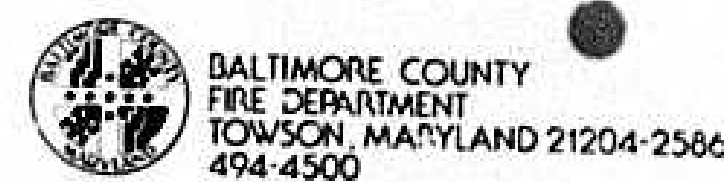


- (X) Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/56



PAUL H. REINKE
CHIEF

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

January 28, 1987

RE: Property Owner: Arthur Y. Pindell, Jr., et ux

Location: E/S York Road, 468' S. Wight Avenue

Item No.: 301

Zoning Agenda: Meeting of 1/27/87

Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 10, "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]* Noted and Approved:
Planning Group
Special Inspection Division

[Signature]
John F. O'Neill
Fire Prevention Bureau

/mb



TED ZALEMI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 301 Zoning Advisory Committee Meeting are as follows:

Property Owner: Arthur Y. Pindell, Jr., et ux
Location: E/S York Road, 468 feet S Wight Avenue
District: B.L. - C.S2

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 417-85, the Maryland Code for the Handicapped and Aging (A.M.C.A. #17-1 - 1980) 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. Neighborhood seals are not acceptable.
5. All the Group except B-1 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. But the Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1106.2 and Table 1107. 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) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Temporary Permit, an alternate 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 are from the _____ or to Mixed Use _____ See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard, Floodway. Please see the attached copy of Section 516.6 of the Building Code as adopted by Bill 417-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
10. Comments: Signs shall comply with Article # 19 and its amendments in Council Bill # 17-85.

11. 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 extent of any permit. If desired, the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

BT: C. E. Bergham, Chief
Building Plans Service

1/27/87

[Signature]
3-135-20
ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW
SUITE 600
402 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800
JAN 12 1987
ZONING OFFICE
JOHN L. ASKEW

Arnold Jablon, Esq.
Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21264

Re: Petition for Sign Variance
(11025 York Road, Cockeysville)

Dear Mr. Jablon:

We have filed, concurrent with this letter request, a petition requesting a certain zoning variance (signage) pertaining to the above-captioned property.

Because of various contractual and planning commitments, an early hearing date on our Petition is absolutely essential.

Accordingly, we urge your favorable consideration of this request.

Thank you.

Very truly yours,
[Signature]
E. Harrison Stone

EHS:jz
0245g

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2.f, so as to permit a total of 169 square feet of signage in lieu of the required 100 square feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Signs are essential in order to locate restaurant in this heavily developed area.

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.

Lessee:
KFC National Management Company
(Type or Print Name)
BY: *[Signature]*
Signature Robert G. Berkheimer
7225 Parkway Drive
Address
Hanover, MD 21076
City and State

Attorney for Petitioner:
E. Harrison Stone
(Type or Print Name)
[Signature]
Signature
Suite 600, 102 W. Pennsylvania Avenue
Address
Towson, MD 21204
City and State
Attorney's Telephone No.: 823-1800

Legal Owner(s):
Arthur Y. Pindell, Jr.
(Type or Print Name)
[Signature]
Signature
Elizabeth Pindell
(Type or Print Name)
[Signature]
Signature
P.O. Box 36
Address
Cockeysville, Maryland 21030
City and State
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 104, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____.

[Signature]
Zoning Commissioner of Baltimore County
(over)

IN RE: PETITION ZONING VARIANCE
E/S of York Road, 468' S of
Wight Avenue (11025 York
Road) - 8th Election District
Arthur Y. Pindell, Jr., et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-381-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit business signs totaling 169 square feet in lieu of the permitted 100 square feet, as indicated on Petitioners' Exhibit 1.

The Petitioners, by Thomas Caulk, Construction Engineer for KFC National Management Company (KFC), the Lessee, appeared and were represented by Counsel. Tony Cortesal of STV Lyons appeared on behalf of the Petitioners. There were no Protestants.

Prior to the hearing, Counsel stated that the site plan mistakenly labeled one of the signs as a "reader board". It is in fact a "drive-thru" strip, as indicated in the notes delineated on the plan.

The subject property is zoned B.L. and is located on York Road adjacent to Valley View Farms, which has an identification (ID) sign containing 100 square foot per side. The proposed signs are necessary in order to provide customer recognition. The 9 square foot per side drive-thru strip will be below the 65.3 square foot per side KFC ID sign. The 19.7 square foot single-faced menu board will be located to the rear of the property. The total area for one face of each of the three signs is 94 square feet.

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

The request presented here places the Petitioners in the middle of a controversy existing between the Zoning Commissioner and the Board of Appeals of Baltimore County (Board). The Zoning Commissioner has interpreted Section 413.2.f to require the computation of both or all sides of a multi-faced sign. The Board has held that the computation should involve only one side. The difference in interpretation is significant here. Under the Board's point of view, a variance would not be required; under the Zoning Commissioner's point of view, a variance is necessary. The issue is now before the Court of Special Appeals for resolution. Notwithstanding this difference in interpretation, the Lessee has met its burden of proof for a variance to be granted. However, it would be manifestly unfair to deny the requested variance inasmuch as the Lessee is requesting a sign with less than 100 square feet per side.

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 conformance 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 the variance were granted, such use as proposed 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 instant variance 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 variance 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 variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of April, 1987, that the Petition for Zoning Variance to permit business signs totaling 169 square feet in lieu of the permitted 100 square feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

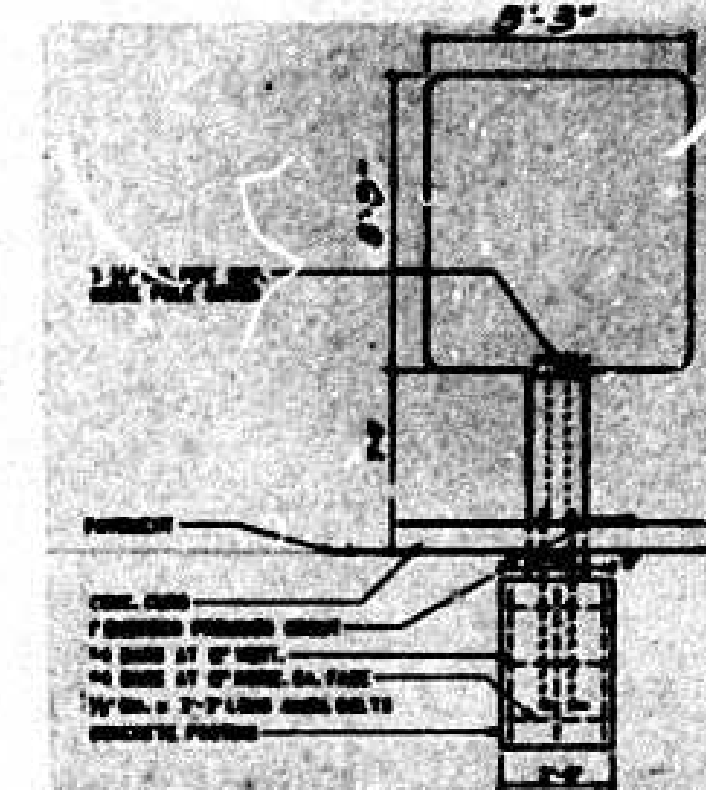
- The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

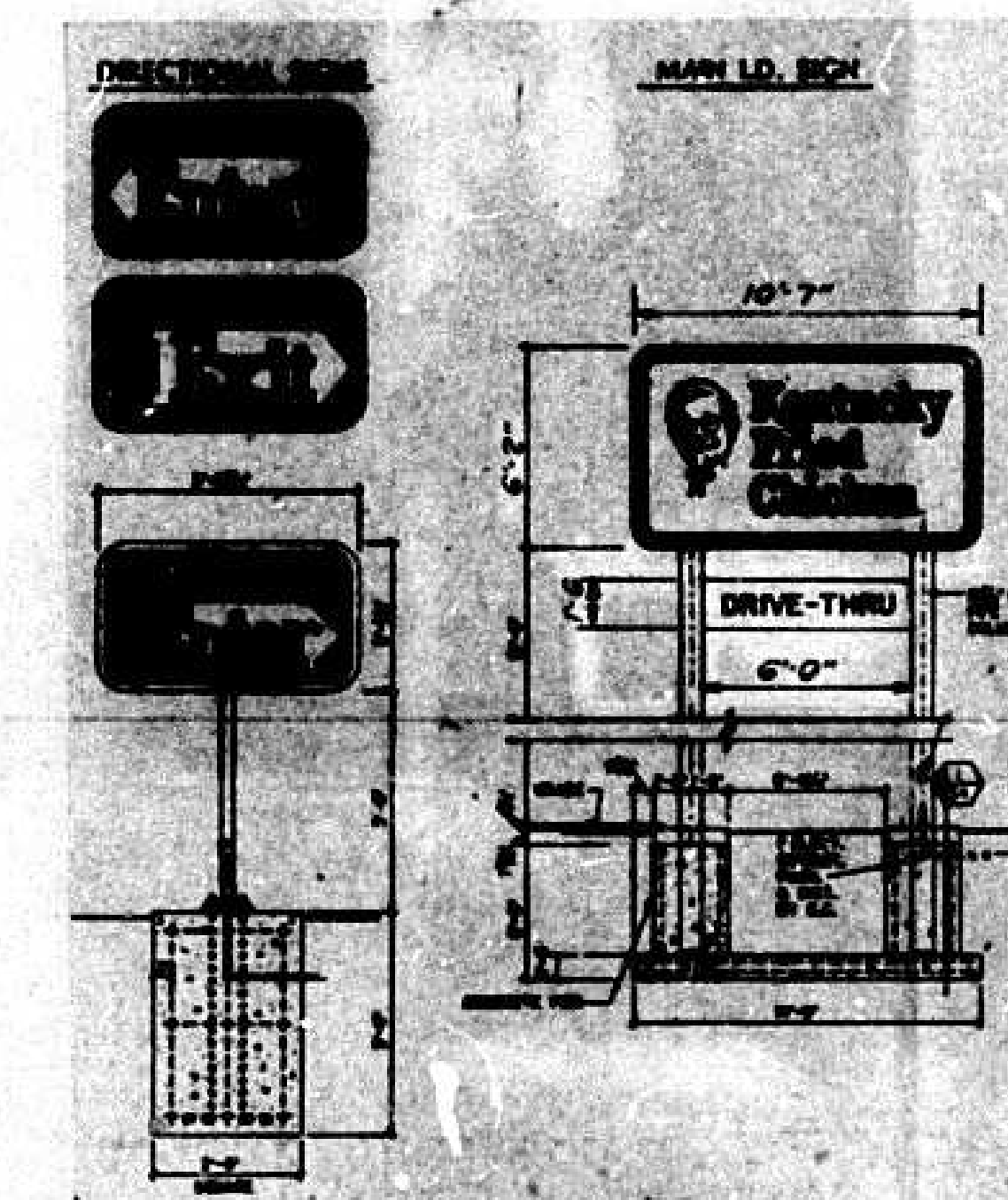
AJ/srl

cc: E. Harrison Stone, Esquire

People's Counsel



MENU BOARD NOT TO SCALE



SIGN DETAILS NOT TO SCALE

- GENERAL NOTES:
- OWNER: ARTHUR V. PINDELL, JR. AND WIFE 4246/615
 - LESSOR: KFC NATIONAL MANAGEMENT COMPANY 7225 PARKWAY DRIVE HANOVER, MARYLAND #1076 (301) 796-5100
 - EXISTING ZONING: BL-CS-2 PROPOSED ZONING: NO CHANGE
 - SITE AREA: 53,652 SQUARE FEET OR 1.23 ACRES ±
 - EXISTING BUILDINGS TO BE REMOVED.
 - PUBLIC UTILITIES EXIST ON SITE.
 - OFF-STREET PARKING: SPACES REQUIRED: 49 (2346 S.F. ± 50) SPACES PROVIDED: 50 (IMCL. 2 HANDICAPPED)
 - SIGNAGE: MAIN I.D. SIGN 65.3 S.F. X 2 SIDES = 130.6 S.F. DRIVE THRU STRIP 9.0 S.F. X 2 SIDES = 18.0 S.F. MENU BOARD 19.7 X 1 SIDE = 19.7 S.F. TOTAL PROPOSED SIGNAGE: 168.3 S.F. NOTE: DIRECTIONAL SIGNS WILL CONTAIN NO ADVERTISING AND THEREFORE ARE NOT INCLUDED.
 - VARIANCE REQUESTED: FROM SECTION 413.2F TO ALLOW 168.3 SQUARE FEET OF SIGNAGE IN LIEU OF THE 100 SQUARE FEET ALLOWED.
 - SETBACKS: FRONT YARD ONLY. NO SIDE OR REAR YARDS REQUIRED IN BL ZONING

Mark A. Pindell

87-381-A
#301
Revised
4/13/87

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

K.F.C.
11025 YORK ROAD
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
COUNCIL DISTRICT NO. 3

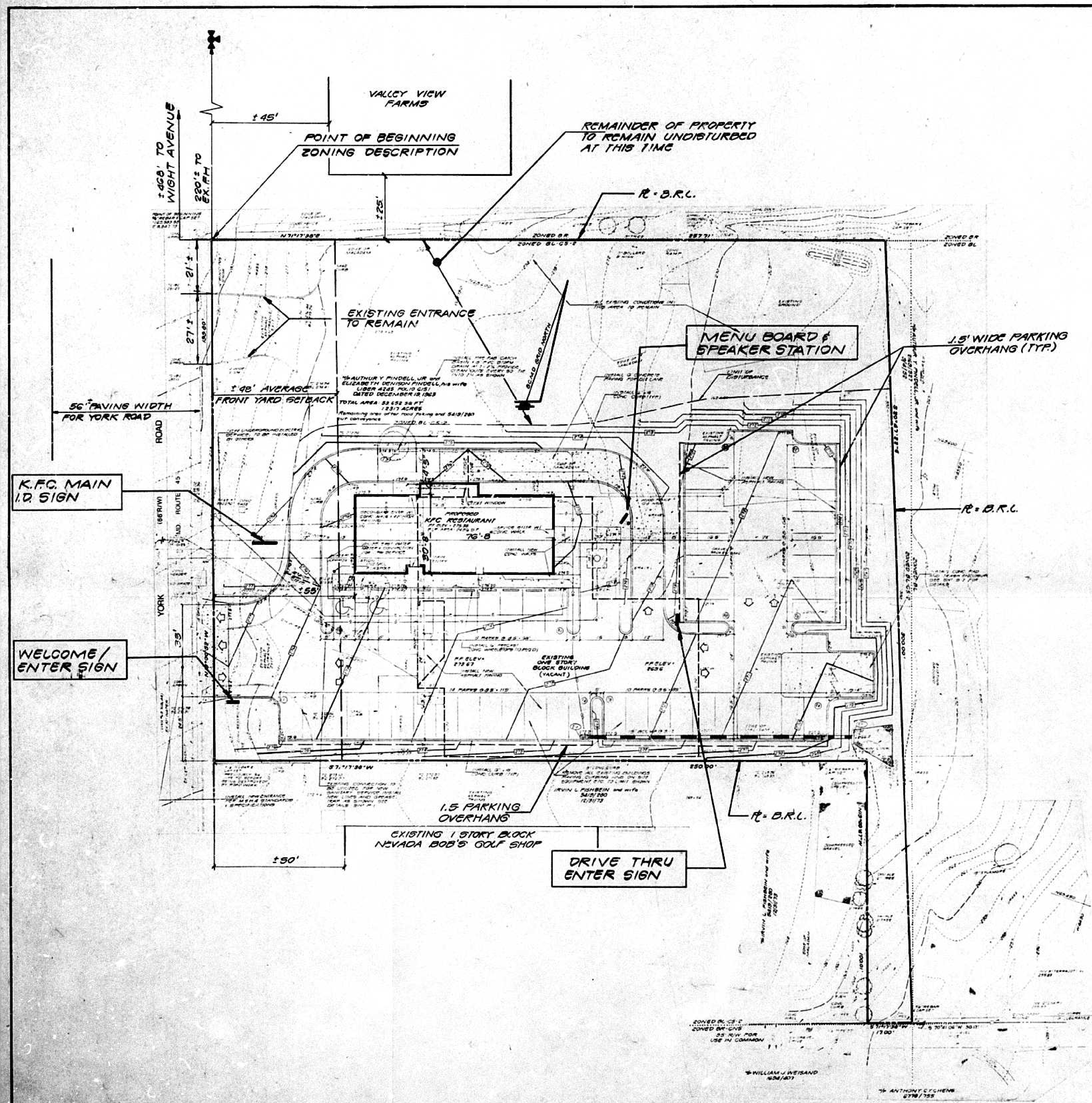
DRAWING NO. V-1
SHEET NO. 1 of 1

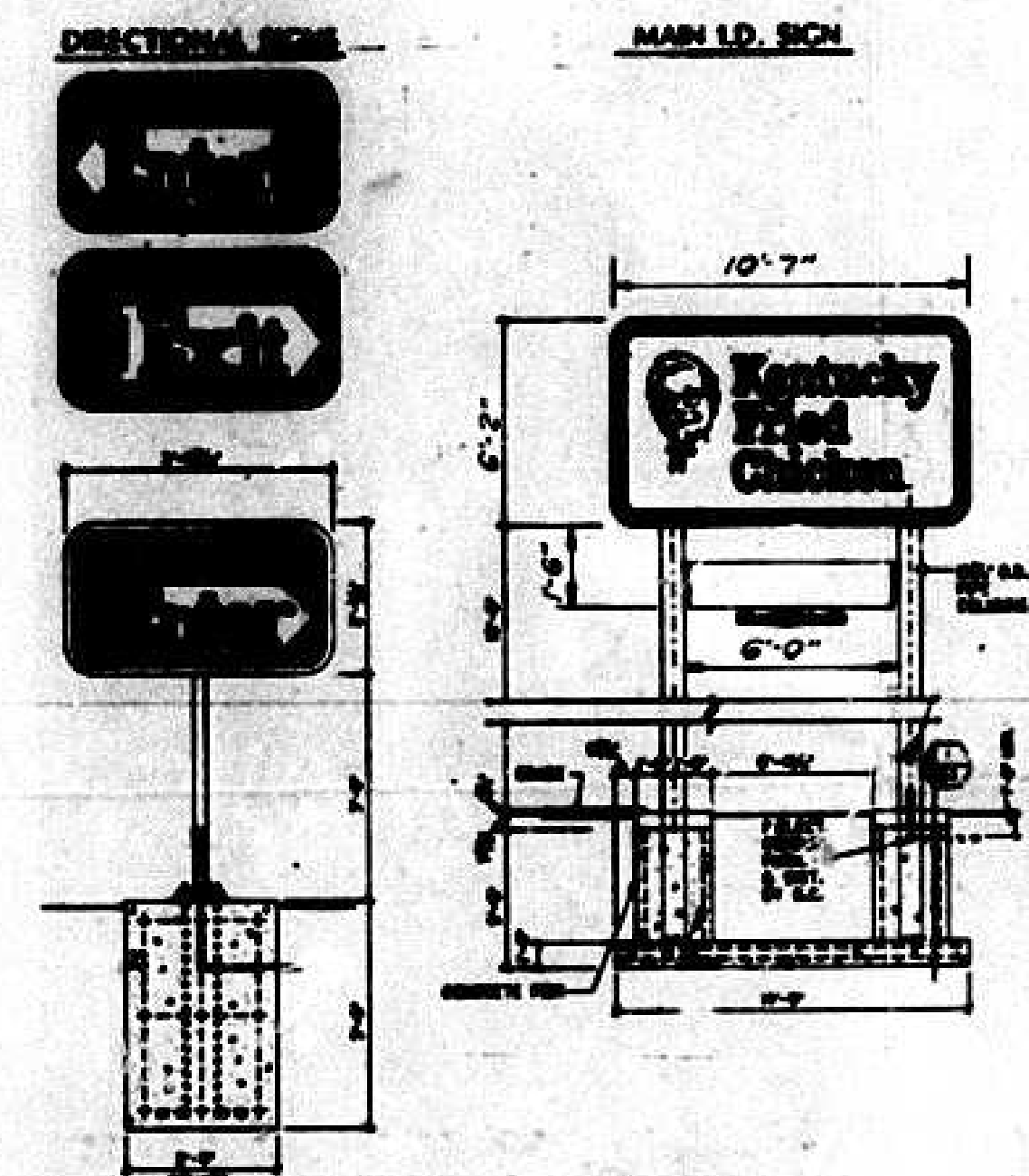
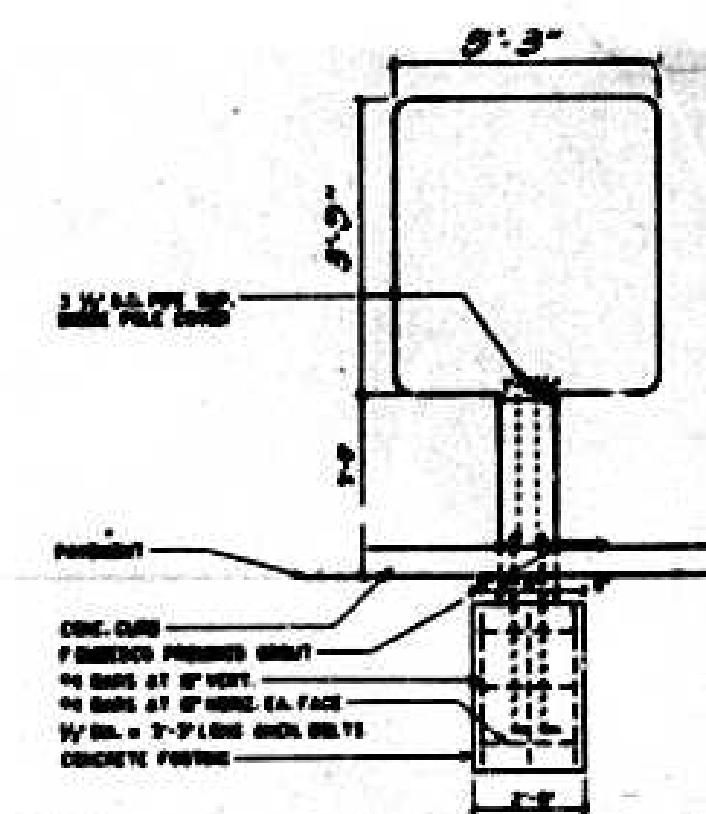
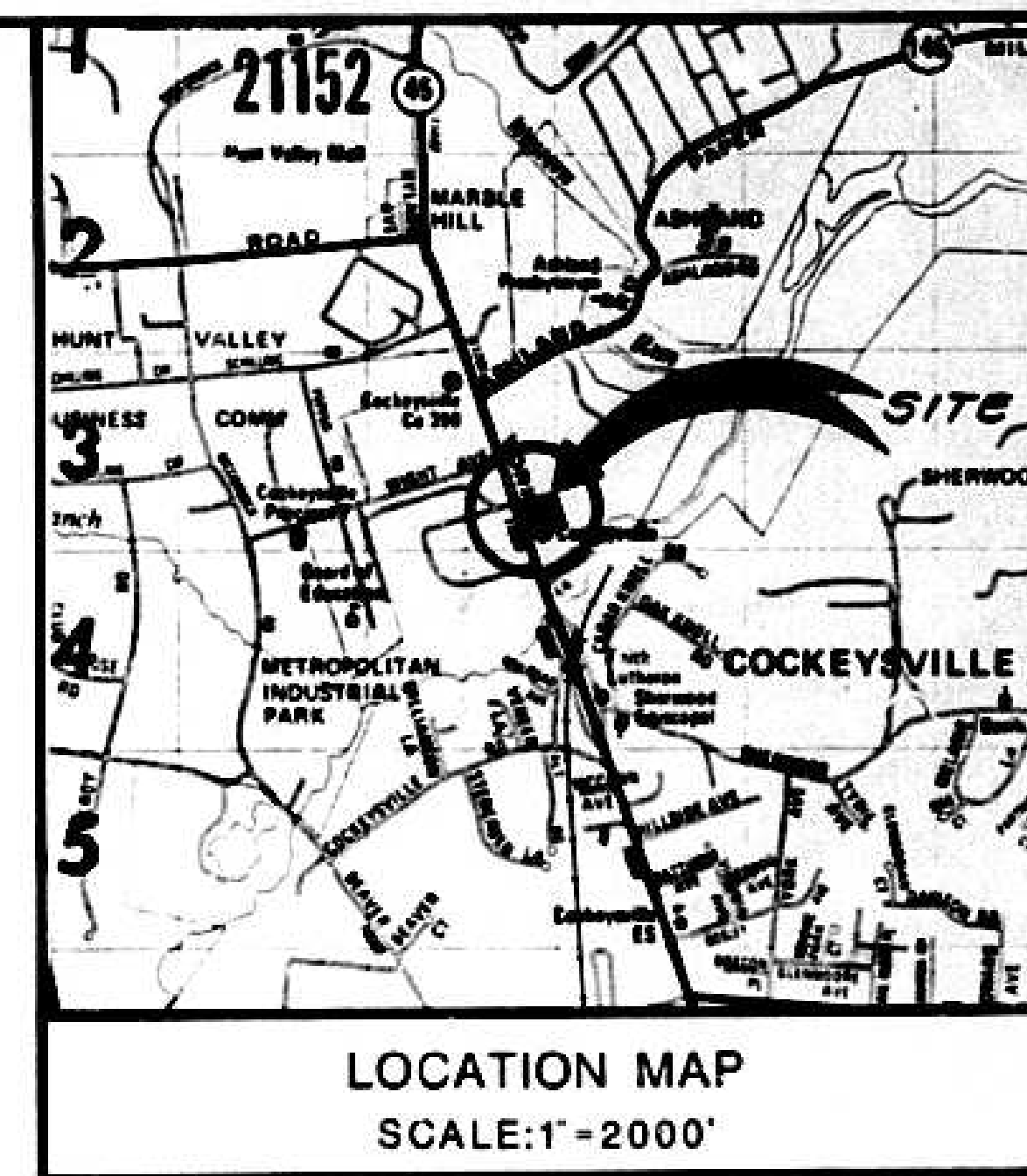
STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION
1	1-9-87	PER ZONING COMMENTS
2	4/13/87	DELETE READER BOARD

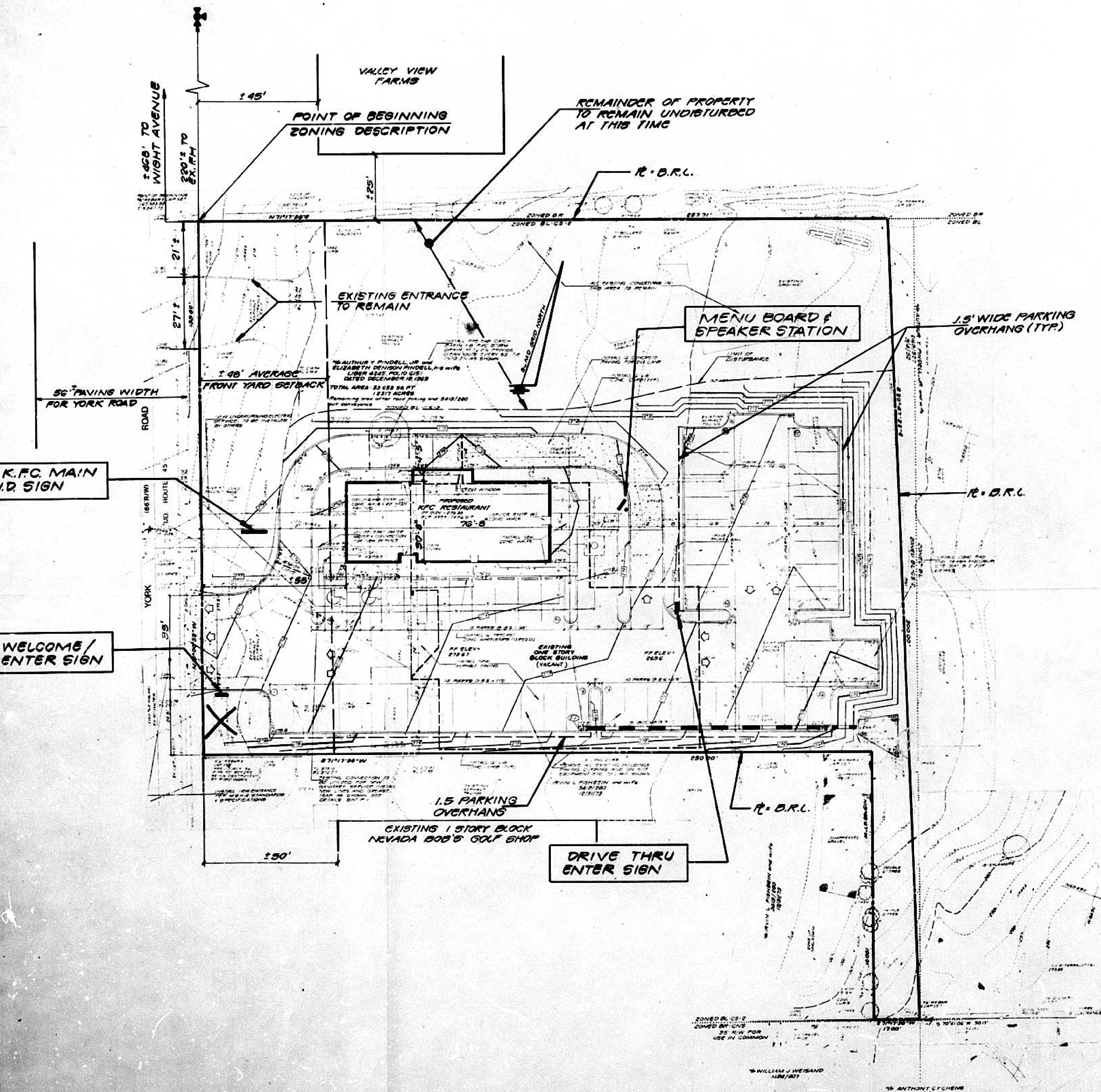


PLAN PREPARATION	
DRAWN BY S.J.C.	DATE 12/18/86
DESIGNED BY A.K.G.	SCALE 1"=20'
CHECKED BY M.A.R.	7807-59-013





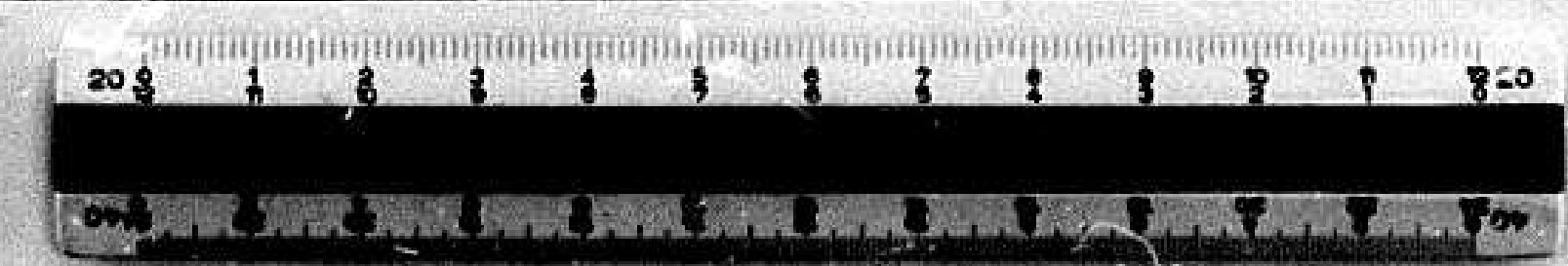
- GENERAL NOTES:
- OWNER: ARTHUR Y. PINDELL, JR. AND WIFE
4245/615
 - LESSOR: KFC NATIONAL MANAGEMENT COMPANY
7225 PARKWAY DRIVE
HANOVER, MARYLAND 21076
(301) 796-5100
 - EXISTING ZONING: ~~CS-2~~
PROPOSED ZONING: NO CHANGE
 - SITE AREA: 53,652 SQUARE FEET OR
1.23 ACRES ±
 - EXISTING BUILDINGS TO BE REMOVED.
 - PUBLIC UTILITIES EXIST ON SITE.
 - OFF-STREET PARKING:
SPACES REQUIRED: 49 (2346 S.F. ± 50)
SPACES PROVIDED: 50 (INCL. 2 HANDICAPPED)
 - SIGNAGE:
MAIN 1.0" SIGN 65.3 S.F. X 2 SIDES = 130.6 S.F.
DRIVE THRU STRIP 9.0 S.F. X 2 SIDES = 18.0 S.F.
MENU BOARD 19.7 X 1 SIDE = 19.7 S.F.
TOTAL PROPOSED SIGNAGE: 168.3 S.F.
NOTE: DIRECTIONAL SIGNS WILL CONTAIN NO ADVERTISING
AND THEREFORE ARE NOT INCLUDED.
 - VARIANCE REQUESTED:
FROM SECTION 413.24 TO ALLOW 168.3 SQUARE FEET OF SIGNAGE
IN LIEU OF THE 100 SQUARE FEET ALLOWED.
 - SCIBACKS:
FRONT YARD ONLY. NO SIDE OR REAR YARDS
REQUIRED IN BL ZONE



PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE

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

REVISIONS		
NO.	DATE	DESCRIPTION
1	1-10-81	FOR ZONING COMMENTS



PLAN PREPARATION	
DRAWN BY S.J.C.	DATE 12/19/86
DESIGNED BY A.K.G.	SCALE 1"=20'
CHECKED BY M.A.R.	7807-59-018

K.F.C.
11025 YORK ROAD
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
COUNCIL DISTRICT NO. 3

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

Marshall
301
1 sign
87 381-A
OFFICE COPY