PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS 25-136-ASPH AND A SPECIAL MINISTRATION FOR PARKING IN A RESIDENTIAL AREA 76-28

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY-

I, or we HATYLY E. Marshall. Ir. legal owner. of the property situate in Baltimore County and which is described in the description and plat attached bereto and made a part hereof.

hereby petition for a Variance from Section 409-,28,3 to permit 106 parking spaces instead of the required 167 parking spaces and a special

EXPRESSION for parking in a residential zone.

of the Zoning Regulations of Rallimere County, to the Zoning Law of Ballimere County, for the following reasons: indicate handship or practical difficulty. The original restaurant building was constructed and has been in operation for almost three (3) years, but was not constructed according to the building engineer; wishes. The Board of Appeals ordered a new set of "as is" drawings and a Plat showing the proposed addition with the required parking. The property adjacent was purchased for additional parking and a variance as well as special exception for marking in own receded and it would be an undue hardship to require appearance but in the operation of orthough a state of the property appearance but in the operation of the county aliminate the esthetic appearance but in the operation of the county aliminate the esthetic appearance but in the operation of the property of the county appearance but in the operation of the property of the county of the property of the county of the property of the county of the property of

Property is to be posted and advertised as prescribed by Zoning Regulations.

Lor we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
tilbs, and further agree to and are to be bound by the zoning regulations and restrictions of
under County adopted pursuant to the Zoning Law For Baltimore County.

Address 11000 Reisterstown Road Owings Mills, Md. 21117

marvey & farefull, Legal Owner 11504 Reisterstown Road Owings Mills. Md. 21117

ORDERED By The Zoning Commissioner of Baltimore County, this

Note that the subject matter of this petition be advertused, as of security to the Jossia Law of Baltimore County, in two newspapers of general circulation throughout Baltimore Chunty, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

107 4, 11:08/coads

le Henrea

SPELLMAN, LARSON & ASSOCIATES, INC.

JOSEPH : LA ISON

DESCRIPTION FOR PARKING IN A RESIDENTIAL ZONE 11510 REISTERSTOWN ROAD, FOURTH DISTRICT

BALTIMORE COUNTY, MARYLAND

ginning for the same at a point on the Southwest side of Reisterstown osed to be widened at the distance of 166.80 feet measured Southeasterly along the Southwest side of Reisterstown Road from the end of the fillet curve connecting the Southwest side of Reisterstown Road and the Southeast side of Delight Road and running thence and binding on the Southwest side of Reisterstown Road South 36 Degrees 25 Minutes 00 Seconds East 117 feet, more or less, thence leaving the Southwest side of Reisterstown Road and running South h5 Degrees 01 Minutes 20 Seconds West 249 feet, more or less, North 10 Degrees 00 Min: +ss 00 Seconds West 121.02 feet and North h5 Degrees 20 Minutes 18 Seconds East 258.67 feet to the place of beginning.

Containing 0.68 acres of land, more or less.

9-6-71:



PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

75-130-

I, or we, <u>Harvay E. Marshall</u> in leg'l owner of the property situate in Baltimore County and which is described in the description and plat attached he eto and made a part hereof, hereby petition for a Special Bearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve_garantellessettlessettlessettlesset_parking--

in a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted gursuant to the Zoning Law for Baltimore County.

Contract Purchaser Address 11504 Reisterstown Road Owings Mills, Md. 21117 Petitioner's Attorney

Protestant's Attorney

75-130-ASPH

Ster 10. 78

OMBERED By the Zoning Commissioner of Baltimore County, this__8th__

day of swember_198_ED, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Day of the County office Building in Toward, Baltimore County in Roca 106, County Office Building in Toward, Baltimore County in Roca 106, County Office Building in Toward, Baltimore County in Roca 106, County Office Building in the County of the County of

NOV 8 74 PM 11 PARIS OF PLANNING & ZONINI

Address | 1000 Reisterstown Road

Zoning Commissioner of Baltimore County

(over)

December 10, 1974

James A. Gede, Esquire 11000 Reisterstown Road Owings Mills, Maryland 21117

Petition for Variance and Special Hearing
SW/corner of Reisterstow
and Delight Roads - 4th
Election District Harvey E. Marshall - Petitioner NO. 75-130-ASPH (Item No. 78)

Dear Mr. Gede:

SED/se

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

S. ERIC DI NENNA

Zoning Commissioner

MA

west side of Reisterstown Boad, as widered, and the Southeast side of Relight Boad Reisterstown Road and running South 15 Degrees 20 Minutes 18 Seconds Nost 258.67 feet North No Degrees 00 Minutes 00 Seconds West 67.50 feet and North 66 Degrees 38 Minutes 00 Seconds West 47.00 feet to the Southeast wide of Felight Road herein referre to thence binding of the Southeast side of Delight Road North 28 Degrees 47 Minutes 2h Seconds Bast 122.00 feat, North 61 Degrees 12 Minutes 36 Seconds West 10.00 Sect, Easterly by a curve to the right with a radius of 20,00 feet the distance of 40,07

SPELLMAN, LARSON

SUITE 303 INVESTMENT BUILDING TOWSON, MARYLAND 21204

023-3535

Beginning for the same at the end of the fillet curve connecting the South-

& ASSOCIATES, INC.

Containing 0.95 acres of land, more or less.



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN - LAND SURVEYING AND PLANNING - SUBSTITITION LAYOUT - FEATIBLITY STUDIES - ESTIMATION

BARIMORE COUNTY, MARY ND

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna, Zoning Commissione: Date December 6, 1974

FROM William D. Fromm, Director of Planning

SUBJECT Petition #75-130-ASPH. Southwest corner of Reisterstown and Delight Roads Petition for Variance for Off-Street Parking
Petition for Special Hearing for Off-Street Parking in a residential zone.

District 4

HEARING: Monday, December 9, 1974 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and lass the following comment to offer.

This request if condidtioned to the screening and lighting requirements of the Zoning Regulations would not be inconsistent with the surrounding area.

William D. Fromm Director of Planning

WDF : NEG : nv

DEC 6 174 PM

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

James A. Gede. Esq. 11000 Reisterstown Road Owings Mills, Md. 21117

County Office Building 121 W. Chesapeake Avenu Towson, Maryland 21204

Your Petition has been received and accepted for filing this 8th

Petitioner Harvey E. Marshall, Jr.

Petitioner's Attorney_James A. Gede

cc: Spollman, Larson % Associates, Inc. Suite 303, Investment Bldg. Towson, Md. 21204

_Loviewed by home B. Branco T. Chairman, Zoning Advisory

RESIDENTIAL & COMMERCIAL BEVELOPMENT DESIGN - LAND SUMVEYING NO PLANNING - SUBDIVISION LAYOUT - FEASIBILITY STUDIES - ESTIMAT GRADING STUDIES - LOCATION SURVEYS - TECHNICAL CONSULTATION

Pursuant to the advertisement, posting of property, and public hearing on the above Betitio and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner. the zhove Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit 106 off-street parking spaces in lieu of the required 167 spaces should be granted. dayid. December. 1974... that the herein Petition for a Variance to permit 106 off-street parking spaces is lieu of the required 167 spaces should be and the safety is GRANTED, from and after the date of this Order, subject to: 1) a cost foot high stockade fence and 2) the approval of a site plan by the State Highway Administration, because of the Department of Public Works, and Commissione of Baltimore County the State Highway Administration, the Department of Public Works, the Office of Planning and Zoning. Pursuant to the advertisement, posting of property and public hearing on the above petition the above Variance should NOT BE GRANTED. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 197 that the above Variance he and the same is hereby DENIED Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that the Petitioner's plans meet the requirements act forth in Section 409, 4 of the Baltimore County Zoning Regulations; and that the health, safety, and general welfare of the locality involved not being adversely affected, the Special Rearing for Off-street Parking in a Residential Zone, in accordance with the plat approved December 10, 1974, by John L. Wimbley, Planning Specialist II, Project and Development Planning Division, Office of Planning and Zoning for Baltimore County, said plat having been filed as Exhibit "A" in this proceeding and which is incorporated by reference hereto as a part of this Order, In IS ORDERED by the Zoning Commissioner of Baltimore County, this day of December ..., 1974_, that the herein Petition for Special Hearing for Off-street Parking in a Residential Zone should be and the same is GRANTED, from and after the date of this Order, onlinect to: 1) a bur folds high stockade fence and \$\frac{1}{2}\$ the approval of a site plan by Opur fook high stockade fence and
(1) the hyproval of a site plan by
the State Highway Administration,
the Department of Public Works, Zoping Commissioner of Baltimore County and the Office of Planning and Zoning. Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of_____ the above Special L ring should NOT BE GRANTED. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ----day of_____, 196__, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Baltimore County, Maryland Bepartment Of Bublic Works

COUNTY OFFICE BUILDING

Bureau of Engineering

November 4, 1974

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 2120h

Item #78 (107h-1075)
Proporty Owner: Herrey E. Marchell, Jr.
5/80 of Desiderstown Ed., and 5/83 of Delight Ed.
5/80 of Desiderstown Ed., and 5/83 of Delight Ed.
Existing Zoning: BL, BL-ONS and D.R. 5.5
Froposed Zoning: Special Hearing for off street, priving in
Proposed Zoning: Special Hearing for off street, priving in
a residential zone. Variance free Sec. 100-223, to prest
100 parking spaces instead of the require 107 parking spaces.
No. of Acres: Special Hearing 0.08 acre Variance 0.95 acre
District. March

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subfact item.

The submitted plan should be revised to indicate the present continuity of the entrance and driveway which is providing another means of access to and from Reisbergtown Road for the parking lot.

The comments supplied in commention with the Zoning Advisory Committee review of this site for Item #180 (1973-1974) remain valid and applicable to this Item #78 (1974-1975). Those comments are referred to for your consideration.

This property is tribitary to the Osymna Falls Sewerage System, subject to State Health Department Imposed moratorium restrictions.

Very truly yours,

ELLSWORTH N. DIVER, P.E. Chief. Bureau of Engineering

END : RAM : FWR : 85

cc: G. Reier (File in Captain Harvoy's Rest. - BLD. 1023-70 (22739))
J. Trommer

T-NW Key Sheet 52 & 53 NW 36 Pos. Sheets 13 & 14 NW I & J Topo 58 Tax Map

Maryland Department of Transportation

Harry R. Hughes Bernard M. Evans

October 25, 1974

Mr. S. Eric DiNenna Zoning Commissioner County Office Bldg. Towson, Maryland 21204

Att: Mr. James B. Byrnes III

Re: ITEM 78 Z.A.C. meeting 10/15/74 2.A.C. meeting 10/15/74
Property Owner: Harvey E.
Marshall, Jr.
Location: SW/S of Reisterstown
Road (Route 140), SE/S of
Belight Road
Existing Zonings BL, BL-CNS & DR 5.5 Prop. Zoning: Special Hearing for Off Screet Parking in a residential zone. Variance from Sec.409-28.3 to permit 106 parking spaces instead of the required 167 parking instead of the required 157 parking instead. No. of Acres: Special Hearing 0.68 Acres Variance 0.95 Acres District: 4th

Dear Sir:

The existing entrance from Reisterstown Road is acceptable to the State Highway Administration. However, the proposed parking variance could cause on-site traffic problems that would be extended out onto Reisterstown Road; a heavily traveled highway.

The 1973 average daily traffic count on this section of Reisterstown Road is \dots 24,000 vehicles.

Very truly yours.

by: John E. Meyers

Charles Lee, Chief Bureau of Engineering Access Permits

Deputy Chief

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

PERMITES

ZONING ADMINISTRATION

HEALTH DEPARTMENT

BUREAU OF

DEPARTMENT OF

STATE HIGHWAY

PROJECT AND MEVELOPMENT PLAN

BOARD OF EDUCATION

OFFICE OF THE BUILDINGS ENGINEER

James A. Gede, Esq. 11000 Reisterstown Road Owings Mills, Maryland 21117

RE: Special Hearing Petition and Item 78 Variance
Harvey E. Marshall, Jr. Petitioner

November 19, 1974

Dear Mr. Gede:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans that may have a bearing on this case. The plans that may have a bearing on this case. The the zoning transing may file a written report with the zoning that recommendations as to the appropriateness of the requested zoning.

The subject property is located at the inter-section of the southwest side of Reisterstown Road and the southwest side of Delight Road, in the 4th Election District Baltimore County. It is presently improved with a Baltimore County. It is presently improved with a service session of known as Captain Harvey's. An existing 1-1/2 story frame dwelling abuts the property to the southwest and is presently vacant. An office building exists opposite the site on Delight Road.

The petitioner is requesting a Variance to permit 106 parking spaces instead of the required 167 spaces, and additionally request a Special Hearing to permit off street parking in a residential zone.

The Variance is necessitated by the use of the basement area of the structure as restaurant use

James A. Gede, Esq. Re: Item 78 November 19, 1974

Page 2

as well as a proposed 30'x56' addition to the ground

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 30 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Games E. Everen 5 JAMES B. BYRNES.III Chairman, Zoning Plans Advisory Committee

Enclosure

cc: Spellman, Larson
& Associates, Inc.
Suite 303, Investment Bldg.
Towson, Md. 21204

Baltimore County Fire Department

J. Austin Deitz



Towson, Maryland 21204

825-7310

Attention: Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Owner: Harvey E. Marshall, Jr.

Location: SW/S of Reisterstown Rd. & SE/S of Delight Rd.

Item No.

Zoning Agenda October 15, 1974

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property,

Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved read in accordance with Balinnere County Standards as published by the Department of Public Norks.

() 2. A second means of vehicle access is required for the site.
() 3. The vehicle dead-end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() i. The state shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

() 5. The buildings and structures entaing or proceed on the site shall comply with all applicable requirements of the Hatianal Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior

() 6. Site plans are approved as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: HJ Welly Noted and Approved:

Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-

DONALD J BOOP MD MRH

October 30, 1974

Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 78, Zoning Advisory Committee Meeting, October 15, 1974, are as follows:

Property Owner: Harvey E. Marshall, Jr. Location: SW/S of Reisterstown Rd. a SE/S of Delight Rd. Existing Zoning: BL BL-CNS & DR 5.5 Proposed Zoning: SPECIAL HEARING for off street park-

of the state of th

Revised plot plan showing location of utilities needed.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning and processing equipment. Additional information may be obtained from the Division of Art Pollution and Industrial Bygiene. Baltimore County Department of Health

Food Frotection Comments: If a food service facility is proposed, complet plans and specifications must be submitted to the Division of ; i Protection, Baltimore County Department of Health, for review and approval.

Very truly yours.

Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

HVB/nc

CC--W.L. Phillips L.A. Schupper

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



November 1, 1974

Mr. S. Eric Di Nenna, Zoning Commissione Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #78, Zoning Advisory Meeting, October 15, 1974, are as follows:

Property Owner: Harvey E. Manhall, Jr.
Location: S/W/S of Reistentown Road and SE/s of Delight Road
Estiting Zenige, B. L., B. L. -C. N.S. and D.R.5.5
Proposed Zoning: Special Hearing for off street parking in a residential zone. Variance from
Section 409: 28.3 to permit 106 parking spaces instead of the required 167 parking spaces
No. of Acres: Special Hearing 0.68 acres

Variance 0.79 acres

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties one made aware of plans or problems with regard to development plans that may have a

If the site is developed as indicated on the site plan this office would not foresee any site plan , lanning factors requiring comment; however, the stockade fence as shown on the site plan must be four foot high.

John July bley

John L. Wimbley Planning Specialist II
Project and Developme

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE
AREA CODE 301 PLANNING 494-3231 EDNING 494-3230

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 17, 1974

Zoning Commissioner County Office Building Towson, Maryland 21201

Re: Item

Property Owner: Location: Present Zoning: Proposed Zoning:

Z.A.C. Meeting of: October 15, 1974

78
Harvey E. Marshall, Jr.
SM/S of Relsterstown Rd. & 3E/S of Delight Rd.
Bl.L. Bl.L.-On.NS., & DR. P.5.
Special Hearing for off street graking in a residential
zone. Varience from Section 409.28.3 to permit 106
parking spaces instead of the required 167 parking spaces.

District:

Special Hearing 0.68 acres. Variance 0.95 acres

Dear Mr. DiNenna

No adverse effect on student population.

Very truly yours, Which tetroute Field Representative

WNP/ml

OFFICE OF O COMMUNITY PUMPES

RANDALLSTOWN, MD. 21133 November 20 19 74

THIS IS TO CERTIFY, that the annexed advertisement of PETITION - SOUTHWEST CORNER OF REISTERSTOWN AND DELIGHT ROADS.

was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One -XXXXXXX weeks before the 9th, day of Dec; 1974, that is to say, the same

was inserted in the issues of November 20,1974

STROMBERG PUBLICATIONS, Inc.

C. Curan

BALTIMORE COUNTY, MARYLAND -No. 17182 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE 100. 9, 1974 ACCOUNT 01-662

AMOUNT \$65.00

WHITE - CASHIER DISTRIBUTION

James A. Gede, Esq. 11000 Reisterstown Rd. 11000 Relateration and Congressiant, Md. 21117 Advertising and posting of property

65.00xx

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nevember 21 19.74 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSON AN, a weekly newspaper printed 19 7h the first publication appearing on the 21st day of November

G. Lisak Shieter

Cost of Advertisement, \$.

19...74

nning, 1.95 acres of land,

Harvey E. Marshall, Jr. Box 50-A Rt. 3

Reisterstown, Md. 21136

No. 1711 BALTIMORE COUNTY, MARYLAND MISCELLANEOUS CASH RECEIPT Nov. 18, 1974 ACCOUNT 08-662

BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF TRAFFIC ENGINEERING EUGENE J. CLIFFORD. P.E. WM. T. MELZER

November 25, 1974

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21204

The requested hearing for off strent parking in a residential zone is not expected to cause any traffic problems. The requested variance to parking can be expected to cause traffic problems since little of any other parking is available.

2-SIGNS

CERTIFICATE OF POSTING

Posted for PETITIONS FOR @ VARIANCE @ SPECIAL HEARING

Location of property: SW/COR. OF REISTERSTOWN & DELIGHT RO

ACCOUNT 01.662

Petitioner: HARVEY E. MARSHALL, JB.

Posted by Thomas F. Raland

BALTIMON COUNTY, MARYLAND

Filing Fee Paid in Cash by L. J. Plasecki

James A. Gode
11000 Reisterstom R. Dellar State State

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE 4/10/74

Location of Signs: FRONT 11510 REISTERSTOWN Po

. 8 Very truly yours, Michael S. Alen Michael S. Flanigan Asso. Traffic Engineer

75-130-A SPH

Date of return: Nov- 29 1974

MSF/16

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenu Towson, Maryland 21204

Your Petition has been received * this 30 day of

1974. Item #_ Sept

Petitioner Harry Martiell Submitted by Jame 1 Gede Petitioner's Attorney Janes A Gode Reviewed by 110

* This is not to be interpreted as acceptance of the retition for assignment of a hearing date.

PETITION MAPPING PROGRESS SHEET FUNCTION Descriptions checked and Patition number added to Denied Granted by ZC, BA, CC, CA Revised Plans: Change in outline or description___Yes Previous case Map











JAN. 22,1975

