

IN RE: PETITION FOR VARIANCE
SW Side of York Road, 225' SE of
Fairmount Avenue
9th Election District
5th Councilmanic District
(934 York Road)

McDonald's Corporation
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **CASE NO. 2011-0245-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Jeffrey Bell, Project Manager, for McDonald's Corporation ("McDonald's"), the owner of the real property known as 934 York Road (the "Property"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- From Section 450.4 Attachment 1,3 (VII) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a directional sign of 10.7 feet in height in lieu of the permitted 6 feet; AND
- From Section 450.4 Attachment 1, 3 (VII) of the B.C.Z.R. to permit two (2) directional signs of 9.71 feet in height in lieu of the permitted 6 feet; and
- From Section 450.4 Attachment 1, 5(a)(VI) of the B.C.Z.R. to permit four (4) wall-mounted enterprise signs on the building facades in lieu of the permitted three (3) signs; and
- From Section 450.4 Attachment 1, 3(II) of the B.C.Z.R. to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign,
- From Section 450.5.B.3.b of the B.C.Z.R. to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy,
- From Section 450.4 Attachment 1, 3(V) of the B.C.Z.R. to permit four (4) free-standing directional signs having a face area of 9.6252 square feet in lieu of the permitted 8 square feet, and

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Date 4-7-11

By PJ

- From Section 450.4 Attachment 1, 3(a)(IX) of the B.C.Z.R. to permit four (4) free-standing directional signs having a company name or logo of 59.74% in lieu of the permitted 30% of the total sign area.

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

Appearing at the requisite public hearing in support of the variance request was Jeffrey Bell, Project Manager for McDonald's Corporation, Iwona Rostek-Zarska of Baltimore Land Design Group, Inc., the consulting engineer who prepared the site plan for the Property, and Stanley S. Fine, Esquire, and Caroline Hecker, Esquire, attorneys for Petitioner. No Protestants attended the hearing, nor were any letters of protest or objection received by this Office. Dick Parsons and Donald Gerding attended the hearing, and both indicated they had no objection to the requested relief.

The case proceeded by proffer, and revealed that the Property is approximately .711 acres in size, and is zoned B.R.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

The Petitioner is in essence giving the restaurant a "facelift," and the elevation drawings (admitted as Petitioner's Exhibit 5) reveal that this will be a handsome structure that will improve the look of the area. Ms. Zarska testified – via proffer – that the subject property is quite small (approximately .7 acres) and future improvements are obviously constrained by the existing

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Date 4-7-11

2

By PZ

restaurant and site conditions. Also, Ms. Zarska explained that the property sits back off of York Road in an extremely busy commercial corridor, which partially obstructs the view of passing motorists. These unique conditions would cause Petitioner to experience practical difficulty or unreasonable hardship if the B.C.Z.R. was strictly enforced, since Petitioner would be unable to position its signage in such a way so as to catch the attention of passing motorists, which is, after all, the purpose of signs.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. Initially, no letters of protest or opposition were received, and no Protestants or opponents attended the public hearing. Messrs. Parsons and Gerding, both of whom are active in and extremely knowledgeable concerning Towson-area community affairs, indicated they thought the proposed "facelift" would be a positive addition to the community. Finally, neither the Baltimore County Department of Economic Development or the surrounding community associations (Greater Towson Council of Community Associations or Towson Park) voiced any concerns.

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

THEREFORE, IT IS ORDERED this 7 day of April, 2011 by this Administrative Law Judge that Petitioner's Variance request from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- From Section 450.4 Attachment 1,3 (VII) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a directional sign of 10.7 feet in height in lieu of the permitted 6 feet; AND

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Date 4-7-11

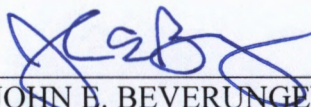
By [Signature]

- From Section 450.4 Attachment 1, 3 (VII) of the B.C.Z.R. to permit two (2) directional signs of 9.71 feet in height in lieu of the permitted 6 feet; and
- From Section 450.4 Attachment 1, 5(a)(VI) of the B.C.Z.R. to permit four (4) wall-mounted enterprise signs on the building facades in lieu of the permitted three (3) signs; and
- From Section 450.4 Attachment 1, 3(II) of the B.C.Z.R. to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign,
- From Section 450.5.B.3.b of the B.C.Z.R. to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy,
- From Section 450.4 Attachment 1, 3(V) of the B.C.Z.R. to permit four (4) free-standing directional signs having a face area of 9.6252 square feet in lieu of the permitted 8 square feet, and
- From Section 450.4 Attachment 1, 3(a)(IX) of the B.C.Z.R. to permit four (4) free-standing directional signs having a company name or logo of 59.74% in lieu of the permitted 30% of the total sign area.

be and are hereby GRANTED, subject to the following:

1. Petitioner may apply for 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

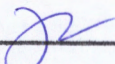
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


 JOHN E. BEVERUNGEN
 Administrative Law Judge
 for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 4-7-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 7, 2011

STANLEY S. FINE, ESQUIRE
CAROLINE L. HECKER, ESQUIRE
ROSENBERG MARTIN GREENBERG LLP
25 SOUTH CHARLES STREET, SUITE 2115
BALTIMORE MD 21201

Re: Petition for Variance
Case No. 2011-0245-A
Property: 934 York Road

Dear Mr. Fine and Ms. Hecker:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Dick Parsons, 412 Woodbine Avenue, Towson MD 21214
Donald Gerding, 335 Old Trail, Baltimore MD 21212



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 934 York Road
which is presently zoned BR

Deed Reference: 5 8 8 1 / 2 26 Tax Account # 0904500840

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE ATTACHED

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

The large number of other commercial establishments along this portion of York Road and the proximity of those buildings to York Road obstruct the view of this McDonald's restaurant to motorists traveling both directions along York Road. As a result, the requested variances are necessary in order to make the restaurant visible to passing motorists. In addition, this McDonald's would differ from McDonald's standard signage plan that has been implemented on other restaurants in Baltimore County if the requested variances were not permitted.

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

Attorney For Petitioner:

Stanley S. Fine, Esq.

Name - Type or Print

Signature

Rosenberg Martin Greenberg, LLP

Company Suite 2115

25 S. Charles Street 410-727-6600

Address Telephone No.

Baltimore MD 21201

City State Zip Code

Legal Owner(s):

McDonald's Corporation

Name - Type or Print

Signature

Jeffrey Bell, Project Manager

Name - Type or Print

Signature

6903 Rockledge Dr., Suite 1100 240-497-3708

Address Telephone No.

Bethesda MD 20817

City State Zip Code

Representative to be Contacted:

Jeffrey Bell, Area Construction Manager

Name

6903 Rockledge Dr., Suite 1100 240-497-3708

Address Telephone No.

Bethesda MD 20817

City State Zip Code

Case No. 2011-0245-A

Office Use Only

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Estimated Length of Hearing

Unavailable For Hearing

REV 8/20/07

Reviewed by JNP Date 2/16/2011

Date 4-7-11

By [Signature]

McDonald's Corporation
934 York Road
Zoned B.R.
Deed Reference: 5881/226
Tax Acct. # 0904500840

Petition for Variance:

- 1 • 450.4 Attachment 1, 3(VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft. (Sign #1 on Plat to Accompany Zoning Petition);
- 2 • 450.4 Attachment 1, 3(VII) to permit two (2) directional signs of 9.71 ft. in height in lieu of the permitted 6 ft. (Sign #2 on Plat to Accompany Zoning Petition);
- 3 • 405.4 Attachment 1, 5(a)(VI) to permit 4 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs (Sign #4 and #5 on Plat to Accompany Zoning Petition);
- 4 • 450.4 Attachment 1, 3(II) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign (Sign #6 on Plat to Accompany Zoning Petition);
- 5 • 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy (Sign #6 on Plat to Accompany Zoning Petition);
- 6 • 450.4 Attachment 1, 3(V) to permit four (4) freestanding directional signs having a face area of 9.6252 sq. ft. in lieu of the permitted 8 sq. ft. (Sign #3 on Plat to Accompany Zoning Petition);
- 7 • 450.4 Attachment 1, 3(a)(IX) to permit four (4) freestanding directional signs having a company name or logo of 59.74% in lieu of the permitted 30% of the total sign area (Sign #3 on Plat to Accompany Zoning Petition).

2011-0245-A

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING VARIANCES**

**MCDONALD'S - 934 YORK ROAD
BALTIMORE COUNTY, MARYLAND
9TH ELECTION DISTRICT; 5TH COUNCILMANIC DISTRICT**

February 15, 2011

Beginning for the same at a point on the southwestern side of York Road – Maryland Route No. 45, 66 foot wide, said point of beginning being southeast 225 feet more or less from the intersection formed by the extension of the centerline of Fairmount Avenue with said southwestern side of York Road, running thence leaving said point of beginning binding on part of said southwestern side of York Road,

1. South 31° 38' 19" East 155.00 feet; thence,
2. South 56° 51' 41" West 211.20 feet; thence,
3. North 23° 22' 36" West 157.22 feet; thence,
4. North 56 ° 51' 41" East 188.60 feet, more or less, to the point of beginning.

Containing 30,971 square feet or 0.711 acres of land, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.



2011-0245-A

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

No. **64721**

Date: **2/16/2011**

PAID RECEIPT

BUSINESS ACTUAL TIME DCM
 2/17/2011 2/16/2011 10:33:42 5

REG #503 WALKIN REG. L.S.
 >>RECEIPT # 500498 12/2011 OFFER

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				385.00

Dept 5 528 ZONING OR REGULATION
 CR M. 064721

Recpt Tot \$385.00
 \$385.00 - CK \$1.00 CA
 Baltimore County, Maryland

Total: **385.00**

Rec From: **McDonald's Corporation**

For: **Variance - 934 York Road**
2011-0245-A (McDonald's Corporation)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0245-A

934 York Road

SW/s of York Road, 225 feet SE of Fairmount Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): McDonald's Corporation,

Variance: to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; to permit two directional signs of 9.71 ft. in height in lieu of the permitted 6 ft.; to permit 4 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs; to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign; to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy sign; to permit 4 freestanding directional signs having a face area of 9.6252 sq.ft. in lieu of the permitted 8 sq. ft.; to permit 4 freestanding directional signs having a company name or logo of 59.74% in lieu of the permitted 30% of the total sign area.

Hearing: Wednesday, March 23, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 03/662 March 8

268994

CERTIFICATE OF PUBLICATION

3/10/ 2011

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 3/8/ 2011.

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

J. Wilkinson

LEGAL ADVERTISING

Certificate of Posting

RE: Case NO. 2011-0245-A

Petitioner/Developer _____

McDonald's Corpc/o Stanley FineDate of Hearing/Closing 3/23/11

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

934 York road

The sign(s) were posted on 3/8/11
(Month, Day, Year)

Sincerely,

(Signature of sign Poster and date)Richard E. Hoffman

(Printed Name)

904 Dellwood Drive

(Address)

Fallston, Md. 21047

(City, State, Zip Code)

410-879-3122

(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2011-0245-A

Petitioner/Developer: _____

McDonald's Corp. c/o Stanley Fine

Date of Hearing/Closing: 3/23/11



934 York Road

Posting Date: 3/8/11

(Signature and date of sign poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 8, 2011 Issue - Jeffersonian

Please forward billing to:

Stanley Fine
25 South Charles Street, Ste. 2115
Baltimore, MD 21201

410-727-6600

NOTICE OF ZONING HEARING

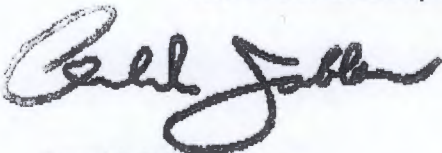
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CASE NUMBER: 2011-0245-A

934 York Road
SW/s of York Road, 225 feet SE of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: McDonald's Corporation

Variance to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft; to permit two directional signs of 9.71 ft. in height in lieu of the permitted 6 ft.; to permit 4 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs; to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign; to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy sign; to permit 4 freestanding directional signs having a face area of 9.6252 sq. ft. in lieu of the permitted 8 sq. ft.; to permit 4 freestanding directional signs having a company name or logo of 59.74% in lieu of the permitted 30% of the total sign area.

Hearing: Wednesday, March 23, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 28, 2011

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0245-A

934 York Road
SW/s of York Road, 225 feet SE of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: McDonald's Corporation

Variance to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft; to permit two directional signs of 9.71 ft. in height in lieu of the permitted 6 ft.; to permit 4 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs; to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign; to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy sign; to permit 4 freestanding directional signs having a face area of 9.6252 sq. ft. in lieu of the permitted 8 sq. ft.; to permit 4 freestanding directional signs having a company name or logo of 59.74% in lieu of the permitted 30% of the total sign area.

Hearing: Wednesday, March 23, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Stanley Fine, 25 S. Charles St., Ste. 2115, Baltimore 21201
Jerry Bell, 6903 Rockledge Dr., Ste. 1100, Bethesda 20817

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 8, 2011.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 1, 2011 Issue - Jeffersonian

Please forward billing to:

Stanley Fine
25 South Charles Street, Ste. 2115
Baltimore, MD 21201

410-727-6600

NOTICE OF ZONING HEARING

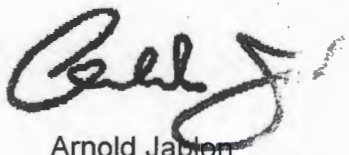
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CASE NUMBER: 2011-0245-A

934 York Road
SW/s of York Road, 225 feet SE of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: McDonald's Corporation

Variance to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft; to permit two directional signs of 9.71 ft. in height in lieu of the permitted 6 ft.; to permit 4 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs; to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign; to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy sign; to permit 4 freestanding directional signs having a face area of 9.6252 sq. ft. in lieu of the permitted 8 sq. ft.; to permit 4 freestanding directional signs having a company name or logo of 59.74% in lieu of the permitted 30% of the total sign area.

Hearing: Thursday, March 17, 2011 at 1:30 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011-0245-A

Petitioner: McDonald's Corporation

Address or Location: 934 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: STANLEY FINE

Address: 25 S. CHARLES STREET, SUITE 2115

BALTIMORE MD, 21201

Telephone Number: 410-727-6600



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 16, 2010

Mr. Jeffery Bell
McDonald's Corporation
6903 rockledge Dr. Suite 1100
Bethesda, MD 20817

Dear Mr. Jeffery Bell,

RE: Case Number: 2011-0245A, 934 York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 2011. 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." The signature is written in a cursive style with a large, stylized "W" and "C".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Stanley S. Fine, Esq., Rosenberg, Martin, Greenberg LLP, 25 S. Charles Street, Ste. 2115,
Baltimore, MD 21201



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

February 22, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **February 22, 2011**

Item No.:

Administrative Variance: 2011-0236A, 2011-0239A – 0240A, 2011-0244A

Special Hearing: 2011-0237-SPH, 2011-0238-SPHA, 2011-0242-SPH

Variance: 2011-0238SPHA, 2011-0243A, 2011-0245A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



MAR 01 2011

ZONING COMMISSIONER

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 1, 2011

SUBJECT: DEPS Comment for Zoning Item: # 11-245-A
Address: 934 York Road
(McDonald's Corporation Property)

Zoning Advisory Committee Meeting of February 18, 2011.

X The Department of Environmental Protection and Sustainability has no
comments on the above-referenced zoning item.

Reviewer: JWL



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 1, 2011

Dealing
3/23/11

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

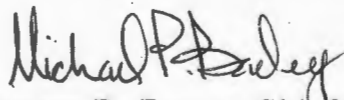
RE: Baltimore County
Item No. 2011-0245-A
MD 45 (YORK RD)
934 YORK ROADS
MCDONALDS CORP
BELL PROPERTY
VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 2-28-2011. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for MCDONALD'S CORP, Case Number 2011-0245-A.

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

Very truly yours,


for Steven D. Foster, Chief
Access Management Division

SDF/mb

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: February 28, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For February 28, 2011
Item Nos. 2011- 218, 236, 237, 238,
239, 240, 242, 243, 244 and 245

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-02282011 -NO COMMENTS.doc

3-23

RE: PETITION FOR VARIANCE * BEFORE THE
934 York Road; SW/side of York Rd. *
225 ft. SE of Fairmount Avenue * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Jeffrey Bell/McDonald's * FOR
Corporation *
Petitioner(s) * BALTIMORE COUNTY
* 2011-0245-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

FEB 18 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 2011, a copy of the foregoing Entry of Appearance was mailed to Jeffrey Bell, McDonald's Corporation, 6903 Rockledge Drive, Suite 1100, Bethesda, Maryland 20817 and Stanley S. Fine, Esquire, Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, Baltimore, Maryland 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**ROSENBERG | MARTIN | GREENBERG, LLP**

25 South Charles Street, Suite 2115 Baltimore, Maryland 21201-3305 T 410.727.6600 F 410.727.1115 rosenbergmartin.com

CAROLINE L. HECKER checker@rosenbergmartin.com

February 24, 2011

VIA FACSIMILE (410) 887-3048

Ms. Kristin Lewis
Baltimore County Zoning Review Office
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: 934 York Road – Petition for Variance
Case No. 2011-0245-A

Dear Ms. Lewis:

Per our conversation this morning, this firm represents McDonald's Corporation in connection with the Petition for Variance filed for the above-referenced property. I understand that this matter has been scheduled for a hearing on Thursday, March 17, 2011 at 1:30 p.m. Unfortunately, due to scheduling conflicts we will not be able to attend a hearing on that date. Accordingly, we request that the hearing be rescheduled to the following week (March 21-25, 2011).

Please confirm that the hearing has been rescheduled and advise us as to the new date and time at your earliest convenience. Thank you for your prompt attention to this matter.

Very truly yours,

Caroline L. Hecker

cc: McDonald's Corporation (via electronic mail)
Baltimore Land Design Group, Inc. (via electronic mail)
Stanley S. Fine, Esq.

RMG# 4846-3037-7992

CASE NAME McDonald's
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME M^cDonald's
CASE NUMBER 2011-245A
DATE March 23, 2011

[illegible]

Prior Zoning 2010

TB
4-19-10

IN RE: PETITION FOR VARIANCE

SW side of York Road; 225 feet SE of the
c/l of Fairmount Avenue
9th Election District
5th Councilmanic District
(934 York Road)

McDonald's Corporation
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2010-0236-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Jeffrey Bell, Area Construction Manager, on behalf of the legal property owner, McDonald's Corporation. Variance relief is requested as follows:

- From Section 409.6.A.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 42 parking spaces in lieu of the required 56 parking spaces; and
- From Section 409.10(B) of the B.C.Z.R. to permit a drive-thru lane to cross the principal pedestrian access to the restaurant; and
- From Section 409.11 of the B.C.Z.R. to allow exclusion of a separate loading area; and
- From Section 409.4(C) of the B.C.Z.R. to permit a one-way 12 foot drive aisle in lieu of the required 16 foot drive aisle.

The subject property and requested relief are more particularly described on the site plan and elevation drawings for the proposed addition, which were marked and accepted into evidence as Petitioner's Exhibits 2 and 3, respectively.

Appearing at the requisite public hearing in support of the variance requests were Stanley S. Fine, Esquire, and Caroline L. Hecker, Esquire, attorneys for Petitioner McDonald's Corporation; Jeffrey Bell, Area Construction Manager for McDonald's Corporation; and Iwona Rostek-Zarska and Walenty Zarski of Baltimore Land Design Group, Inc., the consulting engineers who prepared the site plan for this property. In addition, Mr. Richard Parsons of the

Prior zoning - 1998

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S York Road, 225 ft. SW *
of Fairmount Avenue * ZONING COMMISSIONER
934 York Road *
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
McDonald's Corporation * Case No. 98-72-A
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 934 York Road in Towson. The Petition was filed by McDonald's Corporation, property owner. Variance relief is requested from Section 409.6 of the Baltimore County Zoning Regulations (BCZR) to permit 50 parking spaces in lieu of the required 69 parking spaces. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Bharat Parikh, on behalf of McDonald's Corporation. Also present was David L. Martin, from G.W. Stephens, Inc. Mr. Martin is the landscape architect who prepared the site plan. The Petitioner was represented by Stanley S. Fine, Esquire. There were no Protestants or other interested persons present.

The Zoning Commissioner is familiar with the subject property, by view of its location and close proximity to the County seat of government. The subject property is roughly rectangular in shape, approximately .711 acres in area, zoned B.R. The property has frontage on York Road, and is located south of the Baltimore Beltway and near the intersection of Fairmount Avenue and York Road.

The property is owned by the McDonald's Corporation and is the site of a fast food McDonald's restaurant. The restaurant has been at this



EXHIBIT

1

ALL-STATE LEGAL®

IN RE: PETITION FOR VARIANCE

SW side of York Road; 225 feet SE of the
c/l of Fairmount Avenue
9th Election District
5th Councilmanic District
(934 York Road)

McDonald's Corporation
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0236-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Jeffrey Bell, Area Construction Manager, on behalf of the legal property owner, McDonald's Corporation. Variance relief is requested as follows:

- From Section 409.6.A.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 42 parking spaces in lieu of the required 56 parking spaces; and
- From Section 409.10(B) of the B.C.Z.R. to permit a drive-thru lane to cross the principal pedestrian access to the restaurant; and
- From Section 409.11 of the B.C.Z.R. to allow exclusion of a separate loading area; and
- From Section 409.4(C) of the B.C.Z.R. to permit a one-way 12 foot drive aisle in lieu of the required 16 foot drive aisle.

The subject property and requested relief are more particularly described on the site plan and elevation drawings for the proposed addition, which were marked and accepted into evidence as Petitioner's Exhibits 2 and 3, respectively.

Appearing at the requisite public hearing in support of the variance requests were Stanley S. Fine, Esquire, and Caroline L. Hecker, Esquire, attorneys for Petitioner McDonald's Corporation; Jeffrey Bell, Area Construction Manager for McDonald's Corporation; and Iwona Rostek-Zarska and Walenty Zarski of Baltimore Land Design Group, Inc., the consulting engineers who prepared the site plan for this property. In addition, Mr. Richard Parsons of the





ALL-STATE LEGAL®

EXHIBIT

4





ROSENBERG | MARTIN | GREENBERG, LLP

25 South Charles Street, Suite 2115 Baltimore, Maryland 21201-3305 410-727-6600

BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S - 934 YORK ROAD

March 23, 2011

JEFF BELL - TESTIMONY

Name: Jeff Bell

Address:

Employer, employer's address: McDonald's Corporation
6903 Rockledge Drive, Ste. 1100
Bethesda, MD 20817

Your job title and responsibilities at McDonalds: Area Construction Manager

Are you familiar with the petition before the Zoning Commissioner? Yes

What is the location that is the subject of the petition? 934 York Road

What is your interest in the property? McDonald's owns the property.

What is at this location currently?

There is an existing McDonald's on this site that was built in 1978.

Identify photographs of the existing McDonald's.

EXHIBIT - PHOTO OF OLD RESTAURANT

Describe the conditions at the existing McDonald's.

EXHIBIT - PLAT TO ACCOMPANY ZONING PETITION

(Explain access, parking, location of improvements, size and shape of property)

Last year, with the approval of the Zoning Commissioner, we constructed a 296-square foot addition to the rear of the existing building to improve the efficiency of the drive-thru by adding a second drive-thru window.

EXHIBIT - CASE NO. 2010-0236-A

EXHIBIT - CURRENT PHOTOS OF RESTAURANT

PETITIONER'S

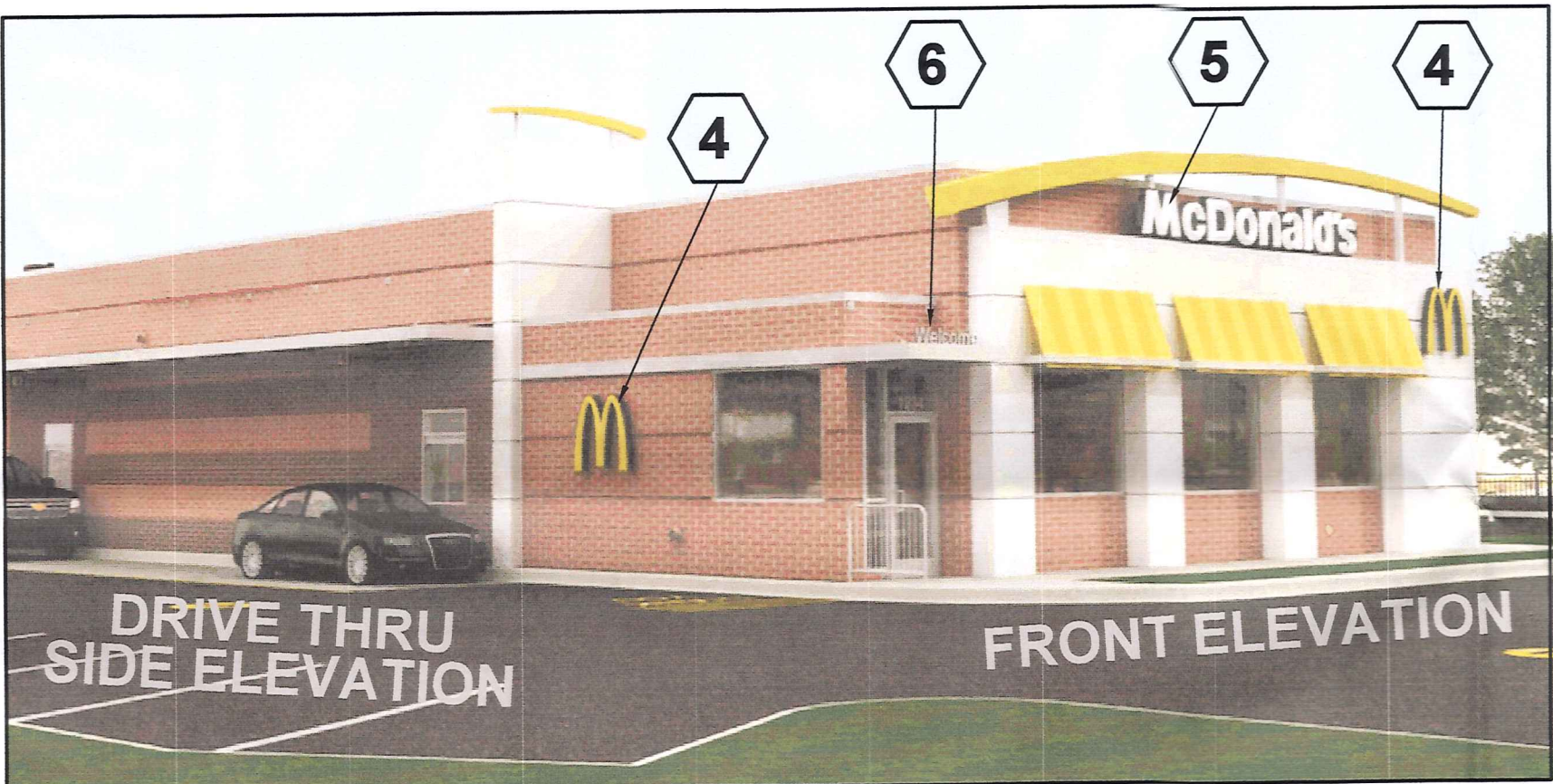
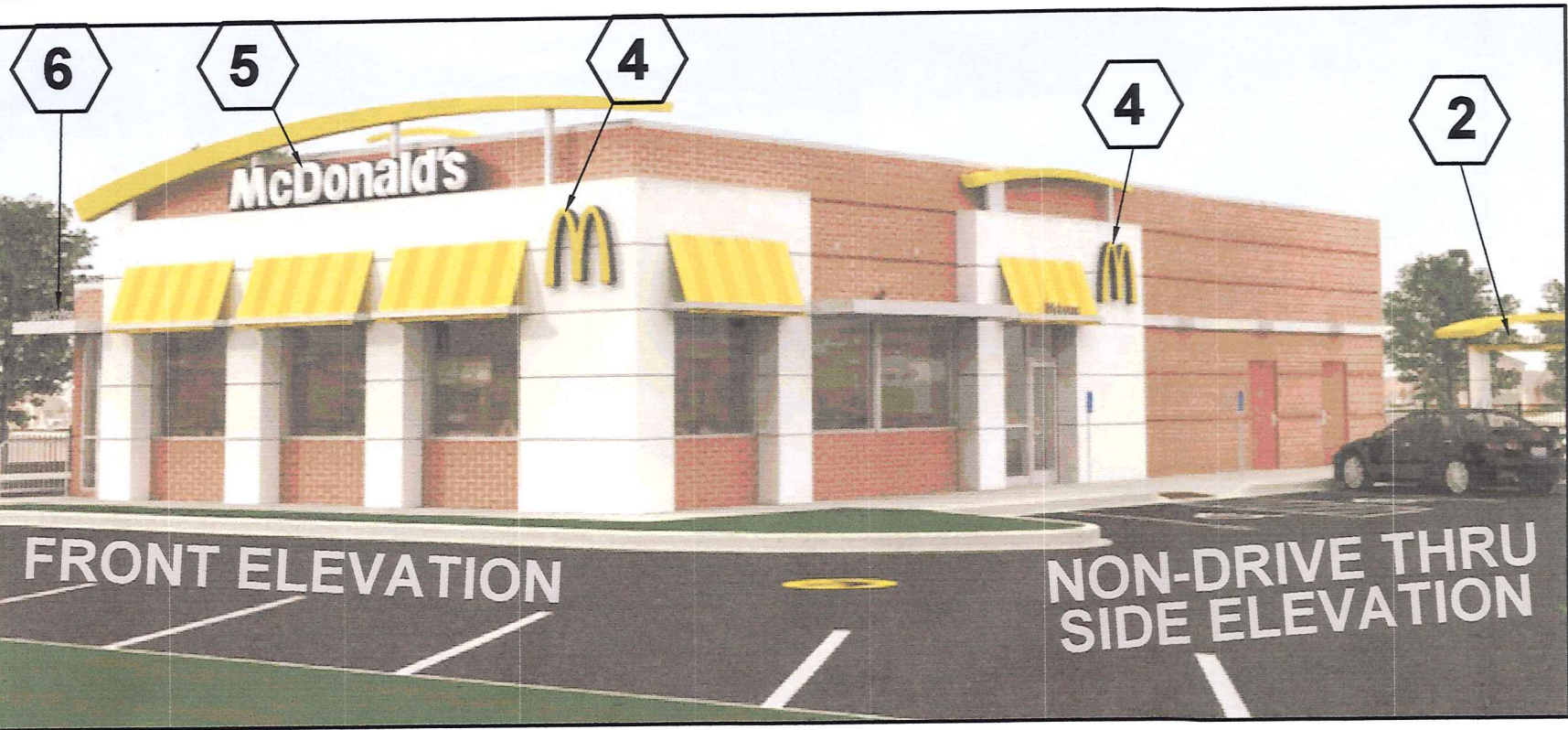
EXHIBIT NO. 6



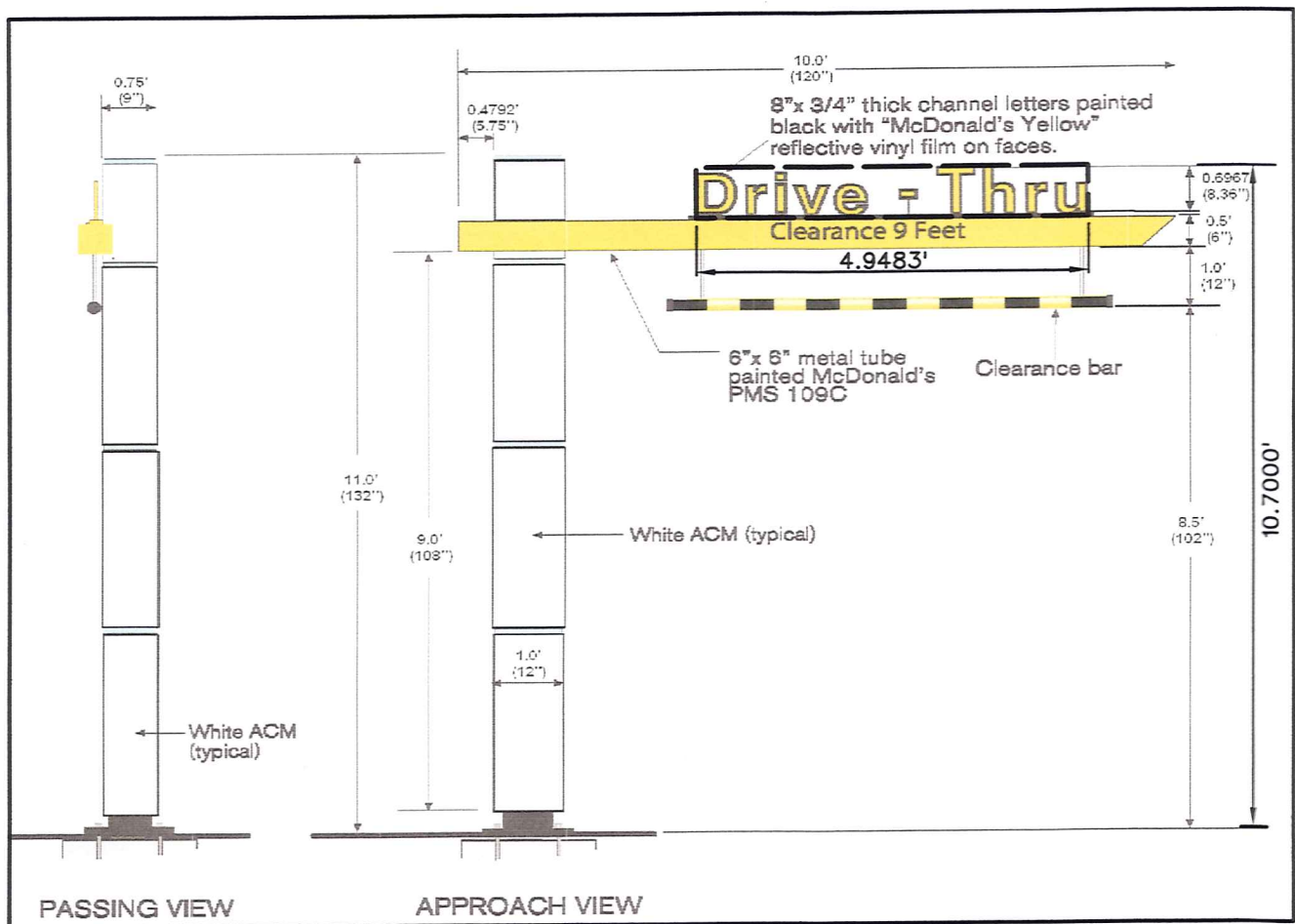
1. CASE #98-72-A:
PETITION FOR ZONING VARIANCE FROM SECTION 409.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR) TO PERMIT 50 PARKING SPACES IN LIEU OF THE REQUIRED 69. THE VARIANCE WAS GRANTED ON 10/01/97.
2. CASE #2010-0236-A:
ZONING VARIANCES FROM SECTIONS: 409.6.A.2; 409.10(B); 409.11; AND 409.4(C) OF THE BALTIMORE COUNTY ZONING REGULATIONS WERE GRANTED ON APRIL 27, 2010. SEE THIS SHEET FOR DETAILS.

1. LIMITED EXEMPTION UNDER SECTION 26-171(A) (7) FOR ADDITION OF 256 SF TO EXISTING 2904 SF BUILDING WAS APPROVED BY DRC ON MAY 16, 1997.
2. LIMITED EXEMPTION UNDER SECTION 34-4-106(b)(8) WAS APPROVED BY DRC ON MAY 11, 2010. DRC #042710B.
3. PROJECT WAS PRESENTED TO THE DESIGN REVIEW PANEL AND APPROVED ON SEPTEMBER 20, 2010. DRP #520.
DISPOSITION: A MOTION WAS MADE BY MR. PARTS TO APPROVE THE PROJECT AS PRESENTED, WITH NO CHANGES TO THE EXISTING FREESTANDING SIGN. THIS MOTION WAS SECONDED BY MS. WESTERHOUT AND APPROVED BY ACCLAMATION AT 6:26 P.M.

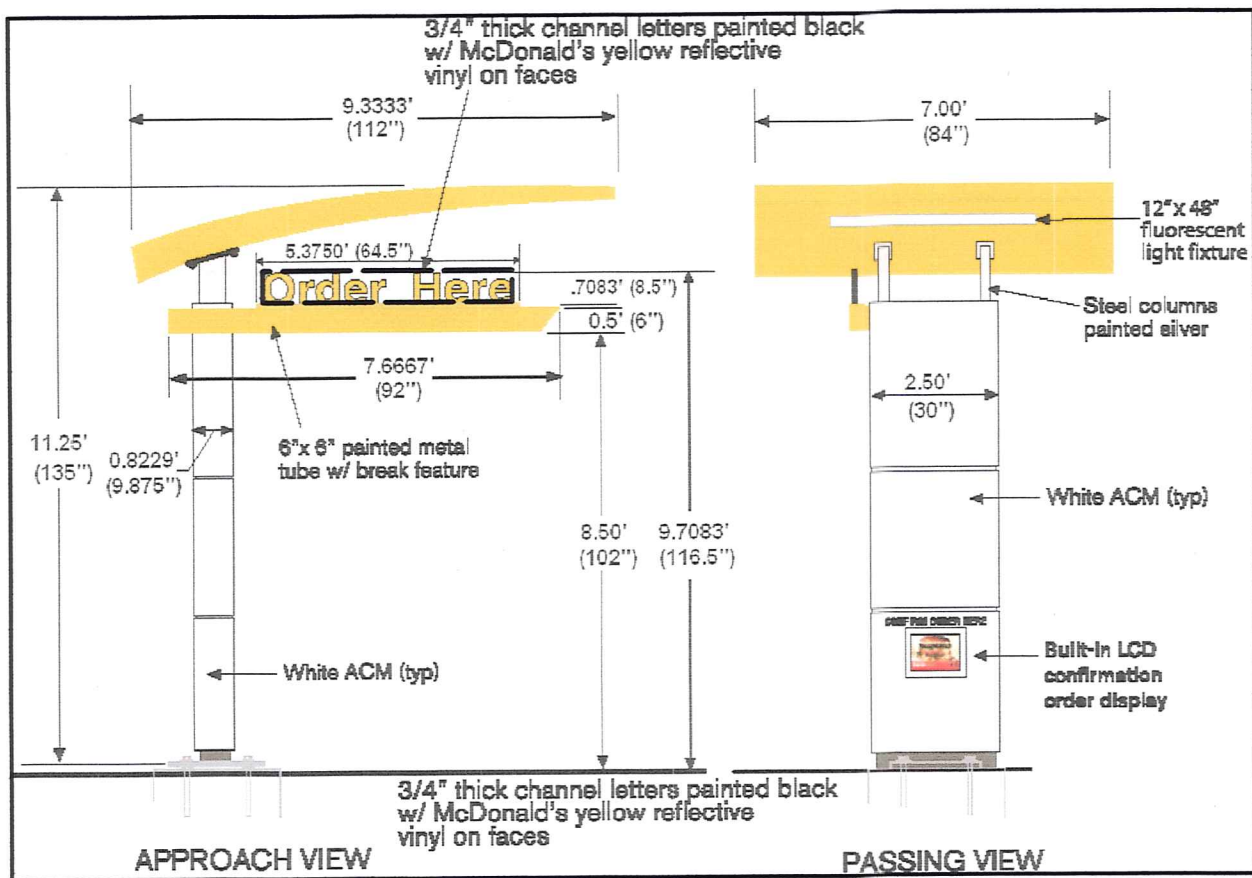
2011-0245-A



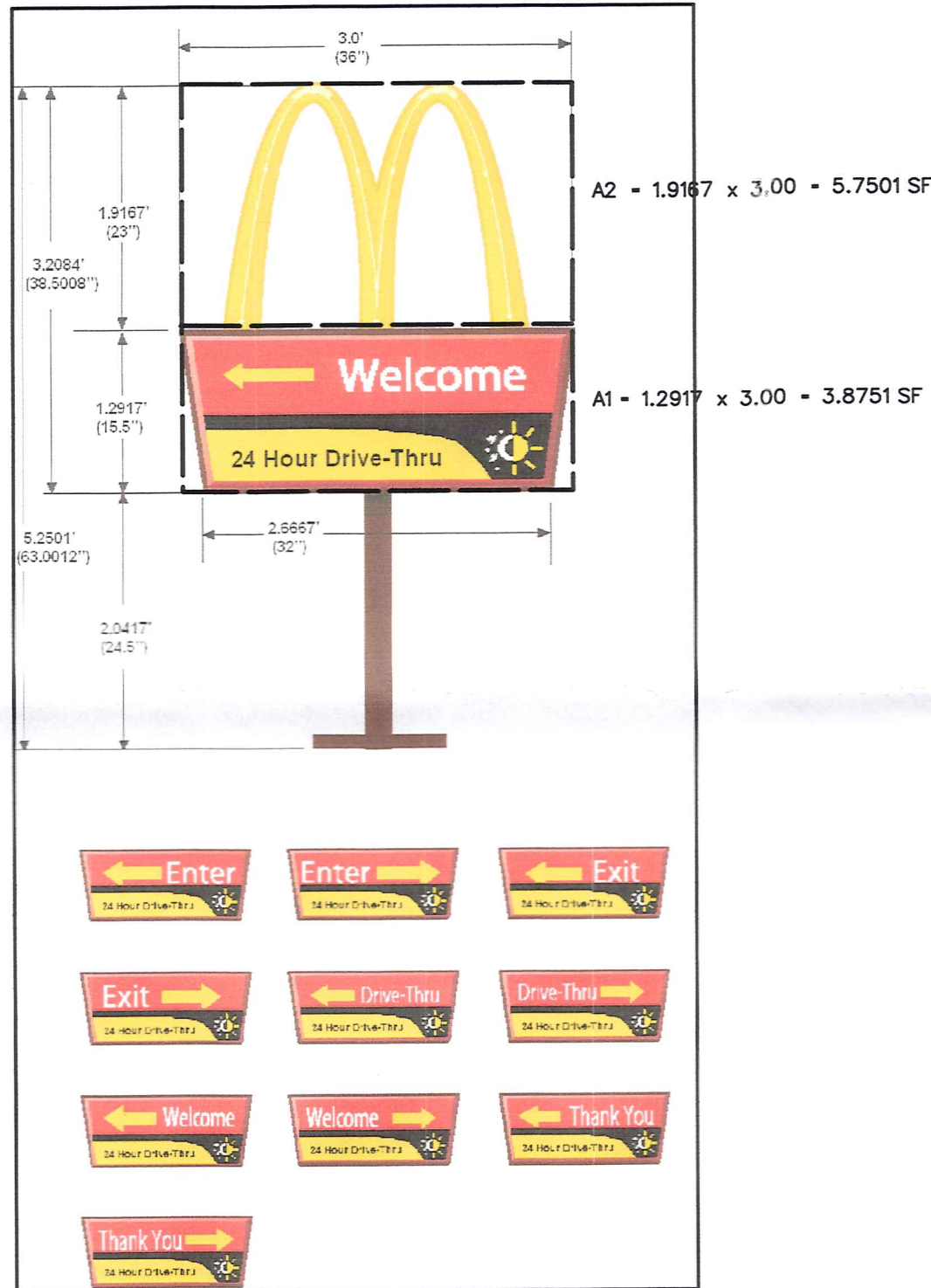
1	WELCOME POINT GATEWAY	
	CLASS:	DIRECTIONAL
	STRUCTURAL TYPE:	FREESTANDING
	FACE AREA:	0.6967' x 4.9483' = 3.447 SF
	QUANTITY:	1
	HEIGHT:	10.6967 FT.
	ILLUMINATION:	NO



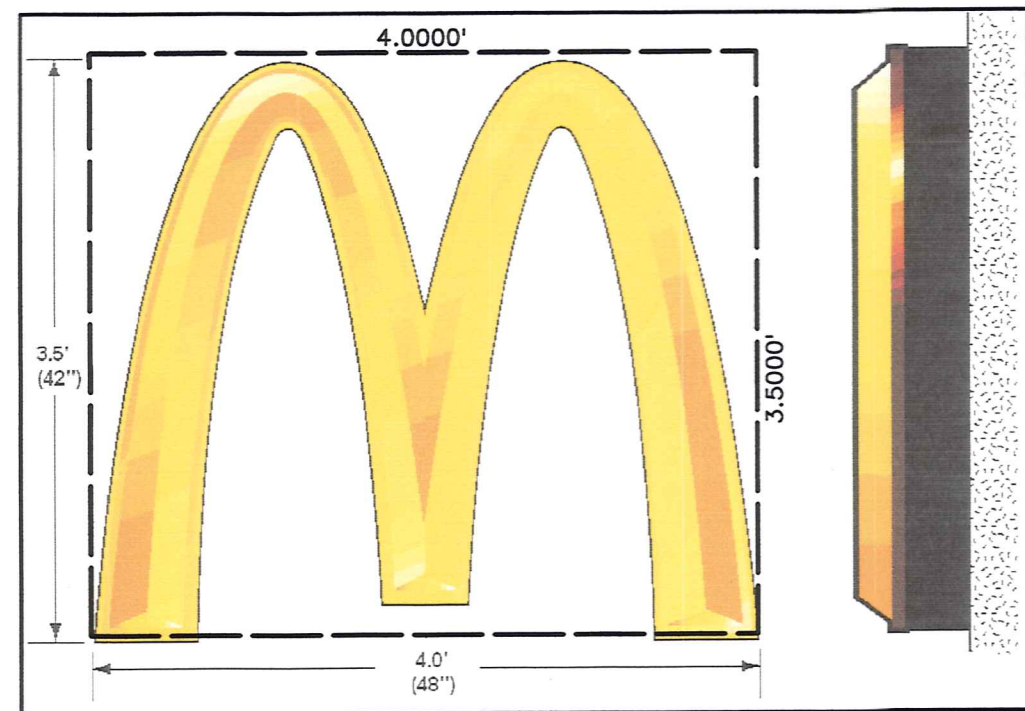
2	DRIVE-THRU TWIN POLE CANOPY	
	CLASS:	DIRECTIONAL
	STRUCTURAL TYPE:	FREESTANDING
	FACE AREA:	5.3750' x 0.7083' = 3.8000 SF
	QUANTITY:	2
	HEIGHT:	9.7083 FT.
	ILLUMINATION:	NO



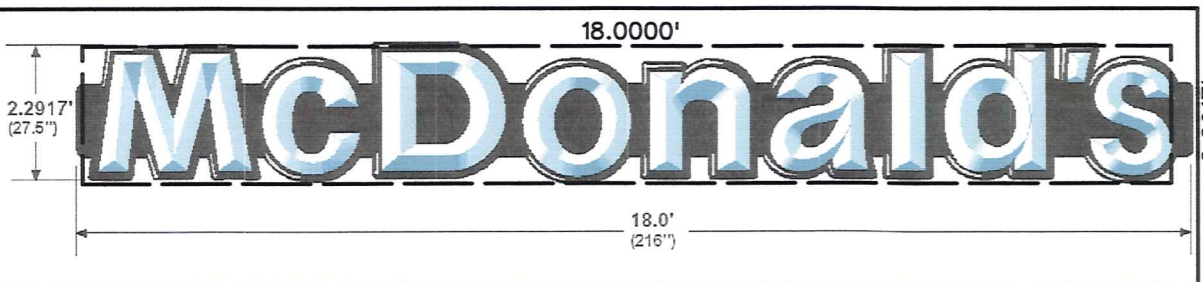
3	DIRECTIONAL SIGN WITH ARCH	
	CLASS:	DIRECTIONAL
	STRUCTURAL TYPE:	FREESTANDING
	FACE AREA:	3.2084' x 3.0000' = 9.6252 SF
	QUANTITY:	4
	HEIGHT:	5.2501 FT.
	ILLUMINATION:	YES
	EXISTING SIGNS	



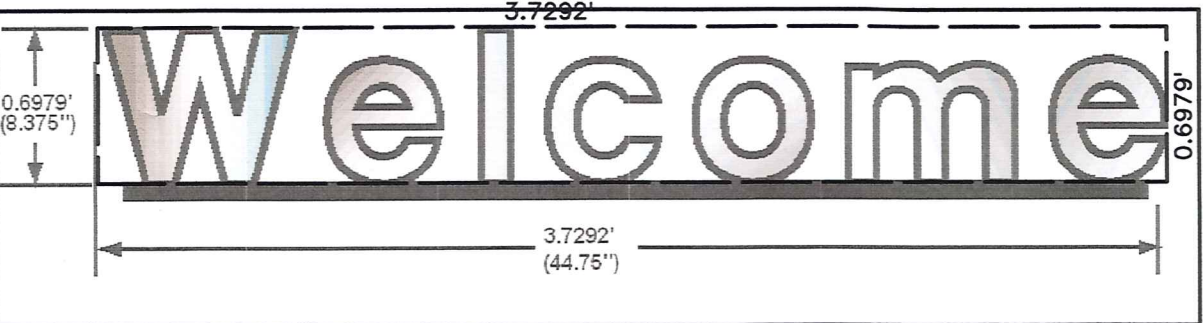
4	42" ILLUMINATED ARCH LOGO	
	CLASS:	ENTERPRISE
	STRUCTURAL TYPE:	WALL-MOUNTED
	FACE AREA (BOXED):	4.0000' x 3.5000' = 14.0000 SF
	QUANTITY:	3
	HEIGHT:	N/A
	ILLUMINATION:	YES



5	UNIBODY ELEMENT	
	CLASS:	ENTERPRISE
	STRUCTURAL TYPE:	WALL-MOUNTED
	FACE AREA:	18.0000' x 2.2917' = 41.2506 SF
	QUANTITY:	1
	HEIGHT:	N/A
	ILLUMINATION:	YES



6	WELCOME LETTERS	
	CLASS:	DIRECTIONAL
	STRUCTURAL TYPE:	CANOPY
	FACE AREA:	3.7292' x 0.6979' = 2.6026 SF
	QUANTITY:	1
	HEIGHT:	N/A
	ILLUMINATION:	NO



7	70-100 PYLON ROAD SIGN	
	CLASS:	ENTERPRISE
	STRUCTURAL TYPE:	FREESTANDING
	FACE AREA:	14.0000' x 14.1667' = 198.3338 SF
	QUANTITY:	1
	HEIGHT:	25.5 FT. +/-
	ILLUMINATION:	YES
	EXISTING ROAD SIGN TO REMAIN	



NOT SUBJECT TO THE VARIANCES
BEING REQUESTED HEREIN.

SIGNAGE DATA

I. ENTERPRISE SIGN ON THE BUILDING FACADES

- AREA / FACE OF THE ENTERPRISE SIGNS ON THE SINGLE FACADE:
 - FRONT FACADE (LENGTH = 44.25')
MAXIMUM AREA / FACE ALLOWED: 2 x 44.25 = 88.5 SF
AREA / FACE PROPOSED:
SIGN #5 = 41.2506 SF
SIGN #4 = 14.0000 SF
TOTAL = 55.2506 SF < 88.5 SF
 - NON-DRIVE-THRU FACADE (LENGTH = 77.0')
MAXIMUM AREA / FACE ALLOWED: 2 x 77.0 = 154.0 SF
AREA / FACE PROPOSED:
SIGN #4 = 14.0000 SF
TOTAL = 14.0000 SF < 154.0 SF
 - DRIVE-THRU FACADE (LENGTH = 84.7')
MAXIMUM AREA / FACE ALLOWED: 2 x 84.7 = 169.4 SF
AREA / FACE PROPOSED:
SIGN #4 = 14.0000 SF
TOTAL = 14.0000 SF < 169.4 SF
- NUMBER OF ENTERPRISE SIGNS:
 - NUMBER OF SIGNS PERMITTED:
THREE (3) ON PREMISES, NO MORE THAN TWO ON EACH FACADE.
 - NUMBER OF ENTERPRISE SIGNS PROPOSED:
SIGNS ON FRONT FACADE: 2 (SIGNS #4 & #5)
SIGN ON NON-DRIVE-THRU FACADE: 1 (SIGN #4)
SIGNS ON DRIVE-THRU FACADE: 1 (SIGN #4)
TOTAL NUMBER OF PROPOSED ENTERPRISE SIGNS: 4

II. ENTERPRISE FREESTANDING SIGN (SIGN #7 TO REMAIN)

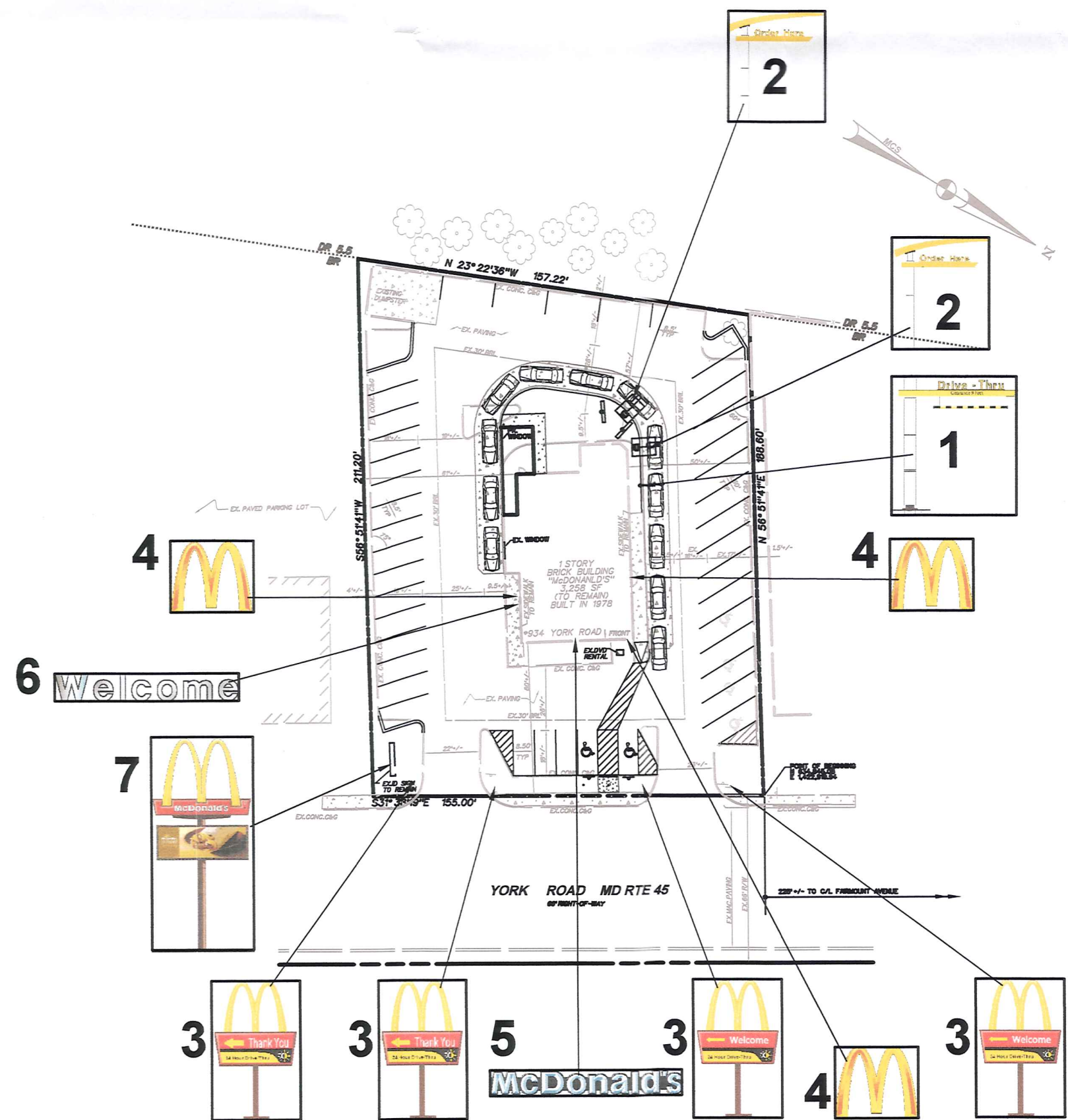
- MAX. AREA / FACE ALLOWED: 75 SF
- AREA / FACE OF EXISTING SIGN: 198.3338 SF +/-
- MAX. HEIGHT ALLOWED: 25 SF
- HEIGHT OF EXISTING SIGN: 25.5 SF
- MAX. NUMBER / PREMISES ALLOWED: 1 PER FRONTAGE
- NUMBER OF EXISTING SIGNS: 1 PER PREMISE

III. DIRECTIONAL SIGNS ON THE BUILDING FACADES

- MAX. AREA / FACE ALLOWED - 8 SF / SIGN
- AREA / FACE PROPOSED:
SIGN #6 = 2.60 SF < 8 SF ALLOWED
- STRUCTURAL TYPE ALLOWED: WALL-MOUNTED
STRUCTURAL TYPE PROPOSED:
SIGN #6 = CANOPY

IV. DIRECTIONAL FREESTANDING SIGNS

- MAX. AREA / FACE ALLOWED: 8 SF / SIGN
- AREA / FACE PROPOSED:
SIGN #1 = 3.4470 SF < 8 SF ALLOWED
SIGN #2 = 3.8000 SF < 8 SF ALLOWED
SIGN #3 = 9.6252 SF > 8 SF ALLOWED
- STRUCTURAL TYPE ALLOWED: FREESTANDING
STRUCTURAL TYPE PROPOSED: FREESTANDING (SIGNS #1, 2, 3)
- MAX. HEIGHT ALLOWED: 6 FT
MAX. HEIGHT PROPOSED:
SIGN #1 = 10.70 FT
SIGN #2 = 9.71 FT
SIGN #3 = 5.25 FT
- MAX. AREA ALLOWED OF COMPANY LOGO INCLUDED IN AREA OF SIGN: 30%
AREA OF COMPANY LOGO IN EXISTING SIGN AREA:
5.7501 SF / 9.6252 SF = 0.5974 x 100% = 59.74% > 30% ALLOWED (SIGNS #3)



NOTE:
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY
AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

DESIGN & DRAWINGS ARE
BASED ON MARYLAND
COORDINATE SYSTEM

BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

222 SCHILLING CIRCLE SUITE 105 • HUNT VALLEY, MARYLAND 21030
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM



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. 21245, EXPIRATION
DATE: JUNE 9, 2012.

OWNER

MCDONALD'S CORPORATION

BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3626

DEVELOPER / APPLICANT

MCDONALD'S CORPORATION

BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3626

DATE

ITEM

PLAT TO ACCOMPANY ZONING PETITION

**MCDONALD'S RESTAURANT
#934 YORK ROAD**

TOWSON, MARYLAND, 21204

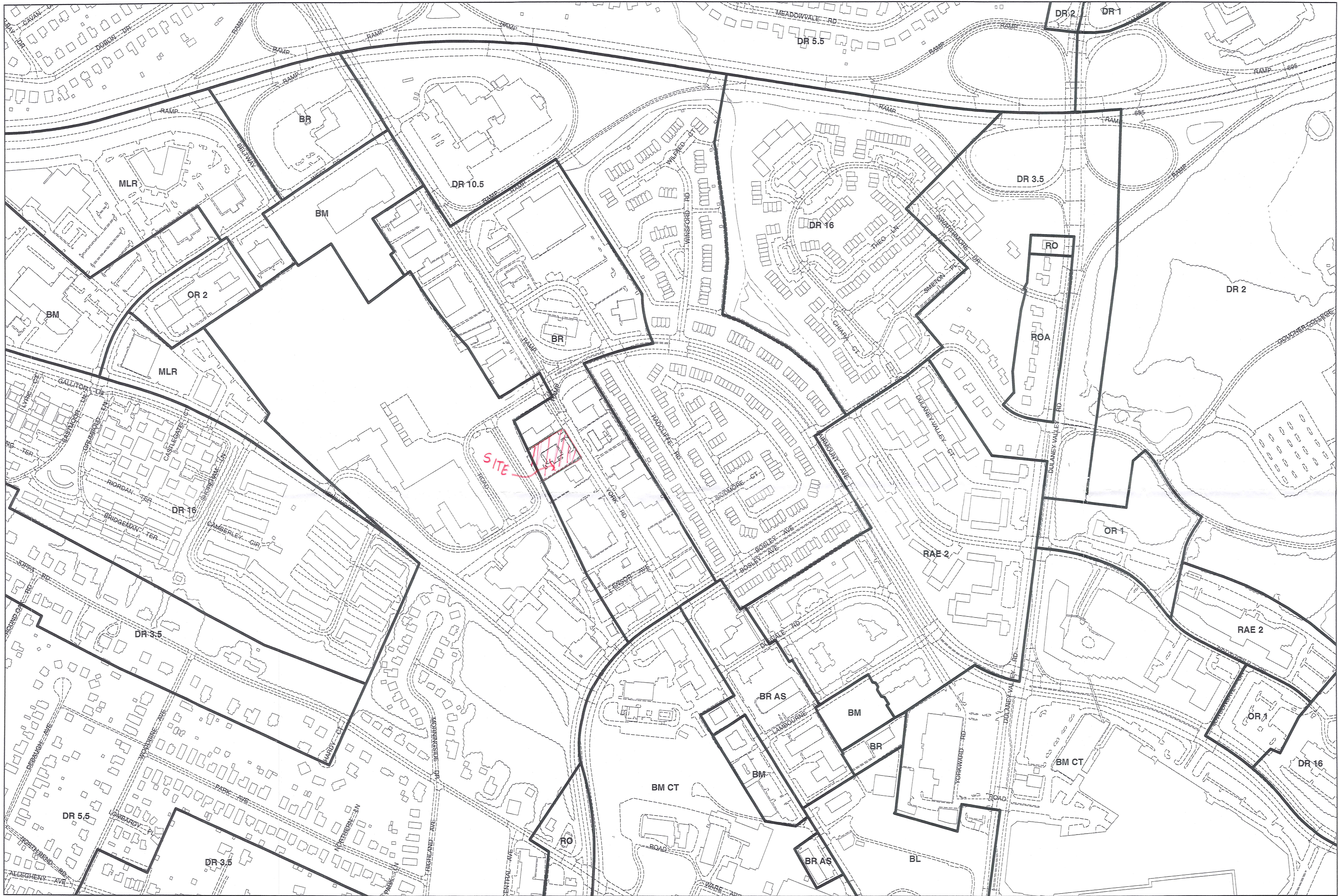
BALTIMORE COUNTY, MARYLAND
SCALE: NOT TO SCALE

ELECTION DISTRICT 9, C5
DATE: FEBRUARY 2, 2011

DRAWING NO.

V-2

SHEET 2 OF 2



Plan Sheet: 070A1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- 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

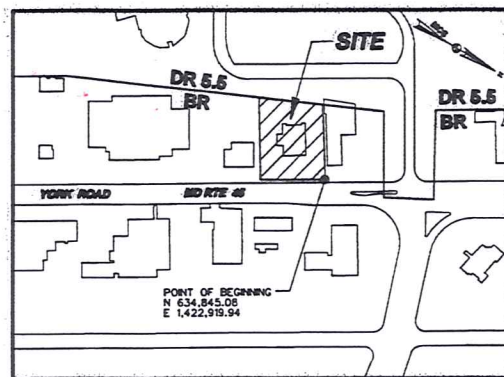
Scale

1" = 200'

0 100 200 400 Feet



Data Sources:
Planometric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008



ZONING MAP
MAP: 070 A11
SCALE: 1" = 200'

PREVIOUS ZONING HISTORY

- CASE #98-72-A: PETITION FOR ZONING VARIANCE FROM SECTION 409.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR) TO PERMIT 50 PARKING SPACES IN LIEU OF THE REQUIRED 69. THE VARIANCE WAS GRANTED ON 10/01/97.
- CASE #2010-0236-A: ZONING VARIANCES FROM SECTIONS 409.6.A.2; 409.10(B); 409.11 AND 409.4(C) OF THE BALTIMORE COUNTY ZONING REGULATIONS WERE GRANTED ON APRIL 27, 2010. SEE THIS SHEET FOR DETAILS.

DEVELOPMENT APPROVAL

- LIMITED EXEMPTION UNDER SECTION 26-171 (A) (7) FOR ADDITION OF 256 SF TO EXISTING 2904 SF BUILDING WAS APPROVED BY DRC ON MAY 16, 1997.
- LIMITED EXEMPTION UNDER SECTION 34-4-106(b)(1) WAS APPROVED BY DRC ON MAY 11, 2010. DRC #0427108.
- PROJECT WAS PRESENTED TO THE DESIGN REVIEW PANEL AND APPROVED ON SEPTEMBER 20, 2010. DRP #520. DISPOSITION: A MOTION WAS MADE BY MR. PARTS TO APPROVE THE PROJECT AS PRESENTED, WITH NO CHANGES TO THE EXISTING FREESTANDING SIGN. THE MOTION WAS SECONDED BY MS. WESTERHOUT AND APPROVED BY ACCLAMATION AT 6:26 P.M.

THEREFORE, IT IS ORDERED this 27th day of April, 2010 by this Deputy

Zoning Commissioner, that Petitioner's Variance requests as follows:

- From Section 409.6.A.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 42 parking spaces in lieu of the required 56 parking spaces; and
- From Section 409.10(B) of the B.C.Z.R. to permit a drive-thru lane to cross the principal pedestrian access to the restaurant; and
- From Section 409.11 of the B.C.Z.R. to allow exclusion of a separate loading area; and
- From Section 409.4(C) of the B.C.Z.R. to permit a one-way 12 foot drive aisle in lieu of the required 16 foot drive aisle.

be and are hereby GRANTED. The relief granted herein shall be subject to the following:

- Petitioner is advised that it 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner shall prepare a Landscape Plan for review and approval by the Office of Planning and Avery Harden, Landscape Architect, for the County.
- Petitioner shall place the text of the approved waiver of the Design Review Panel on the site plan.

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

Order.

Thomas H. Bostwick
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive
March 4, 2010

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

Mr. Vitek Zarski
Baltimore Land Design Group, Inc.
222 Schilling Circle, Ste 105
Hunt Valley, MD 21030

Re: McDonald's Restaurant
934 York Road

Dear Mr. Zarski:

Your request for an addition to the McDonald's building at 934 York Road to be considered a minor change and therefore not subject to review by the Baltimore County Design Review Panel has been APPROVED. Staff has reviewed your site and landscape plans and architectural elevations. You propose to enlarge the existing restaurant by 256 square feet to allow for a second drive-thru window. The addition that is proposed is not substantial and its location at the rear of the building will not be visible from York Road. The proposed Landscape Plan will upgrade the site. Therefore, the Office of Planning has determined that the proposal is not a substantial change or addition to an existing development plan and is therefore not subject to review by the Design Review Panel subject to the following:
A final landscape plan consistent with Sheet 1 of 1 shall be reviewed and approved by Avery Harden, Baltimore County Landscape Architect, prior to permit.

Should you have any questions concerning the matters stated herein, please call Lyns Lanham with the Office of Planning at 410-857-5450.

Sincerely,

Arnold F. "Pat" Keller, III
Arnold F. "Pat" Keller, III
Director

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. 21245, EXPIRATION DATE: JUNE 9, 2012.

OWNER
MCDONALD'S CORPORATION
BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3626

DEVELOPER / APPLICANT
MCDONALD'S CORPORATION
BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3626

DATE	ITEM

PLAT TO ACCOMPANY ZONING PETITION
MCDONALD'S RESTAURANT
#934 YORK ROAD
TOWSON, MARYLAND, 21204

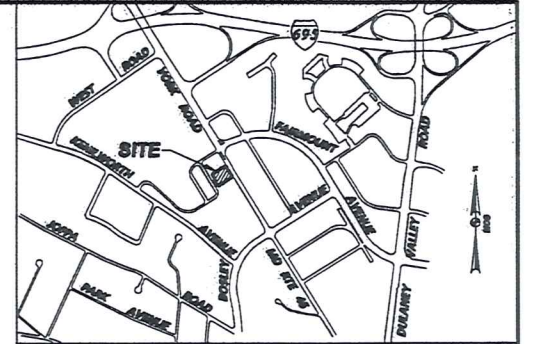
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT 9, C5
DATE: FEBRUARY 2, 2011

DRAWING NO.
V-1
SHEET 1 OF 2

LEGEND

- RIGHT-OF-WAY LINE
- PROPERTY LINE
- EX. STORM DRAIN
- EX. SANITARY SEWER, MANHOLE & CLEANOUT
- EX. WATER MAIN, VALVE & FIRE HYDRANT
- EX. TREE
- ZONING LINE
- EX. CONCRETE CURB & GUTTER TO BE REMOVED
- PR. CONC. CURB & GUTTER
- PR. PARKING SPACES



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

- SITE AREA = 30,971 SF OR 0.71AC
- OWNER: MCDONALD'S CORPORATION
BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
- TAX MAP REFERENCES:
TAX ACCT. #: 0904500840
MAP: 701 GRD: 01 PARCEL: 659
- DEED REFERENCE: 5881 / 226
- ELECTION DISTRICT: 09 COUNCILMANIC DISTRICT: 05
- EXISTING ZONING: BR, MAP #070A1
- EXISTING USE: MCDONALD'S RESTAURANT - 3,160 SF
PROPOSED USE: EX. MCDONALD'S RESTAURANT WITH 296 SF EXPANSION
TOTAL = 3,456 SF
- CENSUS TRACT: 480301
WATER SERVICE AREA: TOWSON FOURTH ZONE
SEWER SHED: 29
TRANSPORTATION ZONE: 0555, 0557
ZIP CODE: 21204
WATERSHED: LOCH RAVEN RESERVOIR
- MINIMUM SETBACK REQUIREMENTS (BR ZONE):
FRONT: 25 FT OR AVERAGE OF FRONT YARDS ON ADJACENT PROPERTIES
SIDE & REAR: 30 FT
- BUILDING HEIGHT:
EXISTING / PROPOSED: 20 FT
- FLOOR AREA RATIO:
MAX. PERMITTED: 2.0
PROPOSED: 3,456 SF / 30,971 SF = 0.11
- ADT: 550 / 1,000 SF
(3,456 SF) = 1,500 DAILY TRIPS
- STORM WATER MANAGEMENT: EXEMPT (LIMIT OF DISTURBANCE IS LESS THAN 5,000 SF)
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST.
- THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON SITE.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICES, UNLESS PERMITTED OTHERWISE BY THE BALTIMORE COUNTY.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION:
PREMISES IS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BALTIMORE COUNTY, MARYLAND COMMUNITY PANEL No. 240000265 F EFFECTIVE DATE: MARCH 2, 1981 AND DESIGNATED AS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- LIGHTING SHALL BE ERRECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL AREAS AND PUBLIC ROADS.

PARKING REQUIREMENTS

PARKING SPACES REQUIRED: 3,456 SF @ 16 PS / 1,000 SF = 56 P.S.

PARKING SPACES PROVIDED: 42 PS (INCL. 2 HDOP)

VARIANCE FROM SECTION 409.6.A.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS (CASE #2010-0236-A) HAS BEEN REQUESTED TO ALLOW 42 SPACES IN LIEU OF THE REQUIRED 56 SPACES AND GRANTED ON APRIL 27, 2010.

ZONING VARIANCE REQUESTS

- VARIANCE FROM SECTION 450.4 ATTACHMENT 1.3(VI) OF THE BCZR TO PERMIT A DIRECTIONAL SIGN OF 10.7 FEET IN HEIGHT IN LIEU OF THE PERMITTED 6 FT. (SIGN #1)
- VARIANCE FROM SECTION 450.4 ATTACHMENT 1.3(VI) OF THE BCZR TO PERMIT TWO (2) DIRECTIONAL SIGNS OF 9.7 FEET IN HEIGHT IN LIEU OF THE PERMITTED 6 FT. (SIGN #2)
- VARIANCE FROM SECTION 450.4 ATTACHMENT 1.3(VI) OF THE BCZR TO PERMIT A WALL-MOUNTED ENTERPRISE SIGN ON BUILDING FACADES IN LIEU OF THE PERMITTED 3 SIGNS. (SIGN #4, 5)
- VARIANCE FROM SECTION 450.4 ATTACHMENT 1.3(VI) OF THE BCZR TO PERMIT A CANOPY-TYPE DIRECTIONAL SIGN IN LIEU OF THE PERMITTED WALL-MOUNTED OR FREE-STANDING SIGN. (SIGN #6)
- VARIANCE FROM SECTION 450.5.B.3.b) OF THE BCZR TO PERMIT ERECTION OF THE SIGN ABOVE THE FACE OF THE CANOPY. (SIGN #6)
- VARIANCE FROM SECTION 450.4 ATTACHMENT 1.3(VI) OF THE BCZR TO PERMIT FOUR (4) FREESTANDING DIRECTIONAL SIGNS HAVING A FACE AREA OF 9.6252 SF IN LIEU OF THE PERMITTED 8 SF (SIGN #3)
- VARIANCE FROM SECTION 450.4 ATTACHMENT 1.3(VI) OF THE BCZR TO PERMIT FOUR (4) FREESTANDING DIRECTIONAL SIGNS HAVING A 59.74% OF COMPANY 1000 AREA IN THE TOTAL SIGN AREA IN LIEU OF THE PERMITTED 30% (SIGN #3)

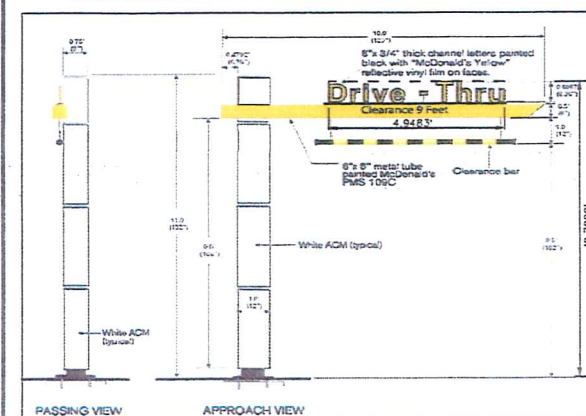
EXHIBIT

2

DESIGN & DRAWINGS ARE
BASED ON MARYLAND
COORDINATE SYSTEM

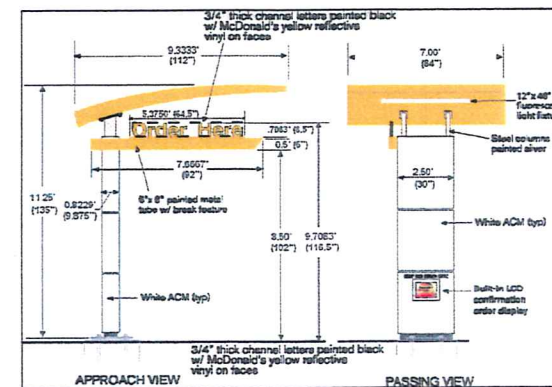


1	WELCOME POINT GATEWAY	
	CLASS:	DIRECTIONAL
	STRUCTURAL TYPE:	FREESTANDING
	FACE AREA:	0.6967' = 4.9483' x 3.447 SF
	QUANTITY:	1
	HEIGHT:	10.695 FT.
	ILLUMINATION:	NO

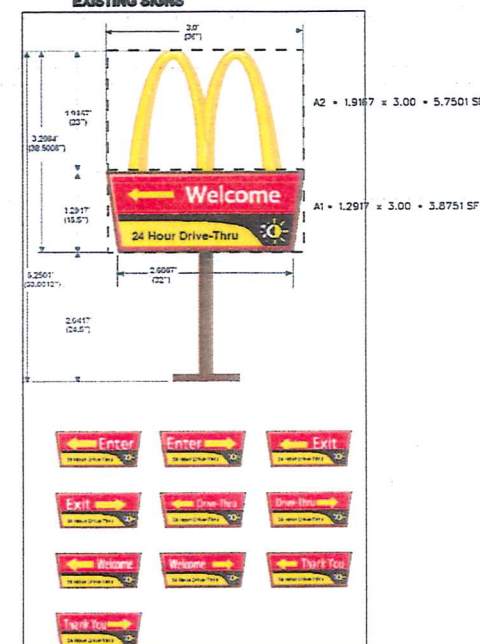


NOTE:
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY
AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

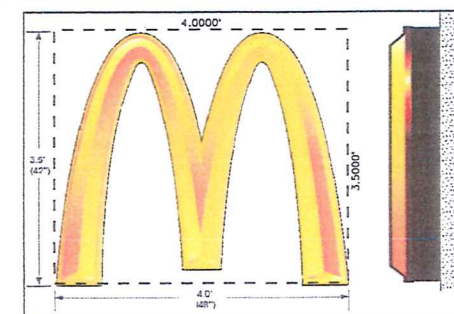
2	DRIVE-THRU TWIN POLE CANOPY
	CLASS: DIRECTIONAL
	STRUCTURAL TYPE: FREESTANDING
	FACE AREA: 5.3740' x 0.7083' = 3.8000 SF
	QUANTITY: 2
	HEIGHT: 9.7083 FT.
	ILLUMINATION: NO



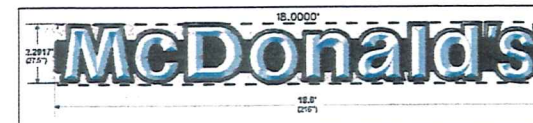
3	DIRECTIONAL SIGN WITH ARCH	
	CLASS:	DIRECTIONAL
	STRUCTURAL TYPE:	REFRUSTANDING
	FACE AREA:	3.2084' x 3.0000' = 9.6252 SF
	QUANTITY:	4
	HEIGHT:	5.2501 FT.
	ILLUMINATION:	YES



4	42" ILLUMINATED ARCH LOGO	
	CLASS:	ENTERPRISE
	STRUCTURAL TYPE:	WALL-MOUNTED
	FACE AREA (BOXED)	4.0000' x 3.5000' = 14.0000 SF
	QUANTITY:	3
	HEIGHT:	N/A
	ILLUMINATION:	YES



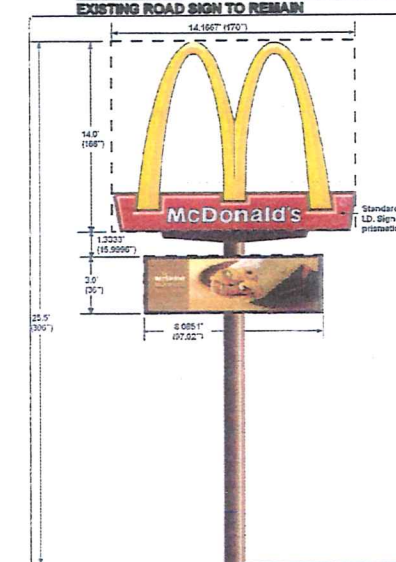
5	UNIBODY ELEMENT	
	CLASS:	ENTERPRISE
	STRUCTURAL TYPE:	WALL-MOUNTED
	FACE AREA:	18,000" x 2,221" = 41,2506 SF
	QUANTITY:	1
	WEIGHT:	N/A
	ILLUMINATION:	YES



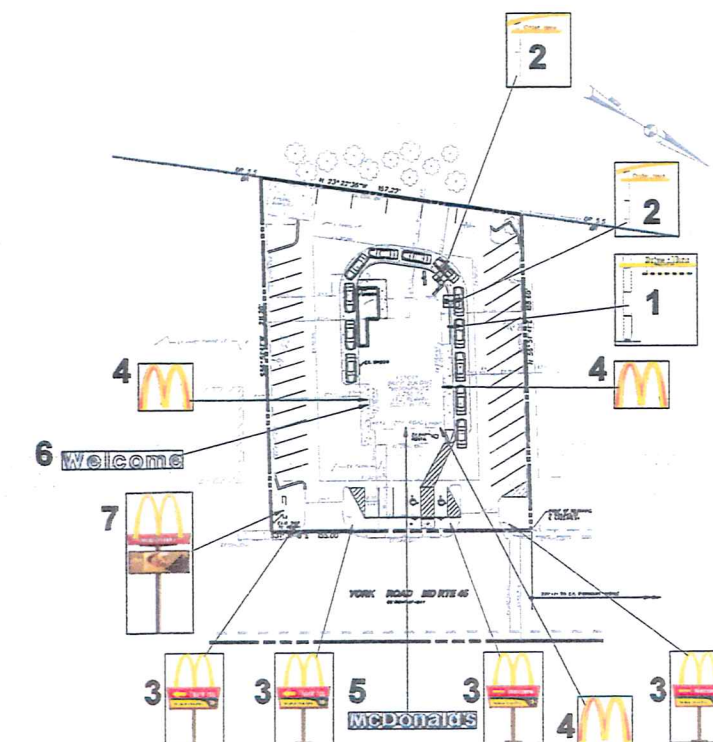
6	WELCOME LETTERS	
	CLASS:	DIRECTIONAL
	STRUCTURAL TYPE:	CANOPY
	FACE AREA:	3.729' x 0.6979' = 2.6026 SF
	QUANTITY:	1
	HEIGHT:	N/A
	ILLUMINATION:	NO



7	70-100 PYLON ROAD SIGN	
	CLASS:	ENTERPRISE
	STRUCTURAL TYPE:	PRESTANDING
	FACE AREA:	14.0000' x 14.1667' = 198.3338 SF
	QUANTITY:	1
	HEIGHT:	25.5 FT. +/-
ILLUMINATION:		YES



☐ NOT SUBJECT TO THE VARIANCE
BEING REQUESTED HEREIN.



SIGNAGE DATA

1. ENTERPRISE SIGN ON THE BUILDING FACADES

1. AREA / FACE OF THE ENTERPRISE SIGNS ON THE SINGLE FACE:
- A. FRONT FACE (LENGTH = 44.25')
MAXIMUM AREA / FACE ALLOWED = 2 x 44.25 = 88.5 SF
AREA / FACE PROPOSED:
SIGN #5 = 41.75 SF
SIGN #4 = 14.0000 SF
TOTAL = 55.7506 SF < 88.5 SF
- B. NON-DRIVE-THRU FACE (LENGTH = 77.0')
MAXIMUM AREA / FACE ALLOWED = 2 x 77.0 = 154.0 SF
AREA / FACE PROPOSED:
SIGN #4 = 14.0000 SF
TOTAL = 14.0000 SF < 154.0 SF
- C. DRIVE-THRU FACE (LENGTH = 84.7')
MAXIMUM AREA / FACE ALLOWED = 2 x 84.7 = 169.4 SF
AREA / FACE PROPOSED:
SIGN #4 = 14.0000 SF
TOTAL = 14.0000 SF < 169.4 SF

2. NUMBER OF ENTERPRISE SIGNS:

- A. NUMBER OF SIGNS PERMITTED:
THREE (3) ON PREMISES, NO MORE THAN TWO ON EACH FACADE.
- B. NUMBER OF ENTERPRISE SIGNS PROPOSED:
SIGNS ON FRONT FACADE: 2 (SIGNS #4 & #5)
SIGN ON NON-DRIVE-THRU FACADE: 1 (SIGN #4)
SIGNS ON DRIVE-THRU FACADE: 1 (SIGN #4)
TOTAL NUMBER OF PROPOSED ENTERPRISE SIGNS: 4

II. ENTERPRISE FREESTANDING SIGN: (SIGN #7 TO REMAIN)

1. MAX. AREA / FACE ALLOWED: 75 SF
2. AREA / FACE OF EXISTING SIGN: 198.3338 SF +/-
4. MAX. HEIGHT ALLOWED: 25 SF
5. HEIGHT OF EXISTING SIGN: 25.5 SF

III. DIRECTIONAL SIGNS ON THE BUILDING FACADES

1. MAX. AREA / FACE ALLOWED - 8 SF / SIGN
2. AREA / FACE PROPOSED:
SIGN #6 - 2.50 SF < 8 SF ALLOWED
3. STRUCTURAL TYPE ALLOWED: WALL-MOUNTED
STRUCTURAL TYPE PROPOSED:
SIGN #6 - CANOPY

IV. DIRECTIONAL FREESTANDING SIGNS

1. MAX. AREA / FACE ALLOWED: 8 SF / SIGN
2. AREA / FACE PROPOSED:
SIGN #1 = 3.470 SF < 8 SF ALLOWED
SIGN #2 = 3.800 SF < 8 SF ALLOWED
SIGN #3 = 9.625 SF > 8 SF ALLOWED
3. STRUCTURAL TYPE ALLOWED: FREESTANDING
STRUCTURAL TYPE PROPOSED: FREESTANDING (SIGNS #1, 2, 3)
4. MAX. HEIGHT ALLOWED: 6 FT
MAX. HEIGHT PROPOSED:
SIGN #1 = 10.70 FT
SIGN #2 = 9.71 FT
SIGN #3 = 5.25 FT
5. MAX. AREA ALLOWED OF COMPANY LOGO INCLUDED IN AREA OF SIGN: 30%
AREA OF COMPANY LOGO IN EXISTING SIGN AREA:
SIGN #1 = 9.625' x 0.597' x 100' = 59.74% > 30% ALLOWED (SIGNS #3)