

IN RE: PETITION FOR SPECIAL HEARING *

E side of Belair Road; 87 feet SW of
Belair Road and Rossville Boulevard
14th Election District
6th Council District
(7927 Belair Road)

FP Sub, LLC, *Legal Owner*
McDonald's USA, LLC,
Contract Purchaser
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

CASE NO. 2012-0186-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by FP Sub, LLC, the legal property owner, and McDonald's USA, LLC, the contract purchaser, the ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a free standing enterprise sign with an electronic message board on a pad site within a shopping center in addition to the permitted shopping center joint identification signs. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requested relief were Lee May and Jerry Rush, on behalf of McDonald's, USA, LLC, and Iwona Zarska and Valek Zarski, with Baltimore Land Design Group, Inc., the firm who prepared the site plan. Stanley S. Fine, Esquire and Caroline L. Hecker, Esquire, appeared as Counsel for the Petitioner. There were no Protestants or other persons present, and the file does not contain any letters of protest or opposition from neighboring owners.

ORDER RECEIVED FOR FILING

Date 3-20-12

By [Signature]

It should be noted that this matter came before me as a result of an internal review by the Office of Zoning Review which revealed a violation with the illegal freestanding sign. A Code Inspections and Enforcement Correction Notice¹ was issued to the Petitioners on February 2, 2012, for failure to meet the maintenance requirements stated in Section 450.6.C (Permit or Special Exception is required when changing from manual to electronic reader). Hence, Petitioners filed the instant Petition to cure this technical defect.

Testimony and evidence revealed that the subject property is the site of a McDonald's fast food restaurant located on the corner of Belair Road and Rossville Boulevard in Fullerton. This McDonald's was recently renovated and has now re-opened. A new sign has been installed, which replaced the old freestanding sign that was on the premises when the site was a Roy Rogers. With the addition of the changeable copy electronic message board, the Special Hearing relief is needed to legitimize the sign.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

After due consideration of the evidence presented, I am persuaded to grant the special hearing relief. The Special Hearing can be granted without any injury to the public and will have no adverse impacts on the surrounding community.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners' special hearing request should be granted.

¹ Case No: CO-0105541

ORDER RECEIVED FOR FILING

Date 3-20-12

2

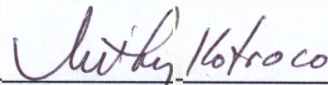
By [Signature]

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 20th day of March, 2012 that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a free standing enterprise sign with an electronic message board on a pad site within a shopping center in addition to the permitted shopping center joint identification signs, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

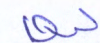
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/dlw

ORDER RECEIVED FOR FILING

Date 3-20-12

By 



KEVIN KAMENETZ
County Executive

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

March 20, 2012

Stanley S. Fine, Esquire
Caroline L. Hecker, Esquire
Rosenberg, Martin, Greenberg, LLP
25 South Charles Street, Suite 2115
Baltimore, Maryland 21201-3305

RE: Petition for Special Hearing
Case No. 2012-0186-SPH
(7927 Belair Road)

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw
Enclosure

c: Ryan Fisher, Code Enforcement Officer, Division of Code Inspections & Enforcement,
Department of Permits, Approvals, and Inspections



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7927 Belair Road which is presently zoned BR

Deed References: 19892/329 10 Digit Tax Account # 1900001407

Property Owner(s) Printed Name(s) FP SUB, LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

See attached

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

McDonald's USA, LLC

Name- Type or Print

Lee May

Signature

6903 Rockledge Drive, Suite 1000

Bethesda MD

Mailing Address

City

State

20817 301-651-9998 Lee.May@us.mcd.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

FP SUB, LLC

Name #1 - Type or Print

Name #2 - Type or Print

See Attached

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Gordon D. Fronk

Name- Type or Print

Gordon D. Fronk

Signature

208 East Dover Street, Easton MD 21601

Mailing Address

City

State

410-823-7966 gfronk@fronklaw.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lee May, Area Construction Mgr.

Name- Type or Print

Lee May

Signature

6903 Rockledge Drive, Ste 1100

Bethesda MD 20817

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0186-SPH Filing Date 2/9/12

Do Not Schedule Dates:

Reviewer LM

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 3-20-12

By LM

Petition for Zoning Hearing

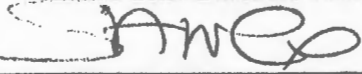
7927 Belair Road

McDonald's USA, LLC

**Special Hearing for Freestanding Enterprise Sign to be located within McDonald's
Lease Area**

FP SUB, LLC

By: Kimco SEB Business Trust, Managing Member

By: 

Name: ~~Wilbur E. Simmons, III~~ STUART W. COX

Title: Vice President

0186

Case Number: 2012-0186-SPH

Proposed Zoning:

To approve a free standing Enterprise Sign on a Pad Site within a Shopping Center in addition to the permitted Shopping Center Joint ID Signs.

FOR SPECIAL HEARING – BALTIMORE COUNTY MD

Petition for Variance was filed by the Lessee of the subject property, in conjunction with the demolition of the original building and rebuild of a new restaurant in its place, in response to which Honorable Timothy M. Kotroco, Administrative Law Judge for Baltimore County, issued an Opinion and Order, in Case No. 2011-0343-A, which granted the relief requested by permitting variances from certain provisions of B.C.Z.R. Section 409 respecting parking and Section 450.4 respecting signage mounted on the McDonald's Restaurant. In the Opinion and Order, Judge Kotroco identified the property as the McDonald's pad site. As Petitioner has had the intention to submit a blanket petition to seek permission for all McDonald's restaurants on pad sites in shopping centers to have free-standing enterprise signs, the initial Petition, in Case No. 2011-0343-A, intentionally did not include a request for a Special Hearing to permit a free-standing enterprise sign on the subject property.

Unbeknownst to the Petitioner and unaware that there was any reason to not upgrade the existing free-standing sign with an electronic sign board, the Operator/Franchisee, Jerry Rush, sought, on his own, to secure a sign permit and cause a new electronic sign board to be installed on the original pole, which has been located on the property for approximately 20 years.

At Mr. Rush's request, Building Permit Number B771862 was applied for and issued to Robert H. Brooks, of Alger Electric, perhaps acting on behalf of J&M Services, Inc., on September 26, 2011, for the upgrade of the existing free-standing manual reader board sign. Neither Mr. Brooks nor Mr. Rush nor apparently the representative of the Department of Permits, Approvals and Inspections, knew that such enterprise sign is a non-conforming use, and that the permit should not have been issued. Accordingly, when its existence was brought to its attention, the Baltimore County Zoning Review Office rescinded the permit as of February 1, 2012, and advised that a Special Hearing is required for any free-standing sign on a pad site.

Mr. Rush had complied with the law to secure a permit and has expended approximately \$30,000 to have the sign installed. He is seeking that permission be granted to allow him to keep the sign.

The Petitioner submits that the original sign, issued pursuant to BCZR Section 413 was necessary in order to identify the location of the McDonald's Restaurant to passersby and that the original pole and McDonald's Golden Arch sign is remaining in place and is not being changed. The only change is to remove the manual reader board and install the electronic reader board on the same pole immediately under the Golden Arches. The sign is necessary due to the unique topographical conditions of the property situated at the intersection of Rossville Boulevard and Belair Road. The Property is well below grade at the intersection, making visibility of the McDonald's restaurant very difficult. The visibility of the site to motorists traveling along Belair Road is obstructed by the grade change along the side of Belair Road, as well as by the many other commercial establishments located along this portion of Belair Road. As a result, this free-standing enterprise sign is necessary in order for the restaurant to be visible to passersby and in order to safely direct traffic in and around the McDonald's pad site. In addition, such signs are McDonald's standard signage plan and the restaurant at this location would deviate from the standard style of other McDonald's restaurants, if the proposed sign were

0186

not permitted. The dimension of the sign is less than 75 square feet, so that it is in compliance with the size of a free-standing sign, which would be permitted on a lot having less than 300 feet of road frontage, and the pole does not exceed 25 feet in height.

The denial of the right to retain the sign would impose an undue hardship on the Petitioner because the McDonald's Restaurant would not be readily identifiable from a reasonable distance as motorists are traveling along Belair Road, and would create an unsafe condition, as motorists may seek to traverse lanes near the intersection in order to drive into the McDonald's Restaurant.

#0186

**DESCRIPTION TO ACCOMPANY PETITION
FOR SPECIAL HEARING
7927 BELAIR ROAD
BALTIMORE COUNTY, MARYLAND
14TH ELECTION DISTRICT; 6TH COUNCILMANIC DISTRICT**

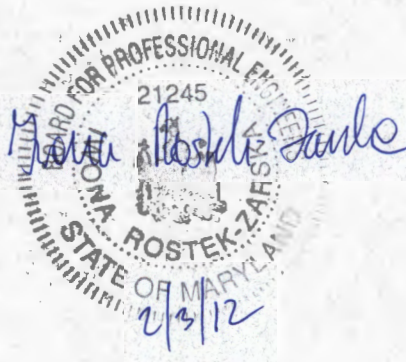
February 3, 2012

Beginning at the point located on the east side of Belair Road having the variable width of the right-of-way, said point being located southwesterly 87 feet, more or less, from the intersection of centerlines of Belair Road with Rossville Boulevard, thence running the following courses and distances:

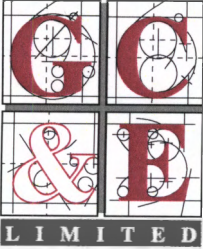
1. North 83° 35' 28" East, 40.62 feet; thence,
2. South 50° 03' 11" East, 58.99 feet; thence,
3. Along the curve to the left having a radius of 250.00 feet, 70.95 feet; thence,
4. Along the curve to the right having a radius of 250.00 feet, 35.87 feet; thence,
5. South 40° 03' 06" West, 195.51 feet; thence,
6. North 49° 56' 54" West, 193.30 feet; thence
6. Along the curve to the right, having a radius of 11,386.16 feet, 148.23 feet, to the point of beginning.

Containing 34,571 square feet or 0.794 acres, more or less.

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



2012-0186-SPH



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case# 2012-0186-SPH

OWNER: FP Sub, LLC

CONTRACT PURCHASER/ OWNER:
McDonalds USA, LLC

DATE OF HEARING: March 19, 2012

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: 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

(see page 2 for full size photo)

LOCATION:
7927 Belair Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: February 29, 2012

ZONING NOTICE

CASE #2012-0186-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 205, Jefferson Building
105 West Chesapeake Avenue, Towson 21204

TIME: Monday, March 19, 2012 at 11:00 AM

DATE :

Special Hearing

To approve a freestanding enterprise sign on a pad
site within a shopping center in addition to the
permitted shopping center joint ID signs.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-1399 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

**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: # 2012-0186-SPH
7927 Belair Road
E/s of Belair Road, 87 feet
s/w of the intersection of
Belair Road and Rossville
Boulevard
14th Election District
6th Councilmanic District
Legal Owner(s): FP Sub, LLC
Contract Purchaser/Lessee:
McDonalds USA, LLC

Special Hearing: to ap-
prove a freestanding Enter-
prise Sign on a Pad Site
within a Shopping Center in
addition to the permitted
Shopping Center Joint ID
Signs.

Hearing: Monday, March
19, 2012 at 11:00 a.m. in
Room 205, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.

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

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

3/027 Mar 1

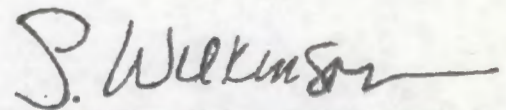
298386

CERTIFICATE OF PUBLICATION

3/1/, 2012

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 3/1/, 2012.

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



LEGAL ADVERTISING

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

No. **73632**

Date: **2/9/12**

PAID RECEIPT

BUSINESS DATE TIME
 02/09/2012 2:09:20 PM 05:00
 RED MEAS BALTIMORE MD
 VERILIFT # 000000 2/09/2012 05:00
 5.00 ZONING VERIFICATION
 CR NO. 073432
 Recpt 100 1000.00
 1000.00 0 1.00 GL
 Baltimore County, Maryland

		Rev		Sub							
		Source/		Rev/							
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS	Acct	Amount	
001	806	0000		6150						385.00	

Total: **385.00**

Rec From: **Low Office of Gordon D. Frank P.A.**

For: **McDonald's**
7927 Belair Rd
21236
2012-0186-SPH

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
February 21, 2012

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: 2012-0186-SPH

7927 Belair Road

E/s of Belair Road, 87 feet s/w of the intersection of Belair Road and Rossville Boulevard

14th Election District – 6th Councilmanic District

Legal Owners: FP Sub, LLC

Contract Purchaser/Lessee: McDonalds USA, LLC

Special Hearing to approve a freestanding Enterprise Sign on a Pad Site within a Shopping Center in addition to the permitted Shopping Center Joint ID Signs.

Hearing: Monday, March 19, 2012 at 11:00 a.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: Gordon Fronk, 208 East Dover St., Easton 21601

Lee May, McDonalds USA, 6903 Rockledge Dr., Ste. 1100, Bethesda 20817

Valek Zarski, 230 Schilling Circle, Ste. 336, Hunt Valley 21031

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 3, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 2, 2012 Issue - Jeffersonian

Please forward billing to:

Valek Zarski
230 Schilling Circle, Ste. 336
Hunt Valley, MD 21031

410-229-9851

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: 2012-0186-SPH

7927 Belair Road

E/s of Belair Road, 87 feet s/w of the intersection of Belair Road and Rossville Boulevard

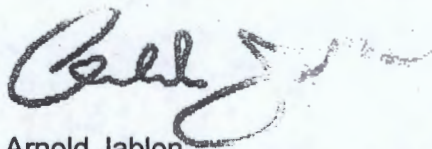
14th Election District – 6th Councilmanic District

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0186 SPH
Petitioner: EP SUB, LLC (McDONALD'S USA, LLC)
Address or Location: 7927 BELAIR ROAD, PARKVILLE, MD, 21236

PLEASE FORWARD ADVERTISING BILL TO:

Name: VALEK ZARSKI
Address: 230 SCHILLING CIRCLE, SUITE 336
HUNT VALLEY MARYLAND 21031
Telephone Number: 410-229-9851



KEVIN KAMENETZ
County Executive

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

March 12, 2012

Stuart M. Cox, VP
FP Sub LLC
7927 Belair Road
McDonald's USA LLC
Baltimore MD 21236

RE: Case Number: 2012-0186SPHA, Address: 7927 Belair Road

Dear Mr. Cox:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 9, 2012. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Lee May, Area Construction Manager, 6903 Rockledge Drive, Ste 1100, Bethesda, MD 20817
Gordon D Fronk Esquire, 208 East Dover Street, Easton, MD 21601

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-22-12

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0186-SPH
Special Hearing
FD Sub LLC
7927 Belair Road.
USI

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 2-22-12. A field inspection and internal review reveals that an entrance onto USI consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing. Case Number 2012-0186-SPH

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

TK
3/19/12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: March 5, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0186-SPH
Address 7927 Belair Road
(FP Sub, LLC Property)

Zoning Advisory Committee Meeting of February 20, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAR 05 2012

OFFICE OF ADMINISTRATIVE HEARINGS

M E M O R A N D U M

DATE: May 21, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0186-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on April 19, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
7927 Belair Road; E/S Belair Road, 87' S/W		
Intersection of Belair Road & Rossville Blvd.	*	OF ADMINISTRATIVE
14 th Election & 6 Councilmanic Districts		
Legal Owner(s): FP Sub LLC	*	HEARINGS FOR
Contract Purchaser(s): McDonald's USA LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-186-SPH

* * * * *

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 27 2012

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2012, a copy of the foregoing Entry of Appearance was mailed to Lee May, Area Construction Manager, 6903 Rockledge Drive, Suite 1100, Bethesda, MD 20817 and Gordon Fronk, Esquire, 208 East Dover Road, Easton, Maryland 21601, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT
ACTIVE VIOLATION CASE DOCUMENTS

2012-0186-SPH

CO0105541
7927 Belair Rd

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 7, 2012

TO: W. Carl Richards, Jr.

FROM: Lionel van Dommelen, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2012-0186-SPH
Legal Owner/Petitioner: FP Sub LLC
Property Address: 7927 Belair Rd
Location Description: E/S of Belair Road 87 feet s/w of the intersection of
Belair Road and Rossville Blvd

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date: Ryan Fisher

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Case No: CO0105541
Correction Notices
Citation
Photographs

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Kaitlyn Heinbach in Room 213 in order that the appropriate action may be taken relative to the violation case.

LvD/kh
C: Ryan Fisher, Code Enforcement Officer



CODE ENFORCEMENT

CORRECTION NOTICE

CASE NUMBER 105541	FA NUMBER 0207131	PROP. TAX ID 1900-001-407	ZONE
☒ Owner & ☒ Occupant ☐ Other			
NAME(S): FP SUB LLC			
MAILING ADDRESS: SUITE 100			
3333 NEW HYDE PARK RD			
CITY NEW HYDE PARK	STATE NY	ZIP CODE 11042	
VIOLATION ADDRESS: 7927 BELAIR RD			
CITY NOTTINGHAM	STATE MARYLAND	ZIP CODE 21236	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

- ☒ 431: Improper parked/illegal commercial vehicle(s)
- ☒ 450: Non permitted sign(s)
- ☒ 426: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) in residential zone
- ☐ 1B01.1D: Remove open dump/ junk yard
- ☐ 102.5: Residential site line violation /obstruction
- ☐ 101; 102.1: Remove contractors equip. storage yard
- ☐ 1B01.1, ZCPM: Cease service garage activities
- ☐ 402: Illegal conversion of dwelling
- ☐ 415A: License/ remove untagged recreation vehicle
- ☐ 415A: Improperly parked recreation vehicle
- ☐ 415A: One recreational vehicle per property
- ☐ 100.6: Non permitted livestock / fowl / poultry
- ☐ 408B: Non permitted rooming/ boarding house
- ☐ 1B01: Non permitted private kennel. Limit 3 dogs
- ☐ 101; 102.1; ZCPM: Illegal home occupation
- ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:

REMOVE ILLEGAL FREE-STANDING SIGN
BALTIMORE COUNTY CODE (B.C.C.)

- ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids
- ☐ 13-7-309; 13-7-310: Remove animal feces daily
- ☐ 13-7-310(a): Remove all trash & debris from property
- ☐ 13-7-312: Remove accumulations of debris, materials, etc
- ☐ 13-7-310(c): Cease all outside feeding of animals/birds
- ☐ 13-7-305: Cease rat harborage on premise
- ☐ 13-7-306: Eradicate all rat infestation on premise
- ☐ 13-7-112: Remove graffiti
- ☐ 35-2-301: Obtain building/ fence/ sign permit
- ☐ 35-6-105: Obtain rental housing license
- ☐ 18-2-608: Exceeding time limit, Temp. Storage Unit
- ☐ 35-2-206: Install address numbers to property or home
- ☐ IBC 115; BCBC 121: Remove/ Repair unsafe structure board and secure all openings to premise
- ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

LIVABILITY CODE (B.C.C.)

- ☐ 35-5-203: Condemnation of structure / equipment
- ☐ 35-5-208(a): Repair exterior structure
- ☐ 35-5-209(a): Repair interior structure
- ☐ 35-5-210 (a)(c): Provide proper lighting in structure
- ☐ 35-5-211(c): Repair plumbing defects to structure
- ☐ 35-5-212: Repair heating / cooking equipment
- ☐ 35-5-213: Provide fire and safety protection
- ☐ 35-5-231.1: Provide Carbon Monoxide detectors
- ☐ 35-5-214: Remove all accumulations & storage blocking egress, stairwells, passageways, doors, windows, etc

INVESTMENT PROPERTY (B.C.C.)

- ☐ 35-2-404(a)(1)(i): Remove hazardous / unsafe condition
- ☐ 35-2-404(a)(1)(iii): Repair roof / horizontal members
- ☐ 35-2-404(a)(1)(v): Repair ext. plaster / masonry
- ☐ 35-2-404(a)(1)(vii): Repair ext. construction (see below)
- ☐ 35-2-404(a)(1)(3): Repair / remove defective ext. sign(s)
- ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
- ☐ 35-2-404(a)(1)(iv): Repair exterior chimney
- ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof / foundations
- ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
- ☐ 35-2-404(a)(4)(i)(ii): Board & secure openings

OTHER VIOLATIONS OR REMARKS: **BCZR 450.8.C.2: FAILURE TO MEET THE MAINTENANCE REQUIREMENTS STATED IN SECTION 450.6.C (PERMIT OR SPECIAL EXCEPTION IS REQUIRED) WHEN CHANGING FROM MANUAL TO ELECTRONIC READER**
FOR SIGN QUESTIONS PLEASE CALL 3191

Failure to comply with this correction notice, may result in a \$ **200.00** fine / penalty per day pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the assigned inspector below for more info. (See reverse side for important information)

COMPLIANCE DATE: **2.2.12**

INSPECTOR NAME: **FISHER**
(PRINT NAME)

1.26.12
ISSUED DATE





Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000157 to EE0000157
Scheduled Date(s): 1/18/2012 to 1/18/2012
PE Range: EN01 to EN06

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0105541		Ryan Fisher	01/17/2012		Kaitlyn Heinbach	01/17/2012	Open - Normal		28H11

Complaint Description: NON CONFORMING SIGN (FREESTANDING) ALTERED W/O PERMIT OR SPECIAL HEARING

NOTE: PER ARNOLD JABLON ISSUE CITATION

Facility:	Owner:	Complainant:
FA0207131 PDM 1900001407 7927 BELAIR RD NOTTINGHAM, MD, 21236	FP SUB LLC SUITE 100 3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042	LENNY/ARNOLD 3391 FILE MADE

Daily Activity Details

Activity Number	Inspector	Activity Date	Service	Result	Action
DA0132602	Ryan Fisher	01/18/2012	MEETING	FACT FINDING	WORK IN PROGRESS

Inspector Notes: **1/18/12 DISCUSSED THE SIGN ISSUES AT THIS MCDONALDS WITH LENNY IN ZONING. NOW THAT I KNOW WHICH VIOLATIONS APPLY TO THIS PARTICULAR CASE, I WANT TO REVIEW THESE SECTIONS OF CODE BEFORE ISSUING MY CITATION. P/U FOR TOMORROW /RF**

Violation Details

Violation Record ID:	Comply By:	Complied On:	Status:
IV0067713	01/18/2012		NOT IN COMPLIANCE

Program Category/Section Source: Code Enforcement/
Correction Text:
Violation Text:
Violation Comment:

Violation Description: Monitoring

Comment Details - No Comments**Lien Information - None**

Mileage:



Google earth

feet
meters



450.8.C

contiguous
sign

450.3

(DEF)

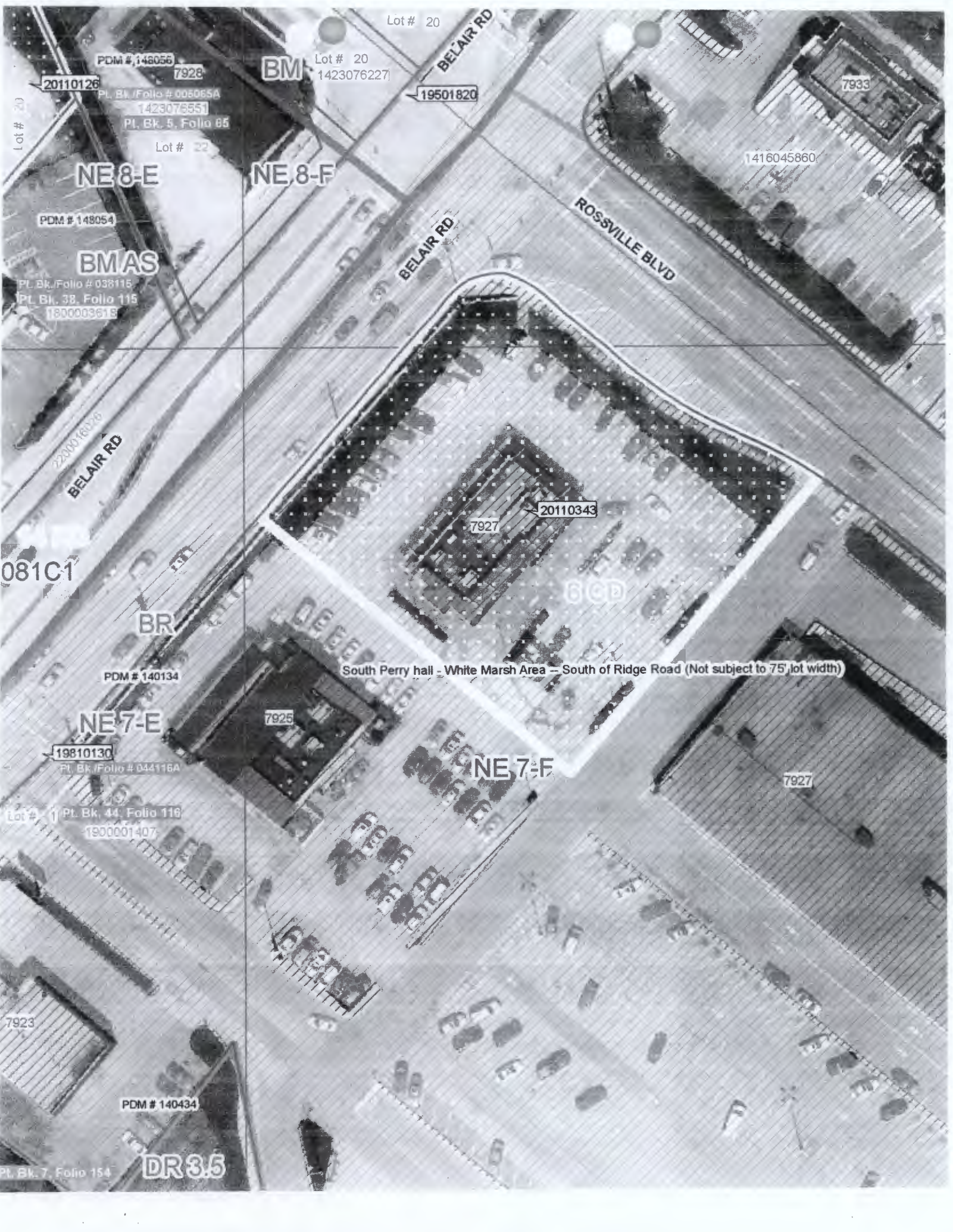
Manual Reader changed
to Electronic Message Board.

450.6.C.3 \$200.00



Google earth





Lot # 20

PDM # 148056

7928

BM

Lot # 20

1423076227

19501820

7933

1416045860

NE 8-E

NE 8-F

BELAIR RD

ROSSVILLE BLVD

PDM # 148054

BMAS

PL Bk Folio # 038115

PL Bk. 38, Folio 115

1800003615

2200016026

BELAIR RD

20110343

7927

BCD

081C1

BR

PDM # 140134

South Perry hall - White Marsh Area - South of Ridge Road (Not subject to 75' lot width)

NE 7-E

7925

NE 7-F

19810130

PL Bk Folio # 044116A

7927

PL Bk. 44, Folio 116

1900001407

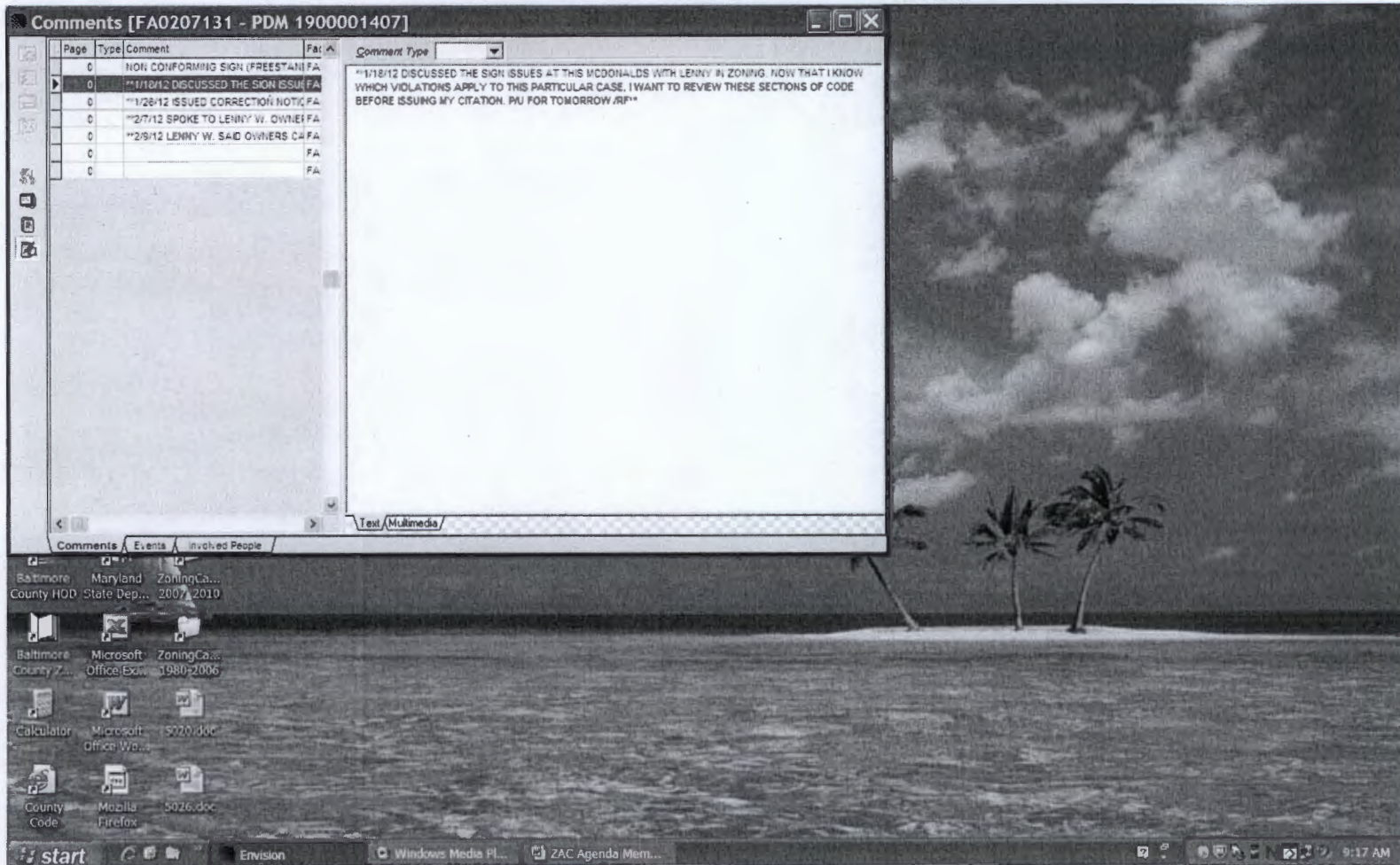
Lot #

7923

PDM # 140434

DR3.5

PL Bk. 7, Folio 154



Comments [FA0207131 - PDM 1900001407]

Page	Type	Comment	Fac
0		NON CONFORMING SIGN (FREESTAN	FA
0		**1/18/12 DISCUSSED THE SIGN ISSU	FA
0		**1/26/12 ISSUED CORRECTION NOTIC	FA
0		**2/7/12 SPOKE TO LENNY W. OWNE	FA
0		**2/8/12 LENNY W. SAID OWNERS C	FA
0			FA
0			FA

Comment Type

**1/28/12 ISSUED CORRECTION NOTICE FOR THE FREE-STANDING SIGN AT THIS MCDONALDS. BCZR 450.8.C.2 -> FAILURE TO MEET THE MAINTENANCE REQUIREMENTS STATED IN SECTION 450.8.C (permit or special exception required when changing from manual to electronic message board) PHOTO WAS TAKEN, NOTICE WAS GIVEN AND EXPLAINED TO MGR ON DUTY, LISA. SHE SAID SHE WOULD LET THE OWNER/OPERATOR KNOW. PU 2/2/12 /RF

Text/Multimedia

Comments Events Involved People

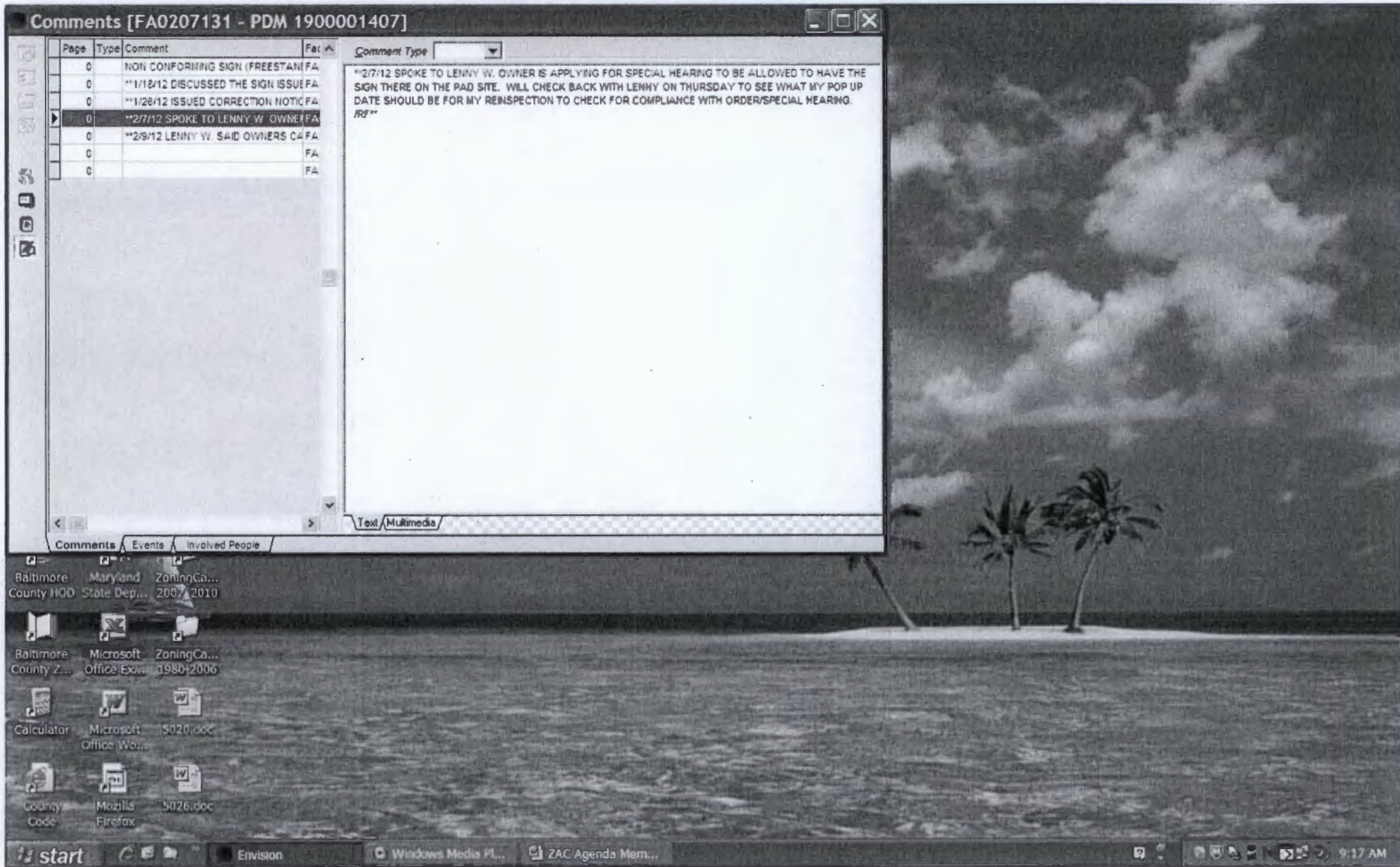
Baltimore Maryland ZoningCa...
County HOD State Dep... 2009-2010

Baltimore Microsoft ZoningCa...
County 2... OfficeEx... 1980-2006

Calculator Microsoft S020.doc
Office Wo...

County Mozilla S026.doc
Code Firefox

start Envision Windows Media PL... ZAC Agenda Mem... 9:17 AM



Comments [FA0207131 - PDM 1900001407]

Page	Type	Comment	FA#
0		NON CONFORMING SIGN (FREESTAN)	FA
0		**1/15/12 DISCUSSED THE SIGN ISSUE	FA
0		**1/26/12 ISSUED CORRECTION NOTIC	FA
0		**2/7/12 SPOKE TO LENNY W. OWNER	FA
0		**2/9/12 LENNY W. SAID OWNERS CA	FA
0			FA
0			FA

Comment Type

2/9/12 LENNY W. SAID OWNERS CAME IN AND APPLIED FOR SPECIAL HEARING FOR FENCE HE SUGGESTED I CHECK BACK IN ABOUT 120 DAYS FOR THE RULING ON THE SIGN. SET PAU FOR JUNE /RP

Text / Multimedia

Comments / Events / Involved People

Baltimore Maryland ZoningCa...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCa...
County Z... Office Exw... 1980-2006

Calculator Microsoft 5026.doc
County Code Mozilla 5026.doc
Firefox

start Envision Windows Media Pl... ZAC Agenda Mem... 9:17 AM

Debra Wiley - ZAC Comments - Distribution Mtg. of 2/20/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 2/21/2012 11:11 AM
Subject: ZAC Comments - Distribution Mtg. of 2/20/12

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0184-A - 9514 Oakbranch Way
(Administrative Variance) - Closing Date: 2/27/12

2012-0185-A - 500 Durando Road
(Administrative Variance) - Closing Date: 3/5/12

2012-0186-SPH - 7927 Belair Road
No hearing date in database as of 2/21

2012-0187-SPHX - BGE Carol Dodson 2900 Lord Baltimore Drive
No hearing date in database as of 2/21

2012-0188-SPHX - 2449 Ellis Road
(Administrative Variance) - 3/5/12

2012-0189-A - 2521 Hillcrest Avenue
No hearing date in database as of 2/21

2012-0190-A - 11 Fir Drive
(Administrative Variance) - Closing Date: 3/12/12

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - 2012-0186-SPH - 7927 Belair Rd. - Violation Case No. CO-0105541

From: Debra Wiley
To: Fisher, Ryan
Date: 3/15/2012 10:25 AM
Subject: 2012-0186-SPH - 7927 Belair Rd. - Violation Case No. CO-0105541
CC: Heinbach, Kaitlyn

Hi Ryan,

Just wanted to bring to your attention that the above is scheduled to come before Judge Kotroco on Monday, March 19th @ 11 AM, in Room 205 of the Jefferson Building.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



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 17, 2012

VIA FIRST CLASS MAIL

Baltimore County Office of
Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

RECEIVED

FEB 21 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Petition for Special Hearing
7927 Belair Road – McDonald's Corporation
Case No. ~~2011~~-0186-SPH

2012-

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find a Line striking the appearance of Gordon D. Fronk, Esq. and entering the appearance of Stanley S. Fine, Esquire, and Caroline L. Hecker, Esquire of Rosenberg Martin Greenberg, LLP.

An additional copy is enclosed to be date-stamped and returned in the enclosed, self-addressed stamped envelope.

Very truly yours,

Caroline L. Hecker

Enclosures

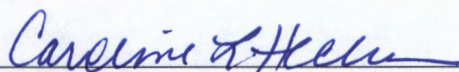
cc: Gordon D. Fronk, Esquire (w/enclosures)
Peter Max Zimmerman, Esquire (w/enclosures)
Carole S. DeMilio, Esquire (w/enclosures)
Stanley S. Fine, Esquire (w/o enclosure)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of February, 2012, a copy of the foregoing Line Entering and Striking Appearance was mailed first-class, postage prepaid, to:

Peter Max Zimmerman, Esq.
People's Counsel for Baltimore County
Jefferson Building, Room 204
105 W. Chesapeake Ave.
Towson, Maryland 21204

Carole S. DeMilio, Esq.
Deputy People's Counsel for Baltimore County
Jefferson Building, Room 204
105 W. Chesapeake Ave.
Towson, Maryland 21204

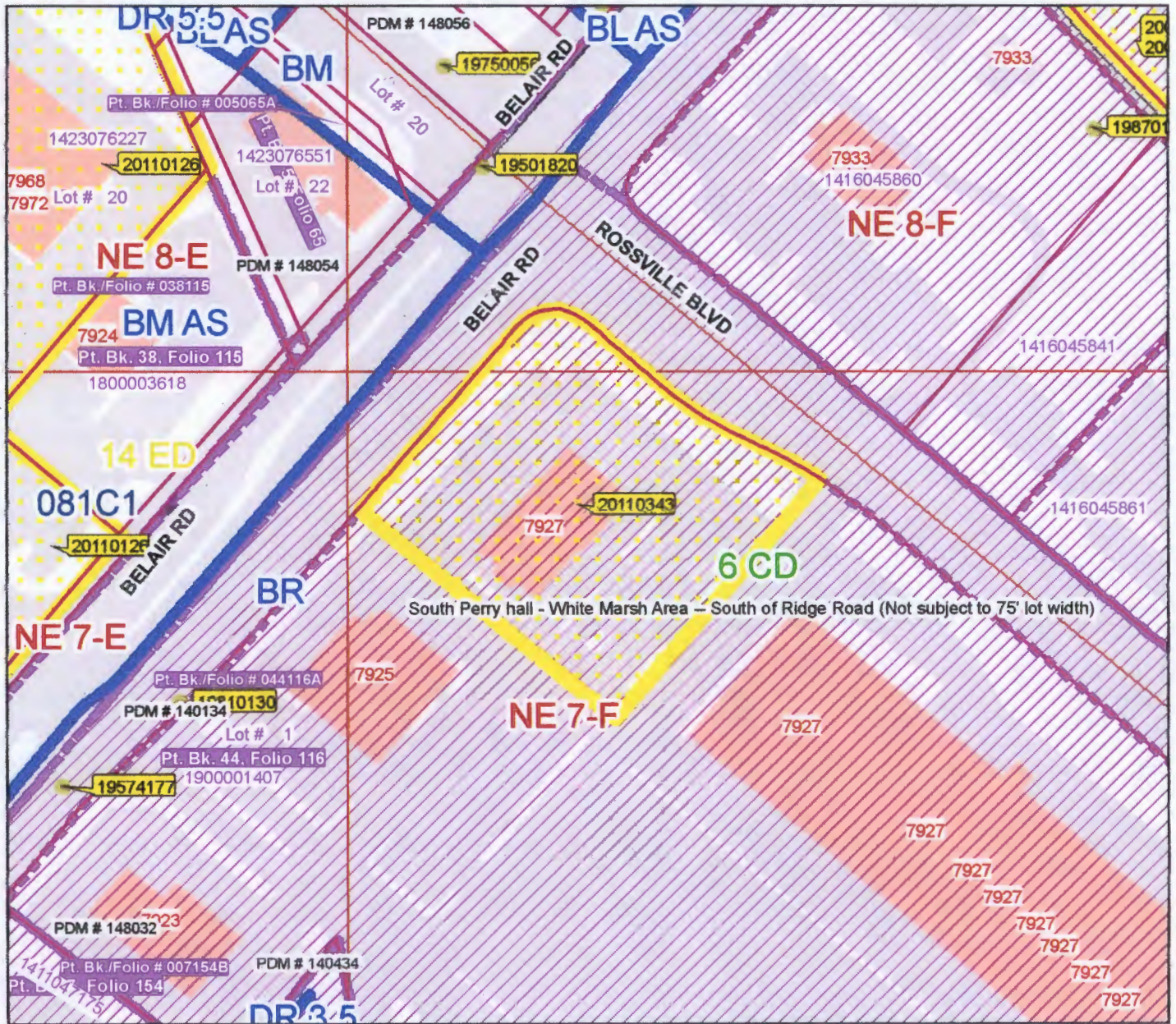


Caroline L. Hecker

CASE NAME 7927 Belair Rd.
CASE NUMBER 2062-0186-SPH
DATE 3-19-12

[illegible]

7927 Belair Road McDonald's



2012-0186-SPH



Publication Date: February 06, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



A horizontal scale bar with markings at 0, 100, and 200 feet. The bar is divided into segments, with the first segment from 0 to 100 feet being shaded black and the subsequent segments being white.

1 inch = 100 feet

TK 3-19
11 Am

Case No.: 2012-0186-SPH

Exhibit Sheet

Petitioner/Developer

DW 3-20-12
Protestants SA 5-21-12

No. 1	Old zoning order	
No. 2	Photos of MCD's	
No. 3	Photo of Sign	
No. 4	Site Plan	
No. 5	Proffered testimony	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: **PETITION FOR VARIANCE**
E side of Belair Road, SE corner
of Rossville Blvd. and Belair Road
(7927 Belair Road)
14th Election District
6th Council District

McDonald's Corporation
Petitioner

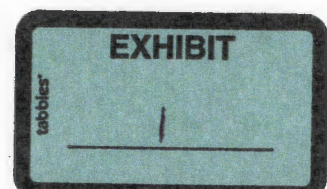
* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2011-0343-A**

* * * * *

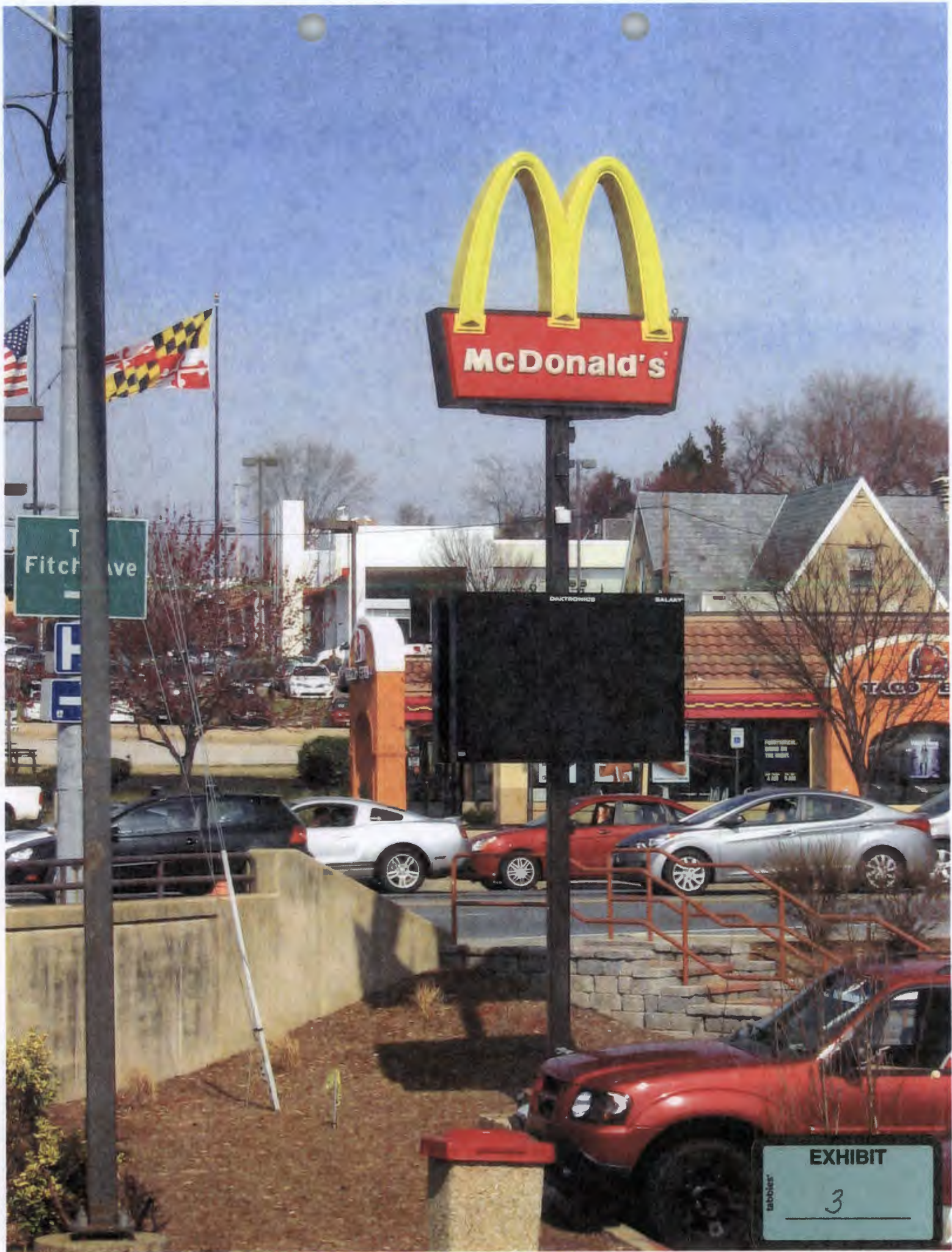
OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by the lessee of the subject property, McDonald's Corporation ("McDonald's" or "Petitioner"), through its attorneys, Stanley S. Fine, Esquire, and Caroline L. Hecker, Esquire, for the property located at 7927 Belair Road. The Petitioner requests relief from the following sections of the Baltimore County Zoning Regulations (B.C.Z.R.):

- Section 409.6.A.2 to permit 46 parking spaces in lieu of the required 64 parking spaces;
- Section 409.10(B) to permit the drive-thru lane to block entry to or exit from off-street parking spaces and to cross principal pedestrian access to the restaurant;
- Section 409.11 to permit exclusion of a separate loading area;
- Section 405.4 Attachment 1, 5(a)(VI) to permit 6 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs;
- Section 450.4 Attachment 1, 3(VII) to permit a directional sign of 10.7 feet in height in lieu of the permitted 6 feet;
- Section 450.4 Attachment 1, 3(VII) to permit a directional sign of 9.71 feet in height in lieu of the permitted 6 feet;
- Section 450.4 Attachment 1, 3(II) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign; and
- Section 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.







EXHIBIT

3



BALTIMORE COUNTY ZONING HEARING OUTLINE

**MCDONALD'S – 7927 BELAIR ROAD
March 19, 2012**

LEE MAY – TESTIMONY

Name: Lee May

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 Office of Administrative Hearings? Yes

What is the location that is the subject of the petition? 7927 Belair Road

What is your interest in the property? McDonald's USA, LLC is the current lessee of the property.

What is at this location currently?

There has been a McDonald's restaurant at this location since 1998, which was recently reconstructed in accordance with the decision of the Administrative Law Judge in Case No. 2011-0343-A.

EXHIBIT – CASE NO. 2011-0343-A

EXHIBIT – PHOTOS

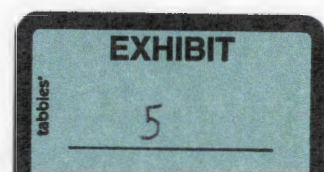
The new restaurant opened in October 2011.

What did the previous zoning case relate to?

Case No. 2011-0343-A approved the following variances related to the new building:

46 parking spaces in lieu of the required 64 spaces;

A drive-thru lane that blocks entry/exit from off-street parking spaces and crosses principal pedestrian access to the restaurant;



The exclusion of a separate loading area;

6 enterprise signs on the faces of the buildings (in lieu of 3);

A "canopy"-style directional sign on the front side of the building; and

Two directional signs over the drive-thru lane which, because they are intended to go over the drive-thru lane, are higher than what would otherwise be permitted.

What are the adjoining properties to the McDonald's at this location?

The McDonald's site is part of the Fullerton Plaza Shopping Center and, as the ALJ found in the previous zoning case, is a pad site of the shopping center.

It is located at the intersection of Belair Road and Rossville Boulevard, and is adjacent to an IHOP restaurant which is also part of the shopping center.

Did the previous application to the Office of Administrative Hearings include any variances relating to the existing free-standing sign?

No. At the time, no changes were proposed to the existing free-standing sign.

What brings you before the Office of Administrative Hearings today?

The original free-standing enterprise sign was constructed by the prior tenant at this site, Roy Rogers, in accordance with the signage regulations in place at that time.

In 1997, when the signage regulations were amended, the sign became a legally established nonconforming sign.

McDonald's acquired the property in 1998 and converted the sign from a Roy Rogers sign to a McDonald's sign, which retained the nonconforming status of the sign.

Although no changes were contemplated to the free-standing sign at the time McDonald's filed its variance petition for the variances associated with the rebuild of the restaurant, we knew that eventually the operator of this store would want to replace the manual changeable copy sign with an electronic changeable copy sign.

Following the reconstruction of the new restaurant, the operator did apply for and received a permit for the electronic changeable copy sign.

However, because the free-standing sign was nonconforming, any modification that did not correct the nonconformity would not be permitted. As a result,

McDonald's requires new approval of a free-standing sign on the McDonald's pad site to permit the existing sign, as modified, to remain.

We have therefore applied for a Special Hearing to permit the "proposed" free-standing sign on the McDonald's pad site as shown on the Plat to Accompany Petition for Special Hearing, which includes the existing McDonald's enterprise sign with a new electronic changeable copy sign.

Because the original sign was nonconforming, we would have to do this before October 2012 anyway in order to retain the nonconforming sign at the end of the amortization period established in BCZR § 450.8.C.

In addition, the fact that the sign permit was already issued, notwithstanding the fact that a Special Hearing should have been necessary, creates a "cart-before-the-horse" situation. This Special Hearing will catch us up in the approval process, as it should have occurred in connection with the permit application.

In the meantime, pending this hearing, the electronic changeable copy sign has been turned off.



BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 7927 BELAIR ROAD

March 19, 2012

IWONA ZARSKA – TESTIMONY

Name: Iwona Zarska

Address:

Employer, employer's address: Baltimore Land Design Group, Inc.
230 Schilling Circle, Ste. 364
Hunt Valley, MD 21031

What is your job title?

Please describe the nature of the services you provide.

Have you ever testified as an expert witness in the field of site engineering before the Zoning Commissioner of Baltimore County?

Yes.

Have you ever been accepted an approved as such an expert witness?

Yes.

I offer Ms. Zarska as an expert witness in site engineering.

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

What has been your involvement with this project?

What is being requested in this Special Hearing?

- Approval of a separate free-standing enterprise sign, including an electronic changeable copy sign, on the McDonald's pad site at the Fullerton Plaza Shopping Center.

Describe the existing free-standing sign:

EXHIBIT – PHOTO OF SIGN

EXHIBIT – PLAT TO ACCOMPANY PETITION

Located at the intersection of Belair Road and Rossville Blvd.

39.6 sq. ft. (enterprise sign portion)

The existing sign also includes a 24-sq. ft. static message reader board located approximately 5.75 feet below the McDonald's enterprise sign.

Describe the proposed modifications to the free-standing sign:

See Plat to Accompany Petition

The existing enterprise sign (McDonald's logo) is proposed to remain.

The reader board will be raised to within 1 foot (approx. 11 inches) of the enterprise sign, to create a continuous enterprise sign of 70.7239 sq. ft., with a height of 25 feet.

The reader board is therefore treated as part of the enterprise sign, which brings the sign into compliance with the signage regulations regarding continuous signs.

The manual changeable copy sign will also be replaced with an electronic changeable copy sign.

Why is a separate free-standing sign necessary for the McDonald's pad site?

Although McDonald's is technically part of the Fullerton Plaza Shopping Center, it functions as an independent site and is separated from the rest of the shopping center by curb islands and the dumpster enclosure.

The McDonald's also has a separately dedicated parking area, distinguishing its pad site from the rest of the shopping center.

Due to the location of the McDonald's restaurant at a lower elevation than the portions of Belair Road that it is adjacent to, the free-standing sign is necessary to identify the location of the McDonald's to motorists traveling along Belair Road.

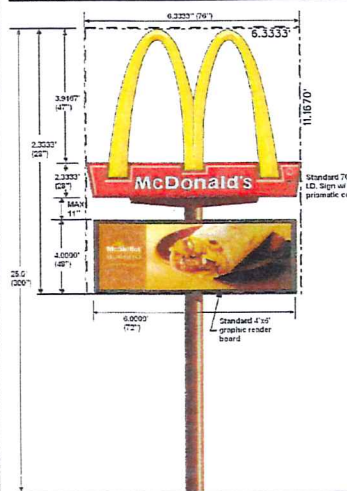
Additionally, McDonald's is not identified on the free-standing joint identification signs for Fullerton Plaza and therefore does not benefit from the shopping center's signage.

Finally, this free-standing sign has been at its existing location since McDonald's opened here in 1998, and previously was a Roy Rogers sign for the prior tenant.

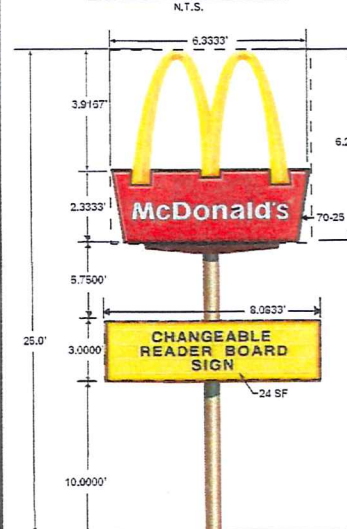
CONCLUSION:

For these reasons, we request approval of a separate free-standing sign on the McDonald's pad site in order for McDonald's to retain the proposed free-standing sign, including an electronic changeable copy sign, on its site notwithstanding the amortization provisions of § 450.8.C.2.

70-25 Pylon Road Sign	CLASS: ENTERPRISE
STRUCTURAL TYPE: FREESTANDING	FACE AREA: 11.970' x 6.333' = 70.7239 SF
QUANTITY: 1	HEIGHT: 25 FT.
ILLUMINATION: YES	



PROPOSED FREE-STANDING ENTERPRISE SIGN
N.T.S.



EXISTING FREE-STANDING ENTERPRISE SIGN
N.T.S.

ZONING HISTORY

CASE NO. 2011-0343-A

THEREFORE IT IS ORDERED that this 19th day of July, 2011 that the Petitioner for Section 409.6.A.2 to permit 46 parking spaces in lieu of the required 64 parking spaces; Section 409.10(b) to permit the drive-thru lane to block access to or exit from off-street parking spaces and to create potential pedestrian access to the restaurant; Section 409.11 to permit installation of a separate loading area; Section 405.4 Attachment 1, 1(a)(V) to permit 6 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs; Section 450.4 Attachment 1, 3(VI) to permit a directional sign of 10.7 feet in height in lieu of the permitted 6 feet; Section 450.4 Attachment 1, 3(VII) to permit a directional sign of 9.7 feet in height in lieu of the permitted 6 feet; Section 450.4 Attachment 1, 3(VI) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or drive-thru sign; and Section 405.5.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.

all as shown on Petitioner's Exhibits 4 and 5, be and are hereby GRANTED, subject to the following:

1. Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

Therese M. Kuterko
THÉRÈSE M. KUTERKO
Administrative Law Judge
for Baltimore County

SPECIAL HEARING REQUEST

TO PERMIT A FREE-STANDING ENTERPRISE SIGN
ON A PAD SITE LEASED BY MCDONALD'S USA, LLC.

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

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
230 SCHILLING CIRCLE SUITE 336 • HUNT VALLEY, MARYLAND 21031
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 FULLY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION
DATE: JUNE 9, 2012.

OWNER
FP SUB, LLC
3333 NEW HYDE PARK RD, SUITE 100
NEW HYDE PARK, NY 11042-1205

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

REVISIONS			
DATE	NO.	DESCRIPTION	BY

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
MCDONALD'S RESTAURANT
PUTTY HILL COMMERCIAL CENTER
7927 BELAIR ROAD
PARKVILLE, MARYLAND 21236
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT 14, C6
DATE: FEBRUARY, 2012
SHEET 1 OF 1

LEGEND

RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
ZONING LINE	---
EX. CONCRETE CURB AND GUTTER	---
EX. CONCRETE TO BE REMOVED	---
EX. CONCRETE TO BE REMOVED DESIGNATION	---
EX. BUILDING	---
EX. SIGN	---
EX. INDEX COUNTERS	---
EX. INTERMEDIATE COUNTERS	---
EX. TREE	---
"EXISTING" DESIGNATION	---
BUILDING RESTRICTION LINE	---
LANDSCAPE RESTRICTION LINE	---
PR. CONCRETE CURB & CUTTER	---
PR. MAC. PAVING	---
PR. CONCRETE	---
PR. STORM DRAIN, MANHOLE & INLET	---
PR. SANITARY SEWER & CLEANOUT	---
PR. WATER MAIN, VALVE & FIRE HYDRANT	---
PR. INDEX COUNTERS	---
PR. INTERMEDIATE COUNTERS	---
PR. LIGHTS	---
PR. SIGN	---
PR. PARKING COUNT	---
"PROPOSED" DESIGNATION	---

BENCH MARK

ELEVATIONS ARE BASED ON NAVD 88 DATUM PER BALTIMORE COUNTY CONTROL POINTS:
CONTROL POINT 659: N 624,209.36; E 1,452,848.78; EL.221.68
DESCRIPTION: SPK IN CONC. WALK ON EAST SIDE OF BELAIR RD,
42 FT +/- SOUTH FROM WHOLESALE CLUB DR.

CONTROL POINT 440A: N 619,925.52; E 1,454,324.40; EL.244.19
DESCRIPTION: SPK IN PAVING ON WEST SIDE OF PERRY ROAD,
10 FT +/- SOUTH FROM FITCH AVE.

SITE DATA

- AREA OF TRACT (LOT 1) PUTTY HILL COMMERCIAL CENTER: 800,246 SF OR 18.371 AC.
- LEASE AREA OF MCDONALD'S RESTAURANT: 34,571 SF OR 0.794 AC.
- OWNER:
FP SUB, LLC
3333 NEW HYDE PARK RD, SUITE 100
NEW HYDE PARK, NY 11042-1205
- TAX MAP REFERENCES:
T.M. B.T.G. 11 P. 639; TAX ID: 1900001407
- DEED REFERENCES: L. 19892; F. 329
- PLAT REFERENCE: LOT 1, PUTTY HILL COMMERCIAL CENTER
L. 44; F. 116
- ELECTION DISTRICT: 14; COUNCILMANIC DISTRICT: 6
- EXISTING ZONING: BR, MAP "081 C1"
- EXISTING USE: EX. SHOPPING CENTER W/ EX. MCDONALD'S TO BE RAZED
PROPOSED USE: EX. SHOPPING CENTER W/ NEW MCDONALD'S
- MINIMUM SETBACK REQUIREMENT:
FRONT: 25 FEET PER SECTION 238 OF BCZR
SIDE & REAR: 30 FEET PER SECTION 238 OF BCZR
- F.A.R. ALLOWED: 2.0 MAX.
PROPOSED F.A.R. FOR LEASE AREA 3,982 / 34,571 = 0.115
- BUILDING HEIGHT:
PERMITTED: 40 FEET
PROPOSED: 23.3 FEET
- ADT:
1550 X 3,982 SF / 1,000 = 2,190 DAILY TRIPS
- CENSUS TRACT 440800
WATER SERVICE AREA: EASTERN THIRD ZONE
SEWER SHED: 3
TRANSPORTATION ZONE: 0658
ZIP CODE: 21236
WATERSHED: BACK RIVER
- LANDSCAPE REQUIREMENTS:
LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL.
- STORM WATER MANAGEMENT (SWM):
THIS SITE IS A RE-DEVELOPMENT. SWM SHALL BE ADDRESSED IN ACCORDANCE WITH THE FOLLOWING CRITERIA:
- REDUCTION OF EX. IMPERVIOUS AREAS WITHIN LIMIT OF DISTURBANCE (LOD) BY 50%
- IMPLEMENTATION OF ESD PRACTICES TO MITIGATION OF WATER QUALITY TREATMENT FOR AT LEAST 50% OF EX. IMPERVIOUS AREA WITHIN LOD OR
- USE A COMBINATION OF IMPERVIOUS AREA REDUCTION AND ESD IMPLEMENTATION FOR AT LEAST 50% OF EX. IMPERVIOUS AREAS
- USE OF ALTERNATIVE SWM MEASURES
SINCE THE FULL REDUCTION OF EXISTING IMPERVIOUS AREA COULD NOT BE ACHIEVED FOR PROPOSED DEVELOPMENT, THEREFORE ESD PRACTICE MICRO BORATION FACILITY OR EQUIVALENT, WILL BE PROVIDED TO MEET SWM REQUIREMENTS.

- 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.
- THE DEVELOPER IS REQUESTING A VARIANCE TO SECTION 33-6-109 (IN PART) OF THE BALTIMORE COUNTY CODE TO RESTRICT APPLICABILITY OF THE FOREST CONSERVATION REGULATIONS TO THE PROPOSED LIMIT OF DISTURBANCE. THE RESULTING 0.2 ACRE AFFORESTATION OBLIGATION WILL BE MET BY PURCHASE OF CREDIT IN A COUNTY APPROVED FOREST RETENTION BANK.
- ANY SIGN SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICES AND ZONING CASE ORDER 2011-0343-A.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION:
PRELIMINARY FLOOD MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 410 OF 580 COMMUNITY PANEL NUMBER 240000410 F. MAP REVISED SEPTEMBER 16, 2008" AND IS LOCATED IN 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.
- THE BOUNDARY SHOWN HEREON WAS TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY SCHLER ENGINEERING INC. DATED SEPTEMBER 16, 2009.

PARKING REQUIREMENTS

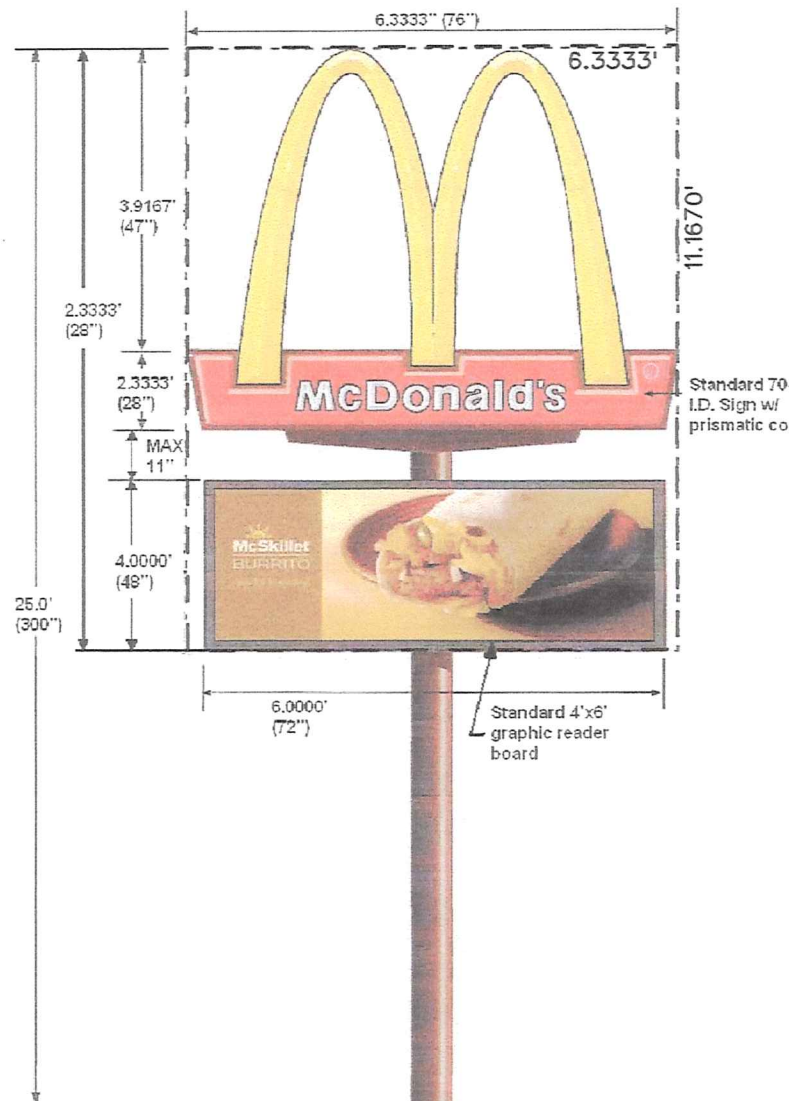
EXISTING PARKING SPACES: 52 PS
PARKING SPACES REQUIRED: 3,982 SF @ 16 PS / 1000 SF = 64 PS
PARKING SPACES REQUIRED: 46 PS (CASE 2011-0343-A)
PARKING SPACES PROVIDED: 46 PS (INCL. 2 HDOP)

EXHIBIT

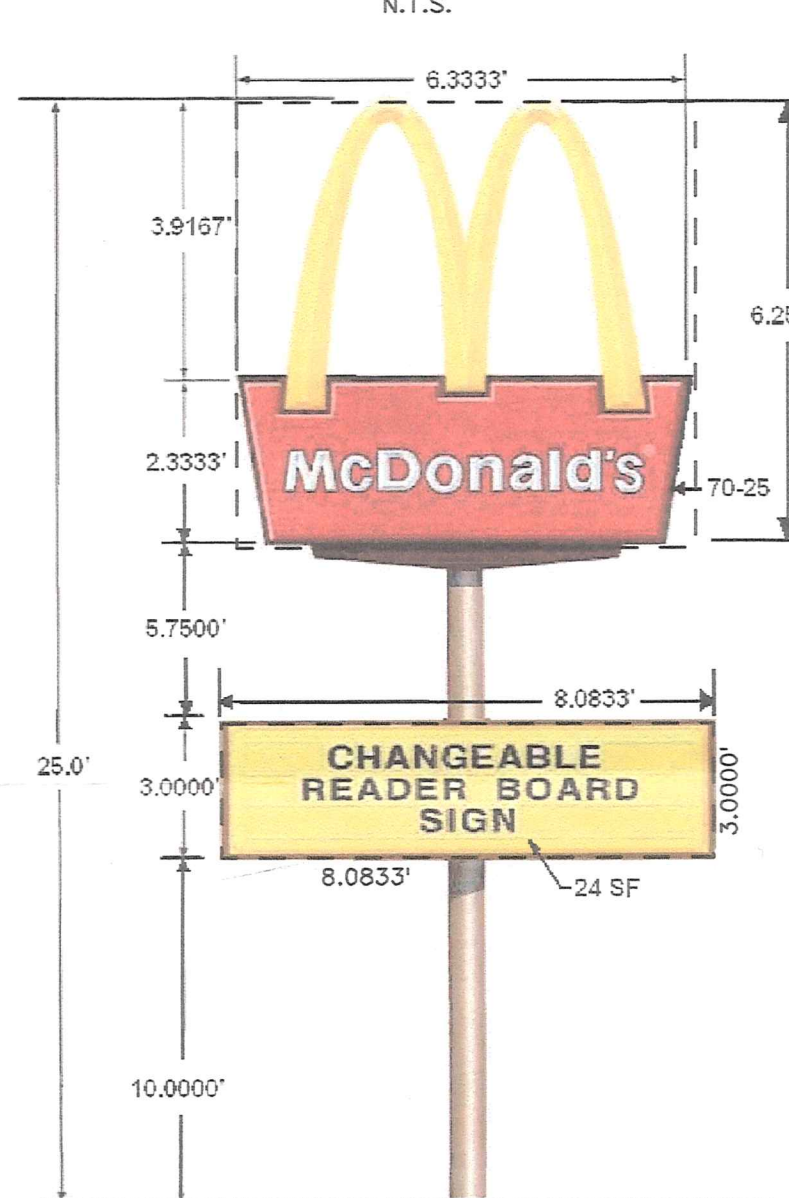
4

SH-1

70-25 PYLON ROAD SIGN	
CLASS:	ENTERPRISE
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	11.1670' x 6.3333' = 70.7239 SF
QUANTITY:	1
HEIGHT:	25 FT.
ILLUMINATION:	YES



PROPOSED FREE-STANDING ENTERPRISE SIGN
N.T.S.



EXISTING FREE-STANDING ENTERPRISE SIGN
N.T.S.

ZONING HISTORY

CASE NO. 2011-0343-A

- THEREFORE IT IS ORDERED this 19th day of July, 2011 that the Petition for
- Section 409.6.A.2 to permit 46 parking spaces in lieu of the required 64 parking spaces;
 - Section 409.10(B) to permit the drive-thru lane to block entry to or exit from off-street parking spaces and to cross principal pedestrian access to the restaurant;
 - Section 409.11 to permit exclusion of a separate loading area;
 - Section 405.4 Attachment 1, 5(a)(VI) to permit 6 well-mounted enterprise signs on the building facades in lieu of the permitted 3 signs;
 - Section 450.4 Attachment 1, 3(VII) to permit a directional sign of 10.7 feet in height in lieu of the permitted 6 feet;
 - Section 450.4 Attachment 1, 3(VII) to permit a directional sign of 9.7 feet in height in lieu of the permitted 6 feet;
 - Section 450.4 Attachment 1, 3(II) to permit a canopy-type directional sign in lieu of the permitted well-mounted or free-standing sign; and
 - Section 450.5.B.3.5 to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy.

all as shown on Petitioner's Exhibits 4 and 5, be and are hereby GRANTED, subject to the following:

- Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for retaining, said property to its original condition.

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

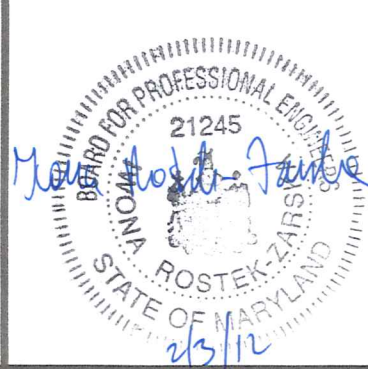
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

SPECIAL HEARING REQUEST

TO PERMIT A FREE-STANDING ENTERPRISE SIGN ON A PAD SITE LEASED BY MCDONALD'S USA, LLC.

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

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
230 SCHILLING CIRCLE SUITE 336 • HUNT VALLEY, MARYLAND 21081
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
FP SUB, LLC
3333 NEW HYDE PARK RD, SUITE 100
NEW HYDE PARK, NY 11042-1205

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

REVISIONS					
DATE	NO.	DESCRIPTION		BY	

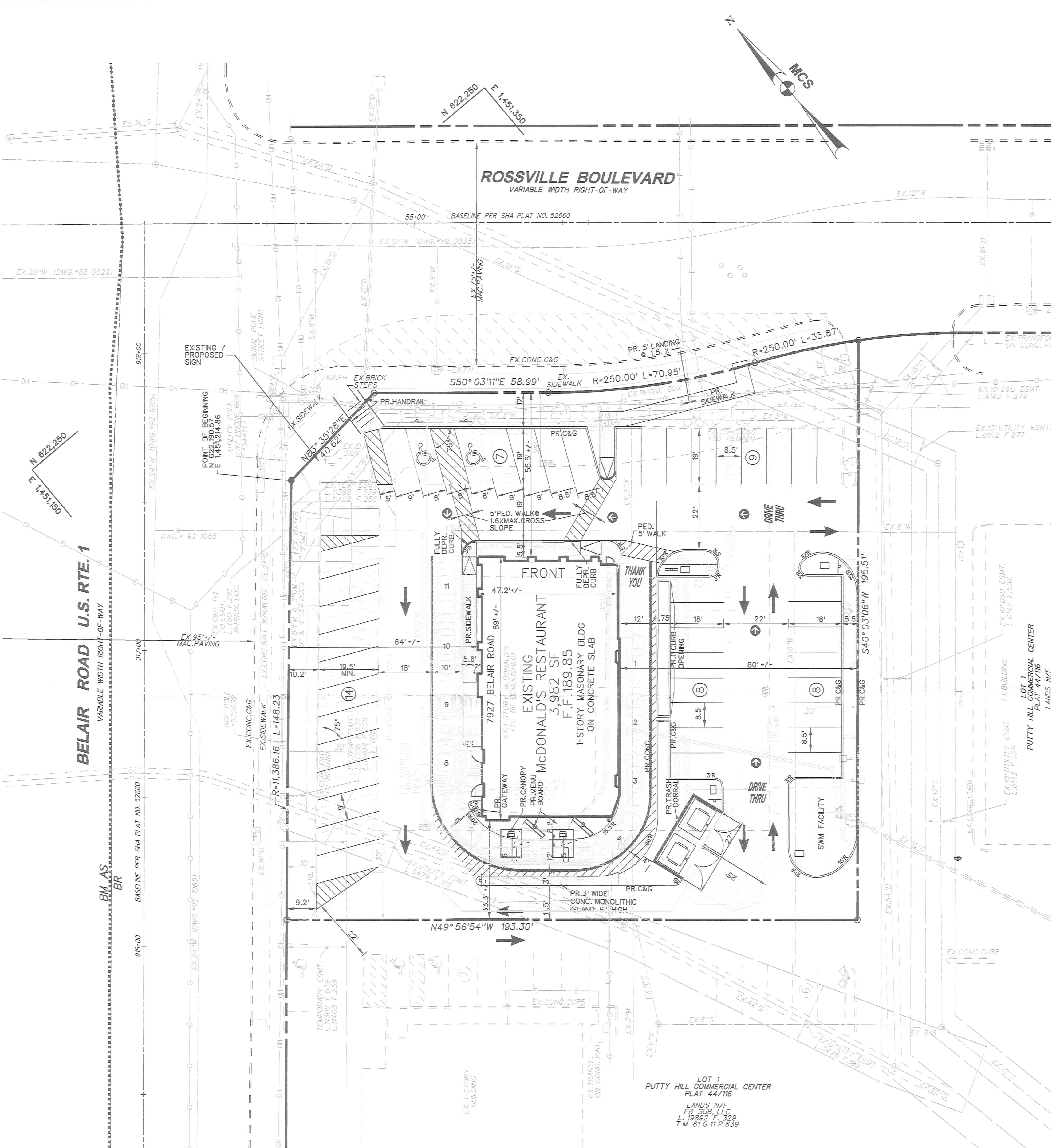
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
MCDONALD'S RESTAURANT
PUTTY HILL COMMERCIAL CENTER
7927 BELAIR ROAD
PARKVILLE, MARYLAND 21236
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT 14, C6
DATE: FEBRUARY, 2012

DRAWING NO.

SH-1

SHEET 1 OF 1



LEGEND

RIGHT-OF-WAY LINE
PROPERTY LINE
ZONING LINE
EX. CONCRETE CURB AND GUTTER
EX. CURB AND GUTTER TO BE REMOVED
EX. CONCRETE
TO BE REMOVED DESIGNATION
EX. BUILDING
EX. SIGN

EX. INDEX COUNTOURS
EX. INTERMEDIATE COUNTOURS
EX. TREE
"EXISTING" DESIGNATION
BUILDING RESTRICTION LINE
LANDSCAPE RESTRICTION LINE

PR. CONCRETE CURB & GUTTER
PR. MAC. PAVING

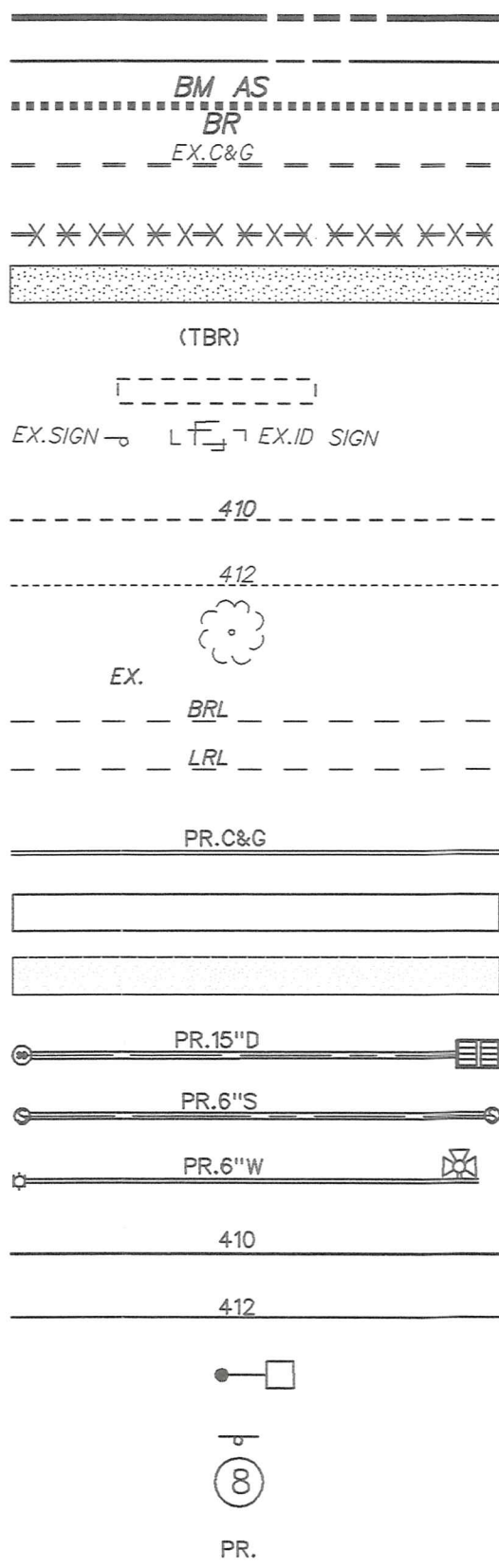
PR. CONCRETE

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PR. SANITARY SEWER & CLEANOUT
PR. WATER MAIN, VALVE & FIRE HYDRANT

PR. INDEX COUNTOURS
PR. INTERMEDIATE COUNTOURS
PR. LIGHTS
PR. SIGN

PR. PARKING COUNT

"PROPOSED" DESIGNATION



BENCH MARK

ELEVATIONS ARE BASED ON NAVD 88 DATUM PER BALTIMORE COUNTY CONTROL POINTS:

CONTROL POINT 659: N 624.205.36; E 1.452.848.78; EL.221.65
DESCRIPTION: SPIKE IN CONC. WALK ON EAST SIDE OF BELAIR RD, 42 FT +/- SOUTH FROM WHOLESALE CLUB DR.

CONTROL POINT 440A: N 619.925.52; E 1.454.324.40; EL.244.19
DESCRIPTION: SPIKE IN PAVING ON WEST SIDE OF PERRY ROAD, 10 FT +/- SOUTH FROM FITCH AVE.

SITE DATA

- AREA OF TRACT (LOT 1-PUTTY HILL COMMERCIAL CENTER): 800,246 SF OR 18.371 AC.
- LEASE AREA OF MCDONALD'S RESTAURANT: 34,571 SF OR 0.794 AC.
- OWNER: FP SUB, LLC
3333 NEW HYDE PARK RD, SUITE 100
NEW HYDE PARK, NY 11042-1205
- TAX MAP REFERENCES: T.M. 81; G. 11; P. 639; TAX ID.* 1900001407
- DEED REFERENCES: L. 19892; F.329
- PLAT REFERENCE: LOT 1, PUTTY HILL COMMERCIAL CENTER L. 44; F. 116
- ELECTION DISTRICT: 14; COUNCILMANIC DISTRICT: 6
- EXISTING ZONING: BR, MAP *081 C1
- EXISTING USE: EX. SHOPPING CENTER W/ EX. MCDONALD'S TO BE RAZED
PROPOSED USE: EX. SHOPPING CENTER W/ NEW MCDONALD'S
- MINIMUM SETBACK REQUIREMENT: FRONT: 24 FEET PER SECTION 238 OF BCZR
SIDE & REAR: 30 FEET PER SECTION 238 OF BCZR
- F.A.R. ALLOWED = 2.0 MAX.
PROPOSED F.A.R. FOR LEASE AREA 3,982 / 34,571 = 0.115
- BUILDING HEIGHT: PERMITTED: 40 FEET
PROPOSED: 23.3 FEET
- ADT: (550 X 3,982 SF) / 1,000 = 2,190 DAILY TRIPS
- CENSUS TRACT: 440800
WATER SERVICE AREA: EASTERN THIRD ZONE
SEWER SHED: 3
TRANSPORTATION ZONE: 0658
ZIP CODE: 21236
WATERSHED: BACK RIVER
- LANDSCAPE REQUIREMENTS: LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL
- STORM WATER MANAGEMENT (SWM):

THIS SITE IS A RE-DEVELOPMENT. SWM SHALL BE ADDRESSED IN ACCORDANCE WITH THE FOLLOWING CRITERIA:
- REDUCTION OF EX. IMPERVIOUS AREAS WITHIN LIMIT OF DISTURBANCE (LOD) BY 50%
- IMPLEMENTATION OF ESD PRACTICES TO MEET TO PROVIDE WATER QUALITY TREATMENT FOR AT LEAST 50% OF EX. IMPERVIOUS AREA WITHIN LOD OR
- USE A COMBINATION OF IMPERVIOUS AREA REDUCTION AND ESD IMPLEMENTATION FOR AT LEAST 50% OF EX. IMPERVIOUS AREAS
- USE OF ALTERNATIVE SWM MEASURES

SINCE THE FULL REDUCTION OF EXISTING IMPERVIOUS AREA COULD NOT BE ACHIEVED FOR PROPOSED DEVELOPMENT, THEREFORE ESD PRACTICE, MICRO BIORETENTION FACILITY OR EQUIVALENT, WILL BE PROVIDED TO MEET SWM REQUIREMENTS.

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- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES AND ZONING CASE ORDER 2011-0343-A.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION: PREMISES IS SHOWN ON MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 410 OF 580 COMMUNITY PANEL NUMBER 240000410 F. MAP REVISED SEPTEMBER 26, 2008" AND IS LOCATED IN 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 ERECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL AREAS AND PUBLIC ROADS.
- THE BOUNDARY SHOWN HEREON WAS TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY BOHLER ENGINEERING MD, DATED SEPTEMBER 16, 2009.

PARKING REQUIREMENTS

EXISTING PARKING SPACES: 52 PS

PARKING SPACES REQUIRED: 3,982 SF @ 16 PS / 1000 SF = 64 PS

PARKING SPACES REQUIRED: 46 PS (CASE 2011-0343-A)

PARKING SPACES PROVIDED: 46 PS (INCL. 2 HDOP)

THE COORDINATE SYSTEM OF ALL DRAWINGS IS BASED ON THE NORTH AMERICAN DATUM OF 1983. THE ELEVATION SYSTEM OF ALL DRAWINGS IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.
HORZ: NAD 83/91; VERT: NAVD 88

2012-0186-SPH