



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 25, 2024

Jennifer Busse, Esquire- jbusse@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petition for Special Hearing
Case No: 2023-0223-SPH
Property: 4141 Cliffvale Road

Dear Ms. Busse:

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

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

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style with a large, stylized "M" and "E".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure
C: *See Next Page*

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IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(4141 Cliffvale Road)		
11 th Election District	*	OFFICE OF
5 th Council District		
9660 Belair Road, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2023-0223-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing filed on behalf of the legal owner 9660 Belair Road, LLC (“Petitioner”) for the property located at 4141 Cliffvale Rd., Nottingham (the “Property” and “Lot 4”). Petitions for Special Hearing were filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7 to: (1) confirm the continuation of previously approved relief in Case No.: 99-114-SPHA (relating to existing parking lot on 4141 Cliffvale Rd.); and (2) amend previously approved plans in Case No. 99-114-SPHA.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Nicole Keelty and Jake Ruppert appeared on behalf of the Petitioner at the hearing in support of the Petition along with Patrick C. Richardson, Jr., PE, a civil engineer with Richardson Engineering, who prepared and sealed a redlined site plan with one-way circulation (“Redlined Site Plan – One Way Circulation”) (Pet. Ex. 4); a redlined site plan with angled parking (“Redlined Site Plan – Angled Parking”) (Pet. Ex. 5); and a post hearing redlined site plan (“Redlined Site Plan - Post Hearing”). (Pet. Ex. 8). Jennifer R. Busse, Esquire of Rosenberg, Martin, Greenberg, LLP who represented the Petitioner. No adjoining or neighboring property owners testified in this Case.

Development Plans Review and Department of Public Works and Transportation (“DPWT”) provided a combined ZAC comment as follows:

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

DPR Comments: Provide highway widening area and perform highway widening along Kahlston Rd. & Cliffvale Rd.

Provide 5 ft wide sidewalk along Kahlston Rd. & Cliffvale Rd.

Provide commercial entrance along Kahlston Rd.

DPWT Comments: The plans show an existing restaurant that is augmenting existing on-site parking. Because what is apparent is only additional parking, if the existing restaurant structure remains in place, DPWT doesn’t have issue with the parking variance falling short of the target requirement.

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

The Property is 8,550 sf +/- and was created as Lot 5 on the Plat of Cliffvale recorded in Land Records of Baltimore County (Plat WPC 8, 49) on July 20, 1976. The Property is zoned Density Residential (DR 3.5). Street view photographs show that the Property is a paved and striped parking lot which is seamlessly connected to the adjoining parking lot (Lot 4 of the Plat of Cliffvale) making it appear as if it is one large parking lot. (Pet. Ex. 3). Access into the Property is currently from an entrance on Cliffvale Rd. The adjoining Lot 4 has a separate access driveway from Cliffvale Rd. Cliffvale Rd., at its intersection with Belair Rd., is commercially zoned. Sidewalks exist on both sides of Cliffvale Rd. up to the parking lot entrances. Immediately to the north-west of the Property are residential properties, similar to the homes on Kahlston Rd. Street view photographs shows some hedge rows and/or trees along with a privacy fence, which divides the Property from 4139 Cliffvale Rd. (Lot 6 on Plat of Cliffvale).

The Property has been used as overflow parking for the businesses at 9660 Belair Rd. On the Redlined Site Plan – Post Hearing, the boundary line between the Property (Lot 5) and Lot 4 was reestablished for clarification. (Pet. Ex. 8). Petitioner requests to continue to use the Property for business parking not only for the commercial uses at 9660 Belair Rd., but also for the restaurant at 9654 Belair Rd. As shown on the Redlined Site Plan – Post Hearing, the Property’s use as a parking lot will work in conjunction with the proposed parking lot at 4128 Kahlston Rd. and with the existing Lot 4 parking lot. With the additional proposed use for restaurant parking and new one-way access from the 4128 Kahlston Rd. parking lot, vehicles will make a right turn into 4128 Kahlston Rd. parking lot, and proceed through the 4141 Cliffvale Rd. parking lot, and then exit onto Cliffvale Rd. Vehicles may also enter the Lot 4 parking lot from Cliffvale Rd. and proceed through the parking lot on the Property, exiting onto Cliffvale Rd.

Toward that end, this Case is connected to, and filed with, three (3) related zoning cases for adjoining and/or adjacent properties as follows:

- (1) Case No.: 2023-0226-SPHA – 9654 Belair Rd.;
- (2) Case No.: 2023-0225-SPH – 9660 Belair Rd.; and
- (3) Case No.: 2023-0224-SPH – 4128 Kahlston Rd.

All 4 Cases were heard during the same hearing as the relief sought in each concerns the parking for the restaurant use at 9654 Belair Rd. The Petitioner, 9654 Belair Rd., Inc., owns both properties at 9654 Belair Rd. and at 4128 Kahlston Rd. The properties at 9660 Belair Rd. and 4141 Cliffvale Rd. are both owned by 9660 Belair Rd., LLC. Both entities are owned by the Ruppert family.¹ All of the Case files have the same set of exhibits including the Redlined Site Plan – Post Hearing,

¹ The commercial property at 9656 Belair Rd. is not owned by, controlled or used by the Ruppert family.

which corrected errors noted during the hearing. (Pet. Ex. 8). As a result, given the ownership between all 4 properties, and in their mutual requests to provide parking for 9654 Belair Rd., relief for a modified parking plan with a shared parking arrangement as delineated on the Redlined Site Plan – Post Hearing, will be added to each Petition under the general requested relief - ‘And any further relief deemed necessary by the Administrative Law Judge’.

In Case No.: 99-114-SPHA, the Property was granted Special Hearing relief to permit pre-existing business parking on the Property, along with Variance relief from the required Residential Transition Area (RTA) parking setback of 75 ft., and landscaped buffer area of 50 ft. Petitioner there proposed a 20 ft. landscape buffer/setback and a site plan was incorporated into the Order (the “1999 Site Plan”). Perry Hall Improvement Association (PHIA) appeared there in support of the requested relief. The Order in that Case was conditioned upon filing both a Landscape and Lighting Plan. According to Mr. Richardson, because no building permits were applied for in that Case, neither a Landscape Plan or Lighting Plan was ever filed.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, “the administrative

practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

1. Confirming Special Hearing and Variance Relief for Commercial Parking in Residential Zone from Case No.: 99-114-SPHA.

The requested Special Hearing relief first seeks to confirm the Special Hearing and Variance relief granted in Case No.: 99-114-SPHA for business parking in a residential zone and for reduction of landscape and RTA setbacks and buffer area. The use of the Property for business parking *predated* that Order, and has continued, without interruption, through the present. Consequently, neither the Special Hearing relief, nor the Variance relief expires. Moreover, the Variance relief for the reduced RTA buffer and setback will continue to run with the land. It is well established hornbook law that: “a Variance granted becomes attached to the land and is not a personal right, and a purchaser takes the land free from those zoning restrictions to which the variance pertains.” Eugene McQuillin, *The Law of Municipal Corporations*, § 25.163 (3d ed.1991). 2 Rathkopf, *The Law of Planning and Zoning* (3d ed. 1972), 46-1. Although a Variance can perhaps be lost by abandonment, it otherwise partakes to a large degree of the characteristics of a vested right running with the land. 2 Rathkopf, *The Law of Planning and Zoning* (3d ed. 1972), 46-1. Variances run with the land and that their benefit is available to the applicant's successors in title. (See *Garibaldi v. Zoning Bd. of Appeals of Norwalk*, 163 Conn. 235, 303 A.2d 743, 745 (1972); *National Black Child Development Institute, Inc. v. District of Columbia Bd. of Zoning Adj.*, 483 A.2d 687, 691-92 (D.C.App.1984); *Halifax Area Council on Alcoholism v. City of Daytona Beach*, 385 So.2d 184, 188 n. 5 (Fla.App.1980); *Huntington v. Zoning Bd. of Appeals of Hadley*, 12 Mass.App.Ct. 710, 428 N.E.2d 826, 829-30 (1981); *State v. Konopka*, 119 Ohio App. 513, 200

N.E.2d 695, 696 (1963); *Vlahos Realty Co. v. Little Boar's Head*, 101 N.H. 460, 146 A.2d 257, 260 (1958); *Mechem v. City of Santa Fe*, 96 N.M. 668, 634 P.2d 690, 694 (1981); *St. Onge v. Donovan*, 71 N.Y.2d 507, 527 N.Y.S.2d 721, 522 N.E.2d 1019, 1022-23 (1988); *Neiburger v. Lewis*, 185 Misc. 437, 57 N.Y.S.2d 542, 544-45 (N.Y.Sup. 1945); *Mastrati v. Strauss*, 75 R.I. 417, 67 A.2d 29, 30-31 (1949); *Nuckles v. Allen*, 250 S.C. 123, 156 S.E.2d 633, 637-38 (1967); *Goldberg v. City of Milwaukee Bd. of Zoning Appeals*, 115 Wis.2d 517, 340 N.W.2d 558, 561-62 (Wis.App.1983). (Accord, Robert M. Anderson, *American Law of Zoning*, § 14.29 (1968); Rathkopf, *The Law of Zoning and Planning*, § 38.07 (4th ed.1994); Rohan, *Zoning and Land Use Control*, § 43.03 (1984); Yokley, *Zoning Law and Practice*, § 21-2 (4th ed.1979); Phillip P. Green Jr., *The Power of The Zoning Board of Adjustment to Grant Variances From the Zoning Ordinance*, 29 N.C. L.Rev. 245, 278 (1951); Note, *Zoning Variances*, *supra*, 74 Harv. L.Rev. at 1398. Conversely, under BCZR, §502.3, a Special Exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter become void.

As such, there is no need to confirm the continuation of the previously approved Special Hearing relief, or Variance relief granted in Case No. 99-114-SPHA, and that relief will be dismissed as moot.

2. Amending Site Plan approved in Case No.: 99-114-SPHA.

The facts in Case No. 99-114-SPHA were that, prior to that hearing, the Property had been used as business parking, and the request there was to continue the same use but to highlight that the parking was also for the medical building at 9660 Belair Rd. After the relief was granted, the parking lot was paved and striped. Consequently, the Special Hearing relief to amend the 1999 Site Plan is needed here because the Redlined Site Plan – Post Hearing provides a different parking

configuration, including a one-way drive aisle, which eliminated 2 parking spaces. Moreover, because the Property's parking will now also be used by the restaurant use at 9654 Belair Rd., and will continue to be used as overflow parking for 9660 Belair Rd., the 1999 Site Plan should be replaced with the Redlined Site Plan – Post Hearing. Specifically, the Property will provide 9 angled parking spaces, and will be connected by a one-way drive aisle extending from the parking lot of 4128 Kahlston Rd. (Pet. Ex. 8). Vehicles will enter the commercial access entrance on Kahlston Rd. and travel one-way into the existing parking lot on the Property, exiting onto Cliffvale Rd. (Pet. Ex. 8). Vehicles will still be permitted to enter the Lot 4 parking lot from Cliffvale Rd. and proceed through the Property's parking lot, exiting again onto Cliffvale Rd. As a result, directional signs will need to be installed at both access points on Cliffvale Rd.

It is noted that DOP ZAC comment requested a privacy fence between the Property and 4139 Cliffvale Rd. as well as landscaping in front of the fence. DPR also requested a Landscaping Plan and a Lighting Plan be filed. The street view photographs do show at least some landscaping (hedgerows and/or trees). The Redlined Site Plan – Post Hearing shows that a fence already exists between the Property and 4139 Cliffvale Rd. (Pet. Ex. 8). I find that the recommendations of DOP and DPR are needed particularly here where the adjoining property at 4139 Cliffvale Rd. is used residentially. Because of that, a condition shall be made part of the Order that Petitioner shall file a Landscaping Plan and a Lighting Plan, as well as a privacy fence, as directed by the County Landscape Architect, with an emphasis on placing landscaping in front of the fence, and to the extent that a fence does not already exist.

Accordingly, the 1999 Site Plan will be amended and replaced with the Redlined Site Plan – Post Hearing (Pet. Ex. 8) and the Special Hearing relief in that regard will be granted.

3. Approval of Modified Parking Plan/Shared Parking Arrangement pursuant to BCZR, §409.8.B.

The Property can accommodate 9 parking spaces. (Pet. Ex. 8). In regard to the proposed modified parking plan and shared parking arrangement between the 4 properties as set forth on the Redlined Site Plan – Post Hearing, I find that number of parking spaces required for a restaurant in BCZR, §409 would create an undue hardship due to the limited space at 9654 Belair Rd. for parking and dumpster areas. Given that the modified parking and shared parking arrangement includes residentially zoned properties at 4128 Kahlston Rd., and 4141 Cliffvale Rd., and Lot 4 in compliance BCZR, §409.8.B.1.e.(1)-(4) and §409.B.2.a-g, I further find that the business parking in this residential zone will not negatively impact the character of the surrounding community because the uses along Belair Rd. are largely commercial and the need for parking is significant. I further find that the business parking at 4141 Cliffvale Rd. will be on residentially zoned Property which adjoins Lot 4 which is considered part of 9660 Belair Rd., that only passenger vehicles (excluding buses) will use the parking lot at 4141 Cliffvale Rd., that all loading and service needed for, or incidental to, the new restaurant will occur at 9654 Belair Rd., and not at 4141 Cliffvale Rd. With the filing of the required Lighting Plan as contained in DPR's ZAC comment, lighting shall be regulated as to location, direction, hours of illumination, glare and intensity as approved by the County Landscape Architect. The Redlined Site Plan – Post Hearing adequately shows both the parking arrangement and vehicular access. Petitioner took into consideration the recommendation of the PHIA in regard to right-turn only, one-way access from Kahlston Rd. which is shown on the Redlined Site Plan – Post Hearing. The use of directional signs for vehicles who are entering the parking lot at the 4128 Kahlston Rd., and driving through to 4141 Cliffvale Rd. parking lot, and/or entering the Lot 4 parking lot from Cliffvale Rd., will provide for an efficient and safe flow of traffic. The Shared Parking Tabulation Chart on the Redlined Site Plan – Post Hearing, provides a detailed method and area

of operation, and permitted hours of use. (Pet. Ex. 8). During the ownership of the properties, the legal owners are responsible for the maintenance of the parking areas as well for the landscaping and lighting, as required by the Baltimore County Code, BCZR, and/or applicable policies.

Accordingly, the Petition for Special Hearing modified parking plan and shared parking arrangement between the 4 properties as set forth on the Redlined Site Plan – Post Hearing (Pet. Ex. 8) will be granted.

THEREFORE, IT IS ORDERED this 25th day of **January, 2024** by this Administrative Law Judge, that the Petition for Special Hearing per BCZR, §500.7 to confirm the continuation of previously approved relief in Case No. 99-114-SPHA (relating to existing parking lot on 4141 Cliffvale Road), be, and it is hereby **DISMISSED AS MOOT**; and

IT IS FURTHER ORDERED that Petition for Special Hearing per BCZR §500.7 to amend previously approved site plan in Case No.: 99-114-SPHA, be, and it is hereby, **GRANTED**, and the 1999 Site Plan shall be replaced with the Redlined Site Plan – Post Hearing (Pet. Ex. 8); and

IT IS FURTHER ORDERED, that the Petition for Special Hearing pursuant to BCZR, §500.7 to approve a modified parking plan and shared parking arrangement collectively for the properties located at 9654 Belair Rd, 9660 Belair Rd., 4128 Kahlston Rd. and 4141 Cliffvale Rd. be, and it is hereby, **GRANTED**, in accordance with the Redlined Site Plan – Post Hearing (Pet. Ex. 8).

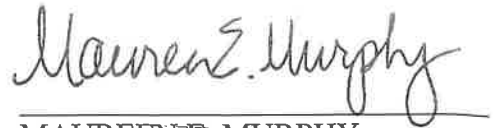
The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed,

Petitioner would be required to return the subject property to its original condition.

2. The Redlined Site Plan – Post Hearing (Pet. Ex. 8) is attached hereto and incorporated herein in its entirety.
3. Regardless of whether permits of any kind will be applied for, given the modified parking plan and shared parking arrangement between the properties located at 9654 Belair Rd., 4128 Kahlston Rd., 4141 Cliffvale Rd., and/or 9660 Belair Rd., Petitioner shall comply with the DOP comments, a copy of which is attached hereto and incorporated herein, including the installation and construction of all fencing; the filing of Landscape Plan and Lighting Plan; and the planting of all trees, bushes and/or plantings required under the Landscape Plan and Lighting Plan approved by the County Landscape Architect. All design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to BCC, §32-4-404.
4. Regardless of whether permits of any kind will be applied for, Petitioner shall comply with the DPR/DPWT ZAC comment, a copy of which is attached hereto and made a part hereof, with regard to all comments with the exception of providing and performing highway widening along Cliffvale Rd. which will not be required. Additionally, 5 ft. sidewalks shall only be required up to the first access point on the western side of Cliffvale Rd. (Lot 4) and only to the extent such sidewalks do not already exist.
5. Petitioner shall install/erect directional signs at each of the access driveways for both the Property (Lot 5) and the adjoining property (Lot 4) along Cliffvale Rd. consistent with the directional arrows on the Redlined Site Plan – Post Hearing. (Pet. Ex. 8).
6. Except as otherwise specifically excluded and/or indicated in the specific Order issued for each property, the Opinions and Orders issued in Case Nos.: 2023-0224-SPHA, 2023-0225-SPH, and 2023-0226-SPHA, are incorporated herein in their entirety and any all relief and/or conditions imposed on those properties, to the extent such relief and/or conditions relate/pertain the restaurant use of the Property at 9654 Belair Rd., shall apply here.

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

A handwritten signature in cursive script that reads "Maureen E. Murphy". The signature is written in dark ink and is positioned above a horizontal line.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

IN RE: PETITIONS FOR SPECIAL HEARING) * BEFORE THE
AND VARIANCE – SW/S Cliffvale Road,
229.08' N of Belair Road * DEPUTY ZONING COMMISSIONER
(4141 Cliffvale Road)
11 5th Election District * OF BALTIMORE COUNTY
5 3rd Councilmanic District * Case No. 99-114-SPHA
Barrueto & Marana Partnership
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Barrueto and Marana Partnership, by Zenaida C. Marana, Partner, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek approval, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit pre-existing business parking on 0.040 acres of land, more or less, which is split-zoned D.R.3.5 and B.L.-A.S. In addition, the Petitioners request variance relief from Sections 1B01.1.B.1.c.(1) and (2) of the B.C.Z.R. as follows: 1) From Section 1B01.1.B.1.e(5) and C.M.D.P. Section 504.IIA.15 to permit a landscape buffer of not less than 10 feet in lieu of the required 50 feet; and, 2) from Section 1B01.1.B.1.e(5) and C.M.D.P. Section 504.IIA.16 to permit a Residential Transition Area (RTA) buffer of not less than 10 feet in lieu of the required 75 feet, for the existing parking lot. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Zenaida Marana and Rosa Burreto, members of the Burreto and Marana Partnership, owners of the subject property, David Martin, Professional Engineer with George W. Stephens, Jr. & Associates, the consulting firm which prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for

ORDER RECEIVED FOR FILING

Date

By

2023-0223-SPHA

the Petitioners. Appearing as an interested citizen was Dennis Eckard, a nearby resident of the area, and representative of the Perry Hall Improvement Association.

It should be noted that at the onset of the hearing, the Petitioners modified the design of the parking area somewhat and are now able to provide a 20-foot wide landscaping strip to the rear of the property in lieu of the 10-foot wide buffer originally requested, thus, a landscape buffer of 20 feet in lieu of the required 50 feet is required. The 10-foot RTA buffer requested for the side of the property shall remain a part of the requested variance relief.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.40 acres, more or less, split zoned D.R.3.5 and B.L.-A.S., and is located to the rear of an existing medical office building at 9660 Belair Road. The subject property actually has a street address of 414 Cliffvale Road, but serves as a parking area for the medical office building that fronts on Belair Road. Testimony indicated that the Petitioners acquired the subject property some time ago and have been utilizing same for parking; however, the lot was not paved and parking was done in a haphazard fashion. The Petitioners are desirous of paving the subject lot and providing a more organized method of parking for patrons and tenants of their office building. The Petitioners have submitted as Petitioner's Exhibits 1 through 4, various site plans of the property showing the proposed parking layout and design, as well as landscaping. Further testimony indicated that the Petitioners have met with representatives of the Office of Planning who have assisted them in developing an appropriate design for the parking area.

As noted above, Mr. Dennis Eckard, a representative of the Perry Hall Improvement Association, as well as a resident of the area, appeared as an interested party. Mr. Eckard indicated that he supports the Petitioners' request and believes that the proposed improvements will benefit the surrounding community and provide a better parking situation than that which currently exists. Mr. Eckard supports the Petitioners' request so long as the parking lot improvements are not done to accommodate a future expansion of the medical office building on Belair Road.

In response to Mr. Eckard's concerns, the Petitioners testified that no expansion of the existing office building is planned and that the proposed improvements are being made to accommodate existing patrons and tenants of the building.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements 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 relief requested will not be detrimental to the public health, safety, and general welfare.

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

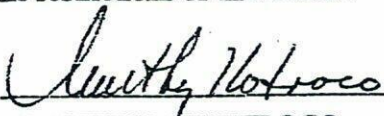
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1998 that the Petition for Special Hearing to approve pre-existing business parking on 0.040 acres of land, more or less, which is split-zoned D.R.3.5 and B.L.-A.S., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Residential Transition Area requirements set forth in Sections 1B01.1.B.1.c.(1) and (2) of the B.C.Z.R. as follows: 1) From Section 1B01.1.B.1.e(5) and C.M.D.P. Section 504.IIA.15 to permit a buffer of not less than 20 feet (as modified herein) in lieu of the required 50 feet; and, 2) from Section 1B01.1.B.1.e(5) and C.M.D.P. Section 504.IIA.16 to permit a buffer of not less than 10 feet in lieu of the required 75 feet, for the existing parking lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any use permit, the Petitioners shall submit a landscape plan for review and approval by the Office of Planning.
- 3) There shall be no expansion of the existing medical office building a 9660 Belair Road without a public hearing to determine the appropriateness of such expansion and its impact on the subject parking lot
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/30/98
By [Signature]
TMK:bjs



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 4141 Cliffvale Rd. Currently Zoned DR 3.5 & BL-AS
Deed Reference 14665 / 132 10 Digit Tax Account # 1118036920
Owner(s) Printed Name(s) 9660 Belair Road LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

Please see attached.

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

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

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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

n/a

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

9660 Belair Road LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Nicole Keelty

Signature #2

9654-A Belair Road, Baltimore, MD

Mailing Address

City

State

21236

410-746-2989

nicoleruppertkeelty@gmail.com

Zip Code

Telephone #'s (Cell and Home)

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esq. Rosenberg, Martin, Greenberg, LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st Floor, Baltimore, MD

Mailing Address

City

State

21201

410-727-6600 jbusse@rosenbergmartin.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R. Busse, Esq. Rosenberg, Martin, Greenberg, LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st Floor, Baltimore, MD

Mailing Address

City

State

21201

410-727-6600 jbusse@rosenbergmartin.com

Zip Code

Telephone #

Email Address

Case Number 2023-0223-SPA Filing Date 10/25/2023 Do Not Schedule Dates

Reviewer CP

9660 Belair Road & 4141 Cliffvale Road

Property Info =

4141 Cliffvale Road:
Tax Acct No.: 1118036920 – Parcel 417, LOT 5

Petition for Special Hearing to confirm the continuation of previously approved relief in Case 99-114-SPHA (relating to existing parking lot on 4141 Cliffvale Road).

Petition for Special Hearing to amend previously approved plans in Case No. 99-114-SPHA.

And any further relief deemed necessary by the Administrative Law Judge.

2023-0223-SPH



ZONING DESCRIPTION FOR

**4141 CLIFFVALE ROAD
11TH ELECTION DISTRICT
5TH COUNCILMANIC District
BALTIMORE COUNTY, MARYLAND**

9660 Belair Road

BEGINNING FOR THE SAME at a point on the west side right-of-way of Belair Road at a distance of 34'± west of the centerline of the intersection of Cliffvale Road and Belair Road, thence binding on the west side of Belair Road (1) North 03 degrees 00 minutes 03 seconds East 27 feet, (2) North 48 degrees 18 minutes 30 seconds West 123 feet, (3) South 41 degrees 41 minutes 30 seconds West 114 feet, (4) South 48 degrees 18 minutes 30 seconds East 167.17 feet, to the west side of Belair Road, and thence (5) North 41 degrees 43 minutes 45 seconds East 94 feet, to the point of beginning.

4141 Cliffvale Road

BEGINNING FOR THE SAME at a point on the west side right-of-way of Cliffvale Road (40' in width) at a distance of 182 feet NORTHWEST of the centerline intersection of Belair Road and Cliffvale Road, thence binding on Cliffvale Road; (1) North 48 degrees 18 minutes 30 seconds West 100.00 feet, (2) South 41 degrees 41 minutes 30 seconds West 164 feet ±, (3) South 48 degrees 18 minutes 30 seconds East 100.00, (4) North 41 degrees 41 minutes 30 seconds East 164 feet ±, to the place of beginning:

Containing a total net area of 32,248 square feet, or 0.74 acres of land, more or less.

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2025



2023-0223-SPH

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

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

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising:

Case Number: 2023-0223-SPA

Property Address: 4141 Cliffvale Rd

Legal Owners (Petitioners): 9660 Belair Rd, LLC

Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Jennifer Busse, Esq. / RMG

Address: 25 S. Charles St.
21st Floor
Balto. MD 21201

Telephone Number: 410-727-8647

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

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

No. 226667

Date: 10-25-2023

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6050				1000.00

Total: 1000.00

Rec
From:

For: 9654 Belair Rd 2023-0226-SPHA BLAS; DR 3.5
4128 Kahlstrom Rd 2023-0224-SPHA DR 3.5
* 4141 Clifton Rd 2023-0223-SPHA DR 3.5
9660 Belair Rd 2023-0225-SPH BLAS

DISTRIBUTION

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

CASHIER'S
VALIDATION

CF 23-0614



Rosenberg
Martin
Greenberg^{LLP}

ATTORNEY OPERATING ACCOUNT
25 SOUTH CHARLES STREET, 21ST FLOOR
BALTIMORE, MARYLAND 21201
(410) 727-6600

HOWARD BANK
ELLCOTT CITY, MD 21043

65-343/550

88949

PAY: One Thousand Dollars and 00/100

NUMBER

DATE

AMOUNT

88949

6/27/2023

1,000.00

TO THE
ORDER
OF

Baltimore County



Shield

VOID AFTER 90 DAYS

[Signature]

TRUE WATERMARK PAPER - HOLD TO LIGHT TO VIEW

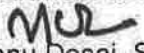
HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT

088949 055003434 6015210

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 13, 2023
Item No. 2023-0223-SPH

DATE: November 13, 2023

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

DPR Comments: Provide highway widening area and perform highway widening along Kahlston Rd & Cliffvale rd.

Provide 5' wide sidewalk along Kahlston rd & Cliffvale rd.

Provide commercial entrance along Kahlston rd.

DPW&T Comments: The plans show an existing restaurant that is augmenting existing on-site parking. Because what is apparent is only additional parking, if the existing restaurant structure remains in place, DPWT doesn't have issue with the parking variance falling short of the target requirement.

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

VKD: JK
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 11/9/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-223-SPH

INFORMATION:

Property Address: 4141 Cliffvale Road
Petitioner: 9660 Belair Road LLC c/o Nicole Keelty
Zoning: DR 3.5, BL-AS
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. To confirm the continuation of previously approved relief in Case 1999-114-SPHA, relating to existing parking lot on 4141 Cliffvale Road;
2. To amend previously approved plans in Case 1999-114-SPHA; and
3. For any further relief deemed necessary by the Administrative Law Judge.

The subject site is an approximately 8,550 square foot parcel off Belair Road in the Nottingham area. It is improved with a surface parking lot, which is used by the businesses at 9660 Belair Road, and a vinyl privacy fence, which divides the subject site and 4139 Cliffvale Road.

The sites use as a parking lot was approved in 1999 with Zoning Case 1999-114-SPHA. Based on the site plan on file with the case, during the Administrative Law Judge's review of the Case, landscaping was proposed to screen the parking lot from the single family detached residential dwellings at 4139 Cliffvale Road and 4128 Kahlston Drive, however, Google Streetview from June 2023 shows that the landscaping does not exist.

Zoning Case 2023-223-SPH for 4141 Cliffvale Road; Zoning Case 2023-224-SPHA for 9654 Belair Road and 4128 Kahlston Road; Zoning Case 2023-225-SPH for 9660 Belair Road; and Zoning Case 2023-226-SPHA for 9654 Belair Road are all related to one another and utilize the same site plan. Per the site plan, the Petitioner wishes to remove the existing building at 4128 Kahlston Road, add a parking lot for shared use at 4128 Kahlston Road, add a stormwater management facility at 4128 Kahlston Road, and connect the existing parking lot at 4141 Cliffvale Road to the proposed parking lot at 4128 Kahlston Road. No new structures or building construction are proposed at this time.

The site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The plan provides a history of the Perry Hall area, as well as recommendations on how to improve the area. The plan encourages parking consolidation and eliminating excessive parking (page 10).

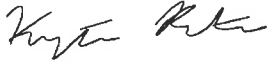
The Department of Planning met with the representative for the petition virtually on November 7th, 2023. During the meeting, the representative explained that the purpose of the relief in all four Zoning Cases currently at hand (2023-223-SPH; 2023-224-SPHA; 2023-225-SPH and 2023-226-SPHA) is to provide additional parking for the restaurant at 9654 Belair Road, as the existing is not sufficient. It was confirmed that no new structures are proposed. It was also confirmed that the landscaping screening the parking lot from the residences as part of Zoning Case 1999-114-SPHA did not presently exist.

The only proposed change to 4141 Cliffvale Road is to connect it to the proposed parking lot at 4128 Kahlston Road. Doing so will allow vehicular traffic to flow better. The use is existing and has been as such since 1999. The Department of Planning has no objections to the requested Special Hearing relief, subject to the following conditions:

- Privacy fencing dividing 4139 Cliffvale Road and 4141 Cliffvale Road shall be maintained; and
- Landscaping shall be provided in front of the privacy fencing/along the property line dividing 4141 and 4139 Cliffvale Road in order to screen the residential dwelling from the commercial area.

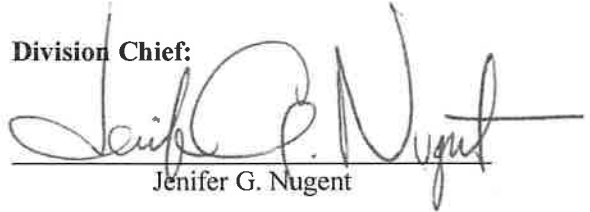
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jennifer Busse, Esq. – Rosenberg, Martin, Greenberg LLP
Ainsley Jacobs, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

CASE NO. 2023-0223-SPH

PETITIONER/DEVELOPER

Rosenberg Martin Greenberg

Jennifer Busse

DATE OF HEARING/CLOSING

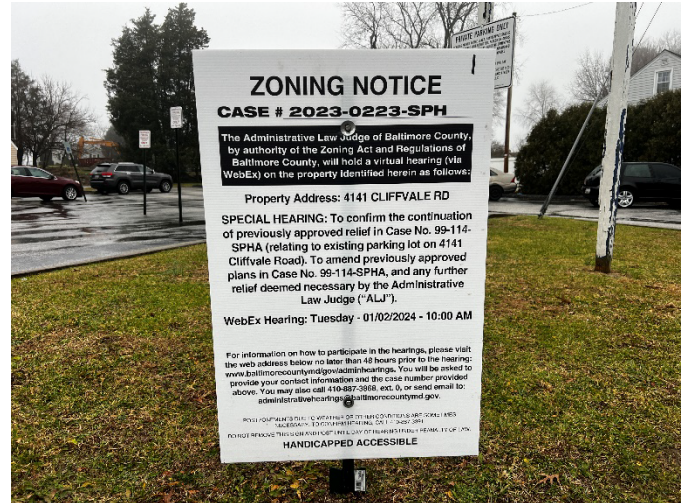
January 2, 2024

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

4141 Cliffvale Sign 1



THE SIGN(S) POSTED ON December 10, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 11/9/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-223-SPH

INFORMATION:

Property Address: 4141 Cliffvale Road
Petitioner: 9660 Belair Road LLC c/o Nicole Keelty
Zoning: DR 3.5, BL-AS
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. To confirm the continuation of previously approved relief in Case 1999-114-SPHA, relating to existing parking lot on 4141 Cliffvale Road;
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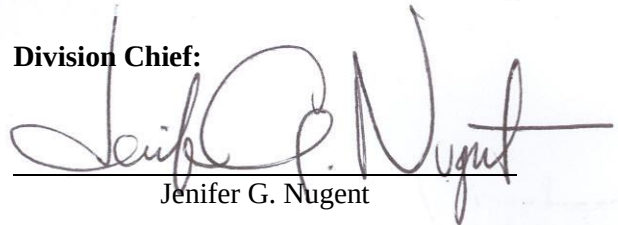
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jennifer Busse, Esq. – Rosenberg, Martin, Greenberg LLP
Ainsley Jacobs, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: November 13, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0223-SPH
Address: 4141 CLIFFVALE RD
Legal Owner: 9660 Belair Road, LLC

Zoning Advisory Committee Meeting of November 13, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 11 Account Number - 1118036920

Owner Information

Owner Name:

9660 BELAIR ROAD LLC

Use:

RESIDENTIAL

Mailing Address:

STE A
9654 BELAIR RD
BALTIMORE MD 21236-1107

Principal Residence: NO

Deed Reference: /14665/ 00132

Location & Structure Information

Premises Address:

4141 CLIFFVALE RD
0-0000

Legal Description:

4141 CLIFFVALE RD
CLIFFVALE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0063 0021 0417 11050044.04 0000 5 2021 Plat Ref: 0008/ 0049

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

8,550 SF

04

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value	Phase-in Assessments	
			As of	As of
			01/01/2021	07/01/2022
				07/01/2023
Land:	99,500	99,500		
Improvements	0	0		
Total:	99,500	99,500	99,500	99,500
Preferential Land:	0	0		

Transfer Information

Seller: BARRUETO ROSA	Date: 08/29/2000	Price: \$100,000
Type: ARMS LENGTH VACANT	Deed1: /14665/ 00132	Deed2:
Seller: BARRUETO ROSA	Date: 12/02/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /14183/ 00585	Deed2:
Seller: BARRUETO ROSA, TRUSTEE	Date: 12/17/1993	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10226/ 00630	Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

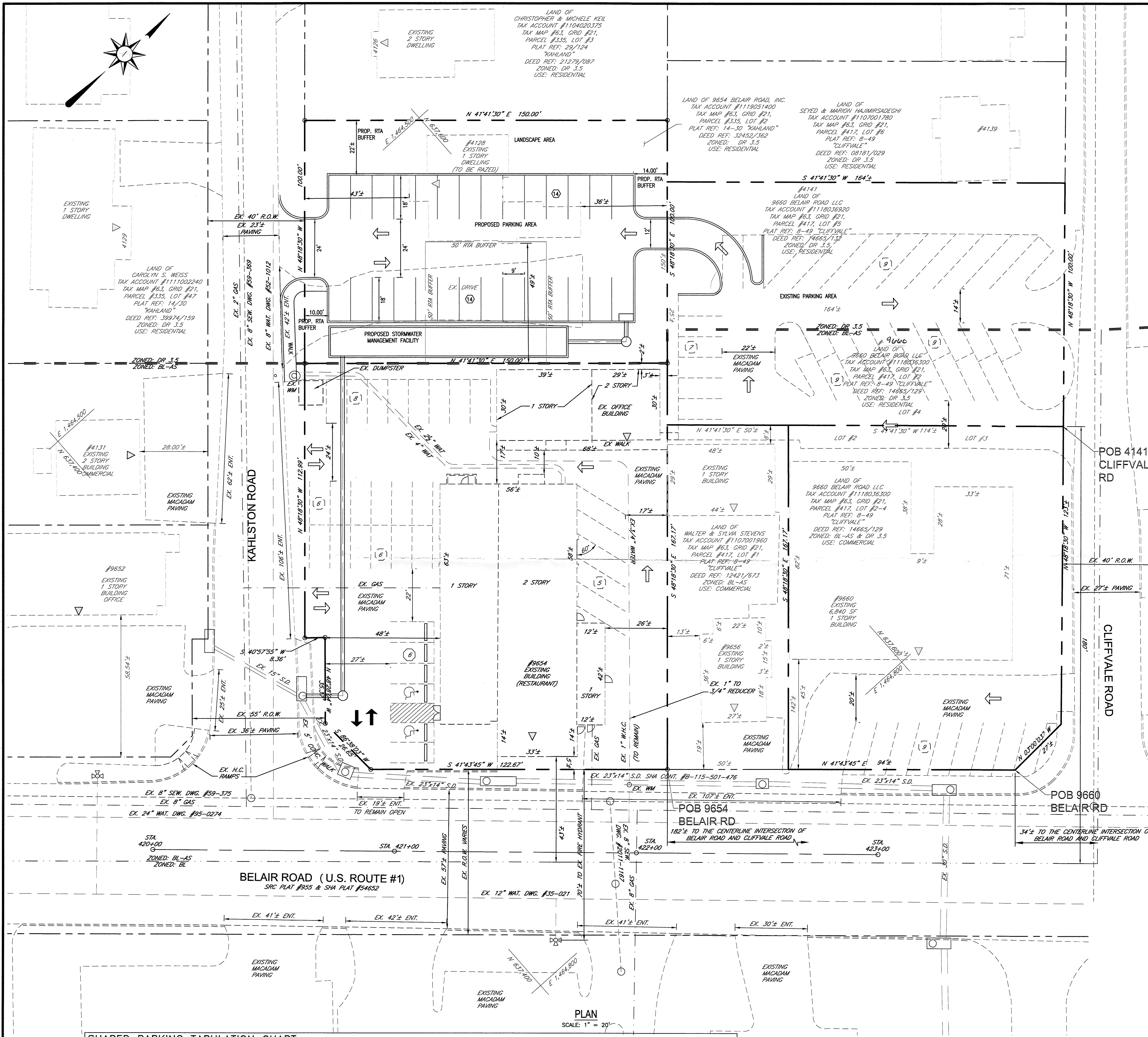
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

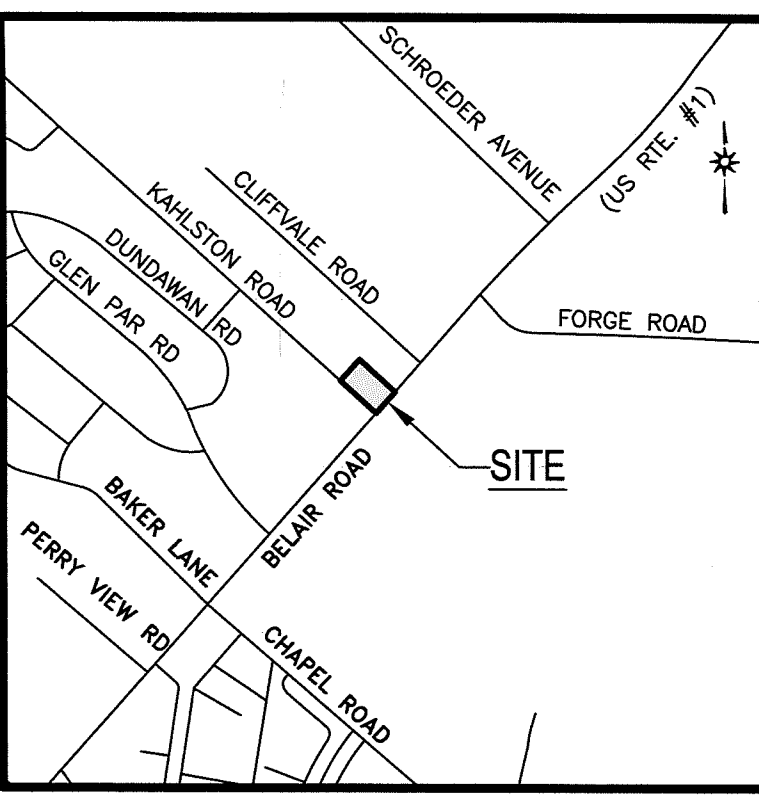
2023-0223-SP4





GENERAL NOTES:

- OWNER: 9654 BELAIR ROAD, INC. 9654 BELAIR ROAD, INC. 9654A BELAIR ROAD, BALTIMORE, MD 21236-1107
- 9660 BELAIR ROAD, INC. 9660 BELAIR ROAD LLC 9654 BELAIR RD, SITE A BALTIMORE, MD 21236-1107
- 4128 KAHLSTON ROAD, INC. 4128 KAHLSTON ROAD, INC. 1314 RICHARDSON STREET BALTIMORE, MD 21236-1107
- 4141 CLIFFVALE ROAD, INC. 9660 BELAIR ROAD LLC 9654 BELAIR RD, SITE A BALTIMORE, MD 21236-1107
- SITE AREA: TOTAL SITE: 71,681 SF OR 1.65 AC.±
- DEED REF: 8434/675 & 32452/362.
- TAX ACCOUNT: #1111001025, 1119051400, 1118036920 & 1118036300
- COUNCILMANIC DISTRICT: 5th
- TAX MAP #63, GRID #21, PARCEL #335, LOT #1&2 & PARCEL 417 LOTS #2&5
- ZONING: BL-AS AND DR3.5 (PER 1"=200' ZONING MAP 06383)
- PRIOR ZONING HISTORY SEE BELOW.
- PRIOR PERMITS - SEE BELOW.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- EXISTING: RESTAURANT AND OFFICE AND SINGLE FAMILY RESIDENCE PROPOSED: RESTAURANT AND OFFICE AND PARKING LOT.
- SITE SERVICED BY PUBLIC WATER AND SEWER.
- SITE LIES WITHIN ZONE "X" OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #2400100290 F PANEL 290 OF 580 DATED AUGUST 26, 2008. ZONE "X" IS AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- BUILDING AREAS: EXISTING: 2,902 SF (TO BE DEMOLISHED) OFFICE: 10,435 SF RESTAURANT: 6,840 SF
- FLOOR AREA RATIO (F.A.R.): EX: 13,337/33,509 = 0.40 PROP: 10,435/33,509 = 0.43 MAX PERMITTED = 3.0
- PARKING: SEE PARKING TABULATION BELOW. PROVIDED
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- PLAT REF: 14-30 "KAHLSTON"
- SETBACKS REQUIRED FOR BL ZONE: REQUIRED: 18'± FOR CORNER LOTS PROVIDED: 5'±



BASIC SERVICES

SERVICE	DEFICIENT
WATER	NO
SEWER	NO
TRANSPORTATION	LOS "D"

ZONING HISTORY:

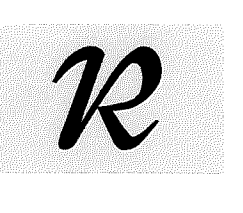
CASE # R-1950-1616
APPEAL OF A PREVIOUS ZONING RECLASSIFICATION REQUEST SEEKING A ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL. THE ORIGINAL REQUEST WAS DENIED.
APPEAL GRANTED JANUARY 17, 1950

CASE # 99-114-SPHA
SPECIAL HEARING TO APPROVE PRE-EXISTING BUSINESS PARKING IN A RESIDENTIAL ZONE AND VARIANCE TO RTA PERMITTING A BUFFER OF 20' IN LIEU OF THE REQUIRED 50' AND A SETBACK OF 10' IN LIEU OF THE REQUIRED 75' GRANTED NOVEMBER 30, 1998.

CASE # 2013-0133-A
VARIANCE TO PERMIT:
A. FRONT SETBACK OF 5' IN LIEU OF THE 10' AND 14.5' RESPECTIVELY.
B. REAR YARD OF 2' IN LIEU OF THE REQUIRED 20'
C. ONE WAY DRIVING AISLE OF 9' IN LIEU OF THE REQUIRED 12'
D. 76 PARKING SPACES IN LIEU OF THE 189 REQUIRED.
E. PARKING SPACE SETBACKS OF 0' AND 5' FROM A RIGHT OF WAY IN LIEU OF THE REQUIRED 10'
F. NO DESIGNATED LOADING AREA
GRANTED FEBRUARY 11, 2013

PRIOR BUILDING PERMITS

PERMIT #	DATE	DESCRIPTION
B818697	06/11/2013	INSTALL NEW SPRINKLER SYSTEM IN EXISTING RESTAURANT
B826343	09/10/2013	FIRE LINE PERMIT
B046217	04/08/2018	INTERIOR ALTERATIONS IN EXISTING RESTAURANT
B809487	02/25/2013	CONSTRUCT TWO STOREY ADDITION
B790165	06/10/2012	INTERIOR ALTERATIONS



Richardson
ENGINEERING

7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net
rick@richardsonengineering.net

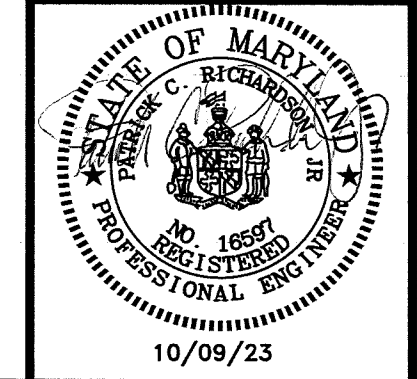
PLAN TO ACCOMPANY ZONING PETITION
FOR
PROPOSED RESTAURANT

9654 BELAIR ROAD &
4128 KAHLSTON ROAD
9660 BELAIR ROAD &
4141 CLIFFVALE ROAD

BALTIMORE COUNTY
11TH ELECTION DISTRICT

MARYLAND
5TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	08-14-23	22019	1 OF 1



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2023

SHARED PARKING TABULATION CHART (PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)												
AREA DESIGNATION	TENANT	GROSS SF	PARKING RATE PER	1 PER	PARKING SPACES REQ'D PER	WEEKDAY		WEEKEND				USE
							PEAK TIME					
			1000 SF	EMPLOYEE	SECTION 409.6A	6AM-6P	6PM-12AM	6AM-6PM	6PM-12AM	12AM-6AM		
A	OFFICES	2,902	3.3		9.6	100%	9.6	100%	1.0	5%	0.5	
A	RESTAURANT	10,435	16		167.0	50%	92.4	100%	184.9	100%	18.5	
B	OFFICES	6,840	3.3		22.6	100%	22.6	100%	2.3	5%	1.1	
GRAND TOTAL - BUILDING AREA		21,297										
GRAND TOTAL - BALTIMORE COUNTY PARKING REQUIRED												
EXISTING PARKING PROVIDED					189		124.6		188.2	186.5	20.1	
PROPOSED PARKING PROVIDED					76							
					104							

PARKING AREA A IS BUILDINGS LOCATED ON 9654 BELAIR ROAD, AREA B IS BUILDINGS LOCATED ON 9660 BELAIR ROAD