



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 28, 2001

Mr. Alan E. Scoll
D.S.Thaler & Associates, Inc.
7115 Ambassador Road
P. O. Box 47428
Baltimore, MD 21244-7428

Dear Mr. Scoll:

RE: 7907-09 Belair Road, PDM file #XIV-291

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. The zoning of this site per the 1"-200' scale zoning map is NE 7-E is B.L. (Business, Local). Your request is for verification that a 1-story building with just under 5,600 square feet of general retail use as shown in the submitted plan would be permitted on this site. Prior hearings, for a special exception (Case #89-136-X) and later variance (Case #95-494-A) were granted but never utilized. Additionally this proposal has been approved for processing as a "refinement" to the previously approved Development Plan by the DRC on October 19, 2000 (#101000I). As such, your client's proposal for the above referenced use would be permitted.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan
Planner II
Zoning Review

JJS:ggs

Enclosure

C: Letter file 14th District
Hearing file #95-494-A
PDM file #XIV-291

IN RE: PETITION FOR VARIANCE
SE/S Belair Road, 206' NE of
the c/l of Fitch Avenue
(7907-7909 Belair Road)
14th Election District
6th Councilmanic District

7907-7909 Belair Associates, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-494-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7907-7909 Belair Road, located in the vicinity of Fitch Avenue in Fullerton. The Petition was filed by the owners of the property, 7907-7909 Belair Associates, Inc., by Alvin Miller, President, and the Contract Purchaser/Lessee, McDonald's Corporation, by Jeff Bartko, through their attorney, Stanley Fine, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4 to permit a one-way parking aisle width of 14 feet in lieu of the required 16 feet; from Section 409.10(B) to permit a drive-through lane to cross the principal pedestrian access to the facility; from Section 409.4(A) to permit a one-way drive aisle width of 10 feet in lieu of the required 12 feet; from Section 409.4(B) for parking off the driveway in lieu of the required aisle; from Section 409.10(A) to permit four (4) stacking spaces behind the Order Board in lieu of the required 5 spaces; from Section 409.8(A)(1) to permit a landscape buffer of 5 feet in lieu of the required 10 feet; and, from Section 413.2(F) to permit business signs totalling 144 sq.ft. in lieu of the maximum permitted 100 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Appearing on behalf of the Petition were Jeffrey J. Bartko and Rick Reichenbach, representatives of McDonald's Corporation, Contract Lessee, Robert S. Rosenfelt and Kenneth J. Colbert, Professional Engineers with Colbert, Matz, Rosenfelt, Inc., who prepared the site plan for this project, and Stanley S. Fine, Esquire, attorney for the Petitioners. Also appearing on behalf of the Petition were E. D. Lewis, Stan Borlie and Frank Pilarski, nearby residents of the area. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 26,850 sq.ft., zoned B.L., and is presently improved with two dwellings, both of which have been vacant and boarded up since the 1980s. The Petitioners are desirous of developing the site with a McDonald's fast food restaurant in accordance with Petitioner's Exhibit 1. Due to the size and shape of the lot and its location along this busy stretch of Belair Road, the requested variances are necessary. As is customary with other McDonald's developments, the subject site will be attractively laid out and landscaped. Testimony indicated that McDonald's has met with adjoining property owners and have received their full support of the proposed project.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are

to be placed (or uses conducted) is -- in and of itself -- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for

a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of August, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4 to permit a one-way parking aisle width of 14 feet in lieu of the required 16 feet; from Section 409.10(B) to permit a drive-through lane to cross the principal pedestrian access to the facility; from Section 409.4(A) to permit a one-way drive aisle width of 10 feet in lieu of the required 12 feet; from Section 409.4(B) for parking off the driveway in lieu of the required aisle; from Section 409.10(A) to permit four (4) stacking spaces behind the Order Board in lieu of the required 5 spaces; from Section 409.8(A)(1) to permit a landscape buffer of 5 feet in lieu of the required 10 feet; and, from Section 413.2(F) to permit business signs totalling 144 sq.ft. in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

ORDER RECEIVED FOR FILING

Date

By

WINGGOLD

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with all Zoning Plans Advisory Committee (ZAC) comments submitted and incorporated into the case file.

3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

8/2/05

By



10073 108

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 7, 1995

(410) 887-4386

Stanley S. Fine, Esquire
20 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
SE/S Belair Road, 206' NE of the c/l of Fitch Avenue
(7907-7909 Belair Road)
14th Election District - 6th Councilmanic District
7907-7909 Belair Associates, Inc. - Petitioners
Case No. 95-494-A

Dear Mr. Fine:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Alvin Miller, President, 7907-7909 Belair Assoc., Inc.
P.O. Box 21545, Baltimore, Md. 21208-0541

Mr. Jeffrey Bartko, McDonald's Corporation
8850 Stanford Boulevard, Columbia, Md. 21045

Mr. Robert S. Rosenfelt, Mr. Kenneth J. Colbert, and Ms. Judith Floam
Colbert, Matz, Rosenfelt, Inc., 3723 Old Court Road, Suite 206,
Baltimore, Md. 21208

Mr. E. D. Lewis, 7904 St. Mary's Drive, Baltimore, Md. 21236
Mr. Stan Borlie, 4210 Fitch Avenue, Baltimore, Md. 21236
Mr. Frank Pilarski, 7911 Belair Road, Baltimore, Md. 21236

People's Counsel; Case File



RECEIVED

486



Petition for Variance

95-494-A

to the Zoning Commissioner of Baltimore County

for the property located at 7907-09 BELAIR ROAD

which is presently zoned B.L.

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)

SEE ATTACHED SHEET.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) SHAPE AND SIZE OF THE LOT DOES NOT PERMIT 16 FOOT PARKING AISLES, A 12 FOOT DRIVE-THROUGH LANE, SEPARATE DRIVE AISLES, 5 STACKING SPACES BEHIND THE ORDER BOARD OR A 10 FOOT LANDSCAPE BUFFER ALONG THE NORTH SIDE. ADDITIONAL SIGN AREA IS REQUIRED FOR MENU BOARD.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:
JEFF BARTKO
MCDONALD'S CORPORATION
(Type or Print Name)

Legal Owner(s):
ALVIN MILLER, PRESIDENT
7907-09 BELAIR ASSOCIATES, INC.
(Type or Print Name)

Signature
8850 STANFORD BLVD.
Address

Signature
(Type or Print Name)

COLUMBIA MD 21045
City State Zipcode

Signature

Attorney for Petitioner:
STANLEY FINE, ESQ.
(Type or Print Name)

P.O. BOX 21545
Address Phone No.
BALTIMORE MD 21208-0541

Signature

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

20 S. CHARLES ST. 410-539-6967
Address Phone No.

JUDITH FLOAM
COLBERT MATZ ROSENFELT, INC.
3723 OLD COURT ROAD, STE. 206
BALTIMORE, MD 21208 410-653-3838
Address Phone No.

BALTIMORE MD 21201
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing 1 hr.

the following dates Next Two Months
ALL OTHER
REVIEWED BY: DATE 6/26/95

ORDER RECEIVED FOR FILING
Date 8/7/95
By



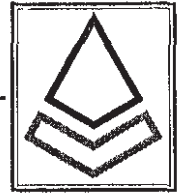
409.4 TO PERMIT A 14 FOOT ONE-WAY PARKING AISLE IN LIEU OF THE REQUIRED 16 FEET; SEC. 409.10(B) TO PERMIT A DRIVE-THROUGH LANE TO CROSS THE PRINCIPAL PEDESTRIAN ACCESS TO THE FACILITY; SEC. 409.4(A) TO PERMIT A 10 FOOT ONE-WAY DRIVE AISLE IN LIEU OF THE REQUIRED 12 FEET; SEC. 409.4(B) FOR PARKING OFF THE DRIVEWAY IN LIEU OF THE REQUIRED AISLE; SEC. 409.10(A) FOR 4 STACKING SPACES BEHIND THE ORDER BOARD IN LIEU OF 5 SPACES; SEC. 409.8(A)(1) TO PERMIT A 5 FOOT LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10 FEET AND 413.2(F) TO PERMIT BUSINESS SIGNS TALLING 144 SQUARE FEET IN LIEU OF THE REQUIRED 100 SQUARE FEET.

MICROFILMED

95-494-A

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

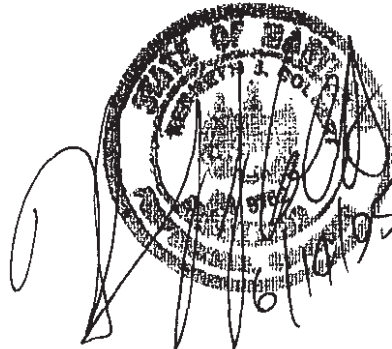


ZONING DESCRIPTION MCDONALD'S RESTAURANT 7907 BELAIR ROAD

BEGINNING AT A POINT ON THE SOUTHEAST SIDE OF BELAIR ROAD (U.S. ROUTE 1) AS NOW WIDENED AND SHOWN ON MARYLAND SRC RIGHT-OF-WAY PLAT NO. 51871; 206 FEET, MORE OR LESS, FROM THE CENTERLINE OF FITCH AVENUE; THENCE RUNNING NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE OF BELAIR ROAD BY A CURVE TO THE LEFT HAVING A RADIUS OF 11511.16 FEET, A LENGTH OF 150.01 FEET AND A CHORD BEARING NORTH 39 DEGREES 44 MINUTES 22 SECONDS EAST 150.01 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING SOUTH 49 DEGREES 38 MINUTES 17 SECONDS EAST 177.08; THENCE SOUTH 38 DEGREES 12 MINUTES 04 SECONDS WEST 150.11 FEET; THENCE NORTH 49 DEGREES 38 MINUTES 17 SECONDS WEST 181.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 26,840 SQUARE FEET OR 0.6162 ACRES OF LAND, MORE OR LESS.

J:COL\DESC\94116.WPF



486

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

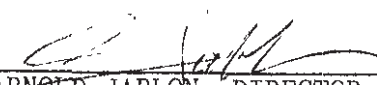
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.


ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Case No.: _____ Item No.: 486

Petitioner: McDonald's Corp

LOCATION: 2907-09 Belair Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Stanley Fine, Esq

ADDRESS: 20 S. Charles St.

Balto. Md. 21201

PHONE NUMBER: 410-539-6967

AJ:ggs
(Revised 3/29/93)

MICROFILMED

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

95-1194-A
No.

DATE 6/26/95 ACCOUNT 01-615

Item 486
Taken By: MDK AMOUNT \$ 285.00
McDonald's 7707-09 Belair Road
RECEIVED FROM: Balto Region Disbursement Account
020 - Comm Variance - \$ 250.00
030 - 1 sign - \$ 35.00
FOR: Total \$ 285.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

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

95-1194-A
No.

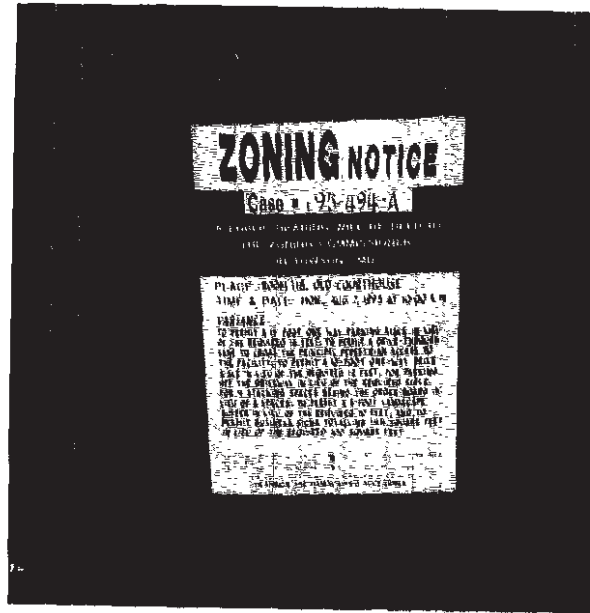
DATE 6/26/95 ACCOUNT 01-615

Item 486
Taken By: MDK AMOUNT \$ 285.00
McDonald's 7707-09 Belair Road
RECEIVED FROM: Balto Region Disbursement Account
020 - Comm Variance - \$ 250.00
030 - 1 sign - \$ 35.00
FOR: Total \$ 285.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER



95-494-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-494-12

District: 14th Date of Posting: 7/23/95
Posted for: Variances
Petitioner: McDonald's Corp.
Location of property: 7807-09 Belair Rd. SE/2
Location of Signs: Facing the way on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 7/28/95
Number of Signs: 1



CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 14, 1995

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 July 13, 1995.

THE JEFFERSONIAN,

A. H. Henickson

LEGAL AD. - TOWSON

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: #95-494-A
(Item 486)
7907-09 Belair Road
SE/S Belair Road, 206' NE
of c/d Fitch Avenue
14th Election District
6th Councilmanic
Legal Owner(s):
7907-09 Belair Associates, Inc.
Contract Purchaser(s):
McDonald's Corporation
Hearing: Monday,
August 7, 1995 at 10:00
a.m. in Rm. 118, Old
Courthouse.

Variance to permit a 34-foot one-way parking aisle in lieu of the required 16 feet; to permit a drive-through lane to cross the principal pedestrian access to the facility; to permit a 10-foot one-way drive aisle in lieu of the required 12 feet; for parking off the driveway in lieu of the required aisle; for 4 stacking spaces behind the order board in lieu of 5 spaces; to permit a 5-foot landscape buffer in lieu of the required 10 feet; and to permit business signs totaling 144 square feet in lieu of the required 100 square feet.

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.
7/13/95 July 13.

TO: PUTUXENT PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Stanley Fine, Esq.
20 S. Charles Street
Baltimore, MD 21201
539-6967

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: 95-494-A (Item 486)
7907-09 Belair Road
SE/S Belair Road, 206' NE of c/l Fitch Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): 79-7-09 Belair Associates, Inc.
Contract Purchaser(s): McDonald's Corporation
HEARING: MONDAY, AUGUST 7, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 14-foot one-way parking aisle in lieu of the required 16 feet; to permit a drive-through lane to cross the principal pedestrian access to the facility; to permit a 10-foot one-way drive aisle in lieu of the required 12 feet; for parking off the driveway in lieu of the required aisle; for 4 stacking spaces behind the order board in lieu of 5 spaces; to permit a 5-foot landscape buffer in lieu of the required 10 feet; and to permit business signs totalling 144 square feet in lieu of the required 100 square feet.

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

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: 95-494-A (Item 486)
7907-09 Belair Road
SE/S Belair Road, 206' NE of c/l Fitch Avenue
14th Election District - 6th Councilmanic
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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: 7907-09 Belair Associates, Inc.
Judith Floam/Colbert Matz Rosenfelt, Inc.
McDonald's Corporation/Jeff Bartko
Stanley Fine, Esq.

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 31, 1995

Stanley Fine, Esquire
20 S. Charles Street
Baltimore, Maryland 21201

RE: Item No.: 486
Case No.: 95-494-A
Petitioner: Belair Associates

Dear Mr. Fine:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

July 25, 1995

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
US 1
McDonald's Restaurant
South east side
7907 Belair Road
Variance Request
Item #486 (MJK)
Mile Post 17.20

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our previous review of a concept plan for the subject development, and in our letter dated May 25th to Mr. Donald Rascoe, Development Manager, we indicated that the proposed entrance improvements onto US 1 were generally acceptable to the State Highway Administration (SHA).

However, the subject development is located within the construction limits of the SHA's US 1 reconstruction and widening project B-818-504-471, tentatively scheduled to be completed in October of 1995. Included in this project is the construction of a concrete median within US 1 along the entire frontage of the subject property. This median will restrict both left-turns into the site from southbound US 1 and left-turns out of this site to northbound US 1. With this in mind, the SHA would not support a median break for the proposed development since it would not meet the SHA's minimum median break spacing standards of 750'.

In addition, since the date of our May 1995 letter, it has come to our attention that there is an existing drainage problem along US 1, just west of the subject property.

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Winstead

Ms. Joyce Watson
Page Two
July 25, 1995

Therefore, although the proposed grades indicated on the plan should allow on-site drainage to occur away from US 1, we will require the developer to submit an inlet spacing analysis along the property frontage of US 1 for our review in order to determine what impact if any, the proposed entrance construction may have on existing drainage conditions on US 1.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Nine (9) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (**include Federal ID number or social security number on certified checks only**) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland (**Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection**).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Ms. Joyce Watson
Page Three
July 25, 1995

Therefore, we have no objection to approval of the referenced variance request, subject to our aforementioned comments. Should you have any questions, or require additional information, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Burns', with a stylized flourish at the end.

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Brian Dolan w/att.
Mr. Bowden Ward w/att.

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/13/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: 7907-09 BELAIR ASSOCIATES INC.

LOCATION: SE/5 BELAIR RD, 206' NE OF CENTERLINE FITCH AVE.
(7907-09 BELAIR RD.)

Item No.: 486

Zoning Agenda: VARIANCE

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The 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", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

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 24, 1995
 Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
 Development Plans Review Division

RE: Zoning Advisory Committee Meeting
 for July 17, 1995
 Item No. 486

The Development Plans Review Division has reviewed the subject zoning item. This office supports the variance request to permit a 5-foot landscape buffer in lieu of the required 10 feet.

RWB:sw

MICROFILMED

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

TO: ZADM

DATE: 7/18/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 7/10/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 478

479

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revised 467

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: July 31, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 7907-09 Belair Road

INFORMATION:

Item Number: 486

Petitioner: 7907-09 Belair Associates

Property Size:

Zoning: BL

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner has requested variances to permit width reductions of the one way parking aisle and the drive-through lane collectively reducing the driveway width by four feet. The overall distance between the edge of the curbing next to the McDonalds and the landscape strip has remained the same. The resulting distance between the drive-through lane and the diagonal parking spaces may not provide enough space for cars parked in the diagonal spaces to back up. Since, however, the applicant is confident that the reduced widths from the County standards are adequate, staff will support this shift in width based on the condition that no future variances are applied for to reduce the width of the landscape areas shown on the development plan which are located along the perimeter. The petitioner needs to demonstrate the efficiency of the proposed internal circulation pattern to the satisfaction of the Zoning Commissioner to assure that this arrangement will indeed work. In addition, parking stops shall be placed to protect the planted areas from overlapping car bumpers.

The Office of Planning supports the landscape variance from 10' to 5' along the side yard based on the following conditions:

1. A solid evergreen tree buffer should be planted (species to be approved by the County Landscape Architect) and a solid 5' high wood fence should be installed along the length of the side yard and rear property line.
2. The planting area shown on the plan located along the south side of the property should be planted with the equivalent number of planting units equal to a class A screening calculated for the length of the side yard. The planting should provide a hedge and a row of major trees.

MICROFILMED

3. The landscape plan should incorporate tree plantings as shown on the attached sketch as provided to Avery Harden by the Office of Planning.
4. A landscape plan should be provided for the interior landscaping of the planting areas surrounding the restaurant. This planting should include flowering trees in front and a large canopy tree in the back.
5. All trees along Belair Road should be major deciduous trees.

Prepared by: J. Gray W. Long

Division Chief: Carol L. Kerns

PK/JL

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt DATE: August 7, 1995
 Zoning Commissioner

FROM: Jeffrey Long *J.L.*
 Office of Planning

SUBJECT: 7907-09 Belair Rd.

Please be advised that our comment of July 31, 1995 contained a typographic error. The second paragraph should read as follows: The Office of Planning supports the landscape variance from 10' to 5' along the side yard based on the following conditions:

MAC1/PZONE/TXTJWL

MAC1/PZONE/TXTJWL

PETITION PROBLEMS AGENDA OF JULY 10, 1995

#479 --- CAM

1. No review information on bottom of petition form.

#485 --- JJS

1. Only one legal owner signature -- need signature of Kang.
2. Need original signature for lessee.

#486 --- MJK

1. Petitioner was not given copy of receipt (still in folder).
2. Need telephone number for legal owner.
3. Need title of person signing for contract purchaser.

#488 --- RT

1. Need typed or printed name and title of person signing for contract purchaser.

#489 --- JRA

1. Need title of person signing for legal owner.

#493 --- JRA

1. Need telephone number for legal owner.
2. Need address for legal owner.
3. Need telephone number for attorney.

#494 --- JRA

1. Who is legal owner? (Petition says Michael J. Specht & plat says Exxon Company, USA)

#495 --- JJS

1. Notary public section is incomplete.

#496 --- JJS

1. No original signatures on petitions.

RE: PETITION FOR VARIANCE	*	BEFORE THE
7907-09 Belair Road, SE/S Belair Road,	*	ZONING COMMISSIONER
206' NE of c/l Fitch Avenue, 14th	*	OF BALTIMORE COUNTY
Election District - 6th Councilmanic	*	CASE NO. 95-494-A
Legal Owner: 7907-09 Belair Assoc., Inc.	*	
Contract Purchaser(s): McDonald's Corp.	*	
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice 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, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Stanley Fine, Esquire, 20 S. Charles Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

STANLEY S. FINE

20 S. CHARLES ST - 21201

Robert S. Rosenfeld, P.E.

Colbert Platz Rosenfeld, Inc.
3723 Old Ct. Rd Suite 206 21208

KENNETH J. COLBERT, P.E.

11

RICK REICHENBACH

{ MCDONALD'S CORP.
6850 STANFORD BLVD SUITE 2000
Columbia MD 21045

Jeffrey J. BARTKO

* B. D. Lewis

7704 St Marys Dr 21236

* STAN BUNLIE

4210 FITCH AVE. 21236

* FRANK PILARSKI

7911 BELAIR RD 21236



Printed with Soybean Ink
on Recycled Paper

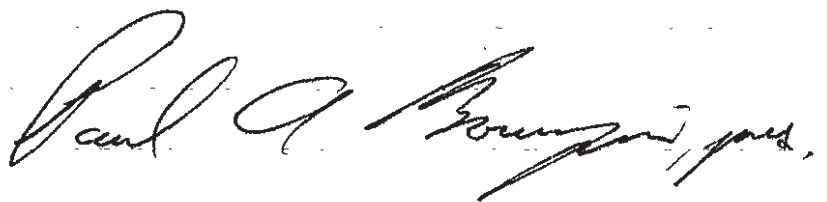
WILLIAM

To: Deputy Zoning Commissioner Timothy Kotenko

8/4/95

I am the owner and operator of the business and property located at 7901 Belair Road and known Fullerton Auto Service Center. I have no objection to the proposed McDonald's restaurant to be located at 7907-09 Belair Road, which is next to my property.

Paul B. Bourquin, Pres.

A handwritten signature in cursive script, reading "Paul B. Bourquin, pres.", written in dark ink.

Bourquin Enterprises, Inc.

PETITIONER'S
EXHIBIT

IN RE: PETITION FOR VARIANCE
9678 Belair Road, 20A' NE of
the c/l of Fitch Avenue
(7907-7909 Belair Road)
14th Election District
14th Councilmanic District
7907-7909 Belair Associates, Inc.,
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-494-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7907-7909 Belair Road, located in the vicinity of Fitch Avenue in Fullerton. The Petition was filed by the owners of the property, 7907-7909 Belair Associates, Inc., by Alvin Miller, President, and the Contract Purchaser/Lessee, McDonald's Corporation, by Jeff Bartko, through their attorney, Stanley Fine, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4 to permit a one-way parking aisle width of 14 feet in lieu of the required 16 feet from Section 409.10(D) to permit a drive-through lane to cross the principal pedestrian access to the facility; from Section 409.4(A) to permit a one-way drive aisle width of 10 feet in lieu of the required 12 feet; from Section 409.4(B) for parking off the driveway in lieu of the required aisle; from Section 409.10(A) to permit four (4) stacking spaces behind the Order Board in lieu of the required 5 spaces; from Section 409.8(A)(1) to permit a landscape buffer of 5 feet in lieu of the required 10 feet; and, from Section 413.2(F) to permit business signs totalling 144 sq.ft. in lieu of the maximum permitted 100 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING
Date 8/1/95
By [Signature]

Appearing on behalf of the Petition were Jeffrey J. Bartko and Rick Reichenbach, representatives of McDonald's Corporation, Contract Lessee, Robert S. Rosenfeld and Kenneth J. Colbert, Professional Engineers with Colbert, Metz, Rosenfeld, Inc., who prepared the site plan for this project, and Stanley S. Fine, Esquire, attorney for the Petitioners. Also appearing on behalf of the Petition were E. D. Lewis, Stan Norlin and Frank Pilsarski, nearby residents of the area. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 26,650 sq.ft., zoned B-1, and is presently improved with two dwellings, both of which have been vacant and boarded up since the 1980s. The Petitioners are desirous of developing the site with a McDonald's fast food restaurant in accordance with Petitioner's Exhibit 1. Due to the size and shape of the lot and its location along this busy stretch of Belair Road, the requested variances are necessary. As is customary with other McDonald's developments, the subject site will be attractively laid out and landscaped. Testimony indicated that McDonald's has met with adjoining property owners and have received their full support of the proposed project.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Fremwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 6, 1995 and authored by the Honorable J. Catell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the property whereon structures are

ORDER RECEIVED FOR FILING
Date 8/1/95
By [Signature]

- 3 -

be placed (or use conducted) in -- in and of itself -- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioners) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Legonia Federal Savings and Loan Association v. Buchanan, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the term (practical difficulty or unreasonable hardship) in the disjunctive." Legonia Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). With that opinion, the Court held that the undue hardship standard applies to a petition for

ORDER RECEIVED FOR FILING
Date 8/1/95
By [Signature]

- 3 -

a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The proofs of that standard which must be satisfied by the Petition, as associated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setback, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; 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, p. 29. See also Edison v. Boloy, 270 Md. 208 (1973) at pgs. 214-215.

ORDER RECEIVED FOR FILING
Date 8/1/95
By [Signature]

- 3 -

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of August, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4 to permit a one-way parking aisle width of 14 feet in lieu of the required 16 feet; from Section 409.10(D) to permit a drive-through lane to cross the principal pedestrian access to the facility; from Section 409.4(A) to permit a one-way drive aisle width of 10 feet in lieu of the required 12 feet; from Section 409.4(B) for parking off the driveway in lieu of the required aisle; from Section 409.10(A) to permit four (4) stacking spaces behind the Order Board in lieu of the required 5 spaces; from Section 409.8(A)(1) to permit a landscape buffer of 5 feet in lieu of the required 10 feet; and, from Section 413.2(F) to permit business signs totalling 144 sq.ft. in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

ORDER RECEIVED FOR FILING
Date 8/1/95
By [Signature]

- 5 -

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with all Zoning Plans Advisory Committee (ZPAC) comments submitted and incorporated into the case file.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this Case and set forth and address the restrictions of this Order.

Stanley S. Fine
TIMOTHY M. KOTSKO
Deputy Zoning Commissioner
for Baltimore County

TMR:bja

Baltimore County Government
Zoning Commission
Office of Planning and Zoning
800 Washington Avenue
Townson, MD 21204
August 7, 1995
Suite 112 Courthouse
800 Washington Avenue
Townson, MD 21204
Stanley S. Fine, Esquire
20 S. Charles Street
Baltimore, Maryland 21201

(410) 857-4386

RE: PETITION FOR VARIANCE
20A' NE of the c/l of Fitch Avenue
(7907-7909 Belair Road)
14th Election District - 14th Councilmanic District
7907-7909 Belair Associates, Inc. - Petitioners
Case No. 95-494-A

Dear Mr. Fine:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Permits and Development Management office at 981-3291.

Very truly yours,

Stanley S. Fine
TIMOTHY M. KOTSKO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Alvin Miller, President, 7907-7909 Belair Assoc., Inc.
P.O. Box 21543, Baltimore, Md. 21208-0541
Mr. Jeffrey Bartko, McDonald's Corporation
8850 Stanford Boulevard, Columbia, Md. 21045
Mr. Robert S. Rosenfeld, Mr. Kenneth J. Colbert, and Ms. Judith Floss
Colbert, Metz, Rosenfeld, Inc., 7321 Old Court Road, Suite 205,
Baltimore, Md. 21208
Mr. E. D. Lewis, 7904 St. Mary's Drive, Baltimore, Md. 21236
Mr. Stan Norlin, 4210 Fitch Avenue, Baltimore, Md. 21236
Mr. Frank Pilsarski, 7911 Belair Road, Baltimore, Md. 21236
People's Counsel; Case File

Printed with Recycled Ink
on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7907-09 BELAIR ROAD

The Petitioner shall file with the Office of Zoning Administration & Development Management, the undersigned, legal counsel of the property, a map of the property and which is described in the description and plat attached hereto and made a part hereof, having petition for a Variance from Ordinance.

SEE ATTACHED SHEET.

of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) DRIVE AND SIZE OF THE LOT DOES NOT PERMIT 16 FOOT PARKING AISLES, A 12 FOOT DRIVE-THROUGH LANE, SEPARATE DRIVE AISLES, 5 STACKING SPACES BEHIND THE ORDER BOARD ON A 10 FOOT LANDSCAPE BUFFER ALONG THE NORTH SIDE, ACCESSIBLE SIGNAGE IS REQUIRED FOR NORTH SIDE.

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

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

Contract/Agent Name JEFF BARTKO McDONALD'S CORPORATION 8850 STANFORD BLVD. COLUMBIA, MD 21045	Signature of Petitioner ALVIN MILLER, PRESIDENT 7907-09 BELAIR ASSOCIATES, INC. Signature P.O. Box 21545 BALTIMORE, MD 21208-0541
Signature of Applicant STANLEY FINE, ESQ. Signature 20 S. CHARLES ST. 410-539-6967 BALTIMORE, MD 21201	Signature of Zoning Commissioner TIMOTHY M. KOTSKO Signature P.O. Box 21545 BALTIMORE, MD 21208-0541

ORDER RECEIVED FOR FILING
Date 8/1/95
By [Signature]

ESTIMATED LENGTH OF TIME FOR REVIEW
The following date is estimated for review
RECEIVED BY [Signature]



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

July 25, 1995

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
US 1
McDonald's Restaurant
South east side
7907 Belair Road
Variance Request
Item #485 (AUC)
Mile Post-17.20

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our previous review of a concept plan for the subject development, and in our letter dated May 25th to Mr. Donald Burns, Development Manager, we indicated that the proposed entrance improvements onto US 1 were generally acceptable to the State Highway Administration (SHA).

However, the subject development is located within the construction limits of the SHA's US 1 reconstruction and widening project B-815-504-471, tentatively scheduled to be completed in October of 1996. Included in this project is the construction of a concrete median within US 1 along the entire footage of the subject property. This median will restrict both left-turns into the side from southbound US 1 and left-turns out of the site to northbound US 1. With this in mind, the SHA would not support a median break for the proposed development since it would not meet the SHA's minimum median break spacing standards of 750'.

In addition, since the date of our May 1995 letter, it has come to our attention that there is an existing drainage problem along US 1, just west of the subject property.

410-333-1350 (Fax# 333-1041)

My telephone number is _____

Maryland Relay Service for Hearing or Speech

1-800-735-2255 (Toll-free)

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-8717

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Joyce Watson
Page Two
July 25, 1995

Therefore, although the proposed grades indicated on the plan should allow on-site drainage to occur away from US 1, we will require the developer to submit an inlet spacing analysis along the property footage of US 1 for our review in order to determine what impact if any, the proposed entrance construction may have on existing drainage conditions on US 1.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- Nine (9) copies of the site plan showing the SHA requirements.
- Completed application.
- Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Ms. Joyce Watson
Page Three
July 25, 1995

Therefore, we have no objection to approval of the referenced variance request, subject to our aforementioned comments. Should you have any questions, or require additional information, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

Ronald Burns
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Brian Dolan w/lt.
Mr. Bowden Ward w/lt.

Baltimore County Government
For Department



700 East Johns Road Suite 901
Towson, MD 21206-4400

(410) 887-4400

DATE: 07/13/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: 7907-09 BELAIR ASSOCIATES INC.

LOCATION: SE/5 BELAIR RD, 206' NE OF CENTERLINE FITCH AVE.
(7907-09 BELAIR RD.)

Item No.: 485 Zoning Agenda: VARIANCE

Sentiment:

- 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.
- The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 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", 1993 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERHAUD
Fire Marshal Office, PHONE 897-4881, RS-1105F

cc: File

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

TO: ZACH
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 7/19/95

DATE: 7/19/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #s: 478
479
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revised 467

LS:sp

LETTY/DEPRM/TXISB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZACH DATE: July 31, 1995

FROM: Pat Kellar, Director, SPE

SUBJECT: 7907-09 Belair Road

Item Number: 485
Petitioner: 7907-09 Belair Associates
Property Size: _____
Zoning: RL
Requested Action: Variance
Hearing Date: 7/1

SUMMARY OF RECOMMENDATIONS:

The petitioner has requested variances to permit width reductions of the one way parking aisle and the drive-through lane collectively reducing the driveway width by four feet. The overall distance between the edge of the curbing next to the McDonald's and the landscape strip has remained the same. The resulting distance between the drive-through lane and the diagonal parking spaces may not provide enough space for cars parked in the diagonal spaces to back up. Since, however, the applicant is confident that the reduced width from the County standards are adequate, staff will support this shift in width based on the condition that no future variances are applied for to reduce the width of the landscape areas shown on the development plan which are located along the perimeter. The petitioner needs to demonstrate the efficiency of the proposed internal circulation pattern to the satisfaction of the Zoning Commissioner to assure that this arrangement will indeed work. In addition, parking stops shall be placed to protect the planted areas from overlapping car bumpers.

The Office of Planning supports the landscape variance from 10' to 5' along the side yard based on the following conditions:

- A solid evergreen tree buffer should be planted (species to be approved by the County Landscape Architect) and a solid 5' high wood fence should be installed along the length of the side yard and rear property line.
- The planting area shown on the plan located along the south side of the property should be planted with the equivalent number of planting units equal to a class A screening calculated for the length of the side yard. The planting should provide a hedge and a row of major trees.

ITEM485/PZ006/EAC1

- The landscape plan should incorporate tree plantings as shown on the attached sketch as provided to every Section by the Office of Planning.
- A landscape plan should be provided for the interior landscaping of the planting areas surrounding the restaurant. This planting should include flowering trees in front and a large canopy tree in the back.
- All trees along Belair Road should be major deciduous trees.

Prepared by: *John W. Long*

Division Chief: *John L. Kline*

PK/ZL

ITEM485/PZ006/EAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt DATE: August 7, 1995
Zoning Commissioner

FROM: Jeffrey Long
Office of Planning

SUBJECT: 7907-09 Belair Rd.

Please be advised that our comment of July 11, 1995 contained a typographic error. The second paragraph should read as follows: The Office of Planning supports the landscape variance from 10' to 5' along the side yard based on the following conditions:

MAC1/PZONE/XTJML

PETITION PROBLEMS
AGENDA OF JULY 10, 1995

#479 — CAM

1. No review information on bottom of petition form.

#480 — JJS

1. Only one legal owner signature — need signature of King.
2. Need original signature for lessee.

#486 — MJK

1. Petitioner was not given copy of receipt (still in folder).
2. Need telephone number for legal owner.
3. Need title of person signing for contract purchaser.

#488 — RT

1. Need typed or printed name and title of person signing for contract purchaser.

#489 — JRA

1. Need title of person signing for legal owner.

#493 — JRA

1. Need telephone number for legal owner.
2. Need address for legal owner.
3. Need telephone number for attorney.

#494 — JRA

1. Who is legal owner? (Petition says Michael J. Specht & plat says Exxon Company, USA)

#495 — JJS

1. Notary public section is incomplete.

#496 — JJS

1. No original signatures on petitions.

RE: PETITION FOR VARIANCE
7907-09 Belair Road, 80/5 Belair Road,
200' WE of c/s Fitch Avenue, 11th
Election District - 6th Councilmanic
Legal Owner: 7907-09 Belair Assoc., Inc.
Contract Purchase(s): McDonald's Corp.
Petitioners

BEFORE THE
ZONING COMMISSIONERS
OF BALTIMORE COUNTY
CASE NO. 95-094-B

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice 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

Charles S. Dentillo
CHARLES S. DENTILLO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2180

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Stanley Fine, Esquire, 20 S. Charles Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

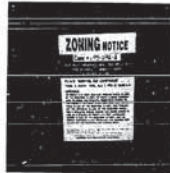
NAME

Stanley S. Fine
Robert S. Goss
Kenneth J. Goldbert, P.E.
Jeffrey J. Bartko
B.D. Brown
Stan Boulic
Frank P. Pank

ADDRESS

20 S. Charles St. - 21201
3123 and 11th St. - 21202
11th St. - 21202
7907-09 Belair Rd. - 21236
4210 Fitch Ave. - 21216
7907 Belair Rd. - 21236

95-494-A



To: Deputy Zoning Commission Timothy Peterson 8/4/95

I am the owner and operator of the business and property located at 7901 Belair Road and known Fullerton Auto Service Center. I have no objection to the proposed McDonald's restaurant to be located at 7907-09 Belair Road, which is next to my property.

Paul A. Bourquin, pres.
Paul A. Bourquin, pres.
Bourquin Enterprises, Inc.

PETITIONER'S
EXHIBIT
7



PETITIONER'S EXHIBITS 2A-D



PETITIONER'S EXHIBITS 2E, 3A-C



PETITIONER'S EXHIBITS 3D-G



PETITIONER'S EXHIBITS 3H-1, 4A-B



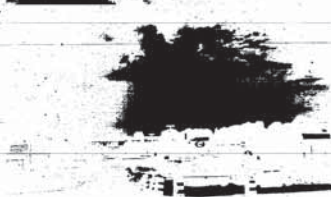
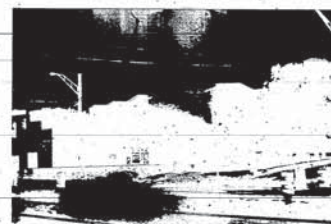
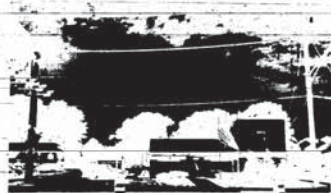
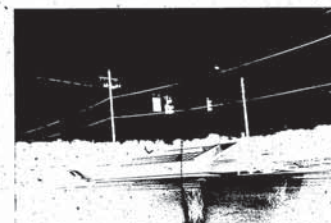
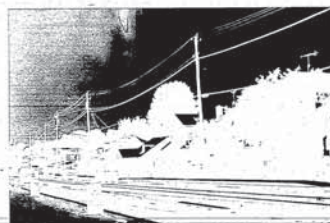
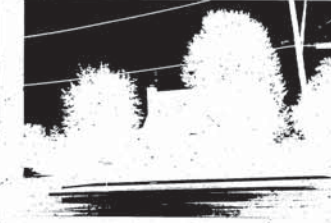
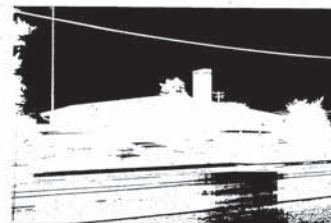
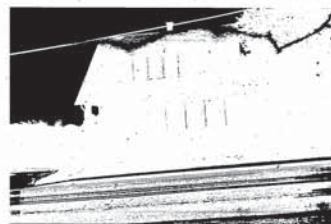
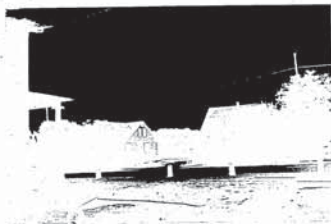
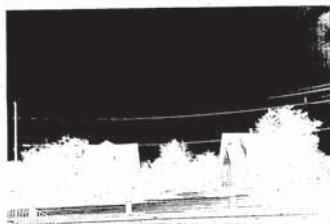
PETITIONER'S EXHIBITS 4C-F



PETITIONER'S EXHIBITS
4G-H. 5

Peterson's
 Exhibit 2A-2E
 3A-3F
 4A-4H and
 5

photographs in
 Axel 95-444-A



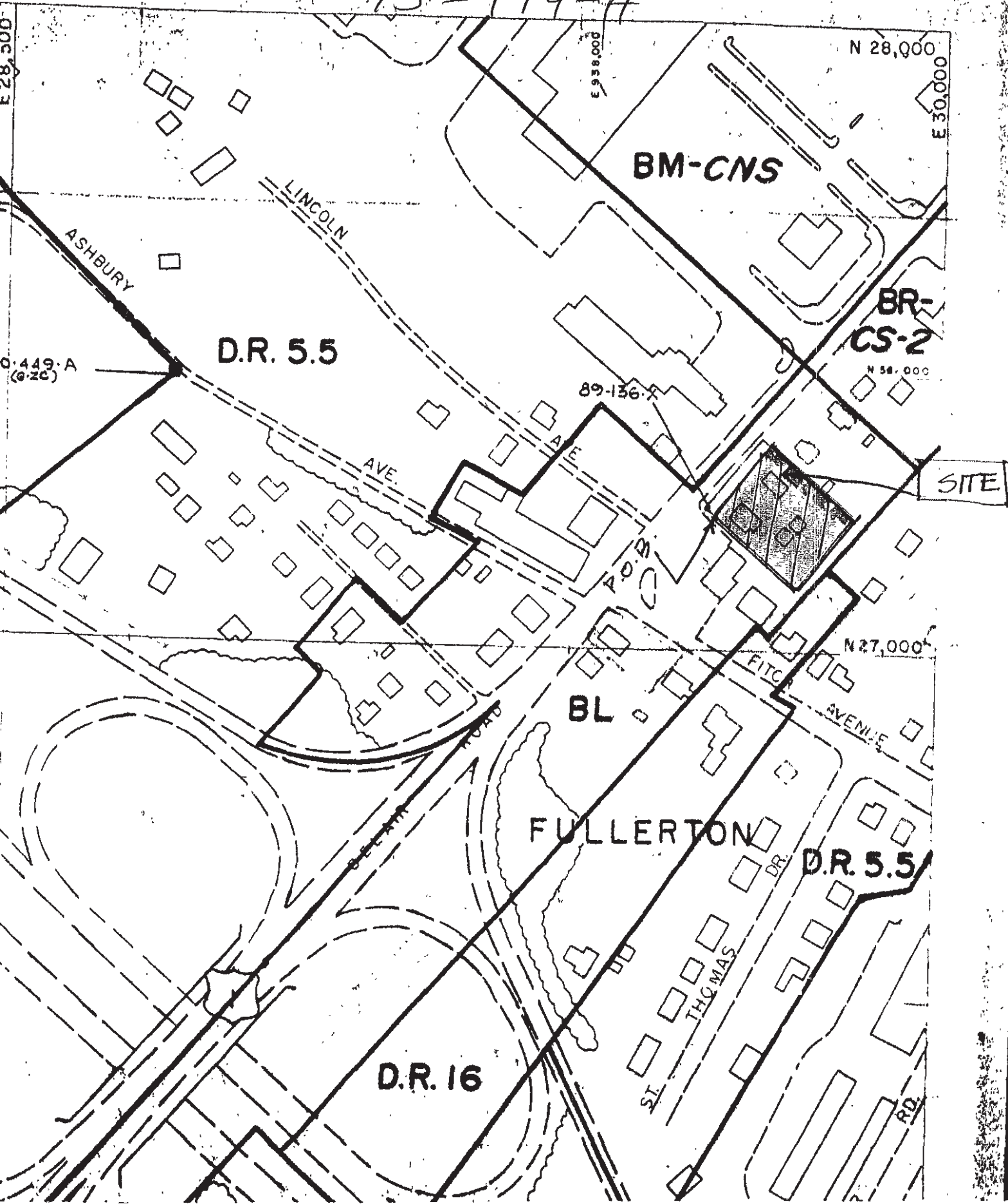
486

N.E. - 7-E

1" = 200'

7907 BELAIR ROAD

95-494-A



Order - Case No. 89-126-A

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below.

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

THEREFORE, IT IS ORDERED, by the Zoning Commission of Baltimore County, Maryland, this 23rd day of June, 1990, that the Petition for Special Exception to permit a garage service facility on Parcels A and B aforementioned in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein.

1. The petitioner may apply for his building permit and his general license upon receipt of the Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appeal period begins. If the Order has expired, it, for whatever reason, the Order is reversed, the Petitioner would be required to return, and be responsible for resuming, said property to its original condition.

2. Parcel A shall be limited to operations such as a quick lube, quick tune or auto glass, transmission, tire, or brake type specialty shop. Further, no body or fender or painting work shall be performed on either Parcel A or B.

3. There shall be no outside paging system.

4. All employees shall be required to park in those parking spaces provided along the northeast boundary line of said parcels.

5. The Petitioner shall erect an eight (8) foot board on board wooden fence along the entire length of the northeastern boundary of the subject property, such boundary being parallel to Belair Road and abutting the residential property to the rear of the subject site. The Petitioner shall assume all responsibility for the maintenance, upkeep and replacement (if necessary) of said fence. The fence shall be set back (6) feet off the subject site property line to afford landscaping on both the northeastern and southeastern sides of said fence. The Petitioner shall be required to landscape the southeastern side of the fence only if requested to do so by Mr. and Mrs. Edward D. Lewis. If Mr. and Mrs. Edward D. Lewis desire to have the landscaping placed on their side of the fence, they should forward the request to the Petitioner in writing on or before October 1, 1990 and a copy of the written request must be delivered to the Office of the Zoning Commissioner.

6. The Petitioner shall comply with all requirements of the Baltimore County Landscaping Manual and shall submit a landscaping plan to the Office of Current Planning for approval prior to the issuance of any permits.

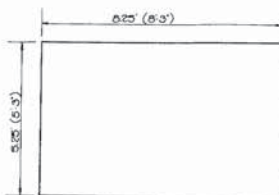
7. The proposed facilities for Parcels A and B shall not begin operation prior to 7:00 A.M. and shall cease at such operation no later than 10:00 P.M.

8. There shall be no exterior storage of any parts or materials, including, but not limited to, windshields, tires, mufflers, transmissions, engines, etc., nor shall any disabled or damaged vehicles awaiting repair be left overnight on the exterior parking facilities of Parcels A and B.

9. There shall be no towing service operation of any nature conducted from the subject property.

10. There shall be no doors or windows located on the northern or eastern walls of the proposed building on Parcel A (designated (a) and (b) respectively in Petitioner's Exhibit 1), nor shall there be any doors or windows located on the southern or western walls of the proposed building on Parcel B (designated (c) and (d) respectively in Petitioner's Exhibit 1). Exterior lighting will not be permitted; nor shall it be permitted along the aforementioned boundaries (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), (ff), (fg), (fh), (fi), (fj), (fk), (fl), (fm), (fn), (fo), (fp), (fq), (fr), (fs), (ft), (fu), (fv), (fw), (fx), (fy), (fz), (ga), (gb), (gc), (gd), (ge), (gf), (gg), (gh), (gi), (gj), (gk), (gl), (gm), (gn), (go), (gp), (gq), (gr), (gs), (gt), (gu), (gv), (gw), (gx), (gy), (gz), (ha), (hb), (hc), (hd), (he), (hf), (hg), (hh), (hi), (hj), (hk), (hl), (hm), (hn), (ho), (hp), (hq), (hr), (hs), (ht), (hu), (hv), (hw), (hx), (hy), (hz), (ia), (ib), (ic), (id), (ie), (if), (ig), (ih), (ii), (ij), (ik), (il), (im), (in), (io), (ip), (iq), (ir), (is), (it), (iu), (iv), (iw), (ix), (iy), (iz), (ja), (jb), (jc), (jd), (je), (jf), (jg), (jh), (ji), (jj), (jk), (jl), (jm), (jn), (jo), (jp), (jq), (jr), (js), (jt), (ju), (jv), (jw), (jx), (jy), (jz), (ka), (kb), (kc), (kd), (ke), (kf), (kg), (kh), (ki), (kj), (kk), (kl), (km), (kn), (ko), (kp), (kq), (kr), (ks), (kt), (ku), (kv), (kw), (kx), (ky), (kz), (la), (lb), (lc), (ld), (le), (lf), (lg), (lh), (li), (lj), (lk), (ll), (lm), (ln), (lo), (lp), (lq), (lr), (ls), (lt), (lu), (lv), (lw), (lx), (ly), (lz), (ma), (mb), (mc), (md), (me), (mf), (mg), (mh), (mi), (mj), (mk), (ml), (mm), (mn), (mo), (mp), (mq), (mr), (ms), (mt), (mu), (mv), (mw), (mx), (my), (mz), (na), (nb), (nc), (nd), (ne), (nf), (ng), (nh), (ni), (nj), (nk), (nl), (nm), (nn), (no), (np), (nq), (nr), (ns), (nt), (nu), (nv), (nw), (nx), (ny), (nz), (oa), (ob), (oc), (od), (oe), (of), (og), (oh), (oi), (oj), (ok), (ol), (om), (on), (oo), (op), (oq), (or), (os), (ot), (ou), (ov), (ow), (ox), (oy), (oz), (pa), (pb), (pc), (pd), (pe), (pf), (pg), (ph), (pi), (pj), (pk), (pl), (pm), (pn), (po), (pp), (pq), (pr), (ps), (pt), (pu), (pv), (pw), (px), (py), (pz), (qa), (qb), (qc), (qd), (qe), (qf), (qg), (qh), (qi), (qj), (qk), (ql), (qm), (qn), (qo), (qp), (qq), (qr), (qs), (qt), (qu), (qv), (qw), (qx), (qy), (qz), (ra), (rb), (rc), (rd), (re), (rf), (rg), (rh), (ri), (rj), (rk), (rl), (rm), (rn), (ro), (rp), (rq), (rr), (rs), (rt), (ru), (rv), (rw), (rx), (ry), (rz), (sa), (sb), (sc), (sd), (se), (sf), (sg), (sh), (si), (sj), (sk), (sl), (sm), (sn), (so), (sp), (sq), (sr), (ss), (st), (su), (sv), (sw), (sx), (sy), (sz), (ta), (tb), (tc), (td), (te), (tf), (tg), (th), (ti), (tj), (tk), (tl), (tm), (tn), (to), (tp), (tq), (tr), (ts), (tt), (tu), (tv), (tw), (tx), (ty), (tz), (ua), (ub), (uc), (ud), (ue), (uf), (ug), (uh), (ui), (uj), (uk), (ul), (um), (un), (uo), (up), (uq), (ur), (us), (ut), (uu), (uv), (uw), (ux), (uy), (uz), (va), (vb), (vc), (vd), (ve), (vf), (vg), (vh), (vi), (vj), (vk), (vl), (vm), (vn), (vo), (vp), (vq), (vr), (vs), (vt), (vu), (vv), (vw), (vx), (vy), (vz), (wa), (wb), (wc), (wd), (we), (wf), (wg), (wh), (wi), (wj), (wk), (wl), (wm), (wn), (wo), (wp), (wq), (wr), (ws), (wt), (wu), (wv), (ww), (wx), (wy), (wz), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xl), (xm), (xn), (xo), (xp), (xq), (xr), (xs), (xt), (xu), (xv), (xw), (xx), (xy), (xz), (ya), (yb), (yc), (yd), (ye), (yf), (yg), (yh), (yi), (yj), (yk), (yl), (ym), (yn), (yo), (yp), (yq), (yr), (ys), (yt), (yu), (yv), (yw), (yx), (yy), (yz), (za), (zb), (zc), (zd), (ze), (zf), (zg), (zh), (zi), (zj), (zk), (zl), (zm), (zn), (zo), (zp), (zq), (zr), (zs), (zt), (zu), (zv), (zw), (zx), (zy), (zz).

J. ROBERT HARRIS
ZONING COMMISSIONER
OF BALTIMORE COUNTY



PROPOSED GROUND-MOUNTED
ORDER - BOARD

SCALE: 1"=2'

Order - Case No. 89-126-B

It is therefore this 30th day of March, 1990 by the County Board of Appeals of Baltimore County ORDERED that the special exception to permit garage service facilities on parcels A and B on the site subject to the Petition is hereby granted subject, however, to the following restrictions, which are conditions precedent to the relief granted herein.

1. Parcel A shall be limited to operations such as a quick lube, quick tune or auto glass, transmission, tire, or brake type specialty shop. Further, no body or fender or painting work shall be performed on either Parcel A or B.

2. There shall be no outside paging system.

3. All employees shall be required to park in those parking spaces provided along the northeast boundary line of said parcels.

4. The Petitioner shall erect an eight (8) foot board on board wooden fence along the entire length of the northeastern boundary of the subject property, such boundary being parallel to Belair Road and abutting the residential property to the rear of the subject site. The Petitioner shall assume all responsibility for the maintenance, upkeep and replacement (if necessary) of said fence. The fence shall be set back (6) feet off the subject site property line to afford landscaping on both the northeastern and southeastern sides of said fence. The Petitioner shall be required to landscape the southeastern side of the fence only if requested to do so by Mr. and Mrs. Edward D. Lewis. If Mr. and Mrs. Edward D. Lewis desire to have the landscaping placed on their side of the fence, they should forward the request to the Petitioner in writing on or before October 1, 1990 and a copy of the written request must be delivered to the Office of the Zoning Commissioner.

5. The Petitioner shall comply with all requirements of the Baltimore County Landscaping Manual and shall submit a landscaping plan to the Office of Current Planning for approval prior to the issuance of any permits.

6. The proposed facilities for Parcels A and B shall not begin operation prior to 7:00 A.M. and shall cease at such operation no later than 10:00 P.M.

7. There shall be no exterior storage of any parts or materials, including, but not limited to, windshields, tires, mufflers, transmissions, engines, etc., nor shall any disabled or damaged vehicles awaiting repair be left overnight on the exterior parking facilities of Parcels A and B.

8. There shall be no towing service operation of any nature conducted from the subject property.

9. There shall be no doors or windows located on the northern or eastern walls of the proposed building on Parcel A, nor shall there be any doors or windows located on the southern or western walls of the proposed building on Parcel B. Exterior lighting will not be permitted; nor shall it be permitted along the aforementioned walls. Building attached lighting shall be permitted for illuminating the exterior area of the service bays and waiting/office area. No such lighting shall be higher than 15 feet above grade and shall diffuse directly on the subject site. All parking lot lighting between the northeast wall of the proposed building on Parcel A and the northeast boundary line of the subject site shall be of the ground diffused type, no higher than 6 feet above grade. All exterior parking lot lighting between said northeast wall and Belair Road may be the free standing pole type, but it no event shall be higher than 15 feet above grade.

10. As to Parcel B, the special exception shall be limited to the use only and shall include in the future any activity or lighting by the property owner for an automotive grease service station so long as Mr. Paul Bourquin, the Petitioner, is the operator of the adjoining third grease service station; and that the use on Parcel B shall be of a general service garage nature as defined by the Baltimore County Zoning Regulations.

11. No grease sales shall be allowed on Parcel B.

Any Appeal from this decision must be made in accordance with Rules 8-1 through 8-15 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Arnold G. Foreman, Acting Chairman
Harry E. Buchmeier, Jr.
John G. Disney

Amended Order - Case No. 89-126-C

Upon consideration of the Petitioner and Petitioner's request to clarify the Order issued by the Board on March 6, 1990, it is the 30th day of April, 1990, by the County Board of Appeals of Baltimore County

ORDERED that the Order dated March 6, 1990 is hereby amended as follows:

1. Paragraphs 10 and 11 of the original Order are deleted and in their place and shall be the provisions that hereinafter follow.

2. Parcel B shall be limited to general service garage uses including but not limited to using parking the sales, service and/or installation for or including tires, batteries, mufflers, windshields and glass, front end alignment, shock absorbers, tune-ups, lubrications, oil changes, transmissions, automotive telephones, automotive radios, automotive cassette players, and such other type of service garage uses, including, however, body fender and/or painting work.

3. As to Parcels A and B, the special exception granted heretofore in the future any activity by the property owner for an automotive-grease service station so long as Mr. Paul Bourquin, is the operator of the adjoining third grease service station. However, Mr. Bourquin can, by written letter to the County Board of Appeals of Baltimore County, waive the aforementioned limitations.

4. No grease sales shall be permitted on either Parcel A or B so long as the condition in Paragraph 3 exists.

5. In all other respects, the opinion and Order of this Board is hereby AFFIRMED and incorporated by reference herein and each and every term and condition herein shall be in effect as of March 6, 1990.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Arnold G. Foreman,
Acting Chairman
Harry E. Buchmeier, Jr.
John Disney

Consented to:
S. Eric Dharma
Council for Petitioner
Gary C. Doss
Council for Petitioner



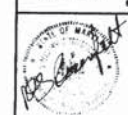
PROPOSED POLE SIGN

NOT TO SCALE

Z.A.M. #377-281

McDONALD'S RESTAURANT
7907 BELAIR ROAD
PLAN TO ACCOMPANY
VARIANCE PETITION

14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20' 8TH COUNCILMANIC DISTRICT JUNE 21, 1995



Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208

Telephone: (410) 653-3838
Facsimile: (410) 653-7953



NO.	DATE	REVISIONS	BY	SHEET 2 OF 2
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SCALE: 1"=20'
DATE: JUNE 21, 1995
JOB NO.: 84118
DESIGNED: MC
DRAWN: MC / MC
CHECKED: MC, JR.
FILE:
DRAWING NUMBER:
94118CON.DWG

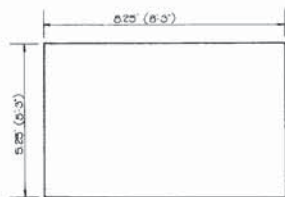
Order - Case No. 88-136-E

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, that the 23rd day of June, 1990, the Petition for Special Exception to permit a garage service facilities on Parcels A and B, as shown on the map, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein.

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appeals process from the Order has expired. If, for whatever reason, the Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Parcel A shall be limited to operations such as a quick lube, quick tune or auto glass, transmission, tire or brake type specialty shop. Further, no body or fender or painting work shall be performed on either Parcel A or B.
- There shall be no outside paging system.
- All employees shall be required to park in those parking spaces provided along the northeast boundary line of said parcels.
- The Petitioner shall erect an eight (8) foot board on board wooden fence along the entire length of the northeastern boundary of the subject property, such boundary being parallel to Saylor Road and abutting the residential property to the rear of the subject site. The Petitioner shall assume all responsibility for the maintenance, upkeep and replacement (if necessary) of said fence. The fence shall be set four (4) feet off the subject site property line to afford landscaping on both the northeastern and southwestern sides of said fence. The Petitioner shall be required to landscape the southwestern side of the fence only if requested to do so by Mr. and Mrs. Edward G. Lewis, Jr. and Mr. and Mrs. Edward G. Lewis, Jr. to have the landscaping placed on their side of the fence, they should forward that request to the Petitioner in writing on or before October 1, 1989 and a copy of the written request must be delivered to the Office of the Zoning Commissioner.
- The Petitioner shall comply with all requirements of the Baltimore County Landscaping Manual and shall submit a landscaping plan to the Office of Current Planning for approval prior to the issuance of any permits.
- The proposed facilities for Parcel A and B shall not begin operation prior to 7:00 A.M. and shall cease all such operation no later than 10:00 P.M.
- There shall be no exterior storage of any parts or materials, including, but not limited to, windshields, tires, mufflers, transmissions, engines, etc., nor shall any discolored or damaged vehicles awaiting repair be left overnight on the exterior parking facilities of Parcel A and B.
- There shall be no towing service operation of any nature conducted from the subject property.
- There shall be no doors or windows located on the northern or eastern walls of the proposed building on Parcel A (designated (a) and (b) respectively on Petitioner's Exhibit 1), nor shall there be any doors or windows located on the southern or eastern walls of the proposed building on Parcel B (designated (c) and (d) respectively on Petitioner's Exhibit 1). Exterior lighting will not be necessary, nor shall it be permitted along the aforementioned locations (walls, etc.). Building attached lighting shall be permitted for illuminating the exterior area of the service bays and waiting/office area. No such lighting shall be higher than 15 feet above grade and shall offset directly on the subject site. All parking lot lighting between the northwest wall of the proposed building on Parcel A and the northeast boundary line of the subject site shall be of the ground offset type, no higher than 6 feet above grade. All exterior parking lot lighting between said northwest wall and Saylor Road may be the free standing pole type, but in no event shall be higher than 15 feet above grade.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY



PROPOSED GROUND-MOUNTED
ORDER-BOARD

SCALE: 1"=2'

Order - Case No. 88-136-E

It is therefore this 8th day of March, 1990 by the County Board of Appeals of Baltimore County ORDERED that the special exception to permit garage service facilities on parcels A and B on the site subject to this Petition is hereby granted subject, however, to the following restrictions, which are conditions precedent to the relief granted herein.

- Parcel A shall be limited to operations such as a quick lube, quick tune or auto glass, transmission, tire, or brake type specialty shop. Further, no body or fender or painting work shall be performed on either Parcel A or B.
- There shall be no outside paging system.
- All employees shall be required to park in those parking spaces provided along the northeast boundary line of said parcels.
- The Petitioner shall erect an eight (8) foot board on board wooden fence along the entire length of the northeastern boundary of the subject property, such boundary being parallel to Saylor Road and abutting the residential property to the rear of the subject site. The Petitioner shall assume all responsibility for the maintenance, upkeep and replacement (if necessary) of said fence. The fence shall be set four (4) feet off the subject site property line to afford landscaping on both the sides of said fence. The Petitioner shall be required to landscape the southwestern side of the fence.
- The Petitioner shall comply with all requirements of the Baltimore County Landscaping Manual and shall submit a landscaping plan to the Office of Current Planning for approval prior to the issuance of any permits.
- The proposed facilities for Parcel A and B shall not begin operation prior to 7:00 A.M. and shall cease all such operation no later than 10:00 P.M.
- There shall be no exterior storage of any parts or materials, including, but not limited to, windshields, tires, mufflers, transmissions, engines, etc., nor shall any discolored or damaged vehicles awaiting repair be left overnight on the exterior parking facilities of Parcel A and B.
- There shall be no towing service operation of any nature conducted from the subject property.
- There shall be no doors or windows located on the northern or eastern walls of the proposed building on Parcel A, nor shall there be any doors or windows located on the southern or eastern walls of the proposed building on Parcel B. Exterior lighting will not be necessary, nor shall it be permitted along the aforementioned walls. Building attached lighting shall be permitted for illuminating the exterior area of the service bays and waiting/office area. No such lighting shall be higher than 15 feet above grade and shall offset directly on the subject site. All parking lot lighting between the northwest wall of the proposed building on Parcel A and the northeast boundary line of the subject site shall be of the ground offset type, no higher than 6 feet above grade. All exterior parking lot lighting between said northwest wall and Saylor Road may be the free standing pole type, but in no event shall be higher than 15 feet above grade.
- As to Parcel B, the special exception shall be limited to this use only and shall exclude in the future any activity or recording by the property owner for an automotive gasoline service station so long as Mr. Paul Bourquin, the Petitioner, is the operator of the adjoining Shell gasoline station, and that the use on Parcel B shall be of a general service garage nature as defined by the Baltimore County Zoning Regulations.
- No gasoline sales shall be allowed on Parcel B.

Any Appeal from this decision must be made in accordance with Rules 8-1 through 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Arnold G. Foreman, Acting Chairman
Harry E. Buchwalter, Jr.
John G. Diney



PROPOSED POLE SIGN

NOT TO SCALE

Amended Order - Case No. 88-136-E

Upon consideration of the Petitioner's and Protester's request to clarify the Order issued by this Board on March 8, 1990, it is this 8th day of April, 1990, by the County Board of Appeals of Baltimore County.

Ordered NUNG PRO TUNG that the Order dated March 8, 1990 is hereby amended as follows:

- Paragraphs 10 and 11 of the original Order are deleted and in their place and read shall be the provisions that hereinafter follow.
- Parcel B shall be limited to general service garage uses including, but not limited to uses including the sales, service and/or installation for or including tires, batteries, mufflers, windshields and glass, front end alignments, shock absorbers, tune-ups, lubrications, oil changes, transmissions, automotive telephones, automotive radios, automotive cassette players, and such other type of service garage uses, excluding, however, body fender and/or painting work.
- As to Parcel A and B, the special exception granted excludes in the future any activity by the property owner for an automotive gasoline service station so long as Mr. Paul Bourquin, the operator of the adjoining Shell gasoline service station. However, Mr. Bourquin can, by written letter to the County Board of Appeals of Baltimore County, waive the aforementioned limitations.
- No gasoline sales shall be permitted on either Parcel A or B so long as the condition in Paragraph 2 exists.
- In all other respects, the Order and Order of the Board is hereby AFFIRMED and incorporated by reference herein and each and every term and condition herein shall be in effect as of March 8, 1990.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Arnold G. Foreman,
Acting Chairman

Harry E. Buchwalter, Jr.

John Diney

Commented to:
S. Eric Offshore
Council for Protesters
Only G. Diney
Council for Petitioners

E.A.D.M. #XIV-391

McDONALD'S RESTAURANT
7907 BELAIR ROAD
PLAN TO ACCOMPANY
VARIANCE PETITION

14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1"=20' 6TH COUNCILMANIC DISTRICT JUNE 21, 1995

Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners

3723 Old Court Road, Suite 206

Baltimore, Maryland 21208

Telephone: (410) 653-3838

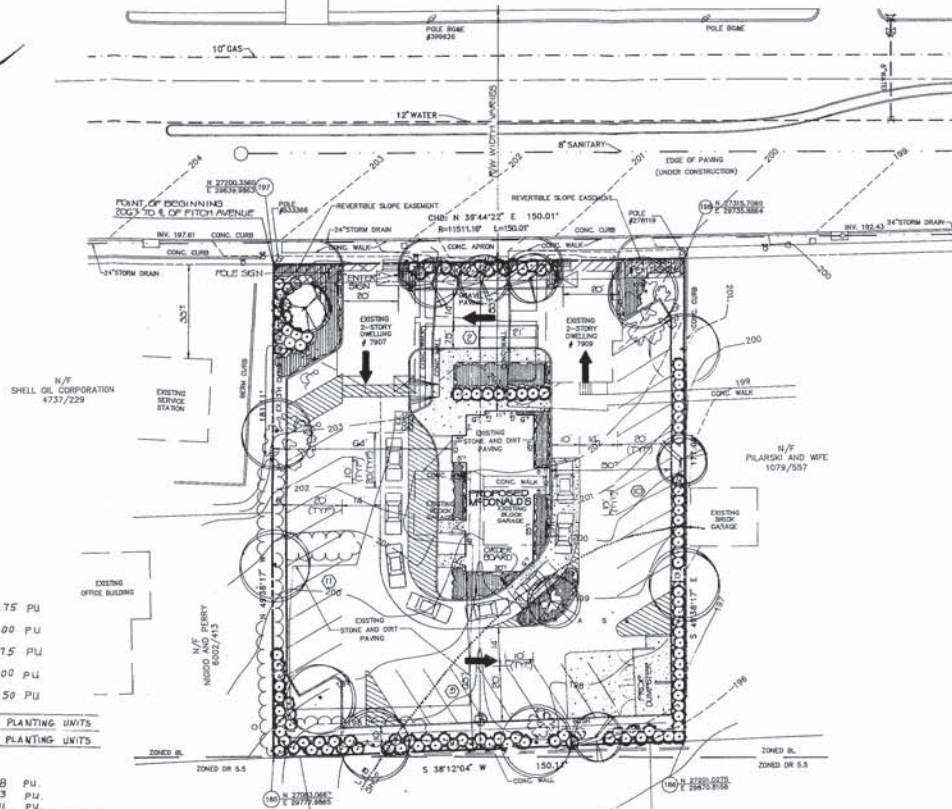
Facsimile: (410) 653-7953



NO.	DATE	REVISIONS	BY	SHEET	2 OF 2

SCALE: 1"=20'
DATE: JUNE 21, 1995
JOB NO.: 8415
DESIGNED BY:
DRAWN BY: MEX
CHECKED BY: MEX
FILE
DRAWING
NUMBER
94116CON.DWG

BELAIR ROAD (US ROUTE 1) (SRC RW PLAT #51871)



LANDSCAPE REQUIREMENTS

PLANTING REQUIRED:	
1 PU/10 LF ADJACENT RD. (150 LF ÷ 40)	3.75 PU
1 PU/20 LF INTERIOR RD. (80 LF ÷ 40)	4.00 PU
1 PU/12 PARKING SPACES (33 PS ÷ 12)	2.75 PU
SCREEN PARKING FROM RD. (150 LF ÷ 15) CLASS B	10.00 PU
SCREEN DEV. FROM ADJ. RESIDENCES (325 LF ÷ 15) CLASS A	21.50 PU
TOTAL PLANTING REQUIRED	= 42 PLANTING UNITS
TOTAL PLANTING PROVIDED	= 42 PLANTING UNITS
PLANTING PROVIDED:	
(8) MAJOR DECIDUOUS TREES	= 8 PU.
(6) MINOR DECIDUOUS TREES	= 3 PU.
(155) SHRUBS FOR SCREENING	= 31 PU.
TOTAL	42 PLANTING UNITS

KEY

- MAJOR DECIDUOUS TREE
2-2 1/2" CAL.
- MINOR FLOWERING TREE
1 1/4-1 3/4" CAL.
- EVERGREEN SHRUBS FOR SCREENING
- LOW SHRUBS OR GROUND COVER

NOTE THE MINIMUM SHRUB HEIGHT @ INSTALLATION FOR:
CLASS A SCREEN IS 30"
CLASS B SCREEN IS 18"



VICINITY MAP
SCALE 1" = 1000'

GENERAL NOTES

- Owner: 7907-7909 Belair Associates
P.O. Box 21545
Baltimore, Md. 21208-0541
- Applicant: McDonald's Corporation
8850 Stanford Blvd.
Columbia, Md. 21045
(410) 290-0000
- Existing Zoning: R-1 Zoning Map No. WE-7E
- Building Area: 1589 Sq. Ft. Building Height: One story
- Parking Required: 16/1,000 Sq. Ft. = 25 Spaces
Parking Provided: 33 Spaces, including 2 handicap
- Average Daily Trips: 785/1,000 Sq. Ft. = 1249 ADTs
- There are no existing underground fuel and chemical storage tanks on site. There are existing fuel storage tanks on the adjacent automobile service station.
- Existing land uses within 200 ft. of the site consist of single family residential and commercial uses.
- Proposed signs:
30 sq. ft. Pole Sign (double-sided); Height - 25 ft.
44 sq. ft. Freestanding Order Board (single-sided)
- All paving will be durable and dustless surface.
- Illumination for off-street parking will not reflect into residential lots.
- Proposed Building - 1589 Sq. Ft.
Lot Area - 26,850 Sq. Ft.
F.A.R. - 0.06
- Variances are requested from Section 409.4 of the NCER to permit a 14-foot one-way parking aisle in lieu of the required 16 feet; Sec. 409.10(B) of the NCER to permit a drive-through lane to cross the principal pedestrian access to the facility; Sec. 409.4 (A) to permit a 10-foot one-way drive aisle in lieu of the required 12 feet; Sec. 409.10 (A) for 4 stacking spaces behind the order board in lieu of the required 5 spaces; Sec. 413.2(F) of the NCER to permit business signs totalling 144 square feet in lieu of the required 100 square feet; and Sec. 409.8(A)(1) of the NCER to permit a 5-foot landscape buffer in lieu of the required 10 feet.
- Zoning Case No. 85-126-2, Order dated June 23, 1989 and Amended Order dated April 6, 1990, granted approval for an automobile service facility on this site. (See Sheet 2 for text of zoning orders)

Z.A.P.M. No. XIV-281

#486

McDONALD'S RESTAURANT 7507 BELAIR ROAD PLAN TO ACCOMPANY VARIANCE PETITION

16TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20'
2ND COUNCILMANIC DISTRICT JUNE 21, 1995



Colbert Matz Rosenfelt, Inc.
Engineers - Surveyors - Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

DATE: JUNE 23, 1989	SCALE: 1" = 20'
DRAWN BY: J. M. R.	CHECKED BY: J. M. R.
DATE: JUNE 23, 1989	SCALE: 1" = 20'
DRAWN BY: J. M. R.	CHECKED BY: J. M. R.
DATE: JUNE 23, 1989	SCALE: 1" = 20'
DRAWN BY: J. M. R.	CHECKED BY: J. M. R.
DATE: JUNE 23, 1989	SCALE: 1" = 20'
DRAWN BY: J. M. R.	CHECKED BY: J. M. R.
DATE: JUNE 23, 1989	SCALE: 1" = 20'
DRAWN BY: J. M. R.	CHECKED BY: J. M. R.

NO. DATE REVISIONS BY SHEET 1 OF 2

PRINTED

JUN 28 1995

COLBERT MATZ ROSENFELT, INC.

BELAIR ROAD (US ROUTE 1)

(SPC PW PLAT - 5-871)



VICINITY MAP
SCALE 1" = 1000'

GENERAL NOTES

- Owner: 7901-7929 Belair Associates
P.O. Box 23145
Baltimore, MD 21208-0541
- Applicant: McDonald's Corporation
8850 Stanford Blvd.
Columbia, MD 21045
(410) 290-0000
- Existing Zoning: BL Zoning Map No. WD-72
- Building Area: 1589 Sq. Ft. Building Height: One story
- Parking Required @ 161,000 Sq. Ft.: 25 Spaces
Parking Provided: 33 Spaces, including 2 handicap
- Average Daily Trips @ 786/1,000 Sq. Ft. = 1249 ADTs
- There are no existing underground fuel and chemical storage tanks on site. There are existing fuel storage tanks on the adjacent automobile service station.
- Existing land uses within 200 ft. of the site consist of single family residential and commercial uses.
- Proposed signs:
50 sq. ft. Pole Sign (double-sided); Height - 25 ft.
44 sq. ft. Freestanding Order Board (single-sided)
- All paving will be durable and dustless surface.
- Illumination for off-street parking will not reflect into residential lots.
- Proposed Building - 1589 Sq. Ft.
Lot Area - 26,150 Sq. Ft.
F.A.R. - 0.06
- Variances are requested from Section 409.4 of the BCER to permit a 14-foot one-way parking aisle in lieu of the required 16 feet; Sec. 409.10(B) of the BCER to permit a drive-through lane to cross the principal pedestrian access to the facility; Sec. 409.4 (A) to permit a 10-foot one-way drive aisle in lieu of the required 12 feet; Sec. 409.10 (A) for 4 stacking spaces behind the order board in lieu of the required 5 spaces; Sec. 412.2(F) of the BCER to permit business signs totalling 144 square feet in lieu of the required 100 square feet; and Sec. 409.8(A)(1) of the BCER to permit a 5-foot landscape buffer in lieu of the required 10 feet, and (4) for parking off the driveway in lieu of the required 10 feet.
- Zoning Case No. 89-136-V, Order dated June 21, 1989 and Amended Order dated April 6, 1990, granted approval for an automobile service facility on this site. (See Sheet 2 for text of zoning orders)

Z.A.D.M. No. XIV-261

McDONALD'S RESTAURANT 7907 BELAIR ROAD AMENDED PLAN TO ACCOMPANY VARIANCE PETITION

14TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE 1" = 20'

JUNE 21, 1995

6th CONGRESSIONAL DISTRICT

Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners

3723 Old Court Road, Suite 206

Baltimore, Maryland 21208

Telephone: (410) 653-3838

Facsimile: (410) 653-7953

DATE: JUNE 21, 1995

BY: [Signature]

REASON: [Signature]

DATE: JUNE 21, 1995

BY: [Signature]

REASON: [Signature]

DATE: JUNE 21, 1995

BY: [Signature]

REASON: [Signature]

DATE: JUNE 21, 1995

BY: [Signature]

REASON: [Signature]

DATE: JUNE 21, 1995

BY: [Signature]

REASON: [Signature]

DATE: JUNE 21, 1995

BY: [Signature]

REASON: [Signature]

LANDSCAPE REQUIREMENTS

PLANTING REQUIRED:	
1 PU/10 LF ADJACENT RD (150 LF = 40)	= 3.75 PU
1 PU/20 LF INTERIOR RD (80 LF = 20)	= 4.00 PU
1 PU/12 PARKING SPACES (33 PS = 12)	= 2.75 PU
SCREEN PARKING FROM RD (150 LF = 15) CLASS B	= 10.00 PU
SCREEN DEV FROM ADJ RESIDENCES (325 LF = 19) CLASS A	= 21.50 PU

TOTAL PLANTING REQUIRED	= 42 PLANTING UNITS
TOTAL PLANTING PROVIDED	= 42 PLANTING UNITS

PLANTING PROVIDED:	
(*) MAJOR DECIDUOUS TREES	= 6 PU
(*) MINOR DECIDUOUS TREES	= 3 PU
(*) SHRUBS FOR SCREENING	= 33 PU
TOTAL	42 PLANTING UNITS

KEY

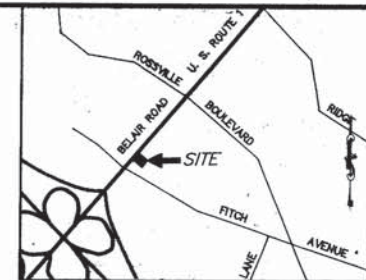
- MAJOR DECIDUOUS TREE
2"-2 1/2" CAL
- MINOR DECIDUOUS TREE
1 1/2"-1 3/4" CAL
- EVERGREEN SHRUBS FOR SCREENING

LOW SHRUBS OR GROUND COVER

NOTE: THE MINIMUM SHRUB HEIGHT @ INSTALLATION FOR
CLASS A SCREEN IS 30'
CLASS B SCREEN IS 18'

Amended Plat -
Enter as Exhibit

BELAIR ROAD (US ROUTE 1) (SRC RW PLAT #51871)



VICINITY MAP
SCALE 1" = 1000'

GENERAL NOTES

- Owner: 7907-7909 Belair Associates
P.O. Box 21545
Baltimore, Md. 21228-0541
- Applicant: McDonald's Corporation
8820 Standford Blvd.
Columbia, Md. 21045
(410) 293-0555
- Existing Zoning: MC - Existing Map No. 15-79
- Building Area: 1989 Sq. Ft. Building Height: One story
- Parking Required: 14/1,000 Sq. Ft.: 25 spaces
Parking Provided: 33 spaces, including 2 handicap
- Average Daily Trip: 764/1,000 Sq. Ft. = 1249 ADTs
- There are no existing underground fuel and chemical storage tanks on site. There are existing fuel storage tanks on the adjacent automobile service station.
- Existing land uses within 200 ft. of the site consist of single family residential and commercial uses.
- Proposed signs:
80 sq. ft. Pole sign (double-sided); Height - 25 ft.
44 sq. ft. Freestanding Order Board (single-sided)
- All paving will be durable and dustless surface.
- Illumination for off-street parking will not reflect into residential lots.
- Proposed Building: 1989 Sq. Ft.
Lot Area - 26,850 Sq. Ft.
F.A.R. - 9.05
- Vegetation and suggested from Section 405.4 of the BCRB, to permit a 14-foot one-way parking aisle in line of the required 14 feet; Sec. 405.10(1) of the BCRB to permit a drive-through lane to cross the principal pedestrian access to the facility; Sec. 405.4 (a) to permit a 10-foot one-way drive aisle in line of the required 12 feet; Sec. 405.10 (A) for 4 stacking spaces behind the order board in line of the required 5 spaces; Sec. 413.2(F) of the BCRB to permit business signs totalling 144 square feet in line of the required 100 square feet; and Sec. 405.6(1) of the BCRB to permit a 3-foot landscape buffer in line of the required 10 feet.
- Zoning Case No. 89-136-Z, Order dated June 23, 1989 and Amended Order dated April 4, 1990, granted approval for an automobile service facility on this site. (See Sheet 2 for text of zoning orders)

Z.A.D.M. No. XIV-281

McDONALD'S RESTAURANT 7907 BELAIR ROAD PLAN TO ACCOMPANY VARIANCE PETITION

14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20'
6TH COUNCILMANIC DISTRICT JUNE 27, 1995



Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208

Telephone: (410) 653-3838
Facsimile: (410) 653-7953

DATE	JUNE 27, 1995
JOB NO.	8415
DRAWN BY	W.D.
CHECKED BY	J.A.P.
DATE	
DRAWING NUMBER	
BY	94116CON.DWG
NO.	
DATE	
REVISIONS	
BY	SHEET 1 OF 2

95-494-A

LANDSCAPE REQUIREMENTS

PLANTING REQUIRED:	
1 PU/10 LF ADJACENT RD. (150 LF = 40)	= 3.75 PU
1 PU/20 LF INTERIOR RD. (80 LF = 20)	= 4.00 PU
1 PU/12 PARKING SPACES (33 PS = 12)	= 2.75 PU
SCREEN PARKING FROM RD. (150 LF = 15) CLASS B	= 10.00 PU
SCREEN DEV. FROM ADJ. RESIDENCES (325 LF = 15) CLASS A	= 21.50 PU

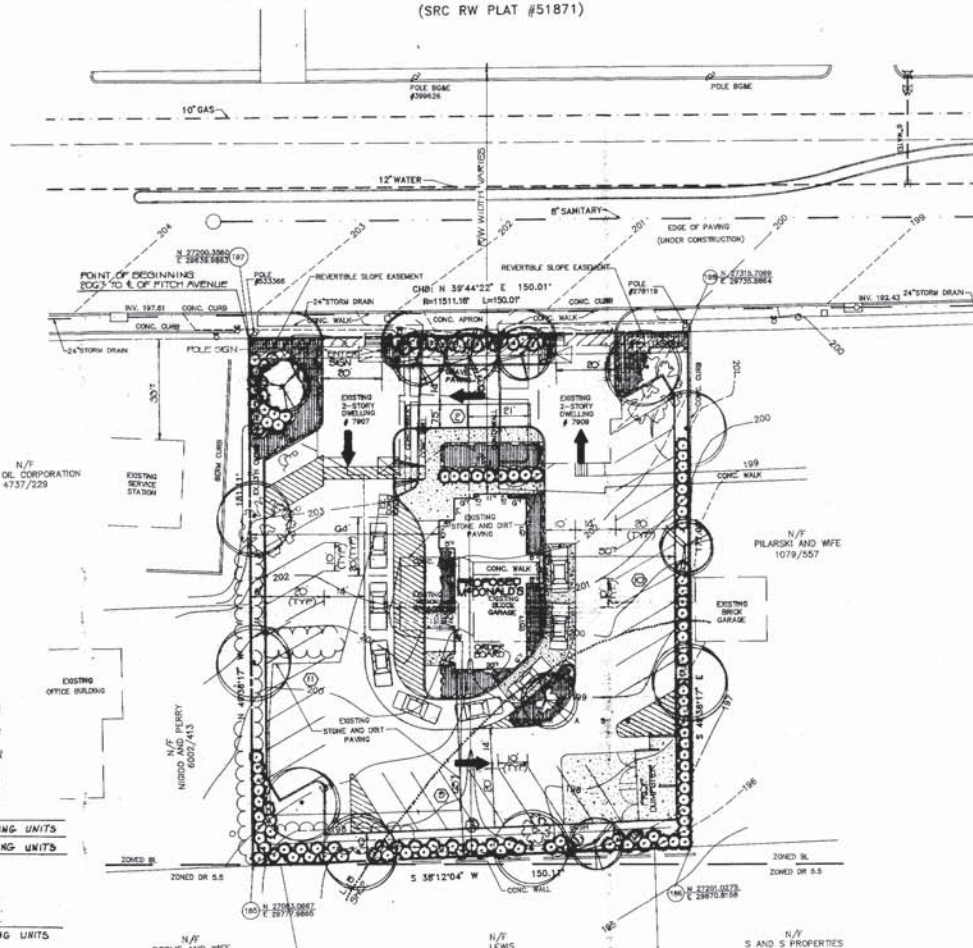
TOTAL PLANTING REQUIRED	= 42 PLANTING UNITS
TOTAL PLANTING PROVIDED	= 42 PLANTING UNITS

PLANTING PROVIDED:	
(B) MAJOR DECIDUOUS TREES	= 8 PU
(B) MINOR DECIDUOUS TREES	= 3 PU
(SS) SHRUBS FOR SCREENING	= 31 PU
TOTAL	42 PLANTING UNITS

KEY

- MAJOR DECIDUOUS TREE
2-2 1/2" CAL.
- MINOR DECIDUOUS TREE
1 1/2-1 3/4" CAL.
- EVERGREEN SHRUBS FOR SCREENING
- LOW SHRUBS OR GROUND COVER

NOTE
THE MINIMUM SHRUB HEIGHT @ INSTALLATION FOR:
CLASS A SCREEN IS 30"
CLASS B SCREEN IS 18"



PRINTED

JUN 28 1995

COLBERT MATZ ROSENFELT, INC.

MICROFILMED

BELAIR ROAD (US ROUTE 1) (SRC RW PLAT #51871)



VICINITY MAP
SCALE 1" = 1000'

GENERAL NOTES

- Owner: 7507-7509 Belair Associates
P.O. Box 21545
Baltimore, MD; 21204-0541
- Applicant: McDonald's Corporation
8856 Stanford Blvd.
Columbia, MD; 21045
(410) 290-0000
- Existing Zoning: SL Zoning Map No. NE-7E
- Building Area: 1589 Sq. Ft. Building Height: One story
- Parking Required: 33 Spaces, including 2 handicap
- Average Daily Trips: 786/1,000 Sq. Ft. = 1249 ADTs
- There are no existing underground fuel and chemical storage tanks on site. There are existing fuel storage tanks on the adjacent automobile service station.
- Existing land use within 200 ft. of the site consist of single family residential and commercial uses.
- Proposed signs:
50 sq. ft. Pole Sign (double-sided); Height - 25 ft.
44 sq. ft. Freestanding Order Board (single-sided)
- All parking will be double and double surface.
- Illumination for off-street parking will not reflect into residential lots.
- Proposed Building - 1589 Sq. Ft.
Lot Area - 26,850 Sq. Ft.
F.A.R. - 0.06
- Variances are requested from Section 409.4 of the BCR to permit a 14-foot one-way parking aisle in lieu of the required 16 feet; Sec. 409.10(b) of the BCR to permit a drive-through lane to cross the principal pedestrian access to the facility; Sec. 409.4 (A) to permit a 10-foot one-way drive aisle in lieu of the required 12 feet; Sec. 409.10 (A) for 4 stacking spaces behind the order board in lieu of the required 5 spaces; Sec. 409.4 (B) of the BCR to permit business signs totalling 144 sq. ft. in lieu of the required 100 square feet; and Sec. 409.4 (C) of the BCR to permit a 5-foot landscape buffer in lieu of the required 10 feet, and (4) for parking off the driveway in lieu of the required 10 feet.
- Zoning Case No. 89-136-W, Order dated June 27, 1989 and Amended Order dated April 6, 1990, granted approval for an automobile service facility on this site. (See Sheet 2 for text of zoning orders)

S.A.D.M. No. XIV-281

McDONALD'S RESTAURANT 7507 BELAIR ROAD ANNAPOLIS PLAN TO ACCOMPANY VARIANCE PETITION

14TH ELECTION DISTRICT
SCALE 1" = 20'
6TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND
JUNE 27, 1995

Colbert Matz Rosenfelt, Inc.
Engineers - Surveyors - Planners

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

1. DATE: JUNE 27, 1995	SCALE: 1" = 20'
JOB NO. 84118	DESIGNED: NO
DRAWN: M. J. MCK	CHECKED: M. J. MCK
FILE	DRAWING NUMBER: 84118CON.DWG

PETITIONER'S EXHIBIT

NO. DATE REVISIONS BY SHEET 1 OF 2

LANDSCAPE REQUIREMENTS

PLANTING REQUIRED:	
1 PU/10 LF ADJACENT RD (150 LF = 40)	= 3.75 PU
1 PU/20 LF INTERIOR RD (80 LF = 20)	= 4.00 PU
1 PU/12 PARKING SPACES (33 PS = 12)	= 2.75 PU
SCREEN PARKING FROM RD (150 LF = 15) CLASS B	= 10.00 PU
SCREEN DEV. FROM ADJ. RESIDENCES (325 LF = 15) CLASS A	= 21.50 PU

TOTAL PLANTING REQUIRED	= 42 PLANTING UNITS
TOTAL PLANTING PROVIDED	= 42 PLANTING UNITS

PLANTING PROVIDED:	
(6) MAJOR DECIDUOUS TREES	= 6 PU
(6) MINOR DECIDUOUS TREES	= 3 PU
(165) SHRUBS FOR SCREENING	= 33 PU
TOTAL	= 42 PLANTING UNITS

KEY

- MAJOR DECIDUOUS TREE
2-2 1/2" CAL
- MINOR DECIDUOUS TREE
1 1/2-1 3/4" CAL
- EVERGREEN SHRUBS FOR SCREENING
- LOW SHRUBS OR GROUND COVER

NOTE THE MINIMUM SHRUB HEIGHT @ INSTALLATION FOR CLASS A SCREEN IS 30" CLASS B SCREEN IS 18"

Amended Plot -
Enter as Exhibit