

IN RE: PETITION FOR ZONING VARIANCE
SW corner of Loch Raven Blvd.
and Taylor Avenue
(6830 Loch Raven Boulevard)
9th Election District
4th Councilmanic District
MRO Mid-Atlantic Corp. -
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-330-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 183 off-street parking spaces for an existing restaurant in lieu of the required 190, as more particularly described on Petitioner's Exhibit 1.

Nancy E. Paige, Esquire, appeared and testified on behalf of both MRO Mid-Atlantic Corporation (hereinafter referred to as MRO), Legal Owner of the subject property, and Tenly Enterprises, Inc., a Tenant. Mr. William Larkin, Store Manager of Sizzler Restaurant, appeared and testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned B.L.-C.S.A., is the site of a Sizzler restaurant and a Roy Rogers restaurant. MRO operates the Roy Rogers restaurant on a portion of its property and leases the other portion of the property to Tenly Enterprises, Inc., who operates the Sizzler Restaurant. Mr. Larkin testified that he has been involved in managing a restaurant on the subject property for the past 8 years. He indicated that in April of 1986, the establishment was changed over from a Rustler to a Sizzler Restaurant. Between the two restaurants, there is a combined total of 185 parking spaces available.

Mr. Larkin testified that the Sizzler restaurant proposes to construct an addition to the rear of its building in the existing trash area. The addition will be strictly used for refrigeration purposes only and will accommodate a walk-in refrigerator. Mr. Larkin testified that the Sizzler operation has expanded its salad bar and fresh fruit area which requires a tremendous amount of refrigeration space as fresh products rather than canned products are used. As

WITNESSETH, That in consideration of the payment of the rents and additional rents as hereinafter expressed to be paid, and the performance of the covenants, terms and conditions hereinafter provided to be performed on the part of the Lessee, its successors and assigns, and also subject to the reservations hereinafter set forth, the Lessors do hereby lease unto the Lessee, and the Lessee does hereby take from the Lessors, all that parcel of land, together with all improvements thereon, situate in the Ninth Election District of Baltimore County, State of Maryland, and more particularly described as follows:

Beginning for the same at a point on the northwest side of Loch Raven Boulevard as shown on State Roads Commission of Maryland Plat No. 15375, distant South 28 degrees 39 minutes west 81.16 feet from the intersection of the extension of the northwest side of Loch Raven Boulevard with the extension of the southwest side of Taylor Avenue and running thence and binding on the northwest side of Loch Raven Boulevard South 28 degrees 39 minutes West 224.15 feet, thence leaving said boulevard and running on the outlines of the property of the petitioners herein the two following lines viz: North 62 degrees 39 minutes West 304.91 feet and North 28 degrees 40 minutes East 334.11 feet to the southwest side of Taylor Avenue as shown on Baltimore County Bureau of Land Acquisition drawing RW 56-196-8, thence binding on the southwest side of Taylor Avenue the two following lines viz: Southeast by a line curving toward the left having a radius of 1465.50 feet for a distance of 222.71 feet and South 59 degrees 58 minutes East 1.48 feet, thence North 30 degrees 02 minutes East 1.48 feet, thence South 59 degrees 58 minutes East 1.91 feet and thence southeasterly binding on the curve having a radius of 63 feet that connects the southwest side of Taylor Avenue with the northwest side of Loch Raven Boulevard, for a distance of 128.44 feet to the place of beginning.

Containing 2.2 acres of land more or less.

Being all of the property owned by the Lessors at the southwest corner of Loch Raven Boulevard and Taylor Avenue in Baltimore County, Maryland.

a result of the addition, the trash area will be moved to the rear of the parking lot, taking up two of the existing parking spaces. Mr. Larkin indicated that in his experience, there is more than adequate parking to accommodate both Sizzler and Roy Rogers patrons. He testified that seldom are the more than 60 spaces behind the Roy Rogers restaurant regularly used. Testimony indicated that there is no barrier between the Sizzler and Roy Rogers buildings and parking for customers of Sizzler is permitted as needed behind Roy Rogers. Mr. Larkin further testified that even at peak business hours there has always been ample parking.

In response to comments made by Gregory M. Jones, Design Division of the Bureau of Traffic Engineering, Mr. Larkin indicated that he does not feel an access road from the Sizzler/Roy Rogers parking lot to the Loch Raven Plaza is necessary or would be in the best interest of the patrons or general public. He indicated that never has any customer commented that such access would be helpful. He further indicated that he would estimate that 60% of his customers are senior citizens and the increased traffic which would be generated if there was a cut-through may be hazardous to the safety of the parking lot and patrons.

The Petitioner seeks relief from Section 409.2B pursuant to Section 307 of the Baltimore County Zoning Regulations (R.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant, as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

March 10, 1988

Nancy E. Paige, Esquire
233 E. Redwood Street
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
SW corner of Loch Raven Boulevard & Taylor Avenue
(6830 Loch Raven Boulevard)
9th Election District - 4th Councilmanic District
MRO Mid-Atlantic Corporation - Petitioner
Case No. 88-330-A

Dear Ms. Paige:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Enclosures

cc: Mr. John Daburzy
MRO Mid-Atlantic Corporation
c/o Marriott Corporation
10409 Fernwood Road, Bethesda, MD. 20058

People's Counsel

File

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of March, 1988 that 183 off-street parking spaces for an existing restaurant in lieu of the required 190, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9TH Date of Posting: 1/21/88
Posted for: 14 days
Petitioner: MRO Mid-Atlantic Corp.
Location of property: SW corner of Loch Raven Blvd. & Taylor Ave.
(6830 Loch Raven Blvd.)
Location of Sign: SW corner of Loch Raven Blvd. & Taylor Ave.
Remarks: 183 off-street parking spaces in lieu of 190 required.
Posted by: Nancy E. Paige Date of return: 2/5/88
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 4, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 4, 1988.

THE JEFFERSONIAN.

Publisher

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property situated at the intersection of Loch Raven Boulevard and Taylor Avenue, in the 9th Election District, at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-330-A
SW corner of Loch Raven Blvd. & Taylor Ave.
(6830 Loch Raven Blvd.)
Petitioner: MRO Mid-Atlantic Corp.
Date/Time: February 23, 1988 at 8:00 A.M.
Variance to permit 183 off-street parking spaces in lieu of 190 required.

In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will entertain any request for a stay of the mandatory appeal period during the period in which the appeal is pending. The appeal must be in writing and received in the office of the Zoning Commission on or before the date of the hearing set above or presented at the hearing.

J. ROBERT HANES
Zoning Commissioner
of Baltimore County

208 Feb 4

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-330-A

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 409.2 to permit 183 off-street parking spaces for a restaurant instead of the required 190.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
This is an existing restaurant, to which a 200 square foot addition is proposed to house a walk-in refrigerator. There is a room on the site for additional parking. The parking lot is shared with an adjoining Roy Rogers restaurant, and the existing parking has in the past been ample for both restaurants.

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, We 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.

Landlord: MRO Mid-Atlantic Corporation (Type or Print Name) Signature: <i>Nancy E. Paige</i> Address: 233 East Redwood Street City and State: Bethesda, Maryland 20058	Tenant: Tenly Enterprises, Inc. (Type or Print Name) Signature: <i>John Daburzy</i> Address: 5103 Duke Street City and State: Alexandria, Virginia 22304
Attorney for Petitioner: Nancy E. Paige, Esquire (Type or Print Name) Signature: <i>Nancy E. Paige</i> Address: 233 East Redwood Street City and State: Bethesda, Maryland 21202	c/o Sizzler Restaurants Internat'l, Inc. (Type or Print Name) Address: 5103 Duke Street City and State: Alexandria, Virginia 22304
Attorney's Telephone No.: (301) 576-4294	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name: _____ Address: _____ Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of March, 1988, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 23rd day of Feb., 1988, at 8 o'clock A.M.

Zoning Commissioner of Baltimore County.

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property situated at the intersection of Loch Raven Boulevard and Taylor Avenue, in the 9th Election District, at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case number: 88-330-A
SW corner of Loch Raven Blvd. & Taylor Ave.
(6830 Loch Raven Blvd.)
Petitioner: MRO Mid-Atlantic Corp.
Date/Time: February 23, 1988 at 8:00 A.M.
Variance to permit 183 off-street parking spaces in lieu of 190 required.

In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will entertain any request for a stay of the mandatory appeal period during the period in which the appeal is pending. The appeal must be in writing and received in the office of the Zoning Commission on or before the date of the hearing set above or presented at the hearing.

J. ROBERT HANES
Zoning Commissioner
of Baltimore County

208 Feb 4

Office of PATUXENT ARCHITECTURAL COMPANY

10750 Little Patuxent Pkwy
Columbia, MD 21044

FEBRUARY 4 1988

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING 96732

was inserted in the following:

- | | |
|--|---|
| ☐ Catonsville Times | ☐ Booster Weekly |
| ☐ Arbutus Times | ☐ Owings Mills Flyer |
| ☐ Reporter Weekly | ☐ Towson Flyer |

weekly newspapers published in Baltimore County, Maryland once a week for the successive weeks before the 23rd day of February, 1988, that is to say, the same was inserted in the issues of

February 4, 1988

PATUXENT PUBLISHING COMPANY

By: *M. Hanes*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Nancy E. Paige, Esq.
233 E. Redwood Street
Baltimore, Maryland 21202

Re: Case number: 88-330-A
SW/C Loch Raven Blvd. & Taylor Avenue
(6830 Loch Raven Boulevard)
9th Election District - 4th Councilmanic District
Petitioner: MRD Mid-Atlantic Corporation

Dear Ms. Paige:

Please be advised that \$100.43 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
DATE: 2/10/88	ACCOUNT: R-01-615-000
AMOUNT: \$100.43	NET: 100.43
RECEIVED Nancy E. Paige, Esquire, Gordon, Feinblatt, Hoffman, Hofferberg & Hollander, Chartered, 233 E. Redwood Street, Baltimore, MD 21202	
FOR: Advertising & Posting Fee on Case No. 88-330-A MRD Mid-Atlantic Corporation - Petitioner	
B 007***100433 \$100.43	
VALIDATION OR SIGNATURE OF CASHIER	

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-330-A
SW/C Loch Raven Blvd. & Taylor Avenue
(6830 Loch Raven Boulevard)
9th Election District - 4th Councilmanic District
Petitioner: MRD Mid-Atlantic Corporation
DATE/TIME: TUESDAY, FEBRUARY 23, 1988 at 9:00 a.m.

Variance to permit 183 off-street parking spaces for a restaurant instead of the required 190.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any appeal during this period for good cause shown.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
DATE: 10/23/87	ACCOUNT: 01-615
AMOUNT: \$100.00	NET: 100.00
RECEIVED James E. Dyer, Esq., Chairman, Zoning Plans Advisory Committee	
FOR: Fee for Variance on Case No. 88-330-A MRD Mid-Atlantic Corporation - Petitioner	
B 007***100433 \$100.00	
VALIDATION OR SIGNATURE OF CASHIER	

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Rebeck
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

November 25, 1987

Re: Property Owner: MRD Mid-Atlantic Corporation

Location: SW/C Loch Raven Blvd. and Taylor Avenue

Item No.: 168

Zoning Agenda: Meeting of 11/10/87

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 100 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.

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.

REVIEWED: 11/25/87 Noted and Approved: J. Robert Haines
Fire Prevention Bureau

/s/

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

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

Zoning Item #168, Zoning Advisory Committee Meeting of November 10, 1987
Property Owner: MRD Mid-Atlantic Corporation
Location: SW/C Loch Raven Blvd. and Taylor Avenue District: 9
Water Supply: Potomac Sewage Disposal: Western

COMMENTS ARE AS FOLLOWS:

1. Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
2. Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3375, to obtain requirements for such installation before work begins.
3. A permit to construct from the Bureau of Air Quality Management is required for such items as equipment or process which exhausts into the atmosphere.
4. A permit to construct from the Bureau of Air Quality Management is required for any chabrotier operation which has a total cooking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit Application for renovation to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
6. Prior to approval of a substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpool, hot tub, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3311.
7. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
8. If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
9. Prior to tearing of existing structures, petitioner must contact the Division of Waste Management at 494-3368, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3375.
10. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal of abandonment, owner must contact the Division of Waste Management at 494-3368.
11. Soil percolation tests, have been conducted.
12. The results are valid until 12/31/88.
13. Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
14. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
15. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test (a) shall be valid until 12/31/88.
16. If not acceptable and must be repeated, this must be accomplished prior to conveyance of property and approval of Building Permit Application.
17. Prior to occupancy approval, the potential of the water supply must be verified by collection of bacteriological and chemical water samples.
18. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
19. Others

88-330-A

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 24th day of November, 1987.

J. Robert Haines
Zoning Commissioner

Petitioner: Tenly Enterprises, Inc.
Petitioner's Attorney: Nancy E. Paige, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

LAW OFFICES
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

233 E. REDWOOD STREET
BALTIMORE, MD 21202

TELEPHONE: 494-4000
FAX: 494-4240

1800 K STREET, N.W. SUITE 400
WASHINGTON, D.C. 20006

TELEPHONE: 202-639-2700
FAX: 202-639-2700

March 9, 1988

RECEIVED
11/10/87

ZONING OFFICE

Ms. Betty Schuman
Zoning Office
County Office Building
Room 113
Towson, Maryland 21204

RE: Case number: 88-330-A
SW/C Loch Raven Blvd. & Taylor Avenue
(6830 Loch Raven Boulevard)
9th Election District - 4th Councilmanic District
Petitioner: MRD Mid-Atlantic Corporation

Dear Ms. Schuman:

Enclosed is our check in the amount of \$100.43 covering advertising and posting fees in the above-referenced matter.

Very truly yours,

Nancy E. Paige

NEP/ms

enclosure

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 16, 1988

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

Nancy E. Paige, Esquire
233 East Redwood Street
Baltimore, Maryland 21202

RE: Item No. 168 - Case No. 88-330-A
Petitioner: Tenly Enterprises, Inc.
Petition for Zoning Variance

Dear Ms. Paige:

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.

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,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 12, 1987

Re: Baltimore County
Item #168
Property Owner:
MRD Mid-Atlantic
Corporation
Location: SW/C
Loch Raven Boulevard
Maryland Route 542
and Taylor Avenue
Existing Zoning: B.L.
Proposed Zoning: Variance
to permit 183 off-street
parking spaces for a
restaurant instead of
the required 190
Area: 2.2 acres
District: 9th

Dear Mr. Haines:

On review of the submittal dated September 9, 1987, for variance to permit 183 off-street parking spaces instead of the required 190, the State Highway Administration, Bureau of Engineering Access Permits finds the plan to be generally acceptable.

If you have any questions, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

Gregory J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

LB/es

cc: Gridco Associates Inc.

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
393-7555 Baltimore Metro - 563-0451 D.C. Metro - 1-800-492-3062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Richard H. Trainor
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

330

December 18, 1987



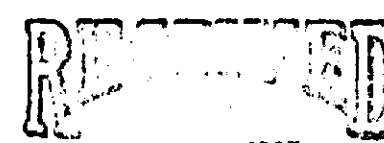
Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 1
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

-ZAC-

Meeting of November 10, 1987
MRO Mid-Atlantic Corporation
SW/C Loch Raven Boulevard and
Taylor Avenue
Variance to permit 183 off-
street parking spaces for a
restaurant instead of the re-
quired 190



DEC 23 1987

2.2 acres
9th Election District

ZONING OFFICE

Address:
District:

Dear Mr. Haines:

This site needs an internal 24 foot wide access along the west property line to Loch Raven Plaza. Lack of an internal access causes great difficulty for motorists going from one site to another, because they are forced to go out onto Taylor Avenue or Loch Raven Boulevard. The construction of this access would involve the loss of at least 4 parking spaces, so it is recommended that in addition to constructing the access, the parking variance should be revised accordingly.

Very truly yours,

Gregory M. Jones
Gregory M. Jones
Engineer III
Design Division

GMJ:sb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: January 14, 1988

FROM: P. David Fields
Director of Planning and Zoning

Zoning Petition Nos. 88-325-A, 88-326-A,
SUBJECT: 88-327-A, 88-330-A, 88-339-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. Howell
P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Jess, Legal Assistant, People's Counsel
File

CPS:ana

-022

tration and not limitation, parking areas, curb cuts, driveways, access roads and pedestrian walkways, and the "Common Facilities" includes by way of illustration and not limitation, dumpsters, storm water drainage, detention, and maintenance systems or structures, water mains and lines, sanitary sewers, water sprinkler system lines, telephone lines, electric lines, conduits or systems, gas lines and systems, lighting systems, plantings, landscaping, and all utilities now or hereafter serving any part of the Leased Premises and/or Common Parcel. Sublandlord grants to Subtenant for the benefit of Subtenant and its permitted assignees and sublessees and all of their customers, employees, invitees, licensees and suppliers a nonexclusive easement for the use and enjoyment without charge of the Common Areas and Common Facilities as they shall exist from time to time on that part of the Common Parcel which does not include the Leased Premises, provided, however, utility lines and accessory utility facilities which currently do not exist shall be installed below ground level unless Sublandlord and Subtenant hereafter otherwise mutually agree in writing. Subtenant grants to Sublandlord for the benefit of Sublandlord, its assignees and sublessees, and all of their customers, employees, invitees, licensees and suppliers a non-exclusive easement for the use and enjoyment without charge of the Common Areas and Common Facilities as they shall exist from time to time on the Leased Premises, provided, however, utility lines and accessory utility facilities

-7-

-022

PETITIONER'S EXHIBIT 2

tenant covenant and agree to indemnify each other for any damage caused by one to the other, caused by them or by any of their respective agents, employees or contractors with respect to Common Areas and Common Facilities (as hereinafter defined). If Sublandlord and Subtenant are unable to agree as to fault regarding these matters, Sublandlord and Subtenant shall within thirty (30) days after receipt of a written notice of such damage mutually select a third party expert to make this determination and all such costs and expenses related to the work performed with respect hereto by such third party shall be shared equally between Sublandlord and Subtenant, who agree to be bound by the third party's decision. If Sublandlord and Subtenant cannot agree on selection of such expert, the matter shall be submitted to arbitration. The costs and expenses of arbitration shall be shared equally by Sublandlord and Subtenant who agree to be bound by the decision resulting from arbitration.

7. A new Section 27 is hereby added to the Sublease as follows:

(a) Reciprocal Easements and No Barrier Agreement.

The Leased Premises are part of a larger parcel of land hereinbefore or hereinafter referred to as the "Common Parcel". The Common Parcel is cross-hatched on Rider B attached hereto and made part hereof. As used in this Sublease, the "Common Areas" includes by way of illus-

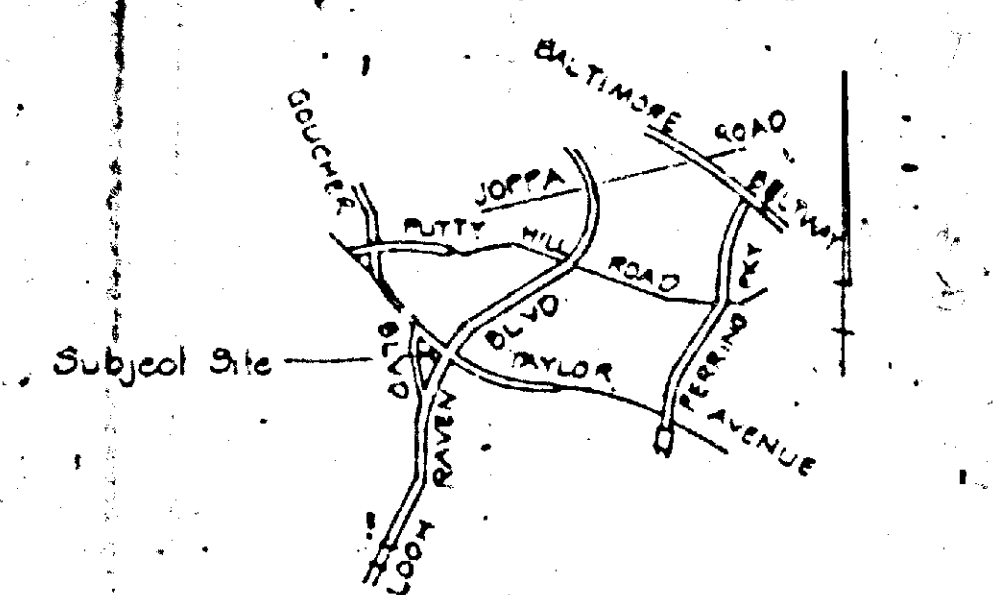
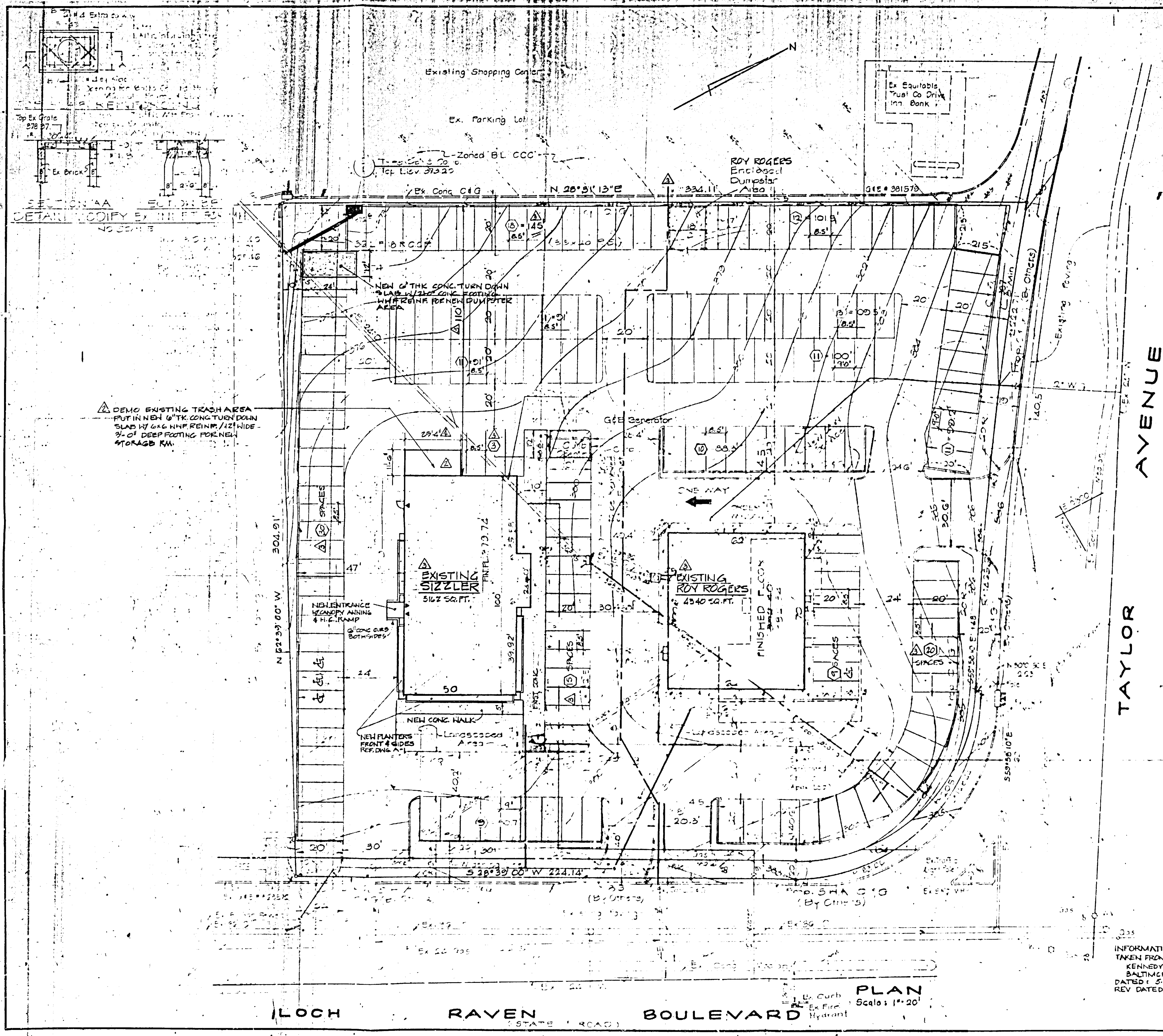
-6-

-022

which currently do not exist shall be installed below ground level unless Sublandlord and Subtenant hereafter otherwise mutually agree in writing. Employees of Subtenant or any person who is or may be a permitted tenant in the future on the Leased Premises shall park in specific employee parking areas located on the Leased Premises and the parties will cooperate in enforcing this requirement. Employees of Sublandlord or any person who is or may be a tenant in the future on the Common Parcel (excluding the Leased Premises) will park in specific employee parking areas not located on the Leased Premises and the parties will cooperate in enforcing this requirement. No fences or other barriers (not currently existing) shall be erected to separate or divide the Common Areas and/or Common Facilities of the Common Parcel from the Leased Premises or of the Common Areas and/or Common Facilities of the Leased Premises from the Common Parcel. Each easement, restriction and covenant contained in this Sublease shall be appurtenant to and for the benefit of the Leased Premises and Common Parcel and shall be a burden thereon for the benefit of the Leased Premises and Common Parcel and shall run with the land; each easement to remain for the duration of this Sublease and each covenant, restriction and undertaking shall be for the duration of this Sublease or the time period allowed by law, whichever is lesser.

(b) Maintenance. Subtenant shall cause all of the Common Areas and Common Facilities on the Leased

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VICINITY MAP
Scale 1"=500'

BENCH MARK
X: 8167
Galvanized spike in macadam South side of Goucher Blvd. N 1067557, E 5205797
Elev. 387.080

GENERAL NOTES

1. Area of Tract (Including Widening) 2.155 AC
 2. Zoning of Tract E1-C S.A.
 3. PARKING REQUIREMENTS 1 PER 50 SQ. FT. OF BLDG AREA. PS
- | | |
|---|----------------------------|
| SIZZLER | ROY ROGERS |
| BLDG. SQ. FOOTAGE = 5162 # | BLDG. SQ. FOOTAGE = 4340 # |
| <p>● COMBINED BLDG SQ. FOOTAGE = 9502 #</p> <p>● PARKING SPACES REQ'D = (1) PER 50 #</p> <p style="text-align: center;">= $\frac{9502}{50} = 190 \text{ SPACES}$</p> <p>● COMBINED PARKING PROVIDED = 183 SPACES</p> | |

GENERAL NOTES:

1. CONTRACTOR SHALL REMOVE ALL EXTERIOR SIDING, PORCHES, PENT ROOFS, WOOD COLUMNS, WOOD RAILINGS, FALSE WINDOWS, DOORS, SHUTTERS, WOOD WALKS (CONCRETE FOOTINGS), AND ANYTHING ELSE THAT MIGHT EXIST THAT IS NOT MENTIONED SO THAT NEW EXTERIOR AND PLANTERS CAN BE INSTALLED.
2. CONTRACTOR SHALL REMOVE ANY MACADAM, BASE, SUB-BASE, CONCRETE AND ANY OTHER MATERIAL THAT IS NOT CONDUCTIVE TO A GOOD PLANTING BED AS SHOWN ON SITE PLAN.
3. CONTRACTOR SHALL PROTECT ANY SHRUBBERY THAT IS TO REMAIN, FROM DAMAGE DURING DEMOLITION AND CONSTRUCTION.
4. CONTRACTOR TO RESTRIPE PARKING LOT AREAS THAT ARE AFFECTED BY NEW CONSTRUCTION.
5. CONTRACTOR SHALL CUT NEW MASONRY OPENINGS AS DENOTED ON ARCHITECTURAL AND STRUCTURAL DRAWINGS.
6. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO DEMOLITION AND/OR EXCAVATION WORK.
7. CONTRACTOR SHALL REPAIR PARKING LOT AND RESTRIPE AS DIRECTED BY SIZZLER ROY.
8. SIGN & LIGHT POLES PAINTED BY S&N CONTR.
9. LIGHT BASES PAINTED BY GC.
10. LOT LIGHTS TO BE PAINTED BY TENLY.

PETITIONER'S
SUBMIT

GRIDCO
8800 CADDY BLVD WEST LANDOWN, MD 21040

RUSTLER/SIZZLER CONVERSION

STORE No. 19-741

6830 WCH RAVEN BLVD & TAYLOR AVE
BALTIMORE, MD. 21204

SCALE: 1"=200' DATE: 11-11-85

REV. 8-5-86

INFORMATION ON THIS SITE PLAN IS
TAKEN FROM PLAN PREPARED BY:
KENNEDY-BODE ENGINEERING INC.
BALTIMORE, MD.
DATED: 5-24-73
REV DATED: 10-20-77

△ 9-9-87
△ 3-25-87
△ 3-5-87
△ 8-5-86

REVISIONS

PLAN
Scale: 1"=20'

LOCH RAVEN BOULEVARD
(STATE ROAD)

1. Ex. Curb
2. Ex. Fire Hydrant