

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/S Eastern Avenue, 40' SW * DEPUTY ZONING COMMISSIONER
of Carroll Island Road (3423 Eastern Avenue) * OF BALTIMORE COUNTY
15th Election District * Case No. 89-427-A
5th Councilmanic District
Ernest E. Peacock, et ux
Petitioners

AMENDED ORDER

WHEREAS, the Petitioners requested variances to permit 92 parking spaces in lieu of the required 106 spaces and three (3) signs of 322 sq.ft. each in lieu of the permitted 100 sq.ft., in accordance with the plan submitted, identified as Petitioner's Exhibit 1;

WHEREAS, by Order dated May 8, 1989 the relief requested was granted subject to restrictions;

WHEREAS, due to a mathematical error, Restriction No. 2 of said Order incorrectly reflected the amount of square footage granted for the one identification sign;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of May, 1989 that Restriction No. 2 of the Order dated May 8, 1989 be and is hereby AMENDED to read as follows:

"2) The variance granted herein shall be limited to one (1) identification sign not to exceed 121 sq.ft. per side, which includes the drive thru sign, and two (2) menu board signs not to exceed 40 sq.ft. per sign;" and,

IT IS FURTHER ORDERED that all other restrictions and conditions of the Order dated May 8, 1989 shall remain in full force and effect.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
For Baltimore County

AMN:bjjs
cc: E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue, Towson, Md. 21204
People's Counsel
File

ORDER RECORDED FOR FILING
Date 5/8/89
By *John J. Johnson*

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/S Eastern Avenue, 80' SW * DEPUTY ZONING COMMISSIONER
of Carroll Island Road (3423 Eastern Avenue) * OF BALTIMORE COUNTY
15th Election District * Case No. 89-427-A
5th Councilmanic District
Ernest E. Peacock, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit 92 parking spaces in lieu of the required 106 spaces and three (3) signs of 322 sq.ft. each in lieu of the permitted 100 sq.ft., as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James T. Dresher, Jr., Franchisee for McDonald's Corporation, Contract Purchaser, appeared, testified, and were represented by E. Harrison Stone, Esquire. Also appearing on behalf of the Petition was Anthony J. Cortez, Jr. with STV Lyons and Associates. There were no Protestants.

Testimony indicated that the subject property, known as 3423 Eastern Avenue, consists of 2.99 acres more or less zoned B.L., and is located within the Chesapeake Bay Critical Areas near Frog Mortar Creek. The property is currently improved with a dilapidated building once used as a restaurant and bar known as the Last Chance Bar and Grill. Petitioners have entered into a contract of sale with the McDonald's Corporation which proposes remodeling the existing structure for a McDonald's fast food restaurant. Petitioners' Counsel testified McDonald's has submitted a plan which they believe will meet all Department of Environmental Protection and Resource Management requirements for properties located within the Chesapeake Bay Critical Areas. The project has received CRG approval.

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By *John J. Johnson*

Mr. Dresher, who has been a franchisee of McDonald's Corporation for the past 17 years, testified that 1.2 acres has been set aside for the preservation of an existing buffer and providing a water quality treatment system to meet the Critical Areas requirements. As a result, Petitioners cannot meet the strict requirements of the parking regulations; however, they are able to provide 92 parking spaces which Mr. Dresher believes will be more than adequate to meet the needs at the subject site during peak times. He indicated he currently holds ten McDonald's franchises, seven located in Baltimore County and three in Harford County. From his experience, his busiest restaurant on Martin Boulevard only utilizes 50 of its 70 spaces during peak times. Further testimony presented indicated that approximately 45% of the customers will be drive-thru and an additional 5 to 10% will be walk-ins due to surrounding uses, including, but not limited to, a residential trailer park located across from the subject site.

Testimony regarding the sign variance indicated the size for the proposed main identification sign is necessary to provide adequate notice to potential customers, at the request of the County, as there is only one access point to the site. Petitioners indicated there is a request for a double menu sign for the drive thru customers to permit an easier flow of traffic as there will be a menu board for patrons waiting in line in the drive through as well as the menu board visible at the time of ordering. Petitioners believe from past experience this will facilitate a smooth flow of traffic.

Testimony indicated that Petitioner will landscape the property at a minimum as is standard practice for other McDonald's restaurants and as set forth in Petitioner's Exhibit 3. Mr. Dresher indicated it is his practice to landscape greater than that strictly required by the Baltimore

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practice to landscape greater than that strictly required by the Baltimore County Landscaping Manual as he takes great pride in his franchise operations and all improvements benefit both the community and his business.

Petitioner seeks relief from Sections 409.6A2 and 413.2F, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or

building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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

ORDER RECORDED FOR FILING
Date 5/8/89
By *John J. Johnson*

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of May, 1989 that the Petition for Zoning Variance to permit 92 parking spaces in lieu of the required 106 spaces, and to permit three signs totalling 322 sq.ft. in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted herein shall be limited to one (1) identification sign not to exceed 120 sq.ft. per side, which includes the drive thru sign, and two (2) menu board signs not to exceed 40 sq.ft. per sign.
- 3) Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. Landscaping shall be provided in a manner approved by the Baltimore County Landscape Planner and at a minimum as set forth in Petitioner's Exhibit 3.
- 4) Compliance with the requirements of the Department of Environmental Protection and Resource Management, Bureau of Water Quality Division, as set forth in their comments dated February 17, 1989, attached hereto and made a part hereof.
- 5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order; and,

ORDER RECORDED FOR FILING
Date 5/8/89
By *John J. Johnson*

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated March 10, 1989, attached hereto and made a part hereof.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
For Baltimore County

AMN:bjjs

ORDER RECORDED FOR FILING
Date 5/8/89
By *John J. Johnson*

TO: Mr. J. Robert Haines, Zoning Commissioner
FROM: Mr. Robert W. Sheesley
SUBJECT: McDonalds - Eastern Avenue, Chesapeake Bay Critical Area Findings

RECEIVED MAR 16 1989

ZONING OFFICE

These findings are in support of the proposed McDonalds restaurant on Eastern Avenue near Carroll Island Road. In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which is consistent with the following goals of the Critical Area Law:

- 1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

COMAR 14.15.10.01 O.

The following are the Chesapeake Bay Critical Area Regulations which apply to this development:

- 1. The entire site lies within the Chesapeake Bay Critical Area and is classified as an Intense Developed Area (IDA). It is a 2.99 acre site with an existing commercial land use. Baltimore County Code Section 22-216 (a) addresses development within the IDA.
'New Development or Redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by ten percent of the on-site level prior to new development or redevelopment. The methodology to determine the ten percent reduction in pollutant loadings and acceptable offsets shall conform to the standards and procedures specified in the report in 'A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area'.

Baltimore County Code section 22-216 (a).

Mr. J. Robert Haines, March 10, 1989, Page 2

McDonalds is proposing a two stage Water Quality Treatment System (WQTS) using an artificially created wetland. The report submitted by Biohabitats Inc. states the following information about the WQTS.

'The major components of the WQTS include a runoff diverter, a flow diffuser, a sedimentation/sand filtration unit, followed by the wetland basin'.
'The first stage, the sedimentation basin, will be densely vegetated to achieve partial absorption of dissolved pollutants. This is designed to have a 33% removal efficiency'.
'The second stage, the vegetated wetland basin, removes pollutants through a variety of processes including sedimentation, filtration, adsorption onto organic substrates, bacterial oxidation, geochemical reactions, uptake by plants and algae, and formation of metal sulfides'.
'This is designed to have a 75% removal efficiency'.

This design results in a removal of at least 4.76 lbs/yr. of the post pollutant loading. This complies with the requirements of the 10% rule by reducing at least 10% of the pre-development load.

Upon completion and acceptance of the stormwater management/water quality facility by Baltimore County's Division of Stormwater Management, the property owner shall be responsible for the maintenance of the facility. A covenant stating the property owner's specific maintenance responsibilities must be recorded with the owner's deed.

- 2. Along the southeast side of the property are tidal wetlands which extend from Frog Mortar Creek. These comprise approximately 0.9 acres of the site. Baltimore County Code Section 22-213(a) addresses buffer requirements in the Critical Area.
'A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams' (Baltimore County Code Section 22-213 (a)).

The proposed McDonalds' findings plan includes a 100 foot nondisturbance buffer which extends from the outer limit of the tidal wetlands. This line limits the extent of all development taking place on the property. Adjacent to the buffer will be the water quality treatment system. This provides an additional 10 to 100 feet of vegetated area.

- 3. Some small portions of the development proposed are permeable, grassed areas. Baltimore County Code Section 22-216 (b) and Section 38-26 (b) addresses permeable areas in development proposals:

Mr. J. Robert Haines, March 10, 1989, Page 3

'Vegetation shall be established in permeable areas, if practicable, through landscaping and buffer planting' (Baltimore County Code section 22-216 (b) and Section 38-26 (b)).

The perimeter of the entire site will be vegetated with major and minor deciduous trees and shrubs. All planting will be in accordance with the Baltimore County Landscape Manual.

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

Robert W. Sheesley, Director, Department of Environmental Protection and Resource Management

RWS:NSS:tjg

cc: The Honorable Ronald J. Hickernell, The Honorable Norman R. Lauenstein, The Honorable Dale T. Volz, Mr. David C. Flowers

AMENDED 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 409.6.A.2 to allow 92 parking spaces in lieu of the required 106 spaces; and from Section 413.2F to permit 3 signs having 322 total square feet in lieu of the permitted 100 square feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1. Strict compliance with parking and signage requirements would unreasonably prevent use of property for a permitted purpose and would be unnecessarily burdensome.
2. Relief can be granted in such fashion that the spirit of the ordinances will be observed and public safety and welfare are observed.

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: McDonald's Corporation
Legal Owner(s): McDonald's Corporation
By: Joseph Smiley, Real Est. Rep.
Address: 3015 Williams Drive, Fairfax, Virginia 22031

Attorney for Petitioner: E. Harrison Stone, 102 W. Pennsylvania Avenue, Towson, Maryland 21204
Attorney's Telephone No.: (301) 823-1800

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of March, 1989, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of March, 1989, at 6 o'clock P.M.

NOTICED UPON OF HEARING - 1/23/89
ZONING COMMISSIONER OF BALTIMORE COUNTY

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

Zoning Item # 318, Zoning Advisory Committee Meeting of February 14, 1989
Property Owner: Ernest E. Peacock, et ux
Location: 3423 Eastern Avenue, District: 15
Water Supply: Metro, Sewage Disposal: Metro

- 1. 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.
2. Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 687-3775, to obtain requirements for such installation(s) before work begins.
3. A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which discharges into the atmosphere.
4. A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications 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.
6. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and 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 Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
7. 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.
8. If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
9. Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, 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, 887-3775.
10. 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 887-3745.
11. Soil percolation tests, have been conducted, must be conducted.
12. The results are valid until.
13. Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
14. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
15. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until.
16. It is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
17. Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
18. Prior to submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
19. In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
20. Others

Baltimore County Zoning Commissioner, Office of Planning & Zoning, Towson, Maryland 21204, (301) 887-3333

J. Robert Haines, Zoning Commissioner

May 8, 1989

E. Harrison Stone, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204
RE: PETITION FOR ZONING VARIANCE, SE/3 Eastern Avenue, 60' SW of Carroll Island Road (3423 Eastern Avenue), 15th Election District - 5th Councilmanic District, Ernest E. Peacock, et ux - Petitioners, Case No. 89-427-A

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

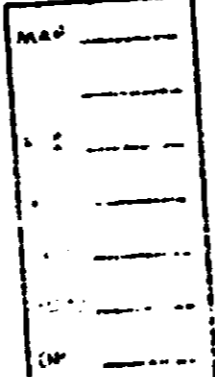
ANN M. NASTAROWICZ, Deputy Zoning Commissioner for Baltimore County

ANN:bjz

cc: People's Counsel, File, Chesapeake Bay Critical Areas Commission, Taves State Office Bldg., D-4, Annapolis, Md. 21404, DEPRM



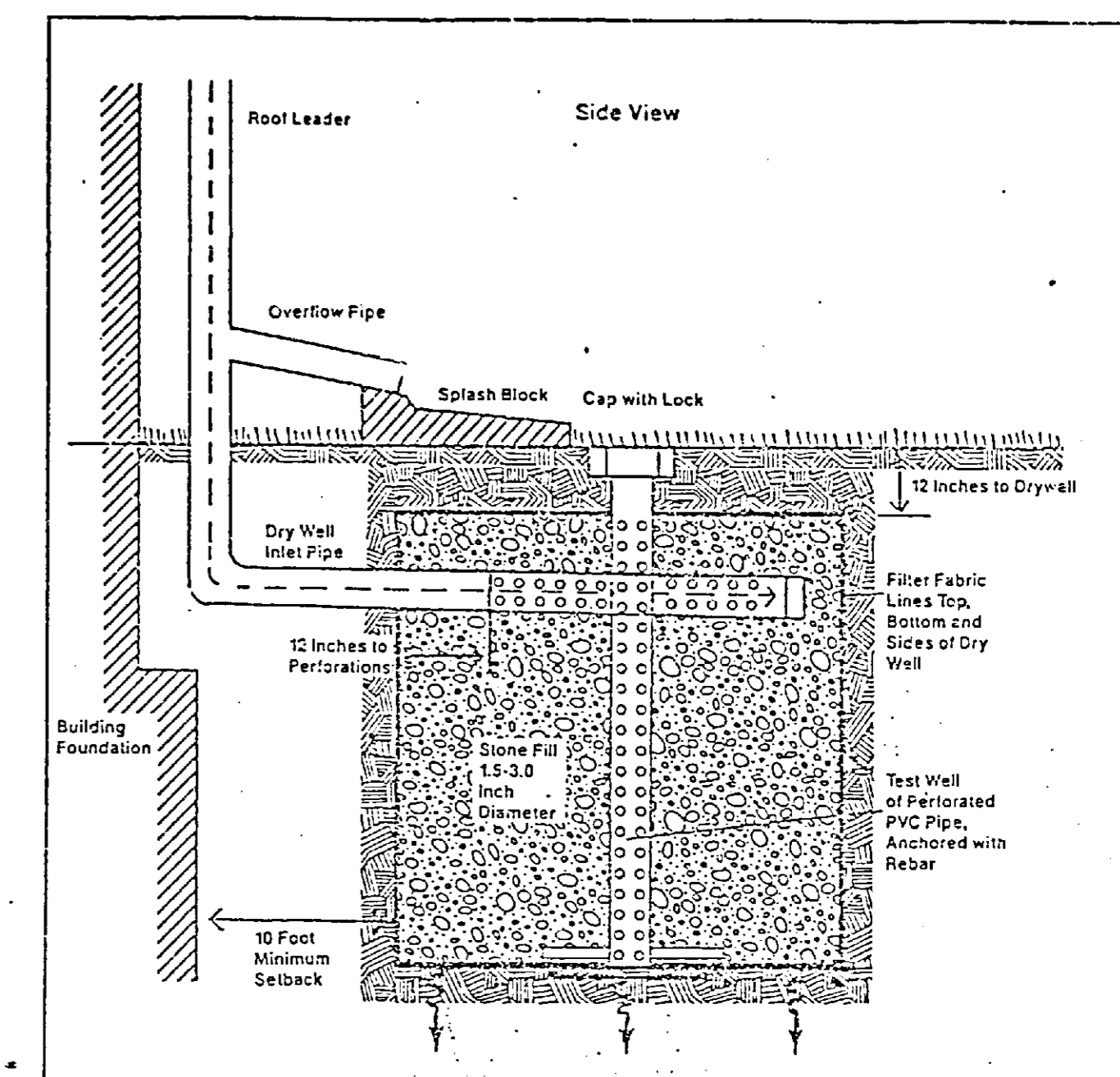
Dennis P. Rasmussen, County Executive



Zoning Commissioner

DESIGN 4: Dry Well Design. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from M.D. WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1985)



STVLVON ASSOCIATES, ENGINEERS ARCHITECTS PLANNERS, 21 COVERED COURSE, BALTIMORE, MD 21207-2722, 301/944-9112

ZONING DESCRIPTION FOR MCDONALD'S CORPORATION, SOUTHEAST SIDE OF EASTERN AVENUE, SOUTHWEST OF CARROLL ISLAND ROAD, ELECTION DISTRICT NO. 15, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point along the southeasterly side of Eastern Avenue (50 feet wide), said point having coordinate values, based on the Baltimore County Metropolitan District, of North 14,788.58 and East 60,068.86, thence running along said southeasterly side of Eastern Avenue, as follows; by a curve to the left having,

- 1. A radius of 1,231.23 feet, an arc length of 212.56 feet, said curve being subtended by a chord bearing North 49°28'20" East 212.30 feet to a point near the intersection with Carroll Island Road, thence leaving said Eastern Avenue and running for the four following courses and distances,
2. South 44°41'06" East 380.00 feet to a point, thence,
3. South 21°27'15" West 157.81 feet to a point, thence,
4. South 19°57'25" West 222.02 feet to a point having coordinate values of North 14,300.99 and East 60,363.79, thence,
5. North 31°10'05" West 569.85 feet to the point of beginning.

Containing 124,105.9 square feet or 2.8491 acres of land, more or less.

The Improvements thereon known as No. 3423 Eastern Avenue.

Mark A. Riddle, STVLVON ASSOCIATES, Mark A. Riddle, Md. Reg. Property Line Surveyor No. 244



ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 833-1800
TELECOMER FAX (301) 838-7859

OF COUNSEL
CARROLL W. ROYSTON
H. ANTHONY MUELLER
JOHN L. ASKEF
EUGENE W. CUNNINGHAM, JR.

RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH JR.
C.S. KUNDELIGER III
THOMAS F. MCDONOUGH
LAWRENCE F. HANLITZ
LAUREL F. EVANS
KEITH K. TRUBER
ROBERT J. HANZDO
EDWARD J. GILLIES
C. LARRY HOLMES, JR.
GEORGE A. HEWES III
JOHN W. BROWNING

May 11, 1989

Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: PETITION FOR ZONING VARIANCE
SE/5 Eastern Avenue, 80' SW of Carroll Island Road
(3423 Eastern Avenue)
15th Election District - 5th Councilmanic District
Ernest E. Peacock, et ux - Petitioners
Case No. 89-427-A

Dear Ms. Nastarowicz:

Thank you for the promptness of your Opinion in the above case. In reading such Opinion, however, I noted one possible discrepancy which I felt I should call to your attention.

On page 5 of such Opinion, permission is granted to have "three signs totalling 322 sq. ft. in lieu of the maximum permitted 100 sq. ft." but in one of your conditions precedent, you limit the variance to "one (1) identification sign not to exceed 120 sq. ft."

The question has arisen whether or not the 120 sq. ft. in the above condition should be 121 sq. ft., which would make the numbers come out to a total of 322 sq. ft., thus coinciding with your basic Order. The significance of this 2 sq. ft. difference is that it will enable McDonald's to use its standard identification sign on the premises.

Your attention with respect to the above is much appreciated.

Sincerely yours,
E. Harrison Stone
E. Harrison Stone

PHS: jz
0987h

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of May, 1989 that the Petition for Zoning Variance to permit 92 parking spaces in lieu of the required 106 spaces, and to permit three signs totalling 322 sq.ft. in lieu of the maximum permitted 100 sq.ft.. in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted herein shall be limited to one (1) identification sign not to exceed 120 sq.ft. per side, which includes the drive thru sign, and two (2) menu board signs not to exceed 40 sq.ft. per sign.
- 3) Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. Landscaping shall be provided in a manner approved by the Baltimore County Landscape Planner and at a minimum as set forth in Petitioner's Exhibit 3.
- 4) Compliance with the requirements of the Department of Environmental Protection and Resource Management, Bureau of Water Quality Division, as set forth in their comments dated February 17, 1989, attached hereto and made a part hereof.
- 5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order; and,

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
E. HARRISON STONE, ESQ.	102 W. PENNAN AVE, TOWSON
JAMES T. VOZNER, JR.	1339 E. MILLERS RD, BAL. AVE. MD 21211
ANTHONY J. GORDON, JR.	21 GEVERARDS ST. PUNTA G. MD.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 4/28/89

Posted for: Veronica

Petitioner: Ernest E. Peacock, et ux - McDonald's Corp.

Location of property: 3423 Eastern Ave. Baltimore, Md. 21204

Location of Signs: 3423 Eastern Ave. Baltimore, Md. 21204

Remarks: On file at zoning office.

Posted by: W. Haines Date of return: 4/21/89

Number of Signs: 1



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5353

March 17, 1989

J. Robert Haines
Zoning Commissioner

Denise F. Rasmussen
County Executive

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

Petition for Zoning Variance
CASE NUMBER: 89-427-A
SE/5 Eastern Avenue, 80' SW Carroll Island Road
3423 Eastern Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Ernest E. Peacock, et ux
Contract Purchaser(s): McDonald's Corporation
HEARING SCHEDULED: WEDNESDAY, MAY 3, 1989 at 9:30 a.m.

Variance to allow 92 parking spaces in lieu of the required 106 spaces and to permit 3 signs having 322 total square feet in lieu of the permitted 100 square feet.

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: McDonald's Corporation
E. Harrison Stone, Esq.
File

STV LYON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNORS COURT
BALTIMORE, MD 21207-2722
301-984-9132 FAX 301-298-2794
Telex 87299

April 11, 1989
89-664

Baltimore County Zoning Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Mr. John Sullivan

Reference: McDonald's Restaurant
3423 Eastern Avenue near Carroll Island Rd.
Case No. 89-427-A

Our Job No.: 61-7989-69

Dear Mr. Sullivan:

Enclosed please find ten copies of the Zoning Plat (revised as of 4/10/89) for the above referenced property. The revisions are as requested by Carl Richards as a result of his pre-CRG comments on the proposed site development.

Very truly yours,
STV LYON ASSOCIATES
Sharon Huber-Floro
Sharon Huber-Floro, RLA
Project Manager
SHP/lad
Enclosures

STV ENGINEERS Engineers Architects Planners Interior Designers
221 N. Calvert Street, Baltimore, MD 21202

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

Petition for Zoning Variance
CASE NUMBER: 89-427-A
SE/5 Eastern Avenue, 80' SW Carroll Island Road
3423 Eastern Avenue
15th Election District - 5th Councilmanic District - 5th Councilmanic District
Legal Owner(s): Ernest E. Peacock, et ux
Contract Purchaser(s): McDonald's Corporation
HEARING SCHEDULED: WEDNESDAY, MAY 3, 1989 at 9:30 a.m.

Variance to allow 92 parking spaces in lieu of the required 106 spaces and to permit 3 signs having 322 total square feet in lieu of the permitted 100 square feet.

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 of
Baltimore County

27.56

The Times
Middle River, Md., April 6, 1989

This is to Certify That the annexed
Notice of Hearing
Page 2 of 2
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 6th day of April, 1989
John P. Brown Publisher.

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING DATE: 4/14/89

PROJECT NAME: McDonald's/Eastern Blvd. XXXXXXX PLAN

PROJECT NUMBER: XV-494

The McDonald's CRG plan proposes a 5,276 square foot restaurant on a gross site area of 2.99 acres zoned RE-ONS and RL-COC on the south side of Eastern Boulevard, west of Carroll Island Road. A total of 92 parking spaces are proposed in lieu of the required 106 spaces; therefore, a parking variance Section 409 of the Baltimore County Zoning Regulations will be necessary.

The Office of Planning and Zoning has reviewed the revised subject plan dated April 5, 1989 and offers the following comment:

A final landscape plan, approved by the Office of Planning and Zoning, is required prior to the issuance of a building permit.

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: 4/1/89

FROM: ZONING OFFICE

PROJECT NAME: McDonald's Restaurant PLAN: 2/22/89
 (3423 Eastern Blvd.) REV.: 4/5/89 REV.:

LOCATION: SE/S Eastern Blvd.,
 W Carroll Island Road

DISTRICT: 1565

REVISED PLAN KEY:
 (X) COMPLIANCE WITH COMMENT CHECKED
 (O) NON-COMPLIANCE IS CIRCLED
 (BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
 ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

- On 2/1/89, a petition for 2 variances was accepted in the zoning office under Item #318, identified by section:
 - 409.2.b.(3) - to allow 92 parking spaces in lieu of the required 106 parking spaces;
 - 413.2.f - to permit 3 signs having 322 total square feet in lieu of the allowed 100 square feet.

*Include the case #89-427-A in note #23 and correct and amend the petitions to list Section 409.6.A.2 (see Bill #26-88, effective 5/26/88). A tentative hearing date has been set for 5/3/89 at 9:30 a.m.

- Signs - Include on the plan scale profiles of all proposed signs including the copy and identifying square footage, single or double face, height and illumination all keyed to the plan print. *Revise the profiles included on the zoning hearing plan.*
- A.O.S. - On the B.L.-C.C.C. portion of the site, 0.2 Amentiy Open Space Ratio is required. *Shade and sub-total all qualifying A.O.S. areas in the C.C.C. portion of the site and provide correct calculations in the note #24.*

COUNTY REVIEW GROUP COMMENTS
 PROJECT NAME: McDonald's Restaurant
 DATE: 4/14/89
 PAGE 2

- Parking/Stacking - Provide 5 full size (20') stacking spaces behind the order board as required by Section 409.10.A (B.C.Z.R.). *These stack spaces may not interfere with other required parking, aisles or maneuvering by Section 409.10.B. Indicate with other required parking, aisles or maneuvering by Section 409.10.B. Indicate the angle parking spaces not to interfere with 90° spaces. (See NORTHERNMOST SPACE)*
- Setbacks-General - Correct Note #14 to reflect a 10 ft. setback adjoining the correct D.R.-10.5 zone. Include on the plan all commercial structures within 100 ft. of the joint side property lines (to establish average setback requirements of Section 303.2 and Zoning Policy 8-2.B), also amend Note #14 (if necessary). *Provide all zoning information extracted and increased by these and other departmental comments, all on a revised set of zoning hearing plans (10) and a check for \$35.00 (revised plan fee) delivered to the zoning office in advance of the public hearing under reference case #89-427-A.*
- Final zoning approval is contingent upon the resolution of all comments, the outcome of the public hearing, and compliance with the blue commercial checklist at building permit application time.

WCR
 W. CARL RICHARDS, JR.
 Zoning Coordinator

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 494-3533

J. Robert Haines
 Zoning Commissioner

Date: 4/19/89

McDonald's Corporation
 3015 Williams Drive
 Fairfax, Virginia 22031

Re: Petition for Zoning Variance
 CASE NUMBER: 89-427-A
 563 Eastern Avenue, 50' SM Carroll Island Road
 3423 Eastern Avenue
 15th Election District - 5th Councilmanic
 Legal Owner(s): Ernest E. Peacock, et ux
 Contract Purchaser(s): McDonald's Corporation
 HEARING SCHEDULED: WEDNESDAY, MAY 3, 1989 at 9:30 a.m.

Gentlemen:

Please be advised that \$393 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 416, 111 W. Chesapeake Avenue, Towson, Maryland 21204, 15 minutes before the hearing.

BALTIMORE COUNTY, MARYLAND No. 037889
 OFFICE OF FINANCE-REVENUE DIVISION post set(s), there
 MISCELLANEOUS CASH RECEIPT each set not

DATE: 5/3/89 ACCOUNT: R-01-615-000

AMOUNT \$ 83.93

RECEIVED ROYSTON, MUELLER, McLEAN & REID
 FROM: RA 4/13/89 Haines 89-427-A et of

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 6, 1989

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 April 6, 1989.

THE JEFFERSONIAN,
 S. Zabe Olson
 Publisher

PO 10918
 reg M27119
 ca 89-427-A
 price \$41.37

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and the provisions of Baltimore County Ordinance No. 106 of 1974, hereby gives notice of a public hearing on the proposed zoning variance for the property located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:
 Petition for Zoning Variance
 Case Number 89-427-A
 563 Eastern Avenue, 50' SM Carroll Island Road
 3423 Eastern Avenue
 15th Election District
 Legal Owner(s): Ernest E. Peacock, et ux
 Contract Purchaser(s): McDonald's Corporation
 Hearing Date: Wednesday, May 3, 1989 at 9:30 a.m.
 Variance: to allow 92 parking spaces in lieu of the required 106 spaces and to permit 3 signs having 322 total square feet in lieu of the permitted 100 square feet.
 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 appeal period by good cause shown, and received in the office by the date of the hearing or presented at the hearing.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 41019 April 8

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 494-3533

J. Robert Haines
 Zoning Commissioner

March 17, 1989

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 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
 CASE NUMBER: 89-427-A
 563 Eastern Avenue, 50' SM Carroll Island Road
 3423 Eastern Avenue
 15th Election District - 5th Councilmanic
 Legal Owner(s): Ernest E. Peacock, et ux
 Contract Purchaser(s): McDonald's Corporation
 HEARING SCHEDULED: WEDNESDAY, MAY 3, 1989 at 9:30 a.m.

Variance to allow 92 parking spaces in lieu of the required 106 spaces and to permit 3 signs having 322 total square feet in lieu of the permitted 100 square feet.

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 appeal period by good cause shown, and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 cc: McDonald's Corporation
 E. Harrison Stone, Esq.
 File
 Chesapeake Bay Critical Area Commission

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

February 22, 1989
 89-331

Baltimore County Department of Environmental Protection & Resource Management
 County Courts Building
 Room 416
 401 Bostley Avenue
 Towson, Maryland 21204

Attention: Mr. Dave Flowers

Reference: McDonald's
 3423 Eastern Avenue near Carroll Island Road
 Zoning Item No. 318

Our Job No.: 61-7989-69

Dear Mr. Flowers:

I have enclosed a copy of the Plat to Accompany Petition for Zoning Variance and the zoning petition for the McDonald's site on Eastern Avenue, as filed by the attorney Harrison Stone.

As we have discussed, the building footprint shown on this zoning plat is larger (by 726 s.f.) than the building footprint shown on the Critical Area Findings Plan recently approved by your office. In all other respects the plan is the same as the approved Findings Plan. So that the zoning plat and the Findings Plan will agree, I will resubmit an amended Critical Area Findings Plan showing the larger building along with verification of continued compliance with the 10X rule for your approval.

Thank you for your patience and cooperation on this project. If there is anything else I can do, please do not hesitate to call.

Very truly yours,
 STV/LYON ASSOCIATES
 Sharon Huber-Plano, RLA
 Project Manager

SHP/plad
 cc: Harrison Stone
 J. Robert Haines, Zoning Commissioner

STV ENGINEERS, Architects Engineers Planners Interior Designers. Professional Member Firms STV, Michael Lyle & Associates
 STV/Lyon Associates, STV/Management Consultants, STV/H/D, Notingless, STV/Sanders & Thomas, STV/George Carverman Yarns & Lane-Id

ROYSTON, MUELLER, McLEAN & REID
 ATTORNEYS AT LAW

SUITE 600
 102 WEST PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204-4575

301/823-1800
 TELECOMPER FAX 301/828-7859

ROYSTON, MUELLER, McLEAN & REID
 CARROLL W. ROYSTON
 JOHN L. ANDREW

February 3, 1989

J. Robert Haines, Esq.
 Zoning Commissioner for Baltimore County
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Item No. 318, McDonald's Corp. (Peacock)
 Petition for Variance

Dear Commissioner Haines:

On January 26, 1989, we filed with Mr. Sullivan of your office, a Petition for both parking and signage variances for a McDonald's restaurant on Eastern Avenue at or near its intersection with Carroll Island Road. We would like to obtain the earliest possible hearing date on such Petition for the following reasons:

First, the subject property is currently the site for a bar known as the "Last Chance Saloon," which will cease business operations at the time McDonald's closes on such property the first part of this month. Thereafter, all of the developmental costs, including the carrying charges, will be factored into the rental eventually charged the franchisees, Messrs. James Dresher and Tony Neoli. Therefore, because the property will be non-income producing for so long a period of time any consideration which can be given to accelerate the scheduling of the hearing in this matter will result in real economic savings to these franchisees.

Second, is the matter of potential jobs for the immediate neighborhood area. Messrs. Dresher and Neoli currently own six other McDonald's restaurants in Baltimore County, which employ some 500 employees of different ages. The particular restaurant in this case will employ at least 75 individuals from the surrounding neighborhood area; and if construction can be completed by the summer, a lot of teenagers can find jobs there.

ROYSTON, MUELLER, McLEAN & REID

February 3, 1989
 J. Robert Haines, Esq.
 Page 2

Finally, I believe it should also be mentioned that, originally, before the passage of the Critical Bay legislation, McDonald's assumed it would have three acres of useable land on this site, which would have eliminated the necessity for any parking variance. After devoting the last 12 to 14 months satisfying the requirements of such legislation with Baltimore County, they have learned only two acres will be available; thereby making the current variance proceedings absolutely necessary, but unfortunately, further time consuming.

Accordingly, we would very much appreciate an early date in this matter.

Sincerely yours,
 E. Harrison Stone

EHS/jll
 0798h
 cc: Mr. Joseph Smiley (McDonald's Corp.)
 Mr. Eugene Harris (McDonald's Corp.)
 Mr. James Dresher
 Mr. Tony Neoli

89-427-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your petition has been received and accepted for filing this
16th day of MARCH, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: JAMES E. DYER
Chairman, Zoning Plans
Advisory Committee

Petitioner: Ernest E. Peacock, et ux
Petitioner: E. Harrison Stone, Esquire
Attorney

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1989

E. Harrison Stone, Esquire
Suite 600, 102 W. Pennsylvania Ave
Towson, MD 21204

RE: Item No. 318, Case No. 89-427-A
Petitioner: Ernest E. Peacock, et ux
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 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 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

RECEIVED
FEB 24 1989
ZONING OFFICE

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

February 22, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
McDonalds Corporation
Zoning meeting 2/14/89
S/S Eastern Avenue
MD 150
80' west of
Carroll Island Road
Item #318

Dear Mr. Haines:

After reviewing the submittal for a variance to allow 92 parking spaces in lieu of the required 106 spaces, and to permit 3 signs having 322 total square feet in lieu of the permitted 100 square feet, we have the following comment.

We have forwarded this plan to our Highway Beautification Section, c/o Morris Stein (333-1642), for all comments relative to the proposed signs.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,
Mary I. Benner
Mary I. Benner, Jr.
Chief Bureau of Engineering
Access Permits

LB/es
cc: STV/Lyon Associates
Mr. Morris Stein w/att
Mr. J. Ogle

My telephone number is (301) 333-1350

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

March 17, 1989

RECEIVED
MAR 17 1989
ZONING OFFICE

Re: Signs for: West Road
Limited Partnership
McDonalds Corporation
Provident Bank
Item Nos: 297, 318 & 305.

Dear Mr. Haines:

The plans concerning the above have been reviewed and the proposed locations were inspected by a representative from the Highway Beautification Section.

This office has no objection to the placement of the signs at the given locations as per plans submitted; however, the signs cannot overhang the State's Right-of-Way.

If you need further information, please do not hesitate to contact this office.

Sincerely,
Mary I. Benner
Mary I. Benner
Acting Chief
Highway Beautification
Section

MIB:jsk
cc: George Dawson, Inspector
R/W District #4
Brooklandville.

My telephone number is (301) 333-1641

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3534

March 1, 1989

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

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 255, 318, 322, 324, 325, 326, 327, 328, & 329.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSP/lab

RECEIVED
MAR 3 1989
ZONING OFFICE

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

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Legal owner: Ernest E. Peacock
Contract Purchaser: McDonald's Corporation
Location: SES Eastern Avenue, 80' SW of Carroll Island Road (#3423 Eastern Avenue)
Item No.: 318 Zoning Agenda: February 14, 1989

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.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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 comments at this time.

REVIEWER: *[Signature]* NOTED & APPROVED: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: 5/3/89

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-427-A
Item No. 318

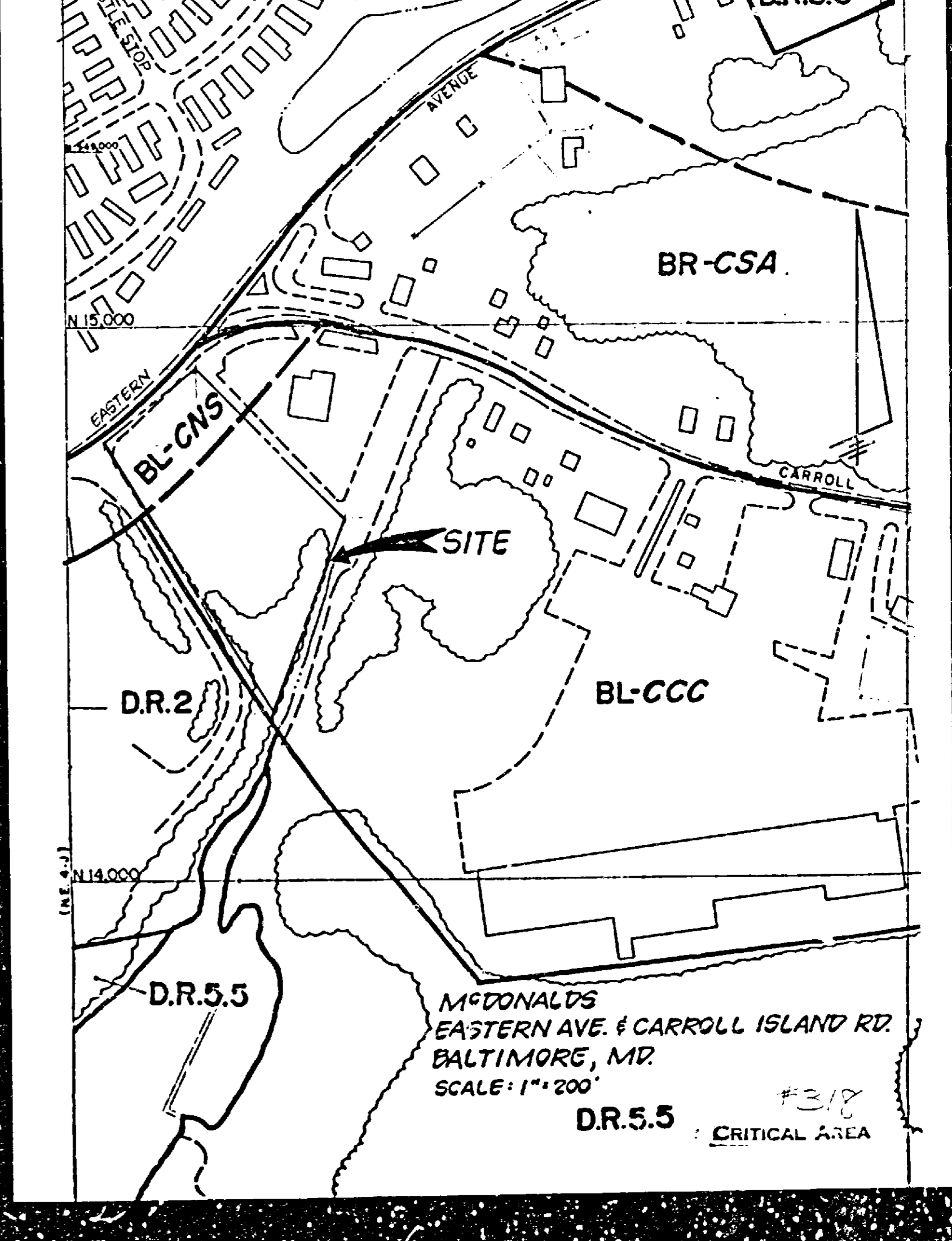
Re: Ernest E. Peacock, et ux, Property Owners

The Petitioners request a variance to allow 92 parking spaces in lieu of the required 106 spaces and to allow 3 business signs totalling 322 square feet in lieu of the permitted 100 square feet. In reference to this request, staff offers the following comments:

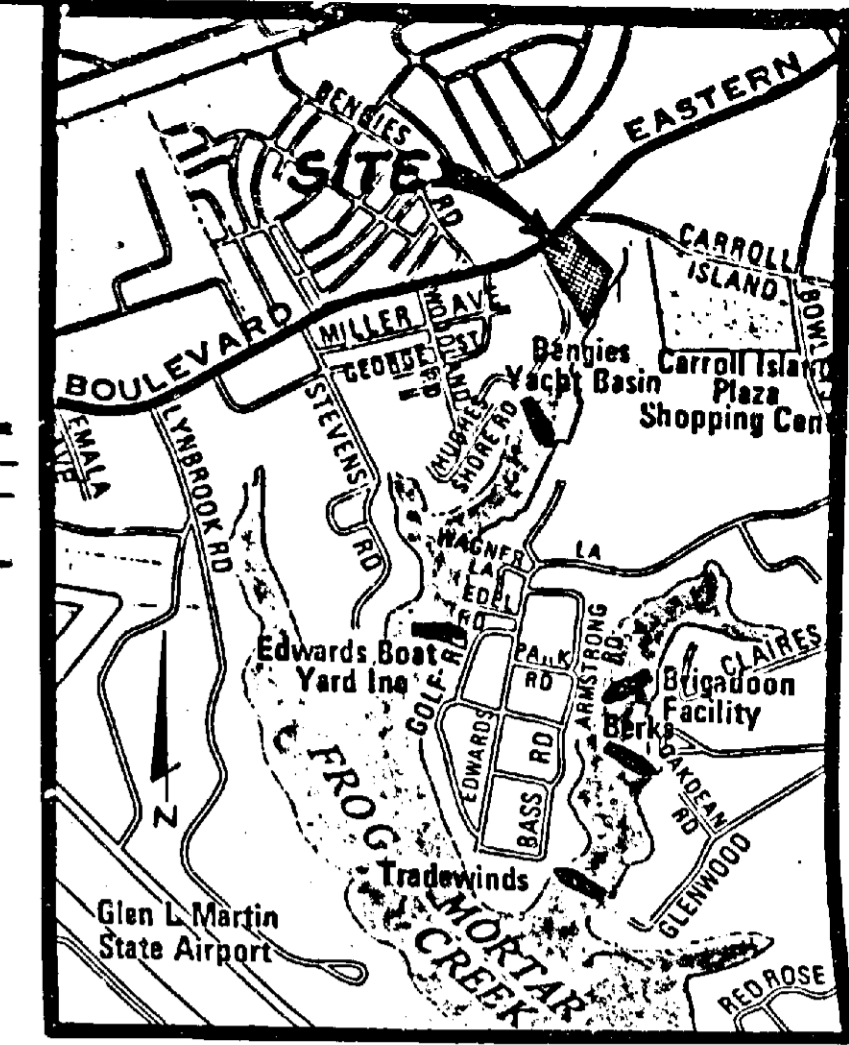
The property was given CRG approval for the proposed use on April 14, 1989 (File No. XV-494). This office has no objection to the requested variances.

A:5389.txt Pg. 3

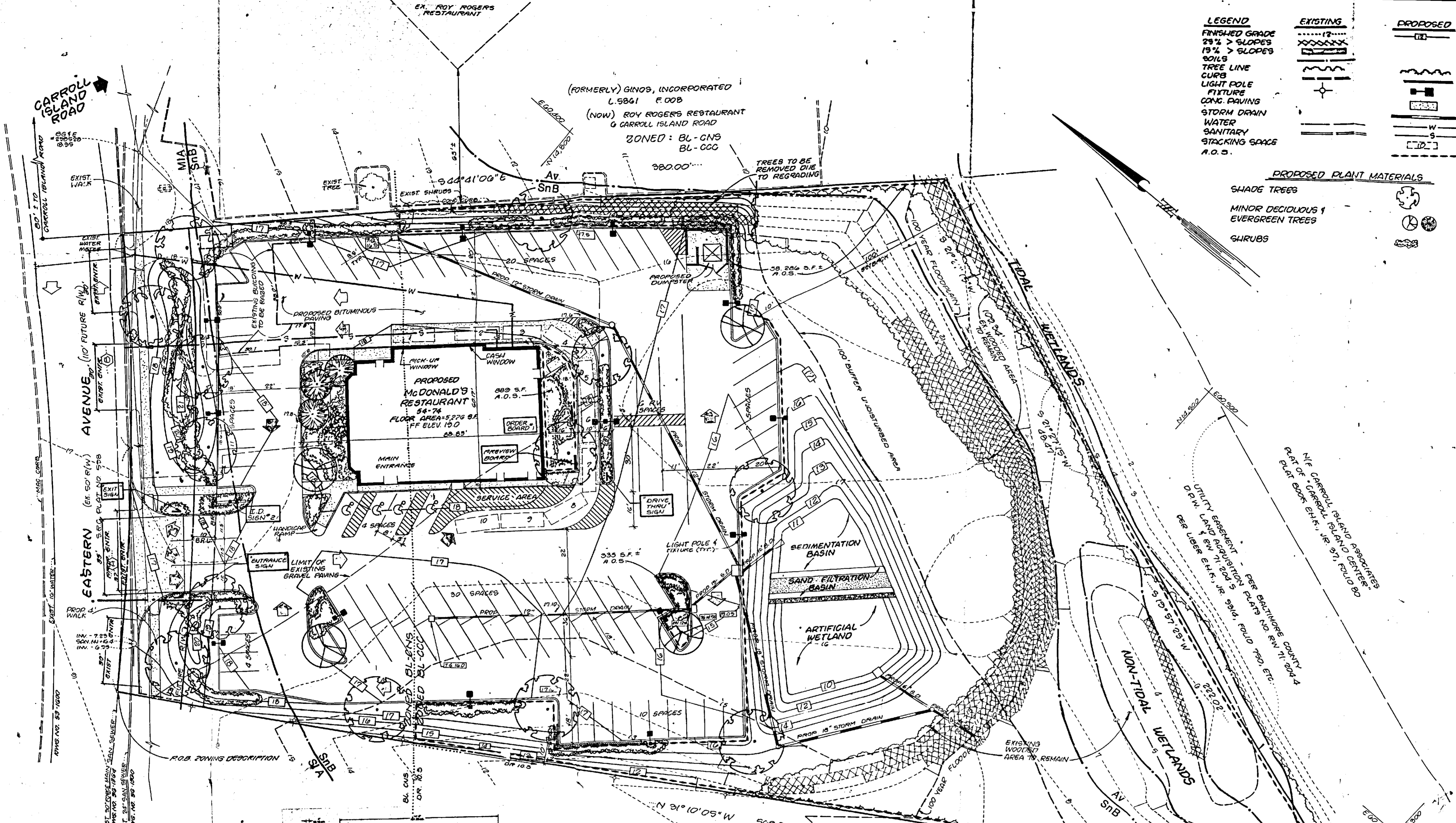
RECEIVED
MAY 1 1989
ZONING OFFICE



- LEGEND**
- FINISHED GRADE
 - 2% > SLOPES
 - 1% > SLOPES
 - SOILS
 - TREE LINE
 - CURB
 - LIGHT POLE
 - FIXTURE
 - CONC. PAVING
 - STORM DRAIN
 - WATER
 - SANITARY
 - STACKING SPACE
 - A.O.S.
- EXISTING**
-
 - XXXXXX
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- PROPOSED**
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- PROPOSED PLANT MATERIALS**
- SHADE TREES
 - MINOR DECIDUOUS
 - EVERGREEN TREES
 - SHRUBS

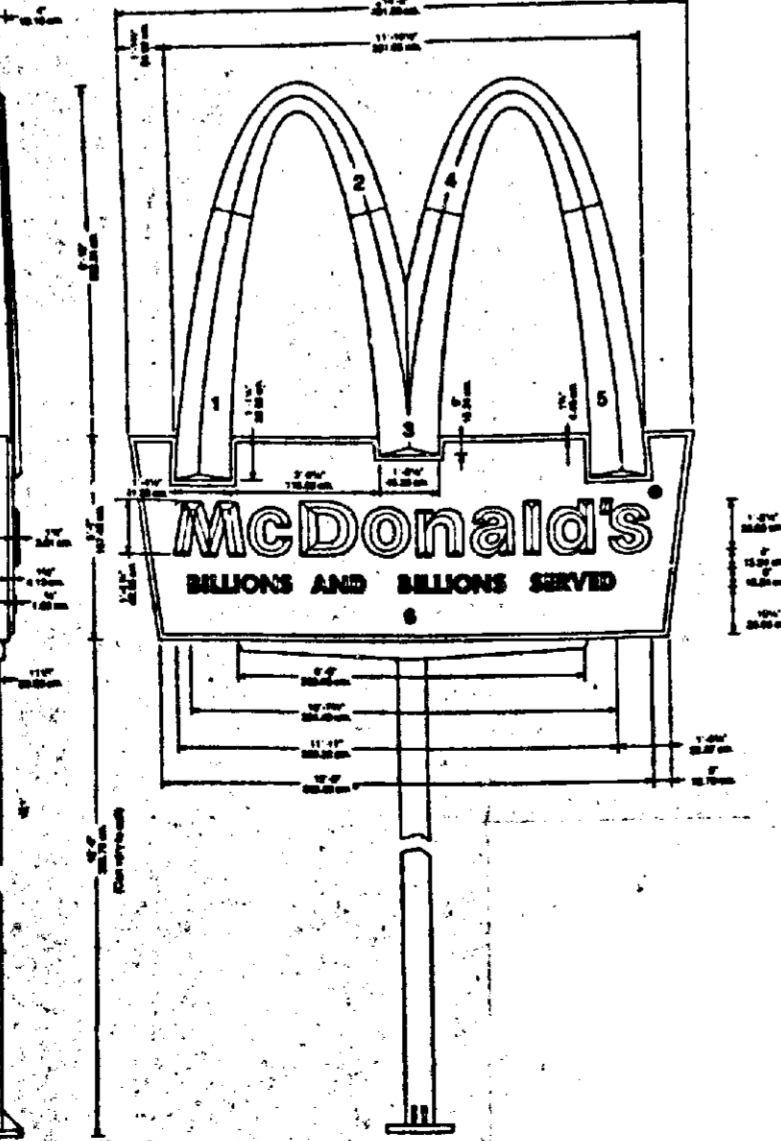
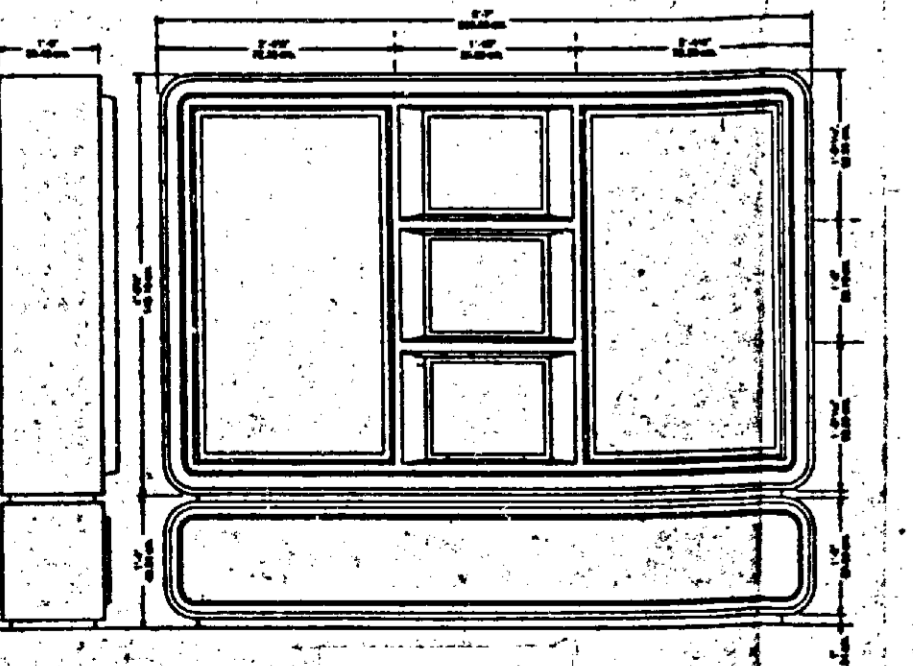


- GENERAL NOTES:**
- EXISTING USE: RESTAURANT
PROPOSED USE: RESTAURANT - McDONALD'S
 - TOTAL FLOOR AREA: 5276 S.F.
 - PARKING REQUIRED: 5276 S.F. DIV. BY 100.5 USE 100
PARKING PROVIDED: 52 SPACES (INCL. 4 MANICURE SPACES AND 9 RECREATIONAL VEHICULAR SPACES)
 - VARIANCES REQUIRED:
A) FROM SECTION 416 TO ALLOW 80 PARKING SPACES IN LIEU OF THE REQUIRED 100
B) FROM SECTION 418 TO ALLOW TOTAL SIGNAGE OF 322 SQUARE FEET IN LIEU OF THE ALLOWED 100 SQUARE FEET
C) SIGN: 105.4 S.F. x 2 SIDES x 11' x 211 S.F.
DRIVE THRU: 9.5 S.F. x 2 SIDES x 11' x 91 S.F.
MENU BOARD: 405.5 S.F. x 2 SIDES x 1' x 20 S.F.
TOTAL: 372 S.F.
 - NET SITE AREA: 2,051 AC.
GROSS SITE AREA: 2,201 AC.
D.P.N. LAND ACQUISITION PLANS NO. 87-71, 804-4 PER LIBER. E.L. 15, JR. 594, F.O.L.D. 780, ETC.
 - EXISTING ZONING:
BL-CNS (BUSINESS, LOCAL, COMMERCIAL, NEIGHBORHOOD SHOPPING)
BL-CC (BUSINESS, LOCAL, COMMERCIAL, COMMUNITY CORE)
PROPOSED ZONING: NO CHANGE
 - REQUIRED BUILDING SETBACKS:
FRONT: AVERAGE OF FRONT YARD DEPTH OF THE LOTS IMMEDIATELY ADJOINING EACH SIDE, IMPROVED WITH PERMANENT BUILDINGS OF FIRE-RESISTANT MATERIALS WITHIN 100' OF THE JOINT SIDE PROPERTY LINES.
SIDE: 10' ADJACENT TO COMMERCIAL ZONE (OR 10 S)
REAR: NONE
 - MAXIMUM FLOOR AREA RATIO: 3.040 IN BL-CC
PROPOSED FLOOR AREA RATIO: 0.04 (3,276 / 81,154)
 - MIN. PERMITTED AMENITY OPEN SPACE RATIO IN BL-CC: 0.2
PROPOSED AMENITY OPEN SPACE RATIO: 0.050 S.F. OF OPEN SPACE IN BL-CC + 3,844 S.F. OF BUILDING IN BL-CC = 45.6
 - SIGNAGE WILL BE INTERNALLY ILLUMINATED.
- NOTE:** DIRECTIONAL SIGNS WILL HAVE NO IDENTIFICATION.

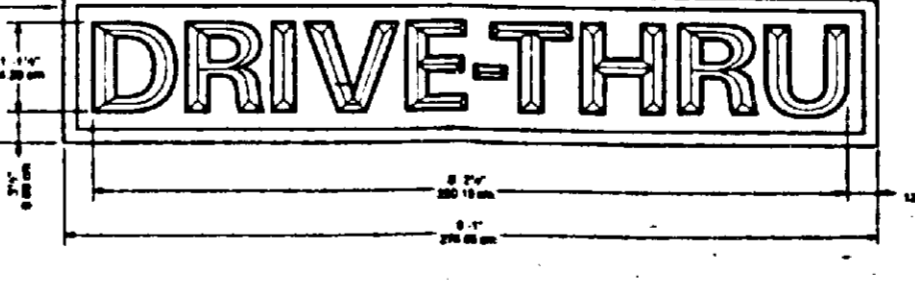
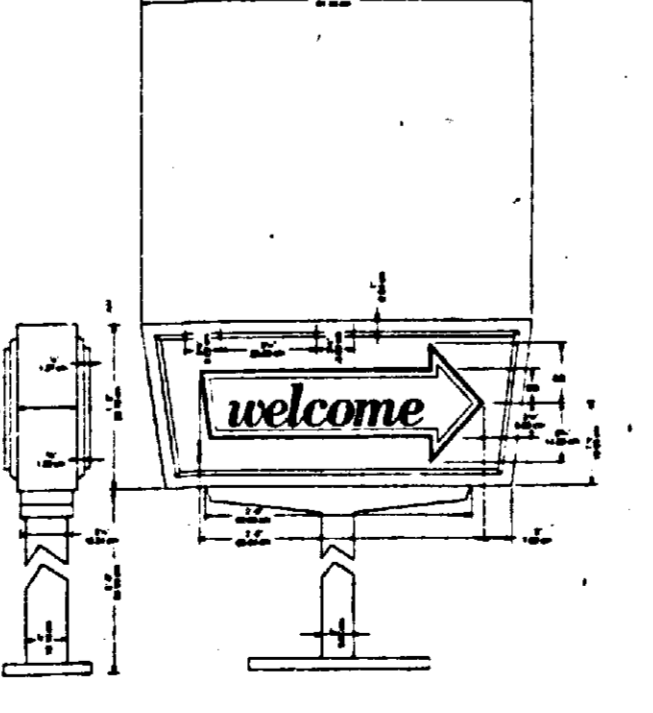


CURVE DATA

#	RADIUS	DELTA	LENGTH	TAN.	LONG CHORD
A	1,231.23	5°14'08"	112.51'	96.29'	N51°44'01"E 112.47'
B	1,231.23	4°33'22"	100.00'	90.00'	N46°47'10"E 100.00'



FROG MORTAR CORPORATION
L. 4730 - F. 001
ZONED: DR-10.5
BL-CNS
USE: DRIVE-IN MOVIE THEATER



PRINTED
APR 14 1989
ST VILVA ASSOC.

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

REVISIONS

NO.	DATE	DESCRIPTION
1	2/29	PER ZONING COMMENTS
2	4/10/89	PER ZONING COMMENTS

DEVELOPER: McDONALD'S CORPORATION
3015 WILLIAMS DRIVE
FAIRFAX, VIRGINIA 22031
(703) 455-4071

PLAN PREPARATION
DRAWN BY: RS, TLD DATE: JAN. 24, 1989
CHECKED BY: RS/GHD SCALE: 1" = 20'
ENLARGED BY: GUP JOB NO: 7989-08

PETITION FOR ZONING VARIANCE
3423 EASTERN AVE. NEAR CARROLL ISLAND RD.
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT 15

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