

TN RE: PETITION FOR VARIANCE * BEFORE THE
W/S Reisterstown Road, 300' S *
of the c/l Highfalcon Road * DEPUTY ZONING COMMISSIONER
(11308 Reisterstown Road) *
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Case No. 98-286-A
Sea King V, Inc. and Kingdom L.P., Owners; *
Chelsea, Inc., Contr. Lessees *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Sea King V, Inc. and Kingdom Limited Partnership, by William C. King, Jr., President, and the Contract Lessee, Chelsea, Inc., by Robert M. Worgan, President. The Petitioners seek relief from Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 60 parking spaces in lieu of the required 72 and to affirm the variance granted in prior Case No. 93-161-A (from Sections 303.2 and 235.1 of the B.C.Z.R.) to permit a front yard setback of 52 feet in lieu of the required 63.5 feet for an existing building and proposed addition thereto. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Sandra Worgan, a representative of Chelsea, Inc., Robert Rosenfelt, Professional Engineer, who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of two lots with a combined gross area of 2.341 acres, more or less, zoned B.M. Lot 1 contains approximately 0.615 acres and is improved

ORDER RECEIVED FOR FILING

Date

By

with a one-story building and accessory parking area. Lot 2 contains the remaining 1.726 acres and is vacant but for a small overflow parking area immediately adjacent to the parking lot on Lot 1. This property was the subject of prior Case No. 93-161-A in which the then Petitioners were granted variance relief for a proposed Red, Hot & Blue restaurant on January 7, 1993. The building has been vacant for the past two months and the Petitioners have entered into a lease agreement with Ms. Worgan of Chelsea, Inc. who wishes to expand the existing building and open a Rib Eye Grille on the property. Ms. Worgan is experienced in the restaurant business and currently operates the Owings Mills Diner which is located immediately adjacent to the subject property. In conjunction with the proposed expansion of the existing building, additional renovations to the site are proposed to further enhance its overall appearance.

The relief requested is generated by the location of the existing building and the proposed expansion thereto. Apparently, the building has existed on the property for some time and has been the site of a variety of restaurants over the years. However, because the building does not meet current front property line setback requirements, a variance is needed. Furthermore, the proposed expansion to the existing building increases the number of parking spaces required for this site; however, only 60 spaces can be provided. Further testimony revealed that Ms. Worgan has discussed her plans with adjoining property owners and inasmuch as many of these individuals are customers of the Owings Mills Diner, they are supportive of her intentions for the subject site and have no objections to the relief requested.

Subsequent to the hearing, Counsel for the Petitioners advised this Deputy Zoning Commissioner that the Petitioners wished to modify its

plan. Specifically, two minor modifications are proposed; an increase in the size of the proposed patio area and an enclosed entry vestibule/tower has been added. A revised site plan was submitted and has been marked as Petitioner's Exhibit A. As a result of the proposed additional floor area, the number of parking spaces required increases from 72 to 78 spaces. However, although the proposed modifications increase the overall area of the building, neither increases the interior seating area, and the patio will be used only on a seasonal basis. Therefore, I am persuaded to grant the modified relief requested.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested, as modified, is not granted. It has been established that special circumstances or conditions exist that are peculiar to

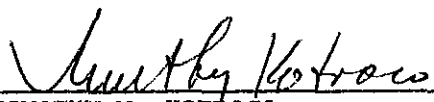
DATE 3/23/98
BY [Signature]

the subject property and that strict compliance with the zoning regulations 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 meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of March, 1998 that the Petition for Variance seeking relief from Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 60 parking spaces in lieu of the required 78 and to affirm the variance granted in prior Case No. 93-161-A (from Sections 303.2 and 235.1 of the B.C.Z.R.) to permit a front yard setback of 52 feet in lieu of the required 63.5 feet, for a proposed addition, in accordance with the revised site plan which has been marked as Petitioner's Exhibit A, 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed patio area shall be limited to seasonal use only and cannot be used to provide a permanent additional seating area.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECORDED
DATE 3/23/98
BY [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 23, 1998

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Reisterstown Road, 300' S of the c/l Highfalcon Road
(11308 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Sea King V, Inc. and Kingdom L.P., Owners;
Chelsea, Inc., Contract Lessees - Petitioners
Case No. 98-286-A

Dear Ms. Dopkin:

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. William C. King, Jr., President, Sea King V & Kingdom L.P.
3410 Plumtree Drive, Ellicott City, Md. 21043

Mr. Robert M. Worgan, President, Chelsea, Inc.
11316 Reisterstown Road, Owings Mills, Md. 21117

People's Counsel; Case Files



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11308 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)

409 of the Baltimore County Zoning Regulations, for 60 parking spaces in lieu of the required 72 spaces and to affirm the variance granted in Case No. 93-161-A from Sec. 303.2 & 235.1 of the BCZR to allow a front yard setback of 52 ft. in lieu of the required 63.5 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

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:

Chelsea, Inc.
Robert M. Worgan, Pres.

(Type or Print Name)

Robert M. Worgan
Signature

11316 Reisterstown Road
Address

Owings Mills, MD 21117
City State Zipcode

Attorney for Petitioner:

Deborah C. Dopkin
(Type or Print Name)

Deborah C. Dopkin
Signature

51420
409 Washington Ave 410-494-8080
Address Phone No.
Towson MD 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Lot 1 - Sea King V, Inc.

Lot 2 - Kingdom Limited Partnership

(Type or Print Name)

William C. King Jr.
Signature

William C. King Jr., Pres.
(Type or Print Name)

Signature

3410 Plumtree Dr. 410-495-9660

Address Phone No.

Ellicott City, MD 21043

City State Zipcode

Name, Address and phone number or representative to be contacted

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Mar. 11th and Mar 16th Next Two Months

ALL

OTHER

REVIEWED BY: JAH

DATE 2-3-98

Printed with Soybean Ink
on Recycled Paper

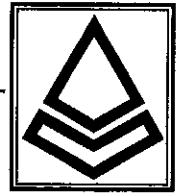
98-286-A

286

DATE RECEIVED
3/23/98
By

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

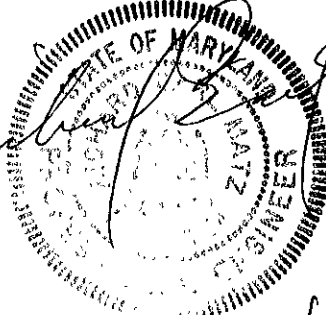


ZONING DESCRIPTION

Beginning at a point on the west side of Reisterstown Road, which is 80 feet wide at the distance of 300 feet south of the centerline of Highfalcon Road, which is 70 feet wide.

As recorded in Deeds Liber 8763, Folio 521 and Liber 8914, Folio 323.

Being Lots 1 and 2 in the Subdivision of R. Errol and Barbara J. Houck Property, as recorded in Baltimore County Plat Book 59, Folio 16. Lot 1 containing 0.615 acres, also known as 11308 Reisterstown Road and located in the 4th Election District. Lot 2 containing 1.726 acres, also known as 11310 Reisterstown Road and located in the 4th Election District.


1/26/98

286

98-286-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item 286
No. 048619

DATE 2-3-98 ACCOUNT R-001-10150
AMOUNT \$ 250.00

RECEIVED FROM: County's International Inc.

FOR: Commercial Variance Action for
#11308 Reinstatement

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID TO THE
COUNTY OF BALTIMORE
BY
CASH
ON
FEBRUARY 03 1998
FOR
RECEIVED FROM
COUNTY OF BALTIMORE
OFFICE OF BUDGET & FINANCE
CASHIER'S VALIDATION

98-286-A

RE: PETITION FOR VARIANCE
11308 Reisterstown Road, W/S Reist. Rd,
300' S of c/l High Falcon Rd
4th Election District, 3rd Councilmanic

Legal Owner(s): Sea King V, Inc. (Lot 1)
 and Kingdom L.P. (Lot 2)
Contract Purchaser(s): Chelsea, Inc.
 Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-286-A
*

* * * * *

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.

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 9th day of March, 1998, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

RE Case No 98-286-A

Petitioner Developer CHELSEA, INC., ETAL

% - ROBERT ROSENFELT, CMR

Date of Hearing/Closing 3/10/98

FAX - 653-7953

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms. Gwendolyn Stephens

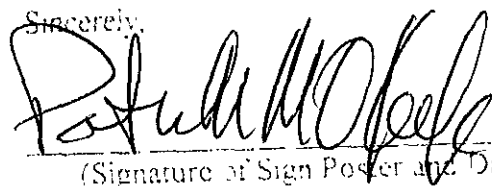
Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 11308 REISTERSTOWN RD.

The sign(s) were posted on _____

2/20/98
(Month, Day, Year)

Sincerely,



2/23/98

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

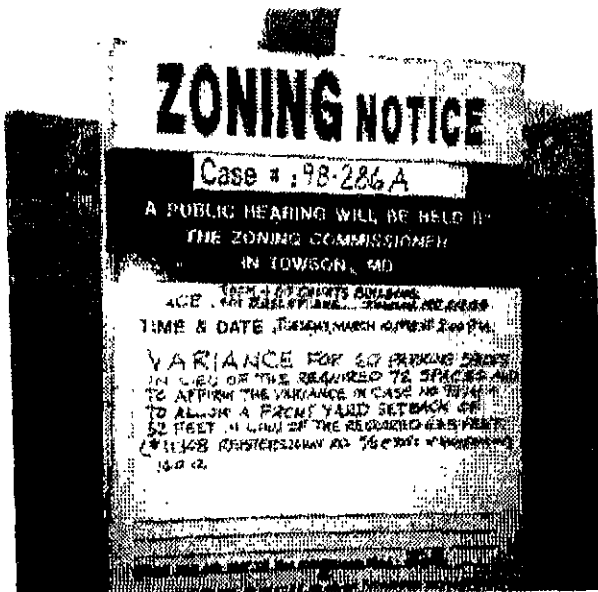
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-995-8571

(Telephone Number)



#11308 REISTERSTOWN RD
CMR. (SEE KING) CHELSEA, INC.

R 2/10/98

HL 3/10/98



Baltimore County
Department of Permits and
Development Management

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

February 13, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-286-A
11308 Reisterstown Road
W/S Reisterstown Road, 300' S of centerline Highfalcon Road
4th Election District - 3rd Councilmanic District
Legal Owner: Sea King V, Inc. (Lot 1) & Kingdom Limited Partnership (Lot 2)
Contract Purchaser: Chelsea, Inc.

Variance for 60 parking spaces in lieu of the required 72 spaces and to affirm the variance granted in case no. 93-161-A to allow a front yard setback of 52 feet in lieu of the required 63.5 feet.

HEARING: Tuesday, March 10, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the number "353" written below it.

Arnold Jablon
Director

c: Deborah C. Dopkin, Esquire
Sea King, Inc. & Kingdom Limited Partnership
Chelsea, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 23, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
February 19, 1998 Issue - Jeffersonian

Please forward billing to:

Robert M. Worgan

410-654-0066

11316 Reisterstown Road

Owings Mills, MD 21117

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-286-A

11308 Reisterstown Road

W/S Reisterstown Road, 300' S of centerline Highfalcon Road

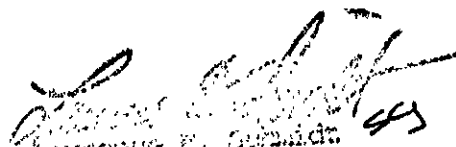
4th Election District - 3rd Councilmanic District

Legal Owner: Sea King V, Inc. (Lot 1) & Kingdom Limited Partnership (Lot 2)

Contract Purchaser: Chelsea, Inc.

Variance for 60 parking spaces in lieu of the required 72 spaces and to affirm the variance granted in case no. 93-161-A to allow a front yard setback of 52 feet in lieu of the required 63.5 feet.

HEARING: Tuesday, March 10, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 286

Petitioner: Sea King V, Inc & Kingdom LTD. Partnership

Location: 11308 Reisterstown Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert M. Worgan

ADDRESS: 11316 Reisterstown Rd

Owings Mills Md. 21117

PHONE NUMBER: 410-654-0066

AJ:ggs

(Revised 09/24/96)

98-286-A

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-286-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: _____

DATE AND TIME: _____

REQUEST: A Variance to allow 60 parking spaces in
lieu of the required 72 spaces.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

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

March 5, 1998

Deborah C. Dopkin, Esq.
409 Washington Avenue
Towson, MD 21204

RE: Item No.: 286
Case No.: 98-286-A
Petitioner: Chelsea Inc., et al

Dear Ms. Dopkin:

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 February 3, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/ggs
Attachment(s)



INTEROFFICE CORRESPONDENCE

Date: February 24, 1998

SUBJECT: Zoning Advisory Committee Meeting
for February 23, 1998
Item No. 286

cc: File

ZONE0223.286



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 17, 1990

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

286, 289, 292, 293, 295, 296, AND 297

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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

DATE: February 20, 1998

To: Arnold L. Jablon

From: Bruce Seeley *BS/98*

Subject: Zoning Item #286

Rib Eye Grille, FKA Red Hot & Blue

Zoning Advisory Committee Meeting of February 17, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)

----- Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code), if the property is being subdivided according to the Development Regulations.

----- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 2/18/98
Item No. 286 JJS

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 140 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,

m Smith

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 9, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

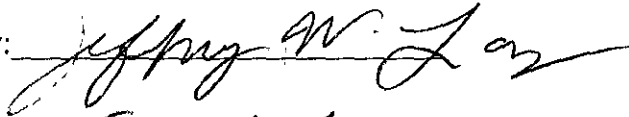
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

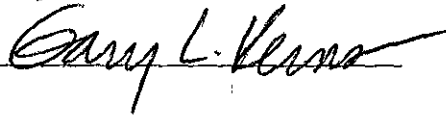
Item Nos. 286 and 307

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:



Division Chief:



AFK/JL



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

April 10, 1998

Mr. Robert S. Rosenfelt
Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209

RE: PETITION FOR VARIANCE
W/S Reisterstown Road, 300' S of the c/l Highfalcon Road
(11308 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Sea King V, Inc. & Kingdom L.P., Owners;
Chelsea, Inc., Contract Lessees - Petitioners
Case No. 98-286-A

Dear Mr. Rosenfelt:

In response to your letter dated March 30, 1998 wherein you have requested an amendment to the Order issued in the above-captioned matter on March 23, 1998, the following comments are offered.

The amended site plan submitted with your letter indicates that you are not only requesting a greater front property line setback than was previously approved, you are now in need of a parking variance for those spaces which front along Reisterstown Road. Inasmuch as the parking variance is a new request not previously posted or advertised for this property, a new Petition for Variance must be filed in order that the property can be reposted and advertised for public notification. For your information, I reviewed this matter with Joseph Merrey in the Department of Permits and Development Management and he concurred that a new Petition for Variance must be filed.

If you have any further questions on the subject, please do not hesitate to call me.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Joseph Merrey, DPDM
People's Counsel; Case Files

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204
TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

March 18, 1998

Timothy Kotroco, Esquire
Deputy Zoning Commissioner
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 98-286 A

Dear Mr. Kotroco:

This firm is counsel to Chelsea, Inc., the Petitioner in the above captioned case. The client and its engineers, Colbert, Matz, Rosenfelt, have just advised me of two modifications to the site plan presented to you at the hearing on March 10, 1998. I am enclosing two site plans (one red-lined) and a floor plan, showing the revisions and ask that you accept these as part of the case.

Specifically, the patio area has been increased by 180 square feet, and the area of an enclosed entry vestibule/tower has been added. Though these items increase the overall area of the building, neither increases the interior seating area, and the patio is to be used only on a seasonal basis. Based on the additional floor area, the parking requirement has been recalculated from 72 to 78 spaces. There is no change to the parking proposed as requested by the variance.

I would appreciate your acknowledging the modifications to the site plan and incorporating the revised plan as part of the record in this case.

Thanking you in advance, I am

Very truly yours,

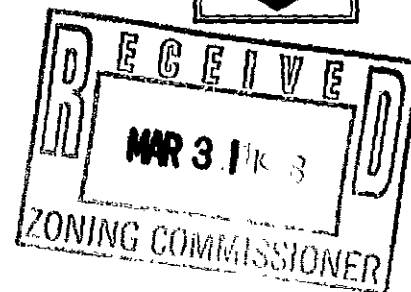

Deborah C. Dopkin

READ AND ACKNOWLEDGED


Timothy Kotroco, Esquire,
Deputy Zoning Commissioner
Date: 3/19/98

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



March 30, 1998

Mr. Timothy Kotroco
Deputy Zoning Commissioner for Baltimore County
County Courts Building, Rm. 405
401 Bosley Avenue
Towson, Md. 21204

Re: Ribeye Grille
11308 Reisterstown Road
Job No. 92062.1
Zoning Case No. 98-286-A

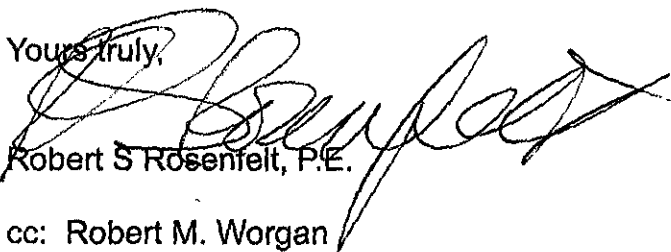
Dear Commissioner Kotroco,

On March 23, 1998, you issued an order in the above-referenced case approving front setback and parking variances for expansion of an existing building for use as a restaurant.

Upon reviewing the as-built survey performed for the existing building, we have determined that the front property line is actually closer to the building than originally indicated on the old development plans. We actually have an existing front setback of 48 feet, rather than the 52 feet requested and approved in Case No. 98-286-A. The existing front parking setback along Reisterstown Road is actually 6 feet rather than 10 feet per the development plans, which is the minimum required per Sec. 409.8(4) of the BCZR.

We are therefore requesting an amendment to your Order in Case No. 98-286-A. We look forward to your approval of this request.

Yours truly,


Robert S. Rosenfelt, P.E.

cc: Robert M. Worgan
Deborah Dopkin, Esq.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

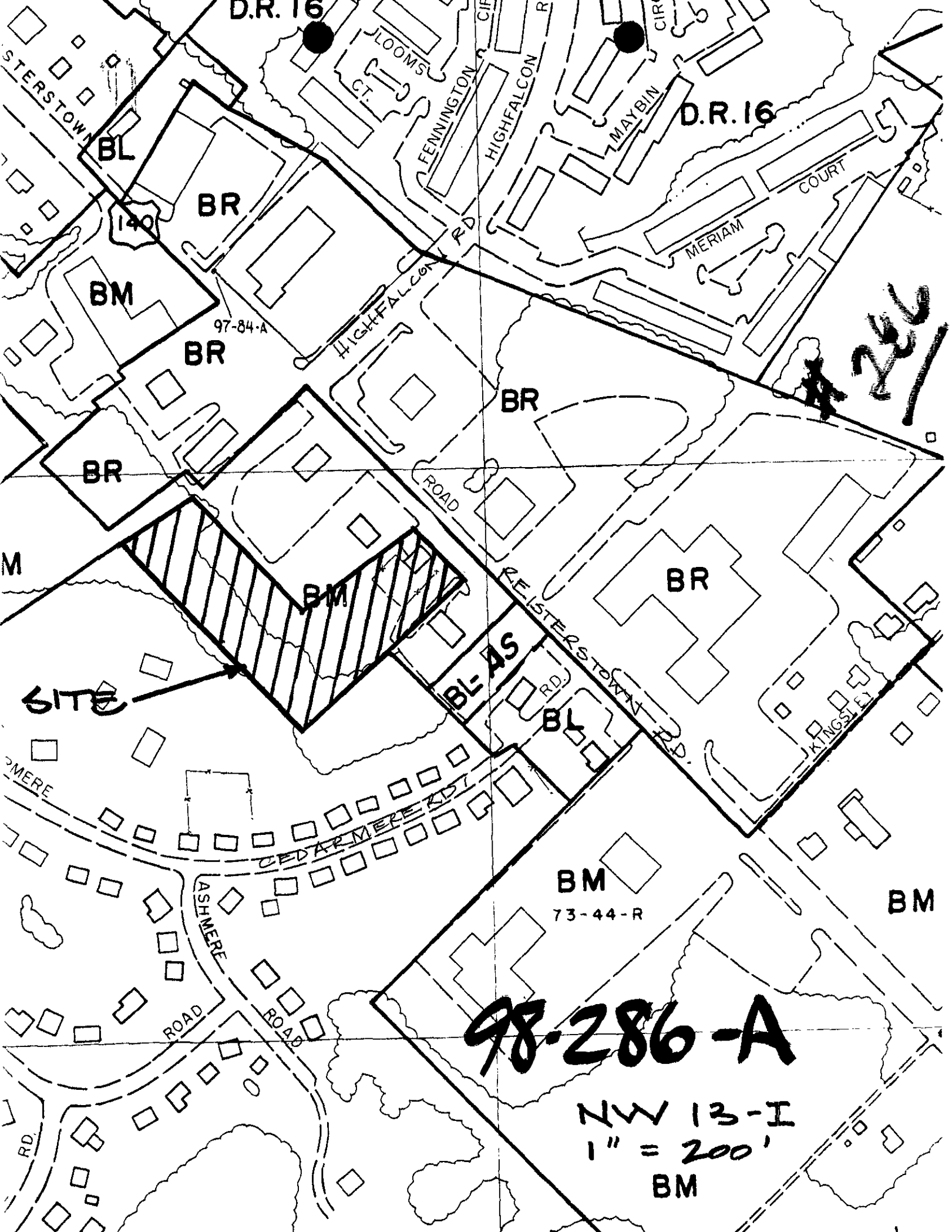
NAME

ADDRESS

Deborah Depkin
Robert Rosenfelt
Sandra Wrean

409 Washington Ave / 21204
2835 Smith Ave # 62209
11316 Rutherford Rd





CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-19-, 1998

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 2-19, 1998

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-286-A
11308 Reisterstown Road
W/S Reisterstown Road, 300'
S of centerline. Highlinton
Road
4th Election District
3rd Councilmanic District
Legal Owner(s):
Sea King V. Inc. (Lot-1) &
Kingdom Limited Partnership
(Lot 2)
Contract Purchaser:
Chelsea, Inc.

Variance: for 60 parking spaces in lieu of the required 72 spaces and to affirm the variance granted in case no 93-161-A to allow a front yard setback of 52 feet in lieu of the required 63.5 feet.
Hearing: Tuesday, March 10, 1998 at 2:00 p.m., in Room 407, County Courts Bldg., 407 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

2/23/98 Feb. 19 C208413