

IN RE: **PETITION FOR VARIANCE**
(3950 & 3954 Northpoint Blvd.)
15th Election District
7th Councilmanic District
Golden Arch Realty/Mann Holding
Company, LLC/*Legal Owner*
McDonald's USA, LLC/*Lessee*

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2014-0105-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Variance filed by Caroline L. Hecker, Esquire, of Rosenberg, Martin, Greenberg, LLP, on behalf of McDonald's Corporation and Golden Arch Realty Corp. ("Petitioners"). The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows:

Off-Street Parking:

1. Section 409.6.A.2 to permit 58 parking spaces in lieu of the required 74 spaces.

Signage Regulations:

1. 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 (Signs #3 and #4 on Plat to Accompany Zoning Petition).
2. Section 450.4 Attachment 1, 3(a) (VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft. (Sign #1 on Plat to Accompany Zoning Petition).
3. Section 450.4 Attachment 1, 3(a) (VII) to permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. (Sign #2 on Plat to Accompany Zoning Petition).
4. Section 450.4 Attachment 1, 3(II) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or freestanding signs (Sign #5 on Plat to Accompany Zoning Petition).
5. Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #5 on Plat to Accompany Zoning Petition).

ORDER RECEIVED FOR FILING

Date 1/27/14

By Sen

6. Section 450.4 Attachment 1, 5(f)(VII) to permit two permit two order boards of 6.75 feet in height in lieu of the permitted 6 feet (Sign #7 on Plat to Accompany Zoning Petition)

7. Section 450.4 Attachment 1.3(II) to permit two (2) projected directional signs in lieu of the permitted wall-mounted or free standing directional signs (Sign #6 on Plat to Accompany Zoning Petition).

Appearing at the public hearing in support of the requests was Lee May, Christopher Mann and Iwona Zarska from Baltimore Land Design Group, Inc., the firm which prepared the site plan. Caroline Hecker, Esquire, and Eric Kunimoto, Esquire appeared as counsel and represented the Petitioners. The file reveals that the Petition was properly posted and advertised as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain any letters of protest or opposition. In fact, the Wells-McComas community association submitted a letter of "unanimous support" for the project. Exhibit 10.

Substantive Zoning Advisory Committee (ZAC) comments were received from State Highway Administration (SHA) dated November 15, 2013, Bureau of Development Plans Review (DPR) dated November 20, 2013, and the Department of Environmental Protection and Sustainability (DEPS), dated January 17, 2014. The SHA noted an access permit will be required, while DPR will require a landscape plan. The DEPS indicated Petitioners must comply with the Critical Area regulations.

The subject property is approximately 1.398 acres and is zoned BR-AS and ML-IM. The Petitioners have operated a McDonald's restaurant at the premises for forty years. Petitioners proposes to raze the existing structure and construct in its place a modern facility, as shown in the elevation drawings marked as Exhibit 7. The zoning relief sought pertains to the sign package and off street parking, and counsel noted that similar requests have been granted for eighteen (18) other McDonald's locations in the County.

ORDER RECEIVED FOR FILING

Date 1/27/14

By Sen

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). As Ms. Zarska testified (via proffer), the property is irregularly shaped, and the site is also constrained by environmental features which dictate somewhat the available building envelope.

The Petitioners would experience a practical difficulty if relief were denied, given they would be unable to install the proposed signage, which is in place at 18 other McDonald's locations in the County.

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 lack of County and/or community opposition.

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

THEREFORE, IT IS ORDERED this 27th day of January, 2014, by the Administrative Law Judge that the Petition for Variance filed pursuant to B.C.Z.R. as follows:

Off-Street Parking:

1. Section 409.6.A.2 to permit 58 parking spaces in lieu of the required 74 spaces.

Signage Regulations:

1. 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 (Signs #3 and #4 on Plat to Accompany Zoning Petition).
2. Section 450.4 Attachment 1, 3(a) (VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft. (Sign #1 on Plat to Accompany Zoning Petition).
3. Section 450.4 Attachment 1, 3(a) (VII) to permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. (Sign #2 on Plat to Accompany Zoning Petition).

ORDER RECEIVED FOR FILING

Date 1/27/14

By Den

4. Section 450.4 Attachment 1, 3(II) to permit a canopy-type directional sign in lieu of the permitted wall-mounted or freestanding signs (Sign #5 on Plat to Accompany Zoning Petition).

5. Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #5 on Plat to Accompany Zoning Petition).

6. Section 450.4 Attachment 1, 5(f)(VII) to permit two permit two order boards of 6.75 feet in height in lieu of the permitted 6 feet (Sign #7 on Plat to Accompany Zoning Petition)

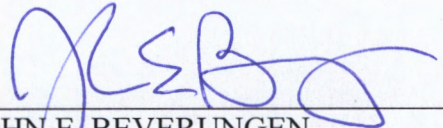
7. Section 450.4 Attachment 1.3(II) to permit two (2) projected directional signs in lieu of the permitted wall-mounted or free standing directional signs (Sign #6 on Plat to Accompany Zoning Petition),

be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for 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.
2. Petitioners must comply with the ZAC comments of the SHA (dated 11-15-2013), DPR (dated 11-20-2013) and DEPS (dated 1-17-2014).

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 1/29/14
By sen

KEVIN KAMENETZ
County Executive



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

January 27, 2014

Caroline Hecker, Esquire
Eric Kunimoto, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street
21st Floor
Baltimore, Maryland 21202

RE: Petition for Variance
Property: 3950 & 3954 Northpoint Blvd.
Case No.: 2014-0105-A

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



CBCA

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 3950 & 3954 Northpoint Blvd. which is presently zoned BR-AS and ML-IM
 Deed References: 5415/436 and 28614/126 10 Digit Tax Account # 1600012358 and 1505710030
 Property Owner(s) Printed Name(s) Golden Arch Realty Corp. and Mann Holding Company, LLC

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s)
Please see attached.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate 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)

To be presented at hearing.

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

I, or we, agree to pay expenses of above 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 / (240) 497-3626 / lee.may@us.mcd.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Caroline L. Hecker / Rosenberg Martin Greenberg, LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st Fl. Baltimore MD
 Mailing Address City State
21201 / (410) 727-6600 / checker@rosenbergmartingreenberg.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Golden Arch Realty Corp. / Mann Holding Company, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

646 Severn Road Severna Park MD
 Mailing Address City State
21146 / 410-647-0001 / christopher.mann@partnersmcd.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Lee May, Area Construction Manager, McDonald's Corporation

Name - Type or Print

Signature

6903 Rockledge Drive, Suite 1100 Bethesda MD
 Mailing Address City State
20817 / (240) 497-3626 / lee.may@us.mcd.com
 Zip Code Telephone # Email Address

CASE NUMBER 2014-0105-A Filing Date 10/31/2013

ORDER RECEIVED FOR FILING

Do Not Schedule Dates: 11/27/14 Reviewer JW

Date

REV. 10/4/11

By den

McDonald's Corporation
3950 & 3954 Northpoint Blvd.
Zoned BR-AS and ML-IM
Deed Reference: 5415/436 and 28614/126
Tax Acct. # 1600012358 and 1505710030

Variance Relief Is Requested From The Following Sections:

Off-Street Parking

1. Section 409.6.A.2 to permit 58 parking spaces in lieu of the required 74 spaces.

Signage Regulations

2. 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 (Sign #3 and #4 on Plat to Accompany Zoning Petition)
3. Section 450.4 Attachment 1, 3(a)(VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft. (Sign #1 on Plat to Accompany Zoning Petition)
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5. 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 (Sign #5 on Plat to Accompany Zoning Petition)
6. Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #5 on Plat to Accompany Zoning Petition)
7. Section 450.4 Attachment 1, 5(f)(VII) to permit two order boards of 6.75 feet in height in lieu of the permitted 6 feet (Sign #7 on Plat to Accompany Zoning Petition)
8. Section 450.4 Attachment 1, 3(II) to permit two projected directional signs in lieu of the permitted wall-mounted or free-standing signs (Sign #6 on Plat to Accompany Zoning Petition)

2014-0105-A

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING VARIANCES
3950 & 3954 NORTH POINT BOULEVARD
BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT; 7th COUNCILMANIC DISTRICT**

October 25, 2013

Beginning at the point located on the northern side of North Point Boulevard having 150 feet wide right-of-way, said point being located 75 feet northeasterly from the intersection of North Point Boulevard and Old Battle Grove Road, thence running the following courses and distances:

1. North 29° 24' 19" West, 313.40 feet; thence,
2. North 43° 01' 03" East, 56.91 feet; thence,
3. South 47° 45' 19" East, 209.10 feet; thence,
4. North 42° 17' 23" East, 63.52 feet; thence,
5. South 41° 49' 09" East, 243.73 feet; thence,
6. South 42° 17' 23" West, 38.43 feet; thence,
7. Along the curve to the right having a radius of 108.50 feet, 96.27 feet; thence,
8. North 86° 52' 24" West, 102.12 feet; thence,
9. North 58° 46' 09" West, 36.25 feet; thence
to the point of beginning.

Containing 60,906 square feet or 1.398 acres, more or less.

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



2014-0105-A

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: 2014-0105-A
Petitioner: Golden Arch Realty Corp "McDonald's"
Address or Location: 3950-54 North Point Blvd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Carolene L. Hecker
Address: 25 S. Charles St 21st Floor
Balto. MD 21201
Telephone Number: 410-727-6600

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

No. **102654**

Date: **10/31/13**

PAID RECEIPT

BUSINESS ACTUAL TIME

10/31/2013 10/31/2013 09:23:15

SEC 1504 MAIL SHI. SAH

> RECEIPT # 599080 10/31/2013

OFLN

Dept 5 528 ZONING VERIFICATION

CP NO. 102654

Recpt Tot \$500.00

\$500.00 CX \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				500.00

Total: **500.00**

Rec From: **McDonald's Corp**

For: **3950-54 N. P. 1310**

2014-0105-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2014-0105-A

Petitioner: McDonald's USA, LLC

Hearing / Closing Date: 1/24/14

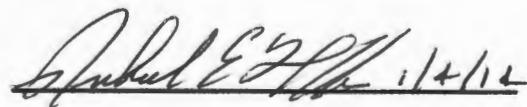
Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

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

3950 & 3954 Northpoint Blvd.

_____ on 1/4/14

Sincerely,

 1/4/14

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

Certificate of Posting

Case No. 2013-0141-SPHA



3950 & 3954 North Point Blvd.

(posted 1/4/14)

Richard E. Hoffman 1/4/14

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443-243-7360)

CORRECTED

ZONING NOTICE

CASE # 2014-0105-A

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

PLACE: ROOM 205, JEFFERSON BUILDING, 105 W. CHESAPEAKE AVE.
TOWSON 21204

DATE AND TIME: FRI. JAN. 24, 2014 AT 10:00 A.M.

REQUEST:

VARIANCE FOR OFF-STREET TO PERMIT 50 PARKING SPACES IN LIEU OF THE REQUIRED 74 SPACES. SIGNAGE REGULATIONS: TO PERMIT 6 WALL-MOUNTED ENTERPRISE SIGNS ON THE BUILDING FACADES IN LIEU OF THE PERMITTED 3 SIGNS (SIGN #3 & #4); TO PERMIT DIRECTIONAL SIGN OF 10.7 FT. IN HEIGHT IN LIEU OF THE PERMITTED 6 FT.; TO PERMIT TWO DIRECTIONAL SIGNS OF 9.67 FT. IN HEIGHT IN LIEU OF THE PERMITTED 6 FT. (SIGN #2); TO PERMIT A CANOPY-TYPE DIRECTIONAL SIGN IN LIEU OF THE PERMITTED WALL-MOUNTED OR FREE-STANDING SIGN (SIGN #5); TO PERMIT ERECTION OF THE SIGN ABOVE THE FACE OF THE CANOPY IN LIEU OF ON THE FACE OF THE CANOPY (SIGN #5); TO PERMIT TWO PERFORATED DIRECTIONAL SIGNS IN LIEU OF THE PERMITTED WALL-MOUNTED OR FREE-STANDING SIGN (SIGN #6).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

3950 & 3954 North Point Blvd.



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

January 2, 2014

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 January 2, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: # 2014-0105-A

3950 & 3954 Northpoint Blvd.
NE/s North Point Blvd. at the NE corner of Old Battle
Grove Road
15th Election District - 7th Councilmanic District
Legal Owner(s): Golden Arch Realty Corp.,
Mann Holding Company, LLC
Contract Purchaser: McDonald's USA, LLC

Variance: for Off-Street to permit 58 parking spaces in lieu of the required 74 spaces. **Signage Regulations:** to permit 6 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs (Signs #3 & #4); to permit directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; to permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. (Sign #2); to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign (Sign #5); to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #6); to permit two order boards of 6.75 ft. in height in lieu of the permitted 6 ft. (Sign #7); to permit two projected directional signs in lieu of the permitted wall-mounted or free-standing signs (Sign #6).

Hearing: Friday, January 24, 2014 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.
1/004 Jan. 2

963658



KEVIN KAMENETZ
County Executive

December 18, 2013

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

CORRECTED 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: 2014-0105-A

3950 & 3954 Northpoint Blvd.

NE/s North Point Blvd. at the NE corner of Old Battle Grove Road

15th Election District – 7th Councilmanic District

Legal Owners: Golden Arch Realty Corp., Mann Holding Company, LLC

Contract Purchaser: McDonald's USA, LLC

Variance for Off-Street to permit 58 parking spaces in lieu of the required 74 spaces. Signage Regulations: to permit 6 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs (Signs #3 & #4); to permit directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; to permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. (Sign #2); to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign (Sign #5); to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #5); to permit two order boards of 6.75 ft. in height in lieu of the permitted 6 ft. (Sign #7); to permit two projected directional signs in lieu of the permitted wall-mounted or free-standing signs (Sign #6).

Hearing: Friday, January 24, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Caroline Hecker, 25 S. Charles St., 21st Fl., Baltimore 21201
McDonald's USA, LLC, 6903 Rockledge Dr., Ste. 1100, Bethesda 20817
Golden Arch Realty Corp., 646 Severn Road, Severna Park 21146
Lee May, 6903 Rockledge Dr., Ste. 1100, Bethesda 20817

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 4, 2014.**
- (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
Tuesday, December 10, 2013 Issue - Jeffersonian

Please forward billing to:

Caroline Hecker
25 S. Charles Street, 21st Floor
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: 2014-0105-A

3950 & 3954 Northpoint Blvd.

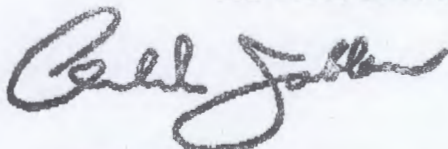
NE/s North Point Blvd. at the NE corner of Old Battle Grove Road
15th Election District – 7th Councilmanic District

Legal Owners: Golden Arch Realty Corp., Mann Holding Company, LLC

Contract Purchaser: McDonald's USA, LLC

Variance for Off-Street to permit 58 parking spaces in lieu of the required 74 spaces. Signage Regulations: to permit 6 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs (Signs #3 & #4); to permit directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; to permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. (Sign #2); to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign (Sign #5); to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #5); to permit two order boards of 6.75 ft. in height in lieu of the permitted 6 ft. (Sign #7); to permit two projected directional signs in lieu of the permitted wall-mounted or free-standing signs (Sign #6).

Hearing: Monday, December 30, 2013 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 2, 2014 Issue – Jeffersonian

Please forward billing to:

Caroline Hecker
25 S. Charles Street, 21st Floor
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: 2014-0105-A

3950 & 3954 Northpoint Blvd.

NE/s North Point Blvd. at the NE corner of Old Battle Grove Road

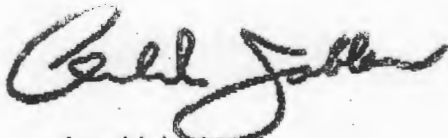
15th Election District – 7th Councilmanic District

Legal Owners: Golden Arch Realty Corp., Mann Holding Company, LLC

Contract Purchaser: McDonald's USA, LLC

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Hearing: Friday, January 24, 2014 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
November 21, 2013

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

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: 2014-0105-A

3950 & 3954 Northpoint Blvd.

NE/s North Point Blvd. at the NE corner of Old Battle Grove Road

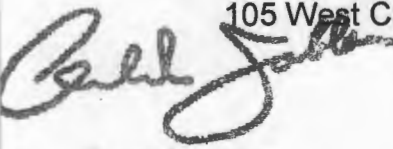
15th Election District – 7th Councilmanic District

Legal Owners: Golden Arch Realty Corp., Mann Holding Company, LLC

Contract Purchaser: McDonald's USA, LLC

Variance for Off-Street to permit 58 parking spaces in lieu of the required 74 spaces. Signage Regulations: to permit 6 wall-mounted enterprise signs on the building facades in lieu of the permitted 3 signs (Signs #3 & #4); to permit directional sign of 10.7 ft. in height in lieu of the permitted 6 ft.; to permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. (Sign #2); to permit a canopy-type directional sign in lieu of the permitted wall-mounted or free-standing sign (Sign #5); to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #5); to permit two order boards of 6.75 ft. in height in lieu of the permitted 6 ft. (Sign #7); to permit two projected directional signs in lieu of the permitted wall-mounted or free-standing signs (Sign #6).

Hearing: Monday, December 30, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Caroline Hecker, 25 S. Charles St., 21st Fl., Baltimore 21201
McDonald's USA, LLC, 6903 Rockledge Dr., Ste. 1100, Bethesda 20817
Golden Arch Realty Corp., 646 Severn Road, Severna Park 21146
Lee May, 6903 Rockledge Dr., Ste. 1100, Bethesda 20817

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 10, 2013.**
- (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.**

MEMORANDUM

DATE: February 27, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0105-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 26, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
3950 & 3954 North Point Blvd; NE/S North		
Point Blvd, NE corner of Old Battle Grove Rd *		OF ADMINISTRATIVE
15 th Election & 7 th Councilmanic Districts		
Legal Owner(s): Golden Arch Realty Corp.	*	HEARINGS FOR
Contract Purchaser(s): McDonald's USA LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-105-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

NOV 15 2013

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 15th day of November, 2013, a copy of the foregoing Entry of Appearance was mailed to Lee May, Area Construction Manager, 6903 Rockledge Drive, Ste. 1100, Bethesda, MD 20817 and Caroline Hecker, Esquire, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment11/20/13DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)C1/17/14DEPS
(if not received, date e-mail sent on 1/16/14)C

FIRE DEPARTMENT

recvd comment on 1/17

PLANNING

(if not received, date e-mail sent _____)

11/15/13

STATE HIGHWAY ADMINISTRATION

C

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

1/2/14

SIGN POSTING

Date:

1/4/14

by

Hoffman

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

January 15, 2014

Golden Arch Realty Corp.
Mann Holding Company LLC
646 Severn Road
Severna Park MD 21146

RE: Case Number: 2014-0105 A, Address: 3950 & 3954 Northpoint Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 31, 2013. 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lee May, McDonald's USA LLC, 6903 Rockledge Drive, Suite 1100, Bethesda MD 20817
Caroline L Hecker, Esquire, 25 S Charles Street, 21st Floor, Baltimore MD 21201

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 11-15-13

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

RE: Baltimore County
Item No. 2014-0105-A
Variance
Golden Arch Realty Corp./
Mann Holding Company LLC
McDonald's USA, LLC
3950 & 3954 Northpoint Blvd.
MD 151

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 11/13/13. A field inspection and internal review reveals that an entrance onto MD151 consistent with current State Highway Administration guidelines is required. As a condition of approval for 2014-0105-A, Case Number 2014-0105-A the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

\cc: Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. David Peake, District Engineer, SHA

* SHA sent a letter to Colleen Kelly dated 10/8/13 outlining the requirements for the access permit we are awaiting a

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

response to that letter

BALTIMORE LAND DESIGN GROUP, INC.
CONSULTING ENGINEERS

230 Schilling Circle, Suite 364

Hunt Valley, Maryland 21031

Phone: (410) 229-9851 Fax: (410) 229-9865

E-mail: bldg@bldginc.com

Letter of Transmittal

To: Baltimore County, PAI
111 W. Chesapeake Avenue
Room 111
Towson, Maryland 21204
Attn: Mr. Lenny Wasilewski

Date: October 31, 2013
Re: McDonald's Restaurant
3950 & 3954
North Point Blvd.

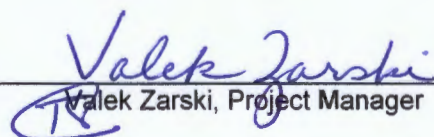
We are: ☐ Forwarding ☒ Submitting ☐ Returning
☐ Herewith ☐ Under separate cover

Number	Item
14	Copies of Revised Plan to Accompany Zoning Petition

☐ For your use ☒ As requested
☐ For your review ☐ Plans reviewed and accepted
☒ For processing ☐ Plans reviewed and accepted as noted
☐ Approval requested ☐ Please return to this office
☐ Meeting requested ☐ Please call when ready

Remarks:

cc:

By: 
Valek Zarski, Project Manager



Rosenberg
Martin
Greenberg LLP

Caroline L. Hecker
Direct Dial: (410) 727-6600
checker@rosenbergmartin.com

December 2, 2013

VIA FACSIMILE (410) 887-3048

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

Re: Case No. 2014 - 0105-A
3950-54 Northpoint Blvd.

Dear Ms. Lewis:

This firm represents McDonald's Corporation in connection with the Petition for Variance filed in the above-referenced matter. On behalf of our client, I write to request that the hearing that has been scheduled in this matter for Monday, December 30, 2013 be rescheduled to the next available hearing date as certain members of our team will be out of town on that date. Please advise us of the new hearing date as soon as possible.

Thank you for your prompt attention to this matter.

Very truly yours,


Caroline L. Hecker

cc: Peter Max Zimmerman, Esq. (via electronic mail)
Mr. Lee May, McDonald's Corporation (via electronic mail)
Mr. Valek Zarski, Baltimore Land Design Group (via electronic mail)
Mr. Christopher Mann (via electronic mail)
Stanley S. Fine, Esq. (via electronic mail)

4842-5069-6983, v. 1



**Rosenberg
Martin
Greenberg** LLP

25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
P: (410) 727-6600/F: (410) 727-1115

From: Caroline L. Hecker

Date: December 2, 2013

Number of Pages: 2 (including cover sheet)

Please deliver this FAX to the following person(s) immediately:

NAME	FAX NO.
Kristin Lewis	410.887.3048

If you do not receive all pages, please telephone Sharon Cosentino at 410-727-6600 immediately.

Message:

Case No. 2014-0105-A
3950-54 Northpoint Blvd.

This facsimile transmission contains legally privileged confidential information belonging to the sender. The information is intended only for the use of the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of the facsimile documents is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the original facsimile documents to us.

ND 4839-0732-8784 v. 2

Sherry Nuffer - Re: I just received the files for scheduled hearings on Friday January 24, 2014. Case No.: 2014-0105-A is in CBCA and there is no DEPS ZAC comment. Please advise.

From: Jeffrey Livingston
To: Nuffer, Sherry
Date: 1/16/2014 10:03 AM
Subject: Re: I just received the files for scheduled hearings on Friday January 24, 2014. Case No.: 2014-0105-A is in CBCA and there is no DEPS ZAC comment. Please advise.

I'll see what I can do. I'm the only one here in my group this week but I'll see what I can get for you by Friday.
j

>>> Sherry Nuffer 1/16/2014 9:50 AM >>>

I just received the files for scheduled hearings on Friday January 24, 2014. Case No.: 2014-0105-A is in CBCA and there is no DEPS ZAC comment. Please advise.

Thank you,

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 18, 2013
Item No. 2014-0105

DATE: November 20, 2013

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

A landscape plan shall be submitted and approved by this office prior to issuance of any permits.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0105-11182013.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 17 2014



OFFICE OF ADMINISTRATIVE HEARINGS

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: January 17, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0105-A
Address 3950 & 3954 Northpoint Boulevard
(Golden Arch Realty Corp Property)

Zoning Advisory Committee Meeting of November 12, 2013.

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 Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The developer must comply with the conditions set forth in the approved Chesapeake Bay Critical Area variance from January 10, 2014.

Reviewer: Regina Esslinger – Environmental Impact Review (EIR)

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 15 Account Number - 1600012358	
Owner Information		
Owner Name:	GOLDEN ARCH REALTY CORP	Use: COMMERCIAL
	019/0095	Principal Residence: NO
Mailing Address:	646 SEVERN RD	Deed Reference: 1) /05415/ 00436
	SEVERNA PARK MD 21146-3457	2)
Location & Structure Information		
Premises Address:	NORTH POINT BLVD	Legal Description: .958 AC NES
	BALTIMORE MD 21222-2844	NORTH POINT
		NW COR OLD I
Map: 0104	Grid: 0008	Parcel: 0455
Sub District:	Subdivision: 0000	Section:
		Block:
		Lot:
		Assessment Year: 2012
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built 1974	Above Grade Enclosed Area 4214	Finished Basement Area
		Property Land Area 41,730 SF
Stories	Basement:	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renova
	FAST FOOD	
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	498,400	498,400
Improvements	626,700	595,600
Total:	1,125,100	1,094,000
Preferential Land:	0	1,094,000
		0
Transfer Information		
Seller: NOPLOCK STANLEY,ET AL	Date: 12/18/1973	Price: \$77,000
Type: ARMS LENGTH IMPROVED	Deed1: /05415/ 00436	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status:	No Application	

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 15 Account Number - 1505710030	
Owner Information		
Owner Name:	MANN HOLDING COMPANY LLC	Use: COMMERCIAL
Mailing Address:	646 SEVERN RD SEVERNA PARK MD 21146-3457	Principal Residence: NO Deed Reference: 1) /28614/ 00126 2)
Location & Structure Information		
Premises Address:	3950 NORTH POINT RD 0-0000	Legal Description: NES NORTH PO 3950 NORTH PO 150 NW BATTLE
Map: 0104	Grid: 0008	Parcel: 0561
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Special Tax Areas:	Town: NONE	Ad Valorem:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation	Property Land Area 19,208 SF	
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
Land: 260,900	260,900	
Improvements: 0	0	
Total: 260,900	260,900	260,900
Preferential Land: 0		260,900
Transfer Information		
Seller: SHORT LARRY R	Date: 09/09/2009	Price: \$275,000
Type: NON-ARMS LENGTH OTHER	Deed1: /28614/ 00126	Deed2:
Seller: HUGHES THOMAS LADD	Date: 06/09/2009	Price: \$282,693
Type: ARMS LENGTH IMPROVED	Deed1: /28200/ 00204	Deed2:
Seller: SHORT LARRY R	Date: 11/02/1999	Price: \$279,900
Type: ARMS LENGTH IMPROVED	Deed1: /14125/ 00650	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County: 000		07/01/2014
State: 000		
Municipal: 000		
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

New Search (<http://sdat.resiusa.org/RealProperty>)

Order the **TAX MAP** [click here](#)

(<http://imsweb05.mdp.state.md.us/website/mosp/>)

 Loading... Please Wait. Loading... Please Wait.

CASE NAME 3950 + 3954 North Point
CASE NUMBER 2014-0105-A
DATE 1/24/14

[illegible]

Case No.:

2014-0105-A

Exhibit Sheet

Petitioner/Developer

Protestants

DW
2-27-14sen
1/27/14

No. 1	Order in Case 86-122 A	
No. 2	Order in Case 88-532-A	
No. 3	Color photos of site	
No. 4	Exist. Conditions Exh.	
No. 5	Proposed Conditions Exh	
No. 6	Site plan	
No. 7	elevations	
No. 8	sign detail exhibit	
No. 9	Traffic Concepts letter dated 11-26-13	
No. 10	Wells-McComas Assoc. letter dated 1-3-14	
No. 11	DOP ZAC dated 1-13-14 hearing outline	
No. 12	hearing outline	

IN RE: PETITION FOR VARIANCE * BEFORE THE
 NE/corner of North Point Blvd. *
 and Old Battle Grove Road, * DEPUTY ZONING COMMISSIONER
 (3945 North Point Boulevard) - *
 15th Election District * OF BALTIMORE COUNTY
 McDonald's Corporation, * Case No. 86-122-A
 Petitioner *

* * * * *

The Petitioner herein requests variances to permit 53 parking spaces in lieu of the required 62, a total of 230.2 square feet of signs in lieu of the required 100 square feet, and a side yard setback of 28 feet in lieu of the required 30 feet for existing freezer.

At the onset of the hearing, Counsel for the Petitioner indicated that the menu board would be affixed to the wall of the building, thus, he moved to amend the Petition to request a total of 190.52 square feet of signs in lieu of the permitted 100 square feet. The motion was granted.

The existing fast food business has been located on the site, owned and operated under the original franchise, since 1974. The freezer and screened trash area have been located in their present position for many years without either the County or the Petitioner realizing that the freezer required a variance for that location. In recent years the fast food business has changed in that now drive-through facilities have to be provided to retain existing business and remain competitive. Such a change in business operations require additional square footage of signs for notification to the public. The parking layout has to be completely redrawn; the site does not provide any space for additional parking. Statistics for the fast food business would indicate that 35 to 45% of the total business will be drive-through. A recent survey of parking on the site as it now exists without drive-through service indicated, at peak periods i.e. lunch time, an average parking utilization of 52% with a range of 32 to 74%. No parking is allowed on North Point Boulevard adjacent to the site.

ORDER RECEIVED FOR FILING
 October 4, 1985
 DATE Barbara A. Stuchlik
 BY

EXHIBIT
 1

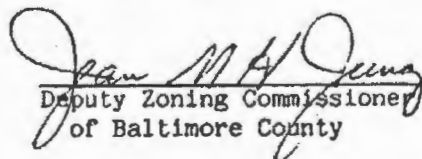
There were no protestants.

Mary Ginn entered her appearance on behalf of the Association of Baltimore County Community Councils.

Pursuant to the advertisement, posting of property, and public hearing on the Petition; it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioner; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; and the granting of the requested variances not adversely affecting the health, safety, and general welfare of the community, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 4th day of October, 1985, that the herein Petition for Variance to permit 53 parking spaces in lieu of the required 62, a total of 190.52 square feet of signs in lieu of the required 100 square feet, and a side yard setback of 28 feet in lieu of the required 30 feet, in accordance with the site plan submitted, revised July 10, 1985, marked Petitioner's Exhibit 1, is heretofore GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The menu board shall be affixed to the wall of the building.
2. The striped areas may be modified to include landscaping.
3. At any such time as the site ceases to be utilized as a McDonald's Restaurant, the total square feet of signage shall conform to the requirements of the BCZR.


Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING

DATE October 4, 1985

BY Brenda A. Bell
ADMINISTRATIVE ASSISTANT

JMHJ:pg

IN RE: PETITION FOR ZONING VARIANCE
NE/Corner North Point Blvd.
and Old Battle Grove Road
(3954 North Point Blvd.)
15th Election District
7th Councilmanic District

McDonalds Corporation
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-532-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 53 parking spaces in lieu of the required 88 spaces, a front setback of 32 feet in lieu of the required 50 feet, and a side setback of 24 feet in lieu of the required 30 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Peter Freitag, Construction Manager for McDonalds Corporation; and, R. Rodman Mann, President, and Clarence L. Combs, Operation Manager, with G & M Foods Corporation, Lessee of the subject property, appeared, testified and were represented by Robert W. Cannon, Esquire. Also appearing on behalf of the Petition was Tony Cortea of STV Lyons Associates. There were no Protestants.

Testimony indicated that the subject property, known as 3954 North Point Boulevard, zoned B.R.-C.S.1, is currently improved with a McDonalds fast-food restaurant. The Petitioner proposes improving the existing property by constructing an additional drive-thru window, a vestibule area, and a front dining room, all as depicted in Petitioner's Exhibit 1. Testimony indicated that the proposed improvements will provide greater comfort for and increase the level of service to its customers. Mr. Mann testified that one of the reasons for the proposed dining room addition is to provide a greater distinction between the smoking and non-

ORIGINAL RECEIVED FOR FILING

EXHIBIT

2

smoking sections and to provide additional space for upgrading the existing restroom facilities.

Testimony presented by the witnesses indicated that the operation at this site has a substantially high number of walk-in and drive-thru customers. Mr. Combs testified that as a result of studies performed by McDonalds, it appears that approximately 53% to 55% of their business is drive-thru. With the addition of the second drive-thru window, it is expected that their business will increase by 6% to 8%. Studies indicate that the walk-in business at this location is 5% to 3%. Both Mr. Combs and Mr. Mann are at the site on a regular basis at various hours of the day. They testified that currently during peak hours of the day, generally not more than 30 of the 53 parking spaces provided are used. The additional dining room area will increase the seating capacity by about 35%. As a result of the additional seating, it is expected that the eat-in business will increase by 5% to 8%, which the current number of parking spaces could easily accommodate. Testimony indicated that the peak hours of operation are during the lunch period between the hours of 11:45 AM to 12:45 PM. Mr. Mann testified that to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship upon the Petitioner. The Petitioner contends that the requested variance will not be detrimental to the health, safety, and general welfare of the public.

The Petitioner seeks relief from Sections 409.6A2 (formerly 409.2(b)(3)) and 238.1, pursuant to Section 307 of the B.C.Z.R. The subject parking regulations were amended by Baltimore County Council Bill No. 26-88 effective May 26, 1988. While the requirements in this case were not modified, the controlling provision has changed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

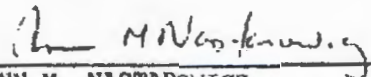
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of August, 1988 that the Petition for Zoning Variance to permit 53 parking spaces in lieu of the required 88 spaces, a front setback of 32 feet in lieu of the required 50 feet, and a side setback of 24 feet in lieu of the required 30 feet, as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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

2) The Petitioner shall comply with the Zoning Plans Advisory Committee comments of the Department of Traffic Engineering as set forth in their letter dated May 19, 1988, a copy of which is attached hereto and made a part hereof.

AMN:bjs


ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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Google earth



tabbles

EXHIBIT

3













FRONT ELEVATION



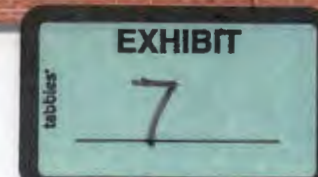
REAR ELEVATION



NON DRIVE-THRU SIDE ELEVATION



DRIVE-THRU SIDE ELEVATION



3954 North Point Blvd
Baltimore, MD 21222

TRAFFIC CONCEPTS, INC.

Traffic Impact Studies • Feasibility • Traffic Signal Design • Traffic Counts • Expert Testimony

November 26, 2013

Ms. Colleen M. Kelly, Chief
Baltimore County, Development Management
Permits, Approvals & Inspections
Towson, Maryland 21204

Re: McDonald's – 3950 & 3954 North Point Blvd.
Baltimore, Maryland 21222
Parking Lot Occupancy Study
T/C 2981

Dear Ms. Kelly:

Traffic Concepts, Inc. is pleased to provide a parking survey for the McDonald's store located at 3950 & 3954 North Point Blvd. The purpose of the study is to determine the existing occupancy for this McDonald's store during the peak operating hours.

In order to complete the parking survey, we first identified the peak hours of operation for a fast food restaurant. The peak demand periods were determined with data contained in the Institute of Transportation Engineers; Parking Generation, 3rd Edition.

The survey dates and the peak hours of operation are described below:

- | | | |
|------------|----------|----------------|
| ➤ Thursday | 10/31/13 | (11 AM – 2 PM) |
| ➤ Friday | 11/15/13 | (11 AM – 2 PM) |
| ➤ Saturday | 11/16/13 | (7 AM – 1 PM) |

The peak hour parking demand was determined by using the proposed number of parking spaces that is fifty-eight (58) and with a count of the actual occupied spaces in fifteen minute time intervals during the peak periods. The table on the following page shows the existing parking count and occupancy rates during the peak fifteen minute time period. The complete parking occupancy tables are included as an attachment.

Ms. Collleen M. Kelly, Chief
November 26, 2013
Page 2 of 2

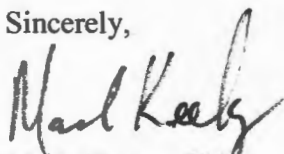
Table I
Existing Peak Period Parking Demand with the Proposed Parking Spaces

DATE	Peak 15 Minute Time Period	Actual Count/ Proposed spaces	Peak Period Occupancy Rate
Thursday 10/31/13	12:15-12:30	37/58	64%
Friday 11/15/13	12:15-12:30	40/58	69%
Saturday 11/16/13	9:45-10:00	33/58	57%

The 3950 & 3954 North Point Blvd. McDonald's redevelopment and improvement plan will create 58 total on-site parking spaces. Using the existing parking occupancy counts with the 58 proposed parking spaces, the peak parking occupancy rate would be 69 percent. Generally, the parking supply is considered full when 90 percent of the spaces are occupied.

We believe that the parking reduction, which creates 58 on-site spaces, would continue to provide an effective parking supply where demand does not exceed 68 percent. Therefore, we conclude the site with the stated parking reduction is adequate.

Sincerely,



Mark Keeley, PTF
Traffic Concepts, Inc.

Enclosures: Parking Lot Occupancy Count Sheets

PARKING LOT OCCUPANCY COUNT

PARKING LOT: McDonald's - North Point Blvd

COUNTY: Baltimore

COUNT BY: Sandee

DATE: 10/31/2013

WEATHER: CLEAR

DAY: Thursday

TIME	Actual Number of Parked Vehicles	Percentage of Occupied Parking Spaces (58 Proposed Spaces)
11:00-11:15	14	24%
11:15-11:30	15	26%
11:30-11:45	18	31%
11:45-12:00	21	36%
12:00-12:15	25	43%
12:15-12:30	37	64%
12:30-12:45	25	43%
12:45-1:00	21	36%
1:00-1:15	20	34%
1:15-1:30	18	31%
1:30-1:45	26	45%
1:45-2:00	20	34%

TRAFFIC CONCEPTS, INC.
325 GAMBRILLS ROAD, SUITE B
GAMBRILLS, MARYLAND 21054
(410) 923-7101 FAX (410) 923-6473
E-MAIL TRAFFIC@TRAFFIC-CONCEPTS.COM

M:/2981

PARKING LOT OCCUPANCY COUNT

McD' PARKING LOT: McDonald's - North Point BLVD

COUNTY: Baltimore

COUNT BY: J. Robertson

DATE: 5/18/2013

WEATHER: CLEAR

DAY: Saturday

TIME	Actual Number of Parked Vehicles	Percentage of Occupied Parking Spaces (58 Proposed Spaces)
7:00-7:15	5	9%
7:15-7:30	8	14%
7:30-7:45	8	14%
7:45-8:00	13	22%
8:00-8:15	19	33%
8:15-8:30	22	38%
8:30-8:45	23	40%
8:45-9:00	25	43%
9:00-9:15	26	45%
9:15-9:30	27	47%
9:30-9:45	24	41%
9:45-10:00	33	57%
10:00-10:15	24	41%
10:15-10:30	19	33%
10:30-10:45	19	33%
10:45-11:00	22	38%
11:00-11:15	19	33%
11:15-11:30	18	31%
11:30-11:45	18	31%
11:45-12:00	19	33%
12:00-12:15	18	31%
12:15-12:30	18	31%
12:30-12:45	17	29%
12:45-1:00	19	33%

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325 GAMBRILLS ROAD, SUITE B

GAMBRILLS, MARYLAND 21054

(410) 923-7101

FAX (410) 923-6473

E-MAIL TRAFFIC@TRAFFIC-CONCEPTS.COM

2981

Wells-McComas Citizens Improvement Association

8230 Rosebank Avenue
Baltimore, Maryland 21222

January 3, 2014

Ms. Caroline L. Hecker
Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201

RE: McDonald's Restaurant
3950 North Point Boulevard
Proposed Variances

Dear Ms. Hecker:

Thank you for meeting with our Community Association and presenting to us your plans to rebuild the McDonald's Restaurant at 3950 North Point Boulevard.

It is refreshing that a large corporation would contact us up front with their desires to make changes to their business. It unfortunately usually doesn't happen like that in our community.

I would like to inform you that our Community Association unanimously supports you in this endeavor. We also support you in your request of Baltimore County to grant you all the variances from the following sections of the Baltimore County Zoning Regulations:

Off-Street Parking

1. Section 409.6.A.2 to permit 59 parking spaces in lieu of the required 74 spaces.

Signage Regulations

2. 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 (Sign #3 and #4 on Plat to Accompany Zoning Petition)
3. Section 450.4 Attachment 1, 3(a)(VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft. (Sign #1 on Plat to Accompany Zoning Petition)

EXHIBIT

10

Ms. Caroline L. Hecker

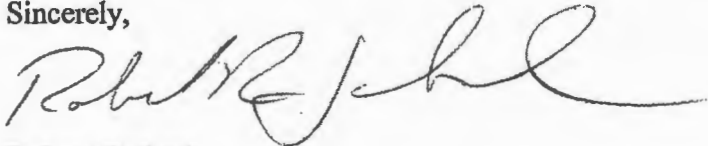
January 3, 2014

Page Two

4. Section 450.4 Attachment 1, 3(a)(VII) to permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. (Sign #2 on Plat to Accompany Zoning Petition)
5. 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 (Sign #5 on Plat to Accompany Zoning Petition)
6. Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #5 on Plat to Accompany Zoning Petition)
7. Section 450.4 Attachment 1, 5(f)(VII) to permit two order boards of 6.75 feet in height in lieu of the permitted 6 feet (Sign #7 on Plat to Accompany Zoning Petition)
8. Section 450.4 Attachment 1, 3(II) to permit two projected directional signs in lieu of the permitted wall-mounted or free-standing signs (Sign #6 on Plat to Accompany Zoning Petition)

Thank you again for contacting us in this regard.

Sincerely,



Robert Zacherl

President, Wells-McComas Citizens Improvement Association

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Steve Berkenkemper
Departments of Permits,
Approvals and Inspections

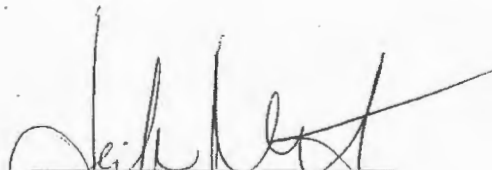
DATE: January 13, 2014

FROM: Jenifer Nugent
Development Review Section
Department of Planning

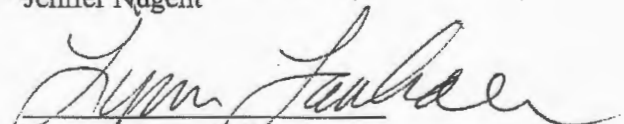
SUBJECT: McDonald's Restaurant – 3954 North Point Boulevard
PAI#-XV-985

The Department of Planning has reviewed the above referenced project and recommends approval of the request for the limited exemption.

The Department of Planning also reviewed this project for requested variances for signage and reduced parking (ZAC Case# 14-105) and was in support of those requests in conjunction with the proposed development plan.



Jenifer Nugent



Lynn Lanham, Chief
Development Review

JN:kma





BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 3950 & 3954 NORTH POINT BLVD.

January 24, 2014

LEE MAY – TESTIMONY

Name: Lee May

Address:

Employer, employer's address: McDonald's Corporation

6903 Rockledge Drive, Ste. 1100

Bethesda, MD 20817

Your job title and responsibilities at McDonald's: Area Construction Manager

Are you familiar with the petition before the Administrative Law Judge? Yes

What is the location that is the subject of the petition? 3950 & 3954 North Point Blvd.

What is your interest in the properties?

Through affiliated entities, McDonald's controls 3954 North Point Blvd. (owned by Golden Arch Realty Corp.), which is situated on the corner of North Point Blvd. and Old Battle Grove Rd., and 3950 North Point Blvd. (owned by Mann Holding Company, LLC), which is the adjacent lot along North Point Blvd.

What is at this location currently?

There is an existing McDonald's restaurant at 3954 North Point Blvd.

3950 North Point Blvd. is improved with a surface parking lot used for McDonald's customer parking.

Describe the history of this McDonald's.

This McDonald's has been operating at this location since 1974 (40 years).

In 1986, the McDonald's constructed the single-lane drive-thru facility and related signs, which required a parking, signage, and setbacks variances.

EXHIBIT

tabbles

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EXHIBIT – CASE NO. 86-122-A

In 1988, the McDonald's constructed an additional drive-thru window, a vestibule area, and a front dining room, which required parking and setback variances.

EXHIBIT – CASE NO. 88-532-A

Both prior decisions approved parking variances to permit 53 parking spaces in lieu of the required number of spaces (62 spaces were required in 1986; 88 spaces were required in 1988).

In 2009, the property located at 3950 North Point Blvd. was purchased in order to provide additional parking.

Describe existing conditions at the McDonald's.

EXHIBIT – PHOTOS

EXHIBIT – EXISTING CONDITIONS

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

What is being proposed at this location?

EXHIBIT – PROPOSED CONDITIONS

EXHIBIT – PLAN TO ACCOMPANY ZONING PETITION

Demolish the existing restaurant and rebuild a new McDonald's restaurant in its place.

The restaurant will be re-oriented so that the front of the restaurant faces west instead of south.

The parking lot located at 3950 North Point Blvd. will be connected to the parking lot on 3954 North Point Blvd., thereby creating one contiguous parking lot serving the McDonald's. As a result, McDonald's will be able to offer more convenient parking for customers.

The existing egress that is closest to the intersection of North Point Blvd. and Old Battle Grove Rd. will be replaced by a dedicated ingress to better prevent traffic congestion. Also, the other entrance to the parking lot on North Point Blvd. will have an island splitting the incoming and outgoing traffic to create better traffic flow. Similarly, the entrance closest to the intersection along Old Battle Grove Rd. will be removed to prevent traffic congestion. McDonald's will also landscape the site in compliance with the County's standards.

The rebuilt restaurant will also have a dual drive-thru to provide faster and more efficient service.

EXHIBIT – PROPOSED ELEVATIONS

- Contemporary, upscale look – moving away from the bright, plastic look of the old McDonald's restaurants.
 - “Café”-type customer area - tasteful colors and materials; limited branding.

- Brick exterior (as opposed to painted red and white).
- Remove mansard roof with white beams.
- “Green building” features: (now standard for new McDonald's)
 - High-efficiency HVAC system
 - TPO reflective roof to reduce energy costs
 - Trellis – reduce solar heat gain
 - Masonry walls – thermal properties
 - Two-speed grill exhausts
 - Auto-sensor lavatory faucets
 - LED lighting
 - Cardboard recycling

The new building will be entirely ADA-compliant.

Why are you proposing these features?

The existing structure is 40 years old and is operationally inadequate. The proposed new restaurant will be a much more efficient building, both operationally and in terms of energy usage.

Landscaping will provide a more appealing setting and the changes to parking will lessen congestion and create better traffic flow.

The dual lane drive-thru feature also allows faster ordering and pick-up.

Finally, the “green building” items in our design will make the new building much more energy efficient than the existing one.

What is the square footage of the existing restaurant? 4,521 SF

What is the square footage of the new restaurant? 4,570 SF

How many seats are there in the existing restaurant? 90+/-

How many seats will there be in the proposed restaurant? 87

Explain the parking variance requested:

This project will reduce the number of parking spaces from 90 to 58. The Zoning Regulations require 74 spaces, so we are requesting a parking variance.

Note that the two prior zoning cases approved parking variances to permit 53 spaces for the McDonald's.

Why is McDonald's proposing a reduction in the number of parking spaces?

The reduction in parking spaces is a result of several factors. First, because the parking lots will be connected to form one contiguous parking area for more efficient parking, the parking spaces that border the line dividing the two existing parking lots will be lost. Also, expanding the drive-thru to two lanes, which McDonald's has done to meet today's demands on fast-food restaurants, has resulted in fewer parking spaces. Landscaping standards have also compelled McDonald's to dedicate areas for screening and green spaces.

The irregular shapes of these two lots make it difficult to retain a greater number of parking spaces. Old Battle Grove Road curves around the corner lot, making it difficult to maximize the area for parking. The second lot along North Point Blvd. is triangular and becomes narrower, truncating areas that could be used to increase the number of parking spaces.

Explain the sign package:

EXHIBIT – SIGNAGE PACKAGE

What is proposed?

In accordance with McDonald's new signage package, we are proposing the following signs for the new McDonald's restaurant:

- 6 wall-mounted enterprise signs: 2 signs on the front of the building; 1 sign on the drive-thru side of the building; 2 signs on the non-drive-thru side of the building; and 1 sign on the rear of the building.
- 2 "canopy"-style directional signs on the front and non-drive-thru sides of the building. These signs, one on each side, will have the word "Welcome" above the face of the canopy, rather than printed directly on the face of the canopy.
- 2 free-standing order boards, which are 6.75 ft. high in lieu of the permitted 6 ft., as well as 2 projecting directional signs (the "Pay Here" and "Pick Up Here" signs) in lieu of the permitted wall-mounted or free-standing directional signs.

- Directional signs over each of the drive-thru lanes which, because they are intended to go over the drive-thru lanes, are higher than what would otherwise be permitted (the "Drive-Thru" and "Order Here" signs).

The existing free-standing enterprise sign along North Point Blvd. will remain. The face of the sign has an area of 83 SF and complies with Zoning Regulations.

Why are these signs proposed?

This is McDonald's standard signage plan for new restaurants, and will bring this restaurant up-to-date and into conformity with other new McDonald's restaurants. To date, 18 other McDonald's restaurants in Baltimore County have implemented this signage package.

What is the amount of capital investment for this project?

Approximately \$2.6 million, all privately funded.

If the petitions are approved, what is the plan for implementation?

If the petitions are approved, we will apply for permits and begin demolition as soon as possible. We expect to begin construction in July, which should take approximately four months to complete. We hope to open in October 2014.



BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 3950 & 3954 NORTH POINT BLVD.

January 24, 2014

CHRISTOPHER MANN – TESTIMONY

Name: Christopher Mann

Address:

Employer, employer's address: McDonald's
3954 North Point Blvd.
Baltimore, Maryland 21224

Your job title and responsibilities at McDonald's:

My family owns and operates 4 McDonald's restaurants, one of which is located at 3954 North Point Blvd.

How long have you owned and operated the McDonald's at 3954 North Point Blvd.?

My family has owned and operated this McDonald's since it opened in 1974.

Have any parking studies been completed relating to the existing McDonald's?

Yes.

EXHIBIT – PARKING STUDY

When was this parking study conducted?

Thursday, October 31, 2013 between 11 a.m. and 2 p.m.,
Friday, November 15, 2013 between 11 a.m. and 2 p.m., and
Saturday, November 16, 2013 between 7 a.m. and 1 p.m.

(Note: there are typos on the Parking Study indicating dates of 5/16/13 and 5/18/13.)



BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 3950 & 3954 NORTH POINT BLVD.

January 24, 2014

IWONA ZARSKA – TESTIMONY

Name: Iwona Zarska

Address:

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

What is your job title?

Please describe the nature of the services you provide.

Have you ever testified as an expert witness in the field of site engineering before the Baltimore County Office of Administrative Hearings?

Yes.

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

Yes.

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

Are you familiar with the petition before the Administrative Law Judge? Yes.

What has been your involvement with this project?

I supervised the preparation of the Plans to Accompany the Petition for Variances.

As a result of the Petitioner's application, what variances are being requested?

Off-street Parking

- 409.6.A.2 to permit 58 parking spaces in lieu of the required 74 spaces;

Signage

- 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 (Sign #3 and #4 on Plan to Accompany Zoning Petition);
- Section 450.4 Attachment 1, 3(a)(VII) to permit a directional sign of 10.7 ft. in height in lieu of the permitted 6 ft. (Sign #1 on Plan to Accompany Zoning Petition);
- Section 450.4 Attachment 1, 3(a)(VII) to permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. (Sign #2 on Plan to Accompany Zoning Petition);
- 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 (Sign #5 on Plan to Accompany Zoning Petition);
- Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of on the face of the canopy (Sign #5 on Plan to Accompany Zoning Petition)
- Section 450.4 Attachment 1, 5(f)(VII) to permit two order boards of 6.75 feet in height in lieu of the permitted 6 feet (Sign #7 on Plan to Accompany Zoning Petition); and
- Section 450.4 Attachment 1, 3(II) to permit two projected directional signs in lieu of the permitted wall-mounted or free-standing signs (Sign #6 on Plan to Accompany Zoning Petition)

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

EXHIBIT – PLAN TO ACCOMPANY ZONING PETITION

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

Yes. 3954 North Point Blvd. is improved with an existing structure, which McDonald's proposes to demolish and replace with a new restaurant in the same location as the existing one. However, the small size and irregular shape of the lot impose certain constraints on the proposed new construction. The lot located at 3950 North Point Blvd. is also irregular in shape. Taken together, the two properties create a unique and irregularly shaped parcel.

Since you have indicated that the properties are 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.

Parking: The Zoning Regulations would require 74 parking spaces; however, the dimensions of the property, together with the landscaping standards, only permit 58 off-street parking spaces. Without the parking variance, McDonald's would not be able to reconstruct the restaurant on this property.

Also, because the site is surrounded by a grove of large trees, there is not any other place for customers to park if they cannot find a spot on site. As a result, McDonald's must provide enough parking to meet customer demand.

Signs:

- The Zoning Regulations permit 3 enterprise signs on the building facades; McDonald's, however, is proposing 6 enterprise signs on the building facades.
- The Zoning Regulations permit wall-mounted or free-standing directional signs; McDonald's, however, proposes a "canopy"-type directional sign and projected directional signs.
- The Zoning Regulations permit a sign to be erected on the face of a canopy; McDonald's, however, proposes to erect a sign above the face of the canopy.
- The Zoning Regulations permit a maximum height of 6 feet for directional signs; McDonald's, however, proposes to erect directional signs with heights of 9.67 feet and 10.7 feet.

The strict application of the Zoning Regulations would create practical difficulties for McDonald's, as this restaurant would deviate from the standard style of other McDonald's restaurants if the proposed signs were not permitted.

Also, visibility of the restaurant is also obstructed by large trees surrounding the properties, and without adequate and proper signage, the McDonald's would not be easily identifiable, creating a practical difficulty.

The lack of visibility caused by the trees is exacerbated by the configuration of North Point Blvd., a four-lane thoroughfare separated by a grass median. McDonald's would face a practical difficulty identifying the restaurant to motorists driving southbound on North Point Blvd. without adequate signage.

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?

The granting of the variance will likely improve property values in the neighborhood, as the new restaurant will be more modern and attractive than the existing one. As the requested variances will permit McDonald's to rebuild a new restaurant in the same location as the existing one, there will be no greater impact on the use and enjoyment of the neighboring properties than that created by the existing restaurant.

Would the granting of the variances impair an adequate supply of light and air to adjacent property, overcrowd the land, create an undue concentration of population, substantially increase the congestion of the streets, create hazardous

traffic conditions, increase the danger of fire, or otherwise endanger the public safety?

The granting of the variances will not impair the supply of light and air to the adjacent properties any more than the existing restaurant does, nor will these variances cause an overcrowding of the land. Similarly, the granting of the variances will have no affect on the concentration of population, congestion of the streets, traffic conditions, or the danger of fire, nor will they endanger the public safety in any manner.

In fact, McDonald's is proposing to change the exit closest to the intersection of North Point Blvd. and Old Battle Grove Rd. to an entrance only, which will improve traffic conditions. Also, McDonald's will install an island at the entrance/exit located at the 3950 North Point Blvd. lot to separate ingress and egress traffic to better direct traffic in and out of the parking lot.

The proposed signs will help direct vehicular and foot traffic safely in and around the site.

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

The granting of the variances will not have any impact on transportation, nor will they 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?

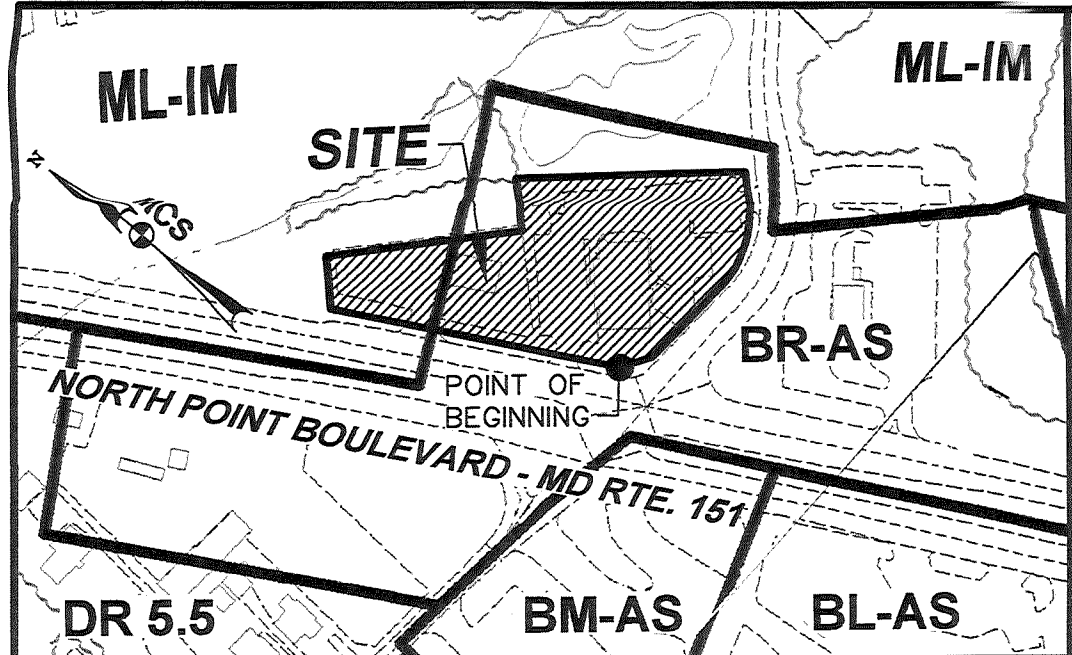
The granting of these variances is in harmony with the purpose of the Zoning Regulations, as they will promote the health, security, comfort, convenience, orderly development and other aspects of the general welfare of the community by permitting McDonald's to replace an outdated restaurant with a more modern, attractive, and efficient one. This will improve the general welfare of the surrounding neighborhood.

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

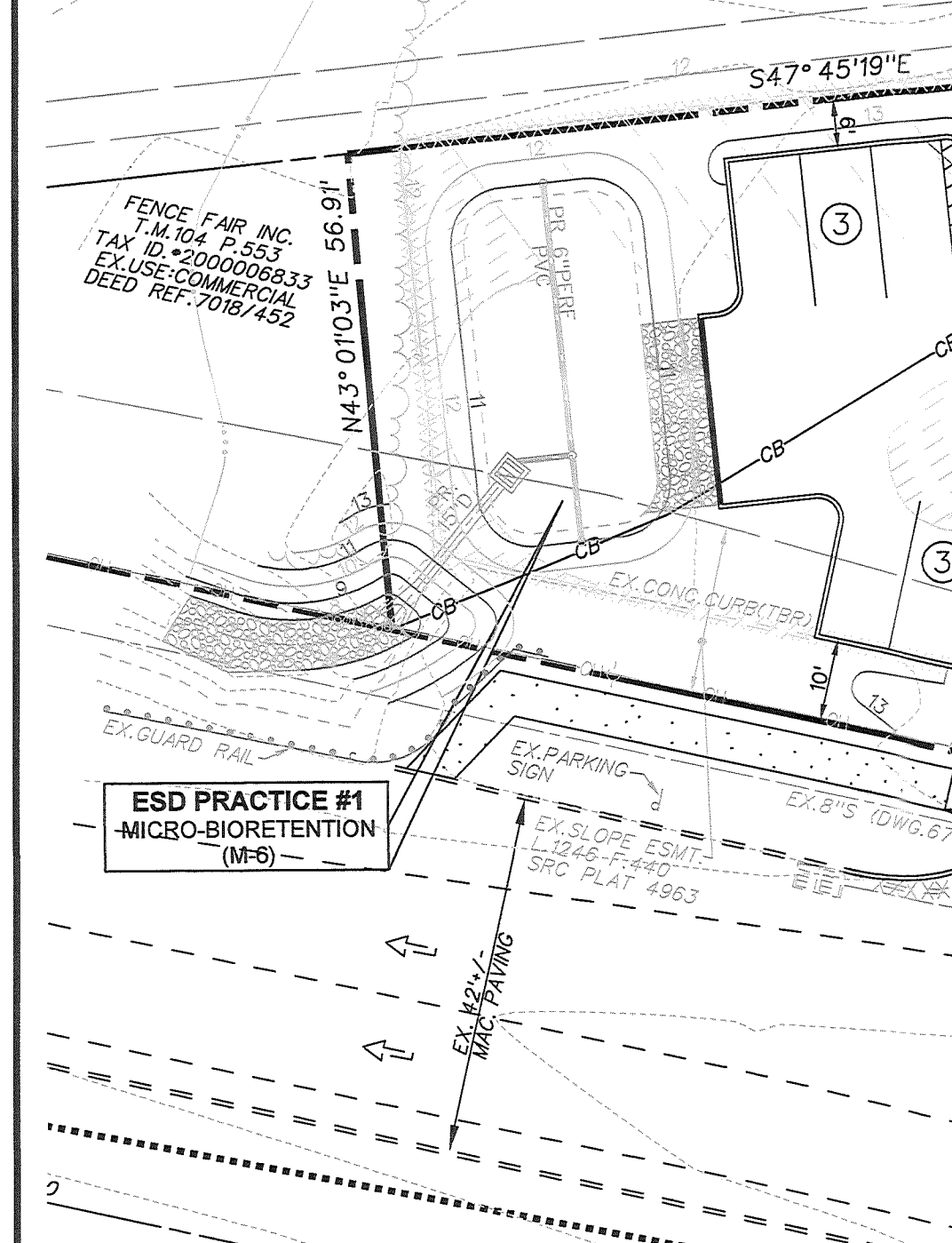
The granting of the variances will not cause any injury to the public health, safety, or general welfare.



1 inch = 100 feet

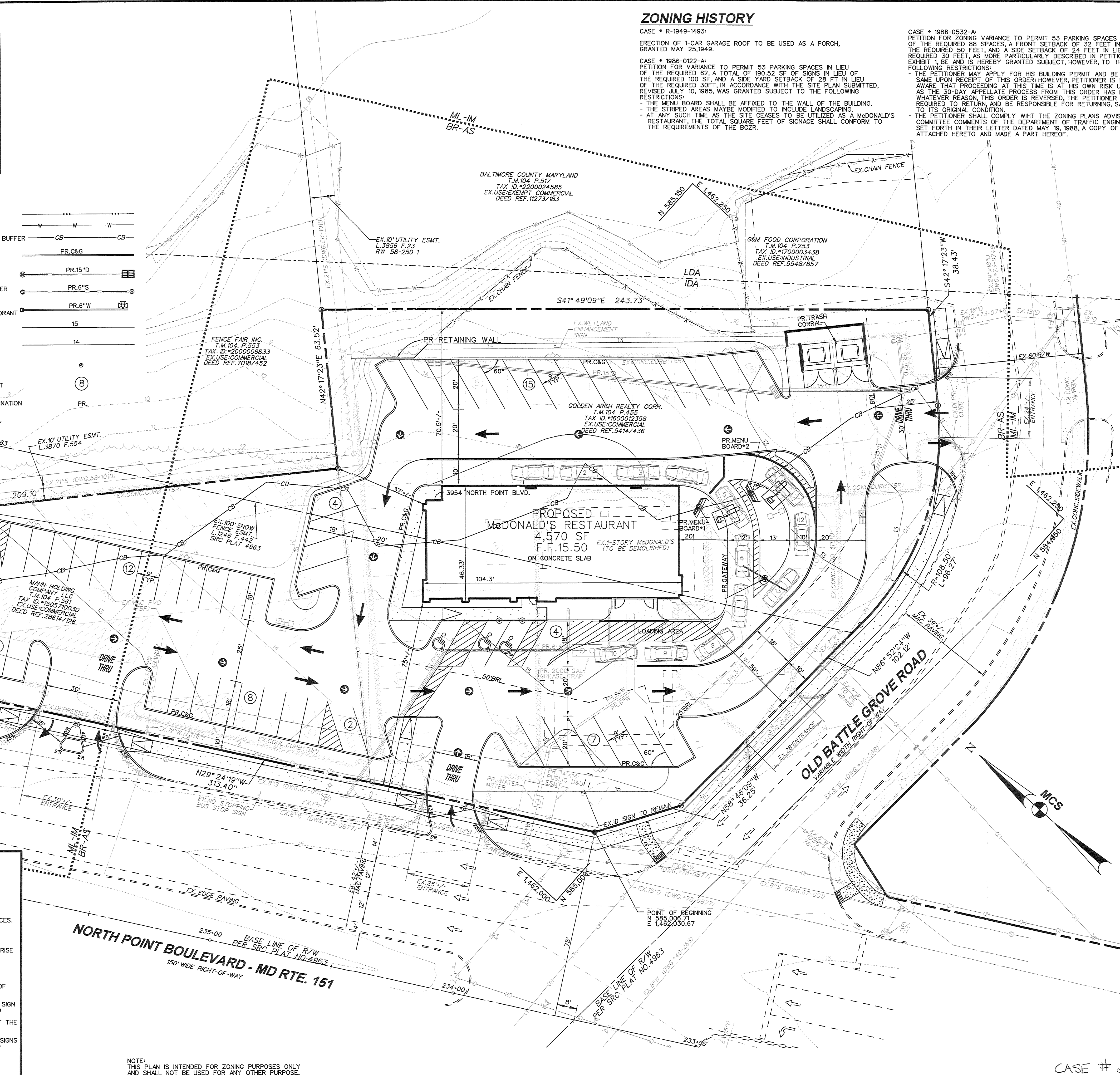


LEGEND	
RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
EX. EASEMENT	---
ZONING LINE	---
EX. CONCRETE CURB AND GUTTER	---
EX. CURB AND GUTTER TO BE REMOVED	---
EX. CONCRETE TO BE REMOVED DESIGNATION	(TBR)
EX. BUILDING	---
EX. SIGN	---
EX. STORM DRAIN, MANHOLE & INLET	---
EX. SANITARY SEWER, MANHOLE & CLEANOUT	---
EX. WATER MAIN, VALVE & FIRE HYDRANT	---
EX. INDEX CONTOURS	---
EX. INTERMEDIATE CONTOURS	---
"EXISTING" DESIGNATION	EX.
EX. STREAM LINE	---
EX. WETLANDS	---
EX. CRITICAL AREA BUFFER	---
PR. CONCRETE CURB & GUTTER	---
PR. STORM DRAIN, MANHOLE & INLET	---
PR. SANITARY SEWER & CLEANOUT	---
PR. WATER MAIN, VALVE & FIRE HYDRANT	---
PR. INDEX CONTOURS	---
PR. INTERMEDIATE CONTOURS	---
PR. BOLLARD	---
PR. PARKING COUNT	---
"PROPOSED" DESIGNATION	PR.



- ### ZONING VARIANCE REQUESTS
- THE FOLLOWING REQUESTS ARE FOR VARIANCES FROM BALTIMORE COUNTY ZONING REGULATIONS (BCZR)
- VARIANCE FOR PARKING REGULATIONS:
 - SECTION 409.6.A.2 TO ALLOW 58 SPACES IN LIEU OF THE REQUIRED 74 SPACES.
 - VARIANCE FOR SIGN REQUIREMENT:
 - SECTION 450.4 ATTACHMENT 1.5(d) (VI) TO PERMIT 6 WALL-MOUNTED ENTERPRISE SIGNS ON BUILDING FACADES IN LIEU OF THE PERMITTED 3 SIGNS. (SIGN *3,4)
 - SECTION 450.4 ATTACHMENT 1.3(d)(VII) TO PERMIT A DIRECTIONAL SIGN OF 10.7 FEET IN HEIGHT IN LIEU OF THE PERMITTED 6 FT. (SIGN *1)
 - SECTION 450.4 ATTACHMENT 1.3(d)(VII) TO PERMIT TWO DIRECTIONAL SIGNS OF 9.67 FEET IN HEIGHT IN LIEU OF THE PERMITTED 6 FT. (SIGN *2)
 - SECTION 450.4 ATTACHMENT 1.3(d) TO PERMIT A CANOPY-TYPE DIRECTIONAL SIGN IN LIEU OF THE PERMITTED WALL-MOUNTED OR FREE-STANDING SIGN. (SIGN *5)
 - 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. (SIGN *5)
 - SECTION 450.4 ATTACHMENT 1.3(iii) TO PERMIT TWO PROJECTED DIRECTIONAL SIGNS IN LIEU OF THE PERMITTED WALL-MOUNTED OR FREE-STANDING SIGN. (SIGN *6)
 - SECTION 450.4 ATTACHMENT 1.5 (f)(VII) TO PERMIT TWO ORDER BOARDS OF 6.75 FT. IN HEIGHT IN LIEU OF THE PERMITTED 6 FT. (SIGN *7)

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



OWNERS
GOLDEN ARCH REALTY CORP.
AND
MANN HOLDING CO., LLC
646 SEVERN ROAD
SEVERNA PARK, MD 21146

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

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.

REVISIONS			
DATE	NO.	DESCRIPTION	BY

PLAN TO ACCOMPANY ZONING PETITION FOR ZONING VARIANCES
McDONALD'S RESTAURANT
3950 & 3954 NORTH POINT BLVD.
DUNDALK, MARYLAND 21222
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

PARKING REQUIREMENTS
PARKING SPACES REQUIRED: 4,570 SF @ 16 PS / 1000 SF = 74 PS
PARKING SPACES PROVIDED: 58 PS (INCL. 3 HDOP)
ZONING VARIANCES WILL BE REQUESTED.

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

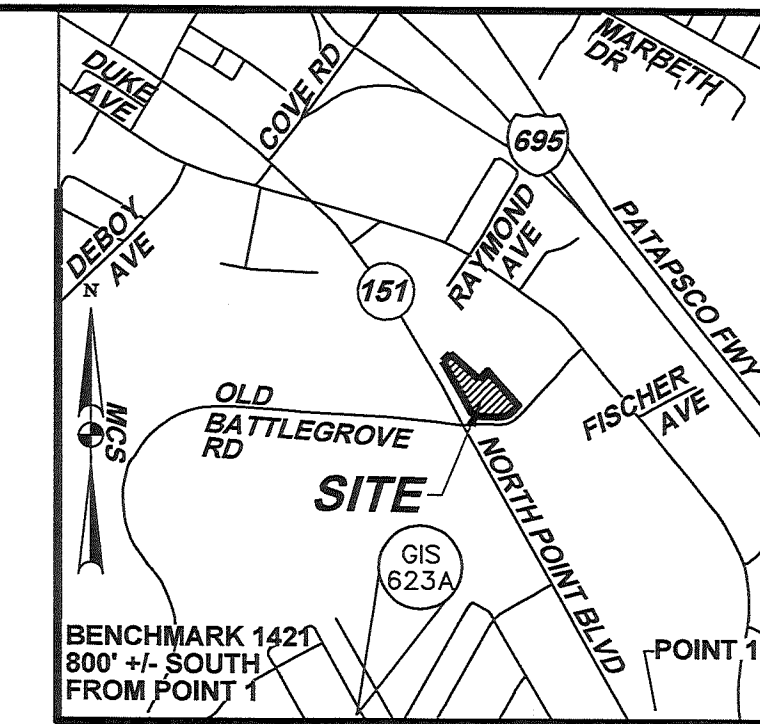
CASE # 2014-0105-A

DRAWING NO.
V-1

SHEET 1 OF 2

ZONING HISTORY

- CASE • R-1949-1493:
ERECTION OF 1-CAR GARAGE ROOF TO BE USED AS A PORCH, GRANTED MAY 25, 1949.
- CASE • 1986-0122-A:
PETITION FOR VARIANCE TO PERMIT 53 PARKING SPACES IN LIEU OF THE REQUIRED 62, A TOTAL OF 190.52 SF OF SIGNS IN LIEU OF THE REQUIRED 100 SF, AND A 300 YARD SETBACK OF 28 FT. IN LIEU OF THE REQUIRED 30 FT. IN ACCORDANCE WITH THE SITE PLAN SUBMITTED, REVISED JULY 10, 1985, WAS GRANTED SUBJECT TO THE FOLLOWING RESTRICTIONS:
- THE MENU BOARD SHALL BE AFFIXED TO THE WALL OF THE BUILDING.
- THE STRIPED AREAS MAYBE MODIFIED TO INCLUDE LANDSCAPING.
- AT ANY SUCH TIME AS THE SITE CEASES TO BE UTILIZED AS A McDONALD'S RESTAURANT, THE TOTAL SQUARE FEET OF SIGNAGE SHALL CONFORM TO THE REQUIREMENTS OF THE BCZR.
- CASE • 1988-0532-A:
PETITION FOR ZONING VARIANCE TO PERMIT 53 PARKING SPACES IN LIEU OF THE REQUIRED 88 SPACES, A FRONT SETBACK OF 32 FEET IN LIEU OF THE REQUIRED 50 FEET, AND A SIDE SETBACK OF 24 FEET IN LIEU OF THE REQUIRED 30 FEET, AS MORE PARTICULARLY DESCRIBED IN PETITIONERS EXHIBIT 1 BE AND IS HEREBY GRANTED SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS:
- THE PETITIONER MAY APPLY FOR HIS BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT HIS OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED, IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
- THE PETITIONER SHALL COMPLY WITH THE ZONING PLANS ADVISORY COMMITTEE COMMENTS OF THE DEPARTMENT OF TRAFFIC ENGINEERING AS SET FORTH IN THEIR LETTER DATED MAY 19, 1988, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.



BENCH MARK

ELEVATIONS ARE BASED ON NAVD 88 DATUM PER BALTIMORE COUNTY CONTROL POINTS:
CONTROL POINT 623A: N 583,408.26; E 1,461,425.80; EL. 14.82
DESCRIPTION: CAPED REBAR ON WEST SIDE OF ST. AUGUSTINE LN. 28.33 SOUTH & 16.11 NORTH OF MANHOLES IN ST. AUGUSTINE LN.
CONTROL POINT 142: N 582,637.90; E 1,436,004.88; EL. 21.78
DESCRIPTION: MAG SPIKE ON NORTHWEST SIDE OF NEW BATTLE GROVE RD. 42.25' NORTHWEST OF UTILITY POLE #71945 AND 8.25' NORTHEAST OF A MANHOLE LOCATED ON THE WEST SIDE OF NEW BATTLE GROVE RD.

SITE DATA

- AREA OF TRACT: (41,688-19,218) 60,906 SF OR 1.398 AC
- OWNERS:
PARCEL 455:
GOLDEN ARCH REALTY CORP.
646 SEVERN ROAD
SEVERNA PARK, MD 21146
PARCEL 561:
MANN HOLDING COMPANY, LLC
646 SEVERN RD
SEVERNA PARK, MARYLAND 21146-3457
- TAX MAP REFERENCES:
T.M.104: G.08: P.455; TAX ID: # 1600012358; DEED REF: 5415 / 436
T.M.104: G.08: P.561; TAX ID: # 1505710030; DEED REF: 28614 / 126
- PLAT REFERENCE: NONE
- ELECTION DISTRICT: 15; COUNCILMANIC DISTRICT: 7
- EXISTING ZONING: BR-AS & ML-IM, MAP #104A1
- EXISTING USE: EX. McDONALD'S RESTAURANT TO BE RAZED
PROPOSED USE: NEW McDONALD'S RESTAURANT
- CENSUS TRACT: 452400
SUBSHED: TABASCO COVE
TRANSPORTATION ZONE: 0760
ZIP CODE: 21222
WATERSHED: BALTIMORE HARBOR
- MINIMUM SETBACK REQUIREMENT FOR BR-AS ZONE:
FRONT: 50 FT FROM PROPERTY LINE IF ON A DUAL HIGHWAY, AND LESS THAN 25 FT FROM THE FRONT PROPERTY LINE AND NOT LESS THAN 50 FT FROM THE CENTER LINE OF ANY OTHER STREET.
SIDE & REAR: 30 FT
MINIMUM SETBACK REQUIREMENT FOR ML-IM ZONE:
FRONT: 75 FT
SIDE & REAR: 50 FT
- BUILDING HEIGHT:
PERMITTED: 40 FT
PROPOSED: 23.3 FT
- F.A.R. ALLOWED: 2 MAX.
PROPOSED F.A.R. FOR LEASE AREA 4,570 SF / 60,906 SF = 0.075
- ADT: (550 X 4,570 SF) / 1,000 = 2,514 DAILY TRIPS
- LANDSCAPE REQUIREMENTS:
LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL.
- STORM WATER MANAGEMENT (SWM):
THIS SITE IS A RE-DEVELOPMENT. SWM SHALL BE ADDRESSED IN ACCORDANCE WITH THE FOLLOWING CRITERIA:
- REDUCTION OF EX. IMPERVIOUS AREAS WITHIN LIMIT OF DISTURBANCE (LOD) BY 50% OR
- IMPLEMENTATION OF ESD PRACTICES TO MEET TO PROVIDE WATER QUALITY TREATMENT FOR AT LEAST 50% OF EX. IMPERVIOUS AREA WITHIN LOD, OR
- USE A COMBINATION OF IMPERVIOUS AREA REDUCTION AND ESD IMPLEMENTATION FOR AT LEAST 50% OF EX. IMPERVIOUS AREAS, OR
- USE OF ALTERNATIVE SWM MEASURES
SINCE THE FULL REDUCTION OF EXISTING IMPERVIOUS AREA COULD NOT BE ACHIEVED FOR PROPOSED DEVELOPMENT, THEREFORE ESD PRACTICE, MICRO BIORETENTION FACILITY OR EQUIVALENT, WILL BE PROVIDED TO MEET SWM REQUIREMENTS.

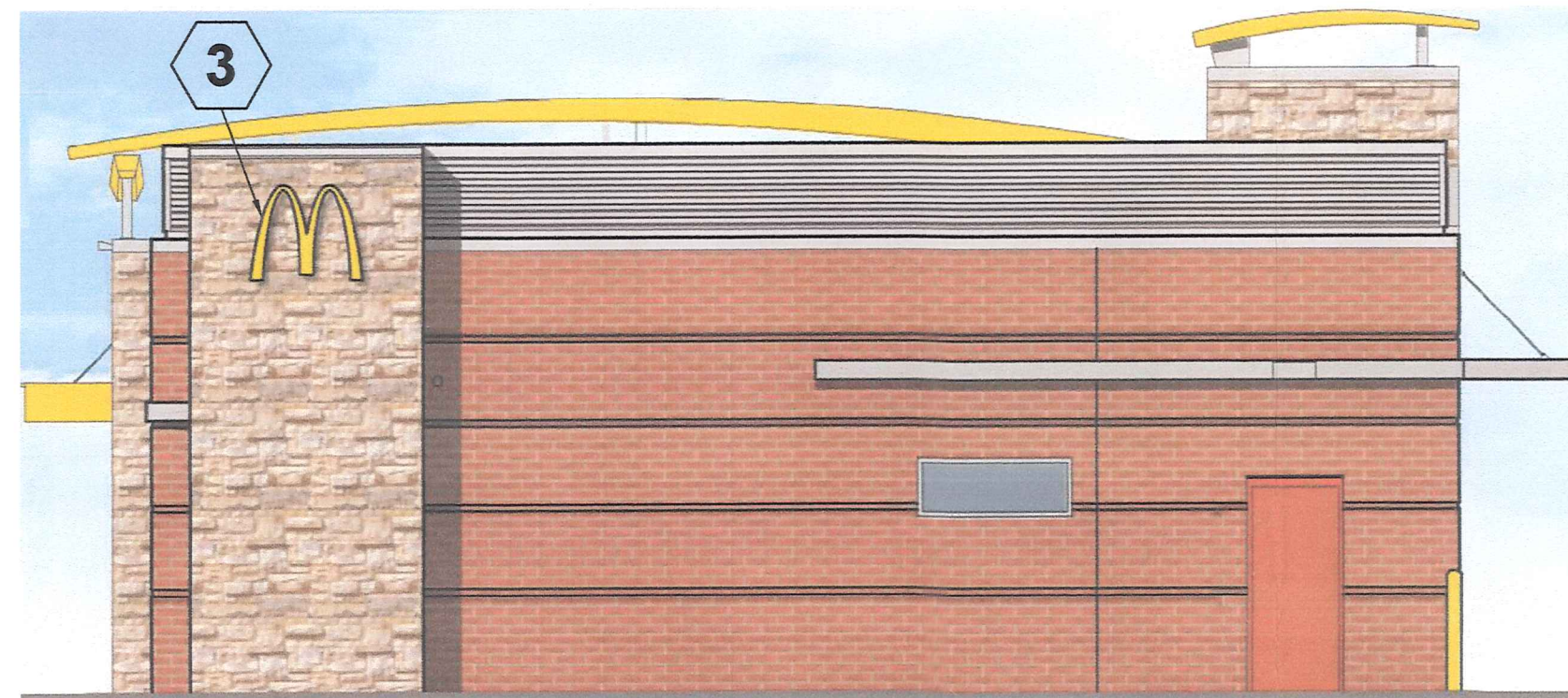
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES. ZONING VARIANCES WILL BE REQUESTED.
- THERE ARE NO HISTORIC BUILDINGS ON THE SITE TO THE BEST OF OUR KNOWLEDGE
- THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS DESIGNATED AS INTENSELY DEVELOPED AREA (IDA).
- FOREST CONSERVATION REQUIREMENTS DO NOT APPLY SINCE THE SITE IS LOCATED WITHIN CHESAPEAKE BAY CRITICAL AREA (IDA).
- FLOOD MAP INFORMATION:
PREMISES IS SHOWN ON MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 440, OF 580 COMMUNITY PANEL NUMBER 2400100440, F. MAP REVISED SEPTEMBER 26, 2008" AND IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
- LIGHTING SHALL BE ERECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL AREAS AND PUBLIC ROADS.
- THE BOUNDARY SHOWN HEREON WAS TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY BOHLER ENGINEERING MO, DATED MAY 23, 2012.
- "BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.

PARKING REQUIREMENTS

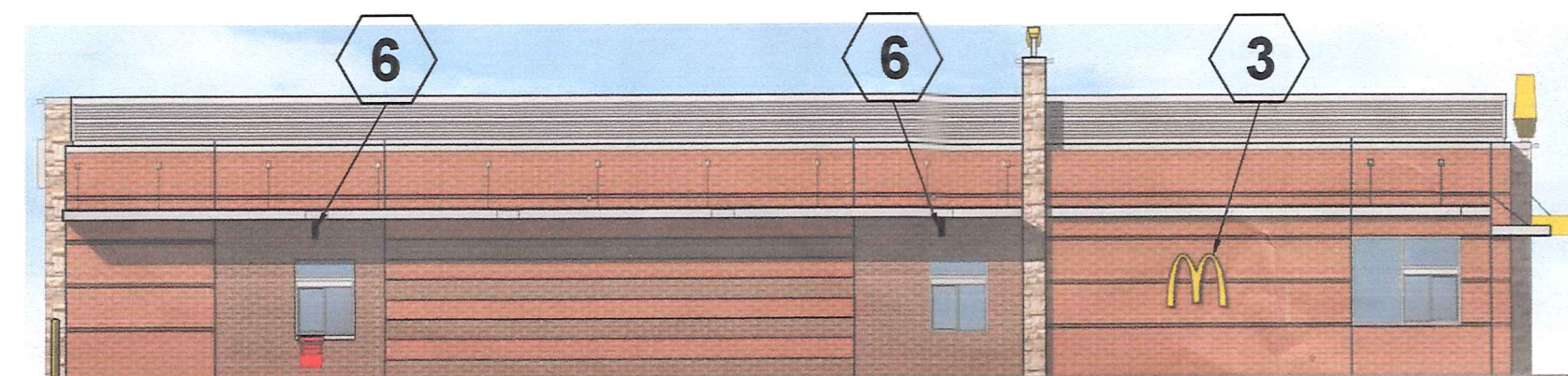
PARKING SPACES REQUIRED: 4,570 SF @ 16 PS / 1000 SF = 74 PS
PARKING SPACES PROVIDED: 58 PS (INCL. 3 HDOP)
ZONING VARIANCES WILL BE REQUESTED.



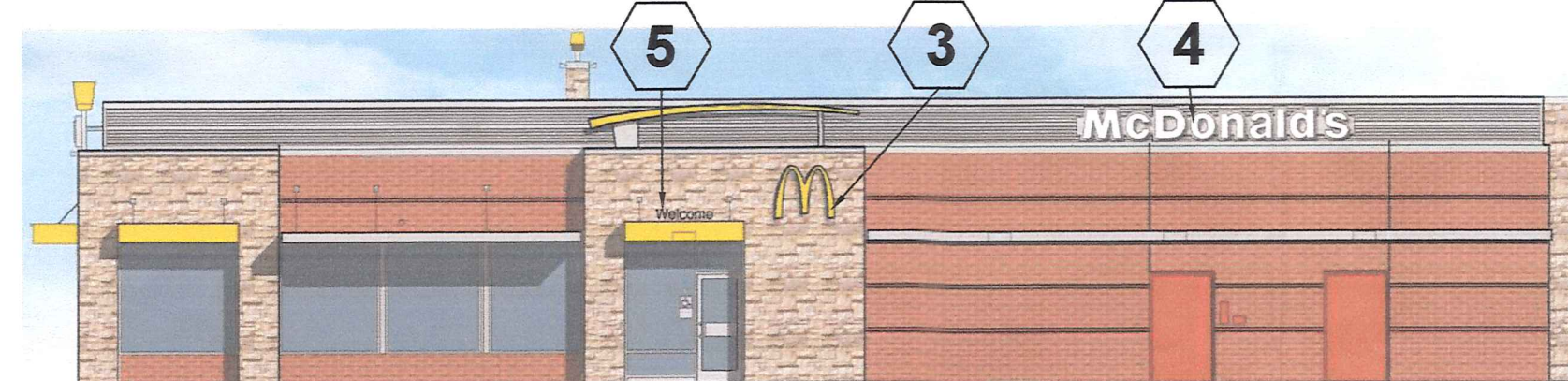
FRONT ELEVATION



REAR ELEVATION (FACING OLD BATTLE GROVE ROAD)

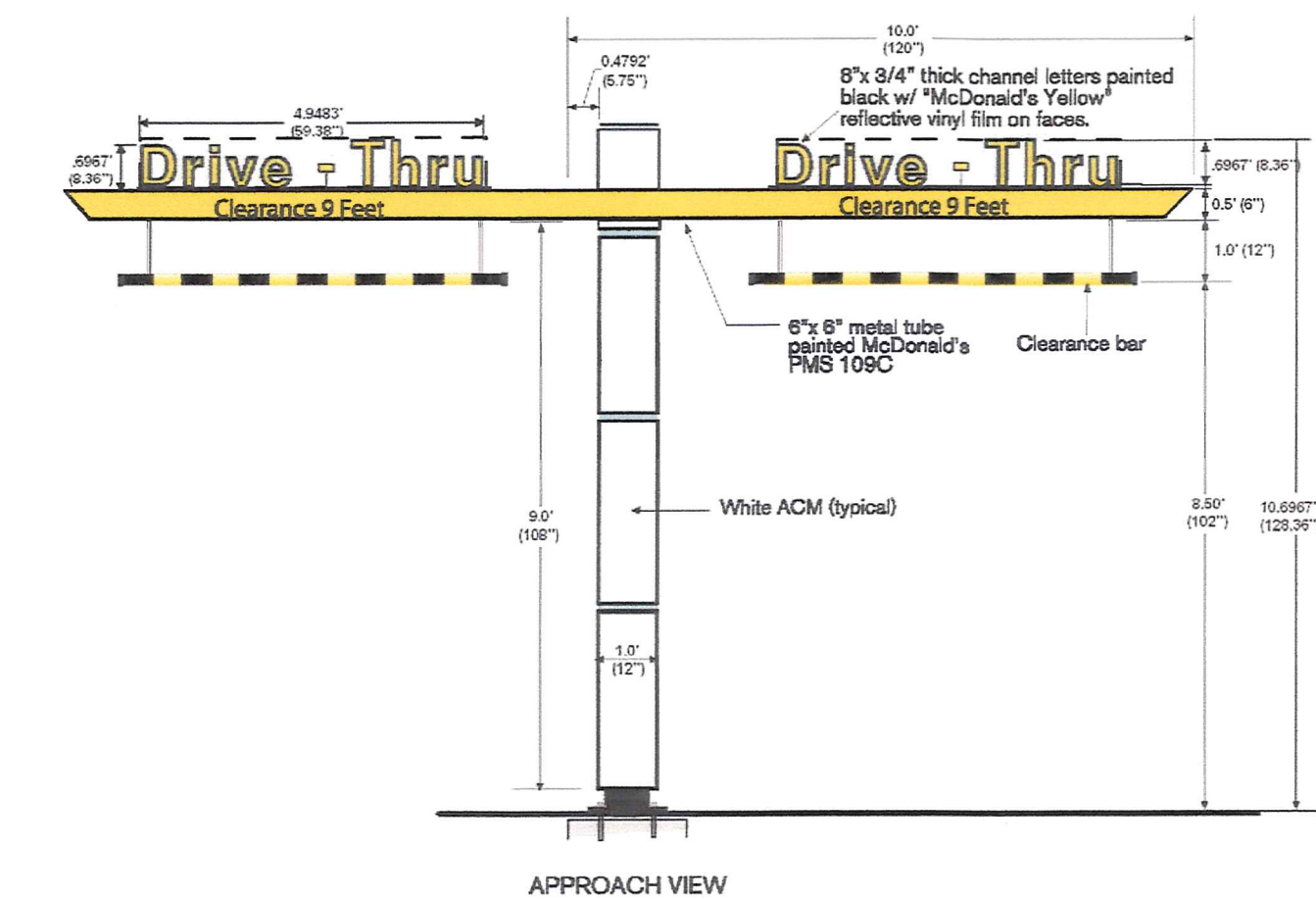


DRIVE-THRU SIDE ELEVATION



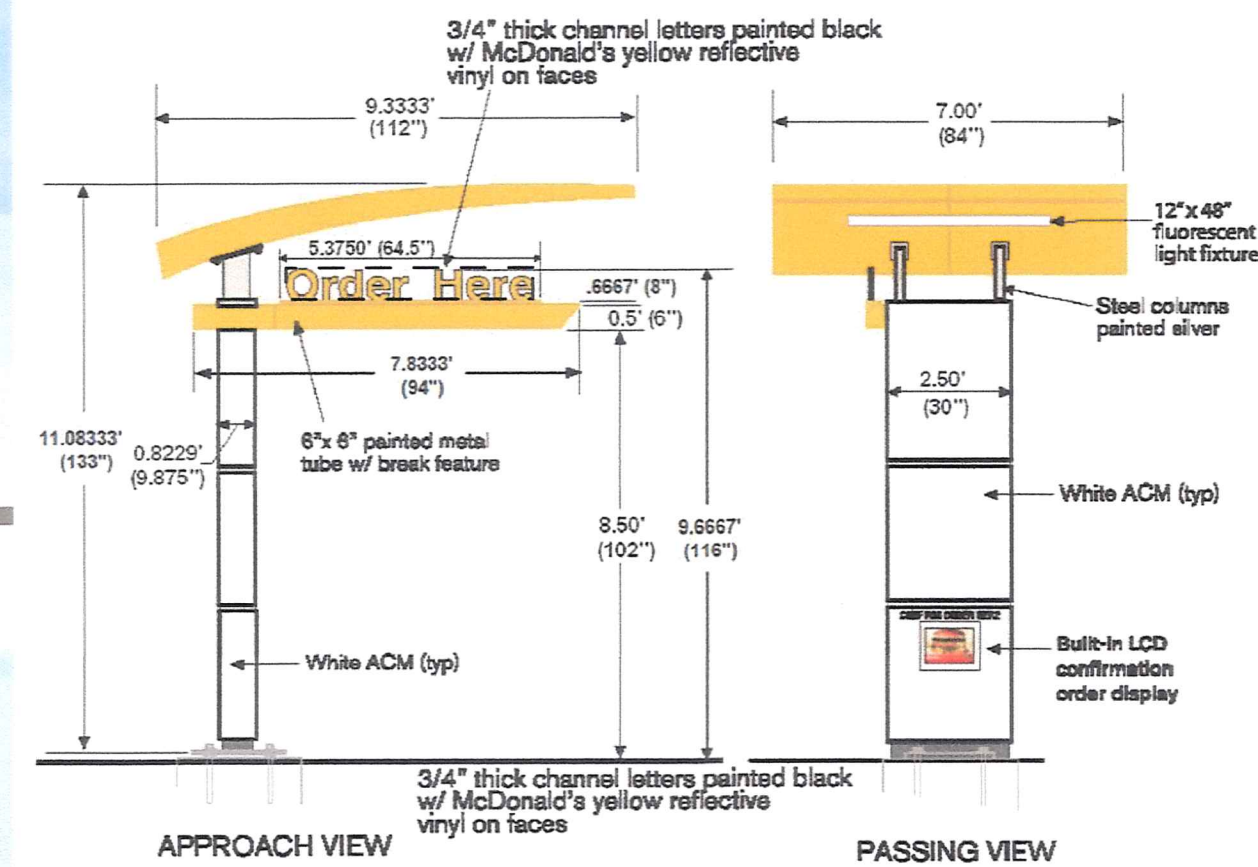
NON-DRIVE-THRU SIDE ELEVATION (FACING NORTH POINT BLVD.)

1	DOUBLE WELCOME POINT GATEWAY
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	2 x 0.6967' x 4.9483' = 6.8950 SF
QUANTITY:	1
HEIGHT:	10.6967 FT.
ILLUMINATION:	NO

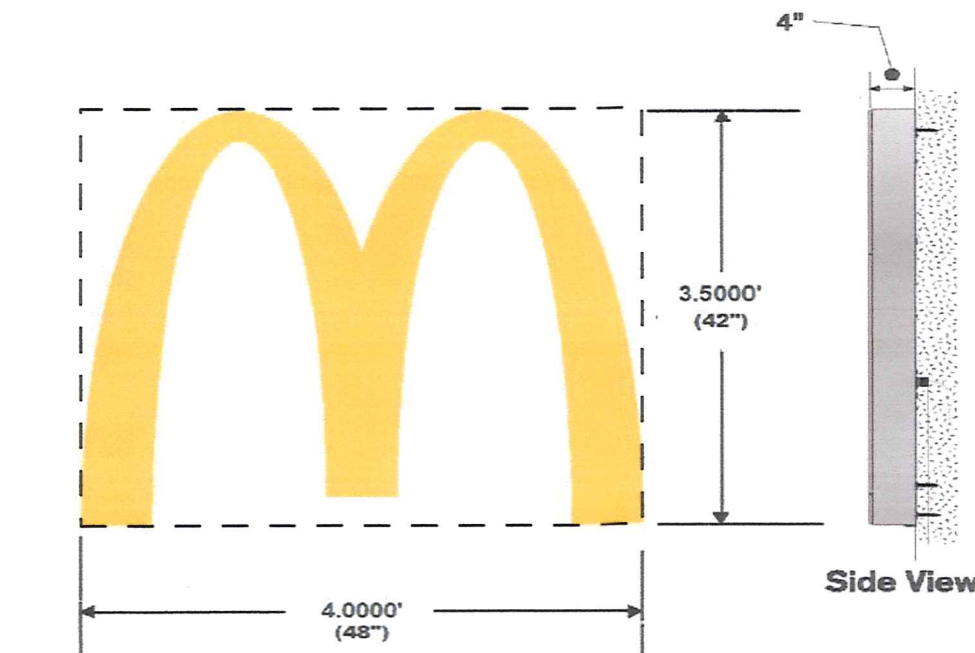


APPROACH VIEW

2	DRIVE-THRU TWIN POLE CANOPY WITH LCD
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	5.3750' x 0.6667' = 3.5835 SF
QUANTITY:	2
HEIGHT:	9.6667 FT.
ILLUMINATION:	NO



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



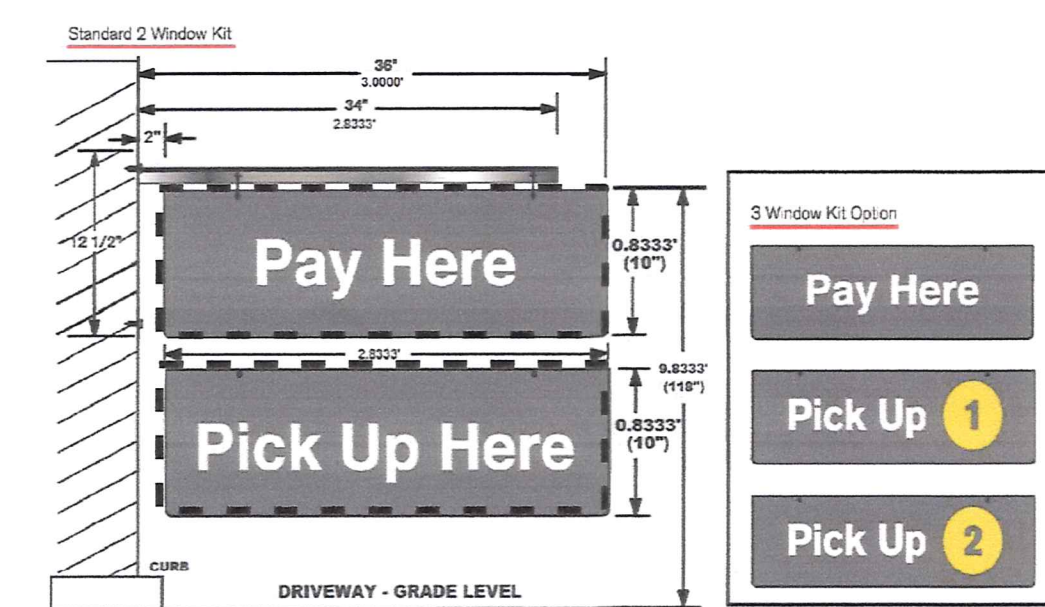
4	NEXT GEN 24" WORDMARK
CLASS:	ENTERPRISE
STRUCTURAL TYPE:	WALL-MOUNTED
FACE AREA:	16.4167' x 2.0000' = 32.8334 SF
QUANTITY:	2
HEIGHT:	N/A
ILLUMINATION:	YES



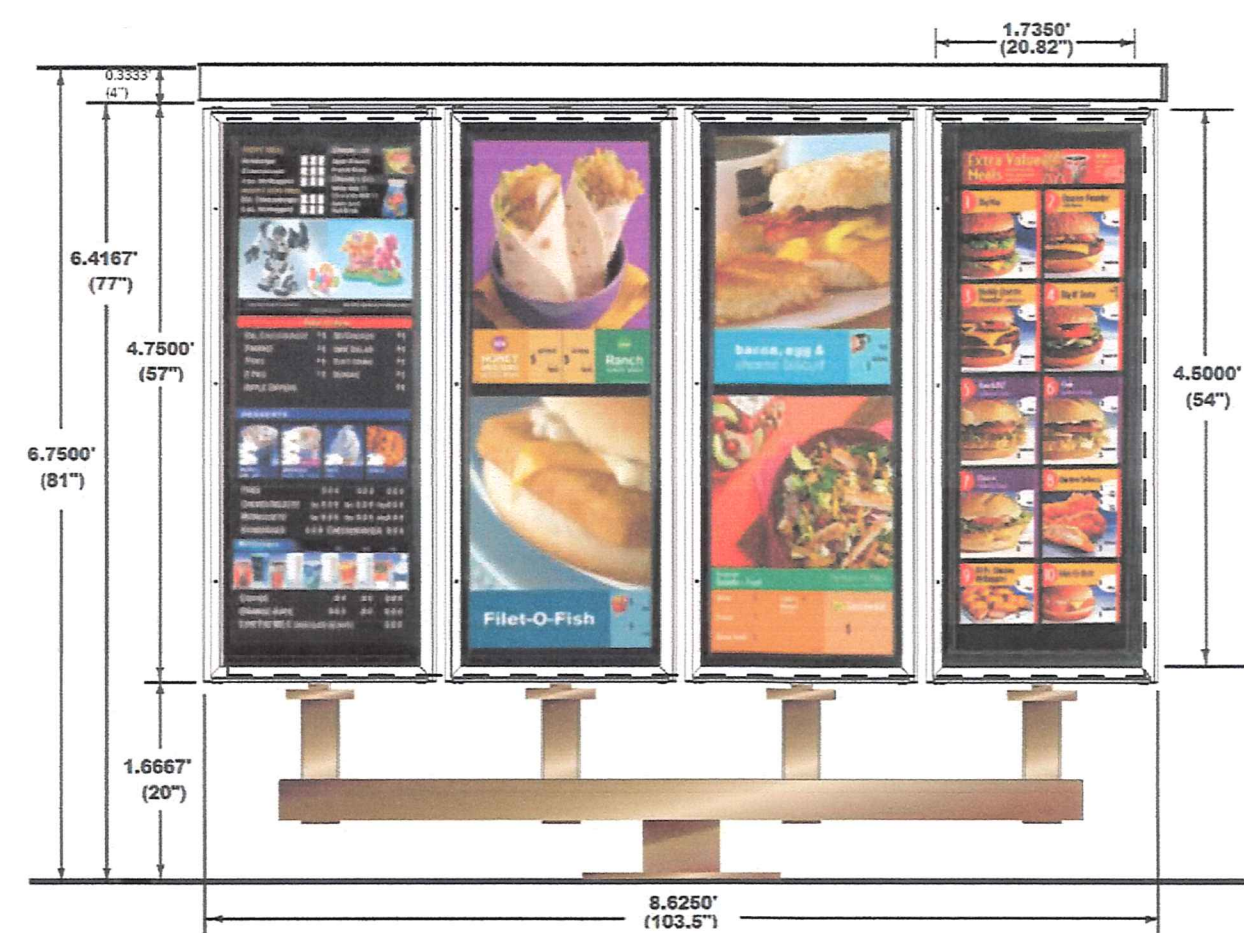
5	WELCOME LETTERS
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	CANOPY
FACE AREA:	3.7292' x 0.6979' = 2.6026 SF
QUANTITY:	2
HEIGHT:	N/A
ILLUMINATION:	NO



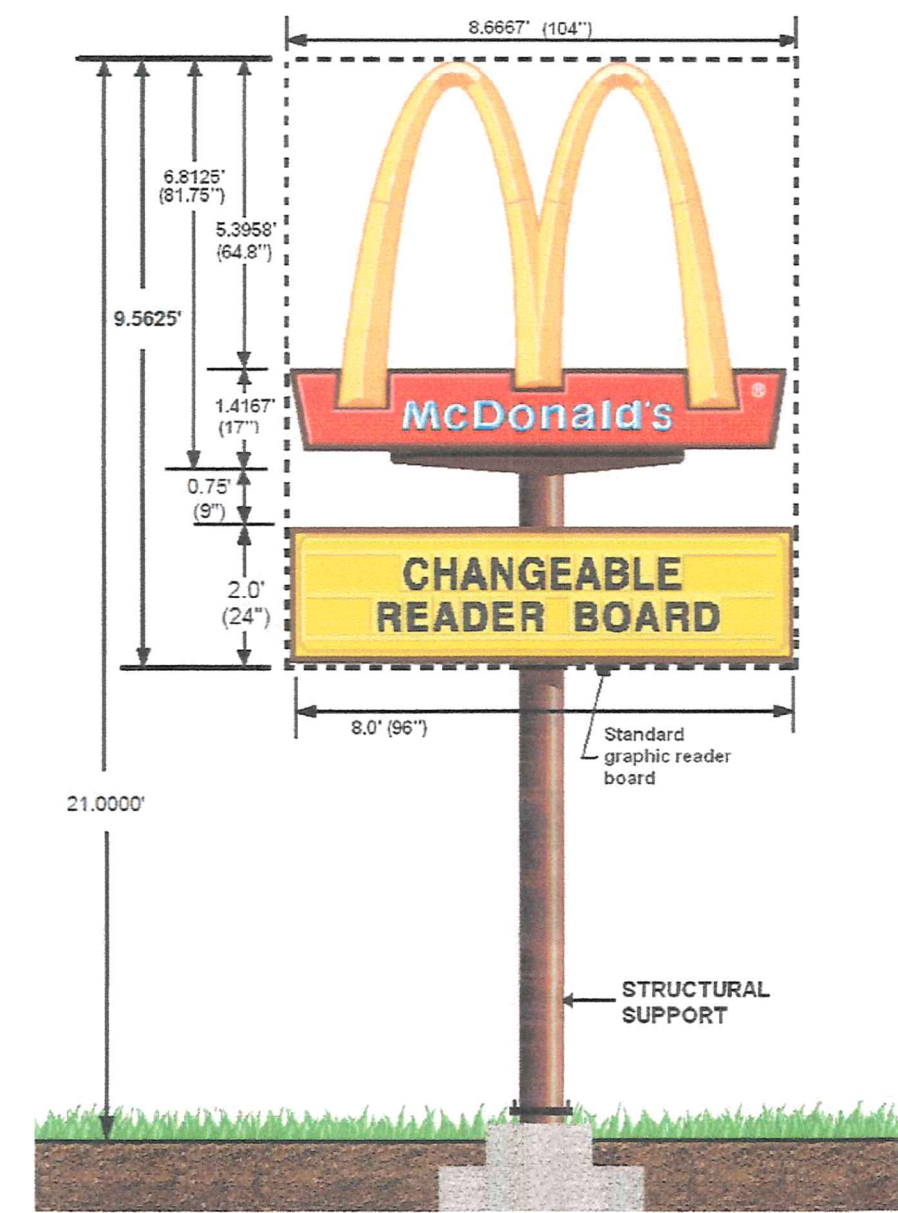
6	NEXT GEN WINDOW POSITION SIGNS
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	PROJECTING
FACE AREA:	2.8333' x 0.8333' = 2.3610 SF
QUANTITY:	2
HEIGHT:	9.8333 FT.
ILLUMINATION:	NO



7	OPQ 4 COLUMN MENU BOARD
CLASS:	ORDER BOARD
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	8.8250' x 4.7500' = 40.9688 SF
QUANTITY:	2
HEIGHT:	6.7500 FT.
ILLUMINATION:	YES



EX	90/40 ROAD SIGN WITH READER BOARD
CLASS:	ENTERPRISE
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	8.6667' x 9.5625' = 82.8753 SF
QUANTITY:	1
HEIGHT:	21 FT. +/-
ILLUMINATION:	YES



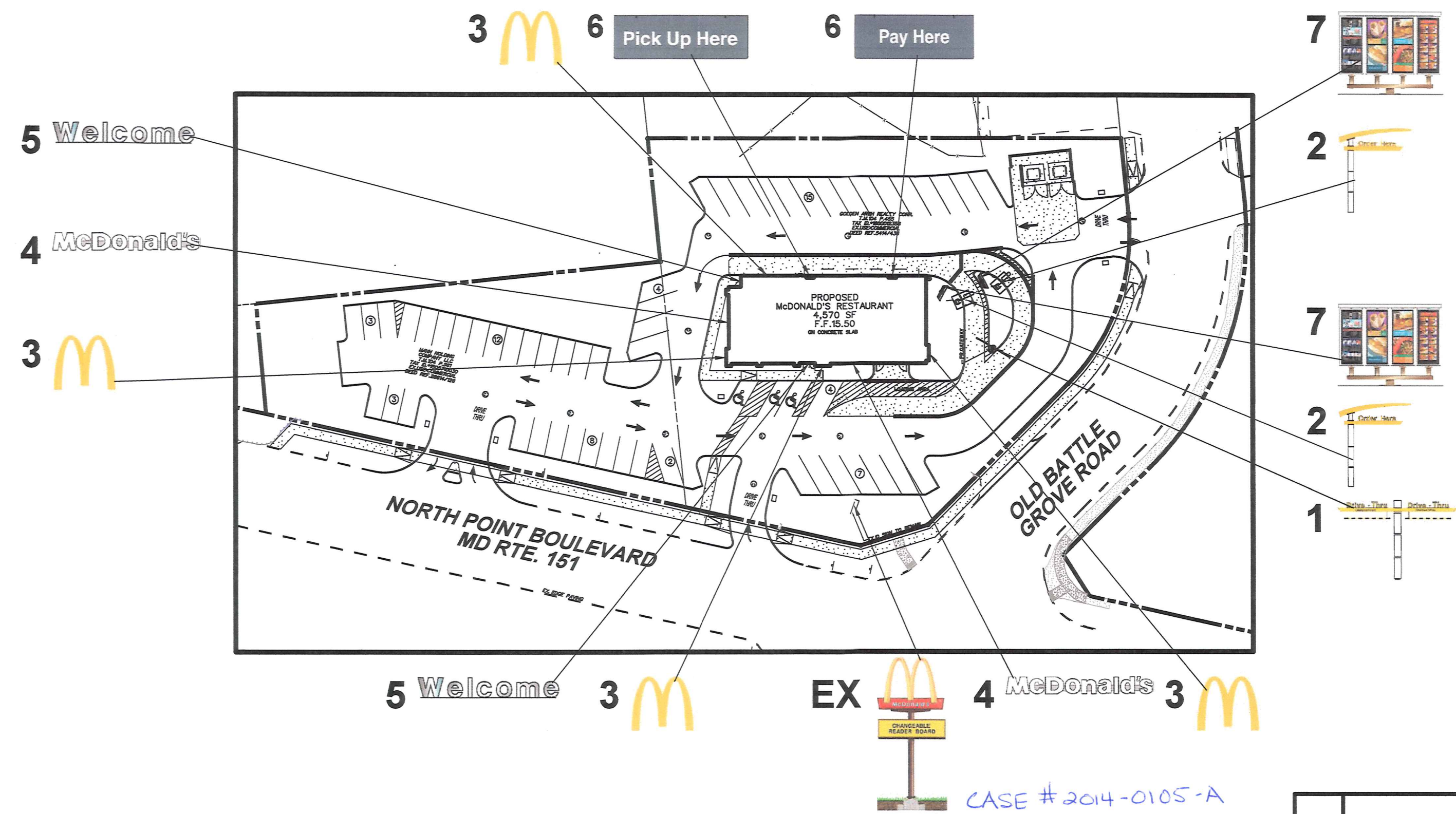
EX.SIGN TO REMAIN
(SIGN IS IN COMPLIANCE WITH
ZONING REGULATIONS)

- I. ENTERPRISE SIGN ON THE BUILDING FACADES
- AREA / FACE OF THE ENTERPRISE SIGNS ON THE SINGLE FACADE:
 - FRONT FACADE (LENGTH = 46.33')
 - MAXIMUM AREA / FACE ALLOWED: 2 x 46.33' = 92.66 SF
 - AREA / FACE PROPOSED:
 - SIGN #4 = 32.8334 SF
 - SIGN #3 = 14.0000 SF
 - TOTAL = 46.8334 SF < 92.66 SF
 - DRIVE-THRU FACADE (LENGTH = 104.3')
 - MAXIMUM AREA / FACE ALLOWED: 2 x 104.3' = 208.6 SF
 - AREA / FACE PROPOSED:
 - SIGN #3 = 14.0000 SF
 - TOTAL = 14.0000 SF < 208.6 SF
 - NON-DRIVE-THRU FACADE (LENGTH = 104.3')
 - MAXIMUM AREA / FACE ALLOWED: 2 x 104.3' = 208.6 SF
 - AREA / FACE PROPOSED:
 - SIGN #4 = 32.8334 SF
 - SIGN #3 = 14.0000 SF
 - TOTAL = 46.8334 SF < 208.6 SF
 - REAR FACADE (LENGTH = 46.33')
 - MAXIMUM AREA / FACE ALLOWED: 2 x 46.33' = 92.66 SF
 - AREA / FACE PROPOSED:
 - SIGN #3 = 14.0000 SF
 - TOTAL = 14.0000 SF < 92.66 SF
 - NUMBER OF ENTERPRISE SIGNS:
 - NUMBER OF SIGNS PERMITTED:
 - THREE (3) ON PREMISES. NO MORE THAN TWO ON EACH FACADE.
 - NUMBER OF ENTERPRISE SIGNS PROPOSED:
 - SIGNS ON FRONT FACADE: 2 (SIGNS #3 & #4)
 - SIGNS ON DRIVE-THRU FACADE: 1 (SIGN #3)
 - SIGNS ON NON-DRIVE-THRU FACADE: 2 (SIGNS #3 & #4)
 - SIGN ON REAR FACADE: 1 (SIGN #3)
 - TOTAL NUMBER OF PROPOSED ENTERPRISE SIGNS: 6

- II. DIRECTIONAL SIGNS ON THE BUILDING FACADES
- MAX. AREA / FACE ALLOWED: 8 SF / SIGN
 - AREA / FACE PROPOSED:
 - SIGN #5 = 2.6026 SF < 8 SF ALLOWED
 - SIGN #6 = 2.3610 SF < 8 SF ALLOWED
 - STRUCTURAL TYPE ALLOWED: WALL-MOUNTED
 - STRUCTURAL TYPE PROPOSED:
 - SIGN #5 = CANOPY
 - SIGN #6 = PROJECTING

- III. DIRECTIONAL FREESTANDING SIGNS
- MAX. AREA / FACE ALLOWED: 8 SF / SIGN
 - AREA / FACE PROPOSED:
 - SIGN #1 = 6.8950 SF < 8 SF ALLOWED
 - SIGN #2 = 3.8835 SF < 8 SF ALLOWED
 - STRUCTURAL TYPE ALLOWED: FREESTANDING
 - STRUCTURAL TYPE PROPOSED: FREESTANDING (SIGNS #1 & #2)
 - MAX. HEIGHT ALLOWED: 6 FT
 - MAX. HEIGHT PROPOSED:
 - SIGN #1 = 10.6967 FT > 6 FT
 - SIGN #2 = 9.6667 FT > 6 FT

- IV. ENTERPRISE FREESTANDING PYLON SIGN EXISTING TO REMAIN (COMPLYING SIGN)
- MAX. AREA / FACE ALLOWED: 100 SF (FRONTAGE > 300 FT)
 - MAX. AREA / FACE EXISTING: 82.8753 SF
 - MAX. HEIGHT ALLOWED: 25 SF
 - MAX. HEIGHT: 21 SF
 - MAX. NUMBER / PREMISES ALLOWED: 1 PER FRONTAGE
 - NUMBER OF EXISTING SIGNS: 1
- V. ENTERPRISE FREESTANDING ORDER BOARD (SIGN #7)
- MAX. AREA / FACE ALLOWED: 50 SF PER ORDER BOARD
 - MAX. AREA / FACE PROPOSED: 40.9688 SF
 - MAX. HEIGHT ALLOWED: 6 FT
 - MAX. HEIGHT PROPOSED: 6.75 FT > 6 FT
 - MAX. NUMBER / PREMISES ALLOWED: 2
 - NUMBER OF PROPOSED SIGNS: 2



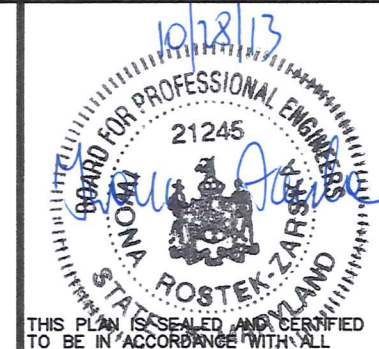
CASE # 2014-0105-A

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



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.

OWNERS
GOLDEN ARCH REALTY CORP.
AND
MANN HOLDING CO., LLC
646 SEVERN ROAD
SEVERNA PARK, MD 21146

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

PLAN TO ACCOMPANY ZONING PETITION
ZONING VARIANCES
McDONALD'S RESTAURANT

3950 & 3954 NORTH POINT BLVD.
DUNDALK, MARYLAND 21222

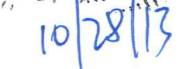
BALTIMORE COUNTY, MARYLAND
SCALE: NTS

ELECTION DISTRICT 15, C7
DATE: SEPTEMBER, 2013

DRAWING NO.

V-2

SHEET 2 OF 2



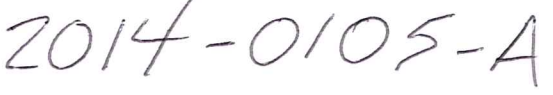
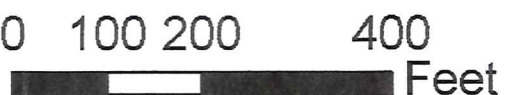
Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

 Buildings
 Streams
 Vegetation
 Zoning
 Roads
 Rail Lines

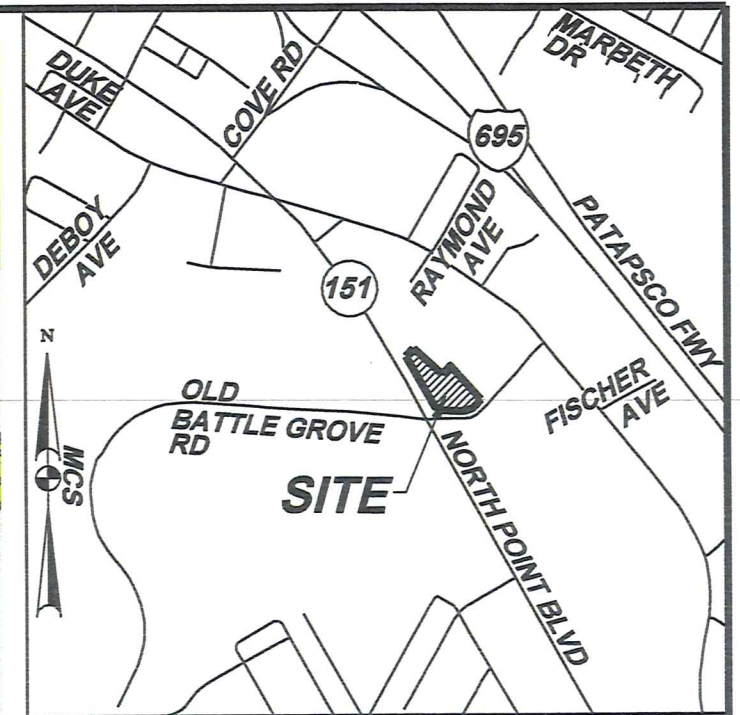
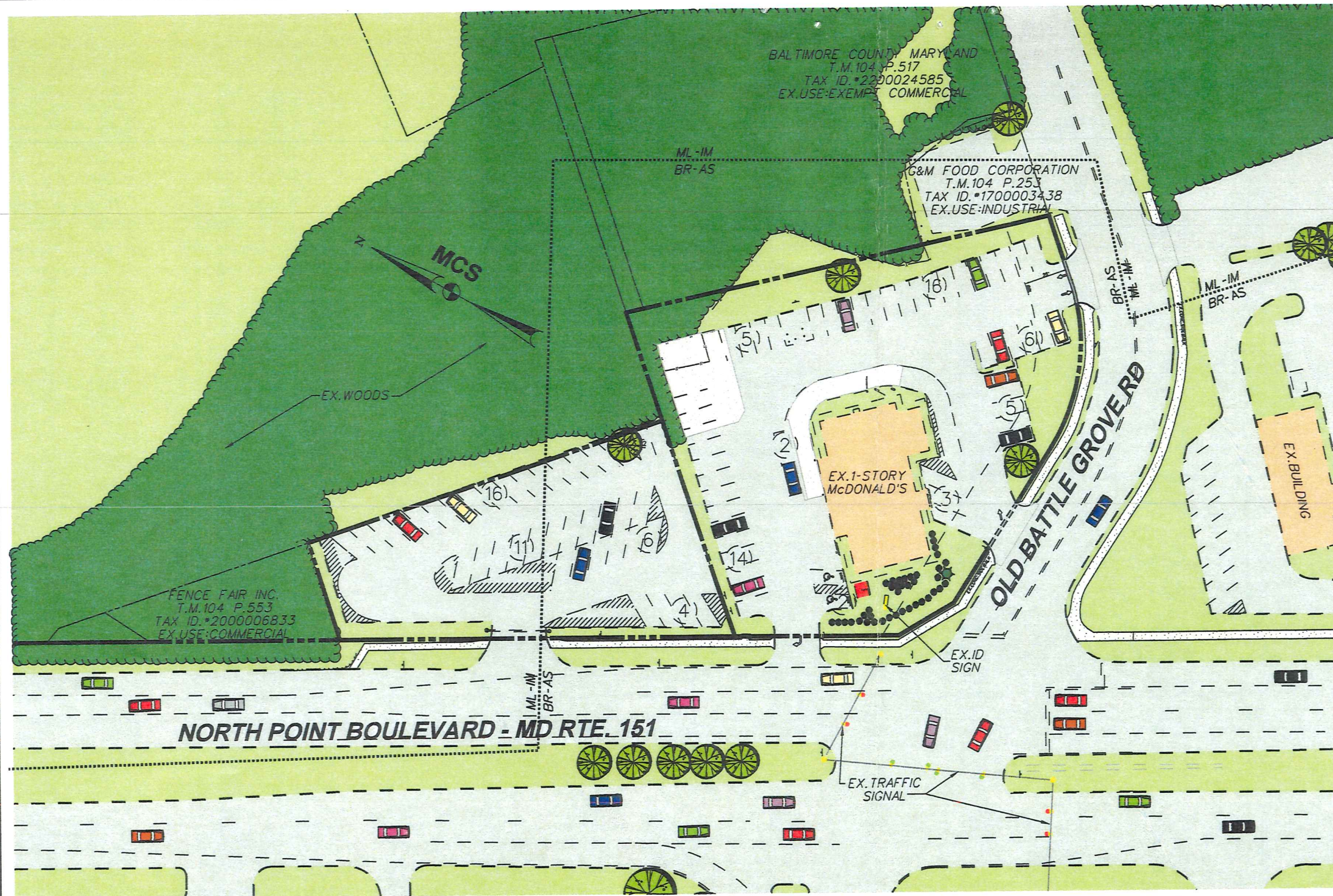
Office of Planning and Zoning

Official Zoning Map

096B3	096C3	097A3	097B3	097C3
103B1	103C1	104A1	104B1	104C1
103B2	103C2	104A2	104B2	104C2

$$1'' = 200'$$


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



VICINITY MAP

SCALE: 1" = 1,000'

BLDG

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Consulting Engineers

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

EXISTING CONDITIONS

COLOR EXHIBIT McDONALD'S RESTAURANT

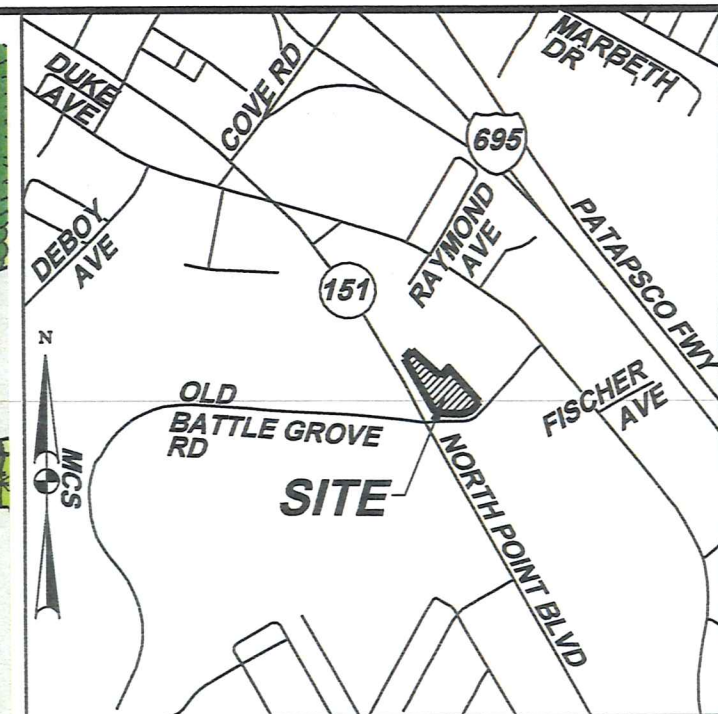
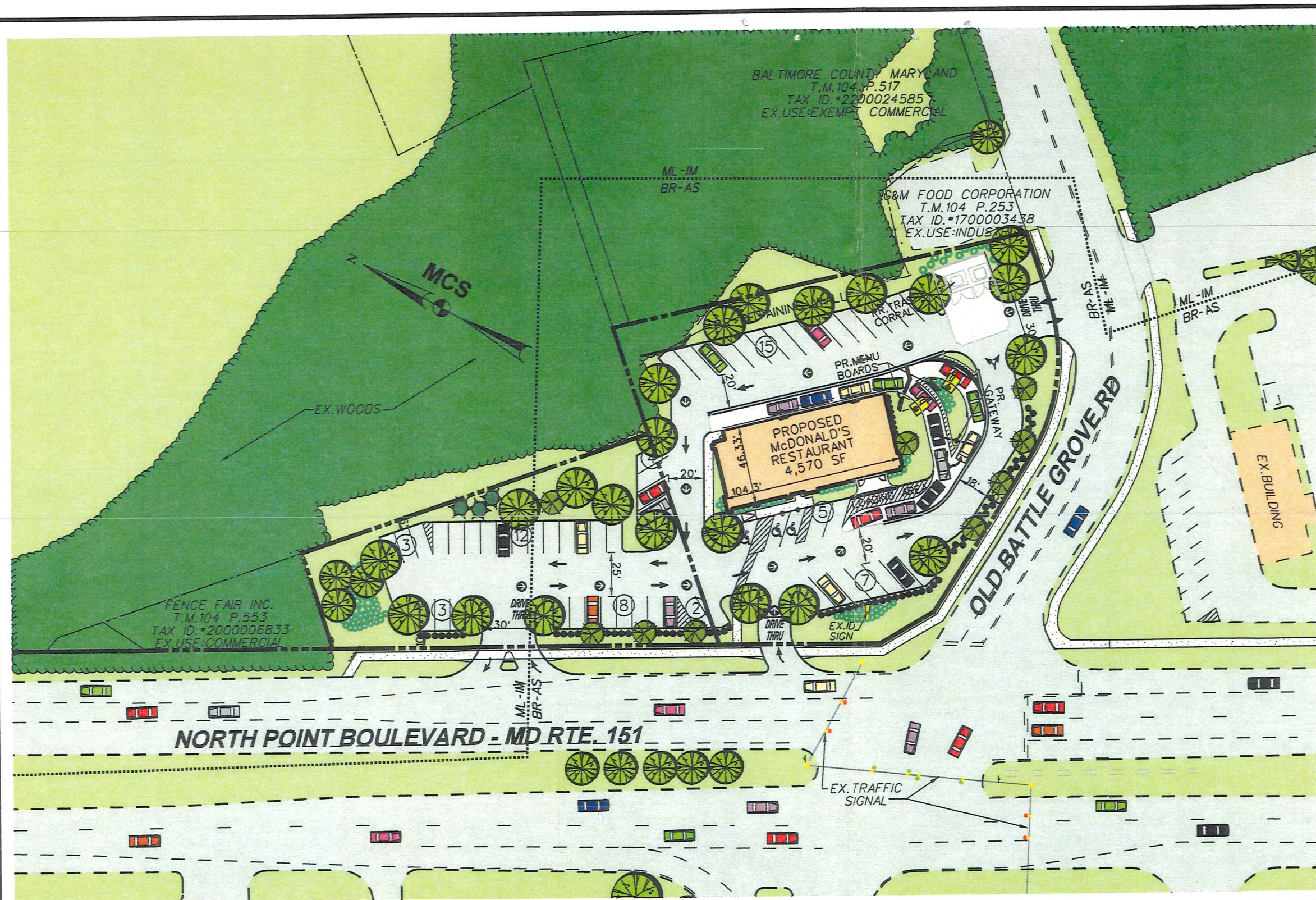
3954 NORTHPOINT BLVD.
DUNDALK, MARYLAND 21222

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 60'

ELEC
D

EXHIBIT

4



VICINITY MAP

SCALE: 1" = 1,000'

BLDG

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

PROPOSED CONDITIONS

COLOR EXHIBIT
McDONALD'S RESTAURANT

3954 NORTHPOINT BLVD.
DUNDALK, MARYLAND 21222

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 60'

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EXHIBIT

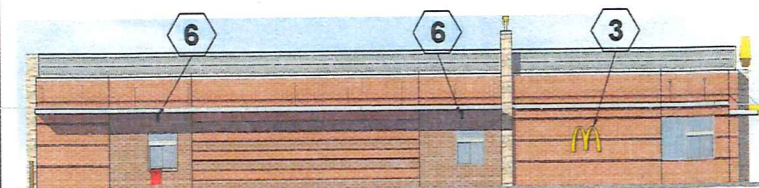
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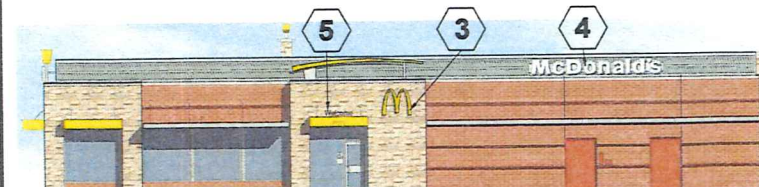
FRONT ELEVATION



REAR ELEVATION (FACING OLD BATTLE GROVE ROAD)

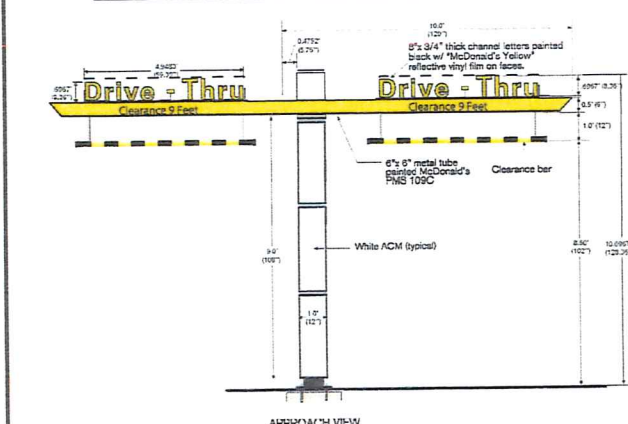


DRIVE-THRU SIDE ELEVATION



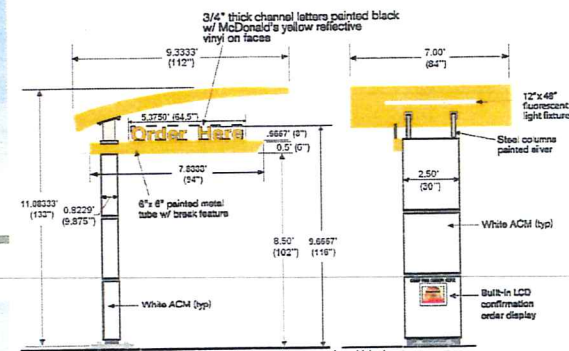
NON-DRIVE-THRU SIDE ELEVATION (FACING NORTH POINT BLVD.)

1	DOUBLE WELCOME POINT GATEWAY
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	2 x 0.6957' x 4.9483' = 6.9950 SF
QUANTITY:	1
HEIGHT:	10.6957 FT.
ILLUMINATION:	NO



APPROACH VIEW

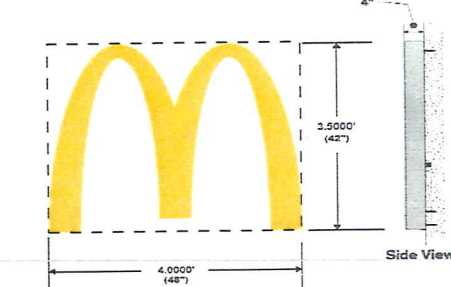
2	DRIVE-THRU TWIN POLE CANOPY WITH LCD
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	5.3750' x 0.6667' = 3.5835 SF
QUANTITY:	2
HEIGHT:	9.6667 FT.
ILLUMINATION:	NO



APPROACH VIEW

PASSING VIEW

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



Side View

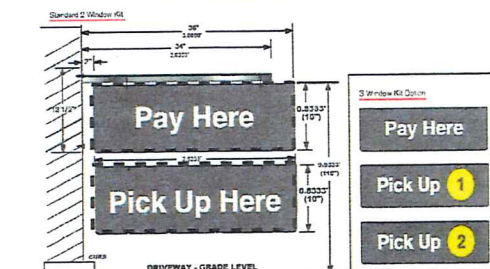
4	NEXT GEN 24" WORDMARK
CLASS:	ENTERPRISE
STRUCTURAL TYPE:	WALL-MOUNTED
FACE AREA:	16.4167' x 2.0000' = 32.8334 SF
QUANTITY:	2
HEIGHT:	N/A
ILLUMINATION:	YES



5	WELCOME LETTERS
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	CANOPY
FACE AREA:	3.7292' x 0.6979' = 2.6026 SF
QUANTITY:	2
HEIGHT:	N/A
ILLUMINATION:	NO



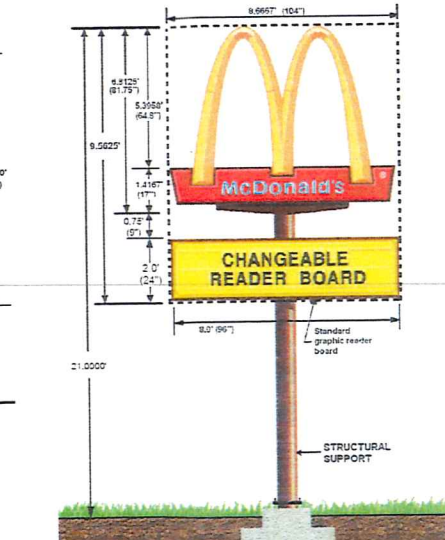
6	NEXT GEN WINDOW POSITION SIGNS
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	PROJECTING
FACE AREA:	2.8333' x 0.8333' = 2.3610 SF
QUANTITY:	2
HEIGHT:	8.8333 FT.
ILLUMINATION:	NO



7	DPO 4 COLUMN MENU BOARD
CLASS:	ORDER BOARD
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	6.6250' x 4.7500' = 40.9688 SF
QUANTITY:	2
HEIGHT:	6.7500 FT.
ILLUMINATION:	YES

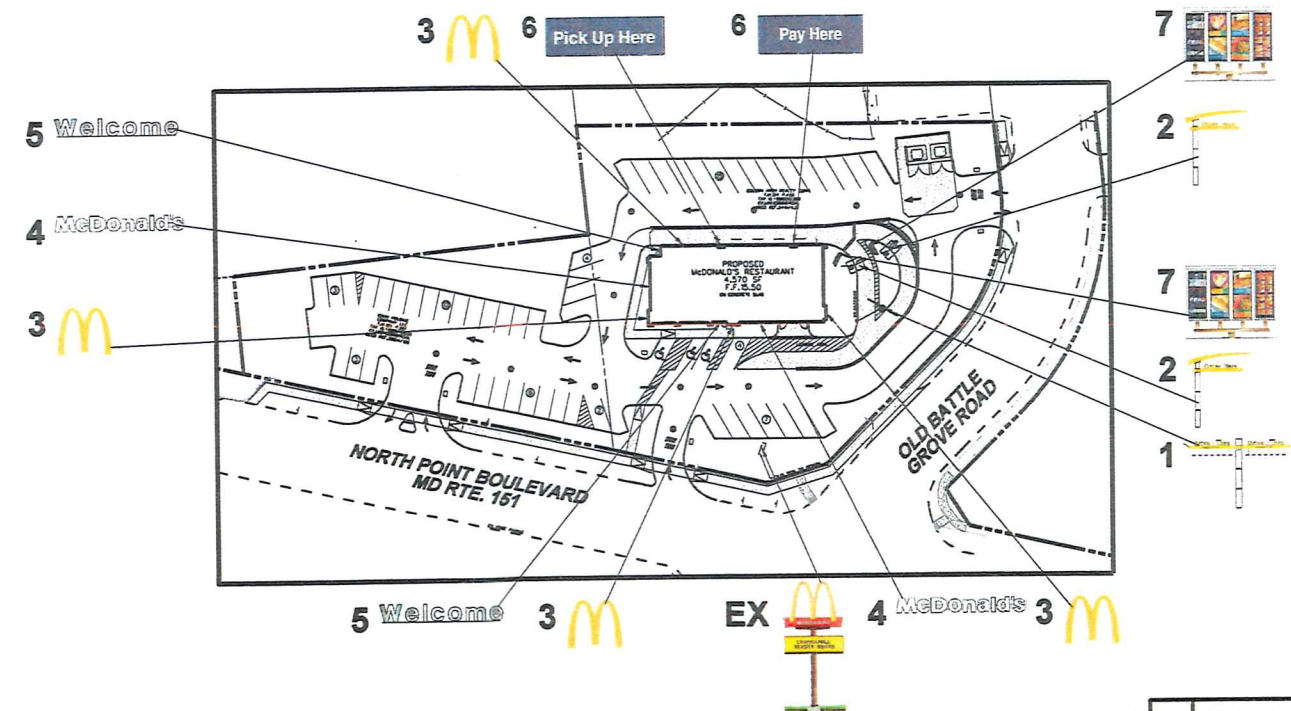


EX	90/40 ROAD SIGN WITH READER BOARD
CLASS:	ENTERPRISE
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	8.6667' x 9.5825' = 82.8753 SF
QUANTITY:	1
HEIGHT:	21 FT. +/-
ILLUMINATION:	YES



EX.SIGN TO REMAIN
(SIGN IS IN COMPLIANCE WITH
ZONING REGULATIONS)

- I. ENTERPRISE SIGN ON THE BUILDING FACADES
- AREA / FACE OF THE ENTERPRISE SIGNS ON THE SINGLE FACADE:
 - FRONT FACADE (LENGTH = 46.33')
 - MAXIMUM AREA / FACE ALLOWED: 2 x 46.33' = 92.66 SF
 - AREA / FACE PROPOSED:
 - SIGN #1 = 32.8334 SF
 - SIGN #3 = 14.0000 SF
 - TOTAL = 46.8334 SF < 92.66 SF
 - DRIVE-THRU FACADE (LENGTH = 104.3')
 - MAXIMUM AREA / FACE ALLOWED: 2 x 104.3' = 208.6 SF
 - AREA / FACE PROPOSED:
 - SIGN #3 = 14.0000 SF
 - TOTAL = 14.0000 SF < 208.6 SF
 - NON-DRIVE-THRU FACADE (LENGTH = 104.3')
 - MAXIMUM AREA / FACE ALLOWED: 2 x 104.3' = 208.6 SF
 - AREA / FACE PROPOSED:
 - SIGN #4 = 32.8334 SF
 - SIGN #3 = 14.0000 SF
 - TOTAL = 46.8334 SF < 208.6 SF
 - REAR FACADE (LENGTH = 46.33')
 - MAXIMUM AREA / FACE ALLOWED: 2 x 46.33' = 92.66 SF
 - AREA / FACE PROPOSED:
 - SIGN #3 = 14.0000 SF
 - TOTAL = 14.0000 SF < 92.66 SF
 - NUMBER OF ENTERPRISE SIGNS:
 - NUMBER OF SIGNS PERMITTED:
 - THREE (3) ON PREMISES, NO MORE THAN TWO ON EACH FACADE.
 - NUMBER OF ENTERPRISE SIGNS PROPOSED:
 - SIGNS ON FRONT FACADE: 2 (SIGNS #3 & #4)
 - SIGN ON DRIVE-THRU FACADE: 1 (SIGN #3)
 - SIGNS ON NON-DRIVE-THRU FACADE: 2 (SIGNS #3 & #4)
 - SIGN ON REAR FACADE: 1 (SIGN #3)
 - TOTAL NUMBER OF PROPOSED ENTERPRISE SIGNS: 6
- II. DIRECTIONAL SIGNS ON THE BUILDING FACADES
- MAX. AREA / FACE ALLOWED: 8 SF / SIGN
 - AREA / FACE PROPOSED:
 - SIGN #5 = 2.6026 SF < 8 SF ALLOWED
 - SIGN #6 = 2.3610 SF < 8 SF ALLOWED
 - STRUCTURAL TYPE ALLOWED: WALL-MOUNTED
 - STRUCTURAL TYPE PROPOSED:
 - SIGN #5 = CANOPY
 - SIGN #6 = PROJECTING
- III. DIRECTIONAL FREESTANDING SIGNS
- MAX. AREA / FACE ALLOWED: 8 SF / SIGN
 - AREA / FACE PROPOSED:
 - SIGN #1 = 6.9950 SF < 8 SF ALLOWED
 - SIGN #2 = 3.5835 SF < 8 SF ALLOWED
 - STRUCTURAL TYPE ALLOWED: FREESTANDING
 - STRUCTURAL TYPE PROPOSED: FREESTANDING (SIGNS #1 & #2)
 - MAX. HEIGHT ALLOWED: 5 FT
 - MAX. HEIGHT PROPOSED:
 - SIGN #1 = 10.6957 FT > 5 FT
 - SIGN #2 = 9.6667 FT > 5 FT
- IV. ENTERPRISE FREESTANDING PYLON SIGN: EXISTING TO REMAIN: COMPLYING SIGN
- MAX. AREA / FACE ALLOWED: 100 SF (FRONTAGE > 300 FT)
 - MAX. AREA / FACE EXISTING: 82.8753 SF
 - MAX. HEIGHT ALLOWED: 25 SF
 - MAX. HEIGHT: 21 SF
 - MAX. NUMBER / PREMISES ALLOWED: 1 PER FRONTAGE
 - NUMBER OF EXISTING SIGNS: 1
- V. ENTERPRISE FREESTANDING ORDER BOARD (SIGN #7)
- MAX. AREA / FACE ALLOWED: 50 SF PER ORDER BOARD
 - MAX. AREA / FACE PROPOSED: 40.9688 SF
 - MAX. HEIGHT ALLOWED: 6 FT
 - MAX. HEIGHT PROPOSED: 6.75 FT > 6 FT
 - MAX. NUMBER / PREMISES ALLOWED: 2
 - NUMBER OF PROPOSED SIGNS: 2



BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

239 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21081
PH: 410.720.0861 • FAX: 410.720.0861 • BLDG@BLDGDC.COM

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2014.

OWNERS
GOLDEN ARCH REALTY CORP.
AND
MANN HOLDING CO., LLC
645 SEVERN ROAD
SEVERNA PARK, MD 21146

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

PLAN TO ACCOMPANY ZONING PETITION
ZONING VARIANCES
McDONALD'S RESTAURANT

3950 & 3954 NORTH POINT BLVD.
DUNDALK, MARYLAND 21222

BALTIMORE COUNTY, MARYLAND
SCALE: NTS

ELECTION DATE: SEP

EXHIBIT

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