

IN RE: PETITION FOR VARIANCE

SE side of Philadelphia Road; 32 feet NE
of the centerline of King Avenue
15th Election District
6th Councilmanic District
(9501 Philadelphia Road)

Nicholas Andrew Foehrkolb
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0255-A

* * * * *

ORDER ON REMAND FROM THE BOARD OF APPEALS
OF BALTIMORE COUNTY

This matter comes before this Deputy Zoning Commissioner on a Remand Order to the undersigned Deputy Zoning Commissioner (hereinafter "Remand Order") from the Board of Appeals of Baltimore County (hereinafter "the Board") dated November 10, 2010. In its Remand Order, the Board granted a Motion for Remand filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and also ordered that the above-captioned case be remanded to the Deputy Zoning Commissioner for proceedings and further review consistent with the purposes stated in the Motion for Remand.

This case stems from a Petition for Variance wherein Petitioner requested relief from Section 250 of the Baltimore County Zoning Regulations ("B.C.Z.R.") from front, side, and rear yard setback requirements in the M.L.R. Zone, as well as relief from the parking requirements set forth in Section 409.6 of the B.C.Z.R. In an Order dated June 15, 2010, the undersigned granted the Variance relief. Thereafter, Mr. Zimmerman filed an appeal before the Board. The crux of the appeal was Mr. Zimmerman's contention that Petitioner had not also requested variance relief as well as a special exception use pursuant to Section 248.2.B of the B.C.Z.R. under the M.L.R. Zone use regulations.

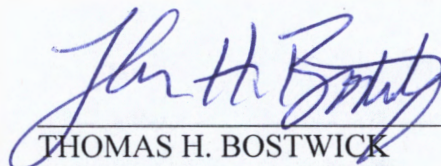
During the pendency of the aforementioned appeal to the Board, following discussions with Petitioners' land use and zoning consultant, Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., Mr. Zimmerman filed a Motion to Remand with the Board. In his Motion, Mr. Zimmerman indicated that Mr. Doak concurred with his view of the case and recommended that Mr. Doak amend the Petition for Variance and that Petitions for Special Exception and Variance be filed pursuant to Section 248.2.B of the B.C.Z.R. Thereafter, Mr. Doak filed new Petitions for Special Exception and Variance under a separate case, Case No. 2011-0058-XA, seeking a special exception use pursuant to Section 248.2.B to allow a carry-out, fast food and standard restaurant within a M.L.R. Zone which is part of a contiguous area of 25 acres or more of industrial zoning and in which the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein. The variance request was also from Section 248.2.B to permit the combined tract areas for a carry-out, fast food and standard restaurant (services commercial) use to occupy 55% in lieu of maximum 15 % of the M.L.R. tract in which they are located.

Following a public hearing, the undersigned granted the Special Exception and Variance requests in Case No. 2011-0058-XA in an Order dated October 20, 2010. No appeal has been taken in that case and that Order is a final order. As such, it appears that Petitioner has complied with the requirements of People's Counsel as to both cases; hence no further proceedings are necessary or required.

Therefore, at this juncture and based on the above, this Deputy Zoning Commissioner respectfully recommends that the Board dismiss the appeal filed in the above-captioned case by People's Counsel. This would allow the relief granted in the instant matter to remain valid,

coupled with the relief also granted in Case No. 2011-0058-XA, while also complying the requirements of People's Counsel as set forth in his Motion to Remand.

Respectfully submitted,

 12-16-10

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 16, 2010

THERESA R. SHELTON, ADMINISTRATOR
BALTIMORE COUNTY BOARD OF APPEALS
JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE, SUITE 203
TOWSON MD 21204

Re: Petition for Variance
Order on Remand from the Board of Appeals
Case No. 2010-0255-A
Property: 9501 Philadelphia Road

Dear Ms. Shelton:

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.

Sincerely,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Peter Max Zimmerman, People's Counsel for Baltimore County
Bruce E. Doak, Gerhold, Cross & Etzel Ltd., 320 East Towsontown Blvd., #100, Towson MD 21286
Nicholas Andrew Foehrkolb, Breezypoint Seafood Company, 9501 Philadelphia Road, Baltimore MD 21237

11/10/10

RE: PETITION FOR VARIANCE	*	BEFORE THE COUNTY
9501 Philadelphia Road; SE/S Philadelphia	*	BOARD OF APPEALS
Road, 32' E of c/line King Avenue	*	FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Nicholas Foehrkolb	*	10-255-A
Petitioner(s)		

* * * * *

REMAND ORDER TO DEPUTY ZONING COMMISSIONER

This matter comes before this Board on appeal filed by the People's Counsel for Baltimore County from a decision of the Zoning Commissioner dated June 15, 2010 in which the Petitioner requested variance relief related to a restaurant use in a M.L.R.- I.M zone. Peoples' Counsel appealed the decision of the Deputy Zoning Commissioner approving the requested relief.

Following meetings between Peoples' Counsel and Bruce Doak of Gerhold, Cross & Etzel, who filed the site plan for the Petitioner, the parties agreed to remand the case to the Deputy Zoning Commissioner for hearing on an amended Petition and Site Plan, a Petition for Special Exception and Petition for Variance for the 15% area limitation for the proposed use, or, in the alternative, affirmation shown on the amended site plan that the relief does not exceed said 15%, and a posting of the site for this additional relief, and pursuant thereto People's Counsel, with the consent of Petitioner by way of Mr. Doak, submitted a Motion for Remand on or about July 19, 2010. The purpose of the Motion is to afford the Deputy Zoning Commissioner the opportunity to consider the Petitions as aforesaid, the amended site plan, specified conditions and to amend his Order of June 15, 2010.

Upon consideration of said MOTION FOR REMAND, therefore, it is this 10th day of November, 2010, by the Board of Appeals of Baltimore County,

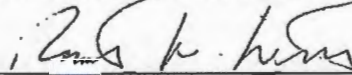
ORDERED that said Motion to Remand be and is hereby GRANTED; and it is further

ORDERED that the above captioned case is REMANDED to the Deputy Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purposes stated in the Motion for Remand, following the posting of the property and notice of hearing.

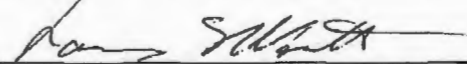
**COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY**



LAWRENCE M. STAHL, CHAIRMAN



ROBERT W. WITT, PANEL MEMBER



LAWRENCE S. WESCOTT, PANEL MEMBER



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 10, 2010

Nicholas Foehrkolb
Breezypoint Seafood Co.
9501 Philadelphia Road
Baltimore, MD 21237

RE: *In the Matter of: Nicholas Foehrkolb – Legal Owner/Petitioner*
Case No.: 10-255-A

Dear Mr. Foehrkolb:

Enclosed please find a copy of the Remand Order to the Deputy Zoning Commissioner issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c: Office of People's Counsel
Bruce Doak
Thomas Bostwick, Deputy Zoning Commissioner
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, III, Director/Planning
Timothy Kotroco, Director/PDM
Nancy C. West, Assistant County Attorney
John Beverungen, County Attorney

APPEAL

Petition for Variance
9501 Philadelphia Road
SE/s Philadelphia Rd., 32' NE of c/line of King Ave,
15th Election District – 6th Councilmanic District
Legal Owner: Nicholas A. Foehrkolb

Case No.: 2010-0255-A

- ✓ Petition for Variance (March 30, 2010)
 - ✓ Zoning Description of Property
 - ✓ Notice of Zoning Hearing (April 13, 2010)
 - ✓ Certification of Publication (The Jeffersonian – April 29, 2010)
 - ✓ Certificate of Posting (April 29, 2010) by Bruce Doak
 - ✓ Entry of Appearance by People's Counsel (April 12, 2010)
 - ✓ Petitioner(s) Sign-In Sheet – One Sheet
 - Protestant(s) Sign-In Sheet - None
 - Citizen(s) Sign-In Sheet - None
 - ✓ Zoning Advisory Committee Comments
- Petitioners' Exhibit
- ✓ 1. Site Plan
 - ✓ 2. Aerial Photographs (A thru C)
 - ✓ 3. Photographs (A thru Q)
 - ✓ 4. Photograph of Dining Area in Breezypoint
 - ✓ 5. Case 97-292-A
- Protestants' Exhibits - None
- Miscellaneous (Not Marked as Exhibit)
- ✓ 1. Site Plan
 - ✓ 2. Breezypoint Documents
- ✓ Deputy Zoning Commissioner's Order (GRANTED – June 15, 2010)
- ✓ Notice of Appeal received on July 9, 2010 by People's Counsel of Baltimore County

RECEIVED
OCT 18 2010
BALTIMORE COUNTY
BOARD OF APPEALS

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Nicholas A. Foehrkolb
Bruce Doak

date sent October 14, 2010, kl

APPEAL

Petition for Variance
9501 Philadelphia Road
SE/s Philadelphia Rd., 32' NE of c/line of King Ave.
15th Election District – 6th Councilmanic District
Legal Owner: Nicholas A. Foehrkolb

Case No.: 2010-0255-A

Petition for Variance (March 30, 2010)

Zoning Description of Property

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Certificate of Posting (April 29, 2010) by Bruce Doak

Entry of Appearance by People's Counsel (April 12, 2010)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Aerial Photographs (A thru C)
3. Photographs (A thru Q)
4. Photograph of Dining Area in Breezypoint
5. Case 97-292-A

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibit)

1. Site Plan
2. Breezypoint Documents

Deputy Zoning Commissioner's Order (GRANTED – June 15, 2010)

Notice of Appeal received on July 9, 2010 by People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Nicholas A. Foehrkolb
Bruce Doak

7/29/10

RE: PETITION FOR VARIANCE	*	BEFORE THE COUNTY
9501 Philadelphia Road; SE/S Philadelphia	*	BOARD OF APPEALS
Road, 32' E of c/line King Avenue	*	FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Nicholas Forhrkolb	*	10-255-A
Petitioner(s)		

* * * * *

MOTION TO REMAND

This matter comes before this Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Deputy Zoning Commissioner (DZC) dated June 15, 2010, in which four (4) setback variances and one (1) parking variance were granted with restrictions. On July 9, 2010, the Office of People's Counsel noted a timely appeal of the Order of the D ZC to this Board. No hearing has been schedule before the CBA in this matter. Following discussions with Bruce Doak of Gerhold, Cross & Etzel, Ltd who filed the site plan in this case, Petitioner agreed to remand this matter to the Deputy Zoning Commissioner for further relief. The grounds for the Motion are as follows:

1. This matter involves a request for a carry-out restaurant and standard restaurant as an additional use at the site, which is zoned M.L.R.-I.M., (Manufacturing, Light, Restricted – BCZR 247) with an Industrial Major (BCZR 259.2 E.) overlay District.
2. The site is currently operating as the Breezypoint Seafood Company, a wholesale-retail business, which was approved in Case No. 97-292-A.
3. The proposed restaurant will be an additional use in addition to the wholesale-retail seafood business.
4. That under BCZR 248.2 B., the proposed use is permitted by special exception (BCZR 502.1) and specific conditions stated in BCZR 248.2B. and is limited to 15% of the M.L.R. tract in which it is located.

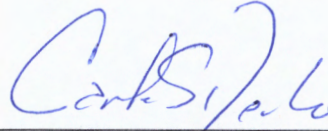
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BALTIMORE COUNTY
BOARD OF APPEALS

5. People's Counsel filed an appeal of the DZC's Order because Petitioner failed to seek the special exception under BCZR 502.1 and also under the terms and conditions stated in BCZR 248.2 B that the proposed use is **"within an M.L.R. Zone which is part of a contiguous area of 25 acres or more of industrial zoning,"** and is **"an appropriate service to industries existing, planned or normally to be expected to locate therein;"** and further, since Petitioner failed to affirmatively state and demonstrate on his site plan that the proposed use complies with the 15% limitation, there is no mention of this requirement in the DZC's Order, or, if Petitioner does not comply, he failed to seek a variance.
6. After discussions with People's Counsel, Petitioner, through Mr. Doak, agrees that BCZR 248.2 requires a special exception for the proposed use and that Petitioner must comply with the 15% limitation for the restaurant use or seek a variance.
7. Upon further review and discussions, Bruce Doak, on behalf of Petitioner, and People's Counsel agree that the Petition for Variance shall be amended, and that a Petition for Special Exception and a Petition for Variance from the 15% area limitation for the proposed use shall be filed, or in the alternative, that Petitioner show on his amended site plan that the proposed use does not exceed 15%, and that there shall be a posting of the property and a notice of hearing for the additional relief, all subject to an amended site plan, the condition contained in the DZC's Order, namely, that "Petitioner must continue to abide by the conditions enumerated in Case No. 97-292-A." and any additional specific conditions, if applicable.
8. The most efficient way to present the additional relief and new Petition(s) for review is to present it to the Deputy Zoning Commissioner, who is familiar with the case, for a hearing and for an Amended Order.

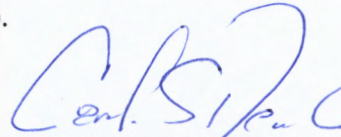
WHEREFORE, People's Counsel, with the consent of Bruce Doak who stated to People's Counsel that he is authorized to consent on behalf of Petitioner in this matter, request that the case be remanded to the Deputy Zoning Commissioner for further proceedings consistent with this Motion.



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 29th day of July, 2010, a copy of the Motion to Remand was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).



CAROLE S. DEMILIO
Deputy People's Counsel
for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 9, 2010

Hand-delivered

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED

JUL 09 2010

LW

Re: PETITION FOR VARIANCE
SE/Side Philadelphia Road, 32' NE of c/line King Avenue
(9501 Philadelphia Road)
15th Election District; 6th Councilmanic District
Nicholas Andrew Foehrkolb - Petitioner
Case No.: 10-255-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 15, 2010 by the Baltimore County Deputy Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Bruce E. Doak, Gerhold, Cross & Etzel, Ltd
Thomas Bostwick, Deputy Zoning Commissioner

6/15/10.

IN RE: PETITION FOR VARIANCE

SE side of Philadelphia Road; 32 feet NE
of the centerline of King Avenue
15th Election District
6th Councilmanic District
(9501 Philadelphia Road)

Nicholas Andrew Foehrkolb
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2010-0255-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Nicholas Andrew Foehrkolb. Petitioner is requesting Variance relief as follows:

- From Section 250.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 33 feet in lieu of the required 40 feet; and
- From Section 250.2 of the B.C.Z.R. to permit a side yard setback of 5 feet in lieu of the required 30 feet; and
- From Section 250.2 of the B.C.Z.R. to permit a sum of side yard setback of 38 feet in lieu of the required 80 feet; and
- From Section 250.3 of the B.C.Z.R. to permit a rear yard setback of 2 feet in lieu of the required 40 feet; and
- From Section 409.6.A.2 of the B.C.Z.R. to permit 17 parking spaces in lieu of the 44 spaces required.

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

ORDER RECEIVED FOR FILING

Date 6.15.10

By ps

Appearing at the requisite public hearing in support of the variance request was Petitioner Nicholas Andrew Foehrkolb and Bruce E. Doak with Gerhold, Cross & Etzel Ltd., the professional land surveyor who prepared the site plan. There were no other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains approximately 15,000 square feet or 0.345 acre, more or less, zoned M.L.R.-I.M., and located in the Rosedale area of Baltimore County on the southeast side of Philadelphia Road, northeast of the intersection of King Avenue and Philadelphia Road. The subject property is improved with a one-story block building and an accompanying gazebo situated in a grassy area off to the side of the property, comprising of 2,700 square feet, more or less, known as the Breezypoint Seafood Company, which according to the company Website is described as "a high quality quick serve seafood restaurant and market."¹ The business building contains 2,548 square feet and the gazebo located on-site contains 144 square feet. The subject property and improvements can be seen from the satellite photographs marked and accepted into evidence as Petitioner's Exhibits 2A through 2C.

The surrounding community contains a wide array of diverse uses, including manufacturing, businesses, offices, and high-density residential to the northwest. The zoning map for the property contained within the file shows zoning districts along this Philadelphia Road corridor of, M.L.R., B.L., R.O., M.L.-I.M., and D.R.16. Photographs of the surrounding area that were marked and accepted into evidence as Petitioner's Exhibit's 3A through 3Q reveal the exact nature of these diverse uses. Adjacent to the southwest side of the subject property is

¹ According to their Website, <http://bpcrabcakes.com>, restaurant specialties include crab cakes and seafood entrees including a variety of fish ranging from Rockfish to Tilapia, as well as chef salads and sandwiches.

Yia Yia's Bakery, which is located on an irregularly shaped property with an elongated ingress/egress off of Philadelphia Road as shown by Exhibits 3H, 3K, and 3L that constrains the lot size of the subject property. Also southwest of the property, at the intersection of King Avenue and Philadelphia Road, is Kingsberry Village, a high-density townhouse community, as seen in Exhibit 3B. Northeast of the property heading toward Middle River Road and located on the opposite side of Philadelphia Road is Kings Court shopping center, which contains a Mars Supermarket as well as other various businesses. Kings Court shopping center can be seen in Exhibit 3E.

Further testimony revealed that the Petitioner and legal property owner, Mr. Foehrkolb, purchased the subject property that consisted of two parcels of land in 1997.² When purchased, the subject property was improved with a one-story dwelling used as a multi-apartment residence and a two-story accessory building. Proposed redevelopment of the property into a seafood wholesale-retail business necessitated the Petitioner requesting zoning relief in February 1997 before then-Deputy Zoning Commissioner Timothy M. Kotroco.³ The Order granting variance relief was marked and accepted into evidence as Petitioner's Exhibit 5. Upon the granting of said relief, Petitioner razed the aforementioned improvements to make way for redevelopment of the property into its current commercial use. When initially opened, Breezypoint Seafood Company was mainly operated as a wholesale-retail business. The boilers for cooking and steaming were located in the main portion of the building. However, Breezypoint has evolved over time to offer customers carry-out and restaurant services for its products. As a result of this

² Parcel one contains 6,011 square feet (.138 acres) and Parcel two contains 8,973 square feet (.206 acres) and are collectively referred to by the Maryland Department of Assessments and Taxation as Tax Account # 1518101560.

³ Case No. 97-292-A. Relief was granted, subject to several conditions, pursuant to Sections 250.2 and 250.3 of the B.C.Z.R. to permit side yard setbacks of 10 feet on each side in lieu of the required 30 feet and a rear yard setback of 10 feet in lieu of the required 40 feet.

ORDER RECEIVED FOR FILING

Date 6.15.10

By P

evolution in operation, Breezypoint had to move cooking operations out of what is now the carry-out and restaurant area. A photograph of the interior area was marked and accepted into evidence as Petitioner's Exhibit 4. Cooking operations were subsequently re-located into a 7 foot wide by 22 foot long "bump-out" addition constructed by Petitioner that is attached to the rear of the existing building, as shown on the site plan. Petitioner requests instant variance relief, made necessary due to the aforementioned addition, in order to legitimize these existing conditions.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. No negative comments were submitted or received in regards to the requested relief.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The irregular shape of the adjacent Yia Yia's Bakery property contributes to the unique dimensions of the subject property, and renders operation of a successful restaurant and compliance with the Zoning Regulations incompatible. Moreover, the plethora of varied zoning districts surrounding the subject property adds to the special circumstances encumbering the property. I also find Petitioner would suffer practical difficulty and undue hardship if the variance requests were to be denied such that Petitioner would not be permitted a use specifically authorized by the Regulations.

Moreover, I find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. A portion of the existing conditions were the subject of the prior 1997 case which granted variance relief from certain side and rear yard setbacks. The only

ORDER RECEIVED FOR FILING

Date 6-15-10 4

By pm

changes in the instant matter involve the small bump-out addition, and the required parking associated with the restaurant use, however, there is no evidence that the said use would cause harm to the community. In addition, then Deputy Zoning Commissioner Kotroco found the property to be unique in a zoning sense and granted the earlier requested variance relief, which is very similar to the relief requested in this case; there have been no intervening changes to the property or surrounding area and I believe those findings of uniqueness, in isolation, are applicable to this present matter. As to the parking, Mr. Doak explained that while the square footage and the restaurant use require 44 spaces, the majority of the use is still retail sales of seafood products, with the restaurant continuing to evolve. Petitioner also indicated there has never been a situation where available parking was an issue and the 17 spaces provided has historically been more than adequate. I am therefore persuaded to grant this relief. This issue I believe will be a self-correcting situation. If there is not enough available parking, potential patrons will go elsewhere.

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 variance requests should be granted.

THEREFORE, IT IS ORDERED this 15th day of June, 2010 by this Deputy Zoning Commissioner, that Petitioner's Variance relief as follows:

- From Section 250.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 33 feet in lieu of the required 40 feet; and
- From Section 250.2 of the B.C.Z.R. to permit a side yard setback of 5 feet in lieu of the required 30 feet; and

ORDER RECEIVED FOR FILING

Date 6.15.10 5

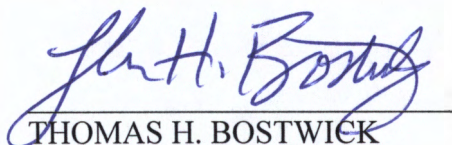
By PM

- From Section 250.2 of the B.C.Z.R. to permit a sum of side yard setback of 38 feet in lieu of the required 80 feet; and
- From Section 250.3 of the B.C.Z.R. to permit a rear yard setback of 2 feet in lieu of the required 40 feet; and
- From Section 409.6.A.2 of the B.C.Z.R. to permit 17 parking spaces in lieu of the 44 spaces required,

be and are hereby **GRANTED**. The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.
2. Petitioner must continue to abide by the conditions enumerated in Case No. 97-292-A.

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

Date 6.15.10

By pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 15, 2010

NICHOLAS ANDREW FOEHRKOLB
BREEZYPOINT SEAFOOD COMPANY
9501 PHILADELPHIA ROAD
BALTIMORE MD 21237

Re: Petition for Variance
Case No. 2010-0255-A
Property: 9501 Philadelphia Road

Dear Mr. Foehrkolb:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Bruce E. Doak, Gerhold, Cross & Etzel Ltd., 320 East Towsontown Blvd., #100, Towson MD 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 9501 PHILADELPHIA ROAD
which is presently zoned MLR/1M

Deed Reference: 11993/466 Tax Account # 1518101560

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 PAGE

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 PAGE

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:

Name - Type or Print

Signature

Date

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

NICHOLAS ANDREW FOERKOLB

Name - Type or Print

Signature

Name - Type or Print

Signature

9501 PHILADELPHIA ROAD

Address

410-574-7222

Telephone No.

BALTIMORE

City

MO

State

21237

Zip Code

Representative to be Contacted:

BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Name

320 E. TOWSON TOWN BLVD

Address

410-823-4470

Telephone No.

TOWSON

City

MO

State

21286

Zip Code

Case No. 2010-0255-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 3/30/10

Petition for Variance

9501 Philadelphia Road

Variances requests:

- 1) To permit a front yard setback of 33 feet in lieu of the required 40 feet per Section 250.1 BCZR
- 2) To permit a side yard setback of 5 feet in lieu of the required 30 feet per Section 250.2 BCZR
- 3) To permit a sum of side yard setbacks of 38 feet in lieu of the required 80 feet per Section 250.2 BCZR
- 4) To permit a rear yard setback of 2 feet in lieu of the required 40 feet per Section 250.3 BCZR
- 5). To permit 17 parking spaces in lieu of the 44 parking spaces required by Section 409.6A2 BCZR

The hardship and practical hardship:

The existing building was built on to without the exact knowledge of the location of the property lines and the setbacks to them.

The parking lot was existing at the time that the use of the building was changed from carry out to a restaurant. That change required more parking.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

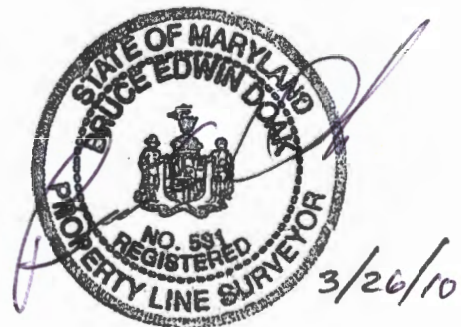
March 26, 2010

ZONING DESCRIPTION

9501 Philadelphia Road
15th Election District, Baltimore County
Maryland

Beginning for the same on the southeast side of Philadelphia Road, 70 feet wide, 32 feet northeasterly from the centerline of King Avenue, thence leaving Philadelphia Road and running and binding on the outlines of the two subject parcels, referring the courses of this description to the meridian in the deed recorded in SM 11993, folio 466, the four following courses and distances, viz. 1) South 31 degrees 45 minutes East 150 feet, 2) North 55 degrees 40 minutes East 100 feet, 3) North 31 degrees 45 minutes West 50 feet and 4) North 36 ½ degrees West 100 feet to the southeastern side of Philadelphia Road, thence binding on the southeastern side of Philadelphia Road and running and binding on the outlines of the two subject parcels, the two following courses and distances, viz. 5) Southwesterly 60 feet and 6) South 55 degrees 40 minutes West 40 feet to the point of beginning.

Containing 14,984 square feet or 0.344 of an acre of land, more or less.



**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: 2010-0255-A

Petitioner: NICHOLAS FOHRKOLB

Address or Location: 9501 PHILADELPHIA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: NICHOLAS FOHRKOLB

Address: 2899 BREEZY POINT COURT
ESSEX MO 64521

Telephone Number: 410-574-3192

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 53202

Date: 3/5/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	406	0000		450				

Total: 53202

Rec From: CASHIER

For: 2010-155-11
FIDEKK

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**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: #2010-0255-A

9501 Philadelphia Road

S/east side of Philadelphia Road, 32 feet n/east of the centerline of King Avenue

15th Election District — 6th Councilmanic District

Legal Owner(s): Nicholas Andrew Foehrkolb

Variance: to permit a front yard setback of 33 feet in lieu of the required 40 feet. To permit a side yard setback of 5 feet in lieu of the required 30 feet 3. To permit a sum a side yard setback of 38 feet in lieu of the required 80 feet. To permit a rear yard setback of 2 feet in lieu of the required 40 feet; to permit 17 parking spaces in lieu of the 44 spaces required.

Hearing: Friday, May 14, 2010 at 9:00 a.m. in Room 104,

and/or successful bidder, the deposit required for service is

at the time of sale, if the noteholder and/or service is

ees may determine, at their sole discretion, for \$17,000

used check, or in such other form as the Substitute Trust-

Terms of Sale: A deposit in the form of cashier's or cer-

erty, if any, and with no warranty of any kind.

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CERTIFICATE OF PUBLICATION

4/29/, 2010

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 4/29/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case# 2010-0255-A

PETITIONER: Nicholas Andrew
Foehrkolb

DATE OF HEARING: May 14, 2010

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:
9501 Philadelphia Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: April 29, 2010

ZONING NOTICE

CASE # : 2010-255-A

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

PLACE: Room 104 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 9:00 am Friday May 14, 2010

Variance: to permit a front yard setback of 33 feet in lieu of the required 40 feet. To permit a side yard setback of 5 feet in lieu of the required 30 feet. To permit a sum of a side yard setback of 38 feet in lieu of the required 80 feet. To permit a rear yard setback of 2 feet in lieu of the required 40 feet; to permit 17 parking spaces in lieu of the 44 spaces required.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.

CALL 410-887-3381 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # : 2010-255-A

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

PLACE: Room 104 Jefferson Building
105 West Chesapeake Avenue, Towson, MD
TIME &
DATE : 9:00 am Friday May 14, 2010

Variance: to permit a front yard setback of 33 feet in lieu of the required 40 feet. To permit a side yard setback of 5 feet in lieu of the required 30 feet. To permit a sum of a side yard setback of 38 feet in lieu of the required 80 feet. To permit a rear yard setback of 2 feet in lieu of the required 40 feet; to permit 17 parking spaces in lieu of the 44 spaces required.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
 ALLOWED TO CONFIRM HEARING.
 MAY BE HELD BEFORE THE SCHEDULED HEARING DATE
 IF THE HEARING IS NOT ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

April 13, 2010

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: 2010-0255-A

9501 Philadelphia Road

S/east side of Philadelphia Road, 32 feet n/east of the centerline of King Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Nicholas Andrew Foehrkolb

Variance to permit a front yard setback of 33 feet in lieu of the required 40 feet. To permit a side yard setback of 5 feet in lieu of the required 30 feet 3. To permit a sum a side yard setback of 38 feet in lieu of the required 80 feet. To permit a rear yard setback of 2 feet in lieu of the required 40 feet; to permit 17 parking spaces in lieu of the 44 spaces required.

Hearing: Friday, May 14, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Nicholas Foehrkolb, 9501 Philadelphia Road, Baltimore 21237
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 30, 2010.**
- (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
Thursday, April 29, 2010 Issue - Jeffersonian

Please forward billing to:
Nicholas Foehrkolb
2899 Breezy Point Court
Essex, MD 21221

410-574-3192

NOTICE OF ZONING HEARING

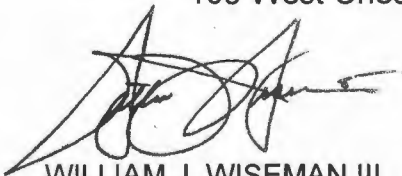
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0255-A

9501 Philadelphia Road
S/east side of Philadelphia Road, 32 feet n/east of the centerline of King Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Nicholas Andrew Foehrkolb

Variance to permit a front yard setback of 33 feet in lieu of the required 40 feet. To permit a side yard setback of 5 feet in lieu of the required 30 feet 3. To permit a sum a side yard setback of 38 feet in lieu of the required 80 feet. To permit a rear yard setback of 2 feet in lieu of the required 40 feet; to permit 17 parking spaces in lieu of the 44 spaces required.

Hearing: Friday, May 14, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 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 5, 2010.

Nicholas Foehrkolb
9501 Philadelphia Rd.
Baltimore, MD 21237

Dear: Nicholas Foehrkolb

RE: Case Number 2010-0255-A, 9501 Philadelphia Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 30, 2010. 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:lnw

Enclosures

c: People's Counsel
Bruce Doake; 320 E. Towsontown Blvd.; Towson, MD 21286

TB 5/14
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



APR 30 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 30, 2010
SUBJECT: Zoning Item # 10-255-A
Address 9501 Philadelphia Road
(Forhrkolb Property)

Zoning Advisory Committee Meeting of April 5, 2010.

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

Reviewer: JWL Date: 4/30/2010

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 19, 2010
Item Nos. 2010-251, 252, 253, 255,
256, 257, 258 and 260

DATE: April 8, 2010

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04192010 -NO COMMENTS.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

April 19, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 19, 2010

Item Numbers: 0250 through 0260

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

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

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

cc: File



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

April 12, 2010

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

RE: Baltimore County
Item No.2010-0255-A
MD 7 (Philadelphia Road)
at King Avenue
9501 Philadelphia Road
Foehrkolb Property
Variance- To permit front yard setback,
side yard setback, rear yard setback and
permit less than required parking spaces
in lieu of County Code Requirements.

Dear Ms. Matthews:

Thank you for the opportunity to review the plan to accompany petition for variances associated with 9501 Philadelphia Road, which was received on April 5, 2010. We understand that the aforementioned submission illustrates several requests to allow a proposed restaurant use with on-site parking.

We have completed our review and evaluation of existing conditions. Our inspection reveals that the driveway connection onto MD 7 (Philadelphia Road) is consistent with State Highway Administration (SHA) Access Manual Guidelines for a two-way commercial entrance. Based on available information the SHA has no objection to Case No. 2010-0255-A Foehrkolb Property located at 9501 Philadelphia Road. Please include our remarks in your staff report to the Zoning Commissioner.

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

Very truly yours,

For 
Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Bruce E. Doan, Consultant Engineer, Gerhold, Cross & Etzel, Ltd.
Mr. Dennis A. Kennedy, Bur. Development Plans Review, Baltimore County
Mr. David Malkowski, District Engineer, SHA
Mr. Joseph Merrey, Permits & Development Mgmt., Baltimore County
Mr. Michael Pasquariello, Utility Engineer, SHA

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



RE: PETITION FOR VARIANCE * BEFORE THE
9501 Philadelphia Road; SE/S Philadelphia *
Road, 32' E of c/line King Avenue * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Nicholas Forhrkolb * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-255-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

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

RECEIVED

APR 12 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

[Click here to read about what makes a good](#)

9501 Philadelphia Rd
Baltimore, MD 21237
410.574.7222
Fax: 410.574.8941

[Home](#)[Menu](#)[Questions?](#)[The Restaurant](#)[Order Now!](#)

What's being said about Breezy Point Crabcakes?

With so many "Maryland Crab Cake" websites all claiming to have the best crab cake, winning some obscure award, and plenty of so called "real" customer reviews how does one choose?

Should you go with the site that boasts "won best crab cake '98!" from No Ones Heard Of Us Magazine? Perhaps the site with rave customer reviews that, of course, cannot be proven to be written by an actual customer or by the business itself. Well, Breezy Point has you covered.

Just listen to food critic Henry Hong or Baltimore radio host Dan Rodricks. We could go into how our crab cakes are only made from fresh domestic crabmeat or we only use a small amount of binder. Instead we'll just let whomever eats a Breezy Point crab cake do the talking.



2008- 509 Media Productions
509 Media | Valid CSS and XHTML
1.0 Strict

[Click here to read about what makes a good](#)



9501 Philadelphia Rd
Baltimore, MD 21237
410.574.7222
Fax: 410.574.8941

[Home](#)

[Menu](#)

[Questions?](#)

[The Restaurant](#)

[Order Now!](#)



Come on in!

Tired of eating at the same places every week? Are you trying to eat healthier? Do you just want to eat some quick and different?

Try Breezy Point Seafood Company, a unique high quality quick serve seafood restaurant and market. Not only we serve Maryland's best crab cakes; we also serve an array of gourmet seafood entrees, chef salads, and sandwiches.

Gourmet Choice

How It Works:

Any item we sell here is available for our Gourmet Choice. Are you in the mood for a chef salad, sandwich, or sandwich? At Breezy Point it's your choice with Gourmet Choice. Take any seafood item at Breezy Point, have it cooked the way you want with the sauce you want, and then choose if you would like it on a sandwich, chef salad, or with two side dishes.

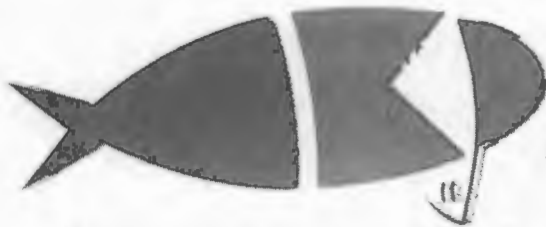
Available Cooking Methods:

Steam - Broil - Fry - Sauté - Grill

Available Sauces:

Lemon Butter Dill - Sante Fe - Garlic Herb - Cajun - Ginger Teriyaki - Lemon Pepper

2008- 509 Media Productions
509 Media | Valid CSS and XHTML 1.0 Strict



breezypoint
seafood company

9501 Philadelphia Road
Baltimore, MD 21237
410.574.7222
bpcrabcakes.com

*Prices Subject to Change

gourmet choice meals

Choose your entree

ENTREE	SANDWICH	SANDWICHES & SIDES
Rockfish	9.95	7.95
Red Snapper	9.95	7.95
Tuna	9.95	7.95
Flounder	9.95	7.95
Orange Roughy	9.95	7.95
Shrimp	8.95	6.95
Mahi Mahi	9.95	7.95
Salmon	9.95	7.95
Catfish	7.95	5.95
Tilapia	7.95	5.95
Steak Fish	7.95	5.95
Lake Trout	7.95	5.95
Scallops	11.95	9.95
Chicken	7.95	5.95

How would you like it prepared?
Grilled, Broiled, Fried

What sauce would you like?
SAUCE - Asian Sesame, Roasted Red
Pepper, Spicy Thai, Lemon Butter
RUB - Cajun, Lemon Pepper, Old Bay

Choose Two Sides

Seasoned Rice
French Fries
Cole Slaw
Grilled Veggies
Salad
Salsa

"The golden standard for Maryland Crab Cakes; overall my favorite."

-Henry Hong, Food Critic for Baltimore's City Paper & Baltimore Magazine

**In his article "Crab Cakes: Everything You Ever
Wanted To Know About Maryland's Signature Dish"**



9501 Philadelphia Road
Baltimore, MD 21237
410.574.7222
bpcrabcakes.com

breezypoint
seafood company

*Prices Subject to Change

breezy point meals

Choose your entree

Jumbo Crab Cake

Backfin Crab Cake

Stuffed Shrimp

Fried Shrimp

Soft Crab

Fried Oysters

Shrimp Salad

Codfish Cake

Stuffed Fish

Combinations

Fried

2 Fried Shrimp, Stuffed Shrimp, 3 Scallops
Crab Cake, Codfish Cake, Kani Filet

Broiled

3 Shrimp, 3 Scallops, Crab Cake, Kani
Filet

Individual

Jumbo Crab Cake

Backfin Crab Cake

Stuffed Shrimp

Fried Shrimp

Codfish Cake

Clam Strips

Soup & Dip

Maryland Crab

Cream of Crab

Crab Dip

ENTREE SANDWICH SANDWICH & SIDES

12.95 10.95 13.95

9.95 7.95 10.95

11.95 10.95 9.95

10.95 8.95 11.95

12.95 10.95 13.95

11.95 9.95 12.95

8.95 6.95 9.95

5.95

12.95

PRICE

15.95

14.95

9.50

6.50

2.25

1.50

1.75

3.00

BOWL

QUART

3.25 9.50

3.95 11.50

7.95 20.95

Seafood Market | Dine In | Carry Out
Steamed Crabs & Shellfish



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1518101560

Owner Information

Owner Name: FOEHRKOLB NICHOLAS ANDREW **Use:** INDUSTRIAL
Mailing Address: 2899 BREEZY POINT CT **Principal Residence:** NO
 ESSEX MD 21221-2053 **Deed Reference:** 1) /11993/ 466
 2)

Location & Structure Information

Premises Address
 9501 PHILADELPHIA RD

Legal Description

9501 PHILADELPHIA RD SES
 600FT SW MIDDLE RIVER R

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
82	21	248						3	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1997	2,400 SF	15,000.00 SF	07

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	120,000	180,000		
Improvements:	120,200	127,800		
Total:	240,200	307,800	262,733	285,266
Preferential Land:	0	0	0	0

Transfer Information

Seller: FRANK JOHN K,SR FRANK JOHN K,JR	Date: 01/17/1997	Price: \$95,000
Type: NOT ARMS-LENGTH	Deed1: /11993/ 466	Deed2:
Seller: MOBRAY ENTERPRIS ES INC	Date: 06/25/1984	Price: \$102,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6739/ 800	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE**
SE side of Philadelphia Road, 32 feet
NE from the c/l of King Ave
15th Election District
6th Councilmanic District
(9501 Philadelphia Road)

Nicholas Andrew Foehrkolb
Legal Owner

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

*
* **Case No. 2011-0058-XA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by Nicholas Andrew Foehrkolb, the legal property owner. The Special Exception is requested pursuant to Section 248.2.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a carry-out, fast food and standard restaurant within a M.L.R. Zone which is part of a contiguous area of 25 acres or more of industrial zoning and in which the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein. The Variance request is also from Section 248.2.B of the B.C.Z.R. to permit the combined tract areas for a carry-out, fast food and standard restaurant (services commercial) use to occupy 55% in lieu of maximum 15 % of the M.L.R. tract in which they are located. 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.

Appearing at the requisite public hearing in support of the Special Exception and Variance requests was Petitioner Nicholas Andrew Foehrkolb and Bruce E. Doak with Gerhold,

Cross & Etzel Ltd., the professional land surveyor who prepared the site plan. There were no other interested persons in attendance at the hearing.

The instant matter is a companion case with Case No. 2010-0255-A, in which Petitioner requested certain setback and parking variance relief for the subject property following Petitioner's construction of a 7 foot wide by 22 foot long "bump out" addition to the rear of the existing building. The variance relief was needed to legitimize conditions that have existed over time related to front and side yard setbacks and parking, as well as a rear yard setback for the addition. Pursuant to the Order dated June 15, 2010, the undersigned granted the aforementioned relief; however, subsequently, the Office of People's Counsel for Baltimore County filed an appeal. As explained by Mr. Doak, People's Counsel took issue with the failure to include the requirements of Section 248.2.B of the B.C.Z.R. -- specifically, the need for a special exception to operate the carry-out, fast food and standard restaurant within an M.L.R. Zone, and a variance to permit the restaurant and parking areas to occupy 55% in lieu of the maximum 15% of M.L.R. tract. Although Mr. Doak believes People's Counsel's contention is arguable at best, in the interest of resolving any outstanding issues for his client, Mr. Doak filed the instant Petitions for zoning relief.

The testimony and evidence presented in Case No. 2010-0255-A is identical to the testimony and evidence in the instant matter. It is incorporated herein by reference as if recited in its entirety. As a supplement to the testimony and evidence presented in the prior case, and in support of the requested special exception, Mr. Doak indicated that the subject property is included in over 100 acres of contiguous M.L.R. zoned property -- perhaps closer to 200 acres -- with a mix of services businesses such as sit-down restaurants, carry-out restaurants, and banks, as well as an array of diverse business uses, including manufacturing, offices and retail. The

subject property has a long-standing history at the subject location having been there since 1997, which could constitute longevity in today's economic climate. Mr. Doak was accepted as an expert in zoning and land use and interpretation of the Zoning Regulations, and offered his opinion that the requested special exception would not be detrimental to the health, safety, or general welfare of the locality, nor would it have any detrimental impacts or adverse effects on the other applicable criteria set forth in Section 502.1 of the B.C.Z.R. As to the variance request, Mr. Doak indicated that the area is essentially a commercial corridor with a multitude of service and retail businesses. Moreover, this area of Philadelphia Road is set up to handle these types of businesses and the existing restaurant and parking areas occupying 55% of the property is similar to other service businesses nearby.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated August 12, 2010 which indicates that the requests are for modifications to an existing structure for an existing use. Comments were received from the Bureau of Development Plans Review dated August 26, 2010 which indicates that a condition of the approval of the special exception and variance should be that Petitioner re-stripe the parking lot to show minimum 18 foot deep parking spaces and a defined drive aisle.

Turning first to the requested special exception, I am persuaded to grant the relief. The uncontroverted testimony of Mr. Doak demonstrates that the existing restaurant on the subject property will have no detrimental impacts on the relevant 502.1 criteria. Moreover, the hindsight of 13 years in business confirms no adverse impact. In regard to the variance request, based on the testimony and evidence, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests, that strict compliance with the

Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship, and that the variance request 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, including the specific findings set forth in the Order issued in Case No. 2010-0255-A.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and the Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 20th day of October, 2010 that Petitioner's request for Special Exception pursuant to Section 248.2.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a carry-out, fast food and standard restaurant within a M.L.R. Zone which is part of a contiguous area of 25 acres or more of industrial zoning in which the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Section 248.2.B of the B.C.Z.R. to permit the combined tract areas for a carry-out, fast food and standard restaurant (services commercial) use to occupy 55% in lieu of maximum 15 % of M.L.R. tract in which they are located be and is hereby **GRANTED**.

The granting of the above relief shall be subject, however, to the following conditions:

1. Petitioner may apply for any permits required and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.

2. Petitioner shall re-stripe the parking lot to show minimum 18 foot deep parking spaces and a defined drive aisle.

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

SIGNED
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

CASE NAME FOEHRLKOLB PARTY
CASE NUMBER 97-292-A
DATE 5/14/10

CASE NAME FOERKOLB PARTY
CASE NUMBER 97-292-A
DATE 5/19/10

[illegible]

Case No.: 2010-0255-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2 A-C	Aerial Photographs of Subject Property	
No. 3 A-Q	Photographs of Property and surrounding Area	
No. 4	Photograph of Breezypoint Dining Room	
No. 5	Case No. 97-292-A	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Bing Maps

9501 PHILADELPHIA ROAD

 **FREE!** Use **Bing 411** to find movies,
businesses & more: **800-BING-411**

PETITIONER' S**EXHIBIT NO.** 2A-C

Bing Maps

9501 PHILADELPHIA ROAD

 **FREE!** Use **Bing 411** to find movies,
businesses & more: **800-BING-411**



Bing Maps

9501 PHILADELPHIA ROAD

FREE! Use **Bing 411** to find movies, businesses & more! **800-BING-411**



ZONING NOTICE

CASE # : 2010-255-A

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

PLACE: Room 104 Jefferson Building
105 West Chesapeake Avenue, Towson, MD
TIME &
DATE : 9:00 am Friday May 14, 2010

Variance: to permit a front yard setback of 33 feet in lieu of the required 40 feet. To permit a side yard setback of 5 feet in lieu of the required 30 feet. To permit a sum of a side yard setback of 38 feet in lieu of the required 80 feet. To permit a rear yard setback of 2 feet in lieu of the required 40 feet; to permit 17 parking spaces in lieu of the 44 spaces required.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING. PLEASE CHECK THE SCHEDULED HEARING DATE
BEFORE THE HEARING. UNDER PENALTY OF LAW,
FOR ACCESSIBLE

PETITIONER'S

EXHIBIT NO.

3A-Q

Breezy Point
SEAFOOD CO.
410-574-7225
OUT OUR NEW LOOK!
E IN CARRY OUT
SEAFOOD MARKET











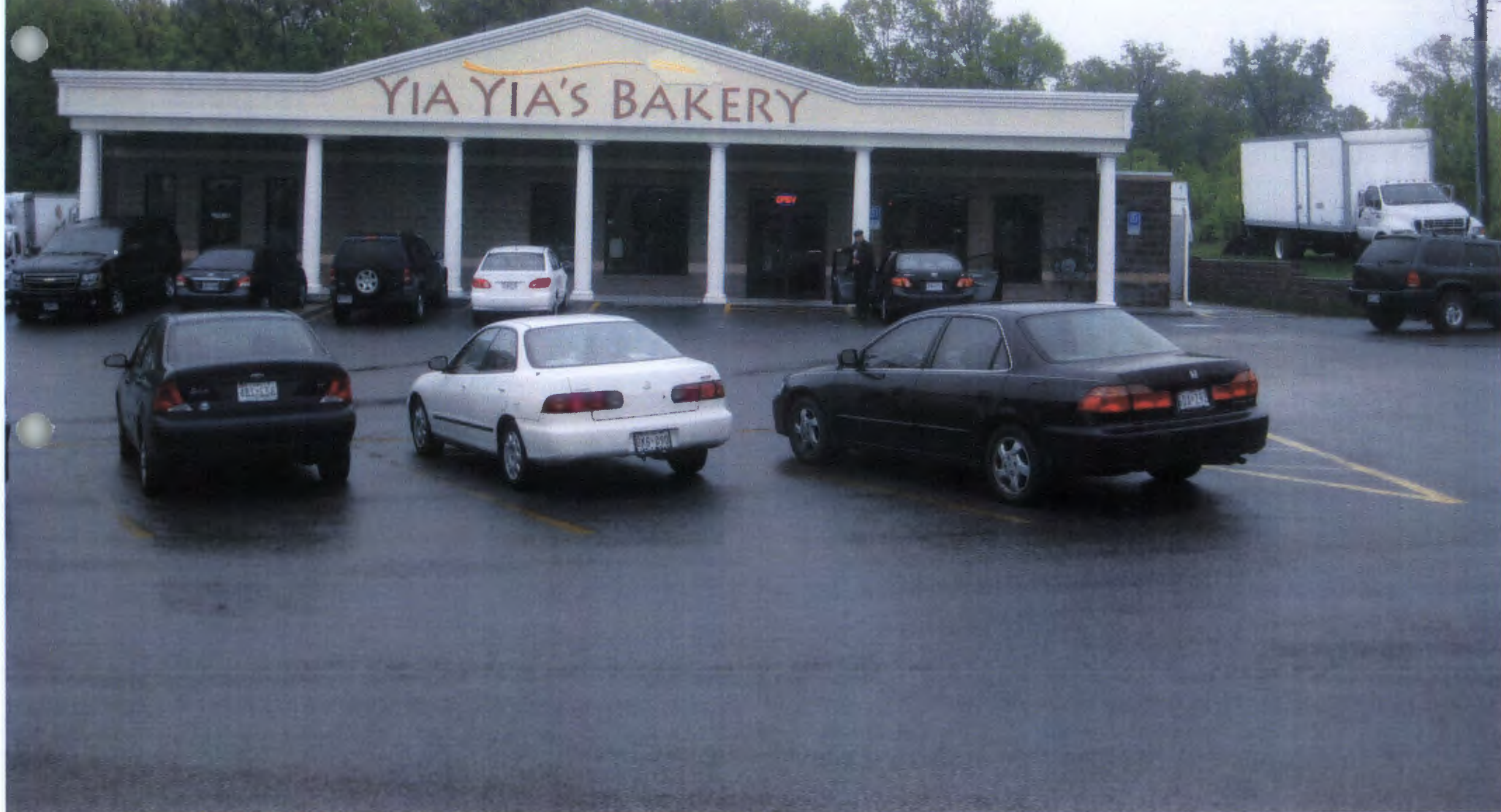








YIA YIA'S BAKERY















PETITIONER'S

EXHIBIT NO.

4



IN RE: PETITION FOR VARIANCE
S/S Philadelphia Road, 60' SE
of the c/l of King Avenue
(9501 Philadelphia Road)
15th Election District
7th Councilmanic District

Nicholas A. Foehrkolb
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-292-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 9501 Philadelphia Road, located in the vicinity of King Avenue and Middle River Road in Rossville. The Petition was filed by the owner of the property, Nicholas A. Foehrkolb. The Petitioner seeks relief from Sections 250.2 and 250.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each in lieu of the required 30 feet, and a rear yard setback of 10 feet in lieu of the required 40 feet for a proposed commercial building. The subject property and relief sought are more particularly described on the site plan submitted, which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Nicholas A. Foehrkolb, property owner. Appearing as an interested party was Michael J. Svezese, adjoining property owner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 16,000 sq.ft., zoned M.L.R.-I.M., and is improved with a one-story frame dwelling and a detached two-story frame accessory building. The dwelling was used as a multi-apartment residence until the Petitioner's purchase of the property in December, 1996. The Petitioner is desirous of redeveloping the property for commercial use as

PETITIONER'S

EXHIBIT NO. 5

RECEIVED

ORDER RECEIVED FOR FILING

Date 2/26/97

By [Signature]

a wholesale and retail seafood business. The Petitioner proposes to raze the existing structures and construct an 80' x 40' one-story building to the rear of the property, with accessory parking in front. In order to develop the site as proposed, the relief requested is necessary.

Mr. Foehrkolb testified that he has been in the wholesale and retail seafood business all of his life. He indicated that the proposed operation will consist of processing and selling seafood, wholesale and retail. The business will operate year round; however, Mr. Foehrkolb envisions the bulk of his business will occur during the summer months.

As noted above, the adjoining property owner, Michael Svezese, appeared as an interested party. Mr. Svezese welcomed the new owner of the subject property, indicating that the prior owner allowed the property to deteriorate. Furthermore, Mr. Svezese testified that he had problems with the various tenants of the apartments. Mr. Svezese looks forward to the renovation of the property; however, he is concerned over the proposed use of the property. Ms. Svezese seeks assurance that the Petitioner's seafood operation will not interfere with his use of his property. Therefore, appropriate restrictions will be imposed at the end of this Order as a condition to the granting of the requested relief.

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser

relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1997 that the Petition for Variance seeking relief from Sections 250.2 and 250.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each in lieu of the required 30 feet, and a rear yard setback of 10 feet in lieu of the required 40 feet for a proposed commercial structure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING

Date

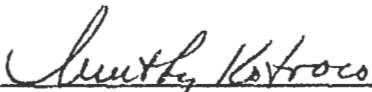
By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The existing privacy fence located along the northeast boundary line of the subject site adjacent to Mr. Svezese's property, shall remain in place and shall be maintained by the Petitioner.

3) All dumpsters for the proposed seafood operation shall be located in the southwest corner of the parking lot, adjacent to the proposed building and the common property line shared with Bosch Distributors. Given that the Petitioner is in the seafood business and the peak season of operation will be during the hot summer months, the Petitioners shall take appropriate steps to insure that the dumpsters are emptied on a regular basis to prevent offensive odors from building up. In the event odors should become a problem, the matter shall be brought to the attention of the Zoning Enforcement Division of the Department of Permits and Development Management (DPDM), for investigation and enforcement of this provision.

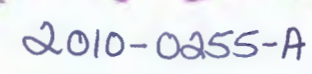
4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

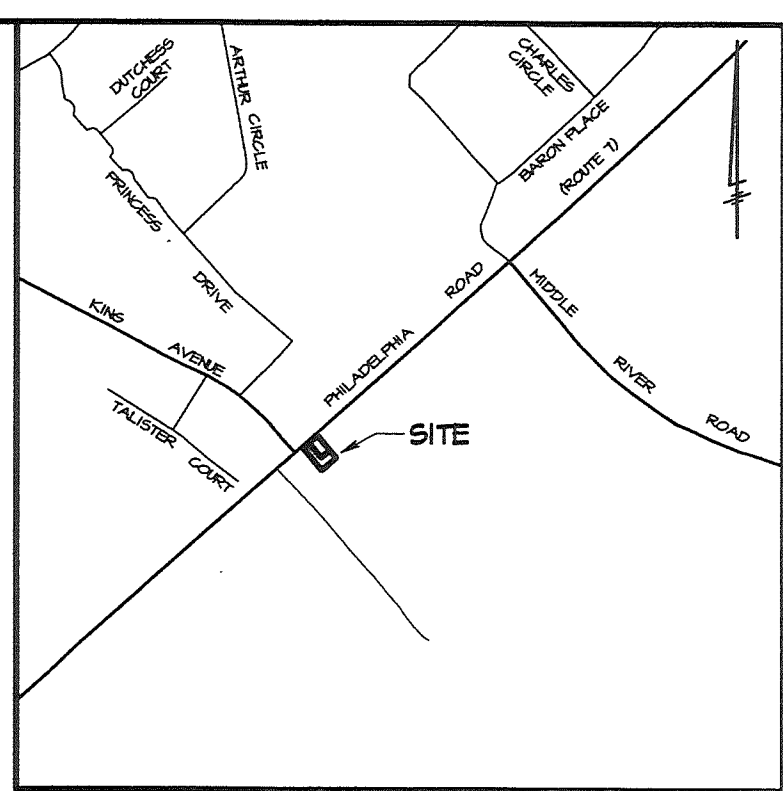
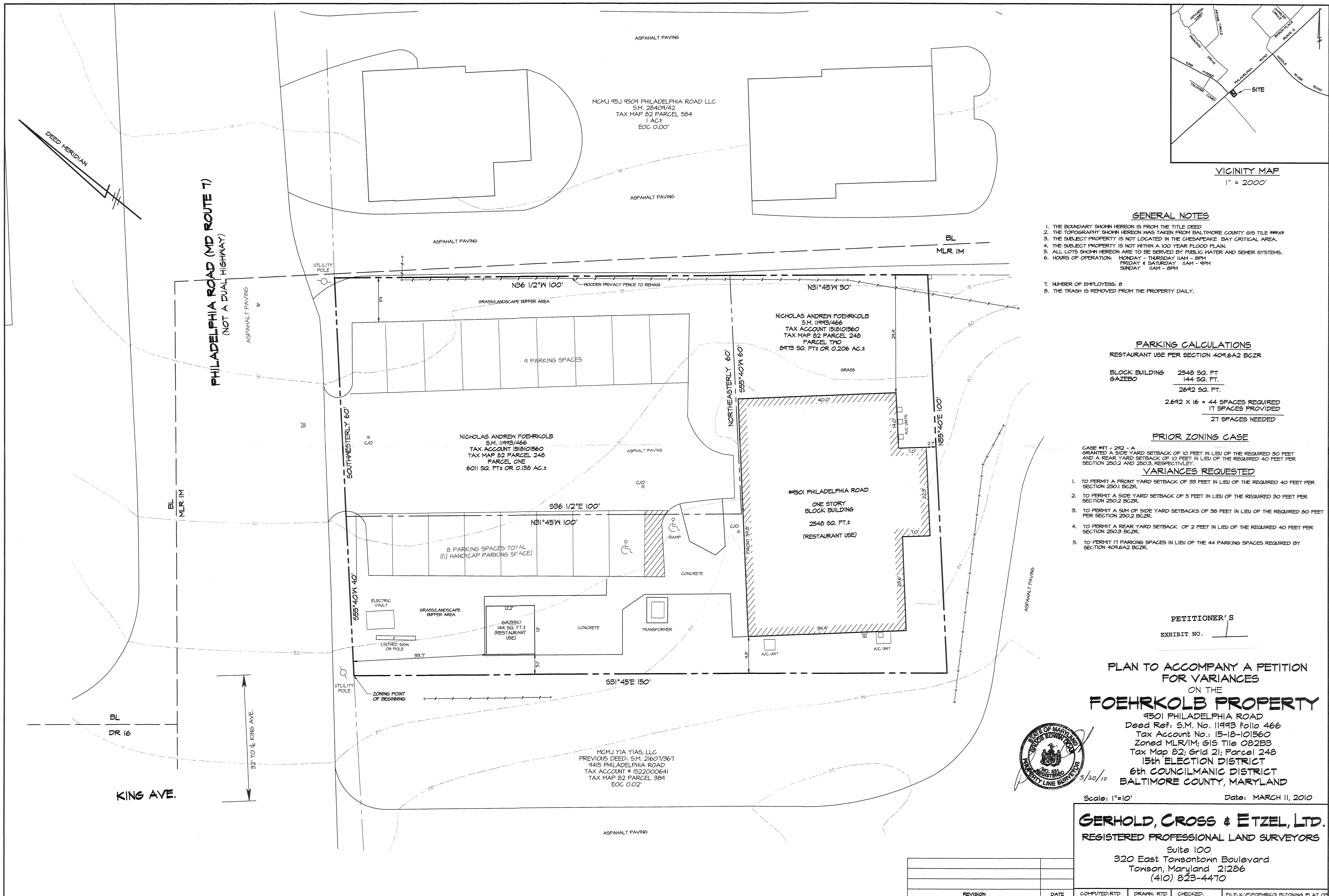

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/24/99
By Kop

RECORDED





VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE ###X#
3. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
4. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
5. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
6. HOURS OF OPERATION: MONDAY - THURSDAY 11AM - 8PM
FRIDAY & SATURDAY 11AM - 9PM
SUNDAY 11AM - 8PM

7. NUMBER OF EMPLOYEES: 8
8. THE TRASH IS REMOVED FROM THE PROPERTY DAILY.

PARKING CALCULATIONS

RESTAURANT USE PER SECTION 409.6A2 BCZR

BLOCK BUILDING 2548 SQ. FT.
GAZEBO 144 SQ. FT.
2692 SQ. FT.

2692 X 16 = 44 SPACES REQUIRED
17 SPACES PROVIDED
27 SPACES NEEDED

PRIOR ZONING CASE

CASE #41 - 242 - A
GRANTED A SIDE YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET
AND A REAR YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 40 FEET PER
SECTION 250.2 AND 250.3, RESPECTIVELY.

VARIANCES REQUESTED

1. TO PERMIT A FRONT YARD SETBACK OF 33 FEET IN LIEU OF THE REQUIRED 40 FEET PER SECTION 250.1 BCZR.
2. TO PERMIT A SIDE YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 30 FEET PER SECTION 250.2 BCZR.
3. TO PERMIT A SUM OF SIDE YARD SETBACKS OF 38 FEET IN LIEU OF THE REQUIRED 80 FEET PER SECTION 250.2 BCZR.
4. TO PERMIT A REAR YARD SETBACK OF 2 FEET IN LIEU OF THE REQUIRED 40 FEET PER SECTION 250.3 BCZR.
5. TO PERMIT 17 PARKING SPACES IN LIEU OF THE 44 PARKING SPACES REQUIRED BY SECTION 409.6A2 BCZR.

PETITIONER'S

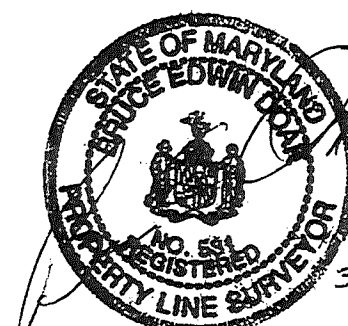
EXHIBIT NO. 1

PLAN TO ACCOMPANY A PETITION
FOR VARIANCES

ON THE

FOEHRKOLB PROPERTY

9501 PHILADELPHIA ROAD
Deed Ref: S.M. No. 11993 folio 466
Tax Account No.: 15-18-101560
Zoned MLR/IM; GIS Tile 082B3
Tax Map 82; Grid 21; Parcel 248
15th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=10'

Date: MARCH 11, 2010

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE

COMPUTED: RTD DRAWN: RTD CHECKED: FILE: X:\V\FoeHrKolb\Zoning Plat 08_10_10.pr

2010-0255-A