

PETITION FOR ZONING VARIANCE  
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Harvey & Eula Marshall and Evelyn Marshall, 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 409.2 b(3)

To permit 116 parking spaces in lieu of the required 196. Section 409.2c(1)

To permit parking spaces within 61' of a street property line (Delight Road)

In lieu of the required 9'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

(possibly with sit down restaurant served by closing the existing building to carry out trade. This will alleviate traffic problems on Delight Road. Present parking is more than adequate since all spaces are never fully occupied. The prior variance was granted for this amount of parking. With present terrain and property configuration it is impossible to arrange for additional parking. Without the requested variances the Petitioners will continue to sustain practical difficulty and unreasonable hardship; and the requested variances are in harmony with the spirit and intent of the Regulations, and will foster the health, safety and welfare of the area.

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 and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Harvey & Eula Marshall  
Legal Owner  
Address: 11510 Reisterstown Road  
Owings Mills, Maryland 21117  
Nolan, Plunkhoff & Williams  
204 W. Pennsylvania Ave.  
Towson, Md. 21204  
Petitioner's Attorney  
Address: 82-12800

Address: 11510 Reisterstown Road  
Owings Mills, Maryland 21117  
Nolan, Plunkhoff & Williams  
204 W. Pennsylvania Ave.  
Towson, Md. 21204  
Petitioner's Attorney  
Address: 82-12800

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

of November 1979, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of December 1979 at 1:30 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER  
SW corner of Reisterstown Rd. and : OF BALTIMORE COUNTY  
Delight Rd., 4th District  
HARVEY MARSHALL, et al, Petitioners : Case No. 80-125-A

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 Max Zimmerman  
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 26th day of November, 1979, a copy of the foregoing Order was mailed to Harvey E. Marshall and Eula M. Marshall, 11510 Reisterstown Road, Owings Mills, Maryland 21117, Petitioners.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

James D. Nolan, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

James V. E. Sadler, Inc.  
305 W. Chesapeake Ave.  
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 1st day of October, 1979.

William E. Hammond  
Zoning Commissioner

Petitioner: Harvey Marshall et al  
Petitioner's Attorney: James D. Nolan

Reviewed by: Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 28, 1979

James D. Nolan, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No 44  
Petitioners - Marshall, et al  
Variance Petition

Dear Mr. Nolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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.

The subject property, which is located on the southwest corner of Reisterstown and Delight Roads in the 4th Election District, is presently improved with the facilities of your clients' restaurant and carry-out shop (zoned B. 1) and a 2 1/2 story office building (zoned D.R. 16) and accessory parking area. Adjacent properties are zoned residential and are improved with dwellings to the south and west, while an office building and restaurant exist to the north and east cross Reisterstown Road, respectively. While the office building is currently zoned D.R. 16, this portion of the subject property was granted a reclassification to B. 1 as a result of Case No. 76-47-R. However, with the adoption of the 1976 Comprehensive Zoning Maps, this portion of the subject property was changed to its present D.R. 16 status. The parking in the rear of this building was granted a Special Hearing as a result of Case No. 75-130-ASPH.

As a result of your clients' proposal to construct an addition connecting the existing restaurant and carry-out buildings, this Variance is required. Originally, the site plan was submitted with the parking for the carry-out building calculated as retail parking. However, after further conversations, it was decided that parking for the entire structure (existing and proposed) would be calculated at one space for every 50 square feet of building area. Because of this the Variance request has been altered to request 116 spaces provided in lieu of the required 196 spaces, as well as a parking setback from Delight Road.

Item No. 44  
Variance Petition  
November 28, 1979

All members of the Committee indicated that their comments would remain as originally submitted.

This property was the subject of a recent violation hearing (Case No. 79-168-V), and it is my understanding that further processing is being withheld with the understanding that the site is to be developed as shown on the revised site plans.

Particular attention should be afforded to the comments of the Bureau of Engineering, Office of Current Planning, Health Department, and the Department of Permits and Licenses.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:tk

Enclosures

cc: W. T. Sadler, Inc.  
305 W. Chesapeake Ave.  
Towson, Md. 21204

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

THORNTON M. MOURING  
DIRECTOR

November 15, 1979

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #44 (1979-1980)  
Property Owner: Harvey & Eula Marshall  
S/W cor. Reisterstown Rd. and Delight Rd.  
Existing Zoning: B. 1  
Proposed Zoning: Variance to permit 116 parking spaces in lieu of the required 173 spaces.  
District: 4th  
Previous Cases: 75-130A; Item 78, 1974-75 and 76-47R; Item 14, Cycle 9

Dear Mr. Hammond:

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

General:

The comments which were supplied for this property in connection with Zoning Items 180 (1973-1974) and 78 (1974-1975), and Item 14 of Zoning Cycle IX (April-October 1975), are referred to for your consideration, particularly in regard to the ultimate improvements for Delight Road, and its present and proposed intersections with Nicodemus and Reisterstown Roads.

In the Bureau of Engineering Comments in connection with Zoning Item 180 (1973-1974), reference was made to the Bureau of Public Services' comments of May 26, 1971 to this Petitioner for Commercial Building Permit Application #1023-70 (22739), which included the following paragraph:

"Because the existing crab house is to remain, the portion of the widening encompassed by the structure and an area 10 feet each side of the structure is to be deleted from the widening dedication. At the time the ultimate improvement of Delight Road is to proceed, Baltimore County will have appraisals made relative to the abandonment of the structure and acquisition of the remaining highway widening. The County will thereafter negotiate with the Owner for the value of the highway widening and the loss of the structure thereon."

Subsequently, two additions have been made to the "crab house" per Commercial Building Permit Application #C-1290-76, October 18, 1976.

Item #44 (1979-1980)  
Property Owner: Harvey & Eula Marshall  
Page 2  
November 15, 1979

General: (Cont'd)

Baltimore County highway and utility improvements are not directly involved with this Petition for Parking Variance; however, the presently submitted plan for this Item 44 (1979-1980) indicates yet another proposed structural addition; this one, to the restaurant building proper, indicating planned incorporation by the Petitioner of the "crab house" with the existing restaurant. The Bureau of Engineering prefers the "crab house" not be joined to the proposed addition and restates Baltimore County's intent of future purchase of the "crab house" and to acquire the remaining highway right-of-way widening required from this property for the ultimate improvement of Delight Road as a 40-foot closed section roadway on a 60-foot right-of-way, see Baltimore County Bureau of Land Acquisition Right-of-Way Plat RW 71-251-1, recorded Liber C.T.G. 5234, Folio 293.

The submitted plan does not indicate the future additional highway right-of-way area.

Very truly yours,

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

END:EAM:FWR:ss

cc: R. Morton  
J. Trenner  
C. R. Moore  
J. Winkley

T-NW Key Sheet  
52 & 53 NE 36 Pos. Sheets  
13 & 14 NW 1 & J Topo  
58 Tax Map



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variance requested will not adversely affect the health, safety, and general welfare of the community; and, therefore, the Variances should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of February, 1982, that the herein Petition for Variances to permit 116 parking spaces in lieu of the required 196 spaces and to permit parking spaces to be located within 6 feet of the property line on the Delight Road side of the subject property in lieu of the required 8 feet, in accordance with the site plan prepared by W.T. Sadler, Inc., dated October 25, 1979, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Neither the proposed addition for carry out nor the existing one-story block building for carry out shall have any tables, chairs, or stools to be used to serve the patrons with food to be consumed on the premises, but shall be used only as carry out facilities.
2. All outdoor lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, in order to minimize illumination beyond the subject property.
3. Approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.

Zoning Commissioner of  
Baltimore County



baltimore county  
office of planning and zoning  
TOWSON, MARYLAND 21204  
(301) 494-3711  
John D. Seyffert  
DIRECTOR

November 19, 1979

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #44, Zoning Advisory Committee Meeting, August 21, 1979, are as follows:

Property Owner: Harvey and Eula Marshall  
Location: SW/C Reisterstown Road and Delight Road  
Existing Zoning: B.L.  
Proposed Zoning: Variance to permit 116 parking spaces in lieu of the required 173 spaces.  
District: 4th  
Previous Cases: 75-130-A; Item 78, 1974-75 and 76-47-R; Item 14, Cycle 9

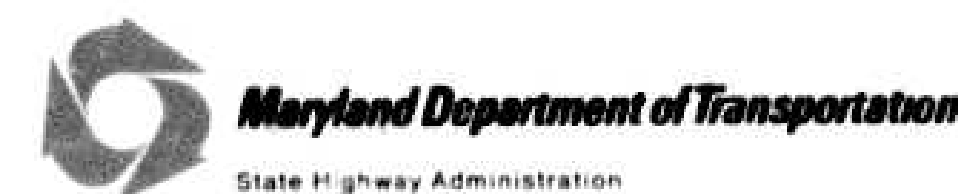
This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on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

The site plan should indicate provisions for the future widening of Delight Road for the entire length of the property.

Landscaping should be provided where possible.

Very truly yours,

John L. Wimbley  
Planner III  
Current Planning and Development



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

August 30, 1979

Mr. William E. Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Md. 21204  
Attn: N. Commodari

Re: Z.A.C. Meeting Aug. 21, 1979

Item 44. Property Owner: Harvey & Eula Marshall  
Location: SW/C Reisterstown Rd. (Rte. 140) & Delight Rd.  
Existing Zoning: B.L.  
Proposed Zoning: Variance to permit 116 parking spaces in lieu of the required 173 spaces.  
Acres: 4th  
District: 4th  
Previous Cases: 75-130-A; Item 78, 1974-75 and 76-47-R; Item 14, Cycle 9

Dear Mr. Hammond:

The existing entrance channelization for Reisterstown Rd. is acceptable to the State Highway Administration. However, the proposed addition will eliminate traffic circulation between the parking lot on Reisterstown Rd. and the rear lot. This situation as well as the parking variance could cause traffic problems which could extend out onto the highway.

Very truly yours,

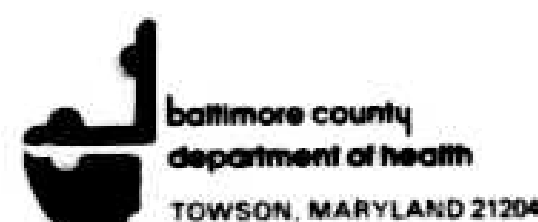
Charles Lee, Chief  
Bureau of Engineering  
Access Permits

By: John E. Meyers

CL:m:gf

My telephone number is \_\_\_\_\_

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



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

October 8, 1979

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #44, Zoning Advisory Committee Meeting of August 21, 1979, are as follows:

Property Owner: Harvey & Eula Marshall  
Location: SW/C Reisterstown Rd. & Delight Rd.  
Existing Zoning: B.L.  
Proposed Zoning: Variance to permit 116 parking spaces in lieu of the required 173 spaces.  
Acres: 4th  
District: 4th  
Previous Cases: 75-130-A; Item 78, 1974-75 and 76-47-R; Item 14, Cycle 9

Metropolitan water and sewer exist.

Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, Baltimore County Department of Health, for review and approval.

Very truly yours,

Ian J. Forrester, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/JHE/fthg

cc: J. A. Butcher



Paul H. Reincke  
CHIEF

August 28, 1979

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

Attention: Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee

Re: Property Owner Harvey & Eula Marshall

Location: SW/C Reisterstown Rd. & Delight Rd.

Item No. 44 Zoning Agenda: Meeting of 8/21/79

Gentlemen:

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

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road 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 \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

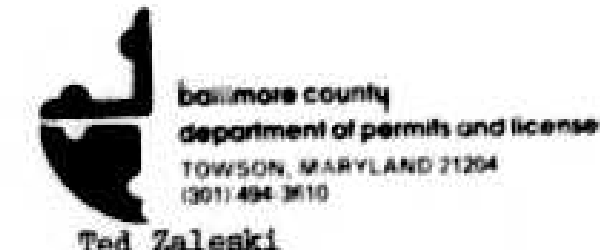
( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 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" 1976 Edition prior to occupancy.

( ) 6. Site plans are approved as drawn.

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

REVIEWER: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division



Ted Zaleski  
DIRECTOR

September 5, 1979

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #44, Zoning Advisory Committee Meeting, August 21, 1979 are as follows:

Property Owner: Harvey and Eula Marshall  
Location: SW/C Reisterstown Road & Delight Road  
Existing Zoning: B.L.  
Proposed Zoning: Variance to permit 116 parking spaces in lieu of the required 173 spaces.

Acres: 4th  
District: 4th  
Previous Cases: 75-130A, Item 78.174-75 and 76-47 R, Item 14 Cycle 9  
The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

X B. A building permit shall be required before construction can begin.

X C. Additional miscellaneous permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X F. 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, for any alterations, additions, etc.

G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

H. Requested setback variances conflict with the Baltimore County Building Code. See Section \_\_\_\_\_

I. No Comment.

X J. Comment: Plans do not indicate Handicapped parking if the proposed addition is to be constructed.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,

Charles E. Burman  
Charles E. Burman, Chief  
Plans Review

CHB:rsj

## BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: August 17, 1979

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

Z.A.C. Meeting of: August 21, 1979

RE: Item No: 28, 42, 43, 44, 45, 46, 47, 48  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

W. Nick Petrovich  
W. Nick Petrovich,  
Field Representative

WNP/bp

JOSEPH M. MCGOWAN, PRESIDENT  
T. SAYARD WILLIAMS, JR., VICE-PRESIDENT  
MARCUS M. ROTARIUS

THOMAS H. BOYER  
MRS. LORRAINE F. CHURCH  
ROGER D. HAYDEN  
ROBERT T. DUBEL, SUPERINTENDENT

ALVIN LORECK  
MRS. HILTON R. SMITH, JR.  
RICHARD W. TRACEY, D.V.M.



LAW OFFICES OF  
**NOLAN, PLUMHOFF & WILLIAMS**  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

AREA CODE 301  
TELEPHONE  
863 7800

November 27, 1979

The Hon. William E. Hammond, Esquire  
Zoning Commissioner  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Office of Planning Comment Concerning  
Parking Variance Case for Captain Harvey's  
Restaurant, Case No. 80-125-A.  
Scheduled Hearing Date Thursday, December 6,  
1979 at 1:30 P.M.

Dear Commissioner Hammond:

Although we have not received a copy of the Zoning  
Advisory Comments nor did we directly receive a copy of the  
Director of Planning's Comments, although we have entered our  
appearance in this case, our client has sent to us a copy of  
Mr. Seyffert's Comments dated November 21, 1979.

As our testimony will fully bear out on December 6 the  
requested parking variance in this case will be of benefit  
both to the property owner and to the neighborhood.

First of all, as to the neighborhood, it will allow  
the southern part of the property to remain partially in well  
landscaped lawns and plantings, rather than compelling the  
property owner to tear out the lawns and landscaping and pave  
over virtually the entire site.

We have been told by chain restaurants that come to  
Baltimore County that Baltimore County's requirement of one  
space for each 50 square feet is one of the most rigorous  
parking requirements in the entire country with which they are  
familiar and is, in fact, too high a requirement. The recent  
proposal to reduce or even completely eliminate the restaurant  
parking requirement in town centers is evidence of the excessive  
nature of the present requirement.

Furthermore, Mr. Marshall has had years of experience  
in this location and there are only three days of the year

Page two - Commissioner Hammond - November 27, 1979

when the upper lot on the southern end of the property is  
even used at all, namely Mother's Day, New Year's Day and  
Preakness Day.

Furthermore, the new addition which this variance  
will help provide for is in fact a carryout structure for  
which one space for every 200 square feet would be acceptable,  
but to allow the possibility of a few sitdown tables, we have  
asked for a variance for the entire structure. Thus, the 196  
onsite spaces would require virtually the entire site to be  
turned into a sea of asphalt, something that everyone wishes to  
avoid.

Finally, we can assure both the Department of Traffic  
Engineering and the State Highway Administration that this  
variance will not create traffic problems for the area.

Looking forward to going into these various points in  
greater detail at the hearing, I am,

Respectfully,

James D. Nolan

JDN/hi  
cc: Jean M.H. Jung, Deputy Zoning Commissioner  
Department of Planning and Zoning

John D. Seyffert, Director  
Department of Planning and Zoning

Nicholas B. Commodari, Chairman  
Zoning Advisory Committee

Mr. James D. Hoswell  
Department of Planning and Zoning

Mr. Michael S. Flanigan  
Traffic Engineering

Mr. John F. Meyers  
State Highway Administration  
301 W. Preston Street  
Baltimore, Md. 21202

Harvey E. Marshall, Jr.

Mrs. Evelyn Marshall

William Sadler  
W. T. Sadler, Inc.

Hugh E. Gelston

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Mr. William E. Hammond  
TO: Zoning Commissioner  
John D. Seyffert, Director  
FROM: Office of Planning and Zoning

Date: November 21, 1979

SUBJECT: Petition No. 80-125-A, Item 44

Petition for Variance for parking  
Southwest corner of Reisterstown Road and Delight Road  
Petitioner: Harvey Marshall, et al

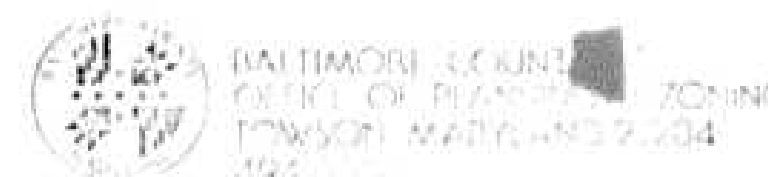
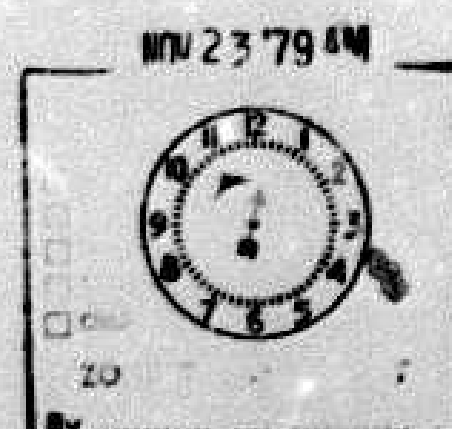
4th District

HEARING: Thursday, December 6, 1979 (1:30 P.M.)

This office shares the concerns expressed by the Zoning Advisory  
Committee's representatives from the Department of Traffic  
Engineering and the State Highway Administration as they relate  
to the requested reduction in required parking; hence, this office  
is opposed to the granting of the subject petition.

John D. Seyffert, Director  
Office of Planning and Zoning

JDS:JGH:dmc



James D. Nolan, Esquire  
Nolan, Plumhoff & Williams  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

February 7, 1980

RE: Petition for Variances  
SW/corner of Reisterstown Road  
and Delight Road - 4th Election  
District  
Harvey E. Marshall, Jr., et al  
NO. 80-125-A (Item No. 44)

Dear Mr. Nolan:

I have this date passed my Order in the above referenced matter in ac-  
cordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH/srl

Attachments

cc: Mrs. Patricia A. Lazzelle  
Reisterstown-Owings Mills-Glyndon  
Coordinating Council  
P.O. Box 117  
Reisterstown, Maryland 21136

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

W. T. SADLER, INC.  
Surveyors

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE FOR ADDITION TO  
EXISTING RESTAURANT

OWNER: HARVEY MARSHALL AND EULA MARSHALL, HIS WIFE  
11504-11510 REISTERSTOWN ROAD  
4th DISTRICT  
BALTIMORE COUNTY, MARYLAND

DATE: AUGUST 7, 1979

DESCRIPTION:

Beginning for the same at the intersection formed by the southwest  
side of Reisterstown Road and the southeast side of Delight Road and  
running thence along the side of said Reisterstown Road South 36 degrees  
23 minutes 00 seconds East 284 feet, more or less, thence leaving  
said road South 45 degrees 01 minutes 20 seconds West 249 feet, more  
or less, North 40 degrees 00 minutes 00 seconds West 188.52 feet and  
North 66 degrees 38 minutes 00 seconds West 47.00 feet to the southeast  
side of Delight Road, thence running along said Delight Road North  
28 degrees 47 minutes 24 seconds East 122.00 feet North 61 degrees  
12 minutes 36 seconds West 10.00 feet, North 25 degrees 47 minutes 24  
seconds East 47.50 feet South 61 degrees 12 minutes 36 seconds East  
19.00 feet North 28 degrees 47 minutes 24 seconds East 108.32 feet and  
40.07 feet along the arc of a curve to the right having a radius of  
20 feet to the place of beginning.

Subject to any easements or right of ways of record.

The above description compiled from deeds and records.

By: William T. Sadler P.L.S. 7730

HARVEY E. MARSHALL, JR.

**PARKING DATA**

Existing Restaurant (1st Floor & Basement) 6048 sq.ft.:  
6048 sq.ft. at 1/50= 121 spaces  
Existing 2-1/2-story building - Offices:  
970 sq.ft. at 1/300= 3 spaces  
1304 sq.ft. at 1/500= 3 spaces  
Existing Carryout - 1102 sq.ft.:  
1102 sq.ft. at 1/50= 23 spaces  
Proposed Addition - 2264 sq.ft.:  
2264 sq.ft. at 1/50= 46 spaces

TOTAL SPACES REQUIRED . . . . . 196  
TOTAL SPACES PROVIDED . . . . . 116  
TOTAL SPACE VARIANCE REQUESTED. . . . . 80 . . . . . 80 spaces

ABOVE DATA TAKEN FROM PLAT TO ACCOMPANY PETITION  
FOR PARKING VARIANCE AND SETBACK OF PARKING SPACE  
FROM DELIGHT ROAD DATED 10/23/79 - W. T. SADLER, INC.

ZONING COMMISSIONER'S ORDER (CASE NO. 75-130-ASPH)  
DATED 12/12/74 IS 106 SPACES IN LIEU OF THE REQUESTED  
167 SPACES OR A TOTAL SPACE VARIANCE OF 61 SPACES. . . . . 61 spaces

OUR PRESENT REQUEST IS FOR AN ADDITIONAL. . . . . 19 spaces

Plat Ex. #3

**CERTIFICATE OF PUBLICATION**  
A0863

Pikesville, Md., May 22, 1979  
THIS IS TO CERTIFY, that the annexed advertisement  
was published in the NORTHWEST STAR, a weekly  
newspaper published in Pikesville, Baltimore  
County, Maryland before the \_\_\_\_\_ day  
of \_\_\_\_\_, 79

the first publication appearing on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19 79  
the second publication appearing on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19  
the third publication appearing on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19

THE NORTHWEST STAR

John D. Seyffert, Director  
Office of Planning and Zoning

Cost of advertisement, \$29.40

**PETITION FOR VARIANCE  
AS SUBMITTED**

LOCATION: Southwest corner of  
Reisterstown Road and Delight  
Road

DATE & TIME: Thursday, Decem-  
ber 6, 1979 at 1:30 P.M.

PUBLIC HEARING: Room 106,  
County Office Building, 111 W.  
Chesapeake Avenue, Towson,  
Maryland

The Zoning Commission of Bal-  
timore County, by authority of the  
Zoning Act and Regulations of Bal-  
timore County, will hold a public  
hearing:

Petition for Variance to permit  
18 parking spaces in lieu of the  
required 106, and to permit parking  
spaces within 4 feet of a street  
property line (Delight Road) in lieu  
of the required 12 feet.

The Zoning Regulation to be ap-  
plied as follows:

Section 402.02(a) - Off-street parking  
spaces 40 feet - Requirements for  
all parking spaces or parking lots  
All that parcel of land in the  
Fourth District of Baltimore County  
known as the site of the intersection  
formed by the south-  
west side of Reisterstown Road and  
the southeast side of Delight Road  
and running thence along the side  
of said Reisterstown Road South 36  
degrees 23 minutes 00 seconds East  
284 feet, more or less, thence leav-  
ing said road South 45 degrees 01  
minutes 20 seconds West 249 feet,  
more or less, North 40 degrees 00  
minutes 00 seconds West 188.52 feet  
and North 66 degrees 38 minutes 00  
seconds West 47.00 feet to the  
southeast side of Delight Road,  
thence running along said Delight  
Road North 28 degrees 47 minutes 24  
seconds East 122.00 feet North 61  
degrees 12 minutes 36 seconds West  
10.00 feet, North 25 degrees 47  
minutes 24 seconds East 47.50 feet  
South 61 degrees 12 minutes 36  
seconds East 19.00 feet North 28  
degrees 47 minutes 24 seconds East  
108.32 feet and 40.07 feet along the  
arc of a curve to the right having  
a radius of 20 feet to the place of  
beginning, and easements or right  
of way of record.

Being the property of Harvey  
Marshall, et al, as shown on a plat  
filed with the Zoning Depart-  
ment.

Hearing Date: Thursday, Decem-  
ber 6, 1979 at 1:30 P.M.  
Public Hearing: Room 106, Coun-  
ty Office Building, 111 W. Ches-  
apeake Avenue, Towson, Md.

By: \_\_\_\_\_

By: \_\_\_\_\_

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., November 15, 1979

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., ~~once~~  
of one time ~~before~~ before the 6th  
day of December, 1979, the ~~one~~ publication  
appearing on the 15th day of November  
1979.

THE JEFFERSONIAN,  
L. Frank Strickland  
Manager.

Cost of Advertisement, \$ . . . . .



## BALTIMORE COUNTY OFFICE OF PLANNING &amp; ZONING

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

Your Petition has been received this 8th day of August, 1979.

Filing Fee \$ 25.00 Received: ☒ Check  
☐ Cash  
☐ Other

William E. Hammond  
William E. Hammond, Zoning Commissioner

Petitioner Harry E. Marshall Submitted by Charles Pippin  
Petitioner's Attorney none Reviewed by DAS

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

## 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<br>ZC, BA, CC, CA                    |                                             |    |          |    |           |    |         |    |           |    |
| Reviewed by: <u>6077</u>                        | Revised Plans:                              |    |          |    |           |    |         |    |           |    |
| Previous case: <u>76 474</u>                    | Change in outline or description <u>Yes</u> |    |          |    |           |    |         |    |           |    |
|                                                 | Map # <u>75 134 454</u>                     |    |          |    |           |    |         |    |           |    |

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 4th Date of Posting Nov. 18, 1979  
Posted for: Residence, See Variance  
Petitioner: Harry E. Marshall et al  
Location of property: 5016 Pennsylvania Road on Delmont Road  
Location of Signs: Signs on Pennsylvania Rd. & Delmont Rd.  
Remarks: 1-Sign  
Posted by: William E. Hammond Date of return: Nov. 23, 1979

## BALTIMORE COUNTY OFFICE OF PLANNING &amp; ZONING

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

Your Petition has been received and accepted for filing this 1st day of Nov., 1979.

William E. Hammond  
WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner Harry Marshall et al Reviewed by: Nicholas B. Commodari  
Petitioner's Attorney J. Nolan Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 83261

OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPTDATE November 5, 1979 ACCOUNT 01-662AMOUNT \$25.00RECEIVED FROM Charles Vaughan PippinFOR Filing Fee for Case No. 80-125-A8265286 7 25.00

VALIDATION OR SIGNATURE OF CASHIER

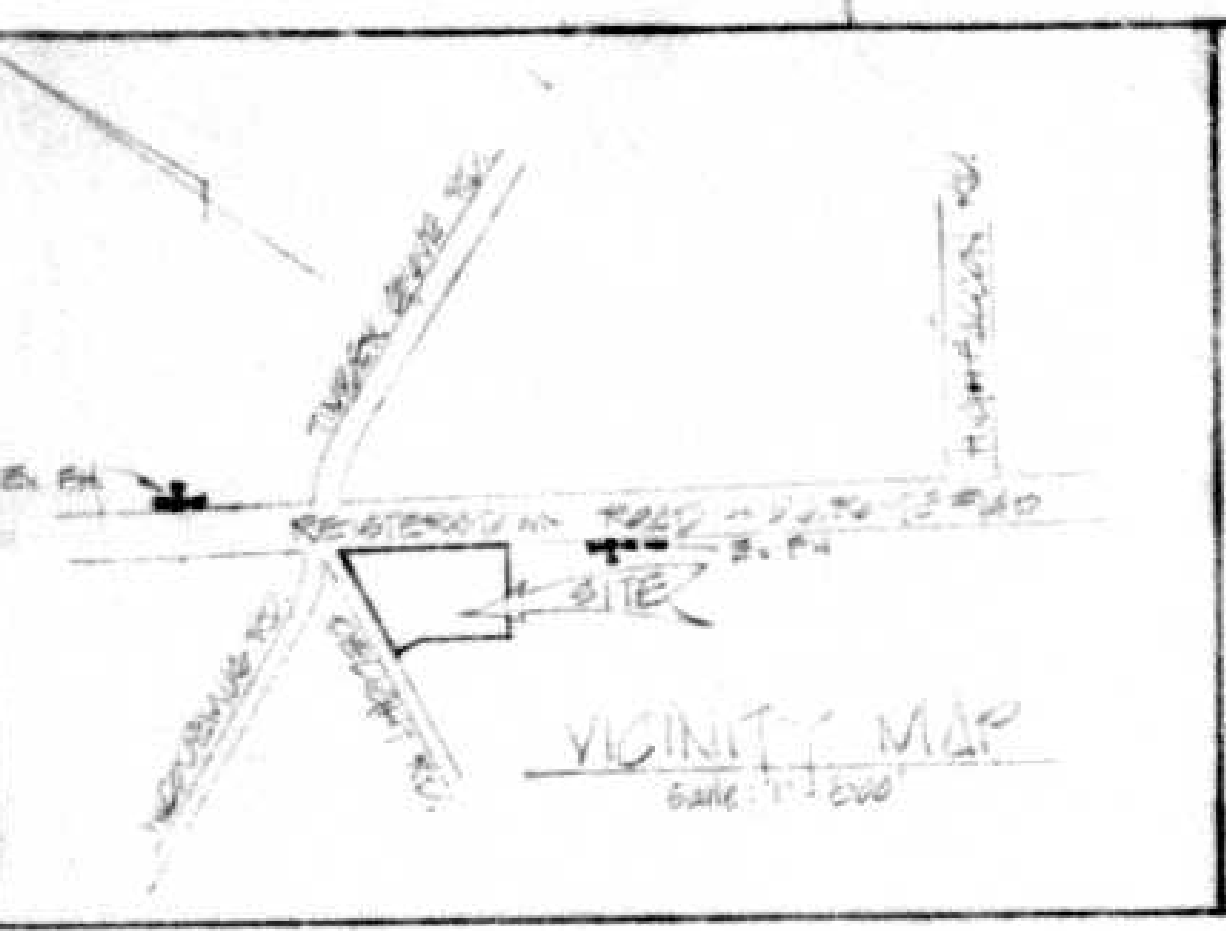
BALTIMORE COUNTY, MARYLAND No. 83281

OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPTDATE December 1, 1979 ACCOUNT 01-662AMOUNT \$60.65RECEIVED FROM Newton A. Williams, EsquireFOR Advertising and Posting of Case No. 80-125-A8137400 4 60.25

VALIDATION OR SIGNATURE OF CASHIER







**PARKING DATA**

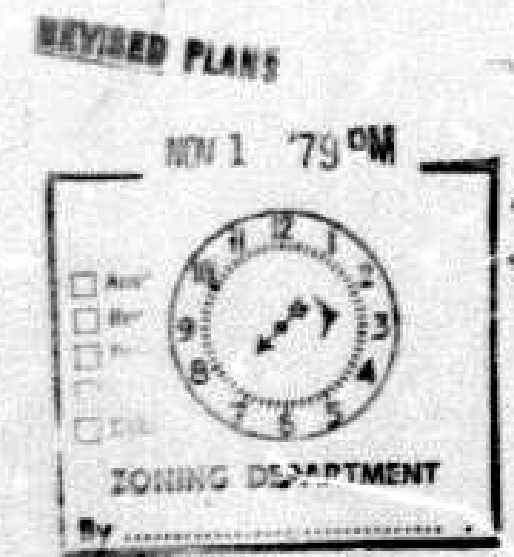
Existing Restaurant (10,000 sq. ft.) = 60 spaces  
 60,000 sq. ft. @ 1/2000 = 120 spaces  
 Existing 1/2 Store Building - Office  
 510 sq. ft. @ 1/2000 = 25 spaces  
 100 sq. ft. @ 1/2000 = 5 spaces  
 Existing Carry-Out = 1162 sq. ft.  
 1162 sq. ft. @ 1/2000 = 23 spaces  
 Proposed Addition 2264 sq. ft.  
 2264 sq. ft. @ 1/2000 = 45 spaces  
**TOTAL SPACES REQUIRED = 196**  
**TOTAL SPACES PROVIDED = 116**

- GENERAL NOTES**
- 1) Proposed Parking Adjacent Proposed Restaurant - Proposed Amusement Facility & Proposed Office.
  - 2) Only Passenger Vehicle Shall Use The Parking Lot To Enter.
  - 3) No Loading or Service of Any Vehicle Other Than Parking Shall Be Permitted.
  - 4) Lighting Shall Be Required As To Location, Amount, Hours of Illumination, & Type & Intensity As Required.
  - 5) Screening Shall Be Provided By The Intersection & A Four (4) Foot High Stockade Type Fence.
  - 6) Parking Area Shall Be Paved With A Maintenance Service - And Adequate Drainage Facilities Shall Be Provided.

**PLAT TO ACCOMPANY**

A PETITION FOR PARKING VARIANCE  
 AND  
 SETBACK OF PARKING SPACES FROM DELIGHT ROAD

11504 & 11510 REISTERSTOWN ROAD  
 4TH ELECTION DISTRICT  
 BALTIMORE COUNTY, MARYLAND  
 OCTOBER 23, 1973.

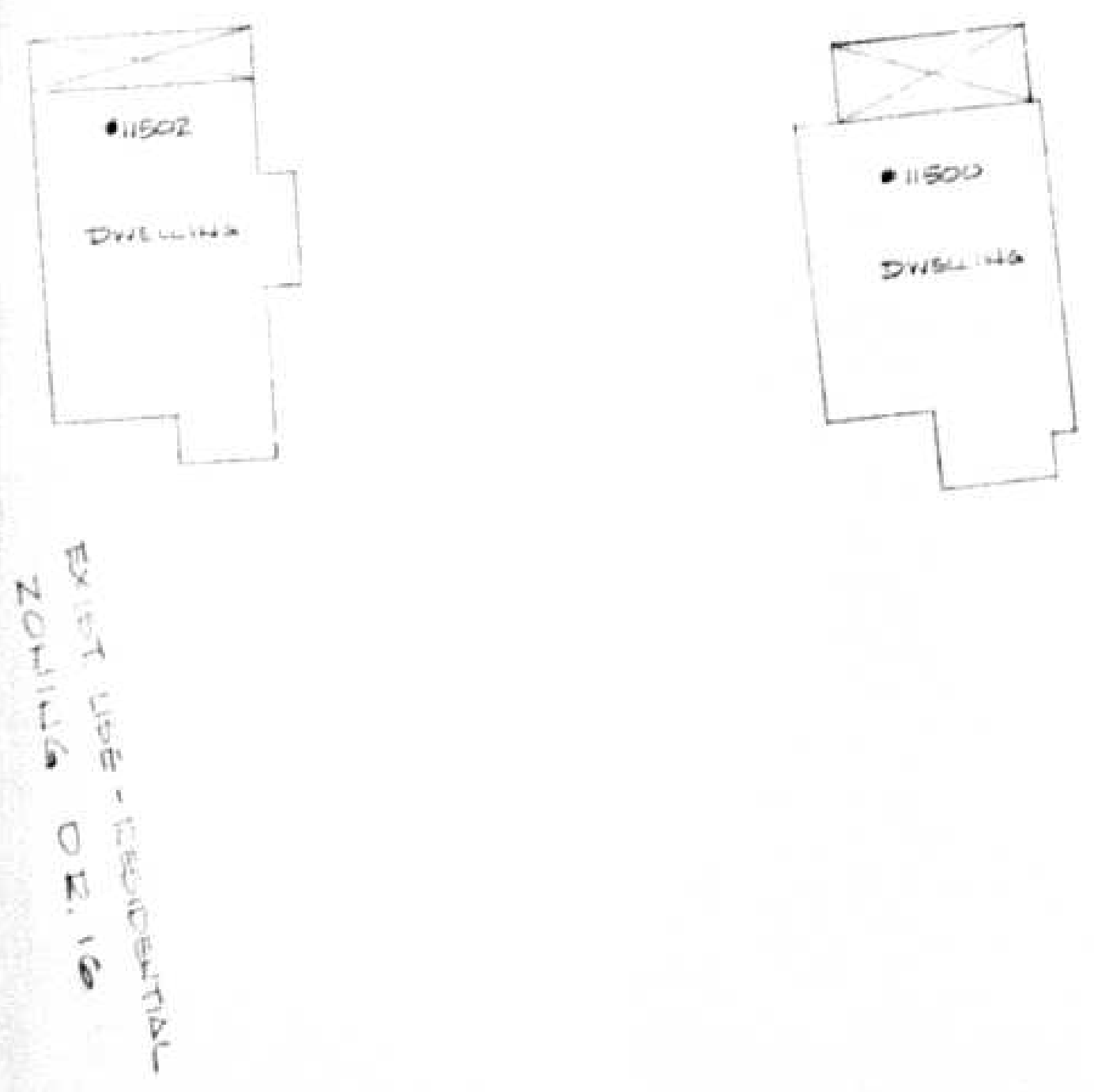
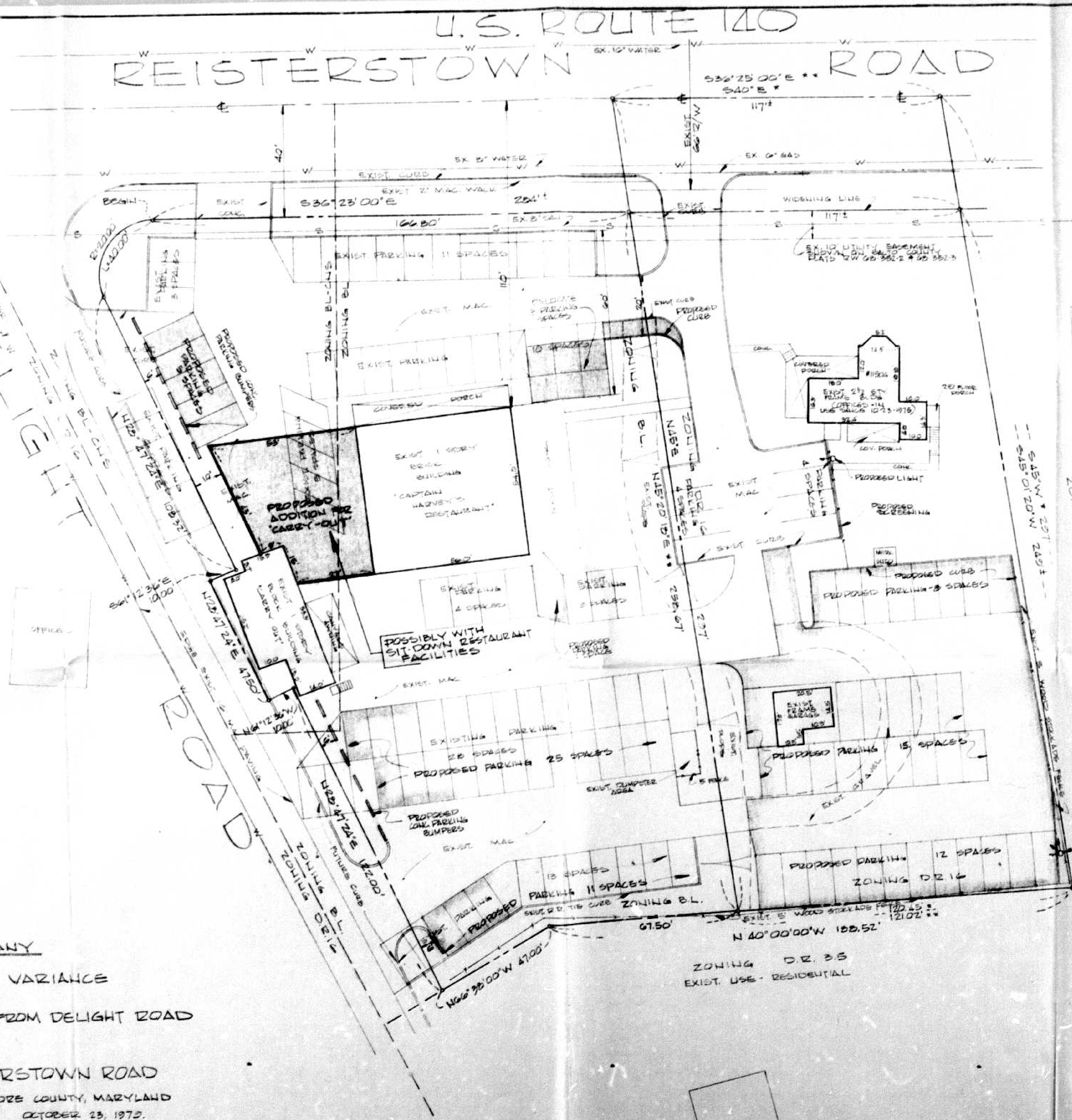


W. T. SADLER, INC.  
 SURVEYORS  
 305 W. CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21204

*[Signature]*  
 10/24/73  
 DATE



NOTE: THIS DRAWING WAS REVISED TO REFLECT NEW PARKING LAYOUT AND CALCULATIONS.



PRIOR ZONING  
 75-130-A ITEM 75  
 76-47-R ITEM 14

— OWNERS —  
 HARVEY MARSHALL & EVELYN MARSHALL  
 AND EULA MARSHALL  
 11510 REISTERSTOWN ROAD  
 OWINGS MILLS MARYLAND  
 21117



~~W. H. H.~~  
80-125-A

**Reisterstown - Owings Mills - Glyndon  
Coordinating Council**

P O BOX 117  
REISTERSTOWN, MARYLAND 21136

December 5, 1979

Zoning Commissioner  
300 W. Chesapeake Avenue  
Towson, MD 21204

Dear Zoning Commissioner:

The Reisterstown-Owings Mills-Glyndon Coordinating Council voted to support the parking variance for Harvey Marshall's property, case number 80-125-A.

This restaurant is established, well patronized and known for its seafood. It is an asset to the community.

Thank you for your cooperation.

Sincerely,

*Phyllis L. Daly*

Phyllis L. Daly  
President

*Patricia A. Lazelle*

Patricia A. Lazelle  
Chairperson, Planning and Zoning

PAL:jlm

P. J. E. #5  
not on file





BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

September 25, 1979

Mr. Henry H. Lewis  
55 Gwynn Mill Court  
Owings Mills, Maryland 21117

RE: Case No. 79-168-V  
11504 Reisterstown Road

Dear Mr. Lewis:

Your letter addressed to Mr. William E. Hammond, Zoning Commissioner, dated September 20, 1979, has been referred to me for a reply. With respect to your request, this office offers what is believed to be an acceptable solution to the referenced matter.

By the target date of October 11, 1979, as set forth in the letter of September 5, 1979, the rear parking area should be properly paved and so designed as presented on the approved site plan dated February 23, 1978. In addition, the trailer should be removed from the site. The site plan to be submitted in conjunction with the variance request should also be filed by the October 11th date.

These corrections are not expected to impact the construction area surrounding the proposed addition. The effort extended would also show a good faith attempt to comply with the Regulations allowing us to make the following concessions:

1. The parking strip and curbing along Delight Road can be completed during the period of future construction.
2. The parking area in front of the restaurant and facing Reisterstown Road can be corrected during the period of future construction.
3. Any necessary corrections to be made to the ramp connecting this parking area and the office driveway can be made during the period of future construction.

Mr. Henry H. Lewis  
Page Two  
September 25, 1979

4. A date for the variance hearing will be selected as expeditiously as the present schedule allows.

Of course, this agreement would be voided should the parking variance be denied, as we would expect immediate compliance to be attempted with the previously approved plan.

As we expect a return response in writing acknowledging Mr. Marshall's acceptance of these conditions, your immediate attention to this matter would be appreciated.

Very truly yours,

*Arthur J. Griffin, Jr.*  
ARTHUR J. GRIFFIN, JR.  
Zoning Inspector

AJG:roh

cc: Mr. William E. Hammond  
Zoning Commissioner

Mrs. Jean M.H. Jung  
Deputy Zoning Commissioner

Nicholas B. Commodari, Chief  
Development Control Section

Mr. Harvey Marshall

File

October 9, 1979

Mr. Nicholas B. Commodari, Chief  
Development Control Section  
Baltimore County  
Office of Planning and Zoning  
Towson, Maryland 21204

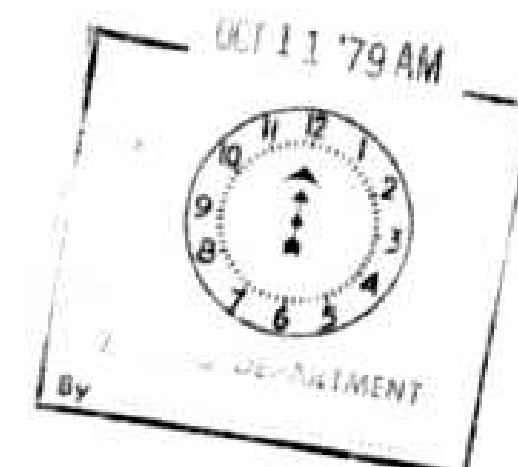
Re: 11504 Reisterstown Road

Dear Mr. Commodari:

We wish to advise all parties concerned that I have been occupying and using subject property continually for office and parking since zoning re-classification on October 23, 1979.

Very truly yours,

*Harvey E. Marshall, Jr.*  
Harvey E. Marshall, Jr.  
11504 Reisterstown Road  
Owings Mills, Maryland 21117



COPY



Henry H. Lewis Contractors, Inc.

October 6, 1979

Mr. Arthur J. Griffin, Jr.  
Zoning Inspector  
Baltimore County  
Office of Planning and Zoning  
Towson, Maryland 21204

Re: Case Number 79-168-V  
11504 Reisterstown Road

Dear Mr. Griffin:

In order to keep our communication lines open on subject case, we would like to state our understanding to date.

In reference to your letter of September 25, 1979, requesting the Owner to take certain steps by October 11, 1979, we wish to report as follows:

1. The refrigerated storage trailer has been removed from the property.
2. A site plan had been submitted on August 8, 1979, when filing for variance; however we do understand that Mr. Commodari requires a few changes.
3. The property area in rear of office requested to be paved had never been repaired, prior to your request. The "approved" drawings by your zoning department indicated this area to be stoned. We believe that zoning regulations call for parking area of this type to be a hard dust free surface, which I believe the Owner has.

We might add that this additional parking space is never really required.

If it is a requirement of the County at a later date, we will discuss the issue at that time.

Under Item #1 in your letter of September 25th, you state that the curbing along Delight Road can be accomplished during new construction. We assume that you are referring to "on site", inasmuch as when the Owner deeded or turned over the strip of land along Delight Road to the County, it was agreed that the off site curbing and road improvements would be accomplished at some future date, by the County.

October 8, 1979

Mr. Arthur J. Griffin, Jr.  
Page Two

The Owner does agree to make the other on site corrections during time of construction.

In view of the above, we feel that the Owner has made compliance with all requests.

Mr. Sadler, the Owner's engineer, will meet with Mr. Commodari to make the few changes on the site plan.

We will be willing to discuss any issue that you may question at any time.

We would appreciate as early a hearing date as possible.

Very truly yours,

HENRY H. LEWIS CONTRACTORS, INC.

Henry H. Lewis

HHL/a

cc: Mr. Harvey E. Marshall, Jr.  
Mr. Charles V. Tippen  
Mr. William Sadler  
Mr. William E. Hammond, Zoning Commissioner  
Mr. Nicholas B. Commodari