

IN RE: PETITION FOR VARIANCE

NE/S Pulaski Highway, 690' NE of the c/l
Baltimore Beltway (I-695)
(8650 Pulaski Highway)
15th Election District
6th Council District

Golden Ring II, LLC, Property Owners:
LAL, LLC t/a DQ Grill & Chill,
Contract Lessee

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 05-293-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of the Petition for Variance filed by LAL, LLC, Contract Lessee of the subject property, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner seeks relief from Section 450.4.5.V of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 106.22 sq.ft. of sign area in lieu of the maximum allowed 80 sq.ft. on the east elevation, and to have five wall-mounted signs in lieu of the three signs permitted, pursuant to Section 450.4.5.VI of the B.C.Z.R. 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 Number 1.

Appearing at the requisite public hearing in support of the request were Stanley Scott Lukas, on behalf of LAL, LLC, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present. In addition, the file contained no adverse Zoning Advisory Committee (ZAC) comments in relation to the requested relief.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located between Philadelphia Road and Pulaski Highway, east of the Baltimore Beltway (I-695) and west of Rossville Boulevard in Rosedale. The property is zoned B.M. and was formerly the site of the Golden Ring Mall. Much of the mall infrastructure has been razed and

ORDER RECEIVED FOR FILING

Date

by

3/11/05
Jep

the parcel is being redeveloped with a series of "big box" tenants, including a Home Depot, Sam's Club and Wal-Mart. The site is commercial/industrial/retail in character, owing to its location near major arterial roads in this area of Baltimore County. Vehicular access thereto is by way of curb cuts in both Pulaski Highway (Maryland Route 40) to the east and Philadelphia Road (Maryland Route 7) to the west.

By way of history, similar sign variances have been requested and granted for the subject parcel. Specifically, in Case No. 03-326-A, variance relief was granted for a sign for a proposed Office Depot, Inc. Additionally, the Wal-Mart store obtained variance relief for a sign in Case No. 02-488-A and in Case No. 02-486-A, a sign variance was granted for a proposed Sam's Club. More recently the OCB Restaurant Company, t/a Hometown Buffet, was granted variance relief for a sign in Case No. 05-096-A. In the instant matter, relief is requested for a restaurant t/a Dairy Queen Grill and Chill, which is located in the northeast portion of the Centre at Golden Ring. Testimony indicated that the Petitioner's restaurant is not located on one of the arterial roadways surrounding the site and thus its signage is not clearly visible to the surrounding road system. In addition, as noted in the prior cases, a large parking field which serves the Centre and the other tenants, including the Office Depot, Sam's Club, and Wal-Mart, is centrally located on the property. Thus, cars traversing between the main parking area on the site and Pulaski Highway pass the Petitioner's restaurant. Therefore, the Petitioner seeks relief as set forth above to ensure that adequate signage is present so that its patrons may identify and differentiate its restaurant. The Petitioner indicated that its proposed signage is actually less than that typically requested by Dairy Queen for its "Grill and Chill" Restaurant. Moreover, there are no residentially zoned properties in proximity of the site that would see the signage.

After due consideration of the testimony and evidence presented, I am persuaded to grant

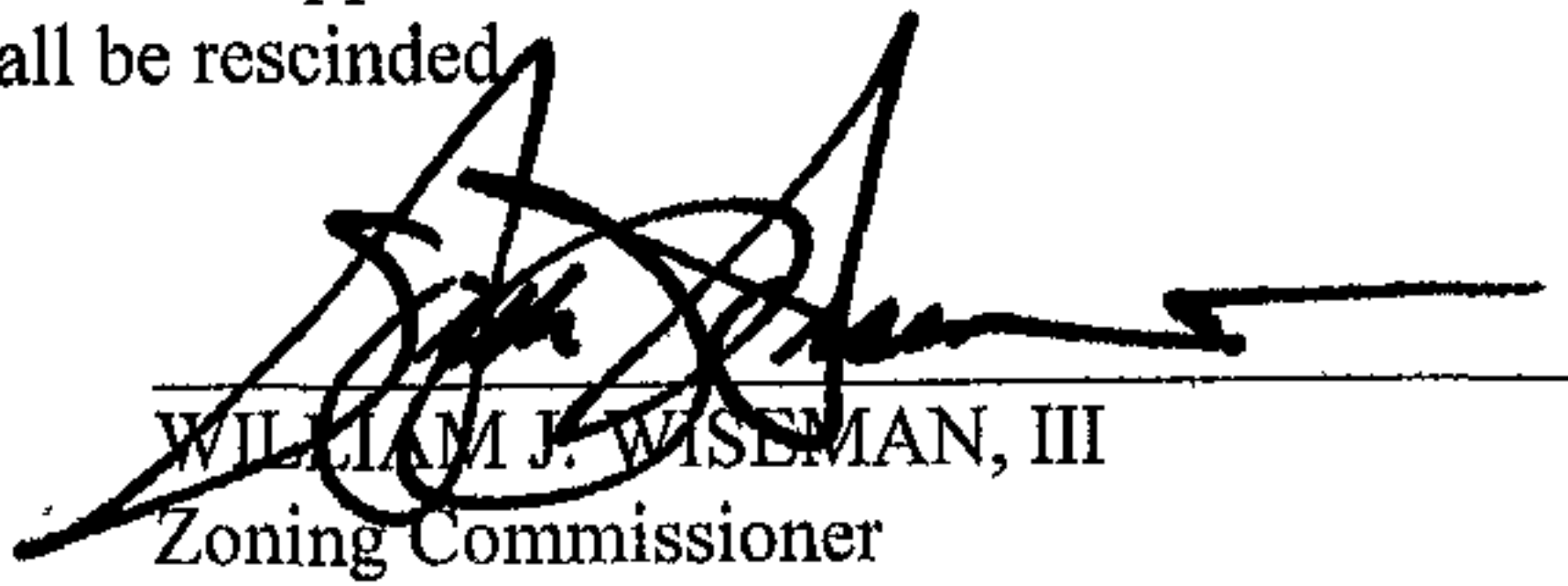
ORDER RECEIVED FOR FILING
Date 3/1/05
By [Signature]

the requested variance. The uniqueness of the property is its significant area, its location immediately adjacent to the Baltimore Beltway, and the fact that it is accessed via two main roads. As noted above, the restaurant is located in the northern end of the shopping center and the primary parking field is in the central portion of the site. I find that the relief requested is appropriate in this instance, and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. Moreover, there will be no detrimental impact to adjacent properties and that the relief requested 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 set forth herein, the relief requested shall be granted.

1st THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of March, 2005, that the Petition for Variance seeking relief from Section 450.4.5.V of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 106.22 square feet of sign area in lieu of the maximum 80 square feet on the east elevation and to have five wall-mounted signs in lieu of the permitted three wall mounted signs, pursuant to Section 450.4.5.VI of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that this 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.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 3/1/05
By [Signature]
WJW:bjs

Beate: E-Mailed to you 3/1.

IN RE: PETITION FOR VARIANCE
NE Pulaski Highway and
Interstate 695

↑ (8650 Pulaski Highway)
15th Election District
→ 6th Council District

Golden Ring II, LLC, Property Owners:
LAL, LLC t/a DQ Grill & Chill,
Contract Lessee

* BEFORE THE
* ZONING
COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 05-293-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of the
Petition for Variance filed by ^{*The Contract Lessee of the subject property*} LAL, LLC, Lessee of the subject property, through their
attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner seeks relief from Section
450.4.5^{*5.V*} to allow 106.22 square feet of sign area in lieu of the maximum 80 square
feet on the east elevation and to have five wall mounted signs in lieu of three signs as
permitted, per Baltimore County Zoning Regulations, Section 450.4.5^{*450.4.5.VI*}. The subject
property and requested relief ^{*are*} more particularly described on the site plan submitted ^{*which*}
~~as it was~~ accepted into evidence and marked as Petitioner's Exhibit Number 1.

was
Appearing at the requisite public hearing in support of the request were Stanley
Scott Lukas, on behalf of ~~*the Petitioner*~~ LAL, LLC, and Francis X. Borgerding, Jr., Esquire, attorney
for the Petitioner. There were no Protestants or other interested persons present. In
addition, the file contained no adverse ^{*young Advisory Committee*} (ZAC) comments in relation to the requested
relief.

Testimony and evidence offered revealed that the subject property is an irregular
shaped parcel located between Philadelphia Road and Pulaski Highway, east of the
Baltimore Beltway (I-695) and west of Rossville Boulevard in Rosedale. The property is

zoned B.M. and was formerly the site of the Golden Ring Mall. Much of the mall infrastructure has been razed and the parcel is being redeveloped with a series of "big box" tenants, including a Home Depot, Sam's Club and Wal-Mart. There is *a* commercial/industrial/retail *in* character, *at the location with access to* owing to its location near major arterial roads, *in* ~~this area of Baltimore County~~. Vehicular access to the center *is largely served* at large ~~is~~ by way of curb cuts in both Pulaski Highway to the east and Philadelphia Road (Maryland Route 7) to the west.

By way of history Similar sign variances *have been* were requested and granted on the subject parcel. Specifically, in Case No. 03-326-A, variance relief was granted for a sign for a proposed Office Depot, Inc. ~~Additionally, the Wal-Mart store~~ obtained variance relief for a sign in Case No. 02-488-A and in Case No. 02-486-A, a sign variance was granted for ~~the a~~ *proposed* Sam's Club. More recently ~~however~~, OCB Restaurant Company t/a Hometown Buffet, *another lease at this local* was granted sign variance relief in Case No. 05-096-A. *The subject* Restaurant t/a Dairy Queen Grill and Chill is located in the northeast area of the Centre at Golden Ring. The large parking field that serves the Centre and the other tenants, including the Office Depot, Sam's Club, and Wal-Mart *is centrally* ~~are located in the center~~ *on* of the property. Cars traversing between the main parking area on the site and Pulaski Highway pass Petitioner's restaurant. The Petitioner indicated its requested relief is to ensure that adequate signage is present so that its patrons may identify and differentiate its restaurant. The Petitioner indicated that its proposed signage is actually less than that typically requested by Dairy Queen for its "Grill and Chill" Restaurant. Further, the Petitioner noted that the placement of its restaurant is not on one of the arterial roadways surrounding the site and thus its signage is not clearly visible on the

surrounding road system. In addition, there is no residentially

2

zoned property in the proximity of the site who ~~could see the signage~~ *that could be affected or even see the signage*.

After due consideration of the testimony and evidence presented, I am persuaded to grant the ^{relief} requested relief. It is clear that strict compliance with the regulations ^{would} result in practical difficulty and ^{an} unreasonable hardship for the Petitioner. Moreover, I find that there will be no detrimental impact to adjacent properties and that the relief requested 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 set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of ^{March} ~~February~~, 2005, that the Petition for Variance seeking relief from Section ^{450.4.5 V} ~~450.4.5 V~~.IV of the Baltimore County Zoning Regulations (B.C.Z.R.) to ^{allow} ~~permit a~~ 106.22 square feet of sign area in lieu of the maximum 80 square feet on the east elevation and to have five wall mounted signs in lieu of three wall mounted signs in ^{SECT 450.4.5 VI and} accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that this 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. ~~When applying for any permits, the site plan filed must reference this case~~

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

March 2, 2005

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, #600
Towson, Maryland 21204

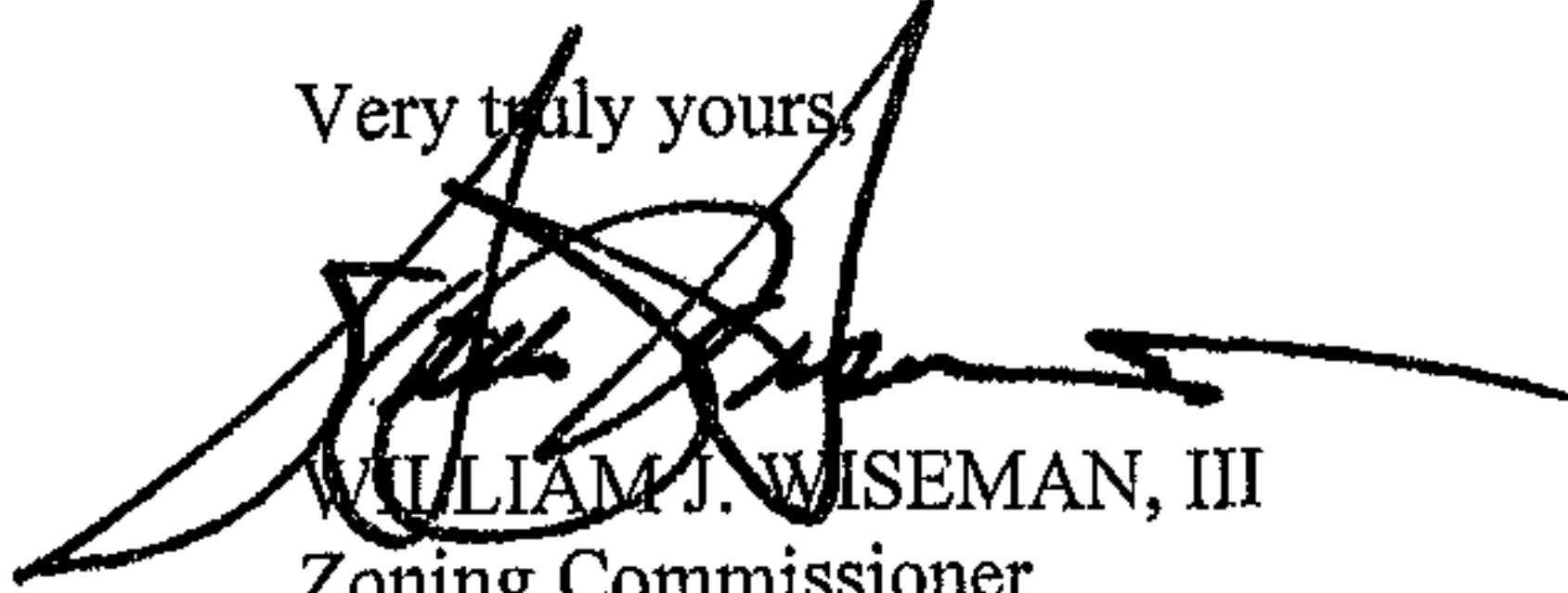
RE: PETITION FOR VARIANCE
NE/S Pulaski Highway, 690' NE of the c/l Baltimore Beltway (I-695)
(8650 Pulaski Highway)
15th Election District – 6th Council District
Golden Ring II, LLC, Property Owners; LAL, LLC t/a DQ Grill & Chill, Lessees/Petitioners
Case No. 05-293-A

Dear Mr. Borgerding:

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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Scott Lukas, P.O. Box 1068, Belair, Md. 21014
People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8650 Pulaski Highway, Baltimore, MD
which is presently zoned B.M. - CT 21237

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) 450.4.5V to allow 106.22 SF of sign area in lieu of the maximum 80 SF on the east elevation and to have five wall mounted signs in lieu of three signs as permitted by the BCZR Section 450.4.5.V1

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

1. Uniqueness of property;
2. Size and shape of property; and
3. Such other and further reasons which shall be presented at the hearing.

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/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print _____
Signature _____
Company _____
409 Washington Ave., #600 410-296-6820
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

LAL, LLC t/a DQ Grill & Chill
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
8650 Pulaski Hwy
Address _____ Telephone No. _____
Baltimore MD 21237
City _____ State _____ Zip Code _____

Representative to be Contacted:

Francis X. Borgerding, Jr.
Name _____
409 Washington Ave. #600 410-296-6820
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 12/8/04

REV 9/15/98

Date _____
By _____

ORDER RECEIVED FOR FILING

DESCRIPTION OF # 8650 PULASKI HIGHWAY DAIRY QUEEN RESTAURANT GOLDENRING CENTRE

Being a portion of Parcel D as shown on a Plat entitled "Amended Plat of Golden Ring Mall" dated November 12, 1974, and recorded among the Land records of Baltimore County Maryland in Plat Book E.H.K. Jr. Folio 38, Folio 35, and being more particularly described as follows;

Commencing at a Point on a Northwest corner of the Parent Parcel known as Parcel D;
Thence S 42°57'20" W, a distance of 40.29 feet along the Northwestern property line of said Parcel D to a point for corner and the Point of Beginning of the Proposed Lease Area;

Thence S 45°00'24" E, a distance of 106.00 feet to a point for corner;

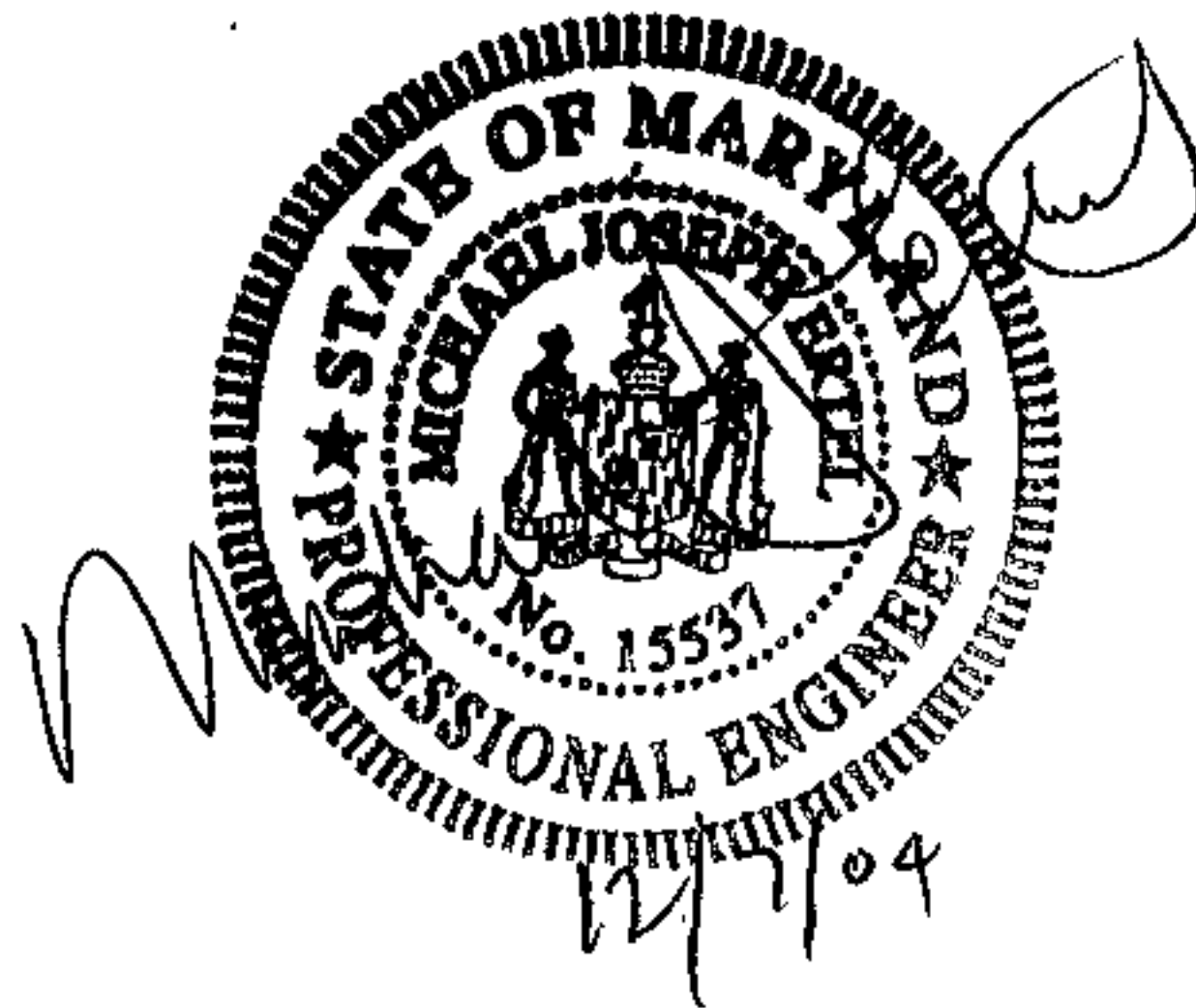
Thence S 42°49'21" W, a distance of 280.03 feet to a point for corner;

Thence N 54°12'19" W, a distance of 122.64 feet to a point for corner;

thence N 42°52'05" E, a distance of 264.37 feet to a point on a Northeasterly property line of said Parcel D and a point for corner;

Thence S 47°02'40" E, a distance of 15.51 feet along said property line to a point for corner;

Thence N 42°57'20" E, a distance of 34.71 feet to a point on the Northwestern property line of said Parcel D and the Point of Beginning, containing 34,700 square feet (0.7966 Ac.) of land more or less.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1241059

DATE 12-8-04

ACCOUNT 001-000-6150

AMOUNT \$ 325.00

RECEIVED FROM:

Francis Borgarding Jr.

FOR:

8650 N. 1st St. Unit 1
P-4544 6. Variance

ITEM # 193

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ATTN: THE

12/08/2004 12/08/2004 00:00:00

12/08/2004 12/08/2004 00:00:00

RECEIVED 12/08/2004 12/08/2004

Dept. 5 204 BUDGET & FINANCE

DR. AT. 441000

Dept. 504

12/08/2004 12/08/2004

BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

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: #05-293-A

8650 Pulaski Highway

Northeast corner of Pulaski Highway and Interstate 695

15th Election District — 6th Councilmanic District

Legal Owner(s): LAL, LLC t/a DQ Grill & Chill,

Scott Lucas

Variance: to allow 106.22 sf of sign area in lieu of the maximum 80 sf on the east elevation and to have five wall mounted signs in lieu of three signs permitted.

Hearing: Wednesday, February 2, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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 1/708 Jan. 18 36184

CERTIFICATE OF PUBLICATION

1/20/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/18/, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. : 05-293-A

Petitioner/Developer: SCOTT LUCAS

DP GRILL? CHILL

Date of Hearing/Closing: 2/2/05

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

Attention:

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
at 8650 PULASKI HIGHWAY

This sign(s) were posted on January 18, 2005
(Month, Day Year)

Sincerely,

Martin Ogle 1/18/05
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

5016 Castlestone Drive

Address

Balto. Md 21237

(443-629-3411)

[illegible]

martin 1/18/05

TO: PATUXENT PUBLISHING COMPANY
Tuesday January 18, 2005 Issue - Jeffersonian

Please forward billing to:

Scott Lukas
8650 Pulaski Highway
Baltimore, Maryland 21237

410-336-5514

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: 05-293-A

8650 Pulaski Highway

Northeast corner of Pulaski Highway and Interstate 695.

15th Election District—6th Councilmanic District

Legal Owners: LAL, LLC t/a DQ Grill & Chill, Scott Lucas

Variance to allow 106.22 sf of sign area in lieu of the maximum 80 sf on the east elevation and to have five wall mounted signs in lieu of three signs permitted.

Hearing: Wednesday, February 2, 2005 at 11:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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.



December 21, 2004

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: 05-293-A

8650 Pulaski Highway
Northeast corner of Pulaski Highway and Interstate 695.
15th Election District—6th Councilmanic District
Legal Owners: LAL, LLC t/a DQ Grill & Chill, Scott Lucas

Variance to allow 106.22 sf of sign area in lieu of the maximum 80 sf on the east elevation and to have five wall mounted signs in lieu of three signs permitted.

Hearing: Wednesday, February 2, 2005 at 11:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK: clb

C: Francis X. Borgerding 409 Washington Avenue, # 600 Towson 21204
LAL, LLC t/a DQ Grill & Chill Scott Lukas 8650 Pulaski Highway Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY JANUARY 18, 2005**
- (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.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 05-293-A
Petitioner. LAL, LLC +/a BBQ Grill + Chill
Address or Location. _____

PLEASE FORWARD ADVERTISING BILL TO

Name. Scott Lukas
Address 8650 Paluski Hwy
Baltimore md 21237
Telephone Number: (410) 336-5514

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

January 26, 2005

Francis X. Borgerding, Jr.
409 Washington Avenue, # 600
Towson, Maryland 21237

Dear Mr. Borgerding:

RE: Case Number: 05-293-A, 8650 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 18, 2004.

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,

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.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
LAL, LLC t/a DQ Grill & Chill Scott Lucas 8650 Pulaski Highway Baltimore 21237

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

December 23, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 20, 2004

Item No.: 252, 291-296, 298-300, 302-304

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: January 21, 2005

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 27, 2004
Item Nos. 291, 293, 294, 296, 297, 299,
300, 301, 302, and 304

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

RWB:CEN:jrb

cc: File

ZAC-12-27-2004-NO COMMENT ITEMS-291-304-01212005

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JDO
DEPRM

DATE: January 19, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 20, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-291

05-293

05-296

05-297

05-299

05-301

05-304

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr *JDO*
DEPRM

DATE: January 24, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 27, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-291
05-293
05-296
05-297
05-299
05-301
05-304

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 31, 2005

RECEIVED

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

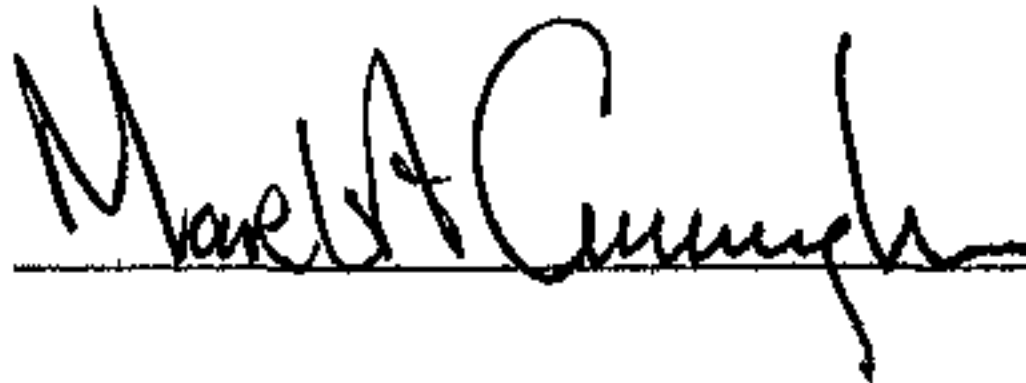
FEB - 1 2005

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-293**

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

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



Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 12.21.04

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

RE: Baltimore County
Item No. 293 JRF

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR VARIANCE
8650 Pulaski Highway; NE corner of
Pulaski Highway & Interstate 695
15th Election & 6th Councilmanic Districts
Legal Owner(s): LAL, LLC t/a DQ Grill
& Chill, Scott Lucas

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-293-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 December, 2004, a copy of the foregoing Entry of Appearance was mailed to, Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

DEC 23 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DATE _____

E-MAIL

scott@windowsoft.com

Thanksgiving

Case No.:

05-293 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A SITE PLAN	1B overhead View of GOLDEN KING MALL
No. 2	EXISTING SIGNS PHOTO'S OF Restaurant	
No. 3	3A - 3E - OTHER CHAIN Locations - Note the sign on 3D - (freestanding) is not requested	
No. 4	with this Petition	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



8650 PULASKI HIGHWAY

200 SCALE ZONING
NE - 4G

293

PETITIONER'S
EXHIBIT _____



Grill Chill

TRY
OUR
ALL NEW
MENU



Grill Chill



**PETITIONER'S
EXHIBIT 3D**



PETITIONER'S

EXHIBIT 3A



Food for
thought

Edits & Treasures

RELIANT'S
EXHIBIT 3B



STENOGRAPHER'S

EXHIBIT

3C

Grill & Chill

Drive
Thru

DEFENDANT'S

EXHIBIT

3E

BALTIMORE COUNTY ZONING REGULATIONS

TABLE OF SIGN REGULATIONS
PERMANENT SIGNS
(continued)

I	II	III	IV	V	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Required	Maximum Area/Face	Maximum No./Premises	Height	Illumination	Additional Limitations
5. ENTERPRISE, meaning an accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization	(a) Wall-mounted; projecting; canopy [Bill No. 117-2003]	B.L., B.M., B.R., C.B., B.L.R., M.L., M.L.R., M.H., M.R., excluding multi-tenant office, retail or industrial building	Use 401	Twice the length of the wall to which the signs are affixed	One in C.B. and M.R., otherwise three, no more than two on each facade	Not applicable	Yes, when the use to which sign is accessory is open, but not in C.B. or M.R.	No single sign larger than 50 square feet in C.B. and M.R., 150 square feet otherwise
	(b) Free-standing	B.L.R., B.M., B.L., B.R., M.L.R., M.R., M.L., M.H., excluding Multi-tenant office, retail or industrial building	Use	75 square feet 100 square feet if premises has more than 300 feet of frontage	One per frontage	25 feet	Yes	See 450.3.5. g
	(c) Awning	B.L., B.M., B.R., C.B., B.L.R.	Use	See Section 450.5.B.1	See Section 450.5.B.1	Not applicable	No	
	(d) Wall-mounted; canopy	On multi-tenant office, retail or industrial building, accessory to separate commercial entity with exterior customer entrance	Use	Two times the length of the wall containing the exterior entrance and defining the space occupied by the separate commercial entity	Entity with separate exterior customer entrance may erect one canopy and one wall-mounted sign	Not applicable	Yes, but in C.B. only when use to which sign is accessory is open	In C.B., area shall not exceed 100 square feet

IN RE: PETITION FOR VARIANCE

NW/S Pulaski Highway, 690' NE of the c/l
I-695; S/S Philadelphia Rd.
(8640 Pulaski Highway)
15th Election District
7th Council District

Golden Ring II, LLC, Property Owners;
Office Depot, Inc., Contract Lessees

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-326-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 owners of the subject property, Golden Ring II, LLC, and the Contract Lessees, Office Depot, Inc., through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners seek relief from Section 450.4.5.d of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an enterprise sign on the rear façade of the building on which no wall-mounted enterprise signs are permitted by right. 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 Ron Riddick, on behalf of Office Depot, Inc., Contract Lessees; Bruce E. Doak, who prepared the site plan for this property; and, Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located between Philadelphia Road and Pulaski Highway, east of the Baltimore Beltway (I-695) and west of Rossville Boulevard in Rosedale. The property contains a gross area of 10.580 acres more or less, zoned B.M. and was formerly the site of the Golden Ring Mall. Much of the mall infrastructure has been razed and the parcel is being redeveloped with a series of "big box" tenants, including a Home Depot, Montgomery Ward, Sam's Club, and a Wal-Mart. Generally, the area is commercial/industrial/retail in character, owing to its location near major

arterial roads in this area of Baltimore County. Vehicular access to the center at large is by way of curb cuts in both Pulaski Highway to the east and Philadelphia Road (Maryland Route 7) to the west.

The undersigned Zoning Commissioner is familiar with the subject site by virtue of recent zoning Petitions filed for other tenants on this site. For example, variance relief was granted for a sign for the Wal-Mart store in prior Case No. 02-488-A. In companion Case No. 02-486-A, similar relief was requested and granted for the proposed Sam's Club warehouse store. In any event, the subject Petition is brought by Office Depot, Inc., which is relocating from across Pulaski Highway into a portion of an existing two-story building on the subject site. The large parking field that serves this center and the other tenants, including Sam's Club, Wal-Mart and Home Depot, is located to the rear of this two-story building. As shown on the site plan, the entrance to the Office Depot store will face Pulaski Highway and thus, will not be visible to the main parking area and the other tenants. The Petitioners propose placing a sign in approximately the center of the rear wall of the existing building facing the large parking field and the other big box tenants. The Petitioners testified that the sign is necessary to advise potential customers that the Office Depot store is located on the other side of the shopping center. A schematic representation of the sign is shown on the site plan.

An adverse Zoning Advisory Committee (ZAC) comment was received from the Office of Planning, indicating they do not support the request. The comment indicates that the proposed sign may be confusing in that the store will be located on the northeast corner of the building, on the opposite side from where the sign will be located. This comment was discussed at the hearing. The Petitioner recognizes that the sign is not proposed at the entrance to the store; however, believes that the sign is warranted in order to attract patrons of the other stores which face the primary parking field. Testimony indicated that the sign could be located further towards the northwestern corner of the rear of the building to direct patrons; however, it was neither feasible nor practical to have pole signs or other means of direction.

I have considered this issue carefully and although I am appreciative of the Office of Planning's comment, I believe that variance relief is warranted in this case. The uniqueness of this site is its significant area and the fact that it is accessed by two main roads. As noted above, the primary parking field is central to the site and located to the rear of the Office Depot store. A sign to advise customers of the store's location and entrance on Pulaski Highway is appropriate. It is clear that the proposal will not detrimentally impact adjacent properties in that the sign will face the parking lot and other businesses and will not be visible from public roads. Moreover, there are no residences that will be impacted.

Based upon the testimony and evidence offered, I am persuaded to grant the variance. It is clear that strict compliance with the regulations will result in a practical difficulty and unreasonable hardship for the Petitioners. Moreover, I find that there will be no detrimental impact to adjacent properties and that the relief requested 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 set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of March 2003 that the Petition for Variance seeking relief from Section 450.4.5.d of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an enterprise sign on the rear façade of the building on which no wall-mounted enterprise signs are permitted by right, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



99 S.F.

EAST ELEVATION

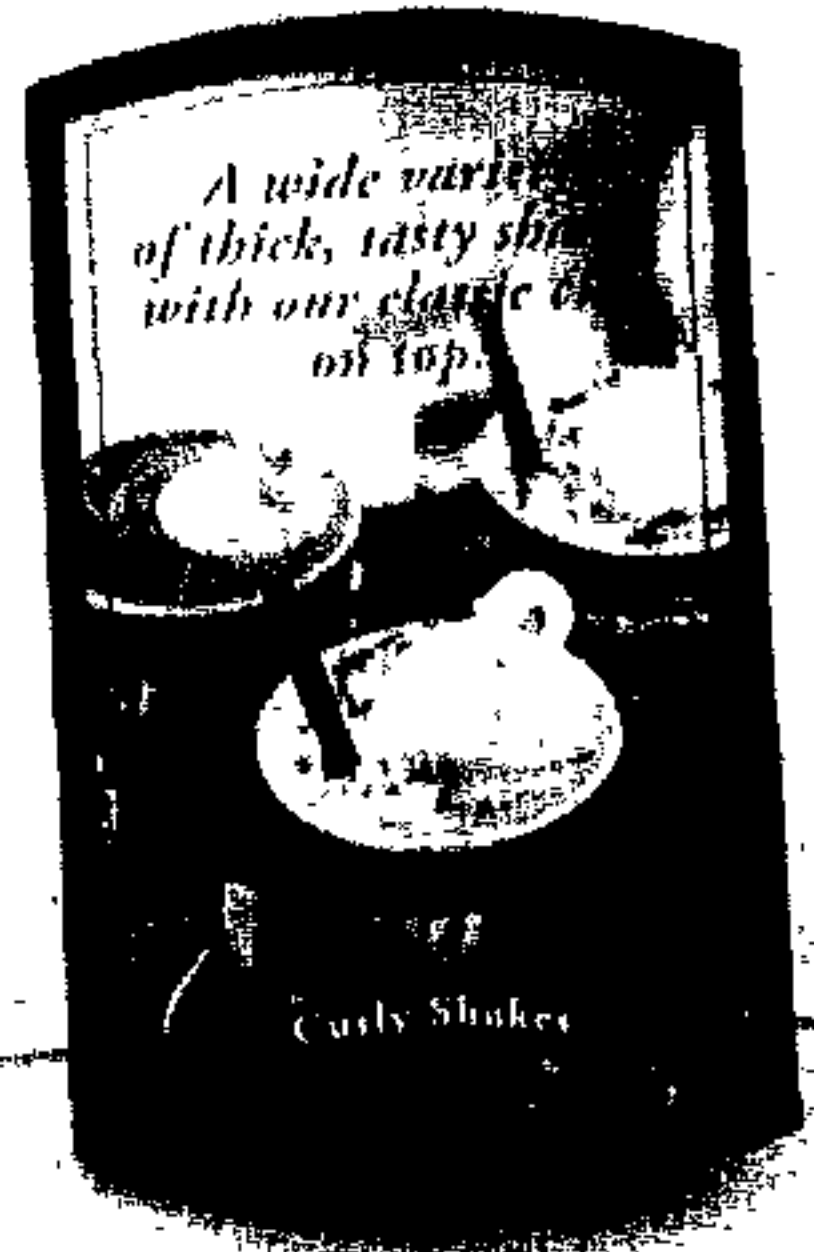


EAST ELEVATION



30.02
SF.

WEST ELEVATION



45.03
SF.



WEST ELEVATION

#293

← M 100' WALL

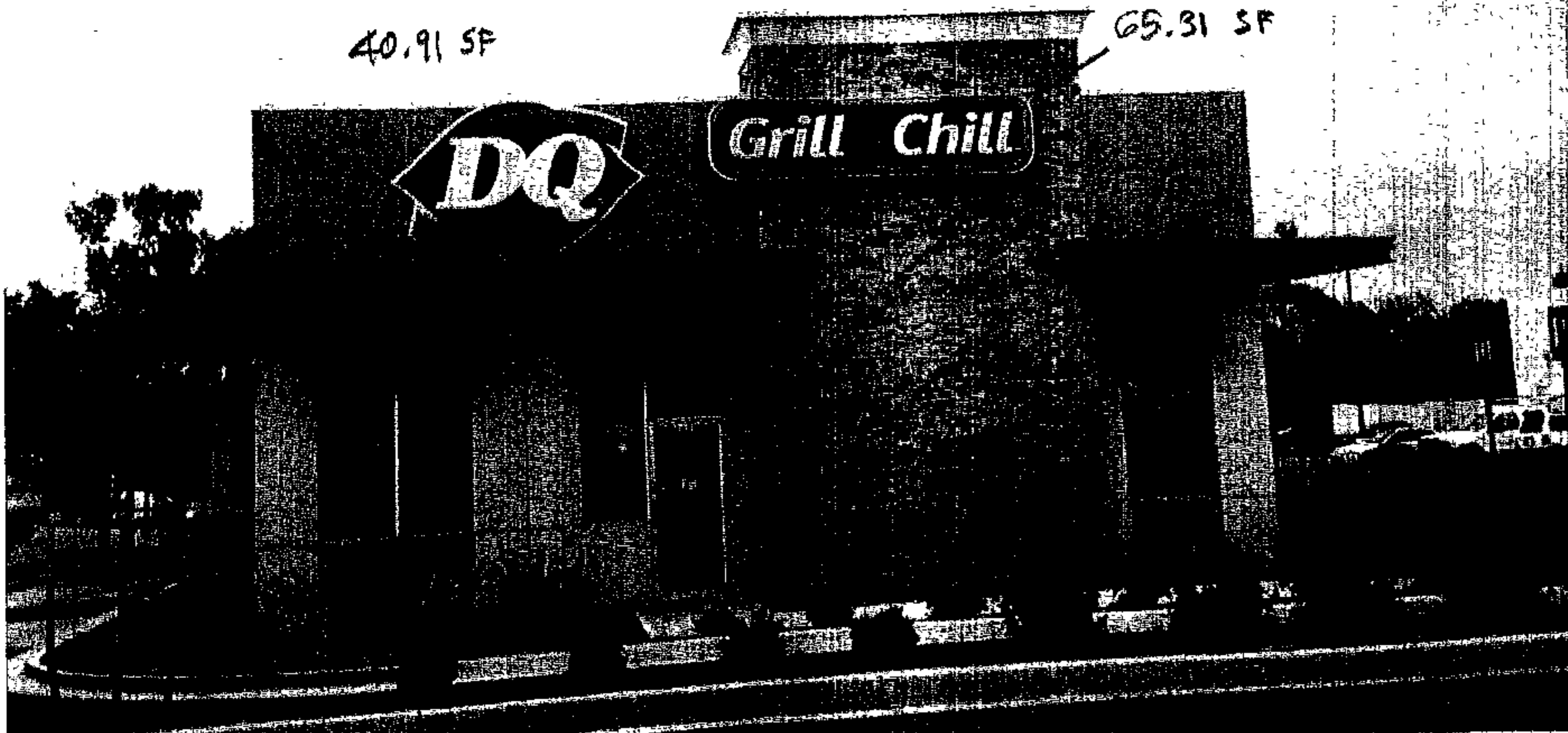


EAST ELEVATION

K 40' K

40.91 SF

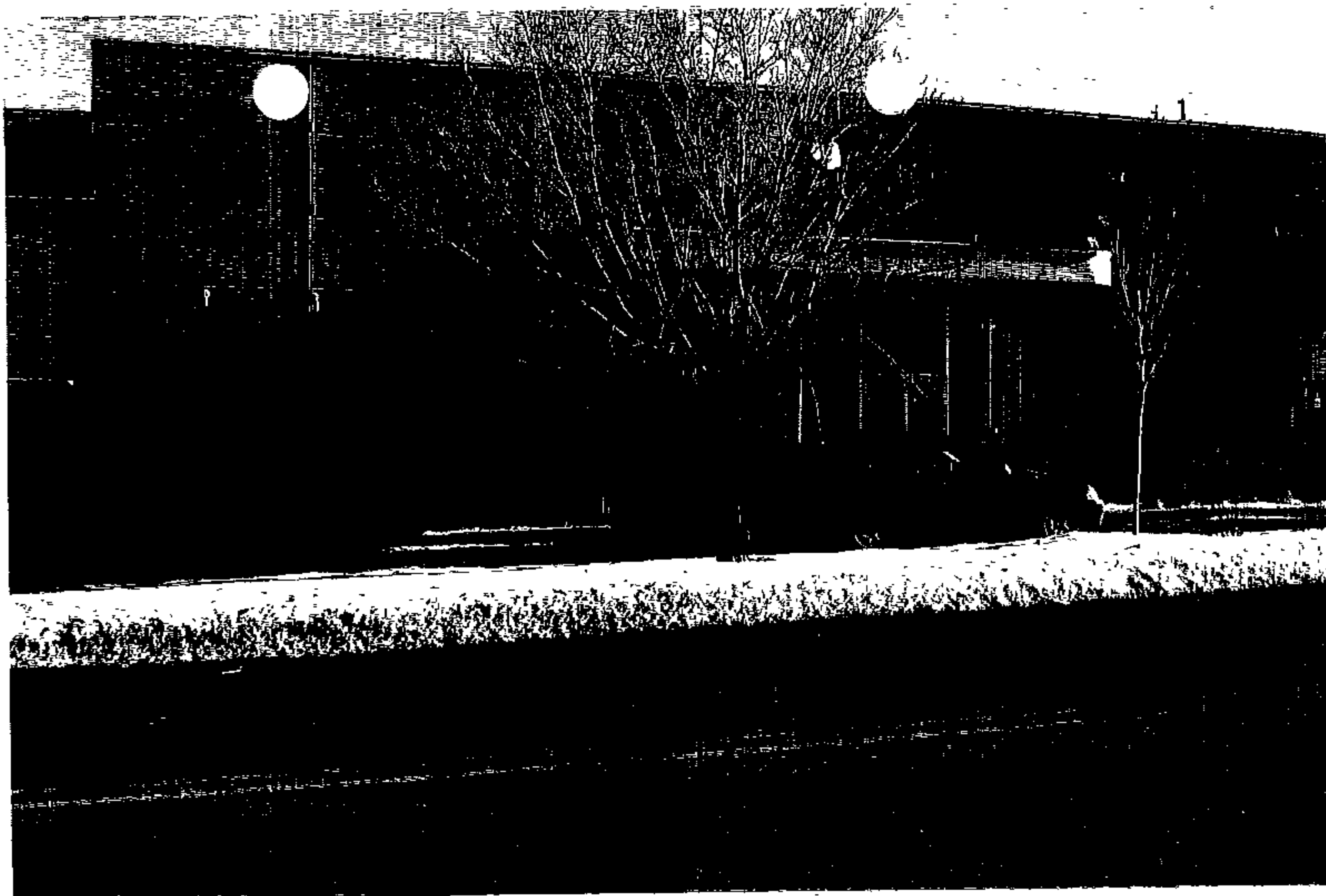
65.31 SF



FRONT ELEVATION

#293

2A



2B