

IN RE: **PETITION FOR VARIANCE**
N/S Liberty Road, 145' NW of the c/l
Rockdale Terrace
(8016 Liberty Road)
2nd Election District
4th Council District

South Kendall Property, Inc., Owners;
Burger Biz, LLC, Contract Lessee
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-604-A

* * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

This matter comes before the Zoning Commissioner on a Motion for Reconsideration filed by Sebastian A. Cross, Esquire, on behalf of the owners of the subject property, South Kendall Property, Inc., and the Contract Lessees, Burger Biz, LLC.

By way of background, the Petitioners filed the instant Petition seeking certain variance relief to allow redevelopment of the subject property with a new Burger King fast food facility. Specifically, the Petitioners sought relief, pursuant to Sections 504 and 409.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: **1)** to permit a landscape strip 2 feet from the lot line on the southeast side of the property and 0 feet from the lot line on the northwest side of the property, in lieu of the minimum 6 feet required, when adjacent to a commercial property by Condition B.1.b of the Baltimore County Landscape Manual; and **2)** to permit a landscape strip 2.2 feet from a lot line in lieu of the minimum 10 feet required when adjacent to a residential zoning line, by Condition B.1.c.2 of the Baltimore County Landscape Manual; **3)** from Section 450.4.1.5(b) of the B.C.Z.R. to permit an existing double illuminated freestanding sign of 103.5 sq.ft. on each side in lieu of the maximum allowed 75 sq.ft. per side; and, if required, **4)** from Section 230.12A of the B.C.Z.R. to permit freezer, cooler and receiving areas outside of a completely enclosed building.

Following the receipt of testimony and evidence in support of the proposal, I granted the requested relief, by Order dated August 8, 2006. Subsequently, Counsel for the Petitioners filed a timely Motion for Reconsideration seeking a withdrawal of the variance requested from Section 450.4.1.5(b) of the B.C.Z.R. for the existing double-faced illuminated freestanding sign.

ORDER RECEIVED FOR FILING
Date 9-27-06
By [Signature]

As noted in my prior Opinion, Counsel for the Petitioners argued that the subject sign was constructed prior to the current sign regulations and as such, is nonconforming. However, variance relief was requested to legitimize its size and allow it to remain on the property where located. Subsequent discussions by and between the Petitioners and the Office of People's Counsel have resulted in the Petitioners now seeking a modification of my Order and confirmation that the existing sign is legal and nonconforming. Within their Motion, Counsel argues that by withdrawing the variance request and confirming its nonconforming use, the sign will be subject to the abatement provisions set forth in the B.C.Z.R. which mandates that all signs in Baltimore County must comply with current zoning regulations by the year 2012.

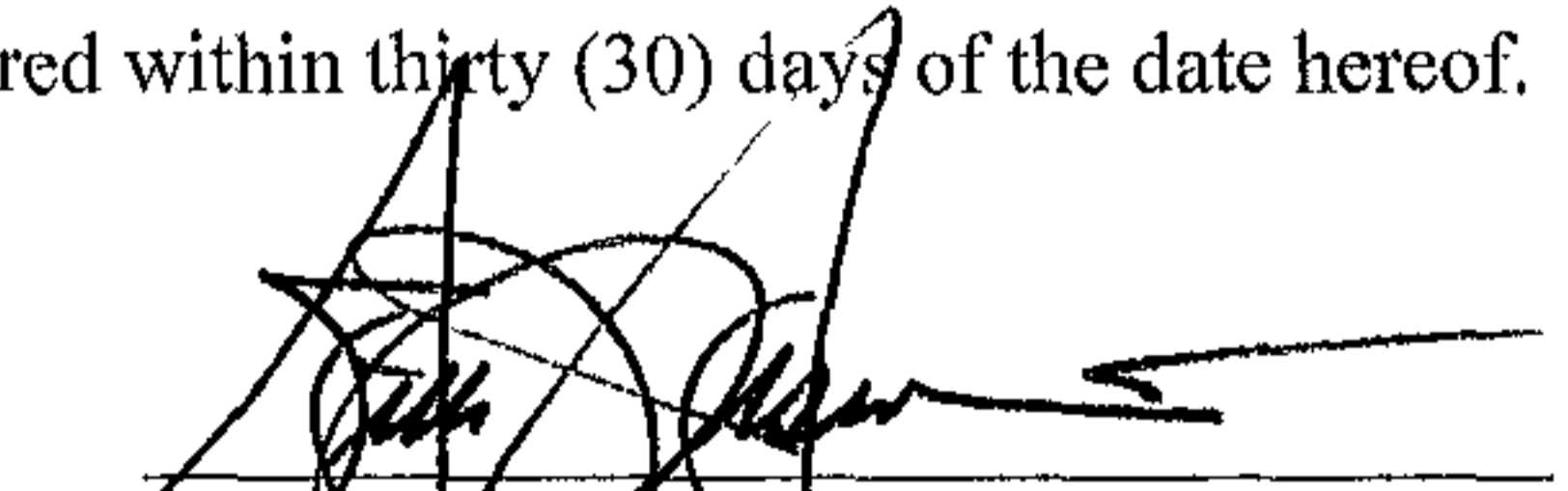
After due consideration of the representations made by Counsel for the Petitioners, I am persuaded that an Amended Order is appropriate in this instance and will grant the Motion for Reconsideration.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of September, 2006 that the Order issued August 8, 2006 be and the same is hereby AMENDED to withdraw the variance requested for the existing double illuminated freestanding sign of 103.5 sq.ft. on each side; and,

IT IS FURTHER ORDERED that the existing sign is legal and nonconforming, and as such, the Petition for Variance seeking relief from Section 450.4.1.5(b) of the B.C.Z.R. to permit an existing double illuminated freestanding sign of 103.5 sq.ft. on each side in lieu of the maximum allowed 75 sq.ft. per side, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued on August 8, 2006 shall remain in full force and effect.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 9-27-06
By W. J. Wiseman



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 27, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Lawrence E. Schmidt, Esquire
Sebastian A. Cross, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, Maryland 21202

RE: MOTION FOR RECONSIDERATION on PETITION FOR VARIANCE
N/S Liberty Road, 145' NW of the c/l Rockdale Terrace
(8016 Liberty Road)
2nd Election District – 4th Council District
South Kendall Property, Inc., Owners; Burger Liz, LLC, Lessee - Petitioners
Case No. 06-604-A

Dear Messrs. Schmidt & Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Motion for Reconsideration 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,

A handwritten signature in black ink, appearing to read 'William J. Wiseman, III', written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Messrs. Gary Andizejewski & Tim Strott, 1937 Greenspring Dr., Timonium, Md. 21093
Mr. Kenneth J. Wells, 7403 New Cut Road, Kingsville, Md. 21087
Office of Planning; People's Counsel; Case File

IN RE: **PETITION FOR VARIANCE**
N/S Liberty Road, 145' NW of the c/l
Rockdale Terrace
(8016 Liberty Road)
2nd Election District
4th Council District

South Kendall Property, Inc., Owner;
Burger Biz, LLC, Contract Lessee
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-604-A
*
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, South Kendall Property, Inc., and the Contract Lessee, Burger Biz, LLC, through their attorney, Lawrence E. Schmidt, Esquire. The Petitioners request variance relief, pursuant to Sections 504 and 409.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) to permit a landscape strip 2 feet from the lot line on the southeast side of the property and 0 feet from the lot line on the northwest side of the property, in lieu of the minimum 6 feet required, when adjacent to a commercial property by Condition B.1.b of the Baltimore County Landscape Manual; and 2) to permit a landscape strip 2.2 feet from a lot line in lieu of the minimum 10 feet required when adjacent to a residential zoning line, by Condition B.1.c.2 of the Baltimore County Landscape Manual; 3) from Section 450.4.1.5(b) of the B.C.Z.R. to permit an existing double illuminated freestanding sign of 103.5 sq.ft. on each side in lieu of the maximum allowed 75 sq.ft. per side; and, if required, 4) from Section 230.12A of the B.C.Z.R. to permit freezer, cooler and receiving areas outside of a completely enclosed building. The subject property and requested relief are more particularly described on the redlined 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 Gary Andizejewski of P J Foods and Tim Strott with Blue Goat Foods, members of the Burger Biz,

ORDER RECEIVED FOR FILING
Date 8-8-09
By [Signature]

LLC, Contract Lessee of the subject property; Kenneth J. Wells, the Surveyor who prepared the site plan; and Lawrence E. Schmidt, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the north side of Liberty Road, between Florida Road and Rockdale Terrace in Randallstown. The property contains a gross area of 26,722 sq.ft. (0.61 acres), more or less, zoned B.L., and is presently improved with a Burger King fast food restaurant that has apparently existed on the site since the 1960s. The Petitioners are desirous of upgrading the property and propose to raze the existing building and construct a new fast food facility in its place. Variance relief is necessary in order to bring the property/building into compliance with current regulations and landscaping requirements, owing to the narrow width of the property and the configuration of the proposed improvements and parking layout. In this regard, a reduced landscape buffer area of 2 feet is requested along the property's southeast boundary and a 0 foot landscape buffer is requested along the northwest boundary. It is to be noted that both of these boundaries (i.e. the side yards) abut commercial/retail uses on adjacent lots. A 2.2-foot landscape buffer is also requested along the northern boundary of the property which abuts a residential use zone to the rear. The Petitioners intend to install a 6-foot high board-on-board fence along the entire perimeter of the rear property line and along a portion of the side yard, as more particularly shown on the plan. This fence will provide an appropriate buffer of the proposed use from adjacent properties. Relief is also requested to allow an existing freestanding sign to remain on the site. In this regard, testimony indicated that the sign is non-conforming, as it was constructed prior to the current regulations. The Petitioners make this request in order to legitimize the sign when the current sign regulations require compliance for all existing signs to those regulations. Thus, the Petitioners request approval to allow the existing freestanding sign to remain. Finally, relief is requested, if necessary, from Section 230.12A of the B.C.Z.R. This request relates to the Petitioners' proposal to locate the freezer, the cooling system, and receiving areas outside the restaurant. Although these utilities will be outside the restaurant building itself they will be under

ORDER RECEIVED FOR FILING
Date 8-8-06
D. J. [Signature]

the same roof and immediately adjacent to the rear of the building. In my view, I find that the proposal complies with this Section and thus, a variance from that regulation is not necessary.

There were no adverse comments submitted by any County reviewing agency and no one appeared in opposition to the request. In fact, the Zoning Advisory Committee recommendation from the Office of Planning recommends approval of the Petition. There are no parking variances as to required number of spaces or reduced drive aisle widths being requested. Indeed, the Petitioner testified that without the requested variance relief, an appropriate parking lot and drive aisle could not be provided. Specifically, the number of spaces required under Section 409 (B.C.Z.R.) could not be provided without the requested variances and proper internal traffic circulation would not be provided. As a drive through fast food restaurant, providing sufficient parking and appropriate traffic circulation is a paramount consideration. The Petitioner also noted that the property is located in a commercial revitalization area and that the proposed improvements are consistent with these efforts. Finally, it is clear that the use proposed is appropriate given the history of the use on this property and is compatible with the commercial character of the surrounding neighborhood. Thus, I find that the relief requested can be granted in strict harmony with the spirit and intent of the regulations, without detriment to the health, safety or general welfare of the surrounding locale.

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.

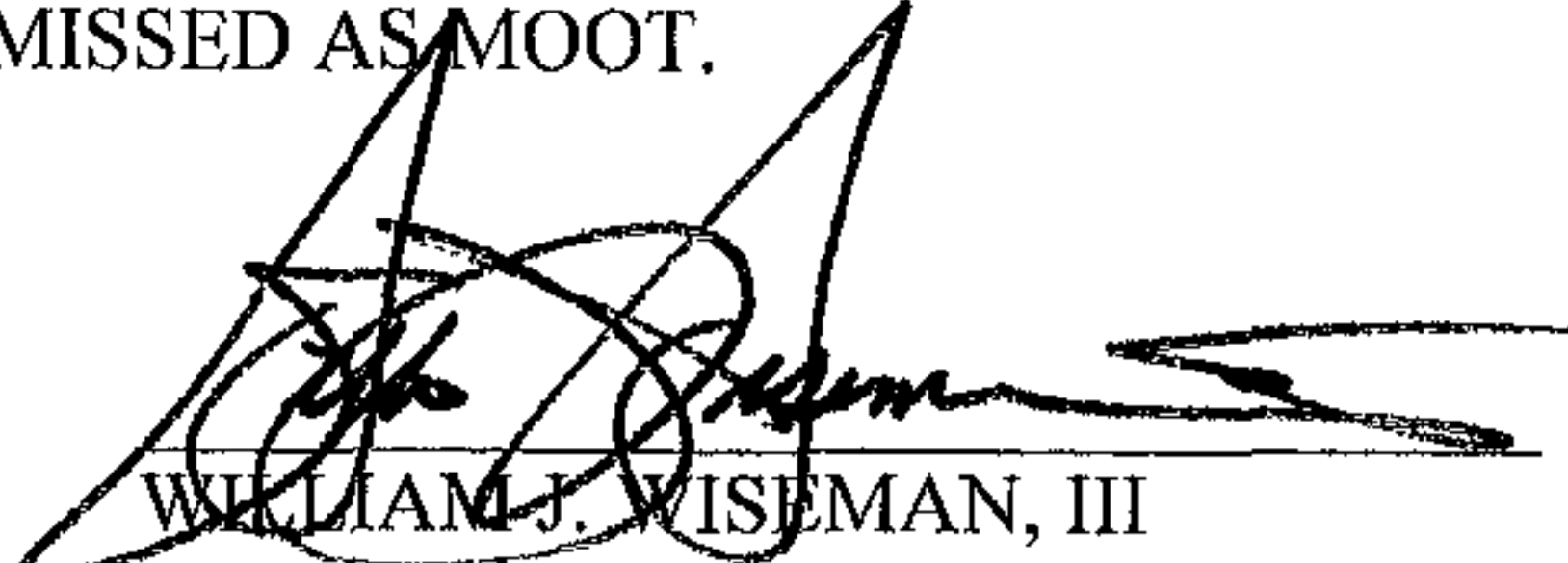
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of August 2006 that the Petition for Variance seeking relief, pursuant to Sections 504 and 409.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) to permit a landscape strip 2 feet from the lot line on the southeast side of the property and 0 feet from the lot line on the northwest side of the property, in lieu of the minimum 6 feet required when adjacent to a commercial property by Condition B.1.b of the Baltimore County Landscape Manual; and 2) to permit a landscape strip 2.2 feet from a lot line in lieu of the minimum 10 feet required when adjacent to a residential zoning line by Condition B.1.c.2 of the Baltimore County Landscape

DATE RECEIVED FOR FILING
Date 8-8-06
By [Signature]

Manual; and, 3) from Section 450.4.1.5(b) of the B.C.Z.R. to permit an existing double illuminated freestanding sign of 103.5 sq.ft. on each side in lieu of the maximum allowed 75 sq.ft. per side, 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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, if required, from Section 230.12A of the B.C.Z.R. to permit freezer, cooler and receiving areas outside of a completely enclosed building, be and is hereby DISMISSED AS MOOT.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ADVERT. RECEIVED FOR FILING
Date 8-8-06
By D. J. [unclear]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 8, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE

N/S Liberty Road, 145' NW of the c/l Rockdale Terrace

(8016 Liberty Road)

2nd Election District – 4th Council District

South Kendall Property, Inc., Owner; Burger Liz, LLC, Lessee - Petitioners

Case No. 06-604-A

Dear Mr. Schmidt:

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,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Messrs. Gary Andizejewski & Tim Strott, 1937 Greenspring Dr., Timonium, Md. 21093
Mr. Kenneth J. Wells, 7403 New Cut Road, Kingsville, Md. 21087
Office of Planning; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 8016 Liberty Road
which is presently zoned: BL

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):

Please See attached.

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

To be presented AT THE public hearing for this matter.

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:

Burger Biz, LLC
Name - Type or Print
[Signature]
Signature
1937 Greenspring Dr. (410) 560-1002
Address Telephone No.
Timonium, MD 21093
City State Zip Code

Legal Owner(s):

South Kendall Property, Inc.
Name - Type or Print
[Signature]
Signature
Name - Type or Print
Signature

Attorney For Petitioner:

Lawrence E. Schmidt
Name - Type or Print
[Signature]
Signature
City

c/o Burger King #497 P.O. Box 020783
Address Telephone No.
Miami, FL 33182-0783
City State Zip Code

Representative to be Contacted:

K.J. Wells, Inc.
Name
7403 New Cut Road (410) 592-8800
Address Telephone No.
Kingsville, MD 21087
City State Zip Code

Gildea & Schmidt, LLC
Company
300 E. Lombard St., Suite 1440
Address Telephone No.
Baltimore, MD 21202
City State Zip Code
(410) 234-0070

OFFICE USE ONLY

Case No. 06-604-A

ESTIMATED LENGTH OF HEARING 1 hr.

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 5/30/06

FILED IN 8-8-06

Date 8-8-06

REV 9/15/98

ATTACHMENT TO PETITION FOR VARIANCE

The Petitioner's request variance relief as follows:

1. Pursuant to Sections 504 and 409.1 (BCZR), to permit a 2 foot landscape strip from the lot line on the southeast side of the subject property and a 0 foot landscape strip from the lot line on the northwest side of the subject property, in lieu of a minimum 6 foot landscape strip required when adjacent to a commercial property by Condition B.1.b of the Baltimore County Landscape Manual.

2. Pursuant to Sections 504 and 409.1 (BCZR), to permit a 2.2 foot landscape strip from a lot line, in lieu of a minimum 10 foot landscape strip required adjacent to a residential zoning line by Condition B.1.c.2 of the Baltimore County Landscape Manual.

3. From Section 450.4.1.5(b) (BCZR) to permit an existing double illuminated freestanding sign having 103.5 square feet on each side in lieu of the maximum permitted 75 square feet

4. If required, from Section 230.12 A (BCZR) to permit freezer, cooler and receiving areas outside of a completely enclosed building.

604

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

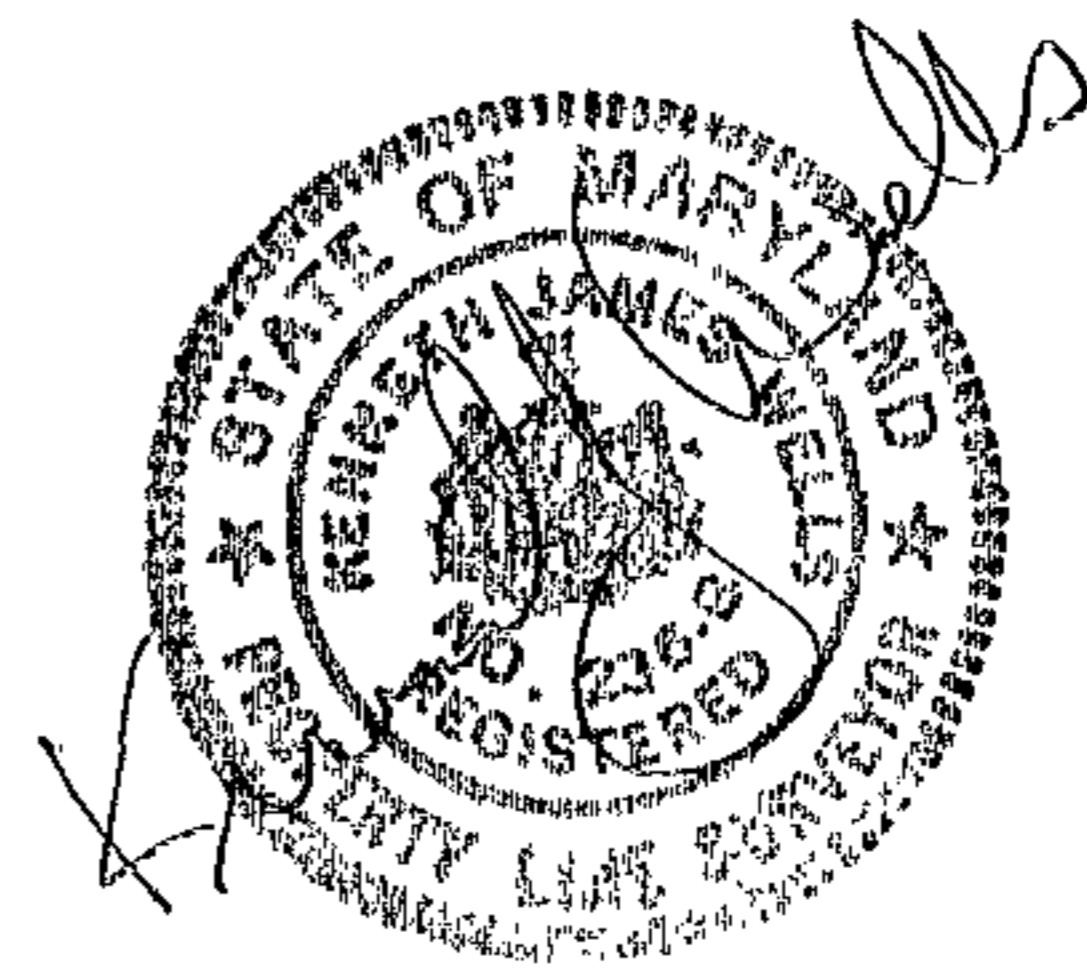
Zoning Description
8016 Liberty Road
Baltimore County
Maryland
2nd Election District
4th Councilmanic District

Beginning at a point on the north side of Liberty Road which is 80 feet wide at a distance of 145 feet northwesterly from the centerline of Rockdale Terrace which is 50 feet wide. Thence following the courses and distances:

- 1) *North 65 degrees 46 minutes 00 seconds West 121.13 feet*
- 2) *North 41 degrees 48 minutes 20 seconds East 246.11 feet*
- 3) *South 48 degrees 11 minutes 40 seconds East 115.50 feet*
- 4) *South 41 degrees 48 minutes 20 seconds West 209.61 feet*

to the place of beginning as recorded in Deed Liber 5015 folio 549.

Being lots 103 through 108 in the subdivision of the "Amended Plat of Rockdale Terrace" as recorded in Baltimore County Plat Book 7 folio 92. Containing 26,722 square feet or 0.61 acres of land.



#609

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20

DATE 5/30/26 ACCOUNT 1001 006 6150

THREE THOUSAND SEVEN HUNDRED AND NO/100
AMOUNT PAID TO THE
BALANCE OF THE ACCOUNT

RECEIVED FROM: [Signature]

FOR: [Signature]

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

ISSUED TO THE
SYSTEM SYSTEMS DEPT
500 WEE WALKER BLDG
CITY OF BALTIMORE
MD 21201
DATE 5/30/26
BY [Signature]

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: # 06-804-A

8016 Liberty Road

North side of Liberty Road, 145 feet northwest of centerline of Rockdale Terrace

2nd Election District — 4th Councilmanic District

Legal Owner(s): South Kendall Property, Inc., c/o Burger King

Contract Purchaser: Burger Biz, LLC

Variance: to permit a 2 foot landscape strip from the lot line on the southeast side of the subject property and a 0 foot landscape strip from the lot line on the northwest side of the subject property, in lieu of a minimum 6 foot landscape strip required when adjacent to a commercial property and to permit a 2.2 foot landscape strip from a lot line, in lieu of a minimum 10 foot landscape strip required adjacent to a residential zoning line and to permit an existing double illuminated freestanding sign having 103.5 square feet on each side in lieu of the maximum permitted 75 square feet and to permit freezer, cooler and receiving areas outside of a completely enclosed building.

Hearing: Tuesday, August 1, 2006 at 2:00 p.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) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7/679 July 18

102365

CERTIFICATE OF PUBLICATION

7/20/2006

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 7/18/2006.

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

S. Wilkinson

LEGAL ADVERTISING

(Print Name)

1508 Leslie Road

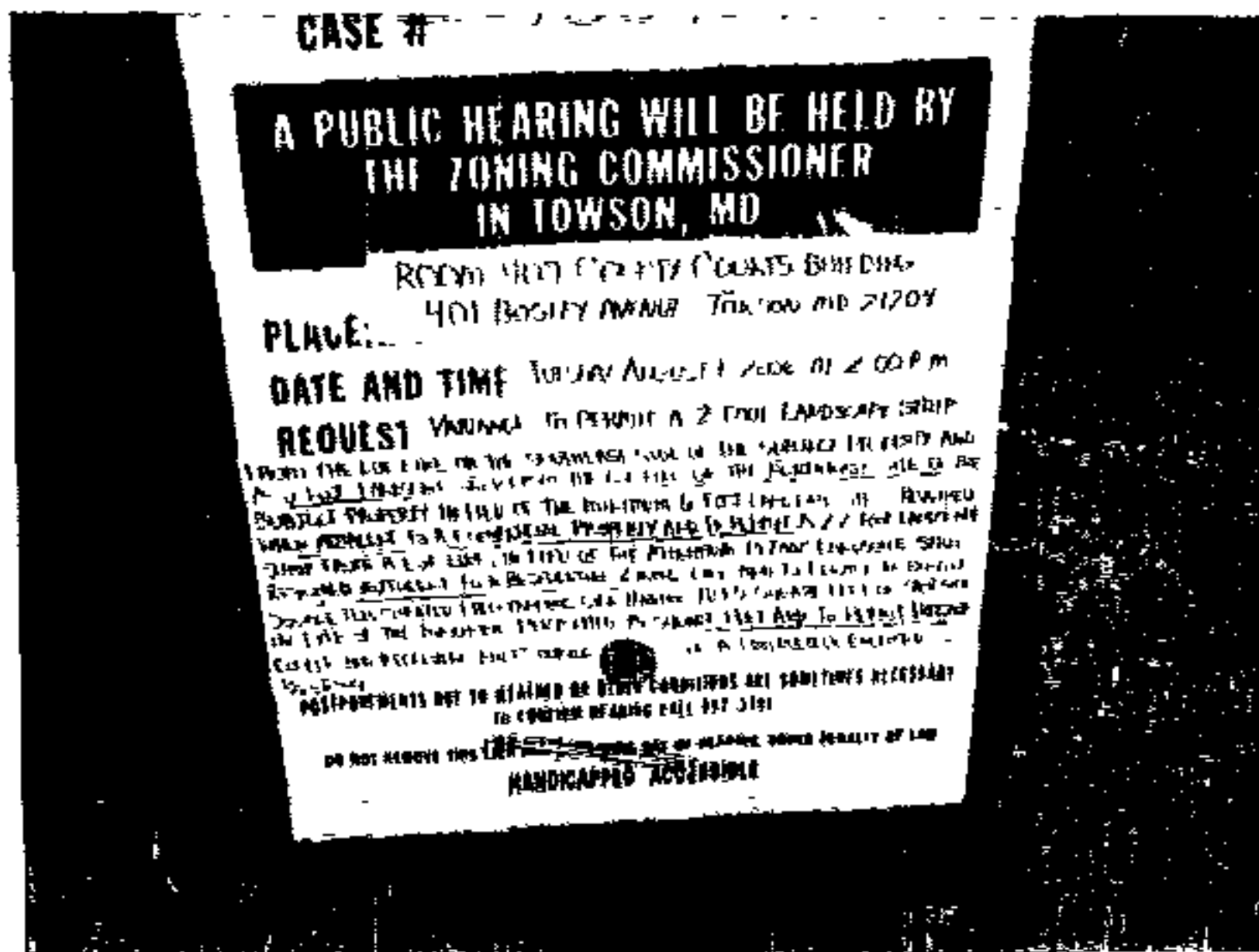
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 18, 2006 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202

410-234-0070

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: 06-604-A

8016 Liberty Road

North side of Liberty Road, 145 feet northwest of centerline of Rockdale Terrace

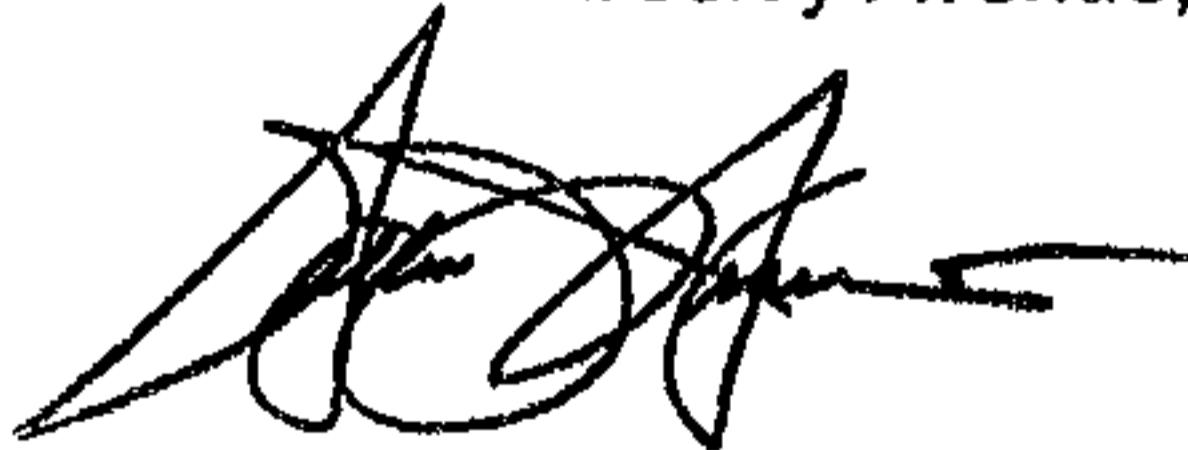
2nd Election District – 4th Councilmanic District

Legal Owners: South Kendall Property, Inc., c/o Burger King

Contract Purchaser: Burger Biz, LLC

Variance to permit a 2 foot landscape strip from the lot line on the southeast side of the subject property and a 0 foot landscape strip from the lot line on the northwest side of the subject property, in lieu of a minimum 6 foot landscape strip required when adjacent to a commercial property and to permit a 2.2 foot landscape strip from a lot line, in lieu of a minimum 10 foot landscape strip required adjacent to a residential zoning line and to permit an existing double illuminated freestanding sign having 103.5 square feet on each side in lieu of the maximum permitted 75 square feet and to permit freezer, cooler and receiving areas outside of a completely enclosed building.

Hearing: Tuesday, August 1, 2006 at 2:00 p.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 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.



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

June 13, 2006

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: 06-604-A

8016 Liberty Road

North side of Liberty Road, 145 feet northwest of centerline of Rockdale Terrace

2nd Election District – 4th Councilmanic District

Legal Owners: South Kendall Property, Inc., c/o Burger King

Contract Purchaser: Burger Biz, LLC

Variance to permit a 2 foot landscape strip from the lot line on the southeast side of the subject property and a 0 foot landscape strip from the lot line on the northwest side of the subject property, in lieu of a minimum 6 foot landscape strip required when adjacent to a commercial property and to permit a 2.2 foot landscape strip from a lot line, in lieu of a minimum 10 foot landscape strip required adjacent to a residential zoning line and to permit an existing double illuminated freestanding sign having 103.5 square feet on each side in lieu of the maximum permitted 75 square feet and to permit freezer, cooler and receiving areas outside of a completely enclosed building.

Hearing: Tuesday, August 1, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 300. Lombard St. Ste. 1440, Baltimore 21202
South Kendall Property, c/o Burger King, #497, P.O. Box 020783, Miami FL 33182-0783
Burger Biz, 1937 Greenspring Dr., Timonium 21093
K. J. Wells, 7403 New Cut Road, Kingsville 21087

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 17, 2006.**
- (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.

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



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: 06-604-A
Petitioner: SOUTH KENDALL PROPERTY, INC.
Address or Location: 8016 LIBERTY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAWRENCE E SCHMIDT
Address: 300 E. LOMBARD ST.
SUITE 1440
BALTIMORE, MD 21202
Telephone Number: 410-234-0070



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

July 26, 2006

Lawrence E. Schmidt
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, MD 21202

Dear Mr. Schmidt:

RE: Case Number: 06-604-A, 8016 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 30, 2006.

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:amf

Enclosures

c: People's Counsel
South Kendall Property, Inc. c/o Burger King #497 P.O. Box 020783 Miami, FL 33182-0783
K. J. Wells, Inc. 7403 New Cut Road Kingsville 21087
Burger Biz, LLC 1937 Greenspring Drive Timonium 21093



Baltimore County
Fire Department

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

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

June 6, 2006

ATTENTION: Zoning Review Planners

(04)

Distribution Meeting Of: June 5, 2006

Item Numbers: Item Number 176, 598 through 608

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 20, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, ~~604~~, 605, 606, 607, and 608

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-06202006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 9, 2006

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

SUBJECT: 8016 Liberty Road

INFORMATION:

Item Number: 6-604

Petitioner: Burger Biz, LLC

Zoning: BL

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request to replace an existing drive-thru restaurant with a smaller drive-thru restaurant. It is the understanding of this office that landscaping along the edges of the property and the existing sign will not be altered.

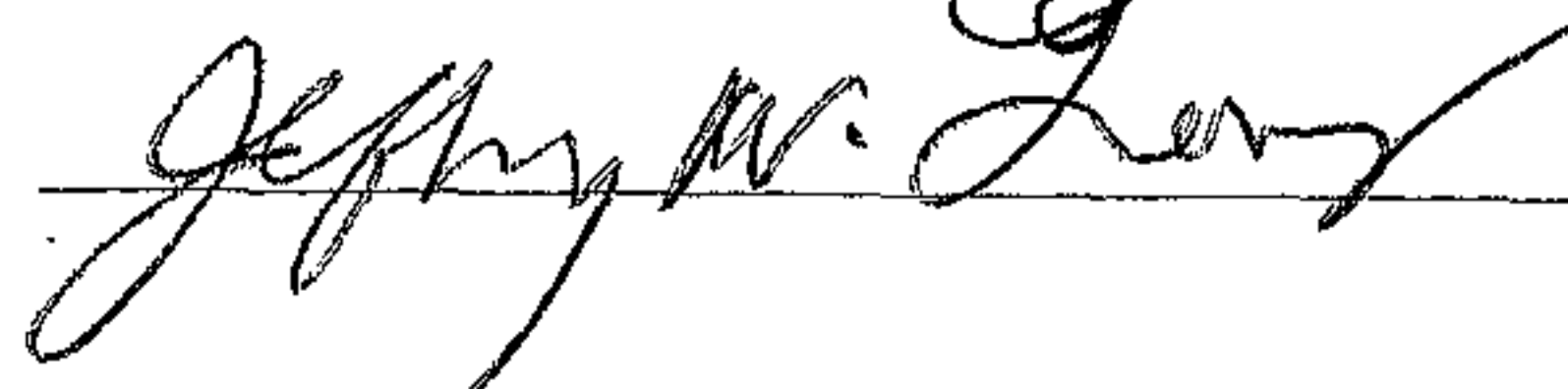
The site is located in a Master Plan designated Commercial Revitalization Area. Consequently, any effort to enhance and maintain properties in this neighborhood is encouraged. The Office of Planning supports the requested variances.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM





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

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

Maryland Department of Transportation

Date: 6.5.06

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

RE: Baltimore County
Item No. 604 LTM

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 * BEFORE THE
8016 Liberty Road; N/S Liberty Road, * ZONING COMMISSIONER
145' NW c/line Rockdale Terrace *
2nd Election & 4th Councilmanic Districts
Legal Owner(s): South Kendall Property, Inc* FOR
Contract Purchaser(s): Burger Biz, LLC
Petitioner(s) * BALTIMORE COUNTY
* 06-604-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 and all 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 7th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, K.J. Wells, Inc, 7403 New Cut Road, Kingsville, MD 21087 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED
JUN 07 2006
Per SA.....

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

BJ
8/1

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE H. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
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DHOLMAN@GILDEALLC.COM

JASON T. VITTORI
JVITTORI@GILDEALLC.COM

300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

September 6, 2006

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

RECEIVED

SEP - 6 2006

ZONING COMMISSIONER

**Re: Motion for Reconsideration
N/S Liberty Road, 145' NW of the c/l Rockdale Terrace
(8016 Liberty Road)
2nd Election District-4th Council District
South Kendall Property, Inc., Owner; Burger Biz, LLC, Lessee-Petitioners
Case No. 06-604-A**

Dear Zoning Commissioner Wiseman:

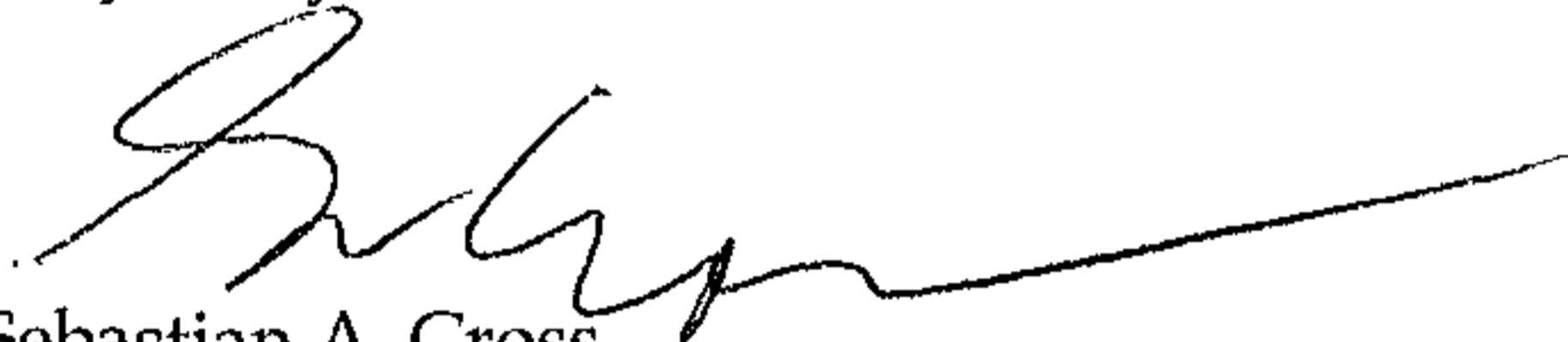
This letter serves as a Motion for Reconsideration for the above referenced zoning variance case. Specifically, this motion seeks to withdraw our petition for the variance request from section 450.4.1.5 (b) of the BCZR to permit an existing double faced illuminated free standing sign of 103.5 sq. ft on each side in lieu of the maximum allowed 75 ft per side. Although variance relief was granted for this sign, discussions with People's Counsel resulted in this motion to withdraw this variance request and request confirmation this existing 103.5 sq. ft sign exists as a legally non-conforming sign.

By withdrawing this variance request and classifying it as a non-conforming sign this sign will be subject to the abatement provisions in BCZR which mandates all signs in Baltimore County must comply with current zoning regulations by the year 2012. As such Burger Biz requests modification of the decision in this matter to withdraw the variance request and certify the currently existing freestanding sign onsite is a legally non-conforming sign.

William J. Wiseman, III
August 31, 2006
Page 2

If you have any comments or questions concerning this matter, please contact me.
With kind regards, I am

Very Truly Yours,



Sebastian A. Cross

CC: Carole Demilio, People's Counsel
Gary Andrzejewski, Burger King
Ken Wells, KJ WellsInc.
Lawrence E. Schmidt
SAC: AMC

Case No.: 06-604-A 8016 LIBERTY RD

Exhibit Sheet

Petitioner/Developer

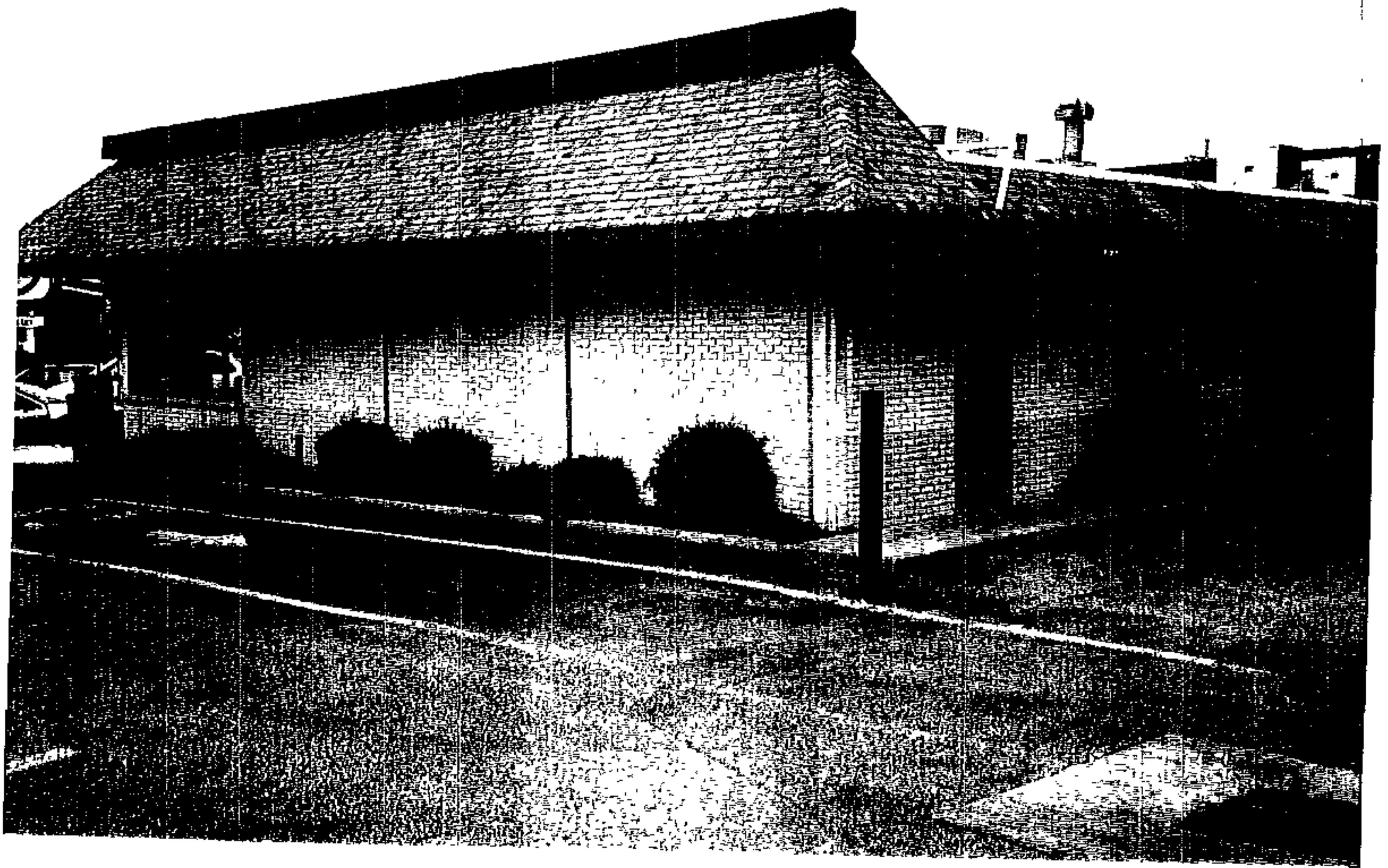
Protestant

No. 1	Petitioner/Developer	Protestant
No. 2	SITE PLAN EXISTING COND. FOR 2A-20 - Collectively	
No. 3	Aerial Photograph	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



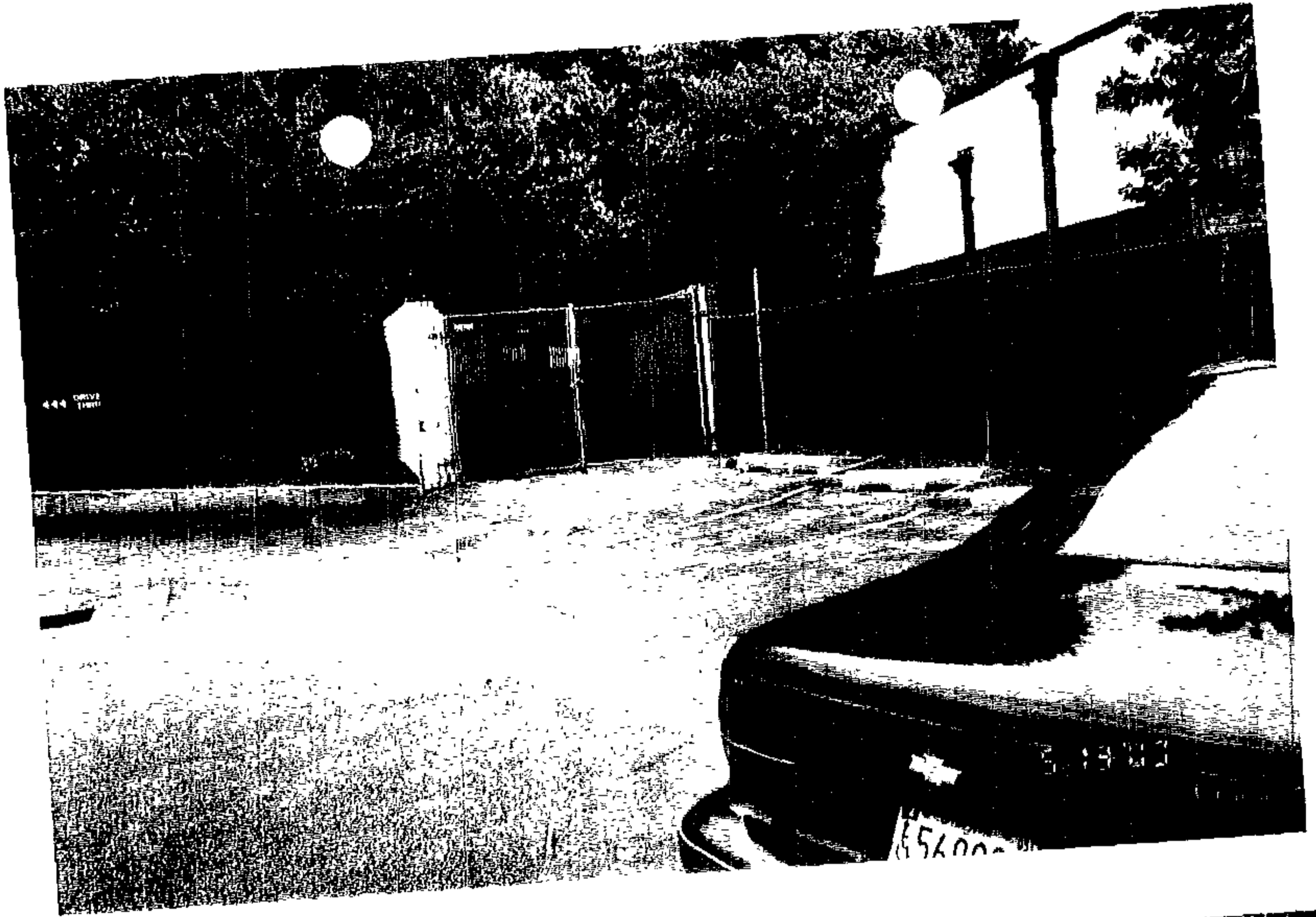














RO

DR 16

BLR

DR 5.5

A604

SITE

BL

DUNHILL-VILLAGE-GM

BLAS

BLAS

DR 16

RO

BL

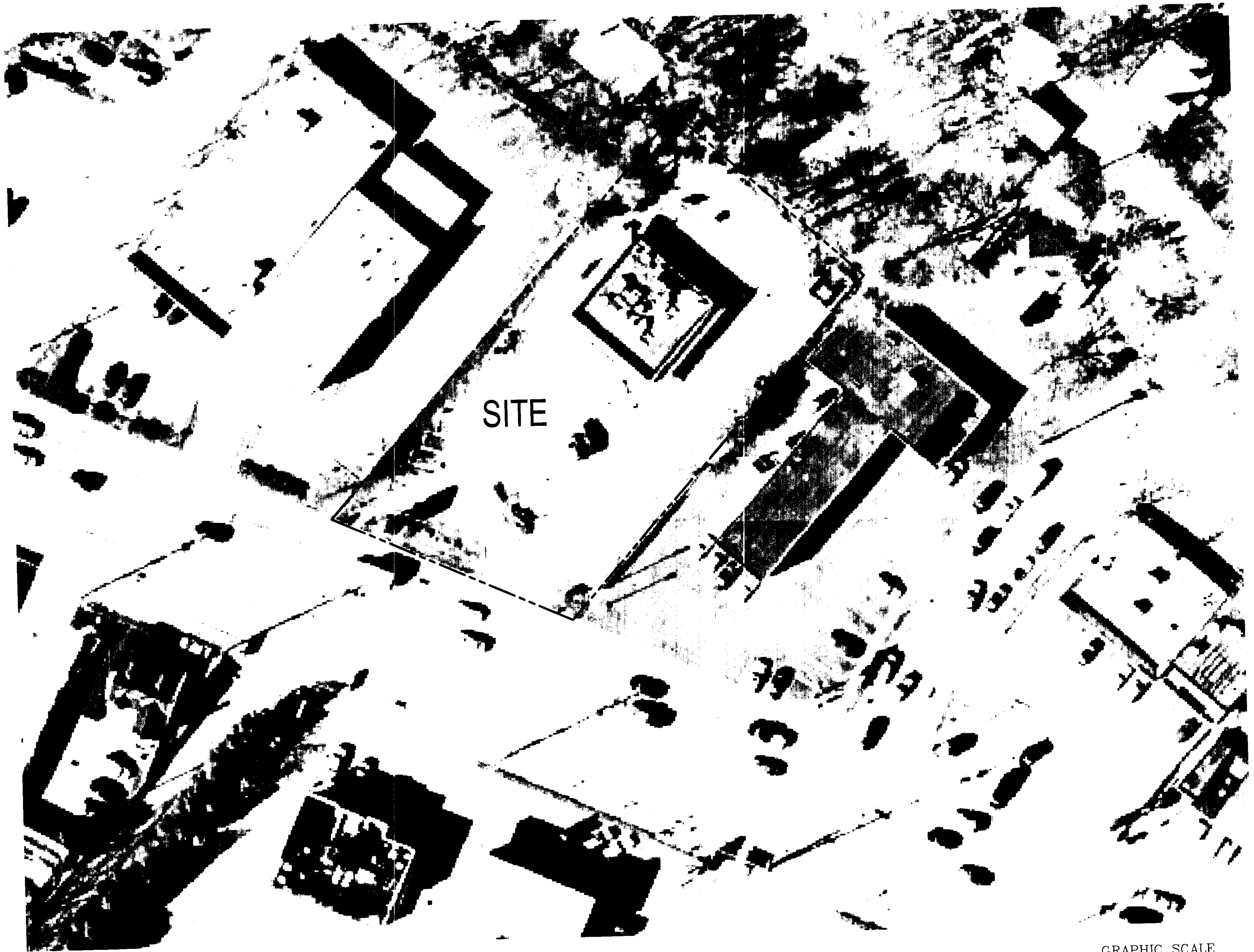
RO

SHADY-LN

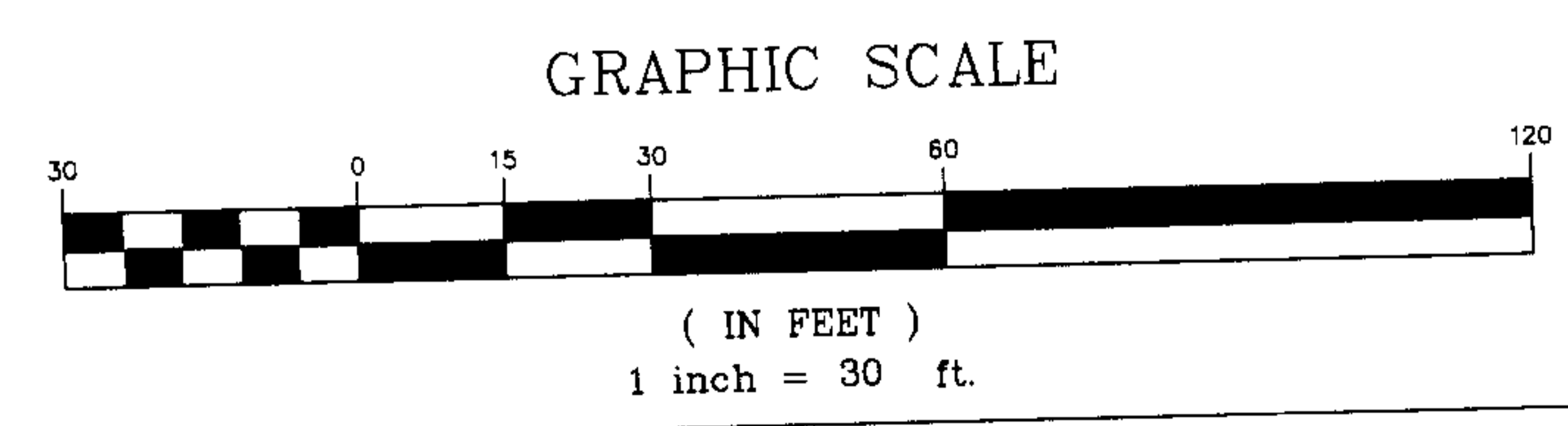
SHELLEY

200 SCALE ZONING MAP
MAP NO. 077C3

VVA

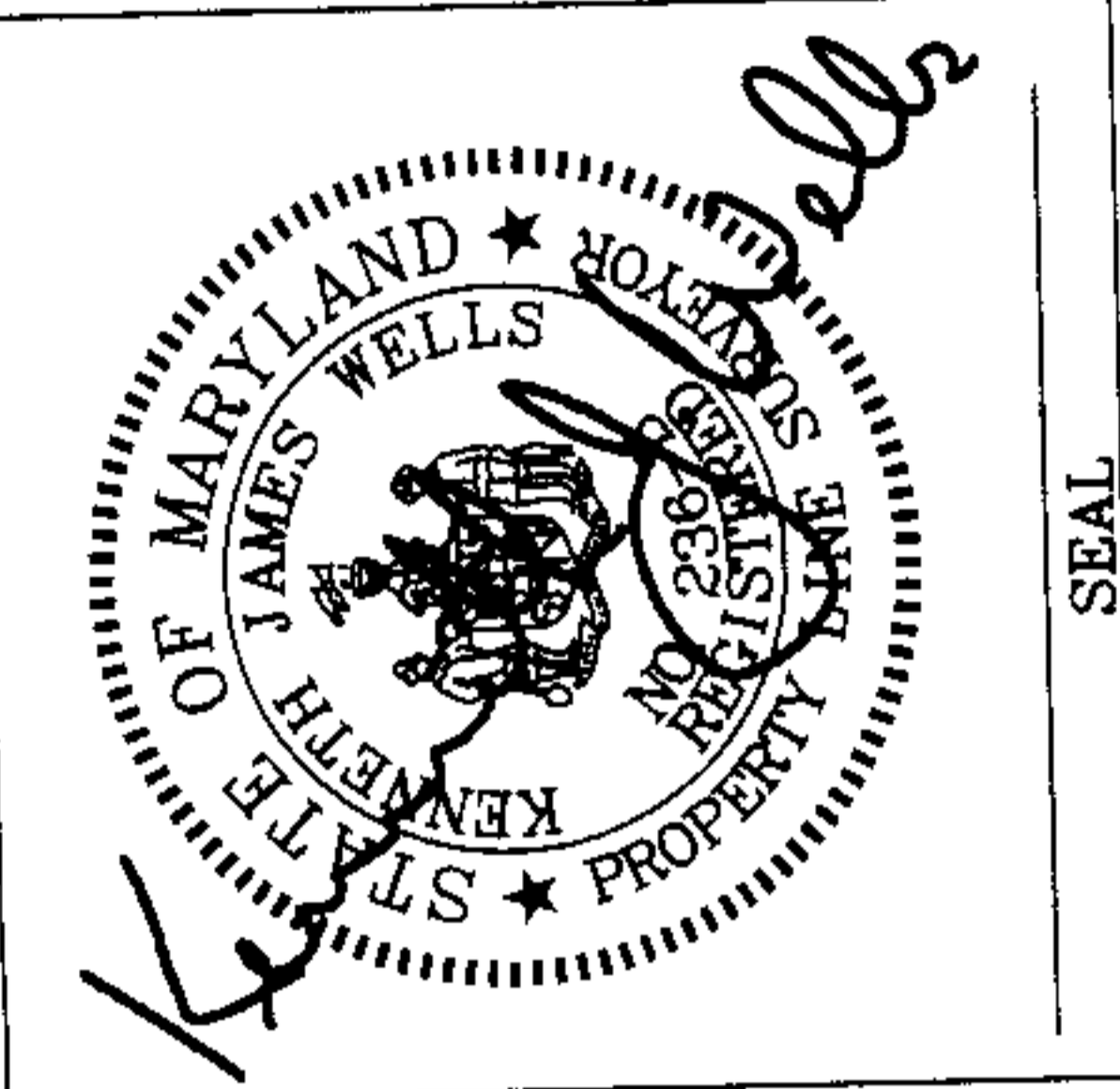


SITE



kjWellsIncSM
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

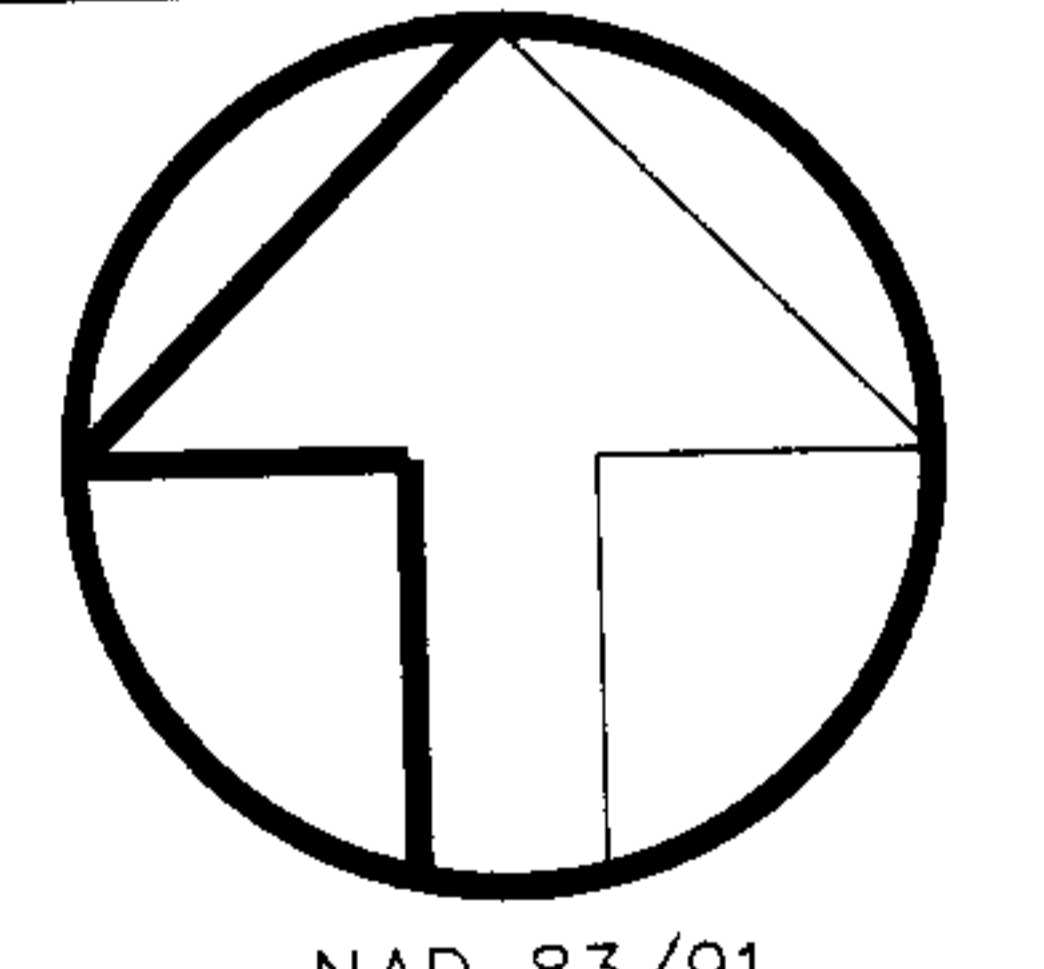
Land Surveying & Site Planning



SEAL

EXISTING CONDITIONS
PLAN

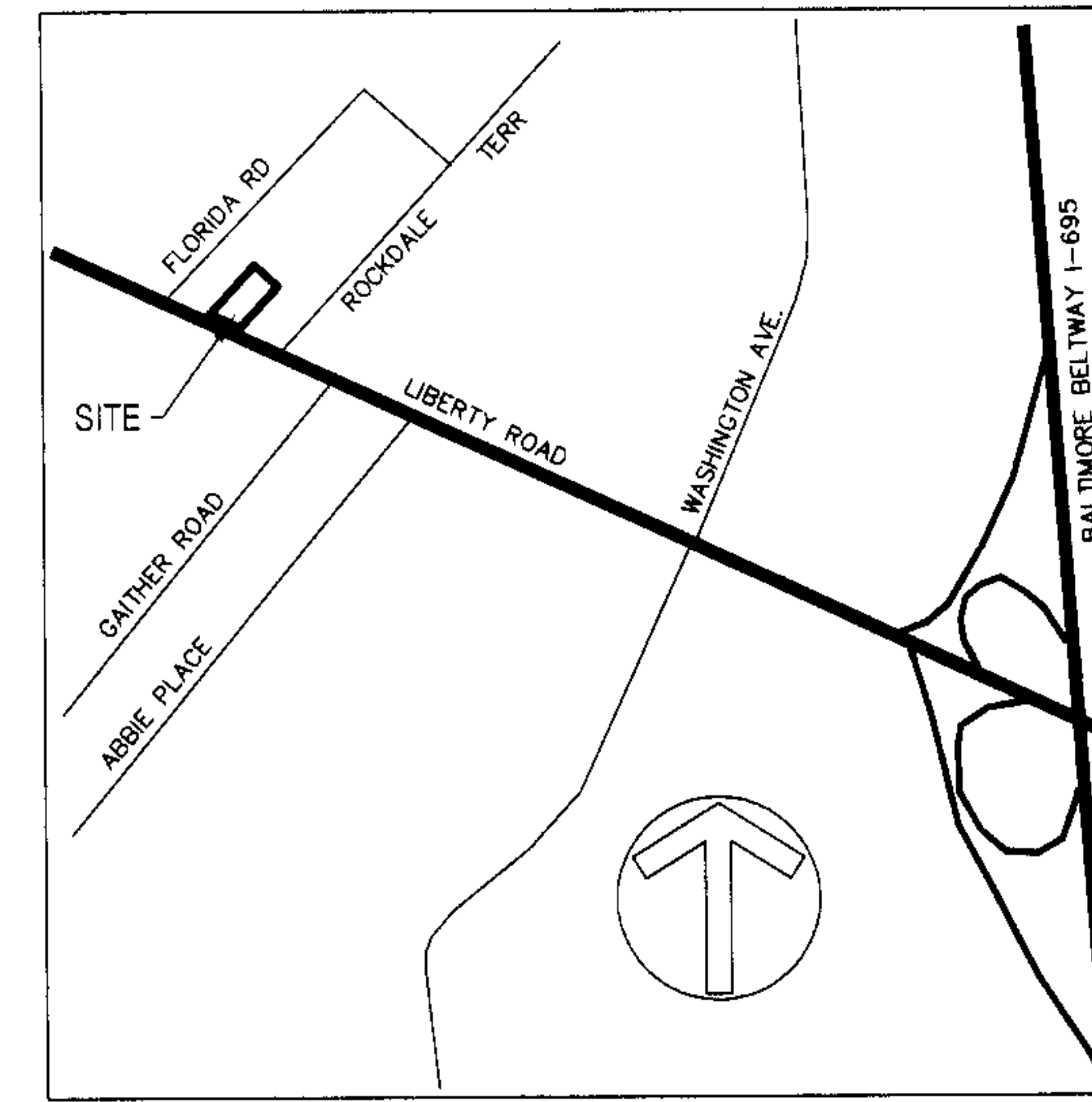
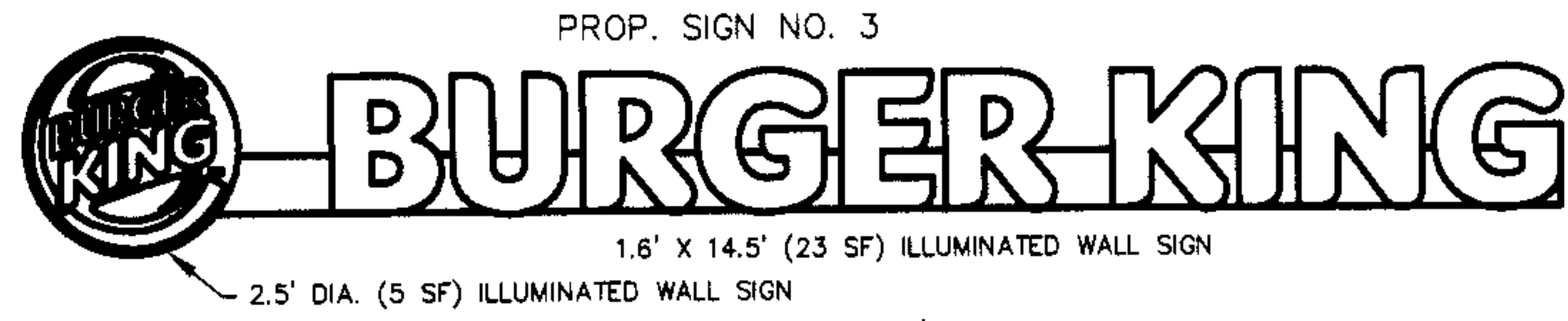
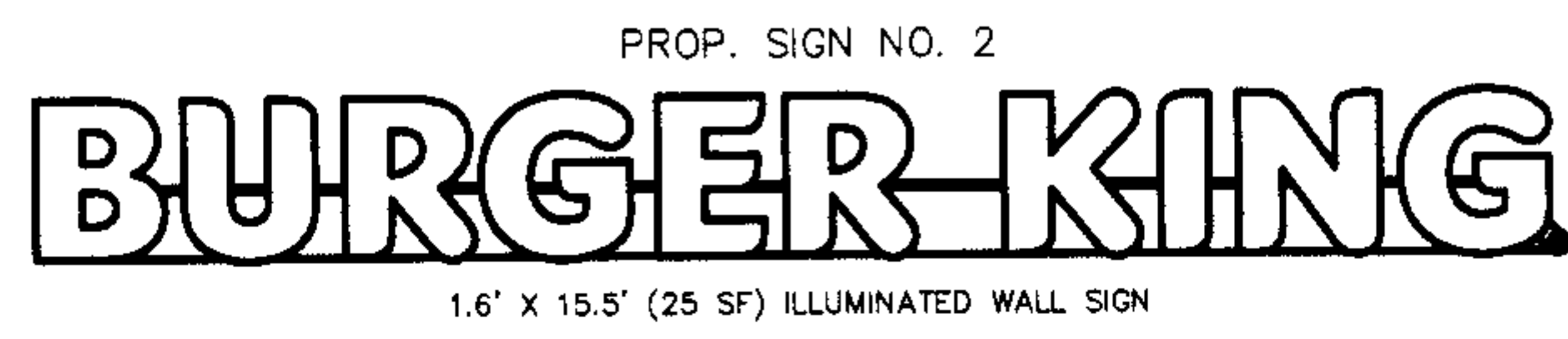
8016 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND
2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT



DRAWN BY: KJW
CHECKED BY: KJW
DATE: 5/24/2006
PROJECT NO.: 2006-017
SHEET 1 OF 1

SITE DATA:

- 1) OWNER/S: SOUTH KENDALL PROPERTY, INC.
- 2) OWNER/S ADDRESS: C/O BURGER KING #497
P.O. BOX 020783
MIAMI, FL. 33102-0783
- 3) DEED REFERENCE: 5015/549
- 4) PLAT REFERENCE: LOT 103 7/92
- 5) TAX ACCOUNT NO.: 0219610710
- 6) TAX MAP: 77 GRID: 24 PARCEL: 472
- 7) ZONING MAP: 077C3
- 8) CURRENT USE: FAST FOOD RESTAURANT
- 9) ZONING: BL AREA = 26,722 SF/0.61 AC
- 10) PARKING REQUIRED: 2,416 SQ. FT./1000 X 16 = 39 SPACES
- 11) PARKING PROVIDED: (39) 8.5' x MIN. 18' SPACES
- 12) FLOOR AREA RATIO:
ALLOWED: 3.0
PROPOSED: BL: 2,416 SF/26,722 SF = 0.09
- 13) AMENITY OPEN SPACE: N/A
- 14) PREVIOUS HEARINGS, CRG, DRC, AND WAIVERS
1) 64-173-R PETITION FOR RECLASSIFICATION WITHDRAWN/DISMISSED ON 7/20/65
2) 69-213-A SIGN VARIANCE (TO BE REPLACED BY REQUESTED VARIANCE)

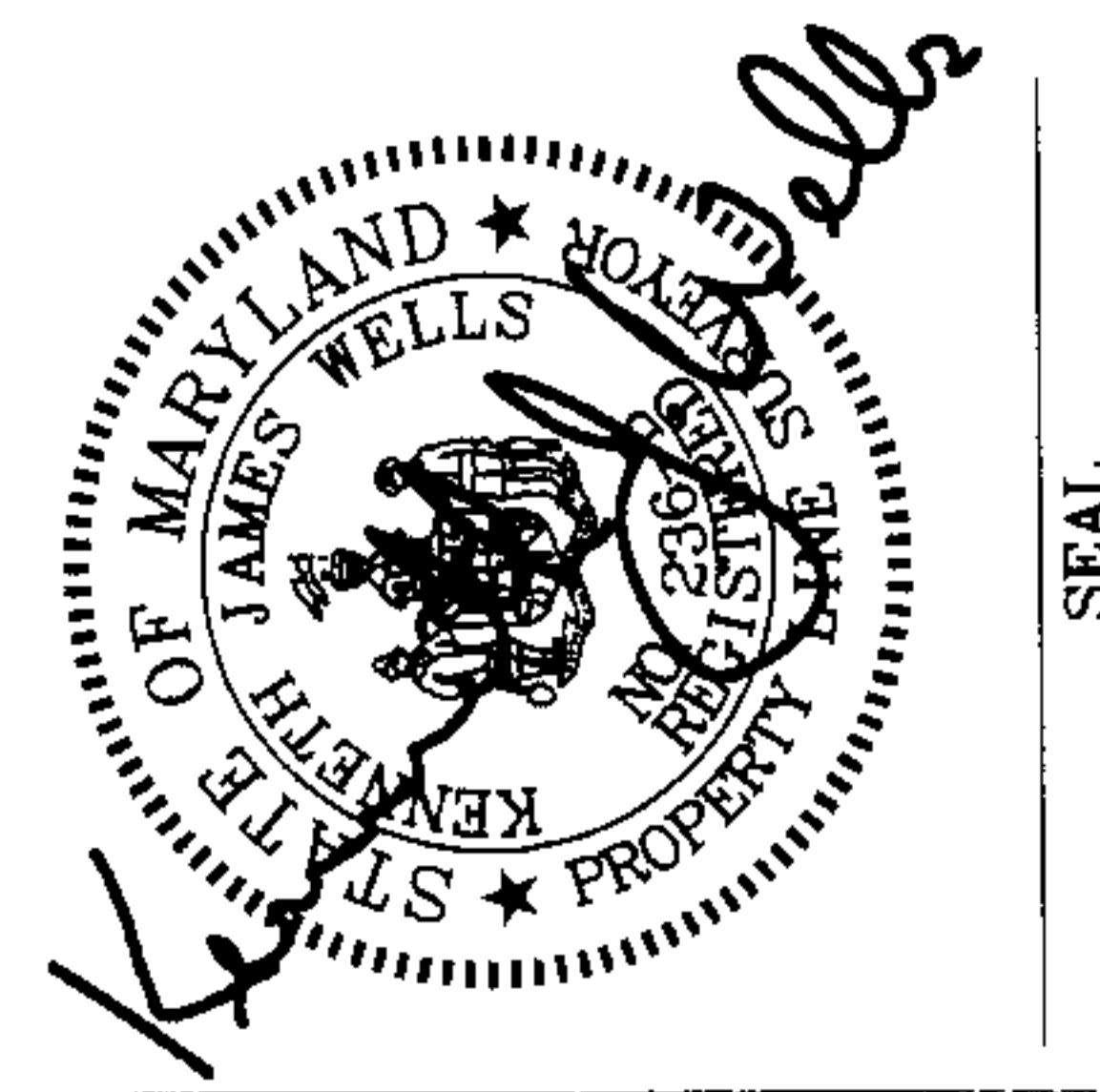


VICINITY MAP
SCALE: 1" = 1000'
WILLIAMSON
10233/720
TAX ID: 0211350050
ZONED DR 5.5

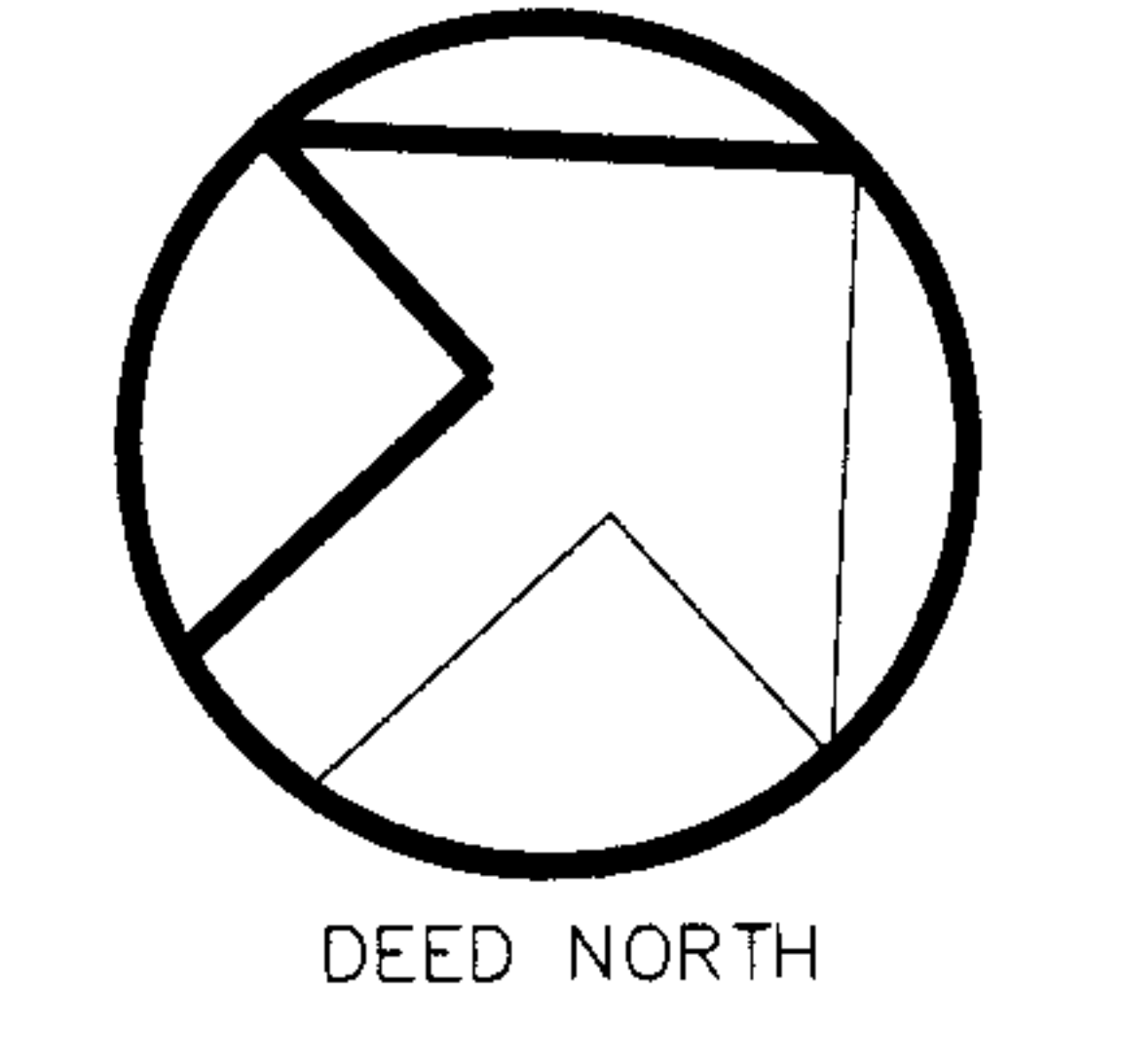
kjWellsIncSM
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning

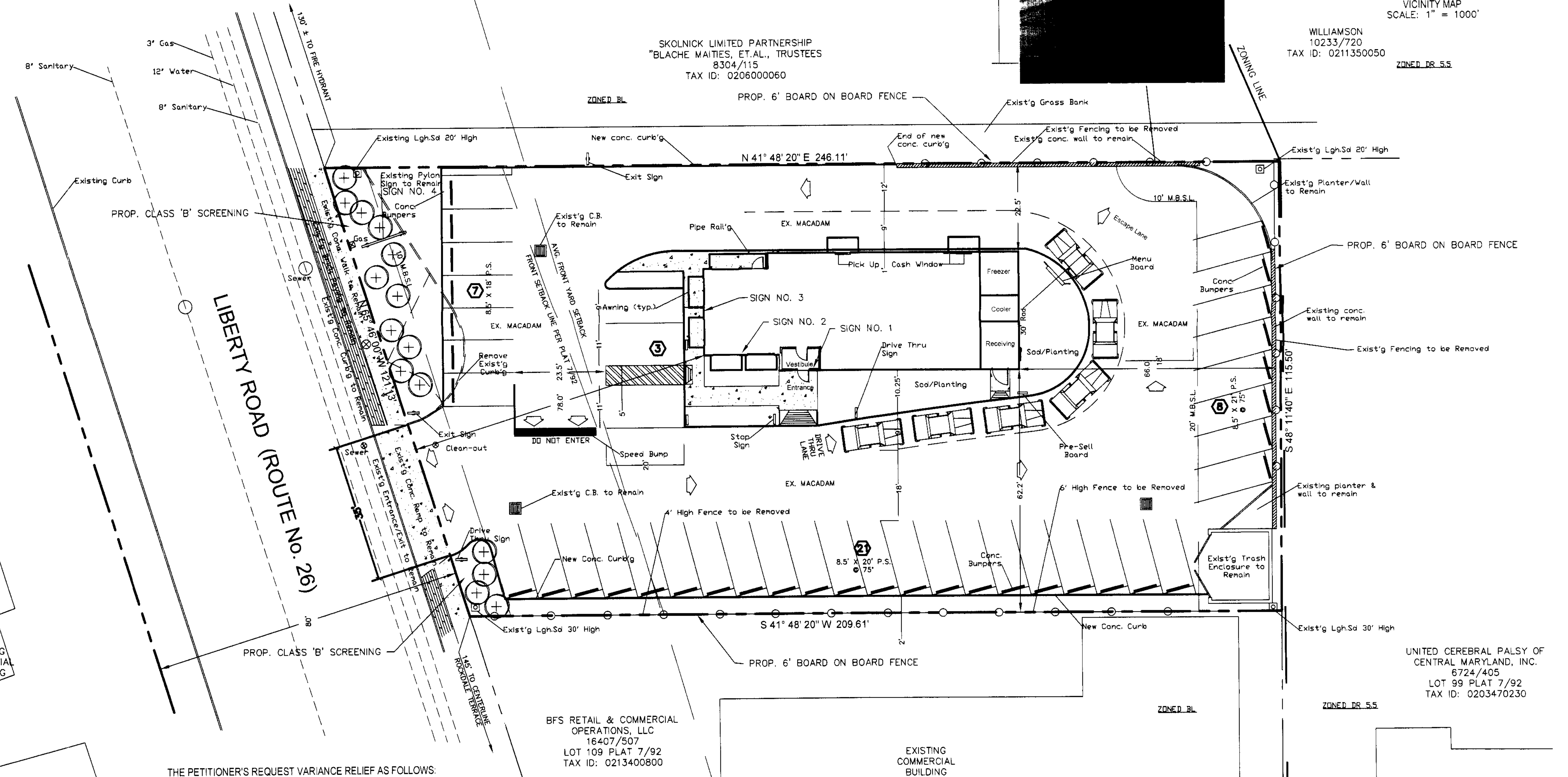
PETITIONER'S
EXHIBIT NO. 1



PLAN TO ACCOMPANY PETITION FOR VARIANCES
8016 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND
2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT



DRAWN BY: KJW
CHECKED BY: KJW
DATE: 5/24/2006
PROJECT NO.: 2006-017
SHEET 1 OF 1

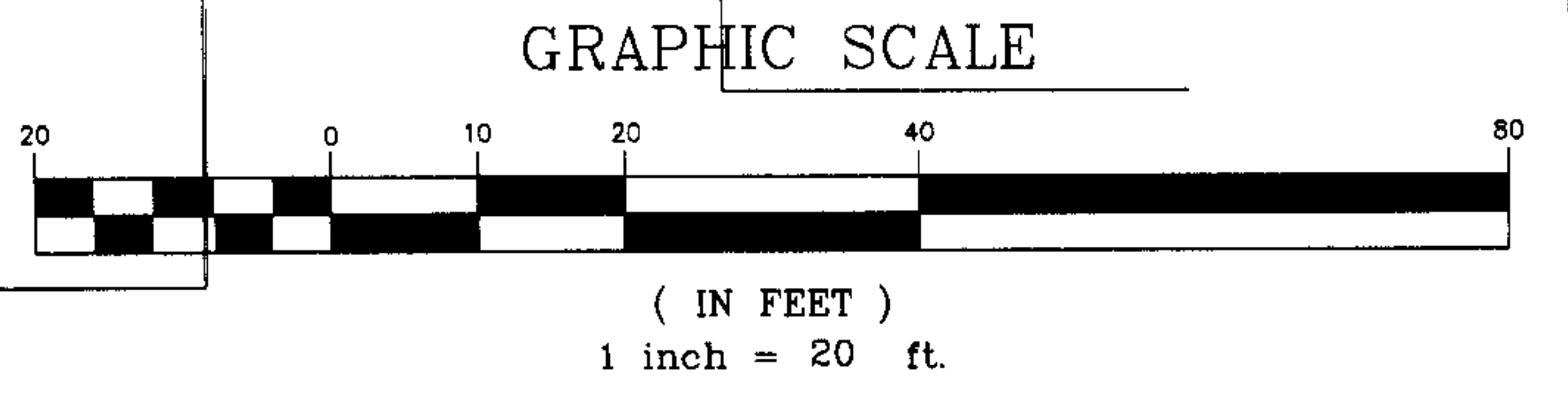


THE PETITIONER'S REQUEST VARIANCE RELIEF AS FOLLOWS:

1. PURSUANT TO SECTIONS 504 AND 409.1 (BCZR), TO PERMIT A 2 FOOT LANDSCAPE STRIP FROM THE LOT LINE ON THE SOUTHEAST SIDE OF THE SUBJECT PROPERTY AND A 0 FOOT LANDSCAPE STRIP FROM THE LOT LINE ON THE NORTHWEST SIDE OF THE SUBJECT PROPERTY, IN LIEU OF A MINIMUM 6 FOOT LANDSCAPE STRIP REQUIRED WHEN ADJACENT TO A COMMERCIAL PROPERTY BY CONDITION B.1.B OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.
2. PURSUANT TO SECTIONS 504 AND 409.1 (BCZR), TO PERMIT A 2.2 FOOT LANDSCAPE STRIP FROM A LOT LINE, IN LIEU OF A MINIMUM 10 FOOT LANDSCAPE STRIP REQUIRED ADJACENT TO A RESIDENTIAL ZONING LINE BY CONDITION B.1.C.2 OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.
3. FROM SECTION 450.4.1.5(B) (BCZR) TO PERMIT AN EXISTING DOUBLE ILLUMINATED FREESTANDING SIGN HAVING 103.5 SQUARE FEET ON EACH SIDE IN LIEU OF THE MAXIMUM PERMITTED 75 SQUARE FEET
4. IF REQUIRED, FROM SECTION 230.12 A (BCZR) TO PERMIT FREEZER, COOLER AND RECEIVING AREAS OUTSIDE OF A COMPLETELY ENCLOSED BUILDING.

BFS RETAIL & COMMERCIAL OPERATIONS, LLC
16407/507
LOT 109 PLAT 7/92
TAX ID: 0213400800

PETITIONER'S
EXHIBIT NO. *No 1*



GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.