

PETITION FOR ZONING VARIANCE 83-78-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 238.2 to permit a ten (10) foot rear yard setback of the required thirty (30) feet.

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

The structure necessitating the requested variance is a walk-in freezer which must be located to the rear of the restaurant's kitchen; and to locate it elsewhere would result in undue hardship and practical difficulty to the Petitioner.

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.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee: **Towson Foods of Columbia, Inc.**
(Type or Print Name)
By: **Melvin C. Geller, President**
Signature
300 East Joppa Road
Address
Towson, Maryland 21204
City and State

Legal Owner(s): **Herbert D. Siegel**
(Type or Print Name)
Signature
3 Pomona North
Apartment 3 (301) 484-8990
Address Phone No.
Baltimore, Maryland 21208
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
210 Allegheny Avenue
Towson, Maryland 21204 (301) 823-4111
Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 6th day of July, 1982, 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 16th day of September, 1982, at 1:30 o'clock P.M.

[Signature]
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an arcade in combination with a restaurant.

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

I, or we, agree to pay expenses of above Special Exception 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.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee: **Towson Foods of Columbia, Inc.**
(Type or Print Name)
By: **Melvin C. Geller, President**
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Legal Owner(s): **Herbert D. Siegel**
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Apt. 3 (301) 484-8990
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Name, address and phone number of legal owner, contract purchaser or representative to be contacted
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210 Allegheny Avenue
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Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 6th day of July, 1982, 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 16th day of September, 1982, at 1:30 o'clock P.M.

[Signature]
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

- Petitioner's Exhibit 1 shall indicate the square footage as shown on Petitioner's Exhibit 2.
- A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE *Oct 8 1982*
BY *[Signature]*

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SE/corner of Baltimore National Pike and Kent Ave.
1st Election District
Herbert D. Siegel - Petitioner
No. 83-78-XA (Item No. 2)

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY

AMENDED ORDER

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th DAY OF November, 1982, that the Order passed in this matter, dated October 12, 1982, should be and the same is hereby AMENDED, Nunc Pro Tunc, to clarify restriction No. 4 by adding the following language:

"4. No customer under the age of 18 shall be permitted in the arcade area before 2:00 p.m. on school days unless accompanied by a parent or guardian."

[Signature]
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE *Nov 8 1982*
BY *[Signature]*

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 3, 1982

COUNTY OFFICE BLDG.
113 W. Chesapeake Ave.
Towson, Maryland 21204

ofo
Nicholas B. Commodari
Chairman

MEMBERS:
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

John B. Howard, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Item No. 2 - Case No. 83-78-XA
Petitioner - Herbert D. Siegel
Special Exception and Variance Petitions

Dear Mr. Howard:

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.

In view of your client's proposal to locate an arcade and construct an addition to the rear of the existing building, this combination hearing is required.

Particular attention should be afforded to the comments of the Department of Permits and Licenses.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

ENCLOSURES
cc: Spellman, Larson & Assoc.
Suite 107, Jefferson Bldg.
Towson, Md. 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

August 6, 1982

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

Re: Item #2 (1982-1983)
Property Owner: Herbert D. Siegel
S/E cor. Baltimore National Pike and Kent Avenue
Acres: 0.45 District: 1st

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:

Baltimore County highway and utility improvements are not directly involved.

Comments were supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Items 137 (1970-1971) and 81 (1975-1976).

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 2 (1982-1983).

Very truly yours,

[Signature]
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

H-NE Key Sheet
4 SW 23 Pos. Sheet
SW 1 F Topo
95 Tax Map

Attachments

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

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

November 24, 1975

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

Re: Item #81 (1975-1976)
Property Owner: Herbert D. & Marion Siegel
S/E cor. of Balto. National Pike & Kent Ave.
Existing Zoning: BR
Proposed Zoning: Special Exception for amusement park
No. of Acres: 0.31 District: 1st

Dear Mr. DiNenna:

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

General:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item #137 (1970-1971) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #81 (1975-1976).

Very truly yours,

[Signature]
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

H-NE Key Sheet
4 SW 23 Pos. Sheet
SW 1 F Topo
95 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would ~~result~~ result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested ~~will~~ will not adversely affect the health, safety, and general welfare of the community, the variance(s) should ~~not~~ be granted.

Therefore, IT IS ORDERED by the ^{Deputy} Zoning Commissioner of Baltimore County, this 18th day of October, 1982, that the herein Petition for Variance(s) to permit a rear yard setback of 10 feet in lieu of the required 30 feet is hereby GRANTED, from and after the date of this Order, subject to the terms, provisions, and conditions of the accompanying Special Exception Order.

John M. Davis
Deputy Zoning Commissioner
of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following findings of facts:

1. The herein petitioner requests a special exception for an arcade in combination with a restaurant.
2. The petitioner proposes to utilize the existing building and 180 square foot freezer box addition as a restaurant, office, dry storage, and a video arcade area not exceeding 556 square feet. The food services will be emphasized and projections indicate that 75% of the gross revenue will come from food sales and 25% from games. Sixteen seats and stools will be available but most of the business is expected to be carry-out. Delivery service will also be provided.
3. No protestants appeared at the hearing in opposition to the petition.
4. The requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations have been met, and the proposed special exception will not be detrimental to the health, safety, and general welfare of the community.

and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 18th day of October, 1982, that the herein Petition for Special Exception for an arcade in combination with a restaurant, in accordance with the site plan prepared by Spellman, Larson & Assoc., Inc., dated June 9, 1982, and marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. All amusement devices are to be located within the 556 square foot area shown on the equipment plan dated August 19, 1982, and marked Petitioner's Exhibit 2.
2. The hours of operation shall be limited to between 11:00 a.m. and 11:00 p.m., Sunday through Thursday, and 11:00 a.m. and midnight, Friday and Saturday.
3. No eating or drinking shall be permitted in the arcade area.
4. No customer under the age of 18 shall be permitted in the arcade area unless accompanied by a parent or guardian.
5. An attendant for the game area, identifiable by uniform and/or badge, shall be provided at all times that the arcade area is open. At any time the carry-out/restaurant area is open and the arcade is not, the arcade must be closed by means of doors or substantial barriers.

ORDER RECEIVED FOR FILING

DATE October 19, 1982
BY John P. Langley
ADMINISTRATIVE ASSISTANT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Burdett Date: March 24, 1971
ATTN: Oliver L. Myers
FROM: Ellsworth N. Diver, P.E.

SUBJECT: Item 137 (1970-1971)
Property Owner: Paul Spickard, et ux
S/E corner Baltimore National Pike and Kent Avenue
Present Zoning: B.F.
Proposed Zoning: Variances: 238.2 - side yard; 409.2b (3), (5), (6) - parking
District: 1st
No. Acres: 0.45

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.

Highways:

Baltimore National Pike (U.S. 40) is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Roads Commission requirements.

Kent Avenue, an existing partially improved County street, is proposed to be improved with a 36-foot closed highway cross-section within a 60-foot right-of-way. Highway improvements, including highway right-of-way widening and any necessary reversible slope easements, will be required in connection with any subsequent grading or building permit application. The petitioner is advised to consult with the Chief of the Street, Road and Bridge Design Group of the Baltimore County Bureau of Engineering in regard to highway requirements and highway construction drawings required. (See Drawing #64-1503 (5), (6-2274)).

The entrance locations are subject to approval by the Department of Traffic Engineering. The entrance shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Item 137 (1970-1971)
Property Owner: Paul Spickard, et ux
Page 2
March 24, 1971

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Baltimore National Pike (U.S. 40) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water and Sanitary Sewer:

Both public water supply and sanitary sewerage are available to serve this property.

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

END:EAH:FW:188

H-NE Key Sheet
4 & 5 SW 23 Position Sheets
SW 1 & 2 F Topo
95 Tax

cc: John J. Trenner
John A. Somers



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

September 10, 1982

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

Dear Mr. Hammond:

Comments on Item #2, Zoning Advisory Committee Meeting of July 6, 1982, are as follows:

Property Owner: Herbert D. Siegel
Location: SE/Cor. Baltimore National Pike and Kent Ave.
Existing Zoning: SE-CSA
Proposed Zoning: Special Exception for an arcade in combination with a restaurant and Variance to permit a rear yard setback of 10' in lieu of the required 30'.
Acres: 0.45
District: 1st

Metropolitan water and sewer exist.

If a food service facility is proposed, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, Baltimore County Department of Health, for review and approval prior to construction.

Very truly yours,

Ian J. Foreman
IAN J. FOREMAN, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth

cc: Plans Review Section



Maryland Department of Transportation

State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Caltrider
Administrator

July 14, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 7-6-82
Item: #2
Property Owner: Herbert D. Siegel
Location: S/E corner Baltimore National Pike (Route 40-W) and Kent Ave.
Existing Zoning: BR-CSA
Proposed Zoning: Special Exception for an arcade in combination with a restaurant and Variance to permit a rear yard setback of 10' in lieu of the required 30'.
Acres: 0.45
District: 1st

Dear Mr. Hammond:

On review of the site plan of June 9, 1982, and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:vrd

cc: Mr. J. Wimbley

By: George Wittman



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-0550

STEPHEN E. COLLINS
DIRECTOR

August 25, 1982

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

RE: ZAC Meeting of July 6, 1982

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment

for items number 1, 2, 3, 5, 6, 7, 9, 10, 11 and 12.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineering Associate II

MSP/rjg



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

September 1, 1982

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Herbert D. Siegel

Location: SE/Cor. Baltimore National Pike and Kent Avenue

Item No.: 2

Zoning Agenda: Meeting of July 6, 1982

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.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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 operation.

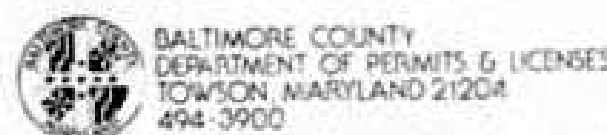
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition, prior to occupancy.

() 6. Site plans are approved, as drawn.

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

REVIEWER: *Paul H. Rencke* Noted and Approved: *Stephen M. Collins*
Planning Group Fire Prevention Bureau
Special Inspection Division

JV/mbl/cm



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3900

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

August 9, 1982

Dear Mr. Hammond:
Comments on Item # 2 Zoning Advisory Committee Meeting July 6, 1982
are as follows:

Property Owner: Herbert D. Siegel
Location: SE/Corner Baltimore National Pike and Kent Avenue
Existing Zoning: R-1
Proposed Zoning: R-1

Acres: 0.45
District: 1st

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/
Council Bill 482 State of Maryland Code for the Handicapped and Aged
and other applicable Codes.
- X B. A building permit for the freer box
shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit
application. Architect/Engineer seal is/is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered
Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6'0" of an adjacent
lot line shall be of one hour fire resistive construction, no openings permitted
within 3'0" of lot lines. A firewall is required if construction is on the lot
line. See Table 1401, Line 2, Section 1407 and Table 1402.
- F. Requested variance conflicts with the Baltimore County Building Code.
Section/s _____
- G. A change of occupancy shall be applied for, along with an alteration permit
application, and three required sets of drawings indicating how the structure
will meet the Code requirements for the proposed change. Drawings may require
a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru
the services of a Registered in Maryland Architect or Engineer certify to this
office, that, the structure for which a proposed change in use is proposed can
comply with the height/area requirements of Table 205 and the required construction
classification of Table 1401.
- X I. Comments Indicate handicapped parking spaces, signs, ramps, building access,
curb cuts. A plan showing interior alterations, exits, etc., shall be
submitted for a building permit.

NOTES: These comments reflect only on the information provided by the drawings
submitted to the office of Planning and Zoning and are not intended to
be construed as the full extent of any permit.
If desired additional information may be obtained by visiting Room #122
(Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burrows, Chief
Plans Review

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 8, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: July 6, 1982

RE: Item No: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/hp

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
SE corner of Baltimore National Pike &
Kent Ave., 1st District : OF BALTIMORE COUNTY

HERBERT D. SIEGEL, Petitioner : Case No. 83-78-XA

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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 therefor, 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
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 25th day of August, 1982, a copy of the
foregoing Order was mailed to John B. Howard, Esquire, 210 Allegheny Ave., P.O. Box
5517, Towson, Maryland 21204, Attorney for Petitioner; and Marvin C. Geller,
President, Towson Foods of Columbia, Inc., 300 E. Joppa Road, Towson, Maryland
21204, Lessee.

John W. Hession, III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition No. 83-78-XA
SUBJECT: Herbert D. Siegel

Date: August 31, 1982

This office sees no particular basis for supporting the granting of the
requested variance.

Norman E. Gerber, Director of Planning and Zoning

NEG:JGHalc

cc: Arlene January
Shirley itess

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

1st Election District

ZONING: Petition for Special Exception and Variance
LOCATION: Southeast corner of Baltimore National Pike and Kent Avenue
DATE & TIME: Thursday, September 16, 1982 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. 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 Special Exception for an arcade in combination
with a restaurant and Variance to permit a 10 ft. rear yard
setback in lieu of the required 30 ft.

The Zoning regulation to be excepted as follows:
Section 238.2 - rear yard setbacks in a B.R. zone

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

Being the property of Herbert D. Siegel, as shown on plat plan filed with the
Zoning Department.

Hearing Date: Thursday, September 16, 1982 at 1:30 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY



SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 110 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT B. SPELLMAN, P.L.S.
JOSEPH L. LARSON
LOUIS J. PIASECKI, P.E.
ALBERT RENEY
MARK C. MARTIN

DESCRIPTION FOR A SPECIAL EXCEPTION AND A VARIANCE TO ZONING
#5719 BALTIMORE NATIONAL PIKE
FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at _____ on the South side of the Baltimore
National Pike (U.S. Route No. 40) at the end of the cut-off connecting the
South side of the Baltimore National Pike and the East side of Kent Avenue
and running thence and binding on the South side of the Baltimore National
Pike North 79 Degrees 15 Minutes East 7.02 feet thence leaving the South
side of the Baltimore National Pike and running South 41 Degrees 23 Minutes
East 120.59 feet, South 17 Degrees 02 Minutes West 133.45 feet and North 17
Degrees 58 Minutes West 120.00 feet to the East side of Kent Avenue herein
referred to and running thence and binding thereon North 17 Degrees 02
Minutes East 100.00 feet, South 72 Degrees 58 Minutes East 10.00 feet, North
17 Degrees 02 Minutes East 27.25 feet, Northerly by a curve to the left with
a radius of 139.36 feet the distance of 45.74 feet to the cut-off herein
referred to and running thence and binding thereon North 37 Degrees 53 Minutes
22 Seconds East 22.50 feet to the place of beginning

For the special exception, saving and excepting that portion of the property
utilized for the restaurant, retail/office and parking.

For the variance, saving and excepting that portion of the property
utilized for the arcade and parking.

Containing 0.45 acres of land, more or less.

6/21/82

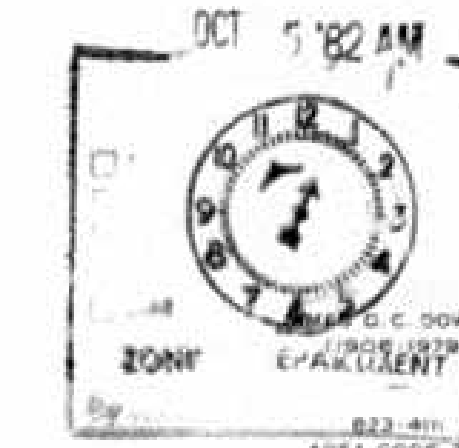


RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

12-2-82

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 587
TOWSON, MARYLAND 21204

October 5, 1982



JAMES H. COOK
JOHN B. HOWARD
DAVID C. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZINK, III
JOSEPH E. WICK, JR.
HENRY B. PECK, JR.
HERBERT H. O'CONNOR, III
THOMAS L. HUDSON
FRANK A. LAPALCE, JR.
C. CAREY DEWEY, JR.
M. KING HILL, III
LAURENS MACLURE, JR.

HAND DELIVERED

Mrs. Jean M. Jung
Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

HERBERT D. SIEGEL
Re: Petition for Special Exception
Petition for Variance
SE corner of Baltimore National Pike
and Kent Avenue, 1st District
Case No. 83-78-XA

Dear Mrs. Jung:

Inadvertently, at the time of the September 16
hearing on the above matter, we failed to present evidence
that the lease term for the subject premises begins December 1,
1982. This arrangement, of course, is contingent upon your
disposition of this request.

My clients were advised this past week that the
premises have been vacated and are now available for the
extensive renovation and improvements that will be required
for the proposed restaurant use.

I call these matters to your attention (on an ex
parte basis as there was no opposition nor any representative
of the People's Counsel's office present at the hearing) as
I know that your office has always been receptive to infor-
mation regarding contractual obligations and deadlines that
may impose an undue financial burden to any party involved in
a proceeding.

Page 2
Mrs. Jean M. Jung
October 5, 1982

Thank you once again for your careful and thorough
consideration of this matter.

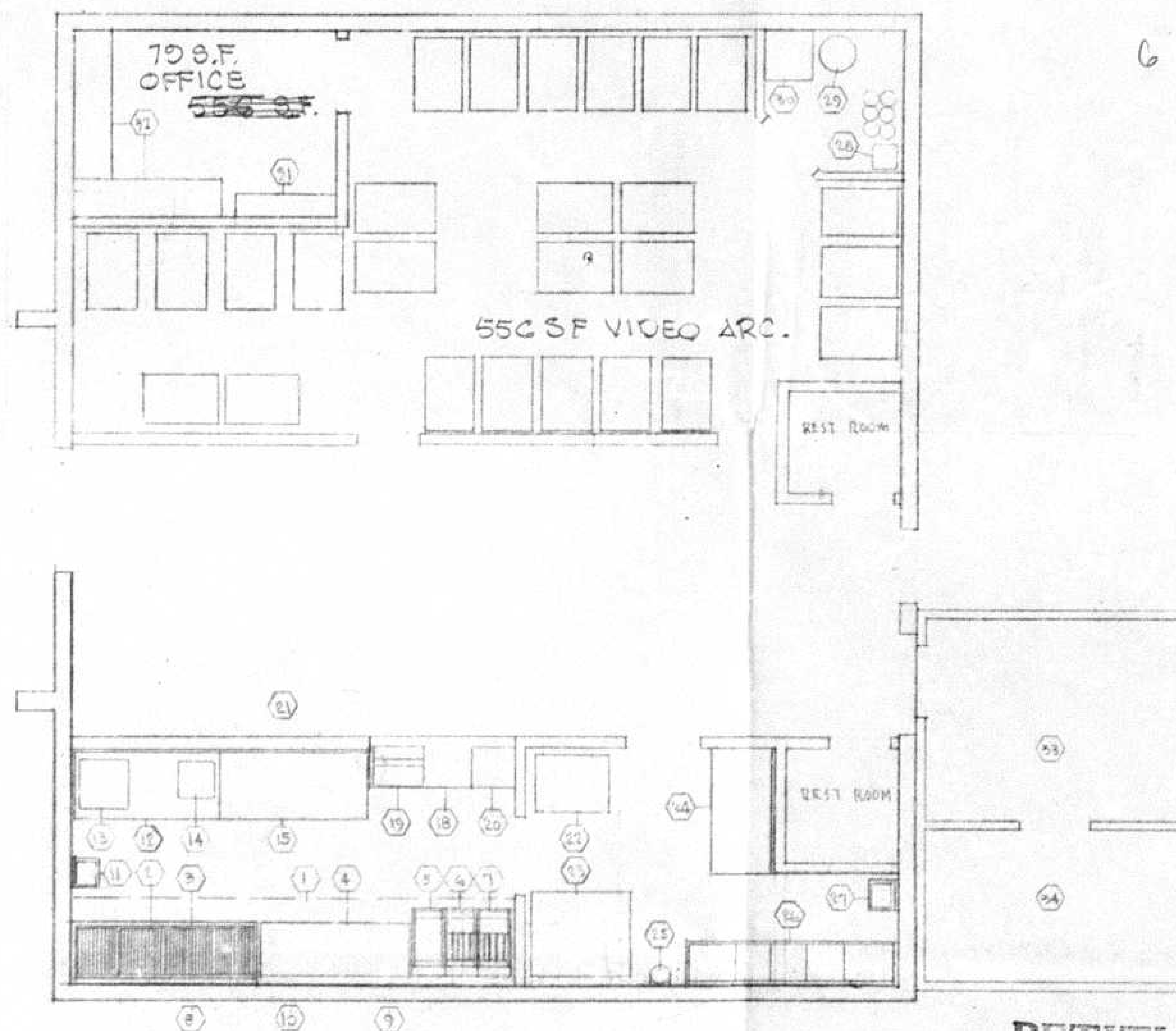
Kind regards.

Sincerely,
John B. Howard

JBH:ecd
cc: Mr. Melvin C. Geller
cc: Mr. Robert B. Geller

EQUIPMENT SCHEDULE

ITEM	NAME	DESCRIPTION	REMARKS
1	18" HOOD		
2	1/4" CHAR. PIT		
3	4" OIL BURNER		
4	6" OIL GRILL		
5	16" DUMP STATION		FILTER UNDER
6	16" DEEP FRYER		
7	16" DEEP FRYER		
8	EXHAUST FAN		
9	EXHAUST FAN		
10	HAIR DRYER FAN		
11	HAND SINK		
12	6" OIL BURNER WITH		
13	SLIDER		
14	BUNTOASTER		
15	6" OIL BURNER UNIT		
16	2" PIP		
17	2" PIP		
18	6" OIL SERVICE COUNTER		
19	2" OIL SERVICE COUNTER		
20	2" OIL REGISTER		
21	16" OIL SERVICE COUNTER		
22	ICE MAKER		
23	PIZZA OVEN		
24	PIZZA TABLE		
25	PURE BAK SYSTEM		
26	BLIND SINK		
27	HAND SINK		
28	SODA SYSTEM		
29	HOT WATER HEATER		
30	HOP SINK		
31	EMPLOYER LOCKERS		
32	STORAGE FREEZER		
33	WALK IN REFRIGERATOR		
34	WALK IN FREEZER		
35			



10.5
25
525
73
7875 ✓

1/4" = 1'

6

635
- 550
85

PETITIONER'S
EXHIBIT 2



Arbutus

REFRIGERATION, INC.

6225 WASHINGTON BLVD. - BALTIMORE, MD. 21207
BALTO. 796-9270 ANNAPOLIS 551-9536 WASH. 623-1440

EQUIPMENT
PLAN & SCHEDULE

REVISED	SCALE	DESIGN BY	DATE	DESIGNER	REVIEWED
	1/4" = 1'	LJR	8/19/82	MR.	EGM

TOWSON NO.
A-35-82

TOWSON FOODS, COLUMBIA INC.

5119 BALTIMORE NATIONAL PIKE
BALTIMORE COUNTY, MARYLAND



GENERAL NOTES

1. EX. ZONING BR-C.S.A.
2. PROPOSED ZONING BR-C.S.A. WITH A SPECIAL EXCEPTION TO ALLOW AN AMUSEMENT CENTER (VIDEO ARCADE)
3. TOTAL AREA OF SITE = 0.31 ACRES
4. PROPERTY PRESENTLY HAS A VARIANCE TO ALLOW A 0' SIDE YARD INSTEAD OF THE REQUIRED 300' AND A VARIANCE TO ALLOW 27 PARKING SPACES INSTEAD OF THE ORIGINALLY REQUIRED 42. (FOR DOCUMENTATION OF THE ABOVE SEE VARIANCE NO. 71-27G-A)
5. SEE ALSO, A SPECIAL EXCEPTION FILE NO. 7G-122-X WHICH GRANTED AN EXCEPTION FOR AN AMUSEMENT PARK (ARCADE ONLY WITH GAME MACHINES WHICH EXPIRED JULY 8, 1981)

PARKING COMPS.

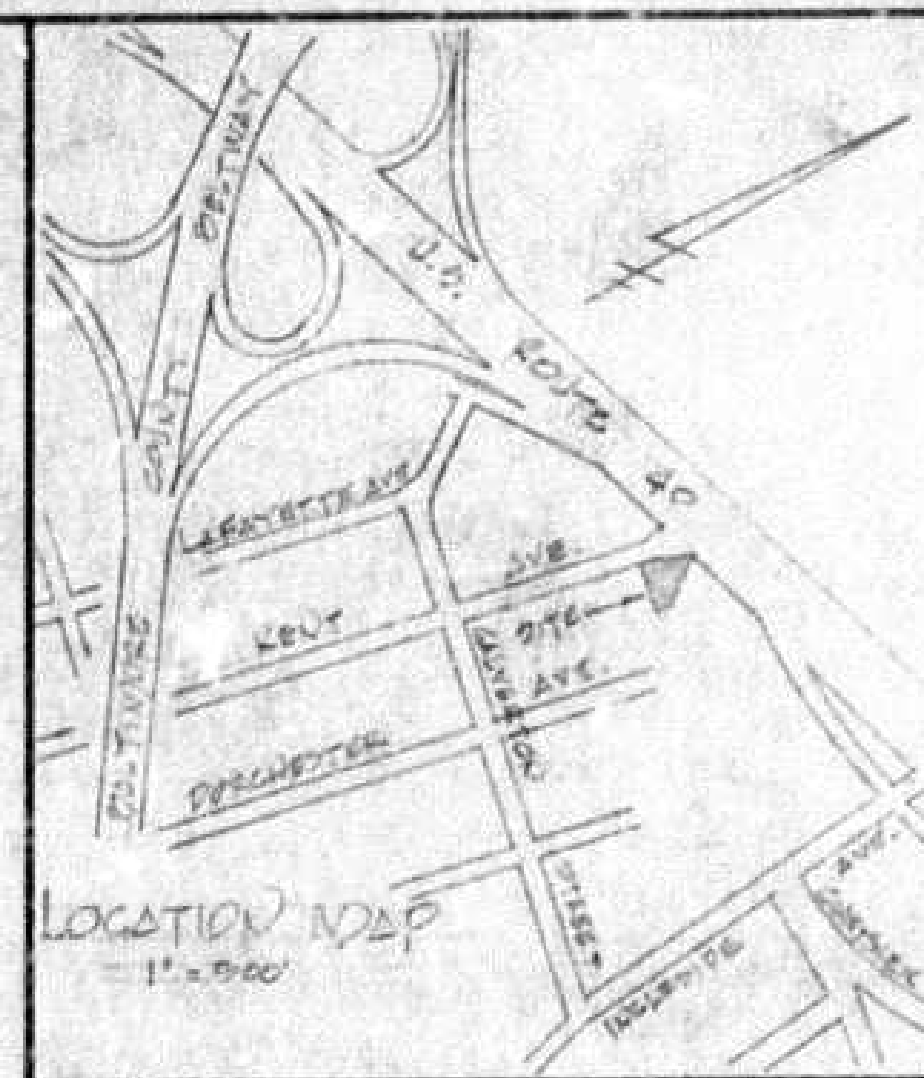
RETAIL - 1 SPACE PER 200 S.F.
OF FLOOR AREA
 $2000 \text{ S.F.} \div 200 \text{ S.F.} = 10 \text{ SPACES}$

OFFICE - 1 SPACE PER 500 S.F.
OF 2ND STY. FL. AREA
 $2000 \text{ S.F.} \div 500 \text{ S.F.} = 4 \text{ SPACES}$

VIDEO ARCADE - 1 SPACE PER 300 S.F.
OF FLOOR AREA
 $635 \text{ S.F.} \div 300 \text{ S.F.} = 3 \text{ SPACES}$

RESTAURANT - 1 SPACE PER 50 S.F.
OF FLOOR AREA
 $1044 \text{ S.F.} \div 50 \text{ S.F.} = 21 \text{ SPACES}$
TOTAL 38 = 42 ORIG. REQ.

TOTAL PARKING REQUIRED - 38
TOTAL PARKING PROVIDED - 27 (SEE GEN. NOTE 4)



WESTVIEW DODGE PARKING

BR-CSA

BR-CSA

BR

BR-CSA

VACANT

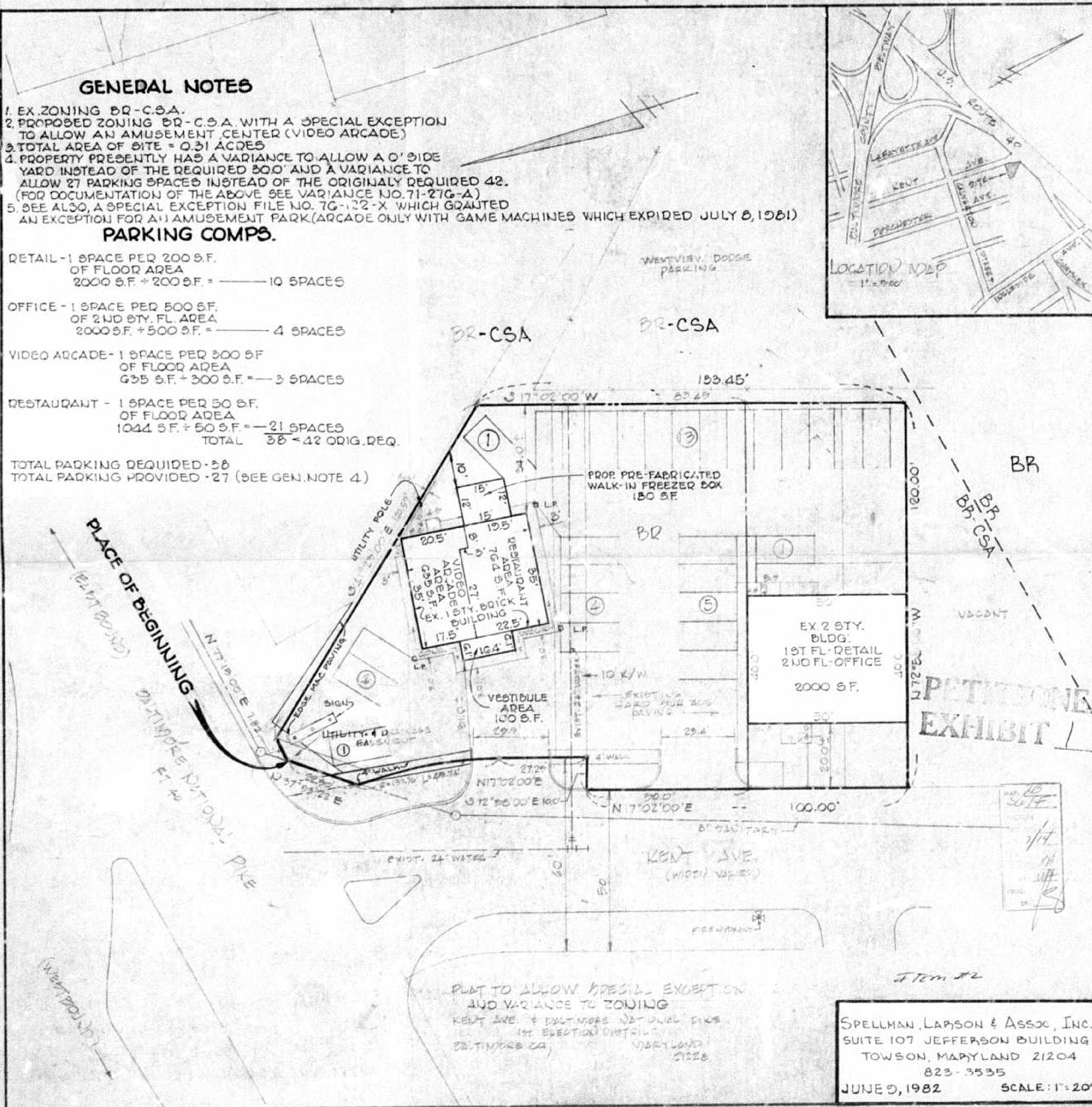
PETITIONER'S EXHIBIT

DATE 10/14/82
BY [Signature]
SCALE 1" = 20'

Item #2

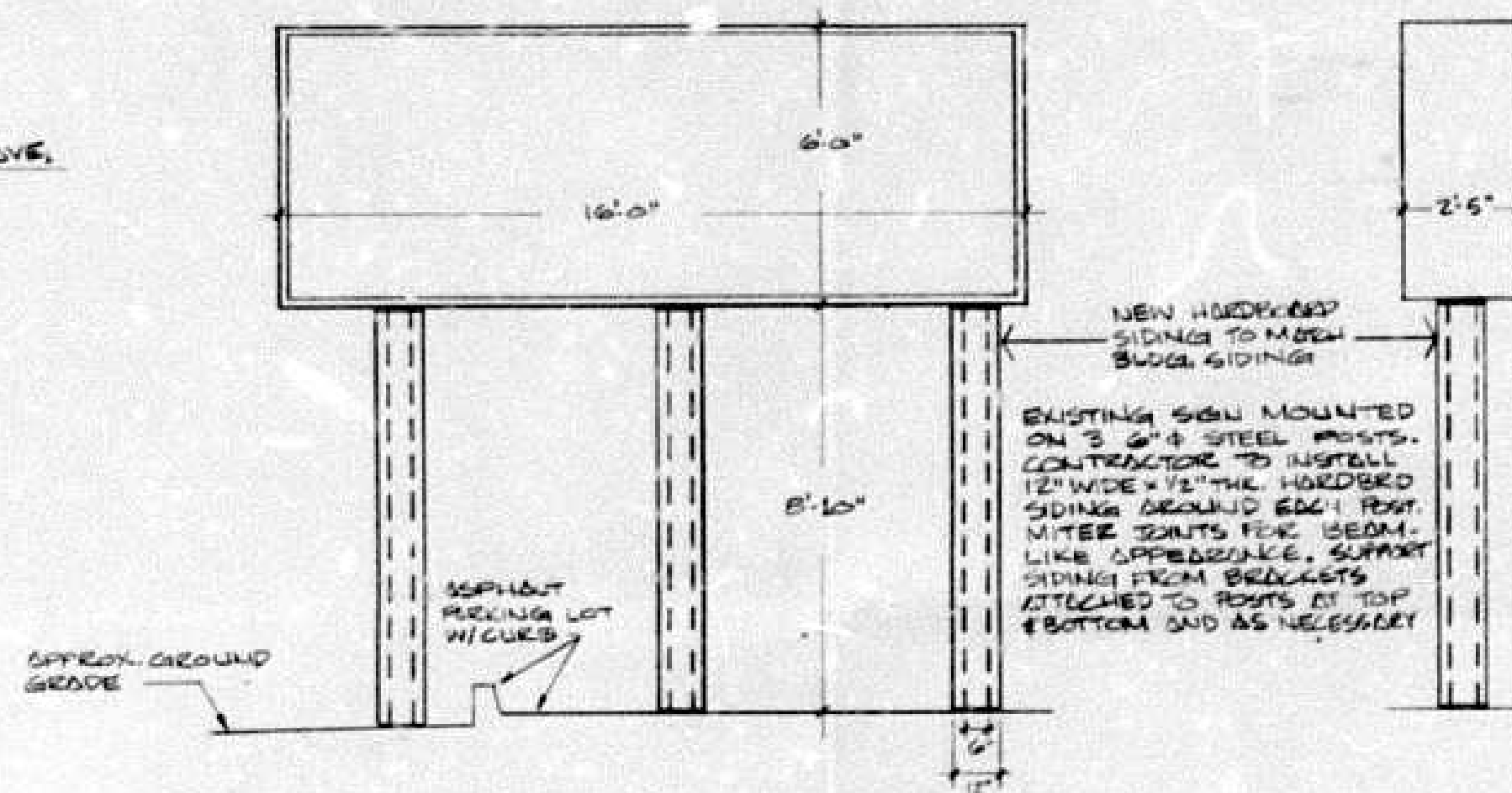
SPELLMAN, LARSON & ASSOC, INC.
SUITE 107 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
823-3535
JUNE 9, 1982 SCALE: 1" = 20'

PLAT TO ALLOW SPECIAL EXCEPTION
AND VARIANCE TO ZONING
KENT AVE. & DUNDAS NATIONAL PIKE
1ST ELECTION DISTRICT
DUNDAS CO., MARYLAND
21228



82022

VIEW FROM KENT AVE.



SIGN ELEVATION & ALTERATION DETAIL

1/4" = 1'-0"

GENERAL NOTES

1. EX. ZONING BR-C.S.A.
2. PROPOSED ZONING BR-C.S.A. WITH A SPECIAL EXCEPTION TO ALLOW AN AMUSEMENT CENTER (VIDEO ARCADE)
3. TOTAL AREA OF SITE = 0.31 ACRES
4. PROPERTY PRESENTLY HAS A VARIANCE TO ALLOW A 0' SIDE YARD INSTEAD OF THE REQUIRED 30.0' AND A VARIANCE TO ALLOW 27 PARKING SPACES INSTEAD OF THE ORIGINALLY REQUIRED 42. (FOR DOCUMENTATION OF THE ABOVE SEE VARIANCE NO. 71-276-A)
5. SEE ALSO, A SPECIAL EXCEPTION FILE NO. 76-122-X WHICH GRANTED AN EXCEPTION FOR AN AMUSEMENT PARK (ARCADE ONLY WITH GAME MACHINES WHICH EXPIRED JULY 8, 1981)

PARKING COMPS.

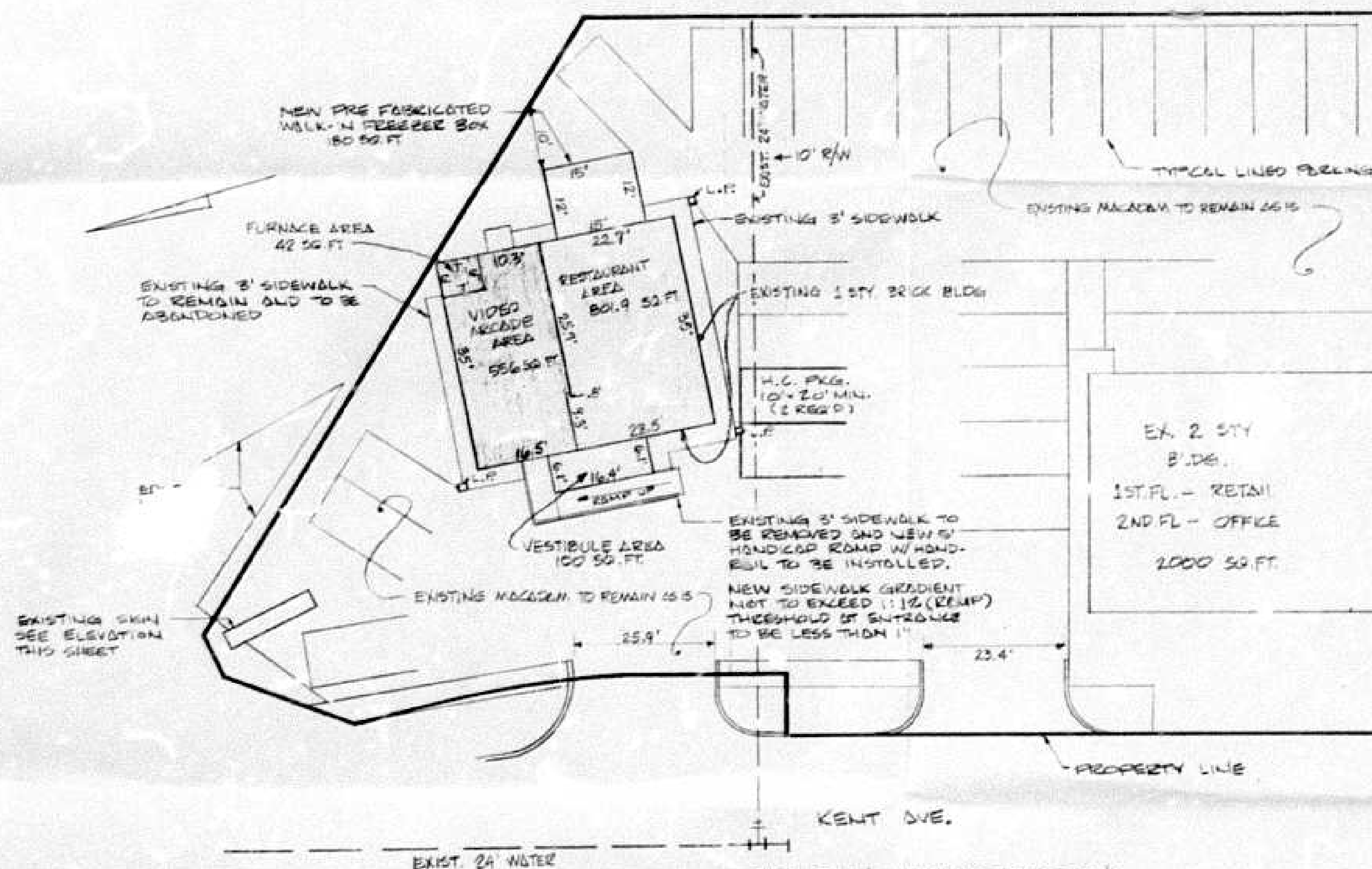
RETAIL - 1 SPACE PER 200 SQ. FT. OF FLOOR AREA	
2000 SQ. FT. ÷ 200 SQ. FT. =	10 SPACES
OFFICE - 1 SPACE PER 500 SQ. FT. OF 2ND STY. FL. AREA	
2000 SQ. FT. ÷ 500 SQ. FT. =	4 SPACES
VIDEO ARCADE - 1 SPACE PER 200 SQ. FT. OF FLOOR AREA	
598 SQ. FT. ÷ 200 SQ. FT. =	2 SPACES
RESTAURANT - 1 SPACE PER 50 SQ. FT. OF FLOOR AREA	
1081.9 SQ. FT. ÷ 50 SQ. FT. =	22 SPACES
TOTAL	38 < 42 ORIG. REQ.

TOTAL PARKING REQUIRED - 38

TOTAL PARKING PROVIDED - 27 (SEE GEN. NOTE 4)

RESTRICTIONS (AS ORDERED BY DEPUTY ZONING COMMISSIONER OF BALTO. CO. ON OCT. 18, 1982)

1. ALL AMUSEMENT DEVICES ARE TO BE LOCATED WITHIN THE 556 SQ. FT. AREA SHOWN ON THE EQUIPMENT PLAN DATED AUGUST 13, 1982, AND MARKED PETITIONER'S EXHIBIT 2.
2. THE HOURS OF OPERATION SHALL BE LIMITED TO BETWEEN 11:00 A.M. AND 11:00 P.M. SUNDAY THROUGH THURSDAY, AND 11:00 A.M. AND MIDNIGHT, FRIDAY AND SATURDAY.
3. NO EATING OR DRINKING SHALL BE PERMITTED IN THE ARCADE AREA.
4. NO CUSTOMER UNDER THE AGE OF 18 SHALL BE PERMITTED IN THE ARCADE AREA BEFORE 2:30 P.M. ON SCHOOL DAYS UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN. (AMENDED BY DEPUTY ZONING COMMISSIONER OF BALTO. CO. ON NOV. 8, 1982)
5. AN ATTENDANT FOR THE GAME AREA, IDENTIFIABLE BY UNIFORM AND/OR BADGE, SHALL BE PROVIDED AT ALL TIMES THAT THE ARCADE AREA IS OPEN. AT ANY TIME THE CARRY-OUT/RESTAURANT AREA IS OPEN AND THE ARCADE IS NOT, THE ARCADE MUST BE CLOSED BY MEANS OF DOORS OR SUBSTANTIAL BARRICADES.
6. PETITIONER'S EXHIBIT 1 SHALL INDICATE THE SQUARE FOOTAGE AS SHOWN ON PETITIONER'S EXHIBIT 2.
7. A REVISED SITE PLAN, INCORPORATING THE RESTRICTIONS SET FORTH ABOVE, SHALL BE SUBMITTED FOR APPROVAL BY THE MARYLAND DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF PUBLIC WORKS, AND THE OFFICE OF PLANNING AND ZONING.



SITE PLAN AND MODIFICATIONS

1/4" = 20'-0"

PLANS APPROVED
OFFICE OF PLANNING & ZONING

BY: *[Signature]*

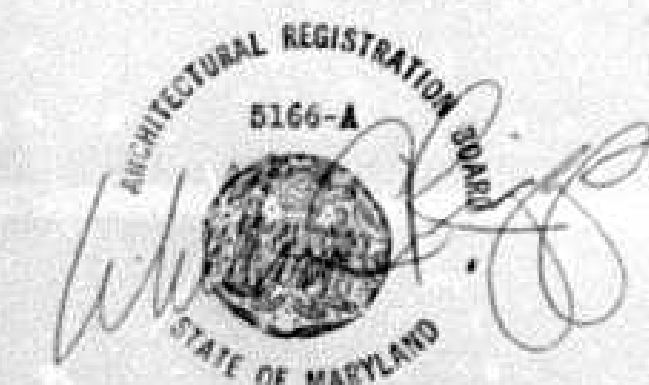
DATE: 2/4/83

BY: *[Signature]*

DATE: 2/4/83

83-78-74

C-74-83



DESIGNED BY:

ANN PARSONS & COMPANY, INC.

101 W. RIDGELEY ROAD, SUITE 60
LUTHERVILLE, MARYLAND 21093
(301) 551-0400

THE BIG DEAL

5719 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228

SCALE: 1/4" = 1'-0"

DATE: 12-13-82

BY: WWH

REVISIONS: 1-18-83 GEN. NOTES, PARK, COMPS, RESTRICT. A SQ. FOOTAGE ON SITE PLAN
1-21-83 ENTRANCE DIMENSIONS & MACADAM NOTE

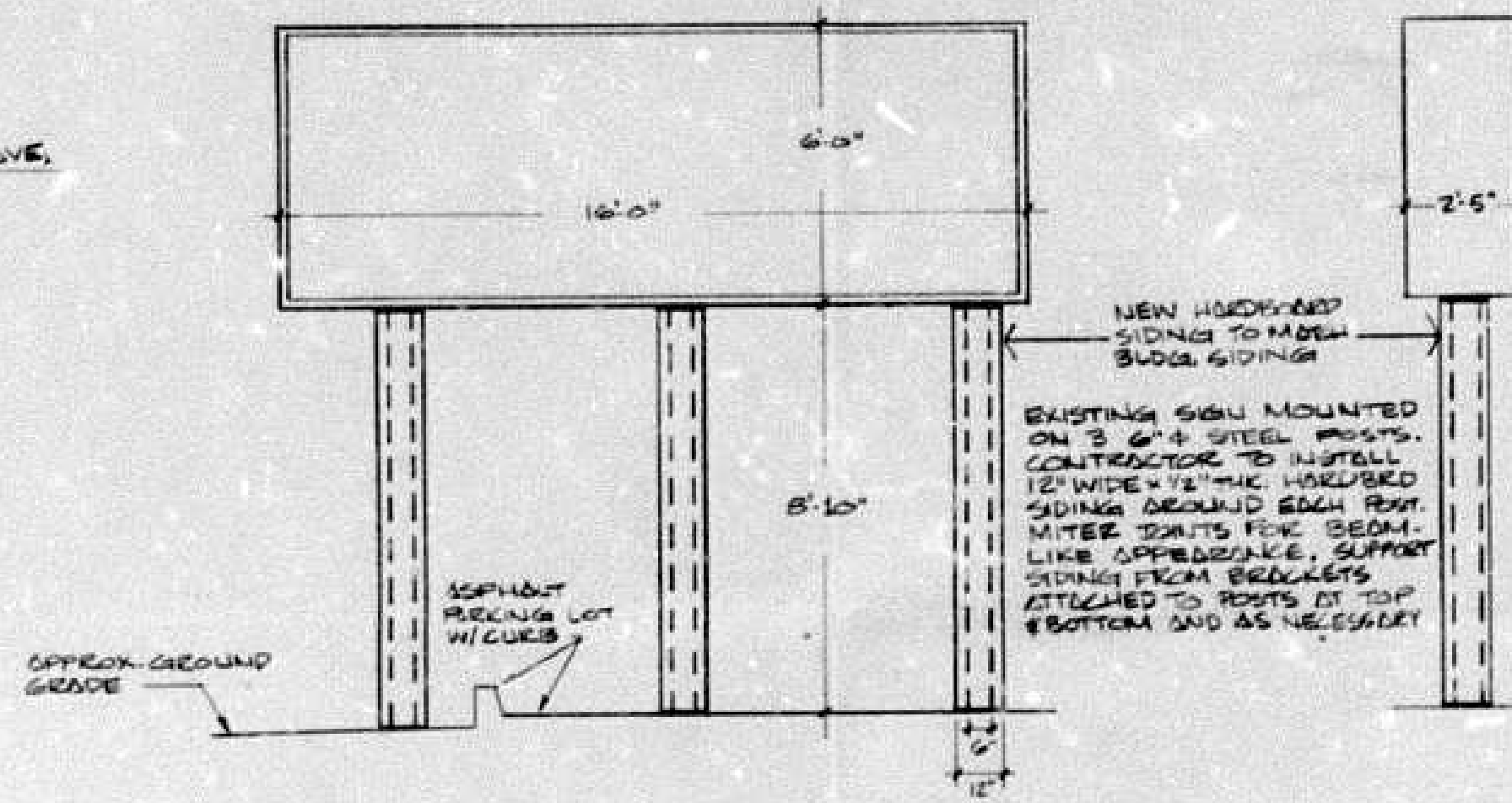
SHEET DESCRIPTION:

SITE PLAN
SIGN ELEVATION

DRAWING NO.

BD-1

VIEW FROM KENT AVE.



SIGN ELEVATION & ALTERATION DETAIL

1/4"=1'-0"

GENERAL NOTES

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- PROPOSED ZONING BR-C.S.A. WITH A SPECIAL EXCEPTION TO ALLOW AN AMUSEMENT CENTER (VIDEO ARCADE)
- TOTAL AREA OF SITE = 0.31 ACRES
- PROPERTY PRESENTLY HAS A VARIANCE TO ALLOW A 0' SIDE YARD INSTEAD OF THE REQUIRED 30.0' AND A VARIANCE TO ALLOW 27 PARKING SPACES INSTEAD OF THE ORIGINALLY REQUIRED 42. (FOR DOCUMENTATION OF THE ABOVE SEE VARIANCES NO. 71-276-A)
- SEE ALSO, A SPECIAL EXCEPTION FILE NO. 76-122-X WHICH GRANTED AN EXCEPTION FOR AN AMUSEMENT PARK (ARCADE ONLY WITH GAME MACHINES WHICH EXPIRED JULY 8, 1981)

PARKING COMPS.

RETAIL -	1 SPACE PER 200 SQ. FT. OF FLOOR AREA	
	2000 SQ. FT. ÷ 200 SQ. FT. =	10 SPACES
OFFICE -	1 SPACE PER 500 SQ. FT. OF 2ND STY. FL. AREA	
	2000 SQ. FT. ÷ 500 SQ. FT. =	4 SPACES
VIDEO ARCADE -	1 SPACE PER 300 SQ. FT. OF FLOOR AREA	
	598 SQ. FT. ÷ 300 SQ. FT. =	2 SPACES
RESTAURANT -	1 SPACE PER 50 SQ. FT. OF FLOOR AREA	
	1081.9 SQ. FT. ÷ 50 SQ. FT. =	22 SPACES
	TOTAL	38 < 42 ORIG. REQ.

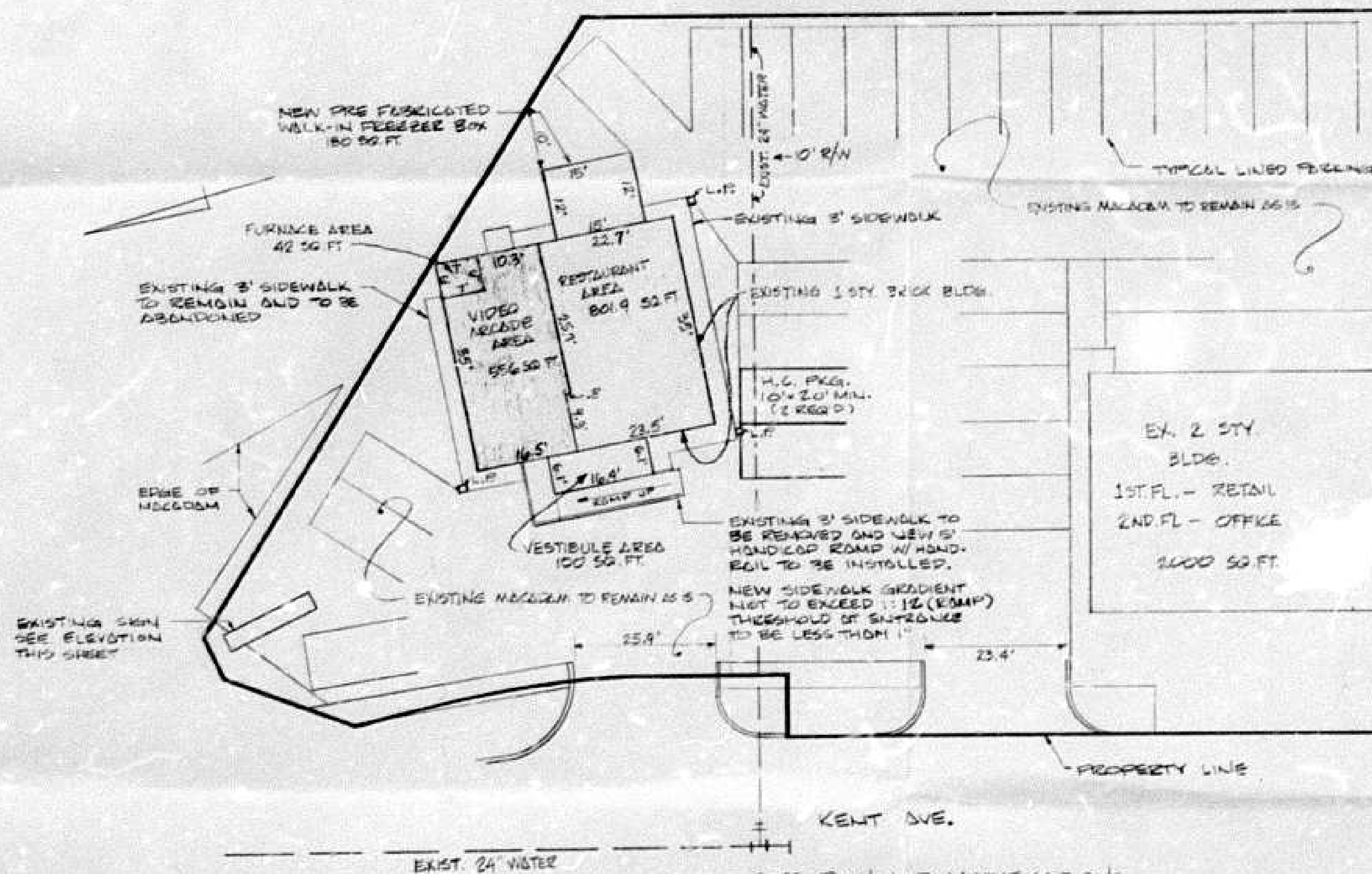
TOTAL PARKING REQUIRED - 38

TOTAL PARKING PROVIDED - 27 (SEE GEN. NOTE 4)

RESTRICTIONS

(AS ORDERED BY DEPUTY ZONING COMMISSIONER OF BALTO. CO. ON OCT. 18, 1982)

- ALL AMUSEMENT DEVICES ARE TO BE LOCATED WITHIN THE 556 SQ. FT. AREA SHOWN ON THE EQUIPMENT PLAN DATED AUGUST 9, 1982, AND MARKED PETITIONER'S EXHIBIT 2.
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SITE PLAN AND MODIFICATIONS

1"=20'-0"

PLANS APPROVED
OFFICE OF PLANNING & ZONING

BY: *[Signature]*

DATE: 2/4/83

BY: *[Signature]*

DATE: 2/4/83

83-70-74

C-7453

THIS SITE PLAN (EXCEPT MODIFICATIONS NOTED) FROM PLAN ENTITLED "FLAT TO ALLOW SPECIAL EXCEPTION AND VARIANCE TO ZONING, KENT AVE. & BALTO. NATIONAL PIKE, 1ST ELECTION DISTRICT, BALTO. CO. MD." PREPARED BY SPELLMAN, LARSON, & ASSOC. INC. DATED JUNE 9, 1982



DESIGNED BY:
ANN PARSONS & COMPANY, INC.
101 W. RIDGE ROAD, SUITE 60
LUTHERVILLE, MARYLAND 21093
(801) 561-0640

THE BIG DEAL
5719 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228

SCALE 1/4"=1'-0"

DATE: 12-13-82 BY: WMH

REVISIONS: 1-18 83 GEN. NOTES, PARK COMPS, RESTRICT. A SQ. FOOTAGE ON SITE PLAN, 1-18-83 ENTRANCE DIMENSIONS & INACADEMIA NOTE

SHEET DESCRIPTION:

**SITE PLAN
SIGN ELEVATION**

DRAWING NO.

BD-1