

247 PETITION FOR SPECIAL HEARING 85-302-SPH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve:

a use permit for offstreet parking in a residential zone and
and to allow access for a commercial facility through a R.O. zone

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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.

Contract Purchaser:

Knut Aarsand & assigns
(Type or Print Name)

Signature

Rugby Hall
Address

Arnold, MD 21012
City and State

Attorney for Petitioner:
Gary C. Duvall
(Type or Print Name)

Signature

401 Washington Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 821-6565

Legal Owner(s):

Howard Harple
(Type or Print Name)

Signature

9114 Belair Road
(Type or Print Name)

Baltimore, MD 21236
City and State

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Daft-McCune-Walker, Inc.
Name

530 East Joppa Road, Towson, MD 21204
Address

301-296-3333
Phone No.

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of April, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of April, 1985, at 11:00 o'clock

Cell
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 85-302-SPH

Date: April 23, 1985

The plan was approved by the CRG on January 24, 1985.

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 26, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Gary C. Duvall, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: Item No. 247 - Case No. 85-302-SPH
Petitioner - Howard Harple
Special Hearing Petition

Dear Mr. Duvall:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above-referenced petition. The following comments from the CRG have been substituted for those of the Zoning Plans Advisory Committee. They are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

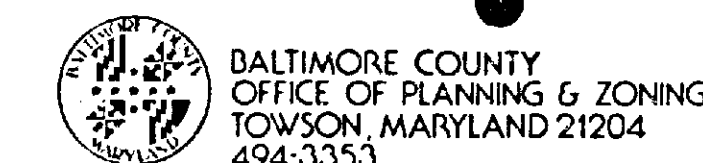
This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

cc: Daft, McCune & Walker
530 East Joppa Road
Towson, Maryland 21204



ARNOLD JABLON
ZONING COMMISSIONER

April 30, 1985

Gary C. Duvall, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Beg. 187' NW of the c/l of Belair Rd.,
272' NE of the c/l of India Avenue
Howard Harple - Petitioner
Case No. 85-302-SPH

Dear Mr. Duvall:

This is to advise you that \$52.47 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007212
OLD JABLON
g Commissioner

DATE 5/7/85 ACCOUNT 8-01-615-000

AMOUNT \$ 52.47

RECEIVED Gary C. Duvall, Esquire

FOR Advertising and Posting Case 85-302-SPH
(Howard Harple)

8502*****2473 10767

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
Beginning 187' NW of the : OF BALTIMORE COUNTY
Centerline of Belair Rd., 272' :
NE of the Centerline of India :
Ave., 11th District :

HOWARD HARPLE, Petitioner : Case No. 85-302-SPH

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 16th day of April, 1985, a copy of the foregoing Entry of Appearance was mailed to Gary C. Duvall, Esquire, 401 Washington Ave., Towson, MD 21204, Petitioner's Attorney; Knut Aarsand & Assigns, Rugby Hall, Arnold, MD 21012, Contract Purchaser; and Daft-McCune-Walker, Inc., 530 E. Joppa Rd., Towson, MD 21204, which requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

DAFT-MCCUNE-WALKER, INC.

530 East Joppa Road
Towson, MD 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers
Surveyors

Description

Description to Accompany Petition for Special Hearing
for Parking for a Commercial Facility in a D.R. 5.5 Zone
and Access through an R.O. Zone.
Eleventh Election District, Baltimore County, Maryland

Beginning for the same at a point located North 41 degrees 03 minutes West 187.00 feet from a point on the center line of Belair Road, said last mentioned point being distant 272 feet, more or less, as measured northeasterly along said center line of Belair Road from its intersection with the center line of India Avenue, said beginning point being on the dividing line between the area zoned RL and the area zoned D.R. 5.5, as shown on the Official Zoning Map No. M.E. 10-G for the Baltimore County Metropolitan Area, thence running and binding on said zoning line, (1) North 48 degrees 57 minutes East 158.00 feet, to intersect the dividing line between the area zoned RL and the area zoned R-O, as shown on said map, thence running and binding thereon, (2) South 41 degrees 03 minutes East 157.00 feet, to intersect the northwest side of Belair Road 60 feet wide, thence running and binding thereon, (3) North 48 degrees 57 minutes East 34.48 feet, thence leaving said northwest side of Belair Road and running the three following courses and distances viz: (4) North 49 degrees 11 minutes West 242.44 feet thence, (5) South 48 degrees 57

Page 1 of 2

minutes West 158.16 feet and thence, (6) South 41 degrees 03 minutes East 83.00 feet to the place of beginning.

Containing 0.39 Acres of land, more or less.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

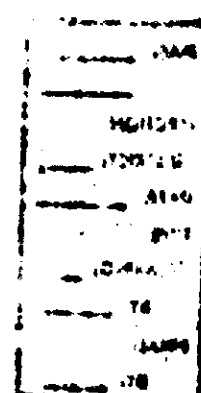


Our Job Number: 64138
March 21, 1985

Page 2 of 2

AUG 28 1985

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:



PETITION FOR SPECIAL HEARING

11th Election District

LOCATION: Beginning 187 ft. Northwest of the centerline of Belair Road, 272 ft. Northeast of the centerline of India Avenue

DATE AND TIME: Monday, May 6, 1985 at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for off-street parking in a residential zone and to allow access for a commercial facility through an R.O. zone

Being the property of Howard Harple as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION SPECIAL HEARING
Beginning 187' NW of the
centerline of Belair Road,
272' NE of the centerline
of India Avenue - 11th
Election District
Howard Harple,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-302-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests permission to utilize a residentially zoned portion of the property adjacent to the proposed restaurant for parking and a residentially-zoned strip of land for commercial access, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by his Contract Purchaser, appeared and testified and was represented by Counsel. Also appearing and testifying were George E. Gavrells, an expert planner; Mark Willard of Daft-McCune-Walker, Inc.; and Kurt Aarsand, Vice President of Nobef Corporation, the owner of the commercial business proposed to be located on the subject property. There were no Protestants, although Mary Ginn and Katherine Turner, representing the Association of Baltimore County Councils, appeared in order to have the requested relief clarified. In fact, after the close of testimony, both indicated they were not opposed.

Testimony indicated that the County Review Group (CRG) approved the parcel for townhouse development and a fast-food restaurant on November 4, 1984. The subject property, located on Belair Road, north of Joppa Road, is bifurcated by a zone line with 0.79 acres of B.L. zoning in the front and 4.50 acres of D.R.5 zoning in the rear. The restaurant is permitted as a matter of right in the B. Zone. The Petitioner wants to utilize an area in the D.R.5.5 portion immediately adjacent to the B.L. portion for 22 parking spaces in order to satisfy the requisite parking.

ORDER RECEIVED FOR FILING

DATE May 9, 1985
BY John P. [Signature]
ADMINISTRATIVE ASSISTANT

The townhouse development will be constructed on the remaining land zoned D.R.5.5. Access will be by an easement created and transferred to Baltimore County as a public right of way from Belair Road parallel to the restaurant. The proposed right of way first traverses a strip of land zoned R-O and then continues through the land zoned D.R.5.5. Access to the restaurant would also be from the right of way.

Belair Road is zoned commercial with a McDonald's restaurant and other commercial uses contiguous to and surrounding the instant site. Interestingly, while the zone line separating the B.L. and the D.R.5.5 Zones divides the Petitioner's property, it cuts away at a northwest angle following the Petitioner's property line. McDonald's, bordering the Petitioner's property to the west, is entirely within a B.L. Zone.

The uncontradicted evidence was that there would be no adverse impact to the community and that the spirit and intent of the Baltimore County Zoning Regulations (BCZR) would be satisfied if the relief prayed for were granted. Further, the conditions precedent in Section 502.1, BCZR, would be satisfied.

The Petitioner seeks relief from Section 409.4, pursuant to Sections 500.7 and 502.1, BCZR.

It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See Hofmeister v. Frank Realty Co., 373 A.2d 273 (1977). In reality, the request for a use permit under Section 409.4 is a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1.

It is also clear that the BCZR permits the requested off-street parking in a D. zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in its vicinity. Therefore, it

- 2 -

ORDER RECEIVED FOR FILING

DATE May 9, 1985
BY John P. [Signature]
ADMINISTRATIVE ASSISTANT

must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Fritz, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

The Petitioner also requests the right to use a strip of residentially-zoned property for commercial access.

Generally, the use of land in a residential zone as a means of ingress and egress to land or buildings in a commercial zone constitutes a violation of zoning restrictions in a residential district. Leimbach Const. Co. vs. Baltimore, 264 Md. 109 (1970); Yokley, 3 Zoning Law & Practice, Section 28-21.1. Exception to the general rule have been made when the proposed route was already classified as a public road by force of statute or when the residential parcel

in issue is too small or is subject to restrictions which prevent a residential use. Lapenas v. Zoning Bd. of Appeals, 226 NE.2d 361 (Mass., 1967). The strip referred to here will be deeded to Baltimore County for a public right of way. It definitely is too small for residential use in that it is only wide enough to satisfy the legal requirements for a right of way and can be of no other use.

Although the R-O Zone is not included within the definition of "[r]esidential zone" in Section 101, BCZR, it is apparent from the language used in Section 203.1 and 2, BCZR, that the Baltimore County Council intended it to be considered as residential when the subdivision and/or the development plan indicates that the R-O property is to be used for residential purposes. Therefore, for the purpose of determining access to commercial zones from R-O Zones or permitting the use of land in a R-O Zone for parking areas adjoining and incidental to a business or industry, the R-O Zone shall be treated as a "residential zone" within the meaning of Section 409.4.

The strip of land through which access will be provided satisfies the exceptions to the general rule and is therefore approved for ingress and ingress.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of May, 1985, that a use permit for off-street parking in a residential zone and the use of a residentially zoned strip of land for commercial access be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this

ORDER RECEIVED FOR FILING

DATE May 9, 1985
BY John P. [Signature]
ADMINISTRATIVE ASSISTANT

time is at his own risk until such time as the applicable 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.

2. The dumpster may be located in the rear of the parking area provided no complaints are received from the owners of the prospective townhouses. If a complaint is received, the dumpster must be moved to the B.L. portion.

AJ/srl

cc: Gary C. Duvall, Esquire

Mrs. Mary Ginn

People's Counsel

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE May 9, 1985
BY John P. [Signature]
ADMINISTRATIVE ASSISTANT

PETITION FOR SPECIAL HEARING 11th Election District LOCATION: Beginning 187 ft. Northwest of the centerline of Belair Road, 272 ft. Northeast of the centerline of India Avenue DATE AND TIME: Monday, May 6, 1985 at 11:00 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for off-street parking in a residential zone and to allow access for a commercial facility through an R.O. zone. Being the property of Howard Harple, as shown on the plat filed with the Zoning Office. It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See <u>Hofmeister v. Frank Realty Co.</u>, 373 A.2d 273 (1977). In reality, the request for a use permit under Section 409.4 is a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1. It is also clear that the BCZR permits the requested off-street parking in a D. zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in its vicinity. Therefore, it	85-302-SPH "DUPLICATE" CERTIFICATE OF PUBLICATION TOWSON, MD., April 18 1985 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 18, 1985. THE JEFFERSONIAN, <u>[Signature]</u> Publisher Cost of Advertising 22.00
--	--

Petition for Special Hearing
 11th Street District
 LOCATION: Beginning 187 ft. Northwest of the centerline of Belair Road, 272' N. Northeast of the centerline of India Avenue.
 DATE & TIME: Monday, May 6, 1985 at 11:00 a.m.
 PUBLIC HEARING: Room 100, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.
 The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
 Petition for Special Hearing under Section 500-2 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission should approve a use permit for a commercial facility through an R.O. zone.
 Being the property of Howard Harple, as shown on the plat filed with the Zoning Office.
 In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing as above or made at the hearing.
 By Order of
 Zoning Commissioner
 of Baltimore County

85-302-SPH
The Times
 Middle River, Md., April 15, 1985
 This is to certify, that the annexed
Petition - Harple
Reg 1 7/16/85
 was inserted in **The Times**, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 18th day of April, 1985
Sub D. W. J.
 Publisher.

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204
 494-5201
 NORMAN E. GENDER
 DIRECTOR

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

APRIL 19, 1985

Re: Zoning Advisory Meeting of FEB. 26, 1985
 Item # 247
 Property Owner: **HOWARD HARPLE**
 Location: NW/8 BELAIR ROAD 272' & 440' N/E
 FROM E OF INDIA AVE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The second Development Plan was approved by the Planning Board on 1/24/85.
- (X) Interpretation: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is RECAPACITY.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional Comments:
THE RESERVATION XT-451 WAS APPROVED 1/24/85
PREVIOUS APPROVAL EXP. 1/24/85

cc: James Hoswell

Eugene A. Bober
 Chief, Current Planning and Development

BALTIMORE COUNTY
 DEPARTMENT OF PUBLIC WORKS
 TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
 DIRECTOR

March 28, 1985

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item #247 (1984-1985)
 Property Owner: Howard Harple
 N/W8 Belair Rd. 272' & 440' N/E from center-line India Ave.
 Acres: 0.30
 District: 11th

Dear Mr. Jablon:

Comments shall be furnished for the subject zoning item at the time of the County Review Group Meeting.

Very truly yours,

James R. Markle, P.E., Chief
 Bureau of Public Services

JAM:EAM:PWO:ms

BALTIMORE COUNTY
 DEPARTMENT OF TRAFFIC ENGINEERING
 TOWSON, MARYLAND 21204
 494-3550
 STEPHEN E. COLLINS
 DIRECTOR

March 15, 1985

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Item No. 238, 240, 241, 242, 243, 244, 245, 246, 247 ZAC-Meeting of February 26, 1985
 Property Owner:
 Location:
 Existing Zoning:
 Proposed Zoning:

Acres:
 District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 238, 240, 241, 242, 243, 244, 245, 246, and 247.

Michael S. Flanigan
 Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY
 DEPARTMENT OF PERMITS & LICENSES
 TOWSON, MARYLAND 21204
 494-3510
 TED ZALESKI, JR.
 DIRECTOR

March 11, 1985

Mr. Arnold Jablon, Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #247 Zoning Advisory Committee Meeting are as follows:

Property Owner: Howard Harple
 Location: NW/8 BELAIR ROAD 272' & 440' N/E from c/l India Avenue
 Existing Zoning: R-O (CPO)
 Proposed Zoning: parking in a residential zone and to allow access for a commercial facility through a R.O. zone.

Acres: 0.30
 District: 11th.

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Enclosed and Aged; and other applicable Codes.
- (X) A building/ & other miscellaneous permit shall be required before beginning construction.
- () Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (X) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (X) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 101, line 2, Section 101.7 and Table 102, also Section 503.2.
- (X) Requested variance appears to conflict with the Baltimore County Building Code, Section/s
- () A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- () Before this office can comment on the above structure, please have the owner, this office, and the Zoning Commission for which a proposed change in use is proposed construction classification of Table 505 and the required construction classification of Table 101.
- (X) Comments - Townhouse units require a 2 hour party wall separation. Provide curb cuts, signs, etc. for handicapped.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham
 Charles E. Burnham, Chief
 Plans Review

BALTIMORE COUNTY
 FIRE DEPARTMENT
 TOWSON, MARYLAND 21204-2586
 494-4500
 PAUL H. REINCKE
 CHIEF

March 11, 1985

Mr. Arnold Jablon
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

Attention: Nick Commodari, Chairman
 Zoning Plans Advisory Committee

RE: Property Owner: Howard Harple

Location: NW/8 Belair Road 272' & 440' N/E from c/l India Avenue

Item No.: 247

Zoning Agenda: 2/26/85

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 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", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: *Roy W. Kemmer*
 REVIEWER: *Charles E. Burnham*
 Planning Group, Fire Prevention Bureau
 Special Inspection Division

/mb

KENTUCKY FRIED CHICKEN
 9114 Belair Rd.
 January 24, 1985
 10:00 a.m.
 C. R. G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of Plan by developer's representative
5. Comments of County agencies
6. Citizens' comments or questions
7. Developer's response
8. County Review Group decision
9. Adjourn meeting

SIGN IN

Name	Address
NORMAN M. PEPPERSACK JR.	9635 DUNDRAWN RD. BALTO. MD 21236
L. L. Buehner	4206 Bryn Ave. Balto. MD 21236
Gene Hall	4145 India Ave. Balto. 21236
Agnes Kent	4146 India Ave. 21236
Albert B. Smith	9116 Belair Rd. 21236
Sup. Anne Parker	2001 Joppa Rd.

COUNTY REVIEW GROUP MEETING MINUTES
 Thursday January 24, 1985

KENTUCKY FRIED CHICKEN
 9114 Belair Road
 District 11 C5

COUNTY REVIEW GROUP - THOSE PRESENT*

Catherine Warfield, Chairman - Dept. of Public Works
 Eugene A. Bober, Co-Chairman - Office of Planning

Agency Representatives

Ken Amrein - Bureau of Sanitation
 Paul Koch - Developers Engineering Division
 George Wittman - State Highway Administration

Developer and/or Representatives

Knut J. Aarsand - Developer
 Knut R. Aarsand - Developer
 Ed Hallie - Daft-McCune-Walker, Inc.
 Stacy Fisher - Daft-McCune-Walker, Inc.
 Gary C. Duvall - Miles & Stockbridge

*Attachment - List of Interested Citizens

The meeting was opened at 10:10 a.m. by Mrs. Warfield, Chairman of the County Review Group. Mrs. Warfield also explained the purpose of the meeting and introduced the staff.

Ms. Stacy Fisher of Daft-McCune-Walker, Inc., the developer's engineer, presented a revised plan.

Mr. Bober summarized the staff comments submitted from Traffic Engineering, Dept. of Health, Office of Planning, Office of Zoning, Plans Review-Permits & Licenses, Fire Prevention, Developers Engineering, Storm Water Management Review Section, Board of Education, Dept. of Recreation & Parks, Bureau of Sanitation, and the State Highway Administration. These comments have been made a part of these minutes, and a copy of the comments was also given to the developer and developer's engineer.

Mr. Smith and Mr. Peppersack, citizens from the area, raised questions about traffic, adequacy of police and fire service to the site, potential nuisance from juveniles, and concerns about flooding at Joppa Road.

January 24, 1985

Mr. Wittman, the State Highway Administration representative, explained that the entrance location is considered safe based on criteria established by AASHTO; therefore, it is acceptable as shown. In response to further questions regarding a traffic signal at the location of the entrance to Kentucky Fried Chicken, Mr. Wittman advised that he would request a review of the intersection from the SHA Traffic Dept. and notify Baltimore County of the results.

Since the entrance is considered acceptable for general use and the comments from the Fire Prevention Bureau did not note the entrance as inadequate, it is considered adequate for service vehicles also.

Mr. Aarsand, the developer, advised that the behavior of clients would be monitored during the 10:00 a.m. to 10:00 p.m. opening of the store. It is in the best interest of the proprietor to have an establishment acceptable to the entire community.

Mr. Haile explained that the small acreage of this site relative to the entire drainage are contributing to the Joppa Road culvert will have little or no effect at that location. He pointed out that the Storm Water Management facility will store the excess runoff from this site to be released after the peak flow in the main channel subsides.

The revised plan satisfies all of the staff comments except for the extension of the turnaround beyond the last house. The revised plan was corrected to show this change and the plan was approved by the Dept. of Public Works and Office of Planning.

The meeting was adjourned at 10:55 a.m.

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: January 22, 1985
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Kentucky Fried Chicken
PROJECT NUMBER: #84311
LOCATION: 9114 Delair Road,
Off Joppa Road
DISTRICT: 11CS

The Plan for the subject site, dated December 19, 1984 and revised January 3, 1985, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

Under Bill No. 56-82, Section 22-72, security shall be posted prior to the issuance of building permits unless the posting of such security is deferred. The security shall be posted prior to the recording of the plat.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 2.5 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

Project #84311
Kentucky Fried Chicken
Page 2
January 22, 1985

GENERAL COMMENTS: (Cont'd)

The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his site. Occupancy Permits will be withheld until such damages have been corrected.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, prior to the recording of a record plat.

HIGHWAY COMMENTS:

The interior roads of the site shall be public curb and gutter roads and shall be the Developer's full responsibility. The paving thickness for the travelled way shall be 11 inches (including the parking bays).

Along the streets with perpendicular parking, a 40-foot right-of-way shall be centered on the 24-foot travelled way. A minimum 18-foot Condominium or Home-owners Association strip must be established adjacent to the right-of-way to cover the remainder of the parking bays and sidewalks.

Easements shall be established within the unencumbered area adjacent to the public 40-foot right-of-way to allow County maintenance of the water and sewer service connections, including the right to read the water meters as required.

On public roads with perpendicular parking bays, the maximum grade for the curb and gutter shall be 5% for the road frontage of such parking bays.

Concrete valley gutters are required between the parking bays and the traffic way in locations where the grade is 2% or less. Where grades exceed 2% up to 5%, the use of bituminous concrete to form the valley gutters is permissible.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

A tee-turnaround must be constructed conforming to the standards as required by Baltimore County for this type of subdivision.

The entrance locations are subject to approval by the Department of Traffic Engineering.

Project #84311
Kentucky Fried Chicken
Page 3
January 22, 1985

HIGHWAY COMMENTS: (Cont'd)

Commercial entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line.

"No Parking" signs shall be posted prohibiting parallel parking on 24-foot width streets and within the turnaround area.

Ramps shall be provided for physically handicapped persons at all street intersections.

In accordance with Bill No. 32-72, street lights are required in all developments. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1"=200', including all facilities and drainage areas involved, shall be shown on the required construction plans.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Project #84311
Kentucky Fried Chicken
Page 4
January 22, 1985

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year and 10-year frequency storm must be provided on the site.

Storm water management must comply with the requirements of the 1984 Baltimore County Storm Water Management Policy and Design Manual adopted September 11, 1984.

Boring data should be provided as the soils at the proposed storm water management facility do not automatically rule out infiltration.

The Developer must furnish the Bureau of Public Services with a drainage study containing the following information:

- A map of scale 1"=200', for the entire drainage area which contributes to the open stream including a tabulation of flow quantities.
- Field run cross-sections of the stream with the flood plain of a 100-year design storm indicated on them. These sections are to be taken at 50-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- A profile of the stream.

Project #84311
Kentucky Fried Chicken
Page 5
January 22, 1985

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

- A plan with the location of the field run cross-sections indicated.
- Hydraulic computations which were used to establish the elevation of the flood plain for each cross-section based on "The Standard Step Method" or "The U. S. Corps of Engineers Computer Program HEC-2."
- Hydraulic computations, including inlet and outlet control analysis, which determine the size of any proposed structure within the flood plain. The Developer's engineer shall submit economically comparable alternate designs (type, size and location) with estimated construction costs included, to verify his selection.
- The stream is to be cleared of all fallen trees, stumps and debris.

In accordance with Bill No. 56-82, filling within a flood plain is prohibited.

A sediment control plan is required.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations, unless a similar easement has previously been provided along the property lines of the adjacent subdivision.

WATER AND SANITARY SEWER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

The total water and/or sewer system connection charge is determined, and payable, upon receipt of bids for the utility construction contract. This charge is in addition to the normal front foot assessment and permit charges.

The determination of the Water System Connection Charges applicable will be predicated on the established relationship using a 5/8 inch water meter at a cost of \$875.00 per living unit. The Sewer System Connection Charge likewise is based on a 5/8 inch water meter at a cost of \$875.00 per living unit.

Project #84311
Kentucky Fried Chicken
Page 6
January 22, 1985

WATER AND SANITARY SEWER COMMENTS: (Cont'd)

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

The Plan may be approved, subject to conformance with the above comments.

EAM:PMK:SS

cc: File

EDWARD A. MCDONOUGH, P.E., Chief
Developers Engineering Division

84311 Meeting of Jan 24, 1985

Kentucky Fried Chicken 9114 Delair Rd.

1. The soils at the proposed storm water facility do not automatically rule out infiltration. Boring data should be provided.

2. 2+10 year peak management is required.

G. Harold V. Vanden
1/1/85

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date January 9, 1985
From: Dept. of Recreation and Parks

Project Name: KFC Preliminary Plan
Project Number: 84138 Development Plan
Location: 9114 Belair Road Final Plat
Districts: 11, C-5 CRG Plan 12/19/84

COMMENTS:

Local Open Space will be required.
The calculations shown are correct.

The Local Open Space shown will have to be discussed with this Department. Storm Water Management Facilities are not necessarily allowed as L.O.S. If the Engineer can justify this dual use we will accept this proposal.

If this concept is rejected we will require additional acreage added to the 0.28 acre parcel.

In any event the owner will be required to provide covenants for the ownership and maintenance of the L.O.S. in perpetuity.

Albert R. Svehla, Jr.
Facilities Planner

ARS:lg

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Cy Benson Date: January 11, 1985
FROM: Charles K. Weiss, Chief
Bureau of Sanitation
SUBJECT: CRG 1/24/85
Kentucky Fried Chicken -- Belair Road

After review of the plans for the above site, it should be noted that Baltimore County does not provide commercial collection; however, we foresee no difficulty with the location of the dumpster as specified for the proposed restaurant.

The townhouse development on the same plan will be station collection at islands that separate the parking areas. Although these plans are approved, there will have to be a formal request for collection approved at the time construction begins on this development.

A representative of the Bureau of Sanitation will meet with the developer or his agent at such time to fully explain the details of refuse collection.

Note -- A problem could exist with parked cars blocking the proposed turnaround at the end of the street.

CKW:gfw



Maryland Department of Transportation
State Highway Administration

William K. Holman
Secretary
Hal Kassoff
Assistant Secretary

January 23, 1985

Mr. J. Markle, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: CRG Meeting of 1-24-85
Proposed Kentucky Fried
Chicken Restaurant
W/S Belair Rd., Route 1-N
300'± North of India Ave.

Dear Mr. Markle,

On review of the revised site plan of 1-2-85 for the proposed Kentucky Fried Chicken Restaurant showing the proposed entrance relocated, the State Highway Administration finds the plan generally acceptable.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

Telephone for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-422-5062 Statewide Toll Free
P.O. Box 7171 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING

DATE: January 23, 1985

PROJECT NAME: Kentucky Fried Chicken PLAN XXXXXXXXXXXXXXXXXXXX
COUNCIL & ELECTION DISTRICT 9114 Belair Road PLAN EXTENSION
XI-451 REVISED PLAN
FLAT

The Office of Planning and Zoning has reviewed the subject plan dated December 19, 1985 and has the following comments:

The Landmarks Preservation Commission has reviewed this plan and comments as follows. The Landmarks Preservation Commission held a hearing in regard to the existing building on this site, historically known as Bishop's Inn, a roadside tavern dating to at least 1844. However, there were not enough votes to place it on the Preliminary Landmarks List. The members who did not support listing the building felt that it was a white elephant in an area rapidly being commercialized; it was also felt by some that the architectural integrity had been ruined by 20th Century changes. Therefore, the Commission has no authority to require preservation of the building and has no objection to this plan.

The plan should show seven stacking spaces from the menu board for the drive-thru part of the restaurant.

Additional parking should be provided for the three town house units located on the North side of the access road opposite the 24' road.

The landscape calculations are correct. In addition to the landscaping shown on the plan, the parking lot in the D.R. 5.5 is required to be screened from the proposed road and along the northwest boundary of the site. A Final Landscape Plan prepared by a registered landscape architect must be approved by this office prior to issuance of any building permits.

A Final Development Plan is required for the residential portion of the site.

Susan Carrell
S. Carrell

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: 1/21/85
FROM: ZONING OFFICE

PROJECT NAME: Kentucky Fried Chicken PLAN: /
LOCATION: 9114 Belair Rd. north of India Ave. DEVELOPMENT PLAN:
DISTRICT: 11th Election District FLAT:

The following comments were written on the CRG plan dated revised 1/3/85.

1. A special hearing is required for off street parking in a residential zone and access through an R. O., Residential Office zone to a commercial site. To date, the petition has not yet been filed. CRG approval may occur, however final approval is contingent upon the outcome of the Special Hearing.
2. One minor revision is needed on the CRG plan. The parking bay for the three eastern most townhouses on the north side of the new road should be extended in order to make the parking bay more convenient to the units then the street itself.
3. The final development plan must contain the following notes:
No additions or attached decks will be permitted to townhouses if they are in a residential transitional area unless a 150' rear yard and 75' buffer area are provided.

DIANA TYLER
Zoning Associate III

DI/ss

DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND

TO: Mr. James A. Markle DATE: January 23, 1985
FROM: C. Richard Moore
SUBJECT: C.R.G. Comments

PROJECT NAME: Kentucky Fried Chicken C.R.G. PLAN: X
PROJECT NUMBER & DISTRICT: DEVELOPMENT PLAN:
LOCATION: Belair and Joppa Road RECORD PLAT:

The proposed access on Belair Road needs to be 35ft. wide, and the location is subject to the approval of the State Highway Administration.

Grading and clearing will be needed and landscaping will need to be kept back from the inside of the curve west of the westernmost entrance for the restaurant.

The plan needs to show 7-stacking spaces behind the order board.

C. Richard Moore
Deputy Director
Traffic Engineering

CRM/GM/can

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

Kentucky Fried Chicken - 9114 Belair Rd
Subdivision Name, Section and/or Plat

Developer and/or Engineer
Knut Arnesen
Public water 25 5.54 Public Public
Watershed No. of Lots Total Acreage Water Sewer

COMMENTS ARE AS FOLLOWS:

- Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.
- Soil percolation test have been conducted. Revised plans, must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.
- Public sewers, public water, must be utilized and/or extended to serve the property.
- A Hydrogeological Study and Environmental Effects Report for this subdivision, must be submitted, is not required, is incomplete and must be revised, has/have been reviewed and approved.
- A Water Appropriation Permit Application, must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.
- It is recommended the plan, be approved as submitted, be approved as submitted subject to the following conditions noted: on the attached memo dated January 1-21-85.
- It is recommended this plan not be approved at this time. See revisions and/or comments.

SS 783R

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Brooks Stafford, Director
TO: Environmental Support Services Date: January 21, 1985

FROM: Stephanie A. Fisher
Waste and Water Quality Management
SUBJECT: ENVIRONMENTAL EFFECTS REPORT Kentucky Fried Chicken (Name)

CRG MEETING January 24, 1985 10:00 AM (Date) (Time)

PLAN REVIEW NOTES

1. Fast food restaurant 24 townhouses and parking (Describe Site)
on 5.42 acres.
2. Public water and Public sewer is proposed.
3. Stream across site (Describe streams on-site)
5. No wetland soils (Describe wetland soils on-site)
6. Storm Water Management is required.
7. proposed impervious area.

RESPONSES

- The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.
- The Environmental Effects report is approved, subject to the following checked items/conditions.
- A. No development is allowed in (soil/name & symbol)
 - B. A revised site plan indicating no development in must be submitted.

BALTIMORE COUNTY, MARYLAND

DATE: January 22, 1985

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME Kentucky Fried Chicken PRELIMINARY PLAN
PROJECT NUMBER CRG Arenda 1/24/85, 10:00 am TENTATIVE PLAN
LOCATION: 9114 Belair Road, off Joppa Rd DEVELOPMENT PLAN
DISTRICT: 11 FINAL PLAN

Comments

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.
2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on Belair Road as close to proposed site as possible. Test results are to be forwarded to the office of the Fire Protection Engineer.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Catherine Warfield, C.R.G. Date: January 7, 1985
FROM: Charles E. Burham, Chief, Building Plans Review C.E.B.
SUBJECT: K.F.C. Belair Road, R.O. 02

- 1) If 100 restaurant parking spaces are provided, State law requires 4 to be handicapped spaces 12'-0" wide, located so as not to compel the handicapped to pass behind parked vehicles.
- 2) Show curb cuts, signs, etc. on plans of adjoining restaurant.
- 3) For sale units shall have a minimum 2 hour fire wall separation separating each unit. Table 401, Section 1107 and Bill 4-82.
- 4) Fire lanes to site shall be provided as approved by Fire Prevention.
- 5) The 1981 M.C.A. Code as adopted by Bill 4-82 is currently effective. However, the 1984 Code is in the adoption process. Any plans filed after the adoption date shall comply with the 1984 Code and applicable Council Bill.
- 6) Plans are sealed by a Landscape Architect. Construction plans shall be sealed by a registered in Maryland architect and/or engineer practicing in his field of expertise.

CEB/vw



Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

March 9, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 2-26-85
ITEM: #247
Property Owner: Howard Harple
Location: NW/8 Belair Rd.
Route 1-W, 272' & 440' N/E
from c/l India Avenue
Existing Zoning: R-O (CRG)
Proposed Zoning: Special
Hearing to approve a use
Permit for off-street
Parking in a residential
zone and to allow access
for a commercial facility
through a R.O. zone.
Acres: 0.30
District: 11th

Dear Mr. Jablon:

On review of the revised CRG site plan of 1-21-85, for the proposed Kentucky Fried Chicken Restaurant (Harple Site) the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles E. Burham
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

Toll-free for impaired hearing or speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-302-514

District: 11th Date of Posting: 4/19/85
Posted for: Special Hearing
Petitioner: Howard Harple
Location of property: Beg. 187' NW of c/l of Belair Rd. 272' NE
of India Ave.
Location of Signs: Along Belair Rd. across 2nd road way, on
property identified as 8114 Belair Rd.
Remarks: [Signature]
Posted by: [Signature] Date of return: 4/26/85
Number of Signs: 1

April 9, 1985

Gary C. Duvall, Esquire
401 Washington Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Hearing
Beg. 187' NW of the c/l of Belair Rd., 272' NE of
the c/l of India Avenue
Howard Harple - Petitioner
Case No. 85-302-SPH

TIME: 11:00 a.m.

DATE: Monday, May 6, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

PETITION FOR SPECIAL HEARING

11th Election District

LOCATION: Beginning 187 ft. Northwest of the centerline of Belair Road,
272 ft. Northeast of the centerline of India Avenue

DATE AND TIME: Monday, May 6, 1985 at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County
Zoning Regulations, to determine whether or not the Zoning Commissioner
and/or Deputy Zoning Commissioner should approve a use permit for off-street
parking in a residential zone and to allow access for a commercial facility
through an R.O. zone

Being the property of Howard Harple as shown on
the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however, enter-
tain any request for a stay of the issuance of said permit during this period for
good cause shown. Such request must be received in writing by the date of the
hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 004978
DATE: 4/19/85 ACCOUNT: R-01-615-080
AMOUNT: \$100.00
RECEIVED FROM: [Signature]
FOR: [Signature]
9115-1350-01 0206 Special Hearing
VALIDATION OR SIGNATURE OF CASHIER

General Notes

1. The land being used for business parking adjoins the business or industry involved.
2. Only passenger vehicles, excluding buses, will use the parking area.
3. No loading, service, or any use other than parking is proposed.
4. Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity.
5. Screening has been provided in accordance with the Baltimore County Landscape Manual.
6. The surface will be bituminous concrete and well drained.
7. The parking area will be located and configured as shown on this plan and will be maintained by the owner. The hours of operation are anticipated to be 10 a.m. to 10 p.m. daily.

General Notes

1. Applicant/Contract Purchaser: Knut Arnsand & Associates
Rugby Hall
Arnold, MD 21012
(301) 647-6300
2. Election District 11; Councilmanic District 5; Census Tract 4114.63
3. Watershed 4; Subwatershed 25.
4. Current Zoning: BL 0.79 Acres +/-; RO 0.13 Acres +/-;
DR 5.5 4.50 Acres +/-.

Acres: Gross = 5.54 Acres +/- (includes 30' of Belair Road R/W along front property line)
Net = 5.42 Acres +/-

Density: Allowable = 4.49 Acres +/- @ DR 5.5 = 24.69 units
Proposed = 24 units
All units will be for sale.

Floor Area Ratio: Allowable = 3.0
Proposed = 2,486 S.F. Building = .1
24,375 S.F. BL

Open Space: Required = 650 S.F./unit @ 24 units = .36 Acres +/-
There is no open space required in the BL or RO zones.

Provided = .70 Acres +/- (Open Space will be owned and maintained by a Homeowner Association.)

Parking: Required (BL) = 1 space / 50 S.F. @ 2,486 S.F. = 50 spaces
(DR 5.5) = 125 spaces/unit @ 24 units = 3,000 spaces
Total = 3,050 spaces

A Special Hearing petition has been filed to permit parking for the restaurant in the BL 5.5 zone.

Provided (BL) = 50 spaces (including 2 handicapped)
(DR 5.5) = 125 spaces
Total = 175 spaces

Landscaping: Required (BL) = 350' +/- Frontage @ 1/40 L.F. = 9
(50% Major Deciduous = 5)
50 parking spaces @ 1/12 spaces = 5
Total Trees = 14
(DR 5.5) = 1 tree/unit @ 24 units = 24
(50% major deciduous = 12)
(30% evergreen = 8)
Total Trees = 24

Note: A 5' high evergreen screen will be provided around the dumpster and in an 8' wide planted area along the front property line. An 8' planted area will also be provided along the north eastern most property line.

5. There are no known existing or proposed well or septic areas on the site.

Soils:

Series	Limitations	Limitations	Limitations
	w/basement	w/o basements	streets and roads
Alluvial Av	Severe: high water table, flood hazard	Severe: high water table, flood hazard	Severe: high water table, flood hazard
Belleville H18	Moderate: seasonably perched water table	Slight	Moderate: seasonably perched water table
Chillum C18	Slight	Slight	Moderate, slope
Inks Is	Severe: flooding	Severe: flooding	Severe: flooding
Legore LFC3	Moderate: slope	Moderate: slope	Severe: slope

7. There are no areas of 25% or greater slope on the site.

8. Existing trees as shown on the plan will be removed. Planting will be in accordance with Baltimore County Landscape Manual requirements, prior to building permits.

9. There will be no proposed development in the R.T.A..

10. Current Ownership: Howard S. Harty
9114 Belair Road
Perry Hall, MD 21226

Deed Reference: 1390/404, Property Number: 11-118001500

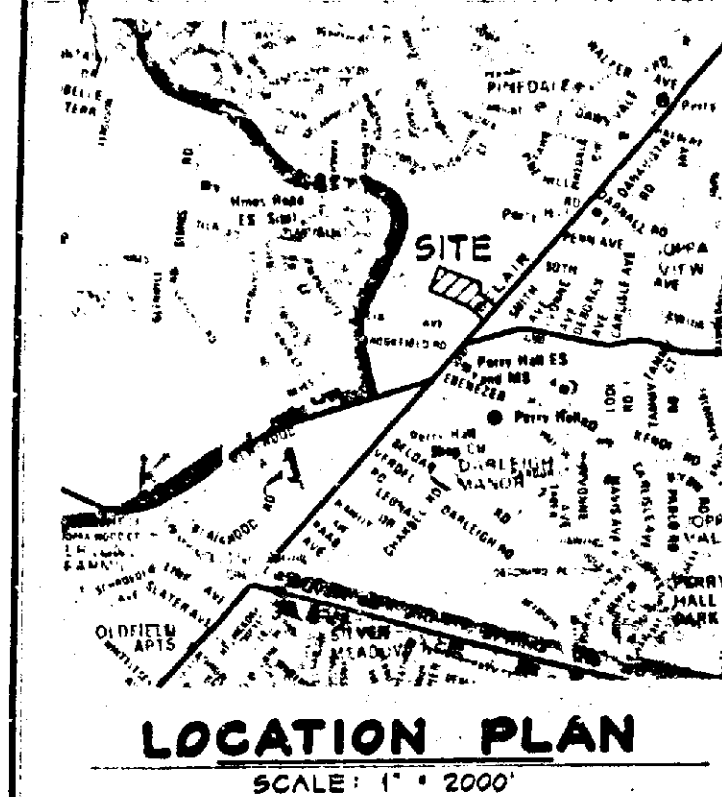
11. Estimated Average Daily Trips (ADT's):

(BL) 553 ADT's/1000 SF = 1,365 ADT's
(DR 5.5) 8.5 ADT's/Unit @ 24 Units = 204 ADT's
Total = 1,569 ADT's

12. Stormwater will be managed by a detention pond with an extended detention of one inch of rainfall. Infiltration is not possible because of the soils on site are of hydrologic types C and D.

13. There is an area of wetlands in the northwest corner of the site (see area of Av soils on plan). There is no proposed development in this area.

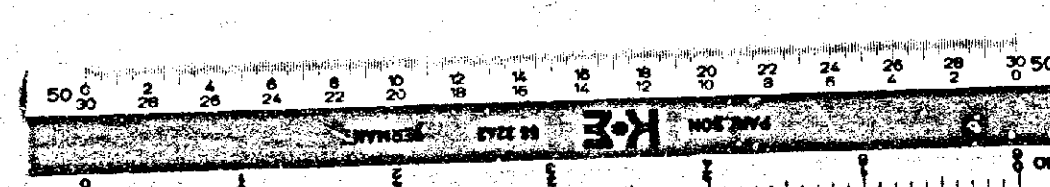
14. There are no known critical areas, archeological sites, endangered species habitats, or hazardous materials on the site.



INDIA AVENUE

ROAD

BELAIR



1. ALBERT C. & MYRL SMITH
CNR JR. 561/326
2. LEONARD & DOROTHY M. STEG
3. EMANUEL K. & PAN DIAKOULAS
EMK JR. 5350/646

PETITIONER'S EXHIBIT

DAFT-McCUNE-WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JOPPA ROAD
TOWSON, MD 21204
TELEPHONE: (301) 296-3333

Kentucky Fried Chicken
9114 Belair Road

**PLAT TO ACCOMPANY
REQUEST FOR
SPECIAL HEARING**

SCALE: 1" = 30'

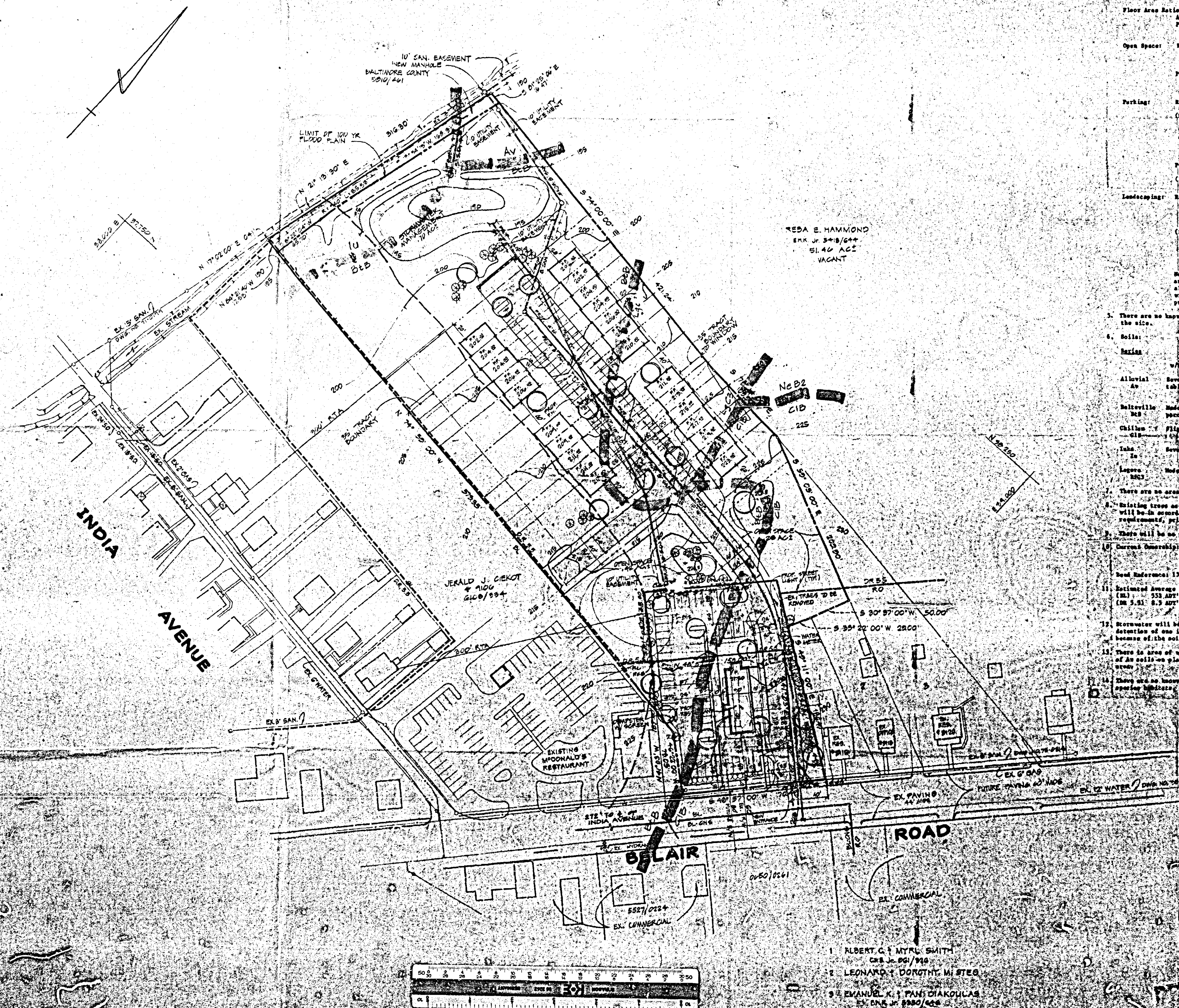
JOB ORDER NO. 64-1983

ISSUE DATE 12/19/84

DATE REVISIONS

12/85	ADD PROP OWNERS
12/85	AS PER STATE COMMENTS
12/85	AS PER CITY COMMENTS
12/85	THANKS TO L.S. & D. WALKER
12/85	FINAL AS PER STATE COMMENTS
12/85	FINAL AS PER CITY COMMENTS

- General Notes**
1. Applicant/Contract Purchaser: Kent Armond & Associates
Rugby Hall
Arlene, MD 21012
(301) 467-4300
 2. Election District 11; Councilmanic District 5; Census Tract 411403
 3. Watershed 4; Subwatershed 23.
 4. Current Zoning: R-1 0.75 Acres +/- R0 0.13 Acres +/-
DE 5.5 4.50 Acres +/-
- Acres: Gross = 33.4 Acres +/- (includes 30' of Belair Road R/W along front property line.)
- Net: 5.42 Acres +/-
- Density: Allowable = 4.49 units +/- @ DE 5.5 = 26.69 units
Proposed = 24 units
All units will be for sale.



- | | | |
|--------------|-------------|--|
| Open Space: | Required | = 650 S.F./unit @ 24 units = 36 Acres +/- |
| | | There is no open space required for the R1 or R2 zones. |
| | Provided | <u>770</u> Acres +/- (Open Space will be owned and maintained by a Homeowner Association.) |
| Parking: | Required | |
| | (R1) | = 1 space / 50 S.F. @ 2,486 S.F. = 30 spaces |
| | (DR 5.5) | = 1.75 spaces/unit @ 24 units = 42 spaces |
| | Total | = 72 spaces |
| | | A Special Hearing petition has been filed to permit parking for the restaurants in the R2, 5.5 zone. |
| | Provided | |
| | (R1) | = 30 spaces (including 2 handicapped) |
| | (DR 5.5) | = 35 spaces |
| | Total | = 65 spaces |
| Landscaping: | Required | |
| | (R1) | = 350% +/- Frontage = 1/48 S.F. = 9 |
| | | (10% Major Decision = 5) |
| | | 30 parking spaces @ 1/12 spaces = 30 |
| | | Total Trees = 14 |
| | (DR 5.5) | = 1 tree/unit @ 24 units = 24 |
| | | (10% major decisions = 12) |
| | | (20% driveway = 8) |
| | Total Trees | 26 |

- Notes: A 3' high sycamore screen will be provided around the dumpster and in an 8' wide planted area along the front property line. An 8' planted area will also be provided along the north eastern most property line.
5. There are no known existing or proposed well or septic areas on the site.

<u>Series</u>	<u>w/ basements</u>	<u>w/o basements</u>	<u>Limitations</u>
Alluvial Aa	Severe: high water table, flood hazard	Severe: high water table, flood hazard	Severe: sand Severe: flood Severe: high water table, flood hazard
Belleville MB	Moderate: occasionally perched water table	Flight	Moderate: sand Perched water table
Chillicothe C	Flight	Flight	Moderate: sand
Chillicothe CMB	Flight	Flight	Moderate: sand
Inks Is	Severe: flooding	Severe: flooding	Severe: flood
Lepore Ls	Moderate: slope	Moderate: slope	Severe: slope

1. There are no areas of 12% or greater slope on site.
2. Existing trees as shown on the plan will be removed. Planting will be in accordance with Baltimore County Landscape Manual requirements, prior to building permits.
3. There will be no proposed development on site.
4. Current Ownership: Edward S. Mayler,
9134 Belair Road,
Perry Hall, MD 21226
- Send Reference 17001404, Property Number: 18-112001500
1. Estimated Average Daily Trips (ADT's):
(a) 553 ADT/10000 SF (a) 1,365 ADT's
(b) 531 8.5 ADT/10000 SF (b) 204 ADT's
(c) 531 8.5 ADT/10000 SF (c) 1 ADT's
2. ADT's: 553 ADT's, 531 ADT's, 531 ADT's

72. Stormwater will be managed by a detention pond with an extended detention of one inch of rainfall. Infiltration is not possible because of the soils on site are of hydrologic type C and D.
73. There is area of wetland in the northwest corner of the site (see area of soil on plan 7). There is no proposed development in this area.
74. There are no known critical areas, archaeological sites, underground storage tanks or hazardous materials on the site.



DAFF, EXCUNE, WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
BIRMINGHAM
520 S. JONES ROAD
TOLSON, AL 35294
TELEPHONE: (205) 394-7733

Kentucky Fried Chicken
9114 Belair Road
PLAT TO ACCOMPANY
REQUEST FOR
SPECIAL HEARING



SCALE: 1" = 30'

FOR ORDER NO. 34198

ISSUE DATE 12/17/04

PROVISIONS

CH-ES
TIME COMMENTS
LOS - CONDUCTING
NO LOS - EXTENDING CASE
F. S. 901.1.3 (a) / (b)
E line