R FILING

IN RE: PETITION FOR VARIANCE

N/S Baltimore National Pike, 832' W of

Rolling Road

(6336 Baltimore National Pike)

1<sup>st</sup> Election District 1<sup>st</sup> Council District

BEF REIT, Inc.

Petitioner

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 03-325-A

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, BEF REIT, Inc., through Teresa A. Ehmann, Assistant Secretary, through their attorney, Douglas L. Burgess, Esquire. The Petitioners seek relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 84 parking spaces in lieu of the required 90; and, from Section 409.11 of the B.C.Z.R. to allow the proposed location of the loading zone. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Richard Kaspar, Senior Regional Real Estate Manager for the Bob Evans restaurant chain, and Douglas L. Burgess, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

The subject property under consideration is a rectangular shaped property located on the north side of Baltimore National Pike, just west of North Rolling Road in Catonsville. The property contains a gross area of 1.17 acres, more or less, zoned B.R.-A.S., and is improved with a one-story building that was previously used as a Denny's restaurant. However, that business has closed and the building is presently boarded and unoccupied. The Petitioner is under contract to lease the subject property to the Bob Evans restaurant chain. That chain proposes to raze the existing building and construct a new Bob Evans restaurant in its place. The new building will be

ED FOF ORDER Date approximately 5618 sq.ft. in area, and have the capacity to seat 157 patrons. In addition, the site plan shows that the property is improved with a parking field, both in front of and to the side and rear of the proposed building. Pursuant to Section 409 of the B.C.Z.R., 90 parking spaces are required, based upon the square footage of the restaurant building. However, due to limitations brought about by the size and configuration of the property, only 84 spaces will be provided. In this regard, Mr. Kaspar indicated that this number is more than sufficient for the Bob Evans restaurant, based upon market analysis and other restaurants of similar size. In his opinion, the proposed parking layout is appropriate and will easily accommodate the restaurant's needs.

In addition to the variance requested from the required number of parking spaces, relief is also requested as to the location of the proposed loading zone. As more particularly shown on the site plan, the loading zone will be to the rear of the building. It is noted that the actual loading zone area is 10 feet wide; however, immediately abuts the 14-foot open driveway strip for the parking lot. Thus, the total area provided is nearly 24 feet. Mr. Kaspar also testified that the loading zone was similar to other Bob Evans restaurants and is appropriate for this site. Finally, it is to be noted that most of the parking spaces are over-sized; that is, they are 9 feet wide in lieu of the required 8.5 feet. Mr. Kaspar indicated that it is has been their experience that slightly larger spaces are preferable given the demographic of potential patrons.

Based upon the testimony and evidence presented, I am persuaded that variance relief should be granted. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. for relief to be granted. It is also to be noted that a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning in which they suggested that the existing sidewalks along the property's frontage on Baltimore National Pike be retained as shown on the plan. In this regard, Mr. Burgess indicated that those existing sidewalks would be retained. Additionally, the Office of Planning requested that a landscape plan be submitted for review and approval prior to the issuance of any building permits. The Petitioner was agreeable to this condition as a restriction to the relief granted.

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

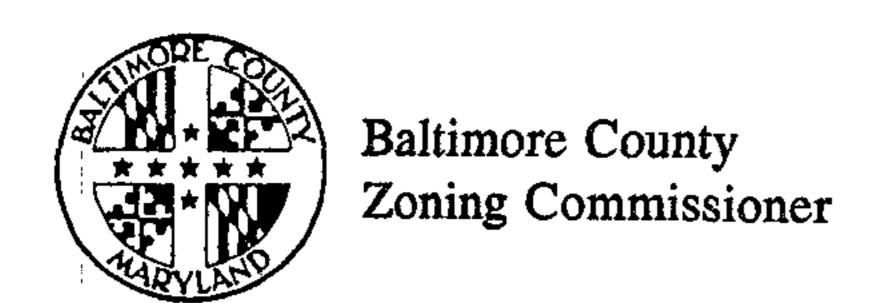
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of April, 2003 that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 84 parking spaces in lieu of the required 90; and, from Section 409.11 of the B.C.Z.R. to allow the proposed location of the loading zone, 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 Petitioner shall submit a landscape plan for review and approval by the Office of Planning prior to the issuance of any building permits.
- 3) The existing sidewalk along the property's frontage on Baltimore National Pike shall be retained.
- 4) When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



April 7, 2003

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

Fax: 410-887-3468

Douglas L. Burgess, Esquire Nolan, Plumhoff & Williams 502 Washington Avenue, Suite 700 Towson, Maryland 21204

RE: PETITION FOR VARIANCE N/S Baltimore National Pike, 832' W of Rolling Road (6336 Baltimore National Pike) 1<sup>st</sup> Election District – 1<sup>st</sup> Council District BEF REIT, Inc. - Petitioners Case No. 03-325-A

Dear Mr. Burgess:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

Mr. Richard Kaspar & Ms. Teresa A. Ehmann, BEF REIT, Inc. cc: 3776 S. High Street, Columbus, OH 43207 Office of Planning; People's Counsel; Case/File



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 6336 BaltimoreNational Pike which is presently zoned BR-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached Exhibit "A"

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See attached Exhibit "B"

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Le	essee:		<u>Legal Owner(s):</u>		
Name - Type or Print	<del>.</del>	<del></del>	BEF REIT, Inc. Name - Type or Print	<u> </u>	
Signature	···	<del></del>	Signature By: Teresa A. Ehmann, Ass		<u> </u>
Address		Telephone No.	Name - Type or Print	sistant Sec	cretary
City	State	Zip Code	Signature	<u></u>	<del></del>
Attorney For Petitione	<u>r:</u>		3776 S. High St.	(614)	497-4743
Douglas L. Burgess	s, Esquire		Address	<i>t.</i> 9.4	Telephone No.
Name - Type or Print		<del></del>	Columbus, OH City	43∠ State	207 Zip Code
Signature Nolan Numhoff &	Williams,	Chtd.	Representative to be Con Stacy Cline - Bob Eva	ntacted: ens Farms,	Tnc
Gompany		(410)	Name	TID PALIBY	LIIC
Of Washington Ave	enue, Suite	<del></del>	3776 S. High St.	(614)	
Address (1)	MD	Telephone No. 21204-4528	Address Columbus, OH 43207		Telephone No.
	State	Zip Code	City	State	Zip Code
			OFFICE USE	ONLY	
~ ^ ^ ^ ^ ^	~ n		ESTIMATED LENGTH OF H	EARING	
Case No. <u>09-32</u> REX 9/15/98	5-A	Reviewed E	UNAVAILABLE FOR HEARI	N <b>G</b> ලුරු	<del></del>

#### Exhibit "A"

The subject parcel requests a variance from section 409.6 of the Baltimore County Zoning Regulations to reduce the number of required parking spaces from 90 to 84.

The subject parcel requests a variance from section 409.11 of the Baltimore County Zoning Regulations to allow the proposed location of the loading zone.

#### Exhibit "B"

This is a conversion of an unused, underutilized, boarded up former Denny's Restaurant.

The petitioner has already purchased the property and desires to quickly recycle the existing property into a viable, operating Bob Evans Restaurant. Bob Evans Farms, Inc. will demolish the building and use substantially the same existing footprint to build a new restaurant building. The petitioner also plans to use substantially the same curb and gutter as the existing parking layout.

Because the existing layout was a former Denny's restaurant and the planned recycling of the site is as a new Bob Evans restaurant, the spirit and intent of the zoning regulations would be furthered if the same curb, gutter and parking layout were utilized as currently exist. Due to the existing parking lot, curb and gutter site conditions the Petitioner would face practical difficulty and unreasonable hardship if strict compliance with the parking regulations were required as constructing a completely new parking layout would involve revisiting the stormwater management plan in existence as well as disturbing ground and causing harmful erosion. Parking as proposed is more than adequate based on the actual usage patterns of Bob Evans restaurants nationwide. Accordingly, it is respectfully requested that the variances requested be granted.

#### PATTON HARRIS RUST & ASSOCIATES

Metes and Bounds Description
of the Lands Conveyed to
Denny's Realty, Inc.
Liber 8456 at Folio 159
Also Being Parcel A
"Resubdivision of the
Lewis Property"
Plat Book 51 at Folio 39

Being a certain parcel of land situated on the northerly side of Baltimore National Pike (MD Route 40), in the First Election District of Baltimore County, Maryland; said parcel being all of the lands conveyed by Denny's Inc. to Denny's Realty, Inc. by deed dated February 15, 1990 and recorded among the Land Records of Baltimore County, Maryland (all title references hereinafter refer to said Land Records) in Liber 8456 at Folio 159, said parcel also being all of Parcel A as shown on a plat of record titled "Resubdivision of the LEWIS PROPERTY" and recorded in Liber 51 at Folio 39; said parcel is more particularly described as follows:

Beginning for the same at a capped iron rebar set at the point of beginning of the aforesaid Liber 8456 at Folio 159, said rebar also being 832 feet westerly of the intersection of the centerlines of Baltimore National Pike and Rolling Road, said rebar also being at the beginning of the North 71° 46′ 19″ West, 170.00 feet line as shown on the aforesaid Liber 51 at Folio 39, said rebar also being on the northerly margin of Baltimore National Pike; thence running with the outlines of said Liber 8456 at Folio 159 and said Liber 51 at Folio 39 the following four courses and with the northerly margin of Baltimore National Pike the following course:

- North 71° 56' 58" West, 170.00 feet to an iron pipe found at the end of the South 18° 16' 57" West, 542.98 feet line as shown on a plat of record titled "WESTPARK" and recorded in Liber 51 at Folio 114; thence leaving Baltimore National Pike and running with a part of said line of Liber 51 at Folio 114
- North 18° 03' 02" East, 300.25 feet to a point at the southwest corner of Parcel B as shown on the aforesaid Liber 51 at Folio 39; thence leaving the outlines of the aforesaid Liber 51 at Folio 114 and running with the southerly outline of said Parcel B
- South 71° 56' 58" East, 170.00 feet to a point on the closing, or North 18° 13' 41" East, 260.44 feet, line of Parcel A of the lands conveyed by Circuit City Stores, Inc. to C.C. Baltimore Associates by deed dated December 10, 1987 and recorded in Liber 7747 at Folio 792; thence leaving the outlines of the aforesaid Parcel B of Liber

51 at Folio 39 and running, reversely, in part, with a part of said closing line of Liber 7747 at Folio 792

4) South 18° 03' 02" West, 300.25 feet to the place of beginning.

The area of land contained by the foregoing amounts to 51,043 square feet, or 1.1718 acres, more or less, together with and subject to appurtenances and encumbrances of record or in use.

#### NOTICE OF ZONING HEARING

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

Case: 03-325-A 6336 Baltimore National Pike V/side of Baltimore National Pike, 832 feet west of Rolling Rd 1st Election District 1st Councilmanic District Legal Owner(s): Bef Reit, Inc. Variance to approve reducing the number of required parking places from 90 to 84. To approve the proposed location of the loading zone. Hearing: Wednesday, February 19, 2003 at 11:00 a.m. in Room 106, County Office Building, 111 Chesapeake Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for **Baltimore County** 

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations

Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-

3391. JT 2/612 Feb 4 C586105

# CERTIFICATE OF PUBLICATION

26,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $2/4$ , $2003$ .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
er-
S. Mulling-

OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT
DATE 11503 ACCOUNT 0010060150
AMOUNT \$ 325.00
RECEIVED BOB FIANS FARMS DOUG BURGESS
FOR: MEM 325 05-325-A
6336 BATTIMONE NATL PIKE BY DITHOMPSON
DISTRIBUTION

YELLOW - CUSTOMER

WHITE - CASHIER

PINK - AGENCY

BEINESS ACTUAL TIME

//1/2003 1/17/2003 11:55:00

REG #506 WALKIN KNAW KNA DOWNEY

>\*\*\*UENT # 1294% 1/21/2003

OR 0. 01/3/5

Recryt Tot #525.00

Stillings & County, Northan

CASHIER'S VALIDATION

### CERTIFICATE OF POSTING

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trand fax transmittal me	* KING COBIN	SONTAC -COM	Dept.	Fax # 4.10-887.34 68

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RE:	Case No.: 03-325-A
	Petitioner/Developer: Nolan, Plum hoff
	+Williams ETAL
	Date of Hearing/Closing: MARCH 11, 2003

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

Gentlemen:

This letter is to certify under the pewere posted conspicuously on the p	roperty located at 6336 Balto National	Pik
The sign(s) were posted on	Feb, 22, 2003 (Month, Day, Year)	

Sincerely,

(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)

6336 BaltoNAT. PIKE

## CERTIFICATE OF POSTING

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A" brand fax transmittal n	In Restriction (1981)	Par ZONINIC COM	Dept.	Fax # 4.0 - 887.34 68

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Case No.: $03-325-1$	7
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ETAL	74 W  L L     111
	Case No.: 03-325-7 Petitioner/Developer: Pous a 55  ETAL

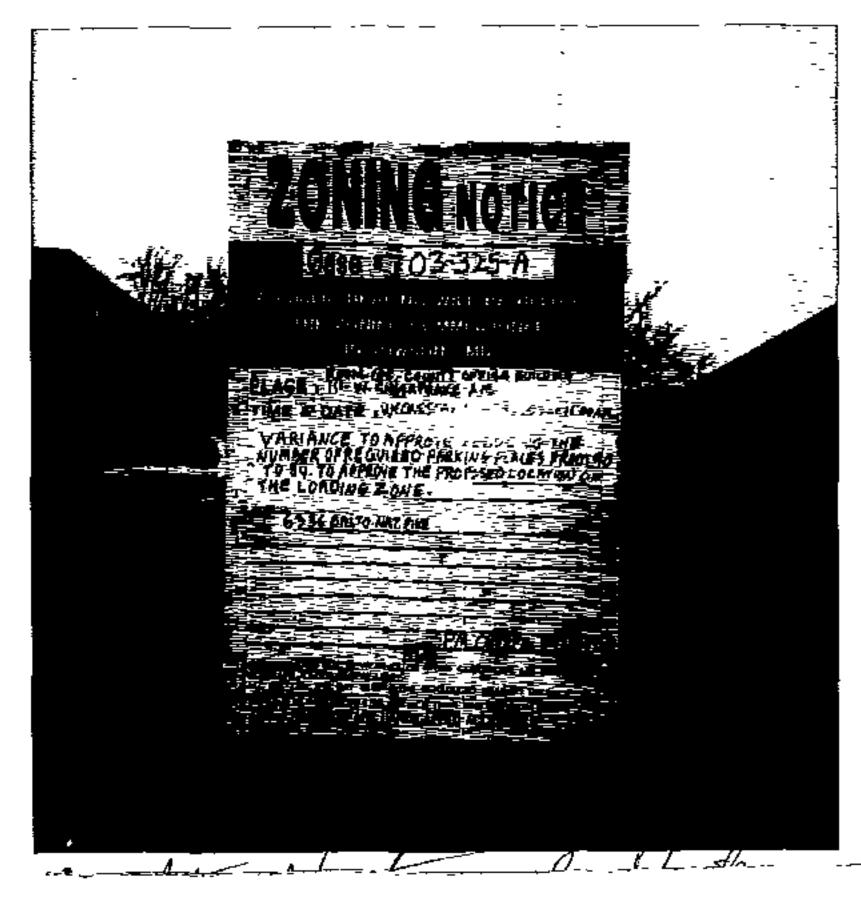
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Date of Hearing/Closing: FeBRUARY 19, 2003

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

Gentlemen:

This letter is to certify under the pena- were posted conspicuously on the pro-	operty located at
The sign(s) were posted on	(Month, Day, Year)



6336 Balto. Nat. Pike

Sincerely.	
Patrick M. O Kief	2/4/0
(Signature of Sign Poster and Date)	
PATRICK M. O'KEEFE	
(Printed Name)	

523 PENNY LANE

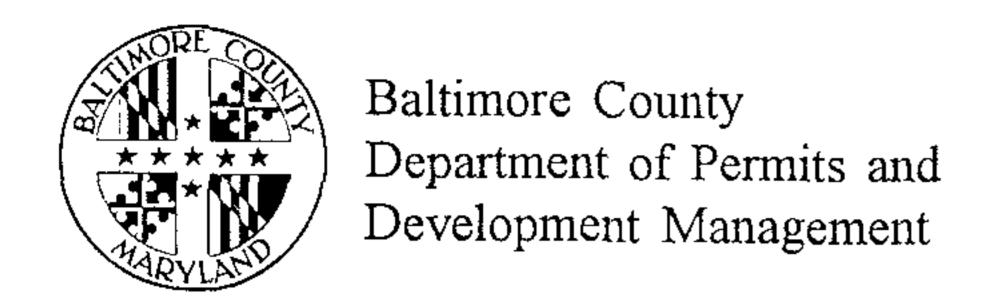
(Address)

HUNT VALLEY, MD. 2103C

(City, State, Zip Code)

410-666-5366; CELL-415-905-857!

(Telephone Number)



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

February 21, 2003

#### RESCHEDULED 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: 03-325-A
6336 Baltimore National Pike
N/side of Baltimore National Pike, 832 feet west of Rolling Road

1<sup>ST</sup> Election District – 1<sup>st</sup> Councilmanic District
Legal Owner: Bef Reit, Inc.

Variance to approve reducing the number of required parking place from 90 to 84. To approve the proposed location of the loading zone.

Hearings:

Tuesday, March 11, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, 502 Washington Avenue, Towson 21204

Bef Reit, Inc., Teresa Ehmann, 3776 S. High Street, Columbus, OH 43207 Bob Evans Farm, Stacy Cline, 3776 S. High Street, Columbus, OH 43207

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN REPOSTED.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

January 23, 2003

#### **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: 03-325-A

6336 Baltimore National Pike

N/side of Baltimore National Pike, 832 feet west of Rolling Road

1<sup>ST</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Bef Reit, Inc.

<u>Variance</u> to approve reducing the number of required parking place from 90 to 84. To approve the proposed location of the loading zone.

Hearings: Wednesday, Febru

Wednesday, February 19, 2003 at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Arnold Jablon

Director

AJ:rlh

C: Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, 502 Washington Avenue, Towson 21204

Bef Reit, Inc., Teresa Ehmann, 3776 S. High Street, Columbus, OH 43207 Bob Evans Farm, Stacy Cline, 3776 S. High Street, Columbus, OH 43207

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN PODICE APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 4, 2003.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 4, 2003 Issue - Jeffersonian

Please forward billing to:

Bob Evans Farms, Inc. Ms Stacy Cling

3776 S. High Street Columbus, OH 43207 614-497-4743

#### **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: 03-325-A

6336 Baltimore National Pike

N/side of Baltimore National Pike, 832 feet west of Rolling Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Bef Reit, Inc.

<u>Variance</u> to approve reducing the number of required parking place from 90 to 84. To approve the proposed location of the loading zone.

Hearings:

Wednesday, February 19, 2003 at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Lawrence R. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



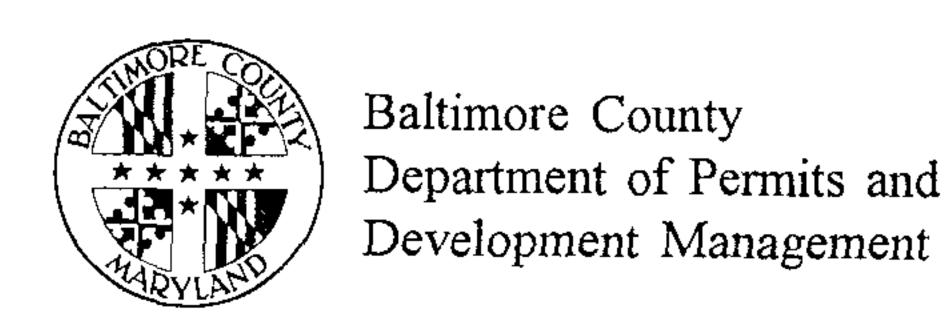
#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 03-335-A
Petitioner: Bob Evans Farms, Inc.
Address or Location: 6336 Baltimore National Pike, Catonsville, MD 21228
PLEASE FORWARD ADVERTISING BILL TO:  Name: Stacy Cline - Bob Evans Farms, Inc.
Address: 3776 S. High Street
Columbus, OH 43207
Telephone Number:



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

March 7, 2003

Douglas L. Burgess, Esquire Nolan, Plumhoff & Williams, Chtd. 502 Washington Avenue, Suite 700 Towson, MD 21204-4528

Dear Mr. Burgess:

RE: Case Number: 03-325-A, 6336 Baltimore National Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 15, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

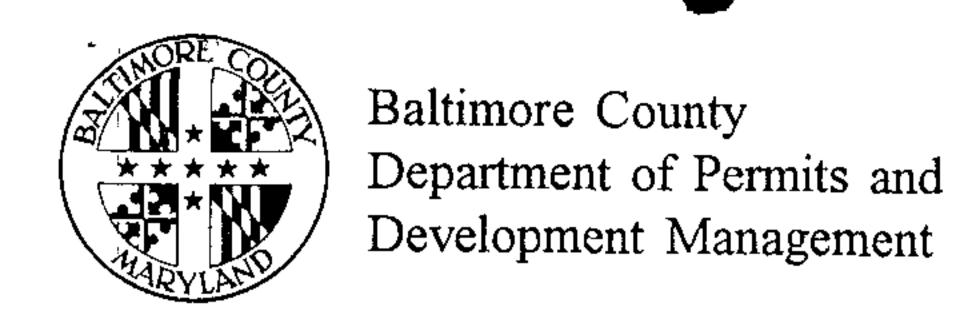
Supervisor, Zoning Review

u. Callalala

WCR:klm

Enclosures

People's Counsel C: Stacy Cline, Bob Evans Farms, Inc., 3776 S. High Street, Columbus, OH 43207 Teresa Ehman, BEF REIT, Inc., 3776 S. High Street, Columbus, OH 43207



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

February 14, 2003

Douglas Burgess, Esquire Nolan, Plumhoff & Williams, Chtd. 502 Washington Avenue, Suite 700 Towson, MD 21204

Dear Mr. Burgess:

RE: Case Number: 03-325-A, 6336 Baltimore National Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 15, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Cal Robal.

WCR:klm

**Enclosures** 

c: People's Counsel Stacy Cline, Bob Evans Farms, Inc. 3776 S. High St. Columbus, OH 43207 Teresa Ehman, BEF REIT, 3776 S. High St. Columbus, OH 43207



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: January 21, 2003

Item No.: 305, 307-311, 316-322, 324(&325)

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



#### Maryland Department of Transportation Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

Date: 1.22.273

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 325

DT

Dear Mr. Zahner:

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 40. 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,

1

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RBS KTGT

DATE:

February 20, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 21, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

305-308, 310, 311, 313, 315-319, 321(325)

Juni 2/19

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 3, 2003

RECEIVED

ZONING COMMISSIONER

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

6336 Baltimore National Pike

**INFORMATION:** 

Item Number:

03-325

**Petitioner:** 

BEF REIT, Inc.

Zoning:

**BR-AS** 

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided sidewalks are shown along Baltimore National Pike and a landscape plan for the subject site is submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by:

**Section Chief:** 

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** January 28, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM(

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 27, 2003

Item Nos. 305, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 320, 321, 322, 323, 324, and 325

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

RE: PETITION FOR VARIANCE
6336 Baltimore National Pike; Nside Balto
Nat'l Pike, 832ft W Rolling Rd
1st Election District
1st Councilmanic District
Legal Owner(s): BEF REIT, Inc, Teresa

Edmann Its, Asst. Secretary

Petitioner(s)

\* BEFORE THE

ZONING COMMISSIONER

\* FOR

\*

\* BALTIMORE COUNTY

\* 03-325-A

\* \* \* \* \* \* \* \*

#### **ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

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 day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to, Stacy Cline - Bob Evans Farms, Inc, 3776 S. High Street, Columbus, OH, 43207 and Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, Chtd, 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

**DOUGLAS L. BURGESS** 

dburgess@nolanplumhoff.com

DIRECT DIAL:

(410) 823-7857

E-MAIL:

**Law Offices** LAN, PLUMHOFF & WILLIAMS CHARTERED

SUITE 700, NOTTINGHAM CENTRE **502 WASHINGTON AVENUE** 

TOWSON, MARYLAND 21204-4528 (410) 823-7800

TELEFAX: (410) 296-2765

January 17, 2003

JAMES D. NOLAN (RETIRED 1980)

J. EARLE PLUMHOFF (1940 - 1988)

**NEWTON A. WILLIAMS** (RETIRED 2000)

> RALPH E DEITZ (1918-1990)

VIA HAND DELIVERY

Mr. W. Carl Richards, Supervisor Zoning Review Office 111 West Chesapeake Avenue Towson, MD 21204

RE:

Bob Evans Restaurant

6336 Baltimore National Pike, Catonsville, MD 21228

Baltimore County Zoning Case # 03-325-A

Our File No. 8466-1

70:000 1/72/03 Done

Dear Mr. Richards:

In reference to the above captioned matter, Baltimore County Zoning Case # 03-325-A, we respectfully request permission to proceed with the application process for building permits for the above site. As our petition for a variance stated, the site was previously used for the operation of a Denny's Restaurant and Bob Evans Farms, Inc wishes to utilize the site in a similar manner.

We realize that in pursuing the building permits before obtaining the variances applied for with your office we risk losing the building permit fees. We would like to proceed with application for the building permits anyway.

Kindly countersign the letter on the line below to indicate your approval of our request to proceed with the application for the building permits. Thank you and if you have any questions or comments please do not hesitate to contact me.

Application Ouly

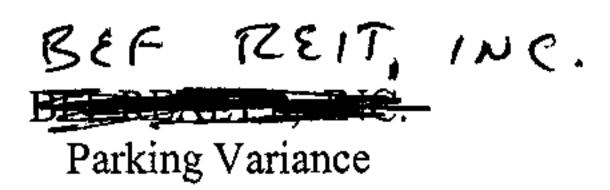
Very truly yours,

Mr. W. Carl Richards, Supervisor

This 2Z day of January, 2003.

DLB/jer

Mr. Richard Kaspar



- Introduction of Richard Kaspar, Senior Regional Real Estate Manager
- → Describe Education and Experience
- → Describe Parking Variance Requested
  - 84 in lieu of 90
  - loading zone
- You understand the Commissioner is empowered to grant variances from the parking regulations upon the finding of:
  - 1. practical difficulty or unreasonable hardship
  - 2. consistency with spirit and intent of regulations
  - 3. no adverse impacts on surrounding community
- Does the re-development of this site with this parking layout promote the "health, security, comfort, convenience, prosperity, orderly development and other aspects of the general welfare of the community?"

  [Talk about re-utilization of existing facility]
- Regarding unreasonable hardship, I understand that this site is unique and unusual (in environmental impact conditions) and that in order to re-develop and re-utilize this site as a restaurant, Bob Evans is dedicated to minimizing environmental impacts. Regarding practical difficulty, I understand strict compliance with the regulations 1) would unreasonably prevent the permitted re-use of the site as a restaurant and 2) impacts disproportionately on the site and 3) that strict conformity with the regulations would be unnecessarily burdensome to the owner and 4) a relaxation of the standards as requested would benefit the community.
- I also understand you instructed your engineer to re-utilize the existing pavement to reduce runoff and also benefit the community using the site by the use of 9' wide spaces rather than allowed 8 ½' wide spaces.
- I understand this variance will have no adverse impacts on the community and in fact benefit the community.



Robert L. Ehrlich Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

January 21, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 01/27/03 re: case numbers 03-305-SPH, 03-306-X, 03-307-SPH, 03-308-A, 03-309-A, 03-310-A, 03-311-A, 03-312-X, 03-313-SPH, 03-314-XA, 03-315-SPH, 03-316-SPHX-03-317-A, 03-318-A, 03-319-A, 03-320-A, 03-321-A, 03-322-A, 03-323-SPHA, 03-324-A, 03-325-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/16/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

junier 12. Galt.

Local Planning Assistance Unit

cc: Mike Nortrup

