



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP
*Director, Department of Permits,
Approvals and Inspections*

May 19, 2022

RE: Spirit and Intent Request
Zoning Case 2011-0223-A
1407 Clarkview Rd

Dear Mitchell Kellman:

This response refers to your May 9, 2022 letter to Mr. Jeffery Perlow, Chief of Zoning. Your letter requests the utilization of an additional 10 parking spaces due to the addition of a 600 sqft deck with an open sided gazebo used for outdoor seating. The approved Zoning Case# 2011-0223-A allowed for 51 on-site parking spaces and 59 off-site parking spaces provided by Lots 1, 2 and 3. The zoning case also approved off-site parking spaces to be located as close as 1,265 and as far as 2,615 walking distance from a building entrance.

Please be advised that your request have been reviewed. It has been determined that the square footage for outdoor seating will not be counted towards required parking. However, the proposed gazebo location will eliminate 2 Variance approved on-site parking spaces. Although the Zoning office agrees that the surplus off-site parking would accommodate these two parking spaces, you will need to establish 2 new on-site parking spaces or a new Variance will be required. Changing an approved site plan cannot be authorized by Zoning alone as additional departmental reviews may be required.

This letter is strictly limited to the application of the BCZR as applied to the S&I request presented in your letter and does not represent verification or approvals for any other Local, State or other Regulations that may apply to this property. The foregoing is merely an informal opinion. It is not an expert or legal opinion, it is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

We trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact us at 410-887-3391.

Sincerely,

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

Christina Frink
Planner II, Zoning Review

22-0406/CF



12-0406
CF

May 9, 2022

Mr. C. Pete Gutwald, Director
Baltimore County Department of Permits,
Approvals, and Inspections (PAI)
C/O Mr. Jeffrey N. Perlow, Zoning Supervisor
Baltimore County Zoning Review Office
111 West Chesapeake Avenue, Room 124
Towson, MD 21204

Re: Zoning "Spirit and Intent" Letter – Zoning Case 2011-0223-A
Earth, Wood, and Fire Restaurant
1407 Clarkview Road
Election District 3, Councilmanic District 2
Project No. 22010.00

Dear Jeff:

Daft-McCune-Walker, Inc. (DMW) represents the owner of the referenced restaurant, and we are responsible for the engineering, planning, and zoning approval for a proposed and an approximate 600-square foot deck with an open-sided gazebo (atop of the deck), which will be used for outdoor seating. The proposed deck will be connected to an existing patio which is in front of the restaurant. The restaurant is located within the Barehills Corporate Center, at the corner of Clarkview and Falls Roads, where as the building is primarily zoned BM and the surrounding area, including the supporting off-street parking, is zoned BL. The deck and gazebo will be located within the BL Zone and honor the minimum BL setbacks for an open projection.

The property obtained a Zoning Variance via Zoning Case 2011-0223-A which permitted off-site parking spaces as close as 1,265 feet and as far as 2,615 feet walking distance from a building entrance in lieu of 500 feet. At the time said Variance was approved, 59 parking spaces were utilized off-site. With the proposed deck, an additional 10 parking spaces will be required, totaling 69 spaces, which will be utilized from the approved off-site parking area. Based on the approved Variance and Site Plan, the three (3) lots with the off-site parking and respective buildings/uses still maintained 104 surplus parking spaces after the approved 59 spaces were utilized. With the new deck utilizing 10 additional spaces, 69 spaces will be utilized, leaving 94 surplus parking spaces. All off-site spaces will still be within the allowed and respective 1,265 and 2,615 feet, as approved within the referenced Variance case.

We feel that utilizing an additional 10 approved parking spaces is within the scope of the approved Zoning Variance, and we hope you consider the same. With our request, we are submitting a check for the letter-processing fee and the red-lined hearing plan illustrating the size and location of the proposed deck.

Mr. C. Pete Gutwald, Director
C/O Mr. Jeffrey N. Perlow, Zoning Supervisor
Page 2
May 9, 2022

If we can offer you further information, please do not hesitate to call us at 410-296-3333.

Very truly yours,

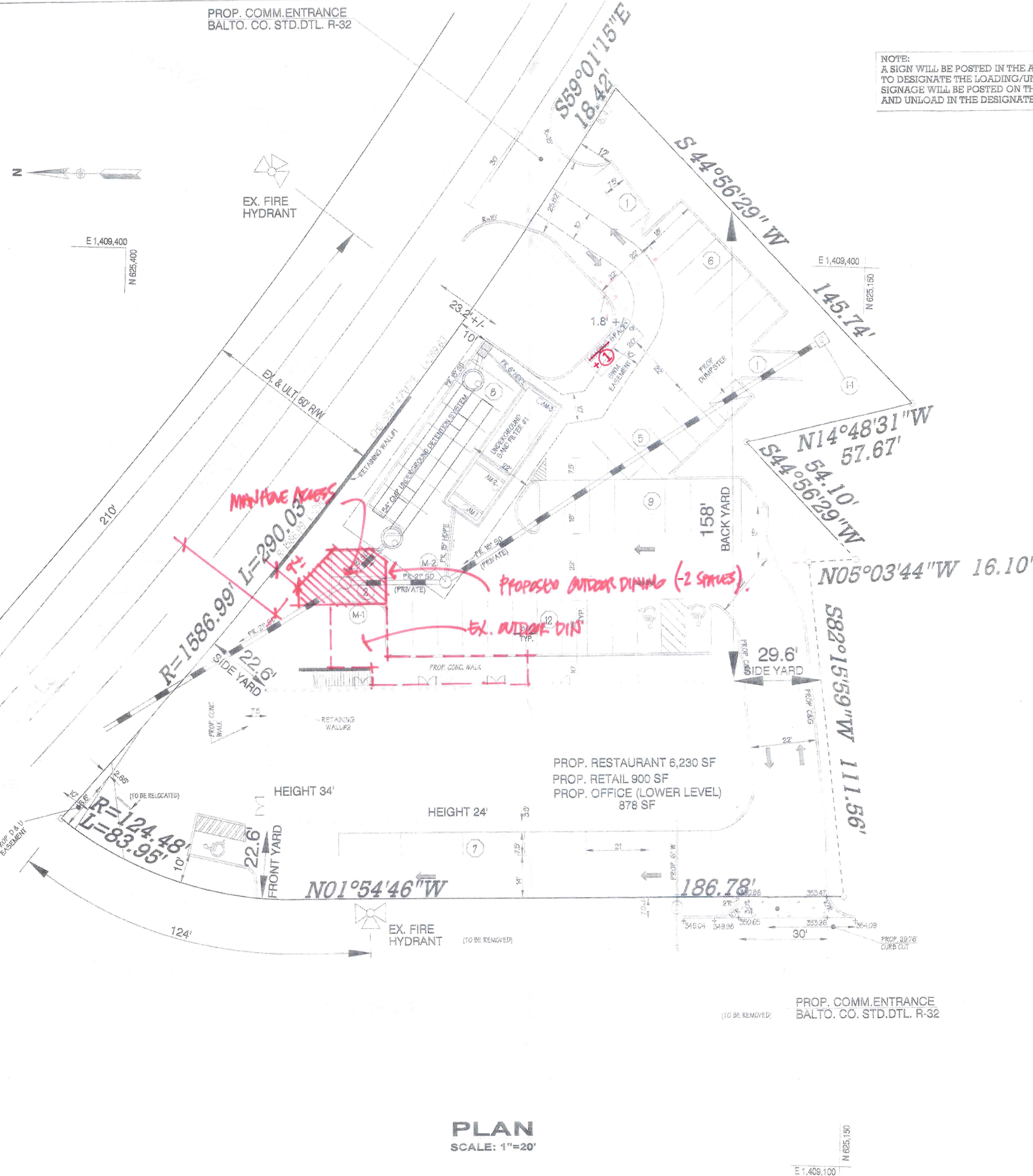
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Mitchell J. Kellman
Vice President | Director of Zoning Services

MJK/bah



EXISTING SIGN



PLAN
SCALE: 1"=20'

NOTE:
A SIGN WILL BE POSTED IN THE APPROXIMATE LOCATION SHOWN ON THIS SITE PLAN TO DESIGNATE THE LOADING/UNLOADING AREA FOR DELIVERY TRUCKS. ADDITIONAL SIGNAGE WILL BE POSTED ON THE PROPERTY TO DIRECT DELIVERY TRUCKS TO LOAD AND UNLOAD IN THE DESIGNATED AREA.

Legend

Property Line	-----
Zoning Line	-----
Existing Contour	-----
Proposed Contour	-----
Existing Concrete Curb	-----
Proposed Concrete Curb	-----
Existing Storm Drain	-----
Existing Sewer	-----
Existing Water	-----
Ex. Underground Electricity	-----
Ex. O.H. Electricity	-----
Existing Gas	-----
Proposed Paving	-----

Site Data

1. NET AREA OF PROPERTY 1.088 ACRES:
0.574 acres - #1407 CLARKVIEW ROAD,
0.327 acres - # 6242 FALLS ROAD,
0.187 acres - # 6240 FALLS ROAD,
2. EXISTING ZONING
BL, BM, and DR 2 - #1407 Clarkview Rd., # 6242 Falls Rd., # 6240 Falls Road.
AREA OF BL ZONED PROPERTY - 0.7573 acres
AREA OF BM ZONED PROPERTY - 0.1821 acres
AREA OF DR 2 ZONED PROPERTY - 0.0889 acres
3. EXISTING USE:
#1407 CLARKVIEW ROAD - ONE STORY WAREHOUSE/TWO STORY OFFICE/RETAIL
LOWER LEVEL 888 SF RETAIL
UPPER LEVEL 888 SF OFFICE/ 6,232 SF WAREHOUSE
6240 FALLS ROAD - TWO STORY DWELLING
FIRST FLOOR 880 SF DWELLING
SECOND FLOOR 880 SF DWELLING
4. PROPOSED USE
#1407 CLARKVIEW ROAD - RESTAURANT 6,230 SF, RETAIL - 900 SF, OFFICE 878 SF
#6240 FALLS ROAD - TWO-STORY SINGLE FAMILY DWELLING
5. DEED REFERENCES:
28906/372 #1407 CLARKVIEW ROAD
28192/068 #6242 FALLS ROAD
28215/417 #6240 FALLS ROAD
6. DEVELOPMENT APPROVAL - UNKNOWN
7. ZONING HISTORY: 2008 CZMP APPLICATION 2-019 - TO REZONE PROPERTY TO BM
8. TAX ACCOUNT NUMBERS
03-0312084360 - #1407 CLARKVIEW ROAD,
03-0308088900 - # 6242 FALLS ROAD,
03-0308088901 - # 6240 FALLS ROAD,
9. COUNCILMANIC DISTRICT: 2
10. FLOOR AREA RATIO:
PERMITTED - 0.8
PROPOSED - 0.216 ac./ 1.088 ac. +/- = 0.20
11. AMENITY OPEN SPACE - NONE REQUIRED
12. BUILDING HEIGHT - 28' +/-
13. STORMWATER MANAGEMENT: PROVIDED IN FACILITY LOCATED ONSITE, IF NECESSARY
14. PUBLIC WATER FACILITIES - EXISTING
15. PUBLIC SEWER FACILITIES - EXISTING
16. PRIOR COMMERCIAL PERMITS: NONE FOUND
17. SIGNAGE NOTE - NONE PROPOSED AT THIS TIME; HOWEVER, ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES.
18. FLOOD PLAIN - THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN PER FEMA FLOODPLAIN MAP PANEL 2400100246E DATED ON NOVEMBER 17, 1983.
19. ANY FIXTURE USED TO ILLUMINATE THE OFFSTREET PARKING AREA SHALL BE ERRECTED AS TO REFLECT LIGHT AWAY FROM ADJOINING RESIDENTIAL AREAS AND PUBLIC STREETS.
20. THIS PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
21. THE SITE IS PART OF A PLANNED INDUSTRIAL PARK AS DEFINED BY BCZR SECTION 101 AND SECTION 263.1.C PER THE APPROVED PLAN SIGNED BY THE OFFICE OF PLANNING 8/9/2009.
22. # 6242 FALLS ROAD IS ITEM #281 ON THE BALTIMORE COUNTY FINAL LANDMARKS LIST.
23. BASIC SERVICE MAPS: THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN ANY AREA IDENTIFIED AS BEING DEFICIENT ON THE BASIC SERVICES MAPS ADOPTED BY THE BALTIMORE COUNTY COUNCIL AND EFFECTIVE MAY 14, 2010.
24. PARKING: ALL PARKING AND AISLES WILL BE PERMANENTLY STRIPED ON A DURABLE AND DUSTLESS SURFACE. LIGHTING FIXTURES SHALL BE ARRANGED TO REFLECT LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
25. PETITIONER WILL ENTER INTO AN AGREEMENT WITH THE OWNER OF THE OFFSITE PARKING SPACES. IF PARKING BECOMES DEFICIENT IN THE OFFSITE LOT, THE DEFICIENCY WILL NEED TO BE CORRECTED TO SATISFY THE ZONING REGULATIONS.

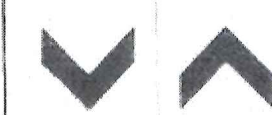
PETITIONER'S

EXHIBIT NO. 1A

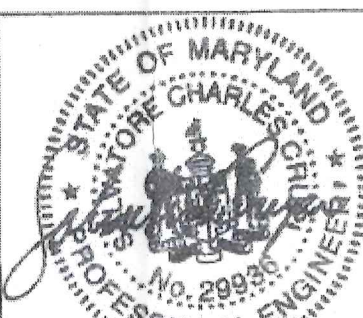
Amended Spirit & Intent Plan 6/15/22 DMW

MATIS WARFIELD

Consulting Engineers



10540 York Road, Suite M
Hunt Valley, Maryland 21030
PHONE 410.683.7004 FAX 410.683.1798
www.matiswarfield.com



OWNER - PETITIONER

1407 Clarkview Road, LLC
1427 Clarkview Road, Suite 500
Baltimore, Maryland 21209
410-296-4800

Notes:

- 1) Bearings and Distances shown hereon are based on survey by Survey Services of MD, LLC on Apr 30, 2007, July 9, 2007 & September 25, 2007.
- 2) This plot is for zoning purposes only and shall not be used for conveyance of land.
- 3) All zone and district lines shown hereon are based on Baltimore County Zoning Map No. 060603.

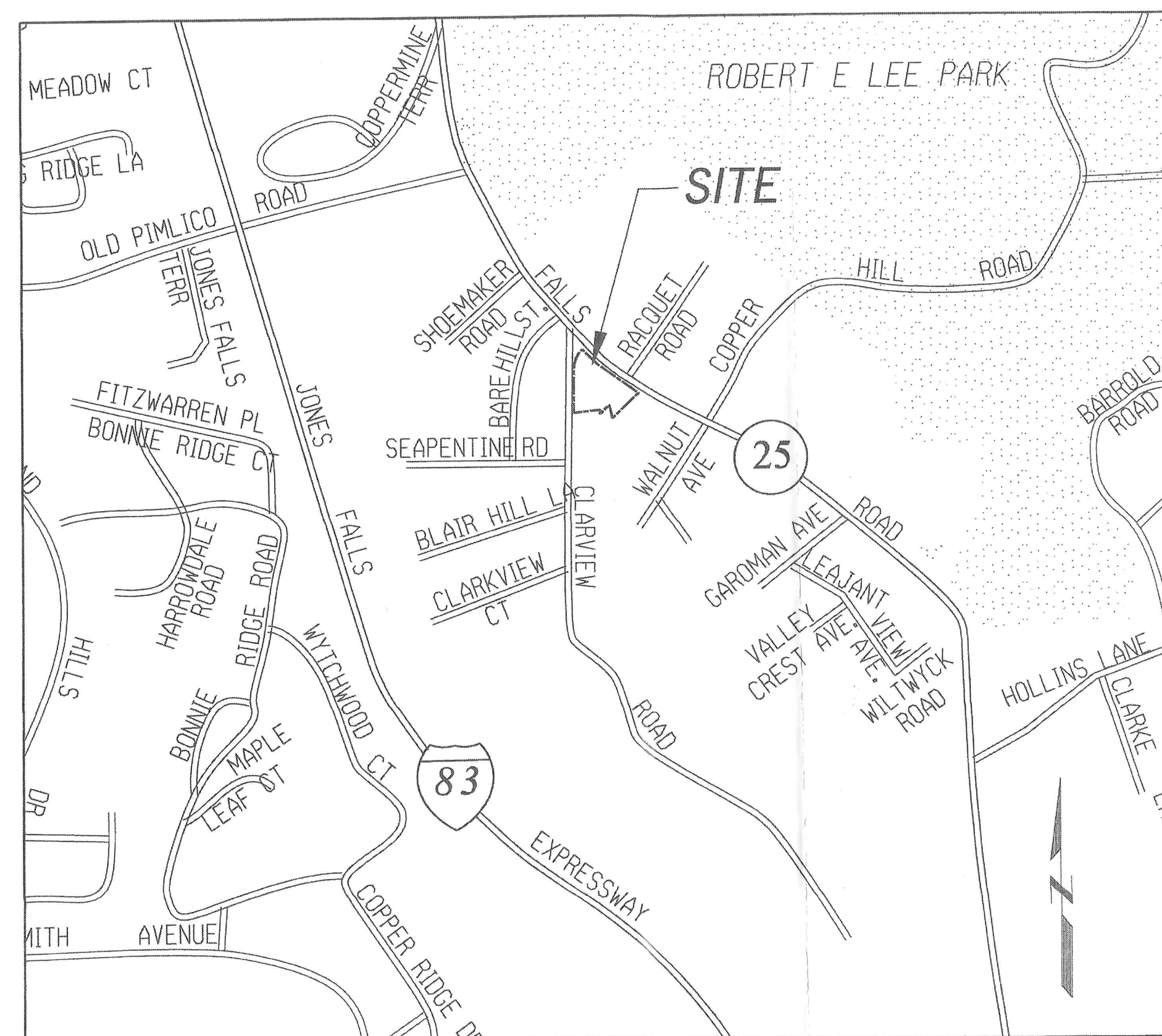
DATE	ISSUE

Plat To Accompany Petition for Variance

1407 CLARKVIEW ROAD,
6240 & 6242 FALLS ROAD

BALTIMORE COUNTY, MARYLAND
TAX MAP 69, PARCELS 61, 658 & 1021
SCALE: 1" = 20'

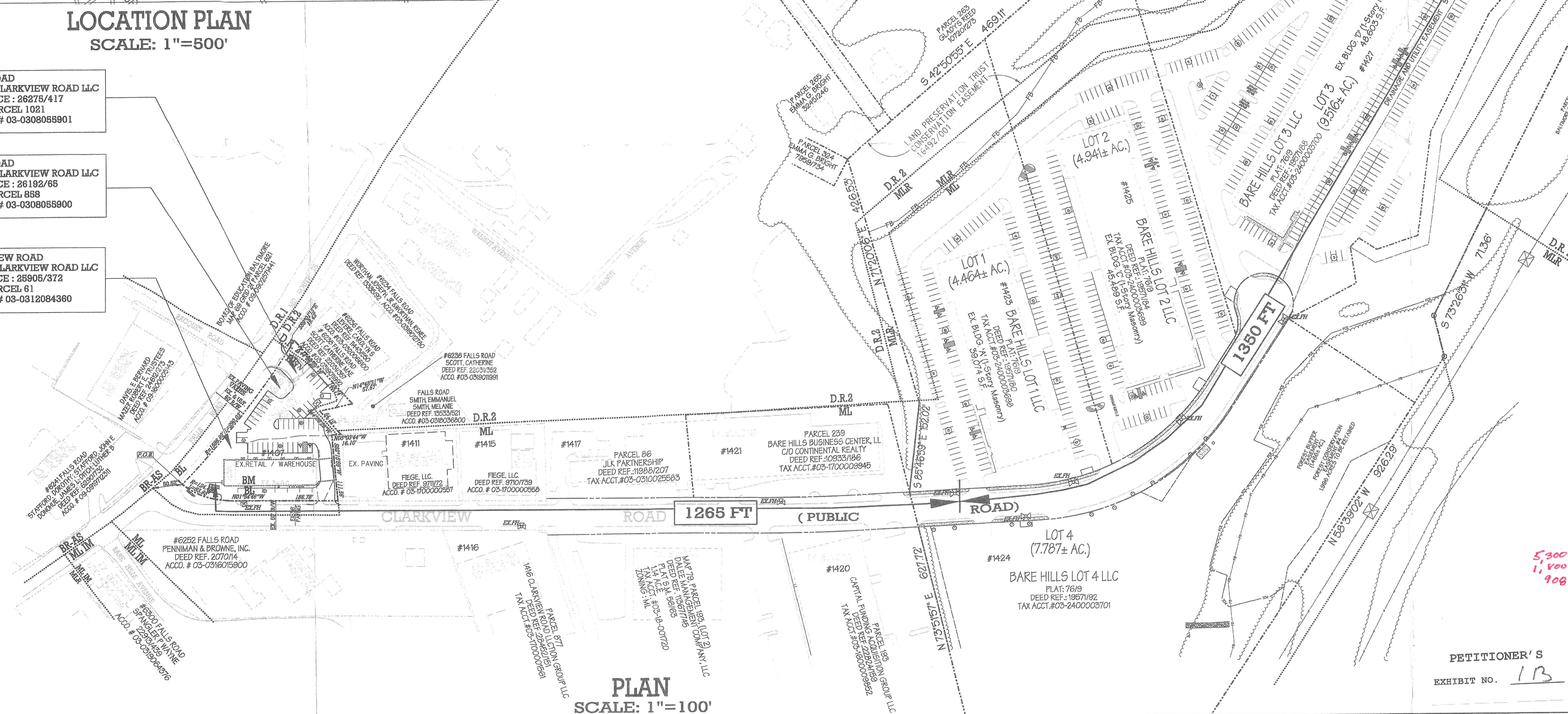
ELECTION DISTRICT NO. 3
COUNCIL DISTRICT NO. 2
JANUARY 25, 2011
SHEET 1 OF 2



6240 FALLS ROAD
OWNER : 1407 CLARKVIEW ROAD LLC
DEED REFERENCE : 26275/417
TAX MAP 69, PARCEL 1021
TAX ACCOUNT # 03-0308055901

6242 FALLS ROAD
OWNER : 1407 CLARKVIEW ROAD LLC
DEED REFERENCE : 26192/65
TAX MAP 69, PARCEL 858
TAX ACCOUNT # 03-0308055900

1407 CLARKVIEW ROAD
OWNER : 1407 CLARKVIEW ROAD LLC
DEED REFERENCE : 25905/372
TAX MAP 69, PARCEL 61
TAX ACCOUNT # 03-0312084360



Offsite Data

1. NET AREA OF PROPERTY:
- 4.464 acres - # 1423 CLARKVIEW ROAD (BARE HILLS LOT 1 LLC).
 - 4.941 acres - # 1426 CLARKVIEW ROAD (BARE HILLS LOT 2 LLC).
 - 9.516 acres - # 1427 CLARKVIEW ROAD (BARE HILLS LOT 3 LLC).
2. EXISTING ZONING
- ML, MLR, DR 2 and DR 3.5 - # 1423, #1426 & #1427 Clarkview Rd
 - AREA OF ML ZONED PROPERTY - 13.387 acres
 - AREA OF MR ZONED PROPERTY - 1.609 acres
 - AREA OF DR 2 ZONED PROPERTY - 3.751 acres
 - AREA OF DR 3.5 ZONED PROPERTY - 0.174 acres
3. EXISTING USE:
- # 1423 CLARKVIEW ROAD - ONE-STORY OFFICE 39,074 SF
 - # 1426 CLARKVIEW ROAD - ONE-STORY OFFICE/RESTAURANT 45,489 SF
 - # 1427 CLARKVIEW ROAD - ONE-STORY OFFICE 48,603 SF
4. PROPOSED USE:
- # 1423 CLARKVIEW ROAD - ONE-STORY OFFICE 39,074 SF
 - # 1426 CLARKVIEW ROAD - ONE-STORY OFFICE/RESTAURANT 45,489 SF
 - # 1427 CLARKVIEW ROAD - ONE-STORY OFFICE 48,603 SF
5. DEED REFERENCES:
- 1967/1/80 # 1423 CLARKVIEW ROAD
 - 1967/1/84 # 1426 CLARKVIEW ROAD
 - 1967/1/88 # 1427 CLARKVIEW ROAD

Off-Site Parking

LOT 1 - #1423 CLARKVIEW ROAD
OFFICE - 38,844 SF @ 3.3 SP. PER 1,000 SF = 129 SPACES
WAREHOUSE (1 PER EMPLOYEE) = 1 SPACE
TOTAL PARKING REQUIRED = 130 SPACES

PARKING PROVIDED ON SITE	= 174 SPACES
SURPLUS PARKING - LOT 1	= 44 SPACES

LOT 2 - #1425 CLARKVIEW ROAD
RESTAURANT 3,319 SF @ 16 SP. PER 1,000 SF = 54 SPACES
OFFICE - 42,109 SF @ 3.3 SP. PER 1,000 SF = 140 SPACES
WAREHOUSE (1 PER EMPLOYEE) = 1 SPACE
TOTAL PARKING REQUIRED = 195 SPACES

PARKING PROVIDED ON SITE	= 200 SPACES
SURPLUS PARKING - LOT 2	= 5 SPACES

LOT 3 - #1427 CLARKVIEW ROAD
 MEDICAL OFFICE 10,064 SF @ 4.5 SP. PER 1,000 SF = 46 SPACES
 OFFICE - 38,854 SF @ 3.3 SP. PER 1,000 SF = 129 SPACES
 TOTAL PARKING REQUIRED = 175 SPACES

PARKING PROVIDED ON SITE	= 289 SPACES
SURPLUS PARKING	= 114 SPACES

TOTAL SURPLUS PARKING (LOT 1, LOT 2 & LOT 3) = 163 SPACES

On-Site Parking

#1407 CLARKVIEW ROAD, #6240 & #6242 FALLS ROAD

SF RESTAURANT 2,230 SF @ 16 SP. PER 1,000 SF	85	=	100 SPACES
SF RETAIL 900 SF @ 3.3 SP. PER 1,000 SF	3	=	8 SPACES
SF OFFICE 875 SF @ 5.3 SP. PER 1,000 SF	3	=	3 SPACES
SINGLE-FAMILY DWELLING (#6242 FALLS ROAD)		=	2 SPACES
TOTAL PARKING REQUIRED	99	=	113 SPACES

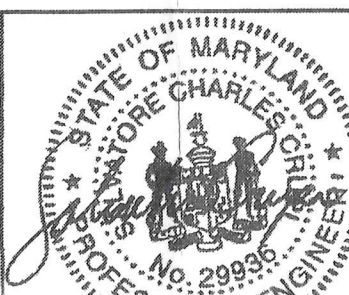
PARKING PROVIDED ON SITE = 52 SPACES
 ADDITIONAL PARKING REQUIRED = 59 SPACES
 PARKING PROVIDED ON LOT 1, LOT 2 & LOT 3 = 59 SPACES

NOTE:
ALL PARKING AND AISLES WILL BE PERMANENTLY STRIPED ON A DURABLE AND DUSTLESS SURFACE. LIGHTING FIXTURES SHALL BE ARRANGED TO REFLECT LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.

PETITIONER'S
EXHIBIT NO. 12

MATIS WARFIELD
Consulting Engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21030
PHONE 410.683.7004 FAX 410.683.1798
www.matiswarfield.com



OWNER – PETITIONER

1407 Clarkview Road, LLC
1427 Clarkview Road, Suite 500
Baltimore, Maryland 21209
410-296-4800

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PLAT TO ACCOMPANY PETITION FOR VARIANCE

1407 CLARKVIEW ROAD,
6240 & 6242 FALLS ROAD

BALTIMORE COUNTY, MARYLAND
TAX MAP 69, PARCELS 61, 858 & 102
SCALE: 1" = 100'

ELECTION DISTRICT NO. 1
COUNCIL DISTRICT NO. 2
JANUARY 25, 2011
SHEET 2 OF 2

IN RE: PETITION FOR VARIANCE

SW side of Falls Road, 35 feet SW
of the c/l of Clarkview Road
3rd Election District
2nd Councilmanic District
(1407 Clarkview Road and
6240, 6242 Falls Road)

1407 Clarkview Road, LLC
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS
* FOR BALTIMORE COUNTY
* CASE NO. 2011-0223-A

* * * * *

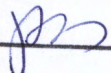
OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the subject property, 1407 Clarkview Road, LLC, by and through its attorney, Christopher D. Mudd, Esquire, with Venable LLP. Petitioner requests a variance from Section 409.7.B.1 of the Baltimore County Zoning Regulations (the "B.C.Z.R." or "Zoning Regulations") to permit off-site parking spaces to be located as close as 1,265 feet and as far as 2,615 feet walking distance from a building entrance in lieu of the maximum permitted 500 feet. The subject site and the requested relief are more particularly described on the two-sheet redlined site plan accepted into evidence and marked as Petitioner's Exhibit 1A & 1B.

Appearing at the requisite public hearing in support of the Petition were Christopher D. Mudd, Esquire, attorney for the Petitioner; Lawrence Rief, on behalf of the Petitioner; Salvatore Crupi, P.E., with Matis Warfield, Inc., the engineer who prepared the site plan; and Glenn Cook, a traffic engineering consultant with The Traffic Group. A number of interested citizens also appeared, but none protested the requested relief, and only three – Kathy Palencar, Bruce Boswell, and Jeffrey Budnitz – testified during the hearing.

ORDER RECEIVED FOR FILING

Date 3-22-11

By 

Testimony and evidence revealed that the subject property is comprised of three separate parcels, totaling approximately 1.05± acres, located at the intersection of Clarkview Road and Falls Road, in the Bare Hills area of Baltimore County. The property is split-zoned BM (Business, Major), BL (Business, Local), and DR2 (Density, Residential), and improved with an abandoned 8,000± square foot warehouse building, as well as an abandoned dwelling that is included on the Baltimore County Final Landmarks List. The property is also considered part of the Bare Hills Business Park, which is a large office park developed by Petitioner's parent company – Continental Realty Corporation – that is located along and served by Clarkview Road.

Photographs accepted into evidence as Petitioner's Exhibits 5A-H depict the poor condition of the subject property at the time Petitioner purchased it in 2007. As explained during the public hearing, this site marks the "gateway" into the Bare Hills Business Park, and Petitioner intends to redevelop it by re-facing the existing warehouse building and filling it with a number of commercial services for use by the numerous businesses within the Business Park, their employees, and the surrounding community. In fact, the Ruxton Riderwood Lake Roland Area Improvement Association ("RRLRAIA") recently updated its community plan, and the proposed improvements would help further the goals of that plan, as explained by a number of witnesses. Petitioner submitted elevations of the proposed improvements to the warehouse building (Petitioner's Exhibit 6) and a copy of a landscape plan approved by Baltimore County's landscape architect (Petitioner's Exhibit 7), which, when compared to the 2007 site photographs, confirm that the redevelopment will significantly improve the property.

Due to existing site constraints, Petitioner discovered that it could not provide on the subject property the number of off-street parking spaces required by the Parking Regulations contained in Section 409 of the B.C.Z.R. However, the subject property should not be viewed in isolation – there are a number of on-street parking spaces available along Clarkview Road, as well

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Date 3-22-11

2

By [signature]

as a surplus of off-street parking on other lots owned by Continental within the Business Park, which will, in combination with the proposed on-site parking layout, provide more than enough parking to serve the proposed commercial uses. Because the off-street parking spaces within the Business Park are more than 500 feet – some as close as 1265 feet and others as far as 2615 – from the customer entrances for the rehabilitated commercial building, the requested variance is necessary.

Petitioner's witnesses explained that the variance was critical to its redevelopment effort; without it, Petitioner would not have the ability to provide the mix of commercial services for use by the businesses and employees within the Business Park and the surrounding community. Furthermore, the witnesses opined that, from a practical perspective, the parking spaces provided on the subject property together with the parking spaces along Clarkview Road are sufficient for the redevelopment. Petitioner also indicated that, even though the existing parking would be more than adequate, it was working with Baltimore County to create additional parking spaces along Clarkview Road. Finally, the evidence demonstrated that Petitioner plans to install a sidewalk along the east side of Clarkview Road to provide a pedestrian connection between the subject property and the rest of the Business Park. This sidewalk will provide a safe walkway to and from the subject property for customers parking their vehicles along Clarkview or elsewhere in the Business Park, as well as for existing employees within the Business Park.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 28, 2011, which indicate that the Office supports the requested variance, subject to certain conditions. It was explained during the hearing that the redlined changes on Petitioner's Exhibits 1A and 1B – which show a slight reconfiguration of the parking lot layout to provide better protection for the landmarked structure on the site – resulted from meetings between Petitioner's representatives and

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Date 3-22-11

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By pm

the Office of Planning prior to the issuance of the Office's comments. The comments indicate that the Office is satisfied with the redlined changes.

As mentioned above, three interested persons testified in favor of the requested variance. First, Ms. Palencar, appearing in her capacity as the Commercial Zoning Chair of the RRLRAIA, confirmed that the overall redevelopment of the subject property is within the spirit of the newly adopted update to the RRLRAIA community plan. She indicated that members of her group met with representatives of the Petitioner and came to an understanding that enabled the RRLRAIA to agree not to oppose the variance. Among other things, Petitioner agreed that a sign would be posted on its property at the new access point to be installed along Falls Road that indicates no left turns are permitted onto Falls Road, which I will make a condition to this Order. Next, Mr. Boswell testified and likewise recognized the hard work of the parties during the negotiations between the RRLRAIA and Petitioner, including the efforts to protect the landmark structure, which he appreciated, and he offered some input regarding the new access point proposed along Falls Road. Finally, Mr. Budnitz, the owner of an office building along Falls Road nearby the property, testified that Petitioner's proposed redevelopment represents the critical first step towards a much needed revitalization of this stretch of Falls Road. He praised Continental's efforts in developing the Bare Hills Business Park and offered his support for the requested relief, recognizing the importance of enabling Petitioner to transform the subject property from an abandoned warehouse into a high quality commercial building that would become the centerpiece for the Bare Hills area.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are unique to the subject property. The property is the gateway to the Bare Hills Business Park, directly connected to the Business Park by virtue of Clarkview Road, which provides the only access into, and

terminates within, the Business Park. Additionally, there are existing site constraints that limit the amount of off-street parking that can be provided on the subject property, including its unique jagged pie shape, the readaptive use of an 8,000± square foot abandoned warehouse building and the need to work around and respect a structure on the Final Landmarks List, as well as the fact that portions of the property are zoned DR, which prohibits parking for commercial purposes without additional zoning relief.

Moreover, I find that, due to these unique conditions, strict enforcement of the B.C.Z.R.'s parking regulations would cause the Petitioner to suffer a practical difficulty, because it would not be able to redevelop the site and fill the 8,000± square foot building with the quality commercial services needed to redevelop it. Finally, I find that the variance request can be granted in harmony with the spirit and intent of the Zoning Regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. The purpose for the Parking Regulations contained in Section 409 of the B.C.Z.R. is to provide for adequate parking; here, there will be more than adequate parking for future tenants' employees and customers, and the installation of the sidewalk along Clarkview Road connecting the subject property to the rest of the Business Park will provide a safe path for pedestrians to walk to and from the site.

Thus, the variance requested meets the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of March, 2011, by this Administrative Law Judge that Petitioner's Variance that the Petition for Variance from Section 409.7.B.1 of the B.C.Z.R. to permit off-site parking spaces to

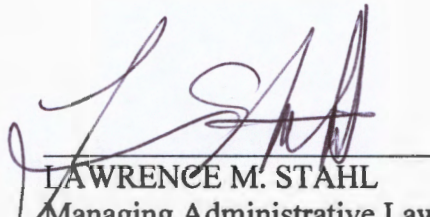
ORDER RECEIVED FOR FILING

Date 3-22-11

be located as close as 1265 feet and as far as 2615 feet walking distance from a building entrance, in lieu of the maximum permitted 500 feet, be and is hereby GRANTED, subject to the following:

1. Petitioner shall provide protective bollards and additional space around the Historic Landmark Structure.
2. A sidewalk shall be constructed along Clarkview Road between the subject property and the existing sidewalks within the Business Park.
3. Any facing materials proposed to be installed on the concrete retaining wall along Falls Road should be provided to the Office of Planning for review.
4. The dumpster serving the uses on the subject property shall be screened.
5. A sign shall be posted on Petitioner's property at the new access point on Falls Road indicating that no left turns onto Falls Road are permitted.
6. Petitioner shall obtain an entrance permit from the Maryland State Highway Administration prior to a use and occupancy permit.

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


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

ORDER RECEIVED FOR FILING

Date 3-22-11

By [Signature]



KEVIN KAMENETZ
County Executive

March 22, 2011

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

CHRISTOPHER D. MUDD, ESQUIRE
ROBERT HOFFMAN, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2011-0223-A
Property: 1407 Clarkview Road and 6240, 6242 Falls Road

Dear Messrs. Mudd and Hoffman:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz
Enclosure

c: Lawrence Rief, 1427 Clarkview Road, Suite 500, Baltimore MD 21209
Glenn Cook, The Traffic Group, Inc., 9900 Franklin Square Drive, Suite H, Baltimore, MD 21236
Salvatore C. Crupi, 10540 York Road, Suite M, Hunt Valley MD 21030
Jeffrey Budnitz, 6115 Falls Road, Baltimore MD 21209
Kathleen Palencar, 1208 Boyce Avenue, Towson MD 21204
Brian Boswell, 6201 Falls Road, Bare Hills MD 21209
Gail Stetten, 6219 Falls Road, Bare Hills MD 21209
Mark Hofmann, 32 Clubview Lane, Phoenix MD 21131
John Toomey, 805 Roundtop Court, Lutherville MD 21093
Brian Rudick, 113 Lancefield Road, Bare Hills MD 21209
Gregory Gunning, 120 Archimedes Court, Pikesville MD 21208



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 1407 Clarkview Road

which is presently zoned BM, BL, DR 2

Deed Reference: 25905 / 372
26192 / 65
26275 / 417

Tax Account # 0312084360
0308055900
0308055901

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)

SEE ATTACHED SHEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

TO BE DETERMINED AT HEARING

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Christopher D. Mudd

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Avenue 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Christopher D. Mudd

Name

210 W. Pennsylvania Avenue 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2011 0223 A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

2 hrs

Reviewed by JL

Date 1/25/11

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 3-22-11

By [Signature]

**Attachment to
Petition for Variance**

1407 Clarkveiw Road

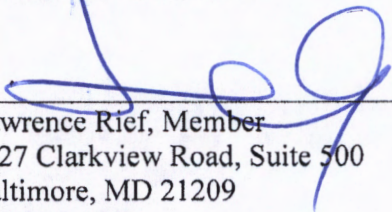
Variance from Section 409.7.B.1 of the Baltimore County Zoning Regulations, to permit off-site parking spaces to be located as close as 1265 feet and as far as 2615 feet walking distance from a building entrance, in lieu of the maximum permitted distance of 500 feet.

**Attachment to
Petition for Variance**

1407 Clarkveiw Road

Legal Owner:

1407 Clarkview Road, LLC

By: 

Lawrence Rief, Member
1427 Clarkview Road, Suite 500
Baltimore, MD 21209
410-296-4800

**ZONING DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE FOR
#1407 CLARKVIEW ROAD, #6240 FALLS ROAD and #6242 FALLS ROAD**

Beginning at a point southwest of the centerline of **Falls Road** which is 60-feet wide at a distance of 35-feet southwest of the centerline of the nearest improved intersecting street, **Clarkview Road**, which is 50-feet wide. Thence the following courses and distances:

- 1) R=1,586.99' L=290.03' CHD=S 53° 47' 07" E 289.63';
- 2) S 59°01'15" E 18.42';
- 3) S 44°56'29" W 145.74';
- 4) N 14°48'31" W 57.67';
- 5) S 44°56'29" W 54.10';
- 6) N 05°03'44" W 16.10';
- 7) S 82°15'59" W 111.56';
- 8) N 01°54'46" W 186.78';
- 9) R=124.48' L=83.95' CHD=N 17° 24' 26" E 82.37'

To the point of beginning,

As recorded in Deeds Liber 25905, Folio 372, Liber 26192, Folio 065, and Liber 26275, Folio 417

Containing **1.058 -acres±**. and located in the 3rd Election District, 2nd Councilmanic District of Baltimore County, Maryland.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS.



LS
3-3-11

2011-
0223-A

NOTICE OF ZONING HEARINGS

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0223-A

1407 Clarkview Road

Southwest side of Falls Road, corner eastside of Clarkview Road

3rd Election District — 2nd Councilmanic District

Legal Owner(s): 1407 Clarkview Road, LLC,

Lawrence Rott, Member

Variance: to permit off-site parking spaces to be located as close as 1265 feet and as far as 2615 feet walking distance from a building entrance, in lieu of the maximum permitted distance of 600 feet.

Hearing: Thursday, March 3, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-9391.
JT 2/6/80 February 15 267229

CERTIFICATE OF PUBLICATION

2/17/, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/15/, 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0223-A

RE: Case No.: _____

Petitioner/Developer: _____
1407 Clarkview Rd, LLC,
Lawrence Reif, Member

Date of Hearing/Closing: Mar 3, 2011

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

Attn: Kristen Matthews:

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: _____

1407 Clarkview Road

February 15, 2011

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

Sincerely,



February 15, 2011

(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)

3/2/2011
1:30pm

ZONING NOTICE

CASE # 2011-0223-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

FROM: 205 JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVE. 21204

DATE AND TIME: THURSDAY, MARCH 3, 2011 AT 1:30 P.M.

REQUEST VARIANCE TO PERMIT OFF-SITE PARKING SPACES TO
BE LOCATED AS CLOSE AS 1265 FEET AND AS FAR AS 2615 FEET
WALKING DISTANCE FROM A BUILDING ENTRANCE, IN LIEU OF THE
MAXIMUM PERMITTED DISTANCE OF 500 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 15, 2011 Issue - Jeffersonian

Please forward billing to:

Kedrick Whitmore
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

CORRECTED NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0223-A

1407 Clarkview Road

S/west side of Falls Road, corner eastside of Clarkview Road

3rd Election District – 2nd Councilmanic District

Legal Owners: 1407 Clarkview Road, LLC, Lawrence Reif, Member

Variance to permit off-site parking spaces to be located as close as 1265 feet and as far as 2615 feet walking distance from a building entrance, in lieu of the maximum permitted distance of 500 feet.

Hearing: Thursday, March 3, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

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

February 9, 2011

CORRECTED NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0223-A

1407 Clarkview Road

S/west side of Falls Road, corner eastside of Clarkview Road

3rd Election District – 2nd Councilmanic District

Legal Owners: 1407 Clarkview Road, LLC, Lawrence Reif, Member

Variance to permit off-site parking spaces to be located as close as 1265 feet and as far as 2615 feet walking distance from a building entrance, in lieu of the maximum permitted distance of 500 feet.

Hearing: Thursday, March 3, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director, PAI

AJ:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Towson 21204
Lawrence Reif, 1427 Clarkview Road, Ste. 500, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 16, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL OFFICE OF ADMINISTRATIVE HEARINGS AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

February 3, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0223-A

1407 Clarkview Road

S/west side of Falls Road, corner eastside of Clarkview Road

3rd Election District – 2nd Councilmanic District

Legal Owners: 1407 Clarkview Road, LLC, Lawrence Reif, Member

Variance to permit off-site parking spaces to be located as close as 1265 feet and as far as 2615 feet walking distance from a building entrance, in lieu of the maximum permitted distance of 500 feet.

Hearing: Wednesday, March 3, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director, PAI

AJ:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Towson 21204
Lawrence Reif, 1427 Clarkview Road, Ste. 500, Baltimore 21209

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 16, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL OFFICE OF ADMINISTRATIVE HEARINGS AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2001-0223A
Petitioner: 1407 Clarkview Road, LLC
Address or Location: 1407 Clarkview Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kedrick Whitmore
Address: 210 W. Pennsylvania Ave.
Suite 500
Baltimore, MD 21204
Telephone Number: 410-494-6200

ZAC



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: February 14, 2011

Mr. John L. Lewis, Reviewer.
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2011-0223-A
MD 25 (Falls Road)
at Clarkview Road
1407 Clarkview, LLC
Mile Post 0.97
Variance -

Dear Ms. Matthews:

✓ We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on February 7, 2011. A field inspection and internal review reveals that a commercial entrance onto MD 25 (Falls RD) consistent with current State Highway Administration guidelines is required. Prior use and occupancy for 1407 Clarkview Road, LLC property, under Case Number 2011-0223-A the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


For Steven D. Foster, Chief
Access Management Division

SDF/mb

Cc: Mr. Salvatore C. Crupi, Engineer, Matis Warfield Consulting Engineers
Mr. Joseph Merrey, PDM, Baltimore County
Mr. David Peake, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. J. Ried, Owner, 1407 Clarkview Road, LLC

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections.

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

DATE: February 28, 2011

SUBJECT: 1407 Clarkview Road

Item Number: 11-223

Petitioner: 1407 Clarkview Road LLC

Zoning: BL, BM, DR2

Requested Action: Variance

RECEIVED

MAR 01 2011

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The property in question involves three contiguous lots of record, known as 1407 Clarkview Road, 6242 Falls Road and 6240 Falls Road. 1407 Clarkview is a vacant building formerly used as a coffee shop and warehouse. 6242 Falls Road is a vacant single family dwelling on the Final Landmarks list #261, the White and Colvin House. This area is known as the Scotts Settlement and has cultural and historic significance for its association with the achievements of antebellum free African-Americans.

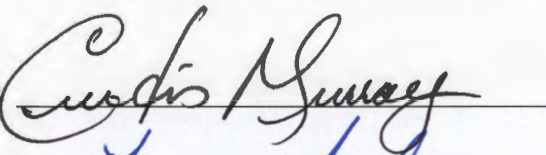
The applicant is proposing to redevelop the property for restaurant (6,230sf) and retail use (900sf) and associated parking. The landmark structure is to remain as a single-family dwelling.

The Office of Planning does not object to the requested relief provided the following conditions are met:

1. The applicant's redlined plan dated February 28, 2011 presented to the Office of Planning provides protective bollards and additional space around the Historic Landmark Structure. The parking lot configuration is constructed as indicated on the red line plan.
2. Provide a continuous sidewalk along Clarkview Road from 1407 Clarkview to the rear of the office park.
3. The applicant has provided a copy of the approved final landscape plan that shows streetscape planting along Falls Road, planting of the slope, and screening of the parking lot.
4. The materials of the retaining wall should be provided prior to permit.
5. The dumpster should be screened.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

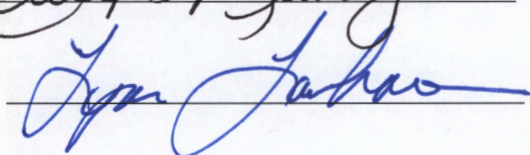
Prepared by:



Division Chief:

JM/LL

Attachment



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 15, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-223-A
Address 1407 Clarkview Road
(1407 Clarkview Road, LLC Property)

Zoning Advisory Committee Meeting of January 31, 2011.

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

Reviewer: JWL Date: 2/15/2011

RECEIVED

FEB 15 2011

ZONING COMMISSIONER



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

February 3, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **January 31, 2011**

Item No.:

Administrative Variance: 2011-0215A – 0216A, 2011-0224A

Special Hearing: 2011-0213-SPH, 2011-0219-SPHA, 2011-0220-SPH, 2011-0225-SPHA

Variance: 2011-0217A, 2011-0219-SPHA, 2011-0221-XA, 2011-0222A, 0223A, 2011-0225-SPHA

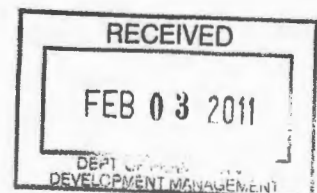
Special Exception: 2011-0221-XA,

3-2

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 2, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For February 7, 2011
Item Nos. 2011- 213, 215, 216, 217,
219, 220, 221, 222 and 223

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02072011 -NO COMMENTS.doc

RE: PETITION FOR VARIANCE * BEFORE THE *none*
1407 Clarkview Rd.; SW/side of * ZONING COMMISSIONER
Falls Rd., corner eastside Clarkview Rd. *
3rd Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Lawrence Rief *
Petitioner(s) * BALTIMORE COUNTY
* 2011-0223-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

FEB 02 2011

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of February, 2011, a copy of the foregoing Entry of Appearance was mailed to Christopher D. Mudd, Venable LLP, 210 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Stephen Weber
To: People's Counsel
CC: Darrell Wiles; Dennis Kennedy
Date: 3/2/2011 6:11 PM
Subject: ZAC Item #223-A, 1407 Clarkview Rd
Attachments: MD 25 (Falls RD 09APBA037Xx 1407 Clarkview LLC Property

LS
3/3/11
1:30

Dear Mr. Zimmerman:

The subject site proposes to convert an existing retail/warehouse building into primarily a restaurant use which would require 100 parking spaces under County Zoning Regulations. The remaining small amount of space devoted to other uses would add requirements for an additional 10 spaces, for a total of 110 parking spaces. 51 parking spaces are proposed to be located on site with the remaining 59 parking spaces being located on existing parking lots south of the subject site which have an excess of required parking. Those off-site parking spaces are located between 1/4 to 1/2 mile away from the restaurant. The subject site is located at the southeast corner of Falls Rd (MD 25) & Clarkview Rd. While the site itself is zoned BM/BL, the remainder of the length of Clarkview Rd is zoned ML.

Given that parking is not allowed on Falls Rd and there are no nearby public side streets except the adjacent Clarkview Rd, any overflow from the site would most likely occur on Clarkview Rd. While the petitioner is asking for consideration that the available parking spaces located a minimum of 1/4 mile away be considered as available for supporting the subject restaurant use, the only drivers that could likely be expected to use these spaces would be employees and staff of the building itself, as they could be forced to not park on site in order to leave the on-site parking spaces available for restaurant and retail customers. It is clear that customers would not walk a 1/2 mile round trip to/from a restaurant so the off-site parking spaces could not reasonably be considered as available for customer parking UNLESS the restaurant is going to provide valet parking for their customers. Otherwise, it is expected that customers overflowing from the site will most likely be parking on Clarkview Rd wherever there may be available close on-street parking. At the same time, these customers will also be competing for any available on-street parking with those employees and staff members of the restaurant and all other surrounding businesses located along and off of Clarkview Rd. Therefore, the granting of the requested relief would still contain the parking needs within reasonable proximity of this restaurant. If customers can't find any parking within reasonable proximity of the restaurant, they will most likely just go somewhere else to eat. However, granted the requested relief will most likely decrease the availability of on-street parking for all other nearby businesses (employees and customers/clients) who may also have desire to also use the street for overflow or convenient parking.

I have also attached the comments from the State Highway Administration Access Management Division regarding this specific site. Should you have any questions or wish to discuss this matter further, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

RECEIVED

MAR 03 2011

ZONING COMMISSIONER

The address of 1407 Clarkview Road is not listed on the County Landmarks List; adjacent properties are

1407 Clarkview Road is not on the Maryland Inventory of Historic Properties

260. Smith house – has been razed, the Aquila Scott Carriage-house – no longer exists on this site or is visible – both are attributed to 6240 Falls Road, and (seen at the rear of 6240 Falls Road) is the original Aquila Scott House – it still exists but is on another parcel known as 6234 Falls Road, Bare Hills

261. White & Covin House, 6242 Falls Road, Bare Hills

CASE NAME 1407 Clarke, Ann
CASE NUMBER 2011-223-A
DATE 3/3/11

CASE NUMBER 2011-223-A
DATE 3/3/11

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2011-0223-A
DATE _____

CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.:

2011-0223-A

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	A-RED LINE PLAT TO ACCOMPANY B PLAT TO ACCOMPANY - ORIGINAL	
No. 2	AIRAL ZONING MAP OF AREA	
No. 3	2009 RESUBDIVISION PLAT	
No. 4	AIRAL PHOTO VICINITY MAP	
No. 5	A-H Photos	
No. 6	COMPUTER MOCK UP OF PROJECT	
No. 7	FINAL LANDSCAPING PLAN	
No. 8	C.V. GLENN E. COOK	
No. 9	C.V. SALVATORE CRUPI RE	
No. 10		
No. 11		
No. 12		

Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO. 2



PETITIONER' S

EXHIBIT NO. SA-H



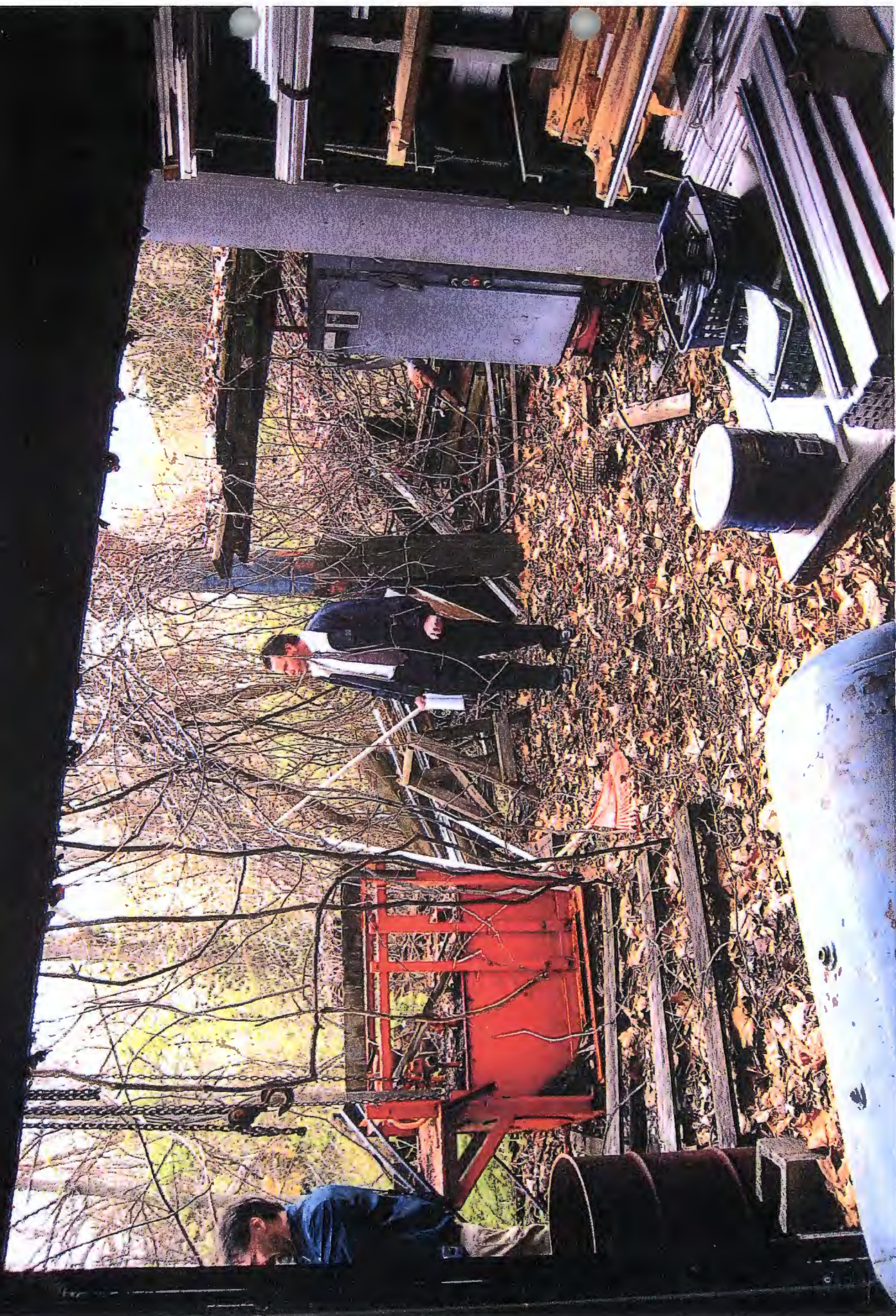














Merging Innovation and Excellence

GLENN E. COOK

Vice President

Glenn Cook is a Vice President with The Traffic Group, Inc., responsible for conducting and overseeing the preparation of Traffic Impact Studies and the preparation of geometric design plans, parking lot layouts, highway lighting, traffic control and traffic signal plans. His projects have included the \$1 billion National Harbor project located in Prince George's County, Maryland. Mr. Cook has also been extensively involved with Transit Oriented Developments (TOD). Mr. Cook has served as a Transportation Planner for the development of Master Plans for both private firms and government agencies.

Mr. Cook has over 38 years experience in the traffic engineering and transportation planning field both in the public sector with the Maryland State Highway Administration and in the private sector. Mr. Cook's experience in the public sector provides him with a wide range of knowledge to deal with the complex problems associated with receiving public agency approvals. Mr. Cook's experience has led to an appointment by the Governor of Maryland to serve on a task force whose mission it to streamline Maryland's Highway Access Permit process. Mr. Cook is qualified and has been accepted as an expert in the field of Traffic Engineering and Transportation Planning before numerous County and Municipal Boards in Maryland, Virginia, New Jersey, Delaware, and West Virginia.

Job History

2003 - Present

Traffic Engineering Consultant, The Traffic Group, Inc.

2000 - 2003

*Director's Senior Engineering Staff
Maryland State Highway Administration*

1985 - 1999

Traffic Engineering Consultant, The Traffic Group, Inc.

1983 - 1985

Traffic Engineering Consultant

1979 - 1983

*Chief, Office Engineering Section
Maryland State Highway Administration*

1972 - 1979

*Traffic Signal Design Section
Maryland State Highway Administration*

Educational Background

- *Civil Engineering Preparation
Community College of Baltimore*
- *Traffic Engineering Courses
Northwestern University Traffic Institute
University of Maryland*

Affiliations

- Maryland Association of Engineers
- Institute of Transportation Engineers
- County Engineers Association of Maryland

Examples of places where Mr. Cook has testified as an expert witness

MARYLAND

Anne Arundel County – Zoning Hearing Examiner, Board of Appeals
Baltimore City – City Council, Planning Commission
Baltimore County – County Review Group (CRG), Board of Appeals, Circuit Court
Calvert County – County Commissioners, Planning Commission
Carroll County – Board of Appeals, Planning Board
Charles County – Board of Appeals, County Commissioners
Chesapeake Beach – Special Board of Appeals, Planning Board
City of Bowie – Planning Advisory Board, Mayor and City Council
City of Easton – Board of Appeals
City of Frederick – Planning Commission, City Council
City of Greenbelt – Mayor and City Council
City of Salisbury – Planning Commission
City of Westminster – Mayor and City Council
Frederick County – County Commissioners, Planning Board
Garrett County – Planning Commission
Hagerstown – Mayor and City Council
Harford County – Zoning Hearing Examiner
Howard County – Planning Board, County Council
Kent County – County Commissioners
Montgomery County – Zoning Hearing Examiner, Board of Appeals, Planning Commission
Prince George's County – Zoning Hearing Examiner, County Council, Planning Board
Town of Bel Air – Town Commissioners, Planning Board
Town of Sykesville – Planning Board
Washington County – Planning Board, County Commissioners
Wicomico County – Planning Board, County Commission

NEW JERSEY

Atlantic County – Superior Court

VIRGINIA

City of Fairfax – Mayor and City Council
Fairfax County – County Council
Prince William County – Planning Board

PETITIONER'S

EXHIBIT NO.

8

Salvatore C. Crupi, P.E.

10540 YORK ROAD - SUITE M
HUNT VALLEY, MARYLAND 21030
(410) 683-7004
sal@matisswarfield.com

Professional Registration:

Registered Professional Engineer
Civil Engineering - January 2004
State of Maryland License No. 29936

Professional Experience:

12/98 - Present	Matis Warfield, Inc.	10540 York Road - Suite M Hunt Valley, Maryland
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Currently a Principal responsible for civil engineering services for the development community. Responsibilities include design, development, and permitting for residential, commercial, and industrial site development projects; preparation of concept plans, development plans, zoning plans, floodplain studies, stormwater management plans, public road and utility plans, erosion and sediment control plans, grading plans, record plats, and site plans to accompany permit applications; provide expert testimony at development hearings; as well as project management, cost estimating, and client relations.

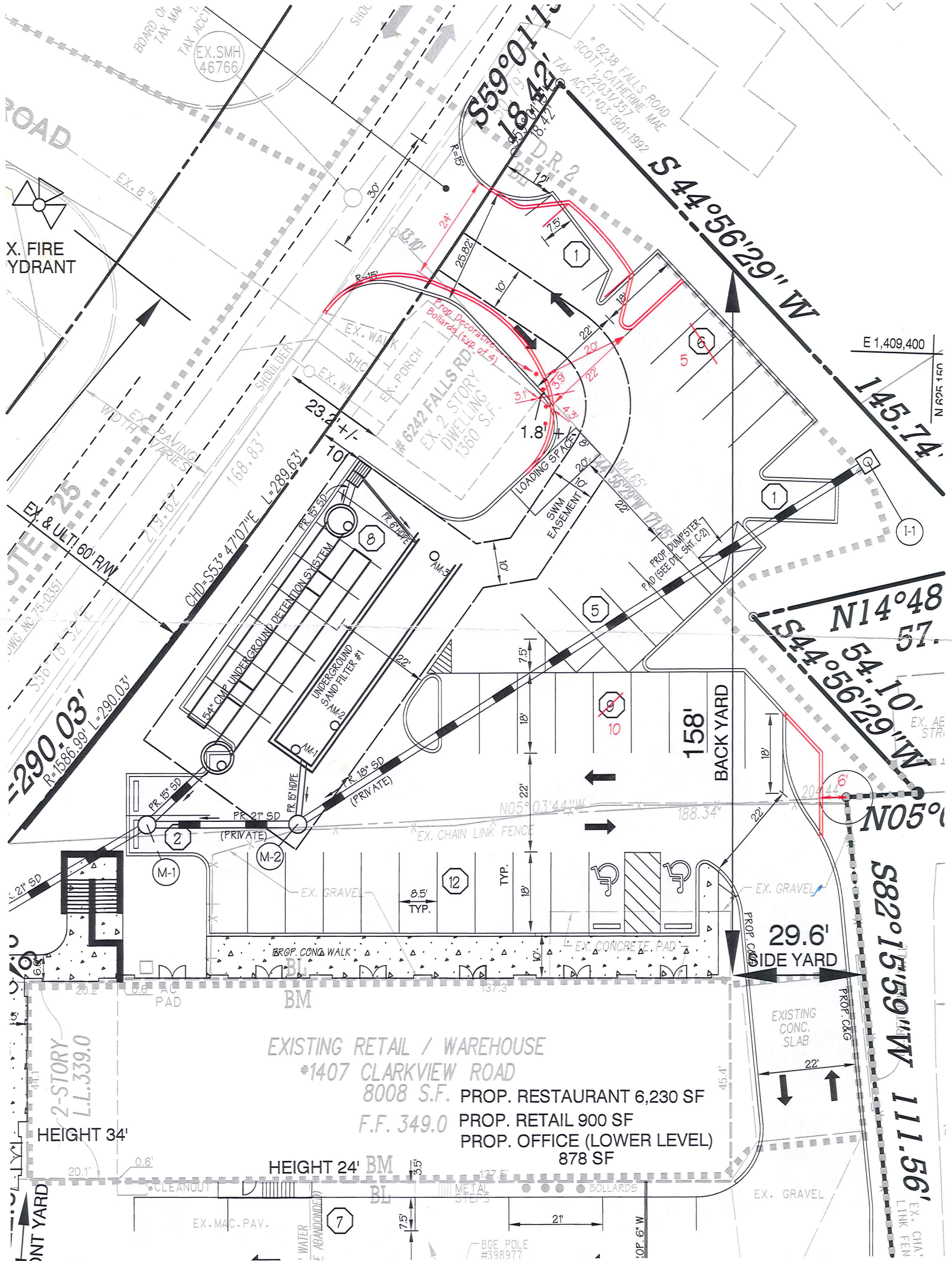
Education:

New Jersey Institute of Technology	Newark, New Jersey
Bachelor of Science, Civil Engineering - 1998	

Professional Affiliations:

Baltimore County Engineers Association
Maryland Society of Professional Engineers

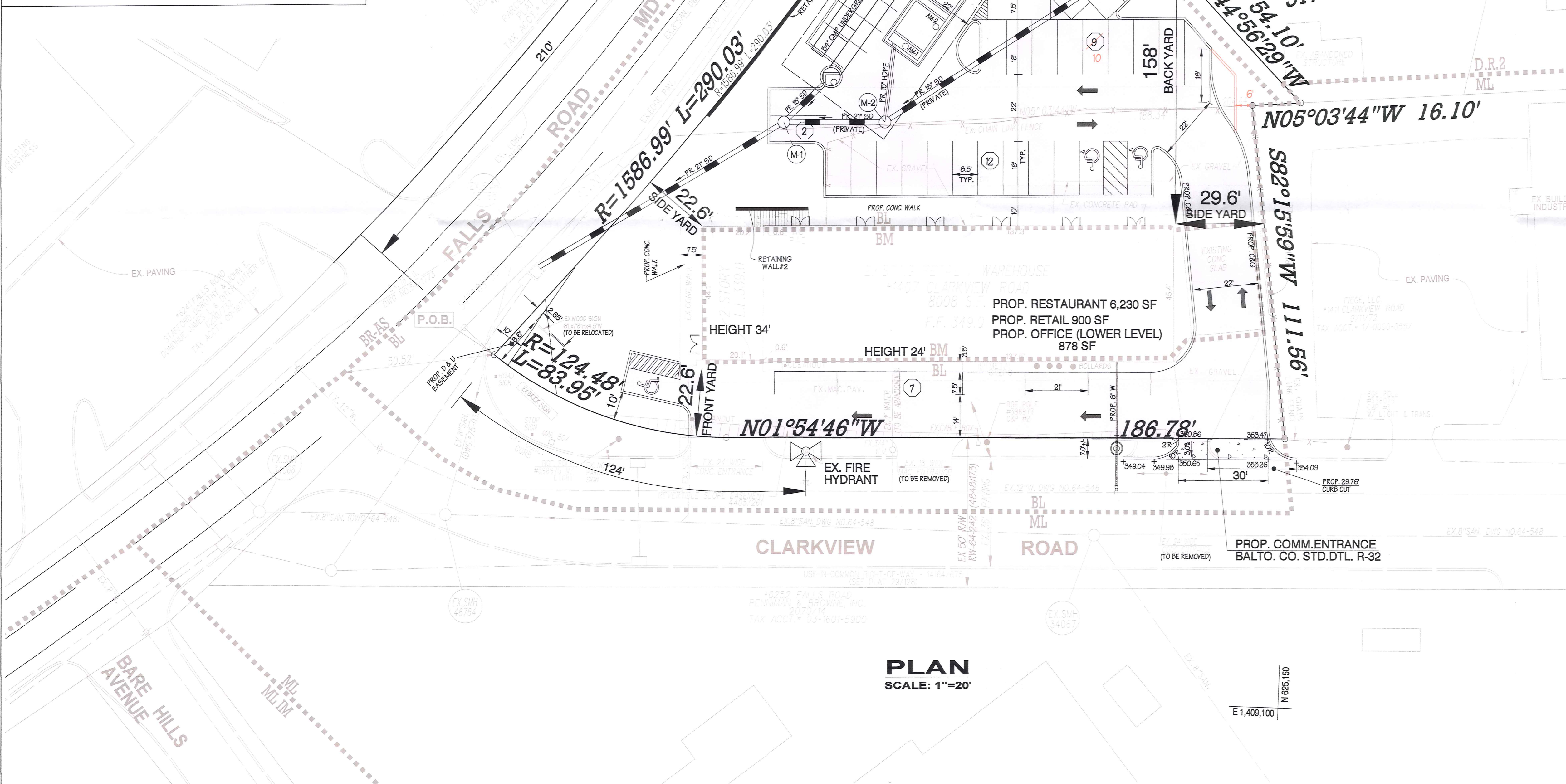
PETITIONER' S
EXHIBIT NO. 9



Received 02/28/2011
Office of Planning



EXISTING SIGN



PLAN
SCALE: 1"=20'

Legend

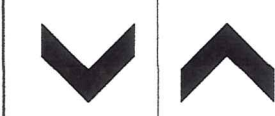
Property Line	—
Zoning Line	—
Existing Contour	— 340 —
Proposed Contour	— 350 —
Existing Concrete Curb	—
Proposed Concrete Curb	—
Existing Storm Drain	— EX 15" SD —
Existing Sewer	— EX 8" SAN —
Existing Water	— EX 12" W —
Ex. Underground Electricity	— E —
Ex. O.H. Electricity	— OHE —
Existing Gas	— G —
Proposed Paving	—

Site Data

- NET AREA OF PROPERTY 1.058 ACRES:
0.574 acres - #1407 CLARKVIEW ROAD,
0.327 acres - # 6242 FALLS ROAD,
0.157 acres - # 6240 FALLS ROAD,
- EXISTING ZONING:
BL, BM, and DR 2 - #1407 Clarkview Rd., # 6242 Falls Rd., # 6240 Falls Road,
AREA OF BL ZONED PROPERTY - 0.7379 acres
AREA OF BM ZONED PROPERTY - 0.1821 acres
AREA OF DR 2 ZONED PROPERTY - 0.0539 acres
- EXISTING USE:
#1407 CLARKVIEW ROAD - ONE STORY WAREHOUSE/TWO STORY OFFICE/RETAIL
LOWER LEVEL 888 SF RETAIL
UPPER LEVEL 888 SF OFFICE/ 6,232 SF WAREHOUSE
6240 FALLS ROAD - TWO STORY DWELLING
FIRST FLOOR 880 SF DWELLING
SECOND FLOOR 880 SF DWELLING
- PROPOSED USE:
#1407 CLARKVIEW ROAD - RESTAURANT 6,230 SF, RETAIL - 900 SF, OFFICE 878 SF
#6240 FALLS ROAD - TWO-STORY SINGLE FAMILY DWELLING
- DEED REFERENCES:
28905/372 #1407 CLARKVIEW ROAD
28192/068 #6242 FALLS ROAD
28275/417 #6240 FALLS ROAD
- DEVELOPMENT APPROVAL - UNKNOWN
- ZONING HISTORY: 2008 CZMP APPLICATION 2-019 - TO REZONE PROPERTY TO BM
- TAX ACCOUNT NUMBERS:
03-0318084300 - #1407 CLARKVIEW ROAD,
03-0308089000 - # 6242 FALLS ROAD,
03-0308089001 - # 6240 FALLS ROAD,
- COUNCILMANIC DISTRICT: 2
- FLOOR AREA RATIO:
PERMITTED - 0.6
PROPOSED - 0.215 ac./ 1.058 ac. +/- = 0.20
- AMENITY OPEN SPACE - NONE REQUIRED
- BUILDING HEIGHT - 26'+/-
- STORMWATER MANAGEMENT: PROVIDED IN FACILITY LOCATED ONSITE, IF NECESSARY
- PUBLIC WATER FACILITIES - EXISTING
- PUBLIC SEWER FACILITIES - EXISTING
- PRIOR COMMERCIAL PERMITS: NONE FOUND
- SIGNAGE NOTE - NONE PROPOSED AT THIS TIME; HOWEVER, ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES.
- FLOOD PLAIN - THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN PER FEMA FLOODPLAIN MAP PANEL 2400100245E DATED ON NOVEMBER 17, 1993.
- ANY FIXTURE USED TO ILLUMINATE THE OFFSTREET PARKING AREA SHALL BE ERECTED AS TO REFLECT LIGHT AWAY FROM ADJOINING RESIDENTIAL AREAS AND PUBLIC STREETS.
- THIS PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE IS PART OF A PLANNED INDUSTRIAL PARK AS DEFINED BY BCZR SECTION 101 AND SECTION 283.1.C PER THE APPROVED PLAN SIGNED BY THE OFFICE OF PLANNING 8/5/2009.
- BASIC SERVICE MAPS: THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN ANY AREA IDENTIFIED AS BEING DEFICIENT ON THE BASIC SERVICES MAPS ADOPTED BY THE BALTIMORE COUNTY COUNCIL AND EFFECTIVE MAY 14, 2010.
- PARKING: ALL PARKING AND AISLES WILL BE PERMANENTLY STRIPED ON A DURABLE AND DUSTLESS SURFACE. LIGHTING FIXTURES SHALL BE ARRANGED TO REFLECT LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
- PETITIONER WILL ENTER INTO AN AGREEMENT WITH THE OWNER OF THE OFFSITE PARKING SPACES. IF PARKING BECOMES DEFICIENT IN THE OFFSITE LOT, THE DEFICIENCY WILL NEED TO BE CORRECTED TO SATISFY THE ZONING REGULATIONS.

PETITIONER'S
EXHIBIT NO. 1A

MATIS WARFIELD
Consulting Engineers



10540 York Road, Suite M
Hunt Valley, Maryland 21030
PHONE 410.683.7004 FAX 410.683.1798
www.matiswarfield.com



OWNER - PETITIONER

1407 Clarkview Road, LLC
1427 Clarkview Road, Suite 500
Baltimore, Maryland 21209
410-296-4800

Notes:

- Bearings and Distance shown hereon are based on survey by Survey Services of MD, LLC on April 30, 2007, July 9, 2007 & September 25, 2007.
- This plat is for zoning purposes only and shall not be used for conveyance of land.
- All zone and district lines shown hereon are based on Baltimore County Zoning Map No.069B3.

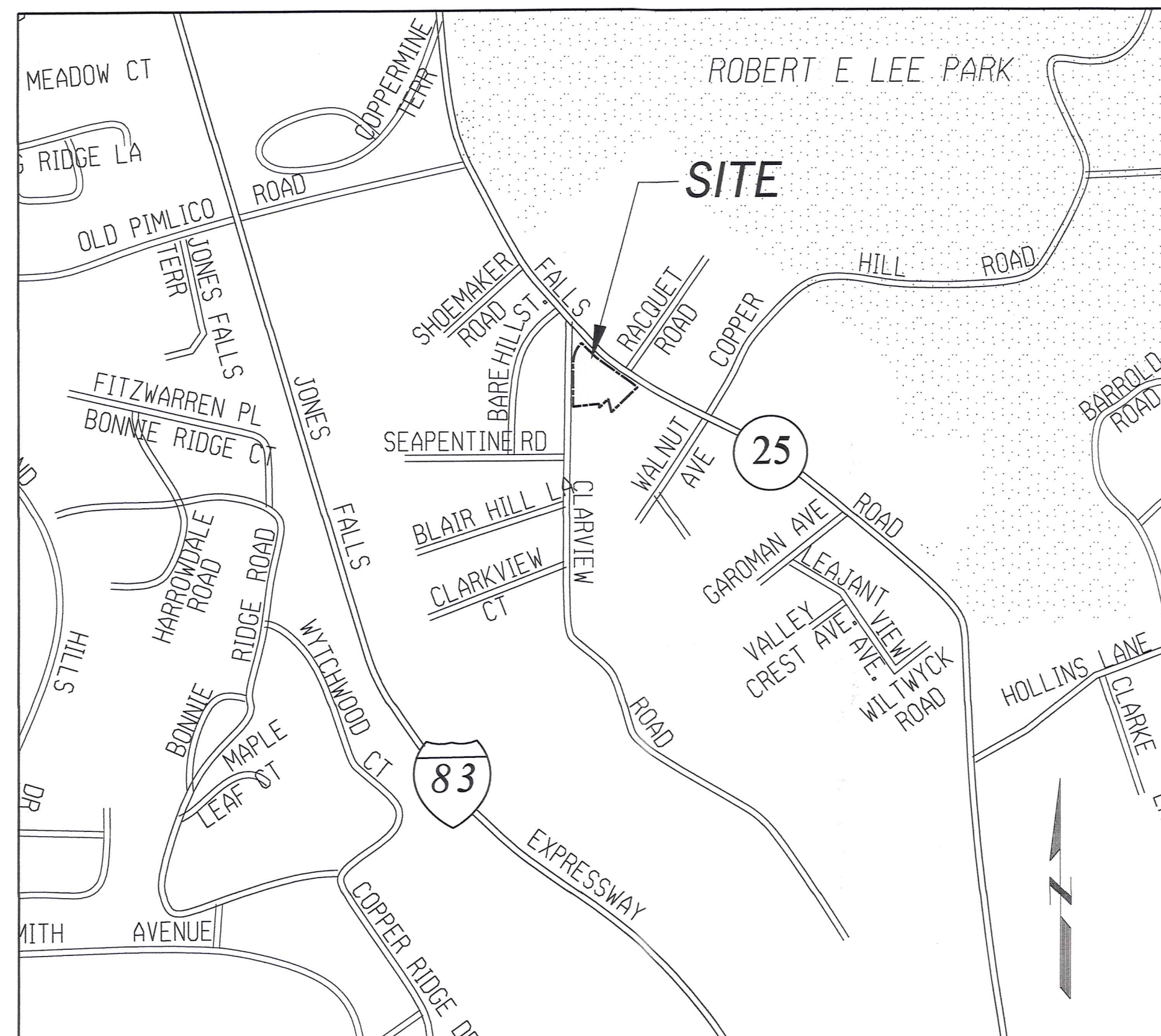
DATE	ISSUE

Plat To Accompany Petition for Variance

**1407 CLARKVIEW ROAD,
6240 & 6242 FALLS ROAD**

BALTIMORE COUNTY, MARYLAND
TAX MAP 69, PARCELS 61, 658 & 1021
SCALE: 1" = 20'

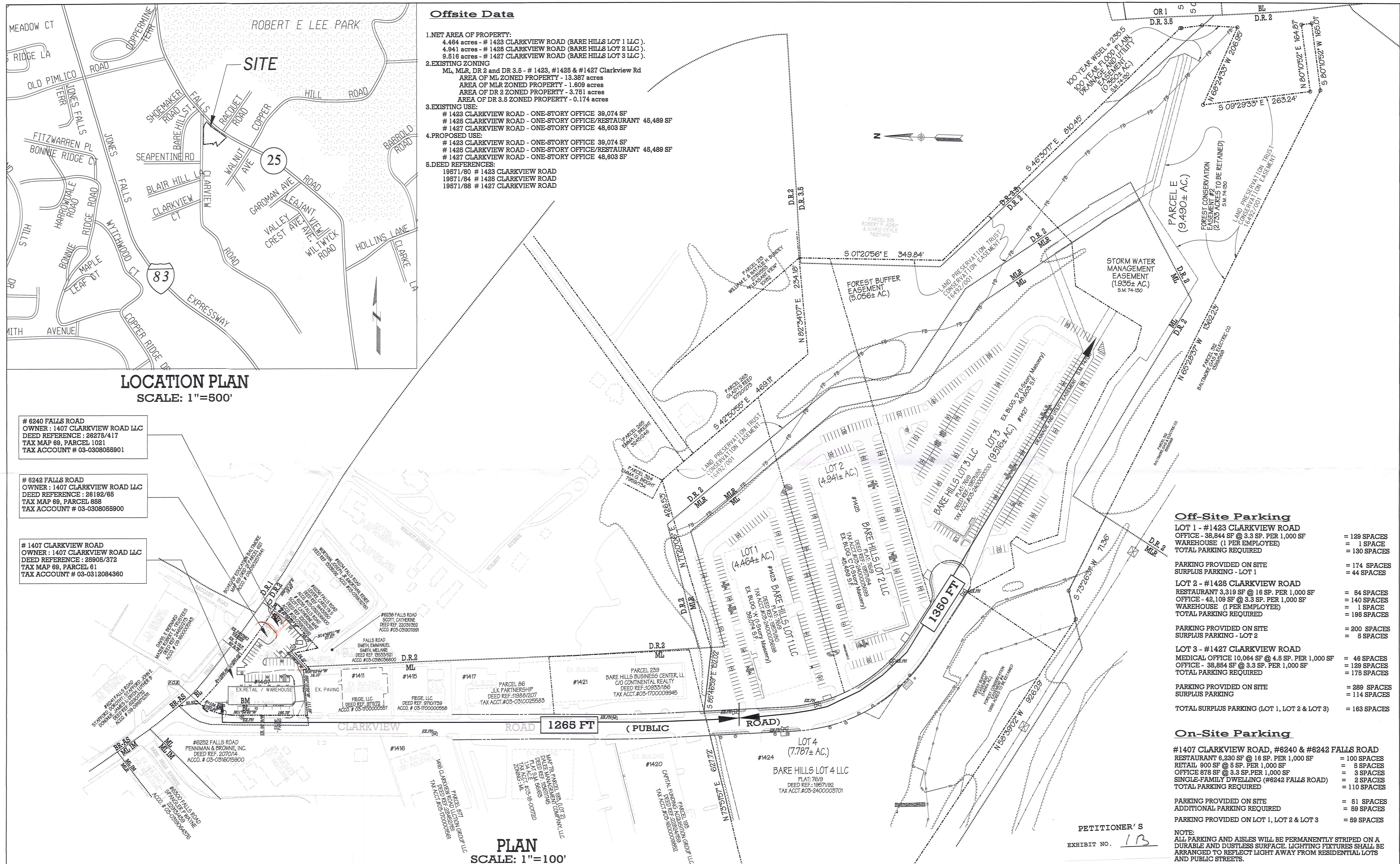
ELECTION DISTRICT NO. 3
COUNCIL DISTRICT NO. 2
JANUARY 25, 2011
SHEET 1 OF 2



6240 FALLS ROAD
OWNER: 1407 CLARKVIEW ROAD LLC
DEED REFERENCE: 26275/417
TAX MAP 69, PARCEL 1021
TAX ACCOUNT # 03-0308055901

6242 FALLS ROAD
OWNER : 1407 CLARKVIEW ROAD LLC
DEED REFERENCE : 26192/65
TAX MAP 69, PARCEL 858
TAX ACCOUNT # 03-0308055900

1407 CLARKVIEW ROAD
OWNER : 1407 CLARKVIEW ROAD LLC
DEED REFERENCE : 25905/372
TAX MAP 69, PARCEL 61
TAX ACCOUNT # 03-0312084360



Off-Site Parking

LOT 1 - #1423 CLARKVIEW ROAD
OFFICE - 38,844 SF @ 3.3 SP. PER 1,000 SF = 128 SPACES
WAREHOUSE (1 PER EMPLOYEE) = 1 SPACE
TOTAL PARKING REQUIRED = 130 SPACES

PARKING PROVIDED ON SITE = 174 SPACES
SURPLUS PARKING - LOT 1 = 44 SPACES

LOT 2 - #1428 CLARKVIEW ROAD
RESTAURANT 3,319 SF @ 16 SP. PER 1,000 SF = 54 SPACES
OFFICE - 42,109 SF @ 3.3 SP. PER 1,000 SF = 140 SPACES
WAREHOUSE (1 PER EMPLOYEE) = 1 SPACE
TOTAL PARKING REQUIRED = 195 SPACES

PARKING PROVIDED ON SITE = 200 SPACES
SURPLUS PARKING - LOT 2 = 5 SPACES

LOT 3 - #1427 CLARKVIEW ROAD
MEDICAL OFFICE 10,064 SF @ 4.5 SP. PER 1,000 SF = 46 SPACES
OFFICE - 38,854 SF @ 3.3 SP. PER 1,000 SF = 128 SPACES
TOTAL PARKING REQUIRED = 175 SPACES

PARKING PROVIDED ON SITE = 289 SPACES
SURPLUS PARKING = 114 SPACES

TOTAL SURPLUS PARKING (LOT 1, LOT 2 & LOT 3) = 163 SPACES

On-Site Parking

#1407 CLARKVIEW ROAD, #6240 & #6242 FALLS ROAD

RESTAURANT 6,230 SF @ 16 SP. PER 1,000 SF	= 100 SPACES
RETAIL 900 SF @ 5 SP. PER 1,000 SF	= 5 SPACES
OFFICE 878 SF @ 3.3 SP. PER 1,000 SF	= 3 SPACES
SINGLE-FAMILY DWELLING (#6242 FALLS ROAD)	= 2 SPACES
TOTAL PARKING REQUIRED	= 110 SPACES

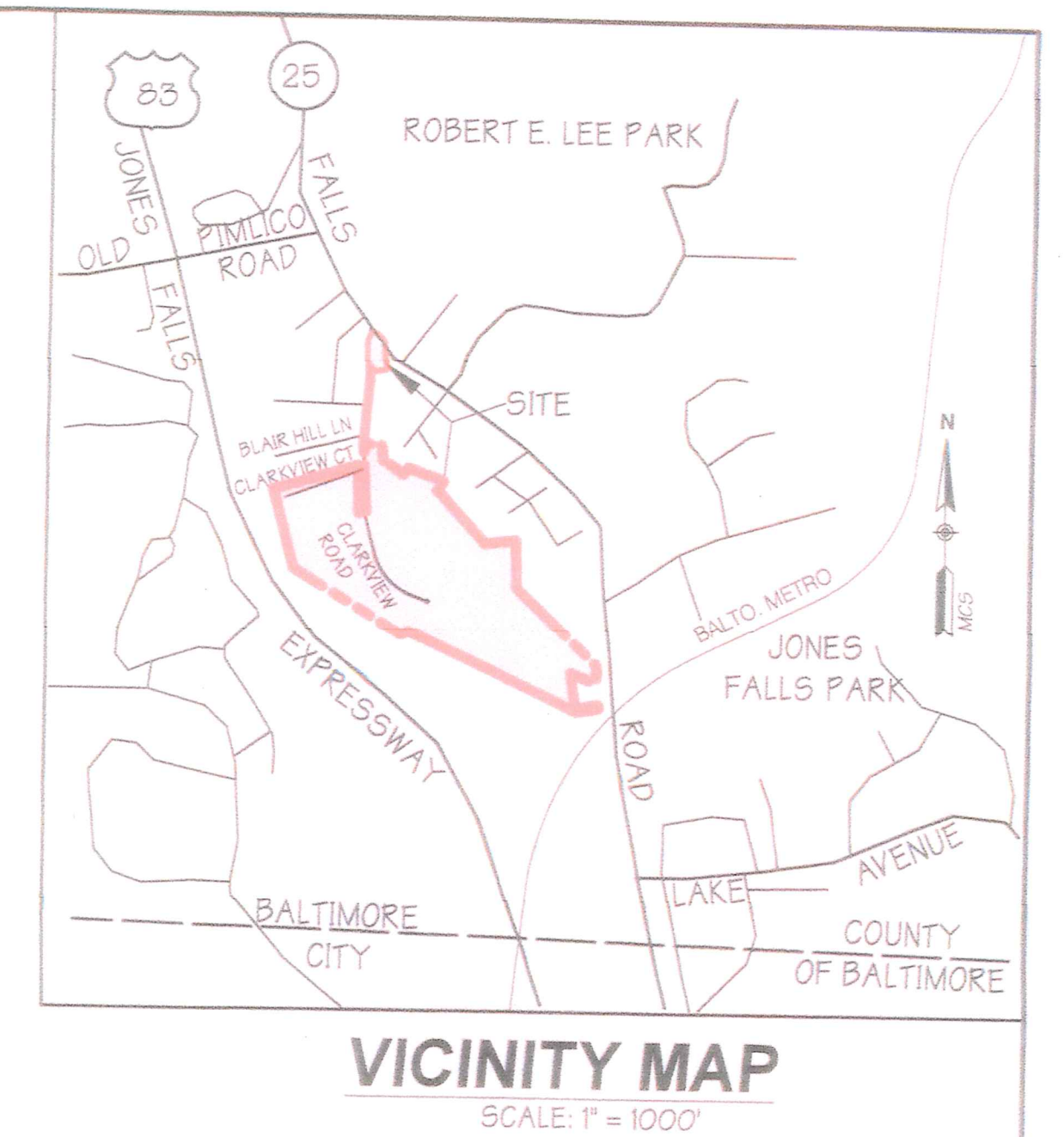
PARKING PROVIDED ON SITE

ADDITIONAL PARKING REQUIRED	= 51 SPACES
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PARKING PROVIDED ON LOT 1, LOT 2 & LOT 3

	= 59 SPACES
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NOTE:
ALL PARKING AND AISLES WILL BE PERMANENTLY STRIPED ON A DURABLE AND DUSTLESS SURFACE. LIGHTING FIXTURES SHALL BE ARRANGED TO REFLECT LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.



VICINITY MAP
SCALE: 1" = 1000'

PLANNED INDUSTRIAL PARK

OWNER/DEVELOPER:
Bare Hill Lot 1 LLC
Bare Hill Lot 2 LLC
Bare Hill Lot 3 LLC
Bare Hill Lot 4 LLC
1407 Clarkview Road LLC
Bare Hill Business Center LLC
c/o Clarkview Holdings LLC
1527 Clarkview Road, Suite 500
Baltimore, MD 21209
Capital Funding Acquisition Group LLC
1422 Clarkview Road
Baltimore, MD 21209

FOREST CONSERVATION EASEMENT COURSES

LINE	FROM	TO	BEARING	DISTANCE
1	1	2	N 89° 15' 00" E	100.00
2	2	3	S 89° 15' 00" E	100.00
3	3	4	S 0° 00' 00" E	100.00
4	4	5	S 89° 15' 00" W	100.00
5	5	6	N 89° 15' 00" W	100.00
6	6	7	N 0° 00' 00" W	100.00
7	7	8	N 89° 15' 00" E	100.00
8	8	9	S 89° 15' 00" E	100.00
9	9	10	S 0° 00' 00" E	100.00
10	10	11	S 89° 15' 00" W	100.00
11	11	12	N 89° 15' 00" W	100.00
12	12	13	N 0° 00' 00" W	100.00
13	13	14	N 89° 15' 00" E	100.00
14	14	15	S 89° 15' 00" E	100.00
15	15	16	S 0° 00' 00" E	100.00
16	16	17	S 89° 15' 00" W	100.00
17	17	18	N 89° 15' 00" W	100.00
18	18	19	N 0° 00' 00" W	100.00
19	19	20	N 89° 15' 00" E	100.00
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21	21	22	S 0° 00' 00" E	100.00
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23	23	24	N 89° 15' 00" W	100.00
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58	58	59	S 89° 15' 00" W	100.00
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94	94	95	S 89° 15' 00" W	100.00
95	95	96	N 89° 15' 00" W	100.00
96	96	97	N 0° 00' 00" W	100.00
97	97	98	N 89° 15' 00" E	100.00
98	98	99	S 89° 15' 00" E	100.00
99	99	100	S 0° 00' 00" E	100.00

GENERAL NOTES

1. The lot identified on the Plan as "CFG Lot" is owned by Capital Funding Acquisition Group, LLC (CFG). It is subject to the following conditions, provided it remains a part of the Planned Industrial Park.

2. Unless the CFG Lot is returned or receives Planned Unit Development approval or other similar approval allowing retail and service uses, the auxiliary retail or service uses or semi-industrial uses permitted by right under Section 253.1(c) of the Baltimore County Zoning Regulations (BCZR) or by special exception under Section 253.2(b) of the BCZR shall not be permitted on the CFG Lot without the approval of Clarkview Holdings, LLC. In its sole discretion, which shall be obtained prior to application for a use and occupancy permit, except: however, the following uses from those Sections shall be permitted on the CFG Lot without such approval: (a) bakery, retail, not to exceed 5,000 square feet; (b) barbershop; (c) bank, barbers and hair salon; (d) dry-cleaning establishment for pickup and delivery, but not processing; (e) heavy shop; (f) dry-cleaning establishment for pickup and delivery, but not processing; (g) school, including business or trade school; or (h) stationary or office supply store. This restriction shall not preclude any other uses from any other sections of the BCZR.

3. A fund has been established by CFG to be used as Clarkview Holdings, LLC deems appropriate for additional landscaping, signage, streetlights, or similar improvements in areas located to the east of the cul-de-sac of Clarkview Road. The improvements will be installed within 30 feet of the paved section of Clarkview Road.

4. CFG shall upon request by Clarkview Holdings, LLC, provide a letter of support to Clarkview Holdings, LLC for the installation of a traffic signal at the intersection of Clarkview Road and Falls Road. This restriction shall continue to be in effect only so long as CFG shall employ an auxiliary retail or service use or semi-industrial use on the CFG Lot and so long as inclusion within the Planned Industrial Park is required for such use to be permitted.

STORM WATER MANAGEMENT EASEMENT COURSES

LINE	FROM	TO	BEARING	DISTANCE
1	1	2	N 89° 15' 00" E	100.00
2	2	3	S 89° 15' 00" E	100.00
3	3	4	S 0° 00' 00" E	100.00
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86	86	87	S 89° 15' 00" E	100.00
87	87	88	S 0° 00' 00" E	100.00
88	88	89	S 89° 15' 00" W	100.00
89	89	90	N 89° 15' 00" W	100.00
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95	95	96	N 89° 15' 00" W	100.00
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97	97	98	N 89° 15' 00" E	100.00
98	98	99	S 89° 15' 00" E	100.00
99	99	100	S 0° 00' 00" E	100.00

100 YEAR FLOOD PLAIN DRAINAGE AND UTI

LINE	FROM	TO	BEARING	DISTANCE
1	1	2	N 89° 15' 00" E	100.00
2	2	3	S 89° 15' 00" E	100.00
3	3	4	S 0° 00' 00" E	100.00
4	4	5	S 89° 15' 00" W	100.00
5	5	6	N 89° 15' 00" W	100.00
6	6	7	N 0° 00' 00" W	100.00
7	7	8	N 89° 15' 00" E	100.00
8	8	9	S 89° 15' 00" E	100.00
9	9	10	S 0° 00' 00" E	100.00
10	10	11	S 89° 15' 00" W	100.00
11	11	12	N 89° 15' 00" W	100.00
12	12	13	N	



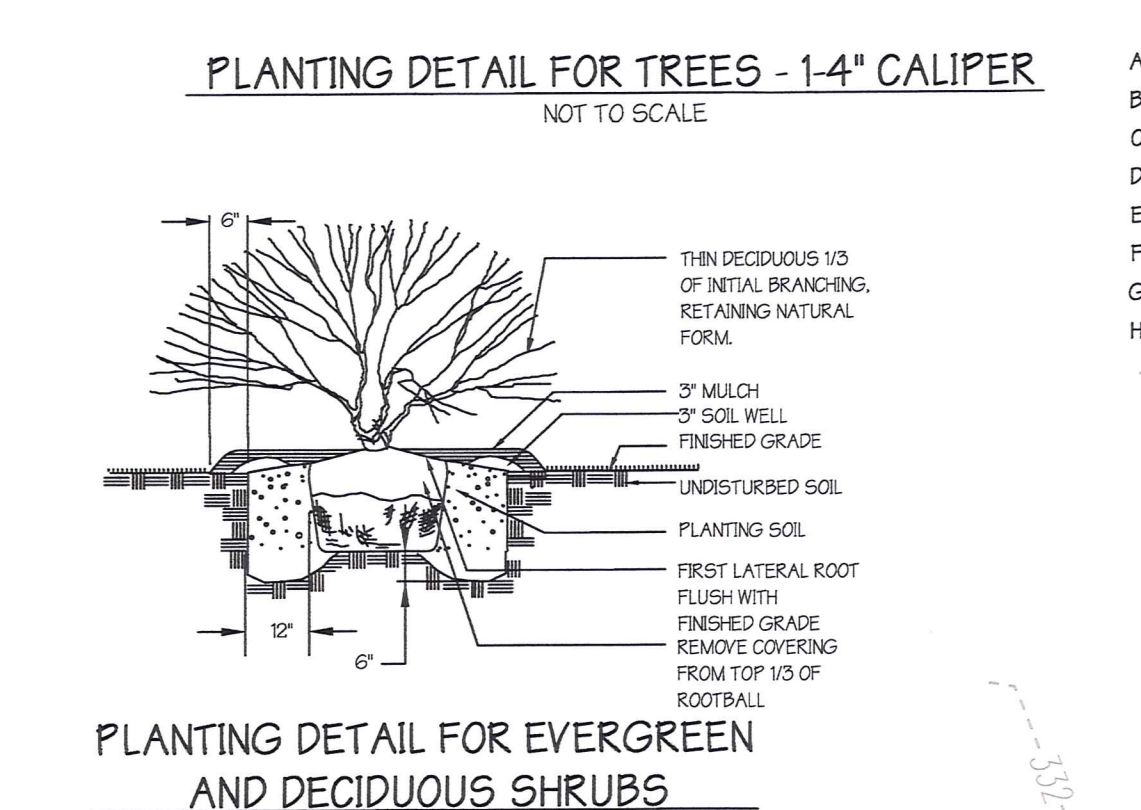
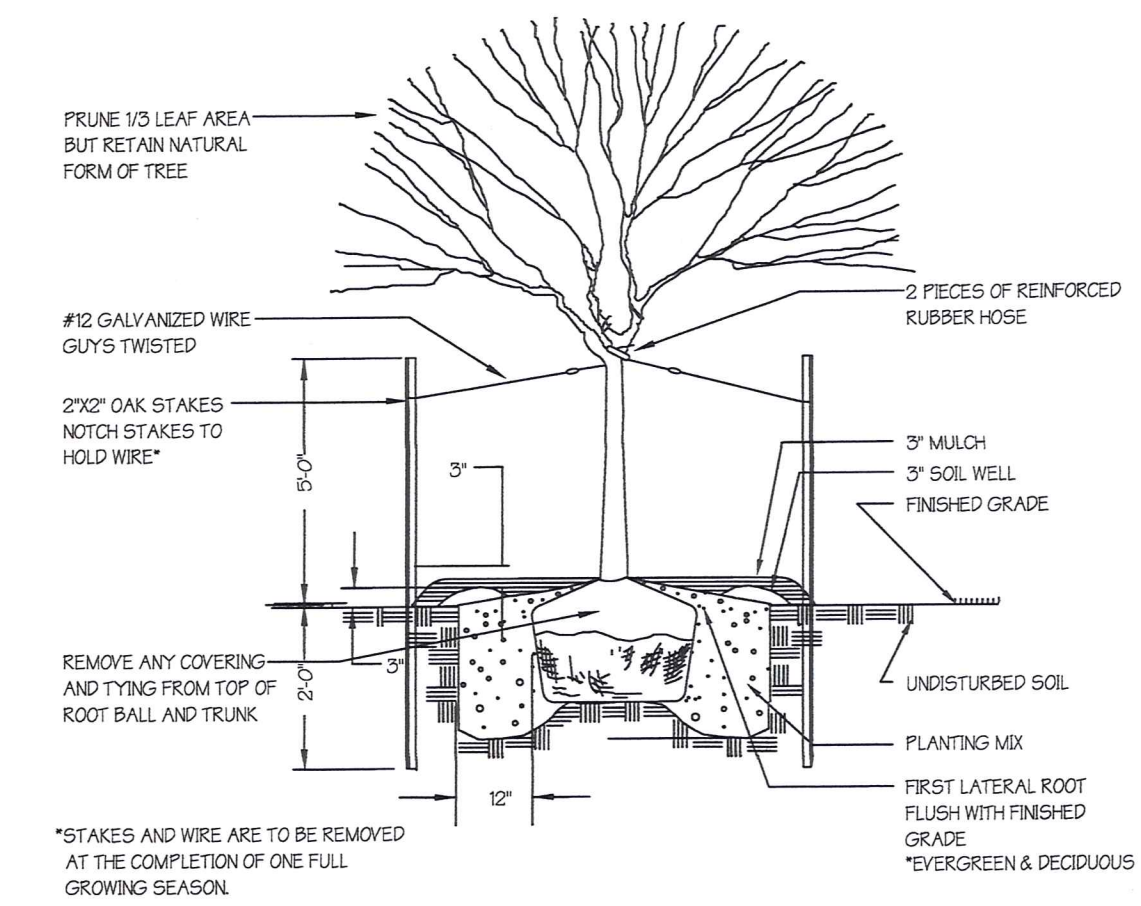
Aerial Photo Vicinity Map
Scale: 1" = 200' March 1, 2011



PETITIONER'S

EXHIBIT NO.

6



Legend

Property Line	---
Zoning Line	-----
Existing Contour	--- 340 ---
Proposed Contour	--- 350 ---
Existing Concrete Curb	---
Proposed Concrete Curb	---
Existing Storm Drain	EX 10" SD
Existing Sewer	EX 8" SAN
Existing Water	EX 12" W
Ex. Underground Electricity	E
Ex. O.H. Electricity	OHE
Existing Gas	G
Key to Zoning Requests	5
Proposed Paving	---

PLANT LIST

KEY	QUANTITY	BOTANICAL NAME COMMON NAME	SIZE	CONDITION	REMARKS
11	11	ACER RUBRUM 'RED SUNSET' 'RED SUNSET' RED MAPLE	2 - 2 1/2" CAL.	B & B	
8	8	ZELKOYA SERRATA 'GREEN VASE' 'GREEN VASE' ZELKOYA	2 - 2 1/2" CAL.	B & B	
8	8	PRUNUS X 'OKAME' 'OKAME' CHERRY	1 1/2 - 2" CAL.	B & B	
9	9	THUJA X 'GIGANTEOIDES' GREEN GIANT ARBORVITAE	6-7 HT	B & B	SPACE 8' O.C.
6	6	ILEX NELLIE R. STEVENS' 'NELLIE R. STEVENS' HOLLY	6-7 HT	B & B	SPACE 10' O.C.
EK	54	EUONYMUS KLAUSCHOVICUS 'PAULI' 'PAULI' EUONYMUS	24 - 30" HT.	#3 CONT.	SPACE 4' O.C.
JC	40	JUNIPERUS CHINENSIS 'SARGENTI' SARGENT JUNIPER	18 - 24" HT.	#3 CONT.	SPACE 4' O.C.
VD	26	VIBURNUM DENTATUM ARROWWOOD VIBURNUM	3' - 4" HT.	B & B	SPACE 5' O.C. STAGGER
PA	30	PENNISETUM ALOPECUROIDES 'HAEMEL' DWARF FOUNTAIN GRASS	#1	CONT.	SPACE 2.5' O.C. STAGGER

SPECIFICATIONS FOR PLANTING

A. STANDARDS:

1. ALL PLANT MATERIAL, CONSTRUCTION METHODS AND MATERIAL PLACEMENT SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
2. ALL TREES SHALL BE DELIVERED TO THE SITE BALLED AND BURLAPPED. ALL SHRUBS SHALL BE BALLED AND BURLAPPED OR IN CONTAINERS. ALL GRASSES AND PERENNIALS SHALL BE IN CONTAINERS.
3. MAINTENANCE:
1. AFTER THE PLANTING HAS BEEN APPROVED BY THE LANDSCAPE ARCHITECT AND THE OWNER, THE MAINTENANCE OF WATERING AND WEEDING OF SUCH PLANTS AND PLANTED AREAS SHALL BE PROVIDED BY THE OWNER. SINCE THE PLANTS ARE TO BE GUARANTEED BY THE CONTRACTOR, THE CONTRACTOR SHALL PERIODICALLY CHECK THE MAINTENANCE CONDUCTED BY THE OWNER. IF THE CONTRACTOR IS NOT SATISFIED WITH THE MAINTENANCE OF THE PLANTS, A WRITTEN REPORT, IN TYPEFACE, SPECIFYING APPROPRIATE CHANGES SHALL BE GIVEN IMMEDIATELY TO THE LANDSCAPE ARCHITECT. TWO COPIES WILL BE FORWARDED TO THE OWNER. BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING.
2. MAINTAIN TREES UNTIL FINAL ACCEPTANCE, BUT IN NO CASE LESS THAN 60 DAYS AFTER FINAL ACCEPTANCE OF PLANTING. MAINTAIN ALL PLANTS BY PRUNING, CULTIVATING AND WEEDING AS REQUIRED FOR HEALTHY GROWTH. RESTORE PLANTING SAUCERS, TIGHTEN AND REPAIR STAKE AND GUY SUPPORTS AND RESET TREES TO PROPER GRASSES OR VERTICAL POSITION AS REQUIRED. RESTORE OR REPLACE DAMAGED WRAPPINGS. SPRAY AS REQUIRED TO KEEP ALL PLANTS FREE OF INSECTS AND DISEASE.
3. WATERING:
1. IN THE ABSENCE OF ADEQUATE RAINFALL, WATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK AND IN SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4 INCHES. WATERING SHALL NOT BE DONE DURING THE HEAT OF THE DAY. CONTRACTOR SHALL PROVIDE A SEPARATE LUMP SUM PRICE IN THE OVERALL LANDSCAPE BID FOR WATERING TO ALL NEW PLANTINGS DURING ONE GROWING SEASON.
4. ESCAVATION:
1. DEPTH AND WIDTH OF ESCAVATION FOR PLANTING OF ALL PLANTS SHALL BE TO TWICE THE DEPTH AND WIDTH OF ROOT BALL OR CONTAINER OF PLANT TO BE INSTALLED, EXCEPT AS NOTED ON DETAILS.
5. TOPSOIL, PLANTING MIX AND MULCH:
1. ALL TOPSOIL SHALL BE WELL GRADED LOAM OF GOOD UNIFORM QUALITY AND SHALL BE A NATURAL FRABLE SOIL FREE OF OBJECTS LARGER THAN ONE INCH IN ANY DIMENSION AND FREE OF TOXIC SUBSTANCES, WEEDS AND ANY MATERIAL OR SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL CONTAIN AT LEAST 10% ORGANIC MATTER. IF SUFFICIENT TOPSOIL IS NOT AVAILABLE ON THE SITE TO MEET THE DEPTH AS SPECIFIED HEREIN, THE CONTRACTOR SHALL FURNISH ADDITIONAL TOPSOIL. PRIOR TO TOPSOIL DELIVERY, THE CONTRACTOR SHALL OBTAIN THE LANDSCAPE ARCHITECT'S APPROVAL OF THE SOURCE FROM WHICH TOPSOIL IS TO BE FURNISHED.
2. FOR PLANTING MIX, MIX THOROUGHLY 20% EXISTING SOIL AND 80% LEAF MULD OR EQUAL ORGANIC MATTER.
3. MULCH MATERIAL SHALL BE OF UNIFORM SIZE, FINE SHREDED TANBARK, HARDWOOD MULCH OR APPROVED EQUAL. MULCH SHALL BE A REDDISH DARK BROWN COLOR AND SHALL BE LAD TO A MINIMUM DEPTH OF 2 INCHES. MULCH AREAS AROUND TREES AT THE RATE OF 100 DIAMETER PER OF TRUNK CALIPER.

F. SUBSTITUTIONS:

1. IF A PLANT IS FOUND NOT TO BE SUITABLE OR AVAILABLE, THE LANDSCAPE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT BEFORE ORDERING. THE OWNER OR LANDSCAPE ARCHITECT WILL THEN SELECT A REASONABLE ALTERNATE OR INFORM ALL LANDSCAPE CONTRACTORS OF THE AVAILABILITY OF THE ORIGINAL PLANT.
2. DURING COURSE OF PLANTING, EXCESS AND WASTE MATERIALS SHALL BE CONTINUOUSLY AND PROPERLY REMOVED. LAWN AREAS KEPT CLEAN, AND ALL REASONABLE PRECAUTIONS TAKEN TO AVOID DAMAGE TO ANY EXISTING LAWNS, PAVING, ETC. NOT SCHEDULED FOR REMOVAL WHEN PLANTING IN AN AREA HAS BEEN COMPLETED, THE AREA SHALL BE CLEANED UP THOROUGHLY. DEBRIS, RUBBISH, SUBSOIL, AND WASTE MATERIALS SHALL BE CLEANED UP AND REMOVED FROM THE PROPERTY. EXISTING GRASS AREAS WHICH HAVE BEEN NURTURED BY THE WORK SHALL BE REGRASSED AND SOOED TO MATCH THE EXISTING LAWN. THE ENTIRE AREA SHALL BE NEAT AND CLEAN TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT.
3. CONTRACTOR SHALL, AT ALL TIMES, PROTECT ALL PLANTS AND LAWN FROM DAMAGE. THE MOVING OF HEAVY EQUIPMENT OR MATERIAL OVER THE LAWN AREAS SHALL BE DONE ON PLANKS OR PONTOONS.
4. THE CONTRACTOR SHALL RESTORE TO THEIR ORIGINAL CONDITION ALL FUNDAMENTS, SUPPORTS OR PLANTED AREAS, STRUCTURES OR SUBSTRUCTURES NOT SCHEDULED FOR REMOVAL, WHICH ARE DISTURBED BY THE CONTRACTOR DURING PLANTING OPERATIONS. SUCH RESTORATION SHALL BE IN A MANNER SATISFACTORY TO THE LANDSCAPE ARCHITECT AND AT NO ADDITIONAL COST TO THE OWNER.
5. FINAL INSPECTION AND GUARANTEE:
1. AFTER PLANTING IS COMPLETED (INCLUDING MULCHING AND CLEANUP) THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING TO REQUEST FINAL INSPECTION OF THE FINAL PLANTING. THE LANDSCAPE ARCHITECT SHALL MAKE A FINAL INSPECTION VISIT AS SOON AS POSSIBLE. LANDSCAPE ARCHITECT SHALL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, WHEN ALL WORK IS SATISFACTORILY COMPLETE. IF WORK IS NOT SATISFACTORILY COMPLETE, THE LANDSCAPE ARCHITECT WILL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, AS TO THE DEFICIENCIES IN THE WORK AND THE NECESSARY CORRECTIVE MEASURES. THE LANDSCAPE CONTRACTOR WILL BE GIVEN A REASONABLE AMOUNT OF TIME TO CORRECT THE DEFICIENCIES, AND ANOTHER FINAL INSPECTION WILL BE SCHEDULED BY THE LANDSCAPE ARCHITECT.
2. ALL PLANT MATERIAL AND LAWN AREAS SHALL BE GUARANTEED TO BE IN A VIGOROUS GROWING CONDITION ONE YEAR FROM THE DATE OF FINAL INSPECTION AND ACCEPTANCE. AT THE TERMINATION OF THIS PERIOD, THE CONTRACTOR SHALL HAVE COMPLETED THE PRESCRIBED MAINTENANCE SCHEDULED. ANY PLANTS INFECTED WITH DISEASE OR INSECTS WILL BE REMOVED OR TREATED. ALL DEAD OR UNACCEPTABLE PLANTS WILL BE REPLACED BY THE SAME PLANTS AND SIZES DESIGNATED ON THE PLANT LIST. THESE PLANTS SHALL BE PLANTED, MULCHED AND GUY AS SPECIFIED HEREIN AND WITHOUT EXTRA COMPENSATION TO THE CONTRACTOR. AT THE COMPLETION OF ALL SUCH WORK AND WITH THE APPROVAL OF THE LANDSCAPE ARCHITECT, THE CONTRACT WILL BE CONSIDERED COMPLETE.

PLANTING CALCULATIONS

ELEMENT	RATE	COUNT	PLANTING UNITS (PU)
ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	572 LF	14
INTERIOR ROADWAY	1 PU / 20 LF	181 LF	9
PARKING LOT INTERIOR	1 PU / 12 SPACES	47 SPACES	4
PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU / 15 LF	85 LF	6
CLASS "A" BUFFER	1 PU / 15 LF	256 LF	17
STEEP SLOPE	1 PU / 15 LF	40 LF	3
SCREEN DUMPSTER	1 PU / 15 LF	29 LF	2
TOTAL REQUIRED / TOTAL PROPOSED		55 / 55	

PETITIONER'S

EXHIBIT NO. 7

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS DEVELOPMENT MANAGEMENT
Development Plans Review

OWNER'S SIGNATURE AND CERTIFICATION FORM
I certify that I have reviewed this Final Landscape Plan, that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with those regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan, upon completion of the landscape installation not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, County Office Building, Room 211, Towson, MD 21204.

Lawrence G. Rief 12/30/10
Owner's Signature Date
LAWRENCE G. RIEF, MEMBER 410-296-4800
Owner's printed name Tele.#
1427 CLARKVIEW ROAD, SUITE 500
BALTIMORE, MARYLAND 21209
(P RIN) Mailing address city-state-zip
PADM # BUILDING PERMIT # B74521

MATIS WARFIELD
Consulting Engineers
10540 York Road, Suite M
Hunt Valley, Maryland 21030
PHONE 410.683.7004 FAX 410.683.1798
www.matiswarfield.com

HUMAN & ROHDE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410 825 3885

OWNER/DEVELOPER
1407 Clarkview Road, LLC
c/o Mr. Lawrence G. Rief, Member
1427 Clarkview Road, Suite 500
Baltimore, Maryland 21209
410-296-4800

DATE	ISSUE
12-30-10	FINAL LANDSCAPE PLAN SUBMITTAL

FINAL LANDSCAPE PLAN
1407 CLARKVIEW ROAD
6240 & 6242 FALLS ROAD
BALTIMORE COUNTY, MARYLAND
TAX MAP 68, PARCELS 61, 858 & 1021
C-16
ELECTION DISTRICT NO. 3
COUNCIL DISTRICT NO. 2