

IN RE: PETITION FOR VARIANCE
S/S Baltimore National Pike, 98.59' W
of the c/l Old Frederick Road
(5637 Baltimore National Pike)
1st Election District
1st Councilmanic District

Trustees of the Paal Family Trust
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-140-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, the Paal Family Trust, by Benjamin J. Dychala, Jr. and Rutland B. Paal, Trustees, and the Contract Lessee, McDonald's Corporation, by Charles Twill, through their attorney, Stanley S. Fine, Esquire. The Petitioners seek relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 56 parking spaces in lieu of the required 70. 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 1.

Appearing at the hearing on behalf of the Petition were Robert Houck, owner of the existing McDonald's Restaurant on the subject property, Bharat K. Pavitch, a representative of McDonald's Corporation, David L. Martin, Professional Engineer with G. S. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, and Stanley S. Fine, Esquire, attorney for the Petitioners. Also appearing in support of the request was Kassie Lewis, a representative of the Baltimore County Office of Economic Development. 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 1.006 acres, more or less, zoned B.M.-C.C. and is improved with a McDonald's Restaurant which was built in the 1970s. The Petitioners are desirous of razing the existing building and constructing a new, state-of-the-art McDonald's in its place. Mr. Houck indicated that \$930,000 will be invested into the new restaurant building, which will be somewhat larger than the existing structure and will result in the need for additional parking spaces than can be provided. Thus, the requested variance is necessary in order to proceed with the proposed improvements.

Pursuant to their comments dated November 13, 1998, the Office of Planning recommended approval of the requested variance provided certain terms and restrictions were imposed on the Petitioners relative to the materials used on the proposed building, landscaping, and signs. At the hearing before me, the Petitioners agreed with the requirements imposed by the Office of Planning and indicated they would comply with their request to construct the new building entirely of brick, with a mansard roof overall. The Petitioners also agreed to provide a landscape plan for review and approval by the Planning Office and Mr. Avery Harden, Landscape Architect for Baltimore County; however, it was determined that the landscaping to be installed along Baltimore National Pike shall be a mass bed of shrubbery with an evergreen hedge along that row of parking spaces which front that roadway. All trees and larger types of shrubs shall be planted along the side and rear property lines of the subject site. This will afford motorists utilizing Baltimore National Pike a more open visibility of the new restaurant building.

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 14th day of December, 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 56 parking spaces in lieu of the required 70, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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 Petitioners shall submit a landscape plan for review and approval by the Office of Planning prior to the issuance of any permits. Said plan shall include

a mass bed of shrubbery with an evergreen hedge along the front property line bordering Baltimore National Pike.

- 3) The new building shall be constructed entirely of brick with a mansard roof overall.
- 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. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

CERTIFIED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

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

December 14, 1998

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

RE: PETITION FOR VARIANCE
S/S Baltimore National Pike, 98.59' W of the c/l Old Frederick Road
(5637 Baltimore National Pike)
1st Election District – 1st Councilmanic District
The Paal Family Trust, Owners; McDonald's Corporation, Lessee - Petitioners
Case No. 99-140-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: Mr. Robert A. Houck
27 Boone Trail, Severna Park, Md. 21146

Mr. Bharat K. Pavitch, McDonald's Corporation
250 W. Pratt Street, 17th Floor, Baltimore, Md. 21201

Mr. David L. Martin, George W. Stephens, Jr., & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

Ms. Kassie Lewis, EDC; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

5637 Baltimore National Pike

which is presently zoned BM-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 56 parking spaces in lieu of the required 70 parking spaces.

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 compliance with the zoning 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 St. (410) 727-6600

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) **Benjamin J. Dychala, Jr. and**

Rutland B. Paal, Trustees of the Paal

(Type or Print Name)

Family Trust

[Signature]
Signature

Rutland B. Paal
(Type or Print Name)

[Signature]
Signature

Address

Phone No

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 10/5/98

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING

Date

By

99-140-A

140

Zoning Description
July 9, 1998

Description to accompany a Variance Request

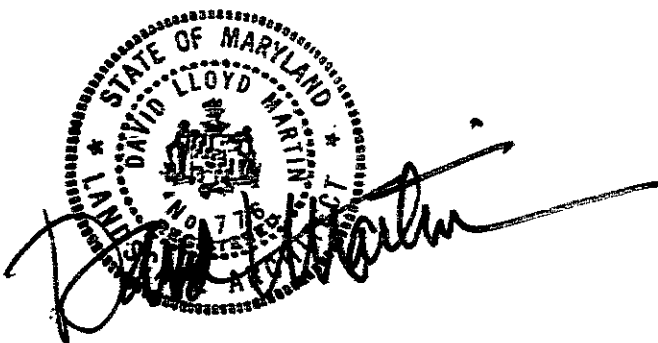
5637 Baltimore National Pike
Baltimore County, Maryland
Election District 1, Councilmanic District 1
Tax Map 95 – Parcel 466, Lot C

Beginning at a point located at the centerline intersections of Baltimore National Pike (U.S. Route 40) 150' wide and Old Frederick Road, 50 feet wide, at the said intersection, thence S 76 degrees 23 minutes 28 seconds W, 98.59 feet to a Point of Beginning at the northeast corner of the property, thence the following courses:

S 2 degrees 57 minutes 36 seconds W, 202.92 feet, thence S 73 degrees 27 minutes 36 seconds W, 218.80 feet, thence N 4 degrees 29 minutes 20 seconds W, 190.50 feet, thence N 72 degrees 18 minutes 13 seconds E, 246.81 feet, back to the point of beginning.


Containing **1.006 acres (43,821.36) square feet 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.



140

99-140-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 059236

DATE 10/5/98 ACCOUNT R-001-C15-000

AMOUNT \$ 250.00

RECEIVED FROM: GWS

020 Variance ITEM# 140
FOR: 5037 Baltimore Nat'l. Pk Taken by: JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
10/05/1998 10/05/1998 11:35:37

REASON CASHIER PUES PEN DRAWER 5

5 MISCELLANEOUS CASH RECEIPT

Receipt # 061033

CR NO. 059236

250.00 CHECK

Baltimore County, Maryland

99-140-A

CASHIER'S VALIDATION

Towson

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/29/, 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 10/29/, 1998

THE JEFFERSONIAN,

A. Hemickson
LEGAL AD. - TOWSON

NOTICE OF ZONING HEARING

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

99-140-A
Baltimore National Pike,
Baltimore National Pike,
SW of centerline Old
Baltimore Road
Section District
Councilmanic District
Legal Owner(s):
Benjamin J. Dychala, Jr. &
Kathleen B. Paul, Trustees of
the Paul Family Trust
Contract Purchaser(s):
McDonald's Corporation
Variance: to permit 56 parking
spaces in lieu of the re-
quired 70 parking spaces.
Hearing: Tuesday, November
17, 1998 at 11:00 a.m.,
in Room 407, County Courts
Bldg., 481 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) 887-3391.

10/25 Oct. 29

C269635

CERTIFICATE OF POSTING

RE: Case No.: 99-140-A

Petitioner/Developer: McDONALDS, ETAL
C/O D. MARTIN

Date of Hearing/Closing: 11/17/98

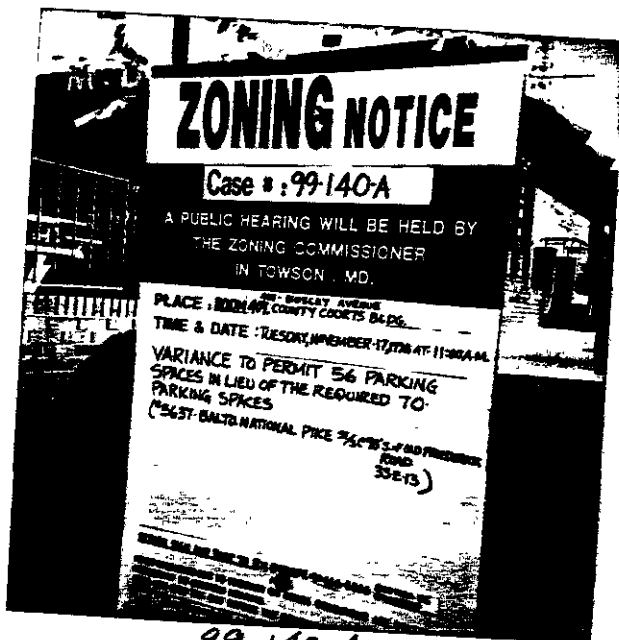
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 #5637 BALTO. NATIONAL
PIKE

The sign(s) were posted on 10/31/98
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 11/5/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

5637 BALTO NATIONAL PIKE
McDONALDS

H-11/17/98

RE: PETITION FOR VARIANCE
5637 Baltimore National Pike, S/S Baltimore
National Pike, 98.59' of the c/l Old Frederick Rd,
1st Election District, 1st Councilmanic

Legal Owners: Benjamin J. Dychala Jr., Rutland B.
Paul, Trustees of the Paal Family Trust
Contract Purchaser: McDonald's Corp.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-140-A
*

* * * * *

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esq., Rosenberg, Proutt, Funk, 25 S. Charles Street, Suite 2115, Baltimore, MD 21201, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 20, 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: 99-140-A

5637 Baltimore National Pike

SE/S Baltimore National Pike, 98.59' SW of centerline Old Frederick Road

1st Election District – 1st Councilmanic District

Legal Owner: Benjamin J. Dychala, Jr. & Rutland B. Paal, Trustees of the Paal Family Trust

Contract Purchaser: McDonald's Corporation

Variance to permit 56 parking spaces in lieu of the required 70 parking spaces.

HEARING: Tuesday, November 17, 1998 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script that reads "Arnold Jablon" with the number "39" written below it.

Arnold Jablon
Director

c: Stanley S. Fine, Esquire
McDonald's Corporation

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 2, 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.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
October 29, 1998 Issue - Jeffersonian

Please forward billing to:

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

410-727-6600

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: 99-140-A

5637 Baltimore National Pike

SE/S Baltimore National Pike, 98.59' SW of centerline Old Frederick Road

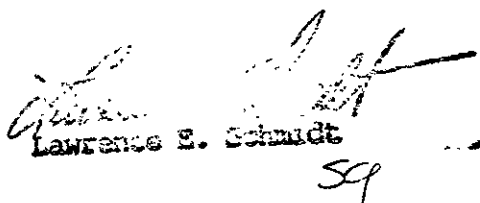
1st Election District – 1st Councilmanic District

Legal Owner: Benjamin J. Dychala, Jr. & Rutland B. Paal, Trustees of the Paal Family Trust

Contract Purchaser: McDonald's Corporation

Variance to permit 56 parking spaces in lieu of the required 70 parking spaces.

HEARING: Tuesday, November 17, 1998 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

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.: 99-140-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance - To permit 56 parking spaces in
lieu of the required 70 parking spaces.

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
pdmlandacq@co.ba.md.us

November 12, 1998

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

RE: Item No.: 140
Case No.: 99-140-A
Location: 5637 Baltimore Nat'l Pk.

Dear Mr. Fine:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 5, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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: October 28, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for October 26, 1998
 Item No. 140

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Maryland Route 40 West is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Entrance to be rebuilt per Baltimore County Department of Public Works' Standard Plate R-32 - "Single Commercial Entrance with Depressed Curb".

RWB:HJO:jrb

cc: File

ZONE1026.140



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 29, 1998

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 OCTOBER 19, 1998

Item No.: 140 151 AND 152

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", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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

TO: POM

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

SUBJECT: Zoning Advisory Committee
Meeting Date: 10/19/98

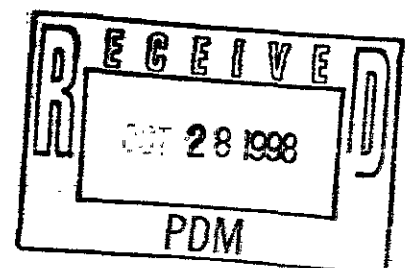
DATE: 10/26/98

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

Item #'s: 140 148
141 152
142 160
145
146
147

RBS:sp

BRUCE2/DEPRM/TXTSBP





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 10.20.95

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

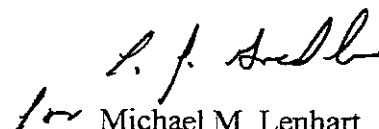
RE: Baltimore County
Item No. 140 JRF

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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

Jim
11/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 13, 1998

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

SUBJECT: 5637 Baltimore National Pike

INFORMATION:

Item Number: 140
Petitioner: McDonald's Corporation
Property Size: 1.006± acres
Zoning: BM-CCC
Requested Action: Variance
Hearing Date: November 17, 1998

This redevelopment proposal involves razing an existing McDonald's restaurant and replacing it with a new 4361 square foot McDonald's restaurant located at 5637 Baltimore National Pike. The all brick construction as shown on elevation drawings and mansard roof treatment is a significant upgrade for this site. The proposed redevelopment requires a parking variance for 56 parking spaces in lieu of the required 70 spaces.

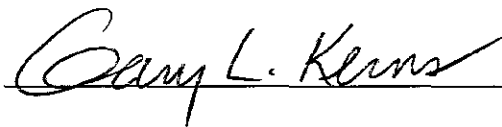
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the site plan and accompanying elevation drawings and has determined that the redevelopment will enhance revitalization of the Baltimore National Pike commercial corridor.

✓ This office supports the requested variance subject to the following restrictions:

- ✓ 1. Construction should be all brick with a mansard roof.
- ✓ 2. A landscape plan should be submitted to the Office of Planning for review and comment prior to issuance of any building permits.
- ✓ 3. Existing free standing signs will remain.

Section Chief:



AFK:DI:lsn

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ROBERT A. HOACK

27 BOONE TRAIL

Bharat K. Panik

SEVERNA PARK, MD 21146
250 W. Pratt Street Suite 1700.

DAVID L. MARTIN

Baltimore MD 21201

G.W. STEPHENS

680 KENILWORTH DR. TOWSON 21204

KASSIE LEWIS

400 Washington Ave.

Towson, MD 21204



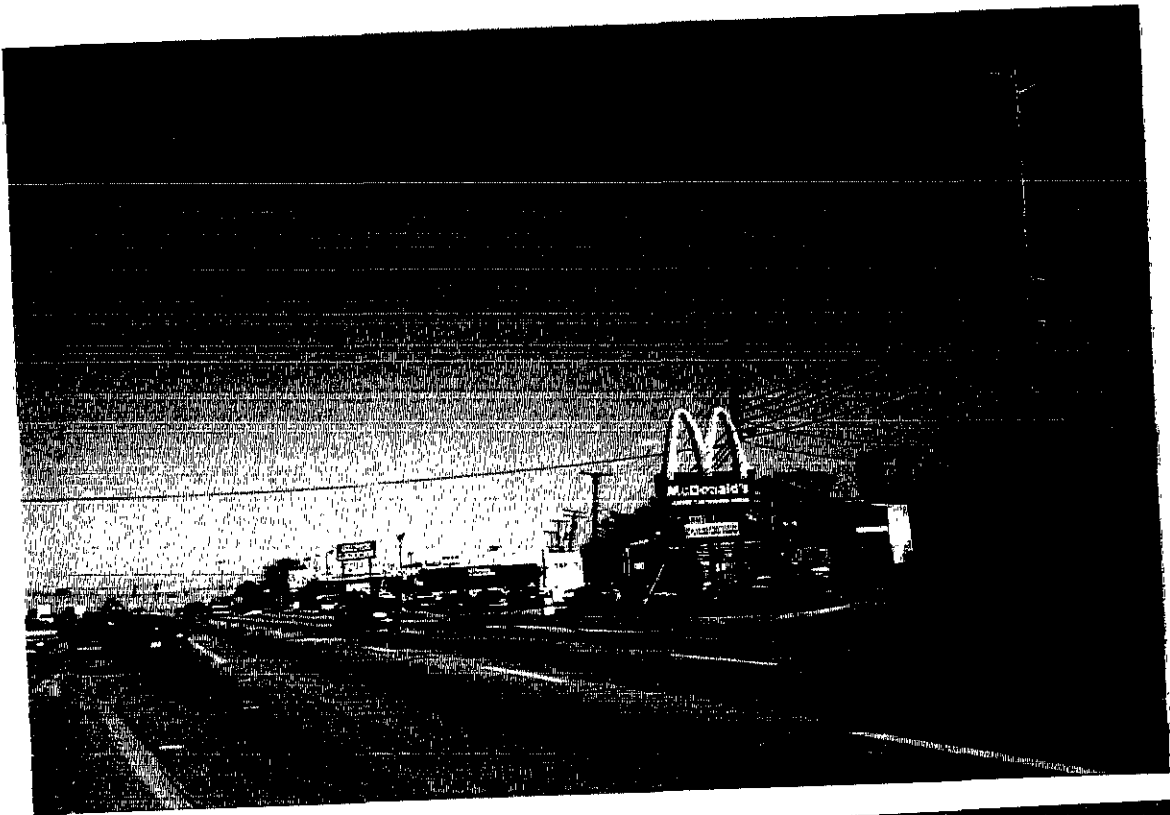
Petitioner's
Exhibit : 7
2

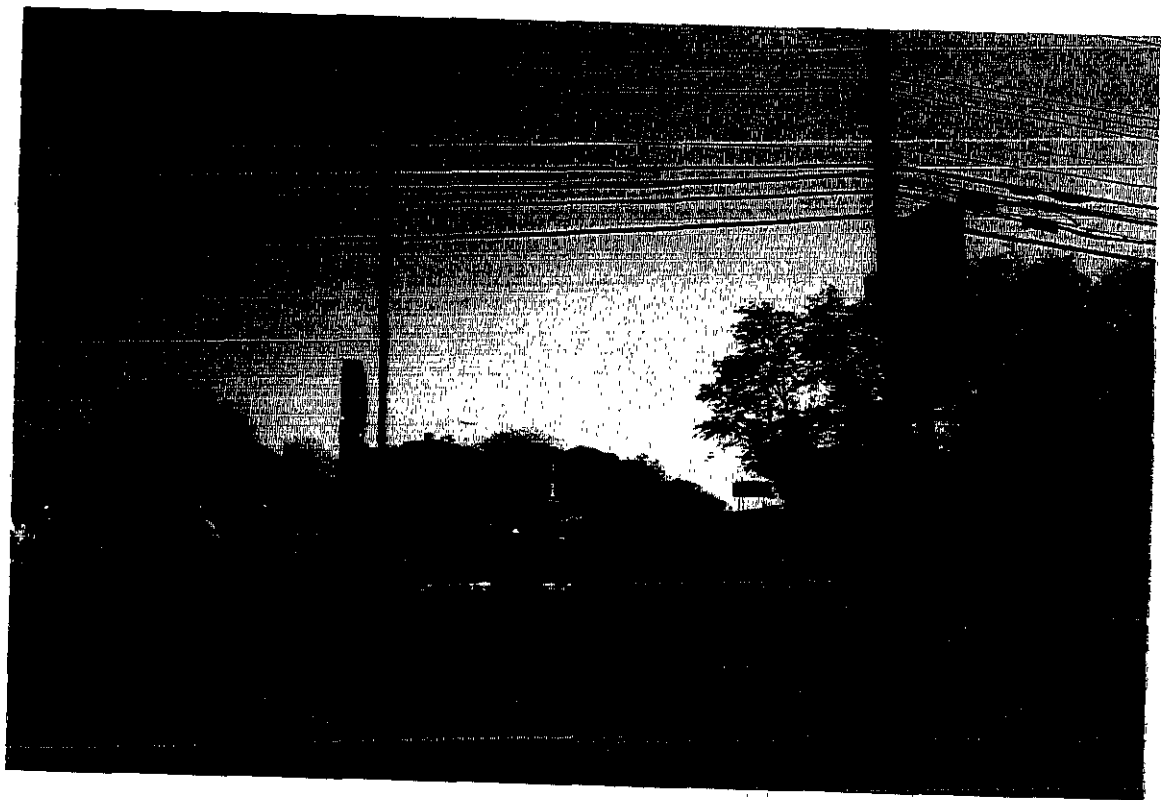
photographs

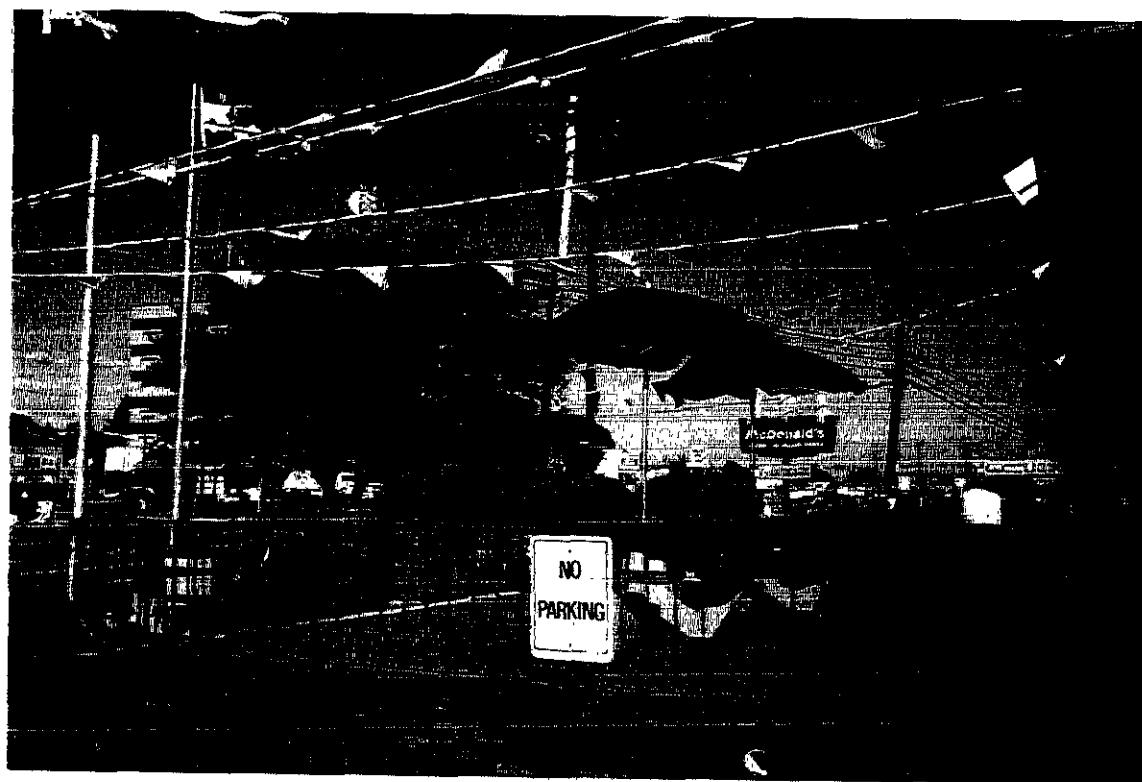
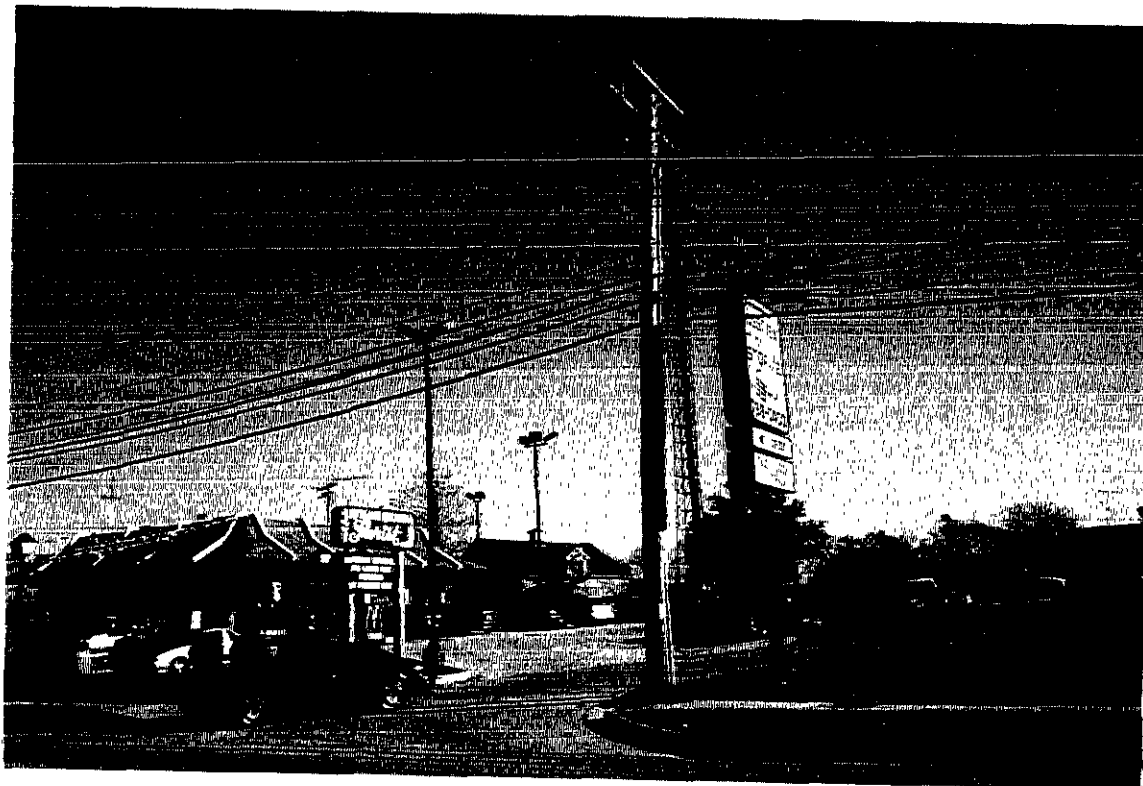
99-140-A

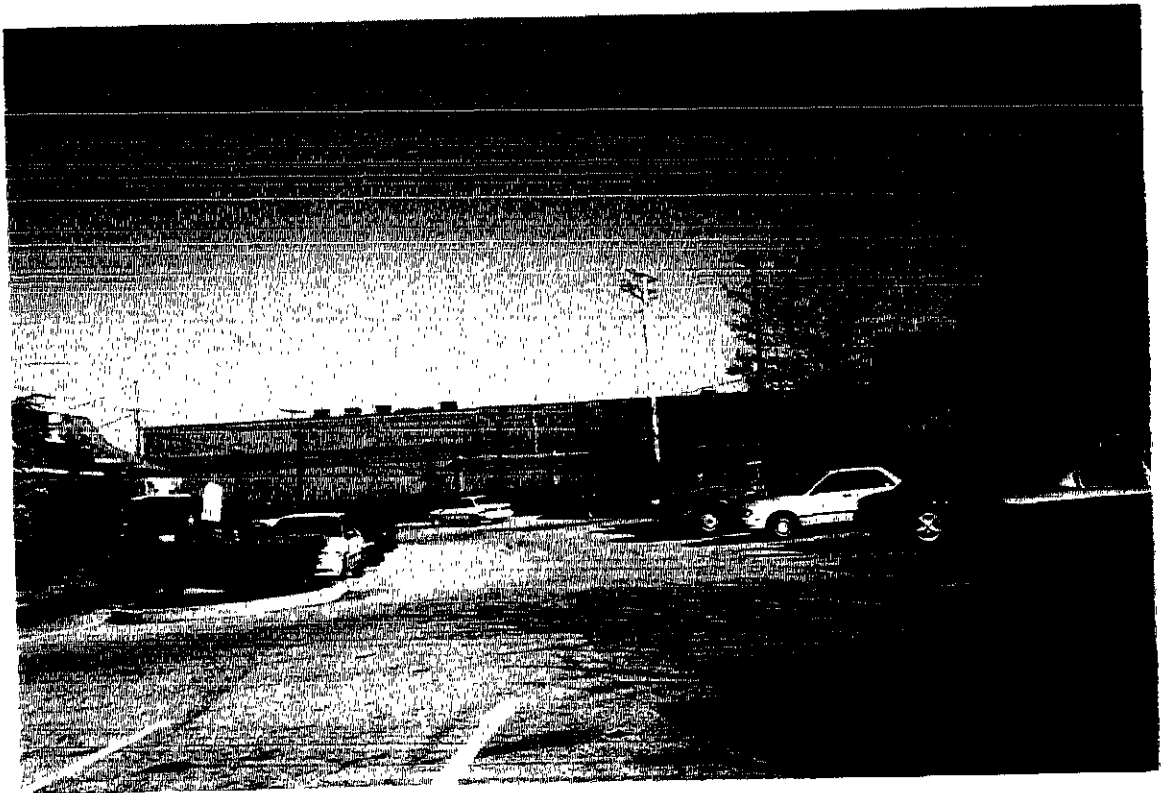


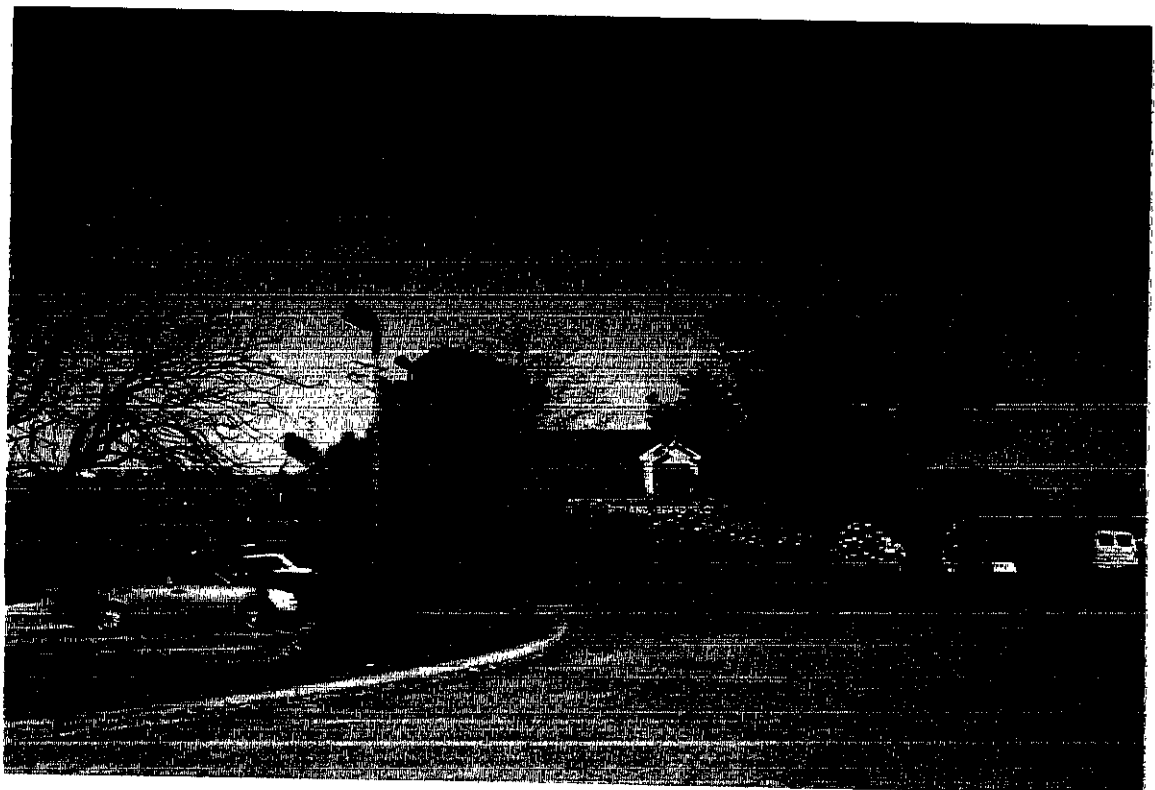
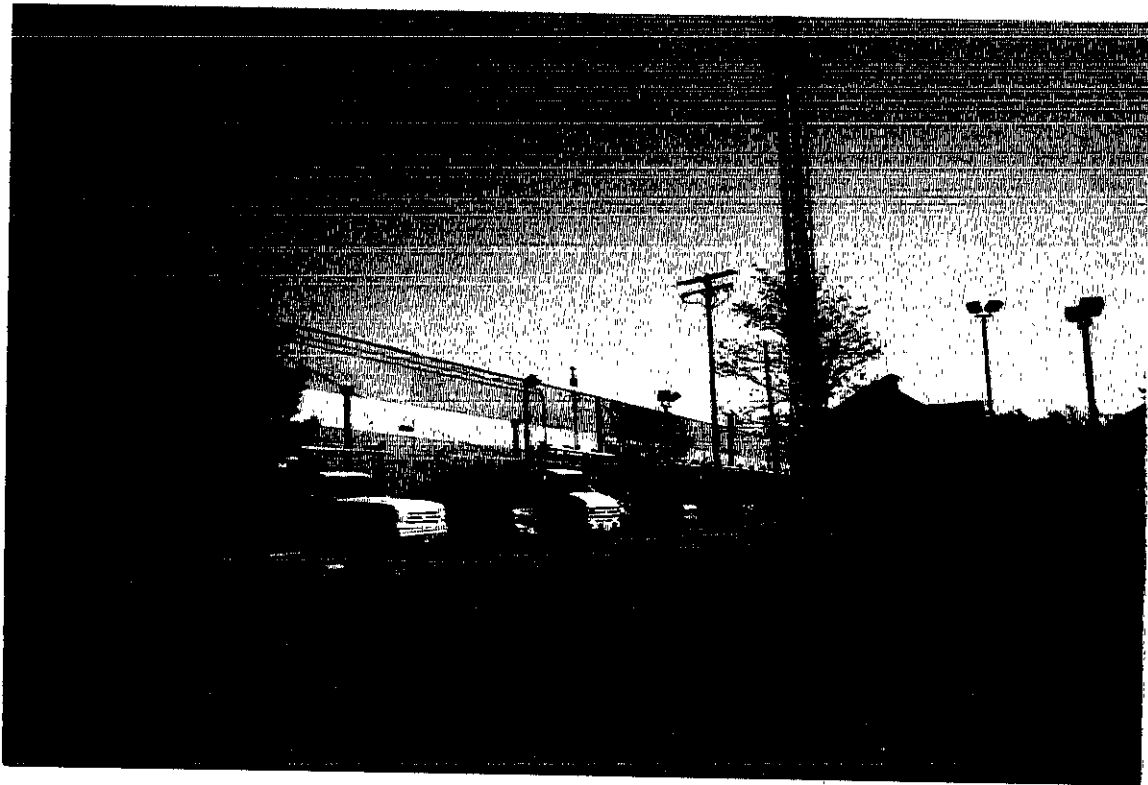


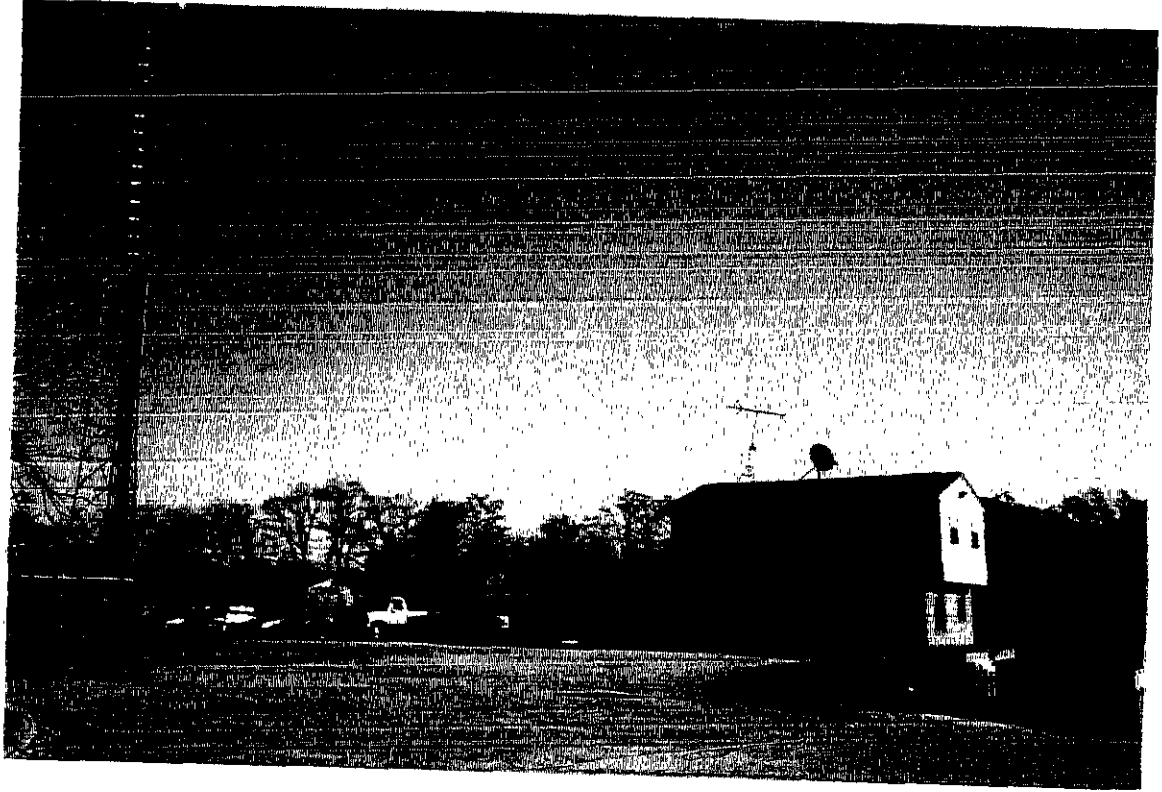


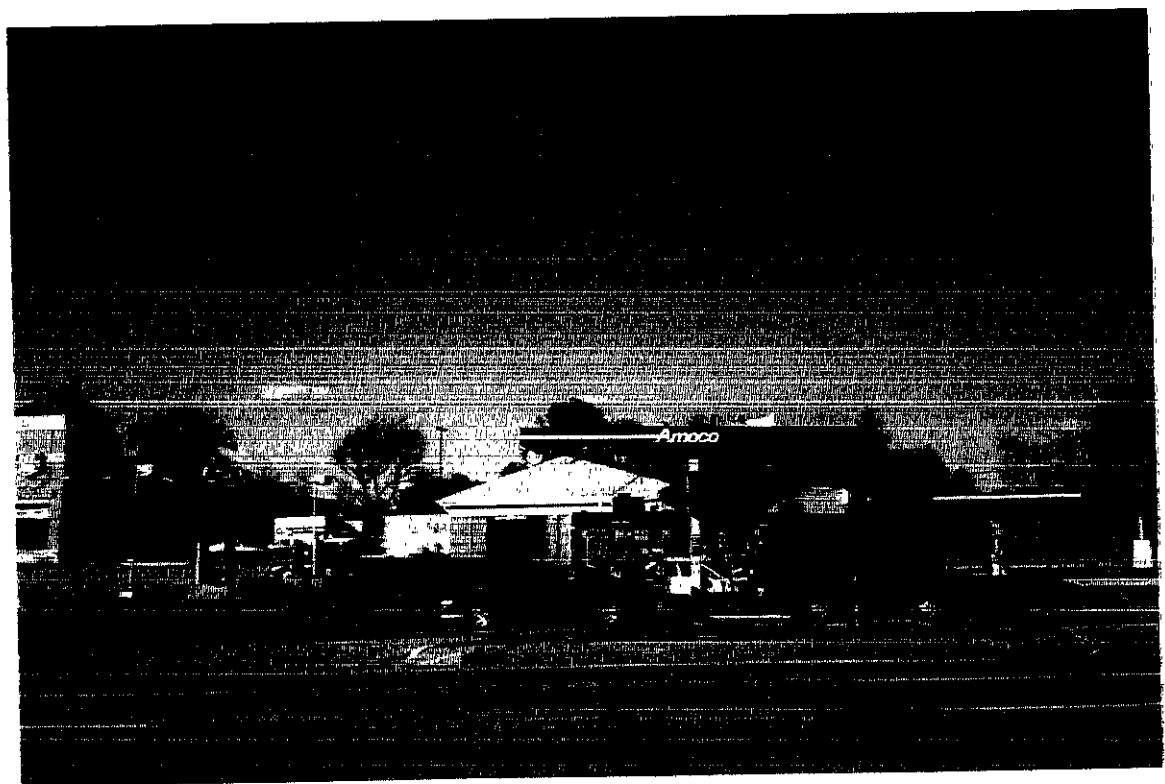






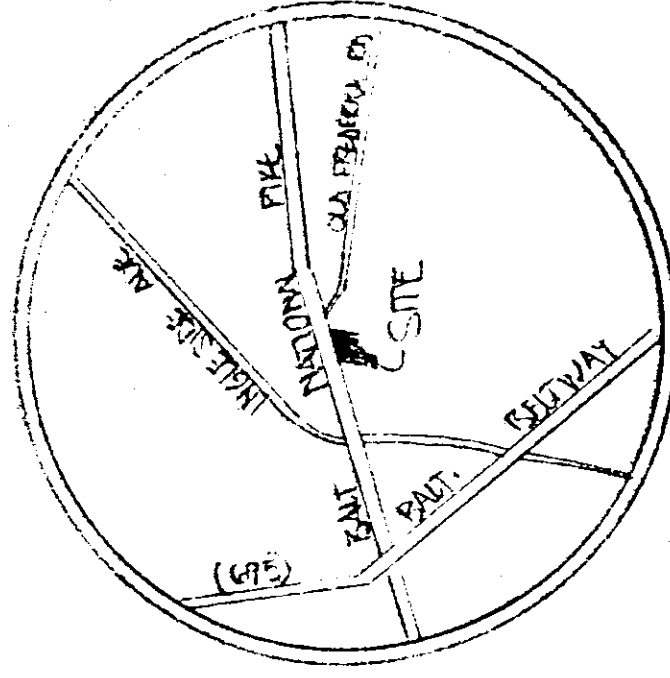












LOCATION MAP 1" = 100'

PAR: 10004 ÷ 51527.5 = .044

LEASED: MCDONALD'S CORP.

OWNER: HELEN B. PAAL

LOT C

ZONE: (B.M. 122)

ELECT DIST. 1 - PRE. 1 - 6

PRUDENS PERMIT 515189 13-00042 - 6406-891

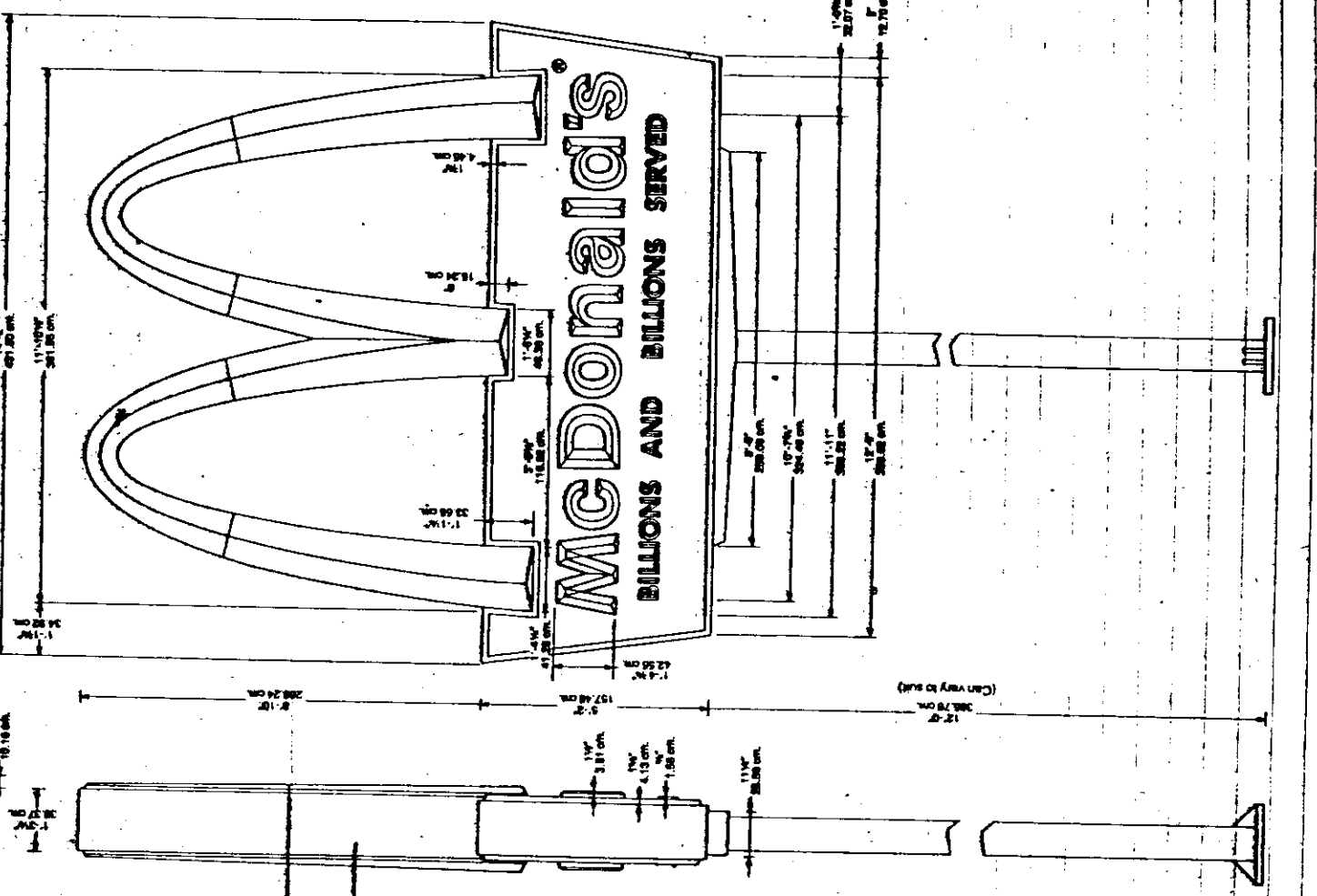
PARKING CALCULATIONS

BUILDING	2081	6
PATIO	630	1
NEW ADDITION	183	1
LANDSCAPE AREA	7800	1
REQUIRED	2894	58
PROPOSED	58	58

'SPEEDY MUFFLER'

LOT D HELEN B. PAAL

B.M. 122



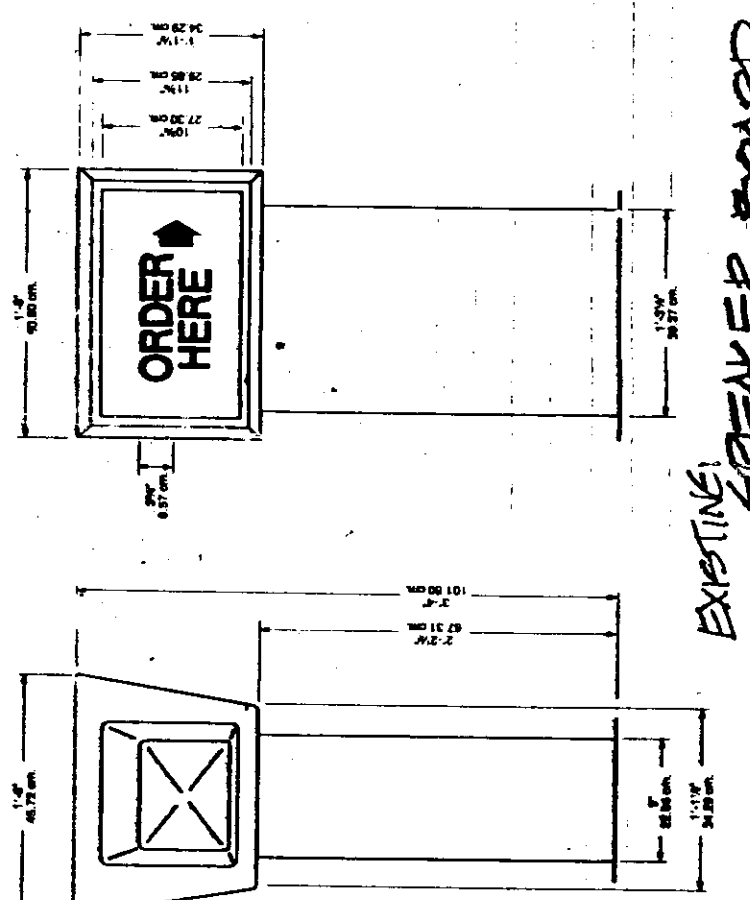
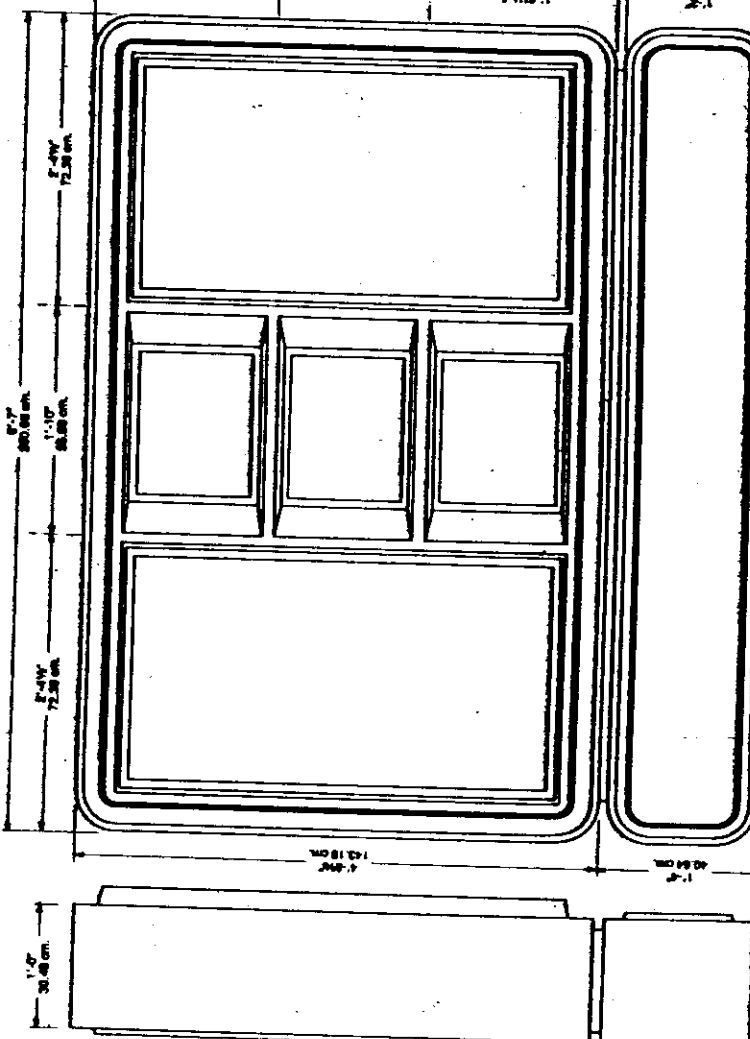
EXISTING SIGNAGE

NTS 1/2" = 100'

ALL EXISTING SIGNAGE TO REMAIN
NO NEW SIGNAGE IS PROPOSED
ALL SIGNAGE CONFORMS TO BALTIMORE CO
SIGN ORDINANCE IN EFFECT AT TIME OF ERECTION.

EXISTING MENU BOARD

EXISTING SPEAKER BOARD



- GENERAL NOTES:
- McDonald's Road Sign and Blue and White Signage by the Sign Contractor. Consult and Wiring are by the General Contractor.
 - Base, Anchor, Bolt, Conduit, and Wiring for All Other Signs are by the General Contractor.
 - 3/4" Empty Conduit to Locations Shown at the Lot Permit for Lot Lighting by the General Contractor. Lighting Fixtures, Bases, Poles, Conduit, and Wiring are by the Owner/Operator.
 - Base for Flagpoles are by the General Contractor. Anchor Bolts are by the Flagpole Supplier.
 - Proposed Utilities are Shown in Schematic Only. Exact Locations shall be Field Determined to Allow for the Most Economical Installation.
 - The Contractor shall Coordinate with All Utility Companies to Determine Exact Point of Service Connection at Existing Utility. Refer to the Building Electrical and Plumbing Drawings for Utility Service Entrance Location, Size, and Cabling.
 - All Elevations Shown are in Reference to the Benchmark and must be Verified by the General Contractor At Groundbreak.
 - Finish Walk and Curb Elevations shall be 8" Above Finish Pavement.
 - All Landscape Areas shall be Rough Graded to 8" Below Top of All Walks and Curb. Finish Grading, Landscaping, and Sprinkler Systems are by the Owner/Operator.

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McDonald's

PLAN STATUS:	DATE:	BY:	REVISIONS:	DESCRIPTION:
1	7-19-83	KS	1	PRELIMINARY DRAWING
2	7-19-83	KS	2	REVISIONS
3	7-19-83	KS	3	REVISIONS
4	7-19-83	KS	4	REVISIONS
5	7-19-83	KS	5	REVISIONS
6	7-19-83	KS	6	REVISIONS
7	7-19-83	KS	7	REVISIONS
8	7-19-83	KS	8	REVISIONS
9	7-19-83	KS	9	REVISIONS
10	7-19-83	KS	10	REVISIONS
11	7-19-83	KS	11	REVISIONS
12	7-19-83	KS	12	REVISIONS
13	7-19-83	KS	13	REVISIONS
14	7-19-83	KS	14	REVISIONS
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16	7-19-83	KS	16	REVISIONS
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92	7-19-83	KS	92	REVISIONS
93	7-19-83	KS	93	REVISIONS
94	7-19-83	KS	94	REVISIONS
95	7-19-83	KS	95	REVISIONS
96	7-19-83	KS	96	REVISIONS
97	7-19-83	KS	97	REVISIONS
98	7-19-83	KS	98	REVISIONS
99	7-19-83	KS	99	REVISIONS
100	7-19-83	KS	100	REVISIONS

REGIONAL DNG. NO. 019-0030

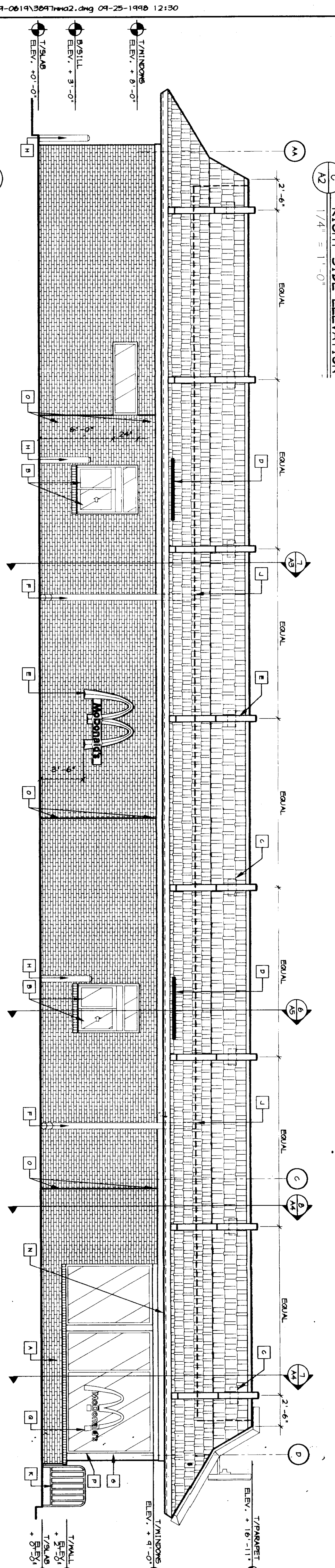
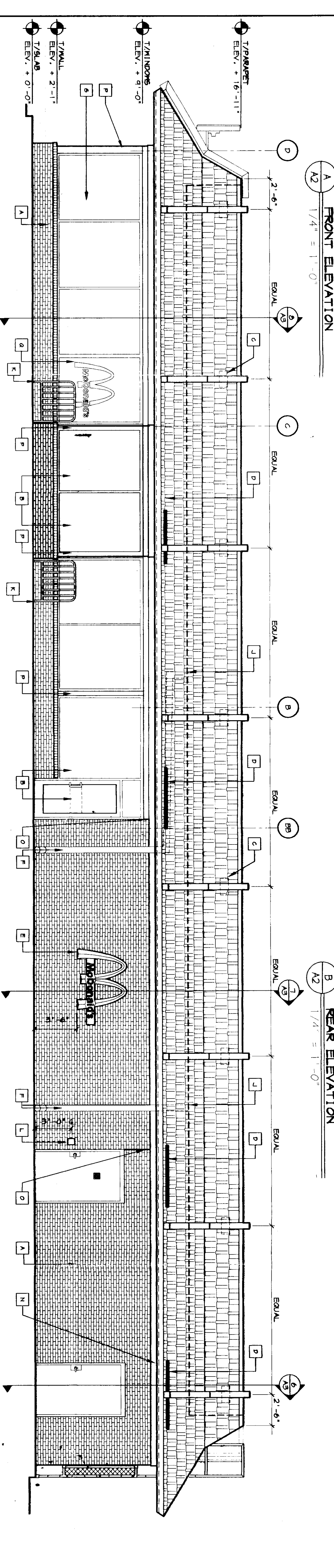
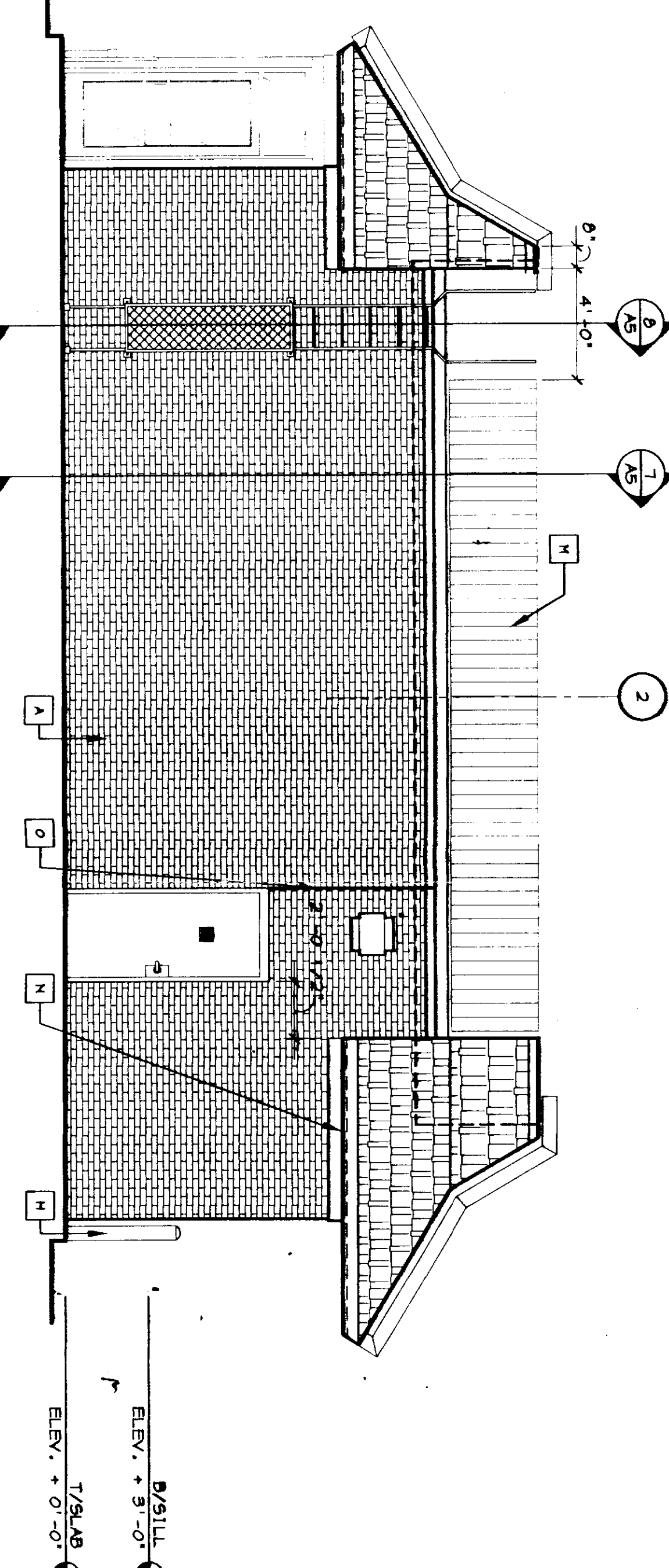
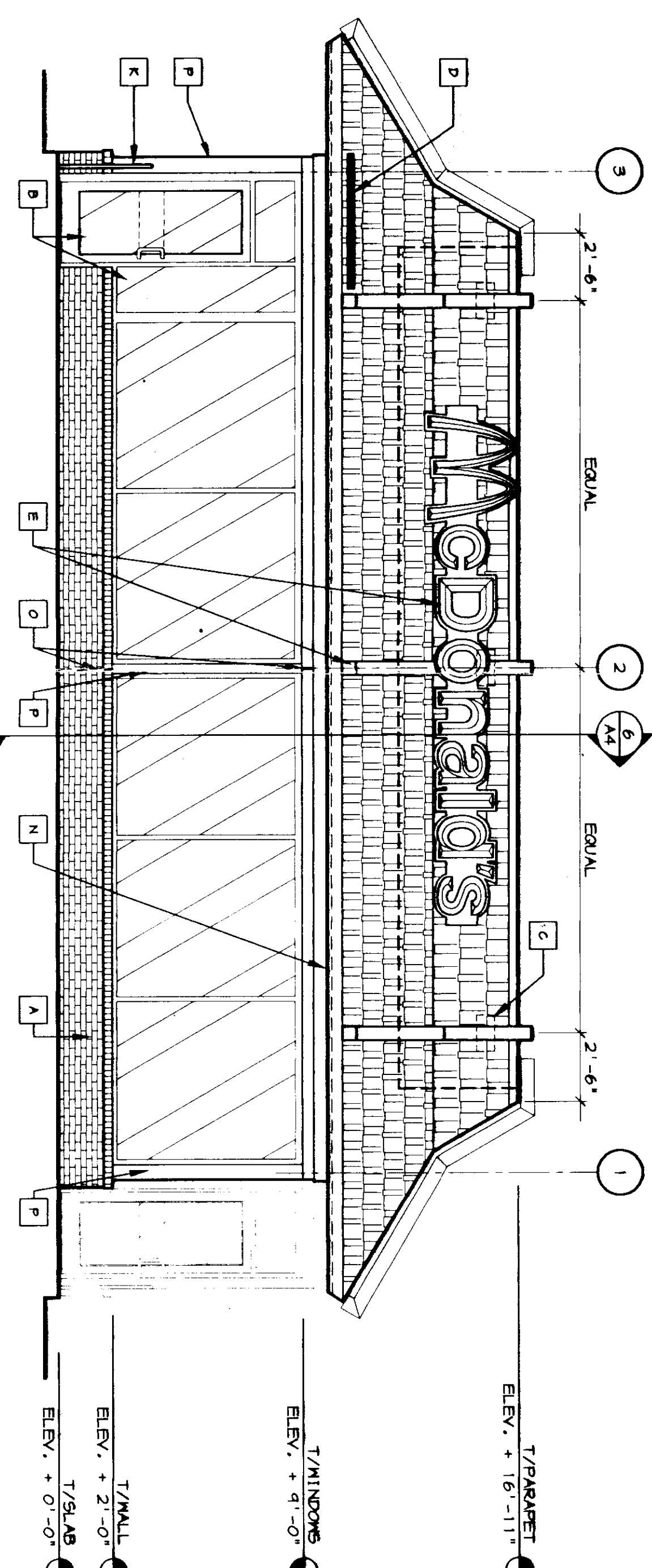
STREET ADDRESS: 5657 BALTIMORE NATIONAL PIKE

CITY: BALTIMORE STATE: MARYLAND

COUNTY: BALTIMORE

PETITIONER'S EXHIBIT 3

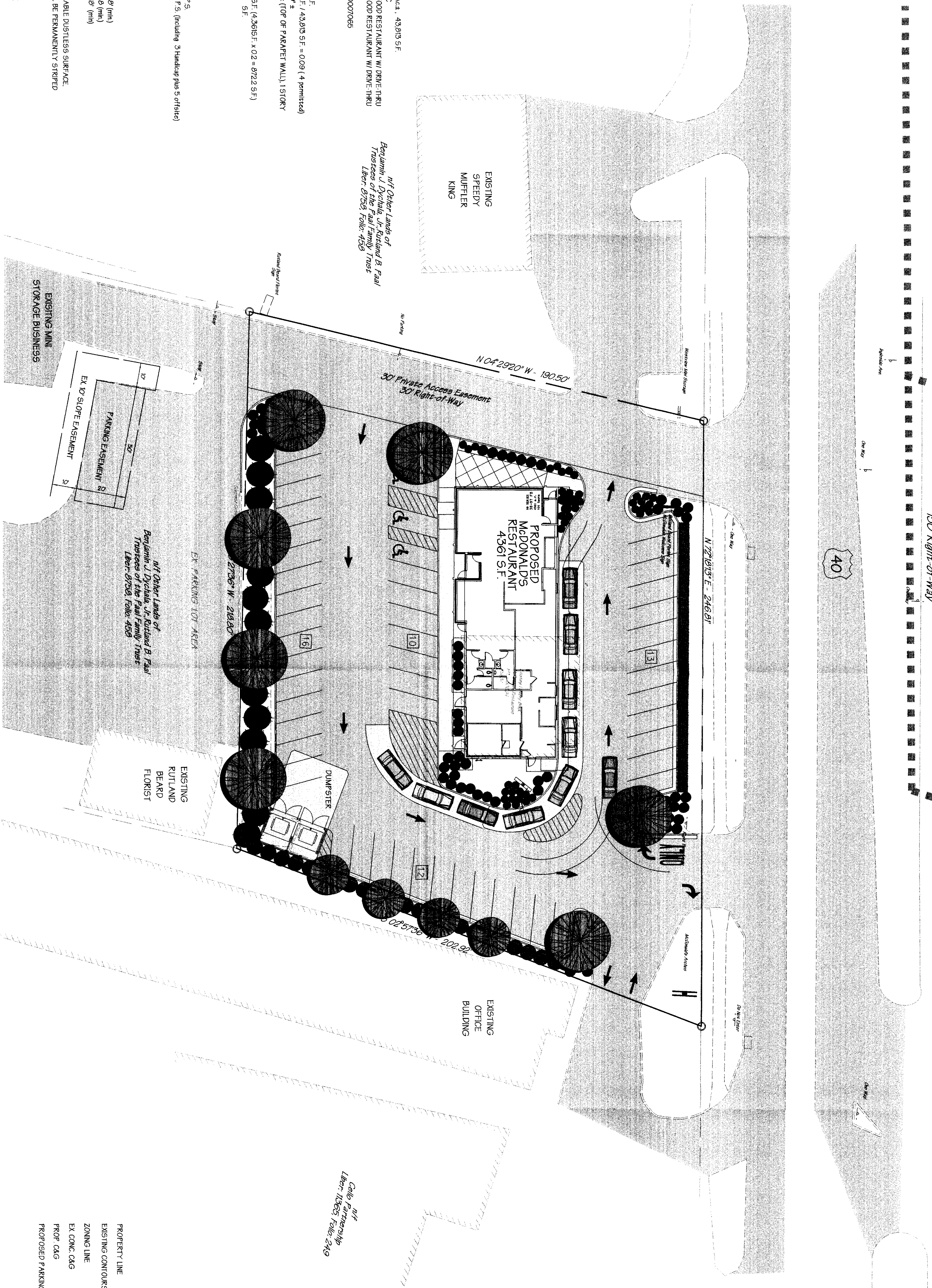
SP-1



- KEY NOTES:**
- A. BRICK
 - B. BRICK
 - C. BRICK
 - D. BRICK
 - E. BRICK
 - F. BRICK
 - G. BRICK
 - H. BRICK
 - I. BRICK
 - J. BRICK
 - K. BRICK
 - L. BRICK
 - M. BRICK
 - N. BRICK
 - O. BRICK
 - P. BRICK
 - Q. BRICK
 - R. BRICK
 - S. BRICK
 - T. BRICK
 - U. BRICK
 - V. BRICK
 - W. BRICK
 - X. BRICK
 - Y. BRICK
 - Z. BRICK
- LEFT SIDE ELEVATION**
- RIGHT SIDE ELEVATION**
- FRONT ELEVATION**
- REAR ELEVATION**

SHEET NO.		TITLE		DRAWN BY		McDONALD'S CORPORATION																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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Baltimore National Pike
150' Right-of-Way



VARIANCE REQUESTED
VARIANCE TO PERMIT 56 PARKING
SPACES IN LIEU OF 70 REQUIRED
(SECTION 409.6A2)

SITE DATA

SITE AREA
EXISTING ZONING
EXISTING USE
PROPOSED USE
DEED REFERENCE
TAX ACCOUNT NUMBER
PARCEL 466

11006 A-1, 43,815 S.F.
B-1(C)(C)
EXISTING RESTAURANT W/ DRIVE THRU
EXISTING RESTAURANT W/ DRIVE THRU
EXISTING RESTAURANT W/ DRIVE THRU
1,200,000,7065
LOT C

PROPOSED BUILDING FLOOR AREA:
FLOOR AREA RATIO
EXIST BUILDING HEIGHT
PROPOSED BUILDING HEIGHT
AMENITY OPEN SPACE
REQUIRED
PROVIDED

43,815 S.F.
43,815 S.F. / 43,815 S.F. = 0.09 (4 permitted)
16' 9" ±
16' 9" ± (TOP OF PARAPET WALL) 15 STORY
8722 S.F. (4,381 S.F. x 0.2 = 8722 S.F.)
6,146 S.F.

PARKING SPACES
16 P.S. PER 1000 S.F. OF GROSS BUILDING AREA
43,815 S.F. @ 16/1000 =
707 P.S.
Total Required
Total Provided
= 70 P.S.
= 56 P.S. (including 3 handicap plus 5 of site)

OUTSIDE SEATING AREA = 400 S.F.
PARKING SPACES REQUIRED = 0
PARKING SPACES PROVIDED = 0

PARKING SPACE DIMENSIONS:
Typical Space
Handicap Space
Van Accessible Space

8'5" x 18' (min)
13' x 18' (min)
16' x 18' (min)

ALL PARKING SPACES SHALL BE PAVED WITH THE DURABLE DUSTLESS SURFACE,
PROPERLY DRAINED AND ALL PARKING SPACES SHALL BE PERMANENTLY STRIPED
IN ACCORDANCE WITH SECTION 409.6A OF THE B.C.Z.R.

ZONING HISTORY:

NONE

PREVIOUS COMMERCIAL BUILDING PERMITS:
PERMIT NO. CONTROL NO.
B007H2 C-408-99
B04667 C-366-90

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

PLAN
SCALE: 1" = 20'

DEVELOPER/LESSEE
MCDONALD'S CORPORATION
250 W. PRATT STREET, 17TH FLOOR
BALTIMORE, MARYLAND 21201

OWNER/LESSOR
BENJAMIN J. DYCHALA, JR. AND RUTLAND B. PAAL,
TRUSTEES OF THE PAAL FAMILY TRUST

PREPARED BY
BETTONER'S EXHIBIT

Election District 1
Constituency District 1
Scale: 1" = 30'

ILLUSTRATIVE SITE PLAN

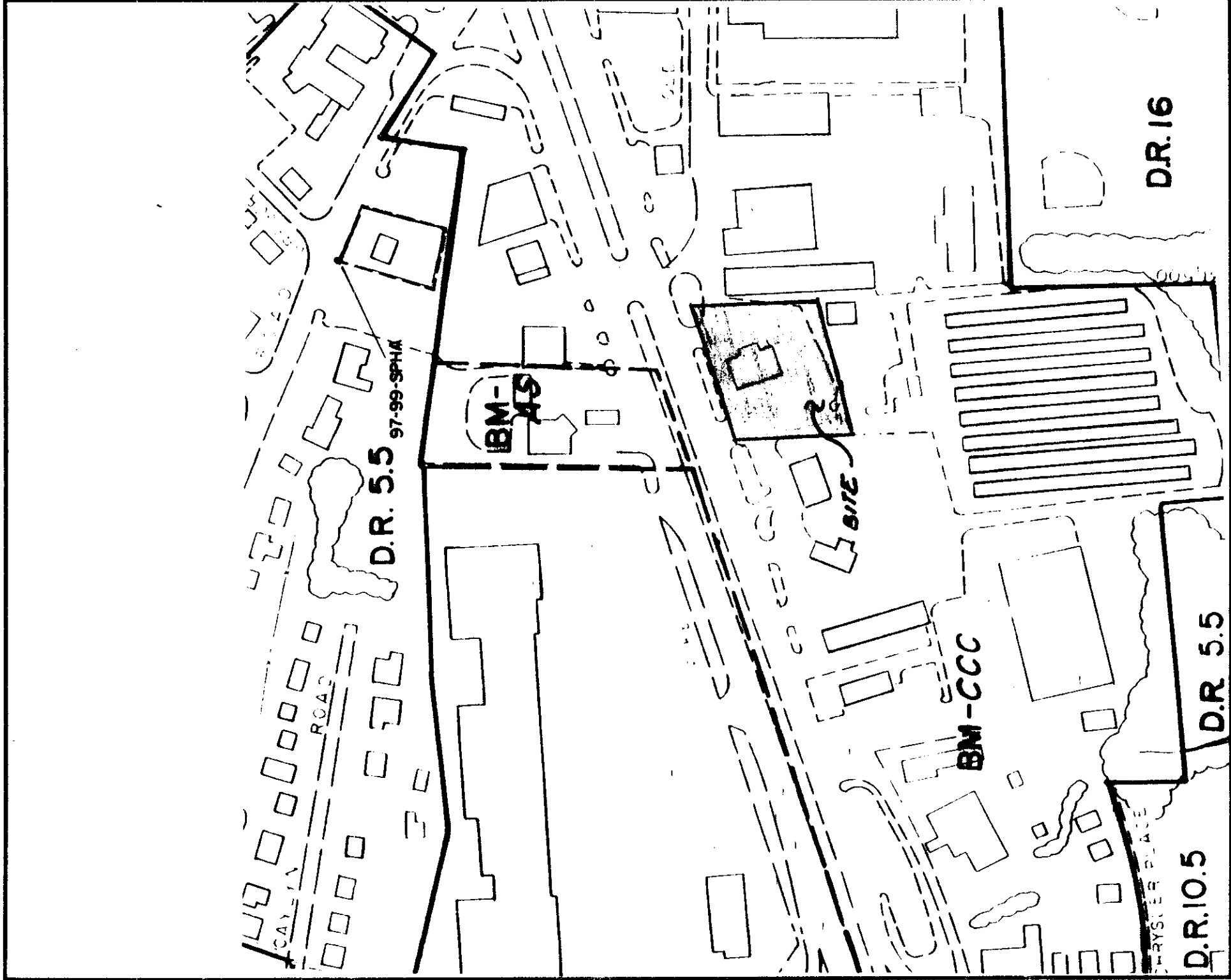
MCDONALD'S
WESTVIEW
5637 BALTIMORE NATIONAL PIKE

Tax Map 95 - Parcel 466 - Lot C
November 5, 1998
Sheet 1 of 1

LEGEND

PROPERTY LINE
EXISTING CONTIGUOUS
ZONING LINE
EX. CONC. C&G
PROP. C&G
PROPOSED PARKING SPACES

13



PART OF 1996 ZONING MAP - SW 1-F
SCALE: 1" = 200'

SITE DATA

SITE AREA 1006 AC ±, 43,813 SF
EXISTING ZONING BMCCC
PROPOSED USE FAST FOOD RESTAURANT W/ DRIVE THRU
CEED REFERENCE 53114
TAX ACCOUNT NUMBER 1-2000007065
PARCEL 466 LOT C

PROP. BUILDING FLOOR AREA 4361 SF
FLOOR AREA RATIO 4361 SF / 43,813 SF = 0.09 (4 permitted)
ENST' BUILDING HEIGHT 16' 9" ±
PROP. BUILDING HEIGHT 16' 9" ± (TOP OF PARAPET WALL) 1 STORY

AMENITY OPEN SPACE 8722 SF (4361 SF X 0.2 = 872.2 SF)
REQUIRED: 6480 SF
PROVIDED:

PARKING SPACES 16 P.S. PER 1000 SF OF GROSS BUILDING AREA
4361 SF @ 16 / 1000 = 70 P.S.

Total Required = 70 P.S.
Total Provided = 56 P.S. (including 3 Handicap plus 5 offset)

OUTSIDE SEATING AREA = 400 SF
PARKING SPACES REQUIRED = 0
PARKING SPACES PROVIDED = 0

PARKING SPACE DIMENSIONS:
Typical Space 8'5" x 12' (min)
Handicap Space 12' x 18' (min)
Van Accessible Space 16' x 19' (min)

ALL PARKING SPACES SHALL BE PAVED WITH THE DURABLE DUSTLESS SURFACE
PROPERTY DRAINED AND ALL PARKING SPACES SHALL BE PERMANENTLY STRIPED
IN ACCORDANCE WITH SECTION 409.6A OF THE BCZK.

ZONING HISTORY: NONE

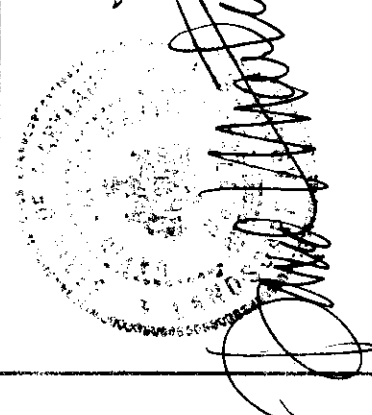
PREVIOUS COMMERCIAL BUILDING PERMITS:
PERMIT NO. CONTROL NO.
800742 C-408-89
804667 C-366-90

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120



DEVELOPER/LESSOR
MCDONALD'S CORPORATION
250 W. PRATT STREET, 17TH FLOOR
BALTIMORE, MARYLAND 21201

OWNER/LESSOR
BENJAMIN J. DYCKAL, JR. AND RUTH AND B. PAUL
TRUSTEES OF THE PAAL FAMILY TRUST



PLAT TO ACCOMPANY PETITION
FOR PARKING VARIANCE

MCDONALD'S
RESTAURANT
563 BALTIMORE NATIONAL PIKE

Election District 1
Constitutional District 1
Scale: 1" = 30'

Tax Map 95 - Parcel 466 - Lot C
October 5, 1998
Sheet 1 of 1

99-140-A

- LEGEND
- PROPERTY LINE
 - EXISTING CONTOURS
 - ZONING LINE
 - EX. CONC. C&G
 - PROP. C&G
 - PROPOSED PARKING SPACES

13

Baltimore National Pike
150' Right of Way

EXISTING PAVING

EX. CONC. C&G

405' 179' SF

405' 67' SF

405' 28' SF

405' 28' SF

405' 28' SF

405' 28' SF

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