

IN RE: PETITION FOR VARIANCE
SW/Corner Frederick Road
and Delrey Avenue
(501 Frederick Road
1st Election District
1st Councilmanic District

Management Investors, Corp. and
Whalen Properties Ltd. Part.,
Catonsville, Series V - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-219-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Management Investors Corporation; Jack, Jane and Stanley Abrams, and Whalen Properties Limited Partnership, Catonsville, Series V, and the Contract Lessee, McDonald's Corporation, through their attorney, Stanley S. Fine, Esquire. The Petitioners seek relief from Sections 409.6.A.2 and 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 31 parking spaces in lieu of the required 47, and to permit parking spaces to be situated within 1 foot of the public right-of-way in lieu of the required 10 feet. 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 6.

Appearing at the hearing on behalf of the Petition were Stephen W. Whalen, Jr., Managing General Partner for the Petitioners, David Neiss, a representative of McDonald's Corporation, David Martin, a representative of George W. Stephens, Jr. and Associates, Inc., the consultants who prepared the site plan for this property, Ken Cronise, Andrew M. Croll, a nearby resident who appeared on behalf of his community association, and Stanley S. Fine, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

Testimony and evidence offered revealed that the subject property consists of 0.078 acres, more or less, zoned B.L.-C.C.C., and is the site of a Roy Rogers fast food restaurant. McDonald's is desirous of leasing the property and proposes razing the existing building and replacing same with a new, state-of-the-art McDonald's restaurant. The Petitioners submitted into evidence as Petitioner's Exhibit 4 a colored elevation drawing of the proposed building which will be a one-story structure containing approximately 3,246 sq.ft. in area. The existing Roy Rogers restaurant, which contains a basement, has a total floor area of over 4,000 sq.ft. Thus, the proposed building will be smaller in size. However, the regulations require that 47 parking spaces be provided and only 31 spaces are available at this site. The representatives from McDonalds stated that they have statistics and data from other similarly sized restaurants around the country which substantiate that the 31 parking spaces proposed for this site will be adequate. McDonald's estimates that the bulk of its business at this site will be drive thru, given its close proximity to the Baltimore Beltway. In addition, essentially the same building setback and parking arrangement along Delrey Road that has existed for Roy Rogers will be maintained by the proposed project. However, in order to develop the site as proposed and allow those parking spaces along Delrey Road to be located 1 foot from the public right-of-way, the requested variances are necessary.

Further testimony indicated that McDonald's has worked closely with representatives of the Office of Planning and the adjacent community in designing the architectural elevations of the proposed building. On behalf of the community association, Mr. Andrew Croll testified that he and his association support McDonald's in the redevelopment of this property

and have no objections to the requested variances.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

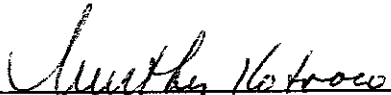
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of March, 1998 that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 31 parking spaces in lieu of the required 47, and from Section 409.8.A.4 of the B.C.Z.R. to permit parking spaces to be within 1 foot of the public right-of-way in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 6, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The proposed restaurant shall be constructed in accordance with the colorized elevation drawing submitted into evidence as Petitioner's Exhibit 4.

3) In accordance with the Zoning Plans Advisory Committee comments submitted by the Office of Planning, dated February 25, 1998, the Petitioner shall submit a final landscape plan for their review and approval prior to the issuance of any building permits. Said plan shall include the proposed streetscape information, entry treatment, lighting and signage as agreed to and detailed on drawings revised January 26, 1998 by G. W. Stephens, Jr. & Associates. In addition, said plan shall specify that the Balcon pavers are "terra cotta" in color so as to match those used by Baltimore County in the Frederick Road streetscape improvements. The Petitioner shall also provide an elevation and section of the 20-inch high brick wall along with the final landscape plan.

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


TIMOTHY M. KOTHOCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 3/10/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 10, 1998

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

RE: PETITION FOR VARIANCE
SW/Corner Frederick Road and Delrey Avenue
(501 Frederick Road
1st Election District - 1st Councilmanic District
Management Investors, Corporation and Whalen Properties Ltd. Part.,
Catonsville, Series V - Petitioners
Case No. 98-219-A

Dear Mr. Fine:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. Irving Cohen, President, Management Investors Corp., and
Stanley Abrams & Stephen W. Whelan, Jr., Whalen Properties Ltd. Part.
2 West Rolling West Crossroads, Baltimore, Md. 21228

Andrew M. Croll, Esquire, Scarlett & Croll
201 North Charles Street, Suite 600, Baltimore, Md. 21201-4110

People's Counsel; Case Files





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 501 Frederick Road

which is presently zoned BL CCC

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6A2 - to permit 31 parking spaces in lieu of the required 47 parking spaces; 409.8A4 - to permit parking spaces to be within 1 foot of the public right-of-way in lieu of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Improvement on property being razed and replaced with new facility. Size and shape of lot make the compliance with the regulations a hardship and practical difficulty.

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

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

Contract Purchaser/Lessee:

McDonald's Corporation

(Type or Print Name)

By: [Signature]

Signature

250 W. Pratt Street, 17th Floor

Address

Baltimore, MD 21201

City

State

Zipcode

Attorney for Petitioner:

Stanley S. Fine

(Type or Print Name)

[Signature]

Signature

25 S. Charles Street ⁷²⁷⁻⁶⁶⁰⁰ (410) 539-6967

Address

Phone No.

Baltimore MD 21201

City

State

Zipcode

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

Legal Owner(s): Irving Cohen, President of Management Investors Corp.;

Jack, Jane and Stanley Abrams

(Type or Print Name)

[Signature]
Whalen Properties Limited

Partnership, Catonsville, Series V

(Type or Print Name)

By: [Signature] ⁷²⁷⁻⁶⁶⁰⁰ (410) 717-2900

Signature

2 West Rolling West Crossroads

Address

Phone No.

Baltimore MD 21228

City

State

Zipcode

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

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY: JRF DATE 12/5/97

ORDER RECEIVED FOR FILING

Date

By



Printed with Soybean Ink
on Recycled Paper

98-219-A

219

RE: PETITION FOR VARIANCE	*	BEFORE THE
501 Frederick Road, SWC Frederick Road	*	ZONING COMMISSIONER
and Delray Road, 1st Election District,	*	
1st Councilmanic	*	OF BALTIMORE COUNTY
Legal Owners: Management Investors Corp.,	*	
Jack, Jane & Stanley Abrams, & Whalen	*	CASE NO. 98-219-A
Properties L.P., Catonsville, Series V	*	
Contract Purchaser(s): McDonald's Corp.	*	
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of December, 1997, a copy of the foregoing Entry of Appearance was mailed to Stanely S. Fine, Esq., 25 S. Charles Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

DECEMBER 4, 1997

DESCRIPTION TO ACCOMPANY
VARIANCE REQUEST FOR
PROPERTY @ 501 FREDERICK ROAD

PARCEL 1

BEGINNING FOR THE SAME AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY LINE OF FREDERICK ROAD AND THE WESTERN RIGHT-OF-WAY LINE OF DELREY ROAD, THENCE LEAVING SAID POINT OF BEGINNING, BINDING ON THE WESTERN RIGHT-OF-WAY OF DELREY ROAD THE FOLLOWING COURSES;

1. SOUTH $13^{\circ} 57' 18''$ EAST 41.29 FEET,
2. SOUTH EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 1243.24 FEET FOR A DISTANCE OF 94.47 FEET, THENCE LEAVING SAID WESTERN RIGHT-OF-WAY LINE OF DELREY ROAD THE FOLLOWING COURSES;
3. SOUTH $74^{\circ} 06' 11''$ WEST 143.27 FEET,
4. NORTH $17^{\circ} 11' 37''$ WEST 150.05 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY LINE OF FREDERICK ROAD, THENCE BINDING ON SAID RIGHT-OF-WAY THE FOLLOWING COURSES;
5. NORTH $74^{\circ} 06' 11''$ EAST 138.86 FEET,
6. SOUTH $63^{\circ} 36' 48''$ EAST 21.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.525 ACRES OF LAND MORE OR LESS.

PARCEL 2

BEGINNING FOR THE SAME AT A POINT ON THE WESTERLY RIGHT-OF-WAY OF DELREY ROAD, SAID POINT FORMED BY THE INTERSECTION OF THE ABOVE DESCRIBED LINES 2 AND 3, THENCE LEAVING SAID RIGHT-OF-WAY THE FOLLOWING COURSES;

1. SOUTH $74^{\circ} 06' 11''$ WEST 143.27 FEET,
2. SOUTH $15^{\circ} 46' 26''$ EAST 22.74 FEET,
3. NORTH $74^{\circ} 13' 34''$ EAST 139.12 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF DELREY ROAD THENCE BINDING ON SAID RIGHT-OF-WAY THE FOLLOWING COURSE;
4. NORTH $08^{\circ} 58' 48''$ WEST 22.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.078 ACRES OF LAND MORE OR LESS.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS.

04664

ACCOUNT P-001-615-000

AMOUNT
\$ 250.00

020 YAKINCE

610 1/2 W 4th

501 Frederick Rd

Taken by: JEF

FOR:

98-219-A

CASHER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER

PINK • AGENCY

YELLOW • CUSTOMER

[Faint, illegible handwritten notes]

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NOTICE OF HEARING

The Zoning Commission of Baltimore County, Maryland, of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-219-A
501 Frederick Road
SMC Frederick Road and Del-
ray Road
1st Election District
Legal Owner(s): Management
Investors Corp., Jack/John
and Stanley Abrams & Whelan
Properties, Limited Partner-
ship, Catonsville, Sales V.
Contract Purchaser: McDon-
ald's Corporation

Variance: to permit 31 park-
ing spaces in lieu of the re-
quired 47 parking spaces; to
permit parking spaces to be
within 1 foot of the public
right-of-way in lieu of the re-
quired 10 feet

Hearing: Wednesday, Janu-
ary 14, 1998 at 11:00 a.m.,
Room 407 County Courts
Bldg., 401 Bosley Avenue

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations
Please Call (410) 887-3353
(2) For information concern-
ing the file and/or hearing,
Please Call (410) 887-3351
12/26/1 Dec. 25 C197505

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 26, 1997

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 Dec. 25, 1997

THE JEFFERSONIAN,

A. H. Enickson

LEGAL AD. - TOWSON

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-12, 1998

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 2-12, 1998

THE JEFFERSONIAN,
A. H. Erickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-219-A
501 Frederick Road
S/W.C. Frederick Road and Delray Road

1st Election District
1st Councilmanic District
Legal Owner(s): Management Inroads, Corp., Jack Jane and Stanley Adams & Whelan Properties, Limited Partnership, Catonsville, Series V Contract Purchaser: McDonalds Corporation

Variance: to permit 31 parking spaces in lieu of the required 47 parking spaces; to permit parking spaces to be within 1 foot of the public right-of-way in lieu of the required 10 feet.
Hearing: Wednesday, March 4, 1998 at 2:00 p.m., Room 407 County Courthouse, 401 Bayley Avenue

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-3353.
(2) For information concerning the filing and/or hearing, please call (410) 887-3391.
(2/23/98 Feb. 12) C206737

CERTIFICATE OF POSTING

RE: Case No.: 98-219-A

Petitioner/Developer: _____

McDONALD'S CORP. c/o STANLEY FINE

Date of Hearing/Closing: 3/4/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

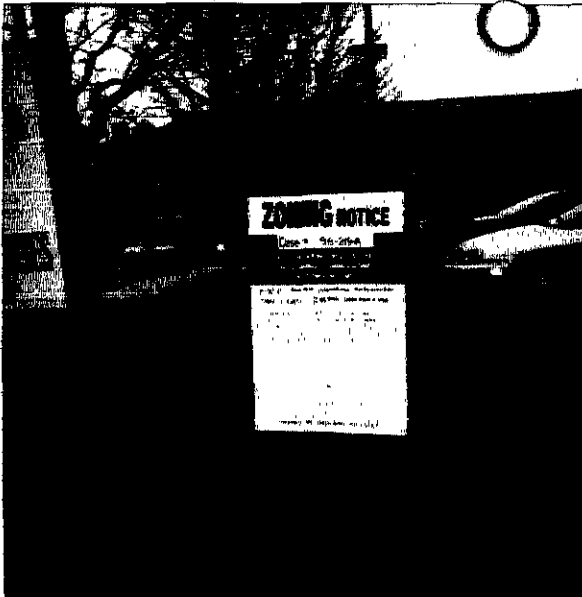
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

501 FREDERICK RD

The sign(s) were posted on 2/17/98
(Month, Day, Year)

CASE # 98-219-A



Sincerely,

Richard E. Hoffman 2/17/98
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR
(Address)

FALLSTON, MO. 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

501 FREDERICK RD

POSTED 2/17/98

Richard E. Hoffman 2/17/98



Baltimore County
Department of Permits and
Development Management

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

February 5, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-219-A

501 Frederick Road

SWC Frederick Road and Delray Road

1st Election District - 1st Councilmanic District

Legal Owner: Management Investors Corp.; Jack, Jane and Stanley Abrams & Whalen

Properties Limited Partnership, Catonsville, Series V

Contract Purchaser: McDonald's Corporation

Variance to permit 31 parking spaces in lieu of the required 47 parking spaces; to permit parking spaces to be within 1 foot of the public right-of-way in lieu of the required 10 feet.

HEARING: Wednesday, March 4, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Stanley S. Fine, Esquire
McDonald's Corporation
Management Investors Corp., et al

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 17, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
February 12, 1998 Issue - Jeffersonian

Please forward billing to:

Stanley S. Fine, Esquire 410-727-6600
Rosenberg, Proutt, Funk & Greenberg, LLP
25 S. Charles Street
Suite 2115
Baltimore, MD 21201

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-219-A

501 Frederick Road

SWC Frederick Road and Delray Road

1st Election District - 1st Councilmanic District

Legal Owner: Management Investors Corp.; Jack, Jane and Stanley Abrams & Whalen

Properties Limited Partnership, Catonsville, Series V

Contract Purchaser: McDonald's Corporation

Variance to permit 31 parking spaces in lieu of the required 47 parking spaces; to permit parking spaces to be within 1 foot of the public right-of-way in lieu of the required 10 feet.

HEARING: Wednesday, March 4, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LS
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-219-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE - To permit 31 parking spaces
in lieu of the required 47 ~~park~~ parking spaces.
And to permit parking spaces to be within
1 foot of the public right-of-way in lieu of the
required 10 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 219

Petitioner: McDONALD'S CORPORATION

Location: 501 FREDERICK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: STANLEY S. FINE, ESQUIRE

ADDRESS: 90 ROSENBERG, PROUTT, FUNK & GREENBERG, LLP

25 S. CHARLES ST - SUITE 2115 ; BALTO, MD 21201

PHONE NUMBER: 410 727-6600

AJ:ggs

98-219-A

(Revised 09/24/96)

TO: PATUXENT PUBLISHING COMPANY
December 24, 1997 Issue - Jeffersonian

Please forward billing to:

Stanley S. Fine, Esquire 410-727-6600
Rosenberg, Proutt, Funk & Greenberg, LLP
25 S. Charles Street
Suite 2115
Baltimore, MD 21201

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-219-A

501 Frederick Road

SWC Frederick Road and Delray Road

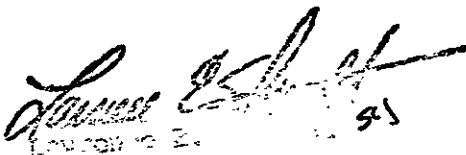
1st Election District - 1st Councilmanic District

Legal Owner: Management Investors Corp.; Jack, Jane and Stanley Abrams & Whalen
Properties Limited Partnership, Catonsville, Series V

Contract Purchaser: McDonald's Corporation

Variance to permit 31 parking spaces in lieu of the required 47 parking spaces; to permit parking spaces to be within 1 foot of the public right-of-way in lieu of the required 10 feet.

HEARING: Wednesday, January 14, 1998 at 11:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

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

December 12, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-219-A

501 Frederick Road

SWC Frederick Road and Delray Road

1st Election District - 1st Councilmanic District

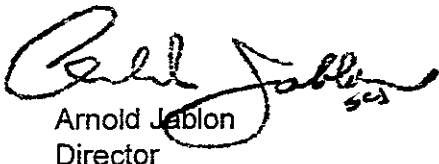
Legal Owner: Management Investors Corp.; Jack, Jane and Stanley Abrams & Whalen

Properties Limited Partnership, Catonsville, Series V

Contract Purchaser: McDonald's Corporation

Variance to permit 31 parking spaces in lieu of the required 47 parking spaces; to permit parking spaces to be within 1 foot of the public right-of-way in lieu of the required 10 feet.

HEARING: Wednesday, January 14, 1998 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Arnold Jablon
Director

c: Stanley S. Fine, Esquire
McDonald's Corporation
Management Investors Corp., et al

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 30, 1997.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

January 7, 1998

Stanley S. Fine, Esquire
25 S. Charles Street
Baltimore, MD 21201

RE: Item No.: 219
Case No.: 98-219-A
Petitioner: Management Investors

Dear Mr. Fine:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 5, 1997.

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 (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: December 22, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 22, 1997
 Item No. 219

 The Bureau of Developer's Plans Review has reviewed the subject zoning item. This office does not oppose the request to variance the parking setback/landscape strip requirement.

RWB:HJO:jrb

cc: File

ZONE1222.219

Baltimore County Government
Fire Department



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

(410) 887-4500

December 29, 1997

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

RE: Property Owner: Board of Child Care of the Baltimore-
Washington Conference of the United
Methodist Church, Inc.
and
Management Investors Corp.
and
Nottingham Village, Inc.

Location: DISTRIBUTION MEETING OF December 15, 1997

Item No.: 217, 219 and 220 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUEPWALD
Fire Marshal Office, PHONE 867-4881. MS-1102F

cc: File



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

TO: PDM

DATE: 12/12/97

FROM: R. Bruce Seeley. RBS/sp
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 15, 1997

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

Item #'s:

208 218
209 (219)
210
211
213
214
215

RBS:sp

BRUCE2/DEPRM/TXTSBP



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

December 17, 1997

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No.219 (JRF)
McDonald's
501 Frederick Road
MD 144 at Delerey
Avenue (S.W. corner)
Mile Post 3.90

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval of the referenced item.

However, we will require the owner to obtain an access permit through this office.

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

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

410-545-5603 (Fax# 410-209-5026)

My telephone number is _____

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

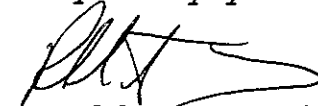
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Roslyn Eubanks
Page Two
December 17, 1997

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Burns', is written over the typed name.

Ronald Burns, Chief
Engineering Access Permits
Division

LG/ES

ROSENBERG PROUTT FUNK & GREENBERG, LLP

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

2115 FIRST MARYLAND BUILDING

25 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201

(410) 727-6600

FACSIMILE: (410) 727-1115

December 23, 1997

STANLEY S. FINE

E-MAIL ADDRESS

stanley@rpfg.com

To: Soph
12/26/97
uan

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

Via Facsimile and First Class Mail

Re: Case No. 98-219-A
501 Frederick Road

Dear Mr. Jablon:

Please be advised that this firm represents McDonald's Corporation which is the Petitioner in the above matter. I recently received a Notice scheduling a hearing in this matter for Wednesday, January 14, 1998 at 11:00 a.m. This matter is currently being reviewed by the County Design Review Panel and the Holmehurst Community Association. This review has not yet been completed and will continue into January, 1998.

In light of the status of the Design and Community Review of this matter, we respectfully request that the hearing scheduled for January 14, 1998 in this matter be postponed and be rescheduled in February, 1998. We believe that the respective reviews will be completed in January so that this matter may be heard by the Zoning Commissioner in February.

Thank you for your consideration of this request for postponement.

Sincerely,

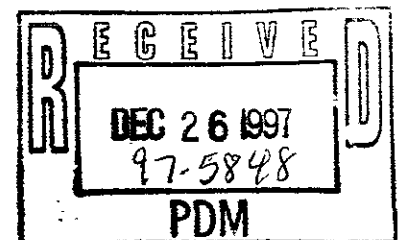
Stanley S. Fine

Stanley S. Fine

SSF:sac

0093998.01

cc: McDonald's Corporation
Mr. David Martin, GW Stephens & Associates



98-219-A



Baltimore County
Department of Permits and
Development Management

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

December 26, 1997

Stanley S. Fine, Esquire
25 S. Charles Street
Baltimore, MD 21201

RE: Case Number 98-219-A
Location: 501 Frederick Road

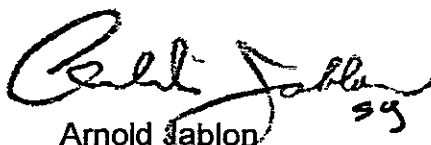
Dear Mr. Fine:

The above matter, previously assigned to be heard on Wednesday, January 14, 1998 has been postponed at your request.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,


Arnold Jablon
Director

AJ:scj

c: Management Investors Corp., et al
McDonald's Corporation



sent
3/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 25, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: McDonald's Restaurant, 501 Frederick Road

INFORMATION:

Item Number: 219
Petitioner: McDonald's Corporation
Zoning: BL - CCC

Requested Action:

Variances from Section 409.6A2 to permit 31 parking spaces in lieu of the required 47 and Section 409.8A4 to permit parking spaces to be within 1 foot of the public right-of-way in lieu of 10 feet.

The property in question, 501 Frederick Road, is within the Catonsville Revitalization area and the Catonsville Plan area. The development proposal is to raze a former Roy Rogers restaurant and reconstruct a new McDonald's restaurant with a drive-thru, accompanying parking, streetscape and other landscaping amenities.

The Design Review Panel met on September 15, 1997 and on January 5, 1998 and reviewed the development proposal. The developer is to be commended for the architectural drawing and site plan modifications that were made in response to the DRP comments. The proposal is compatible with the on-going revitalization that is occurring along Frederick Road.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of the requested variances provided the following occurs:

1. The architectural drawings (floor plan and elevations) shall be appended to the development/variance plan.

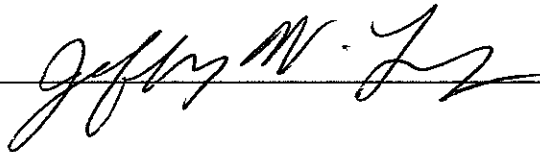
2. The final landscape plan shall be submitted to the Office of Planning for review and approval prior to the issuance of building permits.

The final landscape plan shall include in addition to the usual required information, the proposed streetscape information, entry treatment, lighting and signage as agreed to and detailed on drawings revised January 26, 1998 and prepared by G.W. Stephens.

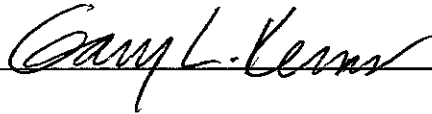
The following revisions should be made to those plans:

- The Balcon pavers specified should be color "Terracotta" to match pavers by Baltimore County Frederick Road streetscape improvements.
- Provide an elevation and section of the 20 inch high brick wall.

Prepared by: _____



Division Chief: _____



AFK/JL:lsn

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DAVID MARTIN-GWS

Ken Cronise.

DAVID NEISS

STEPHEN W. WHALEN, JR.

ANDREW M. CROLL

658 KENILWORTH DR. TOWSON 21204

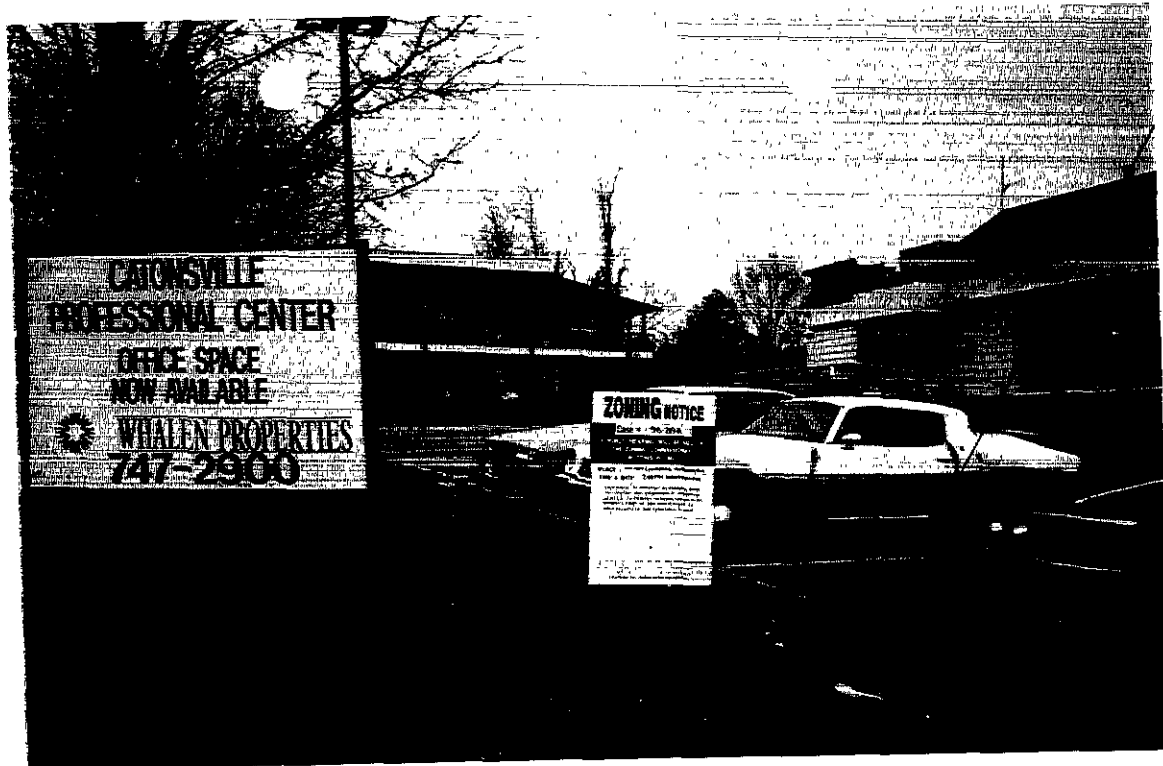
46 COWINGTON DR SHREWSBURY PA
17361

250 W. PRATT ST. BISHOP

2 W. ROWLING CROSSROADS #1, CATONSVILLE
MD 21228

31 Holmefurst Ave., Catonsville

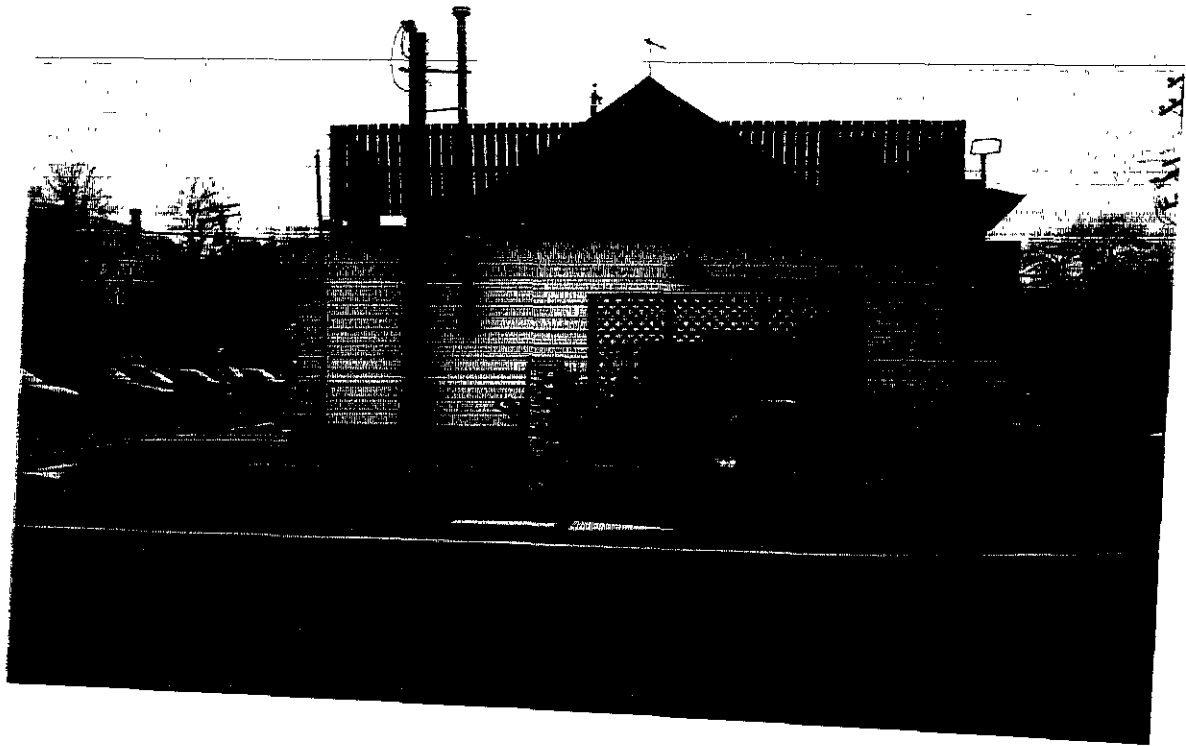




















photographs

98-219-A

1A - 1K

&

2A - 2D