The photographs show that the original two-story structure built in 1919 sits very close to the sidewalk on the 46th Street side of the property, and abuts the rear property line on the south side of the property, with virtually no setbacks. The one-story addition also abuts the rear property line on the south side, while closely abutting the west side property line as well. The parking configuration has not changed since the 1975 zoning case granted 19 parking spaces in lieu of the required 120 spaces; however, as indicated on Notes 37 and 38 of the site plan, the parking calculation has changed from needing 120 spaces to 86 spaces, and from providing 19 spaces to approximately 30 spaces.

According to Mr. Cross, there are several characteristics that make the property unique in the context of the requested variance relief. First and foremost, the structures, their uses, their location, their configuration on the property, and the parking areas all reflect conditions that have existed on the property for decades -- in the case of the original restaurant/tavern structure, since 1919. In addition, the property is split-zoned and has been such since at least before 1975, where the site plan from the prior zoning case indicates the business local and residential zoning of the property at that time. It is also noteworthy that when the addition to the restaurant/tavern was constructed, it was placed so that a portion of the addition is situated in the residentially zoned area of the property. Moreover, as shown on the aerial photograph which was marked and accepted into evidence as Petitioner's Exhibit 4, the property itself is tucked into a residential area, with only this B.L. zoned property in the immediate vicinity.

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As to the amusement devices and the request to keep the eight existing machines, Mr. Cross indicated these types of machines have been located within the tavern area for a long time -- at least since the prior zoning case in 1975. The machines are video poker and trivia machines. Mr. Cross noted there have never been any prior violations concerning the machines, and the fact that no neighbors or other interested persons attended the hearing demonstrates that the presence of the machines is not detrimental to the health, safety, and general welfare of the community.

The Zoning Advisory Committee (ZAC) comments were received from the relevant County and State agencies and are made part of the record of this case within the case file. Comments received from the Office of Planning dated December 12, 2007 indicate that the Office conducted a site visit and does not oppose Petitioner's request. They note that the entire lot is paved to the edge of the sidewalk, and that an area should be established around the perimeter of the site for landscaping and screening. The objective is to buffer late night noises and lights from adjacent residential properties.

In regard to the request for special exception, I am persuaded to grant the requested relief for eight amusement devices. There is no evidence that the machines will be detrimental to the health, safety and welfare of the local community and it appears that the use has been ongoing for a long period of time without incident. I am also convinced that the presence of the machines complies with the special exception criteria contained within Section 502.1 of the B.C.Z.R.

In regard to the request for special hearing, based on the aforementioned testimony and evidence, I am persuaded to grant this relief and confirm that the previous approvals granted in Case No. 75-126-ASPH satisfy the parking requirements for this existing building, and allow the current commercial use within a residential zone.

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In regard to the requests for variance, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The existing location of the restaurant/tavern structure on the property, the split zoning of the property, and its commercial zoning in a predominantly residential neighborhood makes the property unique in a zoning sense. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. I also find, after hearing the testimony and reviewing the photographs of the site, that the comment from the Office of Planning indicating that an area should be established around the perimeter of the site for landscaping and screening to be unrealistic and too onerous given the age and constraints on the site. Hence, I will not require that Petitioner provide the requested landscaping and screening in this instance.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's requests for special exception and special hearing should be granted, and the requests for variance should be granted as well.

THEREFORE, IT IS ORDERED this 25th day of February, 2008, by the Deputy Zoning Commissioner, that Petitioner's request for Special Exception as per Sections 422.A, 423.B and 230.13 of the B.C.Z.R. for an arcade containing eight amusement devices in lieu of the permitted four for an existing building be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Special Hearing to (1) confirm that previous approvals granted in Case No. 76-126-ASPH satisfy the current parking

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[Signature]

requirements for this existing building; and (2) confirm that previous approvals granted in Case No. 76-126-ASPH allow a commercial use within a residential zone be and are hereby GRANTED; and

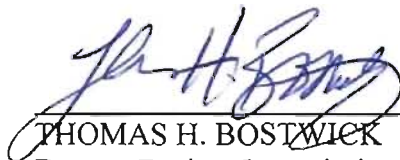
IT IS FURTHER ORDERED, that Petitioner's request for Variances as follows:

- from Section 232.2.B of the B.C.Z.R. to permit a side yard setback of zero feet in lieu of the required 10 feet for an existing building; and
- from Section 1B01.2 of the B.C.Z.R. for a side yard setback of zero feet in lieu of the required 20 feet for an existing building; and
- from Section 232.1 of the B.C.Z.R. for a front yard setback of 29 feet in lieu of the required 40 feet from the centerline of the street, and four feet in lieu of the required 10 feet from the property line for an existing building; and
- from Section 1B01.2.C.1.a of the B.C.Z.R. for a zero foot rear yard setback in lieu of the required 30 feet for an existing building.

be and are hereby GRANTED, subject to the following:

1. Petitioner may apply for its permit and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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 FILED
2.25.08
m



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 25, 2008

SEBASTIAN CROSS, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petitions for Special Exception, Special Hearing and Variance
Case No. 08-243-SPHXA
Property: 6915 Fait Avenue

Dear Mr. Cross:

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

c: John Hermann and Matt Bishop, Morris & Ritchie Associates, Inc., 1220-C East Joppa Road, Suite 505, Towson, MD 21286



Original

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 6915 Fait Avenue

which is presently zoned: B.L., D.R. 5.5

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):

1. BCZR Section 232.2.B for a sideyard setback of zero feet in lieu of the required ten feet for existing building and from Section and 1B01.2 for a sideyard setback of zero feet in lieu of the required 20 feet for existing building.
 2. BCZR Section 232.1 for a frontyard setback of 29 feet in lieu of the required 40 feet from the center line of street and 4 feet in lieu of the required 10 feet from property line for existing building.
 3. BCZR Section 1B01.2 (C)(1)a for a zero foot rearward setback in lieu of the required 30 feet for existing building.
- 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 PRESENTED 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:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Nartnov, LLC

Signature

John Vontana, Member

Name - Type or Print

Signature

5115 Robins Perch Lane

Address

Telephone No.

Perry Hall

MD

21228-9769

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No.

08 243 SPHXA

ESTIMATED LENGTH OF HEARING

2 hrs

UNAVAILABLE FOR HEARING

Reviewed By

JP PROFFER

Date

11/23/07

REV 9/15/98

2.25.08
m



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6915 Fait Avenue

which is presently zoned B.L., D.R. 5.5

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

As per BCZR Section 422A, 423B & 230.13 for an arcade containing eight amusement devices in lieu of the permitted four for existing building.

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

I, or we, agree to pay expenses of above Special Exception, 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:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue Suite 200 410-821-0070

Address Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Nartnov, LLC

Signature

John Vontran, Member

Name - Type or Print

Signature

5115 Robins Perch Lane

Address

Telephone No.

Rerry Hall

MD

21228-9769

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross

Name

600 Washington Avenue Suite 200 410-821-0070

Address Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING -

Reviewed By AL DROP OFF Date 4/23/07

Case No. 08 243 SPXA

REV 09/15/98

FOR REVIEWED FOR FILE

2-25-08

83



September 13, 2007

ZONING DESCRIPTION

Beginning for the same at the intersection of the south side of Fait Avenue, 40 feet wide, with the west side of S. 46th Street, 50 feet wide, thence running along the said south side of Fait Avenue,

1. North 85° 30' West 125.00 feet, thence leaving Fait Avenue
2. South 04° 30' West 125.00 feet, and
3. South 85° 30' East 125.00 feet, thence along the said west side of S. 46th Street
4. North 04° 30' East 125.00 feet, to the place of beginning.

Being all of Lots 49 through 53 inclusive as shown on a Plat entitled "Plat of Harbor View" recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. No. 5 folio 80, containing 15625 square feet or 0.36 acres of land, more or less. Also known as 6915 Fait Avenue and 600 S. 46th Street.

243



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

3137

Date:

11/23/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				800.00

Total:

800.00

Rec

From:

Galden + Schubert

For:

SPHXA FILING 6915 EAST AVE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

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: #08-243-SPHXA

6915 Fait Avenue

S/west corner of Fait Avenue and 46th Street

12th Election District - 7th Councilmanic District

Legal Owner(s): Nartnov, LLC, John Vontran, Member

Special Hearing: to confirm previous approvals granted through Case No. 76-126-SPH satisfy the current parking requirements for this currently existing building and to confirm previous approvals granted through Case NO. 76-126-SPH allows a commercial use within a residential zone or, in the alternative to permit part of an existing commercial building within a residential zone. **Special**

Exception: for an arcade containing eight amusement devices in lieu of the permitted for four existing building.

Variance: to permit a side yard setback of zero feet in lieu of the required ten feet for existing building and for a front yard setback of 29 feet in lieu of the required 40 feet from the centerline of street and 4 feet in lieu of the required 10 feet from property line of existing building and a for a 0 feet rear yard setback in lieu of the required 30 feet for existing building.

Hearing: Tuesday, February 5, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT/1/791 Jan. 22

161230

CERTIFICATE OF PUBLICATION

1/24/2008

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 1/22/2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-243-SPHXA

Petitioner/Developer: NARTMOV

LLC, JOHN VOUTRAN

Date of Hearing/Closing: 2-5-08

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:

6915 FAIR AVE

The sign(s) were posted on

1-21-08

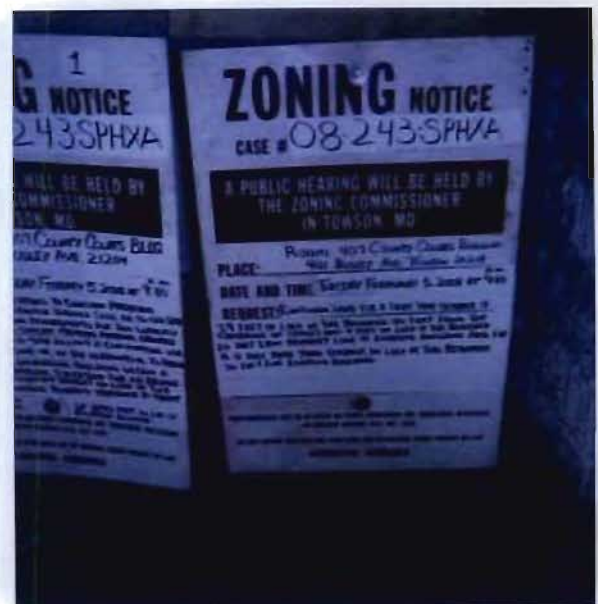
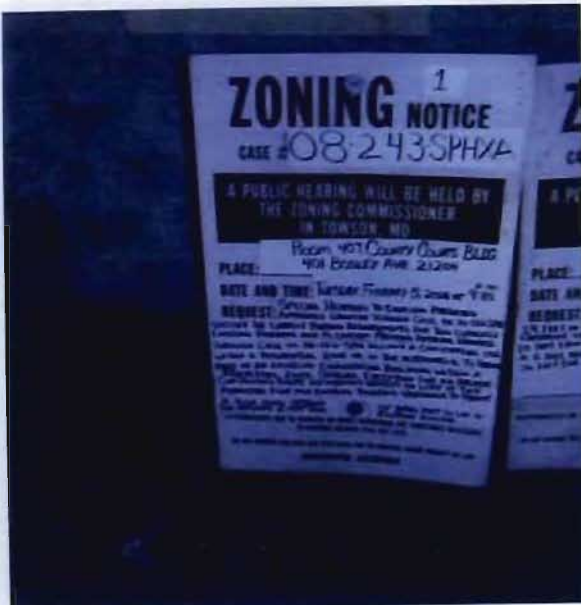
(Month, Day, Year)

SSG Robert A Black
1508 Leslie Road
Dundalk, MD 21222

410-282-7140

Sincerely,

Robert Black 1-22-08



REV.
REV'D
11/19
3:58 PM

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.

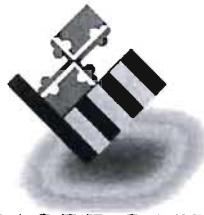
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08 243 SPHXA
Petitioner: Nartnov, LLC
Address or Location: 6915 East Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gildea & Schmidt LLC
Address: 600 Washington Ave, Suite 200
Towson Md 21204
Telephone Number: 410 821-0070



BALTIMORE COUNTY

M A R Y L A N D

December 18, 2007

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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: 08-243-SPHXA

6915 Fait Avenue
S/west corner of Fait Avenue and 46th Street
12th Election District – 7th Councilmanic District
Legal Owners: Nartnov, LLC, John Vontran, Member

Special Hearing to confirm previous approvals granted through Case No. 76-126-SPH satisfy the current parking requirements for this currently existing building and to confirm previous approvals granted through Case No. 76-126-SPH allows a commercial use within a residential zone or, in the alternative to permit part of an existing commercial building within a residential zone. Special Exception for an arcade containing eight amusement devices in lieu of the permitted for four existing building. Variance to permit a side yard setback of zero feet in lieu of the required ten feet for existing building and for a front yard setback of 29 feet in lieu of the required 40 feet from the centerline of street and 4 feet in lieu of the required 10 feet from property line of existing building and a for a 0 feet rear yard setback in lieu of the required 30 feet for existing building.

Hearing: Tuesday, February 5, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204
John Vontran, Nartnov, LLC, 5115 Robins Perch Lane, Perry Hall 21228-9769

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 21, 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 22, 2008 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

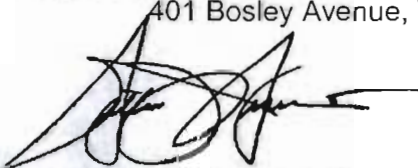
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-243-SPHXA

6915 Fait Avenue
S/west corner of Fait Avenue and 46th Street
12th Election District – 7th Councilmanic District
Legal Owners: Nartnov, LLC, John Vontran, Member

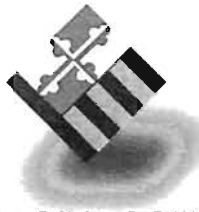
Special Hearing to confirm previous approvals granted through Case No. 76-126-SPH satisfy the current parking requirements for this currently existing building and to confirm previous approvals granted through Case No. 76-126-SPH allows a commercial use within a residential zone or, in the alternative to permit part of an existing commercial building within a residential zone. Special Exception for an arcade containing eight amusement devices in lieu of the permitted for four existing building. Variance to permit a side yard setback of zero feet in lieu of the required ten feet for existing building and for a front yard setback of 29 feet in lieu of the required 40 feet from the centerline of street and 4 feet in lieu of the required 10 feet from property line of existing building and a for a 0 feet rear yard setback in lieu of the required 30 feet for existing building.

Hearing: Tuesday, February 5, 2008 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

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

January 30, 2008

Sebastian A. Cross
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Dear Mr. Cross:

RE: Case Number: 08-243-SPHXA, 6915 Fait 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
Nartnov, LLC John Vontran, Member 5115 Robins Perch Lane Perry Hall 21228-9769

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 14 2007

SUBJECT: 6915 Fait Avenue

INFORMATION:

BY:.....

Item Number: 8-243

Petitioner: Nartnov, LLC

Zoning: BL and DR 5.5

Requested Action: Special Hearing, Special Exception 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 entire lot is paved to the edge of the sidewalk. An area should be established around the perimeter of the site for landscaping and screening. 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:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 12, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2007
Item Nos. 08-235, 236, 237, 238, 239,
241, 243, 244, 245, 246, 247 and 07-541

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-121207.doc

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



Maryland Department of Transportation

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

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. 8-243-SPHXA
6915 FAIT AVENUE
NARTNOV, LLC PROPERTY
SPECIAL HEARING
SPECIAL EXCEPTION
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. 8-243-SPHXA.

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,

A handwritten signature in black ink that reads "Michael P. Bailey".

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: 231,235,243,245

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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
SPECIAL EXCEPTION & VARIANCE * ZONING COMMISSIONER
6915 Fait Ave; SW corner Fait Ave & 46th St*
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Nartnov, LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-243-SPHXA

* * * * *

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 to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

DEC 03 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Permits and Development Management
Business and Amusement License Inspection
County Office Building
111 West Chesapeake Ave
Towson, Maryland 21204



B&A License 410-887-3616
State Licenses 410-887-2609
Waste Water Permit 410-887-5477
Food Permits 410-887-3404

BUSINESS & AMUSEMENT SITE / VIOLATION NOTICE

BUSINESS NAME <u>THE CORRAL INN</u>		DATE <u>10/25/07</u>
ADDRESS <u>600 46TH ST.</u>		
ZIP CODE <u>21224</u>	PHONE NUMBER <u>(410)</u>	STORE #

CORPORATE NAME (NAME ON TRADERS LICENSE) <u>THE CORRAL INN INC.</u>		
CORPORATE ADDRESS		
CITY	STATE	ZIP CODE

ISSUED TO: Mr / Ms.	POSITION
------------------------	----------

FRUIT VIDEO-CHERRY MASTER
MEGATOUGH TRIVIA
STATE/COUNTY LICENSE
CHERRY MASTER

MAX. NUMBER PERMITTED AMUSEMENT DEVICES: 4
VIDEO GAME: 2316, 2317, 2318, 2320
CLAW MACHINE: _____
POOL TABLE (COIN) COUNTY: DELAWARE
BILLARD (HOURLY) STATE: _____
MUSIC BOX: COUNTY: DELAWARE
STATE: _____

TRADER: 032R374 EXP: 4/30/08 CIGARETTE (special): _____
CHAIN STORE: _____ CIGARETTE (vending): 00040
FOOD: ST-0000380 EXP: 3/31/08 HOTEL/MOTEL: _____
RESTAURANT: 799 LAUNDRY: _____
WASTE WATER: 105525 HUCKSTER: _____
SODA/CANDY: _____

OTHER VIOLATIONS OR REMARKS: ZONED FOR 4) MACHINE
HAS (6) MACHINES - NEED TO
CHANGE AND (3) L.I.

COMPLIANCE DATE: 10/31/07 INSPECTOR NAME: MIKE VIVIER

243

This was
in the case
file but the
site addresses
don't match

I HAVE INSPECTED / REINSPECTED THE ABOVE PREMISES ON _____
AND APPLICABLE PERMITS AND LICENSES ARE IN ORDER.
I HAVE INSPECTED / REINSPECTED THE ABOVE PREMISES ON 10/25/07
AND APPLICABLE PERMITS AND LICENSES ARE NOT IN ORDER.
INSPECTOR NAME: Mike Vivier

Permits and Development Management
Business and Amusement License Inspection
County Office Building
111 West Chesapeake Ave
Towson, Maryland 21204



B&A License 410-887-3616
State Licenses 410-887-2609
Waste Water Permit 410-887-5477
Food Permits 410-887-3404

BUSINESS & AMUSEMENT SITE / VIOLATION NOTICE

BUSINESS NAME <u>THE CORRAL INN</u>		DATE <u>12/31/07</u>
ADDRESS <u>600 46TH ST.</u>		
ZIP CODE <u>21224</u>	PHONE NUMBER <u>(410) 298-6592</u>	STORE #

CORPORATE NAME (NAME ON TRADERS LICENSE)		
CORPORATE ADDRESS		
CITY	STATE	ZIP CODE
ISSUED TO: Mr / Ms		
POSITION		

STATE/COUNTY LICENSE

MAX. NUMBER PERMITTED AMUSEMENT DEVICES: 4

VIDEO GAME: _____

CLAW MACHINE: _____

POOL TABLE (COIN) COUNTY: _____

BILLARD (HOURLY) STATE: _____

MUSIC BOX: COUNTY: _____

STATE: _____

TRADER: _____ EXP: _____ CIGARETTE (special): _____

CHAIN STORE: _____ CIGARETTE (vending): _____

FOOD: _____ EXP: _____ HOTEL/MOTEL: _____

RESTAURANT: _____ LAUNDRY: _____

WASTE WATER: _____ HUCKSTER: _____

SODA/CANDY: 2010 _____

OTHER VIOLATIONS OR REMARKS: _____

3RD VISIT FOR 410-887-3616 HAS (6)

12/31/07

COMPLIANCE DATE: 1/1/08 INSPECTOR NAME: MIKE VIVERTO

I HAVE INSPECTED / REINSPECTED THE ABOVE PREMISES ON _____
AND APPLICABLE PERMITS AND LICENSES ARE IN ORDER.

I HAVE INSPECTED / REINSPECTED THE ABOVE PREMISES ON 12/31/07
AND APPLICABLE PERMITS AND LICENSES ARE NOT IN ORDER.

INSPECTOR NAME: MIKE VIVERTO

243

CASE NAME _____
CASE NUMBER 68-243-SPHX A
DATE _____

[illegible]

76-126 ASPH #168 #76-126 ASPH #168 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Marie J. and
I, or we, JAMES J. JAKOWSKI, legal owner of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof.
(09.2.b.(3))

herby petition for a Variance from Section 409.2.b.(3) to permit 10 parking
spaces in lieu of the required 120 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the
following reasons: (Indicate hardship or practical difficulty)
Existing zoning precludes the parking which should be allowed to provide for an
adequate and safe circulation of off street parking. The proposed extension of
the existing Bar-Restaurant business will further improve the subject property
to its highest and best use.

Since the immediate proximity of the property zoned residential, it would be
logical to permit the additional parking thereon.

See attached description

property is to be posted and advertised as prescribed by Zoning Regulations.
or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
petition and further agree to and are to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser

Marie J. Jakowski
James J. Jakowski Legal Owners
Address 600 S. 42nd Street
Baltimore, Maryland 21224

John A. Arnold, Esquire
Attorney

Protestant's Attorney

28 T. W. Lawrence n. Long, III, Esquire
Address 22 W. POND AVE., TOWSON, MD.
21204

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day

of 1975, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore
County, on the 3rd day of December, 1975, at 10:00 o'clock
A.M.

Zoning Commissioner of Baltimore County

(over)

PETITIONER'S

EXHIBIT NO. 2

ORDER RECEIVED FOR FILING

DATE December 28, 1975

BY [Signature]

JAMES J. JAKOWSKI
Baltimore, MD. and Baltimore, MD.
12/28

#76-126 ASPH
#168

ORDER RECEIVED FOR FILING

DATE December 19, 1976
J. P. Stewart

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety and general welfare of the community, a Variance to permit 19 off-street parking spaces instead of the required 120 spaces should be granted.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of December, 1976, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 197 ... that the above Variance be and the same is hereby DENIED.

.....
Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL HEARING

76-26-1074
#168

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Marie J. and James J. Jakowski legal owners 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 and/or Deputy Zoning Commissioner should approve off-street accessory auto parking in a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

ORDER RECEIVED FOR FILING

Contract Purchaser _____ Address _____ <u>John B. Knicker</u> <u>Acquire</u> <u>Clarence U. Long, III</u> <u>Petitioner's Attorney</u> Address <u>22 N. Danae Ave., Towson, Md. 21204</u>	<u>Marie J. Jakowski</u> <u>James J. Jakowski</u> Legal Owners Address <u>600 E. 46th Street</u> <u>Baltimore, Maryland 21224</u> _____ Protestant's Attorney
--	--

ORDERED By the Zoning Commissioner of Baltimore County, this 28th day of October, 1967, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of December, 1967, at 10:00 o'clock A. M.

Zoning Commissioner of Baltimore County

(over)



ORDER RECEIVED FOR FILING
January 10, 1975
NOTE: Called for filing

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that the Petitioners' plans meet the requirements set forth in Section 409.4 of the Baltimore County Zoning Regulations, and that the health, safety and general welfare of the locality involved not being adversely affected, the Special Hearing for Off-street Parking in a Residential Zone, in accordance with the plat dated December 27, 1974, and approved December 8, 1975, by John L. Wimbley, Planning Specialist II, Project and Development Division, Office of Planning and Zoning for Baltimore County, said plan having been filed as Exhibit "A" in this proceeding and which is incorporated by reference hereto as a part of this proceeding and which is incorporated by reference hereto as a part of this Order, should be granted.

Deputy

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of December, 1975, that the herein Petition for Special Hearing for Off-street Parking in a Residential Zone should be and the same is GRANTED, from and after the date of this Order, subject to compliance with the above mentioned site plan approved on December 8, 1975.

Deputy Zoning Commissioner of Baltimore County

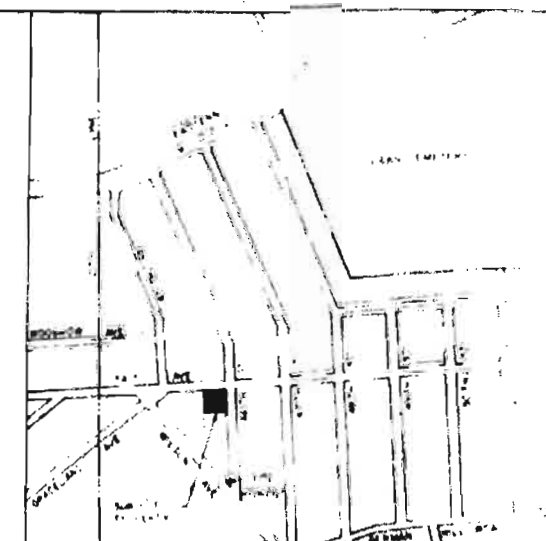
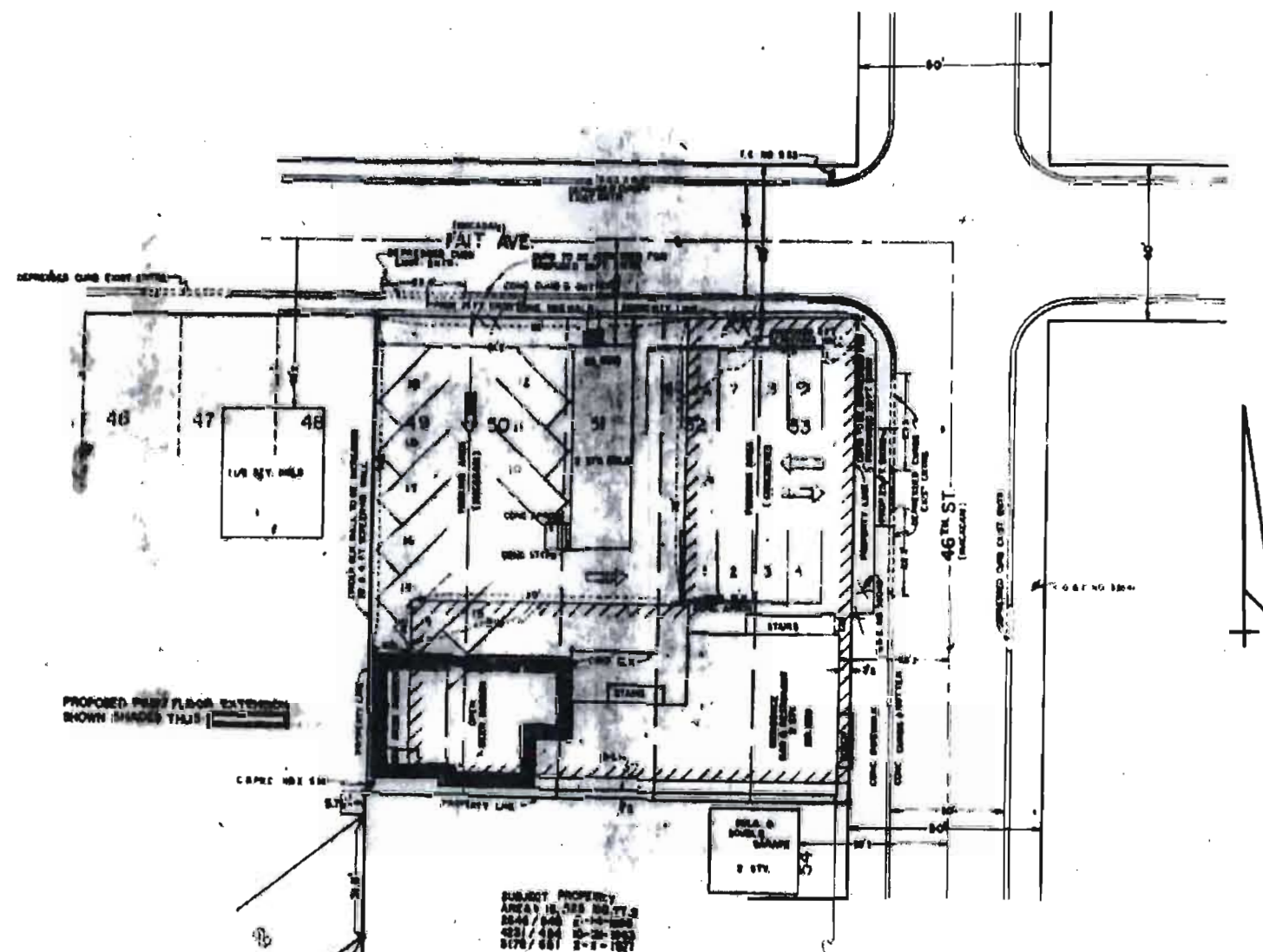
Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of.....
.....
.....
the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, thisday of....., 196..., that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

SECTION 408.4 BUSINESS OR INDUSTRIAL PARKING IN RESIDENCE ZONES

- A. RESIDENTIAL PROPERTY ADJACENT FAIR AVE.
- B. PARKING WITHIN AREA ZONED RESIDENTIAL IS FOR THE USE OF PASSENGER VEHICLES, EXCLUDING BUSES.
- C. LOADING SERVICE OR ANY USE OTHER THAN PARKING WILL NOT BE PERMITTED.
- D. LIGHTING WILL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY AS REQUIRED.
- E. SCREENING CHAIN LINK WALL (HFT.) WILL BE CONSTRUCTED ALONG PROPERTY LINE AS INDICATED (WEST LINE OF LOT NO. 401).
- F. PARKING AREA PAVED MACADAM, SURFACE DRAINAGE RUN OFF AT EXISTING ENTRANCE ON FAIR AVE.
- G. PROPOSED PARKING ARRANGEMENT AND VEHICULAR ACCESS AS INDICATED.
- H. PERMITTED HOURS OF USE WILL BE REGULATED TO CONFORM WITH OPENING OF BUSINESS 8:00 AM TO CLOSURE AT 8:00 PM.



VICINITY MAP
1" = 500'

PROPERTY ZONED - BUSINESS LOCAL & RESIDENTIAL
TOTAL AREA OF BAR-RESTAURANT BUSINESS - 5922 SQ FT
PARKING RATIO 1/50 SQ FT OF BUSINESS
PARKING REQUIRED - 120 SEE FLOOR PLANS
PARKING SHOWN - 19 "A" & "B"

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY
KNOW AS

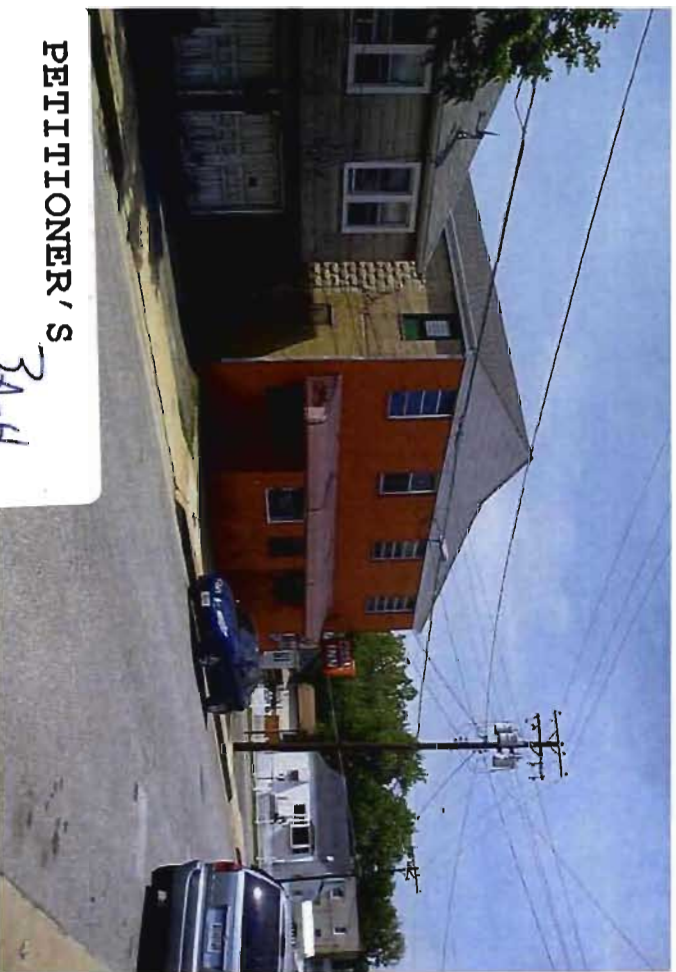
NO. 800 54 TH ST AND NO. 8018 FAIR AVE. BALTO. CO. MD.

FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS AND THE
IMPROVEMENTS ARE LOCATED AS SHOWN THIS PLAN IS NOT
INTENDED TO BE USED FOR THE PURPOSE OF ESTABLISHING
PROPERTY LINES.

DATE 12-1-81
HENRY J. OHEIM MD. P.L.S. NO. 4158

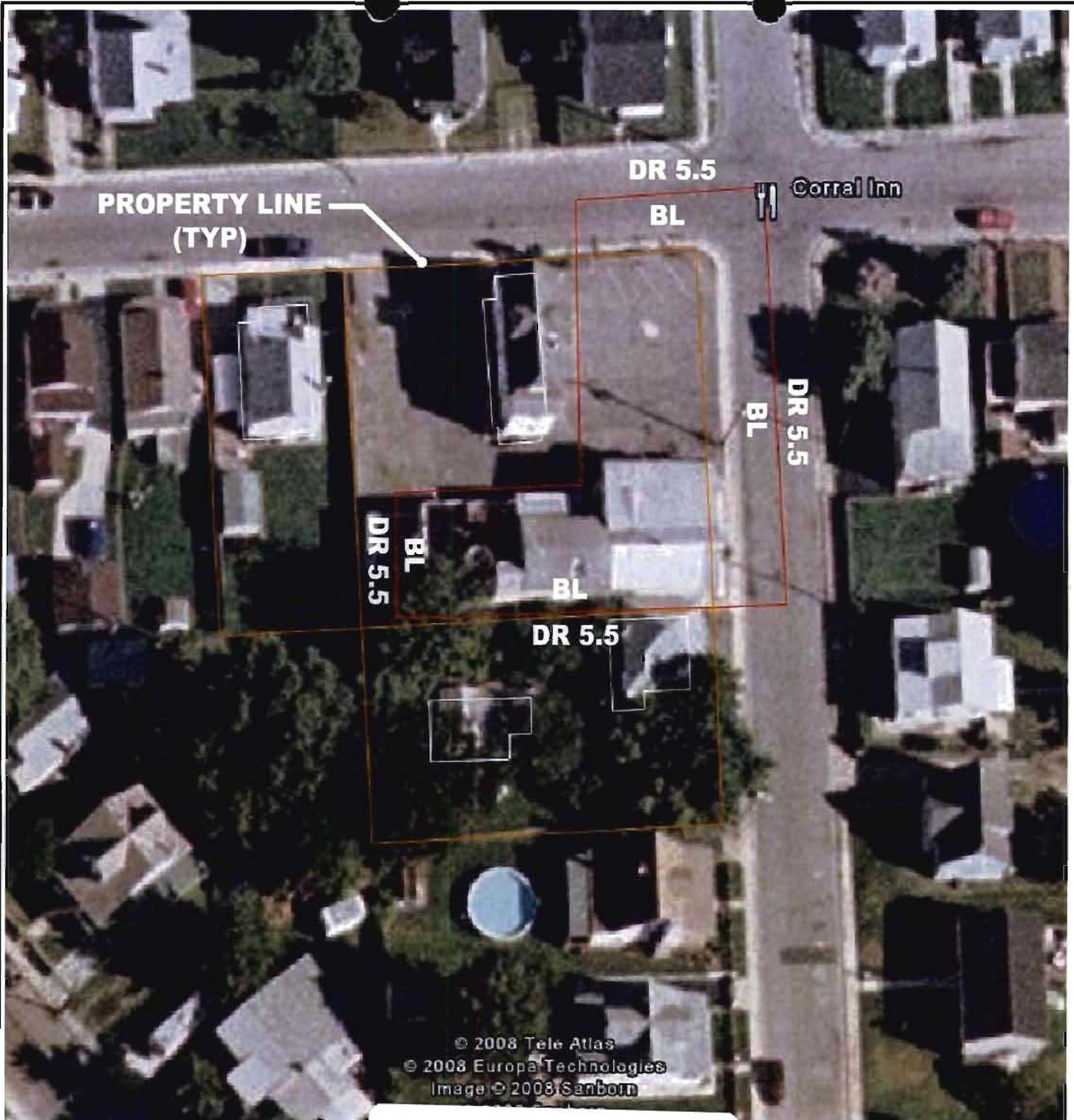
PART OF
HARBOR VIEW
FORMERLY
SECTION NO. 4 GRACELAND PARK
W.P.C. NO. 5/80
JAMES J. & MARIE J. JAKOWSKI PROPERTY
12 TH. ELECTION DISTRICT
BALTIMORE COUNTY MD.
SCALE 1"=20'
HENRY V. OHEIM
8484 LINWOOD DRIVE
ELLICOTT CITY MD. 21043

PLANS APPROVED
DATE OF PLANS 12-1-81
12-1-81



PETITIONER'S
EXHIBIT NO. 3A-H





PETITIONER'S

EXHIBIT NO. 4



MRA

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505

TOWSON, MARYLAND 21286

(410) 821-1690

FAX: (410) 821-1748

MRAGTA.COM

SITE AERIAL PHOTOGRAPH

6915 FAIT AVENUE

BALTIMORE COUNTY, MARYLAND

SCALE: 1"=50'

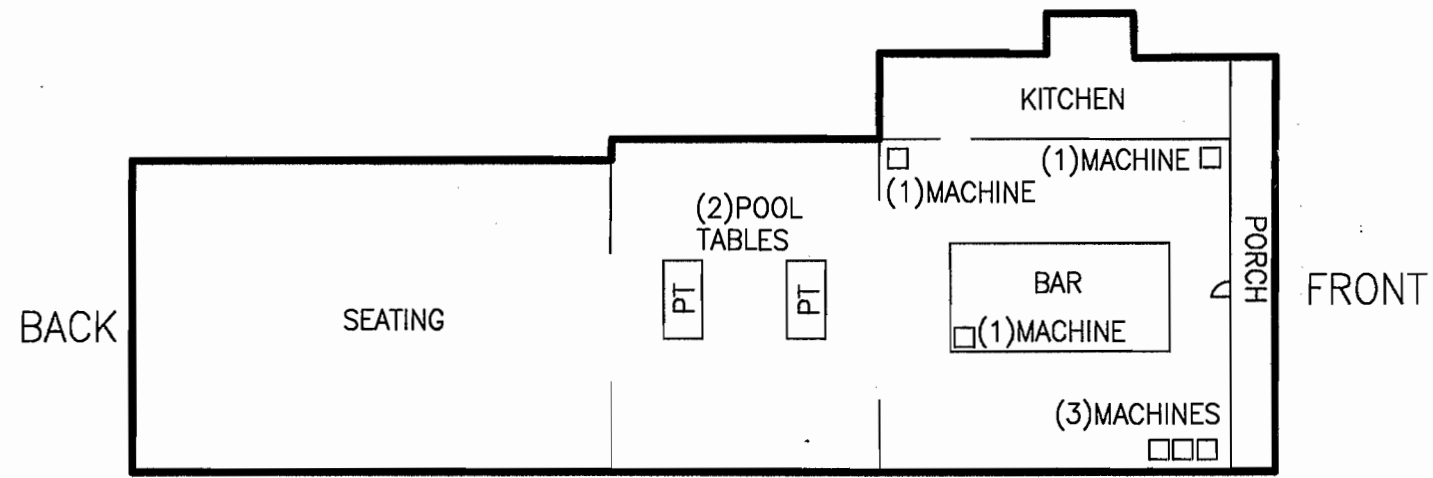
DATE: 02.01.08

DRAWN BY: MAB

DESIGN BY: MAB

REVIEW BY: JVH

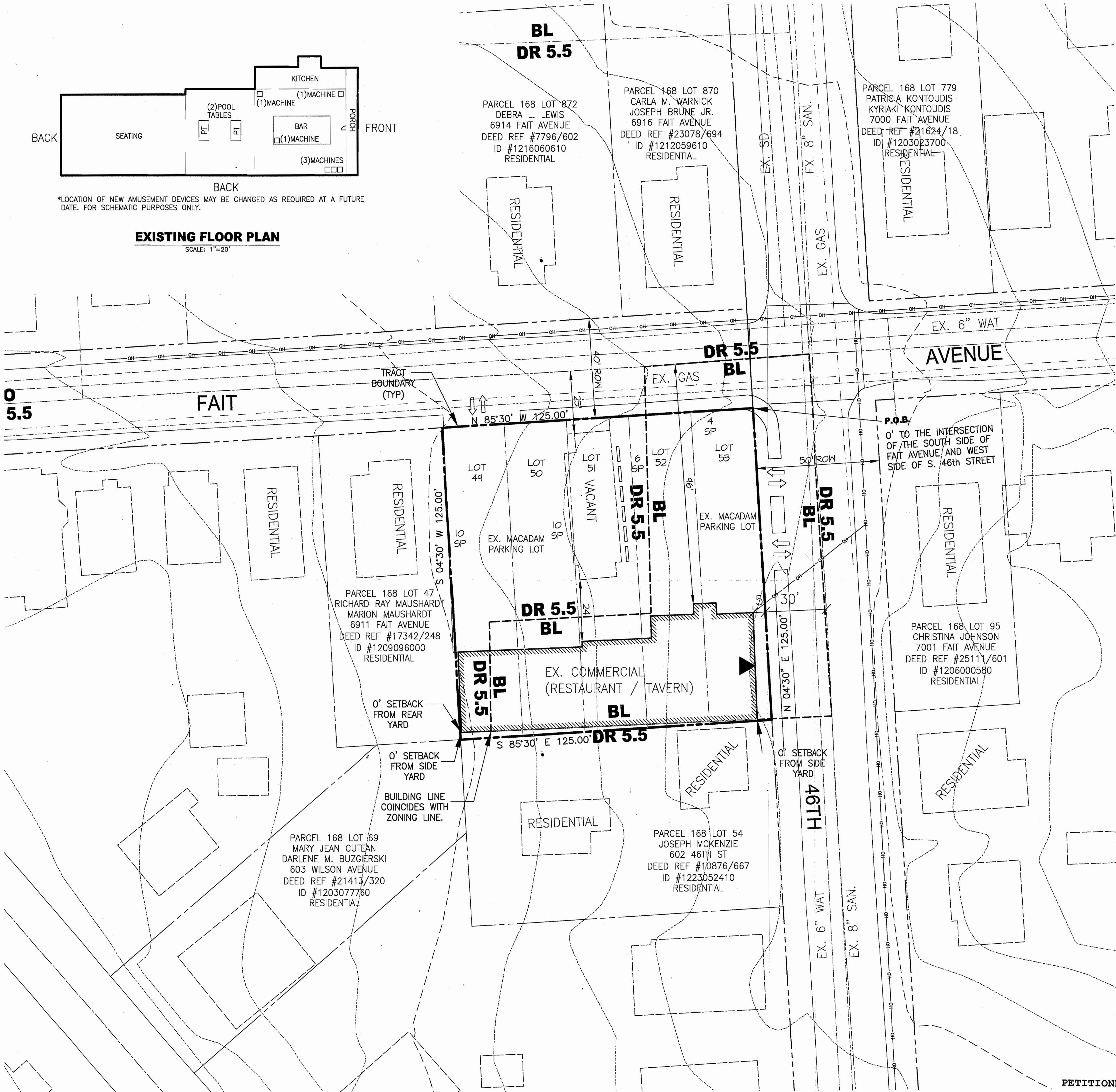
JOB NO. : 15554



*LOCATION OF NEW AMUSEMENT DEVICES MAY BE CHANGED AS REQUIRED AT A FUTURE DATE. FOR SCHEMATIC PURPOSES ONLY.

EXISTING FLOOR PLAN

SCALE: 1"=20'



PROPERTY OWNERSHIP

OWNER: NARTNOV, LLC
5115 ROBINS PERCH LANE
PERRY HALL, MARYLAND 21128-9769
ATTN: KIMBERLY HAMMACHER

ADDRESS: 6915 FAIT AVENUE
BALTIMORE, MARYLAND 21224-3038
DEED REF: 22195/24
TAX MAP: 96
PARCEL: 168
PLAT REF: 5/80
TAX ACCT: 1210002000

GENERAL NOTES:

1. ZONING: BL, DR 5.5
2. PROPERTY AREA: 0.36 AC±
3. BALTIMORE COUNTY SOILS MAP: 44
4. ZONING MAP: 096B3
5. PLAT REF.: 5/80
6. CENSUS TRACT: 4205.00
7. WATERSHED: 13
8. SUBSEWERSHED: 48
9. SEWAGE PLAN DESIGNATION: S1
10. WATER PLAN DESIGNATION: W1
11. REGIONAL PLANNING DISTRICT: 329
12. ELECTION DISTRICT: 12TH
13. COUNCILMANIC DISTRICT: 7TH
14. EXISTING USE: RESIDENTIAL
15. POTENTIAL USE: COMMERCIAL
16. FLOOR AREA RATIO (F.A.R.): ±12
17. MAXIMUM PERMITTED BUILDING AREA: (3.0 X 43,486 SF) (PER NOTE #2) = 130,458 SF
18. PURSUANT TO BCZR SECTION 235 B.7.C.1, NO RELIEF FROM HEIGHT LIMITATIONS OR SETBACKS IS REQUIRED.
19. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
20. LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL
21. THE SITE IS NOT WITHIN A MORATORIUM AREA OR IN AN AREA WHERE FAILURE OF BASIC SERVICES MAPS CURRENTLY EXISTS PER SECTION 4A02 (BCZR).
22. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
23. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
24. THERE ARE NO KNOWN NON-TIDAL WETLANDS ON THIS SITE.
25. THERE ARE NO KNOWN FOREST BUFFERS ON THIS SITE.
26. THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.
27. THERE ARE NO KNOWN HISTORICAL STRUCTURE, DISTRICT, OR ARCHEOLOGICAL AREAS ASSOCIATED WITH THIS SITE.
28. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS WITHIN 100' OF THIS PROPERTY.
29. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
30. ALL LIGHTING SHALL CONFORM TO IES STANDARDS (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA) MAXIMUM HT. 18' PER SECTION 405.4.C.1.D (BCZR)
31. SIGNAGE: ANY PROPOSED SIGNAGE SHALL BE IN COMPLIANCE WITH B.C.Z.R. SECTION 450.
32. EX. BUILDING AREA: 5,422 SF
33. ZONING HEARINGS, CRG, DRC, WAIVERS
- 34.1. CASE 76-126 SPH (ORDER DATED DECEMBER 10, 1975) GRANTING A VARIANCE FROM 409.2.(b).3 OF THE BCZR FOR PARKING OF 19 SPACES IN LIEU OF THE REQUIRED 120 SPACES, AND GRANTING SPECIAL HEARING FOR COMMERCIAL PARKING IN A RESIDENTIAL ZONE.
35. THE PROPERTY IS LOCATED 0' FROM THE INTERSECTION OF 46TH STREET AND FAIT AVENUE.
36. BUILDING AREA: ±4,300 SF
37. BUILDING HEIGHT: LESS THAN 40'
38. NUMBER OF STORIES: 2
39. REQUIRED PARKING: 20/1,000sf OF GROSS FLOOR AREA = ±86
40. EXISTING PARKING: ±30
41. DISTANCE OF BUILDING TO NEAREST FIRE HYDRANT: ±425'
42. ARCADE WILL BE SUBORDINATE TO MAIN USE.

ZONING RELIEF REQUESTED:

VARIANCE:

1. AS PER BCZR SECTION 232.2.B FOR A SIDEYARD SETBACK OF ZERO FEET IN LIEU OF THE REQUIRED TEN FEET FOR EXISTING BUILDING AND FROM SECTION 1B01.2 FOR A SIDE YARD SETBACK OF ZERO FEET IN LIEU OF THE REQUIRED 20 FEET FOR EXISTING BUILDING.
2. AS PER BCZR SECTION 232.1 AND 1B01.2 FOR A FRONT YARD SETBACK OF 29 FEET IN LIEU OF THE REQUIRED 40 FEET FROM THE CENTER LINE OF STREET AND 4 FEET IN LIEU OF THE REQUIRED 10 FEET FROM PROPERTY LINE FOR EXISTING BUILDING.
3. AS PER BCZR SECTION 1B01.2(C)(1) FOR A ZERO FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FEET FOR EXISTING BUILDING.

SPECIAL EXCEPTION:

1. AS PER BCZR SECTION 422A, 423B & 230.13 FOR AN ARCADE CONTAINING EIGHT AMUSEMENT DEVICES IN LIEU OF THE PERMITTED FOUR FOR EXISTING BUILDING.

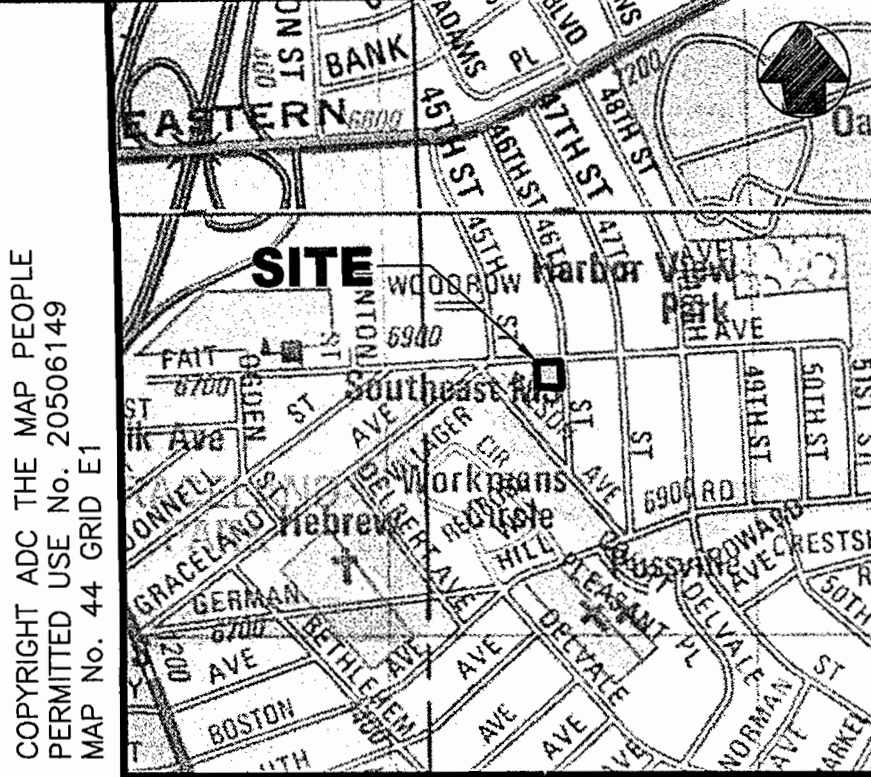
SPECIAL HEARING:

1. TO CONFIRM PREVIOUS APPROVALS GRANTED THROUGH CASE NO. 76-126-SPH SATISFY THE CURRENT PARKING REQUIREMENTS FOR THE CURRENTLY EXISTING BUILDING,
2. TO CONFIRM PREVIOUS APPROVALS GRANTED THROUGH CASE NO. 76-126-SPH ALLOWS A COMMERCIAL USE WITHIN A RESIDENTIAL ZONE OR,
3. IN THE ALTERNATIVE TO PERMIT PART OF AN EXISTING COMMERCIAL BUILDING WITHIN A RESIDENTIAL ZONE.

LEGEND

- EX. PROPERTY LINE
- EX. BUILDING
- EX. CURB & GUTTER
- PROP. CURB & GUTTER
- EX. Y" SAN.
- EX. Y" S.D.
- EX. Y" W.
- EX. OVERHEAD ELEC.
- EX. FIRE HYDRANT
- EX. SITE ACCESS
- EX. ROAD CENTERLINE
- EX. SANITARY
- EX. STORM DRAIN
- EX. WATER

PETITIONER'S
EXHIBIT NO. 1



VICINITY MAP

SCALE: 1"=1000'

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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**PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES,
SPECIAL EXCEPTION, AND SPECIAL HEARING**

**6915 FAIT AVENUE
BALTIMORE, MARYLAND**

12th ELECTION DISTRICT BALTIMORE COUNTY 7th COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.: 15554
		SCALE: 1" = 20'
		DATE: 11/16/07
		DRAWN BY: MAB
		DESIGN BY: MAB
		REVIEW BY: MAB
		SHEET: 1 OF 1