

IN RE: PETITION FOR SPECIAL HEARING

NW corner of York Road and
Cockeysville Road
8th Election District
3rd Councilmanic District
10810 York Road, et al

SS&H II, LLC, et al
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2011-0209-SPH**

* * * * *

OPINION AND ORDER

This matter comes before this Administrative Law Judge for consideration of a Petition for Special Hearing filed by John Koutrakos on behalf of SS&H II, LLC (Parcel 1B), Spartan Foods, Inc. (Parcels 1A and 1C) and the Maryland Department of Transportation, Mass Transit Administration (MTA) (Parcel 2), the legal owners of the parcels comprising the subject property. The Petition for Special hearing, filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("BCZR"), utilizing all previously granted zoning relief, requested modification of the relief granted, the floor area of the listed uses and the site plan which accompanied the Petition in Case No. 2008-413-SPHA (the "2008 Case"), consistent with the relief requested and site plan to accompany this Petition. The subject property and requested relief are more fully described on the plat, prepared by McKee & Associates, Inc., which was marked and accepted into evidence as Petitioners' Exhibit 1.

The record in this case reflects that the subject property was properly posted and advertised as required by the Baltimore County Zoning Regulations (BCZR). Appearing at the public hearing on this Petition were Geoffrey C. Schultz, PLS, President of McKee & Associates, Inc., the engineering/surveying/land planning firm that prepared Petitioners' Exhibit 1 and John Koutrakas on behalf of SS&H II, LLC and Spartan Foods, Inc. The Petitioners were represented by Howard L.

ORDER RECEIVED FOR FILING

Date 2-23-11
By PS

Alderman, Jr., Esquire. There were no Protestants or other interested citizens present during the hearing.

The proffered testimony indicated the four (4) parcels comprising the subject property are irregular in shape and have significant topographic constraints compared to other properties in the area. Three of the parcels are zoned BL-AS and the remaining parcel is split-zoned BM-AS and ML-IM. The subject property is now comprised of approximately 1.57 acres.

The testimony proffered indicated that the relief requested in the 2008 Case included approval of a modified parking plan and modified parking requirements for the mix of uses proposed on 1.41 $\pm$ acres comprising the subject property at that time. Alternatively, if the special hearing relief was not granted, the Petitioners requested a variance to permit a total of 85 parking spaces in lieu of the 131 parking spaces required. The special hearing relief was granted and the variance relief was dismissed as moot, by Order dated June 27, 2008, a copy of which was accepted into evidence as Petitioners' Exhibit 3.

The Petitioners desire to modify the site plan approved in the 2008 Case to include additional land acquired since 2008 and to modify the floor area size of the uses on the subject property. As summarized, Petitioners propose to increase the restaurant use by 2,292 sq. ft. and to reduce the retail uses by 1,632 sq. ft. The increased restaurant use includes portions of the patio area between Buildings "A" and "B", with the balance of the increase within Building "B", the majority of which is to be devoted to kitchen facilities, all as depicted more specifically on Petitioners' Exhibit 1. Accepted into evidence as Petitioners' Exhibit 2 was a summary chart of existing and proposed uses by Building and overall totals. The Floor Area Ratio of uses remains significantly below that permitted, 0.44 compared to an allowable FAR of 3.0.

ORDER RECEIVED FOR FILING

Date 2-23-11

By PJ

The proposed increase in restaurant use results in an increase in the amount of off-street parking required. Petitioners have addressed the increase by adding additional land adjacent to the western boundary of the subject property that permits the reconfiguration of parking spaces in that area from parallel to head-in spaces.

As discussed above, the modified parking relief granted in the 2008 case permitted 85 spaces in lieu of the 131 spaces then required, a difference of 46 parking spaces. In this case, the modification of uses proposed results in a parking requirement of 159 spaces. Through the acquisition of additional land and reconfigured parking, Petitioners are providing a total of 113 parking spaces or 46 fewer than required. Thus, Petitioners have provided the requisite number of additional parking spaces required by the reconfigured uses. A summary of the parking calculations for the uses approved in the 2008 Case and the uses proposed in this case was accepted into evidence as Petitioners' Exhibit 4.

The testimony offered, corroborated by the witnesses who were present and available to testify, was that additional parking requirements for the uses proposed was being met and that all spaces were located within 500 feet walking distance of the building entrance served, pursuant to Section 409.7.B.1 of the BCZR. The Zoning Advisory Committee comments were made a part of the record of this case, none of which had any comments regarding the relief requested.

I am persuaded, based on the evidence and testimony presented, to grant the relief requested permitting a modification of the relief granted, the floor area or size of the mixed uses on the subject property and the site plan that accompanied the Petition in the 2008 Case. It is evident that the increase in parking spaces required is met by the additional parking provided through acquisition of additional land and reconfiguration of spaces. In my judgment, the modification of uses on the

ORDER RECEIVED FOR FILING

Date 2-23-11

By [Signature]

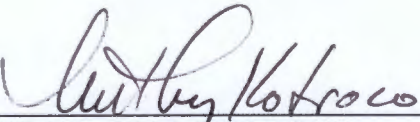
subject property will have no detrimental effect given the increase in available parking spaces and, having heard no evidence to the contrary, I shall grant the special hearing relief.

Pursuant to the advertisement, posting of the subject property and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing requests should be granted with conditions.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 23rd day of February, 2011, that the Petitioners' request for Special Hearing relief, filed pursuant to Section 500.7 BCZR, utilizing all previously granted zoning relief, to approve a modification of the floor area of the listed uses and the site plan approved in Case No. 2008-413-SPHA, consistent with the relief requested and the additional parking area and floor area of listed uses shown on the site plan to accompany this Petition be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. When applying for a building permit, the site plan filed must reference this Case and set forth and address the conditions and restrictions of this Order.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 2-23-11 4

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 24, 2011

HOWARD ALDERMAN JR., ESQUIRE
LEVIN & GANN PA
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE, SUITE 800
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2011-0209-SPH
Property: 10810 York Road, et al

Dear Mr. Alderman:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a light blue horizontal line.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Geoffrey C. Schultz, President of McKee & Associates, Inc., 5 Shawan Road, Suite 1,
Cockeysville MD 21030
John Koutrakas, SS&H II, LLC and Spartan Foods, Inc., 10810 Cockeysville Road,
Cockeysville MD 21030

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov



TAX ID = 1800007805

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

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

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

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

NONE

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

City

Signature

Levin & Gann, PA

Company

502 Washington Avenue, Suite 800

410-321-0600

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

SS&H II, LLC

By:

Signature

[SEE ATTACHED]

Name - Type or Print

Signature

10810 YORK ROAD

410-666-3838

Address

Telephone No.

Cockeysville

MD

21030

State

Zip Code

Representative to be Contacted:

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

Name

5 Shawan Road, Suite 1

410-527-1555

Address

Telephone No.

Cockeysville

MD

21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By 2011-0209 SPH Date 1/11/2011

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 2-23-11

By [Signature]

**ATTACHMENT
PETITION FOR SPECIAL HEARING**

CASE NO: 2011- 0209-SPH

Parcel 1B:

Owner: SS&H II, LLC

Address: 10810 Cockeysville Road

Signature on Petition

Zoning: BL-AS

Parcels 1A & 1C:

Owner: Spartan Foods, Inc.

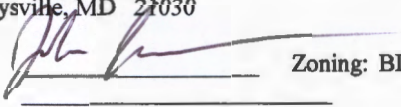
Address: 10800 Cockeysville Road

10810 York Road

14 Cockeysville Road

Cockeysville, MD 21030

16 Cockeysville Road

By: 

Zoning: BL-AS

[PRINTED/TYPED NAME]

Parcel 2:

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

[p/o Railroad Avenue]

REQUESTED RELIEF:

"why the Zoning Commissioner should," utilizing all previously granted zoning relief, [1] approve a modification of the relief granted, the floor area of the listed uses and the site plat which accompanied the Petition in Case No. 2008-413-SPHA, consistent with the additional parking area and floor area of listed uses, all as shown on the plat which accompanies this Petition; and [2] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

(410) 321-0600

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development



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

GC
1/5/2011

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

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

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

2011-0209 SPH

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development



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

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

1. N 67-59-02W ~~42.00~~ feet, thence
2. N03-24-47W ~~60.04~~ feet, thence
3. by a curve to the right, having a radius of ~~2876.79~~ feet and an arc length of ~~302.72~~ feet, thence
4. S87-23-02E ~~45.00~~ feet, thence
5. by a curve to the left, having a radius of 2831.79 feet and an arc length of 115.94 feet, thence
6. N89-43-47W 7.00 feet, thence
7. by a curve to the left, having a radius of 2838.79 feet and an arc length of 182.49 feet,
8. thence S03-24-47E 78.11 feet to the place of beginning.

Containing ~~0.34~~ acres more or less as recorded in deed 8506/ 307.

2011-0209 SPH

No. 6364

No.

Date: _____

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
1/12/2011	1/11/2011	10:12:16	2

REC #502 MAIL JENA JEE
 RECEIPT # 719915 1/11/2011 OCL

Dept	5	528 ZONING VERIFICATION
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063641
Recpt Tot \$385.00
\$385.00 OK 1.00 CA
Baltimore County, Maryland

Rev.	Sub
Source/	Rev/

[illegible]

Total:

Rec
From

For

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: # 2011-0209-SPH
10810 York Road, et al
N/west corner of York Road
& Cockeysville Road
8th Election District
3rd Councilmanic District
Legal Owner(s): SS & H II, LLC
Special Hearing: utilizing
all previously granted zon-
ing relief, approve a modifi-
cation of the relief granted,
the floor area of listed uses
and the approved plat in
case no. 2008-413-SPHA;
and such additional relief as
may be required.

Hearing: Thursday, Febru-
ary 17, 2011 at 1:30 p.m.
In Room 205, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

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

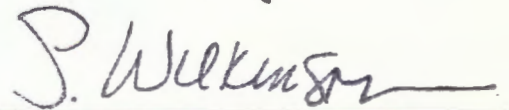
JT 2/6/19 Feb. 1 266154

CERTIFICATE OF PUBLICATION

2/3/, 2011

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 2/1/, 2011.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

Department of **PIA**
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

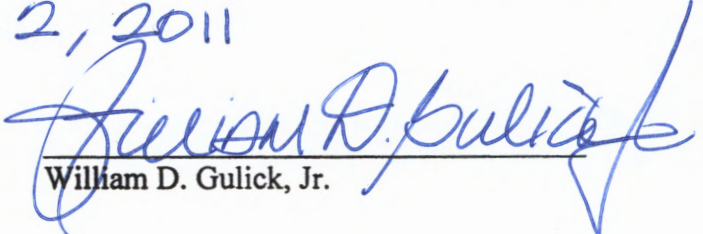
Date: **FEB. 2, 2011**

Attention: **ZONING OFFICE**
MS KRISTEN LEWIS

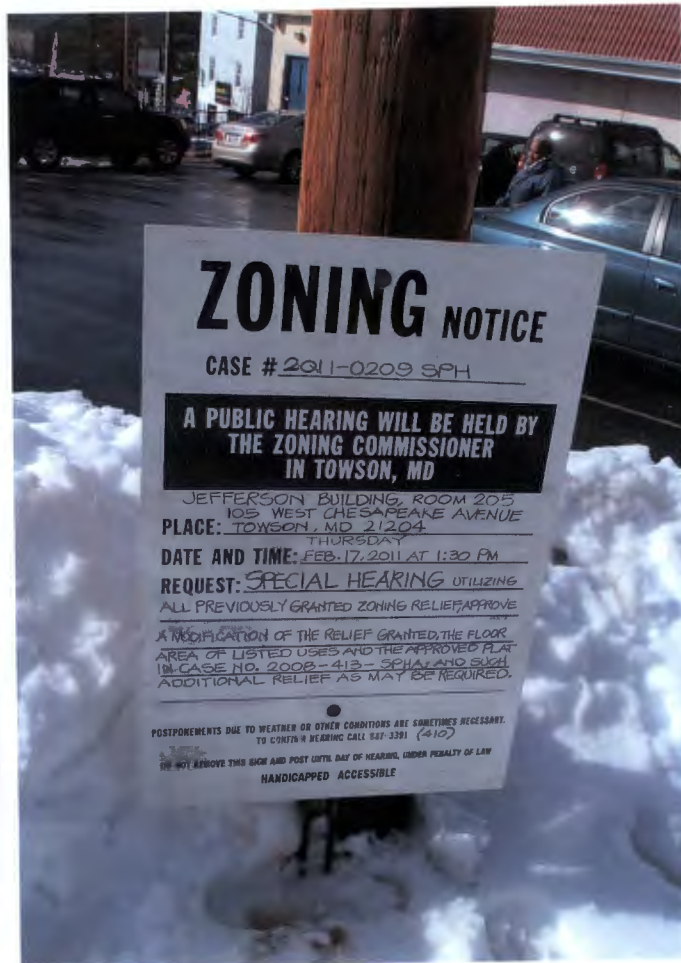
Re: Case Number: **2011-0209-SPH**
Petitioner/Developer: **SS & H II, LLC**
Date of Hearing/Closing: **FEB. 17, 2011**

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: **10810 YORK ROAD**

The sign (s) were posted on: **FEB. 2, 2011**


William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293



ZONING NOTICE

CASE # 2011-0209 SPH

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

JEFFERSON BUILDING, ROOM 205
105 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

THURSDAY
DATE AND TIME: FEB. 17, 2011 AT 1:30 PM

REQUEST: SPECIAL HEARING UTILIZING
ALL PREVIOUSLY GRANTED ZONING RELIEF APPROVE

A MODIFICATION OF THE RELIEF GRANTED, THE FLOOR
AREA OF LISTED USES AND THE APPROVED PLAN
IN CASE NO. 2008-413 - SPHALAND SUCH
ADDITIONAL RELIEF AS MAY BE REQUIRED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONTIN. HEARING CALL 847-3391 (410)

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 1, 2011 Issue - Jeffersonian

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

410-666-3838

NOTICE OF ZONING HEARING

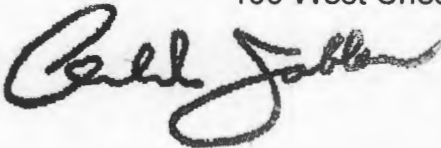
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0209-SPH

10810 York Road, et al
N/west corner of York Road & Cockeysville Road
8th Election District – 3rd Councilmanic District
Legal Owners: SS & H II, LLC

Special Hearing utilizing all previously granted zoning relief, approve a modification of the relief granted, the floor area of listed uses and the approved plat in case no. 2008-413-SPHA; and such additional relief as may be required.

Hearing: Thursday, February 17, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections 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.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 25, 2011

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: 2011-0209-SPH

10810 York Road, et al
N/west corner of York Road & Cockeysville Road
8th Election District – 3rd Councilmanic District
Legal Owners: SS & H II, LLC

Special Hearing utilizing all previously granted zoning relief, approve a modification of the relief granted, the floor area of listed uses and the approved plat in case no. 2008-413-SPHA; and such additional relief as may be required.

Hearing: Thursday, February 17, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the hearing location information.

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Ave., Ste. 800, Towson 21204
Geoffrey Schultz, 5 Shawan Rd., Ste. 1, Cockeysville 21030
Spartan Foods, Inc., 10810 York Road, Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 2, 2011.**
- (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.

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: _____

2011-0209-SPH

Petitioner: SS & H II LLC

Address or Location: 10810 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN KOUTRAKOS

Address: 10810 YORK ROAD

COCKEYSVILLE, MD 21030

Telephone Number: 410-666-3838



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 8, 2011

Mr. John Koutrakos
SS & H II, LLC
10810 York Road
Cockeysville, MD 21030

Dear John Koutrakos,

RE: Case Number 2011-0209 SPH, 10810 York Road, Cockeysville, MD 21030

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2011. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Geoffrey c. Schultz, PLS, McKee & Assoc. Inc, 5 Shawan Rd., Suite 1, Cockeysville, MD 21030
Howard Alderman, Jr., Levin & Gann PA, 502 Washington Avenue, Suite 800, Towson, MD 21204
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

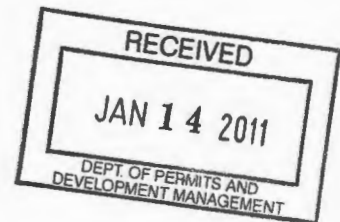


KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

January 14, 2011

2-17



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

ATTENTION: Zoning Review

Distribution Meeting of: **January 18, 2011**

Item No.:

Administrative Variance: 2011-0207, 2011- 0210A, 2011-0211A

Special Hearing: 2011-0205-SPH, 2011- 0209-SPH

Variance: 2011-0208A, 2011-0212A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Special Hearing / Exception: 2011-0214-SPHX

Comments:

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code dated July 19, 2010 prior to occupancy or the beginning of operation.

Other Comments:

Special Hearing: 2011-0206-SPH - No comments were made due to the plans being missing from the zoning packet.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: February 1, 2011

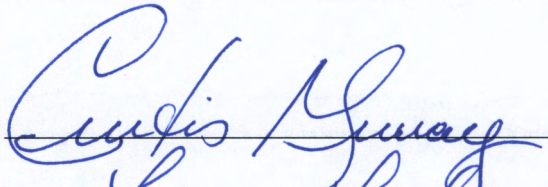
FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-209- Special Hearing**

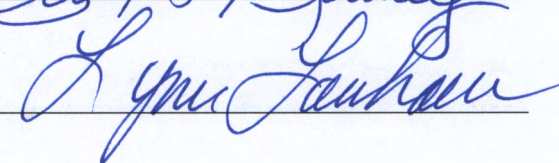
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



RECEIVED

FEB 03 2011

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2011
Item Nos. 2011- 205, 206, 207, 208,
209, 210, 211, 212 and 214

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-01242011 -NO COMMENTS.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 1/21/2011

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

RE: Baltimore County
Item No. 2011-0209-SPH
MD45
10810 YORK ROAD
KONTRAKOS PROPERTIES
SPECIALTY TRAILING

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 1/13/2011. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for KONTRAKOS PROP., Case Number 2011-0209-SPH.

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,

F02 Steven D. Foster, Chief
Access Management Division

SDF/mb

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 04 2011

ZONING COMMISSIONER

TO: Office of Administrative Law

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 3, 2011

SUBJECT: Zoning Item # 11-209-SPH
Address 10810 York Road
(John Koutrakow SS&H II, LLC Property)

Zoning Advisory Committee Meeting of January 18, 2011.

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

Reviewer: Glenn Shaffer; *Environmental Impact Review*

RE: PETITION FOR SPECIAL HEARING
10810 York Road
NW Corner of York Road and Cockeysville Road
8th Election and 3th Councilmanic Districts
Legal Owners: John Koutrakow, SS&H II, LLC

PETITIONER(S)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO: 2011-0209-SPH

* * * * *

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 19th day of January, 2011, a copy of the foregoing Entry of Appearance was mailed to:

Howard L. Alderman, Esq.
502 Washington Avenue, Suite 800
Towson, Maryland 21204

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - Re: Case No. 2011-0209-SPH - hearing is tomorrow

From: Dennis Kennedy
To: Zook, Patricia
Date: 2/16/2011 11:06 AM
Subject: Re: Case No. 2011-0209-SPH - hearing is tomorrow
CC: Richards, Carl

Patti:
We had no comment on Item #2011-0209-SPH.
Dennis Kennedy

>>> Patricia Zook 2/16/2011 10:37 AM >>>
Good morning Dennis -

This case is scheduled for a hearing tomorrow, and I just noticed that the file doesn't have a comment from your office. If you don't have a comment, just reply to the email and I'll place it in the file.

As always, thanks for your help Dennis!

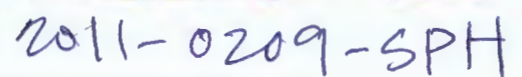
Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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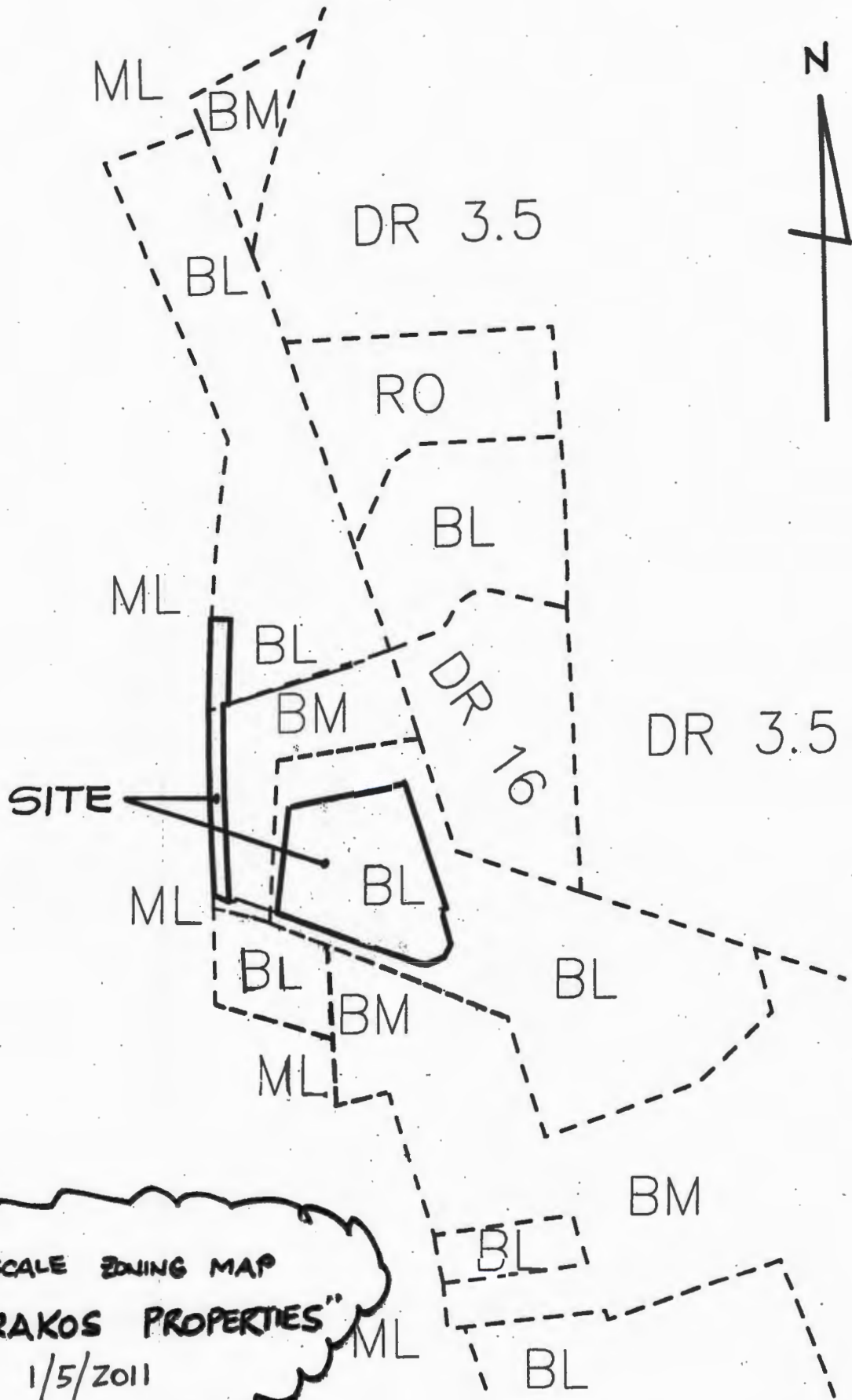
SS&H II LLC/SPARTAN FOODS
CASE NAME _____
CASE NUMBER 2011-0200-SPH
DATE 17 FEBRUARY 2011

SS&H II LLC/SPARTAN FOODS
CASE NAME _____
CASE NUMBER 2011-0200-SPH
DATE 17 FEBRUARY 2011

[illegible]



2:\adsk\pro\10-23-2008-SCAIF-ZONING.dwg, Model, 2/5/2008 9:5:22 AM



2011-0209 SPH

Building "A":

USE	Present Request	2008 Request
Restaurant	3,360 sq. ft.	2,700 sq. ft.
Storage	2,592 sq. ft.	2,592 sq. ft.
Totals	5,952 sq. ft.	5,292 sq. ft.

Building "B":

USE	Present Request	2008 Request
Restaurant	4,822 sq. ft.	3,190 sq. ft.
Retail	3,345 sq. ft.	4,977 sq. ft.
Warehouse	8,264 sq. ft.	8,264 sq. ft.
Totals	16,431 sq. ft.	16,431 sq. ft.

Building "C": [NO CHANGE]

USE	Present Request	2008 Request
Retail	1,381 sq. ft.	1,381 sq. ft.
Apartment	869 sq. ft.	869 sq. ft.
Totals	2,250 sq. ft.	2,250 sq. ft.

Use Totals:

USE	Present Request	2008 Request	Change
Restaurant	8,182 sq. ft.	5,890 sq. ft.	2,292 sq. ft.
Retail	4,726 sq. ft.	6,358 sq. ft.	-1,632 sq. ft.
Warehouse	8,264 sq. ft.	8,264 sq. ft.	N/C
Apartment	869 sq. ft.	869 sq. ft.	N/C
Storage	2,592 sq. ft.	2,592 sq. ft.	N/C
Totals	24,633 sq. ft.	23,973 sq. ft.	660 sq. ft.

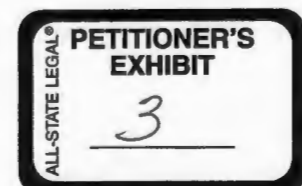


IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
N side of Cockeysville Road, 345 feet W	*	DEPUTY ZONING
of York Road		
8 th Election District	*	COMMISSIONER
3 rd Councilmanic District		
(10810 York Road)	*	FOR BALTIMORE COUNTY
SS&H II, LLC, By John Koutrakos	*	
<i>Petitioner</i>		Case No. 08-413-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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



PARKING CALCULATIONS:

USE	2008 Sq. Ft.	2008 Required Parking	2011 Sq. Ft.	2011 Required Parking
Restaurant	5,890	95	8,182	131
Retail	6,358	32	4,726	24
Warehouse	8,264	2	8,264	2
Apartment	869	2	869	2
Storage	2,592	0	2,592	0
Totals	23,973	131	24,633	159
Parking Provided		85		113
Shortage		(46)		(46)



GENERAL NOTES

1. COUNCILMANIC DISTRICT: 3RD
2. ELECTION DISTRICT: 8TH
3. 200 SCALE ZONING MAP: 42B3
4. ANY PROPOSED SIGN MUST COMPLY WITH ALL APPLICABLE ZONING REGULATIONS
5. THIS PROPERTY IS NOT IN THE CBCA.
6. THIS SITE IS SERVED BY PUBLIC WATER AND SEWERAGE SYSTEMS.
7. THERE ARE NO STREAMS, WETLANDS, OR STORM WATER MANAGEMENT SYSTEMS ON OR WITHIN 50 FEET OF THIS SITE.
8. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
9. PREVIOUS ZONING HEARING NO. 1 - CASE NO. 99-301-X SPECIAL EXEMPTION APPROVED FOR PARCEL 3 (14-16 COCKEYSVILLE ROAD) TO PERMIT AN AUTOMOBILE SERVICE GARAGE IN A BL-AS ZONE (DATE OF ORDER- APRIL 7, 1999).
10. ALL BUILDINGS AND PARKING AREAS SHOWN ON THIS SITE ARE EXISTING.
11. ALL PARKING SPACES ARE A MINIMUM OF 8 1/2 FEET WIDE BY 18 FEET DEEP.
12. ALL PARKING SPACES ARE TO BE STRIPED.
13. ALL PARKING SPACES ARE WITHIN 500 FEET OF ALL BUILDING ENTRANCES.

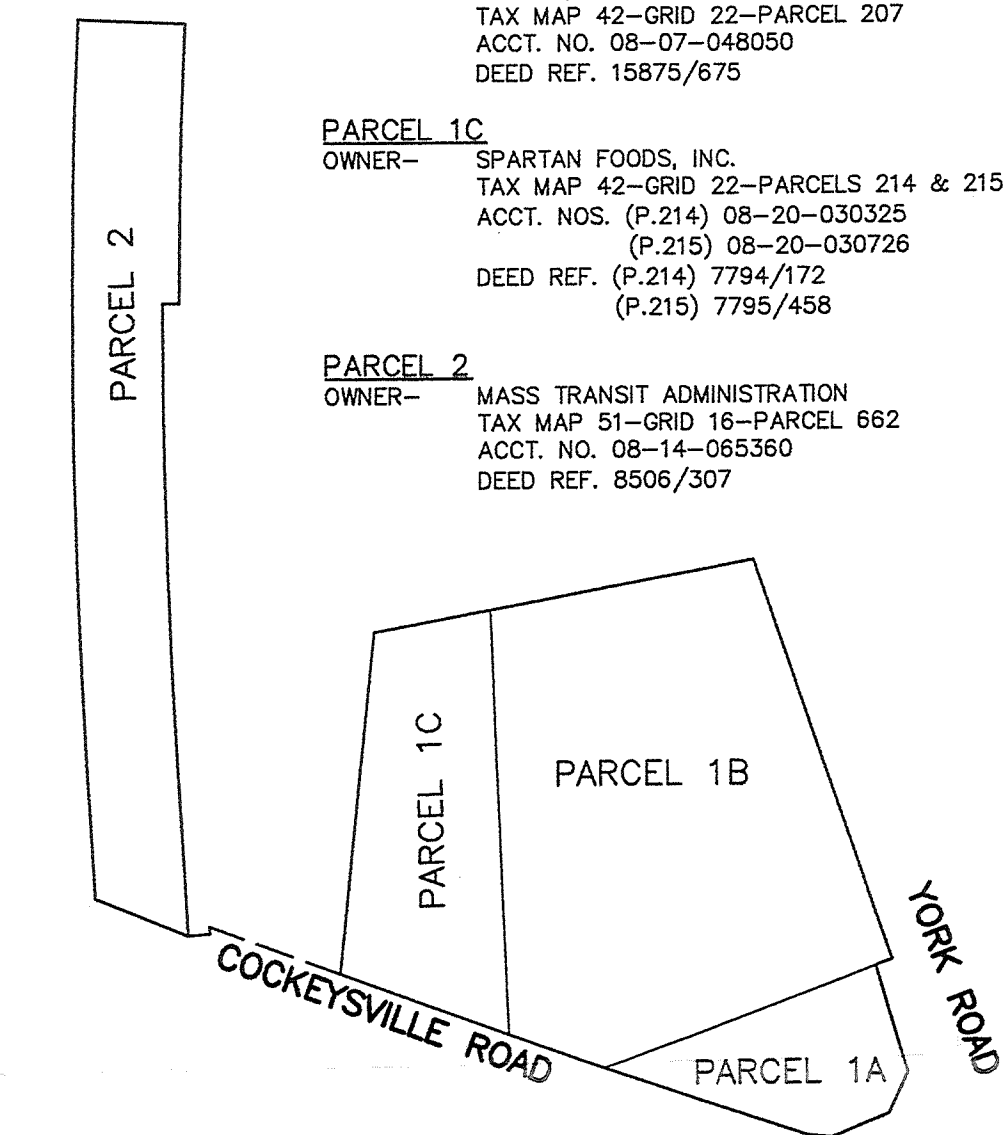
OWNERSHIP INFORMATION

PARCEL 1A
OWNER- SPARTAN FOODS, INC.
TAX MAP 42-GRID 22-PARCEL 198
ACCT. NO. 18-00-007805
DEED REF. 13452/109

PARCEL 1B
OWNER- SS&H II, LLC
TAX MAP 42-GRID 22-PARCEL 207
ACCT. NO. 08-07-048050
DEED REF. 15875/675

PARCEL 1C
OWNER- SPARTAN FOODS, INC.
TAX MAP 42-GRID 22-PARCELS 214 & 215
ACCT. NOS. (P.214) 08-20-030325
(P.215) 08-20-030726
DEED REF. (P.214) 7794/172
(P.215) 7795/458

PARCEL 2
OWNER- MASS TRANSIT ADMINISTRATION
TAX MAP 51-GRID 16-PARCEL 662
ACCT. NO. 08-14-085360
DEED REF. 8506/307



SITE TABULATION

1. EXISTING ZONING		BL-AS & BM-AS	
2. GROSS AREA			
BL-AS	56,192 SF=	1.29 AC.	(PARCELS 1A, 1B, 1C & 2)
BM-AS	5,227 SF=	0.12 AC.	(PARCEL 2)
ML-1M	6,824 SF=	0.16 AC.	(PARCEL 2)
TOTAL	68,313 SF=	1.57 AC.	
3. NET AREA			
BL-AS	43,996 SF=	1.01 AC.	(PARCELS 1A, 1B, 1C & 2)
BM-AS	4,791 SF=	0.11 AC.	(PARCEL 2)
ML-1M	6,534 SF=	0.15 AC.	(PARCEL 2)
TOTAL	55,321 SF=	1.27 AC.	
4. FLOOR AREAS & USES			
BLDG. A	RESTAURANT	3,360 SF	
	STORAGE	2,592 SF	
	TOTAL	5,952 SF	
BLDG. B	RESTAURANT	4,822 SF	
	RETAIL	3,345 SF	
	WAREHOUSE	8,264 SF	
	TOTAL	16,431 SF	
BLDG. C	RETAIL	1,381 SF	
	APARTMENT	869 SF	
	TOTAL	2,250 SF	
5. USE SUMMARY			
RESTAURANT	8,182 SF		
RETAIL	4,726 SF		
WAREHOUSE	8,264 SF		
APARTMENTS(1)	869 SF		
STORAGE	2,592 SF		
TOTAL	24,633 SF		
6. PARKING REQUIRED			
RESTAURANT	(8,182 SF/1000x16)=	130.9	
RETAIL	(4,726 SF/1000x5)=	23.6	
WAREHOUSE	(1 PER EMPLOYEE)=	2	
APARTMENTS(1)	(2 PER APARTMENT)=	2	
STORAGE	(NONE REQUIRED)=	0	
TOTAL		158.5 = 159	
7. PARKING PROVIDED			
	113 SPACES		
8. GROSS FLOOR AREA (BL-AS)			
BLDG. A	5,952 SF		
BLDG. B	16,431 SF		
BLDG. C	2,250 SF		
TOTAL	24,633 SF		
9. FLOOR AREA RATIO PROPOSED (BL-AS) 24,633 SF/56,192 SF=0.44			
10. MAXIMUM FLOOR AREA RATIO ALLOWED (BL-AS)=3.0			
11. GROSS FLOOR AREA (BM-AS) 0 SF			
12. FLOOR AREA RATIO PROPOSED (BM-AS) 0 SF/5,227 SF=0.00			
13. FLOOR AREA RATIO ALLOWED (BM-AS)=4.0			



GEOFFREY C. SCHULTZ
PROFESSIONAL LAND SURVEYOR #21154

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1
COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

1/5/2011

DATE

PREVIOUS ZONING HEARING NO. 2

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N side of Cockeysville Road, 345 feet W
of York Road
8th Election District
3rd Councilmanic District
(1810 York Road)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
FOR BALTIMORE COUNTY

Case No. 08-413-SPHA

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

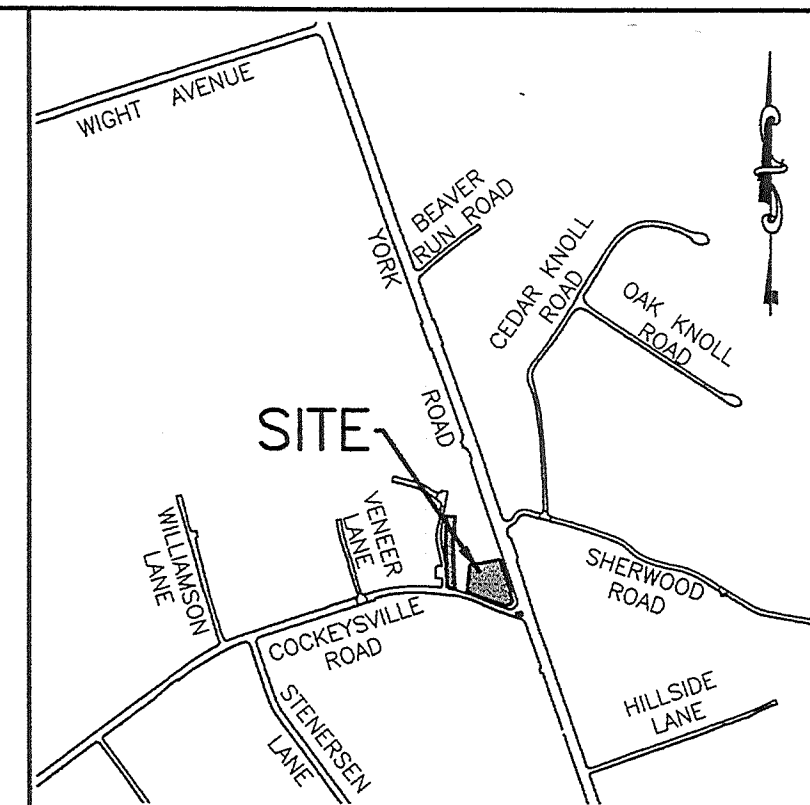
IT IS FURTHER ORDERED that Petitioner's alternative request for Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing configuration and total of 85 parking spaces as depicted on the mixed-use, adjusted parking requirements shown on the Plat to Accompany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

The relief granted herein is subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner will be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-4-101 through 33-4-122 of the Baltimore County Code).

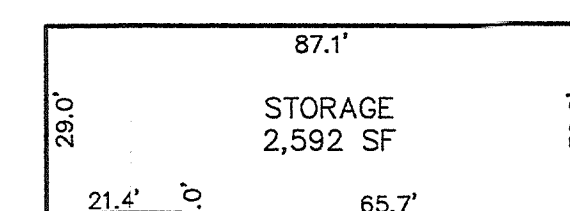
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

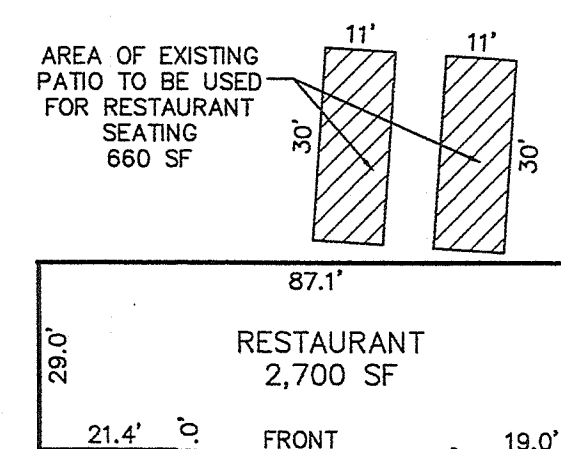


VICINITY MAP

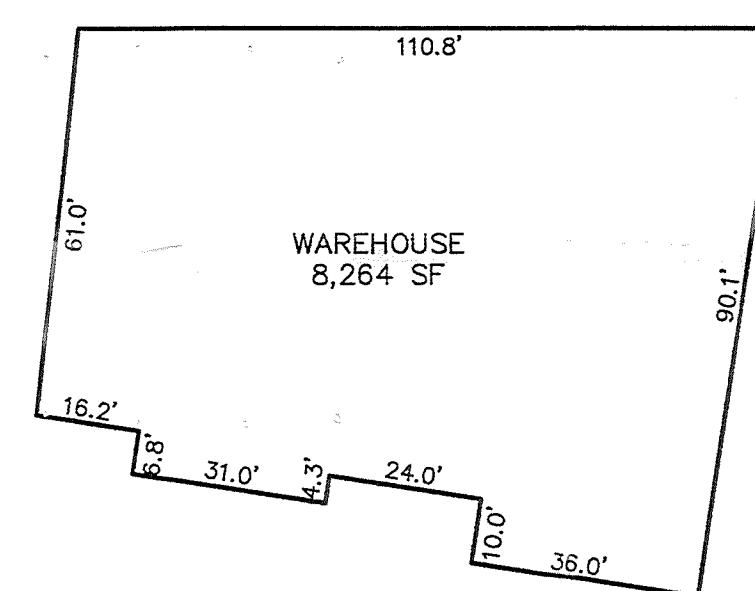
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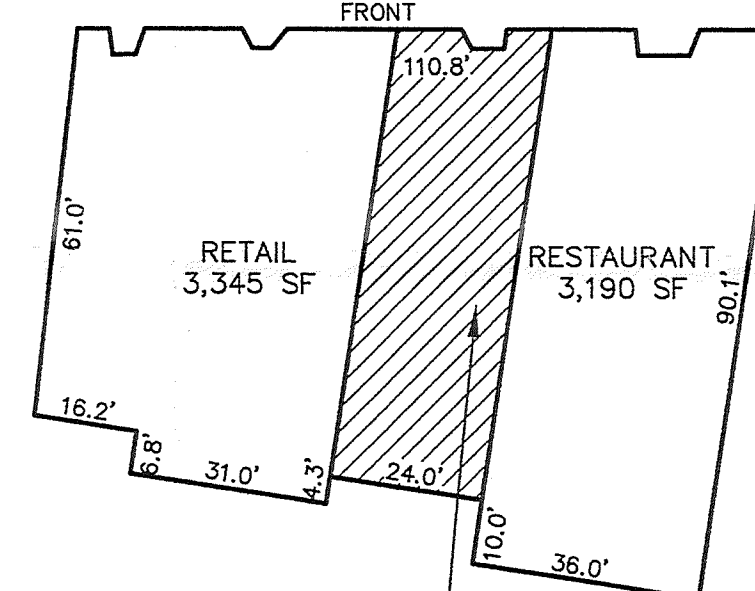
BASEMENT



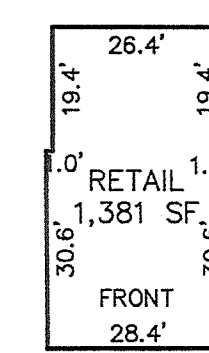
1ST FLOOR



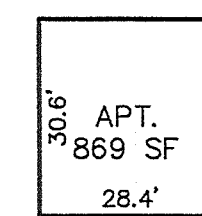
BASEMENT



BUILDING 'B'



1ST FLOOR



2ND FLOOR

BUILDING 'C'

FLOOR AREAS & USES

SCALE: 1"=30'

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING "KOUTRAKOS PROPERTIES" YORK ROAD AND COCKEYSVILLE ROAD

3RD COUNCILMANIC DISTRICT
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 30'
DATE: JANUARY 4, 2011

PETITIONER'S
EXHIBIT
1

2011-0309-SPH