IN RE: PETITION FOR VARIANCE
W side of Hyland Avenue, 250 feet N
of Shawan Road
8th Election District
3rd Councilmanic District
(6 Hyland Avenue)

Brian Gibbons, Authorized Person,
Hunt Valley Towne Center, LLC

Legal Owner
Scott Patman, Development Manager,
Chick- Fil-A, Inc.

Lessee

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 07-217-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 owner of the subject property Hunt Valley Towne Center, LLC and Chick-Fil-A, Inc., Lessee for property located at 6 Hyland Avenue. The variance requests are from Sections 229.6.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 4 foot and 2.9 foot side yard parking lot setback in lieu of the required 8 feet; and from Section 409.8.A.1 to allow a landscape setback of 4 feet and 2.9 feet in lieu of the required 6 feet.

The property was posted with Notice of Hearing on January 1, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 2, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

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 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 letter was received from the Office of Planning dated January 11, 2007 which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were Adam Volawth and Joe Ucciferro with Bohler Engineering, PC, who prepared the site plan and Scott Patman, Development Manager, Chick-Fil-A, Inc., the lessee. Sebastian A. Cross, Esquire, represented the Petitioner. John Day, Goeffrey Schultz and Jim McKee appeared at the hearing in opposition to the requests. Sarah Adams appeared at the hearing as an interested citizen. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property is a 0.441 acre pad site adjacent to the Hunt Valley Mall Shopping Center as shown in Petitioner's exhibit 1. The pad site is zoned BM-CT for that portion in the

Mall and BLR for the remainder as shown in Petitioner's exhibit 2. Presently the site is wooded and unimproved.

The Petitioner would like to build a Chick-Fil-A restaurant on the site as shown on exhibit 2. Mr. Cross indicated that the proposed use is allowed by right in these zones. However the curb of the drive through lane will come within 2.9 feet of the northern property line and edge of the parking lot within 4 feet of the southern property line. This causes the Petitioner to request variances of Sections 229.6.D to permit a 4 foot and 2.9 foot side yard parking lot setback in lieu of the required 8 feet, and from Section 409.8.A.1 to allow a landscape setback of 4 feet and 2.9 feet in lieu of the required 6 feet. Petitioner's exhibit 3 shows the proposed landscape plan including plantings in the 2.9 foot and 4.0 foot set back areas.

Mr. Patman, manager from Chick-Fil-A, indicated that if the requested variances are not granted the Petitioner would need narrower drive aisles which would require other variances and not be a safe for customers. He indicated that the proposed restaurant was designed to meet national standards. He opined that the property is unique being an appendage to the shopping center, was narrow and oddly shaped.

Ms. Adams, a nearby resident, owns the lot to the north of the subject site which she described as her garden plot. She is not opposed to the proposed restaurant but was concerned that the restaurant and parking lot be properly screened from her lot and that the Petitioner install a fence to stop people from crossing her property to get to the proposed restaurant. She opined that 2.9 feet of landscaping proposed by the Petitioner on the north side was too narrow to support any suitable vegetative screening. After some discussion of the role that the County Landscape Architect plays in these situations she indicated that she would consider allowing

1-20-02 E

some part of a vegetative screen to be on her property. The Petitioner agreed to erect a fence as requested.

Mr. Day, whose office is south of the site, appeared at the hearing but had to leave before the case was completed and so presented two issues for consideration in his January 16, 2007 letter marked as community exhibit 2. These include his concern for increased traffic on the mall circle road resulting from the new restaurant and his need for extension of public sewer lines from the mall so that he can eliminate the present septic system.

Mr. McKee, another property owner on the south side of the site, expressed similar concerns with traffic and sewer line extension. Mr. Schultz, an associate of Mr. McKee, indicated that he had only recently become aware of the proposed restaurant and had not time to investigate the impact of the proposed use on the adjoining owners.

Mr. Cross agreed to contact the mall to assist both requests for sewer extension but could not speak for the mall in this regard.

Findings of Fact and Conclusions of Law

I mentioned at the hearing that the County's Landscape Architect can provide technical assistance in determining the plantings needed to screen the subject property from the adjoining properties and if Ms. Adams is willing to consent to some plantings on her property, the land area should be wide enough to assure vegetative screening will be effective.

While I hope that Mr. Day and Mr. McKee will succeed in extending the public sewer to each property, I believe that the County Department of Public Works will need to approve any connection in addition to having the mall cooperate. However I have no jurisdiction to order an extension of public sewer lines to the Day and McKee properties in context of this

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variance request. All I can do is to hope I facilitated this need at the hearing. The parties agreed to cooperate in addressing this problem.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is very oddly shaped, is an appendage to the mall and is narrow. I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. I can appreciate the difficulty changing the national design of the restaurant could be. Having non standard facilities can be costly and lessen interior functions.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. With Ms. Adams' cooperation the screening on the north side will be effective.

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 request should be granted.

THEREFORE, IT IS ORDERED, this ______ day of January, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Sections 229.6.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 4 foot and 2.9 foot side yard parking lot setback in lieu of the required 8 feet; and from Section 409.8.A.1 to allow a landscape setback of 4 feet and 2.9 feet in lieu of the required 6 feet are hereby GRANTED subject to the following:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The site is within the Hunt Valley-Timonium Master Plan Area and is subject to the Hunt Valley-Timonium guidelines.
- 3. Provide building elevations (all sides) including building materials (preferably brick) and color scheme for the proposed Chic-Fil-A.
- 4. The main identification sign shall be a ground mounted sign and the base shall be masonry to match building materials.
- 5. The proposed dumpster enclosure shall match the building material of the proposed building.
- 6. The Petitioner shall submit a fencing, landscape and lighting plan the Baltimore County Landscape Architect, for review and approval. To the extent that Ms. Adams agrees, some or all or the vegetative screening required shall be provided on Ms. Adams property.

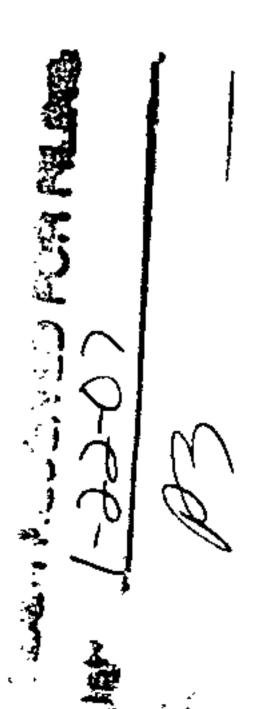
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



IN THE MATTER OF

THE APPLICATION OF

BRIAN GIBBONS /HUNT VALLEY TOWNE *

CENTER, LLC – L.O.; SCOTT PATMAN, DEV.

MANAGER / CHICK-FIL-A, INC. - LESSEE *

FOR VARIANCE ON PROPERTY LOCATED ON

THE W/S OF HYLAND AVENUE, 250' N OF *

SHAWAN ROAD (6 HYLAND AVENUE)

8TH ELECTION DISTRICT

3RD COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 07-217-A

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by James W. McKee, Partner, Marble Hill Partnership, an adjoining owner to the subject property, from a decision of the Deputy Zoning Commissioner dated January 22, 2007, in which the requested zoning relief was granted with conditions.

WHEREAS, the Board is in receipt of a Dismissal of Appeal filed by Howard L. Alderman, Jr., Esquire, on behalf of Marble Hill Partnership, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of November 26, 2007,

IT IS ORDERED this <u>A 9 7</u> day of <u>November</u>, 2007 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 07-217-A be and the same is hereby **DISMISSED**.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Edward W. Crizer, M. Chairman

Lawrence S. Wescott

Wendell H. Grier

IN RE: PETITION FOR VARIANCE
W/S Hyland Avenue, 250 feet north
of Shawan Road
8th Election District
3rd Councilmanic District
(6 Hyland Avenue)

Brian Gibbons, Authorized Person Hunt Valley Towne Center, LLC, Legal Owner

Scott Patman, Development Manager, Chick-Fil-A, Inc.,

Lessee

BEFORE THE

COUNTY BOARD OF

APPEALS

FOR

BALTIMORE COUNTY

Case No.: 07-217-A

DISMISSAL OF APPEAL

Madame Clerk:

Marble Hill Partnership, a Maryland general partnership, by and through its undersigned legal counsel, hereby **DISMISSES** with prejudice its appeal of the January 22, 2007 decision of the Deputy Zoning Commissioner for Baltimore County in the above-paptioned matter.

Howard L. Alderman, Jr.

Levin & Gann, P.A.

8th Floor, Nottingham Centre

502 Washington Avenue

Towson, Maryland 21204

410.321.0600 [voice]

410.296.2801 [fax]

halderman@LevinGann.com [e-mail]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of November, 2007, a copy of the foregoing

Dismissal of Appeal was mailed via First-Class, United States Mail to the following:

Sebastian A. Cross, Esquire Gildea & Schmidt, LLC 600 Washington Avenue, Suite 600 Towson, MD 21204

and to

Peter Max Zimmerman, People's Counsel for Baltimore County Carole S. Demilio, Deputy People's Counsel for Baltimore County

Old Courthouse, Room 47 400 Washington Avenue Towson, Maryland 21204

Howard L. Alderman, Jr.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 6 Hyland Avenue

which is presently zoned: BLR - BMCT

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):

229.6.D of the Baltimore County Zoning Regulations to permit a 4 foot and 2.9 foot side-yard setback in lieu of the required 8 feet, Section Condition B (Parking Lots, pg. 19) 1.B of the Baltimore County Landscape Manual) for a setback of 4 feet and 2.9 feet in lieu of the requitred 6 feet. Also, for such further and other zoning relief as the Commissioner may determine.

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 hearing

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

Marie Land Company of the Company of

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/L	<u>Lessee:</u>			Legal Owner(s)	<u>:</u>				
Scott D. Patman, Develops	ment Manager,	Chick-Fil-A, Inc.		Brian Gibbons, Aut	horized P	erson,Hunt V	ally Towne Center, LL		
Name - Type or Print		**************************************	Name -	Type or Print		·			
Signature 5200 Buffington Road		404-305-4594	-	Signature C/O Greenberg Gib	bons Con	nmercial Corp	oration		
Address		Telephone No.		Name - Type or Print	-	····			
Atlanta	GA	30349							
City	State	Zip Code	_	Signature					
Attorney For Petition		10096 Red Run Bo	10096 Red Run Boulevard						
				Address			410-559-2534 Telephone No.		
Sebastian A. Cross				Owings Mills	M	D	21117		
Name - Type or Print		 -	City		Sta	ite	Zip Code		
- 32 Ca	an -		_	Representative	to be C	ontacted:			
Signature Gildea & Schmidt, LLC				Sebas	,	C1055	<u> </u>		
Company	· · · · · · · · · · · · · · · · · · ·			Name					
300 East Lombard Street, S	Suite 1440	(410) 234-0070		300 East Lombard	Street, Su	ite 1440	(410) 234-0070		
Address	######################################	Telephone No.	_	Address		· • • • • • • • • • • • • • • • • • • •	Telephone No.		
Baltimore	MD	21202		Baltimore		MD	21202		
City	State	Zip Code	-	City		State	Zip Code		
				<u>of</u>	FICE USE	ONLY			
Case No	217-A			ESTIMATED LENGTH	OF HEARI	N6			
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REV 9/15/98		Reviewed	By Do	CR (JNP)	Date	<u> 3/06</u>			

ZONING DESCRIPTION

Beginning at a point on the north side of Shawan Road, which is 80 feet wide at the distance of 80 feet East of the centerline of the nearest improved intersecting street, McCormick Road, which is 70 feet wide. Thence the following courses and distances:

- 1. Curving toward the North with a radius of 38.00 feet for a distance of 60.23 feet. The chord of said arc being North 49 degrees, 33 minutes, 47 seconds west; 54.12 feet to a point.
- 2. North 4 degrees, 9 minutes, 18 seconds west; 22.1 feet to a point.
- 3. Curving toward the north with a radius of 735.00 feet for a distance of 280.50 feet. The chord of said arc being North 15 degrees, 5 minutes, 16 seconds west; 278.80 feet to a point.
- 4. North 26 degrees, 1 minute, 14 seconds west; 177.35 feet to a point.
- 5. Curving toward the north with a radius of 665.00 feet for a distance of 1020.99 feet. The chord of said arc being north 17 degrees, 57 minutes, 48 seconds east; 923.62 feet to a point.
- 6. North 61 degrees, 56 minutes, 49 seconds east; 166.86 feet to a point.
- 7. Curving toward the North with a radius of 1365.00 feet for a distance of 231.88 feet. The chord of said arc being North 66 degrees, 48 minutes, 49 seconds east; 231.60 feet to a point.
- 8. North 71 degrees, 40 minutes, 48 seconds east; 201.91 feet to a point.
- 9. Curving toward the North with a radius of 735.00 feet for a distance of 89.01 feet, the chord of said arc being north 68 degrees, 12 minutes, 39 seconds east; 88.95 feet to a point.
- 10. North 69 degrees, 44 minutes, 30 seconds east; 295.65 feet to a point.
- 11. Curving toward the north with a radius of 1,356.00 feet for a distance of 67.34 feet, the chord of said arc being north 66 degrees, 9 minutes, 18 seconds east; 67.34 feet to a point.
- 12. North 67 degrees, 34 minutes, 6 seconds east; 264.70 feet to a point.
- 13. Curving toward the north with a radius of 665.00 feet for a distance of 502.09 feet, the chord of said arc being north 89 degrees, 11 minutes, 53 seconds east; 490.25 feet to a point.
- 14. South 69 degrees, 10 minutes, 20 seconds east; 102.48 feet to a point.
- 15. Curving toward the south with a radius of 735 feet for a distance of 299.80 feet, the chord of said arc being south 80 degrees, 51 minutes, 26 seconds east; 297.72 feet to a point to intersect the west side of York Road (MD Route 45), which is 66 feet wide.
- 16. North 87 degrees, 27 minutes, 27 seconds east; 44.3 feet to a point.
- 17. Curving toward the south with a radius of 63.00 feet for a distance of 97.97 feet, the chord of said arc being south 48 degrees, 4 minutes, 31 seconds east; 88.26 feet to a point.
- 18. South 3 degrees, 36 minutes, 30 seconds east; 261.26 feet to a point.

19. South 86 degrees, 23 minutes, 30 seconds west; 37 feet to a point.

20. South 3 degrees, 36 minutes, 30 seconds east; 41.00 feet to a point.

21. North 86 degrees, 23 minutes, 30 seconds east; 33.93 feet to a point.

22. North 86 degrees, 52 minutes, 30 seconds east; 21.07 feet to a point.

23. South 3 degrees, 36 minutes, 30 seconds east; 340 feet to a point.

24. South 0 degrees, 68 minutes, 39 seconds east; thence leaving York Road and running 462.15 feet to a point.

25. South 87 degrees, 24 minutes, 13 seconds west; 142 feet to a point.

26. North 86 degrees, 52 minutes, 50 seconds west; 20.03 feet to a point.

27. South 87 degrees, 24 minutes, 13 seconds west; 142 feet to a point.

28. South 0 degrees, 40 minutes, 26 seconds east; 192.5 feet to a point.

29. North 87 degrees, 3 minutes, 6 seconds east; 147.3 feet to a point.

30. South 2 degrees, 56 minutes, 54 seconds east; 129 feet to a point.

31. South 87 degrees, 3 minutes, 6 seconds west; 150.68 feet to a point.

32. South 87 degrees, 52 minutes, 13 seconds west; 8.68 feet to a point.

33. South 2 degrees, 35 minutes, 47 seconds east; 13.74 feet to a point.

34. South 85 degrees, 32 minutes, 27 seconds west; 190.13 feet to a point.

35. South 3 degrees, 30 minutes, 11 seconds east; 185.44 feet to a point.

36. South 85 degrees, 1 minute, 43 seconds west; 215.38 feet to a point.

37. South 89 degrees, 1 minute, 43 seconds west; 235.00 feet to a point.

38. North 86 degrees, 53 minutes, 43 seconds west; 226.59 feet to a point.

39. South 89 degrees, 45 minutes, 34 seconds west; 68.74 feet to a point.

40. South 89 degrees, 45 minutes, 34 seconds west; 16.78 feet to a point.

41. South 89 degrees, 45 minutes, 34 seconds west; 13.76 feet to a point.

42. South 89 degrees, 45 minutes 34 seconds west; 49.24 feet to a point.

43. South 85 degrees, 1 minute, 43 seconds west; 1034.29 feet to the place of beginning.



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: # 07-217-A
6 Hyland Avenue

West side of Hyland Avenue, 250 feet north of Shawan
Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Brian Gibbons, Authorized Person,
Hunt Valley Towne Center, LLC
Contract Purchaser: Scott Patman, Development Man-

Contract Purchaser: Scott Patman, Development Manager, Chick-Fil-A, Inc.

Variance: To permit a 4 foot and 2.9 foot side yard parking lot setback in lieu of the required 8 feet and for a land-scape setback of 4 feet and 2.9 feet in lieu of the required 6 feet.

Hearing: Tuesday, January 16, 2007 at 2:00 p.m. In Room 497, County Courts Building, 401 Bosley Avanue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baitimore 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 1/610 Jan. 2. 120330

CERTIFICATE OF PUBLICATION

1/4,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing $\frac{1}{2}$,20_07
The Jeffersonian Arbutus Times
☐ Catonsville Times
☐ Towson Times ☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkingon

LECAL ADVERTISING

BALTIMORE COUNTY, MARYLAND No. 2000	
ANEOUS RECEIPT	p 62-13-501 AMA 54 AMA 761、 phil 事日 时间 553M15mi
DATE 1) 3 5 - 20 - 20 - 20 - 12 b	
AMOUNT \$ 41.50 ()	5 5, 12 7.41 145 4F5 1 0220.00 22c.00
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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MORE COUNTY, MARYLAND OF BUDGET & FINANCE FLEANEOUS RECEIPT ACCOUNT OF BUDGET & FINANCE ACCOUNT OF BUDGET & FINANCE NO. SELLAND ON. ON. ON. ON. ON. ON. ON. O	7,3

CERTIFICATE OF POSTING

	RE: Case No.: 07-217-A
· •	Petitioner/Developer: SCOT P
	DEVELOPMENT MANAG
•	Cカルンバード Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	116.0
ATTN: Kristen Matthews {(410) 887-3394	}
Ladies and Gentlemen:	
G HYLAN	DAVE
The sign(s) were posted on	<u> </u>
	(Month, Day, Year)
	Sincerely,
	Cionature of Sim Back
	(Signature of Sign Poster) (Date)
	SSG Robert Black
LUNIN: BELLE	* ************************************
ELUNITUE DE LE CONTRE DE LE CON	(Print Name)
ELUTION STATES	
LUNITU HOTEL STATES OF THE STA	(Print Name)
LONG HOTEL STATES OF THE STATE	(Print Name) 1508 Leslie Road
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THE OTOLOGY AND THE PROPERTY OF THE PROPERTY O	(Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940

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

November 21, 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: 07-217-A

6 Hyland Avenue

West side of Hyland Avenue, 250 feet north of Shawan Road

8th Election District – 3rd Councilmanic District

Legal Owners: Brian Gibbons, Authorized Person, Hunt Valley Towne Center, LLC

Contract Purchaser: Scott Patman, Development Manager, Chick-Fil-A, Inc.

Variance to permit a 4 foot and 2.9 foot side yard parking lot setback in lieu of the required 8 feet and for a landscape setback of 4 feet and 2.9 feet in lieu of the required 6 feet.

Hearing: Tuesday, January 16, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Scott Patman, Chick-fil-A, 5200 Buffington Road, Atlanta GA 30349 Brian Gibbons, 10096 Red Run Blvd., Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 1, 2007.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 2, 2007 Issue - Jeffersonian

Please forward billing to:

Sebastian Cross Gildea & Schmidt, LLP 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: 07-217-A

6 Hyland Avenue

West side of Hyland Avenue, 250 feet north of Shawan Road

8th Election District – 3rd Councilmanic District

Legal Owners: Brian Gibbons, Authorized Person, Hunt Valley Towne Center, LLC

Contract Purchaser: Scott Patman, Development Manager, Chick-Fil-A, Inc.

Variance to permit a 4 foot and 2.9 foot side yard parking lot setback in lieu of the required 8 feet and for a landscape setback of 4 feet and 2.9 feet in lieu of the required 6 feet.

Hearing: Tuesday, January 16, 2007 at 2:00 p.m. in Room 407, County Courts Building,

#101 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

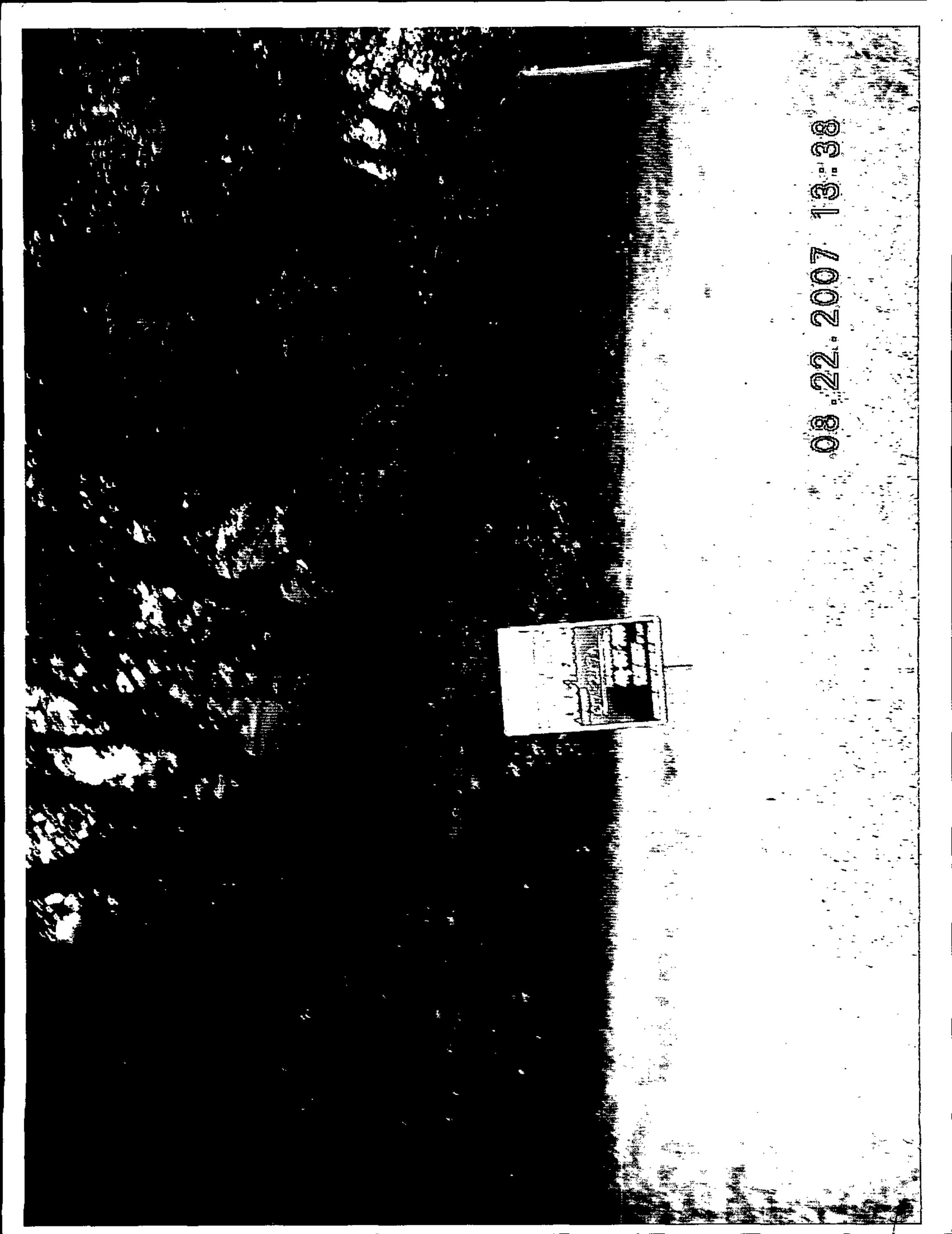
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:
Item Number or Case Number: 07-217-A
Petitioner: HUNT VALUEY TOWNECENTER, LLC
Address or Location: 6 HYLAND AUENUE
PLEASE FORWARD ADVERTISING BILL TO:
Name: SERASTIAN CROSS
Address: GILDEA & SCHMIDT, LC
300 EAST LOMBARD STREET SUITE 1440
BALTIMORE, MO ZIZOZ
Telephone Number: 416-234-0070
·





JAMES T. SMITH, JR. County Executive

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

January 10, 2007

Sebastian A. Cross Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Cross:

RE: Case Number: 07-217-A, 6 Hyland Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 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,

U. Carl Biobarda Ir

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf Enclosures

c: People's Counsel*

Scott D. Patman, Development Manager Chick-Fil-A, Inc. 5200 Buffington Road Atlanta, GA 30349

Brian Gibbons, Authorized Person Hunt Valley Towne Center, LLC c/o Greenberg Gibbons Commercial Corporation 10096 Red Run Boulevard Owings Mills 21117

Jh 1/10

DATE: January 11, 2007

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-217-A- Variance

The Office of Planning has reviewed the above referenced case(s) and recommends the following:

- 1. The site is within the Hunt Valley-Timonium Master Plan area and is subject to the Hunt Valley-Timonium guidelines.
- 2. Provide building elevations (all sides) including building materials (preferably brick) and color scheme for the proposed Chick-Fil-A.
- 3. The main identification sign shall be a ground mounted sign and the base shall be masonry to match building materials.
- 4. The proposed dumpster enclosure shall match the building material of the proposed building.
- 5. Note on the plan that the Lighting plan will be submitted to Avery Harden, Baltimore Landscape Architect, for review and approval.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

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 November 22,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2006

Item Number(s): 213 through 228

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

DATE: November 28, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 27, 2006

Item Nos. 07-72, 139, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224,

226, 227, and 228

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-11272006.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: NOVEMBER 20,2006.

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

RE:

Baltimore County
Item No. 7-217A

GHYLAND AVENUE
HUM-VALLY TOWNE CENTER LLC

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-217 A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

MARBLE HILL PARTNERSHIP

SHAWAN PLACE 5 SHAWAN ROAD, SUITE 1 COCKEYSVILLE, MD 21030 PHONE 410-527-1555 FAX 410-527-1563

February 19, 2007

Mr. Timothy M. Kotroco Baltimore County Department of Permits and Development Management 111 West Chesapeake Ave., Suite 111 Towson, MD 21204

Re:

6 Hyland Avenue Petition for Variance Cast No. 07-217A Stamp here and <u>initial</u> indicating date appeal was filed:

RECEIVED

FEB 2 C 2007

Per in

Dear Mr. Kotroco:

Please be advised that Marble Hill Partnership, an adjoining owner to the above-referenced property and participant at the January 16, 2007 Zoning Hearing, is hereby filing an appeal to the Board of Appeals of the January 22, 2007 order of the Deputy Zoning Commissioner of Baltimore County granting relief for the requested zoning variances. We have enclosed a check in the amount of \$400. as the requisite filling fee that representatives of your department advised would be charged. If this fee is incorrect, please contact our office immediately so that the correct amount can be submitted.

I trust the above information is sufficient for your use. Should you have any questions, or require any additional information, do not hesitate to call.

Sincerely,

MARBLE HILL PARTNERSHIP

James W. McKee, Partner

JMW:dw





GILDEA & SCHMIDT, LLC

DAVID K. GILDEA DAVIDGILDEA ØGILDEA LLC.COM

LAWRENCE E. SCHMIDT

LSCHMIDT OGILDEALLC.COM

SEBASTIAN A. CROSS ,
SCROSSØGILDEALLC.COM

JOSEPH R. WOOLMAN, III JWOOLMAN & GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMANOGILDEALLC.COM

JASON T. VETTORI
JVETTORIOGILDEALLC.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

November 9, 2006

W. Carl Richards, Jr.
Zoning Review Supervisor
Permits and Development Management
111 W. Chesapeake Avenue
Towson MD 21204

Re: Chick-fil-A/Hunt Valley

Variance Petition

Dear Carl:

As previously discussed with you, attached please find fifteen copies of the variance plan for the above referenced project at the Hunt Valley Towne Center with the attached filing fee. Also, per your request is a copy of the shopping center plan to be filed in your office's shopping center file.

If there is any additional information you require please contact me. As always, I am

Very truly yours,

Sebastian A. Cross

SAC: mga Enclosure

CC: Scott Patman, Chick-fil-A, Inc.

Matthew T. Allen, Bohler Engineering, P.C. Joseph J. Ucciferro, Bohler Engineering, P.C.

Christine R. Rorke, Permits and Development Management

D. Dusky Holman, Esquire



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 26, 2007

Sebastian A. Cross Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

Dear Mr. Cross:

RE: Case: 07-217-A, 6 Hyland Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on February 20, 2007 by Marble Hill Partnership, James W. McKee, Partner. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Timothy Kotroco Director

TK:amf

 c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel

Adam Volawth Joe Ucciferro Bohler Engineering, PC 810 Gleneagles Court, Suite 300 Towson 21286 Scott Patman Development Manager CHICK-FIL-A, Inc. 5200 Buffington Road Arlanta, GA 30349 John Day 3 Shawan Road Hunt Valley 21030 Goeffrey Schultz McKee & Associates 5 Shawan Road Hunt Valley 21030 Jim McKee McKee & Associates 5 Shawan Road Hunt Valley 21030

Sarah Adams 11424 York Road Hunt Valley 21030

MARBLE HILL PARTNERSHIP

SHAWAN PLACE 5 SHAWAN ROAD, SUITE 1 COCKEYSVILLE, MD 21030 PHONE 410-527-1555 FAX 410-527-1563

February 19, 2007

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I trust the above information is sufficient for your use. Should you have any questions, or require any additional information, do not hesitate to call.

Sincerely,

MARBLE HILL PARTNERSHIP

James W. McKee, Partner

JMW:dw

JEDA Contracting formerly known as:



January 16, 2007

Subject:

Zoning Variance Hearing

Location:

Hunt Valley - Chic-Fil-A

Hearing Date:

January 16, 2007, 2 pm

I am the owner of the property located at 3 Shawan Road. I share an alley on my rear property line with the proposed Chic-Fil-A. I have owned this property for the last 10 years. I have just heard of the above hearing today and am unable to attend due to a prior commitment. This letter is being left with Jeff from McKee Associates at 5 Shawan Road.

The purpose of my writing is to express my concern over the following two items relating to the Chic-Fil-A:

- 1. The Chic-Fil-A will generate a great deal more traffic on the mall circle road. The traffic already moves very fast on this road and with cars turning in and out of the restaurant and parking on the mall parking lot, this will create a potentially dangerous situation for cars and especially pedestrians. I would like to have this situation presented at the hearing.
- 2. When the Amoco station was built at the corner of York and Shawan and the county allowed Amoco to close the alley from York Road to the alley at the rear of my property, sewer-access for 1 6 Shawan Road was cut off. I would like for sanitary sewer to be extended for 1 6 Shawan Road at the time that sanitary sewer is extended for the proposed Chic-Fil-A.

Thank:you,

Jack Day

TO

GENERAL CONTRACTOR

3 SHAWAN ROAD

HUNT VALLEY, MD 21030-1458

TELE: 410-771-9100

FAX: 410-771-0188 / 771-0443

RE: PETITION FOR VARIANCE

6 Hyland Avenue; W/S Hyland Avenue,

250' N of Shawan Road

8th Election & 3rd Councilmanic Districts

Legal Owner(s): Brian Gibbons, Authorized *

Person, Hunt Valley Towne Center, LLC

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-217-A

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

NOV 2 0 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

TCLEARLY PLEASE PRIN

CASE NAME CASE NUMBER DATE

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NAME	NUMB	
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CITIZEN'S SIGN-IN SHEET

E- MAIL											
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MAME NAME	Jan	Chille Day (dack)	/ m / mer /	Gertree C Scholas							



JEDA Contracting formerly known as:



January 16, 2007

Subject:

Zoning Variance Hearing

Location:

Hunt Valley - Chic-Fil-A

Hearing Date:

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Thank you,

Jack Day

Conti

Daft-McCune-Walker, I

nra A 21286 200 East Pennsylvania Maryland 3333 4705 Towson, 1 (410) 296-296-Fax

essionals rchitectsLand Environmental Gol

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ON 1 EXHIBIT 4 2003 NON

8TH ELECTION DISTRICT

2003 OCTOBER 2,

VALLEY, MARYLAND

HUNT

6th RE

COUNCILMANIC DISTRICT

DATES

ISSUE

REVIEW:

CONSTRUCTION:

PERMIT:

DRAWN: BASE:

MP

DESIGNED: CHCKED

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MDV

10|2|03 RCH CHECKED: DATE

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11/06/03

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DATE

VISIONS

RE

SCALE:

94150... PROJECT NO DRAWING:

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S AND LAND PLANNERS

665-1080 F (215) 561-5064

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HE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A 4 RD SETBACK IN LIEU OF THE REQUIRED 8 FEET, AND FROM PG. 19) 1.8 OF THE BALTIMORE COUNTY LANDSCAPE MANUAL ND 2.9 FEET IN LIEU OF THE REQUIRED 6 FEET. ALSO, FOR ONING RELIEF AS THE COMMISSIONER MAY DETERMINE.

PC. CML & CONSULTING ENGINEERS PROJECT MANAGERS ◆ ENVIRONMENTAL & SITE PLANNERS MUNICIPAL ENGINEERS ◆NEW JERSEY ◆NEW YORK ◆ VIRGINIA PENNSYLVANIA MASSACHUSETTS ◆MARYLAND ◆ WWW.BOHLERENC.COM 810 GLENRAGLES COURT SUITE 300 TOWSON, MARYLAND 21266 PHONE: (410) 821-7900 PAX: (410) 821-7987 STORE Series 06 - 134 6 HYLAND AVENUE HUNT VALLEY, MD BALTIMORE COUNTY SHEET TITLE PLAN TO ACCOMPANY VARIANCE HEARING 02.4 DWG EDITION □ Preliminary □80% Submittal ☐ For Construction Job No. : MD066500 Store : <u>SO6-C</u> Date : 10/24/06 : JJL Drawn By Checked By Sheet

OF 3

SIDE (NORTH) SIDE (SOUTH)	8.0° 8.0°	2.9' 4.0'	SIDE (NORTH) SIDE (SOUTH)	10.0°	20.0' 10.0'
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IN SPACE (A.O.S.)	N/A	N/A		0.10	0.36
\$	35'	26' (1 STORY)		N/A	N/A
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ACE DIMENSIONS	9' X 18'	9' X 18'	
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W/60° SPACES: W/NO PARKING:	16'	16'	
	12'	12'	
.ONG	7	7	

CIATED WITH THIS PROJECT: PARKING VARIANCE: CASE #98-61-SPHA, GRANTED OCT. 1, 1997. 4 PARKING SPACES

- 1: 89.685 AC.
- : 0.441 AC.
- 100-YEAR FLOODPLAIN.
- ! STREAMS WITHIN THE SITE BOUNDARY.

TRUCTURES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT.

CHESAPEAKE BAY CRITICAL AREA.

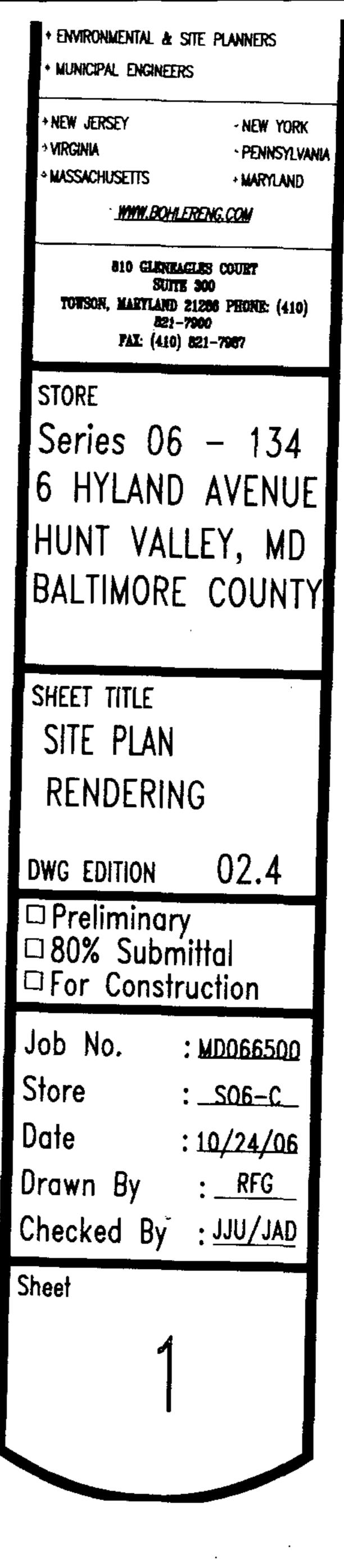
ED DURING BUSINESS HOURS.

PETITIONER'S

EXHIBIT NO.

REQUESTED

ALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A 4 ETBACK IN LIEU OF THE REQUIRED 8 FEET, AND FROM 19) 1.8 OF THE BALTIMORE COUNTY LANDSCAPE MANUAL .9 FEET IN LIEU OF THE REQUIRED 6 FEET. ALSO, FOR RELIEF AS THE COMMISSIONER MAY DETERMINE.



APPEAL

Petition for Variance
6 Hyland Avenue
West side of Hyland Avenue, 250 feet north of Shawan Road
8th Election District – 3rd Councilmanic District
Legal Owner(s): Brian Gibbons, Authorized Person, Hunt Valley Towne Center, LLC
Lessee: Scott Patman, Development Manager, Chick-Fil-A, Inc.

Case No.: 07-217-A

Petition for Variance (November 13, 2007)

Zoning Description of Property

Notice of Zoning Hearing (November 21, 2007)

Certification of Publication (January 4, 2007)

Certificate of Posting (January 1, 2007) by Robert Black

Entry of Appearance by People's Counsel (November 20, 2007)

Petitioner(s) Sign-In Sheet - 1 Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1) Joint Subdivision Planning Committee Plan
- 2) Plan to accompany Variance Hearing
- 3) Site Plan rendering

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibit)

- Shopping Center map
- 2) Correspondence from Jack Day

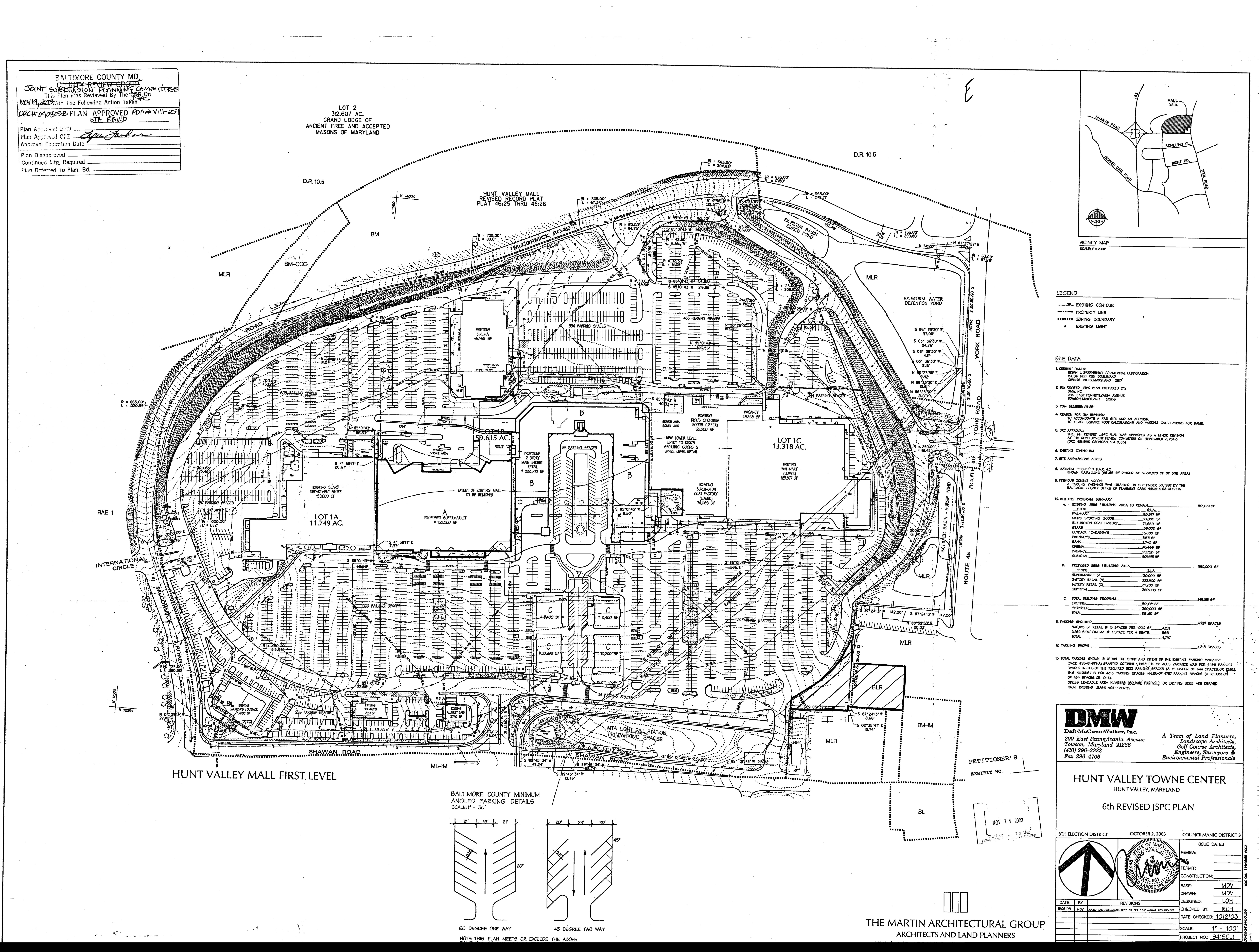
Deputy Zoning Commissioner's Order (GRANTED in accordance w/order – January 22, 2007)

Notice of Appeal received on February 20, 2007 from James W. McKee

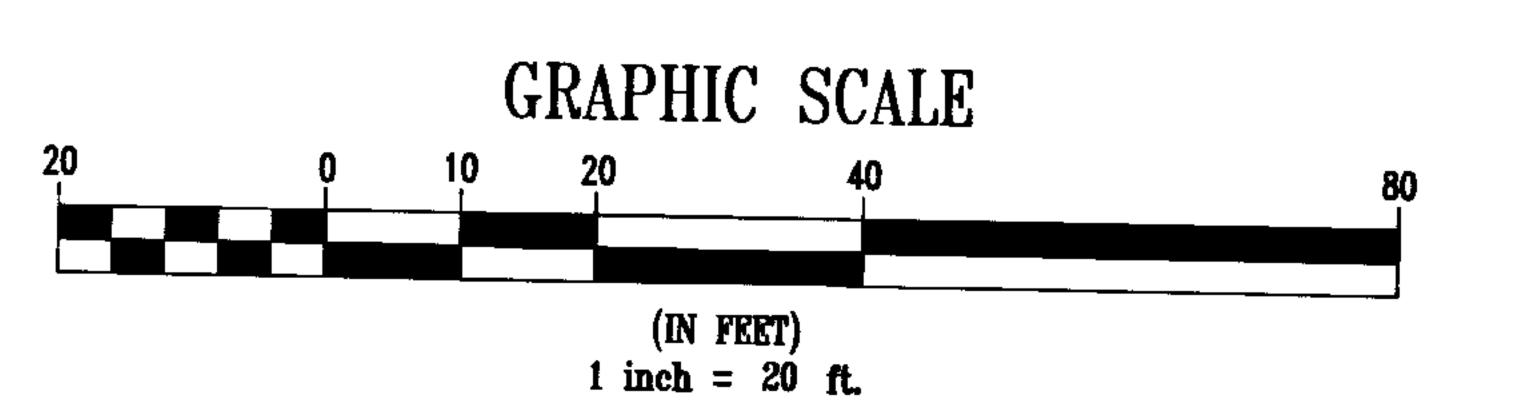
C: William J. Wiseman III, Zoning Commissioner
 Timothy Kotroco, Director of PDM
 People's Counsel
 Adam Volawth Joe Ucciferro Bohler Engineering, PC 810 Gleneagles Court, Suite 300 Towson 21286
 Scott Patman Development Manager CHICK-FIL-A, Inc. 5200 Buffington Road Arlanta, GA 30349
 John Day 3 Shawan Road Hunt Valley 21030

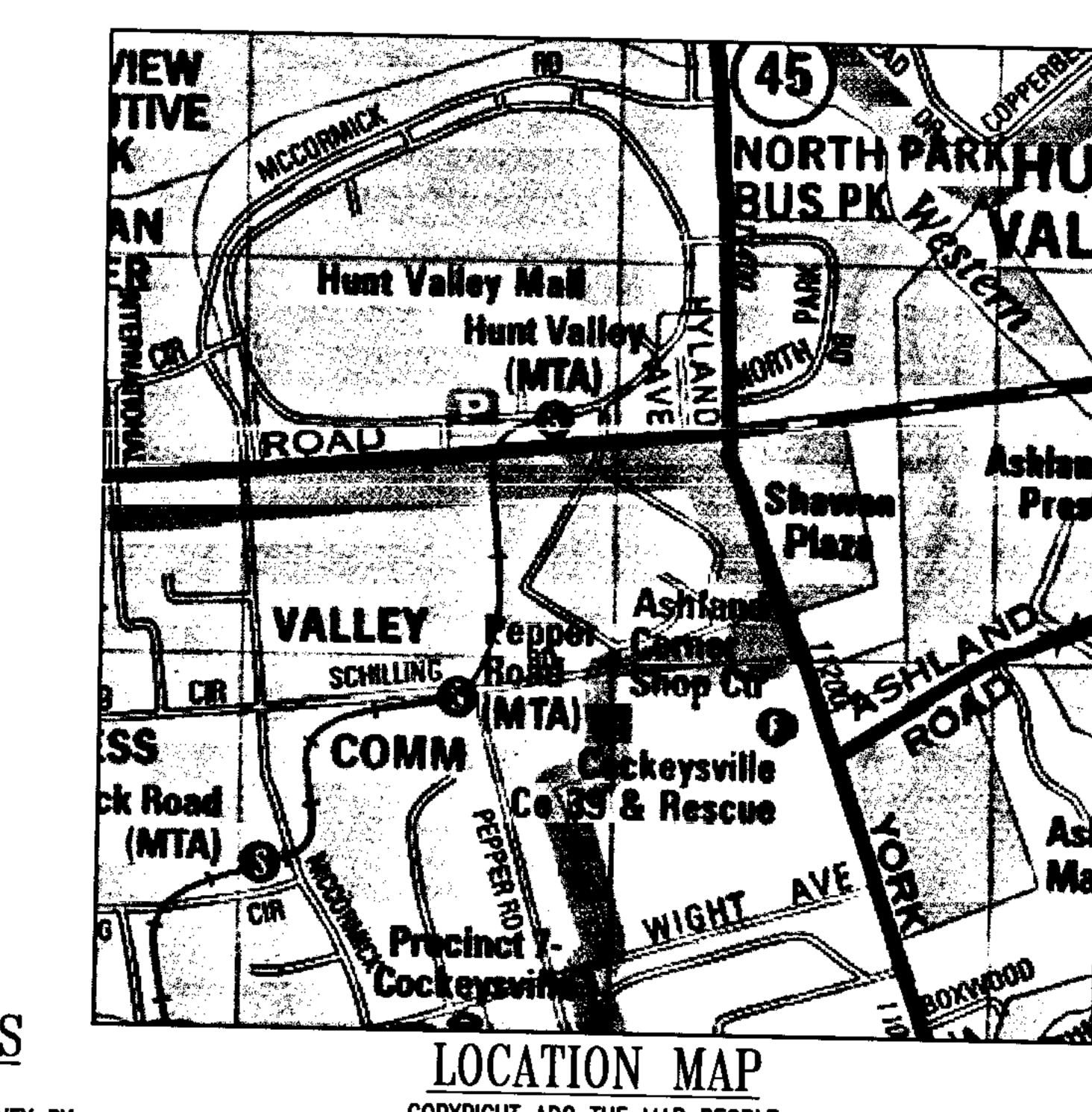
Goeffrey Schultz McKee & Associates 5 Shawan Road Hunt Valley 21030-Jim McKee McKee & Associates 5 Shawan Road Hunt Valley 21030 Sarah Adams 11424 York Road Hunt Valley 21030

date sent February 26, 2007, amf



TM 42-15-256





GENERAL NOTES

1. THIS PLAN REFERENCES A SURVEY BY:

CONTROL POINT ASSOCIATES, INC.

22630 DAVIS DRIVE, SUITE 200

STERLING, VA 20164

(703) 709-9500

DATED: 6/14/06

ENTITLED: CHICK-FIL-A, INC.

HUNT VALLEY TOWN CENTER, LLC.

LIBER 21078 FOLIO 739 & LIBER 22872 FOLIO 363

#6 HYLAND ROAD

8TH ELECTION DISTRICT

- 2. SITE ADDRESS: 6 HYLAND AVENUE, HUNT VALLEY, BALTIMORE COUNTY, MARYLAND 21030 (250 FEET FROM CENTERLINE OF SHAWAN ROAD) AND HUNT VALLEY TOWNE CENTRE.
- 3. ZONING DATA: BLR (BUSINESS, GENERAL), MAP NO. 042B2
 BMCT (BUSINESS, MAJOR COMMERCIAL, TOWN CENTER CORE), MAP NO. 042B2
- 4. ELECTION DISTRICT: 8TH
- 5. TAX ACCOUNT NUMBER: 08-08-065400, 18-00-014925
- 6. COUNCILMANIC DISTRICT: 3RD
- 7. DEED REFERENCE: LIBER 21078, FOLIO 739; 14415, 411
- 8. USES:

EXISTING USE - VACANT LOT/SHOPPING CENTER
PROPOSED USE - CHICK-FIL-A RESTAURANT WITH DRIVE THRU & SHOPPING CENT

	PROPOSED USE - CHICK-FIL-A RESTA	AURANT WIT	'H DRIVE THRU &	SHOPPING CENTE	R		
9.	BULK REQUIREMENTS	BLR ZONED			BM-CT ZONED		
		REQUIRED	PROVIDED		REQUIRED		
	A. MIN. BUILDING SETBACK		· · · · · · · · · · · · · · · · · · ·		<u>magoniap</u>	INOTIPLE	
	REAR (EAST)	10.0°	50.80'	DEAD (FACT)	40.03	=9	
	FRONT (WEST)	25.0'	N/A	REAR (EAST)	10.0'	315.0'	
	SIDE (NORTH)	10.0'	26.40°	FRONT (WEST)	10.0'	280.0'	
	SIDE (SOUTH)	10.0'	56.11'	SIDE (NORTH)	20.0'	88.0'	
	B. MIN. PARKING SETBACK REQUIREMENTS	, 0.0	30.11	SIDE (SOUTH)	15.0'	250.0°	
	REAR (EAST)	8.0'	8.7*	REAR (EAST)	10.0'	10.0'	
	FRONT (WEST)	8.0'	N/A	FRONT (WEST)	10.0	10.0	
	SIDE (NORTH)	8.0'	2.9	SIDE (NORTH)	10.0	20.0'	
	SIDE (SOUTH)	8.0'	4.0'	SIDE (SOUTH)	10.0'	10.0	
	C. MINIMUM FLOOR AREA RATIO (F.A.R.)	0.33	0.20		5.5	0.242	
	D. MINIMUM AMENITY OPEN SPACE (A.O.S.)	N/A	N/A		0.10	0.36	
	E. MIN. BUILDING HEIGHT	35 '	26' (1 STORY)		N/A	N/A	
	F. PARKING REQUIREMENTS		•			.,, .,	
	SHOPPING CENTER (OVER 100,000 S.F. OF (MIN. 5 SPACES PER 1,000 S.F. OF GROSS (REQUIRED	<u>REQUIRED</u> <u>PROVIDED</u>				
	4,227 S.F. * (5 SPACES/1,000 S.F.) = 22	SPACES		22	31		
	G. MIN. STD. PARKING SPACE DIMENSIONS			9' X 18'	9' X	18'	
	H. MIN. DRIVE AISLES						
	TWO-WAY TRAFFIC W/90° SPACES:			22'	22	,9	
	ONE-WAY TRAFFIC W/60° SPACES:			16'	16		
	ONE-WAY TRAFFIC W/NO PARKING:			12'	12		

1. STACKING SPACES 20° LONG
7
7
10. ZONING CASE NUMBERS ASSOCIATED WITH THIS PROJECT: PARKING VARIANCE: CASE \$98-61-SPHA, GRANTED OCT. 1, 1997.
GRANTED A REDUCTION OF 484 PARKING SPACES

11. SITE AREA:

SHOPPING CENTER: 89.685 AC. CHICK-FIL-A SITE: 0.441 AC.

- 12. SITE IS NOT LOCATED IN THE 100-YEAR FLOODPLAIN.

 13. THERE ARE NO WETLANDS OR STREAMS WITHIN THE SITE BOUNDARY.
- 14. THERE ARE NO HISTORICAL STRUCTURES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT.
- 15. THIS SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

16. DUMPSTER WILL NOT BE EMPTIED DURING BUSINESS HOURS.

PETITIONER'S

EXHIBIT NO.

ZONING RELIEF REQUESTED

A VARIANCE - 229.6.D OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A 4
FOOT AND 2.9 FOOT SIDE-YARD SETBACK IN LIEU OF THE REQUIRED 8 FEET, AND FROM
CONDITION B (PARKING LOTS, PG. 19) 1.B OF THE BALTIMORE COUNTY LANDSCAPE MANUAL
FOR A SETBACK OF 4 FEET AND 2.9 FEET IN LIEU OF THE REQUIRED 6 FEET. ALSO, FOR
SUCH FURTHER AND OTHER ZONING RELIEF AS THE COMMISSIONER MAY DETERMINE.

.....



visions:

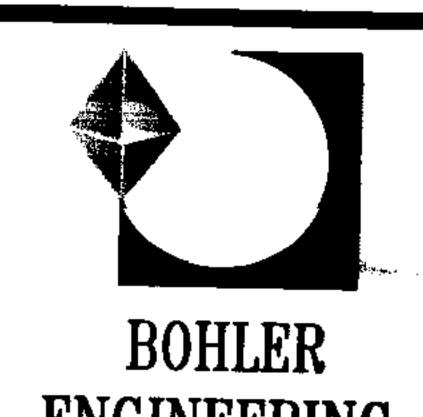
rk Date By

rk Date By

rk Date By

ΑΙ ΜΛΙΑΝΤΗ

PROFESSIONAL ENGINEER
VIRGINIA LICENSE No. 0402 031438
MARYLAND LICENSE No. 21342
DISTRICT OF COLUMBIA LICENSE No. 10726
GEORGIA LICENSE No. 026541
NORTH CAROLINA LICENSE No. 23432
SOUTH CAROLINA LICENSE No. 20143
TENNESSEE LICENSE No. 107048



ENGINEERING PC.

CML & CONSULTING ENGINEERS

+ PROJECT MANAGERS

+ ENVIRONMENTAL & SITE PLANNERS

+ MUNICIPAL ENGINEERS

+ NEW JEDGEY

810 CLENRAGLES COURT SUITE 300 TOWSON, MARYLAND 21286 PHONE: (410) 821-7900 FAX: (410) 821-7967

Series 06 - 134
6 HYLAND AVENUE
HUNT VALLEY, MD
RAITIMORE COUNTY

SHEET TITLE
SITE PLAN
RENDERING

□ Preliminary
□ 80% Submittal
□ For Construction

 Job No.
 : MD066500

 Store
 : __S06-C_


 Date
 : 10/24/06


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 : __RFG_


Checked By : JJU/JAD

Sheet

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QUIRED TO PERFORM ALL CLEARING, FINISHED GRADING, SOIL PREPARATION, AND MULCHING INCLUDING ALL LABOR, MATERIALS, TOOLS AND EQUIPMENT PROJECT, UNLESS OTHERWISE CONTRACTED BY THE GENERAL CONTRACTOR. THE LANDSCAPE CONTRACTOR SHALL BI PERMANENT SEEDING OR SODDING, PLAI NECESSARY FOR THE COMPLETION OF 1

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LT SOUL HAVING AN ORGANIC CONTENT NOT LESS THAN 5%, A PH RAEBRIS, ROCKS LARGER THAN ONE INCH (1"), WOOD, ROOTS, VEGETAB

ERTILIZER

1. FERTILIZER SHALL BE DELIVERED TO THE UNOPENED STANDARD BAGS SHOWING WEADNOPENED STANDARD BAGS SHOWING WEADNY PRIOR TO USE.

11. FOR THE PURPOSE OF BIDDING, ASSUME 6X PHOSPHORUS AND 4X POTASSIUM B SELECTED WITHOUT A SOIL TEST PERFOR

BE DELIVERED TO THE SITE MIXED AS SPECIFIED IN THE ORIGINAL RD BAGS SHOWING WEIGHT, ANALYSIS AND NAME OF MANUFACTURER. BE STORED IN A WEATHERPROOF PLACE SO THAT IT CAN BE KEPT. OF BIDDING, ASSUME THAT FERTILIZER SHALL BE 10% NITROGEN, AND 4% POTASSIUM BY WEIGHT. A FERTILIZER SHOULD NOT BE A SOIL TEST PERFORMED BY A CERTIFIED SOIL LABORATORY.

MING ALL LANDSCAPE CONSTRUCTION ALL DEBRIS, MATERIALS AND TOOLS 8. WASTE MATERIALS AND DEBRIS SHALL BE COMPLETELY DISPOSED OF AT THE CONTRACTOR'S EXPENSE. Not be buried, including organic materials, but shall be removed completely from the site, 4. Sitte preparations DUSTRY STANDARDS IN PERFORM HE END OF EACH WORKDAY. , S. GENERAL WORK PROCEDURES

A. CONTRACTOR TO UTILIZE WORKMANLIKE INDUST

SITE IS TO BE LEFT IN A CLEAN STATE AT THE PROPERLY STORED, STOCKPILED OR DISPOSED OF RATIONS DURING PR DISPOSED

GRADING AND FINISHED GRADING, ALL WEEDS AND GRASSES SHALL BE DUG OUT ORDANCE WITH GENERAL WORK PROCEDURES OUTLINED HEREIN.

ALL BE PRUNED TO REMOVE ANY DAMAGED BRANCHES. THE ENTIRE LIMB OF ANY AT THE TRUNK. CONTRACTOR SHALL ENSURE THAT CUTS ARE SHOOTH AND L. BE CUT BACK WITH CLEAN, SHARP TOOLS AND TOPSOIL SHALL BE PLACED S. EXISTING TREES SHALL BE MONITORED ON A REGULAR BASIS FOR ADDITIONAL EXISTING TREES SHALL BE MONITORED ON A REGULAR BASIS FOR ADDITIONAL EXISTING TREES AS NEEDED TO PREVENT SHOCK OR DECLINE.

AVE A UTILITY STAKE—OUT TO LOCATE ALL UNDERGROUND UTILITIES PRIOR TO SHALL UTILITY STAKE—OUT TO LOCATE ALL UNDERGROUND UTILITIES PRIOR TO THE LL ARRANGE TO HAVE Y LANDSCAPE MATERIA B. ALL EXISTING TREES TO BANGED BRANCH SHALL STRAIGHT. ANY EXPOSED AROUND THE REMAINDER ROOT OR BRANCH DAMAGIN OF BRANCH DAMAGIN OF ANY LANGE OF WORK.

SNOW FENCE OR ORANGE COLORED HIGH-DENSITY "VISI-FENCE", OR SHALL BE PLACED ALONG THE BOUNDARY OF THE TREE PROTECTION ZO EIGHT FEET (8") ON CENTER OR AS INDICATED WITHIN THE TREE IG OR ANY OTHER CONSTRUCTION. THE FENCING ALONG THE TREE ICTED BY THE LANDSCAPE CONTRACTOR AND MAINTAINED UNTIL ALL. 5. TREE PROTECTION. A. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES TO REMAIN. A TREE PROTEC ZONE SHALL BE ESTABLISHED AT THE DRIP LINE OR 15 FEET FROM THE TRUNK OR AT THE LIMIT OF CONSTRUCTION DISTURBANCE, WHICHEVER IS GREATER. LOCAL STANDARDS THAT MAY REQUIRE A MORE STRICT TREE PROTECTION ZO SHALL BE HONORED, B. A FORTY-EIGHT INCH (48") HIGH WOODEN SN APPROVED EQUAL, MOUNTED ON STEEL POSTS SH POSTS SHALL BE LOCATED AT A MAXIMUM OF EIG PROTECTION DETAIL.

COARSE SAND MAY BE USED IF ENOUGH IS ADDING:

A. INCEASE DRAINGE CONDITIONS CONSIDERED DETRIBENTAL TO THE COMPOSITION OF AMERICAN SOIL MODIFICATIONS.

C. THE FOLLOWING AMENDMENDT TO SCALE AND QUANTITIES ARE APPROXIMATE AND ARE FOR BIDDING PURPOSES OMY, PERFORMED BY A CREMED SOIL ABONATORY.

L. TO INCEASE A SANDY SOIL'S BRILLY TO RELIAM WATER AND NUTRENOT TO SCALE, THOROUGHLY TILL ORGANIC MATTER INTO THE TOP 6-12". USE COMPOSITED DRAIN WOUTH OF A DARK COLOR AND BE FREE HIGHER THAN 7.5.

B. TO INCEASE DRAINAGE, WODIFY HEAVY CLAY OR SILT (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSITED PINE BARK (UP TO 30% BY VOLUME) AND/OR AGRICULTURAL CYPSUM.

COARSE SAND MAY BE USED IF ENOUGH IS ADDED TO BRING THE SAND CONTENT TO MORE INCREASE DRAINAGE.

III. WODIFY EXTREMELY SANDY SOILS (MORE THAN 85%) BY ADDING: ...

Z. ENISSED GRADMED

A. UNLESS OTHFERENT.

A. UNLESS OTHFERENT.

ED TO A SWOOTH, EVEN AND UNIFORM PLANE WITH NO OF CONSTRUCTION PLANS, UNLESS OTHERWISE DIRECTED IDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IN-RADING WITHIN THE DISTURBANCE AREA OF THE SITE. AT SUBGRADE FOR INSTALLATION OF TOPSOIL HAS BEEN E SHED GRADE LESS THE REQUIRED TOPSOIL THICKNESS (1"

LL PROVIDE A SIX INCH (6") THICK WINIMUM LAYER OF TOPSOIL, OR AS DIRECTED BY THE LOCAL IT, IN ALL PLANTING AREAS. TOPSOIL SHOULD BE SPREAD OVER A PREPARED SUBFACE IN A WEHIEVE THE DESIRED COMPACTED THICKNESS.

WAY BE USED TO SUPPLEMENT THE TOTAL AMOUNT REQUIRED. TOPSOIL FROM THE SITE MAY BE NOT BEEN PROPERLY REMOVED, STORED AND PROTECTED PRIOR TO CONSTRUCTION.

L. FURNISH TO THE APPROVING AGENCY AN ANALYSIS OF BOTH IMPORTED AND ON—SITE TOPSOIL TO YLANTING AREAS. THE PH AND NUTRIENT LEVELS MAY NEED TO BE ADJUSTED THROUGH SOIL EDED TO ACHIEVE THE REQUIRED LEVELS AS SPECIFIED IN THE MATERIALS SECTION ABOVE.

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1. THE METINGS STAND TO SOLIS SHALE TO FAME NATURAL WAS NOT THE ROTE TO THE ROTE TO THE ROTE THAT TABLETS. COMPLIE BACKELL.

1. ALL PARKET STAND TO SOLIS SHALE RE-NATES OF THAT THE THE ROTE STAND THE THIRD AND MAILINED STAND THE THIRD AND THAT A PRE-LINGSOFT THE ROTE STAND THAT A PRE-LINGSOFT THAT A PRE-L EXCAVATION AND CULTIVATION SHALL BE DISPOSED OF IN ACCORDANCE WITH GENERAL WORK PROCED THE FOLLOWING SHALL BE TILLED INTO THE TOP FOUR INCHES (4") IN TWO DIRECTIONS (QUANTITIES SQUARE FOOT AREA);

1. 20 POUNDS 'GROW POWER' OR APPROVED EQUAL.

1. 20 POUNDS NITRO—FORM (COURSE) 38-0-0 BLUE CHIP

E. THE SPREADING OF TOPSOIL SHALL NOT BE CONDUCTED UNDER MADDY OR FROZEN CONDITIONS.

9. PLANTING

A. INSOFAM THAT IT IS FEASIBLE, PLANT MATERIAL SHALL BE PLANTED ON THE DAY OF DELIVERY. IN UNIVERSIBLE, LANDSCAPE CONTRACTOR SHALL PROTECT UNINSTALLED PLANT ALTERIAL. PLANTIT TO SCALE THAT WILL WOISTURE.

B. PLANTING

B. PLANTING

A. INSOFAM THAT IT IS PEASIBLE, PLANT MATERIAL SHALL BE PLANTED ON THE DAY OF DELIVERY. IN UNIVERSIBLE AND THESE DAY PERIOD AFTER DELIVERY. PLANT TO SCALE THAT WILL WOISTURE.

B. PLANTING OFFENTIONS SHALL BE PERFORMED DURING PERIODS WITHIN THE PLANTING SEASON WHEN CONDITIONS.

C. ANY INJURED ROOTS OR BRANCHES SHALL BE PRUNED TO MAKE CLEAN—CUT ENDS PRIOR TO PLANT SHARP TOOLS. ONLY INJURED OR DISEASED BRANCHING SHALL BE REMOVED.

D. ALL PRIOR TO BACKFILLING.

E. POSITION TREES AND SHRUPS AT THEIR INTENDED LOCATIONS AS PER THE PLANS AND SCURE THE LANDSCAPE, AS SHOW SHALL TAKE INDUSCAPE PLAN, MUST BE INSTALLED. INSPECTED AND APPROVED BY THE PRANS AND SCURE AS DISTALLED. INSPECTED AND APPROVED BY THE PRANS AND SCURE THE PLANTING SEASON. THE PLAN PLANTINGS REQUIRED FOR A CERTIFICATE OF OCCUPANCY SHALL BE PROVIDED DURING THE NEXT APPROVING AGENCY FOR POTENTIAL SUBSTITUTY'S DISCRETION. CONTRACTOR SHOULD CONTACT APPROVING AGENCY FOR POTENTIAL SUBSTITUTY'S DISCRETION. CONTRACTOR SHOULD SHOCK AND THE SEASONAL LACK OF NITROGEN AVAILABILITY, THE RISK OF PLANT DEATH IS GREATLY IN RECOMMENDED THAT THESE SPECIES BE PLANTED DURING THE FALL PLANTING SEASON:


RECOMMENDED THAT THESE SPECIES BE PLANTED DURING THE FALL PLANTING SEASON:

PLATANUS VARIETIES


CARPINUS VARIETIES

ROCLIRCUS H. PLANTING PITS SHALL BE DUG WITH LEVEL BOTTOMS, WITH THE WIDTH TWICE THE DIAMETER OF BALL SHALL REST ON UNDISTURBED GRADE. EACH PLANT PIT SHALL BE BACKFILLED IN LAYERS WIT PREARD SOIL MIXED THOROUGHLY:

1. 1 PART PEAT MOSS
11. 1 PART COMPOSTED COW MANURE BY VOLUME
11. 3 PARTS TOPSOIL BY VOLUME
11. 4 TABLETS PER 1 CALLON PLANT
11. 5 TABLETS PER 5 CALLON PLANT
12. 4 TABLETS PER 15 CALLON PLANT
13. 5 FILL PREPARED SOIL AROUND BALL OF PLANT HALF—WAY AND INSERT PLANT TABLETS. COMPLETE
14. FILL PREPARED SOIL AROUND BALL OF PLANT HALF—WAY AND INSERT PLANT TABLETS.



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