

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

N side of Cockeysville Road, 345 feet W
of York Road
8th Election District
3rd Councilmanic District
(10810 York Road)

SS&H II, LLC, By John Koutrakos
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

Case No. 08-413-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 John Koutrakos on behalf of SS&H II, LLC (Parcel 1B), Spartan Foods, Inc. (Parcels 1A and 1C), and the Maryland Department of Transportation, Mass Transit Administration (MTA) (Parcel 2), the legal owners of the subject properties. The Special Hearing request was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), utilizing all previously granted zoning relief, to permit a modified parking plan and modified parking requirements for these contiguous uses and parcels pursuant to Sections 409.12.B and 409.8.B.1 of the B.C.Z.R.; and to approve an amendment to the site plan in Case No. 99-301-X consistent with the relief requested and site plan to accompany this Petition. The Variance is in the alternative in the event the modified parking plan is not approved as part of the Special Hearing request, and requests relief from Section 409.6.A.2 of the B.C.Z.R. to permit the existing configuration and total of 85 parking spaces as depicted on the mixed-use, adjusted parking requirements shown on the site plan in lieu of the 131 parking spaces required. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

INDEX RECEIVED FOR FILING
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Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Petitioner John Koutrakos on behalf of SS&H II, LLC and Spartan Foods, Inc., and his attorney, Howard L. Alderman, Jr., Esquire. Also appearing in support of the requested relief was Geoffrey C. Schultz with McKee & Associates, Inc., the professional land surveyor 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 properties (Parcels 1A, 1B, 1C, and 2) are irregular-shaped and consist of approximately 1.12 acres, more or less. The property owned by Petitioner (Parcels 1A, 1B, and 1C) consists of approximately .93 acre and is zoned B.L.-A.S. The property owned by the MTA (Parcel 2) consists of approximately .19 acre and is zoned B.L.-A.S. and B.M.-A.S. The property at issue in this case primarily involves Petitioner's property (Parcels 1A, 1B, and 1C) and is located at the northwest corner of York Road and Cockeysville Road in the Cockeysville area of Baltimore County. The MTA's property (Parcel 2) has peripheral relevance because the MTA and Petitioner have a long term lease and licensure agreement for Petitioner to use parking on the property.

Petitioner's property is improved with three buildings labeled on the site plan as Buildings A, B, and C. Building A is a one-story masonry building with a basement and is located primarily on Parcel 1B at the southeast corner facing York Road, with a very small portion of the building on Parcel 1A. The first floor (with an area of 2,700 square feet) is currently used as a restaurant and the basement (with an area of 2,592 square feet) is used for storage. Building B is also a one-story masonry building with a basement and is located on the east side of Parcel 1B facing York Road. The first floor (with an area of 8,167 square feet) is currently used for retail and the basement (with an area of 8,264 square feet) is used as a warehouse. There is a small area of open

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space between Buildings A and B. Building C is a three-story frame building located on Parcel 1C. The first floor (with an area of 1,381 square feet) is used for retail and the second floor (with an area of 869 square feet) is used as an apartment.

Petitioner desires to expand the restaurant use on the property beyond Building A and into part of Building B. In particular, Petitioner wishes to utilize 3,190 square feet of the first floor of Building B for restaurant use. This is a permitted use in the B.L.-A.S. zone; however, the proposed restaurant use changes the overall parking requirements for the site and necessitates special hearing relief for approval of a modified parking plan. In the alternative, Petitioner requests a variance in the number of parking spaces required. In addition, Petitioner requests an amendment of the site plan in previous zoning Case No. 99-301-X in order to specifically abandon the special exception use that was granted in that case for an automotive service garage. A copy of that decision was marked and accepted into evidence as Petitioner's Exhibit 3.

As to the modified parking plan, further evidence revealed that for the current mixed uses on the property, there are 68 parking spaces on the subject property and 17 spaces on the adjacent property owned by the MTA and leased by Petitioner, for a total of 85 spaces. The 17 spaces on the MTA property are within 500 feet walking distance of the building entrance to the use that such spaces serve in accordance with Section 409.7.B.1 of the B.C.Z.R. As indicated by Petitioner and reviewed and verified by Petitioner's consultant, Mr. Schultz, the current parking configuration and allotment of spaces is more than adequate to support the current restaurant, retail, and storage uses. As indicated on the Site Tabulation of the site plan, the expansion of the current restaurant use from 2,700 square feet to 5,890 square feet (and the attendant reduction in retail use from 9,548 square feet to 6,358 square feet) requires a total of 131 spaces, with the existing 85 parking spaces provided. Mr. Schultz indicated he is very familiar with the site and

~~NOT FOR PUBLIC~~
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has visited the site on numerous occasions. The uses will be a mix of primarily restaurant and retail (antiques) and based on his expertise, he sees this as an overlapping of uses for parking purposes. Specifically, he indicated that although some customers will patronize the restaurant and shopping area separately, very often, customers that visit the property will patronize both the retail area and the restaurant all at once. As a practical matter, this overlapping of uses will reduce the actual number of parking spaces required to support these uses. In addition, there is available street parking on York Road along the front of Buildings A and B. In his opinion, Mr. Schultz believes the number of parking spaces provided will be sufficient to meet the needs of the uses and the modified parking plan as shown on the site plan meets the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R.

As to the alternative request for variance, the evidence revealed that the property has a number of unusual characteristics, including that it is irregular-shaped and has existing topographical constraints as shown on the site plan. In addition, the buildings located on the property are existing and have been so for a number of years, and Petitioner emphasizes that there are no new uses proposed for the property that are not permitted by the zoning regulations. Moreover, the area where the subject property is located is a heavily commercial corridor with mixed uses of retail, fast-food, carryout, and dine-in restaurants, banks, fuel service stations, carwashes, and automotive service garages. Finally, the relief requested is completely internal to the subject property and has no effect or impact on adjacent or nearby properties.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated March 25, 2008 which indicates that the property must comply with the Forest Conservation Regulations.

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In regard to the requested special hearing, based on the testimony and evidence, I am persuaded to grant the relief and permit a modified parking plan and modified parking requirements for the planned uses on these contiguous parcels. It is evident that the current parking configuration is sufficient to meet the needs of the primarily restaurant and retail uses of the property. In my judgment, the additional restaurant use and reduced retail use will have no appreciable effect on the parking needs for these uses, and having heard no evidence to the contrary, I shall grant the special hearing relief. I shall also grant the special hearing relief to approve an amendment to the site plan in Case No. 99-301-X to specifically abandon the special exception use in Building C for an automotive service garage previously granted in that case. According to Petitioner, after obtaining the special exception, the relief was never utilized and remained as first floor retail and a second floor apartment. Although the ability to utilize the special exception from the previous case has likely expired in any event, I shall nonetheless grant the special hearing to amend the site plan in Case No. 99-301-X.

In regard to the request for variance, in granting the special hearing relief, the variance is now rendered moot; however, in assessing this request and the testimony and evidence presented, if I were to consider this case under the variance standard, I would find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In particular, the irregular shape, the topographical constraints on the property, and the fact that the relief requested is to legitimize existing conditions leads me to find the property unique in a zoning sense. I also find that the imposition of zoning on this property would disproportionately impact the subject property as compared with other properties in the area, and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I am persuaded that the variance relief could be

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granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare. Hence, I would grant the variance relief if not for the granting of the special hearing relief.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special hearing requests should be granted with conditions and that the variance request should be dismissed as moot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 27th day of June, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), utilizing all previously granted zoning relief, to permit a modified parking plan and modified parking requirements for these contiguous uses and parcels pursuant to Sections 409.12.B and 409.8.B.1 of the B.C.Z.R.; and to approve an amendment to the site plan in Case No. 99-301-X consistent with the relief requested and site plan to accompany this Petition be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's alternative request for Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing configuration and total of 85 parking spaces as depicted on the mixed-use, adjusted parking requirements shown on the Plat to Accompany these Petitions in lieu of the 131 parking spaces required is hereby DISMISSED as moot.

The relief granted herein is subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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 will be required to return, and be responsible for returning, said property to its original condition.

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6-27-08
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2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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



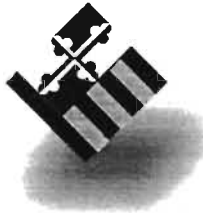
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

 6-27-08



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 27, 2008

HOWARD ALDERMAN JR., ESQUIRE
LEVIN & GANN
502 WASHINGTON AVENUE, 8TH FLOOR
TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 08-0413-SPHA
Property: 10810 York Road

Dear Mr. Alderman:

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: Geoffrey Schultz, Mckee & Associates, Inc., 5 Shawan Road Suite 1, Cockeysville MD 21030
John Koutrakos, SS&H II, LLC and Spartan Foods, Inc., 10810 York Road, Cockeysville MD 21030



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10810 York Road, et al [see attached]
which is presently zoned BL-AS [see attached]

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

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

NONE

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA

Company

502 Washington Avenue, Suite 800

410-321-0600

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

SS&H II, LLC

Name - Type or Print

By:

Signature

[SEE ATTACHED]

Name - Type or Print

Signature

10810 YORK ROAD

410-666-3838

Address

Telephone No.

Cockeysville

MD

21030

State

Zip Code

Representative to be Contacted:

Geoffrey C. Schultz, PLS McKee & Associates, Inc.

Name

5 Shawan Road, Suite 1

410-527-1555

Address

Telephone No.

Cockeysville

MD

21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-413-SHA

Reviewed By J. Lee

Date

3-5-08

REV 9/15/98

FORWARDED FOR [unclear]

6-27-08

[initials]

ATTACHMENT
PETITION FOR SPECIAL HEARING

CASE NO: 08- -SPHA

ATTACHMENT SHEET 1 OF 2

Parcel 1B:

Owner: SS&H II, LLC

Address: 10810 Cockeysville Road

Signature on Petition

Zoning: BL-AS

Parcels 1A & 1C:

Owner: Spartan Foods, Inc.
10810 York Road
Cockeysville, MD 21030

Address: 10800 Cockeysville Road
14 Cockeysville Road
16 Cockeysville Road

By:


JOHN KOUTRAKOS
[PRINTED/TYPED NAME]

Zoning: BL-AS

Parcel 2:

Owner: Mass Transit Administration
Maryland Department of Transportation
Office of Real Estate
6 Saint Paul Street, 3rd Floor
Baltimore, MD 21202

[p/o Railroad Avenue]

See Attached Letter

Zoning: ML-IM

ATTACHMENT
PETITION FOR SPECIAL HEARING

CASE NO: 08- -SPHA

ATTACHMENT SHEET 2 OF 2

REQUESTED RELIEF:

"why the Zoning Commissioner should," utilizing all previously granted zoning relief, [1] approve, pursuant to BCZR §§409.12.B and 409.8.B.1, a modified parking plan and modified parking requirements for these contiguous uses and parcels; **and** [2] approve an amendment to the site plan in Case No. 99-301-X consistent with the relief requested and site plan to accompany this Petition; **and** [3] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10810 York Road, et al [See Attached]

which is presently zoned BL-AS [See Attached]

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

SEE ATTACHED

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

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

NONE

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue 410-321-0600

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

SS&H II, LLC

Name - Type or Print

By:

Signature

[SEE ATTACHED]

Name - Type or Print

Signature

10810 York Road

410-666-3838

Address

Telephone No.

Cockeysville

MD

21030

State

Zip Code

Representative to be Contacted:

Geoffrey C. Schultz, PLS

McKee & Associates, Inc.

Name

5 Shawan Road, Suite 1

410-527-1555

Address

Telephone No.

Cockeysville

MD

21030

City

State

Zip Code

OFFICE USE ONLY

Case No. 08-413-SPHA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

REV 9/15/98

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**ATTACHMENT
PETITION FOR VARIANCE**

CASE NO: 08- -SPHA

ATTACHMENT SHEET 1 OF 2

Parcel 1B:

Owner: SS&H II, LLC

Address: 10810 Cockeysville Road

Signature on Petition

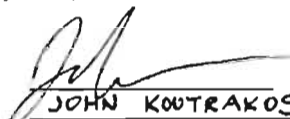
Zoning: BL-AS

Parcels 1A & 1C:

Owner: Spartan Foods, Inc.
10810 York Road
Cockeysville, MD 21030

Address: 10800 Cockeysville Road
14 Cockeysville Road
16 Cockeysville Road

By:


JOHN KOUTRAKOS
[PRINTED/TYPED NAME]

Zoning: BL-AS

Parcel 2:

Owner: Mass Transit Administration
Maryland Department of Transportation
Office of Real Estate
6 Saint Paul Street, 3rd Floor
Baltimore, MD 21202

[p/o Railroad Avenue]

See Attached Letter

Zoning: ML-IM

**ATTACHMENT
PETITION FOR VARIANCE**

CASE NO: 08- -SPHA

ATTACHMENT SHEET 2 OF 2

Variance Relief Requested:

If the modified parking plan is not approved as part of the Special Hearing Petition filed herewith: [1] from BCZR § 409.6A.2 to permit the existing configuration and total of 85 parking spaces as depicted on the mixed-use, adjusted parking requirements shown on the Plat to Accompany these Petitions in lieu of the 131 parking spaces required; **and** [2] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

Justification:

- existing topography of the subject property;
- irregular shape of existing lot;
- all spaces are in existence;
- configuration of existing improvements; and
- such further justification as will be presented at the time of the hearing on this Petition.

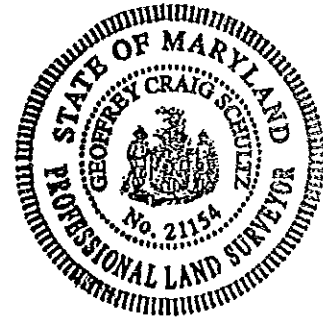
FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

(410) 321-0600
Fax: (410) 296-2801

McKEE & ASSOCIATES, INC.*Engineering • Surveying • Environmental Planning
Real Estate Development*

February 19, 2008

Zoning Description of
Parcel 1Koutrakos Property
York Road and Cockeysville Road
8th Election District
3rd Councilmanic District
Baltimore County, MD.

A handwritten signature in black ink, appearing to read "GCS", written over the seal.

Beginning at the intersection of the West side of York Road and the North side of Cockeysville Road, thence running along the North side of Cockeysville Road the six (6) following courses and distances,

1. S27-06-30W 19.17 feet,
2. S71-38-41W 21.47 feet,
3. N78-17-55W 13.26 feet,
4. N70-57-19W 87.74 feet,
5. N71-50-47W 42.20 feet, and
6. N67-59-02W 72.64 feet, thence running
7. N06-07-58E 141.67 feet and
8. N80-45-59E 159.31 feet to the West side of York Road, thence running along the West side of York Road the three (3) following courses and distances
9. S18-14-23E 174.86 feet,
10. S71-04-53W 7.77 feet, and
11. by a curve to the let, having a radius of 3244.01 feet and an arc length of 46.64 feet to the place of beginning.

Containing 0.93 acres of land more or less as recorded in deeds 13452/109, 15875/675, 7794/172, and 7795/458.

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

February 19, 2008

Zoning Description of
Parcel 2
Koutrakos Property
Cockeysville Road
8th Election District
3rd Councilmanic District
Baltimore County, MD.



A handwritten signature in black ink, appearing to read "GCS", written over the bottom right portion of the surveyor's seal.

Beginning at a point on the North side of Cockeysville Road, said point being located 345 feet West of the west side of York Road, thence running along the North side of Cockeysville Road

1. N 67-59-02W 22.15 feet, thence
2. N03-24-47W 68.60 feet, thence
3. by a curve to the right, having a radius of 2858.79 feet and an arc length of 300.82 feet, thence
4. S87-23-02E 27.00 feet, thence
5. by a curve to the left, having a radius of 2831.79 feet and an arc length of 115.94 feet, thence
6. N89-43-47W 7.00 feet, thence
7. by a curve to the left, having a radius of 2838.79 feet and an arc length of 182.49 feet,
8. thence S03-24-47E 78.11 feet to the place of beginning.

Containing 0.19 acres more or less as recorded in deed 8506/ 307.

**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: _____

413

Petitioner: _____

SS & H II LLC

Address or Location: _____

10810 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

JOHN KOUTRAKOS

Address: _____

10810 YORK ROAD

COCKEYSVILLE, MD 21030

Telephone Number: _____

410-666-3838

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 1123

Date: 03-05-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			0150				655.00

Total: 655.00

Rec

From:

PHETAN FOODS

For:

CD-413 SPHA

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: #08-413-SPHA

10610 York Road

N/side of Cockeysville Road, 345 feet west of York Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): SS & H II, LLC, Spartan Foods, Inc.

& Mass Transit Administration

Special Hearing: for a modified parking plan and modified parking requirements for these contiguous uses and parcels; and approve an amendment to the site plan in Case 99-301-X consistent with the relief requested and site plan to accompany this Petition. **Variance:** to permit the existing configuration and total of 85 parking spaces as depicted on the mixed-use, adjusted parking requirements shown on the Plat to accompany these Petitions in lieu of the 131 parking spaces required.

Hearing: Tuesday, May 13, 2008 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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 4/827 April22

170899

CERTIFICATE OF PUBLICATION

4/24/2008

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 4/22/2008.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: April 21, 2008
MAI Job No : 07-231

Attention: Mr. Timothy Kotroco / Ms. Kristen Matthews
RE:Case Number : 08-413-SPHA

Petitioner/Developer: SS&H II, LLC, Spartan Foods Inc. & Mass Transit Administration

Date of Hearing/Closing: Tues. May 13, 2008, 9:00 am

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 10810 York Road

The sign(s) were posted on

April 21, 2008

(Month, Day, Year)



(Signature of Sign Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.

5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

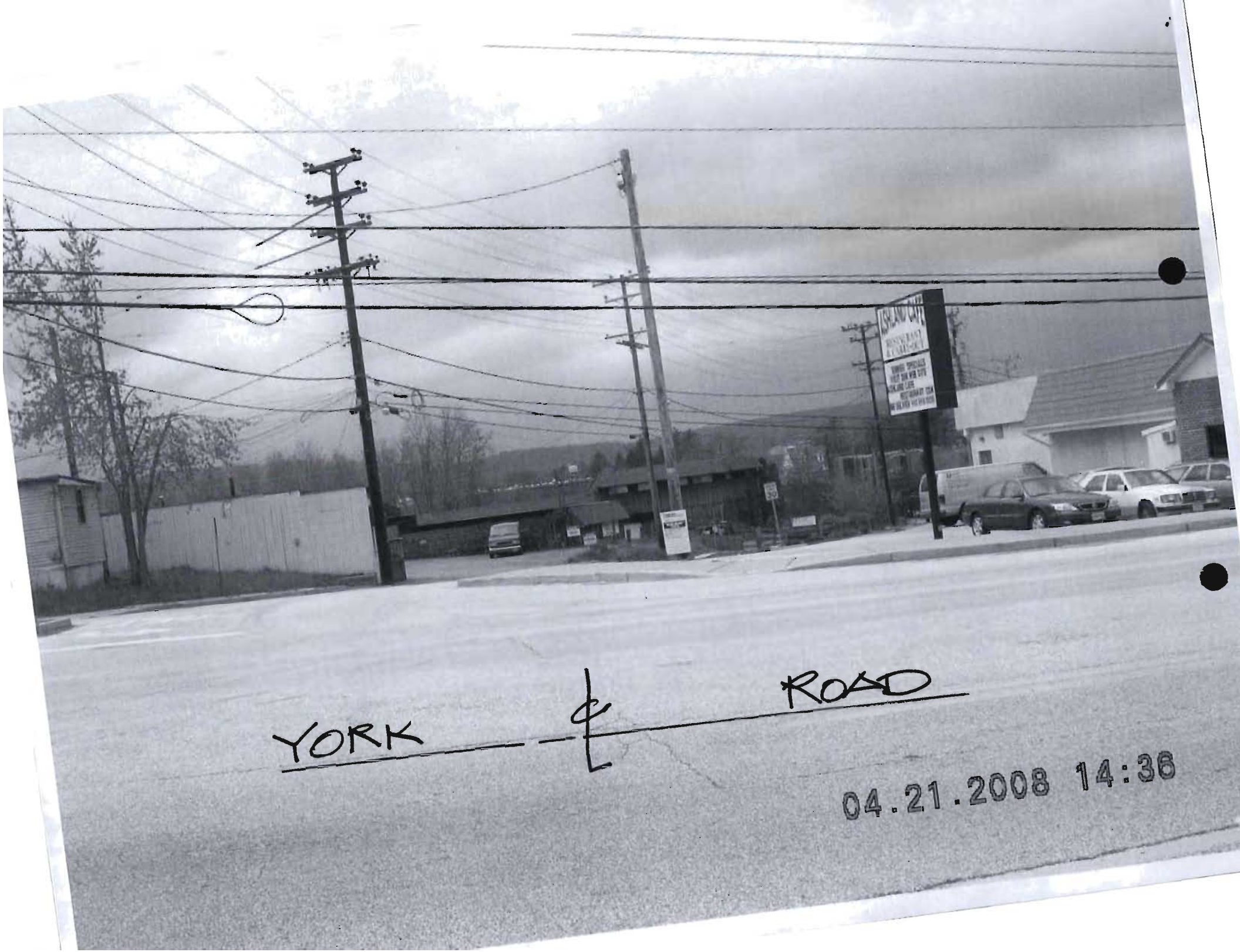
(City, State, Zip Code of Sign Poster)

(410) 527-1555

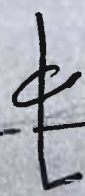
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

SEE
**ATTACH PHOTOGRAPH
OF
SIGN POSTED ON
PROPERTY**



YORK



ROAD

04.21.2008 14:36

ASHLAND CAFE
RESTAURANT
& CARRY-OUT
DINNER SPECIALS
VISIT OUR WEB SITE
ASHLAND CAFE
RESTAURANT.COM
WE DELIVER 410 866 3838

ZONING
PROHIBITED
BY
LOCAL ORDINANCE

COCKEYSVILLE ROAD



04.21.2008 14:35

ZONING NOTICE

CASE # 08-413-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE. ROOM 106
PLACE: TOWSON, MD 21204

TUESDAY
DATE AND TIME: MAY 13, 2008 @ 9:00 AM

REQUEST: SPECIAL HEARING
AND VARIANCE

Special Hearing for a modified parking plan and modified parking requirements for these contiguous uses and parcels, and approve an amendment to the site plan in Case 08-301-X consistent with the relief requested and site plan to accompany this Petition. Varying to permit the existing configuration and total of 85 parking spaces as depicted on the mixed-use, adjusted parking requirements shown on the Plan to accompany these Petitions in lieu of the 131 parking spaces required.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3397

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

04.21.2008 14:37



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 19, 2008
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: 08-413-SPHA

10810 York Road

N/side of Cockeysville Road, 345 feet west of York Road

8th Election District - 3rd Councilmanic District

Legal Owners: SS & H II, LLC, Spartan Foods, Inc & Mass Transit Administration

Special Hearing for a modified parking plan and modified parking requirements for these contiguous uses and parcels; and approve an amendment to the site plan in Case 99-301-X consistent with the relief requested and site plan to accompany this Petition. Variance to permit the existing configuration and total of 85 parking spaces as depicted on the mixed-use, adjusted parking requirements shown on the Plat to accompany these Petitions in lieu of the 131 parking spaces required.

Hearing: Tuesday, May 13, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
SS & H II, LLC, 10810 Cockeysville Road, Cockeysville 21030
Spartan Foods, Inc., 10800 Cockeysville Road, Cockeysville 21030
Mass Transit Administration, Office of Real Estate, 6 Saint Paul St., 3rd Fl., Baltimore 21202
Geoffrey Schultz, McKee & Assoc., 5 Shawan Road, Ste. 1, Cockeysville 21030

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

Please forward billing to:
John Koutrakos
10810 York Road
Cockeysville, MD 21030

410-666-3838

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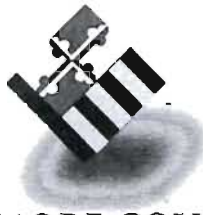
Hearing: Tuesday, May 13, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



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

May 8, 2008

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

Dear Mr. Alderman:

RE: Case Number: 08-413-SPHA, 10810 York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 5, 2008. 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
SS & H II, LLC 10810 York Road Cockeysville 21030
Spartan Foods, Inc. 10800 York Road Cockeysville 21030
Mass Transit Administration Office of Real Estate 6 Saint Paul Street, 3rd Floor Baltimore 21202
Geoffrey Schultz McKee & Associates 5 Shawan Road, Suite 1 Cockeysville 21030

T13 5/13
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 24, 2008

RECEIVED
APR 01 2008

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

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-413- Special Hearing and Variance**

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

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

Prepared By:

Curtis Murray

Division Chief:

Lynn Zucker

CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 17 2008
Item Nos. 08-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 400,403,404,405,406,407,409,410,411,412, 413, 414,415,416 and 417

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.

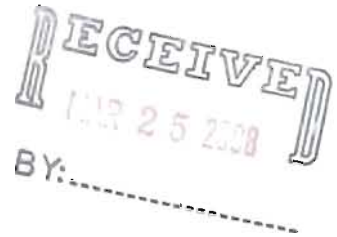
Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File

TB 513
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

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

DATE: March 25, 2008

SUBJECT: Zoning Item # 08-413-SPH
Address 10810 York Road
Koutrakos Property

Zoning Advisory Committee Meeting of March 10, 2008

_____ 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).

 X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ 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:

Reviewer: Glenn Shaffer

Date: March 17, 2008



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: MARCH 12, 2008

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

RE: Baltimore County
Item No. 8-413-SPHA
10810 YORK ROAD
KONTRAKOS 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. 8-413-SPHA.

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

Very truly yours,

Steven D. Foster, Chief
For Engineering Access Permits
Division

SDF/MB

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
10810 York Road; N/S Cockeysville Road,	*	ZONING COMMISSIONER
345' W York Road		
8 th Election & 3 rd Councilmanic Districts	*	FOR
Legal Owner(s): SS&H II, LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	08-413-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.

RECEIVED
 APR 11 2008
 Per _____

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
 Deputy People's Counsel
 Jefferson Building, Room 204
 105 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

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

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

June 11, 2009

HAND DELIVERED

Thomas H. Bostwick, Deputy Zoning Commissioner
Baltimore County Hearing Officer
The Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

JUN 11 2009

ZONING COMMISSIONER

RE: Koutrakos Properties
10810 York Road

Dear Mr. Bostwick:

Approximately one year ago I had the pleasure of appearing before you in representation of the property owner in the above-referenced case. The principal relief sought was approval of a modified parking plan, for continuance of all existing uses and an expansion of the restaurant use into the first floor of Building "B" as shown on Petitioners' Exhibit No. 1, the zoning site plan.

The existing and expanded restaurant uses were described as follows: Restaurant = 5890 sq. ft., Retail = 6358 sq. ft., Warehouse = 8264 sq. ft., Storage = 2592 sq. ft., Apartment = 869 sq. ft. The parking requirements set out in the Baltimore County Zoning Regulations for those uses were described as: Restaurant = 95 spaces, Retail = 32 spaces, Warehouse = 2 spaces, Storage = 0 spaces and Apartment = 2 spaces, for a combined total of 131 spaces. You approved a modified parking plan for the 85 existing parking spaces in lieu of the 131 spaces required.

After nearly one year following the approval, our client has determined that the 3,190 sq. ft. restaurant use approved for Building "B" is not working. Our client seeks to restore Building "B" to its prior use of retail and warehouse and utilize a portion of the smaller patio area between Buildings "A" and "B" for an outdoor café (restaurant use for parking calculations) comprised of 2,187 sq. ft.

The revised configuration of uses is shown on the enclosed highlighted copy of Petitioners' Exhibit No. 1 from the prior hearing. Those uses are as follows: Restaurant (incl. the Patio area) = 4887 sq. ft., Retail = 9548 sq. ft., Warehouse = 8264 sq. ft., Storage = 2592 sq. ft., Apartment = 869 sq. ft. Based on the reconfiguration of restaurant and retail uses, the BCZR parking requirements are: Restaurant (incl. the Patio area) = 79 spaces, Retail = 48 spaces, Warehouse = 2 spaces, Storage = 0 spaces and Apartment = 2 spaces, for an unchanged, combined total of 131

Thomas H. Bostwick, Deputy Zoning Commissioner
June 11, 2009
Page 2

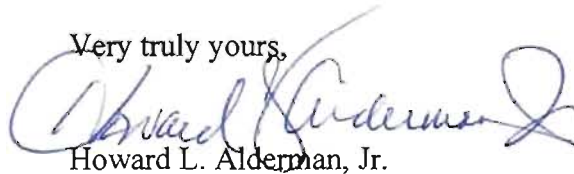
spaces. There will be no change to the 85 available parking spaces approved on the modified parking plan.

Given that the parking requirements for the reconfigured and other uses remain the same and do not alter the parking relief approved by you last year, we are seeking a determination by you that the reconfigured uses are within the spirit and intent of the Order which you signed (a copy is enclosed for your use). You will note that the variance relief, prayed in the alternative, was dismissed as moot following your approval of the modified parking plan.

The outdoor café use was suggested by numerous patrons as they crossed the patio to be seated in the auxiliary restaurant space in Building "B". Although the overall space devoted to restaurant use will be less than that previously approved by you, our client believes that it will be more useable, desirable space.

Should you need any additional information in this regard, please do not hesitate to contact me.

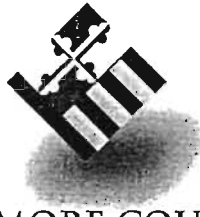
Very truly yours,

A handwritten signature in blue ink, appearing to read "Howard L. Alderman, Jr.", is written over the typed name.

Howard L. Alderman, Jr.

HLA/gk
Enclosures (2)
c (w/out encl.):

Mr. John Koutrakos
Geoffrey C. Schultz, PLS



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 26, 2009

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

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

Re: Petitions for Special Hearing and Variance
Case No. 2008-0413-SPHA
Property: 10810 York Road

Dear Mr. Alderman:

I am in receipt of your letter dated June 11, 2009 and attachments concerning the above-referenced matter. In this matter, your client had originally requested special hearing relief (and alternatively variance relief) to essentially permit a modified parking plan and modified parking requirements for the uses and parcels that comprise the subject property. In particular, your client requested approval of a plan for 85 parking spaces in lieu of the 131 spaces required. The special hearing relief was granted pursuant to my Order dated June 27, 2008.

In your letter, you indicate that at this juncture, some of the uses on the subject property have changed slightly. The warehouse, storage, and apartment uses and square footage have remained the same; however, the restaurant and retail areas have been altered. Rather than utilizing a portion of Building "B" for restaurant use, your client has found the open patio area between Buildings "A" and "B" to be attractive to patrons dining there. As a result, the overall restaurant area, including the use of the patio, has been reduced from a planned 6,358 square feet to 4,887 square feet, and the retail area has been increased from 8,264 square feet to 9,548 square feet. According to your letter and the redlined site plan, these changes in use have not altered the 131 space parking requirement, nor the 85 available parking spaces approved in my Order. As such, you have requested a determination that the reconfigured uses are within the spirit and intent of my Order.

After reviewing your letter, the accompanying redlined site plan showing the changes, my June 27, 2008 Order, and the Zoning Advisory Committee (ZAC) comments, in my judgment the reconfigured uses are within the spirit and intent of my previous Order. While some of the square footage has changed vis-à-vis the restaurant and retail uses, the overall parking requirements and parking allocations have not. Hence, I believe the redlined site plan is within the spirit and intent of my Order.

Howard L. Alderman, Jr., Esquire
June 26, 2009
Page 2

If you have any further questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick", written in a cursive style.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw

CASE NAME 0810 YORK RD
CASE NUMBER 08-413-SPH-17
DATE 13 MAY 08

[illegible]

Case No.: 08-413-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	letter from MTA with supporter was objection to Pet.	
No. 3	prev case 99-301-X	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
John D. Porcari, Secretary • Paul J. Wiedefeld, Administrator

Sent via Certified Mail
Return Response Requested

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

Subject: ***Zoning Applications***
Ashland Café Management, LLC
Cockeysville, Baltimore County MD

Dear Mr. Alderman:

As you know on May 25, 2006, the Maryland Transit Administration (MTA) and Ashland Café Management, LLC entered into a *License Agreement* that allows Ashland to utilize a portion of MTA's railroad right-of-way for the sole purpose of customer parking. The subject area begins at Cockeysville Road and extends north for a total area of 8,275 square feet or 0.190 acre of land. The initial term of the agreement ends on May 25, 2011 and in the absence of notice of termination, the agreement will automatically renew for successive one-year periods.

The request from you on behalf of Ashland Café Management, LLC for MTA to sign the *Petition of Variance and Petition for Special Hearing* to the Zoning Commissioner of Baltimore County is received and has been reviewed by the Office of the Attorney General. Please accept this letter as MTA's statement that it neither opposes nor concurs with either *Petition* submission by Ashland to the Zoning Commissioner of Baltimore County.

Should you have questions regarding this response, please contact me at 410-767-3698 or e-mail at gfabula@mtamaryland.com

Sincerely,

George E. Fabula, Jr.
Acting Manager
Office of Real Estate

PETITIONER'S

EXHIBIT NO. 12

cc: Fletcher Hamilton, Director, Light Rail Operations, MTA
Robert Pollock, Assistant Attorney General, MTA
Stephen Silva, Assistant Deputy Administrator, Office of Engineering, MTA

IN RE: PETITION FOR SPECIAL EXCEPTION
N/S Cockeysville Road, 200' W of the c/l
Of York Road
(14-16 Cockeysville Road)
8th Election District
3rd Councilmanic District

Spartan Foods, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-301-X
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Spartan Foods, Inc., by John Koutrakos, President, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special exception to permit an automobile service garage on the subject property, in accordance with the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John Koutrakos, President of Spartan Foods, Inc., owners of the subject property, Geoffrey Schultz, Professional Engineer with McKee & Associates, Inc., who prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present

Testimony and evidence presented revealed that the subject property consists of a gross area of 9,160 sq.ft., zoned B.L.-A.S., and is currently improved with a two-story office building. The Petitioner is desirous of razing the existing building and replacing same with a new two-story structure, the first floor of which will house an automotive service garage, and the second floor will contain general office space. No variances are necessary in that the Petitioners have satisfied

PETITIONER'S

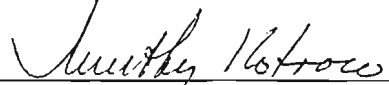
EXHIBIT NO.

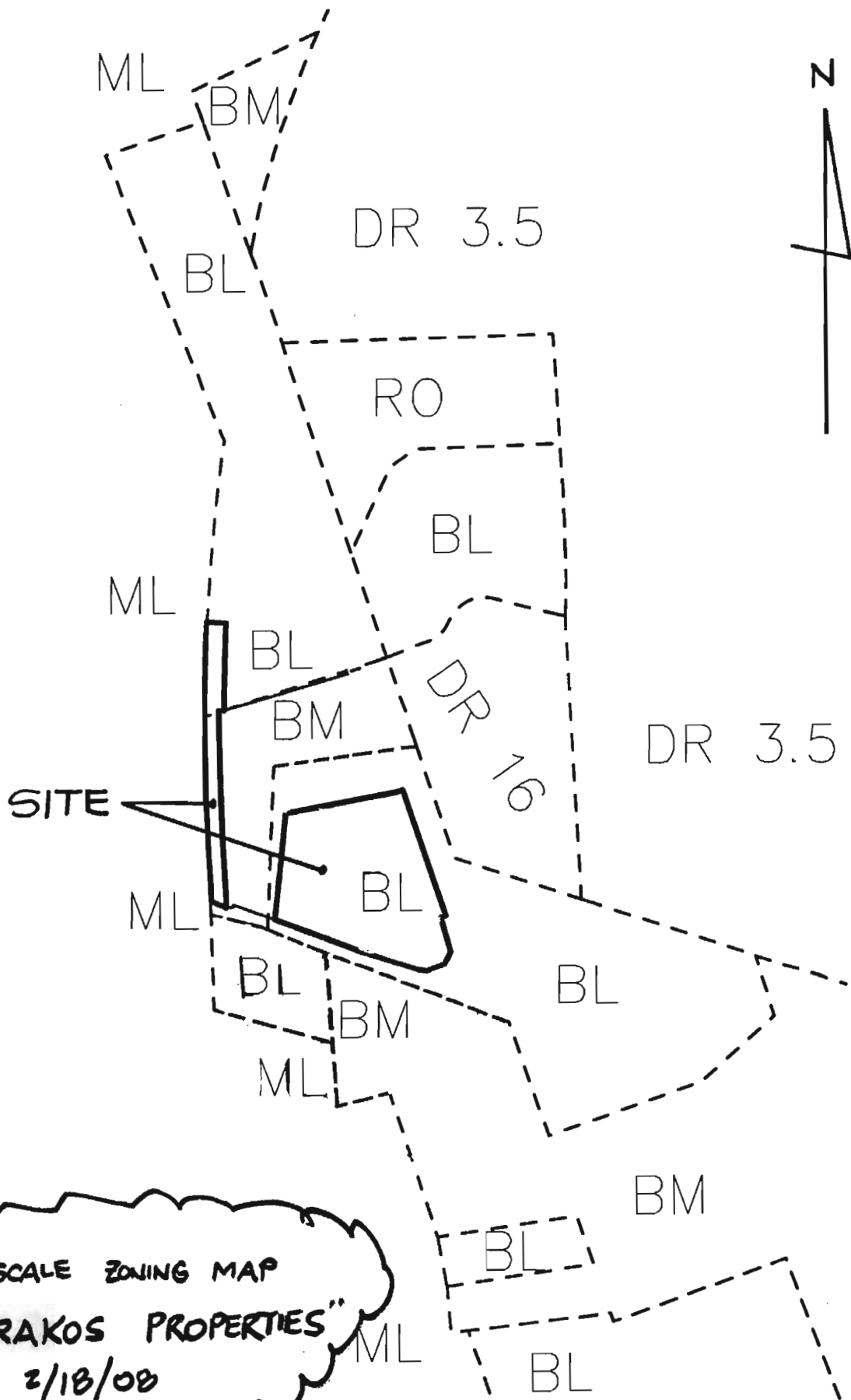
3

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of April, 1999 that the Petition for Special Exception to permit an automobile service garage on the subject property, in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall submit building elevation drawings showing the design and appearance of the proposed building to the Office of Planning for review and approval prior to the issuance of any building permits.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



GENERAL NOTES

1. COUNCILMANIC DISTRICT: 3RD
2. ELECTION DISTRICT: 8TH
3. 200 SCALE ZONING MAP: 42B3
4. ANY PROPOSED SIGN MUST COMPLY WITH ALL APPLICABLE ZONING REGULATIONS
5. THIS PROPERTY IS NOT HISTORIC
6. THIS PROPERTY IS NOT IN THE CBGA
7. THIS SITE IS SERVED BY PUBLIC WATER AND SEWERAGE SYSTEMS.
8. THERE ARE NO STREAMS, WETLANDS, OR STORM WATER MANAGEMENT SYSTEMS ON OR WITHIN 50 FEET OF THIS SITE.
9. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
10. PREVIOUS ZONING HEARING- CASE NO. 99-301-X SPECIAL EXEMPTION APPROVED FOR PARCEL 3 (14-16 COCKEYSVILLE ROAD) TO PERMIT AN AUTOMOBILE SERVICE GARAGE IN A BL-AS ZONE (DATE OF ORDER- APRIL 7, 1999)
11. ALL BUILDINGS AND PARKING AREAS SHOWN ON THIS SITE ARE EXISTING.
12. ALL PARKING SPACES ARE A MINIMUM OF 8 1/2 FEET WIDE BY 18 FEET DEEP.
13. ALL PARKING SPACES ARE TO BE STRIPED.

OWNERSHIP INFORMATION

- PARCEL 1A**
OWNER- SPARTAN FOODS, INC.
TAX MAP 42-GRID 22-PARCEL 198
ACCT. NO. 18-00-007805
DEED REF. 13452/109
- PARCEL 1B**
OWNER- SS&H II, LLC
TAX MAP 42-GRID 22-PARCEL 207
ACCT. NO. 08-07-048050
DEED REF. 15875/675
- PARCEL 1C**
OWNER- SPARTAN FOODS, INC.
TAX MAP 42-GRID 22-PARCELS 214 & 215
ACCT. NOS. (P.214) 08-20-030325
(P.215) 08-20-030726
DEED REF. (P.214) 7794/172
(P.215) 7795/458
- PARCEL 2**
OWNER- MASS TRANSIT ADMINISTRATION
TAX MAP 51-GRID 16-PARCEL 662
ACCT. NO. 08-14-065360
DEED REF. 8506/307

SITE TABULATION

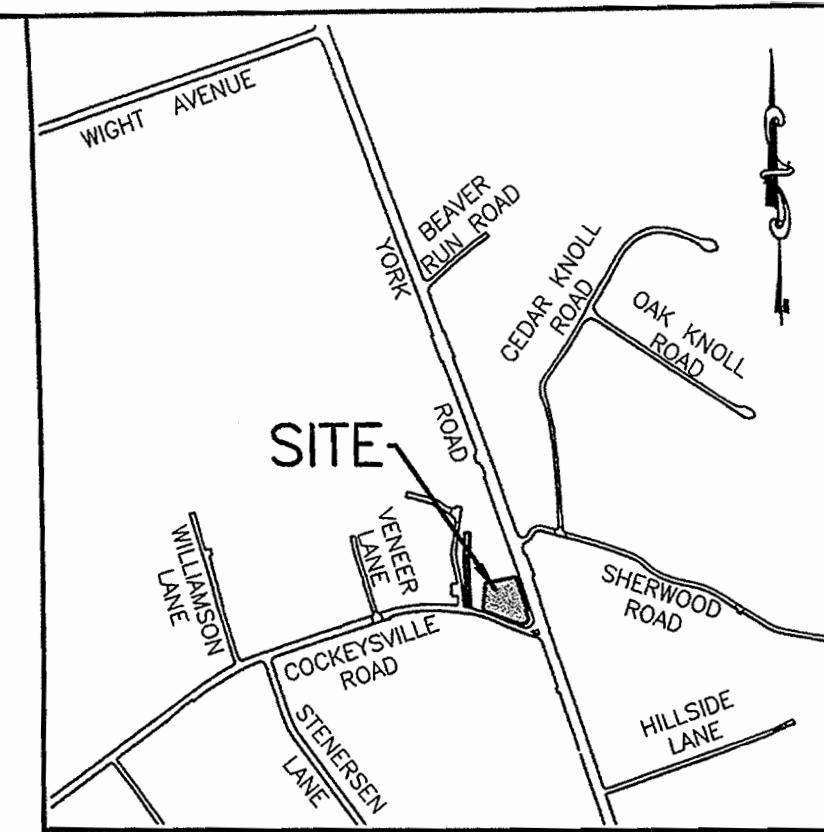
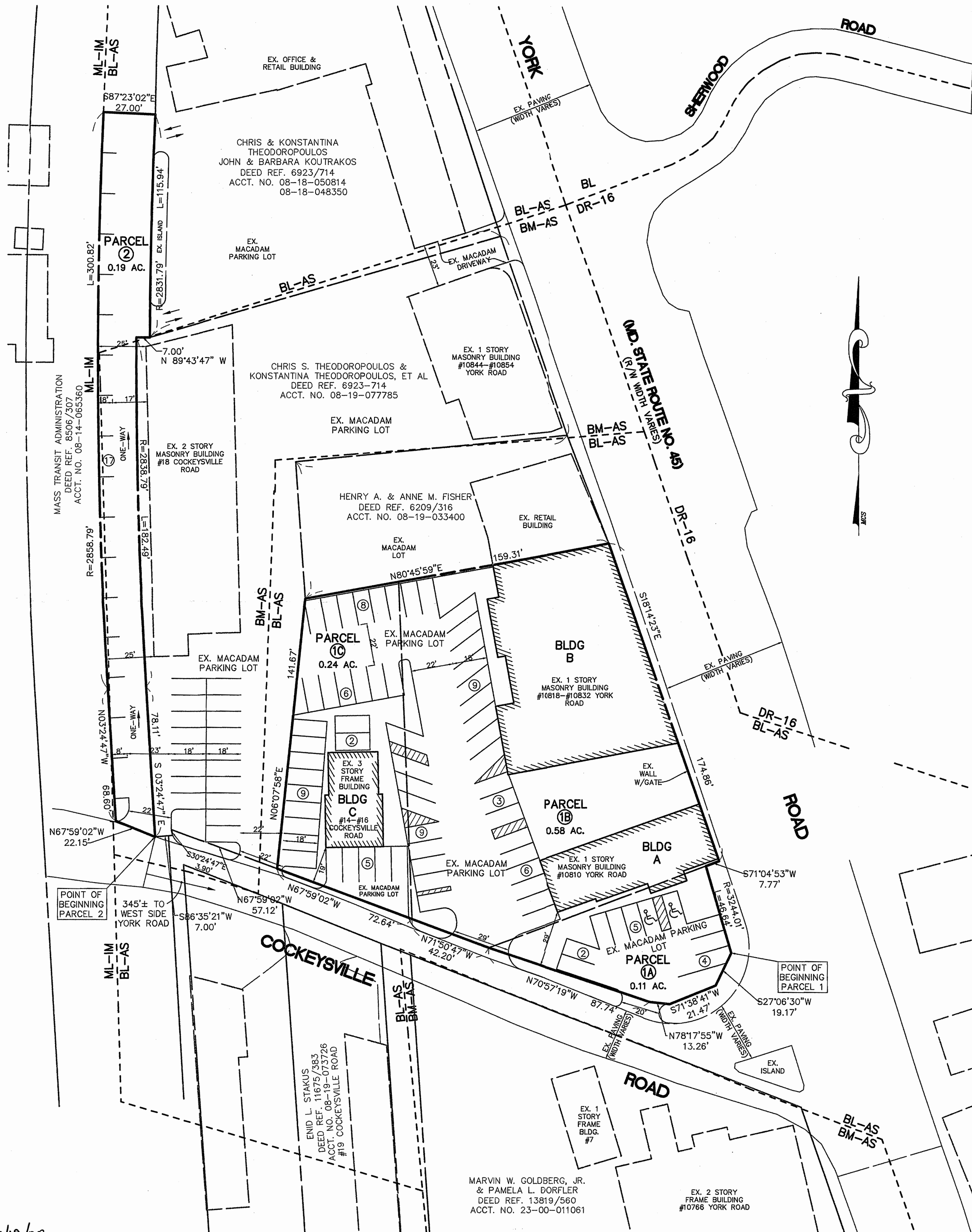
1. EXISTING ZONING BL-AS & BM-AS
2. GROSS AREA
BL-AS 56,192 SF= 1.29 AC. (PARCELS 1A, 1B, 1C & 2)
BM-AS 5,227 SF= 0.12 AC. (PARCEL 2)
TOTAL 61,419 SF= 1.41 AC.
3. NET AREA
BL-AS 43,996 SF= 1.01 AC. (PARCELS 1A, 1B, 1C & 2)
BM-AS 4,791 SF= 0.11 AC. (PARCEL 2)
TOTAL 48,787 SF= 1.12 AC.
4. FLOOR AREAS & USES
BLDG. A RESTAURANT 2,700 SF
STORAGE 2,592 SF
TOTAL 5,292 SF
BLDG. B RESTAURANT 3,190 SF
RETAIL 4,977 SF
WAREHOUSE 8,264 SF
TOTAL 16,431 SF
BLDG. C RETAIL 1,381 SF
APARTMENT 869 SF
TOTAL 2,250 SF
5. USE SUMMARY
RESTAURANT 5,890 SF
RETAIL 6,358 SF
WAREHOUSE 8,264 SF
APARTMENTS(1) 869 SF
STORAGE 2,592 SF
TOTAL 23,973 SF
6. PARKING REQUIRED
RESTAURANT (5,890 SF/1000x16)= 95
RETAIL (6,358 SF/1000x5)= 32
WAREHOUSE (1 PER EMPLOYEE)= 2
APARTMENTS(1) (2 PER APARTMENT)= 2
STORAGE (NONE REQUIRED)= 0
TOTAL 131
7. PARKING PROVIDED 85 SPACES
8. GROSS FLOOR AREA (BL-AS)
BLDG. A 5,292 SF
BLDG. B 16,431 SF
BLDG. C 2,250 SF
TOTAL 23,973 SF
9. FLOOR AREA RATIO PROPOSED (BL-AS) 23,973 SF/56,192 SF=0.43
10. MAXIMUM FLOOR AREA RATIO ALLOWED (BL-AS)=3.0
11. GROSS FLOOR AREA (BM-AS) = 0 SF
12. FLOOR AREA RATIO PROPOSED (BM-AS) 0 SF/5,227 SF=0.00
13. FLOOR AREA RATIO ALLOWED (BM-AS)=4.0

McKee & Associates, Inc.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND, 21030
TELEPHONE (410) 527-1555 FACSIMILE (410) 527-1553

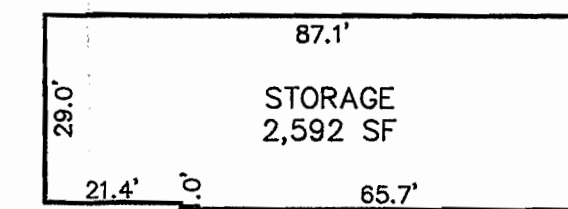


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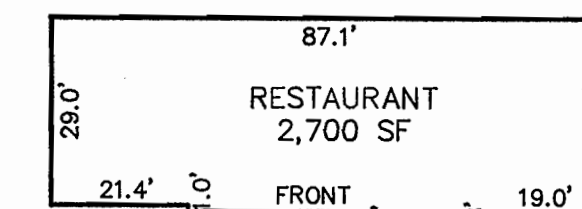


VICINITY MAP

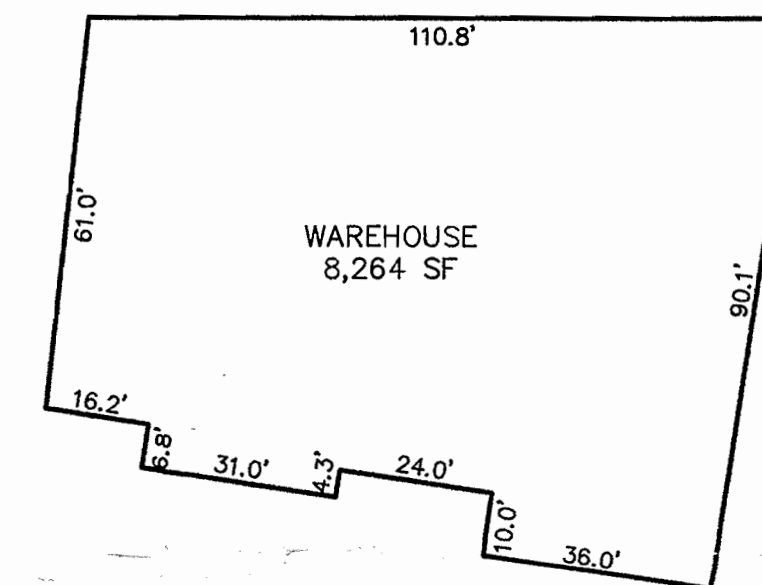
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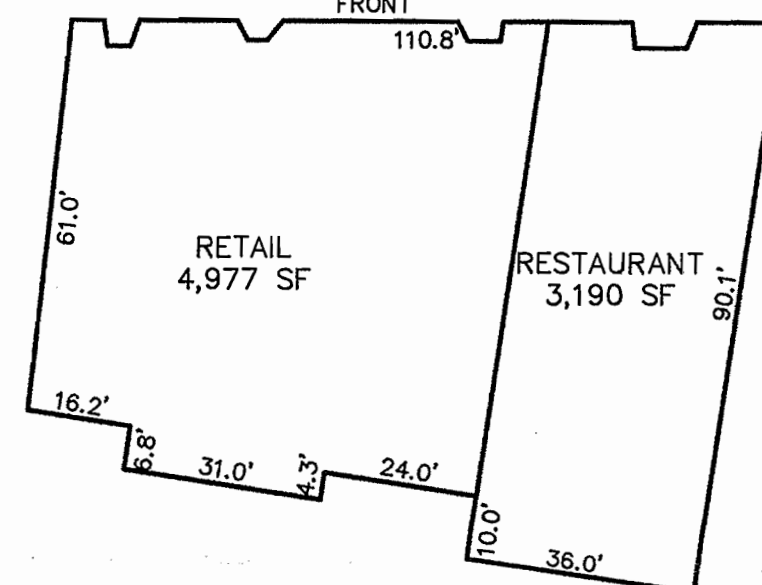
BASEMENT



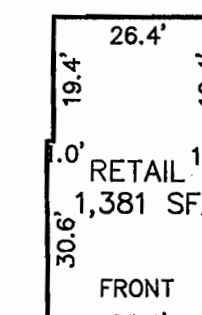
1ST FLOOR



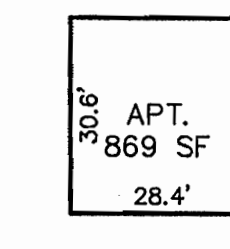
BASEMENT



1ST FLOOR



1ST FLOOR



2ND FLOOR

FLOOR AREAS & USES

SCALE: 1"=30'

PLAT TO ACCOMPANY
PETITIONS FOR
SPECIAL HEARING AND ZONING VARIANCE
"KOUTRAKOS PROPERTIES"

**YORK ROAD AND
COCKEYSVILLE ROAD**

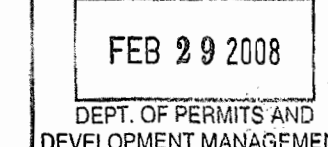
3RD COUNCILMANIC DISTRICT

8TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE: 1"= 30'

DATE: FEBRUARY 2008



GENERAL NOTES

1. COUNCILMANIC DISTRICT: 3RD
2. ELECTION DISTRICT: 8TH
3. 200 SCALE ZONING MAP: 42B3
4. ANY PROPOSED SIGN MUST COMPLY WITH ALL APPLICABLE ZONING REGULATIONS
5. THIS PROPERTY IS NOT HISTORIC
6. THIS PROPERTY IS NOT IN THE CBCA.
7. THIS SITE IS SERVED BY PUBLIC WATER AND SEWERAGE SYSTEMS.
8. THERE ARE NO STREAMS, WETLANDS, OR STORM WATER MANAGEMENT SYSTEMS ON OR WITHIN 50 FEET OF THIS SITE.
9. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
10. PREVIOUS ZONING HEARING- CASE NO. 99-301-X SPECIAL EXEMPTION APPROVED FOR PARCEL 3 (14-16 COCKEYSVILLE ROAD) TO PERMIT AN AUTOMOBILE SERVICE GARAGE IN A BL-AS ZONE (DATE OF ORDER- APRIL 7, 1999).
11. ALL BUILDINGS AND PARKING AREAS SHOWN ON THIS SITE ARE EXISTING.
12. ALL PARKING SPACES ARE A MINIMUM OF 8 1/2 FEET WIDE BY 18 FEET DEEP.
13. ALL PARKING SPACES ARE TO BE STRIPED.

OWNERSHIP INFORMATION

PARCEL 1A

OWNER- SPARTAN FOODS, INC.
TAX MAP 42-GRID 22-PARCEL 198
ACCT. NO. 18-00-007805
DEED REF. 13452/109

PARCEL 1B

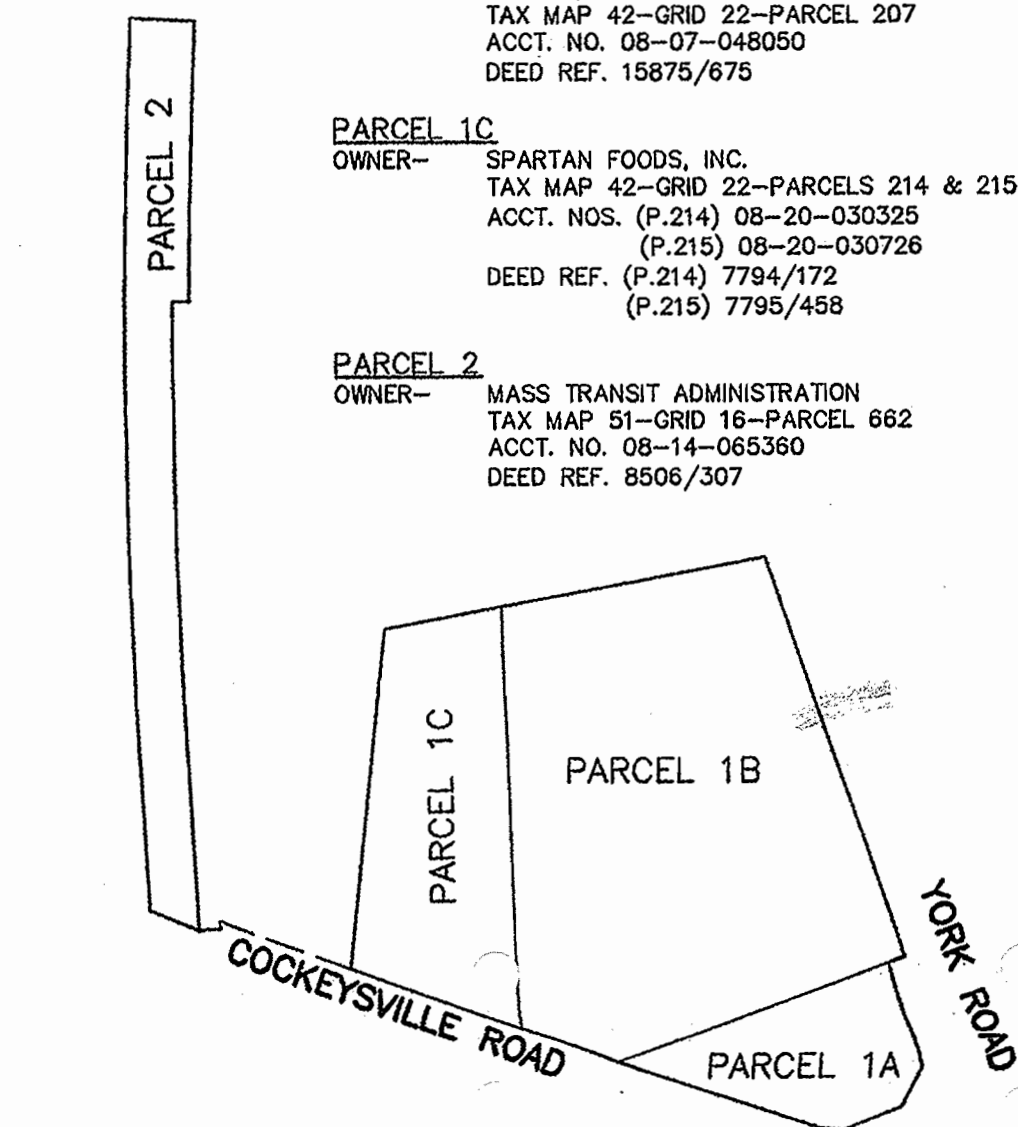
OWNER- SS&H II, LLC
TAX MAP 42-GRID 22-PARCEL 207
ACCT. NO. 08-07-048050
DEED REF. 19875/675

PARCEL 1C

OWNER- SPARTAN FOODS, INC.
TAX MAP 42-GRID 22-PARCELS 214 & 215
ACCT. NOS. (P.214) 08-20-030325
(P.215) 08-20-030726
DEED REF. (P.214) 7794/172
(P.215) 7795/458

PARCEL 2

OWNER- MASS TRANSIT ADMINISTRATION
TAX MAP 51-GRID 16-PARCEL 662
ACCT. NO. 08-14-065360
DEED REF. 8506/307



SITE TABULATION

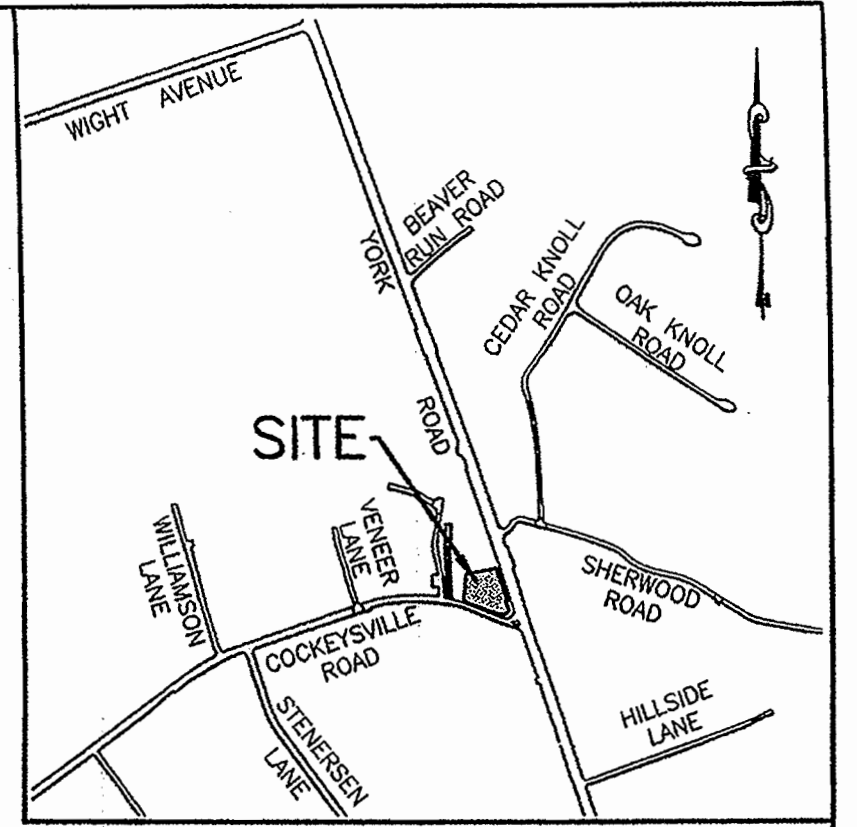
1. EXISTING ZONING BL-AS & BM-AS
2. GROSS AREA
BL-AS 56,192 SF = 1.29 AC. (PARCELS 1A, 1B, 1C & 2)
BM-AS 5,227 SF = 0.12 AC. (PARCEL 2)
TOTAL 61,419 SF = 1.41 AC.
3. NET AREA
BL-AS 43,996 SF = 1.01 AC. (PARCELS 1A, 1B, 1C & 2)
BM-AS 4,791 SF = 0.11 AC. (PARCEL 2)
TOTAL 48,787 SF = 1.12 AC.
4. FLOOR AREAS & USES
BLDG. A RESTAURANT 2,700 SF
STORAGE 2,592 SF
TOTAL 5,292 SF
BLDG. B RESTAURANT 2,187 SF
RETAIL 4,977 SF
WAREHOUSE 8,264 SF
TOTAL 15,428 SF
BLDG. C RETAIL 1,381 SF
APARTMENT 869 SF
TOTAL 2,250 SF
PATIO D RESTAURANT 2,187 SF
5. USE SUMMARY
RESTAURANT 4,374 SF
RETAIL 6,366 SF
WAREHOUSE 8,264 SF
APARTMENTS(1) 869 SF
STORAGE 2,592 SF
TOTAL 21,605 SF
6. PARKING REQUIRED
RESTAURANT 480/7 (4800 SF/1000X15) = 25-79
RETAIL 954/2 (4770 SF/1000X15) = 32-42
WAREHOUSE (1 PER EMPLOYEE) = 2
APARTMENTS(1) (2 PER APARTMENT) = 2
STORAGE (NONE REQUIRED) = 0
TOTAL 85 SPACES
7. PARKING PROVIDED 85 SPACES
8. GROSS FLOOR AREA (BL-AS)
BLDG. A 5,292 SF
BLDG. B 15,428 SF
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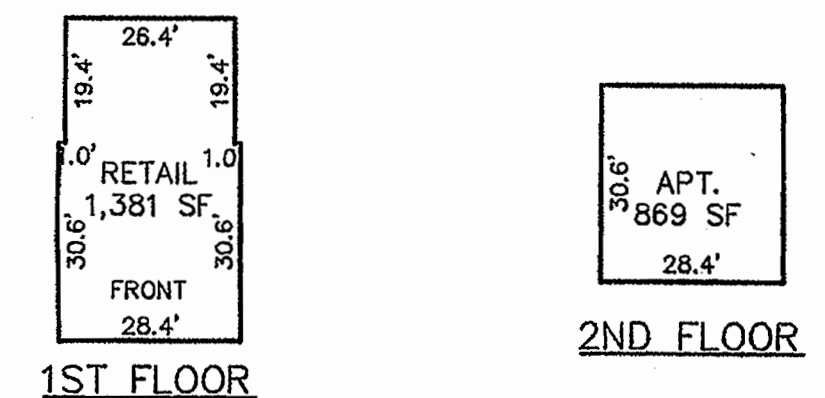
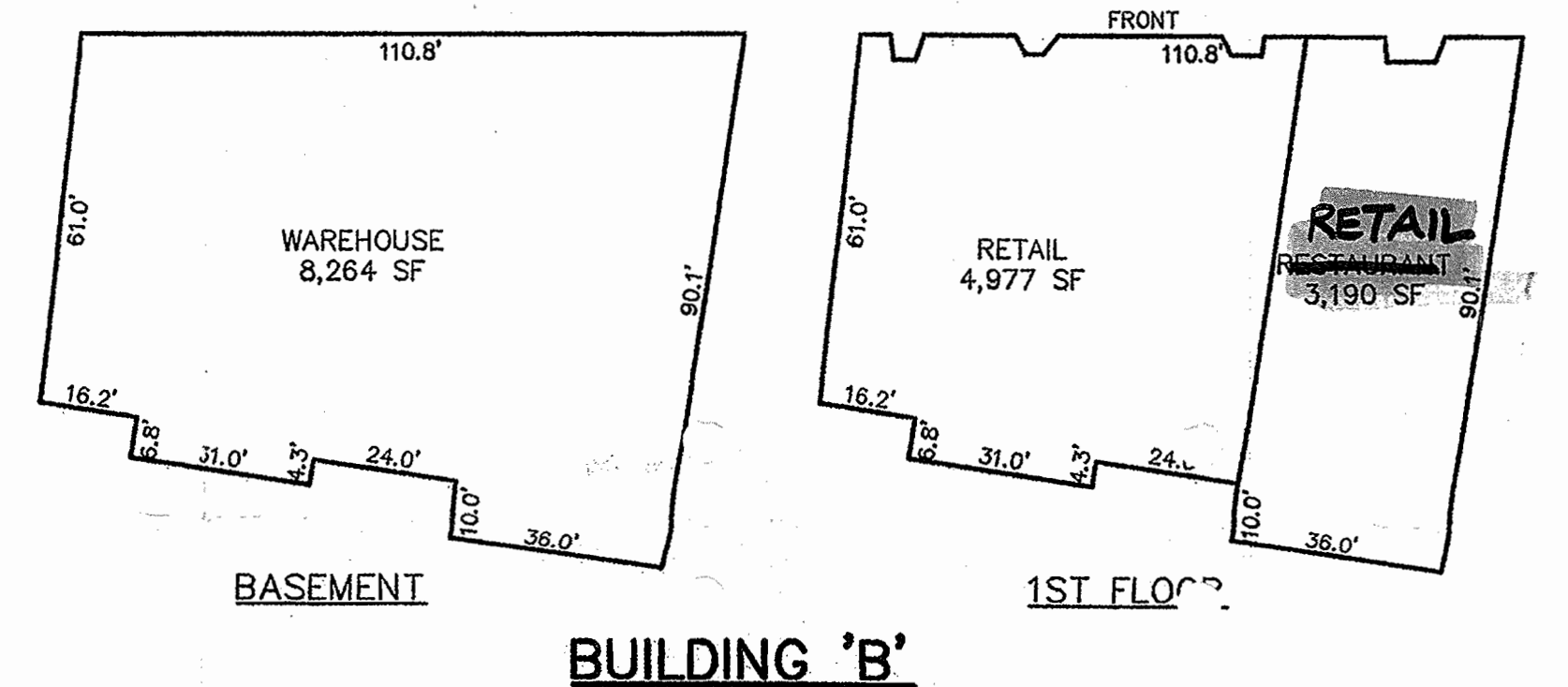
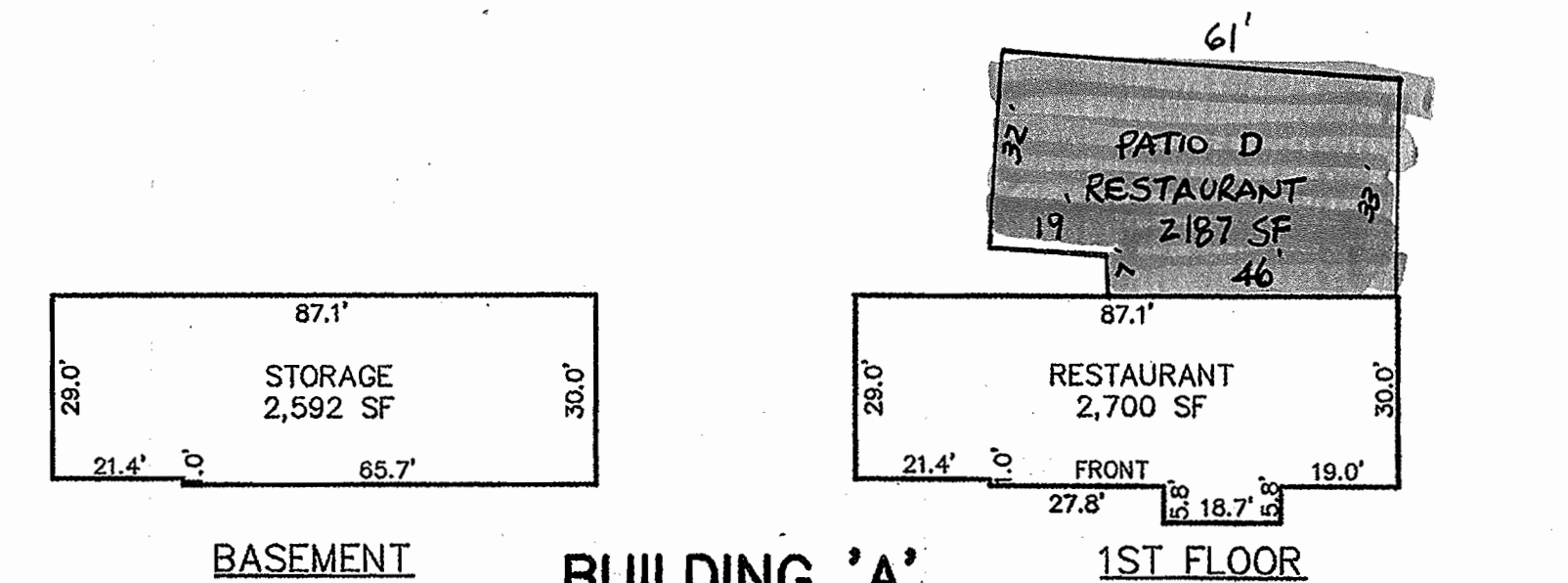


2/19/08



VICINITY MAP

SCALE: 1"=1000'



FLOOR AREAS & USES

SCALE: 1"=30'

REDLINED
PLAT TO ACCOMPANY
PETITIONS FOR
SPECIAL HEARING AND ZONING VARIANCE
"KOUTRAKOS PROPERTIES"

**YORK ROAD AND
COCKEYSVILLE ROAD**

3RD COUNCILMANIC DISTRICT
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 30'
DATE: FEBRUARY 14, 2008

MAY 16, 2009

MARVIN W. GOLDBERG, JR.
& PAMELA L. BRFLER
DEED REF. 1381/560
ACCT. NO. 23-00-01061

EX. 2 STORY
FRAME BUILDING
#10786 YORK ROAD