5/17/94
TO WCR
2022-94
To: JCM
5/18/94 WCR

May 17,1994

Gianmaria Alexander Marconi
5301 Hamlet Avenue
Baltimore, MD 21214

Mr. Arthur Jablon
Director, ZADM
County Office Bldg., Room 109
111 W. Chesapeake Ave.
Towson, MD 21204

RECEIVED
MAY 18 1994
ZADM

In Re: 1004 Reisterstown Road
Pikesville, MD 21208

Dear Mr. Jablon,

I am in the process of applying for a Pistol and Revolver Dealers License from the state of Maryland. The license application requires written verification, from the local zoning authority, of the following:

1. The zoning classification of the above referenced property (ie.B/L).

2. That it is permitted to retail, wholesale and gunsmith at the above location.

I spoke to a planner in your department on Thursday May 12 and Friday May 13, 1994. There were questions, with regards to the parking requirements at the property. A variance, in lieu of the required number of parking spaces, was granted and can be located in case number 90-377 A.

If your department should require any additional information, feel free to contact me at (410) 319-6876. Please send the written reply, at your earliest possible convenience, to me at the following address:

Gianmaria Alexander Marconi
5301 Hamlet Avenue
Baltimore, MD 21214

Your time and attention to this matter are deeply appreciated. Thank you very much.

Respectfully Yours,

Gianmaria Alexander Marconi

IN RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 104.08' NW of the c/l of Sherwood Road
(1004 Reisterstown Road)
3rd Election District
2nd Councilmanic District

The Top Ten
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-377-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces, in accordance with Petitioner's Exhibit 1.

The Petitioner, The Top Ten, Legal Owner, by Sylvan Cornblatt, General Partner, and The Wilson Company, Contract Purchaser, by Nicholas C. Wilson, Partner, appeared, testified and were represented by David S. Sellman, Esquire. Also appearing on behalf of the Petition were Evelyn Burns, Executive Director of the Pikesville Community Growth Corporation, hereinafter referred to as PCGC, Marvin Morrison, President of Ralston Community Association, Ken Mills, Director of the Baltimore County Revenue Authority, and Jack Dillon, Senior Planner with the Baltimore County Office of Planning and Zoning. There were no Protestants.

Testimony indicated that the subject property, known as 1004 Reisterstown Road, consists of 0.106 acres zoned B.L.-C.N.S. and is improved with a two story brick building which is currently vacant and covers all but a small portion of the entire square footage of the subject property. Said property is part of the area scheduled for revitalization under the Pikesville Revitalization Plan. Mr. Wilson testified that he has a contract to purchase the subject property from the Petitioner and is desirous of establishing a restaurant on the first floor of the existing

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

building and continuing to lease the second floor office space. Testimony indicated the proposed restaurant is similar to one Mr. Wilson presently operates in Fells Point known as South By Southwest. Mr. Wilson testified that the restaurant proposed at the subject location will be known as the Southwest Passage. He testified that the hours of operation would be 7 days a week from approximately 10:30 AM to 10:30 PM. Mr. Wilson further testified the restaurant will provide seating for 89 individuals and will be equipped with handicap facilities. Testimony indicated that since there is no area left on the lot and no vacant adjoining land available for purchase to establish the required parking, the relief requested is necessary.

Mr. Dillon testified as to the characteristics of the area and how the Pikesville Revitalization Plan was adopted as official County policy in 1979. He testified that the proposed improvements are in agreement with the Revitalization Plan and necessary for this type of commercial enterprise to come into the area to help stabilize the 1000 Block of Reisterstown Road. Mr. Dillon expressed his opinion that the proposed improvements will be very beneficial to the surrounding community and in accord with the Pikesville Revitalization Plan and good planning principles. Mr. Dillon further testified that he did not believe there would be a parking problem, relating the availability of area parking lots, including the Revenue Authority lot on Sherwood Road, which is within walking distance of the subject property and contains 34 parking spaces. He concluded that denial of the variance would result in practical difficulty and/or unreasonable hardship to the Petitioner and that the granting of the request would not substantially injure the health, safety or general welfare of the surrounding community.

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Date 5/15/90
By [signature]

Mr. Mills testified that a study of the 1000 Block of Reisterstown Road and the availability of parking in the area had been undertaken. He indicated that the Revenue Authority lot at Sherwood Road during peak hours had an average use of only 7 vehicles with a maximum 11 of the 34 spaces being used at any one time. He further testified as to the availability of parking on the street, across the street at the vacant Pikesville Theatre lot, and the Gordon's parking lot. When Mr. Mills was questioned as to whether or not he felt the restrictions set forth in the Zoning Plans Advisory Committee comments submitted by the Office of Planning should be imposed, he respectfully disagreed and testified he felt each case should be determined on a case-by-case basis. He noted that the 1000 Block of Reisterstown Road merchants, the majority of whom have no on-site parking, have rented the Pikesville Theatre lot across from the subject property to insure the availability of parking for their customers.

Mr. Morrison, testifying on behalf of the Ralston Community which is located behind the subject site and currently is comprised of 320 homes, indicated that the Executive Board of the subject Community Association strongly supports the relief requested by Petitioner. He testified as to the need for revitalization of the area and indicated that in his opinion, the granting of the variance in this instance would benefit the community. He also noted the availability of off-site parking in the area.

Ms. Burns indicated that PCGC strongly favors the relief requested by Petitioner and feels that denial of the requested variance would constitute a practical difficulty or unreasonable hardship for the Petitioner and impose a substantial injury upon the health, safety and general welfare of the surrounding community, as the proposed restaurant is the type of revitalization the community is looking for.

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

The Petitioner seeks relief from Section 409.6.A2 pursuant to Section 307 of the Baltimore County Zoning Regulations (B.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
>
> 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 is 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 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of May, 1990 that the Petition for Zoning Variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces, in accordance with Petitioner's Exhibit 1,

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

1/04/90 H9000224

PUBLIC HEARING FEES	QTY	PRICE
020 -ZONING VARIANCE (OTHER)	1 X	$175.00
	TOTAL:	$175.00

LAST NAME OF OWNER: THE WILSON

B 8 C05*****17500:a 3058F

Cashier Validation:

Please make checks payable to: Baltimore County

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

224

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-377-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 409.6.A.2 to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
The Contract Purchasers wish to operate a restaurant in the premises with offices on upper floors. They cannot do so without this variance. One of them is a successful operator of a restaurant in Fells Point which the Pikesville Community Growth Corporation wishes to attract to this location. This block is to be improved by a structured Revenue Authority parking lot, and the Revenue Authority lot on Sherwood Avenue is also available.

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.

Contract Purchaser:
The Wilson Company
(Type or Print Name)
[signature]
Signature Nicholas C. Wilson
P. O. Box 140
Address
Brookeville, Maryland 20833
City and State

Legal Owner(s):
The Top Ten
(Type or Print Name)
[signature]
Signature Steven Cornblatt
(Type or Print Name)
Signature

MAP NW-7F
E-2
E. D. 3rd
DATE 12/3/91
200
1000 G.Z.C.
BP

Attorney for Petitioner:
Howard J. Needle
(Type or Print Name)
[signature]
Signature
117 Water Street, Suite 600
Address
Baltimore, Maryland 21202
City and State
Attorney's Telephone No.: 539-3800

4 Woodland Court 583-8895
Address Phone No.
Lutherville, Maryland 21093
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Theodore Denick, Esquire
Name
7 N. Calvert Street 685-7400
Address Phone No.
Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 21 day of Feb 1990, 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 30 day of March, 1990, at 11:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

Resct for 4/26/90 -

MJK - 45 min.
1/26/90
avail anytime

HOME
301-728-2369

OFFICE
301-332-4151

David S. Sellman
ATTORNEY AT LAW

MEMBER OF
MD. AND D.C. BARS

SUITE 600
117 WATER STREET
BALTIMORE, MARYLAND 21202

224

90-377-A

APR
APR ASSOCIATES, INC.
ENGINEERS · SURVEYORS

Alexander P. Ratych, Prof. L.S.
Richard J. Truelove, P.E.
Kevin L. Ouelet, P.E.
Paul K. Francis, P.E.
Paul A. Ratych, Prop. L.S.
Robert L. Haynie

DESCRIPTION OF PROPERTY
1004 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND

BEGINNING FOR THE SAME at a point on the Southwesterly side of Reisterstown Road distant 79.08 feet, measured in the Northwesterly direction, from the corner formed by the intersection of said Southwesterly side of Reisterstown Road with Northwesterly side of Sherwood Avenue; thence leaving Reisterstown Road and running Southwesterly 116.58 feet, thence Northwesterly 40.00 feet and then Northeasterly 114.75 feet to intersect the Southwesterly side of Reisterstown Road; thence binding thereon Southeasterly 40.04 feet to the point of beginning; containing 4,626.7 square feet or 0.106 acres more or less.

12/20/89

[signature] 12-20-1989

5216 Harford Road
Baltimore, Maryland 21214
(301) 444-4326
Fax: (301) 444-1647

7427 Harford Road
Baltimore, Maryland 21234
(301) 444-4312
Fax: (301) 444-1647

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-377-A

District 3rd Date of Posting 4-3-90
Posted for: Variance
Petitioner: Legal Owners The Top Ten - Purchaser The Wilson Co.
Location of property: SW/S of Reisterstown Road 104.08 NW of the C/L of Sherwood Road (1004 Reisterstown Road)
Location of Signs: On front window of 1004 Reisterstown Road
Remarks:
Posted by [signature] Date of return: 4-6-90
Signature
Number of Signs: 1

CERTIFICATE OF PUBLICATION

Pikesville, Md., 3/28 1990

THIS IS TO CERTIFY, that the annexed advertisement

LEGAL NOTICE
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 in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
CASE NUMBER: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
3rd Election District—2nd Councilmanic
Legal Owner(s): The Top Ten
1004 Reisterstown Road
HEARING: Thursday, April 26, 1990 at 9:00 a.m.
Variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces.
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 request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

EASY-BY-MAIL CLASSIFIED AD TAKER
NORTHWEST STAR, 17 WARREN RD., SUITE 12-B
PIKESVILLE, MD. 21208 653-3800
NAME
ADDRESS
CITY STATE ZIP
CHARGE NO.(VISA),(MC)
CHECK OR CASH ENCLOSED
DATES TO RUN:
CLASSIFICATION
Classified Deadline
Thursday 3 p.m.
$6.00 FOR THE FIRST 15 WORDS
30¢ FOR EACH ADDITIONAL WORD

28 March, 1990 / Northwest STAR / Page 17

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 21204 as follows:

Petition for Zoning Variance
Case No.: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
1004 Reisterstown Road
3rd Election District
2nd Councilmanic
Legal Owner(s): The Top Ten
Contract Purchaser(s): The Wilson Co.
Hearing Date: Thursday, Apr. 26, 1990 at 2:00 p.m.

Variance: to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces.

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 request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

3/459 Mar. 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 30, 19 90

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 29, 19 90

THE JEFFERSONIAN,

S. Zeke Orlan

Publisher

PO 103644

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE APR. 05 1990

Dennis F. Rasmussen
County Executive

The Wilson Company
P. O. Box 140
Brookenville, Maryland 20833

Re: Petition for Zoning Variance
CASE NUMBER: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
1004 Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): The Top Ten
Contract Purchaser(s): The Wilson Company
HEARING: THURSDAY, APRIL 26, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that $91.70 is due for advertising and posting of the above captioned property.

... THE ZONING SIGN & POST SET(S)

Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number № 2287

90-377

Date

4/26/90 M9000736

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$91.70
	TOTAL:	$91.70

LAST NAME OF OWNER: THE WILSON

B B 048******9170:a 8018F

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 14, 1990

Dennis F. Rasmussen
County Executive

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:

Petition for Zoning Variance
CASE NUMBER: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
1004 Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): The Top Ten
Contract Purchaser(s): The Wilson Company
HEARING: THURSDAY, APRIL 26, 1990 at 2:00 p.m.

Variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces.

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 request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: The Top Ten
The Wilson Company
Howard J. Needle, Esq.
Theodore Denick, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 14, 1990

Dennis F. Rasmussen
County Executive

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:

Petition for Zoning Variance
CASE NUMBER: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
1004 Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): The Top Ten
Contract Purchaser(s): The Wilson Company
HEARING: FRIDAY, MARCH 30, 1990 at 11:30 a.m.

Variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces.

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 request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: The Top Ten
The Wilson Company
Howard J. Needle, Esq.
Theodore Denick, Esq.
File

AMENDED CONTRACT OF SALE

THIS AMENDED AGREEMENT OF SALE, made this ____ day of December, nineteen hundred and eighty-nine between TOP TEN PARTNERSHIP, Seller, and ~~NICHOLAS C.~~ WILSON, Buyer.

WHEREAS, the parties entered into an informal handwritten contract of sale dated September 26, 1989 and desire to formalize and amend certain provisions thereof and have agreed to execute this Amended Agreement of Sale.

WITNESS that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in Baltimore County, State of Maryland, the improvements thereon being known as No. 1004 Reisterstown Road and further designated as the "Top Ten Building", in fee simple, together with all permanent improvements in, on or about the property in its "as is" condition at and for the price of THREE HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED ($337,500.00) DOLLARS of which TEN THOUSAND ($10,000.00) DOLLARS is to be paid (Five?) to Howard J. Needle and Theodore C. Denick, Escrow Agents, as a deposit on account of the purchase price, within ______ day(s) of the execution and delivery hereof, and the balance to be paid as follows: BY CASH, at time of settlement, which settlement shall occur within thirty (30) days of the satisfaction of all of the following contingencies, ~~but not later than June 1, 1990~~

This agreement and the settlement hereof is contingent upon the following:

1. The ability of the Buyer to obtain a Zoning Variance to permit [illegible]

2. The ability of the Buyer to obtain licenses and permits to operate a Restaurant on the premises.

3. The ability of the Buyer to obtain financing of [illegible] amortized over a term of at least 20 years at prevailing interest rates for commercial property.

Buyer agrees to promptly apply for such zoning variance, licenses, permits and mortgage financing and to pursue the same in a diligent manner and to keep Seller advised of his progress. In the event Buyer shall determine at any stage of his progress that it is unlikely that he will obtain either the necessary licenses, permits or financing in order to consummate this transaction, Buyer shall promptly notify Seller and escrow agents of Buyer's desire to terminate this agreement and the escrow agents shall return the deposit money and all interest thereon to Buyer and this Agreement shall be void and of no further force or effect.

Seller agrees to cooperate with Buyer in connection with, & participate in, any zoning and other governmental or non-governmental proceedings necessary in order to obtain all permits & authority to operate restaurant in [illegible]

PETITIONER'S EXHIBIT 2

Baltimore County
Economic Development Commission
Courthouse Mezzanine
Towson, Maryland 21204
(301) 887-8000
Fax: (301) 887-8017

File

April 25,1990

County Executive
Dennis F. Rasmussen

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

Re: Variance Request: Item Number 224 (90-377-A)

Dear Mr. Haines:

The Baltimore County Economic Development Commission wishes to express its support of the above referenced variance request. The request has come to our attention because of the property's location within the Pikesville Revitalization District.

The Economic Development Commission is fully committed to assisting in building and maintaining the health of Pikesville's commercial core. In addition to our current projects focusing on beautification, streetscaping, developing cultural arts and low-interest loan programs, we are working to attract new businesses to fill Pikesville's vacancies. We are very supportive of Nicholas Wilson's proposal for The Southwest Passage restaurant to be located at #1004 Reisterstown Road. This use would be an excellent complement to the others in the area and make a substantial contribution to the image we are working to create in this portion of the district.

Plans are also underway to develop additional parking facilities to meet the growing needs of the area as it redevelops. In light of other similar cases, the County is currently reviewing its policies for dealing with restaurant parking issues in smaller commercial districts.

Please accept this letter as firm support for allowing the variance request Item number 224. This restaurant use would be a welcome addition to the County's investment in Pikesville's revitalization.

Sincerely,

Richard W. Story
Richard W. Story
Executive Director

RWS:bb

3/30/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner

DATE: March 8, 1990

FROM: Pat Keller, Deputy Commissioner, Office of Planning and Zoning

SUBJECT: THE TOP TEN - ITEM NO. 224

The Petitioner requests a Variance to permit (0) off-street parking spaces in lieu of the required 92 spaces.

In reference to the Petitioner's request, staff offers the following:

- The applicant proposes to locate a restaurant within a building currently improved with existing restaurants and offices. Some of these existing uses required parking Variances. (See cases 73-191-A, 72-233-A, 75-87-SPH, 76-25-A, 76-155-A, 88-221-A, 88-229-A.)

- The proposed use is located in the Pikesville Revitalization area. The Pikesville Revitalization Growth Plan, adopted by the County Council on March 16, 1981 was an effort established by the County and the Pikesville community to evaluate the economic and market focus affecting the Pikesville commercial community. Additionally, this effort focused on the relationship of business and community goals in order to achieve community stabilization and revitalization through the development of a plan.

Planning staff views the creation of a "restaurant row" as an innportant element in the revitalization of this segment of Reisterstown Road. Therefore, staff recommends the Petitioner's request.

In order to mitigate the impact of an additional parking Variance, staff offers the following conditions:

- Employee parking shall be prohibited in the residential area immediately adjacent to the proposed use.

MAR 12 1990

- The Petitioner should meet with the Revenue Authority to discuss leasing parking at the Revenue Authority's existing surface parking lot and arrangements should be made for future lease agreements if the new 300 space garage is constructed. Any such arrangement should be reviewed by the Zoning Commissioner within five years from the date of occupancy.

- Contact should be made with the M.T.A. to arrange the purchase of monthly passes for employees at a rate of one pass per employee.

If there should be any further questions or if this office can provide additional information please contact Jeffrey Long in the Office of Planning and Zoning at 887-3211.

PK:JL:ggl
TOPTEN/TXTGGL

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 15, 1990

Howard J. Needle, Esquire
117 Water Street, Suite 600
Baltimore, MD 21202

RE: Item No. 224, Case No. 90-377-A
Petitioner: The Top Ten, et al
Petition for Zoning Variance

Dear Mr. Needle:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: The Wilson Company
The Top Ten

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

21st day of February, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: The Top Ten, et al

Petitioner's Attorney: Howard J. Needle

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610

Ted Zaleski, Jr.
Director

Dennis F. Rasmussen
County Executive

FEB 13 1990

FEBRUARY 8, 1990

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

RE: Property Owner: THE WILSON COMPANY LEGAL OWNER
Location: #1004 REISTERSTOWN ROAD
Item No.: 224 Zoning Agenda: FEBRUARY 20, 1990

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER Capt Joseph Kelly 2-9-90
Planning Group
Special Inspection Division

Noted and Approved Captain J. F. Brady KCL
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

2-9-90
Date

FEB 15 1990

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

Zoning Item #224, Zoning Advisory Committee Meeting of February 20 1990

Property Owner: The Wilson Company District: 3

Location: SW/S Reisterstown Rd, 104.08' NW centerline of Sherwood Rd

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

(✓) 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.

( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations 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.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, 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 Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) 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.

( ) 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.

( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

( ) 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 or abandonment, owner must contact the Division of Waste Management at 887-3745.

( ) Soil percolation tests, have been ____, must be ____, conducted.
( ) The results are valid until ____.
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until ____.
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 687-3980.

( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

( ) Others ____

W. E. Morris
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for February 20, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 193, 224, 241, 242, 243, 244, and 245

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Mr Nickolas C Wilson	17116010 Mine RD Brookville 20833
DJ Wilson	" " "
Evelyn Burns	P.C.C.C. 3655A Old Court Rd. 21208
Ken Mills	B.C. Revenue Authority 10 W. Chesapeake Ave 21204
Marvin Morrison	620 Military Ave 21208 Ralston Community
Sylvan Cornblatt	P.O. Box 364 Owings Mills, Md
Jack Dillon	B.C. OPZ
David Sellman	600 - 117 Water St Balt Md

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 15, 1990

David S. Sellman, Esquire
117 Water Street, Suite 600
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 104.08' NW of the c/l of Sherwood Road
(1004 Reisterstown Road)
3rd Election District - 2nd Councilmanic District
The Top Ten - Petitioner
Case No. 90-377-A

Dear Mr. Sellman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel
File

LAW OFFICES
SOLLINS AND NEEDLE
SUITE 600
117 WATER STREET
BALTIMORE, MARYLAND 21202
(301) 539-3800
FAX: (301) 576-0140

STANLEY SOLLINS
HOWARD J. NEEDLE
KENNETH C. MONTAGUE, JR.
SARAH C. KING

COUNSEL
J. MAYER WILLEN

February 16, 1990

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

RE: Case No. 90-377-A
Petition for Zoning Variance
1004 Reisterstown Road
Hearing date: March 30, 1990
at 11:30 a.m.

RECEIVED
FEB 20 1990
ZONING OFFICE

Dear Mr. Haines:

I just received the Notice of Hearing scheduling the above-captioned Petition for Zoning Variance for a hearing on Friday, March 30, 1990 at 11:30 a.m. Unfortunately, I have a conflict in that I must then be in the Circuit Court for Harford County in final argument in the case of Ionescu v. Ionescu, Case No. 5021. Therefore, I request a rescheduling of this hearing at the earliest possible time after March 30, 1990. I doubt that the hearing will take longer than an hour and, hopefully, it can be scheduled early in April.

Thanking you for your cooperation and assistance, I am,

Respectfully,

SOLLINS AND NEEDLE

s/ Howard J. Needle
Howard J. Needle

HJN/cef

cc: Gwendolyn Stevens, Docket Clerk
Mr. Nicholas C. Wilson
Theodore C. Denick, Esquire

IN RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 104.08' NW of the c/l of Sherwood Road
(1004 Reisterstown Road)
3rd Election District
2nd Councilmanic District

The Top Ten
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-377-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces, in accordance with Petitioner's Exhibit 1.

The Petitioner, The Top Ten, Legal Owner, by Sylvan Cornblatt, General Partner, and The Wilson Company, Contract Purchaser, by Nicholas C. Wilson, Partner, appeared, testified and were represented by David S. Sellman, Esquire. Also appearing on behalf of the Petition were Evelyn Burns, Executive Director of the Pikesville Community Growth Corporation, hereinafter referred to as PCGC, Marvin Morrison, President of Ralston Community Association, Ken Mills, Director of the Baltimore County Revenue Authority, and Jack Dillon, Senior Planner with the Baltimore County Office of Planning and Zoning. There were no Protestants.

Testimony indicated that the subject property, known as 1004 Reisterstown Road, consists of 0.106 acres zoned B.L.-C.N.S. and is improved with a two story brick building which is currently vacant and covers all but a small portion of the entire square footage of the subject property. Said property is part of the area scheduled for revitalization under the Pikesville Revitalization Plan. Mr. Wilson testified that he has a contract to purchase the subject property from the Petitioner and is desirous of establishing a restaurant on the first floor of the existing

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

building and continuing to lease the second floor office space. Testimony indicated the proposed restaurant is similar to one Mr. Wilson presently operates in Fells Point known as South By Southwest. Mr. Wilson testified that the restaurant proposed at the subject location will be known as the Southwest Passage. He testified that the hours of operation would be 7 days a week from approximately 10:30 AM to 10:30 PM. Mr. Wilson further testified the restaurant will provide seating for 89 individuals and will be equipped with handicap facilities. Testimony indicated that since there is no area left on the lot and no vacant adjoining land available for purchase to establish the required parking, the relief requested is necessary.

Mr. Dillon testified as to the characteristics of the area and how the Pikesville Revitalization Plan was adopted as official County policy in 1979. He testified that the proposed improvements are in agreement with the Revitalization Plan and necessary for this type of commercial enterprise to come into the area to help stabilize the 1000 Block of Reisterstown Road. Mr. Dillon expressed his opinion that the proposed improvements will be very beneficial to the surrounding community and in accord with the Pikesville Revitalization Plan and good planning principles. Mr. Dillon further testified that he did not believe there would be a parking problem, relating the availability of area parking lots, including the Revenue Authority lot on Sherwood Road, which is within walking distance of the subject property and contains 34 parking spaces. He concluded that denial of the variance would result in practical difficulty and/or unreasonable hardship to the Petitioner and that the granting of the request would not substantially injure the health, safety or general welfare of the surrounding community.

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Date 5/15/90
By [signature]

Mr. Mills testified that a study of the 1000 Block of Reisterstown Road and the availability of parking in the area had been undertaken. He indicated that the Revenue Authority lot at Sherwood Road during peak hours had an average use of only 7 vehicles with a maximum 11 of the 34 spaces being used at any one time. He further testified as to the availability of parking on the street, across the street at the vacant Pikesville Theatre lot, and the Gordon's parking lot. When Mr. Mills was questioned as to whether or not he felt the restrictions set forth in the Zoning Plans Advisory Committee comments submitted by the Office of Planning should be imposed, he respectfully disagreed and testified he felt each case should be determined on a case-by-case basis. He noted that the 1000 Block of Reisterstown Road merchants, the majority of whom have no on-site parking, have rented the Pikesville Theatre lot across from the subject property to insure the availability of parking for their customers.

Mr. Morrison, testifying on behalf of the Ralston Community which is located behind the subject site and currently is comprised of 320 homes, indicated that the Executive Board of the subject Community Association strongly supports the relief requested by Petitioner. He testified as to the need for revitalization of the area and indicated that in his opinion, the granting of the variance in this instance would benefit the community. He also noted the availability of off-site parking in the area.

Ms. Burns indicated that PCGC strongly favors the relief requested by Petitioner and feels that denial of the requested variance would constitute a practical difficulty or unreasonable hardship for the Petitioner and impose a substantial injury upon the health, safety and general welfare of the surrounding community, as the proposed restaurant is the type of revitalization the community is looking for.

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

The Petitioner seeks relief from Section 409.6.A2 pursuant to Section 307 of the Baltimore County Zoning Regulations (B.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
>
> 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 is 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 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of May, 1990 that the Petition for Zoning Variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces, in accordance with Petitioner's Exhibit 1,

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date 1/04/90 H9000224

PUBLIC HEARING FEES	QTY	PRICE
020 -ZONING VARIANCE (OTHER)	1 X	$175.00
	TOTAL:	$175.00

LAST NAME OF OWNER: THE WILSON

B 8 C0S*****17500:a 305EF

Cashier Validation:

Please make checks payable to: Baltimore County

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

224

PETITION FOR ZONING VARIANCE 90-377-A

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 409.6.A.2 to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
The Contract Purchasers wish to operate a restaurant in the premises with offices on upper floors. They cannot do so without this variance. One of them is a successful operator of a restaurant in Fells Point which the Pikesville Community Growth Corporation wishes to attract to this location. This block is to be improved by a structured Revenue Authority parking lot, and the Revenue Authority lot on Sherwood Avenue is also available.

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.

Contract Purchaser:
The Wilson Company
(Type or Print Name)
[signature]
Signature Nicholas C. Wilson
P. O. Box 140
Address
Brookeville, Maryland 20833
City and State

Attorney for Petitioner:
Howard J. Needle
(Type or Print Name)
[signature]
Signature
117 Water Street, Suite 600
Address
Baltimore, Maryland 21202
City and State
Attorney's Telephone No.: 539-3800

Legal Owner(s):
The Top Ten
(Type or Print Name)
[signature]
Signature Steven Cornblatt
(Type or Print Name)
Signature
4 Woodland Court 583-8895
Address Phone No.
Lutherville, Maryland 21093
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Theodore Denick, Esquire
Name
7 N. Calvert Street 685-7400
Address Phone No.
Baltimore, Maryland 21202

MAP NW-7F
E-2
E. D. 3rd
DATE 12/3/91
200
1000
G.Z.C.
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 21 day of Feb 1990, 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 30 day of March 1990, at 11:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 5/15/90
By [signature]

Reset for 4/26/90 -

MJK - 45 min
1/26/90
avail anytime

HOME
301-728-2369

OFFICE
301-332-4151

David S. Sellman
ATTORNEY AT LAW

MEMBER OF
MD. AND D.C. BARS

SUITE 600
117 WATER STREET
BALTIMORE, MARYLAND 21202

224

90-377-A

APR
APR ASSOCIATES, INC.
ENGINEERS · SURVEYORS

Alexander P. Ratych, Prof. L.S.
Richard J. Truelove, P.E.
Kevin L. Ouelet, P.E.
Paul K. Francis, P.E.
Paul A. Ratych, Prop. L.S.
Robert L. Haynie

DESCRIPTION OF PROPERTY
1004 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND

BEGINNING FOR THE SAME at a point on the Southwesterly side of Reisterstown Road distant 79.08 feet measured in the Northwesterly direction, from the corner formed by the intersection of said Southwesterly side of Reisterstown Road with Northwesterly side of Sherwood Avenue; thence leaving Reisterstown Road and running Southwesterly 116.58 feet, thence Northwesterly 40.00 feet and then Northeasterly 114.75 feet to intersect the Southwesterly side of Reisterstown Road; thence binding thereon Southeasterly 40.04 feet to the point of beginning; containing 4,626.7 square feet or 0.106 acres more or less.

12/20/89

[signature] 12-20-1989

5216 Harford Road
Baltimore, Maryland 21214
(301) 444-4326
Fax: (301) 444-1647

7427 Harford Road
Baltimore, Maryland 21234
(301) 444-4312
Fax: (301) 444-1647

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-377-A

District 3rd
Date of Posting 4-3-90
Posted for: Variance
Petitioner: Legal Owners The Top Ten - Purchaser The Wilson Co.
Location of property: SW/S of Reisterstown Road 104.08 NW of the C/L of Sherwood Road (1004 Reisterstown Road)
Location of Signs: On front window of 1004 Reisterstown Road
Remarks:
Posted by [signature]
Signature
Date of return: 4-6-90
Number of Signs: 1

CERTIFICATE OF PUBLICATION

Pikesville, Md., 3/28 1990

THIS IS TO CERTIFY, that the annexed advertisement

LEGAL NOTICE

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 in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
CASE NUMBER: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
3rd Election District—2nd Councilmanic
Legal Owner(s): The Top Ten
1004 Reisterstown Road
HEARING: Thursday, April 26, 1990

Variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces.

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 request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

EASY-BY-MAIL CLASSIFIED AD TAKER
NORTHWEST STAR, 17 WARREN RD., SUITE 12-B
PIKESVILLE, MD. 21208 653-3800
NAME
ADDRESS
CITY STATE ZIP
CHARGE NO.(VISA),(MC)
CHECK OR CASH ENCLOSED
DATES TO RUN:
CLASSIFICATION
Classified Deadline
Thursday 3 p.m.
$6.00 FOR THE FIRST 15 WORDS
30¢ FOR EACH ADDITIONAL WORD

28 March, 1990 / Northwest STAR / Page 17

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 21204 as follows:

Petition for Zoning Variance
Case No.: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
1004 Reisterstown Road
3rd Election District
2nd Councilmanic
Legal Owner(s): The Top Ten
Contract Purchaser(s): The Wilson Co.
Hearing Date: Thursday, Apr. 26, 1990 at 2:00 p.m.

Variance: to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces.

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 request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

3/459 Mar. 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 29, 1990

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

PO 103644

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE APR. 05 1990

Dennis F. Rasmussen
County Executive

The Wilson Company
P. O. Box 140
Brookenville, Maryland 20833

Re: Petition for Zoning Variance
CASE NUMBER: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
1004 Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): The Top Ten
Contract Purchaser(s): The Wilson Company
HEARING: THURSDAY, APRIL 26, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that $91.70 is due for advertising and posting of the above captioned property.

[illegible] THE ZONING SIGN & POST SET(S)

Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number № 2287
90-377

Date

4/26/90 M9000736

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$91.70
	TOTAL:	$91.70

LAST NAME OF OWNER: THE WILSON

B B048******9170:a 801&F

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 14, 1990

Dennis F. Rasmussen
County Executive

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:

Petition for Zoning Variance
CASE NUMBER: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
1004 Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): The Top Ten
Contract Purchaser(s): The Wilson Company
HEARING: THURSDAY, APRIL 26, 1990 at 2:00 p.m.

Variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces.

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 request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: The Top Ten
The Wilson Company
Howard J. Needle, Esq.
Theodore Denick, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 14, 1990

Dennis F. Rasmussen
County Executive

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:

Petition for Zoning Variance
CASE NUMBER: 90-377-A
SW/S Reisterstown Road, 104.08' NW c/l of Sherwood Road
1004 Reisterstown Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): The Top Ten
Contract Purchaser(s): The Wilson Company
HEARING: FRIDAY, MARCH 30, 1990 at 11:30 a.m.

Variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces.

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 request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: The Top Ten
The Wilson Company
Howard J. Needle, Esq.
Theodore Denick, Esq.
File

AMENDED CONTRACT OF SALE

THIS AMENDED AGREEMENT OF SALE, made this _____ day of December, nineteen hundred and eighty-nine between TOP TEN PARTNERSHIP, Seller, and ~~NICHOLAS C.~~ Theodore [illegible] & [illegible] WILSON, Buyer.

WHEREAS, the parties entered into an informal handwritten contract of sale dated September 26, 1989 and desire to formalize and amend certain provisions thereof and have agreed to execute this Amended Agreement of Sale.

WITNESS that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in Baltimore County, State of Maryland, the improvements thereon being known as No. 1004 Reisterstown Road and further designated as the "Top Ten Building", in fee simple, together with all permanent improvements in, on or about the property in its "as is" condition at and for the price of THREE HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED ($337,500.00) DOLLARS of which ~~TEN~~ Five? THOUSAND ($10,000.00) DOLLARS is to be paid to Howard J. Needle and Theodore C. Denick, Escrow Agents, as a deposit on account of the purchase price, within _____ day(s) of the execution and delivery hereof, and the balance to be paid as follows: BY CASH, at time of settlement, which settlement shall occur within thirty (30) days of the satisfaction of all of the following contingencies, ~~but not later than June 1, 1990~~

This agreement and the settlement hereof is contingent upon the following:

1. The ability of the Buyer to obtain a Zoning Variance to permit [illegible]
2. The ability of the Buyer to obtain licenses and permits to operate a Restaurant on the premises.
3. The ability of the Buyer to obtain financing of 277,500 amortized over a term of at least 20 years at prevailing interest rates for commercial property.

Buyer agrees to promptly apply for such zoning variance, licenses, permits and mortgage financing and to pursue the same in a diligent manner and to keep Seller advised of his progress. In the event Buyer shall determine at any stage of his progress that it is unlikely that he will obtain either the necessary licenses, permits or financing in order to consummate this transaction, Buyer shall promptly notify Seller and escrow agents of Buyer's desire to terminate this agreement and the escrow agents shall return the deposit money and all interest thereon to Buyer and this Agreement shall be void and of no further force or effect.

Seller agrees to cooperate with Buyer in connection with, & participate in, any zoning and other governmental [illegible] proceedings necessary in order to obtain all permits & authority to operate restaurant in [illegible]

PETITIONER'S EXHIBIT 2

File

Baltimore County
Economic Development Commission
Courthouse Mezzanine
Towson, Maryland 21204
(301) 887-8000
Fax: (301) 887-8017

April 25,1990

County Executive
Dennis F. Rasmussen

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

Re: Variance Request: Item Number 224 90-377-A

Dear Mr. Haines:

The Baltimore County Economic Development Commission wishes to express its support of the above referenced variance request. The request has come to our attention because of the property's location within the Pikesville Revitalization District.

The Economic Development Commission is fully committed to assisting in building and maintaining the health of Pikesville's commercial core. In addition to our current projects focusing on beautification, streetscaping, developing cultural arts and low-interest loan programs, we are working to attract new businesses to fill Pikesville's vacancies. We are very supportive of Nicholas Wilson's proposal for The Southwest Passage restaurant to be located at #1004 Reisterstown Road. This use would be an excellent complement to the others in the area and make a substantial contribution to the image we are working to create in this portion of the district.

Plans are also underway to develop additional parking facilities to meet the growing needs of the area as it redevelops. In light of other similar cases, the County is currently reviewing its policies for dealing with restaurant parking issues in smaller commercial districts.

Please accept this letter as firm support for allowing the variance request Item number 224. This restaurant use would be a welcome addition to the County's investment in Pikesville's revitalization.

Sincerely,

Richard W. Story
Richard W. Story
Executive Director

RWS:bb

3/30/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: March 8, 1990

FROM: Pat Keller, Deputy Commissioner
Office of Planning and Zoning

SUBJECT: THE TOP TEN - ITEM NO. 224

The Petitioner requests a Variance to permit (0) off-street parking spaces in lieu of the required 92 spaces.

In reference to the Petitioner's request, staff offers the following:

- The applicant proposes to locate a restaurant within a building currently improved with existing restaurants and offices. Some of these existing uses required parking Variances. (See cases 73-191-A, 72-233-A, 75-87-SPH, 76-25-A, 76-155-A, 88-221-A, 88-229-A.)
- The proposed use is located in the Pikesville Revitalization area. The Pikesville Revitalization Growth Plan, adopted by the County Council on March 16, 1981 was an effort established by the County and the Pikesville community to evaluate the economic and market focus affecting the Pikesville commercial community. Additionally, this effort focused on the relationship of business and community goals in order to achieve community stabilization and revitalization through the development of a plan.

Planning staff views the creation of a "restaurant row" as an innportant element in the revitalization of this segment of Reisterstown Road. Therefore, staff recommends the Petitioner's request.

In order to mitigate the impact of an additional parking Variance, staff offers the following conditions:

- Employee parking shall be prohibited in the residential area immediately adjacent to the proposed use.

MAR 12 1990

- The Petitioner should meet with the Revenue Authority to discuss leasing parking at the Revenue Authority's existing surface parking lot and arrangements should be made for future lease agreements if the new 300 space garage is constructed. Any such arrangement should be reviewed by the Zoning Commissioner within five years from the date of occupancy.

- Contact should be made with the M.T.A. to arrange the purchase of monthly passes for employees at a rate of one pass per employee.

If there should be any further questions or if this office can provide additional information please contact Jeffrey Long in the Office of Planning and Zoning at 887-3211.

PK:JL:ggl
TOPTEN/TXTGGL

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 15, 1990

Howard J. Needle, Esquire
117 Water Street, Suite 600
Baltimore, MD 21202

RE: Item No. 224, Case No. 90-377-A
Petitioner: The Top Ten, et al
Petition for Zoning Variance

Dear Mr. Needle:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: The Wilson Company
The Top Ten

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

21st day of February, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: The Top Ten, et al

Petitioner's Attorney: Howard J. Needle

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610

Ted Zaleski, Jr.
Director

FEB 13 1990

FEBRUARY 8, 1990

Dennis F. Rasmussen
County Executive

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

RE: Property Owner: THE WILSON COMPANY LEGAL OWNER

Location: #1004 REISTERSTOWN ROAD

Item No.: 224 Zoning Agenda: FEBRUARY 20, 1990

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: Cpt Josef Kelly 2-9-90
Planning Group
Special Inspection Division

Noted and Approved: Captain J. F. Brady
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Date: 2-9-90

FEB 15 1990

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

Zoning Item #224, Zoning Advisory Committee Meeting of February 20, 1990
Property Owner: The Wilson Company
Location: SW/S Reisterstown Rd, 104.08' NW/centerline of Sherwood Rd District: 3
Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

(✓) 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.

( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations 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.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, 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 Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) 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.

( ) 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.

( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

( ) 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 or abandonment, owner must contact the Division of Waste Management at 887-3745.

( ) Soil percolation tests, have been ____, must be ____, conducted.
( ) The results are valid until ____.
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until ____.
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 687-3980.

( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

( ) Others ____

W. E. Morris
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for February 20, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 193, 224, 241, 242, 243, 244, and 245

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Mr Nickolas C Wilson	1711 Gold Mine RD Brookville 20833
DJ Wilson	" " "
Evelyn Burns	P.C.C.C. 3655A Old Court Rd. 21208
Ken Mills	B.C. Revenue Authority 10 W. Chesapeake Ave 21204
Marvin Morrison	620 Military Ave 21208 Ralston Community
Sylvan Cornblatt	P.O. Box 364 Owings Mills, Md
Jack Dillon	B.C. OPZ
David Sellman	600 - 117 Water St Balt Md

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 15, 1990

David S. Sellman, Esquire
117 Water Street, Suite 600
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 104.08' NW of the c/l of Sherwood Road
(1004 Reisterstown Road)
3rd Election District - 2nd Councilmanic District
The Top Ten - Petitioner
Case No. 90-377-A

Dear Mr. Sellman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

LAW OFFICES
SOLLINS AND NEEDLE
SUITE 600
117 WATER STREET
BALTIMORE, MARYLAND 21202
(301) 539-3800
FAX: (301) 576-0140

STANLEY SOLLINS
HOWARD J. NEEDLE
KENNETH C. MONTAGUE, JR.
SARAH C. KING

COUNSEL
J. MAYER WILLEN

February 16, 1990

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

RE: Case No. 90-377-A
Petition for Zoning Variance
1004 Reisterstown Road
Hearing date: March 30, 1990
at 11:30 a.m.

RECEIVED
FEB 20 1990
ZONING OFFICE

Dear Mr. Haines:

I just received the Notice of Hearing scheduling the above-captioned Petition for Zoning Variance for a hearing on Friday, March 30, 1990 at 11:30 a.m. Unfortunately, I have a conflict in that I must then be in the Circuit Court for Harford County in final argument in the case of Ionescu v. Ionescu, Case No. 5021. Therefore, I request a rescheduling of this hearing at the earliest possible time after March 30, 1990. I doubt that the hearing will take longer than an hour and, hopefully, it can be scheduled early in April.

Thanking you for your cooperation and assistance, I am,

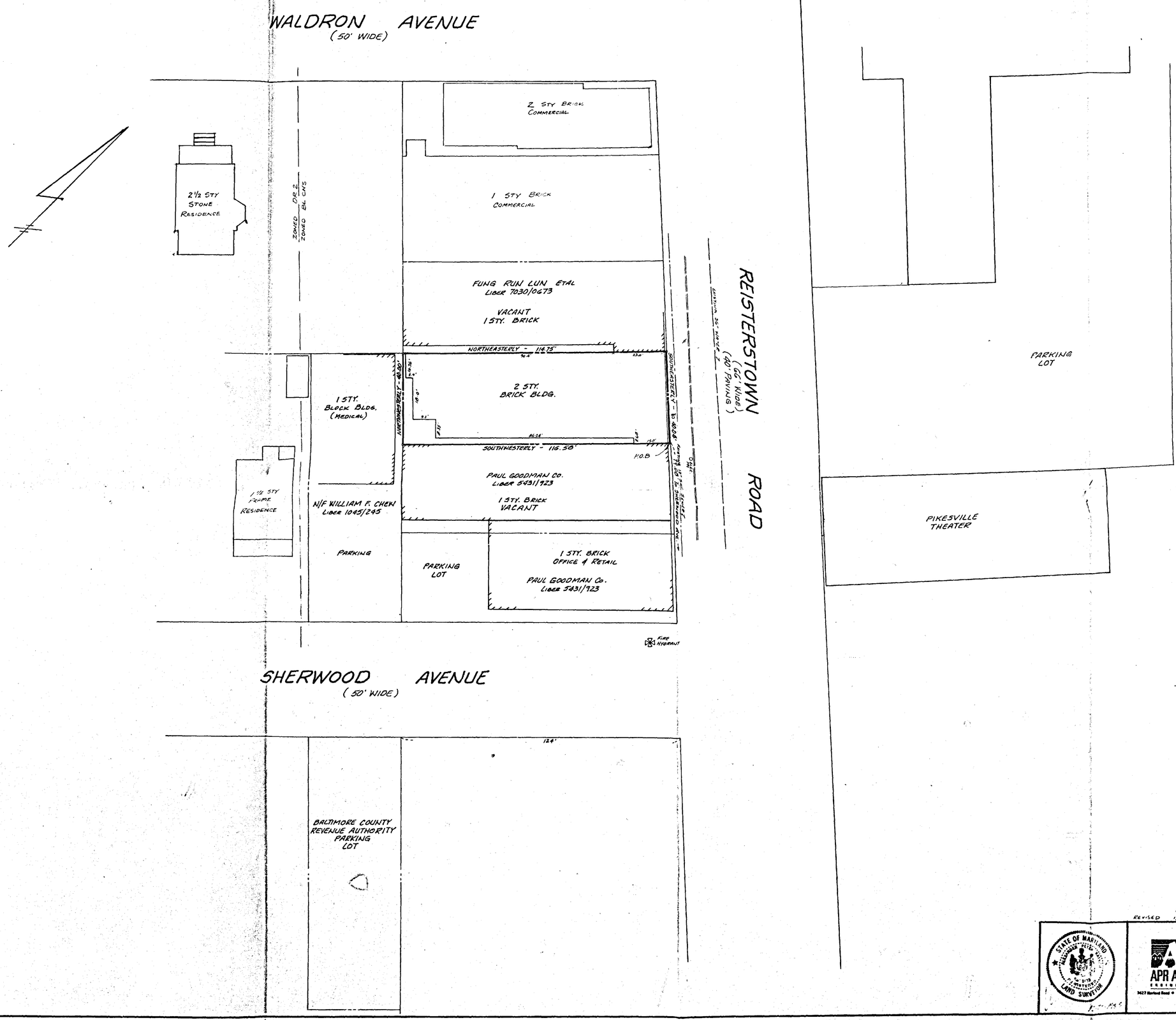
Respectfully,

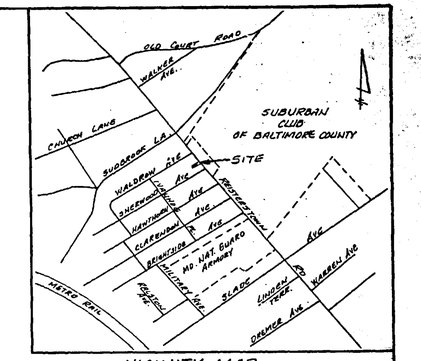
SOLLINS AND NEEDLE

s/ Howard J. Needle
Howard J. Needle

HJN/cef

cc: Gwendolyn Stevens, Docket Clerk
Mr. Nicholas C. Wilson
Theodore C. Denick, Esquire





VICINITY MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNER OF PROPERTY: THE TOP TEN
   c/o SYLVAN CORNBLATT
   P.O. BOX 21502
   BALTIMORE, MARYLAND 21208
2. DEED REFERANCE - LIBER 6271/0068
   LOT 379 PLAT OF RALSTON ANNEX
   J.W.S. NO. 1, PLAT 2 - 276
3. AREA OF PROPERTY 4,626.7 S.F. OR 0.106 Ac.±
4. PRESENT ZONING: BL-CNS
5. TAX MAP 78, BLOCK 8, PARCEL 00592
6. PROPERTY NO. 03-03-023609
7. EXISTING USE - VACANT
8. PROPOSED USE -
   FIRST FLOOR - RESTAURANT
   SECOND FLOOR - OFFICES.
   PARKING CALCULATIONS
   FIRST FLOOR - 3,955 SQUARE FEET - RESTAURANT
   PARKING REQUIRED - 20/1000 : 79 SPACES
   SECOND FLOOR - OFFICES
   PARKING REQUIRED - 3.3/1000 : 13 SPACES
   TOTAL SPACES REQUIRED : 92 SPACES
   PARKING PROVIDED : 0
   PREVIOUS VARIANCE GRANTED
   CASE 76-25 A
   ITEM 236 - PARKING VARIANCE 0 SPACES
   IN LIEU OF REQUIRED 25 SPACES.

90-377-A

1" 0" 1" 2"
20' 10' 0' 20' 40'

224

REVISED 1/19/90
1/10/90

STATE OF MARYLAND
ALLEN L. PETTIT
No. 10818
PROFESSIONAL
LAND SURVEYOR

APR
APR ASSOCIATES, INC.
ENGINEERS - SURVEYORS
3627 Mayfield Road • Baltimore, Maryland 21236 • (301) 668-4312

PLAT TO ACCOMPANY PETITION
FOR VARIANCE

1004 REISTERSTOWN ROAD

THIRD ELECTION DISTRICT
PIKESVILLE, MARYLAND

SCALE: 1" = 20'
DECEMBER 27, 19[illegible]

891