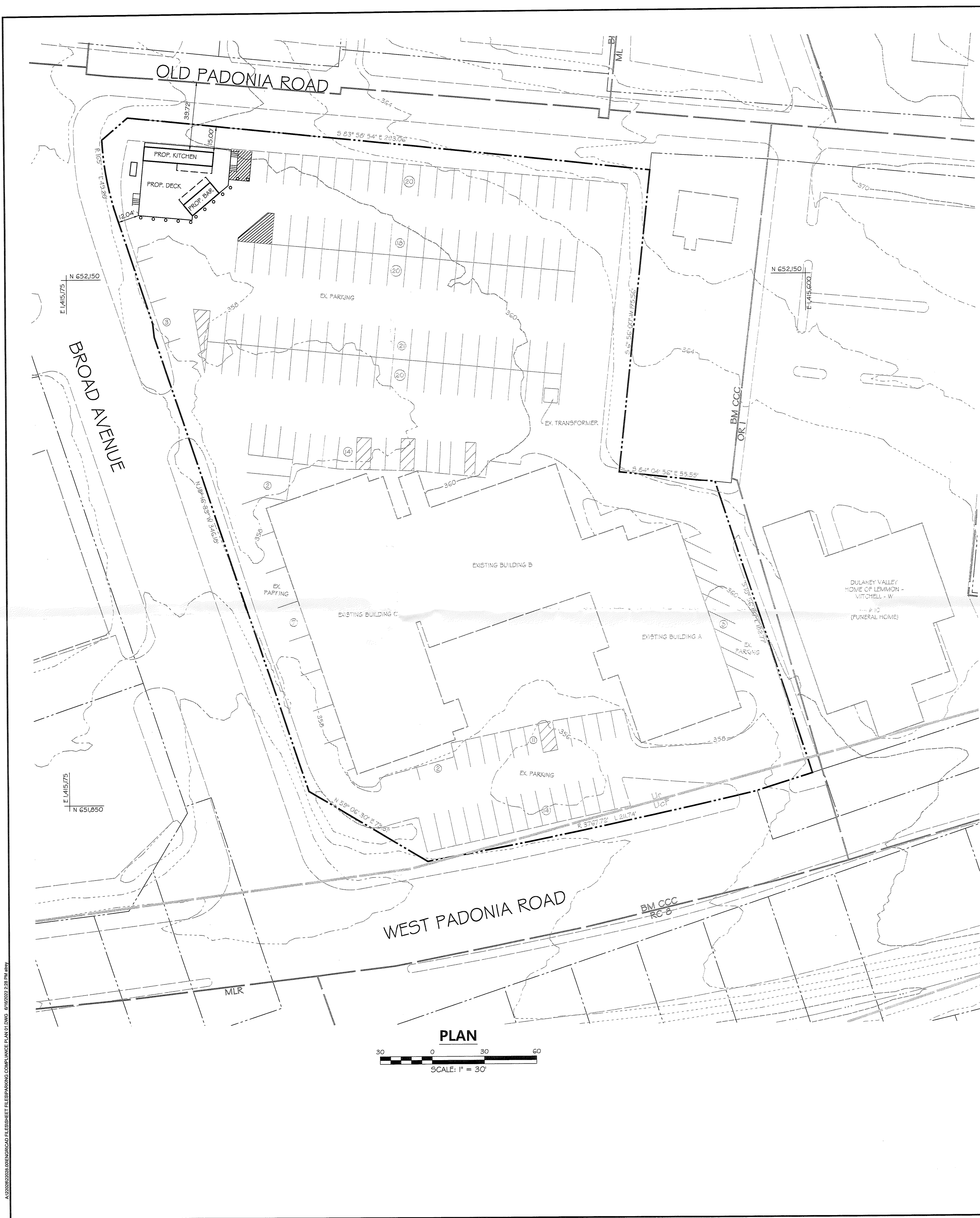




SHARED PARKING CHART						
Tenant:	Type (Parking Required) Sq Ft and Spaces	Weekday		Weekend		
		Day (6am-6pm)	Evening (6pm-12am)	Day (6am-6pm)	Evening 6pm-12am	Night (12am-6am)
Ryleigh's Oyster House	Standard restaurant (16 per 1000 sq ft) (No longer counting 3500 sq ft of outdoor patio per J. Perlow) 4720 sq ft = 76 sp	38 (50%)	76 (100%)	76 (100%)	76 (100%)	8 (10%)
Office Space	Office-general (5.3 per 1000 sq ft) 39325 sq ft = 130 sp	130 (100%)	13 (10%)	13 (10%)	7 (5%)	7 (5%)
Pit Beef Operation	Carry out Restaurant (5 per 1000 sq ft) 480 sq ft = 9 sp	2 (50%)	3 (100%)	3 (100%)	3 (100%)	1 (10%)
Jason Scott Jewelry	Retail-general (5 per 1000 sq ft) 2500 sq ft = 13 sp	8 (60%)	12 (90%)	13 (100%)	10 (70%)	1 (5%)
ProTelix Health Clinic	Medical Office (4.5 per 1000 sq ft) 625 Sq Ft = 3 sp	3 (100%)	1 (10%)	1 (10%)	1 (5%)	1 (5%)
Mardiney- Asthma, Allergy, & Immunology Center	Medical Office (4.5 per 1000 sq ft) 1250 sq ft = 6 sp	6 (100%)	1 (10%)	1 (10%)	1 (5%)	1 (5%)
Paul Mitchell Hair Salon	Beauty Shop (5 per 1000 sq ft) 625 sq ft = 4 sp	4 (100%)	4 (100%)	4 (100%)	4 (100%)	4 (100%)
Dominion Physical Therapy	Medical Office (4.5 per 1000 sq ft) 1550 sq ft = 7 sp	7 (100%)	1 (10%)	1 (10%)	1 (5%)	1 (5%)
Timonium Family Dentistry	Medical Office (4.5 per 1000 sq ft) 1625 sq ft = 8 sp	8 (100%)	1 (10%)	1 (10%)	1 (5%)	1 (5%)
TOTAL SPACES NEEDED	250	206	112	113	104	25

22 W Padonia Rd, Timonium, MD 21093:

160 Spots available per field count 5/13/22 + Proposed Improvements
43 Parking Space Variance per Case No. 1980-0047-A
8 spaces leased from funeral home
*13 spaces from MTA bus stop adjustment

224 SPACES TOTAL

206 SPACES REQUIRED AT PEAK DAYTIME USE

MTA BUS STOP TRANSIT ADJUSTMENT PER SECTION 409.6 B.1.a

5% parking reduction for bus stop on N/S York Road: 5% of 250= 13 spaces

GENERAL NOTES:

1. OWNER:

2. ADDRESS:

3. TAX ACCOUNT NUMBER:

4. TAX MAP:

5. PARCEL:

6. ZONING:

7. ACREAGE:

8. ELECTION DISTRICT:

9. COUNCILMANIC DISTRICT:

10. EX USE:
- PADONIA PLAZA LLC

22 WEST PADONIA ROAD

1700013039

0051

0566

BM-CCC

2.6 AC / 113,250 SQ FT

8

3

OFFICE/ RETAIL/ RESTAURANT



VICINITY MAP

SCALE: 1" = 500'

LEGEND

- ---

- PROPERTY BOUNDARY

ADJACENT LOT LINE

EX. MAJOR CONTOUR

EX. MINOR CONTOUR

EX. BUILDING

EX. ROAD

EX. SIDEWALK

Ur

UCF

BM CCC

RC 8

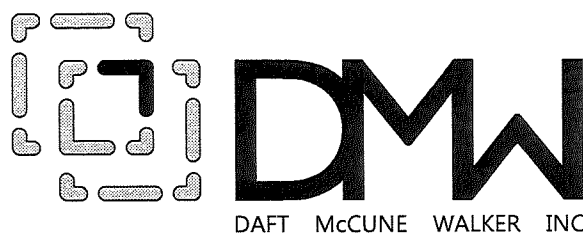
SOILS

ZONES

PROP. BUILDING

PROP. ROAD STRIPING

DATA SOURCES:
SITE PLAN IN ZONING CASE NO.
1980 - 0047 - A; CURRENT
BALTIMORE COUNTY GIS; PARKING
COUNT FIELD VERIFIED MAY 2022

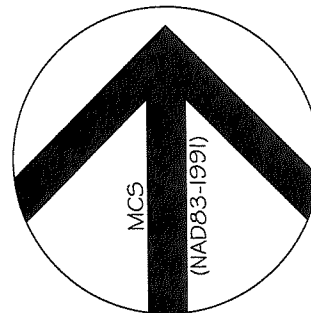


501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

PARKING COMPLIANCE PLAN FOR
RYLEIGH'S/ PIT BEEF STAND

PADONIA TOWERS

22 W PADONIA RD,
TIMONIUM, MD 21093



SEAL

DATE	BY	REVISIONS

ISSUE DATES		BASE:	AMT
REVIEW:	1/1	DRAWN:	AMT
BID:		DESIGNED:	
PERMIT:		CHECKED BY:	MLK
CONSTRUCTION:		DATE CHECKED:	6/16/2022
SCALE:	1" = 30'	DRAWING:	
PROJECT NO:	22028.00		1 of 2

THIS PLAN IS APPROVED AS BEING IN
THE SPIRIT AND INTENT OF ZONING
CASES 1996-0517-A AND 1980-0047-A
Jeffrey Perlow 6/30/2022

1996-0517 & 1980-0047

2 of 2

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NEC New Padonia Road and
Broad Avenue * ZONING COMMISSIONER
22 W. Padonia Road *
Election District * OF BALTIMORE COUNTY
4th Councilmanic District
Legal Owner: Padonia Tower * Case No. 96-517-A
Associates
Contract Purchaser: Gibby's *
Seafood Restaurant, Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 22 W. Padonia Road in Timonium. The Petition is filed by Padonia Towers Associates, property owner, and Gibby's Seafood Restaurant, Inc., Lessee. Variance relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit 205 parking spaces in lieu of the required 277.

Appearing at the public hearing on behalf of the Petitioner was Charles I. Gibby, President of Gibby's Seafood Restaurant, Inc. Also present was Bruce Doak, from Gerhold, Cross and Etzel, Ltd., a registered property line surveyor, who prepared the site plan, marked as Petitioner's Exhibit No. 3. Also appearing in support of the Petition was Timothy Sanders. The Petitioner was represented by Edward C. Covahey, Jr., Esquire. Also present was Robert A. Hoffman, Esquire, on behalf of Padonia Tower Associates. There were no Protestants or other interested persons present.

The subject site is an irregularly shaped lot, zoned B.M.-C.C.C., located adjacent to the intersection of Padonia Road and Broad Avenue in Timonium. The site is well known to this Zoning Commissioner and is located a short distance away from the major intersection of York and Padonia Roads. York Road is a highly commercial/business corridor which

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Date

By

MICROFILMED

runs in a north/south direction in central Baltimore County. Padonia Road, at this locale, also contains a number of businesses and commercial uses. Immediately next to the subject property is an existing funeral home and immediately across Broad Avenue from the site is a small strip shopping center.

The subject site is improved with three separate buildings, as well as a parking area. Two of the buildings shown on the plan as Building A and Building C, are exclusively used as office buildings. The third building, shown on the plan as Building B, contains both office space and Gibby's Restaurant. This restaurant has been at this location for many years and is a well established business in the Timonium area. As is shown on the site plan, the restaurant contains 7,000 sq. ft. within existing Building B.

Recently, Mr. Gibby decided to expand his business by constructing an outdoor deck adjacent to the front of the building. It was explained at the hearing that this deck would allow patrons to enjoy food service outside during the warm months and would constitute an additional amenity for customers. In fact, the deck has been built and is now complete. Mr. Covahey, on behalf of the Petitioner, submitted at the hearing, a copy of the building permit issued, indicating that a permit for a 1200 sq. ft. deck was issued by the Department of Permits and Development Management (PDM) on or about September 28, 1995.

Apparently, after the issuance of the permit, it came to the County's attention that the above referenced parking variance may be required. In this respect, the site plan indicates that the property contains 205 parking spaces. Apparently, the Department of Permits and Development Management (formerly, the Office of Zoning Administration and Development Management) has determined that 277 spaces are required.

Mr. Covahey, on behalf of the Petitioner, takes issue with this conclusion. At the hearing, he observed that variance relief was originally granted for parking requirements for this site on September 10, 1979. At that time, in case No. 80-47-A, then Zoning Commissioner, William Hammond, granted variance relief to permit the property owner to maintain 205 parking spaces in lieu of the required 248. Thus, as argued by Mr. Covahey, the Petitioner presently enjoys the benefits of a legal variance permitting 43 less spaces than required.

Mr. Covahey further noted that the site plan submitted (Petitioner's Exhibit No. 3) indicates the parking requirements as computed by the Office of Permits and Development Management. Specifically, that plan shows that the restaurant, including the new deck, is comprised of 8,220 sq. ft. Moreover, the plan shows that parking required, pursuant to Section 409.6 of the BCZR, is 20 spaces per 1,000 sq. ft. Thus, under PDM's interpretation, 165 spaces are required.

Mr. Covahey disagrees. He notes that the 20 space per 1,000 requirement is for night clubs, taverns, striptease businesses, catering halls or drive-in restaurants. In his opinion, Gibby's Restaurant does not fall within any of these classifications. Clearly Gibby's is not a night club, striptease business, catering hall or drive-in restaurant. As to whether the business is a tavern, Section 101 of the BCZR defines that use as "An establishment which has a Baltimore County Class D liquor license."

Mr. Covahey produced a copy of the liquor license maintained by Gibby's. That license (Petitioner's Exhibit No. 1) is a Class "B" license and indicates same is for hotels and restaurants.

Moreover, I am familiar with the Gibby's operation, having dined at the facility. In my judgment, the business clearly falls within the restaurant definition contained within Section 101 of the BCZR of, "A

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Date

By

facility or part of a facility used primarily for serving meals and beverages to persons seated at tables on the premises of the establishment." Although Gibby's Restaurant does have a bar, the primary operation is that of a full service restaurant and the overwhelming majority of the facility is comprised of tables and chairs used to seat patrons.

Upon determining that the use is a restaurant, a revisiting of Section 409.6 is required. Specifically, unlike the 20 spaces per 1,000 sq. ft. required of taverns, that section mandates only 16 spaces per 1,000 sq. ft. for restaurant uses. Using this number as a basis, Gibby's Restaurant would, therefore, generate a requirement of 132 spaces, as opposed to the 165 shown on the plan. Thus, 33 less spaces are required for a restaurant than for a tavern of this size.

In sum, in computing the total spaces required by all of the improvements on site, including both the offices and the restaurant business, a total parking requirement of 244 spaces is determined. In that the Petitioner has provided 205, a variance of 39 is required, within the tolerance of Zoning Commissioner Hammond's Order. That is, despite the addition of the deck, the designation of Gibby's as a restaurant moots the need for the instant variance, in that the Petitioner remains compliant with Commissioner Hammond's Order.

For these reasons, I will dismiss the Petition for Variance as moot. However, I will further hold that the parking arrangement, shown on the site plan (Petitioner's Exhibit No. 3) is appropriate. Moreover, for reasons set forth above, Commissioner Hammond's Order remains in full force and effect. In this regard, it is to be further noted that the terms, conditions and restrictions of the prior Order continue to be in full force and effect. One of those restrictions requires that the property owner submit proof that adjacent off-site parking is available. From

WILLIAM J. HAMMOND

my own personal knowledge, I am aware of Gibby's arrangement to utilize spaces on the funeral home lot, after the hours of operation of that business. Gibby's Restaurant must continue with this arrangement, as required by Commissioner Hammond's Order. This is clearly an appropriate arrangement, particularly in view of the different peak hours of these business operations.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of August, 1996 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit 205 parking spaces, in lieu of the required 277, be and is hereby DISMISSED AS MOOT, for reasons fully set forth hereinabove; and,

IT IS FURTHER ORDERED that the Petitioner is hereby determined to be in full compliance with the terms and conditions of the relief granted in case No. 80-47-A and shall continue to comply with the requirements and restrictions set forth therein, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

By

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 13, 1996

Edward C. Covahey, Jr., Esquire
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 96-517-A
Petition for Zoning Variance
Property: 22 W. Padonia Road
Gibby's Seafood Restaurant, Inc./Padonia Tower Assoc., Petitioners

Dear Mr. Covahey:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

- c: Mr. Charles I. Gibby, President, Gibby's Seafood Restaurant, Inc.
22 West Padonia Road, Timonium, Md. 21093
- c: Robert Hoffman, Esquire, Venable, Baetjer and Howard, 210 W.
Allegheny Avenue, Towson, Md. 21204

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

22 WEST PADONIA ROAD

which is presently zoned

B.M.C.C.C.

96-517-A

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) 409.6A2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT 205 PARKING SPACES INSTEAD OF THE REQUIRED 277

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

- (1) Outdoor crab deck and crab patio built pursuant to Building Permit issued by Baltimore County may not be utilized without variance.
- (2) Restaurant parking is utilized primarily after 6:00 pm when offices also utilizing parking areas are closed.
- (3) Petitioner has made arrangements for additional parking offsite utilizing excess offstreet parking capacity of offsite property.

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.

GIBBY'S SEAFOOD RESTAURANT, INC.

(Type or Print Name)

By: *Charles I. Gibby*
Signature

Charles I. Gibby, President
22 West Padonia Road

Address Timonium, MD 21093

City State Zipcode

Attorney for Petitioner:

Edward C. Covahey, Jr., Esquire

(Type or Print Name)

Signature

Covahey & Boozer, P.A.
614 Bosley Avenue

828-9441

Address Phone No.

Towson, MD 21204

City State Zipcode

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

Legal Owner(s):

PADONIA TOWER ASSOCIATES

(Type or Print Name)

By: *Ramsay W. J. Flynn*
Signature

(OWNER)

2330 West Joppa Road, Suite 210

(Type or Print Name) Lutherville, MD 21093

Signature

Address

561-8800
Phone No

City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 1/2 hrs

the following dates _____ Next Two Months

ALL ☒ OTHER

REVIEWED BY: *[Signature]* DATE 6-28-96



MICROFILMED



GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

96-517-A

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

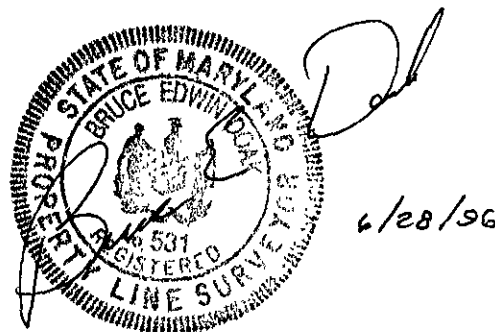
#522

Zoning Description

All that parcel of land lying in the 8th Election District, Baltimore County, Maryland

Beginning for the same at the northeast corner of New Padonia Road (150 feet wide) and Broad Avenue (70 feet wide), thence binding on the northeast side of Broad Avenue (1) North 18 degrees 16 minutes 37 seconds West 346.18 feet and (2) northwesterly by a line curving to the right with a radius of 165.00 feet for a distance of 45.20 feet (chord North 10 degrees 25 minutes 48 seconds West 45.00 feet) and (3) North 43 degrees 21 minutes 49 seconds East 33.38 feet to the south side of Old Padonia Road, thence binding on the south side of Old Padonia Road (4) South 83 degrees 58 minutes 54 seconds East 293.06 feet, thence leaving Old Padonia Road and binding (5) South 6 degrees 56 minutes 00 seconds West 175.56 feet, (6) 84 degrees 04 minutes 56 seconds East 55.55 feet, (7) South 18 degrees 18 minutes 56 seconds East 182.72 feet to the north side of New Padonia Road and binding on the north side of New Padonia Road (8) South 72 degrees 16 minutes 07 seconds West 21.59 feet, (9) southwesterly by a line curving to the right with a radius of 3767.72 degrees for a distance of 211.74 feet (chord South 78 degrees 32 minutes 16 seconds West 211.72 feet) and (10) North 59 degrees 06 minutes 30 seconds West 73.51 feet to the point of beginning.

Containing 2.6 acres, more or less.



NOTED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-517-17
Towson, Maryland

District 7th Date of Posting 7/14/96
Posted for: Variance
Petitioner: Podonia Associates
Location of property: 22 W Podonia Rd.
Location of Signs: Facing road way on property being zoned
Remarks: _____
Posted by [Signature] Date of return: 7/19/96
Number of Signs: 1



MICROFILMED

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: #96-517-A
(Ham 522)
22 W. Padonia Road
NEC of New Padonia Road
and Broad Avenue
8th Election District
4th Councilmanic
Legal Owner(s):
Padonia Tower Associates
Contract Purchaser/Lessee:
Gibby's Seafood Restaurant,
Inc.

Variance: to permit 205
parking spaces instead of the
required 277.
Hearing: Tuesday, July 30,
1996 at 9:00 a.m. in Rm. 118,
Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible: for
special accommodations
Please Call 887-3363.

(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3391.

7/120 July 11 C85584

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

7/11, 1996

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 7/11, 1996.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

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

No. 019899

96-517-A

DATE 7-28-96 ACCOUNT 1-201-6150

CV +
Sign

AMOUNT \$ 285.00

RECEIVED
FROM:

Gibby's Seafood Restaurant, Inc.

1000 - Variance of use of land

FOR: 1000 - Variance of use of land

Owner: Padonia Tower Associates

1000 - Variance of use of land

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

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TO: PUTTICK PUBLISHING COMPANY
Issue - Jeffersonian

Please forward billing to:

Edward C. Covahey, Jr., Esq.
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
828-9441

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: 96-517-A (Item 522)
22 W. Padonia Road
NEC of New Padonia Road and Broad Avenue
8th Election District - 4th Councilmanic
Legal Owner(s): Padonia Tower Associates
Contract Purchaser/Lessee: Gibby's Seafood Restaurant, Inc.

Variance to permit 205 parking spaces instead of the required 277.

HEARING: TUESDAY, JULY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

WILLIAM E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

S: (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.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 3, 1996

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: 96-517-A (Item 522)
22 W. Padonia Road
NEC of New Padonia Road and Broad Avenue
8th Election District - 4th Councilmanic
Legal Owner(s): Padonia Tower Associates
Contract Purchaser/Lessee: Gibby's Seafood Restaurant, Inc.

Variance to permit 205 parking spaces instead of the required 277.

HEARING: TUESDAY, JULY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Gibby's Seafood Restaurant, Inc.
Padonia Tower Associates
Edward C. Covahey, Jr., Esq.

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.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 25, 1996

Edward C. Covahey, Jr., Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Item No.: 522
Case No.: 96-517-A
Petitioner: Padonia Tower Assoc.

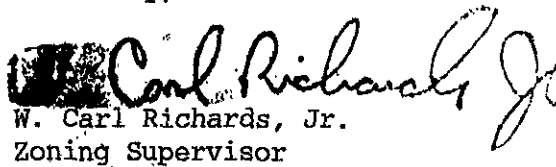
Dear Mr. Covahey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 28, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

[Signature]
BUILDINGS ENGINEER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: July 24, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 22 W. Padonia Road

INFORMATION:

Item Number: 522

Petitioner: Gibby's Seafood Restaurant, Inc.

Property Size: _____

Zoning: B.M.C.T.

Requested Action: _____

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The proposed patio/crab deck is an expansion, currently under construction, within a B.M.-C.C.C. zone (not B.M.-C.T. as indicated on the petition). The site is within the Hunt Valley-Timonium Redevelopment Study (adopted by the Planning Board 4/15/93) designated as mixed use, residential, office, retail and industrial.

The restaurant is within a three building office complex which has significant parking needs. There was little available parking on a mid-day site visit on 7/11/96, at a time when the office uses are fully occupied.

It should be noted that in Case No. 80-47A, a Parking Variance was previously approved on site for 205 parking spaces in lieu of the required 248. The additional parking variance bringing it to 205 in lieu of 277 is of significant concern. It is preferable if the spaces to be varianced can be fully leased from the adjacent office or funeral home. Otherwise, this office recommends restricted use of the outdoor patio hours after 6:00 p.m. Monday-Friday or any time during Saturday or Sunday at times when the offices are not in peak use. Overflow parking on Old Padonia Road is very undesirable and should be avoided. It should be noted there are currently parking prohibitions on the south side of Old Padonia Road to a point 155' east of Broad Avenue and 50' west of Broad Avenue, and on the north side of Old Padonia Road from a point 255' east to William Parks Road.

Prepared by: _____

Division Chief: _____

PK/JL:lw

MICROFILMED

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: July 16, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 For July 15, 1996
 Item No. 522

The Development Plans Review Division has reviewed the subject zoning item. Confirmation that site is in conformance with landscape requirements per Zoning Case 80-47A is required.

The area of the site impacted by the proposed addition is subject to the Landscape Manual, i.e., portion of site visible from New Padonia Road.

Recommend that entire site conform with Landscape Manual to the extent possible.

RWB:HJO:jrb

cc: File

ZONE17F

MICROFILMED

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

TO: PDM
DATE: 7-9-96
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 7-8-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	510	521
	511	(522)
	513	523
	514	524
	515	525
	516	
	517	
	519	

RBS:sp

BRUCE2/DEPRM/TXTSBP

R. Bruce Seeley
7-9-96

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 07/12/96

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

RE: Property Owner: PAUL E. FEILD, JR.

Location: E/S HARFORD RD., 510' FROM CENTERLINE SUNSHINE AVE.
(12619 HARFORD RD.)

Item No.: 509

Zoning Agenda: VARIANCE

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 510, 511, 512, 513, 514, 515,
516, 517, 518, 519, 520, 521, 522, 523, 524 AND 525.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-19-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 522 (JJS/WCR)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 317 • Baltimore, MD 21203-0317

MICROFILMED

PETITION PROBLEMS

#514 --- MJK

1. No telephone number for legal owner.
2. No special hearing fee was charged to amend the FDP.

#515 --- MJK

1. No special hearing fee was charged to amend the FDP.

#517 --- JCM

1. No legal owner information - no name, address, telephone number, or signature.
2. No acreage on folder.
3. Petition refers to a letter -- where is the letter?

#520 --- JJS

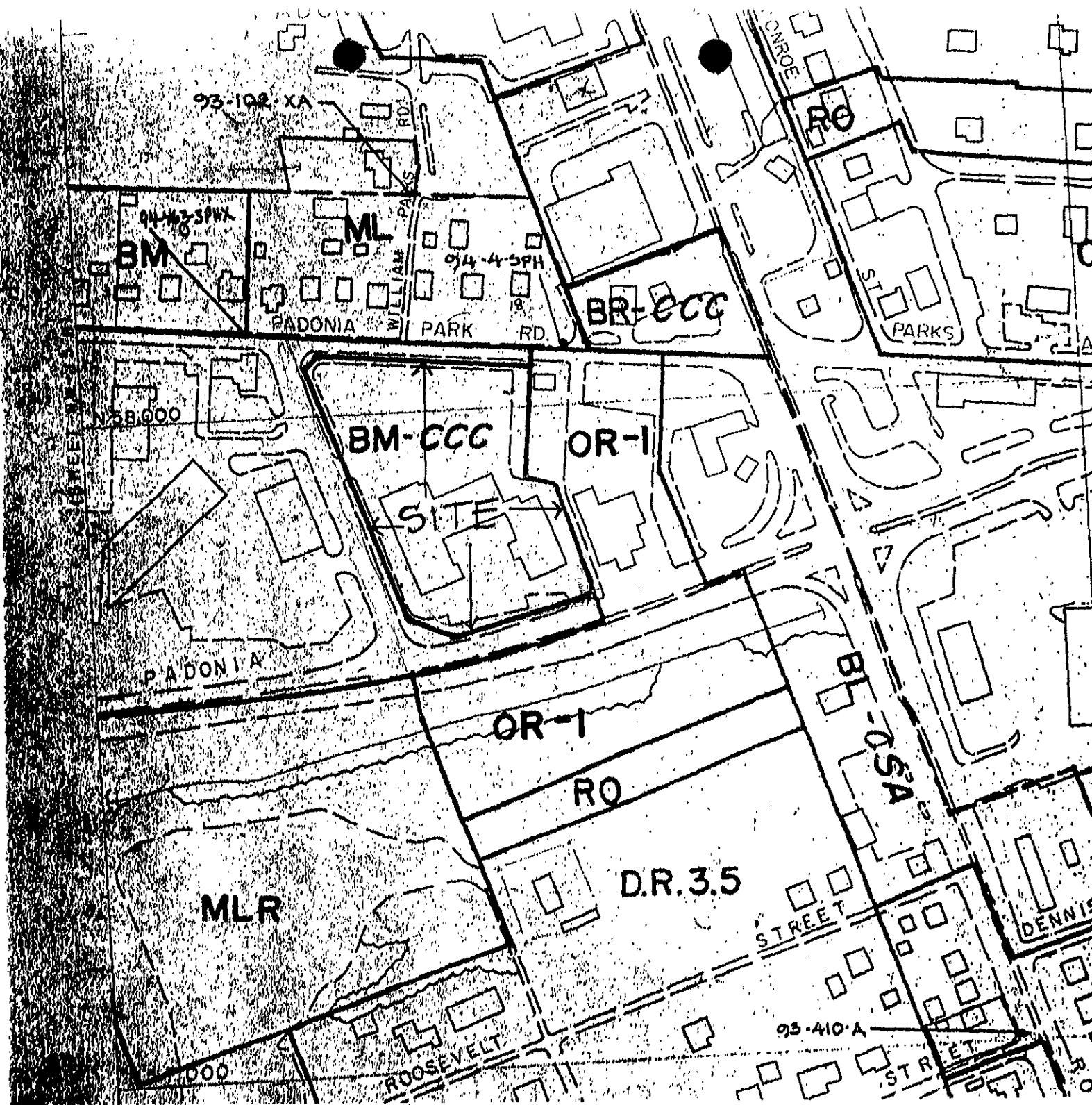
1. Notary section incomplete - only one signature notarized.

#522 --- JJS/WCR

1. No signature for legal owner.
2. No telephone number for legal owner.
3. No original signature for contract purchaser.
4. No original signature for attorney.
5. No councilmanic district on folder.

MICROFILMED

July 2, 1996



ZONING MAP

1" = 200'

SHEET # NW. 15. A

522

96-517-A

MICROFILMED

Baltimore County Government
Office of Permits and Development Management
111 West Chesapeake Avenue, Room 111
Towson, MD 21204
(410) 887-3391

PROVISIONAL APPROVAL

PERMIT NUMBER: B-242913



Date: 6-28-96

Location: 22 West Padonia Rd.

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions:

- ☒ Owner has filed for a public hearing, Item # 522
- ☐ Owner must file for a public hearing within ___ days before the Zoning Commission requesting relief from all conflicts with the Baltimore County Zoning Regulations.
- ☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within ___ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed, or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter, the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

[Signature] Planner II
ZONING STAFF

[Signature]
DIRECTOR, PERMITS & DEVELOPMENT MANAGEMENT

I have read the above statement and I agree to abide by the decision of the zoning commissioner, if applicable, in this matter. I also hereby certify that I, the undersigned, am in fact the owner and, if applicable, the contract purchaser and not just an agent for same.

Padonia Tower Associates
Signed - Owner X Ramsey W. J. Flynn
Printed Name Ramsey W. J. Flynn
Address 22 W. Padonia Rd
Timonium Md. 21093

LESSEE
Signed - Contract Purchaser X Charles I. Gibby
Printed Name CHARLES I. Gibby
Address 22 W PADONIA Rd
Timonium, Md 21093

Work Phone # 561-8800

Work Phone # 560-0703

Home Phone # 828-6111

Home Phone # 817-4447

RE: PETITION FOR VARIANCE	*	BEFORE THE
22 W. Padonia Road, NEC of New Padonia Rd	*	ZONING COMMISSIONER
and Broad Avenue, 8th Election District,	*	
4th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): Padonia Tower Associates	*	
Contract Purchaser/Lessee:	*	CASE NO. 96-517-A
Gibby's Seafood Restaurant, Inc.	*	
Petitioners	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

TUES. 7/30
2C HRCGS

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 1996, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Bruce Doak - GERNOLD, CROSS & ETZEL, LTD. 320 E. TOWNSHOWN BLVD TOWSON MD 21286

Gibby's Seafood Restaurant INC 22 W. PADONIA TIMONIUH, MD

TIMOTHY SANDERS - SANDERS DESIGNS 108 W. TIMONIUH RD 21093
TIMONIUH, MD 21093

Chas. Gibby

Rob Koffman

MICROFILMED

Annual
LICENSE NUMBER
952273

STATE OF MARYLAND

BALTIMORE COUNTY
Board of Liquor License Commissioners
Alcoholic Beverages Law

Renewal
COST OF LICENSE
\$1,000.00

Beer, Wine and Liquor License, Class "B". (On Sale) Hotels and Restaurants

Baltimore County, to wit:

THIS IS TO CERTIFY, That NAMES IRVIN GIBBY, ESTHER L. GIBBY, CHERYL MASZCZYCKI, GIBBY'S SEAFOOD REST., INC., T/A GIBBY'S SEAFOOD, 22 PADONIA ROAD-W., TIMONIUM, MD 21093

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the hotel or restaurant herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised shall be from 5 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the closing hour is extended.

1995

This License shall continue in force until the first day of May next.

TEST:

Date Issued

April 13, 1995
00P-006-2011-02

Philip R. Layle Jr.

Chairman of the Board for Baltimore County

ORIGINAL

LICENSEE

90

State of Maryland License

750167

750167
03374321



GIBBY'S SEAFOOD RESTAURANT INC
22 W PADONIA RD A313
TIMONIUM MD
21093

95

CODE	UNIT	TYPE OF LICENSE	NO OF LIC	COST
71	1.0	TRADERS	1	15.00
07	799	RESTAURANT	1	10.00
ISSUING FEES				4.00
TOTAL				29.00

DATE OF ISSUE
05 01 95

EXPIRATION DATE

12

THIS LICENSE MUST BE PUBLICLY DISPLAYED,
AND EXPIRES ON THE LAST DAY OF APRIL, 1996

SUZANNE MENSCH, CLERK
CIRCUIT COURT - BALTIMORE COUNTY
401 BOSLEY AVE., P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

MICROFILMED

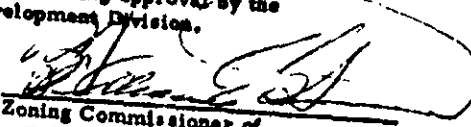
Ex 1

ECC - Order

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner, the Variance should be had; and it further appears that the granting of the Variance requested will not adversely affect the health, safety, and general welfare of the community; and, therefore, the Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of September, 1979, that the herein Petition for Variance to permit 205 parking spaces in lieu of the required 248 spaces should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Submission of proof to the Zoning Commissioner of a bonafide lease with the property owner adjacent to the Petitioner's east property line, indicating that additional parking is available for use by patrons of the restaurant.
2. Provide screening as required by the Current Planning and Development Division.
3. A revised site plan be submitted, incorporating the comments of the Department of Public Works, dated June 12, 1979.
4. Approval of said revised site plan by the Department of Public Works and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.


Zoning Commissioner of
Baltimore County

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 196____, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE Sept 14 1979

BY John P. [Signature]
ADMINISTRATIVE ASSISTANT

STEPHEN E. COLLINS
DIRECTOR

Mr. Will
Boring C.
County O.
Sovoca, ?

Dear Mr. M.

parking pro

MSF/mja

MICROFILMED

Baltimore County Government
Department of Permits and Licenses

LUNA
FILE-COMMY-CRAB



111 West Chesapeake Avenue
Towson, MD 21204

August 15, 1995

(410) 887-3610

Mr. Geoffrey L. Forbes
Forbes Construction
6 Shawan Road
Cockeysville, Maryland 21030

RE: Building Permit No.B-242913
22 West Padonia Road
8th Election District

Dear Mr. Forbes:

The zoning office cannot approve the above-referenced building permit application for the following reason(s):

- _____ Improper setbacks.
- _____ Improper use.
- _____ Improper location.
- _____ Inspection of the property must be made.
- XX _____ Insufficient information on permit/plans.
- XX _____ Two copies of the revised plan folded to 8-1/2"x11" must be submitted to my attention in room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD. All plans must be accompanied by a cover letter listing the revisions and referencing the building permit and control number.
- XX _____ Updated parking calculations (16 spaces per 1,000 sq.ft. of gross floor area) must be neatly added with the same dimensioned letters under "Notes". Revise the totals for the entire site. Revised plans to be unstained and untorn.

If you have any further questions, you may contact me at 887-3391 to schedule an appointment.

Sincerely,

John J. Sullivan, Jr.
Planner II
Department of Permits and
Development Management

JJS:bb

Per No 1



MICROFILMED



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. Ring
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B042913 CONTROL #: C- DIST: 08 PREC: 11
DATE ISSUED: 09/28/95 TAX ACCOUNT #: 1700013839 CLASS: 15

PLAN: CONC: 0 PLOT: 2 R PLAT: 0 DATA: 0 ELEC: NO PLUM: NO
LOCATION: 22 W PADONIA RD
SUBDIVISION: MC COR BROAD AV

OWNERS INFORMATION

NAME: PADONIA TOWER ASSOC
ADDR: 2330 W JOPPA RD 21093

TENANT: GIBBY'S RESTAURANT
CONTR: FORMED CONSTRUCTION
ENGR:
SELLR:
WORK: CONST FREE STANDING CANOPY OVER EX. CONCRETE

SLAB ON FRONT OF PROPERTY. 40'X30'X12" 1200SF.

BLDG. CODE: BELA CODE
RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: RESTAURANT + OPEN PAVILLION CANOPY
35,000.00 EXISTING USE: RESTAURANT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: STORE, MERCANTILE, RESTAURANT
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 111252SF
FRONT STREET:
SIDE STREET:
FRONT SETB: 110'
SIDE SETB: 25'/35'
SIDE STR SETB:
REAR SETB: NC

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

MICROFILMED

Ref No 5

MICROFILMED

C. The hours during which the privileges conferred by a Class A license may be exercised shall be from 6 o'clock a.m. to 12 o'clock midnight on every day except on Sunday. However, a holder of any class of retail off-sale alcoholic beverage license may exercise the off-sale license privilege on the Sunday preceding Christmas day and on the Sunday preceding New Year's Eve, between the hours of 12 o'clock noon and 9 o'clock p.m.

D. The hours during which the privileges conferred by a Class B license may be exercised shall be from 6 o'clock a.m. to 2 o'clock a.m. on the day following.

E. The hours during which the privileges conferred by a Class C license may be exercised shall be from 6 o'clock a.m. to 2 o'clock a.m. on the day following.

F. The hours during which the privileges conferred by a Class D (beer and wine) license may be exercised shall be from 6 o'clock a.m. to 1 o'clock a.m. on the day following; a Class D (beer, wine and liquor) license shall be from 6 o'clock a.m. to 2 o'clock a.m. on the day following.

RULE 32 - NO REFILLS

No license holder shall reuse, refill, tamper with, adulterate, dilute, or fortify the contents of any container of alcoholic beverages.

RULE 33 - CLASS B - DEFINITION OF RESTAURANT

A. A "restaurant" is defined as any establishment located in a permanent building with ample space and accommodation wherein full course meals are habitually prepared, sold and served to the public during the hours it is regularly open for business.

With respect to a regular Class B license, the aforesaid "full course meals" shall be served during the hours the establishment is regularly open for business or until 11:00 p.m. if the establishment remains open for business.

B. It shall be equipped with a public dining room with sufficient tables, chairs, cutlery and glassware to serve the meals prepared therein.

C. The restaurant shall be equipped with a kitchen having complete facilities and utensils for preparing and serving full course meals to the public.

D. There shall be employed a sufficient number of cooks, waitresses and waiters to serve the number of patrons provided for in the dining room.

E. Each restaurant shall maintain a menu advertising the serving of a variety of full course meals. There shall be maintained on the premises at all times sufficient food to fill orders made from said menus.

F. By percentage, a restaurant operation must consist of not less than fifty-one percent (51%) of food sales in connection with the business.

G. Any interruption of restaurant facilities for any reason whatsoever must be reported to the Board promptly.

RULE 34 - STORAGE

It shall be unlawful for any licensee to store or keep any alcoholic beverages except on the premises covered by the license or at a public or government controlled warehouse having a permit issued under the provisions of Article 2B of the Public General Laws of Maryland.

SANITATION AND HEALTH

RULE 35 - PLUMBING

No holder of a license shall perform or have performed on the licensed premises any plumbing or drainage work, except under the supervision of the Board of Health, unless a permit be issued therefor by that Board.

RULE 36 - TOILETS

Every holder of a license, except "Off Sale," shall provide on the licensed premises separate toilet facilities for each sex.

All toilet rooms shall be entirely closed and separate and apart from rooms where food or drink is stored or served.

In all toilet rooms on the licensed premises, containing more than one toilet, each toilet must be installed in a separate enclosure.

Every toilet room on the licensed premises must be adequately artificially lighted at all times during which the premises are occupied, wherever and whenever adequate natural light is not available.

Every holder of a license except "Off Sale" shall provide a vent duct for each toilet room wherein an outside window is not practicable.

Ref No 6
15