IN RE: PETITION FOR VARIANCE W/S of Middle River Road, 260 ft. N centerline of Orems Road 15th Election District 6th Councilmanic District **(1431 Fuselage Avenue)** Taco Bell of America, Inc.	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY CASE NO. 05-568-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the property, Taco Bell of America, Inc., the Petitioner. The Petitioners are requesting variance relief for property located at 1431 Fuselage Avenue in the eastern area of Baltimore County. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. from Section 450.4.5.a, to permit six (6) enterprise signs on the building facades in lieu of the permitted three (3) signs (Signs #1, #2, #3, #4, #5 and #6);

2. from Section 450.5.B.3.b, to permit erection of the sign above face of the canopy in lieu of its erection on the face of canopy (Signs #2, #4 & #6); and

3. from Section 450.5.B.9.b, to permit a portion of the sign to extend above the parapet (Signs 1, #3 and #5).

The property was posted with Notice of Hearing on June 3, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 2, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the

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Date 6/21/05
By

subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None

Interested Persons

Appearing at the hearing on behalf of the variance request were Iwona Zarska, Licensed Engineer and Bhasat Parikh, project manager for the corporate Petitioner. Brian M. Quinn, Esquire represented the Petitioners. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Quinn proffered that this property has been the subject of two prior variance cases, 01-217-A which granted a parking variance among other relief and 05-202-A which granted certain dimensional and sign relief associated with the conversion of this Taco Bell Restaurant into a dual brand restaurant, namely "Taco Bell" and "Long John Silver". Accordingly, the signage needed to announce both brands was proposed and approved in the last zoning case.

Mr. Quinn indicated that Taco Bell had made a new corporate decision. While they still intended to substantially renovate the restaurant, which has operated as a Taco Bell restaurant for more than 20 years at this location, the corporation determined that only Taco Bell products would

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be sold from this location. Consequently, the need to revise the signage once again. Apparently the reconstruction of the restaurant is underway.

Ms. Zarska pointed out that the signage requested in this case is actually less area and there are fewer total number of signs than previously approved in the sense that all the Long John Silver signs would be eliminated. The first request is for one more enterprise sign. The Taco Bell signs consist of the bell symbol and the words "TACO BELL". Each is considered a sign. Five such signs were previously granted in Case No. 05-202-A and the Petitioner now requests six. Three are allowed. See Petitioner's Exhibit 1 for sign details. Ms. Zarska noted that the Petitioner would like to have signage on three sides of the building so that customers from the shopping center behind the restaurant, and travelling along Middle River Road, and Martin Boulevard could find the restaurant.

The second request involves the configuration of these same signs. Instead of having the words "TACO BELL" on the face of the three canopies, the Petitioner would like to mount these three signs above the face of the canopy. Two such signs had previously been approved. The third request is for a portion of three bell symbol signs to extend above the parapet. Again one such sign was approved previously. The reason for the last two requests is simply to conform to the national Taco Bell signage campaign requirements.

Ms. Zarska recalled the prior testimony that the property had been granted a variance in Case No. 01-217-A allowing 37 parking spaces in lieu of the required 49, variances concerning the drive-thru and from provisions of the Landscape Manual. The Petitioner requests confirmation of the previously granted variances. Consequently, the Plan to Accompany assumes that variances 2 through 7 of Case No. 01-217-A remain in effect. Only variance 1 and 8 were modified in Case No. 05-202-A. Similarly, the Petitioner requested confirmation of the modification of the number of parking spaces from 49 required to 54 required because of the slightly larger building. As before, 37 spaces can be provided.

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Ms. Zarska again indicated that the lot was oddly shaped by nearly enclosing an existing dental office on Middle River Road. This greatly limits the parking spaces and traffic flow on this side of the building and she indicated that the property was unique in a zoning sense. She noted, however, that parking is shared with the adjacent Food Lion grocery store and the dental office, so that overall the center provides 240 spaces in lieu of 248 spaces required. She further opined that the owner would suffer practical difficulty if the variances were denied and that this difficulty is caused by the uniqueness of the property. Finally, she noted that the present condition of the building is not good, having been used as a restaurant for these past 20 + years, and the new building would be an improvement to the neighborhood. Mr. Parikh noted that the proposed upgrade would be a $1.2 million investment by the parent company and is underway. However, Ms. Rostek-Zarska noted that although more signs are being requested then allowed under the regulations, the square footage of all the signs is well within the square footage allowed by the regulations.

The Petitioner indicated that the proposed signage met the spirit and intent of the sign regulations. She noted that there was similar signage through the area announcing the commercial uses therein. As such these signs would not be detrimental to the community.

Findings of fact and conclusions of law

I find once again that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I agree the lot is oddly shaped. The existing building is located behind the dental office, which makes it very difficult to provide parking and traffic flow. I also find that strict compliance with the regulations would result in practical difficulty or unreasonable hardship. The signs conform to the national Taco Bell Corporate plan.

Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. I accept the Petitioner's need to announce the restaurant to the public

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By

and to present a nationally consistent signage in so doing. The square footage area of the proposed signs are within the regulations but this area is broken up into more signs at the site then allowed under the regulations. As such, I find the proposed signage meets the spirit and intent of the sign regulations and will not be a detriment to the community on this site, which has been a restaurant for more the twenty years.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this 21 day of June, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. from Section 450.4.5.a, to permit six (6) enterprise signs on the building facades in lieu of the permitted three (3) signs (Signs #1, #2, #3, #4, #5 and #6);

2. from Section 450.5.B.3.b, to permit erection of the sign above face of the canopy in lieu of its erection on the face of canopy (Signs #2, #4 & #6); and

3. from Section 450.5.B.9.b, to permit a portion of the sign to extend above the parapet (Signs 1, #3 and #5).

be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

PROCESS RECEIVED FOR FILING
Date 6/21/05
By

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

June 21, 2005

Brian M. Quinn, Esquire
6225 Smith Avenue
Baltimore, Maryland 21209-3600

Re: Petition for Variance
Case No. 05-568-A
Property: 1431 Fuselage Avenue

Dear Mr. Quinn:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Bharat Parikh, 7250 Parkway Drive, Hanover, MD 21076
Iwona Rostek-Zarska, 222 Schilling Circle, Suite 105, Hunt Valley, MD 21030

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1431 Fuselage Avenue

which is presently zoned BM

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 ATTACHMENT NO. 1

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

SEE ATTACHMENT NO. 2

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

Legal Owner(s):

Taco Bell of America, Inc.
Name - Type or Print

Signature

Bharat Parikh, Construction Manager
Name - Type or Print

Signature

7250 Parkway Drive — (410) 712-0500 (x102)
Address — Telephone No.

Hanover, MD 21076
City — State — Zip Code

Attorney For Petitioner:

Paul A. Tiburzi
Brian M. Quinn
Name - Type or Print

Signature

Piper Rudnick LLP
Company

6225 Smith Avenue — (410) 580-3000
Address — Telephone No.

Baltimore, MD 21209-3600
City — State — Zip Code

Representative to be Contacted:

Iwona Rostek-Zarska, BLDG, Inc.
Name

222 Schilling Circle — (410) 229-9851 (x104)
Address Suite 105 — Telephone No.

Hunt Valley, MD 21030
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 5-5-05

DROP OFF

Case No. 05-568-A

REV 9/15/98

CASE NUMBER

Attachment No. 1

Sign Requests*

1. VARIANCE FROM SECTION 450.4.5.a OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT SIX (6) ENTERPRISE SIGNS ON THE BUILDING FACADES IN LIEU OF THE PERMITTED THREE (3) SIGNS (SIGNS #1, #2, #3, #4, #5, AND #6).

2. VARIANCE FROM SECTION 450.5.B.3.b OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT ERECTION OF THE SIGN ABOVE FACE OF THE CANOPY IN LIEU OF ITS ERECTION ON THE FACE OF CANOPY (SIGNS #2, #4 & #6).

3. VARIANCE FROM SECTION 450.5.B.9.b OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A PORTION OF THE SIGN TO EXTEND ABOVE THE PARAPET (SIGNS #1, #3, AND #5).

* The three sign variance requests listed above are intended to modify the plan and three (3) of the six (6) sign variances previously granted by the Baltimore County Deputy Zoning Commissioner through an order dated December 7, 2004 in Case No.: 05-202-A. *See*, December 7, 2004 Order enclosed herein ("Previous Order"). Specifically, Sign Requests Nos. 1, 2 and 3 above are intended to modify Sign Requests Nos. 1, 5 and 6, respectively, of the Previous Order. Moreover, the current Petition requests confirmation that all site variances granted through the Previous Order remain in effect.

Request No. 1 above requests authorization for one (1) enterprise sign in addition to the total approved in the Previous Order (i.e., 6 total enterprise signs instead of 5).

Request No. 2 above requests authorization to permit one (1) additional sign (for a total of three (3) signs) to be erected above the face of the canopy (in lieu of its erection on the face of the canopy). The Previous Order authorized the erection of two (2) signs above the face of the canopy.

Request No. 3 above requests authorization for two (2) additional signs (for a total of three (3) signs) to extend above the parapet. on the face of a canopy landscape buffer of 1 foot in lieu of the required 20 feet. The Previous Order authorized one (1) sign to extend above the parapet.

05-568-A

Attachment No. 2

1. due to constraints caused by the location of existing buildings on the lot and the unique configuration of the property, the petitioner requests relief from certain sections of Section 450 (B.C.Z.R.) ("Signs") and requests authority to install certain additional signs to allow petitioner to effectively advertise its location to the public;
2. due to the unique configuration of the property and the location of existing buildings on the lot, the petitioner faces a practical difficulty in complying with certain sections Section 450 (B.C.Z.R.) ("Signs") and, as such, requests relief from certain requirements contained therein.

05-568-A

DESCRIPTION TO ACCOMPANY ZONING PETITION
1431 FUSELAGE AVENUE, MIDDLE RIVER, MARYLAND 21220
15TH ELECTION DISTRICT

March 24, 2005

Beginning at a point on the west side of Middle River Road (60' wide) said point being northerly 260 feet, more or less, from the centerline of Orems Road (60' wide) thence running the following courses and distances:

1. South 05° 50' 00" East 34.89 feet, more or less, to a point; thence,
2. North 79° 08' 00" West 76.38 feet, more or less, to a point; thence,
3. South 10° 52' 00" West 20.00 feet, more or less, to a point; thence,
4. South 79° 08' 00" East 82.38 feet, more or less, to a point; thence,
5. South 05° 50' 00" East 68.59 feet, more or less, to a point; thence,
6. North 86° 40' 13" West 85.47 feet, more or less, to a point; thence,
7. South 69° 46' 05" West 162.42 feet, more or less, to a point; thence,
8. North 03° 13' 45" East 195.60 feet, more or less, to a point; thence,
9. North 84° 30' 00" East 55.44 feet, more or less, to a point; thence,
10. South 79° 15' 00" East 155.00 feet, more or less, to a point; thence,
11. North 64° 00' 00" East 7.35 feet, more or less, to the point of beginning.
    Containing 32, 470 square feet or 0.7454 acres of land, more or less. Known as 1431 Fuselage Avenue located in the 15th Electric District of Baltimore County, Maryland.

This description is intended for zoning purposes only and shall not be used for conveyance of land.

BOARD FOR PROFESSIONAL ENGINEERS
21245
MONA ROSTEK-ZARSKY
STATE OF MARYLAND
3/24/05

Mona Rostek-Zarsky

05-568-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 443698

DATE 5/5/05 ACCOUNT R-001-006-6150

AMOUNT $325.00

RECEIVED FROM: Taco Bell

FOR: Variance - 05-568-A

1431 Fuselage Avenue (Taco Bell of America, Inc)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	BAT
5/05/2005	5/05/2005	10:20:13	4

ITEM NO. 005 WALKIN CASH RCPT
RECEIPT # 357212 5/05/2005 DRWR
Acct 5 520 ZONING VERIFICATION
PR NO. 443698
Recpt Tot $325.00
$325.00 CR $.00 CA
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: #05-568-A
1431 Fuselage Avenue
W/side of Middle River Road, 260 feet north of Orems Road
15th Election District — 6th Councilmanic District
Legal Owner(s): Taco Bell of Amercia

Variance: to permit (six) 6 enterprise signs on the building facades in lieu of the permitted three (3) signs, to permit erection of the sign above face of the canopy in lieu of its erection on the face of the canopy and to permit a portion of the sign to extend above the parapet.

Hearing: Monday, June 20, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.

6/040 June 2 53500

CERTIFICATE OF PUBLICATION

6/2/, 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 6/2/, 2005.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: June 3, 2005

RE: Case Number: 05-568-A

Petitioner/Developer: Taco Bell of America

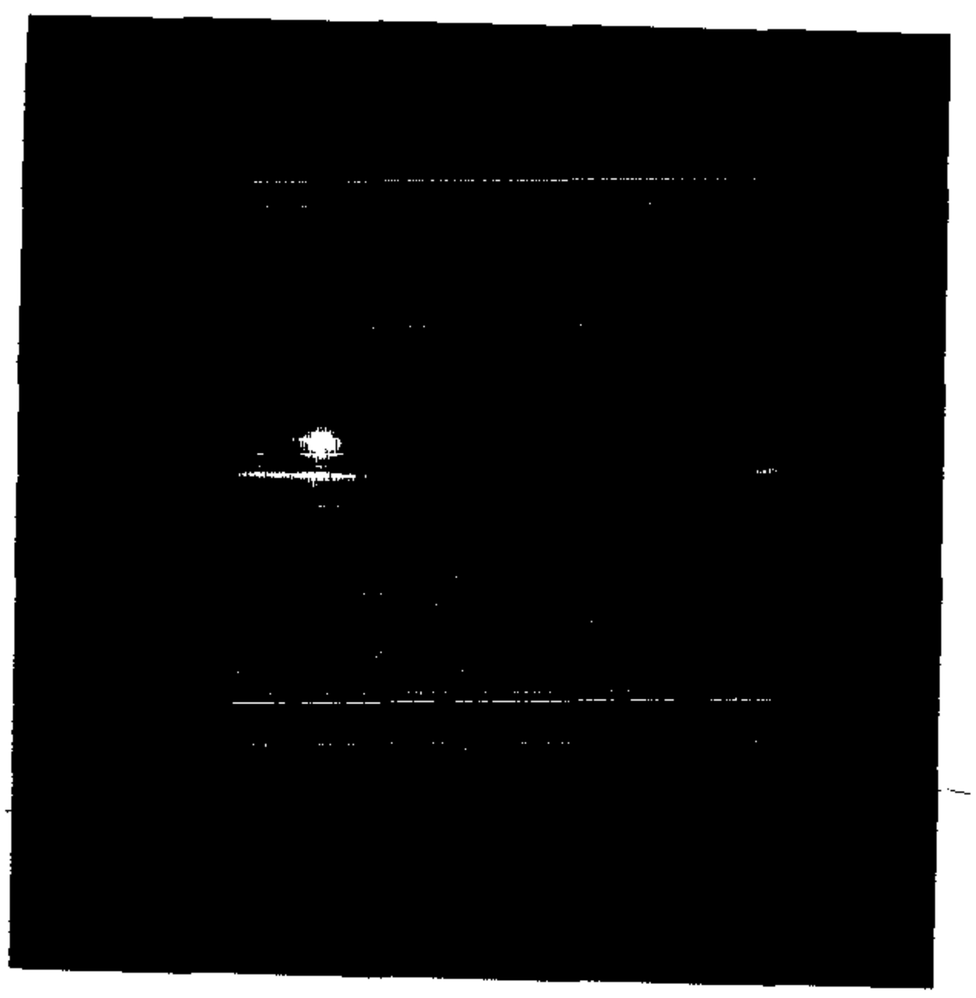
Date of Hearing/Closing: Monday, June 20, 2005 9AM

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

1431 Fuselage Avenue

The sign(s) were posted on June 3, 2005
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)



J. Lawrence Pilson
(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

(410) 527-1555
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 2, 2005 Issue - Jeffersonian

Please forward billing to:
Brian Quinn 410-580-3000
Piper Rudnick, LLP
6225 Smith Avenue
Baltimore, MD 21209-3600

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: 05-568-A
1431 Fuselage Avenue
W/side of Middle River Road, 260 feet north of Orems Road
15th Election District – 6th Councilmanic District
Legal Owners: Taco Bell of America

Variance to permit (six) 6 enterprise signs on the building facades in lieu of the permitted three (3) signs, to permit erection of the sign above face of the canopy in lieu of its erection on the face of the canopy and to permit a portion of the sign to extend above the parapet.

Hearing: Monday, June 20, 2005 at 9:00 a.m. Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
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.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel. 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

May 18, 2005

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: 05-568-A
1431 Fuselage Avenue
W/side of Middle River Road, 260 feet north of Orems Road
15th Election District – 6th Councilmanic District
Legal Owners: Taco Bell of America

Variance to permit (six) 6 enterprise signs on the building facades in lieu of the permitted three (3) signs, to permit erection of the sign above face of the canopy in lieu of its erection on the face of the canopy and to permit a portion of the sign to extend above the parapet.

Hearing: Monday, June 20, 2005 at 9:00 a.m. Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Paul A. Tiburzi, Brian Quinn, Piper Rudnick, LLP, 6225 Smith Avenue, Baltimore 21209
Bharat Parikh, 7250 Parkway Drive, Hanover 21076
Iwona Rostek-Zarska, 222 Schilling Circle, Ste. 105, Hunt Valley 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 4, 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: 05-568-A

Petitioner: Taco Bell of America, Inc.

Address or Location: 1431 Fuselage Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian M. Quinn Piper Rudnick, LLP

Address: 6225 Smith Avenue

Baltimore, MD 21209-3600

Telephone Number: (410) 580-3000

Revised 2/20/98 - SCJ

DROP OFF

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

June 10, 2005

Paul A. Tiburzi
Brian A. Quinn
Piper Rudnick, LLP.
6225 Smith Avenue
Baltimore, Maryland 21209-3600

Dear Mr. Tiburzi and Mr. Quinn:

RE: Case Number: 05-568-A, 1431 Fuselage Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 5, 2005.

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

WCR: clb

Enclosures

c: People's Counsel
Taco Bell of America, Inc. Bharat Parikh 7250 Parkway Drive Hanover 21076
Iwona Rosteck-Zarski 222 Schilling Circle, Ste. 105 Hunt Valley 21030

Printed on Recycled Paper

DLA PIPER RUDNICK GRAY CARY

Brian M. Quinn
T 410.580.4238 F 410.580.3238
brian.quinn@dlapiper.com

DLA Piper Rudnick Gray Cary US LLP
6225 Smith Avenue
Baltimore, MD 21209-3600

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

May 23,2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No. 568,570,571,573,574,575,576,577,579,580,581,582

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

The Fire Department has no comments at this time.
If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 25, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2005
Item Nos. 568, 570, 571, 573, 575, 576, and 577

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-05252005.doc

6/20

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

JUN 14 2005

ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: June 14, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 23, 2005

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

05-568 - JM 6/20
✓05-571 5/30 AV
✓05-573 5/30 AV
✓05-574 6/6 AV
✓05-575 6/6 AV
✓05-576 6/6 AV
✓05-577 6/6 AV
05-580 - 6/20
05-581 - 6/30
05-582 - 6/30

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 3, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-568**

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

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\nocomment.doc

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

State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 5.20.05

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

RE: Baltimore County
Item No. 568 JMP

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration 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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 1431 Fuselage Avenue; W/side Middle River Road, 260' N Orems Road 15th Election & 7th Councilmanic Districts Legal Owner(s): Taco Bell of America, Inc, Bharat Parikh, Construction Manager Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-568-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 20th day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to, Iwona Rostek-Zaska, BLDG, Inc, 222 Schilling Circle, Hunt Valley, MD 21030,and Paul A Tiburzi and Brian M. Quinn, Piper Rudnick, LLP, 6225 Smith Avenue, Baltimore, MD 21209-3600 Attorney for Petitioner(s).

RECEIVED
MAY 20 2005
Per.....

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

DLA PIPER RUDNICK GRAY CARY

6225 Smith Avenue
Baltimore, Maryland 21209-3600
main 410.580 3000 *fax* 410.580.3001

BRIAN M. QUINN
brian.quinn@piperrudnick.com
direct 410.580.4238

April 4, 2005

VIA HAND DELIVERY

Timothy M. Kotroco, Director
Baltimore County Department of Permits and Development Management
Suite 105
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Variance – Amendment to Previous Sign Variance
W/S Middle River Road, 260' N of the
c/l Fuselage Avenue & Orems Road
(1431 Fuselage Avenue)
15th Election District -- 5th Council District
Yum Brands, Inc. - Petitioners

Dear Mr. Kotroco:

Enclosed for "drop-off" filing on behalf of petitioner, Yum Brands, Inc. ("Petitioner"), is a petition for variance (the "Petition") with respect to the property and improvements located at 1431 Fuselage Avenue in Middle River (the "Property"). This Petition is intended to amend the previous plan and all information and details related only to the signage variances granted to the Property through the enclosed December 7, 2004 Order of the Deputy Zoning Commissioner in Case No. 05-202-A (the "Previous Order"). The current Petition requests confirmation that all site variances granted through the Previous Order (and all prior applicable variances and orders concerning the Property) remain in effect.

This filing contains the filing fee and sufficient originals and copies in compliance with the County's petition filing guidelines. Kindly consider the Petition as a "drop-off" filing. The Petitioner respectfully requests an expedited review of this filing.

APR - 5 2005
05-490

DROP-OFF 05-568-A

Please contact myself or Iwona Rostek-Zarska at (410-229-9851 x104) with any questions concerning this Petition. Kindly date-stamp the extra copy of this cover letter and return with the courier. Thank you for your consideration.

Very truly yours,

Brian M. Quinn

/bmq
Enclosures

cc: Bharat Parikh, Yum Brands, Inc. (w/o enclosures)
Iwona Rostek-Zarska, BLDG, Inc. (w/o enclosures)

05-568-A

DLA PIPER RUDNICK GRAY CARY

DLA Piper Rudnick Gray Cary US LLP
The Marbury Building
6225 Smith Avenue
Baltimore, Maryland 21209-3600
T 410.580.3000
F 410.580.3001
W www.dlapiper.com
BRIAN M. QUINN
brian.quinn@dlapiper.com
T 410.580.4238

Facsimile

Date: May 9, 2005

To:	*Phone:*	*Fax:*
Jeff Perlow Baltimore County		410-887-5708

Original ☐ will / ☒ will not follow. Pages *(including fax sheet)*: 2

Comments:

Re: *Case No. 05-568A – Petition for Variance (1431 Fuselage Ave. & Orems Road)*

Jeff:

I enclose an electronic copy of a limited power of attorney on behalf of Yum Brands, Inc. to Bharat K. Parikh (Construction Manager). Mr. Parikh executed the above-captioned variance petition filed on April 4, 2005. Mr. Parikh also executed previous the last two variance petitions (for the same location) filed on behalf of Yum Brands in 2003 and 2004. I am searching our closed files and I should receive a hard copy original of this power of attorney either today or tomorrow and I will send it to you ASAP.

Please contact me if you have any questions. Thank you.

The information contained in this facsimile message is confidential and, if addressed to our client or certain counsel, is subject to the attorney-client or work product privilege. This message is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U. S. Postal Service.

Serving clients globally

~BALT1:4163790.v1 |5/9/05
27282-12

Writer's Direct Phone: 949-863-4670
Writer's Direct Fax: 949-863-3801
Writer's E-Mail: bryce.shirley@yum.com

May 6, 2005

To Whom It May Concern:

Please be advised that Bharat K. Parikh, Construction Manager, is authorized on behalf of KFC of America, Inc., LJS Restaurants, Inc., Pizza Hut of America, Inc. and Taco Bell of America, Inc. to execute, acknowledge and deliver applications, petitions and related documents to apply for utility services and to secure building permits, zoning variances and any related approvals with regard to the development of KFC, Long John Silver's, Pizza Hut or Taco Bell restaurants in Maryland, Virginia or West Virginia.

Please contact me should you have any questions or require additional information.

Very truly yours,

R. Bryce Shirley
Managing Counsel

RBS/bs

05/09/2005 10:01

=== COVER SHEET ===

TO: _____

FROM: DLAPRGC US LLP

FAX#: 5155

TEL#:

COMMENT:

IN RE: PETITION FOR VARIANCE W/S of Middle River Road, 260 ft. N centerline of Orems Road 15th Election District 7th Councilmanic District **(1431 Fuselage Avenue)** Taco Bell of America, Inc., By: Bharat Parikh *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-202-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Taco Bell of America, Inc., by Bharat Parikh, the Petitioners. The Petitioners are requesting variance relief for property located at 1431 Fuselage Road in the Middle River area of Baltimore County. Variance relief is requested to allow 37 parking spaces in lieu of the required 54 spaces, to allow 1 foot landscape buffer in lieu of the required 20 ft., to permit five (5) enterprise signs on the building facades in lieu of the permitted three (3) signs, to permit three (3) enterprise signs on the front of the building façade in lieu of the permitted two (2) signs, to permit "canopy" directional signs in lieu of the permitted "wall mounted" or "freestanding signs", to permit sign/face area of 9.83 sq. ft. for directional sign in lieu of the permitted 8.0 sq. ft., to permit erection of the sign of the above face of the canopy in lieu of its erection on the face of canopy, and to permit a portion of the sign to extend above the parapet.

The property was posted with Notice of Hearing on November 12, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 16, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

PLEASE RETURN TO FILE
DATE 12/7/04
BY

05-568-A

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated December 1, 2004, a copy of which is attached hereto and made a part hereof

Interested Persons

Appearing at the hearing on behalf of the variance request were Iwona Rostek-Zarska, civil engineer, and Bhasat Parikh on behalf of Petitioners. Brian M. Quinn, Esquire represented the Petitioners. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Quinn proffered that the subject site has been improved by a Taco Bell restaurant for the past 20 years. The parent corporation has determined that this restaurant should be upgraded to serve both Taco Bell and now Long John Silver food lines from the same location. The requests for variance arise from that change.

The property had been granted a variance in Case No. 01-217-A. This variance involved allowing 37 parking spaces in lieu of the required 49, variances concerning the drive-thru and from

LEGAL RECEIVED FOR FILING 12/7/04

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provisions of the Landscape Manual. Apparently, Taco Bell's intention at the time was to raze the building and replace it with a larger one. The parking and traffic control were to be upgraded. However, corporate plans changed and the new larger building was never erected. Consequently, the existing Taco Bell restaurant is now three years older and it, rather than the new larger building, becomes the baseline for these requests. The Petitioner requested, however, that unless modified herein, the requirements of the order in Case No. 01-217-A continue to apply. Consequently, the Plan to Accompany assumes that variance 2 through 7 of the prior order remain in effect. Only variance 1 and 8 would be modified.

The first modification comes from the need to have a slightly larger building than proposed in the 2001 Plan to Accompany. The building would be 350 sq. ft. larger due the need for kitchen and service facilities. This raises the number of parking spaces from 49 required to 54 required. As before, 37 spaces can be provided. See Petitioner's Exhibit 1. However, whereas the 2001 design seated 72 customer, this design seats 60.

The Petitioner's engineer noted that she redesigned and improved the parking on the site compared to the existing conditions. By doing so she was able to pry another one foot for the landscape buffer required by the Landscape Manual which would be in lieu of the required 20 ft. of buffer width. She noted that the prior variance allowed a zero foot buffer so that the present proposal is slightly better than that previously granted.

Ms. Rostek-Zarska indicated that the lot was oddly shaped by nearly enclosing an existing dental office on Middle River Road. This greatly limits the parking spaces and traffic flow on this side of the building. In addition, the building is located close to the right-of-way for Martin Boulevard from which there is no access. Again, as a result there can be no parking on this side of the building. As a result, she indicated the property was unique in a zoning sense. She noted, however, that parking is shared with the adjacent Food Lion grocery store and the dental office, so that overall the center provides 240 spaces in lieu of 248 spaces required. She further opined that

ORDER RECEIVED FOR FILING
Date 12/7/05
By

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the owner would suffer practical difficulty if the variances were denied and that this difficulty is caused by the uniqueness of the property. Finally, she noted that the present condition of the building is not good, having been used as a restaurant for these past 20 + years, and the new building would be an improvement to the neighborhood. Mr. Parikh noted that the proposed upgrade would be a $1.2 million investment by the parent company. In addition, traffic flow would be greatly improved.

The remaining variances arise because of the need to announce two food lines rather than one to the public. Testimony indicated that the signage requested reflects the standard dual line signage for these restaurants, which the parent company is implementing nationally. The six signage variances requested are shown on Petitioner's Exhibit 1B and Exhibit 3. For example, the Petitioner requests five enterprise signs, three on the front façade, one on the right and one on the left façade in their first two variance requests. The regulations allow three enterprise signs total and only two signs on a building facade. Testimony indicated these were needed to announce the two food lines to the public. However, Ms. Rostek-Zarska noted that although more signs are being requested then allowed under the regulations, the square footage of all the signs is well within the square footage allowed by the regulations.

The remaining requests involve canopy signs, signs located above the canopy and a parapet. These requests stem from the style of signage requested by the national program and are technical in nature. Finally, although the directional signs are of proper number and design, they are slightly larger than allowed, i.e., 9.5 sq. ft. in lieu of 8 sq. ft. The engineer noted these larger signs improved traffic flow and safety for the public.

Taken together, the Petitioner indicated that the proposed signage met the spirit and intent of the sign regulations, which were needed to announce the two food lines. She noted that there was similar signage through the area announcing the commercial uses therein. As such these signs would not be detrimental to the community.

ORDER RECEIVED FOR FILING
Date 12/7/05
By

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Findings of fact and conclusions of law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I agree the lot is oddly shaped. The existing building is located behind the dental office, which makes it very difficult to provide parking and traffic flow. I also find that strict compliance with the regulations would result in practical difficulty or unreasonable hardship. There is no other location on the lot to place more parking. The two food brands need a slightly larger restaurant so there is a slight increase in the number of spaces requires.

Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. I accept proffered testimony that parking is shared with the adjacent Food Lion and dental office and that overall the center is only slightly below parking requirements. I also note that the prior variance was based on 72 persons being served and that, in fact, the Petitioner is planning 60 persons being served even with the two food lines being offered.

In regard to the signage, I accept the Petitioner's need to announce the two food lines to the public and to present a nationally consistent signage in so doing. The square footage area of the proposed signs are within the regulations but this area is broken up into more signs at the site then allowed under the regulations. As such, I find the proposed signage meets the spirit and intent of the sign regulations and will not be a detriment to the community on this site, which has been a restaurant for more the twenty years.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this 7 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief: to allow 37 parking spaces in lieu of

05-568-A

the required 54 spaces, to allow 1 foot landscape buffer in lieu of the required 20 ft., to permit five (5) enterprise signs on the building facades in lieu of the permitted three (3) signs, to permit three (3) enterprise signs on the front of the building façade in lieu of the permitted two (2) signs, to permit "canopy" directional signs in lieu of the permitted "wall mounted" or "freestanding signs", to permit sign/face area of 9.83 sq. ft. for directional sign in lieu of the permitted 8.0 sq. ft., to permit erection of the sign of the above face of the canopy in lieu of its erection on the face of canopy, and to permit a portion of the sign to extend above the parapet, be and they are hereby GRANTED subject to the following conditions:

1. The Petitioner must comply with the ZAC comments submitted by the Office of Planning dated December 1, 2004, a copy of which is attached hereto and made a part hereof;

2. In addition, pursuant to the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated December 6,2000, the dumpster enclosure shall be constructed of brick or board-on-board material and additional major deciduous trees shall be provided in the northwest corner of the property adjacent to Martin Boulevard.

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

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 12/26/06
By

05-568-A

PLEASE PRINT CLEARLY

CASE NAME 1431 Fuselage Ave
CASE NUMBER 05-568-A
DATE 6/20/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
IWONA ZARSICA	222 SCHILLING CIRCLE, STE 105	HUNT VALLEY, MD 21030	bldg@bldginc.com
Brian Quinn	6225 Smith	B. Ito	bquinn@dlapiper.com

JNP
Intake Planner

4/30/05
Date Assigned

DROP-OFF PETITIONS
PROCESSING CHECK-OFF

Two Questions Answered on Cover Sheet:
Any previous reviews in the zoning office? NOT ANSWERED
Any current building or zoning violations on site? NOT ANSWERED

Petition Form Matches Plat in these areas:
OK Address 1431 Fuselage Avenue, Middle River, MD
OK Zoning BM
OK Legal Owner(s) ~~Tum Brands, Inc (Contract Seller)~~ & Taco Bell of America, Inc Petition
OK Contract Purchaser(s) NONE
OK Request (if listed on plat) ~~NO, PLEASE MISCH PETITIONS ATTACHMENT (PREVIOUS)~~

Petition Form (must be current PDM form) is Complete:
Request:
OK Section Numbers
OK Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.
OK Hardship/Practical Difficulty Reasons OK
Legal Owner/Contract Purchaser:
Signatures (originals) CONSTRUCTION MANAGER CAN SIGN FOR AUTHORIZED CORPORATION?
Printed/Typed Name and Title (if company) SAME QUESTION AS ABOVE?
Attorney (if incorporated) OK
Signature/Address/Telephone Number of Attorney OK

Correct Number of Petition Forms, Descriptions and Plats

200 Scale Zoning Map ~~[illegible] YEAR~~ On the site plan (top left of page) relabel Orems Road as Old Orems Road & add Orems Road.

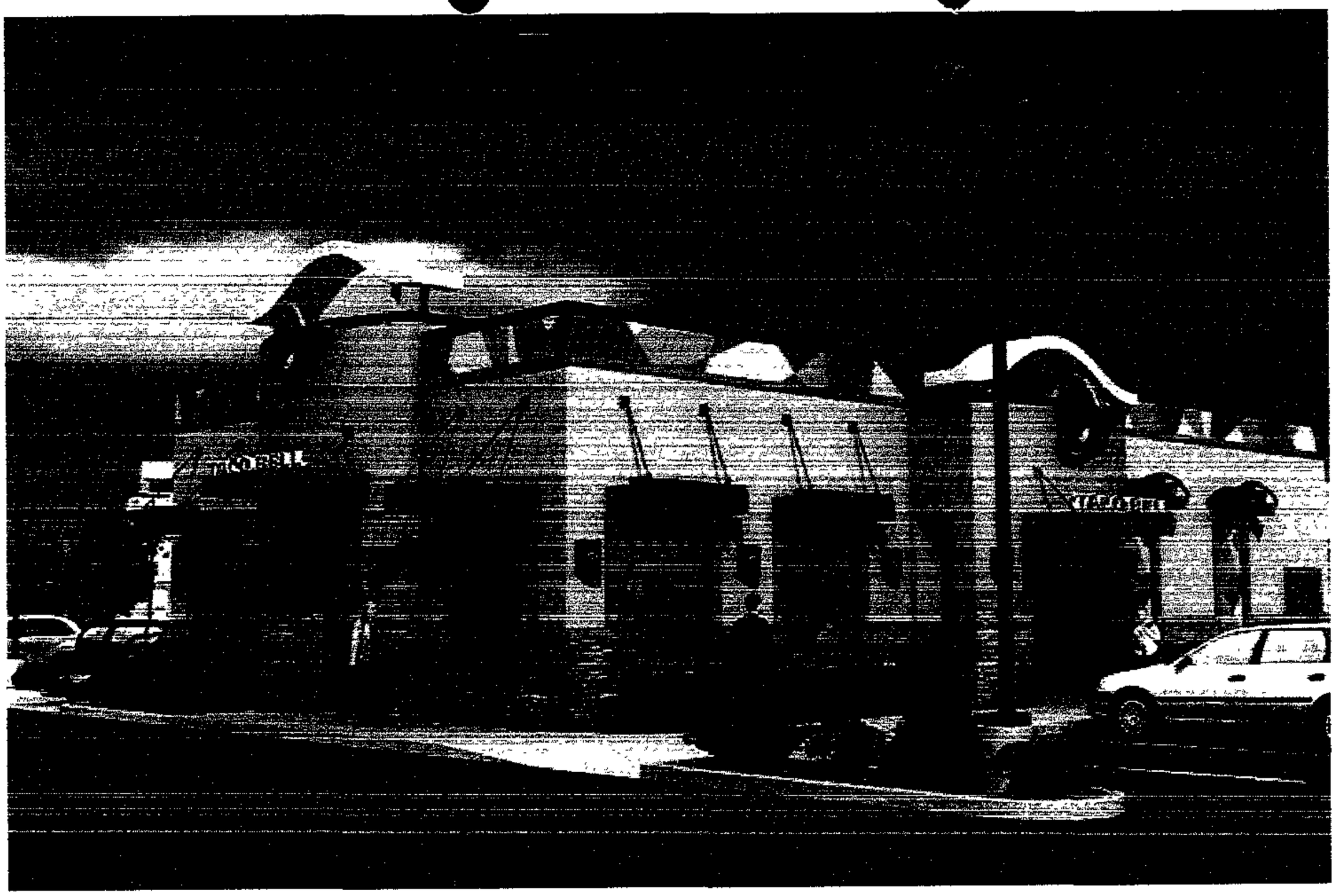
Check: Amount Correct? OK Signed? OK

ZAC Plat Information:
OK Location (by Carl) W/S of Middle River Road, 260' N of ~~Fuselage Avenue~~ ~~at~~ Orems Road ~~[illegible]~~
Zoning: BM Acreage: .7454 (OK) Previous Hearing Listed With Decision
Election District 15 ✓ Councilmanic District 5 ✓ Case # 05-202-A ✓
01-217-A ✓
Check to See if the Subject Site or Request is:
CBCA NOT ANSWERED ✓
Floodplain No
Elderly No
Historical NOT ANSWERED ✓
Pawn Shop N/A
Helicopter N/A
*If Yes, Print Special Handling Category Here
*If No, Print No ? ✓

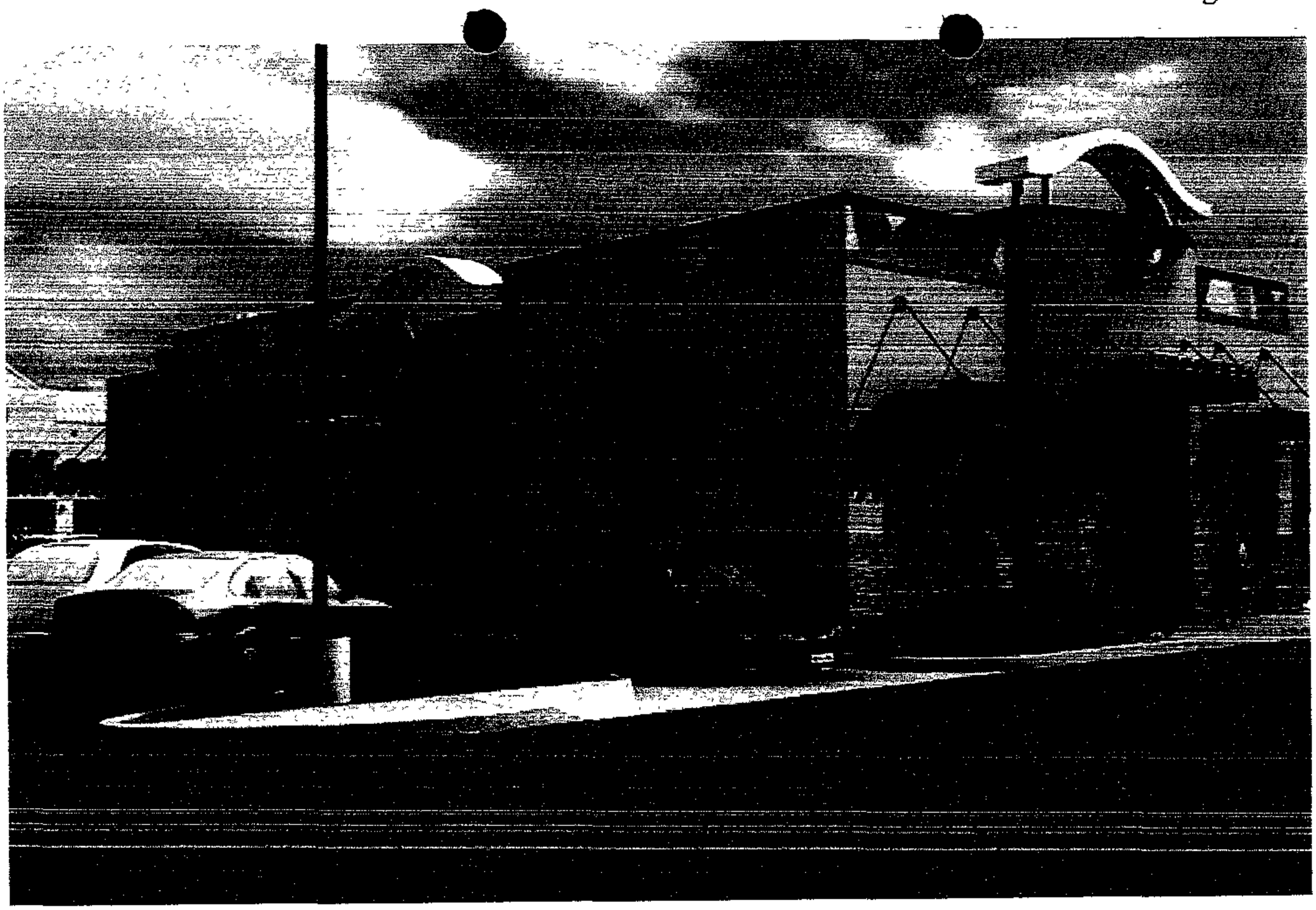
* Lighten old building & old parking spaces ✓

Item Number Assigned

Date Accepted for Filing



05-568-A



05-568-A

I - NE

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

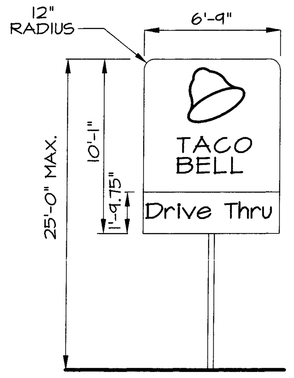
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	MIDDLE RIVER	N.E. 4-I
DATE OF PHOTOGRAPHY JANUARY 1986		

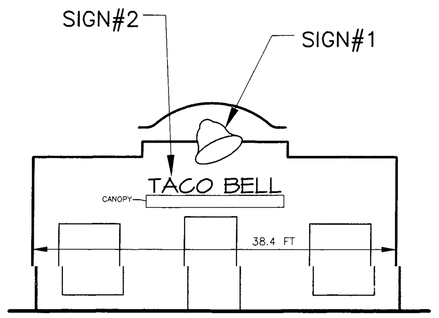
NE 41

05-568-A

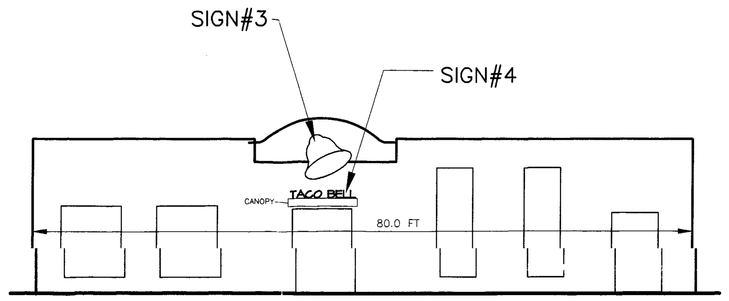


EXISTING PYLON SIGN - RE-FACED

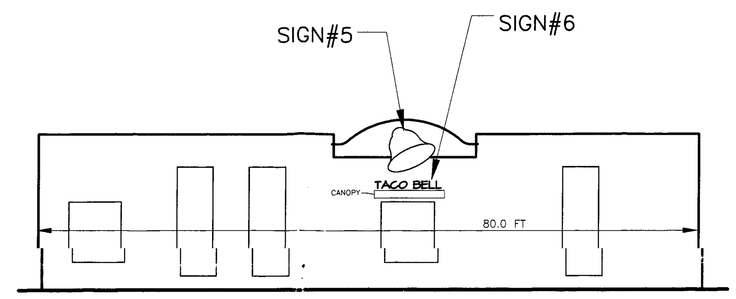
-CLASS: ENTERPRISE / CHANGEABLE COPY
-STRUCTURAL TYPE: FREESTANDING
-TOTAL AREA/FACE: 68.00 SQ.FT.
12.2 SQ.FT. CHANGEABLE COPY, 55.8 SQ. FT. ENTERPRISE
-ILLUMINATION: YES



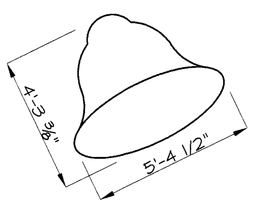
FRONT ELEVATION



LEFT SIDE ELEVATION

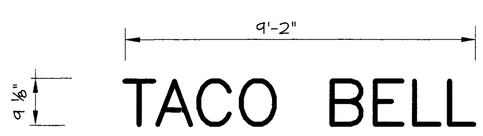


RIGHT SIDE ELEVATION



TB-SB4 -SEE DETAIL T17
-CLASS: ENTERPRISE
-STRUCTURAL TYPE: WALL MOUNTED
-AREA/FACE: 23.0 SQ.FT
-ILLUMINATION: YES

SIGN # 1, #3, AND #5



TB-CLSCNPY - SEE DETAIL T20
-CLASS: ENTERPRISE
-STRUCTURAL TYPE: CANOPY
-AREA/FACE: 7.00 SQ.FT
-ILLUMINATION: YES (PROJECTED ILLUMINATION)

SIGN # 2, #4, AND #6

TACO BELL

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
222 SCHILLING CIRCLE, SUITE 1 HUNT VALLEY, MARYLAND 21030
PHONE: 410-329-9051 FAX: 410-329-9065 BLDG@BLDGINC.COM

PLAT TO ACCOMPANY ZONING PETITION
TACO BELL RESTAURANT
1431 FUSELAGE AVENUE, MIDDLE RIVER, MD 21220
SITE NO. 12-5831 (FORMER 11-6224)

REVISIONS		
NO.	DATE	DESCRIPTION
△		
△		
△		
△		
△		
△		
△		
△		

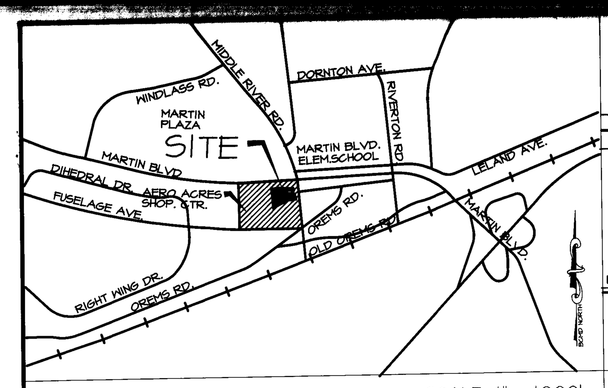
CONTRACT DATE
7-18-04

BUILDING TYPE
T60-Y04

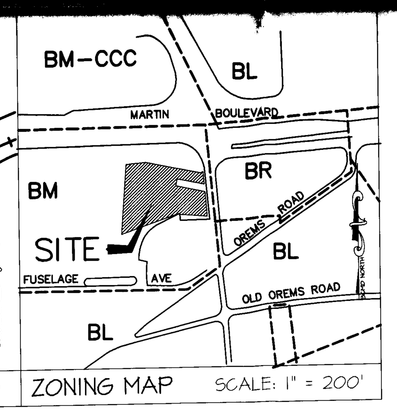
PROTOTYPE ISSUE DATE

STORE NUMBER
2422

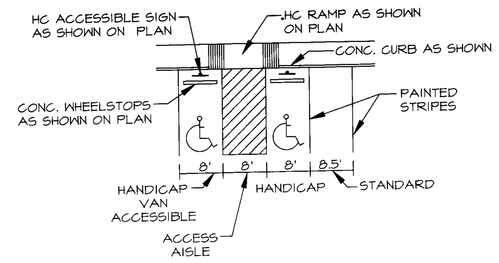
SHEET NUMBER
2 OF 2



VICINITY MAP SCALE: 1" = 1000'

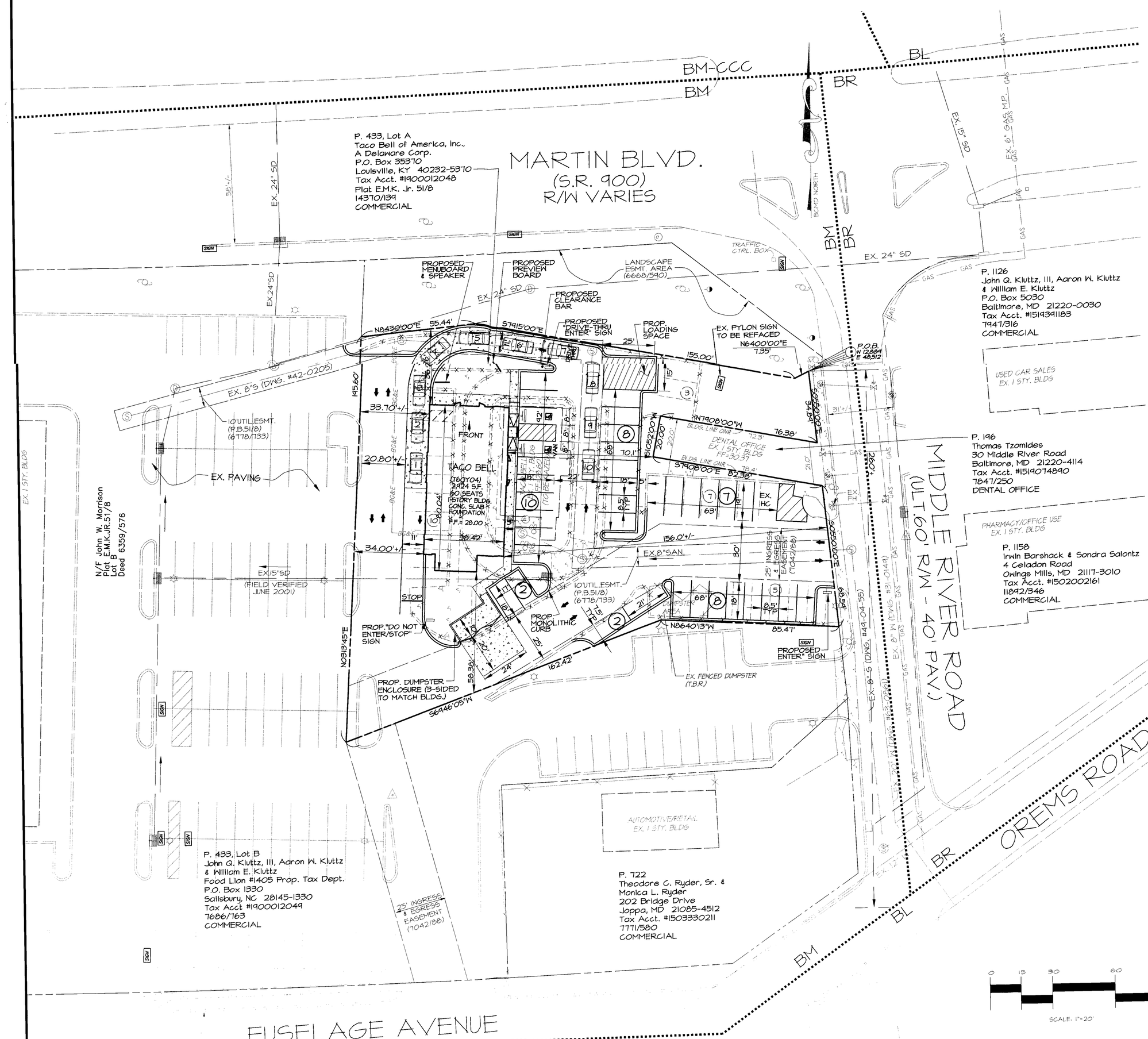


ZONING MAP SCALE: 1" = 200'



HANDICAP RAMP & PARKING SPACE DETAIL

NOT TO SCALE



REQUEST IS TO AMEND ALL INFORMATION / DETAILS AND VARIANCE REQUESTS RELATED TO PROPOSED SIGNAGE AND PROJECT NAME THAT WERE SHOWN ON PREVIOUS "PLAN TO ACCOMPANY ZONING PETITION" GRANTED IN CASE NO. 05-202-A AND TO REQUEST THE FOLLOWING VARIANCES:

1. VARIANCE FROM SECTION 450.4.5.a OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT SIX (6) ENTERPRISE SIGNS ON THE BUILDING FACADES IN LIEU OF THE PERMITTED THREE (3) SIGNS (SIGNS #1, #2, #3, #4, #5, AND #6).

2. VARIANCE FROM SECTION 450.5.B.3.b OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT ERECTION OF THE SIGN ABOVE FACE OF THE CANOPY IN LIEU OF ITS ERECTION ON THE FACE OF CANOPY (SIGNS #2, #4, AND #6).

3. VARIANCE FROM SECTION 450.5.B.9.b OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A PORTION OF THE SIGN TO EXTEND ABOVE THE PARAPET (SIGNS #1, #3, AND #5).

SIGNAGE DATA

1. AREA / FACE OF THE ENTERPRISE SIGNS ON THE SINGLE FACADE:

A) FRONT FACADE (LENGTH = 38.4 FT)
MAXIMUM AREA / FACE ALLOWED: 2 X 38.4' = 76.8 SF
AREA / FACE PROPOSED:
SIGN #1 = 23.0 SF
SIGN #2 = 7.0 SF

TOTAL = 30.0 SF < 76.8 SF

B) LEFT FACADE (LENGTH = 80.0 FT)
MAXIMUM AREA / FACE ALLOWED: 2 X 80.0' = 160.0 SF
AREA / FACE PROPOSED:
SIGN #3 = 23.0 SF
SIGN #4 = 7.0 SF

TOTAL = 30.0 SF < 160.0 SF

C) RIGHT FACADE (LENGTH = 80.0 FT)
MAXIMUM AREA / FACE ALLOWED: 2 X 80.0' = 160.0 SF
AREA / FACE PROPOSED:
SIGN #5 =23.0 SF
SIGN #6 =7.0 SF

TOTAL = 30.0 SF <160.0 SF

2. NUMBER OF ENTERPRISE SIGNS:

A) NUMBER OF SIGNS PERMITTED:
THREE (3) ON PREMISES; NO MORE THAN TWO (2) ON EACH FACADE

B) NUMBER OF ENTERPRISE SIGNS PROPOSED:
SIX (6) ON PREMISES; TWO (2) ON EACH FACADE

- SIGNS ON FRONT FACADE : TWO (2):
ONE (1) WALL-MOUNTED SIGN #1
ONE (1) CANOPY SIGN #2

- SIGNS ON THE LEFT FACADE : TWO (2):
ONE (1) WALL-MOUNTED SIGN #3
ONE (1) CANOPY SIGN #4

- SIGNS ON THE RIGHT FACADE: TWO (2):
ONE (1) WALL-MOUNTED SIGN #5
ONE (1) CANOPY SIGN #6

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of February, 2001 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 37 parking spaces in lieu of the required 49; from Section 409.10.B of the B.C.Z.R. to permit a drive-thru lane to cross a principal pedestrian access and to permit the required stacking lane to encroach into the required drive-thru lane; from Section 409.4.B of the B.C.Z.R. to permit parking on a travel way; and, from Part III of the Baltimore County Landscape Manual as follows: from Condition F, Service Areas, Section 2, to permit a landscape space between yard, curbing, and lot lines of 0 feet in lieu of the required 6 feet; from Condition B, Parking Lots, Section 2.c to permit a minimum parking island distance from face of curb to face of curb of 2.5 feet in lieu of the required 9 feet; from Condition B, Parking Lots, Section 2.d to permit a distance between face of curb and face of building of 6 inches in lieu of the required 6 feet; and from Condition G, Storage and Loading, Section 1.a to permit a landscape buffer of 0 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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) Pursuant to the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated December 6, 2000, the dumpster enclosure shall be constructed of brick or board material and additional major deciduous trees shall be provided in the northwest corner of the property adjacent to Martin Boulevard.

3) When applying for a building permit, the site plan and/or landscaping 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

THEREFORE, IT IS ORDERED, this 7 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief: to allow 37 parking spaces in lieu of the required 54 spaces; to allow 1 foot landscape buffer in lieu of the required 20 ft.; to permit five (5) enterprise signs on the building facades in lieu of the permitted three (3) signs; to permit three (3) enterprise signs on the front of the building facade in lieu of the permitted two (2) signs; to permit "menuboard" directional signs in lieu of the permitted "wall mounted" or "freestanding signs"; to permit sign face area of 9.83 sq. ft. for directional sign in lieu of the permitted 8.0 sq. ft.; to permit erection of the sign of the above face of the canopy in lieu of its erection on the face of canopy; and to permit a portion of the sign to extend above the parapet, be and they are hereby

GRANTED subject to the following conditions:

1. The Petitioner must comply with the ZAC comments submitted by the Office of Planning dated December 1, 2004, a copy of which is attached hereto and made a part hereof.

2. In addition, pursuant to the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated December 6, 2000, the dumpster enclosure shall be constructed of brick or board-on-board material and additional major deciduous trees shall be provided in the northwest corner of the property adjacent to Martin Boulevard.

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

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

PARKING	REQUIRED	PROPOSED
TACO BELL:	16/1000@2924=47	37*
DENTIST:	4.5/1000@1440=7*	-
FOOD LION:	5/1000@38760=194**	203**
TOTAL:	248	240

* VARIANCE REQUEST WAS GRANTED ON DECEMBER 7, 2004

**Off-site parking per Zoning Case #88-321-A, 30 Middle River Road.

EREETE
ITY EASEMENT
ESS & EGRESS
ENT
B
HALT
RM DRAIN INLET
RM DRAIN MANHOLE
ER MANHOLE
ER CLEANOUT
ER METER
I HYDRANT
IT POLE
STRIC MANHOLE
ITY POLE
IT LINE (ELECTRIC)

PROP. CONCRETE SIDEWALK
PROP. DUMPSTER W/ ENLOSURE
PROP. CURB
PROP. BUILDING
EX. CURB TO BE REMOVED
EX. TACO BELL TO BE RAZED

GENERAL NOTES

LOPMENT NAME: Taco Bell

LOPER / APPLICANT: YUM! Brands, Inc.
7250 Parkway Drive, Suite 310
Hanover, Maryland 21076
(410) 712-0500 FAX (410) 712-0230

R: Taco Bell of America, Inc.
P.O. Box 35370
Louisville, KY 40232-5370

S PREPARED BY: Baltimore Land Design Group, Inc.
222 Schilling Circle, Suite 105
Hunt Valley, Maryland 21030
(410) 229-9851 FAX (410) 229-9865
ATTN: Ivona Rostek - Zarska

ERTY REFERENCES:

CEL	TAX ACCOUNT NUMBER	DEED	TAX MAP	GRID	ADC MAP
LOT A	1900012048	14370/139	90	11	37, G-5

ference: 51/8
y: On-site information taken from: ALTA Survey prepared by D.S. Thaler
sociates, Inc., 7115 Ambassador Road, Baltimore, Maryland 21244 (2000)
Baltimore County Key Sheet (1-NE) and Utility Drawings as shown

ERAL DATA: Election District: 15
Census Tract: 4512
Councilmanic District: 5

INFORMATION:
Acreage:
let = 0.745 AC +/-
ross = .815 AC+/- [NET + (103.48 LF x 30 FT* = 0.07 AC+/-)]
1/2 of 60' r/w for Middle River Road

B. Watershed: 20
Subwatershed: 7

C. Existing Zoning: BM
F.A.R. Allowed: 4.0 or 142,005 S.F.+/-
F.A.R. Existing: 0.048 or 1,821 S.F.+/-
F.A.R. Proposed: 0.082 or 2,924 S.F.+/-

D. Use: Existing: Taco Bell - Fast Food Restaurant
Proposed: Taco Bell - Fast Food Restaurant

E. Parking Required = 47 spaces (for Taco Bell)
16 spaces per 1,000 S.F. of G.F.A. (16 x 2,924 S.F.)= 47 spaces
Parking Provided = 37 spaces (Parking variance was granted on December 7, 2004)

F. Average Daily Trips as calculated from the Baltimore County Comprehensive Manual of Development Policy:
Restaurant: 2,924 SF @ 768/1000 SF = 2,246 ADT

G. Landscape requirements as specified in the Baltimore County Landscape Manual. The Final Landscape Plan has been approved by Baltimore County on February 11, 2005.

parking aisles and maneuvering area will be paved with macadam and manently striped.

RE IS NO FLOODPLAIN ON SITE.

is site is not located within the Chesapeake Bay Critical Area.

ere are no historic buildings on this site.

ere is existing Taco Bell building on this site.

ere are no zoning violations on this site.

is site is not located within the area designated as deficient / failuring on the basic service maps.

evelopment Approvals: Limited Exemption A-7 for proposed 2,578 SF Taco Bell was granted on March 12, 2001 (DRC #030000)

onstruction permits: B580114 (previous building permit); B586134 (building); B 574197 (grading); B580033(razing)

ONING HISTORY: CASE #01-217-A

VARIANCES HAVE BEEN GRANTED FOR THE PROPOSED 18 SF TACO BELL ON FEBRUARY 28, 2001.
ORDER ON THIS SHEET.

ONING HISTORY: CASE #05-202-A

E VARIANCES HAVE BEEN GRANTED FOR THE PROPOSED 15 S.F. TACO BELL / LONG JOHN SILVER'S ON DECEMBER 7, 2004
E ORDER ON THIS SHEET

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
222 SCHILLING CIRCLE SUITE 105 HUNT VALLEY, MARYLAND 21030
PHONE: 410.229.9851 FAX: 410.229.9865 EMAIL: info@bldgroup.com

PLAT TO ACCOMPANY ZONING PETITION
TACO BELL RESTAURANT
1431 FUSELAGE AVENUE, MIDDLE RIVER, MD 21220
SITE NO. 12-5831 (FORMER 11-6224)

REVISIONS

NO.	DATE	DESCRIPTION

CONTRACT DATE
7-18-04

BUILDING TYPE
T60Y04

PROTOTYPE ISSUE DATE

STORE NUMBER
2422

SHEET NUMBER
1 OF 2

05-568-A