

October 5, 2017

David H. Karceski
Partner

T 410.494.6285
F 410.821.0147
dhkarceski@venable.com

W. Carl Richards, Supervisor
Zoning Review Office
Department of Permits, Approvals
and Inspections
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: **Request for Spirit and Intent Letter**
Cherryvale Plaza Shopping Center
11702 – 11716 Reisterstown Road
Case No. 1992-244-A
4th Election District, 4th Councilmanic District

Dear Mr. Richards:

This firm represents the legal owner of the Cherryvale Plaza Shopping Center. The subject property is located adjacent to and at the intersection of Reisterstown and Cherry Valley Roads in the Reisterstown area and is now comprised of various commercial uses.

At this time, our client is proposing additions to an existing commercial building and loading dock on the shopping center property. I am writing to confirm that these intended improvements to the shopping center are within the spirit and intent of a parking variance granted by way of Zoning Case No. 1992-244-A (or "1992 Case"). I have enclosed a redlined site plan prepared by Morris & Ritchie Associates, Inc., entitled "PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER," which shows the parking layout approved in the 1992 Case as well as the location for the intended site improvements.

By way of a brief history, in the 1992 Case, the then Zoning Commissioner granted a Petition for Variance to permit a total of 416 off-street parking spaces in lieu of the required 545 spaces. The overall parking space reduction approved was 129 spaces and the parking space deficit was 24%. I have also enclosed a copy of the order and site plan approved in the 1992 Case for your review. The redlined site plan submitted with this letter provides a parking calculation taking into account the current tenants on the property and the improvements described herein. This plan indicates that the total amount of parking required will be 516 parking spaces and the total number of spaces provided will be 401. While a parking reduction of 129 spaces (and parking deficit of

W. Carl Richards, Supervisor
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and Inspections
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Page 2

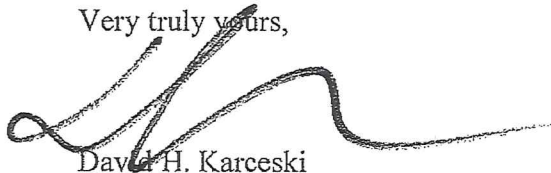
24%) was approved in the 1992 Case, according to the redlined plan, the parking reduction will now be 115 spaces (and parking deficit of 23%) and within the spirit and intent of the 1992 Case.

At this time, I am requesting that you countersign this letter below confirming that the intended improvements to the property, as shown and indicated on the enclosed redlined site plan, are within the spirit and intent of the relief granted in Case No. 1992-244-A and permitted without any additional zoning relief.

With this letter, I have enclosed a check in the amount of \$150.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you need any additional information in order to complete your review, please feel free to give me a call.

Thank you for your assistance with the matter.

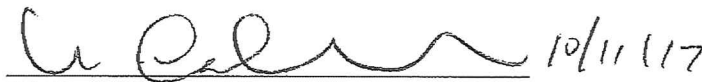
Very truly yours,



David H. Karceski

DHK/cak
Enclosure

AGREED AND ACCEPTED:



W. Carl Richards, Supervisor
Zoning Review Office

NOTES

1. OWNER/APPLICANT:
TURNPIKE ASSOCIATES, LLC
C/O METROPOLITAN MANAGEMENT CO.
11239 OWINGS-MILLS BLVD., SUITE 200,
OWINGS-MILLS, MD 21117-2992

OWNER / DEVELOPER

TURNPIKE ASSOCIATES, LLC
1777 REISTERSTOWN ROAD #245
BALTIMORE, MARYLAND 21208-1343

2. SITE DATA:
COUNCIL DISTRICT 4, ELECTION DISTRICT 4
SITE AREA: 7.7983 ACRES
SITE AREA FOR SPECIAL EXCEPTION:
2,326 SQUARE FEET (0.053 ACRE)
ZONED BL-BL-AS & DR 5.5,
ZONING MAP NO. NW-14J

3. FLOOR-AREA/PARKING CALCULATIONS

USE	FLOOR-AREA (S.F.)	PARKING REQ'D
BANK	2,520	0
RESTAURANT, SIT-DOWN	9,593	154
RESTAURANT, CARRY-OUT	1,200	6
SERVICE	4,805	16
RETAIL	52,179	281
OFFICE	2,410	8
MEDICAL OFFICE	4,958	24
HEALTH CLUB	2,977	30
AUTO-RENTAL OFFICE	590	3

PARKING REQUIRED: 511 SPACES - 10 STORAGE SPACES FOR AUTO-RENTAL OFFICE

INCLUDING 9 HANDICAP: 122 SPACES

VARIANCE CASE NO. 92-244-A: 352 SPACES + 10 STORAGE SPACES FOR AUTO-RENTAL OFFICE

TOTAL PARKING PROVIDED: 409 SPACES INCLUDING 13 HANDICAP & 10 STORAGE SPACES FOR AUTO-RENTAL OFFICE

4. FLOOR-AREA RATIO CALCULATIONS

TOTAL FLOOR AREA: 61,395 SQ. FT.

SITE AREA: 337,951 SQ. FT.

FLOOR-AREA RATIO: 0.24

MAXIMUM F.A.R. PERMITTED: 3.0

5. ZONING HISTORY

IN CASE NO. 92-244-A, A PETITION FOR VARIANCE WAS FILED TO PERMIT 416 PARKING SPACES IN LIEU OF THE REQUIRED 545. THE DEPUTY ZONING COMMISSIONER APPROVED THE REQUESTED RELIEF ON JANUARY 23, 1992.

ON JANUARY 25, 1995, THE ZONING OFFICE APPROVED A "SPIRIT AND INTENT" LETTER MODIFYING THE TENANT SPACE AT 17706 REISTERSTOWN ROAD (MARIA'S RESTAURANT) IN ORDER TO REDUCE THE SQUARE FOOTAGE FROM 2700 SQUARE FEET TO 1462.5 SQUARE FEET.

IN CASE NO. 03-330-SPHX, A SPECIAL EXCEPTION PETITION WAS FILED FOR A COMMUNITY BUILDING (HEALTH CLUB) ON THE SUBJECT PROPERTY AND A PETITION FOR A SPECIAL HEARING WAS FILED TO AMEND THE SITE PLAN. THE DEPUTY ZONING COMMISSIONER APPROVED THE REQUESTED RELIEF ON MARCH 13, 2003.

6. SETBACKS: FRONT SIDE REAR

REQUIRED: 10 FT. 0 FT. 20 FT.

PROVIDED: 12.5 FT. 11.4 FT. 20.6 FT.

7. PREVIOUS COMMERCIAL PERMIT: NONE ON FILE

8. SIGNAGE WILL COMPLY WITH BCZR, SECTION 450 OR A VARIANCE WILL BE REQUESTED PURSUANT TO BCZR, SECTION 307.1.

9. THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.

10. THE SITE IS NOT IN A HISTORIC AREA. THERE ARE NO HISTORIC BUILDINGS ON THE SITE.

11. THE SPECIAL EXCEPTION PARKING AREAS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO RESTRICT PARKING FOR THE SPECIAL EXCEPTION USE TO THE AREAS SHOWN. THE SPECIAL HEARING AREA INCLUDES A 100-YEAR FLOODPLAIN. NO NEW GRADING, PAVING OR BUILDING IS PROPOSED IN THIS AREA.

ZONING HISTORY CONTINUED

CASE NO. 1943-0311 - PETITION FOR ZONING RECLASSIFICATION FROM RESIDENTIAL TO COMMERCIAL, GRANTED MARCH 18, 1943.

CASE NO. 1947-1088 - PETITION FOR ZONING RECLASSIFICATION FROM RESIDENTIAL TO COMMERCIAL, GRANTED DECEMBER 15, 1947.

CASE NO. 1984-0088 - PETITION FOR RECLASSIFICATION AND OR SPECIAL EXCEPTION FROM R.20 ZONE TO R.10 ZONE, GRANTED APRIL 1, 1984.

CASE NO. 1985-0041 - PETITION FOR ZONING RECLASSIFICATION AND OR SPECIAL EXCEPTION TO THE ZONING LAWS OF MARYLAND FROM AN R.10 ZONE TO AN R.5 ZONE, ORDER GRANTED AUGUST 12, 1984.

CASE NO. 1988-0122 - PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION FROM A R.10 ZONE TO A B-L ZONE, GRANTED DECEMBER 21, 1987.

CASE NO. 2005-0310-SPHX - PETITION FOR SPECIAL HEARING PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO AMEND THE SITE PLAN APPROVED IN ZONING CASE NO. 03-330-SPHX. SPECIAL EXCEPTION PETITION TO SECTION 230.13, TO PERMIT A SERVICE GARAGE (AUTOMOBILE RENTAL OFFICE) GRANTED FEBRUARY 22, 2005.

COMMERCIAL PERMIT HISTORY

11760 REISTERSTOWN ROAD

PERMIT # B219627 CONSTRUCT A 1 STORY ADDITION ON FRONT & SIDE TO BE USED AS NEW ENTRANCE, ADDITIONAL SEATING AND 2 NEW BATHROOMS.

PERMIT # B242600 INTERIOR ALTERATIONS; INSTALL PARTITIONS, DOORS & FLOOR TILE.

PERMIT # B760048 EXTERIOR ALTERATIONS TO REPAIR STEEL BEAMS AS NEEDED AND RESTORE CONCRETE (SUPPORT FOR SIDEWALK)

PERMIT # B822700 REPAIR & REPLACE 2 BEAMS & SUPPORTS TO EXISTING SHOPPING CENTER.

PERMIT # B797958 CHANGE OF OCCUPANCY FROM BUSINESS TO RETAIL. INTERIOR ALTERATIONS TO CONSTRUCT DEMISING WALL WITH OPENING TO CREATE LARGER TENANT SPACE. ALSO METAL STUD/DRY WALL PARTITIONS, CEILING TILE/GRID, HVAC, ADA RESTROOMS.

PERMIT # B787257 INTERIOR ALTERATIONS INCLUDES: REPLACE BAR, KITCHEN EQUIPMENT, INSTALL DRYWALL METAL STUD PARTITIONS TO ENLARGE RESTROOMS, CREATE EMPLOYEE RESTROOM, REPLACE HOOD, INSTALL NONBEARING PARTY WALL, RELOCATE HVAC & DUCT WORK, INSTALL CEILING TILE & GRID.

REQUESTED ZONING RELIEF:

1. SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE (AN AUTOMOBILE RENTAL OFFICE) PURSUANT TO BCZR, SECTION 230.13.

2. SPECIAL HEARING TO AMEND THE SITE PLAN APPROVED IN ZONING CASE NO. 03-330-SPHX.

SPECIAL HEARING REQUEST

1. PETITION FOR SPECIAL HEARING PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO AMEND THE SITE PLAN APPROVED IN ZONING CASE NO. 2005-0310-SPHX.

VARIANCE REQUEST

1. VARIANCE FROM BCZR SECTION 232.2 TO ALLOW A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A LOT THAT ADJUTS ANOTHER LOT IN A RESIDENCE ZONE.

2. VARIANCE FROM BCZR SECTION 409.6.A.4 TO ALLOW PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NONRESIDENTIAL USE TO BE LOCATED AS CLOSE AS 5 FEET FROM RIGHT-OF-WAY LINE FOR CHERRY VALLEY ROAD AND AS CLOSE AS 6 FEET FROM THE RIGHT-OF-WAY LINE FOR REISTERSTOWN ROAD IN LIEU OF THE REQUIRED 10 FEET FOR A PUBLIC STREET.

PARKING TABULATIONS

STORE #	TENANT	GROSS S.F.	REQUIRED PARKING (PER SECT. 409)	PARKING REQUIRED
1	#11702 VACANT (FORMER BANK)	2,520 SF	3.3 PER 1,000 SF	9
2	#11706 OC BREWING COMPANY	5,363 SF	16 PER 1,000 SF	86
3	#11708A PAPA JOHN'S PIZZA	1,625 SF	5 PER 1,000 SF	9
4	#11708B SAM'S BAGELS	1,950 SF	16 PER 1,000 SF	32
5	#11708D CRICKET WIRELESS	1,200 SF	5 PER 1,000 SF	6
6	#11708E AARON'S	6,217 SF	5 PER 1,000 SF	32
7	#11712A1 AMERICARE DRY CLEANERS	1,360 SF	5 PER 1,000 SF	7
8	#11712B LOVELY NAILS	600 SF	5 PER 1,000 SF	3
9	#11712C VACANT	600 SF	5 PER 1,000 SF	3
10	#11712D THE VAPE SHOP	800 SF	5 PER 1,000 SF	4
11	#11714A RAINBOW	7,675 SF	5 PER 1,000 SF	39
12	#11714E SZECHUAN WOK	2,280 SF	16 PER 1,000 SF	37
13	#11714F SABOR LATINO	1,200 SF	5 PER 1,000 SF	6
14	#11714G HAIR CUTTERY	1,200 SF	5 PER 1,000 SF	6
15	#11714K BEAUTY STAR	2,400 SF	5 PER 1,000 SF	12
16	#11716B ALDI	17,600 SF	5 PER 1,000 SF	88

PARKING TABULATIONS (CONTINUED)

STORE #	TENANT	GROSS S.F.	REQUIRED PARKING (PER SECT. 409)	PARKING REQUIRED
17	#11718 OFFICE DEPOT	20,625 SF	5 PER 1,000 SF	104
18	#201 ALEXANDER FISHMAN, P.A.	1,575 SF	4.5 PER 1,000 SF	8
19	#202 ALLSTATE INSURANCE CO.	570 SF	3.3 PER 1,000 SF	2
20	#204A VACANT	1,254 SF	3.3 PER 1,000 SF	5
21	#205 HOWARD M. UPHAM, DC	1,356 SF	4.5 PER 1,000 SF	7
22	#206 VACANT	590 SF	3.3 PER 1,000 SF	2
23	#207 VACANT	764 SF	3.3 PER 1,000 SF	3
24	#208 DR. MARK E. SPIER DPM/PA	1,263 SF	4.5 PER 1,000 SF	6
		TOTAL PARKING REQUIRED =		516
		TOTAL PARKING SPACES PROVIDED =		401*

*CONFORMS WITH PARKING VARIANCE APPROVED IN ZONING CASE NUMBER 1992-0244-A.

NOTES CONTINUED

- FLOOR AREA RATIO: PERMITTED = 3.0
PROVIDED = 0.25 (62,849 S.F. / 327,293 S.F.)
- EXISTING LAND USE: COMMERCIAL
PROPOSED LAND USE: COMMERCIAL
- BL ZONE SETBACKS (SECTION 232):
FROM PROPERTY LINE
FRONT 10' ±
SIDE (INTERIOR) 15' ±
SIDE (INTERIOR ADJACENT TO RESIDENTIAL) 10' ±
SIDE (STREET) 12' ±
REAR (ADJACENT TO COMMERCIAL) 10' ±
REAR (ADJACENT TO RESIDENTIAL) 20' ±
FROM CENTERLINE OF STREET 40' ±
- HEIGHT REQUIREMENTS: NOT TO EXCEED 40'
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL OR APPROPRIATE RELIEF WILL BE REQUESTED.
- THE SITE IS PARTIALLY LOCATED WITHIN AN EXISTING 100 YEAR FLOODPLAIN. PER FEMA MAP NUMBER 2400100210F DATED 9/26/2008.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- ANY LIGHT FIXTURES USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450 OR A VARIANCE WILL BE REQUESTED.

PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER

10.03.2017

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRA@GTA.COM

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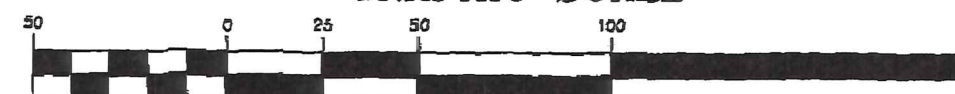
PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION & SPECIAL HEARING

HERTZ CAR RENTAL

11712-D REISTERSTOWN ROAD
CHERRYVALE PLAZA SHOPPING CENTER
CHERRYVALE SHOPPING CENTER

4TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

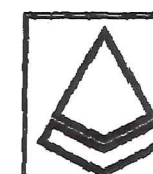
GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1" = 50'
DATE: NOV. 30, 2004
JOB NO.: 85028
DESIGNED: KJC
DRAWING: KJC
CHECKED: JMF
FILE: 85028 HERTZ SPEC EXC'DWG
DRAWING NUMBER: ZON-1

NO. DATE REVISIONS: BY SHEET 1 OF 1

1992-0244-A



111 West Chesapeake Avenue
Towson, MD 21204

January 25, 1995

(410) 887-3353

Kenneth J. Colbert, P.E.
Colbert, Matz, Rosenfelt & Woolfolk, Inc.
3723 Old Court Road
Suite 206
Baltimore, MD 21208

RE: Cherryvale Plaza
Zoning Case #92-244-A
4th Election District

Dear Mr. Colbert:

Reference is made to your letter of January 23, 1995 in which you requested an interpretation that the proposed modifications to the site plan, which accompanied the above referenced zoning case, are within the spirit and intent of said hearing.

The variance allows for 416 parking spaces in lieu of the required 545. The modified plan provides 410 parking spaces in lieu of a lesser 520. Due to the request of the Department of Public Works to eliminate 6 parking spaces and given that the addition will be smaller than once proposed requiring less parking, it is the decision of the zoning office that the modifications are within the spirit and intent of the last approved zoning case.

Please be advised that at the time of building permit application, all applicable zoning standards and other county agency requirements must be complied with. If I can be of further assistance, please do not hesitate to contact me at 887-3391.

Very truly yours,

Mitchell J. Kellman
Planner II

MJK:scj

Enclosure (receipt)

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

No. 151210

DATE 1/25/95 ACCOUNT 92-244-A
AMOUNT \$ 1,000.00
RECEIVED FROM: Colbert, Matz, Rosenfelt & Woolfolk, Inc.
FOR: 416 - VARIATION
Cherryvale Plaza
#92-244-A
416 - VARIATION
VALIDATION OR SIGNATURE OF CASHIER
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Colbert Matz Rosenfelt & Woolfolk, Inc.

Civil Engineers • Landscape Architects • Land Surveyors • Land Planners



January 23, 1995

Mr. Arnold Jablon, Director
Baltimore County Office of
Zoning and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

ATTN: Mitch Kellman

SUBJECT: Cherryvale Plaza
Variance Case #92-244-A
CMRW Contract #89028

Dear Mr. Jablon:

Pursuant to my telephone conversation with Mr. Kellman, I am enclosing three (3) copies of the Plan for the subject variance upon which I have shown, in red, some minor modifications.

The Variance was necessitated by the proposed 2700 sq. ft. addition to the Maria's Restaurant. The scope of this addition has been reduced to 1462.5 sq. ft. which reduces the parking requirements from 545 spaces to 520 spaces.

While reviewing the plans for the Building Permit (B-219627) for the Maria's addition, the Department of Public Works requested that six (6) of the spaces proposed and approved on the Variance Plan be removed.

The Variance as granted permitted 416 spaces in lieu of the the required 460 spaces for a reduction in parking requirements of 129 spaces. The attached Plan, as revised, provides 410 spaces in lieu of the required 520 spaces for a reduction of 110 spaces, a lesser relief than that granted in the subject Variance.

On behalf of the Owner/Developer of the project, we request that those modifications be approved as being within the spirit and intent of the Variance granted.

Sincerely,

Kenneth J. Colbert, P.E.
Colbert Matz Rosenfelt & Woolfolk, Inc.

Enclosure

cc: Turnpike Associates c/o Metropolitan Management

j:\colbert\letters\89028.wpf

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208

Telephone: (410) 653-3838
Facsimile: (410) 653-7953

IN RE: PETITION FOR ZONING VARIANCE
S/S Reisterstown Road, 390' W
of the c/l of Cherry Valley Road
(11702-11716 Reisterstown Road)
4th Election District
2nd Councilmanic District

* BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-244-A

Philip Klein, General Partner
Turnpike Associates - Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 416 parking spaces in lieu of the required 545 parking spaces for an existing shopping center in accordance with Petitioner's Exhibit 1.

The Petitioner, by William Berman, appeared, testified and was represented by Julius W. Lichter, Esquire. Also appearing on behalf of the Petition were Da Wei Chu and Ken Colbert. There were no Protestants.

At the onset of the hearing, Counsel for Petitioner advised this Deputy Zoning Commissioner that the instant Petition incorrectly requested a variance of 471 parking spaces in lieu of the required 545 parking spaces and requested an amendment of said Petition to request a variance of 416 parking spaces in lieu of the required 545. The petition was so amended and a revised site plan submitted to accurately reflect the number of parking spaces for which the variance is requested.

Testimony indicated that the subject property, known as 11702 through 11716 Reisterstown Road, consists of 7.758 acres zoned B.L.-C.N.S., and is improved with a strip shopping center known as Cherryvale Plaza. Petitioner is desirous of modifying the existing facility to include an addition to a restaurant on the site in accordance with Petitioner's Exhibit 1. As a result of the proposed addition, and factoring in the parking

requirements for sit-down restaurants, additional parking spaces are needed. Petitioner testified that the subject site currently provides 407 parking spaces which met parking standards in effect at the time of its original development. Testimony indicated the existing parking lot will be relined to provide 9 additional spaces bringing the total available parking spaces to 416. Petitioner argued that the relief requested is necessary in order to make the proposed improvements and comply with current zoning regulations to the extent possible. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare and that strict compliance will result in practical difficulty and unreasonable hardship.

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.

- 2 -

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 23rd day of January, 1992 that the Petition for Zoning Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 416 parking spaces in lieu of the required 545 parking spaces for a proposed restaurant in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

- 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.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/23/92
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

January 23, 1992

(410) 887-4386

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Reisterstown Road, 390' W of the c/l of Cherry Valley Road
(11702-11716 Reisterstown Road)
1st Election District - 1st Councilmanic District
Philip Klein, General Partner for Turnpike Associates - Petitioner
Case No. 92-244-A

Dear Mr. Lichter:

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 867-3391.

Very truly yours,

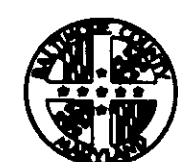
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. William Berman
115 Sudbrook Lane, Suite 200, Baltimore, Md. 21208

People's Counsel

File



Petition for Variance

256

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and a part hereof, hereby petition for a Variance from Section 409.6(A)(2) to permit 416 parking spaces in lieu of the required 545 parking 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 existing tenant mix has not required the need to utilize the existing parking spaces, thus leaving the parking lot under-utilized. Space is not available within the project site to expand the existing parking. Strict compliance with the parking requirements would restrict the potential for expansion of the existing 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

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.

Philip Klein, Gen'l Partner
Turnpike Associates
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

ZONING DESCRIPTION

CHERRYVALE PLAZA
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT A POINT ON THE NORTHWEST SIDE OF REISTERSTOWN ROAD, MARYLAND ROUTE 140, (66 FT. WIDE) AS SHOWN ON THE PLAT OF CHERRYVALE PLAZA RECORDED IN PLAT BOOK 45, FOLIO 3, A DISTANCE OF 390 FT. MORE OR LESS FROM THE CENTERLINE OF CHERRY VALLEY ROAD; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING

SOUTH 47 DEGREES 08 MINUTES 00 SECONDS WEST, 200.00 FT.;
SOUTH 43 DEGREES 49 MINUTES 00 SECONDS EAST, 150.00 FT.;
NORTH 47 DEGREES 08 MINUTES 00 SECONDS EAST, 200.00 FT.;

TO A POINT ON THE AFOREMENTIONED RIGHT OF WAY OF REISTERSTOWN ROAD; THENCE BINDING ALONG SAID RIGHT OF WAY

SOUTH 43 DEGREES 49 MINUTES 00 SECONDS EAST, 26.00 FT.;

THENCE LEAVING SAID RIGHT OF WAY AND RUNNING

SOUTH 47 DEGREES 08 MINUTES 00 SECONDS WEST, 200.00 FT. ;
SOUTH 43 DEGREES 49 MINUTES 00 SECONDS EAST, 155.06 FT. .

TO THE NORTHERN RIGHT OF WAY LINE OF CHERRY VALLEY ROAD (60 FT. WIDE); THENCE BINDING ALONG SAID RIGHT OF WAY

SOUTH 57 DEGREES 15 MINUTES 27 SECONDS WEST, 117.55 FT. ;
A CURVE TO THE LEFT HAVING R=700.00 FT. AND L=135.50 FT. ;

THENCE LEAVING SAID RIGHT OF WAY AND RUNNING

NORTH 43 DEGREES 49 MINUTES 00 SECONDS WEST, 799.52 FT. .
NORTH 47 DEGREES 08 MINUTES 00 SECONDS WEST, 150.00 FT. .
NORTH 43 DEGREES 49 MINUTES 00 SECONDS WEST, 100.00 FT. .
NORTH 47 DEGREES 08 MINUTES 00 SECONDS EAST, 300.05 FT. .

TO THE AFOREMENTIONED RIGHT OF WAY LINE OF REISTERSTOWN ROAD; THENCE BINDING ALONG SAID RIGHT OF WAY

SOUTH 43 DEGREES 49 MINUTES 00 SECONDS EAST, 600.00 FT. .

TO THE POINT OF BEGINNING.

CONTAINING 7.758 ACRES OF LAND, MORE OR LESS.

DESCRIPT\CHERRYVL.ZON



256

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-244-A

District: 4th
Posted for: Variance Date of Posting: December 30, 1991
Petitioner: Turnpike Associates
Location of property: S/S Reisterstown Road, 390' W of c/l of Cherry Valley Road
11702-11716 Reisterstown Road, 4th Election District
Location of Sign: S/S Reisterstown Road on front of subject property
Remarks: _____
Posted by: S. J. Banta Date of return: January 3, 1992
Number of Signs: 1

REPORT 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 located in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-244-A
S/S Reisterstown Road, 390' W of c/l of Cherry Valley Road
11702-11716 Reisterstown Road
(Cherryvale Plaza)
4th Election District
2nd Councilmanic District
Petitioner:
Turnpike Associates
Hearing Date: Tuesday, Jan. 21, 1992 at 10:00 a.m.
Petitioner to present 471 parking spaces in lieu of the required 545 parking spaces.
LAWRENCE E. SCHMIDT,
Zoning Commissioner of Baltimore County
CIVIL/625 January 2

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. 1/2 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1 2 1992

OWINGS MILLS TIMES,

S. Zebe Orlow
Publisher

\$61.91

CERTIFICATE OF PUBLICATION

TOWSON, MD. 1/2 1992

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 1/2 1992

THE JEFFERSONIAN,

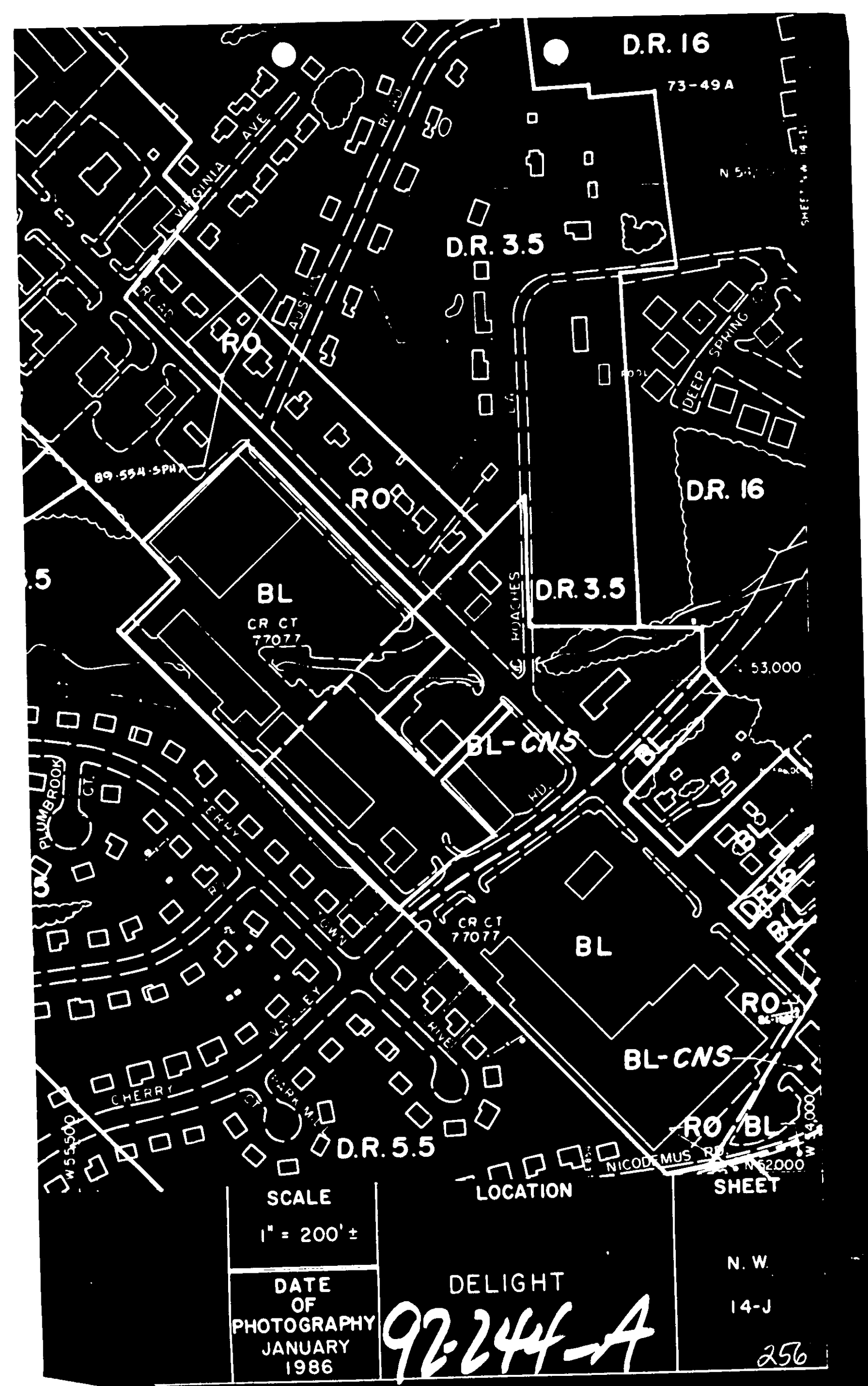
Publisher

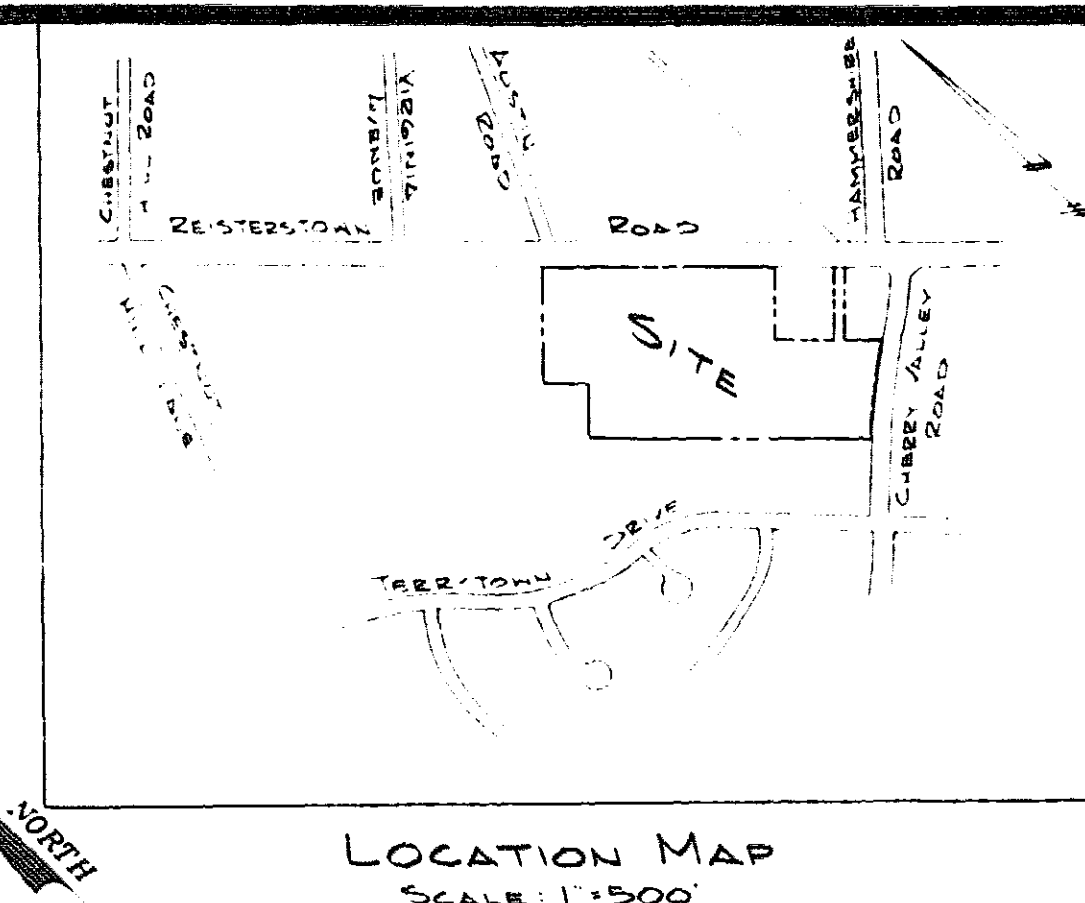
S. Zebe Orlow

RECEIVED
DEC 26 1991
ZONING OFFICE

CIVIL ENGINEERS • LAND SURVEYORS

10209 SAVOY CT GILGATE, NY
26 Jones Falls Ter
COLBERT ENGINEERING, INC
3723 OLD COURT RD. BALDWIN, NY 11510





- 1) OWNER: APPLICANT
JAMES ASSOCIATES, ATTN: MR. WILLIAM BERMAN
115 SULLYBROOK LANE, SUITE 200
BA, WORTH, MASSACHUSETTS 02128
- 2) ELECTION DISTRICT: 4
- 3) COUNCILMANIC DISTRICT: 3
- 4) CENSUS TRACT: 4044.01
- 5) WATERSHED: 27 SUBSEWERSHED: 67
- 6) AREA OF SITE: 7.758 AC. OR 337,939.48 SQ.FT. MORE OR LESS
- 7) PARKING REQUIRED: ~~520~~ 525 SPACES
EXIST. SPACES: 40 SPACES
NEW SPACES: 485 SPACES
TOTAL PARKING: 525 + 485 = 1010
- 8) ZONING: BL-BL-CNS AND OR 5.5
- 9) PLAT REFERENCE: CHERRYVALE PLAZA C.H.K. JR. 45/3

VARIANCE 410
VARIANCE TO SECTION 409.6(A)(2) TO PERMIT ~~410~~ SPACES
IN LIEU OF THE REQUIRED ~~545~~ SPACES.
520

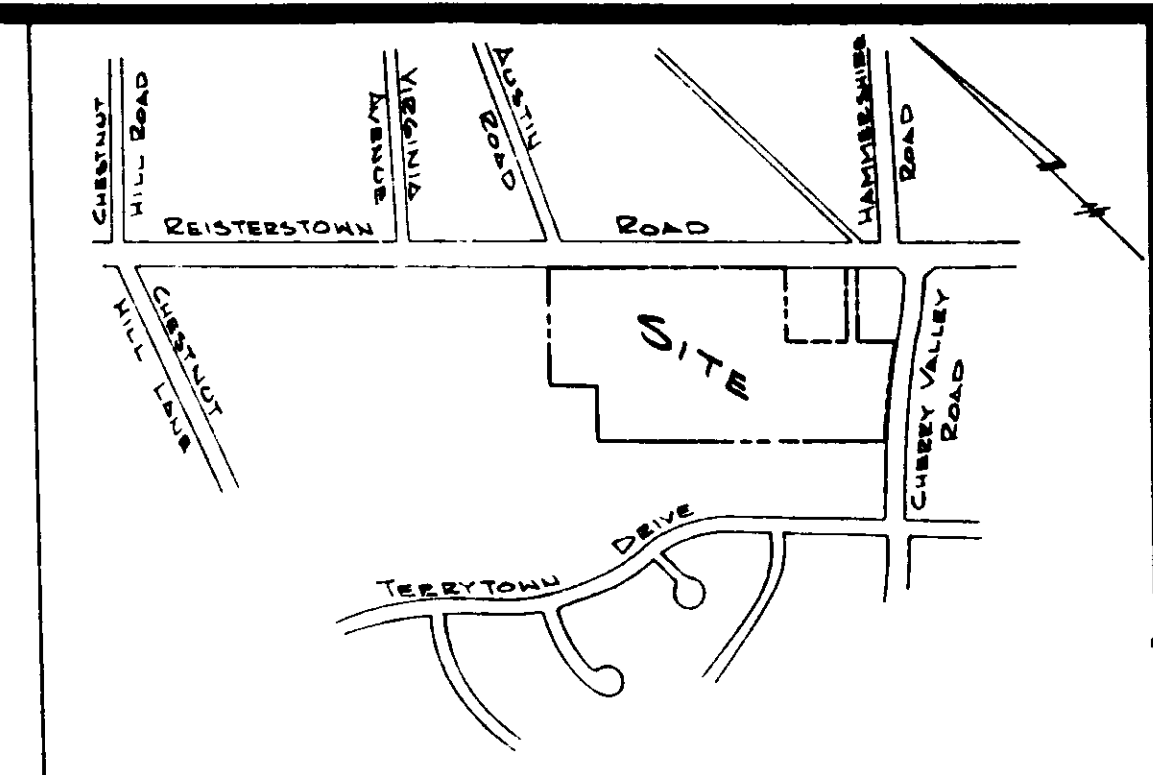
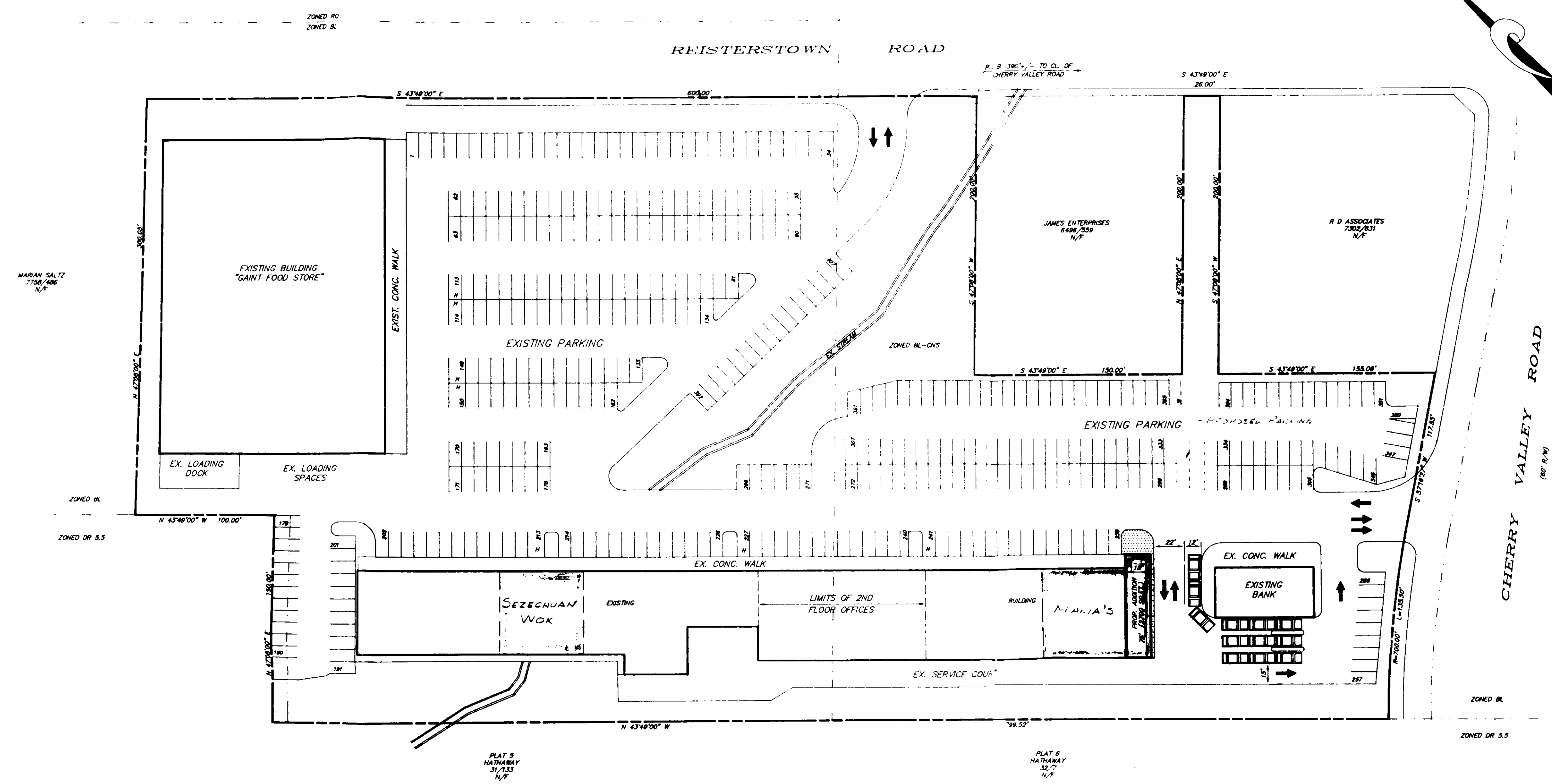
VARIANCE PLAN

"CHERRYVALE PLAZA"

REISTERSTOWN ROAD AND CHERRY VALLEY ROAD
4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 50' DATE: SEPTEMBER, 1991

DUMBARTON SQUARE
3723 OLD COURT ROAD, SUITE 206
BALTIMORE, MARYLAND 21208
PHONE:(301) 653-3838

SURVIVED BY	DESIGNED BY	DRAWN BY W.E.S.	CHECKED BY K.J.C.	DATE DEC. 91	SCALE 1" = 50'																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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GENERAL NOTES:

- 1) OWNER/APPLICANT
TURNPIKE ASSOCIATES ATTN: MR. WILLIAM BERMAN
115 SUDBROOK LANE, SUITE 200
BALTIMORE, MARYLAND 21208
- 2) ELECTION DISTRICT: 4
- 3) COUNCILMANIC DISTRICT: 3
- 4) CENSUS TRACT: 4044.01
- 5) WATERSHED: 27 SUBSEWERSHED: 67
- 6) AREA OF SITE: 7.758 AC. OR 337,938.48 SQ.FT. MORE OR LESS
- 7) PARKING REQUIRED: 545 SPACES
EXIST. PARKING: 407 SPACES
PROP. PARKING: 3 SPACES
TOTAL PARKING: 410 SPACES
- 8) ZONING: BL, BL-CNS AND DR 5.5
- 9) PLAT REFERENCE: CHERRYVALE PLAZA E.H.K. Jr. 45/3

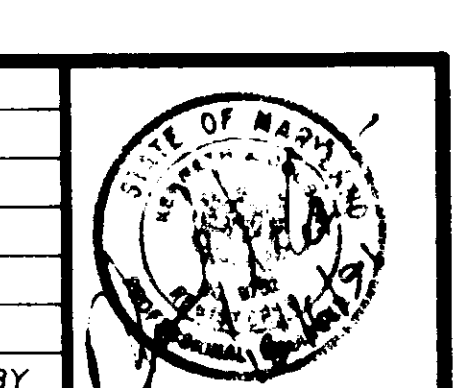
VARIANCE
VARIANCE TO SECTION 409.6(A)(2) TO PERMIT 410 SPACES
IN LIEU OF THE REQUIRED 545 SPACES.

TENANT	PARKING TABULATION "CHERRYVALE PLAZA" BY TENANT USE CATEGORY					
	OFFICE	RETAIL	RESTAURANT	PERSONAL SERVICES	BEAUTY SHOP	MEDICAL OFFICE
	5,311,900	5,100	201,000	3,310,000	5,100	4,511,900
FIRST FLOOR:						
MARYLAND NATIONAL BANK	2200					
MARIA'S RESTAURANT			6600		1625	
THE LAUNDRY BASKET					1350	
NUTRI-SYSTEM INC.						
VIDEO WORLD		1200				
VACANCY		297				
FOOD GIFT		600				
EPICOT COMPUTERS		800				
NEAL NORMAN COSMETICS		800				
FASHION BUS		5270				
SELECTION WOK			3600			
LASTING PAINTS		1280				
HAIR CUTTERY					1200	
ANDY'S HALLMARK		2400				
GIANT FOOD		37084				
DRY CLEANERS				1260		
WINE SHOPPE		225				
SECOND FLOOR:						
DENTIST						1575
CHIROPRACTOR						1199
ALLSTATE INSURANCE	570					
TRAVEL CO.	858					
COMPUTER CO.	510					
EMPLOYMENT AGENCY	521					
VACANCY	1200					
ATA ALARMS	236					
TOTAL SQ. FT.	7035	56455	10200	4925	1200	2774
TOTAL SPACES REQUIRED	131.2 SF	282.1 SF	204 SF	18.3 SF	6 SF	121.5 SF
TOTAL SPACES REQUIRED BY USE CATEGORY: 544.1 PARKING SPACES						

*Peterson's Exhibit #1
JMK*

COLBERT ENGINEERING INC.
DUMBARTON SQUARE
3723 OLD COURT ROAD, SUITE 208
BALTIMORE, MARYLAND 21208
PHONE: (301) 653-3838

DESIGNED BY	DESIGNED BY	DESIGNED BY	CHECKED BY	DATE	SCALE
89028	89028	89028	89028	DEC. 91	1" = 50'
NO.	DATE	REVISION	BY		



VARIANCE PLAN
"CHERRYVALE PLAZA"
REISTERSTOWN ROAD AND CHERRY VALLEY ROAD
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' DATE: SEPTEMBER, 1991