

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

June 13, 2005

Mr. & Mrs. Javad Varzandeh
4302 Chapel Road
Perryhall, MD 21128

Dear Mr. & Mrs.: Varzandeh

RE: Abandonment of the Special Exception Use granted in
Zoning Case No. 94-405-XA, 9412 Belair Road

Pursuant to your letter dated June 6, 2005, the Baltimore County Office of Zoning Review hereby confirms the abandonment of the Special Exception use granted in Zoning Case 94-405-XA. Further the modification of the RTA standards will no longer apply due to the abandonment of the Class B Group Child Care Center. The front yard setback of 15 feet in lieu of the required average of 25 feet for the existing dwelling will remain in force. The principal use of the property will be as permitted and restricted by Section 202 of the Baltimore County zoning Regulations.

A copy of this letter will be made a part of the permanent zoning case file for this property.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley".

Lloyd T. Moxley
Planner II, Zoning Review

LTM

Visit the County's Website at www.baltimorecountyonline.info





Javad Varzandeh

To: LTM
Handle

6/13/05

Phone: 410-248-0545
Fax: 410-256-9393
Email: javadv@mail.com

In Re: Abandonment of Special Exception
11th Election District
5th Councilman District
Case No. 94-405-XA

June 6, 2005

Dear Mr. Tim Kotroco

I am writing this note in order to request that the Special Exception for a Class B Group Child Care Center granted on June 13, 1994, be abandoned. We will no longer be using this property for a Child Care Facility. Please send confirmation by mail or fax so that I can ensure that my request was approved.

Mr. & Mrs. Javad Varzandeh
4302 Chapel Road
Perryhall, MD 21128

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - SW/Corner Belair Road and Pinedale Drive (9412 Belair Road) 11th Election District 5th Councilmanic District Javad Varzandeh, et ux Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-405-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance filed by the owners of the property, Javad and Shahrbanou Varzandeh for a Child Care Center on the subject property, known as 9412 Belair Road, located in the Perry Hall area of northeastern Baltimore County. Specifically, the Petitioners seek a special exception for a Class B Group Child Care Center on the subject property, zoned ROA, and a variance from Section 424.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the required average of 25 feet, and a modification of RTA standards, pursuant to Section 1B01.1.B.1.C of the B.C.Z.R. based on the use being compatible to the extent possible. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Javad Varzandeh, property owner, and Paul Lee, Professional Engineer. Appearing as an interested party was Dorothy S. McMann, President of the Perry Hall Improvement Association. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of 1.03 acres, more or less, zoned ROA and is improved with a one-story single family dwelling. The Petitioners are desirous of opening

a Class B Group Child Care Center on the property in accordance with Petitioner's Exhibit 1. Testimony indicated that the proposed Center will be operated by the Petitioners' daughter, Anousheh Varzandeh, who holds a Masters degree in early child care. In addition to Ms. Varzandeh, there will be seven employees who will assist in operating the Center. Testimony indicated the Center will offer day care for up to 40 children between 2 and 6 years of age, Monday through Friday from 6:00 AM to 7:00 PM. The Petitioner testified that there will be no before or after school pick-ups as all of the children will be pre-school age who will be dropped off and picked up by their working parents. Further testimony revealed that there will be no improvements to the property but for the addition of a stockade fence to designate a play area to the rear of the dwelling and the extension of an existing driveway to provide additional parking.

As to the variance relief sought, testimony indicated that the variance from front setback requirements is necessary to legalize the dwelling which has existed on the property for many years. The site plan submitted indicates that the front of the dwelling is oriented towards Pinedale Drive and that the dwelling sits back 15 feet from that roadway. Further testimony indicated that inasmuch as there will be few physical changes to the property, the variance from RTA requirements meet the spirit and intent of the regulations and will not result in any detriment to the surrounding locale.

Reference is made to the proposed 2' x 2' illuminated identification sign for the day care center which is proposed to be located on the northeast corner of the site, adjacent to Belair Road. At the hearing, a question arose concerning the possibility that the sign might be located within the ultimate right-of-way for Belair Road. Paul Lee indicated that

he had investigated the ultimate right-of-way for Belair Road with the State Highway Administration (SHA) and was advised that the right-of-way had not been established. Therefore, the sign can remain where proposed, subject to a condition that it be relocated in the event its location is found to fall within the right-of-way once same has been established.

Ms. Dorothy McMann appeared as an interested party on behalf of the Perry Hall Improvement Association. It is to be noted that Ms. McMann did not voice any opposition to the relief requested, but indicated that she is merely interested in all special exception and variance requests made for properties located in the Perry Hall area.

It is clear that the B.C.Z.R. permits the use proposed in the ROA zone by special exception and that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

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).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

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 land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

ORDER RECEIVED FOR FILING
Date 6/13/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/13/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/13/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/13/94
By [Signature]

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. Further, the granting of the Petitioner's request is in strict harmony with 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 exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of June, 1994 that the Petition for Special Exception for a Class B Group Child Care Center on the subject property, zoned ROA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception granted herein is limited to a Class B Group Child Care Center for a maximum of 40 children, which will operate Monday through Friday, only, from 6:00 AM to 7:00 PM.
- 3) The proposed 2' x 2' illuminated sign shall be extinguished between the hours of 10:00 PM and 6:00 AM.
- 4) In the event the identification sign noted above is located within the ultimate right-of-way, said sign shall be relocated.
- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 424.7.B of the Baltimore County Zoning Regulations

(B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the required average of 25 feet for the existing dwelling, and a modification of RTA standards, pursuant to Section 1B01.1.B.1.C of the B.C.Z.R., based on the use being compatible to the extent possible, be and is hereby GRANTED.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/13/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 13, 1994

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SW/Corner Belair Road and Pinedale Drive
(9412 Belair Road)
11th Election District - 5th Councilmanic District
Javad Varzandeh, et ux - Petitioners
Case No. 94-405-XA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Javad Varzandeh
8637 Quinton Avenue, Baltimore, Md. 21234

Ms. Dorothy S. McMann, President, Perry Hall Improvement Assoc.
P.O. Box 53, Perry Hall, Md. 21128

People's Counsel
file

ORDER RECEIVED FOR FILING
Date 6/13/94
By [Signature]

Petition for Variance
94-405-XA
to the Zoning Commissioner of Baltimore County
for the property located at 9412 Belair Rd., Perry Hall, MD 21236
which is presently zoned ROA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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(s) 424.7.B. of the B.C.Z.R. to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet (a variance of 10 feet)

CONTINUED ON REVERSE
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

1. Shape and configuration of the property; and
2. Such other and further reasons as will be presented at the time of the hearing of this matter.

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.

Contract Purchase/Lease: _____
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____
City: _____ State: _____ Zip: _____

Attest for Petitioner: _____
(Type or Print Name)

Francis X. Borgerding, Jr.
8637 Quinton Ave. 668-4206
Baltimore MD 21234
City Address and phone number or representative to be contacted

409 Wash. Ave., Ste. 600 296-6820
Towson MD 21204
City State Zip

Francis X. Borgerding, Jr.
409 Washington Ave., Suite 600
Towson MD 21204 296-6820
City State Zip

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: _____
Responsible for Hearing
ALL OTHER: _____
REVIEWED BY: _____ DATE: _____

ORDER RECEIVED FOR FILING
Date 6/13/94
By [Signature]

A variance for modification of RTA standards as shown on Petitioners' accompanying plat per Section 1801.1.8.1.c of the BZCR based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact. Section 424.7.B.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 9412 Belair Rd., Perry Hall, MD 21236 which is presently zoned ROA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Class B Group Child Care Center in an "ROA" zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name: Javad Varzandeh
Signature: [Signature]
Address: Shahrbanou Varzandeh
City: State: Zipcode:

Attorney for Petitioner
Francis X. Borgerding, Jr.
409 Wash. Ave., Ste. 600, Towson, MD 21204
Phone No. 296-6820

ORDER RECEIVED FOR FILING
Date: 4/18/94
By: [Signature]

ESTIMATED LENGTH OF HEARING: 1 1/2 hours
No following date: [Blank]
ALL OTHER REVIEWED BY: [Signature] DATE: 4/14/94

Paul L. P.B.

Paul Leo Engineering Inc.
305 W. Pennsylvania Ave.
Towson, Maryland 21204
410 221-5361
94-405-XA
DESCRIPTION

9412 BELAIR ROAD
ELECTION DISTRICT 11 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located at the intersection of the South side of Pinedale Drive with the West side of Belair Road; thence binding on the West side of Belair Road (1) S 42°25'10" W - 225.00 feet, thence leaving said West side of Belair Road (2) N 47°34'50" W - 150.00 feet, (3) N 42°25'10" E - 25.83 feet, (4) N 77°19'35" W - 35.17 feet and (5) N 10°50'56" E - 141.31 feet to the South side of Pinedale Drive; thence binding on the South side of Pinedale Drive by a curve to the left (6) R = 546.43 feet for a length of 77.17 feet, and by a curve to the right (7) R = 155.00 feet for a length of 125.43 feet and (8) S 47°34'50" E - 90.00 feet to the point of beginning.

Containing 1.03 acres of land, more or less.



Engineers - Surveyors - Site Planners

3/18/94
J.O. 94-007

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 111 Date of Posting: 5/18/94
Posted for: Javad Varzandeh and Shahrbanou Varzandeh
Petitioner: Javad & Shahrbanou Varzandeh
Location of property: 9412 Belair Rd. sup. Perry Hall
Location of Sign: Perry Hall, Md. sup. Perry Hall
Remarks: [Blank]
Posted by: [Signature] Date of return: 5/18/94
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 29, 1994

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 28, 1994.

THE JEFFERSONIAN
A. Henderson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 94-405-XA (Item 390)
9412 Belair Road
SMC Belair Road and Pinedale Drive
11th Election District - 5th Councilmanic
Petitioner(s): Javad Varzandeh and Shahrbanou Varzandeh
HEARING: TUESDAY, MAY 24, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.
Special Exception for a Class B group child care center. Variance to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet; to permit modification of RTA standards as shown on the plat based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; For Special Accommodations Please Call 887-3353.
(2) For Information Concerning the File and/or Hearing, Please Call 887-3351.
4008 April 28

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
94-405-XA
(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:
Item No.: 31
Petitioner: VARZANDEH
Location: 9412 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:
NAME: JAVAD VARZANDEH
ADDRESS: 9412 BELAIR ROAD
PERRY HALL, MARYLAND 21236

* PHONE NUMBER: 410-221-5361

*MUST BE SUPPLIED

TO: PUBLISHER PUBLISHING COMPANY
April 28, 1994 Issue - Jeffersonian

Please forward billing to:
Javad Varzandeh-Esfahani
8637 Quenton Avenue
Baltimore, Maryland 21284
410-668-4206

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-405-XA (Item 390)
9412 Belair Road
SMC Belair Road and Pinedale Drive
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
APRIL 21, 1994
(410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-405-XA (Item 390)
9412 Belair Road
SMC Belair Road and Pinedale Drive
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Special Exception for a Class B group child care center. Variance to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet; to permit modification of RTA standards as shown on the plat based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact.

Arnold Jablon
Director

cc: Javad and Shahrbanou Varzandeh
Francis X. Borgerding, Jr.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

receipt
Number: 390
Date: 4/18/94
94-405-XA
\$300.00
\$50.00
\$70.00
\$620.00
Please Make Checks Pay To: Baltimore County
Cashier Validation

