



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 7, 2012

Stanley S. Fine, Esquire
Caroline L. Hecker, Esquire
Rosenberg, Martin and Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201

RE: Petitions for Special Hearing and Variance
Case No.: 2013-0043-SPHA
Property: 1472 Martin Boulevard

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 black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
1472 Martin Boulevard; N/S Martin Boulevard*		OF ADMINISTRATIVE
At NW corner of Middle River Road		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Martin Financial Associated		
Ltd Partnership	*	BALTIMORE COUNTY
Contract Purchaser(s): McDonald's USA, LLC		
Petitioner(s)	*	2013-043-SPHA

* * * * *

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.

RECEIVED

SEP 13 2012

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2012, a copy of the foregoing Entry of Appearance was mailed to Lee May, Area Construction Manager, 6930 Rockledge Drive, Suite 1100, Bethesda, MD 20817 and Stanley Fine, Esquire, 25 S. Charles Street, 21st Floor, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

15th Election District *

6th Councilmanic District *

(1472 Martin Boulevard) *

Martin Financial Limited Partnership, *

Legal Owners *

McDonald's USA, LLC, *Lessee* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0043-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Stanley S. Fine, Esq., on behalf of the legal owners, Martin Financial Associated Limited Partnership, and the lessee, McDonald's USA, LLC ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to determine whether or not the Administrative Law Judge should approve the retention of a free-standing enterprise sign on the McDonald's pad site of the Martin Plaza Shopping Center. In addition, a Petition for Variance was filed pursuant to § 450.4 Attachment 1.5(b)(v) of the B.C.Z.R., to permit a free-standing enterprise sign having a face of 108.7 square feet in lieu of the required 75 square feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Lee May with McDonald's Corporation, and Iwona Rostek-Zarska with Baltimore Land Design Group, Inc., the consulting firm that prepared the site plan. Stanley S. Fine, Esquire and Caroline Hecker, Esquire, both with Rosenberg, Martin and Greenberg, LLP, appeared and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by

ORDER RECEIVED FOR FILING

Date 11-7-12

By DW

the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) on October 2, 2012, which indicates development of this property must comply with the Forest Conservation Regulations (§§ 33-6-101 through §§ 33-6-122) of the Baltimore County Code (B.C.C.).

The subject property is 4,372 square feet and is zoned BM-CCC. The property is improved with a McDonald's restaurant, which was recently reconstructed and modernized in appearance and environmental features. This case, like others recently, was necessitated by the sign abatement provisions of B.C.Z.R., which require the Petitioners to obtain variance relief in order to retain their existing freestanding enterprise sign. The sign will largely remain "as is," although (depending on whether covenants in the shopping center lease agreement prohibit such signs) the Petitioners propose to replace the existing "reader board" with an electronic reader board similar to that used in other McDonald's restaurants in the area. In addition, the new reader board (whether of the basic or electronic variety) will be positioned within one foot of the enterprise sign with the familiar McDonald's "arches," while at present there is 3 feet of air space between the signs.

Based on the evidence presented, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the property is uniquely shaped, and though it has frontage on both Martin Boulevard and Middle River Road, it is

ORDER RECEIVED FOR FILING

Date 11-7-12

2

By 106

accessible from neither of these thoroughfares. Rather, patrons must enter through the shopping plaza entrance, which creates the need for the larger sign to steer customers in the right direction. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship, given that Petitioners would need to dismantle a sign that has been in place without complaint for over 30 years. 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. This is demonstrated by the absence of opposition from the community and County reviewing agencies.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 7th day of November, 2012, by this Administrative Law Judge, that Petitioners' request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the retention of a free-standing enterprise sign on the McDonald's pad site of the Martin Plaza Shopping Center, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioners' Variance request from § 450.4 Attachment 1.5(b)(v) of the B.C.Z.R., to permit a free-standing enterprise sign having a face of 108.7 square feet in lieu of the required 75 square feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

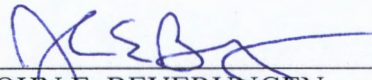
Date 11-7-12

3

By kw

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

JEB/dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11-7-12

By dlw

FLOOD PLAIN



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 1472 Martin Boulevard

which is presently zoned BM-CCC

Deed References: 5485/742 & 6705/241

10 Digit Tax Account # 2400011796

Property Owner(s) Printed Name(s) Martin Financial Associated Limited Partnership

(SELECT THE HEARING(S) BY MARKING X 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the retention of a free-standing enterprise sign on the McDonald's pad site of the Martin Plaza Shopping Center

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

450.4 Attachment 1.5(b)(v) v2

3. X a **Variance** from Section(s) 450.4 Attachment 1.5(b)(v) to permit a free-standing enterprise sign having a face of 108.7 sq. ft. in lieu of the permitted 75 sq. ft.

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

Signature

6903 Rockledge Drive, Suite 1100, Bethesda, MD

Mailing Address

City

State

20817 / 301-651-9998

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Stanley S. Fine, Esq. / Rosenberg Martin Greenberg, LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st Floor, Baltimore, MD

Mailing Address

City

State

21201 / 410-727-6600

Zip Code

Telephone #

Email Address sfine@rosenbergmartingreenberg.com

Legal Owners (Petitioners):

Martin Financial Associated Limited Partnership

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2800 Quarry Lake Drive, Suite 340, Baltimore, MD

Mailing Address

City

State

21209 / 410-308-6382

Zip Code

Telephone #

Beverly @ MFI MCMT.COM
Email Address

Representative to be contacted:

Lee May, Area Construction Manager

Name - Type or Print

Signature

6930 Rockledge Drive, Ste. 1100, Bethesda, MD

Mailing Address

City

State

20817 / 301-651-9998

Zip Code

Telephone #

lee.may@us.mcd.com
Email Address

CASE NUMBER 2013-0043-SPHD Filing Date 8/23/12

Do Not Schedule Dates: _____

Reviewer ru

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING VARIANCES
1472 MARTIN BOULEVARD
BALTIMORE COUNTY, MARYLAND
15TH ELECTION DISTRICT; 6TH COUNCILMANIC DISTRICT**

August 15, 2012

Beginning at the point located on the north side of Martin Boulevard having a 150 feet width of the right-of-way, said point being located westerly 100 feet, more or less, from the intersection of centerlines of Martin Boulevard with Middle River Road, thence running the following courses and distances:

1. Along the curve to the right having a radius of 5,654.60 feet, 223.46 feet, thence,
2. North 01° 22' 26" West, 185.01 feet; thence,
3. Along the curve to the left having a radius of 5,469.60 feet, 201.69 feet; thence,
4. South 28° 24' 28" East, 56.99 feet; thence,
5. Along the curve to the right having a radius of 455.00 feet, 56.62 feet; thence,
6. Along the curve to the right having a radius of 70.00 feet, 92.73 feet; to the point of beginning.

Containing 43,680 square feet or 1.003 acres, more or less.

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



2013-0043-SPMA

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING VARIANCES
1472 MARTIN BOULEVARD
BALTIMORE COUNTY, MARYLAND
15TH ELECTION DISTRICT; 6TH COUNCILMANIC DISTRICT**

August 15, 2012

Beginning at the point located on the north side of Martin Boulevard having a 150 feet width of the right-of-way, said point being located westerly 100 feet, more or less, from the intersection of centerlines of Martin Boulevard with Middle River Road, thence running the following courses and distances:

1. Along the curve to the right having a radius of 5,654.60 feet, 223.46 feet, thence,
2. North 01° 22' 26" West, 185.01 feet; thence,
3. Along the curve to the left having a radius of 5,469.60 feet, 201.69 feet; thence,
4. South 28° 24' 28" East, 56.99 feet; thence,
5. Along the curve to the right having a radius of 455.00 feet, 56.62 feet; thence,
6. Along the curve to the right having a radius of 70.00 feet, 92.73 feet; to the point of beginning.

Containing 43,680 square feet or 1.003 acres, more or less.

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



2013-0043-SPNA

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: 2013-0043-SPHA
Petitioner: MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP
Address or Location: 1472 MARTIN BOULEVARD

PLEASE FORWARD ADVERTISING BILL TO:

Name: STANLEY FINE
Address: 25 S. CHARLES STREET, 21st FLOOR.
BALTIMORE, MD. 21201
Telephone Number: 410-727-6600

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

No. **88909**

Date: **8/23/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
8/23/2012 8/23/2012 11:16:34 6

REC NS06 WALKIN TAY TST
>>>RECEIPT # 474311 8/23/2012 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub-Obj	Dept Obj	BS Acct	Amount	Dept
001	806	0000		6150				770.00	CR

5 528 ZONING VERIFICATION

088909

Receipt tot 6770.00

6770.00 CR 6.00 CA

Baltimore County, Maryland

Total: **770.00**

Rec From: **BALTIMORE LAND DESIGN GROUP INC**
For: **1472 MARTIN BOULEVARD - McDONALD'S RESTAURANT**
2013-0043-SPHA

**CASHIER'S
VALIDATION**

DISTRIBUTION

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

CERTIFICATE OF POSTING

RE: Case No. 2013-0043-SPHA

Petitioner: Lee May, McDonald's Corporation

Hearing / Closing Date: 10/26/12

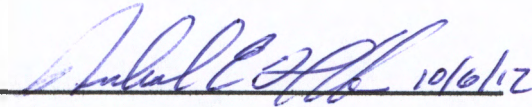
Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

1472 Martin Boulevard

on 10/6/12

Sincerely,

 10/6/12

Richard E. Hoffman

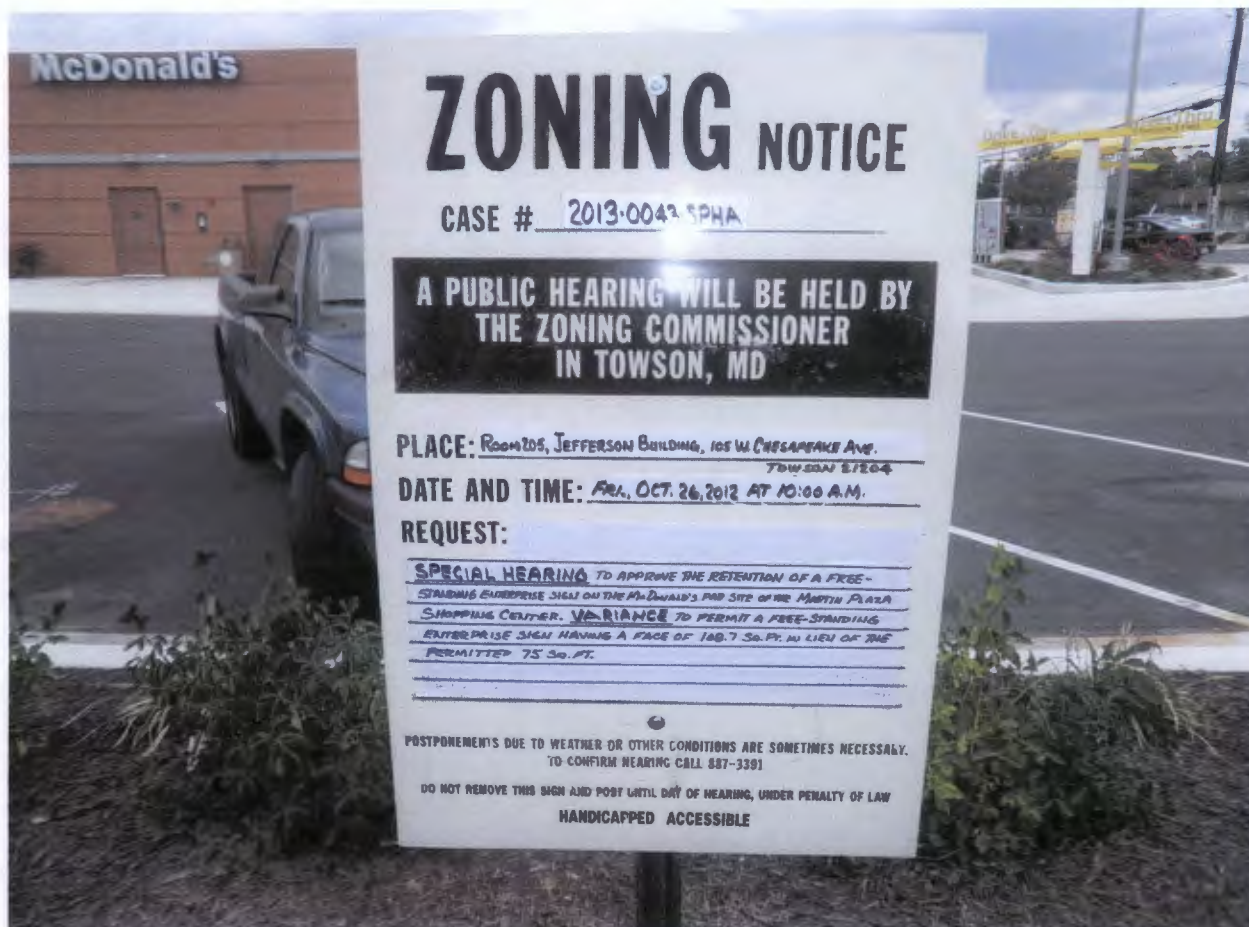
904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

Certificate of Posting

Case No. 2013-0043-SPHA



1472 Martin Boulevard

(posted 10/6/12)

Richard E. Hoffman 10/6/12

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

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: #2013-0043-SPHA

1472 Martin Boulevard

N/s Martin Boulevard at the NW corner of Middle River Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Martin Financial Associated Limited Partnership

Contract Purchaser: McDonald's USA, LLC

Special Hearing to approve the retention of a free-standing enterprise sign on the McDonald's pad site of the Martin Plaza Shopping Center. **Variance** to permit a free-standing enterprise sign having a face of 108.7 sq. ft. in lieu of the permitted 75 sq. ft.

Hearing: Friday, October 26, 2012 at 10:00 a.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.

10/008 October 4

870829



501 N. Calvert Street, Baltimore, MD 21278

October 4, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on October 4, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

September 17, 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: 2013-0043-SPHA

1472 Martin Boulevard

N/s Martin Boulevard at the NW corner of Middle River Road

15th Election District – 6th Councilmanic District

Legal Owners: Martin Financial Associated Limited Partnership

Contract Purchaser: McDonald's USA, LLC

Special Hearing to approve the retention of a free-standing enterprise sign on the McDonald's pad site of the Martin Plaza Shopping Center. Variance to permit a free-standing enterprise sign having a face of 108.7 sq. ft. in lieu of the permitted 75 sq. ft.

Hearing: Friday, October 26, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Stanley Fine, 25 S. Charles St., 21st Fl., Baltimore 21201
Lee May, 6903 Rockledge Dr., Ste. 1100, Bethesda 20817
Martin Financial Associated Ltd., Partnership, 2800 Quarry Lake Dr., Ste. 340, 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 6, 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, October 4, 2012 Issue - Jeffersonian

Please forward billing to:
Stanley Fine
25 S. Charles Street, 21st Fl.
Baltimore, MD 21201

410-727-6600

NOTICE OF ZONING HEARING

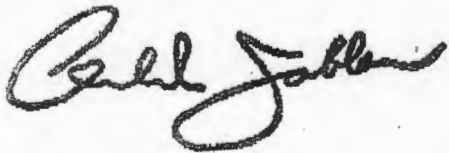
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0043-SPHA

1472 Martin Boulevard
N/s Martin Boulevard at the NW corner of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: Martin Financial Associated Limited Partnership
Contract Purchaser: McDonald's USA, LLC

Special Hearing to approve the retention of a free-standing enterprise sign on the McDonald's pad site of the Martin Plaza Shopping Center. Variance to permit a free-standing enterprise sign having a face of 108.7 sq. ft. in lieu of the permitted 75 sq. ft.

Hearing: Friday, October 26, 2012 at 10:00 a.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

October 17, 2012

Martin Financial Associated Limited Partnership
Beverly Dobrochauski
2800 Quarry Lake Drive
Suite 340
Baltimore MD 21209

RE: Case Number: 2013-0043 A, Address: 1472 Martin Boulevard

Dear Ms. Dobrochauski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 23, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
Lee May, Area Construction Manager, 6930 Rockledge Drive, Ste. 1100, Bethesda MD 20817
Stanley S. Fine, Esquire, 25 S. Charles Street, 21st floor, Baltimore MD 21201

Debra Wiley - ZAC Comments - Distribution Mtg. of 9/24

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/18/2012 9:45 AM
Subject: ZAC Comments - Distribution Mtg. of 9/24

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.

2013-0043-SPHA - (Floodplain)
1472 Martin Blvd.

2013-0048-A - Administrative Variance - Closing Date: 9/24
825 Queens Park Drive

2013-0049-SPHA
734 Essex Ave.

2013-0050-A - Administrative Variance - Closing Date: 9/24 (Critical Area & Floodplain)
1907 Cape May Road

2013-0051-A - Administrative Variance - Closing Date: 9/24
12220 Dover Rd.

2013-0052-A
15815 Falls Rd.

2013-0053-SPHA
9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Dr.

2013-0055-A - Administrative Variance - Closing Date: 10/1
2909 Knoll Acres Dr.

2013-0056-A (Critical Area & Floodplain)
6920 River Drive Rd.

2013-0057-A - Administrative Variance - Closing Date: 10/1 (Critical Area & Floodplain)
3 Kingston Cove Rd.

2013-0058-A - Administrative Variance - Closing Date: 10/1
6523 Darnell Rd.

2013-0059-A - Administrative Variance - Closing Date: 10/1
119 Williams Ave.

2013-0060-SPH

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-11-12

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

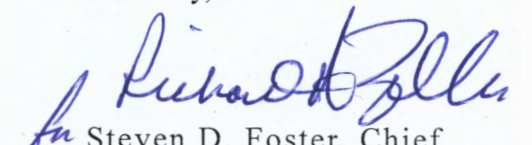
RE: Baltimore County
Item No 2013-0043-SPHA
Special Hearing Variance
McDonald's USA, LLC
1472 Martin Boulevard.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2013-0043-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: September 17, 2012

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2012
Item Nos. 2013-0043, 0048,0049,0050,0051,0052,0053,0055,0057, 0058,
0059 and 0060.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09242012-NO COMMENTS.doc

10/26 10 AM

BALTIMORE COUNTY, MARYLAND

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence

OCT 02 2012

RECEIVED



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: October 2, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0043-SPHA
Address 1472 Martin Boulevard
(Martin Financial Associated Ltd Partnership Property)

Zoning Advisory Committee Meeting of September 10, 2012.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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

Reviewer: Regina Esslinger – Environmental Impact Review

Post-it® Fax Note	7671	Date	10-22	# of pages	1
To	Caroline Hecker	From	OAM		
Co./Dept.		Co.			
Phone #	ZAC comment	Phone #			
Fax #		Fax #	2013-0043-SPHA		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:**District - 15 Account Number - 2400011796****Owner Information**

Owner Name: MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP
Mailing Address: 2800 QUARRY LAKE DR STE 340
BALTIMORE MD 21209-3764
Use: COMMERCIAL
Principal Residence: NO
Deed Reference: 1)
2)

Location & Structure Information**Premises Address**

MIDDLE RIVER RD
BALTIMORE MD 21220-0000

Legal Description

3.6447AC PARCEL B53
MIDDLE RIVER RD WS
MARTIN PLAZA SHOPPING CTR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0090	0011	0424		0000				3	Plat Ref: 0077/0192

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1974	3999	3.6400 AC	14

Stories **Basement** **Type** **Exterior**
FAST FOOD

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	1,492,000	1,492,000		
Improvements:	1,118,100	1,361,400		
Total:	2,610,100	2,853,400	2,691,200	2,772,300
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

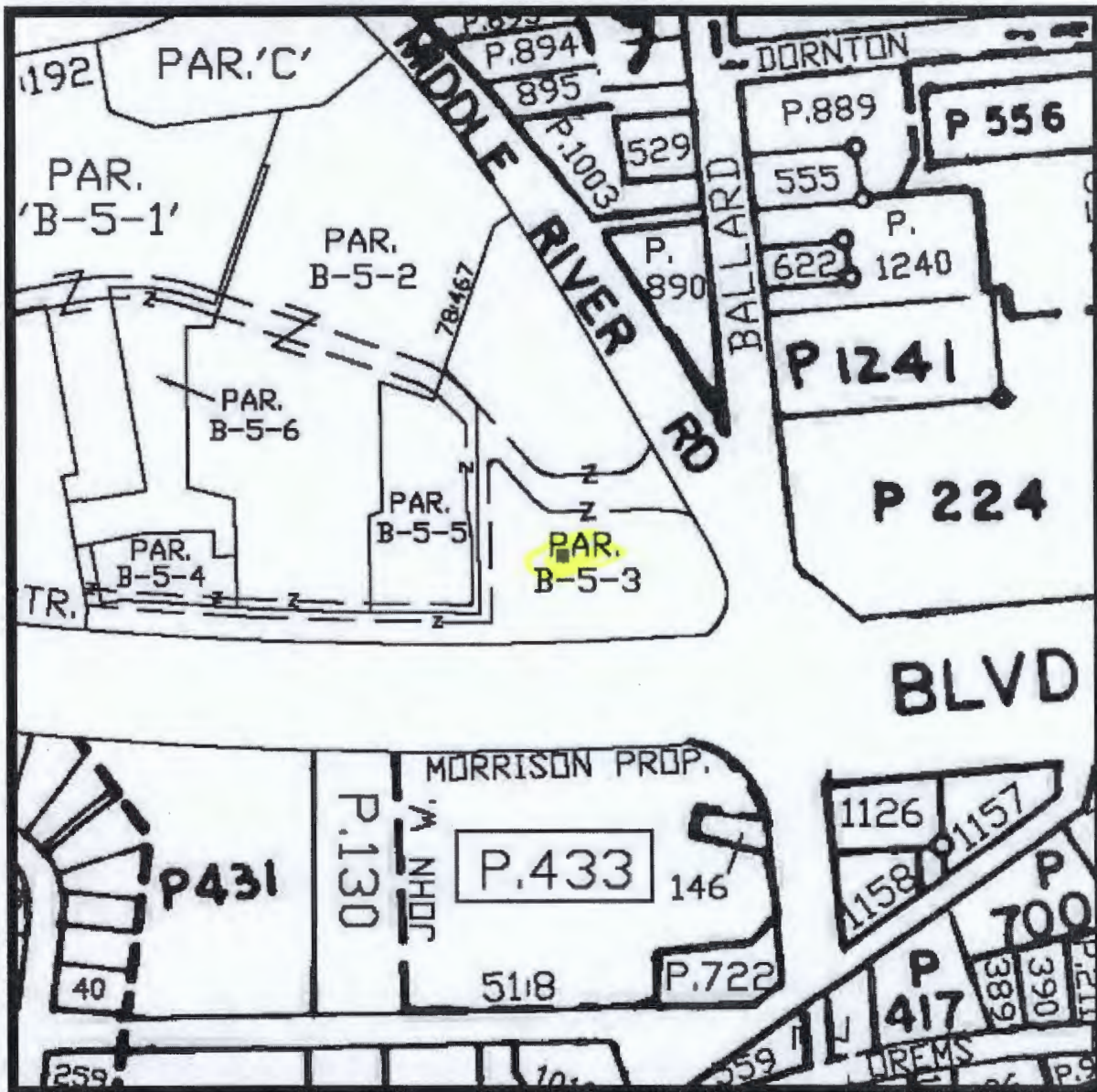
Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 2400011796



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

MEMORANDUM

DATE: December 12, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0043-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on December 7, 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

McDonald's
CASE NAME 1472 Martin Blvd.
CASE NUMBER 2013-0043-SP11A
DATE 10/26/12

[illegible]

10/26 10 AM

CASE NO. 2013- 0043-SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>10-2</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-11</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10-4</u>	
SIGN POSTING	Date: <u>10-6</u>	by <u>Hoffman</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Case No.: 2013-0043-SPHA

1472 Martin Blvd.

Exhibit Sheet

JB

10/26

1:45 PM

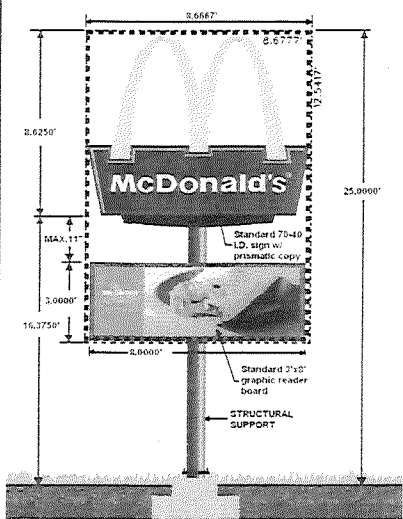
Petitioner/Developer

Protestant

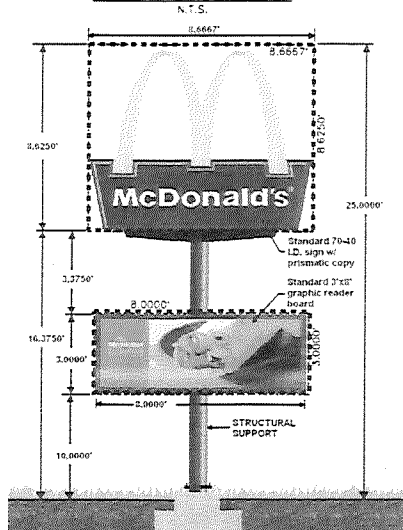
10/12-12-12
11-7-12

No. 1	Site Plan	
No. 2	Color Photos	
No. 3	Opinion 2012-0077-A	
No. 4	Opinion 2012-0231- SPHA	
No. 5	Zoning Hearing Outline	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

70-40 Pylon Road Sign
CLASS: ENTERPRISE
STRUCTURAL TYPE: PREPENDING
FACE AREA: 12.5417' x 8.667' = 108.70 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. 2012-0077-A

WHEREFORE, IT IS ORDERED that on the 12th day of December, 2011, that the Petition for Variance relief from the following sections of the Baltimore County Zoning Regulations ("B.C.Z.R.")

- Section 450.4 Attachment 1, 5(a)(1) to permit 6 wall-mounted enterprise signs on the building facade in lieu of the permitted 4 signs; and
- Section 450.4 Attachment 1, 3(b)(1) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft. and
- Section 450.4 Attachment 1, 3(b)(2) to permit two (2) directional signs of 8.71 ft. in height in lieu of the permitted 6 ft. and
- Section 450.4 Attachment 1, 3(b) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing signs; and
- Section 450.5.3.3 to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy.

be and are hereby GRANTED, subject to the following:

- Petitioners are hereby made aware that pursuant to this Order, should the Petitioner(s) in the future make any changes to the sign, the Petitioner(s) shall be responsible for obtaining the necessary permits and approvals from the Baltimore County Department of Public Works, and the Petitioner(s) shall be responsible for the removal, relocation, and repair of the sign.

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

[Signature]
THOMAS M. ROTHGOLD
Administrative Law Judge
for Baltimore County

SPECIAL HEARING REQUEST ZONING VARIANCE REQUEST

FROM SECTION 500.7 TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONERS SHOULD APPROVE THE RETENTION OF A FREE-STANDING ENTERPRISE SIGN ON THE MCDONALD'S PAD SITE OF THE MARTIN PLAZA SHOPPING CENTER.

FROM SECTION 450.4 ATTACHMENT 1 (5)(b)(1) TO PERMIT A FREE-STANDING ENTERPRISE SIGN HAVING AN AREA/FAÇADE OF 108.70 SF IN LIEU OF THE PERMITTED 75 SF.

ZONING HISTORY

CASE NO. 2010-0007-SPHA

WHEREFORE, IT IS ORDERED by the Zoning Commission for Baltimore County that on the 12th day of November, 2009, that the Petition for Variance seeking relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an additional freestanding enterprise sign to be installed along Martin Boulevard, to permit a freestanding enterprise sign with a maximum height of 25 feet in lieu of the permitted 20 feet, to permit a freestanding enterprise sign to have a face with a maximum area of 104 square feet in lieu of the permitted 75 square feet, and to permit a wall-mounted sign of 195 sq. ft. in lieu of the permitted 130 sq. ft., be and are hereby GRANTED, subject to the following:

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to permit three freestanding enterprise signs along Martin Boulevard in lieu of the approved two under Case No. 05-103-A, be and are hereby DENIED AS MOOT.

- The Petitioner(s) is advised that to stay apply for any required sign permits and be granted some sign relief of this Order, however, the Petitioner(s) is hereby made aware that pursuant to this Order, should the Petitioner(s) in the future make any changes to the sign, the Petitioner(s) shall be responsible for obtaining the necessary permits and approvals from the Baltimore County Department of Public Works, and the Petitioner(s) shall be responsible for the removal, relocation, and repair of the sign.

Any appeal of this Order shall be made in accordance with Baltimore County Code (B.C.C.) Section 20-3-402.

ZONING HISTORY

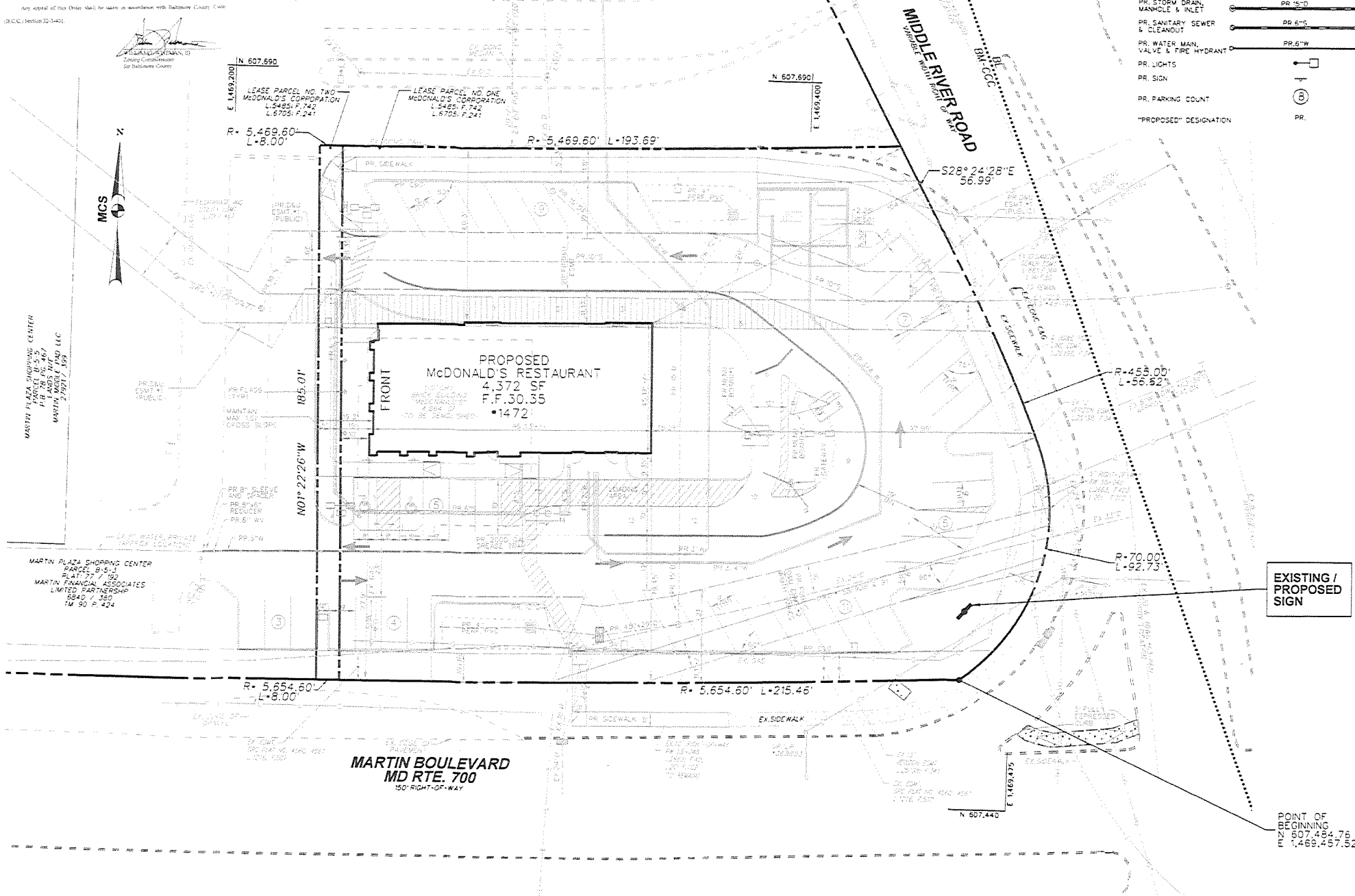
CASE NO. 2005-103-A

WHEREFORE, IT IS ORDERED by the Zoning Commission for Baltimore County that on the 12th day of November, 2004, that items 1, 2, 3, 4, and 5 on the Petition for Variance, seeking relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an additional freestanding enterprise sign to be installed along Martin Boulevard, to permit a freestanding enterprise sign with a maximum height of 25 feet in lieu of the permitted 20 feet, to permit a freestanding enterprise sign to have a face with a maximum area of 104 square feet in lieu of the permitted 75 square feet, and to permit a wall-mounted sign of 195 sq. ft. in lieu of the permitted 130 sq. ft., be and are hereby GRANTED, subject to the following:

IT IS FURTHER ORDERED, this time number 5 on the Petition for Variance, seeking relief from Section 450.4 to allow addition of Target Signage to existing Martin Plaza signs, be and hereby is DENIED WITHOUT PREJUDICE.

Any appeal from this Order shall be taken in accordance with Baltimore County Code Section 20-3-402.

[Signature]
THOMAS M. ROTHGOLD
Administrative Law Judge
for Baltimore County



LEGEND

- RIGHT-OF-WAY LINE
- PROPERTY LINE
- ZONING LINE
- EX. CONCRETE CURB AND GUTTER
- EX. CONCRETE
- TO BE REMOVED DESIGNATION
- EX. BUILDING
- EX. SIGN
- "EXISTING" DESIGNATION
- PR. CONCRETE CURB & GUTTER
- PR. CONCRETE
- PR. STORM DRAIN, MANHOLE & INLET
- PR. SANITARY SEWER & CLEANOUT
- PR. WATER MAIN, VALVE & FIRE HYDRANT
- PR. LIGHTS
- PR. SIGN
- PR. PARKING COUNTRY
- "PROPOSED" DESIGNATION

BENCH MARK

ELEVATIONS ARE BASED ON NAVD 88 DATUM PER BALTIMORE COUNTY CONTROL POINTS:
NO. 573: N 606.937.34 E 1.468.728.76 EL. 21.78
DESCRIPTION: RAILROAD SPIKE IN SIDEWALK ON SOUTH SIDE OF FUSELAGE RD. 50 FT. +/- EAST FROM RIGHT WING DRIVE
NO. 574: N 606.978.85 E 1.469.346.77 EL. 23.92
DESCRIPTION: RAILROAD SPIKE IN SIDEWALK ON NORTH SIDE OF FUSELAGE RD. NEAR FOOD LION AND TACO BELL PARKING LOT

SITE DATA

- SITE AREA (PART OF PARCEL B-5-3):
LEASE AREA (PARCEL #1) = 42,200 SF
LEASE AREA (PARCEL #2) = 1,480 SF
TOTAL LEASE AREA = 43,680 SF OR 1,003 AC
- OWNER OF PARCEL B-5-3:
MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP
2800 QUARRY LAKE DRIVE, SUITE 340
BALTIMORE, MARYLAND 21209-3764
- TAX MAP REFERENCES:
TAX ACCT #: 240007096 MAP: 901 GRID: 11; PARCEL: 424 (PARCEL B-5-3)
DEED REFERENCES: L 6840: F. 380
RECORD PLAT: L 77: F. 192; MARTIN PLAZA SHOPPING CENTER, PARCEL B-5-3
- LESSEES:
MCDONALD'S CORPORATION
8903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
LEASE PARCEL #1 DEED REFERENCE: L 5485: F. 742 AND L 6705: F. 241
LEASE PARCEL #2 DEED REFERENCE: L 5485: F. 742 AND L 6705: F. 241
- ELECTION DISTRICT: 15; COUNCILMANIC DISTRICT: 6
- EXISTING ZONING: BM-COC (MAP-090 C2)
- EXISTING USE: MCDONALD'S RESTAURANT - TO BE RAZED
PROPOSED USE: NEW MCDONALD'S RESTAURANT
- 2000 CENSUS TRACT: 451300
WATER SERVICE AREA: FIRST ZONE
SEWER SHED: 7
TRANSPORTATION ZONE: 0719
ZIP CODE: 21220
WATERSHED: MIDDLE RIVER
- MINIMUM SETBACK REQUIREMENTS (BM-COC ZONE):
FRONT: 15 FT FROM FRONT LINE AND 40 FT FROM CL OF STREET
SIDE: 10 FT
REAR: NONE
- BUILDING HEIGHT:
ALLOWED: 40 FT
PROPOSED: 23.3 FT
- FLOOR AREA RATIO:
MAX PERMITTED: 4.0
PROPOSED: 4.372 SF / 43,680 SF = 0.10
- AMENITY OPEN SPACE RATIO:
MIN. REQUIRED: 0.2
PROVIDED:
- 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 PROVIDED BY EITHER REDUCTION OF EXISTING IMPERVIOUS AREA AND/OR PROVIDING WATER QUALITY TREATMENT FOR 50% OF THE EXISTING IMPERVIOUS AREA WITHIN PROJECT LIMIT OF DISTURBANCE (LOD).
SINCE THE FULL REDUCTION OF EXISTING IMPERVIOUS AREA COULD NOT BE ACHIEVED FOR PROPOSED DEVELOPMENT, THEREFORE SWM PRACTICE #15 #2, MICRO-BIOTENTION 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, 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 ZONING REGULATIONS TO RESTRICT APPLICATION OF THE CONSERVATION REGULATIONS TO THE PROPOSED LIMIT OF DISTURBANCE (LOD) RESULTING IN A COUNTY APPROVED FOREST RETENTION BANK.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES, UNLESS PERMITTED OTHERWISE BY BALTIMORE COUNTY.
- 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, PAGE: 430 OF 580 COMMUNITY PANEL NUMBER 240000430 F. MAP REVISED SEPTEMBER 25, 2008" AND IS LOCATED IN ZONE X, OTHER AREAS (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 THE ALTA & ACED LAND TITLE SURVEY PREPARED BY BOHLER ENGINEERING, DATED DECEMBER 29, 2009, WITH THE LAST REVISION DATED FEBRUARY 7, 2011.

PARKING REQUIREMENTS

PARKING SPACES FOR MARTIN PLAZA SHOPPING CENTER:
PARKING SPACES REQUIRED: 264.763 SF @ 5 PS / 1,000 SF = 132.4 P.S.
PARKING SPACES PROVIDED: 1,403 PS
PARKING SPACES PROVIDED WITHIN MCDONALD'S LEASE AREA: 39 (INCLUDING 2 HOCP)

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.
HORIZ: NAD 83/91; VERT: NAVD 88

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
230 SCHILLING CIRCLE, SUITE 304 • HUNT VALLEY, MARYLAND 21081
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGCNG.COM



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

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, 2014.

OWNER
MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP
2800 QUARRY LAKE DR SUITE 340
BALTIMORE, MD 21209
PHONE (410) 308-5382

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

DATE	NO.	DESCRIPTION	BY

PDM FILE #XV-246 2013-0043-SPHA

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING AND VARIANCE
McDONALD'S RESTAURANT
MARTIN PLAZA SHOPPING CENTER
1472 MARTIN BOULEVARD
MIDDLE RIVER, MD 21220
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT: 15, CS
DATE: AUGUST, 2012

DRAWING NO.
EXHIBIT



OCT 12 11 50 AM '03

EXHIBIT

2

tabbles



OCT/24/2012







OCT/24/2012



OCT/24/2012



OCT/24/2012



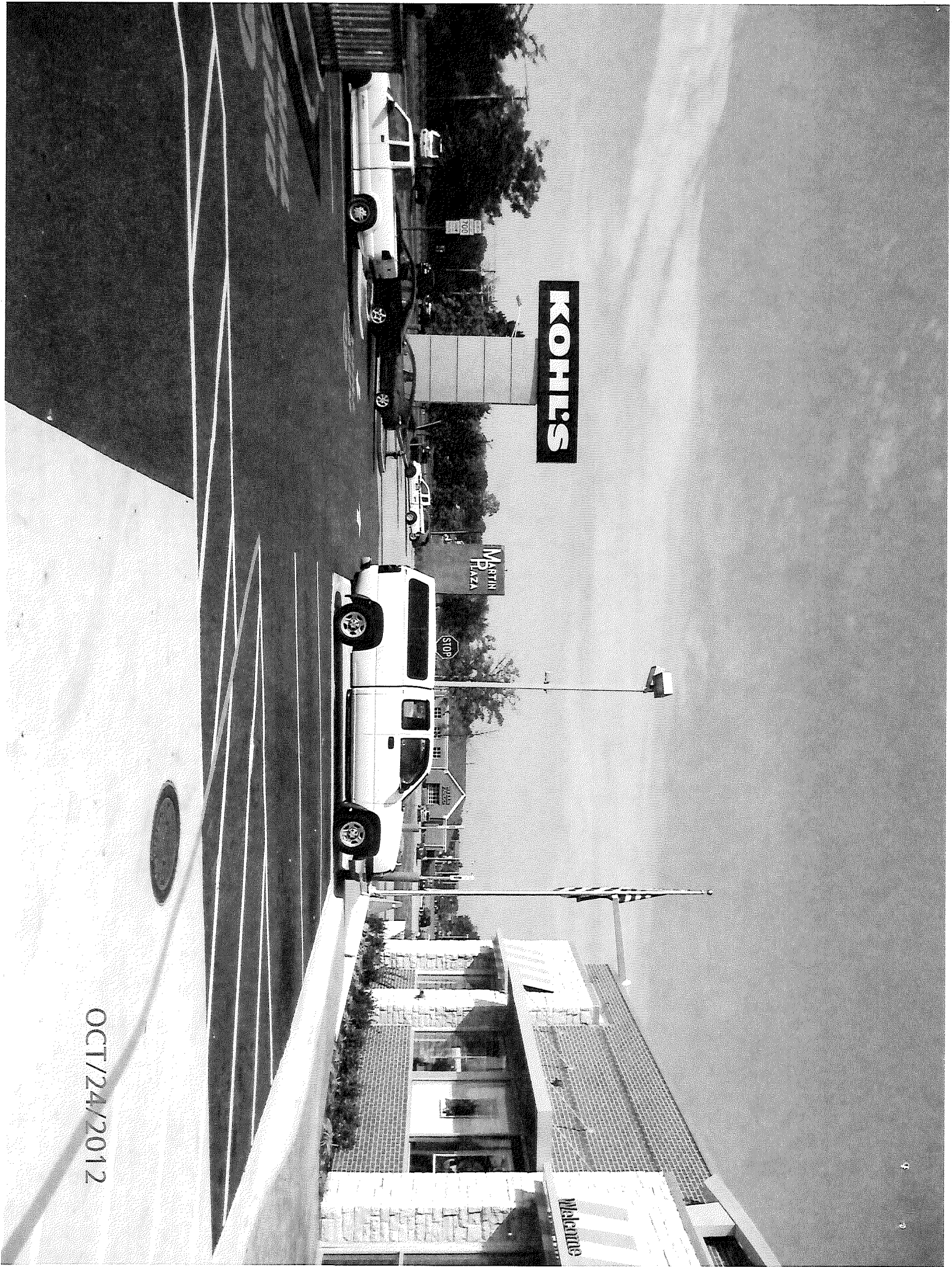
OCT 24/2012

KOHL'S

NORTH
700
SNOW
EMERGENCY
ROUTE

MARTIN
PLAZA

OCT/24/2012



OCT/24/2012

IN RE: PETITION FOR VARIANCE

N/S Martin Boulevard; 100' W of
c/l of Middle River Road
(1472 Martin Boulevard)
15th Election District
6th Council District

Martin Financial Associated, LLLP
Legal Owner
McDonald's Corporation
Contract Purchaser
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* CASE NO. 2012-0077-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 USA, LLC ("McDonald's" or "Petitioner"), through its attorneys, Stanley S. Fine, Esquire, and Caroline L. Hecker, Esquire, for the property located at 1472 Martin Blvd. The Petitioner requests relief from the following sections of the Baltimore County Zoning Regulations ("B.C.Z.R."):

- 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; and
- Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; and
- Section 450.4 Attachment 1, 3(b)(VII) to permit two (2) directional signs of 9.71 ft. in height in lieu of the permitted 6 ft.; and
- 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.

The subject property and requested relief are more particularly described on the Plat to Accompany Zoning Petition submitted and the color sign elevation drawings which were accepted into evidence as Petitioner's Exhibits 1 and 3, respectively.

EXHIBIT

3

tabbles

Appearing at the requisite public hearing in support of the request were Caroline L. Hecker, Esquire, attorney for McDonald's; Lee May, Area Construction Manager for McDonald's Corporation; and Iwona Rostek-Zarska of Baltimore Land Design Group, Inc., the engineer who prepared the site plan for this property. No protestants or other interested persons appeared at the hearing.

Testimony and evidence presented at the hearing discloses that McDonald's is the current lessee of a pad site in the Martin Plaza Shopping Center, which is owned by Martin Financial Associated Limited Partnership. The existing structure is over 30 years old and has become operationally inadequate. As a result, McDonald's has demolished the existing structure and is rebuilding a new restaurant in its place. The new structure will be approximately 500 sq. ft. smaller than the former structure, as it will not have a basement. In addition, the new restaurant will have approximately 78 seats, whereas the former restaurant had approximately 95 seats.

Ms. Rostek-Zarska was accepted as an expert in site engineering and testified that the unique size and shape of the site impose certain constraints on the proposed construction that make the requested variances necessary. The McDonald's site, shown on the photographs submitted by Petitioner (Petitioner's Exhibit 2), is located in the Martin Plaza Shopping Center at the intersection of Martin Boulevard and Middle River Road. Although the site fronts on two busy streets, it does not have direct access to either one. Rather, patrons must enter the Martin Plaza Shopping Center in order to reach the McDonald's site. Ms. Zarska testified that the small size and irregular shape of the McDonald's pad site, and the fact that it is located at an intersection with frontage on two busy streets, make this property unique. Due to these unique features of the site, the requested signage variances are necessary in order to identify the McDonald's restaurant to passing motorists and to safely direct traffic in and around the site.

Petitioner seeks variances from B.C.Z.R. Section 405.4 Attachment 1, 5(a)(VI) to permit six (6) wall-mounted enterprise signs on building facades in lieu of the permitted three (3) signs; from B.C.Z.R. Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; B.C.Z.R. Section 450.4 Attachment 1, 3(b)(VII) to permit two (2) directional signs of 9.71 ft. in height in lieu of the permitted 6 ft.; B.C.Z.R. 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 B.C.Z.R. 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. Although the site is located at the busy intersection of Martin Boulevard and Middle River Road, patrons must enter the Martin Plaza Shopping Center parking lot in order to access the site as there is no direct access from the McDonald's pad site to either Martin Boulevard or Middle River Road. As a result, these variances are 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, these 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 signs were not permitted.

After due consideration of the testimony and evidence presented, it is clear that the requested variances meet the standards set forth in B.C.Z.R. § 307. The Property is unique by virtue of its small size and irregular shape. In light of these unique features of the Property, I find that the Petitioner has satisfied its burden at law. The constraints imposed by these features would create a practical difficulty for the Petitioner if strict compliance with the provisions of the B.C.Z.R. were required. I further find that the relief requested meets the spirit and intent of the B.C.Z.R., and I will therefore grant the requested variances.

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

THEREFORE, IT IS ORDERED this 15th day of December, 2011, that the Petition for Variance relief from the following sections of the Baltimore County Zoning Regulations ("B.C.Z.R."):

- 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; and
- Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; and
- Section 450.4 Attachment 1, 3(b)(VII) to permit two (2) directional signs of 9.71 ft. in height in lieu of the permitted 6 ft.; and
- 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,

be and are hereby GRANTED, subject to the following:

1. Petitioners are hereby made aware that proceeding at this time is at their 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 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz.

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
S side of Belmont Avenue; 720' from the	*	OFFICE OF ADMINISTRATIVE
c/line of Security Boulevard		
1 st Election District	*	HEARINGS FOR
1 st Council District		
(1655 Belmont Avenue)	*	BALTIMORE COUNTY
Archland Property I, LLC	*	CASE NO. 2012-0231-SPHA
Petitioner		

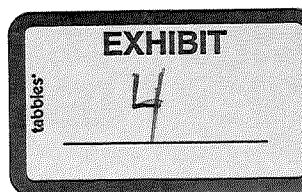
* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the property, Archland Property I, LLC. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm the following interpretations of the B.C.Z.R.:

- The reader board and enterprise sign are not considered to be a continuous (sic) sign because the two signs are separated by more than 1';
- The area of the face of the enterprise sign is calculated separately from the area of the reader board when both signs are located on the same support structure but are separated by more than 1'; a) the maximum area of the changeable copy reader board is 50% of the area of the enterprise sign;
- An enterprise sign and changeable copy reader board constitute one free-standing sign when they are located on the same support structure; and
- The height of the changeable copy sign is measured from the ground to the top of the changeable copy sign as shown on the attached plan.

The Petitioner also seeks Variance relief from the B.C.Z.R. as follows:



- Section 450.4 Attachment 1,5(a)(VII) to permit six wall-mounted enterprise signs on building facades in lieu of the permitted three signs;
- Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 10.7' in height in lieu of the permitted 6';
- Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 9.71' in height in lieu of the permitted 6';
- Section 450.4 Attachment 1, 3(II) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free standing directional sign; and
- Section 450.5.B.3.b to permit the erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy.

If the special hearing request is denied, the Petitioner requested the following additional variance:

- Section 450.4 Attachment 1, 5(b)(V) to permit a free standing enterprise sign having a face of 94 square feet in lieu of the permitted 75 square feet.

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

Appearing at the public hearing held for this case was Lee May, Area Construction Manager, and Iwona Rostek-Zarska with Baltimore Land Design Group, Inc., the professional engineer who prepared the site plan. Also attending were Stanley S. Fine, Esquire, and Caroline Hecker, Esquire, counsel for the Petitioner. There were no Protestants or other interested persons in attendance, although the file contains two letters from People's Counsel (dated May 7 and 8, 2012) indicating that office opposed the special hearing relief sought by Petitioner.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. Comments were received from the Department of Planning dated April 23, 2012, indicating that agency did not support the special hearing relief sought by Petitioner. The Department of Planning further commented that it did not oppose Petitioner's variance requests 1 through 5, though it did oppose request #6 (which would only be considered if special hearing relief was denied).

Testimony and evidence revealed that the subject property is improved with a McDonald's restaurant, constructed in 1980. Petitioner proposes to raze that structure and in its place construct a smaller restaurant (approximately 5,962 square feet currently, and approximately 4,377 square feet as proposed). The restaurant will also have fewer seats (88 versus 110 at present) and would feature a newer, more upscale look. Petitioner proposes to replace an existing freestanding sign (the subject of the special hearing case) and also proposes six enterprise signs in lieu of the eight enterprise signs that currently exist. The capital investment for the project is approximately \$2.45 million, and the construction would include "green building" elements.

VARIANCES 1 - 5

Based on the evidence presented, which is discussed below, I find that variance requests 1 through 5 can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). 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.

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.

Specifically, Mr. May testified – via proffer (*See* Exhibit 5) – that the variances for the signage would make the restaurant visible to passing motorists on Security Boulevard. In addition, several McDonald's in the area have been similarly “upgraded,” and the signage variances would provide for a consistent look and appearance for the brand. Mr. May also indicated the signage would allow customers to quickly and safely navigate through the site and the drive-thru lanes.

The Petitioner's next witness (who also testified via proffer, see Exhibit 5) was Iwona Zarska, who was accepted as an expert in site engineering. She opined the site was irregularly shaped and though it fronted on Security Boulevard, the only entrance to the restaurant was on Belmont Avenue. She also opined Petitioner would suffer a hardship if the B.C.Z.R. were strictly enforced, because trees and other businesses along Security Boulevard obstruct the view of the McDonald's. Finally, she opined that the grant of variance relief would likely improve property values in the area, since the new structure will be more modern and attractive. The building is being constructed in essentially the same footprint as the current restaurant, and she therefore did not believe the community would suffer any additional impacts beyond those associated with the McDonald's operating presently.

SPECIAL HEARING

As noted above, Petitioner proposes to construct a new (smaller) freestanding enterprise sign (83 square feet versus 212 square feet existing). As shown on the plans (Exhibits 3 and 4), Petitioner proposes to have the “McDonald's” name (i.e., enterprise sign) on the top portion of the

pole, and approximately 2' beneath would be positioned a changeable copy sign. As noted by Petitioner's counsel, these signs are of different classes, and therefore would not constitute a "contiguous sign," as that term is used in B.C.Z.R. § 450.3.

The second issue raised by Petitioner concerns the definition of "area" under the B.C.Z.R. The regulations exclude from the definition "air spaces" between signs of different classes located on a common support structure. It is clear the proposed freestanding enterprise sign and the changeable copy sign are on the same structure, and are also different classes of signs. Hence, the "area" of the signs does not include the "air space" between them. But the heart of this case lies in the interpretation of B.C.Z.R. § 450.7.B, which permits a freestanding changeable copy sign only when it is an "integral part" of an enterprise sign. And though it begs the ultimate question, it is clear that if the changeable copy sign is an "integral part" of the freestanding enterprise sign, then the changeable copy portion may be 50% of the area of the enterprise portion, per B.C.Z.R. § 450.7.

So when is a sign an "integral part" of another sign? The B.C.Z.R. is really of no assistance, since it doesn't define the term. The dictionary defines "integral" as "organically joined or linked ... form[ing] a whole ... formed as a unit with another part." See Petitioner's Memorandum of Law, p. 3. There is also no Maryland case law addressing the issue, although in a fairly recent federal case involving a patent infringement claim with respect to certain scientific lab equipment, the court noted that "depending on the context, courts have construed the term 'integral' to broadly mean forming a unit or to narrowly refer to being formed in one piece." Scientific Specialties, Inc. v. Thermo Fisher, 684 F. Supp. 2d 1187, 1191 (N.D. Calif. 2010). The court's holding is particularly apropos here, where the parties have argued for broad (i.e., the

Petitioner contends that “integral” means on the same support structure) and narrow (i.e., People’s Counsel argues the term means “joined together”) interpretations of the term.

The B.C.Z.R. provides that its sign law provisions are to be “strictly construed.” B.C.Z.R. § 450.8; See also, Trinity Assembly of God v. People’s Counsel, 407 Md. 53, 73 (2008). Thus, I believe that the definition of “integral part” must incorporate some concept of one-piece construction, such that the changeable copy sign may be said to be a “component” of the enterprise sign. But I do not believe that means they must be touching or in physical contact. Rather, and as seen in the “Mr. Burger” example provided by People’s Counsel, the changeable copy portion must in a sense form a component part or unit of the larger overall sign. Indeed, the signs in the “Mr. Burger” example are not touching (though it is impossible to determine just how much space exists between the “enterprise” portion and the “changeable copy” portions), just as they are not in the example from the Zoning Commissioner’s Policy Manual (ZCPM) attached as Exhibit A to Petitioner’s memorandum. The space – and whether it is a matter of inches or 1 or 2 feet – is not what is important. Rather, it is the sign viewed in its entirety which reveals that the reader board is an “integral part” of the enterprise sign.

In the “Mr. Burger” example, the integration is achieved by the support structures on both sides of the signs, which makes the sign a single unit. While this interpretation of § 450.7.B relies on admittedly subjective factors, I believe that is a consequence of the language used in the regulation (“integral part”) which is an imprecise term susceptible to several interpretations. That is why, in my opinion, zoning ordinances are best framed in terms of feet and/or inches. In any event, I do not believe the changeable copy board is an “integral part” of the enterprise sign (i.e., the familiar arches and McDonald’s name) in the freestanding signs proposed by Petitioner. It

simply lacks the cohesiveness found in the "Mr. Burger" example, and does not appear to be a single unit. As such, this aspect of the special hearing relief is denied.

VARIANCE NO. 6

Since the dispositive portion of the special hearing relief was denied, Petitioner seeks variance relief to allow a freestanding enterprise sign with a face area of 94 square feet in lieu of the permitted 75 square feet. The existing sign is 212 square feet, and the proposed enterprise sign would be less than half that size. The sign regulations are designed to reduce visual clutter, and I believe they will have served that purpose in this case even if the variance relief is granted. The Petitioner seeks an approximate 20% increase in the permitted area, which I believe is a modest request. McDonald's is a well known brand, and the new restaurant will be an improvement for the community, and the proposed 94 square feet sign will be appropriate for the location and much smaller than what exists at present.

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

THEREFORE, IT IS ORDERED, this 30th day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that the enterprise sign and changeable copy reader board constitute one free-standing sign when they are located on the same support structure, be and is hereby DENIED.

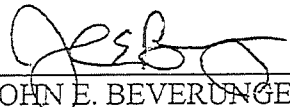
IT IS FURTHER ORDERED that the Petition for Variance relief from the B.C.Z.R. as follows:

- Section 450.4 Attachment 1,5(a)(VII) to permit six wall-mounted enterprise signs on building facades in lieu of the permitted three signs;
- Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 10.7' in height in lieu of the permitted 6';
- Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 9.71' in height in lieu of the permitted 6';
- Section 450.4 Attachment 1, 3(II) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free standing directional sign;
- Section 450.5.B.3.b to permit the erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; and
- Section 450.4 Attachment 1, 5(b)(V) to permit a free standing enterprise sign having a face of 94 square feet in lieu of the permitted 75 square feet,

be and are hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

1. The Petitioner may apply for any required building permits and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at his 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 will be required to return and be responsible for returning said property to its original condition.



 JOHN E. BEVERUNGEN
 Administrative Law Judge for
 Baltimore County

JEB:dlw



BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 1472 MARTIN BOULEVARD

October 26, 2012

LEE MAY – TESTIMONY

Name: Lee May

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? 1472 Martin Boulevard

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 is an existing McDonald's restaurant at this location.

How long has that McDonald's been operating at that location?

The McDonald's was recently rebuilt to replace an older McDonald's restaurant that had been at this site since 1979.

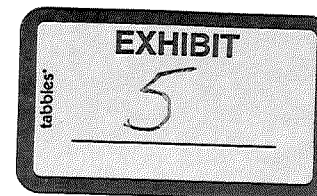
What is McDonald's proposing to do at this location?

McDonald's would like to retain its existing free-standing sign, which was erected in 1979 at the time the original restaurant was constructed.

Describe existing conditions at the McDonalds.

EXHIBIT 1 – PLAT TO ACCOMPANY ZONING PETITION

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



Identify photographs of McDonald's at 1472 Martin Blvd.

EXHIBIT 2 – PHOTOS

Describe the location of this McDonald's.

The McDonald's site is part of the Martin Plaza Shopping Center. It is located at the intersection of Martin Blvd. and Middle River Road.

Describe the new McDonald's restaurant that was recently constructed. (See photos)

The new McDonald's has a contemporary, upscale look that replaced the traditional mansard-roofed restaurant.

Much more efficient in terms of both operations and energy efficiency.

The new restaurant is reversed in direction from the existing restaurant, with the front facing the Shopping Center rather than facing Middle River Road.

The new restaurant also has two drive-thru lanes to improve operational efficiency.

The Office of Administrative Hearings approved certain signage variances for the new restaurant in Case No. 2012-0077.

EXHIBIT 3 – Copy of ALJ Decision – Case No. 2012-0077

We did not apply for any relief relating to the freestanding sign at that time, because another case was pending relating to the calculation of the area of a freestanding sign when an enterprise sign and a reader board share a signage structure.

That issue was resolved in Case No. 2012-0231-SPHA relating to the McDonald's at 1655 Belmont Ave.

As a result of that decision, it was determined that the area of a freestanding sign that includes both a reader board and an enterprise sign is measured by drawing a box around the entire sign, including the airspace between them, and that the separation between the two signs could not be greater than one foot.

EXHIBIT 4 - Case No. 2012-0231-SPHA – 1655 Belmont Ave.

Why does the existing McDonald's sign require zoning approval?

Although the sign was lawfully established, the sign regulations have since changed and, under the current regulations, the existing sign would have to be removed unless approval is granted to re-authorize the sign.

As a result, we have applied for Special Hearing relief to permit the continuation of the existing sign, and for variance relief to permit a free-standing enterprise sign having a face of 108.6843 SF in lieu of the permitted 75 SF, measured in accordance with the ALJ's decision on the Belmont Ave. McDonald's.

Are any changes proposed to the existing sign?

Currently, the reader board is located approximately 3.4 feet below the enterprise portion of the sign.

We propose to raise the reader board so that it is separated from the enterprise sign by less than 1 foot in accordance with the current signage regulations and the ALJ's decision in Case No. 2012-0231-SPHA.

In addition, the reader board will be converted to an electronic message sign.

Why are you proposing this signage approval and variance?

We have requested this signage variance to ensure that the site remains visible to passing motorists at this busy intersection, particularly since the new restaurant faces the shopping center and not Middle River Road.

What has been the amount of capital investment for this new restaurant?

Approximately \$ 2.3 million



BALTIMORE COUNTY ZONING HEARING OUTLINE

**MCDONALD'S – 1472 MARTIN BLVD.
October 26, 2012**

IWONA ZARSKA – TESTIMONY

Name: Iwona Zarska

Address:

Employer, employer's address: Baltimore Land Design Group
230 Schilling Circle, Ste. 364
Hunt Valley, MD 21030

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 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?

As a result of the Petitioner's application, what zoning relief is requested?

- Special Hearing relief to permit the retention of the existing free-standing sign on the McDonald's pad site; and
- A variance from Section 405.4 Attachment 1, 5(b)(v) to permit a freestanding enterprise sign with a face of 108.6943 SF in lieu of the permitted 75 SF.

Please identify the requested variances on the Plat to Accompany Zoning Petition.

SEE EXHIBIT 1 – PLAT TO ACCOMPANY ZONING PETITION

Is the subject property peculiar, unusual, or unique when compared to other properties in the neighborhood?

Yes. The property is unique due to its small size and irregular shape, as well as the fact that it is located at an intersection with frontage on both Martin Blvd. and Middle River Road, yet does not have direct access to either road.

Since you have indicated that the property is peculiar, unusual, or unique, would strict compliance with the Baltimore County Zoning Regulations result in a practical difficulty or unreasonable hardship to the Petitioner?

Yes.

The small size, irregular shape, and the fact that the property is located at an intersection with frontage on two busy, high-speed streets but does not have direct access to either, create practical difficulties in identifying the building and safely directing traffic in and around the site.

In addition, now that the direction of the restaurant has been changed so that it faces the shopping center instead of Middle River Road and Martin Blvd., it is more difficult for passing motorists to see the building.

Previously, the well known mansard roof, which was visible from Martin Blvd., Middle River Road, and within the Shopping Center, helped to identify the building as a McDonald's.

With the updated design of the new McDonald's restaurant, additional signage is necessary to identify the restaurant as a McDonald's to those who may not be familiar with the new design. The freestanding sign is very well known and needed in this location to make the drivers aware about the presence of the new McDonald's, especially because the access to the site is not direct from the Martin Blvd. or Middle River Road.

In addition, as the existing sign has been in place since 1975, it will not create any new adverse condition on the property.

Would the granting of the variance be injurious to the use and enjoyment of the other property owners in the immediate vicinity, or substantially diminish and impair property values in the neighborhood?

No, the granting of the variance will simply permit the retention and continuation of the existing freestanding sign, which will have no impact on the use and enjoyment of other property owners in the immediate vicinity or substantially diminish and impair property values in the neighborhood.

The reader board will be raised to within one foot of the enterprise portion of the sign to bring it into conformity with the Zoning Regulations.

Would the granting of the variances impair an adequate supply of light and air to adjacent property, or overcrowd the land, or create an undue concentration of population, or substantially increase the congestion of the streets, or create hazardous traffic conditions, or increase the danger of fire, or otherwise endanger the public safety?

Again, the granting of the variance will simply permit the retention of the existing sign and therefore will not impair the supply of light and air to the adjacent properties, cause an overcrowding of the land, affect the concentration of population, congestion of the streets, traffic conditions, or the danger of fire, or endanger the public safety in any manner.

Would the granting of the variances adversely affect transportation or unduly burden water, sewers, school, park, or other public facilities?

The granting of the variance will not have any impact on transportation, nor will it burden water, sewers, school, park, or other public facilities.

Would the granting of the variances be in strict harmony with the spirit and intent of the BCZR?

The granting of the variance is in harmony with the purpose of the Zoning Regulations, as it will promote the health, security, comfort, convenience, orderly development and other aspects of the general welfare of the community by permitting McDonald's to retain its existing sign with an upgraded electronic message board.

Would the granting of the variances cause any injury to the public health, safety, or general welfare?

The granting of the variance will not cause any injury to the public health, safety, or general welfare.

CONCLUSION

For these reasons, we respectfully request that permission be granted to retain the existing free-standing sign and that a variance to the signage variance be granted to permit a free-standing sign with a face of 108.6943 SF in lieu of the permitted 75 SF.

EXHIBIT 5 – OUTLINE OF TESTIMONY

MODE = MEMORY TRANSMISSION

START=OCT-22 12:38

END=OCT-22 12:39

FILE NO.=775

STN NO.	COMM.	ONE-TOUCH/ ABR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	94107271115	001/001	00:00:23

-ADMINHEARINGS

- 410 887 3468 -

ITY, MARYLAND
correspondence
OCT 22 2012
RECEIVED
OFFICE OF ADMINISTRATIVE HEARINGS

aging Administrative Law Judge
ngs

Environmental Protection and Sustainability
nation

em # 2013-0043-SPHA
1472 Martin Boulevard
ial Associated Ltd Partnership Property)

of September 10, 2012.

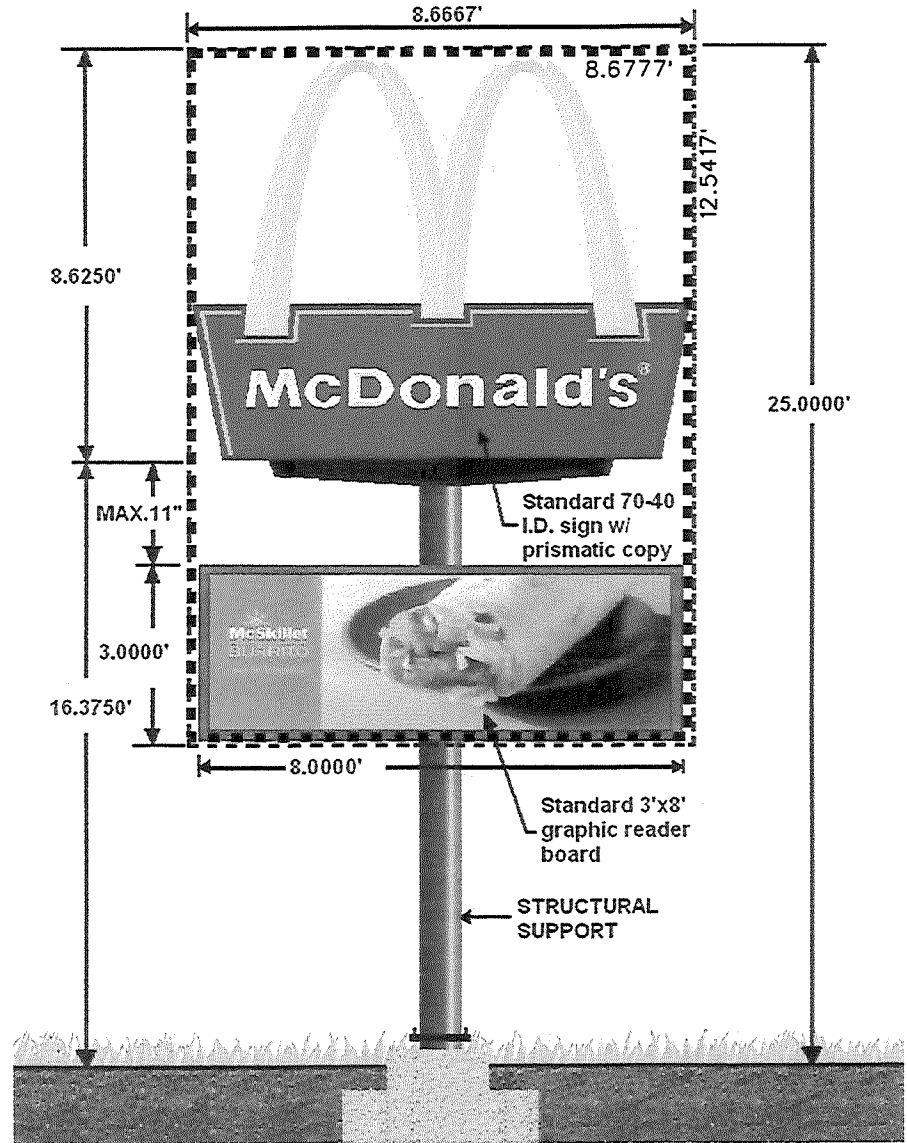
X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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

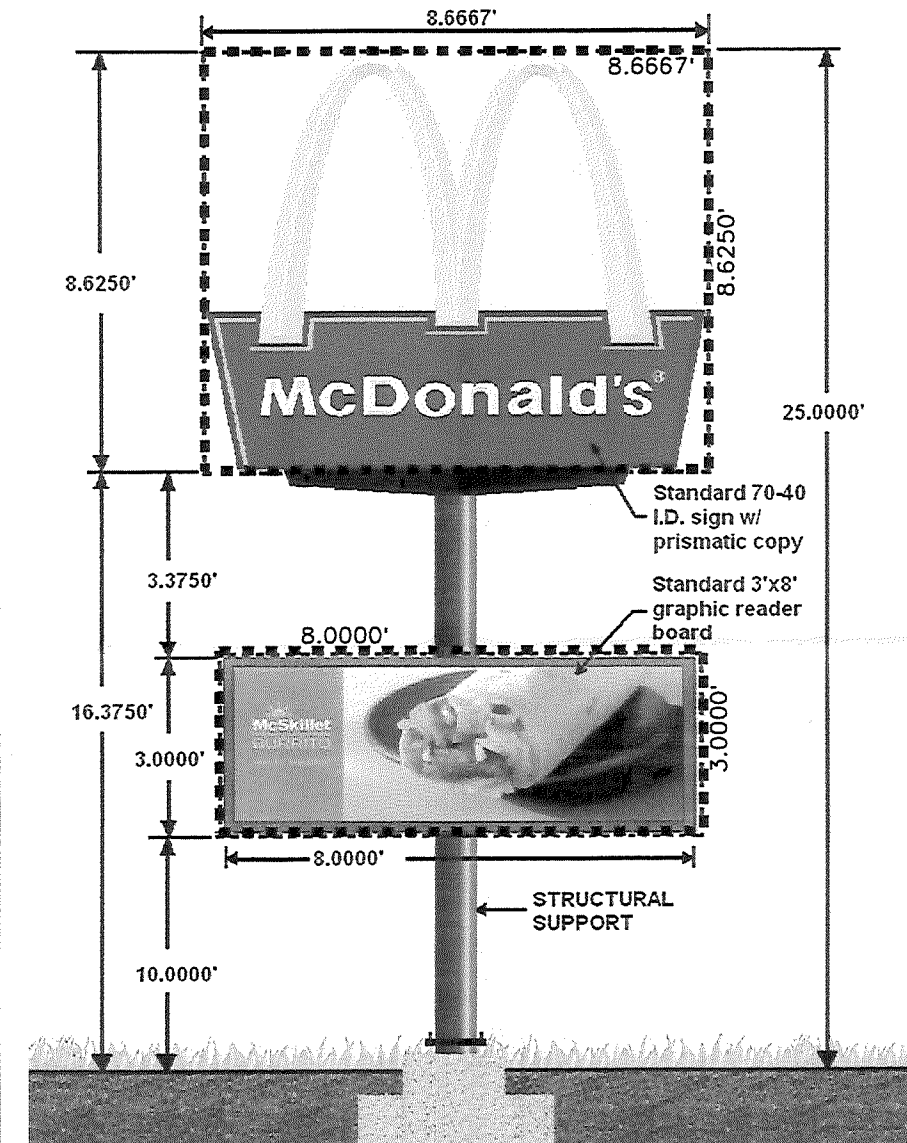
Reviewer: Regina Esslinger - Environmental Impact Review

Post-it® Fax Note	7671	Date	10-22	# of pages	1
To	Caroline Hecker	From	OAM		
Co./Dept.		Co.			
Phone #	ZAC comment	Phone #			
Fax #		Fax #	2013-0043-SPHA		

70-40 PYLON ROAD SIGN	
CLASS:	ENTERPRISE
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	12.5417' x 8.6667' = 108.70 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

CONTINUATION

CASE NO. 2012-0077-A

THEREFORE, IT IS ORDERED this 15th day of December, 2011, that the Petition for Variance relief from the following sections of the Baltimore County Zoning Regulations ("B.C.Z.R."):

- Section 450.4 Attachment 1, 5(a)(vi) to permit 6 wall-mounted enterprise signs on the building located in lieu of the permitted 3 signs; and
- Section 450.4 Attachment 1, 9(b)(vi) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; and
- Section 450.4 Attachment 1, 3(b)(vi) to permit two (2) directional signs of 9.71 ft. in height in lieu of the permitted 6 ft.; and
- Section 450.4 Attachment 1, 3(i) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing signs; 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;

be and are hereby GRANTED, subject to the following:

- Petitioners are hereby made aware that proceeding at this time is at their 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 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.

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

TMK:ps

SPECIAL HEARING REQUEST

FROM SECTION 500.7 TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONER SHOULD APPROVE THE RETENTION OF A FREE-STANDING ENTERPRISE SIGN ON THE McDONALD'S PAD SITE OF THE MARTIN PLAZA SHOPPING CENTER.

ZONING VARIANCE REQUEST

FROM SECTION 450.4 ATTACHMENT 1.5(b)(vi) TO PERMIT A FREE-STANDING ENTERPRISE SIGN HAVING AN AREA/FACE OF 108.70 SF IN LIEU OF THE PERMITTED 75 SF.

ZONING HISTORY

CASE NO. 2010-0007-SPHA

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this

4th day of November, 2009, that the Petition for Variance seeking relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an additional freestanding enterprise sign to be installed along Martin Boulevard, to permit a freestanding enterprise sign with a maximum height of 29 feet in lieu of the permitted 25 feet, to permit a freestanding enterprise sign to have a face with a maximum area of 168 square feet in lieu of the permitted 100 square feet, and to permit a wall mounted sign of 195 sq. ft. in lieu of the permitted 150 sq. ft., be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to permit three freestanding enterprise signs along Martin Boulevard in lieu of the approved two under Case No. 05-103-A, be and is hereby DISMISSED AS MOOT.

- The Petitioner(s) is advised that it may apply for any required sign permits and be granted same upon receipt of this Order; however, the Petitioner(s) is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner(s) would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.

William A. Brennan, III
William A. Brennan, III
Zoning Commissioner
for Baltimore County

ZONING HISTORY

CASE NO. 2005-103-A

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this

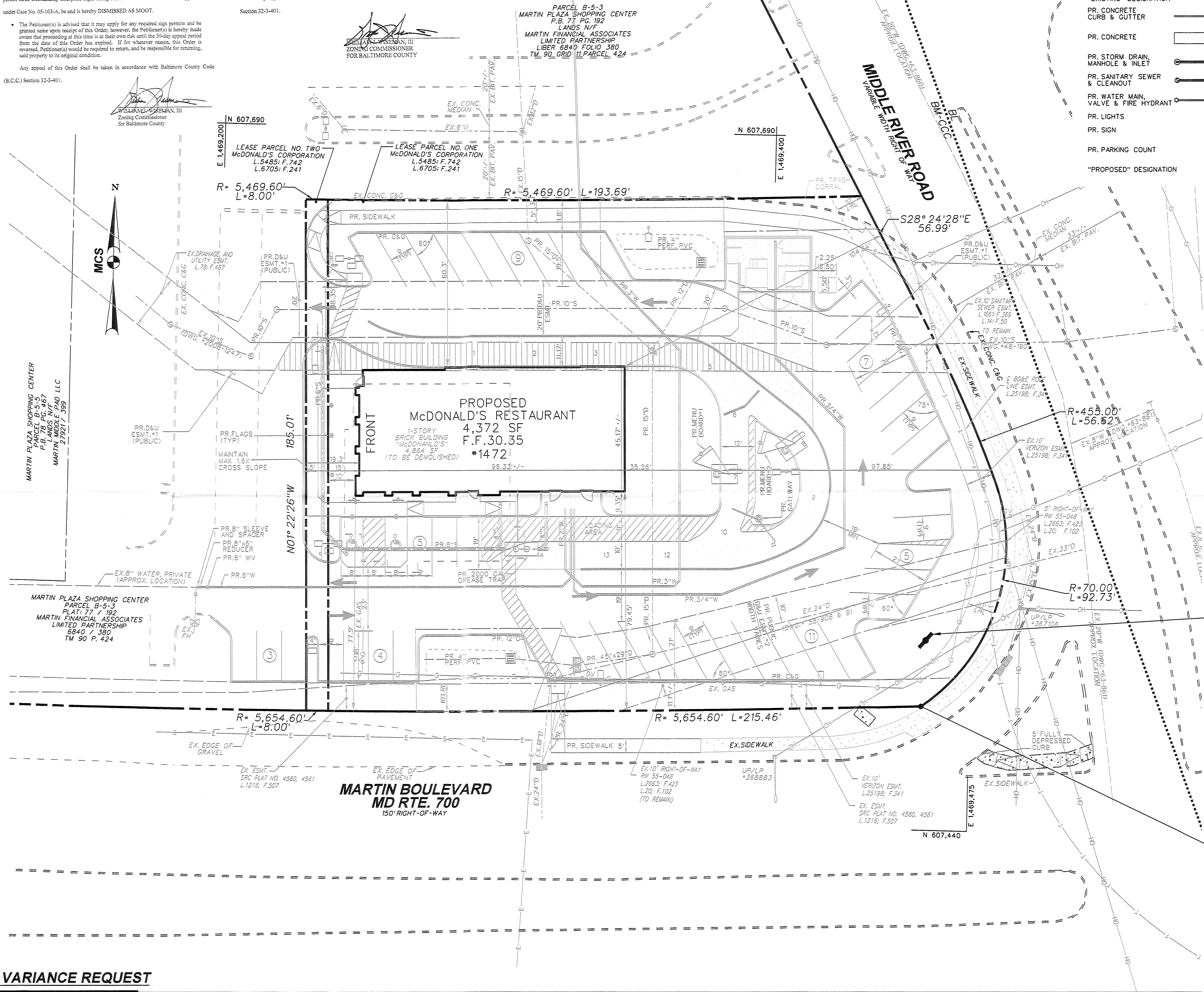
day of November, 2004, that items 1, 2, 3, 4, and 6 on the Petition for Variance, BE AND HEREBY ARE GRANTED, subject to the following conditions:

- The Petitioners may apply for their permits and may be granted same; however, Petitioner is hereby made aware that doing so shall be at its own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED, that item number 5 on the Petition for Variance, seeking relief from Section 450.5 to allow addition of Target Sign/Logo to existing Martin Plaza signs, be and hereby is DISMISSED WITHOUT PREJUDICE.

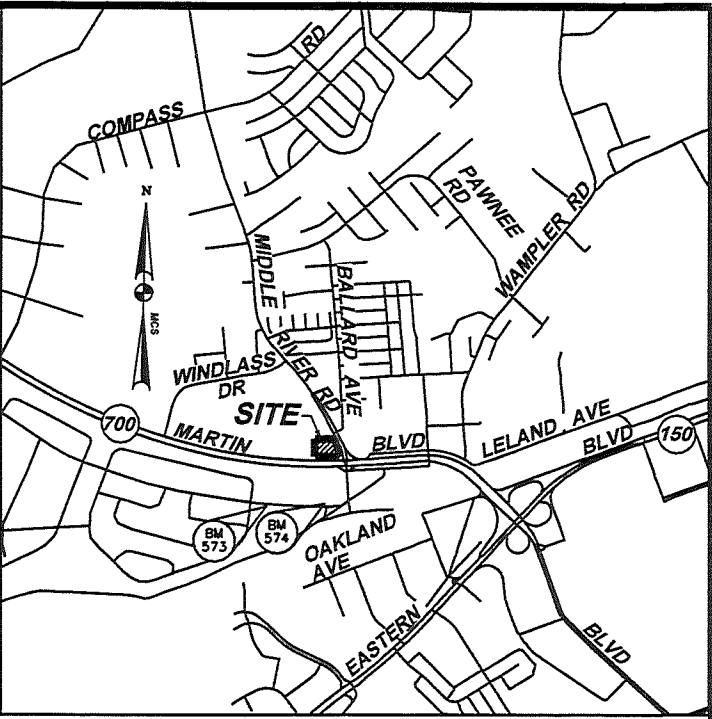
Any appeal from this Order shall be taken in accordance with Baltimore County Code Section 32-3-401.

William A. Brennan, III
William A. Brennan, III
Zoning Commissioner
FOR BALTIMORE COUNTY



LEGEND

RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
ZONING LINE	-----BL BM-CCC EX-L&E
EX. CONCRETE CURB AND GUTTER	---
EX. CONCRETE	---
TO BE REMOVED DESIGNATION	(TBR)
EX. BUILDING	---
EX. SIGN	EX.SIGN L L EX.ID SIGN
"EXISTING" DESIGNATION	EX.
PR. CONCRETE CURB & GUTTER	PR.C&G
PR. CONCRETE	---
PR. STORM DRAIN, MANHOLE & INLET	PR.15"D
PR. SANITARY SEWER & CLEANOUT	PR.6"S
PR. WATER MAIN, VALVE & FIRE HYDRANT	PR.6"W
PR. LIGHTS	---
PR. SIGN	---
PR. PARKING COUNT	---
"PROPOSED" DESIGNATION	PR.



VICINITY MAP

SCALE: 1" = 200'

BENCH MARK

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

NO. 573: N 606,937.34; E 1,468,728.76; EL. 21.78
DESCRIPTION: RAILROAD SPIKE IN SIDEWALK ON SOUTH SIDE OF FUSelage RD. 50 FT. +/- EAST FROM RIGHT WING DRIVE

NO. 574: N 606,978.85; E 1,469,346.77; EL. 25.92
DESCRIPTION: RAILROAD SPIKE IN SIDEWALK ON NORTH SIDE OF FUSelage RD NEAR FOOD LION AND TACO BELL PARKING LOT

SITE DATA

- SITE AREA (PART OF PARCEL B-5-3):
LEASE AREA (PARCEL *1) = 42,200 SF
LEASE AREA (PARCEL *2) = 1,480 SF
TOTAL LEASE AREA = 43,680 SF OR 1.003 AC
- OWNER OF PARCEL B-5-3:
MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP
2800 QUARRY LAKE DRIVE, SUITE 340
BALTIMORE, MARYLAND 21209-3764
- TAX MAP REFERENCES:
TAX ACCT: 11-2400017969 MAP: 90; GRID: 11; PARCEL: 424 (PARCEL B-5-3)
DEED REFERENCES: L. 6840; F. 380
RECORD PLAT: L. 77; F. 192; MARTIN PLAZA SHOPPING CENTER, PARCEL B-5-3
- LESSEE:
McDONALD'S CORPORATION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
- LEASE PARCEL *1 DEED REFERENCE: L. 5485; F. 742 AND L. 6705; F. 241
LEASE PARCEL *2 DEED REFERENCE: L. 5485; F. 742 AND L. 6705; F. 241
- ELECTION DISTRICT: 15; COUNCILMANIC DISTRICT: 6
- EXISTING ZONING: BM-CCC (MAP#090 C2)
- EXISTING USE: McDONALD'S RESTAURANT - TO BE RAZED
PROPOSED USE: NEW McDONALD'S RESTAURANT
- 2000 CENSUS TRACT: 451300
WATER SERVICE AREA: FIRST ZONE
SEWER SHED: 7
TRANSPORTATION ZONE: 0719
ZIP CODE: 21220
WATERSHED: MIDDLE RIVER
- MINIMUM SETBACK REQUIREMENTS (BM-CCC ZONE):
FRONT: 15' FT. FROM FRONT LINE AND 40' FT. FROM CL OF STREET
AND AVERAGE OF FRONT YARDS ON ADJACENT PROPERTIES.
SIDE : NONE
REAR: NONE
- BUILDING HEIGHT:
ALLOWED: 40' FT.
PROPOSED: 23.3' FT
- FLOOR AREA RATIO:
MAX. PERMITTED: 4.0
PROPOSED: 4,372 SF / 43,680 SF = 0.10
- AMENITY OPEN SPACE RATIO:
MIN. REQUIRED: 0.2
PROVIDED:
- 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 PROVIDED BY EITHER REDUCTION OF EXISTING IMPERVIOUS AREA AND/OR PROVIDING WATER QUALITY TREATMENT FOR 50% OF THE EXISTING IMPERVIOUS AREA WITHIN PROJECT LIMIT OF DISTURBANCE (LOD).
- SINCE THE FULL REDUCTION OF EXISTING IMPERVIOUS AREA COULD NOT BE ACHIEVED FOR PROPOSED DEVELOPMENT, THEREFORE SWM ESD PRACTICE #1 & #2, MICRO-BIOTENTION 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, 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 SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES, UNLESS PERMITTED OTHERWISE BY BALTIMORE COUNTY.
- 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 430 OF 581 COMMUNITY PANEL NUMBER 2400100430 F. MAP REVISED SEPTEMBER 26, 2008" AND IS LOCATED IN ZONE X; OTHER AREAS (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 THE ALTA / ACSM LAND TITLE SURVEY PREPARED BY BOMER ENGINEERING, DATED DECEMBER 26, 2009, WITH THE LAST REVISION DATED FEBRUARY 7, 2011.

PARKING REQUIREMENTS

PARKING SPACES FOR MARTIN PLAZA SHOPPING CENTER:

PARKING SPACES REQUIRED: 264,763 SF @ 5 PS / 1,000 SF = 1,324 P.S.
PARKING SPACES PROVIDED: 1,433 PS
PARKING SPACES PROVIDED WITHIN McDONALD'S LEASE AREA: 39 (INCLUDING 2 HDPC)

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

PDM FILE #XV-246

2013-0043-SPHA

PLAT TO ACCOMPANY ZONING PETITION
FOR SPECIAL HEARING AND VARIANCE

McDONALD'S RESTAURANT

MARTIN PLAZA SHOPPING CENTER
1472 MARTIN BOULEVARD
MIDDLE RIVER, MD 21220

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT 15, C6
DATE: AUGUST, 2012

DRAWING NO.

SH&V

SHEET 1 OF 1

BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM



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

PROFESSIONAL CERTIFICATION

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, 2014.

OWNER

MARTIN FINANCIAL ASSOCIATED
LIMITED PARTNERSHIP
2800 QUARRY LAKE DR
SUITE 340
BALTIMORE, MD 21209
PHONE (410) 308-6382

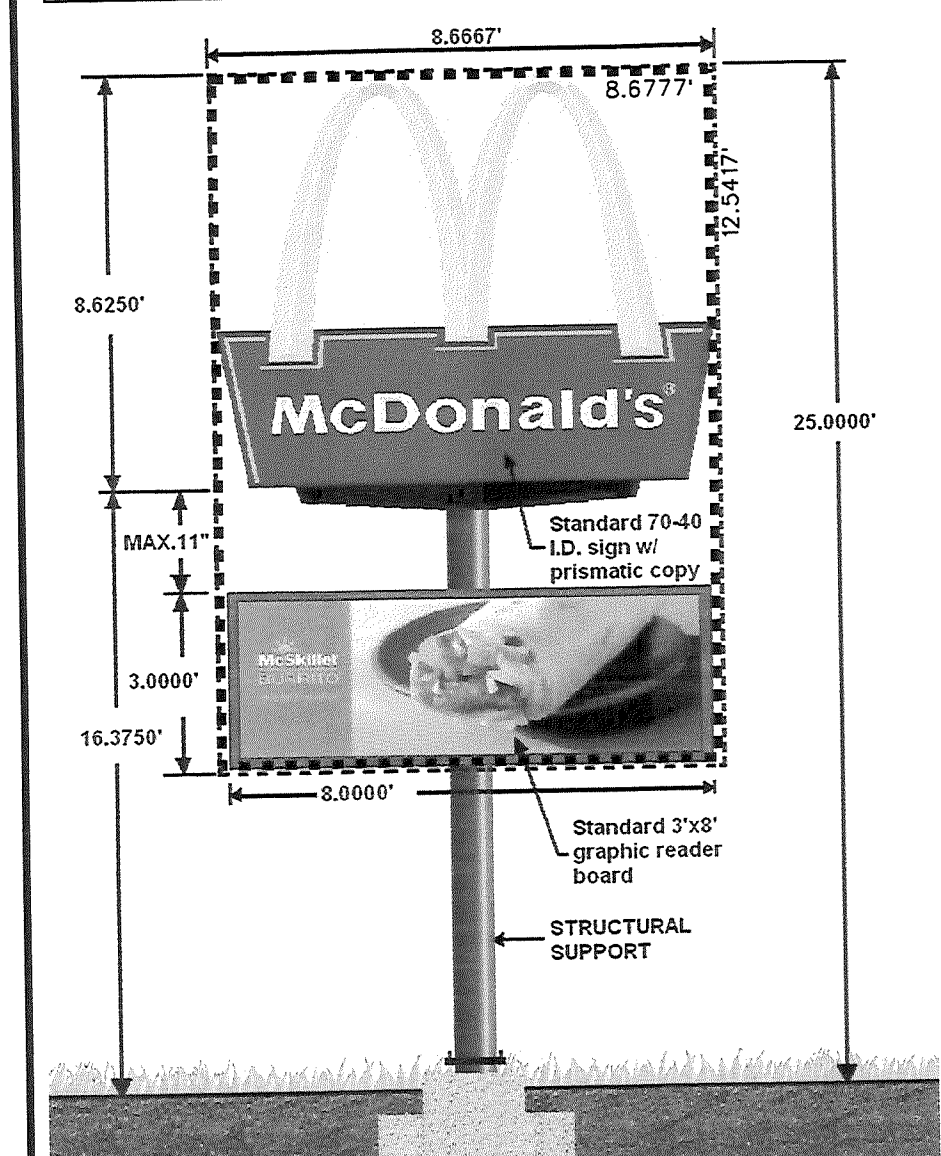
DEVELOPER / APPLICANT

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

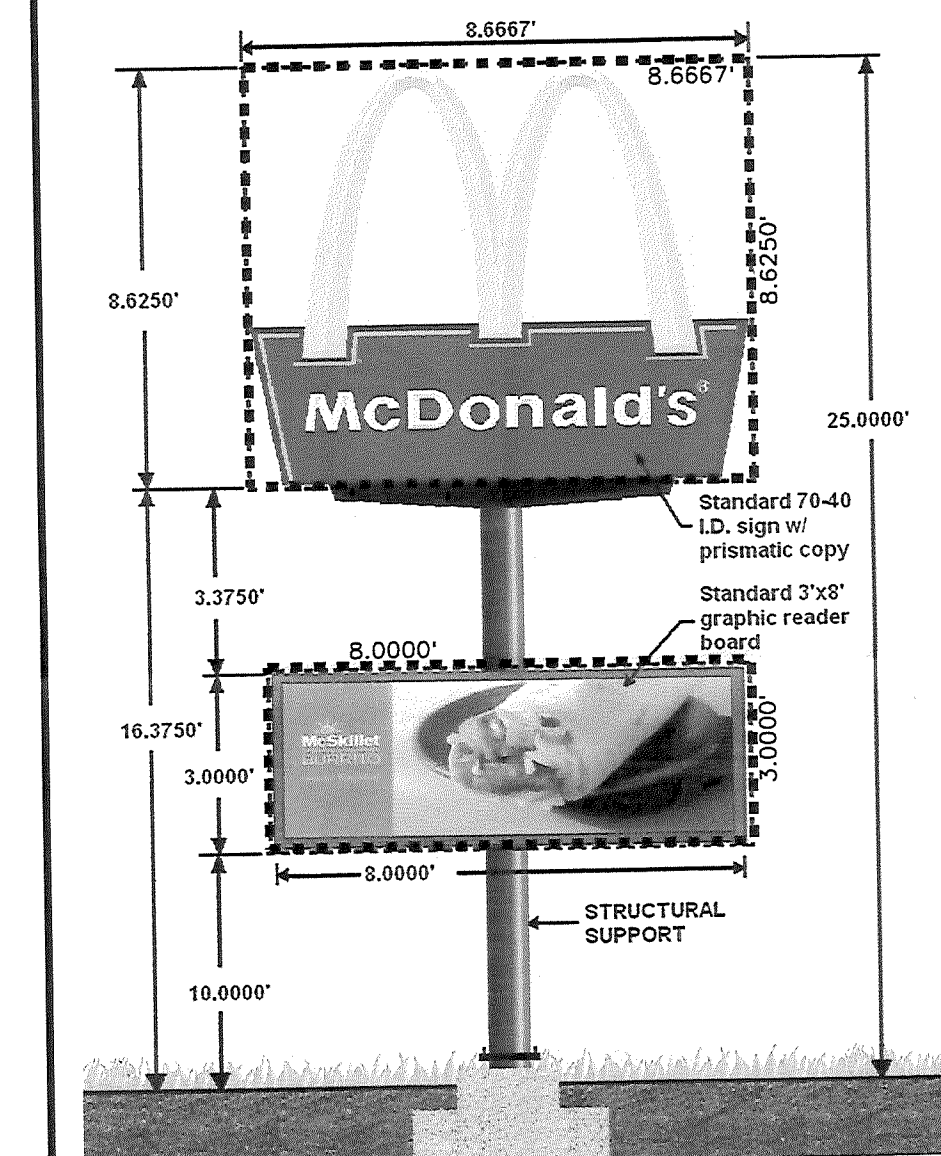
REVISIONS				
DATE	NO.	DESCRIPTION	BY	

FILENAME:

70-40 PYLON ROAD SIGN	
CLASS	ENTERPRISE
STRUCTURAL TYPE	FREESTANDING
FACE AREA	12,541.7' x 8,666.7' = 108,70 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

CONTINUATION

CASE NO. 2012-0077-A

THEREFORE, IT IS ORDERED this 1st day of December, 2011, that the Petition for Variance relief from the following sections of the Baltimore County Zoning Regulations ("B.C.Z.R."):

- Section 450.4 Attachment 1, 5(a)(VI) to permit 6 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs; and
- Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft. and
- Section 450.4 Attachment 1, 3(b)(VII) to permit two (2) directional signs of 9.71 ft. in height in lieu of the permitted 6 ft. and
- Section 450.4 Attachment 1, 3(d) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing signs; and
- Section 450.3.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,

be and are hereby GRANTED, subject to the following:

- Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the Utility (U) or Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners 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.

Timothy M. Kotyko
TIMOTHY M. KOTYKO
Administrative Law Judge
for Baltimore County

SPECIAL HEARING REQUEST ZONING VARIANCE REQUEST

FROM SECTION 500.7 TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONER SHOULD APPROVE THE RETENTION OF A FREE-STANDING ENTERPRISE SIGN ON THE McDONALD'S PAD SITE OF THE MARTIN PLAZA SHOPPING CENTER.

FROM SECTION 450.4 ATTACHMENT 1.5(b)(v) TO PERMIT A FREE-STANDING ENTERPRISE SIGN HAVING AN AREA/FACE OF 108.70 SF IN LIEU OF THE PERMITTED 75 SF.

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

PROFESSIONAL CERTIFICATION

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, 2014.

OWNER

MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP
2800 QUARRY LAKE DR
SUITE 340
BALTIMORE, MD 21209
PHONE (410) 308-6382

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 ZONING PETITION FOR SPECIAL HEARING AND VARIANCE

McDONALD'S RESTAURANT

MARTIN PLAZA SHOPPING CENTER
1472 MARTIN BOULEVARD
MIDDLE RIVER, MD 21220

PDM FILE #XV-246

2013-0043-SPHA

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT 15, C6
DATE: AUGUST, 2012

DRAWING NO.

SH&V

SHEET 1 OF 1

ZONING HISTORY

CASE NO. 2010-0007-SPHA

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of November, 2009, that the Petition for Variance seeking relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an additional freestanding enterprise sign to be installed along Martin Boulevard, to permit a freestanding enterprise sign with a maximum height of 29 feet in lieu of the permitted 25 feet, to permit a freestanding enterprise sign to have a face with a maximum area of 148 square feet in lieu of the permitted 100 square feet, and to permit a wall mounted sign of 195 sq. ft. in lieu of the permitted 150 sq. ft., be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to permit three freestanding enterprise signs along Martin Boulevard in lieu of the approved two under Case No. 05-103-A, be and is hereby DISMISSED AS MOOT.

- The Petitioner(s) is advised that it may apply for any required sign permits and be granted same upon receipt of this Order; however, the Petitioner(s) is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner(s) would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.

ZONING HISTORY

CASE NO. 2005-103-A

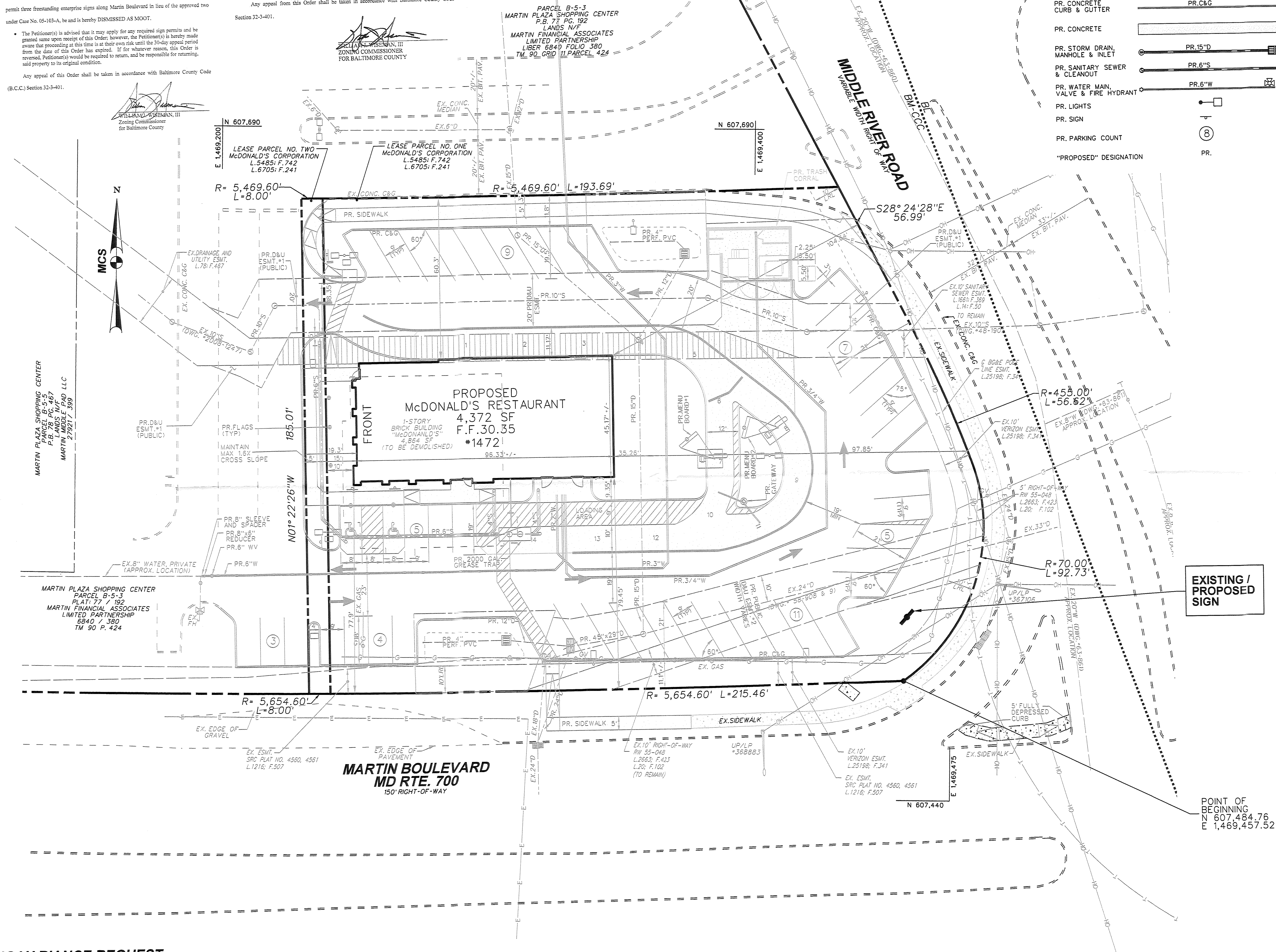
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of November, 2004, that Items 1, 2, 3, 4, and 6 on the Petition for Variance, BE AND HEREBY ARE GRANTED, subject to the following condition:

- The Petitioners may apply for their permits and may be granted same; however, Petitioners are hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED, that Item number 5 on the Petition for Variance, seeking relief from Section 450.5 to allow addition of Target Sign/Logo to existing Martin Plaza sign, be and hereby is DISMISSED WITHOUT PREJUDICE.

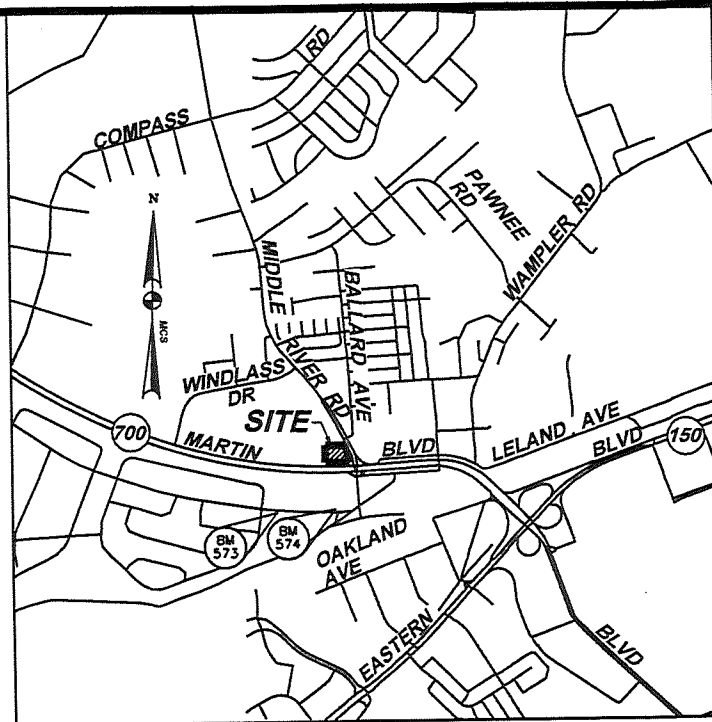
Any appeal from this Order shall be taken in accordance with Baltimore County Code Section 32-3-401.

William A. Piskeman, III
WILLIAM A. PISKEMAN, III
Zoning Commissioner
FOR BALTIMORE COUNTY



LEGEND

RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
ZONING LINE	---
EX. CONCRETE CURB AND GUTTER	---
EX. CONCRETE	---
TO BE REMOVED DESIGNATION	(TBR)
EX. BUILDING	---
EX. SIGN	---
PR. CONCRETE CURB & GUTTER	---
PR. CONCRETE	---
PR. STORM DRAIN, MANHOLE & INLET	---
PR. SANITARY SEWER & CLEANOUT	---
PR. WATER MAIN, VALVE & FIRE HYDRANT	---
PR. LIGHTS	---
PR. SIGN	---
PR. PARKING COUNT	---
"PROPOSED" DESIGNATION	---



VICINITY MAP
SCALE: 1" = 2000'

BENCH MARK

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

NO. 573: N 606,937.34; E 1,468,728.76; EL. 21.78
DESCRIPTION: RAILROAD SPIKE IN SIDEWALK ON SOUTH SIDE OF FUSELAGE RD, 50' FT. +/- EAST FROM RIGHT WING DRIVE.

NO. 574: N 606,978.85; E 1,469,346.77; EL. 25.92
DESCRIPTION: RAILROAD SPIKE IN SIDEWALK ON NORTH SIDE OF FUSELAGE RD NEAR FOOD LION AND TACO BELL PARKING LOT

SITE DATA

- SITE AREA (PART OF PARCEL B-5-3):
LEASE AREA (PARCEL #1) = 42,200 SF
LEASE AREA (PARCEL #2) = 1,480 SF
TOTAL LEASE AREA = 43,680 SF OR 1.003 AC
- OWNER OF PARCEL B-5-3:
MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP
2800 QUARRY LAKE DRIVE, SUITE 340
BALTIMORE, MARYLAND 21209-3764
- TAX MAP REFERENCES:
TAX ACCT: 240001796; MAP: 90; GRID: 11; PARCEL: 424 (PARCEL B-5-3)
DEED REFERENCES: L. 6840; F. 380
RECORD PLAT: L. 77; F. 192; MARTIN PLAZA SHOPPING CENTER, PARCEL B-5-3
- LESSEE:
McDONALD'S CORPORATION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
LEASE PARCEL #1 DEED REFERENCE: L. 5485; F. 742 AND L. 6705; F. 241
LEASE PARCEL #2 DEED REFERENCE: L. 5485; F. 742 AND L. 6705; F. 241
- ELECTION DISTRICT: 15; COUNCILMANIC DISTRICT: 6
- EXISTING ZONING: BM-CCC (MAP#090 C2)
- EXISTING USE: McDONALD'S RESTAURANT - TO BE RAZED
PROPOSED USE: NEW McDONALD'S RESTAURANT
- 2000 CENSUS TRACT: 451300
WATER SERVICE AREA: FIRST ZONE
SEWER SHED: 7
TRANSPORTATION ZONE: 0719
ZIP CODE: 21220
WATERSHED: MIDDLE RIVER
- MINIMUM SETBACK REQUIREMENTS (BM-CCC ZONE):
FRONT: 15' FT FROM FRONT LINE AND 40' FT FROM CL OF STREET
AND AVERAGE OF FRONT YARDS ON ADJACENT PROPERTIES.
SIDE : NONE
REAR: NONE
- BUILDING HEIGHT:
ALLOWED: 40' FT
PROPOSED: 23.3' FT
- FLOOR AREA RATIO:
MAX PERMITTED: 4.0
PROPOSED: 4,372 SF / 43,680 SF = 0.10
- AMENITY OPEN SPACE RATIO:
MIN REQUIRED: 0.2
PROVIDED:
- 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 PROVIDED BY EITHER REDUCTION OF EXISTING IMPERVIOUS AREA AND/OR PROVIDING WATER QUALITY TREATMENT FOR 50% OF THE EXISTING IMPERVIOUS AREA WITHIN PROJECT LIMIT OF DISTURBANCE (LOD).
SINCE THE FULL REDUCTION OF EXISTING IMPERVIOUS AREA COULD NOT BE ACHIEVED FOR PROPOSED DEVELOPMENT, THEREFORE SWM ESD PRACTICE #1 & #2, MICRO-BIOTENTION 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, 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 WILL BE MET BY PURCHASE OF CREDIT IN A COUNTY APPROVED FOREST RETENTION BANK.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES, UNLESS PERMITTED OTHERWISE BY BALTIMORE COUNTY.
- 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 430 OF 580 COMMUNITY PANEL NUMBER 240100430 F. MAP REVISED SEPTEMBER 26, 2008" AND IS LOCATED IN ZONE X, OTHER AREAS (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 THE ALTA / ACSM LAND TITLE SURVEY PREPARED BY BOHLER ENGINEERING, DATED DECEMBER 28, 2009, WITH THE LAST REVISION DATED FEBRUARY 7, 2011.

PARKING REQUIREMENTS

PARKING SPACES FOR MARTIN PLAZA SHOPPING CENTER:

PARKING SPACES REQUIRED: 264,763 SF @ 5 PS / 1,000 SF = 1,324 P.S.
PARKING SPACES PROVIDED: 1,453 PS
PARKING SPACES PROVIDED WITHIN McDONALD'S LEASE AREA: 39 (INCLUDING 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



Plan Sheet: 090C2

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 |

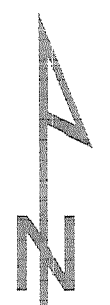
Baltimore County Office of Planning and Zoning Official Zoning Map

090A1	090B1	090C1	091A1	091B1
090A2	090B2	090C2	091A2	091B2
090A3	090B3	090C3	091A3	091B3

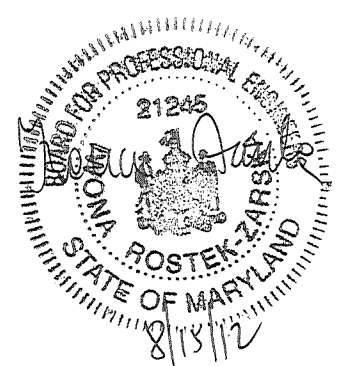
Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
CITYGIS Services Unit
1:2400, from 1989/98 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008



2013-0043-SP1A