

79-83-A 20 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, David Enterprises, Inc., legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2b (3&6) to permit 17 parking spaces in lieu of the required 48 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons. (Indicate hardship or practical difficulty)

Variance is requested for customers convenience and comfort. Most customers that eat work from surrounding business's for lunch.

MAP: 20-17
SECTION: 409.2b (3&6)
SUBJECT: 17 parking spaces
FILE: 79-83-A
DATE: 10/14/78
BY: [Signature]

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

David Enterprises, Inc.
Joseph L. Soley, President
100 Reisterstown Rd.
P.O. Box 110, Baltimore, Md. 21204
Contract purchase
Legal Owner

Address: _____
Petitioner's Attorney: _____
Protestant's Attorney: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____ 1978.

of August 1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____ 1978, at 11:00 o'clock A.M.

Dr. [Signature]
Zoning Commissioner of Baltimore County.
(over)

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(410) 494-2500
STEPHEN E. COLLINS
DIRECTOR

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

October 17, 1978

Item No. 20 - SAC - Meeting of August 8, 1978
Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Rd. & Clovelly Rd.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces.

Acres: _____
District: 3rd

Dear Mr. DiMenna:

The requested variance to parking can be expected to cause parking problems in the area.

Very truly yours,

[Signature]
Michael S. Flanigan
Engineer Associate II

MSF/sjs

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



Maryland Department of Transportation

State Highway Administration

August 16, 1978

Mr. George J. Martinak
Deputy Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, August 3, 1978
Item: 20
Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Road (Rte. 140) & Clovelly Road
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces.
Acres: _____
District: 3rd

Dear Mr. Martinak:

The subject plan is poor. The details are virtually impossible to read therefore, a new plan should be prepared.

Parking in this area is extremely critical. The situation is compounded by the high volume of traffic on Reisterstown Road and the general congestion in the area. The lack of adequate parking will undoubtedly cause traffic problems on the site which could be extended out onto the highway.

The site is served by two entrances. The parking situation could be alleviated by closing the south entrance and placing additional parking spaces in that area.

CL:JEM:dj

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

My telephone number is (301) 383-4320

P.O. Box 117 / 300 West Preston Street, Baltimore, Maryland 21203

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 1, 1978

COUNTY OFFICE BLDG.
111 W. Compende St.
Towson, Maryland 21204

Mr. Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Parks Commission
Bureau of Fire Prevention
Health Department
Public Planning
Public Works Department
Board of Education
Zoning Administration
Industrial Development

Mr. Joseph L. Soley, President
8001 York Road
Towson, Maryland 21204

RE: Variance Petition
Item No. 20
Petitioner - David Enterprises

Dear Mr. Soley:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition, and has made an on-site filed inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the southwest corner of Reisterstown and Clovelly Road in the 3rd Election District, the subject property is currently improved with a group of retail stores and accessory parking area. This Variance is necessitated by your proposal to convert the existing store to a sit-down restaurant. It should be noted that at the time of the field inspection there was counter seating already existing.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and item, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:smr
Enclosure

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(410) 494-2500
STEPHEN E. COLLINS
DIRECTOR

October 17, 1978

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

Item No. 20 - SAC - Meeting of August 8, 1978
Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Rd. & Clovelly Rd.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces.

Acres: _____
District: 3rd

Dear Mr. DiMenna:

The requested variance to parking can be expected to cause parking problems in the area.

Very truly yours,

[Signature]
Michael S. Flanigan
Engineer Associate II

MSF/sjs

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
THORNTON M. MOURING, Jr.
DIRECTOR

August 21, 1978

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

Re: Item #20 (1978-1979)
Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Rd. & Clovelly Rd.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces.
District: 3rd

Dear Mr. DiMenna:

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

General:

Baltimore County highway and utility improvements are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #20 (1978-1979).

Very truly yours,

[Signature]
THORNTON M. MOURING, Jr.
Chief, Bureau of Engineering

END:THM:PM:SS

P-SE Key Sheet
30 NW 21 Box Sheet
NW 8 P Topo
78 Top Map

ORDER RECEIVED FOR FILING
DATE 11/17/78
THOMAS H. DEVLIN

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 fact that FIRST, SECOND, THIRD, and the Baltimore County Zoning Ordinance would result in practical difficulty and unreasonable hardship upon the Petitioner.

the above Variance should be had, and it further appearing that by reason of the STRENGTH of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit 17 parking spaces in lieu of the required 48 spaces should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of November, 1978, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the dining area of the restaurant not being open to the public between the hours of 2:00 A. M. and 5:00 P. M. and approval of a site plan by the State Highway Administration, the Department of Public Works, 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 Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of November, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



August 16, 1978

Mr. George J. Martinak
Deputy Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commode

Re: Z.A.C. Meeting, August 8, 1978
Item: 20
Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Road (Rte. 140) & Clovelly Road
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces.

Acres: 3rd
District: 3rd

Dear Mr. Martinak:

The subject plan is poor. The details are virtually impossible to read therefore, a new plan should be prepared.

Parking in this area is extremely critical. The situation is compounded by the high volume of traffic on Reisterstown Road and the general congestion in the area. The lack of adequate parking will undoubtedly cause traffic problems on the site which could be extended out onto the highway.

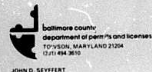
The site is served by two entrances. The parking situation could be alleviated by closing the south entrance and placing additional parking spaces in that area.

CL:JEM:dj

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: John E. Myers

My telephone number is (301) 383-6320

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



August 22, 1978

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

Dear Mr. DiNenna:

Comments on Item # 20 Zoning Advisory Committee Meeting, August 8, 1978 are as follows:

Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Road & Clovelly Road
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces.

Acres: 3rd
District: 3rd

The items checked below are applicable:

- Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1978 Edition and the 1971 Supplement, State of Maryland Code for the Building and other applicable codes.
- A building permit shall be required before construction can begin.
- Additional permits shall be required.
- Fencing shall be upgraded to new use - require attention permit.
- Three sets of construction drawings will be required to file an application for a building permit.
- Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- Wood frame walls are not permitted within 3' of a property line. Contact Building Department if distance is between 3' and 6' of property line.
- Requested setback variance conflicts with the Baltimore County Building Code, Section 10.1.

1. No Comment.

2. Comment: If building requires any alterations to conform to proposed use a permit shall be required.

Very truly yours,

Charles E. Devlin
Planning Group
Special Inspection Division

(2/2)



September 15, 1978

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

Dear Mr. DiNenna:

Comments on Item #20, Zoning Advisory Committee Meeting, August 8, 1978, are as follows:

Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Road and Clovelly Road
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces
District: 3rd

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 are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The site should be landscaped.

Very truly yours,

John L. Winkley, Jr.
Planner III
Current Planning and Development

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 3, 1978

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

Z.A.C. Meeting of: August 8, 1978

RE: Item No: 20
Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Rd. & Clovelly Rd.
Present Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces.

District: 3rd
No. Acres:

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
Field Representative

WNP/bp

JOSEPH A. HIGDON, PRESIDENT
Y. STANLEY WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. ROTUNDO

THOMAS H. ROYER
MRS. LORRAINE F. CURRIS
ROGER A. HAYDEN

JOSEPH T. DUBEL, SUPERINTENDENT



August 26, 1978

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

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

Dear Mr. DiNenna:

Comments on Item #20, Zoning Advisory Committee Meeting, August 8, 1978, are as follows:

Property Owner: David Enterprises, Inc.
Location: NW/C Reisterstown Rd. & Clovelly Rd.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit 18 parking spaces in lieu of the required 48 spaces.
Acres: 3rd
District: 3rd

Metropolitan water and sewer exist, therefore no health hazards are anticipated.

Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TDH/bjp/rhg



Paul H. Reincke
CHIEF

August 18, 1978

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Commode, Chairman
Zoning Advisory Committee

Re: Property Owner: David Enterprises, Inc.

Location: NW/C Reisterstown Rd. & Clovelly Rd.

Item No. 20 Zoning Agenda Meeting of 08/09/78

Comments:

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.

1. Fire hydrants for the referenced property are required and shall be located at intervals or in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at [redacted] exceeds the maximum allowed by the Fire Department.
4. The site 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 existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
6. Site plans are approved as drawn.
7. The Fire Prevention Bureau has no comments at this time.

Reviewed by: [Signature]
Planning Group
Special Inspection Division

Approved by: [Signature]
Fire Prevention Bureau

RE: PETITION FOR VARIANCE
from Section 409.2b (3 & 4)
of the Baltimore County
Zoning Regulations
NW corner Reisterstown Road
and Clovelly Road
3rd District
David Enterprises, Inc.
Petitioner-Appellant
Dominick Tisco, Lessee

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-83-A

SUPPLEMENTAL OPINION

In the above captioned case the Board has received a Motion for Rehearing, filed December 10, 1979, by new counsel for the Petitioner. The arguments in this Motion have been carefully considered. After such consideration, it is the judgment of this Board that the Motion presents no legally sufficient reasons to grant the requested rehearing in the subject instance. For this reason the Motion will be denied. An Order to this effect follows hereafter.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of December, 1979, by the County Board of Appeals, ORDERED that the Motion for Rehearing be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

John A. Miller
John A. Miller

RE: PETITION FOR VARIANCE
from Section 409.2b (3 & 4)
of the Baltimore County
Zoning Regulations
NW corner Reisterstown Road
and Clovelly Road
3rd District
David Enterprises, Inc.
Petitioner-Appellant
Zoning File No. 79-83-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 50
File No. 7000

CERTIFICATE OF NOTICE

Mr. Clark:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeRoy B. Spurrier, and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, Abraham L. Adler, Esq. and Ms. Patricia Ann Alulsi, Suite 2110 Charles Center South, Baltimore, Maryland 21201, Counsel for the Petitioner, Mr. Joseph L. Soley, David Enterprises, Incorporated, 8001 York Road, Towson, Maryland 21204, Petitioner, Nicholas J. Pistolas, Esq., 608 Baltimore Avenue, Towson, Maryland 21204, Counsel for the Lessee, Mr. Dominick Tisco, 1504 Reisterstown Road, Pikesville, Maryland 21208, Lessee, Mr. Jerome Rudich, 7943 Stevenson Road, Pikesville, Maryland 21208, Protestant, Mrs. Clementine L. Kaufman, 7 Clovelly Road, Pikesville, Maryland 21208, Protestant, Mr. Gilbert H. Cullenn, 3514 Garden View Road, Pikesville, Maryland 21208, and John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
494-3180

David Enterprises, Inc.
Zoning File No. 79-83-A

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Abraham L. Adler, Esq. and Ms. Patricia Ann Alulsi, Suite 2110 Charles Center South, Baltimore, Maryland 21201, Counsel for the Petitioner, Mr. Joseph L. Soley, President, David Enterprises, Incorporated, 8001 York Road, Towson, Maryland 21204, Petitioner, Nicholas J. Pistolas, Esq., 608 Baltimore Avenue, Towson, Maryland 21204, Counsel for the Lessee, Mr. Dominick Tisco, 1504 Reisterstown Road, Pikesville, Maryland 21208, Lessee, Mr. Jerome Rudich, 7943 Stevenson Road, Pikesville, Maryland 21208, Protestant, Mrs. Clementine L. Kaufman, 7 Clovelly Road, Pikesville, Maryland 21208, Protestant, Mr. Gilbert H. Cullenn, 3514 Garden View Road, Pikesville, Maryland 21208, Protestant, Mr. Gilbert H. Cullenn, 3514 Garden View Road, Pikesville, Maryland 21208, and John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, on this 18th day of December, 1979.

June Holmen
County Board of Appeals of Baltimore County

cc: J. Howell (2)
L.B. Jones (1)
Files

RE: PETITION FOR VARIANCE
from Section 409.2b (3 & 4)
of the Baltimore County
Zoning Regulations
NW corner Reisterstown Road
and Clovelly Road
3rd District
David Enterprises, Inc.
Petitioner-Appellant
Zoning File No. 79-83-A

ON REMAND FROM THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. 12/50/7000

OPINION

This case comes before this Board on an Order of the Circuit Court remanding this case to this Board of Appeals for the taking of additional testimony in the traffic involved in this petition. Testimony was received at this hearing regarding this traffic situation from Mr. John W. Glickert representing Street Traffic Studies, Ltd. and is represented by petitioner's exhibit labeled R1. Testimony was also received from Mr. John Myers, Bureau of Engineering Access Permits, of the Maryland Department of Transportation. After careful review of the testimony and evidence presented during this remand hearing, the Board can find no justification for changing its original Opinion and Order. Section 307 of the Baltimore County Zoning Regulations has not changed. A variance can be granted only if its denial creates practical difficulty or hardship upon the petitioner. The denial of this requested variance in no way affects petitioner's present business; it merely does not allow expansion of this business at this site. For this Board to grant the parking requirements from 48 spaces to the existing 18 spaces would require the presenting to this Board a significant practical difficulty or hardship which just has not been done. The Board is aware that the present 18 spaces are not for the sole use of the petitioner, but are for the use of all the tenants in this small center. There is no absolute assurance that these same tenants will forever occupy these sites nor that their same business hours will remain. The same is true of the adjacent 60 space parking lot. Mr. Shapiro is in no way obligated to maintain his present business hours or even his ownership.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 25th day of February, 1981, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner dated November 20, 1978, is reversed and the variance petitioned for be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

John A. Miller
John A. Miller

DAVID ENTERPRISES, INC.
NW corner of Reisterstown and Clovelly Rds.
Variance for parking

No. 79-83-A
(Item #20)
3rd District

Aug. 8, 1978 Petition filed
Nov. 20, 1978 Z.C. GRANTED petition with restrictions
Dec. 13, 1978 Order of Appeal to C.B. of A. filed by People's Counsel
Sept. 18, 1979 Hearing held before the Board
Nov. 14, 1979 Order of the Board DENYING petition
Dec. 17, 1979 Order for Appeal filed on behalf of David Enterprises, Inc., in Circuit Ct.
Dec. 18 Certificate of Notice sent to interested parties
Jan. 7, 1980 Motion for an Extension of Time for Filing Transcript extended to 2/4/80
Jan. 30, 1980 Record of proceedings filed in the Circuit Court
May 28, 1980 Judge Raine: "... case is remanded to the Baltimore County Board of Zoning Appeals with the further instructions that a full and proper traffic study concerning the area in question during the business hours of a normal business week be conducted and presented."

Sept. 23, REMAND HEARING held before the Board (H.S.M.)
Feb. 25, 1981 Order of the Board DENYING variance (Hackett, Spurrier, Miller)

RE: PETITION FOR VARIANCE
NW corner of Reisterstown and
Clovelly Roads, 3rd District
DAVID ENTERPRISES, INC.,
Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 79-83-A

222222

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from your decision in the above-entitled case, under date of November 20, 1979, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of December, 1979, a copy of the foregoing Order was mailed to Mr. Joseph L. Soley, President, David Enterprises, Inc., 8001 York Road, Towson, Maryland 21204, Petitioner.

John W. Hession, III
John W. Hession, III

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

July 31, 1980

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 7(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

REMAND HEARING

CASE NO. 79-83-A
DAVID ENTERPRISES, INC.
For Variance (Parking)
NW cor. Reisterstown and Clovelly Roads
3rd District
5/28/80 - Judge Raine: "... case is remanded to the Baltimore County Board of Zoning Appeals with the further instructions that a full and proper traffic study concerning the area in question during the business hours of a normal business week be conducted and presented."

TUESDAY, SEPTEMBER 23, 1980 at 10 a.m.

ASSIGNED FOR

cc: Abraham L. Adler, Esquire
Patricia Ann Alulsi
Mr. Joseph L. Soley, President
David Enterprises, Inc.
Mr. Dominick Tisco
Nicholas J. Pistolas, Esquire
Mr. Jerome Rudich
Mrs. Clementine L. Kaufman
Mr. Gilbert H. Cullenn
Mr. W. E. Hammond
Mr. J. E. Dye
Mr. James McNeill
John W. Hession, III
Counsel for Petitioner
Petitioner
Lessee
Counsel for Lessee
Protestant
Requested Notification
People's Counsel

Edith T. Eisenhart, Adm. Secretary

10-12-5
PETITION FOR VARIANCE
from Section 409-2b (3 and 6)
of the Baltimore County
Zoning Regulations
Northwest Corner of
Reisterstown Road and
Clowelly Road, Third District
DAVID ENTERPRISES, INC.,
Petitioner-Appellant
Zoning Case No. 79-83-A.

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Miscellaneous Docket No. 12
Folio No. 50
File No. 7000

SUPPLEMENTAL PETITION FOR REMAND

David Enterprises, Inc., by and through its attorneys,
Abraham L. Adler and Patricia A. Aluisi, supplements its
Petition to hear its appeal from the decision of the County
Board of Appeals by requesting that on remand, the Petitioner
be allowed to enter evidence concerning the traffic condition
for the area in question during regular business hours for
a regular business week, by stating:

1. Petitioner adopts and incorporates herein by
reference Paragraphs 1 through 6 of the original petition
filed in these proceedings.
2. The date upon which the County Board of Appeals
based its decision was inadequate and inaccurate. To address
fully the issues presented concerning traffic congestion,
a full scale traffic study, conducted by experts, would greatly
enhance the factual groundwork for the Board of Appeals in
arriving at its decision.

WHEREFORE, Petitioner additionally requests that this
Honorable Court, should it remand this case to the County Board

of Appeals, as requested in the original petition on appeal,
include in its Order for remand the requirement that a full
and proper traffic study concerning the area in question
during business hours during a normal business week, be
presented at that time.

ABRAHAM L. ADLER

PATRICIA A. ALUISI
2110 Charles Center South
Baltimore, MD 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of May, 1980 a
copy of the foregoing Supplemental Petition for Remand was
mailed to John W. Hessin, III, Esquire, 102 West Pennsylvania
Avenue, Towson, Maryland 21204 and Peter Max Zimmerman, Esquire,
507 Alex Brown Building, 102 West Pennsylvania Avenue, Towson,
Maryland 21204.

PATRICIA A. ALUISI

PETITION FOR VARIANCE
from Section 409-2b (3 and 6)
of the Baltimore County
Zoning Regulations
Northwest Corner of
Reisterstown Road and
Clowelly Road, Third District
DAVID ENTERPRISES, INC.,
Petitioner-Appellant
Zoning Case No. 79-83-A.

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Miscellaneous Docket No. 12
Folio No. 50
File No. 7000

ORDER

Upon the foregoing Petition the above case is
remanded to the Baltimore County Board of Zoning Appeals with
the further instructions that a full and proper traffic
study concerning the area in question during the business hours
of a normal business week by conducted and prepared.

May 28, 1980

John E. R...
JUDGE

PETITION FOR VARIANCE
from Section 409-2b (3 and 6)
of the Baltimore County Zoning
Regulations
NW corner of Reisterstown Rd.
and Clowelly Rd., Third District
DAVID ENTERPRISES, INC.,
Petitioner-Appellant
Zoning Case No. 79-83-A.

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 50
File No. 7000

ANSWER TO PETITION ON APPEAL

The People's Counsel for Baltimore County, Appellees, answer the Petition in
this case as follows:

1. Appellee admits the allegations of Paragraph 1 of the Petition.
2. Appellee admits that Petitioner has requested the said variance, but is
without knowledge whether "the business activities in that area have transpired."
3. Appellee admits that Petitioner's business is in a small shopping center with
four other stores, and that Shapiro's Market separately exists on adjacent property.
Appellee denies that there exists a common parking lot and further states that the
shopping center has available at most eighteen spaces.
4. Appellee admits that the County Board of Appeals heard testimony on the
petition for variance and denied same. Appellee denies all other allegations in
Paragraphs 4, 5 and 6 of the petition.
5. Appellee further states that the decision of the County Board of Appeals
was based on substantial evidence, and was neither arbitrary, capricious, nor
unreasonable. The Petitioner failed to show that the proposed use was needed in
connection with practical difficulty or unreasonable hardship peculiar to the property.
Nor did the Petitioner show that the proposed use would be consistent with the public
safety, health, and welfare.

- 2 -

WHEREFORE, Appellee prays that the Court dismiss the Petition and enter an
order affirming the decision of the County Board of Appeals dated November 14, 1979.

John W. Hessin, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this day of May, 1980,
a copy of the foregoing Answer to Petition on Appeal was mailed to Abraham L.
Adler, Esquire, and Patricia A. Aluisi, Counsel for Petitioner-Appellant, 2110 Charles
Center South, Baltimore, Maryland 21201; and a copy was served on the Administrative
Secretary of the County Board of Appeals, Room 219, Court House, Towson, Maryland
21204.

Peter Max Zimmerman

RE: PETITION FOR VARIANCE
from Section 409-2b (3 & 6)
of the Baltimore County
Zoning Regulations
NW corner Reisterstown Road
and Clowelly Road
3rd District
David Enterprises, Inc.,
Petitioner-Appellant
Zoning File No. 79-83-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 50
File No. 7000

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hockett, LeRoy B. Spurrier, and John A. Miller,
constituting the County Board of Appeals of Baltimore County, and in answer to the Order
for Appeal directed against them in this case, herewith return the record of proceedings had
in the above entitled matter, consisting of the following certified copies or original papers
on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM COCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

No. 79-83-A
Aug. 8, 1978 Petition of David Enterprises, Inc. for a Variance from Section 409.7b
(3 & 6) to permit 17 parking spaces in lieu of the required 48 spaces
on property located on the northwest corner of Reisterstown and Clowelly
Roads, 3rd District - filed
" 8 Order of the Deputy Zoning Commissioner directing advertisement and
posting of property - date of hearing set for Oct. 4, 1978, at 11:00 A.M.
Sept. 14 Certificate of Publication in newspaper - filed
Sept. 16 " " Posting of property - filed
Sept. 21 Comments of Baltimore County Zoning Plans Advisory Committee - filed

David Enterprises, Inc.
File No. 79-83-A
2.
Sept. 27, 1978 Comments of Baltimore County Director of Planning - filed
October 4 At 11:00 a.m. hearing held on petition by Zoning Commissioner
November 20 Order of Zoning Commissioner granting variance subject to the dining
area of the restaurant not being open to the public between the hours
of 2:00 a.m. and 5:00 p.m. and approval of a site plan by the State
Highway Administration, the Department of Public Works and the
Office of Planning and Zoning.
December 13 Order of Appeal to County Board of Appeals from Order of Zoning
Commissioner
Sept. 18, 1979 Hearing on appeal before County Board of Appeals
November 14 Order of County Board of Appeals denying variance petitioned for
December 10 Motion for rehearing - filed
December 13 Supplemental Opinion and Order of the Board denying Motion for
Rehearing
December 14 Order for Appeal filed in Circuit Court for Baltimore County by
Abraham L. Adler, Esq., on behalf of Petitioner
December 18 Certificate of Notice sent to all interested parties
January 7, 1980 Petition to accompany Order for Appeal, filed
January 8 Petition for Extension of Time to file transcript to February 4, 1980
January 30 Transcript of testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Hand drawn Plat
" " " 2 - Tentative seating arrangement for restaurant
" " " 1A - Hand drawn Plat of location
People's Counsel Exhibit No. 1A thru 1I - Photos of area
" " " 2 - Map of Area submitted by Rudich
January 30 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said
Board acted are permanent records of the Zoning Department of Baltimore County, as are
also the use district maps, and your respondents respectively suggest that it would be

David Enterprises, Inc.
File No. 79-83-A
3.
Inconvenient and inappropriate to file the same in this proceeding, but your respondents
will produce any all such rules and regulations, together with the zoning use district maps
at the hearing on this petition, or whenever directed to do so by this Court.
Respectfully submitted,
John W. Hessin
County Board of Appeals of Baltimore County

PETITION FOR VARIANCE from Section 409-2b (3 and 6) of the Baltimore County Zoning Regulations Northwest Corner of Reisterstown Road and Clovelly Road, Third District.
DAVID ENTERPRISES, INC.
Petitioner-Appellant
Zoning File No. 79-83-A

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
AT LAW
Miscellaneous Docket No. 12
Folio No. 53
File No. 7000

PETITION

David Enterprises, by and through its attorneys, Abraham L. Adler and Patricia A. Aluisi, petitions this honorable court to hear its appeal from the decision of the County Board of Appeals in denying petitioner's request for a variance from Sections 409-2b (3 and 6) of the Baltimore County Zoning Regulations, by stating:

1. Petitioner is the owner of a small shopping center property located at the Northwest corner of Reisterstown and Clovelly Roads in the Third District of Baltimore County. The existing zoning on the property is commercial, community core-business local.

2. The request was to permit a variance to allow petitioner and its tenant, a carryout restaurant known as "Mike's Pizza" to provide seating for twenty (20) to thirty-six (36) customers based upon the existing eighteen (18) parking spaces. "Mike's Pizza" had tailored its request so that the hours of operation for the contemplated seating area would be between 5:00 p.m. and 2:00 a.m.. The bulk of the business activities in that area have transpired.

3. There are four other businesses found in the shopping center and "Shapiro's", a grocery store in a separate building on abutting property. All the above mentioned

businesses utilize a common parking lot which has, seventy-eight (78) parking spaces, sixty (60) of which are on the Shapiro property and eighteen (18) of which belong to the shopping center. Ingress and egress to the shopping center are from Reisterstown Road or through the Shapiro's parking lot.

4. The County Board of Appeals heard testimony on the petition for variance, and by order dated the 14th of November, 1979, denied the petition. The action of the County Board of Appeals was arbitrary and capricious since it was not supported by substantial evidence.

5. The testimony upon which the Board relied was wholly inadequate to support its finding that traffic problems would be worsened if the request were granted. The testimony of Mr. Jerome Rudick, store manager of "Shapiro's" did not specifically address the volume of traffic during the proposed hours of operation for the addition to "Mike's Pizza". The testimony of Mr. Michael Flannagan and Mr. Charles Lee is equally inoperative since they testified that they visited the site during the late morning of September 18, 1979 when it was congested, but not during the proposed, limited hours of operation. Furthermore, September 18, 1979 was three days before Rosh Hashanah, the Jewish High Holy Day, when "Shapiro's" enjoys an exceptionally high volume of customers.

6. The variance requested is within the spirit and intent of the allowed use and is reasonable. By limiting the hours of operation to 5:00 p.m. to 2:00 a.m., "Mike's" removed any potential for injury to the public safety and general welfare by increased traffic congestion.

WHEREFORE, petitioner requests this honorable court to remand this case to the County Board of Appeals

2

so that it may hear testimony relevant to the petitioner before it.

ALAN
ABRAHAM L. ADLER
PATRICIA A. ALUISI
2110 Charles Center South
Baltimore, MD 21201

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January, 1980 the foregoing Petition was mailed to the County Board of Appeals, Court House, Towson, Maryland and John Hessian, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland.

ALAN
ABRAHAM L. ADLER

RE: PETITION FOR VARIANCE from Section 409.2b (3 & 6) of the Baltimore County Zoning Regulations NW Corner Reisterstown Road and Clovelly Road 3rd District
DAVID ENTERPRISES, INC.
Petitioner-Appellant
Zoning File No. 79-83-A

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 53
File No. 7000

MOTION FOR AN EXTENSION OF TIME FOR FILING TRANSCRIPT

DAVID ENTERPRISES, INC. by and through its attorneys, Abraham L. Adler and Patricia A. Aluisi moves this Honorable Court to allow an extension of thirty (30) days in filing the transcript from the Board of Appeals for Baltimore County because of a heavy number of cases in the hands of the court reporter who is preparing the transcript.



ALAN
ABRAHAM L. ADLER
PATRICIA A. ALUISI
2110 Charles Center South
Baltimore, MD 21201
752-7651

POINTS AND AUTHORITIES

Rule 87b

I HEREBY CERTIFY that on this 7th day of January, 1980, a copy of the foregoing Motion was mailed to John W. Hessian, Deputy People's Council, County Office Building, Towson, Maryland 21204 and Peter Max Zimmerman, Deputy People's Council, County Office Building, Towson, Maryland 21204.

ALAN
ABRAHAM L. ADLER

IN THE MATTER OF THE PETITION FOR VARIANCE NW CORNER OF REISTERSTOWN AND CLOVELLY ROADS, THIRD DISTRICT.
DAVID ENTERPRISES, INC.
Petitioner.

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 79-83-A

ORDER FOR APPEAL BY DAVID ENTERPRISES, INC. PETITIONER

Mr. Clerk:
Please enter an appeal on behalf of David Enterprises, Inc., Applicant, from the Order of the County Board of Appeals of Baltimore County, passed in the above case on the 14th day of November, 1979.

ABRAHAM L. ADLER

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 1979 the following Order for Appeal by David Enterprises, Inc., Petitioner was mailed, postage prepaid, to the County Board of Appeals of Baltimore County, Court House, Towson, Maryland.

ABRAHAM L. ADLER

ABRAHAM L. ADLER, P.A.
COURT HOUSE
TOWSON, MARYLAND 21204

Law Office
ABRAHAM L. ADLER, P.A.
SUITE 2110
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21201

Telephone
752-7651

December 14, 1979

Circuit Court for Baltimore County
Court House
Towson, MD 21204

RE: Petition for Variance
Order for Appeal
No. 79-83-A

Dear Sir:

Enclosed please find an Order for Appeal in the above captioned matter. Also enclosed is a check in the amount of \$15 to cover this service.

At this date please be advised that an Order for Appeal in this case was mailed to you for filing. When you receive that Order and check enclosed herewith please return to my office immediately. These were mailed in error. So as not to have two of the same Orders filed, your cooperation in this matter is greatly appreciated.

Very truly yours,

ABRAHAM L. ADLER

AL:avc
Enc. (2)
cc: County Board of Appeals

IN THE MATTER OF THE PETITION FOR VARIANCE NW CORNER OF REISTERSTOWN AND CLOVELLY ROADS, THIRD DISTRICT.

DAVID ENTERPRISES, INC.
Petitioner.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
(Board of Appeals No.)
No. 79-83-A

ORDER FOR APPEAL BY DAVID ENTERPRISES, INC. PETITIONER

Mr. Clerk:
Please enter an appeal on behalf of David Enterprises, Inc., Applicant, from the Order of the County Board of Appeals of Baltimore County, passed in the above case on the 14th day of November, 1979.

ABRAHAM L. ADLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 1979 the following Order for Appeal by David Enterprises, Inc., Petitioner was mailed, postage prepaid, to the County Board of Appeals of Baltimore County, Court House, Towson, Maryland.

ABRAHAM L. ADLER

County Board of Appeals
Towson, MD 21204

Law Office
ABRAHAM L. ADLER, P.A.
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21201



John A. Miller

Testimony from Mr. Michael Flanigan, Baltimore County Traffic Engineer, and Mr. C-ites Lee, Chief of Bureau of Engineering, Access Permits, for the State Highway Administration, indicated that traffic problems do exist at this site or present. Mr. Lee noted that on September 18, 1979, during the late morning, he visited the site and noted all available parking in use, vehicles double parked, auto mulling about the lot waiting for a space to become available, and traffic "stacked" in the entrance and backed up onto Reisterstown Road. Several "drive-by" inspections at various times during the day by a member of this Board more or less confirmed Mr. Lee's observations and contention was noted on each inspection.

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Prejudice need not be shown to disqualify appeal for noncompliance. — No showing of prejudice to the adverse party is required under this Rule or Rule B2 in order to dismiss an appeal for noncompliance with Rule B2 *e.g.*, *Salisbury Bld. of Zoning Appeals v. Bounds*, 240 Md. 347, 234 A.2d 810 (1965).

This Rule does not require a showing of prejudice to the adverse party as a prerequisite of the trial court's dismissing a late appeal. *Wormack v. Bradley Club, Inc.*, 242 Md. 294, 219 A.2d 17 (1966).

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SEP 21 1981

After reviewing all of the testimony and exhibits presented in this case, the Board is of the opinion that this variance should not in fact be granted. Section 307 of the Baltimore County Zoning Regulations sets forth the requirements necessary to grant a variance. The Board can find no practical difficulty or hardship involved in the denial of this request. Mr. Tisco's business can proceed as it always has; he just cannot expand into a sit down restaurant type operation. It is the opinion of this Board that to grant the increased use and increased need for parking not available, would in fact create the potential for substantial injury to public safety and general welfare in this instance. The Board notes that a variance allowing six less parking spaces than required by law was granted to allow the present use and this does not seem unreasonable, but to allow a variance from the proposed use requirements of 48 spaces to 18 spaces does not seem to be in strict harmony with the spirit and intent of this allowed use. For all of these reasons, the Board is of the opinion that this requested variance should be denied and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of November, 1979, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner dated November 20, 1978, is reversed and the variance petitioned for be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William F. Bockett
William F. Bockett, Acting Chairman
John A. Miller
John A. Miller
John A. Miller
John A. Miller

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW corner of Reisterstown Rd. and :
Clovally Rd., 3rd District : OF BALTIMORE COUNTY
DAVID ENTERPRISES, INC., : Case No. 79-83-A
Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter M. Zimmermann
Peter M. Zimmermann
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of November, 1978, a copy of the foregoing Order was mailed to Joseph L. Soley, President, David Enterprises, Inc., 8001 York Road, Towson, Maryland 21204, Petitioner.

John W. Hession, III
John W. Hession, III

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW corner of Reisterstown and :
Clovally Roads, 3rd District : OF BALTIMORE COUNTY
DAVID ENTERPRISES, INC., : Case No. 79-83-A
Petitioner

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from your decision in the above-entitled case, under date of November 20, 1978, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter M. Zimmermann
Peter M. Zimmermann
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of December, 1978, a copy of the foregoing Order was mailed to Mr. Joseph L. Soley, President, David Enterprises, Inc., 8001 York Road, Towson, Maryland 21204, Petitioner.

John W. Hession, III
John W. Hession, III



County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

July 27, 1979

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 20(c). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 20(c), COUNTY COUNCIL BILL #108

CASE NO. 79-83-A

DAVID ENTERPRISES, INC.
(Dominick Tisco, Lessee)

For variance from Section 409.2b (3 & 6) (Parking)

NW corner Reisterstown and Clovally roads

3rd District

11/20/78 - Petition GRANTED by Z.C.

ASSIGNED FOR: TUESDAY, SEPTEMBER 18, 1979 at 10 a.m.

cc: Architect & Survey, Inc. for Counsel for Petitioner

Mr. Joseph L. Soley, President
David Enterprises, Inc.
Mr. Dominick Tisco
Mr. Jerome Rudich
Mrs. Clementine L. Kaufman
Mr. Gilbert H. Cullenn
Mr. Paul DiCrispino
John W. Hession, III, Esq.
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. D. Seyffert
Mrs. Carol Beresh

Petitioner
Lessee
Protestant
Requested Notification
Physical Growth Coordinator
People's Counsel

Edith T. Eisenhart, Adm. Secretary

Mr. Dominick Tisco
1504 Reisterstown Road
Pikesville, Maryland 21208

NOTICE OF HEARING

Re: Petition for Variance, NW corner of Reisterstown Rd. & Clovally Rd., 3rd District
David Enterprises, Inc. - Petitioner, Case No. 79-83-A

TIME: 11:00 A.M.

DATE: Wednesday, October 4, 1978

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 V. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

George J. Mottram
George J. Mottram
Deputy Zoning Commissioner of
BALTIMORE COUNTY

PROTESTANT'S
EXHIBIT A

7 Clovally Road
Pikesville, Maryland 21208
October 4, 1978

Zoning Commissioner of Baltimore County
Towson, Maryland 21204

Dear Mr. Commissioner:

Re: Case No. 79-83A
Hearing Scheduled 10/4/78
at 11:00 p.m.

My husband and I have resided at 7 Clovally Road in Pikesville for nearly thirty-three years. Our home lies approximately 1/8th of a mile west of the site of the proposed zoning change which is involved in this case. We have seen many changes in the course of those thirty-three years. Among those changes, the most adverse one relates to traffic congestion on Clovally Road, particularly where it intersects Reisterstown Road and within a few yards west thereof along the north side of a group of stores which includes the property the operators of which have instituted the within case seeking a zoning exception.

Clovally Road is a very narrow road. There is insufficient space, at the present time, for parking on the part of customers of Shapiro's Supermarket at the southwest corner of Reisterstown Road and Old Court Road, and for the customers of the group of stores which are located south of that intersection and which border along the north side of Clovally Road. That shortage of parking is augmented by the shortage of parking generally in the area. As a result of the shortage of parking spaces, a number of cars presently park on Clovally Road.

The congestion at the intersection of Reisterstown and Clovally Roads creates a dangerous condition as the south of Clovally Road is often clogged by cars attempting to turn in from Reisterstown Road and by cars attempting to move from Clovally onto Reisterstown Road.

When this is added to the fact that traffic moves from a rather large parking lot which services a beauty parlor located at the southwest corner of Reisterstown and Clovally, both from Clovally Road into that parking lot and from that parking lot into Clovally Road, the situation assumes very serious proportions.

-2-

Under the circumstances, it would appear most unfair to the residents of the several homes on Clovally Road, as well as dangerous and generally deleterious to the interests of the public, for any zoning exception to be granted which will further aggravate conditions which at the present time are far too aggravated. Accordingly, my husband and I strongly urge that the zoning petition in this case be denied.

Very truly yours,
Clementine L. Kaufman
Clementine L. Kaufman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
Zoning Commissioner
TO: _____ Date: September 27, 1978
Leslie H. Groat
FROM: _____
Charles H. Peterson

SUBJECT: Petition #79-83-A, Item #20.
Petition for Variance for parking
Northwest corner of Reisterstown Road and Clovally Road
Petitioner - David Enterprises, Inc.

3rd District

HEARING: Wednesday, October 4, 1978 (11:00 A.M.)

In view of the concerns expressed by the Department of Traffic Engineering,
this office cannot support the requested parking variance.

Leslie H. Groat
Leslie H. Groat
Director of Planning

LHG:JGHr

September 29, 1978

Mr. Dominick Tisco
1504 Reisterstown Rd.
Pikesville, Maryland 21203

RE: Petition for Variance
NW corner Reisterstown Rd. & Clovelly Rd.
3rd District
David Enterprises, Inc. - Petitioner
No. 79-83-A

Dear Sir:

This is to advise you that 9/18 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Campagna, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

Eric Dinenna
ERIC DINENNA
Zoning Commissioner

SED/so

Gilbert C. Laite Associates, Inc.



Candle Road (Route 1)
Rockport, Maine 04866
Tel: (207) 236-4386

Mail Address:
P.O. Box 372
Canaan, Maine 04843
J. L. Soley
P.O. Box 766
Canaan, Maine 04843

Mr. Dominic Tisco
Mike's Pizzeria
1504 Reisterstown Road
Pikesville, Maryland 21208

Dear Sir:

Please be kind enough to advise Mr. Martin and/or any other members or officers of the Zoning Department of Baltimore County that my present plans for the near future preclude the possibility of attending the forthcoming Variance Hearing for your above store located in my small center at the northwest corner of Clovelly and Reisterstown Roads.

I would therefore appreciate it very much if you could represent our interests personally at this scheduled hearing.

Thank you for your consideration.

Sincerely,

DAVID ENTERPRISES, Inc.

By:

Joseph L. Soley
Joseph L. Soley
President

cc: D. Alcarese, Sue'y
DAVID ENTERPRISES, Inc.
8001 York Road
Towson, Maryland 21204

Member
— National Association Real Estate Boards —
— Eastern Association Real Estate Boards —
— Pacific Coast Real Estate Boards —

S. ERIC DINENNA
ZONING COMMISSIONER
George J. McElm
Deputy Zoning Commissioner

November 25, 1978

Mr. Joseph L. Soley, President
David Enterprises, Incorporated
8001 York Road
Towson, Maryland 21204

RE: Petition for Variance
NW corner of Reisterstown and
Clovelly Roads - 3rd Election
District
David Enterprises, Incorporated -
Petitioner
No. 79-83-A (Item No. 20)

Dear Mr. Soley:

I have this day passed my Order in the above referenced matter, in accordance with the attached.

Very truly yours,

Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

SED/so

Attachments

cc: Mr. Dominick Tisco
1504 Reisterstown Road
Pikesville, Maryland 21208

Mr. Jerome Rudich
7943 Stevenson Road
Pikesville, Maryland 21208

Mr. Paul DiCrispino
Physical Growth Coordinator

John W. Hession, III, Esquire
People's Counsel

8/15/79 - Notified the following people that the hearing is assigned for Tuesday, September 18, 1979, at 10 a.m.

Abraham L. Adler, Esq.
Joseph L. Soley, President
David Enterprises, Inc.
Dominick Tisco
Jerome Rudich
Clementine L. Kaufman

Gilbert M. Gilman
Paul DiCrispino
John W. Hession, III, Esq.

7/31/80 - Above notified of REMAND HEARING scheduled for TUESDAY, SEPTEMBER 23, 1980 at 10 a.m.

DESCRIPTION FOR VARIANCE

Beginning at a point on the Southwest side of Reisterstown Road with a distance of 165 feet from the centerline of Clovelly Road, thence South 41° 37' East, 118.40 feet; thence southeasterly 53.12 feet curve with a radius of 25 feet; thence southwesterly 31.99 feet curve with a radius of 180 feet; thence North 87° 00' West, 60.34 feet thence northwesterly 18.79 feet curve with a radius of 220 feet; thence North 41° 37' West, 50.23 feet, thence North 18° 29' East 147.55 feet to the point of beginning.

PETITION FOR VARIANCE

3rd District

ZONING:

Petition for Variance for parking

LOCATION:

Northwest corner of Reisterstown Road and Clovelly Road

DATE & TIME:

Wednesday, October 4, 1978 at 11:00 A.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 M. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing

Petition for Variance to permit 17 parking spaces in lieu of the required 18 spaces

The Zoning Regulation to be excepted as follows:

Section 109.2b (36) - parking for restaurant and retail stores

All that parcel of land in the Third District of Baltimore County

Being the property of David Enterprises, Inc., as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, October 4, 1978 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 M. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC DINENNA, ZONING COMMISSIONER
AND
GEORGE J. MCELM, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

S. ERIC DINENNA
ZONING COMMISSIONER

January 18, 1979

Mr. Joseph L. Soley, President
David Enterprises, Incorporated
8001 York Road
Towson, Maryland 21204

RE: Petition for Variance
NW corner of Reisterstown and Clovelly
Roads - 3rd District
David Enterprises, Incorporated -
Petitioner
No. 79-83-A (Item No. 20)

Dear Mr. Soley:

Please be advised that an appeal has been filed by the People's Counsel from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

SED/so

cc: Mr. Dominick Tisco
1504 Reisterstown Road
Pikesville, Maryland 21208

Mr. Jerome Rudich
7943 Stevenson Road
Pikesville, Maryland 21208

Mr. Paul DiCrispino
Physical Growth Coordinator

Mrs. Clementine L. Kaufman
7 Clovelly Road
Pikesville, Maryland 21208

Low Office
ABRAHAM L. ADLER, PA.
SUITE 210
CAMPUS CENTER SOUTH
BALTIMORE, MARYLAND 21201

Telephone
752-1051

January 23, 1981

County Board of Appeals
of Baltimore County
Room 219
Court House
Towson, Maryland 21204

Re: David Enterprises, Inc.
Zoning File No. 79-83-A

Gentlemen:

On September 23, 1980, rehearing in the above matter was held before you concerning the Petition for Variance from Section 409-2b (3 and 6) of the Baltimore County Zoning Regulations for the northwest corner of Reisterstown Road and Clovelly Road, Third District.

I would appreciate it if someone could inform me as to when we can expect the decision in this matter.

Very truly yours,

Abraham L. Adler
Abraham L. Adler

ALA:ph

cc: Mr. and Mrs. Dominick Tisco
John W. Hession, III, Esq.

RECEIVED
BALTIMORE COUNTY
JAN 23 11 14 AM '81
CLERK OF BOARD
OF APPEALS

Law Office
ABRAHAM L. ADLER, P.A.
SUITE 219
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21204

Telephone
733-7651

June 30, 1980

Board of County Appeals
Room 219, Court House
Towson, MD 21204

Re: Case No. 79-83-A
Petition for Variance
David Enterprises, Inc.

Gentlemen:

It is my understanding that the Circuit Court for Baltimore County remanded the above captioned Petition For Variance in the early part of June. This office, however, has not been notified of a new hearing date for the remand.

Please advise as to whether a date has been set. Should there be the necessity of requesting a hearing date in writing, if none has already been set, then this letter should serve to constitute such written request.

Very truly yours,

ABRAHAM L. ADLER

ALAI:vc
cc/Mr. and Mrs. Tiso
John W. Hession, III, Esquire
Peter Max Zimmerman, Esquire

Board of County Appeals
Room 219, Court House
Towson, MD 21204

Re: Case No. 79-83-A
Petition for Variance
David Enterprises, Inc.

Gentlemen:

It is my understanding that the Circuit Court for Baltimore County remanded the above captioned Petition For Variance in the early part of June. This office, however, has not been notified of a new hearing date for the remand.

Please advise as to whether a date has been set. Should there be the necessity of requesting a hearing date in writing, if none has already been set, then this letter should serve to constitute such written request.

Very truly yours,

ABRAHAM L. ADLER

ALAI:vc
cc/Mr. and Mrs. Tiso
John W. Hession, III, Esquire
Peter Max Zimmerman, Esquire

THIS DOCUMENT IS PHOTOGRAPHICALLY
REPRODUCED. ITS CONTRAST OR CONDITION
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RECEIVED
BALTIMORE COUNTY
JUN 21 6 45 AM '80
CLERK'S OFFICE
BY: [Signature]

Law Office
ABRAHAM L. ADLER, P.A.
SUITE 219
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21204

Telephone
733-7651

July 30, 1980

Ms. June Holmen, Secretary
County Board of Appeals
Room 219, Courthouse
Towson, MD 21204

Re: Zoning Case No. 79-83-A
David Enterprises, Inc.

Dear Ms. Holmen:

Please find enclosed herewith a certified copy of the Petition for Remand and the Order issued by Judge Baine which indicates that the Baltimore County Board of Zoning Appeals is to hear this case again.

Please set this hearing as soon as possible.

Yours very truly,

PATRICIA A. ALUISI

PA:admb
Enc.
cc: Mr. & Mrs. Tiso

RECEIVED
BALTIMORE COUNTY
JUN 31 9 22 AM '80
CLERK'S OFFICE
BY: [Signature]

Re the Matter of The Petition for
Variance of/Corner of Waterstown
and Clovelly Rds., Third District

IN THE CIRCUIT COURT

FOR

BALTIMORE COUNTY

DOCKET # 12 FOLIO 50

CASE 7000

David Enterprises, Inc.

VS

A ruling by Judge E. A. DeWaters

ON A PLEADING IN THE ABOVE ENTITLED MATTER IS AS FOLLOWS:

Motion for extension of time granted.

DATE June 28, 1980

cc: Abraham L. Adler
County Board of Appeals
for Baltimore County

ELMER H. KAHLIN, JR.
Clerk, Circuit Court
for Baltimore County

PER Patricia Aluisi
Deputy Clerk

RECEIVED
BALTIMORE COUNTY
JUN 30 10 25 AM '80
CLERK'S OFFICE
BY: [Signature]

ELMER H. KAHLIN, JR., CLERK
Circuit Court for Baltimore County
TOWSON, MARYLAND 21204

County Board of Appeals
Room 219
Courthouse
Towson, Md. 21204

Attn: Mrs. Eisenhardt

LAW OFFICER
Gerald S. Klein, Esquire
SUITE 200
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21204

Special check this letter made
to Baltimore City, Maryland
at check 12-26 City and
they would make further
call & mail back soon, GA

County Board of Appeals
Room 219
Court House
Towson, Md. 21204

RECEIVED
BALTIMORE COUNTY
JUN 25 10 59 AM '80
CLERK'S OFFICE
BY: [Signature]

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 18, 1979

John W. Hession, III, Esq.
People's Counsel for Baltimore County
County Office Bldg.
Towson, Md. 21204

Re: David Enterprises, Inc.
Case No. 79-83-A

Dear Mr. Hession:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen, Secretary

Encl.

cc: Nicholas J. Pistolas, Esq.
Mr. Dominick Tisco
Mr. Jerome Rudich
Mrs. Clementine L. Kaufman
John W. Hession, III, Esq.
Mr. Gilbert H. Cullen
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. G. Howell

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 13, 1979

Abraham L. Adler, Esq.
Ms. Patricia Ann Aluisi
Suite 2110 Charles Center South
Baltimore, Md. 21201

Re: Case No. 79-83-A
David Enterprises, Inc.

Dear Mr. Adler and Ms. Aluisi:

Enclosed herewith is a copy of the Supplemental Opinion and Order passed today by the County Board of Appeals on the Motion for Relinquishing filed in the above entitled case.

Very truly yours,

Edith T. Eisenhardt, Adm. Secretary

Encl.

cc: Nicholas J. Pistolas, Esq.
Mr. Joseph L. Soley
Mr. Dominick Tisco
Mr. Jerome Rudich
Mrs. Clementine L. Kaufman
John W. Hession, III, Esq.
Mr. Gilbert H. Cullen
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. G. Howell

RECEIVED
BALTIMORE COUNTY
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COUNTY BOARD
OF APPEALS
BY: [Signature]

Copy to Board of Appeals -
Room 219
Courthouse
Towson, Md.
21204

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
December 18, 1979

December 18, 1979

Abraham L. Adler, Esq.
Ms. Patricia Ann Alulsi
Suite 2110 Charles Center South
Baltimore, Maryland 21201

Re: Case No. 79-83-A
David Enterprises, Inc.

Dear Mr. Adler and Ms. Alulsi:

In accordance with Rule 5-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 5-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

J. A.
John A. Hession, Secretary

Encls.

cc: David Enterprises, Inc.

BILLED TO: Abraham L. Adler, Esq.
Ms. Patricia Ann Alulsi
Suite 2110 Charles Center South
Baltimore, Md. 21201

Cost of certified documents filed
In Case No. 79-83-A \$2.00

David Enterprises, Inc.
(D. Tico, Lessee)
NW corner Reisterstown &
Clovett Roads
J-d District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 219, Court House
Towson, Md. 21204

Law Office
ABRAHAM L. ADLER, P.A.
SUITE 2110
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21201

Telephone
713-7611

December 6, 1979

Board of County Board of Appeals
Court House
TOWSON, MD 21204

RE: Petition for Variance/Northwest Corner of
Reisterstown and Clovett Roads
Third District
David Enterprises, Inc.
79-83-A

Gentlemen:

Please re-enter my appearance and the appearance of Patricia Ann Alulsi as co-counsel for the petitioner, David Enterprises, Inc. in the above referenced Petition for Variance.

Very truly yours,

ABRAHAM L. ADLER

ALAI:VC

NICHOLAS J. PISTOLAS

ATTORNEY AT LAW

13011 828-3000

808 BALTIMORE AVENUE
TOWSON, MARYLAND 21204

November 27, 1979

County Board of Appeals
Room 219 Court House
Towson, Maryland 21204

RE: DAVID ENTERPRISES, INC.
Case No. 79-83-A

Gentlemen:

I received your opinion dated November 14, 1979 wherein you affirmed the decision of the Deputy Zoning Commissioner. Also, I have received a copy of a letter dated November 19, 1979 from the Maryland Department of Transportation written by John E. Meyers. In that letter, Mr. Meyers alters his opinion as to the traffic situation existing in the area of my client's eating establishment. In view of this letter, I believe that the Board should reconsider its decision.

I say I take this opportunity to remind the Board that the Deputy Zoning Commissioner limited the hours of operation in his opinion, so that conflicts would not occur. It is my opinion that a complete denial of my client's request would result in a practical difficulty and hardship. I am sure that limited seating in this particular location would not in any way add to or create the severe problem described by Mr. Radich or Mr. Meyers.

I would like to have an opportunity to argue the case before the Board for its reconsideration.

Very truly yours,

NICHOLAS J. PISTOLAS

HTP:GAW

Maryland Department of Transportation
State Highway Administration

James I. O'Donnell
Secretary
M. S. Callender
Administrator

November 19, 1979

Mr. William Hackett, Acting
Chairman - Board of Appeals
Baltimore County Court House
Towson, Maryland 21204

Re: Z.A.C. Meeting, 8-8-78
Items: 20
Property Owner: David
Enterprises, Inc.
Location: NW/C Reisterstown
Rd. (Route 140) & Clovett
Rd.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to
permit 18 spaces in lieu of
the required 48 spaces.
Acres:
District: 3rd
Board of Appeals
Sert. 18, 1979

Dear Mr. Hackett:

As a reaction to Mr. Nicholas Pistolos' letter of October 5, 1979, the writer inspected the site on November 8, 1979 at approximately 12:30 P.M.

Although there were a few parking spaces available, they were, for the most part, in back areas of the lot. Customers are either unaware of the spaces or were reluctant to use them since they were double parked, standing in the lanes and generally milling around. Illegal maneuvers from the lot to the street were also observed.

While the situation was not as severe as when the site was visited on September 18, 1979, it was quite apparent that unusual parking and traffic problems exist and there is a definite need for additional parking.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

cc: Mr. N.J. Pistolos
Mr. P. Zimmerman

My telephone number is (301) 383-4320

P.O. Box 717 / 370 West Preston Street, Baltimore, Maryland 21203

NICHOLAS J. PISTOLAS

ATTORNEY AT LAW

13011 828-3000

808 BALTIMORE AVENUE
TOWSON, MARYLAND 21204

November 7, 1979

Mr. William Hackett,
Acting Chairman
Board of Appeals - Zoning
Baltimore County Court House
Towson, Maryland 21204

RE: Z.A.C. Meeting - August 8, 1978
Property Owner - David Enterprises, Inc.
Acres:
NW/C Reisterstown Road
Proposed Zoning: Variance to permit 18 spaces
in lieu of the required 48 spaces

Dear Mr. Hackett:

Enclosed herewith you will find a certified copy of a Plat prepared by Gerhold, Cross & Steel, registered professional land surveyors. As was agreed the day of the hearing, I am supplying this "Plat" to show the 18 parking spaces presently existing; at the subject property.

If you need any further information, please do not hesitate to contact me.

Very truly yours,

NICHOLAS J. PISTOLAS

NJP:caw

enc.

cc: Mr. P. Zimmerman

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

November 14, 1979

John W. Hession, III, Esq.
People's Counsel
County Office Building
Towson, Maryland 21204

RE: DAVID ENTERPRISES, INC.
Case No. 79-83-A

Dear Mr. Hession:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

John A. Hession, Secretary

Encl.

cc: David Enterprises, Inc.
Mr. Dominick Tico
Nicholas J. Pistolos, Esq.
Mr. Jerome Radich
Ms. Clementine L. Kaufman
Mr. Paul DiCiccapio
Mr. Gilbert H. Cullen
Mr. J. E. Dyer
Mr. J. Howell
Mr. William Hammond

NICHOLAS J. PISTOLAS

ATTORNEY AT LAW

13011 828-3000

RECEIVED
BALTIMORE COUNTY
Oct 9 2 23 PM '79
808 BALTIMORE AVENUE
TOWSON, MARYLAND 21204
BY: [Signature]
October 5, 1979

Mr. William Hackett, Acting
Chairman
Board of Appeals
Baltimore County Court House
Towson, Maryland 21204

RE: Z. A. C. Meeting - August 8, 1978
Property Owner - David Enterprises, Inc.
NW/C Reisterstown Road
Proposed Zoning: Variance to permit 18 spaces in lieu
of the required 48 spaces
District: Third
Board of Appeals: September 18, 1979

Dear Mr. Hackett:

I have reviewed the letter dated September 20, 1979 from John E. Meyers of the State Highway Administration concerning the traffic in the parking lot in the captioned matter.

The inspection was made on September 18, 1979 - three days prior to the Jewish high holiday of Rosh Hashana - when the parking lot was expected to be packed with cars because of people shopping for holiday orders at Shapiro's Super Market. I am sure that the parking lot is always packed with cars several days prior to the Jewish high holidays in each and every year.

Towson Plaza Shopping Center, Rudwood Shopping Center and countless other centers are packed with cars three days before the Christian Christmas holiday, however, this is no reason to declare that these centers and their tenants and customers are detrimental to the flow of traffic. Religious holidays are the exception - in that they involve shopping and preparing for the holiday several days prior to same - thus the congestion at the site on September 18, 1979.

When shopkeepers are unable to accommodate their customers, they have a tendency to desert their shops and relocate in larger outlying shopping centers - thus the decay of several older Baltimore County areas, to name but a few. I trust the Board will not permit more decay and more abandoned stores for Towson County.

Very truly yours,

NICHOLAS J. PISTOLAS

NJP:caw

cc: John E. Meyers - Mr. P. Zimmerman

September 20, 1979

Mr. William Hackett, Acting
 Chairman - Board of Appeals
 Baltimore County Court House
 Towson, Maryland 21204

Re: Z.A.C. Meeting, August 8, 1978
 Item: 20
 Property Owner: David Enterprises, Inc.
 Location: NW/C Reisterstown Rd.
 (Route 40) & Clovelly Road
 Existing Zoning: B.L.-C.C.C.
 Proposed Zoning: Variance to permit 18 spaces in lieu of the required 48 spaces.
 Acres: 3rd
 District: Board of Appeals
 September 18, 1979

Dear Mr. Hackett:

The writer has been advised by the People's Counsel's office that you may accept a written statement in lieu of a testimony at the hearing.

Considering the lapse of time since the site was first visited in August of 1978, the writer made another inspection during the late morning of September 18, 1979, in which the following was revealed:

There is one overall parking lot which serves the restaurant building, as well as, the market. All the parking spaces were full. Vehicles were double parked, were milling about the lot, were stacked in the entrance and were backed onto Reisterstown Road.

We can only assume that this situation is even worse in the evenings. Any development that would generate any additional traffic would be detrimental to the traffic flow on the lot and on the highway.

We were advised that the petitioner suggested restricting his hours of operation to 5:00 P.M. to midnight. This should alleviate the problem during the lunch time period, however, the major problem during the evening peak hours would not be improved.

My telephone number is (301) 383-4320

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

Mr. W. Hackett (Cont.'d.)

We had previously suggested closing the southerly entrance in order to provide additional parking. Although this is still suggested, the most that could be gained is two spaces. This would not improve the situation to any great extent.

Very truly yours,

Charles Lee, Chief
 Bureau of Engineering
 Access Permits

John E. Mayers
 By: John E. Mayers

CL:JEM:vr

cc: Mr. M. Pistoras
 Mr. P. Zimmerman

RECEIVED
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 BY

- 2 -

454-3180

County Board of Appeals

Room 219, Court House
 Towson, Maryland 21204

January 25, 1979

Mr. Joseph L. Soley, President
 Davis Enterprises, Inc.
 8001 York Road
 Towson, Md. 21204

Re: Reclassification Petitions
 #79-83-A David Enterprises, Inc. (Tisco, lessee)

Dear Mr. Soley:

Enclosed please find a copy of the recently enacted Bill 122-78 which affects your petition. No further hearings on reclassification petitions will be held until the petitioners advise the Board as to their intentions within the purview of this act.

Your prompt reply is necessary.

Very truly yours,

Walter A. Reiter, Jr.
 Walter A. Reiter, Jr., Chairman

WAR: Enclosure: Bill 122-78
 cc: Mr. Dominick Tisco
 Mr. Jerome Rudich
 Mrs. Clementine L. Kaufman
 Mr. Paul DiCrimino
 John W. Heslin, III, Esq.
 Mr. James Dyer

RESIDENTIAL COMMERCIAL OCEAN FRONT ISLANDS INVESTMENT

Gilbert C. Laite Associates, Inc.



Candor Road (Route 1)
 Rockport, Maine 04856
 Tel. (207) 234-4346

Mr. Dominic Tisco
 Mike's Pizzeria
 1504 Reisterstown Road
 Pikesville, Maryland 21208

Dear DOM:

Please be kind enough to advise Mr. Martinek and/or any other members or officers of the Zoning Department of Baltimore County that my present plans for the near future preclude the possibility of attending the forthcoming January hearing for your above store located in my small center at the northwest corner of Clovelly and Reisterstown Roads.

I would therefore appreciate it very much if you could represent our interests personally at this scheduled hearing.

Thank you for your consideration.

Sincerely,

DAVID ENTERPRISES, Inc.

By: *Joseph L. Soley*
 Joseph L. Soley
 President

cc: D. Alcarese, Sec'y
 DAVID ENTERPRISES, Inc.
 8001 York Road
 Towson, Maryland 21204

September 20, 1979

Mr. William Hackett, Acting
 Chairman - Board of Appeals
 Baltimore County Court House
 Towson, Maryland 21204

Re: Z.A.C. Meeting, August 8, 1978
 Item: 20
 Property Owner: David Enterprises, Inc.
 Location: NW/C Reisterstown Rd.
 (Route 40) & Clovelly Road
 Existing Zoning: B.L.-C.C.C.
 Proposed Zoning: Variance to permit 18 spaces in lieu of the required 48 spaces.
 Acres: 3rd
 District: Board of Appeals
 September 18, 1979

Dear Mr. Hackett:

The writer has been advised by the People's Counsel's office that you may accept a written statement in lieu of a testimony at the hearing.

Considering the lapse of time since the site was first visited in August of 1978, the writer made another inspection during the late morning of September 18, 1979, in which the following was revealed:

There is one overall parking lot which serves the restaurant building, as well as, the market. All the parking spaces were full. Vehicles were double parked, were milling about the lot, were stacked in the entrance and were backed onto Reisterstown Road.

We can only assume that this situation is even worse in the evenings. Any development that would generate any additional traffic would be detrimental to the traffic flow on the lot and on the highway.

We were advised that the petitioner suggested restricting his hours of operation to 5:00 P.M. to midnight. This should alleviate the problem during the lunch time period, however, the major problem during the evening peak hours would not be improved.

My telephone number is (301) 383-4320

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

Mr. W. Hackett (Cont.'d.)

We had previously suggested closing the southerly entrance in order to provide additional parking. Although this is still suggested, the most that could be gained is two spaces. This would not improve the situation to any great extent.

Very truly yours,

Charles Lee, Chief
 Bureau of Engineering
 Access Permits

John E. Mayers
 By: John E. Mayers

CL:JEM:vr

cc: Mr. N. Pistoras
 Mr. P. Zimmerman

RECEIVED
 BALTIMORE COUNTY
 SEP 21 10 55 AM '79
 CLERK - AGED
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 BY

- 2 -

THE ZONING DEPARTMENT'S
 EXHIBIT A

7 Clovelly Road
 Pikesville, Maryland 21208
 October 4, 1978

Zoning Commission of Baltimore County

Towson, Maryland 21204

Dear Mr. Commissioners:

Re: Case No. 79-83A
 Hearing Scheduled 10/4/78
 at 11:00 p.m.

My husband and I have resided at 7 Clovelly Road in Pikesville for nearly thirty-three years. Our home lies approximately 1/8th of a mile west of the site of the proposed zoning change which is involved in this case. We have seen many changes in the course of those thirty-three years. Among these changes, the most adverse one related to traffic congestion on Clovelly Road, particularly where it intersects Reisterstown Road and within a few yards west thereof along the north side of a group of stores which includes the property the operators of which have instituted the within case seeking a zoning exception.

Clovelly Road is a very narrow road. There is insufficient space, at the present time, for parking on the part of customers of Shapiro's Supermarket at the southwest corner of Reisterstown Road and Old Court Road, and for the customers of the group of stores which are located south of that intersection and which border along the north side of Clovelly Road. That shortage of parking is augmented by the shortage of parking generally in the area. As a result of the shortage of parking spaces, a number of cars presently park on Clovelly Road.

The congestion at the intersection of Reisterstown and Clovelly Roads creates a dangerous condition as the mouth of Clovelly Road is often clogged by cars attempting to turn in from Reisterstown Road and by cars attempting to move from Clovelly onto Reisterstown Road.

When this is added to the fact that traffic moves from a rather large parking lot which services a beauty parlor located at the southwest corner of Reisterstown and Clovelly, both from Clovelly Road into that parking lot and from that parking lot into Clovelly Road, the situation assumes very serious proportions.

-2-

Under the circumstances, it would appear most unfair to the residents of the several homes on Clovelly Road, as well as public, for any zoning exception to the interests of the further aggravate conditions which at the present time are far too aggravated. Accordingly, my husband and I strongly urge that the zoning petition in this case be denied.

Very truly yours,

Clementine L. Kaufman
 Clementine L. Kaufman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
Zoning Commissioner
TO: Leslie H. Groel
FROM: Division of Planning
SUBJECT: Petition #79-83-A, Item #1
Petition for Variance for parking
Northwest corner of Reisterstown Road and Clovelly Road
Petitioner - David Enterprises, Inc.

September 27, 1978

3rd District

HEARING: Wednesday, October 4, 1978 (11:00 A.M.)

In view of the concerns expressed by the Department of Traffic Engineering,
this office cannot support the requested parking variance.

Leslie H. Groel
Leslie H. Groel
Director of Planning

LHG:JGH:rw

NICHOLAS J. PIETOLAS
ATTORNEY AT LAW

801 821-3000

608 BALTIMORE AVENUE
TOWSON, MARYLAND 21204

August 30, 1979

Board of Zoning Appeals
Room 219, Court House
Towson, Maryland 21204

RE: Case No. 79-83-A
David Enterprises, Inc.

Gentlemen:

I would appreciate your entering my appearance in the
captioned case on behalf of Dominick Tiso, Lessee (David Enterprises,
Inc.).

Very truly yours,

NICHOLAS J. PIETOLAS

NJP:caw

RECEIVED
BALTIMORE COUNTY
Aug 31 11 47 AM '79
COUNTY CLERK
BY: [Signature]

Law Office
ABRAHAM L. ADLER, P.A.
SUITE 219
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21201

Telephone
732-7651

August 6, 1979

Board of Zoning Appeals
Room 219, Court House
Towson, MD 21204

Gentlemen:

Please strike the appearance of Abraham L. Adler in
the captioned case.

Yours very truly,

ABRAHAM L. ADLER

GSK:ALA:dmb
cc: Dominick Tiso

RECEIVED
BALTIMORE COUNTY
Aug 8 2 12 PM '79
COUNTY CLERK
BY: [Signature]

7/27/79 - Notified of appeal hearing scheduled for TUESDAY, SEPTEMBER 18, 1979 at 10 a.m.

Abraham L. Adler, Esq.
Mr. Joe L. Soley
Mr. Dominick Tiso
Mr. Jerome Rudich
Mrs. Clementine L. Kaufman
Mr. Gilbert H. Cullenn
Mr. Paul D'Criscione
John W. Hession, III, Esq.

RE: Case No. 79-83-A
David Enterprises

Yours very truly,

ABRAHAM L. ADLER

GSK:ALA:dmb
cc: Dominick Tiso

Law Office
ABRAHAM L. ADLER, P.A.
SUITE 219
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21201

Telephone
732-7651

July 19, 1979

RE: Appeal from Petition for
Variance
Northwest Corner of Reisterstown
and Clovelly Road - 3rd District
David Enterprises, Incorporated
Petitioner
No. 79-83-A (Item No. 20)

Gentlemen:

It has been nearly six months since the appeal was filed
by the People's Council in this matter, and no hearing has been
scheduled. I represent Mike's Pizzeria (Tiso) which, through its
landlord, David Enterprises, Inc., was the moving party. The variance
was urgently needed to facilitate an expansion of the Mike's Pizzeria
restaurant facility. The extra space was contracted for on the strength
of the original decision, but it has been impossible to complete the
improvements because of the appeal. Therefore, the problem is extremely
pressing, and we would appreciate this matter being accelerated.

Yours very truly,

ABRAHAM L. ADLER

ALA:GSK:dmb
cc: Mr. & Mrs. Dominick Tiso



Law Office
ABRAHAM L. ADLER, P.A.
SUITE 219
CHARLES CENTER SOUTH
BALTIMORE, MARYLAND 21201

Telephone
732-7651

April 4, 1979

The Baltimore County Board of Appeals
219 Courthouse
Towson, MD 21204

RE: Petition for Variance
Northeast Corner of
Reisterstown Road and Clovelly Road
Third District
David Enterprises, Inc. - Petitioner
No. 79-83-A (Item No. 20)

Dear Board Members:

Please enter my appearance as counsel for the petitioner, David Enterprises,
Inc., in the above referenced Petition for Variance.

Yours very truly,

ABRAHAM L. ADLER

ALA:GSK:dmb
cc: Mr. & Mrs. Dominick Tiso

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

January 29, 1979

Mr. Joseph L. Soley, President
David Enterprises, Inc.
8001 York Road
Towson, Md. 21204

Re: David Enterprises, Inc. (D. Tiso, Lessee)
File No. 79-83-A

Dear Mr. Soley:

- Number of witnesses you anticipate calling _____
- How many of these witnesses will be "expert witnesses"? _____
- Fields to be covered by experts you intend to call - please check:
Land Planner _____
Real Estate _____
Engineer _____
Traffic _____
Other _____
- Total time required (in hours) for presentation of your side of the case _____

Attorney for Protestants ()

Attorney for Petitioners ()

Represented by
Attorney & Myself
Reid 4-24-79
11:50 am
D. Tiso

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

January 29, 1979

Mr. Jerome Rudich
7943 Stevenson Road
Baltimore, Md. 21208

Re: File No. 79-83-A
David Enterprises, Inc.

Dear Mr. Rudich:

- Number of witnesses you anticipate calling _____
- How many of these witnesses will be "expert witnesses"? _____
- Fields to be covered by experts you intend to call - please check:
Land Planner _____
Real Estate _____
Engineer _____
Traffic _____
Other _____
- Total time required (in hours) for presentation of your side of the case _____

Attorney for Protestants ()

Attorney for Petitioners ()

Reid 4-24-79
9:20 am

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map					9/21/78	JH				
Petition number added to outline										
Denied										
Granted by ZC, CA, CC, CA										
Reviewed by: <i>[Signature]</i>	Revised Plans: Change in outline or description Yes ☐ No ☐									
Previous case: <u>70-78-A</u>	Map # <u>4407-F</u>									

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 17th day of

July 1978. Filing Fee \$ 25.00 Received ☐ Cash ☐ Other ☐

[Signature]
S. Eric D. Hanna,
Zoning Commissioner

Petitioner Submitted by DANIEL J. JAR
Petitioner's Attorney Reviewed by *[Signature]*

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3AB Date of Posting Sept. 16, 1978

Posted for: PETITION FOR VARIANCE

Petitioner: DAVID ENTERPRISES, INC.

Location of property: NW COR. of REISTERSTOWN RD & CHLOVELY RD.

Location of Signs: FRONT 1504 REISTERSTOWN RD.

Remarks: POSTED INSIDE FRONT SHOW WINDOW

Posted by: THOMAS R. HOLLAND Date of return: SEPT. 22, 1978

1-SIGN

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>	Revised Plans: Change in outline or description Yes ☐ No ☐									
Previous case: <u>70-78-A</u>	Map # <u>4407-F</u>									

OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 September 14 1978

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR VARIANCE - David Enterprises, Inc. was inserted in the following:

- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Dundalk Times
- ☐ Arbutus Times
- ☐ Essex Times
- ☐ Community Times
- ☐ Suburban Times East
- ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 15th day of September, 1978, that is to say, the same was inserted in the issues of September 14, 1978

STROMBERG PUBLICATIONS, INC.

BY *[Signature]*

OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 September 14 1978

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STROMBERG PUBLICATIONS, INC.

BY *[Signature]*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3AB Date of Posting Jan. 30, 1979

Posted for: APPROX.

Petitioner: DAVID ENTERPRISES, INCORPORATED

Location of property: NW COR. REISTERSTOWN AND CHLOVELY RDS.

Location of Signs: FRONT 1504 REISTERSTOWN RD.

Remarks: INSIDE SHOW WINDOW

Posted by: THOMAS R. HOLLAND Date of return: SEPT. 22, 1978

1-SIGN

9/18/79 - Per W. T. Hackett - Awaiting confirmation from both attorneys (People's Counsel and Mr. Pistolas) as to whether or not Mr. Myers (S.H.A.) is to testify. If his testimony is to be essentially in line with his comments, no testimony required - will accept comments. However, if he has something new to offer, will have to continue case for his testimony.

ETE

Mr. Joseph L. Soley, President
8091 York Road
Towson, Maryland 21204

Petitioner: David Enterprises, Inc.
Petitioner's Attorney: Nicholas B. Commodari
Reviewed by: *[Signature]*
Zoning Commissioner

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

Your Petition has been received and accepted for filing this 9th day of August, 1978.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: January 18, 1979 ACCOUNT: 01-662 AMOUNT: \$125.00

RECEIVED: Gen. & S. Keith Connerly - Abraham L. Adams, Inc.
FOR: Police & Administrative Services, Case No. 79-154
1504 Reisterstown Rd.
Pikesville, Md. 21098

DATE: Oct. 14, 1978 ACCOUNT: 01-662 AMOUNT: \$125.00

RECEIVED: Gen. & S. Keith Connerly - Abraham L. Adams, Inc.
FOR: Police & Administrative Services, Case No. 79-154
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Pikesville, Md. 21098

DATE: Oct. 14, 1978 ACCOUNT: 01-662 AMOUNT: \$125.00

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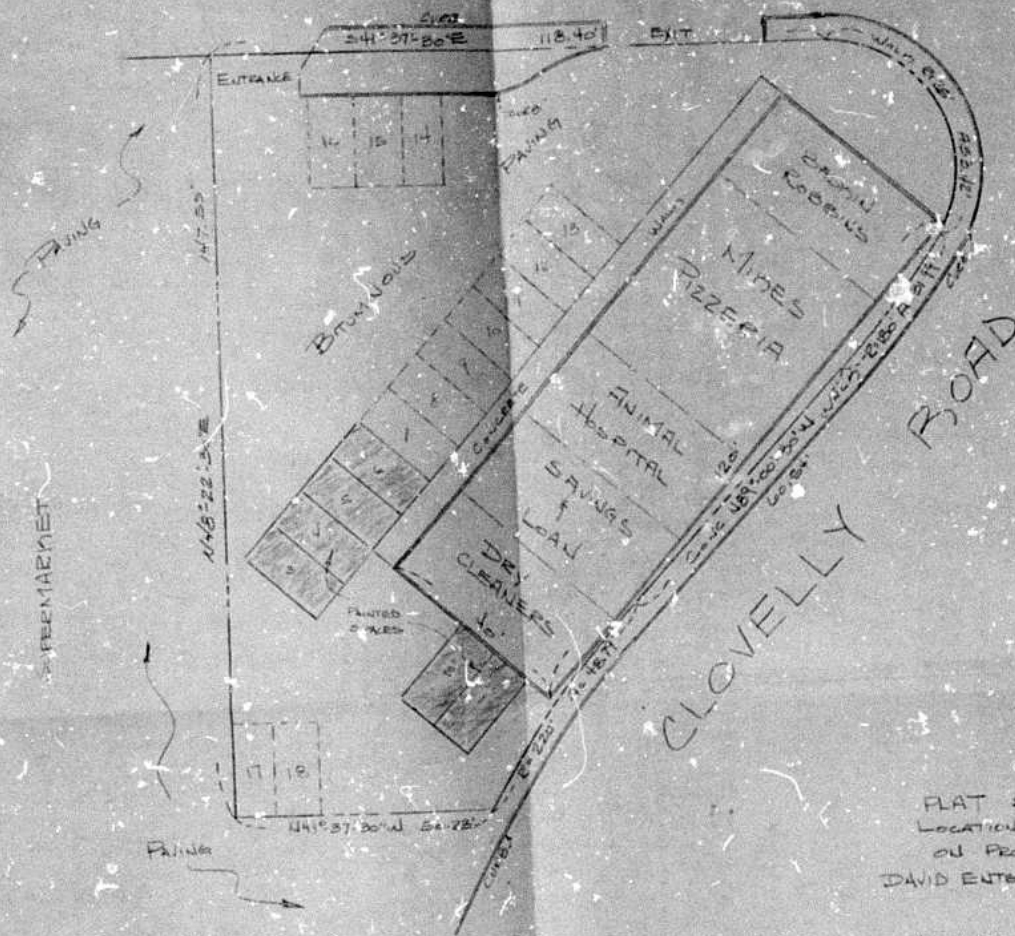
RECEIVED: Gen. & S. Keith Connerly - Abraham L. Adams, Inc.
FOR: Police & Administrative Services, Case No. 79-154
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Pikesville, Md. 21098

DATE: Oct. 14, 1978 ACCOUNT: 01-662 AMOUNT: \$125.00

RECEIVED: Gen. & S. Keith Connerly - Abraham

BEISTERSTOWN

ROAD



FLAT SHOWING
LOCATION OF PARKING
ON PROPERTY OF
DAVID ENTERPRISES, INC.

LOCATED IN
30TH ELEC. DIST., BALTO. CO., MD.

SCALE 1"=20' OCTOBER 21, 1979

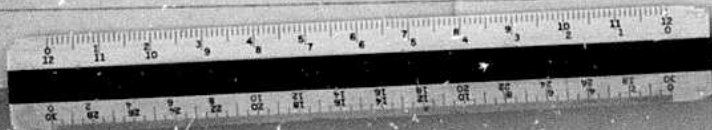
I HEREBY CERTIFY THAT
THERE ARE 18 PARKING
SPACES ON THE PROPERTY
OF DAVID ENTERPRISES, INC.

John F. Etzel Reg. L.S. 2882
Nov. 1, 1979

NOTE: PREPARED FROM PLAT 15-20



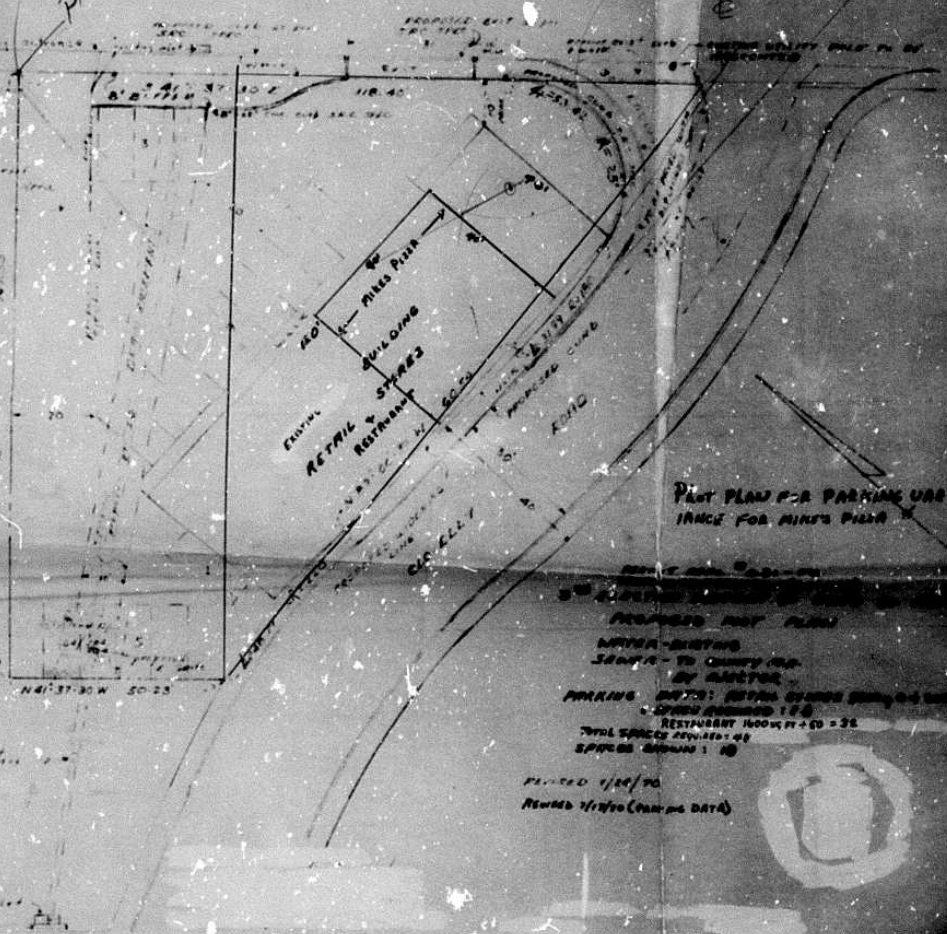
GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204



REISTENSKA (CG 1000)

ROAD

pl. of Beg.



PART PLAN FOR PARKING VARIANCE FOR MINE'S PIZZA

PROPOSED PART PLAN
MINE-EXISTING
SCHEMATIC TO COUNTY MAP
BY MINE
PARKING DATA: TOTAL SPACES 100
RESTAURANT 100
TOTAL SPACES 100
SPACES 100

REMOVED 1/10/70
REMOVED 1/10/70 (PARKING DATA)



SCALE 1/4" = 20'

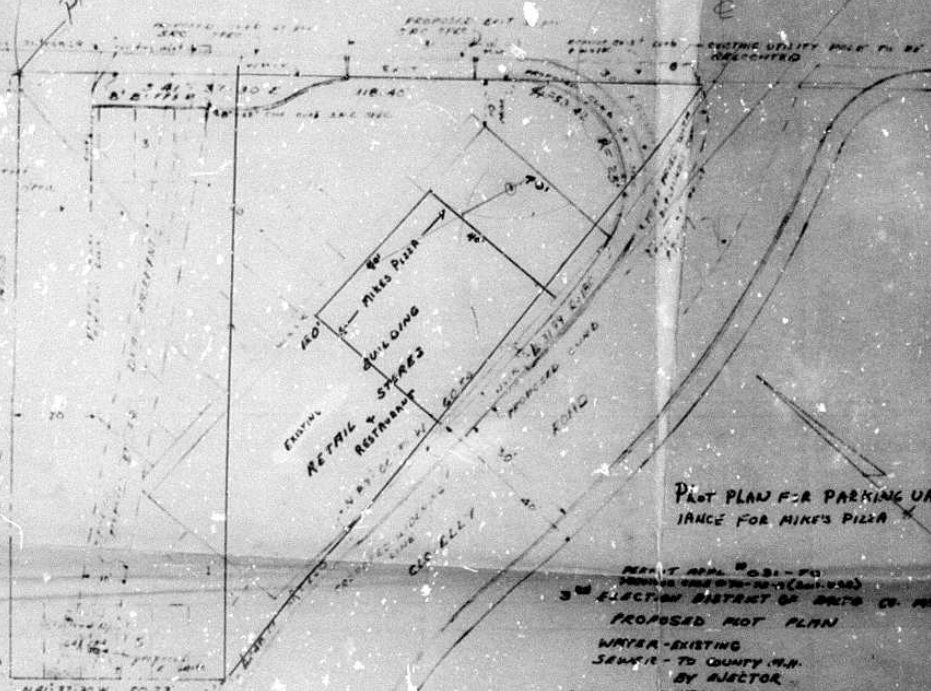
Zoning File 70-35A

DATE	1/10/70
LOCATION	1/10/70
BY	1/10/70
APPROVED	1/10/70
REMARKS	1/10/70

Plot
REISTERSTOWN (CG 1000)

220' TO THE HIGHWAY
MAY 1970 - 1/2" PROPORTION

ROAD



PLOT PLAN FOR PARKING VARIANCE FOR MIKE'S PIZZA

REAR LOT AREA 0.31 - PD
THROUGH THE 1970-70-1 (201-130)
3rd ELECTION DISTRICT OF BALTO. CO. MD.
PROPOSED PLOT PLAN

WATER - EXISTING
SEWER - TO COUNTY M.H.
BY INJECTOR

PARKING DATA: RETAIL STORES 900 sq. ft. + 500 sq. ft.
SPACES REQUIRED: 18
RESTAURANT 1600 sq. ft. + 50 = 32
TOTAL SPACES REQUIRED: 50
SPACES PROVIDED: 18

REVISED 1/18/70
REMOVED 1/17/70 (PARKING DATA)



SCALE 1" = 20'

Zoning File 70-35A

APP. <i>W. J. P.</i>
DATE <i>3-27-70</i>
BY <i>W. J. P.</i>
FOR <i>W. J. P.</i>
BY <i>W. J. P.</i>