RE: PETITION FOR VARIANCE	*	BEFORE THE COUNTY
9501 Philadelphia Road; SE/S Philadelphia		
Road, 32' E of c/line King Avenue	*	BOARD OF APPEALS
15th Election & 6th Councilmanic Districts		
Legal Owner(s): Nicholas Foehrkolb	*	FOR
Petitioner(s)		
	*	BALTIMORE COUNTY
	*	10-255-A

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REMAND ORDER TO DEPUTY ZONING COMMISSIONER

This matter comes before this Board on appeal filed by the People's Counsel for Baltimore County from a decision of the Zoning Commissioner dated June 15, 2010 in which the Petitioner requested variance relief related to a restaurant use in a M.L.R.- I.M zone. Peoples' Counsel appealed the decision of the Deputy Zoning Commissioner approving the requested relief.

Following meetings between Peoples' Counsel and Bruce Doak of Gerhold,Cross & Etzel, who filed the site plan for the Petitioner, the parties agreed to remand the case to the Deputy Zoning Commissioner for hearing on an amended Petition and Site Plan, a Petition for Special Exception and Petition for Variance for the 15% area limitation for the proposed use, or, in the alternative, affirmation shown on the amended site plan that the relief does not exceed said 15%, and a posting of the site for this additional relief, and pursuant thereto People's Counsel, with the consent of Petitioner by way of Mr. Doak, submitted a Motion for Remand on or about July 29, 2010. The purpose of the Motion is to afford the Deputy Zoning Commissioner the opportunity to consider the Petitions as aforesaid, the amended site plan, specified conditions and to amend his Order of June 15, 2010.

Upon consideration of said MOTION FOR REMAND, therefore, it is this 10th day of November, 2010, by the Board of Appeals of Baltimore County,

ORDERED that said Motion to Remand be and is hereby GRANTED; and it is further

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ORDERED that the above captioned case is REMANDED to the Deputy Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purposes stated in the Motion for Remand, following the posting of the property and notice of hearing.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

LAWRENCE M. STAHL, CHAIRMAN

ROBERT W. WITT, PANEL MEMBER

LAWRENCE S. WESCOTT, PANEL MEMBER