



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 18, 2013

Gary R. Maslan, Esquire
Maslan, Maslan & Rothwell, P.A.
7508 Eastern Avenue
Baltimore, Maryland 21224

RE: Petition for Variance
Case No.: 2013-0201-A
Property: 9306 Harford Road

Dear Mr. Maslan:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Steven Diffenderffer, President, The Bowman Restaurant, Inc., 9306 Harford Road,
Baltimore, MD 21234
Mark Mahon, 4220 Pine Park Road, Perry Hall, MD 21128

IN RE: PETITION FOR VARIANCE

(9306 Harford Road)

9th Election District

5th Councilman District

Patricia T. Sullivan, Mark W. Sullivan

and Edward Leland, *Legal Owners*

Steven Diffenderffer, *Contract Purchaser*

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0201-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Gary R. Maslan, Esquire, on behalf of the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow 103 parking spaces in lieu of the required 228. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Steven Diffenderffer, Mark Mahon, and Geoffrey C. Schultz with Polaris Land Consultants, the firm that prepared the site plan. Gary R. Maslan, Esquire with Maslan, Maslan & Rothwell, P.A., appeared and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP), which supported the petition.

Testimony and evidence revealed that the subject property is approximately 1.321 acres and is zoned BL and DR 5.5. The Petitioners have since 1974 operated the Bowman Restaurant on the premises. At present, they plan to construct an outdoor seating area (deck) to provide an

ORDER RECEIVED FOR FILING

Date 4-18-13

By RS

outdoor dining amenity to patrons. The Petitioners indicated that customers request such facilities, and they believe the addition will allow them to stay competitive in the industry. Variance relief is required with respect to the number of parking spaces, but in fact the Petitioners have a shared parking arrangement with the Fraternal Order of Police (F.O.P.), whose headquarters is immediately adjacent, and this has accommodated any overflow parking throughout the years. Petitioners' Exhibit 2. In addition, a longtime neighbor also wrote a letter of support. Petitioners' Exhibit 3.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The property has irregular dimensions, and is thus unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, since they would be unable to construct the proposed improvements to their business. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the support of the County and community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

ORDER RECEIVED FOR FILING

Date 4-18-13

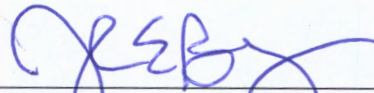
By DW

THEREFORE, IT IS ORDERED, this 18th day of April, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow 103 parking spaces in lieu of the required 228 spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 4-18-13

By DW



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 9306 HARFORD ROAD which is presently zoned BL/DR-5.5
 Deed References: 6716/280 7019/552 10 Digit Tax Account # 0908900120 & 0919640470
 Property Owner(s) Printed Name(s) WILLIAM A. & PATRICIA T. SULLIVAN

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. **X** a Variance from Section(s) 409-6.A-2 (BCZR) TO ALLOW 103 PARKING SPACES IN-LIEU OF THE REQUIRED 228 SPACES.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Steven Diffenderffer, Pres.
 Name- Type or Print
X [Signature]
 Signature The Bowman Restaurant, Inc.
9306 Harford Road Baltimore MD
 Mailing Address City State
21234 / 410-665-8600 /
 Zip Code Telephone # Email Address

Attorney for Petitioner:

GARY R. MASLAN
 Name- Type or Print
X [Signature]
 Signature MASLAN, MASLAN, & ROTHWELL, P.A.
7508 EASTERN AVE. BALTO. MD
 Mailing Address City State
21224 / 410-282-2700 / G.MASLAN@MMANRLAW.COM
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Patricia T. Sullivan / Mark W. Sullivan / Edward Leland
 Name #1 - Type or Print Name #2 - Type or Print Name #3
X [Signature] [Signature] [Signature]
 Signature #1 Signature #2 Signature
9306 Harford Road Baltimore MD
 Mailing Address City State
21234 / /
 Zip Code Telephone # Email Address

Representative to be contacted:

GEOFFREY C. SCHULTZ
 Name - Type or Print
X [Signature]
 Signature ROLARIS LAND CONSULTANTS
10 GERARD AVE. SUITE 101 TIMONUM MD
 Mailing Address City State
21093 / 410-252-4444 / G.SCHULTZ@ROLARISLAND.COM
 Zip Code Telephone # Email Address

CASE NUMBER 2013-0201-A Filing Date 2/28/13 Do Not Schedule Dates: _____ Reviewer [Signature]



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarisl.com

Zoning Description
9306 Harford Road
9th Election District
5th Councilmanic District
Baltimore County, MD



[Signature] 2/8/13

Beginning at a point on the West Side of Harford Road (60 foot wide right-of-way) at the distance of 210 feet South of the center of Second Avenue, thence running 1) N 63° 01' 20" W 495.93 feet, 2) N 35° 43' 40" E 84.42 feet, 3) S 63° 01' 20" E 344.93 feet and 4) N 36° 40' 30" E 122.82 feet to the South Side of Second Avenue, thence running along the South Side of Second Avenue 5) S 54° 15' 10" E 129.42 feet and 6) by a curve to the right, having a radius of 15.00 feet and an arc length of 23.60 feet to the West Side of Harford Road, thence running along said West Side 7) S 34° 44' 50" W 169.48 feet to the place of beginning.

Containing 57,548 square feet or 1.321 Acres of Land as recorded in Deed Liber 6716 Folio 280 and Deed Liber 7019 Folio 552.

Item # 0201

**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: 2013-0201-A
Petitioner: THE BOWMAN RESTAURANT, INC.
Address or Location: 9306 HARFORD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEVEN DIFFENDERFFER, PRES.
Address: 9306 HARFORD ROAD
BALTIMORE, MD 21234

Telephone Number: 410-665-8600

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

No. **94129**

Date: **2/28/13**

PAID RECEIPT

DATE/TIME 2/28/2013 11:10:41
 RECEIVED BY WALKER RBGS LRB
 RECEIPT # 94129
 5 528 ZONING VERIFICATION
 Recpt Tot \$385.00
 \$385.00 OK 4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$385.00

Total: **\$385.00**

Rec From:

For: **zoning hearing - case #2013-0201-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry
Commercial and Residential
2944 Edgewood Avenue
Baltimore, MD 21234
Phone - 410-530-6293
E-mail - wdgjr@comcast.net

To: Balto. Co. PAI, Zoning office, Attn.: Ms. Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

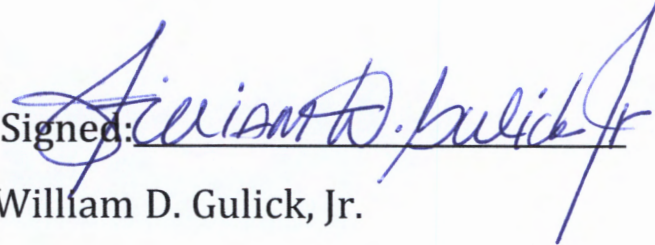
No. of Copies	Date	Description
1	March 29, 2013	Certificate Of Posting
2	March 29, 2013	Site Photos

Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & content

Project: 2013-0201-A

Remarks: 9306 Harford Road

Signed: 

William D. Gulick, Jr.

Project Manager

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: March 29, 2013

Attention: Ms. Kristen Lewis

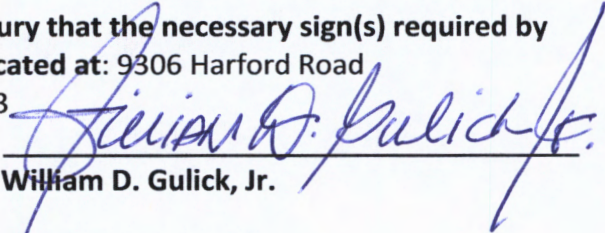
Re: Case Number: 2013-0201-A

Petitioner/Developer: The Bowman Restaurant, Inc., Steven Diffenderffer

Date of Hearing/Closing: April 18, 2013

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: 9306 Harford Road

The sign(s) were posted on: March 29, 2013


William D. Gulick, Jr.

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

ZONING NOTICE

CASE # 2013-0201-A

**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: APRIL 8, 2013 AT 11:00 AM.

REQUEST: VARIANCE TO ALLOW
103 PARKING SPACES IN LIEU
OF THE REQUIRED 223 SPACES.

POSTPONENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 (410)

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

ROAD

HARTFORD

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2013-0201-A

9306 Harford Road

W/s Harford Road, 210 ft. s/of centerline of 2nd Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Patricia & Mark Sullivan, Edward Leland

Contract Purchaser/Lessee: The Bowman Restaurant, Inc.,

Steven Diffenderffer, Pres.

Variance: to allow 103 parking spaces in lieu of the required 228 spaces.

Hearing: Thursday, April 18, 2013 at 11:00 a.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 accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

03/315 March 28

912083



501 N. Calvert Street, Baltimore, MD 21278

March 28, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 28, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

March 15, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0201-A

9306 Harford Road

W/s Harford Road, 210 ft. s/of centerline of 2nd Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Patricia & Mark Sullivan, Edward Leland

Contract Purchaser/Lessee: The Bowman Restaurant, Inc., Steven Diffenderffer, Pres.

Variance to allow 103 parking spaces in lieu of the required 228 spaces.

Hearing: Thursday, April 18, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Gary Maslan, 7508 Eastern Avenue, Baltimore 21224

Steven Diffenderffer, 9306 Harford Road, Baltimore 21234

Geoffrey Schultz, 10 Gerard Ave, Ste. 101, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 29, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 28, 2013 Issue - Jeffersonian

Please forward billing to:
Steven Diffenderffer
9306 Harford Road
Baltimore, MD 21234

410-665-8600

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0201-A

9306 Harford Road

W/s Harford Road, 210 ft. s/of centerline of 2nd Avenue

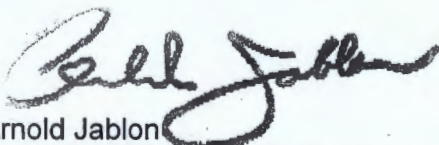
9th Election District – 5th Councilmanic District

Legal Owners: Patricia & Mark Sullivan, Edward Leland

Contract Purchaser/Lessee: The Bowman Restaurant, Inc., Steven Diffenderffer, Pres.

Variance to allow 103 parking spaces in lieu of the required 228 spaces.

Hearing: Thursday, April 18, 2013 at 11:00 a.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 ADMINISTRATIVE HEARINGS OFFICE OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

M E M O R A N D U M

DATE: May 28, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0201-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 20, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ☒ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
9306 Harford Road; W/S Harford Road,		
210' S of c/line 2 nd Avenue	*	OF ADMINSTRATIVE
9 th Election & 5 th Councilmanic Districts		
Legal Owner(s): Patricia & Mark Sullivan	*	HEARINGS FOR
and Edward Leland		
Contract Purchaser(s): The Bowman Restaurant,*		BALTIMORE COUNTY
Inc by Steven Diffenderffer		
Petitioner(s)	*	2013-201-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 07 2013

.....

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 7th day of March, 2013, a copy of the foregoing Entry of Appearance was mailed to Geoffrey Schultz, Polaris Land Consultants, 10 Gerard Avenue, Suite 101, Timonium, MD 21093, and Gary Maslan, Esquire, Maslan, Maslan & Rothwell, P.A., 7508 Eastern Avenue, Baltimore, Maryland 21224, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-

0201-A

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

3/13/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

3/26/13

DEPS
(if not received, date e-mail sent _____)

N/C

FIRE DEPARTMENT

3/19/13

PLANNING
(if not received, date e-mail sent _____)

SUPPORT

3/5/13

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/28/13

SIGN POSTING

Date:

3/29/13

by

Gulich

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2013
Item Nos. 2013-0196, 0198, 0200, 0201 and 0202.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 26, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0201-A
Address 9306 Harford Road
(Sullivan/Leland Property)

Zoning Advisory Committee Meeting of March 4, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

MAR 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 19, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9306 Harford Road

INFORMATION:

Item Number: 13-201

Petitioner: Patricia T. Sullivan

Zoning: BL and DR 5.5

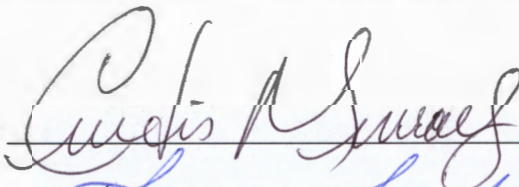
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

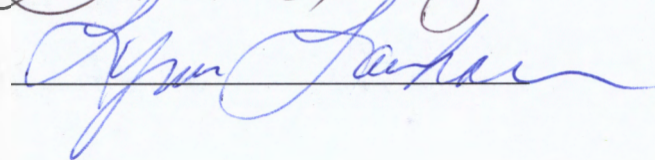
The Department of Planning has reviewed the petitioner's request and accompanying site plan. Department of Planning staff visited the subject site and observed that the parking lot is well maintained with adequate fencing to buffer the adjacent residential properties. Therefore the Department of Planning does not oppose the petitioner's request to permit 103 parking spaces in lieu of the required 228.

For further information concerning the matters stated here in, please contact Troy Leftwich at 410-887-3480.

Prepared By:



Division Chief:
AVA/LL:cjm



RECEIVED

MAR 21 2013

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

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

April 11, 2013

Patricia T. & Mark Sullivan
Edward Leland
9306 Harford Road
Baltimore MD 21234

RE: Case Number: 2013-0201 A, Address: 9306 Harford Road

Dear Mr. & Ms. Sullivan and Mr. Leland:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 28, 2013. 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Geoffrey C. Schultz, Polaris Land Consultants, 10 Gerard Avenue, Suite 101, Timonium MD 21093
Steven Diffenderffer, President, The Bowman Restaurant, Inc., 9306 Harford Road, Baltimore MD 21234
Gary R. Maslan, Esquire, Maslan, Maslan & Rothwell P.A., 7508 Eastern Avenue, Baltimore MD 21224

William D. Rode
2913 2nd Ave.
Baltimore, MD 21234

April 1, 2013

Baltimore County, Maryland
Zoning and Development

To whom it may concern:

As a homeowner adjacent to The Bowman Restaurant on Harford road, I am writing in support of the proposed zoning change for their parking area. I have lived in this residence and shared 50% of my property line with them for over a decade and have had no parking problems or other inconveniences as a result of their business.

They have been exceptional neighbors throughout my time living next door. I would approve of any change that would allow them to upgrade their facilities to improve their business as well as local commerce.

Sincerely,

A handwritten signature in black ink, appearing to read 'William D. Rode', with a long horizontal flourish extending to the right.

William D. Rode

Ps No. 3



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3-5-13

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

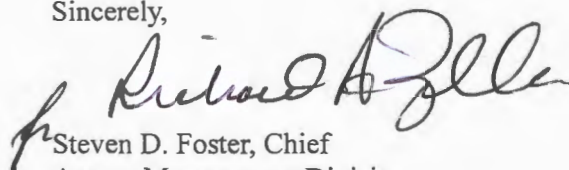
RE: Baltimore County
Item No. 2013-0201-A
Variance
Patricia T. Sullivan
Mark W. Sullivan
Edward Leland.
9306 Hartford Road.
MD 147

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3-4-13. A field inspection and internal review reveals that an entrance onto MD147 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2013-0201-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz



COLE B. WESTON
LODGE PRESIDENT

BALTIMORE COUNTY LODGE NO. 4
FRATERNAL ORDER OF POLICE
INCORPORATED

CORPORATE OFFICES • 9304 HARFORD ROAD • BALTIMORE, MARYLAND 21234
(410) 668-0004 • (410) 668-0046 • FAX (410) 668-8126
www.foplodge4.org

DAVID J. FOLDERAUER
LODGE SECRETARY

April 17, 2013

Baltimore County, Maryland
Zoning and Development

To Whom It May Concern,

As neighbors for thirty years, the Fraternal Order of Police & Bowman Restaurant have established and maintained a respectfully mutual parking agreement. The Bowman regularly utilizes F.O.P. parking for employees, overflow, etc. and welcomes us to use their parking accommodations as needed.

We look forward to the future enhancements of the Bowman Restaurant.

Sincerely,

Cole B. Weston
President



Case No.: 2013-0201-A

Exhibit Sheet

RW 4-18-13
DW 5-28-13

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	FOP Letter	
No. 3	Letter from W. Rode	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME Bowman's
CASE NUMBER 2013-201-A
DATE 4-18-13

[illegible]

11am
4-18-13

2013-0201-A

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

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 09 Account Number - 0919640470

Owner Information

Owner Name: SULLIVAN WILLIAM A
MITCHELL PATRICIA T
Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 9306 HARFORD RD
BALTIMORE MD 21234-3109
Deed Reference: 1) /06716/ 00280
2)

Location & Structure Information

Premises Address 9306 HARFORD RD
0-0000
Legal Description 1 AC WS HARFORD RD
1200 S JOPPA RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0071	0015	0922		0000				2	Plat Ref:

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1960	7456	41,328 SF	24

Stories **Basement** **Type** **Exterior**
RESTAURANT

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	456,600	516,700		
Improvements:	595,800	497,500		
Total:	1,052,400	1,014,200	1,014,200	1,014,200
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
SULLIVAN WILLIAM A	05/22/1984	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/06716/ 00280	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

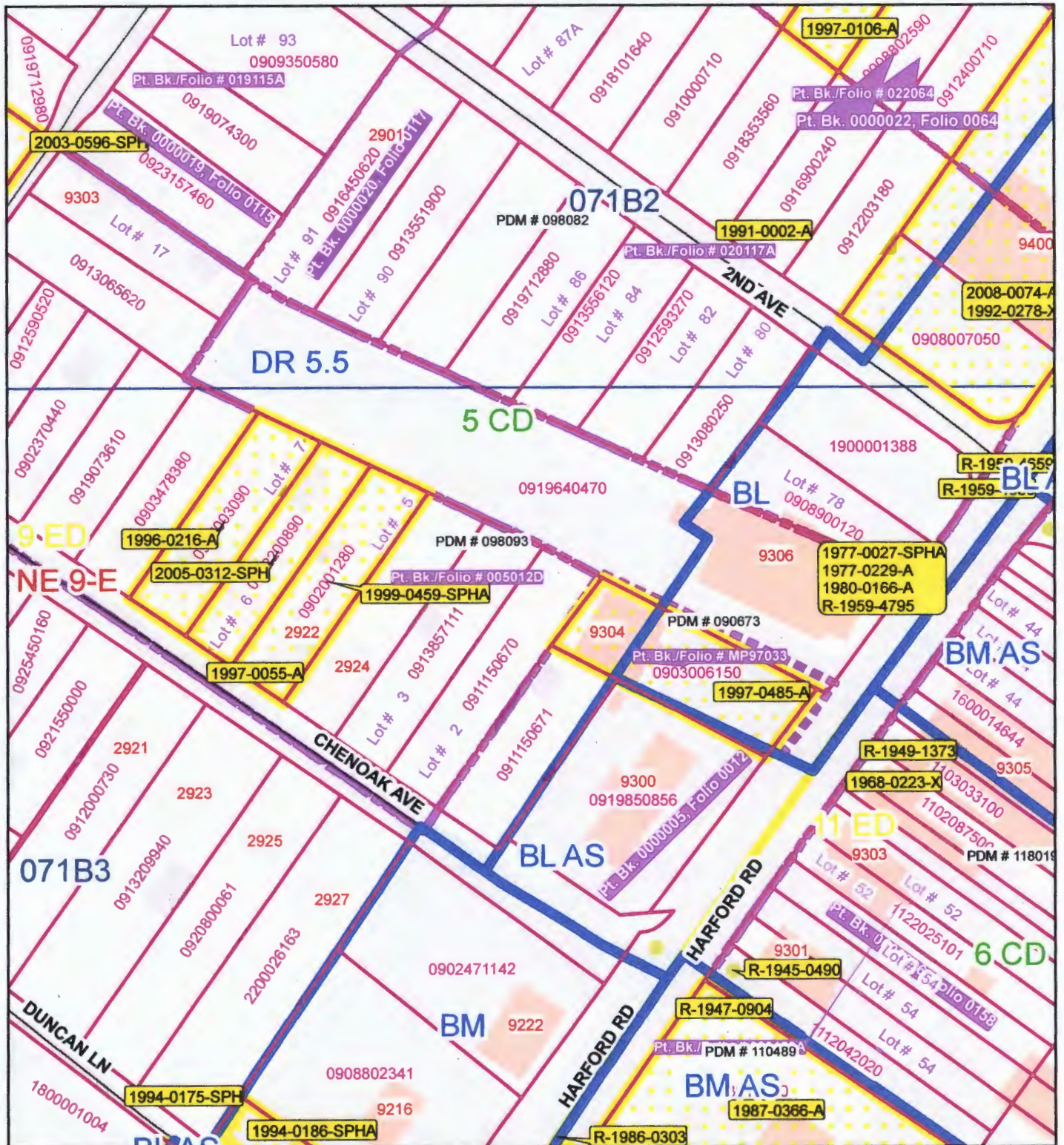
Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

9306 HARFORD ROAD



Publication Date: 2/28/2013



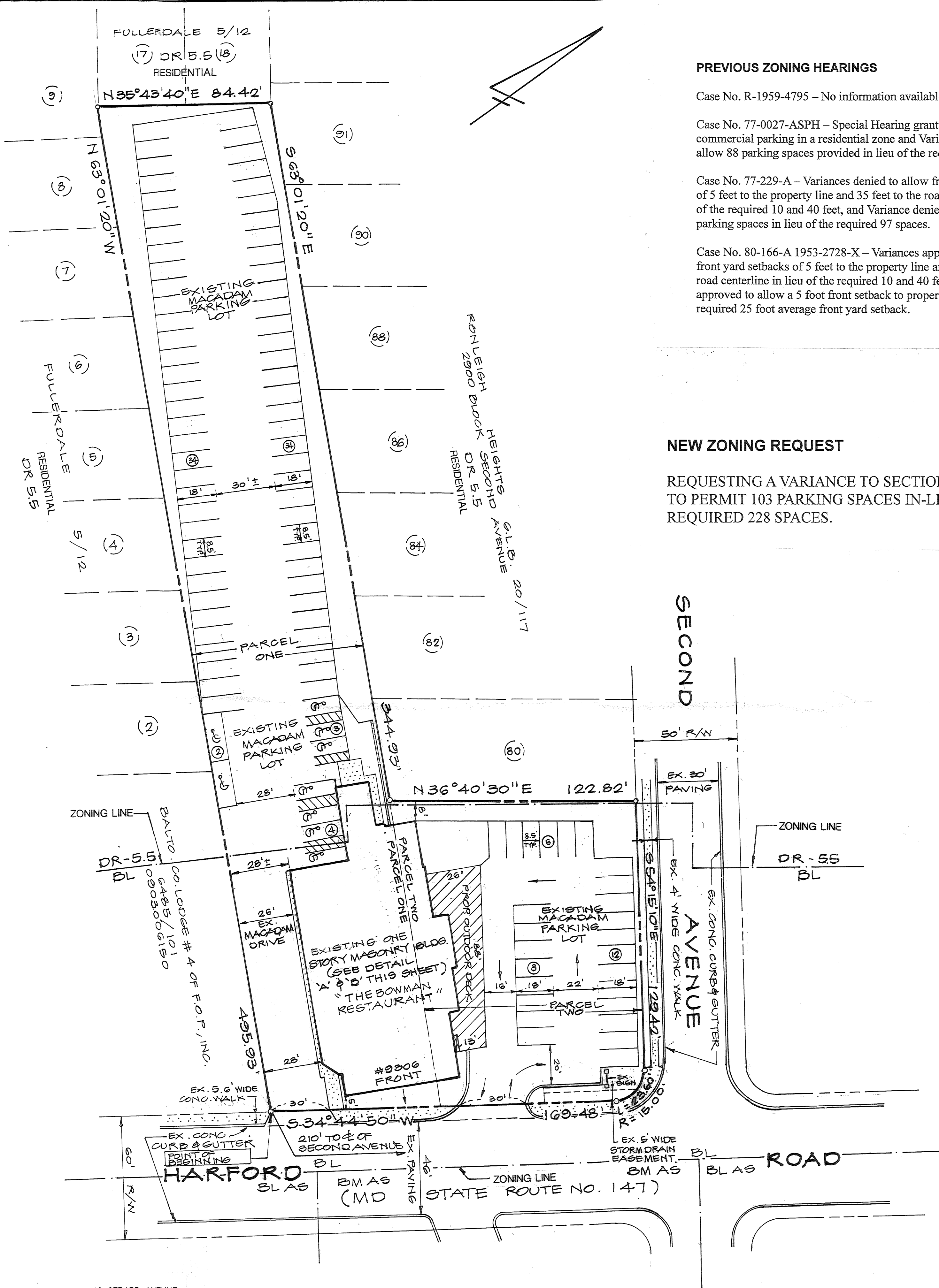
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200
Feet

1 inch = 100 feet

Item #0201



PREVIOUS ZONING HEARINGS

Case No. R-1959-4795 - No information available at Zoning Office.

Case No. 77-0027-ASPH - Special Hearing granted to permit commercial parking in a residential zone and Variance granted to allow 88 parking spaces provided in lieu of the required 212.

Case No. 77-229-A - Variances denied to allow front yard setbacks of 5 feet to the property line and 35 feet to the road centerline in lieu of the required 10 and 40 feet, and Variance denied to permit 88 parking spaces in lieu of the required 97 spaces.

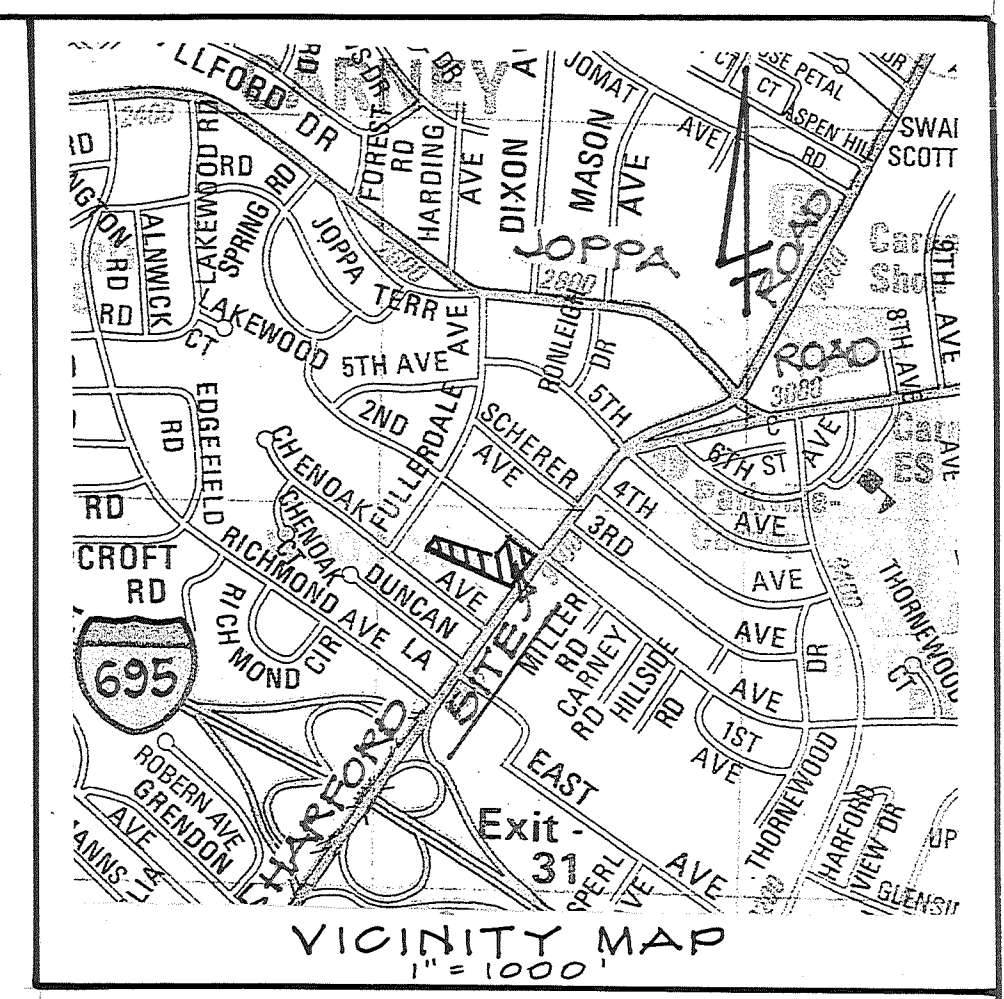
Case No. 80-166-A 1953-2728-X - Variances approved to allow front yard setbacks of 5 feet to the property line and 35 feet to the road centerline in lieu of the required 10 and 40 feet, and a Variance approved to allow a 5 foot front setback to property in lieu of the required 25 foot average front yard setback.

NEW ZONING REQUEST

REQUESTING A VARIANCE TO SECTION 409.6.A.2(BCZR) TO PERMIT 103 PARKING SPACES IN-LIEU-OF THE REQUIRED 228 SPACES.

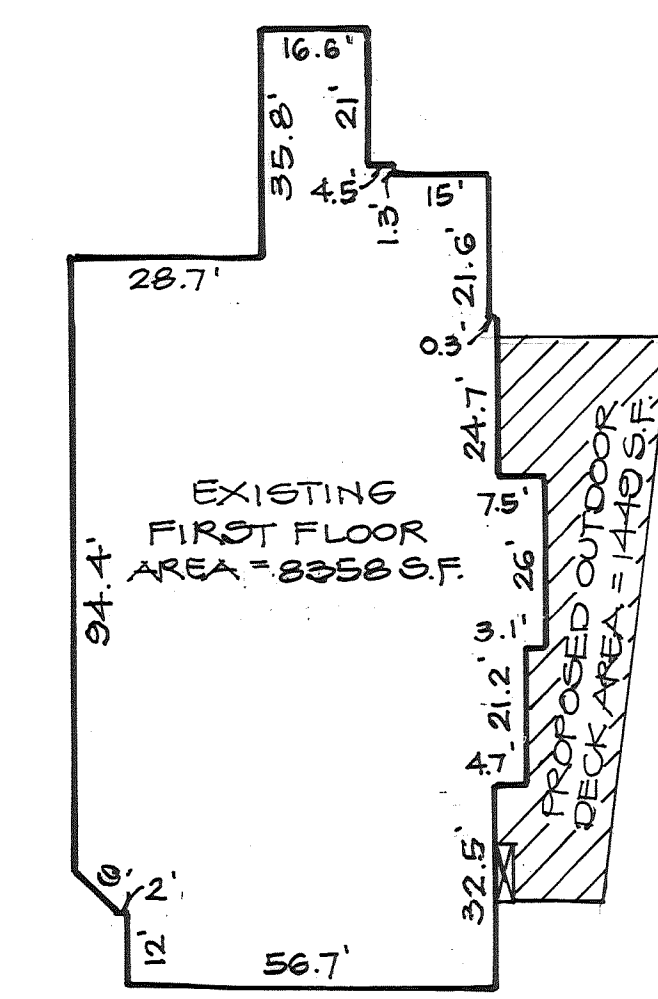
SITE TABULATION

Existing Zoning	BL & DR - 5.5
Gross Area	BL - 37,445 sf = 0.860 Ac. DR - 5.5 30,046 sf = 0.690 Ac. Total 67,491 sf = 1.550 Ac.
Net Area	BL - 27,502 sf = 0.631 Ac. DR - 5.5 30,046 sf = 0.690 Ac. Total 57,548 sf = 1.321 Ac.
Floor Areas and Uses	1 st Floor (Existing Restaurant) 8358 sf 1 st Floor (Proposed Outdoor Deck) 1449 sf Basement (Existing Nightclub) 3547 sf Total = 13,354 sf
Total Restaurant	= 9807 sf
Total Nightclub	= 3547 sf
Maximum Floor Area Ratio Allowed	3.00
Floor Area Ratio Proposed (13,354sf/67491sf)	= 0.20
Parking Required	Restaurant (9807 sf/1000sf x 16) = 157 spaces Nightclub (3547 sf/1000sf x 20) = 71 spaces Total = 228 spaces
Parking Provided	103 spaces

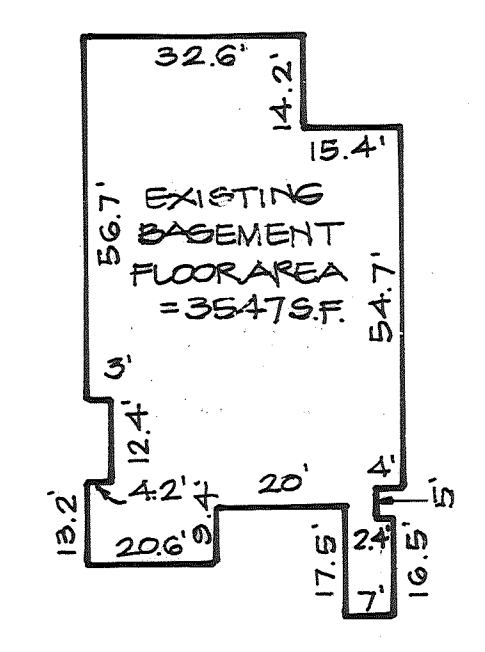


GENERAL NOTES

- This site is served by public water and sewer.
- This site does not lie in a 100 year flood plain.
- This site does not lie in an area of Basic Service Map deficiency.
- This site is not historic.
- This site is exempt from SWM (disturbed area less than 5000 sf)
- This site does not lie in the CBCA.
- All signs shall comply with Section 450 (BCZR).
- All parking spaces are a minimum 8.5 x 18 feet.
- There are no streams, wetlands, bodies of water, or springs on or within 100 feet of the property.
- Zoning Map No. & GIS Tile : 071B2 & B3
- Election District - 9
- Councilmanic District - 5
- Transportation Analysis Zone - 763
- Regional Planning District - Parkville
- Regional Planning District Code - 316
- Land Management Area - Community Conservation Area
- Census Block - 240054919001013
- Census Group Block - 240054919001
- Census Tract - 491900
- Watershed Name - Bird River
- URDL Land Type - 0
- Zip Code - 21234
- Zip Community Name - Parkville



DETAIL 'A'
FIRST FLOOR PLAN
SCALE: 1" = 30'



DETAIL 'B'
DOWNSTAIRS FLOOR PLAN
SCALE: 1" = 30'

OWNER
WILLIAM A. & PATRICIA T. SULLIVAN
9306 HARFORD ROAD
BALTIMORE, MD 21234

PROPERTY INFORMATION
PARCEL 1
TAX MAP 71 GRID 15 PARCEL 922
TAX ACCOUNT NO. 09-19-640470
DEED REFERENCE : 6716/280

PARCEL 2
TAX MAP 71 GRID 15 PARCEL 1235
TAX ACCOUNT NO. 09-08-900120
DEED REFERENCE : 7019/552
LOT 1 - PLAT BOOK 43 PAGE 1235
LOTS 78 & 79
"RONLEIGH HEIGHTS"
PLAT 20/117

#2013-0201-A
PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE REQUEST
9306 HARFORD ROAD

5TH. COUNCILMANIC DISTRICT
9TH. ELECTION DISTRICT
BALTIMORE COUNTY, MD
SCALE 1" = 30'
JANUARY 10, 2013

SHEET 1 OF 1



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
PHONE: (410) 252-4444
FAX: (410) 252-4493
WWW.POLARISLC.COM



LAND SURVEYING • SUBDIVISION DESIGN • COMMERCIAL SITE DESIGN • LAND USE & PLANNING
STORM WATER MANAGEMENT • CONSTRUCTION SURVEYING • PROJECT MANAGEMENT • ZONING MATTERS