IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
SW/S York Road (MD Rte. 45), 230' SE C/line of Fairmount Road	*	ZONING COMMISSIONER
(936 York Road)	*	FOR
9th Election District 5th Council District	*	BALTIMORE COUNTY
	*	
McComas Associates, LLC *Petitioner*	*	**Case No. 2009-0079-SPHA**

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance for property filed by Michael C. McComas, managing member, of the property owner McComas Associates, LLC. The Petitioner requests a special hearing to approve a modified parking plan pursuant to Section 409.12 of the Baltimore County Zoning Regulations (B.C.Z.R.). Variance relief is requested from B.C.Z.R. Section 238.2 to permit a 0 foot setback with regard to the side and rear yards for an existing building in lieu of the required 30 feet. In addition, a variance from B.C.Z.R. Section 409.8.A.1 and the Baltimore County Landscape Manual is needed to permit a landscape buffer setback as little as 0 feet in lieu of the required 6 feet from a commercial property and 10 feet from a residential property. The requested relief and subject property are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Michael C. McComas, on behalf of the property owner, and Dean C. Hoover of Morris & Ritchie Associates, Inc., the consultant who prepared the site plan. The Petitioner was represented by

Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located on the west side of York Road just south of Fairmount Avenue in the Towson business core. The property is 155' wide by 188' deep and contains approximately 0.61 acres in area (26,571 square feet), split-zoned B.R. and D.R.5.5. The predominant zoning of the property is B.R., with a narrow strip along the rear of the property zoned D.R.5.5. This section of York Road from the center of Towson to the interchange for the Baltimore Beltway (I-695) is dominated by commercial and retail uses. Immediately adjacent to the property is an existing McDonalds restaurant and automobile uses (car dealerships, car washes, service stations, etc.) are all located nearby. The rear of the property abuts the campus of the Carver High School. Access to this public high school is by way of a drive which immediately abuts the property's north (side) property line.

Presently, the property is improved with two (2) distinct buildings which share a common internal wall. The front structure is a 2,857 square foot, one-story building which is used as a mattress store (Mattress Giant). The rear of this structure is connected to a 5,315 square foot commercial building which is used as a carpet retailer (CarpetLand). The rest of the site features a macadam lot area utilized for parking for both of these retail establishments.

The Petitioner proposes a renovation of the site and a modification of one of the uses. The Carpet Land store to the rear of the site will continue to operate and will not be changed. Although there will be no changes to the footprint of the front building, a new use is proposed. Specifically, a Five Guys Restaurant will occupy the 2,857 square foot building area. The Five Guys Restaurant is a chain operation with locations throughout the Baltimore metropolitan area. The restaurant has interior seating and features a hamburger, chicken and milkshake type menu.

The use was described as an upscale "hamburger restaurant" during the hearing and exterior elevation drawings of other franchise operations were presented.

The petition for variance seeks relief to legitimize the existing building locations. As noted, Section 238.2 of the B.C.Z.R. requires a 30-foot setback from a commercial building to the side and rear property lines. As more particularly shown on the amended plan, the existing structure to the rear is situated so that the southeast corner of the building immediately abuts the rear and side property line(s). Thus, a 0 foot setback for this existing structure is requested. As illustrated, the building is constructed so as to taper from its point of intersection with the property line (southeast corner) so that an increased setback is provided along the other sides of the building. However, at it's closest point, a 0 foot setback is indicated.

Similarly, variance relief is requested to approve a 0 foot setback for landscaping purposes. The Baltimore County Landscape Manual requires a 10-foot setback to a residential zone line and a 6-foot setback towards a commercial zone. Again, the rear southeastern corner of the building is setback 0 feet from the McDonald's restaurant onto the south side and the Carver School to the west or rear.

As noted, both of the variances requested are sought to legitimize existing conditions. Testimony offered at the hearing was that building is in excess of 30 years old. Moreover, it is to be noted that although there is residential zoning immediately adjacent to the site, there are not dwellings in the vicinity. Rather, the residential zoning accommodates the institutional use of the public high school campus next door. It was also indicated that Baltimore County plans significant renovations to that school, which will impact its relationship with the subject lot.

As to the petition for special hearing, approval of a modified parking plan is requested pursuant to Section 409.12 of the B.C.Z.R. A modified parking plan can be approved in

instances such as this, when an existing facility is being redeveloped. In this regard, the site plan shows that 43 spaces will be provided on the site. Testimony was offered that this parking is sufficient for the two proposed uses. Specifically, it is anticipated that the uses will have different peak periods for their business operations. In addition to the numeric parking requirement, the modified parking plan approval is sought to allow the proposed layout in terms of traffic circulation. As to this issue, a Zoning Advisory Committee (ZAC) comment was received from the Baltimore County Department of Public Works/Bureau of Traffic Engineering, and the State Highway Administration. A similar comment was also received from the Office of People's Counsel. These comments all requested the elimination of two parking spaces, which were proposed to be located immediately adjacent to York Road. A concern was expressed regarding the potential for congestion spilling into York Road if this area was used for the two parking spaces, shown on the original plan filed with the petitions (Petitioner's Exhibit 1). In view of these concerns and a recommendation received from Steve Weber, a County traffic engineer, the plan has been amended (Petitioner's Exhibit 2) so as to convert these two spaces to an outdoor eating area. Therefore, the amended plan addresses the ZAC concerns expressed by the State Highway Administration and the Bureau of Traffic Engineering.

A ZAC comment was also received from the Office of Planning. This comment stated that review by the Design Review Panel was not required, in that existing buildings are being converted and no new exterior construction or change to the building footprint is proposed. The Office of Planning also suggested certain landscaping elements. I concur that certain landscaping should be required along the property's frontage adjacent to York Road. The amended plan specifically delineates landscaping in this area. Although the Office of Planning requested landscaping along the rear property line, I decline to impose this requirement. There is

little room in this area due to the location of the existing building. Moreover, given the proposed improvements and renovation to the Carver School, landscaping along this area is unnecessary at this time.

In sum, I am persuaded to grant the petitions. I find that unique conditions (i.e. irregular lot, existing improvements, etc.) exist that justify the variance request. Moreover, a practical difficulty would result if the relief requested were denied. The Petitioner's proposal represents an appropriate redevelopment of this property consistent with the efforts to revitalize the Towson business core (See Petitioner's Exhibit 3, a letter of support from the Greater Towson Committee). Moreover, the amended plan addresses the relevant ZAC comments and those from the Office of People's Counsel related to the parking layout and landscaping.

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

THEREFORE, IT IS ORDERED by Zoning Commissioner for Baltimore County, this 19th day of November, 2008 that the Petition for Special Hearing filed under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) requesting approval of a modified parking plan, pursuant to Section 409.12, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 238.2 to permit a 0 foot setback with regard to the side and rear yards for an existing building in lieu of the required 30 feet and from B.C.Z.R. Section 409.8.A.1 and the Baltimore County Landscape Manual to permit a landscape buffer setback as little as 0 feet in lieu of the required 6 feet from a commercial property and 10 feet from a residential property, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED subject to the following:

1. Petitioner is advised that they may apply for any required building permits 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 11-19-08
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 19, 2008

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
SW/S York Road (MD Rte. 45), 230' SE c/line of Fairmount Road
(936 York Road)
9th Election District - 5th Council District
McComas Associates, LLC – *Petitioner*
Case No. 2009-0079-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Michael C. McComas, McComas Associates, LLC, 6432 Baltimore National Pike, Baltimore, MD 21228
Dean C. Hoover, Morris & Ritchie Associates, Inc., 1220-C East Joppa Road, Suite 505, Towson, MD 21286
Steven D. Foster, Chief, Engineering Access Permits Division, SHA, Maryland Department of Transportation, 707 North Calvert Street, Baltimore, MD 21202
People's Counsel; Office of Planning; Bureau of Development Plans Review; Bureau of Traffic Engineering, DPW; File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 936 York Road

which is presently zoned BR and DR 5.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A modified parking plan, per BCZR Section 409.12.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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

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

Legal Owner(s):

McComas Associates, LLC
Name - Type or Print

Signature

Michael C. McComas
Name - Type or Print

Signature

6432 Baltimore National Pike
Address Telephone No.

Baltimore MD 21228-3903
City State Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC
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 _____

Reviewed By JF Date 9-18-08

Case No. 2009-0079-SPHA

REV 9/15/98

PLEASE RECEIVED FOR FILING
Date 11-19-08
By

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 936 York Road

which is presently zoned: BR and DR 5.5

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. From BCZR Section 238.2 for a 0 foot setback for side and rear yards in lieu of 30 feet; and
2. From BZCR Section 409.8.A.1 and the Baltimore County Landscape Manual for a setback of as little as 0 feet in lieu of a 6 foot setback requirement from a commercial property, and 10 foot requirement from a residential property.

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):

McComas Associates, LLC

Name - Type or Print

Signature Micheal McComas, Managing Partner

Michael C. McComas

Name - Type or Print

Signature

6432 Baltimore National Pike

Address | Telephone No.

Baltimore | MD | 21228-3903

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, Gildea & Schmidt, LLC

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. 2009-0079-SPHA

Reviewed By JF Date 9/18/08

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 11-19-08

By IW

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

September 2, 2008

ZONING DESCRIPTION

BEGINNING at a point on the southwesterly right of way line of York Road, 66 feet wide, said point being 33 feet from the center of said road, approximately 230 feet southeast along said centerline from the center of Fairmount Boulevard, running thence the following courses and distances, viz:

North 31° 56' 49" West 148.00 feet; South 58° 15' 24" West 166.30 feet; South 23° 41' 06" East 155.14 feet, and; North 56° 33' 11" East 188.66 feet, to the place of beginning, having an address of 936 York Road and being located along the southwesterly side of said York Road.

Containing an area of 26,728 square feet or 0.614 acres of land, more or less, and being located in the Ninth Election District, Fifth Councilmanic District, of Baltimore County, Maryland.

9-2-08

P:\16118\SURVEY\Descriptions\16118 Zoning Description.doc
1220-C East. Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 + Laurel, MD (410) 792-9792 + Towson, MD (410) 821-1690 + Georgetown, DE (302) 855-5734 + Wilmington, DE (302) 326-2200 + York, PA (717) 751-6073

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 26595

Date: 9-18-05

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	[illegible]	[illegible]		4150				250.00

Total: 250.00

Rec From: Gilman & Schmidt LLC

For: 936 Venable Rd.
Parking Fee, Variance & Special Hearing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	DEPT
9/18/2005	9/18/2005	11:17:48	1

REC NO	DESCRIPTION	AMT	TOTAL
[illegible]	[illegible]	[illegible]	[illegible]

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: #2009-0079-SPHA
936 York Road
S/west side of York Road, at a distance of 230 feet s/east from c/line of Fairmount Boulevard
9th Election District-5th Councilmanic District
Legal Owner(s): McComas Associates, LLC

Special Hearing: for a modified parking plan per Section 409.12 of the Baltimore County Zoning Regulations. **Variance:** to permit a 0 foot setback for side and rear yards in lieu of 30 feet. To permit a setback of as little as 0 feet in lieu of a 6 foot setback requirement from a commercial property, and 10 foot requirement from a residential property.

Hearing: Wednesday, November 19, 2008 at 10:00 a.m. in Room 104, Jefferson Building, 105 W. Chesapeake 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 11/717 November 18 188936

CERTIFICATE OF PUBLICATION

11/20/, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/18/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

SUZANNE MENSH, Clerk
JT 11/714 Nov. 18 188857

AUCTIONS & PUBLIC NOTICES

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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936 York Road
S/west side of York Road, at a distance of 230 feet s/east from c/line of Fairmount Boulevard
9th Election District-5th Councilmanic District
Legal Owner(s): McComas Associates, LLC

Special Hearing: for a modified parking plan per Section 409.12 of the Baltimore County Zoning Regulations. **Variance:** to permit a 0 foot setback for side and rear yards in lieu of 30 feet. To permit a setback of as little as 0 feet in lieu of a 6 foot setback requirement from a commercial property, and 10 foot requirement from a residential property.

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WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

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

JT 11/717 November 18 188936

Covahey, Boozer, Devan, & Dore, P.A.
Attorneys At Law
606 Baltimore Avenue, Suite 302
Towson, MD 21204
(410) 828-5525

SUBSTITUTED TRUSTEES' SALE
OF VALUABLE
LEASEHOLD DWELLING PROPERTY
KNOWN AS
NO. 47 DUNMORE ROAD

JACOB GEESING
CARRIE M. WARD
V.
BARBARA A. MCNAMARA
ANGELA J. MCNAMARA
DAVID J. MCNAMARA

Case Number:
03-C-08-003563 FC

NOTICE OF SALE

Notice is hereby issued by the Circuit Court for Baltimore County, this 7th day of November 2008, that the sale made and reported by Howard N. Bierman, Substitute Trustee(s) appointed for the sale of the property described in these proceedings 7 Sedgefield Court, Lutherville, MD 21093 be ratified and confirmed thirty (30) days from the date of this Notice, unless cause to the contrary be shown, provided a copy of this Notice be inserted in some Newspaper published in this County, once in each of three (3) successive weeks.

The report states the amount of the sale to be $242,000.00.

SUZANNE MENSH, Clerk
True Copy Test:
SUZANNE MENSH, Clerk
JT 11/674 Nov,11,18,25 188481

CARRIE M. WARD
JACOB GEESING
HOWARD N. BIERMAN
V.
GENE BRADFORD

Case Number:
03-C-08-009877 FC

NOTICE OF SALE

Notice is hereby issued by the Circuit Court for Baltimore County, this 13th day of November 2008, that the sale made and reported by Jacob Geesing, Substitute Trustee(s) appointed for the sale of the property described in these proceedings 89 Winters Lane, Catonsville, MD 21228 be ratified and confirmed thirty (30) days from the date of this Notice, unless cause to the contrary be shown, provided a copy of this Notice be inserted in some Newspaper published in this County, once in each of three (3) successive weeks.

The report states the amount of the sale to be $302,470.00.

SUZANNE MENSH, Clerk
True Copy Test:
SUZANNE MENSH, Clerk
JT 11/705 Nv 18,25,Dc2 188834

HUESMAN, JONES AND MILES, LLC, SOLICITORS
606 Baltimore Avenue, Suite 306
Towson, Maryland 21204
(443) 589-0150

TRUSTEES' SALE
OF
VALUABLE IMPROVED
FEE SIMPLE PROPERTY

NO. 46 PIKE HALL PLACE
AKA 46 PIKEHALL PLACE

ERIC J. BENZER
MIRIAM S. FUCHS
V.
ASHLEIGH R. STEWARD
JOSHUA E. CLARK

Case Number:
03-C-08-009144 FC

NOTICE OF SALE

Notice is hereby issued by the Circuit Court for Baltimore County, this 12th day of November 2008, that the sale made and reported by Miriam S. Fuchs, Substitute Trustee(s) appointed for the sale of the property described in these proceedings 7519 Holabird Avenue, Dundalk, MD 21222 be ratified and confirmed thirty (30) days from the date of this Notice, unless cause to the contrary be shown, provided a copy of this Notice be inserted in some Newspaper published in this County, once in each of three (3) successive weeks.

The report states the amount of the sale to be $125,500.00.

SUZANNE MENSH, Clerk
True Copy Test:
SUZANNE MENSH, Clerk
JT 11/711 Nv 18,25,Dc2 188845

Covahey, Boozer, Deva
Attorneys At
606 Baltimore Avenu
Towson, MD
(410) 828-5

SUBSTITUTED TRU
OF VALUA
FEE SIMPLE DWELLI
KNOWN
NO. 1926 WILSON
Middle River, M

CERTIFICATE OF POSTING

RE: Case No.: 2009-0079-SPHA

Petitioner/Developer: _____

McComas Associates,LLC

Date of Hearing/Closing: Nov 13, 08

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

ATTN: Kristen Matthews

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: _____

936 York Road

The sign(s) were posted on Oct 29, 08
(Month, Day, Year)

Sincerely,

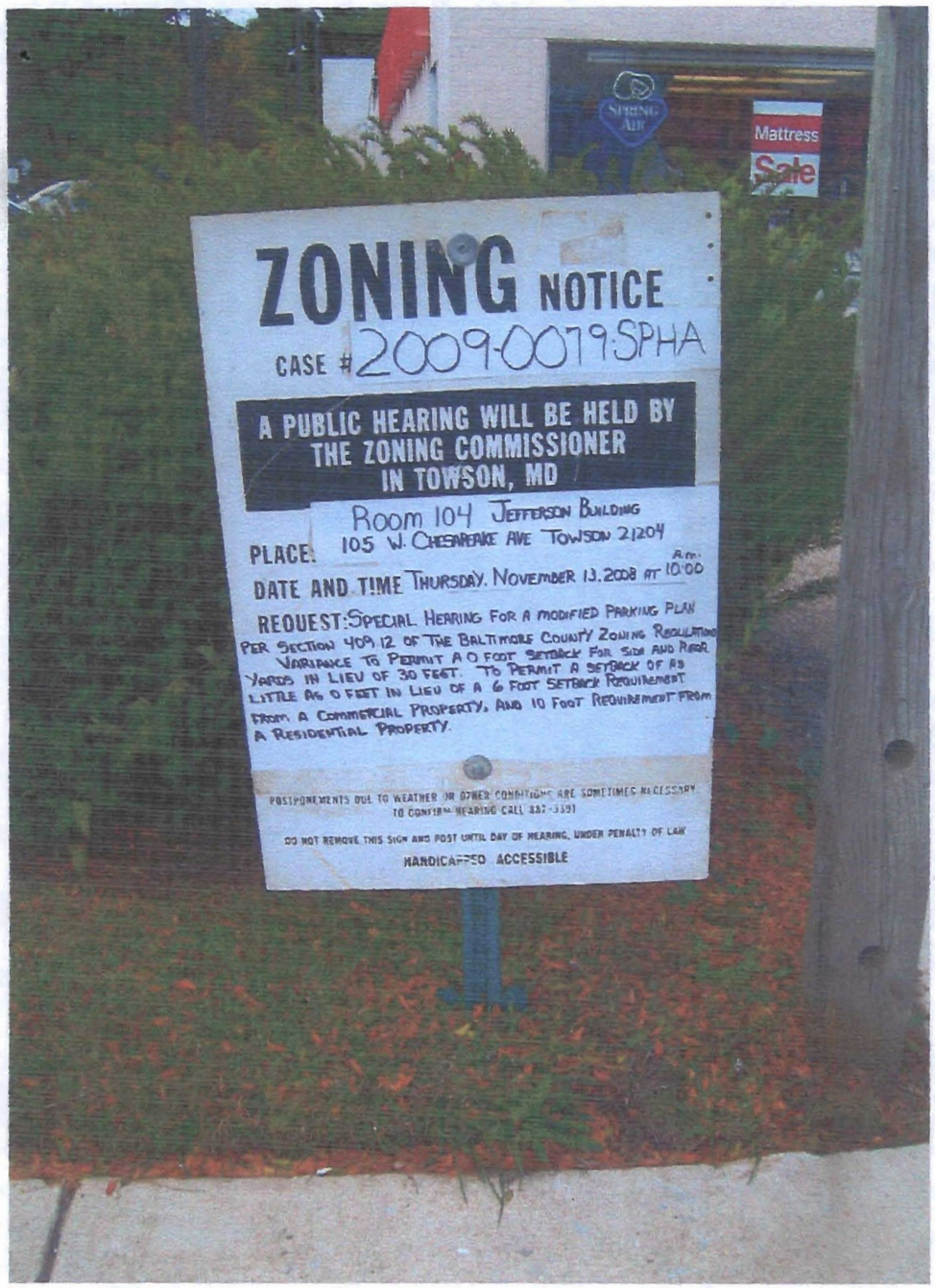
Robert Black — Nov 3 08
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)


Mattress
Sale
ZONING NOTICE
CASE # 2009-0079-SPHA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD
PLACE: Room 104 Jefferson Building
105 W. Chesapeake Ave Towson 21204
DATE AND TIME Thursday, November 13, 2008 at 10:00 a.m.
REQUEST: Special Hearing for a modified parking plan per Section 409.12 of the Baltimore County Zoning Regulations
Variance to permit a 0 foot setback for side and rear yards in lieu of 30 feet. To permit a setback of as little as 0 feet in lieu of a 6 foot setback requirement from a commercial property, and 10 foot requirement from a residential property.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 7, 2008

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: 2009-0079-SPHA
936 York Road
S/west side of York Road, at a distance of 230 feet s/east from c/line of Fairmount Boulevard
9th Election District – 5th Councilmanic District
Legal Owners: McComas Associates, LLC

Special Hearing for a modified parking plan per Section 409.12 of the Baltimore County Zoning Regulations. Variance to permit a 0 foot setback for side and rear yards in lieu of 30 feet. To permit a setback of as little as 0 feet in lieu of a 6 foot setback requirement from a commercial property, and 10 foot requirement from a residential property.

Hearing: Thursday, November 13, 2008 at 10:00 a.m. in Room 104, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, Gildea & Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
McComas Associates, 6432 Baltimore National Pike, Baltimore 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., OCTOBER 29, 2008.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2009-0079-SPHA

Petitioner: McComas Associates LLC

Address or Location: 936 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gildea + Schmidt LLC

Address: 600 Washington Ave, Suite 200
Towson MD 21204

Telephone Number: 410 821-0070

Revised 7/11/05 - SCJ

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

TRANSMITTAL

Date:	09-18-08
To:	Aaron Tsui
	111 W. Chesapeake Ave.
	Towson, MD 21204
	Room 111
Fax #:	
From:	Morris & Ritchie Associates
	1220-C East Joppa Rd. Suite 505
Project #:	16118.01
Project	Five Guys at 936 York Road
Copies To:	File

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DEVELOPMENT MANAGEMENT

☒ Approval ☐ Record ☐ Per your request

☐ Review & Comment ☐ Use & Information ☐ Distribution

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11	1	09-18-08	Plat to Accompany Zoning Variance

COMMENTS:

1220-C East Joppa Road, Suite 505, Towson, Maryland 21286 Tel: (410) 821-1690 Fax: (410) 821-1748

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BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 5, 2008

Sebastian A. Cross
Gildea & Schmidt, LLC
600 Washington Ave., Ste. 200
Towson, MD 21204

Dear: Sebastian A. Cross

RE: Case Number 2009-0079-SPHA, 936 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 18, 2008. 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:lnw

Enclosures

c: People's Counsel
McComas Associates, LLC, 6432 Baltimore National Pike, Baltimore, MD 21228

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

September 30, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: September 29, 2008

Item No.: 2009-0069-A, 2009-0078-A, ~~2009-0079-SPHA~~, 2009-0080-XA, 2009-0081-A, 2009-0082-A, and 2009-0083-A.

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office)410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For October 6, 2008
Item No. 2009-0079-SPHA

The two parking spaces in front of the proposed restaurant should be eliminated because a car backing out of one of the spaces would cause someone wishing to enter to stop on York Road.

DAK:CEN:lrk
cc: File
ZAC-ITEM NO 2009-0079-SPHA-10022008

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

State Highway Administration

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

Maryland Department of Transportation

October 9, 2008

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

RE: Baltimore County
Item No. 2009-0079-SPHA
MD 45 (York Road)
936 York Road
Five Guys Restaurant
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 2008-0079 SPHA- 936 York Road property, which was received on October 1. We understand that this application illustrates a proposal to redevelop with a 1-story 2857 s/f restaurant with and surface parking as depicted on the plan to accompany variance and special exception hearing request.

We have completed a review of the referenced plan as well as a field inspection. The results of the review reveal that a permit issued by SHA Engineering Access Permits may be required for improvements along the property fronting MD 45 (York Road). The plan reflecting surface parking for two vehicles within the vicinity of the assess driveway. It appears that this design upon full build has the potential for conflicts. Vehicles entering and leaving the site could impact with vehicles leaving the two identified parking spaces. Therefore, this office request that the County require coordination with SHA, as a condition of Special Hearing & Variance Case No.2009-0079-A approval for the 936 York Road property. Please include our comments in staff report to the Zoning Hearing Officer.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB
Cc: McComas Associates, LLC, Owner/Applicant
Mr. David Malkowski, District Engineer, SHA
Mr. Thomas E. Wolfe, Engineer, Morris Ritchie & Associates, Inc.
Mr. Joseph Merrey, Department of Permits & Development Management, Baltimore County

BW 11/13
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: October 17, 2008

SUBJECT: Zoning Item #09-079-A
Address: 936 York Road
(McComas Associates, LLC Property)

RECEIVED
OCT 17 2008
BY:

Zoning Advisory Committee Meeting of September 29, 2008

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

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

____ 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:

Reviewer: J. Livingston Date: 10/17/2008

C:\DOCUME~1\dwiley\LOCALS~1\Temp\GWViewer\ZAC 09-079-SPHA 936 York Road.doc

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
936 York Road; SW/S York Road, 230' SE c/line of Fairmount Blvd	*	ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts	*	FOR
Legal Owner(s): McComas Associates, LLC Petitioner(s)	*	BALTIMORE COUNTY
	*	09-079-SPHA

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
SEP 29 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2008, 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

BW
11/13
10 AM

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 15, 2008

RECEIVED
OCT 15 2008
BY:

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

Re: PETITION FOR SPECIAL HEARING AND VARIANCE
McComas Associates, LLC- Petitioners
Case No: 09-079-SPHA

Dear Mr. Wiseman,

Because this case appeared to involve traffic issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. As a result, he sent us the enclosed e-mail dated October 8, 2008. I am forwarding it to you for your consideration, along with Dennis A. Kennedy's October 2, 2008 Development Plan Review comment. They both recommend elimination of the two parking spaces in front of the proposed restaurant. We understand that a hearing date of November 13, 2008 has been set.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

Enclosure

cc: Sebastian A. Cross, Esquire, Attorney for Petitioner
Stephen Weber, Chief
Dennis Kennedy, PDM

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 10/08/2008 6:02 PM
Subject: Case No. 09-79-SPHA, 936 York Rd

Mr. Zimmerman:

We have reviewed the subject plan and do not find any additional comments necessary beyond those presented by Dennis Kennedy in the Bureau of Development Plans Review. (Those comments indicate that the two parking spaces in front of the proposed restaurant should be eliminated because a car backing out of either of the spaces would cause someone wishing to enter the site to have to stop on York Rd to wait for them.)

We recognize that this is requesting a parking variance of 46 spaces in lieu of the required 56. If the two spaces above are removed, this will make 44 in lieu of 56. Based on the lack of any available on-street parking anywhere in close proximity to the site, we feel that any deficiency in parking will result in a self-enforcing situation or will result in customers deciding to not come into the site. Therefore, we don't feel that the parking deficiency should create any significant problems.

Should you have any questions, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2008

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

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For October 6, 2008
Item No. 2009-0079-SPHA

The two parking spaces in front of the proposed restaurant should be eliminated because a car backing out of one of the spaces would cause someone wishing to enter to stop on York Road.

DAK:CEN:lrk
cc: File
ZAC-ITEM NO 2009-0079-SPHA-10022008

PLEASE PRINT CLEARLY

CASE NAME Five Guys
CASE NUMBER 09-079-SPHA
DATE 11/13/08

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lawrence E Schmidt	600 Washington Ave	Towson MD 21204	
Michael McComas	6432 Balto. Nat'l Pike	Balto. Md 21228	
Dean Hoover	1221 E Joppa Rd	Towson MD 21286	

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

Go Back
View Map
New Search

Account Identifier: **District** - 09 **Account Number** - 0907583400

Owner Information

Owner Name:	MCCOMAS ASSOCIATES LLC	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	6432 BALTIMORE NATIONAL PIKE BALTIMORE MD 21228-3903	**Deed Reference:**	1) /25114/ 553 2)

Location & Structure Information

Premises Address
936 YORK RD

Legal Description
.60 AC
936 YORK RD
900 NW BOSLEY RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
70	1	578						2	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	7,970 SF	26,136.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2008	As Of 07/01/2009
Land	522,700	784,000		
Improvements:	287,900	353,600		
Total:	810,600	1,137,600	919,600	1,028,600
Preferential Land:	0	0	0	0

Transfer Information

Seller:	MCCOMAS ASSOCIATES	**Date:**	01/24/2007	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/25114/ 553	**Deed2:**	
Seller:	GREENSPRING REALTY INC	**Date:**	10/15/1992	**Price:**	$890,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 9409/ 245	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

Case No.: 2009-0079-SPHA 936 York Road

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan Submitted with Petitions	
No. 2	Revised Redline Plan addressing ZAC Comments	
No. 3	Greater Towson Committee Letter of Support	
No. 4	Office of Planning Comments	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

THE GREATER TOWSON COMMITTEE

GTC

November 11, 2008

William J. Wiseman, III
Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: McComas/Five Guys in Towson
The Greater Towson Committee, Inc. Support

Dear Commissioner Wiseman:

The Greater Towson Committee, Inc. ("GTC") is an organization of property and business owners in Towson who are committed to the responsible redevelopment and economic viability of Towson. It has come to our attention that Mr. Michael McComas, property owner, has proposed the redevelopment of his site located at 936York Road. The redevelopment includes a new use at the property; namely, a Five Guys restaurant.

The Planning and Development Sub-Committee of GTC has reviewed the plans for this redevelopment. We are aware that certain zoning variances are required in order for this project to move forward. Certain of the variances are to legitimize the location of the existing building and also to accommodate the required parking for this redevelopment. GTC endorses this redevelopment and supports the Petitioner's request for variance relief. We believe that this redevelopment is appropriate for the site and will add to the economic vitality of the Towson Community. It is apparent that the redevelopment proposed will enhance the neighborhood.

Thank you for your favorable consideration of this matter and please contact me should you have any questions.

Very truly yours,

Cynthia W. Bledsoe

Cynthia W. Bledsoe
Executive Director

PETITIONER'S
EXHIBIT NO. 3

BW 11/13
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 30, 2008

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

SUBJECT: 936 York Road

INFORMATION:

Item Number: 9-079

Petitioner: McComas Associates, LLC

Zoning: BR and DR 5.5

Requested Action: **Variance and Special Hearing**

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NOV 05 2008
BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning and the petitioner met on 9/19/2008 and to discuss the petition. The applicant has submitted a revised plan dated October 15, 2008 that increases the landscape buffer along York Road. After a review of such the Office of Planning recommends approval subject to the following comments:

1. Submit a landscape plan that pays specific attention to the street treatments and rear property line of the subject site.
2. Although the proposed development is within the Towson Commercial Design Review Panel area the applicant is implementing façade improvements and is not proposing to increase the building area. Therefore the application is not subject to review by the Design Review Panel.

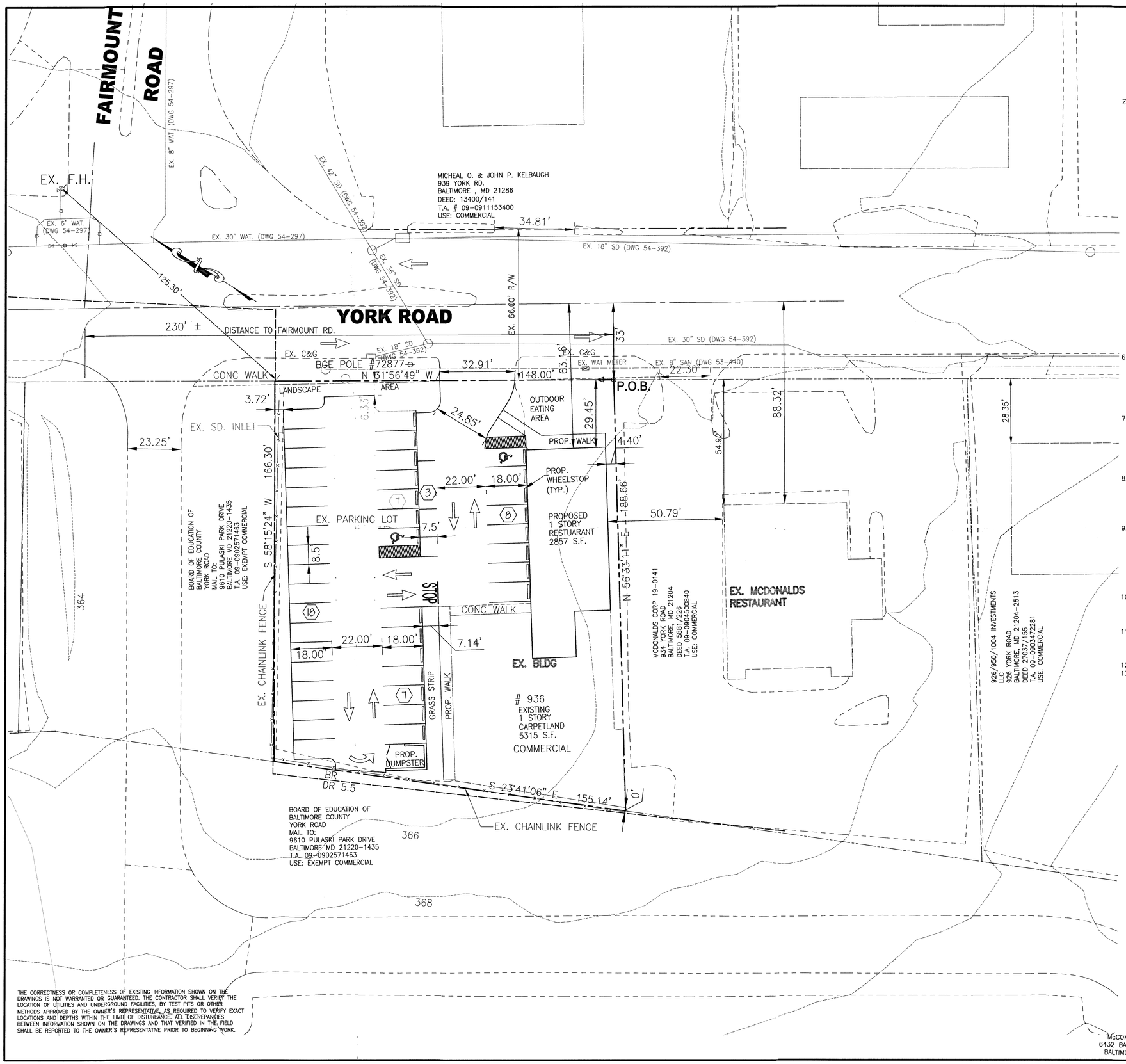
For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

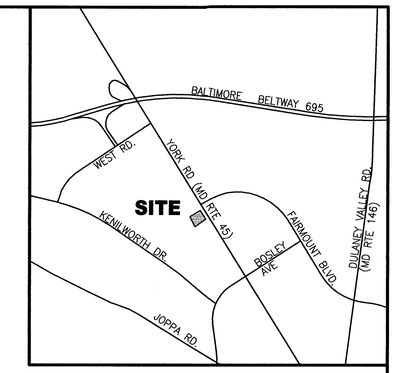
Reviewed by: _____

Division Chief: _____
AFK/LL: CM

PETITIONER'S
EXHIBIT NO. 4

W:\DEVREV\ZAC\9-079.doc





VICINITY MAP

SCALE 1" = 1000'

ZONING NOTES:

1. OWNER:
   MCCOMAS ASSOCIATES, LLC
   6432 BALTIMORE NATIONAL PIKE
   BALTIMORE, MD 21228-3903
2. PLAN PREPARED BY:
   MORRIS & RITCHIE ASSOCIATES
   1220-C EAST JOPPA ROAD
   SUITE 505
   TOWSON, MD 21286
3. SITE LOCATION:

STREET ADDRESS:	936 YORK ROAD
ELECTION DISTRICT:	9TH
COUNCILMANIC DISTRICT:	5TH
CENSUS TRACT:	4903.01
ADC MAP:	27 C5
ZONING MAP:	070A1
TAX MAP:	70 GRID 1 PARCEL 578
DEED REFERENCE:	25114/553
TAX ACCOUNT #	09-0907583400

4. EXISTING SITE AND ZONING DATA

TOTAL GROSS SITE ACREAGE	26,136 S.F (0.61 ACRES)
EXISTING ZONING:	BR & DR 5.5
EXISTING LANDUSE:	COMMERCIAL

BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS PREPARED BY MORRIS & RITCHIE ASSOC. ON 09/03.

5. THERE ARE NO EXISTING WELLS OR SEPTIC AREAS ON SITE. THERE ARE NO 100 YEAR FLOODPLAINS ON SITE.
6. ZONING HISTORY
   CASE NO. 88-257-SPH ON 03/04/88 SPECIAL HEARING FOR STORAGE OF 26 NEW AUTOMOBILES FOR FORD DEALERSHIP ACROSS YORK ROAD WAS GRANTED.
   CASE NO. 74-139-A ON 01/17/74 VARIANCE FOR 152 S.F. SIGN IN LIEU OF THE PERMITTED 100 S.F. AND 35 FT. IN HEIGHT IN LIEU OF THE PERMITTED 25 FT. WAS DENIED.
7. FLOOR AREA RATIO (FAR)
   PERMITTED FAR 2.0

   PROPOSED
   FLOOR AREA 8,172 SF
   SITE AREA 0.61 (26571.60 SF)
   PROPOSED FAR = 0.30
8. BUILDING SETBACKS
   REQUIRED
   FRONT: 50 FEET FROM CENTERLINE ROAD. 25 FEET TO FRONT PROPERTYFRONT YARD SETBACK FOR NEIGHBORING COMMERCIAL PROPERTY BUILDING.
   SIDE AND REAR YARD: 30 FEET.
9. PARKING TABULATIONS
   REQUIRED
   2587 S.F. RESTUARANT @ 16/1000 = 42 SPACES
   5315 S.F. CARPET STORE @ 2.5/1000 = 14 SPACES
   TOTAL = 56 SPACES
   PROPOSED
   TOTAL = 43 SPACES
10. ANY PROPOSED LIGHTING FIXTURES USED TO ILLUMINATE ANY OFFSTREET PARKING AREAS SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ANY RESIDENTIAL LOTS AND/OR PUBLIC STREETS.
11. A FINAL LANDSCAPE PLAN IN ACCORDANCE WITH THE CURRENT BALTIMORE COUNTY LANDSCAPE MANUAL, SHALL BE SUBMITTED AND APPROVED BY THE COUNTY PRIOR TO ISSUANCE OF BUILDING PERMITS.
12. THE SITE DOES NOT CONTAIN ANY HISTORIC PROPERTIES.
13. ALL PROPOSED SIGNAGE WILL CONFORM WITH SECTION 450 OF THE BCZR.

ZONING REQUEST:

1. VARIANCE FOR BCZR SECTION 238.2 FOR A 0 FOOT SETBACK FOR SIDE AND REAR YARDS IN LIEU OF 30 FEET.
2. VARIANCE FOR BZCR SECTION 409.8A.1 AND THE BALTIMORE COUNTY LANDSCAPE MANUAL FOR A SETBACK OF A LITTLE AS 0 FEET IN LIEU OF A 6 FOOT SETBACK REQUIREMENT FROM A COMMERCIAL PROPERTY, AND 10 FOOT REQUIREMENT FROM A RESIDENTIAL PROPERTY.
3. SPECIAL HEARING REQUEST FOR A MODIFIED PARKING PLAN PER BZCR SECTION 409.12.

ZONING CASE NO - 2009-0079-SPHA

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

OWNER:
McCOMAS ASSOCIATES, LLC
6432 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228-3903

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

FIVE GUYS
936 YORK ROAD

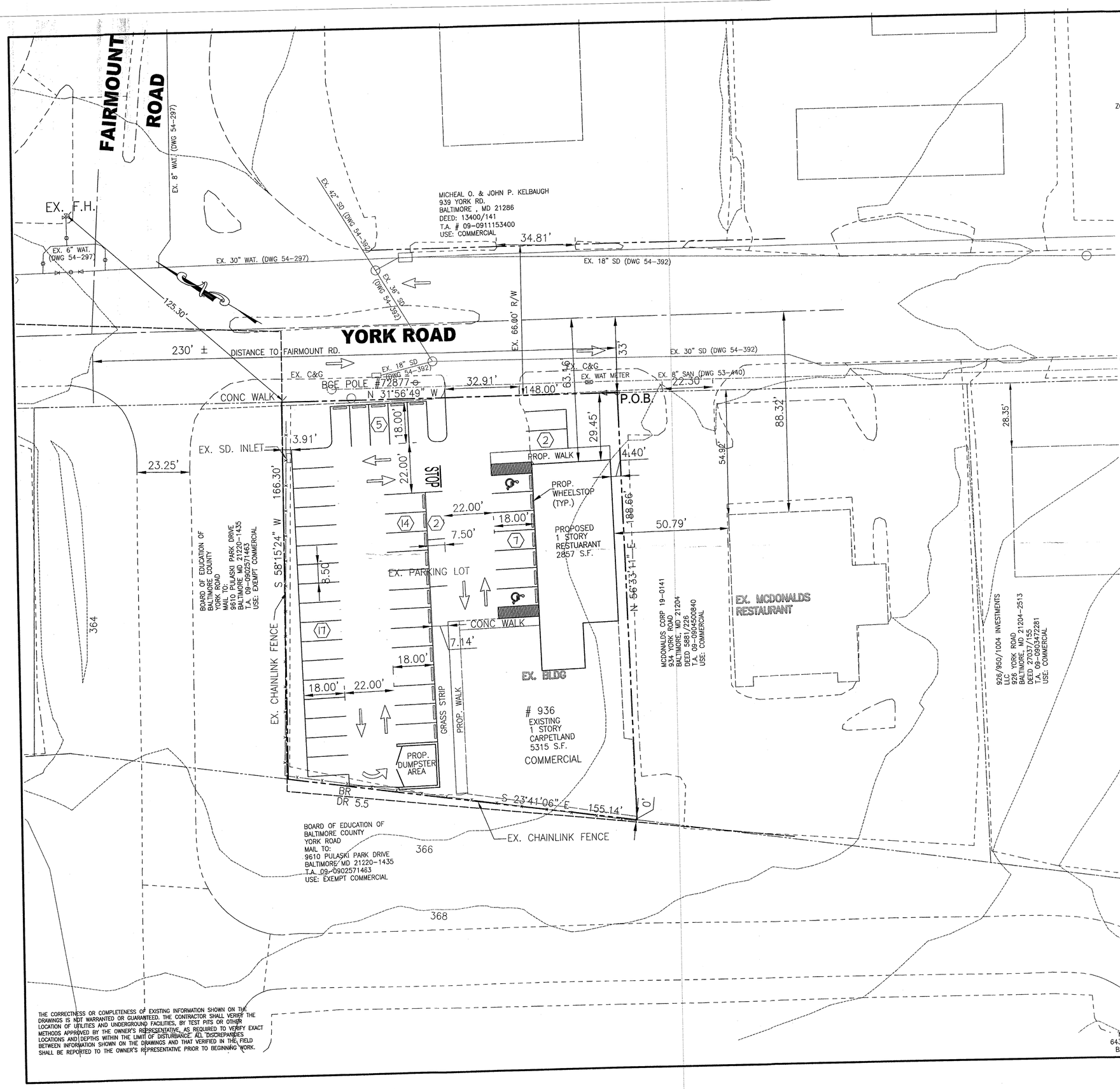
PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING REQUEST

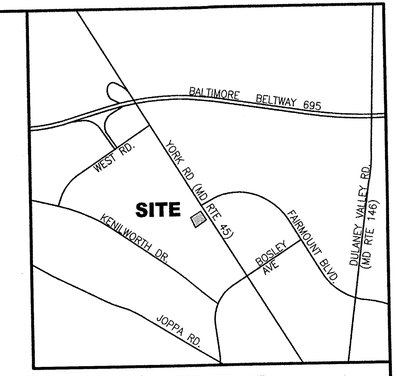
9TH ELECTION DISTRICT — 5TH COUNCILMANIC DISTRICT

DATE	REVISIONS
11/13/08	Parking + Landscaping Revisions

PETITIONER'S EXHIBIT NO. 2

JOB NO.:	16118
SCALE:	1"= 20'
DATE:	10/15/08
DRAWN BY:	MLS
DESIGN BY:	
REVIEW BY:	DCH
SHEET:	1 OF 1





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SCALE 1" = 1000'

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   PERMITTED FAR 2.0

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ZONING CASE NO - 2009-0079-SPHA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

LICENSED LANDSCAPE ARCHITECT 3173 THOMAS EDWARD MOORE STATE OF MARYLAND

FIVE GUYS
936 YORK ROAD

PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING REQUEST

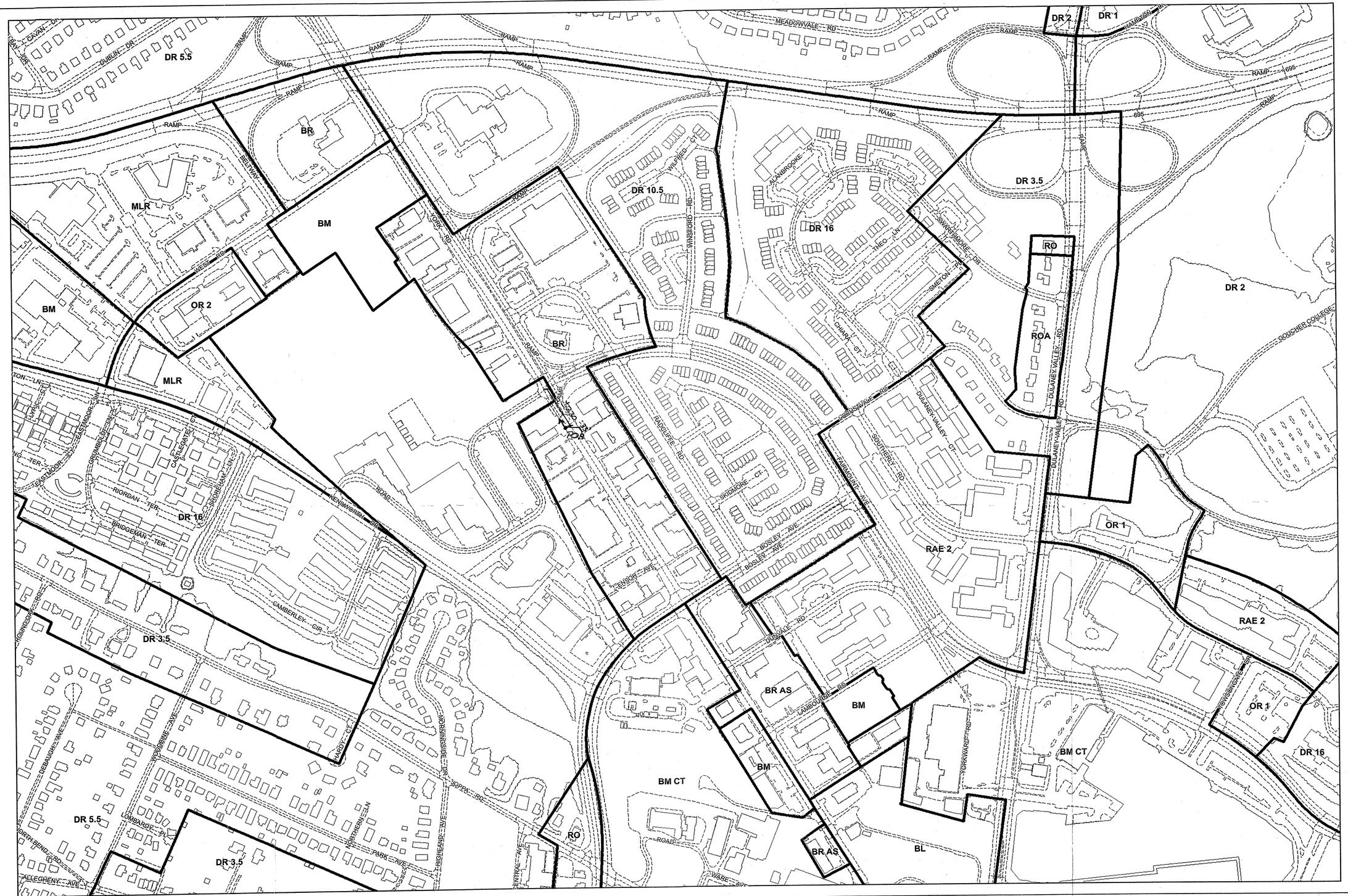
9TH ELECTION DISTRICT — 5TH COUNCILMANIC DISTRICT

DATE	REVISIONS
	PETITIONER'S EXHIBIT NO. 1

JOB NO.:	16118
SCALE:	1"= 20'
DATE:	09/17/08
DRAWN BY:	MLS
DESIGN BY:	
REVIEW BY:	DCH
SHEET:	1 OF 1

OWNER:
MCCOMAS ASSOCIATES, LLC
6432 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228-3903

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.



Plan Sheet: *070A1*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning
Buildings
Streams
Roads
Vegetation
Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

060B3	060C3	061A3	061B3	061C3
069B1	069C1	070A1	070B1	070C1
069B2	069C2	070A2	070B2	070C2

Scale
1" = 200'
0 100 200 400 Feet

1

2009-0079-SPHA

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004