

IN RE: PETITION FOR ZONING VARIANCE  
8/5 Pot Spring Road, approx.  
425' NE of the c/l of  
Colonade Road  
(10633 Pot Spring Road)  
8th Election District  
3rd Councilmanic District  
Mohammad H. Zamani, M.D., et al  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-34-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit accessory structures, including an existing single family dwelling and outbuildings and a proposed swimming pool and tennis courts, in the front and side yards in lieu of the required rear yard, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, Mohammad H. Zamani, M.D. and Shahla Moshiri, M.D., appeared, testified and were represented by J. Neil Lanzi, Esquire. Also appearing on behalf of the Petition were Bruce Searles, a nearby resident of the area, and Robert W. Thompson, Jr. with Maryland Pools. Appearing as interested parties were Francine Brady on behalf of herself and her husband, represented by Fred A. Cohen, Esquire, and M. Searles, Jr. and Janice C. Searles, also nearby residents of the area.

Testimony indicated that the subject property, known as 10633 Pot Spring Road, consists of 4.196 acres zoned R.C. 4 and is improved with an existing single family dwelling and outbuildings. Petitioners filed the instant petition in an effort to resolve alleged violations regarding the proposed improvements. Due to the unique characteristics of the subject property, the Petitioners' home and the home of the adjoining property owner, Mr. & Mrs. James Brady, face each other and their side yards face Pot Spring Road. When Petitioners' contractor applied for permits for the

proposed swimming pool and tennis courts, the permits indicated the front yard was that facing Pot Spring Road rather than it being the side yard. As a result, permits were issued and construction commenced. The swimming pool and grading for the proposed tennis courts were completed when a stop work order was issued as a result of a complaint. Additionally, there are two existing outbuildings over 200 years old which are located in the front/side yard of the property. Petitioners are desirous of preserving same due to their historic value.

Testimony indicated that the swimming pool and tennis courts could not be placed in the rear yard due to the existence of a drainage and utility easement and the uneven grade of the property. The Bradys indicated they are not opposed to granting the requested variances, provided certain restrictions and modifications were made. Said modifications included moving the southeast corner of the tennis courts (the corner closest to the Brady's property) a minimum of 20 feet from the property line. Petitioners submitted a revised site plan, marked Exhibit A, incorporating this modification. Additionally, Petitioners agreed to no lighting, other than decorative, would be placed in the tennis courts to permit night play. All modifications requested were agreed to by the Petitioners except the height for the landscaping already in place on the property. The Petitioners have installed evergreens between 4 and 5 feet tall, while the Bradys believe that evergreens a minimum of 8 feet tall are necessary along their property line on the south side of the proposed tennis courts in order to mitigate both the visual impact of the courts and to provide a sound barrier.

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 the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the relief requested in the instant Petition should be granted, subject to restrictions as more fully described below. Inasmuch as the Petitioners and the Protestants could not agree on the height of the evergreens to be planted for screening purposes, a landscaping plan shall be submitted by Petitioners for approval by the Baltimore County Landscape Planner. While Petitioners have the option of retaining all trees recently planted by them, said plan shall include at least one half of the existing trees and an equal number of additional trees no less than 7 feet tall. It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County this 14th day of September, 1989 that the Petition for Zoning Variance to permit accessory structures, including an existing single family dwelling and outbuildings and a proposed swimming pool and tennis courts, in the front and side yards in lieu of the required rear yard, in accordance with Petitioner's Exhibit A, be and are hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The tennis courts and the southeast corner of the fence surrounding the tennis courts will be a minimum of 20 feet from the property line adjoining the Brady property at 10633 Pot Spring Road.
- 3) The Petitioners shall not install any lighting, other than decorative, to allow tennis play after dark. As agreed to by both parties, this restriction does not prohibit the Petitioners from installing decorative lighting provided there is no glare onto the adjoining property.
- 4) No tennis shall be played on Monday through Friday prior to 8:00 AM and no later than 9:00 PM. Further, no tennis shall be played on Saturdays and Sundays prior to 10:00 AM and no later than 9:00 PM.
- 5) Petitioners shall submit for approval by the Baltimore County Landscape Planner a landscaping plan depicting the screening proposed for the tennis courts along the southeast property line adjoining the Brady property. Said plan shall include at least one half of the existing trees recently planted by Petitioners and an equal number of additional trees a minimum of 7 feet in height. A copy of the approved plan shall be submitted to the Deputy Zoning Commissioner for a determination as to its compliance with the spirit and intent of the zoning regulations.

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-34-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To permit accessory structures (existing and proposed) in the front and side yard in lieu of the required rear yard.

DATE	_____
E. D.	_____
DATE	_____
200	_____
1000	_____
DP	_____

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Mohammad H. Zamani, M.D.
Signature	(Type or Print Name)
Address	Shahla Moshiri, M.D.
City and State	(Type or Print Name)
Signature	Signature
Address	10633 Pot Spring Road
City and State	Towson, Maryland 21204
Signature	Signature
Address	25 W. Chesapeake Avenue
City and State	Towson, Maryland 21204
Signature	Signature
Address	25 W. Chesapeake Avenue, Towson, Md
City and State	Phone No. 321-8200

ORDERED By the Zoning Commissioner of Baltimore County, this 17th day of September, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 17th day of September, 1989, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING  
Date 9/14/89  
By J. Neil Lanzi

ORDER RECEIVED FOR FILING  
Date 9/14/89  
By J. Neil Lanzi

ORDER RECEIVED FOR FILING  
Date 9/14/89  
By J. Neil Lanzi

6) 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.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bj

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

September 14, 1989

J. Neil Lanzi, Esquire  
Seiland and Jednorski  
25 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
8/5 Pot Spring Road, approx. 425' NE of the c/l of Colonade Road  
(10633 Pot Spring Road)  
8th Election District - 3rd Councilmanic District  
Mohammad H. Zamani, M.D., et al - Petitioners  
Case No. 90-34-A

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bj

cc: Michael S. Scher, Esquire  
Fred A. Cohen, Esquire  
Tydings & Rosenberg  
201 N. Charles Street, 26th Floor, Baltimore, Md. 21201

M. Searles, Jr. and Janice C. Searles  
19 Highfield Court, Hunt Valley, Md. 21030

People's Counsel

File

SEILAND AND JEDNORSKI, P.A.

CHARLES A. JEDNORSKI  
DONALD M. BARRICK  
J. MICHAEL RECHER  
J. NEIL LANZI  
DANIEL J. BARTOLINI

ATTORNEYS AT LAW  
SUITE 204  
25 WEST CHESAPEAKE AVENUE  
POST OFFICE BOX 5404  
TOWSON, MARYLAND 21204  
D 721-8200

JOHN O. SEILAND  
OF COUNSEL

August 23, 1989

RECEIVED  
AUG 23 1989

ZONING OFFICE

Ann M. Nastarowicz  
Deputy Zoning Commissioner for  
Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Zoning Variance  
Case No. 90-34-A  
Petitioners: Mohammad H. Zamani, M.D. and  
Shahla Moshiri, M.D.

Dear Ms. Nastarowicz:

Upon a review of Mr. Scher's letter to you dated August 21, 1989, my clients have instructed me to address some of the statements contained therein. Mr. Scher and I reached a tentative settlement agreement on behalf of our respective clients in early June of this year. The shifting of the tennis court and decorative lighting issues were resolved. There remains disagreement among the parties as to whether the eight foot evergreens were a condition of the Brady's before the Zamani's had planted their Canadian Hemlocks.

Nonetheless, as indicated in my August 16, 1989 letter to you, Mr. Scher's associate and I spoke with the Baltimore County landscape expert, Avery Harden. Mr. Harden indicated that the existing five (5) to six foot (6') trees would grow to eight feet (8') and the four (4) to five foot (5') existing trees would also be close to eight feet (8') within one year. Mr. Harden also acknowledged the thick growing nature of the Canadian Hemlocks. Accordingly, the Zamani's respectfully defer to the recommendations of the Baltimore County landscape expert.

I believe all other issues have been addressed by the testimony and previous letters to you. My clients acknowledge that the parties attempted to resolve their outstanding

Ann M. Nastarowicz  
August 23, 1989  
Page -2-

differences concerning the tennis court. The Zamani's believe they have acted in complete cooperation with the Brady's and respectfully request that the variance be granted.

Very truly yours,

M. H. Zamani

J. Neil Lanzi

JNL:sb

cc: Michael Scher  
Dr. Mohomad Zamani  
Dr. Shahla Moshiri

PAUL WALTER  
J. MICHAEL WILSON  
WILLIAM C. BANNON  
PETER J. SCHMIDT  
THOMAS H. WILSON, III  
THOMAS C. LEVINE  
STUART A. ROSENBERG  
JOHN B. FISHER  
MICHAEL S. SCHER  
JULIE E. LANDAU

RECEIVED  
AUG 1 1989  
ZONING OFFICE

PAUL H. THOMPSON  
ROBERT S. DOWNS  
HAROLD H. WALTER  
DAVID W. HESTER  
WILLIAM W. CARVER, III  
DAVID W. DAVYDOW  
REBECCA A. LAWS  
SCOTT E. ADAMS  
FREDERICK C. LEINER  
FRED A. COHEN  
THOMAS RODOLFFER, JR.  
DONNA M. ROBERTS  
JULIA L. SHOFF  
LISA KRISTINE HOFFMAN  
JOHN W. LANDRUM  
GERALD J. WISNIEWSKI  
MILLARD E. TYSONS  
(880-1840)  
NORMA ROSENBERG  
OF COUNSEL

Jay Robert Haines  
Zoning Commissioner-Maryland  
Office of Planning and Zoning  
Towson, Maryland 21204

Re: Petition for Zoning Variance  
Case Number: 90-34-A  
Petitioners: Mohammed H. Zamani, et al.

Dear Mr. Haines:

I represent Mr. and Mrs. James Brady, immediately adjacent neighbors to the above-referenced Petitioners. The adjacent neighbors have requested a zoning variance to permit accessory structures in the front and side yard in lieu of the required rear yard. The accessory structures referenced in the Petitioner's petition concern a pool and a tennis court. The Brady's will be adversely affected because of the proposed location of the tennis court in petitioner's side yard, which is immediately adjacent to the Brady's residence and affects the enjoyment of the property from their bedroom window. The Brady's, however, will not oppose the issuance of the variance, if the variance is conditioned upon the following:

1. That the tennis court be located such that the southeast corner of the fence surrounding the tennis court will be at least twenty (20) feet from the property line dividing the Petitioner's property, 10633 Pot Spring Road, and the Bradys' property, 10631 Pot Spring Road;
2. That the Petitioners not be allowed to install any lighting which would allow night tennis play; and
3. That adequate screening and landscaping surround the tennis court, including evergreens of at least eight (8) feet in height, located along the fence on the south side of the tennis court which faces the Bradys' residence. The necessity for such screening is paramount in order to muffle the sound associated with tennis court play and to mitigate the visual impact of the court itself. The Petitioners have agreed to screening, including use of four (4) foot high evergreens.

TYDINGS & ROSENBERG  
Jay Robert Haines  
July 31, 1989  
Page 2

However, in the Bradys' judgment, to fully screen the property from the tennis court, eight (8) foot trees are necessary.

With these conditions attached to any issuance of a variance, the Brady's will not oppose the above-referenced Petition.

Sincerely,  
Michael S. Scher  
Michael S. Scher

Property Description:

Being that property located on the east side of Pot Springs Road, approximately 425' northeast of the centerline of Colomade Road and known as lot #1-A as shown on the plat of "Resubdivision Plat 1 - Overlook" which is recorded in the land records of Baltimore County in Plat Book 54, pg. 25. Also known as 10633 Pot Spring Road.

PLEASE PRINT CLEARLY

Petitioners  
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
ROBERT W. THOMPSON	5617 BALTIMORE NAT'L AVE
Bruce Scarles	BHLT. 21228 76 MARYLAND POOL
	12 High Hill Ct
	Hunt Valley, MD 21030
Maid Aaga	25 W. Chesapeake Ave
	Towson MD 21204
Shahla Moshiri, M.D.	10633 Pot Spring Rd 21030
Mohammad Zamani, M.D.	" "

PLEASE PRINT CLEARLY

Interested Parties  
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
James and Francine Brady	10631 Pot Spring Road Cockeysville, MD 21030
Represented by Michael S. Scher, Esq.	
Fred A. Cohen, Esq.	
Tydings & Rosenberg	207 North Charles Street 26th Floor Baltimore, MD 21201
Janice A. Scarles	19 High Hill Court Hunt Valley, MD 21030
Maid Scarles	" "

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

June 29, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-34-A  
ES Pot Spring Road, approx. 425 NE of c/l of Colomade Road  
10633 Pot Spring Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Mohammed H. Zamani, et al.  
HEARING SCHEDULED: FRIDAY, AUGUST 4, 1989 at 2:00 p.m.

Variance to permit accessory structures (existing and proposed) in the front and side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: Mohammed H. Zamani, et al.  
J. Neil Lanzl, Esq.  
File

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th  
Date of Posting: 7/16/89  
Petitioner: Mohammed H. Zamani, et al.  
Location of property: 10633 Pot Spring Rd, approx. 425' NE of Colomade Rd  
Location of Sign: Facing Pot Spring Rd, approx. 10' E of 100' driveway on property of Baltimore  
Remarks: [Signature]  
Posted by: [Signature]  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 13, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 13, 1989.

THE JEFFERSONIAN  
TOWSON TIMES,  
S. Zebe Orlean  
Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
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Case Number: 90-34-A  
ES Pot Spring Road, approx. 425 NE of c/l of Colomade Road  
10633 Pot Spring Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Mohammed H. Zamani, et al.  
HEARING SCHEDULED: FRIDAY, AUG. 4, 1989 at 2:00 p.m.  
Variance to permit accessory structures (existing and proposed) in the front and side yard in lieu of the required rear yard.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
July 15, 1989

PO 13704  
no M3109  
ca 90-34-A  
price \$95.29

PETITION FOR ZONING VARIANCE

1. Two existing out-buildings located in the front/side yard are over 200 years old with renovated interiors. A variance allowing for the out-buildings to remain in their present location will preserve their historical and present value.
2. The proposed and partially completed in-ground pool is located in the side yard. The existing home is between the pool and Pot Spring Road. A County drainage and utility easement and uneven grading exist in the rear yard causing practical difficulty for installation of an in-ground pool in the rear yard. A variance allowing the pool to be located in the side yard will allow completion of the pool, an accessory structure permitted as of right in an RC4/RCS zone.
3. The proposed and partially completed tennis court is located in the side yard behind the proposed swimming pool. The County utility and drainage easement and uneven grading located in the rear yard cause practical difficulty for a tennis court to be located in the rear yard. A variance allowing the tennis court to be located in the side yard will allow completion of the tennis court, an accessory structure permitted as of right in an RC4/RCS zone.

90-34-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

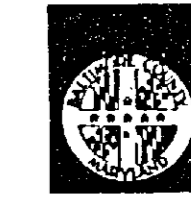
Your petition has been received and accepted for filing this 17th day of May, 1989.

J. Robert Haines  
ZONING COMMISSIONER

Petitioner: Mohammed H. Zamani, et al.  
Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE: 7/21/89



Dennis F. Rasmussen  
County Executive

Mohammad H. Zamani, M.D.  
Shahla Moshiri, M.D.  
10633 Pot Spring Road  
Cockeysville, Maryland 21030

Re: Petition for Zoning Variance  
CASE NUMBER: 90-34-A  
ES Pot Spring Road, approx. 425 NE of c/l of Colomade Road  
10633 Pot Spring Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Mohammed H. Zamani, et al.  
HEARING SCHEDULED: FRIDAY, AUGUST 4, 1989 at 2:00 p.m.

Dear Petitioners:  
Please be advised that \$120.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland Fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there shall be an additional \$50.00 added to the above amount for each such set.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 074612

DATE: 6/14/89 ACCOUNT: 801615000  
AMOUNT: \$ 120.29

RECEIVED FROM: MOHAMMAD H. ZAMANI, ET AL.  
FOR: PO

8 B 112\*\*\*\*\*12029: a 8046F  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 24, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

J. Neil Lanzl, Esquire  
Seland and Jednorski, P.A.  
25 W. Chesapeake Avenue  
Towson, MD 21204

RE: Item No. 476, Case No. 90-34-A  
Petitioner: Mohammed H. Zamani, et al.  
Petition for Zoning Variance

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Dear Mr. Lanzl:  
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development made aware of plans or problems with regard to the development made aware of plans that may have a written report with the Zoning Commissioner Planning may file a hearing on this case. Director of zoning. Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures  
cc: Mohammad H. Zamani, MD  
10633 Pot Spring Road  
Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner DATE: July 26, 1989  
FROM: Pat Keller, Deputy Director Office of Planning and Zoning  
SUBJECT: Mohammad Zamani, M.D., et ux Item #76.7 Zoning Petition No. 90-34-A

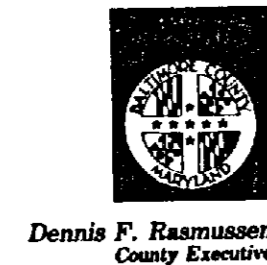
The petitioners request a variance to permit accessory structures (existing and proposed) in the front and side yards in lieu of the required rear yard. In reference to this request, staff offers the following comment:

Plant screening should be provided along the southern property line adjacent to Lot 1. No lighting should be permitted on the tennis courts without prior notification of the adjacent property owner. If lighting is provided it must be shielded to prevent the illumination of adjacent property and should be limited to .2 candlelight at the property line.

PK/sf

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(801) 887-5554

June 6, 1989



Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 253, 313, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, and 486.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSE/lvw

LAW OFFICES  
TYDINGS & ROSENBERG

201 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21201

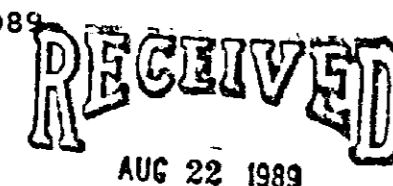
(301) 752-6100

TELECOPIER (301) 757-8400

TELEX 888286 TYDINS

CABLE TYLA

August 21, 1989



AUG 22 1989  
ZONING OFFICE

Ann M. Nastarowicz  
Deputy Zoning Commissioner  
for Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Zoning Variance  
Case No. 90-34-A  
Petitioners: Mohammad H. Zamani, M.D. and  
Shahla Moshiri, M.D.

Dear Ms. Nastarowicz:

I represent James and Francine Brady regarding the above-referenced zoning variance. As you know, Mr. and Mrs. Brady are the adjacent property owners to the Petitioners, and will be adversely affected by the granting of the requested variance. My letter to Jay Robert Haines dated July 31, 1989, the Bradys agreed not to oppose the variance upon certain conditions, including the condition that adequate screening and landscaping be provided before allowing tennis play.

As the evidence presented at the zoning hearing held on August 4, 1989, indicates, the proximity of the proposed tennis court, twenty (20) feet from the property line, is very close to the Brady's bedroom window. Despite the obvious effect on the Brady's privacy, the Brady's agreed that they would not oppose Petitioners' variance if certain conditions were met. They still had concerns and misgivings concerning the placement of the court, but acquiesced in the spirit of accommodation and cooperation.

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Dennis F. Rosenblatt  
County Executive

Re: Property Owner: Mohammad H Zamani & Shahla Moshiri

Location: ES of Pot Sprl Rd., approx. 425' NE of the centerline of Colonade Road (#10633 Pot Spring Road)  
Item No.: 476 Zoning Agenda: May 16, 1989

Centilemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_  
EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Jones* 5-4-89 Noted and Approved: *Capt. Tom Brady*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

TYDINGS & ROSENBERG

Ann M. Nastarowicz  
August 21, 1989  
Page 2

Thus, the Bradys were willing to negotiate with Petitioners and accommodate their request for a variance. However, the most crucial condition of the Brady's agreement was the screening and landscaping to muffle the sound associated with tennis court play and to mitigate the visual impact of the court itself.

The Bradys, throughout the negotiations with Petitioners, have insisted that eight (8) feet high evergreens were necessary, at a minimum, to properly screen the court. This condition was discussed prior to the Petitioners performing any landscaping. Nevertheless, without the Brady's agreement, Petitioners planted four (4) foot high evergreens that are clearly not adequate to protect my clients. Although the trees will grow, it will take, at best, one full year and may take three or more years for the trees to grow to the minimally acceptable height.

I have attached hereto, a copy of a letter from the Brady's landscape architect, Eric Friedman, in which it is his professional opinion that the trees planted by Petitioners may not grow at a four foot per year growth rate, and may grow at a much more moderate rate.

Unless the Petitioners agree to replant eight (8) foot evergreens, to limit court play weekend mornings, and to limit use of any night lights on the court, the Bradys shall oppose the issuance of a variance for the tennis court.

Based on the severe consequences to the Brady's privacy that the granting of a variance will promote, the Bradys request that the variance be denied.

Sincerely,

*Michael S. Scher*  
Michael S. Scher

Enclosure

MSS/dl  
cc: J. Neil Lanzi, Esquire  
James T. Brady

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for May 16, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 466, 468, 469, 470, 471, 474, 475, 476, 478, 480, 481, 482, 485, and 486.

For Item 253 the previous County Review Group Comments still apply.

For Item 313 contact the State Highway Administration for right-of-way requirements for Reisterstown Road.

For Item 467 contact the State Highway Administration for the necessary improvements for Reisterstown Road.

For Item 472 the previous County Review Group Comments for Festival at Woodholme still apply.

For Item 473 the building being in a revertible slope easement must be addressed prior to approval.

For Item 477 the previous County Review Group Comments still apply.

For Item 479 the previous County Review Group Comments still apply.

For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

For Item 484 the previous County Review Group Comments still apply.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E. Chief  
Developers Engineering Division

RWB:s

JUN 02 1989

SEILAND AND JEDNORSKI, P. A.

ATTORNEYS AT LAW  
SUITE 204  
25 WEST CHESAPEAKE AVENUE  
POST OFFICE BOX 5404  
TOWSON, MARYLAND 21204  
(301) 321-8200

JOHN O. SEILAND  
OF COUNSEL

August 18, 1989



AUG 18 1989

ZONING OFFICE

Ann M. Nastarowicz  
Deputy Zoning Commissioner for Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Zoning Variance  
Case No. 90-34-A  
Petitioners: Mohammad H. Zamani, M.D. and  
Shahla Moshiri, M.D.

Dear Ms. Nastarowicz:

Unfortunately, my clients and their neighbors, James and Francine Brady, were unable to reach a resolution concerning landscaping and use of the tennis court. During settlement discussions, my clients were willing to agree to the following:

1. On weekends only, there would be no playing of tennis prior to 10:00 a.m. for one year from the date of the Zoning Commissioner's Order; and
2. Decorative lights would not remain on after 11:00 p.m. more than fourteen (14) days a year.

I believe the remaining issues were covered at the zoning hearing. On behalf of Dr. Zamani and Dr. Moshiri, I thank you for allowing us additional time to attempt to resolve this case. I look forward to receiving your decision in this matter.

Very truly yours,

*J. Neil Lanzi*

J. Neil Lanzi

JNL:sb

cc: Michael Scher, Esquire

Eric J. Friedman  
Associates

Landscape Architecture  
Community Development  
Environmental Planning

6510 Falls Road  
Coppertown Terrace  
Baltimore, Maryland 21209

August 17, 1989

Mr. Michael Scher, Attorney  
c/o Tydings and Rosenberg  
210 North Charles Street  
Baltimore, Maryland 21201

Dear Mr. Scher:

As requested by Mrs. Fran Brady, the following are my observations regarding the growth characteristics of the evergreen tree known as *Cupressus leylandii* or Leyland cypress.

As is generally agreed in the Horticultural profession as well as the nursery trade, leyland cypress does in fact grow at a "fast" rate, once established. The conditions required to establish a plant and to have it thrive are dependent upon a number of environmental variables. Site soil chemistry, exposure to microclimate conditions; adequate watering during the growing season; time of year in planting; and previous growing conditions in the nursery are a few of these variables.

One can not be assured that a newly planted (4 foot tall) leyland cypress will shoot off at a 4 foot per year growth rate, when initially installed. It is however, reasonable to assume that a growth rate of about 2 1/2-3 feet per year is obtainable after the plant has been in the ground for at least 2 years.

These are my opinions, having worked in the fields of Horticulture and Landscape Design since 1970. My previous employment at the U. S. National Arboretum, in Washington D.C. has also aided me in these observations.

Sincerely,

*Eric J. Friedman*  
Eric J. Friedman

cc. Mrs. Fran Brady

SEILAND AND JEDNORSKI, P. A.

ATTORNEYS AT LAW  
SUITE 204  
25 WEST CHESAPEAKE AVENUE  
POST OFFICE BOX 5404  
TOWSON, MARYLAND 21204  
(301) 321-8200

JOHN O. SEILAND  
OF COUNSEL

August 16, 1989

Ann M. Nastarowicz  
Deputy Zoning Commissioner for  
Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Zoning Variance  
Case No. 90-34-A  
Petitioners: Mohammad H. Zamani, M.D. and  
Shahla Moshiri, M.D.

Dear Ms. Nastarowicz:

Per your request at the variance hearing on August 4, 1989, I am enclosing herewith a certified site plan showing the southeast corner of the fence surrounding the tennis court on the zamani property being located twenty feet (20') from the property line dividing Petitioners' property with the Bradys' property.

Counsel for both parties participated in a conference call with Avery Harden of the Baltimore County Office of Planning and Zoning and are still attempting to resolve the landscaping issue. Hopefully, a resolution will be reached by Friday of this week.

If there is anything further that you require, please do not hesitate to contact me.

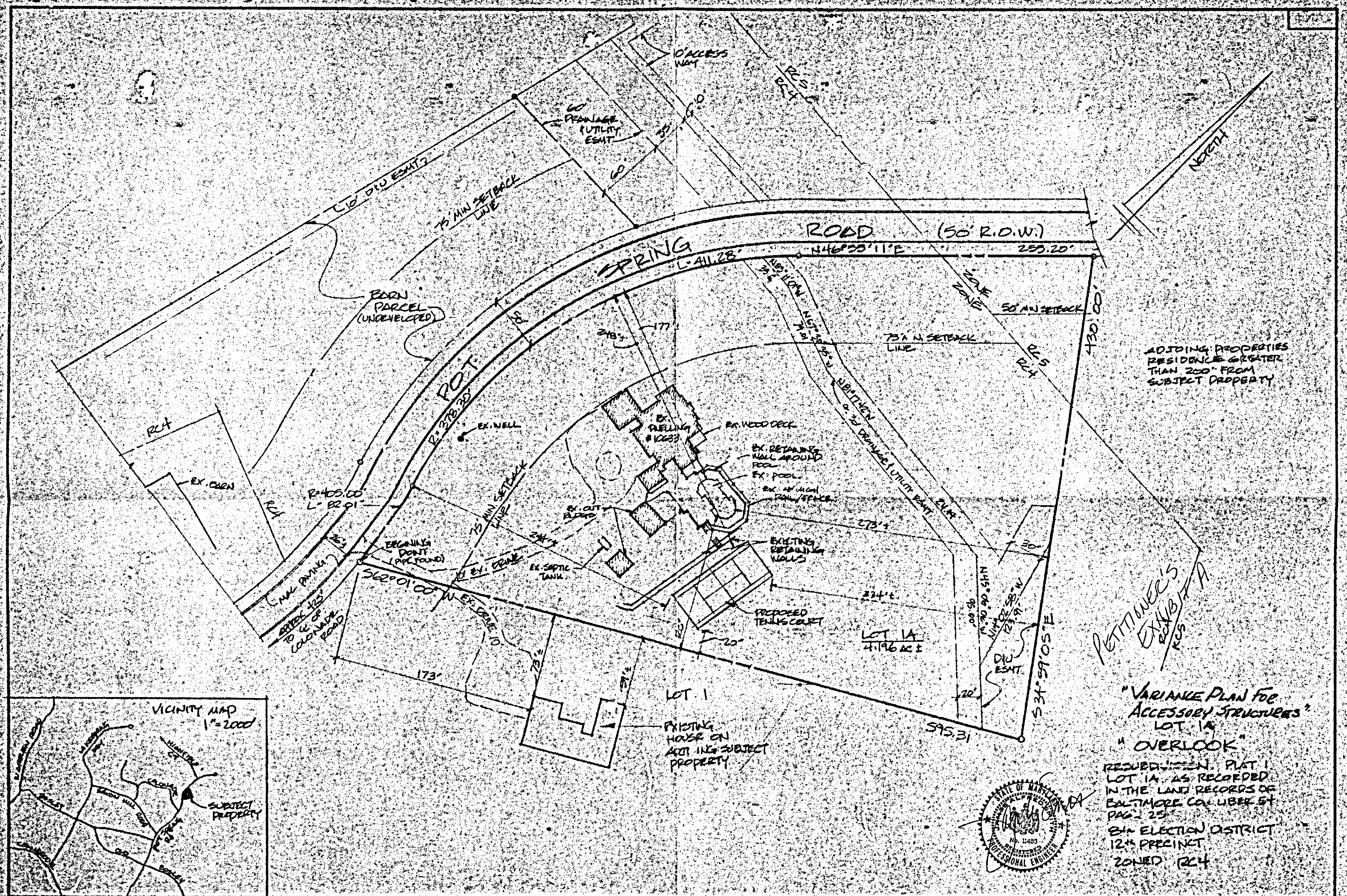
Very truly yours,

*J. Neil Lanzi*

J. Neil Lanzi

JNL:sb

cc: Michael Scher, Esquire

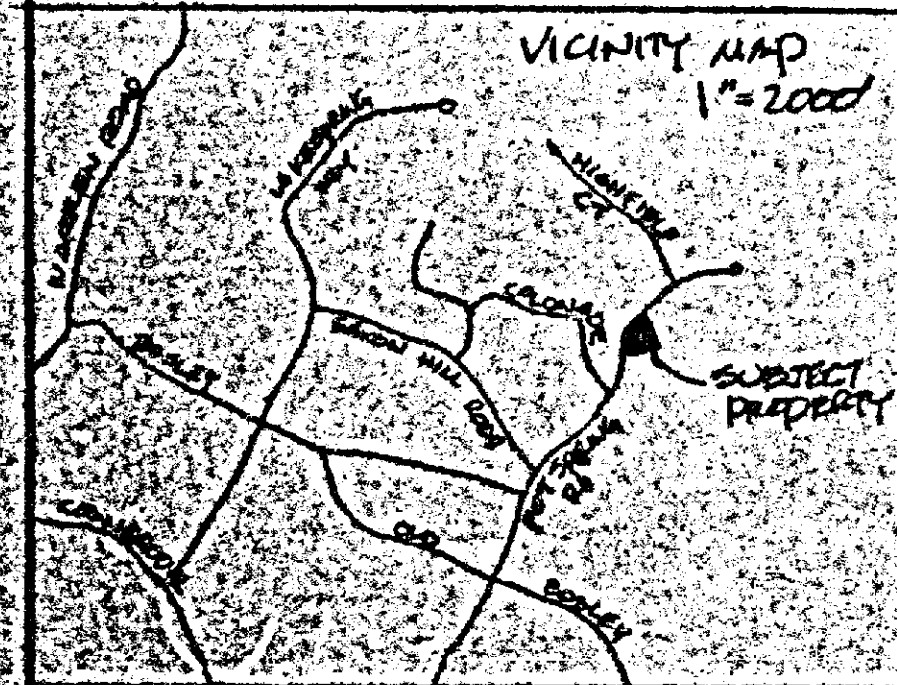


ADJOINING PROPERTIES  
RESIDENCE GREATER  
THAN 200' FROM  
SUBJECT PROPERTY

PETITIONER'S  
EXHIBIT  
R/S

"VARIANCE PLAN FOR  
ACCESSORY STRUCTURES"  
LOT 1A  
"OVERLOOK"

REQUIRED BY PLAT 1  
 LOT 1A AS RECORDED  
 IN THE LAND RECORDS OF  
 BALTIMORE COUNTY BY  
 PAGE 25  
 24th ELECTION DISTRICT  
 12th PRECINCT  
 ZONED R24



MPM CONSTRUCTION CO. INC. BUILDERS OF  
**MARYLAND POOLS**  
 5617 BALTIMORE NATIONAL PIKE  
 BALTIMORE, MD 21228  
 BALTO. 744-6757 WASH. 982-1570

OWNER: DR. MOHAMMAD ZAMANI &  
 SHAHLA MOSEHRI MD  
 10633 POT SPRING RD  
 COCKEYSVILLE, MD 21030

MAY 2, 1989  
 1"=50'

Petitioners  
 Exhibits  
 2-00  
 (Photographs)

