

## MEMORANDUM

DATE: January 14, 2020  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2019-0472-SPHA - Appeal Period Expired

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The appeal period for the above-referenced case expired on January 13, 2020. 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.'

/dlw

c: ✓ Case File  
Office of Administrative Hearings

|                                               |   |                                |
|-----------------------------------------------|---|--------------------------------|
| IN RE: <b>PETITIONS FOR SPECIAL HEARING</b>   | * | BEFORE THE                     |
| <b>AND VARIANCE</b>                           |   |                                |
| (11700 Reisterstown Road)                     | * | OFFICE OF                      |
| 4 <sup>th</sup> Election District             |   |                                |
| 4 <sup>th</sup> Council District              | * | ADMINISTRATIVE HEARINGS        |
| KD Associates Limited Partnership             |   |                                |
| <i>Legal Owner</i>                            | * | FOR BALTIMORE COUNTY           |
| Maryland Food, LLC, <i>Contract Purchaser</i> |   |                                |
| Petitioners                                   | * | <b>Case No. 2019-0472-SPHA</b> |

\* \* \* \* \*

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Revised Petition for Special Hearing and Variance filed on behalf of KD Associates Limited Partnership, legal owner, and Maryland Food, LLC, contract purchaser (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”): (1) to allow 33 parking spaces shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed uses on the property in lieu of the 57 which would be required; and (2) an amendment to the previously approved zoning site plan in zoning Case No. 95-224-A. In addition, a Petition for Variance was filed pursuant to Section 232.2 of the BCZR to allow a side yard setback of 9 feet on the street side of a corner lot in lieu of the required 10 feet. In the alternative to Special Hearing Request number 1, a variance from Section 409.6 of the BCZR to permit 33 spaces provided in lieu of the required 57 parking spaces. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Matthew Allen, John Laverty, and Sudhir Bastola appeared in support of the requests. Dino La Fiandra, Esq. represented Petitioners. Professional Engineer, Patrick Richardson, prepared the site plan and also appeared. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory

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Date 12/13/19  
By Sen

Committee ("ZAC") comments were received from the Bureau of Development Plans Review ("DPR"), the Department of Planning ("DOP"), the Department of Environmental Protection and Sustainability ("DEPS") and the Department of Public Works ("DPW"). Subject to their comments none of the agencies opposed the requested relief.

#### SPECIAL HEARING

Based on the testimony and exhibits I find that the Petitioner is entitled to the Special Hearing relief. Mr. Laverty has worked for Checkers Corporation since 1993 and is currently their Senior Construction Manager. He explained the Checkers drive-thru business model and what their experience had been nationally in terms of sales volumes, parking needs, and drive-thru capacity. In addition, Matt Allen, who represented the Landlord, Klein Enterprises, testified that this former bank drive-thru has been vacant for a number of years. Mr. Allen explained the tenant mixture in the adjoining shopping center and specifically described the abundance of parking capacity.

Based on comments from DOP concerning the proper interpretation of the "stacking" regulations in BCZR Sec. 409.10, and concerns about the potential impact of overflow from the drive-thru lanes onto Cherry Valley Road, I left the record open at the close of the hearing to allow Petitioner and counsel to brief this issue and provide any further supporting evidence. By letter dated December 9, 2010, Mr. La Fiandra provided further explanation and evidence. This letter and accompanying Traffic Study will be admitted, collectively, as Petitioner's Exhibit 4. Specifically, Mr. La Fiandra explained that he and the engineer, Mr. Richardson, had met again with Joe Merrey from PAI, Zoning Review, and had again clarified with Mr. Merrey that this plan is considered a single drive-thru lane - even though two order windows and lanes are depicted -because there is only one "transaction" window where payment is made. Thus, because

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Date 12/13/19  
By sen

it is a single lane drive-thru the regulations require only 10 stacking spaces in addition to the space at the transaction window, and that is what the redlined plan depicts.<sup>1</sup>

As to the potential overflow from the drive-thru lanes back onto Cherry Valley Road, Petitioner commissioned a "peak capacity" study performed by Traffic Concepts, Inc. This firm did a comparison study based on the only other single lane drive-thru Checkers in Baltimore County which is on Moravia Road, a road with similar traffic volume as Reisterstown Road. Based on that study, during Checkers' peak time (Friday's from 11:30 a.m. to 12:30 p.m.) only 24 cars went through the drive-thru and the longest "stacking" was four cars, and, according to the site plan in this case six stacking spaces will be provided at and behind the order boards. Therefore there is no reasonable fear of traffic backing into Cherry Valley Road. This study confirms the testimony of Mr. Lavery at the hearing, i.e., that nationwide there is a much smaller volume of customers at the average Checkers drive-thru as compared with Chic-Fil-A and McDonalds.

Based on the testimony and record evidence I find that the proposed 33 fixed parking spaces, in conjunction with the 10 stacking spaces, will provide more than enough parking capacity for this drive-thru restaurant with 3 outdoor tables. I further find that there should be no adverse impact on traffic or safety and that the requested relief can be granted within the spirit and intent of the BCZR and without injuring the public health, safety, and welfare. To the contrary, this relief will allow a now vacant property to be repurposed and revitalized.

#### VARIANCE

As to the variance, it requires a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it

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<sup>1</sup> I note that the Revised Site Plan was "redlined" by hand at the hearing by Mr. Richardson, whereby he added the tenth stacking space to the plan. As this Order will state below, a formal redlined plan must be submitted showing that added space and also showing the proper 20 foot length for each space.

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Date 12/13/19

By Sen

- 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).

The lot in question is of slightly irregular shape and, according to Mr. Richardson, there is a State Highway right of way along its border with Reisterstown Road to provide a turn lane onto Cherry Valley Road. As a result, there is only a 9 foot setback from Reisterstown Road to the existing canopy over the former bank drive-thru, and this canopy is preserved in the redevelopment plan. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would have to reconfigure the canopy and drive-thru lane for the purpose of adding one additional foot of setback. I also find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition. <sup>2</sup>

THEREFORE, IT IS ORDERED this 13<sup>th</sup> day of **December, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing: (1) to allow 33 parking spaces shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed uses on the property, in lieu of the required 57 spaces; and (2) an amendment to the previously approved zoning site plan in zoning Case No. 95-224-A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to allow a side yard setback of 9 feet on the street side of a corner lot in lieu of the required 10 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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<sup>2</sup> Petitioners asked for a variance of the required number of parking spots (33 in lieu of 57) as an alternative to the same request via the Special Hearing. I find that this variance relief is, in the alternative, also appropriate and can be granted within the spirit and intent of the BCZR and without injury to the public health, safety, and welfare.

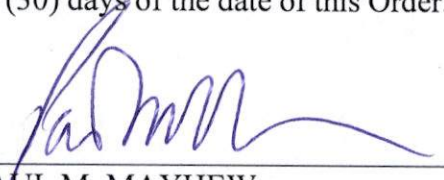
ORDER RECEIVED FOR FILING

Date 12/13/19

By Sen

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. Prior to issuance of Permits, Petitioners must comply with all ZAC comments submitted by DPR, DEPS, DOP, and DPW, copies of which are attached hereto and made a part hereof. (The DOP comments regarding BCZR Sec. 409.1 have been addressed. *See*, Petitioner's Exhibit 4).
3. Prior to issuance of Permits, Petitioner shall submit a redlined Plan showing the 10 stacking spaces and indicating the required 20 foot lengths for each.

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



PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:sln

ORDER RECEIVED FOR FILING

Date 12/13/19

By sln



# REVISED 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 11700 Reisterstown Road which is presently zoned B L-A S

Deed References: 7302/631 10 Digit Tax Account # 0419051325

Property Owner(s) Printed Name(s) K D Associates Limited Partnership

(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:

Maryland Food, LLC

Name - Type or Print

[Signature]  
Signature

901 Russell Avenue, Suite 125, Gaithersburg, MD

Mailing Address City State

20879 / 240-447-3920

Zip Code Telephone # Email Address

## Attorney for Petitioner:

Dino C. La Fiandra, Esquire

The Law Office of Dino C. La Fiandra, LLC

Name - Type or Print

[Signature]  
Signature

100 W. Pennsylvania Avenue, Suite 305  
Towson, Maryland 21204

Mailing Address City State

21204 / 443-204-3473

Zip Code Telephone # Email Address dcl@lafiandralaw.com

## Legal Owners (Petitioners):

K D Associates, LLLP c/o Klein Enterprises

Name #1 - Type or Print

Name #2 - Type or Print

[Signature]  
Signature #1

[Signature]  
Signature #2

1777 Reisterstown Road, Suite 165, Baltimore, MD

Mailing Address City State

21208

Zip Code Telephone # Email Address

## Representative to be contacted:

Andy Freeman, Development Manager

Klein Enterprises

Name - Type or Print

[Signature]  
Signature

1777 Reisterstown Road, Suite 165  
Baltimore, MD

Mailing Address City State

21208 / 410-902-0290

Zip Code Telephone # Email Address afreeman@kleinenterprises.com

CASE NUMBER 2019-0472-SP4A Filing Date 10.30.2019

Revision  
Date

Do Not Schedule Dates:

Reviewer JAP

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 12/13/19

By Sen

Revised Petition for Zoning Hearing  
11700 Reisterstown Road  
Continuation Sheet

The Petitioner seeks:

A Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve:

- 1) A modified parking plan under BCZR §409.12.B to allow 33 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed uses on the property which would otherwise require 57 parking spaces. *old plan states 44 spaces*
- 2) An amendment to the previously approved zoning site plan in zoning case no. 95-224-A.
- 3) Such further and other relief as the nature of this cause may require.

And

A Variance from BCZR § 232.2 to allow a side yard setback of 9 feet on the street side of a corner lot in lieu of the required 10 feet. *new request*

In the alternative to Special Hearing Request number 1, a Variance from Section 409.6 of the Baltimore County Zoning Regulations to permit 33 parking spaces provided in lieu of the required 57 parking spaces.

2019-0172-SPHA  
REVISION

**ZONING DESCRIPTION FOR  
11700 REISTERSTOWN ROAD  
4<sup>TH</sup> ELECTION DISTRICT  
4<sup>TH</sup> COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND**

**BEGINNING FOR THE SAME** at a point on the Southwest side of Reisterstown Road, (MD 140), 83 feet wide right-of-way; at a distance of 45' +/- Southwest of the centerline of Cherry Valley Road, which is 60 feet wide right-of-way; thence binding on said Southwest side of Reisterstown Road and running the following courses and distances, (1) South 01 degrees 11 minutes West 19.96 feet, (2) southwesterly by a line curving to the right with a radius of 640 feet for a distance of 107.77 feet (chord bearing South 52 degrees 27 minutes 35 seconds West 107.65 feet), (3) South 57 degrees 16 minutes 27 seconds West 63.17 feet, (4) North 43 degrees 49 minutes West 155.06 feet, (5) North 47 degrees 08 minutes East 183.13 feet, (6) South 43 degrees 49 minutes East 161.83 feet to the point of beginning.

Containing a net area of 30,821 square feet, or 0.71 acres of land, more or less.



**PROFESSIONAL CERTIFICATION:**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE  
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY  
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF  
THE STATE OF MARYLAND, LICENSE NUMBER 16597,  
EXPIRATION DATE: 08-15-2019

2019-0472-SPHA

PM 11-25-19  
1:30 pm

**Debra Wiley**

---

**From:** SGT ROBERT BLACK <1opie@comcast.net>  
**Sent:** Sunday, November 24, 2019 7:27 PM  
**To:** Dino La Fiandra; Administrative Hearings  
**Subject:** Recertification's For 2019-0472-SPHA  
**Attachments:** Re-Cert 1 2019-0472-SPHA.doc; Re-Cert 2 2019-0472-SPHA.doc

RECEIVED

NOV 25 2019

OFFICE OF  
ADMINISTRATIVE HEARINGS

**CAUTION:** This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 11700 Reisterstown Road.

# CERTIFICATE OF POSTING

2019-0472-SPHA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_  
K D Associates, LLLP c/o Klein Enterprises  
Maryland Food, LLC

November 25, 2019  
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:

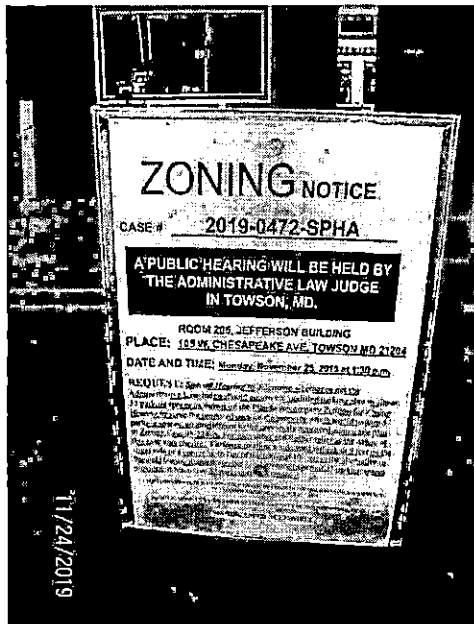
Ladies and Gentlemen:

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: \_\_\_\_\_

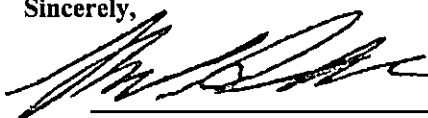
11700 Reisterstown Road **SIGN 1 Recertification**

November 5, 2019

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



Sincerely,

 November 24, 2019  
(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

2019-0472-SPHA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_  
K D Associates, LLLP c/o Klein Enterprises  
Maryland Food, LLC

November 25, 2019  
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:

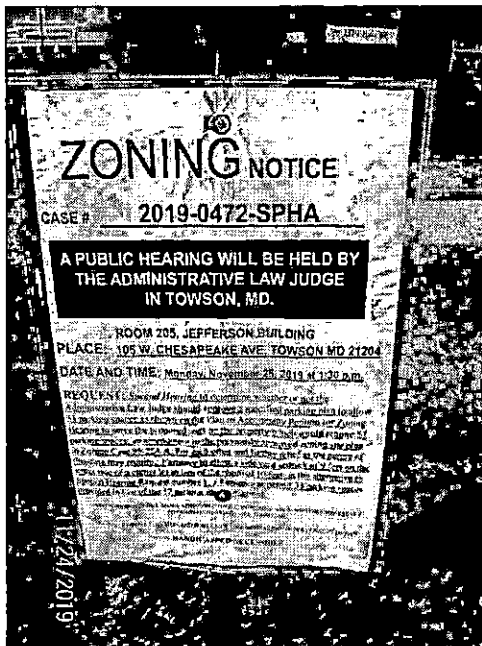
Ladies and Gentlemen:

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: \_\_\_\_\_

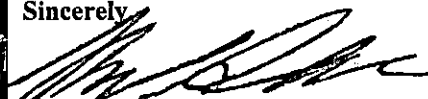
11700 Reisterstown Road **SIGN 2 Recertification**

November 5, 2019

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



Sincerely,

  
\_\_\_\_\_  
(Signature of Sign Poster)

November 24, 2019

\_\_\_\_\_  
(Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)

# The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/5/2019

Order #: 11808303  
Case #: 2019-0472-SPHA  
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:  
2019-0472-SPHA

  
\_\_\_\_\_  
Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### Baltimore County

#### 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: 2019-0472-SPHA**

11700 Reisterstown Road

Southwest side of Reisterstown Road, northwest side of Cherry Valley Road

4th Election District - 4th Councilmanic District

Legal Owners: K D Associates, LLP c/o Klein Enterprises

Contract Purchaser/Lessee: Maryland Food, LLC

A Special Hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan to allow 33 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed uses on the property which would require 57 parking spaces; an amendment to the previously approved zoning site plan in zoning case no. 95-224-A; such further and other relief as the nature of this cause may require. Variance to allow a side yard setback of 9 feet on the street side of a corner lot in lieu of the required 10 feet; in the alternative to Special Hearing Request number 1, a Variance to permit 33 parking spaces provided in lieu of the required 57 parking spaces.

Hearing: Monday, November 25, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

n5

# CERTIFICATE OF POSTING

2019-0472-SPHA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_  
K D Associates, LLLP c/o Klein Enterprises  
Maryland Food, LLC

November 25, 2019  
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:

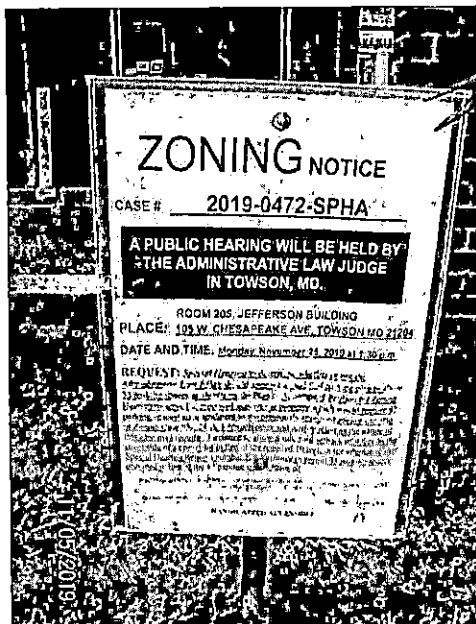
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

11700 Reisterstown Road

**SIGN 1**

November 5, 2019

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



Sincerely,

November 5, 2019

\_\_\_\_\_  
(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

2019-0472-SPHA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_  
K D Associates, LLLP c/o Klein Enterprises  
Maryland Food, LLC

November 25, 2019  
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:

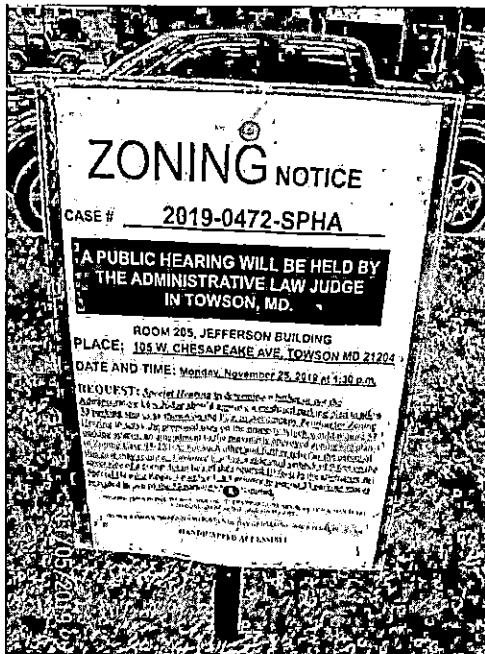
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

11700 Reisterstown Road

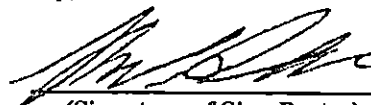
## SIGN 2

November 5, 2019

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



Sincerely,

 November 5, 2019  
(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)



## **Memorandum**

**DATE:** October 29, 2019

**TO:** Bureau of Zoning Review  
Kristen Lewis  
Jeff Perlow

**FROM:** Dino La Fiandra

**SUBJECT:** Case No. 2019-0472-SPHA  
11700 Reisterstown Road

Enclosed herewith please find:

Revised Petition for Zoning Hearing; 3 Originals  
Revised Site Plan to Accompany Petition for Zoning Hearing: 12  
Check for \$250.00

Please let me know if you have any questions or require any additional information.

I'd appreciate receiving a revised Notice of Zoning Hearing with sufficient time to arrange posting in advance of November 5 in order to maintain our hearing date of November 25, 2019.

Thank you in advance for your kind assistance.

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
AND VARIANCE  
11700 Reisterstown Rd; SW/S of Reisterstown\* OF ADMINISTRATIVE  
Road, corner NW/S of Cherry Valley Road  
4<sup>th</sup> Election & 4<sup>th</sup> Councilmanic Districts \* HEARINGS FOR  
Legal Owner: K D Associates Limited Partnership  
Contract Purchaser(s): Maryland Food LLC \* BALTIMORE COUNTY  
Petitioner(s) \* 2019-472-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

RECEIVED  
SEP 25 2019

*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 25<sup>th</sup> day of September, 2019, a copy of the foregoing Entry of Appearance was mailed to Matthew Allen, Director of Development, 1777 Reisterstown Road, Suite 165, Baltimore, Maryland 21208 and Dino LaFiandra, Esquire, 100 West Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

October 23, 2019

### 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: 2019-0472-SPHA**

11700 Reisterstown Road

Southwest side of Reisterstown Road, northwest side of Cherry Valley Road

4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: K D Associates, LLLP c/o Klein Enterprises

Contract Purchaser/Lessee: Maryland Food, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan to allow 33 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed uses on the property which would require 44 parking spaces; an amendment to the previously approve zoning site plan in Zoning Case 95-224-A. For such other and further relief as the nature of this case may require. Variance to permit 33 parking spaces provided in lieu of the 44 parking spaces required.

Hearing: Monday, November 25, 2019 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff  
Director

MM:kl

C: Dino LaFiandra, 100 W. Pennsylvania Avenue, Ste. 305, Towson 21204  
Maryland Food, LLC, 901 Russell Avenue, Ste. 125, Gaithersburg 20879  
Klein Enterprises, Daniel Klein, Matthew Allen, 1777 Reisterstown Road, Ste. 165, Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 5, 2019**
- (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: THE DAILY RECORD  
Tuesday, November 5, 2019 – Issue

Please forward billing to:

Dino LaFiandra  
The Law Office of Dino LaFiandra, LLC  
100 W. Pennsylvania Avenue, Ste. 305  
Towson, MD 21204

443-204-3473

---

## 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: 2019-0472-SPHA**

11700 Reisterstown Road

Southwest side of Reisterstown Road, northwest side of Cherry Valley Road

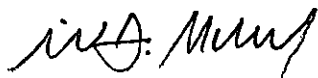
4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: K D Associates, LLLP c/o Klein Enterprises

Contract Purchaser/Lessee: Maryland Food, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan to allow 33 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed uses on the property which would require 44 parking spaces; an amendment to the previously approved zoning site plan in Zoning Case 95-224-A. For such other and further relief as the nature of this case may require. Variance to permit 33 parking spaces provided in lieu of the 44 parking spaces required.

Hearing: Monday, November 25, 2019 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff  
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.

**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 twenty (20) 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: 2019-0472-SPHA  
Property Address: 11700 Reisterstown Rd  
Property Description: SW/s of Reisterstown Road @ Corner of  
NW/s of Cherry Valley Road  
Legal Owners (Petitioners): KD Associates LLP  
Contract Purchaser/Lessee: Maryland Food, LLC

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Dino C. LaFiandra  
Company/Firm (if applicable): Law Office of Dino C. LaFiandra LLC  
Address: 100 W. Pennsylvania Ave, Suite 305  
Towson, MD ~~21204~~ 21204  
Telephone Number: 443 204 3473

No. 189658

PAID RECEIPT

Date:

|   |    |    |
|---|----|----|
| 9 | 20 | 20 |
|---|----|----|

| BUSINESS | ACTUAL | TIME | DETAILED |
|----------|--------|------|----------|
|----------|--------|------|----------|

9/20/2019 10:26:24 - 5

三

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| REG WSUS | WALKIN LRB |
|----------|------------|

>>RECEIPT # 033250 9/20/2019 OFLN

5 52B ZONING VERIFICATION

18658

|             |    |          |
|-------------|----|----------|
| Receipt Tot | \$ | 1,000.00 |
|-------------|----|----------|

|          |    |     |    |
|----------|----|-----|----|
| 1.000.00 | CK | .00 | CA |
|----------|----|-----|----|

Baltimore County, Maryland

**CASHIER'S  
VALIDATION**

Rec  
From: Law Office of Pindo C. LaFiandra, LLC

For: Special Hearing/Variance - 11700 Reisterstown Rd.  
2619-0472-SPTA (K P Associates, LLC)

## DISTRIBUTION

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



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

November 19, 2019

Dino LaFiandra  
100 West Pennsylvania Avenue, Ste. 305  
Towson, MD 21204

RE: Case Number: 2019-0472-A, 1170 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 October 30, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel  
Maryland Food, LLC, 901 Russell Avenue, Ste. 125, Gaithersburg 20879  
Klein Enterprises, 1777 Reisterstown Road, Ste. 165, Baltimore 21208

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION

STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor

Boyd K. Rutherford  
Lt. Governor

Pete K. Rahn  
Secretary

Gregory Slater  
Administrator

Date: 11/4/19

Ms. Kristen Lewis  
Baltimore County Department of  
Permits, Approvals & Inspections  
County Office Building, Room 109  
111 West Chesapeake Avenue  
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 11/4/19. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing, Variance Case Number 2019-0472 - SRHA1  
*KD Associates Limited Partnership*  
*11700 Reisterstown Road.*  
*MD140*

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,



Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
State Highway Administration  
District 4 - Baltimore and Harford Counties

WW/RAZ

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Pete K. Rahn  
Secretary  
Gregory Slater  
Administrator

Date: 9/24/19

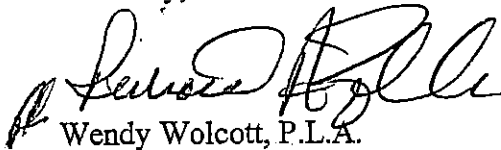
Ms. Kristen Lewis  
Baltimore County Department of  
Permits, Approvals & Inspections  
County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

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KD Associate 5 Limited Partnership  
11700 Reisterstown Road  
MD140

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,



Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
State Highway Administration  
District 4 - Baltimore and Harford Counties

WW/RAZ

# **BALTIMORE COUNTY, MARYLAND**

## **INTER-OFFICE MEMORANDUM**

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 11/25/2019

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-472 Revised

**INFORMATION:**

**Property Address:** 11700 Reisterstown Road  
**Petitioner:** K D Associates, LLLP c/o Klein Enterprises  
**Zoning:** BL AS  
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing and variance to determine whether or not the administrative law judge should permit a modified parking plan to allow 33 spaces in lieu of the required 57 spaces; an amendment to the previously approved site plan in Case 96-224-A; and a side yard setback of 9 feet on the street side of a corner lot in lieu of the required 10 feet.

A site visit was conducted on October 2, 2019. An existing building (former bank) is vacant and in need of adaptive reuse. The vacant building is adjacent to existing retail and the Cherryvale Plaza Shopping Center. In general, parking within the surrounding commercial area appears to be adequate as several empty spaces were observed.

On November 13, 2019, the petitioner explained that the petition was revised in order to accommodate the existing structure's square footage (an increase from the initial petition), which triggered the need for additional parking relief. Petitioner also explained that the proposed restaurant will be drive-thru only. No indoor seating will be provided, but a walk-up window (not shown on site plan) will be present. The Department of Planning has no objections to the conceptual renderings provided, but the proposed walk-up window is not shown in said renderings.

Planning is concerned about the drive-thru stacking requirements. It appears that the requirement is not being met and a variance should be requested as there are concerns with stacking overflow restricting access from Cherry Valley Road and egress onto Reisterstown Road. Per BCZR 409.10 the minimum requirements for a double drive thru lane are not being met. The Department of Planning shall concur with the comments provided by the State Highway Administration (SHA) pertaining to state highway access.

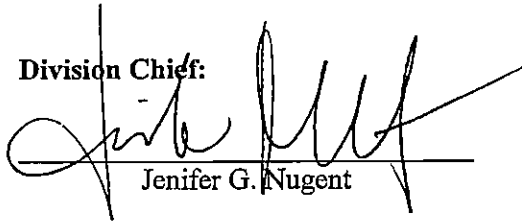
According to the site plan, no dumpster nor other waste containment systems (e.g. grease containers) are proposed. Should any be proposed at a later time, an updated site plan and enclosure details shall be provided to the Department of Planning prior to issuance of any building permits.

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. Provide details on any dumpster and/or waste containment enclosures to the Department of Planning prior to the issuance of building permits. Any enclosures shall comply with Condition H of the Baltimore County Landscape Manual and shall use materials that closely match that of the principle structure.
2. Any proposed rooftop equipment shall be screened.
3. Any updated renderings, site plan and/or building elevations depicting the walk-up window shall be provided to the Department prior to issuance of permits.
4. Provide a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval.
5. No temporary freestanding signs shall be permitted on the property. All signs shall comply with BCZR § 450.
6. The stacking requirements should be clarified on the plan and meet BCZR Section 409.10. Any proposed methods to mitigate overflow onto Cherry Valley Road should be presented and approved during the hearing.
7. Since the proposed restaurant will provide a walk-up window, it should be verified whether or not pedestrian crosswalks will be required and/or beneficial to pedestrian safety at the Reisterstown Road and Cherry Valley Road ingress/egress points.

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

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Bill Skibinski  
Andy Freeman, Klein Enterprises  
Dino C. LaFiandra, Esquire  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Michael Mallinoff, Director  
Department of Permits, Approvals

**FROM:**  Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 20, 2019  
Item No. 2019-0472-SPHA

**DATE:** 10/25/19

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

If Special Hearing and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

\*

\*

\*

\*

\*

VKD: cen  
cc: File

**BALTIMORE COUNTY, MARYLAND**

**INTER OFFICE CORRESPONDENCE**

**TO:** Michael Mallinoff, Director,  
Department of Permits, Approvals and Inspections

**ATTN:** Kristen Lewis  
MS 1105

**FROM:** Steven A. Walsh, Director *SAW*  
Department of Public Works

**DATE:** October 4, 2019

**SUBJECT:** Case No: 2019-0472-SPHA  
11700 Reisterstown Road, Reisterstown, Maryland 21136

The subject case is to determine whether or not the Administrative Law Judge should approve a Special Hearing and Variance for relief from various parking space requirements.

During the review of this property the Department of Public Works has found that there is a riverine flood plain on the property that may impact the proposed development. The "Plan to Accompany Zoning Petition" dated August 31, 2019 provided by Richardson Engineering, LLC shows a proposed bread freezer that may be in the riverine flood plain.

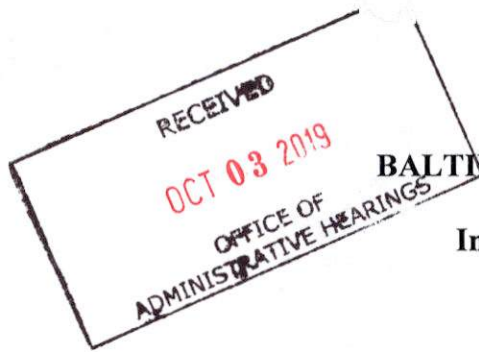
Baltimore County Code Sections 32-4-414, 32-8 and the 2015 Baltimore County Building Code Part 125 all state "no building in a riverine flood plain".

A flood plain study of the property must be submitted for verification of the flood plain boundary. Once the flood plain boundary has been established, the Building Code requirements for riverine flood plain and the Department of Public Works Design Manual Plate DF-1 requirements should be observed.

SAW/TWC/s

**CC:** Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review  
Kevin G. Wagner, Maryland Department of the Environment  
Peter M. Zimmerman, People's Council

11-25-19



**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: October 3, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0472-SPHA  
Address 11700 Reisterstown Road  
(KD Associates, Ltd. Property)

Zoning Advisory Committee Meeting of **September 20, 2019**.

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

1. This proposal requires DRC review for determination of process for the proposal.

Reviewer: Steve Ford, EPS

Leo  
2/11

IN RE: PETITION FOR VARIANCE \* BEFORE THE  
SW/S Reisterstown Road at its \*  
intersection w/Cherry Valley Rd. \* DEPUTY ZONING COMMISSIONER  
(11700 Reisterstown Road) \*  
4th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \*  
Case No. 95-224-A  
KD Associates, By Metropolitan \*  
Management Co. - Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 11700 Reisterstown Road, located in the Pikesville area in the vicinity of Delight. The Petition was filed by the owners of the property, KD Associates, By Metropolitan Management Company, through Michael F. Klein, General Partner, and the Contract Lessee, Stephen L. Miles, Esquire, through their attorney, F. Vernon Boozer Esquire. The Petitioners seek relief from Section 413.2.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an identification sign of 175.5 sq.ft. in lieu of the maximum permitted 150 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were William Berman, Property Manager for KD Associates, property owner, Stephen L. Miles, Contract Lessee, and Roger Sullivan, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of .7760 acres, more or less, zoned B.L.-C.N.S. The property is located on the northwest corner of Reisterstown Road at Cherry Valley Road and is improved with a one-story strip shopping center, known as Hammershire Square, and a one-story bank building. Testimony

revealed that Mr. Miles wishes to lease space within the shopping center to open a branch office for his legal practice. Furthermore, Mr. Miles would like to add a small identification sign of 3' x 9' to the existing shopping center sign to advertise his law practice. A detail of the proposed sign is depicted on the site plan of the property which was accepted into evidence as Petitioner's Exhibit 1. By virtue of an additional tenant in the shopping center and the proposed sign, the requested variance is necessary.

It should be noted that the Zoning Plans Advisory Committee comments submitted by the Developer's Engineering Section and the Office of Planning and Zoning indicate that there is insufficient landscaping along Reisterstown Road and that a landscape plan should be submitted to bring the subject property into compliance with the landscape manual. Therefore, as a condition of the relief granted, a landscape plan must be submitted for review and approval by the Landscape Architect for Baltimore County prior to the issuance of any sign permit.

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

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

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

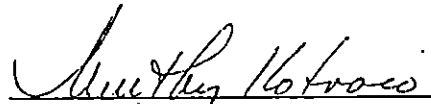
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6<sup>th</sup> day of February, 1995 that the Petition for Variance seeking relief from Section 413.2.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an identification sign of 175.5 sq.ft. in lieu of the maximum permitted 150 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1). The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as

the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Order, Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. Said plan shall comply to the extent possible with the Landscape Manual.

3) When applying for a sign permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

## Real Property Data Search

The Real Property Database Search is experiencing technical difficulties. We are working as quickly as possible to restore services. We apologize for any inconvenience this is causing.

## Search Result for BALTIMORE COUNTY

| View Map                         | View GroundRent Redemption                           | View GroundRent Registration                                                  |
|----------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------|
| Tax Exempt: None                 |                                                      | Special Tax Recapture: None                                                   |
| Exempt Class: None               |                                                      |                                                                               |
| Account Identifier:              |                                                      | District - 01 Account Number - 2400006956                                     |
| Owner Information                |                                                      |                                                                               |
| Owner Name:                      | WAL-MART REAL ESTATE<br>BUSINESS TRUST               | Use: COMMERCIAL                                                               |
| Mailing Address:                 | P O BOX 8050<br>MS 0555<br>BENTONVILLE AR 72712-8050 | Principal Residence: NO                                                       |
|                                  |                                                      | Deed Reference: /20498/ 00690                                                 |
| Location & Structure Information |                                                      |                                                                               |
| Premises Address:                | 6201 BALTO NATL PIKE<br>0-0000                       | Legal Description: LS1-4&ADJ LN 14.461A<br>SS BALTO NATL PIKE<br>LINCOLN PARK |
| Map:                             | Grid:                                                | Parcel:                                                                       |
| 0100                             | 0006                                                 | 0111                                                                          |
| Neighborhood:                    | Subdivision:                                         | Section:                                                                      |
| 30000.04                         | 0000                                                 |                                                                               |
| Block:                           | Lot:                                                 | Assessment Year:                                                              |
| H                                | 1                                                    | 2018                                                                          |
| Plat No:                         | Plat Ref:                                            | 0008/<br>0058                                                                 |
| Special Tax Areas: None          |                                                      | Town: None                                                                    |
|                                  |                                                      | Ad Valorem: None                                                              |
|                                  |                                                      | Tax Class: None                                                               |
| Primary Structure Built          | Above Grade Living Area                              | Finished Basement Area                                                        |
| 1995                             | 119,637 SF                                           | 14.4600 AC                                                                    |
| Property Land Area               | County Use                                           |                                                                               |
| 18                               |                                                      |                                                                               |
| Stories                          | Basement                                             | Type                                                                          |
|                                  |                                                      | DISCOUNT<br>STORE                                                             |
| Exterior                         | Quality                                              | Full/Half Bath                                                                |
| /                                | C3                                                   |                                                                               |
| Garage                           | Last Notice of Major Improvements                    |                                                                               |
|                                  |                                                      |                                                                               |
| Value Information                |                                                      |                                                                               |
|                                  | Base Value                                           | Value                                                                         |
|                                  |                                                      | As of 01/01/2018                                                              |
| Land:                            | 4,428,100                                            | 4,428,100                                                                     |
| Improvements                     | 5,903,800                                            | 4,071,900                                                                     |
| Total:                           | 10,331,900                                           | 8,500,000                                                                     |
| Preferential Land:               | 0                                                    | 8,500,000                                                                     |
|                                  |                                                      | 0                                                                             |
| Transfer Information             |                                                      |                                                                               |
| Seller: WAL-MART STORES INC      | Date: 08/05/2004                                     | Price: \$0                                                                    |
| Type: NON-ARMS LENGTH OTHER      | Deed1: /20498/ 00690                                 | Deed2:                                                                        |
| Seller:                          | Date:                                                | Price:                                                                        |
| Type:                            | Deed1:                                               | Deed2:                                                                        |
| Seller:                          | Date:                                                | Price:                                                                        |
| Type:                            | Deed1:                                               | Deed2:                                                                        |
| Exemption Information            |                                                      |                                                                               |
| Partial Exempt Assessments:      | Class                                                | 07/01/2019                                                                    |
| County:                          | 000                                                  | 0.00                                                                          |
| State:                           | 000                                                  | 0.00                                                                          |
| Municipal:                       | 000                                                  | 0.00 0.00                                                                     |
|                                  |                                                      | 0.00 0.00                                                                     |
| Tax Exempt: None                 |                                                      | Special Tax Recapture: None                                                   |
| Exempt Class: None               |                                                      |                                                                               |

## Homestead Application Information

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**Homestead Application Status: No Application**

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## Homeowners' Tax Credit Application Information

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**Homeowners' Tax Credit Application Status: No Application**

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**Date:**

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CASE NAME Checkers - Reisterstown  
CASE NUMBER 2019-472 ~~A~~ RC  
DATE 11/25/19 SPH/A

[illegible]

CHECKLISTComment  
ReceivedDepartmentSupport/Oppose/  
Conditions/  
Comments/  
No Comment

10/25

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

Comment

10/3

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

Comment

FIRE DEPARTMENT

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

Comment

11/4

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

10/4 Dept. OF Public Works

Comment

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. 95-224-A)

NEWSPAPER ADVERTISEMENT Date: 11/5/19

SIGN POSTING (1<sup>st</sup>) Date: 11/5/19 by SSG BlackSIGN POSTING (2<sup>nd</sup>) Date: 11-24-19 by "PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: \_\_\_\_\_

19-0472-SPHA 11700 Reisterstown Road

Exhibit Sheet

Petitioner/Developer

1-14-2020

Protestants

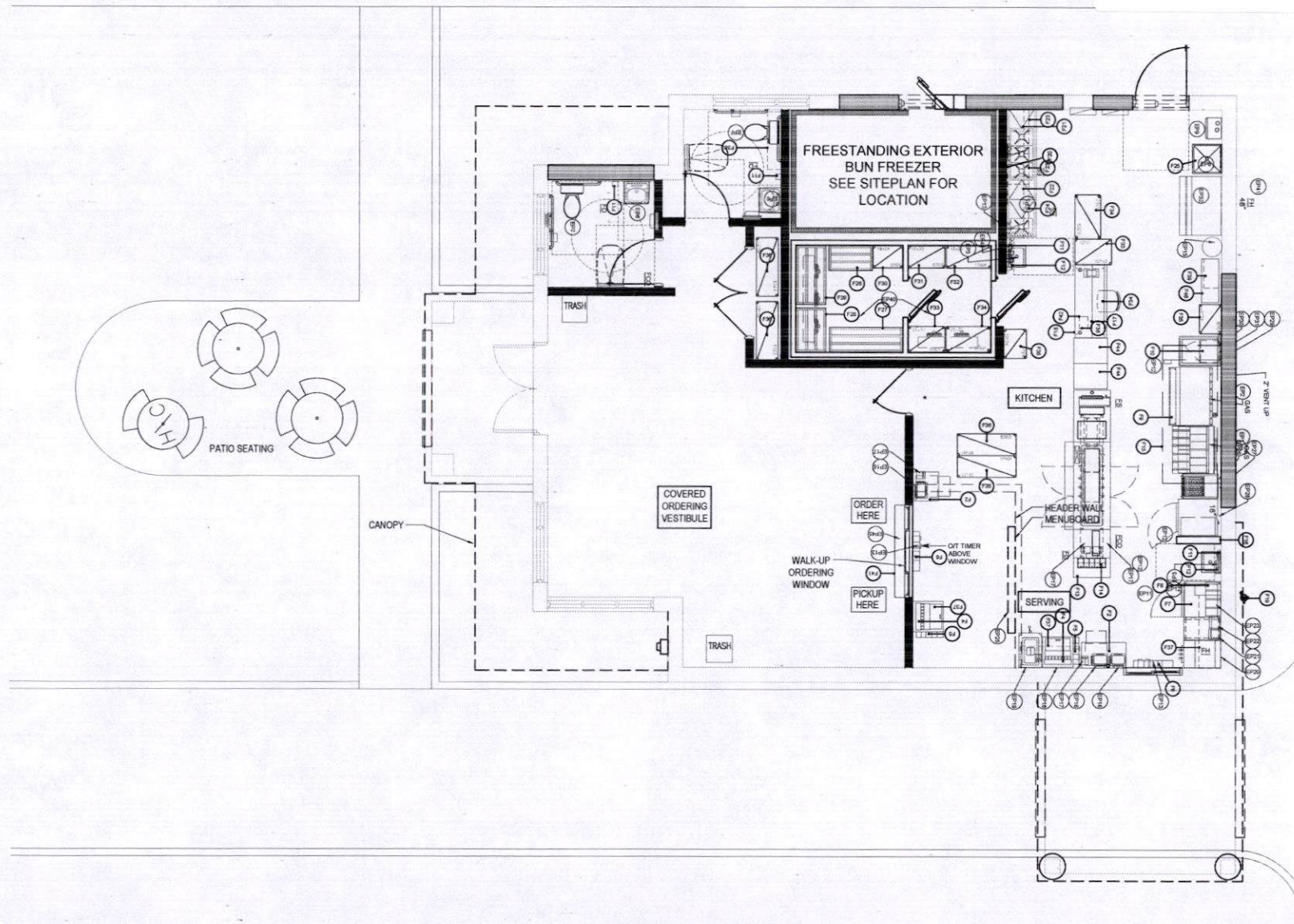
Sen  
12-13-19

|        |                                      |  |
|--------|--------------------------------------|--|
| No. 1  | <del>Revised</del> Revised Site Plan |  |
| No. 2  | Floor Plan                           |  |
| No. 3  | Architectural Elevations             |  |
| No. 4  | Letter and Traffic Study             |  |
| No. 5  |                                      |  |
| No. 6  |                                      |  |
| No. 7  |                                      |  |
| No. 8  |                                      |  |
| No. 9  |                                      |  |
| No. 10 |                                      |  |
| No. 11 |                                      |  |
| No. 12 |                                      |  |

# PETITIONER'S

EXHIBIT NO.

2



THIS DRAWING IS OWNED BY OR LICENSED FOR USE BY CHECKERS DRIVE-IN RESTAURANTS, INC. FOR ITS AFFILIATES OR RELATED COMPANIES. NO PART MAY BE REPRODUCED, COPIED, TRANSMITTED, PUBLISHED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF CHECKERS. COPYRIGHT INFRINGEMENT IS A VIOLATION OF FEDERAL LAW SUBJECT TO CRIMINAL AND CIVIL PENALTIES.

THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE CHECKERS REPRESENTATIVE PRIOR TO COMMENCING WORK.

11-18-2019

STORE # 3846  
11700 REISTERSTOWN RD  
REISTERSTOWN, MD

FP-1



PETITIONER'S

EXHIBIT NO. 3



VIEW 1



11700 REISTERSTOWN ROAD, REISTERSTOWN, MD  
OCTOBER 30, 2019





VIEW 2



11700 REISTERSTOWN ROAD, REISTERSTOWN, MD  
OCTOBER 30, 2019



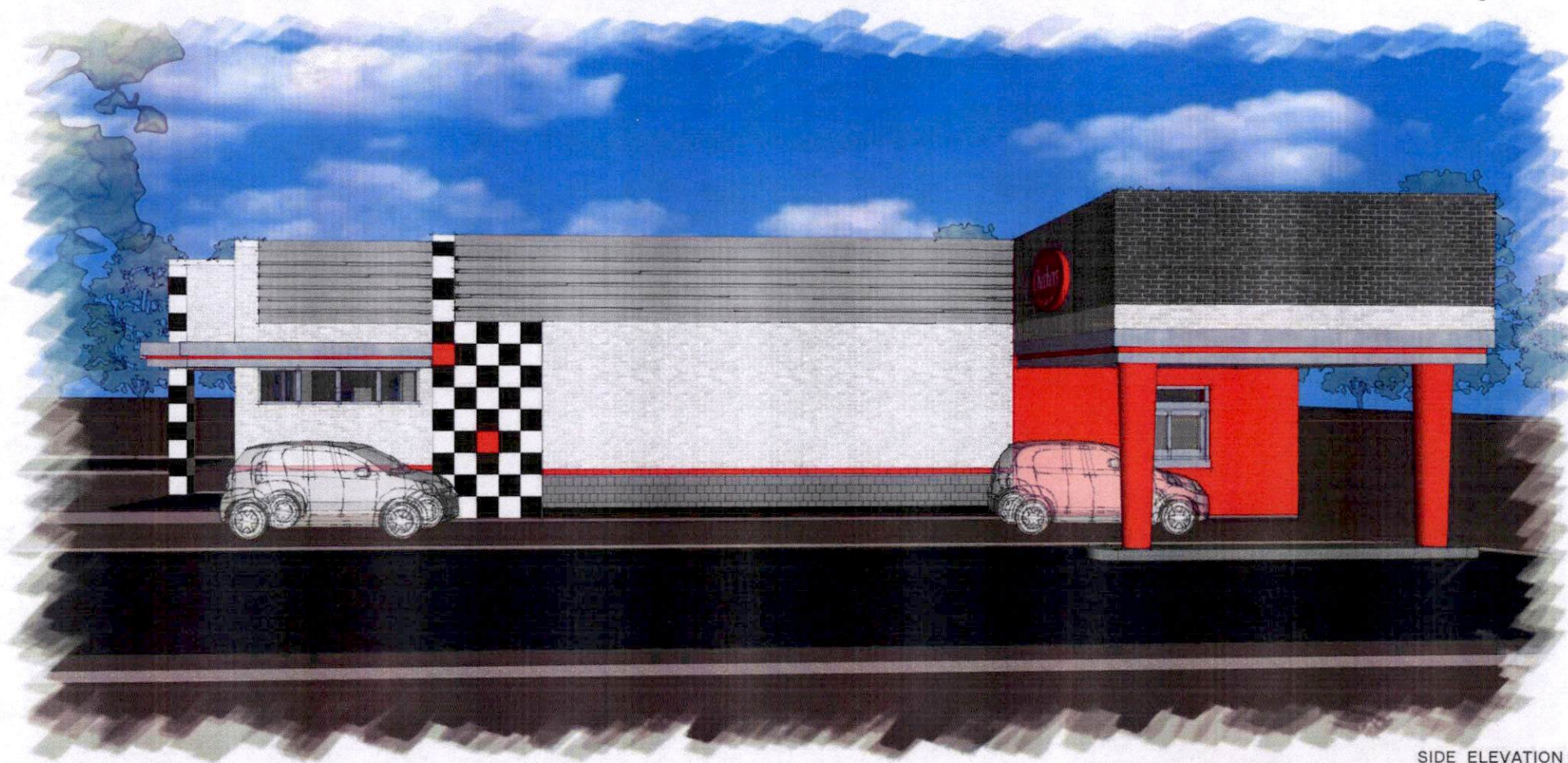


FRONT ELEVATION



11700 REISTERSTOWN ROAD, REISTERSTOWN, MD  
OCTOBER 30, 2019



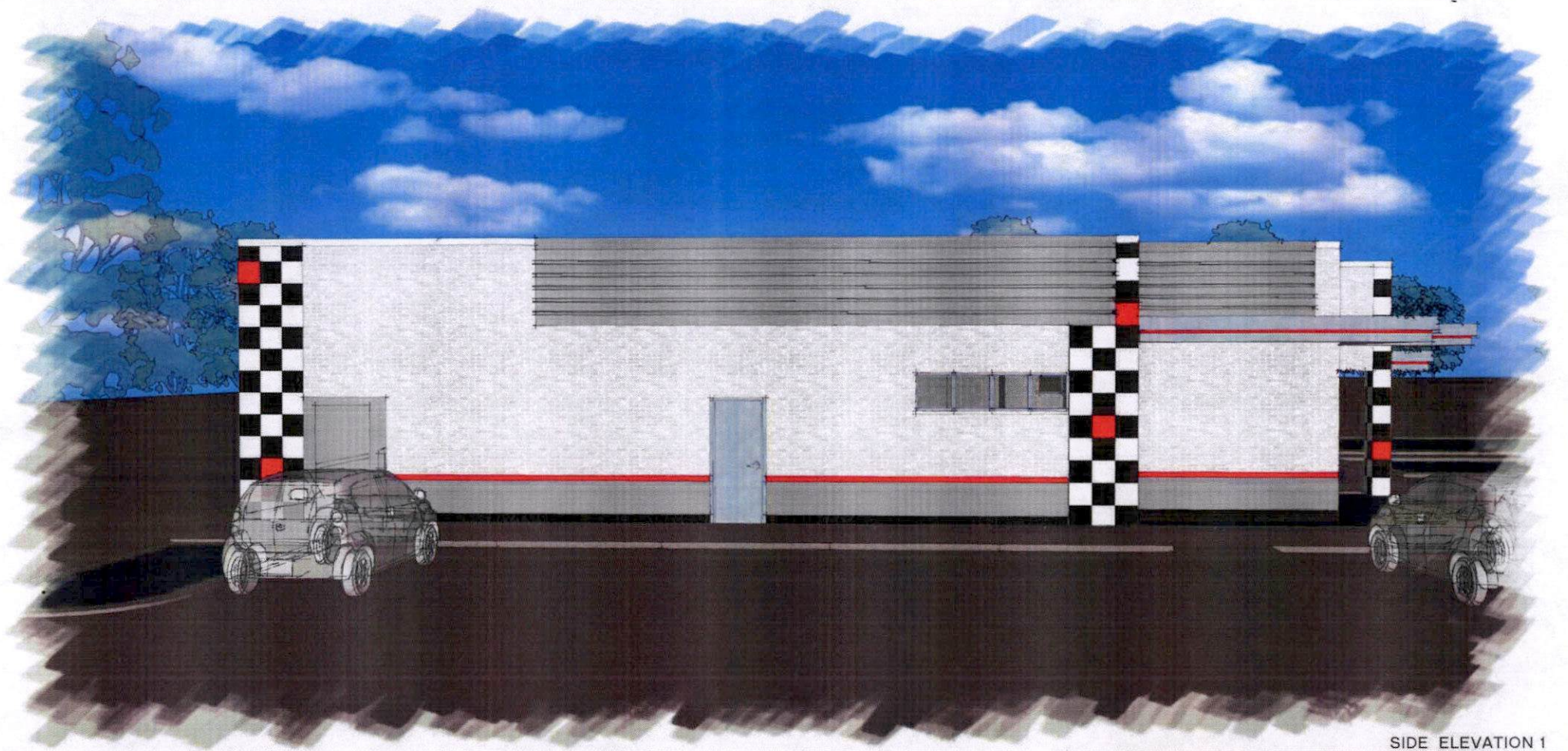


SIDE ELEVATION 2



11700 REISTERSTOWN ROAD, REISTERSTOWN, MD  
OCTOBER 30, 2019



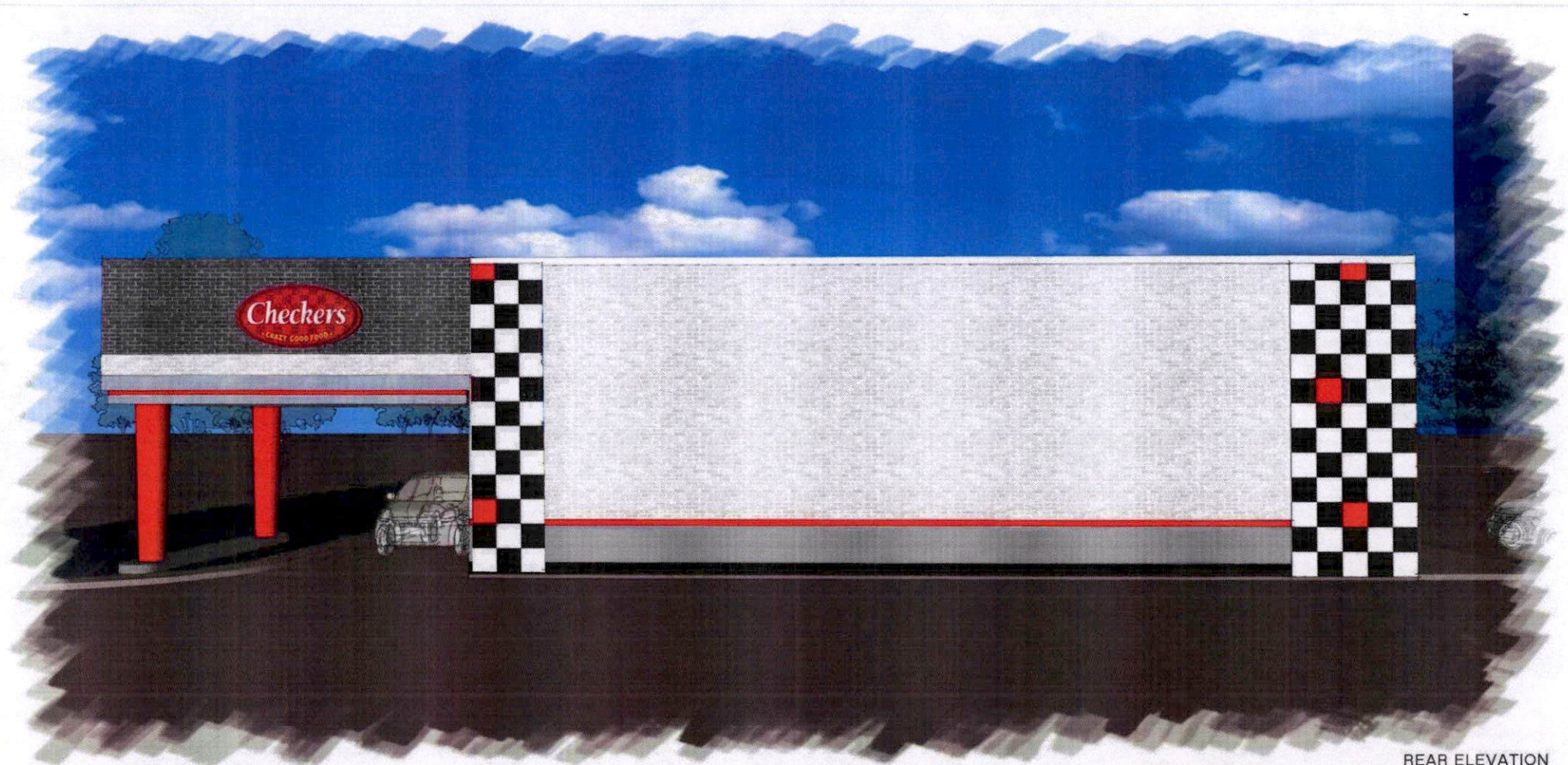


SIDE ELEVATION 1



11700 REISTERSTOWN ROAD, REISTERSTOWN, MD  
OCTOBER 30.2019





REAR ELEVATION



11700 REISTERSTOWN ROAD, REISTERSTOWN, MD  
OCTOBER 30, 2019



PM 11-25-19  
1:30pm



The Law Office of Dino C. La Fiandra, LLC

100 West Pennsylvania Avenue | Suite 305 | Towson, Maryland 21204  
443-204-3473 • dcl@LaFiandraLaw.com • LaFiandraLaw.com

December 9, 2019

Hon. Paul M. Mayhew  
Managing Administrative Law Judge for Baltimore County  
105 W. Chesapeake Avenue  
Towson, MD 21204



Re: Zoning Case 2019-0472-SPHA  
11700 Reisterstown Road

Dear Judge Mayhew:

Thank you for the opportunity to provide additional information following the November 25, 2019 hearing in the above-referenced zoning case. During the course of the hearing, you expressed concern with two aspects of the stacking lane serving the proposed Checkers Restaurant: 1) Does the stacking lane meet the code requirements under BCZR §409.10 related to the number of stacking spaces provided?, and 2) Even assuming the code provision is met, does the stacking lane provide enough reserve stacking capacity to avoid having cars stack onto Cherry Valley Road. I address each of your concerns below.

**The Stacking Lane Shown on the Redlined Revised Site Plan Meets the Requirements of BCZR §409.10, Related to Requirements for Drive-Through Facilities.**

BCZR, §409.10 provides:

§ 409.10. - Requirements for drive-through facilities.

- A. For uses with drive-through facilities, stacking spaces for vehicles waiting to complete a transaction shall be provided in addition to the parking spaces required by Section 409.6. Each stacking space shall be at least 20 feet in length. The stacking space requirement shall not include the space next to the transaction station. The following are the minimum number of required stacking spaces by type use:

PETITIONER'S

EXHIBIT NO.

4

| Use                                       | Required Stacking Spaces                                                                                                                                                                         |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Automotive service station                | As required in Section 405                                                                                                                                                                       |
| Bank                                      | 5 for the first station, plus 2 for each additional station                                                                                                                                      |
| Car wash                                  | As required in Section 419                                                                                                                                                                       |
| Restaurant, fast food                     | 7 per station, 5 of which must be behind the order board <b>[Bill No. 110-1993]</b>                                                                                                              |
| Restaurant, fast food, drive-through only | Single drive-through lane: 10 if walkup window is provided; 12 if there is no walkup window <b>[Bill No. 110-1993]</b>                                                                           |
|                                           | Double drive-through lane: 16 with no less than 5 stacking spaces per lane if walkup window is provided; 20 with no less than 5 per lane if there is no walkup window <b>[Bill No. 110-1993]</b> |
| Other uses                                | As determined by the Zoning Commissioner                                                                                                                                                         |

B. The drive-through lane shall be distinctly marked by special striping or pavement markings and shall not block entry to or exit from off-street parking spaces otherwise required on the site. The drive-through lane may not cross the principal pedestrian access to the facility, except that, in the case of a drive-through only restaurant with two drive-through lanes, the drive-through lanes are permitted to cross the pedestrian access if a painted crosswalk in association with warning signs for pedestrians and motorists is provided. The crosswalk may not be located between vehicle stacking spaces.

[Highlighting added.]

As noted at the hearing, Checkers is a fast food, drive-through only restaurant. An indoor walk-up window is provided, as allowed by definition of "fast door, drive-through only restaurant" in BCZR §101.1.<sup>1</sup> The Checkers restaurant proposed in this case has one transaction station, where money and food are exchanged. Obviously, this takes place at the last position before the drive-through vehicles leave the site; on our site plan this is the left-most car in the stacking queue.

You will recall that during the hearing on November 25, I stated that prior to submitting the Petition for Zoning I had met with Joe Merrey of PAI Zoning Review to ensure that we were asking for all necessary relief related to the site plan as proposed. Mr. Merrey is one of the most senior Zoning Planners at PAI Zoning Review. At the time, Mr. Merrey indicated that, according to the Bureau of Zoning Review, whether a drive-through facility is a "single drive-through lane" or a "double drive-through" lane depends on the number of transaction stations,

<sup>1</sup> "Restaurant, fast food, drive-through only" is defined as "A fast-food restaurant, as defined in Section 101, except that no customer seating is provided inside the restaurant. Food and beverages are ordered by motorists from a drive-through lane or from a walk-up window on the outside of the building or within a vestibule. Orders are primarily consumed off the premises, but restaurants may provide seating at tables outside the building on the premises."

not the number of order boards.<sup>2</sup> Furthermore, Mr. Merrey indicated at the time that in a situation involving a fast food, drive-through only restaurant such as Checkers, the requirement that a certain number of stacking spaces be located behind the order board does not apply because that particular language does not appear in the section related to stacking required for fast food, drive-through only restaurants, it only appears in the section related to fast food restaurants that are not drive-through only. See the chart above.

Zoning Review's interpretation of these provisions seemed reasonable, particularly in this instance, so we moved forward with the plan as proposed without asking for any further relief related to the stacking lanes. Under the rubric set forth above, the Checkers restaurant as proposed is a *fast food, drive through only restaurant, with a walk-up window and a single lane drive-through* (without regard to the number of order boards). As such, under the highlighted portion of BCZR, §409.10 above, this Checkers restaurant requires 10 stacking spaces (not including the space at the transaction window), without consideration of the number of stacking spaces that are provided behind the order boards. Indeed, the redlined Revised Site Plan to Accompany Zoning Petition which was presented at the hearing shows 10 stacking spaces in addition to the space at the transaction window.

Following our hearing on November 25, the engineer who prepared the site plan and who testified at the hearing, Mr. Richardson, and I again met with Mr. Merrey of Zoning Review. We reviewed the proposed site plan with Mr. Merrey, particularly the proposed stacking spaces, and we reviewed the code requirements again as well, to ensure that the proposed site plan provides stacking spaces in accordance with the code requirements, especially in light of Your Honor's concerns expressed during the hearing. We went through the same analysis as set forth above, and once again, all three of us were satisfied that the proposed site plan requires 10 stacking spaces under the code, and that 10 stacking spaces are provided, not including the space at the transaction station.

In light of the fact that there were no members of the community present at the hearing, I have no objection to you speaking with Mr. Merrey or with his supervisor, Mr. Richards, if you wish to verify this information or seek greater clarification. In light of this analysis, my client asks you to determine that the proposed site plan provides adequate stacking spaces under BCZR §409.10.

---

<sup>2</sup> As it relates to the number of drive-through lanes not being determined by the number of order boards but only being determined by the number of transaction stations, Mr. Merrey offered the example of the McDonald's Restaurant at 2107 E. Joppa Road, which is shown on an approved development plan (a "B-plan"), a reduced size copy of which is attached. Mr. Merrey stated that this McDonald's restaurant has one drive-through lane, despite the fact that it has two order boards as shown on the development plan. Mr. Merrey indicated this is but one example of many that are present in the County of multiple order boards serving only one transaction station. According to the Bureau of Zoning Review, this represents a single drive-through lane.

**The Reserve Capacity of the Stacking Spaces is Adequate to Handle the Peak Demand of the Checkers Restaurant, Regardless of the Requirements of the Code**

We next turn to the issue of whether the reserve capacity of the stacking queue is adequate to prevent cars from stacking onto Cherry Valley Road. It appeared to Your Honor that cars might stack onto Cherry Valley Road causing a hazard. As demonstrated below, the weight of the evidence suggests this will not occur.

First, I would be remiss to not point out the differences between Mc Donald's and Chic-Fil-A, on the one hand, and Checkers on the other hand. I do this because Your Honor specifically mentioned those two restaurants as points of comparison for the drive-through in this case, and to be fair to Checkers as it relates to the adequacy of the stacking provided for this use, I'd like to point out the relative size of the annual business on a per store basis for these restaurants. Following the hearing on November 25, Mr. Lavery from Checkers who testified in this case was able to obtain data showing that, whereas Baltimore-area Chic-Fil-A restaurants do an average of \$5.1M in annual revenue per store, and Baltimore-area McDonald's restaurants do an average of \$2.9M in annual revenue per store, Baltimore-area Checkers restaurants only do an average of \$1.1M in annual revenue per store, literally a fraction of their larger counterparts' annual business. This point was likewise made at the hearing by Mr. Allen, Director of Development of Klein Enterprises, who was the landlord's representative in this matter. Checkers is a much smaller operation than these larger franchise operations, and consequently one would expect the demand for stacking spaces to be much less than for those larger franchise stores as well.

Next, as you will recall, at the hearing Mr. Lavery testified that in Checkers' experience, customers will typically forego the opportunity to be the third car in the stacking queue behind the order board. There being two order boards at this Checkers, if history is a guide, this means that there typically would not be more than the car in the ordering position plus the car behind the car in the ordering position at each order board, or four cars total behind the order boards at this proposed Checkers location. In fact, at this Checkers restaurant each order board has three stacking spaces, or a reserve capacity of six stacking spaces total "behind the order board[s]." As Mr. Lavery testified, in Checkers' experience, this should be more than adequate reserve capacity to keep cars from stacking onto Cherry Valley Road.

Nonetheless, in an effort to provide Your Honor with enough data to enable you to approve the requested relief in the zoning petition without reluctance, following our hearing on November 25, my client ordered a Peak Hour Analysis of a comparable Checkers restaurant in the Baltimore area and is supplying the results of the study with this letter. Traffic Concepts, Inc. studied the Checkers at 5300 Moravia Road in Baltimore City on Friday, December 6 from 11:30 a.m. to 1:45 p.m. This restaurant is the only other single lane drive-through Checkers in the Baltimore area – all the other Checkers have two transaction stations, making them double lane drive-throughs and not appropriate for comparison. Both Moravia Road and Reisterstown Road have average daily volume in excess of 30,000 vehicles, which means that the proposed

restaurant at 11700 Reisterstown Road would be expected to have similar trip generation as the Moravia Road restaurant. The only significant difference between the Moravia Road restaurant and the proposed Checkers at 11700 Reisterstown Road is that the restaurant at 5300 Moravia Road has only one order board, whereas the proposed Checkers at 11700 has two order boards. However, as noted by Mr. Keeley of Traffic Concepts in his report the additional order board at the proposed Checkers will be a benefit to the proposed restaurant, increasing the efficiency and reducing the delay to the pick-up window, thereby getting cars off the site sooner.

As you can see from the report that is attached, Checkers self-reported the busiest time during the week as Friday between 11:30 a.m. and 1:30 p.m. Mr. Keeley then validated that time period with reference to the Institute of Transportation Engineers, Parking Generation Manual. He then conducted a study of total number of vehicles entering the drive-through lane during the entire study period, and a count of the maximum length of the stacking queue during the study period. Mr. Keeley determined that the peak-hour during the study period was between 11:30 a.m. and 12:30 p.m., when a total of 24 cars entered the drive through lane during the one-hour peak period. The longest stacking queue Mr. Keeley observed beyond the order board during the entire study period was 4 cars. Based on this study, in Mr. Keeley's opinion, the 6-car stacking queue beyond the order boards of the proposed Checkers at 11700 Reisterstown Road provides adequate reserve capacity to handle the peak hour demand.

The consistency of the testimony of Mr. Laverty with the results of Mr. Keeley's study should be noted. Mr. Laverty testified that in Checkers experience customers tend to avoid getting on the drive-through line if they will be the third car behind the order board, which would be a maximum of 4 cars queued beyond the order board under typical conditions at the proposed Checkers location on Reisterstown Road. Mr. Keeley testified that the peak-hour maximum queue beyond the order board on Moravia Road was 4 cars. Both Mr. Keeley and Mr. Laverty were of the opinion that the 6 stacking spaces beyond the order boards are sufficient to avoid having cars stack onto Cherry Valley Road.

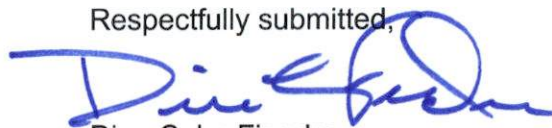
Lastly, it bears note that your approval of the relief requested in the Revised Petition for Zoning Relief would seem to be of fairly limited applicability in the event the building was ever converted to a different use. The zoning site plan and the parking variances at issue are for a very specific use – "Fast food, drive-through only restaurant", and the stacking spaces provided are further limited by the provision of a "walk up window" in the Checkers restaurant. In the event the use changes to anything other than a "fast food, drive-through only" with a "walk-up window", the adequacy of the parking spaces and the stacking spaces necessarily will be reexamined at that time because additional zoning approvals would be necessary for that conversion, whatever it may be. Perhaps it will give you an additional measure of comfort to know that the approval you may grant in this matter cannot be used for something like a Starbucks or a Dunkin Donuts, without seeking the approval of the Office of Administrative Hearings in advance. This is because a fast food restaurant (not drive through only) like a Starbucks or a Dunkin Donuts requires 16 parking spaces per 1000 square feet, whereas Checkers only requires 14 parking spaces per 1000 square feet, so an additional parking

variance would be necessary for virtually any other type of fast food restaurant that has indoor seating and as part of that additional variance the adequacy of the stacking can be reexamined as well.

**Conclusion**

On behalf of my client, Maryland Food, LLC, and its members, Sudhir Bastola and Sayed Halel, I respectfully ask that you find the Petitioner has satisfied its burden and shown that the relief requested can be granted without any injury to the public health, safety or general welfare and in harmony with the spirit and intent of the zoning regulations.

Respectfully submitted,



Dino C. La Fiandra

C: Mr. Joseph Merrey, Zoning Review  
Mr. Carl Richards, Zoning Review  
Mr. Sudhir Bastola, Maryland Food, LLC  
Mr. Sayed Halel, Maryland Food, LLC  
Mr. Matthew Allen, Klein Enterprises, Inc.

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# TRAFFIC CONCEPTS, INC.

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

December 9, 2019

Mr. Dino C. La Fiandra, Esquire  
The Law Office of Dino C. La Fiandra, LLC  
100 W. Pennsylvania Avenue, Suite 305  
Towson, Maryland 21204

RE: Checkers Drive-Through Queuing Analysis  
Checkers Rezoning  
11700 Reisterstown Road

Dear Mr. La Fiandra:

Traffic Concepts, Inc. has conducted a weekday peak hour analysis to determine the maximum peak hour vehicle queue for a typical Checkers fast-food restaurant with a drive-through lane. The subject Checkers restaurant site is located at 5300 Moravia Road in Baltimore City. This restaurant is similar in size and lay out as the proposed Checkers store site to be located at 11700 Reisterstown Road in Baltimore County.

The 5300 Moravia Road Checkers store operates with a one drive-through lane and one order board and no indoor seating. The drive-through storage length from the order board to the entrance is approximately 115 feet. The vehicle storage capacity within the drive-through lane is 6 passenger cars.

## Methodology

The study was conducted on Friday, December 6, 2019. The study began at 11:30 AM and concluded at 1:45 PM. This study time period was provided by the store owner and is based on receipts collected by the owner. Traffic Concepts, Inc. then researched fast-food uses with a drive-through window in order to validate the study time period. The *Institute of Transportation Engineers, Parking Generation Manual, 5<sup>th</sup> Edition* (ITE) contains land use data in the form of time of day distribution and parking demand for specific land uses. The ITE data confirms the peak hour demand for a fast-food restaurant with a drive-through window occurs between the 11:00 AM to 2:00 PM time period. The ITE data is included as an attachment.

The methodology to determine the maximum vehicle queue within the drive-through lane included a count of the total number of vehicles entering the drive-through lane during the study period and a count of the total number of vehicles stopped in the drive-through lane in 15 second time intervals.

Mr. Dino C. La Fiandra  
December 9, 2019  
Page 2 of 2

### Conclusions & Findings

The peak hour demand at the subject site occurred during the 11:30 AM to 12:30 PM hour. During the peak hour, a total of 24 passenger cars were recorded entering the drive-through lane. The maximum queue recorded within the drive-through lane beginning at the order board was 4 passenger cars. During the study period, the total number of vehicles entering the drive-through lane was 49 and the longest queue did not exceed was 4 passenger vehicles.

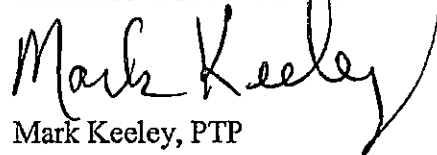
We find the subject Checkers fast food restaurant with a single drive-through lane and a storage capacity of 6 vehicles from the single order board is sufficient to handle the peak hour traffic flows. The peak hour trip generation for service type land uses such as a fast-food restaurant with a drive-through lane is dependent on the adjacent street traffic volume and the surround land use. Both the Moravia Road Checkers store and the proposed Reisterstown Checkers store are located in urban areas along high volume roadways with an average daily traffic volume of more than 30,000. Therefore, based on this information, we conclude the peak hour trip generation would be similar at both locations.

We note the proposed 11700 Reisterstown Road Checkers store will have two (2) menu order boards. The two order locations will reduce food order delays and thus improve the traffic flow past the order board to the pick-up window. The proposed store layout will allow four (4) vehicles to stack from the pick-up window to the order board. With this information, we conclude the proposed 11700 Reisterstown Road Checkers fast food restaurant and drive-through lane with storage for 6 passenger vehicles, when measured from the order board, would handle the forecasted peak hour traffic flow.

Please do not hesitate to contact our office, if you have any questions about our analysis.

Sincerely,

TRAFFIC CONCEPTS, INC.



Mark Keeley, PTP  
Project Manager  
[MKeeley@traffic-concepts.com](mailto:MKeeley@traffic-concepts.com)

Attachments: Trip Count Data  
ITE Peak Demand Information  
Site Plan

# Intersection Delay Study

## Field Worksheet

Location: 5300 Monavia Rd

Approach: checkers Store

Date: Friday, Dec. 6, 2019

Observer(s): MK

| Time<br>(Minutes Starting) | Total (Stopped Vehicles) |           |           |           | Total Vehicles<br>Approach Volume |
|----------------------------|--------------------------|-----------|-----------|-----------|-----------------------------------|
|                            | 0<br>Sec                 | 15<br>Sec | 30<br>Sec | 45<br>Sec |                                   |
| 11:30                      |                          |           | 1         | 1         | 1                                 |
| 31                         | 1                        | 1         | 1         | -         |                                   |
| 32                         | -                        | -         | -         | -         |                                   |
| 33                         | -                        | -         | -         | -         |                                   |
| 34                         | -                        | -         | -         | -         |                                   |
| 11:35                      | -                        | -         | -         | -         |                                   |
| 36                         | 2                        | 2         | 2         | 2         | 11                                |
| 37                         | 2                        | 2         | 2         | 2         |                                   |
| 38                         | 2                        | 2         | 2         | 2         | 1                                 |
| 39                         | 2                        | 2         | 2         | 1         |                                   |
| 11:40                      | 1                        | 1         | 1         | 1         |                                   |
| 41                         | 1                        | -         | -         | -         |                                   |
| 42                         | -                        | -         | -         | -         |                                   |
| 43                         | -                        | -         | -         | -         |                                   |
| 44                         | -                        | -         | -         | 2         | 11                                |
| 11:45                      | 2                        | 2         | 2         | 1         |                                   |
| 46                         | 1                        | 1         | 1         | 1         |                                   |
| 47                         | 1                        | 1         | -         | -         |                                   |
| 48                         | -                        | -         | -         | -         |                                   |
| 49                         | -                        | -         | 1         | 1         | 1                                 |
| 11:50                      | 1                        | 1         | 1         | 2         | 1                                 |
| 51                         | 2                        | 2         | 2         | 2         |                                   |
| 52                         | 2                        | 2         | 1         | 1         | 1                                 |
| 53                         | 1                        | 1         | 1         | 1         |                                   |
| 54                         | 1                        | 1         | 1         | 1         |                                   |
| 11:55                      | 1                        | 1         | -         | -         |                                   |
| 56                         | -                        | -         | -         | -         |                                   |
| 57                         | -                        | -         | -         | 1         | 1                                 |
| 58                         | 1                        | 1         | 1         | 1         | 1                                 |
| 59                         | 2                        | 2         | 2         | 2         | 1                                 |
| 12:00                      | 2                        | 2         | 1         | 1         | 1                                 |
| 01                         | 1                        | 1         | 1         | 1         |                                   |
| 02                         | -                        | -         | 1         | 1         | 1                                 |
| 03                         | 1                        | 1         | 1         | 1         |                                   |
| 04                         | -                        | -         | -         | -         |                                   |

# Intersection Delay Study Field Worksheet

Location: 5300 Motavia Rd

Approach: checkers

Date: 12-6-19

Observer(s): Mk

| Time<br>(Minutes Starting) | Total (Stopped Vehicles) |           |           |           | Total Vehicles<br>Approach Volume |
|----------------------------|--------------------------|-----------|-----------|-----------|-----------------------------------|
|                            | 0<br>Sec                 | 15<br>Sec | 30<br>Sec | 45<br>Sec |                                   |
| 12:05                      | —                        | —         | —         | —         |                                   |
| 06                         | —                        | —         | —         | —         |                                   |
| 07                         | —                        | —         | —         | —         |                                   |
| 08                         | —                        | —         | —         | 1         | 1                                 |
| 09                         | 1                        | 1         | 1         | 1         |                                   |
| 12:10                      | 1                        | 1         | —         | 2         | 11                                |
| 11                         | 2                        | 3         | 3         | 3         | 1                                 |
| 12                         | 3                        | 4         | 4         | 3         | 1                                 |
| 13                         | 3                        | 3         | 2         | 2         |                                   |
| 14                         | 2                        | 1         | 1         | 1         |                                   |
| 12:15                      | 1                        | 1         | 1         | 2         | 1                                 |
| 16                         | 2                        | 2         | 2         | 2         |                                   |
| 17                         | 1                        | 1         | 1         | 1         |                                   |
| 18                         | 1                        | 1         | 1         | 1         |                                   |
| 19                         | —                        | —         | —         | —         |                                   |
| 12:20                      | —                        | —         | —         | —         |                                   |
| 21                         | —                        | —         | —         | —         |                                   |
| 22                         | —                        | —         | —         | —         |                                   |
| 23                         | —                        | —         | —         | —         |                                   |
| 24                         | —                        | —         | 1         | 1         | 11                                |
| 12:25                      | 2                        | 2         | 1         | 1         |                                   |
| 26                         | 1                        | 1         | 1         | 1         | 1                                 |
| 27                         | 1                        | 1         | 1         | 1         |                                   |
| 28                         | 1                        | 1         | —         | —         |                                   |
| 29                         | —                        | 1         | 1         | 1         | 1                                 |
| 12:30                      | 1                        | 1         | —         | —         |                                   |
| 31                         | —                        | —         | —         | —         |                                   |
| 32                         | —                        | —         | —         | —         |                                   |
| 33                         | —                        | —         | —         | —         |                                   |
| 34                         | —                        | —         | 1         | 1         | 1                                 |
| 12:35                      | 1                        | 1         | 1         | 1         |                                   |
| 36                         | 1                        | 1         | —         | —         |                                   |
| 37                         | —                        | —         | —         | —         |                                   |
| 38                         | —                        | —         | —         | —         |                                   |
| 39                         | —                        | —         | —         | —         |                                   |

ONE Hour  
24 Vehicles

# Intersection Delay Study Field Worksheet

Location: 5300 Miravia Rd

Approach: checkers

Date: 12-6-19

Observer(s): MLK

| Time<br>(Minutes Starting) | Total (Stopped Vehicles) |           |           |           | Total Vehicles<br>Approach Volume |
|----------------------------|--------------------------|-----------|-----------|-----------|-----------------------------------|
|                            | 0<br>Sec                 | 15<br>Sec | 30<br>Sec | 45<br>Sec |                                   |
| 12:40                      | —                        | —         | 2         | 3         | 111                               |
| 41                         | 3                        | 3         | 3         | 2         | 1                                 |
| 42                         | 3                        | 3         | 3         | 3         |                                   |
| 43                         | 3                        | 3         | 3         | 3         |                                   |
| 44                         | 3                        | 3         | 2         | 2         |                                   |
| 12:45                      | 2                        | 2         | 2         | 2         |                                   |
| 46                         | 2                        | 2         | 2         | 1         |                                   |
| 47                         | 1                        | 1         | 1         | 1         |                                   |
| 48                         | —                        | —         | —         | —         |                                   |
| 49                         | —                        | —         | —         | —         |                                   |
| 12:50                      | —                        | —         | —         | —         |                                   |
| 51                         | —                        | —         | 1         | 1         | 1                                 |
| 52                         | 1                        | 1         | 1         | 1         |                                   |
| 53                         | 1                        | 1         | 1         | 1         | 1                                 |
| 54                         | 2                        | 1         | 1         | 1         | 1                                 |
| 12:55                      | 1                        | 1         | —         | —         |                                   |
| 56                         | —                        | —         | —         | —         |                                   |
| 57                         | —                        | —         | —         | —         |                                   |
| 58                         | —                        | —         | —         | —         |                                   |
| 59                         | —                        | 1         | 1         | 1         | 1                                 |
| 1:00                       | 1                        | 1         | 1         | —         |                                   |
| 01                         | —                        | 1         | 1         | 1         | 1                                 |
| 02                         | 1                        | 2         | 2         | 2         | 1                                 |
| 03                         | 2                        | 2         | 1         | 1         |                                   |
| 04                         | 1                        | 1         | 1         | 1         |                                   |
| 1:05                       | 1                        | —         | —         | —         |                                   |
| 06                         | —                        | —         | —         | —         |                                   |
| 07                         | —                        | —         | —         | —         |                                   |
| 08                         | —                        | —         | 1         | 1         | 1                                 |
| 09                         | 1                        | 1         | —         | —         |                                   |
| 1:10                       | —                        | —         | —         | —         |                                   |
| 11                         | —                        | —         | —         | —         |                                   |
| 12                         | —                        | —         | —         | —         |                                   |
| 13                         | —                        | —         | —         | —         |                                   |
| 14                         | —                        | —         | —         | —         |                                   |

# Intersection Delay Study Field Worksheet

Location: S300 Moravia Rd

Approach: checker

Date: 12-6-19

Observer(s): mk

| Time<br>(Minutes Starting) | Total (Stopped Vehicles) |           |           |           | Total Vehicles<br>Approach Volume |
|----------------------------|--------------------------|-----------|-----------|-----------|-----------------------------------|
|                            | 0<br>Sec                 | 15<br>Sec | 30<br>Sec | 45<br>Sec |                                   |
| 1:15                       | 1                        | 1         | 1         | 1         | 1                                 |
| 16                         | 1                        | 1         | —         | —         |                                   |
| 17                         | —                        | —         | —         | —         |                                   |
| 18                         | —                        | —         | —         | —         |                                   |
| 19                         | —                        | —         | —         | —         |                                   |
| 1:20                       | —                        | —         | —         | —         |                                   |
| 21                         | —                        | —         | 1         | 1         | 1                                 |
| 22                         | —                        | —         | —         | —         |                                   |
| 23                         | —                        | —         | —         | —         |                                   |
| 24                         | —                        | —         | —         | —         |                                   |
| 1:25                       | —                        | —         | —         | —         |                                   |
| 26                         | —                        | 1         | 2         | 2         | 11                                |
| 27                         | 1                        | 1         | 1         | 3         | 11                                |
| 28                         | 3                        | 3         | 3         | 4         | 1                                 |
| 29                         | 4                        | 4         | 4         | 3         |                                   |
| 1:30                       | 3                        | 3         | 4         | 3         | 1                                 |
| 31                         | 3                        | 3         | 3         | 3         |                                   |
| 32                         | 2                        | 2         | 2         | 2         |                                   |
| 33                         | 2                        | 1         | 1         | 1         |                                   |
| 34                         | 1                        | 2         | 2         | 2         | 1                                 |
| 1:35                       | 3                        | 4         | 4         | 3         | 11                                |
| 36                         | 3                        | 3         | 2         | 2         |                                   |
| 37                         | 2                        | 2         | 2         | 1         |                                   |
| 38                         | 1                        | 1         | —         | —         |                                   |
| 39                         | —                        | —         | —         | —         |                                   |
| 1:40                       | —                        | —         | —         | —         |                                   |
| 41                         | —                        | —         | —         | 1         | 1                                 |
| 42                         | 1                        | 1         | 2         | 2         | 1                                 |
| 43                         | 1                        | 1         | 1         | 1         |                                   |
| 44                         | 1                        | —         | —         | —         |                                   |
| 1:45                       | —                        | —         | —         | —         |                                   |
|                            |                          |           |           |           |                                   |
|                            |                          |           |           |           |                                   |
|                            |                          |           |           |           |                                   |
|                            |                          |           |           |           |                                   |

Total Vehicles Entering  
- Drive-Thru = 49

## Land Use: 934 Fast-Food Restaurant with Drive-Through Window

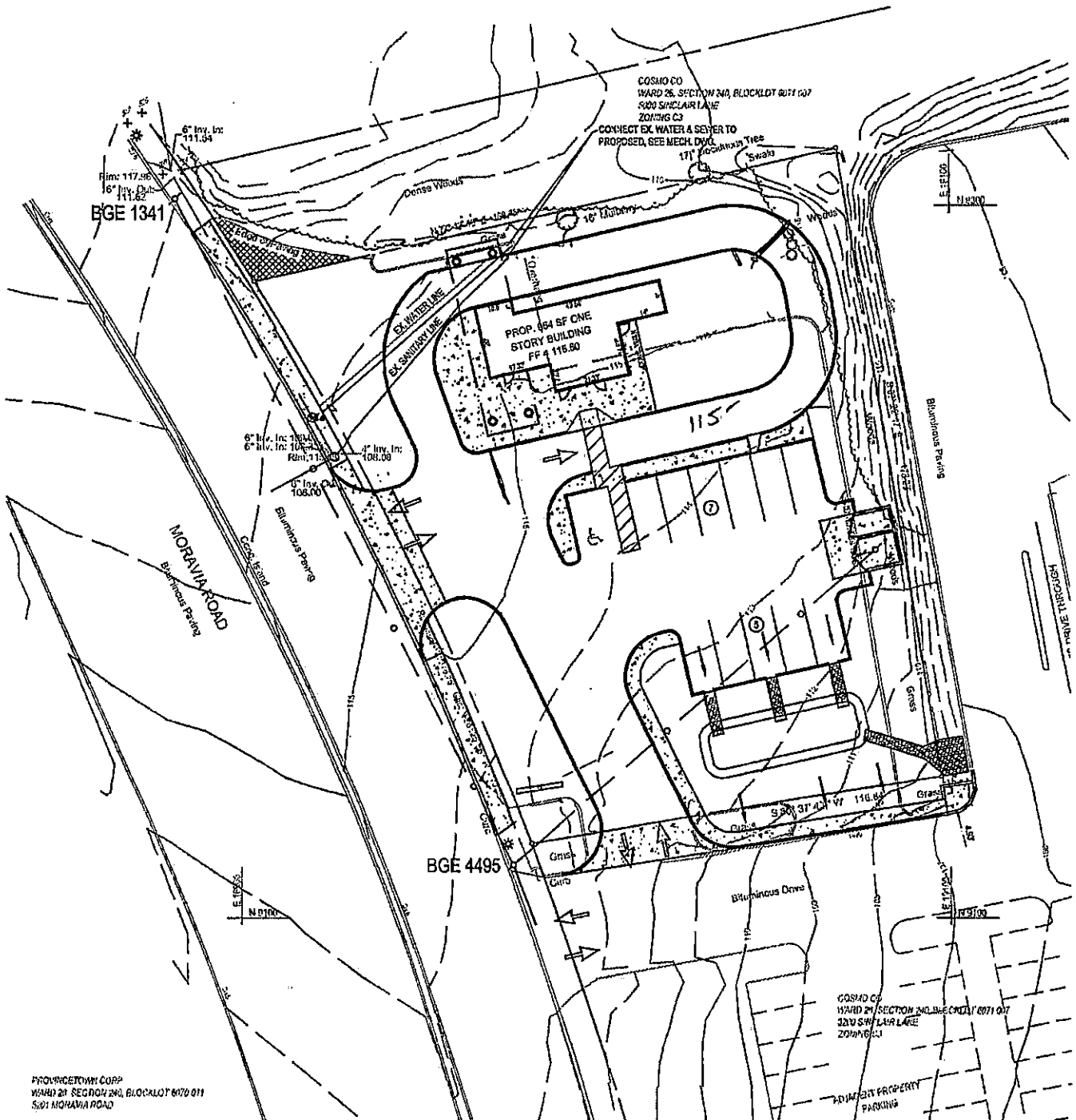
### Description

This category includes fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large drive-through and large carry-out 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 a day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. A patron generally orders from a menu board and pays before receiving the meal. A typical duration of stay for an eat-in patron is less than 30 minutes. Fast casual restaurant (Land Use 930), 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.

### Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a Monday-through-Thursday weekday (four study sites) and a Saturday (one study site) in a general urban/suburban setting.

|                 | Percent of Peak Parking Demand |          |
|-----------------|--------------------------------|----------|
|                 | Monday-Thursday Weekday        | Saturday |
| 12:00-4:00 a.m. | —                              | —        |
| 5:00 a.m.       | —                              | —        |
| 6:00 a.m.       | —                              | —        |
| 7:00 a.m.       | —                              | —        |
| 8:00 a.m.       | —                              | —        |
| 9:00 a.m.       | —                              | —        |
| 10:00 a.m.      | 28                             | 31       |
| 11:00 a.m.      | 60                             | 50       |
| 12:00 p.m.      | 100                            | 88       |
| 1:00 p.m.       | 85                             | 100      |
| 2:00 p.m.       | 57                             | 75       |
| 3:00 p.m.       | 43                             | 50       |
| 4:00 p.m.       | 45                             | 31       |
| 5:00 p.m.       | 59                             | 50       |
| 6:00 p.m.       | 62                             | 69       |
| 7:00 p.m.       | 18                             | 63       |
| 8:00 p.m.       | —                              | —        |
| 9:00 p.m.       | —                              | —        |
| 10:00 p.m.      | —                              | —        |
| 11:00 p.m.      | —                              | —        |



# PROPOSED SITE PLAN

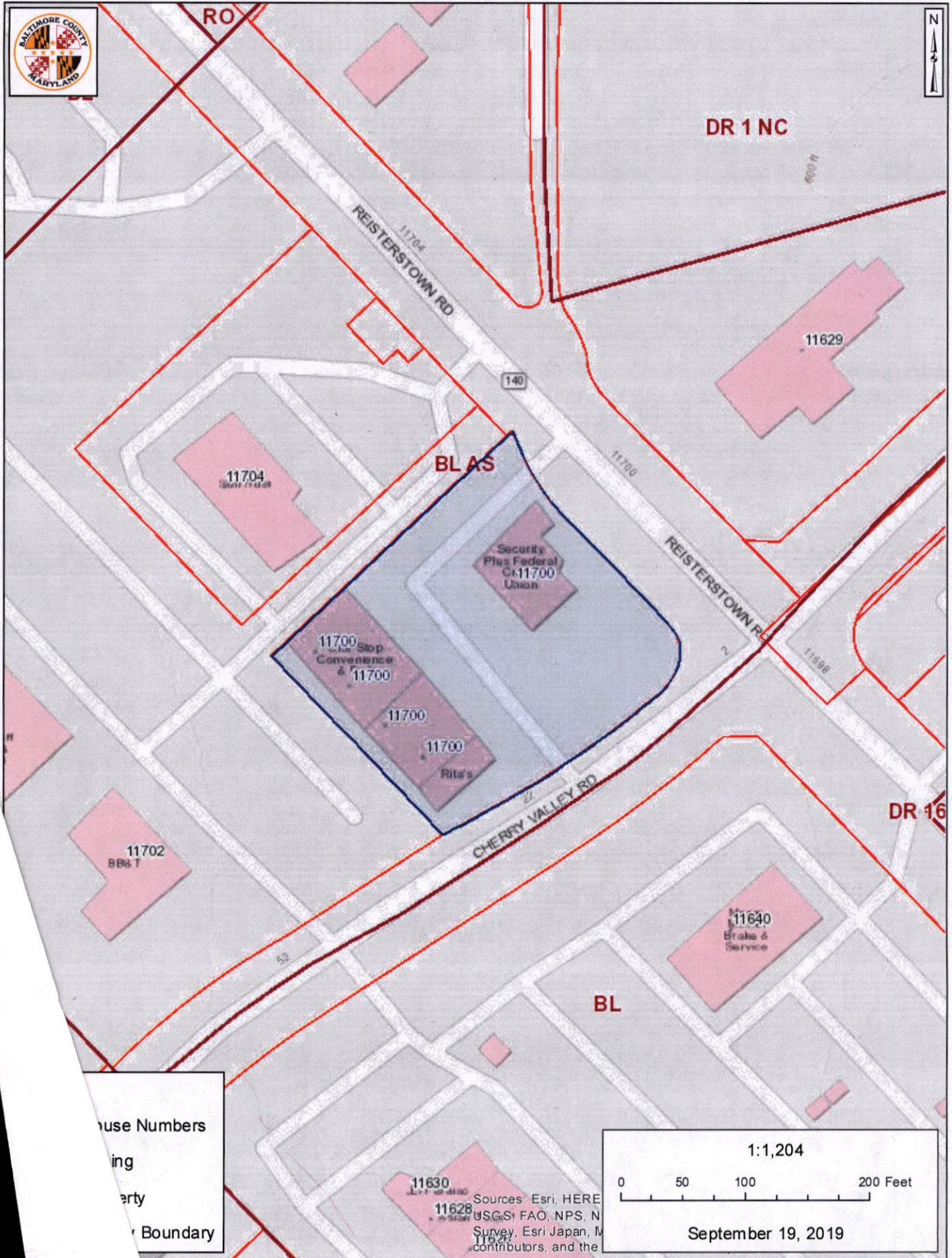
SCALE: 1" = 40'

5300 MORAVIA ROAD  
BALTIMORE, MD 21206





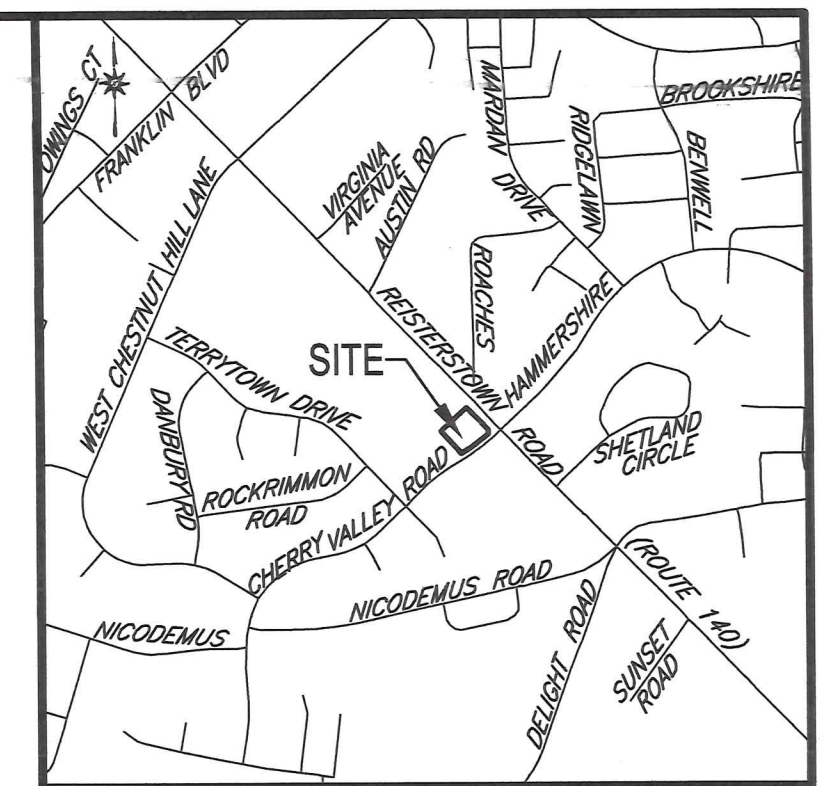
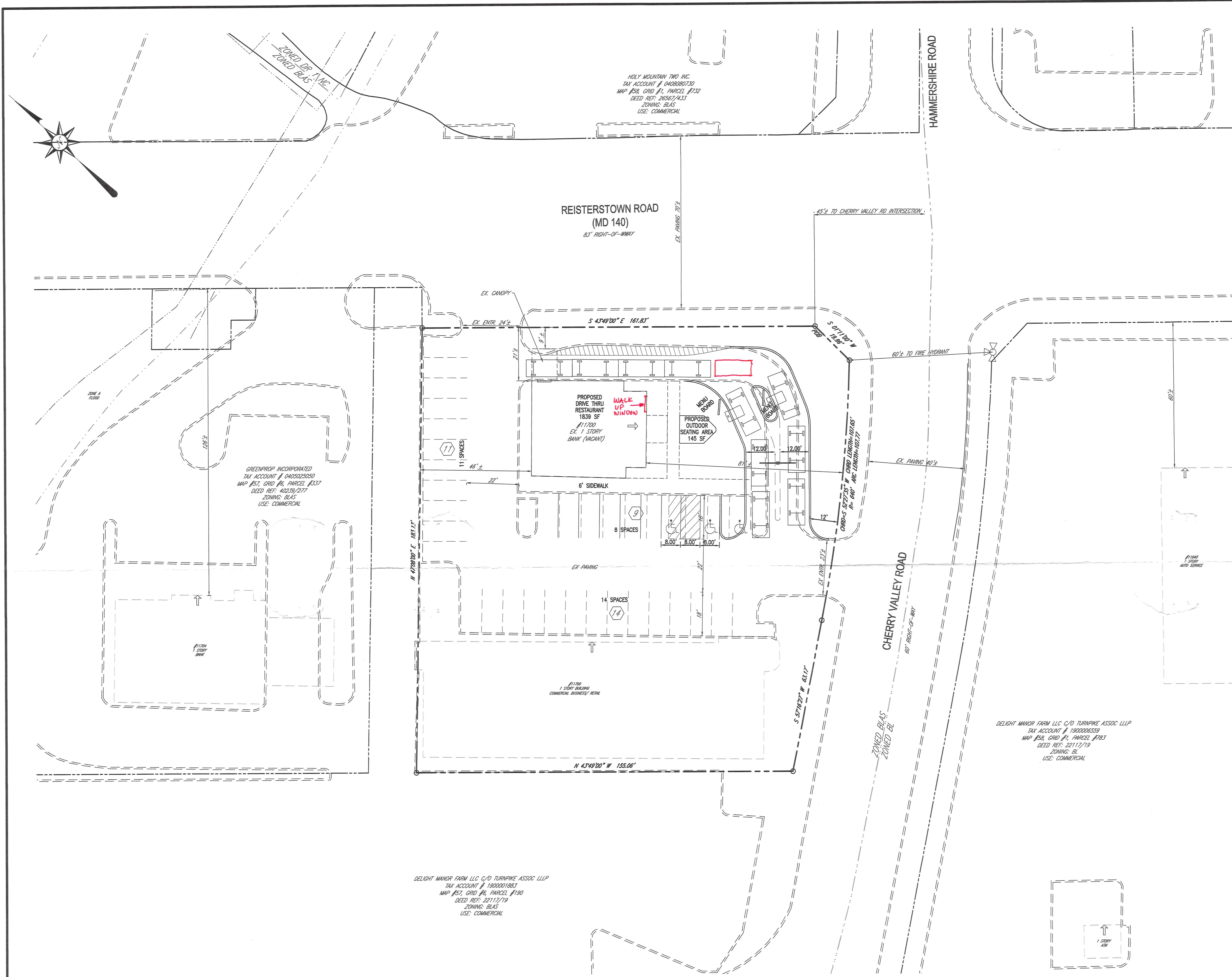
# 11700 Reisterstown Road



House Numbers  
ing  
erty  
Boundary

1:1,204  
0 50 100 200 Feet  
September 19, 2019

Sources: Esri, HERE, USGS, FAO, NPS, N Survey, Esri Japan, M contributors, and the



LOCATION MAP  
SCALE: 1" = 1,000'

GENERAL NOTES:

- OWNER:  
K D ASSOCIATES LIMITED PARTNERSHIP C/O KLEIN ENTERPRISES  
SUITE 165  
1777 REISTERSTOWN RD  
BALTIMORE MD 21208
- SITE AREA:  
GROSS: 41,403 Sq.Ft. or 0.95 Ac.±  
NET: 30,821 Sq.Ft. or 0.71 Ac.±  
EXISTING BANK BUILDING AREA: 1,839 Sq.Ft.  
EXISTING RETAIL BUILDING AREA: 5,600 Sq.Ft. (TO REMAIN)  
TOTAL EXISTING BUILDING AREA: 7,439 Sq.Ft.  
PROPOSED RESTAURANT AREA: 1,839 Sq.Ft.  
TOTAL PROPOSED BUILDING AREA: 7,439 Sq.Ft.
- UTILITIES:  
PUBLIC WATER  
PUBLIC SEWER
- DEED REF: 07302/631
- TAX ACCOUNT: #0419051325
- COUNCILMANIC DISTRICT: 4TH
- REGIONAL PLANNING DISTRICT: REISTERSTOWN/OWINGS MILLS
- CENSUS TRACT: 4044.03
- WATERSHED: GYNNYS FALLS
- EXISTING ZONING: BL-AS (PER 1"=200' ZONING MAP 057C1)
- TAX MAP #57, GRID #6, PARCEL #236
- PRIOR PERMITS ON FILE: B734880-INSTALL WALL MOUNT ILLUMINATED SIGN ON STOREFRONT, B734885-2010 CARNIVAL ON PARKING LOT
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 240100210F, DATED SEPTEMBER 26, 2008.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2017)

| TYPE           | DEFICIENT(Y/N) | NOTE |
|----------------|----------------|------|
| WATER          | N              | -    |
| SEWER          | N              | -    |
| TRANSPORTATION | N              | -    |
- PREVIOUS ZONING CASES ON FILE:  
73-32-X: SPECIAL EXCEPTION FOR AUTOMOTIVE SERVICE STATION GRANTED NOVEMBER 6, 1972  
95-224-A: TO PERMIT AN IDENTIFICATION SIGN OF 175.5 SF IN LIEU OF THE MAXIMUM PERMITTED 150 SF GRANTED FEBRUARY 6, 1995
- FLOOR AREA RATIO (FAR) BL ZONE  
MAX PERMITTED: 3.0  
EXISTING: 7,439/41,403 = 0.18  
PROPOSED: 7,439/41,403 = 0.18
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS FOR BL ZONE

| TYPE  | REQUIRED | PROVIDED           |
|-------|----------|--------------------|
| FRONT | 10'      | 81'±               |
| SIDE  | 10'      | 21'±, 9' TO CANOPY |
| REAR  | 0'       | 46'±               |
- USE  
EXISTING: BANK  
PROPOSED: DRIVE-THROUGH RESTAURANT
- PARKING  
REQUIRED:  
FAST FOOD, DRIVE-THROUGH ONLY: 1839 Sq.Ft. @ 14/1000 Sq.Ft. = 26 SPACES  
FAST FOOD, OUTDOOR SEATING: 145 SQ.FT. @ 16/1000 SQ.FT. = 3 SPACES  
RETAIL: 5,600 SQ.FT. @ 5/1000 SQ.FT. = 28 SPACES  
TOTAL REQUIRED: 57 SPACES  
PROVIDED:  
33 SPACES (2 H.C., 31 STANDARD)

Richardson Engineering, LLC

30 East Padonia Road, Suite 500  
Timonium, Maryland 21093  
Phone: 410-560-1502 Fax: 443-901-1208  
RICK@RICHARDSONENGINEERING.NET

REVISIONS

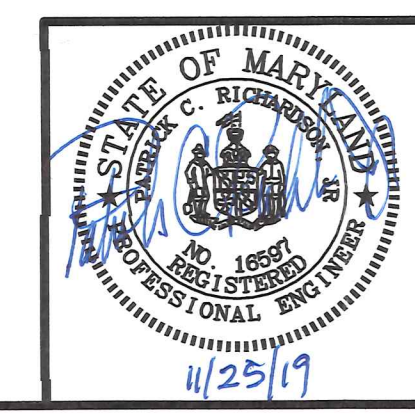
| REVISIONS | DRAWN BY: | CHECKED BY: | SCALE:   |
|-----------|-----------|-------------|----------|
|           | AAR       | PCR         | 1" = 20' |

DATE: 10-29-19 JOB NO.: 19111 SHEET NO.: 1 OF 1

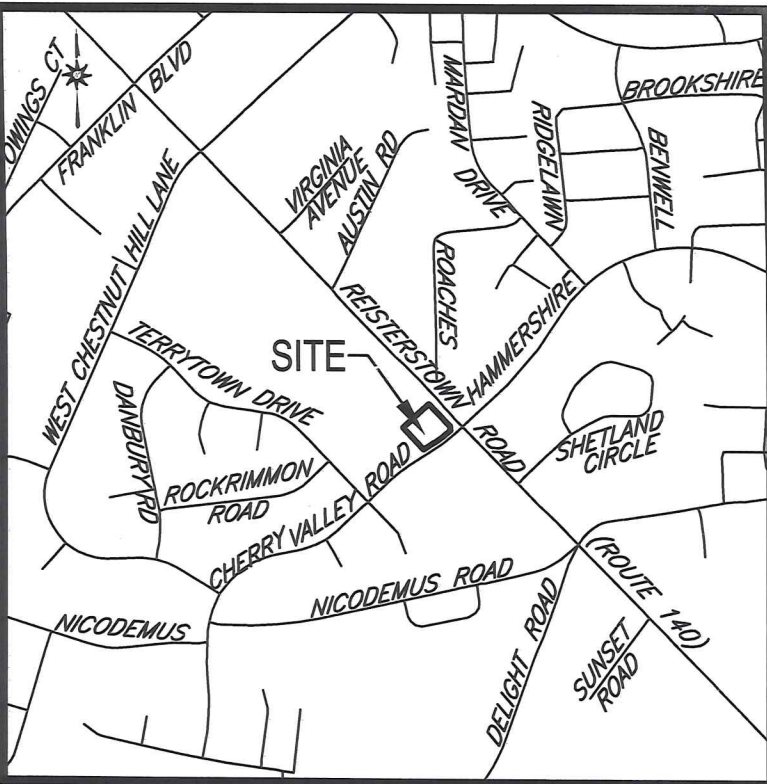
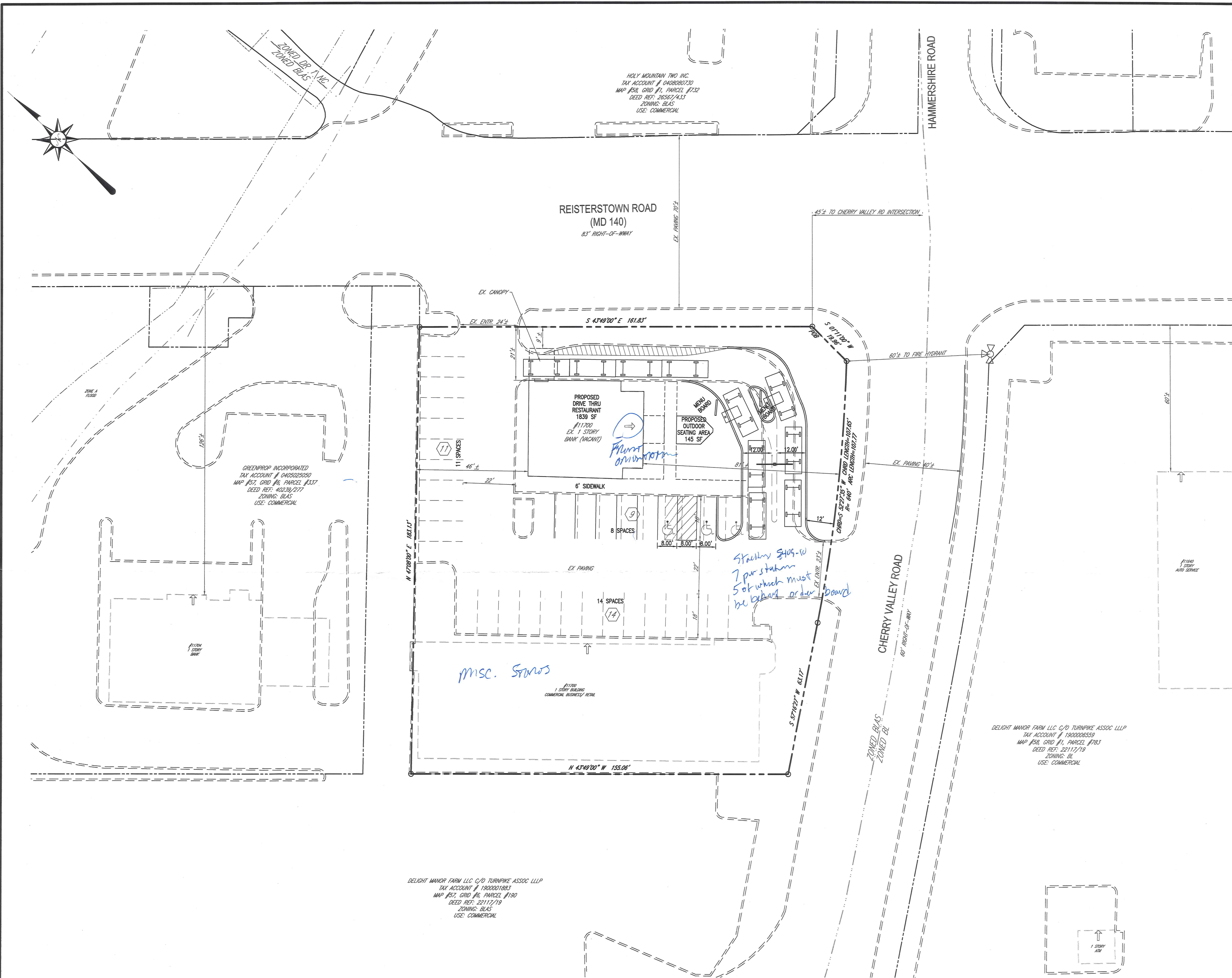
PETITIONER'S

EXHIBIT NO. 1

11/25/19



PROFESSIONAL CERTIFICATION:  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR  
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL  
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE  
NUMBER 16597, EXPIRATION DATE: 08-15-2021



LOCATION MAP  
SCALE: 1" = 1,000'

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RICK@RICHARDSONENGINEERING.NET

REVISED  
PLAN TO ACCOMPANY ZONING PETITION  
FOR  
CHECKERS  
11700 REISTERSTOWN ROAD  
BALTIMORE, MD 21136

BALTIMORE COUNTY  
4TH ELECTION DISTRICT

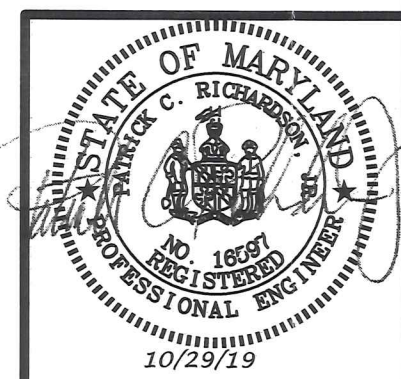
MARYLAND

4TH COUNCILMANIC DISTRICT

REVISIONS

| DRAWN BY: | CHECKED BY: | SCALE:     |
|-----------|-------------|------------|
| AAR       | PCR         | 1" = 20'   |
| DATE:     | JOB NO.:    | SHEET NO.: |
| 10-29-19  | 19111       | 1 OF 1     |

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2019-0472-SPHA REVISED