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 polition for a The same of the state of the particular to the same of the same of

Variance from Section 413,2(C).....to..... The expense is now the transfer of the transfer of the first of the second that permit a total sign area of 229 square feet in lieu of the permitted 100 square feet (a variance of 129 square feet) the control of the co

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

78	which is the subject of this Petition.	
Contract Purchaser:	Legal Owner(s): Gordon K. Harden, Sr. and Laverne R. Harden	
(Type or Print Name)	Clypa or String Name)	
Signature	Signature By: Robert W. Cannon, Authorized Representative	
Address	(Type or Print Name)	H II UH esm
City and State	Signature	2C
Attorney for Petitioner:	S	
Robert W. Canno	Greenspring Professional Built	me Nigro
Carlotta Vanna	Owings Mills, Maryland 21117	1000
Signature	City and State	DP 0
100 South Charles Street	Name, address and phone number of legal of tract purchaser or representative to be or	ntacted N42410
Baltimore, Maryland 21201	Robert W. Cannon	W 44 215
City and State	Name 100 South Charles Street	
Attorney's Telephone No.:332-8816		32-8816_ one No.

ORDERED By The Zoning Commissioner of Beltimore County, this __6th_____ day

IN RE: PETITION FOR ZONING VARIANCE NE/S Reisterstown Road, Cor.

NW/S St. Thomas Lare 4th Election District 3rd Councilmanic District •

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Gordon K. Harden, Sr., et ux

Petitioners

Case No. 87-518-A

BEFORE THE

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 Leasee (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.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Beltimore County this 2 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 restriction:

> 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.

> > Deputy Zoning Commissioner/ of Baltimore County

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

Robert W. Cannon, Esquire

Baltimore, Maryland 21201

100 S. Charles Street

July 2, 1987

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

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

> Very truly yours, JEAN M. H. JUNG

Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: People's Counsel

381

Paul Leo Engineering Inc. 301 W. Pranglossia Am. Toma Margland 24201

0.5713 ACRE PARCEL - LOT 3 - POPEYE'S NE CORNER REISTERSTOWN HOAD & 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 42049'06" 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.



PETITION FOR ZONING VARIANCE

4th Election District - 3rd Councilmanic District

LOCATION:

Northeast Side Reisterstown Road, Corner/Northwest Side St. Thomas Lane

DATE AND TIME: Wednesday, June 24, 1987, at 10:00 a.m.

Case No. 87-518-A

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

The Zoring Commissioner of Baltimore County, by authority of the Zoring 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 issuence of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON **20NING COMMISSIONER** OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE NE/S Reisterstown Rd., Corner NW/S St. Thomas La., 4th Dist. :

BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

GORDON K. HARDEN, SR., et ux, : Case No. 87-518-A Petitioners

1111111

ENTRY OF APPEARANCE

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

People's Counsel for Baltimore County

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 Rober: W. Cannon, Esquire, 100 S. Charles St., Baltimore, MD 21201, Petitioners' Actorney,



ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY 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.

the check payable to Baltimore County, Maryland, and remit mg, Towson, Maryland

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

DATE 6/24/87 SIGN & POST Weinberg and Green, 100 South Charles St., ADVIRTISING & POSTING COSTS RE CASE #87-518-A B B 821*****76,13:a 8744F

VALIDATION OR SIGNATURE OF CASHIER

87-518-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesspeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Potition: Series E. Herion Sr., ottocated by:

Chairman, Zoning Plans Advisory Committee

. .

CERTIFICATE OF POSTERS

87-518-A

Date of Posting 6-6-67 Politicas Torden K Harden Sh. et ux receives of property N E/S Ruiteratewa Bad, Con INW 15 St. Thomas Land Some North Corner Reisteration Road and St.

CERTIFICATE OF PUBLICATION

counts a total sign more or and

rowson, MD., ____June_4____, 19_67_ 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 19.87.

THE JEFFERSONIAN,

Susan Sudie Obrect

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon May 21, 1987 To Zoning Commissioner

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

NEG: JGH:slb

Becelation ZONING OFFICE CERTIFICATE OF PUBLICATION

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

OWINGS MILLS TIMES,

Susan Sender Obsect

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. 4th Election District - 3rd Councilmanic District Gordon K. Harden, Sr., et ux - Petitioners Case No. 87-518-A

Wednesday, June 24, 1987

10:00 a.m.

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF PROMICE - REVENUE DIVINION

M. 32475 MECELLANEOUS CASH RECEIFT COUNT 01-615 000 8 . B073 *** * 10000:a 826af

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Chairman

Bureau of Engineering Department of Traffic Engineering

MEMBERS

State Roads Commissio Nuresu of lire Prevention Health Department

Project Planning **Buildiny Department** Board of Education Zoning Administration Industrial Development

Robert W. Cannon, Esquire

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:

100 South Charles Street

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 & Deger, Lec

Zoning Plans Advisory Committee

Enclosures

JED: kkb

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

Maryland Department of Transportation

April 14, 1987

Item #381

RE: Baltimore County

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

Att: James Dyer

Property Owner: Gordon K. Harden, et us 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

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.

old for

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

CL-GW/es

cc: J. Ogle M. Stein w/attachment

APR 17 MAT ZONING OFFICE

illy telephone number in 333-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltim/re Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toli Free P.O. Fox 717 / 707 North Ceivert St., Baltimore, Maryland 21203 - 0717

CPS-008

STEPHEN E. COLLINS DIRECTOR

April 24, 1987

Meeting of April 6, 1987

Gordon K. Harden, et ux

St. Thomas Lane

B.L. and D.R. 16

100 square feet

4th Election District

0.573 acres

NE/S Reisterstown Road Corner NW/S

Variance to permit a total sign area of

229 square feet in lieu of the permitted

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

Item No. 381 Property Owner: Location:

Existing Zoning: Proposed Zoning:

Dear Mr. Jablon:

District:

This site should have sidewalks along the entire frontage. For any other comments, please see the CRG comments.

Michael S. Flanigan

Traffic Engineer Associate II

MSF:1t

HALTIMORE COUNTY DEPARTMENT OF HEALTH

4/20/87

Zoning Commissioner Office of Planning and Zoning County Office Building Towson Maryland 21204

Zoning Item # 381, Zoning Advisory Committee Meeting of April 6, 1987

Property Owner: Gerden K. Harden, et ux

Location: NES Reisters teun Rd. corner NWS 57. Thomas Her

CONSCENTS ARE AS POLLOWS:

(V) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain require-

ments for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts

into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Roview and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and mafety; two (2) copies of plans and specifications must be submitted to the Raltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Materna, and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

Zoning Item # 381 Zoning Advisory Committee Meeting of April 6, 1987 () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 194-3768, 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. () If submission of plans to the County Review Group is required, a Rydrogeological Study and an Ervironmental Effects Report must be submitted.

WWQ 2 4/86

BUREAU OF ENVIRONMENTAL SERVICES

Baltimore County Office Building Towson "aruland 21204 EL: Property Owner: Gordon K. Harden, et ux Location: NE/S Reisterstown Road corner NW/S St. Thomas La. Item No.: 381 Zoning Agenda: Meeting of 4/6/87 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Sureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.) 2. A second means of wehicle access is required for the site. J 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. () 5. The buildings and structures existing or proposed on the site shall

April 7, 1987

) 6. Site plans are approved, as drawn. (X) 7. The Fire Prevention Bureau has no comments, at this time.

comply with all applicable requirements of the National Fire Protection

Association Standard No. 101 "Life Safety Code", 1976 edition prior

to occupancy.

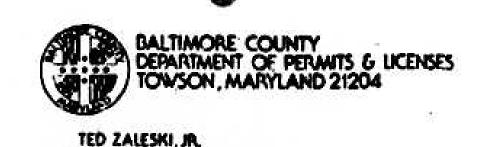
BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON MARYLAND 21204-2586

PAUL H REINCKE CHIEF

Mr. Arnold Jablon

Zoning Commissioner

Office of Planning and Zoning



May 5, 1987

DIRECTOR

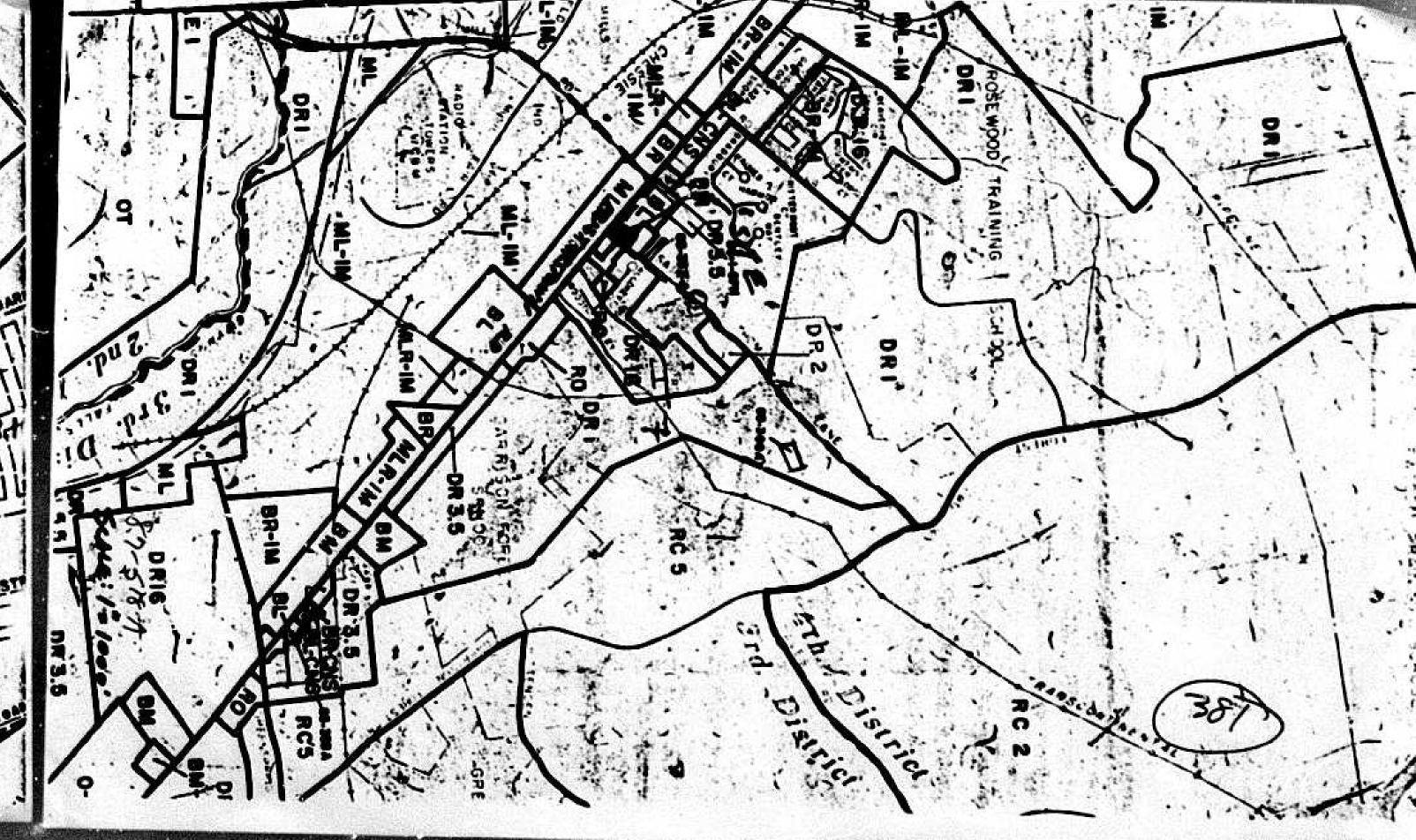
NE/S Reisterstown Rd. Corner NW/S St. Thomas Lane

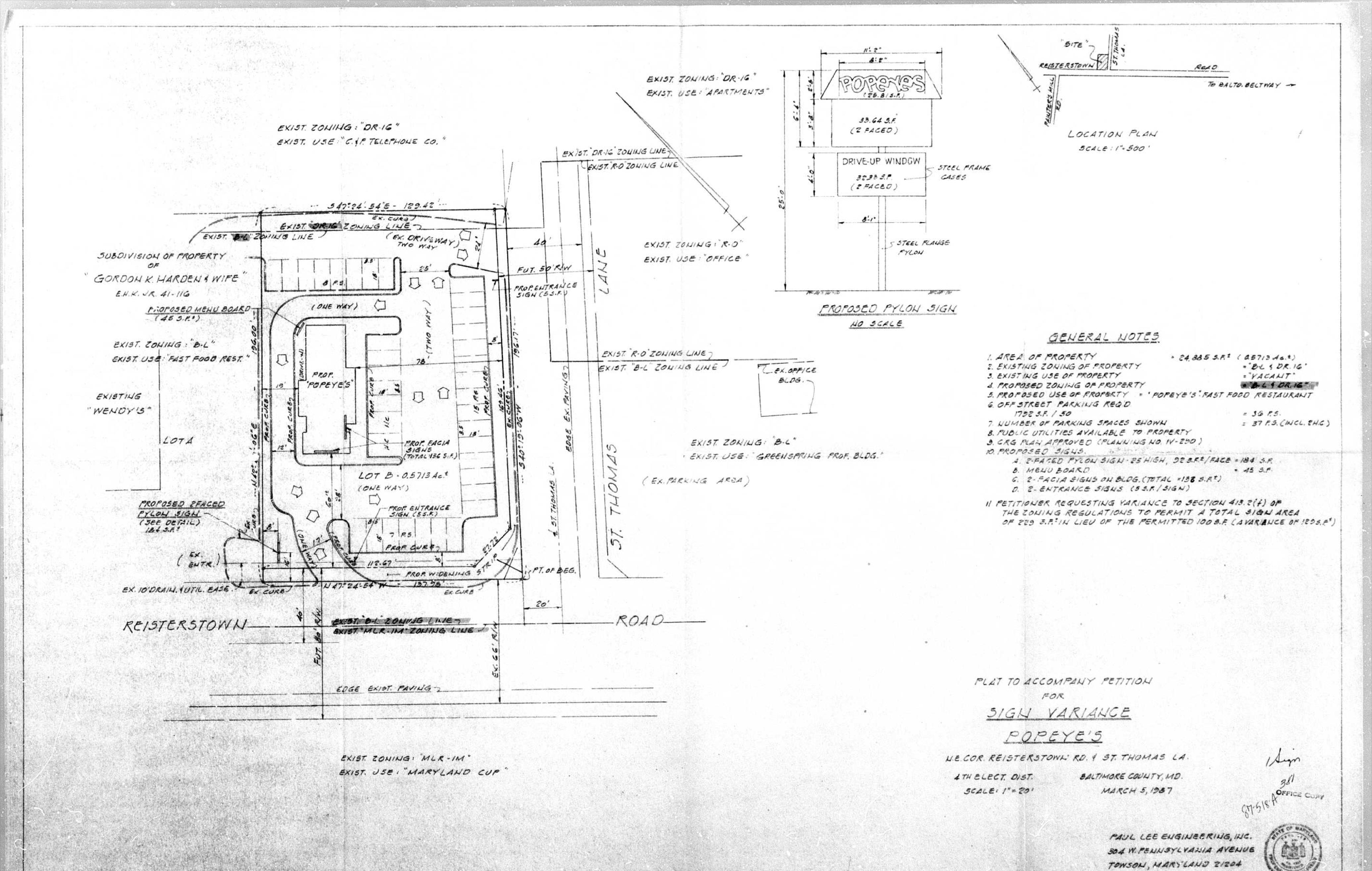
A separate permit is required for signs, etc.

Commercial: Three sets of construction drawings couled and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced scale are not acceptable.

8. All the Groupe except R-k Single Panily Detected Bulliage require a minimum of 1 hour fire rating for exterior walls absent than 6'-0 to an interior lot line. B-k Vec Groupe require a can hour well if closer than 3'-0 to an interior lot line. Any well built as an interior lot line shall require a fire or party wall. See Table kGl, Section 1607, Section 1606.2 and Table 1602. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

(1) common Provide handicapped ourb cuts, ramps, etc. as per State Code.





1-25-88