IN RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner York Road and
Bellona Avenue
(1600 York Road)
8th Election District
3rd Councilmanic District

Regent Development Company, Owner;
Taco Bell, Inc., Lessee; and
William H. Schaefer, Sub-Lessee - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-92-X

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1600 York Road, located in the vicinity of Melanchton and Margate Avenues in Lutherville. The Petition was filed by the Contract Lessee, Taco Bell, Inc., by Kevin Chaidez, National Excess Property Manager, and the Contract Sub-Lessee, William H. Schaefer, through Leslie M. Pittler, Esquire, attorney for the Petitioners. The Petitioners seek special exception relief to permit a used motor vehicle outdoor sales area, separate from the sales agency building, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 2.

Appearing at the hearing on behalf of the Petition were William H. Schaefer, Contract Sub-Lessee, Kenneth Colbert, Professional Engineer with Colbert Matz and Rosenfelt, who prepared the site plan for this project, Sally Malena, Landscape Architect with Human & Rohde, Inc., George L. Panos, Robert W. Hanna, Les Greenberg and Irvin Miller. Also appearing on behalf of the Petition was Eric Rockel, a representative of the Lutherville Community Association. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.1887 acres, more or less, zoned B.R.-C.N.S., and is presently unimproved. The property was recently approved for development with a Taco Bell restaurant; however, Taco Bell has decided not to use the site and have instead entered into a sub-lease agreement with William Schaefer who wishes to develop the site with a used car dealership. Testimony indicated that Mr. Schaefer currently operates other new and used car dealerships in the area. The proposed plans for the subject site include a 36' x 76' building which will house a used car showroom and office space for salesmen, as more particularly described on Petitioner's Exhibit 2, a site plan of the property. Furthermore, the property will be developed and the site improved in accordance with the landscape drawing submitted into evidence as Petitioner's Exhibit 3. Testimony revealed that the Petitioners have met and worked closely with the surrounding community, as evidenced by the written agreement entered into with the Lutherville Community Association, Inc. This agreement, which is identified as Petitioner's Exhibit 1, has been signed by Mr. Schaefer and contains certain terms and conditions that Mr. Schaefer has agreed to abide by with regard to his use of the property as a used car dealership. Therefore, as a condition of approval, this agreement shall be made a part of the record and enforceable as if part of this Order.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-C.N.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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 in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of October, 1996 that the Petition for Special Exception to permit a used motor vehicle outdoor sales area, separate from the sales agency building, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitioners shall comply with all of the terms and conditions set forth in the agreement between Mr. William Schaefer and the Lutherville Community Association, Inc., identified herein as Petitioner's Exhibit 1. Failure to comply with any portion of this agreement shall result in a violation of this Order and the Petitioners shall be subject to zoning violation proceedings by the Zoning Enforcement Division of the Department of Permits and Development Management (DPDM); and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 14, 1996

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue, Suite 610
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner York Road and Bellona Avenue
(1600 York Road)
8th Election District - 3rd Councilmanic District
Regent Development Company, Owner; Taco Bell, Inc., Lessee; and
William H. Schaefer, Sub-Lessee - Petitioners
Case No. 97-92-X

Dear Mr. Pittler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Regent Development Company, c/o Howard Epstein
P.O. Box 566, Allentown, PA 18105

Mr. Kevin Chaidez, National Excess Property Manager, Taco Bell, Inc.
17901 Von Karman, Irvine, CA 92714

Mr. William H. Schaefer, 2085 York Road, Timonium, MD 21093

Mr. Eric Rockel, 1610 Riderwood Drive, Lutherville, MD 21093
Mr. Ken Colbert, 3723 Old Court Road, Pikesville, MD 21208
Ms. Sally Malena, Human & Rohde, 110 E. Penn. Ave., Towson, MD 21204

People's Counsel; Case File

#52

Petition for Special Exception

97-92-X

to the Zoning Commissioner of Baltimore County

for the property located at 1600 York Road

which is presently zoned BR

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

"Used motor vehicle outdoor sales area, separated from sales agency building" pursuant to Section 236.4 of the Baltimore County Zoning Regulations.

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

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

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

Applicant/Proposed Sub-lessee

William H. Schaefer
(Type or Print Name)

Signature

2085 York Road
Address

Timonium, MD 21093
City State Zipcode

Attorney for Petitioner:

Leslie M. Pittler
(Type or Print Name)

Signature

29 W. Susquehanna Ave., #610
Address Phone No.

Towson, MD 21204 823-4455
City State Zipcode

Lessee

TACO BELL, INC.
(Type or Print Name)

Signature

Kevin Chandler
by: National Exec. Property Manager
(Type or Print Name)

Signature

17901 Von Karman 714-863-3711
Address Phone No.

Irvine CA 92714
City State Zipcode

Name, Address and phone number of representative to be contacted.

Surplus Solutions, Inc.
Name

3 Dunwoody Park, #108 Dunwoody, GA 30338
Address Phone No. 770-394-2660

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3hr

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MK DATE 8/2/96

ORDER RECEIVED FOR FILING

Date 10/21/96

By

MICROFILMED

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION

97-92-X

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE IN THE EIGHTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND AND BEING KNOWN AS 1600 YORK ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE WEST SIDE OF YORK ROAD AS WIDENED AND SHOWN ON THE PLAT ENTITLED "SUBDIVISION PLAT OF 1600 YORK ROAD AND 1630 BELLONA AVENUE" AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK 67, FOLIO 112; SAID POINT BEING 160 FEET, MORE OR LESS NORTH OF BELLONA AVENUE; THENCE RUNNING AND BINDING ALONG SAID RIGHT-OF-WAY LINE (1) SOUTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 11,499.16 FEET AND A LENGTH OF 138.05 FEET; THENCE (2) SOUTHERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A LENGTH OF 24.59 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF BELLONA AVENUE, 50 FEET WIDE; THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE (3) SOUTH 34 DEGREES 11 MINUTES 22 SECONDS WEST, 96.91 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING THE FOLLOWING COURSES AND DISTANCES (4) NORTH 41 DEGREES 36 MINUTES 50 SECONDS WEST 82.43 FEET; THENCE (5) SOUTH 69 DEGREES 51 MINUTES 35 SECONDS WEST 118.70 FEET; THENCE (6) NORTH 21 DEGREES 32 MINUTES 40 SECONDS WEST 10.80 FEET; THENCE (7) SOUTH 74 DEGREES 17 MINUTES 20 SECONDS WEST 51.12 FEET; THENCE (8) NORTH 21 DEGREES 01 MINUTES 08 SECONDS WEST 124.27 FEET; THENCE (9) NORTH 69 DEGREES 51 MINUTES 35 SECONDS EAST 287.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.0213 ACRES OF LAND MORE OR LESS.

I:\JOBS\930621.DES 6-27-96

#52

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

CASE NUMBER: 97-92-X (Item 52)
1600 York Road
coerner of W/S Y. . Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner/Lessee: Taco Bell, Inc.
Applicant/Proposed Sub-Lessee: William H. Schaefer

Special Exception for "used motor vehicle outdoor sales area, separated from sales agency building."

HEARING: FRIDAY, OCTOBER 4, 1996 at 2:00 p.m. in Room 106, County Office Building.

Les Pittler 823-4455

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8 Date of Posting 9/13/96

Posted for: 97-92X

Petitioner: WILLIAM H. SCHAEFER

Location of property: #1600 YORK RD.

Location of Signs: #1600 York Rd.

Remarks:

Posted by Pat O'Leary Signature Date of return:

Number of Signs:

97-92

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 8th Date of Posting 9/23/96

Posted for: Case # 97-092X

Petitioner: WILLIAM H. SCHAEFER, ETAL

Location of property: #1600 YORK RD.

Location of Signs: #1600 York Rd.

Remarks:

Posted by Patrick Offutt Date of return:

Signature

Number of Signs: 1

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: #97-92-X
(Item 52)
1600 York Road
corner of W/S York Road, N/S Bellona Avenue
8th Election District
3rd Councilmanic
Legal Owner/Lessee:
Taco Bell, Inc.
Applicant/Proposed Sub-Lessee:
William H. Schaefer
Special Exception: for "used motor vehicle outdoor sales area, separated from sales agency building."
Hearing: Friday, October 4, 1996 at 2:00 p.m. in Rm. 106, County Office Building.

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.

9/059 Sept. 5. C80050

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 6, 1996

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 Sept. 5, 1996.

THE JEFFERSONIAN,

G. H. Emmelson

LEGAL AD. - TOWSON

MICROFILMED.

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

No. 023595

97-92-X

DATE 8/2/96 ACCOUNT 01-615

Item 52

By: MK

AMOUNT $ 335.00

(Sub-Div)

RECEIVED Louis M Phillips - 1200 York Rd

FROM:

050 - Sp Exception — $ 300.00

080 - 1 sign posting — $ 35.00

$ 335.00

FOR:

MICROFILMED

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Department of Permits and
Development Management

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

97-92-X

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & 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.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 52 Petitioner: William H. Schaefer

Location: 1600 York Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leslie M. Pittler

ADDRESS: 29 W. Susquehanna Ave #610
Towson, MD 21204

PHONE NUMBER: 823-4455

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
September 5, 1996 Issue - Jeffersonian

Please foward billing to:

Leslie M. Pittler, Esq.
29 W. Susquehanna Avenue #610
Towson, MD 21204
823-4455

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: 97-92-X (Item 52)
1600 York Road
coerner of W/S York Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner/Lessee: Taco Bell, Inc.
Applicant/Proposed Sub-Lessee: William H. Schaefer

Special Exception for "used motor vehicle outdoor sales area, separated from sales agency building."

HEARING: FRIDAY, OCTOBER 4, 1996 at 2:00 p.m. in Room 106, County Office Building.

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
Department of Permits and
Development Management

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

August 30, 1996

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: 97-92-X (Item 52)
1600 York Road
corner of W/S York Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner/Lessee: Taco Bell, Inc.
Applicant/Proposed Sub-Lessee: William H. Schaefer

Special Exception for "used motor vehicle outdoor sales area, separated from sales agency building."

HEARING: FRIDAY, OCTOBER 4, 1996 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: William H. Schaefer
Leslie M. Pittler, 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 CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

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

September 24, 1996

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue, #610
Towson, MD 21204

RE: Item No.: 52
Case No.: 97-92-X
Petitioner: Taco Bell, Inc.

Dear Mr. Pittler:

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 August 2, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: August 20, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 1600 York Road

INFORMATION:

Item Number: 52

Petitioner: Taco Bell, Inc.

Property Size:

Zoning: BR

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The proposed Special Exception for a Used Motor Vehicle Outdoor Sales Area in a BR zone is for 1600 York Road, the site of the former Jack's Corned Beef. The property in question is located within the Lutherville Community Conservation Plan area adopted by the Baltimore County Council on February 20, 1996 as part of the Baltimore County Master Plan. It is also in proximity to the Lutherville National Register Historic District and has been reviewed by the Baltimore County Landmarks Preservation Commission.

At a recent meeting on August 8, 1996, the LPC expressed concern about adequate landscaping to provide a buffer for the adjacent residential property and the Historic District. Additionally, LPC was concerned about limits on decorative balloons and banners.

The adopted Community Conservation Plan for Lutherville contains "Guidelines For Enhancing the Appearance of Non-Residential Properties" (page F2). For businesses along York Road, landscaping should be provided to screen dumpsters, parking and storage areas. Street trees are very desirable as well as ornamental landscaping to enhance the building, driveway entrances and parking areas. Signage should meet current county sign code requirements, be attractive and be professionally designed.

The previously granted sign variance and side yard setback variance are rendered moot since the Taco Bell is no longer the proposed use (Case No. 94-189A). The DRC on July 22, 1996 granted a limited exemption pursuant to 26-171(6)9 of the Development Regulations for the site development and the outdoor sales building.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

The Zoning Commissioner will review the petition for Special Exception in accordance with Section 502.1 of the B.C.Z.R. If the Special Exception is granted, the Office of Planning recommends a revised plan reflecting the aforementioned comments and the following restrictions to insure compatibility with the Lutherville Community Plan.

1. Architectural elevation drawings, a landscape plan and a sign detail for any free-standing sign should be submitted to the Office of Planning for review prior to issuance of any building permits.

2. No outdoor speakers, streamers, banners, or display balloons should be permitted.

3. No automobile rack storage system for automobile storage should be permitted.

4. No automobile repair should be permitted.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL/lw

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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: August 16, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 19, 1996
Item Number 052

The Development Plans Review Division has reviewed the subject zoning item.

All improvements and intersection modification related to Taco Bell site plan will still apply to this plan.

The Final Landscape Plan approved on August 14, 1995 for this site shall serve as the basis for preparing a revised landscape plan for the current proposal.

RWB:HJO:jrb

cc: File

ZONE22D

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/14/96

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 12, 1996.

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:43,45,46,47,49,50,51,52, 53 AND 54.

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

cc: File

MICROFILMED

Roz

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Aug. 13, 1996

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 12, 96

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

Item #'s: 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54

RBS:sp

BRUCE2/DEPRM/TXTSBP

PETITION PROBLEMS

97-92-X

#43 --- JRA

1. Petition form does not have section number or what they are requesting.
2. Petition form states zoning is "residential".

#45 --- MJK

1. Petition was not given copy of receipt - still in folder.
2. No telephone number for legal owner

#46 --- MJK

1. No telephone number for legal owner.

#48 --- JLL

1. Need authorization for attorney to sign for legal owner.

#49 --- MJK

1. No telephone number for legal owner.

#52 --- MJK

1. Receipt not given to petition - still in folder.
2. No name, address, etc. for legal owner.

RELIANCE FIRE PROTECTION, INC.

BALTIMORE, MD. 21220
410-574-3200

HYDRAULIC DESIGN INFORMATION SHEET

NAME - T.ROWE PRICE DATA MECHANICAL ROOMS — DATE - 06-25-96
LOCATION - LOTS 24,25,26 OWINGS MILLS COMMERCE CENTER
BUILDING - DATA CENTER — SYSTEM NO. - PRICE-8
CONTRACTOR - RELIANCE FIRE PROTECTION, INC. — CONTRACT NO. - 96055
CALCULATED BY - Christopher A. DeWitt — DRAWING NO. - 1 of 2
CONSTRUCTION: ( ) COMBUSTIBLE (x) NON-COMBUSTIBLE CEILING HEIGHT NONE
OCCUPANCY - MECHANICAL ROOMS

SYSTEM DESIGN

(X)NFPA 13 ( )LT. HAZ. ORD.HAZ.GP. (X)1 ( )2 ( )3 ( )EX.HAZ.
( )NFPA 231 ( )NFPA 231C FIGURE CURVE
( )OTHER
( )SPECIFIC RULING MADE BY DATE

AREA OF SPRINKLER OPERATION	1500	SYSTEM TYPE	SPRINKLER/NOZZLE
DENSITY-GPM/Ft^2	.15	( ) WET	MAKE CENTRAL
AREA PER SPRINKLER	120	( ) DRY	MODEL GB
ELEVATION AT HIGHEST OUTLET	19	( ) DELUGE	SIZE 1/2"
HOSE ALLOWANCE GPM-INSIDE	0	(X) PREACTION	K-FACTOR 5.6
RACK SPRINKLER ALLOWANCE	0	( )	TEMP.RAT.155
HOSE ALLOWANCE GPM-OUTSIDE	250		
NOTE			

CALCULATION SUMMARY

GPM REQUIRED 657.14 PSI REQUIRED 64.83
C-FACTOR USED: OVERHEAD 100 UNDERGROUND 120

WATER SUPPLY

WATER FLOW TEST:		PUMP DATA:		TANK OR RESERVOIR:
DATE OF TEST	6-17-96			CAP.
TIME OF TEST	11:00 A.M.	RATED CAP.	0	ELEV.
STATIC (PSI)	92	@ PSI	0	
RESIDUAL (PSI)	58	ELEV.	0	WELL
FLOW (GPM)	2145			PROOF FLOW GPM
ELEVATION	95			

LOCATION CRONRIDGE DRIVE

SOURCE OF INFORMATION BALTO. CITY DEPT. PUBLIC WORKS

COMMODITY STORAGE

COMMODITY — CLASS — LOCATION
STORAGE HT. — AREA — AISLE W.
STORAGE METHOD: SOLID PILED % PALLETIZED % RACK %

RACK

( ) SINGLE ROW ( ) CONVEN. PALLET ( ) AUTO. STORAGE ( ) ENCAP.
( ) DOUBLE ROW ( ) SLAVE PALLET ( ) SOLID SHELF ( ) NON
( ) MULT. ROW ( ) OPEN SHELF

FLUE SPACING — CLEARANCE:STORAGE TO CEILING
LONGITUDINAL — TRANSVERSE

HORIZONTAL BARRIERS PROVIDED:

RE: PETITION FOR SPECIAL EXCEPTION 1600 York Road, Corner of W/S York Road, N/S Bellona Avenue, 8th Election Dist., 3rd Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Legal Owner/Lessee: Taco Bell, Inc. Applicant/Sub-Lessee: William H. Schaefer Petitioners	*	CASE NO. 97-92-X

* * * * * * * * * * * * *

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 7th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esq., 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

#52

Taco Bell Corp.
17901 Von Karman
Irvine, California 92714-6212
Telephone. 714 863 4500

TACO BELL

July 12, 1996

97-92-X

Mr. Arnold Jablon
Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Site known as
1600 York Road

Dear Mr. Jablon:

This will confirm that Taco Bell, Inc. is the lessee of the parcel of ground in Baltimore County known as 1600 York Road, Lutherville, Maryland.

Taco Bell hereby advises Baltimore County that under our lease agreement with Regent Development Corporation, Taco Bell has the right to seek a special exception on behalf of our proposed sub lessee William H. Schaefer, Jr. for a different use of the property, namely a "used motor vehicle outdoor sales area, separated from sales agency building." Furthermore, our lease agreement with Regent. does not require us to have Regent's consent to file this petition for special exception.

This letter, in addition to the petition signed by Mr. Kevin Chaidez, who is the National Excess Property Manager for Taco Bell, who has authority to act in this matter for Taco Bell. authorizes counsel for William H. Schaefer, Jr. to proceed with this application on our behalf.

Sincerely,

K Chaidez

Kevin Chaidez
National Excess Property Manager

MICROFILMED

97-1925

4/27/97
CS
TO WCR

File –
97-92-X

LESLIE M. PITTLER

ATTORNEY-AT-LAW
SUITE 610
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 823-4455

FACSIMILE
(410) 583-2437

April 25, 1997

Mr. Arnold Jablon
Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Development Plan
1600 York Road
William H. Schaefer
New and Used Automobile Facility

Dear Mr. Jablon:

Please be advised, that I am writing this letter on behalf of William H. Schaefer, the sub-lessee and occupant of 1600 York Road, a.k.a., York and Bellona.

As you may be aware, the Deputy Zoning Commissioner by opinion dated the 14th day of October, 1996, ordered that the Petition For Special Exception to permit a used motor vehicle outdoor sale area, separate from the sales agency building, pursuant to Section 236.4 of the BCZR be granted.

The zoning for this site is BR-CNS.

The sub-lessee, is now using the site in accordance with a new and used car facility which does not require a special exception.

The purpose of this letter is to advise you that the third amended development plan in conjunction with the use permitted by the order of October 14, 1996, will be, and is, the same plan without any changes as the development plan which has been approved by Baltimore County. In addition, the plan which has been approved by Baltimore County for the building permit for the site, remains the same.

Therefore, we respectfully request that the approved plans of Baltimore County reflect the current use of the site, as a new and used automobile facility with no other change to the third amended development plan.

Very truly yours,

Leslie M. Pittler

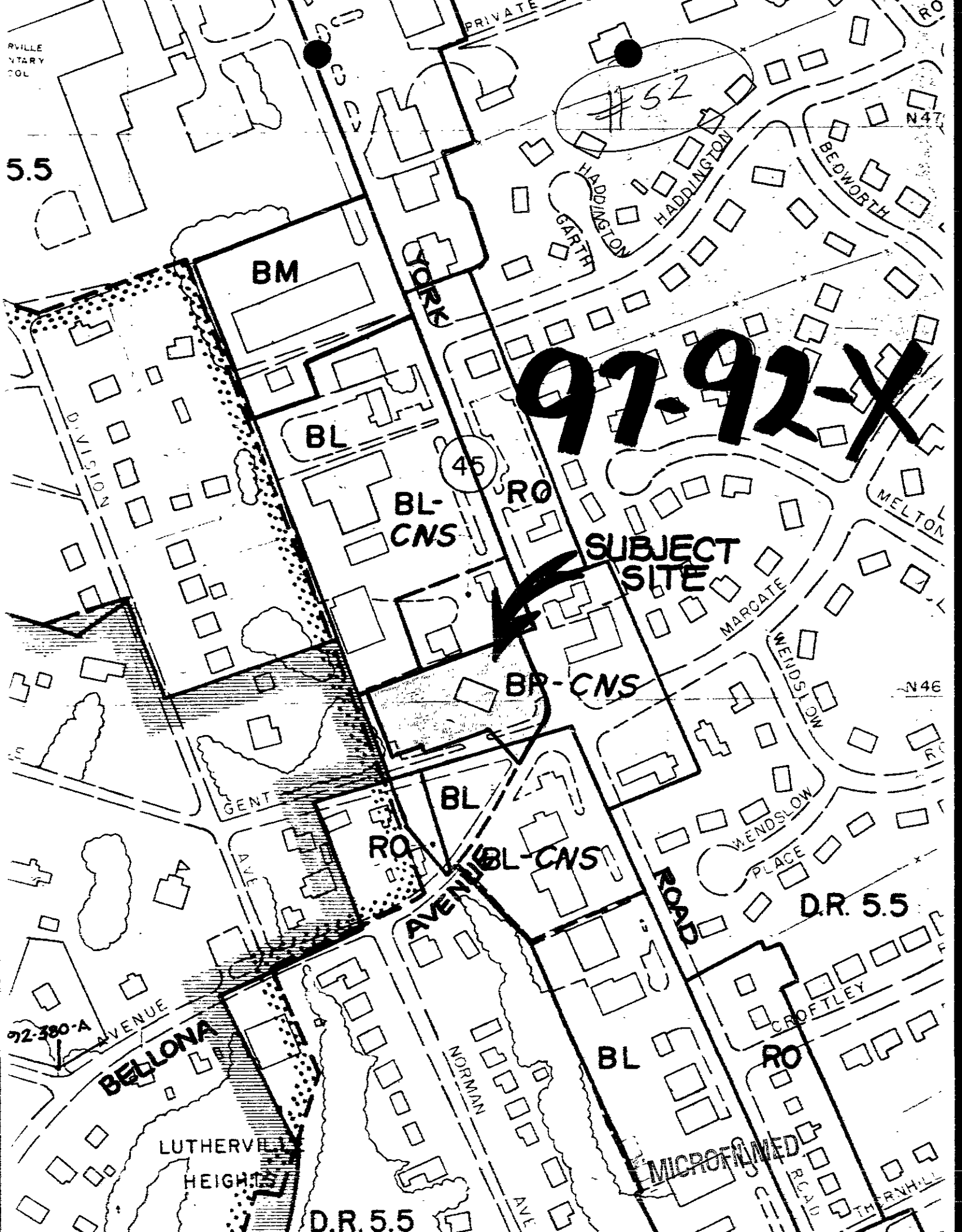
LMP/pgb
cc: William H. Schaefer
Mr. Ken Colbert
Mr. Rob Hanna

PLEASE PRINT CLEARLY

Petitioners
~~PROTESTANT~~(S) SIGN-IN SHEET

NAME	ADDRESS
George L. Panos	Jefferson Bldg. Towson 21204
Robert W. Hanna	115 Lakefront Drive, Hunt Valley 21030
William H. Schaefer Jr	2085 York Rd Timonium
Les Greenberg	3905 National Dr. #400 Burtonsville MD 20866
Irvin Miller	100 Bellona Ave Lutherville, MD 21093
Eric Rockel - Lutherville Community Assn.	1610 Ridlewood Dr. 21093
Sally Malena	110 E. Penn. Towson 21286
Ken Colbert	Colbert Matz Rosenfelt 3723 Old Court Rd 21208

MICROFILMED


97-92-X
SUBJECT SITE
BM
BL
BL-CNS
RO
BR-CNS
BL
RO
BL-CNS
BL
RO
D.R. 5.5
D.R. 5.5
5.5
YORK
AVENUE
ROAD
BELLONA
AVENUE
LUTHERVILLE HEIGHTS
NORMAN
AVE
GENT
AVE
DIVISION
PRIVATE
HADDINGTON
HADDINGTON
GARTH
BEDWORTH
MELTON
MARGATE
WENDSLOW
WENDSLOW
PLACE
CROFTLEY
ROAD
92-380-A
#52
45
N47
N46
MICROFILMED

ZONING NOTICE

Case # :97-92-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON , MD.

PLACE : RM. 106, COUNTY OFFICE BUILDING
TIME & DATE : FRI., OCT. 4, 1996 AT 2:00 P.M.

SPECIAL EXCEPTION:
FOR "USED MOTOR VEHICLE OUTDOOR SALES AREA SEPARATED FROM SALES AGENCY BUILDING."

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING, CALL 887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

IN NO WAY SHOULD THIS FORM BE USED AS AUTHORITY TO PROCEED WITH THE HEARING.

HEARINGS ARE HANDICAPPED ACCESSIBLE

ZONING NOTICE

Case # :97-92-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON , MD.

PLACE : RM. 106, COUNTY OFFICE BUILDING
TIME & DATE : FRI., OCT. 4, 1996 AT 2:00 P.M.

SPECIAL EXCEPTION:
FOR "USED MOTOR VEHICLE OUTDOOR SALES AREA SEPARATED FROM SALES AGENCY BUILDING."

USED CAR
PITTLER
YORK RD.
97-92X

DATE: 05/27/97 AUTOMATED PERMIT TRACKING SYSTEM PANEL
TIME: 10:51:17 FULL SCREEN INQUIRY

SEL	STREET ADDRESS	PERMIT NO	CONTROL NO
1600	YORK RD	B237483	RAC-
1600	YORK RD	B237486	C-
1600	YORK RD	B244386	GRC-
1600	YORK RD	B290873	C-
1600	YORK RD	B291587	GRC-
1600	YORK RD	B292142	C-
1600	YORK RD	B299491	SI-13287
1600	YORK RD	B299910	SI-13313
1600	YORK RD	B301871	TT
1600	YORK RD	B303862	MC
1600	YORK RD	E295627	295627
1600	YORK RD	E299337	
1600	YORK RD	E299493	299493
1600	YORK RD	E299496	299496
1600	YORK RD	E301800	301800
1600	YORK RD	F265178	
1600	YORK RD	F295619	295619
1600	YORK RD	F297767	297767

PAGE SCROLL (F/B) F CLEAR TO RETURN TO THE MENU
ENTER THE LETTER -X- NEXT TO THE ADDRESS TO RECEIVE PERMIT DETAIL

PANEL BP1003M

TIME: 10:51:58 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 12/23/96
DATE: 05/14/97 GENERAL PERMIT APPLICATION DATA PLF 14:22:25

PERMIT #: B292142 PROPERTY ADDRESS
RECEIPT #: A319149 1600 YORK RD
CONTROL #: C- SUBDIV: 1600YORK RD&1630BELLONA
XREF #: B292142 TAX ACCOUNT #: 2200023500 DISTRICT/PRECINCT 08 14
OWNERS INFORMATION (LAST, FIRST)
FEE: 260.00 NAME: REGENT DEVELOPMENT C/O TACO BELL CORP
PAID: 260.00 ADDR: 620 NERNDON PKY STE 200 HERNDON VA 22070
PAID BY: APPL
DATES APPLICANT INFORMATION
APPLIED: 12/23/96 NAME: WM H SCHAEFER JR
ISSUED: 02/05/97 COMPANY: NATIONWIDE MOTOR SALES 11 Am.
OCCPNCY: 05/14/97 ADDR1: 2085 YORK RD
ADDR2: TIMONIUM MD 21093
INSPECTOR: 08C PHONE #: 410 252 8000 LICENSE #: 97-CS2-A.
NOTES: KRA/SMD

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

PANEL BP1004M

TIME: 10:52:04 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 12/23/96
DATE: 05/27/97 BUILDING DETAIL 1 PLF 14:22:09
TRACT: BLOCK:
PERMIT # B292142 PLANS: CONST 03 PLOT 9 PLAT 0 DATA 5 EL 1 FL 1
TENANT NATIONWIDE MOTOR SALES 410-252-8000
BUILDING CODE: 2 CONTR: HANNA BLDG SYSTEMS 410-771-0220
IMPRV 1 ENGNR: SILVER ENG INC
USE 23 SELLR:

FOUNDATION BASE WORK: CONSTRUCT 40'X76'X16'=3040SF CAR DEALERSHIP
2 3 W/PREP AREA, CASE 97-92X, DRC 10286T
CONSTRUC FUEL SEWAGE WATER REFINEMENT 94-092-2
1 1 1E 1E
CENTRAL AIR
ESTIMATED COST
120,000 PROPOSED USE: CAR DEALERSHIP W/PREP AREA
OWNERSHIP: 1 EXISTING USE: VACANT
RESIDENTIAL CAT: 1
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

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 01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"
                                  ------------------
ENTER - NEXT APPROVAL    PF4 - ISSUE PERMIT                    PF9 - SAVE
                                                               CLEAR - MENU
                                                                   PANEL BP1003M
TIME:  14:32:57     AUTOMATED PERMIT TRACKING SYSTEM   LAST UPDATE  06/06/95
DATE:  09/01/95      GENERAL PERMIT APPLICATION DATA       PLQ      16:13:15

PERMIT  #: B237486    PROPERTY  ADDRESS
RECEIPT #: A253291    1600       YORK RD
CONTROL #: C-           SUBDIV:  NW COR MELANCHTON AV
XREF #:    B237486    TAX ACCOUNT #: 081933159      DISTRICT/PRECINCT 08   14
                           OWNERS INFORMATION (LAST, FIRST)
FEE:       175.00     NAME: REGENT DEVELOPMENT CORP C/O HOWARD EPSTIEN
PAID:      175.00     ADDR: P.O. BOX 566 ALLENTOWN PA 18105
PAID BY: APP
          DATES            APPLICANT INFORMATION
APPLIED: 06/06/95      NAME: JUDITH FLOAM
ISSUED:  09/01/95  COMPANY: COLBERT MATZ & ROSENFELT
OCCPNCY:              ADDR1: 3723 OLD COURT RD
                      ADDR2: BALTIMORE MD 21208
INSPECTOR: 08C     PHONE #: 653-3838           LICENSE #:
NOTES: DMN/COP

                                                        PASSWORD .
                                  ------------------
ENTER - PERMIT DETAIL  PF3 - INSPECTIONS   PF7 - DELETE        PF9 - SAVE
PF2 - APPROVALS        PF4 - ISSUE PERMIT  PF8 - NEXT PERMIT   PF10 - INQRY
                                                                PANEL BP1004M
TIME:  14:33:36     AUTOMATED PERMIT TRACKING SYSTEM   LAST UPDATE  09/08/95
DATE:  03/26/97          BUILDING DETAIL 1                 PLM      11:24:28
                                                   TRACT:          BLOCK:
PERMIT # B237486    PLANS:  CONST 3    PLOT 0   PLAT 0   DATA 0   EL 2   PL 2
                         TENANT
BUILDING CODE: 2         CONTR: TBD
IMPRV 1                  ENGNR:
USE  19   RESTAURANT     SELLR:

FOUNDATION   BASE        WORK: CONST 1 STORY RESTAURANT.  38'X54'X18'=1974SF.
    1         3
CONSTRUC FUEL SEWAGE WATER
   2    1       1E     1E
CENTRAL AIR  1
ESTIMATED COST
150,000.00       PROPOSED USE: RESTAURANT
OWNERSHIP: 1     EXISTING USE: VACANT LOT  PER B237483
RESIDENTIAL CAT:
#EFF:      #1BED:      #2BED:      #3BED:      TOT BED:        TOT APTS:
1 FAMILY BEDROOMS:                      PASSWORD:
                                  ------------------
ENTER - NEXT DETAIL    PF2 - APPROVALS     PF7 - PREV. SCREEN  PF9 - SAVE
PF1 - GENERAL PERMIT   PF3 - INSPECTIONS   PF8 - NEXT  SCREEN  CLEAR - MENU
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PANEL BP1005M

TIME: 14:33:47 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/08/95
DATE: 03/26/97 BUILDING DETAIL 2 PLM 11:24:28

PERMIT #: B237486

GARBAGE DISP:
POWDER ROOMS:
BATHROOMS:
KITCHENS:

ZONING INFORMATION
DISTRICT:
PETITION:
DATE:
MAP:

BUILDING SIZE
FLOOR: 1974
WIDTH: 38'
DEPTH: 54'
HEIGHT: 18'
STORIES: 1

LOT NOS:
CORNER LOT: Y

BLOCK:
SECTION:
LIBER: 000
FOLIO: 000
CLASS: 24

LOT SIZE AND SETBACKS
SIZE: 168WIDTH
FRONT STREET:
SIDE STREET:
FRONT SETB: 93'
SIDE SETB: 16'/85'
SIDE STR SETB:
REAR SETB: 140'

ASSESSMENTS
LAND: 0597720.00
IMPROVEMENTS: 0226720.00
TOTAL ASS.:

PLANNING INFORMATION
MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1018M

TIME: 14:34:01 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/01/95
DATE: 03/26/97 APPROVALS DETAIL SCREEN PLM 12:31:48

PERMIT #: B237486 PASSWORD :

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	06/22/95	01	CEN/05
FIRE	06/21/95	01	BLDG PLANS
SEDI CTL	08/31/95	01	MJM
ZONING	07/31/95	01	PER 94-184-A & VIII-606 APPRD.PLANS. JJS
PUB SERV	08/14/95	01	OK-ST.HGWYS/FEE PD & EX.PWA/LANDSCP.OK-AH. JJS
ENVRMNT	07/12/95	01	ANE/EIR-6/8 MJM///FOOD PLANS-7/12 DVR
PERMITS	09/01/95	01	DS/RSD

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT PF9 - SAVE
CLEAR - MENU

PETITIONER'S EXHIBIT NO. 1

AGREEMENT

THIS AGREEMENT is entered into, as of the 4th day of October, 1996, by and between William H. Schaefer herein called the "Petitioner", and the Lutherville Community Association, Inc. hereinafter the "Association".

RECITALS

A. Petitioner has filed a Petition for a Special Exception for the property known as 1600 York Road, containing in the aggregate approximately 1.0213+- acres, located in the 4th Councilmanic District and the 8th Election District of Baltimore County, Maryland.

B. At the present time, the Land is zoned BR CNS.

C. The Land is currently vacant.

D. The Owner has submitted a request for a special exception for the site to be used as a used motor vehicle outdoor sales area. The case number for said Petition is 97-92-X, Item #52.

E. Lutherville Community Association, Inc. is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of residential areas in the vicinity of the Land, particularly as to the nearby residential areas to the site.

F. The Petitioner and Association desire to place certain restrictions on the site as a used motor vehicle outdoor sales area and on the use thereof to assure that, in the event that the Petition is granted as requested, the site will not have a deleterious effect on nearby residential areas.

G. The Petitioner, in recognition of the concerns of the "Association" and others, is willing to agree to certain restrictions of the site in return for the agreement of "Association" not to oppose said request of the "Petitioner".

AGREEMENTS

NOW THEREFORE, in consideration of the mutual agreements and

understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Petitioner:

a. To at all times discourage any non-office crowds or illegal loitering.

b. No public address system.

c. All light fixtures directed towards site (to direct light inward).

d. Daily hours of operation - 9:00 a.m. to 9:00 p.m.

e. Limitation of lights from approximately (9:00 p.m. to 9:00 a.m. to be used for security purposes only. Number of light standards for this purpose limited.

f. Banners, streamers, display balloons not permitted in accordance with Office of Planning comments.

g. No automobile repair as in accordance with Office of Planning comments.

h. No automobile rack storage system in accordance with Office of Planning.

i. Landscaping plan as submitted at hearing before the Zoning Commissioner and as approved by Baltimore county.

ER 10.21.96

j. Petitioner (William H. Schaefer) for purposes of this special exception hearing on October 4, 1996, agrees not to purchase leased additional property to the west for purposes of expansion.

k. Petitioner agrees to periodically, (with consent of the property owner to the west) keep area west of the wooden fence free of debris.

l. Petitioner will erect new wooden fence at the west end of the property in place of wooden fence now in place in accordance with landscape plan.

m. Brick portion of Petitioner's building will have a beige or brown colored brick facade or similar brick that will blend with residential area.

n. Petitioner will increase landscaping at western end of site bordering Melanchton at request of Association and of Baltimore County (see Revised Plan 10/2/96).

2. Association

The Association in consideration of the Petitioner agreeing to the said restrictions, shall not oppose the Petitioner's request for a special exception as requested in Case# 97-92-X.

CONDITION PRECEDENT

The obligations of the Petitioner shall not become effective and binding upon them and the site unless and until the site has been granted a special exception for a used motor vehicle outdoor sales area as per the request in Case# 97-92-X.

BINDING EFFECT: DURATION

Upon satisfaction of the condition precedent stated above and the obtaining of a building permit, Petitioner shall cause these restrictions, to be instituted .

In order to further ensure enforcement of this Covenant, William H. Schaefer shall have the duty to provide in all sales contracts for his business that the Buyer(s) be subject to and bound by these covenants and the obligation herein.

MISCELLANEOUS PROVISIONS

The parties warrant and represent that they have taken all necessary action required to be taken by their respective charters, by-laws, or other organizational documents to authorize the execution of this Agreement.

The Agreement, which may be executed in counterparts, contains the entire understanding of the parties.

Each of the parties warrants that it has carefully read and understands this Agreement, is cognizant of the terms hereof.

Failure, in any instance, to enforce any of the restrictions, contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other restriction in the event of another violation occurring prior or subsequent thereto.

All notices required by this Agreement shall be sent by certified mail, return receipt requested.

IN WITNESS WHEREFOR, the parties have executed this Agreement as of the day and year first above written.

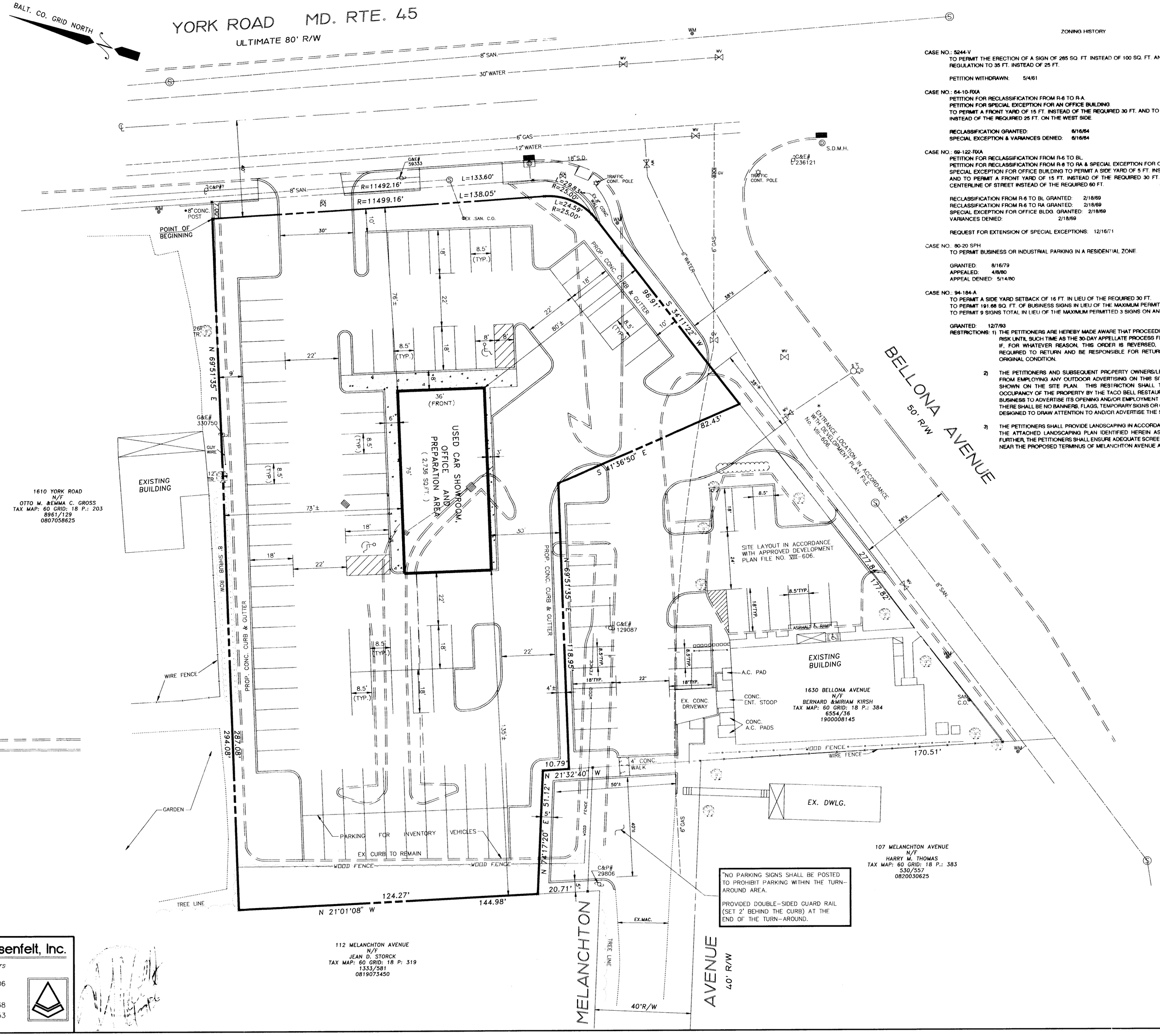
_____

_____
William H. Schaefer

Lutherville Community
Association, Inc.

_____
Secretary

By:_____



ZONING HISTORY

CASE NO.: 5244-V
TO PERMIT THE ERECTION OF A SIGN OF 265 SQ. FT. INSTEAD OF 100 SQ. FT. AND THE INCREASE OF A HEIGHT REGULATION TO 35 FT. INSTEAD OF 25 FT.

PETITION WITHDRAWN: 5/4/61

CASE NO.: 64-10-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO R-A.
PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING.
TO PERMIT A FRONT YARD OF 15 FT. INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT A SIDE YARD OF 15 FT. INSTEAD OF THE REQUIRED 25 FT. ON THE WEST SIDE.

RECLASSIFICATION GRANTED: 6/16/64
SPECIAL EXCEPTION & VARIANCES DENIED: 6/16/64

CASE NO.: 69-122-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO BL.
PETITION FOR RECLASSIFICATION FROM R-6 TO RA & SPECIAL EXCEPTION FOR OFFICE BUILDING.
SPECIAL EXCEPTION FOR OFFICE BUILDING TO PERMIT A SIDE YARD OF 5 FT. INSTEAD OF THE REQUIRED 25 FT. AND TO PERMIT A FRONT YARD OF 15 FT. INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT 40 FT. FROM CENTERLINE OF STREET INSTEAD OF THE REQUIRED 60 FT.

RECLASSIFICATION FROM R-6 TO BL GRANTED: 2/18/69
RECLASSIFICATION FROM R-6 TO RA GRANTED: 2/18/69
SPECIAL EXCEPTION FOR OFFICE BLDG. GRANTED: 2/18/69
VARIANCES DENIED: 2/18/69

REQUEST FOR EXTENSION OF SPECIAL EXCEPTIONS: 12/16/71

CASE NO. 80-20 SPH
TO PERMIT BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE.

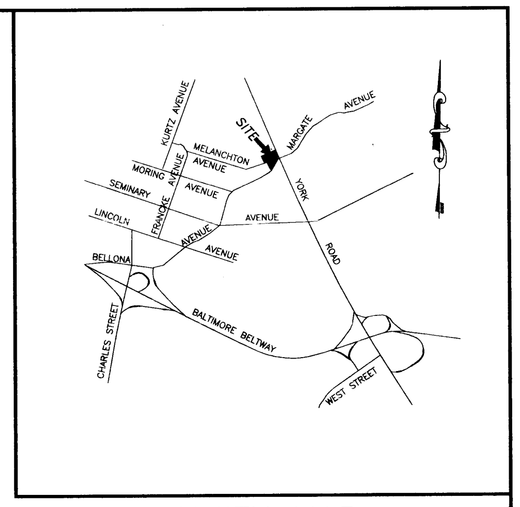
GRANTED: 8/16/79
APPEALED: 4/8/80
APPEAL DENIED: 5/14/80

CASE NO.: 94-184-A
TO PERMIT A SIDE YARD SETBACK OF 16 FT. IN LIEU OF THE REQUIRED 30 FT.
TO PERMIT 191.66 SQ. FT. OF BUSINESS SIGNS IN LIEU OF THE MAXIMUM PERMITTED 100 SQ. FT.
TO PERMIT 9 SIGNS TOTAL IN LIEU OF THE MAXIMUM PERMITTED 3 SIGNS ON ANY PREMISES.

GRANTED: 12/7/93
RESTRICTIONS: 1) THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.

2) THE PETITIONERS AND SUBSEQUENT PROPERTY OWNERS/LESSEES SHALL BE PROHIBITED FROM EMPLOYING ANY OUTDOOR ADVERTISING ON THIS SITE, OTHER THAN THE 9 SIGNS SHOWN ON THE SITE PLAN. THIS RESTRICTION SHALL TAKE EFFECT 30 DAYS AFTER OCCUPANCY OF THE PROPERTY BY THE TACO BELL RESTAURANT, THEREBY ENABLING THIS BUSINESS TO ADVERTISE ITS OPENING AND/OR EMPLOYMENT OPPORTUNITIES. THEREAFTER, THERE SHALL BE NO BANNERS, FLAGS, TEMPORARY SIGNS OR OTHER OUTDOOR MECHANISMS DESIGNED TO DRAW ATTENTION TO AND/OR ADVERTISE THE SITE.

3) THE PETITIONERS SHALL PROVIDE LANDSCAPING IN ACCORDANCE WITH THAT SET FORTH ON THE ATTACHED LANDSCAPING PLAN IDENTIFIED HEREIN AS PETITIONER'S EXHIBIT NO. 8. FURTHER, THE PETITIONERS SHALL ENSURE ADEQUATE SCREENING OF THE PROPERTY AT AND NEAR THE PROPOSED TERMINUS OF MELANCHTON AVENUE AND THE SITE.



VICINITY MAP
SCALE: 1" = 1000'

SITE ANALYSIS

1. OWNER: REGENT DEVELOPMENT COMPANY
C/O HOWARD EPSTEIN
P.O. BOX 566
ALLENTOWN, PA 18105
TAX MAP: 60 GRID: 18 PARCEL: 202
DEED REF.: 6296/278
TAX I.D. NO.: 0819033159

2. LESEE: TACO BELL CORP.
620 HERNDON PARKWAY, SUITE 200
HERNDON, VA 22070
(703) 481-9851

3. APPLICANT: WILLIAM H SCHAEFER
2085 YORK ROAD
TIMONIUM, MARYLAND 21093
(410) 252-8000

4. SITE ACREAGE:
NET: 1.0213 AC.± OR 44488 SQ. FT.
HIGHWAY WIDENING: 0.0241 AC.± OR 1049 SQ. FT.
GROSS: 1.1887 AC.± OR 51779 SQ. FT.

5. ELECTION DISTRICT: 8 COUNCILMANIC DISTRICT: 3

6. CENSUS TRACT: 4086.02

7. WATERSHED: 24 (W-1) SUBSEWERSHED: 10 (S-1)

8. SUBJECT PROPERTY IS ZONED: BR-CNS

9. EXISTING USE: VACANT

10. PROPOSED USE: USED MOTOR VEHICLE SALES

11. BR BUILDING SETBACKS:

	REQUIRED	PROPOSED
FRONT	25'	76'±
STREET CORNER SIDE	30'	80'±
INTERIOR SIDE	30'	30/13
REAR	30'	135'±

12. BUILDING AREA: 2736 SQ. FT.±

13. PARKING TABULATION:
REQUIRED:
SALES AREA: 900 S.F. @ 5/1000 = 4.5 SPACES
OFFICE: 756 S.F. @ 3.3/1000 = 2.5 SPACES
SERVICE: 1080 S.F. @ 3.3/1000 = 3.6 SPACES
TOTAL: 10.6 SPACES, SAY 11 SPACES.
PROPOSED: 79 SPACES

14. A STORMWATER MANAGEMENT WAIVER WILL BE APPLIED FOR.

15. PREVIOUS COMMERCIAL PERMIT No. B 237486

16. ALL PAVING WILL BE DURABLE AND DUSTLESS SURFACE.

17. ILLUMINATION FOR OFF-STREET PARKING WILL NOT REFLECT ONTO RESIDENTIAL LOTS.

18. SIGNAGE TO BE IN ACCORDANCE WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

19. PREVIOUS DEVELOPMENT PLAN FOR TACO BELL WAS APPROVED ON 9/20/94 FILE No. VIII-606.

20. LIMITED EXEMPTION FOR PREVIOUS DEVELOPMENT GRANTED ON 10/4/93. FILE No. 94-092-Z

LEGEND
EXIST. CURB & GUTTER
PROPOSED C & G

97-92-X
#52

PLAN TO ACCOMPANY SPECIAL EXCEPTION
NATIONWIDE MOTOR SALES, INC.
1600 YORK ROAD

8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20" JUNE 26, 1996
REVISED AUGUST 1, 1996

PRINTED
AUG 1 1996
MICROFILMED

COLBERT MATZ ROSENFELT, INC.

CMR J.O. #93062.1

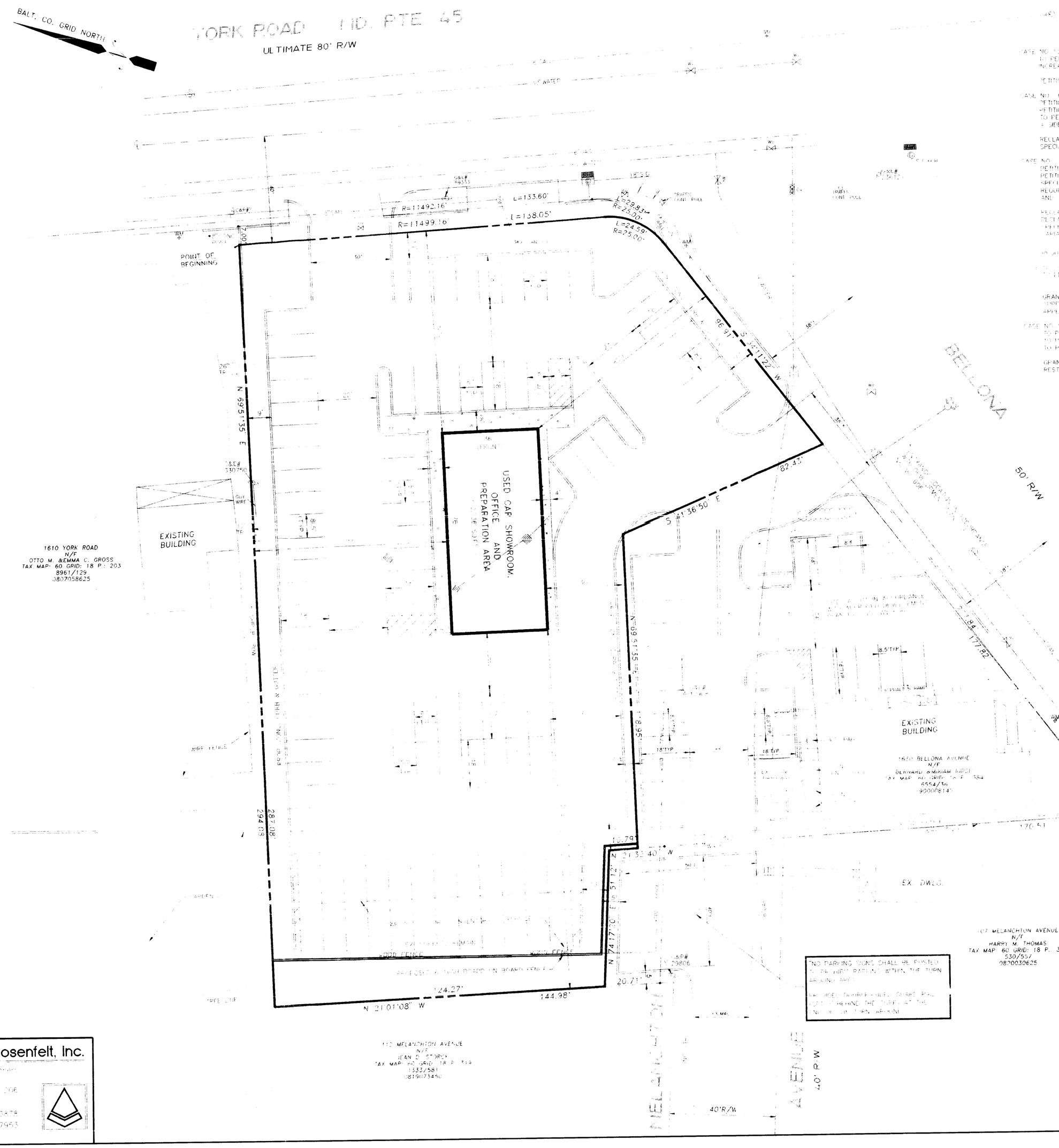
Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

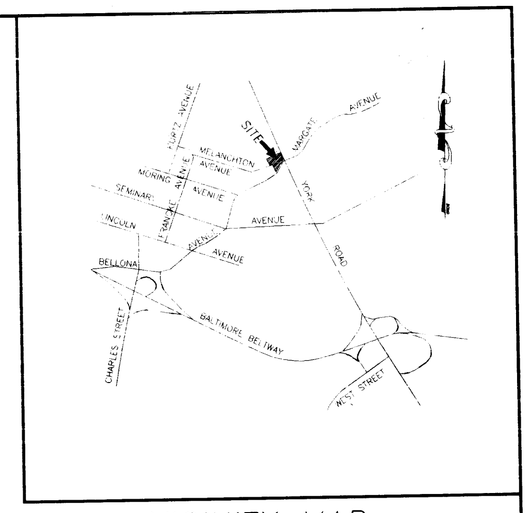
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	LUTHERVILLE	N.W. 12-A
DATE OF PHOTOGRAPHY JANUARY 1986	MICROFILMED	

PETITIONER'S EXHIBIT NO. 4





VICINITY MAP
SCALE: 1" = 1000'

ZONING HISTORY

CASE NO. 92-444-X
TO PERMIT THE ERECTION OF A SIGN OF 285 SQ.FT. INSTEAD OF 100 SQ.FT. AND THE INCREASE OF A HEIGHT REGULATION TO 35 FT. INSTEAD OF 25 FT.

PETITION WITHDRAWN: 5/4/92

CASE NO. 64-110-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO B-2
PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING
TO PERMIT A FRONT YARD OF 15 FT. INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT A SIDE YARD OF 15 FT. INSTEAD OF THE REQUIRED 25 FT. ON THE WEST SIDE.

RECLASSIFICATION GRANTED: 6/16/64
SPECIAL EXCEPTION AND VARIANCES DENIED: 6/16/64

CASE NO. 90-177-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO B2
PETITION FOR RECLASSIFICATION FROM R-6 TO PA & SPECIAL EXCEPTION FOR OFFICE BUILDING.
SPECIAL EXCEPTION FOR OFFICE BUILDING TO PERMIT A SIDE YARD OF 5 FT. INSTEAD OF THE REQUIRED 25 FT. AND TO PERMIT A FRONT YARD OF 15 FT. INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT 40 FT. FROM CENTERLINE OF STREET INSTEAD OF THE REQUIRED 60 FT.

RECLASSIFICATION FROM R-6 TO B2 GRANTED: 2/28/89
RECLASSIFICATION FROM R-6 TO PA GRANTED: 2/28/89
SPECIAL EXCEPTION FOR OFFICE BUILDING GRANTED: 2/15/89
VARIANCES DENIED: 2/28/89

[illegible] FOR EXTENSION OF SPECIAL EXCEPTION: [illegible]

CASE NO. [illegible]
TO PERMIT OFFSITE OF INDIVIDUAL PARKING IN A RESIDENTIAL ZONE

GRANTED: 8/16/79
DISMISSED: 1/8/80
APPEAL DENIED: 5/14/80

CASE NO. 94-183-A
TO PERMIT A 0 FT. YARD SETBACK OF 15 FT. IN LIEU OF THE REQUIRED 30 FT.
TO PERMIT 101.0 SQ.FT. OF BUSINESS SIGNS IN LIEU OF THE MAXIMUM PERMITTED 100 SQ.FT.
TO PERMIT 6 SIGNS TOTAL IN LIEU OF THE MAXIMUM PERMITTED 5 SIGNS ON ANY PREMISES

GRANTED: 12/7/93
RESTRICTIONS: 1) THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SIXTH TIME AT THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN AND BE RESPONSIBLE FOR RETURNING SAID PROPERTY TO ITS ORIGINAL CONDITION.

2) THE PETITIONERS AND SUBSEQUENT PROPERTY OWNERS/LESSEES SHALL BE PROHIBITED FROM EMPLOYING ANY OUTDOOR ADVERTISING ON THIS SITE, OTHER THAN THE 6 SIGNS SHOWN ON THE SITE PLAN. THIS RESTRICTION SHALL TAKE EFFECT 30 DAYS AFTER OCCUPANCY OF THE PROPERTY BY THE TACO BELL RESTAURANT THEREBY ENABLING THIS BUSINESS TO ADVERTISE ITS OPENING AND/OR EMPLOYMENT OPPORTUNITIES. THEREAFTER, THERE SHALL BE NO BANNERS, FLAGS, TEMPORARY SIGNS OR OTHER OUTDOOR MECHANISM DESIGNED TO DRAW ATTENTION TO AND/OR ADVERTISE THE SITE.

3) THE PETITIONERS SHALL PROVIDE LANDSCAPING IN ACCORDANCE WITH THAT SET FORTH ON THE ATTACHED LANDSCAPING PLAN IDENTIFIED HEREIN AS PETITIONER'S EXHIBIT NO. 8. FURTHER, THE PETITIONERS SHALL ENSURE ADEQUATE SCREENING OF THE PROPERTY AT AND NEAR THE PROPOSED TERMINUS OF MELANCHTON AVENUE AND THE SITE.

SITE ANALYSIS

1. OWNER: REGENT DEVELOPMENT COMPANY
   C/O HOWARD EPSTEIN
   P.O. BOX 566
   ALLENTOWN, PA 18105
   TAX MAP: 60 GRID: 18 PARCEL: 202
   DEED REF.: 6296/278
   TAX I.D. NO.: 0819033159
2. LESEE: TACO BELL CORP.
   620 HERNDON PARKWAY, SUITE 200
   HERNDON, VA 22070
   (703) 481-9851
3. APPLICANT: WILLIAM H. SCHAEFER
   2085 YORK ROAD
   TIMONIUM, MARYLAND 21093
   (410) 252-8000
4. SITE ACREAGE:
   NET: 1.0213 AC.± OR 44488 SQ. FT.
   HIGHWAY WIDENING: 0.0241 AC.± OR 1049 SQ. FT.
   GROSS: 1.1887 AC.± OR 51779 SQ. FT.
5. ELECTION DISTRICT: 8 COUNCILMANIC DISTRICT: 3
6. CENSUS TRACT: 4086.02
7. WATERSHED: 24 (W-1) SUBSEWERSHED: 10 (S-1)
8. SUBJECT PROPERTY IS ZONED: BR-CNS
9. EXISTING USE: VACANT
10. PROPOSED USE: USED MOTOR VEHICLE SALES
11. BR BUILDING SETBACKS:

	REQUIRED	PROPOSED
FRONT	25'	76'±
STREET CORNER SIDE	30'	80'±
INTERIOR SIDE	30'	30'/73'
REAR	30'	135'±

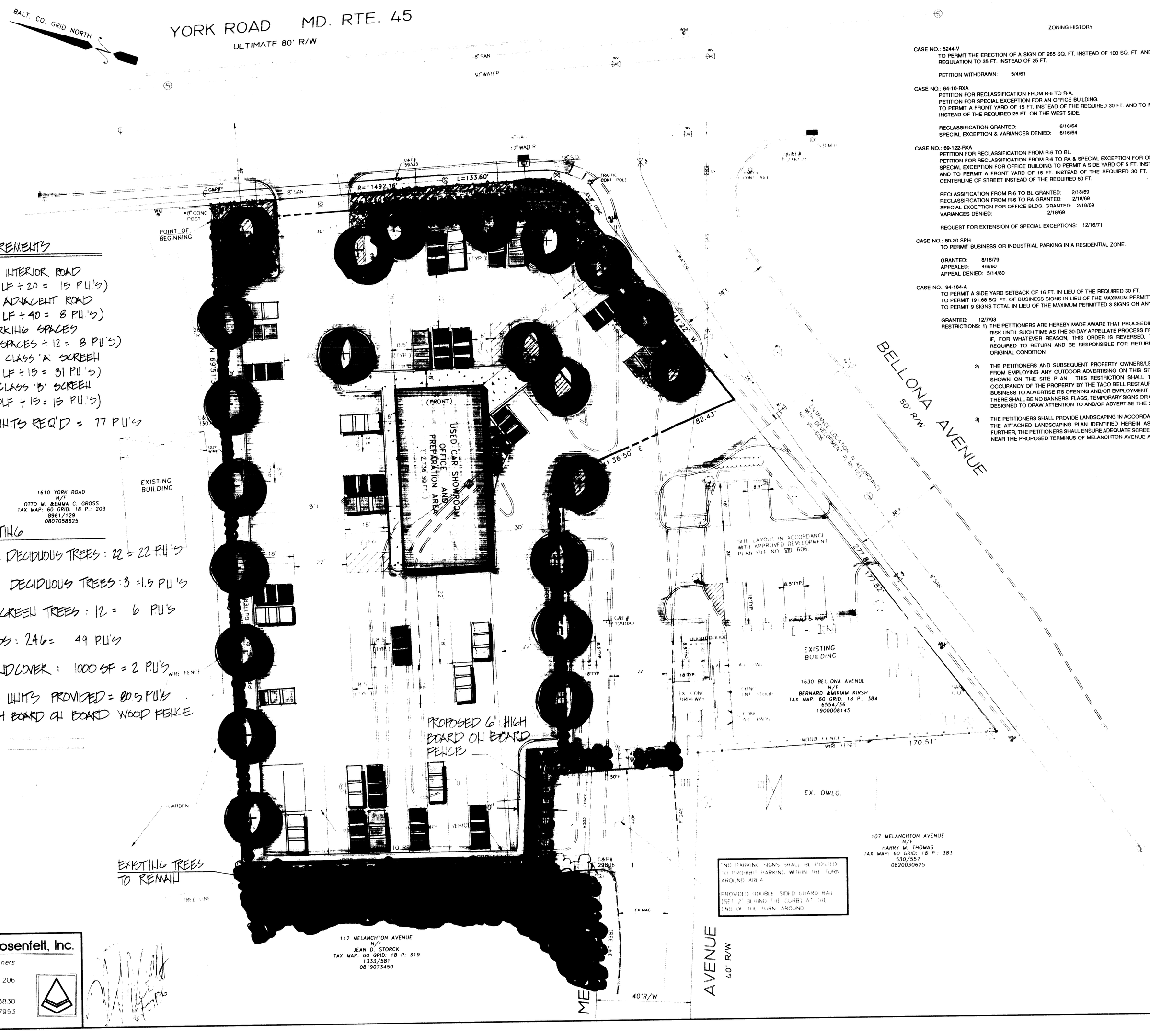
12. BUILDING AREA: 2736 SQ. FT.±
13. PARKING TABULATION:
    REQUIRED:
    SALES AREA: 900 S.F. @ 5/1000 = 4.5 SPACES
    OFFICE: 756 S.F. @ 3.3/1000 = 2.5 SPACES
    SERVICE: 1080 S.F. @ 3.3/1000 = 3.6 SPACES
    TOTAL: 10.6 SPACES, SAY 11 SPACES.
    PROPOSED: 88 SPACES
14. A STORMWATER MANAGEMENT WAIVER WILL BE APPLIED FOR.
15. PREVIOUS COMMERCIAL PERMIT No. B 237486
16. ALL PAVING WILL BE DURABLE AND DUSTLESS SURFACE.
17. ILLUMINATION FOR OFF-STREET PARKING WILL NOT REFLECT ONTO RESIDENTIAL LOTS.
18. SIGNAGE TO BE IN ACCORDANCE WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
19. PREVIOUS DEVELOPMENT PLAN FOR TACO BELL WAS APPROVED ON 9/20/94. FILE No. VIII-606.
20. LIMITED EXEMPTION FOR PREVIOUS DEVELOPMENT GRANTED ON ON 10/4/93. FILE No. 94-092-Z

EXHIBIT NO. 2

PLAN TO ACCOMPANY SPECIAL EXCEPTION
NATIONWIDE MOTOR SALES, INC.
1600 YORK ROAD
ELECTION DISTRICT 8 BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' DATE: JUNE 14, 2001
REVISED FOR HEARING: [illegible]
REVISED FOR HEARING: [illegible]
REVISED FOR HEARING: SEPTEMBER 7, 1994

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2122 Maryland Road, Suite 206
Baltimore, Maryland 21239
Telephone (410) 653-3478
Fax Simile (410) 653-7953

MICROFILMED.



LANDSCAPE REQUIREMENTS

- (1) P.U. PER 20 LF INTERIOR ROAD (300LF ÷ 20 = 15 P.U.'S)
- (1) P.U. PER 40 LF ADJACENT ROAD (320 LF ÷ 40 = 8 P.U.'S)
- (1) P.U. PER 12 PARKING SPACES (97 SPACES ÷ 12 = 8 P.U.'S)
- (1) P.U. PER 15 LF CLASS 'A' SCREEN (472 LF ÷ 15 = 31 P.U.'S)
- (1) P.U. PER 15 LF CLASS 'B' SCREEN (220LF ÷ 15 = 15 P.U.'S)

TOTAL PLANTING UNITS REQ'D = 77 P.U.'S

PROPOSED PLANTING

- MAJOR DECIDUOUS TREES: 22 = 22 P.U.'S
- MINOR DECIDUOUS TREES: 3 = 1.5 P.U.'S
- EVERGREEN TREES: 12 = 6 P.U.'S
- SHRUBS: 246 = 49 P.U.'S
- GROUNDCOVER: 1000 SF = 2 P.U.'S

TOTAL PLANTING UNITS PROVIDED = 80.5 P.U.'S
+ 175 LF 6' HIGH BOARD ON BOARD WOOD FENCE

LEGEND
EXIST. CURB & GUTTER
PROPOSED C & G

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

ZONING HISTORY

CASE NO.: 5244-V
TO PERMIT THE ERECTION OF A SIGN OF 285 SQ. FT. INSTEAD OF 100 SQ. FT. AND THE INCREASE OF A HEIGHT REGULATION TO 35 FT. INSTEAD OF 25 FT.

PETITION WITHDRAWN: 5/4/61

CASE NO.: 64-10-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO R-A.
PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING.
TO PERMIT A FRONT YARD OF 15 FT. INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT A SIDE YARD OF 15 FT. INSTEAD OF THE REQUIRED 25 FT. ON THE WEST SIDE.

RECLASSIFICATION GRANTED: 6/16/64
SPECIAL EXCEPTION & VARIANCES DENIED: 6/16/64

CASE NO.: 69-122-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO BL.
PETITION FOR RECLASSIFICATION FROM R-6 TO RA & SPECIAL EXCEPTION FOR OFFICE BUILDING.
SPECIAL EXCEPTION FOR OFFICE BUILDING TO PERMIT A SIDE YARD OF 5 FT. INSTEAD OF THE REQUIRED 25 FT. AND TO PERMIT A FRONT YARD OF 15 FT. INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT 40 FT. FROM CENTERLINE OF STREET INSTEAD OF THE REQUIRED 60 FT.

RECLASSIFICATION FROM R-6 TO BL GRANTED: 2/18/69
RECLASSIFICATION FROM R-6 TO RA GRANTED: 2/18/69
SPECIAL EXCEPTION FOR OFFICE BLDG. GRANTED: 2/18/69
VARIANCES DENIED: 2/18/69

REQUEST FOR EXTENSION OF SPECIAL EXCEPTIONS: 12/16/71

CASE NO.: 80-20 SPH
TO PERMIT BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE.

GRANTED: 8/16/79
APPEALED: 4/8/80
APPEAL DENIED: 5/14/80

CASE NO.: 94-184-A
TO PERMIT A SIDE YARD SETBACK OF 16 FT. IN LIEU OF THE REQUIRED 30 FT.
TO PERMIT 191.68 SQ. FT. OF BUSINESS SIGNS IN LIEU OF THE MAXIMUM PERMITTED 100 SQ. FT.
TO PERMIT 9 SIGNS TOTAL IN LIEU OF THE MAXIMUM PERMITTED 3 SIGNS ON ANY PREMISES.

GRANTED: 12/7/93
RESTRICTIONS:
1) THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.

2) THE PETITIONERS AND SUBSEQUENT PROPERTY OWNERS/LESSEES SHALL BE PROHIBITED FROM EMPLOYING ANY OUTDOOR ADVERTISING ON THIS SITE, OTHER THAN THE 9 SIGNS SHOWN ON THE SITE PLAN. THIS RESTRICTION SHALL TAKE EFFECT 30 DAYS AFTER OCCUPANCY OF THE PROPERTY BY THE TACO BELL RESTAURANT, THEREBY ENABLING THIS BUSINESS TO ADVERTISE ITS OPENING AND/OR EMPLOYMENT OPPORTUNITIES. THEREAFTER, THERE SHALL BE NO BANNERS, FLAGS, TEMPORARY SIGNS OR OTHER OUTDOOR MECHANISMS DESIGNED TO DRAW ATTENTION TO AND/OR ADVERTISE THE SITE.

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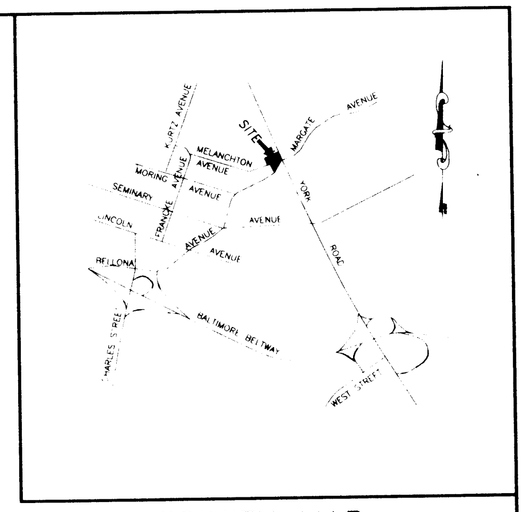

VICINITY MAP
SCALE: 1" = 1000'

SITE ANALYSIS

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P.O. BOX 566
ALLENTOWN, PA 18105
TAX MAP: 60 GRID: 18 PARCEL: 202
DEED REF.: 6296/278
TAX I.D. NO.: 0819033159

2. LESEE: TACO BELL CORP.
620 HERNDON PARKWAY, SUITE 200
HERNDON, VA 22070
(703) 481-9851

3. APPLICANT: WILLIAM H. SCHAEFER
2085 YORK ROAD
TIMONIUM, MARYLAND 21093
(410) 252-8000

4. SITE ACREAGE:
NET: 1.0213 AC.± OR 44488 SQ. FT.
HIGHWAY WIDENING: 0.0241 AC.± OR 1049 SQ. FT.
GROSS: 1.1887 AC.± OR 51779 SQ. FT.

5. ELECTION DISTRICT: 8 COUNCILMANIC DISTRICT: 3

6. CENSUS TRACT: 4086.02

7. WATERSHED: 24 (W-1) SUBSEWERSHED: 10 (S-1)

8. SUBJECT PROPERTY IS ZONED: BR-CNS

9. EXISTING USE: VACANT

10. PROPOSED USE: USED MOTOR VEHICLE SALES

11. BR BUILDING SETBACKS:

	REQUIRED	PROPOSED
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STREET CORNER SIDE	30'	80'±
INTERIOR SIDE	30'	30/73
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12. BUILDING AREA: 2736 SQ. FT.±

13. PARKING TABULATION:
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SALES AREA: 900 S.F. @ 5/1000 = 4.5 SPACES
OFFICE: 756 S.F. @ 3.3/1000 = 2.5 SPACES
SERVICE: 1080 S.F. @ 3.3/1000 = 3.6 SPACES
TOTAL: 10.6 SPACES, SAY 11 SPACES.
PROPOSED: 79 SPACES

14. A STORMWATER MANAGEMENT WAIVER WILL BE APPLIED FOR.

15. PREVIOUS COMMERCIAL PERMIT No. B 237486

16. ALL PAVING WILL BE DURABLE AND DUSTLESS SURFACE.

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18. SIGNAGE TO BE IN ACCORDANCE WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

19. PREVIOUS DEVELOPMENT PLAN FOR TACO BELL WAS APPROVED ON 9/20/94 FILE No. VIII-606.

20. LIMITED EXEMPTION FOR PREVIOUS DEVELOPMENT GRANTED ON 10/4/93. FILE No. 94-092-Z

PETITIONER'S EXHIBIT NO. 3

SCHEMATIC LANDSCAPE PLAN
9-10-96 REVISED 10-2-96

PLAN TO ACCOMPANY SPECIAL EXCEPTION
NATIONWIDE MOTOR SALES, INC.
1600 YORK ROAD

8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20' JUNE 26, 1996
REVISED AUGUST 1, 1996

PREPARED BY: HUMAN & ROHDE, INC.
110 E. PENNSYLVANIA
TOWSON, MD 21286

MICROFILMED

CMR J.O. #93062.1

IN RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner York Road and
Bellona Avenue
(1600 York Road)
8th Election District
3rd Councilmanic District

Regent Development Company, Owner;
Taco Bell, Inc., Lessee; and
William H. Schaefer, Sub-Lessee - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-92-X

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1600 York Road, located in the vicinity of Melanchton and Margate Avenues in Lutherville. The Petition was filed by the Contract Lessee, Taco Bell, Inc., by Kevin Chaidez, National Excess Property Manager, and the Contract Sub-Lessee, William H. Schaefer, through Leslie M. Pittler, Esquire, attorney for the Petitioners. The Petitioners seek special exception relief to permit a used motor vehicle outdoor sales area, separate from the sales agency building, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 2.

Appearing at the hearing on behalf of the Petition were William H. Schaefer, Contract Sub-Lessee, Kenneth Colbert, Professional Engineer with Colbert Matz and Rosenfelt, who prepared the site plan for this project, Sally Malena, Landscape Architect with Human & Rohde, Inc., George L. Panos, Robert W. Hanna, Les Greenberg and Irvin Miller. Also appearing on behalf of the Petition was Eric Rockel, a representative of the Lutherville Community Association. There were no Protestants present.

ORDER RECEIVED FOR FILING
Date 10/7/96
By

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.1887 acres, more or less, zoned B.R.-C.N.S., and is presently unimproved. The property was recently approved for development with a Taco Bell restaurant; however, Taco Bell has decided not to use the site and have instead entered into a sub-lease agreement with William Schaefer who wishes to develop the site with a used car dealership. Testimony indicated that Mr. Schaefer currently operates other new and used car dealerships in the area. The proposed plans for the subject site include a 36' x 76' building which will house a used car showroom and office space for salesmen, as more particularly described on Petitioner's Exhibit 2, a site plan of the property. Furthermore, the property will be developed and the site improved in accordance with the landscape drawing submitted into evidence as Petitioner's Exhibit 3. Testimony revealed that the Petitioners have met and worked closely with the surrounding community, as evidenced by the written agreement entered into with the Lutherville Community Association, Inc. This agreement, which is identified as Petitioner's Exhibit 1, has been signed by Mr. Schaefer and contains certain terms and conditions that Mr. Schaefer has agreed to abide by with regard to his use of the property as a used car dealership. Therefore, as a condition of approval, this agreement shall be made a part of the record and enforceable as if part of this Order.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-C.N.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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 in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of October, 1996 that the Petition for Special Exception to permit a used motor vehicle outdoor sales area, separate from the sales agency building, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING
Date 10/7/96
By

IT IS FURTHER ORDERED that the Petitioners shall comply with all of the terms and conditions set forth in the agreement between Mr. William Schaefer and the Lutherville Community Association, Inc., identified herein as Petitioner's Exhibit 1. Failure to comply with any portion of this agreement shall result in a violation of this Order and the Petitioners shall be subject to zoning violation proceedings by the Zoning Enforcement Division of the Department of Permits and Development Management (DPDM); and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

CASE NUMBER: 97-92-X (Item 52)
1600 York Road
Southeast side of York Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner/Lessee: Taco Bell, Inc.
Applicant/Proposed Sub-Lessee: William H. Schaefer

Special Exception for "used motor vehicle outdoor sales area, separated from sales agency building."

HEARING: FRI., OCTOBER 4, 1996 at 9:00 a.m. in Room 106, County Office Building.

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 14, 1996

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue, Suite 610
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner York Road and Bellona Avenue
(1600 York Road)
8th Election District - 3rd Councilmanic District
Regent Development Company, Owner; Taco Bell, Inc., Lessee; and
William H. Schaefer, Sub-Lessee - Petitioners
Case No. 97-92-X

Dear Mr. Pittler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Regent Development Company, c/o Howard Epstein
P.O. Box 566, Allentown, PA 18105

Mr. Kevin Chaidez, National Excess Property Manager, Taco Bell, Inc.
17901 Von Karman, Irvine, CA 92714

Mr. William H. Schaefer, 2085 York Road, Timonium, MD 21093

Mr. Eric Rockel, 1610 Riderwood Drive, Lutherville, MD 21093
Mr. Ken Colbert, 3723 Old Court Road, Pikesville, MD 21208
Ms. Sally Malena, Human & Rohde, 110 E. Penn. Ave., Towson, MD 21204

People's Counsel; Case File

FROM :410-583-2437 410-583-2437 1996-06-19 11:45 #521 P.03/09

#52

Petition for Special Exception

97-92-X

to the Zoning Commissioner of Baltimore County

for the property located at 1600 York Road which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

"Used motor vehicle outdoor sales area, separated from sales agency building" pursuant to Section 236.4 of the Baltimore County Zoning Regulations.

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

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

Applicant/Proposed Sub-lessee
William H. Schaefer
(Type or Print Name)
Signature
2085 York Road
Address
Timonium, MD 21093
City State Zipcode

Attorney for Petitioner:
Leslie M. Pittler
(Type or Print Name)
Signature
29 W. Susquehanna Ave., #610
Address
Towson, MD 21204 823-4455
City State Zipcode Phone No.

Lessee
TACO BELL, INC.
(Type or Print Name)
Signature
Kevin Chaidez
by: national Excess Property Mgr.
(Type or Print Name)
Signature
17901 Von Karman 714-863-3700
Address Phone No.
Irvine CA 92714
City State Zipcode
Name, Address and phone number of representative to be contacted.
SURPLUS SOLUTIONS, INC.
Name
9 Dunbar Park Hill Dunbarton, NH 03228
Address Phone No.
603-497-2669

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 3 hr.
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: JWL DATE 8/2/96

ORDER RECEIVED FOR FILING
Date 10/7/96
By

Colbert Matz Rosenfelt, Inc.
Civil Engineers · Surveyors · Planners

ZONING DESCRIPTION 97-92-X

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE IN THE EIGHTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND AND BEING KNOWN AS 1600 YORK ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE WEST SIDE OF YORK ROAD AS WIDENED AND SHOWN ON THE PLAT ENTITLED "SUBDIVISION PLAT OF 1600 YORK ROAD AND 1630 BELLONA AVENUE" AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK 67, FOLIO 112; SAID POINT BEING 160 FEET, MORE OR LESS NORTH OF BELLONA AVENUE; THENCE RUNNING AND BINDING ALONG SAID RIGHT-OF-WAY LINE (1) SOUTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 11,499.16 FEET AND A LENGTH OF 138.05 FEET; THENCE (2) SOUTHERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A LENGTH OF 24.59 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF BELLONA AVENUE, 50 FEET WIDE; THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE (3) SOUTH 34 DEGREES 11 MINUTES 22 SECONDS WEST, 96.91 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING THE FOLLOWING COURSES AND DISTANCES (4) NORTH 41 DEGREES 36 MINUTES 50 SECONDS WEST 82.43 FEET; THENCE (5) SOUTH 69 DEGREES 51 MINUTES 35 SECONDS WEST 118.70 FEET; THENCE (6) NORTH 21 DEGREES 32 MINUTES 40 SECONDS WEST 10.80 FEET; THENCE (7) SOUTH 74 DEGREES 17 MINUTES 20 SECONDS WEST 51.12 FEET; THENCE (8) NORTH 21 DEGREES 01 MINUTES 08 SECONDS WEST 124.27 FEET; THENCE (9) NORTH 69 DEGREES 51 MINUTES 35 SECONDS EAST 287.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.0213 ACRES OF LAND MORE OR LESS.

I:\JOBS\930621.DES 6-27-96

#52

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 9/12/96
Posted for: 97-92X
Petitioner: WILLIAM H. SCHAEFER
Location of property: #1600 YORK RD.
Location of Signs: #1600 York Rd.
Remarks:
Posted by Signature Date of return:
Number of Signs:

97-92

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 9/23/96
Posted for: Case # 97-092X
Petitioner: WILLIAM H. SCHAEFER, ETAL
Location of property: #1600 YORK RD.
Location of Signs: #1600 York Rd.
Remarks:
Posted by Signature Date of return:
Number of Signs: 1

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: #97-92-X
(Item 52)
1600 York Road
corner of W/S York Road; N/S Bellona Avenue
8th Election District
3rd Councilmanic
Legal Owner/Lessee:
Taco Bell, Inc.
Applicant/Proposed Sub-Lessee:
William H. Schaefer
Special Exception: for "used motor vehicle outdoor sales area, separated from sales agency building."
Hearing: Friday, October 4, 1996 at 2:00 p.m. in Rm. 106, County Office Building.

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.

9/408 Sept. 5 C80092

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 6, 1996

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 Sept. 5, 1996.

THE JEFFERSONIAN,

G. Wm. Ellinson

LEGAL AD. - TOWSON

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

No. 023595

97-92-X

DATE 8/27/96 ACCOUNT 01-615

Item 52
Petitioner

AMOUNT $ 35.00

RECEIVED
FROM:

FOR:

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Department of Permits and
Development Management

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

97-92-X

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & 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.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 52 Petitioner: William H. Schaefer
Location: 1600 York Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Leslie M Pittler
ADDRESS: 29 W. Susquehanna Ave. #610
Towson, MD 21204
PHONE NUMBER: 823-4455

Printed with Soybean Ink on Recycled Paper

12

TO: PATUXENT PUBLISHING COMPANY
September 5, 1996 Issue - Jeffersonian

Please foward billing to:

Leslie M. Pittler, Esq.
29 W. Susquehanna Avenue #610
Towson, MD 21204
823-4455

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: 97-92-X (Item 52)
1600 York Road
corner of W/S York Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner/Lessee: Taco Bell, Inc.
Applicant/Proposed Sub-Lessee: William H. Schaefer

Special Exception for "used motor vehicle outdoor sales area, separated from sales agency building."

HEARING: FRIDAY, OCTOBER 4, 1996 at 2:00 p.m. in Room 106, County Office Building.

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
Department of Permits and
Development Management

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

August 30, 1996

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: 97-92-X (Item 52)
1600 York Road
corner of W/S York Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner/Lessee: Taco Bell, Inc.
Applicant/Proposed Sub-Lessee: William H. Schaefer

Special Exception for "used motor vehicle outdoor sales area, separated from sales agency building."

HEARING: FRIDAY, OCTOBER 4, 1996 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: William H. Schaefer
Leslie M. Pittler, 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
Department of Permits and
Development Management

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

September 24, 1996

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue, #610
Towson, MD 21204

RE: Item No.: 52
Case No.: 97-92-X
Petitioner: Taco Bell, Inc.

Dear Mr. Pittler:

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 August 2, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: August 20, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 1600 York Road

INFORMATION:

Item Number: 52

Petitioner: Taco Bell, Inc.

Property Size:

Zoning: BR

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The proposed Special Exception for a Used Motor Vehicle Outdoor Sales Area in a BR zone is for 1600 York Road, the site of the former Jack's Corned Beef. The property in question is located within the Lutherville Community Conservation Plan area adopted by the Baltimore County Council on February 20, 1996 as part of the Baltimore County Master Plan. It is also in proximity to the Lutherville National Register Historic District and has been reviewed by the Baltimore County Landmarks Preservation Commission.

At a recent meeting on August 8, 1996, the LPC expressed concern about adequate landscaping to provide a buffer for the adjacent residential property and the Historic District. Additionally, LPC was concerned about limits on decorative balloons and banners.

The adopted Community Conservation Plan for Lutherville contains "Guidelines For Enhancing the Appearance of Non-Residential Properties" (page 22). For businesses along York Road, landscaping should be provided to screen dumpsters, parking and storage areas. Street trees are very desirable as well as ornamental landscaping to enhance the building, driveway entrances and parking areas. Signage should meet current county sign code requirements, be attractive and be professionally designed.

The previously granted sign variance and side yard setback variance are rendered moot since the Taco Bell is no longer the proposed use (Case No. 94-189A). The DRC on July 22, 1996 granted a limited exemption pursuant to 26-171(6)9 of the Development Regulations for the site development and the outdoor sales building.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

The Zoning Commissioner will review the petition for Special Exception in accordance with Section 500.3 of the B.C.Z.R. If the Special Exception is granted, the Office of Planning recommends a revised plan reflecting the aforementioned comments and the following restrictions to insure compatibility with the Lutherville Community Plan.

1. Architectural elevation drawings, a landscape plan and a sign detail for any free-standing sign should be submitted to the Office of Planning for review prior to issuance of any building permits.

2. No outdoor speakers, streamers, banners, or display balloons should be permitted.

3. No automobile rack storage system for automobile storage should be permitted.

4. No automobile repair should be permitted.

Prepared by:

Division Chief:

AFK/JL/lw

ITEM52/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management
DATE: August 16, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 19, 1996
Item Number 052

The Development Plans Review Division has reviewed the subject zoning item.

All improvements and intersection modification related to Taco Bell site plan will still apply to this plan.

The Final Landscape Plan approved on August 14, 1995 for this site shall serve as the basis for preparing a revised landscape plan for the current proposal.

RWB:HJO:jrb

cc: File

ZONE22D

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 08/14/96

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 12, 1996.

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:43,45,46,47,49,50,51,52, 53 AND 54.

F. SAUERWALD
Office, PHONE 887-4881, MS-1102F

Roz

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: Aug 13, 1996

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 12, 96

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

Item #'s: 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54

RBS:sp

BRUCE2/DEPRM/TXTSBP

---

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 ISSUE PERMIT PF9 - SAVE
CLEAR - MENU
PANEL BP1003M

TIME: 14:32:57 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/06/95
DATE: 09/01/95 GENERAL PERMIT APPLICATION DATA PLG 16:13:15

PERMIT #: B237486 PROPERTY ADDRESS
RECEIPT #: A253291 1600 YORK RD
CONTROL #: C SUBDIV: NW COR MELANCHTON AV
XREF #: B237486 TAX ACCOUNT #: 0819333159 DISTRICT/PRECINCT 08 14
OWNERS INFORMATION (LAST, FIRST)
FEE: 175.00 NAME: REGENT DEVELOPMENT CORP C/O EDWARD EPSTEIN
PAID: 175.00 ADDR: P.O. BOX 566 ALLENTOWN PA 18105
PAID BY: APP
DATES APPLICANT INFORMATION
APPLIED: 06/06/95 NAME: JUDITH FLOAM
ISSUED: 09/01/95 COMPANY: COLBERT MATZ & ROSENFELT
OCCPNCY: ADDR1: 3723 OLD COURT RD
ADDR2: BALTIMORE MD 21208
INSPECTOR: 08C PHONE #: 653-3838 LICENSE #:
NOTES: DMN/COP

PASSWORD .

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY
PANEL BP1004M

TIME: 14:33:36 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/08/95
DATE: 03/26/97 BUILDING DETAIL 1 PLM 11:24:28
TRACT: BLOCK:
PERMIT # B237486 PLANS: CONST 3 PLOT 0 PLAT 0 DATA 0 EL 2 PL 2
TENANT
BUILDING CODE: 2 CONTR: TBD
IMPRV 1 ENGNR:
USE 19 RESTAURANT SELLR:

FOUNDATION BASE WORK: CONST 1 STORY RESTAURANT. 38'X54'X18'=1974SF.
1 3
CONSTRUC FULL SEWAGE WATER
2 1 1E 1E
CENTRAL AIR 1
ESTIMATED COST
150,000.00 PROPOSED USE: RESTAURANT
OWNERSHIP: 1 EXISTING USE: VACANT LOT PER B237483
RESIDENTIAL CAT
SEFF #1BED #2BED #3BED TOT BED: TOT APTS
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU
PANEL BP1005M

TIME 14:33:47 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/08/95
DATE 03/26/97 BUILDING DETAIL 2 PLM 11:24:28

PERMIT # B237486

	BUILDING SIZE		LOT SIZE AND SETBACKS
	FLOOR 1974		SIZE 16BWIDTH
	WIDTH 38'		FRONT STREET
GARBAGE DISP	DEPTH 54'		SIDE STREET
POWDER ROOMS	HEIGHT 18'		FRONT SETB: 93'
BATHROOMS	STORIES 1		SIDE SETB: 16'/85'
KITCHENS			SIDE STR SETB:
	LOT NOS:		REAR SETB: 140'
	CORNER LOT: Y		
ZONING INFORMATION			ASSESSMENTS
DISTRICT	BLOCK		LAND 0397720.00
PETITION:	SECTION		IMPROVEMENTS 0226720.00
DATE	LIBER 000		TOTAL ASS.
MAP	FOLIO 000		
	CLASS 24		

PLANNING INFORMATION
MSTR PLAN AREA SUBSEWER CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU
PANEL BP1010M

TIME 14:34:01 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/01/95
DATE 03/26/97 APPROVALS DETAIL SCREEN PLM 12:31:48

PERMIT # B237486 PASSWORD .

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	06/27/95	01	GEN/05
FIRE	06/21/95	01	BLDG PLANS
SEDI CTL	08/31/95	01	MJM
ZONING	07/31/95	01	PER 94-184-A & VIII-604 APPRD.PLANS. JJS
PUB SERV	08/14/95	01	OK-SI.HGWYS/EE PD & EX.PWA/LANDSCP.GK-AH. JJS
ENVIRNMT	07/13/95	01	ANE/EIR-6/8 MJM///FOOD PLANS-7/12 DVR
PERMITS	09/01/95	01	DS/RSD

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF9 - SAVE
CLEAR - MENU

AUTOMATED PERMIT TRACKING SYSTEM
FULL SCREEN INQUIRY

PERMIT ADDRESS

PERMIT NO	CONTROL NO
B237483	RAL
B237486	C
B244386	GRC
B298873	C
B291587	GRC
B292142	C
B299491	SI 13287
B299519	SI 13313
B301871	TI
B303869	MC
B295627	295627
B299357	
B299493	299493
B299496	299496
B301800	301800
B295378	
B295619	295619
B297767	297767

PAGE SCROLL (F7/8) F CLEAR TO RETURN TO THE MENU
ENTER THE LETTER -X- NEXT TO THE ADDRESS TO RECEIVE PERMIT DETAIL
PANEL BP1003M

TIME: 10:51:58 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 12/23/96
DATE: 05/14/97 GENERAL PERMIT APPLICATION DATA PLF 14:22:25

PERMIT #: B292142 PROPERTY ADDRESS
RECEIPT #: A319149 1600 YORK RD
CONTROL #: C- SUBDIV:
XREF #: B292142 TAX ACCOUNT #: 2200023500 DISTRICT/PRECINCT 08 14
OWNERS INFORMATION (LAST, FIRST)
FEE 260.00 NAME: REGENT DEVELOPMENT C/O TACO BELL CORP
PAID: 260.00 ADDR: 620 NERNDON PKY STE 200 HERNDON VA 22070
PAID BY: APPL
DATES APPLICANT INFORMATION
APPLIED: 12/23/96 NAME: WM H SCHAEFER JR
ISSUED: 02/05/97 COMPANY: NATIONWIDE MOTOR SALES
OCCPNCY: 05/14/97 ADDR1: 2085 YORK RD
ADDR2: TIMONIUM MD 21093
INSPECTOR: 08C PHONE #: 410 252 8000 LICENSE #: 97-452-A.
NOTES: KKA/SMD

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY
PANEL BP1004M

TIME 10:52:04 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 12/23/96
DATE 05/27/97 BUILDING DETAIL 1 PLF 14:22:09
TRACT: BLOCK:
PERMIT # B292142 PLANS CONST 03 PLOT 9 PLAT 0 DATA 5 EL 1 PL 1
TENANT NATIONWIDE MOTOR SALES 410-252-8000
BUILDING CODE 2 CONTR: HANNA BLDG SYSTEMS 410-771-0220
IMPRV 1 ENGNR: SILVER ENG INC
USE 23 SELLR:

FOUNDATION BASE WORK CONSTRUCT 40'X76'X16'=3040SF CAR DEALERSHIP
2 3 W/PREP AREA, CASE 97-92X, DRC 10286T
CONSTRUC FULL SEWAGE WATER APPROVAL 94-092-2
1 1 1E 1E
CENTRAL AIR
ESTIMATED COST
170,000.00 PROPOSED USE: CAR DEALERSHIP W/PREP AREA
OWNERSHIP: 1 EXISTING USE: VACANT
RESIDENTIAL CAT
SEFF #1BED #2BED #3BED TOT BED TOT APTS
1 FAMILY BEDROOMS: PASSWORD

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PETITION PROBLEMS

97-92-X

#43 --- JRA

1. Petition form does not have section number or what they are requesting.
2. Petition form states zoning is "residential".

#45 --- MJK

1. Petition was not given copy of receipt - still in folder.
2. No telephone number for legal owner

#46 --- MJK

1. No telephone number for legal owner.

#48 --- JLL

1. Need authorization for attorney to sign for legal owner.

#49 --- MJK

1. No telephone number for legal owner.

#52 --- MJK

1. Receipt not given to petition - still in folder.
2. No name, address, etc. for legal owner.

August 7, 1996

RE: PETITION FOR SPECIAL EXCEPTION *
1600 York Road, Corner of W/S York Road,
N/S Melhorn Avenue, 8th Election Dist., *
3rd Councilmanic
*
Legal Owner/Lessee: Taco Bell, Inc.
Applicant/Sub-Lessee: William H. Schaefer *
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-92-X

* * * * * * * * * * * * *

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
People's Counsel for Baltimore County

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 7th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esq., 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

#52

Taco Bell Corp.
17901 Von Karman
Irvine, California 92714-6212
Telephone: 714 863 4500

TACO BELL

July 12, 1996

97-92-X

Mr. Arnold Jablon
Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Site known as
1600 York Road

Dear Mr. Jablon:

This will confirm that Taco Bell, Inc. is the lessee of the parcel of ground in Baltimore County known as 1600 York Road, Lutherville, Maryland.

Taco Bell hereby advises Baltimore County that under our lease agreement with Regent Development Corporation, Taco Bell has the right to seek a special exception on behalf of our proposed sub lessee William H. Schaefer, Jr. for a different use of the property, namely a "used motor vehicle outdoor sales area, separated from sales agency building." Furthermore, our lease agreement with Regent, does not require us to have Regent's consent to file this petition for special exception.

This letter, in addition to the petition signed by Mr. Kevin Chaidez, who is the National Excess Property Manager for Taco Bell, who has authority to act in this matter for Taco Bell, authorizes counsel for William H. Schaefer, Jr. to proceed with this application on our behalf.

Sincerely,

Kevin Chaidez
National Excess Property Manager

PLEASE PRINT CLEARLY

Petitioners
~~PROTESTANT~~(S) SIGN-IN SHEET

NAME	ADDRESS
George L. Pontes	Jefferson Bldg. Towson 21204
Robert W. Hanna	115 Lakefront Drive, Hunt Valley 21030
William H. Schaefer, Jr.	3055 York Rd Timonium MD
Les Greenberg	3905 National Dr. #400 Burtonsville 20866
Irwin Miller	100 Bellona Ave Lutherville, MD 21093
Eric Rockel - Lutherville Community Assn.	1610 Lutherwood Dr. 21093
Sally Maloney	110 E. Pennsylvania Towson 21286
Ken Colbert	Colbert Hatz Rosenfeld 3723 Old Court Rd 21208

PETITIONER'S EXHIBIT NO. 1

AGREEMENT

THIS AGREEMENT is entered into, as of the 4th day of October, 1996, by and between William H. Schaefer herein called the "Petitioner", and the Lutherville Community Association, Inc. hereinafter the "Association".

RECITALS

A. Petitioner has filed a Petition for a Special Exception for the property known as 1600 York Road, containing in the aggregate approximately 1.0213+- acres, located in the 4th Councilmanic District and the 8th Election District of Baltimore County, Maryland.

B. At the present time, the Land is zoned BR CNS.

C. The Land is currently vacant.

D. The Owner has submitted a request for a special exception for the site to be used as a used motor vehicle outdoor sales area. The case number for said Petition is 97-92-X, Item #52.

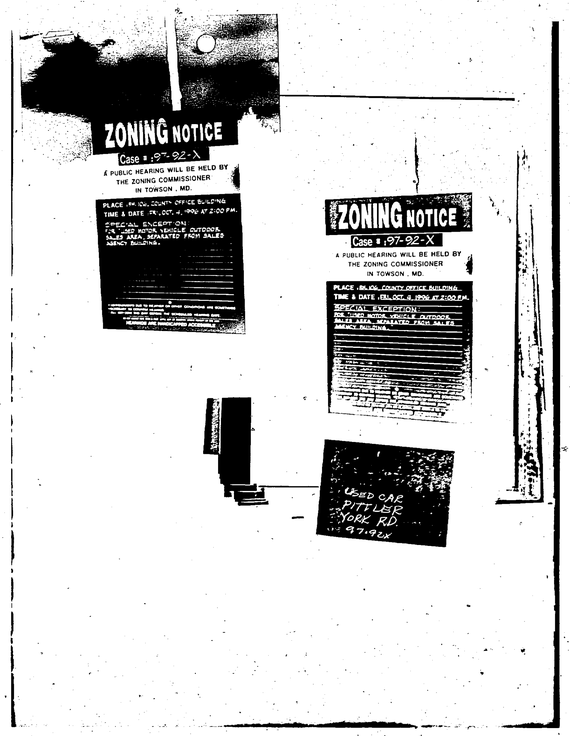
E. Lutherville Community Association, Inc. is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of residential areas in the vicinity of the Land, particularly as to the nearby residential areas to the site.

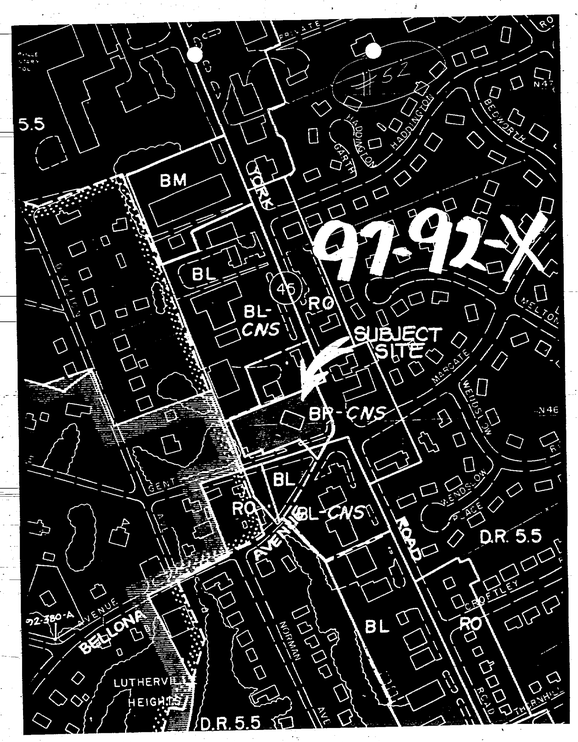
F. The Petitioner and Association desire to place certain restrictions on the site as a used motor vehicle outdoor sales area and on the use thereof to assure that, in the event that the Petition is granted as requested, the site will not have a deleterious effect on nearby residential areas.

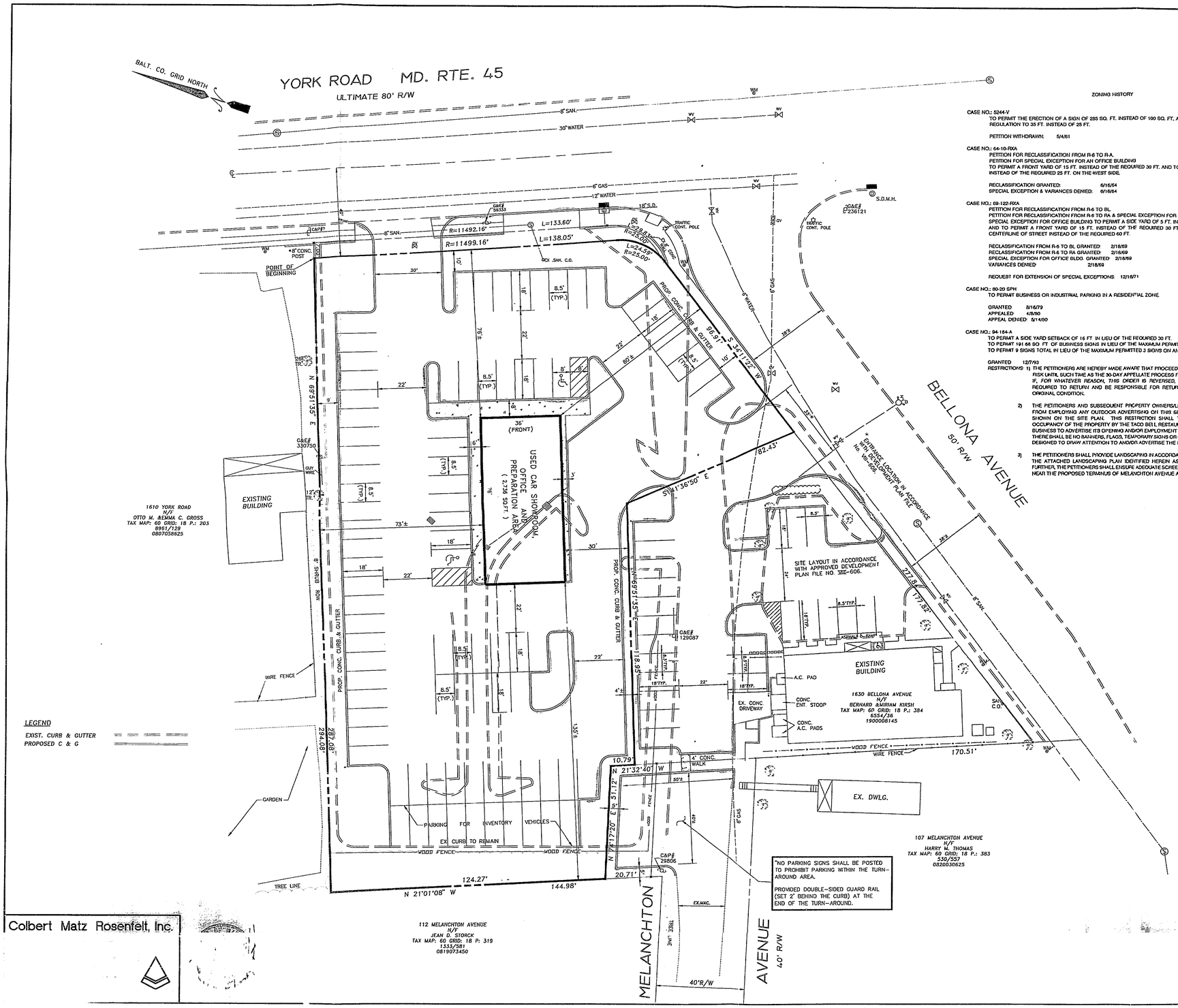
G. The Petitioner, in recognition of the concerns of the "Association" and others, is willing to agree to certain restrictions of the site in return for the agreement of "Association" not to oppose said request of the "Petitioner".

AGREEMENTS

NOW THEREFORE, in consideration of the mutual agreements and







Colbert Matz Rosenfelt, Inc.

ZONING HISTORY

CASE NO.: 5244-V
TO PERMIT THE ERECTION OF A SIGN OF 285 SQ. FT. INSTEAD OF 100 SQ. FT. AND THE INCREASE OF A HEIGHT REGULATION TO 35 FT. INSTEAD OF 25 FT.

PETITION WITHDRAWN: 5/4/61

CASE NO.: 64-10-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO R-A.
PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING
TO PERMIT A FRONT YARD OF 15 FT. INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT A SIDE YARD OF 15 FT. INSTEAD OF THE REQUIRED 25 FT. ON THE WEST SIDE.

RECLASSIFICATION GRANTED: 6/16/64
SPECIAL EXCEPTION & VARIANCES DENIED: 6/16/64

CASE NO.: 69-122-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO BL
PETITION FOR RECLASSIFICATION FROM R-6 TO RA & SPECIAL EXCEPTION FOR OFFICE BUILDING.
SPECIAL EXCEPTION FOR OFFICE BUILDING TO PERMIT A SIDE YARD OF 5 FT. INSTEAD OF THE REQUIRED 25 FT. AND TO PERMIT A FRONT YARD OF 15 FT. INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT 40 FT. FROM CENTERLINE OF STREET INSTEAD OF THE REQUIRED 60 FT.

RECLASSIFICATION FROM R-6 TO BL GRANTED: 2/18/69
RECLASSIFICATION FROM R-6 TO RA GRANTED: 2/18/69
SPECIAL EXCEPTION FOR OFFICE BLDG. GRANTED: 2/18/69
VARIANCES DENIED: 2/18/69

REQUEST FOR EXTENSION OF SPECIAL EXCEPTIONS: 12/16/71

CASE NO.: 80-20 SPH
TO PERMIT BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE.

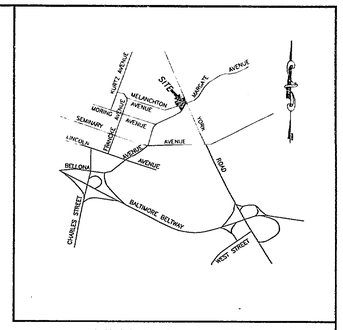
GRANTED 8/16/79
APPEALED 4/8/80
APPEAL DENIED: 5/14/80

CASE NO.: 94-154-A
TO PERMIT A SIDE YARD SETBACK OF 16 FT. IN LIEU OF THE REQUIRED 30 FT.
TO PERMIT 191.56 SQ. FT. OF BUSINESS SIGNS IN LIEU OF THE MAXIMUM PERMITTED 100 SQ. FT.
TO PERMIT 9 SIGNS TOTAL IN LIEU OF THE MAXIMUM PERMITTED 3 SIGNS ON ANY PREMISES.

GRANTED 12/7/93
RESTRICTIONS: 1) THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.

2) THE PETITIONERS AND SUBSEQUENT PROPERTY OWNERS/LESSEES SHALL BE PROHIBITED FROM EMPLOYING ANY OUTDOOR ADVERTISING ON THIS SITE, OTHER THAN THE 9 SIGNS SHOWN ON THE SITE PLAN. THIS RESTRICTION SHALL TAKE EFFECT 30 DAYS AFTER OCCUPANCY OF THE PROPERTY BY THE TACO BELL RESTAURANT, THEREBY ENABLING THIS BUSINESS TO ADVERTISE ITS OPENING AND/OR EMPLOYMENT OPPORTUNITIES. THEREAFTER, THERE SHALL BE NO BANNERS, FLAGS, TEMPORARY SIGNS OR OTHER OUTDOOR MECHANISMS DESIGNED TO DRAW ATTENTION TO AND/OR ADVERTISE THE SITE.

3) THE PETITIONERS SHALL PROVIDE LANDSCAPING IN ACCORDANCE WITH THAT SET FORTH ON THE ATTACHED LANDSCAPING PLAN IDENTIFIED HEREIN AS PETITIONER'S EXHIBIT NO. 8. FURTHER, THE PETITIONERS SHALL ENSURE ADEQUATE SCREENING OF THE PROPERTY AT AND NEAR THE PROPOSED TERMINUS OF MELANCHTON AVENUE AND THE SITE.



VICINITY MAP
SCALE: 1" = 1000'

SITE ANALYSIS

1. OWNER: REGENT DEVELOPMENT COMPANY
C/O HOWARD EPSTEIN
P.O. BOX 566
ALLENTOWN, PA 18105
TAX MAP: 60 GRID: 18 PARCEL: 202
DEED REF.: 6296/278
TAX I.D. NO.: 0819033519

2. LESEE: TACO BELL CORP.
620 HERNDON PARKWAY, SUITE 200
HERNDON, VA 22070
(703) 481-9851

3. APPLICANT: WILLIAM H SCHAEFER
2085 YORK ROAD
TIMONIUM, MARYLAND 21093
(410) 252-8000

4. SITE ACREAGE:
NET: 1.0213 AC.± OR 44488 SQ. FT.
HIGHWAY WIDENING: 0.0241 AC.± OR 1049 SQ. FT.
GROSS: 1.1887 AC.± OR 51779 SQ. FT.

5. ELECTION DISTRICT: 8 COUNCILMANIC DISTRICT: 3

6. CENSUS TRACT: 4086.02

7. WATERSHED: 24 (W-1) SUBSEWERSHED: 10 (S-1)

8. SUBJECT PROPERTY IS ZONED: BR-CNS

9. EXISTING USE: VACANT

10. PROPOSED USE: USED MOTOR VEHICLE SALES

11. BR BUILDING SETBACKS:

	REQUIRED	PROPOSED
FRONT	25'	76'±
STREET CORNER SIDE	30'	80'±
INTERIOR SIDE	30'	30/73
REAR	30'	135'±

12. BUILDING AREA: 2736 SQ. FT.±

13. PARKING TABULATION:
REQUIRED:
SALES AREA: 900 S.F. @ 5/1000 = 4.5 SPACES
OFFICE: 756 S.F. @ 3.3/1000 = 2.5 SPACES
SERVICE: 1080 S.F. @ 3.3/1000 = 3.6 SPACES
TOTAL: 10.6 SPACES, SAY 11 SPACES.
PROPOSED: 79 SPACES

14. A STORMWATER MANAGEMENT WAIVER WILL BE APPLIED FOR.

15. PREVIOUS COMMERCIAL PERMIT No. B 237486

16. ALL PAVING WILL BE DURABLE AND DUSTLESS SURFACE.

17. ILLUMINATION FOR OFF-STREET PARKING WILL NOT REFLECT ONTO RESIDENTIAL LOTS.

18. SIGNAGE TO BE IN ACCORDANCE WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

19. PREVIOUS DEVELOPMENT PLAN FOR TACO BELL WAS APPROVED ON 9/20/94 FILE No. VIII-606.

20. LIMITED EXEMPTION FOR PREVIOUS DEVELOPMENT GRANTED ON 10/4/93. FILE No. 94-092-Z

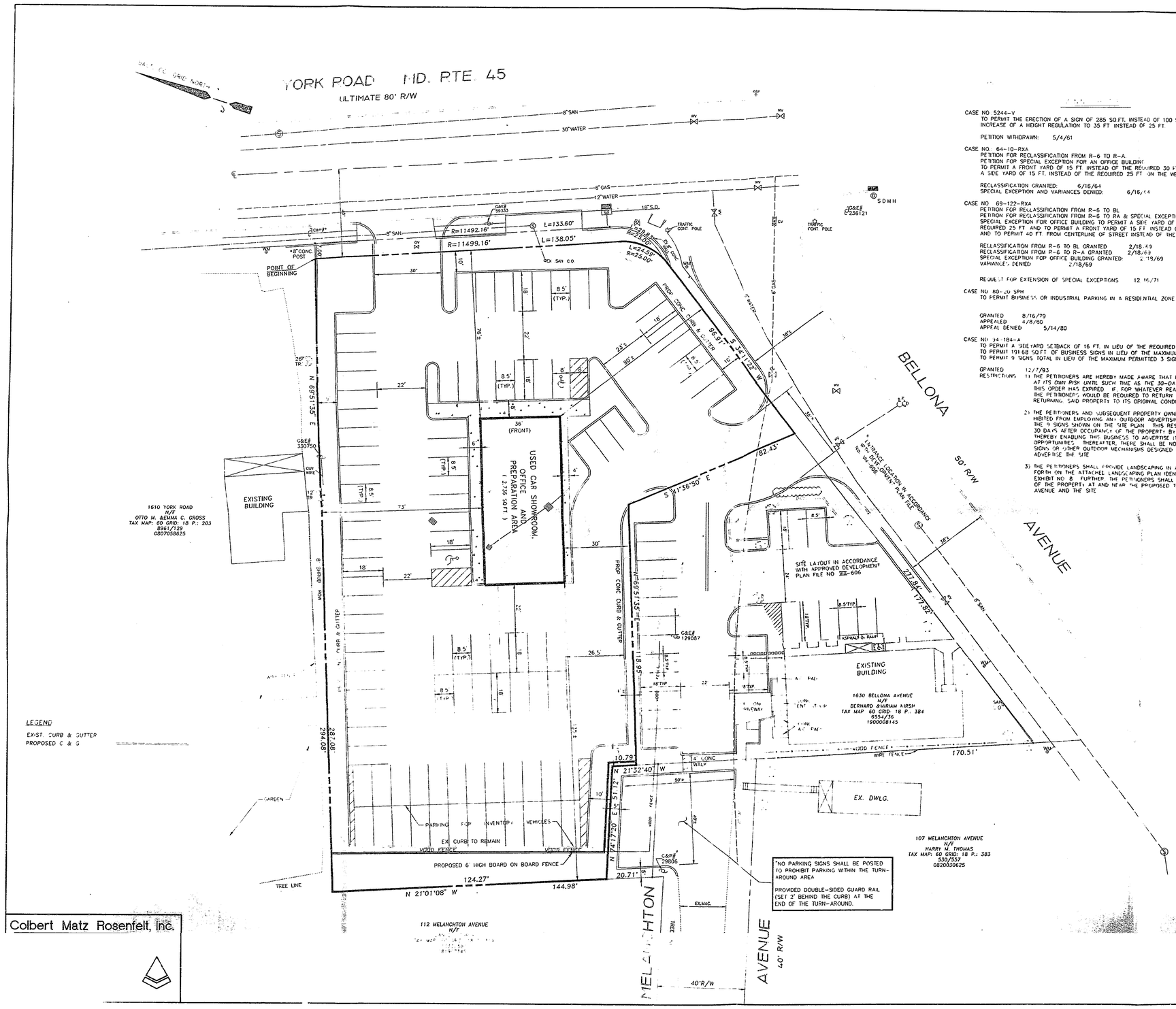
97-92-X
#52

PLAN TO ACCOMPANY SPECIAL EXCEPTION
NATIONWIDE MOTOR SALES, INC.
1600 YORK ROAD
8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20' JUNE 26, 1996
REVISED AUGUST 1, 1996

AUG 1 1996

COLBERT MATZ ROSENFELT INC

CMR J.O. #93062.1



Colbert Matz Rosenfelt, Inc.

CASE NO 5244-V
TO PERMIT THE ERECTION OF A SIGN OF 285 SQ.FT. INSTEAD OF 100 SQ.FT. AND THE INCREASE OF A HEIGHT REGULATION TO 35 FT INSTEAD OF 25 FT

PETITION WITHDRAWN: 5/4/61

CASE NO. 64-10-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO R-A
PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING
TO PERMIT A FRONT YARD OF 15 FT INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT A SIDE YARD OF 15 FT. INSTEAD OF THE REQUIRED 25 FT ON THE WEST SIDE

RECLASSIFICATION GRANTED: 6/18/64
SPECIAL EXCEPTION AND VARIANCES DENIED: 6/18/64

CASE NO 69-122-RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO BL
PETITION FOR RECLASSIFICATION FROM R-6 TO RA & SPECIAL EXCEPTION FOR OFFICE BUILDING
SPECIAL EXCEPTION FOR OFFICE BUILDING TO PERMIT A SIDE YARD OF 5 FT. INSTEAD OF THE REQUIRED 25 FT AND TO PERMIT A FRONT YARD OF 15 FT INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT 40 FT FROM CENTERLINE OF STREET INSTEAD OF THE REQUIRED 60 FT.

RECLASSIFICATION FROM R-6 TO BL GRANTED 2/18/69
RECLASSIFICATION FROM R-6 TO R-A GRANTED 2/18/69
SPECIAL EXCEPTION FOR OFFICE BUILDING GRANTED: 2/18/69
VARIANCES DENIED 2/18/69

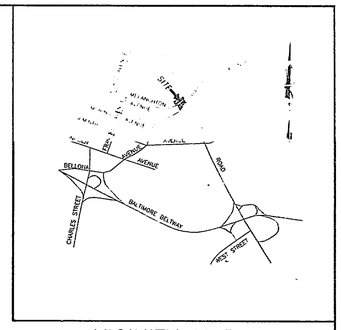
REQUEST FOR EXTENSION OF SPECIAL EXCEPTIONS 12/16/71

CASE NO 80-20 SPH
TO PERMIT BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

GRANTED 8/16/79
APPEALED 4/8/80
APPEAL DENIED 5/14/80

CASE NO 94-184-A
TO PERMIT A SIDEYARD SETBACK OF 16 FT. IN LIEU OF THE REQUIRED 30 FT
TO PERMIT 191.68 SQ.FT. OF BUSINESS SIGNS IN LIEU OF THE MAXIMUM PERMITTED 100 SQ.FT
TO PERMIT 9 SIGNS TOTAL IN LIEU OF THE MAXIMUM PERMITTED 3 SIGNS ON ANY PREMISES

GRANTED 12/7/93
RESTRICTIONS
1) THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION
2) THE PETITIONERS AND SUBSEQUENT PROPERTY OWNERS/LESSEES SHALL BE PROHIBITED FROM EMPLOYING ANY OUTDOOR ADVERTISING ON THIS SITE, OTHER THAN THE 9 SIGNS SHOWN ON THE SITE PLAN. THIS RESTRICTION SHALL TAKE AFFECT 30 DAYS AFTER OCCUPANCY OF THE PROPERTY BY THE TACO BELL RESTAURANT THEREBY ENABLING THIS BUSINESS TO ADVERTISE ITS OPENING AND/OR EMPLOYMENT OPPORTUNITIES. THEREAFTER, THERE SHALL BE NO BANNERS, FLAGS, TEMPORARY SIGNS OR OTHER OUTDOOR MECHANISMS DESIGNED TO DRAW ATTENTION TO AND/OR ADVERTISE THE SITE
3) THE PETITIONERS SHALL PROVIDE LANDSCAPING IN ACCORDANCE WITH THAT SET FORTH ON THE ATTACHED LANDSCAPING PLAN IDENTIFIED HEREIN AS PETITIONER'S EXHIBIT NO. 8. FURTHER, THE PETITIONERS SHALL ENSURE ADEQUATE SCREENING OF THE PROPERTY AT AND NEAR THE PROPOSED TERMINUS OF MELANCHTON AVENUE AND THE SITE



VICINITY MAP
SCALE: 1" = 1000'

SITE ANALYSIS

1. OWNER: REGENT DEVELOPMENT COMPANY
C/O HOWARD EPSTEIN
P.O. BOX 566
ALLENTOWN, PA 18105
TAX MAP: 60 GRID: 18 PARCEL: 202
DEED REF.: 6296/278
TAX I.D. NO.: 0819033159

2. LESEE: TACO BELL CORP.
620 HERNDON PARKWAY, SUITE 200
HERNDON, VA 22070
(703) 481-9851

3. APPLICANT: WILLIAM H. SCHAEFER
2055 YORK ROAD
TIMONIUM, MARYLAND 21093
(410) 252-8000

4. SITE ACREAGE:
NET: 1.0213 AC± OR 44488 SQ. FT.
HIGHWAY WIDENING: 0.0241 AC± OR 1049 SQ. FT.
GROSS: 1.1887 AC± OR 51779 SQ. FT.

5. ELECTION DISTRICT: 8 COUNCILMANIC DISTRICT: 3

6. CENSUS TRACT: 4086.02

7. WATERSHED: 24 (W-1) SUBSEWERSHED: 10 (S-1)

8. SUBJECT PROPERTY IS ZONED: BR-CNS

9. EXISTING USE: VACANT

10. PROPOSED USE: USED MOTOR VEHICLE SALES

11. BR BUILDING SETBACKS:

	REQUIRED	PROPOSED
FRONT	25'	76'±
STREET CORNER SIDE	30'	80'±
INTERIOR SIDE	30'	30'/73'
REAR	30'	135'±

12. BUILDING AREA: 2736 SQ. FT.±

13. PARKING TABULATION:
REQUIRED:
SALES AREA: 900 S.F. @ 5/1000 = 4.5 SPACES
OFFICE: 756 S.F. @ 3.3/1000 = 2.5 SPACES
SERVICE: 1080 S.F. @ 3.3/1000 = 3.6 SPACES
TOTAL: 10.6 SPACES, SAY 11 SPACES.
PROPOSED: 88 SPACES

14. A STORMWATER MANAGEMENT WAIVER WILL BE APPLIED FOR.

15. PREVIOUS COMMERCIAL PERMIT No. B 237486

16. ALL PAVING WILL BE DURABLE AND DUSTLESS SURFACE.

17. ILLUMINATION FOR OFF-STREET PARKING WILL NOT REFLECT ONTO RESIDENTIAL LOTS

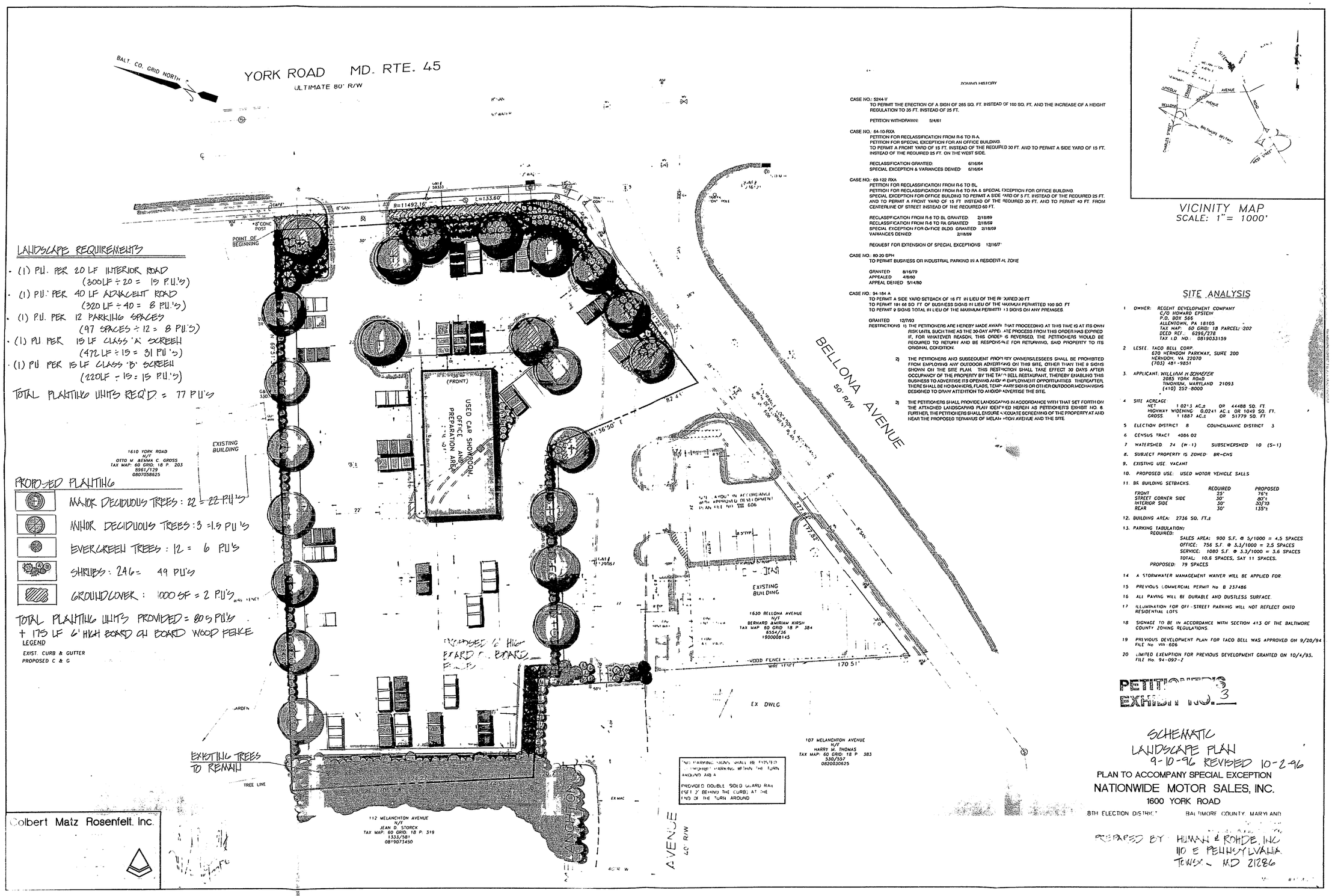
18. SIGNAGE TO BE IN ACCORDANCE WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

19. PREVIOUS DEVELOPMENT PLAN FOR TACO BELL WAS APPROVED ON 9/20/94. FILE No. VIII-606.

20. LIMITED EXEMPTION FOR PREVIOUS DEVELOPMENT GRANTED ON ON 10/4/93. FILE No. 94-092-Z

PETITIONER'S EXHIBIT NO. 2

PLAN TO ACCOMPANY SPECIAL EXCEPTION
NATIONWIDE MOTOR SALES, INC.
1600 YORK ROAD
8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20' JUNE 26, 1996



LANDSCAPE REQUIREMENTS

- (1) P.U. PER 20 LF INTERIOR ROAD (300LF ÷ 20 = 15 P.U.'S)
- (1) P.U. PER 40 LF ADJACENT ROAD (320 LF ÷ 40 = 8 P.U.'S)
- (1) P.U. PER 12 PARKING SPACES (97 SPACES ÷ 12 = 8 P.U.'S)
- (1) P.U. PER 15 LF CLASS 'A' SCREEN (472 LF ÷ 15 = 31 P.U.'S)
- (1) P.U. PER 15 LF CLASS 'B' SCREEN (220LF ÷ 15 = 15 P.U.'S)

TOTAL PLANTING UNITS REQ'D = 77 P.U.'S

PROPOSED PLANTING

- MAJOR DECIDUOUS TREES : 22 = 22 P.U.'S
- MINOR DECIDUOUS TREES : 3 = 1.5 P.U.'S
- EVERGREEN TREES : 12 = 6 P.U.'S
- SHRUBS : 246 = 49 P.U.'S
- GROUNDCOVER : 1000 SF = 2 P.U.'S

TOTAL PLANTING UNITS PROVIDED = 80.5 P.U.'S
+ 175 LF 6' HIGH BOARD ON BOARD WOOD FENCE

LEGEND

EXIST. CURB & GUTTER
PROPOSED C & G

ZONING HISTORY

CASE NO.: 5244-V
TO PERMIT THE ERECTION OF A SIGN OF 285 SQ. FT. INSTEAD OF 100 SQ. FT. AND THE INCREASE OF A HEIGHT REGULATION TO 35 FT. INSTEAD OF 25 FT.

PETITION WITHDRAWN: 5/4/61

CASE NO.: 64-10-RXA
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RECLASSIFICATION GRANTED: 6/16/64
SPECIAL EXCEPTION & VARIANCES DENIED 6/16/64

CASE NO.: 69-122 RXA
PETITION FOR RECLASSIFICATION FROM R-6 TO BL
PETITION FOR RECLASSIFICATION FROM R-6 TO RA & SPECIAL EXCEPTION FOR OFFICE BUILDING
SPECIAL EXCEPTION FOR OFFICE BUILDING TO PERMIT A SIDE YARD OF 5 FT. INSTEAD OF THE REQUIRED 25 FT. AND TO PERMIT A FRONT YARD OF 15 FT INSTEAD OF THE REQUIRED 30 FT. AND TO PERMIT 40 FT. FROM CENTERLINE OF STREET INSTEAD OF THE REQUIRED 60 FT.

RECLASSIFICATION FROM R-6 TO BL GRANTED: 2/18/69
RECLASSIFICATION FROM R-6 TO RA GRANTED 2/18/69
SPECIAL EXCEPTION FOR OFFICE BLDG GRANTED 2/18/69
VARIANCES DENIED 2/18/69

REQUEST FOR EXTENSION OF SPECIAL EXCEPTIONS 12/16/77

CASE NO.: 80-20-SPH
TO PERMIT BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

GRANTED 8/16/79
APPEALED 4/8/80
APPEAL DENIED 5/14/80

CASE NO.: 94-184-A
TO PERMIT A SIDE YARD SETBACK OF 16 FT. IN LIEU OF THE REQUIRED 30 FT.
TO PERMIT 191.66 SQ. FT. OF BUSINESS SIGNS IN LIEU OF THE MAXIMUM PERMITTED 100 SQ. FT.
TO PERMIT 9 SIGNS TOTAL IN LIEU OF THE MAXIMUM PERMITTED 3 SIGNS ON ANY PREMISES.

GRANTED 12/7/93
RESTRICTIONS 1) THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.

2) THE PETITIONERS AND SUBSEQUENT PROPERTY OWNERS/LESSEES SHALL BE PROHIBITED FROM EMPLOYING ANY OUTDOOR ADVERTISING ON THIS SITE, OTHER THAN THE 9 SIGNS SHOWN ON THE SITE PLAN. THIS RESTRICTION SHALL TAKE EFFECT 30 DAYS AFTER OCCUPANCY OF THE PROPERTY BY THE TACO BELL RESTAURANT, THEREBY ENABLING THIS BUSINESS TO ADVERTISE ITS OPENING AND/OR EMPLOYMENT OPPORTUNITIES. THEREAFTER, THERE SHALL BE NO BANNERS, FLAGS, TEMPORARY SIGNS OR OTHER OUTDOOR MECHANISMS DESIGNED TO DRAW ATTENTION TO AND/OR ADVERTISE THE SITE.

3) THE PETITIONERS SHALL PROVIDE LANDSCAPING IN ACCORDANCE WITH THAT SET FORTH ON THE ATTACHED LANDSCAPING PLAN IDENTIFIED HEREIN AS PETITIONER'S EXHIBIT NO. 8. FURTHER, THE PETITIONERS SHALL ENSURE ADEQUATE SCREENING OF THE PROPERTY AT AND NEAR THE PROPOSED TERMINUS OF MELANCHTON AVENUE AND THE SITE.

VICINITY MAP
SCALE: 1" = 1000'

SITE ANALYSIS

1. OWNER: REGENT DEVELOPMENT COMPANY
   C/O HOWARD EPSTEIN
   P.O. BOX 566
   ALLENTOWN, PA 18105
   TAX MAP: 60 GRID: 18 PARCEL: 202
   DEED REF.: 6296/278
   TAX I.D. NO.: 0819033159
2. LESSEE TACO BELL CORP
   620 HERNDON PARKWAY, SUITE 200
   HERNDON, VA 22070
   (703) 481-9851
3. APPLICANT: WILLIAM H. SCHAEFER
   2085 YORK ROAD
   TIMONIUM, MARYLAND 21093
   (410) 252-8000
4. SITE ACREAGE:
   NET 1.0213 AC.± OR 44488 SQ. FT.
   HIGHWAY WIDENING 0.0241 AC.± OR 1049 SQ. FT.
   GROSS 1.1887 AC.± OR 51779 SQ. FT.
5. ELECTION DISTRICT 8 COUNCILMANIC DISTRICT 3
6. CENSUS TRACT 4086.02
7. WATERSHED 24 (W-1) SUBSEWERSHED 10 (S-1)
8. SUBJECT PROPERTY IS ZONED: BR-CNS
9. EXISTING USE: VACANT
10. PROPOSED USE: USED MOTOR VEHICLE SALES
11. BR BUILDING SETBACKS.

	REQUIRED	PROPOSED
FRONT	25'	76'±
STREET CORNER SIDE	30'	80'±
INTERIOR SIDE	30'	30/33
REAR	30'	135'±

12. BUILDING AREA: 2736 SQ. FT.±
13. PARKING TABULATION:
    REQUIRED:
    SALES AREA: 900 S.F. @ 5/1000 = 4.5 SPACES
    OFFICE: 756 S.F. @ 3.3/1000 = 2.5 SPACES
    SERVICE: 1080 S.F. @ 3.3/1000 = 3.6 SPACES
    TOTAL: 10.6 SPACES, SAY 11 SPACES.
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14. A STORMWATER MANAGEMENT WAIVER WILL BE APPLIED FOR.
15. PREVIOUS COMMERCIAL PERMIT No. B 237486
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19. PREVIOUS DEVELOPMENT PLAN FOR TACO BELL WAS APPROVED ON 9/20/94 FILE No. VIII-606
20. LIMITED EXEMPTION FOR PREVIOUS DEVELOPMENT GRANTED ON 10/4/93. FILE No. 94-097-X

PETITIONER'S EXHIBIT NO. 3

SCHEMATIC
LANDSCAPE PLAN
9-10-96 REVISED 10-2-96

PLAN TO ACCOMPANY SPECIAL EXCEPTION
NATIONWIDE MOTOR SALES, INC.
1600 YORK ROAD
8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

PREPARED BY: HUMAN & ROHDE, INC.
110 E. PENNSYLVANIA
TOWSON, MD 21286

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	LUTHERVILLE	N.W. 12-A
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401