

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S York Road, 210 ft. S of * ZONING COMMISSIONER
c/l of Church Lane *
9928 York Road * OF BALTIMORE COUNTY
8th Election District *
3rd Councilmanic District *
Legal Owner: Hardees Food * Case No. 92-410-A
Systems, Inc. *
Contract Purchaser: *
Gus J. Stratakis, et al *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 22 ft., in lieu of the required 30 ft.; and from Section 409.6(A)(2) of the B.C.Z.R. to permit a parking lot with 34 spaces, in lieu of the required 42 spaces, for that property known as 9928 York Road. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 16, the plan to accompany the Petition for Zoning Variance.

Prior to considering the testimony of the witnesses in this case, several comments are in order as to the ownership of the property and development of same. When the Petition was originally filed, ownership of the property was vested in F.F. Fund Corporation. However, evidence offered at the hearing disclosed that the property was conveyed from that entity to Hardees Food Systems, Inc. on or about May 22, 1992. Hardees has subsequently entered into a contract of sale to convey the property to Gus Stratakis and Van P. Strakes and, in accordance with this contract, this transfer will be consummated shortly. Lastly, based upon their anticipated acquisition, Messrs Stratakis and Strakes have entered into a

lease with Taco Bell Corporation for the subject property.

As to development, the Petitioners produced evidence at the hearing that the proposed project is considered a "minor development" and is, therefore, entitled to a limited exception under the development regulations, pursuant to Bill No. 1-92.

At the public hearing, the Contract Purchaser, Gus J. Stratakis, appeared as represented by F. Vernon Booser, Esquire. Also present were representatives of Taco Bell Corporation, including Stuart Orr and Tamela Thornton. Also appearing on behalf of the Petition was Ken Colbert from Colbert Engineering, Inc. and William Monk, the engineer who prepared the site plan. Although no Protestants appeared in opposition, several members of the Office of Planning staff appeared at the hearing. These included, Pat Keller, Ervin McDaniel, Carol McEvoy and Nicholas M. Linehan.

As to the testimony, Mr. Monk presented the plan. He noted that the property is located in the commercial/retail corridor of York Road which extends from the Baltimore Beltway in Towson to Shawan Road. He testified that there are seven (7) fast food establishments in this section of the York Road corridor and all feature drive-in facilities. As to the subject property, he provided a history of the site. The site was rezoned to B.R. in 1970 and presently has that zoning classification. It is approximately .67 acres in gross area and was once part of the shopping center which lies to the rear of the subject site. However, the subject parcel was sold to Hardees in 1970 and a fast food restaurant operated on the site until approximately one year ago.

Mr. Monk also described the proposed improvements to the site. The Petitioners contemplate razing the existing building and reconstructing a proposed Taco Bell Restaurant, as shown on the site plan. When facing the

site from York Road, the restaurant will be on the left side of the lot; hence the need for the variance to permit a 22 ft. side yard setback in lieu of the required 30 ft., pursuant to Section 238.2 of the B.C.Z.R. The reason for the relocation of the restaurant to this portion of the lot is to accommodate the drive-in lane. Mr. Monk noted that access to the site will be either directly from York Road thru a curb cut or by way of a driveway which is used in common with the shopping center tenants. It is anticipated that patrons of the proposed business will enter the restaurant site from either of these locations.

Mr. Monk offered several reasons in support of the proposed configuration and alignment of the property. First, he opined that traffic circulation and flow will be considerably improved by placing the building at the proposed location on the lot. This would accommodate not only the proposed drive-in window, but will also make for a better parking layout on site. Secondly, Mr. Monk noted that the proposed plan offers significantly more landscaping and will reduce impervious surface that presently exists at the site. Under the proposed plan, the site will have approximately 6,431 sq. ft. of landscaping, as compared with the 2,615 sq. ft. which exists now. Lastly, Mr. Monk addressed the requirements of Section 307 of the B.C.Z.R. as they relate to variances. In his opinion, strict compliance with the variances would cause the property owner practical difficulty and/or unreasonable hardship. Further, he believes that the relief requested is consistent with the spirit and intent of the B.C.Z.R.

Also testifying was Stuart Orr, a Regional Construction Manager for Taco Bell. He described the proposed building as a standard prototype for the Taco Bell Restaurant chain. He anticipated that approximately 50% of the customers to the facility will use the drive-thru service. Further,

with the existing Hardees building, a drive-thru window cannot be accommodated. Thus, the need for the proposed layout as shown on the site plan. Mr. Orr also testified that he believes sufficient parking will exist on site under the proposed plan. At most other Taco Bell locations with this style facility, 30 spaces are provided. In that 34 are provided in the present scheme, Mr. Orr does not believe any adverse impact will result.

Offering their comment on the proposed plan, Ervin McDaniel, from the Office of Planning and Zoning, testified. Although he and the planning staff support the project, they voiced several concerns. First, they noted the proliferation of curb cuts and signage on York Road. As to signage, a variance from the sign requirements within the B.C.Z.R. is not requested. Thus, that issue is not before me. It is specifically noted that the proposed sign is within the requirements contained within the regulations. As to the curb cut, the planning staff believes that the direct entrance to the site from York Road should be eliminated; thus reducing a traffic access point at this location. Although the goals of the planning staff are laudable in this respect, I do not believe they can be accommodated in this situation. It is to be noted that the only other access to the site is the driveway which borders the north side of the property. Further, the Petitioners do not own this driveway, but only share the easement for use in common with others. Further, their easement extends only 30 ft. from their property line. As is evident from the pictures of the site and the surrounding locale, the driveway is significantly wider than 30 ft. In fact, the 30 ft. easement which the Petitioners have encompasses only the exit lanes from the shopping center. Therefore, it is clear that the owners of the proposed site might well be prevented from access/egress to their site if the only means of entry were by way of

the common driveway. That is, closure of the York Road curb cut could potentially significantly impair the Petitioners use and enjoyment of their property by reducing vehicular access thereto. Further, it is to be noted that the Petitioners cannot control this possibility; in that they do not have fee simple ownership of the driveway, but only a right in easement thereto. For these reasons under law, I cannot require the Petitioners to eliminate the York Road curb cut, notwithstanding my agreement with the planning staff's position that reducing the amount of access points would enhance the traffic flow on York Road.

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. 208 (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 relaxation than that applied for 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.

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of June, 1992 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 22 ft., in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6(A)(2) to permit a parking lot with 34 spaces, in lieu of the required 42 spaces, all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible

for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 12, 1992

F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 92-410-A
Petition for Zoning Variance
Gus J. Stratakis, et al, Contract Purchasers
Hardees Food Systems, Inc., Legal Owner

Dear Mr. Booser:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

att:
cc: Mr. William Monk, Engineer
Mr. Stuart Orr, Taco Bell Corp.
Mr. Ervin McDaniel, Office of Planning

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

KEN COLBERT
STUART ORR
GUS J. STRATAKIS
Tania Thornton
NICHOLAS M. LINEHAN
ERIN McDaniel

COLBERT ENGINEERING, INC.
2723 CALVERT ROAD, SUITE 212A
TACO BELL CORP. 620 MEDWAY PKWY #200
HERNDON, VA 22070
1301 COPELAND AVE
TOWSON, MD 21204
Taco Bell Corp. 1818 Bronzegate Blvd.
Silver Spring, MD 20910
OPZ Rm 406 County Cts Bldg.
OPZ '1

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

April 7, 1992

Mr. William P. Monk
William Monk, Inc.
222 Bosley Avenue
Towson, Maryland 21204

RE: Proposed Taco Bell Restaurant
9928 York Road

Dear Mr. Monk:

This letter is in response to your letter of March 20, 1992. We have reviewed the information you provided and gathered additional information on the proposed project.

Your project is being considered "minor development" and is therefore entitled to a limited exemption under the rules of development under Bill No. 1-92.

As a result, you are not required to have a Community Input Meeting (CIM) nor appear before the hearing officer for approval of the project. You will be required to prepare a concept plan and development plan as called for in the regulations and submit them for consideration and approval by county reviewing agencies. It is also my understanding that you are seeking two zoning actions that require a hearing before the zoning commissioner. In addition, you stated that no public works agreement is required for the completion of this project.

Should you need additional information, please contact Don Rascoe, Development Manager, at 887-3353.

Sincerely,

ARNOLD JABSON
Director

AJ:DR:ls



Lawyers Title Insurance Corporation
National Headquarters - Richmond, Virginia

Case No. 92-0141

THIS DEED, Made this 11 day of MAY In the year one thousand nine hundred and ninety-two by and between F F FUND CORP.

a body corporate, duly organized and existing under the Laws of the State of Delaware, party of the first part; and HARDEE'S FOOD SYSTEM, INC., a North Carolina corporation, party of the second part.

WITNESSETH that in consideration of the sum of \$286,000.00 (the actual consideration paid or to be paid) and other good and valuable consideration of which is hereby acknowledged, the said party of the first part does grant and convey unto the said party of the second part, its successors

and assigns, in fee simple, all that lot of ground situate in Baltimore County State of Maryland, and as described as follows:

Beginning for the first at a point on the west side of York Road, 80 feet wide, said point being on the first or south 76° 15' 00" west 200.00 foot line of that parcel of land conveyed by James G. Strataki et al to Hardee's of Maryland, Inc. by deed dated October 29, 1970 and recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. 5142, folio 635, and located 6.77 feet from the beginning of said first line; thence binding on the remainder of said first line (1) south 76° 15' 00" west 193.23 feet, thence binding on all of the second and part of the third lines of said parcel the two following courses, viz: (2) north 13° 45' 00" west 131.00 feet and (3) north 76° 15' 00" east 192.91 feet to intersect the side of York Road 80 feet wide as shown on State Highway Administration right of way Plat No. 42205, thence binding on the widening line as shown on said plat (4) south 13° 53' 27" east 131.00 feet to the place of beginning. Containing 0.581 acres of land more or less.

BEING that same lot of ground which by Deed dated November 19, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6460, folio 60 was granted and conveyed by Grubb & Ellis Company unto F F Fund Corp.

Beginning for the second at a point on the southwest side of Wise Avenue as widened to 30 feet and shown on Baltimore County Plat 198-20-005 where it is intersected by the driveway line between the lot and lot No. 6 of the Plat of 644, which is recorded among the Land Records of Baltimore County, in Plat Book No. 9 folio 47 and running thence binding on the southwest side of Wise Avenue of the distance of 30 feet southeasterly from the center of the existing paving, (1) north 61 degrees 30 minutes 50 seconds west 136.62 feet CONTINUED ON ATTACHED PAGE(S)

Together with the right to use in common with others to a 30 foot wide easement along the north side of the herein described property.

Together with the right of use to two revertible slope easements described in a Deed dated October 29, 1970 and recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. No. 5142, folio 635.

RECEIVED BALTIMORE COUNTY
State Department of Assessments & Taxation
for Baltimore County
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE *Sm* DATE 5-27-92 024020056TLTRTX
\$4,576.00

CONTRACT FOR SALE OF REAL ESTATE

THIS AGREEMENT is made by and between HARDEE'S FOOD SYSTEMS, INC., a North Carolina Corporation, having an address of 1231 Hardee's Boulevard, Rocky Mount, North Carolina 27804 (hereinafter referred to as "Seller"), and GUS STRATAKIS, a Maryland resident, having an address of 218 York Road, Towson, Maryland 21204, (hereafter referred to as "Purchaser")

WITNESSETH: GUS STRATAKIS

In consideration of the mutual covenants and obligations herein contained, the receipt and sufficiency of which is hereby acknowledged:

1. Agreement to Sell and Purchase. Subject to the conditions hereinafter set forth, Seller agrees to sell and Purchaser agrees to purchase the real estate and improvements located at 9928 York Road, Cockeysville, Baltimore County, Maryland, and being more particularly described in Exhibit A attached hereto and incorporated herein by reference (hereinafter collectively called the "Premises").

2. Purchase Price. The agreed purchase price for the Premises is SIX HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$680,000.00) payable as follows:

a. TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) to be deposited with the Seller upon Purchaser's execution hereof, to be held by Seller and applied to the purchase price at closing, or returned to Purchaser or retained by Seller in accordance with the conditions hereinafter set forth (hereinafter the "Earnest Money Deposit"); and,

b. SIX HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$670,000.00) to be paid to Seller at the closing hereinafter mentioned. Payment at closing shall be in the form of cash, certified check or bank cashier's check or wire transfer at the option of Seller, provided Seller shall give Purchaser five (5) days prior notice of the form of the balance of the purchase price to be delivered.

3. Seller's Covenants. In consideration of the above stated purchase price, Seller covenants to convey the Premises to Purchaser by Special Warranty Deed, free and clear of all liens and encumbrances, excepting those matters of record, or to cause the Premises to be conveyed to Purchaser by Special Warranty Deed from the current owner. Seller shall be responsible for all real estate taxes and assessments and personal property taxes due and owing at the time of closing. The Premises shall also be conveyed subject to the covenants, conditions, restrictions, reservations and easements applicable to said Premises. The Special Warranty Deed will contain a restriction prohibiting the use of the Premises

GROUND LEASE AGREEMENT

THIS GROUND LEASE AGREEMENT, Made this 10 day of APRIL, 1992, by and between V & G JOINT VENTURE, hereinafter called Landlord, and TACO BELL CORP., a California Corporation, a subsidiary of Pepsico, Inc., hereinafter referred to as Tenant.

1. DESCRIPTION OF DENISED PREMISES

Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, on the terms and conditions hereinafter set forth, that certain real property situate in Cockeysville, County of Baltimore, State of Maryland, described generally as containing 26,000 square feet, more or less, and being more particularly described on a plat attached hereto and made a part hereof as Exhibit A, together with all appurtenances, easements, and rights-of-way, pertaining thereto (collectively the "Real Property") and generally shown in Exhibit A. The actual dimensions of the property will be as set forth on the metes and bounds description to be attached hereto as Exhibit B.

2. LEASE COMMENCEMENT

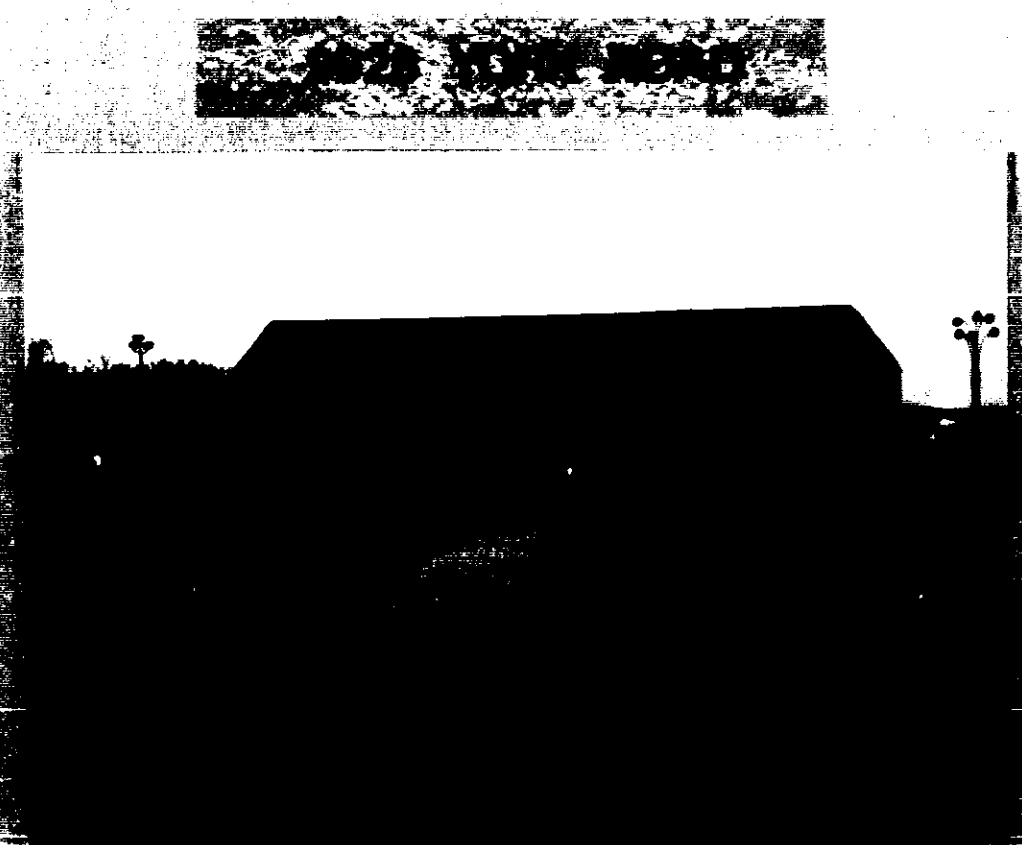
The lease term as hereinafter provided shall commence in accordance with the following:

A. Construction Permits and Plan Approvals

After execution hereof, Tenant shall apply to the appropriate governmental authorities for such licenses, permits, and any other administrative approvals (herein collectively called "Permits") as may be necessary to construct and

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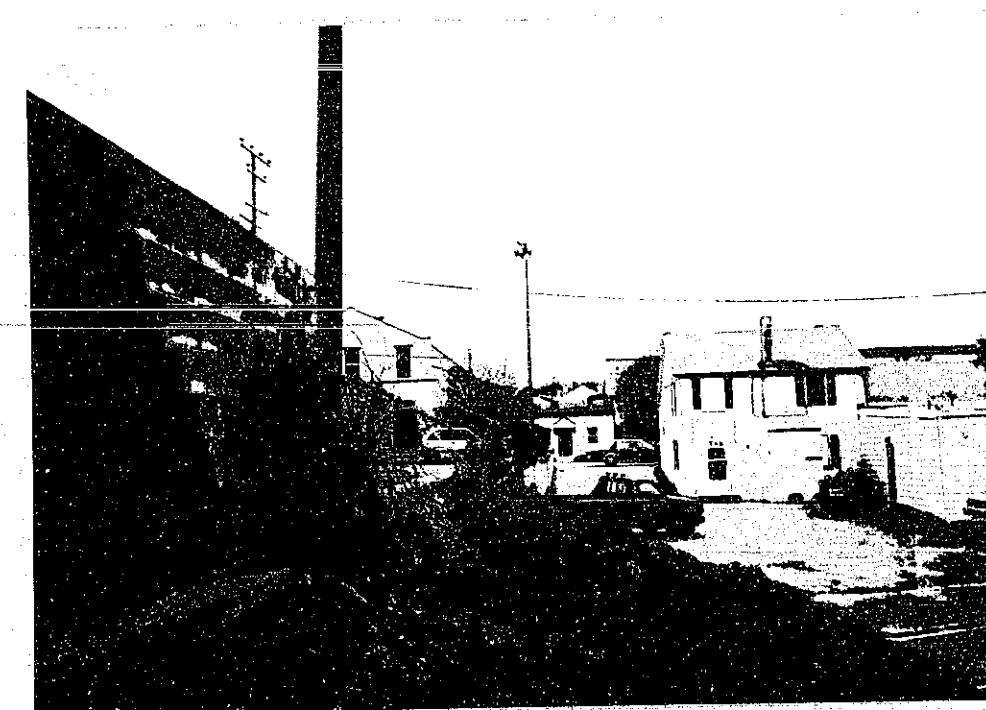


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Towson, Maryland 21204-4300

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ADJACENT LAND USE



Ref
"5D"

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Towson, Maryland 21204-4300

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ADJACENT LAND USE WEST SIDE



Ref
"5E"

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LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

ADJACENT LAND USE NORTH SIDE



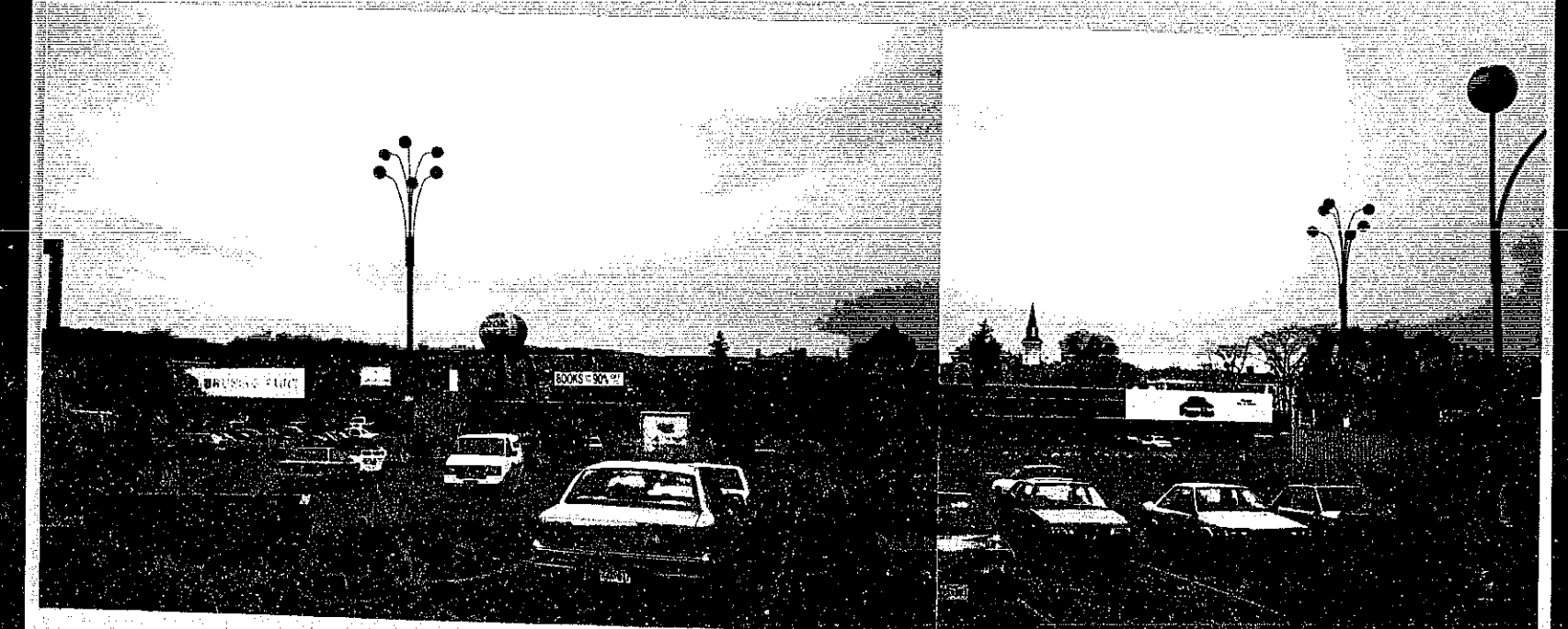
5F

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ADJACENT LAND USE



SHOPPING CENTER



Ref
5G

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Towson, Maryland 21204-4300

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YORK ROAD - VIEW LOOKING NORTH



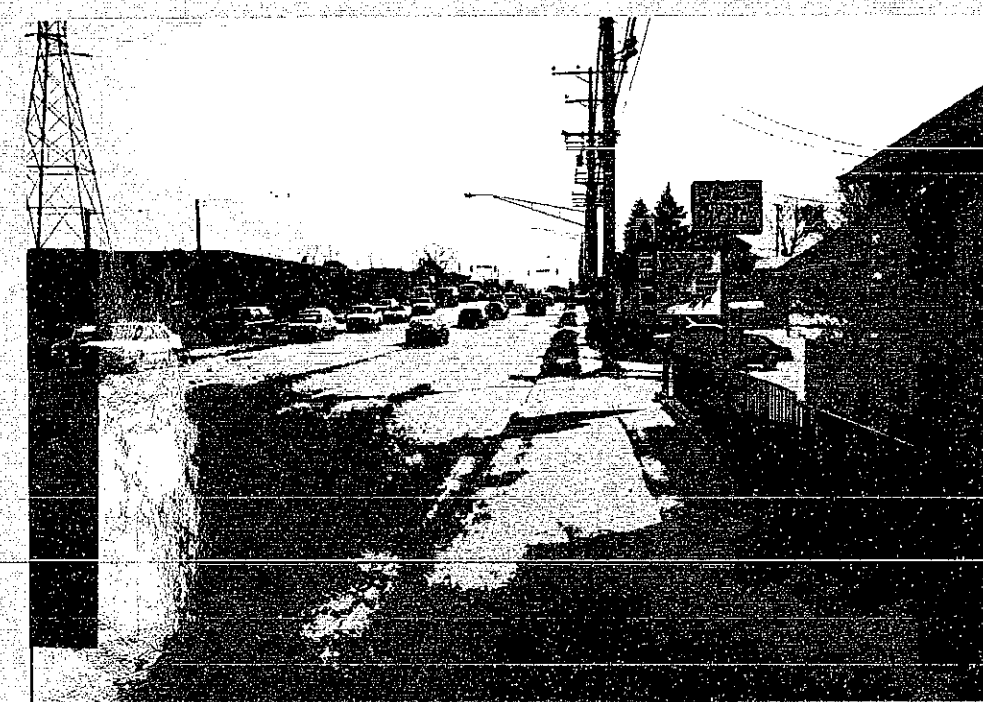
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5H

WILLIAM MONK, INC.

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
Suite 305
TOWSON, MD 21204
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

YORK ROAD - VIEW LOOKING SOUTH



Ref
5I

GENERAL NOTES:

- 1) BEARINGS, COORDINATES AND ELEVATIONS SHOWN HEREIN REFERRED TO THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATION:
N. 123.38' S. 158.06'
N. 602.41.79' S. 598.57.52'
W. 5660.84' W. 5533.88'
ELEV. = 365.53' ELEV. = 364.
- 2) AREA OF SITE: 0.5806 AC. OR 25292.17 SQ. FT. MORE OR LESS.
- 3) ZONING: BR
- 4) DEED REFERENCE: E.H.K. Jr. 6460/060
- 5) SURVEY WAS REVIEWED AGAINST AMERICAN TITLE INSURANCE COMMITMENT FOR TITLE INSURANCE NO. 913937-02, DATED 27, 1991.

DESCRIPTION OF PROPERTY
0.5806 AC. PARCEL MORE OR LESS
8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE WEST SIDE OF YORK ROAD, (80' R/W AS SHOWN ON S.R.C. PLAT NO. 42205), SAID POINT BEING DISTANT SOUTH 71 DEGREES 27 MINUTES 54 SECONDS WEST 7.09 FEET FROM POINT NO. 13 AS SHOWN ON SUBDIVISION PLAT OF "STRATKIS PROPERTY" DATED JULY 14, 1971 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER O.T.G. NO. 35 FOLIO 69, THENCE LEAVING SAID POINT AND BINDING ON FOREMENTIONED WEST SIDE OF YORK ROAD AS NOW SURVEYED SOUTH 19 DEGREES 40 MINUTES 30 SECONDS EAST 131.00 FEET, THENCE LEAVING SAID ROAD SOUTH 71 DEGREES 27 MINUTES 54 SECONDS WEST 193.23 FEET, THENCE NORTH 18 DEGREES 32 MINUTES 06 SECONDS WEST 131.00 FEET, THENCE NORTH 71 DEGREES 27 MINUTES 54 SECONDS EAST 192.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.5806 AC. OR 25292.17 SQ. FT. OF LAND MORE OR LESS.

BEING THE SAME AS IF BOUND AS DESCRIBED IN A DEED BETWEEN STRATKIS & ELLIS COMPANY, 12 F.F. FUND CORP. DATED NOV. 19, 1982 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER E.H.K. Jr. NO. 6460 FOLIO 060.

TOGETHER WITH THE RIGHT TO USE IN COMMON WITH OTHERS TO A 30 FOOT WIDE EASEMENT ALONG THE NORTH SIDE OF THE PROPERTY AS DESCRIBED IN A DEED BETWEEN JAMES G. STRATKIS AND GEORGIA STRATKIS TO HARDEE'S DATED OCT. 29, 1970, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER O.T.G. NO. 5142 FOLIO 635.

Exhibit B

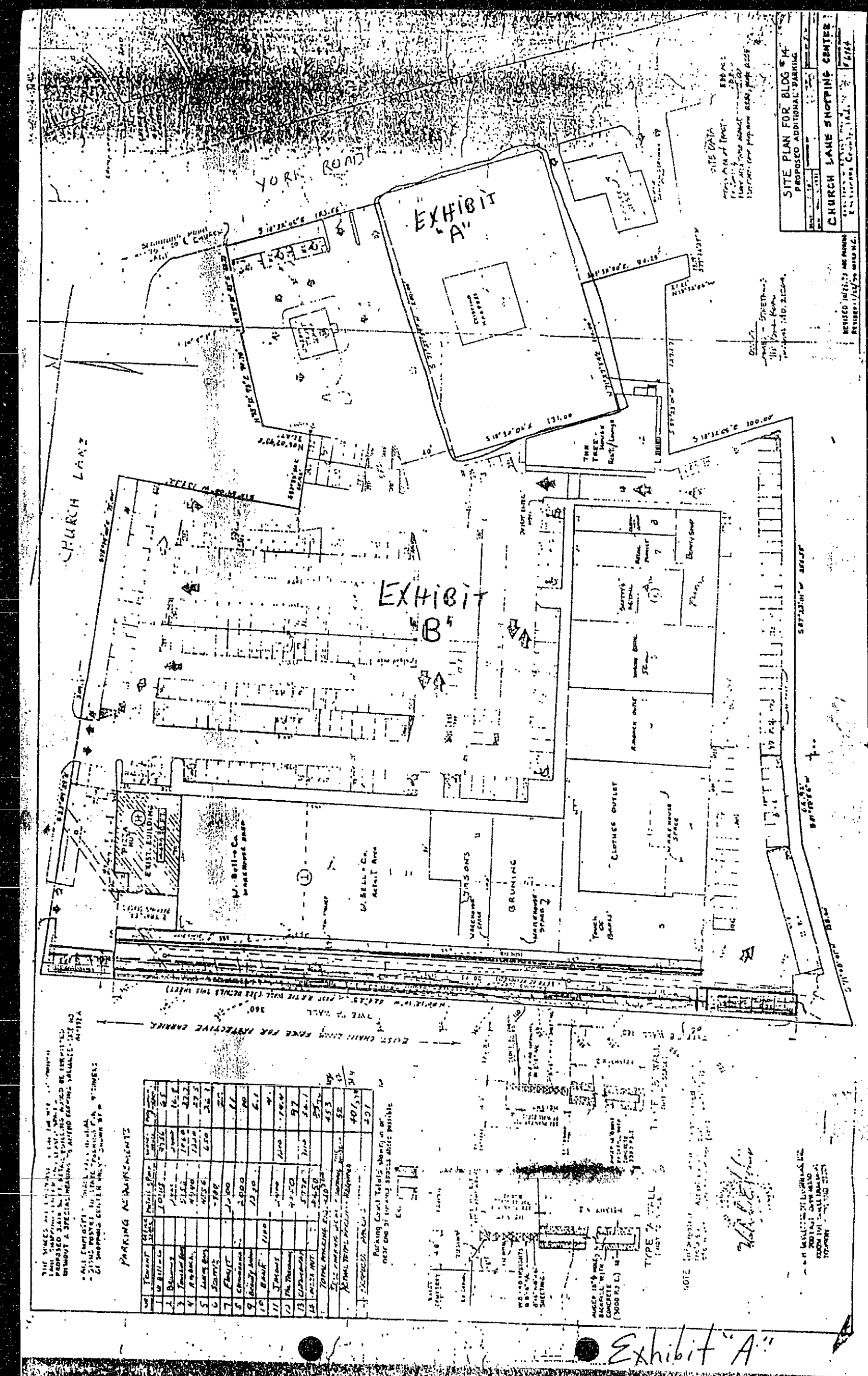
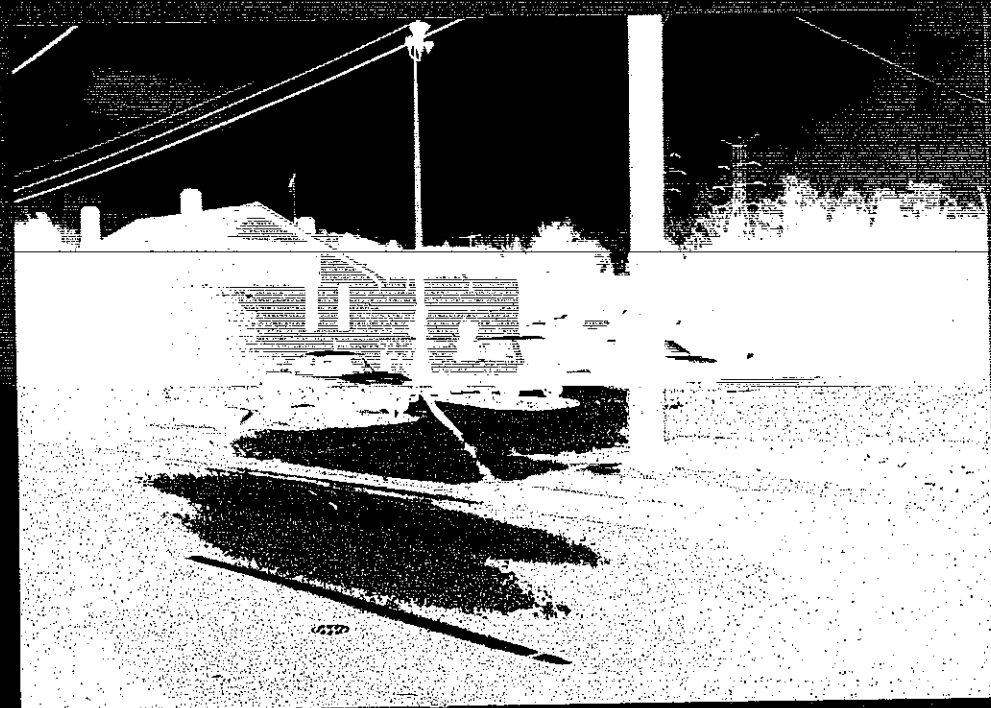


Exhibit A

WILLIAM MONK, INC.

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EXISTING DRIVEWAY



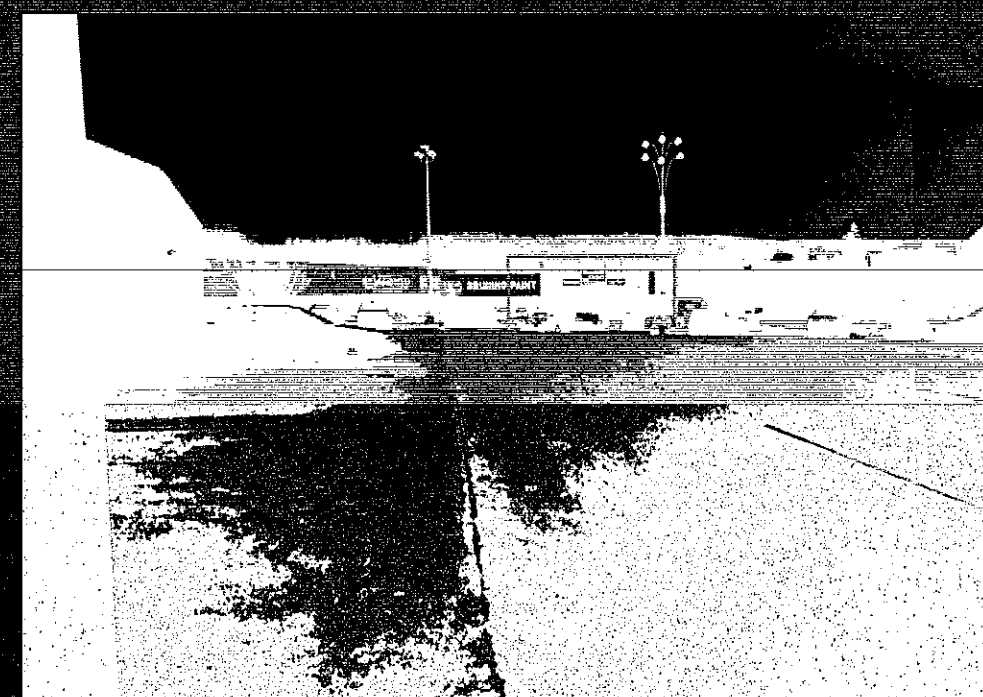
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WILLIAM MONK, INC.

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USE IN COMMON DRIVEWAY



VIEW WEST - TOWARDS SHOPPING CENTER



VIEW EAST - TOWARDS YORK ROAD

Ref 12

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EXISTING SITE CONDITIONS

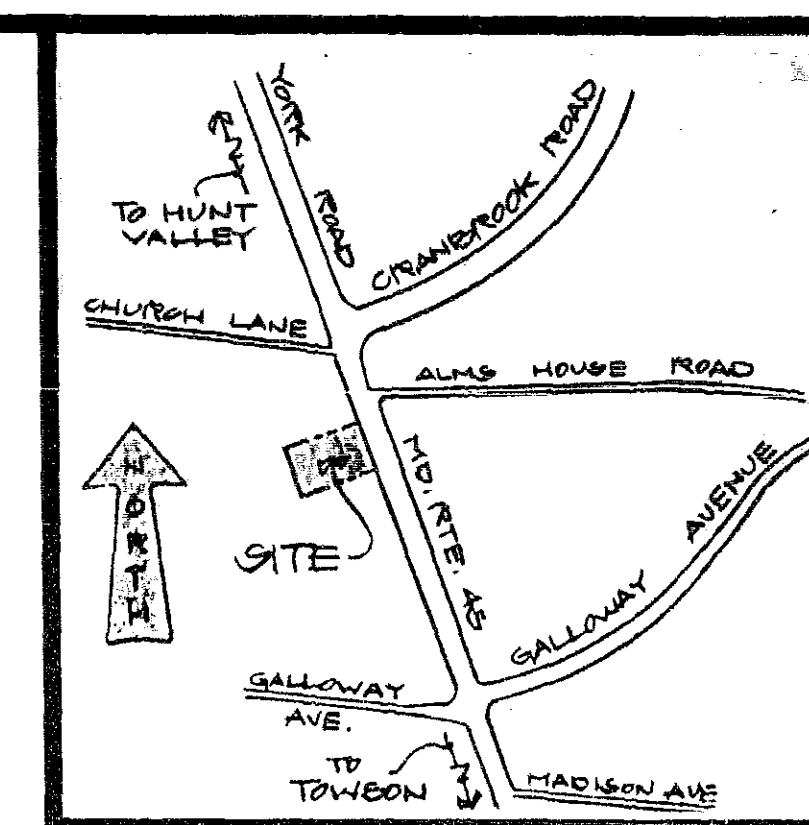


Ref 14

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#15



VICINITY MAP
SCALE: 1" = 500'

COORDINATE TABLE			
NO.	NORTH	WEST	REMARKS
315	60147.6180	5711.5591	PIN AND CAP SET
316	60023.5147	5669.6129	NAIL AND CAP SET
311	59962.0900	5852.8200	PIN AND CAP SET
312	60086.2950	5894.4628	NAIL AND CAP SET

GENERAL NOTES:

- 1) BEARINGS, COORDINATES AND ELEVATIONS SHOWN HEREON ARE REFERRED TO THE BALTIMORE COUNTY METROPOLITAN DISTRICT SURVEY DATUM AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:
NO. 12338
N 60241.79
W 5660.84
ELEV. = 363.53'
- 2) AREA OF SITE: 0.5806 AC. OR 25292.17 SQ. FT. MORE OR LESS
- 3) ZONING: BR
- 4) DEED REFERENCE: E.H.K. Jr. 6460/060
- 5) SURVEY WAS REVIEWED AGAINST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. 913837-02, DATED EFFECTIVE NOV. 27, 1991.

DESCRIPTION OF PROPERTY
0.5806 AC. PARCEL MORE OR LESS
8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT OF THE WEST SIDE OF YORK ROAD, (80' R/W AS SHOWN ON S.R.C. PLAT NO. 42205), SAID POINT BEING DISTANT SOUTH 71 DEGREES 27 MINUTES 54 SECONDS WEST 7.09 FEET FROM POINT NO. 13 AS SHOWN ON SUBDIVISION PLAT OF "STRATAKIS PROPERTY" DATED JULY 14, 1971 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER O.T.G. NO. 35 FOLIO 69, THENCE LEAVING SAID POINT AND BINDING ON AFOREMENTIONED WEST SIDE OF YORK ROAD AS NOW SURVEYED SOUTH 18 DEGREES 40 MINUTES 30 SECONDS EAST 131.00 FEET, THENCE LEAVING SAID ROAD SOUTH 71 DEGREES 27 MINUTES 54 SECONDS WEST 193.23 FEET, THENCE NORTH 18 DEGREES 32 MINUTES 08 SECONDS WEST 131.00 FEET, THENCE NORTH 71 DEGREES 27 MINUTES 54 SECONDS EAST 192.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.5806 AC. OR 25292.17 SQ. FT. OF LAND MORE OR LESS.

BEING THE SAME LOT OF GROUND AS DESCRIBED IN A DEED BETWEEN GRUBB & ELLIS COMPANY TO F.F. FUND CORP., DATED NOV. 19, 1982 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER E.H.K. Jr. NO. 6460 FOLIO 060.

TOGETHER WITH THE RIGHT TO USE IN COMMON WITH OTHERS TO A 30 FOOT WIDE EASEMENT ALONG THE NORTH SIDE OF THE PROPERTY AS DESCRIBED IN A DEED BETWEEN JAMES G. STRATAKIS AND GEORGIA STRATAKIS TO HARDEE'S DATED OCT. 29, 1970, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER O.T.G. NO. 5142 FOLIO 638.

COLBERT ENGINEERING INC.

DUMBARTON SQUARE
3729 OLD COURT ROAD, SUITE 206
BALTIMORE COUNTY, MARYLAND 21208
PHONE: (410) 653-3838

BOUNDARY AND TOPOGRAPHIC SURVEY
PREPARED FOR

TACO BELL

SITE NO. 05-1391
LOCATED AT 9928 YORK ROAD
8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20'

1 of 1

CHECKED BY: H.J.K. Jr.

DATE: 2/26/92

JOB NO.: 91077

AC FILE: 91077

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

JAMES G. STRATAKIS,
GEORGIA STRATAKIS,
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5039/283
N/F

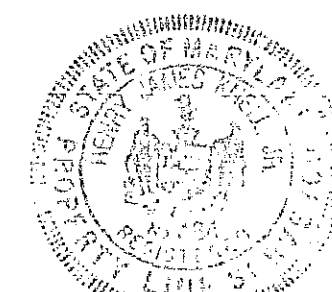
SURVEYORS CERTIFICATION

I HEREBY CERTIFY TO TACO BELL CORP., A CALIFORNIA CORPORATION, AND AMERICAN TITLE INSURANCE COMPANY, A FLORIDA CORPORATION, THAT THE PLAN SHOWN HEREON ACCURATELY REPRESENTS A SURVEY MADE BY ME ON THE 27TH DAY OF JANUARY, 1992 OF THE REAL ESTATE DESCRIBED IN A DEED BETWEEN GRUBB & ELLIS COMPANY TO F.F. FUND CORP. DATED NOVEMBER 19, 1982 RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER E.H.K. Jr. NO. 6460 FOLIO 060.

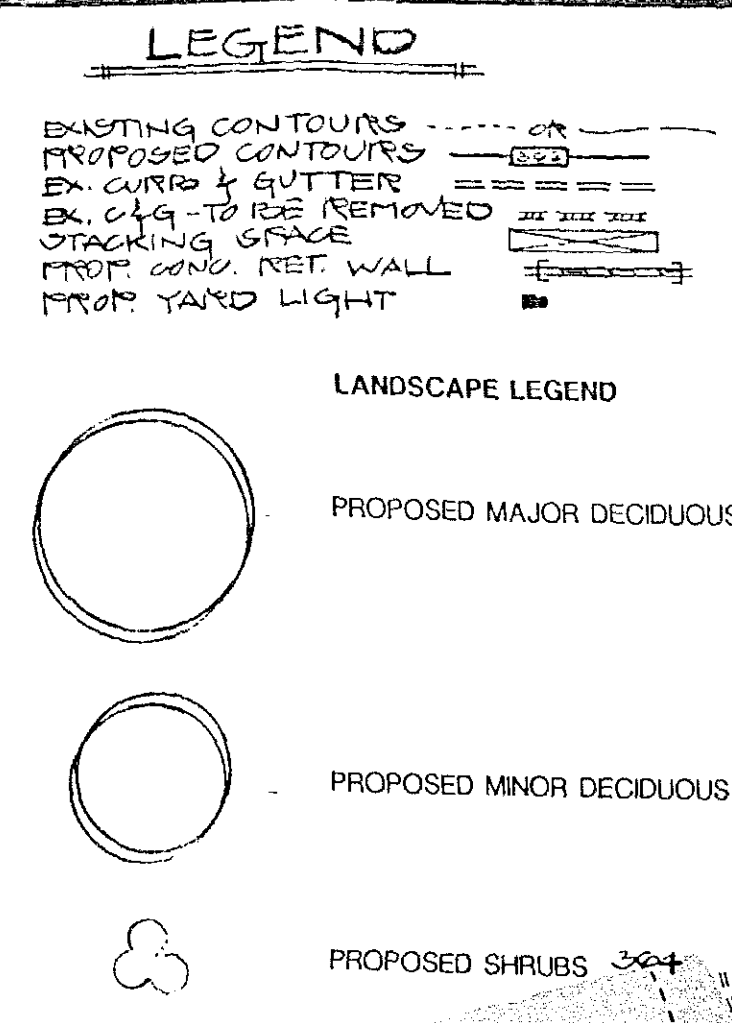
I FURTHER CERTIFY THAT THERE ARE NO ENCROACHMENTS UPON SAID REAL ESTATE BY ANY IMPROVEMENTS ON, OR FENCES OR WALLS ENCLOSING, ADJACENT PROPERTIES AND THAT THERE IS NO PHYSICAL EVIDENCE OF POSSIBLE UNRECORDED EASEMENTS ON, ABOVE, OR BELOW THE SURFACE OF THE REAL ESTATE DISCERNIBLE FROM INSPECTION OF THE PROPERTY EXCEPT AS SHOWN.

I FURTHER CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH TACO BELL "ALTA" SURVEY REQUIREMENTS.

Henry J. Knell, Jr. 2-2-92
HENRY J. KNEEL, JR. (MARYLAND PROPERTY LINE SURVEYOR NO. 484) DATE

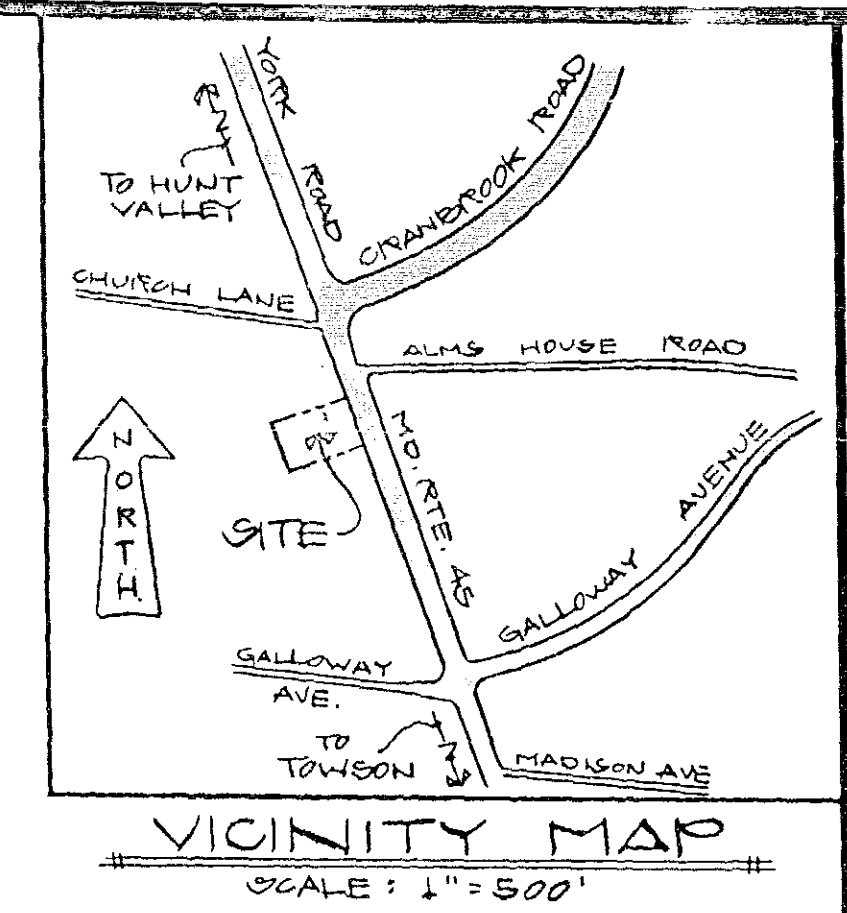


NOTE:
THE LOT SHOWN HEREON LIES WITHIN ZONE "C", AREA OF MINIMAL FLOODING AS DETERMINED BY FLOOD INSURANCE RATE MAP FOR BALTIMORE COUNTY, MARYLAND PANEL NO. 240010 0235 B DATED EFFECTIVE MARCH 2, 1981.



ZONED RR
P 247
JAMES G. STRATAKIA,
GEORGIA STRATAKIS
MARY ANTONAKOS AND
KATHERINE STRAKES
O.T.G. 5032/283
N/F
TAX I.D.: 1600007884

BENCHMARK
HUB NO. 12333 BL. 3665.52
DESCRIPTION: SET 3/4" IRON
BARK AT BACK EDGE OF CURB
ON N. SIDE OF ALMS HOUSE
ROAD 1/2 SIDE OF YORK ROAD



TACO BELL ARCHITECTURE & ENGINEERING
17901 VON KARMAN IRVINE, CALIFORNIA 92714
(714) 863-4690

H & M ASSOCIATES OF TEXAS, INC.
1304 WALNUT HILL LANE SUITE 222 IRVING, TEXAS 75038
(214) 580-0461

GENERAL NOTES

- SITE DATA:**
- ELECTION DISTRICT: 8
 - COUNCILMANIC DISTRICT: 3
 - CENSUS TRACT: 4084
 - WATERSHED: 11
 - SUBSEWERED: 32
- SITE ACREAGE:**
NET: 0.8800 A.C. OR 25202.17 SQ. FT.
GROSS: 0.9708 A.C. OR 26222.17 SQ. FT. (INCL. 30' R/W - YORK RD.)
- SUBJECT SITE ZONED RR**
FOR BUILDING SETBACKS:
- | | REQUIRED | PROVIDED |
|-------|---------------|----------|
| FRONT | 25' (30' MIN) | 70' ± |
| SIDE | 30' | 65' ± |
| REAR | 30' | 65' ± |
- PARKING TABULATION:**
REQUIRED: 20/1000 (G.F.A.) OR [2450/1000] = 2.45 OR 42 SPACES.
PROVIDED: 34 SPACES, * 7 STACKING SPACES
- AVERAGE DAILY TRIPS:**
652/1000 (G.F.A.) OR [2050/1000] = 2.05 = 1301 A.D.T.B.
- VARIANCES TO BE REQUESTED:**
- TO SECTION 208.2 OF THE B.C.Z.R. TO PERMIT A 22' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 30'
 - TO SECTION 400.6(A)(2) OF THE B.C.Z.R. TO PERMIT 34 PARKING SPACES IN LIEU OF THE REQUIRED 42
- FLOOR AREA RATIO:**
ALLOWED: GROSS FLOOR AREA/GROSS SITE AREA MAX. OF 2.0
PROPOSED: 2050 / 25222.17 = .07 < 2.0, O.K.
- DESIGN, SCREENING & LANDSCAPING MUST**
BE PROVIDED IN ACCORDANCE W/ THE LANDSCAPE MANUAL & ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22.105 OF THE BALTIMORE COUNTY CODE.

CASE # 92-410 A

PLAN TO ACCOMPANY VARIANCE PETITION

DEVELOPMENT PLAN

SCALE: 1" = 20'

STORMWATER MANAGEMENT

- A S.W.M. QUANTITY WAIVER HAS BEEN APPLIED FOR IN ACCORDANCE W/ SECTION 2-150.3 (C)(1) OF THE S.W.M. DESIGN MANUAL.
- A S.W.M. QUALITY WAIVER HAS BEEN APPLIED FOR DUE TO THE DECREASE IN IMPERVIOUS AREA ASSOCIATED W/ THE DEVELOPMENT.

SOILS DATA:
THE SUBJECT SITE IS LOCATED ON SHT. 22 OF THE BALTIMORE COUNTY SOIL SURVEY & IS MAPPED AS A BALTIMORE SERIES (H.S.G. 15).

PLAN PREPARED BY:
COLBERT ENGINEERING, INC.
3725 OLD COURT ROAD, STE. 200
BALTIMORE, MARYLAND 21208
(410) 653-8838

APPLICANT:
TACO BELL CORPORATION
620 HERNDON PARKWAY, STE. 200
HERNDON, VIRGINIA 22070
(703) 481-0800

OWNER:
FF FUND CORPORATION
P.O. BOX 1000
ROWLETT, TEXAS 75088
DEED REF: 6490/060 TAX I.D.: 1600002001

© TACO BELL 1989

TACO BELL RESTAURANT
2025 YORK ROAD
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TAX MAP 51 GRID 17 PARCEL 502

REVISIONS

NO.	DATE	DESCRIPTION

DRAWN BY: WES./S.L.D.
CHECKED BY:

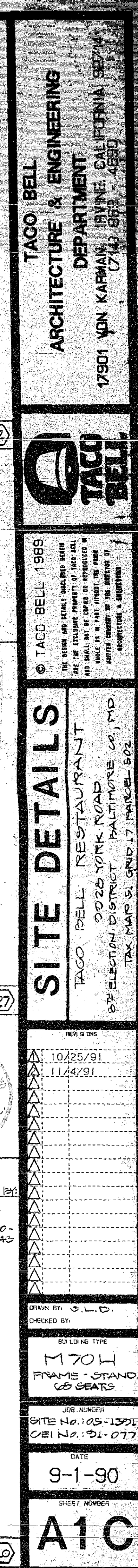
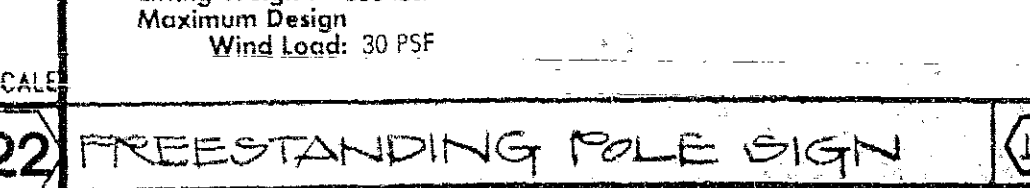
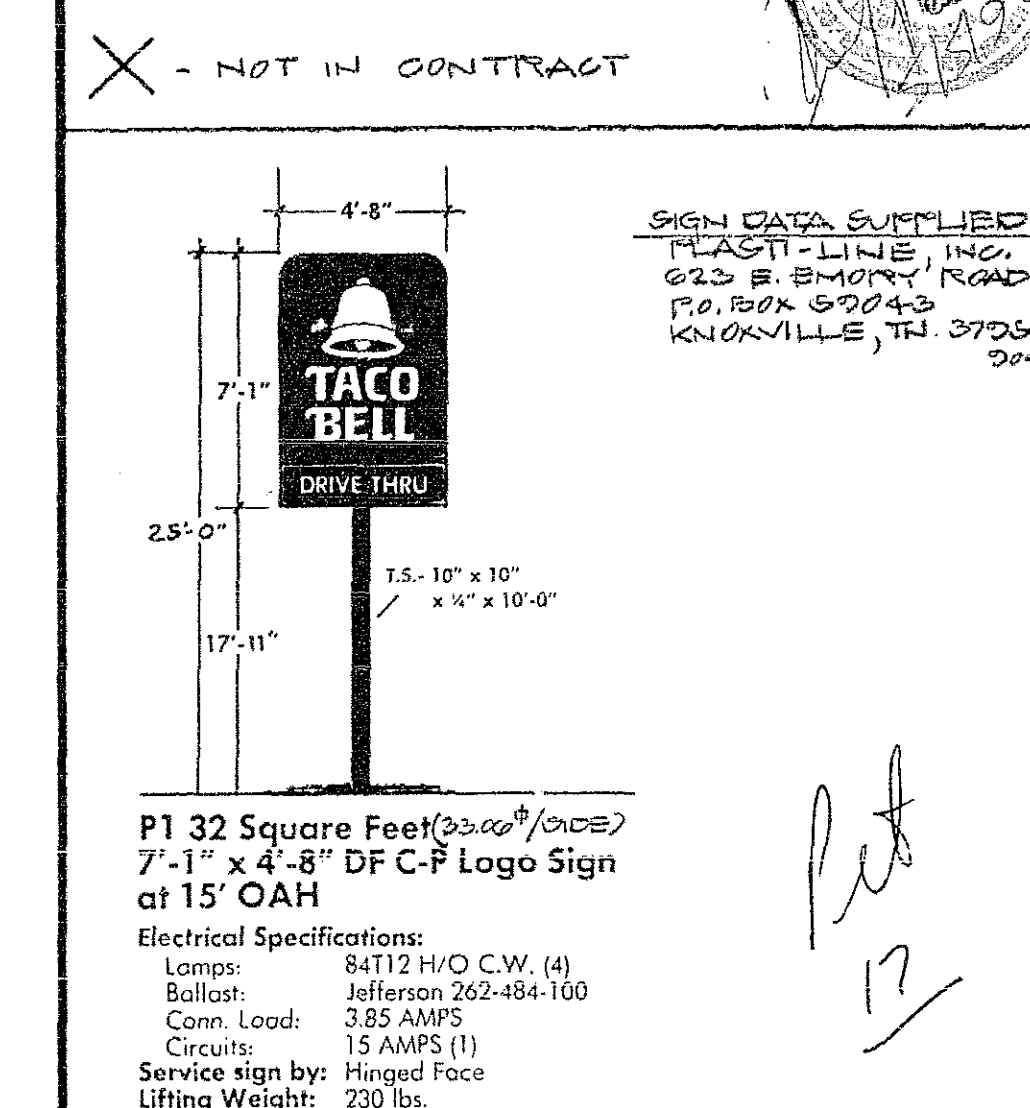
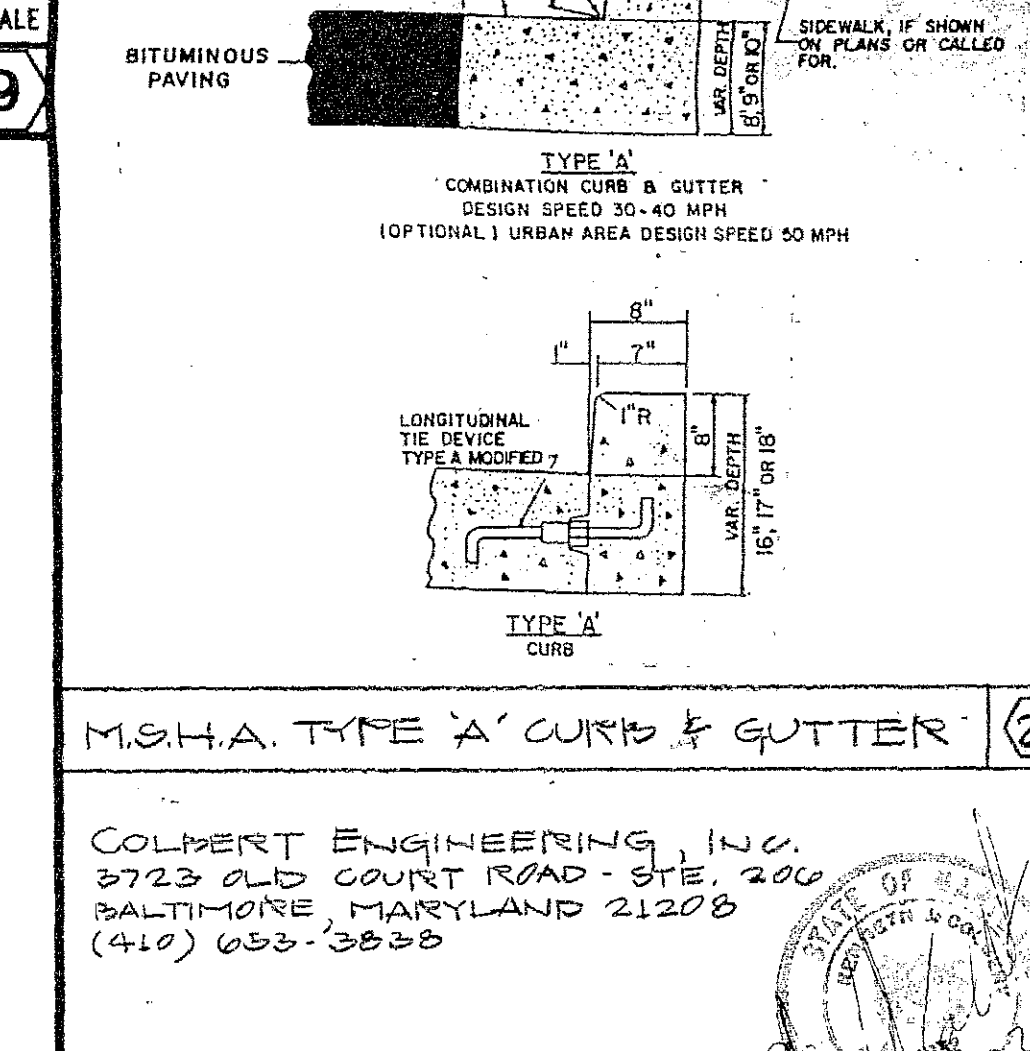
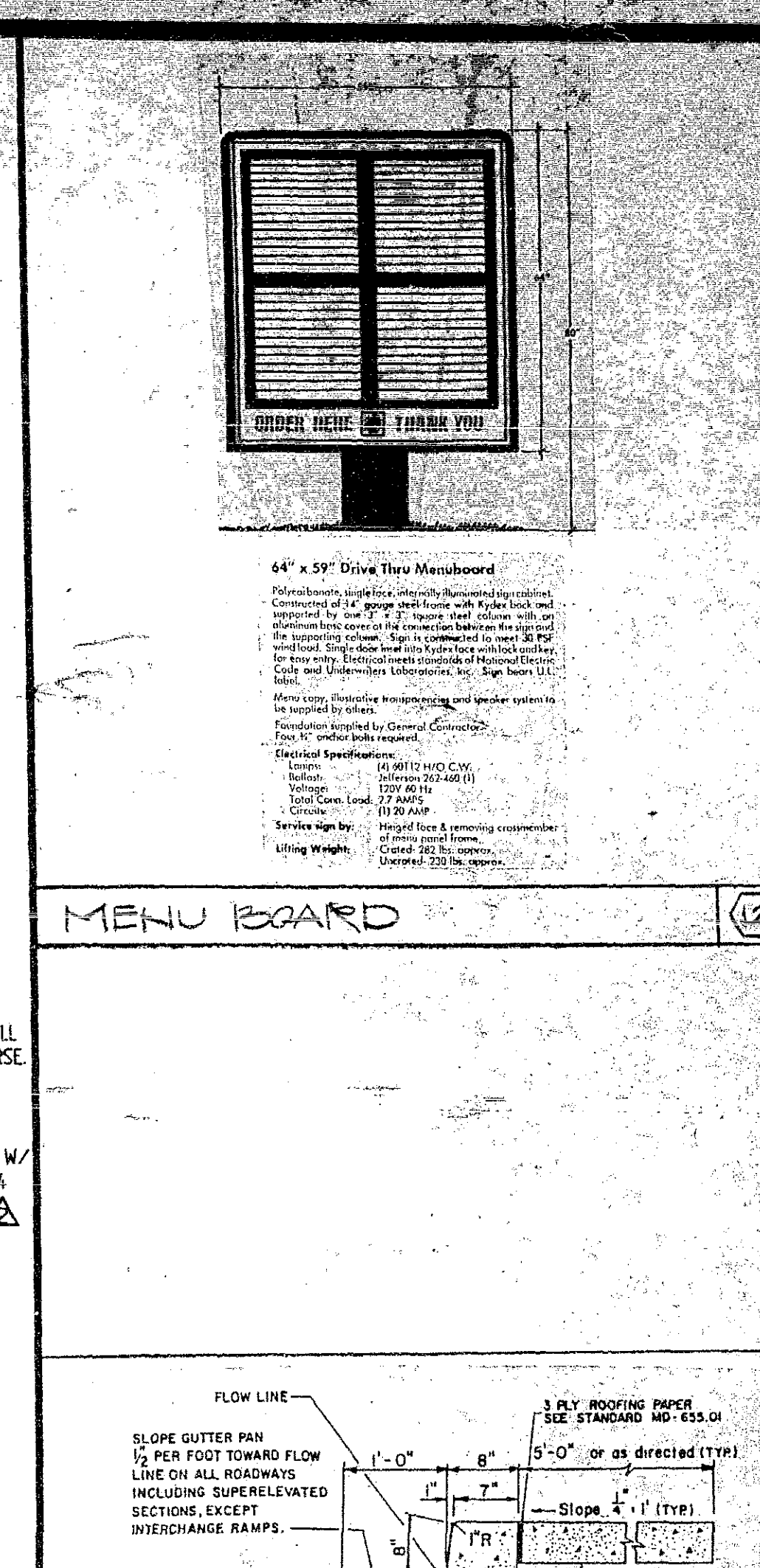
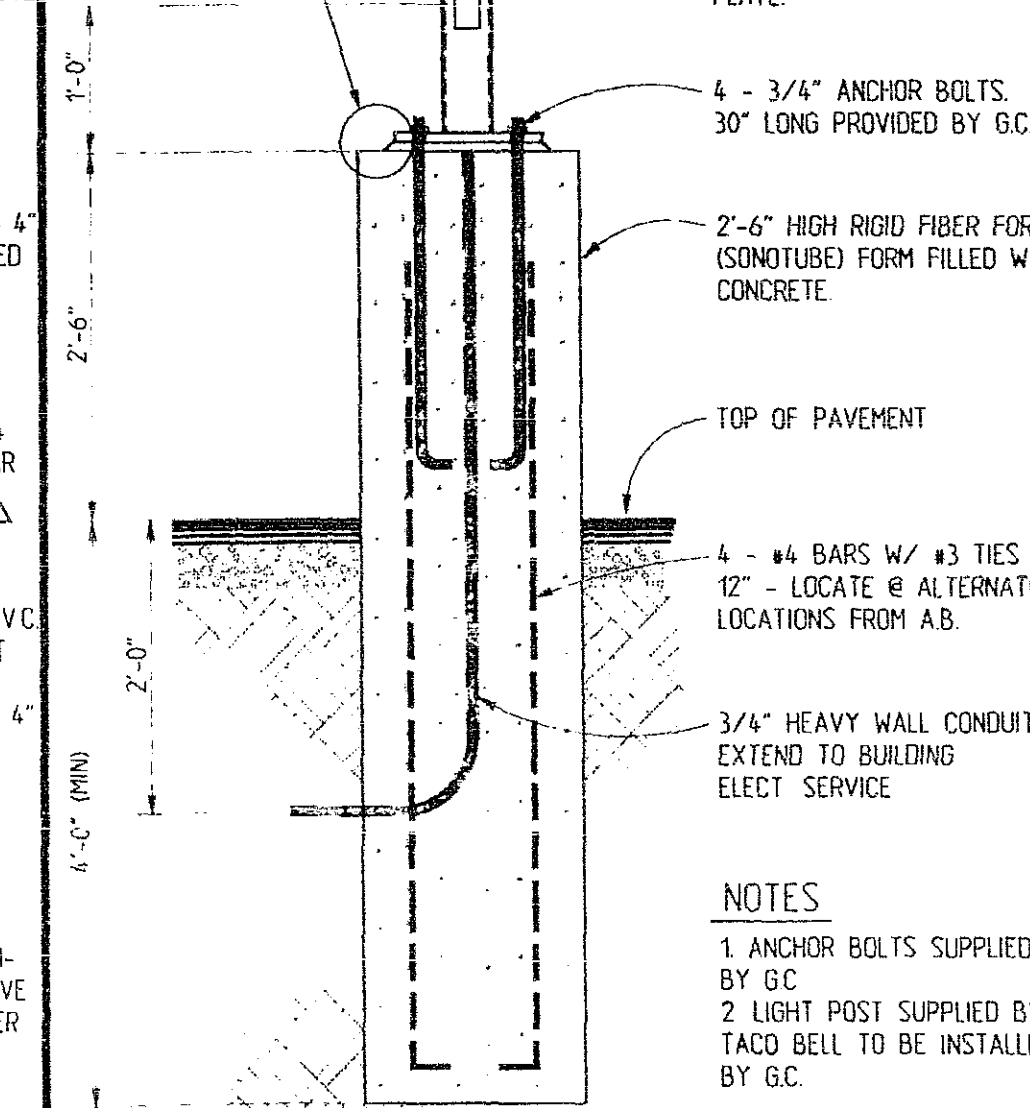
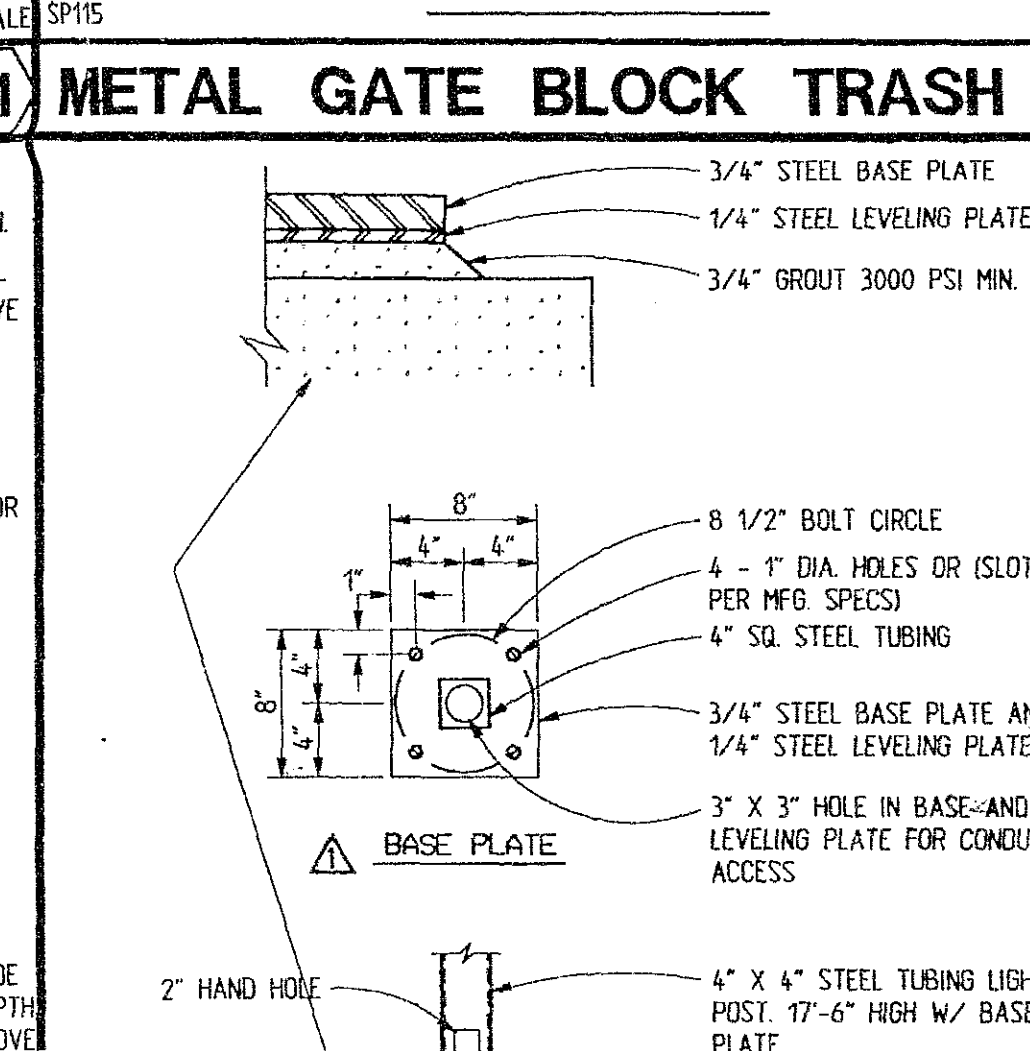
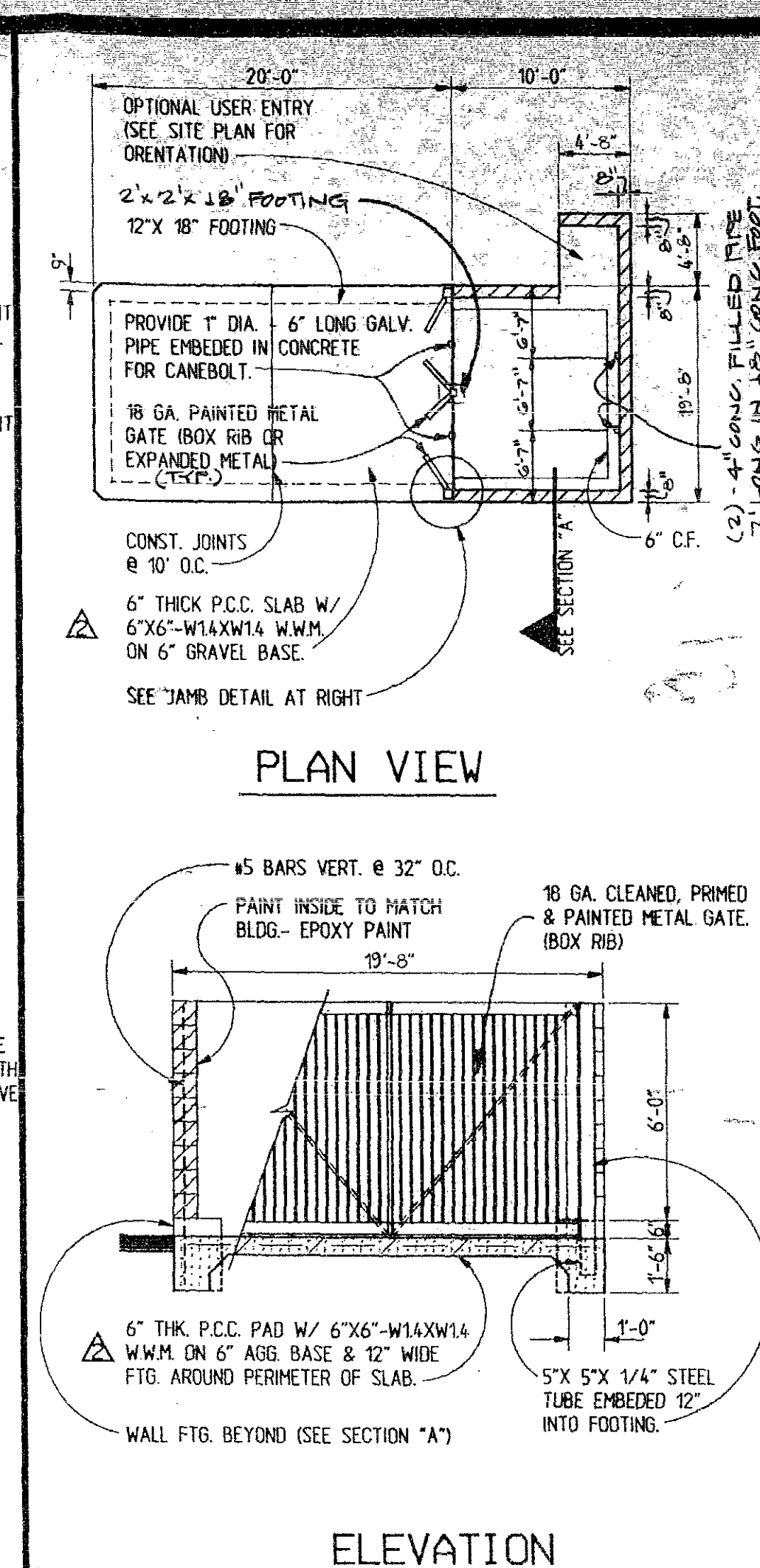
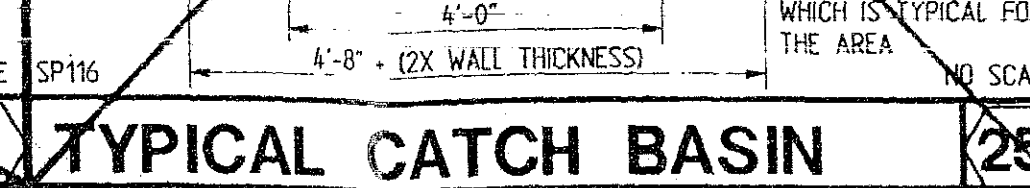
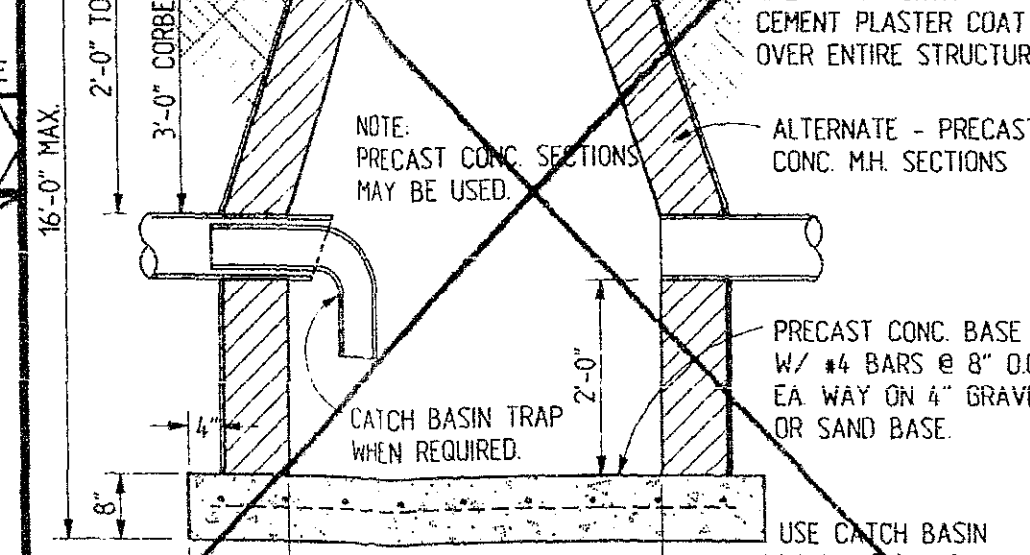
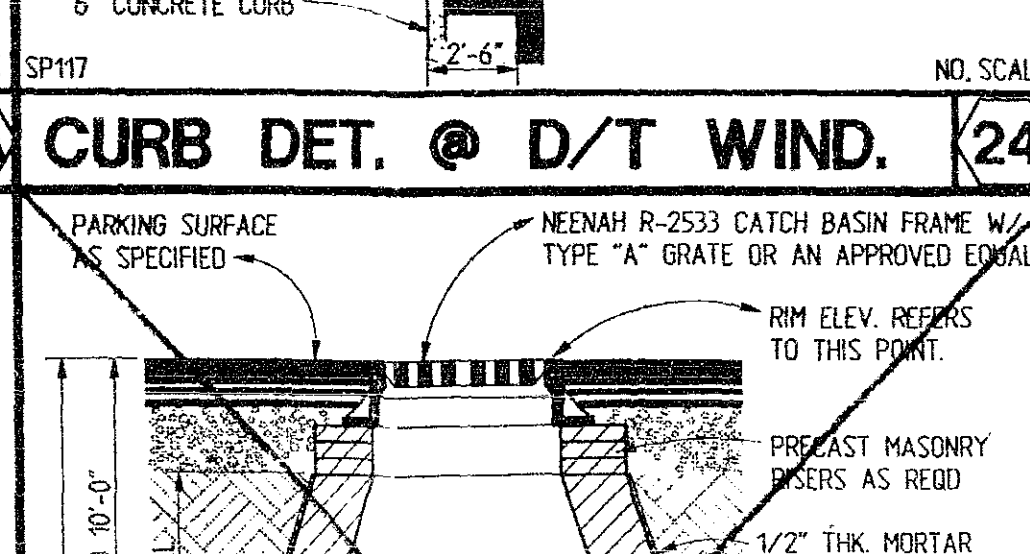
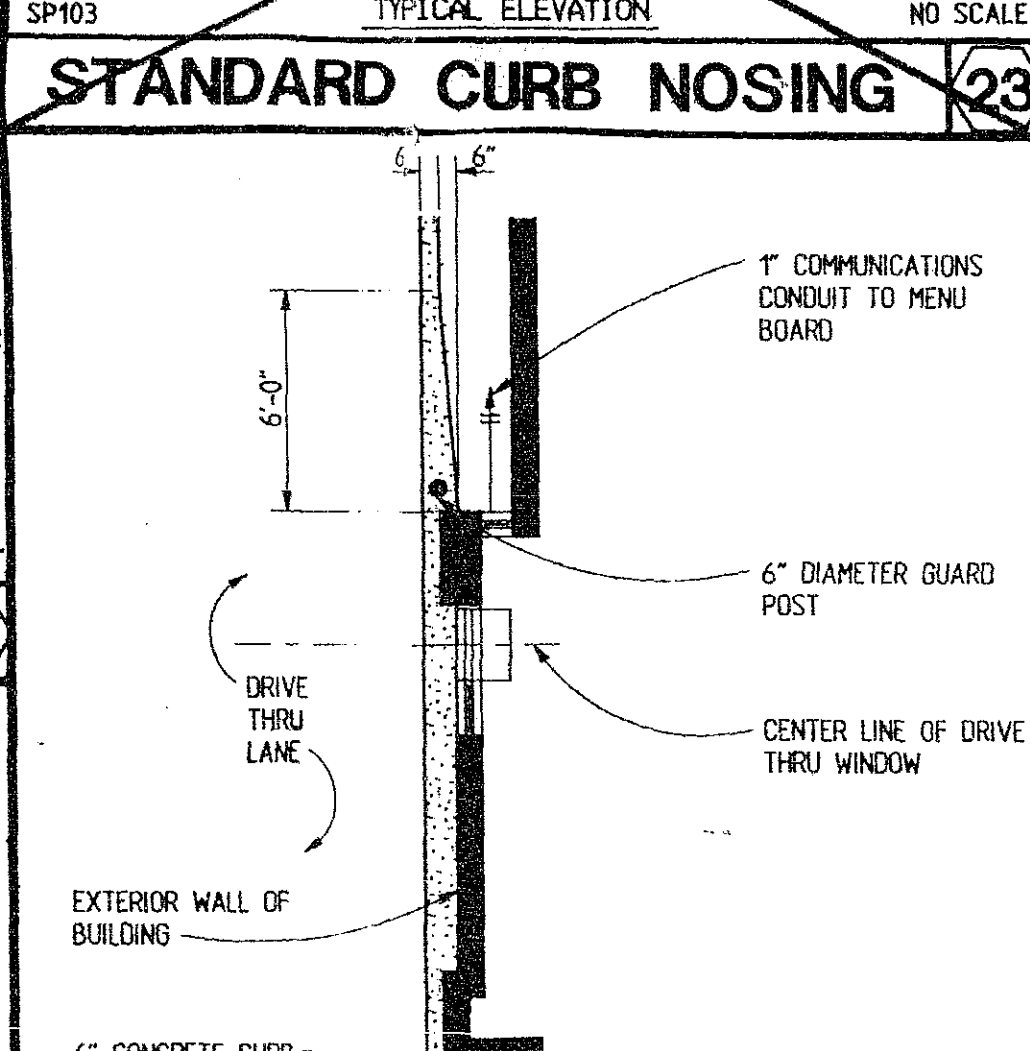
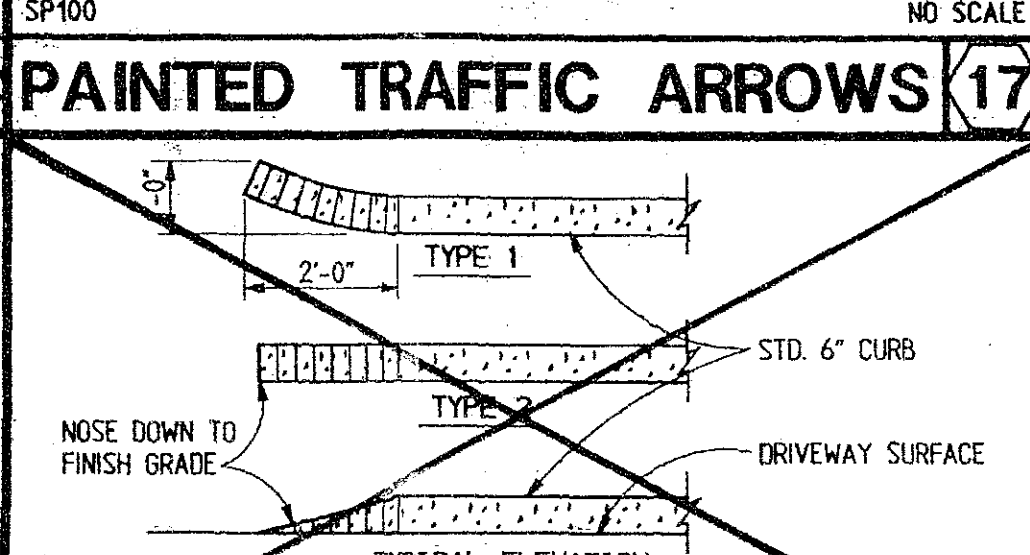
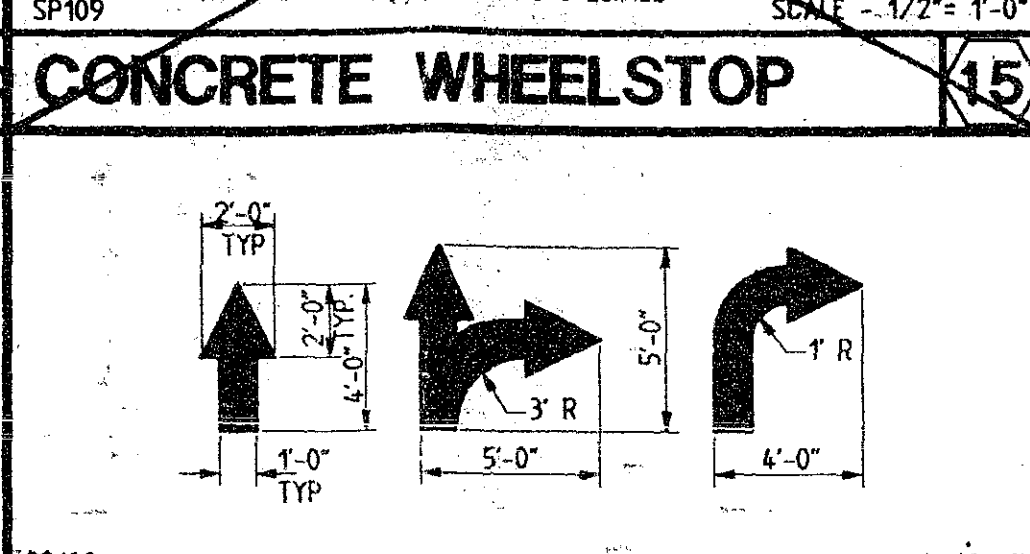
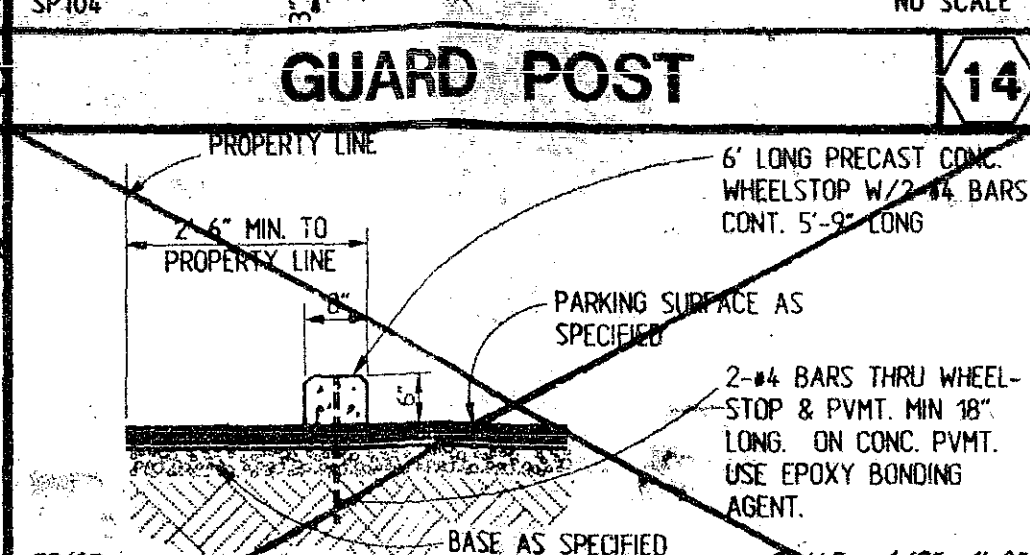
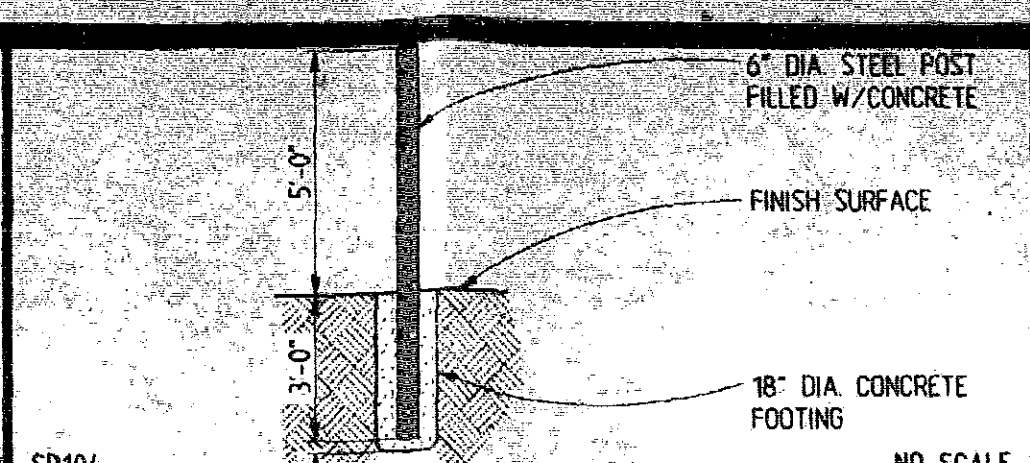
BUILDING TYPE:
M 70 H
FRAME - STANDARD
60 SEATS

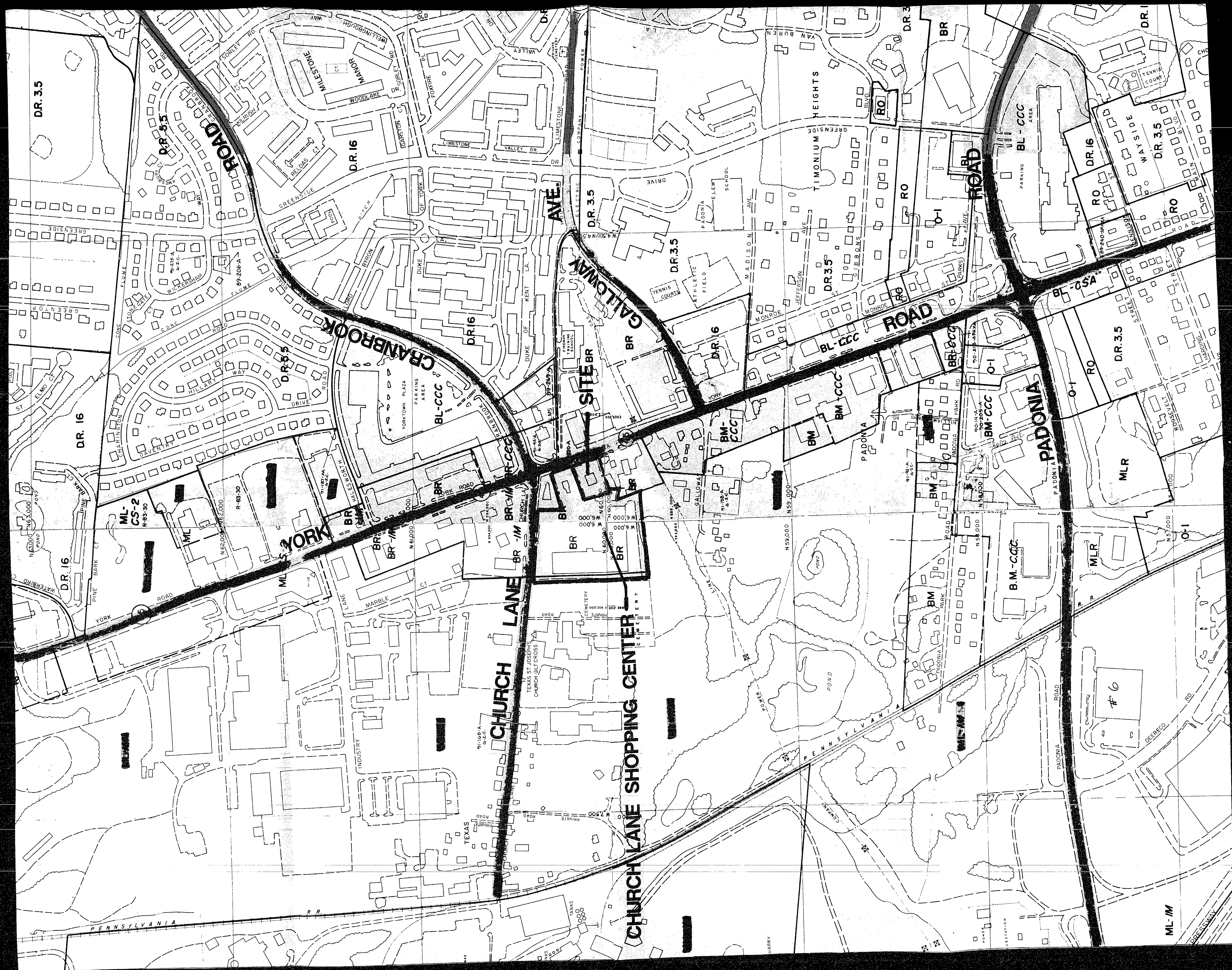
JOB NO.: 05-1391
CEL NO.: 01-077

DATE:
MARCH, 1992

SHEET NUMBER:
1 OF 1

A1A









Petition for 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 238.2 TO PERMIT A 22 FOOT SIDE YARD IN LIEU OF THE REQUIRED 30 FOOT AND SECTION 409.6(A)(2) TO PERMIT 34 PARKING SPACES IN LIEU OF THE REQUIRED 42 SPACES.

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

- 1) The narrow site does not permit a conventional layout w/drive thru window w/out a variance to the side yard setback.
- 2) The small site poses a hardship in meeting the parking requirements when addressing on-site traffic safety concerns through the revised site plan.

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.

Legal Owner(s):

Hardees Food Systems, Inc.

Signature: *[Signature]*

Green D. London

(Type or Print Name)

Signature: *[Signature]*

Signature: *[Signature]*

Signature: *[Signature]*

Signature: *[Signature]*

Signature: *[Signature]*

Signature: *[Signature]*

Signature: *[Signature]*

Signature: *[Signature]*

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Signature: *[Signature]*

COLBERT ENGINEERING, INC.

3723 OLD COURT ROAD • SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838
FAX: (410) 653-7853

ZONING DESCRIPTION

TACO BELL RESTAURANT
9928 YORK ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF YORK ROAD (MD ROUTE 45), 80 FEET WIDE, APPROXIMATELY 210 FEET SOUTH OF THE CENTERLINE OF CHURCH LANE; THENCE BINDING ON THE WEST SIDE OF YORK ROAD SOUTH 18 DEGREES 40 MINUTES 30 SECONDS EAST, 131.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE

SOUTH 71 DEGREES 27 MINUTES 54 SECONDS WEST, 193.23 FEET, NORTH 18 DEGREES 32 MINUTES 06 SECONDS WEST, 131.00 FEET, NORTH 71 DEGREES 27 MINUTES 54 SECONDS EAST, 192.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,292 SQUARE FEET.

TBYORK.ZON



CIVIL ENGINEERS • LAND SURVEYORS

423

CERTIFICATE OF POSTING

EDUCATION DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *92-410-A*
Posted for: *Variation*
Petitioner: *Gus J. Stratakis & Van P. Strakes*
Location of property: *718 York Road, Towson, Md.*
Location of Sign: *718 York Road, Towson, Md.*
Remarks: *Property to be posted.*
Posted by: *[Signature]*
Number of Signs: *1*

CERTIFICATE OF PUBLICATION

TOWSON, MD., *5/14*, 19 *92*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of *1* successive weeks, the first publication appearing on *5/14*, 19 *92*

THE JEFFERSONIAN,

[Signature]
Publisher

\$44.73



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: *5/14/92*
Account: R-001-6150
Number: *92-410*
Please Make Check Payable to Baltimore County \$250.00
BA C00327PMD-09-92



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: *Taco Bell*
Account: R-001-6150
Number: *92-410*
Please Make Check Payable to Baltimore County \$79.73
BA C00348PMD-02-92

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: *5-27-92*

Subject: *79.73*
423 York Road, 210' S of 4th Church Lane
718 York Road
718 York Road District - 3rd Councilmanic
Legal Owner(s): Gus J. Stratakis & Van P. Strakes
Contract Purchaser(s): Taco Bell, Inc.

RE: *79.73*
CASE NUMBER: 92-410-A
423 York Road, 210' S of 4th Church Lane
718 York Road
718 York Road District - 3rd Councilmanic
Legal Owner(s): Gus J. Stratakis & Van P. Strakes
Contract Purchaser(s): Taco Bell, Inc.

Dear Petitioner(s):

Please be advised that \$ *79.73* is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SIGN(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

[Signature]

ARNOLD JABLON
DIRECTOR

cc: William Monk, Inc.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 27, 1992

Mr. Gus J. Stratakis
718 York Road
Towson, MD 21204

RE: Item No. 423, Case No. 92-410-A
Petitioner: Gus J. Stratakis, et al
Petition for Variance

Dear Mr. Stratakis:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 4th day of May, 1992.

[Signature]
ARNOLD JABLON
DIRECTOR

Received By:

[Signature]
W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Gus J. Stratakis, et ux

Petitioner's Attorney:

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

APRIL 21, 1992

(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GUS J. STRATAKIS AND VAN P. STRAKES

Location: #9928 YORK ROAD

Item No.: +423 (WCR)

Zoning Agenda: APRIL 20, 1992

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: *[Signature]*
Planning Group
Special Inspection Division

Noted and
Approved
Fire Prevention Bureau

JP/REK

RECEIVED
APR 22 1992

ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____ Date 5/4/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
8100 Stevenson Road (Chizuk Amuno Congregation)	STP	427	4-20-92	
7446 Berkshire Road	DEPRM RP (AT EIRD)	428	No Comments	
Oella Parcel A, Lots 34-38; Parcel B, Lots 40-45; Parcel C-1, Lots 49-67	STP	429	No Comments	
9928 York Road (Taco Bell)	DEPRM RP (AT EIRD)	423	No Comments	
VIII-609 (921262)				
COUNT 8				
2212 Maple Road	DED DEPRM RP STP TE	425	4-27-92	No Comment
Magsamen Property (W/S Notchcliff Road)	DEPRM RP STP TE	430	No Comments	
3838 North Point Boulevard	DED DEPRM RP STP TE	431	No Comments	
14311 Old Hanover Road	DED DEPRM RP STP TE	433	No Comments	
1243 Lanover Road	DED DEPRM RP STP TE	434	No Comments	
1313-1315 York Road	DED DEPRM RP STP TE	438	No Comments	
8 Kelbark Court	DED DEPRM RP STP TE	439	No Comments	
1500 Glencoe Road - Oldfields School, Inc.				
CR-92-399-XA				

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature _____ Date 5-11-92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
7610 Bay Front Road	(AT CBCA) DEPRM	396	4-13-92	
3301 Edwards Lane (Parkside Marina)	DEPRM (AT CBCA)	402		
207 St. Marys Road	DEPRM (AT CBCA)	406		
Broadview II (Related to CRG refinement)	DEPRM (AT EIRD)	419		
COUNT 4				
4 Hilltop Road North	DEPRM (AT EIRD)	420	4-20-92	No Comment
8945 Satyr Hill Road	DEPRM (AT EIRD)	425		WC
Green Spring Valley Hunt Club (30 Green Spring Valley Road)	DEPRM (AT EIRD)	426		WC
7446 Berkshire Road	DEPRM 69AT EIRD	428		No comment
9928 York Road (Taco Bell)	DEPRM (AT EIRD)	423		No comment
VIII-609 (921262)				
COUNT 5				
2212 Maple Road	DEPRM		4-27-92	
Magsamen Property (W/S Notchcliff Road)				WC
DEPRM STP (To JLP 4/27 DEPRM)				

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

RECEIVED

May 11, 1992

Mr. Robert Covahey, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Taco Bell
9938 York Road
Project No. 921262
CPC 4-20/92

OFFICE OF
PLANNING & ZONING

Dear Mr. Covahey:

This office has reviewed the above referenced plan and offer the following:

The existing entrance onto MD 45 from this property must be closed and all access gained from the existing 30' use in common easement.

A permit will be required for any work within the State Highway Administration right-of-way at this location. This permit must be issued through this office prior to the issuance of any building or grading permits by Baltimore County.

If you have any questions, please contact Peggy Blank at 333-1350.

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

PB/les

cc: Taco Bell Architecture and Engineering
H. & M Associates of Texas, Inc.
Mr. Stuart L. Darley

My telephone number is 301-333-1350 (Fax# 333-1041)

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

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

RECEIVED

May 18, 1992

Mr. Robert Covahey, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Taco Bell Restaurant
9938 York Road
Project No. 921262

Dear Mr. Covahey:

In response to our review of the above referenced print, we reiterate our comments in our letter to you of May 11th concerning the use of the existing 30' use in common entrance for access to this property. An access permit must be issued through this office prior to the issuance of any permits from Baltimore County.

If you have any questions concerning this matter, please contact Peggy Blank of this office at 333-1350.

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

PB:maw

cc: Ms. Susan Wimbley
Mr. Stuart Darley

My telephone number is 301-333-1350 (Fax# 333-1041)

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Dave Thomas, Asst. Chief
Bureau of Public Services

DATE: May 22, 1992

FROM: Ervin McDaniel
Office of Planning & Zoning

PROJECT NAME: TACO BELL - 9928 York Rd

PROJECT NUMBER: 921262

DEVELOPMENT NUMBER: VIII 609

The Office of Planning and Zoning has reviewed the subject Development Plan. Staff opinion concerning the Development Plan reflects the comments on the original Concept Plan. A landscape concept which illustrates Planning comments is attached.

Planning recommendations are as follows:

- The entrance on York Road (MD 45) should be closed to reduce curb cuts in York Road. Provide access from the shopping center drive at the northwest corner of the site. By closing the York Road entrance, the developer would pick up four additional parking spaces. The closing of the York Road entrance is also recommended by the State Highway Administration.
- The landscape design should emphasize enhancement of the York Road streetscape by providing:
 - a uniform row of street trees along the right of way;
 - a solid screen of shrubs to soften the visual impact of paving and unify the site design; and
 - a uniform canopy of trees over the parking areas and driveways.
- A pedestrian walk through the landscaped area should be provided for access from York Road and the transit stop to the restaurant.
- The Development Plan shows a painted stripe at the entrance from the shopping center where the Concept Plan showed a landscape island. Since the project is below the required 7% landscape area within the parking lot, a 5' minimum landscape island should be installed.
- The proposed parking lot curb along the north property line should be extended in order to define the landscape island separating the parking and the adjacent driveway.
- A consistent architectural design should be used on all facades which are visible from public right-of-ways and adjacent properties.

92/126/2.ERV/TXTCAM Pg. 1

7. The dumpster enclosure should be of the same architectural materials and quality as the building. A note should be placed on the plan to this effect.

8. Parking stalls should be reduced to the required 8.5' width to increase island width for planting behind dumpster.

9. Landscape screening should be provided within the island adjacent to the dumpster and parking lane.

10. A ground mounted sign, integrated with the landscape design should be used instead of a pole mounted sign.

11. The placement of smaller signs should be at the corner of the shopping center entrance, and/or the entrance from the shopping center drive at the northwest corner of the project site.

Also attached are a copy of the Concept Plan Comments and a copy of correspondence from the SHA recommending closing the York Road entrance.

EMcD:CMcR:bjs

Attachments

CC: John Alexander

92/126/2.ERV/TXTCAM Pg. 2

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING

New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

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

FROM: P. David Fields, Director - Office of Planning and Zoning

DATE: April 16, 1992

PROJECT NAME: Taco Bell - 9928 York Road

PROJECT NUMBER: VIII-609

GENERAL INFORMATION:

Applicant Name: Taco Bell Corporation

620 Herndon Parkway - STE 200

Herndon, VA 22070

Location: W side of York Rd

S of Church Lane

Councilmanic District: 4th

Growth Management Area: Urban Center - Hunt Valley

Zoning: BR

Acres: .58 acres

Project Proposal:

This site contains an abandoned Hardee's Restaurant on .58 acres, zoned BR. This project proposes to raze the existing restaurant and construct a 2,059 sq. ft. Taco Bell restaurant. Parking will be provided for 34 vehicles. A variance will be requested to permit 34 spaces in lieu of the required 41. A variance is being requested to permit a 22' side setback in lieu of the required 30'. Stormwater Management quantity and quality waivers are also being requested.

Project History:

Check Anticipated Actions and Additional Review Items:

Special Exception _____ Referral to Planning Board _____ PUD _____

Variance ☒ Compatibility _____ Other _____

Waiver _____ Scenic Route _____

RTA Modification _____ Design Review Panel _____

PARTIES TO BE NOTIFIED BY APPLICANT:
(Certified Mail Return Receipt Requested)

All adjacent property owners

Lutherville Comm. Assoc.

Robert Vaughn, III

P.O. Box 6

Lutherville, MD 21093

Greater Timonium Comm. Council

Matt Walker, President

2422 Westridge Rd

Timonium, MD 21093

MEETINGS:

Concept Plan Conference 4/22/92 Community Input Meeting / /

Development Plan Conference / / Hearing Officer's Hearing / /

Planning Board / /

GENERAL COMMENTS:

The concept plan submitted does not meet the requirements (see attached) set up by Baltimore County. The plan should be revised prior to the community input meeting to reflect the following:

- Remove all existing site features from the concept plan that are not part of the site proposal;

2. Use the concept plan legend developed by Baltimore County;
3. Show all property within 200' of the site boundaries on the plan.
4. Show the landscape concept on the site proposal map.

MASTER PLAN

The proposed use is consistent with the Master Plan. The Central Sector portion of the Master Plan recommended a comprehensive Urban Plan for the area which would include effective means to achieve high visual quality of design and amenity. In response to this directive, the Hunt Valley Timonium Redevelopment Study has been prepared and will be submitted to the Planning Board. The design recommendations of the Hunt Valley Timonium Redevelopment Study should be followed.

COMMUNITY PLAN

The Hunt Valley Timonium Redevelopment Study, Section VIII, Design Quality, provides recommendations regarding improving the visual quality of the York Road corridor regarding signage, curb cuts, safety, discordant architecture and lack of landscaping. Specific applications of these recommendations are as follows:

1. The study recommends consolidation of commercial activity to reduce the number of curb cuts on York Road. Integration of this project with the surrounding shopping center by closing the direct York Road access and providing access to the project from the shopping center driveway directly adjacent to the site would achieve this objective.
2. This project offers an opportunity to improve the visual quality of York Road with attractive landscaping and signage in scale with the development. The open space on the site provides a continuous perimeter for landscaping of the edges and streetscape improvements along York Road. "Action 2", Design Quality, discourages sign variances along York Road. Ground mounted signs are preferable to pole mounted free standing signs.

TRANSPORTATION

The Average Daily Trips (ADT) should be shown on the plan.

The proposed site is in an "F" level intersection traffic shed, Padonia Road at York Road (MD 45), as identified on the 1992 Basic Services Transportation Map.

The Mass Transit Administration (MTA) provides bus service along this section of York Road (MD 45) by the number 9 bus line. The peak period headways of this bus line and the additional headways as proposed by the Central Light Rail Line Feeder Bus Study may qualify this development for a parking space reduction as stated in the Baltimore County Zoning Regulation, Section 409.6 B.1. The developer should verify the headways on the feeder bus lines with MTA.

RECOMMENDATIONS:

1. The entrance on York Road (MD 45) should be closed to reduce curb cuts in York Road. Provide access from the shopping center drive at the northwest corner of the site.
2. By closing the York Road entrance, the developer would pick up four additional parking spaces.

3. The proposed parking lot curb along the north property line should be extended in order to define the landscape island separating the parking and the adjacent driveway.
4. A pedestrian walk through the landscaped area should be provided for access from York Road and the transit stop to the restaurant.
5. Parking stalls should be reduced to the required 8.5' width to increase island width for planting behind dumpster.
6. A consistent architectural design should be used on all facades which are visible from public right-of-ways and adjacent properties.
7. The dumpster enclosure should be of the same architectural materials and quality as the building.
8. The landscape design should emphasize enhancement of the York Road streetscape by providing:
 - a) a uniform row of street trees along the right of way
 - b) a solid screen of shrubs to soften the visual impact of paving and unify the site design
 - c) a uniform canopy of trees over the parking areas and driveways.
9. Landscape screening should be provided within the island adjacent to the dumpster and parking lane.
10. The use of a pole mounted sign is discouraged. A ground mounted sign should be integrated with the landscape design to improve the aesthetic quality of the site.
11. The placement of smaller signs should be considered at the corner of the shopping center entrance, and/or the entrance from the shopping center drive at the northwest corner of the project site.

Anyone wishing to discuss these comments with the Office of Planning and Zoning Staff should contact Betty Sherman at 887-3211 to schedule an appointment.

Attachment

Division Chief: *[Signature]*

BALTIMORE COUNTY, MARYLAND

SUBJECT: () CONCEPT PLAN COMMENTS () CPC DATE: 4/20/92
(X) DEVELOPMENT PLAN COMMENTS (X) DPC DATE: Comments for 6/2/92

FROM: ZONING - DEVELOPMENT CONTROL
Z.A.D.M.

PROJECT NAME: Taco Bell

PLAN DATE: 3/92
*PLAN RECEIVED 5/15/92
REV.: REV.:

LOCATION: SW/S York Road,
SE Church Lane
(#9928 York Road)

REVISED PLAN KEY:

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

DISTRICT: 8c3
PROPOSAL: Restaurant with Drive-Through
Zoning Petition, Case #92-410-A
Filed 4/9/92 (No Review)

On 4/9/92, a variance petition was filed in the Zoning Office without an appointment or technical review. The plan has been reviewed by the staff at this level of detail and with the exception of comment #2, has been found to be in general compliance with the Baltimore County Zoning Regulations. The following additional advisory comments are generalized for the development plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. Only if necessary, will the following comments be up-dated and/or supplemented during review of the building permit.

1. Include the zoning petition case number 92-410-A on the plan.
2. Compliance with Section 413 (B.C.Z.R.) cannot be determined without inclusion of the menu board (as a free-standing sign) with accurate free-standing sign details for all such signs. Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Sections 413.2 and .5 (B.C.Z.R.) and all zoning sign policies or a zoning variance is required.

(Over)

DEVELOPMENT PLAN COMMENTS
PROJECT NAME: Taco Bell
DPC DATE: Comments for 6/2/92
PAGE 2

3. Provide a zoning history by case number on the plan including the date of the last Order, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case number 74-160-A. Confirm that the variance relief granted on the plan is to be abandoned.
4. Final zoning approval is contingent first, upon all plan comments being addressed on the development plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

[Signature]
JOHN L. LEWIS
Planner II

JLL:scj

cc: John R. Alexander
Zoning Case #92-410-A

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 18, 1992

William Monk
William Monk, Inc.
222 Bosley Avenue
Towson, MD 21204

RE: Preliminary Petition Review
Item #423; Case #92-410-A
Legal Owner: Gus Stratakis & Van Stakes
Lessee: Taco Bell, Inc.
9928 York Road
8th Election District

Dear Mr. Monk:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Compliance with Section 413 (B.C.Z.R.) cannot be determined without inclusion of the menu board (as a free-standing sign) with accurate free-standing sign details for all such signs. Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Sections 413.2 and .5 (B.C.Z.R.) and all zoning sign policies or a zoning variance is required.

William Monk
May 18, 1992
Page 2

2. Provide a zoning history by case number on the plan including the date of the last Order, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case number 74-160-A. Confirm that the variance relief granted on the plan is to be abandoned.

If you need further information or have any questions, please do not hesitate to contact John Lewis at 887-3391.

Very truly yours,

[Signature]
W. Carl Richards, Jr.
Zoning Coordinator

By: John L. Lewis
Planner II

JLL:scj

cc: John R. Alexander

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 6, 1992

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 herein on:

May 18, 1992, Baltimore County Courthouse, 111 West Chesapeake Avenue, Towson, Maryland 21204 at 10:00 a.m.

Case #92-410-A
9928 York Road, Suit B-7, SE Church Lane
Taco Bell, Inc.
The Zoning Commission will consider the following:
1. A zoning petition for a change from B-7 to B-7.1.
2. A zoning petition for a change from B-7.1 to B-7.2.
3. A zoning petition for a change from B-7.2 to B-7.3.
4. A zoning petition for a change from B-7.3 to B-7.4.
5. A zoning petition for a change from B-7.4 to B-7.5.
6. A zoning petition for a change from B-7.5 to B-7.6.
7. A zoning petition for a change from B-7.6 to B-7.7.
8. A zoning petition for a change from B-7.7 to B-7.8.
9. A zoning petition for a change from B-7.8 to B-7.9.
10. A zoning petition for a change from B-7.9 to B-7.10.

Variance to permit a 32 ft. wide sign in lieu of the required 40 ft. and to permit 24 parking spaces in lieu of the required 42 spaces.

[Signature]
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Gus Stratakis
Van Stakes
Stuart Orr
William Monk, Inc.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

WILLIAM MONK, INC.

PLANNING - LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS, SUITE B-7
222 BOSLEY AVENUE, TOWSON, MD 21204
744-5131

LETTER OF TRANSMITTAL

DATE 4/2/92	OUR JOB NO. 423
FILE NO.	YOUR JOB NO.
ATTENTION	
RE: VARIANCE APPLICATION	
TACO BELL	
9928 YORK ROAD	

TO ZADM
BALTO CO

GENTLEMEN:

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

DRAWING NO.	FILE NO.	DESCRIPTION	ACTION
12		PRINTS	
1		APPLICATION CHECK	
1		#25000 (N62523)	
3		APPLICATION FORMS	
3		ZONING DESCRIPTIONS	
1		200 SCALE ZONING MAP	

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ As requested ☐ Submit _____ copies for distribution
☐ For your use ☐ Resubmit _____ copies for approval ☐ Return _____ corrected prints
☒ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

Please put receipt in pile up bin + call
no plan review has reviewed this info

COPY TO:

SIGNED: *[Signature]* BENTLEY K. JAY

If enclosures are not so noted, kindly notify us at once.