



KEVIN KAMENETZ
County Executive

September 23, 2014

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

Baltimore Land Design Group, Inc.
230 Schilling Circle
Suite 364
Hunt Valley, Maryland 21031
Attention: Iwona Rostek-Zarska, P.E.
President

Re: Spirit and Intent Letter
200-204 York Road
Case #1986-0445-A and 1988-0034-A
9th Election District

To Whom It May Concern:

Your Spirit and Intent letter sent to Arnold Jablon, Director of Permits, Approvals and Inspections has been referred to me for reply. Based upon the information provided therein, and our research of the zoning records, the following applies:

1. It has been determined that the proposed McDonald's to be built on the same foundation as the existing Kentucky Fried Chicken with only minor modifications will be permitted as long as the setbacks and parking requirements previously approved Variances 1986-445-A and 1988-0034-A remain in compliance. Please note: All legally nonconforming signs, including those approved by variance must be removed pursuant to Section 450.8.D.1.
2. This letter is only preliminary approval and does not replace the final building permit process.
3. This letter must accompany any building permit application for this site.
4. Your letter, the accompanied site plan, exhibits, and a copy of this response will be made a permanent part of the above listed case file for future reference.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leonard Wasilewski".

Leonard Wasilewski
Planner II
Zoning Review

14-290/lw

BLDG

BALTIMORE LAND DESIGN GROUP, INC. CONSULTING ENGINEERS

September 3, 2014

Arnold Jablon, Director
Permits, Approvals and Inspections
County Office Building
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Spirit and Intent Letter - Case No. 86-445-A & 88-34-A
Existing KFC Restaurant / Proposed McDonald's Restaurant
200-204 York Road, Towson, Maryland
9th Election District, 5th Councilmanic District

Dear Mr. Jablon:

On behalf of our client, McDonald's USA, LLC (McDonald's), I am writing to confirm that all variances and uses issued for the Existing Kentucky Fried Chicken (KFC) development, as now to be applicable to the Proposed McDonald's development, are within the Spirit and Intent of the Orders granted by the Zoning Commissioners in Case No. 86-445-A and Case No. 88-34-A on May 7, 1986 and July 30, 1987 respectively. I have enclosed the copies of those Orders, "Plats to Accompany Petition for Zoning Variances", and the recent "ALTA/ACSM Land Title Survey" for your review and convenience.

McDonald's is planning to take over the existing KFC, now closed, "as is". The only minor modifications that are anticipated are: upgrading wall building elevations and placement of the new McDonald's signs. The interior modifications will be done under the alteration permit. It is important to mention that the square footage (2,641 sq. ft.) and the use of the building (fast food restaurant) will remain unchanged. The proposed McDonald's signs will be compliant with the most recent Baltimore County Zoning Regulations and all sign policies.

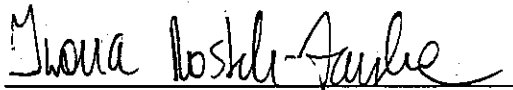
At this time I am requesting that you provide our office with the written confirmation that the continuation of the existing use by McDonald's is allowed and that all variances and uses are within the Spirit and Intent of the previously granted Orders mentioned above. Therefore no additional public hearings are required for McDonald's to occupy the former KFC restaurant in this location.

Arnold Jablon, Director
Permits, Approvals and Inspections
September 2, 2014
Page -2-

With this letter, I have enclosed copies of the zoning history, ALTA, and a check in the amount of \$150.00 made payable to "Director of Finance, Baltimore County" to cover the administrative costs associated with your review. If you have any questions or need any additional information, please feel free to contact me.

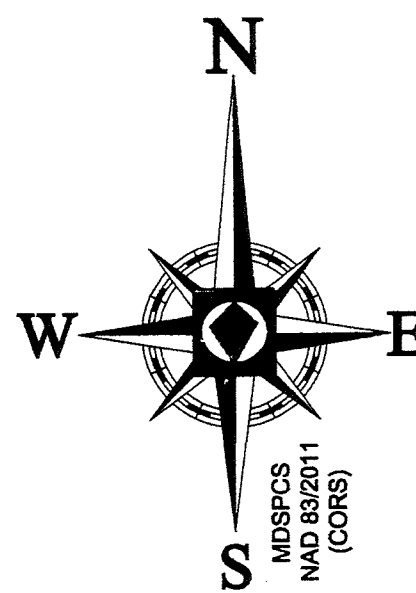
Sincerely,

BALTIMORE LAND DESIGN GROUP, INC.

A handwritten signature in dark ink, appearing to read "Iwona Rostek-Zarska", written over a horizontal line.

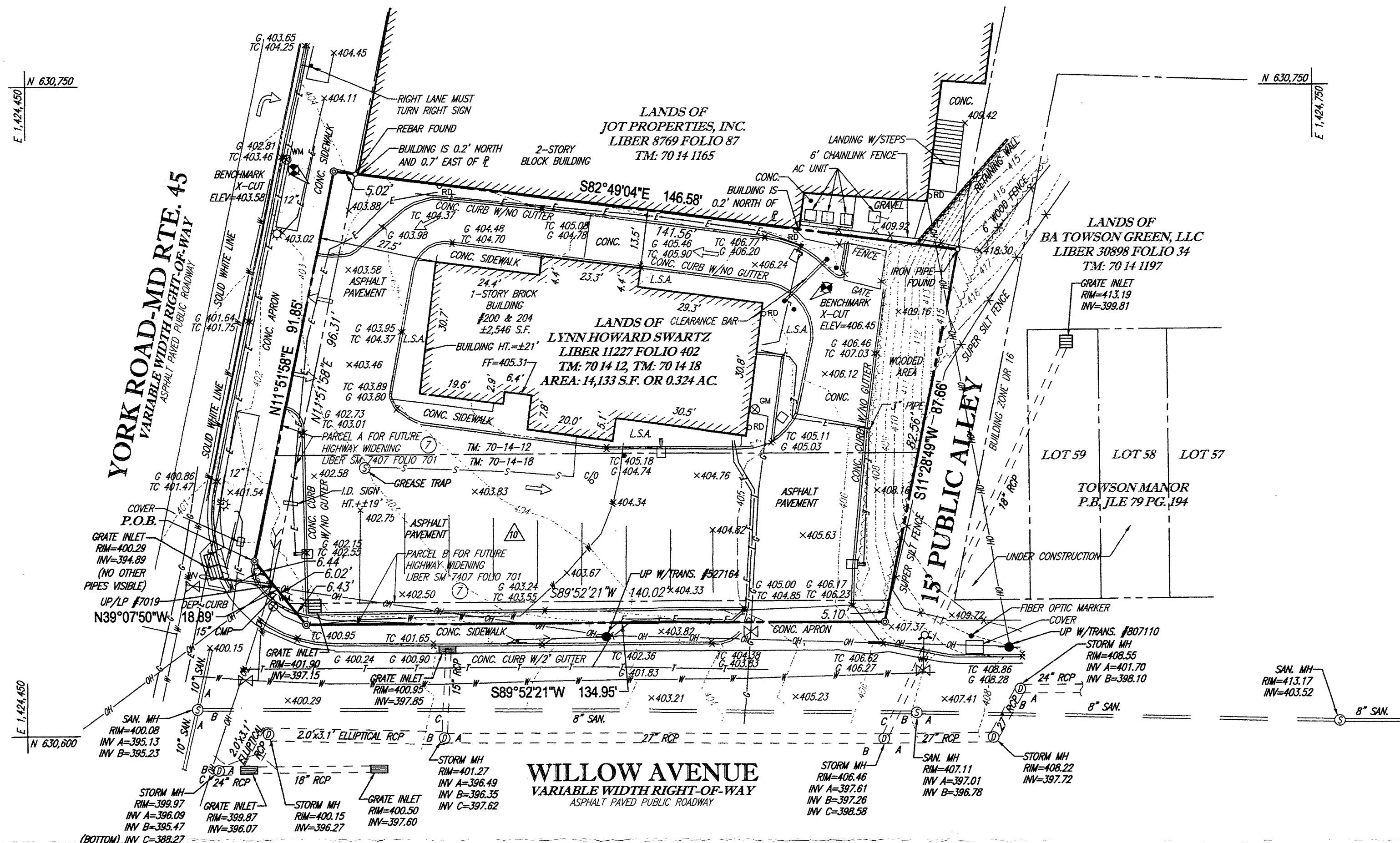
Iwona Rostek-Zarska, P.E.
President

CC: Lee May



LEGEND

123	EXISTING CONTOUR
X 123.45	EXISTING SPOT ELEVATION
X TC 123.45	EXIST. TOP OF CURB ELEVATION
X G 122.95	EXIST. GUTTER ELEVATION
⊕	HYDRANT
⊕	WATER VALVE
⊕	GAS VALVE
— OH —	OVERHEAD WIRES
— G —	APPROX. LOC. UNDERGROUND GAS LINE
— W —	APPROX. LOC. UNDERGROUND WATER LINE
— T —	APPROX. LOC. UNDERGROUND TEL. LINE
— E —	APPROX. LOC. UNDERGROUND ELEC. LINE
●	UTILITY POLE
⊕	SANITARY MANHOLE
⊕	STORM DRAIN MANHOLE
⊕	WATER METER
⊕	GAS METER
—	SIGN
●	BOLLARD
— X —	U-BOLLARD
—	FENCE
— LSA —	LANDSCAPED AREA
⊕	AREA LIGHT
⊕	CLEAN OUT
⊕	PAINTED ARROWS
⊕	TITLE REPORT EXCEPTION
⊕	DENOTES PARKING SPACE COUNT
⊕	BENCHMARK
⊕	UTILITY POLE/LIGHT POLE
⊕	GUY WIRE
⊕	TREE LINE
⊕	TREE (SIZE AS NOTED)
⊕	ROOF DRAIN
⊕	PROP. CORNER TO BE SET
⊕	CONCRETE
⊕	SQUARE FOOT
⊕	WITH
⊕	TRANSFORMER
⊕	PROPERTY LINE
⊕	NORTH AMERICAN DATUM
⊕	REINFORCED CONCRETE PIPE
⊕	TELEPHONE
⊕	ELECTRIC
⊕	SANITARY
⊕	MANHOLE
⊕	ELEVATION
⊕	HEIGHT
⊕	NUMBER
⊕	INVERT
⊕	REFERENCE
⊕	PLUS OR MINUS
⊕	TAX MAP
⊕	MARYLAND
⊕	ROUTE
⊕	UTILITY POLE/LIGHT POLE
⊕	POINT OF BEGINNING



LEGAL DESCRIPTIONS

ALL THAT PROPERTY SITUATED IN BALTIMORE COUNTY, MARYLAND, AND DESCRIBED AS FOLLOWS:

BEGINNING FOR THE FIRST ON THE NORTHEAST CORNER OF BALTIMORE AND YORKTOWN TURNPIKE ROAD AND RUNNING THENCE EAST ALONG THE NORTH SIDE OF SAID WILLOW AVENUE, 150 FEET, MORE OR LESS, TO THE WEST SIDE OF A 15 FOOT ALLEY, THERE SITUATE, THENCE NORTH ALONG THE WEST SIDE OF SAID 15 FOOT ALLEY, WITH THE USE THEREOF IN COMMON, 40 FEET, THENCE WEST AND PARALLEL WITH THE FIRST LINE OF THIS DESCRIPTION, 150 FEET TO THE EAST SIDE OF THE BALTIMORE AND YORKTOWN TURNPIKE ROAD, THENCE SOUTH, BOUNDING ON THE EAST SIDE OF SAID TURNPIKE ROAD, 40 FEET TO THE PLACE OF BEGINNING. THE IMPROVEMENTS THEREON BEING KNOWN AS 200 YORK ROAD.

BEGINNING FOR THE SECOND AT A POINT ON THE EAST SIDE OF BALTIMORE AND YORKTOWN TURNPIKE ROAD AT THE DISTANCE OF 40 FEET FROM THE INTERSECTION OF THE SAME WITH THE NORTH SIDE OF WILLOW AVENUE, AND RUNNING THENCE EASTERLY PARALLEL WITH THE NORTH SIDE OF WILLOW AVENUE AND DISTANT THEREFROM 40 FEET AS AFORESAID 150 FEET, MORE OR LESS, TO THE WEST SIDE OF A 15 FOOT ALLEY THERE SITUATE, THENCE NORTHERLY ALONG THE WEST SIDE OF SAID 15 FOOT ALLEY WITH THE USE THEREOF IN COMMON 56 FEET, MORE OR LESS, TO THE LAND DESCRIBED IN A DEED FROM D.G. MCINTOSH AND WIFE TO ANNIE HARDING, SAID DEED IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER JWS 178 FOLIO 112 AND RUNNING THENCE WESTERLY AND BINDING ON SAID LAND SO CONVEYED TO SAID HARDING 150 FEET MORE OR LESS, TO THE EAST SIDE OF SAID BALTIMORE AND YORKTOWN TURNPIKE ROAD, AND THENCE SOUTHERLY BINDING ON THE EAST SIDE OF SAID TURNPIKE ROAD TO THE PLACE OF BEGINNING. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 204 YORK ROAD.

SAVING AND EXCEPTING THEREFROM SO MUCH OF THE HEREIN DESCRIBED PROPERTY AS WAS CONVEYED TO BALTIMORE COUNTY, MARYLAND, FOR HIGHWAY WIDENING PURPOSES BY DEED DATED JANUARY 28, 1987 AND RECORDED AMONG THE LAND RECORDS OF IN BALTIMORE COUNTY, MARYLAND, IN LIBER SM 7407 FOLIO 701. SAID PARCEL CONSISTS OF 0.0025 ACRES OR 110 SQUARE FEET. REFERENCE TO SAID DEED IS HEREBY MADE FOR A FULL AND COMPLETE DESCRIPTION THEREOF.

THIS COMMITMENT IS NOT AN ABSTRACT, EXAMINATION, REPORT, OR REPRESENTATION OF FACT OR TITLE AND DOES NOT CREATE AND SHALL NOT BE THE BASIS OF ANY CLAIM FOR NEGLIGENCE, NEGLIGENCE MISREPRESENTATION OR OTHER TORT CLAIM OR ACTION. THE SOLE LIABILITY OF COMPANY AND ITS TITLE INSURANCE AGENT SHALL ARISE UNDER AND BE GOVERNED BY THE CONDITIONS OF THE COMMITMENT.

METES AND BOUNDS DESCRIPTION

THE LANDS OF
LYNN HOWARD SWARTZ
LIBER 11227 FOLIO 402

9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LIMITS OF WILLOW AVENUE, (A VARIABLE WIDTH RIGHT-OF-WAY), WITH THE EASTERLY RIGHT-OF-WAY LIMITS OF YORK ROAD, MARYLAND ROUTE 45, (A VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID EASTERLY RIGHT-OF-WAY, THE FOLLOWING COURSE AND DISTANCE;

1. NORTH 11° 51' 58" EAST, 91.85 FEET, TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY WITH THE DIVISION LINE BETWEEN THE LANDS OF JOT PROPERTIES, INC. (LIBER 8769 FOLIO 87) ON THE NORTH AND LYNN HOWARD SWARTZ (LIBER 11227 FOLIO 402) ON THE SOUTH THENCE WITH SAID DIVISION LINE THE FOLLOWING COURSE AND DISTANCE;
2. SOUTH 82° 49' 04" EAST AND THROUGH A REBAR FOUND ONLINE AT 5.02 FEET, 146.58 FEET, TO AN IRON PIPE FOUND MARKING THE INTERSECTION OF SAID DIVISION LINE WITH THE WESTERLY RIGHT-OF-WAY LIMITS OF A 15' PUBLIC ALLEY, THENCE WITH SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING COURSE AND DISTANCE;
3. SOUTH 11° 28' 49" WEST, 87.66 FEET, TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY WITH SAID NORTHERLY RIGHT OF WAY OF WILLOW AVENUE THENCE WITH SAID NORTHERLY RIGHT OF WAY THE FOLLOWING TWO COURSES AND DISTANCES;
4. SOUTH 89° 52' 21" WEST, 134.95 FEET, TO A POINT, THENCE;
5. NORTH 39° 07' 50" WEST, 18.89 FEET TO THE POINT OF BEGINNING.

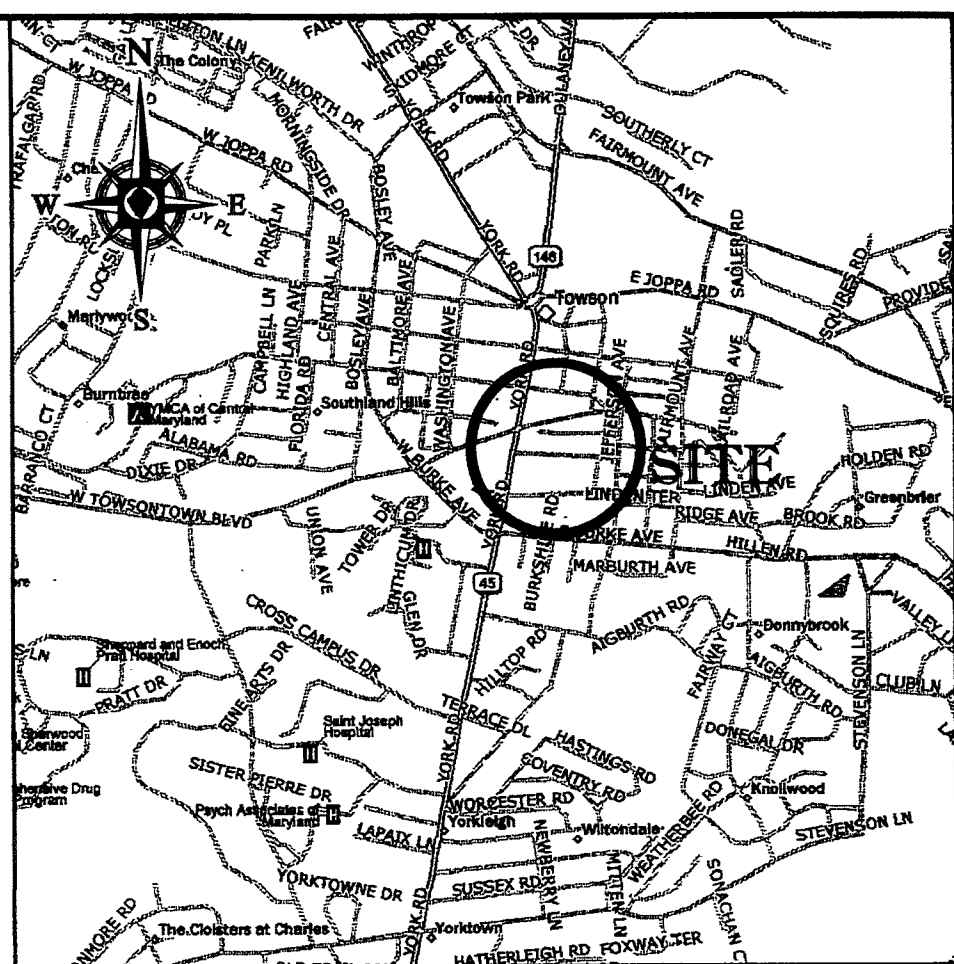
CONTAINING 14,133 SQUARE FEET OR 0.324 ACRES, MORE OR LESS.

BEING THE SAME PROPERTY DESCRIBED IN A TITLE COMMITMENT REPORT PREPARED BY STEWART TITLE GUARANTY COMPANY, FILE NUMBER 0122-3085, WITH AN EFFECTIVE DATE OF MAY 23, 2014, AND IS SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS CONTAINED THEREIN.

UTILITIES:
THE FOLLOWING COMPANIES WERE NOTIFIED BY DELMARVA MISS UTILITY SYSTEM (1-800-287-7777) AND REQUESTED TO MARK OUT/UNDERGROUND FACILITIES AFFECTING AND SERVING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 14490625

UTILITY COMPANY
VERIZON - LAMBERT CABLE
BALT CO GOVT/KCI TECHNOLO
BOE ELECTRIC-USIC
BOE GAS-USIC
BALTIMORE CITY DPW-OCCL
COMCAST - UTILQUEST
COMCAST - FIBER/UTILQUEST
LEVEL3 COMMUNICATION
MCI
ZAYO/STAKE CENTER LOCATIN

PHONE NUMBER
(410) 536-0070
(410) 785-4900
(800) 778-9140
(800) 778-9140
(410) 712-0202
(410) 536-0070
(410) 536-0070
(877) 365-8344
(800) 289-3427
(888) 267-1063



LOCATION MAP
COPYRIGHT 2003
DELOMRE STREET ATLAS 2004 PLUS USA
SCALE: 1"=200'

NOTES:

1. PROPERTY IS KNOWN AS THE LANDS OF LYNN HOWARD SWARTZ AS RECORDED IN LIBER 11227 AT FOLIO 402 AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND AND HAVING A TAX MAP NUMBERS OF 70 147 12 & 70 14 18.
2. AREA = 14,133 SQUARE FEET OR 0.324 ACRES.
3. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. SOURCE INFORMATION FROM PLANS AND MARKINGS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
4. THIS SURVEY IS BASED ON INFORMATION AND REFERENCE MATERIAL AS LISTED HEREON.
5. THIS SURVEY IS PREPARED WITH REFERENCE TO A TITLE COMMITMENT REPORT PREPARED BY STEWART TITLE GUARANTY COMPANY, FILE NO.: 0122-3085, EFFECTIVE DATE MAY 23, 2014. OUR OFFICE HAS REVIEWED THE FOLLOWING SURVEY RELATED EXCEPTIONS IN SCHEDULE B, SECTION II:
(7) DEED FROM JAMES C. SWARTZ TO BALTIMORE COUNTY, MARYLAND, DATED JANUARY 28, 1987 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER SM 7407 FOLIO 701; AFFECTS THE SUBJECT PROPERTY, SHOWN.
6. THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY; HOWEVER, NO PHYSICAL INDICATIONS OF SUCH WERE FOUND AT THE TIME OF THE FIELD INSPECTION OF THIS SITE.
7. ELEVATIONS ARE BASED ON NAVD 88 DATUM PER GPS OBSERVATIONS.
8. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER PLAN REFERENCE #2.
9. APPROXIMATE LOCATION OF UNDERGROUND UTILITIES ARE SHOWN PER PRIVATE UTILITY MARKOUT PERFORMED BY INSIGHT, LLC, ON AUGUST 15, 2014 AND FIELD LOCATED WITH CONVENTIONAL FIELD SURVEY UNLESS OTHERWISE NOTED.
10. ZONING: BM (BUSINESS MAJOR)
BUILDING SETBACKS
FRONT: FOR COMMERCIAL BUILDINGS THE FRONT BUILDING LINE SHALL BE NOT LESS THAN 10 FEET FROM THE FRONT PROPERTY LINE AND NOT LESS THAN 40 FEET FROM THE CENTER LINE OF THE STREET, EXCEPT AS SPECIFIED IN SECTION 303.2.
SIDE: FOR COMMERCIAL BUILDINGS, SAME AS IN B.L. ZONE (B.L.: FOR COMMERCIAL BUILDINGS, NONE REQUIRED ON INTERIOR LOTS, EXCEPT THAT WHERE THE LOT ABUTS A LOT IN A RESIDENCE ZONE THERE MUST BE A SIDE YARD NOT LESS THAN THE GREATER MINIMUM WIDTH REQUIRED FOR A DWELLING ON THE ABUTTING LOT AND ON CORNER LOTS THE SIDE YARD ON THE STREET SIDE SHALL BE NOT LESS THAN 10 FEET IN WIDTH).
REAR: FOR COMMERCIAL BUILDINGS, SAME AS IN B.L. ZONE (B.L.: FOR COMMERCIAL BUILDINGS, NONE REQUIRED, EXCEPT THAT WHERE THE REAR LOT LINE ABUTS A LOT IN A RESIDENCE ZONE THERE SHALL BE A REAR YARD NOT LESS THAN 20 FEET DEEP).

ZONING INFORMATION IS PER THE BALTIMORE COUNTY ZONING ORDINANCE AND SHOULD BE VERIFIED PRIOR TO USE TO CONFIRM IT REPRESENTS CURRENT INFORMATION.

REFERENCES:

1. THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION FOR BALTIMORE COUNTY, MARYLAND, MAP NO. 70.
2. MAP ENTITLED "FIRM, FLOOD, INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 265 OF 580", MAP NUMBER 2400100265F, MAP REVISED SEPTEMBER 26, 2008.

TO McDONALD'S USA, LLC, A DELAWARE LIMITED LIABILITY COMPANY. McDONALD'S REAL ESTATE COMPANY, A DELAWARE CORPORATION. McDONALD'S CORPORATION, A DELAWARE CORPORATION (COLLECTIVELY "McDONALD'S"), AND STEWART TITLE GUARANTY COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(A), 7(A), 7(B)(1), 7(C), 8, 9, 11(B), 13 & 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 17, 2014.

THE LOTS SHOWN ARE CONTIGUOUS AND THERE ARE NO GAPS OR GORES.

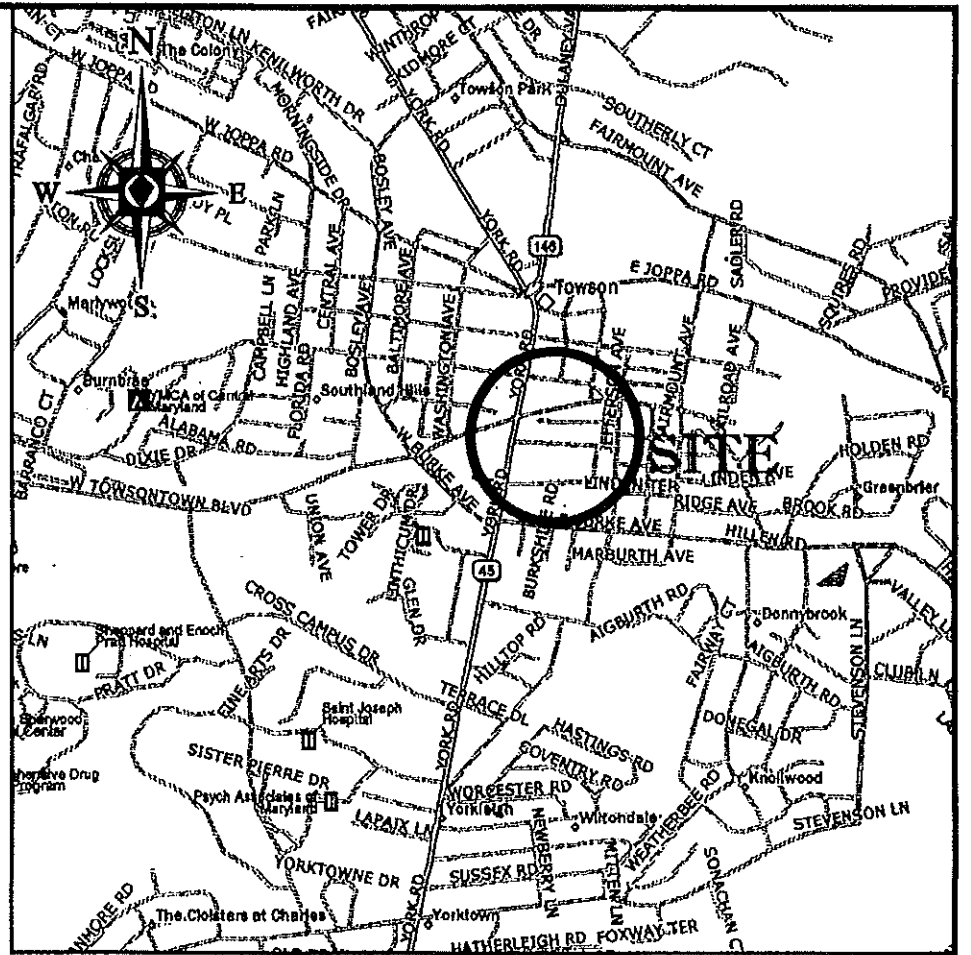
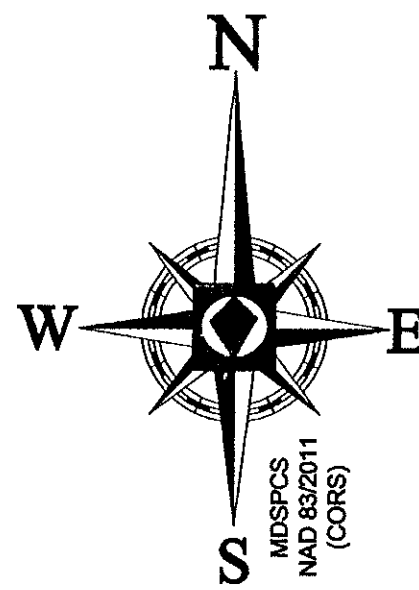
ROBERT C. HARRIS
BALTIMORE COUNTY, MARYLAND
MAY 23, 2014
DATE

MARYLAND PROFESSIONAL LAND SURVEYOR
EXPIRATION DATE: JANUARY 16, 2015
THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR THE PURPOSE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY SHALL BE ASSUMED BY THE SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY FOR TITLE, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

ALTA/ACSM LAND TITLE SURVEY
McDONALD'S CORPORATION
#200 & 204 YORK ROAD
L/C FILE#191404
NINTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

FILE NO. SR145517	22836 DAVIS DRIVE, SUITE 250 STERLING, VIRGINIA 20194 703.709.8500 - 703.709.8501 FAX www.bohler-engineering.com
DATE 08/20/14	BOHLER ENGINEERING
FIELD DATE 08/17/14	CREW CHIEF J.Q. / B.S.
DRAWN S.U.	REVIEWED J.B.
APPROVED J.S.C.	SCALE 1"=20'
DWG. NO. 1 OF 1	

save - 1986-0445 & 1988-0034 S&T



LOCATION MAP
COPYRIGHT 2003
DELMORE STREET ATLAS 2004 PLUS USA
SCALE: 1"=2000'

UTILITIES:
THE FOLLOWING COMPANIES WERE NOTIFIED BY DELMARVA MISS UTILITY SYSTEM
(1-800-257-7777) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES
AFFECTING AND SERVICING THIS SITE. THE UNDERGROUND UTILITY INFORMATION
SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS
REQUEST. SERIAL NUMBER(S): 14490626

UTILITY COMPANY
VERIZON - LAMBERT CABLE
BAL TO GOVT/KCI TECHNOLO
BGE ELECTRIC-USIC
BGE GAS-USIC
BALTIMORE CITY DPW-OCCL
COMCAST - UTILIQUEST
COMCAST - FIBER/UTILIQUEST
LEVELS COMMUNICATION
MCI
ZAYO/STAKE CENTER LOCATIN

PHONE NUMBER
(410) 536-0070
(410) 785-4000
(800) 778-9140
(800) 778-9140
(410) 712-0202
(410) 536-0070
(410) 536-0070
(877) 386-6344
(800) 289-3427
(888) 267-1063

NOTES:

1. PROPERTY IS KNOWN AS THE LANDS OF LYNN HOWARD SWARTZ AS RECORDED IN LIBER 11227 FOLIO 402 AND AMONGS OF BALTIMORE COUNTY, MARYLAND AND HAVING A TAX MAP NUMBERS OF 70 147 12 & 70 14 18.
2. AREA = 14,133 SQUARE FEET OR 0.324 ACRES.
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5. THIS SURVEY IS PREPARED WITH REFERENCE TO A TITLE COMMITMENT REPORT PREPARED BY STEWART TITLE GUARANTY COMPANY, FILE NO.: 01122-3085, EFFECTIVE DATE MAY 23, 2014. OUR OFFICE HAS REVIEWED THE FOLLOWING SURVEY RELATED EXCEPTIONS IN SCHEDULE B, SECTION II:
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 - (8) THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY; HOWEVER, NO PHYSICAL INDICATIONS OF SUCH WERE FOUND AT THE TIME OF THE FIELD INSPECTION OF THIS SITE.
 - (9) ELEVATIONS ARE BASED ON NAVD 88 DATUM PER GPS OBSERVATIONS.
 - (10) THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER PLAN REFERENCE #2.
6. APPROXIMATE LOCATION OF UNDERGROUND UTILITIES ARE SHOWN PER PRIVATE UTILITY MARKOUT PERFORMED BY INSIGHT, LLC, ON AUGUST 15, 2014 AND FIELD LOCATED WITH CONVENTIONAL FIELD SURVEY UNLESS OTHERWISE NOTED.
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 - BUILDING SETBACKS
 - FRONT: FOR COMMERCIAL BUILDINGS THE FRONT BUILDING LINE SHALL BE NOT LESS THAN 10 FEET FROM THE FRONT PROPERTY LINE AND NOT LESS THAN 40 FEET FROM THE CENTER LINE OF THE STREET, EXCEPT AS SPECIFIED IN SECTION 303.2.
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 - REAR: FOR COMMERCIAL BUILDINGS, SAME AS IN B.L. ZONE (B.L. FOR COMMERCIAL BUILDINGS, NONE REQUIRED, EXCEPT THAT WHERE THE REAR LOT LINE ABUTS A LOT IN A RESIDENCE ZONE THERE SHALL BE A REAR YARD NOT LESS THAN 20 FEET DEEP).
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TO McDONALD'S USA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, McDONALD'S REAL ESTATE COMPANY, A DELAWARE CORPORATION, McDONALD'S CORPORATION, A DELAWARE CORPORATION (COLLECTIVELY "MCDONALD'S"), AND STEWART TITLE GUARANTY COMPANY.

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THE LOTS SHOWN ARE CONTIGUOUS AND THERE ARE NO GAPS OR GORES.

ROBERT C. HARRIS
MARYLAND PROFESSIONAL LAND SURVEYOR
EXPIRATION DATE: JANUARY 16, 2015

THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR THE PURPOSE OF THE SURVEY. NO OTHER PERSON OR ENTITY SHALL BE HELD RESPONSIBLE FOR THE USE OF THIS SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, THE USE OF SURVEY INFORMATION FOR THE SALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

ALTA/ACSM LAND TITLE SURVEY
McDONALD'S CORPORATION
#200 & 204 YORK ROAD
L/C FILE#191404
NINTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

FILE NO.
SR145517
DATE
08/20/14
FIELD DATE
08/17/14
CREW CHIEF
J.Q. / B.S.
DRAWN
S.U.
REVIEWED
J.B.
APPROVED
J.S.C.
SCALE
1" = 20'
DWG. NO.
1 OF 1

LEGEND

- 123 --- EXISTING CONTOUR
- X 123.45 EXISTING SPOT ELEVATION
- X TC 123.45 EXIST. TOP OF CURB ELEVATION
- X G 122.95 EXIST. GUTTER ELEVATION
- HYDRANT
- WATER VALVE
- GAS VALVE
- OVERHEAD WIRES
- APPROX. LOC. UNDERGROUND GAS LINE
- APPROX. LOC. UNDERGROUND WATER LINE
- APPROX. LOC. UNDERGROUND TEL. LINE
- APPROX. LOC. UNDERGROUND ELEC. LINE
- UTILITY POLE
- SANITARY MANHOLE
- STORM DRAIN MANHOLE
- WATER METER
- GAS METER
- SIGN
- BOLLARD
- U-BOLLARD
- FENCE
- LANDSCAPED AREA
- AREA LIGHT
- CLEAN OUT
- PAINTED ARROWS
- TITLE REPORT EXCEPTION
- DENOTES PARKING SPACE COUNT
- BENCHMARK
- UTILITY POLE/LIGHT POLE
- GUY WIRE
- TREE LINE
- TREE (SIZE AS NOTED)
- ROOF DRAIN
- PROP. CORNER TO BE SET
- CONCRETE
- SQUARE FOOT
- WITH
- TRANSFORMER
- PROPERTY LINE
- NORTH AMERICAN DATUM
- REINFORCED CONCRETE PIPE
- TELEPHONE
- ELECTRIC
- SANITARY
- MANHOLE
- ELEVATION
- HEIGHT
- NUMBER
- INVERT
- REFERENCE
- PLUS OR MINUS
- TAX MAP
- MARYLAND
- ROUTE
- UTILITY POLE/LIGHT POLE
- POINT OF BEGINNING

LEGAL DESCRIPTIONS

ALL THAT PROPERTY SITUATED IN BALTIMORE COUNTY, MARYLAND, AND DESCRIBED AS FOLLOWS:
BEGINNING FOR THE FIRST ON THE NORTHEAST CORNER OF BALTIMORE AND YORKTOWN TURNPIKE ROAD AND WILLIAM AVENUE AND RUNNING THENCE EAST ALONG THE NORTH SIDE OF SAID WILLIAM AVENUE, 150 FEET, MORE OR LESS, TO THE WEST SIDE OF A 15 FOOT ALLEY, THERE SITUATE, THENCE NORTH ALONG THE WEST SIDE OF SAID 15 FOOT ALLEY, WITH THE USE THEREOF IN COMMON, 40 FEET, THENCE WEST AND PARALLEL WITH THE FIRST LINE OF THIS DESCRIPTION, 150 FEET TO THE EAST SIDE OF THE BALTIMORE AND YORKTOWN TURNPIKE ROAD, 40 FEET TO THE PLACE OF BEGINNING. THE IMPROVEMENTS THEREON BEING KNOWN AS 200 YORK ROAD.
BEGINNING FOR THE SECOND AT A POINT ON THE EAST SIDE OF BALTIMORE AND YORKTOWN TURNPIKE ROAD AT THE DISTANCE OF 40 FEET FROM THE INTERSECTION OF THE SAME WITH THE NORTH SIDE OF WILLIAM AVENUE, AND RUNNING THENCE EASTERLY PARALLEL WITH THE NORTH SIDE OF WILLIAM AVENUE AND DISTANT THEREFROM 40 FEET AS AFORESAID 150 FEET, MORE OR LESS, TO THE WEST SIDE OF A 15 FOOT ALLEY THERE SITUATE, THENCE NORTHERLY ALONG THE WEST SIDE OF SAID 15 FOOT ALLEY WITH THE USE THEREOF IN COMMON 56 FEET, MORE OR LESS, TO THE LAND DESCRIBED IN A DEED FROM D.S. MCINTOSH AND WIFE TO ANNIE HARDING, SAID DEED IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER JWS 178 FOLIO 112 AND RUNNING THENCE WESTERLY AND BINDING ON SAID LAND SO CONVEYED TO SAID HARDING 150 FEET MORE OR LESS, TO THE EAST SIDE OF SAID BALTIMORE AND YORKTOWN TURNPIKE ROAD, AND THENCE SOUTHERLY BINDING ON THE EAST SIDE OF SAID TURNPIKE ROAD TO THE PLACE OF BEGINNING, THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 204 YORK ROAD.

SAVING AND EXCEPTING THEREFROM SO MUCH OF THE HEREIN DESCRIBED PROPERTY AS WAS CONVEYED TO BALTIMORE COUNTY, MARYLAND, FOR HIGHWAY WIDENING PURPOSES BY DEED DATED JANUARY 28, 1987 AND RECORDED AMONG THE LAND RECORDS OF IN BALTIMORE COUNTY, MARYLAND, IN LIBER SM 7407 FOLIO 701. SAID PARCEL CONSISTS OF 0.0025 ACRES OR 110 SQUARE FEET. REFERENCE TO SAID DEED IS HEREBY MADE FOR A FULL AND COMPLETE DESCRIPTION THEREOF.

THIS COMMITMENT IS NOT AN ABSTRACT, EXAMINATION, REPORT, OR REPRESENTATION OF FACT OR TITLE AND DOES NOT CREATE AND SHALL NOT BE THE BASIS OF ANY CLAIM FOR NEGLIGENCE, NEGLIGENT MISREPRESENTATION OR OTHER TORT CLAIM OR ACTION. THE SOLE LIABILITY OF COMPANY AND ITS TITLE INSURANCE AGENT SHALL ARISE UNDER AND BE GOVERNED BY THE CONDITIONS OF THE COMMITMENT.

METES AND BOUNDS DESCRIPTION

THE LANDS OF
LYNN HOWARD SWARTZ
LIBER 11227 FOLIO 402
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
BEGINNING AT A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LIMITS OF WILLIAM AVENUE, (A VARIABLE WIDTH RIGHT-OF-WAY), WITH THE EASTERLY RIGHT-OF-WAY LIMITS OF YORK ROAD, MARYLAND ROUTE 45, (A VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID EASTERLY RIGHT-OF-WAY, THE FOLLOWING COURSE AND DISTANCES;
1. NORTH 11° 51' 58" EAST, 81.85 FEET, TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY WITH THE DIVISION LINE BETWEEN THE LANDS OF JOT PROPERTIES, INC. (LIBER 8769 FOLIO 87) ON THE NORTH AND LYNN HOWARD SWARTZ (LIBER 11227 FOLIO 402) ON THE SOUTH THENCE WITH SAID DIVISION LINE THE FOLLOWING COURSE AND DISTANCE;
2. SOUTH 82° 49' 04" EAST AND THROUGH A REBAR FOUND ONLINE AT 5.02 FEET, 146.58 FEET, TO AN IRON PIPE FOUND MARKING THE INTERSECTION OF SAID DIVISION LINE WITH THE WESTERLY RIGHT-OF-WAY LIMITS OF A 15' PUBLIC ALLEY, THENCE WITH SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING COURSE AND DISTANCE;
3. SOUTH 11° 28' 49" WEST, 87.86 FEET, TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY WITH SAID NORTHERLY RIGHT OF WAY OF WILLIAM AVENUE THENCE WITH SAID NORTHERLY RIGHT OF WAY THE FOLLOWING TWO COURSES AND DISTANCES;
4. SOUTH 89° 52' 21" WEST, 134.95 FEET, TO A POINT, THENCE;
5. NORTH 38° 07' 50" WEST, 18.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,133 SQUARE FEET OR 0.324 ACRES, MORE OR LESS.
BEING THE SAME PROPERTY DESCRIBED IN A TITLE COMMITMENT REPORT PREPARED BY STEWART TITLE GUARANTY COMPANY, FILE NUMBER 01122-3085, WITH AN EFFECTIVE DATE OF MAY 23, 2014, AND IS SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS THEREIN.

20 10 5 0
1"=20'

431 88-34-A #431 James Swartz 200 York Rd. and Willow Ave. 9th E.D. 4th C.D. **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2b(3) to allow 12 parking spaces in lieu of the required 53 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Site too small to comply with the existing regulations from which parking variance is needed.

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)
Signature
7225 Parkway Drive
Address
Hanover, MD 21076
City and State

Legal Owner(s):
James Swartz
(Type or Print Name)
Signature
(Type or Print Name)
P. O. Box 567
Address
Bel Air MD 21014
City and State

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

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of May, 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 out Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of July, 1987, at 11:00 o'clock A.M.

IN THE MATTER OF
THE APPLICATION OF
JAMES SWARTZ
FOR A ZONING VARIANCE ON
PROPERTY LOCATED ON THE
NORTHEAST CORNER OF YORK ROAD
AND WILLOW AVENUE
(200 - 204 YORK ROAD)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-34-A

OPINION

This matter comes before the Board as an appeal from the decision of the Deputy Zoning Commissioner dated July 30, 1987. In her decision, the Deputy Zoning Commissioner granted the petitioner's request for a variance from Section 409.2b(3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 12 parking spaces in lieu of the required 53 spaces. From this decision, Mr. Peeter Kark, of Towson Manor Village, Inc., appeals to this Board.

There exists on this site a Kentucky Fried Chicken fast-food restaurant. The restaurant is a relatively new addition to this community. When the use was originally approved by the County, a variance to permit 14 parking spaces was granted. The petitioner now seeks an additional variance to permit 12 spaces. The reason behind this request is not so much to permit a reduction of the number of available parking spaces, but rather is designed to allow an access to the site from Willow Avenue. Presently, the site is accessible only from York Road. In order to improve traffic circulation within the site, the petitioner proposes to eliminate two parking spaces and in lieu thereof provide an ingress/egress by way of Willow Avenue.

In support of its petition, Kentucky Fried Chicken produced several witnesses. Mr. Anthony Cortelle, an architect/land planner, testified as to the need for a freer flowing traffic pattern on site.

Mr. Robert G. Berkheimer, of the Real Estate Division of Kentucky Fried Chicken, testified that, with even 12 spaces, there is sufficient parking. He indicated that 40 percent of the patronage is drive-through and 20 percent is walk-through. Therefore, a minority of the patrons are in need of the parking facilities and therefore 12 spaces are sufficient. He further testified that, in his opinion, the benefits of a freer flowing traffic pattern on site would far outweigh the detrimental effect of the loss of these two spaces.

A final witness from Kentucky Fried Chicken was Mr. Mickey Cornelius, a traffic engineer. He introduced traffic studies and counts of the surrounding area which disclosed that a minute percentage of the traffic to and from this site originated from the East Towson community which is fed by Willow Avenue. In his view, this access route would not create any congestion in that community. Further, based upon traffic and safety concerns, it was his view that the property owner would suffer hardship and practical difficulty if this variance was not granted.

In opposition to this petition, several representatives of the East Towson community appeared. Their primary objection to the variance is a fear that increased traffic will be generated into their community. They produced testimony as to the long-standing efforts which the community has made to prevent East Towson from becoming a by-pass between major arteries of the Towson traffic system.

After consideration of all the testimony and evidence presented, this Board is persuaded that the variance should be granted. The testimony was uncontradicted that 12 spaces are sufficient to handle the parking on site. Insofar as the community concerns, although they are well-founded, we do not believe that this access will worsen the traffic flow into East Towson. The



ZONING DESCRIPTION
NO. 200-204 YORK ROAD,
AT WILLOW AVENUE, TOWSON,
NINTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

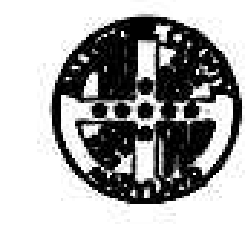
BEGINNING FOR THE SAME at the point formed by the intersection of the northerly side of Willow Avenue (40 feet wide), and the easterly side of York Road, Maryland Route No. 45 (66 feet wide), thence running with and binding on said easterly side of York Road,

1. North 120°16'35" East 105.69 feet, thence leaving said York Road and running,
2. South 83°03'25" East 147.45 feet to a point located along the westerly side of a public alley (15 feet wide), thence running with and binding on said westerly side of said alley,
3. South 120°18'35" West 88.97 feet to a point located along said northerly side of Willow Avenue, thence running with and binding on same,
4. North 89°39'25" West 150.00 feet to the point of beginning... containing 14,241.85 square feet or 0.3269 acre of land, more or less.

Mark A. Riddle
STV/LYON ASSOCIATES
Mark A. Riddle
Md. Reg. Property Line Surveyor No. 244



STV ENGINEERS, Engineers Architects Planners Professional Member Form STV/LYON ASSOCIATES
STV/Management Consultants STV/H.D. Nutter, Inc. STV/Sanders & Thomas STV/Sewell Stevenson Value & Knott



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
September 24, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 88-34-A JAMES SWARTZ
NE/cor. York Rd. and Willow Ave.
(200-204 York Road)
9th Election District
Variance-From Sec. 409.2b(3) to allow 12 parking spaces in lieu of the required 53 spaces.
7/30/87 - Z.C. Order - Granted
WEDNESDAY, OCT. 28, 1987, at 10 a.m.
ASSIGNED FOR: Petitioner
CC: Mr. James Swartz
E. Harrison Stone, Esq. Counsel for Petitioner
KFC National Management Co.
Peeter Kark
Phyllis C. Friedman, Esq. People's Counsel
Norman E. Gerber Planning
Frank Fisher
J. Robert Haines Zoning
Ann Nastarowicz
James E. Dyer
Margaret E. duBois
June Holmen, Secretary



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

November 12, 1987

Mr. Peeter Kark
Towson Manor Village, Inc.
214 Maryland Avenue
Towson, MD 21204
RE: Case No. 88-34-A
James Swartz

Dear Mr. Kark:
Enclosed is a copy of the final Opinion and Order passed today by the County Board of Appeals in the subject matter.

Sincerely,
Kathleen C. Weidenhamer
Administrative Secretary

Encl.
cc: E. Harrison Stone, Esquire
Mr. James Swartz
KFC National Management Co.
Phyllis C. Friedman, Esquire
Norman E. Gerber
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Margaret E. du Bois
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
September 24, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 88-34-A JAMES SWARTZ
NE/cor. York Rd. and Willow Ave.
(200-204 York Road)
9th Election District
Variance-From Sec. 409.2b(3) to allow 12 parking spaces in lieu of the required 53 spaces.
7/30/87 - Z.C. Order - Granted
WEDNESDAY, OCT. 28, 1987, at 10 a.m.
ASSIGNED FOR: Petitioner
CC: Mr. James Swartz
E. Harrison Stone, Esq. Counsel for Petitioner
KFC National Management Co.
Peeter Kark
Phyllis C. Friedman, Esq. People's Counsel
Norman E. Gerber Planning
Frank Fisher
J. Robert Haines Zoning
Ann Nastarowicz
James E. Dyer
Margaret E. duBois
June Holmen, Secretary

Towson Manor Village, Inc.
November 2, 1987

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204

Affidavit pertaining to Case No. 88-34-A:

At the General Membership Meeting of Towson Manor Village, Inc., August 20, 1987, Mr. Peeter Kark was appointed to represent Towson Manor Village, Inc. in Case No. 88-34-A. The appointment was made by the unanimous vote of the members present. Mr. Kark is a member of the Zoning Committee of Towson Manor Village, and a former board member who represented the association in Case No. 86-445-A.

It was the consensus of the membership at that meeting that Towson Manor Village, Inc. was opposed to the granting of any zoning variance that would permit the construction of a driveway from the Kentucky Fried Chicken parking lot to Willow Avenue.

Towson Manor Village, Inc. is the neighborhood association representing the community bordered by York Road, Townsontown Boulevard, Hillen Road, and East Burke Avenue, excepting the homes on the north side of Burke Avenue east of York Road.

David L. Kreek
David L. Kreek
President, Towson Manor Village, Inc.

Pamela O. Sharbonda
Pamela O. Sharbonda
Secretary, Towson Manor Village, Inc.

#88-34-A 9th Election District
NE/cor. York Rd. & Willow Avenue
(200 - 204 York Road)
JAMES SWARTZ
1 sign

ROYSTON, MUELLER, MCLEAN & REID

ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4525

TELEPHONE (301) 823-1800
FAX (301) 828-2959

OF COUNSEL
CARROLL W. ROYSTON
H. ANTHONY MUELLER
JOHN L. ADLER

R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFER III
THOMAS J. McDONOUGH
LAWRENCE F. HANLEY
LAUREL F. EVANS
KEITH R. TRUFFER
ROBERT S. HANCOCK
EDWARD J. GLEISS
C. LARRY HOFMEISTER, JR.
ELIZABETH P. A. STELLAMANN
STEPHEN P. KRONOWSKI

September 15, 1987

William T. Hackett
Chairman,
Baltimore County Board of Appeals
Old Courthouse
Room 200
Towson, MD 21204

Re: Case No. 88-34-A
James Swartz - Petitioner

Dear Chairman Hackett:

We were recently advised of the appeal by Peeter Kark on behalf of the Towson Manor Village, Inc., the local community association.

At the time of the hearing, because there were no protestants, our client assumed there were no problems and began devoting a lot of time and effort into preparing for proceeding with permits and construction as soon as the thirty day period passed. The appeal came quite unexpectedly toward the end of the thirty day period.

Accordingly, it would be much appreciated and most helpful, if the Board could arrange to schedule an early hearing of such appeal. My best estimate is that the entire matter should not take more than several hours at most.

Thank you for your consideration.

Yours very truly,

E. Harrison Stone
E. Harrison Stone

EHS:jz
0762g

60 SEP 17 11 43 AM '87
RECEIVED
COUNTY BOARD OF APPEALS

Set for
10/28/87



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204

(301) 494-3180

September 24, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 88-34-A

JAMES SWARTZ

NE/cor. York Rd. and Willow Ave.
(200-204 York Road)

9th Election District

Variance-From Sec. 409.2b(3) to allow
12 parking spaces in lieu of the required
53 spaces.

7/30/87 - Z.C. Order - Granted

WEDNESDAY, OCT. 28, 1987, at 10 a.m.

ASSIGNED FOR:

CC: Mr. James Swartz

Petitioner

E. Harrison Stone, Esq.

Counsel for Petitioner

KFC National Management Co.

Peeter Kark

Phyllis C. Friedman, Esq.

People's Counsel

Norman E. Gerber

Planning

Frank Fisher

"

J. Robert Haines

Zoning

Ann Nastarowicz

"

James E. Dyer

"

Margaret E. duBois

"

June Holmen, Secretary

9/24/87 - Following were notified of hearing set for Wed., Oct. 28, 1987, at 10 a.m.:

James Swartz
E. Harrison Stone, Esq.
KFC Nat. Management Co.
Peeter Kark
Phyllis C. Friedman
N. Gerber, F. Fisher
J. R. Haines, A. Nastarowicz, J. Dyer, M. duBois

10/28/87 - Per LES: P. Kark, Appellant, has one week to get Rule 8 material. Board's Order cannot be issued until after that time. *End 11-03-87*

Case No. 88-34-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
18th day of May, 1987.

Arnold Jablon
Arnold Jablon
Zoning Commissioner
Petitioner: James Swartz
Petitioner's Attorney: E. Harrison Stone, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

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

J. Robert Haines
Zoning Commissioner

August 24, 1987

RECEIVED
COUNTY BOARD OF APPEALS
1801 AUG 25 11:55

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
NE/cor. York Road & Willow Avenue (200-204 York Road)
9th Election District, 4th Councilmanic District
James Swartz - Petitioner
Case No. 88-34-A

Dear Board:

Please be advised that on August 24, 1987, an appeal of the decision rendered in the above-referenced case was filed by Peeter Kark on behalf of the Towson Manor Village, Inc. community association, the Protestants. All materials relative to the case are being forwarded to your office herewith.

Please notify all parties to the case when an appeal hearing date and time have been scheduled and if you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRHibjs

cc: E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204

KFC National Management Company
7225 Parkway Drive, Hanover, Maryland 21076

Mr. Peeter Kark
Towson Manor Village, Inc.
214 Maryland Avenue, Towson, Maryland 21204

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

IN RE: PETITION FOR ZONING VARIANCE
NE/cor. York Rd. & Willow Ave.
(200 - 204 York Road)
9th Election District
4th Councilmanic District
James Swartz
Petitioner
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-34-A

The Petitioner herein requests a variance to permit 12 parking spaces in lieu of the required 53 spaces, as more particularly described on the plan submitted, prepared by STV/Lyon Associates, dated 4/6/87 and identified as Petitioner's Exhibit 1.

Information proffered by Counsel and testimony given on behalf of the Petitioner indicated that the subject property is the site of an existing KFC Restaurant where 40% of the business is handled by drive-thru and 15 to 20% by walk-in. When the site was originally developed, it was assumed that parking needs were greater than providing an additional traffic access. Since its opening, experience indicates that it will be safer and more convenient for customers to utilize a second access on Willow Avenue which will greatly improve the traffic situation for the site and improve the public's safety and welfare. However, the proposed access will result in the loss of 2 parking spaces. Willow Avenue from the proposed access point to York Road is marked "no parking" and residential permits are required on the remainder of Willow Avenue. A variance to permit 14 parking spaces in lieu of the required 53 was granted by Order dated May 7, 1986 in Case No. 86-445-A. Testimony indicated that, even at peak hours, all 14 spaces have not been utilized.

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 Baltimore County this 30th day of July, 1987 that a variance to permit 12 parking spaces in lieu of the required 53 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED from and after the date of this Order.

Jean M. Dyer
Deputy Zoning Commissioner
of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: Appeal
Petitioner: James Swartz
Location of property: NE/cor. York Rd. & Willow Ave.
200-204 York Rd.
Location of Sign: Facing York Rd., 22204, 12' P.M. 7/24/87
Remarks: on property of Baltimore
Posted by: M. Haines
Number of Signs: 7
Date of Posting: 7/27/87
Date of return: 8/1/87

ORDER RECEIVED FOR FILING
Date: 7/27/87
By: J. Robert Haines

APPEAL

Petition for Zoning Variance
NE/cor. York Road & Willow Avenue (200 - 204 York Road)
9th Election District - 4th Councilmanic District
James Swartz - Petitioner
Case No. 88-34-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibit: 1) Plat of Property dated April 6, 1987

Deputy Zoning Commissioner's Order dated July 30, 1987

Notice of Appeal received August 24, 1987 from Peeter Kark on behalf of the Towson Manor Village, Inc. community association, the Protestants

Mr. James Swartz
P.O. Box 567
Bel Air, MD 21014

PETITIONER/LEGAL OWNER

E. Harrison Stone, Esquire, Attorney for Petitioner
102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204

KFC National Management Company, Lessee
7225 Parkway Drive, Hanover, Maryland 21076

Mr. Peeter Kark
Towson Manor Village, Inc.
214 Maryland Avenue, Towson, Maryland 21204

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

Request Notification: Norman E. Gerber, Director of Planning
Frank Fisher, Esquire, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Arnold Jablon, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

214 Maryland Avenue
Towson MD 21204
August 24, 1987

RECEIVED
AUG 24 1987
ZONING OFFICE

J. Robert Haines
Zoning Commissioner
Room 113 County Office Building
111 West Chesapeake Avenue
Towson MD 21204

Dear Mr. Haines:

As the appointed representative of Towson Manor Village community association, I am appealing the order of July 30, 1987 in Case No. 88-34-A. Included with this letter is a check in the amount of \$105.00 for the required fee.

Mr. Joseph Parker of 210 Wilden Avenue, Towson and I were the representatives of our neighborhood association in Case No. 86-445-A in which were granted the zoning variances that permitted the development of the property by Kentucky Fried Chicken Corporation (KFC). The community association found that the development plans were reasonable mainly on the grounds that there was no driveway proposed for Willow Avenue. We consider the petition in Case No. 88-34A an abrogation of the understanding between the community and KFC and the petitioner and are therefore seeking a reversal of the order of July 30, 1987.

We regret that this matter must be settled on appeal at expense to us, the petitioner, and Baltimore County. Had the signs announcing the request for a variance included the fact that a driveway was sought rather than hiding that fact by announcing only an issue of parking spaces, this matter could have been concluded in the original hearing which we would have then attended.

We will present evidence that the granting of the petition in Case No. 88-34-A would indeed adversely affect the health, safety, and general welfare of the community and that KFC Corporation's plans to utilize the property as originally proposed should be upheld.

Sincerely,

Peeter Kark

cc: Mr. Fred Engesser, V.P. for Planning and Zoning, Towson Manor Village
Mr. David Kreek, President, Towson Manor Village

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

Arnold Jablon
Zoning Commissioner

July 30, 1987

E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: Petition for Zoning Variance
NE/cor. York Road and Willow Avenue (200 - 204 York Road)
9th Election District, 4th Councilmanic District
James Swartz - Petitioner
Case No. 88-34-A

Dear Mr. Stone:

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 in accordance with the attached Order.

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

JMH:bjs

Enclosures

cc: KFC National Management Company
7225 Parkway Drive
Hanover, Maryland 21076

People's Counsel

Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE

9th Election District - 4th Councilmanic District

Case No. 88-34-A

LOCATION: Northeast Corner York Road and Willow Avenue
(200-204 York Road)

DATE AND TIME: Friday, July 24, 1987, at 11:00 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 12 parking spaces in lieu of the required 53 spaces

Being the property of James Swartz, 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 JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 15, 1987

E. Harrison Stone, Esquire
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/cor. York Rd. and Willow Ave.
(200-204 York Rd.)
9th Election District - 4th Councilmanic District
James Swartz - Petitioner
Case No. 88-34-A

Dear Mr. Stone:

This is to advise you that \$74.16 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 Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ:med

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 17, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 88-34-A

We share the concerns expressed by the Bureau of Traffic Engineering's representative on the Zoning Plans Advisory Committee.

Norman E. Gerber, AICP
Director

NEG:JGH:sib

RECEIVED
JUN 17 1987
ZONING OFFICE

E. Harrison Stone, Esquire
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204

June 12, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NE/cor. York Rd. and Willow Ave.
(200-204 York Rd.)
9th Election District - 4th Councilmanic District
James Swartz - Petitioner
Case No. 88-34-A

TIME: 11:00 a.m.

DATE: Friday, July 24, 1987

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

AJ:med

ccs: KFC National Management Company
7225 Parkway Drive
Hanover, Maryland 21076

Mr. James Swartz
P.O. Box 567
Bel Air, Maryland 21014

Arnold Jablon
Zoning Commissioner
of Baltimore County

E. Harrison Stone, Esquire
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204

June 12, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NE/cor. York Rd. and Willow Ave.
(200-204 York Rd.)
9th Election District - 4th Councilmanic District
James Swartz - Petitioner
Case No. 88-34-A

TIME: 11:00 a.m.

DATE: Friday, July 24, 1987

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

AJ:med

ccs: KFC National Management Company
7225 Parkway Drive
Hanover, Maryland 21076

Mr. James Swartz
P.O. Box 567
Bel Air, Maryland 21014

Arnold Jablon
Zoning Commissioner
of Baltimore County

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE Corner York Rd. and Willow : OF BALTIMORE COUNTY
Ave. (200-204 York Rd.),
9th District : Case No. 88-34-A
JAMES SWARTZ, Petitioner :
: : : : :
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 18th day of June, 1987, a copy of the foregoing Entry of Appearance was mailed to E. Harrison Stone, Esquire, Suite 600, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and KFC National Management Co., 7225 Parkway Dr., Hanover, MD 21076, Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

060

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

E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: Item No. 431 - Case No. 88-34-A
Petitioner: James Swartz
Petition for Zoning Variance

Dear Mr. Stone:

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:bjjs

Enclosures

cc: KFC National Management Co.
7225 Parkway Drive, Hanover, Md. 21076

STV/Lyon Associates
21 Governor's Court, Baltimore, Md. 21207-2722



Maryland Department of Transportation State Highway Administration

William K. Hoffmann
Secretary
Mel Kassoff
Administrator

May 6, 1987

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

Re: ZAC Meeting of 4-28-87
ITEM: #431.
Property Owner: James Swartz
Location: NE Corner York Road,
Route 45, and Willow Avenue
Existing Zoning: B.R.-CSA
Proposed Zoning: Variance to allow
12 parking spaces in lieu of the
required 53 spaces
Area: .3269 acres
District: 9th Election District

Attention: Mr. James Dyer

Dear Mr. Jablon:

On review of the submittal of 4-6-87, the State Highway Administration finds all access to the site generally acceptable by way of York Road (Route 45).

On the day of inspection, the on site parking was limited to 8 vehicles, with unrestricted access to the drive through window.

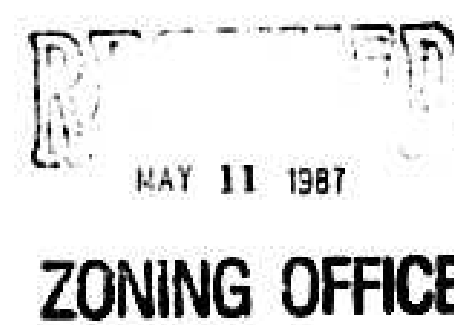
Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle



My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717, 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
Towson, Maryland 21204 2586
494-4500

Paul H. Kiencke
Chief

April 28, 1987

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

Dennis F. Rasmussen
County Executive

Re: Property Owner: James Swartz

Location: N/E corner York Road and Willow Avenue

Item No.: 431

Zoning Agenda: Meeting of 4/28/87

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.

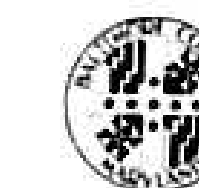
- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. 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.
- () 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. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly* 4/28/87
Planning Group
Special Inspection Division

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau

/s/



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEVEN EXCOLINE
C. Richard Moore
Acting Director

May 11, 1987

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

Item No. 431 -ZAC- Meeting of April 28, 1987
Property Owner: James Swartz
Location: NE corner York Road and Willow Avenue
Existing Zoning: B.R.-CSA
Proposed Zoning: Variance to allow 12 parking spaces in lieu of the required 53 spaces
Area: .3269 acres
District: 9th Election District

Dear Mr. Jablon:

The requested parking variance can be expected to add to the existing parking problems in the area. The residential area to the north and west of the site can be expected to be impacted.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

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

No. 32564

DATE 4/16/87 ACCOUNT R-01-615-000

AMOUNT \$ 100.00

RECEIVED FROM JTC 917 431

FOR Comm-Final JACRICE

B 8092*****100001a 2162F

VALIDATION OR SIGNATURE OF CASHIER

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

No. 33096

DATE 5/24/87 ACCOUNT R-01-615-000

AMOUNT \$ 50.00 (C/C 4115 - 41051)

*\$15 to be reimbursed
you by Baltimore County

RECEIVED FROM Peater Park, Towson Manor Village, Inc.

214 Maryland Avenue, Towson, Md. 21204

FOR Appeal Filing & Posting Fees: Case No. 88-34-A

James Swartz - Petitioner (KFC Restaurants)
B 8092*****35001a 2242F

VALIDATION OR SIGNATURE OF CASHIER

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

No. 35995

DATE 7/24/87 ACCOUNT R-01-615-000

SIGN & POST
RETURNED

AMOUNT \$ 74.15

RECEIVED FROM E. Harrison Stone, Esq., Suite 600, 102 W. Pennsylvania Ave., Towson, Md. 21204

ADVERTISING & POSTING COSTS RE CASE #88-34-A

B 8076*****74361a 0242F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 6/28/87

Posted for: Variance

Petitioner: James S. Swartz

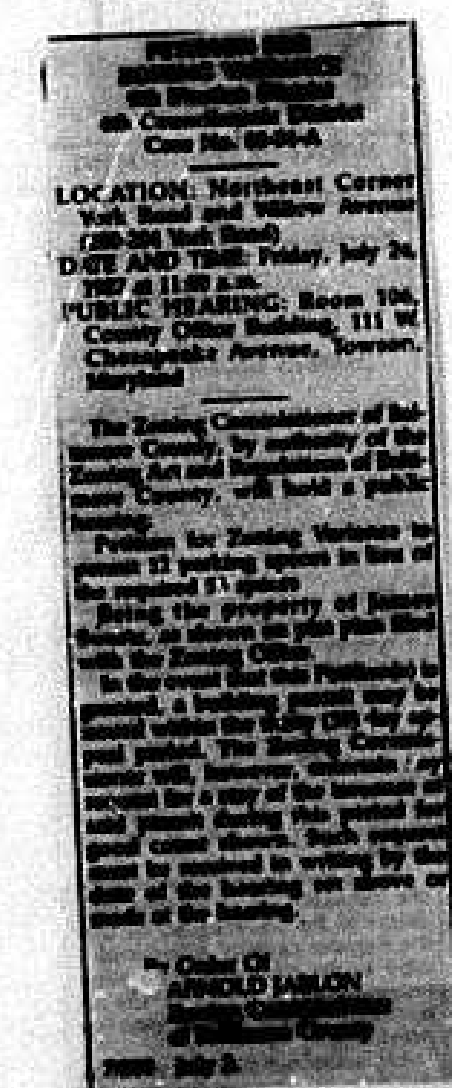
Location of property: NE corner York Rd & Willow Ave

Location of Sign: Facing York Rd, across lot from subject, on prop. entry of Petitioner

Remarks: Substantive

Posted by: Substantive Date of return: 7/16/87

Number of Signs: 1



CERTIFICATE OF PUBLICATION

TOWSON, MD., July 2, 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 July 2, 1987.

THE JEFFERSONIAN,

Susan Seider Christ
Publisher



10750 Little Patuxent Pkwy
Columbia, MD 21044

July 8 19 87

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR ZONING VARIANCE

was inserted in the following:

- ☐ Catonsville Times ☒ TOWSON FLIER \$25.20
☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 4 day of July 19 87, that is to say, the same was inserted in the issues of

July 2, 1987

PATUXENT/PUBLISHING CORP.

By: [Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF



Kentucky Fried Chicken

KFC National Management Company
7225 Parkway Drive - Hanover, Maryland 21076 (301) 796-5100

April 9, 1987

E. Harrison Stone, Esq.
Royston, Mueller, McLean & Reid
102 West Pennsylvania Avenue
Suite 600
Towson, Maryland 21204-4575

Re: 200-204 York Road
Towson, MD

Dear Harrison:

Enclosed please find three (3) original KFC and owner signed Petition of Zoning Variance forms for the above referenced location.

Please do not hesitate to give me a call if you need me for anything.

Sincerely,

KENTUCKY FRIED CHICKEN

Robert G. Berkheimer
Robert G. Berkheimer
Real Estate Representative

RGB/dm



Petach 23



Petach 24



Petach 25



Petach 26



Petach 27



Petach 28



Petach 29

(66' R/W)

RTE. 45

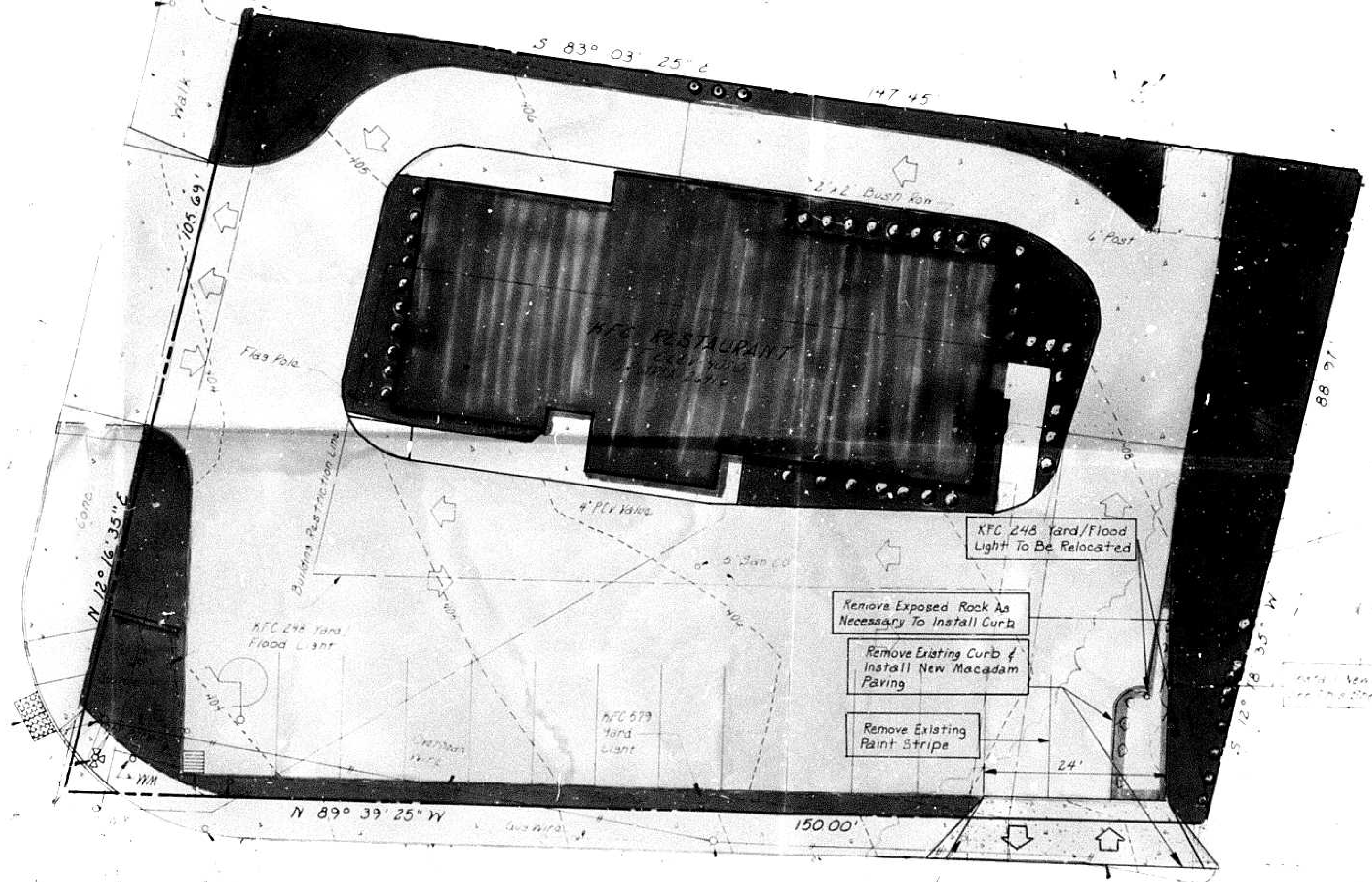
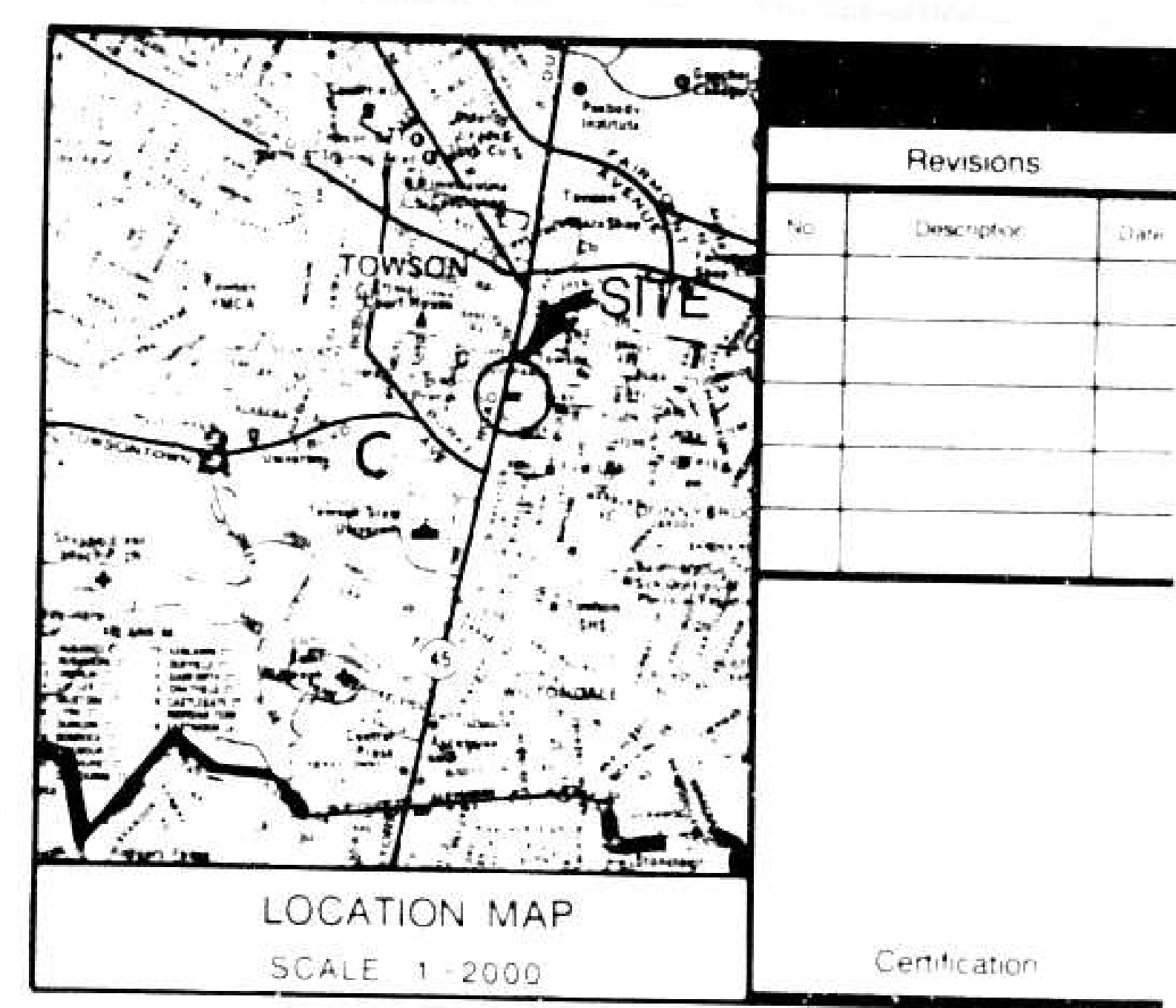
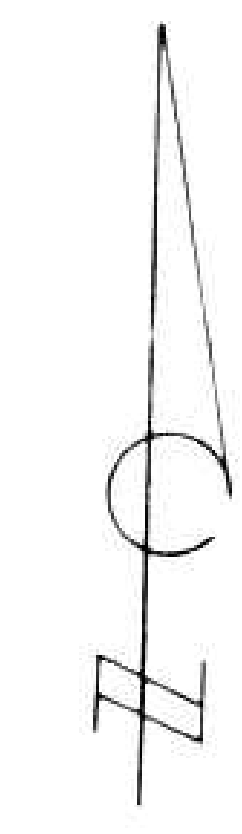
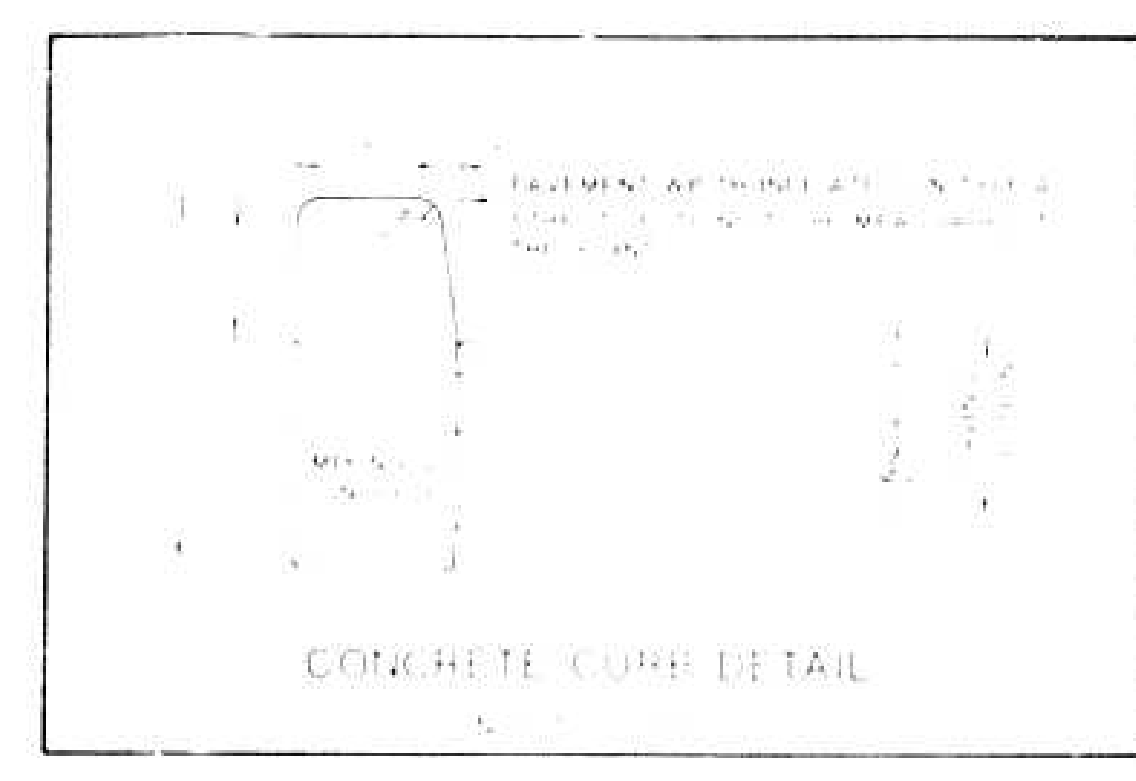
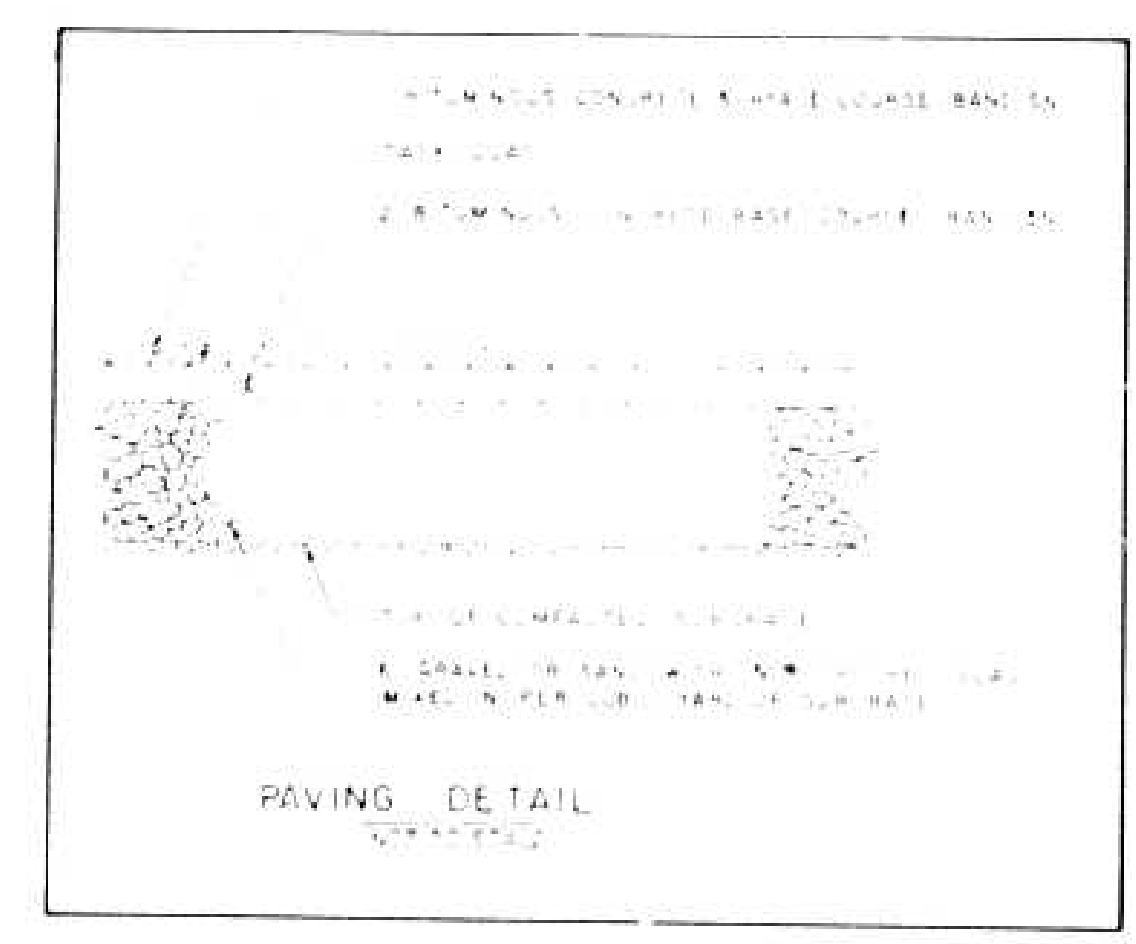
ROAD

YORK

WILLOW

AVENUE

(40' R/W)



15 ALLEY

SITE PLAN

KFC

200-204 YORK ROAD

TOWSON, MARYLAND

ELECT 9 BALTIMORE, MARYLAND

STV/Lyon Associates

Architects • Planners

27 Calverton Court
Baltimore, Maryland 21201
301-944-9700

Sheet Title

Note:
Construction to be completed
within 60 calendar days. Disturbed
Area Not to be less than
10% of total site area. All
excavation, grading and
filling to be done in
accordance with the
Baltimore County Standard
Specifications for Construction.

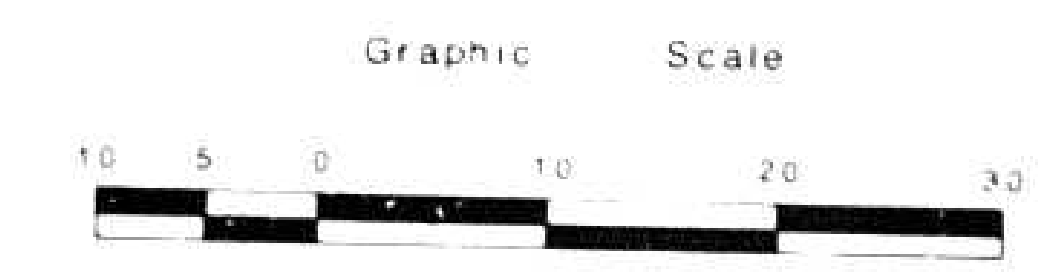
Scale 1" = 10'

Date JULY 7, 1987

Drawn By W T C

Job Number: 8011-60-001

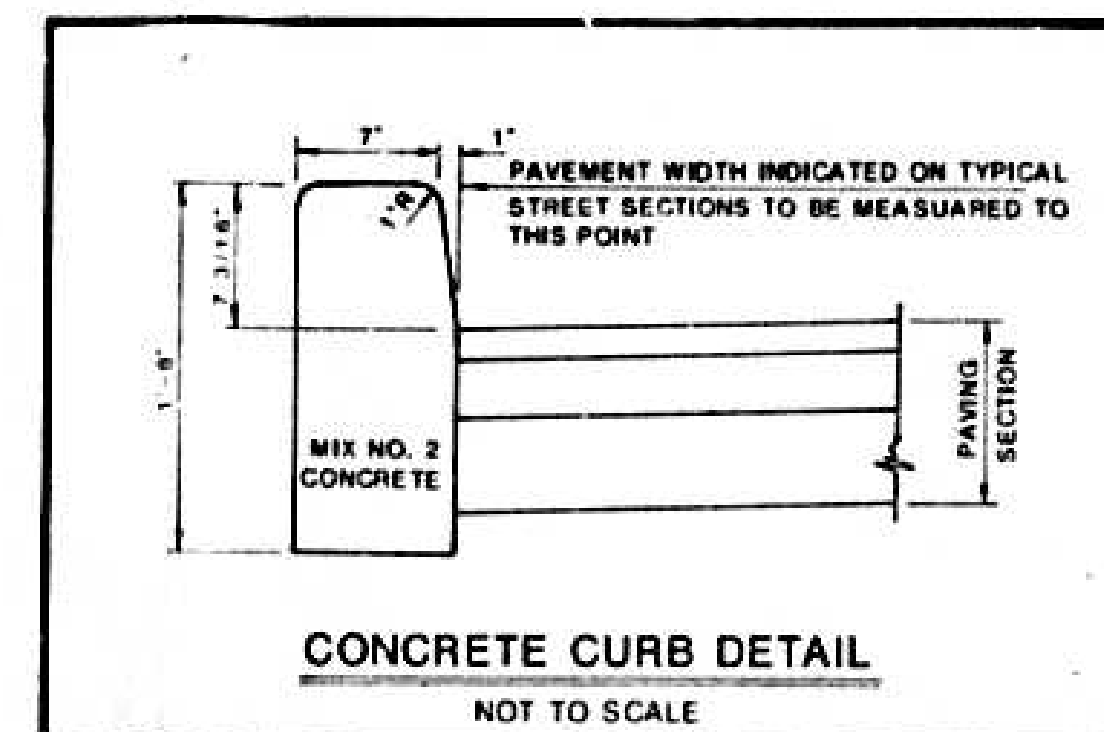
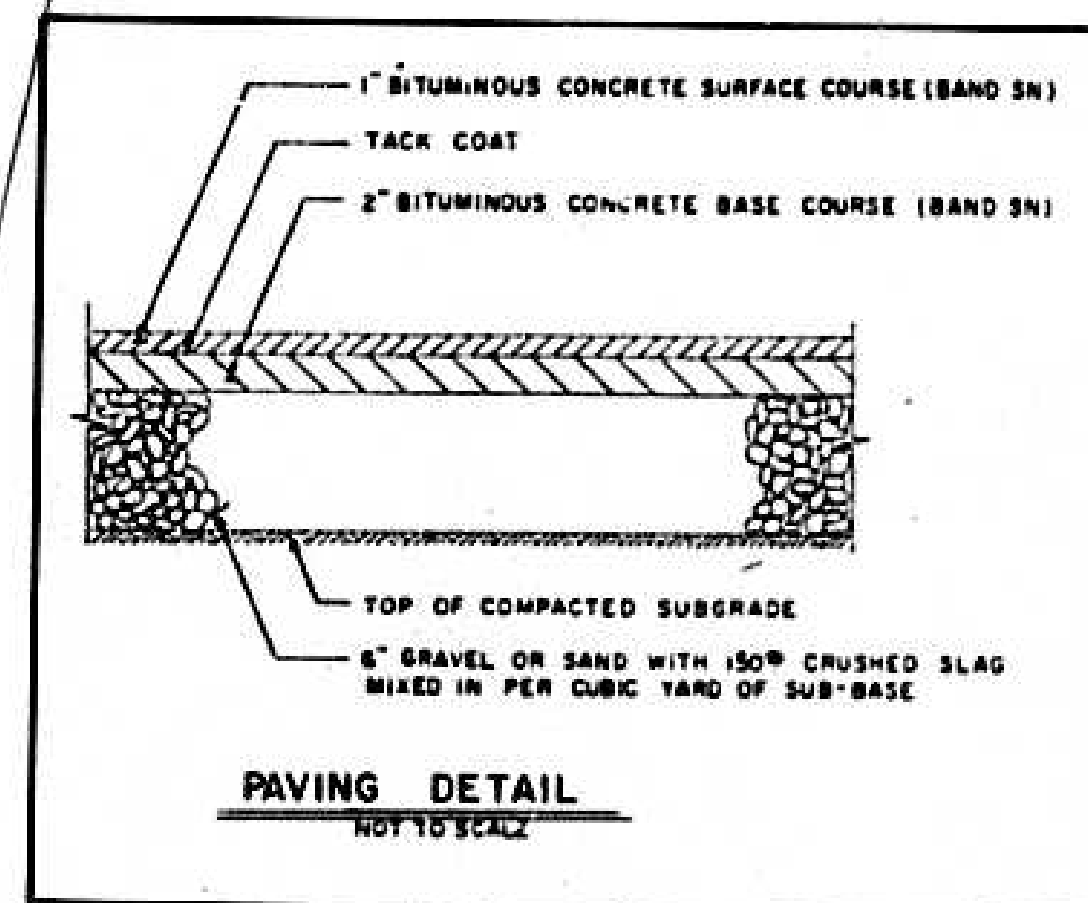
Sheet



GENERAL NOTES:

1. HEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON BALTIMORE COUNTY COORDINATE SYSTEM.
TRAVERSE STATIONS: X 5059 N36431.16 E3494.72
X 5060 N35979.72 E3392.84
2. ELEVATIONS SHOWN ARE BASED ON BALTIMORE COUNTY BENCHMARK NO. 15060 "A" 311 IN W. RIM OF CAP ON THE WEST SIDE OF YORK ROAD AT LINCOLN AVE.
3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN MADE BY ACTUAL FIELD MEASUREMENTS, SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY COMPADES PRIOR TO COMMENCING WORK.
4. THE LINES AND GRADES OF THE PROPOSED ROADS SHOWN HAVE BEEN OBTAINED FROM PLANS OF THE LOCAL HIGHWAY AGENCIES. THEY ARE SUBJECT TO CHANGE UNTIL ACTUAL CONSTRUCTION.
5. DEED REFERENCE:
JAMES C. SHARTZ
L.M. JR. 5754/069 474 YORK ROAD
BALTIMORE, MD 21204
6. EXISTING ZONING: RM-CA
PROPOSED ZONING: NO CHANGE
7. EXISTING USE: ABANDONED PARKING LOT
PROPOSED USE: KFC RESTAURANT DRIVE-THRU
8. PARKING REQUIREMENTS: (1) 1750 SQ. FT. FLOOR AREA
NO. REQUIRED: 241 + 50 = 291 USE 53
NO. PROVIDED: 22 (INCL. 1 M.C.)
9. TAX ACCOUNT NO. 09-01-070041

Variance To Allow 12 Parking Spaces
In Lieu Of The Required 53 Granted
7/24/87 Item #431 Case #88-37-A



LOCATION MAP
SCALE: 1"=2000'

Revisions		
No.	Description	Date

Certification

SITE PLAN

KFC

200-204 YORK ROAD
TOWSON, MARYLAND
ELECT. 9 BALTIMORE, MARYLAND

STV/Lyon Associates
Architects • Planners

21 Governors Court
Baltimore, Maryland 21207
(301) 944-9112

Sheet Title

Note:
Construction To Be Completed
In 5 Calendar Days. Disturbed
Area Not To Exceed
1000 SF. And Shall Be
Immediately Stabilized W/
Seed And Mulch Upon
Completion of Construction.

Scale: 1" = 10'

Date: JULY 7, 1987

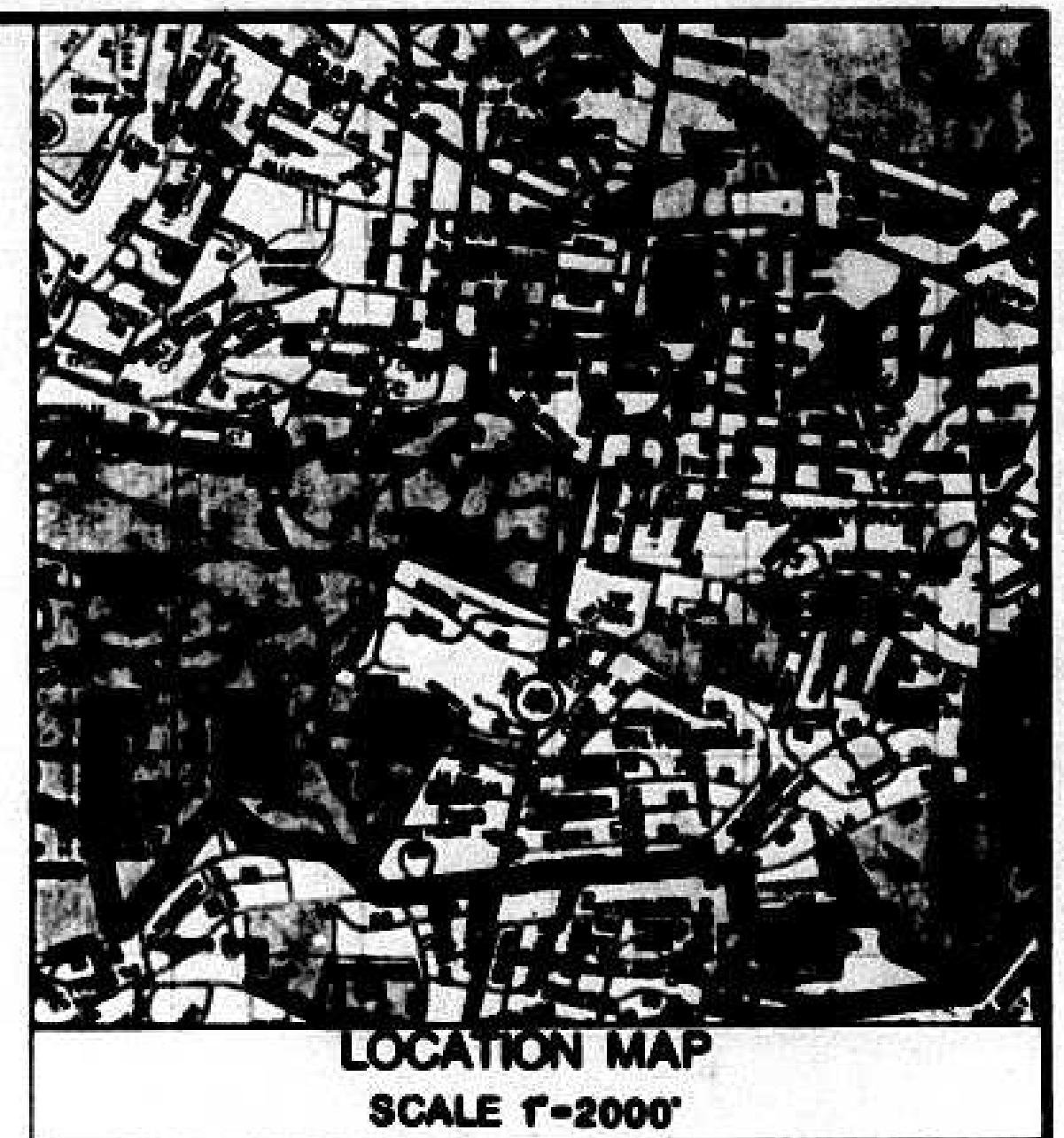
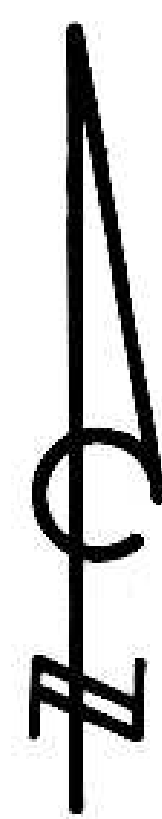
Drawn By: W T C

Job Number: 8011-60-001

Sheet:

Graphic Scale





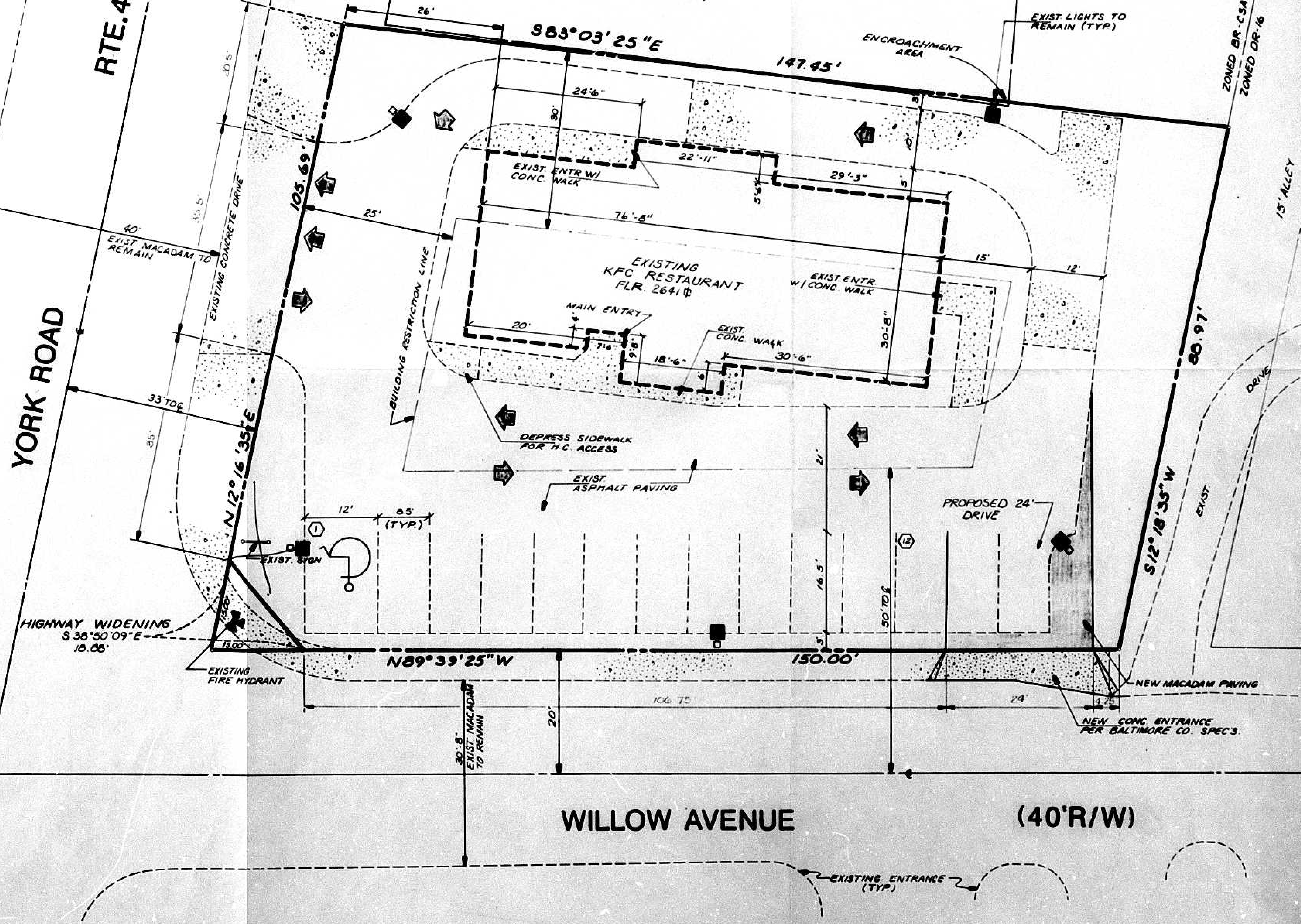
RTE.45 (66'R/W)

YORK ROAD

HIGHWAY WIDENING
S 38°50'09"E
10.05'

WILLOW AVENUE (40'R/W)

BALTIMORE COUNTY
O.T.G. 3266-064
ZONED BR-CSA
2 ST BLDG BLDG
(ABANDONED)



- NOTES:
1. OWNER: JAMES C. SWARTZ
 2. LESSEE: KFC NATIONAL MANAGEMENT COMPANY
7225 PARKWAY DRIVE
HANOVER, MARYLAND 21076
(301) 796-5100
 3. EXISTING USE: KFC RESTAURANT
PROPOSED USE: KFC RESTAURANT
 4. EXISTING ZONING: BR-CSA
NOTE: RESTAURANT PERMITTED UNDER SECTION 236.1 (233.1, 230.4)
PROPOSED ZONING: NO CHANGE
 5. VARIANCE REQUIRED: FROM SECTION 409.2(b)(3) TO ALLOW 12 PARKING SPACES IN LIEU OF THE REQUIRED 53 IN CONJUNCTION WITH DRIVE THRU SERVICE. (PARKING REQ'S = 2,641 S.F. @ 1/50 = 52.8 USE 53)
 6. SITE AREA: 14,242 S.F. ± OR 0.3269 AC. ±
 7. PARKING REQUIREMENTS: (@ 1/50 SQ. FT. FLOOR AREA)
NO. REQUIRED: 2,641 ± 50 = 52.8 USE 53
NO. PROVIDED: 12 (INCLUDES 1 HANDICAP)
 8. PARKING SPACE: 8.5' x 16.5'
 9. PAVING: BITUMINOUS CONCRETE AND CONCRETE
 10. SCREENING: EXISTING TO REMAIN
 11. LIGHTING: EXISTING TO REMAIN
 12. UTILITIES: EXISTING TO REMAIN

JAMES C. SWARTZ
C.H. & JR. 5790-023
ZONED DR

PETITIONER'S EXHIBIT NO. 1

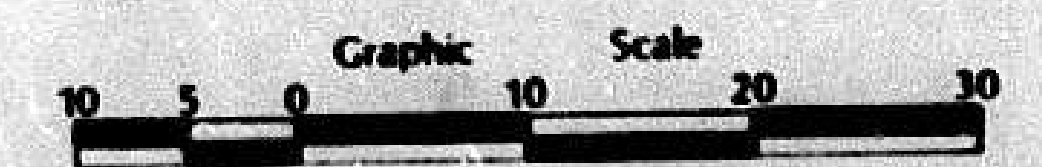
2 STORY FRAME DWELLING

NOTES: THE FOLLOWING VARIANCES HAVE BEEN REQUESTED FOR THIS SITE UNDER CASE NO. 2001-001 ITEM 332:

- A. FROM SECTION 236.2 TO ALLOW A SIDE YARD OF 15' IN LIEU OF THE REQUIRED 30'.
- B. FROM SECTION 409.2(b)(3) TO ALLOW 12 PARKING SPACES IN LIEU OF THE REQUIRED 53 IN CONJUNCTION WITH DRIVE THRU SERVICE. (PARKING REQ'S = 2,641 S.F. @ 1/50 = 52.8 USE 53)
- C. FROM SECTION 409.2(c)(4) TO ALLOW A PARKING SETBACK OF 15' IN LIEU OF THE REQUIRED 30'.
- D. FROM SECTION 409.2(d) TO ALLOW 12 BUSINESS SIGNS IN LIEU OF THE REQUIRED 53.
- E. A TOTAL OF 197 SQUARE FEET IN LIEU OF THE REQUIRED 1,000 SQUARE FEET.

PETITIONER'S EXHIBIT

431
88-34-A



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

REVISIONS		
NO	DATE	DESCRIPTION

PLAN PREPARATION	
DRAWN BY: BAUMGARTEN	DATE: 4/1/87
DESIGNED BY: RA KING	SCALE: 1"=10'
CHECKED BY: JCS	JOB NO: 8011-80-001

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
KFC
200-204 YORK ROAD
ELECT. 9 BALTIMORE CO, MD.

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