

381 87-518-A **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 thereof, hereby petition for a Variance from Section 413.2(f) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Petitioner's intended use is for a Popeye's fast food restaurant and drive-thru. Petitioner intends to order the standard pylon sign and menu board used by the Popeye's restaurants in the Baltimore area. The property bordering Petitioner's property fronting on Reisterstown Road is zoned B,L (Business, Local), and therefore, removal of the restrictions of Section 413.2(f) would not result in substantial injury to public health, safety and general welfare. Denial of Petitioner's request for a variance would cause Petitioner practical difficulty and/or unreasonable hardship.

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: _____ Legal Owner(s): _____
(Type or Print Name) _____
Signature _____
Address _____
City and State _____

Attorney for Petitioner: _____
Robert W. Cannon, Jr. _____
(Type or Print Name) _____
Signature _____
100 South Charles Street
Baltimore, Maryland 21201
City and State
Attorney's Telephone No.: 332-8816

Greenspring Professional Building
Address P.O. Box 345 Phone 444-2100
Owings Mills, Maryland 21117
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: N 42410
Robert W. Cannon W 44 215
Name 100 South Charles Street
Baltimore, Maryland 21201 332-8816
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of June 1987, 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 24th day of June 1987, at 10:00 o'clock A.M.

Paul Lee
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date 7/5/87
By *Paul Lee*

87-518-A
381
Gordon K. Harden, Sr., et ux
NE/S Reisterstown Rd., Cor. NW/S
St. Thomas Lane
4th E.D.
3rd C.D.

ORDER RECEIVED FOR FILING
Date 7/5/87
By *Paul Lee*

IN RE: PETITION FOR ZONING VARIANCE
NE/S Reisterstown Road, Cor.
NW/S St. Thomas Lane
4th Election District
3rd Councilmanic District
Gordon K. Harden, Sr., et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-518-A

The Petitioners herein request a variance to permit a total sign area of 229 sq.ft. in lieu of the permitted 100 sq.ft.

Testimony by and on behalf of the Petitioners and the Lessee (Popeye's) indicated that the subject property is proposed for use as a Popeye's Fast Food Restaurant. The Popeye company offers two standard identification sign packages, and the one which is proposed for the instant site is the smaller of the two (see the plan submitted, prepared by Paul Lee Engineering, Inc., dated March 5, 1987). The lower portion of the sign has one line of permanent lettering and space for three rows of 6" changeable letters, a form of sign frequently used by the fast food industry and currently used by the adjacent Wendy's fast food restaurant. Without the requested variance, the Petitioners will need a custom made sign and have difficulty providing sufficient identification at a distance for a busy thoroughfare. In the opinion of the Petitioner and the engineer, the proposed sign will not adversely affect the sight lines of traffic. Menu boards are a standard 45 sq.ft.

There were no Protestants.
After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, in the opinion of the Deputy Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Paul Lee P.E.
Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
301-821-5341

DESCRIPTION
0.5713 ACRE PARCEL - LOT 3 - POPEYE'S
NE CORNER REISTERSTOWN ROAD & ST. THOMAS LANE
11TH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located at the intersection of the north side of St. Thomas Lane with the east side of Reisterstown Road, said point also being located 20'± from the center of St. Thomas Lane; thence binding on the east side of Reisterstown Road
(1) N 47°24'54" W 137.98 feet;
thence leaving said east side of Reisterstown Road
(2) N 42°49'06" E 196.00 feet and
(3) S 47°24'54" E 129.42 feet
to the north side of St. Thomas Lane, thence binding on the north side of St. Thomas Lane
(4) S 40°19'06" W 196.17 feet
to the point of beginning.
Containing 0.5713 acre (24,885 s.f.) of land, more or less.



Beginners - Surveys - Site Plans 3/5/87

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 2nd day of July, 1987 that a total sign area of 229 sq.ft. in lieu of the permitted 100 sq.ft., in accordance with the plan submitted, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject however, to the following restrictions:

At any such time as a "Popeye's" no longer occupies the site, the amount of signage shall be immediately reduced to conform with the BCZR in effect at the time.

John M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date 7/5/87
By *Paul Lee*

PETITION FOR ZONING VARIANCE
4th Election District - 3rd Councilmanic District
Case No. 87-518-A

LOCATION: Northeast Side Reisterstown Road, Corner/Northwest Side St. Thomas Lane
DATE AND TIME: Wednesday, June 24, 1987, at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Zoning Variance to permit a total sign area of 229 square feet in lieu of the permitted 100 square feet (a variance of 129 square feet)

Being the property of Gordon K. Harden, Sr., et ux, as shown on plat plan filed with the Zoning Office.

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

BY ORDER OF
ARNOLD JARLOW
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
Arnold Jarlow
Zoning Commissioner

July 2, 1987

Robert W. Cannon, Esquire
100 S. Charles Street
Baltimore, Maryland 21201

RE: Petition for Zoning Variance
NE/S Reisterstown Road, Corner/NW/S St. Thomas Lane
4th Election District, 3rd Councilmanic District
Case No. 87-518-A

Dear Mr. Cannon:

Pursuant to the recent hearing held in the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

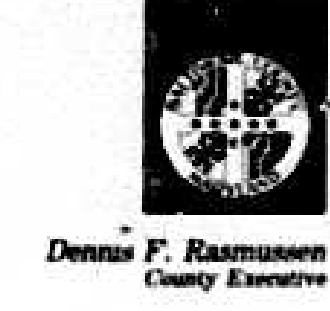
Very truly yours,

John M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: People's Counsel



RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE/S Reisterstown Rd., Corner :
NW/S St. Thomas La., 4th Dist. : OF BALTIMORE COUNTY
GORDON K. HARDEN, SR., et ux, : Case No. 87-518-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.

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, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 27th day of May, 1987, a copy of the foregoing Entry of Appearance was mailed to Robert W. Cannon, Esquire, 100 S. Charles St., Baltimore, MD 21201, Petitioners' Attorney.

Peter Max Zimmerman
Peter Max Zimmerman

ARNOLD JABLON
ZONING COMMISSIONER

June 17, 1987

Robert W. Cannon, Esquire
100 South Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
NE/S Reisterstown Rd., Cor./NW/S St. Thomas La.
4th Election District - 3rd Councilmanic District
Gordon K. Harden, Sr., et ux - Petitioners
Case No. 87-518-A

Dear Mr. Cannon:

This is to advise you that \$76.13 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to the County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 35945
DATE 6/24/87 ACCOUNT R-01-615-000
SIGN & POST
RETURNED AMOUNT \$ 76.13
Heinberg and Green, 100 South Charles St.,
Baltimore, Md. 21201
RECEIVED FROM: [Signature]
ADVERTISING & POSTING COSTS RE CASE #87-518-A
FOR: [Signature]
VALIDATION OR SIGNATURE OF CASHIER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

67-518-A

District: 4th Date of Posting: 6-6-87
Posted for: Variance
Petitioner: Gordon K. Harden, Sr., et ux
Location of property: NE/S Reisterstown Road, Cor./NW/S St. Thomas La.
Location of Sign: NE/S Reisterstown Road, Cor./NW/S St. Thomas La.
Remarks: [Signature]
Posted by: [Signature] Date of return: 6-12-87
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 4, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 4, 1987.

OWINGS MILLS TIMES,

[Signature]
Publisher

2896

Robert W. Cannon, Esquire
100 South Charles Street
Baltimore, Maryland 21201

May 18, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NE/S Reisterstown Rd., Cor./NW/S St. Thomas La.
4th Election District - 3rd Councilmanic District
Gordon K. Harden, Sr., et ux - Petitioners
Case No. 87-518-A

TIME: 10:00 a.m.

DATE: Wednesday, June 24, 1987

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 32475
DATE 3/25/87 ACCOUNT 01-615-000
AMOUNT \$ 100.00
RECEIVED FROM: [Signature]
FOR: Variance # 381
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 4, 1987

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 June 4, 1987.

THE JEFFERSONIAN,

[Signature]
Publisher

LOCATION: Northeast Side of Reisterstown Road, Cor./NW/S St. Thomas La.
DATE: 6/24/87
AMOUNT: \$ 76.13
Heinberg and Green, 100 South Charles St., Baltimore, Md. 21201
RECEIVED FROM: [Signature]
ADVERTISING & POSTING COSTS RE CASE #87-518-A
FOR: [Signature]
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 21, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 87-518-A

This office is opposed to the granting of the subject variance. County arterials have been more than blessed with their share of excess signage.

[Signature]
Norman E. Gerber, AICP
Director

NEG:JGH:slb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 8, 1987

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

Chairman

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

Robert W. Cannon, Esquire
100 South Charles Street
Baltimore, Maryland 21201

RE: Item No. 381 - Case No. 87-518-A
Petitioners: Gordon K. Harden, Sr., et ux
Petition Zoning Variance

Dear Mr. Cannon:

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.

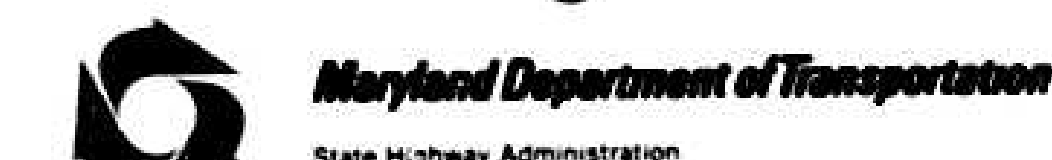
Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Paul Lee Engineering, Inc.
304 West Pennsylvania Avenue
Towson, Maryland 21204



State Highway Administration

William H. Hoffman
Secretary
Hal Kaseoff
Administrator

April 14, 1987

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

RE: Baltimore County
Item #381
Property Owner: Gordon K. Harden, et ux
Location: NE/S Reisterstown Road (Route 140) corner NW/S St. Thomas Lane
Existing Zoning B.L. and D.R. 16
Proposed Zoning: Variance to permit a total sign area of 229 square feet in lieu of the permitted 100 square feet
Area: 0.573 acres
District: 4th

Att: James Dyer

Dear Mr. Jablon:

On review of the submittal for variance of a business sign, the submittal has been forwarded to the State Highway Administration Beautification Section, C/O Morris Stein (333-1642) for all comments relative to zoning.

Very truly yours,

[Signature]
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW/es

cc: J. Ogle
M. Stein w/attachment

RECEIVED
MAY 26 1987
ZONING OFFICE

RECEIVED
APR 17 1987
ZONING OFFICE

