

IN RE: PETITION FOR SPECIAL HEARING *

(601 Bowley's Quarters Road) *

15th Election District *

3rd Council District *

Allender Air, LLC *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

* Case No. 2017-0163-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Allender Air, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to amend the previous order and site plan in Case No. 84-228-SPH to allow a 20 ft. x 40 ft. addition to an existing restaurant building.

Craig Rodgers and Tim Kuhn appeared in support of the petition. Timothy M. Kotroco, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). Conditions will be included in order below to address these comments.

The subject property is 1.214 acres in size and zoned D.R. 16. The property is improved with a 2,866 sq. ft. commercial building in which is operated a tavern and restaurant. There is also a small outdoor deck with seating which is used on a seasonal basis. The operation was first approved by "special permit" in a 1951 zoning case. See Case No. 2006-S (filed May 18, 1951).

ORDER RECEIVED FOR FILING

Date 2/10/17

By Den

When the business changed hands in the 1980's, another zoning case was held and the zoning commissioner issued a detailed order discussing the nature of the business and the origin of its operation. See Case No. 84-228-SPH. That order also contained a condition which required a public hearing to amend the site plan if any improvements or expansion to the business were proposed. This petition was filed to comply with that requirement, and no other zoning relief is sought.

The proposed addition is modest in size (800 sq. ft.) and will be used to sell snacks and carry out package goods as an adjunct to the restaurant. Counsel indicated he and his client met with the Bowley's Quarters community association and that its members were supportive of the request.

THEREFORE, IT IS ORDERED this 10th day of **February, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to amend the previous order and site plan in Case No. 84-228-SPH to allow a 20 ft. x 40 ft. addition to an existing restaurant building, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

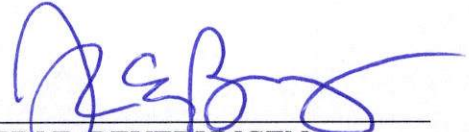
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must comply with flood protection and critical area regulations.
3. Prior to issuance of permits Petitioner must provide (to the satisfaction of the DOP) a vegetative buffer to screen the residence at 591 Bowley's Quarters Road, which is adjacent to the restaurant's parking lot.

ORDER RECEIVED FOR FILING

Date 2/10/17
By Sen

4. Prior to issuance of permits Petitioner must provide an enclosure or screening for the dumpster on site.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 2/10/17

By slh



KEVIN KAMENETZ
County Executive

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

February 10, 2017

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 2017-0163-SPH
Property: 601 Bowley's Quarters Road

Dear Mr. Kotroco:

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 flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



CBCA

PETITION FOR ZONING HEARING(S)

FLOOD

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 601 Bowley's Quarters Road which is presently zoned DR 16

Deed References: 35311/00016 10 Digit Tax Account # 1519850143

Property Owner(s) Printed Name(s) Allender Air, LLC

(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. **X** 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

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

SEE ATTACHED

3. a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate 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)

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Avenue, Suite 502, Towson, Maryland

Mailing Address City State

21204 / 410-299-2943 / TKotroco@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Allender Air, LLC by: Tim Kuhn

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11606 Eastern Avenue Baltimore Md
Mailing Address City State

21220 / 410-299-2943 / tkuhnpps@yahoo.com
Zip Code Telephone # Email Address

Representative to be contacted:

Same As Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2017-0163-SPH Filing Date 12/15/2016

Do Not Schedule Dates: Reviewer nd

ORDER RECEIVED FOR FILING

Date

2/10/17

By

Sen

ATTACHMENT TO SPECIAL HEARING PETITION

Special Hearing pursuant to section 500.7 (BCZR) to amend the previous Order and site plan in case No. 84-228 SPH to allow a 20' x 40' addition to an existing restaurant building; and

For such other and further relief as the nature of this cause may require.

0163-SPH

ZONING DESCRIPTION
FOR
601 BOWLEYS QUARTERS ROAD

Beginning at a point on the east side of Bowleys Quarters Road which is 70 feet wide at the distance of 50 feet south of the centerline of Glenwood Road (extended eastward) which is 50 feet wide, thence the following course and distances: S10°21'53"E 133.12', thence N62°09'E 235.0', thence N12°42'W 239.2', thence S87°18'W 159.0' to north side of Bowleys Quarters Road, thence by a curve to the left having a length of 176.71' and a radius of 965' back to the point of beginning as recorded in Deed Liber 35,311, Folio 16, containing 1.214 acres, more or less, located in the 15th Election District and 6th Council District.

2017-0163-SPH

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

No. 141440

Date: 12/15/16

PAID RECEIPT

BUSINESS ACTUAL TIME WRN
12/20/2016 12/19/2016 13:47:00 2

REC'D W02 WALKIN JEE
>> RECEIPT # 994220 12/19/2016: OFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 141440

Receipt Tot \$500.00
\$500.00 CK \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	106	100		6150				500.00

Total: 500.00

Rec From: Interview in the Quantico

For: 601 Bowlers Quarters ID

7017-0166-574

DISTRIBUTION

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

CASHIER'S
VALIDATION

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11253425
 Case #: 2017-0163-SPH
 Description:

CASE NUMBER: 2017-0163-SPH- NOTICE OF ZONING
 HEARING

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/19/2017



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County

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: 2017-0163-SPH

601 Bowleys Quarters Road

E/s Bowleys Quarters Road, 50 ft. S/of centerline of Glenwood Road

16th Election District - 6th Councilmanic District

Legal Owners: Allender Air, LLC, Tim Kuhn

Special Hearing to amend the previous order and site plan in case 84-228-SPH, to allow a 20 ft. X 40 ft. addition to an existing restaurant building, and for such other and further relief as the nature of this cause may require.

Hearing: Thursday, February 9, 2017 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 AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ja19

CERTIFICATE OF POSTING

Date: JANUARY 19, 2017

RE: Project Name: 601 BOWLEYS QUARTERS ROAD
Case Number /PAI Number: 2017-0163-SPH
Petitioner/Developer: ALLENDER AIR LLC, TIM KUHN
Date of Hearing/Closing: FEBRUARY 9, 2017

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 601 BOWLEYS QUARTERS ROAD

The sign(s) were posted on JANUARY 19, 2017
(Month, Day, Year)

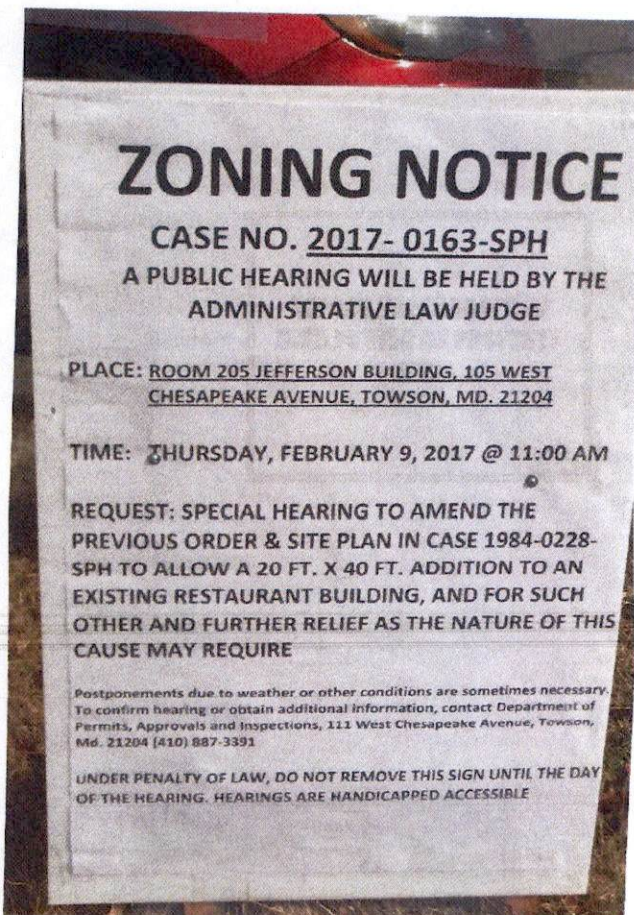
David W. Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



TO: PATUXENT PUBLISHING COMPANY
Thursday, January 19, 2017 Issue - Jeffersonian

Please forward billing to:

Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

NOTICE OF ZONING HEARING

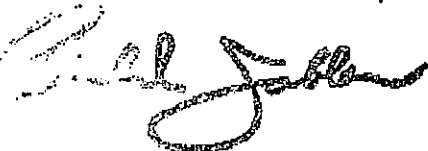
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0163-SPH

601 Bowleys Quarters Road
E/s Bowleys Quarters Road, 50 ft. S/of centerline of Glenwood Road
15th Election District – 6th Councilmanic District
Legal Owners: Allender Air, LLC, Tim Kuhn

Special Hearing to amend the previous order and site plan in case 84-228-SPH, to allow a 20 ft. X 40 ft. addition to an existing restaurant building, and for such other and further relief as the nature of this cause may require.

Hearing: Thursday, February 9, 2017 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 AT 410-887-3868.
(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 17, 2017

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: 2017-0163-SPH

601 Bowleys Quarters Road

E/s Bowleys Quarters Road, 50 ft. S/of centerline of Glenwood Road

15th Election District – 6th Councilmanic District

Legal Owners: Allender Air, LLC, Tim Kuhn

Special Hearing to amend the previous order and site plan in case 84-228-SPH, to allow a 20 ft. X 40 ft. addition to an existing restaurant building, and for such other and further relief as the nature of this cause may require.

Hearing: Thursday, February 9, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Tim Kuhn, 11606 Eastern Avenue, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 20, 2017.**
- (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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0163-SPH
Property Address: 601 Bowleys Quarters Road
Property Description: _____
Legal Owners (Petitioners): Alencar Air, LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco
Company/Firm (if applicable): _____
Address: 305 Washington Ave
Suite 502
Towson, MD 21204
Telephone Number: 410 299-2943

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

February 2, 2017

Allender Air LLC
Tim Kuhn
11606 Eastern Avenue
Baltimore MD 21220

RE: Case Number: 2017-0163 SPH, Address: 601 Bowley's Quarters Road

Dear Mr. Kuhn:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 15, 2016. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Timothy M. Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 1/3/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2017-0163-SPH

Special Hearing
Ailendor Air, LLC, Tim Kuhn
601 Bowley's Quarters Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

MS 2-9-17
11 Am

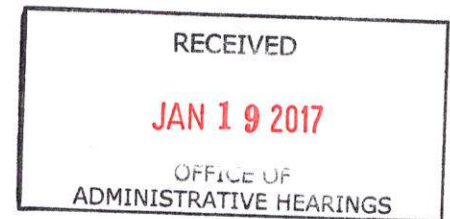
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 1/18/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-163



INFORMATION:

Property Address: 601 Bowleys Quarters Road
Petitioner: Allender Air LLC, Tim Kuhn
Zoning: DR 16
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previous order and site plan in case No. 84-228 SPH to allow a 20' x 40' addition to an existing restaurant building.

A site visit was conducted on January 4, 2017.

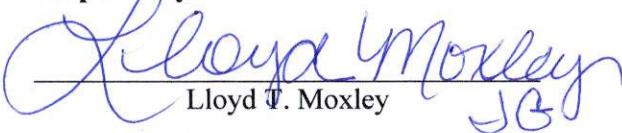
The Department of Planning has no objections to granting the petitioned zoning relief conditioned on the following:

A landscape plan must be submitted to the Baltimore County Landscape Architect for approval prior to the issuance of a building permit. A copy of said plan shall also be submitted to the contact person listed below. The Department has the expectation that such a plan will show:

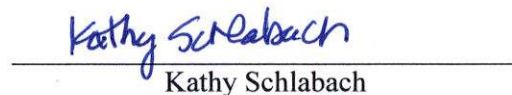
- The dumpster at the rear of the site screened in a manner consistent with Condition M of the Baltimore County Landscape Manual.
- Vegetative screening sufficient to screen the parking area adjacent to residential property at 591 Bowleys Quarters Road provided to mitigate the impacts of increased retail traffic.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

2-9

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 04 2017

OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 4, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0163-SPH
Address 601 Bowley's Quarters Road
(Allender Air, LLC Property)

Zoning Advisory Committee Meeting of **January 2, 2017**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. It is not waterfront. The applicant is proposing to permit an 800 square foot addition to an existing tavern and four additional parking spaces by amending a previous order and site plan. It appears the addition and parking spaces are over existing impervious surface. No information was provided regarding the 10% phosphorus reduction requirements, which must be addressed in the IDA. If the 10% pollutant reduction requirement is met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront and no forest or trees will be removed. The Critical Area impacts are negligible and habitat will not be impacted, so therefore this variance can help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The 10% pollutant reduction requirement is required and must be addressed. If this request is meets the 10% requirement, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: January 4, 2017

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 2, 2017
Item No. 2017-0163

DATE: January 6, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

Prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0163-01022017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 4, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0163-SPH
Address 601 Bowley's Quarters Road
(Allender Air, LLC Property)

Zoning Advisory Committee Meeting of **January 2, 2017**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. It is not waterfront. The applicant is proposing to permit an 800 square foot addition to an existing tavern and four additional parking spaces by amending a previous order and site plan. It appears the addition and parking spaces are over existing impervious surface. No information was provided regarding the 10% phosphorus reduction requirements, which must be addressed in the IDA. If the 10% pollutant reduction requirement is met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront and no forest or trees will be removed. The Critical Area impacts are negligible and habitat will not be impacted, so therefore this variance can help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The 10% pollutant reduction requirement is required and must be addressed. If this request is meets the 10% requirement, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: January 4, 2017

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
601 Bowleys Quarters Road; E/S Bowleys
Quarters Road, 50' S of c/line of Glenwood Rd* OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts
Legal Owner(s): Allender Air, LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2017-163-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.

RECEIVED

DEC 22 2016

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 22nd day of December, 2016, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: March 16, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0163-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on March 13, 2017. 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

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: December 15, 2016

TO: Zoning Commissioner and File

FROM: Leonard Wasilewski, Planner II, Zoning Review

SUBJECT: Petition for Special Hearing for: (Tavern in the Quarter)
Case No. 2016-0163-SPH
601 Bowleys Quarters Road

- A.** For clarification, this office accepted a Petition for the expansion of a Non-Conforming Restaurant on December 15, 2016.
from the petitioner Timothy Kotroco
- B.** The petitions site plan was not sealed by an engineer or surveyor as required by the Zoning Review Office.
- C.** Additionally, the referenced 1951-2006-X Special Exception did not specify parking, only that there was sufficient space on the parking lot for parking.
- D.** Case number 1984-0228-SPH continued the in site parking plan without actual calculations.
- E.** This new addition should increase the parking the parking requirements. Zoning Review would recommend a modified parking plan for this site on the new site plan.
- F.** Please call me if you have any questions. (410-887-3391)

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519850143			
Owner Information					
Owner Name:	ALLENDER AIR LLC		Use:	COMMERCIAL	
			Principal Residence:	NO	
Mailing Address:	11606 EASTERN AVE BALTIMORE MD 21220-		Deed Reference:	/35311/ 00016	
Location & Structure Information					
Premises Address:	601 BOWLEYS QUARTERS RD BOWLEYS QUARTERS RD 21220-2941		Legal Description:	1.214 AC 601 BOWLEYS QTRS RD ES 1320FT S OP GLENWOOD RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0091	0016	0131		0000	
				Assessment Year:	Plat No:
				2015	Plat Ref:
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
	2413		1.2400 AC	23	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		TAVERN			
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	103,000	103,000			
Improvements	99,000	99,200			
Total:	202,000	202,200	202,133	202,200	
Preferential Land:	0			0	
Transfer Information					
Seller: DONAHUE NICHOLAS E		Date: 08/28/2014		Price: \$100,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /35311/ 00016		Deed2:	
Seller: WANLESS JERRY W		Date: 05/30/2003		Price: \$170,000	
Type: ARMS LENGTH IMPROVED		Deed1: /18092/ 00345		Deed2:	
Seller: SUDEK FRANK J		Date: 05/08/1984		Price: \$115,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06709/ 00316		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

11-15-84

IN RE: PETITION SPECIAL HEARING
E/S of Bowley's Quarters Road,
150' N of Glenwood Road (601
Bowley's Quarters Road) -
15th Election District

Margaret R. Sudek and the
Estate of Frank J. Sudek,

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 84-228-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation as to a nonconforming use of their restaurant which was granted a special permit on June 15, 1951, as more fully described in Case No. 2006-S, Petitioners' Exhibit 2.

The Petitioner, Margaret R. Sudek, appeared and was represented by Counsel. There were no Protestants.

Testimony indicated that the Petitioners filed a Petition for Special Permit for a restaurant in a residential zone in 1951. The special permit was granted by the then Zoning Commissioner with certain restrictions. The Petitioners utilized the special permit upon completion of the construction of the restaurant in 1954 and have been operating continuously since that time. They now wish to sell the restaurant and in order for the Contract Purchaser to have the liquor license transfer approved, this hearing is required to legitimize the use since the property is presently zoned D.R.16 and does not permit a restaurant as a matter of right or by special exception.

The Baltimore County Zoning Regulations (BCZR) in existence in 1951 were those promulgated and implemented as of September 1, 1948. At that time, they did not permit a restaurant in a residential zone either as a matter of right or by special exception, previously referred to as special permit. See Section XIII, 1948 BCZR. However, special permits could be issued by the Zoning Commissioner for a temporary use for a period of two years or by extension for a

2006-5

PETITION FOR A SPECIAL PERMIT FOR A
RESTAURANT, S. E. Cor. Lowleys Quarter
Road and 50 ft. Road, 150 ft. N. of
Glennwood Road, 15th District
Frank J. and Margaret R. Dudek,
Petitioners

The property which is the subject of this petition is located on the east side of Lowleys Quarter Road, opposite Glennwood Road. This section of Lowleys Quarter Road is very sparsely developed, much of the area being scrub woodland. In the area between Schmitt Road and Adams Lane, a distance of approximately 1500 feet, all of the land is either used for farming purposes or is wooded with the exception of the properties on the west side of Lowleys Quarter Road on which a vegetable stand, a commercial hauling business, a commercial chicken farm and a general grocery store are located.

The petitioners' property, fronting 310 feet on Lowleys Quarter Road with an average depth of 237 feet and comprising 1.11 acres, is improved by a brick dwelling of dimensions 50' x 40'. The frame work of this building is a previously completed and the building sets back a distance of 25 feet from Lowleys Quarter Road.

Due to the nonconforming commercial area heretofore mentioned which exist in this area and due to the location and substantial nature of the building being erected on the lot in question, it is the opinion of the zoning Commission of Baltimore County that the granting of this special permit for a restaurant will not be detrimental to the health, safety and the general welfare of the community and the said special permit should be granted, in return:

It is this 15th day of June, 1961, ordered by the zoning Commission of Baltimore County, that the aforesaid special permit be and the same is hereby granted, subject to the following stipulations:

1. The construction of a parking lot of substantial size so that no parking will be required on Lowleys Quarter Road.
2. That the petitioners agree to set the subject lot back on which the plan filed with this document complies to the Lowleys Quarter Road for the intersection with Adams Lane.
3. That one sign only, advertising the business and the activities sold on the property, be exhibited on this lot.

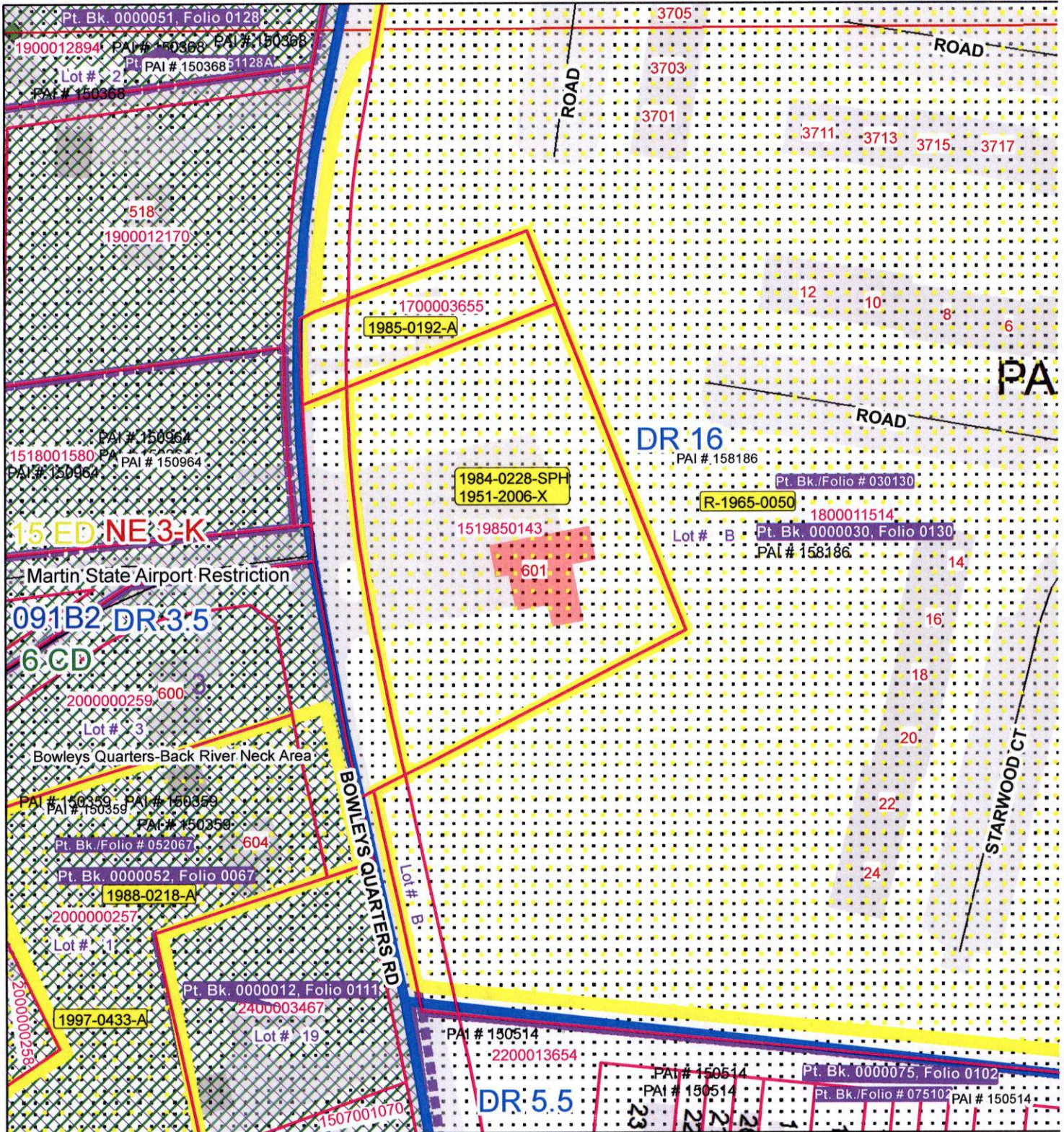
Augustine Spill
Zoning Commissioner
of Baltimore County

It is this 15th day of June, 1951, ORDERED by the
Zoning Commissioner of Baltimore County, that the aforesaid special
permit be and the same is hereby granted, subject to the following
stipulations:

1. The installation of a parking lot of sufficient size so that no parking will be required on Howleys Quarter Road.
2. That ingress and egress be from the 50 foot road as shown on the plan filed with this Department so as to enter Howleys Quarter Road at its intersection with Glenwood Road.
3. That one sign only, advertising the business and the commodities sold on the property, be exhibited on this lot.

Zoning Commissioner
of Baltimore County

601 Bowley, Quarters Road LJ17-0163-SPH



Publication Date: 12/19/2016



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

CASE NAME _____
CASE NUMBER 2017-0163-84
DATE Feb. 9, 2017

[illegible]

Case No.:

2017-0163-SPH

Exhibit Sheet

2-10-17
sln

Petitioner/Developer

DW
3-16-17

Protestant

No. 1	site plan	
No. 2	aerial photo	
No. 3	site photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Petitioners # 2

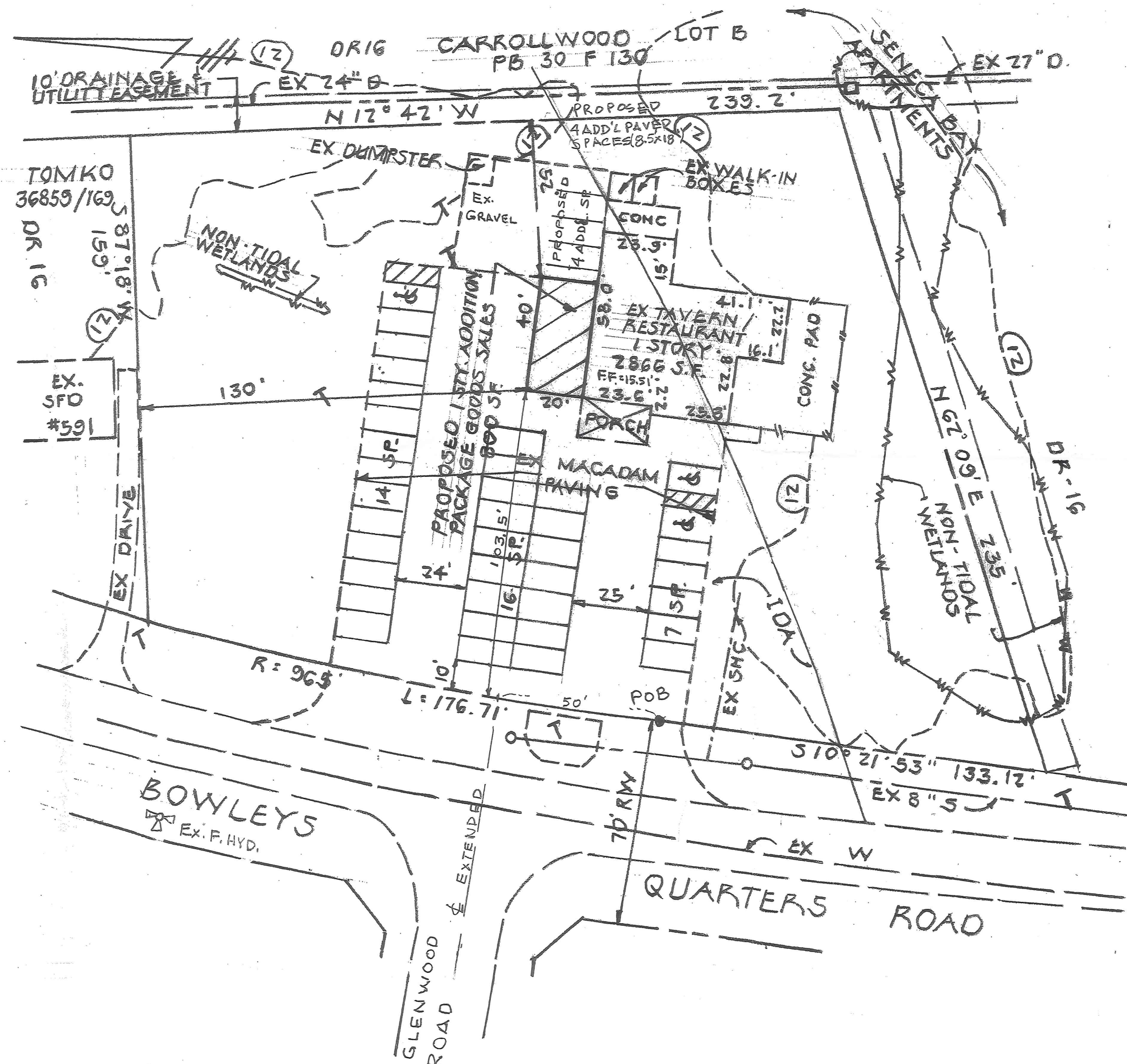
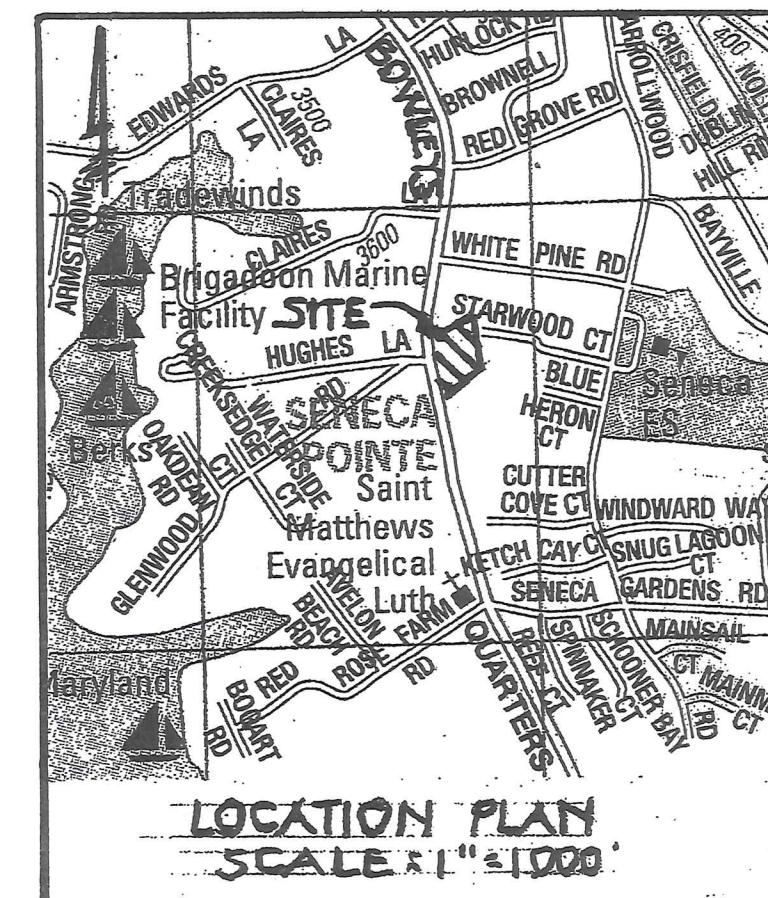
Printed 1/24/17



Petitioner #3







NOTES

1. ZONING - DR 16 (MAP 09182)
2. AREA - 1.214 ACRE
3. OWNER: ALLENDER LLC
11606 EASTERN AVENUE
BALTIMORE, MD 21220
DEED REF: L 35311 F.16
ACCT. NO. 1519850143
4. EXISTING USE: TAVERN / RESTAURANT
PROPOSED USE: TAVERN / RESTAURANT & PACKAGE GOODS SALES
5. EXISTING BUILDING AREA - 2866 S.F.
PROPOSED BUILDING AREA - 3666 S.F.
6. PARKING TO BE IN COMPLIANCE WITH PREVIOUS ORDER SPH NO. 84-228
7. PREVIOUS ZONING CASES:
1951 - 2006X (6/15/51 GRANTING A SPECIAL PERMIT FOR A RESTAURANT)
1984 - 0228SPH (3/16/1984) SPECIAL HEARING APPROVING RESTAURANT USE
8. DRC NO. 102516C
9. UTILITIES: PUBLIC WATER AND SEWER
10. EXISTING STRUCTURE HEIGHT: 18.2'
PROPOSED ADDITION HEIGHT: 15'
11. PART OF THE PROPERTY IS THE CHESAPEAKE BAY CRITICAL AREA - IDA (AS SHOWN)
12. PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN
13. TO THE PREPARER'S KNOWLEDGE, THERE ARE NO UG FUEL STORAGE TANKS, HISTORIC BUILDINGS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, WELL, SEPTIC SYSTEMS OR STREAMS. NONTIDAL WETLANDS AS SHOWN.
14. ONSITE LIGHTING SHALL BE DIRECTED DOWNWARD AND AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC RIGHT-OF-WAYS.
15. A LANDSCAPE PLAN WILL BE APPROVED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.
16. THERE SHALL BE NO CHANGE IN TOPOGRAPHY OR INCREASE OF IMPERVIOUS AREA.
17. THE SITE IS NOT LOCATED WITHIN A FAILED BASIC SERVICES MAP AREA.

PLAN TO ACCOMPANY REQUEST FOR:
A SPECIAL HEARING TO AMEND PREVIOUS ORDER
AND SITE PLAN SPH NO. 84-228 TO ALLOW A
800 SQUARE FOOT ADDITION TO EXISTING TAVERN AT:

601 BOWLEYS QUARTERS ROAD

ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD

Prepared by:
Craig Consulting, LLC
7024 Greenbank Rd.
Baltimore, MD 21220
443-677-2007

SCALE: 1"=30'

DATE: NOVEMBER 30, 2016

2017-0163-SPH

Petitioners No. 1