

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,

ORDER RECEIVED FOR FILING

Date. 10-20-10

By P3

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

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Date 10-20-10

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By B3

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

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Date 10-20-10

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By Bj

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.

ORDER RECEIVED FOR FILING

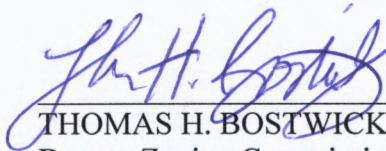
Date 10.20.10

4

By pm

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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 10-20-10

By PZ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 20, 2010

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

Re: Petition for Special Exception and Variance
Case No. 2011-0058-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 cursive script, reading "Thomas 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 Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 9501 Philadelphia Road

which is presently zoned MLR / IM

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

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 Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

NICHOLAS ANDREW FOERKLEB

Name - Type or Print

Signature

Name - Type or Print

Signature

9501 PHILADELPHIA ROAD

410-574-7222

Address

Telephone No.

BALTIMORE

MO

21237

City

State

Zip Code

Representative to be Contacted:

BRUCE E. DOAN

GERHOLD CROSS & ETZEL, LTD

Name

320 E. TOWSON TOWN BLVD.

410-823-4470

Address

Telephone No.

TOWSON

MO

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JF Date 8/5/10

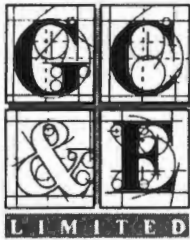
Case No. 2011-0058-XA

ORDER RECEIVED FOR FILING

REV 07/27/2007

Date 10-20-10

By [Signature]



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

July 26, 2010

Request for a Special Exception to use the herein described property for:

A carry-out, fast food and standard restaurant within an M.L.R. zone which is part of a contiguous area of 25 acres or more of industrial zoning and if the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein.

248.2.B



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 9501 Philadelphia Road
which is presently zoned MLR / IM

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.)

The restaurant use is ancillary to the wholesale and retail sales of sea food. Only a very small portion of the improvements are needed for the restaurant use, but the zoning regulations require that all of the building and parking be considered restaurant use when computing the percentage of restaurant use in comparison to the tract size.

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 _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Nicholas Andrew Foehrkolb

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

9501 Philadelphia Road 410-574-7222
Address Telephone No.

Baltimore MD 21237
City State Zip Code

Representative to be Contacted:

Bruce E. Doak - Gerhold, Cross & Etzel

Name _____

320 E. Towsontown Blvd. 410-823-4470

Address Telephone No.

Towson MD 21286

City State Zip Code

Case No. 2011-0058-XA

Office Use Only

ORDER RECEIVED FOR FILING

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

Date 10.20.10

Reviewed by JF Date 8/10/10

By M

Petition for Variance

9501 Philadelphia Road

Variance requested:

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.

248.2-B



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

August 5, 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: 2011-0058-XA

Petitioner: NICHOLAS ANDREW FOHRKOLB

Address or Location: 9501 PHILADELPHIA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: NICHOLAS A. FOHRKOLB

Address: 9501 PHILADELPHIA ROAD

BALTIMORE MD 21237

Telephone Number: 410-574-7222

Revised 2/20/98 - SCJ

GERHOLD, CROSS & ETZEL, LTD.
Baltimore County Maryland

WWW.COMPUCHECKS.COM 888.398.5561

Additional Variance on Foehrkolb/Philadelphia

8/5/2010

12951
325.00

Checking

Additional Variance on Foehrkolb/Philadelphia

325.00

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

No. 59830

Date: 8-2-12

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
200	200	200		61501				705.00

Total: 705.00

Rec From: Gardner, Greg & Etzel

For: 9501 Philadelphia Rd.
Deduction for Variance & Special Exception
Hearing Case # 2011-0058-XA

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: # 2011-0058-XA

9501 Philadelphia Road

S/east side of Philadelphia Rd at the distances of 32 ft
n/east from the centerline of King Avenue

15th Election District — 6th Councilmanic District

Legal Owner(s): Nicholas Foehrkoib

Special Exception: for a carry-out, fast food and standard restaurant within an MLR zone, which is part of a contiguous area of 25 acres or more of industrial zoning & if the specific use proposed is demonstrably an appropriate service to industries existing planned or normally to be expected to locate therein. **Variance:** 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 MLR tract in which they are located.

Hearing: Monday, October 18, 2010 at 10:00 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 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.

9/470 September 30

255876

CERTIFICATE OF PUBLICATION

9/30, 20 10

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 9/30, 20 10.

- ☒ 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 #2011-0058-XA

PETITIONER: Nicholas Foehrkolb

DATE OF HEARING: October 18, 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: 9/29/10

ZONING NOTICE

CASE # : 2011-0058-XA

**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 : 10:00 am Monday October 18, 2010

Special Exception: for a carry-out, fast food and standard restaurant within an MLR zone, which is part of a contiguous area of 25 acres or more of industrial zoning & if the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein

Variance: to permit the combined tract areas for a carry-out, fast food and standard restaurant (services commercial) use to occupy 55% in lieu of the maximum 15% of MLR tract in which they are located.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 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





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
September 21, 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: 2011-0058-XA

9501 Philadelphia Road

S/east side of Philadelphia Rd at the distances of 32 ft n/east from the centerline of King Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Nicholas Foehrkolb

Special Exception for a carry-out, fast food and standard restaurant within an MLR zone, which is part of a contiguous area of 25 acres or more of industrial zoning & if the specific use proposed is demonstrably an appropriate service to industries existing planned or normally to be expected to locate therein. Variance 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 MLR tract in which they are located.

Hearing: Monday, October 18, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

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

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 2, 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, September 30, 2010 Issue - Jeffersonian

Please forward billing to:
Nicholas Foehrkolb
9501 Philadelphia Road
Baltimore, MD 21237

410-574-7222

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: 2011-0058-XA

9501 Philadelphia Road

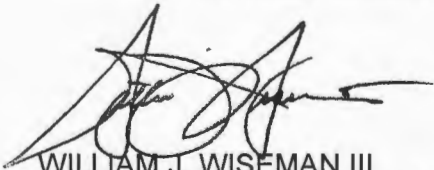
S/east side of Philadelphia Rd at the distances of 32 ft n/east from the centerline of King Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Nicholas Foehrkolb

Special Exception for a carry-out, fast food and standard restaurant within an MLR zone, which is part of a contiguous area of 25 acres or more of industrial zoning & if the specific use proposed is demonstrably an appropriate service to industries existing planned or normally to be expected to locate therein. Variance 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 MLR tract in which they are located.

Hearing: Monday, October 18, 2010 at 10:00 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 14, 2010

Nicholas Foehrkolb
9501 Philadelphia Rd.
Baltimore, MD 21237

Dear: Nicholas Foehrkolb

RE: Case Number 2010-0058-XA, 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 August 05, 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 Doak; Gerhold Cross & Erzel, Ltd.; 320 Towsontown Blvd, Towson, MD 21286



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 25, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 23, 2010

Item No.:

Administrative Variance: 2011-0039A, 0059A, 0062A - 0064A, 0067A, 0069A, 0070A, 0072A

Variance: 2011-0037A, 0038A, 0040A, 0041A, 0046A, 0058XA, 0059A, 0065A, 0066A, 0068A, 0071A

Special Exception: 2011-0058XA

Special Hearing: 2011-0061SPH

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop 1102

cc: File

TB 10/18 10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2008

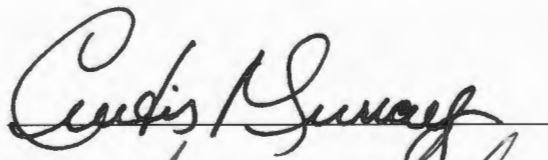
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-058- Variance and Special Exception**

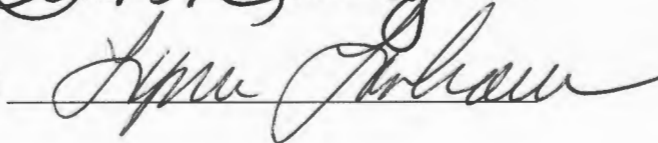
The Office of Planning has reviewed the above referenced case(s) and the subject request are for modifications to an existing structure for an existing use.

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

Prepared By:



Division Chief:
CM/LL



RECEIVED

SEP 17 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 6, 2010
Item No. 2011-058

DATE: August 26, 2010

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

A condition of the approval of the special exception and variance should be that the petitioner re-stripe the parking lot to show minimum 18-foot-deep parking spaces and a defined drive aisle.

DAK:CEN:cab
cc: File
ZAC-ITEM NO 11-058-09062010.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 25, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 23, 2010

Item No.:

Administrative Variance: 2011-0039A, 0059A, 0062A - 0064A, 0067A, 0069A, 0070A, 0072A

Variance: 2011-0037A, 0038A, 0040A, 0041A, 0046A, 0058XA, 0059A, 0065A, 0066A, 0068A, 0071A

Special Exception: 2011-0058XA

Special Hearing: 2011-0061SPH

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop 1102

cc: File



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: AUGUST 25, 2010

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

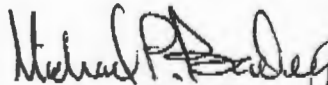
RE: Baltimore County
Item No. 2011-0058-XA
MD 7 (PHILADELPHIA RD)
9501 PHILADELPHIA RD
NICHOLAS FOERKOLB
SPECIAL EXCEPTION -
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8/25/2010. A field inspection and internal review reveals that an entrance onto MD 7 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for FOERKOLB PROPERTY Case Number 2011-0058-XA.

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

Very truly yours,


Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
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.sha.maryland.gov

TB 10/18 10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 08 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 8, 2010
SUBJECT: Zoning Item # 11-058-XA
Address 9501 Philadelphia Road
(Foehrkolb Property)

Zoning Advisory Committee Meeting of August 23, 2010

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

Reviewer: JWL Date: 9/8/10

RE: PETITION FOR SPECIAL EXCEPTION
AND 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
* 2011-058-XA

* * * * *

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of August, 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).

RECEIVED

AUG 27 2010

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>8-26-10</u>	DEVELOPMENT PLANS REVIEW	<u>condition</u>
<u>9-8-10</u>	DEPRM (if not received, date e-mail sent _____)	<u>nc</u>
<u>8-25-10</u>	FIRE DEPARTMENT	<u>nc</u>
<u>8-12-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>supports</u>
<u>8-25-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2010-0255-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>9-30-10</u>	
SIGN POSTING	Date: <u>9-29-10</u> <u>Doak</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>Motion to remand & remand order to D.C. - both unsigned</u>		

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: September 2, 2010

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

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

SUBJECT: Item No.: 2011-0058-XA
Legal Owner/Petitioner: Foehrkolb, Nicholas
Contract Purchaser: N/A
Property Address: 9501 Philadelphia Rd.
Location Description: SE side Phila. Rd. 32' NE from centerline
Of King Ave.

VIIOLATION INFORMATION: Case No. CO0074083
Defendants: Froehrkolb, Nicholas

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

NAME	ADDRESS
Gary Hucik	111 W. Chesapeake Ave. Rm. G21

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

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

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

AGB/gh
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT FA0030940

DATE: 3/11/10 INTAKE BY: GH CASE #: C00014083 INSPEC: 15th

COMPLAINT LOCATION: 9501 Philadelphia RD

ZIP CODE: DIST:

COMPLAINANT NAME: Fire Marshall (David) PHONE #: (H) 7527 (W)

ADDRESS: ZIP CODE:

PROBLEM: ~~WOP~~ Addition in rear of building converted from a carry-out to a restaurant No permits

IS THIS A RENTAL UNIT? YES NO
IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 1518 101560 ZONING: MRL-IM

INSPECTION: Inspected property prior to issuing correction notice - Due to the extent of requirement to obtain a valid permit a notice has been issued. Recheck 4/5/10

REINSPECTION: Gary that

REINSPECTION:

REINSPECTION:

Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0074083

<u>Record ID</u>	<u>AS/400 Case</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Scheduled Time</u>	<u>Received By</u>	<u>Received Date</u>	<u>Status</u>	<u>Hearing Date</u>	<u>ADC Grid</u>
CO0074083		Gary Hucik	04/05/2010		Gary Hucik	03/12/2010	Open - Normal		37E1

Complaint Description: ADDITION IN REAR OF BUILDING CONVERTED FROM A CARRY-OYT TO A RESTAURANT. NO PERMITS

<u>Facility:</u>	<u>Owner :</u>	<u>Complainant:</u>
FA0030940 PDM 1518101560 9501 PHILADELPHIA RD ROSEDALE, MD 21237	FOEHRKOLB NICHOLAS ANDREW 2899 BREEZY POINT CT ESSEX MD 21221	FIRE MARSHALL (DAVID) WORK: 4108877527

Daily Activity Details - No Data

Violation Details - No Data

Comment Details

Type	Date	Comments
BUILDING INSPECTIONS	03/12/2010	3/11/10 INSPECTION March 12, 2010 01:55 PM - NSHELTON INSPECTED PROPERTY PRIOR TO ISSUING CORRECTION NOTICE. DUE TO THE EXTENT OF REQUIREMENT TO OBTAIN A VALID PERMIT A NOTICE HAS BEEN ISSUED. P/U 4/5/10 G.HUCIK/NS***

Lien Information - None

DATE: 03/11/2010

ASSESSMENT TAXPAYER SERVICE

TIME: 14:35:58

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
15 18 101560	15	3-0	07-00	N	NO		01/07/10
FOEHRKOLB NICHOLAS ANDREW				DESC-1.. IMPS			
				DESC-2.. 600FT SW MIDDLE RIVER			
2899 BREEZY POINT CT				PREMISE. 09501 PHILADELPHIA		RD	

00000-0000

ESSEX MD 21221-2053 FORMER OWNER: FRANK JOHN K,SR FRANK JOH

-----FCV-----		-----TRANSFER DATA-----		---PROPERTY ID---	
PRIOR	PROPOSED	NUMBER.....		LOT.....	
LAND: 120,000	180,000	DATE.....	01/17/97	BLOCK....	
IMPV: 120,200	127,800	PURCHASE PRICE..	95,000	SECTION..	
TOTL: 240,200	307,800	GROUND RENT.....	0	PLAT.....	
PREF: 0	0	DEED REF LIBR..	11993	BOOK.....	0000
CURT: 0	0	DEED REF FOLIO..	466	FOLIO....	0000
DATE: 09/05	09/08	YEAR BUILT.....	97	MAP.....	0082
		NEW CONSTR YR...		GRID.....	0021
				PARCEL...	0248

TAXABLE BASIS

285,266	LOT WIDTH..	100.00	SB 1978	145.00
262,733	LOT DEPTH..	100.00	WB 1968	.00
0	LAND AREA..	15000.000 S	SS	1868.79
ENTER-INQUIRY1	PA1-PRINT	PF4-MENU	PF5-QUIT	WD 89.19

Pt. Bk./Folio # 043107

Lot # 2

1700008498

KING AVE

PRINCESS DR

PDM # 140107

1700006227 Lot # 1

Pt. Bk./Folio # 039011

Pt. Bk. 43, Folio 107

9504

BL

PHILADELPHIA RD

1519321080

9505

PDM # 140137

Pt. Bk./Folio # 044147A

DR 16

1800008361

Pt. Bk. 44, Folio 147

082B3

NE 6-H

KING AVE

19990406
19970292

1518101560

19780162

Martin State Airport Restriction Area (needs SAA approval of height & noise)

TALISTER CT

PHILADELPHIA RD

19960415

1518101560

9501

MLR IM

1522000641

RUOCCO PROPERTY (PDM File/Project #)

Pt. Bk. 70, Folio 132

2200025465 Lot # 1

MLR

Case Number: 2011-0058-XA

Primary Use: Commercial

Reviewer: JRF

Type: SPECIAL EXCEPTION VARIANCE

Legal Owner: Nicholas Foehrkolb

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 15th **Councilmanic Dist:** 6th

Property Address: 9501 Philadelphia Rd

Location: South east side of Philadelphia Road at the distances of 32 feet north east from the centerline of King Ave.

Existing Zoning: MLR-IM

Area: 0.344 Acre

Proposed Zoning: SPECIAL EXCEPTION A carry-out, fast food and standard restaurant within a MLR zone which is part of a contiguous area of 25 acres or more of industrial zoning and if the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein.

VARIANCE 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 MLR tract in which they are located.

Attorney:

Miscellaneous:

G. Hucib

CO 0074083
FA0030940



CASE NAME FOENKOLB PROPERTY
CASE NUMBER 2011-0058-XA
DATE 10/18/10

CASE NAME FOENKOLB PROPERTY
CASE NUMBER 2011-0058-XA
DATE 10/18/10

[illegible]

Case No.:

2011-0058-XA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	Motion to Remand and Remand Order from Bd of Appeals - Case # 2010-0755-A	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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.

RECEIVED

JUL 29 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

PETITIONER'S

EXHIBIT NO.

2

RE: PETITION FOR VARIANCE
9501 Philadelphia Road; SE/S Philadelphia
Road, 32' E of c/line King Avenue
15th Election & 6th Councilmanic Districts
Legal Owner(s): Nicholas Forhrkolb
Petitioner(s)

* BEFORE THE COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* 10-255-A

* * * * *

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 21st 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 _____ day of _____, 2010, by the Board of Appeals of Baltimore County,

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

primary order

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**

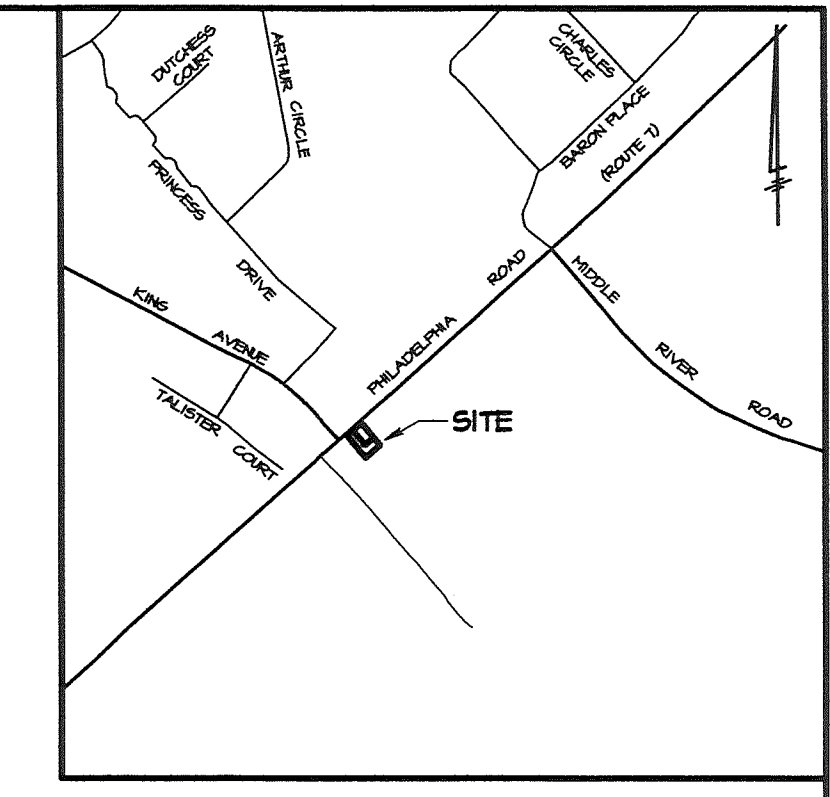
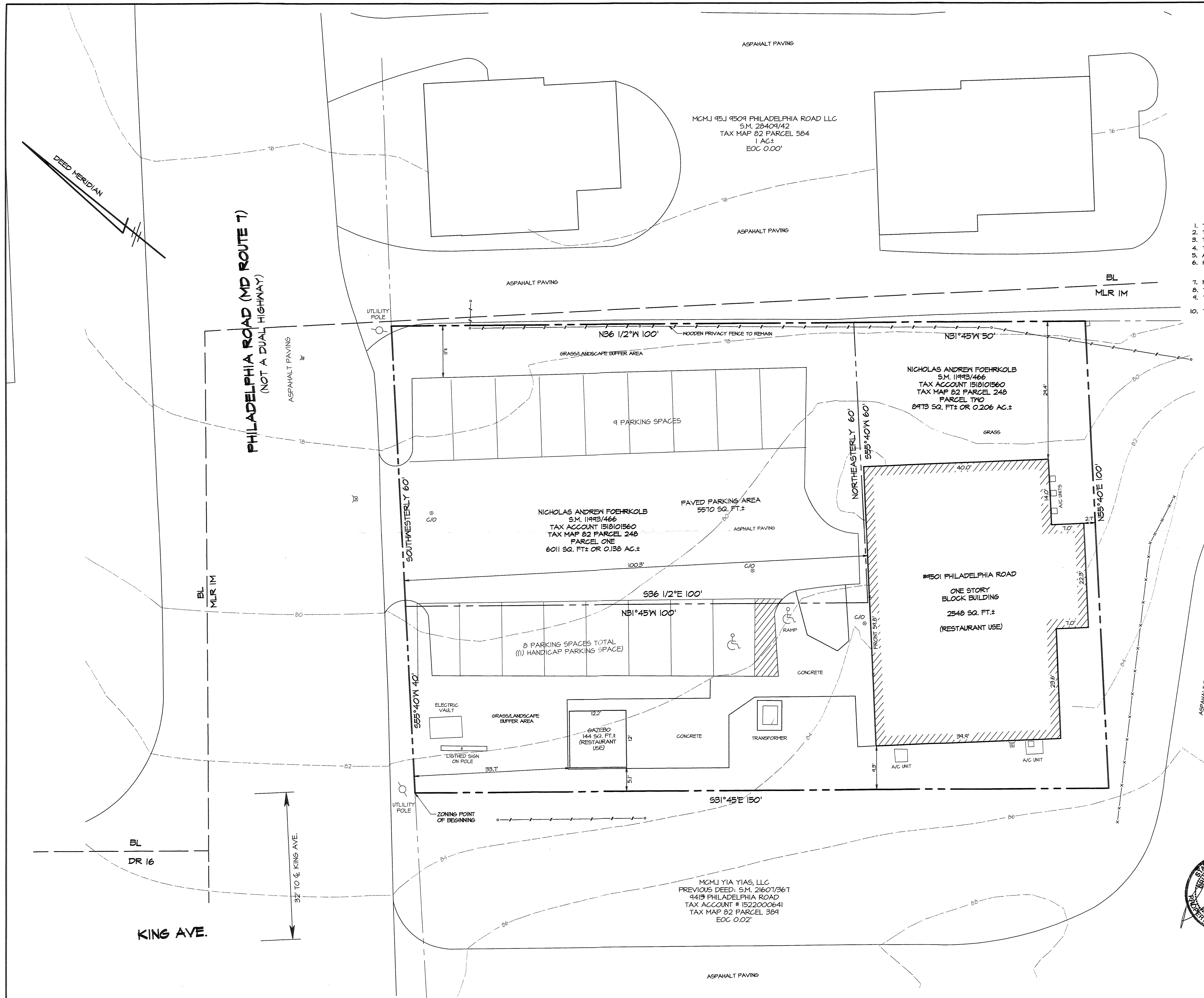
* * * * *

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.



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.
9. THE SUBJECT PARCELS WHICH ARE UTILIZED FOR THE RESTAURANT USE ARE LESS THAN 15% OF THE MLR- 1M ZONE WHICH THEY ARE LOCATED IN.
10. THE SUBJECT BUILDING IS LESS THAN 60' IN HEIGHT.

PARKING CALCULATIONS

2542 SQ. FT. (GROSS FLOOR AREA) : 14984 SQ. FT.
(GROSS AREA OF SITE) : 0.17

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 CASES

- CASE #147 - 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.
- CASE #2010-0255-A
GRANTED THE FOLLOWING VARIANCES:
1. TO PERMIT A FRONT YARD SETBACK OF 38 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.

SPECIAL EXCEPTION REQUESTED

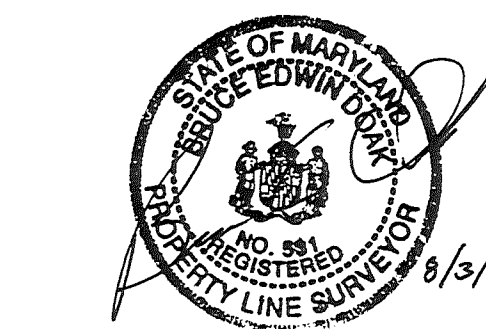
TO PERMIT A CARRY-OUT, FAST FOOD AND STANDARD RESTAURANT WITHIN AN MLR ZONE WHICH IS A PART OF A CONTIGUOUS AREA OF 25 ACRES OR MORE OF INDUSTRIAL ZONING AND IF THE SPECIFIC USE PROPOSED IS DEMONSTRABLY AN APPROPRIATE SERVICE TO INDUSTRIES EXISTING, PLANNED OR NORMALLY TO BE EXPECTED TO LOCATE THEREIN.

VARIANCE REQUESTED

TO PERMIT THE COMBINED TRACT AREAS FOR A CARRY-OUT, FAST FOOD AND STANDARD RESTAURANT (SERVICE COMMERCIAL) USE TO OCCUPY 55% IN LIEU OF MAXIMUM 15% OF MLR TRACT IN WHICH THEY ARE LOCATED.

**PLAN TO ACCOMPANY A PETITION
FOR A SPECIAL EXCEPTION
ON THE
FOEHRKOLB PROPERTY**

9501 PHILADELPHIA ROAD
Deed Ref: S.M. No. 11993 folio 466
Tax Account No.: 15-18-101560
Zoned MLR/1M; GIS Tile 082B3
Tax Map 82; Grid 21; Parcel 248
15th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=10'

Date: JULY 30, 2010

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21206
(410) 823-4470

REVISION	DATE

COMPUTED: RTD DRAWN: RTD CHECKED: FILE: X:\F\FOEHRKOLB\ZONING FLAT 08_05_10.pro

PETITIONER'S
EXHIBIT NO. 1