IN RE: PETITION FOR VARIANCE 9411 Harford Road SE/S of Harford Road, 90 ft. S/W of Fourth Avenue 11th Election District 6th Councilmanic District	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY
Legal Owners: Reza Maghsadi Farah Maghsadi ***Petitioners***	*	Case No.: 05-229-A

* * * * * * * * * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner from the filing of a Petition for Variance for the property known as 9411 Harford Road in Carney, Baltimore County, Maryland. The petition was filed by Reza and Farah Maghsadi, 4012 Cloverland Drive, Phoenix, Maryland 21131, the owners of the property. The Petition for Variance requests relief pursuant to Section 307.1 of the Baltimore County Zoning Regulations, from Section 409.6 (A)(2) of the Baltimore County Zoning Regulations to permit 19 parking spaces for a proposed standard restaurant in lieu of the required 24 parking spaces. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the hearing were Reza Maghsadi, the property owner and Petitioner and C. William Clark, Esquire, of Nolan, Plumhoff & Williams. Chtd., Attorney for the Petitioner. Also appearing were Thomas Bell, 30 Cody Avenue, Baltimore, Maryland 21234, the adjacent commercial property owner, Richard Hogan, 3005 Fourth Avenue, Baltimore, Maryland 21234, the owner of a neighboring residential property and Ruth Baisden, 7706 Oak Avenue, Baltimore, Maryland 21234, from the Greater Parkville Community Council. I announced my intention to proceed by way of an informal hearing to which none of the persons present objected.

ORDER RECEIVED FOR FILING
Date 11/28/05
By

Mr. Clark proffered the Petitioners' Site Plan prepared by Site Rite Surveying, Inc. 200 E. Joppa Road, Towson, Maryland 21286. If called to the stand, Vince Moskunas, of that firm would have identified the site plan as having been produced by his company and that he obtained the information contained on the site plan. The property is zoned BL-AS and contains .21 acres more or less. The property, as shown in photographs identified by the Petitioners and marked as Petitioners' Exhibits 3A and B, is improved with an existing house, which is proposed to be removed and replaced with a one-story restaurant. Information presented from records kept and maintained by the State Department of Assessments and Taxation show that the structure of the property was built in 1927. According to the Petitioner, the property had been used, prior to his ownership, as an antique store. The property is improved with an macadam parking lot, which as it exists, is striped and contains parking places. The proposed one story restaurant, as shown on Exhibit No. 1, will contain one-thousand five hundred (1,500) sq. ft., which under the Zoning Regulations would require twenty-four (24) parking spaces and sixteen (16) spaces per one thousand (1000) gross square feet for a standard restaurant. The site plan also shows an existing drain, which Mr. Maghsadi testified, was part of the stormwater management system.

Mr. Maghsadi testified as to his number of years of experience in the restaurant business operating a standard restaurant in Washington, D.C. He produced a concept drawing of the interior floor plan of the restaurant which is representative of the plan showing that approximately four hundred twenty (420) sq. ft. of the interior of the building would be used as a seating area and service line for the serving of food. Mr. Maghsadi proposes this food to be rotisserie chicken and beef and other foods that are prepared onsite. The customers will come in place their order and then pick up the order from the service bar, pay for the same and could either sit in the seating area or carryout their food and leave the premises. He expects that slightly more than 50% of his business will come from patrons dining at the premises. The restaurant will not have a liquor license. Mr.

PLAN RECEIVED FOR FILING
Date 11/28/05
By

Maghsadi anticipates having a total of four (4) employees at most on the premises, or the maximum of three (3) operating the kitchen and one (1) operating as a cashier. The hours of the restaurant are proposed to be 11:00 a.m. until 9:00 p.m. The kitchen will be fitted with a ventilation system with a hood over the cooking areas, which will be vented through the roof of the building. There will be approximately three (3) trashcans which will operate as a dumpster that are located at the place Mr. Maghsadi indicated on the site plan. This area is located immediately to the rear of the proposed one-story restaurant and a distance as far away as possible behind that building from the residentially zoned property. Mr. Maghsadi proposes to have a fence in the rear of the property and to additionally screen the parking lot in accordance with the landscape manual. The Petitioner was shown the December 9, 2004 summary of recommendations from the Office of Planning, which was marked as Petitioners' Exhibit No. 8. He indicated that he is in accord with the comments and will abide by them. Petitioner produced during the course of the testimony conceptional architectural elevations showing building materials and exterior colors which were marked as Exhibit No. 6.

The testimony Mr. Clark proffered from Vince Moskunas additionally included statements that Mr. Moskunas would be qualified as an expert in the Baltimore County Zoning Regulations. He also indicated that based upon the testimony heard and the facts concerning the site, that the Petitioner meets the requirements of Section 307.1 of the Baltimore County Zoning Regulations, and that the Variance should be approved.

Thomas Bell testified that in November, 2004, he purchased the adjacent property at 9413 Harford Road, which is improved with a building that Mr. Bell uses for his mortgage brokerage business. He testified that he liked the design of the restaurant and believed it would be beneficial to the neighborhood. However, he believes that it would operate on too small a space, and that there would be traffic and parking issues. His concerns include making left hand turns from

ORDER RECEIVED FOR FILING
Date 1/28/05
By

Harford Road into the property and the fact that people coming northbound might miss the entrance to 9411 Harford Road and enter into his property or enter into Fourth Avenue in order to turn around and go back to the restaurant. Secondly, he objected to the location of the dumpster in that it is in a place that is close to his property line. Mr. Bell acknowledged on cross-examination that within a couple of weeks of having purchased the property at 9413 Harford Road he sent a letter to the Petitioner inquiring whether or not Mr. Maghsadi would sell him the property at 9411 Harford Road, but nothing happened as a result of that inquiry. Ruth Baisden from the Greater Parkville Community Council testified that her organization would not support a variance on the site and that it might not be the right site for a restaurant of the type the Petitioner proposes. She expressed concerns about adding more traffic to Harford Road and having it pass through the intersection of Harford Road and Joppa Road. Richard Hogan testified that he lives behind the proposed restaurant on Fourth Avenue, which is the street that intersects with Harford Road just north of the site. His concerns include having a landscape buffer and/or fence to shield the residential properties from the parking lot and to make sure that the dumpster and associated litter is located as far away from the residential properties as possible.

Given the size and dimensions of the lot, the fact that it contains an existing parking lot which will be reconfigured to permit 19 spaces on the site without interfering with the existing stormwater management drain, but yet meeting the dimension requirements both for the parking spaces and for the drive aisles, I believe that there are special circumstances that are peculiar, to this property and that there exists practical difficulty in complying with the requirements of Section 409.6 (A) (2) of the Baltimore County Zoning Regulations. The Petition for Variance should be approved.

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

ORDER RECEIVED FOR FILING
Date 1/28/05
By

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, this 28th day of January, 2005, that the Petition for Variance be and the same is hereby GRANTED, thereby approving the number of parking spaces to be 19 in lieu of the required 24; and that the approval of the Variance be and is hereby conditioned upon compliance with conditions contained in the Summary of Recommendations dated December 9, 2004 issued by the Office of Planning for Baltimore County Maryland, as follows:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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. Show the proposed location of the required on-site dumpster and indicate how it will be screened from public view. The dumpster shall be located adjacent to the rear of the proposed restaurant and not along the rear or side property lines adjacent to any existing residential uses.;

3. Provide an 8' high privacy fence along the rear of the property line to screen the proposed site from the existing residential uses;

4. Provide a lighting plan(in accordance with IESNA standards), that shows cut off lighting that will not spill into the adjacent residential area. Exterior lighting shall be on a timer to go off 1 hour after the closing of the restaurant;

5. Provide architectural elevations (all sides) of the proposed restaurant including building materials and exterior colors; and

6. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

William J. Wiseman, III
Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/28/05
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

January 28, 2005

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

Re: Petition for Variance
Case No. 05-229-A
Property: 9411 Harford Road

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has 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,

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

c: Mr. & Mrs. Farah B. Maghsadi, 4012 Cloverland Dr., Phoenix, MD 21131-2138
Mr. Vince Moskunas, Site Rite Surveying, 200 E. Joppa Rd., Room 101, Towson MD 21286
Mr. Thomas Bell, 30 Cody Ave., Baltimore, MD 21234
Richard Hogan, 3005 Fourth Ave., Baltimore, MD 21234
Ruth Baisden, Greater Parkville Community Council, 7706 Oak Ave., Baltimore, MD 21234

Printed on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #9411 Harford Road

which is presently zoned BL-AS

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 Variance from Section(s) 409.6.A.2, BCZR, to permit 19 [redacted] parking spaces for a proposed standard restaurant in lieu of the minimum required 24 parking spaces.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

to be discussed at time of hearing

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.

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/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

REZA MAGHSADI
Name - Type or Print

Signature

Farahnaz B. Maghsadi
Name - Type or Print

Signature

4012 Cloverland Drive — 410 593-9890
Address — Telephone No.

Phoenix, MD 21131-2138
City — State — Zip Code

Representative to be Contacted:

Safe Rite Surveying Inc.
Name

200 E. Joppa Road Room 101 — 410 828-9060
Address — Telephone No.

Towson, MD 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 11/4/04

Case No. 05-229-A

ORDER RECEIVED FOR FILING
Date 11/28/05
By

REV 9/15/98

ZONING DESCRIPTION FOR
#9411 HARFORD ROAD

BEGINNING at a point on the southeast side of Harford Road which is 66 feet wide at the distance of 90 feet southwest of the centerline of Fourth Avenue which is 30 feet wide. *Being lot #'s 29, 30, 31 in the Subdivision of "Carney Heights" as recorded in Baltimore County Plat Book #6, Folio #158, containing 9,375 S.F. Also known as #9411 Harford Road and located in the 11th Election District, 6th Councilmanic District.

Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 East Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

05-229-A

ZONING NOTICE

CASE # 05-229-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

DATE AND TIME: AS SOON THEREAFTER

REQUEST: VARIANCE TO PERMIT TO

ZONING: RAT CLAS A DEC CLASS

ZONING NOTICE

CASE # 05-229-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

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: #05-229-A
9411 Harford Road
S/east side of Harford Road, 90 feet s/west of Fourth Avenue
11th Election District
6th Councilmanic District
Legal Owner(s): Reza and Farahnaz Maghsadi
Variance: to permit 19 parking spaces for a proposed standard restaurant in lieu of the minimum required 24 parking spaces.
Hearing: Wednesday, December 29, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

WILLIAM WISEMAN
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/12/646 De14 32903

CERTIFICATE OF PUBLICATION

12/16/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/14/, 2004.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42651

DATE 11/4/09 ACCOUNT R-001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: Maghsudi

FOR: Variance - 9911 Harford Rd & (05-229-A)

Maghsudi - Petitioner

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	
11/05/2009	11/05/2009	11:33:46	1

REG. NAME WALKER JOIC JWW
RECEIPT # 212041 11/04/2009 OFLR
Dept 5 328 ZONING VERIFICATION
DP NO. 042651
Recpt Tot $325.00
$325.00 CK 0.00 CA
Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 05-229-A

Petitioner/Developer: REZA & FARAHNAZ MAGHSADI

Date of Hearing/ Closing: DEC. 29, 2004

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Becky Hart

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #9411 HARFORD ROAD

The sign(s) were posted on DEC. 13, 2004
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

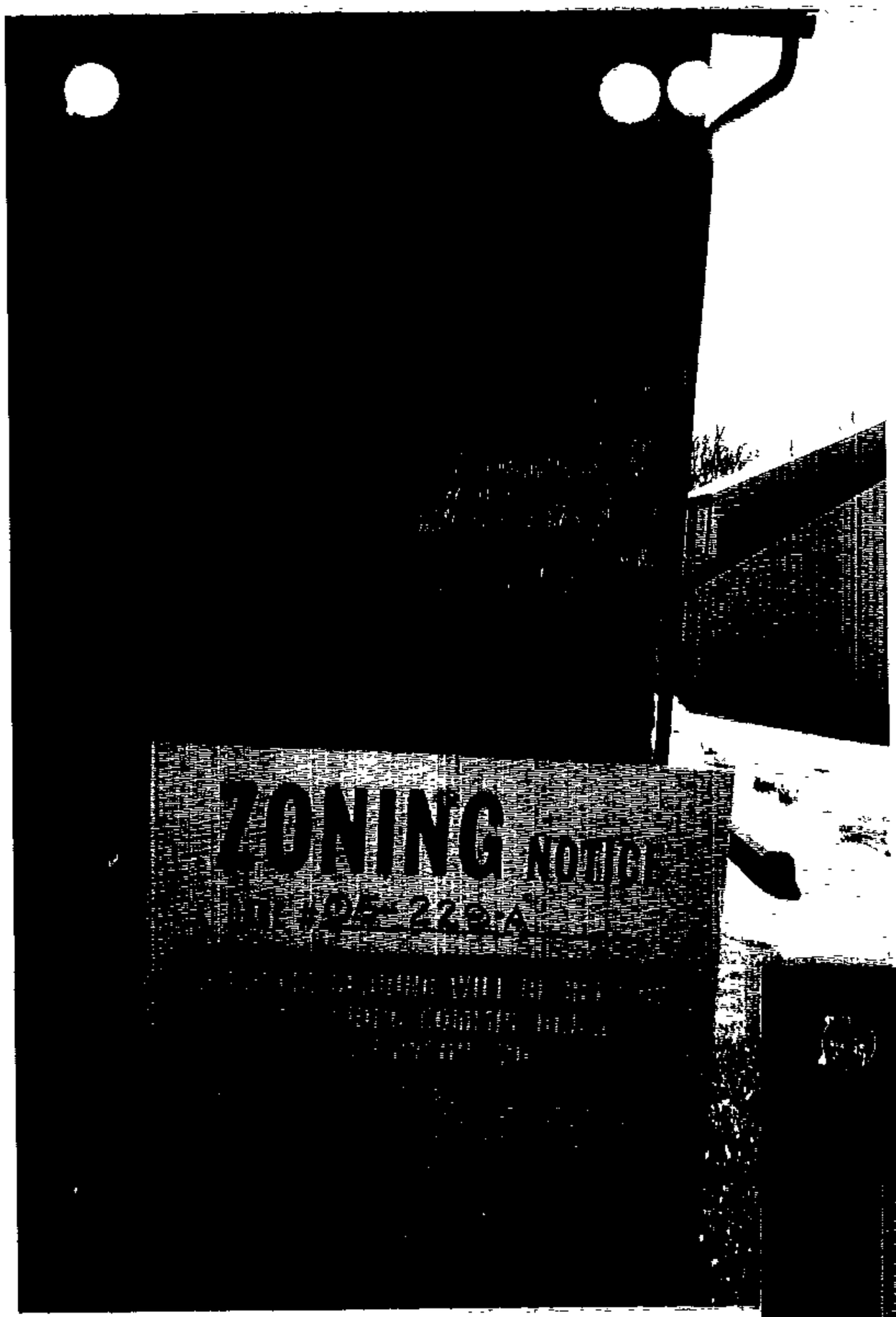
(410) 242-4263
(Telephone Number)

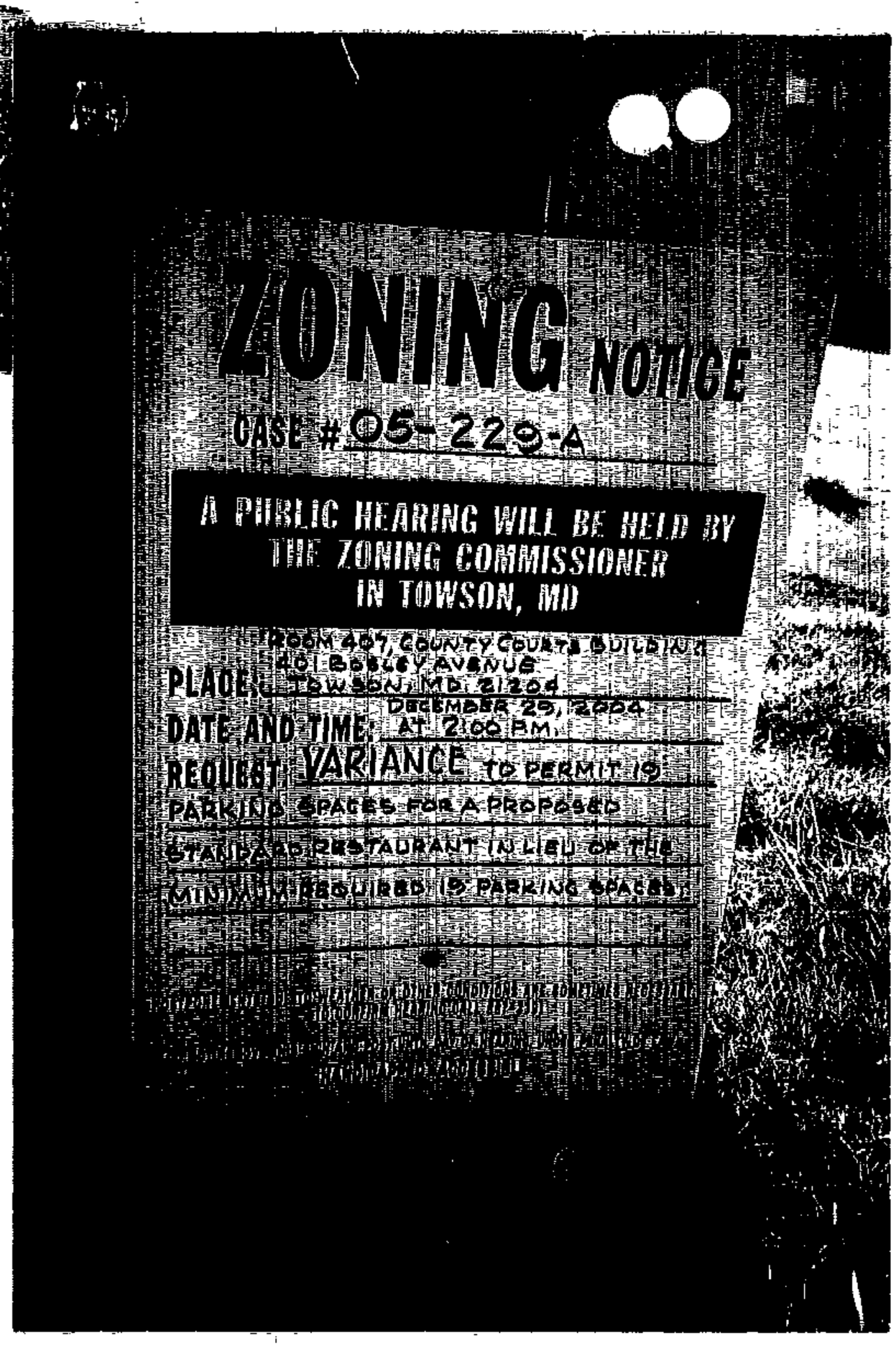
Garland E. Moore
3225 Ryerson Cir
Baltimore MD 21227-4717

PHOTOS OF REVISED
SIGN #9411 HARFORD
ROAD.
CASE No. 05-229-A
CHANGED (19) SPACES
TO REQUIRED (24)
SPACES
12-15-04
G E Moore

www.MooseCharities.org

RECEIVED
DEC 14 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT


ZONING NOTICE
CASE #05-229-A


ZONING NOTICE
CASE #05-229-A
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD
PLACE: ROOM 407, COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON, MD 21204
DATE AND TIME: DECEMBER 29, 2004
AT 2:00 P.M.
REQUEST: VARIANCE TO PERMIT 19
PARKING SPACES FOR A PROPOSED
STANDARD RESTAURANT IN LIEU OF THE
MINIMUM REQUIRED 15 PARKING SPACES.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 14, 2004 Issue - Jeffersonian

Please forward billing to:
Reza Maghsadi
4012 Cloverland Drive
Phoenix, MD 21131-2138
410-593-9890

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: 05-229-A
9411 Harford Road
S/east side of Harford Road, 90 feet s/west of Fourth Avenue
11th Election District – 6th Councilmanic District
Legal Owners: Reza and Farahnaz Maghsadi

Variance to permit 19 parking spaces for a proposed standard restaurant in lieu of the minimum required 24 parking spaces.

Hearing: Wednesday, December 29, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN
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.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

November 23, 2004

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: 05-229-A
9411 Harford Road
S/east side of Harford Road, 90 feet s/west of Fourth Avenue
11th Election District – 6th Councilmanic District
Legal Owners: Reza and Farahnaz Maghsadi

Variance to permit 19 parking spaces for a proposed standard restaurant in lieu of the minimum required 24 parking spaces.

Hearing: Wednesday, December 29, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Reza & Farahnaz Maghsadi, 4012 Cloverland Drive, Phoenix 21131-2138
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 14, 2004.**
(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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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:

Item Number or Case Number: 05-229-A

Petitioner: Reza Maghsadi

Address or Location: 9411 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Reza Maghsadi

Address: 4012 Cloverland Drive
Phoenix, MD 21131-2138

Telephone Number: 410 593-9890

Revised 2/20/98 - SCJ

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

December 21, 2004

Reza Maghsadi
Farahnaz Maghsadi
4012 Cloverland Drive
Phoenix, Maryland 21131-2138

Dear Mr. and Mrs. Maghsadi:

RE: Case Number: 05-229-A, 9411 Harford Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 4, 2004.

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,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Rd. Rm. 101 Towson 21286

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 22, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 22, 2004

Item No.: 227-241, 243, 245-249

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: December 7, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2004
Item Nos. 227, 228, 229, 230, 231, 232,
233, 234, 237, 238, 239, 240, 241, 242,
243, 244, 246, and 248

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JDO
DEPRM

DATE: December 10, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 22, 2004.

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-227
05-229
05-230
05-232
05-233
05-234
05-235
05-238
05-239
05-240
05-241
05-242
05-243
05-244
05-245
05-246
05-247
05-248

Reviewers: Sue Farinetti, Dave Lykens

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA State Highway Administration Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: November 22, 2004

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item Number 229 (JNP)
9411 Harford RD

Dear Ms. Matthews:

This office has reviewed the referenced Item and has no objection to approval of the Variance request.

However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. G. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

Bw 12/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 9, 2004

RECEIVED

DEC 13 2004

ZONING COMMISSIONER

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 9411 Harford Road

INFORMATION:

Item Number: 5-229

Petitioner: Reza Maghsadi

Zoning: BL-AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Show the proposed location of the required on-site dumpster and indicate how it will be screened from public view. The dumpster shall be located adjacent to the rear of the proposed restaurant and not along the rear or side property lines adjacent to any existing residential uses.
2. Provide an 8' high privacy fence along the rear property line to screen the proposed site from the existing residential uses.
3. Provide a lighting plan (in accordance with IESNA standards), that shows cut off lighting that will not spill into the adjacent residential area. Exterior lighting shall be on a timer to go off 1 hour after the closing of the restaurant.
4. Provide architectural elevations (all sides) of the proposed restaurant including building materials and exterior colors.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by: _____

Division Chief: _____

AFK/LL:MAC:

RE: PETITION FOR VARIANCE 9411 Harford Road; SE/side of Harford Road, 90' SW of Fourth Avenue 11th Election & 6th Councilmanic Districts Legal Owner(s): Reza & Farahnaz Maghsadi Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-229-A

* * * * * * * * * * * * *

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 Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
THOMAS BELL	30 CODY AVE	BALTO., MD 21234	TBELLCPA@YAHOO.COM
RUTH BAISDEN	7706 Dale Ave	Balto MD 21234	ruthbaisden@yahoo.com Please send copy of order.
RICHARD HOGAN	3005 FOURTH AVE	BALT MD 21234	rich.hogan@neighborcare[redacted]m

PLEASE PRINT CLEARLY

CASE NAME - 9411 Harford Rd
CASE NUMBER 05-229A
DATE

PETITIONER'S SIGN-IN SHEET

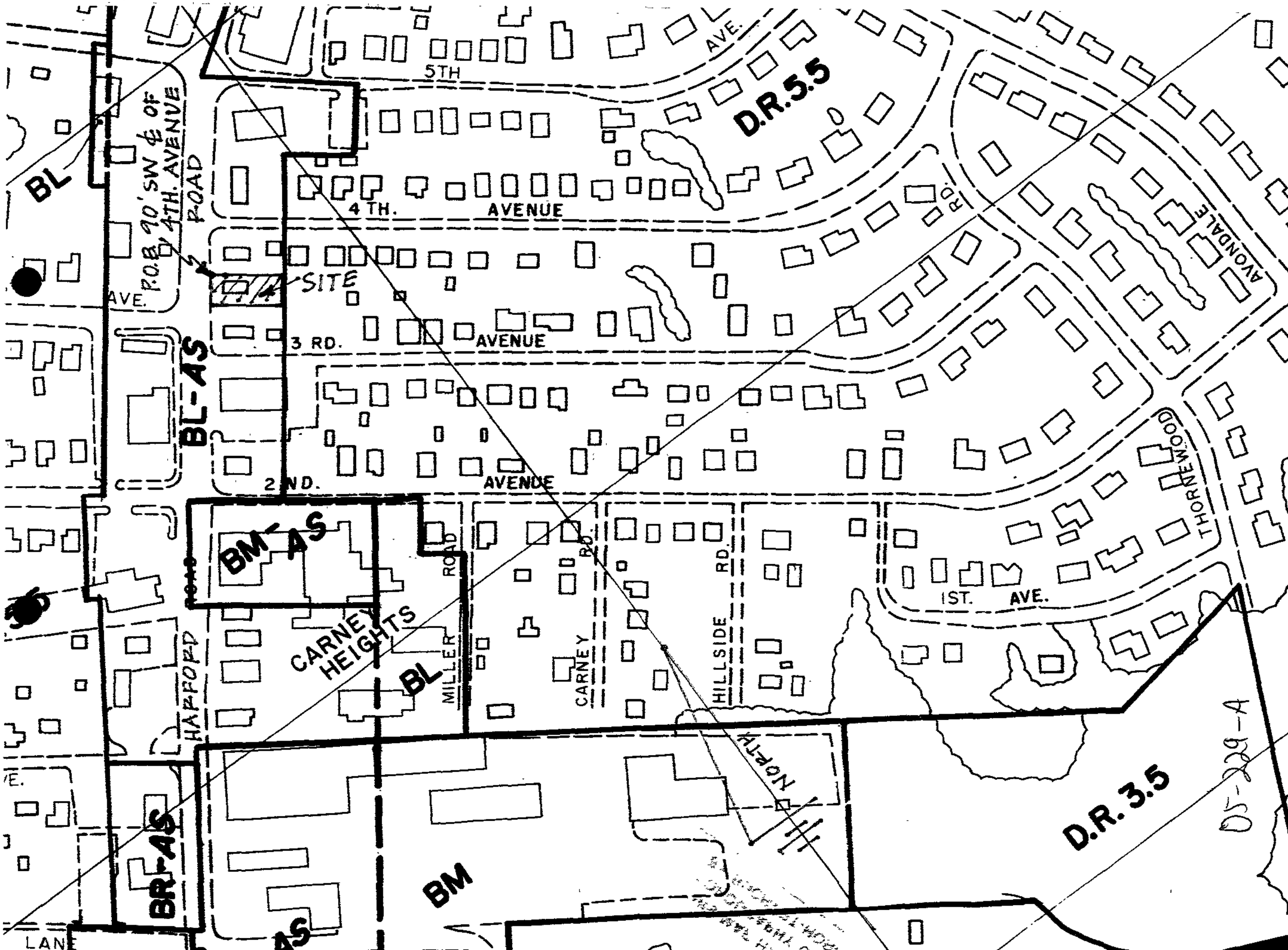
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Reza Maghsadi	4012 CLOVERLAND DR	PHOENIX MD 21131	
C. William CLARK	502 WASHINGTON AVE	TOWSON MD 21204	

Case No.: 05-229 A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN - DUMPSTER LOCATION NOTED	1 A B + C Shows left turn difficulties
No. 2	MD DEPT OF ASSESSMENTS OWNER INFORMATION	
No. 3	PHOTO'S 3A + B depicts Property	
No. 4	BCZR - Off-street Parking	
No. 5	PROPOSED INTERIOR FLOOR PLAN	
No. 6	ELEVATIONS - 2 Pages Landscaping + screening	
No. 7	Photo's 7AB + C	
No. 8	Planning Comments to be made Conditions	
No. 9		
No. 10		
No. 11		
No. 12		

#9411 HARFORD ROAD
N.E. 9E 200' SCALE ZONING MAP



Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 11 **Account Number** - 1111015251

Owner Information

Owner Name:	MAGHSADI REZA MAGHSADI FARAHNAZ B	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	4012 CLOVERLAND DR PHOENIX MD 21131-2138	**Deed Reference:**	1) /20598/ 641 2)

Location & Structure Information

Premises Address
9411 HARFORD RD

Legal Description
LT 29,30,31
75 S 4TH AVE
CARNEY HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
71	15	1098					29	80	Plat Ref: 6/ 158

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1927		9,000.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2004	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	118,400	140,000		
Improvements:	35,800	40,200		
Total:	154,200	180,200	162,866	171,532
Preferential Land:	0	0	0	0

Transfer Information

Seller:	SHIREY IRVIN BOYD	**Date:**	08/05/2004	**Price:**	$295,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/20598/ 641	**Deed2:**	
Seller:	KEMPSKE CHARLES H,JR	**Date:**	04/02/1973	**Price:**	$35,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5347/ 290	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

PETITIONER'S EXHIBIT 2

Section 409
Off-Street Parking and Loading
[Bill Nos. 26-1988; 36-1988]

409.1 Applicability.

A. All structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations. When an existing structure or use is enlarged, accessory off-street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement.

B. Those projects which have County Review Group (CRG) approval prior to the effective date of these regulations may modify their plans to satisfy these regulations or may proceed under the regulations in effect at the time of said approval.

C. Those projects for which a building permit has been submitted but not approved may modify their plans to satisfy these regulations or proceed under the regulations in effect at the time of said submittal.

409.2 Plan. At the time of application for a building permit for the erection or enlargement of any building for which off-street parking or loading spaces are required, a plan shall be provided at an appropriate level of detail showing such parking or loading spaces, including the means of access and interior circulation both from the standpoint of the project itself and in relation to its surroundings.

409.3 *Parking space dimensions. Minimum off-street parking space dimensions shall be as follows:*

	Angled Parking (feet)	**Parallel Parking (feet)**
Standard space	8½ x 18	7½ x 21
Small car space	7½ x 16	7½ x 18

Small car spaces shall be designated as such and clearly marked to indicate the intended use.

409.4 Access to parking spaces. Vehicular travelways in off-street parking facilities where the parking spaces are located in parking bays or parking lanes shall be divided into driveways, with no direct access to parking spaces, and aisles, providing direct access to adjoining parking spaces.

A. Driveways shall be at least 12 feet in width for one-way movements and at least 20 feet in width for two-way movements.

B. All parking spaces shall adjoin and have direct access to an aisle, except in the following cases:

PETITIONER'S EXHIBIT 4

1. In cases where vehicles will be parked by an attendant, the Zoning Commissioner may approve a parking facility in which up to 50% of all parking spaces do not adjoin and have direct access to an aisle.

2. In office buildings less than 5,000 square feet, the Zoning Commissioner may approve a plan in which spaces designated for employee use only do not have direct access to an aisle.

C. The permitted parking angles and the minimum required widths of aisles shall be as specified below. Parking angles and aisle widths which vary from those specified below may be approved by the Zoning Commissioner for any parking facility based upon the written findings of the Director of Public Works that the design of the particular parking facility involved will provide for the safe and efficient circulation and maneuvering of vehicles.

Parking Angle	One-Way Aisles (feet)	Two-Way Aisles (feet)
90°	22	22
75°	18	20
60°	16	20
45°	14	20
30°	14	20
0°	14	20

D. Historic structures. For an existing structure within the Oella National Register District or the Ellicott Mills National Register District, the width of driveways and aisles with two-way movement in an interior private parking facility may be modified up to 25% of the minimum required width specified in Section 409.4.A and 409.4.C. Residential dwelling unit parking spaces that do not have access to aisles are permitted, and these spaces may count towards the number of spaces required under Section 409.6. Any parking spaces without direct access to a drive aisle and the space blocking access to that drive aisle shall be reserved for an individual unit. **[Bill No. 8-2004]**

409.5 Number of small car spaces.

A. In off-street parking facilities where more than 50 parking spaces are provided, small car spaces shall be permitted as specified below.

1. In facilities serving office or industrial uses: up to 40% of the number of spaces required for such uses.

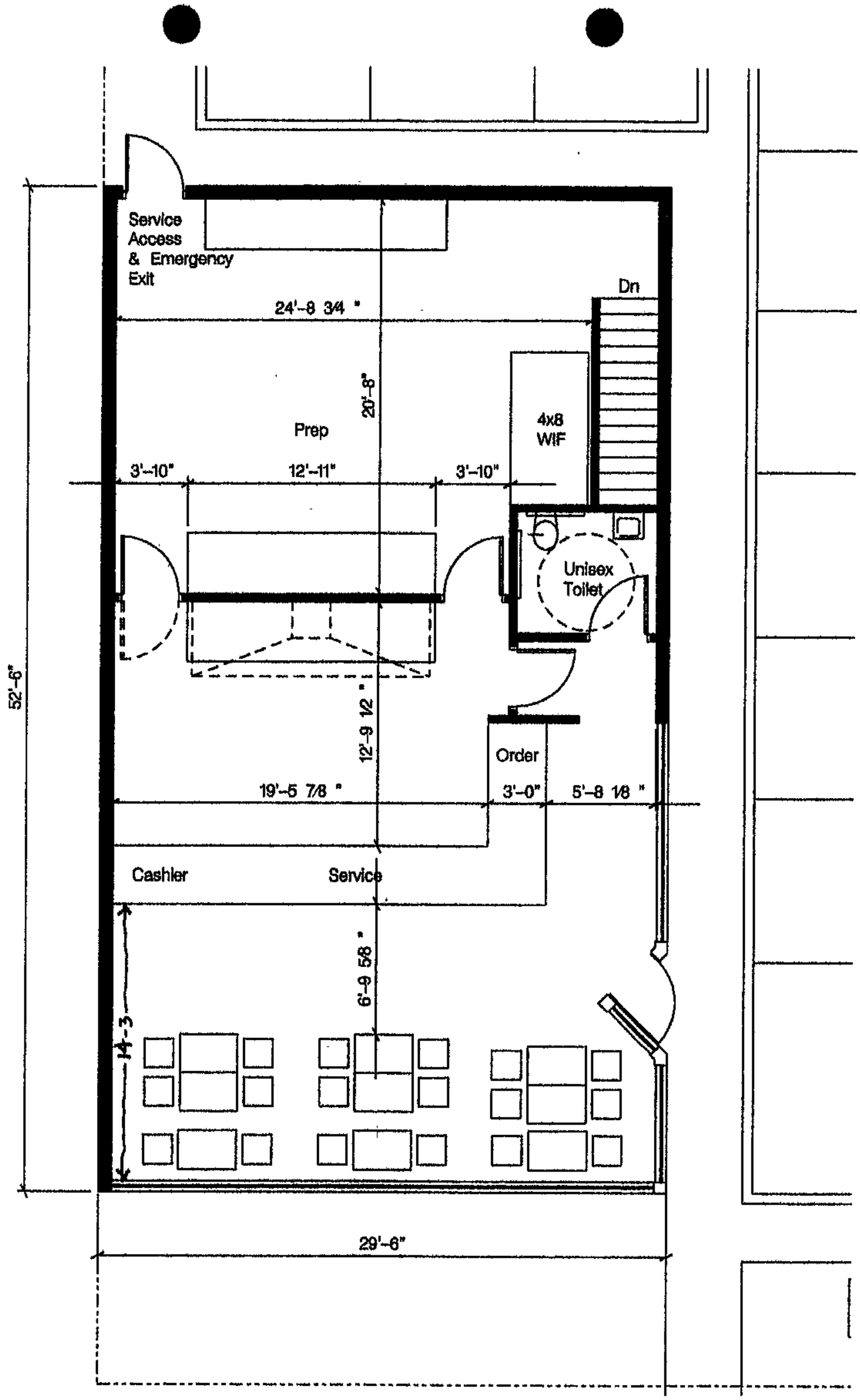
2. In parking structures serving residential or lodging uses: up to 40% of the number of spaces required for such uses. In surface parking facilities serving residential or lodging uses: no small car spaces permitted.

B. Notwithstanding the provisions of Section 409.5.A., for any nonresidential development, all parking spaces provided which exceed the requirements of Section 409.6 may be small car spaces at the discretion of the developer.

409.6 *Required number of parking spaces.*

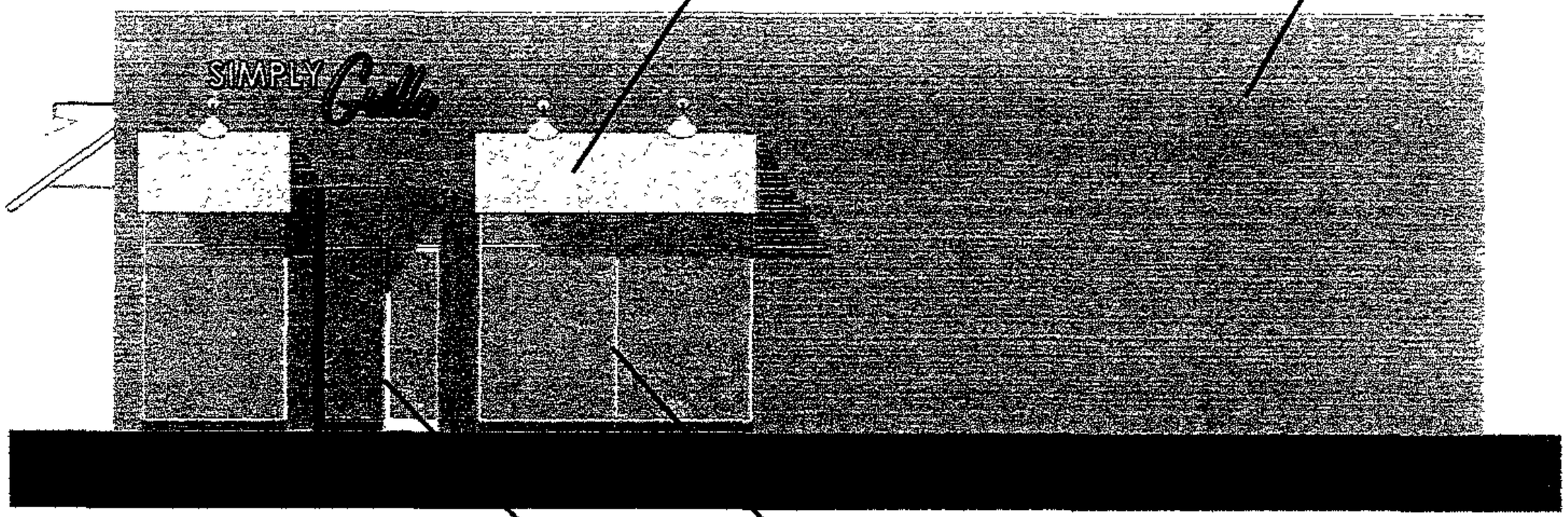
A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the Director of the Department of Permits and Development Management shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance

(Cont'd on page 4-31)

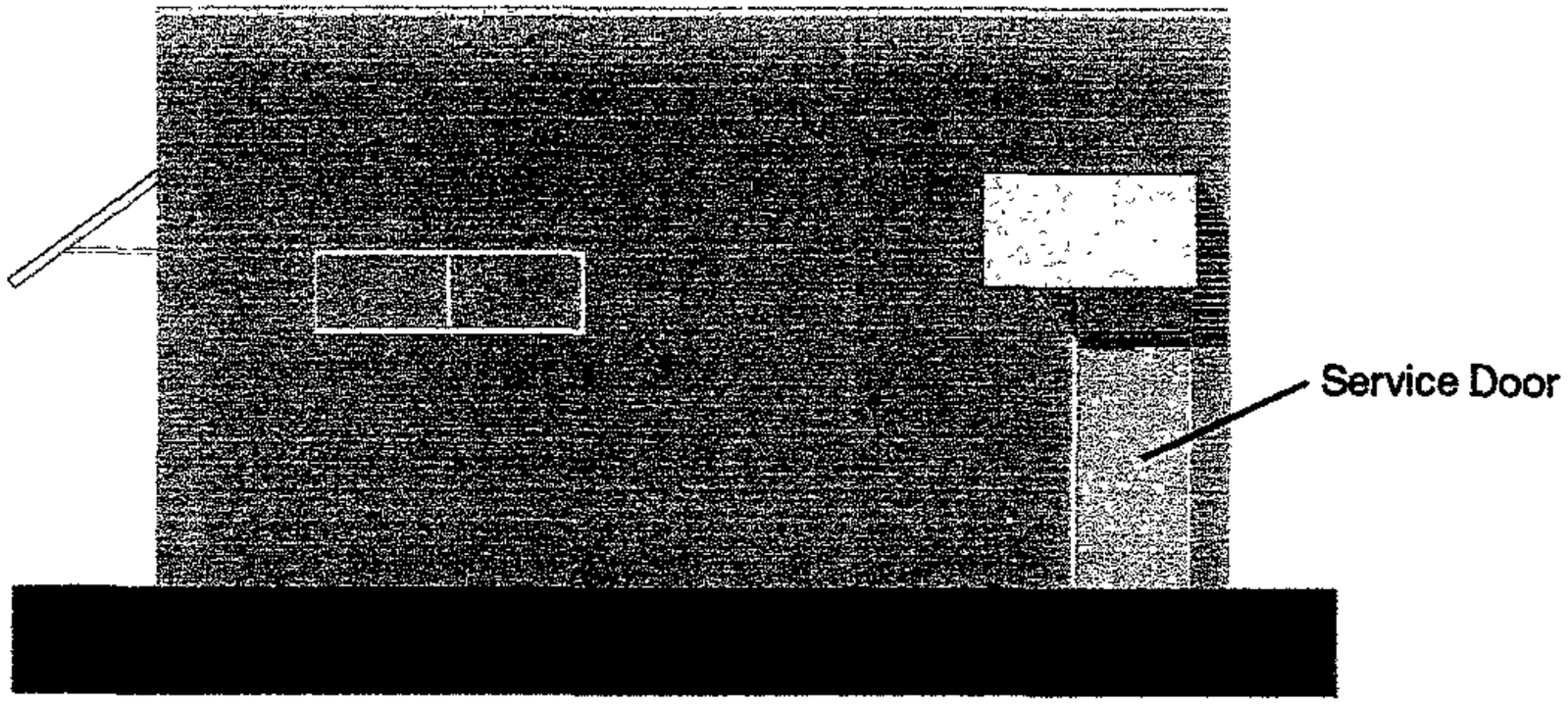


11/23/04

PETITIONER'S
EXHIBIT 5



South Elevation

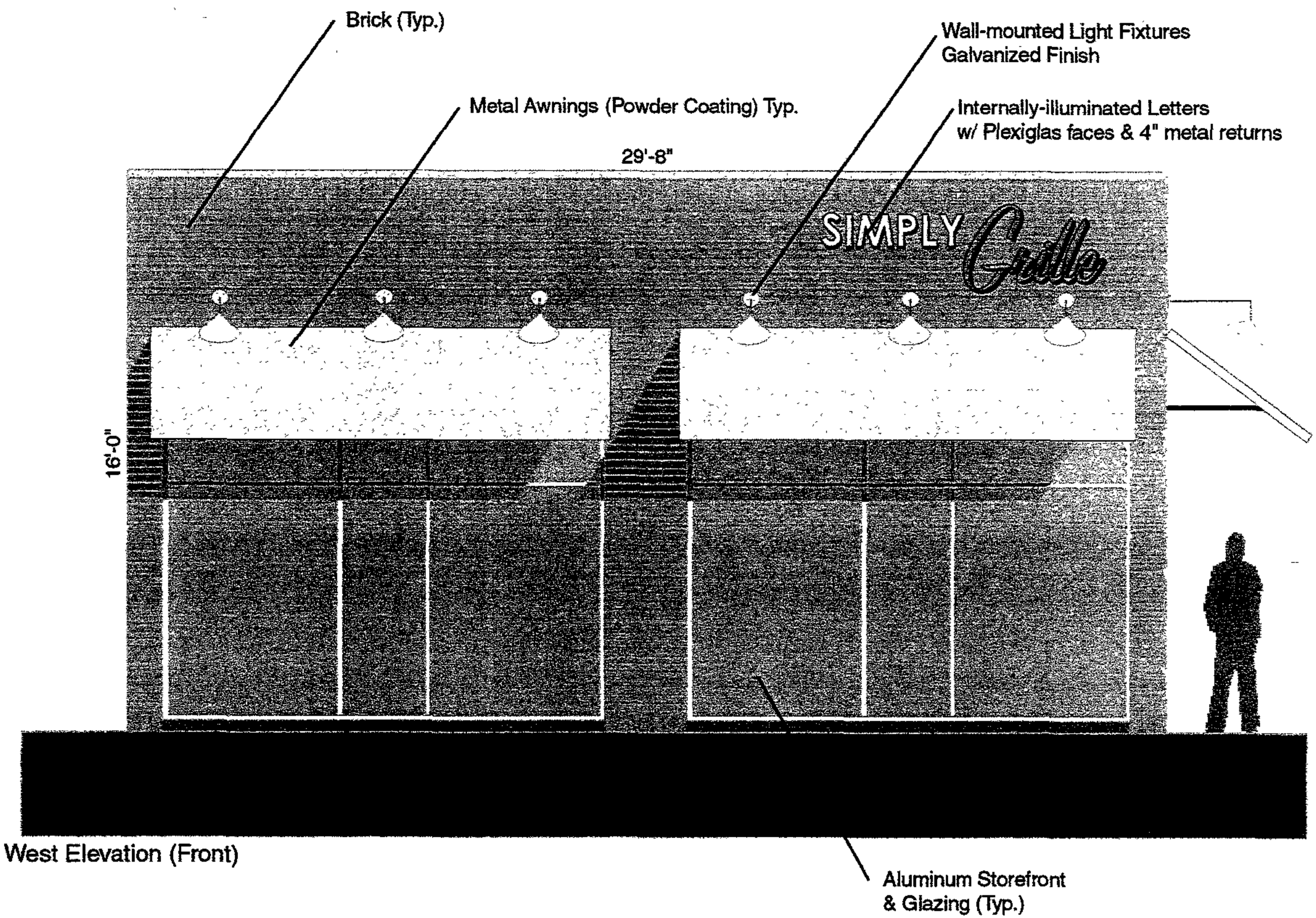


East Elevation (Rear)

12/28/2004
Preliminary Elevations
Proposed Restaurant
9411 Harford Road
Baltimore, MD 21234

PETITIONER'S
EXHIBIT 6 - Elevation

©2004 Robert Wingard AIA

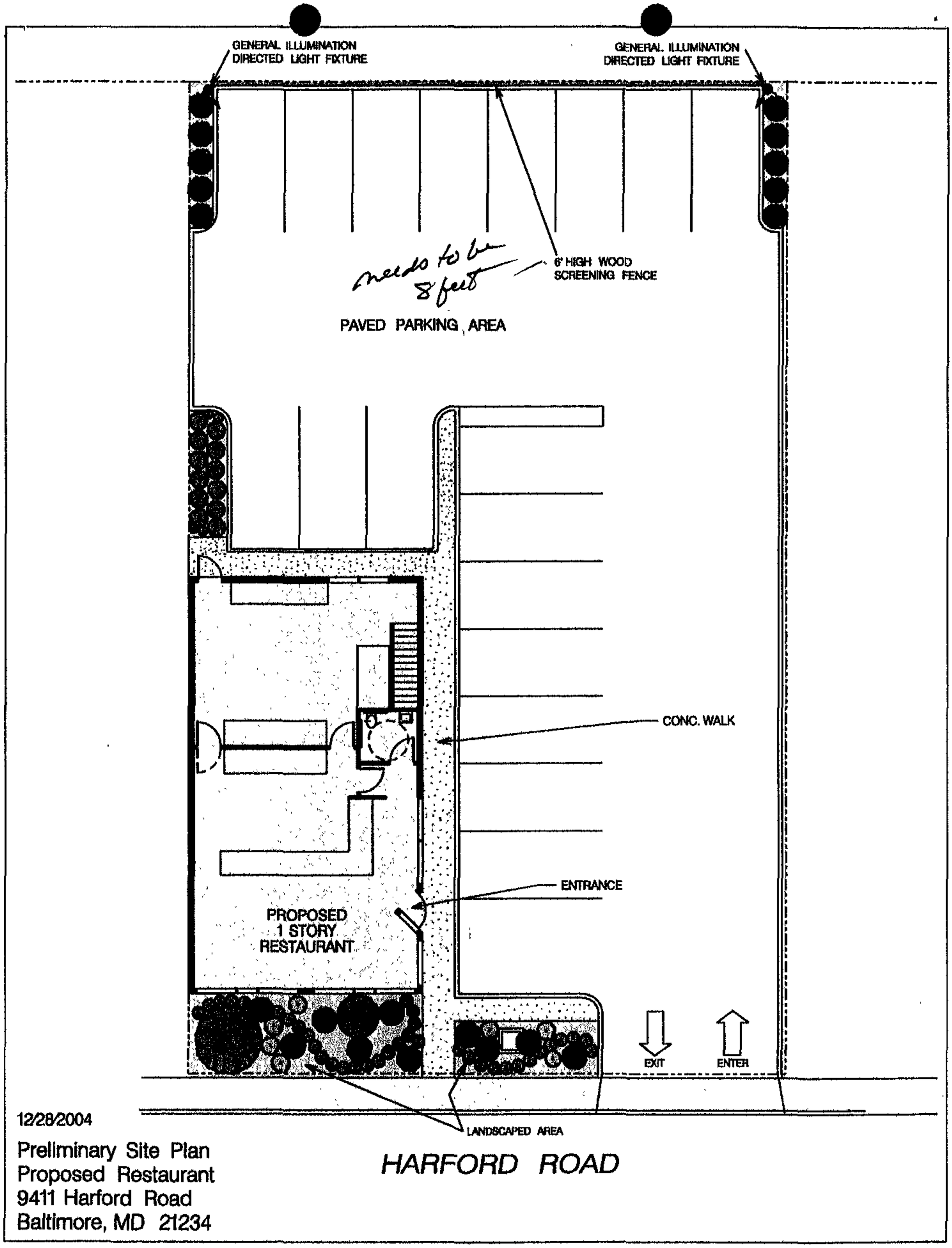


West Elevation (Front)

12/28/2004

Preliminary Elevations
Proposed Restaurant
9411 Harford Road
Baltimore, MD 21234

©2004 Robert Wingard AIA



12/28/2004

Preliminary Site Plan
Proposed Restaurant
9411 Harford Road
Baltimore, MD 21234

BW 12/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 9, 2004

RECEIVED

DEC 13 2004

ZONING COMMISSIONER

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 9411 Harford Road

INFORMATION:

Item Number: 5-229

Petitioner: Reza Maghsadi

Zoning: BL-AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Show the proposed location of the required on-site dumpster and indicate how it will be screened from public view. The dumpster shall be located adjacent to the rear of the proposed restaurant and not along the rear or side property lines adjacent to any existing residential uses.
2. Provide an 8' high privacy fence along the rear property line to screen the proposed site from the existing residential uses.
3. Provide a lighting plan (in accordance with IESNA standards), that shows cut off lighting that will not spill into the adjacent residential area. Exterior lighting shall be on a timer to go off 1 hour after the closing of the restaurant.
4. Provide architectural elevations (all sides) of the proposed restaurant including building materials and exterior colors.

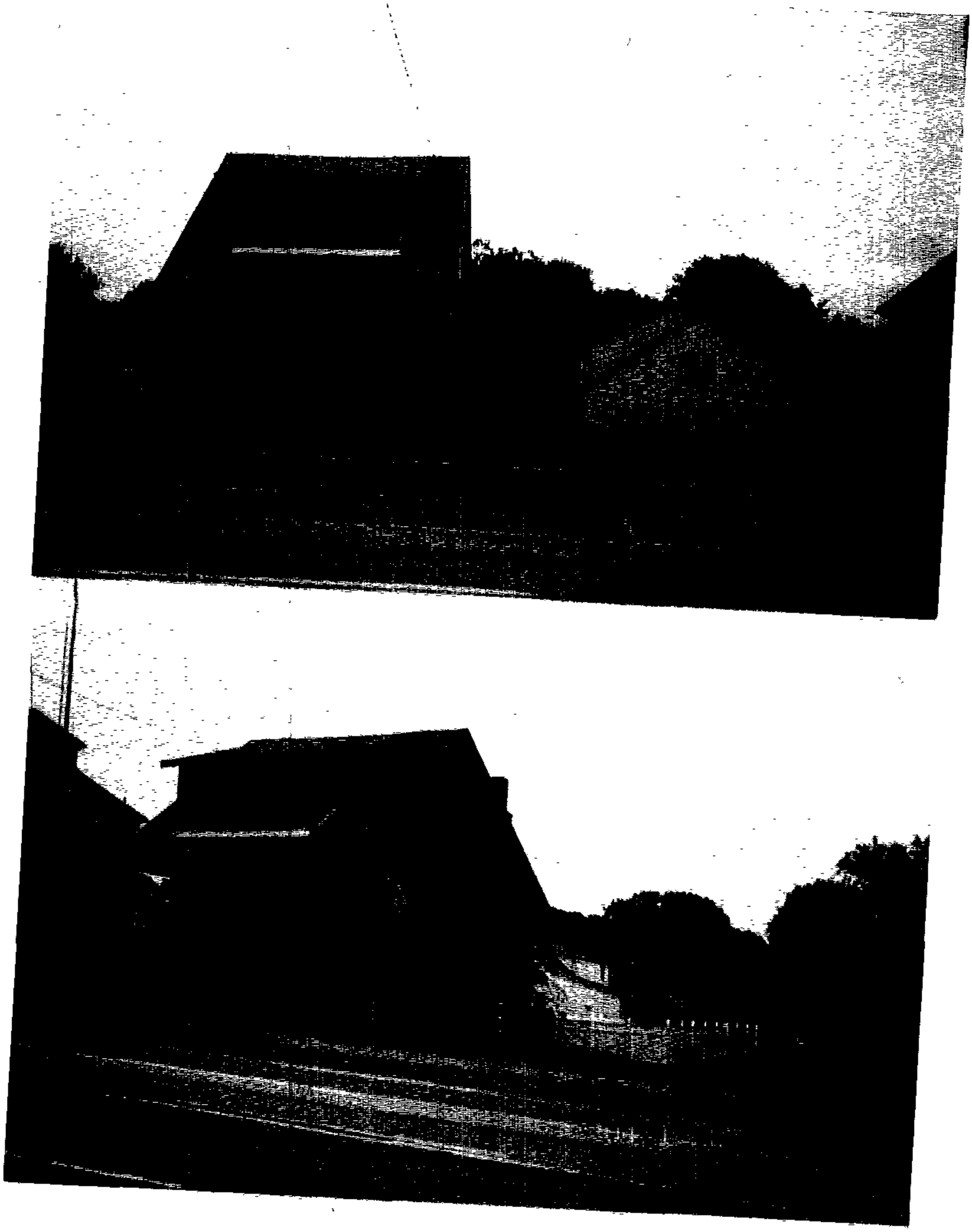
PETITIONER'S EXHIBIT 8

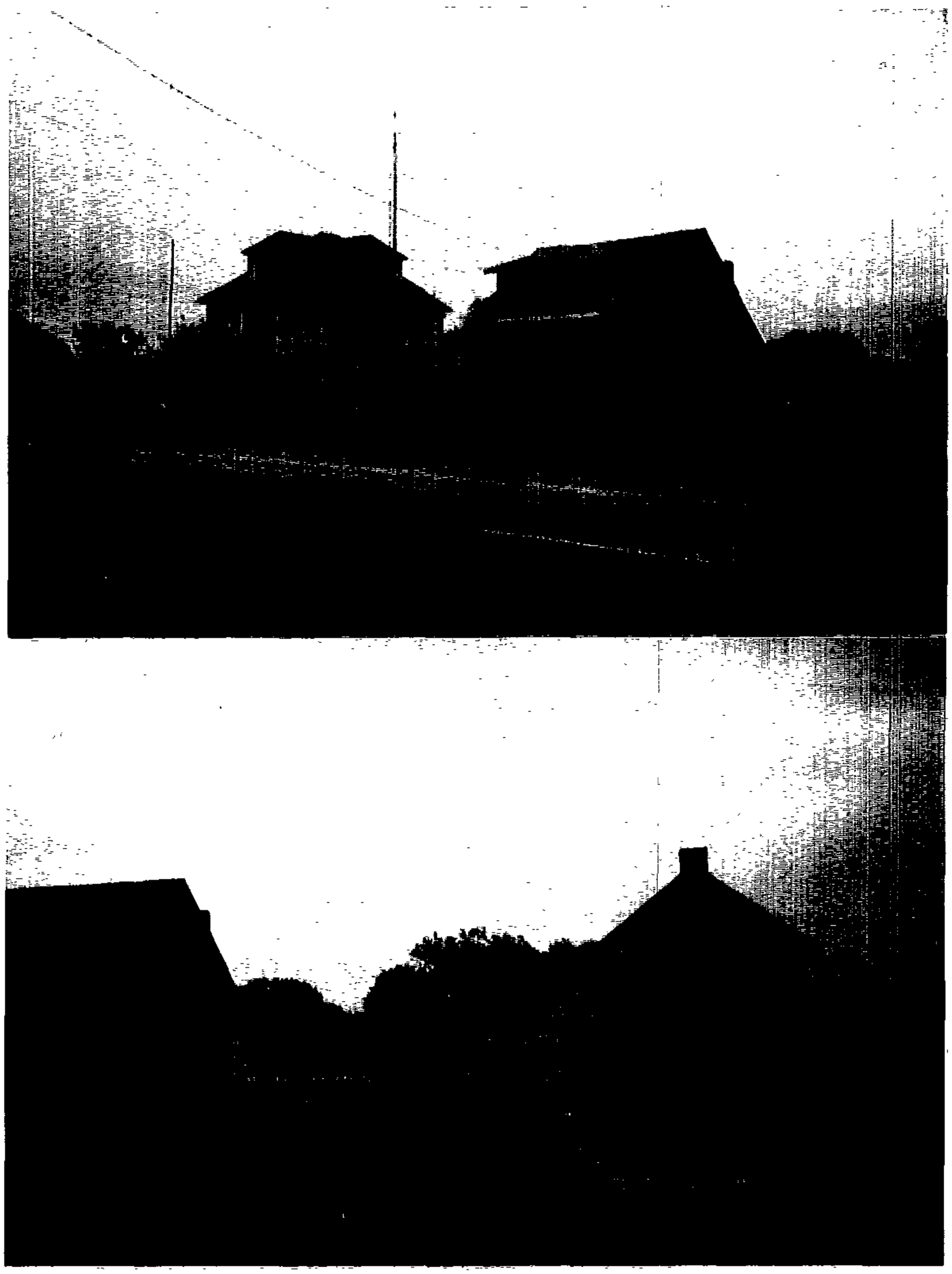
For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by: _____

Division Chief: _____

AFK/LL:MAC:

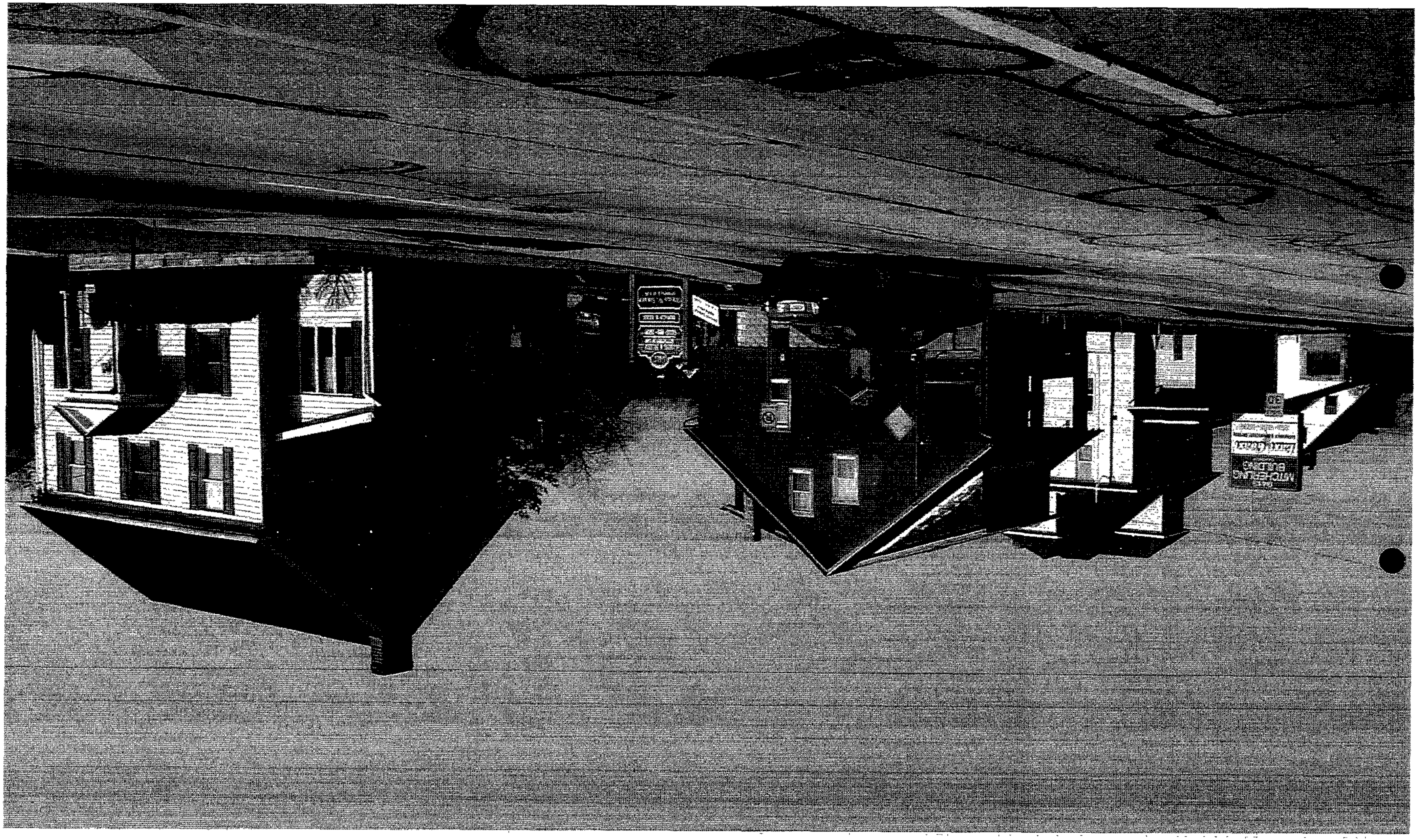




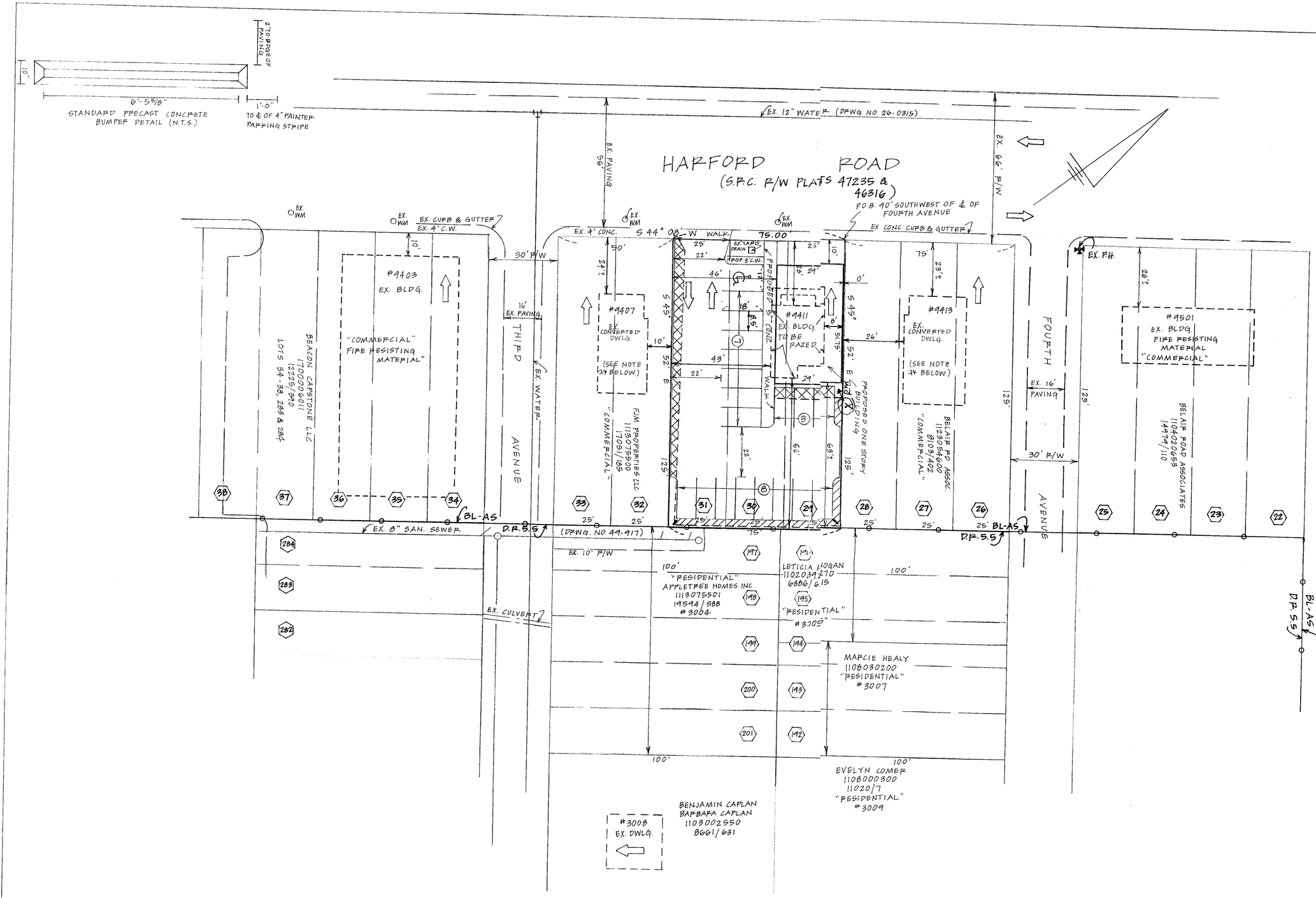
Insurance & Judicial Service
410-000-2012

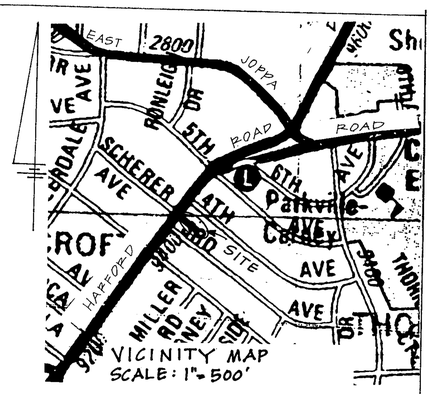
PROTESTANT'S
EXHIBIT NO. 1C

EXHIBIT NO. 8-1
DEPOSITION


ASTOR PLACE
BUILDING

PROTESTANT'S
EXHIBIT NO. 1-A





GENERAL NOTES:

1. EXISTING ZONING: BL-AS
2. 200' SCALE ZONING MAP: NE9E
3. LOT AREA: 9,375 S.F. OR 0.215 Ac± (GROSS AREA & NET AREA ARE THE SAME)
4. DRC NO. 100404A TO RAZE EXISTING STRUCTURE AND REPLACE WITH RESTAURANT/GRILL
5. EXISTING USE: BUILDING IS VACANT (Commercial Use)
6. PROPOSED USE: RESTAURANT
7. BUILDING GROSS AREA: 1,500 S.F.
   PARKING REQUIRED: 16 SPACES PER 1000 GROSS S.F.
   1.5 X 16 = 24 SPACES REQUIRED
   PARKING PROPOSED: 19 SPACES (18 Regular & 1 HC)
8. EXISTING PARKING LOT WHICH SUPPORTS 16 PERMANENTLY STRIPED SPACES
9. FLOOR AREA RATIO: ALLOWED 3.0
   PROPOSED F.A.R.: 1500 X 9375 = 0.16
10. HOURS OF OPERATION: MONDAY THROUGH SUNDAY
    ~~12:00 PM~~ 7:00 AM – 9:00 PM
11. NUMBER OF EMPLOYEES PER SHIFT: 4 EMPLOYEES
12. EXISTING BUILDING TO BE RAZED (2 Story Frame Dwelling)
13. Parking space dimensions:
    Regular Space: 8.5' x 18'
    Handicap Space: 12' X 18'
14. All exterior lighting will be directed away from residential properties
15. Owner will be responsible for care and maintenance of landscaping
16. The owner shall submit for review and approval a landscape plan to the County's Landscape Architect. The details of this plan shall be agreed by the owner and the County's architect.
17. Light standards shall be protected from vehicular traffic by curbing or landscaping B.C.Z.R., Section 409.8.A.3.
18. All parking spaces must be striped, per B.C.Z.R. per Section 409. A.6
19. Paving surface must be durable and dustless and be properly drained so as not to create any undesirable conditions, per B.C.Z.R., Section 409.8.A.2.
20. Not located in 100 Year Flood Plain Area
21. Not located in Historic Area
22. Not located in the Chesapeake Bay Critical Area
23. No prior Zoning Hearings
24. NO COMMERCIAL FIRE RESISTANT BUILDING WITHIN 100' OF SIDE PROPERTY LINES, OTHER THAN #9403 HARFORD ROAD WHICH HAS A 10' FRONT STREET SETBACK.
25. NO PREVIOUS COMMERCIAL PERMITS COULD BE FOUND FOR THIS PROPERTY.
26. BASIC SERVICE MAP NOTE: [redacted] NOT IN FAILING AREA.

PETITIONER'S EXHIBIT 1

COMMERCIAL USE OF ADJACENT PROPERTIES

#9403 Harford Road -	"Carney Professional Center" 2 Story Brick Building
#9407 Harford Road -	"Glusing & Muher" Attorneys at Law "Gerald Soukup" Attorney at Law 2 Story Frame Building
#9413 Harford Road -	"Mitcherling Building Center" "East Coast Ambulance & Wheelchair Service" 2 Story Frame Building
#9501 Harford Road -	"Maryland Maids" 2 Story Frame Building

LEGEND
PAVING AREA TO BE ENLARGED: XX XXX
EXISTING EDGE OF PAVING: — — — — — —
PROPOSED EDGE OF PAVING: ————
PAVING AREA TO BE REMOVED: //////
PROP. PARKING SPACE ← (3) →
PROP. LIGHT POLE ●→

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

OWNER: REZA MAGHSADI
FARAHNAZ MAGHSADI
4012 CLOVERLAND DRIVE
PHOENIX MD 21131-2138
(410) 593-9890

TAX MAP: 71 GRID: 15 PARCEL: 1098
TAX ACCT. NO.: 1111015251
DEEF REF.: 20498 / 641

PLAN TO ACCOMPANY PETITION FOR VARIANCE

"SIMPLY GRILL"
#9411 HARFORD ROAD
BEING LOT NOS. 29, 30, 31
"CARNEY HEIGHTS" 6/158
ELECTION DISTRICT NO. 11
COUNCILMANIC DISTRICT NO. 6
BALTIMORE COUNTY, MD
SCALE: 1" = 20'
NOVEMBER 4, 2004
8999

05-229-A