IN RE: **PETITION FOR VARIANCE** N/S East Joppa Road, 184' NW of the c/l Waltham Road **(2008-2012 E. Joppa Road)** 9th Election District 5th Council District Norino Properties, LLC, Owner; Chick-fil-A, Inc., Lessees/Petitioners	* * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 07-003-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, Norino Properties, LLC, and the Contract lessees, Chick-fil-A, Inc., by and through their attorney, D. Dusky Holman, Esquire. The Petitioners request a variance from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard depth of 24.50 feet in lieu of the required 34.35 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Adam Volanth and Joseph Ucciferro, representatives of Bohler Engineering, the consultants hired by the Petitioners to prepare the site for this property, and Sebastian Cross, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located on the north side of East Joppa Road, just west of its intersection with Waltham Road in Parkville. The property is located in close proximity to the intersection of Joppa Road and Perring Parkway, immediately adjacent to the North Plaza Mall shopping center. The property is comprised of two parcels containing a combined gross area of 1.44 acres, more or less, zoned B.L. The Petitioners propose development of both parcels for commercial use. One parcel will be developed with a 4,000 sq.ft. Wachovia Bank building, which meets all applicable development requirements under the B.C.Z.R. The other parcel which is the subject of the instant variance request is proposed

ORDER RECEIVED FOR FILING
Date 9-12-06
By

for development with a Chick-fil-A restaurant. Details of the proposal are more particularly described on the site plan marked as Petitioner's Exhibit 1.

Variance relief is requested as set forth above, due to the unique configuration of the property and the location of existing improvements on adjacent properties. As shown on the site plan, the restaurant building will be located in the front portion of the site with all parking provided to the rear of the property, which abuts the parking area of the North Plaza Mall. Strict compliance with the regulations would create stacking, parking and circulation issues for this site and necessitate additional variance relief from parking and landscaping requirements. Further testimony disclosed that this entire corridor of Joppa Road is commercial in nature and that the proposed setback will be compatible with those provided by existing businesses in the area. Finally, the Office of Planning supports the proposal and believes that allowing the building envelope closer to the street achieves an improved street presence in this area for motorists and pedestrians. However, the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning raised an issue regarding the proposed freestanding sign to be located at the left side of the Joppa Road entrance. Specifically, the Office of Planning requested that this sign be ground-mounted and comprised of a joint identification sign for both the proposed restaurant and Wachovia Bank. The details of the proposed sign are more particularly described on Petitioner's Exhibit 3 and show an attractive, joint identification sign mounted atop a 15-foot high brick column, with an overall height of 25 feet. It is to be noted that no sign variance has been requested nor is warranted. Moreover, the Petitioner argued that the proposed sign meets the spirit and intent of the Office of Planning comment and I concur with their position.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the variance. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the Office of Planning supports the proposal. Thus, I find that the relief requested can be granted without detriment to adjacent properties or the surrounding locale.

ORDER RECEIVED FOR FILING
Date 5-12-99
By

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of September 2006 that the Petition for Variance seeking relief from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard depth of 24.50 feet in lieu of the required 34.35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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.

WJW:bjs

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9-12-06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

September 12, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: **PETITION FOR VARIANCE**
N/S East Joppa Road, 184' W of the c/l Waltham Road
(2008-2012 E. Joppa Road)
9th Election District – 5th Council District
Norino Properties, LLC, Owner; Chick-fil-A, Inc., Lessees - Petitioners
Case No. 07-003-A

Dear Messrs. Holman & Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. John Zorzit, Norino Properties, LLC
2700 Annapolis Boulevard, Baltimore, Md. 21230
Ms. Kimmy Concepcion, Chick-fil-A, Inc.
5200 Buffington Road, Atlanta, Ga. 30349
Messrs. Adam Volanth & Joseph Ucciferro, Bohler Engineering, P.C.
810 Gleneagle Court, Suite 300, Towson, Md. 21286
Office of Planning; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 2008 East Joppa Road

which is presently zoned: B.L.

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 time of hearing.

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

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

Contract Purchaser/Lessee:

Chick-fil-A, Inc.
Name - Type or Print

Jimmy Concepcion, auth. rep.
Signature

5200 Buffington Road
Address — Telephone No.

Atlanta — GA — 30349
City — State — Zip Code

Legal Owner(s):

Norino Properties, LLC
Name - Type or Print

Signature

By: John Zorzit, Member
Name - Type or Print

Signature

2700 Annapolis Blvd.
Address — Telephone No.

Baltimore — MD — 21230
City — State — Zip Code

Attorney For Petitioner:

D. Dusky Holman
Name - Type or Print

D. Dusky Holman
Signature

Gildea & Schmidt, LLC
Company

300 East Lombard Street, Suite 1440 — (410) 234-0070
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

Representative to be Contacted:

D. Dusky Holman
Name

300 East Lombard Street, Suite 1440 — (410) 234-0070
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-003-A

Reviewed By RLD **Date** 7/10/06

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 9-12-06
By

Attachment to Petition for Variance

1. Variance from BCZR Section 303.2 – to permit a front yard depth of 24.50 feet in lieu of the required front yard depth of not less than 34.35 feet.

Item #003

BOHLER
ENGINEERING, P.C.

810 Gleneagles Court, Suite 300
Towson, MD 21286
410.821.7900
410.821.7987 fax
md@bohlereng.com

July 10, 2006

ZONING DESCRIPTION
OF PART OF THE LANDS KNOWN AS
PARCEL 744, TAX MAP 71, WITH DEED REF. 14364/678;
PARCEL 725, TAX MAP 71, WITH DEED REF. 14364/678;
AS RECORDED IN THE DATABASES OF BALTIMORE COUNTY, MD
9TH ELECTION DISTRICT 5th Council. Dist.

BEGINNING AT A POINT MARKING THE INTERSECTION OF THE NOTHERLY RIGHT-OF-WAY LIMITS OF JOPPA ROAD (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE DIVISION LINE BETWEEN THE LANDS OF JOHN P. MICELI AND MIRIAM MICELI (LIBER 16765 FOLIO 509), ON THE WEST AND NORINO PROPERTIES, LLC (LIBER 14364 FOLIO 678) ON THE EAST, THENCE WITH SAID DIVISION LINE;

1. NORTH 23 DEGREES 48 MINUTES 04 SECONDS WEST; 133.01 FEET TO A POINT.
2. NORTH 66 DEGREES, 11 MINUTES, 56 SECONDS EAST; 200.00 FEET TO A POINT.
3. SOUTH 23 DEGREES, 48 MINUTES, 04 SECONDS EAST; 125.00 FEET TO A POINT.
4. SOUTH 59 DEGREES, 57 MINUTES, 04 SECONDS EAST; 20.00 FEET TO A POINT.
5. NORTH 30 DEGREES, 03 MINUTES, 00 SECONDS EAST; 92.63 FEET TO A POINT.
6. SOUTH 59 DEGREES, 52 MINUTES, 22 SECONDS EAST; 120.00 FEET TO A POINT.
7. SOUTH 30 DEGREES, 04 MINUTES, 46 SECONDS WEST; 206.46 FEET TO A POINT.
8. NORTH 69 DEGREES, 56 MINUTES, 14 SECONDS WEST; 79.09 FEET TO A POINT.
9. NORTH 73 DEGREES, 47 MINUTES, 16 SECONDS WEST; 89.21 FEET TO A POINT.
10. NORTH 71 DEGREES, 07 MINUTES, 57 SECONDS WEST; 88.57 FEET TO A POINT TO THE PLACE OF BEGINNING.

BEING ALSO KNOWN AS 2008 & 2014 EAST JOPPA ROAD, BALTIMORE COUNTY, AS RECORDED IN THE BALTIMORE COUNTY DATABASE CONTAINING IN ALL 67,737 SQUARE FEET OR 1.440 ACRES OF LAND MORE OR LESS.

Item #003

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 8370

DATE 7/10/06 ACCOUNT R 001 006 6150

AMOUNT $ 325.00

RECEIVED FROM: Bohler Engineering

FOR: Zoning hearing - variance

case # 07-009-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/10/2006	7/10/2006	09:51:16	1

REG 1601 WALKER JETC JHR
>>RECEIPT R 292075 7/10/2006 DRJR
Dept 5 520 ZONING VERIFICATION
CR NO. 008270
Rcpt Tot $325.00
$325.00 CK $.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: #07-003-A

2008 East Joppa Road
North side of Joppa Road, 170 feet +/- east of centerline of Satyr Hill Road
9th Election District - 5th Councilmanic District
Legal Owner(s): Norino Properties, LLC
Contract Purchaser: Chick-fil-A, Inc.

Variance: to permit a front yard depth of 24.50 feet in lieu of the required average front yard depth of not less than 34.35 feet.

Hearing: Wednesday, September 6, 2006 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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/8/746 Aug. 22 106646

CERTIFICATE OF PUBLICATION

8/24/, 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 8/22/, 2006.

- [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

RE: Case No.: 07-003-A

Petitioner/Developer: CHICK-FIL-A, INC

Date of Hearing/Closing: SEPT 6, 2006

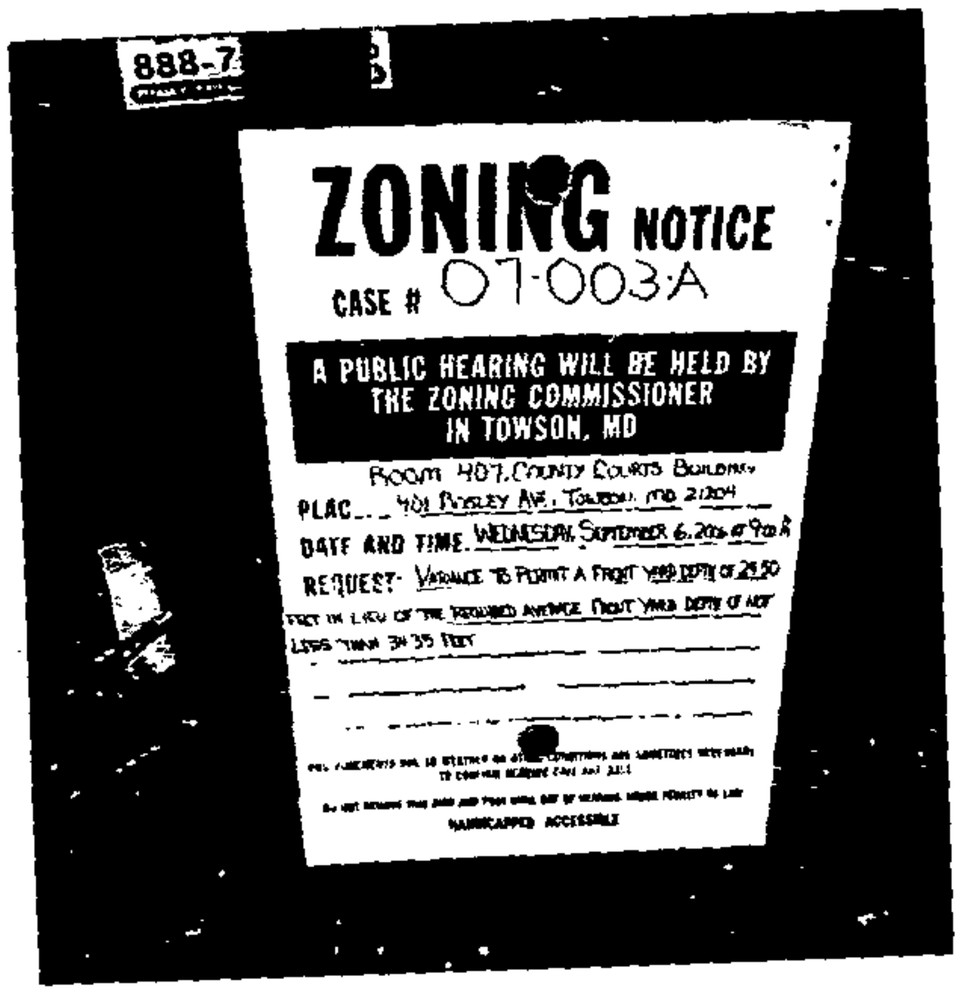
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2008 EAST JOPPA ROAD

The sign(s) were posted on AUG 21, 2006
(Month, Day, Year)



Sincerely,

Robert Black 8-23-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

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

July 20, 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: 07-003-A
2008 East Joppa Road
North side of Joppa Road, 170 feet +/- east of centerline of Satyr Hill Road
9th Election District – 5th Councilmanic District
Legal Owners: Norino Properties, LLC
Contract Purchaser: Chick-fil-A, Inc.

Variance to permit a front yard depth of 24.50 feet in lieu of the required average front yard depth of not less than 34.35 feet.

Hearing: Wednesday, September 6, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: D. Dusky Holman, 300 E. Lombard Street, Ste. 1440, Baltimore 21202
Norino Properties, LLC, John Zorzit, 2700 Annapolis Blvd., Baltimore 21230
Kimmy Concepion, Chick-fil-A, Inc., 5200 Buffington Road, Atlanta GA 30349

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 22, 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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 22, 2006 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt, LLC
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: 07-003-A
2008 East Joppa Road
North side of Joppa Road, 170 feet +/- east of centerline of Satyr Hill Road
9th Election District – 5th Councilmanic District
Legal Owners: Norino Properties, LLC
Contract Purchaser: Chick-fil-A, Inc.

Variance to permit a front yard depth of 24.50 feet in lieu of the required average front yard depth of not less than 34.35 feet.

Hearing: Wednesday, September 6, 2006 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 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
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: # 07-003-A

Petitioner: Chick-fil-A, Inc.

Address or Location: 2008 Joppa Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gildea & Schmidt, LLC

Address: 300 East Lombard St.
Suite 1440
Baltimore, MD 21202

Telephone Number: 410-234-0070

Revised 7/11/05 - SCJ

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 31, 2006

D. Dusky Holman
Gildea & Schmidt, LLC
300 East Lombard Street, Suite 1440
Baltimore, Maryland 21202

Dear Mr. Holman:

RE: Case Number: 07-003-A, 2008 East Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 10, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Norino Properties, LLC John Zorzit 2700 Annapolis Blvd. Baltimore 21230
Chick-fil-A, Inc. Kimmy Concepion 5200 Buffington Road Atlanta GA 30349

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

July 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 24, 2006

Item Number(s): 001 through 011

003

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: July 26, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For July 24, 2006
Item Nos. 002, 003, 004, 005, 006, 007, 008, 009, 010, and 011

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 07252006.doc

BW
9-6-06

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 9, 2006

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

SUBJECT: 2008 East Joppa Road

RECEIVED
AUG 1 8 2006
ZONING COMMISSIONER

INFORMATION:

Item Number: 7-003

Petitioner: Norino Properties, LLC

Zoning: BL

Requested Action: **Variance**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioners request to permit a front yard depth of 24.50 feet in lieu of the required front yard depth of not less than 34.35 feet for the proposed one story building (Chik-Fil-A restaurant) on the subject property, provided current standards for parking, applicable landscaping, and other public works regulations are met. The Office of Planning in this case is supportive of allowing building envelopes closer toward the street edge. Should other redevelopment occur along East Joppa Road, this streetscape design should continue in that it achieves an improved street presence for the motorist and pedestrian.

It should be noted here that the subject property is located with the East Joppa Road Corridor Study, and that addressing the negative impacts associated with vehicular traffic is one of the primary goals of this adopted community plan. The Office of Planning will request that the proposed freestanding sign located at the left side of the Joppa Road entrance be ground mounted, and consistent with the following:

- Not dominate surrounding commercial signs (see "Main Street" section of the Comprehensive Manual of Development Policies)
- Be lower in height than the existing freestanding sign on the property.
- Be comprised of a joint identification for the proposed restaurant and drive through bank listed at 2012 East Joppa Road.

In addition to the above comments, the Office of Planning recommends that those comments issued by this Office associated with Limited Exemption # 06014 / PDM # IX-789 be adhered to.

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

Prepared by: _____

Division Chief: _____
AFK/LL: CM
ATTACHMENT:

W:\DEVREV\ZAC\7-003.doc

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

SHA State Highway Administration *Driven to Excel*

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

Maryland Department of Transportation

Date: 7.21.06

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

RE: Baltimore County
Item No. 003 DD

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 2008 East Joppa Road; N/S Joppa Road, 170' E c/line Satyr Hill Road 9th Election & 5th Councilmanic Districts Legal Owner(s): Norino Properties, LLC Contract Purchaser(s): Chick-fil-A, Inc Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-003-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 19th day of July, 2006, a copy of the foregoing Entry of Appearance was mailed to, D. Dusky Holman, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED
JUL 19 2006
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

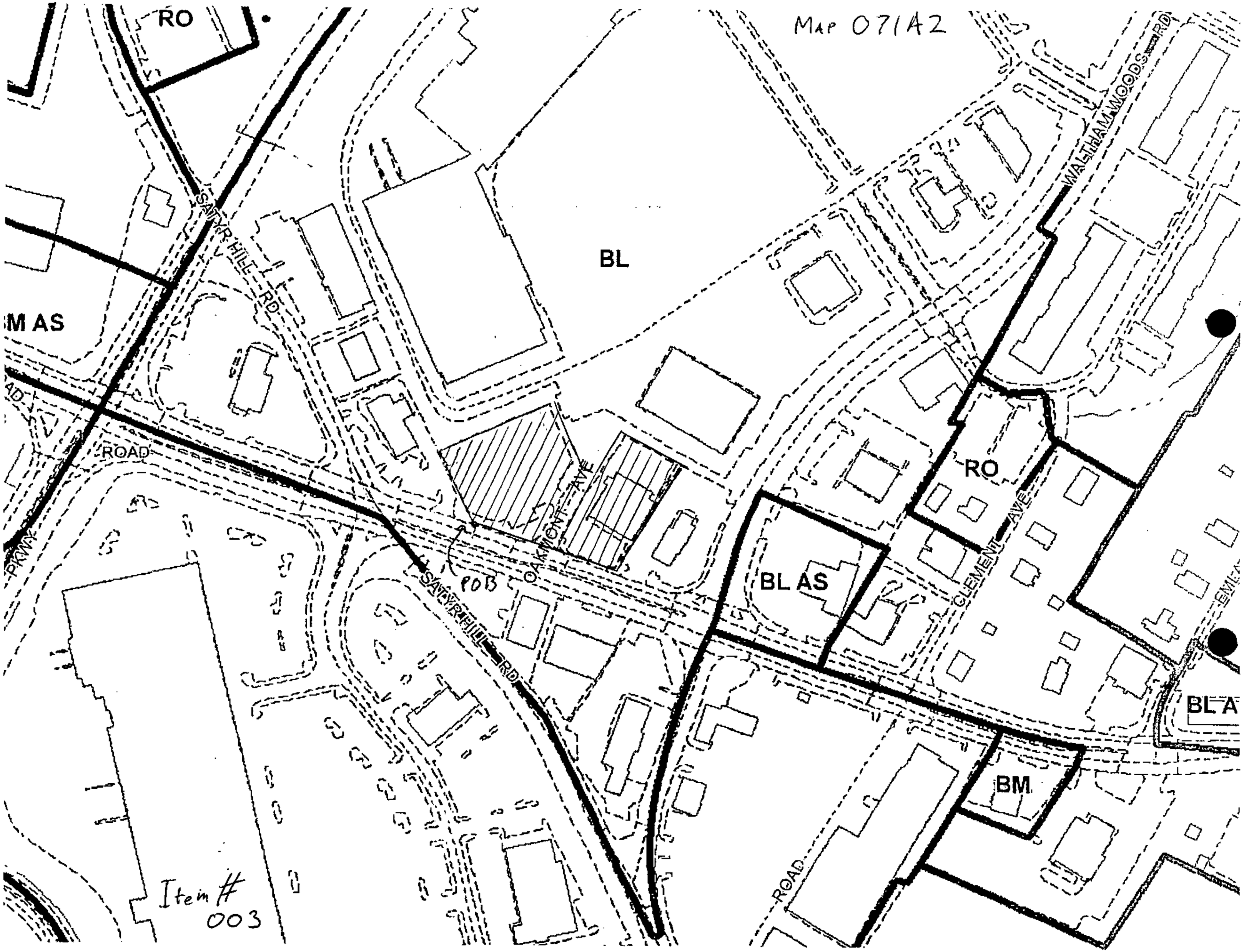
PETITIONER'S SIGN-IN SHEET

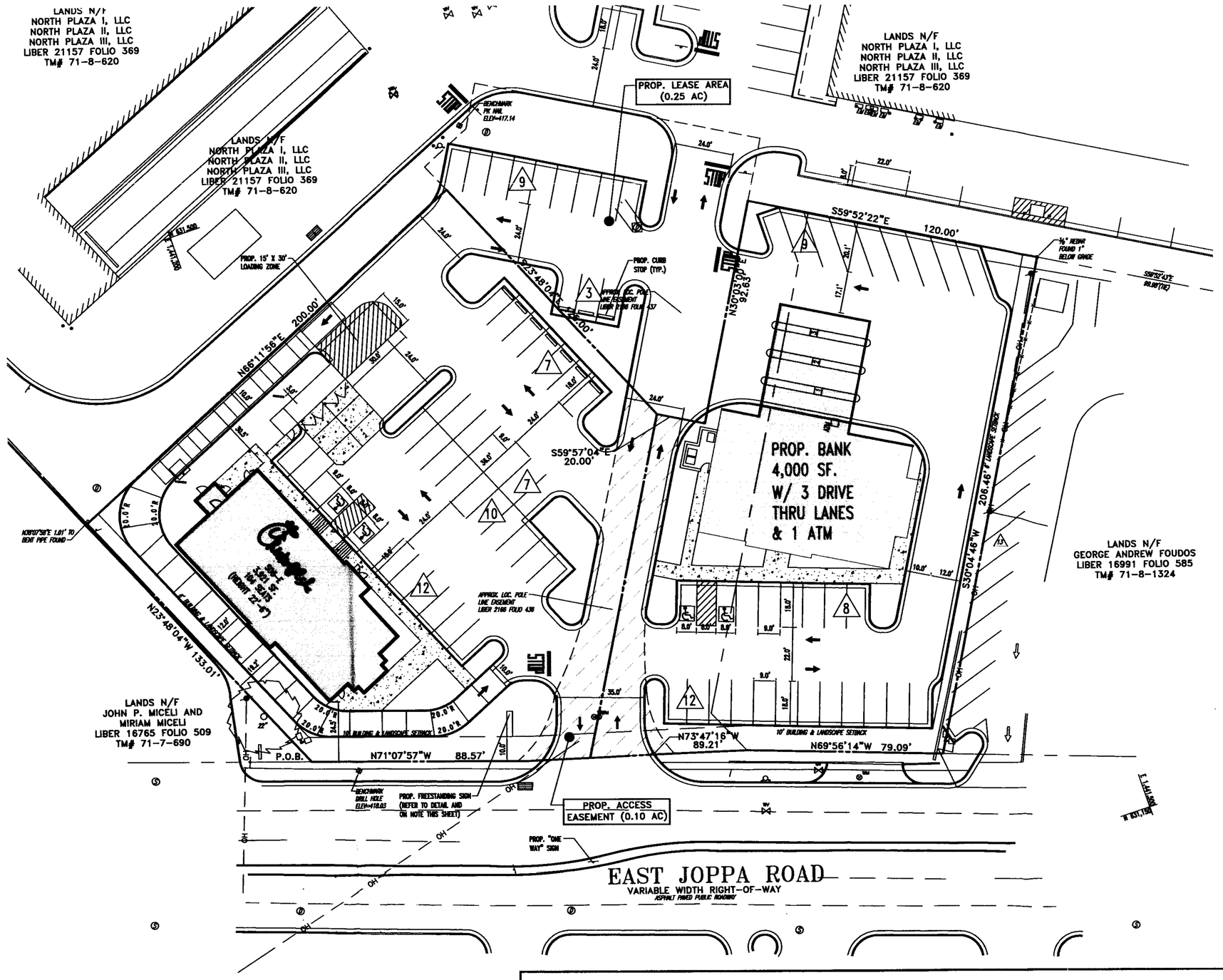
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Sebastian Cross	300 E. Lombard St. Suite 1440	Balt Md 21202	
ADAM VOLANTH	810 GLENEAGLES CT. ST 300	TOWSON, MD	BOHLER ENGINEERING
JOSEPH UCCIFERRO	810 GLENEAGLES CT, ST 300	TOWSON, MA 21286	

Case No.: 07-003 A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site PLAN	
No. 2	Colorized Schmatic	
No. 3	SIGNAGE Schmatic to meet Planning Comments	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		


MAP 071A2
RO
BL
M AS
SATYR HILL RD
ROAD
PKWY
OAKMONT AVE
POB
SATYR HILL RD
WALTHAM WOODS RD
RO
CLEMENT AVE
BL AS
BL A
BM
ROAD
Item # 003



GILDEA & SCHMIDT, LLC

500 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-685-1179
FACSIMILE 410-685-3570
www.gslaw.biz

DAVID B. GILDEA
DAVID@GSLAW.BIZ

LAWRENCE E. SCHMIDT
LES@GSLAW.BIZ

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TOWSON, MARYLAND
THE CHARLES CENTER
THE LEGAL CENTER FOR THE
CHESAPEAKE REGION

January 4, 2006

Mr. W. Carl Richards, Jr.
Zoning Review Supervisor
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Chick-fil-A/2008-2014 E. Joppa Road

Dear Mr. Richards:

The following letter serves to confirm the above referenced development's compliance with the Baltimore County Zoning Regulations.

I. Background Information

1. The parcel to be developed consists of two separate parcels, under the common ownership of Norino Properties, LLC.
2. The site has two addresses of 2008 E. Joppa Road and 2014 E. Joppa Road. The tax account numbers are 0926000251 and 0926000250, respectively.
3. The site is currently improved by an abandoned restaurant on 2014 E. Joppa Road with a paved parking lot existing at 2008 E. Joppa Road.
4. The property owner is proposing to place a Chick-fil-A restaurant upon 2008 E. Joppa Road and a Wachovia Bank on 2014 E. Joppa Road.
5. As part of the proposed development, the property owner will enter into a long-term parking easement agreement with the adjoining North Plaza Shopping Center.
6. By using the leased area demonstrated on the plan, the property owner will meet or exceed the 76 parking spaces required for the proposed development.
7. Adequate landscaping shall be provided with a 10' landscape strip along E. Joppa Road frontage and a 6' landscape strip around the remaining perimeter of the property.
8. The development also proposes one joint identification sign containing a locale indicator and the identity of the restaurant and bank.

II. Confirmation

Upon review of the plan, Norino Properties, LLC, asks your office to confirm the following:

1. Off-street parking requirements have been met under BCZR Section 409.7.B.1 and 409.7.C.
2. Landscaping requirements have been met for this development, and no landscaping is required for the leased parking area per Landscape Manual, Part III, Condition B, Standards.1 A and B.
3. The proposed signage is permitted as a joint identification sign for uses on 2008 E. Joppa Road and 2014 E. Joppa Road and for locale indicator according to BCZR Section 450.4.

If your office is in agreement with these three points, please confirm and approve by signing where indicated and return to our office at your earliest convenience. As always, I am

Very truly yours,

D. Dusky Holman

D. Dusky Holman

SAC: bbb
APPROVED AND CONFIRMED:

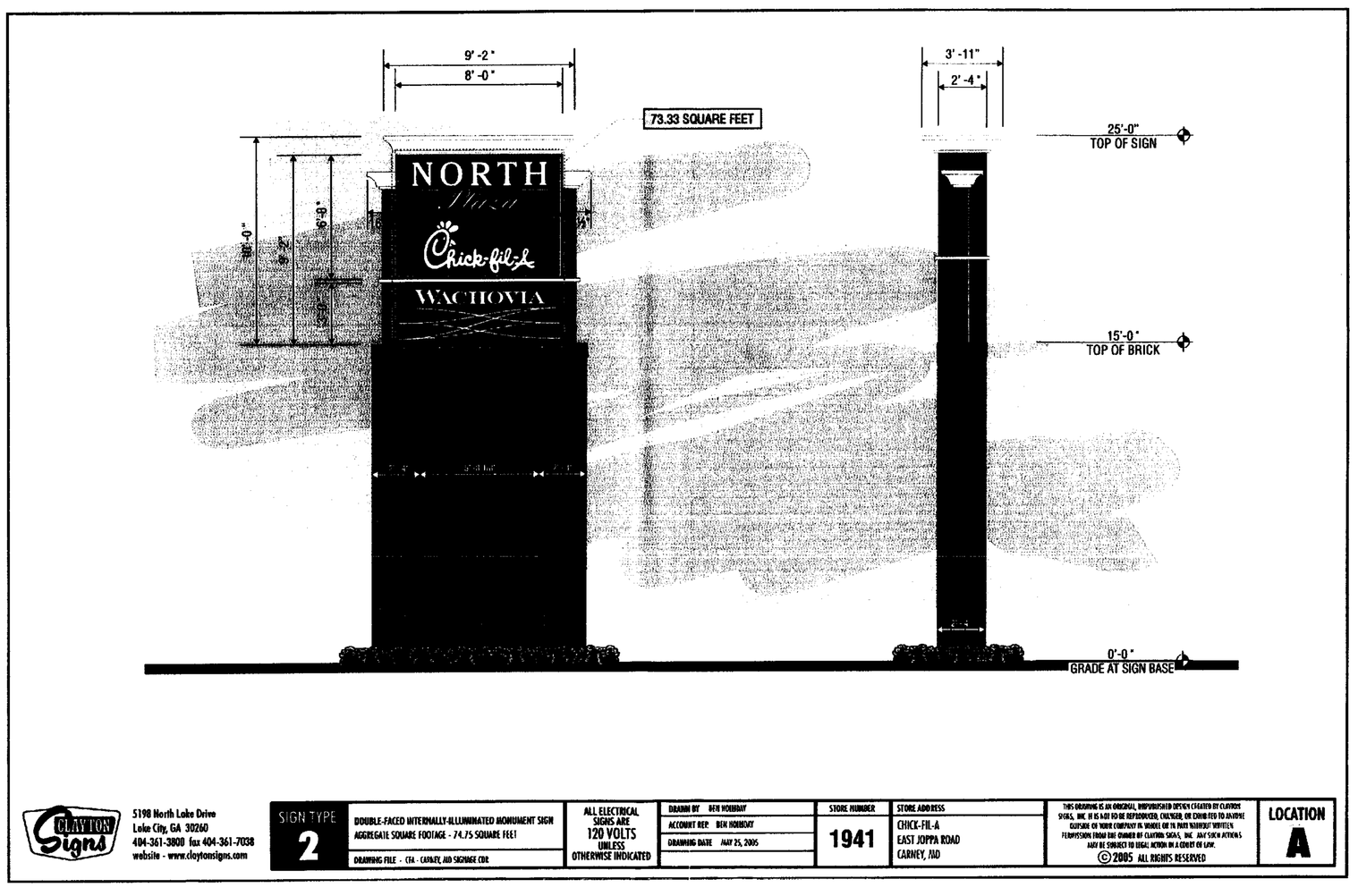
2/14/06

W. Carl Richards, Jr.
Permits and Development Management

Cc: Alex Dominquez, Chick-fil-A
Tom Nolan, Chick-fil-A
Keith Simpson, Bohler Engineering
Joseph Uccifero, Bohler Engineering
Sebastian A. Cross, Esquire

SIGN NOTE

CURRENTLY SIGN EXISTS ON TWO LOTS UNDER COMMON OWNERSHIP AND CONTROL. IF THIS COMMON OWNERSHIP AND CONTROL IS ALTERED IN RESPECT TO BOTH LOTS THIS SIGN WILL REQUIRE APPROPRIATE ZONING RELIEF OR REMOVAL OF ADVERTISING FOR ENTITY OR ADJOINING PARCEL.



CLAYTON Signs
5190 North Lake Drive
Lake City, GA 30260
404-361-3000 fax 404-361-7038
website - www.claytonsigns.com

SIGN TYPE 2 — DOUBLE-FACED INTERNALLY-ILLUMINATED MONUMENT SIGN
AGGREGATE SQUARE FOOTAGE - 74.75 SQUARE FEET
DRAWING FILE - CFA - CAPATE, AIR SIGNAGE CDR

ALL ELECTRICAL SIGNS ARE 120 VOLTS UNLESS OTHERWISE INDICATED

DRAWN BY: BEN HORNBUAT
ACCOUNT REP: BEN HORNBUAT
DRAWING DATE: MAY 25, 2005

STORE NUMBER: 1941

STORE ADDRESS: CHICK-FIL-A, EAST JOPPA ROAD, CARNEY, MD

THIS DRAWING IS AN ORIGINAL, UNPUBLISHED DESIGN CREATED BY CLAYTON SIGNS, INC. IT IS NOT TO BE REPRODUCED, CHANGED, OR COPIED TO ANYONE OUTSIDE OF YOUR COMPANY IN ANY WAY WITHOUT WRITTEN PERMISSION FROM THE OWNER OF CLAYTON SIGNS, INC. ANY SUCH ACTIONS ARE AN INFRINGE TO LEGAL ACTION IN LEGAL COURT OF LAW.
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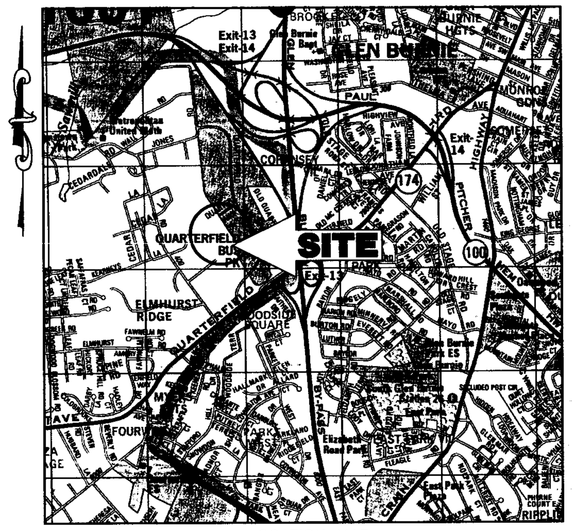
LOCATION A



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=2273'

SITE INFORMATION

1. ZONE: BL-AS (BUSINESS LOCAL)
2. NET SITE AREA: 62,737 S.F. OR 1.44 AC.
3. PROPOSED BUILDING HEIGHT: CHICK-FIL-A = 25'-6"
   BANK = 19'-0"±
4. DEED REFERENCE: L. 14364, F. 678
5. OWNERS:
   NORINO PROPERTIES, LLC
   2700 ANNAPOLIS ROAD
   BALTIMORE, MD 21230
6. TAX ACCOUNT NO.: 0926000250, 0926000251
7. ELECTION DISTRICT: 9
8. COUNCILMANIC DISTRICT: 5
9. WATERSHED: BACK RIVER
10. CENSUS TRACT: 491701
11. THE PROPERTY IS LOCATED IN ZONE C PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND (UNINCORPORATED AREAS), PANEL 270 OF 575, COMMUNITY-PANEL NUMBER 240010 0270 B, PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE NOVEMBER 17, 1993.
12. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC SYSTEMS WITHIN THE SITE BOUNDARY.
13. EXISTING USE: RESTAURANT
14. PROPOSED USE: RESTAURANT/BANK
15. SITE ADDRESS:
    2008 & 2014 JOPPA ROAD
    CARNEY, MARYLAND
16. THIS PLAN REFERENCES A SURVEY BY CONTROL POINT ASSOCIATES, INC. ENTITLED ALTA/ASCM LAND TITLE SURVEY, CHICK-FIL-A, INC., 2008-2014 EAST JOPPA ROAD DATED: 5/18/05.
17. SETBACKS:
    FRONT: BUILDING & LANDSCAPE - 10'
    SIDE: LANDSCAPE - 6'
    REAR: LANDSCAPE - 6'
18. ZONING CASE NUMBERS ASSOCIATED WITH THIS PROJECT: 66-122R
19. PARKING REQUIRED
    BANK 4,000(3.3/1000) = 13
    CHICK-FIL-A 3,921(16/1000) = 63
    TOTAL = 76
    PROPOSED PARKING = 77

PETITIONER'S EXHIBIT NO. 3

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

Chick-fil-A
5200 Buffington Rd. Atlanta
Georgia, 30349-2998

Revisions:

Mark	Date	By

A.J. VOLANTH
PROFESSIONAL ENGINEER
VIRGINIA LICENCE No. 0402 021438
MARYLAND LICENCE No. 21362
DISTRICT OF COLUMBIA LICENCE No. 10726
GEORGIA LICENCE No. 22642
NORTH CAROLINA LICENCE No. 22432
SOUTH CAROLINA LICENCE No. 20242
TENNESSEE LICENCE No. 107550

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• MUNICIPAL ENGINEERS
• NEW JERSEY • NEW YORK
• VIRGINIA • PENNSYLVANIA
• MASSACHUSETTS • MARYLAND
• WWW.BOHLERENG.COM

810 GLENEAGLES COURT
SUITE 300
TOWSON, MARYLAND 21286
PHONE: (410) 821-7900
FAX: (410) 821-7987

STORE
Series 02- 124
2008-2014
JOPPA ROAD
CARNEY, MD
BALTIMORE COUNTY

SHEET TITLE
SIGNAGE
EXHIBIT PLAN

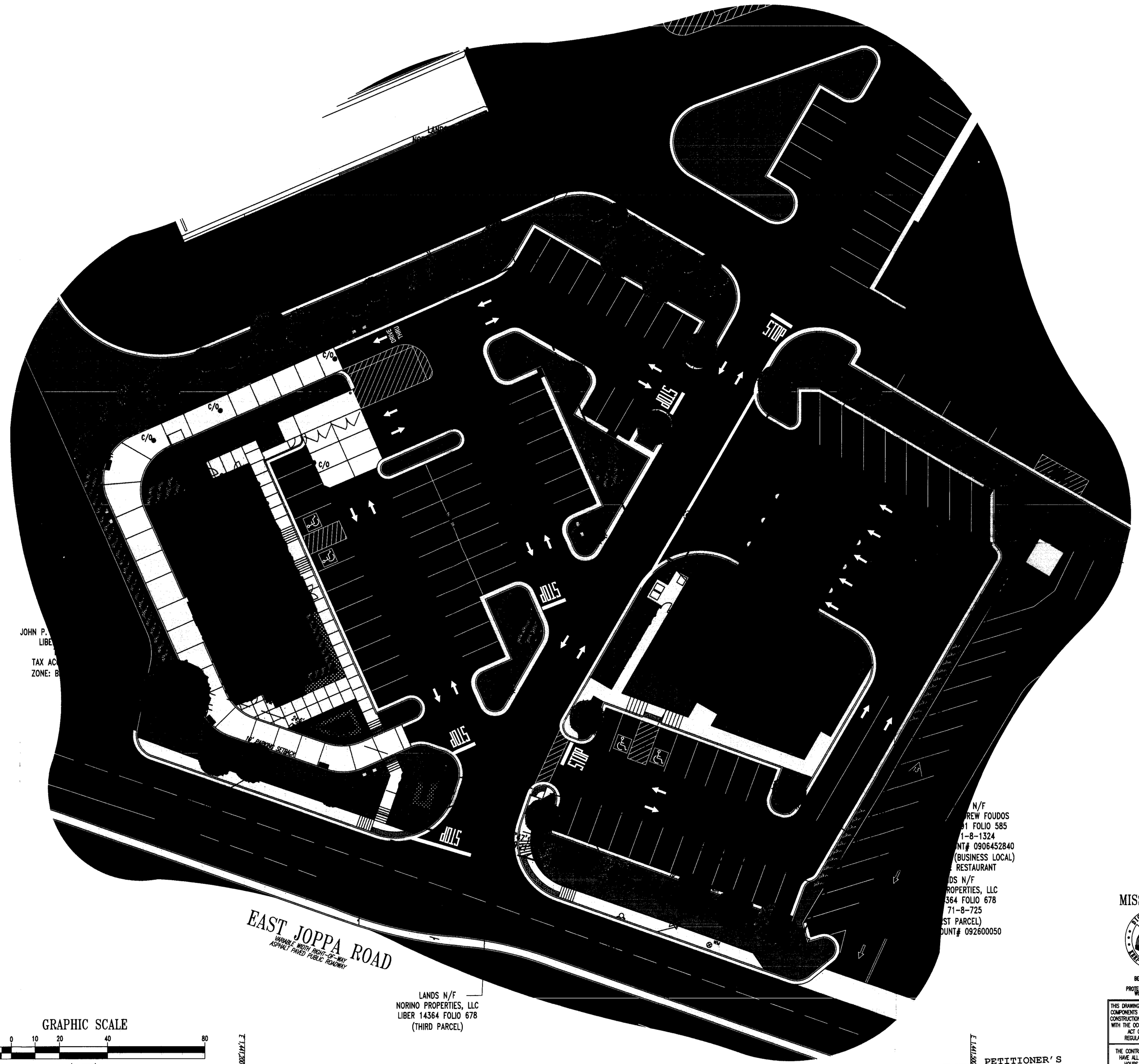
DWG EDITION 02.4

☐ Preliminary
☐ 80% Submittal
☐ For Construction

Job No. : MD056500
Store :
Date : 11/30/05
Drawn By : RLB
Checked By : JU

Sheet
1

Pet Ex. 2



GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PETITIONER'S EXHIBIT NO. 2

MISS UTILITY

BEFORE YOU DIG CALL
1-800-257-7777
PROTECT YOURSELF, GIVE TWO WORKING DAYS NOTICE

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

THE CONTRACTOR TO CALL MISS UTILITY TO HAVE ALL EXISTING UTILITIES MARKED 48 HOURS PRIOR TO ANY CONSTRUCTION.

Chick-fil-A
5200 Buffington Rd. Atlanta
Georgia, 30349-2998

Revisions:

Mark	Date	By
△		
△		
△		

A.J. VOLANTH

PROFESSIONAL ENGINEER
VIRGINIA LICENSE No. 0402 031430
MARYLAND LICENSE No. 21343
DISTRICT OF COLUMBIA LICENSE No. 10728
PENNSYLVANIA LICENSE No. 048314-E
DELAWARE LICENSE No. 10734

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810 GLEDHILL EAST
SUITE 300
TOWSON, MARYLAND 21286 PHONE: (410) 821-7900
FAX: (410) 821-7987

STORE
Series 06-E 104
2008-2012
EAST JOPPA ROAD
BALTIMORE, MD
BALTIMORE COUNTY

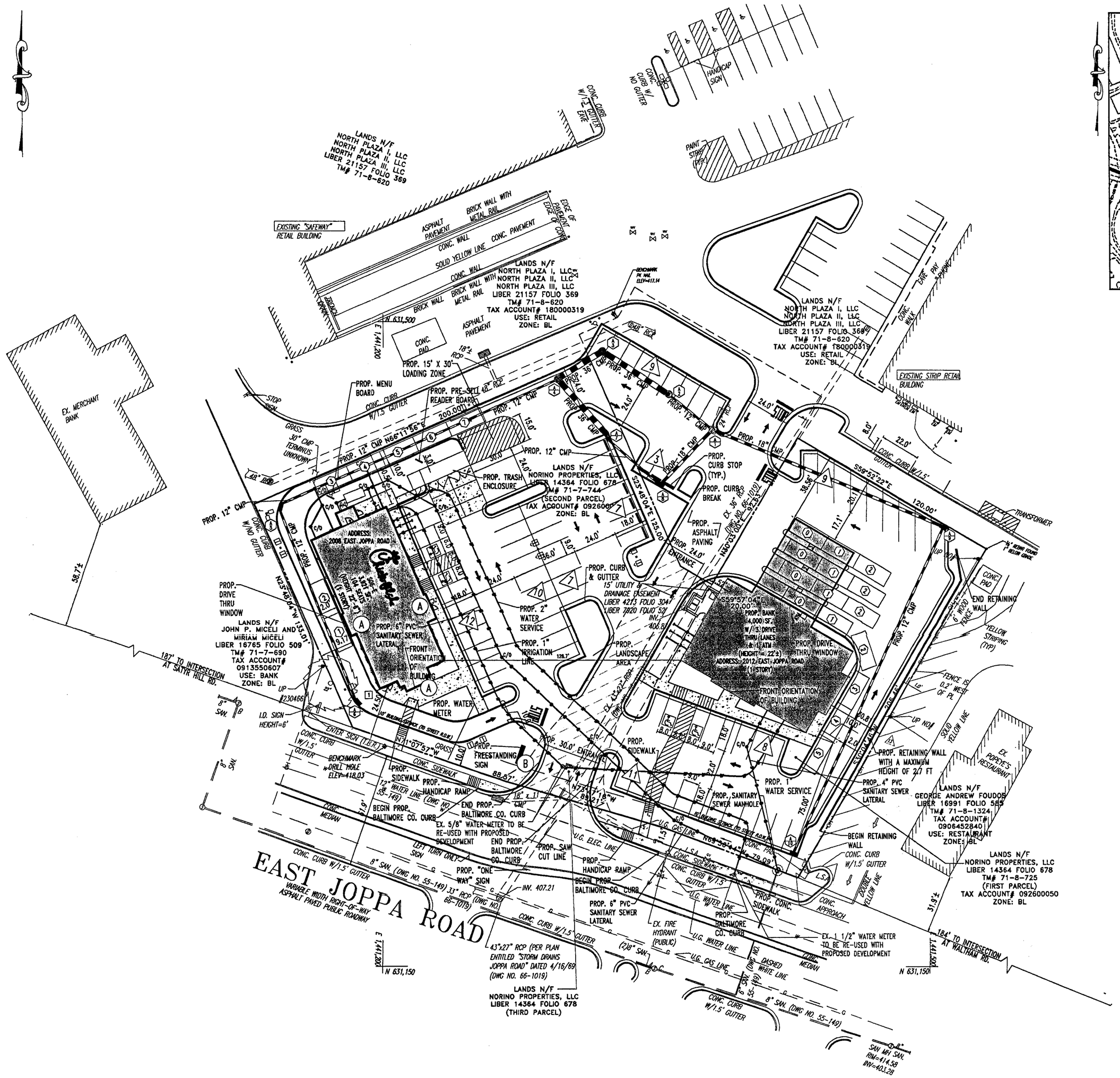
SHEET TITLE
LANDSCAPE PLAN

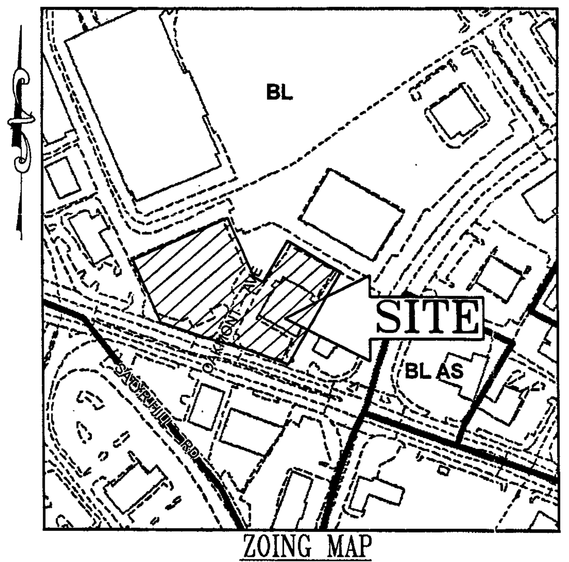
DWG EDITION 02.4

☒ Development Plan
☐ 80% Submittal
☐ For Construction

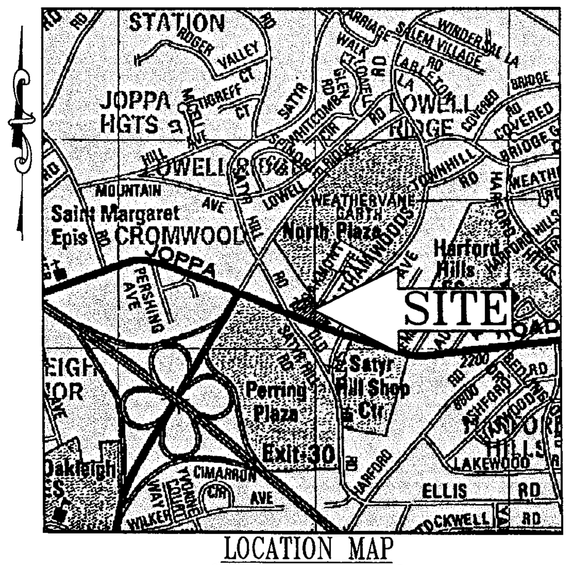
Job No. : MD056500
Store :
Date : 8/28/06
Drawn By : RLB
Checked By : JJ

Sheet
L1





ZONING MAP
SCALE: 1"=200'



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

ZONING HISTORY

1. CASE NO.: 4975 – (ORDER DATED 6/6/60): PORTION OF PARCEL REZONED FROM R-6 (RESIDENTIAL) TO BL (BUSINESS).
2. CASE NO.: 5812 – (ORDER DATED 4/4/63): PORTION OF PARCEL REZONED FROM R-6 TO BL.
3. CASE NO.: 66-122R – (ORDER DATED 11/16/65): SURFACE PARKING LOT REZONED FROM R-6 TO BL.

ZONING RELIEF REQUESTED

1. BCZR SECTION 303.2 – TO PERMIT A FRONT YARD SETBACK OF 24.50 FEET IN LIEU OF THE REQUIRED FRONT YARD SETBACK OF 34.35 FEET.

SITE INFORMATION

1. THIS PLAN REFERENCES A SURVEY BY:
   CONTROL POINT ASSOCIATES, INC.
   22630 DAVIS DRIVE, SUITE 200
   STERLING, VA 20164
   (703) 798-9500
   FILE #: 5056506.SR
   DATED: 5/18/05
2. ZONE: BL (BUSINESS LOCAL) ZONING MAP #071A2
3. GROSS SITE AREA: 62,737 S.F. OR 1.44 AC.
4. EXISTING FLOOR AREA: 6,183 SQ. FT.
5. PROPOSED FLOOR AREA:
   BANK: 4,000 SQ. FT.
   RESTAURANT: 3,921 SQ. FT.
6. PERMITTED FLOOR AREA RATIO:
   BL-AS = 3.0
7. EXISTING FLOOR AREA RATIO: 0.10
8. PROPOSED FLOOR AREA RATIO: 0.126
9. DEED REFERENCE: LIBER 14364, FOLIO 678
10. TAX ACCOUNT NUMBER: TAX MAP# 71-8-725: 0926000250
    TAX MAP# 71-8-725: 0926000251
11. ELECTION DISTRICT: 9TH
12. COUNCILMANIC DISTRICT: 5TH
13. WATERSHED: LOWER GUNPOWDER
14. SUBSEWERSHED: 18
15. TRANSPORTATION: 0590
16. EXISTING USE:
    2006 EAST JOPPA RD. – ASPHALT PAVEMENT (TO BE DEMOLISHED)
    2012 EAST JOPPA RD. – ABANDONED RESTAURANT (TO BE DEMOLISHED)
17. PROPOSED USE:
    2006 EAST JOPPA RD. – CHICK-FIL-A DRIVE-THRU RESTAURANT WITH INDOOR SEATING (PROPOSED BUILDING)
    2012 EAST JOPPA RD. – WACHOVIA DRIVE THRU BANK (PROPOSED)
18. CENSUS TRACT: 491701
19. THERE ARE NO HISTORICAL STRUCTURES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT.
20. IMPERVIOUS AREA: EXISTING 65,319 S.F. OR 1.50 AC.
    PROP. 63,344 SF. OR 1.45 AC.
21. LANDSCAPE AREA: EXISTING 19,001 S.F. OR 0.43 AC.
    PROP. 20,976 SF. OR 0.48 AC.
22. SITE IS NOT LOCATED IN THE 100 YEAR FLOODPLAIN.
23. THERE ARE NO WETLANDS OR STREAMS LOCATED WITHIN THE SITE BOUNDARY.
24. PARKING:
    A. REQUIRED:
       RESTAURANT: SIXTEEN SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA
       3,921 SQ. FT. X 16/1,000 SQ. FT. = 63 SPACES
       BANK: 3.3 SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA
       4,000 X 3.3 SPACES/1,000 SQ. FT. = 13 SPACES
       TOTAL REQUIRED: 76 SPACES
    B. PROVIDED:
       76 SPACES (INCLUDING 4 HANDICAPPED SPACES
25 STACKING:
    REQUIRED:
    FIVE (5) SPACES PER THE FIRST STATION THEN TWO (2) SPACES FOR EACH ADDITIONAL STATION.
    PROPOSED:
    FIVE (5) SPACES FOR THE FIRST STATION AND TWO (2) FOR THE SECOND, THIRD AND FOURTH.
26. A) REQUIRED SETBACKS

	CHICK-FIL-A REQUIRED	CHICK-FIL-A PROPOSED	WACHOVIA REQUIRED	WACHOVIA PROPOSED
1. BUILDING:				
FRONT YARD (JOPPA ROAD):	10' (TO STREET R.O.W.)	24.50'	10' (TO STREET R.O.W.)	75.00'
SIDE YARD :	0'	22.63'	0'	30.81'
REAR YARD:	0'	0'	0'	38.56'
SIDE YARD:	0'	0'	0'	3.52'
2. LANDSCAPE:				
FRONT YARD (JOPPA ROAD):	10' (TO STREET R.O.W.) 10'		10' (TO STREET R.O.W.) 10'	
SIDE YARD:	6'	5'	6'	6'
REAR YARD:	0'	0'	0'	0'
SIDE YARD:	6'	6'	6'	6'

C. ALL DRIVEWAYS AND PARKING AISLES WILL COMPLY WITH SECTION 409.4 (BCZR). DRIVEWAYS: 12 FT. WIDE FOR ONE-WAY AND 20 FT. WIDE FOR TWO-WAY TRAFFIC SECTION 409.4 (BCZR). 90 DEGREE PARKING ANGLE REQUIRES A MINIMUM 22 FT. WIDTH FOR ONE OR TWO WAY AISLES. ALL PARKING, MANEUVERING AND AISLE AREAS WILL BE PAVED WITH ASPHALT AND PERMANENTLY STRIPED.

LEGEND

- (X) PARKING SPACE COUNTS
- (X) DENOTES SIGN LOCATION
- [X] DENOTES VARIANCE LOCATION
- (X) STACKING SPACE COUNT

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

APPLICANT:
CHICK-FIL-A, INC.
5200 BUFFINGTON ROAD
ATLANTA, GA 30349
C/O KRISTEN CLEVER
(404) 684-8660

PROPERTY OWNERS:
2008 & 2012 JOPPA ROAD
NORINO PROPERTIES, LLC
2700 ANNAPOLIS ROAD
BALTIMORE, MD 21209

#07-003-A
R.2

PETITIONER'S
EXHIBIT NO. 1

Chick-fil-A
5200 Buffington Rd. Atlanta
Georgia, 30349-2998

Revisions:

Mark	Date	By

MARK A. MILLER
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 26647
PENNSYLVANIA LICENSE NO. 047E
VIRGINIA LICENSE NO. 0402026
DELAWARE LICENSE NO. 10079
WEST VIRGINIA LICENSE NO. 11000
07/10/06

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• MASSACHUSETTS • MARYLAND
• WWW.BOHLERENG.COM
810 GLENEAGLES COURT
SUITE 300
TOWSON, MARYLAND 21286 PHONE: (410) 821-7900
FAX: (410) 821-7987

STORE
CHICK-FIL-A/WACHOVIA
2008-2012
JOPPA ROAD
BALTIMORE, MD
BALTIMORE COUNTY

SHEET TITLE
PLAN TO ACCOMPANY VARIANCE HEARING

DWG EDITION 02.4

☐ Development Plan
☐ 80% Submittal
☐ For Construction

Job No. : MD056500
Store :
Date : 07/10/06
Drawn By : RFG
Checked By : JU

Sheet
1