

MEMORANDUM

DATE: September 6, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0330-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 31, 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

IN RE: PETITION FOR VARIANCE

(1016 Ingleside Avenue)
1st Election District
1st Council District
Asha & Chandler Tschand
Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0330-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Asha and Chandler Tschand, owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §§409.6 & 409.4.C of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to permit a total of 36 existing parking spaces in lieu of the required 41 parking spaces; and (2) to permit an existing 11 ft. drive aisle in lieu of the required 22 ft. drive aisle. A site plan was marked as Petitioners' Exhibit 1.

Shanna Tschand appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the request.

The site is approximately 17,561 square feet in size and split-zoned DR 5.5/BL. The site is improved with a one-story commercial building constructed in 1974. A tavern was previously operated at the site, but Petitioners opened a restaurant several years ago. Petitioners applied for a permit for an awning to cover an outdoor dining area and were informed by the Office of Zoning Review there was insufficient parking at the site. As such this petition was filed.

ORDER RECEIVED FOR FILING

Date 8/11/17

By DLH

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to continue operating their restaurant. Finally, I find that the variances 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 lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 1st day of **August, 2017**, by the Administrative Law Judge for Baltimore County that the Petition for Variance as follows: (1) to permit a total of 36 existing parking spaces in lieu of the required 41 parking spaces; and (2) to permit an existing 11 ft. drive aisle in lieu of the required 22 ft. drive aisle, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must within 60 days of the date hereof remove the shipping container from the site.
3. Prior to issuance of permits Petitioners must submit for approval by Baltimore County landscape and lighting plans.

ORDER RECEIVED FOR FILING

Date 8/1/17
By SLH

4. Petitioners must remove any illegal signage, banners or flags within 30 days of the date hereof.
5. Prior to issuance of permits Petitioners must restripe all parking spaces as shown on the site plan marked as Exhibit 1.

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:slh

ORDER RECEIVED FOR FILING

Date

8/1/17

By

slh



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 1016 Ingleside Avenue which is presently zoned D.R.55/BL
 Deed References: J 29289/484 10 Digit Tax Account # 01193 21790
 Property Owner(s) Printed Name(s) Chander Tschand and Asha Tschand

(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. ☒ 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)

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:

Shanna Tschand
 Name- Type or Print
Shanna Yschel
 Signature
3890 Whitebrook Ln Ellicott City MD
 Mailing Address City State
21042 410-707-6188 707688@gmail.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

 Name- Type or Print

 Signature

 Mailing Address City State

 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Asha Tschand , Chander Tschand
 Name #1 - Type or Print Name #2 - Type or Print
Asha Tschand , Chander Tschand
 Signature #1 Signature #2
3890 Whitebrook Ln Ellicott City MD
 Mailing Address City State
21042 410-418-4484 ctschand@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Bernadette Moskunas Site Rite Surveying Inc
 Name - Type or Print
Bernadette Moskunas
 Signature
200 E. Joppa Road Rm101 Towson, MD
 Mailing Address City State
21286 410.828.9060 siteriteinc@aol.com
 Zip Code Telephone # Email Address

CASE NUMBER 2017-0330-A Filing Date 6, 9, 17

Do Not Schedule Dates: Reviewer JS

2017-0330-A 1016 Ingleside Avenue

Requested Relief:

BCZR: 409.6 → To permit a total of 36 existing parking spaces in lieu of the required 41 parking spaces.

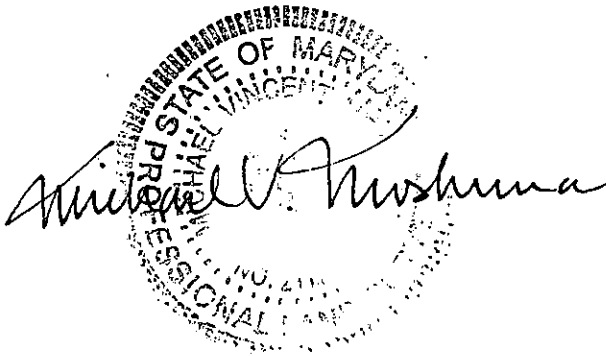
BCZR: 409.4.C. → To permit an existing 11 foot drive aisle in lieu of the required 22 foot drive aisle.

Any other variances deemed necessary by the Administrative Law Judge.

**ZONING PROPERTY DESCRIPTION
FOR #1016 INGLESIDE AVENUE**

BEGINNING at a point on the west side of Ingleside Avenue which is 40 feet wide at a distance of 227 feet south of the centerline of Johnnycake which is 60 feet wide.

Thence the following courses and distances: (1) South 71° 50' 40" East, 140.59 feet (2) North 19° 11' 20" East, 98.73 feet (3) North 37° 14' 00" West, 172.97 feet (4) South 18° 09' 20" West, 197.06 feet back to the Point of Beginning as recorded in Deed Liber 29289, folio 484, containing 0.403 acres, more or less. Saving and excepting the following highway widening Deed Liber 5747, folio 575 (HRW 58-056-5 relocation and widening for Johnnycake Road and Wilson Avenue as well as a revertible slope easement), located in the 1st Election District and 1st Councilmanic District.

A circular professional seal for Michael V. Moskunas, a Professional Land Surveyor in the State of Maryland, Registration No. 21175. The seal is partially obscured by a handwritten signature in cursive script that reads "Michael V. Moskunas".

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5059427

Sold To:

Shanna Tschand - CU00608123
3890 Whitebrook Ln
Ellicott City, MD 21042-5871

Bill To:

Shanna Tschand - CU00608123
3890 Whitebrook Ln
Ellicott City, MD 21042-5871

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jul 11, 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: # 2017-0330-A
1016 Ingleside Avenue
SE corner of intersection of Ingleside Avenue and Johnnycake Road
1st Election District - 1st Councilmanic District
Legal Owner(s) Asha & Chander Tschand
Contract Purchaser/Lessee: Shanna Tschand

Variance: to permit a total of 36 existing parking spaces in lieu of the required 41 parking spaces; to permit an existing 11 ft. drive aisle in lieu of the required 22 ft. drive aisle; any other variances deemed necessary by the Administrative Law Judge.

Hearing: Monday, July 31, 2017 at 10:00 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.

JT 7/637 July 11 5059427

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0330-A

PETITIONER/DEVELOPER

SITE RITE SURVEYING INC

DATE OF HEARING/CLOSING:

July 31, 2017

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT

1016 INGLETSIDE AVE

THIS SIGN(S) WERE POSTED ON July 10, 2017
(MONTH, DAY, YEAR)

SINCERELY,

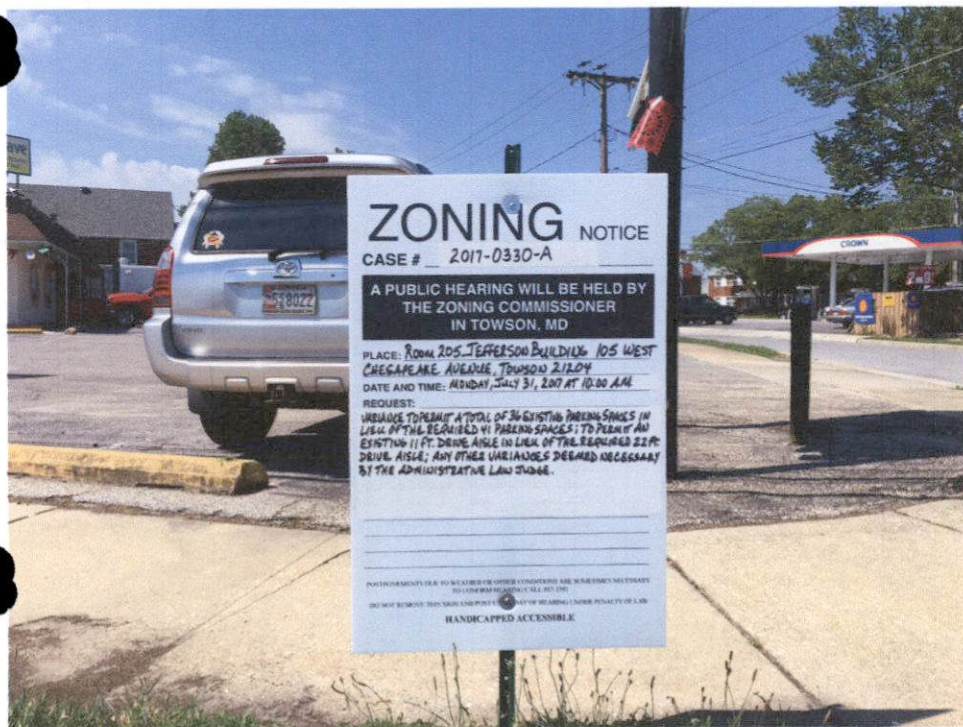
Martin Ogle 7/10/17
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)

9912 MADBROOK

BALTIMORE, MD 21234

PHONE NUMBER: 443-629-3411



myadingle 7/10/17



KEVIN KAMENETZ
County Executive

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

June 26, 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: 2017-0330-A

1016 Ingleside Avenue

SE corner of intersection of Ingleside Avenue and Johnnycake Road

1st Election District – 1st Councilmanic District

Legal Owners: Asha & Chander Tschand

Contract Purchaser/Lessee: Shanna Tschand

Variance to permit a total of 36 existing parking spaces in lieu of the required 41 parking spaces; to permit an existing 11 ft. drive aisle in lieu of the required 22 ft. drive aisle; any other variances deemed necessary by the Administrative Law Judge.

Hearing: Monday, July 31, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Shanna Tschand, 3890 Whitebrook Lane, Ellicott City 21042
Asha & Chander Tschand, 3890 Whitebrook Lane, Ellicott City 21042
Berndadette Moskunus, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 11, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 11, 2017 Issue - Jeffersonian

Please forward billing to:
Shanna Tschand
3890 Whitebrook Lane
Ellicott City, MD 21042

410-707-6188

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: 2017-0330-A

1016 Ingleside Avenue

SE corner of intersection of Ingleside Avenue and Johnnycake Road

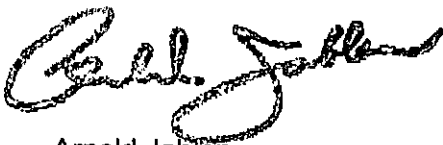
1st Election District – 1st Councilmanic District

Legal Owners: Asha & Chander Tschand

Contract Purchaser/Lessee: Shanna Tschand

Variance to permit a total of 36 existing parking spaces in lieu of the required 41 parking spaces; to permit an existing 11 ft. drive aisle in lieu of the required 22 ft. drive aisle; any other variances deemed necessary by the Administrative Law Judge.

Hearing: Monday, July 31, 2017 at 10:00 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.

* * * * *

Peter Max Zimmerman

Conte S. Demilio

RECEIVED
JUN 15 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2017-0330-A
Property Address: 1016 Inglewood Avenue
Property Description: West side of Inglewood 227' south of Johnny
Cake Road
Legal Owners (Petitioners): Asha and Chander Tschand
Contract Purchaser/Lessee: Shanna Tschand

PLEASE FORWARD ADVERTISING BILL TO:

Name: Shanna Tschand
Company/Firm (if applicable): _____
Address: 3890 Whitebrook Lane
Ellicott City MD 21042
Telephone Number: 410 707-6188

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

NR 153092

Date: 6/9/17

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 500.00

Total: \$ 500.00

Rec From: TSCHAND

For: 2017-0330-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME GRW
6/12/2017 6/09/2017 11:07:03 S
REG WSOS WALKIN LRB
>>RECEIPT # 698293 6/09/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 153092
Recpt Tot 500.00
500.00 CR 0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

July 27, 2017

Asha Tschand
Chander Tschand
3890 Whitebrook Lane
Ellicott City, MD 21042

RE: Case Number: 2017-0330 A, Address: 1016 Ingleside Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 9, 2017. 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 stylized with a large, looped "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Shanna Tschand, 3890 Whitebrook Lane, Ellicott City, MD 21042
Bernadette Moskunus, Site Rite Surveying Inc., 200 E Joppa Road, Rm 101, Towson MD 21286

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



Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/14/17

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. 2017-0330-A

Variance
Asha & Chandler Tschand
1016 Ingleside Avenue

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,

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

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030

410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367

7-31

JUL 12 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 7/10/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-330

INFORMATION:

Property Address: 1016 Ingleside Avenue
Petitioner: Asha Tschand, Chander Tschand
Zoning: BL, DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a total of 36 existing parking spaces in lieu of the required 41 parking spaces and to permit an existing 11 foot drive aisle in lieu of the required 22 foot drive aisle.

A site visit was conducted on 6/20/2017 and found the property to be in a distressed state. The site is located in the Baltimore National Pike Commercial Revitalization District (CRD).

The Baltimore County Master Plan 2020 (MP2020) establishes "*Improve the appearance and walkability of the Districts*" as a direct policy (MP2020 pg. 140) and cites the enforcement of the county code as an action towards that goal.

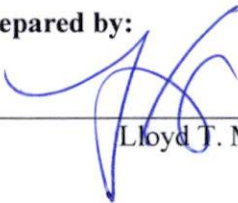
The Department does not oppose granting the petitioned zoning relief conditioned upon the following:

- Remove the illegal shipping container.
- Remove any illegal signage.
- Remove all debris.
- Remove, repair, or replace all damaged sections of the existing chain link fence and retaining wall.
- Enclose the dumpster and grease can in a manner that meets Condition H of the Baltimore County Landscape Manual. The dumpster/ grease can cannot be situated within a required parking space. The petitioners must provide a viable location meeting the aforesaid Landscape Manual and then recalculate available parking thereby arriving at a credible parking count to base the variance request upon. Once a workable parking layout is achieved, restripe all parking spaces and replace all broken curb stops.
- Submit architectural elevations for the proposed canopy to the contact person listed below for review and approval prior to building permit application.
- Pursuant to BCC §18-3-304 and upon recommendation by the Director of Public Works, repair all sidewalks where said Director finds that the improvement is needed to alleviate a condition that threatens the health, safety, and welfare of abutting property owners.

Please be advised that location within a commercial revitalization district makes property owners eligible for Baltimore County incentive programs such as business improvement loans, tax credits, and the Architect-On-Call program. The property owner may want to consider these programs.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

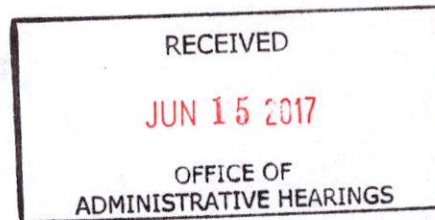
c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bernadette Moskunas, Site Rite Surveying, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

7-31-17
10 Am

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: June 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0330-A
Address 1016 Ingleside Avenue
(Tschand Property)

Zoning Advisory Committee Meeting of **June 19, 2017**.

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

Reviewer: Steve Ford

Date: 6-15-2017

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: *mcl* Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 19, 2017
Item No. 2017-0330

DATE: June 30, 2017

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

If Zoning Relief is granted Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

* * * * *

VKD:CEN
cc:file
ZAC-ITEM NO 17-0330-06192017.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/10/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-330

INFORMATION:

Property Address: 1016 Ingleside Avenue
Petitioner: Asha Tschand, Chander Tschand
Zoning: BL, DR 5.5
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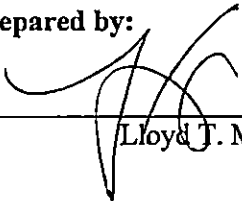
The Department does not oppose granting the petitioned zoning relief conditioned upon the following:

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- Remove any illegal signage.
- Remove all debris.
- Remove, repair, or replace all damaged sections of the existing chain link fence and retaining wall.
- Enclose the dumpster and grease can in a manner that meets Condition H of the Baltimore County Landscape Manual. The dumpster/ grease can cannot be situated within a required parking space. The petitioners must provide a viable location meeting the aforesaid Landscape Manual and then recalculate available parking thereby arriving at a credible parking count to base the variance request upon. Once a workable parking layout is achieved, restripe all parking spaces and replace all broken curb stops.
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Bernadette Moskunas, Site Rite Surveying, Inc.

Office of the Administrative Hearings

People's Counsel for Baltimore County

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: June 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0330-A
Address 1016 Ingleside Avenue
(Tschand Property)

Zoning Advisory Committee Meeting of **June 19, 2017**.

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

Reviewer: Steve Ford

Date: 6-15-2017

Case No.: 2017-330-A

Exhibit Sheet

Petitioner/Developer

PD
9-6-15

Protestants

Sen
8-1-17

No. 1	Plan	
No. 2	Photos	
No. 3	R.O.W. Plan	
No. 4	Permit Application - Awning	
No. 5	Plan - 1971	
No. 6	Awning Spec Sheet	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

#2





El Agave
Authentic Mexican Restaurant,
Bar & Package Goods

Planet Aid
**Clothes
& Shoes**







El Agave
Authentic Mexican Food
Mexican Food
Open 7 Days
Daily Lunch
Specials & More
Fall & Winter
No Tax
52 Taco Tues
410 7th 1430





#4

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
TOWSON, MARYLAND 21204

Date 9/28/16
SEA KL/EDW

Permit # 8931/91
Control # C
XRef #

Property Address 1016 Ingleside Ave.
Suite/Space/Floor
Subdivision
Tax Account # 0119321790
Will this building have sprinklers? ☐ Yes ☐ No
Is this property located in a floodplain? ☐ Yes ☐ No

Historic District Building
☐ Yes ☐ No
District/Project

Receipt # A748348
Fee 185+10+17=212.00
Total Paid
Paid By
Inspector

OWNER'S INFORMATION

First & Last Name (Individual)
Corporation Name
Address
City, State, Zip
Seller

APPLICANT INFORMATION

Name
Company (if applicable)
Address
City, State, Zip
Applicant Signature
Business/Tenant Name
Contractor
Engineer
PLANS: CONST PLOT PLAT DATA EL 2 PL 2 DRC#

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT, AND WILL REQUEST ALL REQUIRED INSPECTIONS.

TYPE OF IMPROVEMENT

- 1. New Bldg Construction
- 2. Addition
- 3. Alteration
- 4. Repair
- 5. Wrecking
- 6. Moving
- 7. Other

TYPE OF USE
RESIDENTIAL

- 01. One Family
- 02. Two Family
- 03. Three and Four Family
- 04. Five or More Family (enter no. units)
- 05. Swimming Pool
- 06. Garage
- 07. Other

DESCRIBE PROPOSED WORK:

const fabric
27'4" x 18' = 496 SF on front Bldg addition
of ex Restaurant. NO SIGNAGE ON
AWNING, SEPARATE PERMIT-REQ'D.
LEAVE 3' CORDES OF

NON-RESIDENTIAL

- 08. Amusement, Recreation, Place of Assembly
- 09. Church, Other Religious Building
- 10. Deleted
- 11. Industrial, Storage Building
- 12. Parking Garage
- 13. Service Station, Repair Garage
- 14. Hospital, Institutional, Nursing Home
- 15. Office, Bank, Professional
- 16. Public Utility
- 17. School, College, Other Educational
- 18. Deleted
- 19. Store, Mercantile, Restaurant (specify type)
- 20. Swimming Pool (specify type)
- 21. Tank, Tower
- 22. Transient Hotel, Motel (no. units)
- 23. Other

Foundation Type
1. Slab
2. Block
3. Concrete
Basement
1. Full
2. Partial
3. None

Type of Construction

- 1. Masonry
- 2. Wood Frame
- 3. Structure Steel
- 4. Reinforced Concrete

Type of Heating Fuel

- 1. Gas
2. Oil
3. Electricity
4. Coal

Central Air: 1. 2.

Type of Sewage Disposal

- 1. Public Sewer
2. Private System
Septic
Privy

Type of Water Supply

- 1. Public System
2. Private System
Exists
Proposed

Estimated Cost of Materials and Labor \$

Proposed Use

Existing Use

Ownership: 1. Privately Owned 2. Publicly Owned 3. Sale 4. Rental

Residential Category: 1. Detached 2. Semi-Detached 3. Group 4. Townhouse 5. Mid-Rise 6. High-Rise

Efficiency # 1-Bedroom # 2-Bedroom # 3-Bedroom # Total Bedrooms Total Apts/Condos

One Family Bedroom # Bathroom # Kitchen # Powder Room # Garbage Disposal: 1. ☐ Yes 2. ☐ No

Class 06/Liber Folio Map Parcel

Building Size 486 SF

Floor

Width 27'4"

Depth 18'

Height

Stories

Lot #

Lot Size and Setbacks

Size 1756 SF

Front Street

Side Street

Front Setback

Side Setback

Side Street Setback

Rear Setback

Zoning

APPROVAL SIGNATURES DATE

BLD INSP
BLD PLAN
FIRE
SEDI CTL
ZONING
PUB SERV
ENVRMNT
PLANNING
PERMITS

Corner Lot: 1. ☐ Yes 2. ☐ No

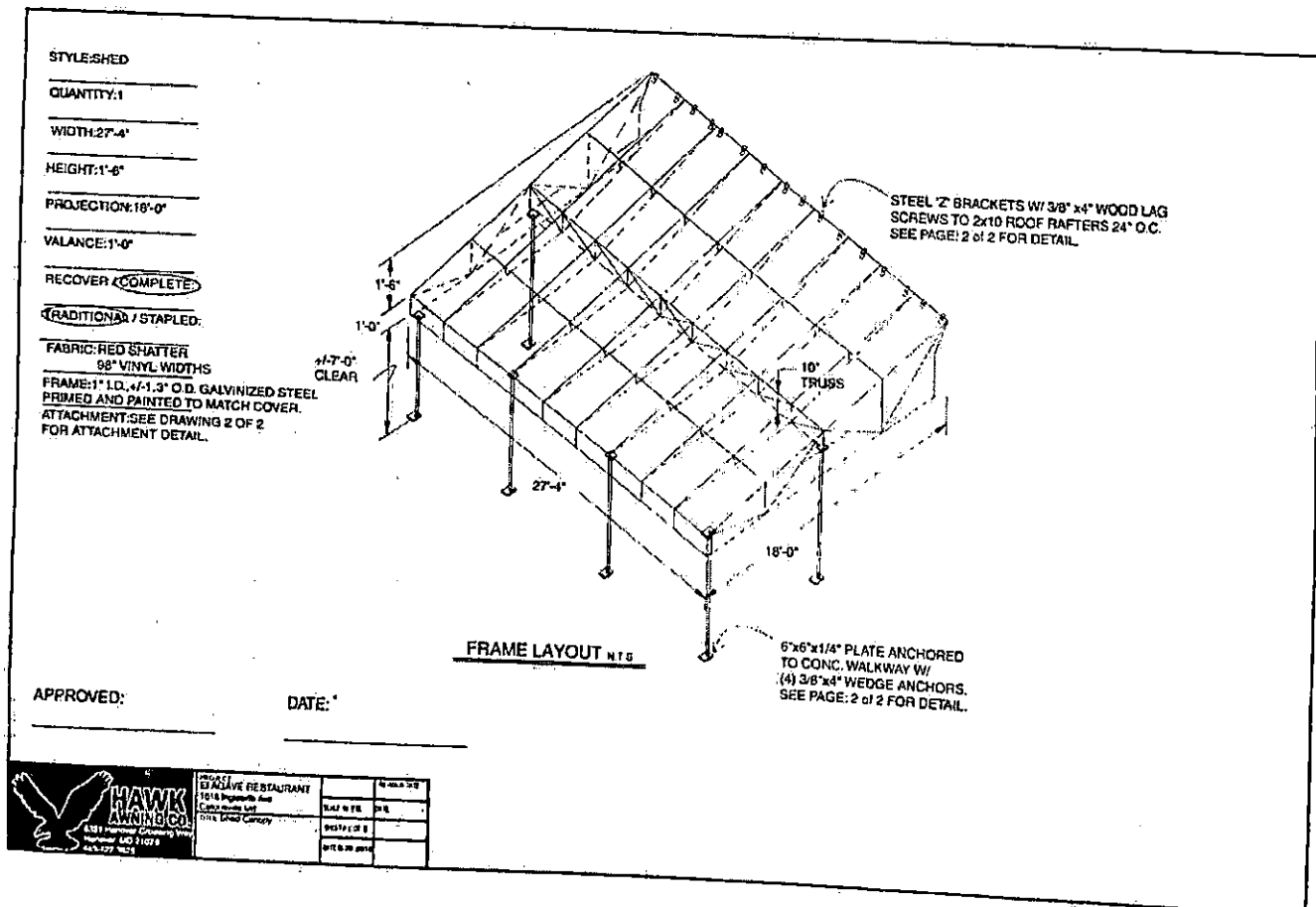
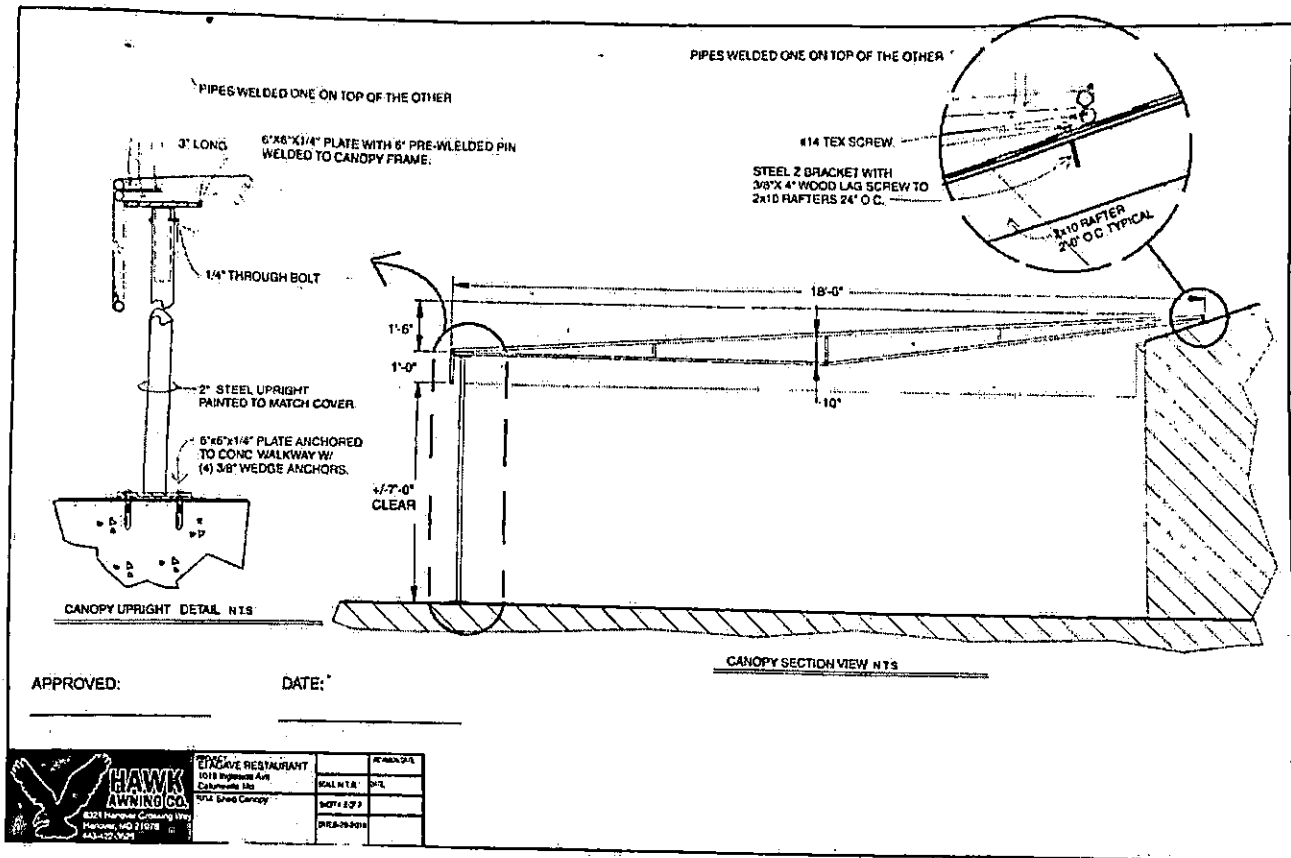
MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND - PERMIT FEES ARE NON-REFUNDABLE

REV 2/13

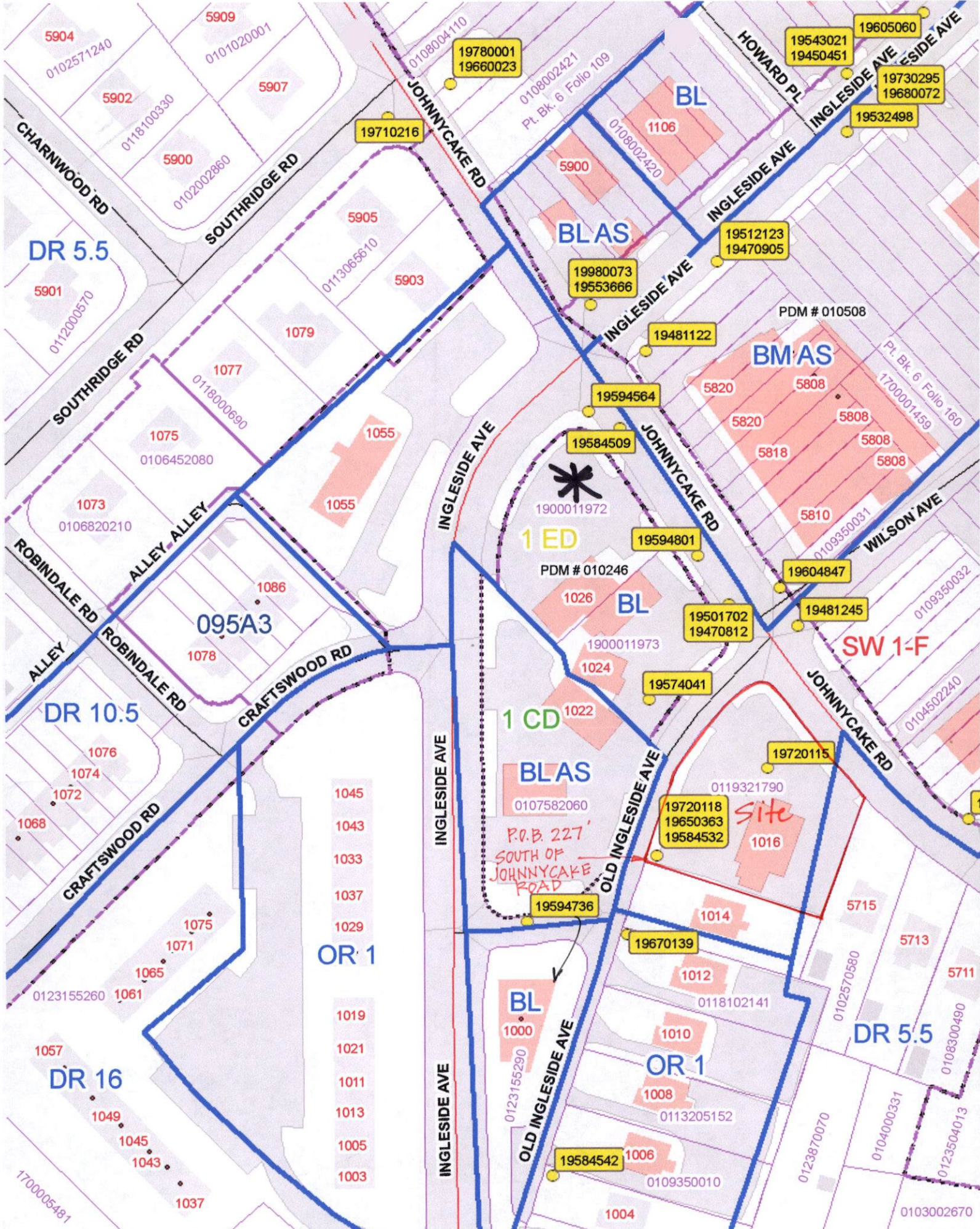
PAI BPP 8

NEED SITE PLAN

11/23/16
1016 Ingleside Ave
Rm 123
11/23/16



#6



ZONING MAP

CASE NAME 1016 Ingherside Ave
CASE NUMBER 2017-0330-A
DATE 31 July 2017

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment6/30DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment6/15DEPS
(if not received, date e-mail sent _____)no Comment_____

FIRE DEPARTMENT

7/10PLANNING
(if not received, date e-mail sent _____)not opposed
w/ conditions6/14

STATE HIGHWAY ADMINISTRATION

no Obj_____

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 1972-0115-A)NEWSPAPER ADVERTISEMENT Date: 7/11/17SIGN POSTING Date: 7/10/17 by agkPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

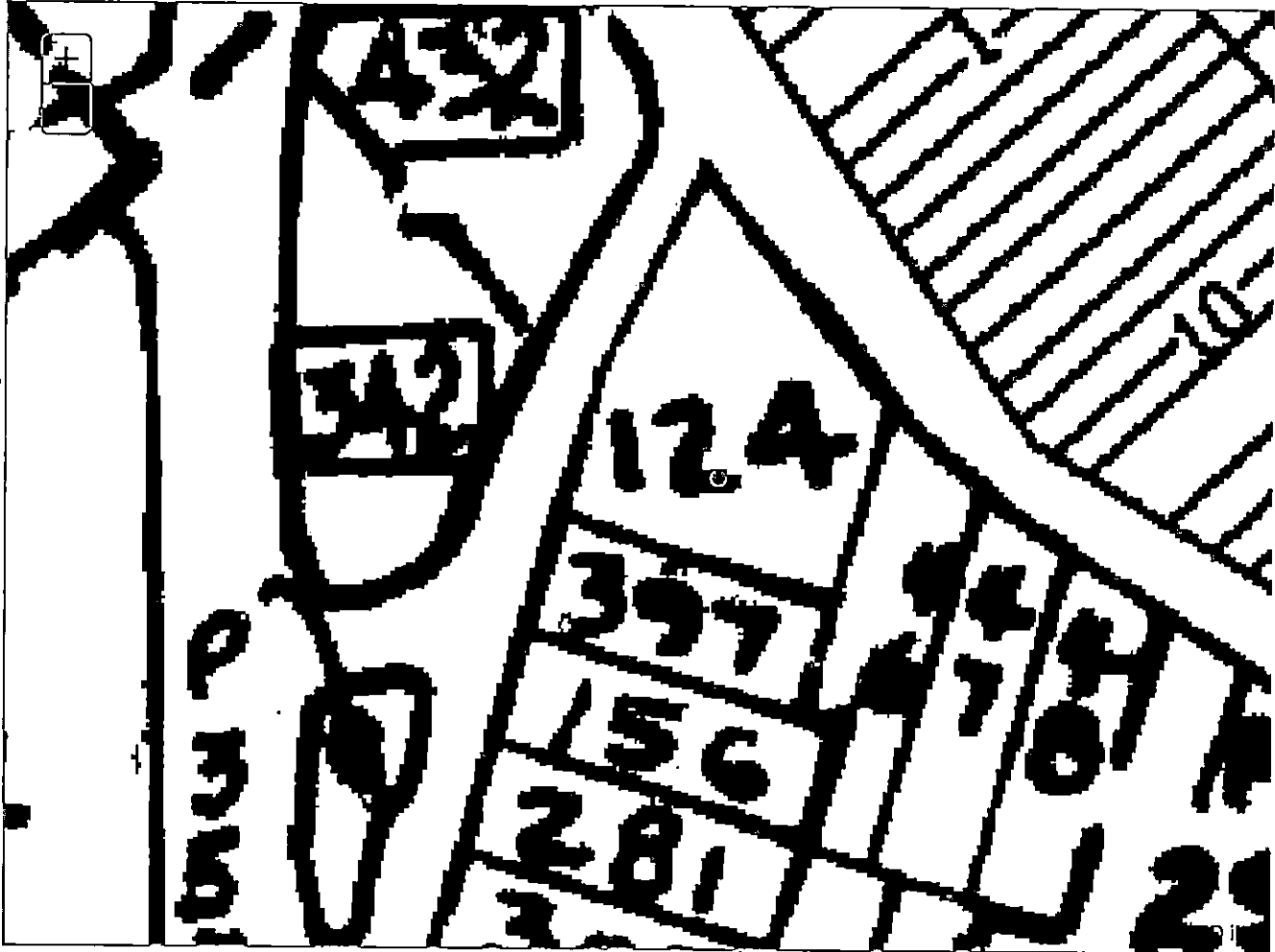
Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 01 Account Number - 0119321790							
Owner Information									
Owner Name:		TSCHAND ASHA TSCHAND CHANDER				Use:		COMMERCIAL	
Mailing Address:		3890 WHITEBROOK LN ELLICOTT CITY MD 21042-5871				Principal Residence:		NO	
						Deed Reference:		/29289/ 00484	
Location & Structure Information									
Premises Address:		1010 OLD INGLESIDE AVE 0-0000				Legal Description:		LT SS JOHNNYCAKE RD 1010 INGLESIDE AVE SE COR INGLESIDE AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0095	0014	0124		0000				2015	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1974		2000				17,561 SF		06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		TAVERN							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2015		07/01/2016		07/01/2017	
Land:		207,500		207,500					
Improvements		91,100		99,500					
Total:		298,600		307,000		304,200		307,000	
Preferential Land:		0						0	
Transfer Information									
Seller: DAY RICHARD A				Date: 03/19/2010			Price: \$250,000		
Type: ARMS LENGTH IMPROVED				Deed1: /29289/ 00484			Deed2:		
Seller: DAY RICHARD A				Date: 05/12/1999			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /13741/ 00755			Deed2:		
Seller: MISLER JACOB				Date: 04/02/1977			Price: \$240,000		
Type: ARMS LENGTH IMPROVED				Deed1: /05747/ 00575			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									

Baltimore County

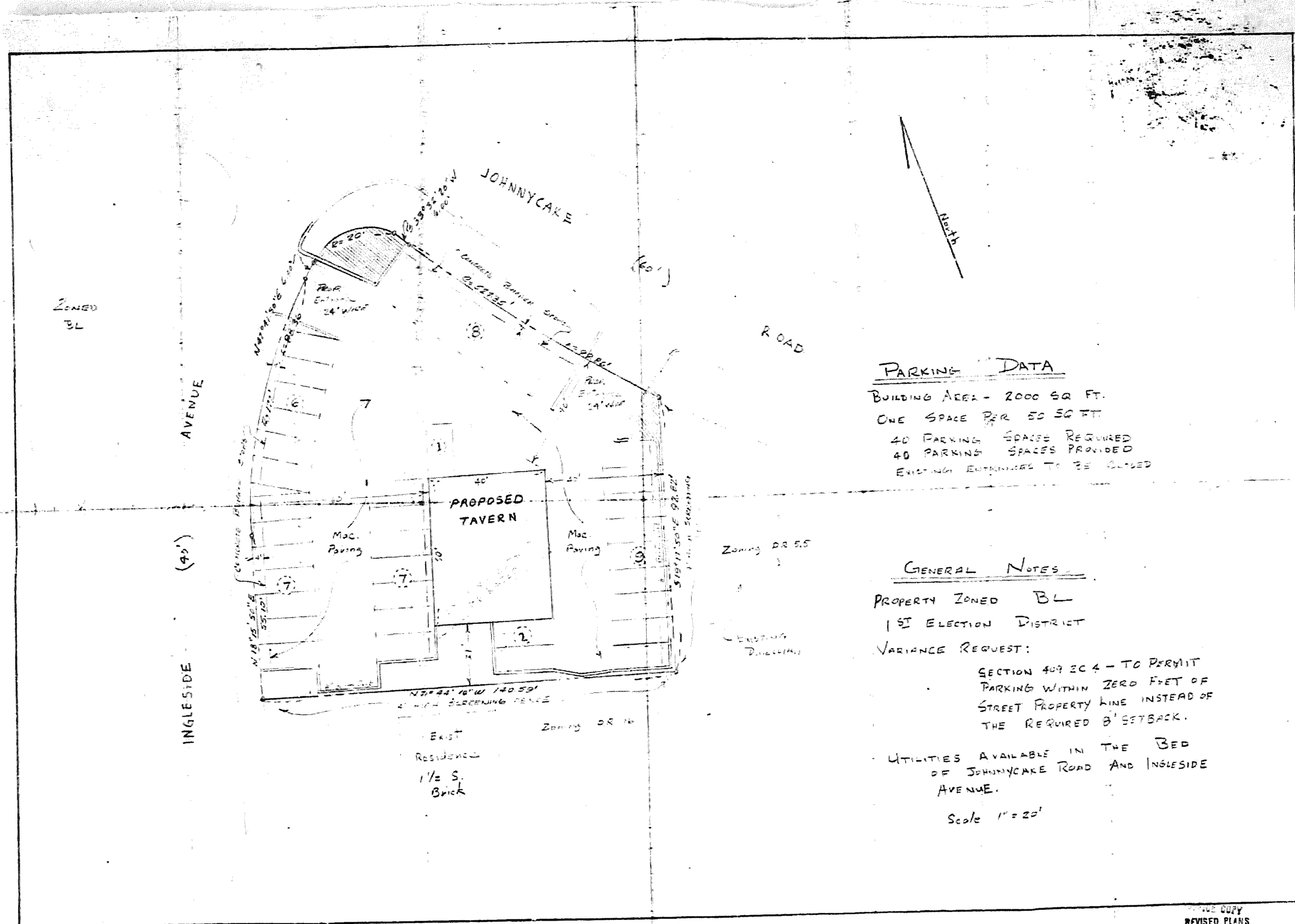
[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **01** Account Number: **0119321790**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

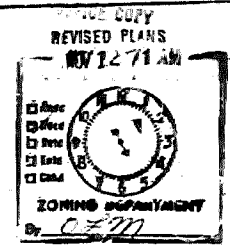
Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



PARKING DATA
BUILDING AREA - 2000 SQ. FT.
ONE SPACE PER 50 SQ. FT.
40 PARKING SPACES REQUIRED
40 PARKING SPACES PROVIDED
EXISTING ENTRANCES TO BE CLOSED

GENERAL NOTES
PROPERTY ZONED BL
1ST ELECTION DISTRICT
VARIANCE REQUEST:
SECTION 409.2C.4 - TO PERMIT
PARKING WITHIN ZERO FEET OF
STREET PROPERTY LINE INSTEAD OF
THE REQUIRED 8' SETBACK.
UTILITIES AVAILABLE IN THE BED
OF JOHNNYCAKE ROAD AND INGLESIDE
AVENUE.
Scale 1" = 20'



-

GENERAL NOTES:

- Existing Zoning: BL/D.R.5.5 (095A3)
- Lot Area: 17,561 S.F. / 0.403 Ac +/- (SDAT)
- Existing Use: Restaurant with outdoor patio seating
Proposed Use: Restaurant with proposed canopy over outdoor seating.
- Restaurant/outdoor seating area: 2509 S.F. X 16/1000 S.F. = 41 Parking space
Existing parking spaces provided = 36 spaces
- Property is not located in an historic district, 100 year flood plain area, Chesapeake Bay critical area
- Property is serviced by public water and sewer
- F.A.R.: 2509 S.F. + 17,561 S.F. = 0.14 (max: 0.3).
- Building Permit No. B931191C for the proposed canopy
- Property is located within the Baltimore National Pike Commercial Revitalization
- Hours of operation: Monday through Sunday 11 am - 10pm
- All structures are existing, only the canopy is proposed
- Prior Zoning History: Case R-1947-0812 Reclassification Granted (DR 5.5 to B available)
R-1950-1702-X Granted for use as a Gas Service Station (vague zoning info)
1972-0115-A Variance parking setback for 0' in lieu of required 8' to street
Existing use at the time of application: Tavern/Bar
- Property is not located in any deficient areas on the 2017 Basic Service Maps for

"COMMERCIAL"

HRW 58-056-5 (3956/082)

N 37°14'00" W

(EX. 42' PAVING) (60' R/W)

JOHNNY CAKE ROAD

BL DP 5.5

EX. 60' R/W (HRW 58-056-5) (3956/082)

ASPHALT PAVING

CURB-STOP (TYP.)

EX. 24± PAV.

BL BL-AS

#1022

"COMMERCIAL" EX. GAS STATION

INGLESIDE AVENUE

S 18°09'20" W

PROPOSED CANOPY OVER EX. PATIO 60±

CONC. RETAINING WALL

SEATING

SEA-CONTAINER

WALK-IN FREEZER

EX. TRANSFORMER

EX. GREASE CAN

EX. DUMPSTER

ASPHALT PAVING

AISLE

EXIST. DWLG.

#5715

#5713 EX. DWLG.

"RESIDENTIAL"

BL DP 1

DP 5.5 DP 1

Michael V. Moskunas
Professional Land Surveyor #21175
License Expires: 6/25/2017

OWNER: ASHA & CHANDLER TSCHAND
3890 WHITEBROOK LANE
ELLICOTT CITY, MD 21042
TAX ACCOUNT NO. 0119321790
CONTACT: SHANNA TSCHAND
PHONE: 410-707-6188

VARIANCE PLAN
1016 OLD INGLESIDE AVENUE
"EL AGAVE RESTAURANT"
TAX MAP:95 - GRID:14 - PARCEL:124
DEED REFERENCE: 29289/484
1ST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 20'	Date: 05/25/2017	JOB #10562
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: DTW,JK

GRAPHICAL SCALE: 1" = 20'



Michael V. Moskunas
Professional Land Surveyor #21175
License Expires: 6/25/2017



SITE RITE
SURVEYING INC.

200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060