88–155–A #2	Cor./SE/S Harford Rd. and SW/S Parktowne Rd. 14th E.D.
9/21/87	Variance - filing fee \$100.00 - Friendly Ice Cream Corporation
9/21/87	Hearing set for 11/2/87, at 2:00 p.m., before Mr. Haines
11/13/88	Hearing reset for February 3, 1988 at 11:00 p.m.
2/9/88	ORDERED by Deputy Zoning Commissioner Nastarowicz that the herein Petition be and is hereby GRANTED, with conditions.
1/22/88	Appeal taken to County Board of Appeals and case assigned to be hear on May 4, 1988 at 10:00 a.m.

IN RE: PETITION FOR ZONING VARIANCE .
Corner SE/S Harford Road and SW/S Parktowne Road (8321 Harford Road) CARRIED TORTED COMMITTERTONIES OF BALTIMORE COLUTY Case No. 00-155-4 Friendly Ice Cream Corp. Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 42 parking spaces in lieu of the required 46 spaces, as more particularly described on Petitione Evhibit 1.

The Petitioner, by Richard Pfannenatein, Manager, John Piette, District Manager, and Robert D. Rossman, Real Estate Coordinator, appeared, 'estified and was represented by Nancy E. Paige, Esquire. There were no Protestants.

Testirony indicated that the Petitioner has owned and operated a Friend ly's Ice Cream franchise at the subject location since 1972 Testimony further uate. Friendly's has expanded its menu requiring more refrigeration space.

In addition, Mr. Rossman testified that there are presently 43 parking ices provided. An attempt was made to add four additional spaces to comply with the Baltimore County Zoning Regulations (B.C.Z.R.); however, due to the present development of the property and the topography of the land, no additional parking can be provided. Testimony also indicated that the location of the addition will not result in any loss of parking spaces. The Petitioner testified that while there will be one less space than that presently provided, the

loss of the one space is due to the creation of two handicapped parking spaces Aut of these sutuities severe

Mr. Prapmenstel, teatified that he has been the manager of the existing

The Petitioner seeks relief from Section 409.2.b(3), pursuant to Section 707 of the 9.0.2.8.

At area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area

- whether strict compliance with requirement would unrea-sonably prevent the use of the property for a permitted purpose or render conformance unrecessarily burdensome;
- whether the grant would do substantial injustice to ap-plicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substant it relief; and
- whether relief can be granted in such fashion that spirit of the ordinance will be observed and public sai ty and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the smirit of the B.C.Z.R. and would not result in substantial detriment to the public good

After (ale consideration of the testimony and suidenis and clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the requested will not be detrimental to the public health, savety, and

Pursuant to the advertisement, posting of the property, and blic hearing on this Petition held, and for the reasons given above, the requested variance should be granted

THEREPORE, It IS ORDERED by "e Deputy Zoning Commissioner for Baltimore County this 9th day of February, 1988 that 42 parking spaces in lieu of the required 46 spaces. In accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however,

1) The Petitioners may apply for their building permit and be gravited uses upon receipt of this O very however, the Petitioner, are harvely note sweet that proceeding at this time is at their one rise until such time as the applicable with the permit of the permit of

Com HNastannian ANN M. NASTARONICZ

ADDED PAGE

olicy Number 21 005 01 00473

eliveries sade to the store.

All that lot or percel of ground situate, lying and being in the Fourteenth District of Baltimore County, State of Maryland, and described as follows:

District of Balliance County, State of Karyland, and described as follows:

REMONING FOR IME AND A STATE AS A STATE OF THE ASSESS OF THE ASSES

J. Robert Haines

Martin 10, 1907 1/25/88

Mr. Deuglan Ednon P. O. Box 680 Yorktown, VA 23690

Come number: 88-155-A SL/S Harford Road and SL/S of Parktowne Road 14th Blection Ditrict - 2nd Councilmanic District Friendly lee Gream Corporation

Please be advised that 10 % is one for abvertising and posting of the abover-of-revered property. All advertising and posting fees must be paid prior to the measure. In both cases the star from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE FAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED

Please make your check pavable to Baltimore County, Maryland and forward to the Zoning Office, County Office Bullding, Norm 113, Towson, Maryland 21204.

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

No. 45940 bert frience RODERT HAINES ming Commissioner of

MOUNT \$ 104.59 A Presting & Mounts stoy 2/5/00 peopling door w woman differ A cont

VALIDATION OF SIGNATURE OF CASSIES

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

DATE 6/30/37

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 V. Chesapeake Avenue in Towson, Maryland as follows:

NOTICE OF HEARING

ORDERIO IN The Zoning Commissions of Ballimore County, this day of Particular 1987, that the subject matter of this position he advertised, as required by the Zoning Long Ballimore County, that provery be posted, and not the subject of the "real circulation throughout the County, that provery be posted, and not the subject of the "real circulation throughout the County, that provery be posted, and not the subject of the subject of the County, that provery be posted, and the County of the County, on the Subject of the County of the Subject o

PETITION FOR ZONING VALUNCE

Variance from Section 409.2.h(3).to.permit.42 parking spaces in lieu of the require

The Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the rollowing reasons, (indicate hardalas or practical difficulty)

The actual use of *bis additional space will not generate more traffic and therefore see feel there will not be any problem created, nor will it alter the appearance of our perking lot.

I, or we agree to pay expenses of above Variance severtising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the noting regulations and restrictions of the petitions of the contract of the second period pe

Doneles O. D.

Kilbrahem, MA 01095

DRUSHAS A GASON, CROSE T MARAGE
(Type or Print Name)

PO BOX 680, Yorktown, VA 23690 H 504/867 8792

Zoning Commissioner of Latimore Count

Contract Purchases

Attorney for Datition

ESTIMATED LENGTH OF HEARING -1/2HB +1HR.

AVAILABLE FOR HEARING HONTHS

ALL MON./TUES./WEG. NEXT TWO MONTHS

EVIEWED BY: CKR

88-155-A

MAP NE JO

. D. 14.M.

DATE STAT

E 22 040

Came number: 88-135-A SE/S Harford Road and SW/S of Farktowne Road 14th Election District - 2nd Councilmanic District Friendly Ice Green Corporation DATE/TIPS: UNDENSIAT, FRANKART 3, 1988 at 11:00 m.m.

Variance to permit 42 parking spaces in lieu of the required 46 spaces

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

J. ROBERT RAINES Zoning Commissioner of Baltimore County

Har Rd.

fem 3237

February 9, 1984

Hancy E. Paige, Atturney Gordon, Feinblatt, Rottman, Hoffberger & Hollander Carrett Building 233 East Redwood Street Baitmore, Maryland 21202

NE: Petition for Zoning Variance Corner 3873 Nurfore Read and 38/3 Faratheme Road (8321 Nurford Road) 1th Reaction District; 6th Councilments District Friendly Zoc Cream Corporation - Petitioner Case Ro. 10-155-4

Dear Ms. Paimer

ANN M. NASTAROWICZ Deputy Zoning Commissione of Baltimore Commissione

APON to Six

CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan. 13 19.88 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly news, aper printed and published in Towson, Baltimore County, Md., once to each of _____ successive weeks, the first publication appearing or Jan 13 10.88

TOWSON TIMES.

Sunan Suder Obrect

CERTIFICATE OF PUBLICATION

TOWSON MD. Jan 14 10.88 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed Jan. 14, 10.88

THE JEFFERSONIAN.

Gusan Sender Obrest

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 15 1887

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 Oct 15 1987

> THE JEFFERSONIAN. Gusan Sender Obrest

CERTIFICATE OF POSTING

DEPARTMENT OF BALTIMORE COUNTY 8 - 155-1 Townson, Moryland

Date of Posting 10/8/87 Patrict /474 Posted for Venence Petitioner Friendly Tee Grown Corp. Location of property Lean 136/4 Mer fort Rt & Safe Partitioner Par Location of Spec Towns the Low Co. man & for me large for property of Politics

Posted by Millinly Number of Signet ____

Date of return: 10/8/87

September 29, 1987

Mr. Douglas Edson Friendly Ice Cream Corporation 1855 Boston Boad Wilbraham, Massachusetts 01095

NOTICE OF HEARING

RE: PETITION FOR TONING VARIANCE Cor./SE/S Harford Ed. and SE/S Parktowne Ed. 14th Election District - 6th Councilmanic District Friendly Les Cream Corporation - Petitioner Came No. 58-155-4

11:00 n.m.

TIME Monday, November 2, 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. 37690

DATE 6/30/27 ACCOUNT 01 610 AMOUNT \$ 100.00 PERENED PRIENDLE LOS CREAM COMO · Euro FAG FOR VARIANCE HEN & BUSSWANNINGSON BROOM VALIDATION OF SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE

14th Election District - 6th Councilmanic Pistrict Cause No. 88-155-/

Corner/South-east/Side of Harford Road and Scathwest Side of Park owne Road

DATE AND TIME: Monday, November 2, 1987, at 11:00 a.m.

PUBLIC LEARING: Room 106, County Office Building, 111 W. Chemapeake Avenue, Towson, Meryland

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

Petition for Zoning Variance to permit 42 parking spaces in lies of the required 46 spaces

Being the property of Friendly Ice Cream Corporation , 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 may request for a rety 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 hearings at above or made at the hearings.

J. ROBERT HAINER ZONING COMMISSIONER OF BALTIMORE COUNTY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Petitioner Friendly Ice Crear Corp. Attorney

County Office Building 111 W. Chesapeaks Avenue Towson, Maryland 21201

Your petition has been received and accepted for filling this

Received by:

J. ROBERT BAINES ZONING COMMISSIONER

October 28, 1987

Mr. Douglaw Edson Friendly Ice Cream Corporation P.O. Box GBO Yorktoon, Virginia 23690

RE: PETITION FOR ZONING VARIANCE Cor./SE/S Harford Rd. and SW/S Parktowne Rd. 14th Heaction District — 6th Councilmanic District Friendly Ice Uream Corporation — Petitioner Case No. 38-155-4

This is to advise you that $\underline{}$ 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, Boom 113, County Office Building, Towson, Maryland 21204, before the hearing. No. 47429

MALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVIS Simerely, J. Robert Haines
Zoning Commissioner

VALIDATION ON SIGNATURE OF CASE CR

Fire Department Towson, Maryland 21204-2586 494-4500

JKH: red

Paul H. Reincke

July 28, 1987

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



Re: Property Owner: Friendly Ice Cream Corp.

Corner SE/S Harford Rd. & SW/S Parktowne Rd.

Zoning Agenda: Meeting of 7/14/87

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

() 1. Fire bydrants 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

() 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 colldings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(χ) 7. The Fire Prevention Bureau has no comments at this time.

PROTINGS (Secret May 7.28-17 Stored and John & Niell Francisco Growth of Proposition Division Special Trapposition Division

Avenue

CERTIFY,

VENUE

CERTIFICATE OF PUBLICATION

V

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE October 16, 1987

RE: Item No. 2 - Case No. 88-155-A Petitioner: Friendly Ice Cream

Dear Mr. Edson:

Department of Traffic Enginee State Bonds Cr Sureau of Fire Prevention

Project Planella Buildies Densesses Board of Discation Soning Adminis

I sreau of

Mr. Douglas A. Edmon, Project Manager Friendly Ice Cream Corporation 1855 Boston Foad Wilbraham, Massachusetts 01095

Corportion
Petition for Zoning Variance

these rev. something the foreign of the plant and reviewed the plant ambitted with the above-reviewenced petition. The following the soning action requested, but to source that all parties are made source of plant or problems with regard to the development plant that may arrow the regard to the plant of the plant of

Enclosed are all comments submitted from the members of the committee at this time that offer or request information of your petition. If similar occurent from the remaining and the second of the remaining comment that is not informative will be placed in the bearing file. This petition was accepted for filing on the case of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

anes E. Defer KKB JAMES E. DYER Chairman Zoning Flans Advisory Committee

7/29/87

JED: kkb Enclosures

Zoning Cosmissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

COPPERTS ARE AS POLICES!

cc: Mr. Douglas Edson P.O. Box 650 Yorktown, Virginia 23690

BALTIMORE COUNTY PEPARTMENT OF HEALTH

Zoning Item # 2, Zoning Mylsory Committee Meeting of July 14, 1982

Prior to approval of a building Permit for construction, recovation and/or installation of equipment for any estating or proposed fool service facility, complete place and specifical mean be modulated to the Plana Bariew Dection, Puricromerical Desports Devices, for final review and approval.

() Prior to new installation/s of the brining equipment, the owner should contact the Civision of Air Pollation Control, 182-775, to obtain requirements for much breaklation. In Privation of Air Voltage Control of September 18 of the Control of Privation of Air Voltage Control of September 18 of Control of Privation of Air Voltage Control of September 18 of of Sep

(5,000 gallons or more) and any other equipment of the amonghers.

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

() Trice to approval of a Mulding Fermit Application for securities to stati-ing or nonstruction of now beatth care facilities of the plane and openification of the united states and type of equipment to an approximate the plane of the plane and the plane plane and Approval Section, hivision of Nogimering and Multicanary, State Department of Mait Inc all Multil Systems for review and Suppose.

() Prior to any new construction: we measured alteration of public swiming pool, wading pool, wathern as successful and the pool, water and severage facilities or other apparent assumerisations to health and address to the apparent copies of plans and for several water apparent to the Sattiers Court in particular to the Sattiers Court in the Court of the Sattiers of the Sattiers

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

metro Sevego Disposal metre

Property Omer Friendly Ice Crown Corporation. Locationi Copper 5615 Harried N. and Seks Parttern motivier _ 14

BALTMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date ... October 22, 1987 FROM Mr. Norman E. Gerber, AICP, Director Office of Planning and Zoline

SURJECT Zoning Fettifone Bp. 88-132-A, 88-133-A, 88-134-A, 68-134-A, 68-135-A, 68-135-A, 88-155-A, 88-155-A, 88-174-A, 88-175-A, 88-174-A, 88-175-A, 88-174-A, 88-175-A, 88-185-A, 88-185-

There are no comprehensive planning factors requiring comment on the above numbered petitions.



Ms. Shirley M. Hess, Legal Assistant, People's Counse?

Zoning Item # 2 Zoning Advisory Committee Meeting of July 14, 1787

() Prior to raning of existing structure/s, pertitioner must contact the Division of Water Quality and Waste Nam pument at 10h-3765, regarding removal and/or disposal of potentially hearstynes materials and solid waters.

() Any abandoned underground storage tanks or taining spacifies, waste cil, solvents, cit., sust have the contents rumoved by a licemsed bauler and of the be removed from the property or properly backfilled. Prior to removed or abandonment, owner must content the Div 'ion of Mater Amility and Waste Management at 10/1-756.

() Boil percolation tests (haw been/must be) conducted,

The results are valid until

Boil percolation tests results have expired. Petitioner should contact
the Division of Environmental Support Services to determine whether
solitional 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.

an accommance with Decision 13-117 of the Maltimore County Code, the water well yield level

be aball be valid until

is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Dallding Fermit Applications.

() In accordance with Section 13-117 of the Baltimore County Code, the water

 Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water mamples. () If submission of plans to the County Review Group is required, a Rydro-geological Study and an Environmental Effects Report must be submitted.



ZONING OFFICE



Maryland Department of Transportation State Highway Administration RICHARD H. TRAINOR HAL KASSOFF

July 22, 1987





ZONING OFFICE

Mr. A. Jablon oning Commissioner ounty Office Bldg. Towson, Md. 21204 Attn: Mr. James Dyer

Re: 2AC Peeting of 7-14-87 1
LSM: 2-,
Property Opner: Priendly Ice
Cream Corporation
Ends and SVS Parknown Road
Existing Conting: B.L. - CS2
and D.R. 2- Annual Corporation
Persit 42 parking spaces in lieu
of the required de spaces
Aran 10, 99-86 apaces
Aran 10, Park Election District

Dear Mr. Jablons

On review of the substitul of 5-28-R7 (revised) The State Righway Administration - Bureau - f Engineering Access Permits finds all access to Harford Route 1/7 generally acceptable, with a variance of four (4) orking spaces.

Very truly yours. John meyer John Meyers, Asst. Chief Bureau of Engineering Access Permits

TM v CM v mana

By: George Wittman

Enitimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 40% Towson, Maryland 21204



July 29, 1977

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Meeting of July 14, 1987
Friendly Tee Green Corporation
Organization Control of State Contr

Item No. 2 Property Owner: Location: Existing Zoning: Proposed Zoning:

Area: District:

Dear Mr. Jablont The requested variance to parking can be expected to cause parking problems in the residential area behind the site.

very truly yours,

Michael S. Planigan Traffic Engineer Associate II

MSF:1t

My telephone number is (301) 333-1350 Teletypeuriter for Impaired Hearing or Steech
363-7555 Estimore Metro - 365-0451 D.C. Metro - 1-800-482-5682 Statewide full Free
707 North Calvert Str. Battmore, Maryland 2192-0717

PETITIONER(S) SIGN-IN SHEET		
Nove Stage Allowards Red and Hamoster Manyer Safe Letter Democratics Rabert Hamos Reservation	233 & Reduced &. 8427millores Co. 6 200 200 18 227 Sorbad Ed. Carnite 108 Party St. Sample MA	

Koun Dh. Thursy Sond ax Merchary, Directory MINISTER (MY ENGINEERICAL)

Division of Water and Sewer Department of Environmental Protection and Resource Hanagement

() If Jubrication 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 Afministration requirements.

WWO 2 4786

