

8/3

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE		
NEC Belair Rd. & Rossville Blvd.	*	ZONING COMMISSIONER
7933-7935 Belair Road		
Taco Bell	*	OF BALTIMORE COUNTY
14th Election District		
6th Councilmanic District	*	Case No. 93-472-SPHXA
Legal Owner: Emil B. Pielke		
Applicant: Taco Bell	*	
Petitioners		

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing, Special Exception and Variance for the property located at 7933-7935 Belair Road near the Perry Hall community of Baltimore County. The Petitions are filed by the subject property owner, Emil B. Pielke and the Applicant/Lessee, Taco Bell Corporation. Within the Petition for Special Exception, approval is sought for a fast food restaurant drive-thru with outdoor seating in a B.R. zone, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). In the alternative, the Petitioners seek relief under the Petition for Special Hearing to approve a fast food restaurant drive-thru with outdoor seating as permitted by right in all business zones (B.R., B.M. and B.L.). Further, under the Petition for Special Hearing, a determination is sought that the requirements of Section 409.10.B apply only to the stacking requirements per the individual use as set forth in Section 409.10.A. Lastly, significant variance relief is requested. This includes variances from the following sections:

1. From Section 238.2 of the B.C.Z.R. to permit a setback of 32 ft. between buildings in lieu of the required 60 ft.
2. From Section 301.1.A and 238.2 to permit an open projection (canopy) with a setback of 4 ft. in lieu of the required 22.5 ft. as measured from the proposed building to the lease line.

3. From Section 409.10.B. to permit the drive-thru lane to cross the principal pedestrian access to the facility.

4. From Section 409.6.A.2 to permit 45 parking spaces in lieu of the required 64.

5. From Section 413.2.F. to permit 316 sq. ft. of business signs in lieu of the maximum permitted 100 sq. ft. and to permit 16 signs (including one free-standing, 7 directional signs, 2 speaker posts and 3 menu boards), in lieu of the permitted maximum of 3 signs; and

6. From Section 413.1.E.(2) to permit internally illuminated directional signage with advertising aspects (Petitioner's logo) in lieu of permitted non-illuminated directional signage with no advertising aspect.

All of the relief is more particularly shown on Petitioners' Exhibit No. 7, the plat to accompany the Petitions.

Appearing at the requisite public hearing held for this case was Anthony K. Byrd, on behalf of the Lessee/Petitioner, Taco Bell Corporation. Also appearing and participating at the hearing was William Monk, a land use planning/environmental planning and zoning consultant. Further, Tunnie Ping, a land surveyor who assisted in the preparation of the site plan was present. Emil B. Pielke, property owner, also appeared at the hearing, as did Richard E. Hurdle, an architect who has designed the proposed improvements. There were no Protestants present. However, Ervin McDaniel and Hillorie Richman, of the Office of Planning and Zoning, attended the hearing.

Testimony and evidence presented at the hearing was that the subject site is 1.2345 acres in net area and is zoned B.R.-C.S.-2 and B.R. The property is located on the highly commercial corridor adjacent to Belair Road (U.S. Route 1). The site is just north of Belair Road's access to the Baltimore Beltway (I-695), at its intersection with Rossville Boulevard.

Previously, the property was used as a retail center (Valley View Farms store). However, it is now vacant. Numerous commercial/retail uses surround the site. These include a Toyota dealership immediately to the north on Belair Road, a large shopping center to the south, and a Levitz Furniture store to the east. As noted above, this is a highly commercialized strip.

Taco Bell has entered into a lease with the property owner to construct a Taco Bell fast food restaurant on site. Also proposed is a Hot-N-Now drive-thru restaurant. The proposed improvements, which include the restaurant buildings as well as a parking and driveway scheme are clearly shown on the site plan.

The Taco Bell restaurant will be similar to other Taco Bell outlets which exist throughout Baltimore County. The format and style of these restaurants is well known to residents of Baltimore County and this Zoning Commissioner. The Taco Bell restaurant will be 2,348 sq. ft. in area. It will serve a southwestern food menu and will contain indoor seating. Further, a drive-thru is proposed for carryout pick-up.

The Hot-N-Now facility is somewhat new to Baltimore County. Although other sites have been approved for Hot-N-Now restaurants, no such restaurants are currently operating in the County. The Hot-N-Now chain is owned by Taco Bell and features a distinct fast food menu. Specifically, hamburgers, french fries and similar fast foods are sold. Additionally, unlike other fast food restaurants, such as McDonalds, Burger King, etc., there is no seating area. The Hot-N-Now restaurant building is only 828 sq. ft. in area and caters exclusively to carry-out business. A double driveway is proposed with order/pick-up windows on both sides of the building.

Although the site plan speaks for itself, certain features of the proposed layout are of note. It is first to be observed that the property lies

immediately adjacent to the busy intersection of Belair Road and Rossville Boulevard. Thus, there are two entrances to the site which will promote better traffic flow. One entrance is from Belair Road and the other from Rossville Boulevard. Further, the site is served by all public utilities and the Petitioner intends on installing an underground storm water management system. Further, certain landscape is proposed as shown on the site plan.

As to the Petition for Special Hearing, same relates to the proposed Hot-N-Now restaurant. The Taco Bell restaurant is permitted at this property as of right (see Sections 236.1, 233.1 and 230.4 of the B.C.Z.R.). However, the Hot-N-Now facility may need a special exception to be authorized. I comprehensively address this issue in case No. 93-429-SPHXA. In that case, a Hot-N-Now restaurant was proposed to be located in a B.M. zone, more specifically in the Eastpoint Mall Shopping Center. Within the body of that opinion, I determined that a Hot-N-Now restaurant must be considered as a drive-thru restaurant pursuant to the applicable provisions of the B.C.Z.R. Thus, I concluded that the Hot-N-Now facility in that case required special exception approval to be authorized. I also noted, within that opinion, proposed legislation contained within Bill No. 110-93. At that time, the Bill had been introduced to the County Council but had not been considered and voted upon. That Bill comprehensively defines all types of restaurant uses. Under the Bill, the contemplated Hot-N-Now restaurant would be considered a restaurant, fast food, drive-thru, only facility which is permitted in a B.R. zone as of right.

Further, since the issuance of my opinion in case No. 93-429-SPHXA, the County Council has, in fact, considered and passed that legislation. Currently, the legislation, which has been signed by the County Executive,

awaits only the expiration of the 45 day waiting period before same becomes law.

In view of these developments, it is clear that the County Council intends on classifying a Hot-N-Now type facility as permissible by right in a B.M. zone. Thus, based on the enactment of this legislation, I will revise my earlier holding in the previous case and grant the Petition for Special Hearing submitted herein. That is, the Hot-N-Now restaurant is permissible as of right at this subject location, zoned B.M.-C.S.-2.

Having resolved the Petition for Special Hearing, in the above fashion, a portion of the Petition for Special Exception becomes moot. Thus, I need not decide that issue, although note in passing that the Hot-N-Now restaurant would meet the standards set forth in Section 502.1 of the B.C.Z.R. based on the evidence and testimony presented. Clearly, the proposed use is not detrimental to the surrounding locale and is appropriate at this location.

Turning to the Petition for Variance, a number of variances are specifically requested.

First, a variance is requested from Section 238.2 of the B.C.Z.R. to permit a setback of 32 ft. between the Taco Bell restaurant and the Hot-N-Now facility. Mr. Monk testified that this variance was necessary due to certain site constraints and to promote a better traffic flow and parking scheme. Clearly, as shown on the site plan and photos presented, the site is of limited area. Moreover, the placement of the existing buildings appears entirely appropriate. They are both located so as to be on the portion of the lot closest to Belair Road, near the roadway. Further, the proposed parking arrangement and traffic flow is appropriate. To require that the buildings be 60 ft. apart would disrupt the scheme. Further, a

denial of the variance would cause a legitimate practical difficulty upon the Petitioner and his property. Thus, this variance shall be granted in that same complies with the applicable standards of Section 307 of the B.C.Z.R.

The second variance requested (from Sections 301.1.A and 238.2) relates to the canopy on the Hot-N-Now building, which is located but 4 ft. from the lease line. It is to be noted that Mr. Pielke owns the property north of the subject site on Belair Road. The variance request relates to the property line of the site leased by the Taco Bell Corporation, as opposed to Mr. Pielke's entire holdings and the property (tract) boundary for same. Again, for the same reasons which were presented in support of the first variance, this variance should also be granted. To require a 22.5 ft. setback of the canopy from the least line would destroy the traffic pattern for the site and interrupt an, otherwise, workable traffic flow. The Petitioner, likewise, met its burden as it relates to Section 307 in this instance, and the variance shall be granted.

The third variance requested relates to the proposed drive-thru lane. The relief requested herein is also referenced within the Petition for Special Hearing. Specifically, the variance relief is sought from Section 409.10.B to permit the drive-thru lane to cross the principal pedestrian access to the facility. As is shown on the site plan, the drive-thru lane forks into 2 lanes to serve each of the proposed restaurants. This split occurs after the lane crosses the pedestrian access. Moreover, none of the stacking spaces intrude on the area comprised by the pedestrian access. Therefore, the Petitioner avers that Section 409.10.B is not applicable to this site plan, or, in the alternative, that variance relief from this section should be granted. After examination of Section 409.10.B., I believe

that same is applicable and that the Petition for Special Hearing must be denied. The section provides only that "the drive-thru lane may not cross the principal pedestrian access to the facility." The natural and plain meaning of the words must be used. See State v. Fabritz, 276 Md. 416 (1975). There is no exception carved in the statute and I will not make one. Thus, I shall deny the Petition for Special Hearing as it relates to this site, but shall grant the Petitioner's variance request in this regard. Again, the traffic flow patterns and double drive-thru feature which is so integral to the Hot-N-Now format justify the granting of the variance.

The fourth variance presented relates to the number of parking spaces provided. The site plan shows that 45 parking spaces are provided, in lieu of required 64. The Petitioner noted again the language of Bill 110-93, which when effective will lessen the spaces required. Even so, the new requirement (50 spaces), cannot be attained. In support of this variance, the Petitioner's witnesses draw on their experience in operating Taco Bell restaurants and Hot-N-Now facilities elsewhere. They believe that the spaces provided are more than adequate. They also observe the limited space available on site due to the acreage of the parcel. Moreover, they note the format of the Hot-N-Now restaurant which contains no indoor seating. Thus, there will be a fast turnaround of the Hot-N-Now patrons who should not occupy parking spaces for any lengthy period. I am persuaded that these arguments are valid. Based upon same, I shall, likewise, grant this variance based upon these reasons. In my view, the Petitioner has satisfied its burden at law in this respect.

The fifth variance relates to signage on the property as specifically outlined above. This variance ties in with the last variance noted in the Petition, as it relates to an internally illuminated directional sign with

ORDER RECEIVED FOR FILING

Date

By

advertising logos. As it relates to this variance, the combined marketing approach proposed is of note. There are few, if any, similar marketing strategies presently existing in Baltimore County. Although Taco Bell and Hot-N-Now are owned by the same corporate conglomerate, their marketing strategies are different. The Taco Bell menu features southwestern items whereas Hot-N-Now is oriented towards classic American fast food. Additionally, although Taco Bell features a large seating area, Hot-N-Now has no seating space. These differences mandate which might otherwise be considered excess signage under the regulations. Clearly, sufficient directional signs are necessary to promote proper traffic flow. Further, adequate signage is needed to advertise the varied services and food items offered. I reviewed the site plan closely as it relates to the location and number of signs. I believe that the plan is entirely appropriate with this use, as well as the surrounding locale. Thus, this variance shall also be granted.

Having disposed of the items requested within the Petitions, attention is next turned to several of the Zoning Plans Advisory Committee (ZAC) comments which were offered by the reviewing Baltimore County agencies. First, it is to be noted that a comment was originally received from the Mass Transit Administration that a bus stop be implemented on Belair Road at this location. However, subsequently, a corrected comment was received from the MTA that this request was withdrawn. Thus, the original request as contained within the MTA's letter, dated May 13, 1993, will be disregarded and a bus stop shelter will not be required.

Secondly, a comment was received from the Office of Planning and Zoning (OPZ) suggesting uniform architectural treatment connecting the two fast food restaurants. In fact, proposed architectural elevation drawings were submitted from OPZ. In response to this request by OPZ, substantial testimo-

ny was received from the Taco Bell representatives. As noted above, Taco Bell and Hot-N-Now facilities, although owned by the same corporation, are radically different in scope and marketing strategy. The proposed Taco Bell facility will be of a southwestern architectural style in keeping with the Tex-Mex menu. The Hot-N-Now with its distinctive lightning bolts, is more in keeping with the classic American fast food menu. I am persuaded by the Petitioner's argument in this respect. Although I am appreciative of the comments from OPZ, the divergent marketing strategies to be employed justify that similar architectural improvements are not warranted. Thus, I will not require the Petitioner to comply with OPZ's comment in this respect.

Lastly, several comments were received relating to what might be labeled development issues. It is to be noted that this project has received a limited exemption pursuant to Section 26-127(b) of the Baltimore County Development regulations. This exempts the project from the Community Input Meeting and the Hearing Officer's hearing. However, the development regulations require the Petitioner to nonetheless submit a plan in accordance with Baltimore County standards and regulations. I am persuaded that the other comments received as part of this case have been/will be satisfied during that development process. Thus, additional restrictions shall not be imposed.

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

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 30th day of August, 1993, that, pursuant to the Petition for Special Exception, approval for a fast food restaurant drive-thru with outdoor

seating in a B.R. zone, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby dismissed as MOOT; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing approval for a fast food restaurant drive-thru with outdoor seating in a B.M. zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval of a determination that the requirements of Section 409.10.B of the B.C.Z.R. apply only to the stacking requirements per the individual use as set forth in Section 409.10.A, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 238.2 of the B.C.Z.R. to permit a setback of 32 ft. between buildings in lieu of the required 60 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 301.1.A and 238.2 to permit an open projection (canopy) with a setback of 4 ft., in lieu of the required 22.5 ft., as measured from the proposed building to the lease line, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.10.B. to permit the drive-thru lane to cross the principal pedestrian access to the facility, be and is hereby GRANTED; and,

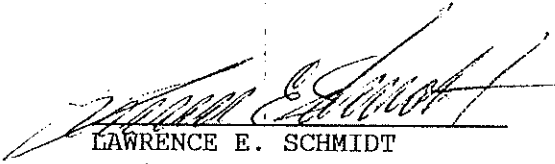
IT IS FURTHER ORDERED that a variance from Section 409.6.A.2 to permit 45 parking spaces in lieu of the required 64, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.2.F. to permit 316 sq. ft. of business signs in lieu of the maximum permitted 100 sq. ft. and to permit 16 signs (including one free-standing, 7 directional signs, 2 speaker posts and 3 menu boards), in lieu of the permitted maximum of 3 signs, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.1.E.(2) to permit internally illuminated directional signage with advertising aspects (Petitioner's logo), in lieu of permitted non-illuminated directional signage with no advertising aspect, be and is hereby GRANTED, subject, however to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its 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.

LES:mmn



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 30, 1993

Mr. William Monk
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204

RE: Case No. 93-472-SPHXA
Petitions for Special Hearing, Special Exception and Variances
Legal Owner: Emil P. Pielke
Applicant/Lessee: Taco Bell Corporation

Dear Mr. Monk:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing, Special Exception and Variances have been granted, in part, and denied, in part, 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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

encl.

cc: Mr. Anthony K. Byrd, Taco Bell Corp., 620 Herndon Pkwy. Suite 200
Herndon, VA 22070
cc: Mr. Emil B. Pielke, 7937 Belair Road, Baltimore, Md. 21236-5718



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

7933 Belair Road

which is presently zoned BR-CS-2

BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

- 1) a restaurant ~~drive-thru~~ ^{FAST FOOD} with outdoor seating as a use to be permitted by right in all of the business zones (BR, BM, and BL).
- 2) that the requirements of Section 409.10(B) apply only to the stacking requirements per the individual use as set forth in Section 409.10(A).

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

I, or we, agree to pay expenses of above Special Hearing 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.

~~Contract Purchaser/Leasee~~ Applicant

Taco Bell/Anthony Byrd

(Type or Print Name)

Signature

620 Herndon Parkway, Suite 200

Address

Herndon, VA 22070

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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):

Emil B. Pielke

(Type or Print Name)

Signature

(Type or Print Name)

Signature

7937 Belair Road

661-6629

Address

Phone No.

Baltimore, MD

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

William Monk, Inc.

Name

222 Bosley Avenue, B-7 410-494-8931

Address Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

7933 Belair Road

which is presently zoned

BR-CS-2

BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a restaurant, drive-thru with

outdoor seating.

FAST FOOD

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

I, or we, agree to pay expenses of above Special Exception 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.

~~Special Exception/Exception~~ Applicant

Taco Bell/Anthony Byrd

(Type or Print Name)

Anthony K. Byrd

Signature

620 Herndon Parkway, Suite 200

Address

Herndon, VA 22070

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Emil B. Pielke

(Type or Print Name)

Emil B. Pielke

Signature

(Type or Print Name)

Signature

7937 Belair Road

661-6629

Address

Phone No.

Baltimore, MD

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

William Monk, Inc.

Name

222 Bosley Ave., B-7

410-494-8931

Address

Phone No.

Towson, MD 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 HRS

the following dates _____ Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY: *JS* DATE 6/29/93



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7933 Belair Road

which is presently zoned BR-CS-2
BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s)

(1) SECTION 238.2 TO PERMIT A SETBACK OF 32' BETWEEN BUILDINGS IN LIEU OF THE REQUIRED 60' (2) A VARIANCE TO SECTION 301.1(A) AND 238.2 TO PERMIT AN OPEN PROJECTION (CANOPY) WITH A SETBACK OF 4 FEET IN LIEU OF THE REQUIRED 22.5 FEET MEASURED FROM THE PROPOSED BUILDING TO THE LEASE LINE. (3) SECTION 409.10 (B) TO PERMIT THE DRIVE-THRU LANE TO CROSS THE PRINCIPAL PEDESTRIAN ACCESS TO THE FACILITY. (4) SECTION 409.6 A(2) TO PERMIT 45 PARKING SPACES IN LIEU OF THE REQUIRED 64 SPACES. (5) SECTION 413.2 (F) TO PERMIT 316 SQ. FT. OF BUSINESS SIGNS IN LIEU OF THE MAXIMUM PERMITTED 100 SQ. FT. AND TO PERMIT 16 SIGNS (1 FREE STANDING, 7 DIRECTIONAL SIGNS, 2 SPEAKER POSTS AND 3 MENU BOARDS IN LIEU OF THE MAXIMUM PERMITTED 3 SIGNS ON ANY PREMISES). (6) A VARIANCE IS REQUESTED TO SECTION 413.1 E(3) TO PERMIT INTERNALLY ILLUMINATED DIRECTIONAL SIGNAGE WITH ADVERTISING ASPECTS (LOGO) IN LIEU OF PERMITTED NON-ILLUMINATED DIRECTIONAL SIGNAGE WITH NO ADVERTISING ASPECT.

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.

Contact Purchaser/Lessee: Applicant

Taco Bell/Anthony Byrd

(Type or Print Name)

Signature

620 Herndon Parkway, Suite 200

Address

Herndon, VA 22070

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

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):

Emil B. Pielke

(Type or Print Name)

Signature

(Type or Print Name)

Signature

7937 Belair Road

Address

661-6629

Phone No.

Baltimore, MD

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

William Monk, Inc.

Name

222 Bosley Avenue, Suite B-7 494-8931

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

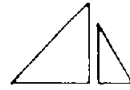
unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

WINDWARD



Incorporated

ASSOCIATES

CONSULTING ENGINEERS • PLANNERS • SURVEYORS

477
93-472-SPHXA

ZONING DESCRIPTION

#7933 & 7935 BELAIR ROAD
Fourteenth Election District
Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the Easterly right of way line of Belair Road (U.S. Route 1), said point being the following two (2) courses and distances from the centerline intersection of Belair Road and Rossville Boulevard, viz:

- A. South 49° 48' 20" East, 60 feet ±
- B. North 40° 46' 51" East, 77 feet ±

Thence from the point of beginning,

- 1. North 40° 46' 51" East, 89.90 feet,
- 2. Northeasterly by a curve to the left having a Radius of 11,511.16 feet, an arc distance of 55.26 feet, subtended by a chord of North 42° 02' 36" East, 55.26 feet,
- 3. South 49° 48' 20" East, 305.26 feet,
- 4. South 39° 28' 16" West, 176.23 feet,
- 5. North 49° 48' 20" West, 277.11 feet,
- 6. North 06° 42' 08" West, 45.05 feet to the point of beginning.

CONTAINING 1.2345 Acres (53,776 Sq.Ft.) of Land more or less.



15 South Parke Street Suite 400 Aberdeen, Maryland 21001
(410) 272-1441 (410) 575-6553
272-4963 (FAX)

WILLIAM MOOK, INC.

PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT

COURTHOUSE COMMONS, SUITE B-7
222 BOSLEY AVENUE, TOWSON, MD 21204

LETTER OF TRANSMITTAL

TO BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING

DATE <u>6/23/93</u>	OUR JOB NO. <u>93-30</u>
FILE NO.	YOUR JOB NO.
ATTENTION	
RE: <u>9733 9735 BELAIR ROAD</u>	

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
	(3)	PETITIONS FOR VARIANCE	
	(3)	PETITIONS FOR SPECIAL EXCEPTION	
	(3)	PETITIONS FOR SPECIAL HEARING	
	(3)	ZONING RESOLUTIONS	
	(1)	APPLICATION FEE 755.00	
		CHECK #	
	(12)	PRINTS	
	(1)	ZONING MAP (200 SCALE)	

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:

COPY TO: ANTHONY BYRD

SIGNED: W. Mook

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

93-472-SHA



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

477

Date

6/29/93

By JLL.

(3) PETITIONS
TOTAL

VARIANCE - 020

SPECIAL HEARING 040

SPECIAL EXCEPTION 050

3 SIGNS 080

= CODE 070 at \$650.00

\$105.00

TOTAL: \$755.00

OWNER PIELKE

7933-35 BELAIR RD.

02A02H0292NICHRC
BA 0002:32PH06-29-93

\$755.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

93-472-SPHXA



Baltimore County
Zoning Administration
Development Management
111 West Chesapeake
Towson, Maryland 21204

Date
6/29/93

(3) PETITIONS
TOTAL

VARIANCE

SPECIAL HEARING

SPECIAL EXCEPTION

3 SIG

OWNER PLECKE

7933-35 BELAIR RD

Cashier Validation

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 21204 or Room 118, Old Courthouse,

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1993

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-472-SPHXA

District 14th Date of Posting 7/18/93

Posted for: Special Hearing, Exception & Variance

Petitioner: Emil Pietke & Taco Bell

Location of property: 7933-36 Belair Rd., NE corner Belair & Rossview Blvd

Location of Signs: Facing roadway, on property of Petitioners

Remarks:

Posted by [Signature] Date of return: 7/19/93

Number of Signs: 3



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-472-SPHXH

District 14th

Date of Posting 7/18/93

Posted for: Special Hearing, Exception & Variance

Petitioner: Emil Pietke & Taco Bell

Location of property: 7933-36 Belair Rd., NE cor Belair & Russell Blvd

Location of Signs: Facing road way, on property of Petitioners

Remarks: _____

Posted by _____

Signature

Date of return: 7/19/93

Number of Signs: 3



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 in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 93-472-SPHXA
(Item 477)
7933-7935 Belair Road
Taco Bell
NEC Belair Road and
Rossville Boulevard
14th Election District
6th Councilmanic
Legal Owner(s):
Emil B. Pielke
Applicant:
Taco Bell
HEARING: TUESDAY,
AUGUST 3, 1993 at 10:00
a.m. in Rm. 118, Old
Courthouse.

Special Hearing: to approve a restaurant, fast food, drive-thru with outdoor seating as a use to be permitted by right in all of the business zone; and that the requirements of Section 409.10(B) apply only to the stacking requirements per the individual use as set forth in Section 409.10(A).

Special Exception: for a restaurant, fast food, drive-thru with outdoor seating as a use to be permitted by right in all of the business zone; and that the requirements of Section 409.10(B) apply only to the stacking requirements per the individual use as set forth in Section 409.10(A).

Circuit Court, this 2nd day of July 1993, the sale made and reported by Laurence B. Flader, Substitute Trustee appointed for the sale of the property described in and confirmed thirty (30) days from the date of this Notice, unless cause be shown to the contrary, be given to the provided a copy of this Notice be inserted in some Newspaper published in this County, once in each of three (3) successive weeks. The report states the amount of the sale to be \$171,000.00. SUZANNE MENSH, Clerk

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

7/15, 1993

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 7/15, 1993

THE JEFFERSONIAN,

A. H. Hemickson
LEGAL AD. - TOWSON

Publisher

TO: PUTUXENT PUBLISHING COMPANY
JULY 15, 1993 Issue - Jeffersonian

Please forward billing to:

William Monk, Inc.
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204
410-494-8931

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-472-SPHXA (Item 477)
7933-7935 Belair Road - Taco Bell
NEC Belair Road and Rossville Boulevard
14th Election District - 6th Councilmanic
Legal Owner(s): Emil B. Pielke
Applicant: Taco Bell
HEARING: TUESDAY, AUGUST 3, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve a restaurant, fast food, drive-thru with outdoor seating as a use to be permitted by right in all of the business zone; and that the requirements of Section 409.10(B) apply only to the stacking requirements per the individual use as set forth in Section 409.10(A).

Special Exception for a restaurant, fast food, drive-thru with outdoor seating.

Variance to permit a setback of 32 feet between buildings in lieu of the required 60 feet; to permit an open projection (canopy) with a setback of 4 feet in lieu of the required 22.5 feet measured from the proposed building to the lease line; to permit the drive-thru lane to cross the principal pedestrian access to the facility; to permit 45 parking spaces in lieu of the required 64 spaces; to permit 316 sq. ft. of business signs in lieu of the maximum permitted 100 sq. ft.; to permit 16 signs (1 free-standing, 7 directional signs, 2 speaker posts, and 3 menu boards) in lieu of the maximum permitted 3 signs on any premises; to permit internally illuminated directional signage with advertising aspects (logo) in lieu of the permitted non-illuminated directional signage with no advertising affect.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 9, 1993

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
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or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Emil B. Pielke/7937 Belair Road/Baltimore MD
Anthony Byrd/Taco Bell/620 Herndon Parkway#200/Herndon VA 20070
William Monk, Inc./222 Bosley Avenue #B-7/Towson MD 21204

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 28, 1993

Mr. William Monk
222 Bosley Avenue STE B-7
Towson, MD 21204

93

RE: Case No. ~~84~~-472-SPHXA, Item No. 477
Petitioner: Emil B. Pielke, et al
Petition for Special Exception, Special
Exception and Variance

Dear Mr. Monk:

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 indicate the appropriateness of the zoning action requested, but 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 June 29, 1993, and a hearing was 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.

Zoning Plans Advisory Committee Comments

Date: July 28, 1993

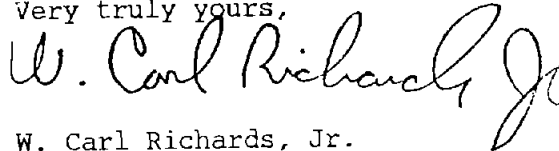
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Helene Kehring in the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,



W. Carl Richards, Jr.
Zoning Coordinator

WCR:hek
Enclosures

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

July 27, 1993

Mr. Benjamin Brockway
Biota
3746 Peach Orchard Road
Street, Maryland 21154

Re: Forest Conservation Worksheet
Taco Bell Site 05-1678
Rossville Blvd. at Belair Road

Dear Mr. Brockway:

The Environmental Impact Review Section has reviewed your Forest Conservation Worksheets and the following comments are made:

1. The Gross Area according to the plan is 67,306 square feet or 1.55 acres. However, calculations on your Forest Conservation Worksheet are based on 1.23 acres which you refer to as a "disturbed area". While calculations in this case may be based upon the limit of disturbance, you must show this limit on the plan so that we can verify your information.
2. A note should be placed on the grading plan as follows:
'Compliance with the Forest Conservation Regulations will be met by payment of a fee in lieu of \$0.40 per square foot.'
3. Grading Permit(s) (or Building Permit(s) if applicable) will be held until the fee in lieu has been paid.

Review of your calculations will continue once you provide us with information noted in number 1 above. If you have any questions, please contact Mr. Steve Armiger at 887-3226.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia M. Farr".

Patricia M. Farr
Program Supervisor
Environmental Impact Review

PMF:SA:tmm



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

July 22, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #477
Taco Bell, 7933 Belair Road
Zoning Advisory Committee Meeting of July 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

1. Development of the property must comply with the Forest Conservation Regulations.
2. Existing underground storage tanks must be shown on the Development Plan with a note stating that tanks shall be removed under permit prior to razing.

JLP
JLP:jbm

TACOBELL/TXTSBP

✓

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

July 22, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #477
Taco Bell, 7933 Belair Road
Zoning Advisory Committee Meeting of July 12, 1993

Ret No 4

~~The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:~~

1. Development of the property must comply with the Forest Conservation Regulations.
2. Existing underground storage tanks must be shown on the Development Plan with a note stating that tanks shall be removed under permit prior to razing.

JLP:jbm

TACOBELL/TXTSBP

~~ADP/DP~~
JUN 14 1993

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

June 10, 1993

(410) 887-3733

Mr. Tunnie Ping
Windward Associates, Inc.
15 South Parke Street
Suite 400
Aberdeen, Maryland 21001

Noted No
5

RE: TACO BELL, 7933 BELAIR ROAD
Waiver Request

Dear Mr. Ping:

This is in response to your letter of May 12, 1993, requesting a waiver of storm water management requirements for the above referenced project.

This office has reviewed the material submitted with your letter and has determined that a waiver of quantity management may be granted under the provisions of Section 14-155 (c) (2) of Article V of the "Baltimore County Code of Laws". Section 14-155 (c) (2) allows granting of a waiver if the parcel of land under consideration is less than two acres in size and is surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the additional development.

Water quality management must be provided for the first half-inch of runoff from all new impervious areas, and all runoff must be conveyed to suitable outfalls. Grading and building permits will not be released until a water quality plan is approved. Our take-off indicates that there will be an increase of 0.18 acres of new impervious area. (The decrease in impervious area, as reflected on your computation sheets, is not supported by the data shown on the drawings.) Infiltration is the preferred quality management practices and should not be dismissed in favor of water quality inlets without appropriate subsurface investigation and (if necessary) project reconfiguration.

If there are any questions, please contact Ed Schmaus at 887-3768.

Very truly yours,

Thomas L. Vidmar

Thomas L. Vidmar, P.E.
Chief

Bureau of Engineering Services

TLV:pms

cc: Mr. Rick Dills, Soil Conservation District
Mr. Robert Berner, Storm Drain & Construction
Ms. Pat Farr, Environmental Impact Review



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

DATE: July 23, 1993

FROM: Ervin McDaniel, Chief,
Development Review Section
Office of Planning and Zoning

SUBJECT: 7933 Belair Road
(TACO BELL/HOT 'N' NOW - ITEM No. 477)

SUMMARY AND RECOMMENDATIONS:

The Petitioner is requesting several variances for building setbacks, signage, a special exception for a restaurant fast food drive-thru with outdoor seating, a special hearing for a restaurant fast food drive-thru with outdoor seating as a use permitted by right in all business zones and the stacking requirement in Section 409.10(B) apply only to individual uses in Section 409.10(A). This project was also granted a limited exemption from the Development Regulations on May 24, 1993 (Section 26-171(B)(9)).

On May 14, 1993, a Concept Plan Conference was held on this Plan with a follow-up meeting and letter dated May 25, 1993 sent to Mr. Ping, Vice-President of Windward Associates, Inc., the engineer for this project. As a result of those meetings and letter, there are only two outstanding issues that this Plan does not address, 1) a bus shelter should be provided at this location and 2) a uniform architectural treatment tying the the two buildings together should be provided.

Staff recommends that the Developer of this site should provide a bus shelter at this location to encourage the use of transit by both employees and patrons.

Staff also recommends that there be a uniform architectural treatment connecting the two fast food restaurants. Since these two buildings are sharing the same site and within proximity, staff believes that the two structures should be connected in the manner shown on the attached sketch. By connecting the two structures architecturally, the visual appearance of the facilities would be greatly enhanced while maintaining each facility's identity and function.

Division Chief: Ervin McDaniel

EMCD:bjs

Attachment

CC: File

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 19, 1993
 Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Senior Engineer
 Development Plan Review

RE: Zoning Advisory Committee Meeting
 for July 19, 1993
 Item No. 477

The Development Plan Review Division has reviewed the subject zoning item. The Concept Plan and Development Plan comments are still applicable to this site.

RWB:s

✓



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

7-14-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: +477 (JLL)

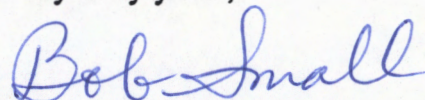
Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

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

7/12/93

JW 6146-93

RECEIVED

JUL 12 1993

ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: July 9, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 19, 1993 Meeting

- #473 - No comments
- #474 - No comments
- #475 - No comments
- #476 - No comments
- #477 - Building shall be built in compliance with the 1991 Life Safety Code.
- #1 - No comments
- #2 - No comments
- #3 - No comments
- #4 - No comments
- #5 - No comments
- #6 - A fire hydrant is required at the entrance to the site.
- Building shall be built in compliance with the 1991 Life Safety Code.
- #7 - No comments

JLP/dal

cc: File



300 West Lexington Street
Baltimore, Maryland 21201-3415

MASS TRANSIT ADMINISTRATION

May 13, 1993

Mr. Arnold Jablon
Director of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

*County
Ex No 1*

RE: Taco Bell (7933 Belair Road)

Dear Mr. Jablon:

As part of the Mass Transit Administration's "Access by Design" program, the MTA has reviewed the development plans for the referenced project. The MTA operates the No. 43 along Belair Road adjacent to the proposed development.

The MTA recommends that the developer create a bus stop with a shelter on Belair Road between Rossville and Klein according to MTA specifications. Mr. Leonard Barber of the MTA Operations Planning Department will be the contact person to coordinate implementation. He can be reached at 333-3373.

Please feel free to contact me at 333-3381 if you have any questions.

Sincerely,

Stuart M. Sirota
Project Manager

cc: Mr. Leonard Barber
Mr. Jeff Mayhew

RE: PETITION FOR SPECIAL HEARING, : BEFORE THE ZONING COMMISSIONER
SPECIAL EXCEPTION AND VARIANCE
NEC Belair Rd. & Rossville : OF BALTIMORE COUNTY
Blvd (7933-7935 Belair Rd.
Taco Bell), 14th Election Dist. : Case No. 93-472-SPHXA
6th Councilmanic Dist.
:
EMIL B. PIELKE, Owner
TACO BELL/ANTHONY BYRD, :
Applicant :

: : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 22nd day of July, 1993,
a copy of the foregoing Entry of Appearance was mailed to Emil B. Pielke,
7937 Belair Rd., Baltimore, MD 21236; Taco Bell/Anthony Byrd, 620 Herndon
Parkway, Suite 200, Herndon, VA 22070; and William Monk, Inc., 222 Bosley
Ave., B-7, Towson, MD 21204.

Peter Max Zimmerman

Peter Max Zimmerman

Do not remove
staples

Baltimore County Government
Office of Zoning Administration
and Development Management



Ref No 3

111 West Chesapeake Avenue
Towson, MD 21204

May 27, 1993

(410) 887-3353

Mr. William P. Monk
William Monk, Inc.
Courthouse Commons - Suite B-7
222 Bosley Avenue
Towson, MD 21204

Re: Limited Exemption Approval - Plan required
Taco Bell/Hot-N-Now Restaurants
7933 Belair Rd - 14C6 - DRC No. 5243E

Dear Mr. Monk:

On May 24, 1993, the Development Review Committee reviewed the plan submitted on the above referenced project and determined it to be a Limited Exemption under Section 26-171(b) of the Baltimore County Development Regulations. This exempts your development from the Community Input Meeting (CIM) and the Hearing Officer's Hearing (HOH). The \$40.00 fee receipt is enclosed.

The following requirements are necessary to further process your development plan:

1. Submit two (2) check prints of the plan, prepared in accordance with Sec. 26-203 of the Baltimore County Development Regulations to:
Zoning Administration and Development Management, County Office Building,
Room 123, 111 West Chesapeake Ave., Towson, MD
2. Submit a copy of this Limited Exemption Approval letter together with the check prints.

Your plan will then be reviewed. If any changes are necessary you will be instructed to revise the check print, at which time, you may continue in accordance with the following:

3. After the check print plan has been corrected and accepted, twenty two (22) copies of the revised plan must be submitted to the Bureau of Public Services (see address above).
4. The development plan review fee is \$1,344.00 (Fee schedule effective 4/1/92, Baltimore County Code, Section 15.9(c)). Payment can be either a certified or cashier's check made payable to Baltimore County, MD, and must accompany submittal of the 22 copies of the plan.



William P. Monk

Re: Taco Bwell, et al - Ltd Exemption DRC #5243E

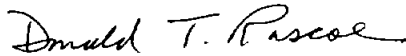
5/27/93

p. 2

Also enclosed are comments from the State Highway Administration (SHA) for your attention.

If you have any questions, please do not hesitate to call me at 410-887-3353.

Respectfully submitted,



Donald T. Rascoe, Manager
Development Management

DTR:ggl

Enc.

c: Taco Bell Corp./NE Zone
620 Herndon Parkway - Suite 200
Herndon, VA 22070
TACOBELL/TXTGGL

Case No
4481

Part of file # 93-472-SPHXA

Do not remove staples
Do not un-fold
Just show case number

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>
Bill Monic	222 BELLEVUE NE SUITE B-7 TOWSON 21204
ANTHONY K. BYRD	TACO BELL CORP. 620 HERMON PKWY SUITE 200 HERMON VA 22070
TUNNIE PING	2419 BEACH AVE BALTIMORE CO. MD 21221
Emil B. Pielke	7937 Belair Road Baltimore MD 21236-5718
Richard E. Hurdle	Zivic & Hurdle Architects 9500-C Lee Highway Fairfax, Virginia 22031
STANLEY FINE, ESQ	20 S CHAS ST BALTO, MD 21201
PETER FREITAS	8850 STANFORD BLVD COLUMBIA, MD 21045



PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

ERVIN MCDANIEL

OPZ

Willow Richmond

OP2



COUNTY COUNCIL OF BALTIMORE COUNTY MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 14

BILL NO. 110-93

MR. C. A. DUTCH RUPPERSBERGER, COUNCILMAN

By Request of the County Executive

BY THE COUNTY COUNCIL, JULY 6, 1993

A BILL
ENTITLED

Ret No 6

AN ACT concerning

Restaurants

FOR the purpose of amending the Baltimore County Zoning Regulations in order to define various types of restaurants and other food or entertainment facilities; authorizing certain types of restaurants and other food or entertainment facilities to be located in certain zones of the County, either by right or by Special Exception; specifying the parking requirements for restaurants and other food or entertainment facilities; and generally relating to zoning requirements for restaurants and other food or entertainment facilities in Baltimore County.

BY adding

Section 101 - Definitions, the definitions of Catering Hall, Standard Restaurant, Fast Food Restaurant, Fast Food, Drive-Through Only Restaurant, Carry-Out Restaurant, Nightclub, and Tavern, alphabetically.
Baltimore County Zoning Regulations, as amended.

BY repealing and re-enacting, with amendments

1. RESTAURANT, FAST FOOD: AN ESTABLISHMENT WHOSE PRINCIPAL BUSINESS IS TO
2. SELL READY-TO-CONSUME FOOD AND BEVERAGES IN DISPOSABLE CONTAINERS AND WHICH IS
3. NOT A DRIVE-IN RESTAURANT. A FAST FOOD RESTAURANT HAS SOME OR ALL OF THE
4. FOLLOWING CHARACTERISTICS:

5. A) PREPACKAGED FROZEN, CHILLED OR SEALED FOOD AND MEALS ARE COOKED IN
6. ADVANCE FOR IMMEDIATE SALE.

7. B) FOOD AND BEVERAGES ARE ORDERED OVER THE COUNTER OR BY MOTORISTS FROM
8. WITHIN THEIR VEHICLES.

9. C) FOOD AND BEVERAGES ARE CONSUMED ON THE PREMISES OF THE RESTAURANT, OR
10. WITHIN A MOTOR VEHICLE ON OR OFF THE PREMISES.

11. RESTAURANT, FAST FOOD, DRIVE-THROUGH ONLY: A FAST FOOD RESTAURANT, AS
12. DEFINED IN SECTION 101, EXCEPT THAT NO CUSTOMER SEATING IS PROVIDED INSIDE THE
13. RESTAURANT. FOOD AND BEVERAGES ARE ORDERED BY MOTORISTS FROM A DRIVE-THROUGH
14. LANE OR FROM A WALK-UP WINDOW ON THE OUTSIDE OF THE BUILDING, OR WITHIN A
15. VESTIBULE. ORDERS ARE PRIMARILY CONSUMED OFF THE PREMISES, BUT RESTAURANTS MAY
16. PROVIDE SEATING AT TABLES OUTSIDE THE BUILDING ON THE PREMISES.

17. RESTAURANT, CARRY-OUT: AN ESTABLISHMENT WHOSE PRINCIPAL BUSINESS IS THE
18. SALE OF READY-TO-CONSUME FOOD AND BEVERAGES TO CUSTOMERS WHO ORDER THEIR FOOD AND
19. BEVERAGES OVER THE COUNTER, BY TELEPHONE OR FAX MACHINE AND WHOSE PRINCIPAL
20. CHARACTERISTIC IS THAT FOOD AND BEVERAGES ARE CONSUMED OFF THE PREMISES.

21. NIGHTCLUB: A TAVERN OR OTHER COMMERCIAL ESTABLISHMENT WHICH PROVIDES
22. LIVE OR RECORDED ENTERTAINMENT, WITH OR WITHOUT A DANCE FLOOR, AND WHICH IS
23. CATEGORIZED AS A NIGHTCLUB BY THE BUILDING CODE OF BALTIMORE COUNTY.

24. TAVERN: AN ESTABLISHMENT WHICH HAS A BALTIMORE COUNTY CLASS D LIQUOR
25. LICENSE. A TAVERN WHICH MEETS THE CRITERIA OF NIGHTCLUB, AS DEFINED IN THESE
26. REGULATIONS, SHALL BE CONSIDERED A NIGHTCLUB.

1. Section 1A06 R.C.C. (Commercial) Zones
2. 1A06.2 - Use Regulations
3. A. Uses permitted as of right.
4. 2. Commercial and service uses:
5. CARRY-OUT RESTAURANTS, STANDARD restaurants and
6. {bars} TAVERNS (except drive-in or drive-through
7. facilities);
8. Section 200.2 - Use Regulations in R.A.E. 1 Zones
9. A. Uses Permitted
10. 15. STANDARD restaurants, with no dancing or live
11. entertainment permitted
12. 15a. CARRY-OUT RESTAURANTS
13. Section 201 - R.A.E. 2 Zones
14. 201.2 - Use Regulations
15. A. Uses Permitted
16. 20. STANDARD restaurants, with dancing or entertainment
17. permitted
18. 20a. CARRY-OUT RESTAURANTS
19. B.L. Zone - Business, Local
20. Section 230 - Use Regulations
21. The following uses only are permitted (see Section
22. 230.12):

1. {Public Restaurant, but food may be served and
2. eaten on the premises only by persons seated at inside tables or counters; it may
3. not be served to persons remaining in cars.}

4. CARRY-OUT, FAST FOOD AND STANDARD RESTAURANT

5. M.L. Zone - Manufacturing, Light

6. Section 253 - Use Regulations

7. 253.1 - Uses permitted as of right.

8. C. The following auxiliary retail or service
9. uses or semi-industrial uses, provided that any such use is located in a planned
10. industrial park at least 25 acres in net area or in an I.M. district, in neither
11. case with any direct access to an arterial street other than a Class I Commercial
12. Motorway:

13. 19. CARRY-OUT, FAST FOOD, AND STANDARD
14. restaurants, except drive-in restaurants

15. 409.6 Required Number of Parking Spaces

16. A. General Requirements - The standards set forth below shall
17. apply in all zones unless otherwise noted. Where the required number of
18. off-street parking spaces is not set forth for a particular type of use, the
19. Zoning Commissioner shall determine the basis of the number of spaces to be
20. provided. When the number of spaces calculated in accordance with this
21. subsection results in a number containing a fraction, the required number of
22. spaces shall be the next highest whole number.

SHOULD NOT EXCLUDE
DRIVE-IN RESTAURANTS

LEGISLATOR DUTCH
CAN PRO. KOUTER
- 7 -

SHOULD NOT HAVE TO DRIVE FROM HOME
TO GET WORK

1. space next to the transaction station. The following are the minimum number of
2. required stacking spaces by type use:
3. Automotive Service Station As required in Section 405
4. Bank 5 for the first station, plus 2 for each
5. additional station
6. Car Wash As required in Section 419
7. Restaurant, FAST FOOD 7 per station, 5 of which must be
8. behind the order board
9. RESTAURANT, FAST FOOD, SINGLE DRIVE-THROUGH LANE:
10. DRIVE-THROUGH ONLY 1) MINIMUM OF 10 STACKING SPACES IF
11. WALK-UP WINDOW IS PROVIDED;
12. 2) MINIMUM OF 12 STACKING SPACES IF
13. THERE IS NO WALK-UP WINDOW.
14. DOUBLE-DRIVE-THROUGH LANE:
15. 1) 16 SPACES, WITH NO LESS THAN 5
16. STACKING SPACES PER LANE, IF WALK-UP
17. WINDOW IS PROVIDED;
18. 2) 20 SPACES, WITH NO LESS THAN 5
19. SPACES PER LANE, IF THERE IS NO WALK-UP
20. WINDOW.
21. Other Uses As determined by the zoning commissioner

22. B. The drive-through lane shall be distinctly marked by special
23. striping or pavement markings, and shall not block entry to or exit from
24. off-street parking spaces otherwise required on the site. The drive-through lane
25. may not cross the principal pedestrian access to the facility, EXCEPT THAT IN THE
26. CASE OF A DRIVE-THROUGH ONLY RESTAURANT WITH TWO DRIVE-THROUGH LANES, THE
27. DRIVE-THROUGH LANES ARE PERMITTED TO CROSS THE PEDESTRIAN ACCESS IF A PAINTED
28. CROSS WALK IN ASSOCIATION WITH WARNING SIGNS FOR PEDESTRIANS AND MOTORISTS IS
29. PROVIDED. THE CROSSWALK MAY NOT BE LOCATED BETWEEN VEHICLE STACKING SPACES.

30. SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take
31. effect forty-five days after its enactment.

less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above. [B.C.Z.R., 1955.]

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955.]

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided: [B.C.Z.R., 1955.]

- a. That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and [B.C.Z.R., 1955.]
- b. That all other requirements of the height and area regulations are complied with; and [B.C.Z.R., 1955.]
- c. That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements. [B.C.Z.R., 1955.]

Section 305--REPLACEMENT OF DESTROYED OR DAMAGED DWELLINGS [B.C.Z.R., 1955.]

In case of complete or partial casualty loss by fire, wind-storm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling may be restored provided area and/or height deficiencies of the dwellings¹⁵ before the casualty are not increased in any respect. [B.C.Z.R., 1955.]

Section 306--MINOR PUBLIC UTILITY STRUCTURES [B.C.Z.R., 1955.]

Minimum lot area regulations in any zone shall not apply to repeater, booster, or transformer stations, or small community dial offices. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

Section 307--VARIANCES [B.C.Z.R., 1955; Bill No. 107, 1963.]

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential

SECTION 304 Use of Undersized Single-Family Lots

304.1 A one-family DETACHED OR SEMI-DETACHED dwelling may be erected on a lot having an area or width at the building line less than that required by the [height and] area regulations [, provided:] CONTAINED IN THESE REGULATIONS IF:

a. [That] such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to [adoption of these Regulations; and] MARCH 30, 1955; AND

b. [That] all other requirements of the height and area regulations are complied with; and

c. [That] the owner of the lot does not own sufficient adjoining land to conform [substantially] to the width and area requirements CONTAINED IN THESE REGULATIONS.

304.2.(A) ANY PERSON DESIRING TO ERECT A DWELLING PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL FILE WITH THE OFFICE OF ZONING ADMINISTRATION, AT THE TIME OF APPLICATION FOR A BUILDING PERMIT, PLANS SUFFICIENT TO ALLOW THE OFFICE OF PLANNING AND ZONING TO PREPARE RECOMMENDATIONS IN ACCORDANCE WITH THE GUIDELINES PROVIDED IN SUBSECTION (B) BELOW. ELEVATION DRAWINGS MAY BE REQUIRED IN ADDITION TO PLANS AND DRAWINGS OTHERWISE REQUIRED TO BE SUBMITTED AS PART OF THE APPLICATION FOR A BUILDING PERMIT. PHOTOGRAPHS REPRESENTATIVE OF THE NEIGHBORHOOD WHERE THE LOT OR TRACT IS SITUATED MAY BE REQUIRED BY THE OFFICE OF PLANNING AND ZONING IN ORDER TO DETERMINE APPROPRIATENESS OF THE PROPOSED NEW BUILDING IN RELATION TO EXISTING STRUCTURES IN THE NEIGHBORHOOD.

(B) AT THE TIME OF APPLICATION FOR THE BUILDING PERMIT, AS PROVIDED ABOVE, THE DIRECTOR OF ZONING ADMINISTRATION SHALL REQUEST COMMENTS FROM THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING (THE DIRECTOR). WITHIN FIFTEEN (15) DAYS OF RECEIPT OF A REQUEST FROM THE DIRECTOR OF ZONING ADMINISTRATION, THE DIRECTOR SHALL PROVIDE TO THE OFFICE OF ZONING ADMINISTRATION WRITTEN RECOMMENDATIONS CONCERNING THE APPLICATION WITH REGARD TO THE FOLLOWING:

Post-It Fax Note	7071	Date	# of pages 1
To Ken Masters	From Stella Lowery		
Co./Dept	Co. 7 ADM		

1. 1. SITE DESIGN: NEW BUILDINGS SHALL BE APPROPRIATE IN THE
2. CONTEXT OF THE NEIGHBORHOOD IN WHICH THEY ARE PROPOSED TO BE LOCATED.
3. APPROPRIATENESS SHALL BE EVALUATED ON THE BASIS OF NEW BUILDING SIZE, LOT
4. COVERAGE, BUILDING ORIENTATION AND LOCATION ON THE LOT OR TRACT.

5. 2. ARCHITECTURAL DESIGN: APPROPRIATENESS SHALL BE EVALUATED
6. BASED UPON ONE OR MORE OF THESE ARCHITECTURAL DESIGN ELEMENTS OR ASPECTS:

7. I. HEIGHT;
8. II. BULK OR MASSING;
9. III. MAJOR DIVISIONS, OR ARCHITECTURAL RHYTHM, OF FACADES;
10. IV. PROPORTIONS OF OPENINGS SUCH AS WINDOWS AND DOORS IN
11. RELATION TO WALLS;
12. V. ROOF DESIGN AND TREATMENT; AND,
13. VI. MATERIALS AND COLORS, AND OTHER ASPECTS OF FACADE
14. TEXTURE OR APPEARANCE.

15. 3. DESIGN AMENDMENTS: THE DIRECTOR MAY RECOMMEND APPROVAL,
16. DISAPPROVAL, OR MODIFICATION OF THE BUILDING PERMIT TO CONFORM WITH THE
17. RECOMMENDATIONS PROPOSED BY THE OFFICE OF PLANNING AND ZONING.

18. 304.3 PUBLIC NOTICE. UPON APPLICATION FOR A BUILDING PERMIT PURSUANT TO
19. THIS SECTION, THE SUBJECT PROPERTY SHALL BE POSTED CONSPICUOUSLY UNDER THE
20. DIRECTION OF THE OFFICE OF ZONING ADMINISTRATION WITH NOTICE OF THE APPLICATION
21. FOR A PERIOD OF AT LEAST FIFTEEN (15) DAYS. WITHIN THE FIFTEEN (15) DAY
22. POSTING PERIOD, ANY OWNER OR OCCUPANT WITHIN 1,000 FEET OF THE LOT MAY FILE A
23. WRITTEN REQUEST FOR A PUBLIC HEARING WITH THE OFFICE OF ZONING ADMINISTRATION,
24. AND A HEARING SHALL BE SCHEDULED WITHIN THIRTY (30) DAYS FROM RECEIPT OF THE
25. REQUEST FOR PUBLIC HEARING. THE OFFICE OF ZONING ADMINISTRATION SHALL ESTABLISH
26. APPROPRIATE FEE SCHEDULES.

1. SCHEDULED WITHIN THIRTY (30) DAYS FROM RECEIPT OF THE REQUEST FOR PUBLIC
2. HEARING. AT THE PUBLIC HEARING, THE ZONING COMMISSIONER SHALL MAKE A
3. DETERMINATION WHETHER THE PROPOSED DWELLING IS APPROPRIATE.

4. 304.5 FINAL APPROVAL.

5. (A) THE DIRECTOR OF ZONING ADMINISTRATION MAY ISSUE THE BUILDING
6. PERMIT; OR

7. (B) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, THE DIRECTOR OF
8. ZONING ADMINISTRATION MAY REQUIRE A PUBLIC HEARING BEFORE THE ZONING COMMISSIONER
9. PURSUANT TO 304.4 ABOVE; OR

10. (C) IF THE OFFICE OF ZONING ADMINISTRATION HAS NOT NOTIFIED THE
11. APPLICANT OF A DETERMINATION PURSUANT TO THE PROVISIONS OF THIS SECTION, OR HAS
12. NOT NOTIFIED THE APPLICANT PURSUANT TO SUBSECTION 304.4 ABOVE OF THE INTENTION TO
13. REQUIRE A PUBLIC HEARING, THE DWELLING SHALL BE CONSIDERED APPROPRIATE FOR
14. PURPOSES OF THIS SECTION.

15. 304.6 THE DECISION OF THE ZONING COMMISSIONER OR THE DIRECTOR OF ZONING
16. ADMINISTRATION MAY BE APPEALED, IN WHICH CASE THE HEARING SHALL BE SCHEDULED BY
17. THE BOARD OF APPEALS WITHIN FORTY-FIVE (45) DAYS FROM RECEIPT OF THE REQUEST.

18. 304.7 THE DIRECTOR OF ZONING ADMINISTRATION SHALL ESTABLISH APPROPRIATE
19. FEE SCHEDULES.

20. SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect
21. forty-five days after its enactment.

BO4792/BILLS92

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955;
Bill No. 47, 1992.]

304.1--A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; and {B.C.Z.R., 1955; Bill No. 47, 1992.}
- B. all other requirements of the height and area regulations are complied with; {B.C.Z.R., 1955.}
- C. the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [B.C.Z.R., 1955; Bill No. 47, 1992.]

304.2-A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Office of Zoning Administration, at the time of application for a building permit, plans sufficient to allow the Office of Planning and Zoning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning and Zoning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood. {Bill No. 47, 1992.}

B. At the time of application for the building permit, as provided above, the director of zoning administration shall request comments from the Director of the Office of Planning and Zoning (the director). Within fifteen (15) days of receipt of a request from the director of zoning administration, the director shall provide to the Office of Zoning Administration written recommendations concerning the application with regard to the following: {Bill No. 47, 1992.}

- 1. Site design: New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
- 2. Architectural design: Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:
 - a. height;
 - b. bulk or massing;
 - c. major divisions, or architectural rhythm, of facades;

7937 Delair Road Belts 14 Md

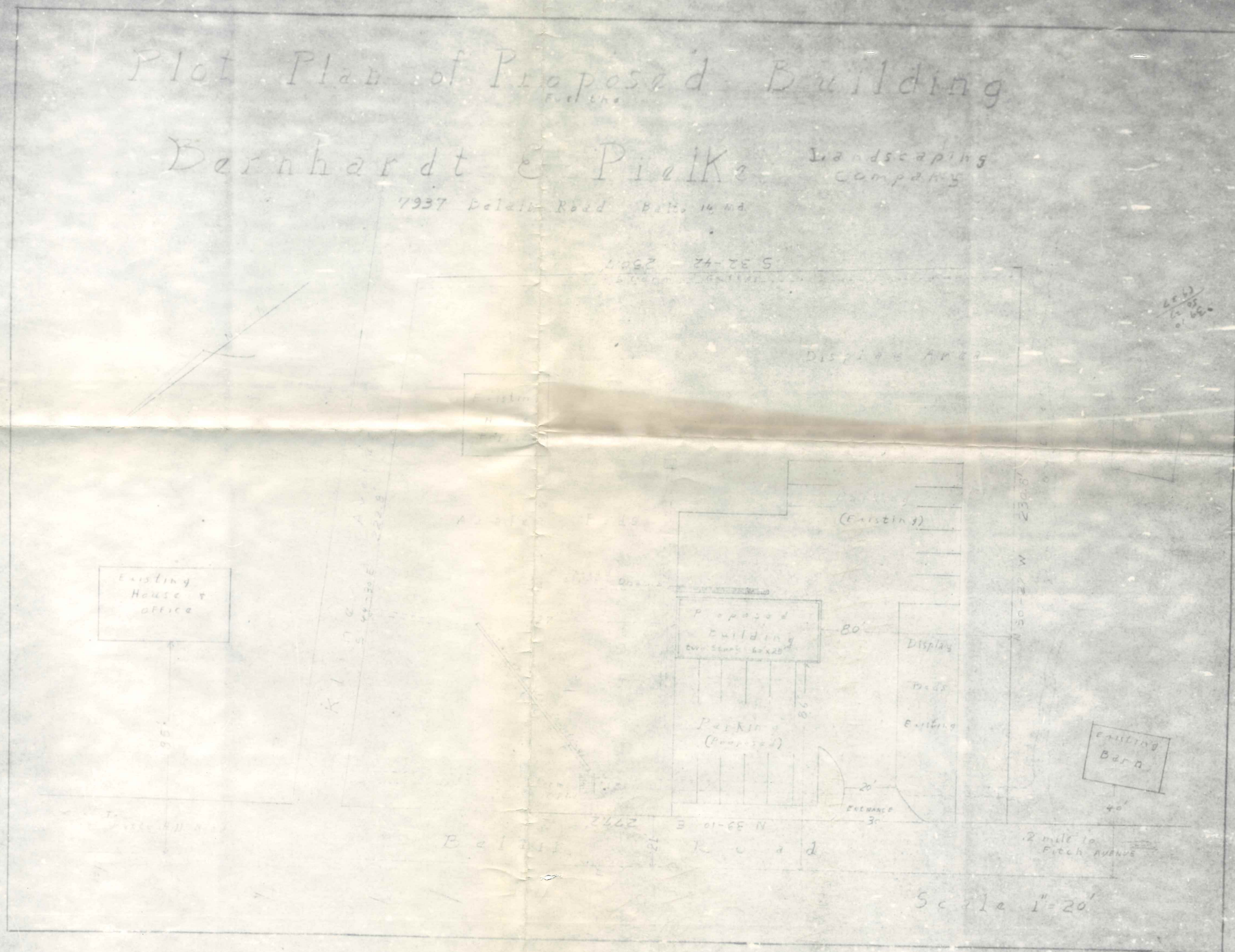
Plot Plan of Proposed Building

Dernhardt & Pielke

Landscaping
Company

1937 Delish Road Bldg. 14.00

1982 74-75 S



Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County

I, or we, Clara S. Finkle

legal owner of the property

7837 Belair Road, Baltimore 6, Maryland - corner E. 14th Avenue

All that parcel of land in the Fourteenth District of Baltimore County on the Southeast corner of Belair Road and E. 14th Avenue; thence Southerly and Eastwardly on the East side of Belair Road 777.2 feet; thence South 50 degrees, 22 minutes East 230.8 feet; thence North 32 degrees 42 minutes East 258.7 feet to the South side of King Avenue; thence Westerly and blinding on the South side of King Avenue 222.6 feet to the place of beginning.

hereby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County from R-6 to B-1 zone.

Reasons for Re-Classification Garage Shop
Location of garage shop and office.

Size and Length of building: 60' x 12' feet depth 25' feet height 12' feet
Front and side set back of building from street line: front 10' side 10' rear 10' feet
Property to be posted as presented by Zoning Regulations.

I, or we, agree to pay expenses of all reclassification advertising posted on signs filed of this petition and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Clara S. Finkle

Clara S. Finkle

Address: 7837 Belair Road, Baltimore 6, Md.

WHEREFORE By The Zoning Commissioner of Baltimore County, this 1st day of August, 1958, that the subject matter of this petition be and is required.

the 10th day of September, 1958, at 11:00 A.M.

Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 27, 1958

THIS IS TO CERTIFY That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County Md. on the 21st, 28th, and 29th days of September, 1958, before the 10th day of September, 1958, the first publication appearing on the 22nd day of August, 1958.

THE JEFFERSONIAN

Frank M. ...

Cost of Advertisement \$

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location, the safety, health and the general welfare of the community not being detrimentally affected.

It is Ordered by the Zoning Commissioner of Baltimore County this 22nd day of September, 1958, that the above described property or area shall be and the same is hereby reclassified, from and after the date of this Order, from an "R-6" (residence) zone to a "B-1" (business local) zone, subject to the approval of the State Roads Commission, the Office of Planning and the Bureau of Land Development.

George R. Lewis
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above reclassification should NOT be had.
It is Ordered by the Zoning Commissioner of Baltimore County, this 22nd day of September, 1958, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF PUBLIC SERVICES Inter-Office Correspondence

From: George R. Lewis September 9, 1958

To: Wilma H. Adams

Subject: Zoning Petition #4481
Reclassification R-6 to B-1
8/8 Cor Belair Rd and Klein Ave.
District 14

This office has the following comment on the referenced petition:

- 1) It appears that there may be a drainage problem existing at this site. Correction of this problem will be subject to Baltimore County approval upon application for a Building Permit.
- 2) The site plan as presented is not approved.

George R. Lewis

George R. Lewis

Chief - Permit Section

Division of Land Development

GR:L

cc: Mr. Stirling (Planning)

August 29, 1958

\$24.00

RECEIVED OF Clara Finkle, petitioner, the sum of Forty Dollars (\$40.00), being cost of petition, advertising and posting property situated at the Southeast corner of Belair Road and King Avenue.
Thank you.

Zoning Commissioner of Baltimore County

RECEIVED

Wednesday, September 10, 1958
at 11:00 A.M.

Room 108
County Office Building
111 N. Chesapeake Avenue
Towson, Maryland

RECEIVED

AUG 19 1958

COMPTROLLER'S OFFICE

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 14th Date of Posting 8-27-58 #4481

Posted for an R-6 zone to an B-1 zone

Petitioner Clara S. Finkle

Location of property S.E. corner of Belair Rd and King Avenue

aka Belair, known as 7837 Belair Road

Location of Signs Posted on property known as 7837 Belair Road

Remarks

Posted by George R. Lewis Date of return 8-28-58

WILLIAM MONK, INC.

Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204-4300

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

ADJACENT LAND USE

**OFFICE
(CONVERTED DWELLING)
NORTH SIDE**



*Part
24*

EAST SIDE



WILLIAM MONK, INC.

WILLIAM MONK, INC.
Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

ADJACENT LAND USE

NORTH SIDE

Belair



WEST SIDE BELAIR ROAD



WILLIAM MONK, INC.

Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204-4300

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

ROSSVILLE BOULEVARD

VIEW LOOKING WEST



lot 2A

VIEW LOOKING EAST



WILLIAM MONK, INC.

WILLIAM MONK, INC.
Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

BELAIR ROAD

VIEW LOOKING NORTH



Ref 213

VIEW LOOKING SOUTH



D.R. 5.5

PUTTY

HILL

AVE.

N 29,000

477

BR-CS-2

BR

BL

RO

D.R. 5.5

BM-CNS

N 561,000

GRAPEHILL RD.

MARTIN AVE.

BL-CS-2

BR-CS-2

BM

SITE

BR

BR

MLR-IM

BM-CNS

MLR-IM

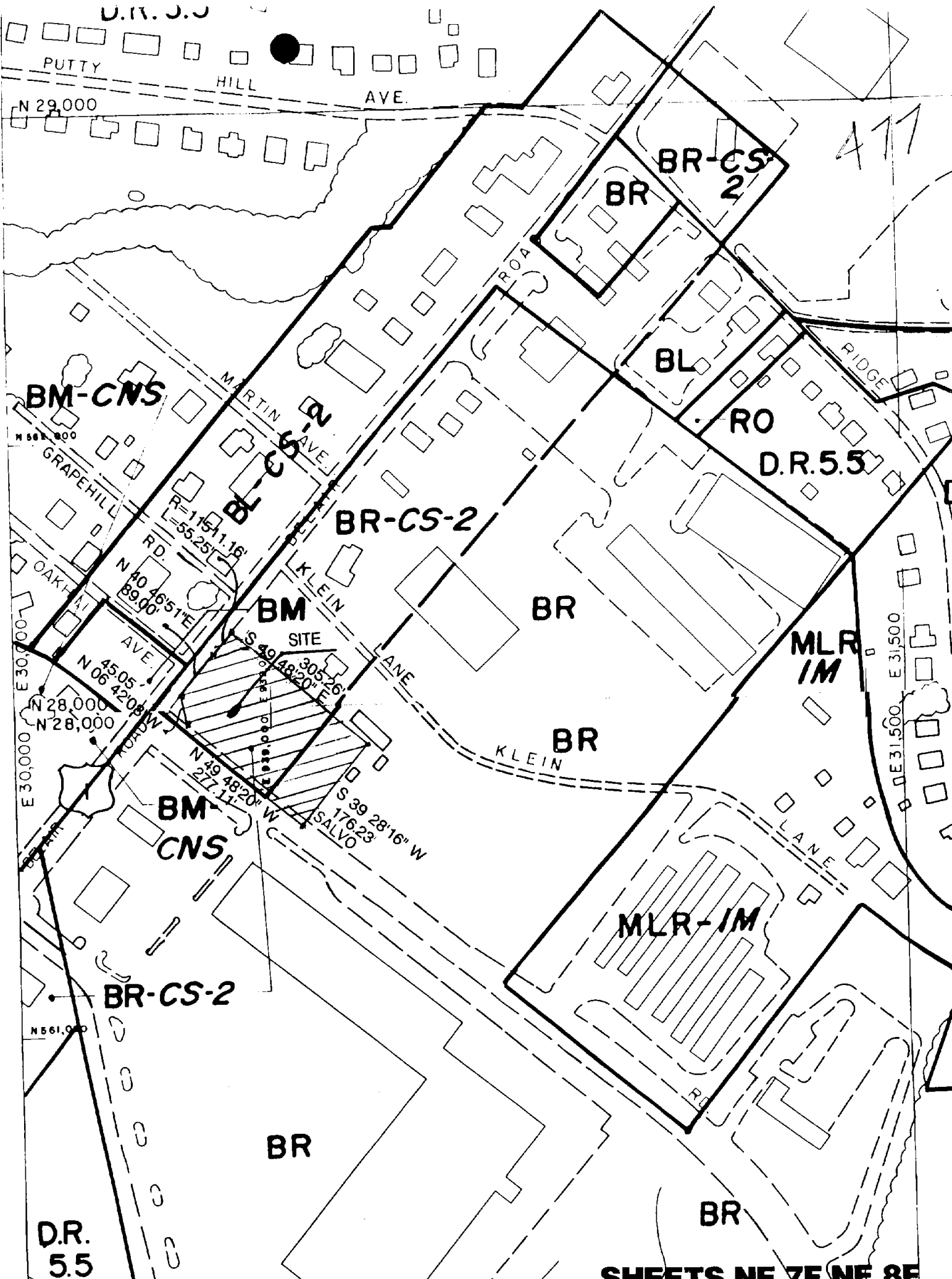
BR-CS-2

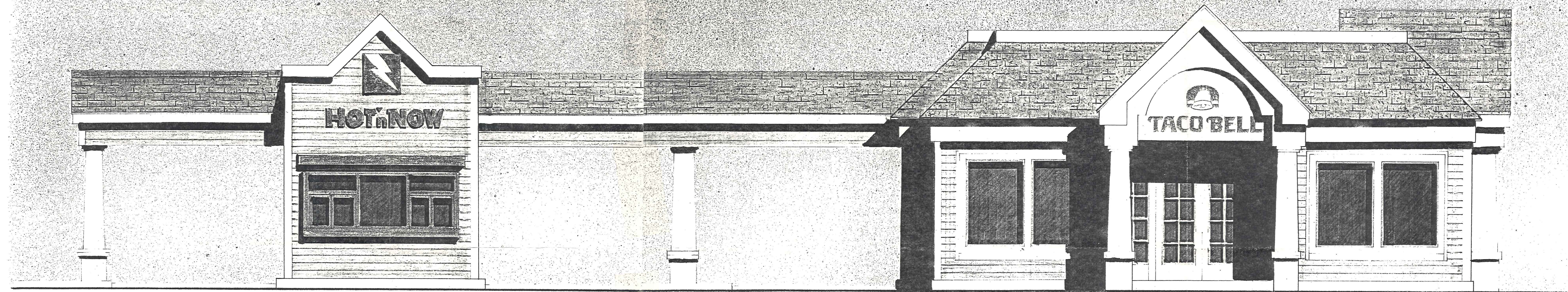
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BR

D.R. 5.5

SHEETS NE 7E NE 8E

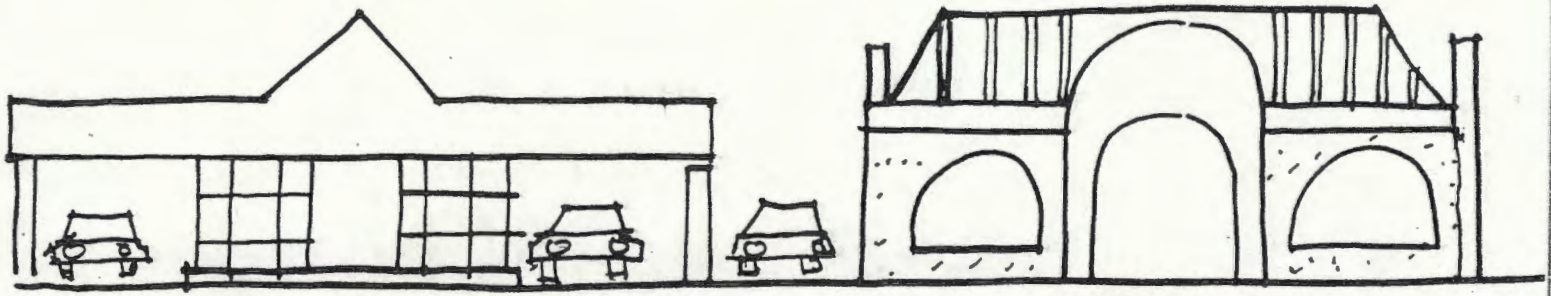




FRONT ELEVATION

CLIFTON PARK, N.Y.

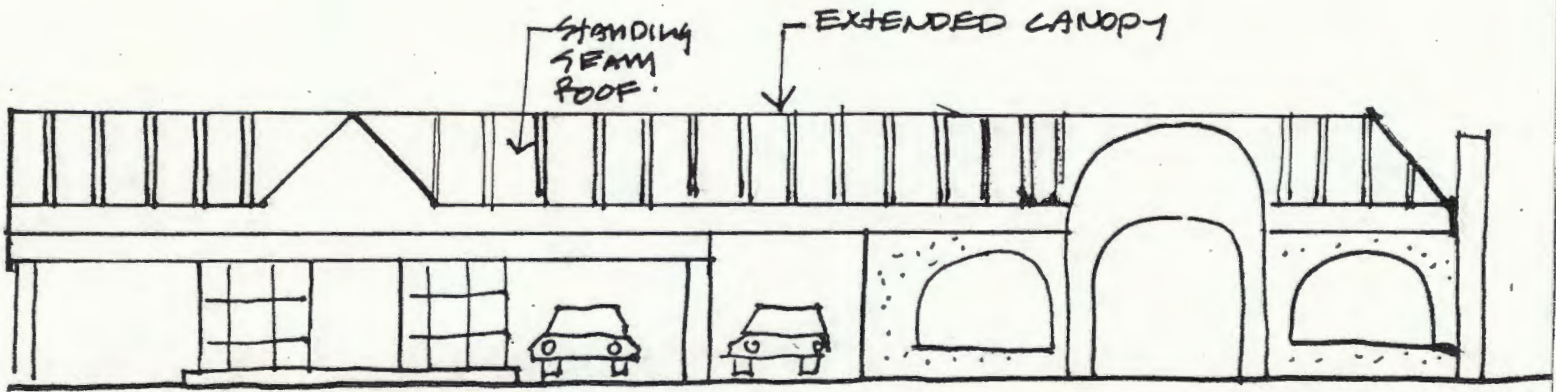
SCALE: 1/4" = 1'-0"



HOT AND NOW

TACO BELL

ELEVATION AS PROPOSED
NOT TO SCALE



HOT AND NOW

TACO BELL

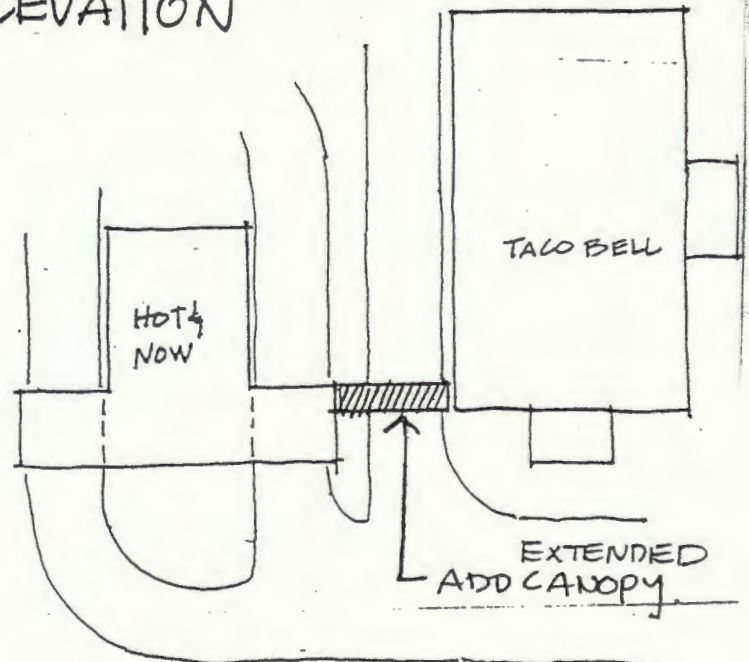
RECOMMENDED ELEVATION
NOT TO SCALE

TACO BELL / HOT & NOW

Site # 05-1678 7933 BELAIR RD.

BALTIMORE COUNTY
MARYLAND

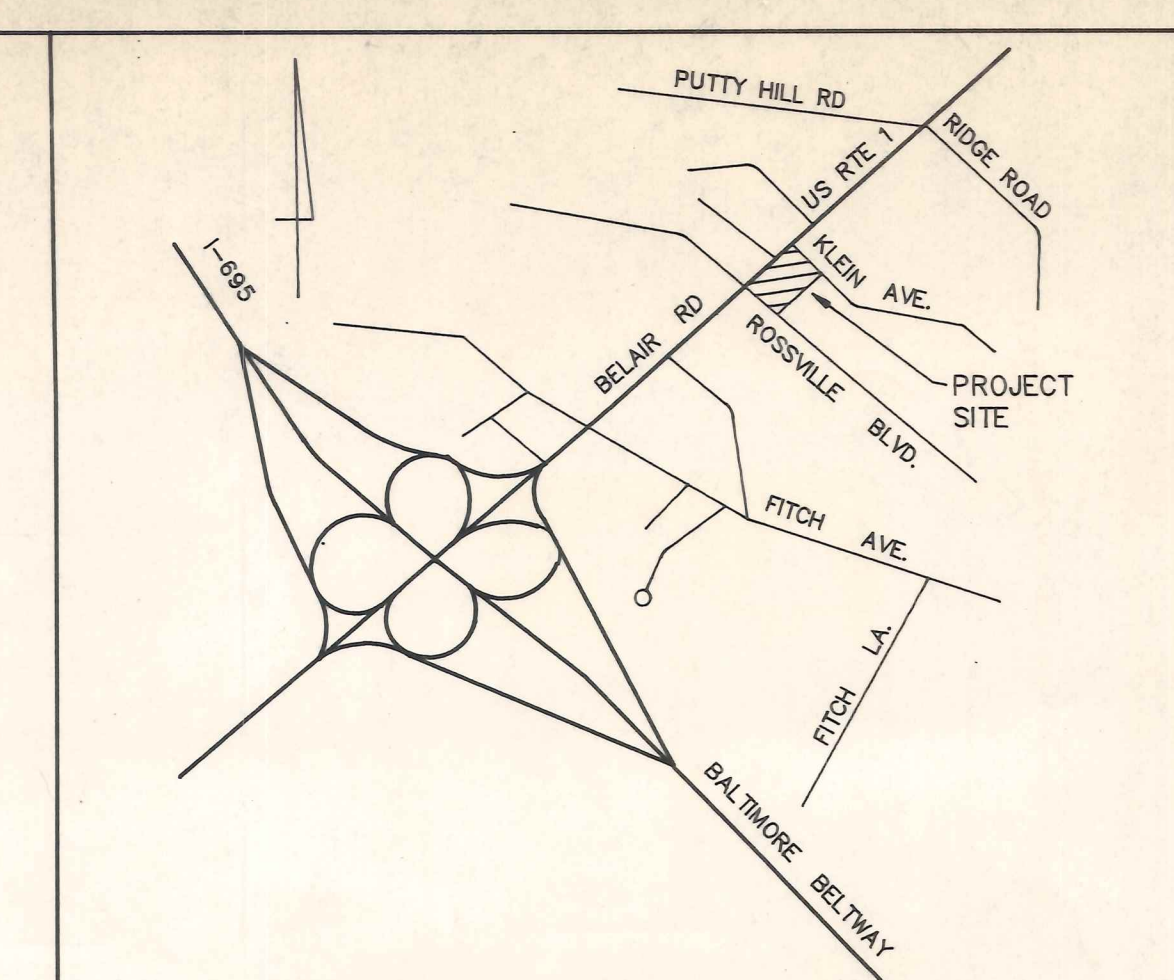
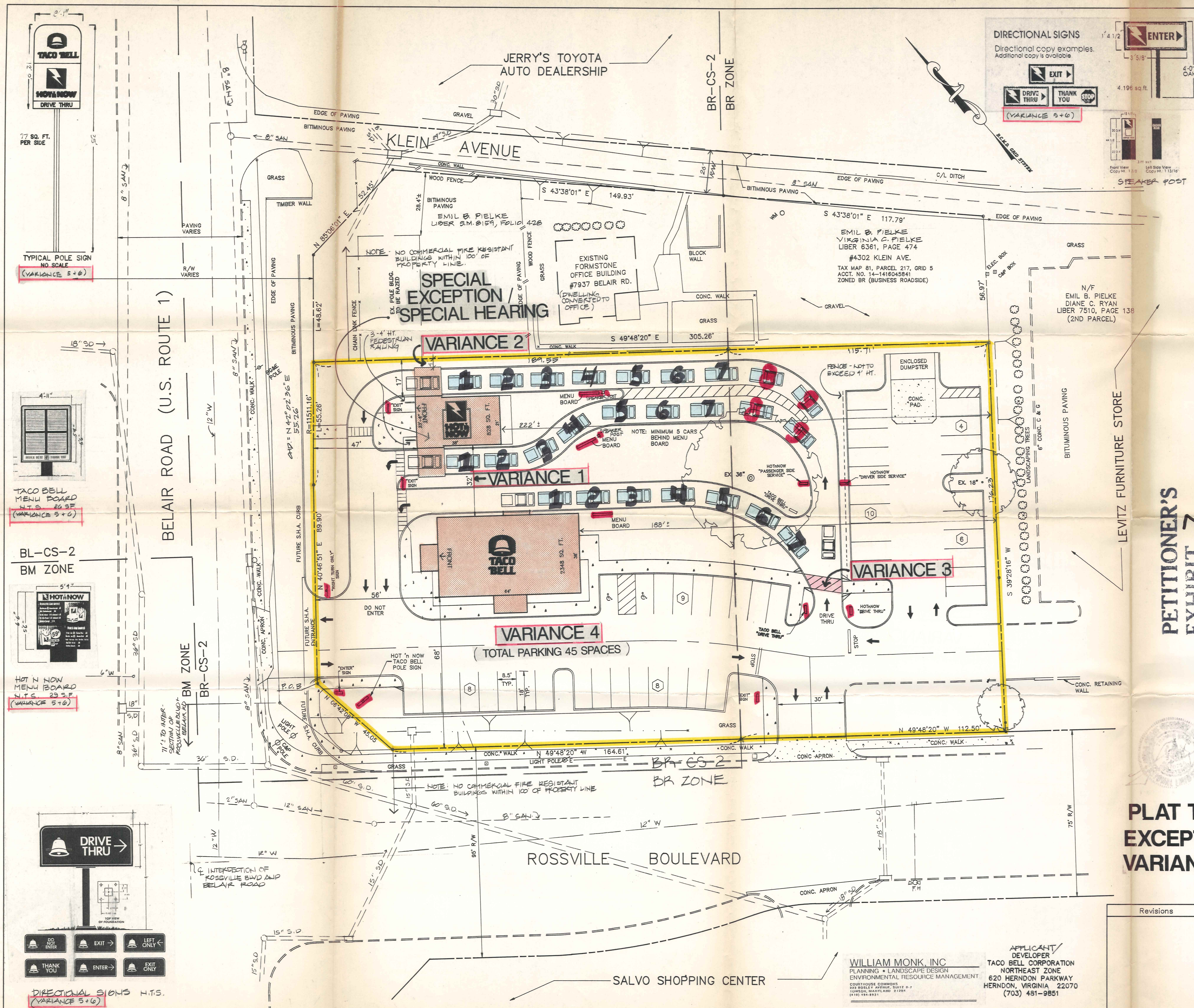
Baltimore County OFFICE OF PLANNING
CONCEPT PLAN REVIEW COMMENTS.



NOT TO SCALE.

BELAIR ROAD





- VARIANCE 1**
- VARIANCE 2**
- VARIANCE 3**
- VARIANCE 4**
- PETITIONER'S EXHIBIT 7**
- 1. PROPERTY OWNER:** EMIL B. PIELKE
7537 BELAIR ROAD
BALTIMORE, MD 21236
- 2. ZONING:** EXISTING: BR-CS-2 (BUSINESS ROADSIDE - COMMERCIAL STRIP) AND BR (BUSINESS ROADSIDE)
PROPOSED: (NO CHANGE)
- 3. LOT AREA:** GROSS AREA: 1.55 AC (67,306 SQ. FT.)
NET AREA: 1.2345 AC (53,776 SQ. FT.)
- 4. EXISTING USE:** VALLEY VIEW FARMS GARDEN SHOP/HURSEY
- 5. PROPOSED USE:** TACO BELL/HOT 'N NOW RESTAURANTS
- 6. BUILDING SETBACKS:**
- | | REQUIRED | PROVIDED |
|--------------------|----------|------------------|
| FRONT | 25' | 49' (HOT 'N NOW) |
| STREET CORNER SIDE | 30' | 68' |
| INTERIOR SIDE | 30' | 16' |
| REAR | 30' | 188' |
- * VARIANCE REQUIRED**
- 7. BUILDING AREA:** HOT 'N NOW - 828 SQ. FT.
TACO BELL - 2,248 SQ. FT.
TOTAL: 3,176 SQ. FT.
- 8. PARKING:** REQUIRED - 64 SPACES
PROVIDED - 45 SPACES AS PER VARIANCE TO SECTION 409.6A(2)
- 9. UTILITIES:** SEWER - PUBLIC
WATER - PUBLIC
- 10. VARIANCE:** (1) SECTION 234.2 TO PERMIT A SETBACK OF 32' BETWEEN BUILDINGS IN LIEU OF THE REQUIRED 40' (2) A VARIANCE TO SECTION 301.1(A) AND 338.2 TO PERMIT AN OPEN PROJECTION (CANOPY) WITH A SETBACK OF 4 FEET IN LIEU OF THE REQUIRED 25 FEET MEASURING FROM THE PROPOSED BUILDING TO THE REAR LINE. (3) SECTION 409.10 (B) TO PERMIT THE DRIVE-THRU LANE TO CROSS THE PRINCIPAL PEDESTRIAN WALKWAY TO THE FACILITY. (4) SECTION 409.6 A(2) TO PERMIT 45 PARKING SPACES IN LIEU OF THE REQUIRED 64 SPACES. (5) SECTION 412.2 (F) TO PERMIT 316 SQ. FT. OF BUSINESS STONE IN LIEU OF THE PERMITTED 100 SQ. FT. (6) TO PERMIT 13 SIGNS (1 FREE STANDING, 7 STRUCTURAL SIGNS, 2 SPEAKER POSTS AND 3 MENU BOARDS) IN LIEU OF THE MAXIMUM PERMITTED 3 SIGNS ON ANY PREMISES. (6) A VARIANCE IS REQUESTED TO SECTION 412.2 (F) TO PERMIT INTERNALLY ILLUMINATED FUNCTIONAL SIGNAGE WITH ADVERTISING ASPECTS (GLOW) IN LIEU OF PERMITTED NON-ILLUMINATED FUNCTIONAL SIGNAGE WITH NO ADVERTISING ASPECT.
- 11. SPECIAL EXCEPTION:** FOR THE PROPOSED DRIVE-THROUGH AS A PRINCIPAL USE BUILDING
- 12. ELECTION DISTRICT:** 14
- 13. COUNCILMANIC DISTRICT:** 6
- 14. CENSUS TRACT:** 4408
- 15. WATERSHED:** 22
- 16. SUBWATERSHED:** 3
- 17. DEED REFERENCE:** 8159/428
- 18. PROPERTY ACCOUNT NO.:** TAX ACCOUNT # 14-1416045860
- 19. TAX MAP 81, GRID 5, PARCEL 33**
- 20. FLOOR AREA RATIO:** 0.06
- 21. HEIGHT OF BUILDING:** NOT TO EXCEED 20 FEET
- 22. MASS TRANSIT ADJUSTMENT:** N/A
- 23. SIGNS:** SEE NOTE 11 VARIANCE NUMBERS 5 AND 6
- 24. PREVIOUS COMMERCIAL PERMIT:** NONE
- 25. FLOOD HAZARD:** PROPERTY SHOWN HEREON LIES WITHIN FLOOD HAZARD AREA "C" (AREAS OF MINIMAL FLOODING) AS SHOWN ON F.E.H.A. FLOOD RATE INSURANCE MAP NO. 24001B-C-010 B, FOR BALTIMORE COUNTY MARYLAND, DATED FEBRUARY 2, 1989.
- 26. ZONING HEARINGS:** CASE # 4481: ZONING RECLASSIFICATION FROM R-6 TO BL FOR A GARDEN SHOP, APPROVED SEPTEMBER 23, 1958.
CASE # R 87-101: ZONING RECLASSIFICATION FROM MLR-1M TO BR, APPROVED NOVEMBER 13, 1986.
- 27. A LIMITED EXEMPTION FROM SECTION 26-171(b) OF THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS WAS GRANTED ON 5/22/93. THIS EXEMPTS THE APPLICANT FROM THE COMMUNITY INPUT MEETING (CIM) AND THE HEARING OFFICER'S HEARING (HOH).**
- 28. A WAIVER TO STORMWATER MANAGEMENT HAS BEEN REQUESTED.**
- 29. THIS SITE IS SUBJECT TO THE FOREST CONSERVATION ACT.**
- 30. THE ADDRESS OF 7933 AND 7935 HAVE BEEN RESERVED FOR THIS SITE.**
- 31. THERE ARE NO PREVIOUS CRGS OR WAIVERS FOR THIS SITE.**
- 32. EXISTING CRG FILE # XIV 324**
- 33. THE INTERSECTION OF BELAIR ROAD AND PUTTY HILL ROAD IS AT A "D" LEVEL OF SERVICE. (7913BELA.NOTE3)**

PLAT TO ACCOMPANY SPECIAL EXCEPTION/SPECIAL HEARING/VARIANCE APPLICATION

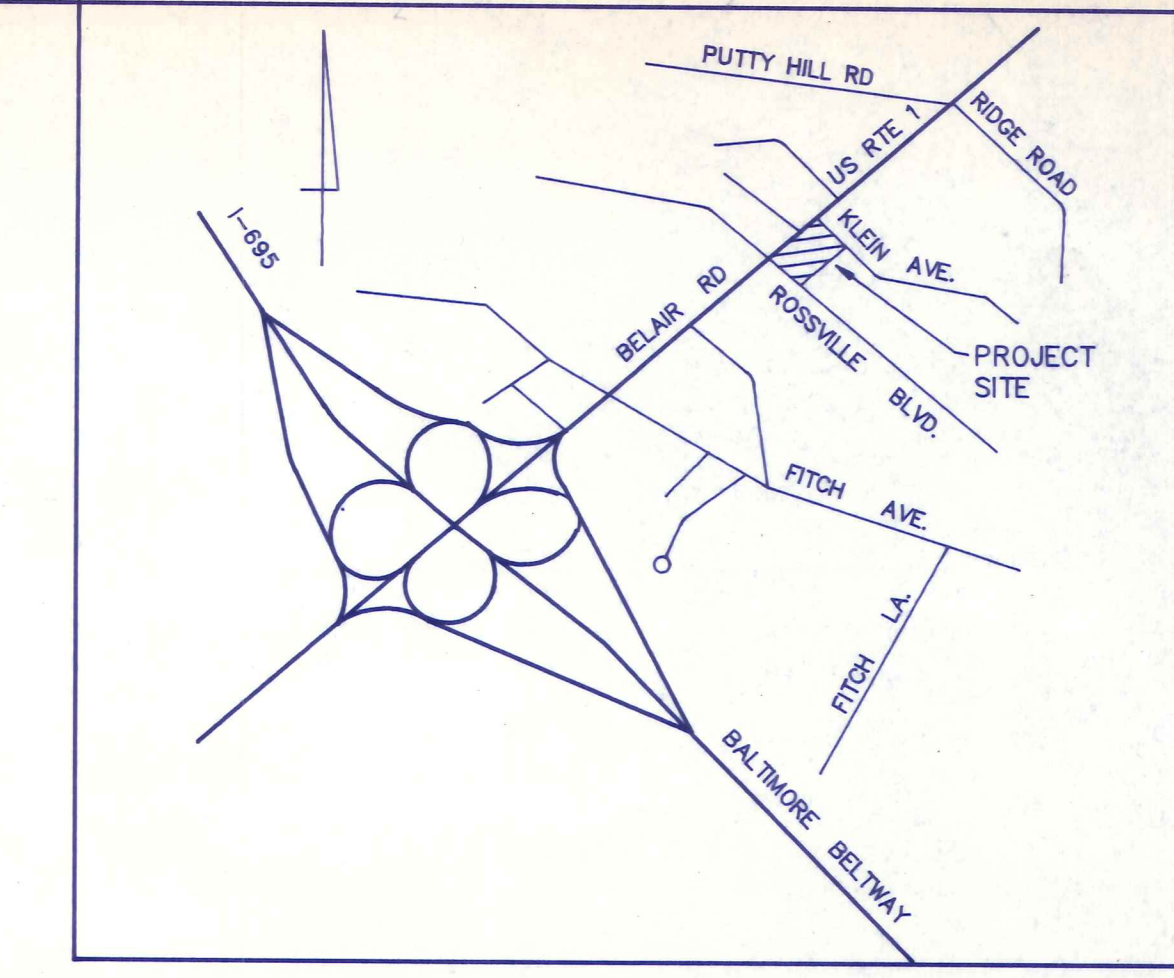
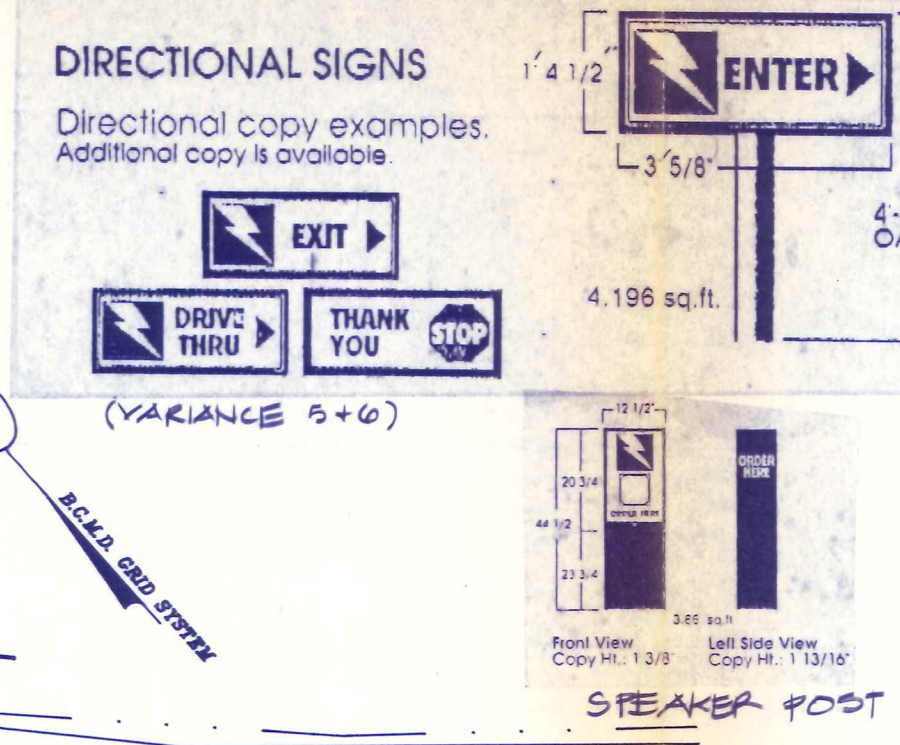
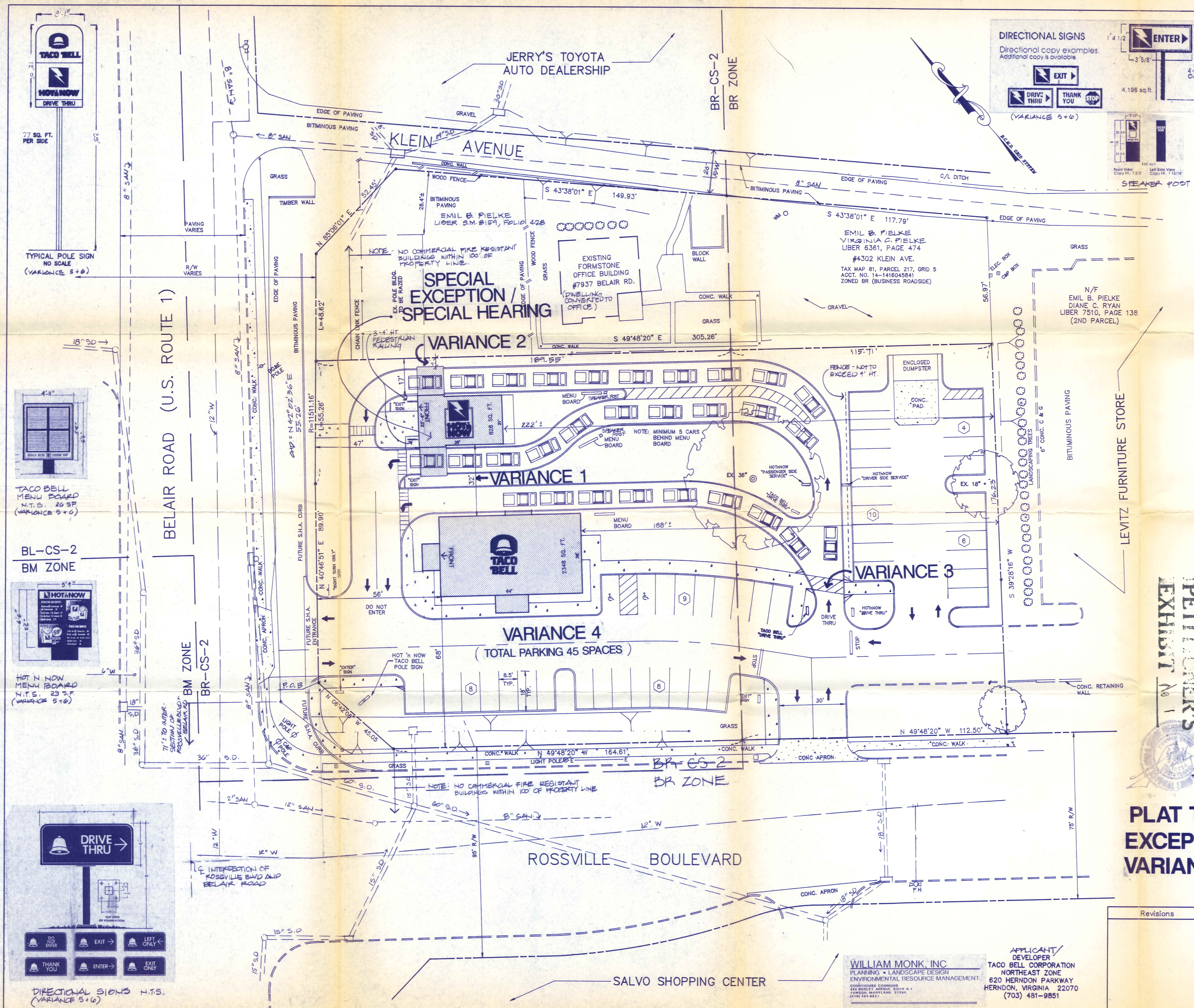
PLAN PREPARED FOR
TACO BELL SITE NO. 05-1678

Revisions	CONCEPT PLAN	SITE PROPOSAL MAP
	7933 AND 7935 BELAIR ROAD (U.S. ROUTE 1) at ROSSVILLE BOULEVARD	
	ELECTION/COUNCIL DISTRICT NO. 14 C 6	BALTIMORE COUNTY, MARYLAND
	WINDWARD & ASSOCIATES, INC.	15 SOUTH PARKE STREET (410) 272-1441
	CONSULTING ENGINEERS - PLANNERS	
Drawn By: TP	Contract No.: 8209	
Designed By: TP	Scale: 1"=20'	Date: 06/09/93
Reviewed By: TP	Sheet: 1 OF 1	

S-1

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURT HOUSE COMMONS
225 ROSLEY AVENUE, SUITE 207
JUMBOLO, MARYLAND 21084
(410) 494-0031

APPLICANT/DEVELOPER
TACO BELL CORPORATION
NORTHEAST ZONE
620 HERNDON PARKWAY
HERNDON, VIRGINIA 22070
(703) 481-9851



- 1) PROPERTY OWNER:** EMIL B. PIELKE
7933 BELAIR ROAD
BALTIMORE, MD 21236
- 2) ZONING:** EXISTING: BR-CS-2 (BUSINESS ROADSIDE - COMMERCIAL STRIP)
AND BR (BUSINESS ROADSIDE)
PROPOSED: (NO CHANGE)
- 3) LOT AREA:** GROSS AREA: 3.55 AC (67,306 SQ. FT.)
NET AREA: 3.2345 AC (53,776 SQ. FT.)
- 4) EXISTING USE:** VALLEY VIEW FARMS GARDEN SHOP/NURSERY
- 5) PROPOSED USE:** TACO BELL/HOT 'N NOW RESTAURANTS
- 6) BUILDING SETBACKS:**
- | | REQUIRED | PROVIDED |
|--------------------|----------|------------------|
| FRONT | 25' | 57' (HOT 'N NOW) |
| STREET CORNER SIDE | 30' | 68' |
| INTERIOR SIDE | 30' | 164' |
| REAR | 30' | 188' |
- * VARIANCE REQUIRED**
- 7) BUILDING AREA:** HOT 'N NOW - 828 SQ. FT.
TACO BELL - 2,248 SQ. FT.
TOTAL - 3,076 SQ. FT.
- 8) PARKING:** REQUIRED - 64 SPACES
PROVIDED - 45 SPACES AS PER VARIANCE TO SECTION 409.6A(2)
- 9) UTILITIES:** SEWER - PUBLIC
WATER - PUBLIC
- 10) VARIANCE:** (1) SECTION 228.3 TO PERMIT A SETBACK OF 20' BETWEEN BUILDINGS IN LIEU OF THE REQUIRED 40'; (2) A VARIANCE TO SECTION 301.1(A) AND 238.2 TO PERMIT AN OVER PROJECTION (CANOPY) WITH A SETBACK OF 4' FROM THE LIEU OF THE REQUIRED 22.5' FEET MEASURED FROM THE PROPOSED BUILDING TO THE LEASE LINE; (3) SECTION 409.10 (B) TO PERMIT THE DRIVE-THRU LANE TO CROSS THE PRINCIPAL PEDESTRIAN ACCESS TO THE FACILITY; (4) SECTION 409.6 A(2) TO PERMIT 45 PARKING SPACES IN LIEU OF THE REQUIRED 64 SPACES; (5) SECTION 412.2 (F) TO PERMIT 316 SQ. FT. OF BUSINESS SIGNS IN LIEU OF THE MAXIMUM PERMITTED 100 SQ. FT. AND TO PERMIT 13) SIGNS (A) FREE STANDING, 7 DIRECTIONAL SIGNS, 2 SPEAKER POSTS AND 3 MENU BOARDS IN LIEU OF THE MAXIMUM PERMITTED 3 SIGNS AND 3 SPEAKER POSTS; (6) A VARIANCE IS REQUESTED TO SECTION 43.1 (B) TO PERMIT INTERNALLY ILLUMINATED DIRECTIONAL SIGNS WITH ADVERTISING ASPECTS (LOGO) IN LIEU OF PERMITTED NON-ILLUMINATED DIRECTIONAL SIGNS WITH NO ADVERTISING ASPECT.
- 11) SPECIAL EXCEPTION:** FOR THE PROPOSED DRIVE-THROUGH AS A PRINCIPAL USE BUILDING.
- 12) ELECTION DISTRICT:** 14
- 13) COUNCILMANIC DISTRICT:** 6
- 14) CENSUS TRACT:** 4408
- 15) WATERSHED:** 22
- 16) SUBWERSHED:** 3
- 17) DEED REFERENCE:** 8159/428
- 18) PROPERTY ACCOUNT NO.:** TAX ACCOUNT # 14-1416045860
- 19) TAX MAP #1, GRID 5, PARCEL 33**
- 20) FLOOR AREA RATIO:** 0.06
- 21) HEIGHT OF BUILDING:** NOT TO EXCEED 20 FEET
- 22) MASS TRANSIT ADJUSTMENT:** N/A
- 23) SIGNS:** SEE NOTE 11 VARIANCE NUMBERS 5 AND 6
- 24) PREVIOUS COMMERCIAL PERMIT:** NONE
- 25) FLOOD HAZARD:** PROPERTY SHOWN HEREON LIES WITHIN FLOOD HAZARD AREA "CC" (AREAS OF MINIMAL FLOODING) AS SHOWN ON F.E.M.A. FLOOD RATE INSURANCE MAP NO. 24801-0410 B, FOR BALTIMORE COUNTY MARYLAND, DATED FEBRUARY 2, 1989.
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PLAT TO ACCOMPANY SPECIAL EXCEPTION/SPECIAL HEARING/VARIANCE APPLICATION

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CONCEPT PLAN		SITE PROPOSAL MAP	
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ELECTION/COUNCIL DISTRICT NO. 14 C 6		CONSULTING ENGINEERS - PLANNERS	
WINDWARD ASSOCIATES, INC.		15 SOUTH PARKE STREET ABERDEEN, MARYLAND 21001	
Drawn By: TP		Contract No.: 9209	
Designed By: TP		Scale: 1"=20' Date: 06/08/93	
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WILLIAM MONK, INC.
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ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
222 BERRY AVE. SUITE 207
TOWSON, MARYLAND 21204
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APPLICANT/DEVELOPER
TACO BELL CORPORATION
NORTHEAST ZONE
620 HERNDON PARKWAY
HERNDON, VIRGINIA 22070
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93-472-SQ4XA