

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2b(3) to allow 50 parking spaces in lieu of the required 86 spaces

Proposed number of parking spaces is more than adequate to serve customers and needs of restaurant.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
E. Harrison Stone, Esq.
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Attorney's Telephone No.: 301/823-1800

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of November, 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 through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of January, 1988, at 2 o'clock P.M.

(over)

after building a parking deck in the rear of the property. However, after studying the proposal, the parking deck was rejected for the following reasons: customers prefer parking in a location convenient to the entrance and exit of the building; the deck would not be aesthetically pleasing to the residential area and would probably increase the noise projected from the premises; and the results of the traffic study did not indicate a need for the number of parking spaces required under the regulations.

In support of Petitioner's contention that the required parking was not necessary, Stephen G. Petersen testified that employees of his company studied the traffic pattern for 21 hours on Friday and Saturday, October 16 and 17, 1987. The results were introduced as Petitioner's Exhibit 3. A review of the results indicated that on those days, the parking lot was never fully occupied. On Friday, the highest rate of occupancy of spaces was found to be 64% of the 86 spaces. On Saturday, the highest rate of occupancy was found to be 50%, which occurred on two occasions at 15 minute intervals between 9:45 AM and 10:45 AM. Mr. Smiley testified that, nationally, Fridays and Saturdays are McDonald's peak business days and that, in his opinion, the parking study performed by Street Traffic Studies Limited would be a fair and accurate representation of the parking situation for the subject property.

Mr. Smiley further testified that the additional seating, which shall not exceed 125 seats, should not create a need for greater parking than proposed in light of the present number of vacancies. He testified that McDonald's restaurants are generally experiencing the fact that often the majority of seating provided is unused, for example, tables for four are occupied by one or two individuals.

In response to comments made by the State Highway Administration (SHA) in the letter dated October 8, 1987 from Creston J. Miller, Jr. to J. Robert

IN THE MATTER OF THE APPLICATION OF MCDONALD'S CORPORATION FOR A ZONING VARIANCE ON PARCEL LOCATED ON THE NORTHWEST SIDE OF BELAIR ROAD, 164' NORTHEAST OF THE CENTERLINE OF BELHAVEN DRIVE (7536 BELAIR ROAD) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

OPINION

This case comes before the Board on appeal from an Order of the Deputy Zoning Commissioner granting the requested Petition for Variance to permit 50 parking spaces in lieu of the required 86. This appeal was taken by the People's Counsel for Baltimore County, based upon possible traffic problem as shown on the original site plan.

Appellee presented an amended site plan that addressed and corrected all these potential traffic problems. The amended site plan was considered and approved by the proper Baltimore County authorities. The Board is of the opinion in light of this testimony that the parking variance should be granted and will so order.

ORDER

It is therefore this 26th day of April, 1988 by the County Board of Appeals of Baltimore County ORDERED that the variance to permit 50 parking spaces in lieu of the required 86 parking spaces be and the same be GRANTED, contingent upon full compliance with the amended site plan submitted as Joint Exhibit No. 1.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

Case No. 88-263-A
McDonald's Corporation

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Henry H. Lewis

Patricia Phillips
Patricia Phillips

IN RE: PETITION FOR ZONING VARIANCE NW/4 Belair Rd., 164' NE of C/L of Belhaven Drive (7536 Belair Road) 14th Election District 6th Councilmanic District McDonald's Corporation Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance to permit 50 parking spaces in lieu of the required 86 spaces, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Joseph M. Smiley, Real Estate Division of McDonald's Corporation, and Peter Freitag with McDonald's Construction Division, appeared, testified and were represented by Counsel. Also appearing on behalf of the Petitioner were Tony Cortesi, with STV Lyon Associates, and Steven G. Peterson, a traffic consultant with Street Traffic Studies, Ltd. There were no Protestants.

Testimony indicated that the subject property consists of 2.196 acres +/- and is split zoned B-1-C(2) and B-1-C(3). The majority of the property is zoned B-1-C(2) with a limited part of the rear portion zoned B-1-C(3). The subject property is located at 7536 Belair Road and is improved with an existing McDonald's fast food restaurant. Testimony indicated that the Petitioner proposes constructing an addition to expand the seating area, all bathrooms to accommodate the handicapped, and improve the flow of traffic through the drive-in service area by adding a second drive-in window. The Petitioner testified that after placing their order, customers will be able to drive up to the first window to pay for their order and then proceed to the second window to pick up their order. Mr. Smiley indicated that McDonald's experience has shown that such service improves the flow of traffic through the parking lot. Further testimony indicated that prior to seeking the parking variance, the Petitioner had

Baines, the Petitioner submitted a revised plat marked Petitioner's exhibit 1 to comply with their concerns. At the hearing, Petitioner's representatives testified that, in their experience, the proposed changes to the site should improve the traffic flow.

The Petitioner seeks a variance from Section 409.2b(3) pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An 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. 268 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relief exists that applicant would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

It is clear from the testimony that if the variance was granted, the use as proposed would not be contrary to the spirit of the ordinance, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements 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 variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearings on this petition held, and for the reasons given above, the requested variance should be granted.

Therefore, it is ordered by the Deputy Zoning Commissioner of Baltimore County this 10th day of February, 1988 that the parking spaces in lieu of the required 86 spaces, as shown on Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby granted, subject, however, to the following restrictions:

- 1) The Petitioner shall apply for his building permit and be created upon receipt of this order; however, Petitioner is hereby notified that the applicable applicable provisions of the Baltimore County Zoning Regulations, B.C.Z.R., shall apply to this order as requested. The Petitioner shall be required to file a map, and to comply with the restrictions, and to comply with the original conditions.

RE: PETITION FOR VARIANCE NW/4 Belair Rd., 164' NE of C/L of Belhaven Dr., 7536 Belair Rd., 14th District McDonald's Corporation, Petitioner

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner under date of February 1, 1988, to the County Board of Appeals in the above-captioned matter and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
County People's Counsel
Room 224, Court House
Towson, Maryland 21204
410-2188

I HEREBY CERTIFY that on this 1st day of March, 1988, a copy of the foregoing Notice of Appeal was mailed to E. Harrison Stone, Esquire, 102 W. Pennsylvania Ave., Suite 600, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

RECEIVED
MAR 1 1988
ZONING OFFICE

APPEAL

Petition for Zoning Variance
NW/S Belair Road, 164' NE of the c/l of Belhaven Drive
(7536 Belair Road)
14th Election District - 6th Councilmanic District
McDonald's Corporation - Petitioner
Case No. 88-263-A

Variance-to allow 50 pkg. spaces in lieu of req. 86 spaces.

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Plat of Property revised 1/18/88

2) Copy of Qualifications of Stephen G. Peterson,
President of Street Traffic Studies Ltd.

3) Copy of Correspondence dated October 26, 1987
with attached parking space occupancy study
from Carl F. Starkey, Traffic Engineer with
Street Traffic Studies Ltd.

Zoning Commissioner's Order dated February 1, 1988

Notice of Appeal received March 1, 1988 from People's Counsel for Baltimore
County

McDonald's Corporation, Petitioner
Joseph Smiley, Real Estate Representative
3015 Williams Drive
Fairfax, VA. 22031

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

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

Request Notification: P. David Fields, Director of Planning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk



STV/LYON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNOR'S COURT
BALTIMORE, MD 21207-2722
301/944-9112

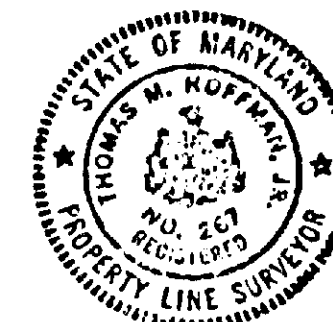
ZONING DESCRIPTION
FOR
MCDONALD'S
7536 BELAIR ROAD
BALTIMORE, MARYLAND.

BEGINNING FOR THE SAME at a point on the northwest right-of-way line of Belair Road (60 feet wide), 164 feet, more or less, northeasterly from the centerline of Belhaven Drive (50 feet wide), thence leaving said Belair Road,

1. North 49°08'10" West 570.00 feet, thence
2. North 40°54'05" East 157.63 feet, thence
3. South 49°28'10" East 570.01 feet to intersect aforesaid northwest right-of-way line of Belair Road, thence binding on said northwest right-of-way line
4. South 40°55'40" West 160.95 feet to the point of beginning ... containing 2.084 acres of land, more or less.

Thomas M. Hoffman Jr.
STV/LYON ASSOCIATES
Thomas M. Hoffman Jr.
Md. Reg. Property Line Surveyor No. 267

August 27, 1987



STV ENGINEERS, Engineers, Architects, Planners, Professional Member, Form STV-Lyon Associates
STV Management Consultants STV LTD, Birmingham STV, Sanders & Thomas STV, Seattle, Washington STV & Knecht

RE: PETITION FOR VARIANCE
NW/S Belair Rd., 164' NE of c/l
of Belhaven Dr. (7536 Belair
Rd.), 14th District
McDONALD'S CORPORATION,
Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 88-263-A

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
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 1st day of December, 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.

Peter Max Zimmerman

NOTICE OF HEARING

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 below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
NW/S Belair Road, 164' NE of c/l of Belhaven Drive
(7536 Belair Road)
14th Election District - 6th Councilmanic District
McDonald's Corporation - Petitioner
Case number: 88-263-A
DATE/TIME: Tuesday, January 19, 1988 at 2:00 p.m.

Petition for Zoning Variance to allow 50 parking spaces in lieu of the required 86 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 any request for a stay of the issuance of said 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 set above or presented at the hearing.

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

No. 41601

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

DATE: 1/19/88 ACCOUNT: 01112

AMOUNT \$

RECEIVED FROM

FOR

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner
November 20, 1987

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

Re: Petition for Zoning Variance
NW/S Belair Road, 164' NE of c/l of Belhaven Drive
(7536 Belair Road)
14th Election District - 6th Councilmanic District
McDonald's Corporation - Petitioner
Case number: 88-263-A

Dear Mr. Stone:

Please be advised that the advertisement and posting of the above-captioned property will continue until the 1st day of January, 1988. Prior to the 1st day of January, 1988, the right to the property and the petition is posted by this office until the day of the hearing itself.

THIS PETITION IS FILED AND THE ZONING COMMISSION AND ZONING BOARD ON THE DATE OF THE HEARING SET ABOVE OR PRESENTED AT THE HEARING.

Please make your check payable to Baltimore County, Maryland and deposit it in the box provided for this purpose.

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

No. 45907

DATE: 1/19/88 ACCOUNT: 01112

AMOUNT \$

RECEIVED FROM

FOR

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec 31, 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 Dec 31, 1987.

THE JEFFERSONIAN,

Phyllis Cole Friedman
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec 30, 1987

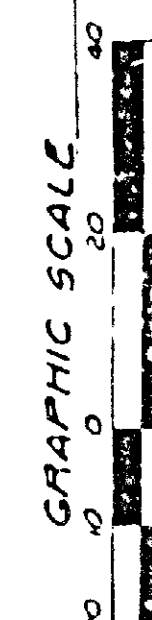
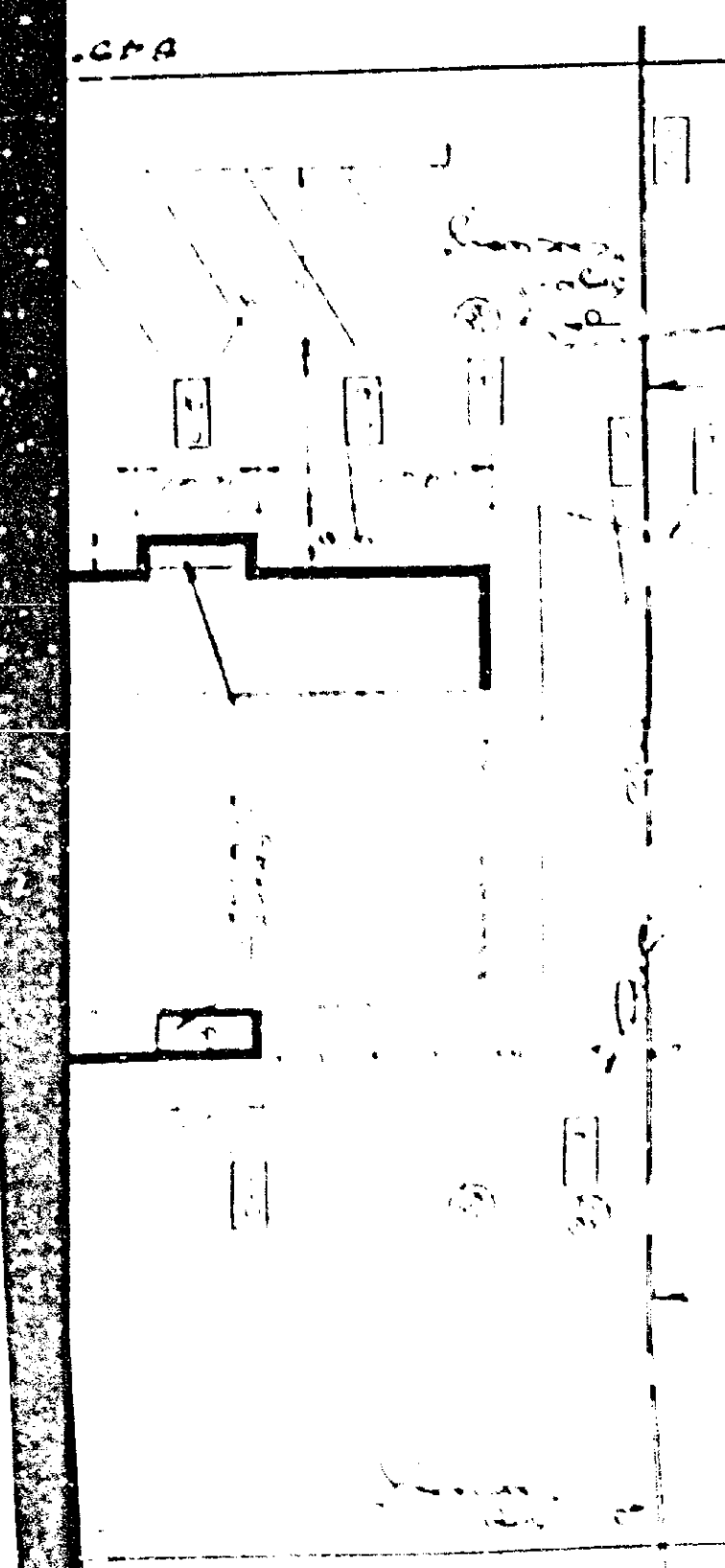
THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Dec 30, 1987.

TOWSON TIMES.

Phyllis Cole Friedman
Publisher

NOTICE OF HEARING
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Petition for Zoning Variance
NW/S Belair Road, 164' NE of c/l of Belhaven Drive (7536 Belair Road)
14th Election District - 6th Councilmanic District
McDonald's Corporation - Petitioner
Case number: 88-263-A
DATE/TIME: Tuesday, January 19, 1988 at 2:00 p.m.
Petitioner is Zoning Variance to allow 50 parking spaces in lieu of the required 86 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 any request for a stay of the issuance of said 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 set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner
November 20, 1987

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
NW/S Belair Road, 164' NE of c/l of Belhaven Drive (7536 Belair Road)
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J. ROBERT HAINES
Zoning Commissioner
November 20, 1987



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
FROM: Norman E. Gerber, AICP
SUBJECT: Zoning Petition No. 88-263-A

Date: December 3, 1987

This office cannot support the subject request because of the concerns expressed by the Bureau of Traffic Engineering in their comment to the Zoning Commissioner dated October 16, 1987.

Norman E. Gerber, AICP
Director

NEG:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 12, 1988

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

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. 106 - Case No. 88-263-A
Petitioner: McDonald's Corporation
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
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: STW/Lyon Associates
21 Governor's Court
Baltimore, Maryland 21207-2722

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3554

Zoning Commissioner
County Office Building
Towson, Maryland 21204

October 16, 1987



Dennis F. Rasmussen
County Executive

Item No. 106 - ZAC-
Property Owner: McDonald's Corporation
Location: NW/S Belair Road, 164 feet NE centerline Belhaven Drive
B.L. - CS2 and D.R. 5.5
Variance to allow 50 parking spaces in lieu of the required 86 spaces
2.084 acres
14th Election District

Dear Zoning Commissioner:

The proposed addition to the building on this site interferes with the access to the site and will tend to cause congestion on Belair Road.

All access to Belair Road is subject to the State Highway Administration approval.

The proposed parking variance can be expected to cause parking problems in the residential area behind the site.

Very truly yours,

Michael S. Planigan
Traffic Engineer

MSF:SB

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

Paul H. Reinke
Chief

October 16, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: McDonald's Corporation

Location: NW/S Belair Road, 164' NE c/l Belhaven Dr.

Item No.: 106

Zoning Agenda: Meeting of 10/6/87

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.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no current objection at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning Office Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL ACTION AND RESOURCE MANAGEMENT

10/5/87
Date

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

Zoning Item # 106, Zoning Advisory Committee Meeting of October 6, 1987
Property Owner: McDonald's Corporation
Location: NW/S Belair Rd, 164' NE centerline Belhaven Dr, District 14
Water Supply: Potomac Sewage Disposal

COMMENTS ARE AS FOLLOWS:

- () 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, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such (installation/s) before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chabrotic 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 Review 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, sauna, whirlpool, hot tub, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () 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 Maternal and Child Health.
- () If sanitation work and all changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to taking of existing water/sewer, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, vermiculite, etc. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____ must be _____ conducted.
- () The results are valid until _____ Petitioner should contact the Division of water and sewer 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 _____ This must be accomplished prior to construction of property and approval of Building Permit Application.
- () Prior to occupancy approval, the petitioner's water supply must be verified by collection of bacteriological and chemical water samples.
- () If substitution of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Maryland Department of Transportation State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

RECEIVED
OCT 13 1987

October 8, 1987

ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 10-6-87
ITEM: #106.
Property Owner: McDonald's Corporation
Location: NW/S Belair Road, Route 1-N, 164 feet NE centerline Belhaven Drive
Existing Zoning: B.L.-CS2 and D.R. 5.5
Proposed Zoning: Variance to allow 50 parking spaces in lieu of the required 86 spaces
Area: 2.084 acres +
District: 14th Election District

Dear Mr. Haines:

On review of the submittal of 9-15-87 for proposed addition to the existing McDonald's, the State Highway Administration - Bureau of Engineering Access Permits offers the following comments.

Although the site has access to Belair Road, Route 1-N by way of two (2) standard 25' entrances, the site has a ingress and egress traffic pattern that exists today.

Therefore, we will require the site plan to be revised to show the installation of directional signs that clearly depict the existing traffic flow through the site for safe access to Belair Road.

In addition a ultimate 80' right of way (40' half section) must be shown on the revised plan.

On the day of inspection, 25 vehicles were parked within the site.

Mr. J. Haines
Page 2
October 8, 1987

It is requested that the site plan be revised prior to a hearing date being set.

Very truly yours,

Creston J. Mills, Jr.
Acting Chief
Bureau of Engineering Access Permits
By: George Wittman

CJM:GWM:maw
Attachment

89-263-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 3rd day of November, 1987.

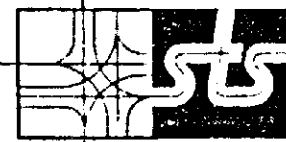
J. Robert Haines
Zoning Commissioner

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Petitioner McDonald's Corp.
Petitioner's Attorney E. Harrison Stone, Esquire

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



October 26, 1987

Mr. Joseph Smiley
Real Estate Representative
McDonald's Corporation
3015 Williams Drive
Fairfax, Virginia 22031

RE: McDonald's - Belair Road
STS LTD Job No.: 71002

Dear Mr. Smiley:

As requested, Street Traffic Studies, Ltd. (STS LTD) has undertaken a parking utilization study for the McDonald's restaurant located at 7536 Belair Road in Baltimore County, Maryland. McDonald's Corporation plans to improve its service at this location by expanding the seating facilities. The purpose of this study was to justify a parking requirement waiver at the restaurant necessary for the proposed expansion.

STS LTD conducted parking occupancy counts in fifteen minute intervals on Friday, October 16, 1987, between the hours of 7:00 AM and 8:00 PM; and Saturday, October 17, 1987, between the hours of 7:00 AM and 3:00 PM. The results of the counts are summarized in Exhibits 1 and 2.

A review of the results show that the McDonald's parking lot is currently under-utilized, i.e., it is never fully occupied. On Friday, October 16, 1987, the highest occupancy was found to be 64% (37 to 58 spaces occupied) which occurred during the lunch period, 12:15 - 12:30 PM. On Saturday, October 17, 1987, the highest occupancy was found to be 52% (30 of 58 spaces occupied) this peak usage occurred twice during the morning period between 9:45 - 10:00 AM and 10:30 - 10:45 AM.

Street Traffic Studies, Ltd.
Commerce East, Suite 205
1777 Kestown Road
Baltimore, Maryland 21208
301/454-3000

PETIT
EXHIBIT 3

Mr. J. Smiley
October 26, 1987
Page 2

Based upon the maximum observed occupancy of 37 spaces, the existing 92 seats would generate a peak parking demand of 0.40 spaces per seat. Thus, it is projected that the proposed 125 seats (after expansion) would generate a peak demand of 50 spaces (250 x 0.40). Therefore, the proposed 50 spaces will adequately accommodate the proposed expansion.

Based upon the above, it is concluded that the expansion of the McDonald's restaurant from 92 to 125 seats can adequately be served by the provision of 50 spaces.

If I can be of any further assistance, please feel free to call.

Sincerely,

Carl F. Starkey

Carl F. Starkey
Traffic Engineer

CFS:adg
Attachments

14th District
#88-263-A
NW/4 Belair Rd., 164' NE of c/l of Belhaven Dr.
(7536 Belair Rd.)
McDonald's Corporation
1 SIGN

EXHIBIT 1
PARKING ACCUMULATION ON SITE
FRIDAY, OCTOBER 16, 1987
(TOTAL NO. OF SPACES - 58)

TIME	NO. OF CARS PARKED	% OF TOTAL SPACES OCCUPIED
7:15 AM	14	24
7:30 AM	15	26
7:45 AM	12	21
8:00 AM	15	26
8:15 AM	13	22
8:30 AM	17	29
8:45 AM	13	22
9:00 AM	19	33
9:15 AM	18	31
9:30 AM	17	29
9:45 AM	19	33
10:00 AM	20	34
10:15 AM	19	33
10:30 AM	16	28
10:45 AM	16	28
11:00 AM	10	17
11:15 AM	12	21
11:30 AM	8	14
11:45 AM	8	14
12:00 NOON	10	17
12:15 PM	20	34
12:30 PM	37	64
12:45 PM	31	53
1:00 PM	27	47
1:15 PM	33	57
1:30 PM	31	53

EXHIBIT 1
PARKING ACCUMULATION ON SITE
FRIDAY, OCTOBER 16, 1987
(TOTAL NO. OF SPACES - 58)

TIME	NO. OF CARS PARKED	% OF TOTAL SPACES OCCUPIED
1:45 PM	26	45
2:00 PM	15	26
2:15 PM	15	26
2:30 PM	13	22
2:45 PM	13	22
3:00 PM	14	24
3:15 PM	14	24
3:30 PM	10	17
3:45 PM	8	14
4:00 PM	7	12
4:15 PM	14	24
4:30 PM	10	17
4:45 PM	8	12
5:00 PM	8	12
5:15 PM	9	16
5:30 PM	12	21
5:45 PM	14	24
6:00 PM	15	26
6:15 PM	18	31
6:30 PM	22	38
6:45 PM	19	33
7:00 PM	24	41
7:15 PM	19	33
7:30 PM	21	36
7:45 PM	22	38
8:00 PM	20	34

EXHIBIT 2
PARKING ACCUMULATION ON SITE
SATURDAY, OCTOBER 17, 1987
(TOTAL NO. OF SPACES - 58)

TIME	NO. OF CARS PARKED	% OF TOTAL SPACES OCCUPIED
7:15 AM	7	12
7:30 AM	9	16
7:45 AM	15	26
8:00 AM	23	40
8:15 AM	19	33
8:30 AM	19	33
8:45 AM	17	29
9:00 AM	22	38
9:15 AM	20	34
9:30 AM	24	41
9:45 AM	28	48
10:00 AM	30	52
10:15 AM	26	45
10:30 AM	27	47
10:45 AM	30	52
11:00 AM	26	45
11:15 AM	23	40
11:30 AM	20	34
11:45 AM	18	31
12:00 NOON	24	41
12:15 PM	24	41
12:30 PM	25	43
12:45 PM	29	50
1:00 PM	28	48
1:15 PM	29	50

EXHIBIT 2
PARKING ACCUMULATION ON SITE
SATURDAY, OCTOBER 17, 1987
(TOTAL NO. OF SPACES - 58)

TIME	NO. OF CARS PARKED	% OF TOTAL SPACES OCCUPIED
1:30 PM	30	52
1:45 PM	24	41
2:00 PM	22	38
2:15 PM	22	38
2:30 PM	18	31
2:45 PM	16	28
3:00 PM	17	29

NOTES:

Mr. H. B. Smith

Re: McDonald's Corp. - 7536 Belair Road, May 11, 1988

Barbara Smith, Esq. - 1000

There were no parking tickets at the subject location on May 11, 1988.

Applicant was there to complete a parking space study.

They have worked out a system -- they have made a parking space study.

The variance was submitted to the Board on May 11, 1988. It was approved and will be in effect on May 11, 1988.

The Board will be in the office with the Board on May 11, 1988. The Board will be in the office with the Board on May 11, 1988.

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Called Steve after 4:30 PM - 4/11/88 requested
written agreement to the requested schedule change
6/11/88
Did same for Peoples Council -

3/11/88 Motion of Amendment filed as following advising of hearing set for
Tuesday, May 11, 1988 at 1:00 PM.

By Barbara Smith, Esq.
McDonald's Corporation
7536 Belair Road
Baltimore, Maryland
21208
301/454-3000
Barbara Smith, Esq.
1000

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

J. Robert Haines
Zoning Commissioner

March 8, 1988



Dennis F. Rasmussen
County Executive

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

RE: Petition for Zoning Variance
NW/S Belair Road, 164' NE of the c/l of Belhaven Drive
(7536 Belair Road)
14th Election District, 6th Councilmanic District
McDonald's Corporation - Petitioner
Case No. 88-263-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 1, 1988 by the People's Counsel for Baltimore County. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

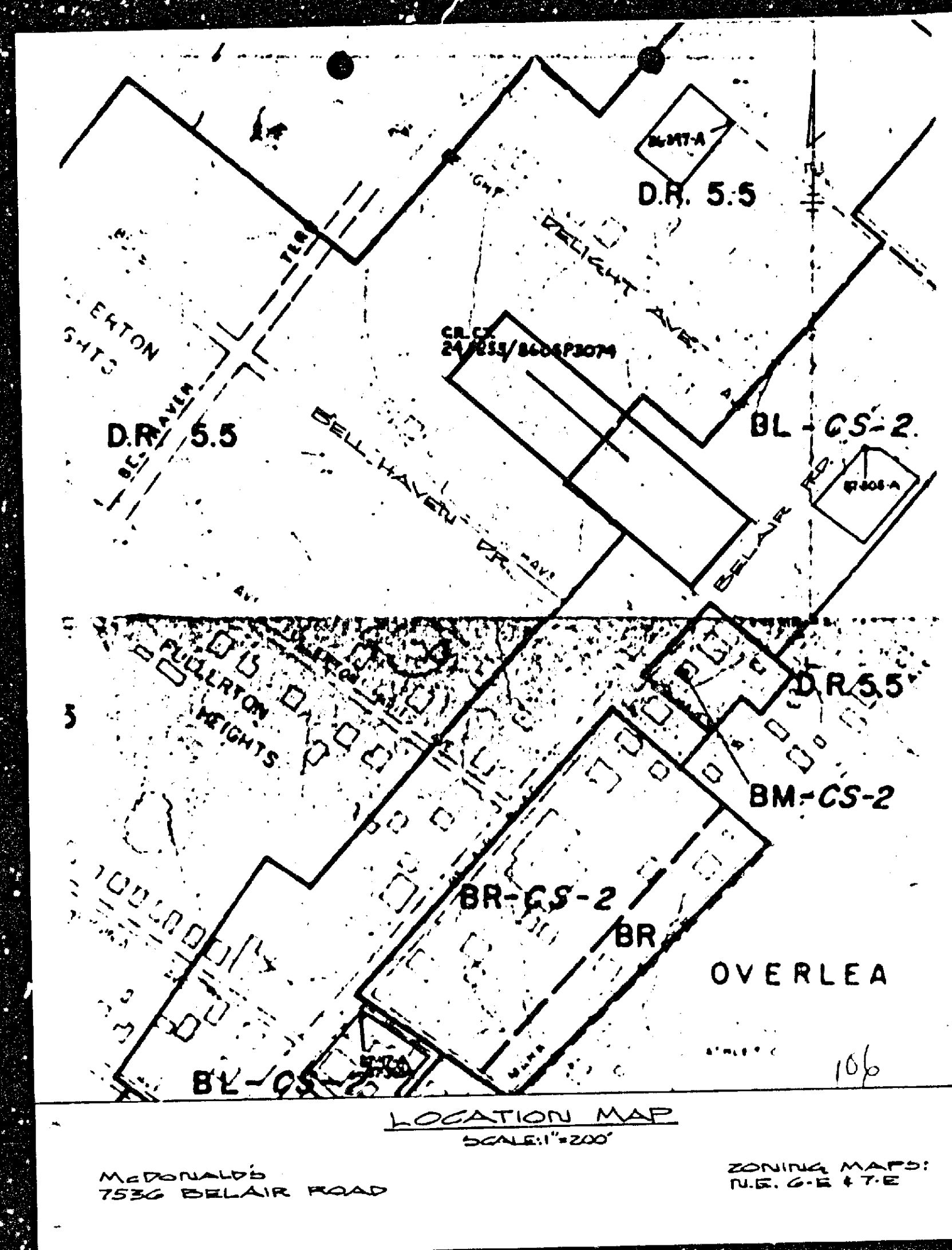
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs
Enclosures

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

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

File



October 26, 1987

Mr. Joseph Smiley
Real Estate Representative
McDonald's Corporation
3015 Williams Drive
Fairfax, Virginia 22031

RE: McDonald's - Belair Road
STS LTD Job No. 71002

Dear Mr. Smiley:

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Street Traffic Studies, Ltd.
Cementation Lane, Suite 205
1777 Reisterstown Road
Baltimore, Maryland 21208
301-484-1000

Mr. J. Smiley
October 26, 1987
Page 2

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Traffic Engineer

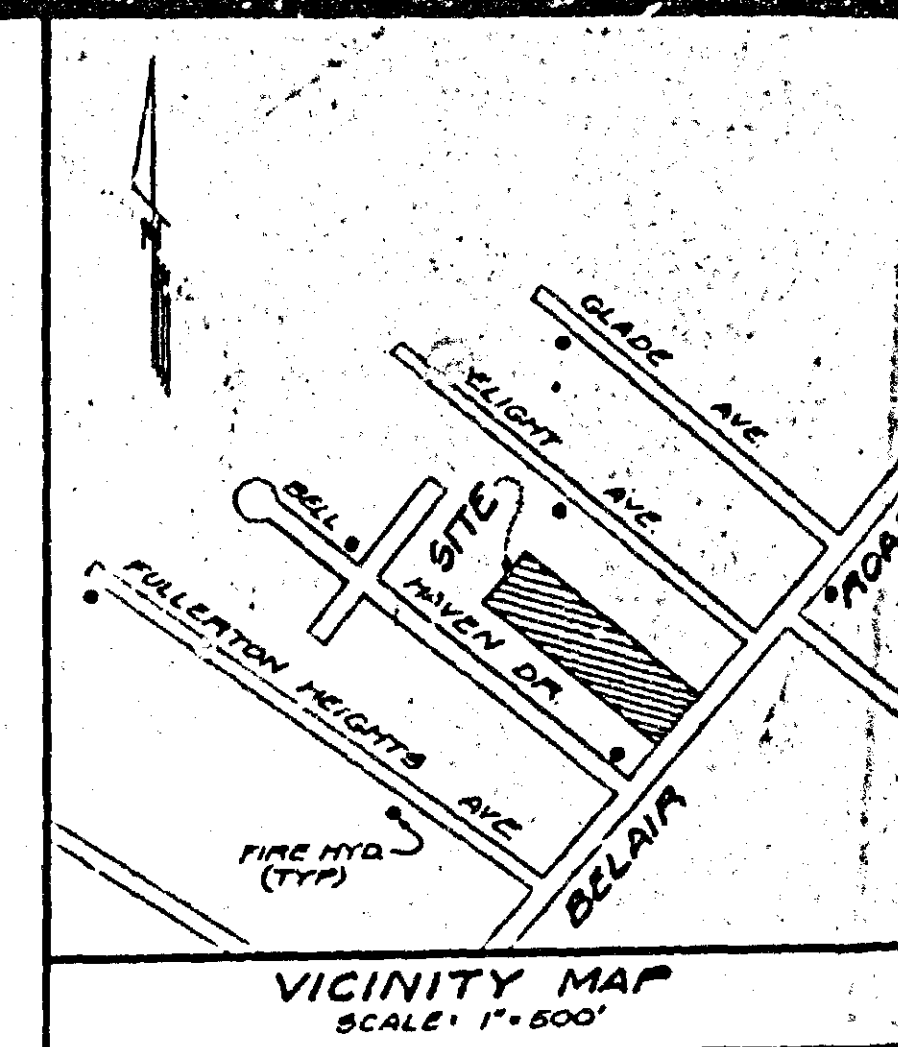
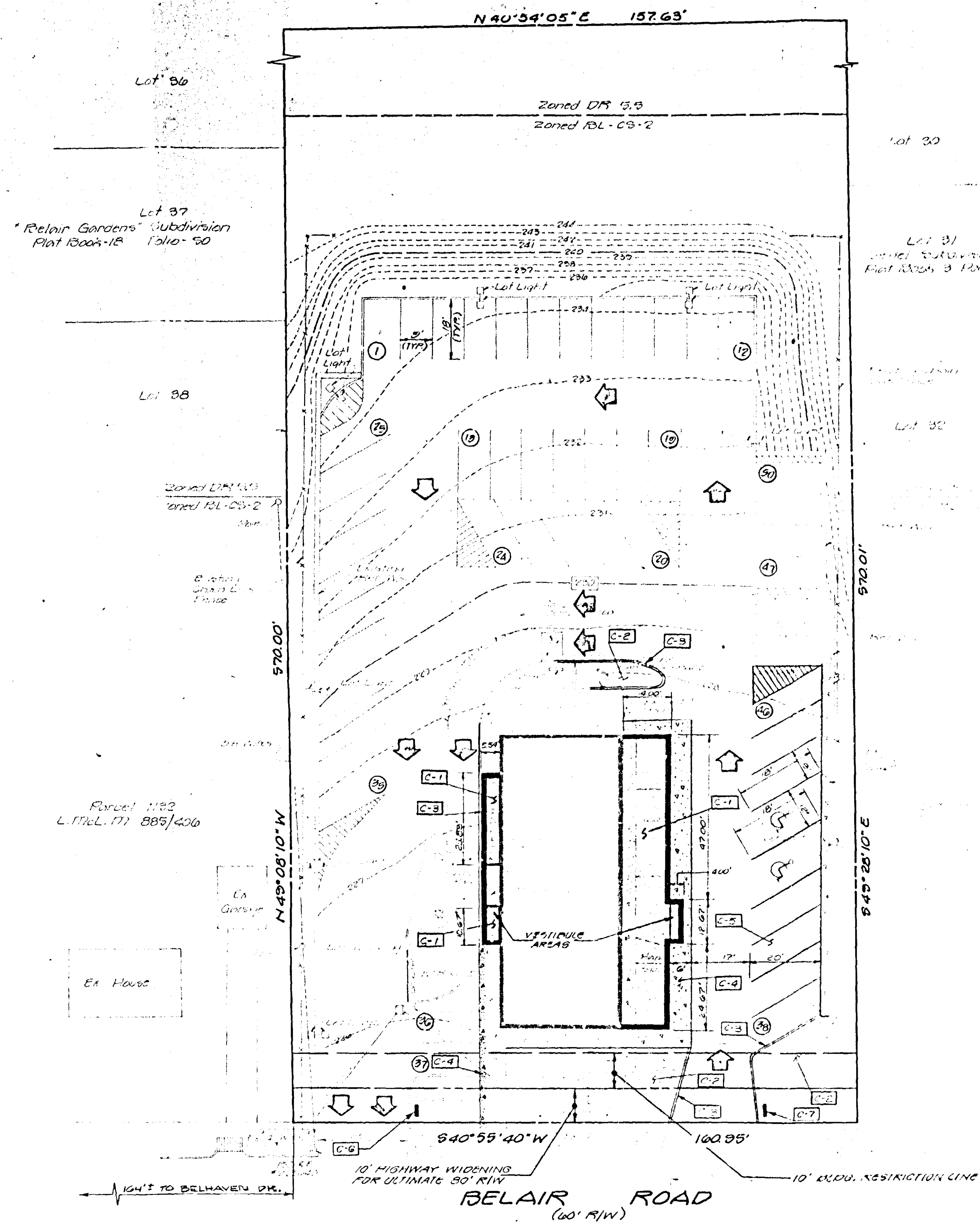
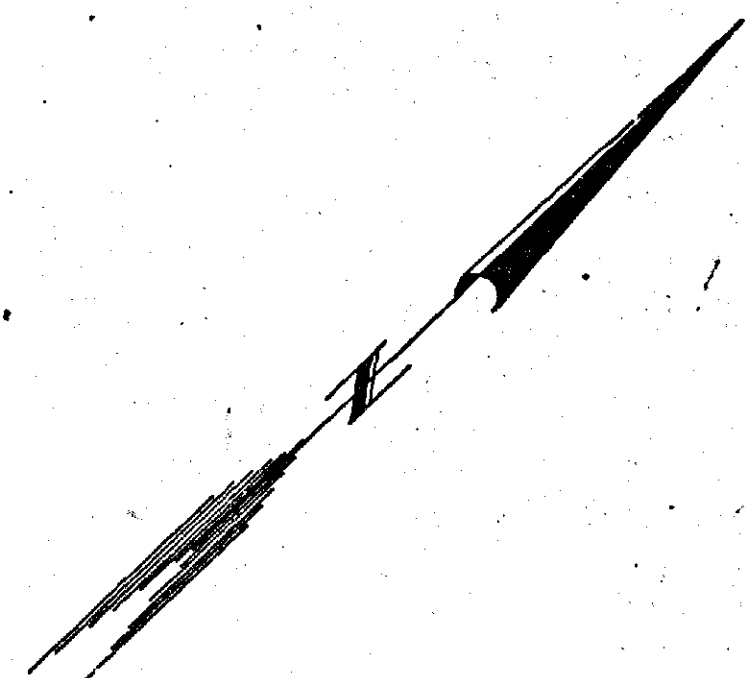
CFS:adg
Attachments

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 10/14/87
Posted for: McDonald's Corporation
Petitioner: McDonald's Corporation
Location of property: 7536 Belair Road
Location of Sign: Belair Road
Remarks: Property of McDonald's
Posted by: [Signature] Date of return: 10/15/87
Number of Signs: 1

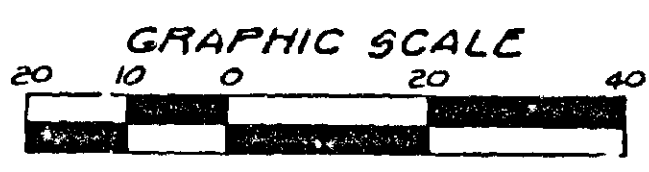
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ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 10/14/87
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Location of Sign: Belair Road
Remarks: Property of McDonald's
Posted by: [Signature] Date of return: 10/15/87
Number of Signs: 1



- GENERAL NOTES**
- BOUNDARY AND TOPOGRAPHIC SURVEY AS SHOWN HEREIN ARE FROM SITE PLAN BY McDONALD'S CORPORATION DATED FEBRUARY 17, 1978.
 - OWNER/DEVELOPER: McDONALD'S CORPORATION
McDONALD'S PLAZA
OAK BROOK, ILLINOIS 60061
 - DEED REFERENCE: 4636/363
 - SITE ADDRESS: 7530 BELVOIR ROAD
 - SITE AREA: 2.196 AC.
 - ELECTION DISTRICT: 14
 - ZONING: DM-1.5 AND RL-CS-2
 - EXISTING USE: RESTAURANT
PROPOSED USE: RESTAURANT
 - EXISTING BUILDING AREA: 2,864 S.F.
PROPOSED BUILDING AREA: 4,794 S.F.
PROPOSED VEHICULAR AREA AND R/W
 - TAX ACCOUNT NO.: 1413000948
 - EXISTING PARKING: 50 SPACES WITH 3 HANDICAP AND 1 MANAGER'S SPACE INCLUSIVE
PROPOSED PARKING: 50 SPACES WITH 3 HANDICAP INCLUSIVE
REQUIRED PARKING: 4,293 S.F. B.O.B. AREA (EXCLUDING AMBULANCES) + 50 = 94 SPACES

- LEGEND**
- C-1 PROPOSED BUILDING ADDITION.
 - C-2 SCARIFY EXISTING & PROVIDE LANDSCAPE AREA.
 - C-3 INSTALL NEW CONCRETE CURB & GUTTER.
 - C-4 INSTALL NEW CONCRETE WALK.
 - C-5 BLACKOUT EXISTING PARKING SPACE LINES & RESTRICTIONS AS SHOWN.
 - C-6 INSTALL EXIT ONLY SIGN.
 - C-7 INSTALL ENTER ONLY SIGN.



Thomas M. Hoffmann

STV/LYON ASSOCIATES,
ENGINEERS, ARCHITECTS & PLANNERS.
2100 MONROE COURT
OAK BROOK, ILLINOIS 60061
(312) 591-1111

McDonald's

McDonald's Corporation
McDonald's Plaza
Oak Brook, Illinois 60061
ZONING PLAT

Revisions	By	Item	Building Type
No.	Date		
1	9/15/87	PER CO. COMMENTS (ZONING)	11.0
2	1/15/88	PER S.H.A. COMMENTS	11.0
Issue Date	Drawn	Checked	
	ACM		