

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(3613-3615 East Joppa Road)		
11 th Election District	*	OFFICE OF
5th Council District		
Joppa Road Commercial, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
PB & J Grill & Games, LLC	*	FOR BALTIMORE COUNTY
<i>Contract Purchaser/Lessee</i>		
	*	Case No. 2023-0012-SPH
Petitioners		

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petition for Special Hearing filed by the Petitioners, Joppa Road Commercial, LLC (legal owner) and PB & J’s Grill & Games, LLC (contract purchaser/lessee) for the property located at 3613-3615 East Joppa Road, Towson. A Special Hearing pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to amend the order approved in Zoning Case No. 2008-0553-X to allow operation of the arcade by a new entity, pursuant to Condition No. 2 of the Order, and to remove Condition No. 4 and the requirement for an interior patron connection between the arcade tenant space and the restaurant tenant space.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A ZAC comment was received from the Department of Planning (“DOP”). They did not oppose the requested relief. There were no protestants or interested citizens in the hearing.

Brock Anderson, a Member of PB & J’s Grill and Games, LLC appeared in support of the Petition. David Karceski, Esquire and Adam Rosenblatt, Esquire of Venable, LLP represented the Petitioners. Josh Sharon, P.E. of Morris & Ritchie Associates, LLC was also in attendance. The site plan that he prepared and sealed were admitted as Petitioner’s Exhibit 1.

David Karceski, Esquire proffered the following facts. The subject property is approximately 8,672 sq. ft., and is zoned BLR/DR 5.5. In Case No. 2008-0553-X the Zoning Commissioner approved a special exception petition for an arcade on the subject site to be operated by an entity known as FDG Joppa, LLC. Condition No. 2 of the Order stipulated that a special hearing would be required if any entity other than FDG wished to operate the arcade. Condition No. 4 of the Order required that there be an interior connection between the arcade and the adjoining steak house. Mr. Anderson explained that he has been in the restaurant and arcade business for over 25 years. He was a regional manager for Dave & Buster's before branching out on his own. He and his partners plan to continue arcade operations at this location under the name PB&J's Grill & Games, LLC. They have already done extensive interior renovations, as depicted in Petitioner's Exhibit 5. He also described the "House Policies" that their patrons will be required to follow. Mr. Anderson also acknowledged that they will remain bound by Condition No. 3 of the previous Order that requires any patrons under 15 years of age to be accompanied by an adult, and limits the hours of operation to 11:00 a.m. to 10:00 p.m. weekdays and 11:00 a.m. to midnight on weekends and holidays. He explained that they ask to lift Condition No. 4 of the prior Order because the arcade is a separate entity from the steakhouse and they will be better able to monitor their patrons if there is not an interior doorway between the two businesses.

Mr. Karceski submitted photos of the site that show that the proposed arcade is within an attractive brick front strip mall. The site is well landscaped on all sides and well buffered from the nearby residences. He proffered that Mr. Sharon would testify that the proposed special hearing relief will comply with all the elements of BCZR § 502.1.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). Special Hearing relief has been deemed proper when it is within the spirit and intent of the regulations and does not harm the public health, safety or welfare. Based on the record evidence I find that this is such a case and that the Special Hearing relief should be granted.

THEREFORE, IT IS ORDERED, this 7th day of **March 2023**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing per BCZR § 500.7 to amend the order approved in Zoning Case No. 2008-0553-X to allow operation of the arcade by a new entity, pursuant to Condition No. 2 to the Order, and to remove Condition No. 4 and the requirement for an interior patron connection between the arcade tenant space and the restaurant tenant space is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- 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.
- All other conditions and terms of the Order in Case No. 2008-0553-X shall remain in full force and effect.

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

A handwritten signature in black ink, appearing to read "Paul M. Mayhew". The signature is fluid and cursive, with the first name "Paul" and last name "Mayhew" being clearly legible.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

March 7, 2023

David Karceski, Esquire – dhkarceski@venable.com
Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2023-0012-SPH
Property: 3614 3615 E. Joppa Road

Dear Counsel:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order 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 "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

c: Brock Anderson – brockanderson2@verizon.net
Joshua Sharon – jsharon@mrakta.com



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 3613-3615 East Joppa Road which is presently zoned BLR, DR5.5
 Deed References: 41712 / 00106 10 Digit Tax Account # 1 6 0 0 0 4 4 1 3
 Property Owner(s) Printed Name(s) Joppa Road Commercial 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 SHEET

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

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

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:

SEE ATTACHED SHEET

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner/Lessee

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2023-0012-JPH

Filing Date 1/18/2023

Do Not Schedule Dates: _____

Reviewer MTA

REV. 10/4/11

3613-3615 EAST JOPPA ROAD

ATTACHMENT TO PETITION FOR SPECIAL HEARING

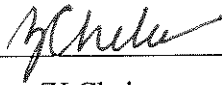
1. Petition for Special Hearing to amend the Order approved in Zoning Case No. 2008-553-X to allow operation of the arcade by a new entity, pursuant to Condition No. 2 to the Order, and to remove Condition No. 4 and the requirement for an interior patron connection between the arcade tenant space and the restaurant tenant space.

3613-3615 EAST JOPPA ROAD

ATTACHMENT TO PETITION FOR SPECIAL HEARING

LEGAL OWNER:

Joppa Road Commercial LLC
10801 Lockwood Drive
Suite 370
Silver Spring, Maryland 20901

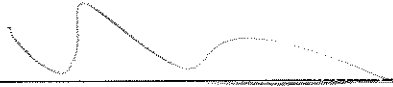
By: 
Name: ZJ Chelec
Title: Member
Phone: (301) 495-3300
Email: zchelec@zalcocommercial.com

3613-3615 EAST JOPPA ROAD

ATTACHMENT TO PETITION FOR SPECIAL HEARING

CONTRACT LESSEE:

PB&J's Grill & Games LLC
316 Riding Ridge Road
Annapolis, Maryland 21403

By: 

Name: Brock Anderson

Title: Member

Phone Number: (410) 212-5510

Email: brockanderson3@verizon.net

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



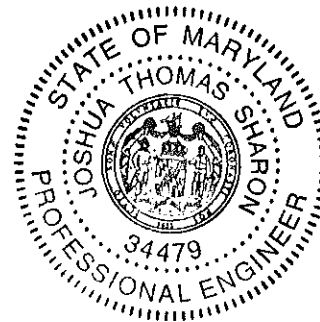
January 13, 2023

ZONING DESCRIPTION FOR 3613-3615 East Joppa Road

Beginning at a point located at the intersection of East Joppa Road and Hevesy Court, at the distance of 71.82' and bearing of South 33°31'10" East to a point. Thence, the following courses and distances:

- 2) North 87°22'58" East 52.12'
- 3) South 02°41'15" East 76.00'
- 4) South 87°22'58" West 10.92'
- 5) South 02°37'02" East 78.00'
- 6) South 87°22'58" West 68.46'
- 7) North 02°37'02" East 70.67'
- 8) North 87°22'58" East 27.17'
- 9) North 02°37'02" West 83.33'

Containing 8,672 square feet or 0.2 acres of land, more or less, being located in the 11 Election District and 5th Councilmanic District of Baltimore County, Maryland



2023-0012-SPT

1220-B East Joppa Road, Suite 400K, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA ♦ Raleigh, NC
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/7/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-012-SPH

INFORMATION:

Property Address: 3613-3615 East Joppa Road
Petitioner: Joppa Road Commercial LLC
Zoning: BLR, DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a Special Hearing to amend the Order approved in Zoning Case 2008-553-X to allow operation of the arcade by a new entity, pursuant to Condition No. 2 of the Order, and to remove Condition No. 4, the requirement for an interior patron connection between the arcade tenant space and the restaurant tenant space.

The subject site is an approximately 2.2 acre property in the Parkville area. The site is improved with a shopping center, known as Main Street at Joppa Road, and the associated parking, which was constructed in 2006. Tenants include a restaurant (The All American Steakhouse and Sports Theater), computer repair service shop, a nail salon, a yoga studio, and other small commercial offices, such as a tax and accounting building and a therapist. A July 2022 Google Streetview of the site showed the signage for the Family Fun Center Arcade and that both exterior entrance doors directed patrons to The All American Steakhouse to enter.

The site is within the boundaries of the East Joppa Road Corridor Community Plan and the Carney-Cub Hill-Parkville Community Plan. The site was the subject of a Zoning Petition in 2008, Case No. 2008-553-X, which conditionally approved a Special Exception for an arcade. Conditions included: a new Special Hearing would be required should a new owner wish to operate an arcade in the location, no patrons under 15 were permitted without an adult, hours of operations were 11 AM to 10 PM on weekdays and 11 AM to 12 PM on weekends and holidays, and that the arcade needed to be accessed via an interior patron connection between The All American Steakhouse and the arcade tenant space.

The representative for the petitioner was contacted via email on January 25th, 2023. In a February 7th, 2023 phone call, the representative confirmed the following:

- The arcade has existing exterior entry doors, however, they have been locked and have not been used, as patrons only entered/exited the arcade through The All American Steakhouse. Because the doors are existing, with the exception of signage, no exterior alterations will be required.
- The contract lessee, PB&J's Grill and Games, has "House Policies" similar to those FDG Joppa LLC had in place when operating Family Fun Center. Examples of House Policies include

operating hours of 11 AM to 9 PM, no guests under the age of 14 without adult supervision, and no alcohol.

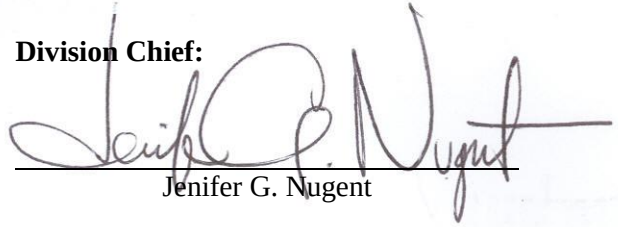
The Department of Planning has no objections to the requested Special Hearing. The arcade has been operational for fourteen years without a Code complaint and the exterior of the site has been well maintained by both the lessee and the property owner. Further, the new lessee has no connection to The All American Steakhouse and plans on running a separate business, thus eliminating the need for the interior patron connection.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:


Taylor Bensley

Division Chief:


Jenifer G. Nugent

SL/JGN

c: David Karceski
Te-Sheng Huang
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2023-0012-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Joppa Road Commercial, LLC.
PB & J's Grill & Games, LLC.

March 7, 2023

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

3613-3615 East Joppa Road ***SIGN 1***

February 15, 2023

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 February 15, 2023
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

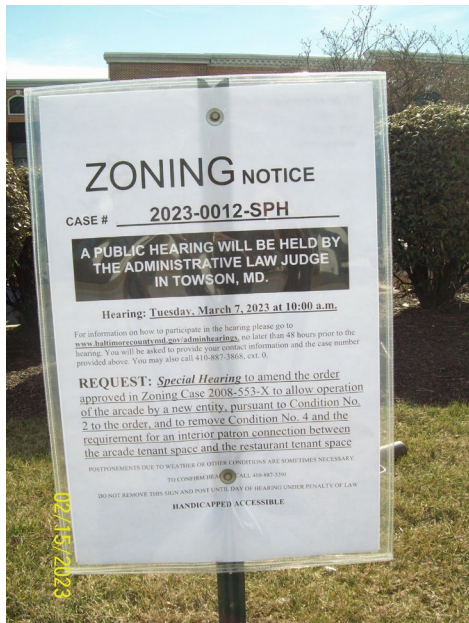
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2023-0012-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Joppa Road Commercial, LLC.
PB & J's Grill & Games, LLC.

March 7, 2023

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

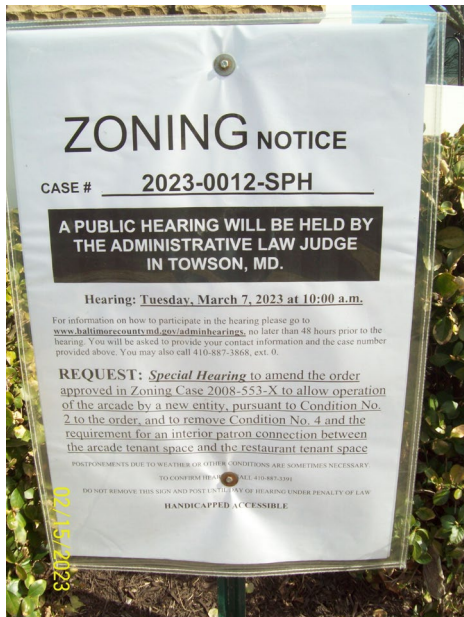
Ladies and Gentlemen:

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

3613-3615 East Joppa Road ***SIGN 2***

February 15, 2023

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 February 15, 2023
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 26, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0012-SPH
Address: 3613 – 3615 Joppa Rd. E
Legal Owner: Joppa Road Commercial, LLC

Zoning Advisory Committee Meeting of January 30, 2023.

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

Reviewer: Earl D. Wrenn

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
3613-3615 East Joppa Road; Corner of S/S of *
Joppa Road, E/S of Hervesy Court * OF ADMINISTRATIVE
11th Election & 5th Councilmanic Districts HEARINGS FOR
Legal Owner(s): Joppa Road Commercial LLC*
Contract Purchaser: PB&J's Grill & Game LLC
Petitioner(s) * BALTIMORE COUNTY
* 2023-012-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio/rmw
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Suite 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, dhkarceski@venable.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING January 23, 2023
FORMAL OR INFORMAL RESPONSE DUE AT January 30, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovement@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
* tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2023-0012-SPH **Reviewer:** Mitchell Kellman
Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING
Legal Owner: Joppa Road Commercial, LLC.
Contract Purchaser: PB & J's Grill & Games, LLC.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 3613 3615 JOPPA RD E

Location: Property located corner of South side of Joppa Rd., East side of Hervesy Court.

Existing Zoning: BLR/ DR 5.5 **Area:** 8,672 SQ FT.

Proposed Zoning:

SPECIAL HEARING:

To amend the order approved in Zoning Case No. 2008-0553-X to allow operation of the arcade by a new entity, pursuant to Condition No. 2 to the Order, and to remove Condition No. 4 and the requirement for an interior patron connection between the arcade tenant space and the restaurant tenant space.

Attorney: David Karceski

Prior Zoning Cases: 2008-0553-X

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2023-0013-A **Reviewer:** Shaun Crawford
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Frederick John Dillon
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 8622 TALL OAKS RD

Location: Property located beginning at East side of Tall Oaks Rd., which is about 20 feet in width, at a distance of 219 feet North of Shore Rd.

Existing Zoning: DR 5.5 **Area:** 1.08 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1: To approve an accessory structure (shed) in side yard in lieu of the required rear yard only.

Attorney: Not Available

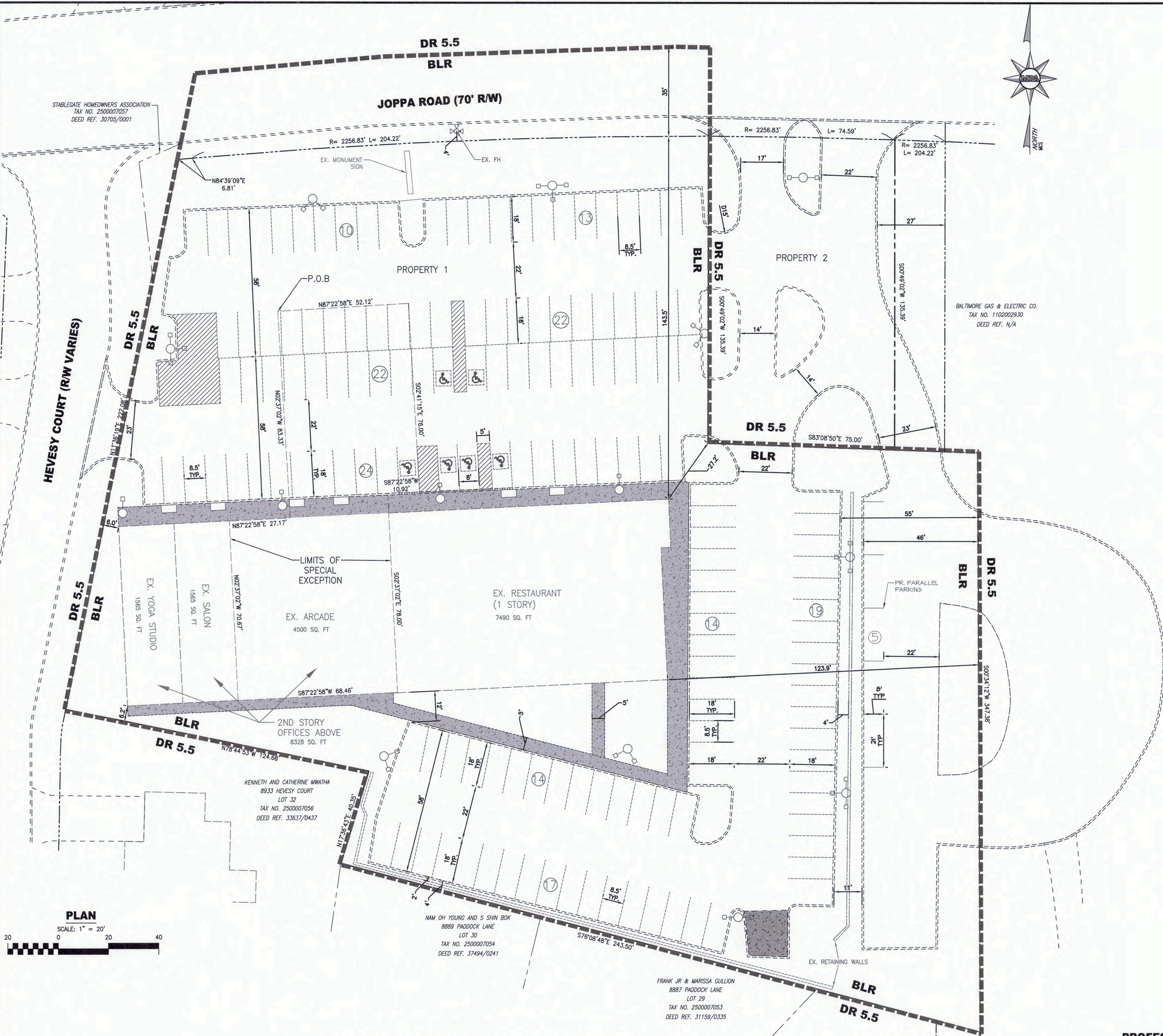
Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 02/13/2023

Miscellaneous Notes:



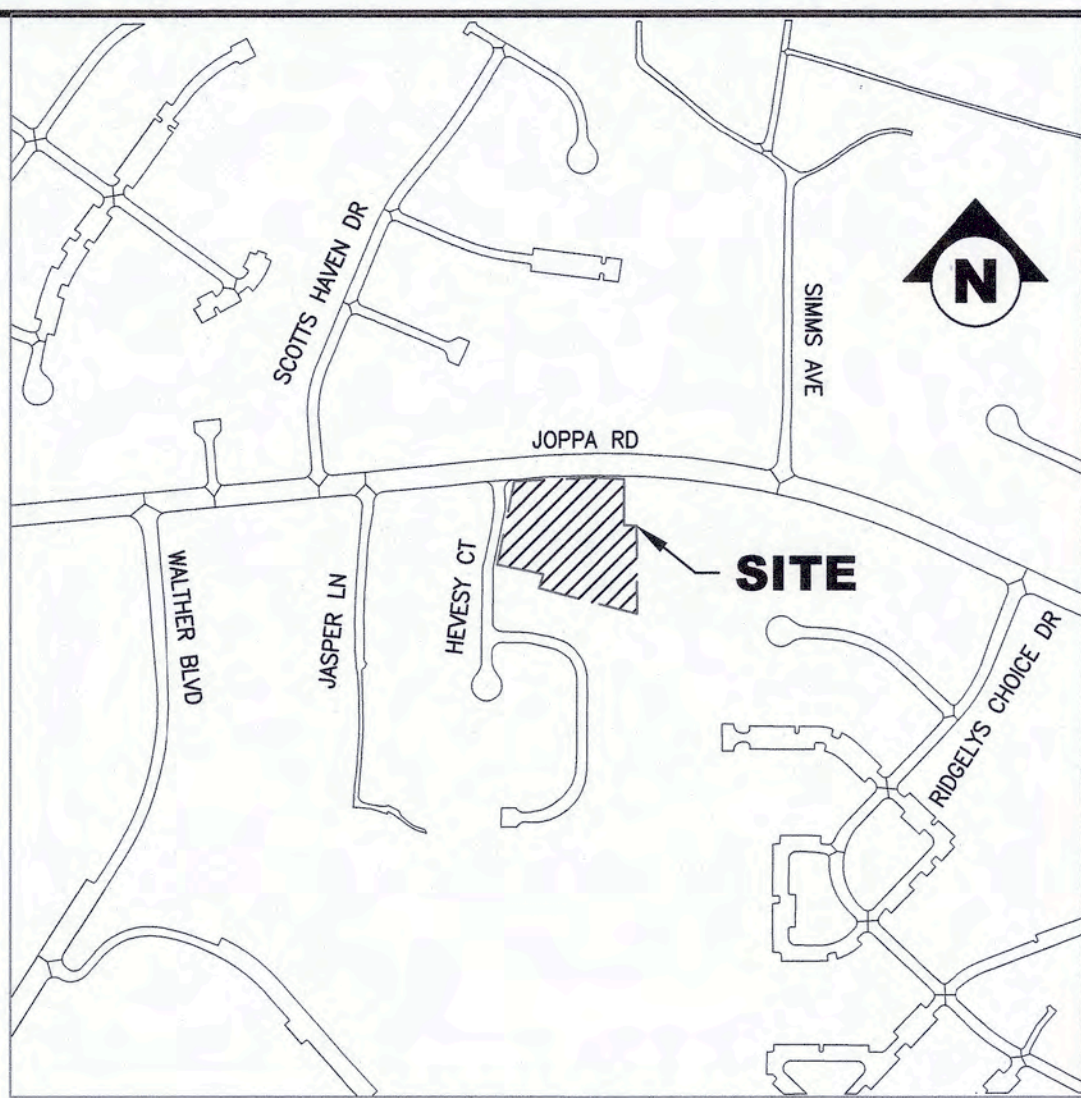
GENERAL NOTE

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

PARKING TABULATIONS CHART							
(PARKING SPACES REQUIRED BY BGZR SECTION 409.6)							
USE	PARKING RATE	M-F DAY SHARED USE PER 409.6.B.3	M-F EVE SHARED USE PER 409.6.B.3	S-S DAY SHARED USE PER 409.6.B.3	S-S EVE SHARED USE PER 409.6.B.3	S-S NIGHT SHARED USE PER 409.6.B.3	PARKING SPACES REQUIRED PER SECTION 409.6
RESTAURANT	16/1000SF	50%	100%	100%	100%	10%	120
RETAIL	5/1000SF	60%	90%	100%	70%	5%	16
OFFICES	3.3/1000SF	100%	10%	10%	5%	5%	3
ARCADE	4/1000SF	100%	100%	100%	100%	100%	18
TOTAL PARKING REQUIRED							157
TOTAL PARKING PROVIDED							160

LEGEND

- EX. PROPERTY BOUNDARY LINE
- EX. RIGHT-OF-WAY
- EX. ADJACENT PROPERTY LINE
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. CURB
- EX. PARKING STRIPE
- EX. ZONING LINE
- EX. SIDEWALK
- EX. 3' X 6' TREE PIT
- EX. LIGHT POLE
- PR. PARKING STRIPE



VICINITY MAP
SCALE : 1" = 500'

GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 3613 AND 3615 JOPPA ROAD
 - B. NET ACREAGE: 2.28 AC ± (99,461 S.F.)
 - C. GROSS ACREAGE: 2.66 AC ± (115,859 S.F.)
 - D. ELECTION DISTRICT: 11
 - E. COUNCILMANIC DISTRICT: 5
 - F. ADC MAP: 63C2
 - G. CENSUS TRACT: 4114.08
 - H. TAX MAP: 0071
 - I. PARCEL: 0059 (PROPERTY 1), 0205 (PROPERTY 2)
 - J. TAX ACCOUNT NO.: 160004413 (PROPERTY 1), 1111015825 (PROPERTY 2)
 - K. DEED: 41712/0106 (PROPERTY 1 & 2)
 - L. WATERSHED: BIRD RIVER, LOWER GUNPOWDER FALLS
 - M. COMMERCIAL REVITALIZATION DISTRICT: N/A
- ZONING: BLR, DR 5.5
- ZONING MAP/GIS TILE NO.: 071C2
- FLOOR AREA RATIO: MAXIMUM PERMITTED = 2.0
PROVIDED = 0.20 (23,448 S.F. / 115,859 S.F.)
- EXISTING LAND USE: COMMERCIAL
- PROPOSED LAND USE: COMMERCIAL
- BUILDING HEIGHT: 33'
 - REQUIRED: 10'
 - PROVIDED: 143.5'
- BL ZONE SETBACKS
 - FRONT YARD BUILDING SETBACK: 40' TO CENTERLINE ROAD
 - SIDE YARD BUILDING SETBACK: 0'
 - REAR YARD BUILDING SETBACK: 0'
- *SETBACKS ORIGINALLY APPROVED UNDER BL ZONING PER THE APPROVED SECOND AMENDED DEVELOPMENT PLAN DATED NOVEMBER 12, 2004.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN PROVIDED BY THE BALTIMORE COUNTY GIS SYSTEM.
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 2400100430G).
- THE SITE IS NOT LOCATED WITHIN A FAILED BASIC WATER, SEWER, OR TRANSPORTATION SERVICE AREA.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.

ZONING HISTORY

- CASE NO. 1964-0004-SPH: PETITION TO USE THE PROPERTY FOR THE MANUFACTURE OF CEMENT AND CONCRETE PRODUCTS AS WELL AS THE STORAGE OF DRY CEMENT WAS APPROVED ON JANUARY 15TH, 1964.
- CASE NO. R-1971-0078-X: PETITION TO CHANGE THE ZONING OF THE PROPERTY FROM R-6 TO R.A. FOR THE CONSTRUCTION OF AN OFFICE BUILDING WAS DECLARED MOOT ON APRIL 1ST, 1974 DUE TO A PRIOR OPINION ON NOVEMBER 10TH, 1971.
- CASE NO. XI-800: ON APRIL 12, 1999, THE DEVELOPMENT PLAN FOR GREENHOUSE PLACE WAS APPROVED SUBJECT TO CONDITIONS. ON MAY 19, 1999 A MOTION FOR RECONSIDERATION WAS DENIED. ON MARCH 18, 2004, A REQUEST FOR EXTENSION WAS APPROVED FOR "GREENHOUSE PLACE, ALTERNATE A". ON APRIL 7, 2004 AN ORDER OF CLARIFICATION WAS APPROVED THAT PREVIOUSLY APPROVED EXTENSION IS FOR "FIRST AMENDED DEVELOPMENT PLAN, GREENHOUSE PLACE". A REFINEMENT FOR A SECOND AMENDED DEVELOPMENT PLAN WAS APPROVED BY THE DRC ON APRIL 30, 2004 (DRC 022304K).
- CASE NO. 2008-0553-X: PETITION TO SEEK APPROVAL FOR AN ARCADE ON THE SUBJECT PROPERTY WAS APPROVED ON AUGUST 7TH, 2008 WITH THE FOLLOWING RESTRICTIONS:
 - THE PETITIONER MAY APPLY FOR ITS USE PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, THE PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL THE 30-DAY APPEAL PERIOD FROM THE DATE OF THIS ORDER HAS EXPIRED. IF AN APPEAL IS FILED AND THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.
 - THE SPECIAL EXCEPTION USE GRANTED HEREIN IS FOR OPERATION OF AN ARCADE BY FDG JOPPA, LLC. IN THE EVENT THAT FDG JOPPA, LLC CEASES OPERATION OF THE ARCADE, ANY NEW ENTITY SHALL BE REQUIRED TO PETITION FOR SPECIAL HEARING RELIEF TO AMEND THE SPECIAL EXCEPTION APPROVAL GRANTED IN THIS CASE.
 - NO PATRONS UNDER THE AGE OF 15 YEARS SHALL BE PERMITTED INSIDE THIS ARCADE TENANT SPACE WITHOUT THE SUPERVISION OF AN ADULT. THE HOURS OF OPERATION SHALL BE LIMITED TO 11:00 AM TO 10:00 PM ON WEEKDAYS AND 11:00 AM TO 12:00 PM ON WEEKENDS AND HOLIDAYS.
 - THE PETITIONER SHALL PROVIDE AN INTERIOR PATRON CONNECTION BETWEEN "THE ORIGINAL STEAKHOUSE" TENANT SPACE AND THIS ARCADE TENANT SPACE, PROVIDED PETITIONER IS ABLE TO OBTAIN THE NECESSARY COUNTY AGENCY APPROVALS TO CONSTRUCT SUCH A CONNECTION.
 - WHEN APPLYING FOR ANY PERMITS, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

DRC HISTORY

- DRC 022304K
PLAN REFINEMENT APPROVED UNDER SECTION 26-211
- DRC 031802I
PLAN REFINEMENT APPROVED UNDER SECTION 26-211. REDUCED LOTS FROM 4 TO 3.

PAI # XI-800



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-B EAST JOPPA ROAD, SUITE 400K
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748
MRAGTA.COM
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MAIN STREET AT JOPPA ROAD
3613 AND 3615 JOPPA ROAD

**SITE PLAN TO ACCOMPANY
ZONING APPLICATION**

5TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 11TH ELECTION DISTRICT

DATE	REVISIONS	JOB NO.:
		22079
		SCALE: AS SHOWN
		DATE: 1/13/2023
		DRAWN BY: APM
		DESIGN BY: THS
		REVIEW BY: THS
		SHEET: 01 OF 01

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 06/21/2024.

DATUM

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (2011)
VERTICAL NAVD 88

OWNER

JOPPA RD COMMERCIAL, LLC
10801 LOCKWOOD DRIVE, SUITE 370
SILVER SPRING, MARYLAND
20901