

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Reisterstown Rd., 300 ft. S
c/l High Falcon Rd. * ZONING COMMISSIONER
11308 Reisterstown Road
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Legal Owners: Sea King V (lot * Case No. 98-404-A
1), & Kingdom L.P. (lot 2)
Contract Purchaser: Chelsea, Inc.
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 11308 Reisterstown Road. The Petition was filed by Chelsea, Inc., Contract Purchaser, through Robert M. Morgan, President, and the owners of the subject property, Sea King V, Inc., (owner of lot 1) and Kingdom Ltd. Partnership (owner of lot 2). Variance relief is requested from Section 409.8.A.4 of the Baltimore County Zoning Regulations (BCZR) to allow a parking distance to street line of 6 ft. in lieu of the required 10 ft., and from Sections 303.2 and 235.1 of the BCZR to allow a front yard setback of 48 ft. in lieu of required 63.5 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Robert Morgan, on behalf of Chelsea, Inc., co-Petitioner. Also present was Robert Rosenfelt, the engineer who prepared the site plan. The Petitioner was represented by Deborah Dopkin, Esquire. There were no Protestants or other interested persons present.

An examination of the plan shows that the subject property is an irregularly shaped parcel, totalling 2.426 acres in area, zoned B.M. The property has frontage on Reisterstown Road, just north of the intersection of Cedarmere Road and Reisterstown Road. The property is actually com-

ORDER RECORDED FOR PLANS
6/23/98
M. Morgan

prised of two lots. Lot No. 1 occupies the front portion of the property and will contain the proposed restaurant building. Lot 2 occupies the rear portion of the site and is largely vacant and in existing woods.

The property was previously used as the site of the Red, Hot and Blue Restaurant. However, that restaurant has closed and the property is under contract of sale to Chelsea, Inc. The site will be redeveloped with another building to be used by the Rib Eye Grill Steakhouse Restaurant. The site plan shows the proposed location of the restaurant building, an area for parking and ancillary improvements.

The zoning history of the site is also significant. In case no. 93-161-A, variance relief was obtained to permit a front yard setback of 52 ft. in lieu of the required 63 ft., to permit 44 parking spaces in lieu of the required 57 spaces and to permit 143 sq. ft. of signage in lieu of the required 100 ft. More recently, variance relief was granted by Deputy Zoning Commissioner Timothy M. Kotroco in case No. 98-286-A. In that case, variance relief was approved to allow 60 parking spaces in lieu of the required 78 spaces, and to permit a front yard setback of 52 ft., in lieu of the required 63.5 ft.

The Petitioner indicated that subsequent to the issuance of Deputy Zoning Commissioner Kotroco's Order, the property was surveyed. As a result of that field survey, it was determined that variance relief previously granted needed to be amended. Specifically, as shown on the current site plan, a 6 ft. parking distance to street line setback will be maintained and the front yard setback will actually be 48 ft., as opposed to the 52 ft. previously approved. It was also indicated that this variance relief was necessary for existing improvements; that is, the plan is not being changed from that approved in case No. 98-286-A.

ORDER RECEIVED FOR FILING

Date

By

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the requested Petition is consistent with relief previously granted and reflects the findings of the recent field survey. I am persuaded that the Petitioner has satisfied the requirements set forth in Section 307 of the BCZR.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of June 1998, that a variance from Section 409.8.A.4 of the Baltimore County Zoning Regulations (BCZR) to allow a parking distance to street line of 6 ft., in lieu of the required 10 ft., and from Sections 303.2 and 235.1 of the BCZR to allow a front yard setback of 48 ft., in lieu of required 63.5 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 6/22/98
By M. G. Smith



Baltimore County
Zoning Commissioner
Office of Planning

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

June 16, 1998

Deborah Dopkin, Esquire
409 Washington Avenue
Towson Maryland 21204

RE: Case No. 98-404-A
Petition for Variance
Property: 11308 Reisterstown Road
Chelsea, Inc./Sea King V, Inc., et al

Dear Mrs. Dopkin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, 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 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. Robert Morgan, Pres.
Chelsea, Inc.
11308 Reisterstown Road
Owings Mills, Md. 21117





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 Department of Permits & 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) 409.8.A.4 of the BCZR to allow a parking distance to street line of 6 ft. in lieu of the required 10 ft. and from Sec. 303.2 & 235.1 of the BCZR to allow a front yard setback of 48 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 Dopkin, Esq.

(Type or Print Name)

Deborah Dopkin

Signature

409 Washington Ave. 410-494-8050

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.

(Type or Print Name)

Signature

3410 Plumtree Drive 410-495-9660

Address

Phone No.

Ellicott City, MD 21043

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Colbert Matz Rosenfelt, Inc.

Name

2835 G Smith Ave. 410-653-3838

Baltimore, MD 21209

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRF DATE 4/27/98



Printed with Soybean Ink
on Recycled Paper

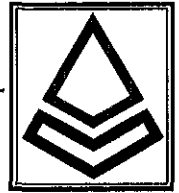
Revised 9/5/95

98-404-A

#404

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

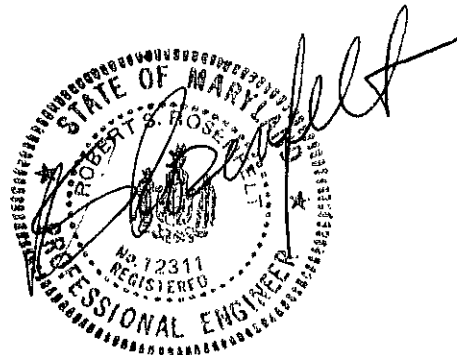


ZONING DESCRIPTION

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.



#404

98-404-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 072887

DATE 4-27-94 ACCOUNT 2-001-015-000

AMOUNT \$ 250.00

RECEIVED FROM: Seelys International Inc
1100f Reisterstown Rd. Item # 404
FOR: 020 Variance Taken by JRF

98-404-A

PAID RECEIPT
PROCESSED
4/27/94 4/27/94 10:59:27
CASHIER LAM LRS BOWEN
5 MARCELLA WELLS CASH RECEIPT
RECEIVED BY
DATE 4/27/94
250.00 USD
BALTIMORE COUNTY, Maryland

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 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 May 21, 1998.

THE JEFFERSONIAN,

A. H. Erickson

LEGAL AD. - TOWSON

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 #98-404-A
71306 Rastastown Road
W/S Rastastown Road, 300' S. of Cellentime Highway Road

44th Election District
3rd Congressional District
Legal Owners: Lot 1 - Sea King V. Inc., Lot 2 - Kingdom Limited Partnership
Contract Purchaser: Chelsea, Inc.

Verances to allow a parking distance to street line of 6 feet in front of the required 10 feet and to allow a front yard setback of 48 feet in lieu of the required 33.5 feet.

Hearing: Tuesday, June 9, 1998 at 4:00 a.m. in Room 407 County Courts Bldg. 481 Ashley 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) 887-3353.

5/20 May 21 C230437

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

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

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case Number: 98-404-A

Petitioner(s)

* * * * *

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., , 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

RE Case No 98-404-A

Petitioner/Developer ZIB-EYE GRILL, ETAL
CHELSEA, INC. % DICK MATZ

Date of Hearing/Closing: 6/9/98

@ 9:00 AM
PM-407
CCB

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 _____

5/25/98
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 5/30/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

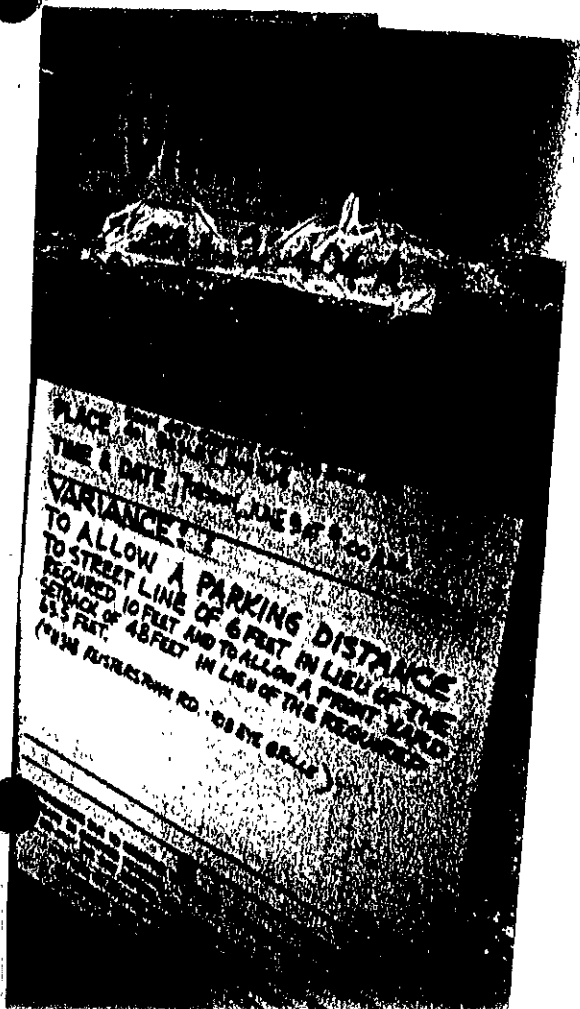
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)





Baltimore County
Department of Permits and
Development Management

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

May 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: 98-404-A
11308 Reisterstown Road
W/S Reisterstown Road, 300' S of centerline Highfalcon Road
4th Election District - 3rd Councilmanic District
Legal Owners: Lot 1 -- Sea King V, Inc.; Lot 2 -- Kingdom Limited Partnership
Contract Purchaser: Chelsea, Inc.

Variance to allow a parking distance to street line of 6 feet in lieu of the required 10 feet and to allow a front yard setback of 48 feet in lieu of the required 63.5 feet.

HEARING: Tuesday, June 9, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a small "sq" written below it.

Arnold Jablon
Director

c: Deborah Dopkin, Esquire
Colbert Matz Rosenfelt, Inc.
Sea King V, Inc. & Kingdom Limited Partnership
Chelsea, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 25, 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.



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: # 404
Petitioner: Robert M. Worgan, Chelsea, Inc.
Address or Location: 11308 Reisterstown Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert M. Worgan
Address: 11316 Reisterstown Rd.
Dwings Mills, Md. 21117
Telephone Number: 410-654-0066

Revised 2/20/98 - SCJ

98-404-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.: 98-404-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE - To allow a parking distance to
street line of 6' in lieu of the required 10' & to allow
a front yard setback of 48' in lieu of the required
63 5'.

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

June 3, 1998

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

RE: Item No.: 404
Case No.: 98-404-A
Petitioner: Sea King V, Inc.
Location: 11308 Reisterstown
Road

Dear Mrs. 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 April 27, 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.
Zoning Supervisor

WCR:ggs
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: May 18, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for May 18, 1998
Item Nos 404, 405, 406, 407, 408,
409, 411, 412, 413, 415

ALSO:

Use Permit for Farmer's Roadside Stand
(W/S Jarrettsville Pike, Opposite
South Side Avenue (14350 Jarrettsville
Pike)

ALSO:

Revised Plans for Case #98-328-SPHXA
(9205 Harford Road)

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0518.NOC

Due Date: May 18, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS/yp*

SUBJECT: Zoning Item #404

Rib Eye Grille, 11308 Reisterstown Road

Zoning Advisory Committee Meeting of May 11, 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 (Section 14-401 through 14-422 of the Baltimore County Code).

----- 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

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 5.12.94
Item No. 404 JRF

Dear Ms. Stephens:

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

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Gredlein
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

les
6/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 21, 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 No. 404, 412, and 416

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:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL



Baltimore County
Fire Department

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

June 1, 1998

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

RE: Property Owner: Lot 1 - Sea King V, Inc. and Lot 2 -
Kingdom Limited Partnership
and
Hillen Road Land Ltd. Ptnp.

Location: DISTRIBUTION MEETING OF May 11, 1998

Item No.: 404 and 414

Zoning Agenda:

Gentlemen:

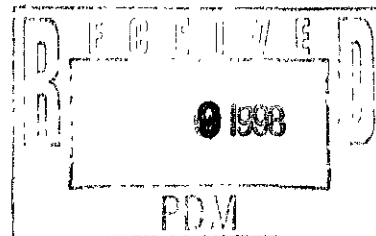
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Bob Rosenfelt

Colbert Matz Rosenfelt
2835 Smith Avenue Suite G
Baltimore, MD 21209

Robert WOREAN

11308 Reisterstown Rd
Owings Mills Md 21117

Deborah Dopkin

409 Washington Ave # 920
Towson, MD 21209



