

IN RE: PETITION FOR VARIANCE

(900 Eastern Blvd.)
15th Election District
7th Council District
Sweta Investment, LLC
Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0201-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by the owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) as follows: (1) to allow certain modifications to landscape manual standards; (2) to permit 2 stacking spaces behind menu board in lieu of the required 5 spaces; (3) to permit drive-thru lane to block entry to or exit from off-street parking spaces; (4) to allow for exclusion of a separate loading/unloading area; and (5) to permit two directional signs 11.08 ft. in height in lieu of the permitted 6 ft. height. A site plan was marked as Petitioner's Exhibit 1.

Professional engineer John C. Povalac, David Roberson and Naresh Patel appeared in support of the petition. Lawrence E. Schmidt, Esq. represented Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the requests.

The property is approximately 16,741 square feet and is zoned BL-AS. The site is located at the intersection of Marlyn Avenue and Eastern Boulevard in Essex. The property is improved

ORDER RECEIVED FOR FILING

Date 3/22/17

By Sen

with a commercial building which has been vacant for 4+ years. Petitioner proposes to raze that building and construct a new Dunkin Donuts franchise. Mr. Povalac testified (via proffer) the area is almost entirely commercial, and the site is situated along a busy thoroughfare with public transit access. He explained deliveries will be made when the Dunkin Donuts is closed, and that in his opinion a loading zone was not necessary.

Mr. Povalac also noted the Design Review Panel (DRP) reviewed and approved (with conditions; *See* Ex. 7) the site plan in this case, including a rendered plan showing proposed landscaping. Petitioner has also prepared a schematic landscape plan for the site (Ex. 4) which will soon be reviewed by the County's landscape architect.

Concerning the first variance request regarding modifications to certain landscape manual standards (and in response to DPR's ZAC comment concerning same), Mr. Povalac explained only three items will potentially require a modification: i.e., the setback for the dumpster (4 ft. in lieu of 10 ft.), the width of the landscape island at the drive thru (8 ft. in lieu of 9 ft.), and the width of the landscape strip along the east side of the site (4 ft. in lieu of 6 ft.), which adjoins a liquor store. In my opinion these are modest requests which should be granted.

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).

Petitioner has met this test. The property has irregular dimensions and is bordered on two sides by public roadways. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct and operate the new

ORDER RECEIVED FOR FILING

Date

3/22/17

By

Sen

business. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition. In addition, the site has been vacant for many years and is an eyesore, and the new business will greatly improve the appearance of the site and be a welcome addition to the community.

THEREFORE, IT IS ORDERED, this 22nd day of March, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance as follows: (1) to allow certain modifications (as enumerated hereinabove) to landscape manual standards; (2) to permit 2 stacking spaces behind menu board in lieu of the required 5 spaces; (3) to permit drive-thru lane to block entry to or exit from off-street parking spaces; (4) to allow for exclusion of a separate loading/unloading area; and (5) to permit two directional signs 11.08 ft. in height in lieu of the permitted 6 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must submit for approval by the DOP a plan and elevations demonstrating compliance with the conditions imposed by the Design Review Panel.
3. Prior to issuance of permits Petitioner must submit for review and approval a landscape and lighting plan for the site, excepting the modifications to landscape manual standards granted above.

ORDER RECEIVED FOR FILING

Date 3/22/17
By Den

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 3/22/17

By sen



KEVIN KAMENETZ
County Executive

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

March 22, 2017

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2017-0201-A
Property: 900 Eastern Blvd.

Dear Mr. Schmidt:

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", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



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 900 Eastern Boulevard

which is presently zoned BL AS

Deed References: 36318/00096

10 Digit Tax Account # 1506820383

Property Owner(s) Printed Name(s) Sweta Investment LLC

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

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

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

Please 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)

Please see attached.

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

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print
Signature
Date 3/22/17
Mailing Address City State
By
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Sweta Investment, LLC,
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 Signature #2
9032 Sunni Court Perry Hall MD
Mailing Address City State
21128 nareshp1993@gmail.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name- Type or Print
Signature
600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State
21204 (410) 821-0070 lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name - Type or Print NARESH PATEL
Signature
600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State
21204 (410) 821-0070 lschmidt@sgs-law.com
Zip Code Telephone # Email Address

CASE NUMBER

2017-0201-A

Filing Date

2, 1, 17

Do Not Schedule Dates:

Reviewer

AT

ATTACHMENT TO PETITION FOR VARIANCE

900 Eastern Boulevard
Essex, MD 21221
7th Councilmanic District
15th Election District

Variance Relief:

1. From BCZR § 409.8.A(1) to allow certain modifications to landscape manual standards, if determined to be necessary;
2. From BCZR § 409.10(A) to permit 2 stacking spaces behind menu board in lieu of the required 5 spaces;
3. From BCZR § 409.10(B) to permit drive-thru lane to block entry to or exit from off-street parking spaces;
4. From BCZR § 409.11 to allow for exclusion of a separate loading/unloading area;
5. From BCZR § 450.4 Attachment 1, 3(b)(VII) to permit two directional signs of 11.08 ft. in lieu of the permitted 6 ft., if necessary; and
6. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2017-0201-A

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING VARIANCES
900 EASTERN BOULEVARD
BALTIMORE COUNTY, MARYLAND
15TH ELECTION DISTRICT; 7TH COUNCILMANIC DISTRICT**

January 25, 2017

Beginning at the point located on the eastern side of N. Marlyn Avenue having the variable width of the right-of-way, said point being located northerly 198 feet, more or less, from the intersection of centerlines of N. Marlyn Avenue with Eastern Boulevard, thence running the following courses and distances:

1. North 77° 31' 01" East, 131.41 feet; thence,
2. South 12° 28' 59" East, 114.90 feet; thence,
3. Along the curve to left having a radius of 2,864.79 feet, 77.17 feet; thence,
4. North 27° 16' 28" East, 2.58 feet; thence,
5. Along the curve to left having a radius of 45.00 feet, 82.00 feet; thence,
7. North 12° 52' 13" West, 92.29 feet to the point of beginning.

Containing 16,741 square feet or 0.384 acres, more or less.

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


1/31/2017

2017-0201-A

Nº 148649

Date:

02/01/17

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DAY
2/03/2017	2/01/2017	11:17:32	1

REG NS01 WALKIN LJR
 >>RECEIPT # 705761 2/01/2017 OFLJ
 Dept 5 538 ZONING VERIFICATION
 CR NO. : 148649

Recpt Tot \$500.00
 \$500.00 OK \$.00 CA
 Baltimore County, Maryland

[illegible]

Total:

X 507

Rèc

From:

For:

900 EASTERN BLVD

2017-0201-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**



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 4799587

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

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

Feb 28, 2017

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: # 2017-0201-A

900 Eastern Boulevard
N/s Eastern Blvd., NE corner of Eastern Blvd. and Marlyn Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) Sweta Investment, LLC

Variance: to allow certain modifications to landscape manual standards, if determined to be necessary. To permit 2 stacking spaces behind menu board in lieu of the required 5 spaces. To permit drive-thru lane to block entry to or exit from off-street parking spaces. To allow for exclusion of a separate loading/unloading area. To permit two directional signs of 11.08 ft. in lieu of the permitted 6 ft., if necessary; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, March 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

JT 2/784 Feb. 28

4799587

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/1/2017

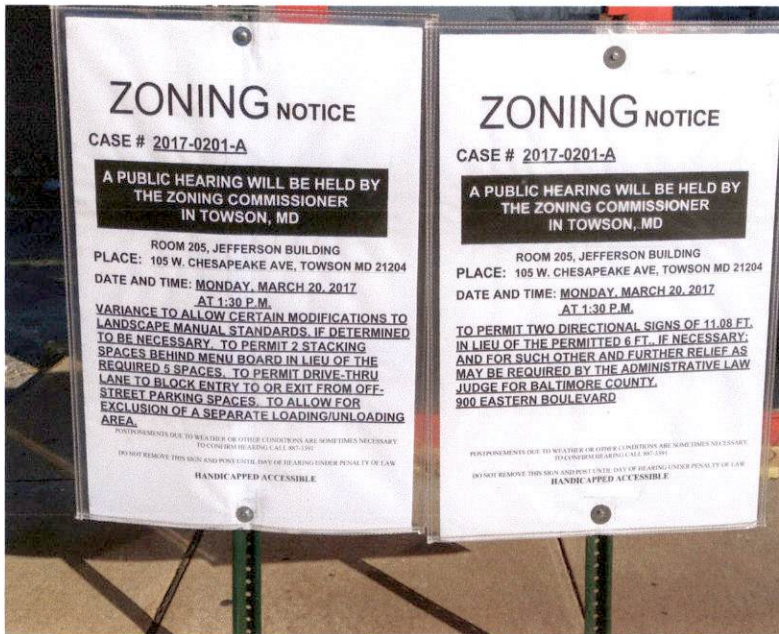
Case Number: 2017-0201-A

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~
SWETA INVESTMENT, LLC

Date of Hearing (Closing): MARCH 20, 2017

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

The sign(s) were posted on: FEBRUARY 28, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 28, 2017 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

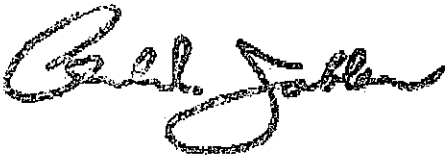
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CASE NUMBER: 2017-0201-A

900 Eastern Boulevard
N/s Eastern Blvd., NE corner of Eastern Blvd. and Marlyn Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Sweta Investment, LLC

Variance to allow certain modifications to landscape manual standards, if determined to be necessary. To permit 2 stacking spaces behind menu board in lieu of the required 5 spaces. To permit drive-thru lane to block entry to or exit from off-street parking spaces. To allow for exclusion of a separate loading/unloading area. To permit two directional signs of 11.08 ft. in lieu of the permitted 6 ft., if necessary; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, March 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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



KEVIN KAMENETZ
County Executive

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

February 21, 2017

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: 2017-0201-A

900 Eastern Boulevard

N/s Eastern Blvd., NE corner of Eastern Blvd. and Marlyn Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Sweta Investment, LLC

Variance to allow certain modifications to landscape manual standards, if determined to be necessary. To permit 2 stacking spaces behind menu board in lieu of the required 5 spaces. To permit drive-thru lane to block entry to or exit from off-street parking spaces. To allow for exclusion of a separate loading/unloading area. To permit two directional signs of 11.08 ft. in lieu of the permitted 6 ft., if necessary; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, March 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Sweta Investment, LLC, 9032 Sunni Court, Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 28, 2017.**
- (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.**

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2017-0201-A

Property Address: 900 Eastern Boulevard

Property Description: _____

Legal Owners (Petitioners): Sweta Investments, LLC

Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 5/20/2014



KEVIN KAMENETZ
County Executive

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

March 16, 2017

Sweta Investment LLC
9032 Sunni Court
Perry Hall MD 21128

RE: Case Number: 2017-0201 A, Address: 900 Eastern Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 1, 2017. 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
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



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

Date: 2/6/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 2/6/17. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0701-A

*Variance
Sweet Investment LLC
900 Eastern Avenue
MD150*

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) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

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

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

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



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

Date: 2/6/17

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

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*Variance
Sweta Investment LLC
900 Eastern Avenue
MD150*

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) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Wolcott".

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-201



INFORMATION:

Property Address: 900 Eastern Boulevard
Petitioner: Sweta Investment, LLC
Zoning: BL, AS
Requested Action: Variance

The Department of Planning has reviewed the petition for variances as listed on the attachment accompanying the petition.

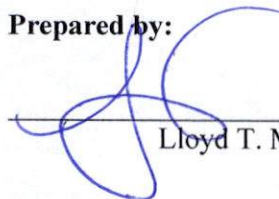
The site is located in both the Essex Commercial Revitalization District and the Essex Design Review Area (DRP).

The subject property gained DRP approval on January 11, 2017 with conditions.

The Department of Planning has no objection granting the requested zoning relief provided the petitioner successfully satisfies the conditions set forth by the DRP in its approval. The Department further requests that as a condition of approval, a plan and elevations showing the way in which the DRP conditions have been met must be submitted to the Department to the attention of the contact person listed below prior to the issuance of any building permits for this address.

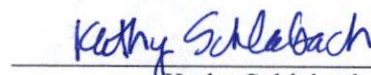
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 13, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For February 13, 2017
Item No. 2017-0201

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

No identified or requested modifications to the Landscape Manual was listed. If other Zoning Relief is granted Lighting and Landscape Plans are required per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0201-02132017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: February 8, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0201-A
Address 900 Eastern Boulevard
(Sweta Investment, LLC Property)

Zoning Advisory Committee Meeting of **February 13, 2017**

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

Reviewer: Steve Ford

Date: 2-8-2017

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
900 Eastern Blvd; N/S Eastern Blvd, NE corner *
Eastern Blvd & Marlyn Avenue * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Sweta Investment LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2017-201-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.

FEB 06 2017

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 6th day of February, 2017, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: April 25, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0201-A – Appeal Period Expired

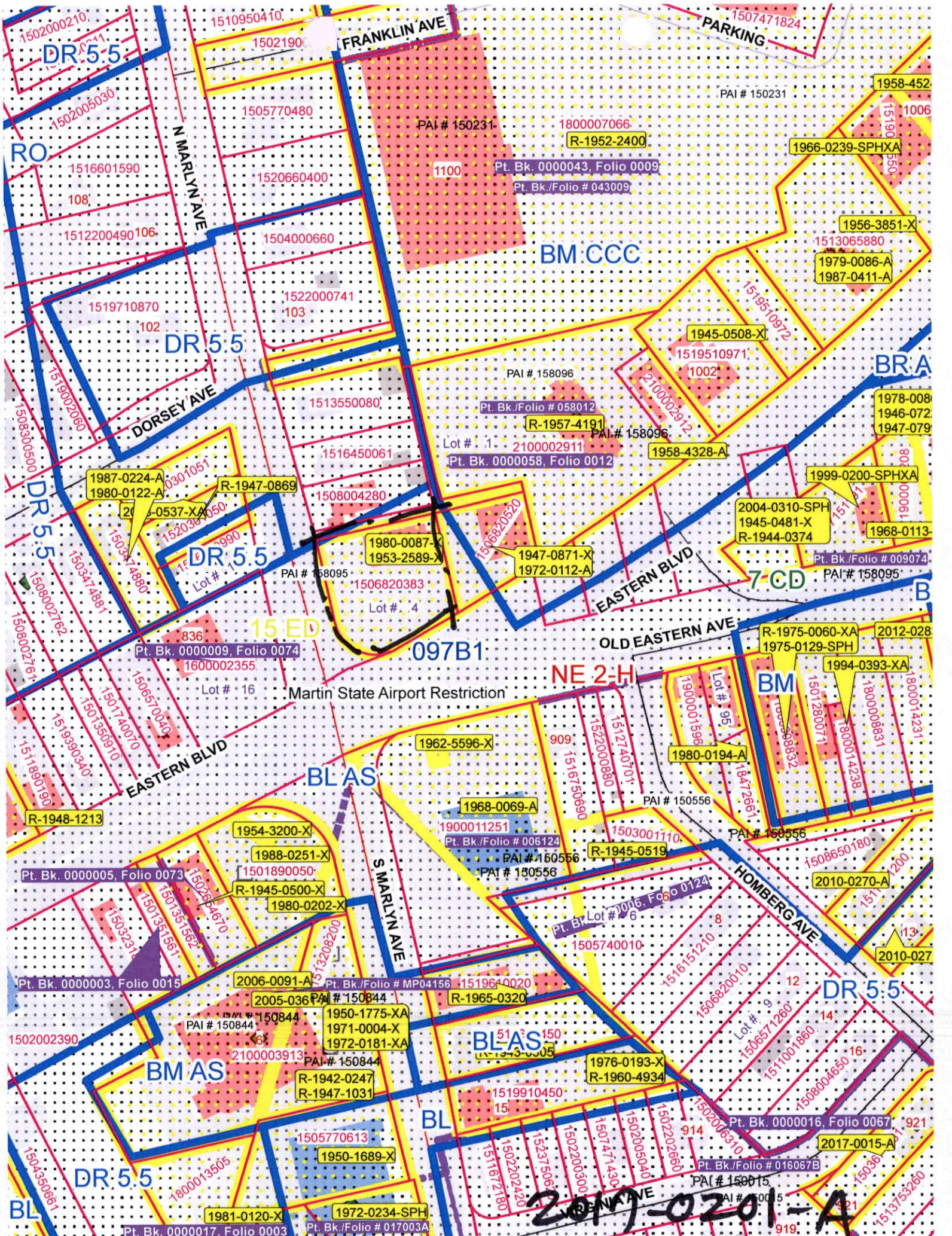
The appeal period for the above-referenced case expired on April 21, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1506820383							
Owner Information										
Owner Name:		SWETA INVESTMENTS LLC				Use:		COMMERCIAL		
Mailing Address:		9032 SUNNI SHADE CT PERRY HALL MD 21128-				Principal Residence:		NO		
						Deed Reference:		/38536/ 00424		
Location & Structure Information										
Premises Address:		900 EASTERN BLVD BALTIMORE 21221-				Legal Description:		PT LT 4-5 NE COR MARLYN AV ESSEX		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0097	0003	0812		0000	C	D	4	2015	Plat Ref:	0009/0074
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use	
		1914					18,997 SF		20	
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation		
		SERVICE GARAGE								
Value Information										
			Base Value		Value		Phase-In Assessments			
					As of		As of		As of	
					01/01/2015		07/01/2016		07/01/2017	
Land:			233,900		233,900					
Improvements			109,400		109,700					
Total:			343,300		343,600		343,500		343,600	
Preferential Land:			0						0	
Transfer Information										
Seller: 900 EASTERN BOULEVARD LLC					Date: 01/20/2017			Price: \$885,000		
Type: ARMS LENGTH IMPROVED					Deed1: /38536/ 00424			Deed2:		
Seller: PALMER GORDON F					Date: 01/20/2017			Price: \$403,769		
Type: ARMS LENGTH IMPROVED					Deed1: /38536/ 00421			Deed2:		
Seller: MEINEKE REALTY C ORP					Date: 08/06/1985			Price: \$182,000		
Type: ARMS LENGTH IMPROVED					Deed1: /06970/ 00315			Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class			07/01/2016			07/01/2017		
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										



2017-0201-A



A-1020-7102

CASE NAME Drunkin Bwts
CASE NUMBER 207-201-A
DATE 3/20/17

[illegible]

Case No.: 2017-0201-A

Exhibit Sheet

Petitioner/Developer

Protestant

sln

3-22-17

No. 1	IA IB > 2 sheet Plan	
No. 2	Aerial photo w/ photo montage	
No. 3	3A > rendered two 3B > sheet site plan	
No. 4	Schematic Landscape plan	
No. 5	DOP ZAC comment	
No. 6	DRC Approval	
No. 7	DRP Minutes	
No. 8	8A - 8J Photos of site	
No. 9	Email re: DRP conditions being met	
No. 10		
No. 11		
No. 12		

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*Ref
005*

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 2/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-201

INFORMATION:

Property Address: 900 Eastern Boulevard
Petitioner: Sweta Investment, LLC
Zoning: BL, AS
Requested Action: Variance

The Department of Planning has reviewed the petition for variances as listed on the attachment accompanying the petition.

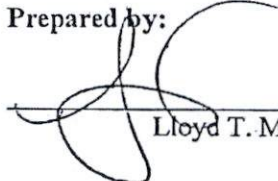
The site is located in both the Essex Commercial Revitalization District and the Essex Design Review Area (DRP).

The subject property gained DRP approval on January 11, 2017 with conditions.

The Department of Planning has no objection granting the requested zoning relief provided the petitioner successfully satisfies the conditions set forth by the DRP in its approval. The Department further requests that as a condition of approval, a plan and elevations showing the way in which the DRP conditions have been met must be submitted to the Department to the attention of the contact person listed below prior to the issuance of any building permits for this address.

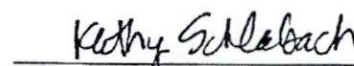
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

Baltimore County Government
Department of Permits Approvals and Inspections
Development Management



Ref No 6

111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

December 16, 2016

Baltimore Land Design Group, Inc.
John C. Povalac, P.E.
230 Schilling Circle Suite 364
Hunt Valley, MD 21031

RE: Dunkin Donuts
900 Eastern Boulevard
Tracking Number: DRC-2016-00156
DRC Number: 121316B; Dist. 15C7

Dear Mr. Povalac:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits Approvals and Inspections (PAI).

The DRC has, in fact, met in an open meeting on December 13, 2016, and made the following recommendations:

The DRC has determined that your project meets the requirements of a **limited exemption under Section 32-4-106(b)(8)**.

Baltimore Land Design Group, Inc.
Dunkin Donuts
December 16, 2016
Page 2

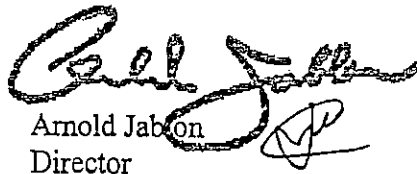
In order to further process your development plan, submit two check prints, of the plan, prepared in accordance with Sections 32-4-221 through 32-4-224 of the Baltimore County Code, one completed, signed and sealed copy of the Development Plan Checklist, and a copy of this letter to this office.

Be advised that in addition to development plan review fees, Phase 2 review fees will apply, depending on the amount of site disturbance, and/or the requirement of a Public Works Agreement.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 16th day of December 2016, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,


Arnold Jablon
Director

AJ: JMC: dak

C: Patrick B. Williams
File

Greater Potomac Associates, LTD; David Roberson; 15916 Luanne Drive;
Gathersburg, MD 20877

No 7 Ret

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: January 26, 2017

FROM: Andrea Van Arsdale, Director
Department of Planning

SUBJECT: Design Review Panel – Individual Minutes

PROJECT NAME: 900 Eastern Boulevard

PROJECT: DRP # 582

PROJECT TYPE: Commercial – Essex Review Area

MEETING DATE: January 11, 2017

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

David Martin, Mitch Kellman, Ed Hord, Cecily Bedwell, Matt D'Amico, Melanie Moser, Nikki Brooks

PROJECT DESCRIPTION:

The proposed project is to construct a 1,788 sf. freestanding Dunkin Donuts carry-out with a drive-thru at 900 Eastern Boulevard. The project consists of razing a vacant building that was used for an auto repair business. The 0.38 acre property is located at the northeast corner of Eastern Boulevard and N. Marlyn Avenue. The site is zoned BL-AS and is within the northern portion of both the Essex Commercial Revitalization District and Essex Commercial Design Review Area.

Representative John Pollack gave a presentation where he stated 20 to 25 percent of green space will be provided for screening to mitigate visual impacts. A pedestrian crosswalk is proposed from the corner of N. Marlyn Ave. to the front entrance. Mr. Pollack indicated the architectural design being proposed is franchise typical Dunkin Donuts design and colors. Lighting and signage are proposed with lights reducing spillage onto other properties and signs include an 18 foot tall pylon sign and four directional signs throughout the site.

John Pollack indicated that they were seeking variance relief as follows:

1. 409.8.A(1) to allow certain modifications to Landscape Manual Standards, if determined to be necessary.
2. 409.10(A) to permit 2 stacking spaces behind menu board in lieu of the required 5 spaces.
3. 409.10(B) to permit drive-thru lane to block entry to or exit from off-street parking spaces.

Subject: Minutes (Design Review Panel)

Project name: 900 Eastern Boulevard

Project #: DRP 582

4. 409.11 to allow for exclusion of a separate loading/unloading area.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin opened up the floor to the panel members for discussion.

Ms. Cecily Bedwell indicated that the Essex design guidelines limited the use of back lit awnings and would like to see halo-lit signage instead. Ms. Moser also expressed that she would like to see brick material used on the building as indicated in the regulations.

Mr. Matt D'Amico pointed out that the Essex design guidelines for commercial corridors indicates that the building should be positioned along the street edge with a 25 foot setback. He also stated that the architectural design should be rethought and upgraded. He would also like to see more screening along rear closest to the residence to the north.

Ms. Melanie Moser was concerned with the pedestrian connection to the front door because it is not be accessible from Eastern Boulevard where the bus stop is located. She expressed this location could attract more potential customers. She was also concerned with the stacking spaces and questioned the amount of noise produced by the menu board.

DISPOSITION:

Mr. D'Amico made a motion to approve the plan with the following additional conditions:

1. The proposed architectural materials should be more contextual giving more visual relief to the facades.
2. Use light fixtures within the scoring panels of the facade.
3. Explore more options for the towers.
4. Carry details around all facades.
5. Use halo-lit signage.
6. The street trees should be continuous with regular spacing.
7. Provide a pedestrian connection to Eastern Boulevard.
8. The dumpster materials are to match building materials.
9. Evergreen screening should be shown along the northern edge of the site.
10. Explore a true masonry material for the base of the building, preferably brick.

The motion was seconded by Ms. Bedwell and approved by acclamation at 7:45 p.m.

JGN:File

c: DRP members in attendance
John Povolak, BLDG

Pet 8A





Ref 8/13

let 8c



Let 88



Ref
SE


**E-Z WAY CAR SALES
& CASH CAR RENTALS**
410-391-3322
WWW.E-ZWAYCARS.COM



**ESSEX
LIQUORS**



let 85



86
186





8/4

Det
8I

E-Z WAY CAR SALES
& CASH CAR RENTALS
410-391-3322
WWW.E-ZWAYCARS.COM

ESSEX LIQUORS

ESS
LIQU

TO-HOUSE



10/8/21

John Povalac

From: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>
Sent: Friday, March 17, 2017 4:17 PM
To: John Povalac
Subject: RE: Meeting minutes for Dunkin Donuts 900 Eastern Blvd.

Ref
Ex No
9

Hi John
Got your package and have confirmed with our chair that the conditions have been met.
Question, have you had your Zoning hearing yet?

Jenifer German Nugent
Planner III
Development Review Division
Baltimore County Department of Planning
105 West Chesapeake Avenue, Suite 101
Towson, MD 21204
(410) 887-3480
(410) 887-7499 direct

From: John Povalac [<mailto:JPoalac@bldginc.com>]
Sent: Monday, March 13, 2017 4:27 PM
To: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>
Cc: David Martin <dmartin@martinandphillips.com>
Subject: RE: Meeting minutes for Dunkin Donuts 900 Eastern Blvd.

Jenifer,

Absolutely. Here is the full set of the letters and plans that we submitted today.

Contact us if you have any questions or require additional information.

Sincerely,

John C. Povalac, P.E.

BLDG
BALTIMORE LAND DESIGN GROUP, INC.
230 Schilling Circle, Suite 364
Hunt Valley, Maryland 21030
Phone: 410-229-9851 x 108
Cell: 410-299-3088

From: Jenifer G. Nugent [<mailto:jnugent@baltimorecountymd.gov>]
Sent: Monday, March 13, 2017 4:11 PM
To: John Povalac
Cc: David Martin
Subject: RE: Meeting minutes for Dunkin Donuts 900 Eastern Blvd.

John
Are you able to send the plans and elevations electronically?
That would shorten the review and turn around time on our end

Jenifer German Nugent
Planner III
Development Review Division
Baltimore County Department of Planning
105 West Chesapeake Avenue, Suite 101
Towson, MD 21204
(410) 887-3480
(410) 887-7499 direct

From: John Povalac [<mailto:JPoalac@bldginc.com>]
Sent: Monday, March 13, 2017 2:57 PM
To: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>
Subject: FW: Meeting minutes for Dunkin Donuts 900 Eastern Blvd.

Jenifer,

We wanted to touch base to inform you the we submitted two (2) sets of the updated site plan, schematic landscape plan, and building elevations based on DRP meeting and their recommendations. Also included in these packages is our point-by-point response for you and David Martin's review.

Contact us if you have any questions or require additional information.

Sincerely,

John C. Povalac, P.E.

BLDG
BALTIMORE LAND DESIGN GROUP, INC.
230 Schilling Circle, Suite 364
Hunt Valley, Maryland 21030
Phone: 410-229-9851 x 108
Cell: 410-299-3088

From: Brett Williams [<mailto:bmwilliams@baltimorecountymd.gov>]
Sent: Friday, January 27, 2017 1:13 PM
To: John Povalac
Cc: Jenifer G. Nugent; Jessie Bialek; Jeff Mayhew; Kathy Schlabach; Andrea Van Arsdale
Subject: Meeting minutes for 900 Eastern Blvd.

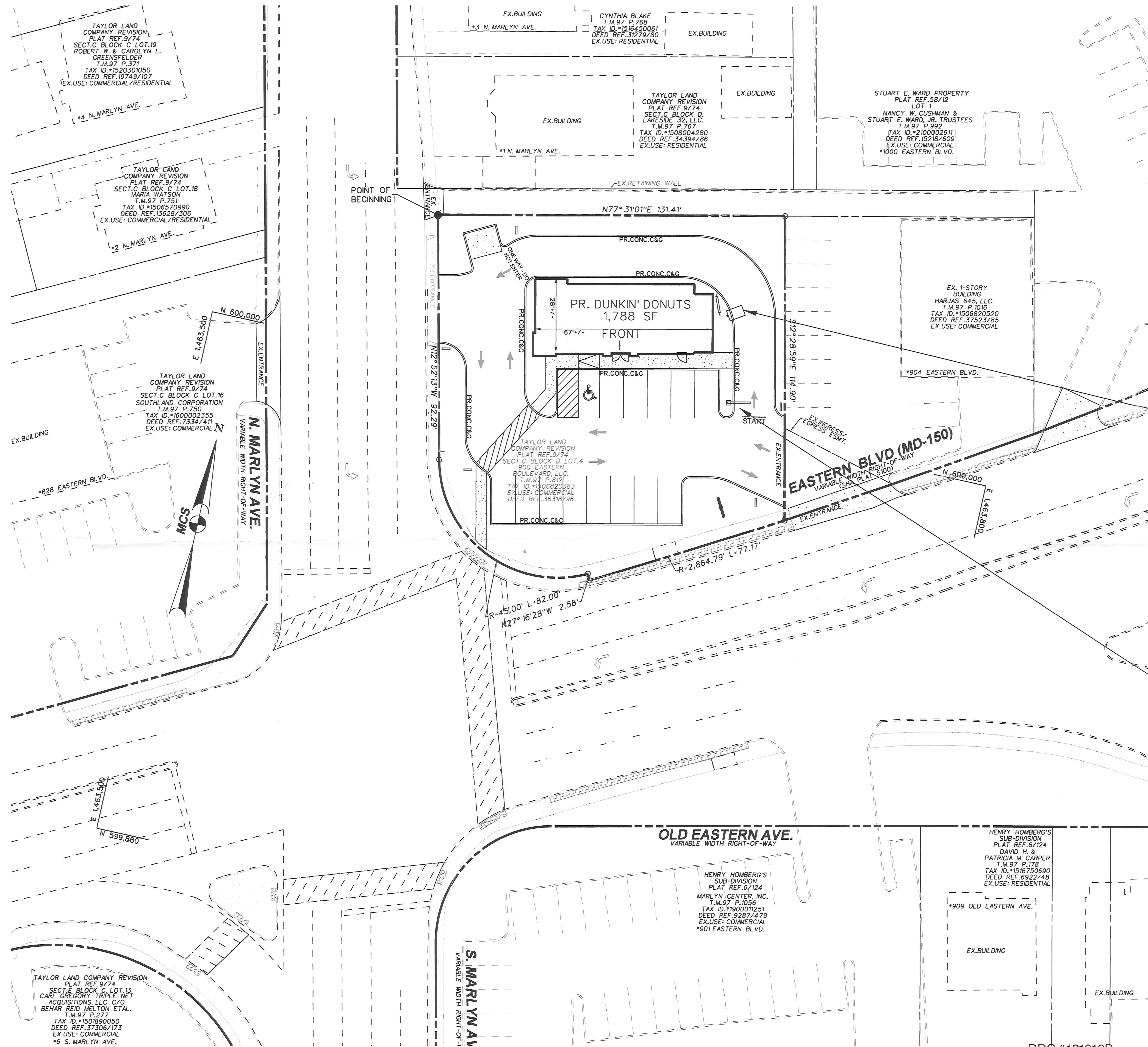
Please see attached individual meeting minutes for 900 Eastern Blvd- Dunkin Donuts.

Brett M. Williams
Planner I
Department of Planning
Development Review
105 W. Chesapeake Ave, Ste 101
Towson Maryland 21204
410-887-3482
bmwilliams@baltimorecountymd.gov



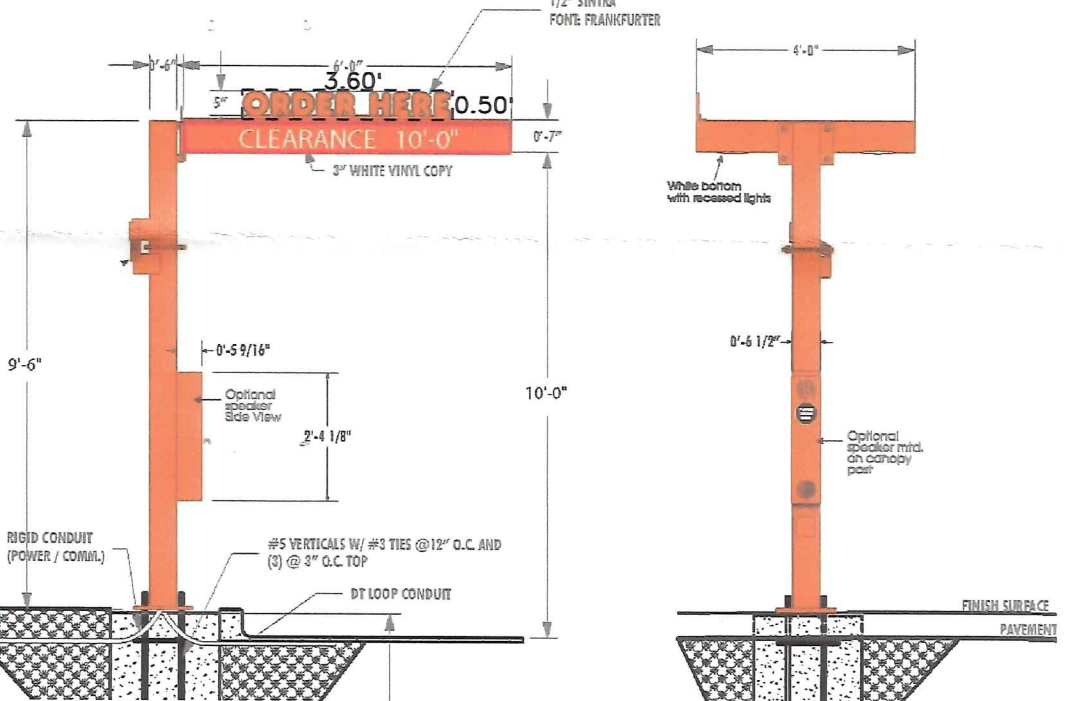
CONNECT WITH BALTIMORE COUNTY



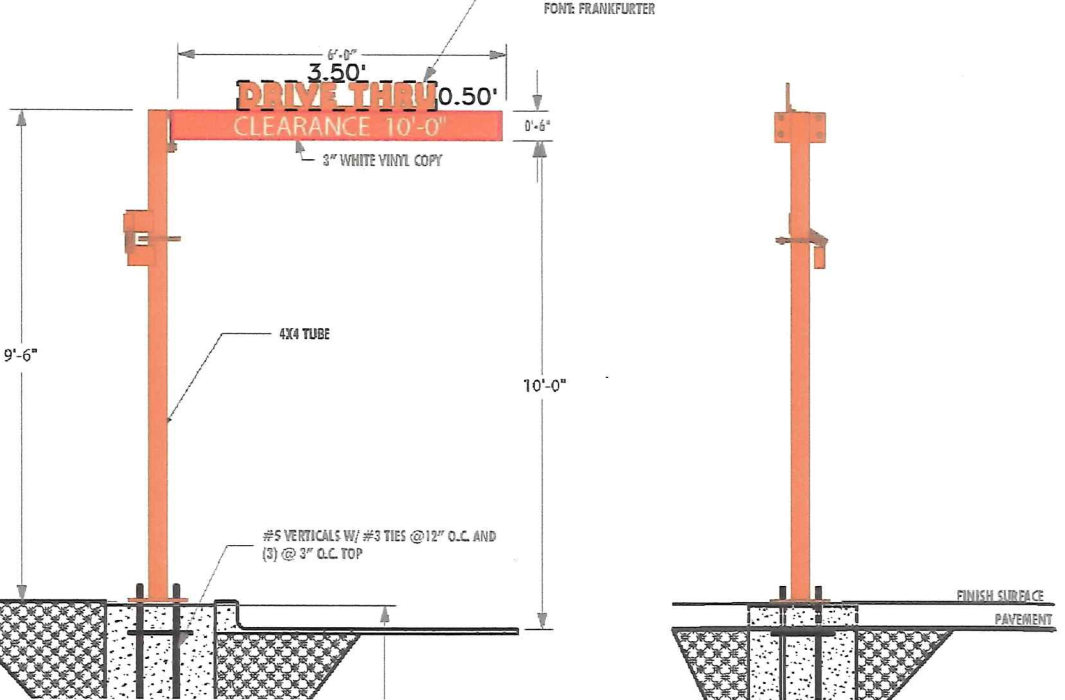


1. DIRECTIONAL FREESTANDING SIGNS
1. MAX. AREA / FACE ALLOWED: 8 SF / SIGN
 2. AREA / FACE PROPOSED:
SIGN #1 - 1.80 SF < 8 SF ALLOWED
SIGN #2 - 1.75 SF < 8 SF ALLOWED
 3. STRUCTURAL TYPE ALLOWED: FREESTANDING
STRUCTURAL TYPE PROPOSED: FREESTANDING (SIGNS #1 & #2)
 4. MAX. HEIGHT ALLOWED: 6 FT
MAX. HEIGHT PROPOSED:
SIGN #1 - 9.50 FT > 6 FT
SIGN #2 - 9.50 FT > 6 FT

1	DRIVE-THRU CANOPY
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	0.50' x 3.60' = 1.80 SF
QUANTITY:	1
HEIGHT:	11.08 FT.
ILLUMINATION:	NO



2	DRIVE-THRU HEIGHT CLEARANCE BAR
CLASS:	DIRECTIONAL
STRUCTURAL TYPE:	FREESTANDING
FACE AREA:	3.50' x 0.50' = 1.75 SF
QUANTITY:	1
HEIGHT:	11.08 FT.
ILLUMINATION:	NO



PETITIONER'S
EXHIBIT NO. 1B

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

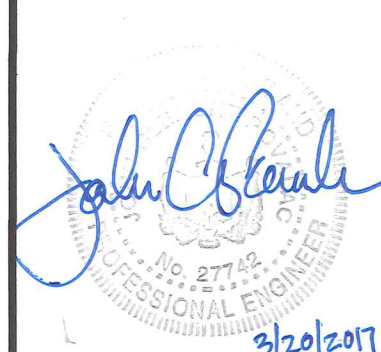
DRC#121316B

BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

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



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, JOHN C. BLUM, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 27742, EXPIRATION DATE: JULY 16, 2018.

OWNER
SWETA
INVESTMENT, LLC
9032 SUNNI COURT
PERRY HALL, MD 21128
PHONE (443) 527-1680

DEVELOPER / APPLICANT
SWETA
INVESTMENT, LLC
9032 SUNNI COURT
PERRY HALL, MD 21128
PHONE (443) 527-1680

REVISIONS			
DATE	NO.	DESCRIPTION	BY

**PLAN TO ACCOMPANY ZONING PETITION
FOR ZONING VARIANCES**

DUNKIN' DONUTS

900 EASTERN BOULEVARD
ESSEX, MARYLAND 21221

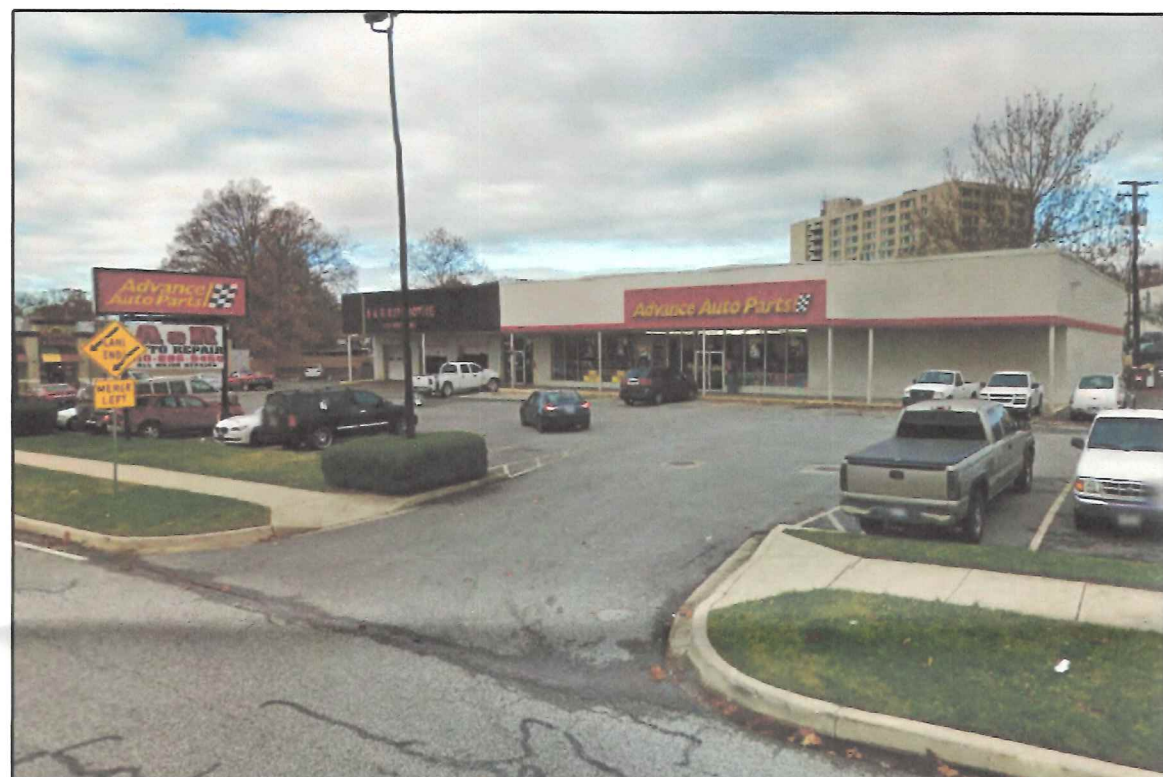
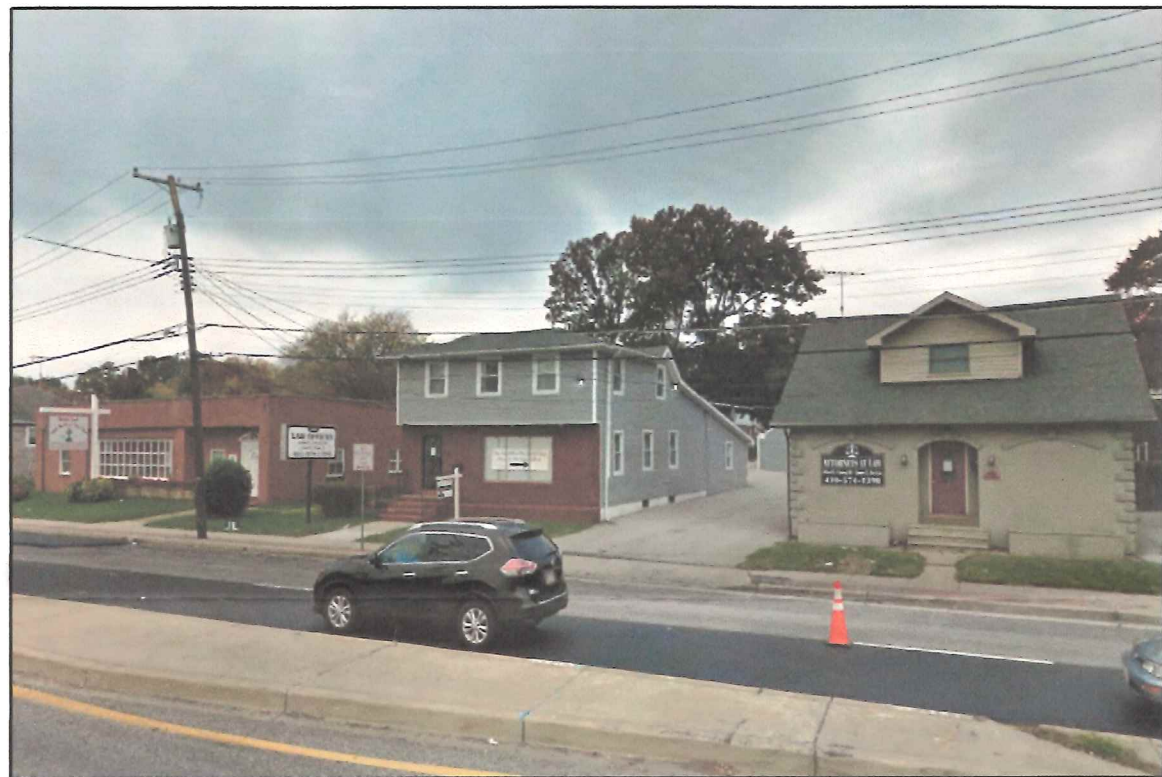
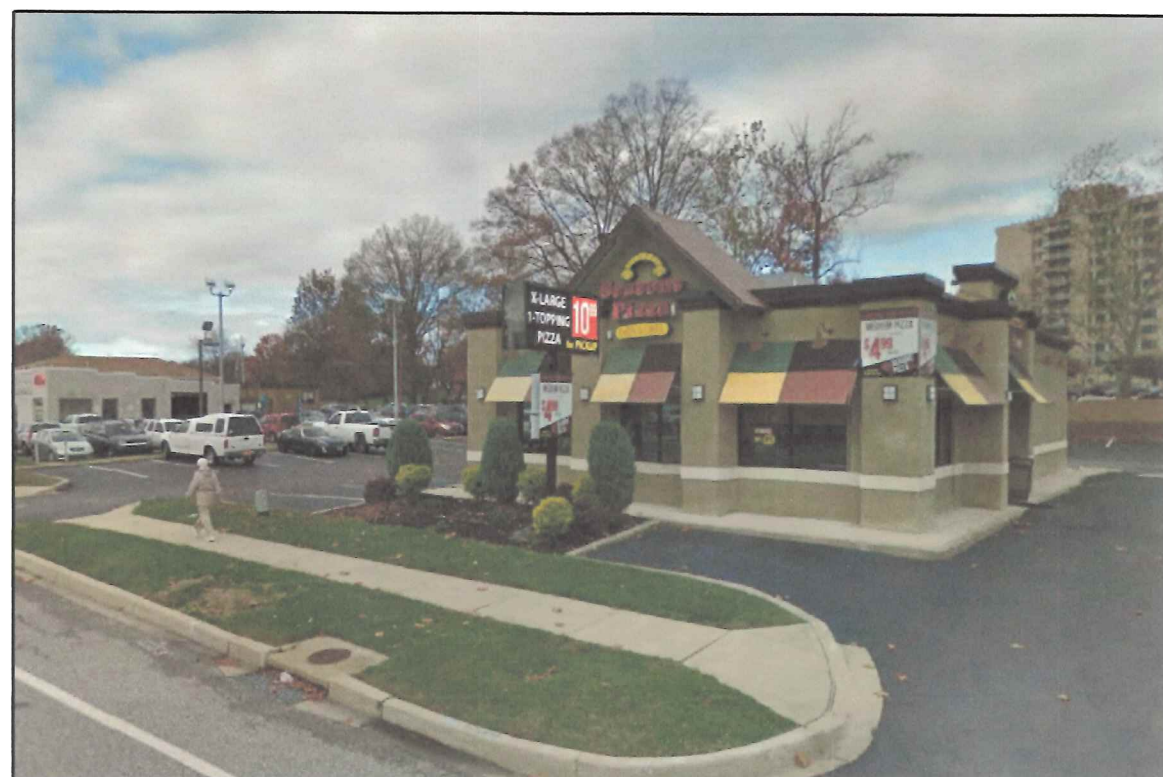
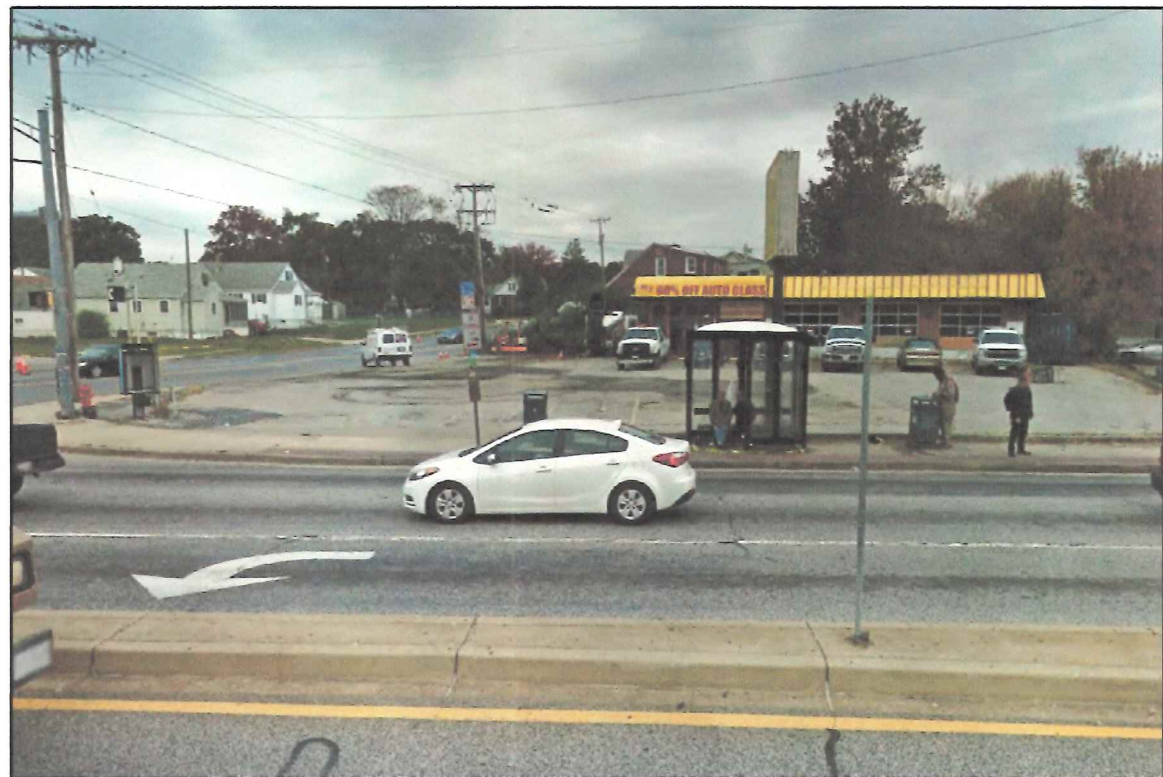
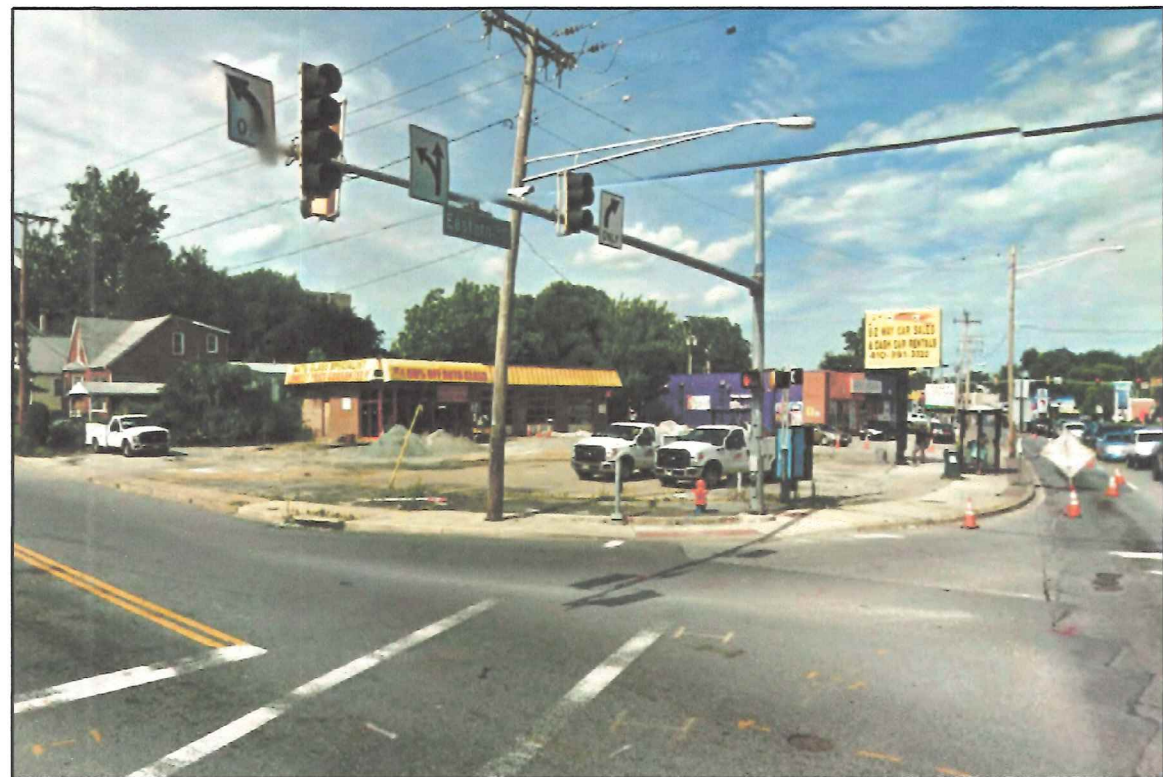
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT: 15, C7
DATE: JANUARY, 2017

DRAWING NO.

V-2

SHEET 2 OF 2



BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

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

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, JOHN C. POVALAG, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 27742, EXPIRATION DATE: JULY 18, 2016.

OWNER

900 EASTERN BOULEVARD, LLC
7100 SECURITY BLVD
BALTIMORE MD 21244

DEVELOPER / APPLICANT

SWETA INVESTMENT, LLC
9032 SUNNI COURT
PERRY HALL, MD 21128
PHONE (443) 527-1680

REVISIONS			
DATE	NO.	DESCRIPTION	BY

PETITIONER'S
EXHIBIT NO. 2

STORM WATER MANAGEMENT PLAN

PLAN AND PROFILES

DUNKIN' DONUTS

900 EASTERN BOULEVARD
ESSEX, MARYLAND 21221

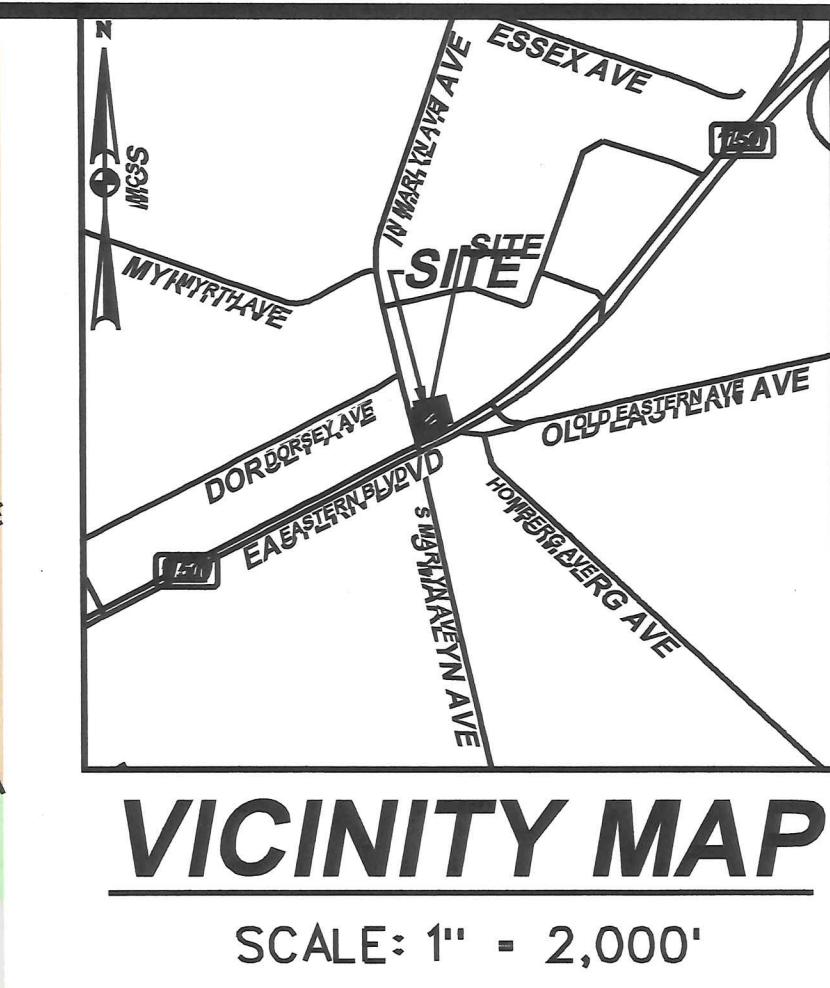
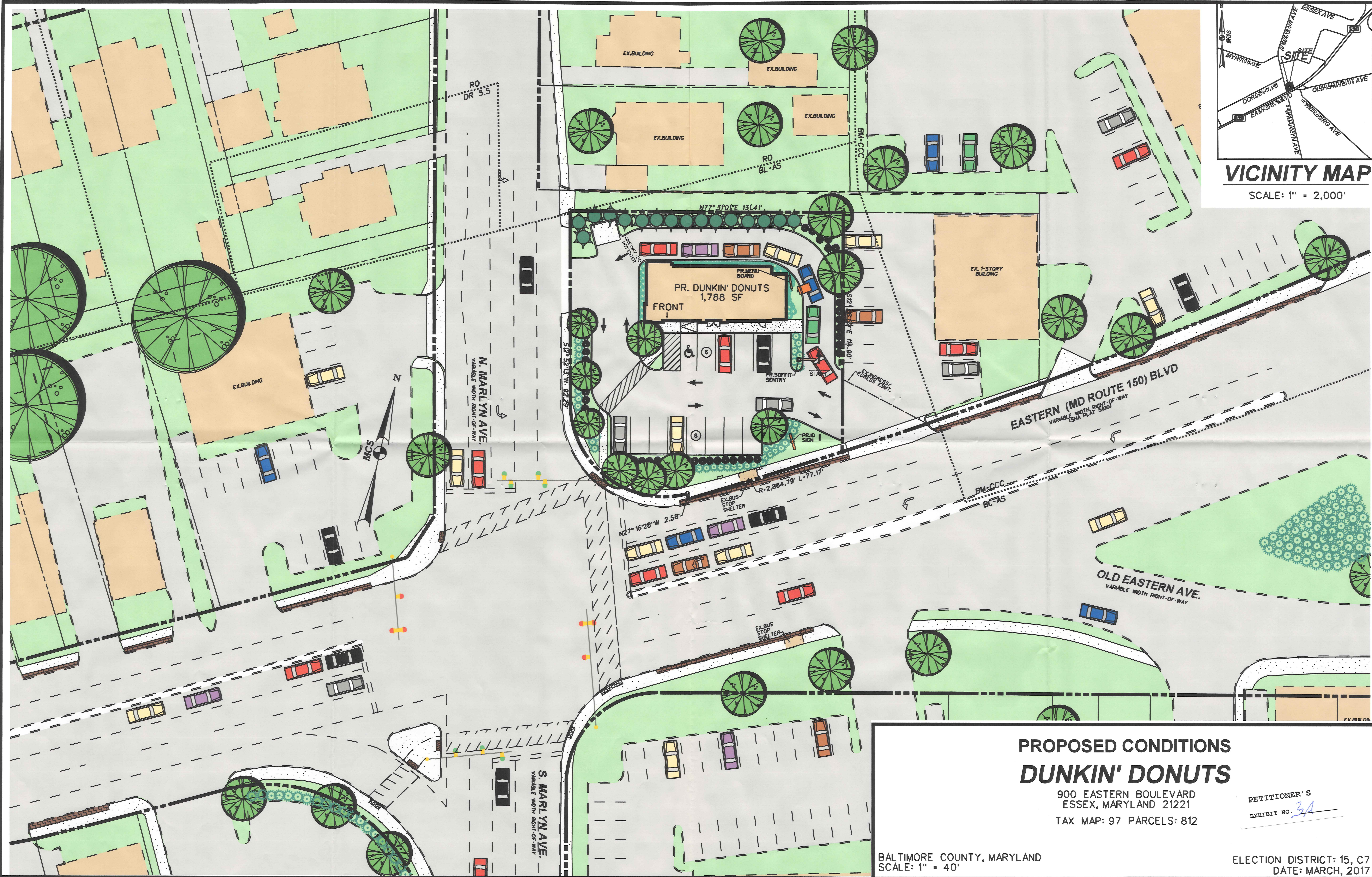
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 200'

ELECTION DISTRICT: 15, C7
DATE: DECEMBER, 2016

DRAWING NO.

DRP-4

SHEET 4 OF 4

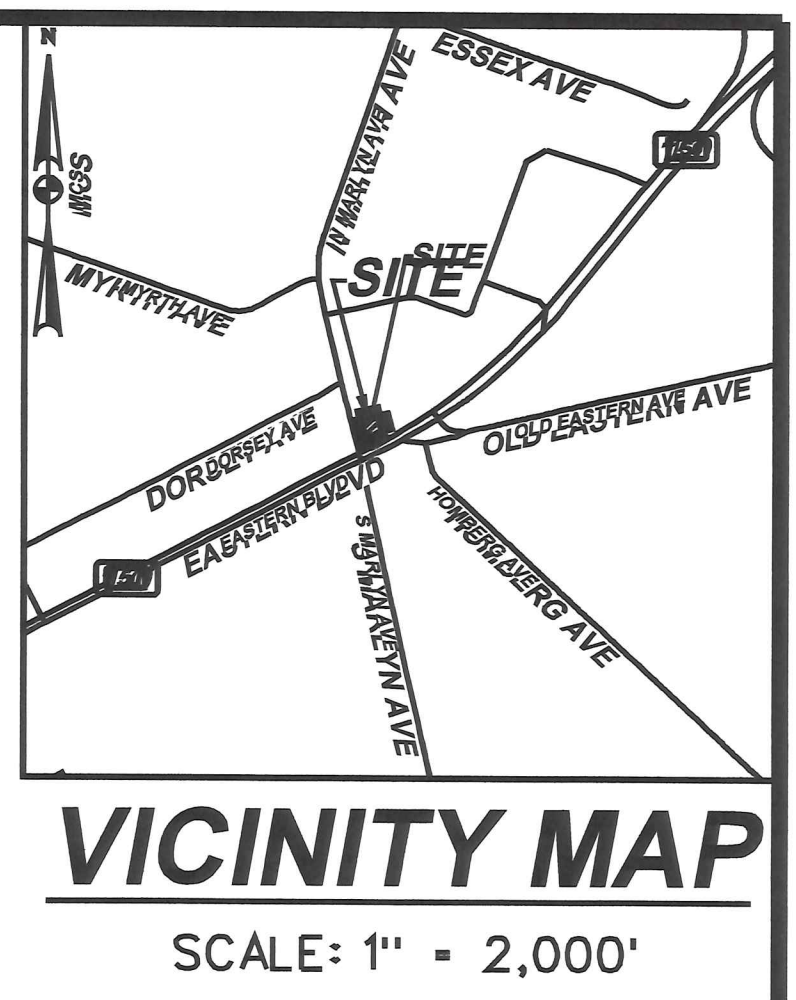
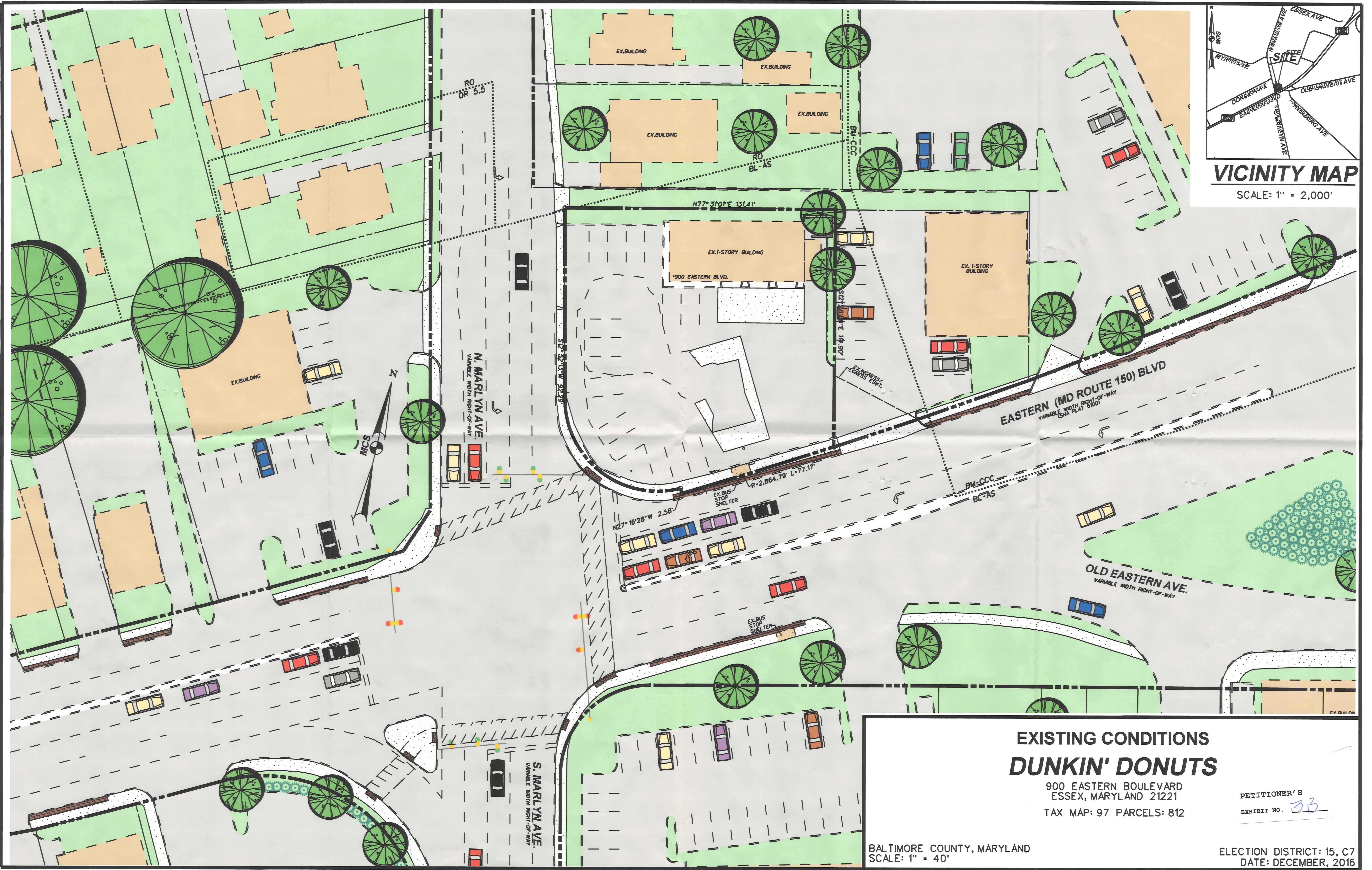


PROPOSED CONDITIONS
DUNKIN' DONUTS
 900 EASTERN BOULEVARD
 ESSEX, MARYLAND 21221
 TAX MAP: 97 PARCELS: 812

PETITIONER'S
 EXHIBIT NO. 3A

BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 40'

ELECTION DISTRICT: 15, C7
 DATE: MARCH, 2017



EXISTING CONDITIONS

DUNKIN' DONUTS

900 EASTERN BOULEVARD
ESSEX, MARYLAND 21221

TAX MAP: 97 PARCELS: 812

PETITIONER'S

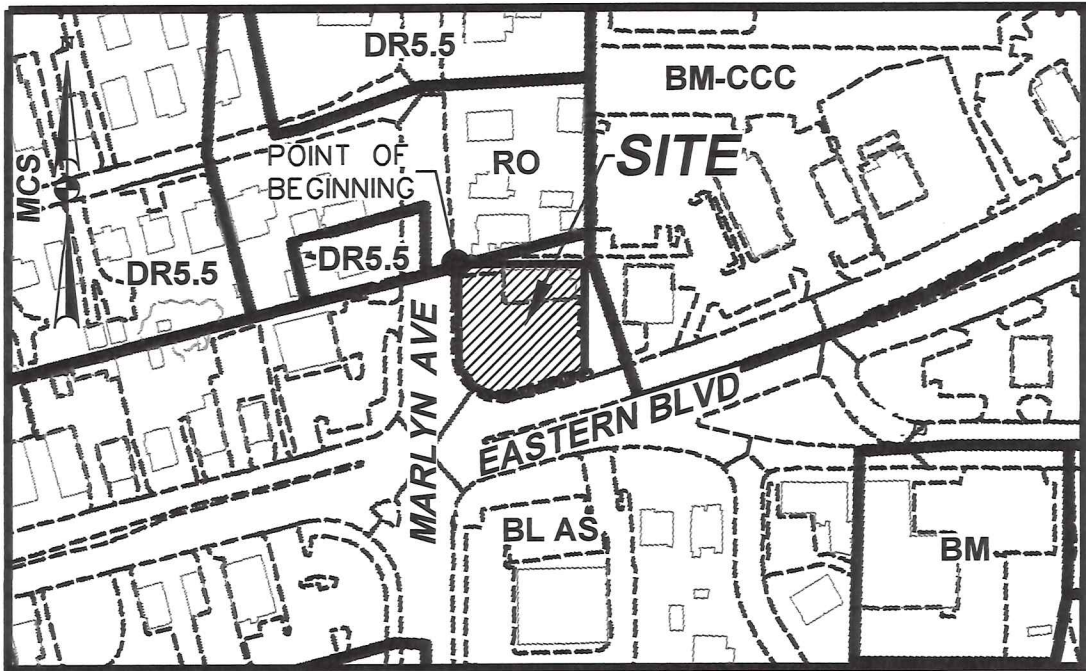
EXHIBIT NO. 33

BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 40'

ELECTION DISTRICT: 15, C7

DATE: DECEMBER, 2016



ZONING MAP

SCALE: 1" = 200'
(MAP: 97 81)

LEGEND

RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
EX. EASEMENT	---
ZONING LINE	---
EX. CONCRETE CURB AND GUTTER	---
EX. EDGE OF PAVING	---
EX. CONCRETE	---
TO BE REMOVED DESIGNATION	(TBR)
EX. STORM DRAIN, MANHOLE & INLET	---
EX. SANITARY SEWER, MANHOLE & CLEANOUT	---
EX. WATER MAIN, VALVE & FIRE HYDRANT	---
EX. ELECTRIC LINE	---
EX. GAS LINE	---
EX. TELEPHONE LINE, POLE & BOX	---
EX. POLE WITH LIGHT	---
EX. OVERHEAD LINE	---
EX. INDEX CONTOURS	---
EX. INTERMEDIATE CONTOURS	---
EX. TREE	---
"EXISTING" DESIGNATION	EX.
PR. EASEMENT	---
PR. CONCRETE CURB & GUTTER	---
PR. PAVING	---
PR. CONCRETE	---
PR. STORM DRAIN, MANHOLE & INLET	---
PR. SANITARY SEWER & CLEANOUT	---
PR. WATER MAIN, VALVE & FIRE HYDRANT	---
PR. INDEX CONTOURS	---
PR. INTERMEDIATE CONTOURS	---
PR. PARKING COUNT	(8)
PR. ID AND DIRECTIONAL SIGNS	---
"PROPOSED" DESIGNATION	PR.

DEVELOPMENT NOTES

DEVELOPMENT IS LOCATED WITHIN ESSEX COMMERCIAL REVITALIZATION AREA AND IS SUBJECT TO REVIEW BY DESIGN REVIEW PANEL.

DEVELOPMENT APPROVALS

UNKNOWN

ZONING HISTORY

CASE NO. 1947-0871-X: SPECIAL PERMIT REQUEST TO ALLOW GASOLINE SERVICE STATION WAS GRANTED APRIL 7, 1947.

CASE NO. 1953-2589-X: SPECIAL PERMIT REQUEST TO ALLOW GASOLINE SERVICE STATION WAS GRANTED MAY 25, 1953.

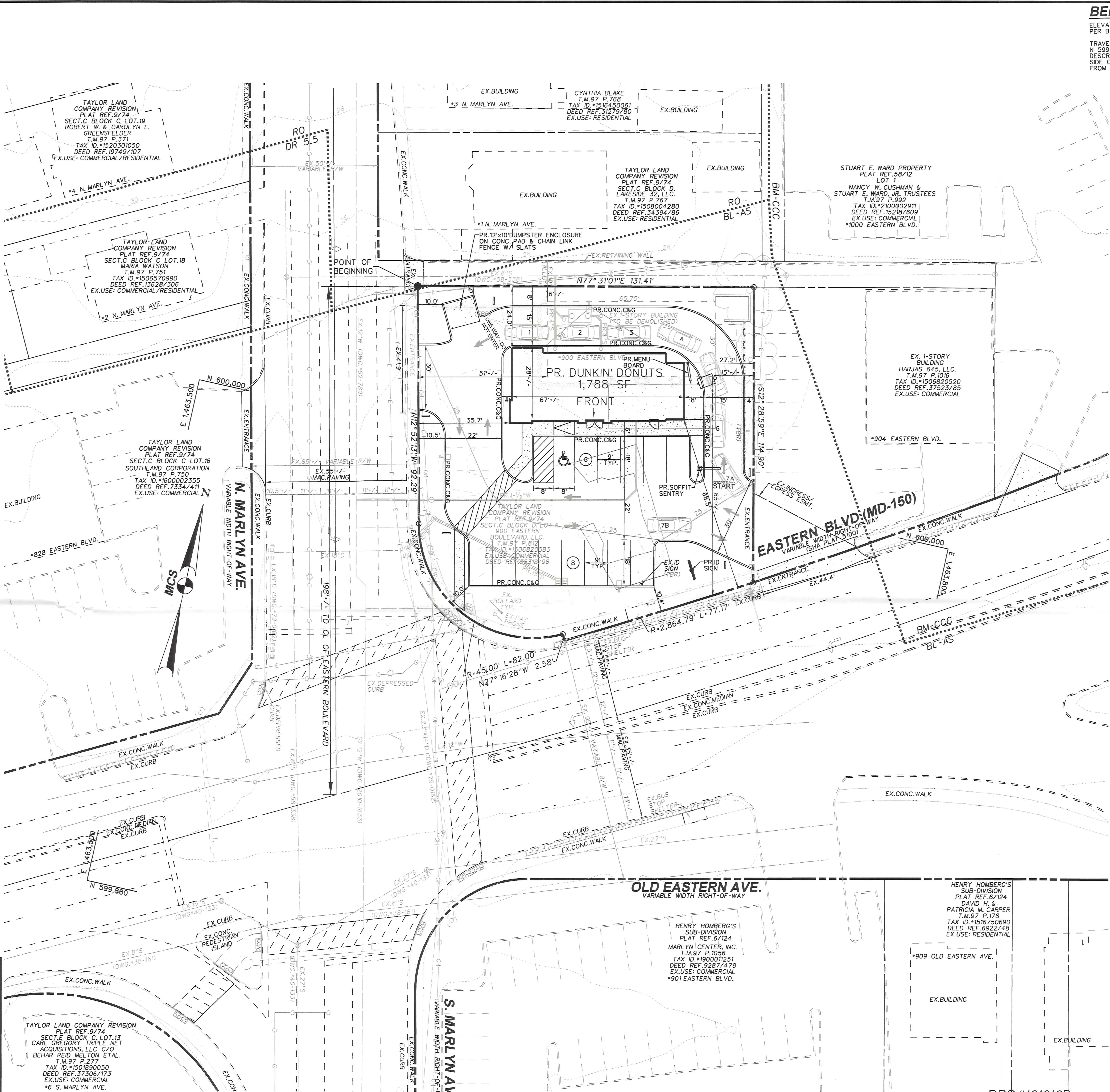
CASE NO. 1972-0012-A: VARIANCE REQUEST TO PERMIT ELEVEN (11) PARKING SPACES INSTEAD OF REQUIRED FIFTEEN (15) SPACES WAS GRANTED OCTOBER 29, 1972.

CASE NO. 1980-0087-X: SPECIAL EXCEPTION REQUEST FOR A SERVICE GARAGE, FOR THE EXPRESSED PURPOSE OF A BUFFER AND SHOCK INSTALLATION RETAIL OUTLET WAS GRANTED OCTOBER 10, 1979.

ZONING PETITIONS

PETITION FOR HEARING FOR ZONING VARIANCES FROM BALTIMORE COUNTY ZONING REGULATIONS:

- SECTION 409.8.A (1) TO ALLOW CERTAIN MODIFICATIONS TO LANDSCAPE MANUAL STANDARDS, IF DETERMINED TO BE NECESSARY.
- SECTION 409.10(A) TO PERMIT 2 STACKING SPACES BEHIND MENU BOARD IN LIEU OF THE REQUIRED 5 SPACES.
- SECTION 409.10(B) TO PERMIT DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXIT FROM OFF-STREET PARKING SPACES.
- SECTION 409.11 TO ALLOW FOR EXCLUSION OF A SEPARATE LOADING / UNLOADING AREA.
- SECTION 450.4 ATTACHMENT 1, 3(b)(xvii) TO PERMIT TWO DIRECTIONAL SIGNS OF 11.08 FT. IN HEIGHT IN LIEU OF THE PERMITTED 6 FT. IF NECESSARY.
- FOR SUCH OTHER FURTHER RELIEF, AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.



DRC#121316B

BENCH MARK

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

TRAVERSE POINT 32:
N 899,967.1380; E 1,463,726.7302; EL. 23.98
DESCRIPTION: SPIKE IN CONC. WALK ON NORTH SIDE OF EASTERN BLVD., 175 FT. +/- EAST FROM CENTERLINE OF N. MARLYN AVE



VICINITY MAP

SCALE: 1" = 1,000'

SITE DATA

- AREA OF TRACT: 16,741 SF OR 0.384 AC +/-
- OWNER: SWETA INVESTMENT, LLC
9032 SUNNISHADE COURT
PERRY HALL, MD 21228
PHONE (443) 527-1680
- DEVELOPER: SWETA INVESTMENT, LLC
9032 SUNNISHADE COURT
PERRY HALL, MD 21228
PHONE (443) 527-1680
- TAX MAP REFERENCES: T.M.97: G.3: P.812; TAX ID: *1506820383
- DEED REFERENCES: L.36318; F.96
- PLAT REFERENCE: REVISED PLAT OF THE PROPERTY OF THE TAYLOR LAND CO. L.9: F.74
- ELECTION DISTRICT: 15; COUNCILMANIC DISTRICT: 7
- EXISTING ZONING: BL-AS, MAP *097 B1
- EXISTING USE: COMMERCIAL - VACANT
PROPOSED USE: DUNKIN' DONUTS (CARRY-OUT)
- CENSUS TRACK: 450300
TRANSPORTATION ZONE: 918
ZIP CODE: 21221
WATERSHED: BACK RIVER
- MINIMUM SETBACK REQUIREMENT:
FRONT: 10 FT FROM FRONT PROPERTY LINE AND NOT LESS THAN 40 FT FROM CENTER LINE OF STREET
PER SECTION 232.1 OF BCZR
SIDE: NONE, EXCEPT ON CORNER LOTS SIDE YARD ON STREET SIDE SHALL NOT BE LESS THAN 10 FT
PER SECTION 232.2 OF BCZR
REAR: NONE, EXCEPT WHERE REAR LOT LINE ABUTS A LOT IN A RESIDENCE ZONE REAR YARD SHALL NOT BE LESS THAN 20 FT PER SECTION 232.3 OF BCZR
- BUILDING HEIGHT: PERMITTED: 40 FT
PROPOSED: 22 FT
- F.A.R. ALLOWED: 3.0 MAX.
PROPOSED F.A.R.: 1,788 / 16,741 = 0.1
- ADT: 155 X 1,788 SF / 1,000 = 99 DAILY TRIPS
- LANDSCAPE REQUIREMENTS: LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL. CERTAIN MODIFICATIONS MAYBE REQUIRED.
- STORM WATER MANAGEMENT (SWM):
THIS SITE IS A RE-DEVELOPMENT. SWM SHALL BE ADDRESSED IN ACCORDANCE WITH THE FOLLOWING CRITERIA:
- REDUCTION OF EX. IMPERVIOUS AREAS WITHIN LIMIT OF DISTURBANCE (LOD) BY 50%
- IMPLEMENTATION OF ESD PRACTICES TO MEET TO PROVIDE WATER QUALITY TREATMENT FOR AT LEAST 50% OF EX. IMPERVIOUS AREA WITHIN LOD OR
- USE A COMBINATION OF IMPERVIOUS AREA REDUCTION AND ESD IMPLEMENTATION FOR AT LEAST 50% OF EX. IMPERVIOUS AREAS
- USE OF ALTERNATIVE SWM MEASURES
- FEE-IN-LIEU PAYMENT FOR REMAINING EXISTING IMPERVIOUS AREAS FOR TREATMENT
SINCE THE FULL REDUCTION OF EXISTING IMPERVIOUS AREA COULD NOT BE ACHIEVED FOR PROPOSED DEVELOPMENT, THEREFORE A FEE-IN-LIEU PAYMENT WILL BE MADE FOR THE REMAINING EXISTING IMPERVIOUS AREAS REQUIRED FOR TREATMENT. THIS FEE-IN-LIEU REQUEST WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY ON JANUARY 28, 2017.
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST.
- THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON SITE.
- FOREST CONSERVATION REQUIREMENTS: THE PROJECT IS EXEMPT FROM BALTIMORE COUNTY CODE ARTICLE 33 TITLE 6 - FOREST CONSERVATION, SINCE THE PROPOSED RE-DEVELOPMENT ACTIVITY OCCURS ON A LAND AREA LESS THAN 40,000 SQ.FT. IN SIZE.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES. VARIANCES ARE BEING REQUESTED.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION: PREMISES IS SHOWN ON MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 450 OF 560, COMMUNITY PANEL NUMBER 2400100430G, MAP REVISED MAY 5, 2014" AND IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- LIGHTING SHALL BE ERRECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL AREAS AND PUBLIC ROADS.
- THE BOUNDARY SHOWN HEREON WAS TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY DITZ SURVEYING CO., DATED OCTOBER 8, 2015.
- "BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
- THE PROPERTY IS NOT LOCATED WITHIN A TRAFFIC, SEWER, AND/OR WATER DEFICIENT SERVICE AREA AS SHOWN ON THE 2016 BASIC SERVICE MAPS.

PARKING REQUIREMENTS

PARKING SPACES REQUIRED: 1,788 SF @ 5 PS / 1000 SF = 9 PS (CARRY-OUT)
PARKING SPACES PROVIDED: 14 PS (INCL. 1 HDOP)

2017-0201-A

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

BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

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

John Chaudhry

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, JOHN C. POVALAC, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 27742, EXPIRATION DATE: JULY 16, 2018.

OWNER
SWETA
INVESTMENT, LLC
9032 SUNNISHADE COURT
PERRY HALL, MD 21228
PHONE (443) 527-1680

DEVELOPER / APPLICANT
SWETA
INVESTMENT, LLC
9032 SUNNISHADE COURT
PERRY HALL, MD 21228
PHONE (443) 527-1680

REVISIONS			
DATE	NO.	DESCRIPTION	BY

PLAN TO ACCOMPANY ZONING PETITION
FOR ZONING VARIANCES

DUNKIN' DONUTS

900 EASTERN BOULEVARD
ESSEX, MARYLAND 21221

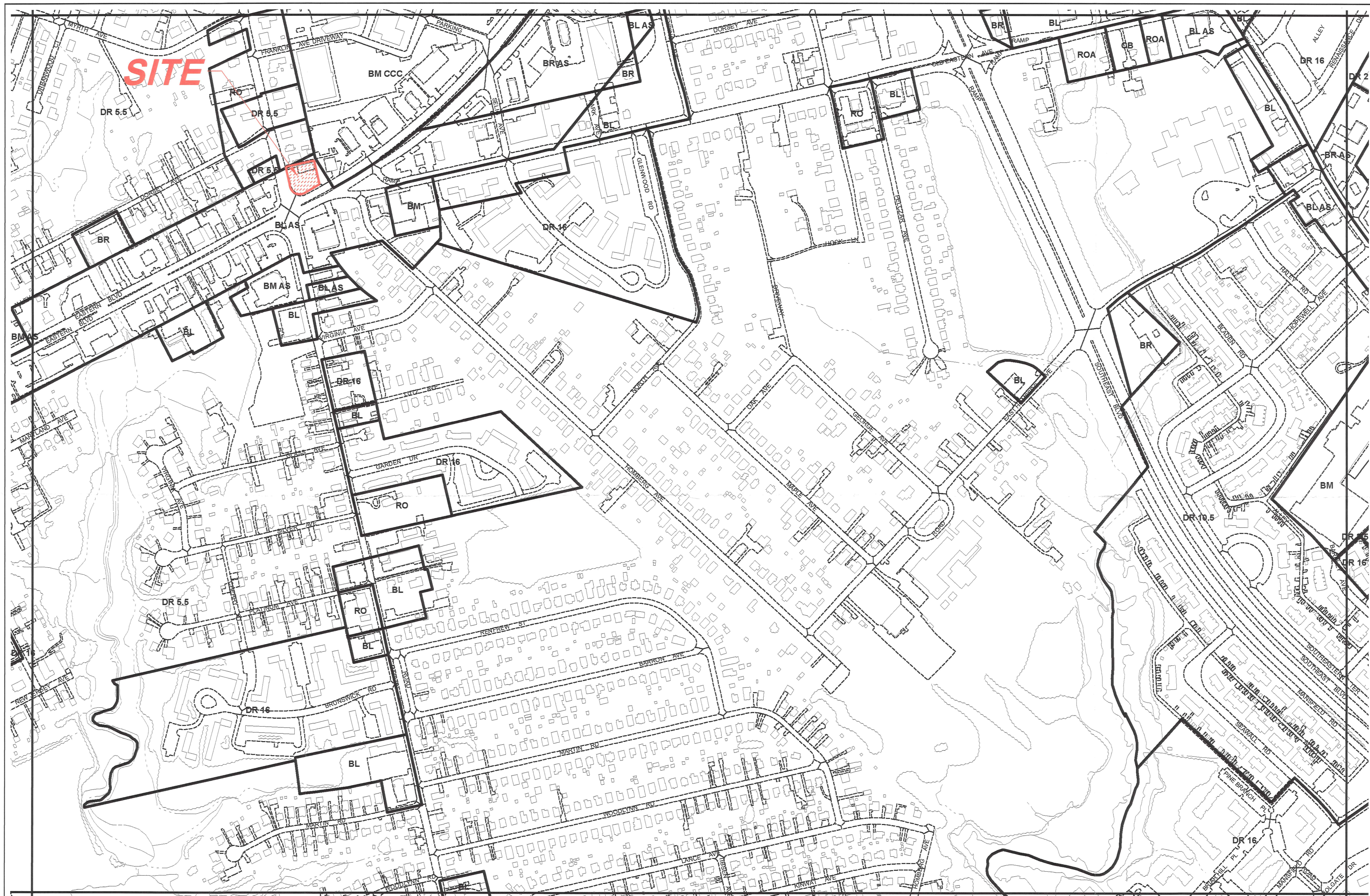
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT: 15, C7
DATE: JANUARY, 2017

DRAWING NO.

V-1

SHEET 1 OF 2



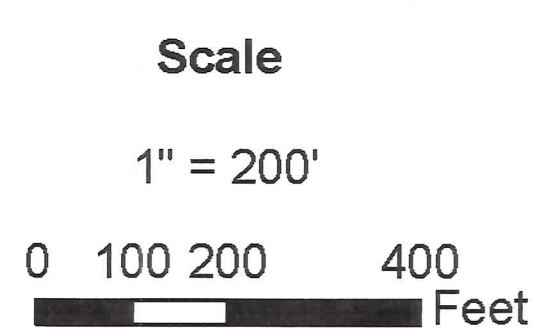
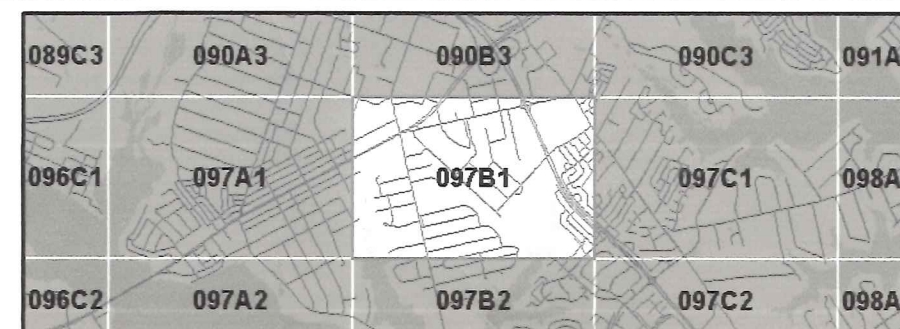
Plan Sheet: 097B1

Note:
The zoning depicted in this map incorporates the actions associated with 2012 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through December 31, 2012.

Legend

- Zoning
- Streams
- Rail Lines
- Buildings
- Roads
- Vegetation

**Baltimore County
Department of Planning
Official Zoning Map**



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 2008 photography
Zoning - Baltimore County Office of Planning
1:2400, 2012

LANDSCAPE NOTES

Plant Identification: All plants shall be properly marked for identification and checking.

List of Plant Materials: The Contractor will verify plant quantities prior to bidding and any discrepancies shall be brought to the attention of the Landscape Architect. The Contractor shall furnish and plant all plants required to complete the work as shown on the drawings. Substitutions shall not be made without the written approval of the Landscape Architect. This contract will be based on the bidder having verified, prior to bidding, the availability of the required plant materials as specified on the Plant List.

Plant Quantity: All shrubs shall be dense, heavy to the ground, and well grown, showing evidence of having been sheared regularly, and sound, free of plant disease or insect eggs, and shall have a healthy, normal root system. Plants shall be nursery grown. Plants shall not be pruned prior to delivery. The shape of the plant shall in general conform to its natural growth proportions unless otherwise specified. All plants including container grown shall conform to American Standard for Nursery Stock (ANSI z60.1, latest edition), and shall have a well-shaped, heavy branch structure for the species. Evergreen trees are to have an internode no greater than 24" and shall be uniformly well-shaped. All plant sizes shall average at least the middle of the range given in the plant list.

Plant Spacing: Plant spacing is to scale on the plan or as shown on the plant list.

Soil Mix: Soil mix will be 2/3 existing soil and 1/3 leaf mold or equal organic material, thoroughly mixed and homogenized.

Ball Size: The ball size shall conform to the American Association of Nurserymen's publication entitled American Standard for Nursery Stock, ANSI z60.1, latest edition.

Excavation: Holes for all plants shall be 10" larger in diameter than size of ball or container and shall have vertical sides. Hedges shall be planted in a trench 12" wider than ball diameter. Beds for mass planting shall be entirely rototilled to a depth of 8" and shall be 18" beyond the average outside edge of plant balls. A 2" layer of organic material (i.e., leaf mold) will be incorporated into plant beds by tilling again.

Planting: Backfilling shall be done with soil mix, reasonably free of stones, subsoil, clay, lumps, stumps, roots, weeds, bermuda grass, litter, toxic substances, or any other material which may be harmful to plant growth or hinder grading, planting, or maintenance operations. Should any unforeseen or unsuitable planting conditions arise, such as faulty soil drainage or chemical residues, they should be called to the attention of the Landscape Architect and Owner for adjustments before planting. The plant shall be set plumb and straight and shall be staked at the time of planting. Backfill shall be well worked about the roots and settled by watering. Plants will be planted higher than surrounding grade. Shrubs will be 1" higher. Remove rope from around tree trunks and lay back burlap from top of all B&B material. Nylon or vinyl rope and/or burlap will be completely removed from all plant material prior to planting.

Transplanting Trees by Tree Machines: Trees shall be moved by machines that provide a minimum of 9" per 1" of tree caliper. Holes are to be dug by the same size machine as the one transporting the plant. The plant material shall be transplanted in approximately the same growing condition as it is presently growing, in terms of soil type and moisture content. Fertilize and guy as described in these plans and specifications.

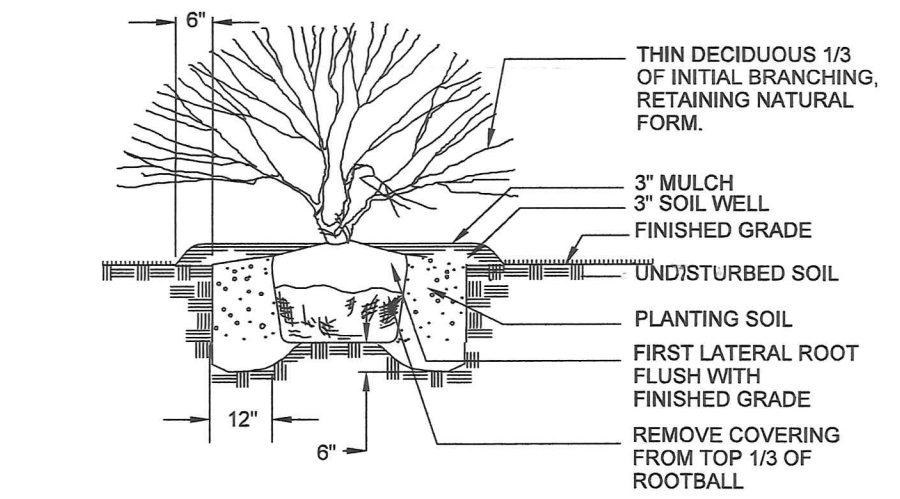
Cultivation: All trenches and shrub beds shall be cultivated, edged and mulched to a depth of 3" with shredded bark. The area around isolated plants shall be mulched to at least 6" greater diameter than that of the hole. Plant beds adjacent to buildings shall be mulched to the building wall.

Maintenance: The Contractor shall be responsible during the contract and up to the time of acceptance for keeping the planting and work incidental thereto in good condition, by replanting, plant replacement, watering, weeding, cultivating, pruning and spraying, restaking and cleaning up and by performing all other necessary operations of care for promotion of good plant growth so that all work is in satisfactory condition at time of acceptance, at no additional cost to the Owner.

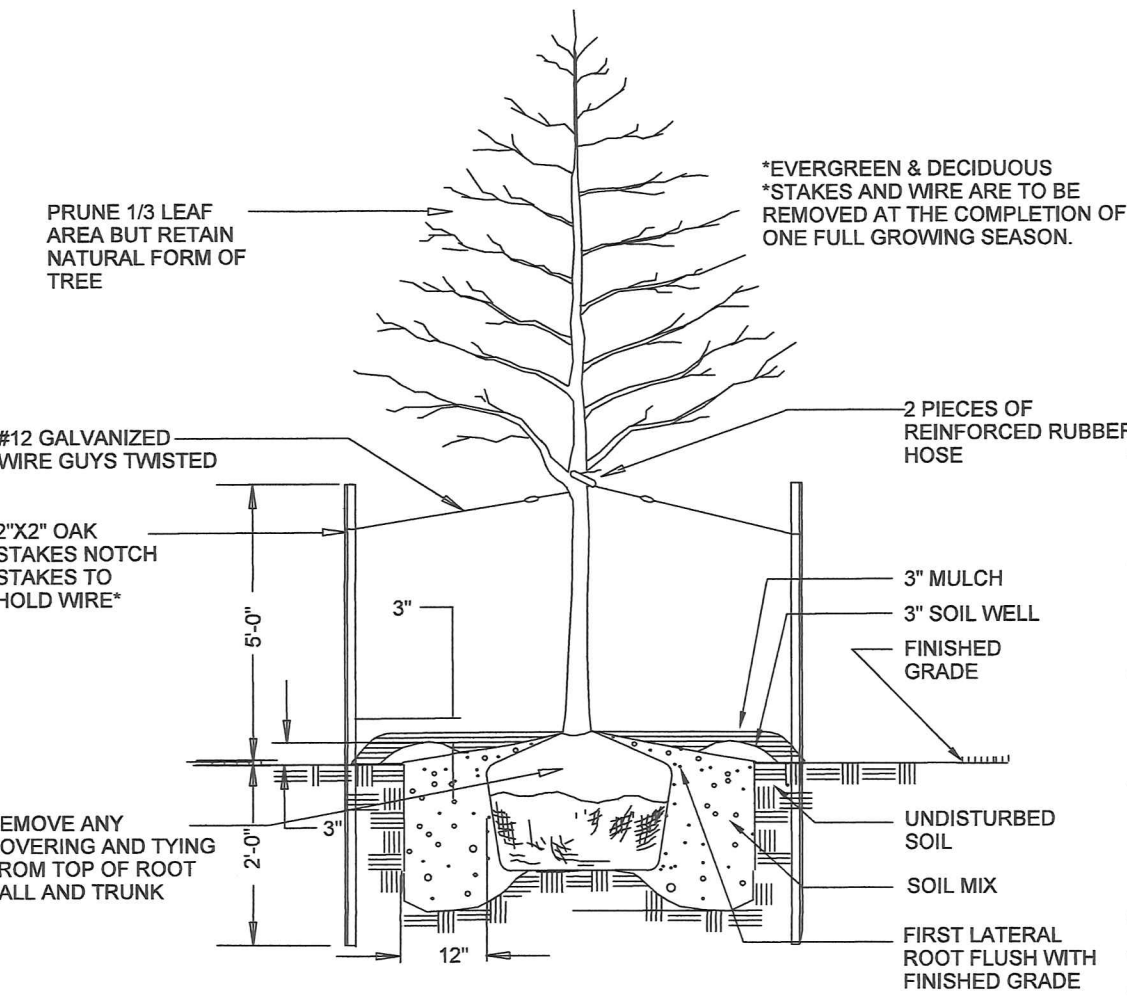
Fertilizer: Fertilizer shall be a slow release type contained in polyethylene perforated bags with micro-pore holes for controlled feeding, such as Easy Grow as manufactured by Specialty Fertilizer, Inc., Box 355, Suffern, New York 10901, or approved equal. The bags shall contain 1 ounce of soluble fertilizer analysis 16-16-16 per unit to last three (3) years and shall be applied during planting as recommended by the manufacturer. If fertilizer packets are not used, the Contractor shall apply granular fertilizer to the soil mix with 10-6-4 analysis, 50% organic, at the following rates: Trees @ 2-3 lbs. per caliper inch; Shrub Beds @ 3-5 lbs. per 100 sq. ft.; and Groundcover Beds @ 2-3 lbs. per 100 sq. ft.

Groundcover: All areas of groundcover shall be rototilled to a depth of 6". Apply 2" of organic material and rototill until thoroughly mixed. Apply fertilizer as stated above.

Guarantee and Replacement: All material shall be unconditionally guaranteed for one (1) year. The Contractor is responsible for watering but not for losses or damage caused by mechanical injury or vandalism.

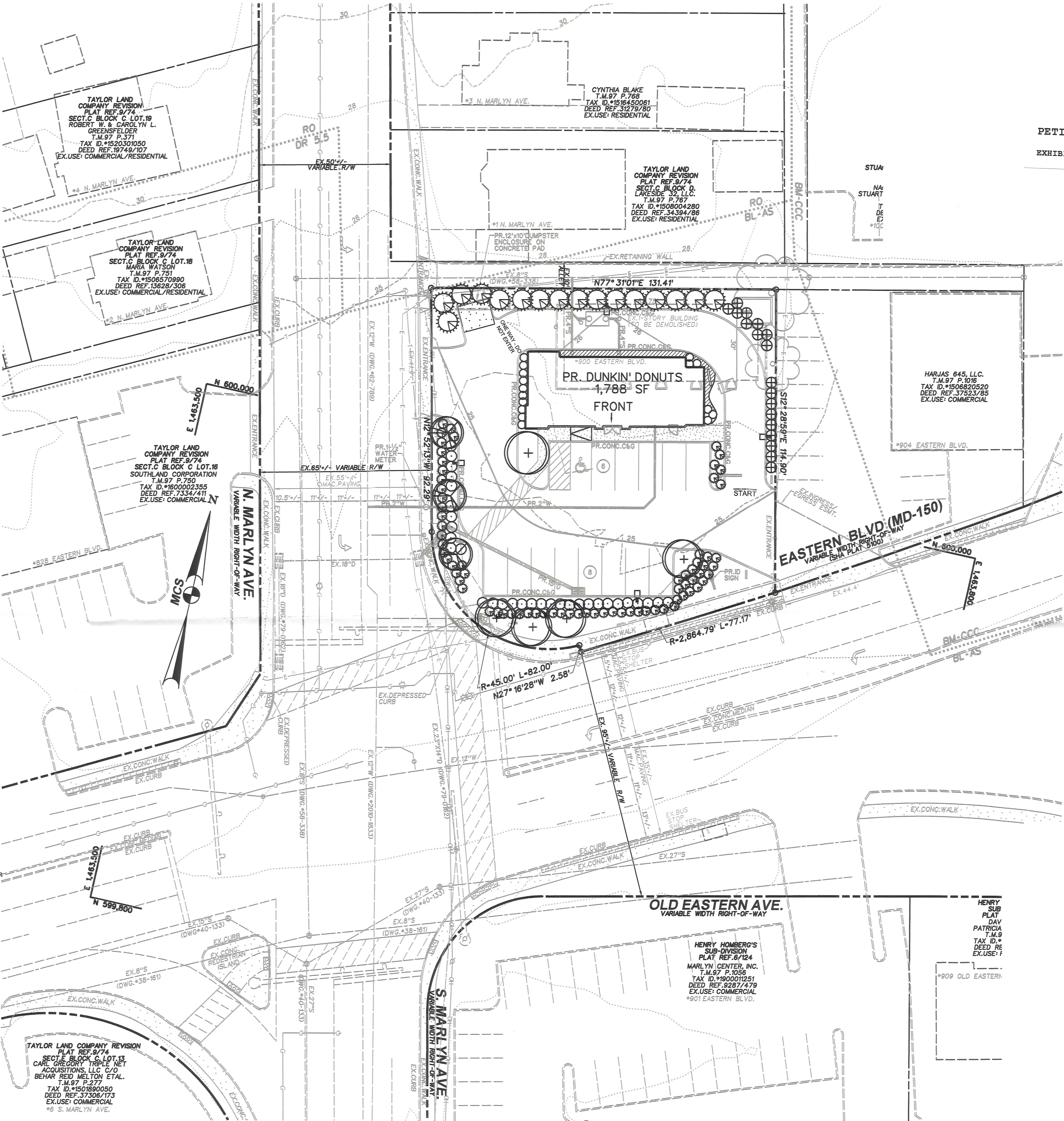


SHRUB PLANTING DETAIL

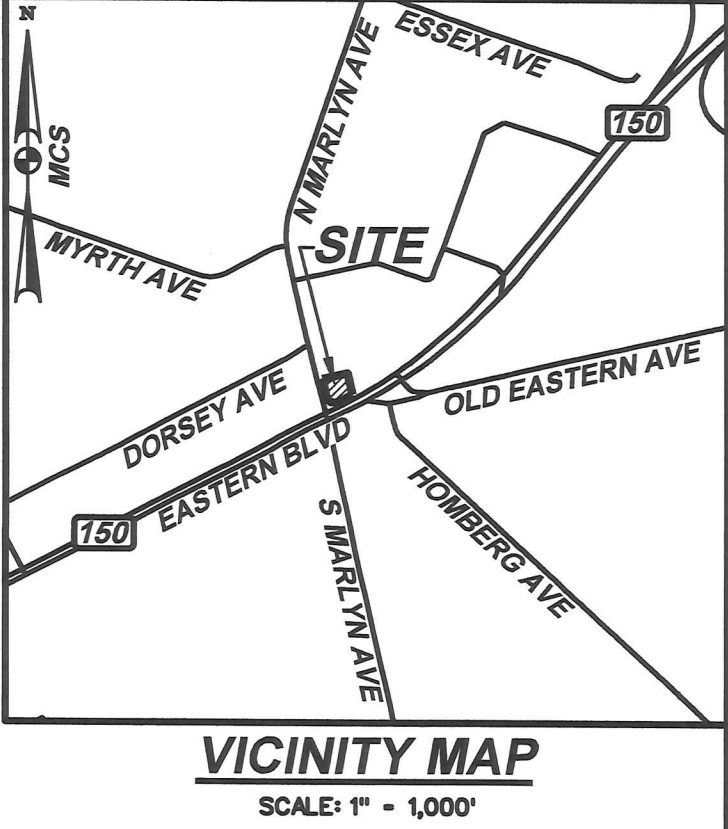


TREE PLANTING DETAIL

HUMAN & ROHDE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWNSON, MARYLAND 21286
410-825-3985



PETITIONER'S
EXHIBIT NO. 4



KEY

- MAJOR TREES
- MINOR TREES
- EVERGREEN TREES
- SHRUBS
- GROUNDCOVER / GRASSES
- ROOT BARRIER

PLANTING CALCULATIONS

KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY MARLYN AVE.	1 PU / 40 LF	177 LF	4.4
A	ADJACENT PUBLIC ROADWAY EASTERN BLVD.	1 PU / 40 LF	77 LF	1.9
A	INTERIOR ROADWAY	1 PU / 20 LF	260 LF	13
B	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU / 15 LF	99 LF	6.6
B	PARKING LOT INTERIOR	1 PU / 12 SPACES	14 SPACES	1.2
F	SERVICE LANE ADJACENT TO COMMERCIAL	1 PU / 20 LF	76 LF	3.8
F	SERVICE LANE ADJACENT TO RES. OFFICE	1 PU / 15 LF	132 LF	8.8
F	SCREEN DUMPSTER	1 PU / 15 LF	32 LF	2.1
SEE NOTE BELOW				
TOTAL REQUIRED / TOTAL PROPOSED			42 / 42 P.U.'S	

NOTE:
RESERVE 7% OF THE PARKING LOT AREA FOR INTERIOR LANDSCAPING:
8,331 SF X .07 = 583 SF REQUIRED
891 SF PROVIDED

Schematic Landscape Plan Certification Form. This form is used to certify the landscape plan. It includes fields for the applicant's signature, date, and the certifier's signature and date. The certifier is Sally Malena, dated 12/19/2016. The form also includes a field for the mailing address (if not already on plan).

