

IN RE: **PETITION FOR VARIANCE**

N/E Side of York Road, 410' S of c/line of
Fairmount Avenue

(925 York Road)

9th Election District

5th Council District

925 York Business Trust, LLC, *Legal Owner*

Phoenix Foods, LLC, *Contract Lessee*

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0121-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Ferdinand H. Onnen, Jr., Managing Member of the legal owner of the subject property, 925 York Business Trust, LLC, and Brad Hoag, President of Phoenix Foods, LLC, the Contract Lessee, by and through their attorney David H. Karceski, Esquire with Venable LLP. The Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 238.2 to allow a side yard setback a minimum of 15 feet in lieu of the required 30 feet; from Section 409.A.2 to allow 19 off-street parking spaces in lieu of the required 26 parking spaces; from Section 409.10.A to allow a total of 5 drive-through facility stacking spaces with 3 stacking spaces behind the order board in lieu of the required 7 stacking spaces with 5 stacking spaces behind the order board, and from Sections 409.4.A, 409.4.C and 409.11 to allow an off-street loading/unloading area within a drive aisle and to allow a two-way drive aisle and two-way aisle width of 14 feet in lieu of the required 20 feet and 22 feet respectively. The subject property and requested relief are more particularly described on the site plan which was submitted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Ferd Onnen, for the legal owner of the subject property; for the Contract Lessee Charlotte Weisheit and Tom

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By [Signature]

Baker, Director of Operations for KB of Baltimore Inc.'s Burger King franchises; Mickey Cornelius, traffic consultant from The Traffic Group, Inc.; and Thomas A. Church, Professional Engineer with Engineering Consultants, Inc., the consultant who prepared the site plan for this property. David H. Karceski, Esquire appeared on behalf of the Petitioners. There were no Protestants or other interested persons in attendance at the hearing.

The testimony and evidence offered disclosed that the rectangularly shaped 0.448±-acre property is zoned B.R. (Business, Roadside) and located along the northeast side of York Road in Towson, which is one of the oldest commercial corridors in Baltimore County. The property is very narrow – 100 feet at its widest point, as confirmed by dimensions shown on the site plan accepted as Petitioners' Exhibit 1. It is situated between York Road and a public alleyway to the rear of the site, with an existing access point along York, but no present access to the alleyway. The site is currently improved with a one-story brick structure, which is L-shaped along the south and east boundary lines of the property. In fact, the property's zoning history confirms that the Zoning Commissioner has granted setback variances in three (3) prior zoning cases since 1958, which, altogether, permit zero (0) foot building setbacks along the north, south, and east boundary lines. With the benefit of these variances, the existing structure, formerly occupied by Towson Ford's body shop, is situated very close to each of those boundary lines. An aerial photograph and street-level photographs, received into evidence as Petitioners' Exhibits 5 and 3, respectively, together show the existing building on the subject property, the commercial uses to the north, south, and west of the property, and the residential uses to the east (or rear) of the property.

The subject property is located within the Towson Revitalization District. According to Article 26 of the Baltimore County Code (B.C.C.), the County encourages redevelopment of properties located within established revitalization districts. The photographs of the vacant

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building located on the subject property demonstrate that the subject property is an excellent candidate for redevelopment. In fact, the testimony demonstrated that Petitioners propose to raze the existing building on the property and to construct a new Burger King restaurant thereon – the restaurant is to replace the existing Burger King location on East Joppa Road in Towson, which will be closed. A photograph of the existing Burger King on East Joppa Road was received into evidence as Petitioners' Exhibit 7, and elevations of the new Burger King proposed for the subject site were received as Petitioners' Exhibit 12. Upon review of Exhibits 3, 7, and 12, it is clear to me that the proposed Burger King building will not only improve the look of the subject site, but it will also improve the quality of Burger King's presence in Towson.

It was explained during the hearing that, in the course of planning and designing the proposed Burger King, Petitioners met with the Baltimore County Office of Planning. Additionally, because the subject property is located within the Towson Design Review Area, Petitioners appeared before the Design Review Panel (DRP) to present the proposed development, including the elevations shown on Petitioners' Exhibit 12. Based upon feedback from Planning and the findings made by the DRP in its letter of approval, Petitioners were required to make certain adjustments to the site design, including moving the building location closer to York Road, eliminating four (4) parking spaces to add landscaping features on the rear of the site, and adding an access point onto the alleyway to the rear of the site. Additionally, the County Bureau of Development Plans Review provided a Zoning Advisory Committee (ZAC) comment that Petitioners should eliminate a parking space adjacent to York Road, for traffic safety reasons (reducing the total parking provided to 19 spaces). However, I also received an email from the Chief of the County Division of Traffic Engineering suggesting that the four (4) eliminated parking spaces in the rear of the site be considered as potential future parking spaces, if Petitioners

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later find the need for that parking. When complying with these numerous site changes, Petitioners had very limited options as to how to orient the site.

The limitations imposed as a result of the DRP process, in combination with the existing site constraints, compelled Petitioners to request the variances at issue in this case. Petitioners' site plan indicates the need for the variances for: the side yard area for the building; the number of parking spaces provided; the number of stacking spaces for the drive-thru lane; the location of the off-street loading area, and the drive-aisle width. Three (3) of the four (4) variances are "internal" in nature, in that they will only affect the subject property itself. The DRP letter of approval, received into evidence as Petitioners' Exhibit 8, confirms that Petitioners require a parking variance and setback variances, and, with the knowledge of these necessary variances, the DRP nevertheless approved the proposed development. Additionally, the Office of Planning and other members of the Zoning Advisory Committee offered no objections to the requested relief. In fact, Planning supported the requested variances, so long as they were consistent with the conditions set forth by the DRP.

After due consideration of the testimony and evidence presented, it is clear that the variances, as shown on Petitioners' Exhibit 1, are appropriate and, having met the standards set forth in B.C.Z.R. Section 307, should be granted. The 0.448± acre subject site is physically unique for many reasons, including its narrow width, its positioning between York Road and a public alleyway, its existing entrance on York Road that was recently redesigned by the Maryland State Highway Administration, and its location within a commercial corridor that is both within a revitalization district and a Design Review Area. The latter aspects further contribute to the property's uniqueness in that Petitioners have proposed to readapt and redevelop the existing use on the property, while, at the same time, are subject to numerous conditions imposed by the DRP.

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By 93

This overall uniqueness of the property drives the need for the variances. Indeed, the three (3) prior zoning cases that facilitated setback relief from three (3) different property boundary lines of the site confirm that the site constraints make it difficult to respect all of zoning requirements on the site.

It was also established that strict compliance with the B.C.Z.R. would result in a practical difficulty and unreasonable hardship for Petitioners. Requiring Petitioners to adhere to the setbacks and parking, stacking, and loading/unloading regulations required under the B.C.Z.R. would make it impossible for Petitioners to redevelop the site. In fact, the evidence demonstrated that Petitioners have proposed the smallest restaurant prototype available, but it still cannot construct that smaller structure without the need for variances. Therefore, by requiring compliance with the B.C.Z.R. regulations, Petitioners would be unable to redevelop the subject property, which mitigates or cuts against the revitalization district provisions in the County Code that strongly encourage such redevelopment.

There is no evidence that the grant of the relief would be detrimental to the surrounding area. As mentioned above, with the exception of the setback variance, the requested relief is "internal" in nature and will, thereby, only affect the subject property itself. And, even with regard to the variance for the side yard setback, it should be noted that the proposed building will actually be located *further away* from the neighboring property to the north – a Texaco fuel service station – than the existing structure. Further, the DRP's conditions requiring Petitioners to locate the restaurant closer to York Road and to place a landscape buffer on the rear of the site has effectively shifted the building further from the adjacent residential properties to the east and, thereby, provided a substantial buffer. Ultimately, as mentioned, my review of the elevations of

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By [Signature]

the proposed Burger King confirms that the new building will provide a significant upgrade for both the subject property and Burger King's Towson presence, in general.

Notwithstanding the site constraints and additional conditions imposed upon Petitioners, two (2) witnesses – Messrs. Cornelius and Baker – testified that the proposed site layout depicted on Petitioners' Exhibit 1 will allow for sufficient circulation on the site and will not interfere with Petitioners' operations. With specific regard to Petitioners' request for a variance to permit an off-street loading/unloading area within a drive aisle, it was noted during the hearing that loading and unloading operations would occur during hours that will avoid any impact to on-site circulation. Finally, I should note that I am going to heed the comments of the Division of Traffic Engineering and specifically declare that Petitioners may add four (4) parking spaces on the rear of the site, just behind the restaurant building for employee parking, if Petitioners should eventually determine that those additional spaces are needed to accommodate its operations. It is important to note that this option for Petitioners will in no way affect the substantial landscape buffer along the site's rear property line that the DRP required for the benefit of the residential properties to the east of the site.

After due consideration of the testimony and evidence presented, I am persuaded to grant the petition for variance. Based on my review of the site plan, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied.

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

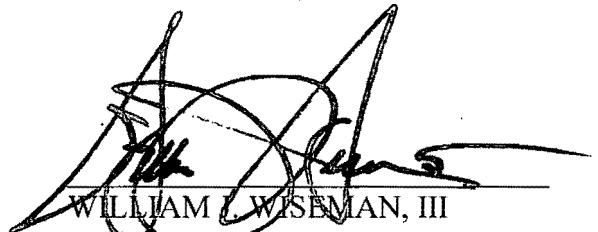
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of January 2009, that the Petition for Variance from Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 238.2 to allow a side yard setback a minimum of

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Date 1-12-09
By [Signature]

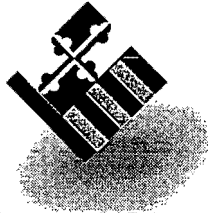
15 feet in lieu of the required 30 feet; from Section 409.A.2 to allow 19 off-street parking spaces in lieu of the required 26 parking spaces; from Section 409.10.A to allow a total of 5 drive-through facility stacking spaces with 3 stacking spaces behind the order board in lieu of the required 7 stacking spaces with 5 stacking spaces behind the order board, and from Sections 409.4.A, 409.4.C and 409.11 to allow an off-street loading/unloading area within a drive aisle and to allow a two-way drive aisle and two-way aisle width of 14 feet in lieu of the required 20 feet and 22 feet respectively, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. Petitioners may apply for building permits and be granted same upon receipt of this Order; however, Petitioners are 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 relief granted herein shall be rescinded.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM C. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date 1-12-09
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 12, 2009

David Karceski, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: **PETITION FOR VARIANCE**
N/E Side of York Road, 410' S of c/line of Fairmount Avenue
(925 York Road)
9th Election District - 5th Council District
925 York Business Trust, LLC, *Legal Owner*;
Phoenix Foods, LLC, *Contract Lessee*- Petitioners
Case No. 2009-0121-A

Dear Mr. Karceski:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a circular stamp.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Ferdinand H. Onnen, Jr., Managing Member, 925 York Business Trust, LLC,
510 Chadwick Road, Lutherville, MD 21093
Charlotte Weisheit & Tom Baker, 1937 Greenspring Drive, Timonium, MD 21093
Mickey Cornelius, The Traffic Group, Inc., 9900 Franklin Square Drive, Suite H,
Baltimore, MD 21236
Thomas A. Church, P.E., Engineering Consultants, Inc., 6603 York Road,
Baltimore, MD 21212
People's Counsel; Office of Planning; Development Plans Review;
Division of Traffic Engineering, DPW; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 925 York Road
which is presently zoned BR

Deed Reference: 25317 / 332 Tax Account # 0921450061

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)

See Attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

To be determined 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:

Phoenix Foods, LLC
Name - Type or Print By: Brad Hoag, President
Signature _____
1937 Greenspring Drive (410) 561-3100
Address Telephone No.
Lutherville MD 21093
City State Zip Code

Attorney For Petitioner:

David H. Karceski, Esquire
Name - Type or Print _____
Signature _____
Venable, LLP
Company
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson Maryland 21204
City State Zip Code

Legal Owner(s):

925 York Business Trust, LLC
Name - Type or Print _____
Signature _____
Ferdinand H. Onnen, Jr., Managing Member
Name - Type or Print _____
Signature _____
510 Chadwick Road (410) 512-5555
Address Telephone No.
Lutherville MD 21093
City State Zip Code

Representative to be Contacted:

David H. Karceski
Name
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson Maryland 21204
City State Zip Code

Case No. 2009-0121-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 1-12-09

By [Signature]

Received by A. TSUI Date 10/24/08

**PETITION FOR VARIANCE
925 YORK ROAD**

1. Variance to allow a side yard setback a minimum of 15 feet in lieu of the required 30 feet, pursuant to Section 238.2 of the Baltimore County Zoning Regulations ("BCZR").
2. Variance to allow ~~28~~¹⁹ off-street parking spaces in lieu of the required 26 parking spaces, pursuant to BCZR Section 409.A.2.
3. Variance to allow a total of 5 drive-through facility stacking spaces with 3 stacking spaces behind the order board in lieu of the required 7 stacking spaces with 5 stacking spaces behind the order board, pursuant to BCZR Section 409.10.A.
4. Variance to allow an off-street loading/unloading area within a drive aisle and to allow a two-way drive aisle and two-way aisle width of 14 feet in lieu of the required 20 feet and 22 feet respectively, pursuant to BCZR Sections 409.4.A, 409.4.C, and 409.11.

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

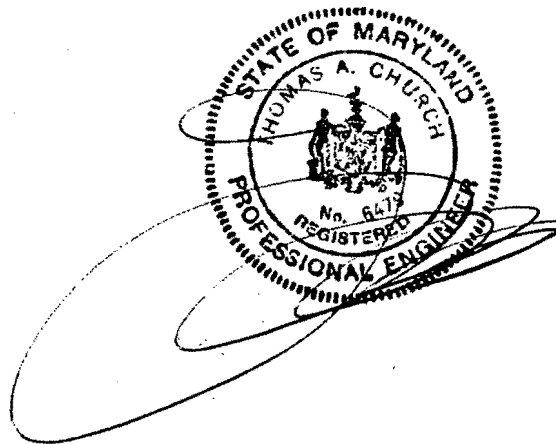
ZONING DESCRIPTION FOR 925 YORK ROAD

BEGINNING FOR THE SAME on the northeast side of York Road, 66 feet wide, more or less, said point being 410 feet more or less south from the centerline of Fairmount Avenue, 98 feet wide, more or less, thence the following courses and distances: 1) North 57 degrees 45 minutes 41 seconds West 165.00 feet; 2) South 31 degrees 41 minutes 44 seconds East 100.00 feet; 3) South 57 degrees 45 minutes 41 seconds East 165.00 feet; 4) North 31 degrees 41 minutes 44 seconds East 100.00 feet to the place of beginning.

Containing 16,500 square feet or 0.379 acres of land, more or less.

Being the same parcel of land described in a deed dated February 21, 2007, and recorded in the Land Records of Baltimore County, Maryland in Liber 25317, Folio 332.

Also known as 925 York Road located in the 9th Election District, Baltimore County, Maryland.



2009-0121-A

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

No. 31392

Date: Nov. 08, 2008

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
05/2008 12/01/2008 11:37:13 5

REG 1503 MALKIN RBOS LRB
REIPT # 378475 12/01/2008 OFLN

Rev Sub
Source/ Rev/

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount Dept

001	806	0000		6150						\$200.00	

5 528 ZONING VERIFICATION

031392

Recpt Tot \$200.00
\$200.00 CK \$.00 CA
Baltimore County, Maryland

Total: \$200.00

Rec From: Revisions 2009-0121-A

For: Venable
750 E Pratt St.
Baltimore, Md 21201

DISTRIBUTION

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

CASHIER'S
VALIDATION

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

No: 23320
 Date: 10/24/08

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					325

Total: 325

Rec From: Veneble LLP
 For: 935 YORK RD
2009-0121-A

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

PAID RECEIPT
 DISTANCE ACTUAL TIME DEM
 10/24/08 10/24/2008 15:43:08
 REG MOD2 UNIT JURY FEE
 RECEIPT # 609647 10/24/2008 06LP
 \$ 325.00 ZONING VERIFICATION
 Receipt for \$325.00
 \$325.00 CR \$1.00 CR
 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 #: 2009-0121-A

925 York Road

N/east side of York Road, 410 feet south of centerline of Fairmount Avenue

9th Election District — 5th Councilmanic District

Legal Owner(s): Ferdinand Onnen, Jr., 925 York Business Trust, LLC

Contract Purchaser: Phoenix Foods, LLC

Variance: To allow a side yard setback a minimum of 15 feet in lieu of the required 30 feet. To allow 19 off-street parking spaces in lieu of the required 26 parking spaces. To allow a total of 5 drive-through facility stacking spaces with 3 stacking spaces behind the order board in lieu of the required 7 stacking spaces with 5 stacking spaces behind the order board. To allow an off-street loading/unloading area within a drive aisle and to allow a two-way drive aisle and two-way aisle width of 14 feet in lieu of the required 20 feet and 22 feet respectively.

Hearing: Friday, December 19, 2008 at 2:00 p.m. in Room 104, Jefferson Building, 105 West 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) 887-4366.

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

12/04/Dec. 4

189907

CERTIFICATE OF PUBLICATION

12/4, 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 12/4, 2008.

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

S. Wilkins

LEGAL ADVERTISING

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: # 2009-0121-A

925 York Road

West side of York Road, 410 feet south of centerline of Fairmount Avenue

9th Election District — 5th Councilmanic District

Legal Owner(s): Ferdinand Onnen, Jr., 925 York Business Trust, LLC

Contract Purchaser: Phoenix Foods, LLC

Variance: to allow a side yard setback a minimum of 15 feet in lieu of the required 30 feet. To allow 19 off-street parking spaces in lieu of the required 26 parking spaces. To allow a total of 5 drive-through facility stacking spaces with 3 stacking spaces behind the order board in lieu of the required 7 stacking spaces with 5 stacking spaces behind the order board. To allow an off-street loading/unloading area within a drive aisle and to allow a two-way drive aisle and two-way aisle width of 14 feet in lieu of the required 20 feet and 22 feet respectively.

Hearing: Friday, December 19, 2008 at 2:00 p.m. in Room 104, Jefferson Building, 109 West 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.

12/04/08 Dec. 4 189907

CERTIFICATE OF PUBLICATION

12/12/2008

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 12/14/2008.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No2009-0121-A

Petitioner/Developer: _____

Phoenix Foods

Date of Hearing/Closing: Dec 19 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: _____

925 York Road

The sign(s) were posted on _____ Dec 4, 08
(Month, Day, Year)

Sincerely,

08 _____ Robert Black Dec 9 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)

ZONING NOTICE

CASE # 2009-0121-A

**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: FRIDAY, DECEMBER 19, 2008 AT 2:00 P.M.

REQUEST: VARIANCE TO ALLOW A SIDE YARD A SIDE YARD
SETBACK A MINIMUM OF 15 FEET IN LIEU OF THE REQUIRED 30 FEET.
TO ALLOW 19 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED
28 PARKING SPACES. TO ALLOW A TOTAL OF 5 DRIVE-THROUGH
FACILITY STACKING SPACES WITH 3 STACKING SPACES BEHIND THE ORDER
BOARD IN LIEU OF THE REQUIRED 7 STACKING SPACES WITH 5 STACKING
SPACES BEHIND THE ORDER BOARD. TO ALLOW AN OFF-STREET LOADING
/UNLOADING AREA WITHIN A DRIVE AISLE AND TO ALLOW A TWO-WAY DRIVE
AISLE AND TWO-WAY AISLE WIDTH OF 14 FEET IN LIEU OF THE REQUIRED
20 FEET AND 22 FEET RESPECTIVELY.

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 4, 2008 Issue - Jeffersonian

Please forward billing to:

Amy Matte
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

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: 2009-0121-A

925 York Road

N/east side of York Road, 410 feet south of centerline of Fairmount Avenue

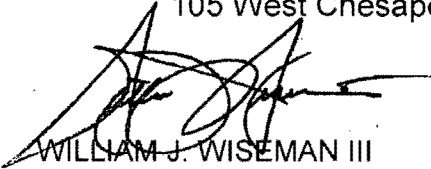
9th Election District – 5th Councilmanic District

Legal Owners: Ferdinand Onnen, Jr., 925 York Business Trust, LLC

Contract Purchaser: Phoenix Foods, LLC

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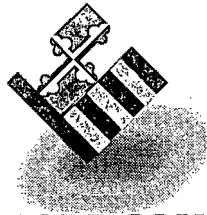
Hearing: Friday, December 19, 2008 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.



BALTIMORE COUNTY

M A R Y L A N D

November 24, 2008

JAMES T. SMITH, JR.
County Executive

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

NOTICE OF ZONING HEARING

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925 York Road

N/east side of York Road, 410 feet south of centerline of Fairmount Avenue

9th Election District – 5th Councilmanic District

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Contract Purchaser: Phoenix Foods, LLC

Variance to allow a side yard a side yard setback a minimum of 15 feet in lieu of the required 30 feet. To allow 19 off-street parking spaces in lieu of the required 26 parking spaces. To allow a total of 5 drive-through facility stacking spaces with 3 stacking spaces behind the order board in lieu of the required 7 stacking spaces with 5 stacking spaces behind the order board. To allow an off-street loading/unloading area within a drive aisle and to allow a two-way drive aisle and two-way aisle width of 14 feet in lieu of the required 20 feet and 22 feet respectively.

Hearing: Friday, December 19, 2008 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

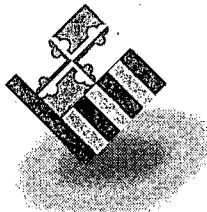
A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204
Ferdinand Onnen, Jr., 510 Chadwick Road, Lutherville 21093
Brad Hoag, Phoenix Foods, 1937 Greenspring Drive, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 4, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
December 11, 2008

David Karceski
Venable, LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2009-0121-A, 925 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 October 24, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
925 York Business Trust, LLC; 510 Chadwick Rd.; Lutherville, MD 21093
Phoenix Food, LLC; 1937 Greenspring Dr.; Lutherville, MD 21093



BALTIMORE COUNTY
M A R Y L A N D

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

November 20, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 17, 2008

Item Numbers 0121

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BW 12/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 9, 2008

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

SUBJECT: 925 York Road

INFORMATION:

Item Number: 9-121

Petitioner: 925 York Business Trust, LLC

Zoning: BR

Requested Action: Variance

RECEIVED
DEC 16 2008

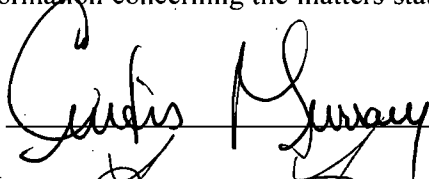
BY: _____

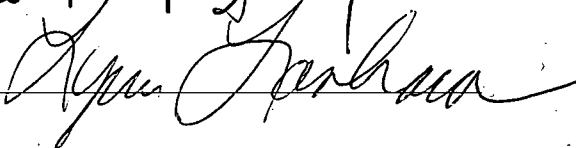
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The subject proposal is within the Towson Design Review Panel Area. The Baltimore County Design Review Panel reviewed and approved the proposed site improvements on October 30, 2008 with the conditions listed below. The Office of Planning supports the requested variances provided they are consistent with any conditions set forth by the Design Review Panel and that of the Limited Exemption Review.

1. Move the building toward York Road and reposition the parking to the rear;
2. Create a larger area for landscape screening and fencing along the rear of the building;
3. Remove one employee parking space in the rear and reposition the concrete barrier curb toward the building to allow for more space to the rear along the alley;
4. Provide a sign detail;
5. Add wheel stops to the parking spaces that face the Carousel Cleaners;
6. Provide a walkway to the front door from the public sidewalk, and;
7. Replace the Texaco fence and paint the wall of the Carousel Cleaners if the owners are in agreement.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 7, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 10, 2008
Item No. 2009-121

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Remove the first parking space closest to York Road and revise the parking variance to 19 in lieu of 26.

DAK:CPN:cab

cc: File

ZAC-ITEM NO 2009-121-11072008.doc

Post-it* Fax Note	7671	Date	12/18	# of pages	1
To	Bill Wiseman	From	Carol Brown		
Co./Dept.		Co.			
Phone #		Phone #	410 887-3751		
Fax #	410 887-3468	Fax #	410 887-3468		

2877

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED**
NOV 21 2008

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 21, 2008

SUBJECT: Zoning Item # 09-121-A
Address 925 York Road
(952 York Business Trust, LLC)

BY:

Zoning Advisory Committee Meeting of November 3, 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: JWL

Date: 11/21/08

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-121-A 925 York Road.doc



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

State Highway
Administration

John D. Portari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

December 16, 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. 2009-0121-A
MD 45 (York Road)
925 York Road
Phoenix Foods, LLC
Burger King Restaurant
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 2009-0121A- 925 York Road property, which was received on December 2nd. We understand that this application illustrates a proposal to redevelop the afore mentioned site with a 1-story 2,457 s/f restaurant with basement and surface parking as depicted on the development plan for variances.

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 a 30' wide depressed curb entrance appears consistent with SHA guidelines. However, further review under a formal application for a permit to construct improvements within the MD 45 (York Road) right-of-way is necessary. We request that the County require coordination with SHA, as a condition of Variance Case No.2009-0121-A approval for the 925 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: Mr. Thomas A. Church, Engineer, Development Engineering Consultants, Inc.
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Joseph Merrey, Department of Permits & Development Management, Baltimore County
Phoenix Foods, LLC, Applicant

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Equal Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410 545 0300 • www.marylandroads.com



RE: PETITION FOR VARIANCE * BEFORE THE
925 York Road ; NE of York Road, 410' S *
of c/line Fairmount Avenue * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): 952 York Business Trust * FOR
Contract Purchaser(s): Phoenix Foods, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 09-121-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.

RECEIVED

NOV 12 2008

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

November 25, 2008

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

RECEIVED
NOV 25 2008

BY:.....

Re: PETITION FOR VARIANCE
925 York Business Trust & Phoenix Foods, LLC- Petitioners
925 York Road
Case No: 09-121-A

Dear Mr. Wiseman,

As is our custom, because this case involves traffic issues, we asked Stephen E. Weber, Chief, Division of Traffic Engineering, to review the site plan. He sent the enclosed e-mail report dated November 21, 2008, which we forward for your consideration. It is self-explanatory. No hearing date has been set.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Peter Max Zimmerman". The signature is written in a cursive, flowing style.

Peter Max Zimmerman
People's Counsel for Baltimore County

Enclosure

cc: David Karceski, Esquire, Attorney for Petitioner
Stephen E. Weber, Chief, Division of Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 11/21/2008 5:03 PM
Subject: Case No. 2009-0121-A, 925 York Rd

Mr. Zimmerman:

We have reviewed the subject plan and would find that the comment provided by Development Plans Review to be the only one we would likely make, that being "Remove the first parking space closest to York Rd and revise the parking variance to 19 in lieu of 26." Cars backing out of this particular space would be so close to York Rd they would present a safety hazard both for the vehicle backing out of the space as well as an entering vehicle encountering such a backing vehicle blocking entrance into the site.

Given that there is no nearby on-street parking, any lack of parking would tend to be a self-enforcing situation. If all the parking spaces are taken, customers will likely go elsewhere or use the drive-thru. Also, be advised that the commercial alley behind this site is a one-way southbound alley from Fairmount Ave to Bosley Ave and it is signed with No Parking-Fire Lane signs throughout. Therefore, the alley cannot be used for any overflow parking as well. We do note what seems to be the suggestion of a possible future 4 employee parking spaces adjacent to the drive-thru, in a stadium parking format. Because of the stadium parking and that the spaces blocking them in would be customer parking, it is perhaps questionable how well these would work and what difficulties would be presented in getting into and out of these spaces. However, to grant the property owner the greatest flexibility to accommodate parking demands on site, it may be best if the petitioner obtains permission/recognition from the Zoning Commissioner that the property owner may install these 4 spaces in the future if they are needed and to already have permission from the Zoning Commissioner to go ahead and do so when and if the property owner finds the need to exist. If parking becomes tight on the site, we would like to see this level of flexibility already approved on the plan without having to go back thru the County process. The current plan is just very vague on what these 4 spaces actually are.

We do not have any concern with the variance dealing with the drive thru. The variance only amounts to one stacking space. Any additional stacking beyond that provided will only adversely impact circulation on the site itself and should not adversely impact any public facility or the alley, also open to the general public. The loading/unloading in the drive aisle is certainly not desirable, but again we think this would tend to be a self-enforcing issue. It is located in the center of the site away from York Rd and the alley and therefore any adverse operational issues would be contained on site. For the businesses' own interest of customer satisfaction and safety, they would want to minimize or prohibit any loading/unloading during any peak level of activity of the restaurant.

Should you have any questions regarding any of this information, 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

CASE NAME 925 York Rd
CASE NUMBER 2009-121-A
DATE 12/19/08
ET

[illegible]

Case No.: 2009-0121-A 925 YORK ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	BITE PLAN	
No. 2	landscape Plan	
No. 3	PHoto Montage of	
No. 4	Resume Thomas Church	
No. 5	Aerial Photo	
No. 6	Towson Commercial Revitalization Dist.	
No. 7	Current Burger King Location	
No. 8	Design Review Panel Letter of Approval	
No. 9	1958 Zoning Order	
No. 10	1973 Zoning Order	
No. 11	1977 - Northern Boundary	
No. 12	Bldg Elevation Approved by DRP	

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

THOMAS A. CHURCH, P.E.

EDUCATION Bachelor of Science, Civil Engineering – 1960
University of Maryland

REGISTRATION Professional Engineer #6479 – Maryland

PROFESSIONAL AFFILIATIONS Life Member – American Society of Civil Engineers
Past Memberships:
Consulting Engineers Council
National Society of Professional Engineers
Maryland Society of Professional Engineers
Engineering Society of Baltimore

EXPERIENCE President and Chief Executive Officer of Development Engineering Consultants, Inc., a Site Engineering and Surveying firm established by Mr. Church in 1985. In this capacity Mr. Church has been responsible for many private sector projects in Maryland. These projects include residential, commercial and industrial site development and all related field services. Mr. Church has also represented many clients as a technical and expert witness. He has presented his services before numerous hearings and is considered a Baltimore County zoning and development expert.

Prior to forming DEC, Inc., Mr. Church was Senior Vice President of Kidde Consultants, Inc. where he was employed for over 12 years, supervising projects in Maryland, Virginia, Pennsylvania and Delaware. Mr. Church was in responsible charge of all private sector developments and special projects that had inter-departmental disciplines under a matrix management system.

From 1956 to 1971, Mr. Church was employed as a Design Engineer with J. E. Greiner Company, a well-known public sector design firm specializing in major bridges, tunnels, airports and the toll facilities between Maryland and Chicago, Illinois. Interstate roadway systems in Maryland, Pennsylvania, West Virginia, Ohio, Indiana and Illinois were designed and the construction supervised by the Greiner design teams, of which Mr. Church was ultimately one of the Project Managers.

PETITIONER'S

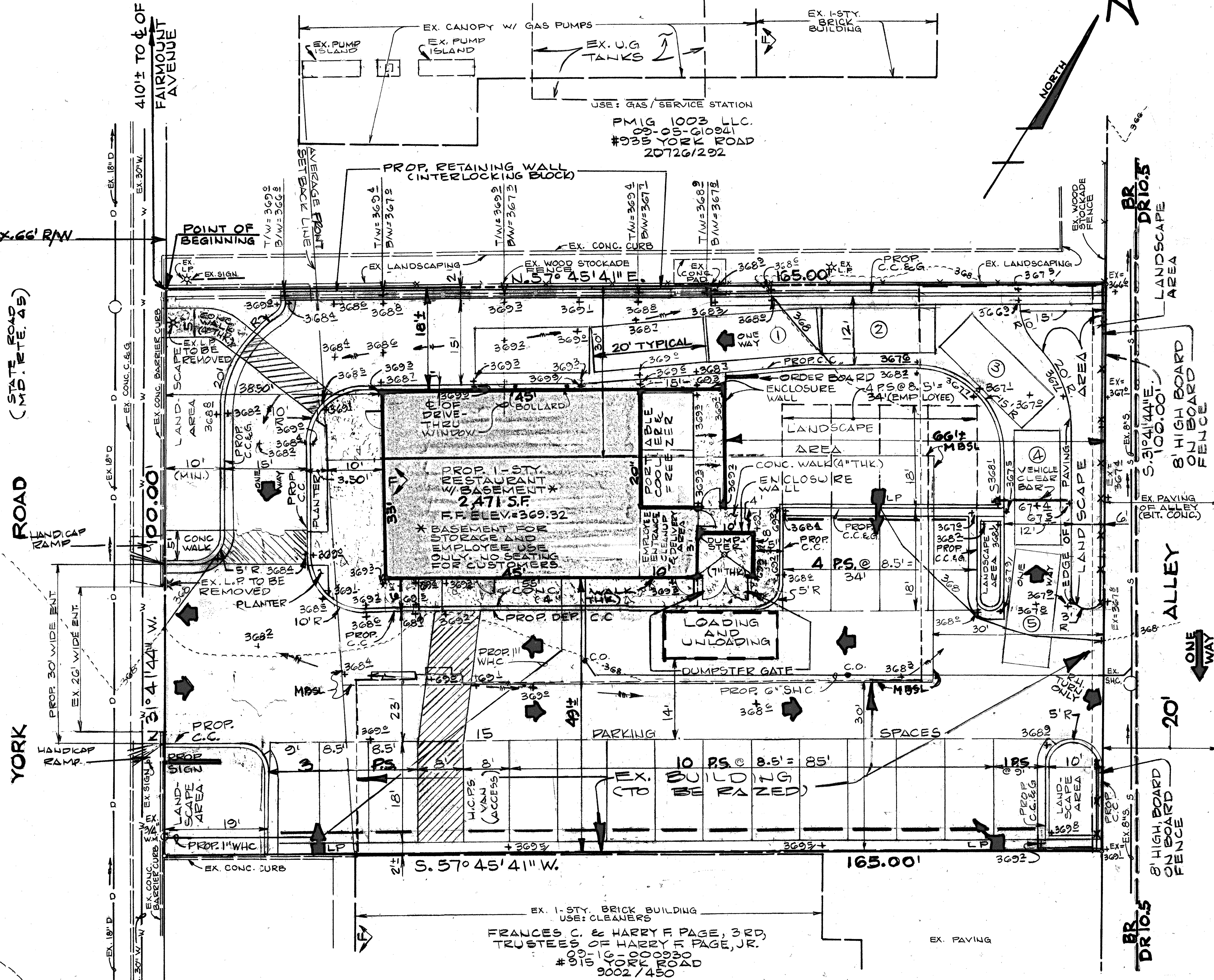
EXHIBIT NO.

4

PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ VARIANCE, ☐ SPECIAL EXCEPTION

926/950/004 INVESTMENTS, LLC
09-05-010941
#926 YORK RD
27037/155

LAUREL GALS PARTNERSHIP
09-25-450410
#926 YORK RD
0420/768



MARY ANN MATHEWS
09-02-003000
#902 RADCLIFFE RD
14023/642

ANTON V. ESPOSITA
09-18-001500
#960 RADCLIFFE RD.
10818/499

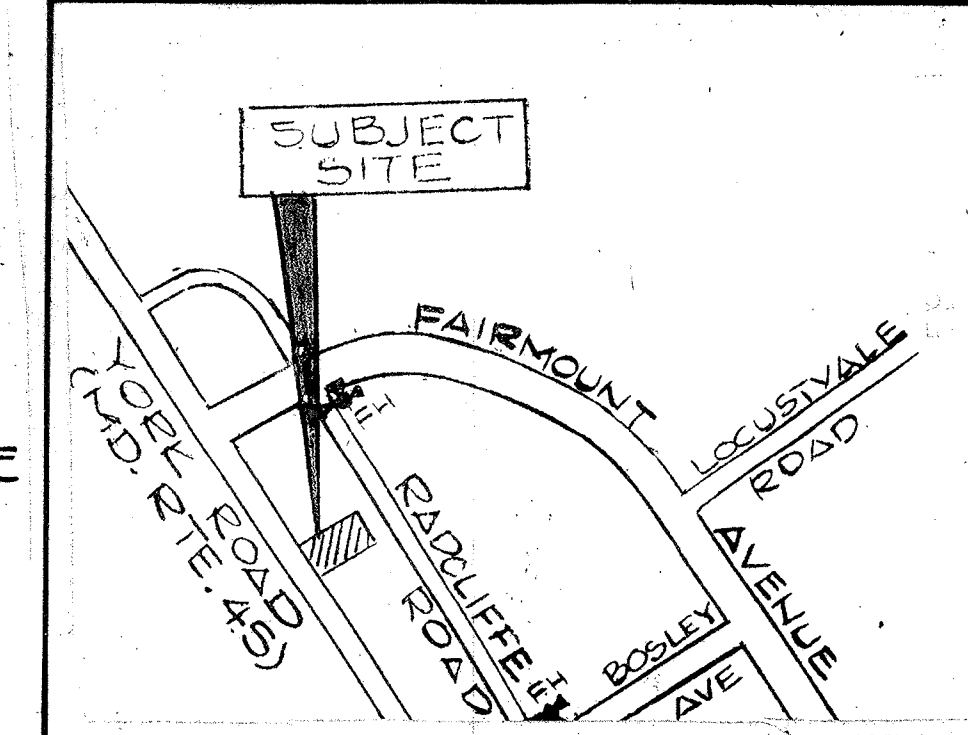
BRIAN M. PIOTROWSKI
09-19-310340
#998 RADCLIFFE RD
739/335

NARAYAN SHEETHA
09-04-352092
#956 RADCLIFFE RD
24938/399

PAUL V. MIMAROS
09-18-004130
#954 RADCLIFFE RD
19378/058

JACK N. STOUT
09-18-472050
#952 RADCLIFFE RD
12073/131

MX-SERIES
PROP. LIGHT POLE
DETAIL
SCALE: 1/8"=1'-0"



VICINITY MAP
SCALE: 1"=500'

LOCATION INFORMATION

ELECTION DISTRICT NO.:	9
COUNCILMANIC DISTRICT NO.:	5
ZONING:	BR
(REFERENCE MAP(S):)	070A1
AREA OF SITE:	
NET=	10,500 S.F. = 0.379 AC.±
GROSS=	19,500 S.F. = 0.448 AC.±
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ PUBLIC ☐ PRIVATE
CHESAPEAKE AREA CRITICAL AREA	☐ YES ☒ NO
AREA DESIGNATION:	
100 YEAR FLOODPLAIN	☐ YES ☒ NO
HISTORIC PROPERTY / BUILDING	☐ YES ☒ NO
PRIOR ZONING HEARINGS: CASE NOS. 4430, 73-138-A, 77-40A, AND DEC. #081084	
PREVIOUS COMMERCIAL PERMITS:	NONE ON FILE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

PROPERTY DATA
OWNER(S): 925 YORK BUSINESS TRUST
ADDRESS: 325 YORK ROAD
BALTIMORE, MD, 21204
PHONE NUMBER: 410-375-4154
TAX ACCOUNT NUMBER(S): 09-21-450061
DEED REFERENCE: 25317/332
PLAT REFERENCE: N/A
FLOOR AREA TABULATION
FIRST FLOOR = (45'x33') + (10'x13') = 1,615 SF.
+ BASEMENT = (22'x33') + (10'x13') = 896 SF.
TOTAL = 2,471 SF

PETITIONER'S
EXHIBIT NO. 1

CASE No: 2009-0121-A

LEGEND

BR DR10.5
ZONING LINE
FRONT ORIENTATION ARROW
TRAFFIC ARROW
HANDICAP PARKING SPACE
MINIMUM BUILDING SETBACK LINE
H.C.R.S.
M.B.S.L.
PROPOSED CONCRETE CURB W/ GUTTER
EXISTING SEWER
EXISTING WATER
PROPOSED CONCRETE CURB AND GUTTER
PROPOSED RETAINING WALL
PROPOSED LIGHT POLE (ARROW SHOWS DIRECTION OF FUTURE PORTABLE COOLER/ FREEZER & DUMPSTER AREA ENCLOSURE WALL)
EXISTING CONTOURS
PROPOSED CONTOURS
SPOT ELEVATIONS

PARKING DATA
REQUIRED: (USE: RESTAURANT) (1,615 S.F. x 16) / 1,000 = 26 PS.
PARKING REQUIRED ONLY FOR FIRST FLOOR. BASEMENT ONLY FOR STORAGE AND EMPLOYEE USE.
PROVIDED: 19 (INCL. 1-VAN ACCESSIBLE HANDICAPPED PARKING SPACE)
FLOOR AREA RATIO (FAR)
FAR = 2,471 S.F. / 19,500 S.F. = 0.13
AVERAGE DAILY TRIPS (ADT)
USE: FAST FOOD RESTAURANT FLOOR AREA = 1,615 S.F.
W/ DRIVE-THRU
ADT = (1,615 S.F. x 550) / 1,000 = 888

SIGN NOTE:
SIGNAGE WILL COMPLY WITH SECTION 450 OF THE B.C.Z.F. OR A VARIANCE WILL BE REQUESTED.

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

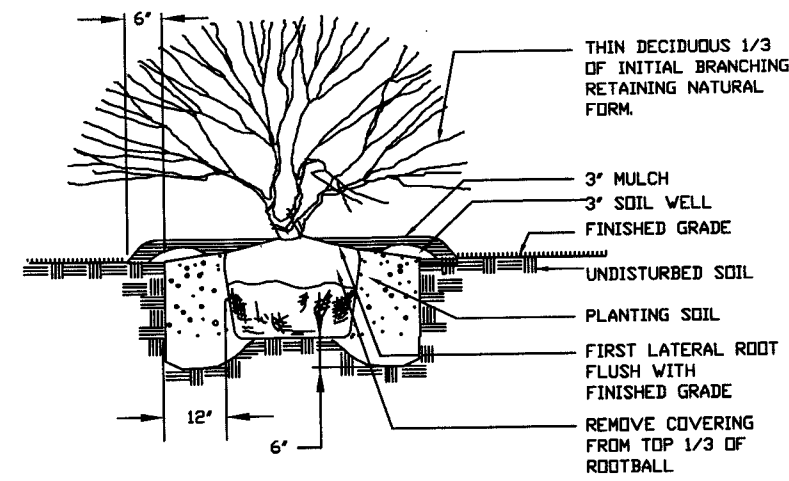
APPLICANT
PHOENIX FOODS, LLC
1937 GREENSPRING DRIVE
LUTHERVILLE-TIMONIUM, MD, 21093
410-561-3100

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
PROPOSED BURGER KING RESTAURANT
925 YORK ROAD
ELECTION DISTRICT 9
BALTIMORE COUNTY, MARYLAND
COUNCILMANIC DISTRICT 5

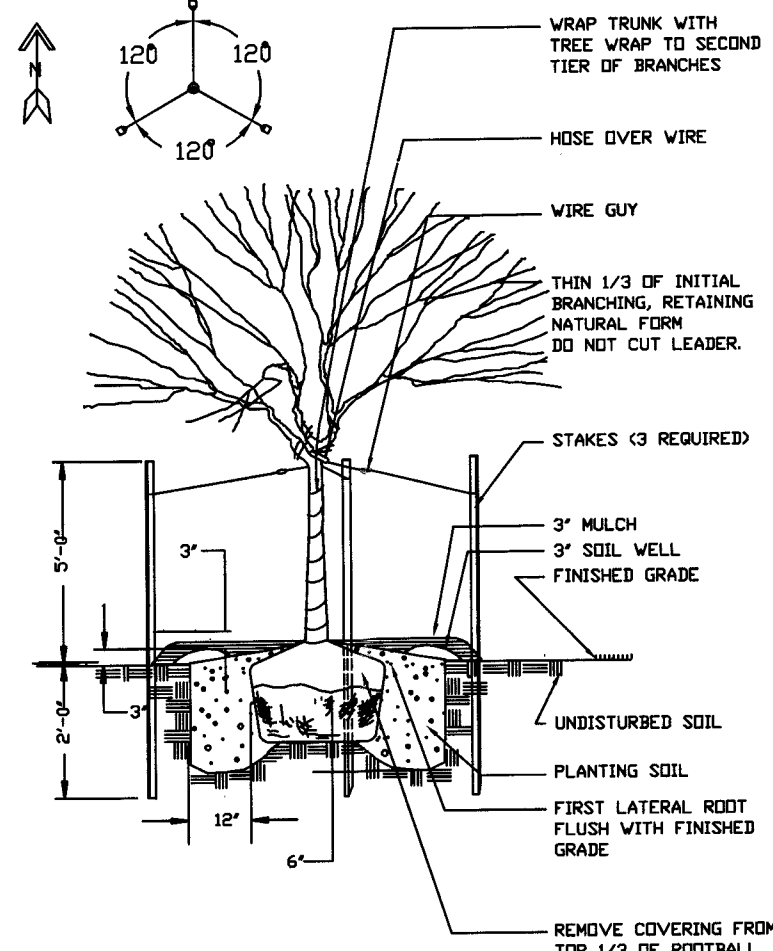
SHEET 1 OF 1
DATE 10-05-08
REV 12-15-08
SCALE 1"=10'
CONTRACT NUMBER 08-114

GENERAL NOTES

- 1) ALL PROPOSED SIGNS SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
- 2) ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
- 3) BITUMINOUS CONCRETE SHALL BE THE PAVING TYPE USED FOR TRAVELWAYS AND PARKING AREAS. PARKING SPACES SHALL BE STRIPED.
- 4) ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD CONSTRUCTION SPECIFICATIONS AND STANDARD DETAILS, DATED FEBRUARY 2000 (AS AMENDED).
- 5) ALL ON-SITE SOILS: GIB
- 6) ALL CONCRETE CURB W/ GUTTER AND CONCRETE CURB W/ GUTTER TO BE INSTALLED ON 3" MINIMUM STONE BASE.

Shrub Planting Detail
NOT TO SCALE

STAKING DETAIL

Tree Planting Detail
NOT TO SCALEBALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
Development Plans Review

OWNER'S SIGNATURE AND CERTIFICATION FORM

I certify that I have reviewed this Final Landscape Plan that I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of the approved Final Landscape Plan upon completion of the landscape installation not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review. County Office Building, Room 211, Towson, MD 21204

Owner's signature _____ Date _____

Owner's printed name _____ Title # _____

(Print) Mailing address - city - state - zip _____

PADM# _____ BUILDING PERMIT # _____

PLANT LIST

KEY	QNTY.	BOTANICAL NAME COMMON NAME	SIZE	COND.	REMARKS
	5	GLEDITSIA TRIACANTHOS VAR. INERMIS THORNLESS HONEYLOCUST	3 - 3 1/2" CAL.	B & B	FULL, HEADED TO 6' HT.
	2	LAGERSTROEMIA INDICA X FAURIEI 'COMANCHE' CRAPMYRTLE 'COMANCHE'	6 - 8' HT.	B & B	MULTI-STEMMED
	20	EUONYMUS KIAUTSCHOWICUS 'MANHATTAN' MANHATTAN SPREADING EUONYMUS	30 - 36" SPRD.	CONT.	PLANT 5' O.C.
	34	JUNIPERIS CHINENSIS 'SEA GREEN' SEA GREEN JUNIPER	24 - 30" SPRD.	CONT.	PLANT 3' O.C.
	225	LIRIOPE MUSCARI 'BIG BLUE' BIG BLUE LILYTURF	1 GAL.	CONT.	PLANT 12" O.C.

PLANTING CALCULATIONS:

PLANTING REQUIRED:
100 LF ADJACENT ROADWAY
10 LF INTERIOR ROADWAY
12 LF ADJACENT PARKING TO ROADWAY
12 LF SERVICE LANE
24 LF DUMPSTER SCREENING
24 PARKING SPACES

1 PU / 40 LF = 2.5 FUS
 1 PU / 20 LF = 3.5 FUS
 1 PU / 20 LF = 1 FUS
 1 PU / 15 LF = 8 FUS
 1 PU / 15 LF = 8 FUS
 1 PU / 12 SPACES = 2 FUS
 TOTAL PLANTING REQUIRED = 17 FUS

PLANTING PROVIDED:
5 MAJOR DECIDUOUS TREES
2 MINOR DECIDUOUS TREES
51 SHRUBS

1 H = 5 FUS
 2 L = 11 FUS
 5 S = 17.5 FUS
 TOTAL PLANTING PROVIDED = 17.5 FUS

CREDIT FOR LARGER PLANTING
NEW TOTAL PLANTING UNITS PROVIDED = 2 FUS = 19.5 FUS

APPLICANT
HOENIX FOODS, LLC
137 GREENSPRING DRIVE
UTHERVILLE-TIMONIUM, MD, 21093
410-561-3100

ELECTION DISTRICT 9

DEVELOPMENT PLAN FOR
PROPOSED BURGER KING RESTAURANT
925 YORK ROAD

BALTIMORE COUNTY, MARYLAND

COUNCILMANIC DISTRICT 5

SHEET

1

OF

1

DATE

7/12/2008

REV.

8/13/08

1"=10'

CONTRACT

NUMBER

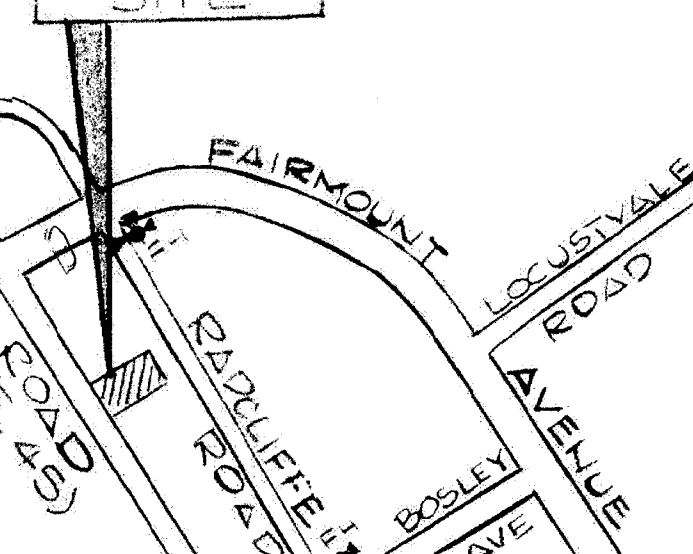
08-114

ENVIRONMENTAL NOTES:

1. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON SITE.
2. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
3. THERE ARE NO STREAMS OR WETLANDS ON SITE.
4. THERE ARE NO EXISTING OLD WELLS OR SEPTIC SYSTEMS ON SITE.

PROP. SIGN DETAIL
NO SCALEDOUBLE FACED & ILLUMINATED
SG. FOOTAGE TO BE DETERMINED

SUBJECT SITE

VICINITY MAP
SCALE: 1"=500'

LOCATION INFORMATION

ELECTION DISTRICT NO.: 9
COUNCILMANIC DISTRICT NO.: 5
TAX MAP TO GRID 1 PARCEL 189
A.D.C. MAP: 27 C5
CENSUS TRACT: 490301 SUBSEWERSHED: 029
WATERSHED: LOCH RAVEN RESERVOIR
ZONING: BR (REFERENCE MAP(S) 070 A1)

AREA OF SITE:
NET: 16,500 S.F. = 0.379 AC.
GROSS: 19,500 S.F. = 0.448 AC.

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE AREA CRITICAL AREA AREA DESIGNATION	☐	☒
100 YEAR FLOODPLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARINGS: NONE ON FILE		
PREVIOUS COMMERCIAL PERMITS: NONE ON FILE		

PROPERTY DATA

OWNER(S): 925 YORK BUSINESS TRUST

ADDRESS: 925 YORK ROAD
BALTIMORE MD 21204

PHONE NUMBER: 410-375-4154

TAX ACCOUNT NUMBER(S): 09-21-450061

DEED REFERENCE: 25317 / 332

PLAT REFERENCE: N / A

PARKING DATA

REQUIRED: (USE: RESTAURANT) (33.33' X 45' = 1,500 S.F.)
(1,500 S.F. X 16) ÷ 1000 = 24PARKING ONLY REQUIRED FOR 1ST FLOOR.
BASEMENT ONLY FOR STORAGE / EMPLOYEE USE.

PROVIDED:

24 (INCLUDES 2 H.C.P.S., 1 BEING VAN ACCESS)

FLOOR AREA RATIO (FAR)

FAR = 3,246 S.F. / 19,500 S.F. = 0.17

AVERAGE DAILY TRIPS (ADT)

USE: FAST FOOD REST. W/ DRIVE-THRU
FLOOR AREA = 33.33' X 45' = 1,500 S.F.
A.D.T. = 1,500 S.F. X 550 = 825
1,000

LANDSCAPE PLAN

PREPARED BY:

HUMAN & ROHDE, INC.

Landscape Architects

512 Virginia Ave.

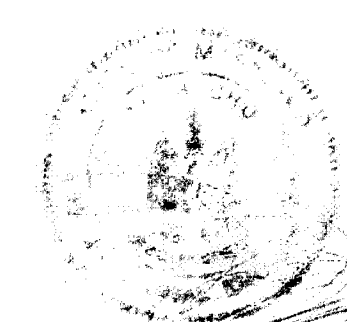
Towson, Maryland 21286

(410) 825-3885 Phone

(410) 825-3887 Fax

PETITIONER'S

EXHIBIT NO. 2



DEVELOPMENT ENGINEERING CONSULTANTS, INC.

SITE ENGINEERS & SURVEYORS

6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

LANDSCAPE PLAN

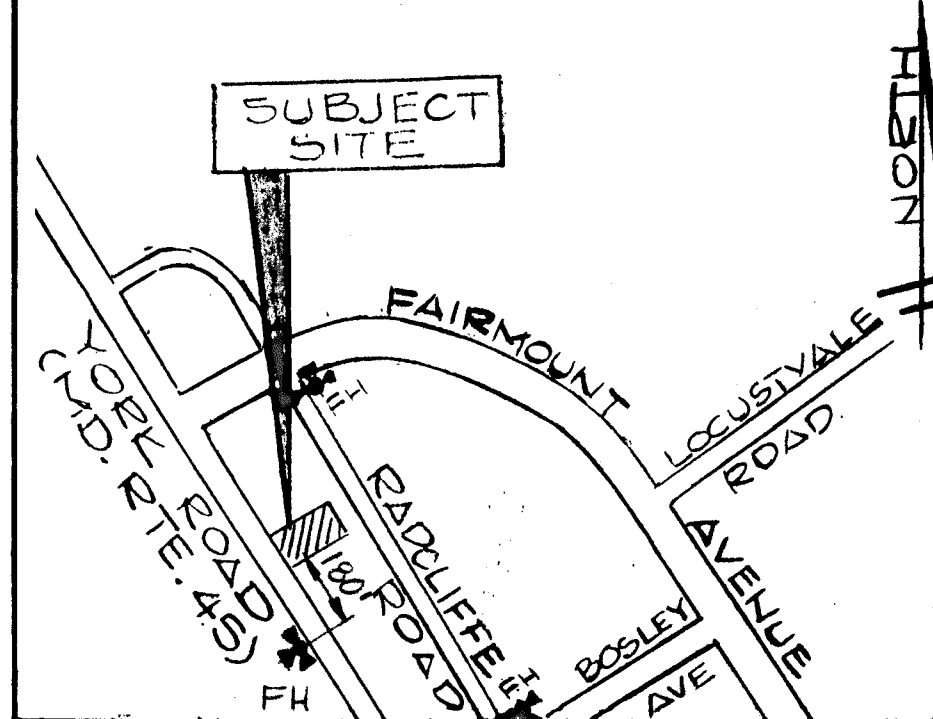
DATE	8/29/08	REVISION	REV. 1.0
DESIGN	TAC	8/29/08	ADD ADDITIONAL COMMENTS TO DEV. PLAN.
CHECK	TAC	8/29/08	ADD PROPOSED GRADING & SIGN
DATE	8/29/08	REVISIONS	

ENVIRONMENTAL NOTES:

- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON SITE.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
- THERE ARE NO STREAMS OR WETLANDS ON SITE.
- THERE ARE NO EXISTING OLD WELLS OR SEPTIC SYSTEMS ON SITE.

GENERAL NOTES

- ALL PROPOSED SIGNS SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS, OR A VARIANCE WILL BE REQUESTED.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
- BITUMINOUS CONCRETE SHALL BE THE PAVING TYPE USED FOR TRAVELWAYS AND PARKING AREAS. PARKING SPACES SHALL BE STRIPED.
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD CONSTRUCTION SPECIFICATIONS AND STANDARD DETAILS, DATED FEBRUARY 2000 (AS AMENDED).
- ALL CONCRETE CURB WITH GUTTER AND CONCRETE CURB WITHOUT GUTTER SHALL BE INSTALLED WITH A 3" MINIMUM STONE BASE.
- ON-SITE SOILS ARE G1B (GLENELG), HYDROLOGIC SOILS GROUP "B".



VICINITY MAP
SCALE: 1"=500'

LOCATION INFORMATION

ELECTION DISTRICT NO. 9 COUNCILMANIC DISTRICT NO. 5
TAX MAP 70 GRID 1 PARCEL 189
ADC MAP: 27 C5 KEY SHEET R-SW
CENSUS TRACT: 430301 POSITION SHEET 41 NE 2
WATERSHED: LOCH RAVEN RESERVOIR
SUBWERSHED: 029 DESIGNATION: W-1/5-1
ZONING: BR (REFERENCE MAP(S) 070 A1)

AREA OF SITE:
NET= 16,500 S.F. = 0.379 AC
GROSS= 19,500 S.F. = 0.448 AC

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE AREA CRITICAL AREA	☐	☒
AREA DESIGNATION	N/A	
100 YEAR FLOODPLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒

PRIOR ZONING HEARINGS: D.R.C. 40.08108H, APPROVED, LIMITED EXEMPTION UNDER SEC. 22-2-106(b)(8), APPROVED AUG. 22, 2008.
PREVIOUS COMMERCIAL PERMITS: NONE ON FILE

PROPERTY DATA

OWNER(S): 925 YORK BUSINESS TRUST

ADDRESS: 925 YORK ROAD
BALTIMORE, MD, 21204

PHONE NUMBER: 410-375-4154

TAX ACCOUNT NUMBER(S): 09-21-450061

DEED REFERENCE: 25317/332

PLAT REFERENCE: N/A

FLOOR AREA TABULATION

FIRST FLOOR = (45'x33') + (10'x13') = 1,615 SF
BASEMENT = (22'x33') + (10'x13') = 896 SF
TOTAL = 2,471 SF

PARKING DATA

REQUIRED (USE: RESTAURANT) (1,615 SFx16)/1,000 = 26 PS.
PARKING REQUIRED ONLY FOR FIRST FLOOR, BASEMENT ONLY FOR STORAGE AND EMPLOYEE USE.

PROVIDED: 19 (INCL. 1-VAN ACCESSIBLE HANDICAPPED PARKING SPACE)

FLOOR AREA RATIO (FAR)

FAR = 2,471 S.F. / 19,500 S.F. = 0.13 (2.0 ALLOWED)

AVERAGE DAILY TRIPS (ADT)

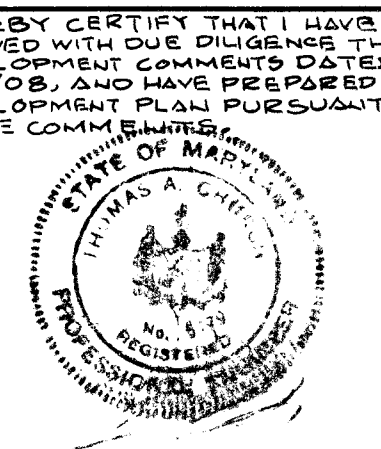
USE: FAST FOOD RESTAURANT FLOOR AREA = 1,615 S.F.

ADT = (1,615 S.F.x550)/1,000 = 888

NOTE: A VARIANCE FROM PROVIDING STORMWATER MANAGEMENT BY PAYING A FEE HAS BEEN APPROVED BY BALTO. CO. D.E.P.R.M. NOV. 14, 2008.

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 6479, Expiration Date: 08/05/2009.

NOTE: THIS DRAWING IS BOUND BY THE MARYLAND PROFESSIONAL ENGINEERING ACT.



926/950/004 INVESTMENTS, LLC
09-05-610341
#926 YORK RD
21037/155

LAUREL GAYS PARTNERSHIP
09-25-450410
#908 YORK RD
6420/168

DATE	REVISIONS
11/24/08	ADDRESS D.P.R. 11/7/08 COMMENTS
10/12/08	ADD STATE GRID FOR DEV. PLAN REVIEW
10/13/08	REV. PER ZONING REVIEW OF VAR. PLAT
10/13/08	REV. PER ARCH. REVISIONS, DATED 10/13/08
9/30/08	REVISED PROPOSED LAYOUT
Check T.A.C.	DATE

DEVELOPMENT ENGINEERS CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

APPLICANT
PHOENIX FOODS, LLC
1937 GREENSPRING DRIVE
LUTHERVILLE-TIMONIUM, MD, 21093
410-561-3100

AREA OF DISTURBANCE
16,500 S.F. = 0.38 AC.±

ELECTION DISTRICT 9

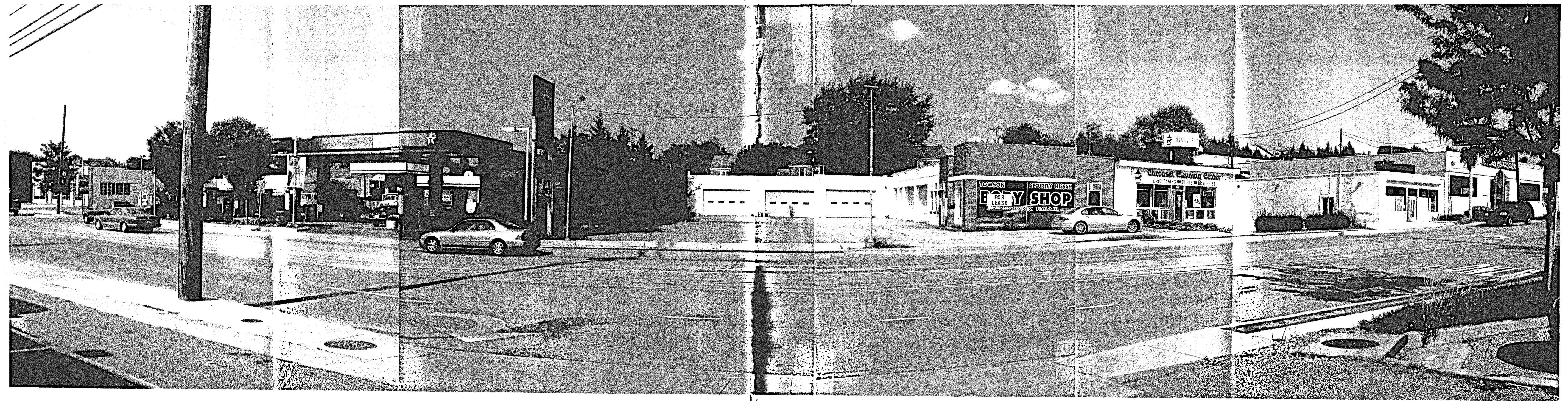
DEVELOPMENT PLAN FOR
PROPOSED BURGER KING RESTAURANT
925 YORK ROAD
BALTIMORE COUNTY, MARYLAND

RD.M. NO. 09-818
SHEET 1 OF 1

COUNCILMANIC DISTRICT 5

DATE 2/26/2009
REV. 11/24/08
SCALE 1"=10'

CONTRACT NUMBER
08-114

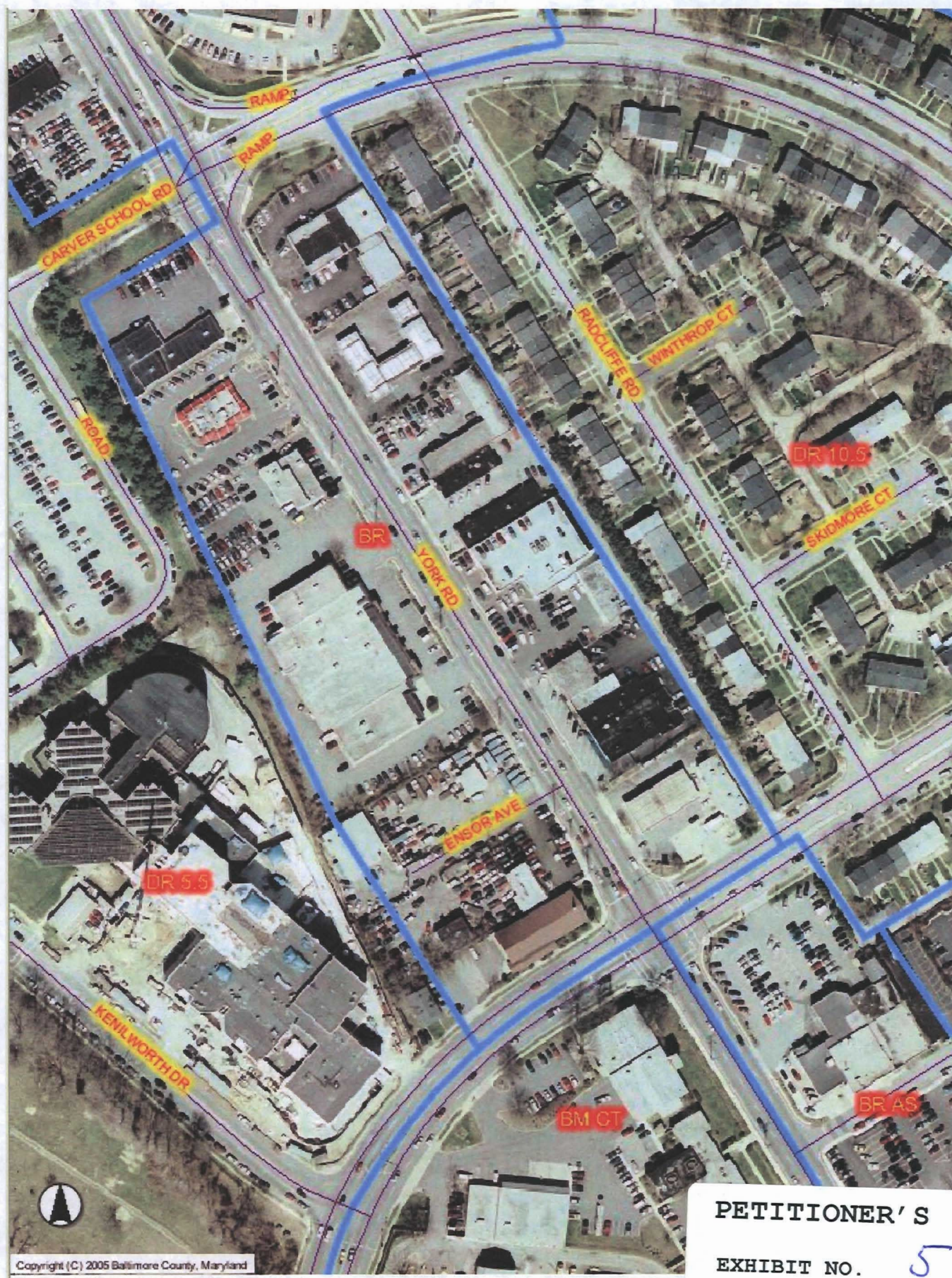


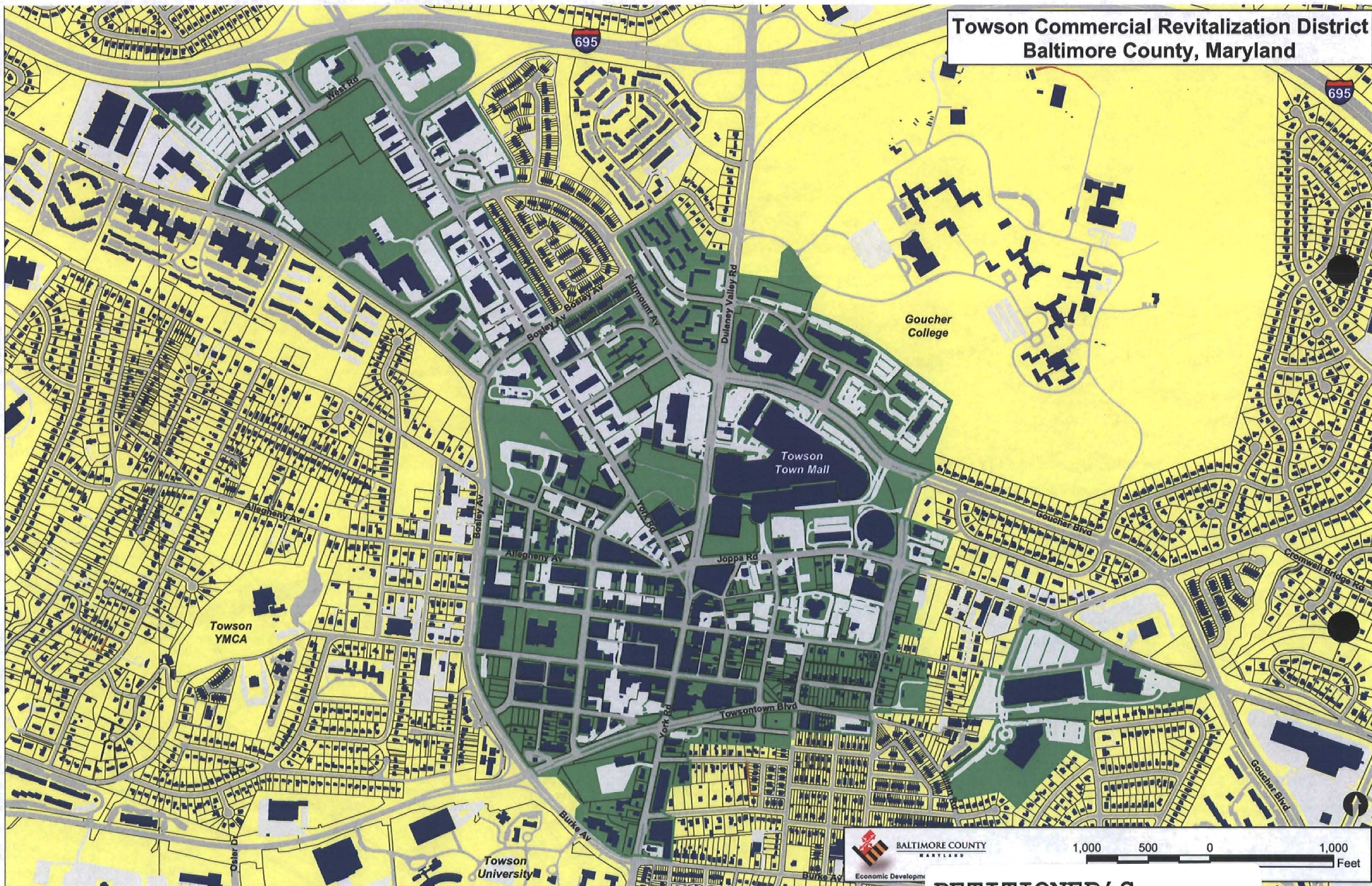
EAST SIDE - YORK ROAD



WEST SIDE - YORK ROAD







**Towson Commercial Revitalization District
Baltimore County, Maryland**

PETITIONER'S

EXHIBIT NO.

6



PETITIONER'S

EXHIBIT NO.

7



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

ARNOLD F. 'PAT' KELLER, III
Director, Office of Planning

INTER-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

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

DATE: October 30, 2008

FROM: Lynn Lanham
Design Review Panel

SUBJECT: Design Review Panel
APPROVAL

PROJECT NAME: Burger King, 925 York Road

PROJECT : DRP # 500

PROJECT TYPE: Commercial, Towson

PROJECT DESCRIPTION:

The site is located on York Road in the area between the Bosley Avenue and Fairmount Avenue intersections. The specific address, 925 York Road, is located between a Texaco gas station and a one story commercial building. The site also backs up to a residential development and is bordered by an alley at the back of the site. Relocating the Burger King to this site from Joppa Road will facilitate the overall redevelopment of the Towson Circle Three project. The team has met with Ed Kilcullen, president of GTCC, whose organization generally supports the project.

The site area is zoned BR and is approximately 19,500 SF. The restaurant will be 1,623 square feet and will have a drive-thru on the north façade. One point of ingress and egress (two-way) onto York Road exists for the site and will remain. There is alley access at the back of the site to the alley that is one-way, southbound. A sidewalk connection has been added. Today the site is 100% impervious. This condition will be improved by adding landscaping to the front and rear as well as tree islands. The site may need a small parking variance and setback variances.

The building is the third in a series of architectural departures from the usual Burger King. The primary building material will be EIFS (acrylic stucco) using two color tone with a ariskraft material base. The dining area ceiling is raised and will have clear-story windows with aluminum window frames and clear glazing. The mechanical equipment will be on the roof below the parapet. The dumpster will have walls and a corrugated metal dumpster screen. This location will also be much smaller than the usual Burger King. Canopies of canvas or metal and the standard red acrylic accent band have been incorporated into the design.

This project was presented to the Design Review Panel at the September 10, 2008 meeting. At that time the project was approved with the following conditions:

105 West Chesapeake Avenue, Suite 101 | Towson, Maryland 21204 | Phone: 410-887-3480 | Fax: 410-887-5862
www.baltimorecountymd.gov

PETITIONER'S

EXHIBIT NO.

Subject: Minutes (Design Review Panel Meeting)
Project Name: Burger King, 925 York Road

Project #: DRP 500

1. Move the building toward York Road and reposition the parking to the rear;
2. Create a larger area for landscape screening and fencing along the rear of the building;
3. Remove one employee parking space in the rear and reposition the concrete barrier curb toward the building to allow for more space to the rear along the alley;
4. Provide a sign detail;
5. Add wheel stops to the parking spaces that face the Carousel Cleaners;
6. Provide a walkway to the front door from the public sidewalk, and;
7. Replace the Texaco fence and paint the wall of the Carousel Cleaners if the owners are in agreement.

DISPOSITION:

As of October 29, 2008 revised plans were submitted to the Office of Planning and the project has been granted final approval.



Lynn Lanham

LL:File
CC: DRP members in attendance
David Karceski
Tom Church

For complete Design Review Panel minutes visit
<http://www.baltimorecountymd.gov/Agencies/planning/DRP/meetings.html>.

ORDERED BY the Zoning Commissioner of Baltimore County this 30th day of April, 19 58 that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 4th day of June, 19 58, at 11 o'clock A. M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a variance to the Zoning Regulations of Baltimore County and it appearing that said Regulations would result in practical difficulty and unnecessary hardship on the petitioner and a variance to said Regulations would grant relief without substantial injury to the public health, safety and the general welfare of the locality, the petition should be granted, therefore:

It is this 14th day of June, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a variance to the Regulations, be and the same is hereby granted which permits a side yard of 0 feet instead of the required 30 feet.

William H. Adams
Zoning Commissioner
of Baltimore County

#4430

PETITIONER'S

EXHIBIT NO. 9

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE BOARD COMMISSIONER OF BALTIMORE COUNTY:

I, or we, E.K. & T.M. GONTIER legal owner of the property situate in Bolivar County and which is described in the description and plat attached hereto and make a part hereto, hereby petition for a Variance from Section 236.2 requiring rear yard set back of 30 feet, to zero setback

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

Lease terminated on Falls Road building because damages resulting from hurricane Agnes required landlord to use facilities for his own benefit. 6 to 8 jobs may be eliminated unless building variance granted and this property is singular in that the entire block has almost no set-back from the alley.

NAME ALBERT
 SECTION 2
 DATE 10-10-60
 TIME 11:00
 BY ALB

See attached description

Property is to be posted and advertised as prescribed by Trading Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

ORDER RECEIVED FOR FILIX

DATE January 11, 1972

[Signature]

Contract purchases

Adrian K. Santora

Thomas M. Britton

By airmail. Postmarked "July 10 - PAID"
Address 2-6 W. Renner Ave

Townsend, Mrs 8-12-04

Petitioner's Attorney

Protestant's Attorney

ORDERED By The zoning Commissioner of Baltimore County, this 14th day

NEW #4-72 AM December _____, 1972, that the subject matter of this petition be advertised, as required by the zoning law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Board of Appeals of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 11th day of December, 1972, at 10:15 o'clock.

Deposited on the 11th day of December, 1972, at 10:15 o'clock

Ed. P. Jones
Selling Commissioner of Baltimore County.

1

10:15A
12/1/72

PETITIONER' S

EXHIBIT NO. 10

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, THOMAS PAUL BOLTON, JR., legal owner of the property above described 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 231.2 to permit a side yard of 10 feet in lieu of the required 20 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, following reasons indicate hardship or practical difficulty:

Expansion of service garage is necessary and due to limited area of lot and existing variance is required.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertisement, posting, etc., upon passage, and further agree to and are to be bound by the zoning regulations and zoning map of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

ORDER RECEIVED FOR FILING

DATE August 19, 1977

Signature of Petitioner

Customer purchase

THOMAS PAUL BOLTON, JR.
925 YORK
TOWSON

Petitioner's Attorney

Proponent

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of July, 1977, that the subject matter of this petition be reviewed by the Zoning Law of Baltimore County, in two newspapers of general circulation in Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 304, County Office Building in Towson, Baltimore County, on the 22nd day of August, 1977.

1. M.

RE 9 70 AM

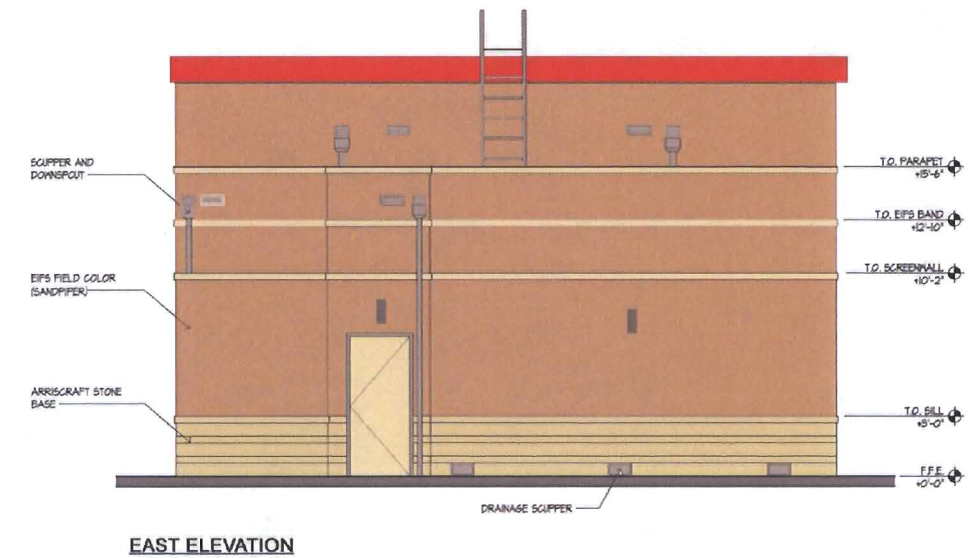
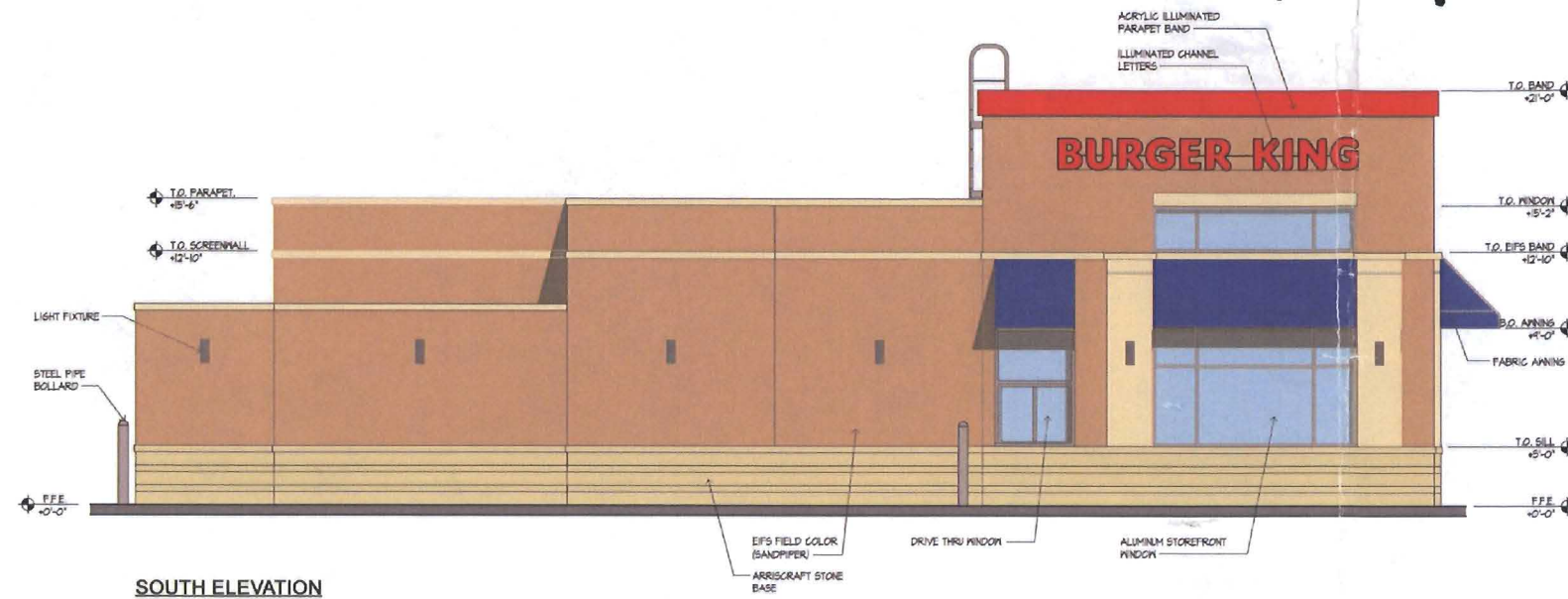
GOVERN.

77-40-A

PETITIONER'S

EXHIBIT NO.

11



CLIENT:
KB OF BALTIMORE
1937 GREENSPRING DR.
TIMONIUM, MD 21093



BURGER KING
925 YORK ROAD
TOWSON, MD 21204

PETITIONER'S

EXHIBIT NO. 12

COLIMORE THOEMKE
1240 Key Highway
Baltimore, Maryland 21220
Tel. 410.752.3720
Fax. 410.752.4823
colimorthoemke.com
ARCHITECTS