

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSION 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 Variance from Section 413.2(f) to permit a total sign square footage of 399 square feet in lieu of the allowed 100 square feet and permit 6 other business signs in lieu of the allowed 3 other business signs.

Business signs 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 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: 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

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

Name

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of July, 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 12th day of September, 1985, at 10:00 o'clock.

Countersigned by:

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Legal Owner(s):

Norbert H. Muench

(Type or Print Name)

Signature

Mabel A. Muench

(Type or Print Name)

Signature

207 Gatewood Road

Address

252-1467

Phone No.

Timonium, Maryland 21093

City and State

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

Norbert H. and Mabel A. Muench

Name

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of July, 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 12th day of September, 1985, at 10:00 o'clock.

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RE: PETITION FOR VARIANCES
SE/S Pulaski Hwy., 225'
SW of Centerline of 65th
St. (7301 Pulaski Hwy.),
15th District
NORBERT H. MUENCH, et ux,
Petitioners
Case No. 86-93-A

NOTICE OF APPEAL

Please note an appeal from your decision, under date of September 19, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

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

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

I HEREBY CERTIFY that on this 14th day of October, 1985, a copy of the foregoing Notice of Appeal was mailed to Stanley S. Fine, Esquire, 222 E. Redwood St., Suite 300, Baltimore, MD 21202; and Thomas M. Caulk, C.E., KFC National Management Co., 7225 Parkway Drive, Hanover, MD 21076.

Peter Max Zimmerman
Peter Max Zimmerman

IN THE MATTER OF THE APPLICATION OF NORBERT H. MUENCH, ET UX FOR A VARIANCE FROM SECTION 413.2(f) OF THE BCZR SE/S PULASKI HIGHWAY 225' SW OF C/L OF 65th STREET (7301 PULASKI HIGHWAY) 15th DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Case No. 86-93-A

ORDER OF DISMISSAL

Petition of Norbert H. Muench, et ux for variance from §413.2(f) of the Baltimore County Zoning Regulations (BCZR) for business signs on property located on the southeast side of Pulaski Highway 225 feet southwest of the center line of 65th Street (7301 Pulaski Highway), in the Fifteenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Notice of Dismissal of Appeal filed October 29, 1985 (a copy of which is attached hereto and made a part hereof) from People's Counsel for Baltimore County, Appellant in the above entitled matter; and

WHEREAS, the said Appellant requests that the appeal filed on its behalf be dismissed and withdrawn as of October 29, 1985,

IT IS HEREBY ORDERED this 30th day of October, 1985, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Lawrence E. Schmidt

Diana K. Vincent

RE: PETITION FOR VARIANCES
SE/S Pulaski Hwy., 225'
SW of Centerline of 65th
St. (7301 Pulaski Hwy.),
15th District
NORBERT H. MUENCH, et ux,
Petitioners
Case No. 86-93-A

NOTICE OF DISMISSAL

Please dismiss the above-entitled case, because it is no longer in the public interest to pursue this appeal.

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

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

I HEREBY CERTIFY that on this 29th day of October, 1985, the foresaid Notice of Dismissal was filed with the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Stanley S. Fine, Esquire, 222 E. Redwood St., Suite 300, Baltimore, MD 21202; and Thomas M. Caulk, C.E., KFC National Management Co., 7225 Parkway Drive, Hanover, MD 21076.

Peter Max Zimmerman
Peter Max Zimmerman

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
October 30, 1985

Phyllis A. Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Dear Mrs. Friedman: Re: Case No. 86-93-A Norbert H. Muench, et ux

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.
cc: Stanley S. Fine, Esq.
Mr. and Mrs. Norbert Muench
Mrs. Mary Ginn
KFC National Management Co.
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer

IN RE: PETITION ZONING VARIANCES
SE/S of Pulaski Highway, 225'
SW of the centerline of 65th
Street (7301 Pulaski Highway) - 15th Election District
Norbert H. Muench, et ux,
Petitioners
Case No. 86-93-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a total sign area of 399 square feet instead of the allowed 100 square feet and six other business signs instead of the allowed three signs.

The Petitioners, by Thomas Caulk, a construction engineer for the Lessee, appeared and testified and was represented by Counsel. Mary Ginn, appearing on behalf of the Association of Baltimore County Community Councils, testified in opposition.

At the onset of the hearing, the Petitioners moved to amend the Petition by reducing the requested signage to 390 square feet. The motion was granted. Testimony indicated that the subject property, zoned E.R. and located on Pulaski Highway, one block from I-95, is to be improved with a Kentucky Fried Chicken restaurant, the first to be constructed in Baltimore County. The property will have one entrance at the south end of the property which will allow both ingress and egress and one to the north which will permit egress only. Each entrance will have a 3 1/2' x 2' directional sign, seven square feet each side, to show where to "enter" and "exit", and each sign will have a small caricature of the famous Colonel Sanders. The restaurant will also have a drive-thru, with cars leaving the drive-thru from the access on the northern part of the property. The drive-thru will necessitate a 4' x 5' one-sided menu board that will back up to the building. An 8' x 14' two-sided identification sign

and a separate 5' x 8' two-sided reader board below the identification sign are also requested.

The Lessee argued that Pulaski Highway, heavily commercial, is replete with signage. Similar restaurants in competition with the Lessee have signs comparable to those requested here, and the Lessee would be at a distinct competitive disadvantage if the requested variances were denied. Further, they argued that the larger signs are necessary due to the high speed at which vehicles travel Pulaski Highway and in order that the restaurant may be seen as vehicles exit from I-95. The Lessee also argued that the smaller signs need no variance because they are directory in nature and satisfy Section 413.e.(3), Baltimore County Zoning Regulations (BCZR).

Mrs. Ginn believes the number of signs requested are too many and their size too large.

The Petitioners seek relief from Section 413.2(f), pursuant to Section 307, BCZR.

The argument raised by the Lessee that the smaller signs are directory and not business signs is not acceptable. Section 413.1.e, BCZR, requires directional signs to be of a public or quasi-public nature with no advertising matter. The Lessee's signs are not public or quasi-public in nature, and with the Colonel's caricature, they could arguably contain advertising matter. See Balint v. Bd. of Appeals of Balto. County, Circuit Court of Baltimore County, Case No. 82-M-201.

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:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;

- 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
- 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).

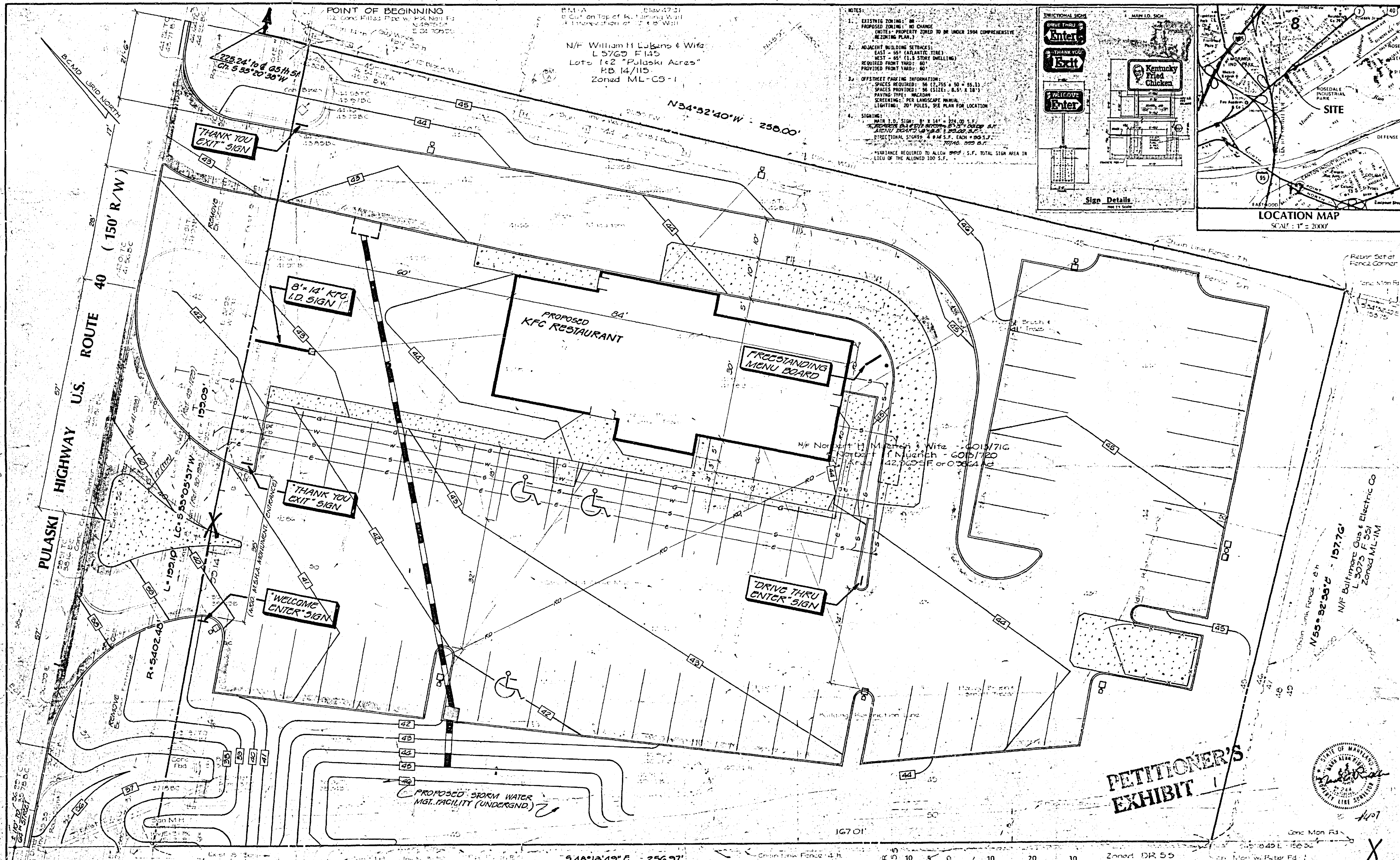
It is clear from the testimony that if most of the variances were granted, such use as permitted would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

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 Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

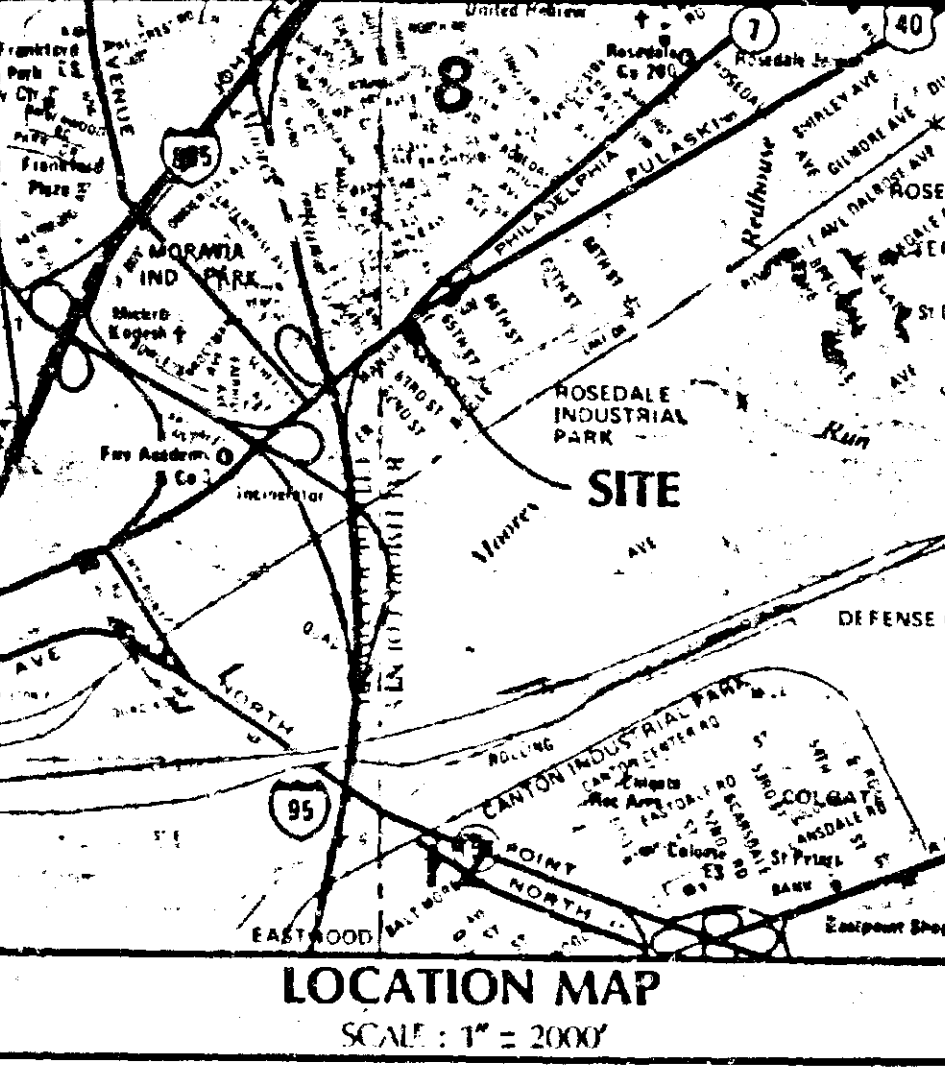
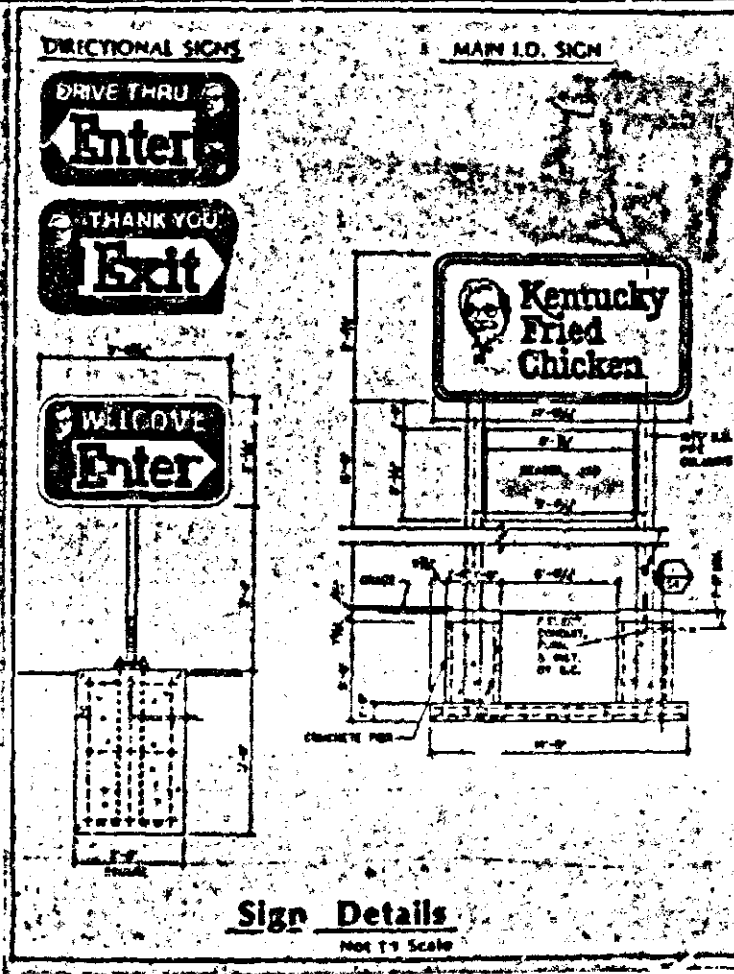
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted in part.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of September, 1985, that the Petition for Zoning Variances to permit a total sign area of 390 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 here:

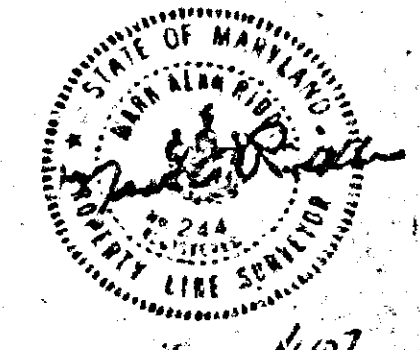
- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at



- NOTES:
- EXISTING ZONING: NO CHANGE
PROPOSED ZONING: NO CHANGE
(NOTE: PROPERTY ZONED TO BE UNDER 1994 COMPREHENSIVE ZONING PLAN.)
 - ADJACENT BUILDING SETBACKS:
EAST - 55' (ATLANTIC TIRE)
WEST - 45' (1.5 STORY DWELLING)
REQUIRED FRONT YARD: 60'
REQUIRED FRONT YARD: 60'
 - OFF-STREET PARKING INFORMATION:
SPACES REQUIRED: 56 (2,755 + 50 = 2,805)
SPACES PROVIDED: 56 (5122 + 8.5' x 18')
PAVING TYPE: ASPHALT
SCREENING: PER LANDSCAPE MANUAL
LIGHTING: 20' POLES, SEE PLAN FOR LOCATION
 - SIGNING:
MAIN I.D. SIGN: 8' x 14' - 224.00 S.F.
FREESTANDING MENU BOARD: 8' x 14' - 112.00 S.F.
MENU BOARD: 4' x 8' - 32.00 S.F.
DIRECTIONAL SIGNS: 4' x 8' S.F. EACH = 32.00 S.F.
TOTAL SIGN AREA: 100.00 S.F.
*VARIANCE REQUIRED TO ALLOW 99.99 S.F. TOTAL SIGN AREA IN LIEU OF THE ALLOWED 100 S.F.



PETITIONER'S
EXHIBIT



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

REVISIONS		
NO.	DATE	DESCRIPTION
1	03-89	SIGN DETAILS, NOTE &
2	07-98	BEARINGS, DIST TO 25th ST. PER CO (CR)

ITEM NO:
407

PLAN PREPARATION	
DRAWN BY: AKGREEN	DATE: 1 MAY 1989
DESIGNED BY: AKGREEN	SCALE: 1" = 10'
CHECKED BY: [Signature]	JOB NO: 7385-89-023

PLAT TO ACCOMPANY
PETITION FOR SIGN VARIANCE
KFC
7301 PULASKI HIGHWAY
15th ELECT. DIST. BALTIMORE, CO., MD.

DRAWING NO.
SV-1
SHEET NO.
1 of 1

this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- The requested reader board, totaling 80 square feet, shall not be permitted.
- Signs shall be placed only on the south side of the building.
- 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.
- 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 violation should be imposed.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Stanley S. Fine, Esquire

Mrs. Mary Ginn

People's Counsel

**ZONING DESCRIPTION
LOTS 119 THROUGH 122 "BONITA"
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME on the southeast side of Glynnock Place at the point formed by its intersection with the line dividing Lots 118 and 119 as shown on a plat entitled "Resubdivision of Lots 1-31, Block 'H', Bonita, Section Two, Plat Two, E.H.K., Jr. No. 44, folio 11, and Lots 16-23, Block 'H', Bonita, Section Two, Plat Two, E.H.K., Jr. No. 47, folio 90", which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 47, folio 124, said place of beginning being distant 398.31 feet measured in a northeasterly direction along said southeast side of Glynnock Place from its intersection with the northeast side of Glynnock Drive, thence leaving said place of beginning and running and binding on said southeast side of Glynnock Place (1) northeasterly by a line curving to the right with a radius 2,310.00 feet for a distance of 85.62 feet to the line dividing Lots 122 and 123 on said plat, thence running and binding thereon (2) South 34 degrees 49 minutes 41 seconds East 90.00 feet to intersect the southeast outline of said plat, thence running and binding thereon (3) southwesterly by a line curving to the left with a radius of 2,220.00 feet for a distance of 81.57 feet to the aforesaid line dividing lots 118 and 119, thence running and binding thereon (4) North 37 degrees 24 minutes 21 seconds West 90.00 feet to the place of beginning.

Bonita
Lots 119-122
April 15, 1985
Page 2

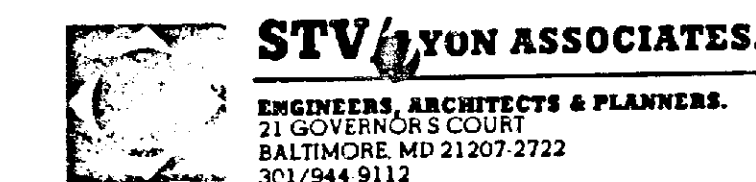
BEING Lots 119 through 122 as shown on a plat entitled "Resubdivision of Lots 1-31, Block 'H', Bonita, Section Two, Plat Two, E.H.K., Jr. No. 44, folio 11, and Lots 16-23, Block 'H', Bonita, Section Two, Plat Two, E.H.K., Jr. No. 47, folio 90, which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 47, folio 124.

Job Order No. 01-21357

April 15, 1985

Work Order No. 6454

PP/aeb



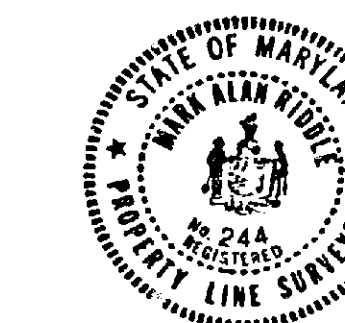
**ZONING DESCRIPTION
NO. 7301 PULASKI HIGHWAY,
FIFTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND.**

BEGINNING FOR THE SAME at a point along the southeasterly side of Pulaski Highway, U.S. Route 40 (150 feet wide), being distant, by a curve to the left having a radius of 5,402.48 feet, an arc length of 225.25 feet, said curve being subtended by a chord bearing South 55°20'38" West 225.24 feet, from the intersection of said southeasterly side of Pulaski Highway and the centerline of 65th Street (50 feet wide), thence running with and binding along said southeasterly side of Pulaski Highway, by a curve to the left having,

- A radius of 5,402.48 feet, an arc length of 199.10 feet, said curve being subtended by a chord bearing South 53°35'37" West 199.09 feet to a point, thence leaving Pulaski Highway and running,
- South 48°18'49" East 256.97 feet a point thence,
- South 55°32'38" East 137.76 feet a point, thence parallel with said 65th Street,
- North 34°32'40" West 258.00 feet to the point of beginning..... containing 42,969 square feet or 0.9864 acre of land, more or less.

[Signature]
STV LYON ASSOCIATES, INC.
Mark A. Riddle
Md. Reg. P.L.S. No. 244

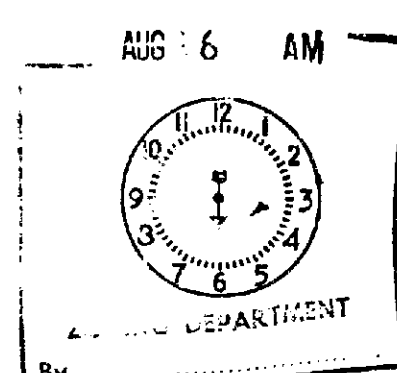
May 1, 1985



STV ENGINEERS, Engineers, Architects, Planners, Construction Managers, Professional Member Firm
STV Baltimore Transportation Associates, STV Lyon Associates, STV Management Consultants Group, STV
H. D. Nottingham & Associates, STV Sanders & Thomas, STV Seaboard, STV Seelye & Smith, STV Value & Knight

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SE/S Pulaski Hwy., 225' : OF BALTIMORE COUNTY
SW/Centerline of 65th St. : (7301 Pulaski Hwy.),
15th District :
NORBERT H. MUENCH, et ux, : Case No. 86-93-A
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.



[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
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 15th day of August, 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 Mr. Thomas M. Caulk, C. E., KFC National Management Co., 7225 Parkway Drive, Hanover, MD 21076, Lessee.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JARLON
ZONING COMMISSIONER

September 5, 1985

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

Re: Petition for Variance
SE/S Pulaski Highway, 225' SW/center-
line of 65th St. (7301 Pulaski Highway)
Norbert H. Muench, et ux, Petitioners
15th Election District
Case No. 86-93-A

Dear Mr. Fine:

This is to advise you that \$60.15 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, City Office Building,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012589

DATE 9-6-85 ACCOUNT 4-01-615-000

RECEIVED FROM Stanley Fine Esquire

FOR Advertising and Posting Case 86-93-A

8 8011*****SCALIS 03-18

VALIDATION OR SIGNATURE OF CARRIER

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

August 2, 1985

NOTICE OF HEARING

RE: Petition for Variance
SE/S Pulaski Highway, 225' SW/center-
line of 65th St. (7301 Pulaski Highway)
Norbert H. Muench, et ux, Petitioners
15th Election District
Case No. 86-93-A

TIME: 10:00 a.m.

DATE: Thursday, September 12, 1985

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 008527

DATE 8/20/85 ACCOUNT 01-615-000

RECEIVED FROM Stanley Fine

FOR VARIANCE # 407 (CNC-XV-389)

8 8034*****1000018 52021

VALIDATION OR SIGNATURE OF CARRIER

**CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland**

District 15th Date of Posting 8/16/85
Posted for Variance
Petitioner: Norbert H. Muench, et ux
Location of property: SE/S Pulaski Hwy, 225' SW/center line of 65th St.
Location of Sign: Facing Pulaski Hwy, between 15th and 16th Sts, on property of R.H. Muench
Remarks:
Posted by [Signature] Date of return: 8/20/85
Number of Signs: 1

**CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland**

District 15th Date of Posting 10/29/85
Posted for Appeal
Petitioner: Norbert H. Muench, et ux
Location of property: SE/S Pulaski Hwy, 225' SW/center line of 65th St.
Location of Sign: Facing Pulaski Hwy, between 15th and 16th Sts, on property of R.H. Muench
Remarks:
Posted by [Signature] Date of return: 11/15/85
Number of Signs: 1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE August 19, 1985

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

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

RE: Item No. 407 - Case No. 86-93-A
Petitioners - Norbert H. Muench, et ux
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.

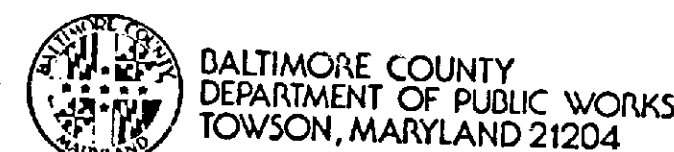
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing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

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: STV/Lyon Associates
21 Governors Court
Baltimore, Maryland 21207



HARRY I. PISTEL, P.E.
DIRECTOR

July 15, 1985

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

Re: Item #407 (1984-1985)
Property Owner: Norbert H. Muench
SE/S Pulaski Highway 225.25' S/W fr. c/l
65th Street
District 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

Since no public facilities are involved, this office has no comment.

Very truly yours,
James A. Markle, P.E.
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:PMI:blp

cc: File



Maryland Department of Transportation
State Highway Administration

William K. Hellmuth
Secretary
Hal Kassoff
Assistant Secretary

July 18, 1985

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

Att: N. Commodari

Re: Item # 407
Property Owner: Norbert
H. Muench, et ux
Location: SE/S Pulaski
Highway (Route 40-E)
225.25' S/W from c/l
65th Street
Existing Zoning: B.R.
Proposed Zoning: Var.
to permit a total sign
sq. ft. of 399 in lieu
of the required 100 sq.
ft. and permit 6 other
business signs in lieu
of the required 3.
Acres: 0.98
District 15th

Dear Mr. Commodari:

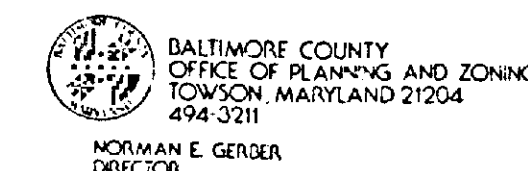
On review of the revised submittal of 6/20/85, the State Highway Administration finds the submittal generally acceptable.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350.
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 7171 707 North Calvert St., Baltimore, Maryland 21203-0717



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

AUGUST 21, 1985

Re: Zoning Advisory Meeting of July 2, 1985
Item #407 NORBERT H. MUENCH, et ux
Location: SE/S PULASKI HWY. 225.25'
S/W FROM 65TH ST.

Dear Mr. Jablon:

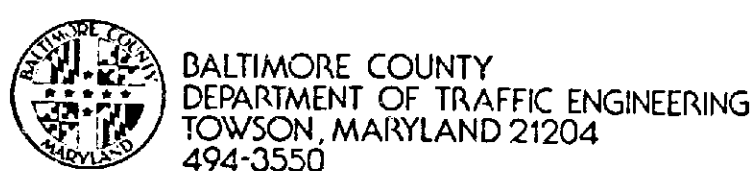
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ 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 circulation on this site is not satisfactory.
- ☒ The access 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 for alteration of the floodplain is prohibited under the provisions of Section 22-88 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 6/20/85.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by 811.178-79, and as conditions change are re-evaluated annually by the County Council.

THE SRS PLAN XV-384 (KFC-7301 PULASKI HWY.)
WAS APPROVED APRIL 11, 1985, PLANNING BOARD
ENCL. APRIL 11, 1985

cc: James Howell

Eugene A. Boker
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

July 31, 1985

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

Item No. 400, 402, 403, 404, 406 (407) and 408 ZAC-Meeting of July 2, 1985
Property Owner:
Locations:
Existing Zoning:
Proposed Zoning:

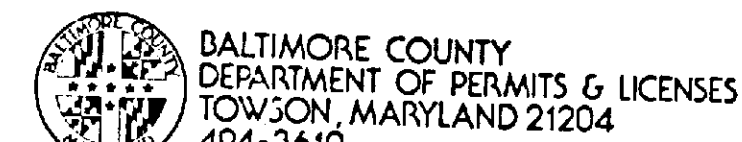
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 400, 407, 403, 404, 406, 407, and 408.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

MSP/ccm



TED ZALESKI, JR.
DIRECTOR

July 19, 1985

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

Dear Mr. Jablon:

Comments on Item # 407 Zoning Advisory Committee Meeting are as follows:

Property Owner: Norbert H. Muench, et ux
Location: SE/S Pulaski Highway 225.25' S/W from c/l 65th Street
District: 15th.

APPLICABLE CODE - CHANGES

- A. 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.D.A. 1117-1 - 380) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- D. 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.
- E. All Use Groups except B-1, Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 5'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire as party wall. See Table 101, Section 101.7, Section 102.2 and Table 102.2. No openings are permitted in an exterior wall within 5'-0" of an interior lot line.
- F. 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.
- G. The requested variance appears to conflict with section(a) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/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 Groups are from Use _____ to Use _____ or to Mixed Use _____ See Section 315 of the Building Code.
- I. The proposed building appears to be located in a Flood Plain, Flood/Riverine. Please see the attached copy of Section 26.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:

L/27/85

William K. Hellmuth
W. K. Hellmuth, Chief
Building Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: August 26, 1985

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

SUBJECT: Zoning Petition No. 86-93-A

This office has no problem with the proposed directional signs, nor with the proposed menu board. We are, however, opposed to the proposed size of the I.D. sign (4' x 14'), believing that a smaller sign would suffice. If there is to be a sign or signs on the building, this would further negate the need for such a large I.D. sign. Finally, we see no need for the proposed readerboard to be attached to the I.D. sign. We believe that the reduction of the I.D. sign and the deletion of proposed readerboard would still leave more than ample signage for the site.

NEG:JGH:sjm

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

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

August 23,

1985

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Petition For Variance. P.O. #67892 - Reg. #L78342.

was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 23rd day of August 1985; that is to say, the same was inserted in the issues of August 22, 1985

Kimbei Publication, Inc.
per Publisher.

By *K. E. Diller*

Case No. 86-93-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 31st day of July, 1985.

Petitioner: Norbert H. Muench, et ux
Attorney: Stanley S. Fine, Esquire

Received by: *James E. Dyer*
JAMES E. DYER, Chairman
Zoning Plans Advisory Committee

APR 10 1986

86-93-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 22, 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 August 22, 1985.

THE JEFFERSONIAN,

J. S. Venetaki

Publisher

Cost of Advertising

24.75

PETITION FOR VARIANCE
 The Board of Appeals of Baltimore County, for authority of the Zoning Ordinance of Baltimore County, with a public hearing, held on August 22, 1985, at 10:00 a.m., in the County Office Building, 100 Chesapeake Avenue, Towson, Maryland.

The Zoning Ordinance of Baltimore County, for authority of the Zoning Ordinance of Baltimore County, with a public hearing, held on August 22, 1985, at 10:00 a.m., in the County Office Building, 100 Chesapeake Avenue, Towson, Maryland.

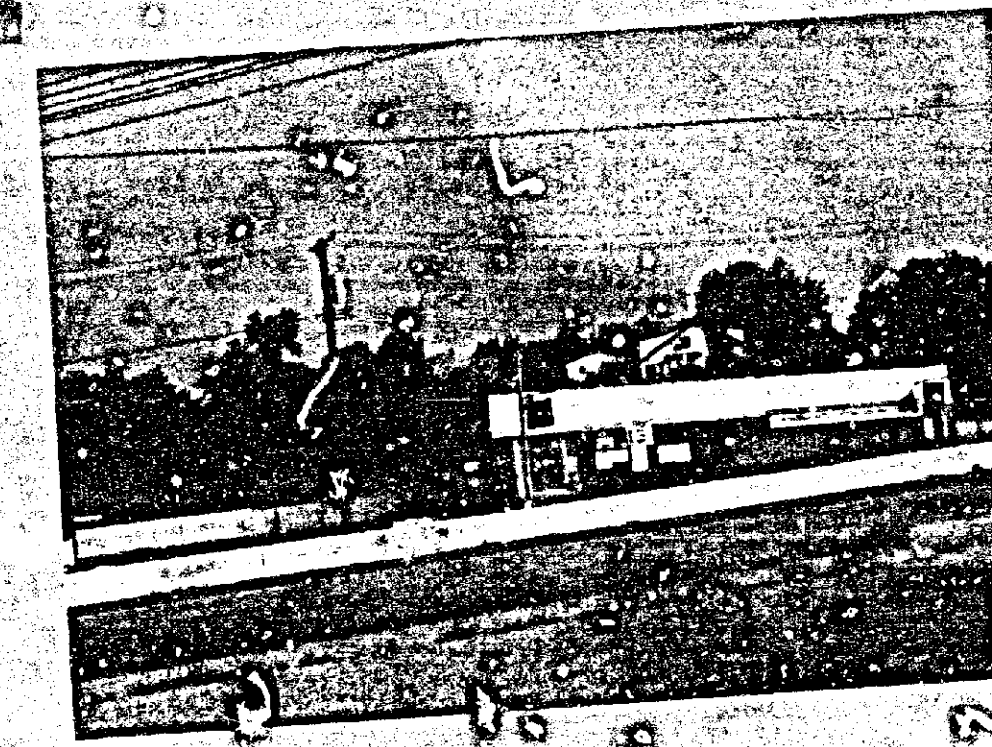
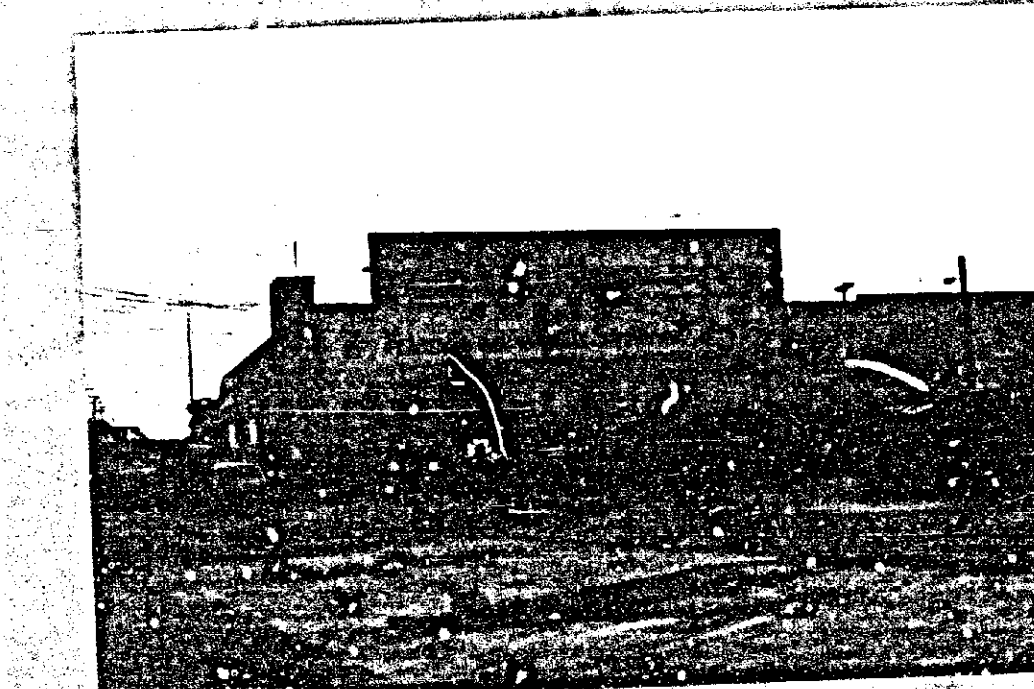
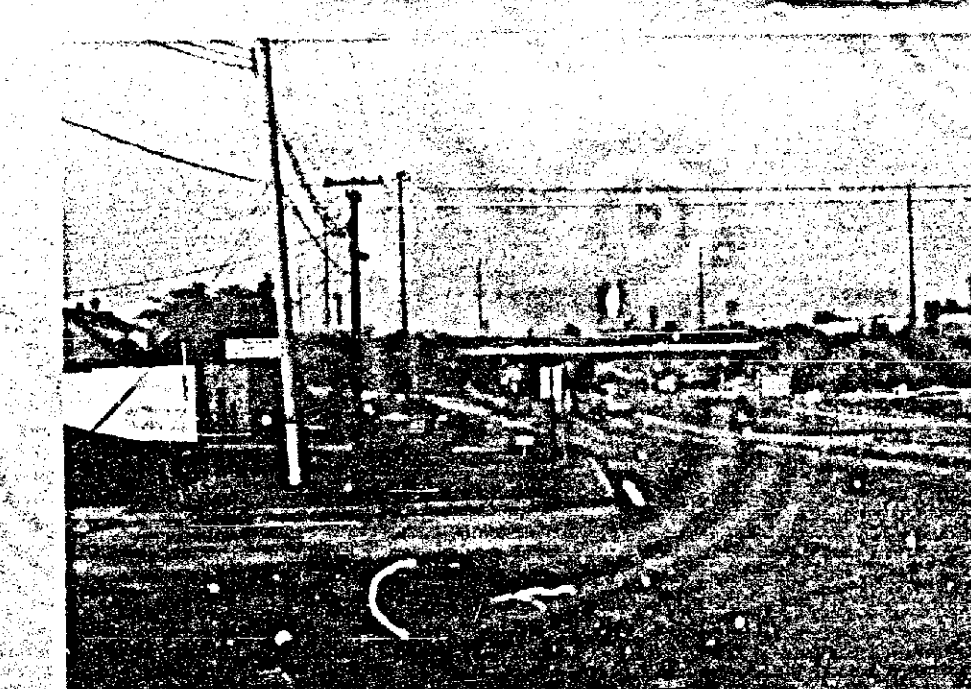
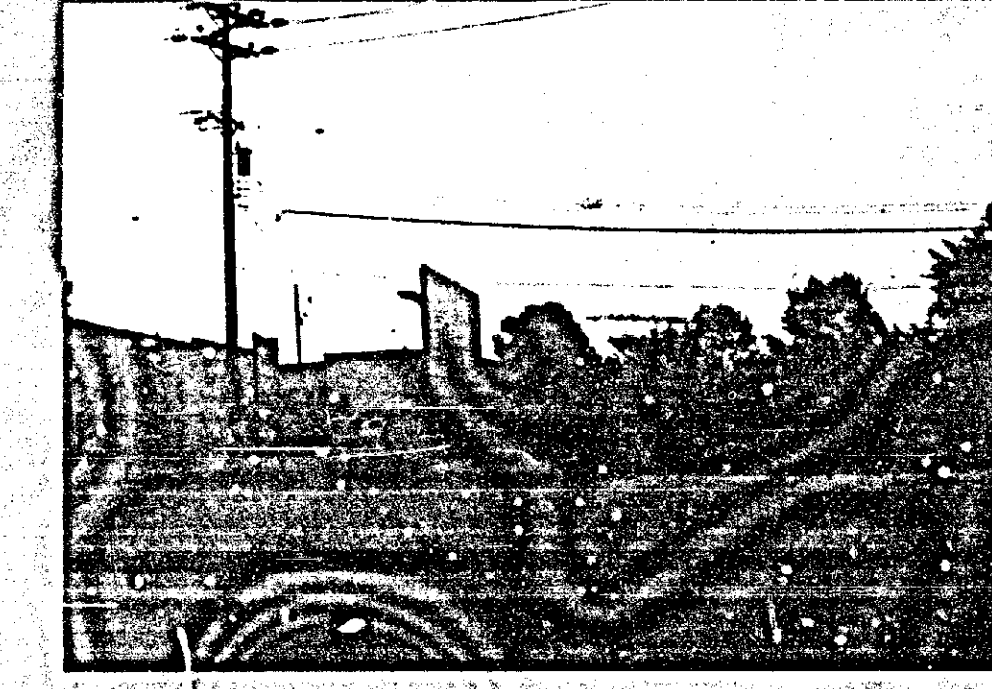
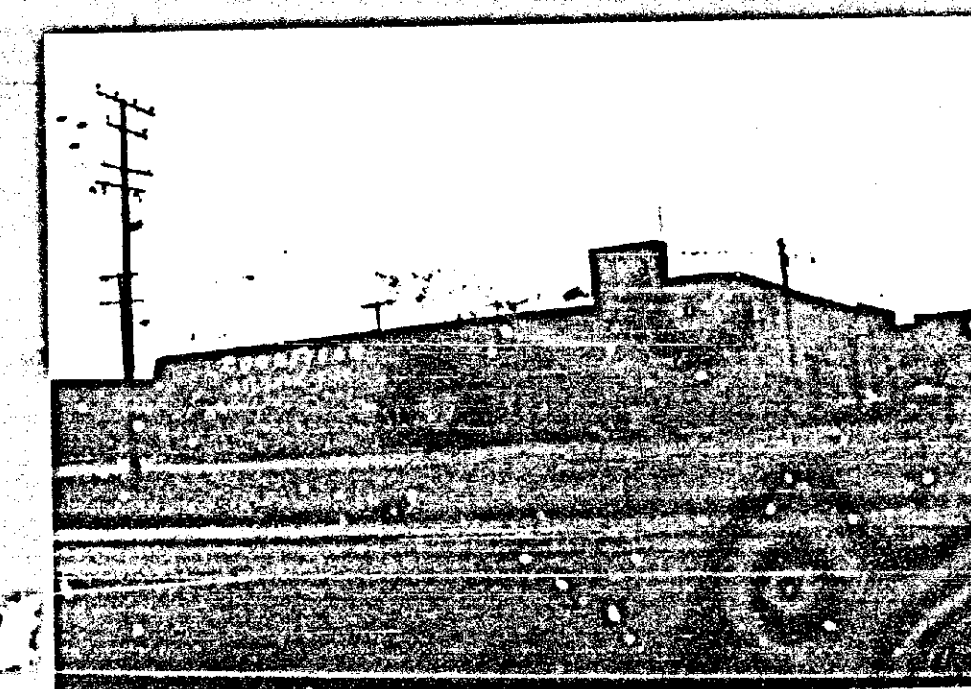
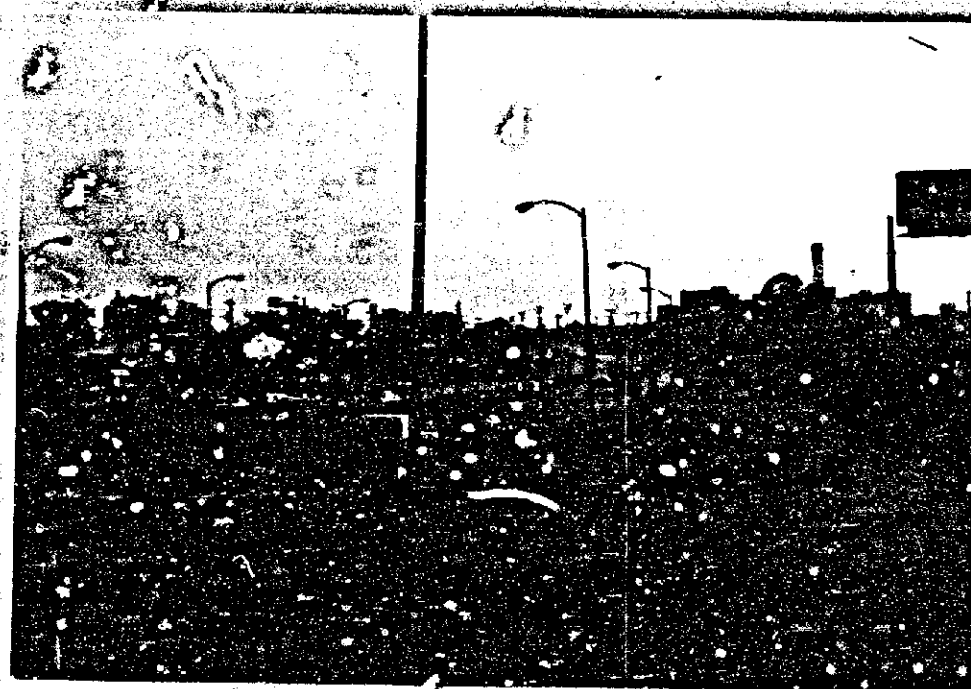
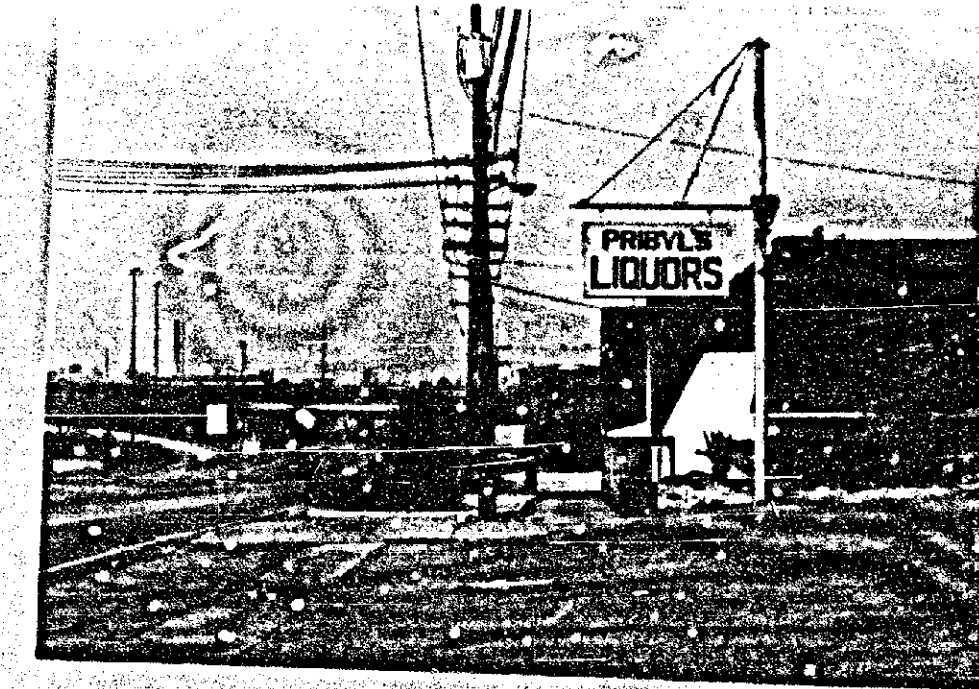
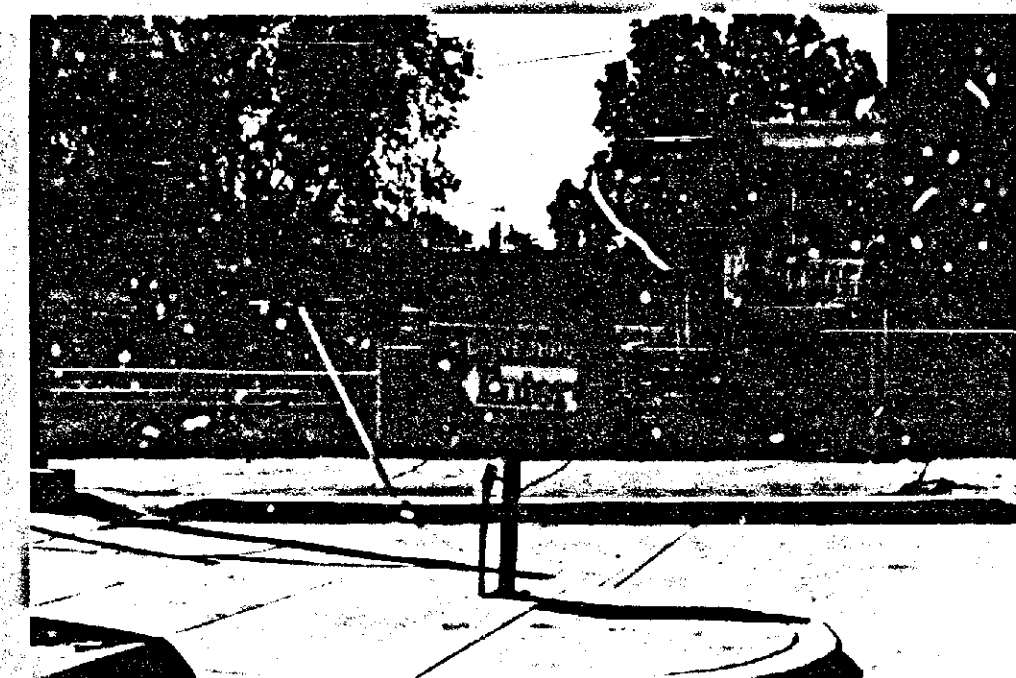
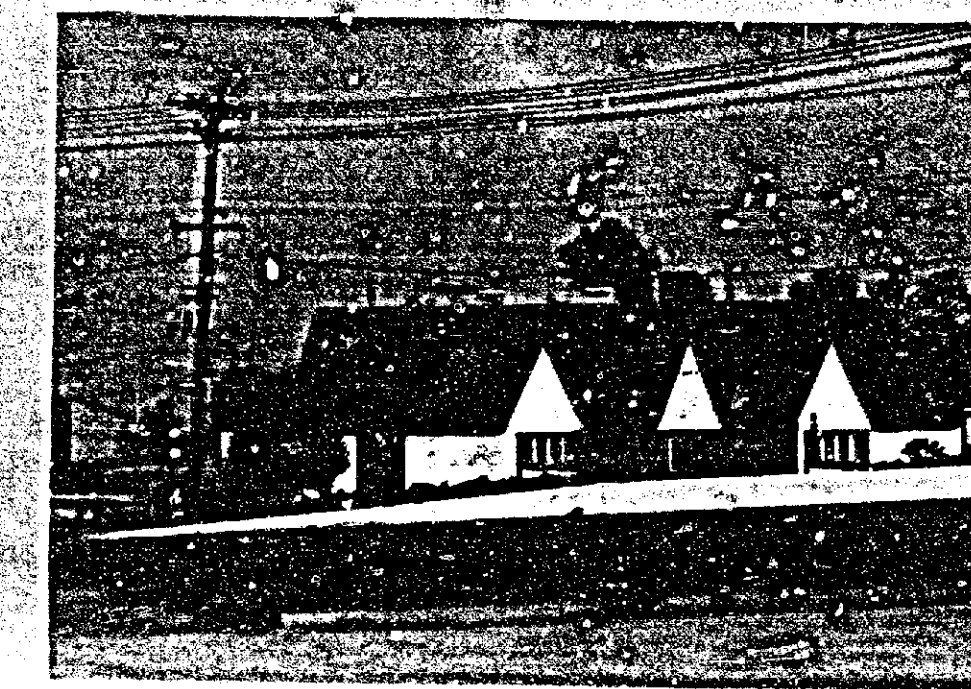
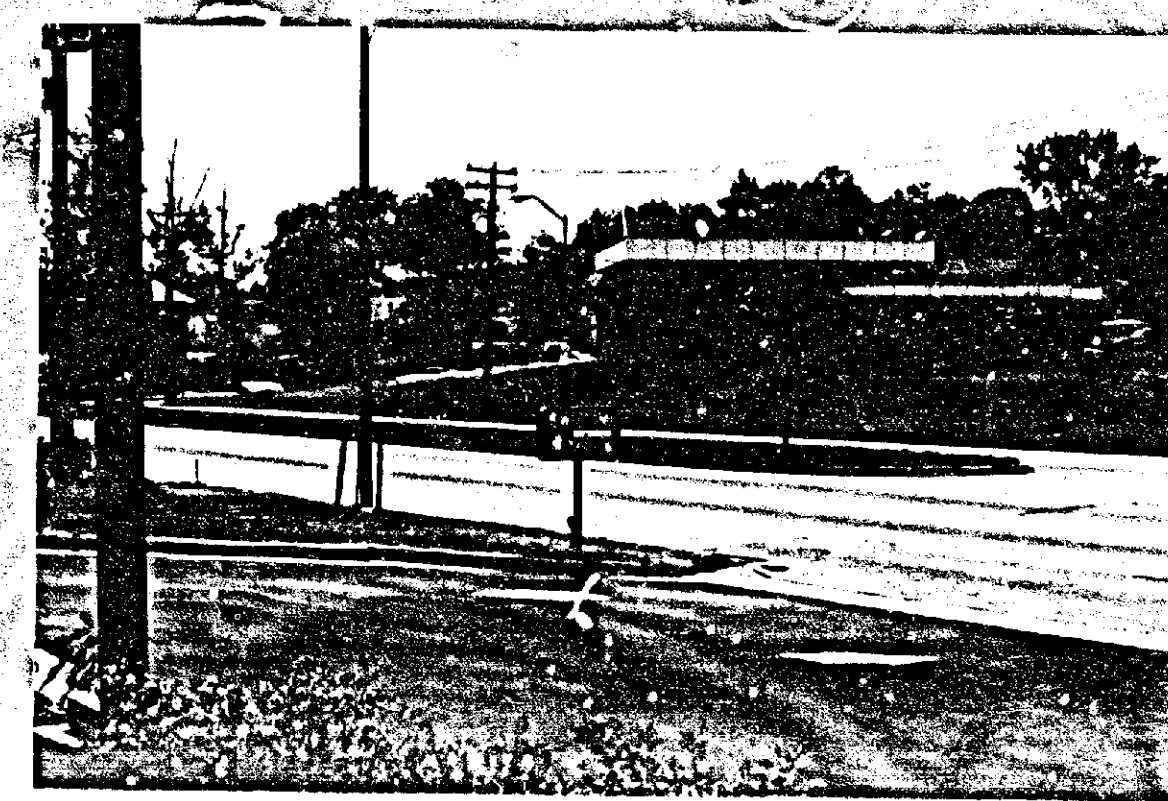
413.22 to permit a total sign square footage of 100 square feet in size of the allowed 100 square feet and permit a total sign square footage of 100 square feet in size of the allowed 100 square feet.

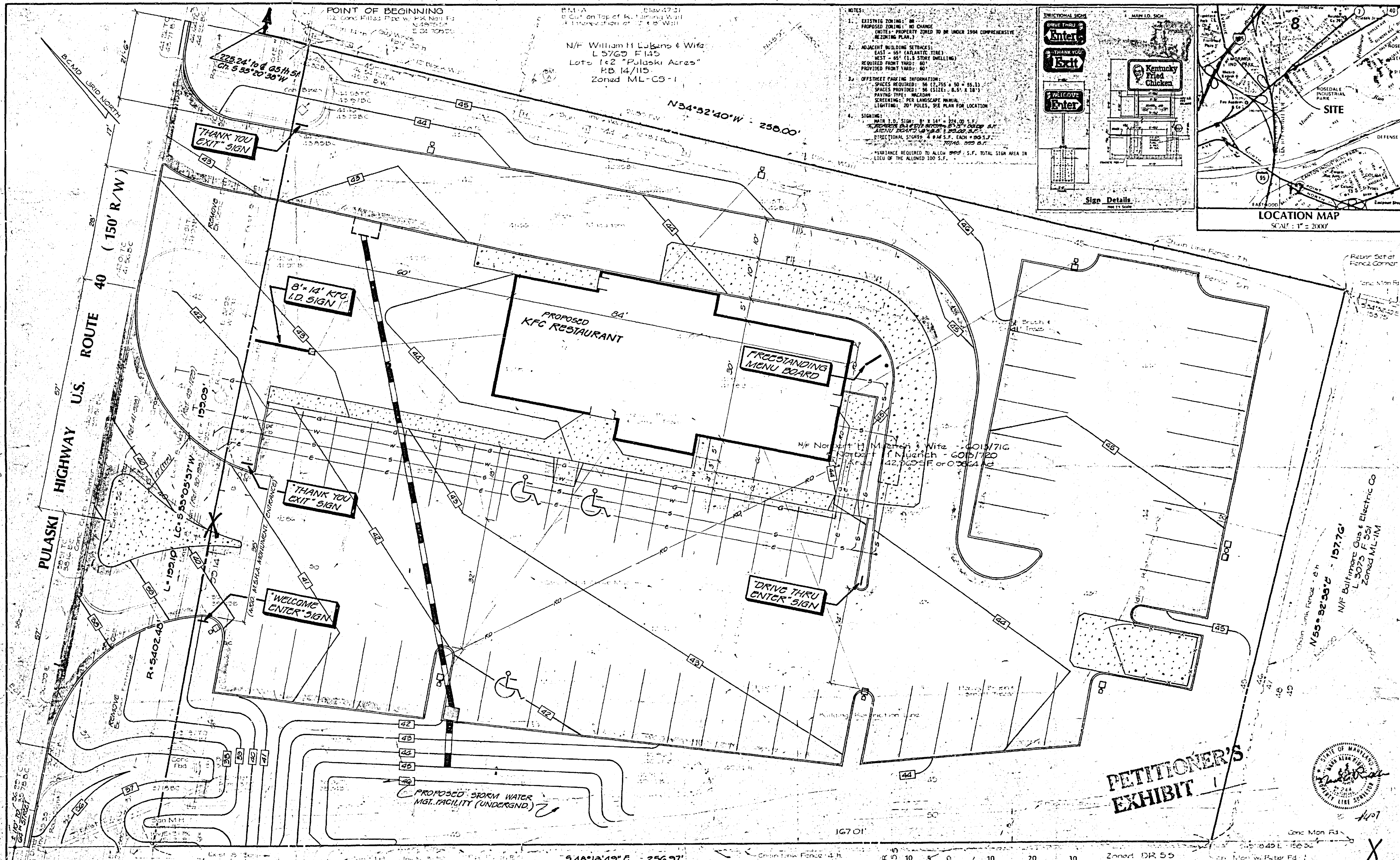
Being the property of Robert H. Venetaki, as shown on the plat filed with the Zoning Office.

In view of the fact that this Petition is being filed, the Board of Appeals may be granted a building permit and the Board of Appeals may be granted a building permit.

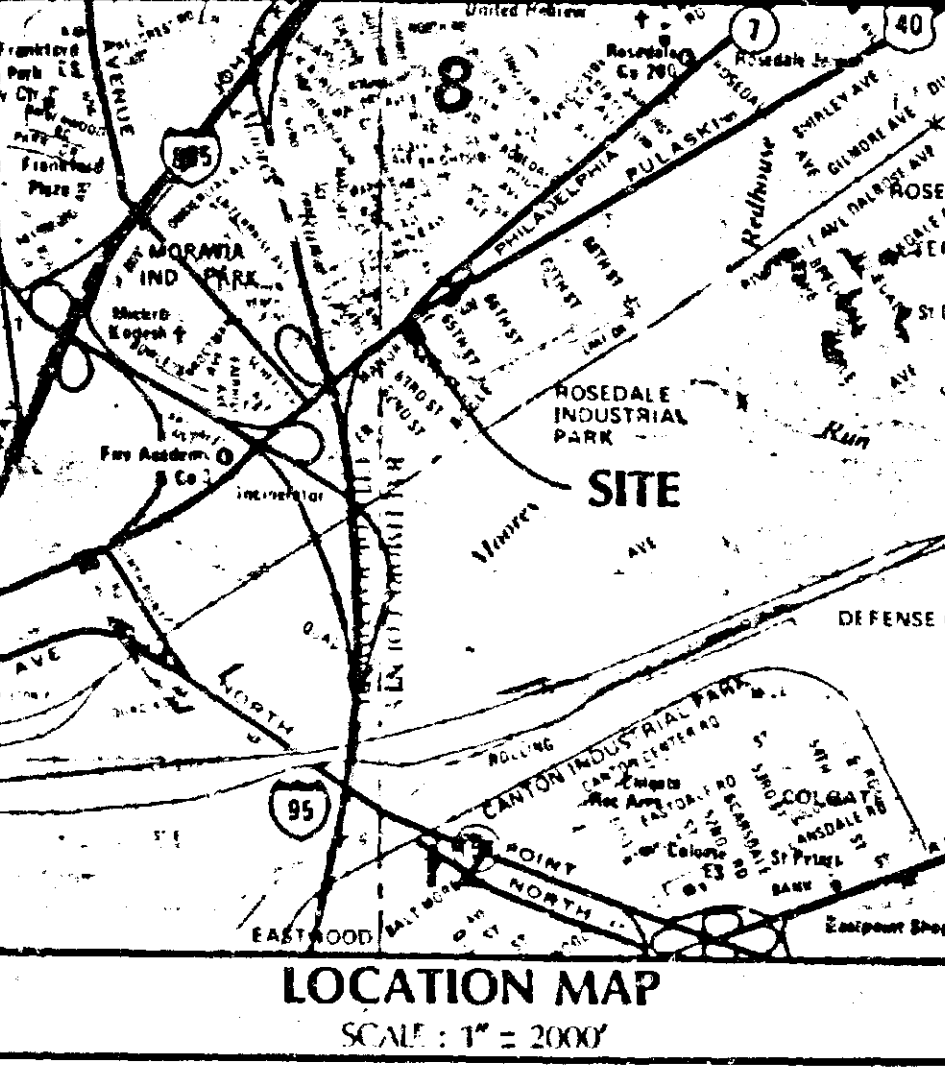
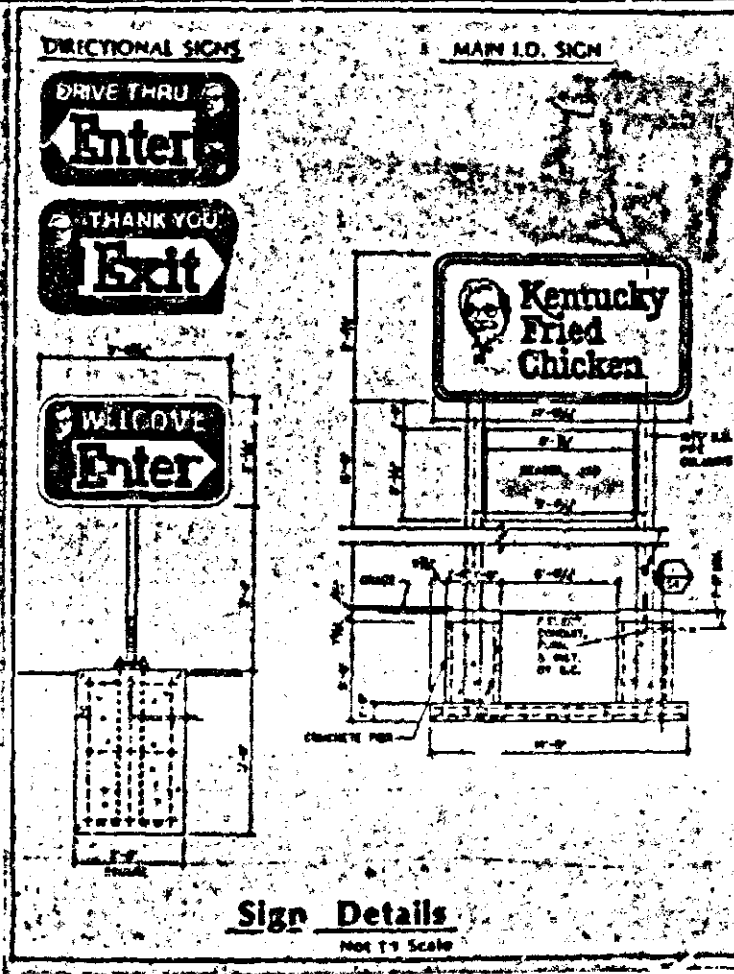
It is the order of the Board of Appeals that the Zoning Ordinance of Baltimore County, with a public hearing, held on August 22, 1985, at 10:00 a.m., in the County Office Building, 100 Chesapeake Avenue, Towson, Maryland.

By Order of:
 ARNOLD TABLON,
 Zoning Commissioner
 of Baltimore County
 Aug. 22, 1985

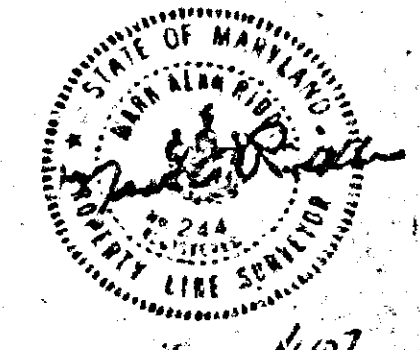




- NOTES:
- EXISTING ZONING: NO CHANGE
PROPOSED ZONING: NO CHANGE
(NOTE: PROPERTY ZONED TO BE UNDER 1994 COMPREHENSIVE ZONING PLAN.)
 - ADJACENT BUILDING SETBACKS:
EAST - 55' (ATLANTIC TIRE)
WEST - 45' (1.5 STORY DWELLING)
REQUIRED FRONT YARD: 60'
REQUIRED FRONT YARD: 60'
 - OFF-STREET PARKING INFORMATION:
SPACES REQUIRED: 56 (2,755 + 50 = 2,805)
SPACES PROVIDED: 56 (SIZES: 8.5' x 18')
PAVING TYPE: ASPHALT
SCREENING: PER LANDSCAPE MANUAL
LIGHTING: 20' POLES, SEE PLAN FOR LOCATION
 - SIGNING:
MAIN I.D. SIGN: 8' x 14' - 224.00 S.F.
FREESTANDING MENU BOARD: 8' x 14' - 112.00 S.F.
MENU BOARD: 4' x 8' - 32.00 S.F.
DIRECTIONAL SIGNS: 4' x 8' S.F. EACH = 32.00 S.F.
TOTAL SIGN AREA: 100.00 S.F.
*VARIANCE REQUIRED TO ALLOW 99.99 S.F. TOTAL SIGN AREA IN LIEU OF THE ALLOWED 100 S.F.



PETITIONER'S
EXHIBIT



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

REVISIONS		
NO.	DATE	DESCRIPTION
1	03-89	SIGN DETAILS, NOTE &
2	07-98	BEARINGS, DIST TO 25th ST PER CO (CR)

ITEM NO:
407

PLAN PREPARATION	
DRAWN BY: AKGREEN	DATE: 1 MAY 1989
DESIGNED BY: AKGREEN	SCALE: 1" = 10'
CHECKED BY: [Signature]	JOB NO: 7385-89-023

PLAT TO ACCOMPANY
PETITION FOR SIGN VARIANCE
KFC
7301 PULASKI HIGHWAY
15th ELECT. DIST. BALTIMORE, CO., MD.

DRAWING NO.
SV-1
SHEET NO.
1 of 1

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSION 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 Variance from Section 413.2(f) to permit a total sign square footage of 399 square feet in lieu of the allowed 100 square feet and permit 6 other business signs in lieu of the allowed 3 other business signs.

Business signs 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 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- 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

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

Name

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of July, 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 12th day of September, 1985, at 10:00 o'clock.

Countersigned by:

DATE

BY

DATE

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Legal Owner(s):

Norbert H. Muench

(Type or Print Name)

Signature

Mabel A. Muench

(Type or Print Name)

Signature

207 Gatewood Road

Address

252-1467

Phone No.

Timonium, Maryland 21093

City and State

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

Norbert H. and Mabel A. Muench

Name

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of July, 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 12th day of September, 1985, at 10:00 o'clock.

Countersigned by:

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RE: PETITION FOR VARIANCES
SE/S Pulaski Hwy., 225'
SW of Centerline of 65th
St. (7301 Pulaski Hwy.),
15th District
NORBERT H. MUENCH, et ux,
Petitioners
Case No. 86-93-A

NOTICE OF APPEAL

Please note an appeal from your decision, under date of September 19, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

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

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

I HEREBY CERTIFY that on this 14th day of October, 1985, a copy of the foregoing Notice of Appeal was mailed to Stanley S. Fine, Esquire, 222 E. Redwood St., Suite 300, Baltimore, MD 21202; and Thomas M. Caulk, C.E., KFC National Management Co., 7225 Parkway Drive, Hanover, MD 21076.

Peter Max Zimmerman
Peter Max Zimmerman

IN THE MATTER OF THE APPLICATION OF NORBERT H. MUENCH, ET UX FOR A VARIANCE FROM SECTION 413.2(f) OF THE BCZR SE/S PULASKI HIGHWAY 225' SW OF C/L OF 65th STREET (7301 PULASKI HIGHWAY) 15th DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY NO. 86-93-A

ORDER OF DISMISSAL

Petition of Norbert H. Muench, et ux for variance from §413.2(f) of the Baltimore County Zoning Regulations (BCZR) for business signs on property located on the southeast side of Pulaski Highway 225 feet southwest of the center line of 65th Street (7301 Pulaski Highway), in the Fifteenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Notice of Dismissal of Appeal filed October 29, 1985 (a copy of which is attached hereto and made a part hereof) from People's Counsel for Baltimore County, Appellant in the above entitled matter; and

WHEREAS, the said Appellant requests that the appeal filed on its behalf be dismissed and withdrawn as of October 29, 1985,

IT IS HEREBY ORDERED this 30th day of October, 1985, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Lawrence E. Schmidt

Diana K. Vincent

RE: PETITION FOR VARIANCES
SE/S Pulaski Hwy., 225'
SW of Centerline of 65th
St. (7301 Pulaski Hwy.),
15th District
NORBERT H. MUENCH, et ux,
Petitioners
Case No. 86-93-A

NOTICE OF DISMISSAL

Please dismiss the above-entitled case, because it is no longer in the public interest to pursue this appeal.

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

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

I HEREBY CERTIFY that on this 29th day of October, 1985, the foresaid Notice of Dismissal was filed with the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Stanley S. Fine, Esquire, 222 E. Redwood St., Suite 300, Baltimore, MD 21202; and Thomas M. Caulk, C.E., KFC National Management Co., 7225 Parkway Drive, Hanover, MD 21076.

Peter Max Zimmerman
Peter Max Zimmerman

County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

October 30, 1985

Phyllis A. Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Dear Mrs. Friedman:

Re: Case No. 86-93-A
Norbert H. Muench, et ux

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.
cc: Stanley S. Fine, Esq.
Mr. and Mrs. Norbert Muench
Mrs. Mary Ginn
KFC National Management Co.
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer

IN RE: PETITION ZONING VARIANCES
SE/S of Pulaski Highway, 225'
SW of the centerline of 65th
Street (7301 Pulaski Highway) - 15th Election District
Norbert H. Muench, et ux,
Petitioners
Case No. 86-93-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a total sign area of 399 square feet instead of the allowed 100 square feet and six other business signs instead of the allowed three signs.

The Petitioners, by Thomas Caulk, a construction engineer for the Lessee, appeared and testified and was represented by Counsel. Mary Ginn, appearing on behalf of the Association of Baltimore County Community Councils, testified in opposition.

At the onset of the hearing, the Petitioners moved to amend the Petition by reducing the requested signage to 390 square feet. The motion was granted.

Testimony indicated that the subject property, zoned E.R. and located on Pulaski Highway, one block from I-95, is to be improved with a Kentucky Fried Chicken restaurant, the first to be constructed in Baltimore County. The property will have one entrance at the south end of the property which will allow both ingress and egress and one to the north which will permit egress only. Each entrance will have a 3 1/2' x 2' directional sign, seven square feet each side, to show where to "enter" and "exit", and each sign will have a small caricature of the famous Colonel Sanders. The restaurant will also have a drive-thru, with cars leaving the drive-thru from the access on the northern part of the property. The drive-thru will necessitate a 4' x 5' one-sided menu board that will back up to the building. An 8' x 14' two-sided identification sign

and a separate 5' x 8' two-sided reader board below the identification sign are also requested.

The Lessee argued that Pulaski Highway, heavily commercial, is replete with signage. Similar restaurants in competition with the Lessee have signs comparable to those requested here, and the Lessee would be at a distinct competitive disadvantage if the requested variances were denied. Further, they argued that the larger signs are necessary due to the high speed at which vehicles travel Pulaski Highway and in order that the restaurant may be seen as vehicles exit from I-95. The Lessee also argued that the smaller signs need no variance because they are directory in nature and satisfy Section 413.e.(3), Baltimore County Zoning Regulations (BCZR).

Mrs. Ginn believes the number of signs requested are too many and their size too large.

The Petitioners seek relief from Section 413.2.f, pursuant to Section 307, BCZR.

The argument raised by the Lessee that the smaller signs are directory and not business signs is not acceptable. Section 413.1.e, BCZR, requires directional signs to be of a public or quasi-public nature with no advertising matter. The Lessee's signs are not public or quasi-public in nature, and with the Colonel's caricature, they could arguably contain advertising matter. See Balint v. Bd. of Appeals of Balto. County, Circuit Court of Baltimore County, Case No. 82-M-201.

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 Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this 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 in part.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of September, 1985, that the Petition for Zoning Variances to permit a total sign area of 390 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 here:

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

this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- The requested reader board, totaling 80 square feet, shall not be permitted.
- Signs shall be placed only on the south side of the building.
- 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.
- 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 violation should be imposed.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Stanley S. Fine, Esquire

Mrs. Mary Ginn

People's Counsel

ZONING DESCRIPTION
LOTS 119 THROUGH 122 "BONITA"
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the southeast side of Glynnock Place at the point formed by its intersection with the line dividing Lots 118 and 119 as shown on a plat entitled "Resubdivision of Lots 1-31, Block 'H', Bonita, Section Two, Plat Two, E.H.K., Jr. No. 44, folio 11, and Lots 16-23, Block 'H', Bonita, Section Two, Plat Two, E.H.K., Jr. No. 47, folio 90", which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 47, folio 124, said place of beginning being distant 398.31 feet measured in a northeasterly direction along said southeast side of Glynnock Place from its intersection with the northeast side of Glynnock Drive, thence leaving said place of beginning and running and binding on said southeast side of Glynnock Place (1) northeasterly by a line curving to the right with a radius 2,310.00 feet for a distance of 85.62 feet to the line dividing Lots 122 and 123 on said plat, thence running and binding thereon (2) South 34 degrees 49 minutes 41 seconds East 90.00 feet to intersect the southeast outline of said plat, thence running and binding thereon (3) southwesterly by a line curving to the left with a radius of 2,220.00 feet for a distance of 81.57 feet to the aforesaid line dividing lots 118 and 119, thence running and binding thereon (4) North 37 degrees 24 minutes 21 seconds West 90.00 feet to the place of beginning.

Bonita
Lots 119-122
April 15, 1985
Page 2

BEING Lots 119 through 122 as shown on a plat entitled "Resubdivision of Lots 1-31, Block 'H', Bonita, Section Two, Plat Two, E.H.K., Jr. No. 44, folio 11, and Lots 16-23, Block 'H', Bonita, Section Two, Plat Two, E.H.K., Jr. No. 47, folio 90, which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 47, folio 124.

Job Order No. 01-21357

April 15, 1985

Work Order No. 6454

PP/aeb

STV LYON ASSOCIATES.

ENGINEERS, ARCHITECTS & PLANNERS.
2110 GOWENLOCK COURT
BALTIMORE, MD 21207-2722
301/944-9112

ZONING DESCRIPTION
NO. 7301 PULASKI HIGHWAY,
FIFTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point along the southeasterly side of Pulaski Highway, U.S. Route 40 (150 feet wide), being distant, by a curve to the left having a radius of 5,402.48 feet, an arc length of 225.25 feet, said curve being subtended by a chord bearing South 55°20'38" West 225.24 feet, from the intersection of said southeasterly side of Pulaski Highway and the centerline of 65th Street (50 feet wide), thence running with and binding along said southeasterly side of Pulaski Highway, by a curve to the left having,

- A radius of 5,402.48 feet, an arc length of 199.10 feet, said curve being subtended by a chord bearing South 53°35'37" West 199.09 feet to a point, thence leaving Pulaski Highway and running,
- South 48°18'49" East 256.97 feet a point thence,
- South 55°32'38" East 137.76 feet a point, thence parallel with said 65th Street,
- North 34°32'40" West 258.00 feet to the point of beginning..... containing 42,969 square feet or 0.9864 acre of land, more or less.

[Signature]
STV LYON ASSOCIATES, INC.
Mark A. Riddle
Md. Reg. P.L.S. No. 244

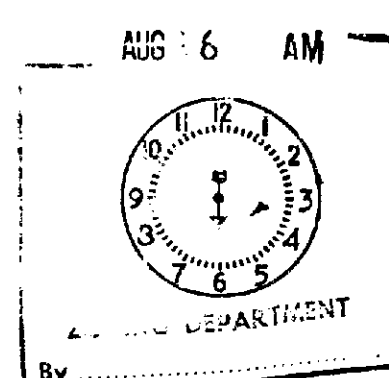
May 1, 1985



STV ENGINEERS, Engineers, Architects, Planners, Construction Managers, Professional Member Firm
STV ENGINEERS, INC. STV ENGINEERS, INC. STV ENGINEERS, INC. STV ENGINEERS, INC. STV ENGINEERS, INC.
H. D. Nottingham & Associates, STV/Sanders & Thomas, STV/Sanders & Thomas, STV/Sanders & Thomas, STV/Sanders & Thomas, STV/Sanders & Thomas

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SE/S Pulaski Hwy., 225' : OF BALTIMORE COUNTY
SW/Centerline of 65th St. : (7301 Pulaski Hwy.),
15th District :
NORBERT H. MUENCH, et ux, : Case No. 86-93-A
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.



[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
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 15th day of August, 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 Mr. Thomas M. Caulk, C. E., KFC National Management Co., 7225 Parkway Drive, Hanover, MD 21076, Lessee.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JARLON
ZONING COMMISSIONER

September 5, 1985

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

Re: Petition for Variance
SE/S Pulaski Highway, 225' SW/center-
line of 65th St. (7301 Pulaski Highway)
Norbert H. Muench, et ux, Petitioners
15th Election District
Case No. 86-93-A

Dear Mr. Fine:

This is to advise you that \$60.15 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, City Office Building,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012589

DATE 9-6-85 ACCOUNT 4-01-615-000

RECEIVED FROM Stanley Fine Esquire

FOR Advertising and Posting Case 86-93-A

8 8011*****SCALIS 03-18

VALIDATION OR SIGNATURE OF CARRIER

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

August 2, 1985

NOTICE OF HEARING

RE: Petition for Variance
SE/S Pulaski Highway, 225' SW/center-
line of 65th St. (7301 Pulaski Highway)
Norbert H. Muench, et ux, Petitioners
15th Election District
Case No. 86-93-A

TIME: 10:00 a.m.

DATE: Thursday, September 12, 1985

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 008527

DATE 8/20/85 ACCOUNT 01-615-000

RECEIVED FROM Stanley Fine

FOR VARIANCE # 407 (CNC-XV-389)

8 8034*****100001 82041

VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 8/16/85
Posted for Variance
Petitioner: Norbert H. Muench, et ux
Location of property: SE/S Pulaski Hwy, 225' SW/center line of 65th St.
Location of Sign: Facing Pulaski Hwy, between 15th and 16th Sts, on property of R.H. Muench
Remarks:
Posted by [Signature] Date of return: 8/20/85
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 10/29/85
Posted for Appeal
Petitioner: Norbert H. Muench, et ux
Location of property: SE/S Pulaski Hwy, 225' SW/center line of 65th St.
Location of Sign: Facing Pulaski Hwy, between 15th and 16th Sts, on property of R.H. Muench
Remarks:
Posted by [Signature] Date of return: 11/15/85
Number of Signs: 1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE August 19, 1985

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

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

RE: Item No. 407 - Case No. 86-93-A
Petitioners - Norbert H. Muench, et ux
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.

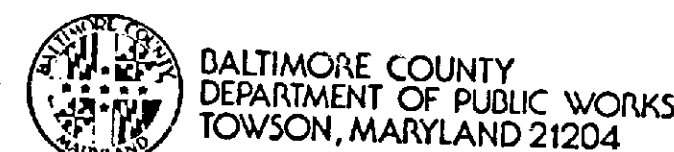
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing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

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: STV/Lyon Associates
21 Governors Court
Baltimore, Maryland 21207



HARRY I. PISTEL, P.E.
DIRECTOR

July 15, 1985

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

Re: Item #407 (1984-1985)
Property Owner: Norbert H. Muench
SE/S Pulaski Highway 225.25' S/W fr. c/l
65th Street
District 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

Since no public facilities are involved, this office has no comment.

Very truly yours,
James A. Markle, P.E.
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:PMI:blp

cc: File



Maryland Department of Transportation
State Highway Administration

William K. Hellmuth
Secretary
Hal Kassoff
Assistant Secretary

July 18, 1985

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

Att: N. Commodari

Re: Item # 407
Property Owner: Norbert
H. Muench, et ux
Location: SE/S Pulaski
Highway (Route 40-E)
225.25' S/W from c/l
65th Street
Existing Zoning: B.R.
Proposed Zoning: Var.
to permit a total sign
sq. ft. of 399 in lieu
of the required 100 sq.
ft. and permit 6 other
business signs in lieu
of the required 3.
Acres: 0.98
District 15th

Dear Mr. Commodari:

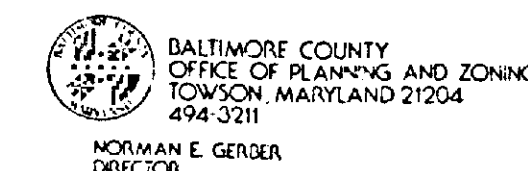
On review of the revised submittal of 6/20/85, the State Highway Administration finds the submittal generally acceptable.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350.
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 7171 707 North Calvert St., Baltimore, Maryland 21203-0717



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

AUGUST 21, 1985

Re: Zoning Advisory Meeting of JULY 2, 1985
Item #407 NORBERT H. MUENCH, et ux
Location: SE/S PULASKI HWY. 225.25'
S/W FROM 65TH ST.

Dear Mr. Jablon:

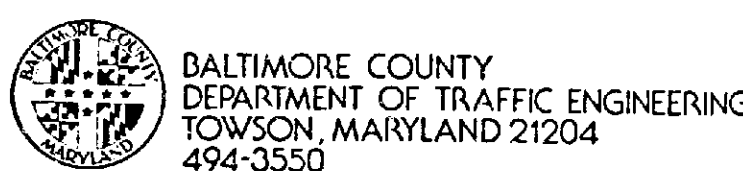
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ 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 circulation on this site is not satisfactory.
- ☒ The access 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 for alteration of the floodplain is prohibited under the provisions of Section 22-88 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 6/20/85.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by 811.178-79, and as conditions change are re-evaluated annually by the County Council.

THE SRS PLAN XV-384 (KFC-7301 PULASKI HWY.)
WAS APPROVED APRIL 11, 1985, PLANNING BOARD
ENDS APRIL 11, 1985

cc: James Howell

Eugene A. Boker
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

July 31, 1985

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

Item No. 400, 402, 403, 404, 406 (407) and 408 ZAC-Meeting of July 2, 1985
Property Owner:
Locations:
Existing Zoning:
Proposed Zoning:

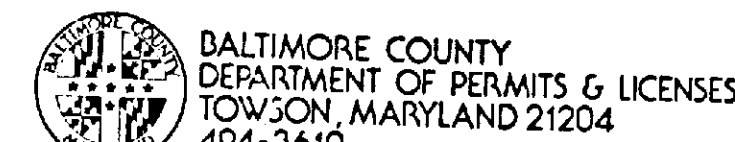
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 400, 407, 403, 404, 406, 407, and 408.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

MSP/ccm



TED ZALESKI, JR.
DIRECTOR

July 19, 1985

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

Dear Mr. Jablon:

Comments on Item # 407 Zoning Advisory Committee Meeting are as follows:

Property Owner: Norbert H. Muench, et ux
Location: SE/S Pulaski Highway 225.25' S/W from c/l 65th Street
District: 15th.

APPLICABLE CODE - CHANGES

- A. 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.D.A. 1117-1 - 380) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- D. 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.
- E. All Use Groups except B-1, Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 5'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire as party wall. See Table 1001, Section 1002, and Table 1002. No openings are permitted in an exterior wall within 5'-0" of an interior lot line.
- F. 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 1001 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with section(a) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/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 Groups are from Use _____ to Use _____ or to Mixed Use _____ See Section 315 of the Building Code.
- I. The proposed subject appears to be located in a Flood Plain, Flood/Riverine. Please see the attached copy of Section 26.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:

These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and do not intend to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

William K. Hellmuth
W. K. Hellmuth, Chief
Building Plans Review

L/27/85

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: August 26, 1985

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

SUBJECT: Zoning Petition No. 86-93-A

This office has no problem with the proposed directional signs, nor with the proposed menu board. We are, however, opposed to the proposed size of the I.D. sign (4' x 14'), believing that a smaller sign would suffice. If there is to be a sign or signs on the building, this would further negate the need for such a large I.D. sign. Finally, we see no need for the proposed readerboard to be attached to the I.D. sign. We believe that the reduction of the I.D. sign and the deletion of proposed readerboard would still leave more than ample signage for the site.

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

NEG:JGH:sjm

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

August 23,

1985

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Petition For Variance. P.O. #67892 - Reg. #L78342.

was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 23rd day of August 1985; that is to say, the same was inserted in the issues of August 22, 1985

Kimbei Publication, Inc.
per Publisher.

By *E. C. Diller*

Case No. 86-93-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 31st day of July, 1985.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Norbert H. Muench, et ux
Attorney: Stanley S. Fine, Esquire

Received by: *James E. Dyer*
JAMES E. DYER, Chairman
Zoning Plans Advisory Committee

APR 10 1986

PETITION FOR VARIANCE

LOCATION: In show lots at
State Highway, 2 1/2 N. Southwest
corner of 46th Street,
Baltimore.

**DATE AND TIME (Thursday, See
Notice)**

PLACE OF HEARING: Room 10
County Office Building, 111 N.
Calverton Avenue, Towson,
Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Board of Appeals of Baltimore County, will hold a public hearing on the following petition:

419.25 sq. ft. total gross area
419.25 sq. ft. square feet in lots of
various sizes, and permit all other
other business signs in lots of the
same size as above.

Being the property of Norbert H.
Hartman, et al; as shown on the plat
filed with me.

In the event that this Petition is
granted, it shall be subject to the re-
vised "C" zoning (30) day appeal
process," as the Zoning Commission
will, however, entertain any request for
a stay of the issuance of said per-
mits until such time as the County
shows. Such request must be received
by the date of the hearing set forth
above or by the date of the next
meeting of the Board.

By Order of
JAMES J. BABLON,
Zoning Commissioner
of Baltimore County

Aug. 22,

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 August 22 19⁸⁵

18 Veneto:

24.75

