



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 & Variance
Case No: 2023-0226-SPHA
Property: 9654 Belair 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 cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure
C: *See Next Page*

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IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(9654 Belair Road)	*	OFFICE OF
11 th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
9654 Belair Road, Inc.		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
 Petitioner	*	 Case No. 2023-0226-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by legal owner, 9654 Belair Road, Inc., (the “Petitioner”) for the property located at 9654 Belair Road, Nottingham (the “Property”). A Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7: (1) to confirm the continuation of previously approved Variance in Case No. 2013-0133-A (providing approval for 76 spaces in lieu of otherwise required 189); and (2) to amend previously approved plan in Case No. 2013-0133-A. A Petition for Variance was also filed, in the alternative, from the BCZR, §409.4A to approve 104 parking spaces in lieu of the otherwise required 189 spaces.

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. Several neighboring

property owners testified at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief. 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 hand the following comments:

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 24,204 sf +/- and is improved with a 15,948 sf commercial building constructed in 1917. It was created as Lot 1 on the Plat of Kahland as recorded in the Land Records of Baltimore County on August 20, 1947 (Plat Book 14, page 30). The Property is located on the corner of Belair Rd. (US Rt. 1) and Kahlston Rd. The building has been used as a restaurant since at least 1975, and was most recently occupied by Conrad’s Seafood Restaurant. The Property is also improved with 2 office buildings: (1) 1-story, 1,170 sf; and (2) 2-story, 870 sf. The remainder of the Property is paved for parking spaces (31) and drive aisles and a dumpster area. The Property is zoned Business, Local with an Automotive Services District (BL-AS).

In Case No.: 2013-0133-A, the Property was granted Variance relief for: front and rear yard setbacks; drive aisle widths; reduced number of required parking spaces; reduced setbacks for parking spaces; and other relief in regard to a loading area. Mr. Richardson was the civil engineer there as well and was able to provide historical knowledge about the Property and

surrounding properties. In that Case, 10 residents living along Kahlston Rd. were in support of, or did not oppose, the Variance relief.

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

- (1) Case No.: 2023-0224-SPHA – 4128 Kahlston Rd.;
- (2) Case No.: 2023-0225-SPH – 9660 Belair Rd.; and
- (3) Case No.: 2023-0223-SPH – 4141 Cliffvale Rd.

All 4 Cases were heard during the same hearing as the relief sought in each concerns the parking for the restaurant use at the Property here. Petitioner, 9654 Belair Rd., Inc., owns both properties at 9654 Belair Rd. and 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 exhibits including the Redlined Site Plan – Post Hearing which corrected errors noted during the hearing. (Pet. Ex. 4A). As a result, given the relationship and connection between all 4 properties and the relief requested in the 4 Cases is for restaurant parking at the Property here, 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’.

This Property had several neighboring property owners testify in opposition to the proposed use as commercial parking on a residentially zoned property. Mrs. Ernest Thompson, 4127 Kahlston Rd., who has been living in her home for 7 years, emphasized the problem resulting

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

from valets for the restaurant running back and forth across Belair Rd., as well as the noise from dumpster which is picked-up at 4:00 am. She was in support of the one-way traffic from Kahlston into the Property.

Mary Martin, co-owner of 4129 Kahlston Rd., requested a 6 ft. high white privacy at the entrance from Kahlston Rd. into the parking lot with landscaping planted in front of the fence. She also requested that the 6 ft. tall privacy fence extend passed the SWM facility, and past the dumpster. Ms. Martin does not want tall grasses planted in the SWM facility as she believes it will attract rodents and mosquitos.

Nancy Kneisler, 4125 Kahlston Rd., is opposed to DPR/DPWT's ZAC comment to widen Kahlston Rd., to add curbs and sidewalks as it will encourage intrusion into her neighborhood. Joseph Evans, 4106 Kahlston Rd., also emphasized the issues with valet parking across Belair Rd. Lenny Turner, 4007 Kahlston Rd., has lived in his home for 20 years. Mr. Turner believes the access point into 9652 Belair Rd. which was previously from Belair Rd. should be reopened and the entrance from Kahlston Rd. into 9652 Belair Rd. should be closed. Mr. Turner also contends that the owners of 9652 Belair Rd. should add a right-turn lane on Kahlston Rd. for access into the restaurant. Mr. Turner questioned the proposed number of handicap parking spaces. Meg Powers, 3885 Schroeder Ave. requested information on installing a new traffic light on Belair Rd.

Susan Keil, 4126 Kahlston Rd. has resided next to the Property for 16 years and objects to the proposed commercial parking lot as she believes it will decrease her property values. Ms. Keil stated that she had received a notice that a letter that a neighboring property was subject to potential rezoning in the 2024 Comprehensive Zoning Map Process (CZMP) – Issue 5-039. Ms. Keil requested an 8 ft. tall fence between the parking lot and the property which should be landscaped on the outside of the fence. Ms. Keil objects to the dumpster at 9652 Belair Rd. being emptied at

4:00 am. Carol Bullinger, 4124 Kahlston Rd. is also in support of the 8 ft. tall fence with mature trees between the Property and 4126 Kahlston Rd. with mature trees.

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 Variance Relief for Restaurant Parking from Case No.: 2013-0133-A.

The requested Special Hearing relief first seeks to confirm the approved Variance of 76 parking spaces in lieu of the required 189 as granted in Case No.: 2013-0133-A. Mr. Richardson explained that the Variance relief there was granted when Conrad's Restaurant became a lessee of the Property. In this case, Petitioner explained that while Conrad's will no longer be a lessee, a new restaurant will be leasing the building and therefore, the need for a parking Variance continues. Given the use will continue as a restaurant, the Variance approval for 76 spaces in lieu of the required 189 spaces 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 Variance in Case No. 2013-0133-A, for 76 spaces in lieu of the required 189, and that relief will be dismissed as moot.

2. Petition for Special Hearing to Amend Site Plan from Case No.: 2013-0133-A.

The second request for Special Hearing relief seeks to amend the Site Plan to increase the number of available parking spaces from 76, as previously approved in Case No.: 2013-0133-A, to 104 spaces (the “2013 Site Plan”). The increase in spaces is the result of the combined use of all 4 properties under a shared parking arrangement. The Redlined Site Plan – Post Hearing provides a Shared Parking Tabulation Chart which separates (for tabulation purposes only) the 4 properties into 2 parking areas ‘Parking Area A’ and ‘Parking Area B’. (Pet. Ex. 8). In compliance with BCZR, §409.6A, the peak hour parking days/hours for the office/retail uses at 9660 Belair Rd. and 4141 Cliffvale Rd., differ from the peak hour parking days/hours for a restaurant use on this Property. Accordingly, Petitioner contends that parking spaces for a new restaurant will be available at both 9660 Belair Rd. (34 spaces) and 4141 Cliffvale Rd. (9 spaces). Additionally, with the existing 31 spaces available in the parking lot on this Property, plus the 28 spaces available at 4128 Kahlston Rd. (Case No.: 2023-0224-SPHA), the Petition seeks to amend the 2013 Site Plan to 104 spaces.

However, the Redlined Site Plan – Post Hearing has 102 available parking spaces (not 104) due to the removal of 2 spaces at 4141 Cliffvale Rd. for the one-way drive aisle. Accordingly, the parking spaces as shown on the 2013 Site Plan will be increased to 102 spaces. Given the

increase in available spaces from 2013-0133-A, I find that this Special Hearing request is compatible with the community and generally consistent with the spirit and intent of the regulations, as it reduces the zoning relief previously requested. The availability of more parking spaces for the new restaurant will reduce the potential for restaurant customers to parking along Kahlston Rd., notwithstanding the 'No Parking' signs there.

Based upon the information provided by Susan Keil, 4126 Kahlston Rd. as to a notice which she received about potential rezoning of the neighboring properties, research as to CZMP Issue 5-039 indicates that it was raised by the County Council in regard to both this Property and 4128 Kahlston Rd., but a final decision has not yet been made.

3. Modified Parking Plan under Shared Parking Arrangement.

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 the Property for parking and dumpster areas. Given that the modified parking and shared parking arrangement includes residentially zoned properties at 4128 Kahlston Rd., 4141 Cliffvale Rd., and Lot 4 (9660 Belair Rd.) in compliance BCZR, §409.8.B.1.e.(1)-(4) and §409.8.B.2.a-g, I further find that the commercial parking in a 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 business parking at 4128 Kahlston Rd. which is residentially zoned, adjoins the Property here, and 4141 Cliffvale Rd. adjoins both 4128 Kahlston and 9660 Belair Rd. I also find that only passenger vehicles (excluding buses) will use the parking lots at 4128 Kahlston Rd., 4141 Cliffvale Rd., and the Lot 4 Parking Lot. All loading and service needed for, or incidental to, the new

restaurant will occur at the Property and not in the residentially zoned business parking lots. 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. The Redlined Site Plan – Post Hearing adequately shows both the parking arrangement and vehicular access. Petitioner took into consideration the recommendation of the Perry Hall Improvement Association in regard to one-way access which is shown on the Redlined Site Plan – Post Hearing. The use of one-way direction for vehicles who are entering the parking lot at the Kahlston Rd. entrance and driving through to 4141 Cliffvale Rd. parking lot, and/or the Lot 4 parking lot at 9660 Belair Rd., will provide 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. During their ownership of the properties, the owner entities are responsible for the maintenance of the parking areas as well for the landscaping and lighting.

In addition, I find that the dumpster located on the parking lot of the Property, and used by the restaurant, may only be emptied between the hours of 8:00 am –7:00 pm. All dumpsters shall be fully enclosed with an opaque material and a gate. I find that these conditions are necessary to ensure that the parking lot on the Property and uses thereon will not be detrimental to adjacent properties. Additionally, to the extent that a new restaurant uses valet parking, such valet parking shall be limited to parking customer vehicles at the Property, at 4128 Kahlston Rd., at 4141 Cliffvale Rd., and/or at 9660 Belair Rd.

With those findings and conditions, the Petition for Special Hearing for a modified parking plan under the Shared Parking Arrangement as outlined on Redlined Site Plan – Post Hearing will be granted.

VARIANCE

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).

Given that the Petition for Special Hearing to increase the parking spaces from 76 spaces as approved in Case No.: 2013-0133-A, to 102 spaces will be approved herein, the Petition for Variance relief, is not needed and will be dismissed as moot.

THEREFORE, IT IS ORDERED, this 25th day of **January 2024**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR, §500.7 to confirm the continuation of previously approved Variance in Case No. 2013-0133-A (providing approval for 76 spaces in lieu of otherwise required 189), for the reasons set forth herein, be, and it is hereby, **DISMISSED AS MOOT**; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing pursuant to BCZR, §500.7 to amend previously approved site plan in Case No. 2013-0133-A to increase the number of parking spaces from 76 spaces to 102 spaces, be, and it is hereby, **GRANTED**; and

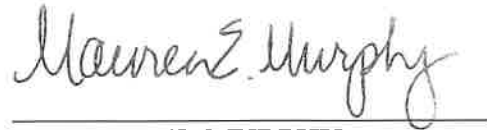
IT IS FURTHER ORDERED, that the Petition for Special Hearing pursuant to BCZR, §500.7, for a modified parking plan as set forth in BCZR, §409.12 which plan shall include the Shared Parking Tabulation Chart (as modified to 102 spaces) delineated on Redlined Site Plan – Post Hearing (Pet. Ex. 4A), be and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from the BCZR, §409.4A to approve 104 parking spaces in lieu of the otherwise required 189 spaces, be, and it is hereby, **DISMISSED AS MOOT.**

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), a copy of which is attached hereto, is incorporated herein.
3. Regardless of whether permits of any kind will be applied for, prior to the use of parking spaces on the properties located at 9654 Belair Rd., 4128 Kahlston Rd., 4141 Cliffvale Rd., and/or 9660 Belair Rd., Petitioner shall comply with the DOP and DPR/DPWT ZAC comments, copies of which are attached hereto and incorporated herein, including the installation and construction of all fencing; the filing of Landscape Plan and Lighting Plan (unless already on file); and the planting of all trees, bushes and/or plantings required under the Landscape Plan and Lighting Plan as 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. Dumpsters for the restaurant shall only be emptied between the hours of 8:00 am –7:00 pm. All dumpsters shall be fully enclosed with an opaque material and a gate. No dumpster shall be located in the landscape buffer areas.
5. To the extent that any valet parking is used and/or conducted by the restaurant at the Property, Petitioner shall ensure, by lease provision or otherwise, that any valet parking shall be exclusively for parking vehicles on the parking lots at the Property, at 4128 Kahlston Rd., at 4141 Cliffvale Rd., and/or at 9660 Belair Rd. Toward this end, there shall be no valet parking across Belair Rd.
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.: 2023-0223-SPH, 2023-0224-SPHA, and 2023-0225-SPH, 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 relates/pertains the use of the Property at 9654 Belair Rd., shall apply here.

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

A handwritten signature in cursive script, reading "Maureen E. Murphy", written over 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 8th 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.II.A.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

2023-0226-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).

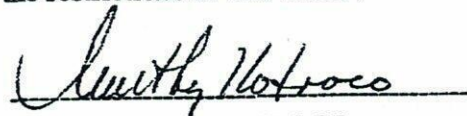
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict 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 9654 Belair Rd., Baltimore, MD 21236 Currently Zoned DR 3.5 & BL-AS
Deed Reference 08434 / 675 10 Digit Tax Account # 1111001025
Owner(s) Printed Name(s) 9654 Belair Road, Inc.

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

Please see attached.

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

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

Legal Owners (Petitioners):

9654 Belair Road, Inc.
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

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 2023-0226-SPHA Filing Date 10 / 25 / 2023 Do Not Schedule Dates Reviewer CF

Attachment to Zoning Petition

9654 Belair Road

Property Info =

9654 Belair Road:

Tax Acct No.: 111001025 – Parcel 335, LOT 1

Petition for Special Hearing to confirm the continuation of previously approved variance in Case 2013-0133-A (providing approval for 76 spaces in lieu of otherwise required 189).

In the alternative, Petition for Variance from BCZR §409.6A to approve 104 parking spaces in lieu of the otherwise required 189 spaces.

Petition for Special Hearing to amend previously approved plans in Case No. 2013-0133-A.

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

2023-0226-SPAA



Richardson
ENGINEERING

CIVIL | COMMERCIAL
RESIDENTIAL
INDUSTRIAL

RICHARDSON ENGINEERING, LLC.
7 DENEISON ST. | TIMONIUM, MD 21093
410-560-1502 | RICHARDSONENGINEERING.NET

**ZONING DESCRIPTION FOR
9654 BELAIR ROAD**

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

BEGINNING FOR THE SAME at a point on the west side right-of-way of Belair Road (variable in width) at a distance of 182 feet south of the centerline intersection of Belair Road and Cliffvale Road (40 feet in width), thence binding on Belair Road; (1) South 41 degrees 43 minutes 45 seconds West 122.67 feet, (2) South 86 degrees 38 minutes 03 seconds West 26.65 feet to a point on the north side right-of-way of Kahlston Road (55 feet in width), thence binding on Kahlston Road the following courses and distances; (3) North 48 degrees 28 minutes 04 seconds West 35.37 feet, (4) South 40 degrees 57 minutes 55 seconds West 8.36 feet, (5) North 48 degrees 18 minutes 30 seconds West 112.99 feet, (6) North 48 degrees 18 minutes 30 seconds West 100.00 feet thence leaving Kahlston Road for the following courses and distances; (7) North 41 degrees 41 minutes 30 seconds East 150.00 feet, (8) South 48 degrees 18 minutes 30 seconds East 100.00, (9) South 48 degrees 18 minutes 30 seconds East 167.17 feet to the point of beginning;

Containing a net area of 39,434 square feet, or 0.91 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



2023-0226-SPHA

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: 2023-0226-SPHA
Property Address: 9654 Belair Rd
Legal Owners (Petitioners): 9654 Belair Rd, Inc.
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): RMG c/o Jenn Busse, Esq.
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 Belc. Rd 2023-0226-SPHA BLAS; DR3.5
4128 Kahlstrom Rd 2023-0224-SPHA DR3.5
9141 Clifton Rd 2023-0223-SPHA DR3.5
9660 Belc. 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



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: *MSL*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 13, 2023
Item No. 2023-0226-SPHA

DATE: November 13, 2023

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

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: 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: 2023-226-SPHA

INFORMATION:

Property Address: 9654 Belair Road
Petitioner: 9654 Belair Road, Inc. c/o Nicole Keelty
Zoning: DR 3.5, BL AS
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To confirm the continuation of previously approved variance in Case 2013-133-A, providing approval for 76 parking spaces in lieu of the otherwise required 189;

In the alternative, petition for Variance -

2. From Baltimore County Zoning Regulation (BCZR) Section 409.6A to approve 104 parking spaces in lieu of the otherwise required 189; and

Special Hearing -

3. To amend previously approved plans in Case 2013-133-A; and
4. For any further relief deemed necessary by the Administrative Law Judge.

The subject site is an approximately 24,204 square foot parcel on Belair Road in the Nottingham area. It is improved with a two-story restaurant building, a two-story office building, and a surface parking lot. The site is zoned BL AS. The site was previously the subject of Zoning Case 2013-133-A, which was granted to permit 76 spaces in lieu of the required 189.

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.

The Department of Planning understands the Petitioners need to provide adequate parking for the restaurant and office uses on the site. As such, the Department has no objections to the Special Hearing and/or Variance relief, subject to the following conditions:

- Privacy fencing similar to that dividing 4139 Cliffvale Road and 4141 Cliffvale Road shall be proposed dividing 4126 and 4128 Kahlston Road; and
- Landscaping shall be provided in front of the privacy fencing/along the property line dividing 4126 and 4128 Kahlston Road in order to screen the residential dwelling from the commercial area.

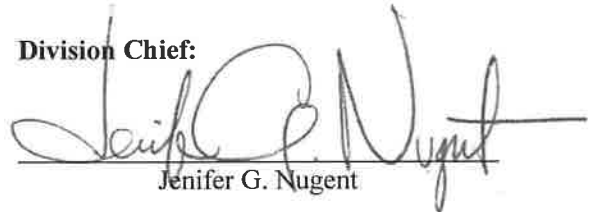
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

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. 2023-0226-SPHA

PETITIONER/DEVELOPER

Rosenberg Martin Greenberg

Jennifer Busse

DATE OF HEARING/CLOSING

January 2, 2024

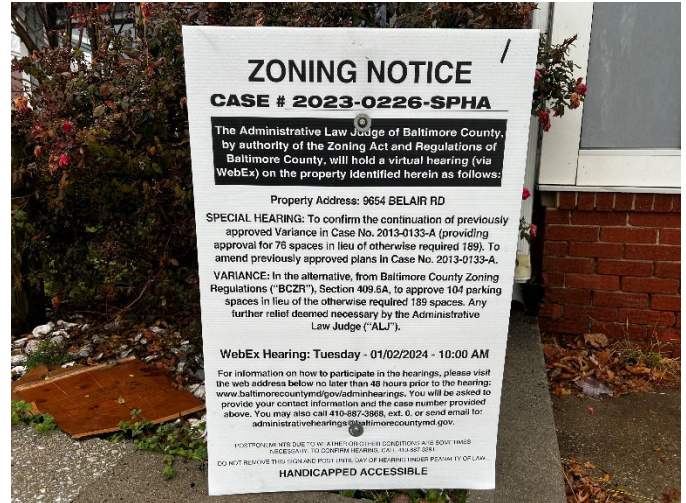
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

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

9654 Belair Rd

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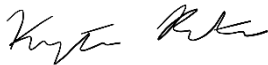
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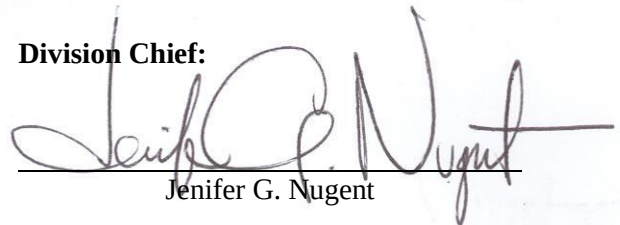
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

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 # 2023-0226-SPHA
Address: 9654 BELAIR RD
Legal Owner: 9654 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 - 1111001025

Owner Information

Owner Name: 9654 BELAIR ROAD INC Use: COMMERCIAL

Mailing Address: 9654 A BELAIR RD Principal Residence: NO
BALTIMORE MD 21236-1107 Deed Reference: /08434/ 00675

Location & Structure Information

Premises Address: 9654 BELAIR RD Legal Description: PRT LT 1
0-0000 NWS BELAIR RD
NE COR KAHLSTON RDMap: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0063 0021 0335 10000.04 0000 1 2022 Plat Ref: 0014/ 0030

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1917 15,948 SF 24,204 SF 23Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
RESTAURANT/ C3 2014

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2022 As of 07/01/2023	
Land:	462,700	462,700		
Improvements	1,650,100	1,621,400		
Total:	2,112,800	2,084,100	2,084,100	2,084,100
Preferential Land:	0	0		

Transfer Information

Seller: PERRY HALL COCKTAIL LOUNGE Date: 03/23/1990 Price: \$0
INC

Type: NON-ARMS LENGTH OTHER Deed1: /08434/ 00675 Deed2:

Seller: Date: Price:

Type: Deed1: Deed2:

Seller: Date: Price:

Type: Deed1: 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

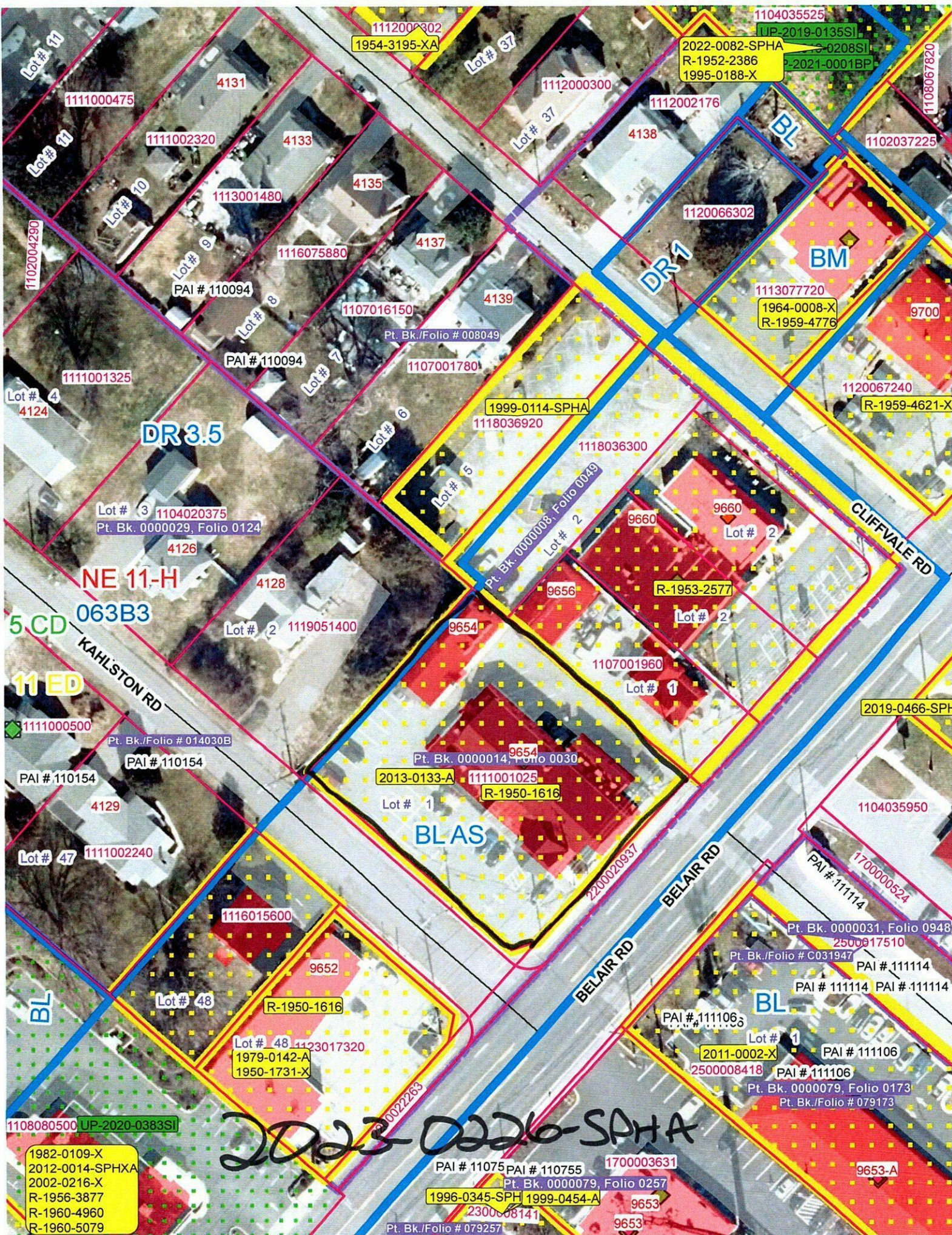
Homestead Application Information

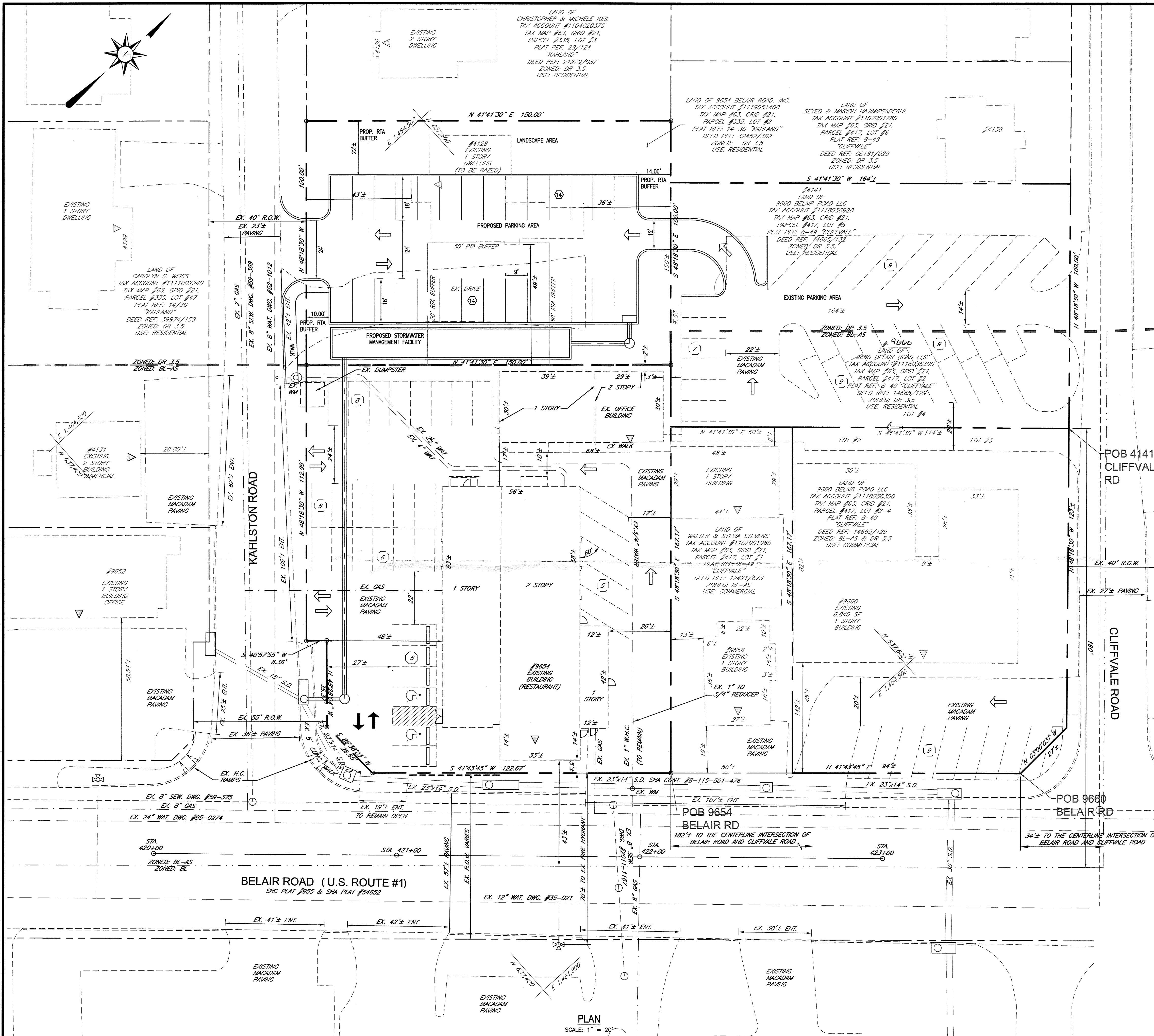
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

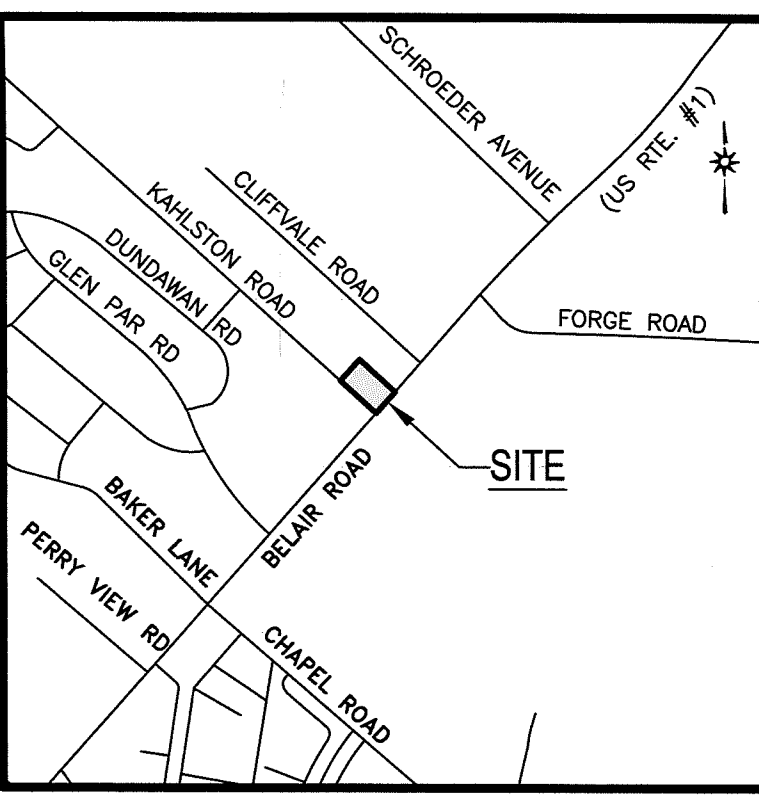
2023-0226-3071A





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.
- 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:

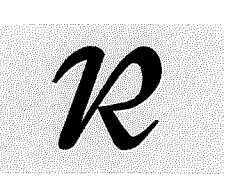
CASE # R-1950-1616
APPEAL OF A PREVIOUS ZONING RECLASSIFICATION REQUEST SEEKING A ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL. THE ORIGINAL REQUEST WAS DENIED.
APPEAL GRANTED JANUARY 17, 1950

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

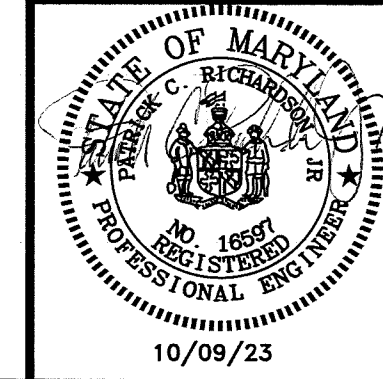
PLAN TO ACCOMPANY ZONING PETITION
FOR
PROPOSED RESTAURANT

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	100%	1.0	5%	0.5	5%	0.5
B	RESTAURANT	10,435	16		167.0	50%	92.4	100%	184.9	100%	184.9	100%	18.5	10%	18.5
C	OFFICES	6,840	3.3		22.6	100%	22.6	100%	2.3	100%	2.3	5%	1.1	5%	1.1
GRAND TOTAL - BUILDING AREA					21,297										
GRAND TOTAL - BALTIMORE COUNTY PARKING REQUIRED															
EXISTING PARKING PROVIDED					189		124.6		188.2		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

7. Name: Richard
 Thompson, Maryland 21093
 Phone: 410-506-1202, web: <http://richardthompson.org/web/>
 Address: 4141 Clifffvale Road
 9660 Belair Road &
 4128 Kahlston Road &
 9654 Belair Road &
 PROPOSED RESTAURANT
 FOR
 PLAN TO ACCOMPANY ZONING PETITION

[illegible][illegible][illegible][illegible]

SHARED PARKING TABULATION CHART									
(FURNISHING SERVICES REQUIRED BY AREA DETAILING ON PLAN)									
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