

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated 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 409.2b to allow 734 parking spaces in lieu of the required 857 spaces, and Section 413.2f to allow four (4) other free-standing business signs in lieu of the permitted three (3).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. That without the requested variance, Petitioner will sustain practical difficulty and unreasonable hardship relating to the proposed KFC Restaurant at the property.
2. The requested variance will not harm the public health, safety and general welfare of the area, and it is in accordance with the spirit and intent of the Zoning Regulations.

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 of 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: Lessee:
KFC National Management Company
(Type or Print Name)
Signature (Thomas M. Caulk, C.E.)
7225 Parkway Drive
Address
Hanover, Maryland 21076
City and State

Legal Owner(s):
Pike Park Plaza Associates, et al
(Type or Print Name)
Signature
(Type or Print Name)
Signature
276-6300
Phone No.
Baltimore, MD 21224
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
AROLD SCHAFER
Name
276-6300
Phone No.

Attorney for Petitioner:
Stanley S. Fine
(Type or Print Name)
Signature
222 E. Redwood Street, Suite 300
Address
Baltimore, Maryland 21202
City and State
Attorney's Telephone No.: 752-6597

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of November, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of August, 1985, at 1:30 o'clock P.M.

By
Zoning Commissioner of Baltimore County

(over)

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particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of November, 1985, that the Petition for Zoning Variances to permit a total of 200 square feet instead of the allowed 100 square feet and six other business signs instead of the allowed three signs be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its sign permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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. A temporary sign may be placed on the property for no more than 60 days per year, subject to the appropriate use permits approved by Baltimore County.
3. If the Lessee is in violation of any of the above conditions, a Show Cause hearing will be held to determine if the relief granted herein should continue as well as if any other penalty permitted by law for such violations should be imposed.

By
Zoning Commissioner of Baltimore County

cc: Stanley S. Fine, Esquire
Mrs. Mary Ginn
People's Counsel

IN RE: PETITION ZONING VARIANCES *
N/S Balto. Nat'l. Pike, 2,345' *
NW/Centerline Rolling Road - *
1st Election District *
Pike Park Plaza Associates, *
et al, *
Case No. 86-57-A

Petitioners *
* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioners herein requested a variance to permit 734 parking spaces instead of the required 857 spaces and four other business signs instead of the allowed three signs.

The Petitioners, by Thomas M. Caulk, Construction Engineer for KFC National Management Company, Lessee of the instant site, appeared and testified, and was represented by Counsel. Although no Protestants appeared and testified, Mary Ginn, representing the Association of Baltimore County Community Councils, noted a written objection.

At the onset of the hearing, the Petitioners moved to amend the Petition by deleting the parking variance, requesting six other business signs instead of the permitted three signs, and requesting a total of 200 square feet instead of the allowed 100 square feet, as more particularly described on Petitioners' Exhibits 1 and 2. The Motion was granted.

Testimony indicated that the subject property, a shopping center zoned B.R.-C-2 and located on Route 40 and Nurwood Drive, is to be improved with a Kentucky Fried Chicken fast-food restaurant, facing Route 40. A shopping center identification sign and a 7' x 3' multi-faced business sign for Hardware Fair presently exist. The Lessee proposes to erect three 3 1/2' x 2' directional signs, seven square feet each side, to show where to "enter" and "exit", each with a small caricature of the infamous Colonel Sanders. Since the restaurant will have a drive-thru, a 25 square foot one-sided menu board

that will back up to the building is necessary. A free-standing pylon with a 5' x 8' multi-faced KFC identification sign and a 1'3" x 6' multi-faced "drive-thru" identification sign directly underneath is also proposed. The total requested signage for the restaurant is 165 square feet and 200 square feet for the shopping center, which includes the Hardware Fair sign.

When the Hardware Fair sign was erected, it was a long-standing policy of the Zoning Office to count multi-faced business signs as one; thus, the 70 square feet of this particular sign was computed as only 35 square feet. However, this policy was reversed in Case No. 85-113-SPMA, In Re: C-F Properties Partnership. All business signs advertised thereafter by Section 413.2.f, Baltimore County Zoning Regulations (BCZR), would include all sides in order to compute the total square footage permitted. The decision not to make the change in policy retroactive to include already existing or approved signs was based on the long-standing nature of the prior policy and the inequities accruing if all existing or approved signs had to comply with the change. The doctrine of equitable estoppel, is applicable. The Zoning Commissioner has determined that existing signs computed under the prior policy will continue to be computed as they originally had been. Therefore, the existing Hardware Fair sign will continue to have both sides counted as one, i.e., 35 square feet.

The Lessee argued that Route 40, heavily travelled and highly commercial, is replete with signage. Similar fast-food restaurants in competition with the Lessee have more signs and signs larger than those requested by the Lessee. If the requested variances were denied, the Lessee would be at a distinct competitive disadvantage. Indeed, two competitors, Bob's Big Boy and Roy Rogers, directly across the street, have larger signs than those requested here. Because vehicles travel Route 40 at high rates of speed, the Lessee

would be at a disadvantage relative to its competitors, which mitigates in favor of the requested sign variances.

The Lessee seeks relief from Section 413.2.f, pursuant to Section 307, BCZR.

It is of interest to note that the small directional signs would otherwise satisfy Section 413.1.e, BCZR, if the caricature of Colonel Sanders were deleted. Certainly, these signs would be of a public or quasi-public nature, but the use of the caricature represents advertising matter, which is prohibited by Section 413.1.e.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

It is clear from the testimony that if most of the variances were granted, such use as permitted would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances, as restricted below, were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this

- 2 -

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ST/LYON ASSOCIATES.

ENGINEERS, ARCHITECTS & PLANNERS
27 GUYMONS COURT
BALTIMORE, MD 21207-2722
301/944-9112

ZONING DESCRIPTION
PIKE PARK PLAZA, FIRST ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the northern side of Baltimore National Pike, U.S. Route 40 (150 feet wide), said point being approximately 2,345 feet northwest of the centerline of the existing pavement of Rolling Road, thence running along said northern side of Baltimore National Pike,

1. North 71°42'46" West 89.63 feet, thence by a curve to the right having,
2. A radius of 7,564.44 feet, an arc length of 522.01 feet, said curve being subtended by a chord bearing North 69°44'09" West 521.91 feet, thence leaving Baltimore National Pike and running for the three following courses and distances,
3. North 22°38'52" East 138.95 feet thence,
4. North 69°23'31" West 96.02 feet thence,
5. South 22°38'52" West 135.60 feet to intersect the aforesaid northern side of Baltimore National Pike, thence along same by a curve to the right having,
6. A radius of 7,564.44 feet, an arc length of 31.85 feet, said curve being subtended by a chord bearing North 66°57'52" West 31.85 feet to the beginning of a site flare, thence along same,
7. North 23°49'00" West 20.31 feet to a point along the southeastern side of Nurwood Road (70 feet wide), thence along same,
8. North 19°01'07" East 499.93 feet to the beginning of a site flare, thence along same,
9. North 64°31'04" East 21.40 feet to a point along the southwestern side of Powers Lane (40 feet wide), thence along same,
10. South 69°58'59" East 933.64 feet, thence leaving Powers Lane and running,
11. South 20°04'00" West 381.51 feet thence,
12. North 69°58'59" West 190.50 feet thence,
13. South 18°33'21" West 153.67 feet to the point of beginning . . . containing 10.6796 acres of land, more or less.

By
ST/LYON ASSOCIATES, INC.
Mark A. Riddle, Md. Reg. P.L.S. No. 244

April 17, 1985

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ST/LYON ASSOCIATES, INC. is a member firm of the
STV Engineers, Architects, Planners, Construction Managers, Professional Member Firms
STV Baltimore Transportation Associates, STV Civil Associates, STV Management Consultants Group, STV
H. D. Nottingham & Associates, STV Security & Threat, STV Scientific, STV Service, STV Value & Benefit

PETITION FOR VARIANCE

1st Election District

LOCATION: North side of Baltimore National Pike, 2,345' Northwest of the centerline of Rolling Road (Pike Park Plaza)
DATE AND TIME: Monday, August 5, 1985 at 1:30 p.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 Variances from Section 409.2b. to allow 734 parking spaces in lieu of the required 857 spaces and Section 413.2f to allow four (4) other free standing business signs in lieu of the permitted three (3).

Being the property of Pike Park Plaza Associates, et al 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 JABLAN
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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PETITION FOR VARIANCE

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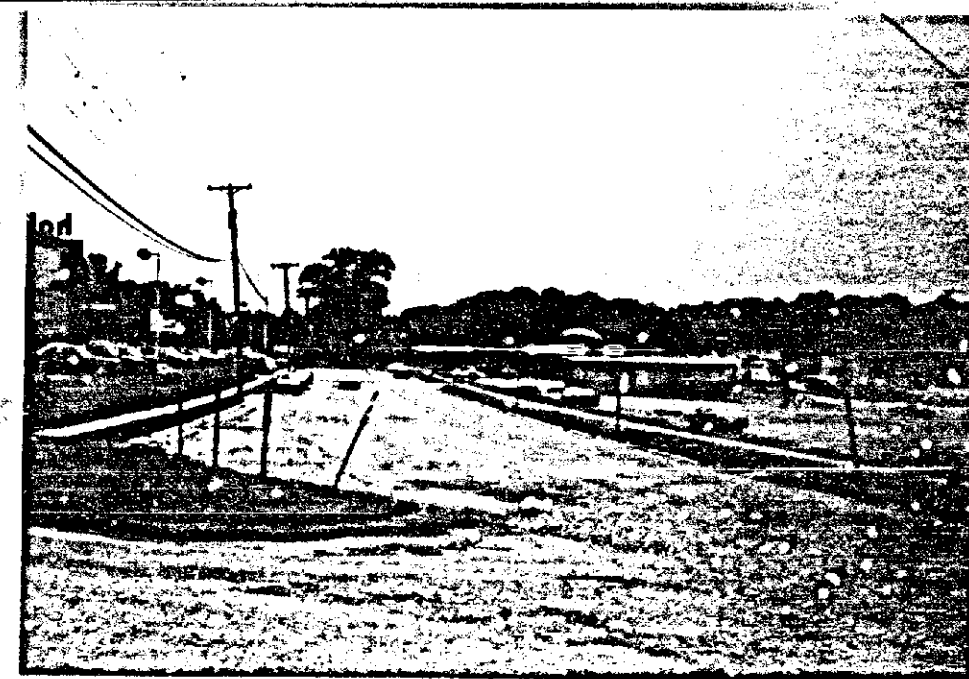
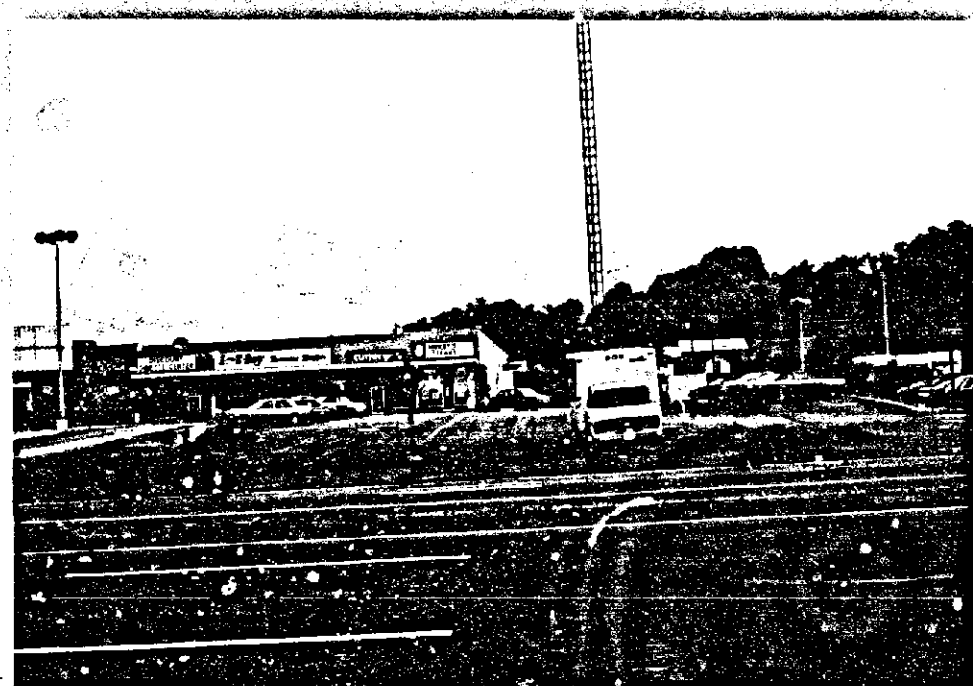
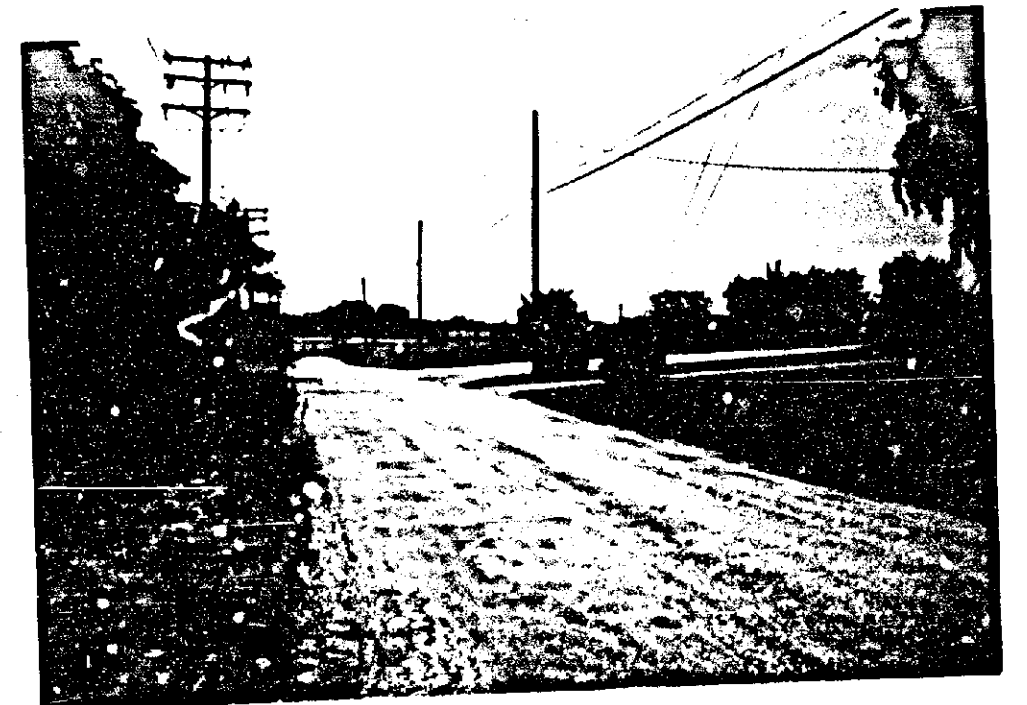
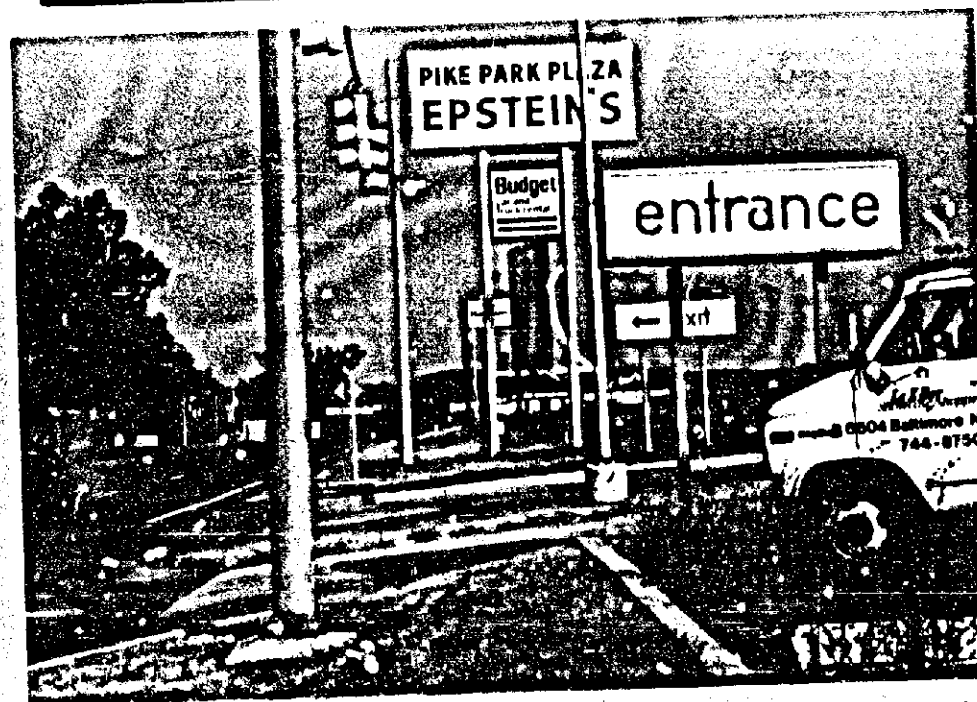
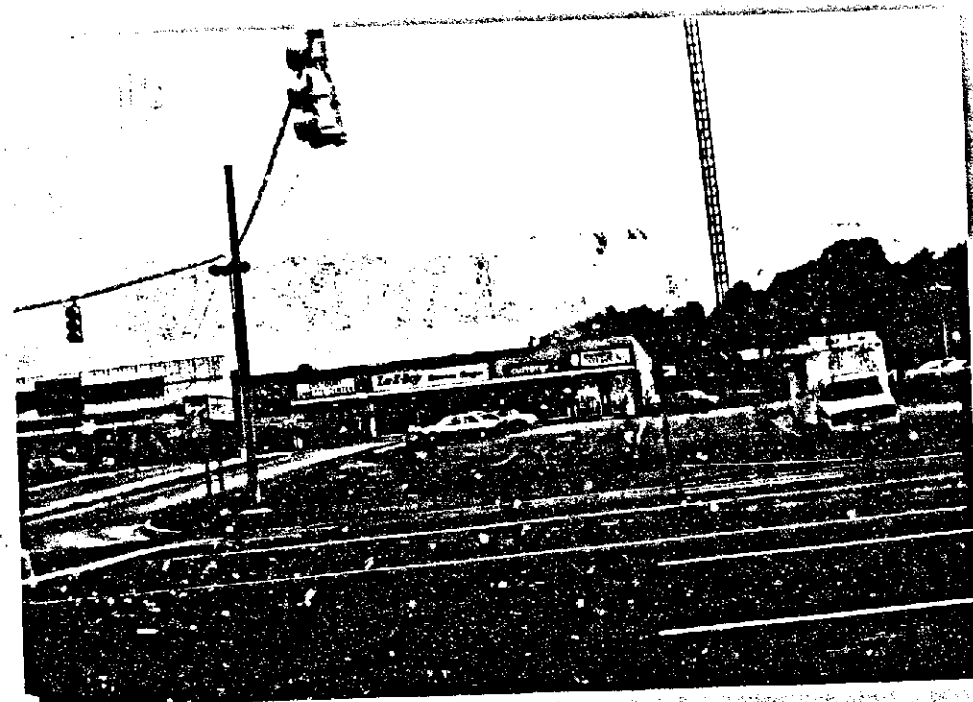
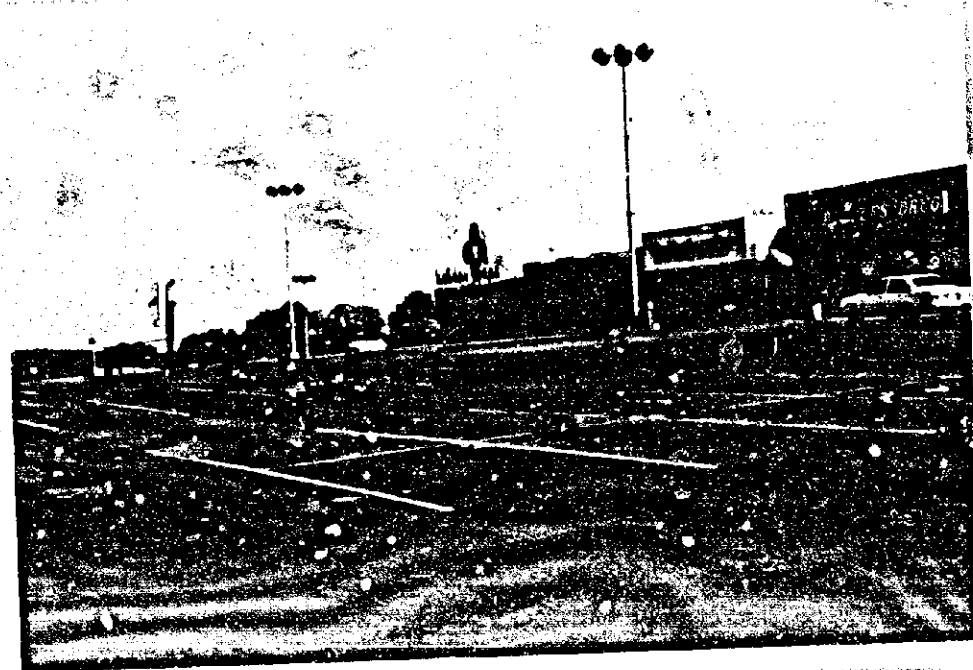
Petition for Variances from Section 409.2b. to allow 734 parking spaces in lieu of the required 857 spaces and Section 413.2f to allow four (4) other free standing business signs in lieu of the permitted three (3).

Being the property of Pike Park Plaza Associates, et al 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 JABLAN
ZONING COMMISSIONER
OF BALTIMORE COUNTY

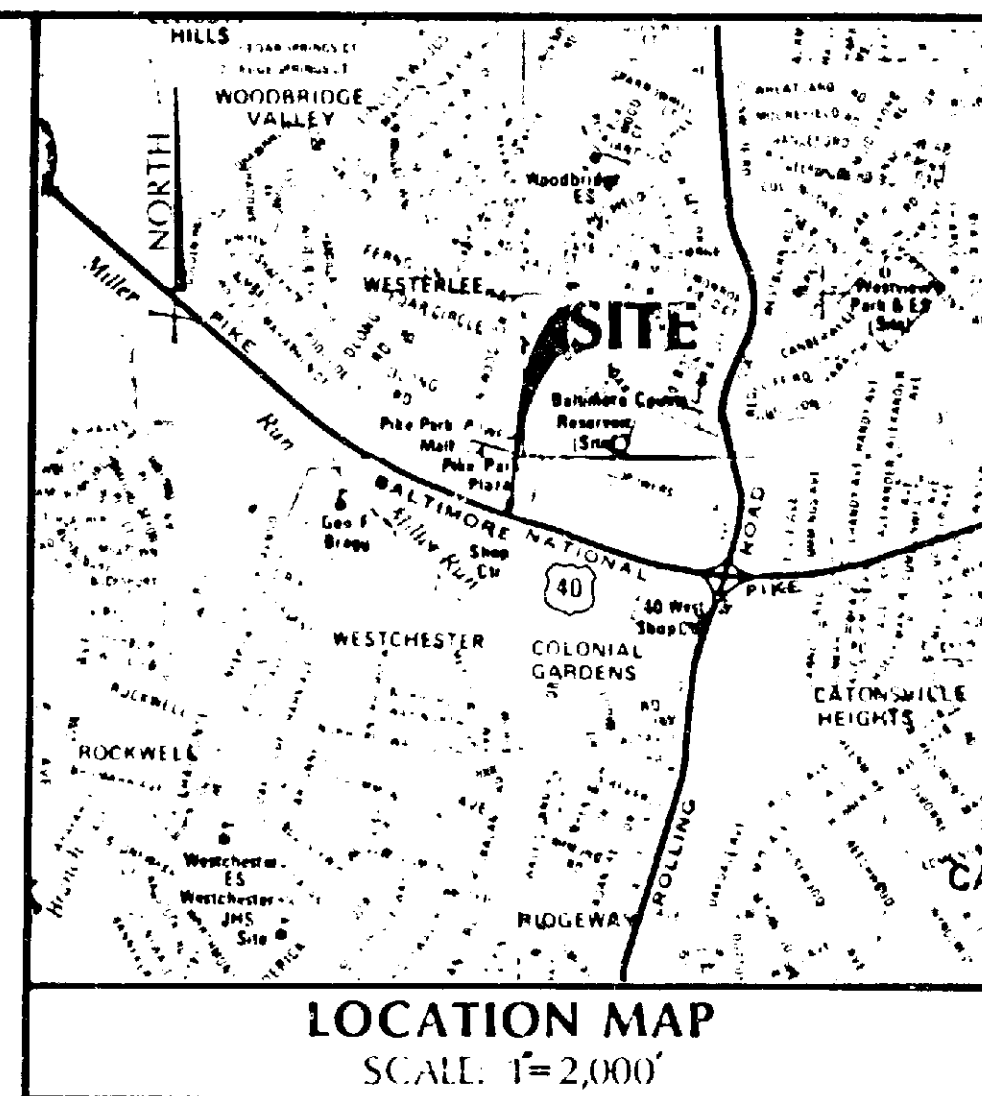
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U.S. ROUTE 40

BALTIMORE NATIONAL PIKE

BALTIMORE CO GRID NORTH



2 N 18°17'14" E 150'

REMOVE EXIST. MAG.
INSTALL CONC. PAVING
FOR DRIVE THRU LANE

INSTALL 10'0" STOCKADE
TYPE 155H ENCL. W/ GATE
CONC. PAD - SEE SHT. 50-2

R=7564.42' L=1337'
CH. N 68°44'09" W

REMOVE EXIST.
CONC. - INSTALL
NEW AS SHOWN

PROPOSED
K.F.C. RESTAURANT
F.F. ELEV. = 428.0

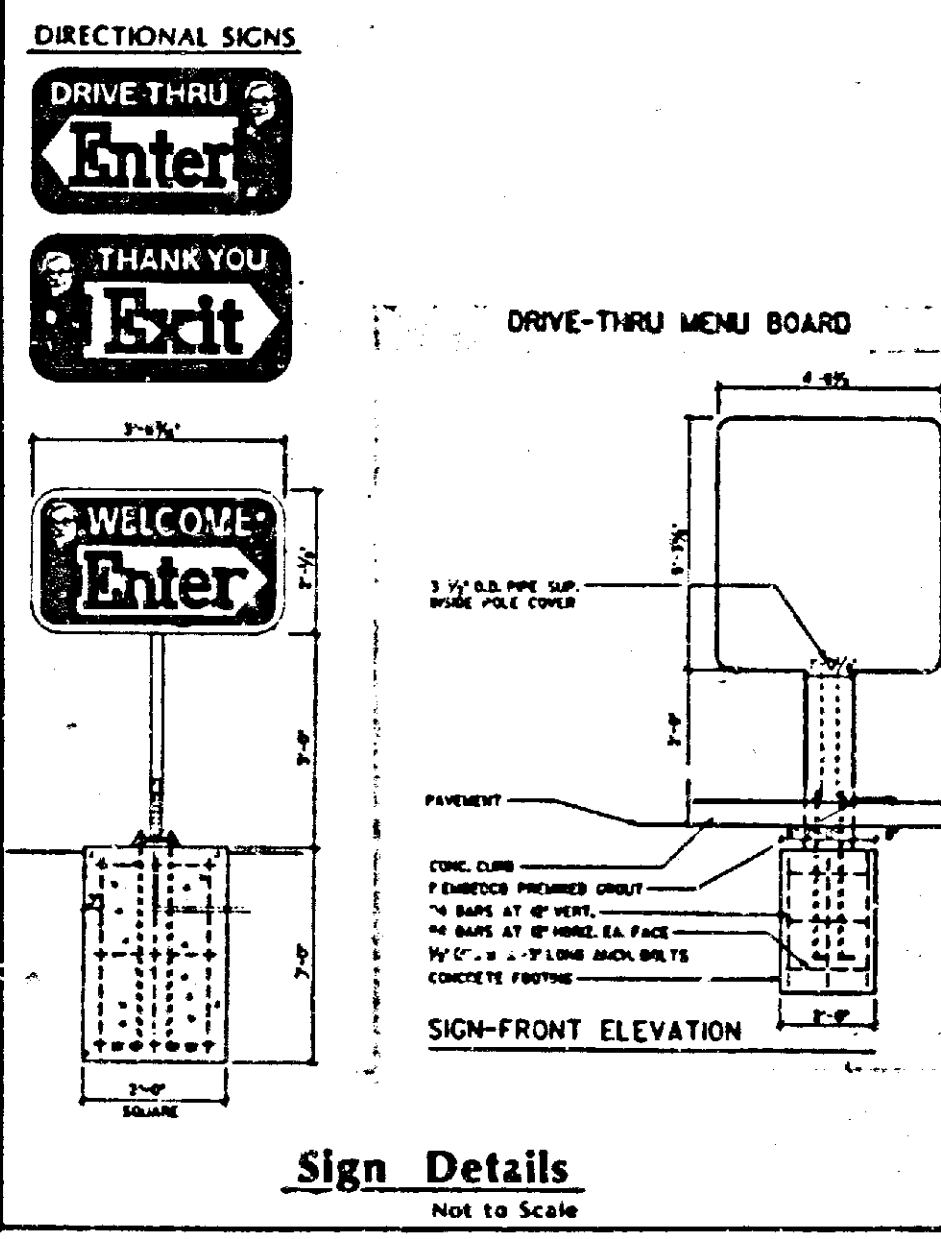
MENU BOARD & SMOKER
STATION - SEE SHT. 50-3
INSTALL 6" SAN. LINE AND
GREASE TRAP - SEE SHT. 50-1

SERVICE ENTR.
W/ CONC. RAMP

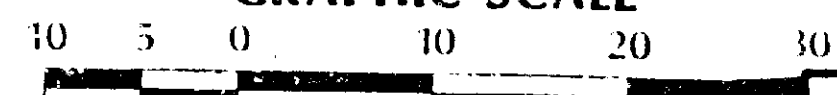
INSTALL U.G. ROOF DRAINING
& CONDENSATE LINE

INSTALL TRENCH DRAIN
6" PVC LINE. INV. OUT
428.0 USE POLYDRAIN
OR APPROVED EQUAL

NOTE:
GAS AND ELECTRIC SERVICE TO BE
DESIGNED & INSTALLED BY THE
BALTIMORE GAS & ELECTRIC CO. (301)
200-1800



GRAPHIC SCALE



PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE.

K.F.C.
PIKE PARK PLAZA
BALTIMORE COUNTY, MARYLAND
ELECTION DIST. 1 COUNCIL DIST. 1

86-57-A
DRAWING NO.
V-2
SHEET NO.
2 of 2
MICROFILMED



STV / LYON ASSOCIATES

Engineers Surveyors Planners

21 Governor's Court - Baltimore, Maryland 21207

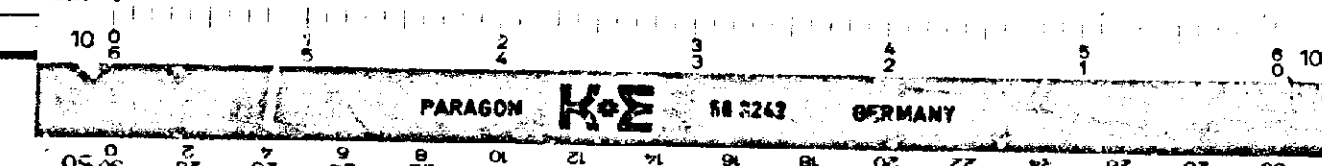
Telephone : 301-944-9112

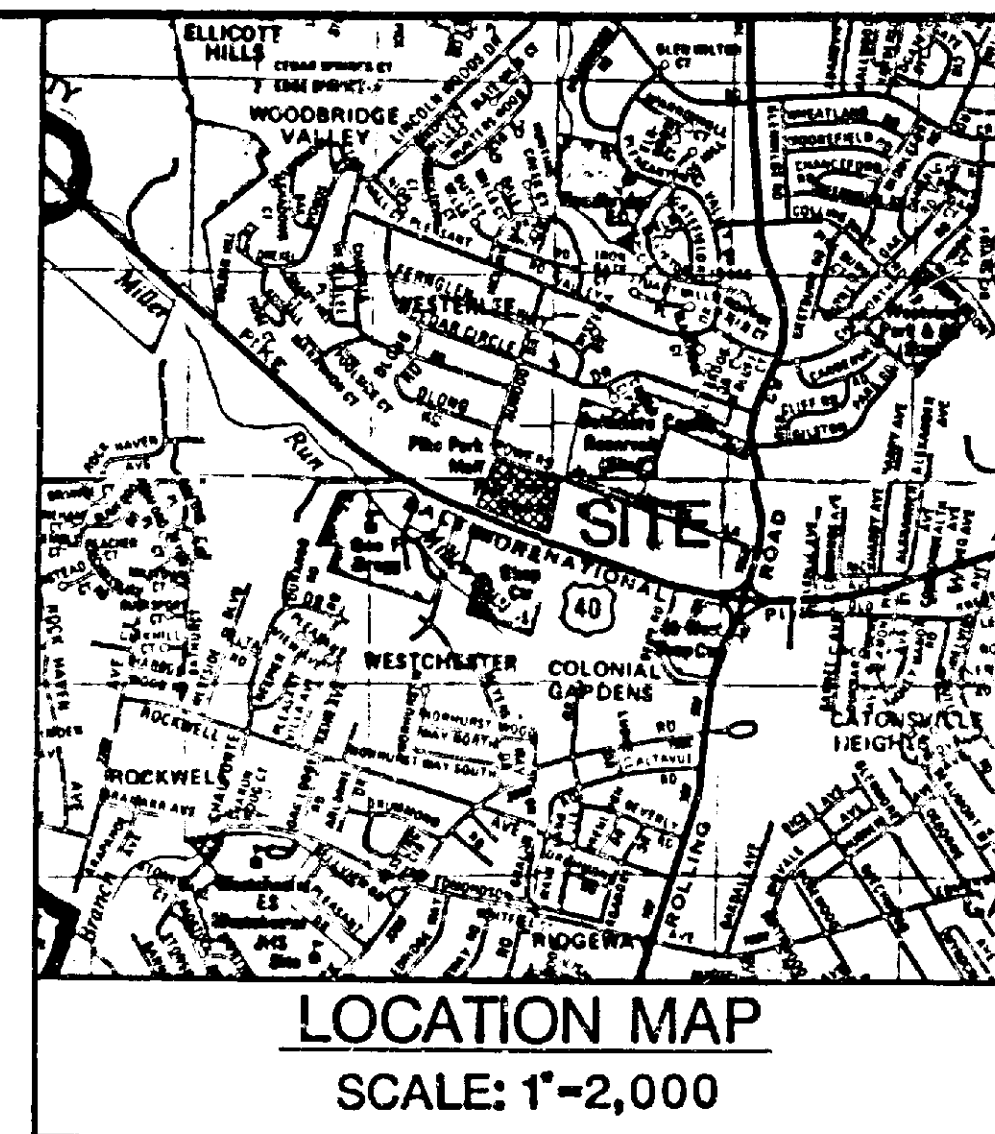
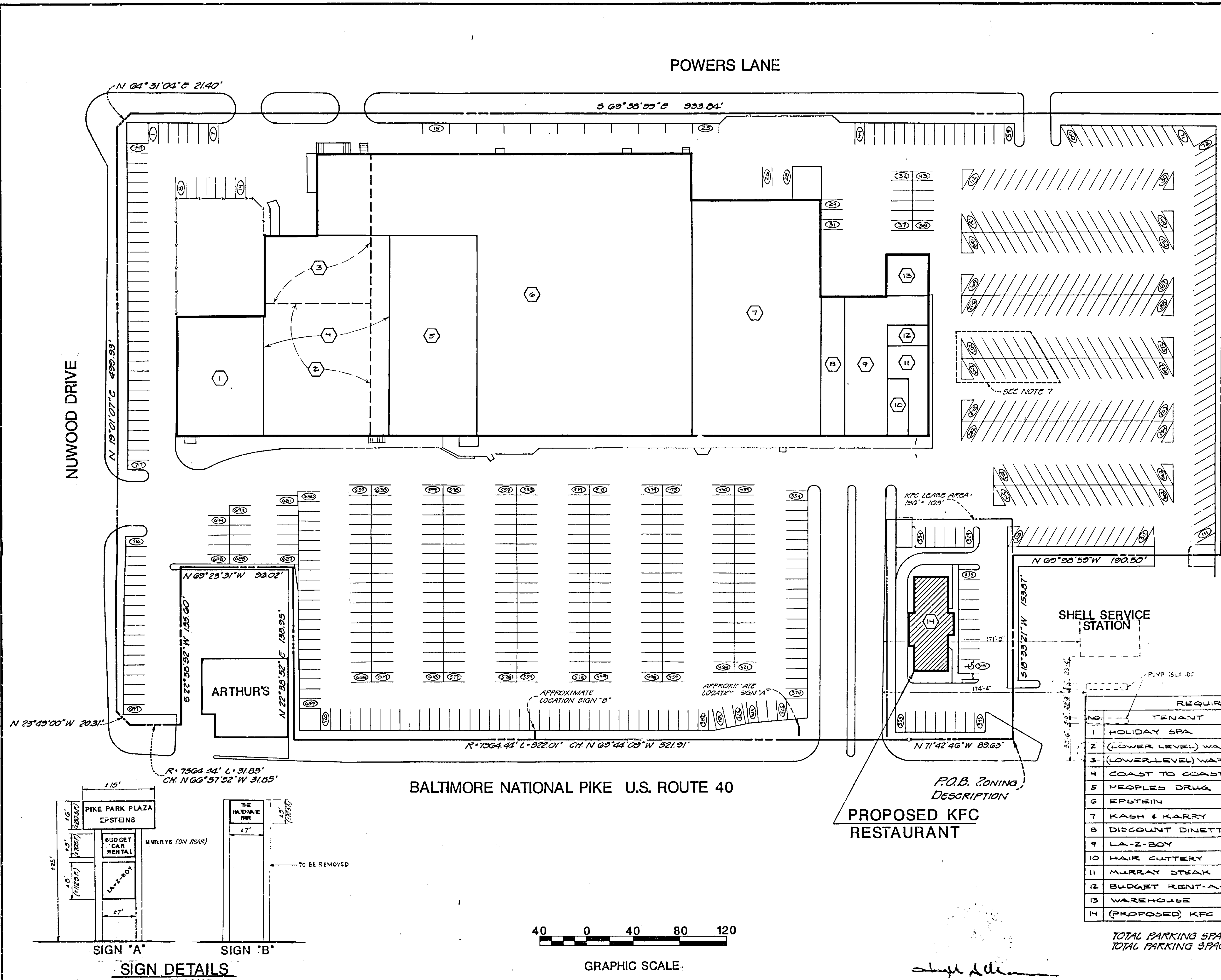
REVISIONS

NO.	DATE	DESCRIPTION	BY
1	5/2/85	ADD NOTES	ajg
2	5/13/85	ENTER/EXIT SIGNS, LEASE LINE	ajg
3	5/13/85	TITLE BLOCK	ajg
4	5/13/85	ADD SIGN DETAILS	ajg

PLAN PREPARATION

DRAWN BY: ARGREEN	DATE: MARCH 5, 1985
DESIGNED BY: ARGREEN	SCALE: 1" = 10'
CHECKED BY: T. LORREAL	APP'D: 7/13/85-CC





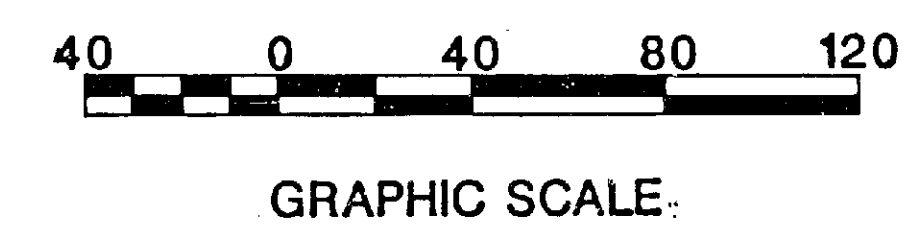
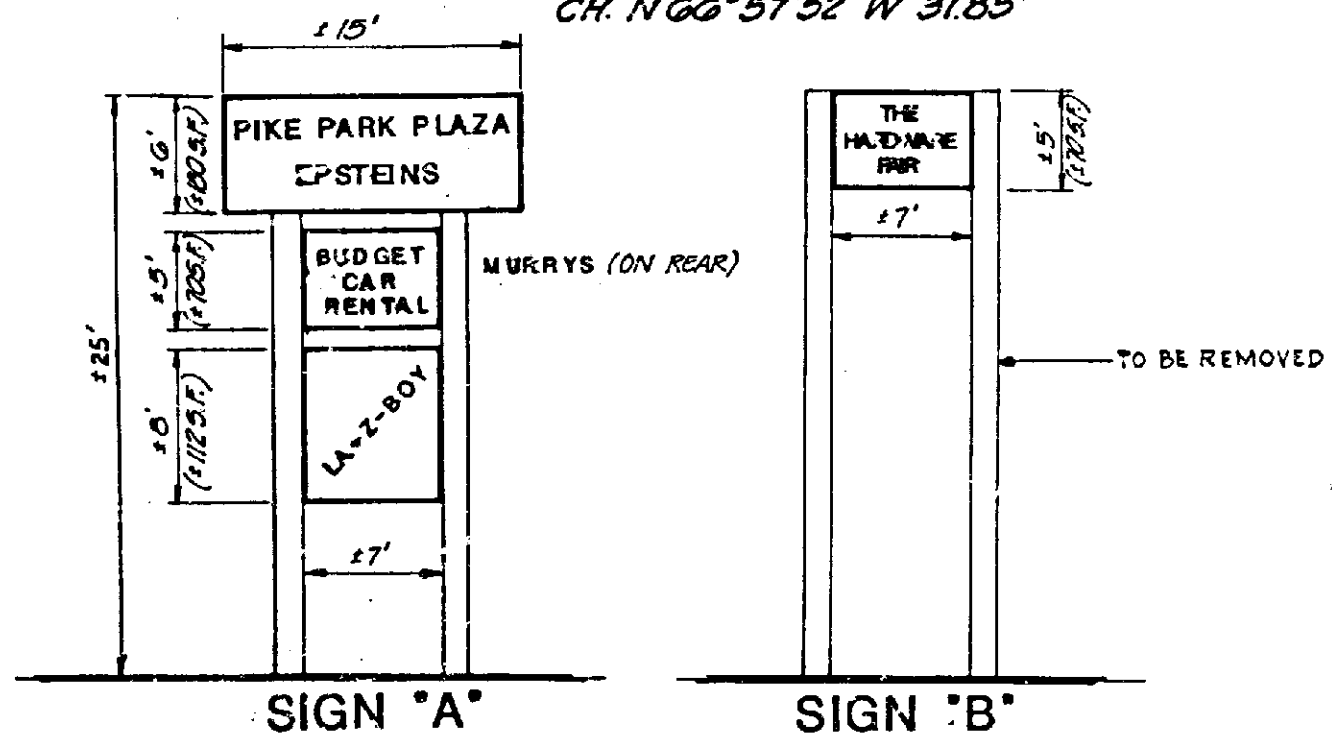
- NOTES:**
1. PRIOR ZONING CASES: 67-112 A, 83-272 XA
 2. EXISTING RESTRICTIONS: NIGHT CLUB (COAST TO COAST) RESTRICTED TO LIVE MUSIC AFTER 9 P.M. ONLY.
 3. SEE SHEET V-2 FOR DETAILED LAYOUT OF PROPOSED KFC RESTAURANT SITE.
 4. EXISTING ZONING: BR-CB-2
PROPOSED ZONING: NO CHANGE
 5. VARIANCES REQUIRED:
 - a) FROM SECTION 409 TO ALLOW 619 PARKING SPACES IN LIEU OF THE REQUIRED 852.
 - b) FROM SECTION 413.26 TO ALLOW THE ADDITION OF A MENU BOARD SIGN (21.25 S.F. SEE SHEET V-2 FOR LOCATION) TO THE EXISTING TOTAL SIGN SQUARE FOOTAGE OF 1,410 S.F.
 6. PRIOR ZONING CASE REFERENCES:
 - 67-112 A: WHEREBY A VARIANCE WAS GRANTED TO PERMIT 722 PARKING SPACES IN LIEU OF THE REQUIRED 856 PARKING SPACES.
 - 83-272 XA: WHEREBY A SPECIAL EXCEPTION FOR AN ARCADE USE IN COMBINATION WITH A FAMILY ENTERTAINMENT RESTAURANT; AND WHEREBY A VARIANCE TO PERMIT 793 PARKING SPACES IN LIEU OF THE REQUIRED 1074 PARKING SPACES WERE BOTH GRANTED WITH RESTRICTION (SEE NOTE 2).
 7. BUDGET RENT-A-CAR: 15 SPACES RESERVED FOR RENTAL VEHICLE PARKING (10 CARS & 3 TRUCKS MAX. 20' LONG). TO BE SUBTRACTED FROM TOTAL PROVIDED.

SHELL SERVICE STATION

REQUIRED PARKING TABULATION				
NO.	TENANT	USE	S.F.	REQ. PARKING
1	HOLIDAY SPA	RETAIL	14,978	74.9 SPACES @ 1/200 S.F.
2	(LOWER LEVEL) WAREHOUSE	STORAGE	10,620	NONE
3	(LOWER LEVEL) WAREHOUSE	STORAGE	5,590	NONE
4	COAST TO COAST	NIGHT CLUB	10,925	218.5 SPACES @ 1/50 S.F.
5	PEOPLES DRUG	RETAIL	2,610	63.1 SPACES @ 1/200 S.F.
6	EPSTEIN	"	57,446	287.2 SPACES @ 1/200 S.F.
7	KASH & KARRY	"	21,263	106.3 SPACES @ 1/200 S.F.
8	DISCOUNT DINETTE	"	2,365	11.8 SPACES @ 1/200 S.F.
9	LA-Z-BOY	"	5,323	26.6 SPACES @ 1/200 S.F.
10	HAIR CUTTERY	"	900	3.0 SPACES @ 1/300 S.F.
11	MURRAY STEAK	"	1,305	6.5 SPACES @ 1/200 S.F.
12	BUDGET RENT-A-CAR	"	374	1.9 SPACES @ 1/200 S.F.
13	WAREHOUSE	"	1,122	NONE
14	(PROPOSED) KFC	RESTAURANT	2,665	53.3 SPACES @ 1/50 S.F.

TOTAL PARKING SPACES PROVIDED: 749 - 15 = 734
 TOTAL PARKING SPACES REQUIRED: 856.1 - 857
 DIFFERENCE: 123 SPACES SHORT

*86-57-A Revised plans
 7/3/85*



STV / LYON ASSOCIATES
 Engineers Surveyors Planners
 21 Governor's Court Baltimore, Maryland 21207
 Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION
1	5.13.85	FOR SUBMITTAL, FOR ZONING (D.I.)
2	5.16.85	SHOW B.C. I.D. SIGN'S & DETAILS
3	5.31.85	ADD SHELL STATION & PUMP ISLANDS
4	7.2.85	PARK 1400, CALC, ADD NOTE 7

PLAN PREPARATION		
DRAWN BY	SVM	DATE 3/7/85
DESIGNED BY	AKG	SCALE 1"=40'
CHECKED BY	T. L. KIRK	7613-59-001

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
PIKE PARK PLAZA
 BALTIMORE COUNTY, MARYLAND
 ELECT. DIST. 1 COUNCIL DIST. 1

DRAWING NO. V-1
 SHEET NO. 1 of 2

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
July 26, 1985

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

Stanley S. Fine, Esquire
222 E. Redwood Street, Suite 300
Baltimore, Maryland 21202

RE: Item No. 355 - Case No. 86-57-A
Petitioners - Pike Park Plaza Associates, et al
Variance Petition

Dear Mr. Fine:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments 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.

In view of the fact that revised plans were submitted that corrected the parking calculations, this petition was scheduled for a hearing. As you are aware, this property was the subject of previous zoning hearings (Case No. 83-272-A and No. 67-112-A).

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

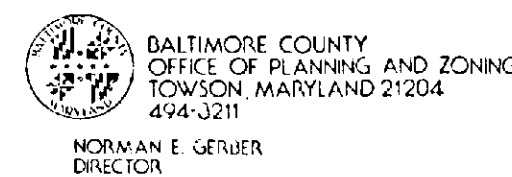
Nicholas B. Commodari, Jr.
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NSC:nr

Enclosures

cc: STV/Lyon Associates
21 Governor's Court
Baltimore, Maryland 21207

MICROFILMED



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

JULY 12, 1985

Re: Zoning Advisory Meeting of **JUNE 11, 1985**
Item # 355
Property Owner: **PIKE PARK PLAZA ASSOC., et al**
Location: **N/S BALTIMORE NAT'L PIKE**
2,345' N/W FROM c/1 ROLLING ROAD

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.

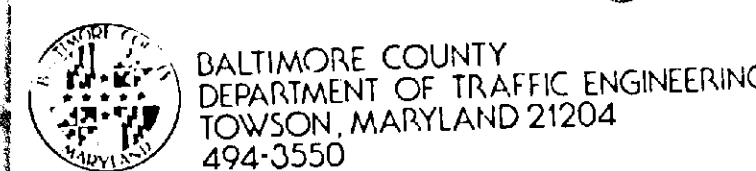
- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. 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 amended Development Plan was approved by the Planning Board on [unclear].
- (X) Landscaping: 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 [unclear].
- () The property is located in a traffic area controlled by a "B" 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:

A VARIANCE OF CRG PLAN WAS GRANTED BY
FILE # W-85-30 (KENTUCKY FRIED CHICKEN REST.)

Eugene A. Rober
Chief, Current Planning and Development

cc: James Hoswell

MICROFILMED



STEPHEN E. COLLINS
DIRECTOR

June 26, 1985

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

Item No. 355 -ZAC- June 11, 1985
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l. Pike 2,345' N/W from c/1 Rolling Road
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit 649 parking spaces in lieu of the required 852 and to permit 4 other free standing business signs in lieu of the required 3 signs.

Acres: 10.6796
District: 1st

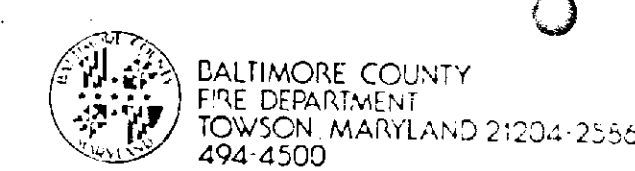
Dear Mr. Jablon:

The requested parking variance can be expected to cause parking problems in the area.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cem

MICROFILMED



PAUL H. RENCKE
CHIEF

July 2, 1985

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

Re: Zoning Advisory Meeting of June 11, 1985
Item # 355
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l Pike 2,345' N/W from c/1 Rolling Road
Town Plot: 355

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Re: Zoning Advisory Meeting of June 11, 1985
Item # 355
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l Pike 2,345' N/W from c/1 Rolling Road
Town Plot: 355

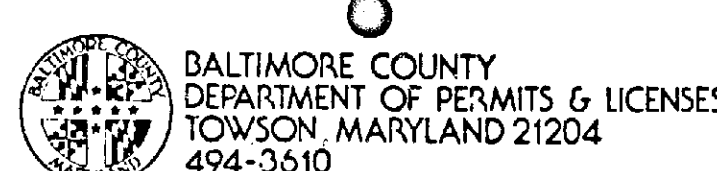
Re: Zoning Advisory Meeting of June 11, 1985
Item # 355
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l Pike 2,345' N/W from c/1 Rolling Road
Town Plot: 355

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Re: Zoning Advisory Meeting of June 11, 1985
Item # 355
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l Pike 2,345' N/W from c/1 Rolling Road
Town Plot: 355

MICROFILMED



July 8, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 355 Zoning Advisory Committee Meeting are as follows:

Property Owner: Pike Park Plaza Associates, et al
Location: N/S Baltimore National Pike 2,345' N/W from c/1 Rolling Road
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #17-85) and other applicable codes and standards.
- 2. A building and other miscellaneous permits shall be required before the start of any construction.
- 3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- 4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- 5. All Use Groups except Pub. Group Family Detached Dwellings require a minimum of a four foot fire rating for exterior walls closer than 6'-0" to an interior lot line. But Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built in an interior lot line shall require a fire or party wall. See Table 101, Section 101.2, Section 101.2 and Table 101.2. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- 6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- 7. The requested variance appears to conflict with Section(s) [unclear] of the Baltimore County Building Code.
- 8. When filing for a required change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Group see from Use [unclear] to Mixed Use.
- 9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 510.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the 1st and the 2nd floor levels including basement.

NOTE: 1. Should there be any intention to create a mall in this structure, then it shall comply to Section G9.0 of County Council Bill #17-85. The proposed new restaurant building shall be classified Assembly Use Group "A-3". Signs shall comply with Article 1900.0.

2. These abbreviated 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 terms of any permit. If desired the applicant may obtain additional information by visiting from 107 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark S. [unclear]
Mark S. [unclear]
Building Plans Review

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning

Date: July 16, 1985

SUBJECT: Zoning Petitions No. 86-54-A, 86-55-A, 86-57-A, 86-58-A and 86-59-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, Jr.
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JCH:slm

MICROFILMED



William K. Hellmann
Secretary
Hal Kassoff
Administrator

June 14, 1985

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

Attn: Mr. N. Commodari

Re: ZAC Meeting of 6-11-85
ITEM: #355.
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore National Pike, Route 40-W
2,345' N/W from c/1 Rolling Road
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit 649 parking spaces in lieu of the required 852 and to permit 4 other free standing business signs in lieu of the required 3 signs.
Acres: 10.6796
District: 1st

Dear Mr. Jablon:

The State Highway Administration - Bureau of Engineering Access Permits provided Zoning Comment on March 16, 1983 (Item #176) for variance of 792 parking spaces in lieu of the required 1058 parking spaces at the above location.

Today a variance to all 649 parking spaces in lieu of the required 852 spaces is requested.

We (S.H.A.) recommend to Baltimore County Zoning that if the requested parking variance is granted the total of 649 spaces be held for existing future use.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering Access Permits

CL:GW:maw

cc: Mr. J. Ogle

By: George Wittman
My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0651 D.C. Metro - 1800-482-5082 Statewide Toll Free
P.O. Box 717 1707 North Calvert St., Baltimore, Maryland 21203-0717

MICROFILMED

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
N/S of Baltimore National : OF BALTIMORE COUNTY
Pike 2,345' NW of Centerline :
of Rolling Rd. (Pike Park :
Plaza), 1st District :
PIKE PARK PLAZA ASSOCIATES, : Case No. 86-57-A
et al., Petitioners : : : : :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in 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.

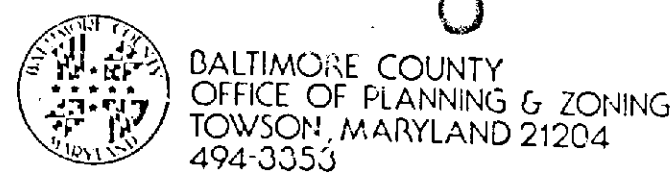
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
394-2188

I HEREBY CERTIFY that on this 12th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esquire, 222 E. Redwood St., Suite 300, Baltimore, MD 21202, Attorney for Petitioners; and Thomas M. Caulk, C.E., KFC National Management Company, 7225 Parkway Drive, Hanover, MD 21076, Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED



ARNOLD JABLON
ZONING COMMISSIONER

August 1, 1985

Stanley S. Fine, Esquire
222 E. Redwood Street
Suite 300
Baltimore, Maryland 21202

RE: Petition for Variance
N/S of Baltimore National Pike, 2,345'
NW of centerline of Rolling Road
(Pike Park Plaza) 1st Election Dist.
Pike Park Plaza Associates, et al - Petitioners
Case No. 86-57-A

Dear Mr. Fine,
This is to advise you that \$58.23 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

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

No. 007267

By

ARNOLD JABLON
ZONING COMMISSIONER

DATE RECEIVED FROM

AMOUNT \$

FOR

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

MICROFILMED

PETITION FOR VARIANCE
To the Zoning Commission
of Baltimore County
10750 Little Patuxent Pkwy
Columbia, MD 21044

86-57-A
PATUXENT
Publishing Corp.

July 18 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

*Catonsville Times
*Arbutus Times

weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 20 day of July 19 85, that is to say,
the same was inserted in the issues of

July 18, 1985

PATUXENT PUBLISHING CORP.
By

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

VS

CERTIFICATE OF PUBLICATION OF

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

No. 007223

DATE RECEIVED FROM

AMOUNT \$

FOR

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 18, 19 85

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
July 18, 19 85

THE JEFFERSONIAN,

JB Kenton
Publisher

Cost of Advertising

24.75

MICROFILMED

PETITION FOR VARIANCE
To the Zoning Commission
of Baltimore County
10750 Little Patuxent Pkwy
Columbia, MD 21044

By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
July 18

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1st Date of Posting 7-18-85
Posted for Variance
Petitioner: Pike Park Plaza Associates, et al
Location of property: N/S of Baltimore National Pike, 2,345' NW of centerline of Rolling Road (Pike Park Plaza) 1st Election Dist.
Location of Sign: Sign on N/S of Baltimore National Pike, 2,345' NW of centerline of Rolling Road (Pike Park Plaza) 1st Election Dist.
Remarks: Sign on N/S of Baltimore National Pike, 2,345' NW of centerline of Rolling Road (Pike Park Plaza) 1st Election Dist.
Posted by S.J. Blane Signature Date of return 7-19-85
Number of Signs: 2 MICROFILMED

Case No. 86-57-A

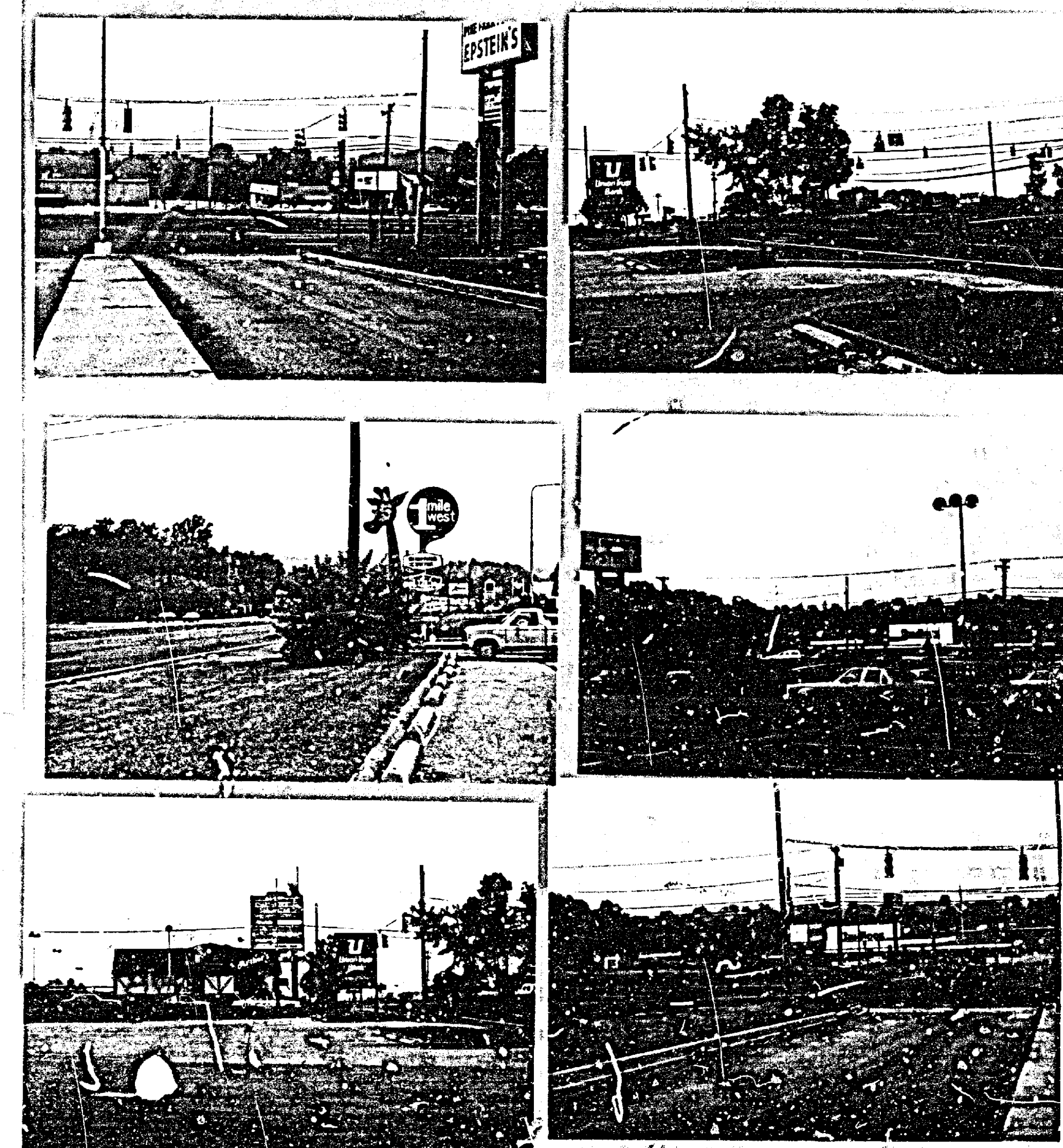
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

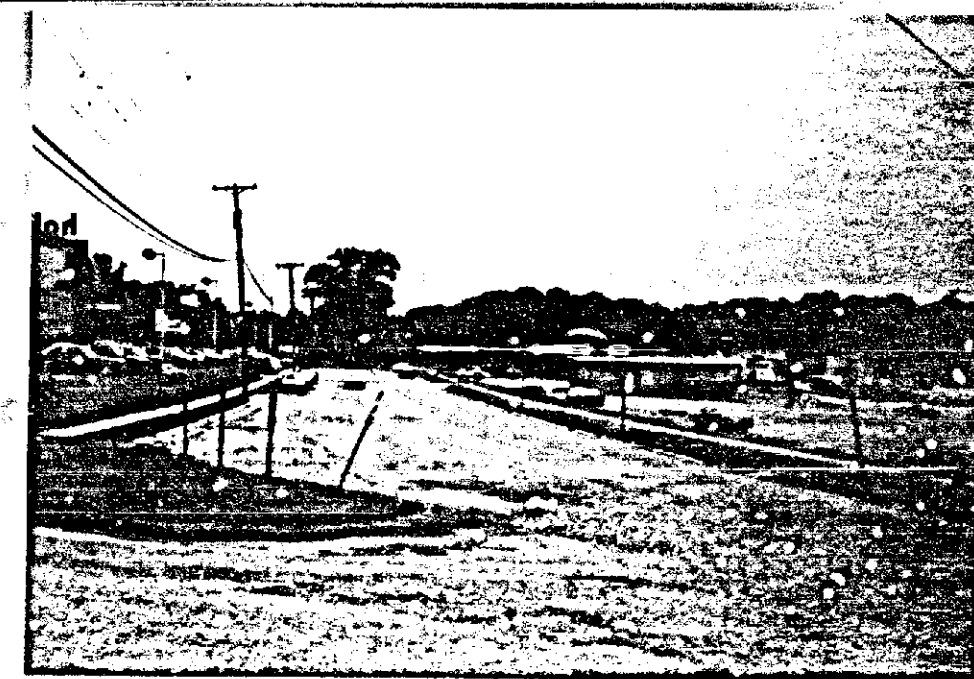
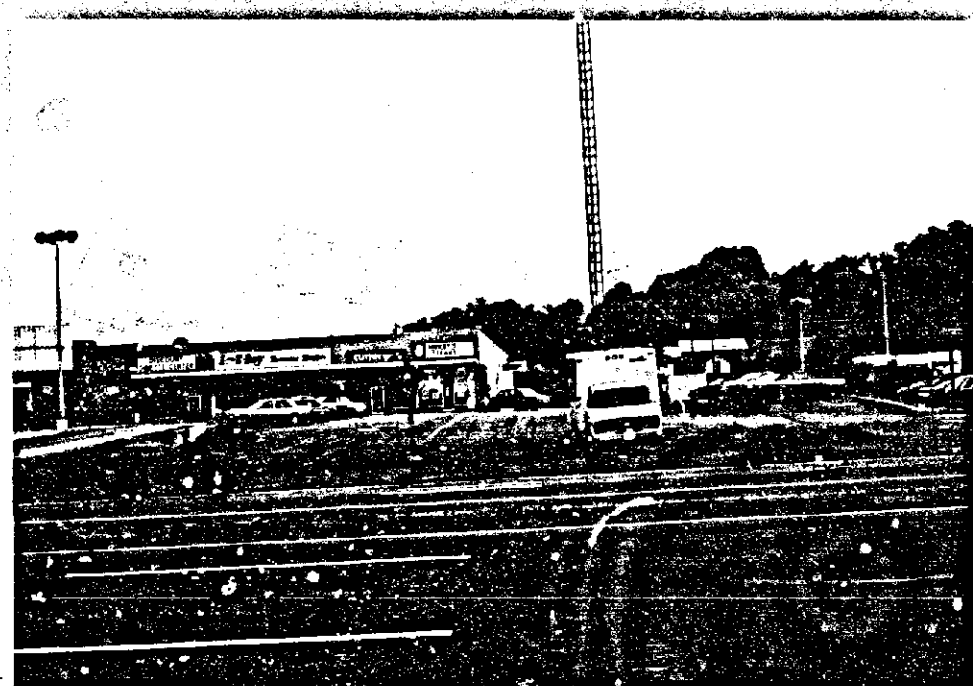
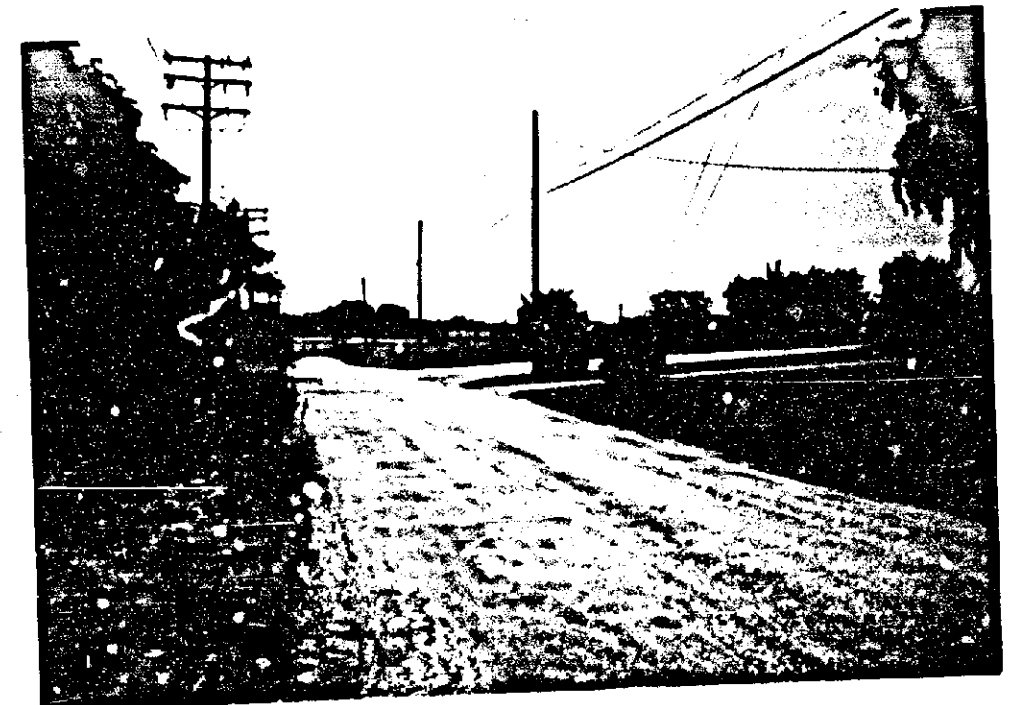
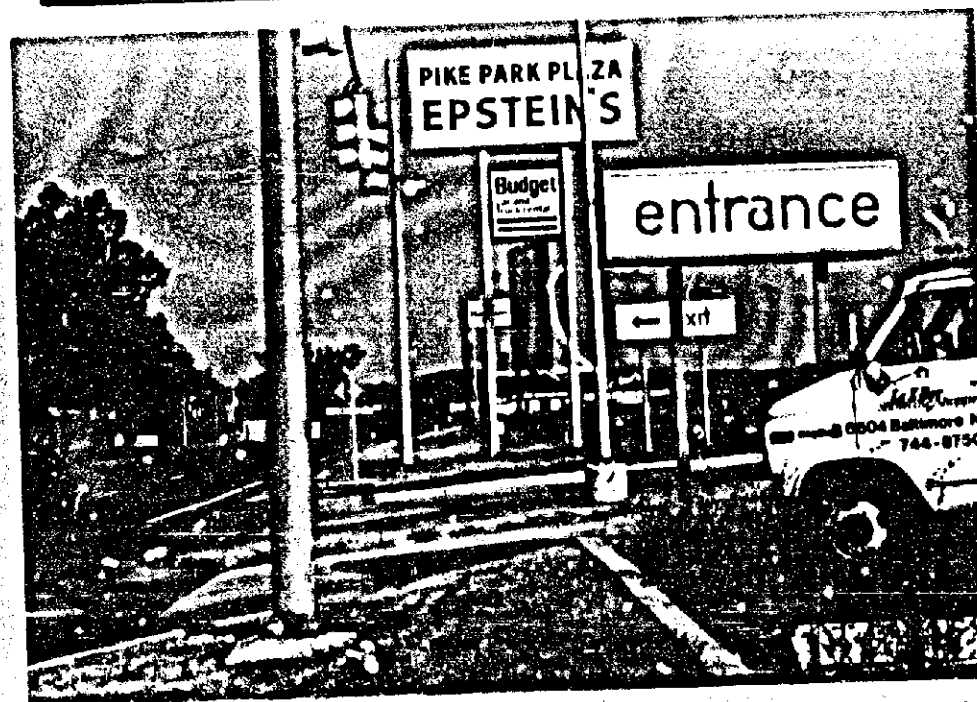
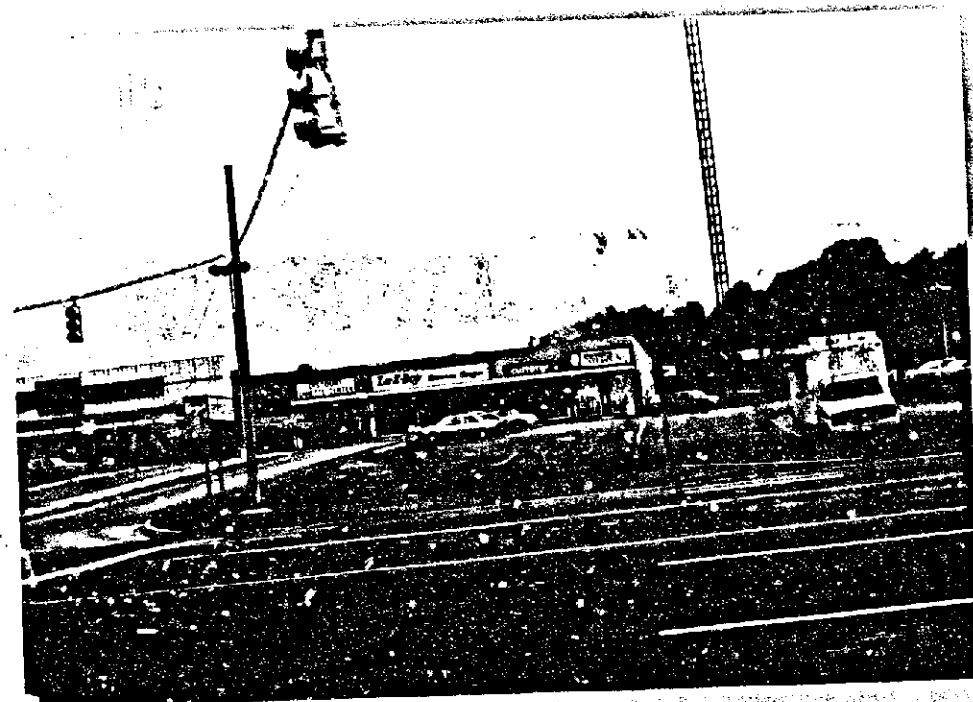
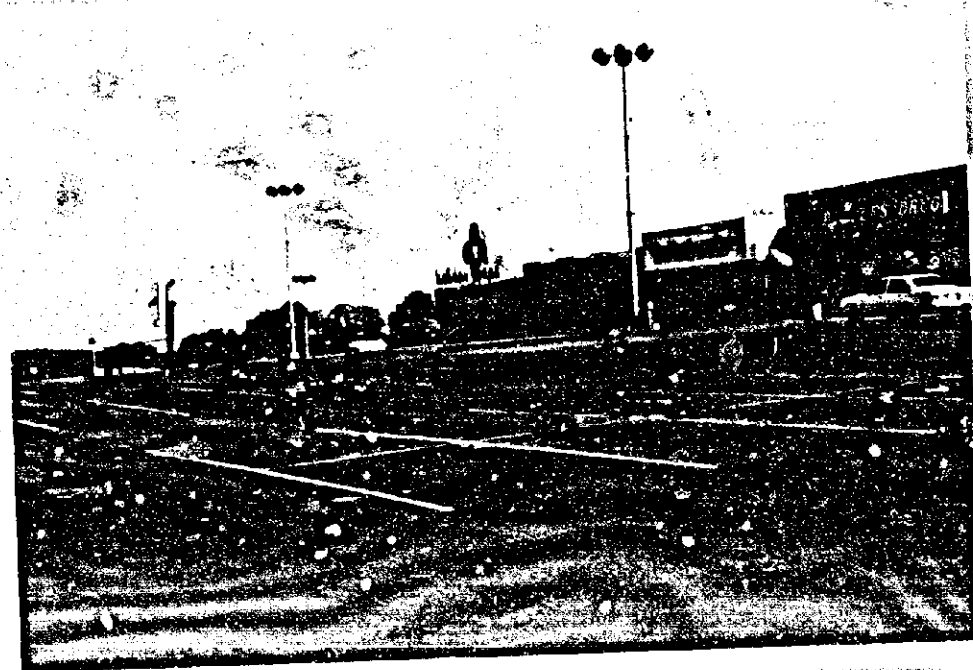
Your petition has been received and accepted for filing this
3rd day of July, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Pike Park Plaza Assoc., et al Received by: Nicholas B. Commodari
Attorney: Stanley S. Fine, Esquire Chairman, Zoning Plans
cc: STV/Lyon Associates, 21 Governor's Court, 21207 Advisory Committee

MICROFILMED





U.S. ROUTE 40

BALTIMORE NATIONAL PIKE

BALTIMORE CO GRID NORTH

2 N 18°17'14"E 150'

REMOVE EXIST. MAG.
INSTALL CONC. PAVING
FOR DRIVE THRU LANE

INSTALL 10'0" STOCKADE
TYPE 155H ENCL. W/ GATE
CONC. PAD - SEE SHT. 50-2

R=7564.42' L=1337'
CH. N 68°44'09"W

REMOVE EXIST.
CONC. - INSTALL
NEW AS SHOWN

PROPOSED
K.F.C. RESTAURANT
F.F. ELEV. = 420.0

MENU BOARD & SMOKER
STATION - SEE SHT. 50-3
INSTALL 6" SAN. LINE AND
GREASE TRAP - SEE SHT. 50-1

SERVICE ENTR.
W/ CONC. RAMP

INSTALL U.G. ROOF DRAINING
& CONDENSATE LINE

INSTALL TRENCH DRAIN
6" PVC LINE. INV. OUT
420.0 USE POLYDRAIN
OR APPROVED EQUAL

NOTE:
GAS AND ELECTRIC SERVICE TO BE
DESIGNED & INSTALLED BY THE
BALTIMORE GAS & ELECTRIC CO. (301)
200-1000

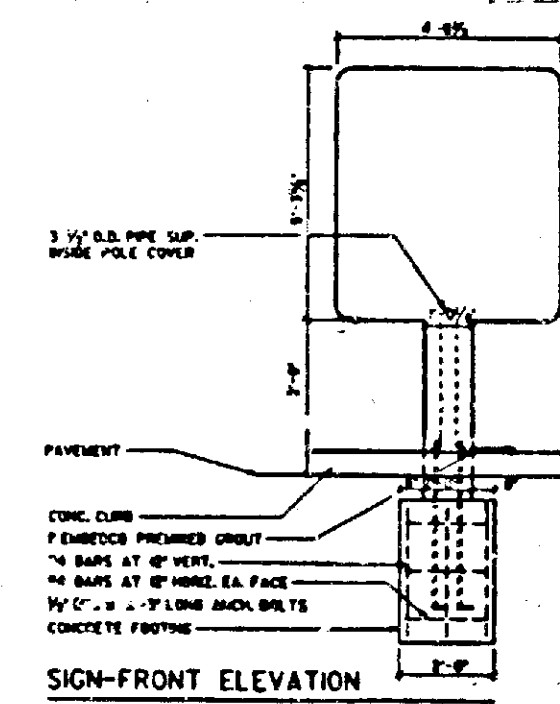
DIRECTIONAL SIGNS

DRIVE THRU
Enter

THANK YOU
Exit

WELCOME
Enter

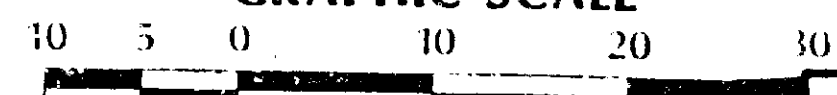
DRIVE-THRU MENU BOARD



Sign Details

Not to Scale

GRAPHIC SCALE



PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE.

K.F.C.
PIKE PARK PLAZA
BALTIMORE COUNTY, MARYLAND
ELECTION DIST. 1 COUNCIL DIST. 1

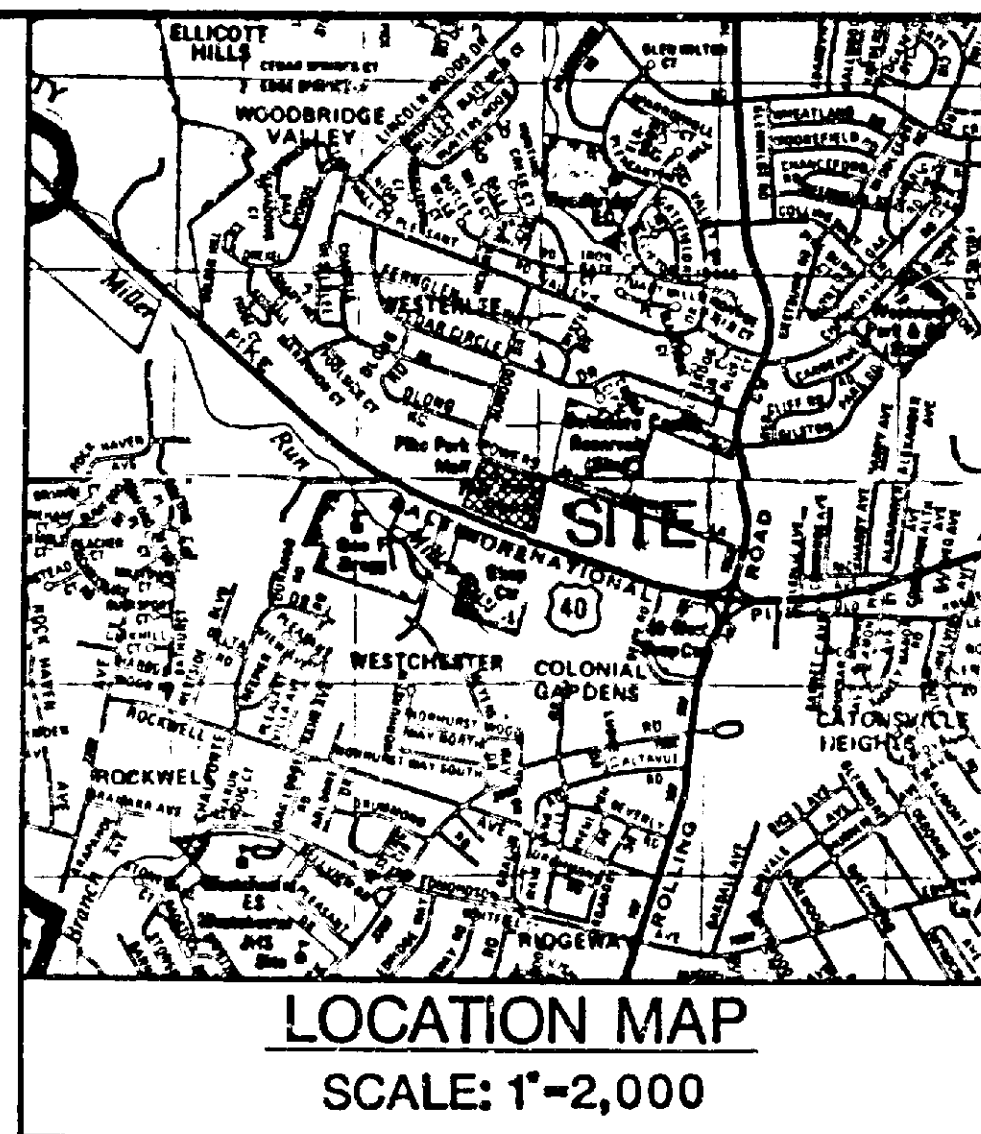
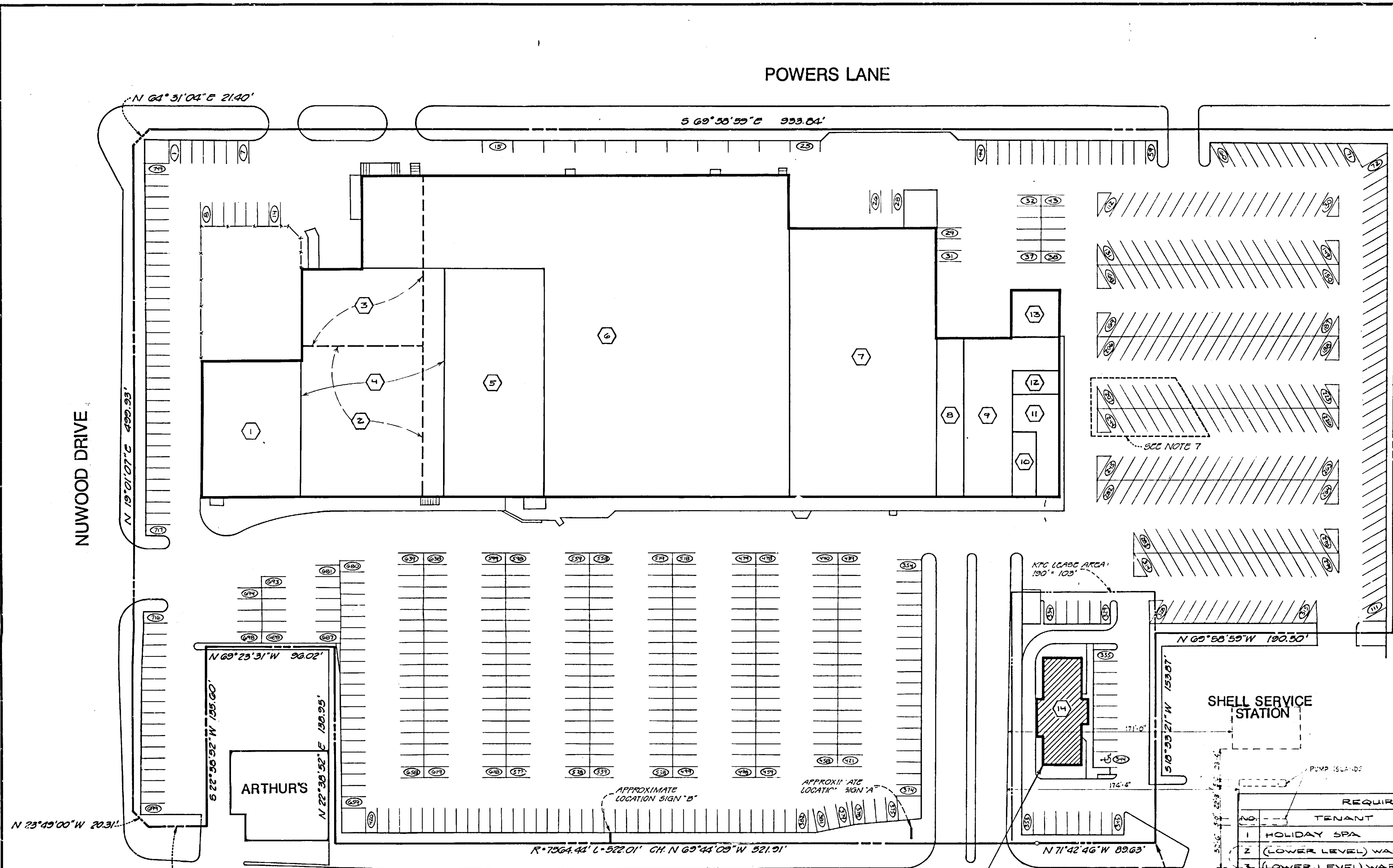
86-57-A
DRAWING NO.
V-2
SHEET NO.
2 of 2
MICROFILMED

STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court - Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO	DATE	DESCRIPTION
1	5/2/85	ADD NOTES
2	5/13/85	ENTER/EXIT SIGNS, LEASE LINE
3	5/13/85	TITLE BLOCK
4	5/13/85	ADD SIGN DETAILS

PLAN PREPARATION	
DRAWN BY: ARGREEN	DATE: MARCH 5, 1985
DESIGNED BY: ARGREEN	SCALE: 1" = 10'
CHECKED BY: T. LORREAL	APP'D: 7/13/85-CC

PARAGON K-E RE 2242 OPTIMANT

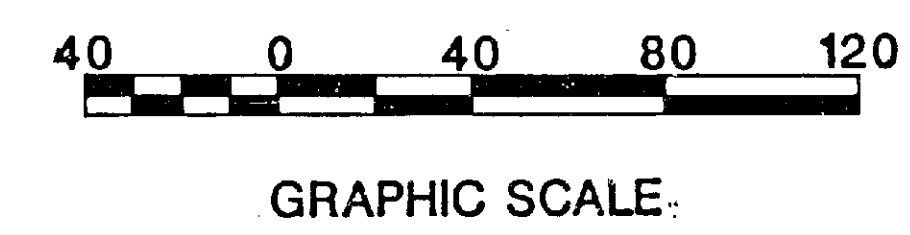
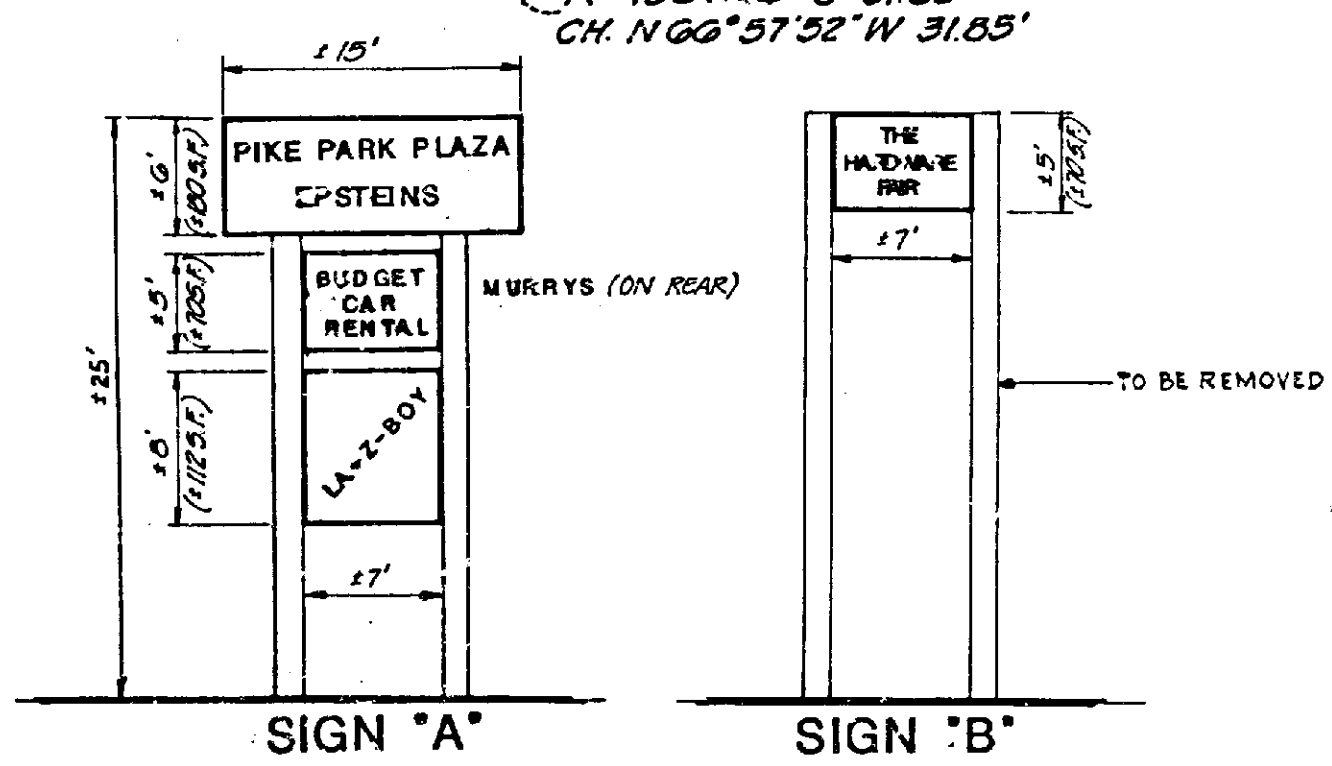


- NOTES:**
1. PRIOR ZONING CASES: 67-112 A, 83-272 XA
 2. EXISTING RESTRICTIONS:
NIGHT CLUB (COAST TO COAST) RESTRICTED TO LIVE MUSIC AFTER 9 P.M. ONLY.
 3. SEE SHEET V-2 FOR DETAILED LAYOUT OF PROPOSED KFC RESTAURANT SITE.
 4. EXISTING ZONING: BR-CB-2
PROPOSED ZONING: NO CHANGE
 5. VARIANCES REQUIRED:
a) FROM SECTION 409 TO ALLOW 619 PARKING SPACES IN LIEU OF THE REQUIRED 852.
b) FROM SECTION 413.26 TO ALLOW THE ADDITION OF A MENU BOARD SIGN (21.25 S.F. SEE SHEET V-2 FOR LOCATION) TO THE EXISTING TOTAL SIGN SQUARE FOOTAGE OF 1,410 S.F.
 6. PRIOR ZONING CASE REFERENCES:
67-112 A, WHEREBY A VARIANCE WAS GRANTED TO PERMIT 722 PARKING SPACES IN LIEU OF THE REQUIRED 856 PARKING SPACES.
83-272 XA, WHEREBY A SPECIAL EXCEPTION FOR AN ARCADE USE IN COMBINATION WITH A FAMILY ENTERTAINMENT RESTAURANT, AND WHEREBY A VARIANCE TO PERMIT 793 PARKING SPACES IN LIEU OF THE REQUIRED 1074 PARKING SPACES WERE BOTH GRANTED WITH RESTRICTION (SEE NOTE 2).
 7. BUDGET RENT-A-CAR:
15 SPACES RESERVED FOR RENTAL VEHICLE PARKING (10 CARS & 3 TRUCKS MAX. 20' LONG). TO BE SUBTRACTED FROM TOTAL PROVIDED.

REQUIRED PARKING TABULATION				
NO.	TENANT	USE	S.F.	REQ. PARKING
1	HOLIDAY SPA	RETAIL	14,978	74.9 SPACES @ 1/200 S.F.
2	(LOWER LEVEL) WAREHOUSE	STORAGE	10,620	NONE
3	(LOWER LEVEL) WAREHOUSE	STORAGE	5,590	NONE
4	COAST TO COAST	NIGHT CLUB	10,925	218.5 SPACES @ 1/50 S.F.
5	PEOPLES DRUG	RETAIL	2,610	63.1 SPACES @ 1/200 S.F.
6	EPSTEIN	"	57,446	287.2 SPACES @ 1/200 S.F.
7	KASH & KARRY	"	21,263	106.3 SPACES @ 1/200 S.F.
8	DISCOUNT DINETTE	"	2,365	11.8 SPACES @ 1/200 S.F.
9	LA-Z-BOY	"	5,323	26.6 SPACES @ 1/200 S.F.
10	HAIR CUTTERY	"	900	3.0 SPACES @ 1/300 S.F.
11	MURRAY STEAK	"	1,305	6.5 SPACES @ 1/200 S.F.
12	BUDGET RENT-A-CAR	"	374	1.9 SPACES @ 1/200 S.F.
13	WAREHOUSE	"	1,122	NONE
14	(PROPOSED) KFC	RESTAURANT	2,665	53.3 SPACES @ 1/50 S.F.

TOTAL PARKING SPACES PROVIDED: 749 - 15 = 734
TOTAL PARKING SPACES REQUIRED: 856.1 - 857
DIFFERENCE: 123 SPACES SHORT

*86-57-A Revised plans
JMD #355
7/3/85*



STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION
1	5/13/85	FOR SUBMITTAL, FOR ZONING (D.I.)
2	5/16/85	SHOW B.C. I.D. SIGN'S & DETAILS
3	5-31-85	ADDED SHELL STATION & PUMP ISLANDS
4	7-2-85	PARK 1700, CALC, ADD NOTE 7

PLAN PREPARATION	
DRAWN BY SVM	DATE 3/7/85
DESIGNED BY AKG	SCALE 1"=40'
CHECKED BY T. L. CRISPAL	7613-59-001

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
PIKE PARK PLAZA
BALTIMORE COUNTY, MARYLAND
ELECT. DIST. 1 COUNCIL DIST. 1

DRAWING NO.
V-1
SHEET NO.
1 of 2

MICROFILMED

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated 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 409.2b to allow 734 parking spaces in lieu of the required 857 spaces, and Section 413.2f to allow four (4) other free-standing business signs in lieu of the permitted three (3).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. That without the requested variance, Petitioner will sustain practical difficulty and unreasonable hardship relating to the proposed KFC Restaurant at the property.
2. The requested variance will not harm the public health, safety and general welfare of the area, and it is in accordance with the spirit and intent of the Zoning Regulations.

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 of Baltimore County.

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

Contract Purchaser: Lessee:
KFC National Management Company
(Type or Print Name)
Signature (Thomas M. Caulk, C.E.)
7225 Parkway Drive
Address
Hanover, Maryland 21076
City and State

Legal Owner(s):
Pike Park Plaza Associates, et al
(Type or Print Name)
Signature
(Type or Print Name)
Address
City and State

Attorney for Petitioner:
Stanley S. Fine
(Type or Print Name)
Signature
222 E. Redwood Street, Suite 300
Address
Baltimore, Maryland 21202
City and State
Attorney's Telephone No.: 752-6597

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of November, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of August, 1985, at 1:30 o'clock P.M.

By *Carl S. Hill*
Zoning Commissioner of Baltimore County.

(over)

MICROFILMED

particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of November, 1985, that the Petition for Zoning Variances to permit a total of 200 square feet instead of the allowed 100 square feet and six other business signs instead of the allowed three signs be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its sign permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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. A temporary sign may be placed on the property for no more than 60 days per year, subject to the appropriate use permits approved by Baltimore County.
3. If the Lessee is in violation of any of the above conditions, a Show Cause hearing will be held to determine if the relief granted herein should continue as well as if any other penalty permitted by law for such violations should be imposed.

By *Carl S. Hill*
Zoning Commissioner of Baltimore County

cc: Stanley S. Fine, Esquire
Mrs. Mary Ginn
People's Counsel

IN RE: PETITION ZONING VARIANCES *
N/S Balto. Nat'l. Pike, 2,345' *
NW Cornerline Rolling Road - *
1st Election District *
Pike Park Plaza Associates, *
et al, *
Case No. 86-57-A

Petitioners *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioners herein requested a variance to permit 734 parking spaces instead of the required 857 spaces and four other business signs instead of the allowed three signs.

The Petitioners, by Thomas M. Caulk, Construction Engineer for KFC National Management Company, Lessee of the instant site, appeared and testified, and was represented by Counsel. Although no Protestants appeared and testified, Mary Ginn, representing the Association of Baltimore County Community Councils, noted a written objection.

At the onset of the hearing, the Petitioners moved to amend the Petition by deleting the parking variance, requesting six other business signs instead of the permitted three signs, and requesting a total of 200 square feet instead of the allowed 100 square feet, as more particularly described on Petitioners' Exhibits 1 and 2. The Motion was granted.

Testimony indicated that the subject property, a shopping center zoned B.R.-C-2 and located on Route 40 and Nurwood Drive, is to be improved with a Kentucky Fried Chicken fast-food restaurant, facing Route 40. A shopping center identification sign and a 7' x 3' multi-faced business sign for Hardware Fair presently exist. The Lessee proposes to erect three 3 1/2' x 2' directional signs, seven square feet each side, to show where to "enter" and "exit", each with a small caricature of the infamous Colonel Sanders. Since the restaurant will have a drive-thru, a 25 square foot one-sided menu board

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that will back up to the building is necessary. A free-standing pylon with a 5' x 8' multi-faced KFC identification sign and a 1'3" x 6' multi-faced "drive-thru" identification sign directly underneath is also proposed. The total requested signage for the restaurant is 165 square feet and 200 square feet for the shopping center, which includes the Hardware Fair sign.

When the Hardware Fair sign was erected, it was a long-standing policy of the Zoning Office to count multi-faced business signs as one; thus, the 70 square feet of this particular sign was computed as only 35 square feet. However, this policy was reversed in Case No. 85-113-SPMA, In Re: C-F Properties Partnership. All business signs advertised thereafter by Section 413.2.f, Baltimore County Zoning Regulations (BCZR), would include all sides in order to compute the total square footage permitted. The decision not to make the change in policy retroactive to include already existing or approved signs was based on the long-standing nature of the prior policy and the inequities accruing if all existing or approved signs had to comply with the change. The doctrine of equitable estoppel, is applicable. The Zoning Commissioner has determined that existing signs computed under the prior policy will continue to be computed as they originally had been. Therefore, the existing Hardware Fair sign will continue to have both sides counted as one, i.e., 35 square feet.

The Lessee argued that Route 40, heavily travelled and highly commercial, is replete with signage. Similar fast-food restaurants in competition with the Lessee have more signs and signs larger than those requested by the Lessee. If the requested variances were denied, the Lessee would be at a distinct competitive disadvantage. Indeed, two competitors, Bob's Big Boy and Roy Rogers, directly across the street, have larger signs than those requested here. Because vehicles travel Route 40 at high rates of speed, the Lessee

would be at a disadvantage relative to its competitors, which mitigates in favor of the requested sign variances.

The Lessee seeks relief from Section 413.2.f, pursuant to Section 307, BCZR.

It is of interest to note that the small directional signs would otherwise satisfy Section 413.1.e, BCZR, if the caricature of Colonel Sanders were deleted. Certainly, these signs would be of a public or quasi-public nature, but the use of the caricature represents advertising matter, which is prohibited by Section 413.1.e.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

It is clear from the testimony that if most of the variances were granted, such use as permitted would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances, as restricted below, were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this

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ST/LYON ASSOCIATES.

ENGINEERS, ARCHITECTS & PLANNERS
27 GUYMONS COURT
BALTIMORE, MD 21207-2722
301/944-9112

ZONING DESCRIPTION
PIKE PARK PLAZA, FIRST ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the northern side of Baltimore National Pike, U.S. Route 40 (150 feet wide), said point being approximately 2,345 feet northwest of the centerline of the existing pavement of Rolling Road, thence running along said northern side of Baltimore National Pike,

1. North 71°42'46" West 89.63 feet, thence by a curve to the right having,
2. A radius of 7,564.44 feet, an arc length of 522.01 feet, said curve being subtended by a chord bearing North 69°44'09" West 521.91 feet, thence leaving Baltimore National Pike and running for the three following courses and distances,
3. North 22°38'52" East 138.95 feet thence,
4. North 69°23'31" West 96.02 feet thence,
5. South 22°38'52" West 135.60 feet to intersect the aforesaid northern side of Baltimore National Pike, thence along same by a curve to the right having,
6. A radius of 7,564.44 feet, an arc length of 31.85 feet, said curve being subtended by a chord bearing North 66°57'52" West 31.85 feet to the beginning of a site flare, thence along same,
7. North 23°49'00" West 20.31 feet to a point along the southeastern side of Nurwood Road (70 feet wide), thence along same,
8. North 19°01'07" East 499.93 feet to the beginning of a site flare, thence along same,
9. North 64°31'04" East 21.40 feet to a point along the southwestern side of Powers Lane (40 feet wide), thence along same,
10. South 69°58'59" East 933.64 feet, thence leaving Powers Lane and running,
11. South 20°04'00" West 381.51 feet thence,
12. North 69°58'59" West 190.50 feet thence,
13. South 18°33'21" West 153.67 feet to the point of beginning . . . containing 10.6796 acres of land, more or less.

By *Mark A. Riddle*
ST/LYON ASSOCIATES, INC.
Mark A. Riddle, Md. Reg. P.L.S. No. 244

April 17, 1985

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ST/LYON ASSOCIATES, Inc. is a member firm of the
STV Engineers, Architects, Planners, Construction Managers, Professional Member Firms
STV Baltimore Transportation Associates, STV Civil Associates, STV Management Consultants Group, STV
H. D. Nottingham & Associates, STV Security & Threat, STV Scientific, STV Service, STV Value & Benefit

PETITION FOR VARIANCE 1st Election District

LOCATION: North side of Baltimore National Pike, 2,345' Northwest of the centerline of Rolling Road (Pike Park Plaza)
DATE AND TIME: Monday, August 5, 1985 at 1:30 p.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 Variances from Section 409.2b. to allow 734 parking spaces in lieu of the required 857 spaces and Section 413.2f to allow four (4) other free standing business signs in lieu of the permitted three (3).

Being the property of Pike Park Plaza Associates, et al 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 JABLAN
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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BY ORDER OF
ARNOLD JABLAN
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
July 26, 1985

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

Stanley S. Fine, Esquire
222 E. Redwood Street, Suite 300
Baltimore, Maryland 21202

RE: Item No. 355 - Case No. 86-57-A
Petitioners - Pike Park Plaza Associates, et al
Variance Petition

Dear Mr. Fine:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments 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.

In view of the fact that revised plans were submitted that corrected the parking calculations, this petition was scheduled for a hearing. As you are aware, this property was the subject of previous zoning hearings (Case No. 83-272-A and No. 67-112-A).

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

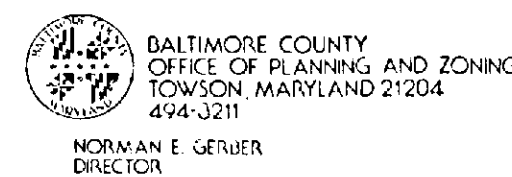
Nicholas B. Commodari, Jr.
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NSC:nr

Enclosures

cc: STV/Lyon Associates
21 Governor's Court
Baltimore, Maryland 21207

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

JULY 12, 1985

Re: Zoning Advisory Meeting of **JUNE 11, 1985**
Item # 355
Property Owner: **PIKE PARK PLAZA ASSOC., et al**
Location: **N/S BALTIMORE NAT'L PIKE**
2,345' N/W FROM c/1 ROLLING ROAD.

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.

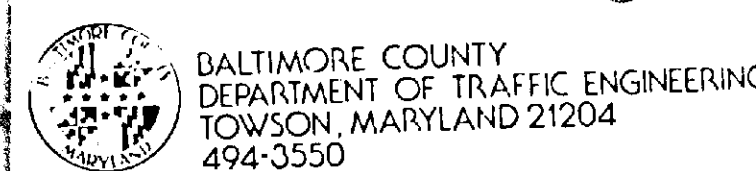
- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. 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 amended Development Plan was approved by the Planning Board on [unclear].
- (X) Landscaping: 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 [unclear].
- () The property is located in a traffic area controlled by a "T" 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:

A VARIANCE OF CRG PLAN WAS GRANTED BY
FILE # W-85-30 (KENTUCKY FRIED CHICKEN REST.)

Eugene A. Rober
Chief, Current Planning and Development

cc: James Hoswell

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STEPHEN E. COLLINS
DIRECTOR

June 26, 1985

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

Item No. 355 -ZAC- June 11, 1985
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l. Pike 2,345 N/W from c/1 Rolling Road
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit 649 parking spaces in lieu of the required 852 and to permit 4 other free standing business signs in lieu of the required 3 signs.

Acres: 10.6796
District: 1st

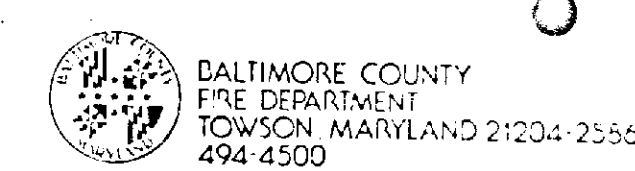
Dear Mr. Jablon:

The requested parking variance can be expected to cause parking problems in the area.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cem

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PAUL H. RENCKE
CHIEF

July 2, 1985

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

Re: Zoning Advisory Meeting of June 11, 1985
Item # 355
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l Pike 2,345 N/W from c/1 Rolling Road
Town Plot: 355

Re: Zoning Advisory Meeting of June 11, 1985
Item # 355
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l Pike 2,345 N/W from c/1 Rolling Road
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Town Plot: 355

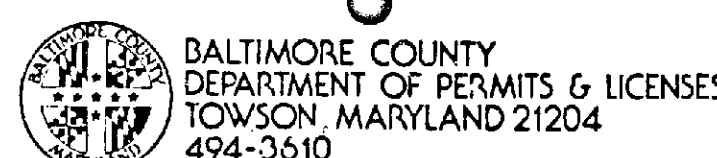
Re: Zoning Advisory Meeting of June 11, 1985
Item # 355
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l Pike 2,345 N/W from c/1 Rolling Road
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Item # 355
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Town Plot: 355

Re: Zoning Advisory Meeting of June 11, 1985
Item # 355
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore Nat'l Pike 2,345 N/W from c/1 Rolling Road
Town Plot: 355

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TED ZALESKI, JR.
DIRECTOR

July 8, 1985

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

Dear Mr. Jablon:

Comments on Item # 355 Zoning Advisory Committee Meeting are as follows:

Property Owner: Pike Park Plaza Associates, et al
Location: N/S Baltimore National Pike 2,345 N/W from c/1 Rolling Road
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #17-85) and other applicable codes and standards.
- 2. A building and other miscellaneous permits shall be required before the start of any construction.
- 3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- 4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- 5. All Use Groups except Pub. Group Family Detached Dwellings require a minimum of a four foot fire rating for exterior walls closer than 6'-0" to an interior lot line. But Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built in an interior lot line shall require a fire or party wall. See Table 101, Section 101.2, Section 101.2 and Table 101.2. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- 6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- 7. The requested variance appears to conflict with Section(s) [unclear] of the Baltimore County Building Code.
- 8. When filing for a required change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland and technical or Engineer seals are usually required. The change of Use Group see from Use [unclear] to Mixed Use.
- 9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 510.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the 1st and the 2nd floor levels including basement.

NOTE: 1. Should there be any intention to create a mall in this structure, then it shall comply to Section G9.0 of County Council Bill #17-85. The proposed new restaurant building shall be classified Assembly Use Group "A-3". Signs shall comply with Article 1900.0.

2. These abbreviated 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 terms of any permit. If desired the applicant may obtain additional information by visiting from 107 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark S. [unclear]
Mark S. [unclear]
Building Plans Review

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: July 16, 1985

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-54-A, 86-55-A, 86-57-A, 86-58-A and 86-59-A

There are no comprehensive planning factors requiring comment on this petition.

NEG:JCH:slm

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

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William K. Hellmann
Secretary
Hal Kassoff
Administrator

June 14, 1985

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

Attn: Mr. N. Commodari

Re: ZAC Meeting of 6-11-85
ITEM: #355.
Property Owner: Pike Park Plaza Assoc., et al
Location: N/S Baltimore National Pike, Route 40-W
2,345 N/W from c/1 Rolling Road
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit 649 parking spaces in lieu of the required 852 and to permit 4 other free standing business signs in lieu of the required 3 signs.
Acres: 10.6796
District: 1st

Dear Mr. Jablon:

The State Highway Administration - Bureau of Engineering Access Permits provided Zoning Comment on March 16, 1983 (Item #176) for variance of 792 parking spaces in lieu of the required 1058 parking spaces at the above location.

Today a variance to all 649 parking spaces in lieu of the required 852 spaces is requested.

We (S.H.A.) recommend to Baltimore County Zoning that if the requested parking variance is granted the total of 649 spaces be held for existing future use.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering Access Permits

CL:GW:maw

cc: Mr. J. Ogle

By: George Wittman

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0651 D.C. Metro - 1800-482-5082 Statewide Toll Free
P.O. Box 717 1707 North Calvert St., Baltimore, Maryland 21203-0717

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RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
N/S of Baltimore National : OF BALTIMORE COUNTY
Pike 2,345' NW of Centerline :
of Rolling Rd. (Pike Park :
Plaza), 1st District :
PIKE PARK PLAZA ASSOCIATES, : Case No. 86-57-A
et al., Petitioners : : : : :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in 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.

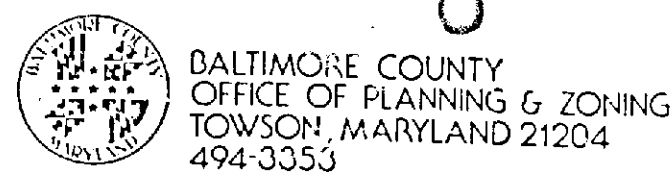
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
394-2188

I HEREBY CERTIFY that on this 12th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esquire, 222 E. Redwood St., Suite 300, Baltimore, MD 21202, Attorney for Petitioners; and Thomas M. Caulk, C.E., KFC National Management Company, 7225 Parkway Drive, Hanover, MD 21076, Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

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ARNOLD JABLON
ZONING COMMISSIONER

August 1, 1985

Stanley S. Fine, Esquire
222 E. Redwood Street
Suite 300
Baltimore, Maryland 21202

RE: Petition for Variance
N/S of Baltimore National Pike, 2,345'
NW of centerline of Rolling Road
(Pike Park Plaza) 1st Election Dist.
Pike Park Plaza Associates, et al - Petitioners
Case No. 86-57-A

Dear Mr. Fine,
This is to advise you that \$58.23 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

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

No. 007267

By

ARNOLD JABLON
ZONING COMMISSIONER

DATE RECEIVED FROM

AMOUNT \$

FOR

VALIDATION OR SIGNATURE OF CASHIER

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PETITION FOR VARIANCE
To the Zoning Commission
of Baltimore County, Maryland
10750 Little Patuxent Pkwy
Columbia, MD 21044

86-57-A
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044

July 18 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

*Catonsville Times
*Arbutus Times

weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 20 day of July 19 85, that is to say,
the same was inserted in the issues of

July 18, 1985

PATUXENT PUBLISHING CORP.
By

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

VS

CERTIFICATE OF PUBLICATION OF

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

No. 007223

DATE RECEIVED FROM

AMOUNT \$

FOR

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

MICROFILMED

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

Dear Mr. Jablon:

Re: Case No. 86-57-A, Item No. 355

Since I will be out of town on the date scheduled for this hearing, August 5th, I am forwarding the following comments on behalf of the Alliance of Baltimore County Community Councils, Inc.

The Alliance is opposed to variances from the County's signing regulations and sees no justification for a variance in the above referenced case.

Sincerely yours,

Mary G. Ryan
ABCCC Representative

MGB/rw

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LAW OFFICES
STANLEY S. FINE, P.A.
SUITE 300
222 E. REDWOOD STREET
BALTIMORE, MARYLAND 21202
(301) 752-6557

May 17, 1985

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

Re: Zoning Variance Item 355
Pike Park Plaza Shopping Center
proposed KFC restaurant

Dear Mr. Jablon:

This letter will confirm our conversation of May 15, 1985 concerning the above matter. As I indicated to you, my client, KFC National Management Company, has a very tight time schedule in meeting its needs under its lease for the above property. You informed me that my client could apply now for a provisional permit for the property. My client fully understands that any permit issued would be subject to the results of the variance requested in this matter.

Thank you for your cooperation.

Sincerely,

Stanley S. Fine
Stanley S. Fine

SSF:tt

cc: Mr. Thomas Caulk
KFC National Management Company

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 7-18-85
Posted for: Variance
Petitioner: Pike Park Plaza Associates, et al
Location of property: N/S of Baltimore National Pike, 2,345' NW of centerline of Rolling Road (Pike Park Plaza)
Location of Sign: Sign on N/S of Baltimore National Pike, 2,345' NW of centerline of Rolling Road (Pike Park Plaza)
Remarks: Sign on N/S of Baltimore National Pike, 2,345' NW of centerline of Rolling Road (Pike Park Plaza)
Posted by: S.J. White Signature Date of return: 7-19-85
Number of Signs: 2

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Case No. 86-57-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 3rd day of July, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Pike Park Plaza Assoc., et al Received by: Nicholas B. Commodari
Attorney: Stanley S. Fine, Esquire Chairman, Zoning Plans
cc: STV/Lyon Associates, 21 Governor's Court, 21207 Advisory Committee

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CERTIFICATE OF PUBLICATION

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JB Kenton
Publisher

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