

MEMORANDUM

DATE: April 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0159-A- Appeal Period Expired

The appeal period for the above-referenced case expired on April 15, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE
(7804-7814 Harford Road; 2908 Taylor Ave.)
14th Election District
6th Council District
CPHarford, LLC
C & S Realty, LLC
Petitioners

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0159-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of CPHarford, LLC and C & S Realty, LLC, legal owners of the subject property ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 409.6 A to permit 53 parking spaces in lieu of the required 243 parking spaces. A redlined site plan was marked as Petitioners' Exhibit 5.

Kevin Gunthert appeared in support of the Petition. Caroline L. Hecker, Esq. represented CPHarford, LLC. The Petition was advertised and posted as required by the B.C.Z.R. Two neighbors attended the hearing to obtain additional information regarding the request. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 15,188 square feet and is zoned BL-CCC and DR 5.5. The property is improved with several commercial buildings and a parking lot. Petitioners recently purchased the property, and would like to secure new tenants for the buildings, several of which have been vacant for many years. Regarding the required number of parking spaces, Petitioners assumed for purposes of calculation that each vacant tenant space in the commercial buildings would be occupied by restaurants, which require 16 spaces per 1,000 sq. ft. By

ORDER RECEIVED FOR FILING

Date

3/16/16

By

sen

employing this conservative calculation Petitioners will avoid needing to seek parking variances for each future tenant depending upon whether the use was for a restaurant, office, hair salon or any number of other permitted uses, all of which have different parking requirements under the B.C.Z.R.

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

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

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

Petitioners have met this test. The property is L-shaped and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to market the properties to new commercial tenants. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition. The Bureau of DPR requested in its ZAC comment the parking along Taylor Avenue be screened. But Petitioners (and the neighbors in attendance) pointed out that doing so may reduce visibility and create a traffic hazard along Taylor Avenue, which they noted is a heavily travelled thoroughfare. As such, I will not include that recommendation as a condition upon the relief granted.

THEREFORE, IT IS ORDERED, this 16th day of **March, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") § 409.6 A to permit 53 parking spaces in lieu of the required 243 parking spaces, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

3/16/16

By

Den

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comment of the DOP dated March 10, 2016, a copy of which is attached.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:/sln

ORDER RECEIVED FOR FILING

Date 3/16/16

By Sen



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7804-7814 Harford Road and 2908 Taylor Avenue which is presently zoned BL-CCC / D.R. 5.5

Deed References: SEE ATTACHED 10 Digit Tax Account # SEE ATTACHED

Property Owner(s) Printed Name(s) SEE ATTACHED

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

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

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

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

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

Section 409.6.A to permit ~~52~~⁵³ parking spaces in lieu of the required ~~243~~²⁴³ parking spaces.

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

TO BE PRESENTED AT HEARING.

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address Date City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Caroline L. Hecker

Name- Type or Print

Signature

25 S. Charles St., Suite 2115, Baltimore, MD

Mailing Address City State

21201 / (410) 727-6600 / checker@rosenbergmartin.com
Zip Code Telephone # Email Address

CASE NUMBER 2016-0159-A Filing Date 1/7/16

Legal Owners (Petitioners):

See Attached

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Caroline L. Hecker

Name - Type or Print

Signature

25 S. Charles St., Suite 2115, Baltimore, MD

Mailing Address City State

21201 / (410) 727-6600 / checker@rosenbergmartin.com
Zip Code Telephone # Email Address

Do Not Schedule Dates: Reviewer JS

**PETITION FOR VARIANCE
ATTACHED SHEET**

Legal Owners (Petitioners):

7804 Harford Road
Tax Map 0081, Parcel 0685
Tax Account # 0911350730
Deed Reference 36207/436

7810 Harford Road
Tax Map 0081, Parcel 0685
Tax Account # 0918103990
Deed Reference 36207/436

7812 Harford Road
Tax Map 0081, Parcel 0685
Tax Account # 0918103991
Deed Reference 36207/436

7814 Harford Road
Tax Map 0081, Parcel 0685
Tax Account # 0902207420
Deed Reference 36207/436

2908 Taylor Avenue
Tax Map 0081, Parcel 0685
Tax Account # 0907471501
Deed Reference 36207/436

Kevin Gunthert
CPHarford, L.L.C.



9508 Wise Ave
Silver Spring, MD 20901
(202) 494-6151 / kevin@cornerpointpartners.com

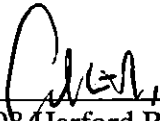
**PETITION FOR VARIANCE
ATTACHED SHEET**

Legal Owners (Petitioners):

7808 Harford Road
Tax Map 0081, Parcel 0685
Tax Account # 0902207421
Deed Reference 28743/11

Carl E. Nelson
C & S Realty, LLC

Sherry R. Nelson
C & S Realty, LLC

x  / x _____
7808 Harford Road
Baltimore, MD 21234
Phone Number: 410-661-0828

Tax ID No. 09-0911350730
09-0907471501
09-0918103990
09-0918103991
09-0902207420

SCHEDULE A

METES AND BOUNDS DESCRIPTION CP Harford LLC Property Baltimore County, Maryland

All of that parcel or tract of land located in the 9th Election District of Baltimore County, Maryland, being all of that parcel of land conveyed to CPHarford, LLC, a Maryland limited liability company from Gerard B. Dotterweich, by Deed, dated May 14, 2015, recorded among the Land Records of Baltimore County, Maryland in Liber 36207 at Folio 436, said parcel being made up of five individual properties as described in the following 4 (four) deeds:

- Being all of that parcel of land conveyed to Gerard B. Dotterweich, from GT Investments, a Maryland partnership, by deed, dated August 8, 1985 and is recorded among the aforesaid Land Records in Liber EHK 6972 at Folio 717

- Being all of that parcel of land conveyed to Gerard B. Dotterweich, from Belvedere Tavern Corporations, a Maryland Corporation and by Gerard B. Dotterweich, President, by deed, dated, December 30, 2005 and is recorded among the aforesaid Land Records in Liber SM 23295 at Folio 355

- Being all of that parcel of land conveyed to Gerard B. Dotterweich, from Craig F. Tennant and C. Alta Tennant, by deed, dated July 14, 1982 and is recorded among the aforesaid Land Records in Liber EHK Jr. 6416 at Folio 699

- Being all of that parcel of land conveyed to Belvedere Tavern Corporation from J. Edward Redel and Louis Redel, by deed, dated March 17, 1978 and is recorded among the aforesaid Land Records in Liber EHK, Jr. 5865 at Folio 934

Beginning for the same at the beginning of the North 43° 38' East 12.95 foot line of part 2 of the aforesaid Liber 23295 at Folio 355, said point being on the westernmost Right-of-Way line of Harford Road, then reversely with said 12.95 foot line along a portion of said Right-of-Way line to continue reversely with the North 43° 38' East 16.68 foot line of part 1 of the aforesaid Liber 23295 at Folio 355, and continuing still with the North 43° 38' East 25.80 foot line of the aforesaid Liber 5865 at Folio 934

1. South 43° 38' West 55.43 feet to the end of the South 49° 52' East 144.76 foot line of Liber 23295 at Folio 355; then reversely with said 144.76 foot line
2. North 49° 50' West 144.76 feet to a point on the 10th line or South 45° 28' 28" West 93.06 foot line of the aforesaid Liber 6972 at Folio 717; then with a portion of said line as surveyed by this office
3. South 40° 14' 00" West 38.74 feet to the end of said 93.06 foot line, then continuing with the outline of said Liber 6972 Folio 717 the next 5 courses and distances
4. South 50° 00' 00" East 139.96 feet to a point on the westernmost Right-of-Way line of Harford Road, then continuing with the outline of said Liber 6972 Folio 717 along a portion of said Right-of-Way
5. South 40° 38' 56" West 43.96 feet, then leaving said Right-of-Way and continuing with the outline of said Liber 6972 Folio 717

2016-0159-A

6. North 46° 45' 42" West 79.92 feet, then
7. South 43° 20' 18" West 25.00 feet, then
8. North 46° 45' 42" West 32.41 feet, to a point on the 115 foot line of aforementioned Liber 6416 Folio 699, then with a portion said 115 foot line following the outline of said Liber 6416 Folio the next 5 courses and distances
9. South 40° 00' 42" West 97.91 feet, to a point on the northernmost Right-of-Way line of Taylor Avenue, then with a portion of said Right-of-Way
10. North 50° 00' 00" West 40.00 feet, then leaving said Right-of-Way
11. North 40° 00' 00" East 70.00 feet, then
12. North 50° 00' 00" West 45.00 feet, then continuing with the outline of said Liber 6416 Folio 699 and continuing with the North 45° 28' 28" East 136.25 foot line of said Liber 6972 Folio 717
13. North 40° 00' 00" East 181.25 feet to the end of said 136.25 foot line, then continuing with the outline of said Liber 6972 Folio 717
14. South 50° 42' 00" East 59.50 feet, then continuing with the outline of said Liber 5972 Folio 717
15. South 49° 42' 00" East 148.07 feet to the point of beginning containing a computed area of 29,080 Square Feet or 0.6676 Acres of Land.

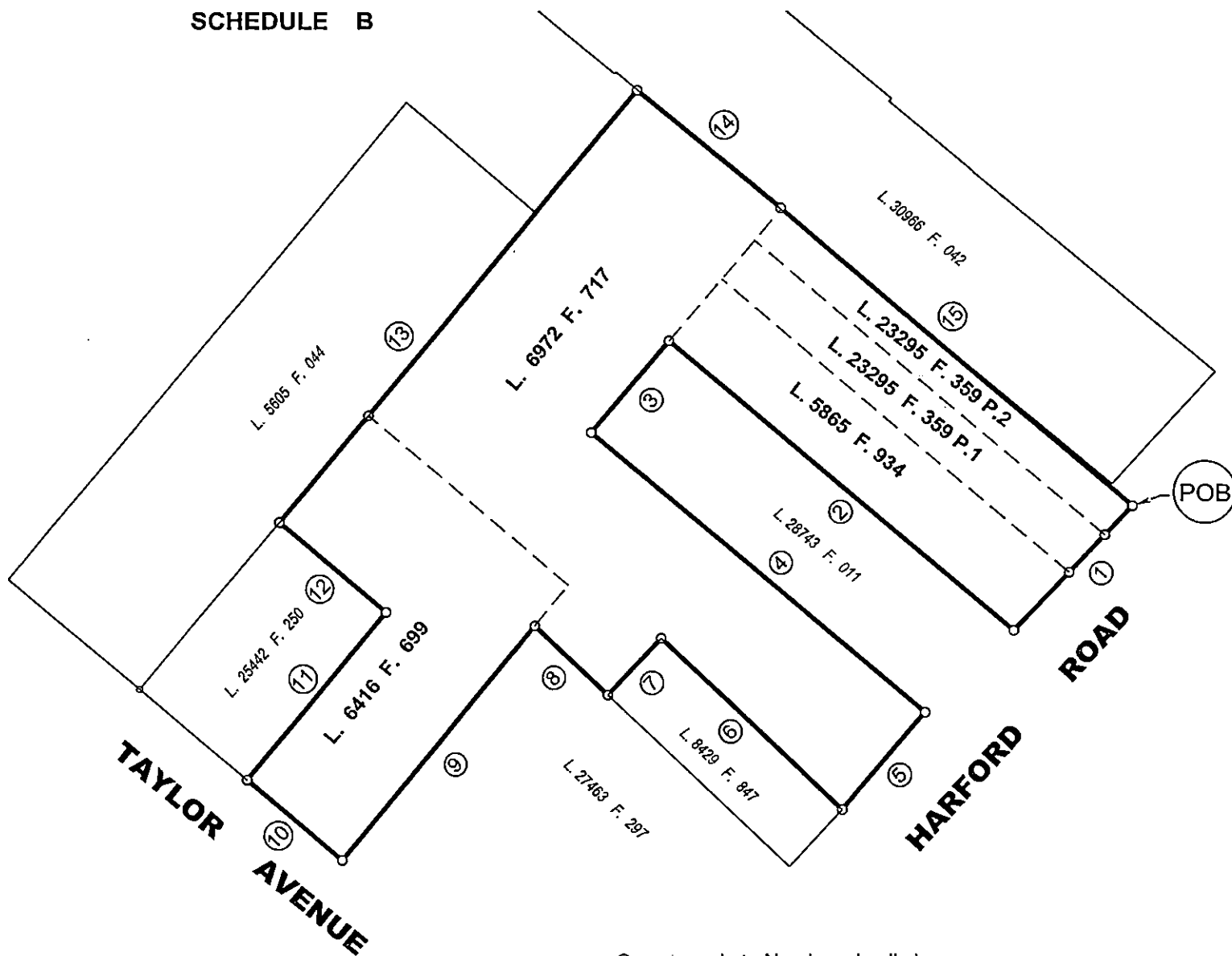
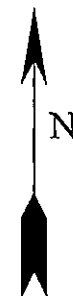


Two year MDLLR Professional Land Surveyor's
License Renewal Date: 11/29/2017

2016-0159-A

2016-059-A

SCHEDULE B



① Corresponds to Numbered calls in Schedule A





501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3980157

Sold To:

ROSENBERG MARTIN GREENBERG LLP - CU00193689
25 S Charles St Ste 2115
BALTIMORE, MD 21201

Bill To:

ROSENBERG MARTIN GREENBERG LLP - CU00193689
25 S Charles St Ste 2115
BALTIMORE, MD 21201

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

Feb 23, 2016

NOTICE OF ZONING HEARING	
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:	
Case: # 2016-0159-A	
7804-7814 Harford Road & 2908 Taylor Avenue NW corner of Harford Road and Taylor Avenue 14th Election District - 6th Councilmanic District Legal Owner(s) Kevin Gunther, CPHarford, LLC, Carl & Sherry Nelson	
Variance: to permit 52 parking spaces in lieu of the required 275 parking spaces.	
Hearing: Monday, March 14, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.	
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY	
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.	
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.	
JT 2/803 Feb. 23	3980157

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

RE: Case No. 2016-0159-A

Petitioner: Caroline Hecker, attorney

Hearing / Closing Date: 3/14/16

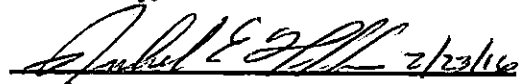
Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

7804-7814 Harford Road & 2908 Taylor Ave.

_____ on 2/23/16

Sincerely,

 2/23/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certificate of Posting

Case No. 2016-0159-A

ZONING NOTICE

CASE # 2016-0159-A

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

PLACE: ROOM 205, JEFFERSON BUILDING, 105 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

DATE AND TIME: MON. MARCH 14, 2016 AT 1:30 P.M.

REQUEST:

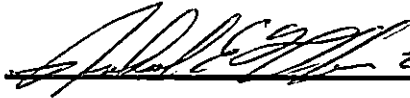
VARIANCE TO PERMIT 52 PARKING SPACES IN LIEU
OF THE REQUIRED 275 PARKING SPACES.

**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**

7804-7814 Harford Road (1 of 2)

(Posted 2/23/16)

 2/23/16

Richard E. Hoffman

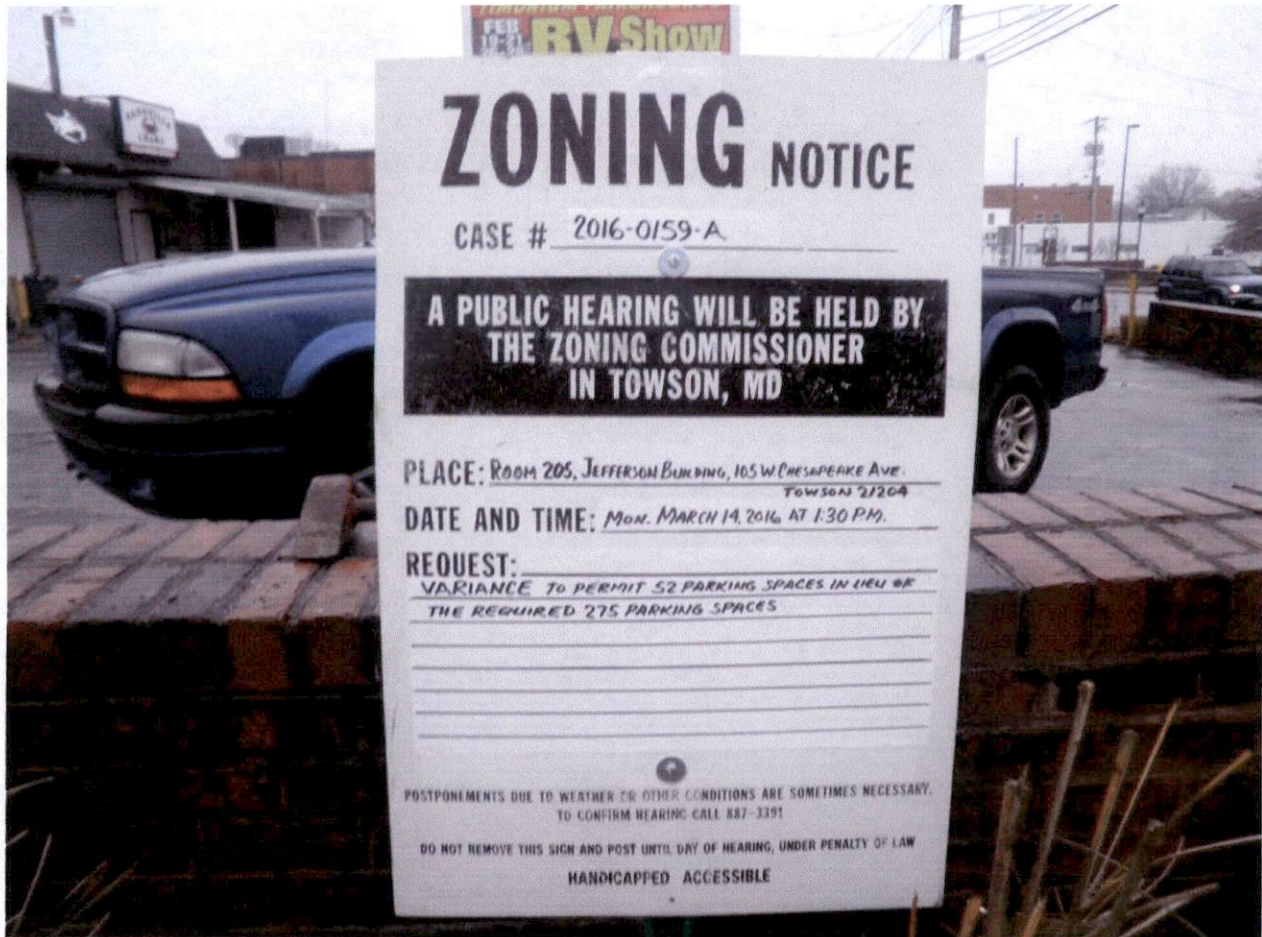
904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certificate of Posting

Case No. 2016-0159-A



2908 Taylor Avenue (2 of 2)

(Posted 2/23/16)

 2/23/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



KEVIN KAMENETZ
County Executive

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

January 20, 2016

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: 2016-0159-A

7804-7814 Harford Road & 2908 Taylor Avenue
NW corner of Harford Road and Taylor Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Kevin Gunthert, CPHarford, LLC, Carl & Sherry Nelson

Variance to permit 52 parking spaces in lieu of the required 275 parking spaces.

Hearing: Monday, March 14, 2016 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

AJ:kl

C: Caroline Hecker, 25 S. Charles Street, Ste. 2115, Baltimore 21201
Kevin Gunthert, 9508 Wise Avenue, Silver Spring 20901
Mr. & Mrs. Nelson, 7808 Harford Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 23, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 23, 2016 Issue - Jeffersonian

Please forward billing to:

Justin Williams
Rosenberg, Martin & Greenberg
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

410-727-6600

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2016-0159-A

7804-7814 Harford Road & 2908 Taylor Avenue
NW corner of Harford Road and Taylor Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Kevin Gunthert, CPHarford, LLC, Carl & Sherry Nelson

Variance to permit 52 parking spaces in lieu of the required 275 parking spaces.

Hearing: Monday, March 14, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7804-7814 Harford Road; NW of corner *
Harford Road & Taylor Avenue * OF ADMINISTRATIVE
14th Election & 6th Councilmanic Districts
Legal Owners: CPHarford, LLC by Kevin Gunthert* HEARINGS FOR
and C&S Realty, LLC by Carl & Sherry Nelson
Petitioner(s) * BALTIMORE COUNTY
* 2016-159-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

JAN 14 2016

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 14th day of January, 2016, a copy of the foregoing Entry of Appearance was mailed to Caroline Hecker, Esquire, 25 S. Charles Street, Suite 2115, Baltimore, Maryland 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 0016-0159-A

Petitioner: CP HARFORD LLC

Address or Location: 7804-7814 HARFORD RD + 2908 TAYLOR AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Justin Williams

Address: Rosenberg Martin Greerburg

25 S. Charles St., 21st Floor

Baltimore, MD 21201

Telephone Number: (410) 727-6600

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No.

134197

Date:

1/7/16

PAID RECEIPT

BUSINESS ACTION TIME DES

1/06/2016 1/07/2016 16:35:25 1

RECEIPT # 605045 1/07/2016

5 528 DEBTS VERIFICATION

134197

Receipt Tot \$500.00

\$500.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		610				\$ 500.00

Total: \$ 500.00

Rec From: CP HARFORD, LLC

For: 2016-0159-A

DISTRIBUTION

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

CASHIER'S
VALIDATION

BALTIMORE COUNTY, MARYLAND
INTRA-OFFICE MEMORANDUM

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

DATE: March 10, 2016

RECEIVED

FROM: Andrea Van Arsdale
Director, Department of Planning

MAR 10 2016

OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-159

INFORMATION:

Property Address: 7804-7814 Harford Road
Petitioner: CP Harford, LLC, C&S Realty, LLC
Zoning: BL-CCC/D.R. 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit 52 parking spaces in lieu of the required 275 parking spaces.

A site visit was conducted on January 20, 2016. The assemblage of commercial storefronts form a unified street edge at Harford Road and constitute a portion of Parkville's "main street". The subject properties enjoy an easement to 52 parking spaces existent at the rear of the site.

The site is centered in the Parkville Commercial Revitalization Area and within the boundaries of the Carney-Cub Hill-Parkville Area Community Plan which was adopted into Master Plan 2020 in May of 2010. The community plan is comprehensive in its long term approach to the revitalization area while also considering achievable short term actions that work towards making the area more attractive, safe and economically viable.

The "Main Street Concept" of Division III, Section A of the Comprehensive Manual of Development Policies (CMDP) with its attendant site planning guidelines is applicable to the re-development of this property as well as other adjacent properties on Harford Road. The CMDP, which is authorized through Section 504.2 of the Baltimore County Zoning Regulations, gives specific direction that where main street type development occurs, the existing building edge is to be maintained and continued to the sidewalk with no large setbacks or front yard parking. Further the construction of standardized "franchise type" structures is strongly discouraged. (CMDP pg. 102)

The Department of Planning supports a variance to the parking in the rear of the subject structures provided the following conditions are made a part of the final decision and order in this case:

- In the event that razing the subject structures becomes part of any re-development scenario, new site planning must comply with the "Main Street Concept" of Division III, Section A of the Comprehensive Manual of Development Policies with all new buildings continuing the existing development pattern by being constructed at the street edge thereby holding the building line at Harford Road and providing parking at the rear of the site.
- Any additional lighting proposed for the existing parking area shall be of a directional type and shall limit glare onto any adjacent residential properties.

Date 3/16/16

By Sen

Subject: ZAC #16-159

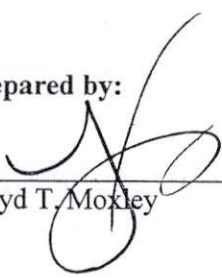
Date: March 10, 2016

Page 2

Please be advised that the Department encourages the applicant to take advantage of the Commercial Revitalization tools and incentives offered by Baltimore County to aid in achieving a re-development result that stimulates the revitalization and economic viability of this important commercial corridor in the Parkville community.

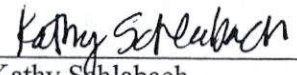
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Sehlbach

c: Kevin Gunthert, CPHarford, L.L.C. et al
Office of the Administrative Hearings
People's Counsel for Baltimore County
Laurie Hay

ORDER RECEIVED FOR FILING

Date 3/16/16

By sen



KEVIN KAMENETZ
County Executive

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

March 9, 2016

Carl E Nelson
Sherry R Nelson
C & S Realty LLC
7808 Harford Road
Baltimore MD 21234

RE: Case Number: 2016-0159 A, Address: 7804-7814 Harford Road, 2908

Dear Mr. & Ms. Nelson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 7, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Caroline L Hecker, Esquire, 25 S Charles Street, Suite 2115, Baltimore MD 21201

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



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

Date: 1/13/16

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

RE: Baltimore County

Item No. 2016-0159-A

Varinco
Kevin Gunther, Carl E. Sherry R. Nelson
7804-7814 Harford Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2016-0159-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332; or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road • Hunt Valley, Maryland 21030 • Phone 410-229-2300 or 1-866-998-0367 • Fax 301-527-4690

www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

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

DATE: March 10, 2016

RECEIVED

FROM: Andrea Van Arsdale
Director, Department of Planning

MAR 10 2016

OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-159

INFORMATION:

Property Address: 7804-7814 Harford Road
Petitioner: CP Harford, LLC, C&S Realty, LLC
Zoning: BL-CCC/D.R. 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit 52 parking spaces in lieu of the required 275 parking spaces.

A site visit was conducted on January 20, 2016. The assemblage of commercial storefronts form a unified street edge at Harford Road and constitute a portion of Parkville's "main street". The subject properties enjoy an easement to 52 parking spaces existent at the rear of the site.

The site is centered in the Parkville Commercial Revitalization Area and within the boundaries of the Carney-Cub Hill-Parkville Area Community Plan which was adopted into Master Plan 2020 in May of 2010. The community plan is comprehensive in its long term approach to the revitalization area while also considering achievable short term actions that work towards making the area more attractive, safe and economically viable.

The "Main Street Concept" of Division III, Section A of the Comprehensive Manual of Development Policies (CMDP) with its attendant site planning guidelines is applicable to the re-development of this property as well as other adjacent properties on Harford Road. The CMDP, which is authorized through Section 504.2 of the Baltimore County Zoning Regulations, gives specific direction that where main street type development occurs, the existing building edge is to be maintained and continued to the sidewalk with no large setbacks or front yard parking. Further the construction of standardized "franchise type" structures is strongly discouraged. (CMDP pg. 102)

The Department of Planning supports a variance to the parking in the rear of the subject structures provided the following conditions are made a part of the final decision and order in this case:

- In the event that razing the subject structures becomes part of any re-development scenario, new site planning must comply with the "Main Street Concept" of Division III, Section A of the Comprehensive Manual of Development Policies with all new buildings continuing the existing development pattern by being constructed at the street edge thereby holding the building line at Harford Road and providing parking at the rear of the site.
- Any additional lighting proposed for the existing parking area shall be of a directional type and shall limit glare onto any adjacent residential properties.

Subject: ZAC #16-159

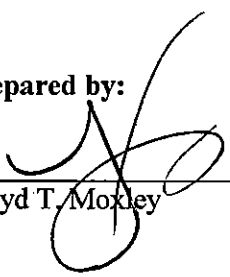
Date: March 10, 2016

Page 2

Please be advised that the Department encourages the applicant to take advantage of the Commercial Revitalization tools and incentives offered by Baltimore County to aid in achieving a re-development result that stimulates the revitalization and economic viability of this important commercial corridor in the Parkville community.

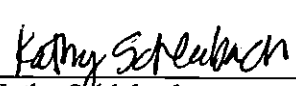
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

c: Kevin Gunthert, CPHarford, L.L.C. et al
Office of the Administrative Hearings
People's Counsel for Baltimore County
Laurie Hay

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

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

DATE: March 10, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

MAR 10 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-159

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 7804-7814 Harford Road
Petitioner: CP Harford, LLC, C&S Realty, LLC
Zoning: BL-CCC/D.R. 5.5
Requested Action: Variance

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The "Main Street Concept" of Division III, Section A of the Comprehensive Manual of Development Policies (CMDP) with its attendant site planning guidelines is applicable to the re-development of this property as well as other adjacent properties on Harford Road. The CMDP, which is authorized through Section 504.2 of the Baltimore County Zoning Regulations, gives specific direction that where main street type development occurs, the existing building edge is to be maintained and continued to the sidewalk with no large setbacks or front yard parking. Further the construction of standardized "franchise type" structures is strongly discouraged. (CMDP pg. 102)

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- Any additional lighting proposed for the existing parking area shall be of a directional type and shall limit glare onto any adjacent residential properties.

Subject: ZAC #16-159

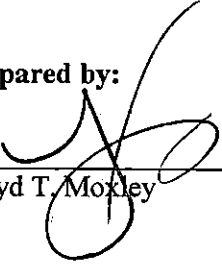
Date: March 10, 2016

Page 2

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

c: Kevin Gunthert, CPHarford, L.L.C. et al
Office of the Administrative Hearings
People's Counsel for Baltimore County
Laurie Hay

3/14

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JAN 19 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0159-A
Address 7804-7814 Harford Road
(Nelson & Gunthert Property)

Zoning Advisory Committee Meeting of January 19, 2016.

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

Reviewer: Steve Ford Date: 01-19-2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 21, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For January 18, 2016
Item No. 2016-0159

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

The parking along Taylor Avenue should be screened.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0159-01182016.doc

Green

CASE NAME CP Hartford, L.L.C.
CASE NUMBER 2016-151-4
DATE 3/14/2016

CITIZEN'S SIGN - IN SHEET

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

PLEASE PRINT CLEARLY

CASE NAME CP Hartford, LLC
CASE NUMBER 2016-159-A
DATE 3/14/16

PETITIONER'S SIGN-IN SHEET

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>1/21</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>1/19</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>3/10</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>1/13</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>2/23/16</u>	
SIGN POSTING	Date: <u>2/23/16</u> by <u>HOFFMAN</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 09 Account Number - 0911350730							
Owner Information									
Owner Name:		CPHARFORD LLC				Use:		COMMERCIAL	
Mailing Address:		9508 WIRE AVE SILVER SPRING MD 20901-				Principal Residence:		NO	
						Deed Reference:		/36207/ 00436	
Location & Structure Information									
Premises Address:		7804 HARFORD RD BALTIMORE MD 21234-5814				Legal Description:		0.334 AC PT LT 11,12 116 N TAYLOR AVE PARKVILLE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0081	0001	0685		0000			11	2014	0001/ 0034
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use
1910		3572					0.3300 AC		06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		RETAIL STORE							
Value Information									
			Base Value	Value		Phase-in Assessments			
				As of 01/01/2014		As of 07/01/2015		As of 07/01/2016	
Land:			159,300	159,300					
Improvements			171,700	165,400					
Total:			331,000	324,700		324,700		324,700	
Preferential Land:			0					0	
Transfer Information									
Seller: DOTTERWEICH GERARD B				Date: 05/20/2015			Price: \$600,000		
Type: ARMS LENGTH MULTIPLE				Deed1: /36207/ 00436			Deed2:		
Seller: GT INVESTMENTS				Date: 08/12/1985			Price: \$135,000		
Type: ARMS LENGTH IMPROVED				Deed1: /06972/ 00717			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class			07/01/2015		07/01/2016		
County:		000			0.00				
State:		000			0.00				
Municipal:		000			0.00 0.00		0.00 0.00		
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 09 Account Number: 0911350730



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0918103990			
Owner Information					
Owner Name:		CP HARFORD LLC		Use: COMMERCIAL	
Mailing Address:		9508 WISE AVE SILVER SPRING MD 20901-		Principal Residence: NO Deed Reference: /36207/ 00436	
Location & Structure Information					
Premises Address:		7810 HARFORD RD 0-0000		Legal Description: LT NWS HARFORD RD 196 NE TAYLOR AVE PARKVILLE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0001/0034
0081	0001	0685		0000	2014
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built 1940		Above Grade Enclosed Area 1950		Finished Basement Area 3,697 SF	
Stories		Basement		County Use 06	
Type MARKET		Exterior		Full/Half Bath	
Garage		Last Major Renovation			
Value Information					
Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land: 115,000		115,000			
Improvements 137,900		156,300			
Total: 252,900		271,300		265,167 271,300	
Preferential Land: 0				0	
Transfer Information					
Seller: BELVEDERE TAVERN CORP		Date: 05/21/2015		Price: \$600,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /36207/ 00436		Deed2:	
Seller: REDEL J EDWARD		Date: 03/21/1978		Price: \$80,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05865/ 00934		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015 07/01/2016	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00/0.00 0.00/0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)

District: 09 Account Number: 0918103990



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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0918103991			
Owner Information					
Owner Name:	CP HARFORD LLC		Use:	COMMERCIAL	
Mailing Address:	9508 WISE AVE SILVER SPRING MD 20901-		Principal Residence:	NO	
			Deed Reference:	/36207/ 00436	
Location & Structure Information					
Premises Address:		7812 HARFORD RD 0-0000		Legal Description: 7812 HARFORD RD PARKVILLE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0081	0001	0685		0000	
				Assessment Year:	Plat No:
				2014	0001/0034
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			NONE		
			Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1940	748		2,352 SF	23	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		RESTAURANT			
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		115,000	115,000		
Improvements		95,200	107,200		
Total:		210,200	222,200	218,200	222,200
Preferential Land:		0			0
Transfer Information					
Seller: DOTTERWEICH GERARD B		Date: 05/31/2015		Price: \$600,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /36207/ 00436		Deed2:	
Seller: BELVEDERE TAVERN CORP		Date: 01/27/2006		Price: \$217,800	
Type: NON-ARMS LENGTH OTHER		Deed1: /23295/ 00355		Deed2:	
Seller: REDEL J EDWARD		Date: 03/21/1978		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05865/ 00934		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)

District: 09 Account Number: 0918103991



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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0902207420			
Owner Information					
Owner Name:		CP HARFORD LLC		Use:	COMMERCIAL
Mailing Address:		9508 WISE AVE SILVER SPRING MD 20901-		Principal Residence:	NO
				Deed Reference:	/36207/ 00436
Location & Structure Information					
Premises Address:		7814 HARFORD RD 0-0000		Legal Description:	239 NE TAYLOR AVE PARKVILLE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0081	0001	0685		0000	
				Assessment Year:	Plat No:
				2014	0001/0034
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			NONE		
			Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1940	572		1,850 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		BEAUTY/BARBER SHOP			
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		115,000	115,000		
Improvements		42,900	46,800		
Total:		157,900	161,800	160,500	161,800
Preferential Land:		0			0
Transfer Information					
Seller: DOTTERWEICH GERARD B		Date: 05/21/2015		Price: \$600,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /36207/ 00436		Deed2:	
Seller: BELVEDERE TAVERN CORP		Date: 01/27/2006		Price: \$217,800	
Type: NON-ARMS LENGTH OTHER		Deed1: /23295/ 00355		Deed2:	
Seller: BECK AGNES B		Date: 03/21/1978		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05865/ 00945		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **09** Account Number: **0902207420**

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0907471501			
Owner Information					
Owner Name:	CP HARFORD LLC		Use:	COMMERCIAL	
Mailing Address:	9508 WISE AVE SILVER SPRING MD 20901-		Principal Residence:	NO	
			Deed Reference:	/36207/ 00436	
Location & Structure Information					
Premises Address:	2908 TAYLOR AVE BALTIMORE MD 21234- 0000		Legal Description:	PT LT 9,10,11 147 W HARFORD RD PARKVILLE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0001/0034
0081	0001	0685		0000	9 2014
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				7,130 SF	06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		178,200	178,200		
Improvements		10,400	10,100		
Total:		188,600	188,300	188,300	188,300
Preferential Land:		0			0
Transfer Information					
Seller: DOTTERWEICH GERARD B		Date: 05/21/2015		Price: \$600,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /36207/ 00436		Deed2:	
Seller: TENNANT CRAIG F		Date: 07/23/1982		Price: \$59,989	
Type: ARMS LENGTH IMPROVED		Deed1: /06416/ 00699		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)District: **09** Account Number: **0907471501**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

JB 3/14
1:30 PM

Case No.: 2016-0159-A Hayford Rd.

Exhibit Sheet

Petitioner/Developer

DW
4-18-16

Protestants

sen
3-16-16

No. 1	Aerial photo	
No. 2	Photos of site	
No. 3	Order Case No. 87-291	
No. 4	Easement Agt.	
No. 5	Redline site plan	
No. 6	Ciniero CV	
No. 7	Hearing Outline	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



EXHIBIT
2A



EXHIBIT
2B

IN RE: PETITIONS SPECIAL HEARING * BEFORE THE
 AND VARIANCES *
 NE/S of Taylor Avenue, 107.5' * ZONING COMMISSIONER
 NW of Harford Road (7804-7814 *
 Harford Road and 2908 Taylor * OF BALTIMORE COUNTY
 Avenue) - 14th Election *
 District * Case No. 87-291-SPHA
 Gerard B. Dotterweich, *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests confirmation of the existence of a nonconforming use as a parking lot in a residential zone and, additionally, variances to permit 62 parking spaces in lieu of the required 154 spaces and for parking spaces to be located 4.41 feet from the street property line in lieu of the required 8 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Cicero Brown, a registered architect, testified on his behalf. There were no Protestants.

Testimony indicated that the subject property, located on Harford Road near Taylor Avenue and zoned B.L., is improved with a building constructed prior to 1945 which has contained retail uses continuously and without interruption since that time. The Petitioner purchased an adjoining building containing a carry-out restaurant which has also been used for retail uses since 1945. He proposes to construct an addition to the restaurant existing on the site. Those existing uses do not require compliance with the current parking regulations. In fact, by current standards, all of the uses, including the proposed addition, would require 154 parking spaces. Thirty-five spaces are presently provided, most of which are located on a parking lot to

ORDER RECEIVED FOR FILING

Date January 16, 1987
 BY Shirley L. Lawrence

EXHIBIT

3

tabbles

the rear of and adjacent to the retail uses, which is partially located in a D.R.5.5 Zone. Testimony and evidence further established that this parking lot has existed since 1945 and has been used continuously and without interruption since that time.

The Petitioner wants to provide as much parking as he can and will raze a commercial garage which is located in a B.L. Zone to the rear of the retail uses in order to create four additional spaces. He will also provide additional spaces on E.L.-zoned property which stretches from his northeast property line to Taylor Avenue, adjacent to his retail uses, and continues behind property at the corner of Taylor Avenue and Harford Road, which he does not own. The total number of spaces he can provide, including those in the parking lot, would be 62 spaces. His purpose is to make a good situation better.

Presently, there is no parking problem. There is metered parking on Harford Road and a County parking lot across from the retail uses. Mr. Dotterweich testified that the provision of these public spaces, together with the 35 on-site spaces, has been more than adequate to serve the customers of the existing uses.

The Petitioner seeks relief pursuant to Sections 104.1 and 500.7 and relief from Sections 409.2.b and 409.2.c.(4), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The uncontroverted testimony, which was amply supported, conclusively indicates that the property has been used continuously and without interruption as a parking lot since 1945. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use exists.

The retail uses and accessory parking are also nonconforming for the same reasons. The requested variances simply clarify and attempt to bring the

existing parking situation up to current standards, and more importantly, to enable the Petitioner to add more spaces than presently exist. If the Petitioner did not want to add the 27 spaces proposed, no variances would be required inasmuch as the parking lot within the residential zone, as well as the existing deficient number of available parking spaces, are nonconforming. The retail uses and parking lot began prior to the adoption of any zoning regulations, and therefore, no parking regulations requiring a minimum number of spaces for a commercial use were in effect. Although there is no expansion of the parking lot, the creation of 27 additional spaces requires that the Petitioner seek the variances requested herein.

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

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

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

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the

instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of January, 1987, that a nonconforming use for a parking lot in a residential zone be approved and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, the Petition for Zoning Variances to permit 62 parking spaces in lieu of the required 154 spaces and for parking spaces to be located 4.41 feet from the street property line in lieu of the required 8 feet be and is hereby GRANTED from and after the date of this Order.



Zoning Commissioner of
Baltimore County

AJ/srl

cc: George W. H. Pierson, Esquire

People's Counsel

ORDER RECEIVED FOR FILING

Date January 16, 1987
By [Signature]

MICROFILMED

RLT:

RONALD L. SPAHN, P.A.
5401 TWIN KNOLLS ROAD, SUITE 7
COLUMBIA, MD 21045

0027226 174
NO TITLE SEARCH; NO CONSIDERATION

EASEMENT FOR JOINT PARKING LOT AREA

THIS AGREEMENT made effective as of this 25th day of April, 2008, by and between **Gerard B. Dotterweich**, 9220 Ravenwood Road, Baltimore, MD 21237, owner of the properties known as 2908 Taylor Avenue, 7804 Harford Road, 7812 Harford Road and 7814 Harford Road, Baltimore, Maryland, situate in Baltimore County, (hereinafter referred to as "Owner"), and **Belvedere Tavern Corporation**, a corporation duly organized and existing under the laws of the State of Maryland, owner of the properties known as 7808 Harford Road (including 7806 Harford Road) and 7810 Harford Road, Baltimore, Maryland, in Baltimore County, on which an easement is to be placed (hereinafter referred to as "Corporation").

The parties agree as follows:

1. **Conveyance of Easement.** Owner and Corporation hereby agree to grant and convey a perpetual joint parking easement ("Easement") from the effective date of the recording of the Easement for a parking lot area over and across the properties owned by Owner and the Corporation and described as follows (Exhibit A):

The property of the Corporation is described as:

- (1) Being known as 7808 Harford Road, Baltimore County, Maryland, pursuant to a deed recorded in Liber 5865, folio 945; and
- (2) Being known as 7810 Harford Road, Baltimore County, Maryland, pursuant to a deed recorded in Liber 5865, folio 935.

The property of the Owner is described as:

- (1) Being known as 7804 - 7806 Harford Road, Baltimore County, Maryland, pursuant to a deed recorded in Liber 6972, folio 717; and
- (2) Being known as 7812 and 7814 Harford Road, Baltimore County, Maryland, pursuant to a deed recorded in Liber 23295, folio 355; and
- (3) Being known as 2908 Taylor Avenue, Baltimore County, Maryland, pursuant to a deed recorded in Liber 6416, folio 699.

EXHIBIT

tabbies

4

0027226 175

2. **Consideration.** Corporation and Owner agree each has received good and valuable consideration for this Easement, the reasonableness of which is confirmed by the parties.

3. **Parking Lot Area Use.** "Parking lot area" as used in this Easement means a parking area for motor vehicles on a temporary basis while the driver and/or occupants are using the business or offices located on the Properties (collectively referred to as the "Facilities") of the Corporation and Owner as shown in Exhibit A. This Easement may also be used for parking by the Owner and Corporation, their tenants, employees, agents and invitees for use related to the activities carried on in the facilities. The parking lot may not be used for any other purpose. Owner shall have the right to designate and change from time to time the designation of the parking spaces to building structures or to be open parking.

4. **Construction and Maintenance.** The parking lot area described above shall be constructed and maintained in good repair by Corporation and Owner at their cost and expense in accordance with the attached schedule (Exhibit B). The parking lot area shall be constructed and maintained of the following material: asphalt, asphalt mix or concrete with concrete curb, or any other new approved materials approved by Baltimore County. Striping of the lot shall be done regularly. Appropriate handicap parking shall be set aside. Included in the construction, maintenance and repair are signage. In the event any Federal, State or County laws or regulations require changes in the parking area, those required changes are presumptively approved and all owners and tenants shall share in the costs to implement.

5. The parties may, but are not required to, set up regulations in reference to the Easement.

6. Payments for any expenses, included but not limited to maintenance and repair required by this agreement shall be paid within twenty (20) days of presentation or a late fee of five percent (5%) of payment may be added. All County and State real estate tax shall be paid by the parties on the area of the parking lot known as 2908 Taylor Avenue and 7806 Harford Road. The real estate taxes on the area of the Easement, which is on the Corporation's or Owner's property, except 7806 Harford Road and 2908 Taylor Avenue, remain the sole obligation of the respective owner thereof.

7. **Limitation of Easement.** This Easement is limited to the area shown on Exhibit A. Users of the facilities shall not block the entrance to any building.

8. **Removal Rights.** Owner and the Corporation reserve the right to remove vehicles in the Easement, which are parked overnight or when the driver and/or passenger are not using the Facilities as allowed herein.

9. **Responsibilities.** Any damages caused by either the Owner or the Corporation, its tenants, guests, invitees, agents, servants or employees, shall be the responsibility of the entity and the person connected therewith.

10. **Notices.** Any notice provided for or concerning this Agreement shall be in writing and be deemed sufficiently given when sent by certified or registered mail if sent to the respective address of each party as set forth at the beginning of this Agreement or such later address. Either party, by written notice to the other, may change its address to which notices are to be sent.

11. **Arbitration.** Any disputes shall be resolved by arbitration under the auspices of the American Arbitration Association or its successor. There shall be a single arbitrator who has

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general knowledge in the construction and maintenance field. Any judgment award shall include monetary damages, interest, costs, attorney's fees and expert expenses.

12. **Governing Law.** It is agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Maryland.

13. **Modification of Agreement.** Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party, except as set out herein at Paragraph 4.

14. **No Waiver.** The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

15. **Attorney Fees.** In the event that any action is filed in relation to this Agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorney's fees.

16. **Easement to Run with Land.** This grant of easement shall run with the land and is perpetual except as NOTED HEREIN and shall be binding on and shall inure to the benefit of the parties to this Agreement, their respective heirs, successors, or assigns.

17. The easement herein is subject to all easements, right of ways or restrictions applicable to the property, which are on record in the Land Records of Baltimore County, Maryland.

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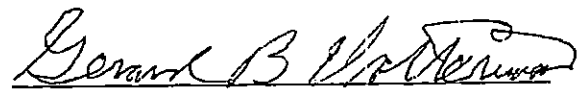
18. **Paragraph Headings.** The titles to the paragraphs of this Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Agreement.

19. **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed on the day and year first above written.

WITNESS:



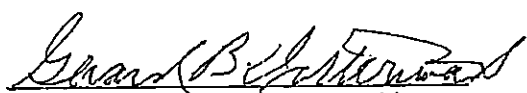

Gerard B. Dotterweich

("Owner")

ATTEST:

Belvedere Tavern Corporation, a Maryland corporation


LISA LEONARD

By: 
Gerard B. Dotterweich, President

("Corporation")

0027226 1791

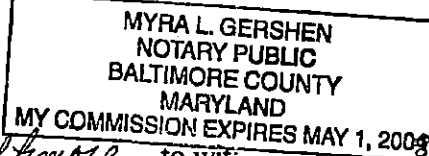
STATE OF MARYLAND, ~~CITY~~/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 25th day of April, 2008, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared **Gerard B. Dotterweich**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing to be his act, and in my presence signed and sealed same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Myra L. Gershen
Notary Public

My commission expires: 5/1/2008



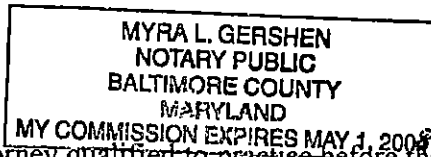
STATE OF MARYLAND, ~~CITY~~/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 25th day of April, 2008, before me, the subscriber, a Notary Public of the State and City/County aforesaid, personally appeared **Gerard B. Dotterweich**, known to me, or satisfactorily proven to be, and who acknowledged himself to be the President of **Belvedere Tavern Corporation** and that being authorized so to do, he executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Myra L. Gershen
Notary Public

My commission expires: 5/1/2008



THIS INSTRUMENT was prepared by an attorney qualified to practice before the Maryland Court of Appeals.

R

Ronald L. Spahn, Esquire

Easement for Joint Parking Area, Gerard B. Dotterweich, 2-08

RLT:
RONALD L. SPAHN, P.A.
5401 TWIN KNOLLS ROAD, SUITE 7
COLUMBIA, MD 21045

0027226 180

CONSENT TO PARKING EASEMENT

THIS CONSENT TO PARKING EASEMENT made this 24th day of July,
2008:

WHEREAS, **PROVIDENT BANK OF MARYLAND** has deeds of trust on the properties described below pursuant to a Deed of Trust, Assignment and Security Agreement recorded among the Land Records of Baltimore County in Liber 12026, folio 172, and an Indemnity Deed of Trust recorded in Liber 12026, folio 209:

- (1) Being known as 7808 Harford Road, Baltimore County, Maryland, pursuant to a deed recorded in Liber 5865, folio 945;
- (2) Being known as 7810 Harford Road, Baltimore County, Maryland, pursuant to a deed recorded in Liber 5865, folio 935;
- (3) Being known as 7804 and 7806 Harford Road, Baltimore County, Maryland, pursuant to a deed recorded in Liber 6972, folio 717;
- (4) Being known as 7812 and 7814 Harford Road, Baltimore County, Maryland, pursuant to a deed recorded in Liber 23295, folio 355; and
- (5) Being known as 2908 Taylor Avenue, Baltimore County, Maryland, pursuant to a deed recorded in Liber 6416, folio 699.

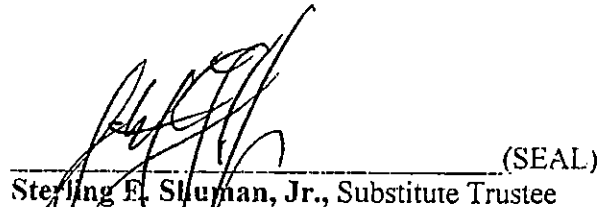
WHEREFORE, **Provident Bank of Maryland** hereby consents to be governed by the parking easement serving 2908 Taylor Avenue and 7804 thru 7814 Harford Road, Baltimore County, Maryland.

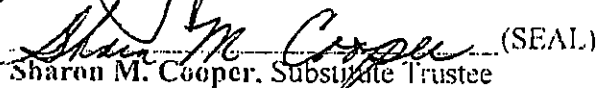
This Consent to Parking Easement does not create any partnership, joint venture, or any other relationship between **Provident Bank of Maryland** and **Belvedere Tavern Corporation** and **Gerard Dotterweich**.

WITNESS.





 (SEAL)
Sterling E. Shuman, Jr., Substitute Trustee

 (SEAL)
Sharon M. Cooper, Substitute Trustee

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ATTEST:

Provident Bank of Maryland, Beneficiary

By: _____

Name: _____

Title: _____

(SEAL)

STATE OF MARYLAND,

CITY/COUNTY OF Carroll, to wit:

I HEREBY CERTIFY that on this 24 day of July, 2008, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared **Sterling E. Shuman, Jr.**, Substitute Trustee, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Consent, Subordination and Joinder to be his act and deed, and in my presence signed and sealed same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Kimberly L. Colvin
Notary Public

My commission expires: 5/19/12

Kimberly L. Colvin
Notary Public
Carroll County, MD
Com. Exp. 5/19/12

STATE OF MARYLAND,

CITY/COUNTY OF Carroll, to wit:

I HEREBY CERTIFY that on this 24 day of July, 2008, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared **Sharon M. Cooper**, Substitute Trustee, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Consent, Subordination and Joinder to be her act and deed, and in my presence signed and sealed same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Kimberly L. Colvin
Notary Public

My commission expires: 5/19/12

Kimberly L. Colvin
Notary Public
Carroll County, MD
Com. Exp. 5/19/12

0027226 1821

STATE OF MARYLAND.

CITY/COUNTY OF Carroll, to wit:

I HEREBY CERTIFY that on this 24 day of July, 2008, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Sterling E. Chuman who acknowledged himself/herself to be the SVP of **PROVIDENT BANK OF MARYLAND**. Beneficiary, and that he/she, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein stated, and acknowledged the foregoing Consent, Subordination and Joinder to be his/her act and deed, and in my presence signed and sealed same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Kimberly L. Colvin
Notary Public

My commission expires: 5/19/12

Kimberly L. Colvin
Notary Public
Carroll County, MD
Com. Exp. 5/19/12

THIS INSTRUMENT was prepared by an attorney qualified to practice before the Maryland Court of Appeals.

Ronald L. Spahn
Ronald L. Spahn

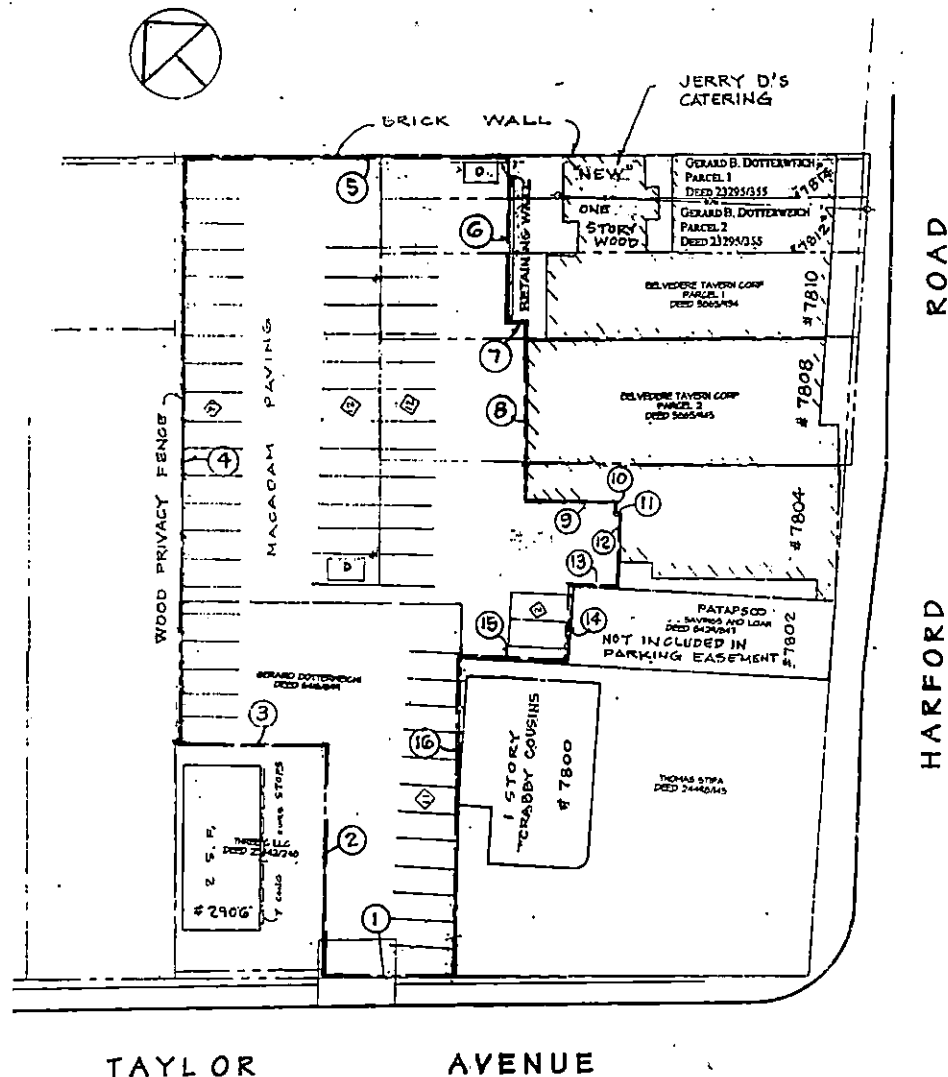
Consent to Parking Easement

EXHIBIT B

Address	Percentage
7804/7806	27.3
7808	47.8
7810	14.9
7812	5.7
7814	4.3
Total	100.0%

THE PROPERTY AND EASEMENTS SHOWN ARE SUBJECT TO ANY AND ALL AGREEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW. A TITLE REPORT WAS NOT FURNISHED FOR THIS PLAT.

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EXHIBIT A



EASEMENT OUTLINE:

BEARING	DISTANCE
N 50 9 44.0 W	40.07
N 39 59 3.0 E	69.98
N 50 2 17.0 W	45.02
N 41 21 33.0 E	179.37
S 49 33 5.0 E	98.18
S 41 5 12.0 W	49.52
S 48 54 48.0 E	5.65
S 40 40 12.0 W	55.21
S 49 19 48.0 E	27.52
S 40 40 12.0 W	3.81
S 49 19 48.0 E	1.50
S 40 40 12.0 W	23.74
N 45 11 10.0 W	14.08
S 44 48 50.0 W	24.72
N 45 39 39.0 W	32.59
S 40 53 46.0 W	95.30

AREA: 21,972 Sq. Ft. 0.504 Ac.*

LEGEND:

PARKING EASEMENT OUTLINE —————

PROPERTY LINES —————

EXISTING FOOTPRINT OF BUILDINGS: ————

GROUPS OF PARKING SPACES: (12)

PLAT TO ACCOMPANY DEED FOR THE
PARKING EASEMENT SERVING
7804 TO 7814 HARFORD ROAD
BALTIMORE COUNTY, MARYLAND,

Scale: Reduced to Fit Deed Exhibit

MAY 29, 2008

Prepared by:
H. Malmud & Associates, Inc.
12018 Ridge Valley Drive
Owings Mills, Maryland 21117
Telephone 410 308-0442

0027226 185

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	☐ Check Box If addendum Intake Form is Attached:		FD SURE \$ 28.00 RECORDING FEE 75.00 TOTAL 103.00	
		☐ Deed	☐ Mortgage	☒ Other Easement	Other
		☐ Deed or Trust	☐ Lease	☒ Joint Parking	
2	Conveyance Type Check Box	☐ Improved Sale	☐ Unimproved Sale	☐ Multiple Accounts	☐ Not an Arms-Length Sale (9)
3	Tax Exemptions (if Applicable)	Recordation: ☐ State Transfer: ☐ County Transfer: ☐			
4	Consideration and Tax Calculations	Consideration Amount:		Finance Office Use Only	
		Purchase Price/Consideration	\$	Transfer and Recordation Tax Consideration	\$
		Any New Mortgage	\$	Transfer Tax Consideration	\$
		Balance of Existing Mortgage	\$	Exemption Amount: \$	\$
		Other:	NO CONSIDERATION	Total Transfer Tax	\$
		Other:	\$	Recordation Tax Consideration	\$
		Full Cash Value:	\$	(\$ per \$500 =	\$
				TOTAL DUE	\$
5	Fees.	Amount of Fees		Doc. 1	Doc. 2
		Recording Charge	\$	75.00	\$
		Surcharge	\$	20.00	\$
		State Recordation Tax	\$		\$
		State Transfer Tax	\$		\$
		County Transfer Tax	\$		\$
		Other	\$		\$
		Other	\$		\$
6	Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map
	SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).				
		Subdivision Name	Lot (3a)	Block (3b)	Section/AR (3c)
		Location/Address of Property Being Conveyed (2)			Parcel No.
		7804-7806, 7808, 7810, 7812, 7814 Harford Rd., 2908 Taylor Ave., Balt., MD			Var. LOG
		Other Property Identifiers (if applicable)			□ (5)
		Water Meter Account No.			
		Residential ☐ or Non-Residential ☐	Fee Simple ☐ or Ground Rent ☐	Amount:	
		Partial Conveyance: ☐ Yes ☐ No	Description/Amt. of SqFt/Acreage Transferred:		
		If Partial Conveyance, List Improvements Conveyed:			
7	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)	
		Gerard B. Dotterweich "Owner"			
		Belvedere Tavern Corp. "Corporation"			
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)	
8	Transferred To	Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)	
		New Owner's (Grantee) Mailing Address			
		9220 Ravenwood Road, Baltimore, MD 21237			
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)	
10	Contact/Mail Information	Instrument Submitted By or Contact Person		☒ Return to Contact Person	
		Name: Ronald L. Spahn		☐ Hold for Pickup	
		Firm: Spahn and Broda		☐ Return Address Provided	
		Address: 5401 Twin Knolls Road, Suite 7			
		Columbia, MD 21045 Phone: (410) 992-9700			
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER				
	Assessment Information	Yes ☒ No Will the property being conveyed be the grantee's principal residence?			
		Yes ☒ No Does transfer include personal property? If yes, identify:			
		Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).			
		Assessment Use Only - Do Not Write Below This Line			
		Terminat Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification ☐			
		Transfer Number: 201-1-2 Date Received: 201-1-2 Deed Referenced: Assigned Property No.:			
		Year: 201-1-2	Geo: 201-1-2	Map: 201-1-2	Block: 201-1-2
		Land: 201-1-2	Zoning: 201-1-2	Sub: 201-1-2	Lot: 201-1-2
		Buildings: 201-1-2	Use: 201-1-2	Director of Budgetary Services	Occ. Cd.:
		Total: 201-1-2	Town Cd.:	BALTIMORE COUNTY, MARYLAND	
	REMARKS:				
		COUNTY TRANSFER TAX			
		Per: [Signature]			
		ART 11 TITLE 3			
		SUBTITLE 2, 11-3-202			
		COUNTY TRANSFER TAX			
		Per: [Signature]			
		T.P. ART 12-108			
		Date: 8-1-08			

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 27226, p. 0185, MSA_CE62_27081. Date available 08/07/2008. Printed 11/19/2014.

Space Reserved for County Validation

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Budgetary Services
Goldenrod - Preparer
AOC (see 11-3-202)



Geoffrey L. Ciniero, P.E.
President

EDUCATION: Bachelor of Science in Civil Engineering, July 1987
Clemson University, Clemson South Carolina

PROFESSIONAL

REGISTRATION: Professional Engineer – Maryland, Virginia,
Pennsylvania, New Jersey, Delaware,
District of Columbia, West Virginia

PROFESSIONAL

EXPERIENCE: 29 Years Total Experience

PROFESSIONAL SUMMARY:

Mr. Ciniero is President of CMS Associates LLC and has over twenty nine years of experience in the design and construction industry. Mr. Ciniero has experience as an engineering project manager, office manager, expert witness, and designer for office, industrial, institutional and residential land development, as well as public, military and institutional projects. His responsibilities include overall management and design of civil engineering projects. His past assignments include schematic and final design, stormwater management grading and utility design, zoning analysis, preparation and review of plans and specifications, earthwork and feasibility studies, site analysis, construction inspection and review of environmental and geotechnical investigations. Mr. Ciniero has extensive experience in design/build projects as well as value engineering.

REPRESENTATIVE PROJECT EXPERIENCE

PRIVATE SECTOR PROJECTS:

Twinbrook Commons, Montgomery County, MD – Managed and designed site drawings for a 325,000sf office, 1,595 unit residential and retail mixed development.

White Flint Crossing, Montgomery County, MD – Managed and designed site drawings for a 24 story mixed use 440 unit residential, 223,000sf commercial development with underground parking. Design included bioretention facilities.

Rock Spring Park, Montgomery County, MD – Managed and designed office buildings, garages and road network for a 40 acre office park. This design included, water, sewer, storm and stormwater management, including bioretention design.

Site Analysis * Planning * Engineering * Project Management

4925 Ellis Lane * Ellicott City, MD 21043 * (410) 988-2436
www.cms-engineering.net

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Lee Airport, Anne Arundel County, MD – Managed and designed site drawings for a 24 acre residential and commercial development adjacent to a municipal airport. This project included infiltration and bioretention design.

Arundel West, Anne Arundel County, MD - Managed and designed site drawings for two warehouse sites. Design included water, sewer, grading, storm water management, as well as design around existing wetlands and floodplain.

Asbury Villas North, Gaithersburg, MD - Managed site design of grading, sediment control, water, sewer and storm drain for a new 43 duplex unit development including a roadway network and stormwater management at the Asbury Methodist Village Community. This project included stormwater management infiltration and recharge design.

Asbury Drive and Fellowship Circle, Gaithersburg, MD - Managed road/storm drain design of an interior road system for the Asbury Methodist Village Community. This project included stormwater management analysis.

Asbury Assisted Living Building I, Gaithersburg, MD - Managed site design of grading, sediment control, water, sewer and storm drain for a new 6 story building and parking lots at the Asbury Methodist Village Community. This project included stormwater management analysis.

Riverside, Riverdale, MD - Managed design of 200 acre commercial development. Provided civil engineering for all site work, utilities, storm water management, sediment control, site inspection, and cost estimation.

McDonald's Restaurants, East Coast – Managed and designed the reconfiguration of multiple drive thru sites within Maryland, Virginia, Washington, DC, Delaware, West Virginia and Pennsylvania.

Archdiocese of Washington, Washington, DC – Managed and designed the design of stormwater management, site grading and utilities for an addition to the existing facility on Taylor Street.

PUBLIC SECTOR PROJECTS:

Enid A. Haupt Gardens, Smithsonian Institution, Washington, DC - Managed design and demolition of rehabilitation of walkways and drainage system. Provided cost estimates, special construction details, specifications, and site observation.

Ripley Gardens, Smithsonian Institution, Washington, DC- Managed design and demolition of rehabilitation of walkways and drainage system. Provided cost estimates, special construction details, specifications, and site observation.

American Indian Museum, Smithsonian Institution, Washington, DC- Level I engineering study. Provided utility, grading, and parking information/feasibility study.

American Indian Museum Support Site, Smithsonian Institution, Suitland, MD
Level I engineering study. Provided utility, grading, and parking information/feasibility study.

Janes Island State Park, Somerset County, MD - Managed site design of a day use expansion for a state park within non-tidal wetlands. Coordinated design of electrical engineer.

Assateague State Park, Worcester County, MD - Managed site design of an interior camp loop road and camp pads. Design included working within the flood plain and coordinating design of electrical engineer.

U.S. Navy Section 802 Housing, Cheltenham, MD - Feasibility research and preliminary design of water, sewer, and stormwater management for a 37 acre townhouse/apartment subdivision. Included cost estimates and all utilities.

Patuxent River Naval Station, Patuxent River, MD - Conceptual design and cost analysis of storm drain, stormwater management, water, sewer, and grading for site.

Bolling Air Force Base Housing, Washington, DC - Managed site design of a 123 unit, design build project. Design included grading, sediment control, storm drain, stormwater management, road design, and water and sewer.

JNCO Family Housing, Fort Meade, MD - Managed site design of a new townhouse community for base housing.

Nyumburu Cultural Center, College Park, MD - Managed site design of site plans, storm drain, sediment control, water and sewer plans for design/build project at the University of Maryland.

Andrews Air Force Base, Maryland – Performed a base wide feasibility study for storm drain, water, sewer, and stormwater management.

Kehoe Field, Soccer Stadium, College Park, MD. – Full construction design as a design build project including grading and utilities.

Bowie State University, Bowie, MD – Drainage feasibility study

ATF Facility, Martinsburg, WV – Complete energy retrofit for the entire facility, including geothermal wells, parking lot re-configuration, construction phasing and erosion and sediment control.

Warriors in Training, Ft. Belvoir, VA. - Value engineering review for the entire project.

Graduate Gardens, College Park, MD. – Managed and designed waterline upgrades for eight university apartment buildings.

University Hills, Hyattsville, MD. – Managed and designed waterline upgrades for seven university apartment buildings.



ROSENBERG | MARTIN | GREENBERG, LLP

25 South Charles Street, Suite 2115 Baltimore, Maryland 21201-3305 410-727-6600

BALTIMORE COUNTY ZONING HEARING OUTLINE

7804-7814 HARFORD ROAD

MARCH 14, 2016

2016-159-A

I. INTRODUCTION

1. Caroline Hecker and Justin Williams – Rosenberg Martin Greenberg, LLP
2. Kevin Gunthert – CPHarford, LLC (Applicant)
3. Geoffrey Ciniero – CMS Associates, LLC (Professional Engineer)
4. This is an application for a parking variance to allow 53 parking spaces for restaurant uses in multiple and adjacent storefronts, in lieu the required 243 spaces.
 - i. *This is a minor change from the initial request, which incorrectly requested the variance in lieu of the required 275 spaces.*
 - ii. *We will submit a Red-Lined Site Plan that corrects the record.*
5. Property Information:
 - i. Zoning Classification: B.L.-CCC and D.R. 5.5
 - ii. The Property consists of six parcels totaling 34,514+/- SF at the northwest corner of the intersection of Harford Road and Taylor Avenue in the Parkville neighborhood of Baltimore County (hereinafter, the parcels will be collectively referred to as the Property).
 1. 7804 Harford Road
 2. 7808 Harford Road
 3. 7810 Harford Road
 4. 7812 Harford Road
 5. 7814 Harford Road
 6. 2908 Taylor Avenue
 - iii. Note that all of the individual properties are owned by CPHarford, LLC except for 7808 Harford Road (Jerry's D's).

EXHIBIT

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II. Existing Conditions

1. The Property is located at the northwest corner of the intersection of Harford Road and Taylor Avenue in the heart of old Parkville. The immediate area is a long established commercial/business town center that is designated as a Baltimore County Commercial Revitalization Area.

- i. **Exhibit 1 – Aerial Photo**

2. The Property is improved with multiple adjoining buildings that were all constructed prior to the adoption of the first zoning regulations in Baltimore County in 1945.

- i. **Exhibit 2A – Photograph of front of Property (Harford Rd.)**

- ii. **Exhibit 2B – Photograph of side of Property (Taylor Ave.)**

3. The Property has contained retail and restaurant uses since prior to 1945. Jerry D's Saloon, at 7808 Harford Road, is a local institution and has been at this location since at least the 1970s.
4. Property is subject to variance approval in Case No. 87-291-SPHA, which granted approval to provide 62 spaces in lieu of the required 154 spaces. At the time, the mix of uses included retail, apartment, meeting, and restaurant space.

- i. **Exhibit 3 - Case No. 87-291-SPHA**

5. The Applicant acquired the Property (except Jerry's D Saloon at 7808 Harford Rd.) in early 2015, and discovered that because of wider drive-aisles and striping that differs from the site plan in the 1987 zoning case, the accessory parking lot now contains 53 parking spaces in lot.
6. Each of the parcels that comprise the Property is subject to a perpetual joint parking easement providing for the shared use of the spaces.

- i. **Exhibit 4 – Easement for Joint Parking Lot Area**

- ii. *Note: the portion of the parking lot located in the D.R.5.5 zoned area is permitted when located in a commercial revitalization district per BCZR § 409.8.B3.*

III. Proposed Conditions

1. The Applicant has recently acquired a majority of the storefronts that comprise the Property and is actively seeking to fill the space with restaurant operators to help promote a healthy business district and restore vitality to the major intersection.

2. The Applicant is in lease negotiations with a restaurant for the space at 7810 Harford Road with an existing location in the City to open a second location at the Property, and is diligently marketing the other available space to other restaurant operators.
3. The parking requirement for standard restaurants is 16 per 1,000 SF of gross floor area (243 spaces). While the 1987 variance approval allowed for a mix of uses that included some restaurant and retail, to have the maximum flexibility in tenants, as indicated on the Site Plan, the Applicant is seeking approval at this time to use the entire leasable space for restaurant uses as a conservative estimate of the number of parking spaces required in order to avoid having to return to obtain zoning relief each time a new restaurant tenant is signed on to operate.
 - i. *Note: the initial site plan incorrectly identified 7802 Harford Road as included in the boundary of the subject property.*
 - ii. *As a result, the parking calculation was based on a larger floor area and resulted in an off-street parking requirement for restaurant uses of 275 spaces.*
 - iii. **Exhibit 5 – Redlined Site Plan**
4. Notably, in the Arbutus, Catonsville, and Pikesville Commercial Revitalization Districts, the Zoning Regulations only require restaurants to park at 5 per 1,000 SF (76 spaces) when there is over \$100,000 of investment in interior and exterior space. The Applicant anticipates each restaurant tenant undertaking over \$100,000 in capital improvements to upgrade the space. It just happens that restaurants in the Parkville Commercial Revitalization Districts are unable to take advantage of the parking reduction available in other older areas of the County.

IV. Requested Zoning Relief

1. Variance from § 409.6.A to permit 52 parking spaces in lieu of the required 243 parking spaces for fast-food and standard restaurants.

V. Community/Government Outreach

1. The Applicant has shared its plans with the Parkville Carney Business Association, the Parkville Community Association, and Councilwoman Cathy Bevins. We also met with the Director and other representatives of the Department of Planning. There have been no objections to our request, and our proposal to take the first step to revitalize the core of the Parkville main street community generally has been received favorably.

VI. Variance – Legal Standards

1. The Site Plan was prepared by Geoff Ciniero, a licensed professional engineer and an expert in the application of the Baltimore County Zoning Regulations. He

would testify that the property meets the standard for granting a variance under Section 307.1 of the Baltimore County Zoning Regulations.

i. **Exhibit 6 – Ciniero, C.V.**

2. Legal Standard: Section 307.1 authorizes the Administrative Law Judge to “grant variances from height and area regulations ... and from sign regulations ... in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.
3. Uniqueness:
 - i. The L-shape of the Property is unique. The buildings, which front Harford Road and will remain in place, were constructed prior to 1945, and the only access to the parking area is from the rear. This style of development, featuring buildings with no front yard setback, while common in urban environments, is less common in Baltimore County.
4. Practical Difficulty or Hardship:
 - i. The irregular shape and size of the subject property, combined with the size and location of existing structures that pre-date the Zoning Regulations, create a practical difficulty in establishing new uses on the Property. The proposed standard/fast-food restaurants cannot be added to the Property without the requested parking variance. The number of parking spaces required for restaurants on-site is somewhat arbitrary as restaurants in other Baltimore County Commercial Revitalization Areas (e.g., Pikesville) is only 5 per 1,000 SF. The parking required for restaurants at the Property, which is located along a walkable main street-type corridor, is the same as is required at a shopping center in Hunt Valley. Without the parking variance, the space will remain unleaseable and the Property will detract from the Revitalization Area.
5. Spirit and Intent:
 - i. The granting of these variances is in harmony with the purpose of the Zoning Regulations, as they will promote the health, security, comfort, convenience, orderly development and other aspects of the general welfare of the community by permitting the Applicant to bring in quality restaurant operators to the community, promote walkability, and promote a healthy business district. This will improve the general welfare of the neighborhood.

6. Without Injury to Public Health, Safety, and General Welfare:

- i. As demonstrated by the community support, the granting of the variances will not cause any injury to the public health, safety, or general welfare. Metered parking is available along Harford Road and a large public parking lot is available immediately across the street. Moreover, the peak hours of traffic to restaurants do not conflict with peak hours of traffic on Harford Road.

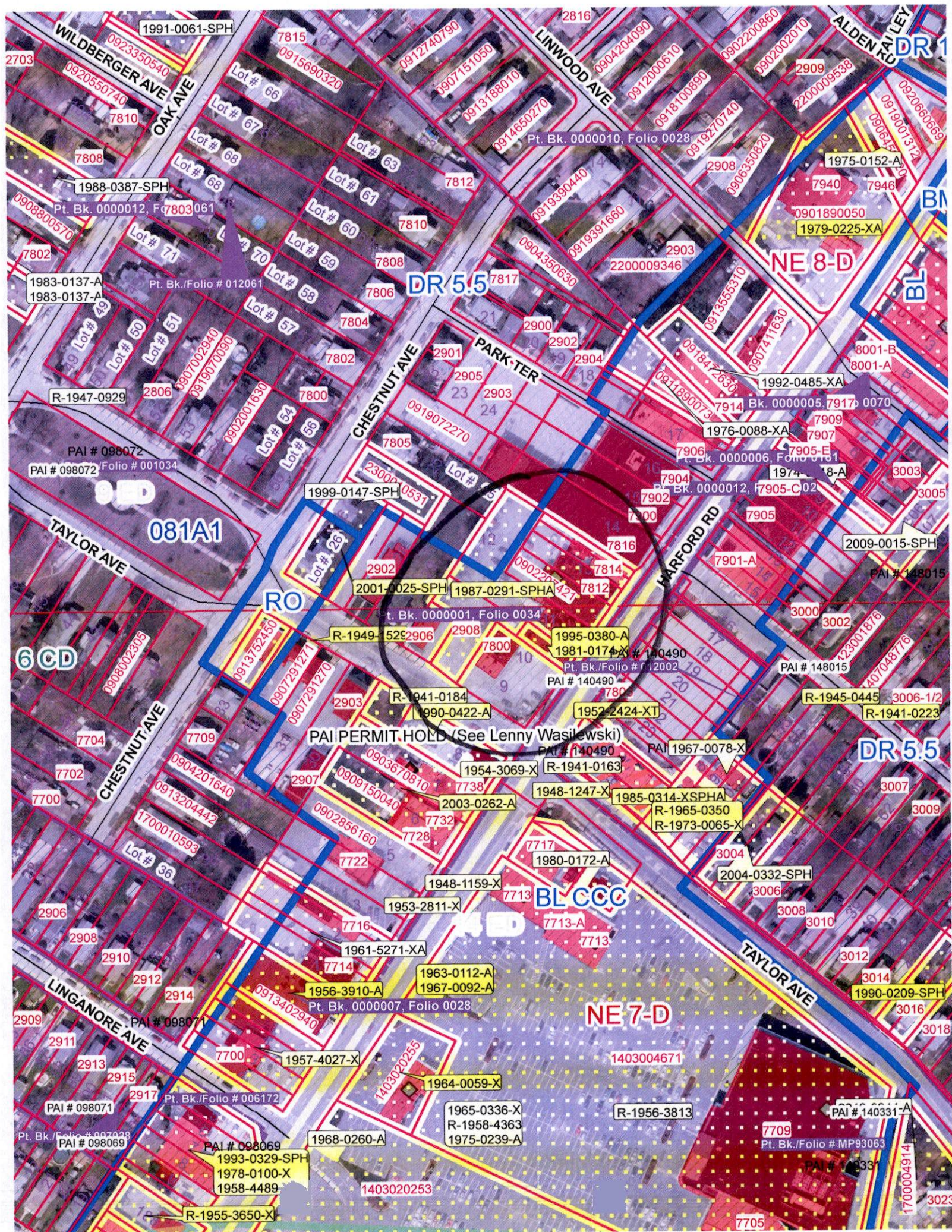
VII. CONCLUSION

For these reasons, we respectfully request that the special hearing relief and variances be granted.

- i. **Exhibit 7 – Hearing Outline**

4812-1570-8718, v. 2







My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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2016-0159-4



7804-7814 Harford Road

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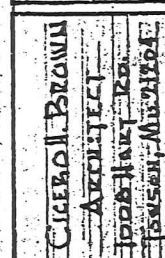


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Printed 3/11/2016

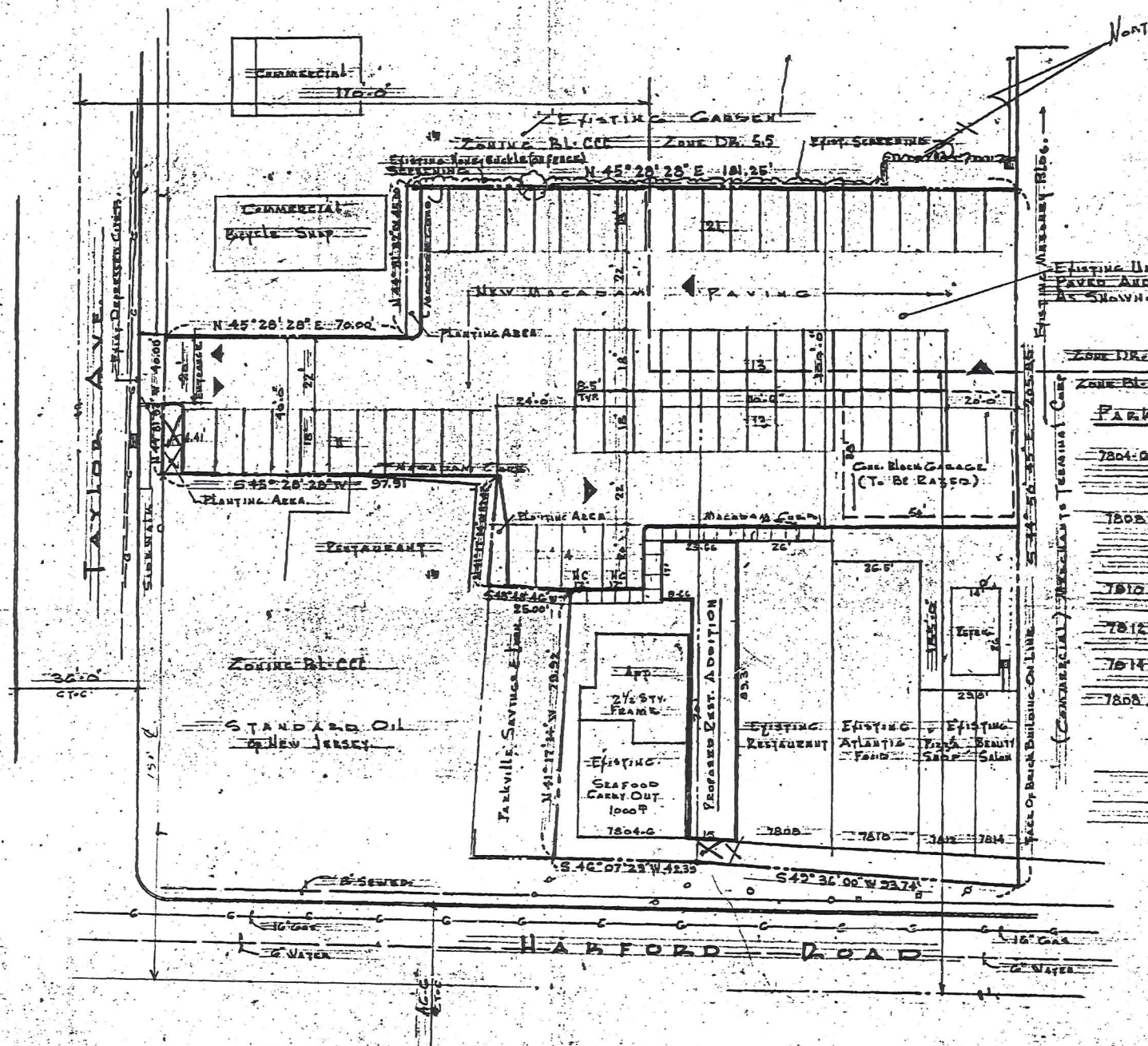
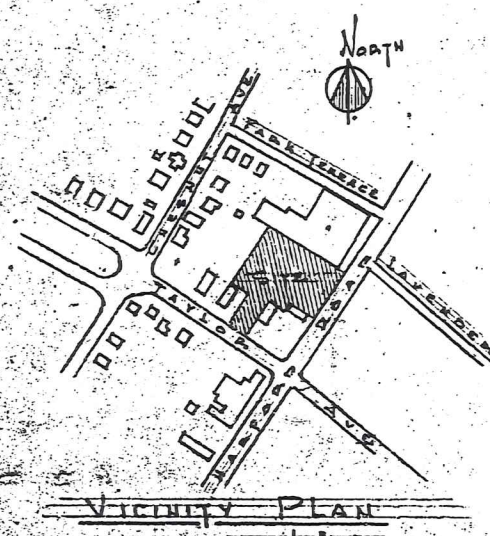
EXHIBIT

1



AT FOR ZONE VARIANCE SPECIAL HEARING FOR NON-CONFORMING
ZONING AREA. ADDITION TO JERRY D'S RESTAURANT
GELARD B. DOTIER, VEICH - OWNER

PARKING REQUIREMENTS			
7804-A	1000 S.F. RETAIL (200)	5	SPACES
	RETAIL APARTMENT	2	
	PARTIAL BSM. STORAGE	0	
7808	1000 S.F. RETAIL (200)	5	SPACES
	BSM. 1800	15	SPACES
	200 MEETING RM. (50)	1	SPACE
	200 OFF. STAIRS (50)	0.5	
7810	1000 S.F. RETAIL (200)	5	SPACES
	BSM. 350	1	SPACE
7812	1000 S.F. RETAIL (200)	5	SPACES
	BSM. 210	1	SPACE
7814	1000 S.F. RETAIL (200)	5	SPACES
	BSM. 150	1	SPACE
7808 Addition To Jerry D. Restaurant	1000 S.F. RETAIL (200)	5	SPACES
	BSM. 112	1	SPACE
	200 MEETING RM. (50)	1	SPACE
	200 OFF. STAIRS (50)	0.5	
	350	1	SPACE
TOTAL SPACES REQUIRED			54
NO. OF SPACES PROVIDED			62
VARIANCE REQUESTED			32



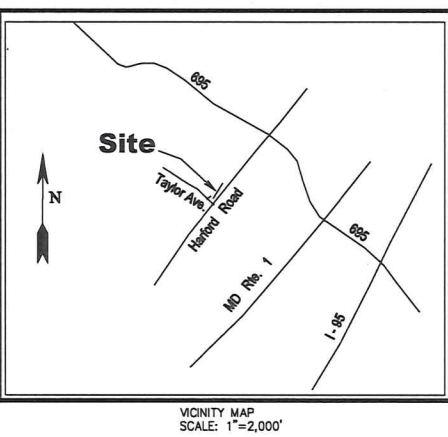
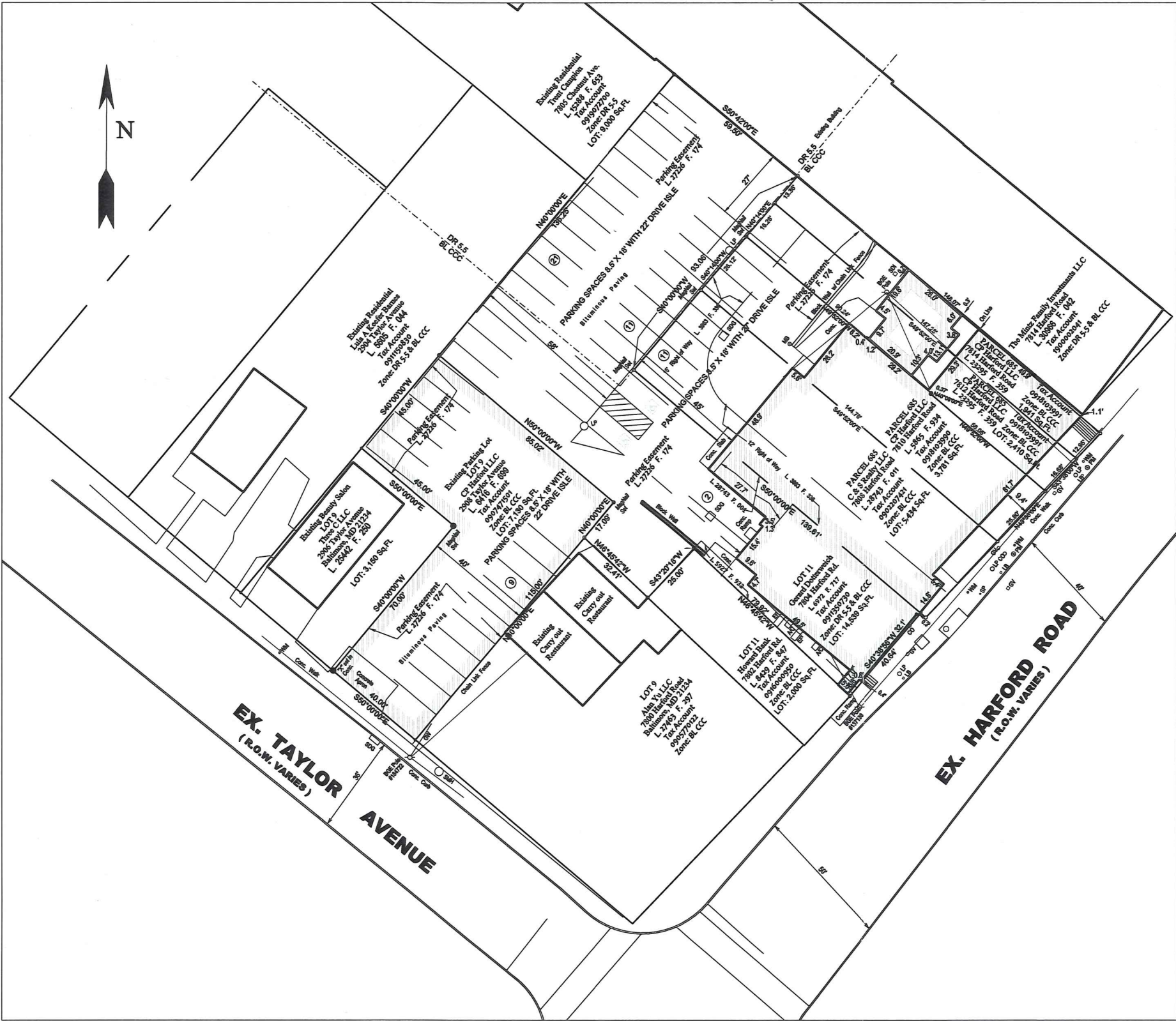
PROPERTY PLAT
Scale 1"=70.0'

~~PLAN FOR VARIANCE/SPECIAL~~
~~HEARING FOR NON-CONFORMING~~
~~PARKING AREA~~

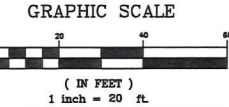
**PETITIONER'S
EXHIBIT** _____

PROPERTY PLAT
PARKING
LAYOUT
Proj. No. 4501
DATE: 15 FEB 66
SCALE: 1"=25.0'
LAST REV. B-11/66
DRAWING NO.
A-1:

MICROFILMED



- GENERAL NOTES:**
- TAX MAP: 00B1
 - ELECTION DISTRICT: 9
 - COUNCILMANIC DISTRICT: 6
 - REGIONAL PLANNING DISTRICT: PARKVILLE
 - WATERSHED: BACK RIVER
 - RIVER BASIN NAME: PATAPSCO RIVER
 - SUBSHED NAME: STEMMERS RUN
 - ZONING:
- | | |
|------------------|-----------------|
| 2808 TAYLOR AVE: | BL CCC |
| 7802 HARFORD RD: | BL CCC & DR 5.5 |
| 7804 HARFORD RD: | BL CCC |
| 7808 HARFORD RD: | BL CCC |
| 7810 HARFORD RD: | BL CCC |
| 7812 HARFORD RD: | BL CCC |
| 7814 HARFORD RD: | BL CCC |
- 9. BUILDING AREAS:**
- | | |
|------------------|------------------|
| 7802 HARFORD RD: | 2,000 SF |
| 7804 HARFORD RD: | 2,469 SF |
| 7808 HARFORD RD: | 7,997 SF |
| 7810 HARFORD RD: | 2,602 SF |
| 7812 HARFORD RD: | 1,390 SF |
| 7814 HARFORD RD: | 730 SF |
| TOTAL | 47,488 SF |
- 10. USE:**
- | | |
|------------------|------------|
| 7802 HARFORD RD: | RESTAURANT |
| 7804 HARFORD RD: | RESTAURANT |
| 7808 HARFORD RD: | RESTAURANT |
| 7810 HARFORD RD: | RESTAURANT |
| 7812 HARFORD RD: | RESTAURANT |
| 7814 HARFORD RD: | RESTAURANT |
- 11. BUILDING SETBACKS:**
- FRONT: 10 FEET FROM PROPERTY
- SIDE: INTERIOR: ZERO OR 10 FEET FROM RESIDENTIAL
- REAR: 20 FEET FROM PROPERTY
- 12. PARKING SPACES:**
- REQUIRED - (16 SP / 1,000 SF) - **243 SPACES**
- PROPOSED - 53 SPACES REAR PARKING LOT SPACES
10 SPACES ALONG HARFORD ROAD (METERED)
- 13. ZONING HISTORY:**
- 1987-0291-SPHA - APPROVED 62 PARKING SPACES IN LIEU OF THE REQUIRED 154 SPACES. ADDITIONALLY PARKING SPACES 4.41 FEET FROM THE STREET PROPERTY IN LIEU OF THE REQUIRED 8 FEET
- 14. COMMERCIAL PERMITS:** None Current
- 15. THE SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREAS.**
- 16. BUSINESS PARKING IS PERMITTED IN A RESIDENTIAL ZONE WHEN LOCATED IN A COMMERCIAL REVITALIZATION DISTRICT PER BCZR SECTION 409.8.B3 IF THERE IS AN EXISTING PARKING FACILITY.**
- 17. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL AND PUBLIC STREETS.**



CMS Associates LLC

4925 Ellis Lane
Ellicott City, Maryland 21043
Tel. (410) 988-2436
Contact: Geoffrey L. Ciniero, PE
www.cms-engineering.net

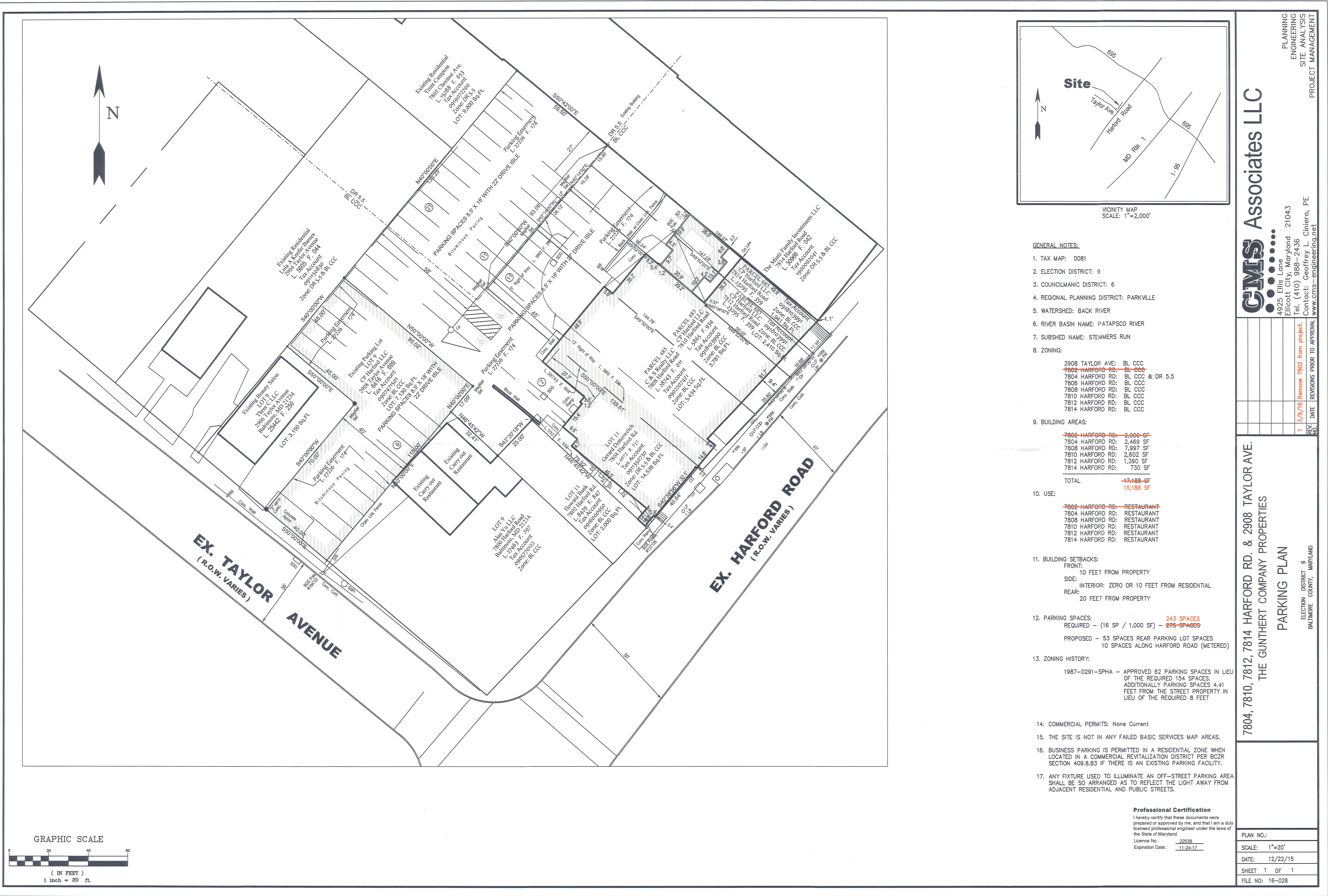
PLANNING
ENGINEERING
SITE ANALYSIS
PROJECT MANAGEMENT

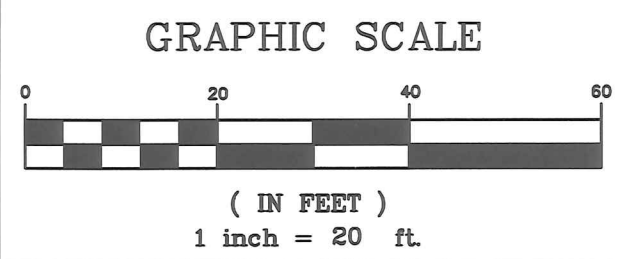
7804, 7810, 7812, 7814 HARFORD RD. & 2808 TAYLOR AVE.
THE GUNTHER COMPANY PROPERTIES

PARKING PLAN

ELECTION DISTRICT 9
BALTIMORE COUNTY, MARYLAND

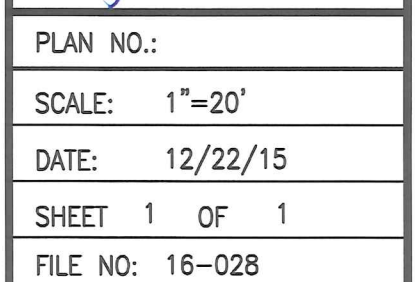
EXHIBIT
5 (copy)
full site plan
to be submitted





9. BUILDING AREAS:
- | | |
|------------------|-----------|
| 7802 HARFORD RD: | 2,000 SF |
| 7804 HARFORD RD: | 2,469 SF |
| 7808 HARFORD RD: | 7,997 SF |
| 7810 HARFORD RD: | 2,602 SF |
| 7812 HARFORD RD: | 1,390 SF |
| 7814 HARFORD RD: | 730 SF |
| <hr/> | |
| TOTAL | 17,188 SF |

- Professional Certification**
- I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
- Licence No.: 22538
- Expiration Date.: 11-24-17



7804, 7810, 7812, 7814 HARFORD RD. & 2908 TAYLOR AVE.
THE CLINTHPT COMPANY PROPERTIES

PARKING PLAN

GMS Associates LLC

4925 Ellis Lane
Ellicott City, Maryland 21043
Tel. (410) 988-2436
Contact: Geoffrey L. Ciniero, PE
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