

M E M O R A N D U M

DATE: May 24, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0126-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 23, 2016. 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

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

(10109 Reisterstown Road) *

3rd Election District *

2nd Council District *

DavCo Restaurants, LLC, *Owner* *

AutoZone Development, LLC, *Lessee* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0126-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of amended Petitions for Special Hearing and Variance filed on behalf of DavCo Restaurants, LLC, legal owner and AutoZone Development, LLC, Lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve business parking in a residential zone (DR 16) and a waiver of certain floodplain requirements. In addition, a Petition for Variance seeks: (1) to allow 28 off-street parking spaces in lieu of the required 37 parking spaces; and (2) to allow a front yard setback of 12 ft. in lieu of the permitted 46 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was professional engineer Joshua Bryant. David H. Karceski, Esq. and Adam Rosenblatt, Esq. appeared and represented the Petitioners. Liz Buxton, on behalf of the Valleys Planning Council (VPC), attended the hearing but did not object to the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Both comments concerned the need for a landscape plan, and a condition to that effect will be included below.

ORDER RECEIVED FOR FILING

Date

4/22/16

By

Sen

The subject property is approximately 26,494 square feet and is zoned BL and DR 16. At present, a Wendy's restaurant operates at the site. Petitioners propose to raze the existing building and construct in its place an Auto Zone franchise, which is a retail store selling automotive parts and accessories.

VARIANCES

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. As Mr. Bryant testified (via proffer) the site is "pinched" on 3 sides, which renders the property unique. There is a floodplain on one side, a residential zone on another and the State Highway Administration (SHA) recently acquired in a condemnation proceeding an additional 10 feet of Petitioners' property along the Reisterstown Road frontage. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed improvements. 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.

SPECIAL HEARING

The first special hearing request pertains to business parking in a residential zone, pursuant to B.C.Z.R. §409.8.B. The site plan reflects that nine (9) off-street parking spaces would be located within the sliver of DR 16 zoning at the rear of the site. Incidentally, the adjoining property, also zoned DR 16, is improved with a two-story commercial building owned

ORDER RECEIVED FOR FILING

Date

4/22/16

By

Sen

by Verizon. The Wendy's restaurant was constructed in 1978, and Petitioners noted parking spaces have since that time been located in the residential zone.

Mr. Bryant researched the issue and advised the small portion of the site has been residentially zoned since at least 1976, prior to construction of the Wendy's. There was no zoning history listed for the property, and thus it appears the Wendy's has used these parking spaces for nearly 40 years without the necessary zoning relief. That fact is mentioned not to cast aspersions on Petitioners; rather, it is evidence that the use has existed for many years without complaint and has not had a detrimental impact upon the community. Mr. Bryant opined Petitioners satisfy all requirements set forth at B.C.Z.R. §§409.8.B & 502.1, and I concur.

The second special hearing request seeks a waiver of the floodplain regulations, to permit certain portions of the site (infrastructure items like curbs, dumpster and fencing) to be within a riverine floodplain. As with the business parking in a residential zone discussed above, the Wendy's operation has also had pavement and infrastructure situated within the floodplain for many years. That condition or intrusion does not appear to have had a detrimental impact upon the community, and Mr. Bryant prepared and submitted to the Department of Public Works (DPW) a plan detailing the boundaries of the floodplain and the proposed improvements therein. Petitioners' Ex. 7. That plan, which was reviewed and approved by DPW (Petitioners' Ex. 6), indicates there will be "no impacts or flooding to downstream properties as a result of the proposed development." Ex. 7, note 1. As such, this request will also be granted.

THEREFORE, IT IS ORDERED this 22nd day of April, **2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve: (1) business parking in a residential zone (DR 16); and (2) a waiver pursuant to the B.C.Z.R., Baltimore County Code and Baltimore County Building

ORDER RECEIVED FOR FILING

Date 4/22/16
By sen

Code to permit existing and proposed pavement, curb and gutter, drainage inlet/pipe, dumpster pad and enclosure, lighting, bollards and fencing in the floodplain, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow 28 off-street parking spaces in lieu of the required 37 parking spaces; and (2) to allow a front yard setback of 12 ft. in lieu of the permitted 46 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site.

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:slh

ORDER RECEIVED FOR FILING

Date 4/22/16
By slh



KEVIN KAMENETZ
County Executive

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

April 22, 2016

David H. Karceski, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petition for Special Hearing **(AMENDED LETTER)**
Case No. **2016-0126-SPHA**
Property: 10109 Reisterstown Road

Dear Mr. Karceski:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Liz Buxton, Valleys Planning Council, 118 W. Pennsylvania Avenue,
Towson, Maryland 21204



KEVIN KAMENETZ
County Executive

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

April 22, 2016

David H. Karceski, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: **Motion for Reconsideration**
Case No. 2016-0158-SPHA
Property: 13607 Brookline Road

Dear Mr. Karceski:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Liz Buxton, Valleys Planning Council, 118 W. Pennsylvania Avenue,
Towson, Maryland 21204

Amended 3/31/16



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 10109 Reisterstown Road which is presently zoned BL, DR16

Deed References: 11437-414 10 Digit Tax Account # 1800007320

Property Owner(s) Printed Name(s) Laverne R. Harden

(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 business parking in a residential zone (DR16) pursuant Section 409.8.B, if necessary. AND SEE ATTACHED

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

3. ☒ a Variance from Section(s) 409.6.A.2 to allow 30 off-street parking spaces in lieu of the required 37 parking spaces.

Variance from Sections 232.1 and 303.2 to allow a front yard setback of 22 feet in lieu of the permitted 46 feet.

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:

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER

2016-126584

Filing Date

11/13/15

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

Do Not Schedule Dates:

Reviewer JS

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 4/22/16

By Sen

rec'd. 3-31-16 at hrg.
JEB

ATTACHMENT
TO PETITION FOR VARIANCE / SPECIAL HEARING
10109 REISTERSTOWN ROAD

Legal Owner:

DavCo Restaurants LLC,
as Ground Lessee and Occupant of the Property
1657 Crofton Boulevard
Crofton, MD 21114-1305

By: Lee A. Fortman
Title: Sr. VP of Development
Phone: 443-292-3904

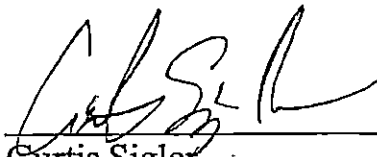
ATTACHMENT
TO PETITION FOR VARIANCE / SPECIAL HEARING

10109 REISTERSTOWN ROAD

Contract Purchaser/Lessee:

AutoZone Development, LLC
123 Front Street, 3rd Floor
Memphis, Tennessee 38103

By:


Curtis Sigler

Title: Regional Preconstruction Manager
Phone: (901) 495-7625

ATTACHMENT TO PETITION FOR SPECIAL HEARING

Special Hearing for a waiver pursuant to Section 500.6 of the BCZR; Section 3112.0 of the Baltimore County Building Code, and Sections 32-4-414, 32-4-107(a)(2) and 32-8-301 of the Baltimore County Code to permit existing and proposed pavement, curb and gutter, drainage inlet/pipe, dumpster pad and enclosure, lighting, bollards and fencing in the floodplain.



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 10109 Reisterstown Road which is presently zoned BL, DR16
Deed References: 11437-414 10 Digit Tax Account # 1800007320
Property Owner(s) Printed Name(s) Laverne R. Harden

(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. ☒ a **Variance** from Section(s) 409.6.A.2 to allow 30 off-street parking spaces in lieu of the required 37 parking spaces.

Variance from Sections 232.1 and 303.2 to allow a front yard setback of 22 feet in lieu of the permitted 46 feet.

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:

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0126-A

Filing Date 11.13.15

Do Not Schedule Dates: _____

Reviewer JS

**ATTACHMENT
TO PETITION FOR VARIANCE**

10109 REISTERSTOWN ROAD

Legal Owner:

DavCo Restaurants LLC,
as Ground Lessee and Occupant of the Property
1657 Crofton Boulevard
Crofton, MD 21114-1305

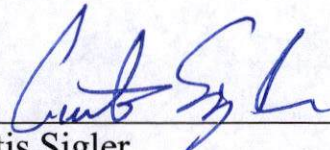
By: Joe A. Petrucci
Title: Sr. VP of Development
Phone: 443-292-3904

**ATTACHMENT
TO PETITION FOR VARIANCE**

10109 REISTERSTOWN ROAD

Contract Purchaser/Lessee:

AutoZone Development, LLC
123 Front Street, 3rd Floor
Memphis, Tennessee 38103

By: 
Curtis Sigler

Title: Regional Preconstruction Manager
Phone: (901) 495-7625

ATTACHMENT
TO PETITION FOR VARIANCE / SPECIAL HEARING
10109 REISTERSTOWN ROAD

Legal Owner:

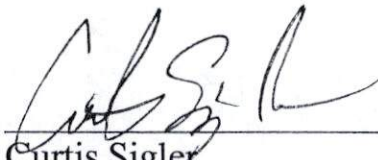
DavCo Restaurants LLC,
as Ground Lessee and Occupant of the Property
1657 Crofton Boulevard
Crofton, MD 21114-1305

By: Steve A. Portman
Title: Sr. VP of Development
Phone: 443-292-3904

ATTACHMENT
TO PETITION FOR VARIANCE / SPECIAL HEARING
10109 REISTERSTOWN ROAD

Contract Purchaser/Lessee:

AutoZone Development, LLC
123 Front Street, 3rd Floor
Memphis, Tennessee 38103

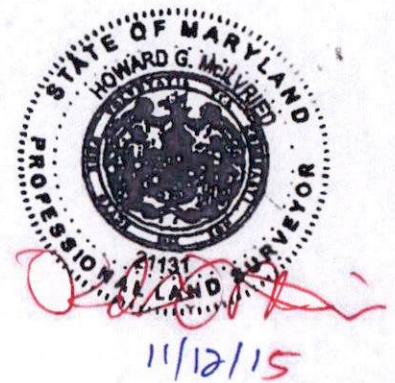
By: 
Curtis Sigler

Title: Regional Preconstruction Manager
Phone: (901) 495-7625

ZONING PROPERTY DESCRIPTION FOR ALL THAT CERTAIN parcel or tract of land situate in the Fourth Election District of the County of Baltimore of the State of Maryland, being known as a portion of Lot A of the Subdivision of Property of Gordon K. Harden & Wife, recorded in Liber 41, Folio 116 of the Baltimore County Clerk's Office and being more particularly bounded and described as follows:

BEGINNING at an iron pin with cap set on the northeast right-of-way line of Reisterstown Road (a.k.a. Maryland State Route 80), which is variable in width, as now located and as shown on the State of Maryland Department of Transportation, State Highway Administration, State Roads Commission Plat No. 59563, at a distance of 154.66 feet southeast of the centerline of the nearest improved intersecting street Saint Thomas Lane which is variable in width, said POINT OF BEGINNING being located N 42°49'06" E, a distance of 10.25 feet from an iron pin with cap found on the previous right-of-way line of Reisterstown Road;

THENCE the following courses and distances: (1st Point of Call) following the northeasterly right-of-way line of Reisterstown Road N 46°56'55" W, a distance of 138.33 feet to an iron pin with cap set, (2nd POC) following the northeasterly right-of-way line of Reisterstown Road N 43°03'05" E, a distance of 19.33 feet to an iron pin with cap set, (3rd POC) following the northeasterly right-of-way line of Reisterstown Road N 46°56'55" W, a distance of 11.75 feet to an iron pin with cap set on the northwesterly line of the aforesaid Lot A, and on the southeasterly line of property now or formerly of WU Corporation, recorded in Liber 5410, Folio 4117, (4th POC) following the dividing line between Lot A and WU Corporation N 42°49'06" E, a distance of 158.20 feet to an iron pin with cap set at the dividing line between the herein described property and property now or formerly of Verizon Maryland Merge Company, (5th POC) following said dividing line S 47°24'54" E, a distance of 150.00 feet to an iron pin with cap found at the dividing line between Lot A & Lot B, aforesaid, (6th POC) following said dividing line S 42°49'06" W, a distance of 178.75 feet, back to the POINT OF BEGINNING as recorded in Deed Liber 11437, Folio 414, CONTAINING within said bounds a total of 0.608 acres (26,494.64 square feet). Located in the Fourth Election District and Second Council District.



2016-0126-A



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4022860

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 10, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

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 2016-0126-SPHA; NE/s Reisterstown Road, 313 ft. SE of intersection with Painters Mill Road, 3rd Election District - 2nd Councilmanic District; Legal Owners: DayCo Restaurants, LLC; Contract Purchaser/Lessee: AutoZone Development, LLC.	
The Petitioner is seeking a Special Hearing to approve business parking in a residential zone (DR 16) pursuant to Section 409.8.B, if necessary, and for a waiver pursuant to Section 500.6 of the BCZR, Section 3112.0 of the Baltimore County Building Code, and Sections 32-4-414, 32-4-107(a)(2) and 32-8-301 of the Baltimore County Code to permit existing and proposed pavement, curb and gutter, drainage inlet/pipe, dumpster pad and enclosure, lighting, bollards and fencing in the floodplain. Petition is also seeking a Variance from Section 409.6.A.2 to allow 30 off-street parking spaces in lieu of the required 37 parking spaces, and from Sections 232.1 and 303.2 to allow a front yard setback of 22 feet in lieu of the permitted 46 feet.	
Hearing: Thursday, March 31, 2016 at 11:00 a.m. in Room 205, Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD 21204	
3/140 Mar. 10	4022860



KEVIN KAMENETZ
County Executive

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

February 18, 2016

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: 2016-0126-SPHA

10109 Reisterstown Road

NE/s Reisterstown Road, 313 ft. SE of intersection with Painters Mill Road

3rd Election District – 2nd Councilmanic District

Legal Owners: DavCo Restaurants, LLC

Contract Purchaser/Lessee: AutoZone Development, LLC

Variance to allow 30 off-street parking spaces in lieu of the required 37 parking spaces; to allow a front yard setback of 22 feet in lieu of the permitted 46 feet. Special Hearing to approve business parking in a residential zone (DR 16) pursuant to Section 409.8.B, if necessary.

Hearing: Thursday, March 31, 2016 at 11:00 a.m., in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
DavCo Restaurants, LLC, 1657 Crofton Blvd., Crofton 21114-1305
Curtis Sigler, 123 Front Street, 3rd Fl., Memphis Tennessee 38103

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 11, 2016.**
- (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.**



KEVIN KAMENETZ
County Executive

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

February 18, 2016

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: 2016-0126-SPHA

10109 Reisterstown Road

NE/s Reisterstown Road, 313 ft. SE of intersection with Painters Mill Road

3rd Election District – 2nd Councilmanic District

Legal Owners: DavCo Restaurants, LLC

Contract Purchaser/Lessee: AutoZone Development, LLC

Variance to allow 30 off-street parking spaces in lieu of the required 37 parking spaces; to allow a front yard setback of 22 feet in lieu of the permitted 46 feet. Special Hearing to approve business parking in a residential zone (DR 16) pursuant to Section 409.8.B, if necessary.

Hearing: Thursday, March 31, 2016 at 11:00 a.m., in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
DavCo Restaurants, LLC, 1657 Crofton Blvd., Crofton 21114-1305
Curtis Sigler, 123 Front Street, 3rd Fl., Memphis Tennessee 38103

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 11, 2016.**
- (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.**

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: January 29, 2016

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Debbie Wiley 
Office of Administrative Hearings

RE: Petition for Special Hearing – 01/25/16
Case No. 2016-0126-SPHA – 10109 Reisterstown Road

As you may be aware, the above-referenced case was scheduled for Monday, January 25, 2016 at 11:00 AM; however, the County was closed due to inclement weather.

David Karceski, Esq. was contacted in an attempt to reschedule, and he advised that the petition will need to be amended/refiled due to a floodplain study per Dennis Kennedy.

Our office is returning the file to you for further processing.

Thanks.

c: Office of People's Counsel

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: 2016-0126-A
Petitioner: HARDEN, LIVERNE R.
Address or Location: 10109 REISTERSTOWN

PLEASE FORWARD ADVERTISING BILL TO

Name: Adam Rosenblatt
Address: Venable LLP
210 West Pennsylvania Ave, Suite 500
Louisa, MD 21204
Telephone Number: 410 494 6285



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3860837

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 05, 2016

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: # 2016-0126-SPHA	
10109 Reisterstown Road	
NE/s Reisterstown Road, 313 ft. SE of intersection with Painters Mill Road	
3rd Election District - 2nd Councilmanic District	
Legal Owner(s) DavCo Restaurants, LLC	
Contract Purchaser/Lessee: AutoZone Development, LLC	
Variance: to allow 30 off-street parking spaces in lieu of the required 37 parking spaces; to allow a front yard setback of 22 feet in lieu of the permitted 46 feet.	
Special Hearing: to approve business parking in a residential zone (DR 16) pursuant to Section 409.8.B, if necessary.	
Hearing: Monday, January 25, 2016 at 11:00 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.	
JT 1/605 Jan. 5	3860837

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

2016-0126-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

**DavCo Restaurants, LLC.
AutoZone Development, LLC.**

March 31, 2016

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

10109 Reisterstown Road

March 11, 2016

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

Sincerely,

March 11, 2016

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2016-0126-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

**DavCo Restaurants
AutoZone Development, LLC**

January 25, 2016

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

10109 Reisterstown Rd

January 5, 2016

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

Sincerely,

January 5, 2016

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 5, 2016 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt

410-494-6285

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

CORRECTED 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: 2016-0126-SPHA

10109 Reisterstown Road

NE/s Reisterstown Road, 313 ft. SE of intersection with Painters Mill Road

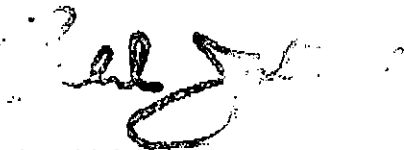
3rd Election District – 2nd Councilmanic District

Legal Owners: DavCo Restaurants, LLC

Contract Purchaser/Lessee: AutoZone Development, LLC

Variance to allow 30 off-street parking spaces in lieu of the required 37 parking spaces; to allow a front yard setback of 22 feet in lieu of the permitted 46 feet. Special Hearing to approve business parking in a residential zone (DR 16) pursuant to Section 409.8.B, if necessary.

Hearing: Monday, January 25, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

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

December 8, 2015

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: 2016-0126-A

10109 Reisterstown Road
NE/s Reisterstown Road, 313 ft. SE of intersection with Painters Mill Road
3rd Election District – 2nd Councilmanic District
Legal Owners: DavCo Restaurants, LLC
Contract Purchaser/Lessee: AutoZone Development, LLC

Variance to allow 30 off-street parking spaces in lieu of the required 37 parking spaces; to allow a front yard setback of 22 feet in lieu of the permitted 46 feet.

Hearing: Monday, January 25, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
DavCo Restaurants, LLC, 1657 Crofton Blvd., Crofton 21114-1305
Curtis Sigler, 123 Front Street, 3rd Fl., Memphis Tennessee 38103

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 5, 2016.**
- (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, January 5, 2016 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt

410-494-6285

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2016-0126-A

10109 Reisterstown Road

NE/s Reisterstown Road, 313 ft. SE of intersection with Painters Mill Road

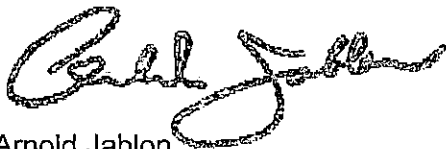
3rd Election District – 2nd Councilmanic District

Legal Owners: DavCo Restaurants, LLC

Contract Purchaser/Lessee: AutoZone Development, LLC

Variance to allow 30 off-street parking spaces in lieu of the required 37 parking spaces; to allow a front yard setback of 22 feet in lieu of the permitted 46 feet.

Hearing: Monday, January 25, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
10109 Reisterstown Rd; NE/S Reisterstown Rd, *
313' SE of intersection Painters Mill Rd * OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts *
Legal Owner(s): DavCo Restaurants, LLC * HEARINGS FOR
Contract Purchaser(s): Auto Zone Development *
Petitioner(s) * BALTIMORE COUNTY
* 2016-126-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December, 2015, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

RECEIVED

DEC 11 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

No. 128789

Date: 11/13/15

PAID RECEIPT

BUSINESS ACTUAL ID# DR#
11/13/2015 11/13/2015 11:10:43

REC# 0304 WALKIN KSHI KHS
>>> RECEIPT # 888272 11/13/2015 GFLN

Dept: 5 528 ZIRING VERIFICATION
UN NO. 128789

Receipt Tot \$500.00
\$500.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
0000	506	0000		0150				\$ 500.00

Total: \$ 500.00

Rec From:

For: 2016-026-A

DISTRIBUTION

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

CASHIER'S
VALIDATION

Debra Wiley

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Tuesday, April 05, 2016 3:13 PM
To: Debra Wiley
Subject: RE: Confirming April 20 hearing

I'm not sure, she might have signed up for the wrong hearing. The group that is concerned with this project is represented and will be notified and present,

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | www.Venable.com

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Tuesday, April 05, 2016 3:11 PM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Subject: RE: Confirming April 20 hearing

Adam,

You're welcome. Also, do you know who Brenda Price at 1 W. Pennsylvania Avenue is? She signed in on the citizen's sign-in sheet and we wanted to make sure she was aware of meeting. She did not leave an email address.

Thanks.

From: Rosenblatt, Adam M. [mailto:AMRosenblatt@Venable.com]
Sent: Tuesday, April 05, 2016 2:54 PM
To: jcholzer38@gmail.com; Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Karceski, David H. <DKarceski@Venable.com>
Subject: Confirming April 20 hearing

Debbie,

I am writing to confirm that April 20 at 10:00 a.m. works for all parties to the AutoZone Reisterstown Road case (Case No. 2016-0126-SPHA). As I believe you indicated, the rescheduled hearing will be held in Room 104 of the Jefferson Building at that time.

Thank you for your assistance,

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | www.Venable.com

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

CASE NAME 10109 Reist-Rd.
CASE NUMBER 2016-126-SPHA
DATE 3/31/2016

[illegible]

CASE NAME 10/09 Reist. Rd
CASE NUMBER 2016-126-SMA
DATE 3/21/16

[illegible]

Debra Wiley

From: Kristen L Lewis
Sent: Monday, April 04, 2016 8:22 AM
To: Debra Wiley
Subject: RE: 11 AM Case Today (Case No. 2016-0126-SPHA)

Hi Debbie,

I have put a hold on the dates for the continuance.

Kristen Lewis
PAI - Zoning Review
410-887-3391

From: Debra Wiley
Sent: Thursday, March 31, 2016 11:48 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: 11 AM Case Today (Case No. 2016-0126-SPHA)

Hi Kristen,

Today's 11 AM case had a motion for continuance which was granted in the hearing.

Can you please hold the following dates in order for Adam Rosenblatt to get with Carroll Holzer and then confirm with you?

4/12 & 4/13 @ 1:30 PM - Room 205

4/20 @ 10 AM - Room 104

Thanks; it is appreciated.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

*Conf. w/ Adam Rosenblatt 4/5 11 AM
Adam to send email notification*

*✓ Conf. w/ Kristen
4-5 @ 1:13 PM*

Debra Wiley

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Thursday, March 31, 2016 12:01 PM
To: John E. Beverungen
Cc: Karceski, David H.; Debra Wiley; Sherry Nuffer
Subject: Re: 2016-126-SPHA

Held 4/12, 4/13
1:30 - Rm. 205

4/20 @ 10 AM
Rm. 104

Mr. Beverungen

We just received your e-mail on the continuance of the hearing held this morning. Mr. Holzer is out of the office and I called him on his cell phone informing him of your decision to continue the hearing.

Mr. Holzer asked me to reply to you and the others in your e-mail that the purpose of the continuance is not to delay the hearing, but rather our client did not become aware of the hearing until a day or two ago and are not prepared to go forward. We are certainly willing to work out a suitable date or dates with Mr. Karceski to set the hearing in at a mutually convenient date. Appreciate your prompt response granting the continuance.

Thanks,
Sterling Leese
Office of J. Carroll Holzer

On Thu, Mar 31, 2016 at 11:42 AM, John E. Beverungen <jbeverungen@baltimorecountymd.gov> wrote:

Counsel,

The hearing in the above case was convened, and Mr. Holzer's motion for continuance was granted. As I noted, Petitioner does not need to again post the property or advertise the hearing.

John Beverungen

ALJ

Debra Wiley

From: John E. Beverungen
Sent: Thursday, March 31, 2016 11:43 AM
To: Karceski, David H.; jcholzer38@gmail.com
Cc: Debra Wiley; Sherry Nuffer
Subject: 2016-126-SPHA

Counsel,

The hearing in the above case was convened, and Mr. Holzer's motion for continuance was granted. As I noted, Petitioner does not need to again post the property or advertise the hearing.

John Beverungen
ALJ

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

12/8

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

C

1/19

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

N/C

FIRE DEPARTMENT

1/13

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

C

12/7

STATE HIGHWAY ADMINISTRATION

C

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3-10-16

SIGN POSTING Date: ~~1/5/16~~ 3-11-16 by SSG BlackPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

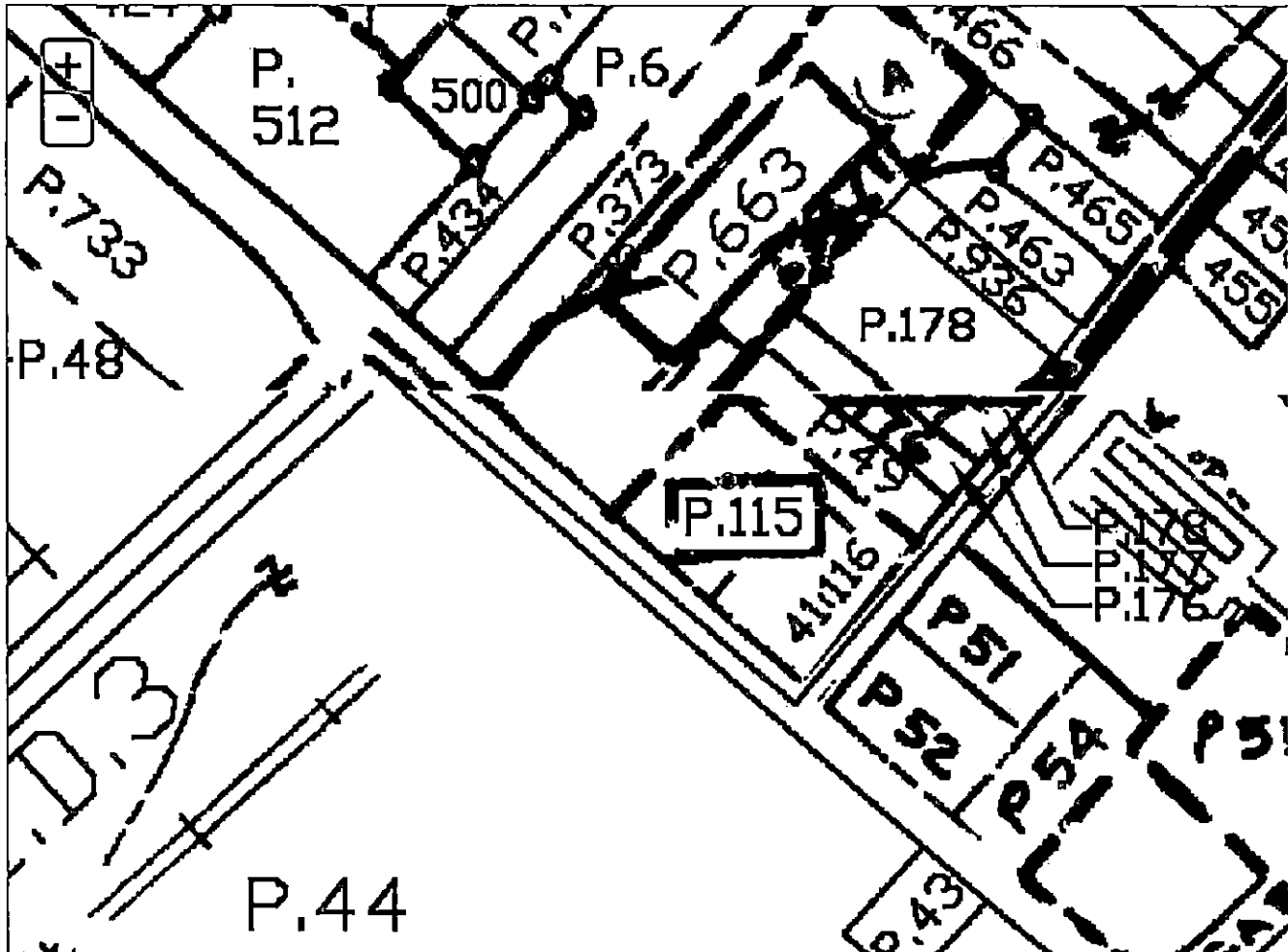
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 1800007320			
Owner Information					
Owner Name:	HARDEN LAVERNE R C/O DAVCO RESTAURANTS INC		Use:	COMMERCIAL NO	
Mailing Address:	ATTN PROPERTY TAXES 1657 CROFTON BLVD CROFTON MD 21114-1305		Deed Reference:	/11437/ 00414	
Location & Structure Information					
Premises Address:		REISTERSTOWN RD 0-0000		Legal Description:	.6749 AC 29398 SQ FT G K HARDEN PROPERTY
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0067	0004	0115		0000	A 2014 0041/ 0116
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1978	2324		29,398 SF	24	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		FAST FOOD			
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	351,800	351,800			
Improvements:	387,600	410,300			
Total:	739,400	762,100	754,533	762,100	
Preferential Land:	0			0	
Transfer Information					
Seller: HARDEN GORDON K Type: NON-ARMS LENGTH OTHER		Date: 02/16/1996 Deed1: /11437/ 00414		Price: \$0 Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 04 Account Number: 1800007320



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

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

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: January 29, 2016

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Debbie Wiley *Deb*
Office of Administrative Hearings

RE: Petition for Special Hearing – 01/25/16
Case No. 2016-0126-SPHA – 10109 Reisterstown Road

As you may be aware, the above-referenced case was scheduled for Monday, January 25, 2016 at 11:00 AM; however, the County was closed due to inclement weather.

David Karceski, Esq. was contacted in an attempt to reschedule, and he advised that the petition will need to be amended/refiled due to a floodplain study per Dennis Kennedy.

Our office is returning the file to you for further processing.

Thanks.

c: Office of People's Counsel

3/31
11 AM

Deb 1/25
11 AM
Snow -
Co.
closed

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment12/8DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)C1/19DEPS
(if not received, date e-mail sent _____)N/C

FIRE DEPARTMENT

1/13PLANNING
(if not received, date e-mail sent _____)C12/7

STATE HIGHWAY ADMINISTRATION

C

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1/5SIGN POSTING Date: 1/5by SSG BlackPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

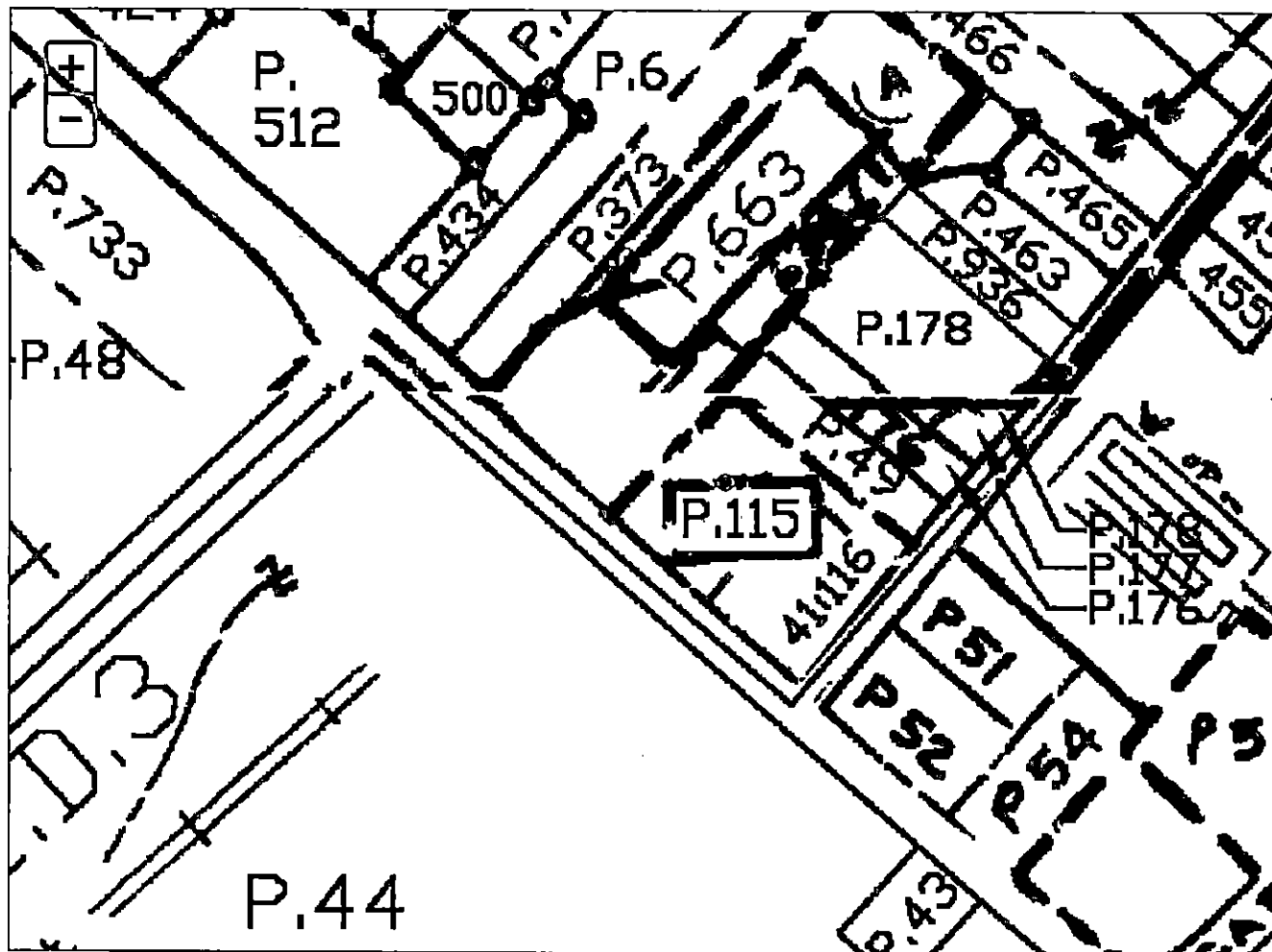
Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 1800007320			
Owner Information					
Owner Name:	HARDEN LAVERNE R C/O DAVCO RESTAURANTS INC		Use:	COMMERCIAL NO	
Mailing Address:	ATTN PROPERTY TAXES 1657 CROFTON BLVD CROFTON MD 21114-1305		Deed Reference:	/11437/ 00414	
Location & Structure Information					
Premises Address:		REISTERSTOWN RD 0-0000		Legal Description:	.6749 AC 29398 SQ FT G K HARDEN PROPERTY
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0067	0004	0115		0000	A 2014 0041/0116
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1978	2324		29,398 SF	24	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		FAST FOOD			
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	351,800	351,800			
Improvements	387,600	410,300			
Total:	739,400	762,100	754,533	762,100	
Preferential Land:	0			0	
Transfer Information					
Seller: HARDEN GORDON K		Date: 02/16/1996		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /11437/ 00414		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **04** Account Number: **1800007320**

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Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



KEVIN KAMENETZ
County Executive

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

January 20, 2016

DavCo Restaurants LLC
1657 Crofton Boulevard
Crofton MD 21114-1305

RE: Case Number: 2016-0126 A, Address: 10109 Reisterstown Road

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 November 13, 2015. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
AutoZone Development LLC, Curtis Sigler, 123 Front Street, 3rd Floor, Memphis TN 38103
David H Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 12/7/15

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

RE: Baltimore County
Item No. 2016-0126-A

Variance
DayCo Restaurants LLC
AutoZone Development LLC, Curtis Sigler
10109 Reisterstown Road
MD 140

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 12/7/15. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is required. As a condition of approval for *Variance*, Case Number 2016-0126-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 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Zeller".

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road • Hunt Valley, Maryland 21030 • Phone 410-229-2300 or 1-866-998-0367 • Fax 301-527-4690

www.roads.maryland.gov

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 January 18, 2016
Item No. 2016-0126

DATE: January 19, 2016

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

Contrary to the agenda note for this site, it is within a riverine flood plain. A recent flood plain analysis on file in our office confirms this. It appears that the existing building is not in the flood plain, but much of the parking area is, the first floor elevation must be at or above 495.2', and if any grade is changed within the flood area, special hearing permission from the ALJ will be required.

We have no objection to granting the requested variances.

A landscape plan and a Lighting Plan will be required for approval, prior to issuance of a building permit.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0126-01182016.doc

1125

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 19 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0126-SPHA
Address 10109 Reisterstown Road
(DavCo Restaurants Property)

Zoning Advisory Committee Meeting of January 19, 2016.

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

Reviewer: Steve Ford

Date: 01-19-2016

JB 1-25-16
11 Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 13, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-126

JAN 15 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 10109 Reisterstown Road
Petitioner: DavCo Restaurants, LLC / AutoZone Development, LLC
Zoning: BL, DR 16
Requested Action: Variance, Special Hearing

The Department of Planning has reviewed the petition for a variance to permit 30 off-street parking spaces and a front yard setback of 22' in lieu of the required 37 parking spaces and 46' respectively. The Department has also reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve business parking in a residential zone.

A site visit was conducted on December 10, 2015.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following:

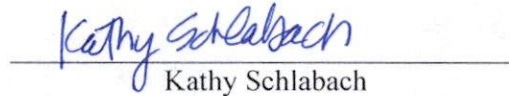
- Submit to the Baltimore County Landscape Architect for approval a landscape plan. Such a plan shall include landscape screening similar to a "Class A" type screen as defined in the Baltimore County Landscape Manual along the northeast tract boundary adjacent to the residentially zoned property.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

RECEIVED

DEC 09 2015

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 9, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0126-A
Address 10109 Reisterstown Road
(Davco Restaurants, LLC Property)

Zoning Advisory Committee Meeting of December 7, 2015.

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

Reviewer: Steve Ford

Date: 12-9-2015

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 14, 2015
Item No. 2016-0126

DATE: December 8, 2015

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

A Landscape Plan complying with Landscape Manual requirements for Business Parking in a residential zone and all other applicable conditions must be approved. A photometric Lighting Plan is required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0126-12142015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 13, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-126

INFORMATION:

Property Address: 10109 Reisterstown Road
Petitioner: DavCo Restaurants, LLC / AutoZone Development, LLC
Zoning: BL, DR 16
Requested Action: Variance, Special Hearing

The Department of Planning has reviewed the petition for a variance to permit 30 off-street parking spaces and a front yard setback of 22' in lieu of the required 37 parking spaces and 46' respectively. The Department has also reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve business parking in a residential zone.

A site visit was conducted on December 10, 2015.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following:

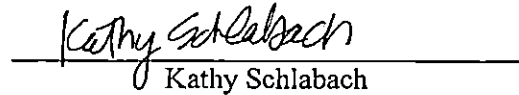
- Submit to the Baltimore County Landscape Architect for approval a landscape plan. Such a plan shall include landscape screening similar to a "Class A" type screen as defined in the Baltimore County Landscape Manual along the northeast tract boundary adjacent to the residentially zoned property.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Office of the Administrative Hearings
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME 10109 Reist Rd
CASE NUMBER 2016-126-A
DATE 4/20

PETITIONER'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE _____

2016-126

4	20	16
---	----	----

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

*Baltimore County, MD
Thursday, March 31, 2016*

ARTICLE 5. Administration and Enforcement

SECTION 500. Zoning Commissioner and/or Deputy Zoning Commissioner

§ 500.6. Authority to conduct hearings.

In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

[Print](#)

Baltimore County Code

§ 32-4-414. FLOODPLAIN AND WETLAND PROTECTION.

(a) *Definitions.* In this section, “base flood”, “development”, “flood insurance rate map”, “flooding”, “floodway” and “riverine floodplain” have the meanings stated in Title 8 of this article.

(b) *Purpose.* The purpose of this section to:

- (1) Reduce loss of life and property from flooding;
- (2) Avoid the need for public expenditures for flood protection; and
- (3) Protect or enhance the environmental quality of watersheds.

(c) *Development in floodplain prohibited; exceptions.* The county may not permit development in a riverine floodplain except for:

- (1) The establishment of property subdivision lines; and
- (2) The installation of a pond, culvert, bridge, street, utility, or drainage facility that the county finds is not detrimental to floodplain management programs.

(d) *Base flood elevation.*

(1) Except as provided in paragraph (2) of this subsection, if the floodplain is shown on the flood insurance rate map, the county shall limit any increase in the existing base flood elevation to a maximum of 1 foot.

(2) The county may not allow encroachment in the floodway causing an increase in the existing base flood elevation.

(3) In areas where the base flood elevation has not been established, the county shall determine the riverine floodplain and flood elevation by means of a flood study prepared in accordance with the requirements of the Department of Public Works Design Manual and sealed by a registered professional engineer before the issuance of a permit or the recording of a subdivision plat.

(e) *Wetlands.*

(1) The county may not permit dredging, filling, or construction in any nontidal wetland or tidal wetland.

(2) The county shall require adequate protection of nontidal wetlands or tidal wetlands from contamination.

(1988 Code, § 26-276) (Bill No. 173-93, § 3, 11-17-1993; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

[Print](#)

Baltimore County Code

§ 32-4-107. WAIVERS.*(a) In general.*

(1) At the request of a department director, the Hearing Officer may grant a waiver of any or all requirements of Subtitles 3, 4, and 5 of this title if the Hearing Officer finds that:

(i) 1. The size, scope, and nature of a proposed development does not justify strict compliance with this title;

2. A waiver would be within the scope, purpose, and intent of this title; and

3. All other county laws and regulations have been complied with; or

(ii) Compliance with this title would cause unnecessary hardship.

(2) A waiver shall be granted only in accordance with Title 8 of this article.

(b) Waivers - Development Plan requirements.

(1) The Director of Permits, Approvals and Inspections may waive the Development Plan requirements under §§ 32-4-221(b) and (c) and 32-4-222 through 32-4-224 of this title and the Hearing Officer's hearing if, after consultation with appropriate county agencies, the Director finds:

(i) That the size, scope, and nature of a proposed development does not justify strict compliance with this title; and

(ii) That a waiver would be within the scope, purpose, and intent of this title; and

(iii) That the proposed development complies with all other county laws and regulations.

(2) Before proposing to grant a waiver for development within the critical area, the Director of Permits, Approvals and Inspections shall obtain recommended findings from the Director of Environmental Protection and Sustainability based on the standards specified under § 32-4-226 (d)(1)(iv) of this title.

(1988 Code, § 26-172) (Bill No. 18, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 173-93, § 3, 11-17-1993; Bill No. 8-96, § 3, 3-23-1996; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 8, 7-1-2004; Bill No. 122-10, §§ 12, 30, 1-16-2011)

[Print](#)

Baltimore County Code

§ 32-8-301. AUTHORIZED.

(a) *In general.* As provided in § 32-4-107 of this article, waivers of the provisions of § 32-4-414 of this article or Subtitle 2 of this title and any regulations or codes adopted in accordance with § 32-4-414 of this article or Subtitle 2 of this title may be granted as specified in this subtitle.

(b) *Hearing Officer.* The Hearing Officer, as defined in § 32-4-101 of this article, shall hear and decide requests for waivers under this subtitle.

(c) *General standards.* Waiver actions shall be consistent with sound floodplain management and the number of waiver actions shall be kept to a minimum.

(d) *Specific requirements.* For any waiver issued in a riverine floodplain or tidal floodplain, all applicable conditions of § 32-8-207 of this title and the Building Code shall be met.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004; Bill No. 75-03, § 38, 7-1-2004)

[Print](#)

Baltimore County Code

§ 32-8-207. DEVELOPMENT IN THE FLOODPLAIN AREA.

(a) *In general.* This section applies to all development in the floodplain area notwithstanding any provision in the building code that is to the contrary or less restrictive.

(b) *Permit required.*

(1) The Building Engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the floodplain area.

(2) The permit shall be granted only after necessary permits from the state and federal agencies have been obtained.

(c) *Register of permits.*

(1) The county shall maintain a register of permits issued for any residential or nonresidential building construction or improvement in the floodplain area, including the elevation of the lowest floor or the elevation to which the structure was floodproofed, and the elevation of the related base flood level.

(2) The following items are to be maintained in this register, as applicable:

- (i) Agreement to supply elevation certificate;
- (ii) Non-conversion agreement;
- (iii) Declaration of land restrictions;
- (iv) Work sheet for substantial improvement;
- (v) Checklist for items below flood elevation;
- (vi) Floodproofing certificate; and
- (vii) Elevation certificate.

(d) *Flood resistant construction.*

(1) Flood resistant construction shall be in accordance with the requirements of the International Code Council's International Building Code currently adopted by the county and as modified in this subsection.

(2) The lowest floor elevations of all new or substantially improved structures shall be those elevations required by the Building Code of Baltimore County.

(3) Basements are not permitted in the floodplain area.

(1988 Code, § 26-668) (Bill No. 174, 1991, §§ 1, 2; Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004; Bill No. 47-10, § 5, 7-19-2010)

Editor's note:

[Print](#)

Baltimore County Code

§ 32-8-303. REASONS FOR GRANTING A WAIVER.

(a) *In general.* Waivers may only be issued upon:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant a waiver would result in exceptional hardship, other than economic hardship, to the applicant; and
- (3) A determination that the granting of a waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws and ordinances.

(b) *Minimum necessary.* The waiver action shall be the minimum necessary, considering the flood hazard, to afford relief.

(c) *Comments.* In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

Debra Wiley

JB 4/20
10Am

From: Administrative Hearings
Sent: Friday, April 08, 2016 11:39 AM
To: Kimberly Simonetti
Subject: RE: Judge Beverungen Case #2016-126 oppose without larger lot

Rm. 104

Good Morning,

This is to acknowledge receipt of your email and pictures.

In the event you're interested in attending the hearing on this matter, please be advised that the hearing for this case is scheduled for Wednesday, April 20th @ 10 AM in Room 205, Jefferson Building, 105 W. Chesapeake Ave.

Thank you.

From: Kimberly Simonetti [mailto:kimbberlysimonetti@gmail.com]
Sent: Wednesday, April 06, 2016 8:20 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: ATT: Judge Beverungen Case #2016-126 oppose without larger lot

Dear Judge Beverungen,

I live directly next to the Verizon Station that borders Popeye's and Wendy's at 6 Saint Thomas Lane. I am opposed to the demolition of Wendy's and replacement of Auto Zone store unless it offered a larger lot.

With that said I would be more agreeable to the new store if it included Popeye's Chicken property as part of the entire project. By adding the Popeyes store they should not need any extra exceptions and our neighborhood would be cleaner with less nuisance animals. We live with daily trash and chicken bones on our property. Unfortunately, I can only do so much about my dogs eating the trash in our yard. I pick it up as I see it.

Although the images attached are older (2012), my husband and I live in daily fear that we would have to quite possibly endure this again. I have to constantly monitor the Popeye's property. Truth told, when I made it my mission to keep the stores in compliance including calling, email and text to Dave Kirby for 3 years. It was then I finally saw some results and cleaner dumpsters. Popeyes should be closed along with Wendy's. I have taken the liberty to attach images of my 50 year roof that was shredded from Vulture damage as they waited to eat at the fast food dumpsters. That roof was over \$12,000 due to the unusual roof line. We still have not gotten paid from the Harding Family and have place a lien on that property. The Harding Family has been less than a stellar land lord. The family has been unresponsive about making sure that the business adhere to zoning guidelines.

Our hope is if Auto Zone moves in we will not have these issues since there is no food.

Thank you for your time to hear my concerns.

Sincerely,

Debra Wiley

JS 4/20
10Am
Rm-104

From: Kimberly Simonetti <kimberlysimonetti@gmail.com>
Sent: Wednesday, April 06, 2016 8:20 PM
To: Administrative Hearings
Subject: ATT: Judge Beverungen Case #2016-126 oppose without larger lot
Attachments: 6 Saint Thomas lane 11-12-12.jpg; 11-19-12 popeyes #1.jpg; 12-12-12 popeyes #8.jpg; Popeyes 12-18-12 #.jpg; roof damage 11-12.jpg; roof damage4.jpg; roof damage6.jpg; roof damage 3.jpg

Dear Judge Beverungen,

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With that said I would be more agreeable to the new store if it included Popeye's Chicken property as part of the entire project. By adding the Popeyes store they should not need any extra exceptions and our neighborhood would be cleaner with less nuance animals. We live with daily trash and chicken bones on our property. Unfortunately, I can only do so much about my dogs eating the trash in our yard. I pick it up as I see it.

Although the images attached are older (2012), my husband and I live in daily fear that we would have to quite possibly endure this again. I have to constantly monitor the Popeye's property. Truth told, when I made it my mission to keep the stores in compliance including calling, email and text to Dave Kirby for 3 years. It was then I finally saw some results and cleaner dumpsters. Popeyes should be closed along with Wendy's. I have taken the liberty to attach images of my 50 year roof that was shredded from Vulture damage as they waited to eat at the fast food dumpsters. That roof was over \$12,000 due to the unusual roof line. We still have not gotten paid from the Harding Family and have place a lien on that property. The Harding Family has been less then a stellar land lord. The family has been unresponsive about making sure that the business adhere to zoning guidelines.

Our hope is if Auto Zone moves in we will not have these issues since there is no food.

Thank you for your time to hear my concerns.

Sincerely,

Kimberly Phillips-Simonetti
Master Craftsmen Photographer

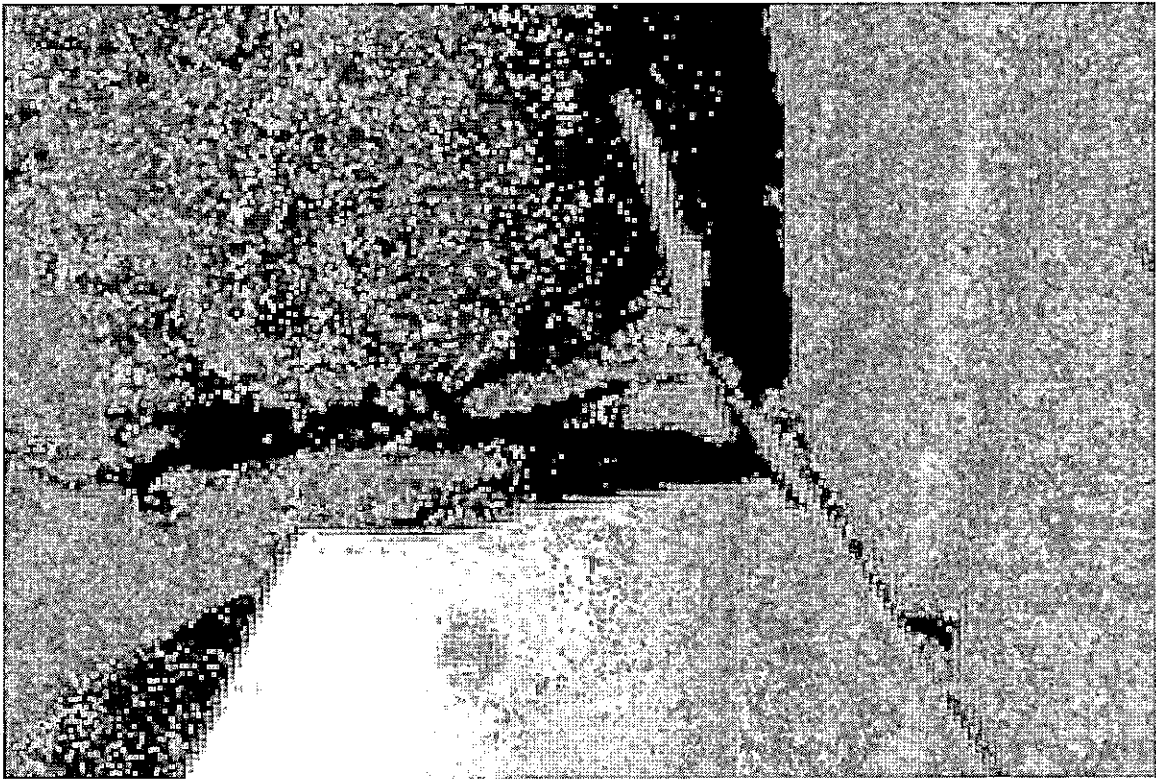
The MatchPro-A Boutique Dating Service
Creating Happily Ever Afters!

410 356-1330
kimberlyportraits.com

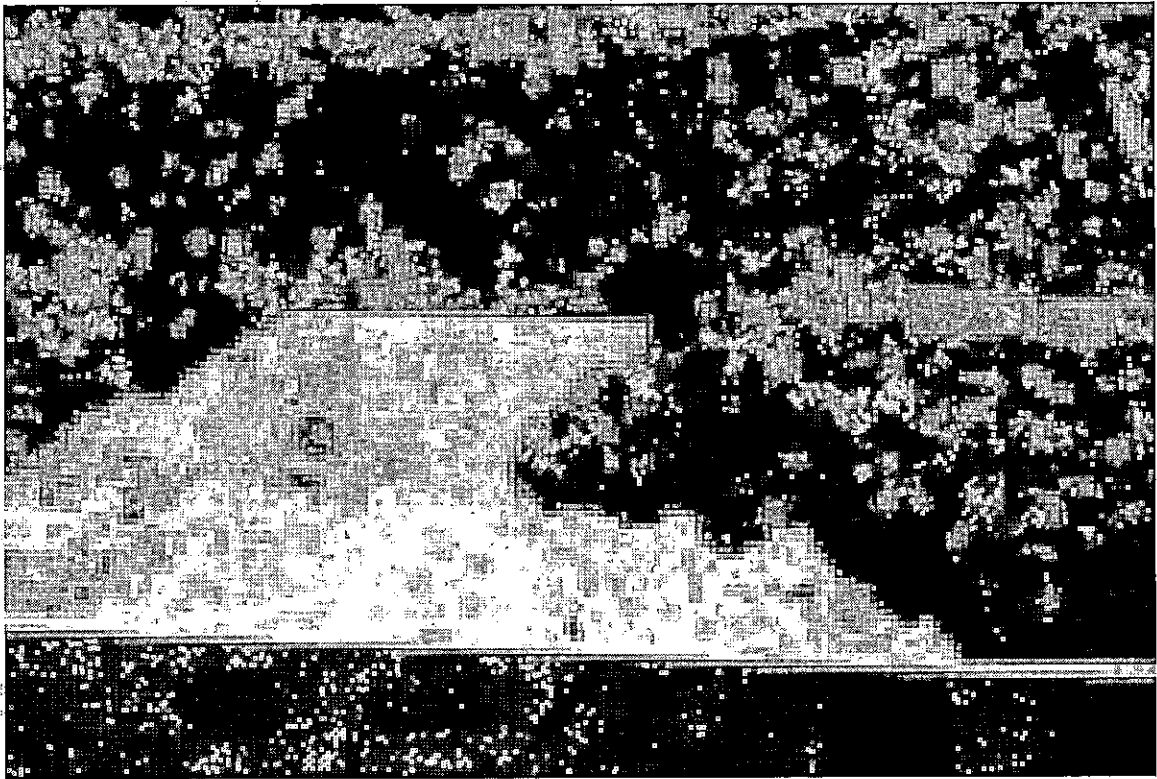
410 773-9585





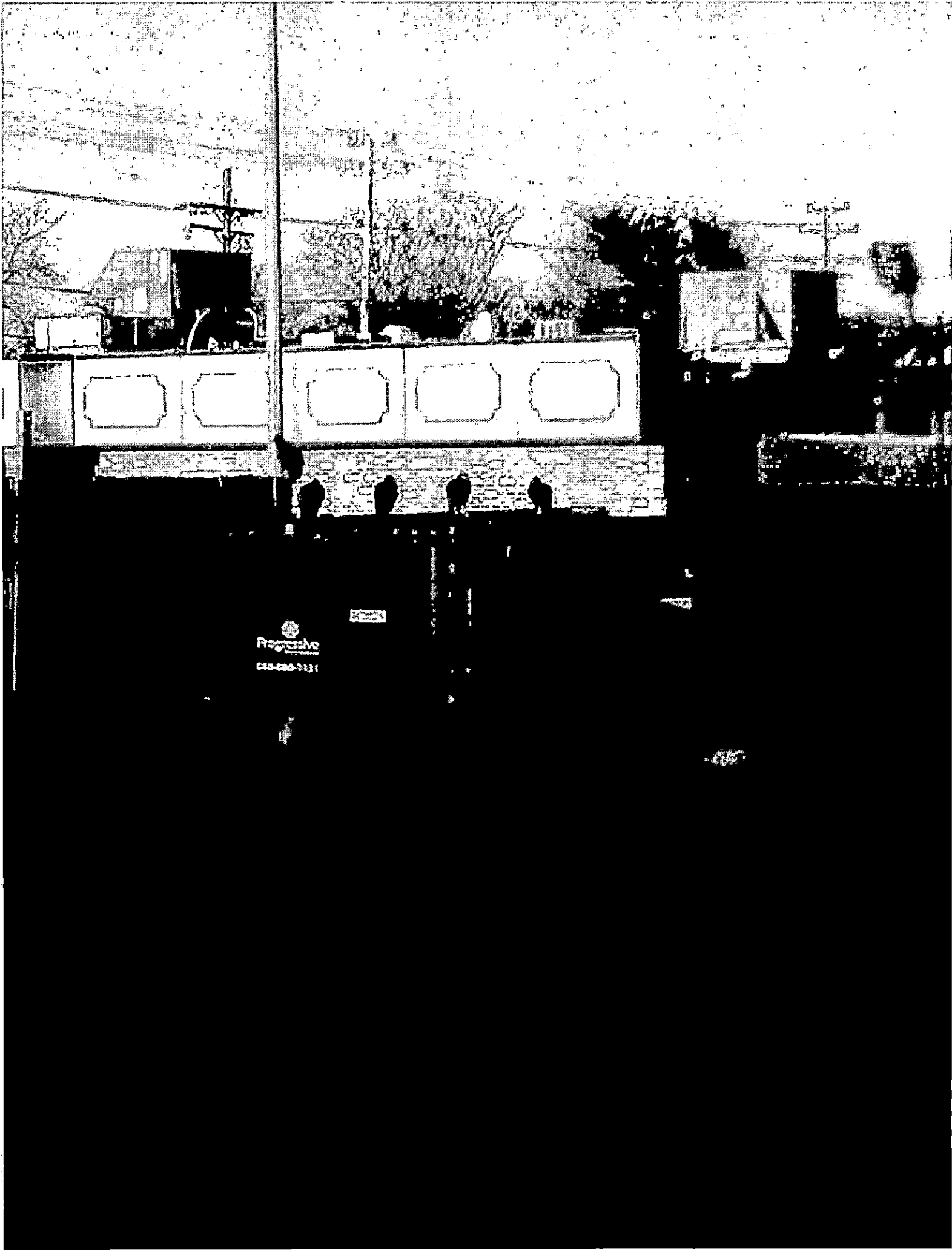




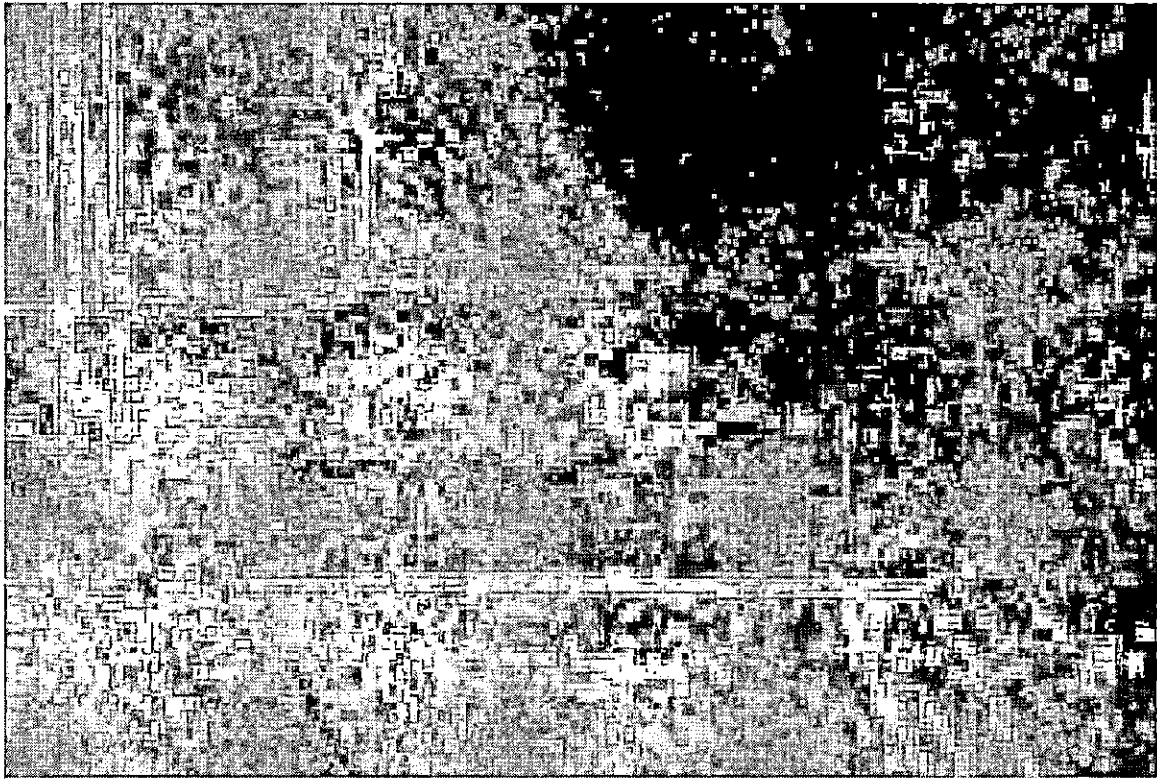




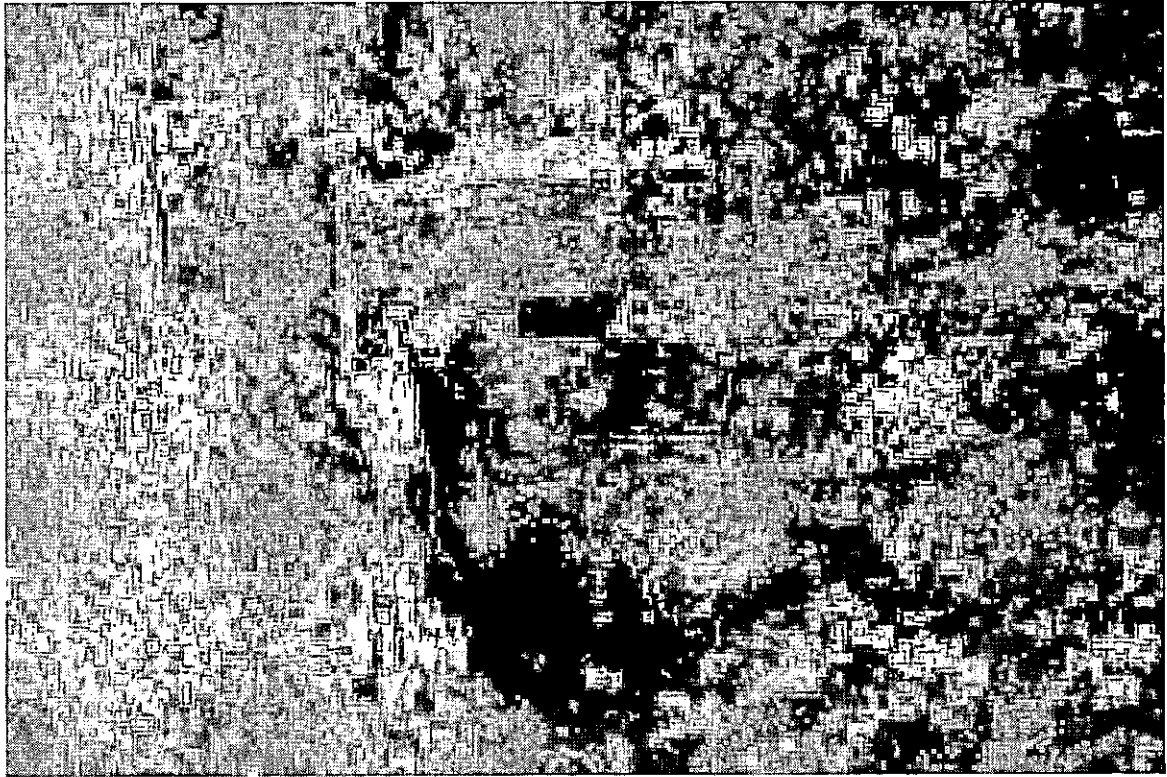


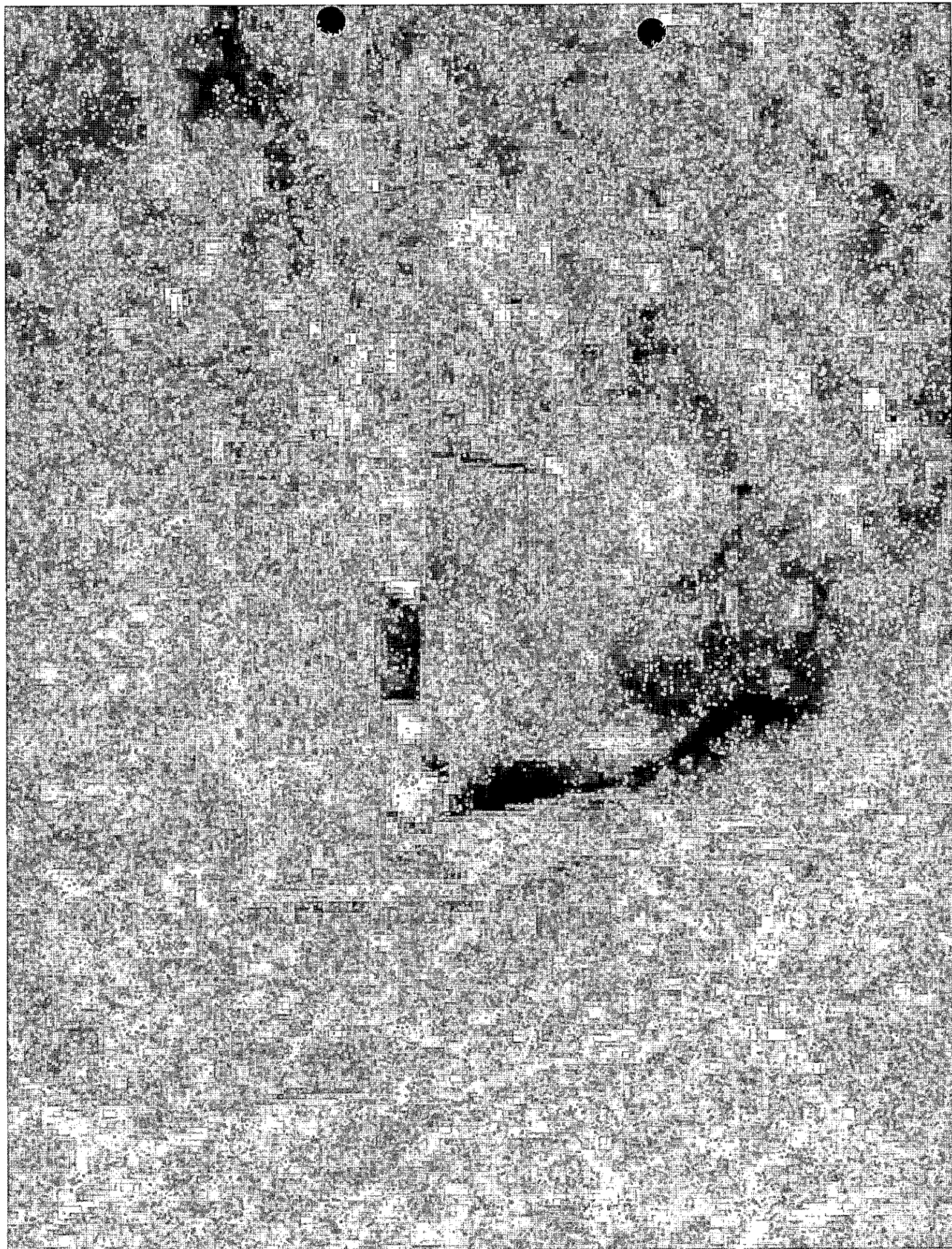


Progressive
003-006-7111











Case No.: 2016-126-A

Exhibit Sheet

Petitioner/Developer

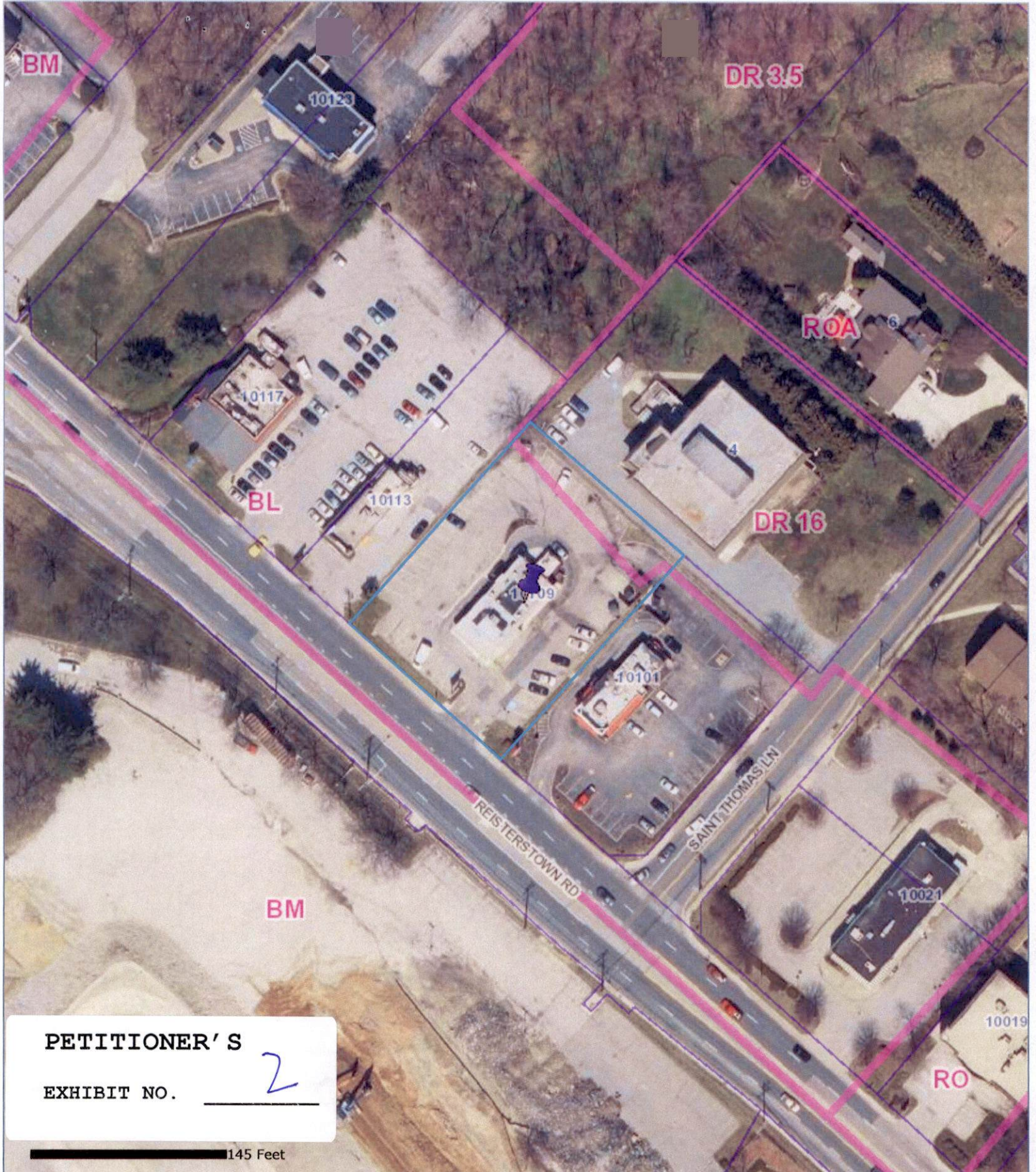
DPW
5-24-16

Protestant

Sen

4-22-16

No. 1	Site plan (redline)	
No. 2	My Neighborhood Aerial photo	
No. 3	Bryant resume	
No. 4	4A-4C Aerial photos	
No. 5	5A+5B ITE Manual pages	
No. 6	Email exchange w/ DPW	
No. 7	Flood plain exhibit	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 2

145 Feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 1/12/2016

Joshua A. Bryant, P. E., LEED AP/ *Project Engineer/Branch Manager*

Mr. Bryant serves CPH in the capacity of Branch Manager of the Maryland Office. He also serves CPH as Project Manager with experience in civil/site projects. Mr. Bryant has acted as Project Engineer and Project Manager on several land development projects for AutoZone, Inc., Wal-Mart Stores, Inc. and other private development clients. For these clients, Mr. Bryant has designed site improvements, provided engineering design and analysis of the stormwater systems, prepared engineering drawings and specifications, prepared permit documentation, and represented clients at regulatory and municipal meetings.



Years of Service With CPH:

10 Years

Years of Experience:

10 Years

Academic Credentials

B.S. in Civil Engineering, University of Florida, 2005

M.E. in Civil Engineering, University of Florida, 2009

Licenses

Professional Engineer – FL (No. 71551)

Professional Engineer – MD (No. 46470)

Certifications

LEED Accredited Professional

Expertise:

- Land Development
- Stormwater Design
- Site Planning
- Permitting
- Program Management

Wal-Mart Store – Oviedo, FL

- Design and permitting of a 99,084 sq. ft. Wal-Mart store within an existing, developed shopping center
- Existing shopping center PUD had to be amended with the County to accommodate the new site layout
- Existing stormwater system required re-design, reconfiguration and reconstruction to meet agency requirements and to accommodate the proposed store and associated infrastructure
- Extensive phasing to ensure the existing shopping center tenants were not impacted (accessibility, operations and utility-wise)
- Relocate or extend the needed utility services for the Walmart store

Wal-Mart Store – Gainesville, FL

- Design and permitting of a 170,480 sq. ft. Wal-Mart store
- Site design required that an existing, 4-lane private roadway be relocated and reconstructed to City standards to make room for the building, parking lot and stormwater ponds
- Extensive permitting and public hearings with the City of Gainesville before obtaining approval
- Wetland impacts were permitted with the Army Corps of Engineers and a stormwater system
- Four interconnected wet stormwater detention ponds
- Permitted with the Suwannee River Water Management District

Wal-Mart Store – Alachua, FL

- Designing and permitting a portion of an existing, undeveloped Planned Unit Development (PUD) for a 154,192 sq. ft. Wal-Mart store
- Topographic changes of up to 72-ft are present across the site
- Extensive grading and earthwork design was performed to accommodate the proposed building, access roadway and dry stormwater retention ponds
- Stormwater drainage system was successfully permitted with the Florida Department of Transportation and Suwannee River Water Management District

PETITIONER'S

EXHIBIT NO. 3



PETITIONER'S EXHIBIT 4-A-C





Land Use: 843

Automobile Parts Sales

Description

Automobile parts sales facilities specialize in the sale of automobile parts for maintenance and repair. Items sold at these facilities include spark plugs, oil, batteries and a wide range of automobile parts. These facilities are not equipped for on-site vehicle repair. Tire store (Land Use 848), tire superstore (Land Use 849) and automobile parts and service center (Land Use 943) are related uses.

Additional Data

The sites were surveyed in the 1990s and 2000s in Florida and New Hampshire.

Source Numbers

436, 439, 618

PETITIONER'S

EXHIBIT NO. 5A

Automobile Parts Sales (843)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

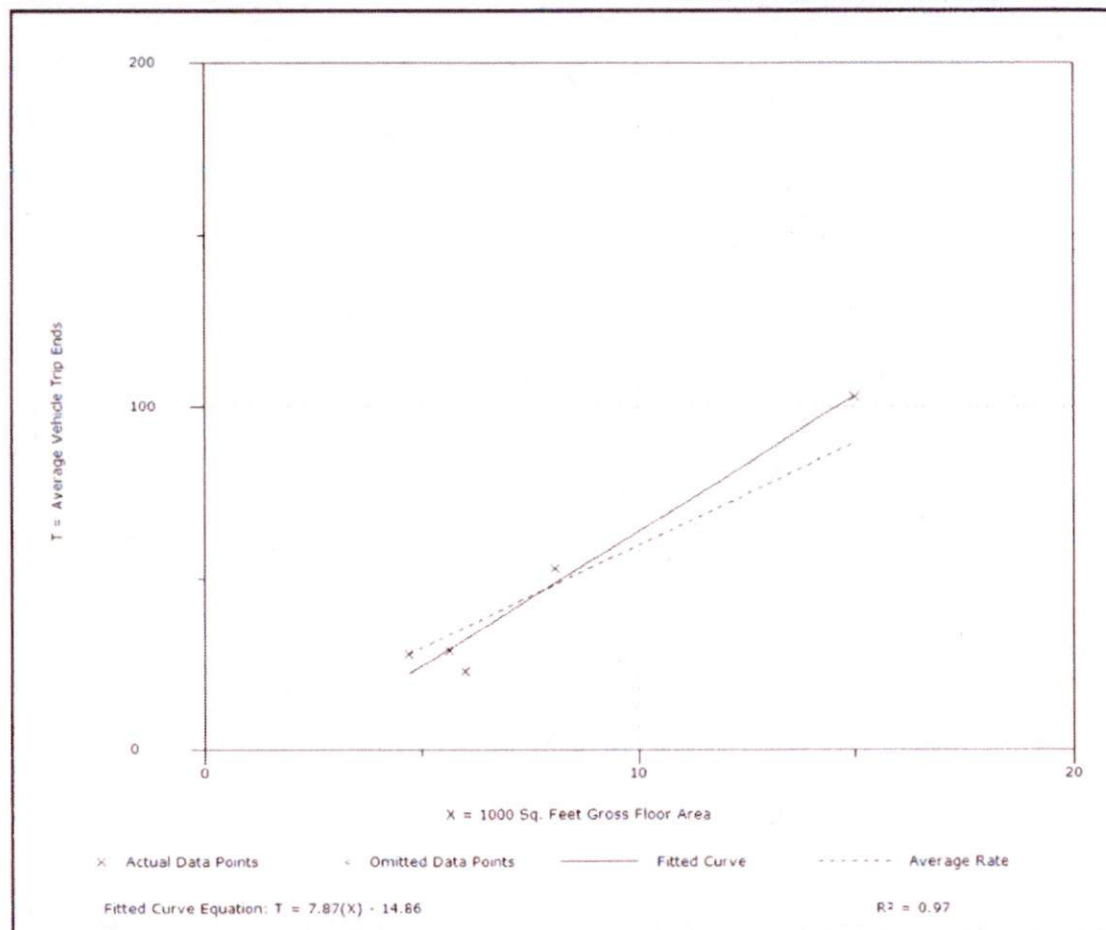
Number of Studies: 5
 Average 1000 Sq. Feet GFA: 8
 Directional Distribution: 49% entering, 51% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
5.98	3.63 - 6.87	1.21

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Trip Generation: ITE-TQM 9th Edition

Automobile Parts Sales (843)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

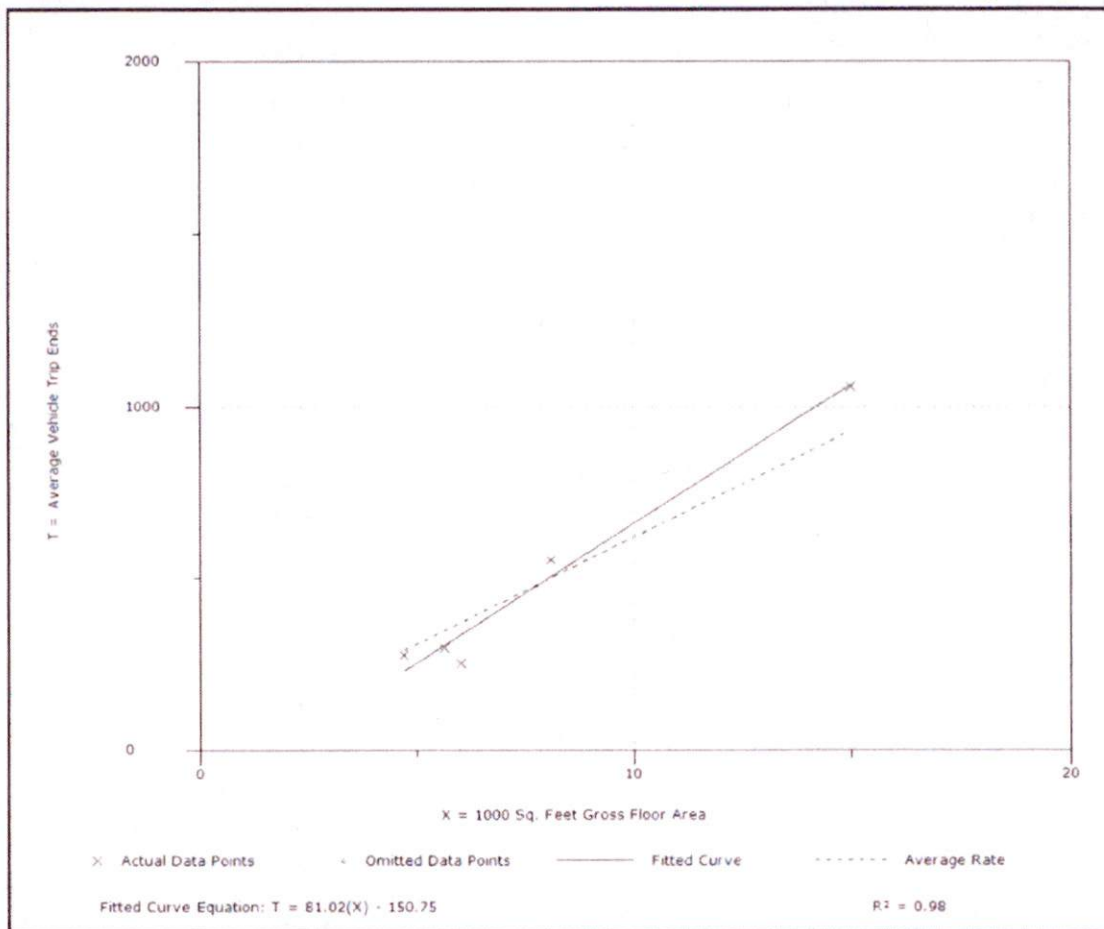
Number of Studies: 5
 Average 1000 Sq. Feet GFA: 8
 Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
61.91	42.17 - 70.67	11.70

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Trip Generation: ITE-TQM 9th Edition

Land Use: 934

Fast-Food Restaurant with Drive-Through Window

Description

This category includes fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large drive-through clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours per day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. Non-drive-through patrons generally order at a cash register and pay before they eat. High-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933) and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

Additional Data

Users should exercise caution when applying statistics during the A.M. peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the A.M. peak hour of the adjacent street traffic were removed from the database.

Information on approximate hourly variation in fast-food restaurant with drive-through window traffic is shown in the following table. It should be noted, however, that the information contained in this table is based on a limited sample size. Therefore, caution should be exercised when applying the data. Also, some information provided in the table may conflict with the results obtained by applying the average rate or regression equations. When this occurs, it is suggested that the results from the average rate or regression equations be used, as they are based on a larger number of studies.

Hourly Variation in Fast-Food Restaurant with Drive-Through Window Traffic		
Time	Average Weekday	
	Percent of 24-Hour Entering Traffic	Percent of 24-Hour Exiting Traffic
6 a.m.–7 a.m.	1.1	1.1
7 a.m.–8 a.m.	3.1	3.8
8 a.m.–9 a.m.	3.3	4.3
9 a.m.–10 a.m.	3.5	3.7
10 a.m.–11 a.m.	4.5	4.2
11 a.m.–12 p.m.	8.1	8.0
12 p.m.–1 p.m.	14.9	14.4
1 p.m.–2 p.m.	12.1	12.4
2 p.m.–3 p.m.	7.6	8.0
3 p.m.–4 p.m.	6.1	5.9
4 p.m.–5 p.m.	5.2	5.3
5 p.m.–6 p.m.	5.9	5.8
6 p.m.–7 p.m.	7.0	6.4
7 p.m.–8 p.m.	6.9	6.1
8 p.m.–9 p.m.	5.4	5.0
9 p.m.–10 p.m.	3.8	3.9
10 p.m.–6 a.m.	1.5	1.7

Sites ranged in size from 2,900 to 4,300 square feet gross floor area

Source: The Traffic Group, Inc.; based on four studies

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish trip generation rates for facilities having significant outdoor seating.

One site indicated that a two-story play area and a video arcade were included in the gross floor area.

The sites were surveyed between the 1980s and the 2000s throughout the United States.

It has been speculated that hamburger restaurants may generate trips at a higher rate than other types of fast-food restaurants. The database was tested in an attempt to verify this assumption; the data neither verified nor disproved it. Future research is needed in this area.

Source Numbers

163, 164, 168, 180, 181, 241, 245, 278, 294, 300, 301, 319, 338, 340, 342, 343, 358, 389, 438, 502, 552, 555, 577, 583, 584, 617, 640, 641, 704, 715, 728

Fast-Food Restaurant with Drive-Through Window (934)

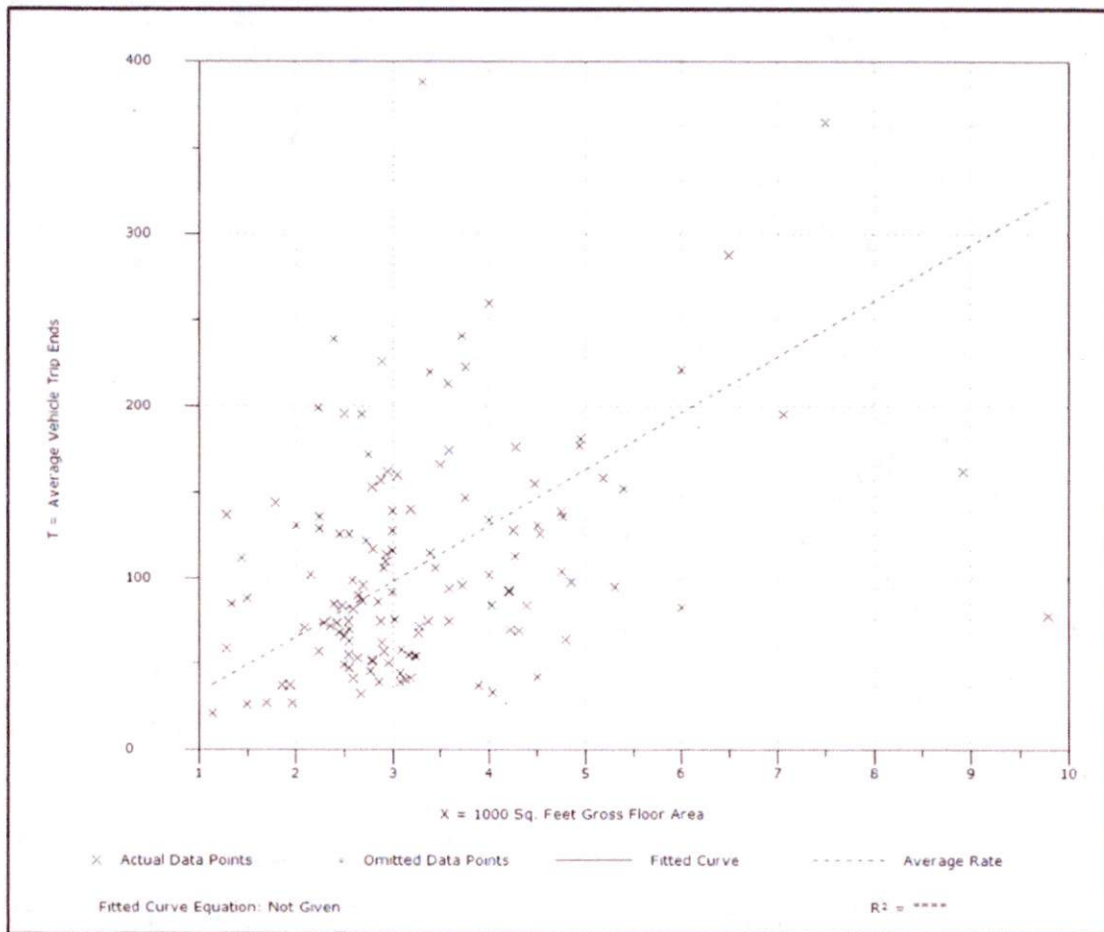
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 132
Average 1000 Sq. Feet GFA: 3
Directional Distribution: 52% entering, 48% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
32.65	7.96 - 117.15	19.21

Data Plot and Equation



Trip Generation: ITE-TGM 9th Edition

Fast-Food Restaurant with Drive-Through Window (934)

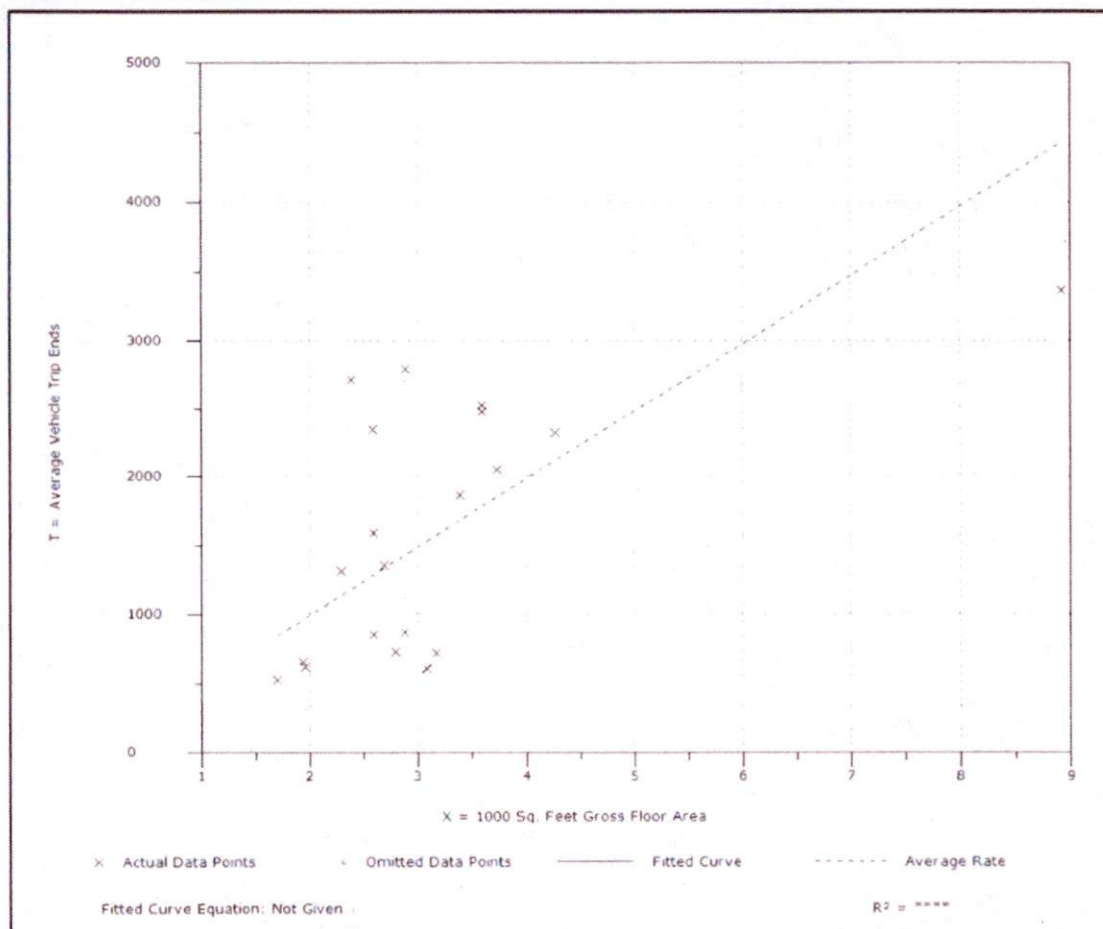
Average Vehicle Trip Ends vs: **1000 Sq. Feet Gross Floor Area**
On a: **Weekday**

Number of Studies: 21
Average 1000 Sq. Feet GFA: 3
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
496 12	195 98 - 1 132 92	245 91

Data Plot and Equation



Trip Generation: ITE-TGM 9th Edition

Rosenblatt, Adam M.

From: Dave Thomas <dthomas@baltimorecountymd.gov>
Sent: Wednesday, March 30, 2016 2:21 PM
To: Rosenblatt, Adam M.
Cc: Terry Curtis
Subject: RE: New AutoZone/Flood Plain - 10109 Reisterstown Road
Attachments: A20132-FLOOD PLAIN FINAL 030716.pdf

Adam,

We never completed the memo from the director.

The plan (attached) from Joshua Bryant did address all of our concerns and our intention was to have the memo prepared. His notes 1,2 & 3 do this, and are backed up by Joshua's seal.

You may take this e-mail and the attached drawing to the hearing if you wish, and if the ALJ needs a confirming memo we will provide it after the fact.

Dave

From: Rosenblatt, Adam M. [mailto:AMRosenblatt@Venable.com]
Sent: Wednesday, March 30, 2016 1:43 PM
To: Dave Thomas <dthomas@baltimorecountymd.gov>
Subject: FW: New AutoZone/Flood Plain - 10109 Reisterstown Road

To refresh your memory for the hearing tomorrow, see below...

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | www.Venable.com

From: Dave Thomas [mailto:dthomas@baltimorecountymd.gov]
Sent: Wednesday, March 23, 2016 2:23 PM
To: Bryant, Joshua (P.E.) <jbryant@cphcorp.com>
Cc: Karceski, David H. <DKarceski@Venable.com>; Terry Curtis <tcurtis@baltimorecountymd.gov>
Subject: RE: New AutoZone/Flood Plain - 10109 Reisterstown Road

Joshua,

I looked at our records and your revised drawing should be OK for the hearing. It looked like you have addressed our comments. We owe you a memo signed by our director confirming that. Terry had to be out today, but I'll leave him a copy of this e-mail. It may already be in for signature, but Terry will know for sure.

Dave T.

PETITIONER' S

EXHIBIT NO. 6

From: Bryant, Joshua (P.E.) [<mailto:jbryant@cphcorp.com>]
Sent: Wednesday, March 23, 2016 2:06 PM
To: Dave Thomas <dthomas@baltimorecountymd.gov>
Cc: Karceski, David H. (DKarceski@Venable.com) <DKarceski@Venable.com>
Subject: FW: New AutoZone/Flood Plain - 10109 Reisterstown Road

Dave,

I have been following up for a few weeks by phone and email but haven't received any response confirming that all the comments have been satisfied and we are scheduled for an approval recommendation for this. The hearing is in 1 week so we are eager to get this confirmation. Is someone able to provide this?

Thanks

Joshua Bryant, P.E., LEED AP
Vice President/Associate
CPH
Phone: (301) 918-2662 x 6805
Cell: (352) 871-4065

E-mail: jbryant@cphcorp.com
Website: www.cphcorp.com

Celebrating 35 Years of Design Excellence.

From: Bryant, Joshua (P.E.)
Sent: Tuesday, March 15, 2016 4:19 PM
To: 'Terry Curtis'
Cc: 'Dave Thomas'; 'Dennis A Kennedy'; 'Karceski, David H.'
Subject: RE: New AutoZone/Flood Plain - 10109 Reisterstown Road

Terry,

Following up on the project below. Could you confirm that nothing else is needed in order to obtain an approval recommendation for the 3/31 hearing?

Thanks

Joshua Bryant, P.E., LEED AP
Vice President/Associate
CPH
Phone: (301) 918-2662 x 6805
Cell: (352) 871-4065

E-mail: jbryant@cphcorp.com
Website: www.cphcorp.com

Celebrating 35 Years of Design Excellence.

From: Bryant, Joshua (P.E.)
Sent: Thursday, March 10, 2016 11:52 AM
To: 'Terry Curtis'; 'Dave Thomas'

Cc: 'Dave Thomas'; 'Dennis A Kennedy', Karceski, David H.'
Subject: RE: New AutoZone/Flood Plain - 10109 Reisterstown Road

Terry,

Following up on this project below. Could you confirm that nothing else is needed in order to obtain an approval recommendation for the 3/31 hearing? I need to provide that confirmation to the Client.

Thanks

Joshua Bryant, P.E., LEED AP
Vice President/Associate
CPH
Phone: (301) 918-2662 x6805
Cell: (352) 871-4065

Celebrating 35 Years of Design Excellence.

From: Bryant, Joshua (P.E.)
Sent: Tuesday, March 08, 2016 10:08 AM
To: 'Terry Curtis'; Dave Thomas
Cc: Dave Thomas; Dennis A Kennedy
Subject: RE: New AutoZone/Flood Plain - 10109 Reisterstown Road

Terry,

Attached is a revised plan with the comments requested added.

- 1) It appears that all permanent structures are 20 feet or more from the flood plain freeboard line. Can you add a dimension from this line to the closest point on the building? This is a requirement from Plate DF-1 from the design manual, attached to this email.
The dimensions showing 24.41-ft has been added between the building and the floodplain.
- 2) Please state on the plan that there will be no impacts or flooding to downstream properties.
This statement has been added.
- 3) Please state on the plan that based on the 1% annual flooding chance, the ponding depth in the parking lot will be less than 6-inches.
This statement has been added.
- 4) You will need to anchor or raise the dumpster pad so that the dumpsters do not float downstream. Moving the dumpster pad is also an option.
A note confirming that the dumpsters will be secured has been added. The dumpsters will also be enclosed within a 4-sided enclosure as well to prevent floating away.

Is there anything else that is needed in order to obtain an approval recommendation for the 3/31 hearing?

Thanks

Joshua Bryant, P.E., LEED AP
Vice President/Associate
CPH
Phone: (301) 918-2662 x6805
Cell: (352) 871-4065

Celebrating 35 Years of Design Excellence.

From: Terry Curtis [<mailto:tcurtis@baltimorecountymd.gov>]
Sent: Friday, March 04, 2016 10:24 AM
To: Bryant, Joshua (P.E.); Dave Thomas
Cc: Dave Thomas; Dennis A Kennedy
Subject: RE: New AutoZone/Flood Plain - 10109 Reisterstown Road

Good morning Joshua,

Sorry for the delay getting this to you. I saw a plan for downstream properties come into our office and I had some questions with it that may have affected your site. I just wanted to clear everything up.

I reviewed the information that you submitted and we have a few comments but they are merely statements to be added to your plans.

- 5) It appears that all permanent structures are 20 feet or more from the flood plain freeboard line. Can you add a dimension from this line to the closest point on the building? This is a requirement from Plate DF-1 from the design manual, attached to this email.
- 6) Please state on the plan that there will be no impacts or flooding to downstream properties.
- 7) Please state on the plan that based on the 1% annual flooding chance, the ponding depth in the parking lot will be less than 6-inches.
- 8) You will need to anchor or raise the dumpster pad so that the dumpsters do not float downstream. Moving the dumpster pad is also an option.

If you have any questions please feel free to contact me anytime. Once again I apologize for the delay getting these comments to you.

Have a great day,

Terry

Terry Curtis Jr.
Engineer III
Director of Public Works' Office
111 West Chesapeake Avenue
Room 307
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

From: Bryant, Joshua (P.E.) [<mailto:jbryant@cphcorp.com>]
Sent: Friday, February 19, 2016 2:54 PM
To: Dave Thomas <dthomas@baltimorecountymd.gov>
Cc: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>; Terry Curtis <tcurtis@baltimorecountymd.gov>
Subject: RE: New AutoZone/Flood Plain - 10109 Reisterstown Road

Dave/Terry:

Good afternoon, following up to check the status of this. Our hearing date has been set for the end of March so our goal is to be able to get this fully resolved by then if possible. Please let me know if there is anything I can do to help assist with the preliminary review. I am available to come down and meet with you if necessary to discuss.

Thanks

Joshua Bryant, P.E., LEED AP
Vice President/Associate
CPH
Phone: (301) 918-2662 x6805
Cell: (352) 871-4065

From: Dave Thomas [<mailto:dthomas@baltimorecountymd.gov>]
Sent: Tuesday, February 09, 2016 9:27 AM
To: Bryant, Joshua (P.E.)
Cc: Dennis A Kennedy; Terry Curtis
Subject: RE: New AutoZone/Flood Plain - 10109 Reisterstown Road

Joshua,

We received the files and Terry of my office will be reviewing this for you as requested.

Dave

From: Bryant, Joshua (P.E.) [<mailto:jbryant@cphcorp.com>]
Sent: Monday, February 08, 2016 4:09 PM
To: Dave Thomas <dthomas@baltimorecountymd.gov>
Cc: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>
Subject: New AutoZone/Flood Plain - 10109 Reisterstown Road

Dave,

I am following up on our discussion from the week before last regarding the flood plain affecting the proposed AutoZone site at 10109 Reisterstown Road. If you recall, the existing site is developed as a Wendy's. A recent flood plain study performed by CMR in July 2015 for an adjacent Painters Mill Place development determined that the flood plain elevation is 494.20 ft. This flood plain elevation cuts through a portion of the existing site.

The AutoZone project will completely demolish and rebuild the site, requiring re-grading and therefore a special hearing must take place. We are proposing to re-grade the site in a way that does not decrease the storage volume the property currently provides. We are also not increasing the runoff from the property and therefore not increasing the elevation of the floodplain. Considering this, no impacts to other properties will result from the project.

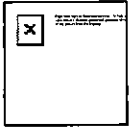
I have attached an exhibit illustrating the existing limits of the flood plain on the existing site and the associated storage volume this provides below the flood plain elevation. The exhibit also illustrates the proposed condition with preliminary contours and the associated storage calculation demonstrating no decrease in volume. The proposed finished floor elevation of the AutoZone is 496.10 ft which is more than 1 foot above the flood plain elevation.

As we discussed, can you take a look at this and confirm whether we are on the right path before we proceed any further? I have also attached the existing flood plain study. Let me know if you have any questions, I am also available to come down and go over with you.

Thanks

Joshua Bryant, P.E., LEED AP
Vice President/Associate
CPH
Phone: (301) 918-2662 x6805

Cell: (352) 871-4065

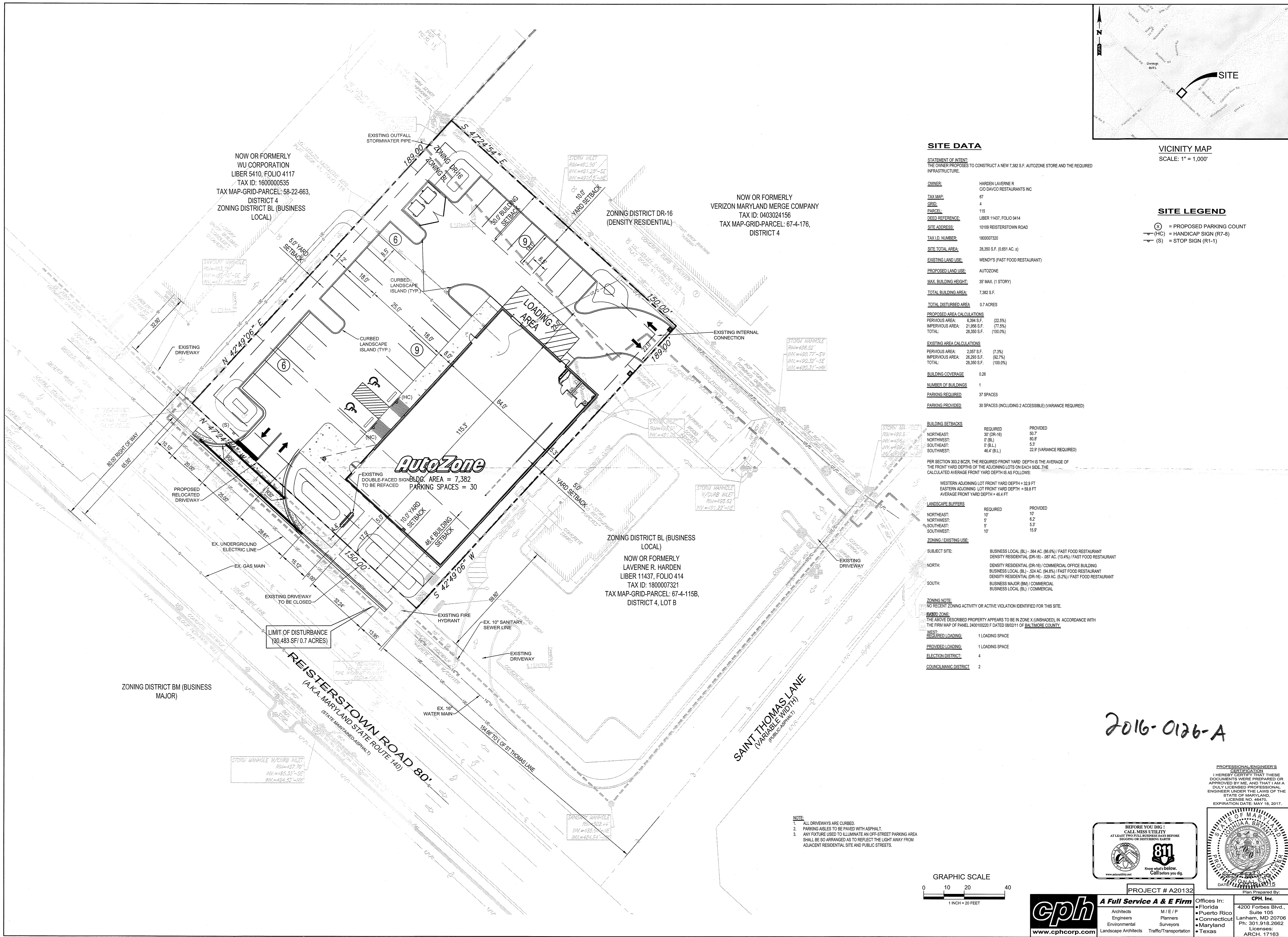


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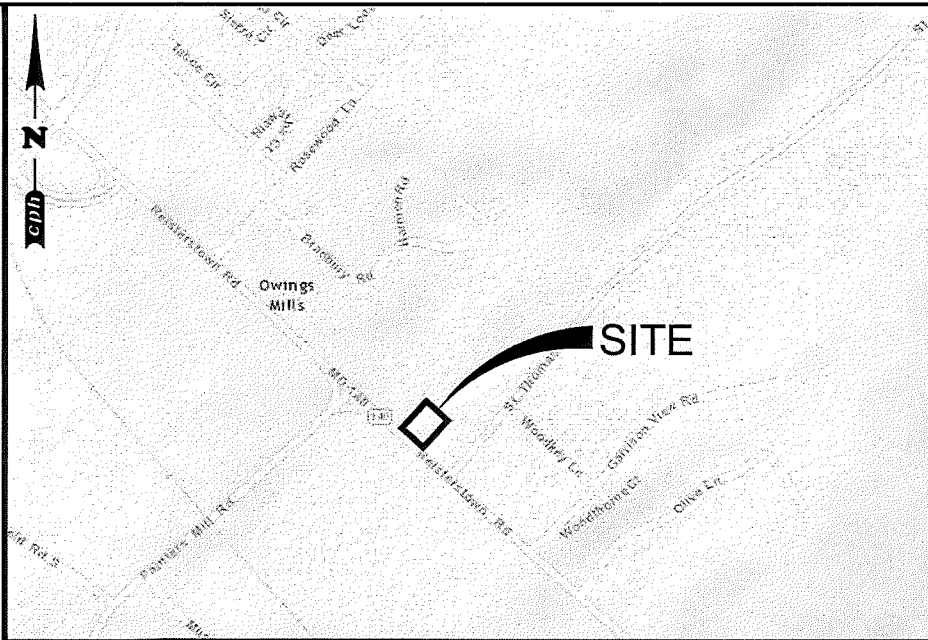
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SITE DATA

STATEMENT OF INTENT:
THE OWNER PROPOSES TO CONSTRUCT A NEW 7,382 S.F. AUTOZONE STORE AND THE REQUIRED INFRASTRUCTURE.

OWNER: HARDEN LAVERNE R.
C/O DAVCO RESTAURANTS INC.
TAX MAP: 67
GRID: 4
PARCEL: 115
DEED REFERENCE: LIBER 11437, FOLIO 0414
SITE ADDRESS: 10109 REISTERSTOWN ROAD
TAX ID NUMBER: 1800007320
SITE TOTAL AREA: 28,350 S.F. (0.651 AC. ±)
EXISTING LAND USE: WENDY'S (FAST FOOD RESTAURANT)
PROPOSED LAND USE: AUTOZONE
MAX. BUILDING HEIGHT: 35' MAX. (1 STORY)
TOTAL BUILDING AREA: 7,382 S.F.
TOTAL DISTURBED AREA: 0.7 ACRES
PROPOSED AREA CALCULATIONS:
PERVIOUS AREA: 6,394 S.F. (22.2%)
IMPERVIOUS AREA: 21,956 S.F. (77.8%)
TOTAL: 28,350 S.F. (100.0%)
EXISTING AREA CALCULATIONS:
PERVIOUS AREA: 2,057 S.F. (7.3%)
IMPERVIOUS AREA: 26,293 S.F. (92.7%)
TOTAL: 28,350 S.F. (100.0%)
BUILDING COVERAGE: 0.26
NUMBER OF BUILDINGS: 1
PARKING REQUIRED: 37 SPACES
PARKING PROVIDED: 30 SPACES (INCLUDING 2 ACCESSIBLE) (VARIANCE REQUIRED)
BUILDING SETBACKS:
NORTHWEST: 30' (DR-16)
NORTHWEST: 0' (BL)
SOUTHWEST: 0' (BL)
SOUTHWEST: 46.4' (B.L.)
PER SECTION 303.2 B.C.R., THE REQUIRED FRONT YARD DEPTH IS THE AVERAGE OF THE FRONT YARD DEPTHS OF THE ADJOINING LOTS ON EACH SIDE. THE CALCULATED AVERAGE FRONT YARD DEPTH IS AS FOLLOWS:
WESTERN ADJOINING LOT FRONT YARD DEPTH = 32.8 FT
EASTERN ADJOINING LOT FRONT YARD DEPTH = 59.8 FT
AVERAGE FRONT YARD DEPTH = 46.4 FT
LANDSCAPE BUFFERS:
NORTHWEST: 10'
NORTHWEST: 5'
SOUTHWEST: 5'
SOUTHWEST: 10'
ZONING / EXISTING USE:
SUBJECT SITE: BUSINESS LOCAL (BL) - .564 AC. (88.8%) / FAST FOOD RESTAURANT
DENSITY RESIDENTIAL (DR-16) - .087 AC. (15.4%) / FAST FOOD RESTAURANT
NORTH: DENSITY RESIDENTIAL (DR-16) / COMMERCIAL OFFICE BUILDING
BUSINESS LOCAL (BL) - .524 AC. (84.4%) / FAST FOOD RESTAURANT
DENSITY RESIDENTIAL (DR-16) - .029 AC. (5.2%) / FAST FOOD RESTAURANT
SOUTH: BUSINESS MAJOR (BM) / COMMERCIAL
BUSINESS LOCAL (BL) / COMMERCIAL
ZONING NOTE:
NO RECENT ZONING ACTIVITY OR ACTIVE VIOLATION IDENTIFIED FOR THIS SITE.
BASED ZONE:
THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE X (UNSHADED), IN ACCORDANCE WITH THE FIRM MAP OF PANEL 2400100220 DATED 08/03/11 OF BALTIMORE COUNTY.
WEST REQUIRED LOADING: 1 LOADING SPACE
PROVIDED LOADING: 1 LOADING SPACE
ELECTION DISTRICT: 4
COUNCILMANIC DISTRICT: 2

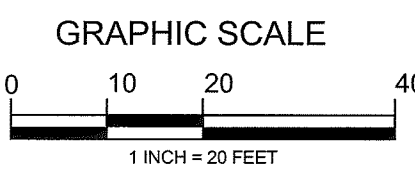


VICINITY MAP
SCALE: 1" = 1,000'

SITE LEGEND

- ⊙ = PROPOSED PARKING COUNT
- (HC) = HANDICAP SIGN (R7-8)
- (S) = STOP SIGN (R1-1)

NOTE:
1. ALL DRIVEWAYS ARE CURBED.
2. PARKING SPACES TO BE PAVED WITH ASPHALT.
3. ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.



PROJECT # A20132

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Lanham, MD 20706
Ph: 301.918.2662
Licenses: ARCH. 17163

Owner: **AutoZone Inc.**
123 S. Front Street, 3rd Floor
Memphis, Tennessee 38103
Tel: (901) 495-8709 Fax: (901) 495-8969

Prepared for: **AutoZone Store Development**
Store No.: 6473
10109 REISTERSTOWN ROAD
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT 4

PLAN TO ACCOMPANY ZONING VARIANCE

VERTICAL DATUM: NAVD 88
SCALE: 1" = 20'

REVISIONS

1.	
2.	
3.	
4.	
5.	
6.	
7.	

ENGINEER: JAB
DRAFTSMAN: RKR
CHECKED BY: DPM
DATE: 10-06-2015
PROTOTYPE SIZE: 7N2-LEFT

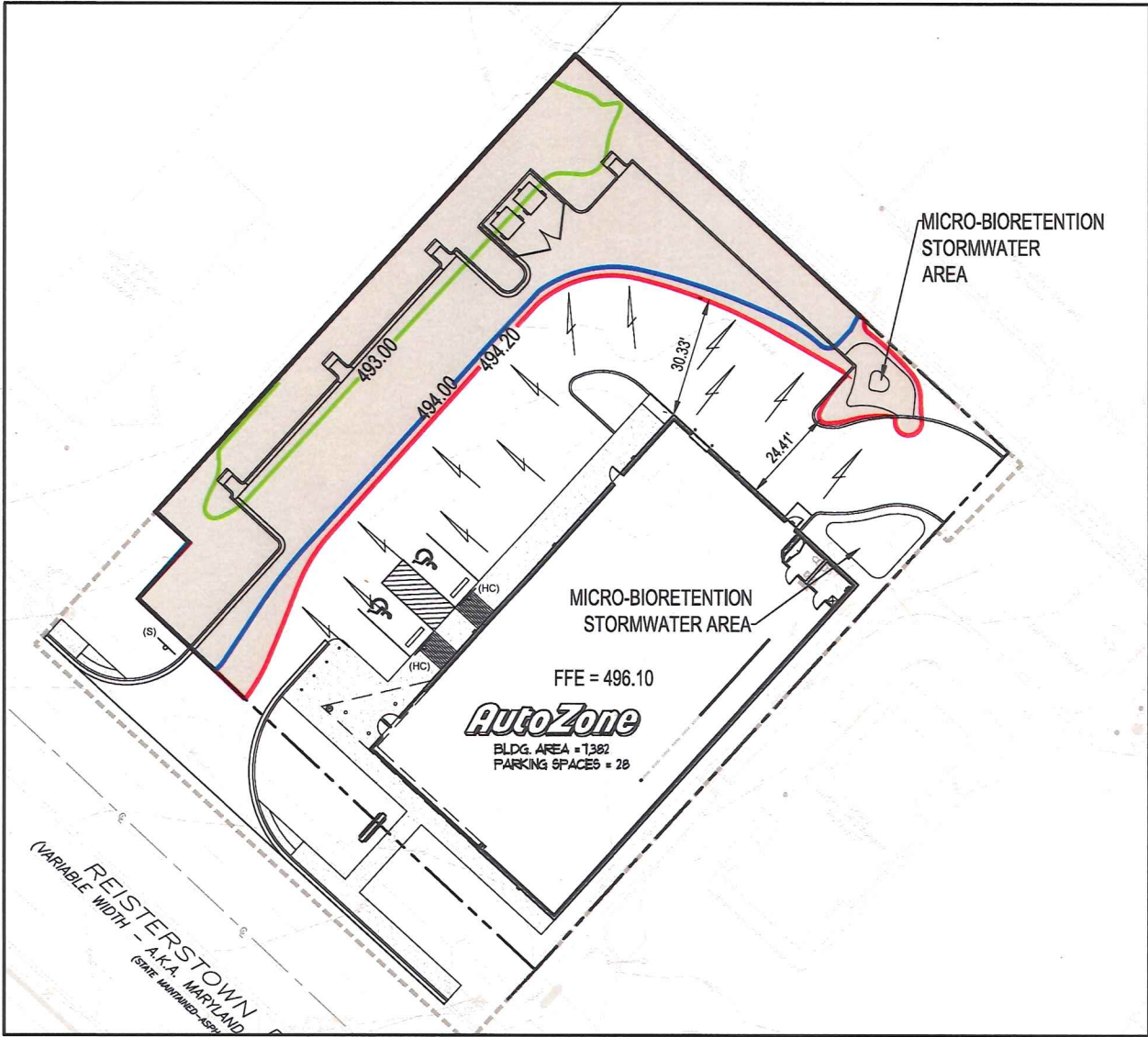
C1.0

PRE-DEVELOPMENT



Pre-Development			
Elevation (ft)	Area (sf)	Incremental Volume (cf)	Cumulative Volume (cf)
493.0	1,907		0
		4,571	
494.0	7,235		4,571
		1,640	
494.2	9,166		6,211

POST-DEVELOPMENT



Post-Development			
Elevation (ft)	Area (sf)	Inc. Vol. (cf)	Cum. Vol. (cf)
493.0	2,246		0
		4,823	
494.0	7,399		4,823
		1,593	
494.2	8,527		6,415

SCALE: 1"=20'

NOTES:

1. THERE WILL BE NO IMPACTS OR FLOODING TO DOWNSTREAM PROPERTIES AS A RESULT OF THE PROPOSED DEVELOPMENT.
2. BASED ON THE 1% ANNUAL FLOODING CHANCE, THE PONDING DEPTH IN THE PARKING LOT WILL BE LESS THAN 6-INCHES.
3. THE DUMPSTERS SHALL BE SECURED TO THE DUMPSTER PAD TO PREVENT THE DUMPSTERS FROM FLOATING AWAY IN THE EVENT OF FLOODING.

[Symbol] = FLOOD PLAIN LIMIT (INCLUDING 1-FT FREEBOARD)

Drawn by: JAB Date: 3/04/2016 Scale: AS NOTED
Checked by: JAB
Approved by: JAB
Job No. A20132 ©2016

No.	Date	Revision	By	No.	Date	Revision	By
1				1			
2				2			
3				3			

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Drawn by:	RKR
Checked by:	JAB
Approved by:	JAB
Job No.	A20132
Date:	3/04/2016
Scale:	AS NOTED
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AutoZone Store Development
Store No. : 6473
Owings Mills, MD

Plan Prepared By:
CPH, Inc.
4200 Forbes Blvd., Suite 212 Lanham, MD 20706
Ph: 301.918.2662
Licenses: ARCH. 17163

EXISTING & PROPOSED
FLOOD PLAIN EXHIBIT

Sheet No.
EXH



