



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

June 4, 2024

Adam Baker, Esquire – abaker@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

Michael McCann, Esquire - michael@mmccannlaw.net
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2023-0261-A
Property: 10113-10117 Reisterstown Road

Dear Messrs. Baker and McCann:

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.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:d1m
Enclosure

IN RE: PETITION FOR VARIANCE
(10113 & 10117 Reisterstown Road)
4th Election District
2nd Council District
1920 Clarendon, LLC
Legal Owner
Neil Patel & Abhi Sheth
Contract Purchaser/Lessee

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2023-0261-A**

Petitioners

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the legal owner, 1920 Clarendon, LLC and contract purchasers/lessees Neil Patel and Abhi Sheth (“Petitioners”) for property located at 10113 & 10117 Reisterstown Road, Owings Mills (the “Property”). Petitioner requested Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §409.6A (2) to permit 59 parking spaces in lieu of the required 73 parking spaces for a Carry Out Restaurant and a Standard Restaurant with a shared parking lot.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, Abhi Sheth, appeared at the hearing along with Walenty Zarski, PE, Project Manager for Baltimore Land Design Group, Inc. who prepared and sealed a redlined site plan (the “Site Plan”) and a post-hearing site plan (the “Revised Redlined Site Plan”). (Pet. Exs. 1, 1A). Adam Baker Esquire of Rosenberg, Martin, Greenberg, LLP represented the Petitioners. Michael McCann, Esquire represented Valleys Planning Council, Greater Greenspring Association, and Barbara and Gerald St. Ours (“Protestants”) who opposed a particular aspect of the requested relief.

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. However, while DPR provided a ZAC comment dated January 9, 2024 which contained no comment, DPR also provided an email to Counsel for Petitioner on January 12, 2024 addressing DPR/DPWT's requirement for a service or access road on the rear of the Property to connect Painter's Mill Rd. to St. Thomas Lane. (Pet. Ex. 5). DPR/DPWT were requiring that the Site Plan show the service road which would be privately maintained but for public use.

The Property is 1.071 acres \pm (46,659 sf) and consists of two (2) separate parcels: (1) 10113 Reisterstown Rd. is 13,466 sf and is improved with a 1-story, 1,893 sf building previously used as a dry cleaner (aka 'Lot X'); and (2) 10117 Reisterstown Rd. is 32,226 sf and is improved with a 1-story, 3,968 sf building used as a restaurant (aka 'Lot1'). (Prot. Exs. 8). The Property is split-zoned Business, Local and Density Residential (BL/DR 16). As shown on the Site Plan, the DR portion of the Property is comprised of a 2-foot sliver at the north-east corner of the Property. (Pet. Ex. 1). No commercial use will be contained in the DR 16 portion of the Property. Mr. Zarsky, who was accepted as an expert in civil engineering, BCZR, and development regulations, explained that the buildings on the Property are currently vacant. (Pet. Ex. 4). Aerial photographs show the commercial nature of properties fronting on Reisterstown Rd. (Pet. Ex. 3A. 3B). To the immediate east is an Auto Zone store and a Popeye's restaurant. The closest cross street is St. Thomas Lane.

Petitioners are contract purchasers of the Property and they propose to re-purpose the existing buildings on the Property and share the parking arrangement between the proposed uses. Petitioners, who own 18 Dunkin restaurants and restaurants in Maryland, request to use the building at 10113 Reisterstown Rd. for a Dunkin carryout and drive-thru restaurant. As shown on the Site Plan, the existing access from Reisterstown Rd. will permit vehicles to enter the drive-thru

lane and proceed to the pick-up window. Dunkin will have no more than 3 tables and/or 12 seats. Mr. Sheth testified that most of the Dunkin customers (75-80%) use the drive-thru option and not the dine-in option. The hours of operation are 5:00 am – 9:00 pm; there is a single donut delivery between 12:00 am – 4:00 am. The peak demand for Dunkin customers is typically between 7:00 am – 11:00 am.

Petitioners also propose to re-purpose the existing restaurant building at 10117 Reisterstown Rd. The restaurant hours of operation would be 11:00 am to 12:00 am with peak hours of operation at 5:00 pm. Because the peak hours of operation occur at separate times, a shared parking arrangement is being proposed.

Protestants testified collectively that they were not opposed to the Dunkin or restaurant use, or the requested parking Variance. Protestants are opposed to the service/access road connecting Painter's Mill Rd. to St. Thomas Lane because it would provide a cut-thru, potentially allowing more vehicles to travel north-east on St. Thomas Lane and into the residential neighborhoods. Protestants provided documents in regard to the work of State Highway Administration at the intersection of Reisterstown Rd. and St. Thomas Lane. (Prot. Ex. 14). Protestants also provided a letter from Councilman Patoka to the Director of PAI echoing the Protestants' opposition to the service road. In response, the Director of PAI indicated that the service road was to assist in alleviating traffic volume along Reisterstown Rd. and provide safer ingress and egress at traffic-controlled intersections. (Pet. Ex. 8). The Director of PAI added that the long-term plan was to provide the service road from Rosewood to St. Thomas Lane. (*Id.*). Petitioner testified that the service road being required by DPR/DPWT is not needed for the Dunkin business. Petitioner did add that without the service road, more parking spaces would be available for the shared parking.

After the hearing, further discussions between PAI and DPR/DPWT occurred, and the final position of PAI as indicated in an email dated May 10, 2024 from the Director of PAI was that the service or access road would not be required before relief could be granted in this Case, and that as a result, the service road could be removed from the Site Plan. (See File - Correspondence from Director of PAI 5/10/24). Consequently, the Revised Redlined Site Plan was submitted which removed the service road and provided a Note that its removal was approved by the Director of PAI. (Pet. Ex. 1A). Given that the service road was no longer an issue, the Protestants, through Counsel, confirmed that they were no longer objecting to the requested parking Variance. Additionally, the Revised Redlined Site Plan reveals that of the required 73 parking spaces required, 70 parking spaces can now be provided, including 3 handicap parking spaces. The required number of stacking spaces for the drive thru is 7 and Petitioner is providing 12 stacking spaces.

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).

The Property is unique in that it has an irregular shape with an environmental area in the rear and two (2) existing buildings on separate parcels. (Pet. Ex. 1A). Given the requested number of reduced parking spaces is 3 less than the required number of 73, I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if a Variance for a reduced number of parking spaces were not granted because they would not be able to re-purpose these existing, vacant buildings with shared parking arrangement where the peak hours of operation for these

uses do not overlap. I find that the hardship is not self-imposed as the Petitioners are working with the existing buildings and site layout to maximize its potential use. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition by the Protestants to the parking Variance.

THEREFORE, IT IS ORDERED, this **4th** day of **June 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variances from BCZR § 409.6A(2) to permit 70 parking spaces in lieu of the required 73 parking spaces for a Carry Out Restaurant and a Standard Restaurant with a shared parking lot be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at 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, Petitioners would be required to return the subject property to its original condition.
2. The Revised Redlined Site Plan (Pet. Ex. 1A) is attached hereto and incorporated herein in its entirety.
3. Petitioners and all subsequent owners shall comply with the DOP ZAC comment which is attached hereto and incorporated herein in its entirety.

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


MAUREEN E MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 1/10/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0261-A

INFORMATION:

Property Address: 10113 & 10117 Reisterstown Road
Petitioner: 1920 Clarendon, LLC
Zoning: BL/DR 16
Requested Action: Variance

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

Variance - Relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations to permit 59 parking spaces in lieu of the required 73 parking spaces for a Carry Out Restaurant and a Standard Restaurant with a shared parking lot.

The proposed site is a 1.07-acre property that is located on MD-140 and surrounded by shopping centers and other retail uses. The proposed site has two previous zoning cases and is not in any historic district.

The existing land use is currently vacant with an abandoned Cleaners and Restaurant on site. The requested relief for a variance to reduce parking, as said in the above request, does not adversely impact the desired design. The applicant proposes a Restaurant and a drive-thru Dunkin Donuts. This development will be a great improvement to the dilapidated site. Proposed parking requirements will consist of 59 spaces, including 3 ADA, in lieu of 73 spaces. It is understood that the Dunkin Donuts will have no more than 3 tables and/or 12 seats. The streetscape will be continued and there will be no disturbance to the public right of way. The layout of the parking lot appears to provide safe two-way vehicular travel and pedestrian movements.

The Department has no objection in granting the relief conditioned upon the following:

- 1) Confirm with the Office of Zoning Review that stacking requirements are being met.
- 2) Indicate locations of loading areas and dumpsters. Loading areas should be located where they will not cause disruption to vehicular and pedestrian traffic. Dumpsters should be located off the public right of way and screened pursuant to Condition H of the Baltimore County Landscape Manual.
- 3) All signage shall comply with Section 450 of the Baltimore County Zoning Regulations.
- 4) Confirm with the Office of Zoning Review if a spirit & intent letter or zoning action is required in order to continue the non-conforming use of commercial parking in a residential zone.
- 5) Provide a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval.

- 6) Confirm by note and demonstrate on the plan the site will be ADA compliant to include depressed curbs, ramps, etc.
- 7) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for BL/DR 16 zoned property and
- 8) The plan meets all additional conditions as required by the Administrative Law Judge.

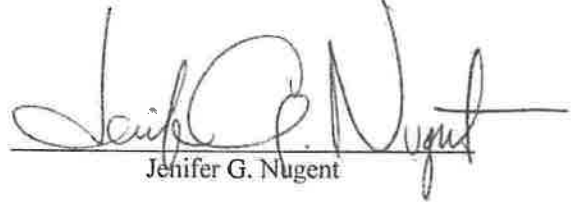
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Adam Baker-Rosenberg Martin Greenberg LLP
Alexandra Laham, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

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

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

Address 10113 & 10117 Reisterstown Road which is presently zoned BL/DR 16

Deed References: L. 41589 / F. 43 10 Digit Tax Account # 1 6 0 0 0 0 0 5 3 4

Property Owner(s) Printed Name(s) 1920 Clarendon, LLC 1 6 0 0 0 0 0 5 3 5

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

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

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

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

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

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

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

Contract Purchaser/Lessee:

Neil Patel & Abhi Sheth
Name- Type or Print

[Signature]
Signature

512 Timbor Springs Court Reisterstown MD
12201 Running Fence Lane Clarksville MD

Mailing Address City State
21136
21029

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

1920 Clarendon, LLC /
Name #1 - Type or Print Name #2 - Type or Print

[Signature] /
Signature #1 Signature #2

11925 Park Heights Ave Owings Mills MD

Mailing Address City State
21117

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam Baker - Rosenberg Martin Greenberg LLP
Name- Type or Print

[Signature]
Signature

25 S. Charles Street, 21st FL Baltimore MD

Mailing Address City State
21201 / 410-727-6600 / abaker@rosenbergmartin.com

Zip Code Telephone # Email Address

Representative to be contacted:

Adam Baker - Rosenberg Martin Greenberg LLP
Name - Type or Print

[Signature]
Signature

25 S. Charles Street, 21st FL Baltimore MD

Mailing Address City State
21201 / 410-727-6600 / abaker@rosenbergmartin.com

Zip Code Telephone # Email Address

CASE NUMBER 2023-0261-A Filing Date 12/14/2023 Do Not Schedule Dates: _____ Reviewer [Signature]

Attachment to Zoning Petition for 10113 & 10117 Reisterstown Road

Variance Relief from Section:

1. Section 409.6.A.2 of the Baltimore County Zoning Regulations to permit 59 parking spaces in lieu of the required 73 parking spaces for a Carry Out Restaurant and a Standard Restaurant with a shared parking lot.
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

4865-3045-1349, v. 1

2023-0261-A

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING VARIANCE
10113 & 10117 REISTERSTOWN ROAD
OWINGS MILLS, MARYLAND 21117
4TH ELECTION DISTRICT; 2ND COUNCILMANIC DISTRICT**

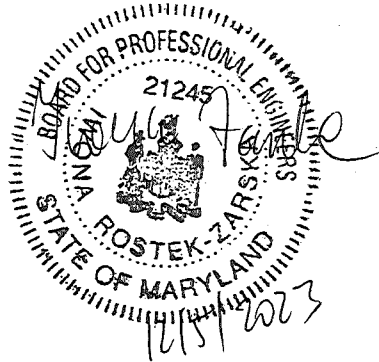
November 13, 2023

Beginning at the point located on the north side of Reisterstown Road having the variable width of the right of way, said point being located northwesterly 303 feet, more or less, from the intersection of centerlines of Saint Thomas Lane having the variable width of the right-of-way, and Reisterstown Road, thence running the following courses and distances:

1. North 47° 30' 53" West, 58.00 feet to a point; thence,
2. North 47° 30' 53" West, 82.36 feet to a point; thence,
3. North 42° 29' 07" East, 1.00 feet to a point; thence,
4. North 47° 30' 53" West, 26.46 feet to a point; thence,
5. North 42° 29' 07" East, 3.83 feet to a point; thence,
6. North 47° 30' 53" West, 31.22 feet to a point; thence,
7. North 41° 59' 20" East, 227.35 feet to a point; thence,
8. South 47° 30' 40" East, 140.00 feet to a point; thence,
9. South 47° 30' 40" East, 58.00 feet to a point; thence,
10. South 41° 59' 20" West, 232.17 feet to a point, to the point of beginning.

Containing 46,659 square feet or 1.071 acres, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.



2023-0261-A

**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: 2023-0261-A
Property Address: 10113 & 10117 Reisterstown Rd

Legal Owners (Petitioners): 1920 Clarendon LLC
Contract Purchaser/Lessee: Neil Patel & Abh: Sheth

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Adam Baker
Address: 25 S. CHARLES ST 21ST FLOOR
Baltimore MD 21201

Telephone Number: 410-727-6600

*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. **229415**

Date: **12-14-2023**

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|
| 001 | 806 | 2000 | | 0150 | | | | 500.00 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Total: 500.00

Rec From: **10113 & 10117 REISTERSTOWN Rd**

For: **2023 0261-A**

BLg DRG

CASHIER'S VALIDATION

RF 231103

DISTRIBUTION

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



**Rosenberg
 Martin
 Greenberg LLP**

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

HOWARD BANK
 ELLICOTT CITY, MD 21043

65-343/550

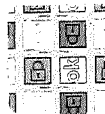
90169

PAY: *Five Hundred Dollars and 00/100*

| NUMBER | DATE | AMOUNT |
|--------|-----------|--------|
| 90169 | 12/5/2023 | 500.00 |

TO THE ORDER OF **Baltimore County**

VOID AFTER 90 DAYS



TRUE WATERMARK PAPER - HOLD TO LIGHT TO VIEW

HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT

⑈090169⑈ ⑆055003434⑆ 6015210⑈

ROSENBERG MARTIN GREENBERG LLP
 ATTORNEY OPERATING ACCOUNT

90169

| DATE | INVOICE NUMBER | MEMO | BALANCE |
|-----------|----------------|-----------------|---------|
| 12/5/2023 | | Zoning Petition | 500.00 |
| | | 13405.1 | |



Certificate of Posting

Case# 2023-0261-A

Petitioner/Developer

Rosenberg Martin Greenberg

Jennifer Busse

Date of Hearing/Closing

April 26, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the property located at

10113-10117 Reisterstown Road on April 4, 2024. Signs 1A & 2A

Sincerely, Martin Ogle

A handwritten signature in black ink, appearing to read 'Martin Ogle', is written over a white background.

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411



Certificate of Posting

Case# 2023-0261-A

Petitioner/Developer

Rosenberg Martin Greenberg

Jennifer Busse

Date of Hearing/Closing

March 11, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the property located at

10113-10117 Reisterstown Road on February 16, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2024
Item No. 2023-0261-A

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

DPW-T: N/C

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 1/10/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0261-A

INFORMATION:

Property Address: 10113 & 10117 Reisterstown Road
Petitioner: 1920 Clarendon, LLC
Zoning: BL/DR 16
Requested Action: Variance

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Variance - Relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations to permit 59 parking spaces in lieu of the required 73 parking spaces for a Carry Out Restaurant and a Standard Restaurant with a shared parking lot.

The proposed site is a 1.07-acre property that is located on MD-140 and surrounded by shopping centers and other retail uses. The proposed site has two previous zoning cases and is not in any historic district.

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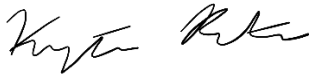
The Department has no objection in granting the relief conditioned upon the following:

- 1) Confirm with the Office of Zoning Review that stacking requirements are being met.
- 2) Indicate locations of loading areas and dumpsters. Loading areas should be located where they will not cause disruption to vehicular and pedestrian traffic. Dumpsters should be located off the public right of way and screened pursuant to Condition H of the Baltimore County Landscape Manual.
- 3) All signage shall comply with Section 450 of the Baltimore County Zoning Regulations.
- 4) Confirm with the Office of Zoning Review if a spirit & intent letter or zoning action is required in order to continue the non-conforming use of commercial parking in a residential zone.
- 5) Provide a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval.

- 6) Confirm by note and demonstrate on the plan the site will be ADA compliant to include depressed curbs, ramps, etc.
- 7) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for BL/DR 16 zoned property and
- 8) The plan meets all additional conditions as required by the Administrative Law Judge.

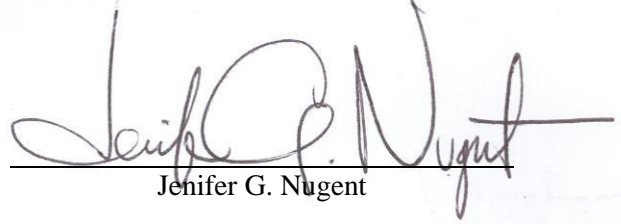
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Adam Baker-Rosenberg Martin Greenberg LLP
Alexandra Laham, 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. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 9, 2024

SUBJECT: DEPS Comment for Zoning Item # 2023-0261-A
Address: Neil Patel, Abni Sheth
Legal Owner: 10113-10117 Reisterstown Rd

Zoning Advisory Committee Meeting of January 9, 2024.

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 - 04 Account Number - 1600000535

Owner Information

Owner Name: 1920 CLARENDON LLC Use: COMMERCIAL
Mailing Address: P O BOX 1046 Principal Residence: NO
SEVERNA PARK MD 21146 Deed Reference: /41589/ 00043

Location & Structure Information

Premises Address: 10113 REISTERSTOWN RD Legal Description: LT ES REISTERSTOWN R
OWINGS MILLS 21117- 287 NW ST THOMAS LANE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0058 0022 0663 20000.04 0000 X 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1970 1,893 SF 13,466 SF 24

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
RETAIL STORE / C3

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|------------------|------------------|
| | | As of 01/01/2023 | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 203,400 | 203,400 | | |
| Improvements | 172,400 | 201,500 | | |
| Total: | 375,800 | 404,900 | 385,500 | 395,200 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

| | | |
|----------------------------------|----------------------|--------------------|
| Seller: WU CORPORATION | Date: 06/26/2019 | Price: \$2,050,000 |
| Type: ARMS LENGTH MULTIPLE | Deed1: /41589/ 00043 | Deed2: |
| Seller: PLAIN N FANCY DO NUTS OF | Date: 11/23/1973 | Price: \$65,000 |
| Type: ARMS LENGTH IMPROVED | Deed1: /05410/ 00117 | Deed2: |
| Seller: | Date: | Price: |
| Type: | Deed1: | Deed2: |

Exemption Information

| | | |
|-----------------------------------|------------|--------------------------|
| Partial Exempt Assessments: Class | 07/01/2023 | 07/01/2024 |
| 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:

2023-0241-A

0402019005

10123

R-1965-0006
PAI # 040738

Pt. Bk./Folio # MP14012

R-1967-0229
0413056820

PAI # 040738 PAI # 040738

1971-0264-X
1986-0001-SPH

0402065925

058B3

1600000536
Pt. Bk. 0000034, Folio 0011

DR 3.5

RO
1985-0357
R-1987-02-
2001-0212

PAI # 040091

Pt. Bk./Folio # 034011

R-1967-0069-SPH
1979-0089-X

PAI # 040091

Lot # 1

160000053

2021-0131-SPHA

10117

1967-0075-X
2001-0181-SPH 3024156

DR 16

2 CD NW 11-H

1600000535
Lot # X

10113

PAI # 040755

Pt. Bk./Folio # MP16014
Pt. Bk. 0000041, Folio 0116

Lot # A

2016-0126-SPHA

1800007320

PAI # 040755

PAI # 040755

10109

067B1

2016-0298-A
2017-0099-A
2018-0297-A
2020-0115-A
2015-0105-A
2016-0187-A

1974-0142-A
R-1973-0226

BM

R-1970-0233

2300006025

1960-5139-SPH

R-1952-2398 PAI # 030496

PAI # 030496

UP-2017-0044SI

PAI # 030496

UP-2019-0345SI

Pt. Bk. PAI # 030496 314

UP-2020-0295SI

Lot # 1

UP-2017-0043SI

2500013617 UP-2019-0344SI

Pt. Bk. 0000079, Folio 0614

REISTERSTOWN RD

10101
PAI # 040159

Pt. Bk./Folio # 041116

1800007321

UP-2021-0054SI

Lot # B

1987-0518-A

PAI # 040159

2023-0261-A

LEGEND

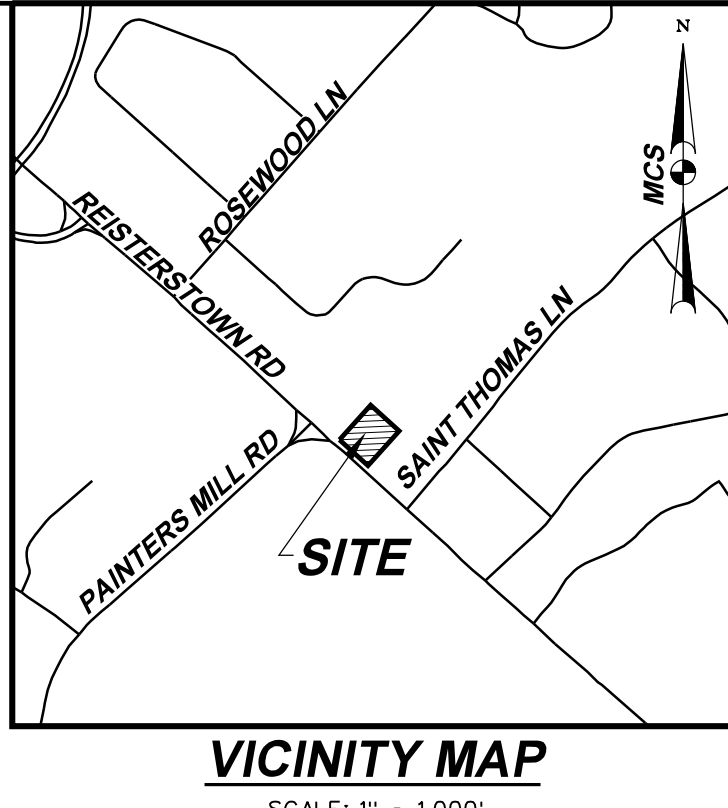
| | |
|---|----------|
| RIGHT-OF-WAY LINE | --- |
| PROPERTY LINE | --- |
| EX. EASEMENT | --- |
| ZONING LINE | --- |
| EX. CONCRETE CURB AND GUTTER | --- |
| EX. CURB AND GUTTER TO BE REMOVED | --- |
| EX. EDGE OF PAVING | --- |
| EX. CONCRETE TO BE REMOVED DESIGNATION | --- |
| EX. BUILDING | --- |
| EX. SIGN | --- |
| EX. WOOD FENCE | --- |
| EX. STORM DRAIN, MANHOLE & INLET | --- |
| EX. RIP-RAP | --- |
| EX. SANITARY SEWER, MANHOLE & CLEANOUT | --- |
| EX. WATER MAIN, VALVE & FIRE HYDRANT | --- |
| EX. ELECTRIC LINE | --- |
| EX. GAS LINE | --- |
| EX. TELEPHONE LINE, POLE & BOX | --- |
| EX. POLE WITH LIGHT | --- |
| EX. UTILITY POLE & GUY WIRE | --- |
| EX. BOLLARD | --- |
| EX. OVERHEAD LINE | --- |
| EX. INDEX CONTOURS | --- |
| EX. INTERMEDIATE CONTOURS | --- |
| EX. TREE LINE | --- |
| EX. TREE | --- |
| EX. TREE TO BE REMOVED | --- |
| EX. SOL LINE | --- |
| 100 YEAR FLOODPLAIN WITH 1 FT. FREEBOARD LINE | --- |
| 100 YEAR FLOODPLAIN WATER SURFACE ELEV. | --- |
| "EXISTING" DESIGNATION | EX. |
| PR. EASEMENT | PR. C&G |
| PR. CONCRETE CURB & GUTTER | --- |
| EX. PAVING/PR. MILL & OVERLAY | --- |
| PR. CONCRETE | --- |
| PR. STORM DRAIN, MANHOLE & INLET | PR. 15"D |
| PR. SANITARY SEWER & CLEANOUT | PR. 6"S |
| PR. WATER MAIN, VALVE & FIRE HYDRANT | PR. 6"W |
| PR. INDEX CONTOURS | 490 |
| PR. INTERMEDIATE CONTOURS | 492 |
| PR. PARKING COUNT | 10 |
| "PROPOSED" DESIGNATION | PR. |

NOTE:
 1. PER THE DIRECTOR OF THE BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS, THERE WILL BE NO SERVICE ROAD ON THIS SITE OR ANY OTHER CONNECTION TO ANY EXISTING OR PLANNED SERVICE ROAD THROUGH THE SITE OR THE TWO ADJOINING PROPERTIES TO THE SOUTH TO ACCESS ST. THOMAS LANE.

PETITION FOR ZONING HEARING FOR VARIANCE

1. VARIANCE FOR PARKING REGULATIONS
 1.1 VARIANCE FROM SECTION 409.6.A.2 OF THE B.C.Z.R. TO ALLOW 59 SPACES IN LIEU OF THE REQUIRED 73 SPACES.

NOTE: THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.



SITE DATA

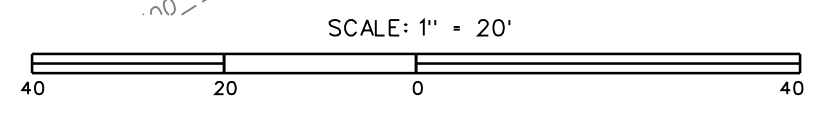
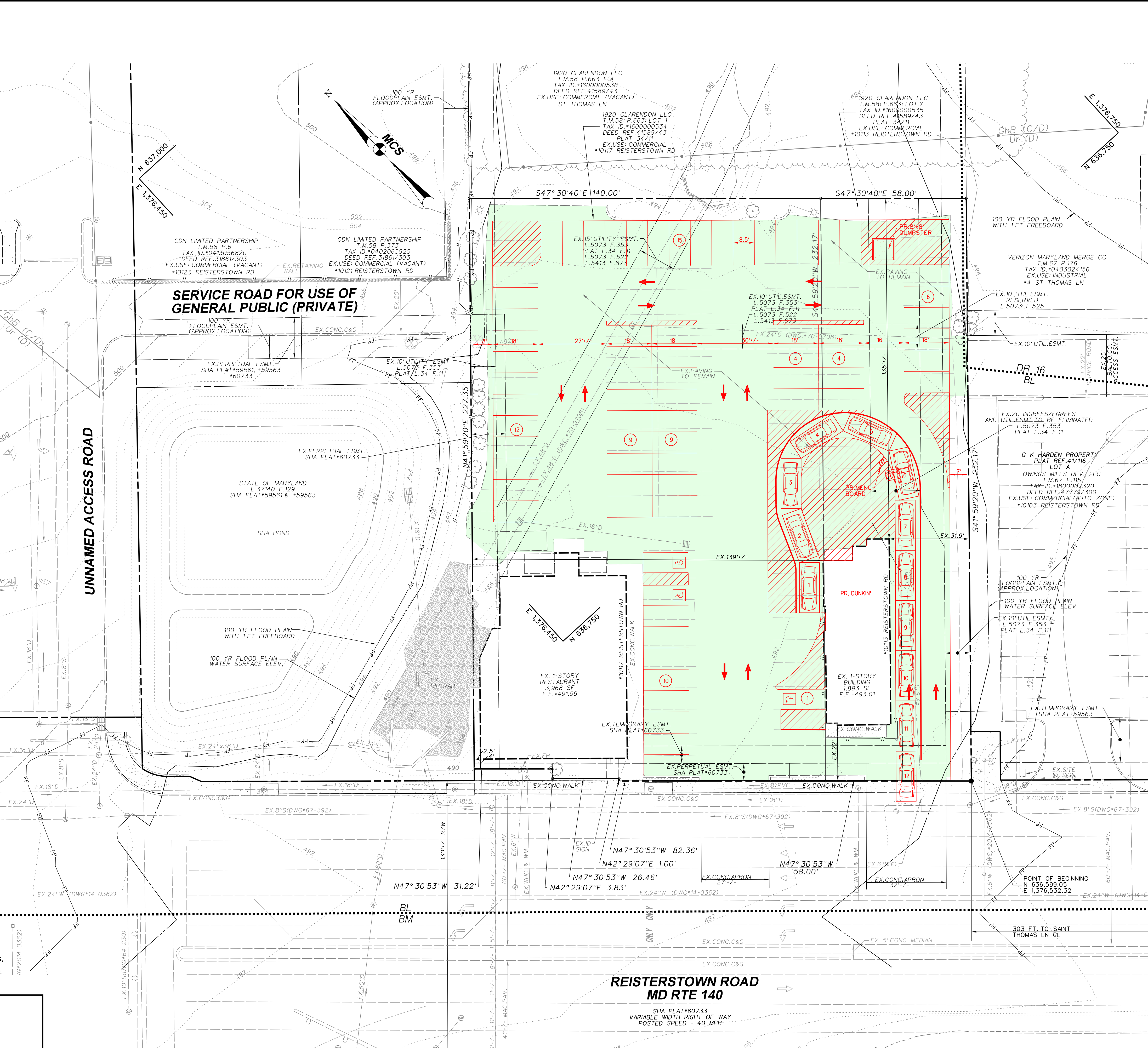
- AREA OF TRACT: 46,559 SF OR 1.07 AC
- OWNER: 1920 CLARENDON, LLC 1925 PARK HEIGHTS AVE. OWINGS MILLS, MD 21117
- DEVELOPER: NEIL PATEL 512 TIMBER SPRINGS CT. REISTERSTOWN, MARYLAND 21136
- TAX MAP REFERENCES: T.M.58: C.22: P.663: LOT 1; TAX ID: *160000534
- DEED REFERENCES: L.41589: F.43
- PLAT REFERENCES: L.34: F.11
- ELECTION DISTRICT: 4; COUNCILMANIC DISTRICT: 2
- EXISTING ZONING: BL, DR-16, MAP *058B3
- EXISTING USE: VACANT PROPOSED USE: RESTAURANT ON LOT 1 & PR. DUNKIN' ON LOT X
- CENSUS TRACT: 4042.02 TRANSPORTATION ZONE: 0624 ZIP CODE: 21117 WATERSHED: GWYNNS FALLS
- LANDSCAPE REQUIREMENTS: LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL
- STORM WATER MANAGEMENT (SWM): N/A
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST.
- THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON SITE.
- FOREST CONSERVATION REQUIREMENTS: FOREST CONSERVATION REQUIREMENTS DO NOT APPLY SINCE THE ENTIRE SITE IS WITHIN 100 YEAR FLOODPLAIN.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES, UNLESS OTHERWISE PERMITTED BY BALTIMORE COUNTY.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION: PREMISES ARE SHOWN ON FEMA MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 220 OF 580, COMMUNITY PANEL NUMBER 24001002200, MAP REVISED AUGUST 2, 2011" AND IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN).
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- LIGHTING SHALL BE ERCTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL AREAS AND PUBLIC ROADS.
- "BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA. THE PROPERTY IS NOT LOCATED IN A WATER OR SEWER FAILED SERVICE AREA.
- UNLESS OTHERWISE NOTED, PAVEMENT MARKINGS SHALL BE TRAFFIC WHITE. ALL PARKING SPACES SHALL BE PAVED WITH DURABLE DUSTLESS SURFACE, PROPERLY DRAINED AND ALL PARKING SPACES SHALL BE STRIPED PERMANENTLY.
- CONTRACTOR SHALL PROVIDE ALL PAVEMENT MARKINGS AND SIGNAGE FOR ACCESSIBLE SPACES INDICATED ON HEREON IN ACCORDANCE WITH ALL APPLICABLE CODES.
- ACCESSIBLE SPACES AND CURB RAMPS SHALL COMPLY WITH CURRENT A.D.A. GUIDELINES FOR SLOPE, LINE PAINTING, MATERIAL, AND SIGNAGE.
- TRAFFIC CONTROL DEVICES, MARKING AND SIGNS SHALL COMPLY WITH LATEST EDITION OF MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, UNLESS SPECIFIED OTHERWISE.

PARKING REQUIREMENTS

PARKING SPACES REQUIRED:
 (RESTAURANT) 3,968 SF @ 16 PS / 1,000 SF = 63.48 P.S.
 (DUNKIN') 1,893 SF @ 5 PS / 1,000 SF = 9.46 P.S.
 TOTAL PARKING SPACES REQUIRED: 72.94 PS = 73 PS
 PARKING SPACES PROVIDED: 70 PS (INCL. 3 HANDICAP)
 NOTE: DUNKIN' WILL HAVE NO MORE THAN 3 TABLES AND/OR 12 SEATS

ZONING HISTORY:

- CASE NO. 1967-0069: REQUEST FOR PROPERTY TO BE RECLASSIFIED FROM A R-10 TO A BL ZONE. SPECIAL HEARING TO PERMIT OFF STREET PARKING IN A RESIDENTIAL ZONE WAS GRANTED OCTOBER 11, 1966.
- CASE NO. 1979-0089: SPECIAL EXCEPTION REQUEST TO USE THE PROPERTY AS A CAR WASH WAS GRANTED DECEMBER 14, 1978.



THE COORDINATE SYSTEM OF ALL DRAWINGS IS BASED ON THE NORTH AMERICAN DATUM OF 1983. THE ELEVATION SYSTEM OF ALL DRAWINGS IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988. HORIZ: NAD 83/91; VERT: NAVD 88

BLDG
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 Consulting Engineers
 230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
 PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM

OWNER
 1920 CLARENDON, LLC
 1925 PARK HEIGHTS AVE.
 OWINGS MILLS, MD 21117

DEVELOPER / APPLICANT
 NEIL PATEL
 512 TIMBER SPRINGS CT.
 REISTERSTOWN, MARYLAND 21136

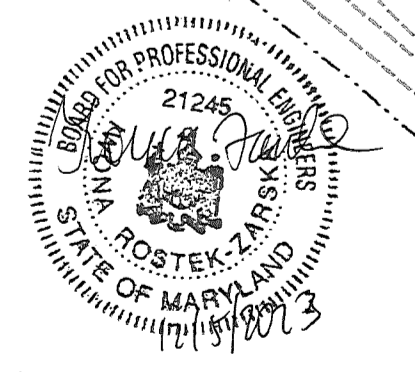
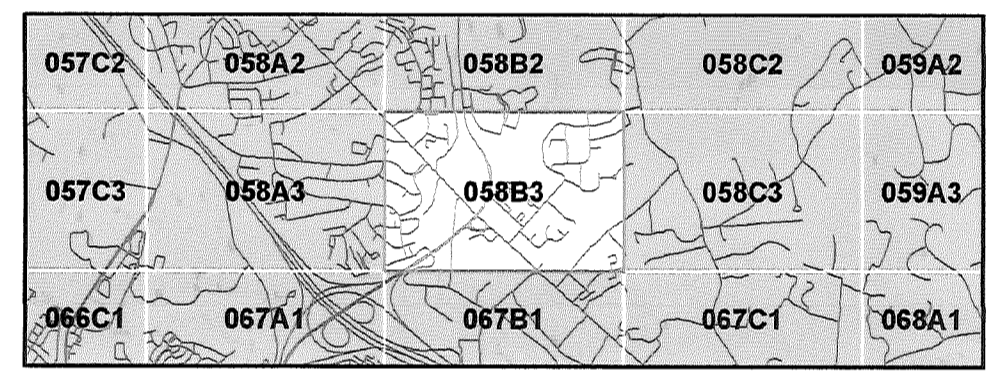
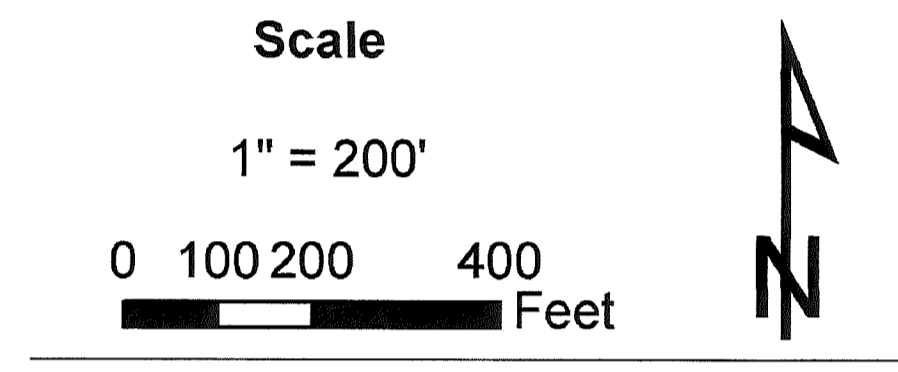
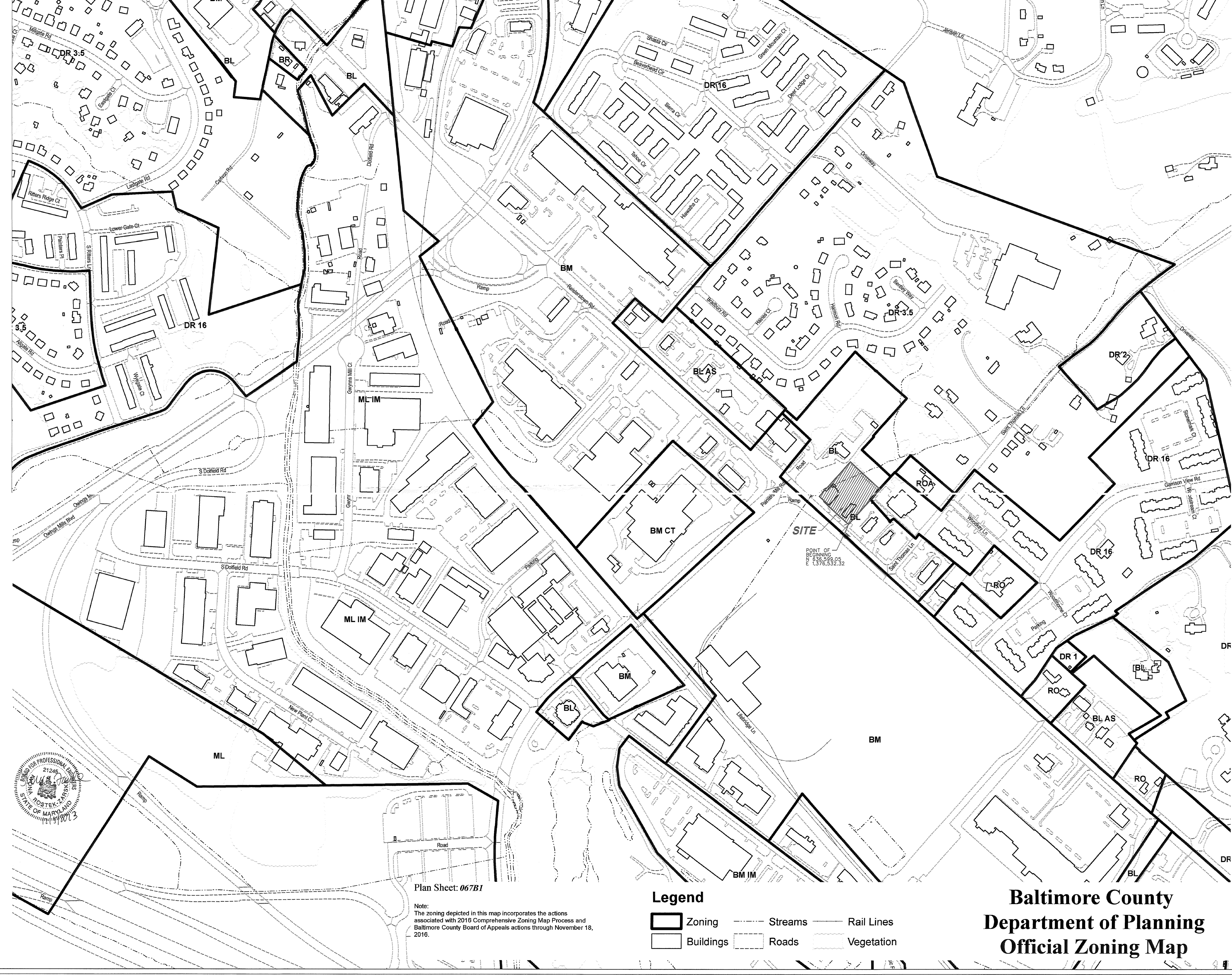
ABHI SHETH
 12201 RUNNING FENCE LANE
 CLARKSVILLE, MARYLAND 21029

PARKING EXHIBIT WITHOUT SERVICE ROAD
10113 & 10117 REISTERSTOWN ROAD
 10113 & 10117 REISTERSTOWN ROAD
 OWINGS MILLS, MARYLAND 21117
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 20'
 ELECTION DISTRICT: 4, C2
 DATE: JANUARY 30, 2024

| REVISIONS | | DATE | NO. | DESCRIPTION | BY |
|-----------|--|------|-----|-------------|----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, IWONA ROSTEK-ZARSKA, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2024.

DRAWING NO.

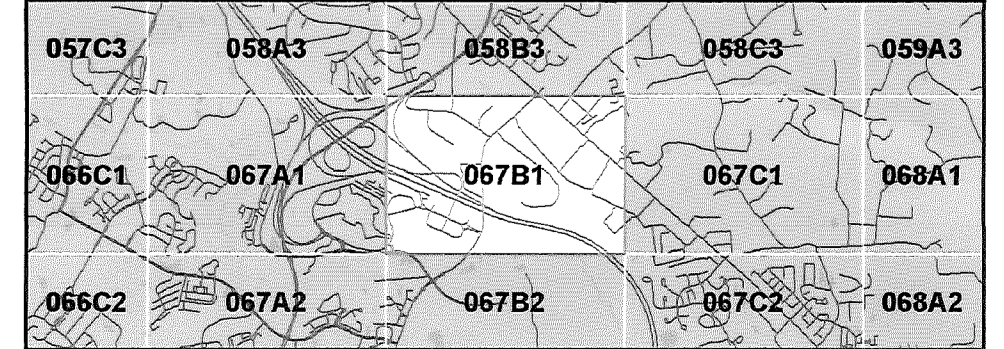


Plan Sheet: 067B1

Note:
The zoning depicted in this map incorporates the actions associated with 2016 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through November 18, 2016.

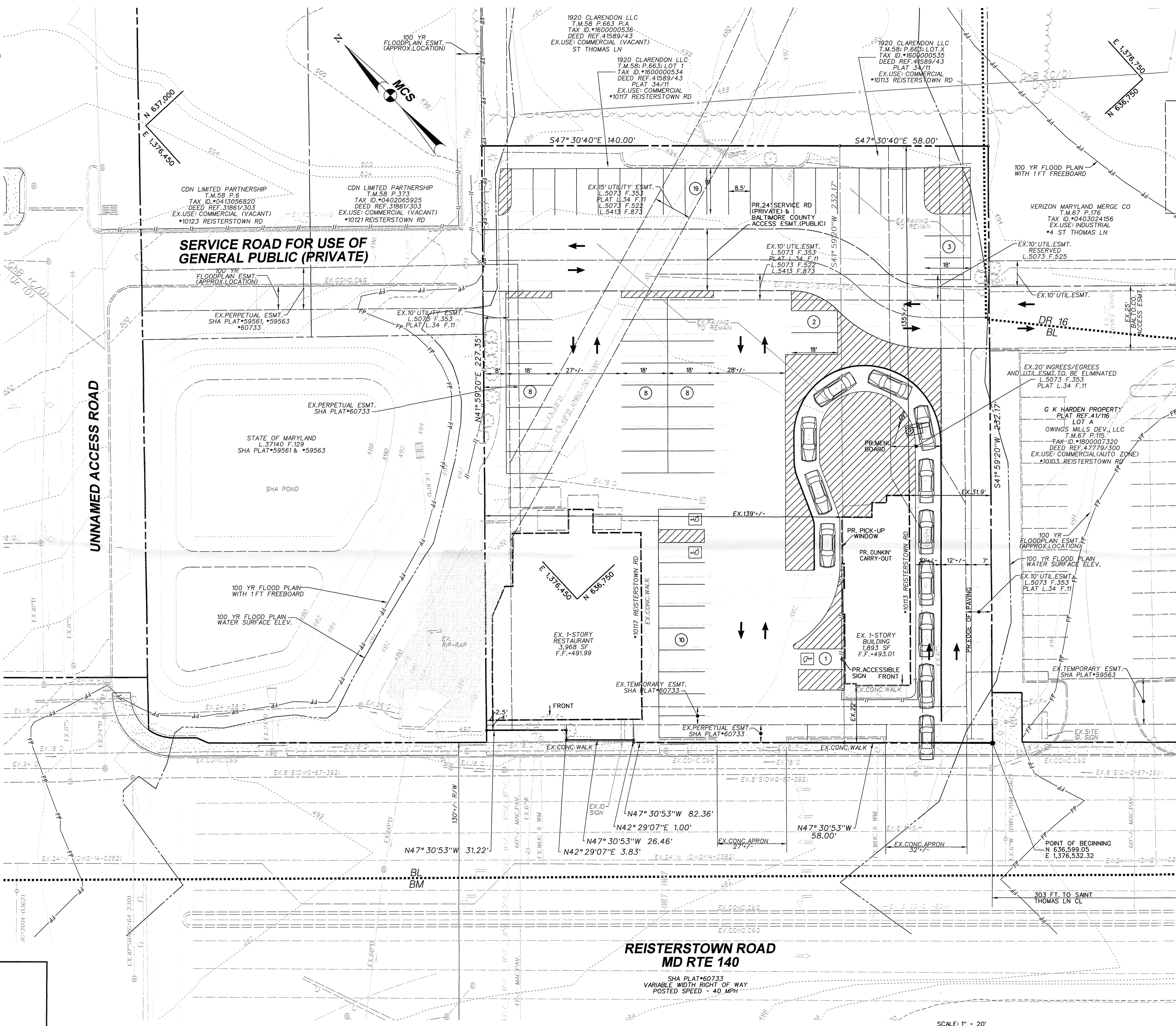
- Legend**
- Zoning
 - Buildings
 - Streams
 - Roads
 - Rail Lines
 - Vegetation

**Baltimore County
Department of Planning
Official Zoning Map**



LEGEND

- RIGHT-OF-WAY LINE
- PROPERTY LINE
- EX. EASEMENT
- ZONING LINE
- EX. CONCRETE CURB AND GUTTER
- EX. CURB AND GUTTER TO BE REMOVED
- EX. EDGE OF PAVING
- EX. CONCRETE
- TO BE REMOVED DESIGNATION
- EX. BUILDING
- EX. SIGN
- EX. WOOD FENCE
- EX. STORM DRAIN, MANHOLE & INLET
- EX. RIP-RAP
- EX. SANITARY SEWER, MANHOLE & CLEANOUT
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- EX. ELECTRICAL LINE
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- EX. TELEPHONE LINE, POLE & BOX
- EX. POLE WITH LIGHT
- EX. UTILITY POLE & GUY WIRE
- EX. BOLLARD
- EX. OVERHEAD LINE
- EX. INDEX CONTOURS
- EX. INTERMEDIATE CONTOURS
- EX. TREE LINE
- EX. TREE
- EX. TREE TO BE REMOVED
- EX. SOIL LINE
- 100 YEAR FLOODPLAIN WITH 1 FT. FREEBOARD LINE
- 100 YEAR FLOODPLAIN WATER SURFACE ELEV.
- "EXISTING" DESIGNATION
- PR. EASEMENT
- PR. CONCRETE CURB & GUTTER
- EX. PAVING/PR. MILL&OVERLAY
- PR. CONCRETE
- PR. STORM DRAIN, MANHOLE & INLET
- PR. SANITARY SEWER & CLEANOUT
- PR. WATER MAIN, VALVE & FIRE HYDRANT
- PR. INDEX CONTOURS
- PR. INTERMEDIATE CONTOURS
- PR. PARKING COUNT
- "PROPOSED" DESIGNATION



SITE DATA

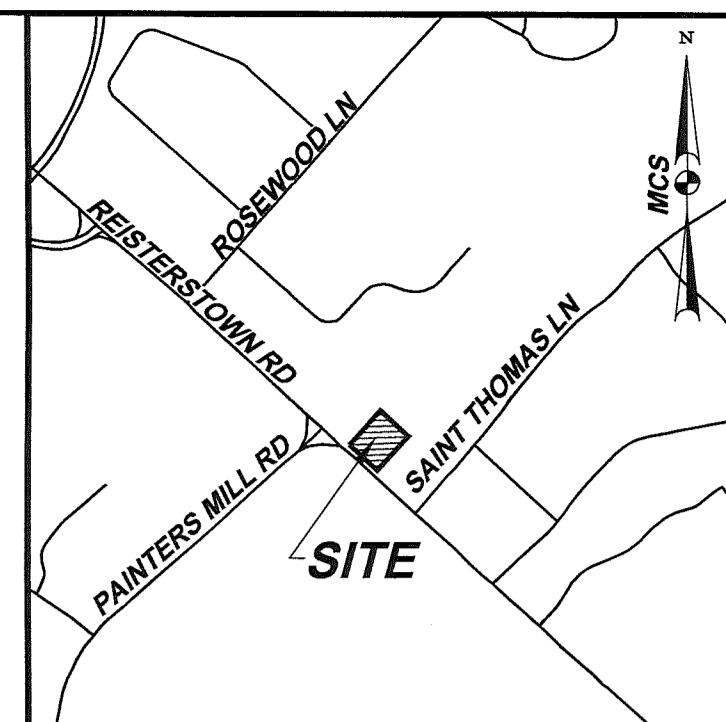
1. AREA OF TRACT: 46,659 SF OR 1.07 AC
2. OWNER: 1920 CLARENDON, LLC 1925 PARK HEIGHTS AVE. OWINGS MILLS, MD 21117
3. DEVELOPER: NEIL PATEL 512 TIMBER SPRINGS CT. REISTERSTOWN, MARYLAND 21136
4. TAX MAP REFERENCES: T.M.58:0.22:P.663:LOT 1; TAX ID: *1600000534 T.M.58:0.22:P.663:LOT X; TAX ID: *1600000535
5. DEED REFERENCES: L.41589: F.43
6. PLAT REFERENCE: L.34: F.11
7. ELECTION DISTRICT: 4: COUNCILMANIC DISTRICT: 2
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9. EXISTING USE: VACANT PROPOSED USE: RESTAURANT ON LOT 1 & PR. DUNKIN' ON LOT X
10. CENSUS TRACT: 4042.02 TRANSPORTATION ZONE: 0624 ZIP CODE: 21117 WATERSHED: GWYNNS FALLS
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 NOTE: DUNKIN' WILL HAVE NO MORE THAN 3 TABLES AND/OR 12 SEATS

ZONING HISTORY:

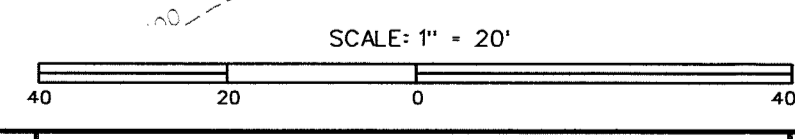
1. CASE NO. 1967-0069: REQUEST FOR PROPERTY TO BE RECLASSIFIED FROM A R-10 TO A BL ZONE. SPECIAL HEARING TO PERMIT OFF STREET PARKING IN A RESIDENTIAL ZONE WAS GRANTED OCTOBER 11, 1966.
2. CASE NO. 1979-0089: SPECIAL EXCEPTION REQUEST TO USE THE PROPERTY AS A CAR WASH WAS GRANTED DECEMBER 14, 1978.



PETITION FOR ZONING HEARING FOR VARIANCE

1. VARIANCE FOR PARKING REGULATIONS
- 1.1 VARIANCE FROM SECTION 409.6.A.2 OF THE B.C.Z.R. TO ALLOW 59 SPACES IN LIEU OF THE REQUIRED 73 SPACES.

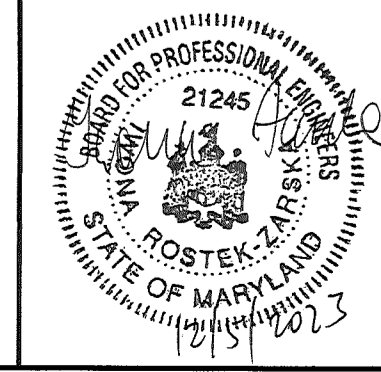
NOTE: THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.



THE COORDINATE SYSTEM OF ALL DRAWINGS IS BASED ON THE NORTH AMERICAN DATUM OF 1983. THE ELEVATION SYSTEM OF ALL DRAWINGS IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988. HORIZ. NAD 83/91; VERT: NAVD 88

2023-0261-A

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 512 TIMBER SPRINGS CT.
 REISTERSTOWN, MARYLAND 21136
 ABHI SHETH
 12201 RUNNING FENCE LANE
 CLARKSVILLE, MARYLAND 21029

| REVISIONS | | |
|-----------|-----|-------------|
| DATE | NO. | DESCRIPTION |
| | | |
| | | |
| | | |

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING FOR VARIANCE
10113 & 10117 REISTERSTOWN ROAD
 10113 & 10117 REISTERSTOWN ROAD
 OWINGS MILLS, MARYLAND 21117
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 20'
 ELECTION DISTRICT: 4, C2
 DATE: NOVEMBER, 2023

DRAWING NO.
V-1
 SHEET 1 OF 1