IN RE: PETITION FOR VARIANCE SE side of Taylor Avenue, 62 feet SE of c/l Beverly Avenue 8th Election District 5th Councilmanic District **(1903 Taylor Avenue)** Tiburon Group, LLC; By David Arias *Petitioner*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-038-A**

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Tiburon Group, LLC, by David Arias. Petitioner is requesting variance relief as follows:

- From Section 229.6(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking lot setbacks of 4 feet in lieu of the required 20 feet from a residential zone; and
- From Condition B (Parking Lots, pg. 19) 1.B of the Baltimore County Landscape Manual for a setback of 4 feet and 2 feet in lieu of the required 6 feet; and
- From Section 409.6(a)(2) of the B.C.Z.R. to allow 16 parking spaces in lieu of the required 24; and
- From Section 409.10(a) of the B.C.Z.R. for 5 stacking spaces for the drive-through facility in lieu of the required 7 and to permit 3 of these spaces to be located behind the order board in lieu of the permitted 5; and
- From Section 229.6(d) of the B.C.Z.R. to allow parking lot setbacks of 2 feet in lieu of the required 20 feet from a right-of-way.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the variance requests were David Arias on behalf of the Tiburon Group, LLC, Petitioner, Sebastian A. Cross, Esquire, attorney for Petitioner, and Joseph Malandruccolo with The RBA Group, the Landscape Architect who prepared the site plan. Also appearing as interested citizens were Barbara Watson of 7813

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Beverly Avenue, Lisa Schade of 7913 Beverly Avenue, Steve Yep of 7816 Beverly Avenue, and Dennis J. Caprio of 7808 Beverly Avenue.

Testimony and evidence offered revealed that the subject property is trapezoidal-shaped and contains a gross area of 21,087 square feet, or 0.484 acre more or less, and zoned B.L.R. The property is currently unimproved and is located at the corner of Taylor Avenue and Beverly Avenue in the Hillendale area of Baltimore County. Petitioner has owned the property for approximately a year and proposes to construct a one to 1½ story drive-through coffee shop measuring approximately 1,500 square feet in size. The appearance of the coffee shop and related landscaping is shown in an artist's rendering which was marked and accepted into evidence as Petitioner's Exhibit 4. There would be little or no seating inside the coffee shop. The goal is to have customers utilize the drive-through capability, primarily in the morning on their way to work -- and throughout the day -- in order to purchase coffee, and be on their way fairly quickly. A customer would also have the option of parking and going inside to purchase their coffee. Typical hours would be between 5:00 AM and 8:00 PM. Ingress and egress would be by way of an entrance and exit on Beverly Avenue. In order to assist in the flow of traffic on Taylor Avenue, as well as facilitating traffic movement into and out of the coffee shop property, Petitioner also proposes a right turn only "in" entrance from Taylor Avenue, and a right turn only "out" exit onto Taylor Avenue. In addition, there would be parking spaces and stacking spaces for patrons. These proposed improvements are illustrated on Petitioner's Exhibits 2 and 3, which were marked and accepted into evidence.

The subject property is zoned B.L.R. and abuts several other zones, including R.O to the north and east, D.R.5.5 to the south, and C.B., R.O., and B.L. to the west. As evidenced by the various zones, the property is situated near mostly residential areas, but also includes a mix of commercial uses. It is also adjacent to Perring Parkway, which has significant commercial and

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retail use, and is situated in a Baltimore County Revitalization Zone. Immediately to the east of the property is a 100-year flood plain, with Herring Run stream running north-south adjacent to the subject property. As to the history of the property, the parcel pre-dates 1955. The property was the subject of a previous zoning hearing in 1985. In Case No. 85-272-SPHXA, the property owner requested a special exception to use the property as a food store in combination with a gas station, as well as a special hearing to permit a reduction in the minimum area requirements, and variance relief from several setback requirements. In an Order dated April 5, 1985, the requested relief was granted and for a number of years, the convenience store and gas station operated at the site; however, the property was sold approximately six years ago and the gas station and appurtenances, as well as the underground fuel tanks, were removed, leaving the present, undeveloped lot. Petitioner indicates that the proposed coffee shop is a permitted use in the B.L.R. zone, and that in order to make the requested improvements to the property, it is in need of several variances from parking lot setback, landscaping setback, minimum parking, and minimum stacking requirements.

Following Petitioner's presentation, several neighbors from nearby Beverly Avenue testified. On the whole, the interested persons were not necessarily opposed to development of the subject property, but expressed a number of concerns about the proposed drive-through coffee shop. Ms. Schade expressed concern about the increases in traffic to this particular area that would result from the coffee shop. She pointed out that, although the nearby intersection of Perring Parkway and Taylor Avenue may not be a "failing" intersection, it is certainly a well traveled area, and the addition of a drive-through coffee shop could significantly increase traffic volumes. This might also result in patrons to the coffee shop utilizing Beverly Avenue, which is largely a residential street, as a "thru" street, especially if vehicles have difficulty getting on and off Taylor Avenue. Ms. Watson testified on her own behalf and also spoke for the neighbor

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immediately adjacent to the subject property to the south, Ms. Morrison. Ms. Watson lives next door to Ms. Morrison and indicated that she was pleased with developing the subject property, but had reservations about the drive-through coffee shop because of the attendant noise and congestion. She indicated the subject property and the location of the proposed improvements sit very close to Ms. Morrison's property, and that the configuration of the drive-through lane and the sound from the order board speaker would resonate throughout the existing neighborhood on Beverly Avenue. Ms. Watson also submitted a document entitled "Issues for Discussion" which had the signature of Kay and Dorothy Morrison. This document was marked and accepted into evidence as Protestants Exhibit 1. It expressed concerns about increased noise and vibration from vehicles, as well as increased traffic, the hours of operation, the need for a visual and sound barrier, and possible increases in crime. Also marked and accepted into evidence as Protestants Exhibits 2 and 3 were photographs showing the proximity of Ms. Morrison's home to the subject property.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments from the Office of Planning dated August 10, 2007 indicate that it does not oppose Petitioner's requests for parking, but has reservations about the variance relief for the stacked parking which is further restricting the space of an already constrained site. Planning requests that certain details be provided to them for their review and approval. These items include submitting building elevations showing materials and colors, providing a full landscape plan, widening the landscape island in the vicinity of egress to Taylor Avenue, providing crosswalks from the landscaped islands on Taylor and Beverly Avenues, installing an ornamental fence along Taylor Avenue, submitting elevations of all signage, and providing details of a dumpster enclosure. The comment received from the Department of Environmental Protection and Resource Management (DEPRM) dated September 19, 2007, states that the

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property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. In addition, the comment states that due to the proximity of the property to Herring Run and the Herring Run floodplain, a Forest Buffer would extend onto this property. Hence, development as shown on the site plan would require a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains for Forest Buffer reduction.

In addition to the ZAC Comments, subsequent to their Entry of Appearance, People's Counsel for Baltimore County sent a letter dated September 19, 2007 to the Zoning Commissioner, accompanied by an email message dated September 18, 2007 containing written comments from Stephen Weber, Chief of the Division of Traffic Engineering for Baltimore County. Mr. Weber's comments were not marked as evidence, but were discussed during the hearing. Although Mr. Weber noted that the site is "tight" and the proximity of the floodplain further restricts the site, he indicated that past uses of the site have not caused any traffic problems or issues. As to parking, Mr. Weber relates that based on the type of use being proposed and the small building, it is not anticipated that the parking variance from 16 spaces in lieu of 24 would be a concern. As to stacking spaces, Mr. Weber expressed concern over this issue, but did not object to the variance request to reduce the number of stacking spaces, believing that any such problems will be self-contained and self-regulating, with customers not returning if the uses and circulation patterns present an inconvenient situation.

Near the conclusion of the hearing, counsel for Petitioner, Mr. Cross, indicated that, unfortunately, neither he nor his clients had the opportunity to meet with the adjoining neighbors prior to the hearing in order to discuss and perhaps address their concerns. After listening to these concerns at the hearing, the parties requested -- and the undersigned agreed -- to keep the record of the case open for a reasonable period pending further discussions and/or negotiations

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between the parties. Thereafter, according to the Hearing Memorandum submitted by Petitioner on November 1, 2007, Petitioners conducted research into noise mitigation measures that could be incorporated onsite -- specifically to ensure the order board's audio would not be heard on the adjoining property. As a result of this research, Petitioners obtained a Proposed Noise Mitigation Measures report prepared by The Davari Companies located in Silver Spring, MD, which they presented to the neighbors at the site after the hearing. This report shall be marked and accepted into evidence as Petitioner's Exhibit 5.

As shown in this report, Petitioners have committed to using sound mitigation materials described by Acoustic Science Corporation. In addition, during the meeting with neighbors at the site, Petitioner demonstrated how grading onsite will lower the current elevation for the parcel than what currently exists today. This grading will allow the site to be less visible than it is presently and screening will be placed on the boundary line adjoining 7817 Beverly Avenue in the form of an eight foot high board-on-board fence and a row of Leyland Cypress trees to further mitigate the noise potential.

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 requests. In particular, the age of the parcel, it proximity to both residential and commercial zones, and its previous use as a convenience store and gas station makes the property unique. In addition, the property's environmental constraints, including its proximity to the 100-year flood plain and the Herring Run stream, limit its use and development potential for virtually any purpose. These are the kind of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district. Therefore I find the property unique in a zoning sense.

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I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. It appears based on the site plan that Petitioner and the landscape architect have attempted to utilize the parcel in the most efficient manner, and have crafted a parking plan that creates as many parking and stacking spaces as practical, while also providing necessary landscaping and screening from adjacent residential property owners. In my judgment, without the granting the variances, Petitioners will be severely limited in its use of the site and it will in likelihood remain undeveloped.

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. I am very cognizant of the concerns expressed by the neighbors in attendance at the hearing, and in particular, the concerns expressed by Ms. Morrison, the adjacent property owner. It is likely that traffic will be impacted to some degree, with vehicles entering and exiting the subject property, especially during the morning hours between 6:00 AM and 8:00 AM, and noise may also increase during the peak hours as well. However, I also believe that the business as proposed on the site plan and the artists rendering will be an asset to the nearby residential and business community. I also believe that with proper fencing and landscaping, as reviewed and approved by the Office of Planning and the County's Landscape Architect, the potential noise and vibration from vehicles on the property can be reduced, and the visual aesthetics satisfied. Finally, I am impressed that Petitioner sought out the adjoining neighbors following the hearing in order to attempt to address their concerns, especially with regard to noise and visibility issues, and obtained a Proposed Noise Mitigation Measures report in an effort to allay, or at least reduce the impact of these concerns. Hence, I shall grant the requested relief with conditions.

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

THEREFORE, IT IS ORDERED, this 15th day of November, 2007 by this Deputy Zoning Commissioner, that Petitioner's variance requests as follows:

- From Section 229.6(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking lot setbacks of 4 feet in lieu of the required 20 feet from a residential zone; and

- From Condition B (Parking Lots, pg. 19) 1.B of the Baltimore County Landscape Manual for a setback of 4 feet and 2 feet in lieu of the required 6 feet; and

- From Section 409.6(a)(2) of the B.C.Z.R. to allow 16 parking spaces in lieu of the required 24; and
- From Section 409.10(a) of the B.C.Z.R. for 5 stacking spaces for the drive-through facility in lieu of the required 7 and to permit 3 of these spaces to be located behind the order board in lieu of the permitted 5; and

- From Section 229.6(d) of the B.C.Z.R. to allow parking lot setbacks of 2 feet in lieu of the required 20 feet from a right-of-way; and

be and are hereby GRANTED subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

3. Due to the proximity of the subject property to Herring Run and the Herring Run floodplain, a Forest Buffer will extend onto this property. Development as shown on the site plan will require a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains for Forest Buffer reduction.

4. The following shall be submitted to the Office of Planning for review and approval:

    a. Submit building elevations showing building materials and colors.
    b. Provide a full landscape plan that shows all lighting (lighting should be non-reflective with a downward cascade or wall mounted), speakers (for any

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proposed audio), and include the hours of lighting and outside audio operation.

c. Widen the landscaped island in the vicinity of the egress to Taylor Avenue to allow a higher grade of plantings.
d. Provide crosswalks from the landscaped islands on Taylor and Beverly Avenues to the proposed building. If setbacks prohibit the widening of the landscaped island then Petitioner shall remove a parking lot space along Taylor Avenue.
e. Install an ornamental metal fence along with 3 brick piers along the edge of the parking spaces along Taylor Avenue. The fence shall start at the landscaped island near the egress to Taylor Avenue and should wrap around the parking spaces on Taylor Avenue. The fencing shall also be continued on the other side of the ingress and egress on Taylor Avenue and should continue along Beverly Avenue. The fence will allow some separation from the parking lot and public right-of-way. Low plantings shall be provided on the street side of the fence.
f. Submit elevations of all signage for the property.
g. Provide details of the dumpster enclosure. The enclosure shall be primarily masonry and blended with the building materials of the main structure.

5. Petitioner shall utilize the noise mitigation measures contained in the Proposed Noise Mitigation Measures report (Petitioner's Exhibit 5), and shall obtain review and approval of these measures from the Office of Planning and the County's Landscape Architect.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 15, 2007

SEBASTIAN CROSS, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Variance
Case No. 08-038-A
Property: 1903 Taylor Avenue

Dear Mr. Cross:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

c: Joseph Malandruccolo, 1124 Overbrook Road, Baltimore MD 21239
David Arias, Tiburon Group LLC, PO Box 10111, Silver Spring MD 20914
Barbara Watson, 7813 Beverly Avenue, Parkville MD 21234
Lisa Schade, 7913 Beverly Avenue, Parkville MD 21234
Steve Yep, 7816 Beverly Avenue, Parkville MD 21234
Dennis Caprio, 7808 Beverly Avenue, Parkville MD 21234

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 1903 Taylor Avenue

which is presently zoned: B.L.R.

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):

1. BCZR § 229.6(d), to allow parking lot setbacks of 4 feet in lieu of the required 20 feet from a residential zone;
2. From Condition B (Parking Lots, pg. 19) 1.B of the Baltimore County Landscape Manual for a setback of 4 feet and 2 feet in lieu of the required 6 feet.
3. BCZR § 409.6(a)(2), to allow 16 parking spaces in lieu of the required 24;
4. BCZR § 409.10(a), for 5 stacking spaces for the drive-through facility in lieu of the required 7 and to permit 3 of these spaces to be located behind the order board in lieu of the permitted 5;
5. BCZR § 229.6(d), to allow parking lot setbacks of 2 feet in lieu of the required 20 feet from a Right-of-Way; and
6. For such other and further relief as may be deemed neccessary by the Zoning Commissioner for Baltimore County.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Tiburon Group, LLC
Name - Type or Print

Signature By: David Arias

David Arias
Name - Type or Print

Signature

P.O. Box 10111
Address — Telephone No.

Silver Spring — MD — 20914
City — State — Zip Code

Attorney For Petitioner:

Sebastian A. Cross
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 — (410) 821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Sebastian A. Cross
Name

600 Washington Avenue, Suite 200 — (410) 821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-038-A

Reviewed By D.T. Date 7/20/07

REV 9/15/98

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Date 11-15-07
By PB

DESCRIPTION OF A LOT OF GROUND
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Being a lot of ground situated in Baltimore County, Maryland conveyed from Global Facilities Management, LLC unto Tiburon Group, LLC by Deed dated June 20, 2006 and recorded among the Land Records of Baltimore County, Maryland in Liber 24177 folio 155 and being more particularly described as follows:

Beginning for the same at a ½" diameter reinforcing rod (REBAR) set on the south right-of-way line of Taylor Avenue, being 33.00' south of and radial to base line of right-of-way station 58+21 as shown on State Roads Commission of Maryland Right-of-Way Plat No. 29416 thence running with and binding on said right-of-way line the following two (2) courses,

1) South 58°23'05" East, 56.20' to a crosscut set in concrete and
2) South 58°10'25" East, 88.15' to a rebar set; thence leaving Taylor Avenue and running with and binding on the southwest right-of-way line of Perring Parkway as shown on said plat the following two (2) courses,
3) South 31°49'25" West, 12.99' to a P.K. Nail set in the existing asphalt paving and
4) South 31°24'23" East, 95.61' to a point in the existing concrete paved stream bed to intersect the eastern boundary line of Lot 354 as shown on the plat of Westmoreland Fruit Farm, dated January, 1923 and recorded among said Land Records in Plat Book W.P.C. 7 folio 102, thence running with and binding on a portion of the eastern boundary line,
5) South 31°01'18" West, 55.22' to an 11/2" pipe set at the southeastern corner of said Lot No. 354; thence running with and binding on boundary line,
6) North 58°58'42" West, 184.52' to a 1" pinched pipe set on the eastern right-of-way line of Beverly Ave, as shown on State Roads Commission of Maryland Right-of-Way Plat No. 29416 thence running with and binding on said right-of-way line of Beverly Ave., the following two (2) courses,
7) North 03°56'46" East, 114.26' and
8) North 62°18'33" West, 14.68' to the point of the beginning.

Containing 21,087 square feet or 0.4841 acre of land, more or less.

I hereby certify to the best of my knowledge, information and belief that this description was prepared under my responsible charge in compliance with the requirements set forth in 09.13.06.12 of the Code of Maryland Regulations (COMAR).

Thomas L. McElroy
Reg. Property Line Surveyor
MD. Reg. #486

7/17/07
Date

STATE OF MARYLAND
THOMAS L. McELROY
No. 486
REGISTERED PROPERTY LINE SURVEYOR

08-038-A

RE: PETITION FOR VARIANCE 1903 Taylor Avenue SE/S Taylor Avenue, 62' SE c/line Beverly Avenue	*	BEFORE THE
	*	ZONING COMMISSIONER
9th Election District 5th Councilmanic District	*	FOR
	*	BALTIMORE COUNTY
Tiburon Group, LLC *Legal Owners/Petitioners*	*	Case No.: 08-038-A
	*	

* *

HEARING MEMORANDUM

The above referenced matter came before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Tiburon Group, LLC through their attorney, Sebastian A. Cross, Esquire of Gildea & Schmidt, LLC. Petitioners request variance relief from Baltimore County Zoning Regulations ("BCZR") §229.6.D, to allow parking lot setback of 4 feet in lieu of the required 20 feet from a residential zone; 2 feet in lieu of the required 20 feet from the ultimate right-of-way, BCZR §409.6.A.2, to allow 16 parking spaces in lieu of the required 24; BCZR §409.10.A, for 5 stacking spaces for the drive through facility in lieu of the required 7 and to permit 3 spaces to be located behind the order board in lieu of the required 5; and from condition B (Parking Lots, page 19.1.B) of the Baltimore County Landscape Manual for a setback of 4 feet and 2 feet of the required 6 feet.

Appearing at the requisite public hearing in support of the request were David Arias and Joe Maladroccolo from Tiburon Group, LLC and Sebastian A. Cross, Esquire, attorney for the Petitioners. Also appearing were members of the community neighboring this project listed as Barbara Watson, Lisa Chade, Steve Yep and Dennis J. Caprio.

Testimony and evidence revealed that the subject property is an irregularly shaped parcel on the southeast side of Taylor Avenue, 62 feet southeast of the centerline of Beverly Avenue and is zoned B.L.R. The property contains a gross area of approximately 0.5 acres, more or less, and exists in close proximity to both Herring Run and the intersection of Perring Parkway. Petitioners propose an approximate 1600 sq. ft. building, which they hope to lease as a coffee shop upon gaining final approvals.

Due to the site constraints on this small parcel, as well as the size of the parcel itself, requesting Variance relief became necessary for Petitioners. In particular, Herring Run Stream exists to the east of this site and the corresponding 100-year floodplain places severe restrictions on the building envelope. As such, Petitioners have requested parking, setback and stacking variances in order that this commercial operation may function in terms of circulation for the overall site as well as providing an adequately sized building. Through testimony and evidence, Tiburon Group, LLC satisfied their requirements of BCZR § 307, in that it demonstrated the property was unique and Petitioners would encounter practical difficulty if strict enforcement of the Zoning Code was enforced. Furthermore, no adverse impact on the surrounding neighborhood was demonstrated through this request for Variance.

Petitioners demonstrated how these site constraints required the requested variances not only for this operation, but perhaps for any commercial operation to function. This is due to the variances allowing for pass-by lanes adjacent to the drive-through being adequate in width, double two-way traffic lanes being incorporated elsewhere the site and a right in and right out turn onto Taylor Avenue. This site was formerly a fuel service station and has been abandoned for a period of many years. As such, the proposed operation will act as a less intensive use than was there previously

and as an improvement over the former abandoned use.

Petitioners did not have the opportunity to meet with the adjoining neighbors prior to the hearing; however, they had met with the Department of Planning and had made changes to their site plan accordingly[1]. In particular, Tiburon Group, LLC had placed a right in and right out on Taylor Avenue to create a safe ingress and egress to their site, as well as provided for greater landscaping, next to this Taylor Avenue entrance. Additionally, pedestrian crosswalks have been placed on the interior of the site and a decorative wrought-iron fence broken up by brick piers is now also proposed for much of the perimeter of this site, all in response to Planning's request. Furthermore, Petitioners made it clear that they will comply with all of the conditions the Department of Planning submitted in their comment to this case file.

The neighbors expressed support for some development on site, but had some questions for Petitioner's and expressed some concerns. The largest of these concerns seemed to revolve around the existing residence at 7817 Beverly Avenue and its close proximity, not only to the site, but to the proposed order board. Petitioners attempted to address these concerns during the hearing and this hearing file was held open in order to further negotiations could be explored.

After the hearing, Petitioners conducted research into noise mitigation measures that could be incorporated onsite to ensure the order board's audio would not be heard on the adjoining property. As a result of this study, they created a proposed noise mitigation measure report (see attached) which they presented to the neighbors onsite after the date of the hearing. As demonstrated through this report, Petitioners are now committed to using the sound mitigation materials described by Acoustic Science

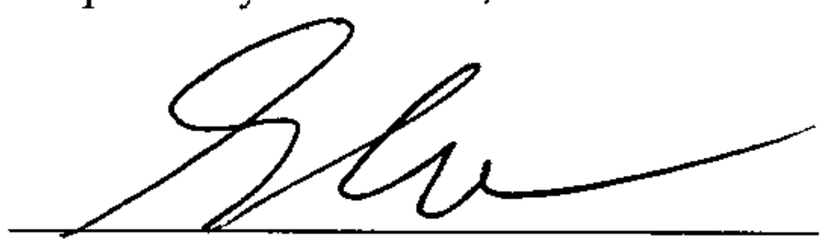
[1] The Petitioners submitted an amended site plan at the hearing addressing the comments submitted from Planning.

Corporations' (ASC) description in the attached report. Also, the Petitioner demonstrated how grading onsite would lower the current elevation for the parcel than what currently exists today. This grading will allow for the site to be less visible than it is presently and screening will be placed on the boundary line adjoining 7817 Beverly Avenue with an 8 foot high board on board fence and a row of Leeland Cypress screening, which further mitigates noise.

The Deputy Zoning Commissioner left this record open in order that such a study and proposed materials could be presented. A meeting was held onsite with the neighbors, during which they appeared very receptive to not only the efforts of the Petitioners, but also to the materials proposed to be developed onsite. As such, Petitioners believe they have adequately addressed the concerns regarding the noise and visualization of this site to the immediately adjoining neighbors and that the proposed order board as modified, will not adversely impact adjacent properties.

Petitioners now ask the Deputy Zoning Commissioner to grant the relief requested through Case No. 08-038-A, while incorporating not only the improvements made in reaction to Planning's concerns, but also these new sound mitigation factors that will be incorporated for the adjoining neighbors.

Respectfully submitted,



SEBASTIAN A. CROSS
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland, 21204
(410) 821-0070

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 03893

Date: 7/23/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				$325.00
							Total:	$325.00

Rec From: GILDEA + SCHMIDT, LLC

For: ITEM # 038 08-038-A
1903 TAYLOR AVE.

D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/24/2007	7/23/2007	15:10:18	2

REG #502 MAIL JEVA JEE
>>RECEIPT # 524490 7/23/2007 OFLN
Dept 5 52B ZONING VERIFICATION
DOCUMENT NO. 003893
Recpt 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: #08-038-A
1903 Taylor Avenue
S/east side of Taylor Avenue, 62 feet s/east of centerline of Beverly Avenue
9th Election District - 5th Councilmanic District
Legal Owner(s): Tiburon Group, LLC

Variance: to permit parking lot setbacks of 4 feet in lieu of the required 20 feet from a residential zone; from Condition B (Parking Lots, pg. 19) 1.B of the Baltimore County Landscape Manual for a setback of 4 feet and 2 feet in lieu of the required 6 feet and to allow 16 parking spaces in lieu of the required 24, for 5 stacking spaces for the drive-through facility in lieu of the required 7 and to permit 3 of these spaces to be located behind the order board in lieu of the permitted 5 and to allow parking lot setbacks of 2 feet in lieu of the required 20 feet from a Right-of-Way.

Hearing: Thursday, September 27, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/659 Sept. 11 148256

CERTIFICATE OF PUBLICATION

9/13, 2007

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~~ week~~s~~, the first publication appearing on 9/11, 2007

- ☑ 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.: 08-038-A

Petitioner/Developer: TIBURON GROUP, LLC

Date of Hearing/Closing: 9-27-07

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

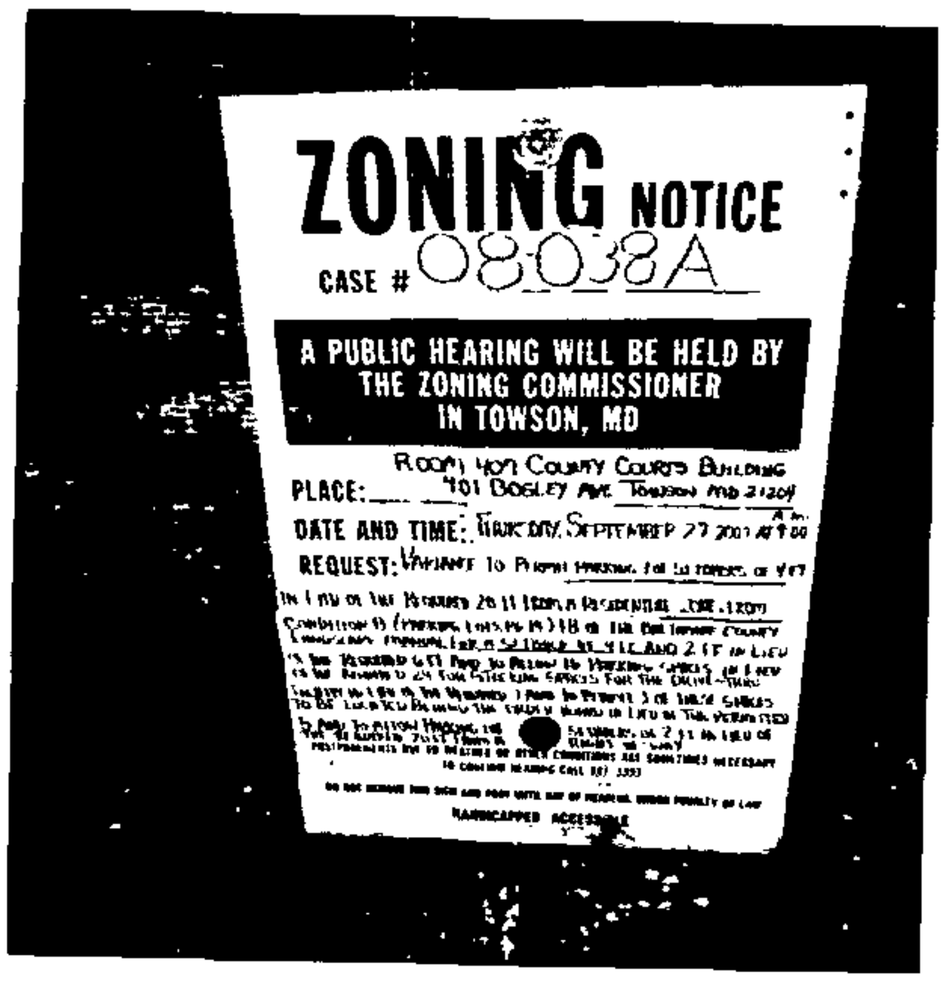
ATTN: Kristen Matthews {(410) 887-3394}

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: 1903 TAYLOR AVE

The sign(s) were posted on 9-10-07
(Month, Day, Year)

Sincerely,



Robert Black 9-12-07
(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)

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

August 21, 2007

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

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: 08-038-A
1903 Taylor Avenue
S/east side of Taylor Avenue, 62 feet s/east of centerline of Beverly Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Tiburon Group, LLC

Variance to permit parking lot setbacks of 4 feet in lieu of the required 20 feet from a residential zone; from Condition B (Parking Lots, pg. 19) 1.B of the Baltimore County Landscape Manual for a setback of 4 feet and 2 feet in lieu of the required 6 feet and to allow 16 parking spaces in lieu of the required 24, for 5 stacking spaces for the drive-through facility in lieu of the required 7 and to permit 3 of these spaces to be located behind the order board in lieu of the permitted 5 and to allow parking lot setbacks of 2 feet in lieu of the required 20 feet from a Right-of-Way.

Hearing: Thursday, September 27, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, Gildea & Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
David Arias, Tiburon Group, LLC, P.O. Box 10111, Silver Spring 20914

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 12, 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, September 11, 2007 Issue - Jeffersonian

Please forward billing to:
Sebastian Cross
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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:

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Hearing: Thursday, September 27, 2007 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: 08-038-A

Petitioner: TIBURON GROUP, LLC

Address or Location: 1903 TAYLOR AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: SEBASTIAN A. CROSS, ESQ

Address: GILDEA + SCHMIDT, LLC
600 WASHINGTON AVE., SUITE 200
TOWSON, MD 21204

Telephone Number: 410-821-0070

Revised 2/20/98 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 18, 2007

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

Dear Mr. Cross:

RE: Case Number: 08-038-A, 1903 Taylor Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 2007. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures
c: People's Counsel
Tiburon Group, LLC David Arias P.O. Box 10111 Silver Spring 20914

TB 9/27
9Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 10, 2007

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

RECEIVED
AUG 17 2007
BY:

SUBJECT: 1903 Taylor Avenue

INFORMATION:

Item Number: 8-038

Petitioner: David Arias

Zoning: BLR

Requested Action: **Variance**

The petitioner requests multiple variance requests. The petitioner seeks variances for parking lots setbacks from a residential zone, landscaping setbacks, the number of parking spaces and the number of stacking spaces for a drive-thru and for parking lot setback to a right-of-way.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's requests for parking but has some reservations about the variance relief for the stacked parking which is further restricting the space of an already constrained site. Before the Office of Planning can give consideration for approving all of the multiple variance requests, the following conditions must be addressed:

1. Submit building elevations showing building materials and colors.
2. Provide a full landscape plan to this office for review that shows all lighting (lighting should be non-reflective with a downward cascade or wall mounted), speakers (for any proposed audio), and include the hours of lighting and outside audio operation.
3. Widen the landscaped island in the vicinity of the egress to Taylor Avenue to allow a higher grade of plantings.
4. Provide crosswalks from the landscaped islands on Taylor and Beverly Avenues to the proposed building. If setbacks prohibit the widening of the landscaped island then the petitioner shall remove a parking lot space along Taylor Avenue.
5. Install an ornamental metal fence along with 3 brick piers along the edge of the parking spaces along Taylor Avenue. The fence shall start at the landscaped island near the egress to Taylor Avenue and should wrap around the parking spaces on Taylor Avenue. The fencing shall also be continued on the other side of the ingress and egress on Taylor Avenue and should continue along Beverly Avenue. The fence will allow some separation from the parking lot and public right-of-way. Low plantings shall be provided on the street side of the fence.
6. Submit elevations of all signage for the property.

PETITIONER'S
EXHIBIT NO. 1

7. Provide details of the dumpster enclosure. The enclosure shall be primarily masonry and blended with the building materials of the main structure.

If these conditions cannot be met, a possible alternative is to eliminate the drive- thru and stacked parking reducing the need for multiple variance relief.

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

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\8-038.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

August 2, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 30, 2007

Item Number: 035,036,037,038,039,040,041,043,044,046,047,048,050,051

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: August 1, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For August 6, 2007
Item Nos. 08-035, 036, 037, 038, 039,
040, 041, 043, 044, 046, 048 and 051

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-08062007.doc

TB 9/27

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination DWL

DATE: September 19, 2007

SUBJECT: Zoning Item # 08-38-A
Address 1903 Taylor Avenue
(Tiburon Group, LLC)

RECEIVED
SEP 19 2007
BY:

Zoning Advisory Committee Meeting of July 30, 2007

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_X_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_X_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:
Due to the proximity of Herring Run and the Herring Run floodplain, a Forest Buffer would extend on to this property. Development as shown would require a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains for Forest Buffer reduction.

Reviewer: Paul A. Dennis Date: 9/7/07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-38-A.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: JULY 31, 2007

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

RE: Baltimore County
Item No. 8-38-A
1903 TAYLOR AVENUE
TIBURON GROUP, LLC PROPERTY
VARIANCE

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. 8-38-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,

Michael A. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
F. GILLIS GREEN
ERIC N. LAMB
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

November 1, 2007

Thomas H. Bostwick
Deputy Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue
Suite 405
Towson, MD 21204

Re: Tiburon / 1903 Taylor Avenue
Case No: 08-038-A

Dear Deputy Commissioner Bostwick:

Attached please find a Hearing Memorandum for the above referenced case. The record was left open in this matter in order for us to work with the concerned neighbors in the area, which we have done as addressed in this memo.

Upon receipt and review, please contact me with any comments or questions you may have regarding this matter. As always I am

Very truly yours,

Sebastian A. Cross

SAC: kmb
Attachment
CC: David Arias, The Davari Companies
Mike Ganter, The Davari Companies
Joe Malandruccolo, The Davari Companies
Barbara Watson

PETITIONER'S
EXHIBIT NO. 5

RE: PETITION FOR VARIANCE 1903 Taylor Avenue; SW/S Taylor Avenue, 62' SE c/line Beverly Avenue 9th Election & 5th Councilmanic Districts Legal Owner(s): Tiburon Group, LLC Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 08-038-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 3rd day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
AUG 03 2007
Per.....

From: "Sebastian Cross" <scross@gildeallc.com>
To: <afreeburger@baltimorecountymd.gov>
Date: 7/23/2007 11:31:46 AM
Subject: 1903 Taylor Ave

here is the contact information for the advertising form

Thanks

Sebastian A. Cross, Esq.
Gildea & Schmidt, LLC
600 Washington Ave., Suite 200
Towson, MD 21204
Phone: 410-821-0070
Fax: 410-821-0071

This transmission contains information from the law firm of Gildea & Schmidt, LLC
which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Gildea & Schmidt, LLC by telephone immediately.

TB 9/27
9 AM

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 19, 2007

RECEIVED
SEP 20 2007
BY:_____

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: PETITION FOR VARIANCE
Tiburon Group, Inc- Petitioners
Case No: 08-038-A

Dear Mr. Wiseman,

Because this case focuses on parking issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. As a result, he sent us the enclosed email dated September 18, 2006. I am forwarding it to you for your review and consideration at the hearing.

Thank you for your attention.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Sebastian A. Cross, Esquire
Stephen Weber, Chief of Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Jim Kordonski; Mark Gonce
Date: 09/18/2007 11:10 AM
Subject: Case No. 08-038-A, 1903 Taylor Ave

Peter -

We have examined the site plan for this property. Certainly the site is extremely tight and having a flood plain over the eastern part of it only further restricts the site. In the past this site has not caused our agency any traffic problems or issues. Due to the small lot size and the small building, any type of food delivery will have to be contained to something relatively fast and a use that would have very minimal sit-down activity. It shows a coffee shop, but could also probably lend itself to something like a donut shop.

They are requesting a parking variance of 16 spaces in lieu of 24. Based on the type of use being placed here and the small building, it is not anticipated that this would cause a problem. However, depending on the exact merchant, it would have the potential to generate traffic activity that could exceed the parking provided. A use such a Starbucks would be such a concern. Therefore, there are specific uses or businesses that have the potential to exceed the parking capacity. Currently we do not have parking restrictions on Taylor Ave or Beverly Ave adjacent to the property, but should this use start generating parking demands that move customers or employees out onto the street, we would be forced to prohibit parking along this property frontage. Therefore, the petitioner should be aware of that.

The only other issue of which we have any concern is the stacking spaces. Off hand, we don't have any objection to the request since situations where the stacking would exceed the County requirements would result in the problem generally being contained on the petitioner's property. Therefore, any operational problems would only cause the petitioner problems with their own customers. This tends to often be somewhat self regulating since certain customers won't return to the site if they keep experiencing the same problems getting into the site and making their purchase. Therefore, the business owner has a self interest in ensuring that the operation moves as smoothly as possible.

These are the only specific traffic concerns we have with regard to the petitioner's request. Should you have any questions or wish to discuss the matter further, please feel free to give me a call.

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

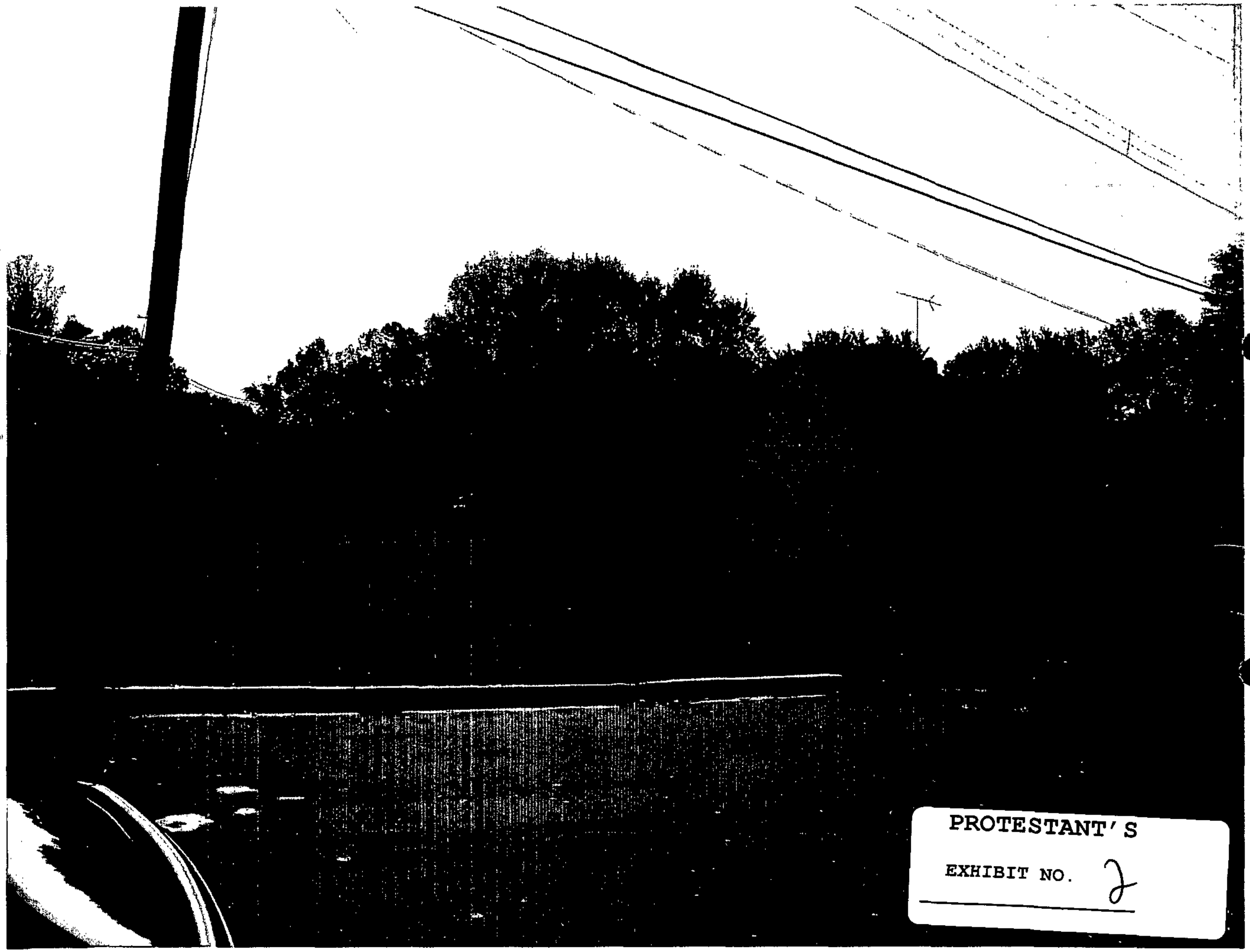
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Barbara Watson	7813 Beverly Ave	Parkville MD 21234	samzmom@aol.com
Lisa Schade	7913 Beverly Ave	Baltimore, MD 21234	schade@charm.net
Steve Yep	7816 Beverly Ave	Parkville MD 21234	yep7816@gmail.com
DENNIS J. CAPRIO	7808 BEVERLY AVE	PARKVILLE, MD 21234	DCAPRIO1200@YAHOO.COM

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

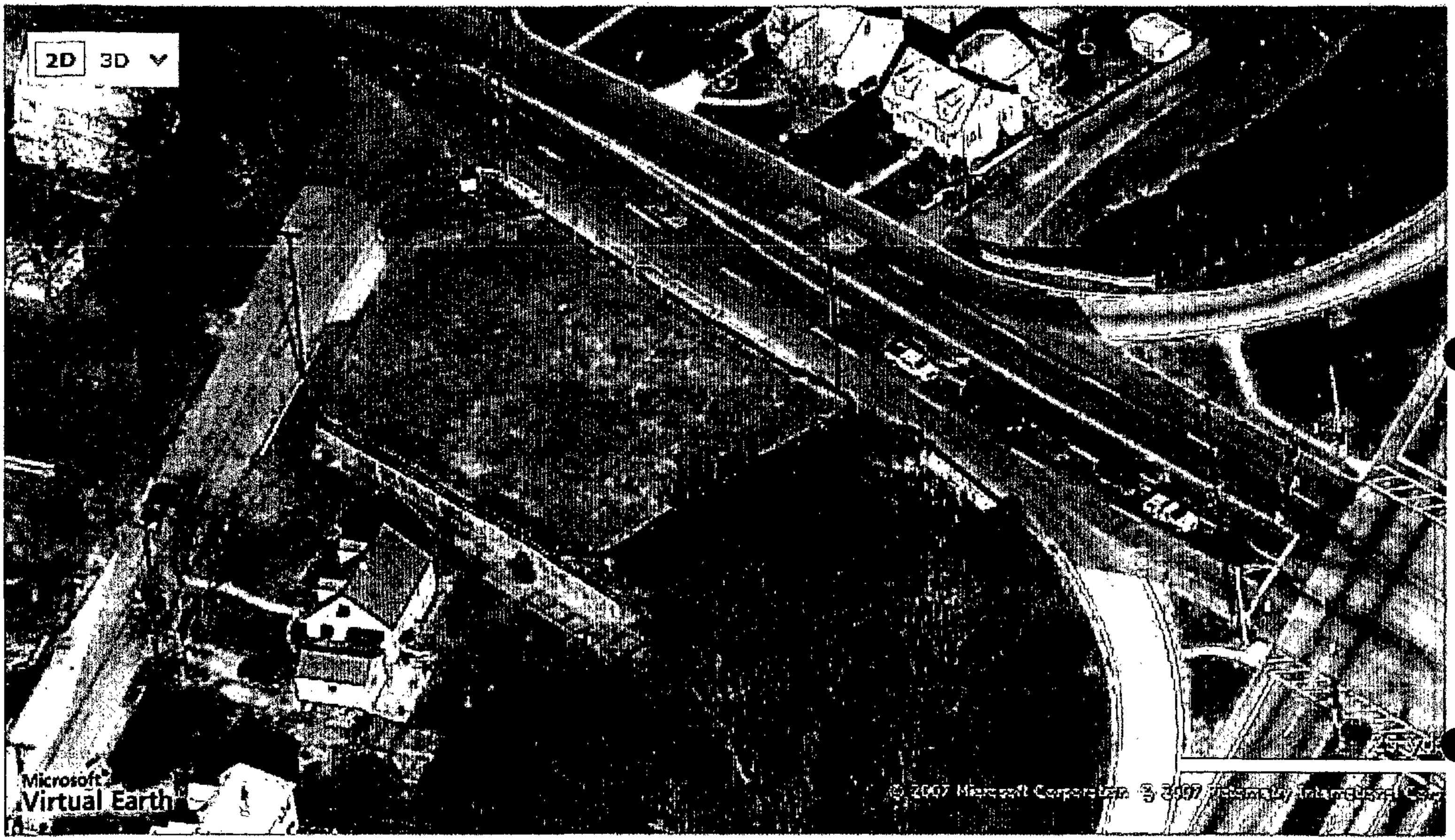
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Sebastian Cross	600 Washington Ave.	Towson 21204	
Joseph Malandruccolo	1184 Overbrook Rd.	Baltimore 21239	
David Arias			



PROTESTANT'S

EXHIBIT NO. 2



PROTESTANT'S

EXHIBIT NO. 3

Items For Discussion

Noise & Vibration From Vehicles -

Even with windows closed, we have experienced such volume that our chests felt vibration from the station traffic.

Any business that uses an outdoor speaker will be very annoying.

Traffic -

More traffic is not what this street needs. The intersection of Beverly and Taylor Aves. will become more hazardous. When some people turn down our street they cut in close and wind up in the wrong lane. Also, this street is already used as a shortcut. Radios are loud and the vechicles are speeding.

Hours -

We certainly don't need a business that is open 24 hours a day. It is not pleasant! We experienced that when the gas station was open next door.

PROTESTANT'S

EXHIBIT NO. 1

Visual & Sound Barrier -

The barrier needs to be tall and substantial. The property in question is higher in some places than our property. The winds can be quite strong. The barrier needs to be strong, dense and brought out to the edge of the road. This would keep people from cutting through our property and littering on it. We have dealt with this in the past.

Conclusion -

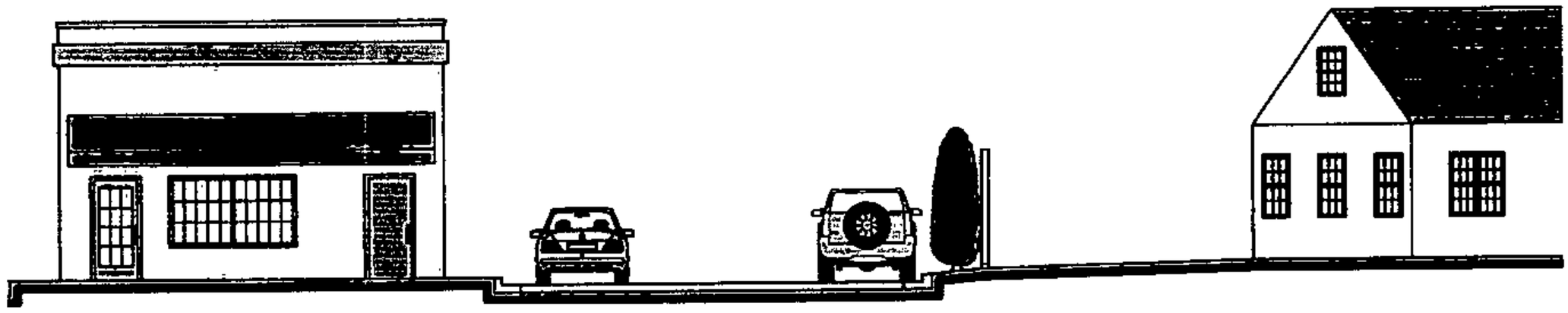
We don't see any benefits for us or our neighbors. Our quality of life certainly won't be better!

There will be robberies again. They have happened throughout the history of the businesses next door.

Enough is going on in our area already. (Read the crime log in the Northeast Reporter).

Ray & Dorothy Morrison

PROPOSED NOISE MITIGATION MEASURES



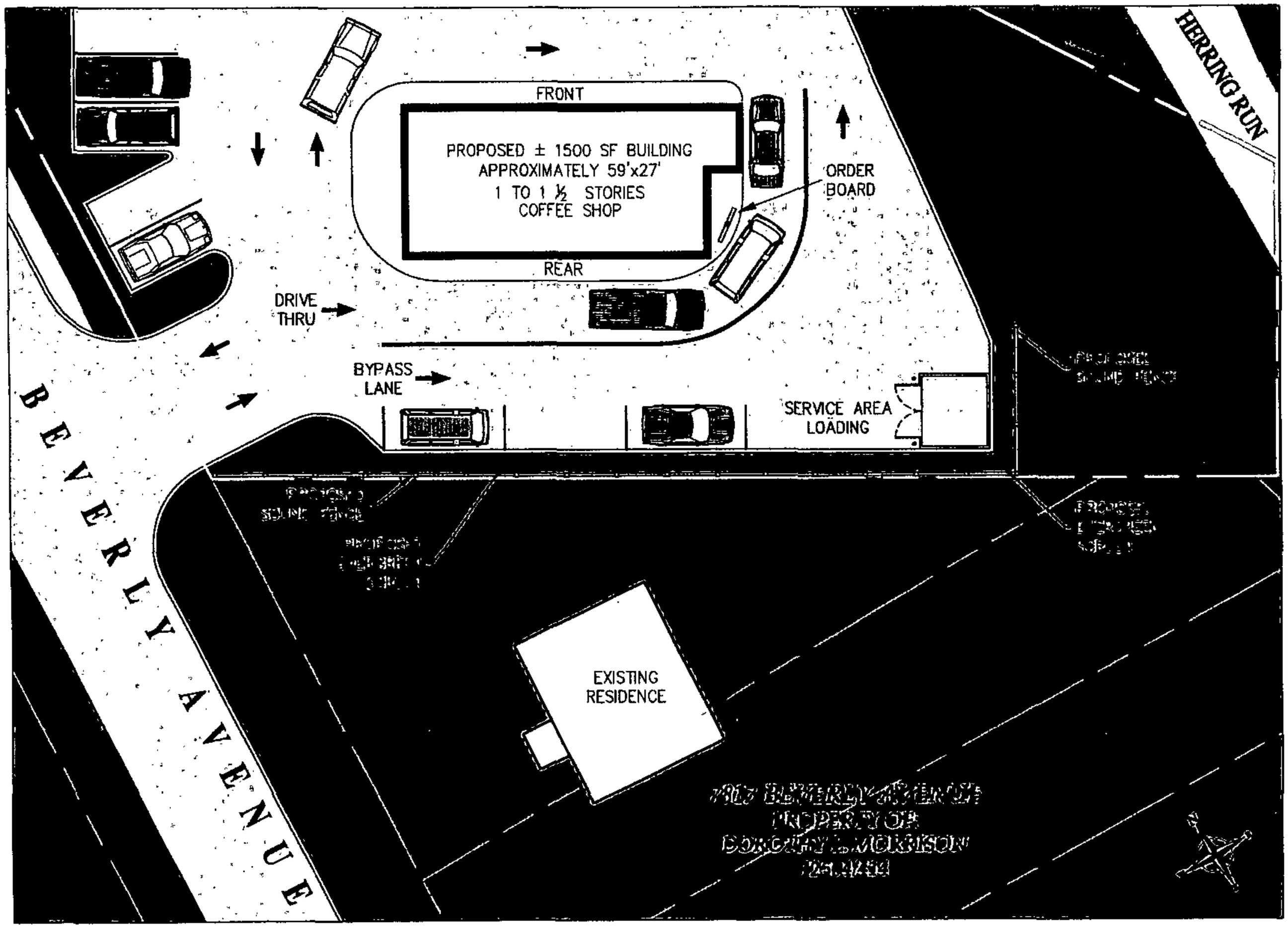
Conceptual Rendering

FOR PROPOSED COFFEE SHOP AND DRIVE-THRU
1903 TAYLOR AVENUE, PARKVILLE, MD. 21234

Prepared by:
The Davari Companies
Land Development Division
12809 New Hampshire Avenue
Silver Spring, MD. 20904
(301) 622-9425

In conjuction with:
Acoustic Sciences Corp.
P.O. Box 1189
Eugene, OR. 9740
(541) 343-9727

October 15, 2007



PREPARED BY:

THE DAVANI COMPANIES

LAND DEVELOPMENT DIVISION
12309 NEW HAMPSHIRE AVENUE
SILVER SPRING, MARYLAND 20904
tel - 301.622.942 fax - 301.622.9434

PREPARED FOR:

TIBURON GROUP, LLC
P.O.BOX 10111
SILVER SPRING, MD. 20914

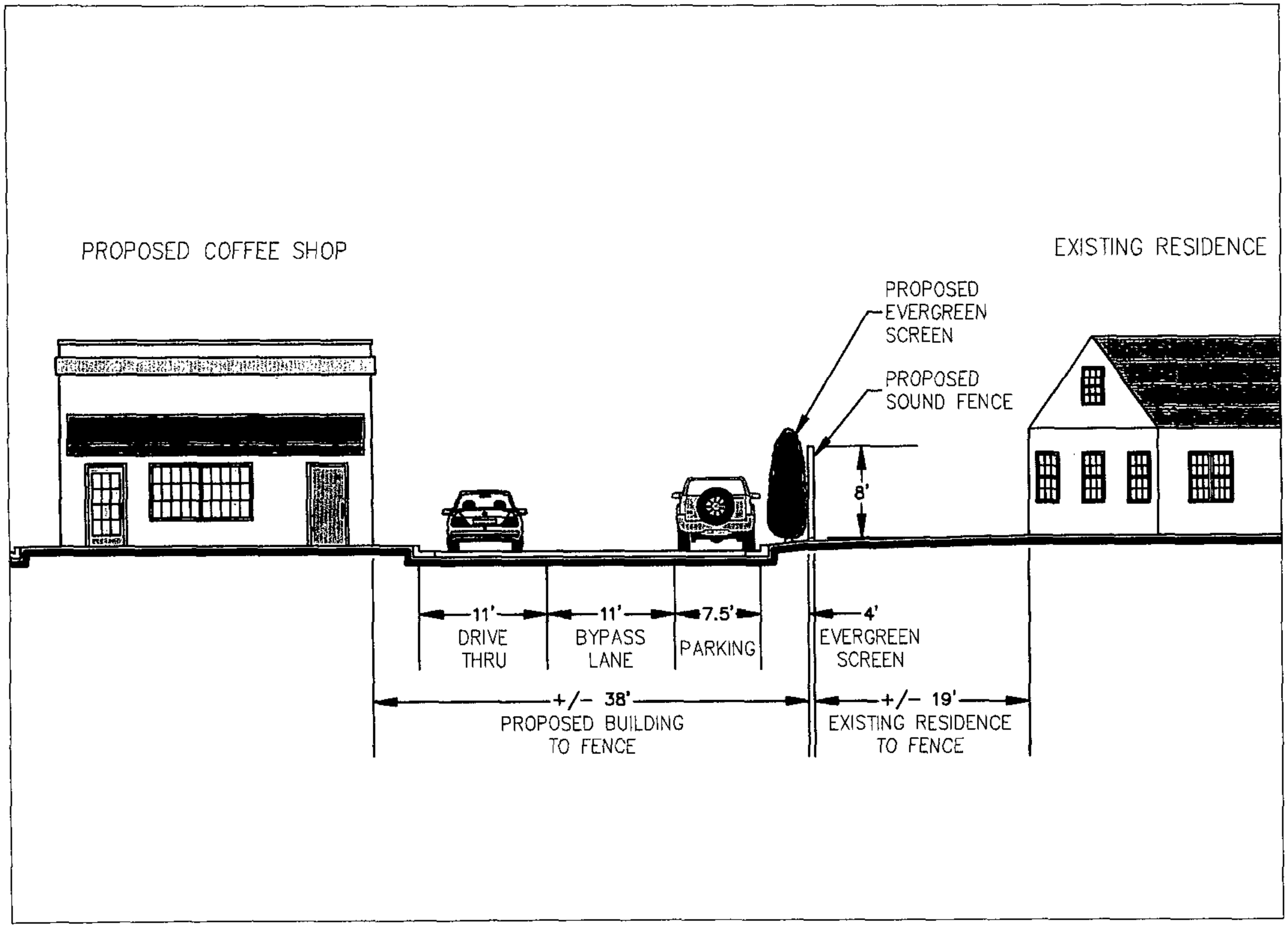
PROJECT TITLE:

1903 TAYLOR AVE.
PARKVILLE, MD. 21234

8 0 8 16

SCALE:	1/16"=1'
DATE:	10/10/2007
PROJ.NO.:	DCLD-001
DESIGNED BY:	JM
DRAWN BY:	JM
CHECKED BY:	JM

PLAN VIEW:
NOISE MITIGATION MEASURES



PREPARED BY:

THE DAVARI COMPANIES

LAND DEVELOPMENT DIVISION
12280 NEW HAMPSHIRE AVENUE
SILVER SPRING, MARYLAND 20904
tel - 301.622.942 fax - 301.622.9434

PREPARED FOR:

TIBURON GROUP, LLC
P.O.BOX 10111
SILVER SPRING, MD. 20914

PROJECT TITLE:

1903 TAYLOR AVE.
PARKVILLE, MD. 21234

8 0 8 16

SCALE:	1/8=1'
DATE:	10/10/2007
PROJ.NO.:	DCLD-001
DESIGNED BY:	JM
DRAWN BY:	JM
CHECKED BY:	JM

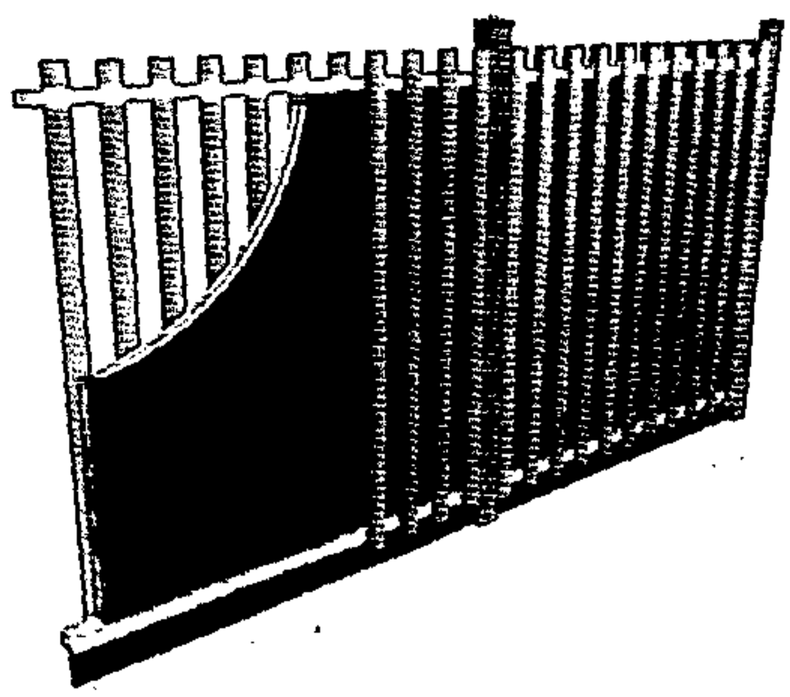
ELEVATION:
NOISE MITIGATION MEASURES

- **Raised Base**. The base must be raised to protect the bottom of the SoundFence from pooling. A pressure treated 2" x 4" can be used, or other suitable material.
- **Ground Seal**. Sound will leak through extremely small cracks. Because of this, there must be a positive seal at the ground below the SoundFence. In the original design, this was a pressure treated 2" x 6" sunk into a trench in the ground below the fence. Other installations have used pressure treated 6" x 6". In cases where the installation is on concrete, a pressure treated 2" x 4" sill would suffice.
- **Size**. SoundFence can be made in a variety of sizes. Maximum size is 4' x 8', with our typical or "standard" size being 4' x 6'. SoundFence can be oriented either vertically or horizontally.

With these criteria in mind, here are some specifics installation designs that have been developed for various scenarios.

Cedar Plank Fence

The original design of SoundFence was as an insert within a standard cedar plank fence. In this scenario the top rail of the fence acted as the weather cap, and the bottom rail raised the base well above any pooling. A vertical pressure treated 2" x 6" must be placed under the bottom rail, with its base buried in the ground. This prevents sound from seeping under the fence.



ASC ACOUSTIC SCIENCES CORPORATION
APPLIED ACOUSTICS - RESEARCH, DESIGN & DEVELOPMENT

P.O. Box 1189
Eugene, OR 97440
Ph. 541-343-9727
FAX 541-343-9245
1-800-ASC-TUBE

SoundFence Detail

1903 Taylor Ave, Parkville, MD

October 11, 2007

Project Description

The goal of this project is to reduce the amount of sound that is carried from a coffee shop's drive through window to neighboring residential properties.

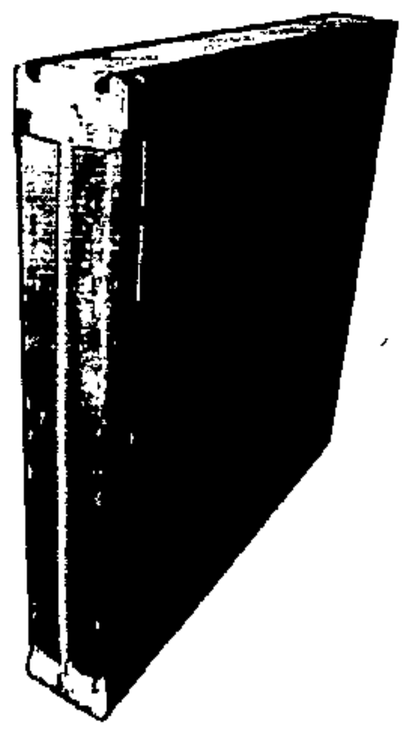
The ASC SoundFence has been specified as a possible solution for this project. While ASC has not directly evaluated the situation, the ASC SoundFence has worked satisfactorily in similar circumstances. This document is meant to provide information on the specifications and use of the ASC SoundFence, so that it performs as originally designed.

ASC is an engineering-based company, with a licensed professional engineer, qualified to work in the field of acoustics, on full time staff. ASC is available to study this situation, or work with a local acoustics engineer, to further develop a solution.

ASC SoundFence

SoundFence is a weather-proof noise-absorbing structure, originally designed to fit inside a standard cedar plank fence. It can be contained within or on a variety of structures. SoundFence is built from a milled waterproofed 2" x 4" cedar frame with a center web. In a side view the structure resembles an I-beam, which gives it strength. The sound absorption panels are covered with an architectural grade, fire and outdoor rated fabric, originally designed for porous awnings. It's frame can be drilled or nailed into or through.

Since it's development SoundFence has been successfully deployed in a variety of situations. Below are the installation criteria that have been determined to date:



- **Weather Cap**. Regardless of installation type, the top of the SoundFence must be protected from direct weather. Normally ASC will specify a pressure-treated 2" x 6", though anything that will act as weather cap will suffice. A 2" x 6" can be screwed or nailed directly to the water-proofed cedar frame.

SoundFence™

- Weather resistant for years of service
- Turns an ordinary fence into a black hole for noise
- Up to 50% quieter than a concrete block wall
- Easy to install, modular design
- Stops noise instead of reflecting it
- Unique approach to acoustic privacy
- Only available from Acoustic Sciences

ASC Acoustic Sciences Corporation

Headquarters:
4275 West 5th Ave.
Eugene, OR 97402

Contact:
Ph: 541.343.9727
Fax: 541.343.9245
info@tubetrap.com

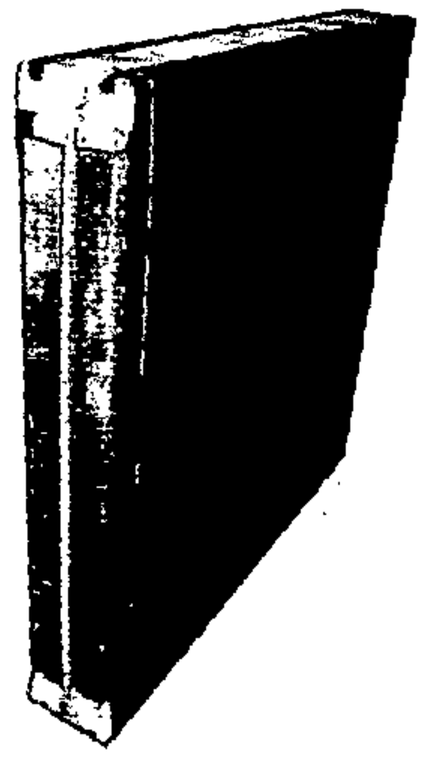
www.acousticsciences.com

1 800 272 8823

Serious Outdoor Noise Control

Acoustic Sciences Corporation (ASC) has the solution to your neighborhood noise problem, be it an environmental noise control issue such as a nearby freeway or railroad, or a common neighborhood noise problem such as loud neighbors, barking dogs or playing children. The ASC SoundFence is durable, weather-resistant, easy to install, and affordable. Also a great solution for noisy heat pumps or AC units.

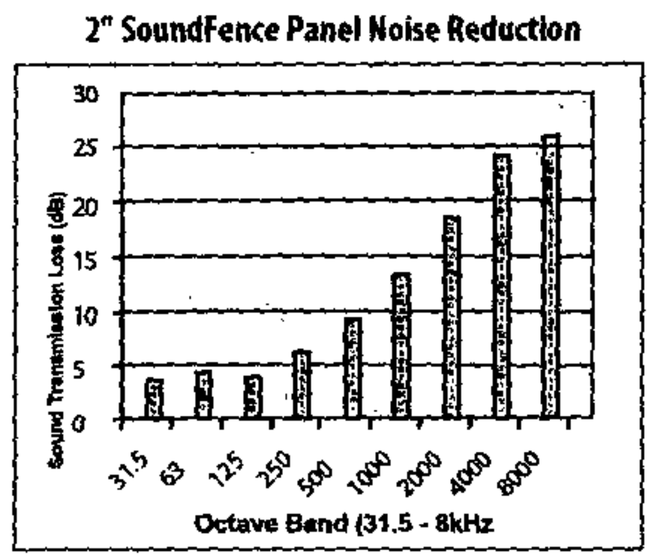
Help Has Finally Arrived



Typical cedar fencing is affordable, that's why everybody has it. But cedar fencing is fairly useless in managing noise because air gaps between boards leak sound. The unique ASC SoundFence is a simple, contractor friendly, weather resistant system that stops noise dead in its tracks; something that standard cedar fencing is missing.

ASC manufactures the patented 3" thick, panelized noise stopping unit that gets nested inside of a cedar fence with slats on both sides. The panels are shipped to you in modular form, ready to be dropped into place. You provide the cedar fence, we provide the noise control. Plus, our engineers are ready to help if you run into trouble. The unit panels are built in sections that fit between the upper and lower rails of a fence with posts on 6'-8' centers. Custom sizes are available to accommodate fences from 3' to 8' tall.

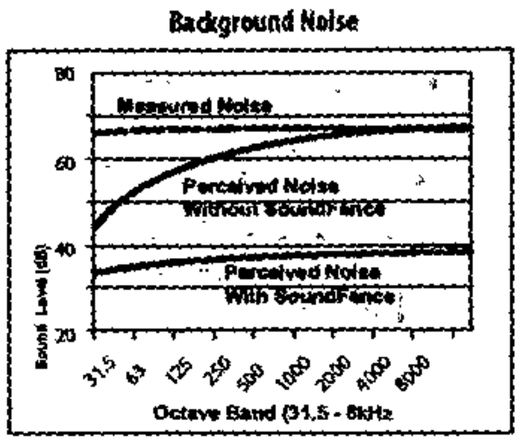
This Noise Stopper Works 24-7



Most noise barriers available today merely reflect noise, which means the noise still exists and can continue to cause problems for you and others. Noise can also curve around and over barriers in unexpected ways, causing endless headaches for homeowners and architects.

The only sure-fire way to deal with noise is to eradicate it permanently whenever it shows up, 24-7, 365 days a year, year in and year out. This what the ASC SoundFence does so well, making it one of the only solutions of its kind. And the basic design is extremely adaptable to fit your specific needs. Our engineering department is geared to help solve even the most difficult situations. For example, don't want a cedar slat fence? No problem, the ASC SoundFence can be installed as a standalone product as long as the top is protected from the elements.

SoundFence™



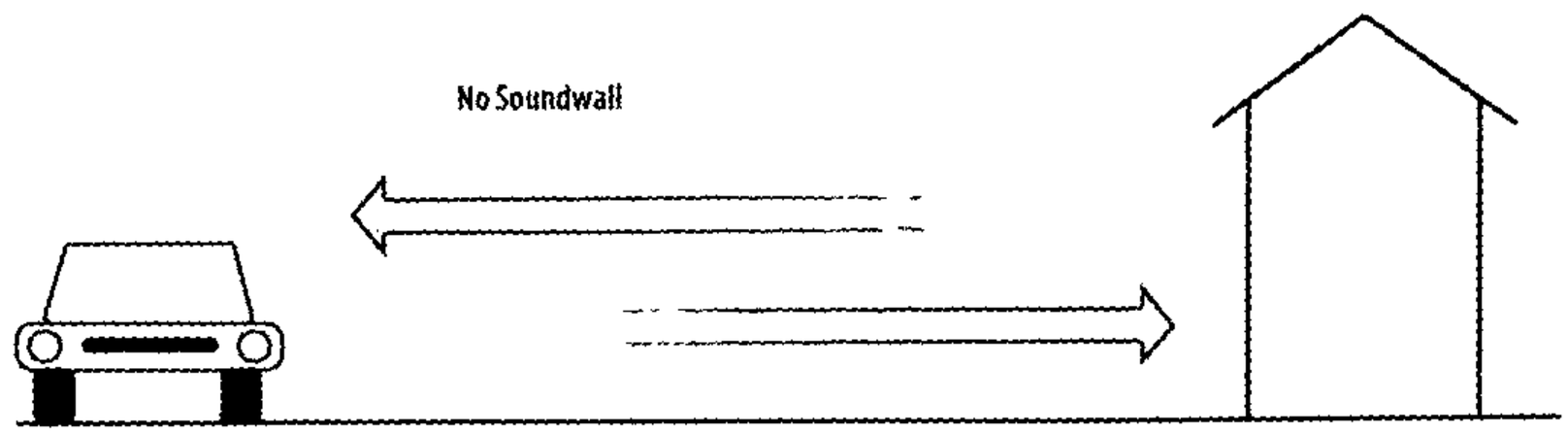
The SoundFence is most effective at frequencies above 500Hz which is also the frequency range most perceived by the human ear. SoundFence flattens the perception curve across the sound spectrum while at the same time lowering the overall noise level. SoundFence not only reduces the overall noise level, but reshapes the perceived noise to meet the architectural standards for acceptable levels which is a perceived flat spectrum.

It is helpful to understand that outdoor noise does not travel in a straight line. A barrier type fence or wall may sound quiet when one is near it, yet the noise tends to "jump" and may crop up from a slight distance. Therefore, the best course of action when dealing with noise is to make it go away permanently with an ASC SoundFence.

ASC Acoustic Sciences Corporation
www.acousticsciences.com
1 800 272 8823

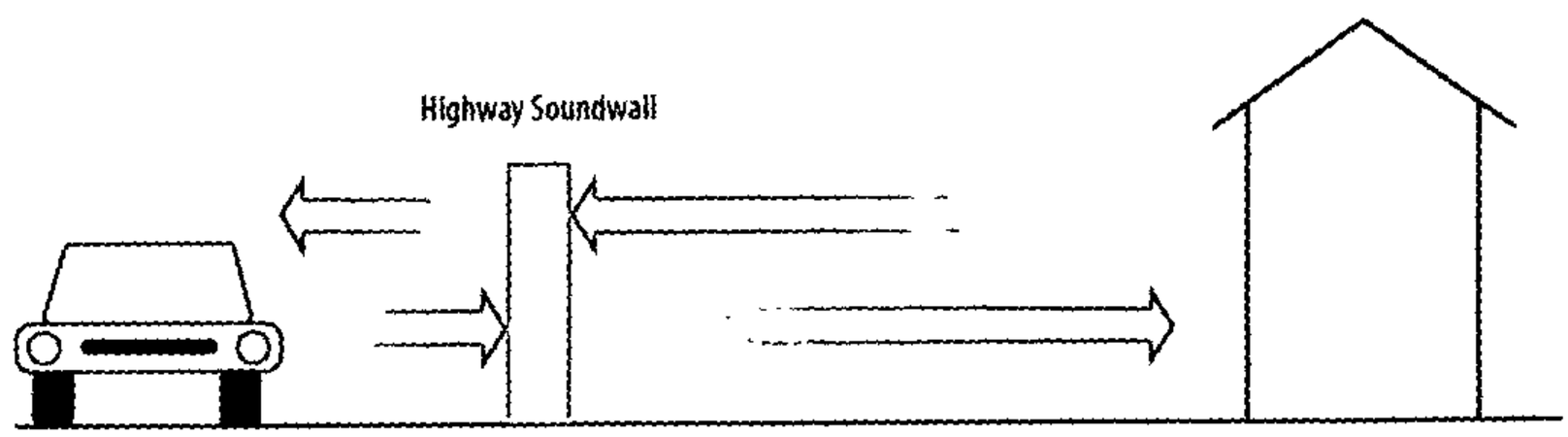
How SoundFence Works

The ASC SoundFence is different than the typical cement sound wall. It's one of the only fences in the world that absorbs sound instead of letting it ricochet off buildings and other solid objects.



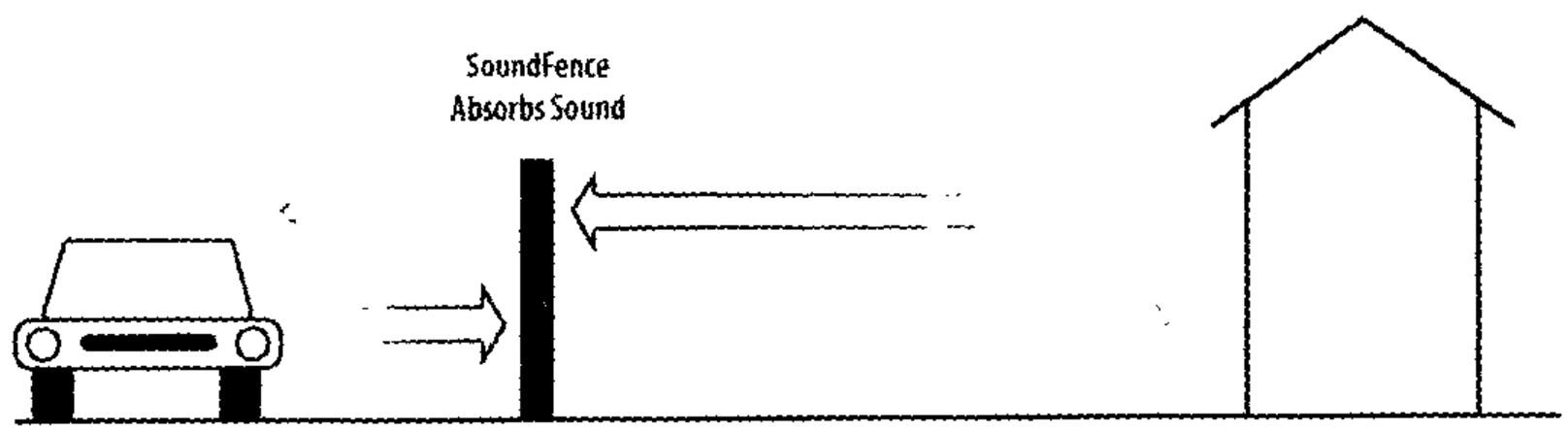
No Sound Wall

In this situation, sound travels freely onto the property and sound reverberates on the property freely.



Typical Highway Soundwall

Here, sound is reflected from both sides of the wall. Car noise bounces back onto the roadway, but yard noise bounces back to the house. An echo effect is created.

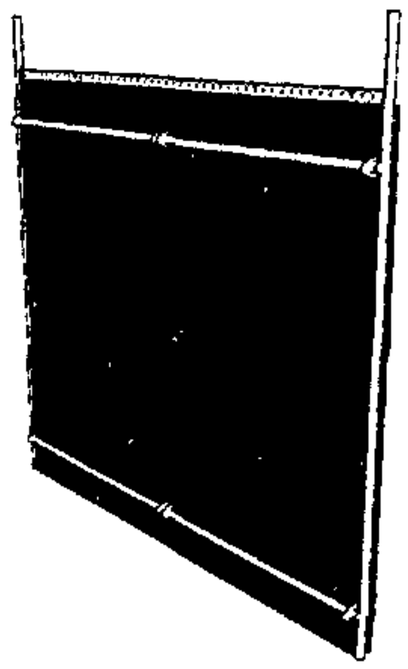


The ASC SoundFence

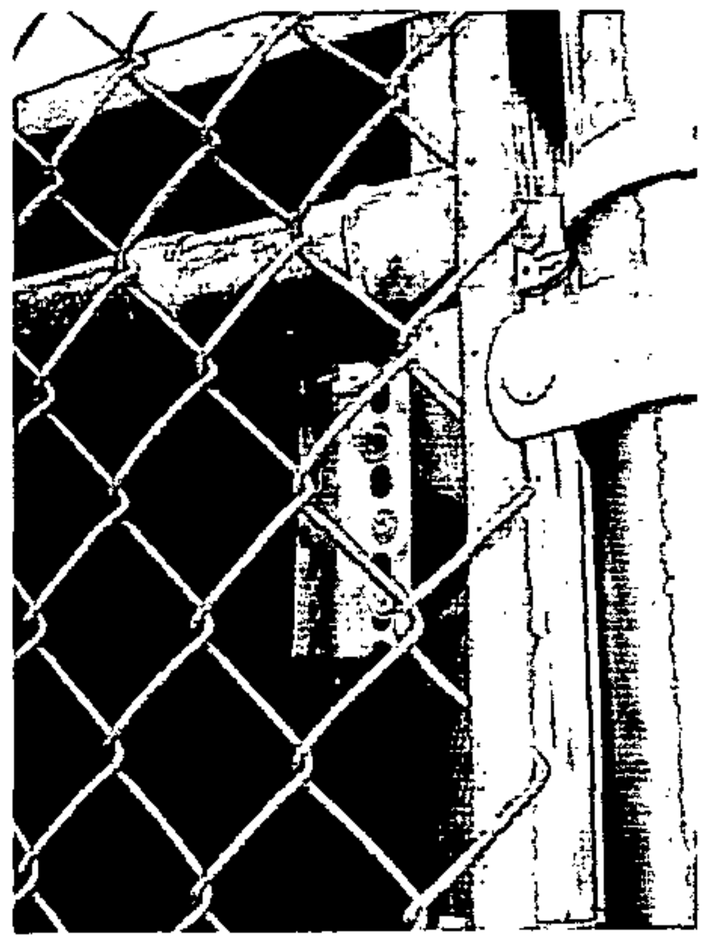
Here, sound is absorbed on both sides of the fence. There is no echo chamber effect as sound intensity is greatly reduced. Both street and backyard noise is reduced and a more comfortable ambiance is achieved.

Chain Link Fence

SoundFence can be attached to the horizontal rails of a chain link fence via its cedar frame. A base board must be used to seal the bottom of the fence and raise the SoundFence above any pooling, and a weather cap must be installed along the top.

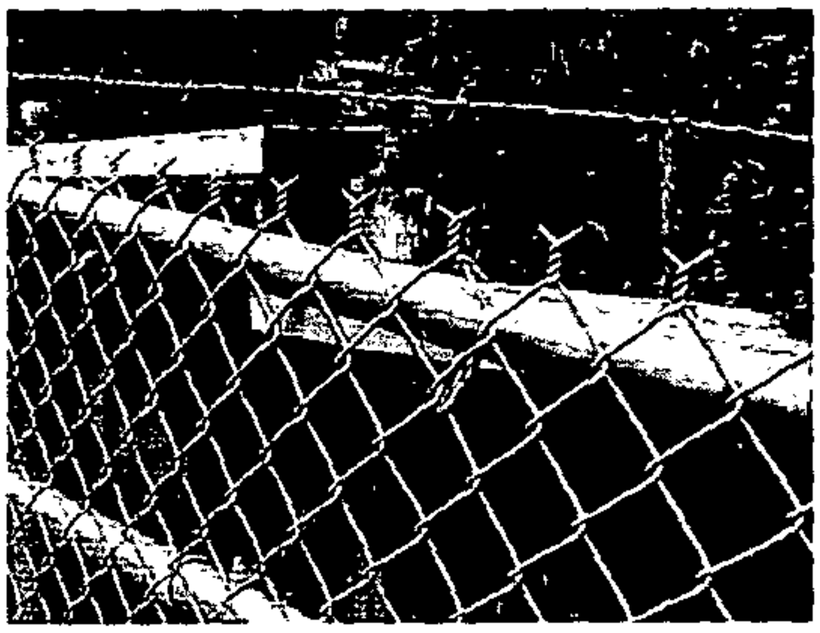


Example of SoundFence attached to chain link fence.



Detail of SoundFence attachment to chain link fence frame.

These photos are from an installation near our factory from two years ago. This design used a Hardy Plank exterior, which is why the screws attach to the face of the product. This design is no longer in production.



Detail of SoundFence weather cap at top and raised base, buried in ground.

Cinder Block Walls

ASC can provide 5/8" holes and grommets (to accommodate ½" bolts) in the cedar frame of the SoundFence, to allow for installation directly to a solid surface such as a cinder block wall. A base board must be used to seal the bottom of the fence and raise the SoundFence above any pooling, and a weather cap must be installed along the top.

Free Standing Installation

While SoundFence has strength on its own, it must be attached to a structure of some sort to remain standing. ASC's suggestion has been to build a fence structure to place it in. Upright posts, a sill at the base (such as a pressure treated 2" x 4"), and a weather cap at the top (such as a pressure treated 2" x 6") are all that are required. The SoundFence can be attached to this structure by toe-nails, screws, brackets, or whatever solution the local designer believes is necessary.

Mechanically Durable

Partially Covered Single Sided

Fully Enclosed

ASC has been presented with situations where a mechanically durable fence is required, or where noise is only a problem from one side of the fence, or an enclosed fence is desired, or combinations of all three. For these instances we have developed guidelines:

- A more rugged structure can be used to enclose the fence, with closer spacing of the openings. Openings to the SoundFence material can be as close as ¼" – however, absorption may be impacted.
- A single sided fence can be constructed, to address a sound source from only one direction. The SoundFence can be specified to have its absorptive layers concentrated on the side facing the noise source. This may make for a more mechanically durable fence that is still acoustically vented, acting as both a sound absorber and sound barrier.
- For a SoundFence to be effective, it must be acoustically vented. In other words, it will not be effective if it is completely enclosed within an acoustically sealed enclosure. An acoustically sealed enclosure has no sound absorption qualities.

At the end of this document is a drawing of an example of a single sided fence, with important design details noted.

Gates

Special attention should be applied to gates. Since a gate will not extend to the ground, sound will leak out at the base. Installation of a rubber wiper is necessary to stop escaping sound.

Price and Shipping Information

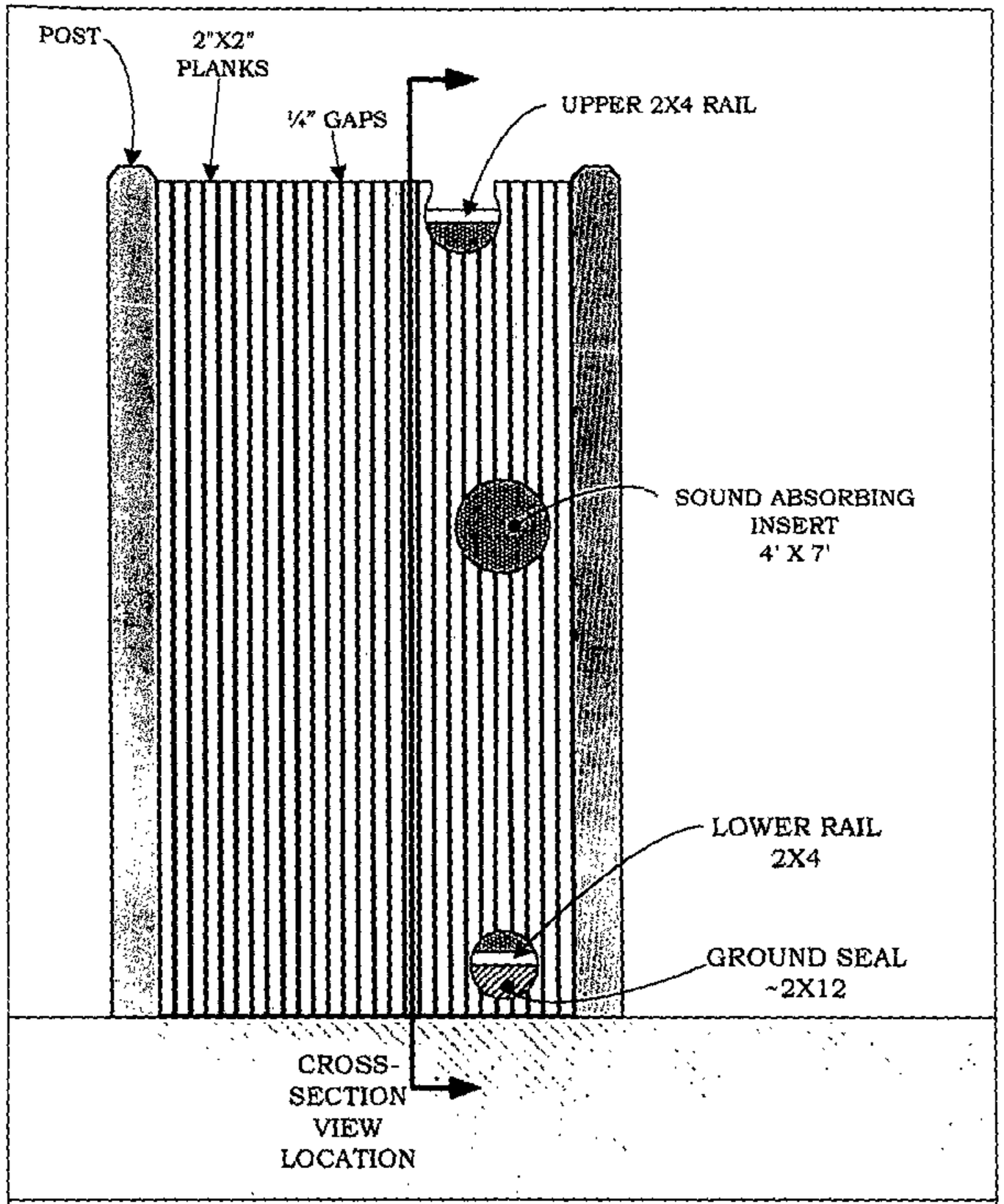
Current pricing can be obtained by contacting ASC at 800-272-8823 or at the website www.acousticsciences.com . SoundFence is built to order at the ASC factory in Eugene, Oregon, and shipped to your site to be installed in your structure by contractors of your choosing. ASC does not design or build fences or fence components, just the SoundFence panels.

Additional Information

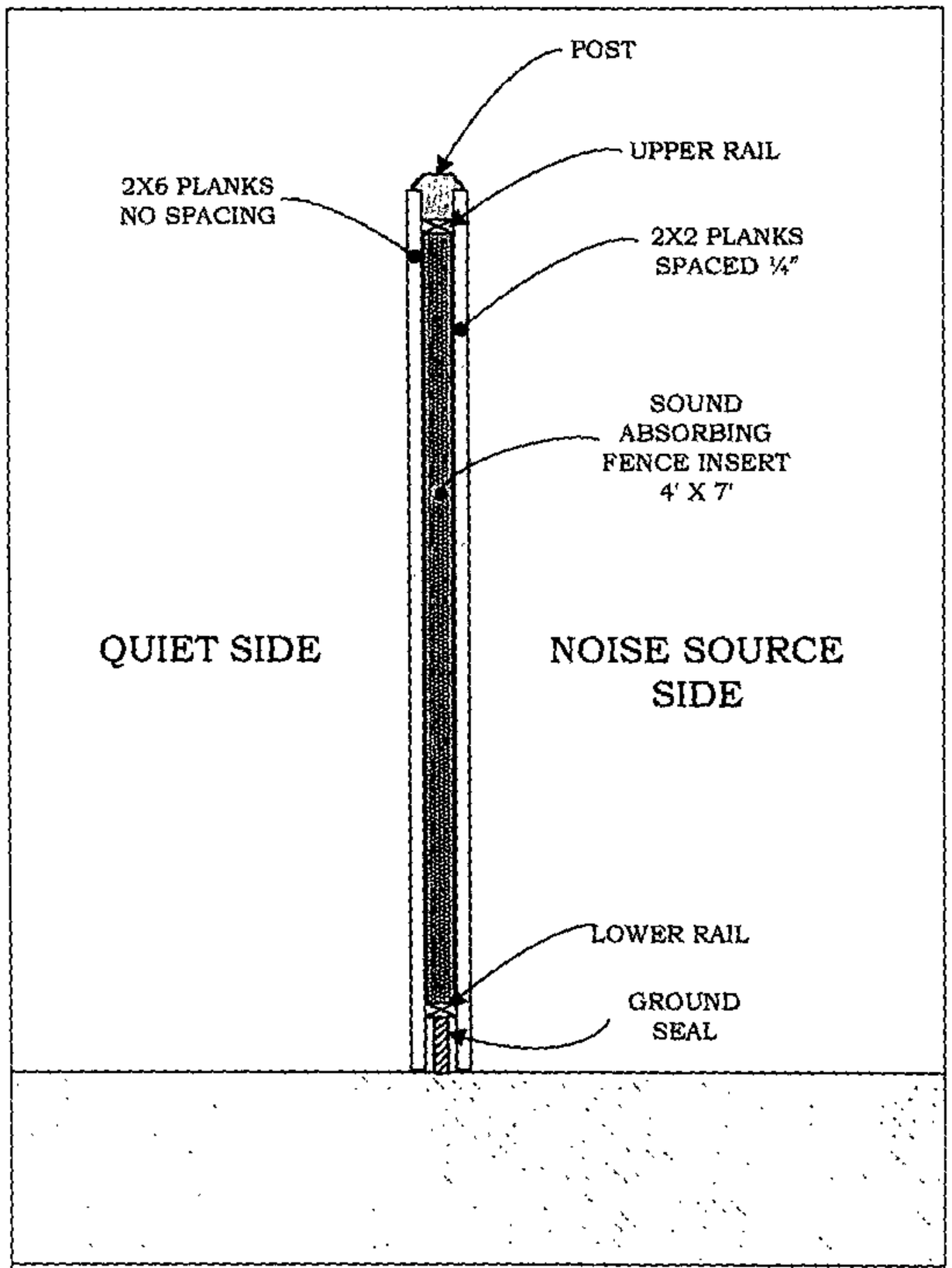
The most up to date information on product use and performance can be found on the ASC website, www.acousticsciences.com .

Acoustic Sciences Corporation

Acoustic Sciences Corporation (ASC) was founded by acoustic engineer Arthur M. Noxon in 1984. Over the past twenty-three years ASC has established a worldwide reputation in the field of acoustic conditioning. ASC's patented Tube Trap™ was the world's first corner-loaded acoustic bass trap, and continues to be very popular in high performance audio rooms such as recording studios, home theaters, and hifi's. ASC has also perfected the art of directional acoustics, which applies to classrooms, churches, restaurants, and medium-sized acoustic spaces, as well as the practice of indoor and outdoor soundproofing and sound isolation.



SOUND FENCE FACE VIEW - TYPICAL 4' SECTION

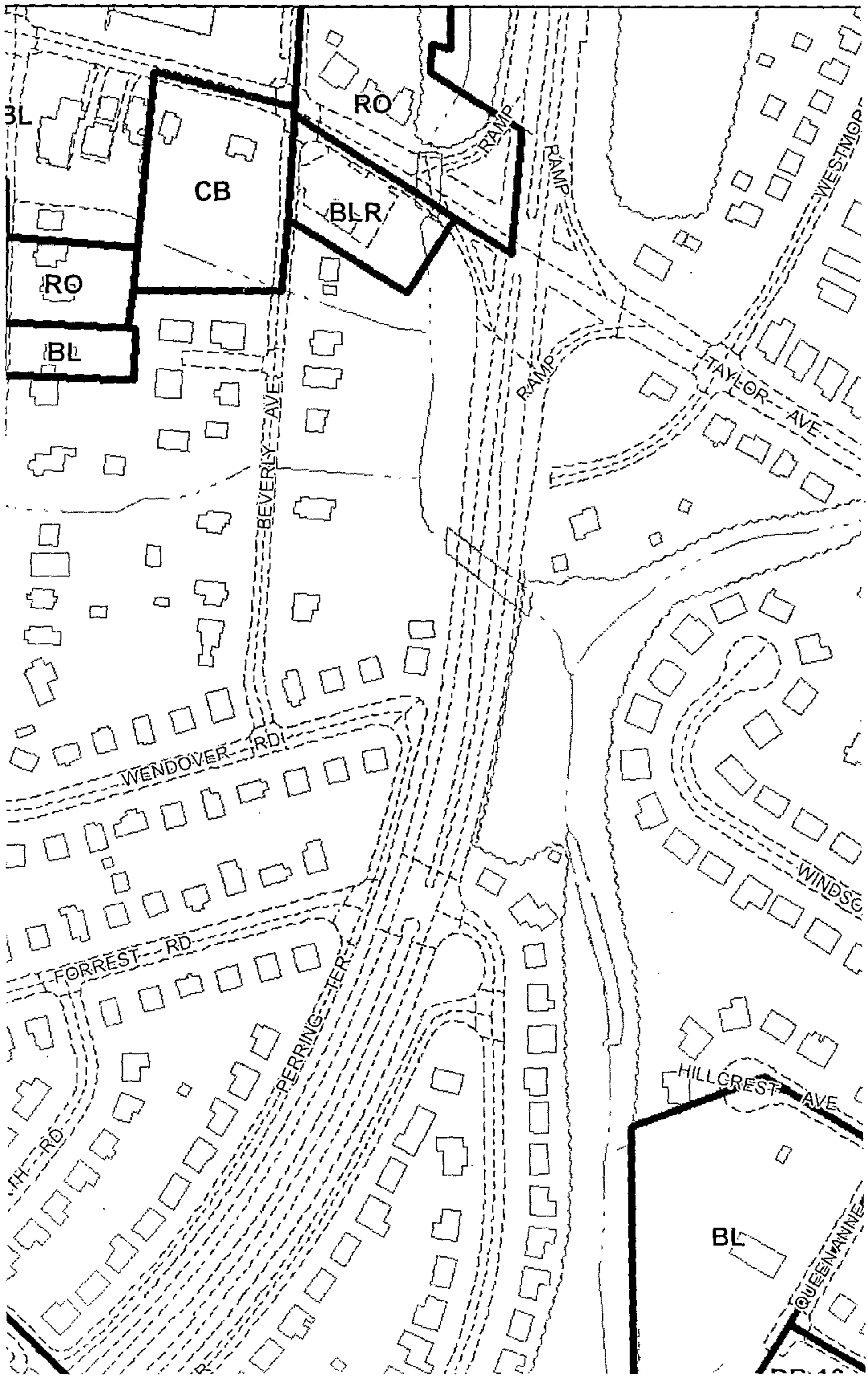


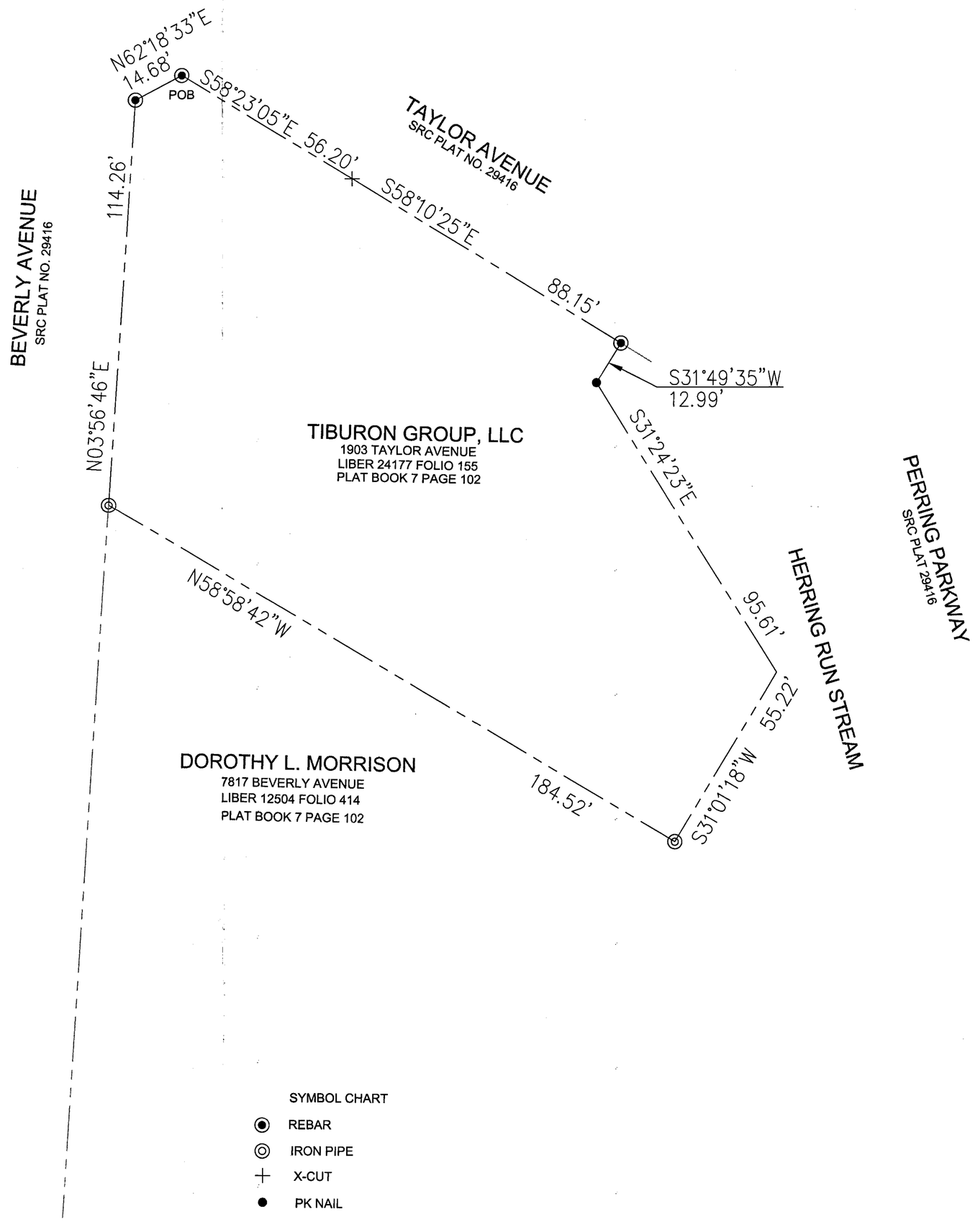
SOUND FENCE CROSS- SECTION VIEW

REV 10/11/2007	PARTIALLY COVERED SINGLE SIDED SOUND FENCE		ASC ACOUSTIC SCIENCES CORPORATION
CREATED 10/11/2007	PROPOSED FENCE CONSTRUCTION		4275 W 5TH Ave Eugene, OR 97402 1800 ASC-TUBE
SCALE: 1/2" = 1'-0" (0' – 5')		DESIGNED BY: A.N.	
		DRAWN BY: J.M.G.	PAGE 1 OF 1

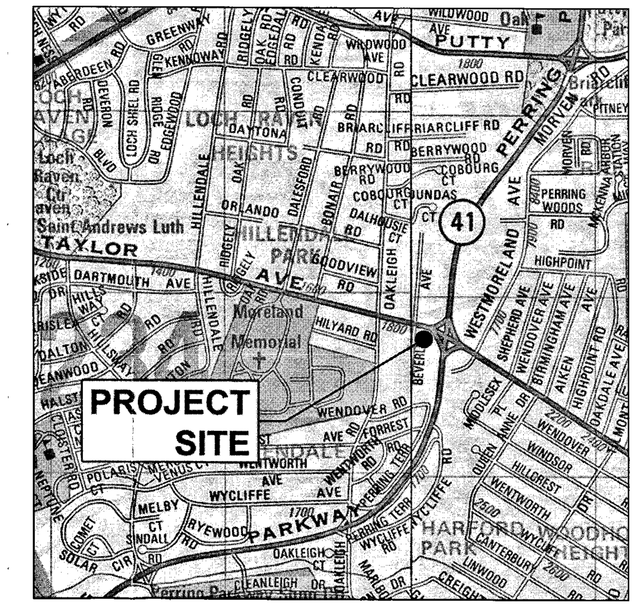
ZONING MAP 08OC1

08-028-A





GRID NORTH



VICINITY MAP
SCALE: 1" = 1000'
Copyright ADC The Map People Permitted Use No. 20611192

SYMBOL CHART

- REBAR
- IRON PIPE
- X-CUT
- PK NAIL

0' 20' 40' 60'

SCALE 1"=20'

GENERAL NOTES

1) DEED REFERENCE: LIBER 24177 FOLIO155
PLAT REFERENCE: PLAT BOOK 7 PAGE 102
TAX MAP 80 PARCEL 142
TAX ACCOUNT NO. 0919391551

2) COUNTY USE: 20

3) THE PURPOSE OF THIS PLAT IS TO GRAPHICALLY DEPICT THE METES AND BOUNDS OF A LOT OF GROUND.

4) BY GRAPHIC PLOTTING ONLY, A PORTION OF THE THE PROPERTY SHOWN HEREON LIES WITHIN THE 100 YEAR FLOOD BOUNDARY SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BALTIMORE COUNTY, MARYLAND, COMMUNITY PANEL NUMBER 240010 0270 C, EFFECTIVE DATE MARCH 2, 1981, AND A PORTION LIES WITHIN ZONE C AREA OF MINIMAL FLOODING SHOWN ON SAID MAP.

5) THERE IS NO CONSTRUCTION CURRENTLY UNDERWAY ON THE SITE.

6) THERE IS NO OBSERVABLE EVIDENCE THAT THIS SITE WAS USED AS A SOLID WASTE DUMP, SUMP OR LANDFILL.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SURVEY OF A PARCEL OF LAND CONVEYED FROM GLOBAL FACILITIES, LLC UNTO TIBURON, LLC BY DEED DATED JUNE 20, 2006 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 24177, FOLIO 155 AND THAT THE TOTAL AREA INCLUDED IN THIS PLAT OF SUBDIVISION IS 0.4841 ACRES OF LAND MORE OR LESS.

7/17/07
DATE

THOMAS McELROY,
REG. PROPERTY LINE SURVEYOR
MD REG. #486

STATE OF MARYLAND
THOMAS L. McELROY
No. 486
PROPERTY LINE SURVEYOR

PLANS PREPARED FOR:
TIBURON GROUP, LLC
P.O.BOX 10111
SILVER SPRING, MARYLAND 20914
(301) 622-9425

ALTA / ACSM LAND TITLE SURVEY FOR :
TIBURON GROUP, LLC
1903 TAYLOR AVENUE
BALTIMORE, MARYLAND 21234
(301) 622-9425

The RBA Group
ENGINEERS • ARCHITECTS • PLANNERS
7164 Columbia Gateway Drive, Suite 205
Columbia, Maryland 21046
Phone (410) 312-0966, Fax. (410) 312-0697

REVISIONS
-

SCALE 1"=20'

DATE: 7/17/07
JOB NUMBER: M3794.01
FILE NUMBER:
PLOTTED: 1 OF 1
DRAWN BY: T. WILEY

SHEET 1 OF 1

GENERAL INFORMATION:

PROPERTY ZONED: BLR
TAX ACCOUNT NO.: 09-19-391551
ZONING MAP NO.: 080C1
9th ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT
GROSS AREA: 21,087 SF 0.484 ACRES
NET AREA: 17,470 SF 0.401 ACRES

BUILDING SIZE: ± 1500 SF, HEIGHT: 1.5 Stories
BUILDING SETBACKS:
FRONT: 25'
SIDE / REAR (RESIDENTIAL): 20'
SIDE / REAR (NON-RESIDENTIAL): 10'
F.A.R. = 1,500 SF / 21,087 SF = 0.07
A.O.S. = NONE REQUIRED

CHESAPEAKE BAY CRITICAL AREA: N/A
FLOODPLAIN: YES, ZONE 'A', ELEVATION: 314'
HISTORIC: N/A

PARKING DATA:
FAST FOOD & STANDARD RESTAURANT
16 SPACES PER 1,000 SF GROSS
16 X 1.5 = 24 SPACES REQUIRED, 16 PROVIDED
ANGLED PARKING: SIZE 8.5 x 18
PARALLEL PARKING: SIZE 7.5 x 21
PAVING TYPE: MACADAM
SPACES PERMANENTLY STRIPED

SERVICE/LOADING/PARKING SETBACKS:
RIGHT OF WAY: 20'
RESIDENTIAL: 20'
NON-RESIDENTIAL: 8'

PREVIOUS ZONING HEARINGS:
3513-X: ORDER DATED APRIL 6,1955
REZONING: APPROVED
• FROM R-6 TO BUSINESS LOCAL (B.L.)

85-272-SPHXA: ORDER DATED APRIL 5, 1985
SPECIAL EXCEPTION: APPROVED
• FOOD STORE IN COMBINATION WITH A GAS STATION
VARIANCE: APPROVED
• 4.5 FEET IN LIEU OF 10 FEET FOR CANOPY
• 13.5 FEET IN LIEU OF 15 FEET OR PUMPS
• REAR YARD OF 16 FEET IN LIEU OF 20 FEET
• SIDE YARD OF 30 FEET IN LIEU OF 35 FEET
• 55 FEET TO CENTERLINE OF STREET IN LIEU OF 60 FEET
SPECIAL HEARING: APPROVED
• 21, 033 SQ. FT IN LIEU OF 21,216 SQ. FT.
VARIANCE: DENIED
• TWO FREESTANDING SIGNS OF 361.75 SQ. FT. IN LIEU OF THE PERMITTED 100 SQ. FT.
CONDITIONS TO APPROVAL:
• IF PETITIONER REMOVES SPANDREL SIGN, IT MAY ADD AN EXTRA 30 SQUARE FEET TO THE SIGN.

PREVIOUS COMMERCIAL PERMITS:
1613-84 / 765-70 / 685-84 / 729-85
DATE OF LAST IMPROVEMENT: APPROX. 1985

PROPERTY OWNER:
TIBURON GROUP, LLC
P.O. BOX 10111
SILVER SPRING, MD. 20914
301.622.9425

PETITIONER'S EXHIBIT NO. 3

ZONING RELIEF REQUESTED:

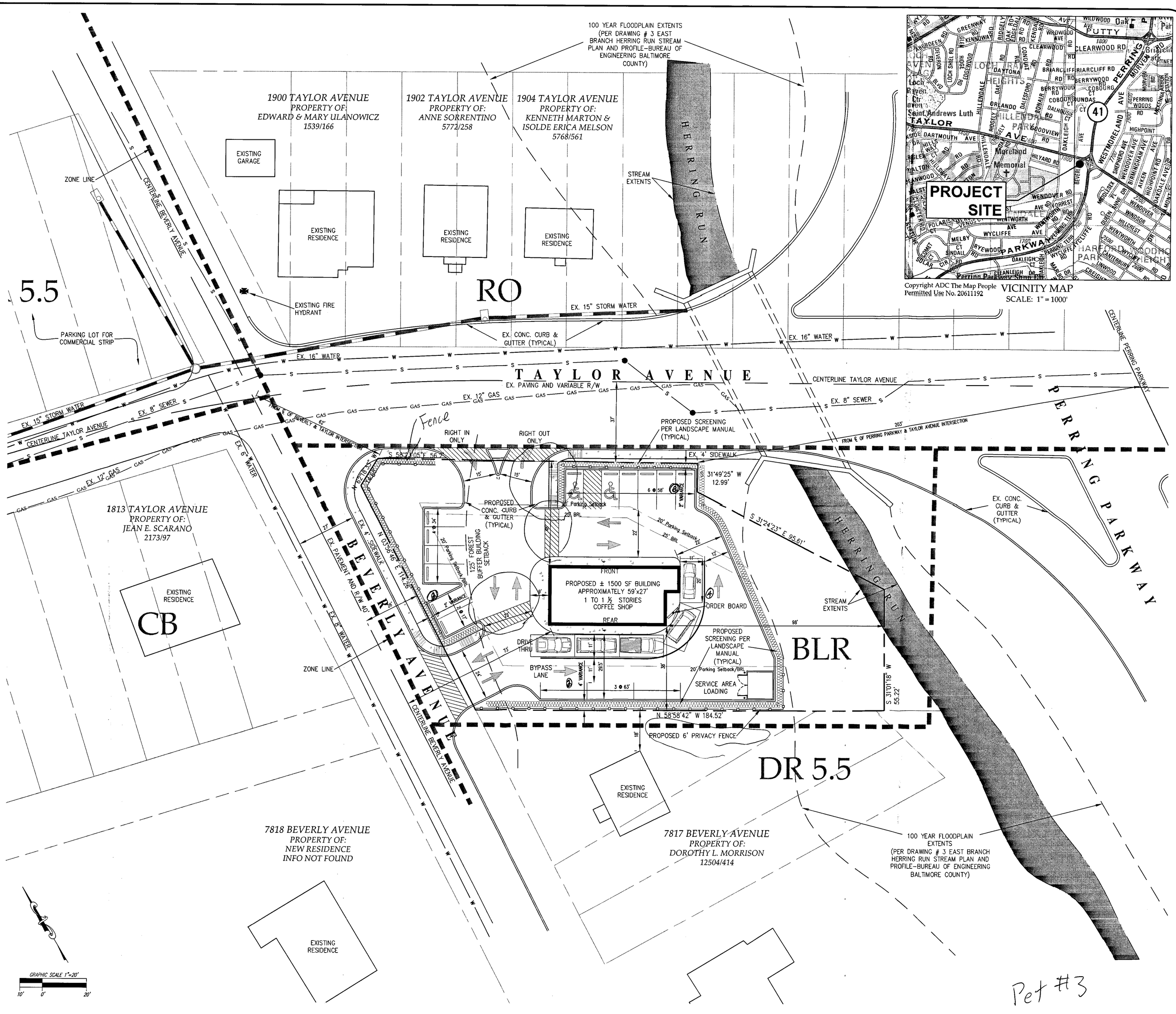
1. BCZR § 229.6 (D), TO ALLOW PARKING LOT SETBACKS OF 4 FEET IN LIEU OF THE REQUIRED 20 FEET FROM A RESIDENTIAL ZONE AND 2 FEET IN LIEU OF THE REQUIRED 20 FEET FROM THE ULTIMATE RIGHT OF WAY;

2. FROM CONDITION B (PARKING LOTS, PG. 19) 1.B OF THE BALTIMORE COUNTY LANDSCAPE MANUAL FOR A SETBACK OF 4 FEET AND 2 FEET IN LIEU OF THE REQUIRED 6 FEET;

3. BCZR § 409.6(A)(2), TO ALLOW 15 PARKING SPACES IN LIEU OF THE REQUIRED 24;

4. BCZR § 409.10(A), FOR 5 STACKING SPACES FOR THE DRIVE-THROUGH FACILITY IN LIEU OF THE REQUIRED 7 AND TO PERMIT 3 OF THESE SPACES TO BE LOCATED BEHIND THE ORDER BOARD IN LIEU OF THE PERMITTED 5, EACH STAKING SPACE TO BE 20 FEET IN LENGTH; AND

5. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.



Copyright ADC The Map People Permitted Use No. 20611192 VICINITY MAP SCALE: 1" = 1000'

REVISIONS

PLAN PREPARED FOR:
TIBERON GROUP, LLC
P.O. BOX 10111
SILVER SPRING, MD 20914
301-622-9425

The RBA Group
ENGINEERS • ARCHITECTS • PLANNERS
7104 Ordnance Road, Suite 205
Columbia, Maryland 21046
Phone (410) 312-0966, Fax (410) 312-0897

PLAN TO ACCOMPANY ZONING HEARING
1903 TAYLOR AVENUE
ELECTION DISTRICT 5 COUNCILMANIC DISTRICT 9
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE 1"=20'
10' 0' 20'

DATE:	3/6/07
JOB NUMBER:	M3794.01
FILE NUMBER:	VARIANCE PLAT
PLOTTED:	09/21/07
DRAWN BY:	SC
DESIGNED BY:	SC
CHECKED BY:	JM

PLAN TO ACCOMPANY ZONING HEARING

SHEET 1 of 1

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• 4.5 FEET IN LIEU OF 10 FEET FOR CANOPY
• 13.5 FEET IN LIEU OF 15 FEET OR PUMPS
• REAR YARD OF 16 FEET IN LIEU OF 20 FEET
• SIDE YARD OF 30 FEET IN LIEU OF 35 FEET
• 55 FEET TO CENTERLINE OF STREET IN LIEU OF 60 FEET
SPECIAL HEARING: APPROVED
• 21,033 SQ. FT' IN LIEU OF 21,216 SQ. FT.
VARIANCE: DENIED
• TWO FREESTANDING SIGNS OF 361.75 SQ. FT. IN LIEU OF THE PERMITTED 100 SQ. FT.
CONDITIONS TO APPROVAL:
• IF PETITIONER REMOVES SPANDREL SIGN, IT MAY ADD AN EXTRA 30 SQUARE FEET TO THE SIGN.

PREVIOUS COMMERCIAL PERMITS:
1613-84 / 765-70 / 685-84 / 729-85
DATE OF LAST IMPROVEMENT: APPROX. 1985

PROPERTY OWNER:
TIBURON GROUP, LLC
P.O. BOX 10111
SILVER SPRING, MD. 20914
301.622.9425

ZONING RELIEF REQUESTED:

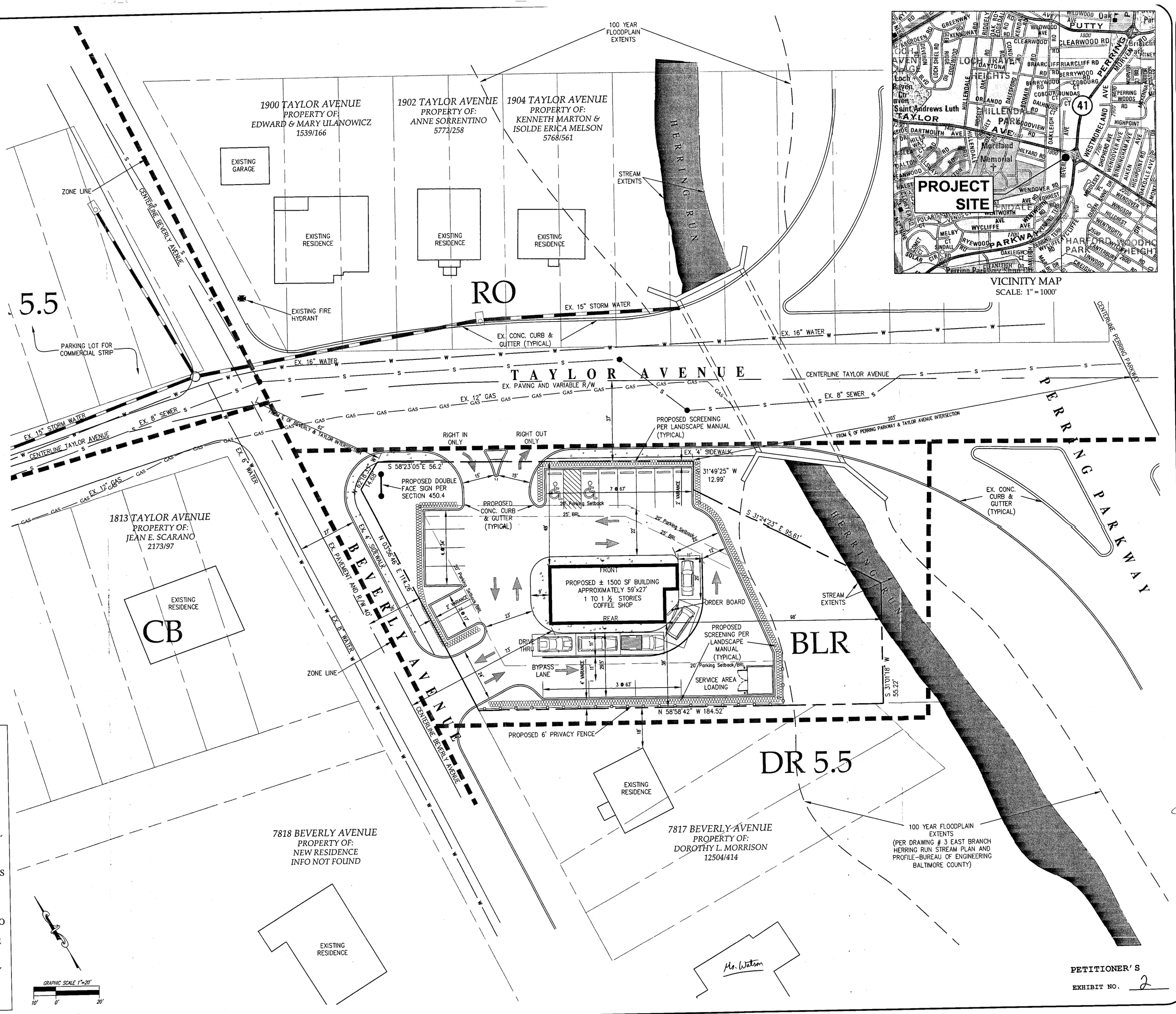
1. BCZR § 229.6 (D), TO ALLOW PARKING LOT SETBACKS OF 4 FEET IN LIEU OF THE REQUIRED 20 FEET FROM A RESIDENTIAL ZONE AND 2 FEET IN LIEU OF THE REQUIRED 20 FEET FROM THE ULTIMATE RIGHT OF WAY;

2. FROM CONDITION B (PARKING LOTS, PG. 19) 1.B OF THE BALTIMORE COUNTY LANDSCAPE MANUAL FOR A SETBACK OF 4 FEET AND 2 FEET IN LIEU OF THE REQUIRED 6 FEET;

3. BCZR § 409.6(A)(2), TO ALLOW 16 PARKING SPACES IN LIEU OF THE REQUIRED 24;

4. BCZR § 409.10(A), FOR 5 STACKING SPACES FOR THE DRIVE-THROUGH FACILITY IN LIEU OF THE REQUIRED 7 AND TO PERMIT 3 OF THESE SPACES TO BE LOCATED BEHIND THE ORDER BOARD IN LIEU OF THE PERMITTED 5, EACH STAKING SPACE TO BE 20 FEET IN LENGTH; AND

5. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.



VICINITY MAP
SCALE: 1" = 1000'

REVISIONS

PLAN PREPARED FOR:
TIBERON GROUP, LLC
P.O. BOX 10111
SILVER SPRING, MD 20914
301-622-9425

The RBA Group
ENGINEERS • ARCHITECTS • PLANNERS
7154 Columbia Gateway Drive, Suite 205
Columbia, Maryland 21046
Phone (410) 312-9000, Fax (410) 312-0697

PLAN TO ACCOMPANY ZONING HEARING
1903 TAYLOR AVENUE
ELECTION DISTRICT 9, COUNCILMANIC DISTRICT 5
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND
JOSEPH A. MALANDRINO
No. 3212
LANDSCAPE ARCHITECT
7/18/2007

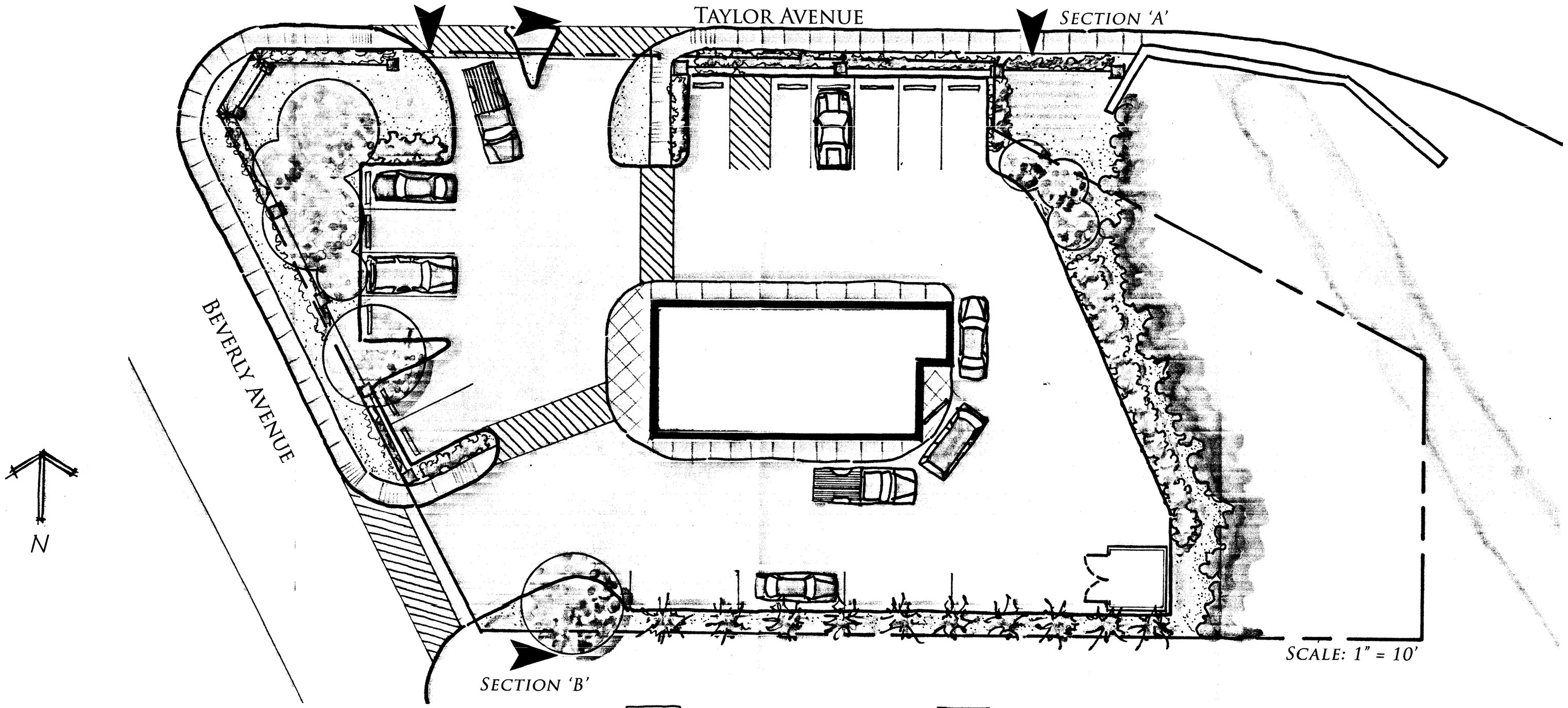
DATE:	3/6/07
JOB NUMBER:	M3794.01
FILE NUMBER:	VARIANCE PLAT
PLOTTED:	07/18/07
DRAWN BY:	JM
DESIGNED BY:	JM
CHECKED BY:	JM

PLAN TO ACCOMPANY ZONING HEARING

SHEET 1 of 1

PETITIONER'S EXHIBIT NO. 2

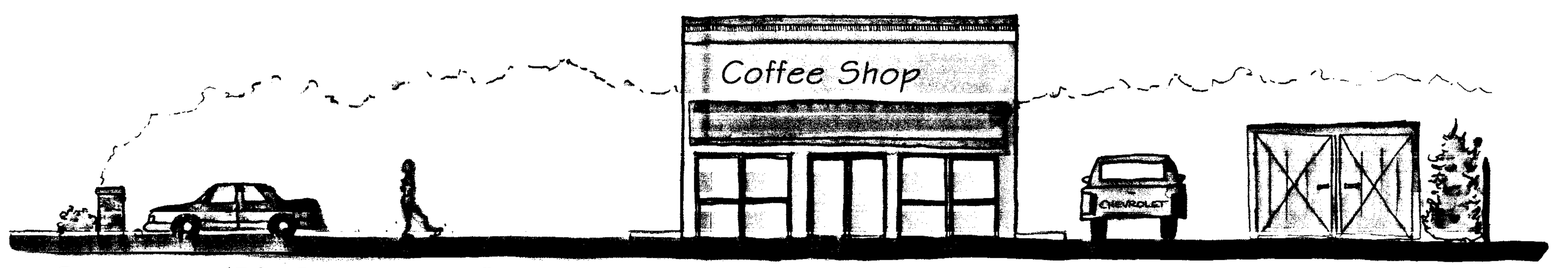
08-038-A



SIGN ELEVATION - SCALE 1/2" = 1'

PETITIONER'S
EXHIBIT NO. 4

SECTION 'A' SCALE: 1/8" = 1'



SECTION 'B' SCALE: 1/8" = 1'

ILLUSTRATIVE PLAN, SECTIONS & ELEVATIONS TO ACCOMPANY ZONING HEARING 9.27.2007

1903 TAYLOR AVENUE