IN RE: PETITION FOR VARIANCE

NW side Harford Road corner of NE side Second Avenue

9<sup>th</sup> Election District

5<sup>th</sup> Councilmanic District

(9400 Harford Road)

9400 Harford Road, LLC - Joseph Correlli Petitioner

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 08-074-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

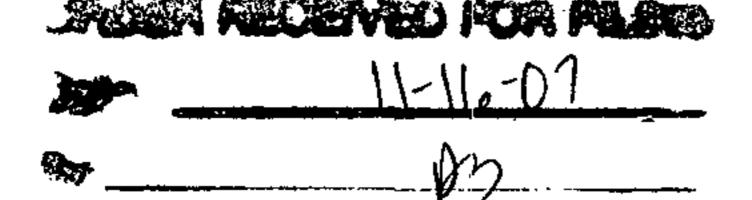
This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, 9400 Harford Road, LLC. Petitioner is requesting variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of 55 parking spaces instead of the required 68. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Dominic Correlli on behalf of 9400 Harford Road, LLC, his attorney, Larry Caplan, Esquire, and Rick Richardson with Richardson Engineering, LLC, the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 51,058 square feet or 1.172 acres, more or less, and zoned B.L. and DR 5.5. The property is located on the northwest side of Harford Road just north of 2<sup>nd</sup> Avenue and south of Scherer Avenue in the Parkville/Carney area of Baltimore County. The lot is improved with an existing 1,600 square foot building on the side of the property closest to Scherer Avenue. This building is home to a dry cleaner that has leased the space for a number of years. The property also contains a separate 7,000 square foot building which is currently vacant.

Petitioner purchased the property in 2006 and at that time, the vacant building was occupied by an auto parts/service store. Now that the building is no longer occupied, Petitioner desires to subdivide and improve the building in order to convert it into three commercial spaces. It is currently undergoing renovation and remodeling in anticipation of new business tenants. The left side of the building will consist of a 2,500 square foot space and the interior is being designed and constructed for an eat-in restaurant. Petitioner currently has a lease in place for Pat's Pizzeria, a sub shop that will cater to mostly lunch and dinner customers, both eat-in and carryout. The center space will consist of 3,000 square feet for a Dunkin Donuts, which is currently under lease and is scheduled to open very shortly. The Dunkin Donuts will be fairly typical of that well-known establishment, with mostly carryout business and with some space for customers who wish to eat in. Peak hours will be mostly in the morning and on weekends. The third space on the right side of the building will be approximately 1,500 square feet. Petitioner has not yet made a final decision on the desired business tenant, though it is planned that this area will be something other than a restaurant -- most likely a retail store.

According to the testimony of Mr. Richardson, Petitioner's engineering consultant, the request for parking variance is generated as a result of the proposed pizzeria restaurant. The configuration of the existing buildings, the entrance and exit areas from Harford Road, Scherer Avenue, and 2<sup>nd</sup> Avenue will remain the same, and the parking configuration will remain the same. As indicated on the site plan at General Note 7, the current parking plan provides 55 spaces, which was more than enough for the dry cleaning business and the previous auto parts/service store. However, now that the vacant building is being converted into three spaces for businesses, a parking variance is necessary, driven primarily by the eat-in restaurant. A review of the parking requirements on General Note 7 indicates that Dunkin Donuts will require 15 spaces, the dry cleaner will require five spaces, and a proposed retail tenant will require eight spaces.

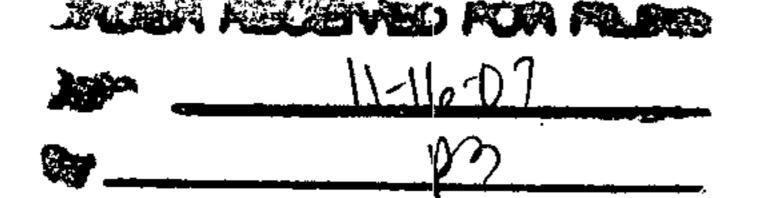


However, the Pat's Pizzeria will require 40 parking spaces for a total of 68 spaces. Hence, Petitioner is in need of a variance from the shortage of 13 spaces. Mr. Richardson also indicated that he reviewed the entire site, the existing parking configuration, and possible alternatives. He concluded the present parking plan is the most efficient use of the space on the property. It also takes advantage of ingress and egress opportunities from Harford Road, as well as from Scherer Avenue and 2<sup>nd</sup> Avenue. This will allow persons traveling on Harford Road to patronize the businesses, as well as residents of the nearby communities to stop in for various needs.

Mr. Richardson also indicated that the nature of the uses of the various businesses will make the shortfall of 13 spaces have virtually no impact on the overall parking needs. The dry cleaner is open generally all day, but most of its business occurs during the lunch hour or on the way home from work or on a Saturday. The Dunkin Donuts is generally open during the day and the evenings seven days a week, but most of its business occurs on weekday and weekend mornings, or perhaps late in the evening. The Pat's Pizzeria would not be open in the morning and would generate most of its business at lunchtime and in the evening. The yet-to-be-named retail space would likely open in the late morning and close in the early evening, with much of its business also coming on the weekends. Because of these various and staggered times of business, Mr. Richardson does not believe there will be a parking shortfall. He also believes if there ever is a problem, it will be one that is self-regulating. Put simply, if patrons cannot find parking or if ingress and egress becomes too difficult, customers will take their business elsewhere.

The Zoning Advisory Committee (ZAC) comments were received and are contained with the case file. These comments indicate no opposition or other recommendations concerning the requested relief.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance



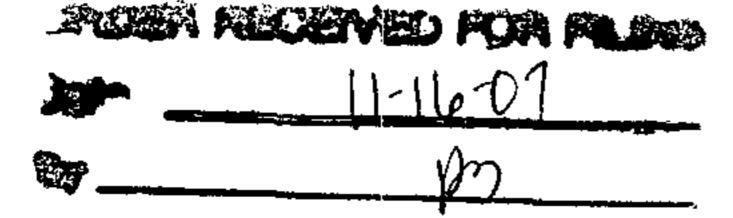
request. Although the subject property is split-zoned, it is located in a commercial row of buildings and businesses along Harford Road. It is surrounded by commercial uses, but also abuts residential neighborhoods as well. Therefore, I find the property unique in a zoning sense. Moreover, due to the nature of the various permitted uses contemplated on this property, I find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land available to the Petitioner to expand the lot and provide more off-street parking, and no parking available at that location for off-street parking.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

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



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

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

MARCHINO FOR FRANCE

11-16-07

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JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 16, 2007

LARRY CAPLAN, ESQUIRE LEVY MANN CAPLAN HERMANN & POLASHUK LLP 400 REDLAND COURT #110 OWINGS MILLS MD 21117

Re: Petition for Variance
Case No. 08-074-A
Property:

Dear Mr. Caplan:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road #500, Timonium MD 21030 Dominic Correlli, 9400 Harford Road LLC, 1201 Middle River Road, Baltimore MD 21220



### Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9400 Harford Road

which is presently zoned BL and DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409 (to provide a total of 55 parking spaces instead of the required 68). 409.6.A.2

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The variance is necessary in order to lease to a restaurant in the empty 2,500 sq. ft.space. Absent the variance, leasing this space would be practically impossible and create an unreasonable hardship on the property owner.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, 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.

> I/We do 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 Petition.

Contract Purchaser/Lessee:	Legal Owner(s):
	9400 Harford Road, LLC
Name - Type or Print	Name - Type or Print
Signature	Signature  Jøseph Correlli
Address	
City State Zip C	Code Signature
Attorney For Petitioner:	1201 Middle River Road 410-391-76663  Address Telephone No.
Larry Caplan	Baltimore, MD 21220 CHy State Zp Code
Name - Type or Print	Representative to be Contacted:
Signature Levy Mann, Caplan, Beamann & Polashuk Company	Larry Caplan
	98-2002
Owings Mills, MD 21117	Owings Mills, MD 21117
City State Zip C	
	<u>OFFICE USE ONLY</u>
Case No. 08-074-A	ESTIMATED LENGTH OF HEARING
	Wed By Date
REV 9/15/98 35-10-10-10-10-10-10-10-10-10-10-10-10-10-	78/07
11-110-07	

30 East Padonia Road, Suite 500 Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

## ZONING DESCRIPTION 9400 HARFORD ROAD 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the northwest side of Harford Road, 66 feet wide; at a distance of 44 feet more or less, from the centerline intersection of Harford Road and Second Avenue, 50 feet wide; and running thence from said place of beginning, binding on the said northwest side of Harford Road, (1) North 36 degrees 44 minutes 59 seconds East 201.92 feet, (2) thence northerly, by a line curving to the west with a radius of 25.00 feet, for a distance of 37.96 feet to a point on the southwest side of Scherer Avenue, 50 feet wide, thence binding on southwest side of Scherer Avenue and running (3) North 50 degrees 14 minutes 34 seconds West 119.57 feet, thence leaving Scherer Avenue (4) South 36 degrees 59 minutes 01 seconds West 250.39 feet to a point on the northeast side of Second Avenue, 50 feet wide; thence binding on said northeast side of Second Avenue (5) South 54 degrees 07 minutes 18 seconds East 128.91, (6) thence easterly, by a line curving to the east with a radius of 15.00 feet, for a distance of 23.79 feet to the point of beginning.

Containing a net area of 35,065 square feet, or 0.805 acres of land, more or less.



Item #074

NOTICE OF ZONING. HEARING

The Zoning Commissioner 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: #08-074-A
9400 Harford Road
N/west side of Harford
Road corner of n/east side
of Second Avenue
9th Election District
5th Councilmanic District Legal Owner(s): Joseph Correlli, 9400 Harford Road, LLC
Variance: to provide a total of 55 parking spaces instead of the required 68.
Hearing: Monday, October 15, 2007 at 9:00 a.m. in Room: 407, County Courts Building, 401 Bosiey Avenue, Towson 21204.

Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. WILLIAM J. WISEMAN, III
Zoning Commissioner for a
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the

ATE OF PUBLICATION

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IFY, that the annexed advertisement was published y newspaper published in Baltimore County, Md., in the following weekl THIS IS TO CERT each of once in G

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Catonsville Times

Towson Times

NE Booster/Reporter Mills Times Owings

North County News

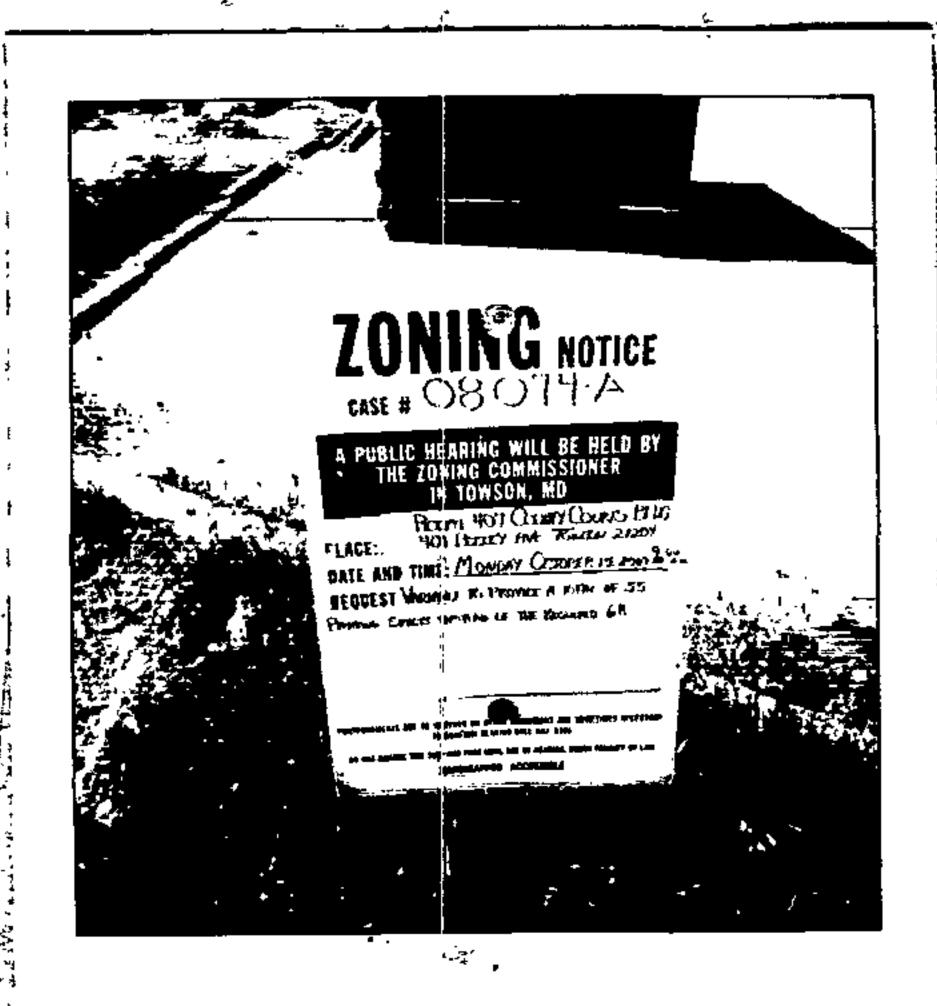
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LEGAL ADVERTISING

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#### CERTIFICATE OF POSTING

RE: Case No.: 08-074-A Petitioner/Developer: DOSE PH Date of Hearing/Closing: 10-15-07 This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were 9-79-0 (Month, Day, Year) Sincerely, Black 10-3-07 (Date) (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)



**Baltimore County Department of** 

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

ATTN: Kristen Matthews {(410) 887-3394}

posted conspicuously on the property located at:



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner 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: 08-074-A

9400 Harford Road N/west side of Harford Road corner of n/east side of Second Avenue 9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District Legal Owners: Joseph Correlli, 9400 Harford Road, LLC

Variance to provide a total of 55 parking spaces instead of the required 68.

Hearing: Monday, October 15, 2007 at 9:00 a.m. in Room 407, County Courts Building,

101 Bosley Wenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Larry Caplan, 400 Redland Court, Ste. 110, Owings Mills 21117 Joseph Correlli, 1201 Middle River Road, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPT. 29, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 27, 2007 Issue - Jeffersonian

Please forward billing to:

Joseph Correlli 1201 Middle River Road Baltimore, MD 21220

410-391-7663

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner 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: 08-074-A

9400 Harford Road

N/west side of Harford Road corner of n/east side of Second Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Joseph Correlli, 9400 Harford Road, LLC

Variance to provide a total of 55 parking spaces instead of the required 68.

Hearing: Monday, October 15, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

#### SUPPLEMENT TO PETITION FOR VARIANCE

#### 9400 Harford Road

The subject property is occupied by a stand-alone dry cleaning establishment (1,600 square feet) and a currently vacant commercial building of 7,000.00 square feet. The building is being renovated into 3 spaces of 2,500, 3,000 and 1,500 square feet. The 3,000 sq. ft space will be occupied by a Dunkin' Donuts store. The 2,500 will be occupied by a pizza restaurant. The last space is not yet leased but will be a non-restaurant retail operation. The Dunkin' Donuts will have its heaviest use and traffic in early morning. The pizza restaurant will have its heaviest use and traffic in the evening hours.

Larry Caplan

Attorney for Petitioner

Item #074

#### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 08-074-A
Petitioner: JOESEPH CORRELLIFOR 9400 HARFORD ROAD, UC
Address or Location: 9400 HARFORD RD
PLEASE FORWARD ADVERTISING BILL TO:  Name:JOSEPH_ CORREU!  Address: 1201 MIDDLE RIVER RD  BALTIMORE, MD 21220
Telephone Number: 410-391-7663



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 10, 2007

Larry Caplan Levy, Mann, Caplan, Hermann & Polashuk, LLP 400 Redland Court, Suite 110 Owings Mills, Maryland 21117

Dear Mr. Caplan:

RE: Case Number: 08-074-A, 9400 Harford Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 2007. 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,

W. Call Rillal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

Joseph Correlli 9400 Harford Road, LLC 1201 Middle River Road Baltimore 21220

Miscellaneous Permit & License Processing | County Office Building 111 West Chesapeake Avenue, Room 101 | Towson, Maryland 21204 Phone 410-887-3616 | Fax 410-887-4578 | Animal Licenses 410-887-3630 www.baltimorecountymd.gov RE: PETITION FOR VARIANCE
9400 Harford Road; NW/S Harford Road,
corner of NE/S Second Avenue
9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts
Legal Owner(s): 9400 Harford Road, LLC
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\* 08-074-A

#### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue

Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, Larry Caplan, Esquire, 400 Redland Court, Suite 110, Owings Mills, MD 21117, Attorney for Petitioner(s).

RECEIVED

AUG 1 6 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ECEIVE SEP 1 8 2007

BY:

**DATE:** September 5, 2007

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-074- Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

For further questions or additional information concerning the matters stated herein, please contact Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL



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

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

August 23, 2007

RE:

Ms. Kristen Matthews.
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Baltimore County
Item No. 8-74-A
MD 147 (Harford Road)
9400 Harford Road
9400 Harford Road, LLC
Variance- To provide a

Total of 55 parking spaces

Dear Ms. Matthews:

Thank you for the opportunity to review the plan submission on the subject of the above captioned, which was received on August 13, 2007. We reviewed the referenced plan and have no objection to approval for Item No. 8-74. Based on a field inspection we have determined that the existing entrances onto MD 147 appear appropriate to the State Highway Administration (SHA) at this time. However, the SHA has approved and funded SHA Contract No. BA6835184 a community safety and enhancement project that may impact the existing entrances onto MD 147 (Harford Road). The project is currently under construction.

Prior to the issuance of a building permit for the subject property coordination with the Mr. Phil Humbertson, State Highway Administration- Special Programs 401.321.2852 is necessary. If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours

Steven D. Foster, Chief U Engineering Access Permits

Division

SDF/MB

Cc: Mr. Joseph Correlli, Owner, 9400 Harford Road, LLC

Mr. Phillip Humbertson, D-4 Special Programs, SHA

Mr. David Malkowski, District Engineer, SHA

Ms. Erin Kuhn, ADE-Traffic, SHA



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 14, 2007

Item Number: Item Number 49 and 052 through 075

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 15, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 20, 2007

Item Nos. 052, 054, 056, 057, 058, 061, 062, 063, 065, 066, 067, 068, 071, 072, 073, 074, and 075

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-08152007.doc

# PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE 10/15/07

# ETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
LARRY CAPUM	400 Realland	Mr. M. Jush	(caplan @ Imcolans con
BUK BUHKEDSON	4Donlin	VIUM MD 21093	RICKO RCHARDCANTERNITONK 18
Pomine Collelle	1201 millite Diver RD	20 21220	For The SEDALLOSTine
•			

THIS DEED, made this <u>37</u> day of December, in the year two thousand six, by and between Hydes Realty, LLC, a Maryland Limited Liability Company Grantor and party of the first part, and 9400 Harford Road, LLC, Grantee and party of the second part.

WITNESSETH, that in consideration of the sum of One Million Three Hundred Seventeen Thousand Seven Hundred Fifty and NO/100THS (\$1,317,750.00), DOLLARS, the actual consideration paid or to be paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, its successors and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at an iron pipe now planted on the northeast side of Second Avenue (50 feet wide) at the southeast corner of Lot No. 81, as shown on the Plat of Ronleigh Heights, 2900 Block of Second Avenue, as filed among the Land Records of Baltimore County, in Plat Book G.L.B. No. 20 folio 117, thence running with and binding on the northeast side of said Avenue, as now surveyed, South 54 degrees 07 minutes 18 seconds East 128.91 feet to an iron pipe, thence easterly, by a line curving to the north with a radius of 15.00 feet, for a distance of 23.79 feet to an iron pipe now planted on the northwest side of Harford Road, said pipe being distant 30.00 feet measured northwesterly at right angles to the center of construction on said Harford Road, thence parallel to and North 36 degrees 44 minutes 59 seconds East 201.92 feet to an iron pipe now planted on the northwest side of said road, thence northerly, by a line curving to the west, with a radius of 25.00 feet, for a distance of 37.96 feet to an iron pipe now planted on the southwest side of Scherer Avenue, as laid out 50.00 feet wide, thence running with and binding on the southwest side of said avenue, North 50 degrees 14 minutes 34 seconds West 119.57 feet to an iron pipe now planted on the southwest side of said Scherer Avenue at the northeast corner of Lot No. 72, as shown on the Plat of Park and Ronleigh Heights, as recorded among the Land Records of Baltimore County, in Plat Book G.L.B. No. 22 folio 64, thence leaving the southwest side of said Avenue and running with and binding on the southeast outlines of said Lot Nos. 72 and 81, as shown on the above referred to Plat, South 36 degrees 59 minutes 01 seconds West 230.39 feet to the place of beginning. Containing .805 of an acre of land more or less. The improvements thereon being known as No. 9400-9402 Harford Road.

SAVING AND EXCEPTING therefrom all that property in a Deed dated May 7, 1979 by and between Harford Realty Inc and the State Highway Administration as recorded in Liber No. 6041, page 80; and Deed dated January 29, 2980 by and between Harford Realty Inc and the State Highway Administration as recorded in Liber No. 6135, page 133.

**BEING** the same lot of ground which by Deed dated March 28, 2003 and recorded among the Land Records of Baltimore County in Liber No. 17775, folio 697, which was granted and conveyed by James A. Stiles, Sr. and Evelyn G. Stiles unto Hydes Realty, LLC, the grantor herein.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the property described above, to the party of the second part, its successors and assigns, in fee simple.

AND the party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, that it will warrant specially the property hereby granted, and that it will execute such further assurances of the same as may be requisite.

PETITIONER'S

EXHIBIT NO.

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WITNESS:	Hydes Realty, LLCC and Maryland Limited Liability Company
· · · · · · · · · · · · · · · · · · ·	By: Malf McCloskey, Member
Mary	By: John K. Wilkerson, Member (SEAL)
STATE OF MARYLAND, Baltimore Cou	unty, to wit:
I HEREBY CERTIFY, that on the thousand six, before me, the subscribe appeared كريميك المركامة المركام	
IN WITNESS WHEREOF, I here	eunto set my hand and official seal.
My commission expires:	Notary Publication Property Comments of the Property of the Pr
STATE OF MARYLAND, Baltimore Cou	
thousand six, before me, the subscribe appeared John K. Willerson was satisfactorily proven to be the person w	day of December in the year two er, a Notary Public of the State aforesaid, personally Member of Hydes Realty, LLC, known to me or whose name is subscribed to the within instrument and orized so to do, executed the same for the purposes
IN WITNESS WHEREOF, I here	eunto set my hand and official seal.
My commission expires:  \[ \frac{2\int(\sigma)}{\text{File # 51985}} \]	Notary Public  Notary Public
	THE UNDERSIGNED hereby certifies that the above instrument was prepared under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland



(410) 653-3400

(SEAL)

William E. Murphy, Attorney

