



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

September 30, 2022

Christopher Mudd, Esquire – cdmudd@venable.com
David H. Karceski, Esquire – dkarceski@venable.com
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204

RE: **AMENDED ORDER**
Petitions for Special Hearing, Variance & Special Variance
Case No. 2021-0323-SPHASA
Property: 1265 Joppa Road

Dear Counsel:

Enclosed please find a copy of the **Amended Order** rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
C: *See Next Page -*

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IN RE: PETITIONS FOR SPECIAL HEARING, *

VARIANCE & SPECIAL VARIANCE

(1265 Joppa Road) *

9th Election District

5th Council District *

1265 Joppa, LLC

Legal Owner *

Chick-Fil-A, Inc.

Contract Purchaser *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2021-0323-SPHASA

Petitioners

* * * * *

AMENDED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing, Variance and Special Variance filed by 1265, LLC, Legal Owner and Chick-Fil-A, Inc., Contract Purchaser, Petitioners. The Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”) § 210.6 for a waiver of the performance standards contained within § 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 2 ft., to a residential zone (an existing condition) in lieu of the required 75 ft.; or, in the alternative, a Variance, if necessary, from § 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 2 ft., to a residential zone (an existing condition), in lieu of the required 75 ft.

In addition the Petition seeks the following Variance relief:

- From BCZR § 409.6: To allow a total of 97 off-street parking spaces in lieu of the required 138 off-street parking spaces.
- From BCZR § 450.4 Table of Sign Regulations 3(a): To permit a freestanding directional sign with a sign face area of 18 sq. ft. (and a company logo comprising 42% of the sign face area) in lieu of the maximum permitted 8 sq. ft. (and 30 % of the sign face area).

- From BCZR § 450.4 Table of Sign Regulations 5(j): To permit three wall-mounted enterprise signs with a face area of 58.75 sq. ft., in lieu of the maximum permitted 2 sq. ft.

Finally, the Petition seeks special hearing relief to amend the Order, site plan, and special exception approved in Case No. 2003-0513-SPHXASA.¹

Due to COVID-19, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”) and Development Plans Review (“DPR”). They did not oppose the relief requested.

Rich Newberg appeared in support of the Petition. Christopher Mudd, Esq., David Karceski, Esq. and Katlynn Peach, Esq. of Venable LLC represented the Petitioners. Also appearing on behalf of the Petitioners were Andrew Stine and Dan Haney with Bohler Engineering, and Carl Wilson with the Traffic Group. Nicholas Linehan, Acting Vice-President and Chairman of the Zoning and Development Committee appeared on behalf of Associates of Loch Raven Village (“ALRV”), a neighborhood association. On behalf of ALRV he voiced support for the proposed relief. Zulieka Baysmore and Glen Geelhaar also attended and voiced opposition. Their central opposition was the increased traffic that the proposed Chick Fil-A will generate, and its feared impacts on the existing restaurants in the area.

¹ At the hearing, counsel withdrew the Special Variance request pursuant to BCZR § 4A02.4.G to allow the development of the subject property within the “F” level traffic shed of Loch Raven Boulevard and Joppa Rd. Counsel explained that by enacting Resolution No. 25-22 the County Council had added the subject site to the Loch Raven Commercial Revitalization District, thereby exempting it from compliance with the traffic regulations pursuant to BCZR § 4A02.4.E.1.i.

Andrew Stine with Bohler Engineering was first to testify. He was accepted as an expert in engineering, site design, and the BCZR. He explained the site plan in detail. The property is approximately 2.39 acres and is zoned SE (Service Employment). It is part of a larger commercial center that also has a State Employee Credit Union office, and a Qdoba restaurant. The subject site is currently occupied by a Bob Evans restaurant that is closed. It will be razed to make room for the proposed Chick Fil-A. He explained the need for a modified parking plan or, in the alternative a parking variance. He also explained the signage variances. He noted that the site has already been found to be unique in a zoning sense in Case No. 2003-0513-SPHXASA, which approved the construction of the Bob Evans restaurant. He further detailed the various landscaping upgrades that are planned, including replacing existing diseased trees and providing a 7 ft. masonry wall and vegetative buffer along the east boundary where the site adjoins an alley and residences. He also explained that pedestrian connectivity and access will be maintained within the larger site. He also described the extensive discussions the development team had with Mr. Linehan and the ALRV and the numerous modifications they made to the site plan in response to the community's concerns and wishes. Finally, in response to questions from Mr. Mudd, he detailed why, in his expert opinion, the plan meets the all the requirements, and the spirit and intent of the BCZR.

Carl Wilson testified next. He was accepted as an expert in traffic engineering, and in the BCZR. He explained that he had conducted an on-site parking study by using a drone to record aerial images of the shared parking lots at the site on three separate dates in June. He also analyzed the parking demand at a Chick-Fil-A in Cockeysville. Based on these studies he explained that the proposed 97 shared spaces are more than adequate to serve both the Qdoba and Chick-Fil-A restaurants at this site. He also noted that Chick-Fil-A restaurants have a high percentage of drive-thru customers, which further reduces the need for parking. Mr. Wilson also described the

vehicular ingress and egress for the site. He was questioned at length by both Ms. Baysmore and Mr. Geelhaar about the increased traffic the Chick-Fil-A will generate. He testified that in his expert opinion the parking variances are within the spirit and intent of the BCZR. With regard to the increased traffic, as noted above, Mr. Mudd explained that the County Council, by Resolution No. 25-22 had added this site to the Loch Raven Commercial Revitalization District, thereby exempting it from complying with the Basic Services Map Traffic Regulations.

Nicholas Linehan testified in support of the Petitioners' request. He explained that he is a licensed Landscape Architect with over forty five years of experience. He confirmed that he met numerous times with the developer and the engineers to suggest modifications to the site plan. He identified Petitioners' Exhibit 10 as the formal written Agreement that ALRV has reached with Chick-Fil-A that covers numerous issues, including "Traffic Improvements," "Site and Landscape Improvements," "Building Architecture and Signage," "Maintenance and Operations," and "Stakeholder Review of County Required Plans." Both he and Mr. Mudd asked that the Agreement be incorporated in the Conditions of this Opinion and Order.

Ms. Baysmore and Mr. Geelhaar then testified. Ms. Baysmore is a state delegate representing a district in Baltimore City, where she resides. She was nevertheless allowed to voice her concerns about the proposed Chick-Fil-A. She believes the additional traffic will be very problematic, especially for vehicles attempting to turn left out of the site onto Joppa Road. She also believes the Chick-Fil-A is likely to cause an increase in crime by attracting teenagers from the city and this neighborhood. I appreciate Ms. Baysmore's concerns and candor.

Mr. Geelhaar explained that he grew up in the area and has lived nearby all his life. He is running for the state delegate seat that represents this site and neighborhood. He too is concerned about traffic impacts and also about the impact this drive-thru Chick-Fil-A is likely to have on the

existing sit-down restaurants in the immediate vicinity. Mr. Geelhaar's genuine concern and civic pride in this community are evident and admirable.

SPECIAL HEARING

Section 500.7 of the BCZR allows a property owner or any "interested person" to request an interpretation of the regulations. "A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016). Based on the record evidence I find that the special hearing relief requested in this case is within the spirit and intent of the BCZR. In reaching this conclusion I considered the legitimate traffic concerns that were raised. However, by enacting Resolution No. 25-22 the County Council made the legislative judgment that the benefits of this proposed Chick-Fil-A, which will replace a shuttered Bob Evans, outweigh the traffic impacts. I am not at liberty to gainsay that legislative determination. In short, the County Council has determined that the proposed Chick-Fil-A will, on balance, not harm the public health, safety or welfare.

VARIANCES

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

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

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

As noted above, the site was previously found to be unique in an earlier case. Further, the existing features on the site, including the existing travel lane on the eastern boundary, the number of existing parking places, and the existing landscaping necessitate the requested variances. In

addition, if the requested variances were denied the Petitioner would indeed suffer practical difficulty and hardship because they would be unable to construct the building and site as designed. I believe the variances are within the spirit and intent of the BCZR and that they will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED this 29th day of **September 2022**, by this Administrative Law Judge that the Petition for Special Hearing from BCZR § 210.6 for a waiver of the performance standards contained within § 210.5.D of BCZR to permit the use of commercial drive aisle as close as **2 ft.**, to a residential zone (an existing condition) in lieu of the required 75 ft., and to amend the order and site plan approved in Zoning Case No. 2003-0513-SPHXASA, are hereby **GRANTED**.

IT IS FURTHER ORDERED that, in the alternative, that a variance from Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as **2 ft.**, to a residential zone (an existing condition), in lieu of the required 75 ft. is hereby **GRANTED**.

IT IS FURTHER ORDERED that a variance from BCZR § 409.6 to allow a total of 97 off-street parking spaces in lieu of the required 138 off-street parking spaces; a variance from BCZR § 450.4 Table of Sign Regulations 3(a) to permit a freestanding directional sign with a sign face area of 18 sq. ft. (and a company logo comprising 42% of the sign face area) in lieu of the maximum permitted 8 sq. ft. (and 30 % of the sign face area); a variance from BCZR § 450.4 Table of Sign Regulations 5(j), to permit three wall-mounted enterprise signs with a face area of 58.75 sq. ft., in lieu of the maximum permitted 2 sq. ft. are hereby **GRANTED**.

IT IS FURTHER ORDERED that the Special Variance pursuant to BCZR § 4A02.4.G, to allow the development of the subject property within the "F" level traffic shed of Loch Raven Boulevard and Joppa Rd, having been withdrawn, is hereby **DISMISSED AS MOOT**.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the Executed Agreement between the Petitioners, Developer Chick Fil-A Company, the property owner and the Associates of Loch Raven Village, and the supporting plan documents that were agreed to by the ALRV and the Developer/Applicant (Petitioners' Exhibit 10), which is expressly incorporated herein and attached hereto, and which shall be filed along with the Order in the land records of Baltimore County.

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/dlm

LOCH RAVEN VILLAGE

• ESTABLISHED 1946 •



AGREEMENT

CHICK-FIL-A AND THE ASSOCIATES OF LOCH RAVEN VILLAGE

The Associates of Loch Raven Village ("ALRV") requests that this Agreement ALRV and Chick-fil-A, Inc. ("Developer") be made part of the County record and as a condition for approval by the Administrative Law Judge regarding the granting of approval for any variance and/or special hearing plan for the development of the property located at 1265 E. Joppa Road (the "Property") with a new Chick-fil-A restaurant (the "Project"). The terms and conditions set forth in this Agreement shall be enforceable by ALRV and will also be set forth in any Order entered by the ALJ and, as such, enforceable by the County. The terms and conditions shall also be placed on the approved special hearing/zoning plan, development plan, and the final landscape plan.

As consideration for ALRV's support to this Project, the Developer agrees to the following:

A. TRAFFIC IMPROVEMENTS

1. The recommendations for improving the Joppa Road and Mylander Road Intersection (median design, striping, signing, signaling etc.) as described in the Traffic Impact Study dated April 5, 2022, prepared by The Traffic Group, will be constructed prior to building occupancy, subject to approval by all applicable reviewing agencies.
2. A "NO THRU TRAFFIC" sign shall be placed at the Drumwood alley entrance off Joppa Road.
3. It is understood that all of the above-described plans and specifications in this Section A. may be subject to review by applicable reviewing agencies, and that any comments from these agencies that would require a change to the plans/specifications shall first be submitted to ALRV for review and approval. It is also understood that the County may not approve any road improvements, and the County's failure to do so shall not violate this Agreement.

B. SITE & LANDSCAPE IMPROVEMENTS

1. The Developer shall develop the Property in accordance with the site plan that was submitted in support of the zoning relief requested for the Project, which is attached hereto as Exhibit 1 and incorporated herein, and in accordance with the conditions set forth herein (the "Plan").

2. The Property shall be landscaped in accordance with the landscape plan attached hereto at Exhibit 2 and such other conditions as set forth in this Agreement (the "Landscape Plan").
3. The Developer shall construct a 7-foot-high masonry wall, brick veneered on both sides, from the Joppa / Mylander entrance following the curve of the driveway for a distance in line with the service window to screen the rear yards of the Drumwood Road residences from the Joppa/Mylander Road entrance, drive-thru service lanes, and service windows. The masonry wall, which is depicted on the Landscape Plan, shall be brick and similar in color and style of the Loch Raven Commons Gateway walls at LaSalle Road or the color of the Loch Raven Village Homes.
4. The Developer shall provide groups or rows of dense evergreen trees (minimum 7' - 8' height at planting) placed to screen views from the adjacent residential properties of the drive-thru area, including the stacking lanes, service window and the Mylander/Joppa Access driveway. A diversity of evergreen species shall include at a minimum Green Giant Arborvitae, Nellie Stevens Holly, and Norway Spruce or species with similar habit, mature height, opacity, and hardiness.
5. The Developer shall provide a 7 ft. high foot board-on-board fence starting at the south limit of the brick masonry wall, as depicted on the Landscape Plan. This area shall be supplemented with groupings of evergreen trees as described in Condition #4.
6. The Developer shall provide a landscape buffer between the Drumwood Road alley and the existing interior curb line of the Project extending the length of the east Property line, consistent with the Landscape Plan.
7. The Developer shall provide a site amenity area that includes an environmental site feature, such as a rain garden, that is integrated with the site landscape design, seating area and incorporates at a minimum native herbaceous plants, trees, and shrubs.
8. The Developer shall provide walkways on the Property, as shown on the Pedestrian Connectivity Exhibit attached hereto at Exhibit 3.
9. Dumpsters shall be secured with a masonry enclosure that matches the building facade materials and opaque gates.

10. The Developer shall landscape the median between the service lane and the interior exit road shall be landscaped with a hedge having a design height of no less than 36 inches and a row of trees consistent with what is shown on the Landscape Plan.
11. Landscape specifications shall include the removal of all paving and base material to original subgrade for new planting areas and backfilling with topsoil to a minimum depth of 18 inches and as needed to meet finished grade for all planting areas within the parking lots and service lane medians.
12. Developer shall request that the owner of the Property restore perimeter landscaping and parking lot screening along the perimeter of the business center from the LaSalle entrance north to the La Salle/Joppa intersection then east on Joppa Road to the Mylander Road entrance. This restoration shall include (1) removal of abandoned brick pilasters and fencing, damaged, diseased, or dead vegetation; and (2) replacement of missing or dead trees and shrub and extension of the hedge plantings to screen parking lots facing Joppa Road and La Salle Road. The hedge shall be planted with *Taxus x media densiformis* or *Taxus x media 'Hicksii'* and be located at street level. It is understood that Developer does not control these areas and has no ability to make these improvements; however, Developer shall request that the owner(s) make the requested improvements as a showing of good faith to the community.
13. Property lighting shall be LED lighting. The light intensity shall not exceed 0.2 fc along the east tract boundary line. Developer shall work with the County Landscape Architect and with ALRV to design a lighting plan that keeps lighting standards as low as reasonably possible (including the potential for lighting as low as 16 feet high between the restaurant building and the ALRV neighborhood) and lighting fixtures directed in a way so as to minimize light migration.
14. It is understood that all of the above-described plans and specifications in this Section B. may subject to review by applicable reviewing agencies, and that any comments from these agencies that would require a change to the plans/specifications shall first be submitted to ALRV for review and approval. It is also understood that the County may not approve the plans and specifications as requested/directed by ALRV under this Agreement, and the County's failure to do so shall not violate this Agreement.

C. BUILDING ARCHITECTURE & SIGNAGE

1. The Project building height shall not exceed 25 feet height. Architectural treatments shall be as shown on the Plan, which shall include (1) two fixed permanently built service drive canopies matching the building with brick pilasters on the columns on the east facing canopy (2) canopies over windows and doors, (3) water table, brick cornice with metal coping, and brick soldier course, and (4) outdoor dining area facing Joppa Road.
2. The Project building facades shall be all brick on all sides. The brick color and style shall match LRV or LRC brick tones for at least 60 % of the facades. Material sample boards will be provided to the ALRV for review and approval.
3. The new Project monument sign on Joppa Road shall be ground mounted on a brick pedestal to match building architecture and not exceed 8 feet in height (including pedestal) as measured from the Joppa Road curb line.
4. Except for (a) Project and building signs approved by the ALJ for this Project and part of this Agreement; and (b) temporary advertising sign(s) installed on window façade(s) that take up no more than 25% (in total) of the window façade on which it/they is/are installed, no other permanent, temporary, or moveable signs, boards, posters, advertising graphics, or murals shall be permitted to be placed on the exterior walls, windows, or doors. Full visibility into the building shall always be maintained. In addition, movable sunshades with translucent logos, or limited graphics may be permitted.
5. It is understood that all of the above-described plans and specifications in this Section C. may subject to review by applicable reviewing agencies, and that any comments from these agencies that would require a change to the plans/specifications shall first be submitted to ALRV for review and approval. It is also understood that the County may not approve the plans and specifications as requested/directed by ALRV under this Agreement, and the County's failure to do so shall not violate this Agreement.

D. MAINTENANCE AND OPERATIONS

1. Developer shall work with ALRV to formulate a reasonable schedule for after-hours site lighting on the Property, which shall reflect conditions that balance the promotion of safety with the avoidance of unnecessary light migration.

2. Loading and unloading of dumpster, and other trash collection for the Project shall occur during business hours (6am to 11 pm). Developer shall work with ALRV to formulate a reasonable schedule for other deliveries.
 3. The site including building perimeter, parking lot, driveways, road frontage, dumpster enclosures, and landscape areas on the Property shall be kept clean of trash, paper, cups bags etc.
 4. All landscape areas and other plantings required on the Property by this Agreement shall be regularly maintained, including lawns mowed, planting beds weeded, and mulched, dead, broken, or diseased plants removed and replaced.
 5. Shrubs and hedges on the Property shall be trimmed to design height.
 6. Deciduous and evergreen trees on the Property shall be permitted to achieve their natural height and maintain their natural form.
 7. Tree topping and other severe trimming techniques shall not be permitted on the Property. Disfigured trees on the Property shall be removed and replaced at an equivalent caliper size.
 8. Rodent eradication shall take place prior to demolition of the existing restaurant.
- E. **STAKEHOLDER REVIEW OF COUNTY REQUIRED PLANS:** Developer shall provide to the ALRV at the time of plan submission to the County the zoning variance / special exception application, Development Review Committee ("DRC") application, and all development plans including the special exception plan, grading, stormwater management, Joppa Road improvement plans, schematic and final landscape plan submissions, photometric lighting plan, and any additional plans or information requested by the County.
- F. **SUPPORT:** At the zoning hearing before the Administrative Law Judge ("ALJ"), the parties shall submit this Agreement to ALJ and jointly request that, if the relief is granted in whole or in part, the terms and conditions set forth herein be attached to and incorporated into the ALJ's opinion and order. ALRV shall demonstrate – through written letter and/or testimony – that, if the Agreement is attached and incorporated, it fully supports the relief requested by Developer. ALRV shall support any other approvals requested by Developer, including requests of the DRC, so long as such requests for approval are consistent with this Agreement.

- G. **RECORDATION:** Developer and/ or the Property Owner shall cause this Agreement to be recorded among the Land Records of Baltimore County at its/THEIR sole cost and expense within ten days of the final Order issued by the ALJ. The terms and conditions of this Agreement shall run with the land, inure to the benefit of, and be binding upon, the parties and their respective successors and assigns. Notwithstanding the recordation of the Agreement, this agreement shall automatically terminate, and the terms and provisions hereof shall be null and void and have no further force or effect, if the Developer terminates its lease of the Property and does not construct the Project.
- H. **APPROVALS:** Where this Agreement calls for any "approvals" to be provided by ALRV: (1) all such approvals shall not be unreasonably withheld; (2) if the request for approval concerns a matter depicted in one of the plans attached as Exhibits hereto, then ALRV shall approve the request if the request, in fact, conforms to the plan(s) (i.e., there may be no new comments); and (3) if ALRV does not provide approval (or disapproval) within ten days of receipt of the submission, ALRV shall be deemed to have provided approval.
- I. **MODIFICATION:** This Agreement may not be modified by the parties or by any administrative law judge or court except by express written consent by the parties.

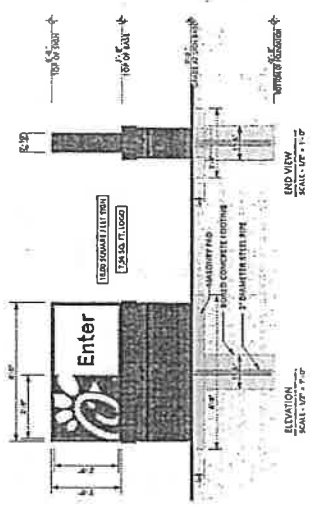
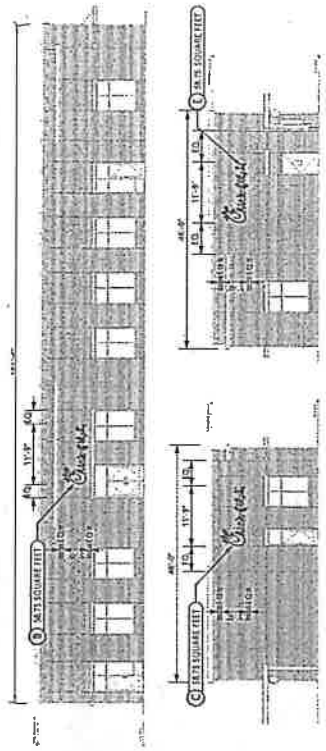
AGREED AND ACCEPTED:

The Associates of Loch Raven Village

Chick-fil-A, Inc.

By: Antoinette O'Donnell
Name: ANTOINETTE O'DONNELL
Title: PRESIDENT

By: Cory Thompson
Name: Cory Thompson
Title: Director



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DATE: 10/27/2011

BY: [signature]

REVISIONS:

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2011

**CHICK-FIL-A JOPPA
ROAD**

FOR



1235 E JOPPA RD
TOWNSHIP MD 21286
BALTIMORE COUNTY
ELECTION DISTRICT 8
COUNCILMANIC DISTRICT 5
M 70 G 18 P 80

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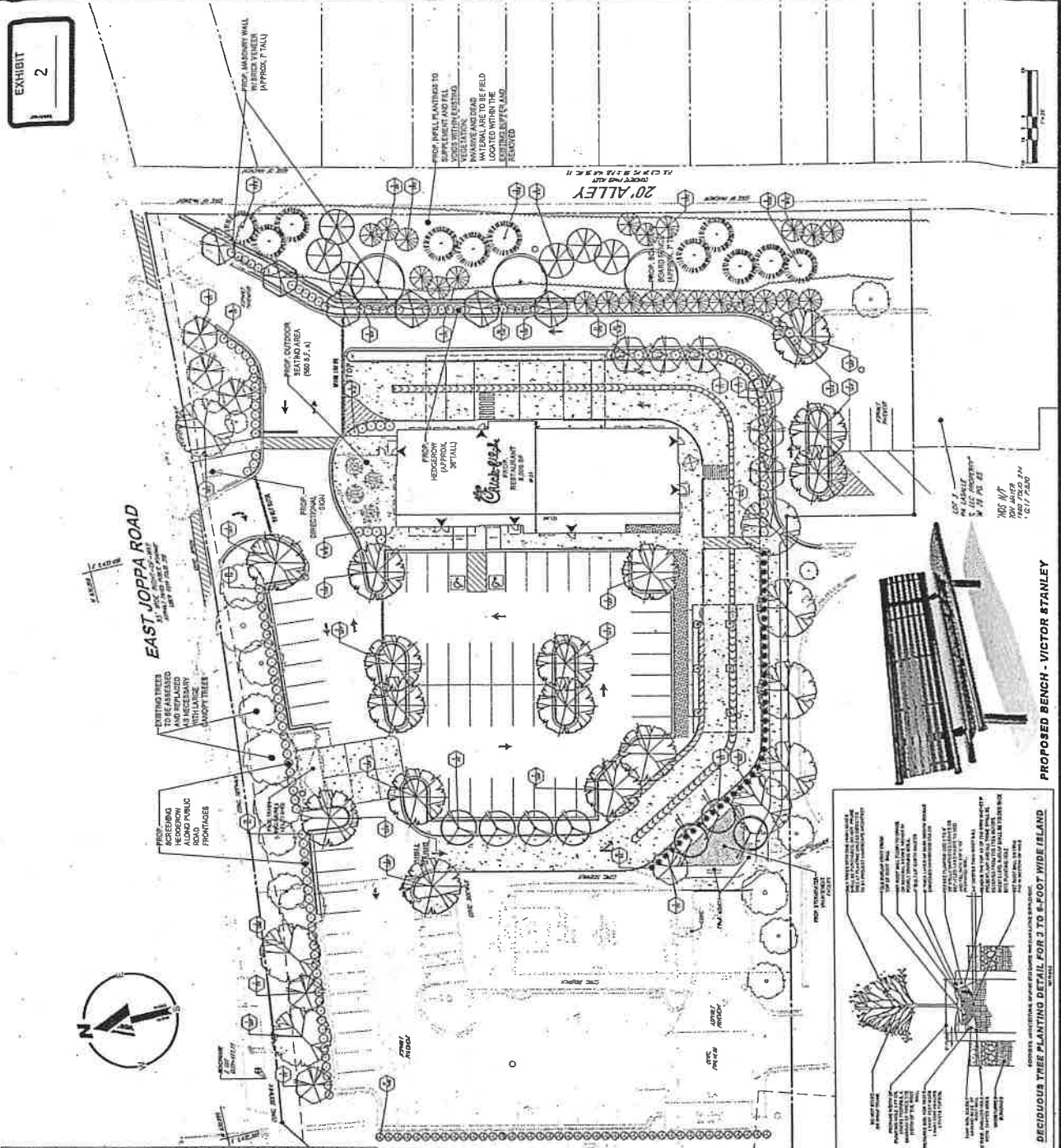
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ANDREW G. STINE

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**PLAN TO
ACCOMPANY
ZONING
PETITION**

2



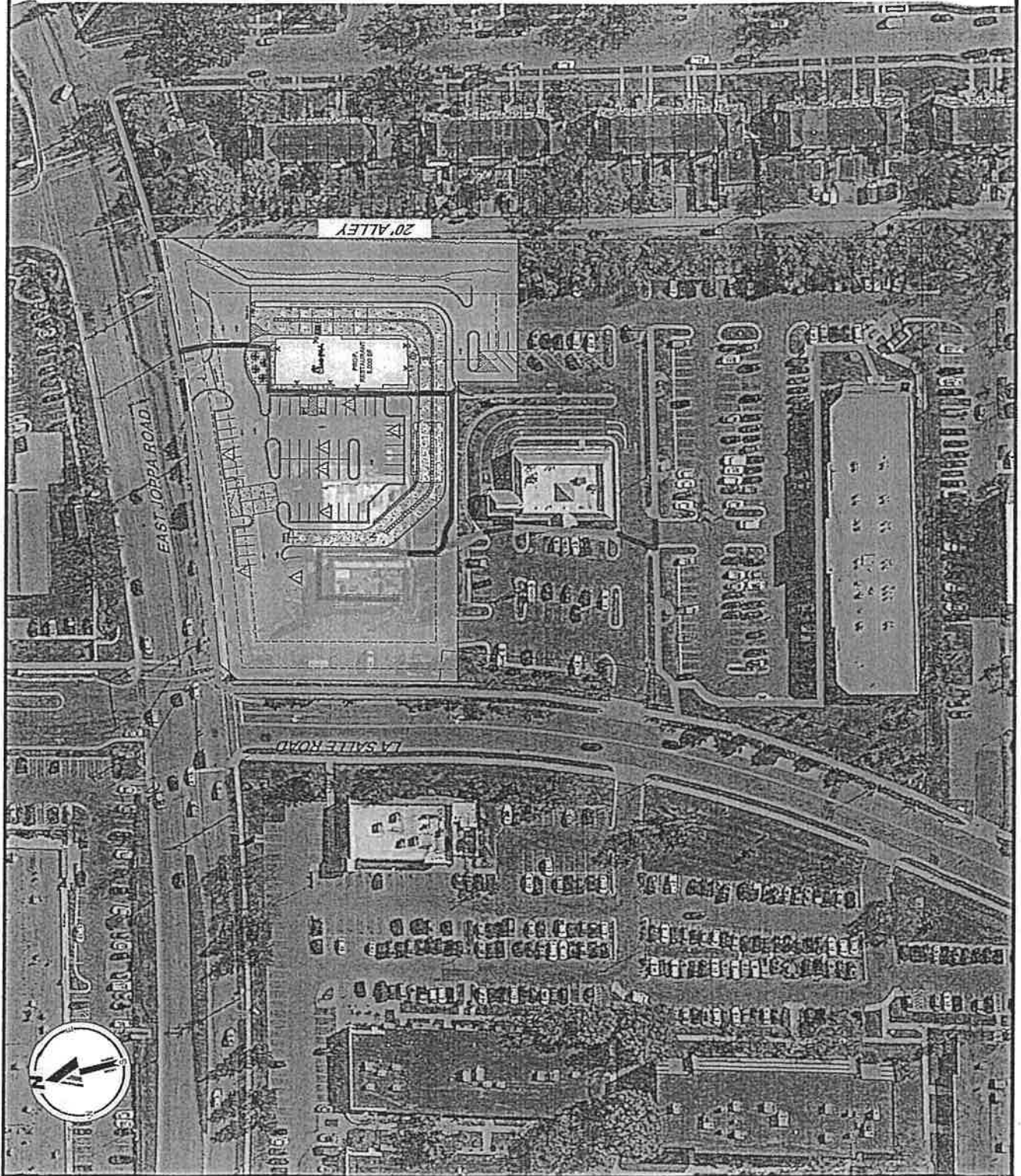


EXHIBIT
3

- LEGEND**
- PROPOSED SIDEWALK
 - EXISTING SIDEWALK
 - PROPOSED CROSSWALK
 - EXISTING CROSSWALK

BOHLER
SITE DESIGN AND CONSTRUCTION ENGINEERING
LANDSCAPE ARCHITECTURE
PLANNING
TRANSPORTATION SERVICES

REV	DATE	REVISION



FOR CONCEPT
PURPOSES ONLY

PROJECT:
CHICK-FIL-A JOPPA
ROAD

PROPOSED
DEVELOPMENT
1205 E. JOPPA RD
JOPPA, MO

BOHLER //

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DATE: 06/07/2011

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JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

September 29, 2022

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210 W. Pennsylvania Avenue, Suite 500
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RE: Petitions for Special Hearing, Variance & Special Variance
Case No. 2021-0323-SPHASA
Property: 1265 Joppa Road

Dear Counsel:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
C: See Next Page -

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IN RE: PETITIONS FOR SPECIAL HEARING, *
VARIANCE & SPECIAL VARIANCE

(1265 Joppa Road)

9th Election District

5th Council District

1265 Joppa, LLC

Legal Owner

Chick-Fil-A, Inc.

Contract Purchaser

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2021-0323-SPHASA

Petitioners

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing, Variance and Special Variance filed by 1265, LLC, Legal Owner and Chick-Fil-A, Inc., Contract Purchaser, Petitioners. The Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”) § 210.6 for a waiver of the performance standards contained within § 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 4 ft., to a residential zone (an existing condition) in lieu of the required 75 ft.; or, in the alternative, a Variance, if necessary, from § 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 4 ft., to a residential zone (an existing condition), in lieu of the required 75 ft.

In addition the Petition seeks the following Variance relief:

- From BCZR § 409.6: To allow a total of 97 off-street parking spaces in lieu of the required 133 off-street parking spaces.
- From BCZR § 450.4 Table of Sign Regulations 3(a): To permit a freestanding directional sign with a sign face area of 18 sq. ft. (and a company logo comprising 42% of the sign face area) in lieu of the maximum permitted 8 sq. ft. (and 30 % of the sign face area).

- From BCZR § 450.4 Table of Sign Regulations 5(j): To permit three wall-mounted enterprise signs with a face area of 58.75 sq. ft., in lieu of the maximum permitted 2 sq. ft.

Finally, the Petition seeks special hearing relief to amend the Order, site plan, and special exception approved in Case No. 2003-0513-SPHHASA.¹

Due to COVID-19, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”) and Development Plans Review (“DPR”). They did not oppose the relief requested.

Rich Newberg appeared in support of the Petition. Christopher Mudd, Esq., David Karceski, Esq. and Katlynn Peach, Esq. of Venable LLC represented the Petitioners. Also appearing on behalf of the Petitioners were Andrew Stine and Dan Haney with Bohler Engineering, and Carl Wilson with the Traffic Group. Nicholas Linehan, Acting Vice-President and Chairman of the Zoning and Development Committee appeared on behalf of Associates of Loch Raven Village (“ALRV”), a neighborhood association. On behalf of ALRV he voiced support for the proposed relief. Zulieka Baysmore and Glen Geelhaar also attended and voiced opposition. Their central opposition was the increased traffic that the proposed Chick Fil-A will generate, and its feared impacts on the existing restaurants in the area.

¹ At the hearing, counsel withdrew the Special Variance request pursuant to BCZR § 4A02.4.G to allow the development of the subject property within the "F" level traffic shed of Loch Raven Boulevard and Joppa Rd. Counsel explained that by enacting Resolution No. 25-22 the County Council had added the subject site to the Loch Raven Commercial Revitalization District, thereby exempting it from compliance with the traffic regulations pursuant to BCZR § 4A02.4.E.1.i.

Andrew Stine with Bohler Engineering was first to testify. He was accepted as an expert in engineering, site design, and the BCZR. He explained the site plan in detail. The property is approximately 2.39 acres and is zoned SE (Service Employment). It is part of a larger commercial center that also has a State Employee Credit Union office, and a Qdoba restaurant. The subject site is currently occupied by a Bob Evans restaurant that is closed. It will be razed to make room for the proposed Chick Fil-A. He explained the need for a modified parking plan or, in the alternative a parking variance. He also explained the signage variances. He noted that the site has already been found to be unique in a zoning sense in Case No. 2003-0513-SPHHASA, which approved the construction of the Bob Evans restaurant. He further detailed the various landscaping upgrades that are planned, including replacing existing diseased trees and providing a 7 ft. masonry wall and vegetative buffer along the east boundary where the site adjoins an alley and residences. He also explained that pedestrian connectivity and access will be maintained within the larger site. He also described the extensive discussions the development team had with Mr. Linehan and the ALRV and the numerous modifications they made to the site plan in response to the community's concerns and wishes. Finally, in response to questions from Mr. Mudd, he detailed why, in his expert opinion, the plan meets the all the requirements, and the spirit and intent of the BCZR.

Carl Wilson testified next. He was accepted as an expert in traffic engineering, and in the BCZR. He explained that he had conducted an on-site parking study by using a drone to record aerial images of the shared parking lots at the site on three separate dates in June. He also analyzed the parking demand at a Chick-Fil-A in Cocksessville. Based on these studies he explained that the proposed 97 shared spaces are more than adequate to serve both the Qdoba and Chick-Fil-A restaurants at this site. He also noted that Chick-Fil-A restaurants have a high percentage of drive-thru customers, which further reduces the need for parking. Mr. Wilson also described the

vehicular ingress and egress for the site. He was questioned at length by both Ms. Baysmore and Mr. Geelhaar about the increased traffic the Chick-Fil-A will generate. He testified that in his expert opinion the parking variances are within the spirit and intent of the BCZR. With regard to the increased traffic, as noted above, Mr. Mudd explained that the County Council, by Resolution No. 25-22 had added this site to the Loch Raven Commercial Revitalization District, thereby exempting it from complying with the Basic Services Map Traffic Regulations.

Nicholas Linehan testified in support of the Petitioners' request. He explained that he is a licensed Landscape Architect with over forty five years of experience. He confirmed that he met numerous times with the developer and the engineers to suggest modifications to the site plan. He identified Petitioners' Exhibit 10 as the formal written Agreement that ALRV has reached with Chick-Fil-A that covers numerous issues, including "Traffic Improvements," "Site and Landscape Improvements," "Building Architecture and Signage," "Maintenance and Operations," and "Stakeholder Review of County Required Plans." Both he and Mr. Mudd asked that the Agreement be incorporated in the Conditions of this Opinion and Order.

Ms. Baysmore and Mr. Geelhaar then testified. Ms. Baysmore is a state delegate representing a district in Baltimore City, where she resides. She was nevertheless allowed to voice her concerns about the proposed Chick-Fil-A. She believes the additional traffic will be very problematic, especially for vehicles attempting to turn left out of the site onto Joppa Road. She also believes the Chick-Fil-A is likely to cause an increase in crime by attracting teenagers from the city and this neighborhood. I appreciate Ms. Baysmore's concerns and candor.

Mr. Geelhaar explained that he grew up in the area and has lived nearby all his life. He is running for the state delegate seat that represents this site and neighborhood. He too is concerned about traffic impacts and also about the impact this drive-thru Chick-Fil-A is likely to have on the

existing sit-down restaurants in the immediate vicinity. Mr. Geelhaar's genuine concern and civic pride in this community are evident and admirable.

SPECIAL HEARING

Section 500.7 of the BCZR allows a property owner or any "interested person" to request an interpretation of the regulations. "A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016). Based on the record evidence I find that the special hearing relief requested in this case is within the spirit and intent of the BCZR. In reaching this conclusion I considered the legitimate traffic concerns that were raised. However, by enacting Resolution No. 25-22 the County Council made the legislative judgment that the benefits of this proposed Chick-Fil-A, which will replace a shuttered Bob Evans, outweigh the traffic impacts. I am not at liberty to gainsay that legislative determination. In short, the County Council has determined that the proposed Chick-Fil-A will, on balance, not harm the public health, safety or welfare.

VARIANCES

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

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

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

As noted above, the site was previously found to be unique in an earlier case. Further, the existing features on the site, including the existing travel lane on the eastern boundary, the number of existing parking places, and the existing landscaping necessitate the requested variances. In

addition, if the requested variances were denied the Petitioner would indeed suffer practical difficulty and hardship because they would be unable to construct the building and site as designed. I believe the variances are within the spirit and intent of the BCZR and that they will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED this 29th day of **September 2022**, by this Administrative Law Judge that the Petition for Special Hearing from BCZR § 210.6 for a waiver of the performance standards contained within § 210.5.D of BCZR to permit the use of commercial drive aisle as close as 4 ft., to a residential zone (an existing condition) in lieu of the required 75 ft., and to amend the order and site plan approved in Zoning Case No. 2003-0513-SPHXASA, are hereby **GRANTED**.

IT IS FURTHER ORDERED that, in the alternative, that a variance from Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 4 ft., to a residential zone (an existing condition), in lieu of the required 75 ft. is hereby **GRANTED**.

IT IS FURTHER ORDERED that a variance from BCZR § 409.6 to allow a total of 97 off-street parking spaces in lieu of the required 133 off-street parking spaces; a variance from BCZR § 450.4 Table of Sign Regulations 3(a) to permit a freestanding directional sign with a sign face area of 18 sq. ft. (and a company logo comprising 42% of the sign face area) in lieu of the maximum permitted 8 sq. ft. (and 30 % of the sign face area); a variance from BCZR § 450.4 Table of Sign Regulations 5(j), to permit three wall-mounted enterprise signs with a face area of 58.75 sq. ft., in lieu of the maximum permitted 2 sq. ft. are hereby **GRANTED**.

IT IS FURTHER ORDERED that the Special Variance pursuant to BCZR § 4A02.4.G, to allow the development of the subject property within the "F" level traffic shed of Loch Raven Boulevard and Joppa Rd, having been withdrawn, is hereby **DISMISSED AS MOOT**.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the Executed Agreement between the Petitioners, Developer Chick Fil-A Company, the property owner and the Associates of Loch Raven Village, and the supporting plan documents that were agreed to by the ALRV and the Developer/Applicant (Petitioners' Exhibit 10), which is expressly incorporated herein and attached hereto, and which shall be filed along with the Order in the land records of Baltimore County.

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/dlm



AGREEMENT

CHICK-FIL -A AND THE ASSOCIATES OF LOCH RAVEN VILLAGE

The Associates of Loch Raven Village ("ALRV") requests that this Agreement ALRV and Chick-fil-A, Inc. ("Developer") be made part of the County record and as a condition for approval by the Administrative Law Judge regarding the granting of approval for any variance and/or special hearing plan for the development of the property located at 1265 E. Joppa Road (the "Property") with a new Chick-fil-A restaurant (the "Project"). The terms and conditions set forth in this Agreement shall be enforceable by ALRV and will also be set forth in any Order entered by the ALJ and, as such, enforceable by the County. The terms and conditions shall also be placed on the approved special hearing/zoning plan, development plan, and the final landscape plan.

As consideration for ALRV's support to this Project, the Developer agrees to the following:

A. TRAFFIC IMPROVEMENTS

1. The recommendations for improving the Joppa Road and Mylander Road Intersection (median design, striping, signing, signaling etc.) as described in the Traffic Impact Study dated April 5, 2022, prepared by The Traffic Group, will be constructed prior to building occupancy, subject to approval by all applicable reviewing agencies.
2. A "NO THRU TRAFFIC" sign shall be placed at the Drumwood alley entrance off Joppa Road.
3. It is understood that all of the above-described plans and specifications in this Section A. may be subject to review by applicable reviewing agencies, and that any comments from these agencies that would require a change to the plans/specifications shall first be submitted to ALRV for review and approval. It is also understood that the County may not approve any road improvements, and the County's failure to do so shall not violate this Agreement.

B. SITE & LANDSCAPE IMPROVEMENTS

1. The Developer shall develop the Property in accordance with the site plan that was submitted in support of the zoning relief requested for the Project, which is attached hereto as **Exhibit 1** and incorporated herein, and in accordance with the conditions set forth herein (the "Plan").

2. The Property shall be landscaped in accordance with the landscape plan attached hereto at Exhibit 2 and such other conditions as set forth in this Agreement (the "Landscape Plan").
3. The Developer shall construct a 7-foot-high masonry wall, brick veneered on both sides, from the Joppa / Mylander entrance following the curve of the driveway for a distance in line with the service window to screen the rear yards of the Drumwood Road residences from the Joppa/Mylander Road entrance, drive-thru service lanes, and service windows. The masonry wall, which is depicted on the Landscape Plan, shall be brick and similar in color and style of the Loch Raven Commons Gateway walls at LaSalle Road or the color of the Loch Raven Village Homes.
4. The Developer shall provide groups or rows of dense evergreen trees (minimum 7' – 8' height at planting) placed to screen views from the adjacent residential properties of the drive-thru area, including the stacking lanes, service window and the Mylander/Joppa Access driveway. A diversity of evergreen species shall include at a minimum Green Giant Arborvitae, Nellie Stevens Holly, and Norway Spruce or species with similar habit, mature height, opacity, and hardiness.
5. The Developer shall provide a 7 ft. high foot board-on-board fence starting at the south limit of the brick masonry wall, as depicted on the Landscape Plan. This area shall be supplemented with groupings of evergreen trees as described in Condition #4.
6. The Developer shall provide a landscape buffer between the Drumwood Road alley and the existing interior curb line of the Project extending the length of the east Property line, consistent with the Landscape Plan.
7. The Developer shall provide a site amenity area that includes an environmental site feature, such as a rain garden, that is integrated with the site landscape design, seating area and incorporates at a minimum native herbaceous plants, trees, and shrubs.
8. The Developer shall provide walkways on the Property, as shown on the Pedestrian Connectivity Exhibit attached hereto at Exhibit 3.
9. Dumpsters shall be secured with a masonry enclosure that matches the building facade materials and opaque gates.

10. The Developer shall landscape the median between the service lane and the interior exit road shall be landscaped with a hedge having a design height of no less than 36 inches and a row of trees consistent with what is shown on the Landscape Plan.
11. Landscape specifications shall include the removal of all paving and base material to original subgrade for new planting areas and backfilling with topsoil to a minimum depth of 18 inches and as needed to meet finished grade for all planting areas within the parking lots and service lane medians.
12. Developer shall request that the owner of the Property restore perimeter landscaping and parking lot screening along the perimeter of the business center from the LaSalle entrance north to the La Salle/Joppa intersection then east on Joppa Road to the Mylander Road entrance. This restoration shall include (1) removal of abandoned brick pilasters and fencing, damaged, diseased, or dead vegetation; and (2) replacement of missing or dead trees and shrub and extension of the hedge plantings to screen parking lots facing Joppa Road and La Salle Road. The hedge shall be planted with *Taxus x media densiformis* or *Taxus x media 'Hicksii'* and be located at street level. It is understood that Developer does not control these areas and has no ability to make these improvements; however, Developer shall request that the owner(s) make the requested improvements as a showing of good faith to the community.
13. Property lighting shall be LED lighting. The light intensity shall not exceed 0.2 fc along the east tract boundary line. Developer shall work with the County Landscape Architect and with ALRV to design a lighting plan that keeps lighting standards as low as reasonably possible (including the potential for lighting as low as 16 feet high between the restaurant building and the ALRV neighborhood) and lighting fixtures directed in a way so as to minimize light migration.
14. It is understood that all of the above-described plans and specifications in this Section B. may subject to review by applicable reviewing agencies, and that any comments from these agencies that would require a change to the plans/specifications shall first be submitted to ALRV for review and approval. It is also understood that the County may not approve the plans and specifications as requested/directed by ALRV under this Agreement, and the County's failure to do so shall not violate this Agreement.

C. BUILDING ARCHITECTURE & SIGNAGE

1. The Project building height shall not exceed 25 feet height. Architectural treatments shall be as shown on the Plan, which shall include (1) two fixed permanently built service drive canopies matching the building with brick pilasters on the columns on the east facing canopy (2) canopies over windows and doors, (3) water table, brick cornice with metal coping, and brick soldier course, and (4) outdoor dining area facing Joppa Road.
2. The Project building facades shall be all brick on all sides. The brick color and style shall match LRV or LRC brick tones for at least 60 % of the facades. Material sample boards will be provided to the ALRV for review and approval.
3. The new Project monument sign on Joppa Road shall be ground mounted on a brick pedestal to match building architecture and not exceed 8 feet in height (including pedestal) as measured from the Joppa Road curb line.
4. Except for (a) Project and building signs approved by the ALJ for this Project and part of this Agreement; and (b) temporary advertising sign(s) installed on window façade(s) that take up no more than 25% (in total) of the window façade on which it/they is/are installed, no other permanent, temporary, or moveable signs, boards, posters, advertising graphics, or murals shall be permitted to be placed on the exterior walls, windows, or doors. Full visibility into the building shall always be maintained. In addition, movable sunshades with translucent logos, or limited graphics may be permitted.
5. It is understood that all of the above-described plans and specifications in this Section C. may subject to review by applicable reviewing agencies, and that any comments from these agencies that would require a change to the plans/specifications shall first be submitted to ALRV for review and approval. It is also understood that the County may not approve the plans and specifications as requested/directed by ALRV under this Agreement, and the County's failure to do so shall not violate this Agreement.

D. MAINTENANCE AND OPERATIONS

1. Developer shall work with ALRV to formulate a reasonable schedule for after-hours site lighting on the Property, which shall reflect conditions that balance the promotion of safety with the avoidance of unnecessary light migration.

2. Loading and unloading of dumpster, and other trash collection for the Project shall occur during business hours (6am to 11 pm). Developer shall work with ALRV to formulate a reasonable schedule for other deliveries.
 3. The site including building perimeter, parking lot, driveways, road frontage, dumpster enclosures, and landscape areas on the Property shall be kept clean of trash, paper, cups bags etc.
 4. All landscape areas and other plantings required on the Property by this Agreement shall be regularly maintained, including lawns mowed, planting beds weeded, and mulched, dead, broken, or diseased plants removed and replaced.
 5. Shrubs and hedges on the Property shall be trimmed to design height.
 6. Deciduous and evergreen trees on the Property shall be permitted to achieve their natural height and maintain their natural form.
 7. Tree topping and other severe trimming techniques shall not be permitted on the Property. Disfigured trees on the Property shall be removed and replaced at an equivalent caliper size.
 8. Rodent eradication shall take place prior to demolition of the existing restaurant.
- E. **STAKEHOLDER REVIEW OF COUNTY REQUIRED PLANS:** Developer shall provide to the ALRV at the time of plan submission to the County the zoning variance / special exception application, Development Review Committee ("DRC") application, and all development plans including the special exception plan, grading, stormwater management, Joppa Road improvement plans, schematic and final landscape plan submissions, photometric lighting plan, and any additional plans or information requested by the County.
- F. **SUPPORT:** At the zoning hearing before the Administrative Law Judge ("ALJ"), the parties shall submit this Agreement to ALJ and jointly request that, if the relief is granted in whole or in part, the terms and conditions set forth herein be attached to and incorporated into the ALJ's opinion and order. ALRV shall demonstrate – through written letter and/or testimony – that, if the Agreement is attached and incorporated, it fully supports the relief requested by Developer. ALRV shall support any other approvals requested by Developer, including requests of the DRC, so long as such requests for approval are consistent with this Agreement.

- G. RECORDATION: Developer and/ or the Property Owner shall cause this Agreement to be recorded among the Land Records of Baltimore County at its/THEIR sole cost and expense within ten days of the final Order issued by the ALJ. The terms and conditions of this Agreement shall run with the land, inure to the benefit of, and be binding upon, the parties and their respective successors and assigns. Notwithstanding the recordation of the Agreement, this agreement shall automatically terminate, and the terms and provisions hereof shall be null and void and have no further force or effect, if the Developer terminates its lease of the Property and does not construct the Project.
- H. APPROVALS: Where this Agreement calls for any "approvals" to be provided by ALRV: (1) all such approvals shall not be unreasonably withheld; (2) if the request for approval concerns a matter depicted in one of the plans attached as Exhibits hereto, then ALRV shall approve the request if the request, in fact, conforms to the plan(s) (i.e., there may be no new comments); and (3) if ALRV does not provide approval (or disapproval) within ten days of receipt of the submission, ALRV shall be deemed to have provided approval.
- I. MODIFICATION: This Agreement may not be modified by the parties or by any administrative law judge or court except by express written consent by the parties.

AGREED AND ACCEPTED:

The Associates of Loch Raven Village

Chick-fil-A, Inc.

By: Antoinette O'Donnell
Name: ANTOINETTE O'DONNELL
Title: PRESIDENT

By: Cory Thompson
Name: Cory Thompson
Title: Director



ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING August 29, 2022
FORMAL OR INFORMAL RESPONSE DUE AT September 6, 2022 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2021-0323-SPHASA **Reviewer:** Shaun Crawford
Existing Use: INDUSTRIAL/MANUFACTURING **Proposed Use:** INDUSTRIAL/MANUFACTURING
Type: SPECIAL HEARING, VARIANCE, SPECIAL VARIANCE
Legal Owner: 1265 Joppa, LLC.
Contract Purchaser: Chick-Fil-A, Inc.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 5

Property Address: 1265 JOPPA RD

Location: Property located at the Easterly right of way of East Joppa Rd. 40.8 Ft. Southwest of East Joppa and Mylander Lane.

Existing Zoning: SE **Area:** 2.39 ACRES

Proposed Zoning:

SPECIAL HEARING:

- Pursuant to BCZR 210.6: For a waiver of the performance standards contained within Section 210.5.D of BCZR to permit the use of commercial drive aisle as close as 2 FT. to a residential zone (an existing condition) in lieu of the required 75 FT.

- To amend the order and site plan approved in Zoning Case Number 2003-0513-SPHXASA.

VARIANCE:

- In the alternative, if necessary, a variance from Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 2 FT. to a residential zone (an existing condition), in lieu of the required 75 FT.

- BCZR 409.6: To allow a total of 97 off-street parking spaces in lieu of the required 138 off-street parking spaces.

- BCZR 450.4 Table of Sign Regulations 3(a): To permit a freestanding directional sign with a sign face area of 18 SQ FT. (and a company logo comprising 42% of the sign face area) in lieu of the maximum permitted 8 SQ FT. (and 30 % of the sign face area).

- BCZR 450.4 Table of Sign Regulations 5(j): To permit three wall-mounted enterprise signs with a face area of 58.75 SQ FT. in lieu of the maximum permitted 2 SQ FT.

SPECIAL VARIANCE:

BCZR 4A02.4.G: To allow the development of the subject property within the "F" level traffic shed of Loch Raven Boulevard and Joppa Rd.

Attorney: Christopher Mudd

Prior Zoning Cases: 2003-0513-SPHXASA

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Petition Revised and entered 5/26/22.

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING May 30, 2022
FORMAL OR INFORMAL RESPONSE DUE AT June 6, 2022 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2021-0323-SPHA **Reviewer:** Shaun Crawford
Existing Use: INDUSTRIAL/MANUFACTURING **Proposed Use:** INDUSTRIAL/MANUFACTURING
Type: SPECIAL HEARING, VARIANCE, SPECIAL VARIANCE
Legal Owner: 1265 Joppa, LLC.
Contract Purchaser: Chick-Fil-A, Inc.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 5

Property Address: 1265 JOPPA RD

Location: Property located at the Easterly right of way of East Joppa Rd. 40.8 Ft. Southwest of East Joppa and Mylander Lane.

Existing Zoning: SE **Area:** 2.39 ACRES

Proposed Zoning:

SPECIAL HEARING:

- Pursuant to BCZR 210.6: For a waiver of the performance standards contained within Section 210.5.D of BCZR to permit the use of commercial drive aisle as close as 4 FT. to a residential zone (an existing condition) in lieu of the required 75 FT.

- To amend the order and site plan approved in Zoning Case Number 2003-0513-SPHXASA.

VARIANCE:

- In the alternative, if necessary, a variance from Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 4 FT. to a residential zone (an existing condition), in lieu of the required 75 FT.

- BCZR 409.6: To allow a total of 97 off-street parking spaces in lieu of the required 133 off-street parking spaces.

- BCZR 450.4 Table of Sign Regulations 3(a): To permit a freestanding directional sign with a sign face area of 18 SQ FT. (and a company logo comprising 42% of the sign face area) in lieu of the maximum permitted 8 SQ FT. (and 30 % of the sign face area).

- BCZR 450.4 Table of Sign Regulations 5(j): To permit three wall-mounted enterprise signs with a face area of 58.75 SQ FT. in lieu of the maximum permitted 2 SQ FT.

SPECIAL VARIANCE:

BCZR 4A02.4.G: To allow the development of the subject property within the "F" level traffic shed of Loch Raven Boulevard and Joppa Rd.

Attorney: Christopher Mudd

Prior Zoning Cases: 2003-0513-SPHXASA

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Petition Revised and entered 5/26/22.

* 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 1265 E. Joppa Rd.

which is presently zoned SE

Deed References: 39298/208

10 Digit Tax Account # 2 4 0 0 0 0 4 6 6 4

Property Owner(s) Printed Name(s) 1265 Joppa LLC

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

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

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

SEE ATTACHMENT 1

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

3. X a **Variance** from Section(s)

SEE ATTACHMENT 1

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:

CHICK-FIL-A, INC.

Name- Type or Print

Signature

SEE ATTACHMENT 2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esq.

Name- Type or Print

Christopher Mudd / KNP

Signature

210 W. Pennsylvania Ave. Suite 500 Towson MD

Mailing Address

City

State

21204

, 410-494-6365

, CDMudd@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

1265 JOPPA, LLC.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

SEE ATTACHMENT 3

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Christopher D. Mudd, Esq.

Name - Type or Print

Christopher Mudd / KNP

Signature

210 W. Pennsylvania Ave. Suite 500 Towson MD

Mailing Address

City

State

21204

, 410-494-6365

, CDMudd@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2021-0323-SPMA Filing Date 11/8/21

Do Not Schedule Dates: _____

Reviewer SC

1265 E. JOPPA ROAD

AMENDED ATTACHMENT 1 TO PETITION FOR SPECIAL HEARING AND VARIANCE

1. Petition for special hearing, pursuant to Section 210.6 of the Baltimore County Zoning Regulations ("BCZR") for a waiver of the performance standards contained within Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 4 feet to a residential zone (an existing condition), in lieu of the required 75 feet.
2. In the alternative, a variance from Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 4 feet to a residential zone (an existing condition), in lieu of the required 75 feet.
3. Variance from Section 409.6 of the Baltimore County Zoning Regulations to allow a total of 97 off-street parking spaces in lieu of the required 133 off-street parking spaces.
4. Variance from Section 450.4 of the BCZR Table of Sign Regulations 3(a) to permit a freestanding directional sign with a sign face area of 18 square feet (and a company logo comprising 42% of the sign face area) in, in lieu of the maximum permitted 8 square feet (and 30% of the sign face area).
5. Variance from Section 450.4 of the BCZR Table of Sign Regulations 5(j) to permit three wall-mounted enterprise signs with a face area of 58.75 square feet in lieu of the maximum permitted 2 square feet.
6. Petition for special hearing to amend the order and site plan approved in Zoning Case Number 2003-0513-SPHXASA.
7. Petition for special variance pursuant to Section 4A02.4.G of the Baltimore County Zoning Regulations to allow the development of the subject property within the "F" level traffic shed of Loch Raven Boulevard and Joppa Road.

REVIS ED



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 1265 E. Joppa Rd.

which is presently zoned SE

Deed References: 39298/208

10 Digit Tax Account # 2 4 0 0 0 0 4 6 6 4

Property Owner(s) Printed Name(s) 1265 Joppa LLC

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

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

SEE ATTACHMENT 1

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

3. x a **Variance** from Section(s)

SEE ATTACHMENT 1

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:

CHICK-FIL-A, INC.

Name- Type or Print

Signature

SEE ATTACHMENT 2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esq.

Name- Type or Print

Christopher Mudd / KNP

Signature

210 W. Pennsylvania Ave. Suite 500 Towson MD

Mailing Address

City

State

21204

, 410-494-6365

, CDMudd@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

1265 JOPPA, LLC.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

SEE ATTACHMENT 3

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Christopher D. Mudd, Esq.

Name - Type or Print

Christopher Mudd / KNP

Signature

210 W. Pennsylvania Ave. Suite 500 Towson MD

Mailing Address

City

State

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, 410-494-6365

, CDMudd@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2021-0323-SPHA Filing Date 11/8/21

Do Not Schedule Dates: _____

Reviewer SL

1265 E. JOPPA ROAD

AMENDED ATTACHMENT 1 TO PETITION FOR SPECIAL HEARING AND VARIANCE

1. Petition for special hearing, pursuant to Section 210.6 of the Baltimore County Zoning Regulations ("BCZR") for a waiver of the performance standards contained within Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 2 feet to a residential zone (an existing condition), in lieu of the required 75 feet.
2. In the alternative, a variance from Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 2 feet to a residential zone (an existing condition), in lieu of the required 75 feet.
3. Variance from Section 409.6 of the Baltimore County Zoning Regulations to allow a total of 97 off-street parking spaces in lieu of the required 138 off-street parking spaces.
4. Variance from Section 450.4 of the BCZR Table of Sign Regulations 3(a) to permit a freestanding directional sign with a sign face area of 18 square feet (and a company logo comprising 42% of the sign face area) in, in lieu of the maximum permitted 8 square feet (and 30% of the sign face area).
5. Variance from Section 450.4 of the BCZR Table of Sign Regulations 5(j) to permit three wall-mounted enterprise signs with a face area of 58.75 square feet in lieu of the maximum permitted 2 square feet.
6. Petition for special hearing to amend the order, site plan, and special exception approved in Zoning Case Number 2003-0513-SPHXASA.
7. Petition for special variance pursuant to Section 4A02.4.G of the Baltimore County Zoning Regulations to allow the development of the subject property within the "F" level traffic shed of Loch Raven Boulevard and Joppa Road.

updated 8/10/22

2021-0323-SPHA

1265 E. JOPPA ROAD

ATTACHMENT 1 TO PETITION FOR SPECIAL HEARING AND VARIANCE

1. Petition for special hearing, pursuant to Section 210.6 of the Baltimore County Zoning Regulations ("BCZR") for a waiver of the performance standards contained within Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 4 feet to a residential zone (an existing condition), in lieu of the required 75 feet.
2. In the alternative, a variance from Section 210.5.D of the BCZR to permit the use of commercial drive aisle as close as 4 feet to a residential zone (an existing condition), in lieu of the required 75 feet.
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4. Variance from Section 450.4 of the BCZR Table of Sign Regulations 3(a) to permit a freestanding directional sign with a sign face area of 18 square feet (and a company logo comprising 42% of the sign face area) in, in lieu of the maximum permitted 8 square feet (and 30% of the sign face area).
5. Variance from Section 450.4 of the BCZR Table of Sign Regulations 5(j) to permit three wall-mounted enterprise signs with a face area of 58.75 square feet in lieu of the maximum permitted 2 square feet.

CERTIFICATE OF POSTING

2021-0323-SPHASA

RE: Case No.: _____

Petitioner/Developer: _____

1265 Joppa, LLC
Chick-Fil-A, LLC

September 19, 2022

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: _____

1265 E. Joppa Road ***Groups 1 & 2***

August 30, 2022

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



Sincerely,

 August 30, 2022
(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

2021-0323-SPHASA

RE: Case No.: _____

Petitioner/Developer: _____

1265 Joppa, LLC
Chick-Fil-A, LLC

September 19, 2022

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: _____

1265 E. Joppa Road ***SIGN 1***

August 30, 2022

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



Sincerely,

 August 30, 2022
(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

2021-0323-SPHASA

RE: Case No.: _____

Petitioner/Developer: _____

1265 Joppa, LLC
Chick-Fil-A, LLC

September 19, 2022

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: _____

1265 E. Joppa Road ***SIGN 2***

August 30, 2022

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



Sincerely,

August 30, 2022

(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

2021-0323-SPHASA

RE: Case No.: _____

Petitioner/Developer: _____

1265 Joppa, LLC
Chick-Fil-A, LLC

September 19, 2022

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: _____

1265 E. Joppa Road ***SIGN 3***

August 30, 2022

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



Sincerely,

 August 30, 2022
(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

2021-0323-SPHASA

RE: Case No.: _____

Petitioner/Developer: _____

1265 Joppa, LLC
Chick-Fil-A, LLC

September 19, 2022

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: _____

1265 E. Joppa Road ***SIGN 4***

August 30, 2022

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

Sincerely,

 August 30, 2022

(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

2021-0323-SPHASA

RE: Case No.: _____

Petitioner/Developer: _____

1265 Joppa, LLC
Chick-Fil-A, LLC

September 19, 2022

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: _____

1265 E. Joppa Road ***SIGN 5***

August 30, 2022

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

Sincerely,

August 30, 2022

(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

2021-0323-SPHASA

RE: Case No.: _____

Petitioner/Developer: _____

1265 Joppa, LLC
Chick-Fil-A, LLC

September 19, 2022

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: _____

1265 E. Joppa Road ***SIGN 6***

August 30, 2022

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



Sincerely,



August 30, 2022

(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)