IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

NE/S of right-of-way 695 & entrance ramp from Loch Raven Blvd (E/S) right-of-way

9th Election District

5th Councilmanic District

(8801 Loch Raven Boulevard)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY *

*CASE NO. 03-201-SPHA

Shri Sudha Devi, LLC

By: Hemant Bhavsar, President

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Shri Sudha Devi, LLC. The Petitioners are requesting variance relief from Section 409.2a&b (3), to allow a total of 206 parking spaces in lieu of the required 265 spaces and special hearing relief to amend Prior Case No. 87-359-XA.

Appearing at the hearing on behalf of the special hearing and variance requests were Hemant Bhavsar, appearing on behalf of the owner of the property and Juri Maiste, appearing on behalf of APR Associates, the engineers who prepared the site plan of the property. The Petitioners were represented by C. William Clark, attorney at law. Also appearing at the hearing was Donna Spicer, representing the Loch Raven Community Council.

Testimony and evidence indicated that the property, which is the subject of this relief, consists of 3.582 acres, more or less, split-zoned BR and D.R.5.5. The subject property is improved with an existing "Days Inn" hotel and a restaurant known as "The Bombay Grill". The owners of the property are proceeding with the conversion of the Days Inn hotel to a "Comfort Inn" hotel. Certain modifications and improvements are being made to the façade

of the hotel to facilitate the change in this hotel franchise. In addition, the new hotel will feature a swimming pool located to the rear of the property adjacent to the ramp to the Baltimore Beltway. The swimming pool is proposed to be located in an area that formerly contained parking spaces. In addition, other minor adjustments to the property are proposed to occur. In order to approve of these modifications to the site, the special hearing and variance relief is necessary.

As stated previously, Ms. Donna Spicer appeared at the hearing on behalf of the Loch Raven Community Council. Ms. Spicer raised some concerns on behalf of the surrounding residential community located to the east of the subject property. These issues were discussed with the developer and a set of restrictions was agreed upon by the developer. These restrictions shall be imposed at the end of this Order. Ms. Spicer supported the changes and modifications to the property which will result in an upgrade to the site. Given the testimony and evidence offered and the lack of opposition thereto, the special hearing and variance shall be granted to allow these changes to occur on the property.

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

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

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

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

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this /b day of December, 2002, that the Petitioners' request for variance relief from Section 409.2a&b (3), to allow a total of 206 parking spaces in lieu of the required 265 spaces and special hearing relief to amend Prior Case No. 87-359-XA, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioners propose to relocate the dumpster for the subject business. The new location of the dumpster is appropriate, however, the times at which the dumpster shall be emptied by the private trash hauler shall occur between the hours of 8:00 a.m. to 10:00 p.m. on any given day;
- 2. The Petitioners shall be required to submit a lighting plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for a review of the lighting to be associated with the swimming pool only.

- 3. The swimming pool shall be for the use of customers of the hotel, their family and guests. The subject pool shall not be a public pool.
- 4. The Petitioners shall be required to provide a wooden board on board privacy fence on the east side of the swimming pool adjacent to the residential community located there.
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

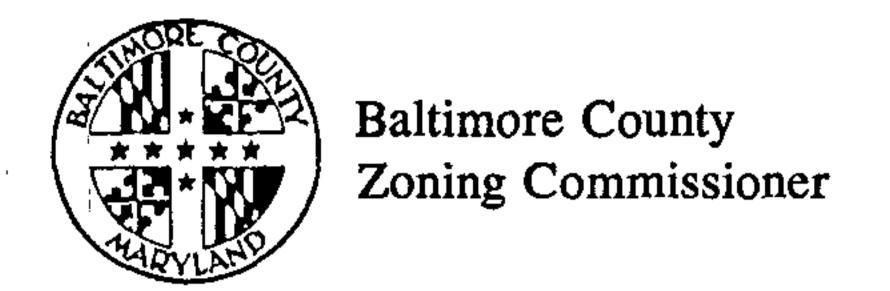
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

December 16, 2002

C. William Clark, Esquire Nolan, Plumhoff & Williams, Chtd. 502 Washington Avenue, Suite 700 Towson, Maryland 21286

Re: Petitions for Special Hearing & Variance

Case No. 03-201-SPHA

Property: 8801 Loch Raven Boulevard

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy Kotroco

TMK:raj Enclosure

Copies to:

Hemant Bhavsar 8174 Britten Lane Ellicott City, MD 21043

Juri Maiste 2923 Chenoak Avenue Baltimore, MD 21234

APR Associates, Inc. 7427 Harford Road Baltimore, MD 21234

Donna Spicer 8719 Eddington Road Baltimore, MD 21234



REV 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

9th Election District 4th Councilmanic District for the property located at 8801 Loch Raven Blvd.

which is presently zoned BR-DR5 5

This Petition shall be filed with the Department of Permits and Development Management. 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve An amendment to permit 206 parking spaces in lieu of 216 parking spaces approved in Case No. 87-359XA, which

approved a variance allowing 216 parking spaces in lieu of the required 265 parking spaces.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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.

!/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/Lessee: <u>Legal Owner(s):</u> SHRI SUDHA DEVI, LLC. Name - Type or Print Name - Type or Print PRESIDENT BY: Signature Signature President Hemant Bhavsar, Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Telephone No C. William Clark, Esquire Name - Tabe or Print City Zip Code Representative to be Contacted: Signature Nolan, Plumhoff & Williams, Chtd. APR Associates, Inc. Company Name 502 Washington Ave. Ste 700 (410) 823-7800 7427 Harford Road (410)444-4312Address Telephone No Address Telephone No Towson, MD 21204 Baltimore. 21234 City State ZIP Code State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING __ Case No. 03 -201 - SPHA UNAVAILABLE FOR HEARING



Petition for Variance

9th Election District 4th Councilmanic District to the Zoning Commissioner of Baltimore County 8801 Loch Raven Blvd.

for the property located at

which is presently zoned BRE DR 5.5

IWe do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

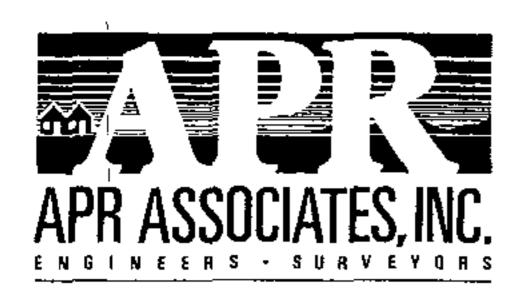
perjury, that I/we are the legal owner(s) of the property which

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto are made a part hereof, hereby petition for a Variance from Section(s) 409.2a&b(3) to allow a total of 206 parking spaces in lieu of the required 265 spaces and to amend Case No. 87-359XA which approved a variance allowing 216 spaces in lieu of the required 265 spaces.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons (indicate hardship or practical difficulty) Special circumstances peculiar to this land and building exist which make compliance with the BCZR practically difficult and as will be explained at a hearing on this Petition.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, 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.

| Contract Purchaser/Le | ssee: | | Legal Owner(s): | | |
|---|-----------------------|--|---|--------------|---------------------------------------|
| Name - Tyce or Print | | ······································ | SHRI SUDHA DEVI, LLC Name - Type or Print | • • | |
| Hame - Tyce of Film | | | . 15 7 4 | noa (F | PESIDENT |
| Signature | <u> </u> | <u> </u> | Signature Hemant Bhavsar, Pres | sident | |
| Address | | Telephone No. | Name - Type or Print | | |
| City | State | Zip Code | Signature | <u> </u> | 410-88 |
| Attorney For Petitione | <u>r:</u> | | Address Loch | Rasen Blu | 410-88 4-0900 Telephone No |
| C. William Clark, Esc | guire | • | Balto, md. | | 15.051101:01:0 |
| Name Type or Print | 001 | | City | State | Z:p Cade |
| | Caro | | Representative to be 0 | Contacted: | |
| Signature | | | APR Associates, Inc. | | |
| Nolan Plumhoff & Wil | lliams, Ch | td | Name | | <u> </u> |
| 502 Washington Ave. S | Ste 700 | (410) 823-7800 | 7427 Harford Road | (410) | · · · · · · · · · · · · · · · · · · · |
| Address | | Telepnone No. | Address | | Telephone No |
| Towson, | MD | 21204 | Baltimore, | | 21234 |
| City 3 | State | Zip Code | City | State | Zip Cade |
| Sity Single State of the State | | | OFFICE | USE ONLY | |
| Sasa No. | 201-17 | 7 î.f1 | ESTIMATED LENGTH | OF HEARING | See SPH |
| William 10. | 201-52 | | UNAVAILABLE FOR HE | ARING Date | 10-25-0 |



Description of #8801 Loch Raven Boulevard To Accompany Petition for Special Hearing

Beginning at a point on the South side of the Right-Of-Way of the Baltimore County Beltway (I-695) at its intersection with the Easternmost Right-Of-Way of the entrance ramp from Loch Raven Boulevard (Md. Rte.#542), thence the following courses and distances:

- 1) N 70 07 '10"E 223.13',
- 2) S 21 07'43"E 445.40',
- 3) S 67 38'39"W 354.37',
- 4) Northwesterly by a curve to the left with a radius of 2559.06' for a distance of 44.18' with a chord bearing n 32 39'06"w 44.17'
- 5) N 17 33'21"W 329.94' and
- 6) N 40 39'57"E 132.96' to the Point Of Beginning. Containing 3.582 Acres of land, more or less.

Being known as No.8801 Loch Raven Boulevard, located in the 9-th Election District of Baltimore County, Maryland.



NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson. Maryland on the property identified herein as follows:

Case: #03-201-SPHA 8801 Loch Raven Blvd

N/east side of right-of-way 695 and entrance ramp from Loch

Raven 8lvd (ES) right-of-way 9th Election District – 5th Councilmanic District

Legal Owner(s). SHRI SUDHA DEVI, LLC

Special Hearing: to permit 206 parking spaces in lieu of 216 parking spaces approved in Case No. 87-359-XA, which approved a variance allowing 216 parking spaces in heu of the required 265 parking spaces. Variance: to approve 206 parking spaces in lieu of the required 265 spaces and to amend case #87-359-XA, which approved a variance allowing 216 spaces in lieu of the required 265 spaces

Hearing: Friday, December 13, 2002 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake

Avenue.

LAWRENCE E SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/766 November 26

C576168

CERTIFICATE OF PUBLICATION

| 1127,2002- |
|--|
| THIS IS TO CERTIFY, that the annexed advertisement was published |
| in the following weekly newspaper published in Baltimore County, Md., |
| once in each ofsuccessive weeks, the first publication appearing |
| on $11/26/2002$. |
| ☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News |
| |

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

Case No. 145004 03-201-5PHA

AMOUNT \$ 500-

FROM: _SHRI SUDHADEVI LLC

FOR: Commencial Special Henring + Variouses

8801 Luch Roven Blad. Filing Fee

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

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|--|---|--|--|
| * ** ** ** ** ** ** ** ** ** ** ** ** * | RE: Case No.: 03-201-5PHA | | |
| • | Petitioner/Developer: SHRI SUDHA | | |
| • | DEVI, LLC | | |
| | | | |
| | Date of Hearing/Closing: 12/13/22 | | |
| altimore County Department of ermits and Development Management ounty Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204 | | | |
| ttention: Ms. Gwendolyn Stephens | | | |
| | | | |
| adies and Gentlemen: | | | |
| his letter is to certify under the penalties | s of perjury that the necessary sign(s) required by law | | |
| - | ty located at 8801 LOCH RAVEN | | |
| ere hosted coughtonongry, ou me brober | BLVD | | |
| | | | |
| | | | |
| he sign(s) were posted on | // 24 /02- (Month, Day, Year) | | |
| | (Month, Day, Year) | | |
| | Sincerely. | | |
| | · Carronay, | | |
| | | | |
| | 11/24/02 | | |
| CASE # 03-2015PHA | (Signature of Sign Poster and Date) | | |
| PUBLIC HEARING WILL BE HELD BY | SSG ROBERT BLACK | | |
| THE ZONING COMMISSIONER IN TOWSON, MO | (Printed Name) | | |
| ACE AND TIME: WASH DELIVER IN 2002 AT 9 00 A.M. | 1508 Leslie Rd | | |
| QUEST: SPENIL HURING TO PRIMIT AND MIRCHIG SPICES IN LITE OF | (Address) | | |
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| | Dundalk, Maryland 21222 | | |
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(Telephone Number)





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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: |
|--|
| $h(2) \rightarrow h(1) \land 2\pi i$ |
| Item Number or Case Number: 03-201-5744 |
| Petitioner: 5HRI SUDHA DEVI, Inc. |
| Address or Location: 880) Loch Reven Blvd. (21286) |
| |
| PLEASE FORWARD ADVERTISING BILL TO: |
| Name: APR ASSOCIATES INC- |
| Address: 7427 Har fond Rd- |
| Balto, md, 21234 |
| Telephone Number: 410 - 444 - 4312 |

Revised 2/20/98 - SCJ



Baltimore County Department of Permits and Development Management

Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

November 6, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-201-SPHA

8801 Loch Raven Blvd.

N/east|side of right-of-way 695 and entrance ramp from Loch Raven Blvd. (ES) right-ofway.

9th Election District – 5th Councilmanic District

Legal Owner: SHRI SUDHA DEVI, LLC.

Special Hearing to permit 206 parking spaces in lieu of 216 parking spaces approved in Case No. 87-359-XA, which approved a variance allowing 216 parking spaces in lieu of the required 265 parking spaces. Variance to approve 206 parking spaces in lieu of the required 265 spaces and to amend case # 87-359-XA, which approved a variance allowing 216 spaces in lieu of the required 265 spaces.

Friday, December 13, 2002 at 9:00 a.m. in Room 106, County Office **HEARING:** Building, 111 W. Chesapeake Avenue

Arnold Jablon

Director

AJ:rlh

C: SHRI SUDHA DEVI, LLC, Hemant Bhavsar, President, 8801 Loch Raven Blvd., Baltimore 21286

C. William Clark, Nolan, Plumhoff & Williams, Chtd., 502 Washington Ave., Suite 700, Towson 21204 APR Associates, Inc., 7427 Harford Road, Baltimore 21234

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 27, 2002.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, November 26, 2002 Issue – Jeffersonian

Please forward billing to:

APR Associates, Inc. 7427 Harford Road Baltimore, MD 21234

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-201-SPHA

8801 Loch Raven Blvd.

N/east|side of right-of-way 695 and entrance ramp from Loch Raven Blvd. (ES) right-ofway.

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Legal Owner: SHRI SUDHA DEVI, LLC.

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HEARING:

Friday, December 13, 2002 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

December 6, 2002

C. William Clark Nolan, Plumhoff & Williams 502 Washington Avenue, Ste. 700 Towson, MD 21204

Dear Mr. Clark:

RE: Case Number: 03-201-SPHA, 8801 Loch Raven Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 25, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

u. Callibal D

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:r[h

Enclosures

c: People's Counsel

SHRI SUDHA DEVI, LLC, Hemant Bhavsar, President, 8801 Loch Raven Blvd.,

Baltimore 21286

APR Associates, Inc., 7427 Harford Road, Baltimore 21234

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director Department of Permits &

Development Management

DATE: November 29, 2002

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 12, 2002

Item Nos. 193, 194, 195, 196, 197, 198,

199, 200, 201, and 202

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 11.6.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 201

715

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/JS 542 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BABTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RB 161

DATE:

November 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of November 4, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

193-202



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 2002

ATTENTION: George Zahner

Property Owner: Distribution Meeting of November 4, 2002

Location:

Item No.:

Dear Mr. Zahner:

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

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

193-202 201

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 9, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-201/& 03-210

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC

RE: PETITION FOR SPECIAL HEARING
& VARIANCE
8801 Loch Raven Blvd. NE/side of rightof-way 695 & entrance ramp from Loch
Raven Blvd. right-of-way
9th Election District
5th Councilmanic District
Legal Owner: Hermant Bhavsar, President
Shri Sudha Devi, LLC
Petitioner(s)

* * * * * * * *

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

03-201-SPHA

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMÁN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

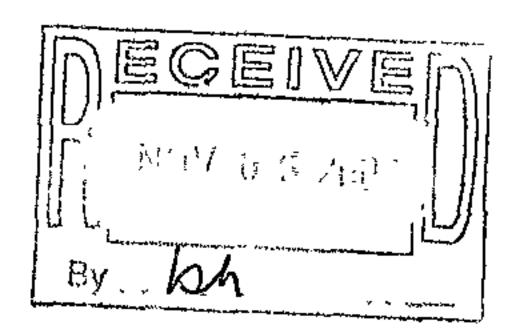
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of November, 2002, a copy of the foregoing Entry of Appearance was mailed to APR Associates, Inc., 7427 Harford Road, Baltimore, MD 21234; and to C. William Clark, Esquire, NOLAN, PLUMHOFF & WILLIAMS, CHTD., 502 Washington Avenue, Suite 700, Towson, MD 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

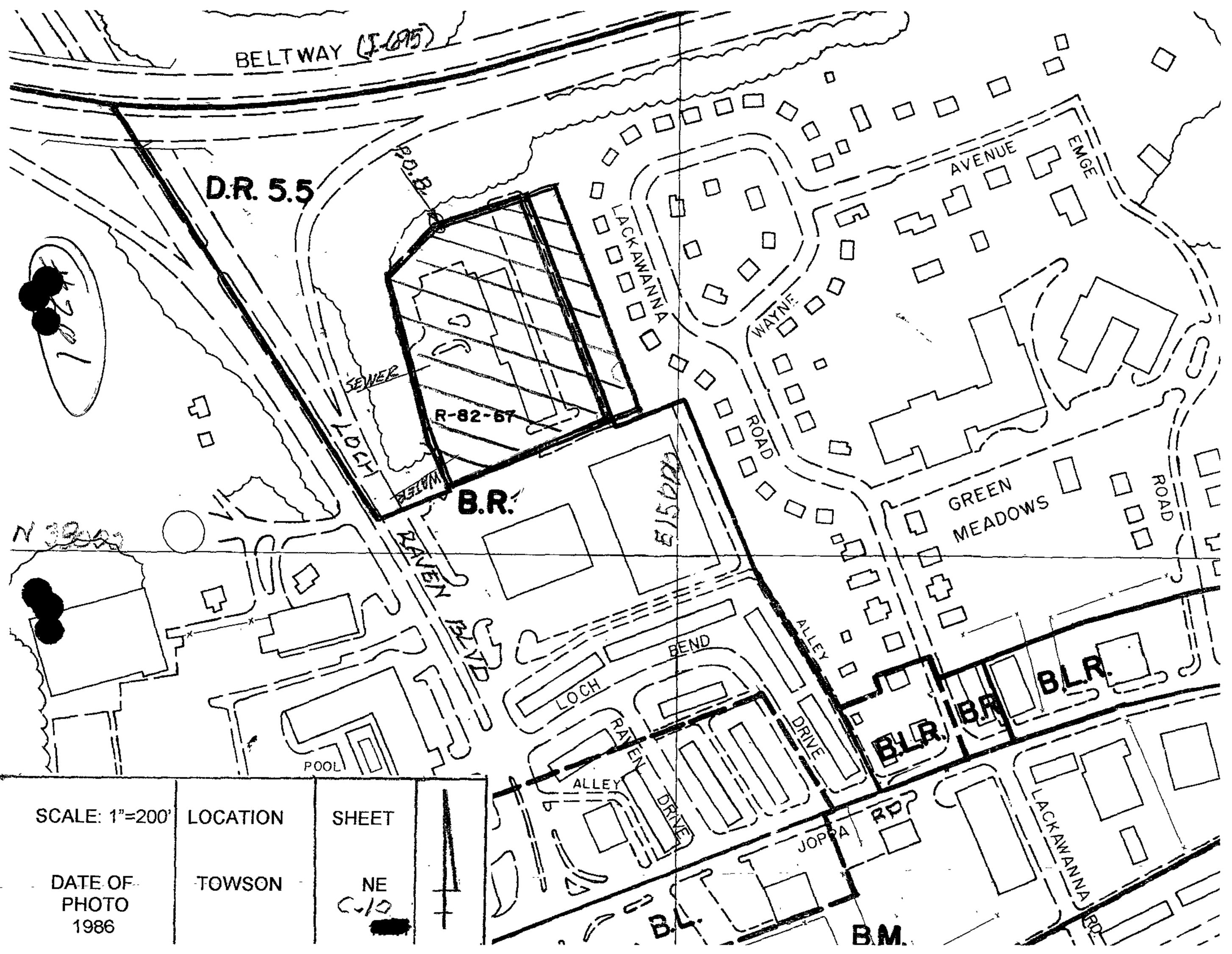


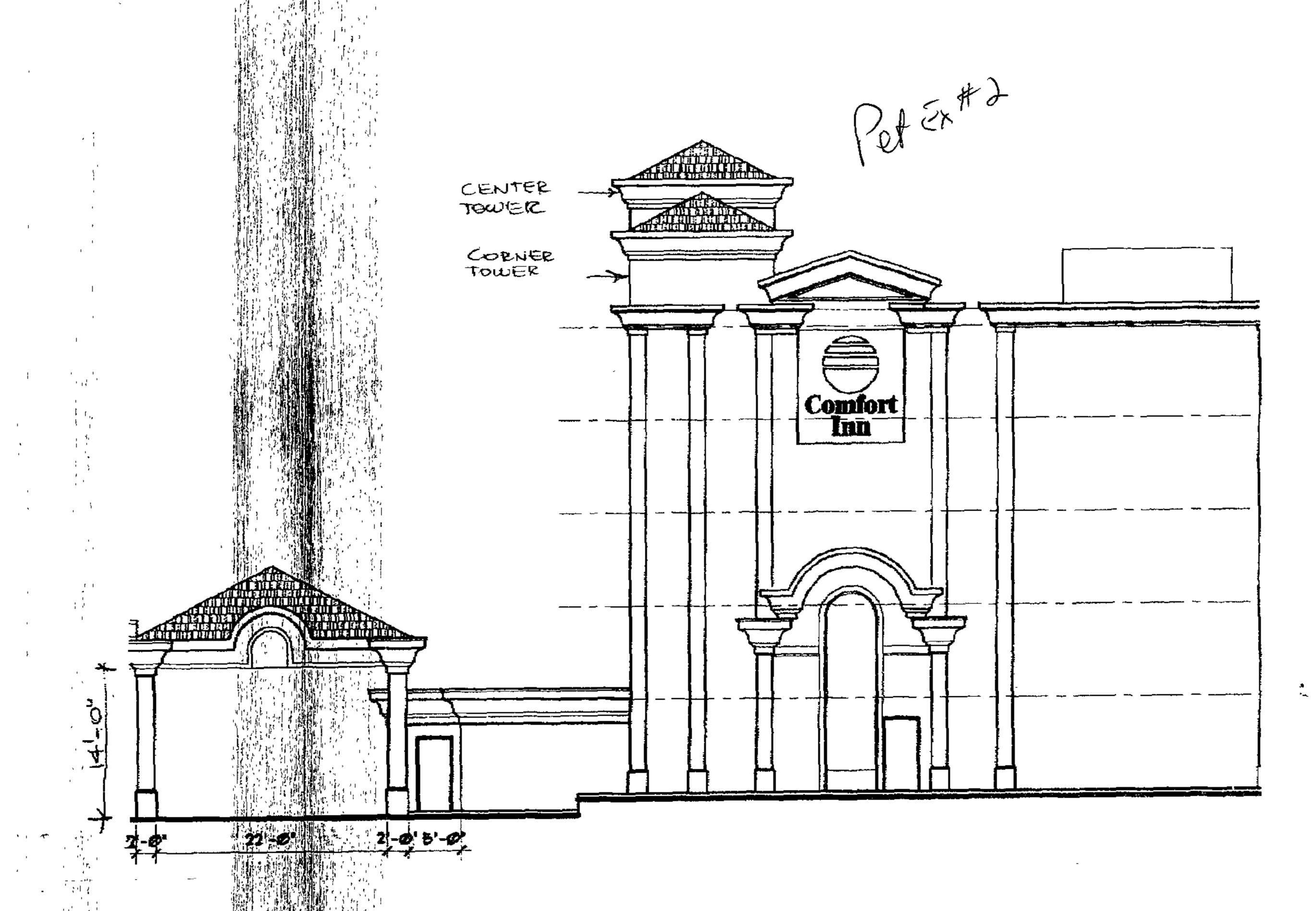
03-201-51PHA 12/13/02

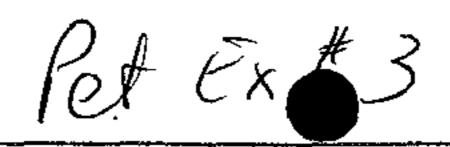
PLEASE <u>PRINT</u> LEGIBLY

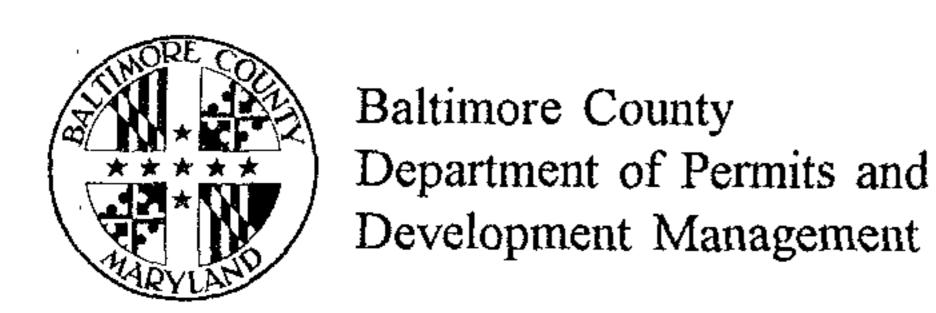
SIGN-IN SHEET

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Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 6, 2002

C. William Clark Nolan, Plumhoff & Williams 502 Washington Avenue, Ste. 700 Towson, MD 21204

Dear Mr. Clark:

RE: Case Number: 03-201-SPHA, 8801 Loch Raven Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 25, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

u. Callibal D

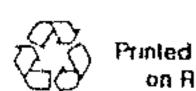
W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
SHRI SUDHA DEVI, LLC, Hemant Bhavsar, President, 8801 Loch Raven Blvd.,
Baltimore 21286
APR Associates, Inc., 7427 Harford Road, Baltimore 21234

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 29, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 12, 2002

Item Nos. 193, 194, 195, 196, 197, 198, 199, 200, 201, and 202

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 11.6.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 201

115

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/JS 542 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RB 161

DATE:

November 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of November 4, 2002

SUBJECT:

NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

193-202



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

November 7, 2002

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: George Zahner

Property Owner: Distribution Meeting of November 4, 2002

Location:

Item No.:

Dear Mr. Zahner:

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

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

193-202

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

RE: PETITION FOR RECLASSIFICATION

from D.R. 5.5 to B.R.

E/S of Loch Raven Blvd.; S/S of Baltimore Beltway; 415' N. of

Loch Bend Drive
9th District

Leonard Levine, Petitioner

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. R-82-67

OPINION

This case comes before this Board on petition for reclassification of property containing 3.573 acres from D.R. 5.5 to B.R. classification. The subject property is located on the east side of Loch Raven Boulevard 415 feet north of Loch Bend Drive, in the Nintl. Election District of Baltimore County. This parcel was not an issue before the County Council on the '980 comprehensive map process.

Testimony presented to this Board indicates that the present D.R. 5.5

zoning is in fact not only an error in classification but is also confiscatory in nature.

This parcel is unique in its location. It is bounded on two sides by the access road

conto the Beltway and the Beltway itself, and on the third side by a development of single
family lomes. Further, it is bounded by a continuous strip of commercial property on
the south side on which is located Garon's numbure store. The subject parcel is completely landlocked, with no access to public roads on any quadrant. Garon's Furniture
has northesed this parcel and wishes to incorporate it into their existing holdings which are
classified B.F., thus providing the only possible access to any public roads. In addition,
the topography of the site precludes any possible residential development whatsoever.

After consideration of all these facts, the Board is of the opinion that to

Pet Co 4

ORDER

For the reasons set forth in the aforegoing Opinion, it is this Eth do. of December, 1981, by the County Board of Appeals, ORDERED that the subject parcel be reclassified from D.R. 5.5 to B.R. for an area containing 3.06 + acres; and

IT IS FURTHER ORDERED that the D.R. 5.5 zoning be retained on a 50 foot wide buffer strip on the east property line between the B.R. zone and the private residences located on what is known as Lackawanna Drive in the development known as Green Meadows.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY SOARD OF APPEALS OF BALTIMORE COUNTY

William I. Hackett, Chairman

John A. Miller

Keith S. Franz

1

IN RE: PETITION FOR SPECIAL EXCEPTION *
AND ZONING VARIANCE - E/S
Loch Raven Blvd., 780' N
of the c/l of Joppa Road
9th Election District *

4th Councilmanic District

Shirlen Co. Ltd. Part., et al Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 87-359-XA

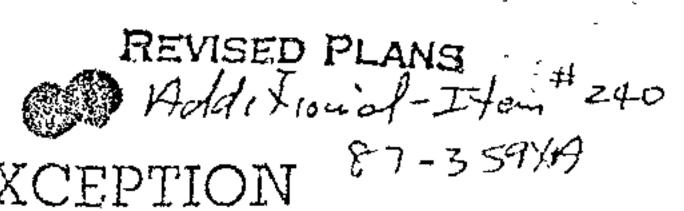
The Petitioners herein request a special exception to permit an outdoor advertising sign in a B.R. zone to serve an adjacent property and a variance to permit 216 parking spaces in lieu of the required 265 spaces, as more particularly described in the plan submitted, prepared by Kidde Consultants, Inc., revised February 19, 1987 and identified as Petitioner's Exhibit 1.

Testimony by and on behalf of the Petitioners indicated that the existing 187-room, 5-story hotel, with an easement for entrance from the adjacent. furniture store, was built in 1982 on a landlocked piece of property. The original building design provided a small coffee shop, which has proved to inadequate for providing food services for tour buses, convention groups, receptions, etc. A large portion of restaurant customers are occurants of the takes The State Highway Administration owns the strip of land along Loch Raven Boule-三、百分分,自然更多的数量等的数据,1000年的1000年,1000年的基本的基本的基本的基本的 vard and the Beltway ramp. Due to trees and the slope of this land, much of the view of the hotel is blocked and prevents the placement of a sign from being in front of the hotel and on the Petitioner's own property. There is a large sign on the roof visible to persons going east on the Beltway, and a large sign on the south face of the building which is generally blocked from the view of persons traveling north on Loch Raven Boulevard. The Petitioner proposes the placement of an outdoor advertising sign for directional assistance to the public. The proposed site for the identification sign is the logical solution. The sign as originally proposed in Petitioner's Exhibit 4 was to be three sections totaling 100 sq.ft., including both sides. During the hearing, the Peti-

Peter #5



and O



34 State Solution

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ORDER

sq.ft. There are currently 216 parking spaces available, including 10 nancicapped spaces. The Petitioner also has a lease agreement with Carons in white they share 11 parking spaces. There were no Protestants.

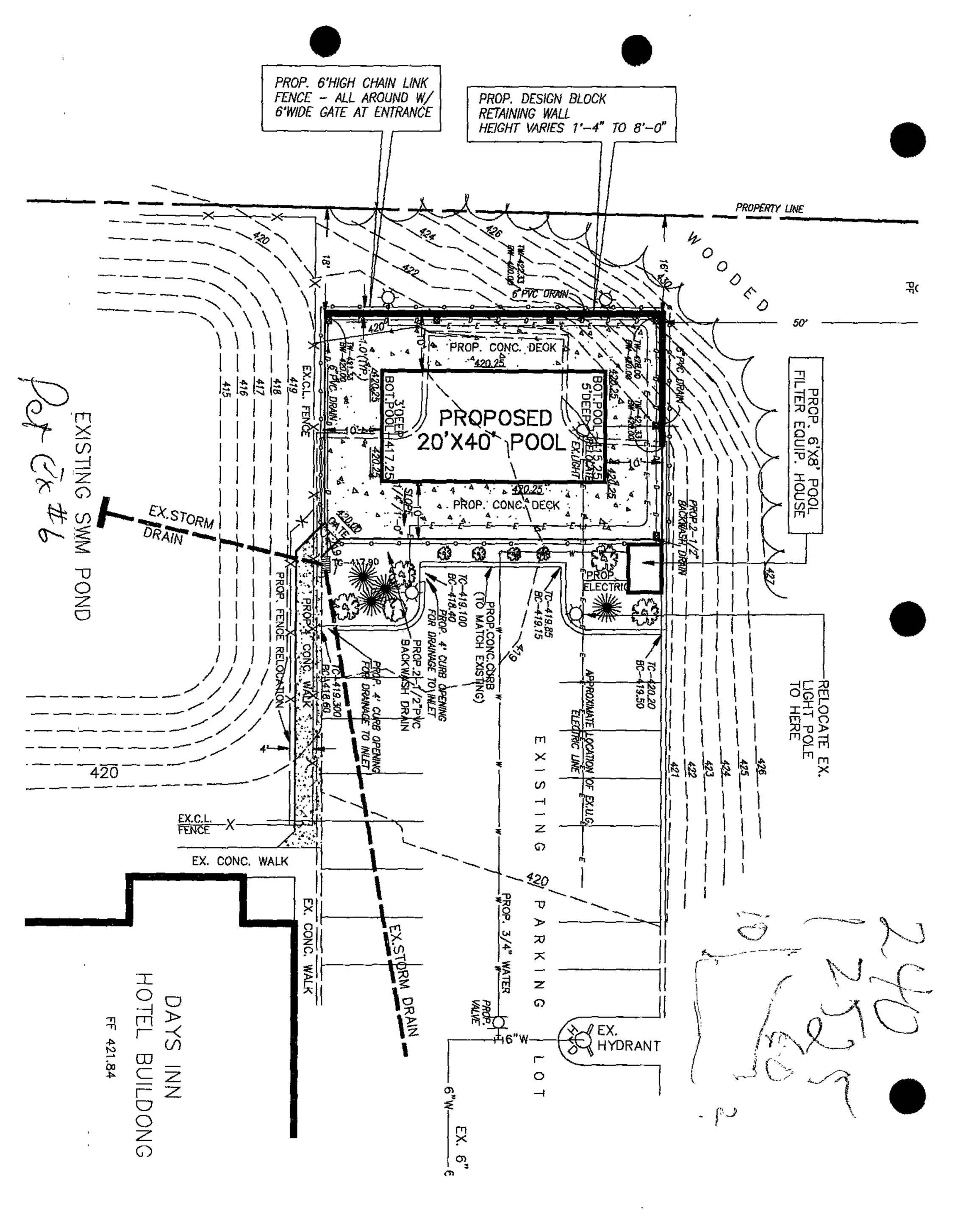
Pursuant to the advertisement, posting of property and public nearing held on this case, in the opinion of the Deputy Zoning Commissioner, strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty or unreasonable hardship upon the Petitioner. The requirements of Section 5021 and Section 307 of the BCZR have been met, and the health, safety and general welfare of the community will not be adversely affected. Therefore, the Special Exception and Variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this ______ day of June, 1987, that an outdoor advertising sign, no larger than 160 sq.ft. (both sides). located in a B.R. zone, to serve an adjacent property in the location shown on Petitioner's Exhibit 1, be approved, and further, that 216 parking spaces be permitted, in accordance with Petitioner's Exhibit 1, and as such, the Petition for Special Exception and Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

The sign may serve the three (3) specific purposes noted below:

No more than 80 sq.ft. (both sides) may advertise the name and provide directional assistance to the hotel; no more than 56 sq.ft. (both sides) may advertise the restaurant; and no more than 24 sq.ft. (both sides) may be utilized for a reader board.

Deputy Zoning Commissioner
of Baltimore County



Opt Ext

FOWLEY & BECKLEY, P.A.

ATTORNEYS-AT-LAW

EXECUTIVE PLAZA I

11350 McCormick road, suite 502

HUNT VALLEY, MD 21031-1002

JOHN W. BECKLEY
EXTENSION 111
E-MAIL: jbeck@bcpl.net

TELEPHONE: 410-771-9900 FAX: 410-771-1910

December 10, 2002

C. William Clark, Esquire Nolan, Plumhoff & Williams, Chartered 502 Washington Avenue, Suite 700 Towson, Maryland 21204

Re:

8801 Loch Raven Boulevard Our File Number: 5426/JWB

Dear Bud:

I am writing you in behalf of Shirlen Company Limited Partnership, which owns the property contiguous with your client's motel located at 8801 Loch Raven Boulevard. As we discussed on December 2, 2002, I understand that the variance is merely to reduce the permitted parking for the motel, in the back of the motel, in order to install a swimming pool and to move a dumpster. I also understand that this no way affects the easement held between Shirlen Company Limited Partnership and your client.

In behalf of Shirlen Company Limited Partnership, I am authorized to state that Shirlen has no objections to the proposed variance and further that the Partnership wishes Shri Sudha Devi, LLC much success in its motel operation.


Sincerely yours,

John W. Beckley

JWB/rll

cc:

George W. Cox, C.P.A. Mrs. Dorothy Rau



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VICINITY MAP SCALE: 1"= 1000

COUNCILMANIC DISTRICT: 4 156,032 S.F. OR 3.582 ACERSXISTING AND PROPOSED USES: 187 ROOM HOTEL, 625 SQUARE FOOT MEETING ROOM

EXISTING ZONING: B.R. & DR-5.5 (*SEE ZONING CASE NO.82-67*) WITH THE FOLLOWING VARIANCES GRANTED ON JUNE 4, 1987 BY

1. VARIANCE TO SECTION 413-3(b) OF BCZR TO ALLOW (1) AN OUTDOOR ADVERTISING SIGN TO BE WITHIN 10' OF THE RIGHT-OF-WAY LINE OF THE BALTIMORE BELTWAY, i-695, INSTEAD OF THE REQUIRED 250'(A VARIANCE OF 240') AND (2) TO ALLOW SAID OUTDOOR ADVERTISING SIGN TO BE WITHIN 5' OF THE RIGHT OF WAY OF A DUAL HIGHWAY(LOCH RAVEN BLVD.) INSTEAD OF THE REQUIRED 100'(A

2. VARIANCE TO SECTIONS 413-3(c) and 238-1 OF THE BCZR TO ALLOW AN OUTDOOR ADVERTISING SIGN TO BE WITHIN 5' OF THE RIGHT-OF-WAY OF A DUAL HIGHWAY(LOCH RAVEN BLVD.) INSTEAD OF WITHIN THE BUILDING SETBACK LINE OF 50' (A VARIANCE OF 45')

(1) THE OUTDOOR ADVERTISING SIGN SHALL NOT EXCEED 160

(2) THE SIGN MAY SERVE THE 3 SPECIFIC PURPOSES NOTED

THE NAME AND PROVIDE DIRECTIONAL ASSISTANCE TO

C. NO MORE THAN 24 SQ.FT.(BOTH SIDES) MAY BE UTILIZED

3. VARIANCE TO SECTION 409.2 a & b (3) OF THE BCZR TO ALLOW A TOTAL OF 216 PARKING SPACES INSTEAD OF THE REQUIRED 265, (A

VARIANCES AS GRANTED, BUT WITH A PETITION TO AMEND THE PARKING VARIANCE TO READ AS FOLLOWS: VARIANCE TO SECTION 409.2 a & b (3) OF THE BCZR TO ALLOW A TOTAL OF 206 PARKING SPACES INSTEAD OF THE REQUIRED 265, (A VARIANCE OF 59 SPACES)

TYPICAL SIZE OF PARKING SPACES: 8.5' X 18' MIN, 12'X18 FOR HC SP. PARKING SPACES COMPLY WITH SECTION 409.8 OF THE BCZR

7/28/78 AS REVISED 10/31/79 (GARONS USES THESE SHARED SPACES

RENDERED ON 12-08-1981 WITH FOLLOWING RESTRICTION: THAT THE DR 5.5 ZONING BE RETAINED ON A 50 FOOT WIDE BUFFER STRIP ON THE EAST PROPERTY-LINE BETWEEN B.R. ZONE AND THE PRIVATE RESIDENCES LOCATED ON WHAT IS KNOWN AS LOCKAWANNA DRIVE IN THE DEVELOPMENT KNOWN

REVISED: 12-13-02 DATE: OCT. 8,2002 SCALE: 1=30

APRASSOCIATES, INC. SURVEYORS - ENGINEERS 7427 Harford Road Baltimore, Maryland 21234-7160 (410) 444-4312 FAX: (410) 444-1647

E mail: apr444@erols.com

