

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards, Chief DATE: August 29, 1994
Development Control, ZADM

FROM: David Thomas, Assistant to the Director *DLT*
DPW

SUBJECT: Pancake Cottage

Building Permit No. B208444
Zoning Case No. 94-415-SPHA

Referenced permit was forwarded to this office 3:00 PM, Friday August 26, 1994.

Property is within riverine floodplain. A special hearing was held in accordance with sections 26-172(a) and 26-670 of the development regulations to allow construction in the riverine floodplain. A copy of the Zoning Commissioner's order should be forwarded by your office to Plans Review section of Permits and Licenses.

The permanent floodplain permit file should include the certificate of acknowledgement and, when available, the elevation certificate (signed by a registered professional engineer or land surveyor, as required by section 510.0.2 of the Building Code. Please note that your form for certificate of acknowledgement also specifies architects as authorized to sign elevation certificates. This is incorrect and must be changed.)

Since this development has been reviewed through the Bill 1-92 development process, it needs no further action by this office, and need not have been forwarded to us. Permit approval, subject to full compliance with the approved development plan and all applicable regulations, is herewith recommended.

DLT/s

cc: The Hon. C.A. "Dutch" Ruppertsberger III
John Patrick Chalk, AIA, Architect
Debra Wittle, STV Group, Inc.
Don Rascoe, Chief, Development Management ✓
Joe Maranto (ZADM file no. IV-460)
File

BALTIMORE COUNTY, MARYLAND

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Since this development has been reviewed through the Bill 1-92 development process, it needs no further action by this office, and need not have been forwarded to us. Permit approval, subject to full compliance with the approved development plan and all applicable regulations, is herewith recommended.

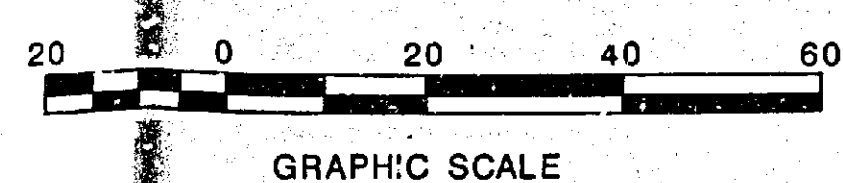
DLT/s

cc: The Hon. C.A. "Dutch" Ruppertsberger III
John Patrick Chalk, AIA, Architect
Debra Wittle, STV Group, Inc.
Don Rascoe, Chief, Development Management ✓
Joe Maranto (ZADM file no. IV-460)
File

PETITIONER'S EXHIBIT

STV GROUP, INC.
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 410-944-9112

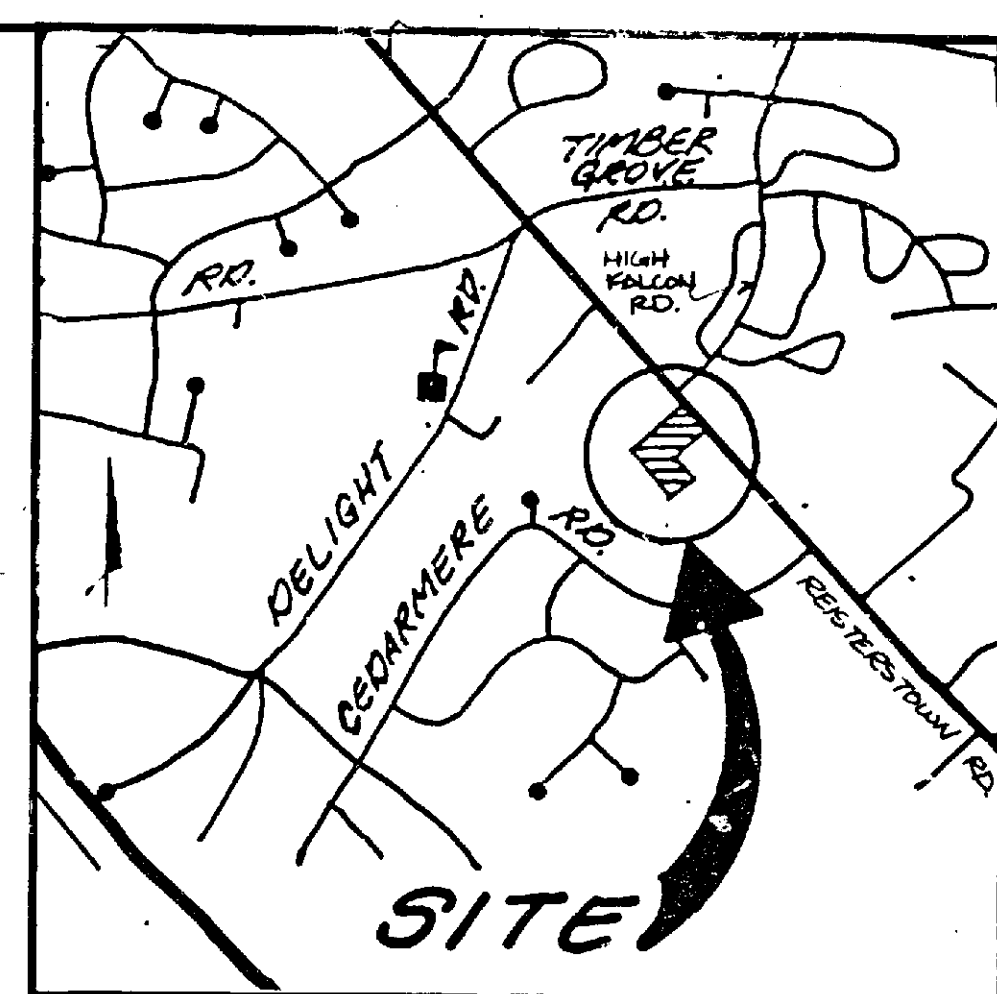
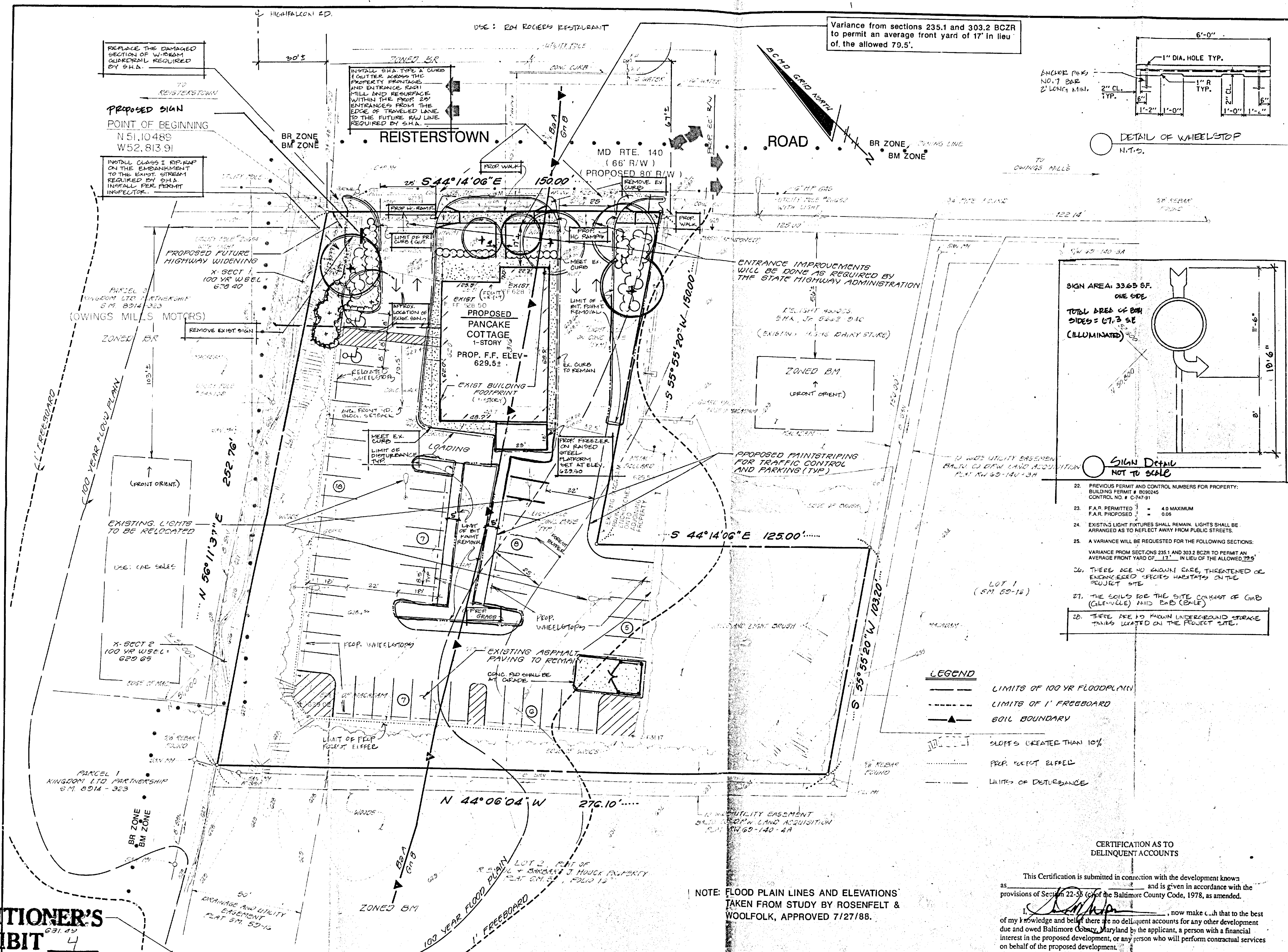
NO	DATE	DESCRIPTION
1	3/14/94	REV. NOTES 5-17/100 NOTED BY PER. CO. COMMENTS
2	4/2/94	2ND REV. CO. REV. CO. COMMENTS, 2ND REV. CO. COMMENTS
3	10/4/94	REV. CO. REV. CO. COMMENTS, 2ND REV. CO. COMMENTS
4	10/17/94	REV. CO. REV. CO. COMMENTS, 2ND REV. CO. COMMENTS



PLAN PREPARATION	
DRAWN BY	TLK
DESIGNED BY	AKG
CHECKED BY	JOB NO: 61-9083
DATE	3/22/94
SCALE	1" = 20'

PLAT TO ACCOMPANY ZONING VARIANCE FROM BCZR STANDARDS AND SPECIAL HEARING FROM DEVELOPMENT REGULATIONS TO PERMIT REBUILDING IN A FLOOD PLAIN AND DEVELOPMENT PLAN
PANCAKE COTTAGE
11316 REISTERSTOWN ROAD
Fourth Election District Baltimore County, Maryland

DRAWING NO.
C-1
SHEET NO.
1 of 1



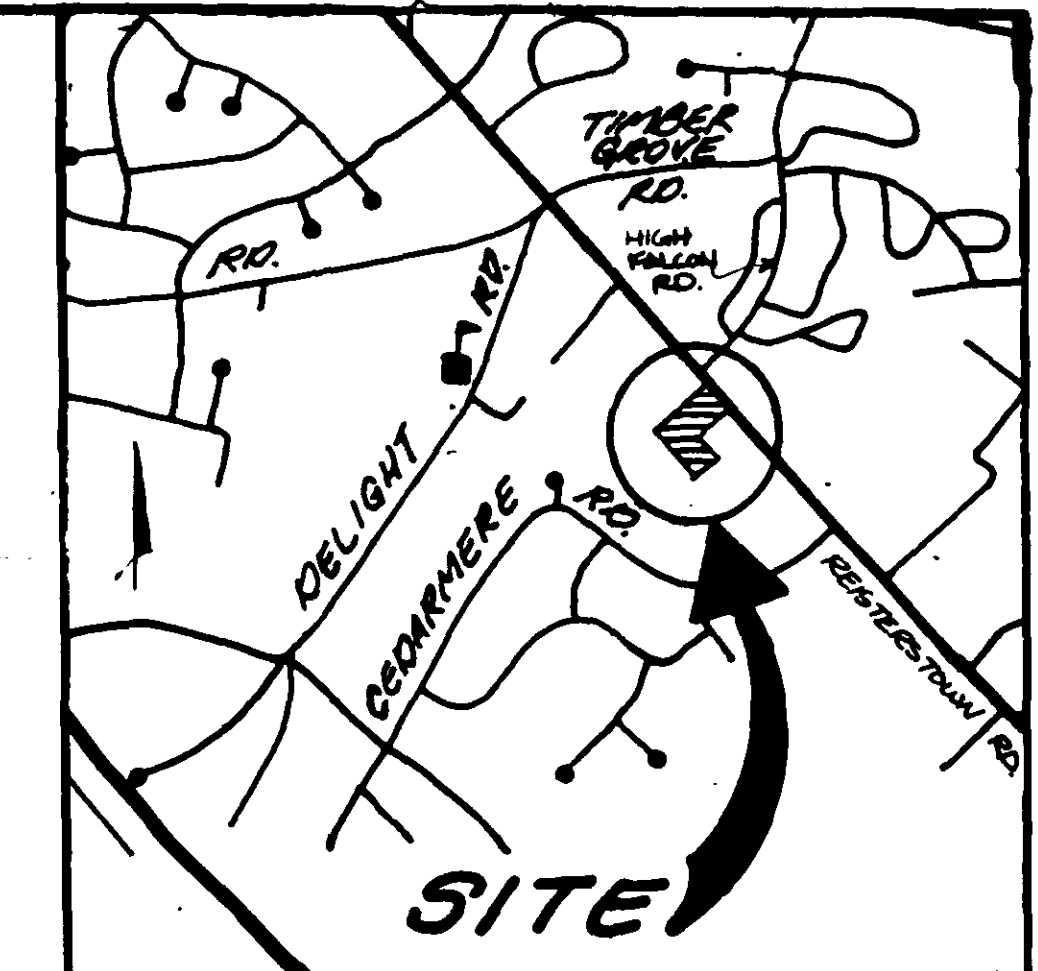
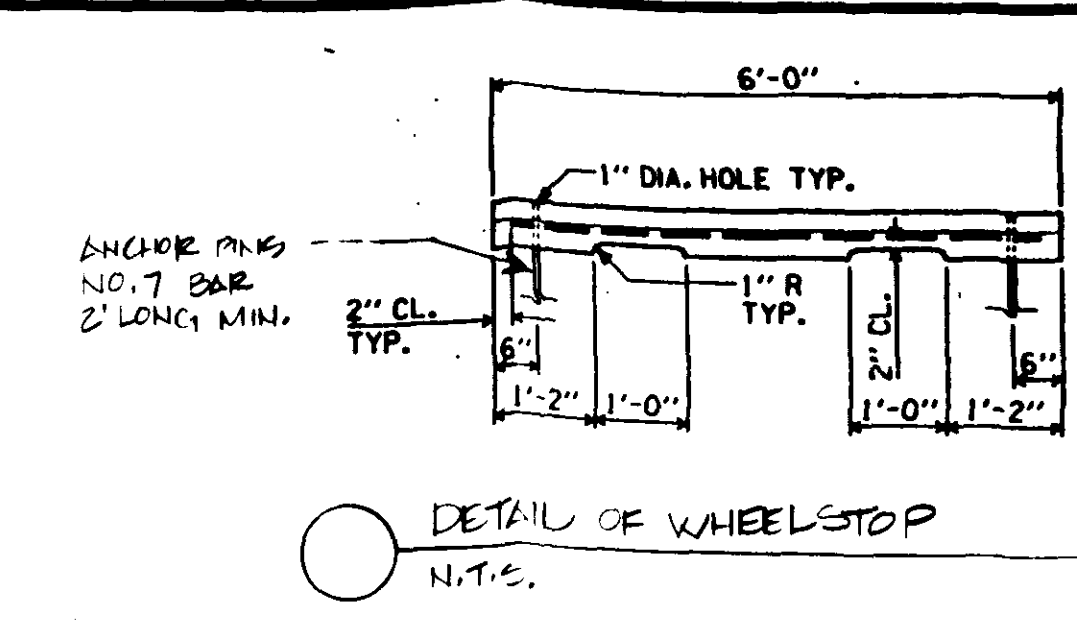
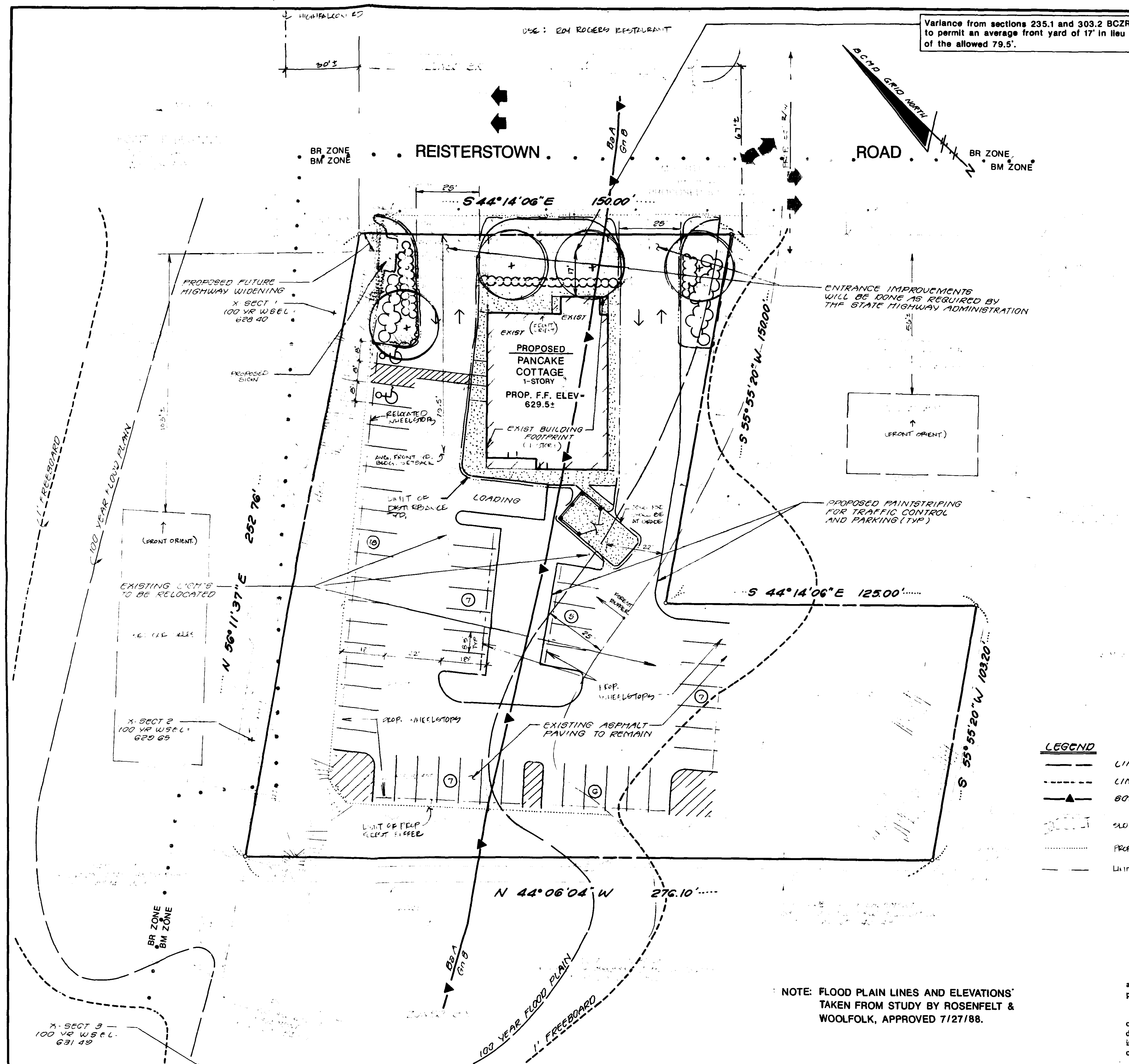
- NOTES**
- BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID MERIDIAN, AS REFERENCED FROM TRAVERSE STATIONS:
 - ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY BENCHMARK NO. 2, 219.2' WHICH IS A CROSS-CUT IN THE CENTER OF MEDIAN CURB RETURN AT HIGH FALCON ROAD, AONG THE NORTH SIDE OF REISTERSTOWN ROAD. ELEVATION = 628.238 FEET.
 - UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION RECEIVED. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO THE START OF WORK.
 - SITE AREA AS SURVEYED = 1.1512 ACRES ± (50,145 SQ. FT. ±)
 - EXISTING ZONING CLASSIFICATION: BM (BUSINESS, MAJOR) SETBACK REQUIREMENTS: FRONT YARD: AVERAGE YARD SETBACK (25' ± 10%) ± 2' AVERAGE FRONT YARD OF 79.5' SIDE YARDS: NONE REQUIRED REAR YARD: NONE REQUIRED
 - TAX MAP NO. 58, GRID 7, PARCEL 582 TAX ACCOUNT NO. 04-042052522
 - OWNER/DEED REFERENCE: EUGENE S. & ETHEL J. WILL, LIBER CL. G. 4538, FOLIO 583 DATE: OCTOBER 21, 1985
 - ADDRESS: NO. 11316 REISTERSTOWN ROAD OWINGS MILLS, MARYLAND 21117
 - CENSUS TRACT: 4041 WATERSHED: 67 COUNCILMANIC DISTRICT 3
 - APPLICANT: STV GROUP, INC. 21 GOVERNOR'S COURT BALTIMORE, MD 21244 ATTN: DEBRA K. WITTE
 - THIS DEVELOPMENT HAS RECEIVED A LIMITED EXEMPTION FROM THE DEVELOPMENT REGULATIONS PURSUANT TO SECTION 26-171 (b) (1). A SPECIAL HEARING TO ALLOW CONSTRUCTION WITHIN A RIVERINE FLOODPLAIN WILL BE HELD. A WAIVER OF STORMWATER MANAGEMENT WILL BE APPLIED FOR.
 - TO THE BEST OF OUR KNOWLEDGE THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE.
 - EXISTING USE: ABANDONED RESTAURANT (CONDEMNED) PROPOSED USE: RESTAURANT (50,040 SQUARE FEET)
 - PARKING: REQUIRED: 2,178 S.F. AT 160/1000 S.F. = 91 SPACES PROPOSED: 51 (INCL. 2 HANDICAP SPACES)
 - AVERAGE DAILY TRIPS: 625 (200/1000 R.F.)
 - EXISTING WATER AND SEWER CONNECTIONS WILL BE UTILIZED FOR THIS DEVELOPMENT.
 - DISTURBANCE FOR THIS DEVELOPMENT WILL BE LIMITED TO THE BUILDING PAD AND OTHER AREAS APPROVED BY DPW AND DEPDM TO MEET LANDSCAPING REQUIREMENTS. TOTAL LIMIT OF DISTURBANCE: 2,178 S.F. ±
 - THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC AREAS ON THE SITE.
 - THE EXISTING STRUCTURE IS NOT A HISTORICAL BUILDING. THERE ARE NO KNOWN ARCHEOLOGICAL SITES ON THE PROJECT SITE.
 - ZONING MAP NO. NW 13-L
 - ALL PROPOSED SIGNS SHALL MEET BALTIMORE COUNTY ZONING REQUIREMENTS.

CERTIFICATION AS TO DELINQUENT ACCOUNTS

This Certification is submitted in connection with the development known as _____ and is given in accordance with the provisions of Section 22-50 (c) of the Baltimore County Code, 1978, as amended.

_____, now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.





LOCATION MAP
SCALE: 1" = 1,000'

- NOTES
- BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID MERIDIAN, AS REFERENCED FROM TRAVERSE STATIONS.
 - ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY BENCHMARK NO. 2119 WHICH IS A CROSS-CUT IN THE CENTER OF MEDIAN CURB RETURN AT HIGH FALCON ROAD, ALONG THE NORTH SIDE OF REISTERSTOWN ROAD. ELEVATION = 628.238 FEET.
 - UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION RECEIVED. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO THE START OF WORK.
 - SITE AREA AS SURVEYED = 1.1512 ACRES ± (50,145 SQ. FT. ±)
 - EXISTING ZONING CLASSIFICATION: BM (BUSINESS, MAJOR) SETBACK REQUIREMENTS: FRONT YARD = AVERAGE YARD SETBACK (56' ± 10.3') ± 2' AVERAGE FRONT YARD OF 79.5' SIDE YARDS = NONE REQUIRED REAR YARD = NONE REQUIRED
 - TAX MAP NO. 38 GRID 7 PARCEL 582 TAX ACCOUNT NO. 34-04205252
 - OWNER/DEED REFERENCE: EUGENE S. & ETHEL J. WILL LIBER O.T.G. 4038, FOLIO 583 DATE: OCTOBER 21, 1965
 - ADDRESS: NO. 11118 REISTERSTOWN ROAD, CHWICKS MILLS, MARYLAND 21117
 - CENSUS TRACT: 4541 WATERSHED: 27 SUBSEWERED: 87 COUNCILMANIC DISTRICT 3
 - APPLICANT: STV GROUP, INC. 21 GOVERNORS COURT BALTIMORE, MD 21204 ATTN: DEBRA K. WITTE
 - THIS DEVELOPMENT HAS RECEIVED A LIMITED EXEMPTION FROM THE DEVELOPMENT REGULATIONS PURSUANT TO SECTION 28-171 (b) (9). A SPECIAL HEARING TO ALLOW CONSTRUCTION WITHIN A RIVERINE FLOODPLAIN WILL BE HELD. A WAIVER OF STORMWATER MANAGEMENT WILL BE APPLIED FOR.
 - TO THE BEST OF OUR KNOWLEDGE THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE.
 - EXISTING USE: ABANDONED RESTAURANT (CONDEMNED) PROPOSED USE: RESTAURANT (13,040 SQUARE FEET)
 - PARKING: REQUIRED: 3,560 S.F. AT 10/1000 S.F. ± 48 SPACES PROPOSED: 50 (INCL. 2 HANDICAP SPACES)
 - AVERAGE DAILY TRIPS: 626 (206/1000 S.F.)
 - EXISTING WATER AND SEWER CONNECTIONS WILL BE UTILIZED FOR THIS DEVELOPMENT.
 - DISTURBANCE FOR THIS DEVELOPMENT WILL BE LIMITED TO THE BUILDING PAD AND OTHER AREAS APPROVED BY DPW AND DEPDM TO MEET LANDSCAPING REQUIREMENTS. TOTAL LIMIT OF DISTURBANCE = 8,445 S.F. ±
 - THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC AREAS ON THE SITE.
 - THE EXISTING STRUCTURE IS NOT A HISTORICAL BUILDING. THERE ARE NO KNOWN ARCHEOLOGICAL SITES ON THE PROJECT SITE.
 - ZONING MAP NO. NW 131.
 - ALL PROPOSED SIGNS SHALL MEET BALTIMORE COUNTY ZONING REQUIREMENTS.

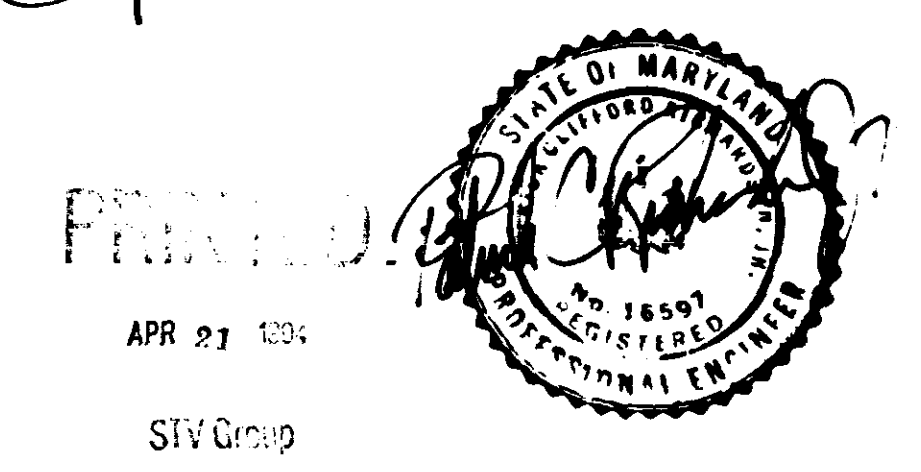
- LEGEND
- LIMITS OF 100 YR FLOODPLAIN
 - LIMITS OF 1' FREEBOARD
 - SOIL BOUNDARY
 - SLOPES GREATER THAN 10%
 - PROP. SECT. ELVED
 - LIMITS OF DISTURBANCE

NOTE: FLOOD PLAIN LINES AND ELEVATIONS TAKEN FROM STUDY BY ROSENFELT & WOOLFOLK, APPROVED 7/27/88.

CERTIFICATION AS TO DELINQUENT ACCOUNTS

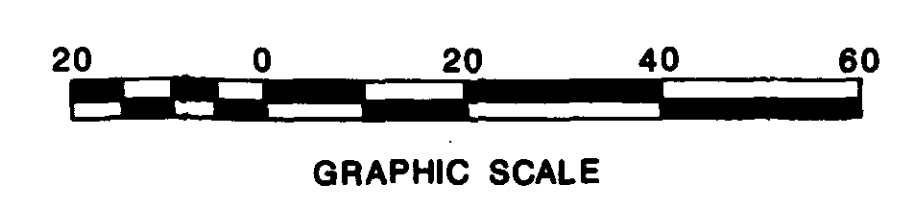
This Certification is submitted in connection with the development known as _____ and is given in accordance with the provisions of Section 22-35 of the Baltimore County Code, 1978, as amended.

I, _____, now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.



STV GROUP, INC.
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone: 410-944-9112

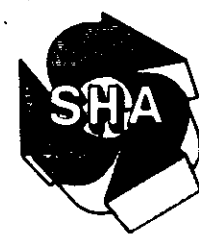
REVISIONS		
NO.	DATE	DESCRIPTION
1	4/1/94	REV. NOTES 3 & 4/2/94 NOTES 5 & 6/94 PER CO. COMMENTS
2	4/1/94	ADD INFO RE: CR. HEARING - VARIANCE, LANDSCAPING



PLAN PREPARATION		
DRAWN BY	TLK	DATE 3/22/94
DESIGNED BY	AKG	SCALE 1" = 20'
CHECKED BY		JOB NO: 61-9083

PLAT TO ACCOMPANY ZONING VARIANCE FROM BCZR STANDARDS AND SPECIAL HEARING FROM DEVELOPMENT REGULATIONS TO PERMIT REBUILDING IN A FLOOD PLAIN AND DEVELOPMENT PLAN
PANCAKE COTTAGE
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DRAWING NO.
C-1
SHEET NO.
1 of 1



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

May 4, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 140
Pancake Cottage
Special Hearing and
Variance Request
Item # +401 (JLL)
Mile Post 7.19

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have had an opportunity to review a plan for the development and in a letter dated April 27th to the developer's engineer, Ms. Kay Morin of STV/Lyon Associates, we indicated the following:

A review of the State Highway Administration's (SHA) current and long range planning documents reveals that the proposed 80' right-of-way indicated on the plan is consistent with SHA's ultimate five (5) lane/62' urban section reconstruction of MD 140 at this location.

Therefore, we would request the county require dedication along the property frontage as a condition of plan approval, along with the following entrance improvements:

1. The proposed entrance design indicated on the plan is acceptable to the SHA.
2. SHA Type "A" curb and gutter across the property frontage and entrance radii.
3. Mill and re-surface within the proposed 25' entrances from the edge of travelled lane to the future right-of-way line.
4. Replace the damaged section of W-beam guardrail located on the northwest property corner.

RECEIVED
MAY 9 1994

My telephone number is 410-333-1350 (Fax # 333-1041)
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Charlotte Minton
Page Two
May 4, 1994

5. Install Class I rip-rap on the embankment to the existing stream located at the northwest property corner.

Therefore, we have no objection to approval for the special hearing for permission to rebuild in the flood plain and variance to permit an average front yard of 17' in lieu of the allowed 79.5' subject to the aforementioned conditions.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Ms. Charlotte Minton
Page Three
May 4, 1994

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

cc: Ms. Kay Morin

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE**

May 6, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #401 - Pancake Cottage
11316 Reisterstown Road
Zoning Advisory Committee Meeting of May 2, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:VK:sp

PANCAKE/DEPRM/TXTSBB

**Baltimore County Government
Fire Department**



700 East Joppa Road, Suite 901
Towson, MD 21286 5500

(410) 887-4500

DATE: 04/12/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

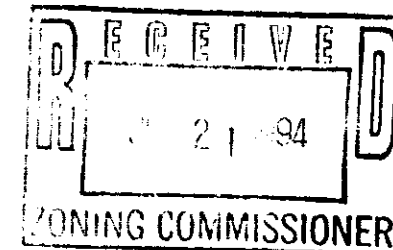
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1991 edition prior to occupancy. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 396, 397, AND 401.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 387-4881, MS-1102F

cc: File

**BALTIMORE COUNTY
INTEROFFICE CORRESPONDENCE**



TO: Timothy M. Kotroco
Deputy Zoning Commissioner
Zoning Commissioner's Office

DATE: June 17, 1994

FROM: David L. Thomas, P.E.
Assistant to the Director
Department of Public Works

SUBJECT: Pancake Cottage Diner
Zoning Case Number 94415 SPHA

This is to advise that the undersigned has reviewed the subject waiver requested on behalf of this office. We are recommending approval of the waiver with the condition that the freezer boxes be supported from the building structure without supports extending into the flood area outside of the original building footprint.

If there are any questions, please feel free to contact me on extension 3451.

DLT:ckt

cc: File

APPROVAL: David L. Thomas, P.E.
Assistant to the Director
Department of Public Works

APPROVAL: John Joyce
Community Assistance Program Manager
State of Maryland
Department of Natural Resources

PANCAKE/DASGENC.94

**Baltimore County Government
Office of Zoning Administration
and Development Management**



111 West Chesapeake Avenue
Towson, MD 21204

FEB 28 1994

STV GROUP

(410) 887-3353

Mr. Mark A. Riddle
STV Group
21 Governor's Court
Baltimore, MD 21244

February 25, 1994

Subject: Limited Exemption Approval
Pancake Cottage Restaurant
11316 Reisterstown Road
DRC No. 02144A, 4C3

Dear Mr. Riddle:

On February 22, 1994, the Development Review Committee reviewed and reconsidered the prior denial dated February 17, 1994 and determined it to be a Limited Exemption under Section 26-171(b)(9) of the Baltimore County Development Regulations. This exempts your development from the requirements for a Community Input Meeting (CIM), a Hearing Officer's Hearing (HOH), however, compliance with all county design standards and requirements for private and public improvements are still required, as is compliance with all applicable zoning regulations.

The following requirements are necessary to further process your development plan:

- A special hearing before the Zoning Commissioner is required for rebuilding in the flood plain prior to any development plan approval being granted.
- Because this project is on a state road, the State Highway Administration (SHA) will require plan review prior to approval of any permit. For further information contact Bob Small at (410) 333-1350.
- Submit two (2) check prints of the development plan and the landscape plan prepared in accordance with Section 26-203 of the Baltimore County Development Regulations to:

401

Mr. Mark A. Riddle
Page 2
February 25, 1994

Zoning Administration and Development Management
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, MD 21204

Please bring a copy of this Limited Exemption Approval letter along with the check prints.

Your plan will then be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary.

Twenty-two (22) copies of the plan incorporating check print comments must be submitted to the ZADM office (see address above).

The development plan review fee in the amount of \$1,344.00 (Fee schedule effective 4/1/92, Baltimore County Code, Section 15.9(c)), must be submitted to the ZADM office along with the 22 copies of the plan. Payment can be either a certified or cashier's check made payable to Baltimore County, MD.

If you have any questions, please do not hesitate to call me at (410) 887-3353.

Respectfully,

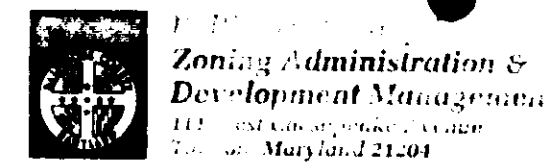
Donald T. Rascoe, Manager
Development Management

DTR:KAK:jaw

c: Larry Pilson
Carolyn Beatty

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 5/18/94
Posted for: Special Hearing on Petition
Petitioner: E.S. & E.J. Will & Pancake Cottage
Location of property: 11316 Reisterstown Rd., S.W.S.
Location of Signs: Reisterstown on property being posted
Remarks: _____
Posted by: [Signature] Date of return: 5/24/94
Number of Signs: 2



Date: 4/22/94 Number: 401
By: JLL
1 SPECIAL HEARING (60 NRES) FILING FEE 040 = 250.00
1 VARIANCE FILING (60 NRES) FILING FEE 020 = 250.00
(2) SIGNS TOTAL CODE 080 70.00
570.00

CHECK: PAID TO CASH WILL
11316 REISTERSTOWN RD.

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 6, 1994
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 May 5, 1994.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. Henrich

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NO. 94-415-SPHA (Item 401)
11316 Reisterstown Road
S.W.S. Reisterstown Road, 28' S of High Falcon Road
4th Election District - 3rd Councilmanic District
Legal Owner: Eugene S. Will and Ethel J. Will
Contract Purchaser: Pancake Cottage
HEARING: THURSDAY, JUNE 2, 1994, 10:00 A.M. Rm. 118 Old Courthouse

Special Hearing for permission to rebuild in the flood plain.
Variance to permit an average front yard of 17 feet in lieu of the allowed 79.5 feet.

[Signature]

Arnold Jablon
Director

cc: Eugene S. Will
Pancake Cottage
Melvin Kodenski
STV Group, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 27, 1994

Melvin Kodenski, Esquire
Kodenski and Canaris
Suite 301
19 East Fayette Street
Baltimore, Maryland 21202

RE: Case No. 94-415-SPHA, Item No. 401
Petitioner: Eugene S. Will, et al.
Petitions for Special Hearing and Variance

Dear Mr. Kodenski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 22, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 401

Petitioner: EUGENE AND ETHEL WILL

Location: 11316 REISTERSTOWN RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PANCAKE COTTAGE (CONTACT: ROBERT WORGAN)

ADDRESS: 6314 RITCHIE HIGHWAY

GLEN BURNIE, MD. 21061

* PHONE NUMBER: 410-760-9390

MUST BE SUPPLIED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 18, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Caryl L. Lewis

PK/JL:lw

ZAC.401/PZONE/ZAC1

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/S Reisterstown Road, 28' S of High Falcon Road (11316 Reisterstown Road) 4th Election District 3rd Councilmanic District Eugene S. Will, et ux Petitioners

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-415-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner/Hearing Officer as Petitions for Special Hearing and Variance for that property known as 11316 Reisterstown Road in the Owings Mills area of northern Baltimore County. The petitions were filed by the owners of the property, Eugene S. and Ethel J. Will, and the Contract Purchaser/Lessee, Pancake Cottage, by Robert Morgan, Owner, through their attorney Melvin Kodenski, Esquire. The Petitioners seek a special hearing to approve reconstruction in the flood plain and variance relief from Sections 235.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an average front yard of 17 feet in lieu of the required 79.5 feet. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 4.

Appearing on behalf of the Petitions were Eugene S. Will, Property Owner, Robert M. and Sandra M. Morgan, Owners of the Pancake Cottage, and Debra Wittie, Registered Landscape Architect with STV Group. There were no Protestants present.

Testimony revealed that the subject property consists of 1.1512 Acres, more or less, zoned B.M., and is improved with a one-story building which was formerly the site of a Twin Kiss restaurant. The building burned out some time ago and has been vacant since. The Petitioners are

desirous of razing the existing structure and reconstructing a Pancake Cottage restaurant utilizing the existing building footprint. The Petitioners introduced as Petitioner's Exhibit 3 a model of the proposed Pancake Cottage to be located on the site. Inasmuch as some of this site is located within the 100-year floodplain, the Petitioners requested the special hearing to approve the proposed reconstruction. Because the proposed reconstruction will be located on the existing building footprint, the requested variance is necessary.

An issue arose regarding a comment from the Department of Public Works (DPW) concerning the location of some freezer boxes on the rear of the proposed building. It was recommended that the Petitioners consult with representatives of DPW in order to resolve the matter. Inter-office correspondence dated June 17, 1994 from David L. Thomas, Professional Engineer, indicated that DPW will support the location of the freezer boxes on condition that they be supported from the building structure, without supports extending into the floodplain area outside the original building footprint. As a condition of the relief granted, a restriction shall be imposed incorporating the recommendation made by DPW.

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

- 2 -

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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of June, 1994 that the Petition for Special Hearing to approve a reconstruction in the flood plain in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 235.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an average front yard of 17 feet in lieu of the

required 79.5 feet, in accordance with Petitioner's Exhibit 4, 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 relief granted herein shall be rescinded.
- 2) The freezer boxes which are to be located on the rear of the proposed building shall be supported by the building itself without supports extending into the floodplain area outside the original building footprint.
- 3) The Petitioners shall submit a landscape plan for review and approval by Avery Harden, the Baltimore County Landscape Architect, prior to the issuance of any building permits.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

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

- 4 -

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204
June 22, 1994 (410) 887-4386

Melvin Kodenski, Esquire
Kodenski and Canaris
19 E. Fayette Street, Suite 301
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/S Reisterstown Road, 28' S of High Falcon Road
(11316 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Eugene S. Will, et ux - Petitioners
Case No. 94-415-SPHA

Dear Mr. Kodenski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

TMK:bjs

cc: Mr. Robert Morgan
6914 Ritchie Highway, Glen Burnie, Md. 21061

People's Counsel
File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
for the property located at 11316 Reisterstown Road which is presently zoned BM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 235.1 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve Development.

HEARING OFFICE

Permission to rebuild in the Flood Plain

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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:
Pancake Cottage
Type or First Name: Eugene S. Will
Signature: Eugene S. Will
Address: 6914 Ritchie Highway
City: Glen Burnie, MD 21061
Phone No.: 410-833-4280

Legal Owner(s):
Type or First Name: Eugene S. Will
Signature: Eugene S. Will
Address: 6914 Ritchie Highway
City: Glen Burnie, MD 21061
Phone No.: 410-833-4280

Attorney for Petitioner:
Kodenski and Canaris
Type or First Name: Melvin Kodenski
Signature: Melvin Kodenski
Address: 19 E. Fayette St. Suite 301
City: Baltimore, MD 21202
Phone No.: 410-685-5100

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 11316 Reisterstown Road which is presently zoned BM

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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(s) 235.1 and 303.2 BCZR to permit an average front yard of 17 feet in lieu of the allowed 79.5 Feet

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

Strict Compliance of the Zoning Regulations would prevent the use of the property. The existing building has been damaged by fire and therefore will require the reconstruction of a new building. Due to the location of the site within a flood plain, development regulations require that the new building be constructed within the existing building footprint. The granting of the variance will not result in substantial injury to public health, safety and general welfare. Denial of the request would cause practical difficulty and unreasonable hardship.

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:
Pancake Cottage
Type or First Name: Eugene S. Will
Signature: Eugene S. Will
Address: 6914 Ritchie Highway
City: Glen Burnie, MD 21061
Phone No.: 410-833-4280

Legal Owner(s):
Type or First Name: Eugene S. Will
Signature: Eugene S. Will
Address: 6914 Ritchie Highway
City: Glen Burnie, MD 21061
Phone No.: 410-833-4280

Attorney for Petitioner:
Kodenski and Canaris
Type or First Name: Melvin Kodenski
Signature: Melvin Kodenski
Address: 19 E. Fayette St. Suite 301
City: Baltimore, MD 21202
Phone No.: 410-685-5100

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

STV Group
engineers/architects/planners/scientists/construction managers

AG 194-415-SPHA

STV Architects, Engineers & Planners, Inc.
STV Architects & Engineers
STV Environmental
STV Architects

ZONING AND DEVELOPMENT DESCRIPTION
FOR PANCAKE COTTAGE
SOUTHWEST SIDE OF REISTERSTOWN ROAD
OPPOSITE HIGH FALCON ROAD
ELECTION DISTRICT NO. 4
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point along the southwesterly side of Reisterstown Road, Maryland Route No. 140 (66 feet wide) being located South 44°14'06" East 28.0 feet from the projected centerline of High Falcon Road, thence running along said southwesterly side of Reisterstown Road,

1. South 44°14'06" East 150.00 feet to a point, thence leaving Reisterstown Road and running,
2. South 55°55'20" West 150.00 feet to a point, thence,
3. South 44°14'06" East 125.00 feet to a point, thence,
4. South 55°55'20" West 103.20 feet to a point, thence,
5. North 44°06'04" West 276.10 feet to a point, thence,
6. North 56°11'37" East 252.76 feet to the point of beginning, as recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. No. 4538, folio 583.

CONTAINING 50,145 square feet or 1.1512 acres of land, more or less.

Also known as No. 11316 Reisterstown Road and located in the 4th Election District.

Mark A. Riddle
STV GROUP
Mark A. Riddle
MD Professional Land Surveyor No. 10899

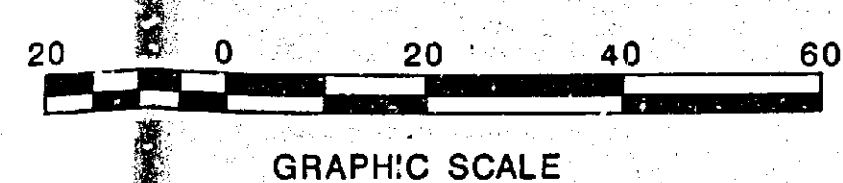


April 18, 1994

PETITIONER'S EXHIBIT

STV GROUP, INC.
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 410-944-9112

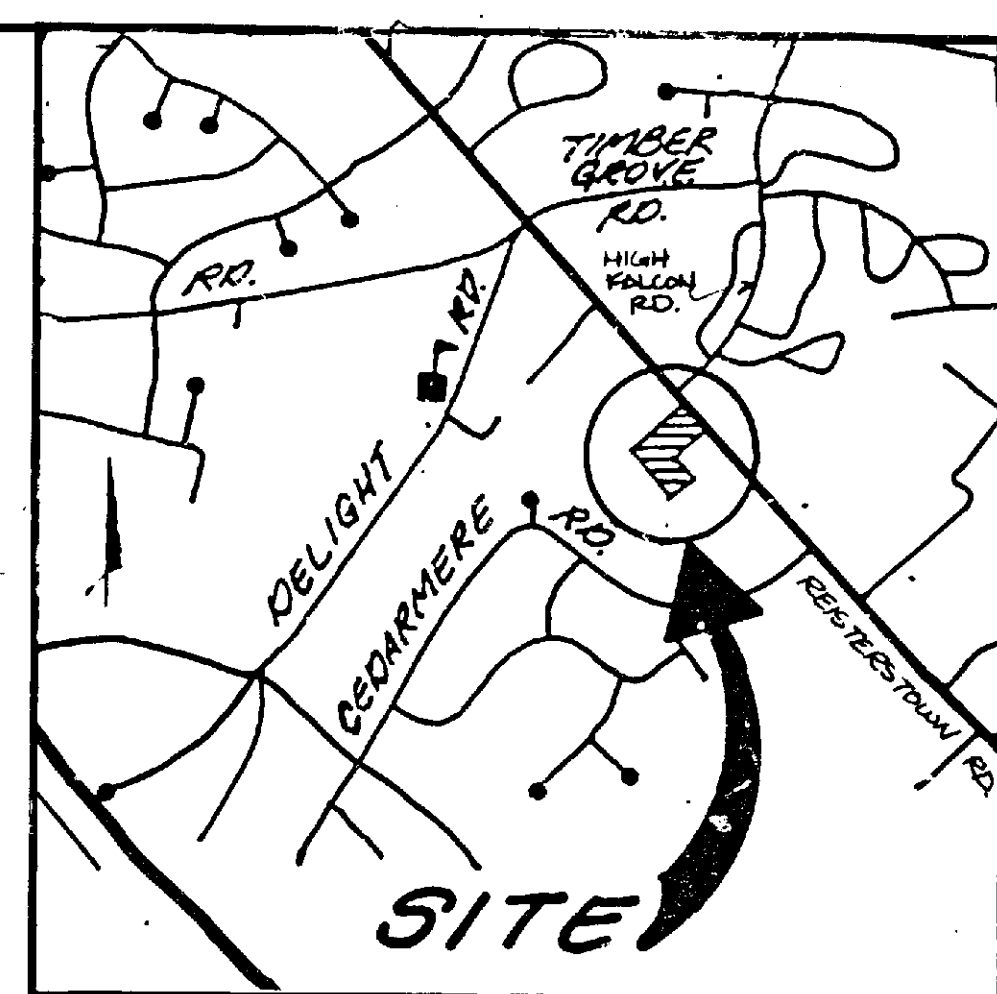
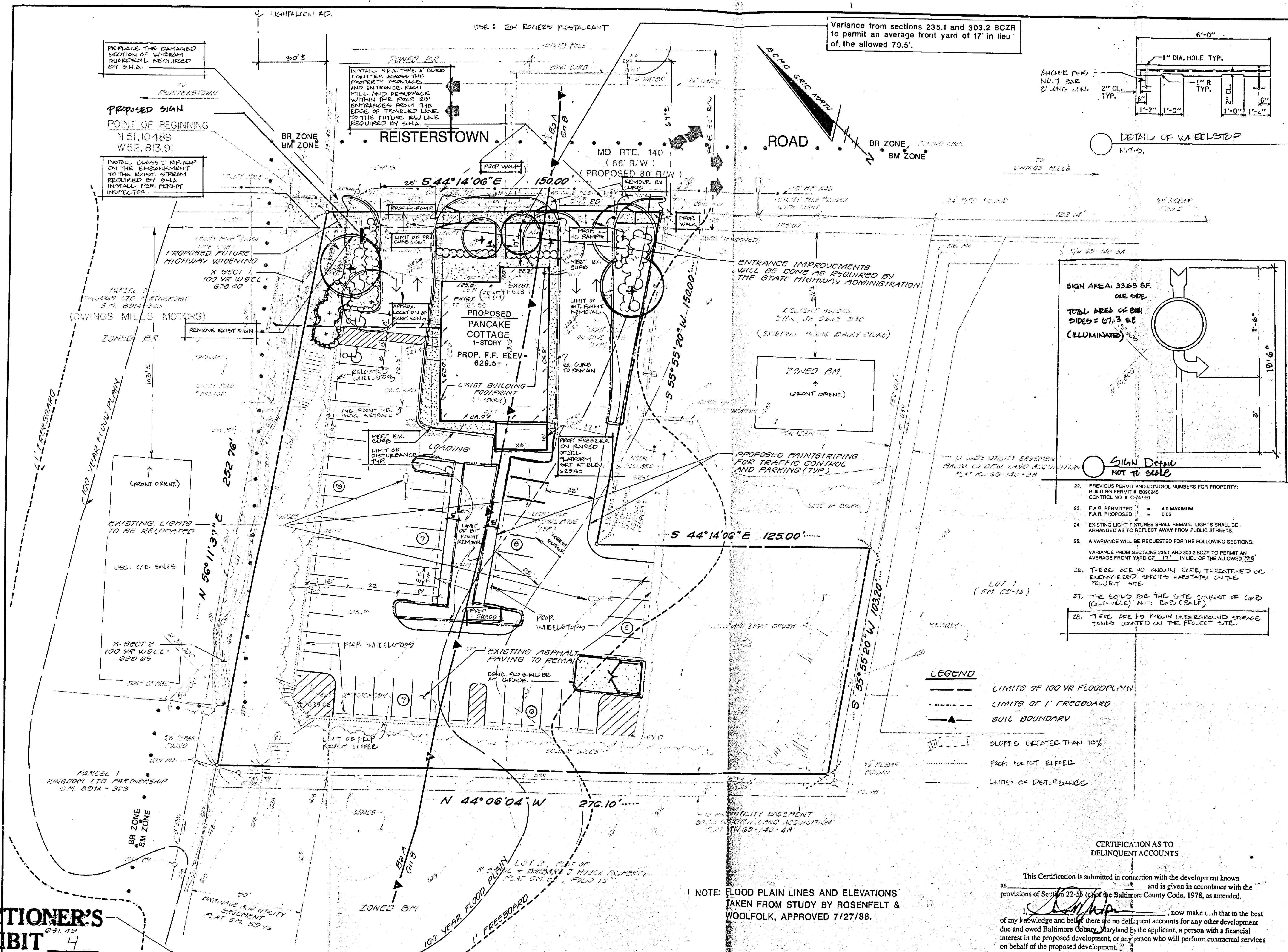
NO	DATE	DESCRIPTION
1	3/24/94	REV. NOTES 5-17/100 NOTED BY PER. CO. COMMENTS
2	4/2/94	REV. NOTES 5-17/100 NOTED BY PER. CO. COMMENTS
3	10/4/94	REV. CO. DEV. PLAN COMMENTS, ADD PROPOSED SIGN
4	10/17/94	REV. CO. DEV. PLAN COMMENTS, ADD PROPOSED SIGN
5	10/17/94	REV. CO. DEV. PLAN COMMENTS, ADD PROPOSED SIGN



PLAN PREPARATION	
DRAWN BY	TLK
DESIGNED BY	AKG
CHECKED BY	JOB NO: 61-9083
DATE	3/22/94
SCALE	1" = 20'

PLAT TO ACCOMPANY ZONING VARIANCE FROM BCZR STANDARDS AND SPECIAL HEARING FROM DEVELOPMENT REGULATIONS TO PERMIT REBUILDING IN A FLOOD PLAIN AND DEVELOPMENT PLAN
PANCAKE COTTAGE
11316 REISTERSTOWN ROAD
Fourth Election District Baltimore County, Maryland

DRAWING NO.
C-1
SHEET NO.
1 of 1



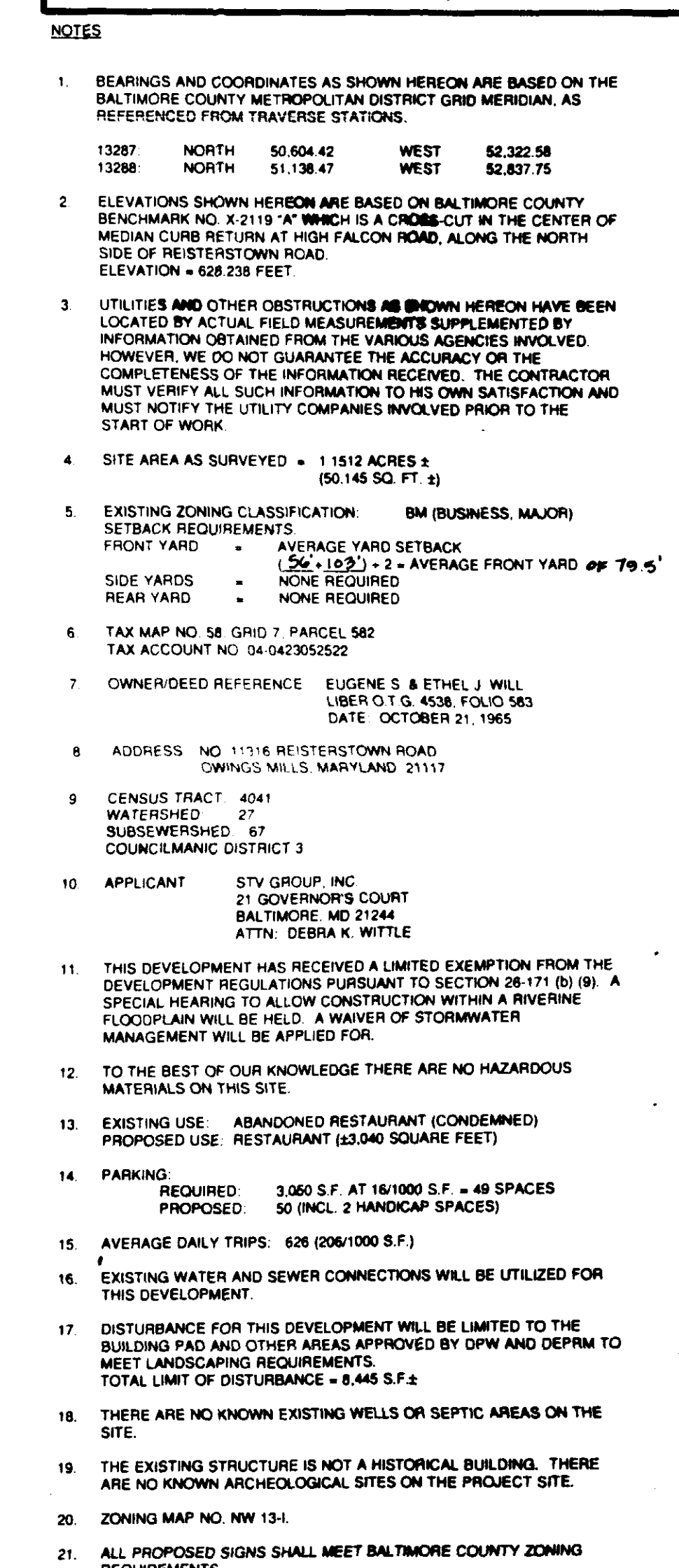
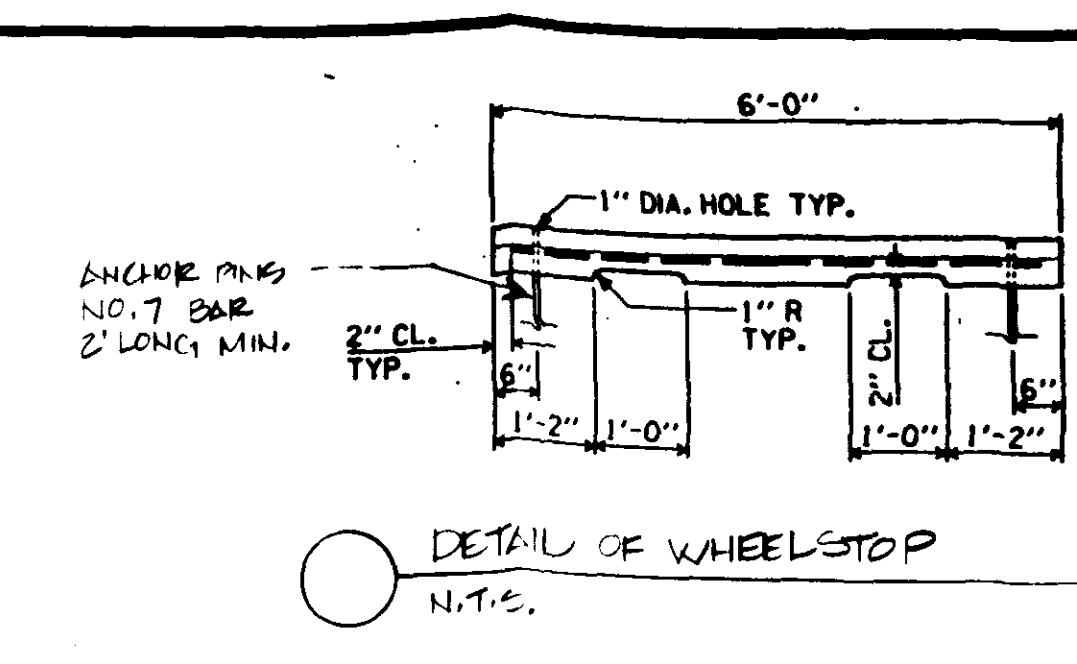
- NOTES**
- BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID MERIDIAN, AS REFERENCED FROM TRAVERSE STATIONS:
 - ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY BENCHMARK NO. 2519.2 WHICH IS A CROSS-CUT IN THE CENTER OF MEDIAN CURB RETURN AT HIGH FALCON ROAD, AONG THE NORTH SIDE OF REISTERSTOWN ROAD. ELEVATION = 628.238 FEET.
 - UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION RECEIVED. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO THE START OF WORK.
 - SITE AREA AS SURVEYED = 1.1512 ACRES ± (50,145 SQ. FT. ±)
 - EXISTING ZONING CLASSIFICATION: BM (BUSINESS, MAJOR) SETBACK REQUIREMENTS: FRONT YARD: AVERAGE YARD SETBACK (25' ± 10%) ± 2' AVERAGE FRONT YARD OF 79.5' SIDE YARDS: NONE REQUIRED REAR YARD: NONE REQUIRED
 - TAX MAP NO. 58, GRID 7, PARCEL 582 TAX ACCOUNT NO. 04-042052522
 - OWNER/DEED REFERENCE: EUGENE S. & ETHEL J. WILL LIBER CL. G. 4538, FOLIO 583 DATE: OCTOBER 21, 1985
 - ADDRESS: NO. 11316 REISTERSTOWN ROAD OWINGS MILLS, MARYLAND 21117
 - CENSUS TRACT: 4041 WATERSHED: 67 COUNCILMANIC DISTRICT 3
 - APPLICANT: STV GROUP, INC. 21 GOVERNOR'S COURT BALTIMORE, MD 21244 ATTN: DEBRA K. WITTE
 - THIS DEVELOPMENT HAS RECEIVED A LIMITED EXEMPTION FROM THE DEVELOPMENT REGULATIONS PURSUANT TO SECTION 26-171 (B) (1). A SPECIAL HEARING TO ALLOW CONSTRUCTION WITHIN A RIVERINE FLOODPLAIN WILL BE HELD. A WAIVER OF STORMWATER MANAGEMENT WILL BE APPLIED FOR.
 - TO THE BEST OF OUR KNOWLEDGE THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE.
 - EXISTING USE: ABANDONED RESTAURANT (CONDEMNED) PROPOSED USE: RESTAURANT (50,040 SQUARE FEET)
 - PARKING: REQUIRED: 2,178 S.F. AT 160/1000 S.F. = 91 SPACES PROPOSED: 51 (INCL. 2 HANDICAP SPACES)
 - AVERAGE DAILY TRIPS: 625 (200/1000 R.F.)
 - EXISTING WATER AND SEWER CONNECTIONS WILL BE UTILIZED FOR THIS DEVELOPMENT.
 - DISTURBANCE FOR THIS DEVELOPMENT WILL BE LIMITED TO THE BUILDING PAD AND OTHER AREAS APPROVED BY DPW AND DEPDM TO MEET LANDSCAPING REQUIREMENTS. TOTAL LIMIT OF DISTURBANCE: 2,178 S.F. ±
 - THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC AREAS ON THE SITE.
 - THE EXISTING STRUCTURE IS NOT A HISTORICAL BUILDING. THERE ARE NO KNOWN ARCHEOLOGICAL SITES ON THE PROJECT SITE.
 - ZONING MAP NO. NW 13-L
 - ALL PROPOSED SIGNS SHALL MEET BALTIMORE COUNTY ZONING REQUIREMENTS.

CERTIFICATION AS TO
DELINQUENT ACCOUNTS

This Certification is submitted in connection with the development known as _____ and is given in accordance with the provisions of Section 22-50 (c) of the Baltimore County Code, 1978, as amended.

_____, now make c.u.h. that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.





 LIMITS OF 100 YR FLOODPLAIN
 LIMITS OF 1' FREEBOARD
 SOIL BOUNDARY
 SLOPES GREATER THAN 10%
 PROP. EXIST. BUFFER
 LIMITS OF DISTURBANCE

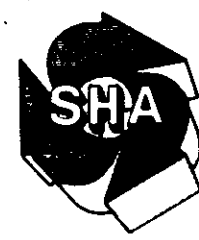
I, Samuel J. [Signature], now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.

STATE OF MARYLAND
NOTARIAL PUBLIC
No. 16559
REGISTERED
PROFESSIONAL ENGINEER

APR 27 1984

STV Group

DRAWING NO. C-1
SHEET NO. 1 of 1



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

May 4, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 140
Pancake Cottage
Special Hearing and
Variance Request
Item # +401 (JLL)
Mile Post 7.19

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have had an opportunity to review a plan for the development and in a letter dated April 27th to the developer's engineer, Ms. Kay Morin of STV/Lyon Associates, we indicated the following:

A review of the State Highway Administration's (SHA) current and long range planning documents reveals that the proposed 80' right-of-way indicated on the plan is consistent with SHA's ultimate five (5) lane/62' urban section reconstruction of MD 140 at this location.

Therefore, we would request the county require dedication along the property frontage as a condition of plan approval, along with the following entrance improvements:

1. The proposed entrance design indicated on the plan is acceptable to the SHA.
2. SHA Type "A" curb and gutter across the property frontage and entrance radii.
3. Mill and re-surface within the proposed 25' entrances from the edge of travelled lane to the future right-of-way line.
4. Replace the damaged section of W-beam guardrail located on the northwest property corner.

RECEIVED
MAY 9 1994

My telephone number is 410-333-1350 (Fax # 333-1041)
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Charlotte Minton
Page Two
May 4, 1994

5. Install Class I rip-rap on the embankment to the existing stream located at the northwest property corner.

Therefore, we have no objection to approval for the special hearing for permission to rebuild in the flood plain and variance to permit an average front yard of 17' in lieu of the allowed 79.5' subject to the aforementioned conditions.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Ms. Charlotte Minton
Page Three
May 4, 1994

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

cc: Ms. Kay Morin

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE**

May 6, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #401 - Pancake Cottage
11316 Reisterstown Road
Zoning Advisory Committee Meeting of May 2, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:VK:sp

PANCAKE/DEPRM/TXTSBB

**Baltimore County Government
Fire Department**



700 East Joppa Road, Suite 901
Towson, MD 21286 5500

(410) 887-4500

DATE: 04/12/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

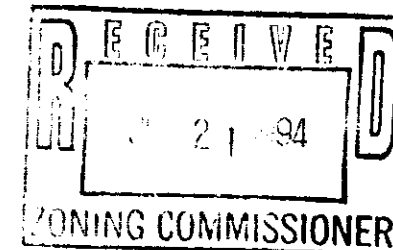
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1991 edition prior to occupancy. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 396, 397, AND 401.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 387-4881, MS-1102F

cc: File

**BALTIMORE COUNTY
INTEROFFICE CORRESPONDENCE**



TO: Timothy M. Kotroco
Deputy Zoning Commissioner
Zoning Commissioner's Office

DATE: June 17, 1994

FROM: David L. Thomas, P.E.
Assistant to the Director
Department of Public Works

SUBJECT: Pancake Cottage Diner
Zoning Case Number 94415 SPHA

This is to advise that the undersigned has reviewed the subject waiver requested on behalf of this office. We are recommending approval of the waiver with the condition that the freezer boxes be supported from the building structure without supports extending into the flood area outside of the original building footprint.

If there are any questions, please feel free to contact me on extension 3451.

DLT:ckt

cc: File

APPROVAL: David L. Thomas, P.E.
Assistant to the Director
Department of Public Works

APPROVAL: John Joyce
Community Assistance Program Manager
State of Maryland
Department of Natural Resources

PANCAKE/DASGENC.94

**Baltimore County Government
Office of Zoning Administration
and Development Management**



111 West Chesapeake Avenue
Towson, MD 21204

FEB 28 1994

STV GROUP

(410) 887-3353

Mr. Mark A. Riddle
STV Group
21 Governor's Court
Baltimore, MD 21244

February 25, 1994

Subject: Limited Exemption Approval
Pancake Cottage Restaurant
11316 Reisterstown Road
DRC No. 02144A, 4C3

Dear Mr. Riddle:

On February 22, 1994, the Development Review Committee reviewed and reconsidered the prior denial dated February 17, 1994 and determined it to be a Limited Exemption under Section 26-171(b)(9) of the Baltimore County Development Regulations. This exempts your development from the requirements for a Community Input Meeting (CIM), a Hearing Officer's Hearing (HOH), however, compliance with all county design standards and requirements for private and public improvements are still required, as is compliance with all applicable zoning regulations.

The following requirements are necessary to further process your development plan:

- A special hearing before the Zoning Commissioner is required for rebuilding in the flood plain prior to any development plan approval being granted.
- Because this project is on a state road, the State Highway Administration (SHA) will require plan review prior to approval of any permit. For further information contact Bob Small at (410) 333-1350.
- Submit two (2) check prints of the development plan and the landscape plan prepared in accordance with Section 26-203 of the Baltimore County Development Regulations to:

401

Mr. Mark A. Riddle
Page 2
February 25, 1994

Zoning Administration and Development Management
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, MD 21204

Please bring a copy of this Limited Exemption Approval letter along with the check prints.

Your plan will then be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary.

Twenty-two (22) copies of the plan incorporating check print comments must be submitted to the ZADM office (see address above).

The development plan review fee in the amount of \$1,344.00 (Fee schedule effective 4/1/92, Baltimore County Code, Section 15.9(c)), must be submitted to the ZADM office along with the 22 copies of the plan. Payment can be either a certified or cashier's check made payable to Baltimore County, MD.

If you have any questions, please do not hesitate to call me at (410) 887-3353.

Respectfully,

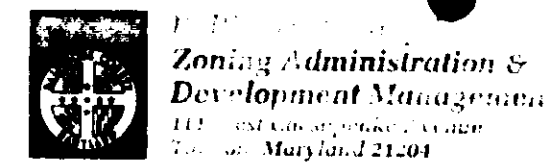
Donald T. Rascoe, Manager
Development Management

DTR:KAK:jaw

c: Larry Pilson
Carolyn Beatty

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 5/18/94
Posted for: Special Hearing on Petition
Petitioner: E.S. & E.J. Will & Pancake Cottage
Location of property: 11316 Reisterstown Rd., S.W.S.
Location of Signs: Reisterstown on property being posted
Remarks: _____
Posted by: [Signature] Date of return: 5/24/94
Number of Signs: 2



Date: 4/22/94 Number: 401
By: JLL
1 SPECIAL HEARING (60 NRES) FILING FEE 040 = 250.00
1 VARIANCE FILING (60 NRES) FILING FEE 020 = 250.00
(2) SIGNS TOTAL CODE 080 70.00
570.00

CHECK: PANCAKE COTTAGE, WILL
11316 REISTERSTOWN RD.

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 6, 1994
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 May 5, 1994.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

[Signature]

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 94-415-SPHA (Item 401)
11316 Reisterstown Road
S.W.S. Reisterstown Road
28' S of High Falcon Road
4th Election District - 3rd Councilmanic District
Legal Owner: Eugene S. Will and Ethel J. Will
Contract Purchaser: Pancake Cottage
HEARING: THURSDAY, JUNE 2, 1994 at 10:00 a.m. in Room 118, Old Courthouse.
Special Hearing: for permission to rebuild in the flood plain. Variance to permit an average front yard of 17 feet in lieu of the allowed 79.5 feet.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391. 5041 May 5.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NO. 94-415-SPHA (Item 401)
11316 Reisterstown Road
S.W.S. Reisterstown Road, 28' S of High Falcon Road
4th Election District - 3rd Councilmanic District
Legal Owner: Eugene S. Will and Ethel J. Will
Contract Purchaser: Pancake Cottage
HEARING: THURSDAY, JUNE 2, 1994, 10:00 A.M. Rm. 118 Old Courthouse

Special Hearing for permission to rebuild in the flood plain.
Variance to permit an average front yard of 17 feet in lieu of the allowed 79.5 feet.

[Signature]

Arnold Jablon
Director

cc: Eugene S. Will
Pancake Cottage
Melvin Kodenski
STV Group, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 27, 1994

Melvin Kodenski, Esquire
Kodenski and Canaris
Suite 301
19 East Fayette Street
Baltimore, Maryland 21202

RE: Case No. 94-415-SPHA, Item No. 401
Petitioner: Eugene S. Will, et al.
Petitions for Special Hearing and Variance

Dear Mr. Kodenski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 22, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 401

Petitioner: EUGENE AND ETHEL WILL

Location: 11316 REISTERSTOWN RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PANCAKE COTTAGE (CONTACT: ROBERT WORGAN)

ADDRESS: 6314 RITCHIE HIGHWAY

GLEN BURNIE, MD. 21061

* PHONE NUMBER: 410-760-9390

MUST BE SUPPLIED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 18, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: [Signature]

Division Chief: [Signature]

PK/JL:lw

ZAC.401/PZONE/ZAC1

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/S Reisterstown Road, 28' S of High Falcon Road (11316 Reisterstown Road) 4th Election District 3rd Councilmanic District Eugene S. Will, et ux Petitioners

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-415-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner/Hearing Officer as Petitions for Special Hearing and Variance for that property known as 11316 Reisterstown Road in the Owings Mills area of northern Baltimore County. The petitions were filed by the owners of the property, Eugene S. and Ethel J. Will, and the Contract Purchaser/Lessee, Pancake Cottage, by Robert Morgan, Owner, through their attorney Melvin Kodenski, Esquire. The Petitioners seek a special hearing to approve reconstruction in the flood plain and variance relief from Sections 235.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an average front yard of 17 feet in lieu of the required 79.5 feet. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 4.

Appearing on behalf of the Petitions were Eugene S. Will, Property Owner, Robert M. and Sandra M. Morgan, Owners of the Pancake Cottage, and Debra Wittie, Registered Landscape Architect with STV Group. There were no Protestants present.

Testimony revealed that the subject property consists of 1.1512 Acres, more or less, zoned B.M., and is improved with a one-story building which was formerly the site of a Twin Kiss restaurant. The building burned out some time ago and has been vacant since. The Petitioners are

desirous of razing the existing structure and reconstructing a Pancake Cottage restaurant utilizing the existing building footprint. The Petitioners introduced as Petitioner's Exhibit 3 a model of the proposed Pancake Cottage to be located on the site. Inasmuch as some of this site is located within the 100-year floodplain, the Petitioners requested the special hearing to approve the proposed reconstruction. Because the proposed reconstruction will be located on the existing building footprint, the requested variance is necessary.

An issue arose regarding a comment from the Department of Public Works (DPW) concerning the location of some freezer boxes on the rear of the proposed building. It was recommended that the Petitioners consult with representatives of DPW in order to resolve the matter. Inter-office correspondence dated June 17, 1994 from David L. Thomas, Professional Engineer, indicated that DPW will support the location of the freezer boxes on condition that they be supported from the building structure, without supports extending into the floodplain area outside the original building footprint. As a condition of the relief granted, a restriction shall be imposed incorporating the recommendation made by DPW.

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

- 2 -

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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of June, 1994 that the Petition for Special Hearing to approve a reconstruction in the flood plain in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 235.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an average front yard of 17 feet in lieu of the

required 79.5 feet, in accordance with Petitioner's Exhibit 4, 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 relief granted herein shall be rescinded.
- 2) The freezer boxes which are to be located on the rear of the proposed building shall be supported by the building itself without supports extending into the floodplain area outside the original building footprint.
- 3) The Petitioners shall submit a landscape plan for review and approval by Avery Harden, the Baltimore County Landscape Architect, prior to the issuance of any building permits.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

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

- 4 -

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204
June 22, 1994 (410) 887-4386

Melvin Kodenski, Esquire
Kodenski and Canaris
19 E. Fayette Street, Suite 301
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/S Reisterstown Road, 28' S of High Falcon Road
(11316 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Eugene S. Will, et ux - Petitioners
Case No. 94-415-SPHA

Dear Mr. Kodenski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

TMK:bjs

cc: Mr. Robert Morgan
6914 Ritchie Highway, Glen Burnie, Md. 21061

People's Counsel
File

Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 11316 Reisterstown Road which is presently zoned B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 235.1 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Regulations should be amended to permit the proposed development.

HEARING OFFICE
Permission to rebuild in the Flood Plain

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing 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:
Pancake Cottage
Type or First Name: Eugene S. Will
Signature: [Signature]
Address: 6914 Ritchie Highway
City: Glen Burnie, MD 21061
Phone No.: 410-833-4280
Address: 505 Sunbrook Rd., 410-833-4280
Address: Reisterstown, MD 21136
Name, Address and phone number of representative to be contacted:
STV Group, Inc.
Contact: Deb Wittie
Address: 21 Governors Court, Baltimore, MD 21244
Suite 301
Baltimore, MD 21202
Phone No.: 410-685-5100
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: []
The following date: []
ALL OTHER: []
REVIEWED BY: [] DATE: []

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 11316 Reisterstown Road which is presently zoned B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s) 235.1 and 303.2 BCZR to permit an average front yard of 17 feet in lieu of the allowed 79.5 Feet

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

Strict Compliance of the Zoning Regulations would prevent the use of the property. The existing building has been damaged by fire and therefore will require the reconstruction of a new building. Due to the location of the site within a flood plain, development regulations require that the new building be constructed within the existing building footprint. The granting of the variance will not result in substantial injury to public health, safety and general welfare. Denial of the request would cause practical difficulty and unreasonable hardship.

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:
Pancake Cottage
Type or First Name: Eugene S. Will
Signature: [Signature]
Address: 6914 Ritchie Highway
City: Glen Burnie, MD 21061
Phone No.: 410-833-4280
Address: 505 Sunbrook Road, 410-833-4280
Address: Reisterstown, MD 21136
Name, Address and phone number of representative to be contacted:
STV Group, Inc.
Contact: Deb Wittie
Address: 21 Governors Court, Baltimore, MD 21244
Suite 301
Baltimore, MD 21202
Phone No.: 410-685-5100
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: []
The following date: []
ALL OTHER: []
REVIEWED BY: [] DATE: []

ORDER RECEIVED FOR FILING
Date 6/22/94
By [Signature]

STV Group
engineers/architects/planners/scientists/construction managers

STV Architects, Engineers & Planners
STV Architects & Engineers
STV Environmental
STV Architects

ZONING AND DEVELOPMENT DESCRIPTION
FOR PANCAKE COTTAGE
SOUTHWEST SIDE OF REISTERSTOWN ROAD
OPPOSITE HIGH FALCON ROAD
ELECTION DISTRICT NO. 4
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point along the southwesterly side of Reisterstown Road, Maryland Route No. 140 (66 feet wide) being located South 44°14'06" East 28.0 feet from the projected centerline of High Falcon Road, thence running along said southwesterly side of Reisterstown Road,

1. South 44°14'06" East 150.00 feet to a point, thence leaving Reisterstown Road and running,
2. South 55°55'20" West 150.00 feet to a point, thence,
3. South 44°14'06" East 125.00 feet to a point, thence,
4. South 55°55'20" West 103.20 feet to a point, thence,
5. North 44°06'04" West 276.10 feet to a point, thence,
6. North 56°11'37" East 252.76 feet to the point of beginning, as recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. No. 4538, folio 583.

CONTAINING 50,145 square feet or 1.1512 acres of land, more or less.

Also known as No. 11316 Reisterstown Road and located in the 4th Election District.

Mark A. Riddle
STV GROUP
Mark A. Riddle
MD Professional Land Surveyor No. 10899



April 18, 1994