IN RE: PETITIONS FOR SPECIAL EXCEPTION *

AND VARIANCE

SW side of Liberty Road, 200 feet

S of c/l Of Chapman Road

2nd Election District

4th Councilmanic District

(9217 Liberty Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Sohan L. Sambhi and Joginder Kaur Legal Owner

CASE NO. 07-296-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance filed by Sohan L. Sambhi and Joginder Kaur. The requests are for property located at 9217 Liberty Road. The Special Exception is pursuant to Section 502.1 of the BCZR to approve a Class B office building. The Variance request is from Section 204.4 of the BCZR to permit a proposed Class B office building to have a rear yard setback as close as 23.8 feet in lieu of the required 30 feet.

The property was posted with a notice of the public hearing date and time on February 6, 2007 and notice given to the general public by publication in the "Jeffersonian" Newspaper on February 6, 2007.

Interested Persons

Appearing at the hearing on behalf of the variance request were Sohan L. Sambhi, the Petitioner, and Rizwan Siddiqi, with Mufti & Associates, who prepared the site plan. There were no protestants or citizens at the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Bureau of

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Development Plans Review (BDPR) dated January 11, 2007 which requests 5 feet of additional right of way along Chapman Road.

Amended Petition

As the result of the BDPR comment to give the County additional frontage along Chapman Road, the Petitioner proposed to move the office building toward the rear another 5 feet resulting in a revised variance request for rear yard setback of 18.8 feet in lieu of the required 30 feet and landscape buffer of 3.5 feet in lieu of the required 10 feet.

Applicable Law

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Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Section 502.1 of the B.C.Z.R. - Special Exceptions.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]

- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Testimony and Evidence

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The subject property contains 12,123 square feet or 0.27863 acres zoned RO and is vacant. The Petitioner proposes to erect a one story 30 x 68.5 office building (2,055 square feet) on the property facing Chapman Road as shown in Petitioner's exhibit 1. As originally proposed the new class B office building would meet all the bulk requirements of Section 204.4 of the BCZR except the rear yard setback which would be 23.8 feet in lieu of the required 30 feet as shown.

However the Petitioner received a ZAC comment from the Bureau of Development Plans Review which requested an additional County right of way for Chapman Road of 5 feet and to adjust the requests for variance accordingly. Mr. Siddiqi indicated that the lot is trapezoidal in shape with only 75 feet of depth along Liberty Road. He could not reduce the size of the internal driveways shown and still maintain reasonable traffic circulation as the flow was already one way. He discussed this matter with BDPR and determined that he had three options in trying to comply with this request.

The first was to decrease the depth of the building from 30 feet to 25 feet. However in discussions with the architect and owner, he determined that this would result in a design which would not be viable as each office would then be only 17 x 25 feet in size. This would not provide sufficient storage space for tenants.

The second option is to request a front yard setback variance of 20 feet in lieu of the required 25 feet and landscape buffer width of 5 feet in lieu of the required 10 feet. However if, as and when the County actually widened Chapman Road, the new building would be uncomfortably close to the street.

The third option, which eventually he chose, was to move the whole building back away from Chapman Road 5 feet as shown on exhibit 2, the redline site plan. This required a rear yard setback of 18.5 feet in lieu of the required 30 feet and a landscape buffer width of 3.5 feet in lieu of the required 10 feet. He indicated that because of the trapezoidal shape, the 10 foot buffer does not simply reduce to 5 feet as shown. The width of the landscape buffer varies from 3.5 feet to 11.1 feet which he opined would still provide adequate separation and buffering for the insurance agency office to the rear.

He opined that the property was unique in a zoning sense because of its trapezoidal shape and narrowness in depth which make any commercial use of the property problematic.

In regard to the request for special exception for a Class B office building on the property, he opined that the proposed use meets the criteria of Section 502.1 of the BCZR, is within the spirit and intent of the RO regulations and would not adversely affect the community which is primarily commercial. He noted that in order to develop the property as proposed, the owner must extend the public sewer line approximately 400 feet which is quite expensive. He opined that residential development of the property has not been possible for this reason. Again he noted that virtually all the uses along this portion of Liberty Road are commercial so there will be no negative impact.

Findings of Fact and Conclusions of Law

I recognize that the amended Petition was not specifically advertised or posted as new variances were requested. In a perfect world the comment requesting additional frontage along Chapman Road would have been sent to the Petitioner prior to posting and advertising. However in the real world this did not occur. Fortunately the Petitioner received the comment prior to the hearing and so was able to adjust his request.

I find that the public was effectively and substantially notified of the rear yard setback and landscape buffer width requests under the circumstances. Given the commercial nature of this portion of Liberty Road, it seems unlikely to me that someone seeing the sign or reading the advertisement for the original petition would not appear at the hearing on the original Petition but would appear for the amended Petition.

In regard the request for variances, I find the property unique in a zoning sense because of its trapezoidal shape and narrowness of depth from Chapman Road.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. I have no reason to doubt that the proposed building would not be viable if reduced in size to avoid the variances.

I also agree with the Petitioner that the third option pushing the whole building back 5 feet to accommodate the County desire to widen the right of way of Chapman Road is the best choice under the circumstances and is not self imposed.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The area is commercial and having proposed building closer to the boundary line or having a slightly smaller buffer width on the rear will not adversely affect the office to the rear.

In regard to the request for special exception, I find the request meets the criteria of Section 502.1 of the BCZR, the proposed use is within the spirit and intent of the RO zoning classification and will not adversely affect the community for the reasons above.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for variance and special exception should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of February, 2007 that the Petitioner's request for a Variance from Section 204.4 C 5 to permit a proposed Class B office building to have a rear yard setback as close as 18.8 feet in lieu of the required 30 feet and landscape buffer of 3.5 feet in lieu of the required 10 feet as shown on Petitioner's exhibit 2 is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's Special Exception pursuant to Section 502.1 of the BCZR is for a Class B office building as shown on the redline site plan as exhibit 2 is hereby GRANTED subject, however, to the following conditions:

1. The Petitioner may apply for any permits required and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 22, 2007

SOHAN L. SAMBHI AND JOGINDER KAUR 9 UPMAN COURT BALTIMORE MD 21228

Re: Petitions for Special Exception & Variance

Case No. 07-296-XA

Property: 9217 Liberty Road

Dear Messrs. Sambhi and Kaur:

Enclosed please find the decision rendered in the above-captioned case.

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Rizwan Siddiqi, Mofti & Associates Inc., 6413 Windsor Mill Road, Woodlawn MD 21207



Petition for Special Exception

for the property located at 9217

to the Zoning Commissioner of Baltimore County

which is presently zoned

owner(s) or the property situate in Baltimore County and which	its and Development Management. The undersigned, legal ch is described in the description and plat attached hereto and under the Zoning Regulations of Baltimore County, to use the
made a part hereof, hereby petition for a Special Exception is herein described property for a Class B office	e building
	J
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Property is to be posted and advertised as prescribed by the zo	oning regulations.
i, or we, agree to pay expenses of above Special Exception, advertigoring regulations and restrictions of Baltimore County adopted pursuant	sing posting etc. and further agree to and are to be bounded by the
position of the restrictions of partitions country adopted buisi	uant to the zoning law for baitimore 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:	Legal Owner(s):
	FERRI AMUSICAL
Name of the state	SOHAN L. SAMBHI & JOGINDER KAUR
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	
	Signature
Attorney For Petitioner:	9 UPMAN CT 410-719-1624 Address Telephone No.
RIZWAN SIDDIRI, PE	Address BALTIMORE MD 21207.
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	•
Company ASSOCIATES INC.	RIZWAN SIDDIQI
6413 WINDSOR MILL RD 410-5707938	Name 6413 WINDSOR MILL RD 410-570-1938
Address Telephone No.	Address Telephone No.
WOODLAWN MD 21207	WOODLAWN MD 21207
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 07-296-XA	ESTIMATED LENGTH OF HEARING
Case No. 07-296-XA	UNAVAILABLE FOR HEARING
ANTO, ANTO ANTO ANTO ANTO ANTO ANTO ANTO ANTO	Reviewed By 117 Date 12/28/06
REU 09/15/98	
7-7-7-01	



REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9217 LIBERTY RD which is presently zoned _____R o

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) 204.4. C.5 - to permit a proposed Class B office building to have a rear yard setback as close as 23.8 feet in lieu of the required 30

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 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/L	<u>-essee:</u>		Legal Ow	ner(s):		
			SOHAN	L. SAN	1BH1 & 500	INDER KAUR
Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	Name - Type			
Signature	<u></u>		Signature			-
Address		Telephone No.	Name - Type	or Print		
City	State	Zip Code	Signature			<u></u>
Attorney For Petition	ier:		9 UPM	an ct	41	0-719-1624
			Address			Telephone No.
RIZWAN S	IDDIWI, PE	· 	BALTIM	ORE, M	0 21228	
Name - Type or Print) WYW		City		State	Zip Code
<u></u>	A		Represen	tative to be	Contacted:	
Signature MUFTI & #	HSOCIATES,	INC	212	WAN S	SIDDIQI	
Company			Name			
6413 WINDSO	RMILL RD	410-570-1938	6413	WINDSOR	MILL RD	410-570-1938
Address	- -	Telephone No.	Address			Telephone No.
WOODLAWN	MD	2/207	WOODL	MAN N	MD	2.12.07
City	State	Zip Code	City		State	Zip Code
				OFFICE	USE ONLY	
Case No.			ESTIMATE	D LENGTH O	F HEARING _	
Case Ito.	ALUEVAU K	Reviewed By	UNAVAILA	BLE FOR HE	ARING	

PROPERTY DESCRIPTION FOR 9217 LIBERTY ROAD .

(To accompany Petition for Special Exception) + Variance

Point of Beginning located about 20 feet southeast of Liberty Road intersection with Chapman Road, thence running along S27° 30' 31.00"W, Length: 151.151 feet; thence running along N59° 44' 04.12"W, Length: 84.950 feet; thence running along N31° 02' 08.88"E, Length: 150.990 feet; thence running along S59° 44' 04.12"E, Length: 75.650 feet; to the Point of Beginning and consisting of area equal to 12,123 Sq. Ft. (0.27863 Ac.). Parcel located in 2nd Election District and 4th Councilmanic District. Identified on Tax Map 77, Grid 7 as Parcel 30.

Signed:

Name:

Rizwan Siddiqi, PE

Company:

Mufti & Associates

6413 Windsor Mill Road Woodlawn, MD 21207 (410) 570-1928 Tel Date: 12/28/06



I tem # 296

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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: #07-296-XA
9217 Liberty Road
Southwest side of Liberty Road, 20 feet +/- south of centerline of Chapman Road
2nd Election District - 4th Councilmanic District
Legal Owner(s): Sohan L. Sambhir& Joginder Kaur
Legal Owner(s): Sohan L. Sambhir& Joginder Kaur
Special Exception: for a Class B office building to lance: to permit a proposed Class B office building to have a rear yard setback as close as 23.8 feet in lieu of

have a rear yard setback as close as 23.8 feet in lieu the required 30 feet.

Hearing: Thursday, February 22, 2007 at 9:00 a.m. nue, Towson 21204.

AVE-

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing.

(2) For information concerning the File and/or Hearing.

(2) For information concerning the File and/or Hearing.

(3) To information concerning the File and/or Hearing.

(4) Section 2001 Feb. 6

OF PUBLICATION

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

The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

NE Booster/Reporter Owings Mills Times

North County News

Muller

LEGAL ADVERTISING

ZONING NOTICE

CASE # 07-296-XA

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

ROOM 407 COUNTY COURTS BUILDING

PLACE:

AT 9:00A.M.

DATE AND TIME:.

REQUEST: SPECIAL EXCEPTION FOR A

CLASS BOFFICE BUILDING

VARIANCE TO PERMIT A PROPOSED

CLASS BOFFICE BUILDING TO HAVE A REAR

YARD SETBACK AS CLOSE AS 23.8 FEET IN LIEU

OF THE REQUIRED 30 EFET.

POSTPONEMENTS BUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 587-3391

DO NOT BEHOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

Towson, MD 21204

Permits and Development Management

RE: Case No.: 07-295-XA Petitioner/Developer: RIZWAN SCODIQI Date of Hearing/Closing: FEB. 22, 2007 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 propery located at # 9217 LIBERTY ROAD The sign(s) were posted on FEB. 6, Zoo7 (Month, Day, Year)

(Signature of Sign Poster and Date)

Sincerely,

CARLAGE, MOORE

3225 RYGIZSONI CIRCLE (Address)

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

(Telephone Number)

PETITION FOR SPECIAL EXCEPTION RE:

AND VARIANCE

9217 Liberty Road; SW/S Liberty Road,

20' S c/line Chapman Road 2nd Election & 4th Councilmanic Districts

Legal Owner(s): Sohan Sambhi & Joginder Kaur Petitioner(s)

FOR

BALTIMORE COUNTY

ZONING COMMISSIONER

07-296-XA

BEFORE THE

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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

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 10th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed to Rizwan Siddiqi, Esquire, 6413 Windsor Mill Road, Woodlawn, MD 21207, Attorney for Petitioner(s).

RECEIVED

JAN 10 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

LIMMERMONT?

Per....



JAMES T. SMITH, JR. County Executive

TIMENTHAY M.1KO 20000, Director Department of Permits and Development Management

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: 07-296-XA

9217 Liberty Road

Southwest side of Liberty Road, 20 feet +/- south of centerline of Chapman Road

2nd Election District – 4th Councilmanic District

Legal Owners: Sohan L. Sambhi & Joginder Kaur

Special Exception for a Class B office building. Variance to permit a proposed Class B office building to have a rear yard setback as close as 23.8 feet in lieu of the required 30 feet.

Hearing: Thursday, February 22, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Rizwan Siddiqi, 6413 Windsor Mill Road, Woodlawn 21207 Sambhi & Kaur, 9 Upman Court, Baltimore 21207

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 7, 2007.
 - (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, February 6, 2007 Issue - Jeffersonian

Please forward billing to:

Sohan Sambhi

9 Upman Court

Baltimore, MD 21228

410-719-1624

NOTICE OF ZONING HEARING

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) 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 <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:
Item Number or Case Number: 07-296-XA
Petitioner: SOHAN L. SAMBHI & JOGINDER KAUR
Address or Location: 9217 LIBERTY RD
PLEASE FORWARD ADVERTISING BILL TO:
Name: SOHAN L. SAMBHI
Address: 9 UPMAN CT
BALTIMORE, MD 21228
Telephone Number: 410 - 719 - 1624



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

February 15, 2007

Rizwan Siddiqi, PE Mufti & Associates, Inc. 6413 Windsor Mill Road Woodlawn, MD 21207

Dear Mr. Siddiqi:

RE: Case Number: 07-296-XA, 9217 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 28, 2006.

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. Supervisor, Zoning Review

U. Callibal)

WCR:amf

Enclosures

c: People's Counsel

Sohan L. Sambhi Joginder Icaor 9 Upman Court Baltimore 21207

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 January 12, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 15, 2007

Item Number: 296 through 299 and 301 through 306

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 11, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 15, 2007 Item No. 07-296

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Show a five-foot-wide right-of-way widening strip along the Chapman Road frontage and revise the variance requests accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-296-01112007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: February 12, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9217 Liberty Road

INFORMATION:

Item Number:

7-296

Petitioner:

Sohan L. Sambhi and JoGinder Kaor

Zoning:

RO

Requested Action:

Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

The subject property is located in a designated revitalization area on a heavily traveled arterial road opposite and existing service garage. The Office of Planning recommends that the petitioner's request for variance and special exception be granted provided that the following items are addressed:

- 1. Submit photos of existing residential uses in the immediate vicinity of the proposed Class B office building.
- 2. Submit architectural elevations of the proposed building as well. Building materials shall be consistent with those existing in the area.
- 3. In addition to the proposed 10' landscape buffer the petitioner shall provide a 6' wooden privacy fence where the property abuts residential properties.
- 4. Provide screening of the dumpster associated with the subject property.
- 5. Provide a sidewalk connection to the public sidewalk along Liberty Road.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by:

Division Chief: AFK/LL: CM

W:\DEVREV\ZAC\7-296.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JAN. 8, 2007

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

RE: Baltimore County

Item No. 7-296-XA

9217 LIBERTY RD

SAMBHI & KAUR PROPERTY

VARIANCE-TO PERMIT A

CLASS B OFFICE BOILDING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.7-296-XA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

Patricia Zook - Case No. 07-296-XA - hearing on Thursday Feb 22

From:

Patricia Zook

To:

Murray, Curtis

Date:

2/16/2007 2:46 PM

Subject: Case No. 07-296-XA - hearing on Thursday Feb 22

Hi again -

We need comments (or no comments!) from the Office of Planning for this case. The hearing is scheduled for Thursday, February 22 at 9:00 am. The site is located at 9217 Libery Road.

Thanks!

Patti Zook Legal Secretary Baltimore County Office of the Zoning Commissioner 410-887-3868 pzook@baltimorecountymd.gov



- C. Signs and off-street parking requirements.
 - 1. Signs are permitted, subject to Section 450. [Bill No. 89-1997]
 - 2. Off-street parking spaces shall be provided in accordance with Section 409. To the extent possible, parking shall be located in the side or rear yards of the lot. All required parking spaces shall be provided on the same lot as the structure or use to which they are accessory.
- 204.4 Bulk regulations of R-O Zones. Uses permitted as of right or by special exception are governed by the following bulk regulations: [Bill No. 186-1994]
 - A. Uses permitted under Sections 204.3.A.1 and 204.3.B.1 and new structures accessory to Class A office buildings are governed by the bulk regulations of D.R.5.5 Zones.
 - B. Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original building.
 - C. Class B office buildings.
 - 1. Maximum floor area ratio: 0.33.
 - 2. Maximum height of structure: 35 feet.
 - 3. Minimum front yard setback: 25 feet or the average of the setbacks of the adjacent structures, whichever is less.
 - 4. Minimum side yard setbacks: 10 feet, except if the adjacent property is predominantly residentially zoned, residentially used, or is adjacent to a residential street, in which case the setback shall be 20 feet.
 - 5. Minimum rear yard setback: 30 feet.
 - 6. Amenity open space: 7% of the interior of the parking lot, not including setback and buffer area requirements, shall be pervious land area in association with plantings.
 - 7. Maximum lot size: one acre, except that if located on a principal arterial and if there is adjacent nonresidentially used or nonresidentially zoned frontage, the maximum lot size may be two acres.
 - 8. The office building shall be the only principal building on the lot on which it is situated and shall not be attached to another building.
 - Landscape requirements. In addition to the requirements set forth in the Baltimore County Landscape Manual:
 - a. All parking and dumpster areas which abut a residential zone shall be screened by an opaque fence, wall or berm in association with plantings.
 - b. The minimum screening height shall be five feet.

- c. The following buffers, which shall not be encroached upon by aboveground stormwater management, parking or dumpster areas but which may be broken by the entrance way, shall be provided:
 - (1) Property lines which abut any property which is predominantly residentially zoned, residentially used or which abut any residential street must have a twenty-foot landscape buffer; and
 - (2) Property lines which abut any nonresidentially zoned property must have a ten-foot landscape buffer.
- Plan. The use or development of any property in an R-O Zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a plan approved by the County Review Group as provided in Article 32, Title 4 of the Baltimore County Code, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402. [Bill Nos. 56-1982;8 186-1994; 137-2004]
- 204.6 Conversion of dwellings to office buildings. Any one- or two-family dwelling or apartment building which is under application for either a change in zoning classification to R-O or for a conversion from a residential use to an office use shall require a special exception if the dwelling has been enlarged in floor area by 10% or more within a period of five years prior to the date of application for change or conversion. [Bill Nos. 161-1985; 151-1988; 186-1994]

Section 205 OR-1 (Office Building – Residential) Zone [Bill No. 167-1980⁹]

- 205.1 Declaration of findings. [Bill No. 186-1994]
 - A. It is found that the name of the O-1 (Office Building) zoning classification is misleading the public because the name implies that only office buildings are permitted when, in fact, the zone does permit residential and other uses permitted in the D.R.5.5 Zone.
 - B. It is further found that the O-1 zoning classification is sufficiently similar to the O-2 classification that there is no longer a need for two separate zones.

⁸ Editor's Note: This bill also repealed former Sections 203.5.A.B and 203.5.A.C in their entirety. Similar provisions detailing the content of development plans are now contained in Title 16 of the Baltimore County Code, 1988 Edition, as revised.

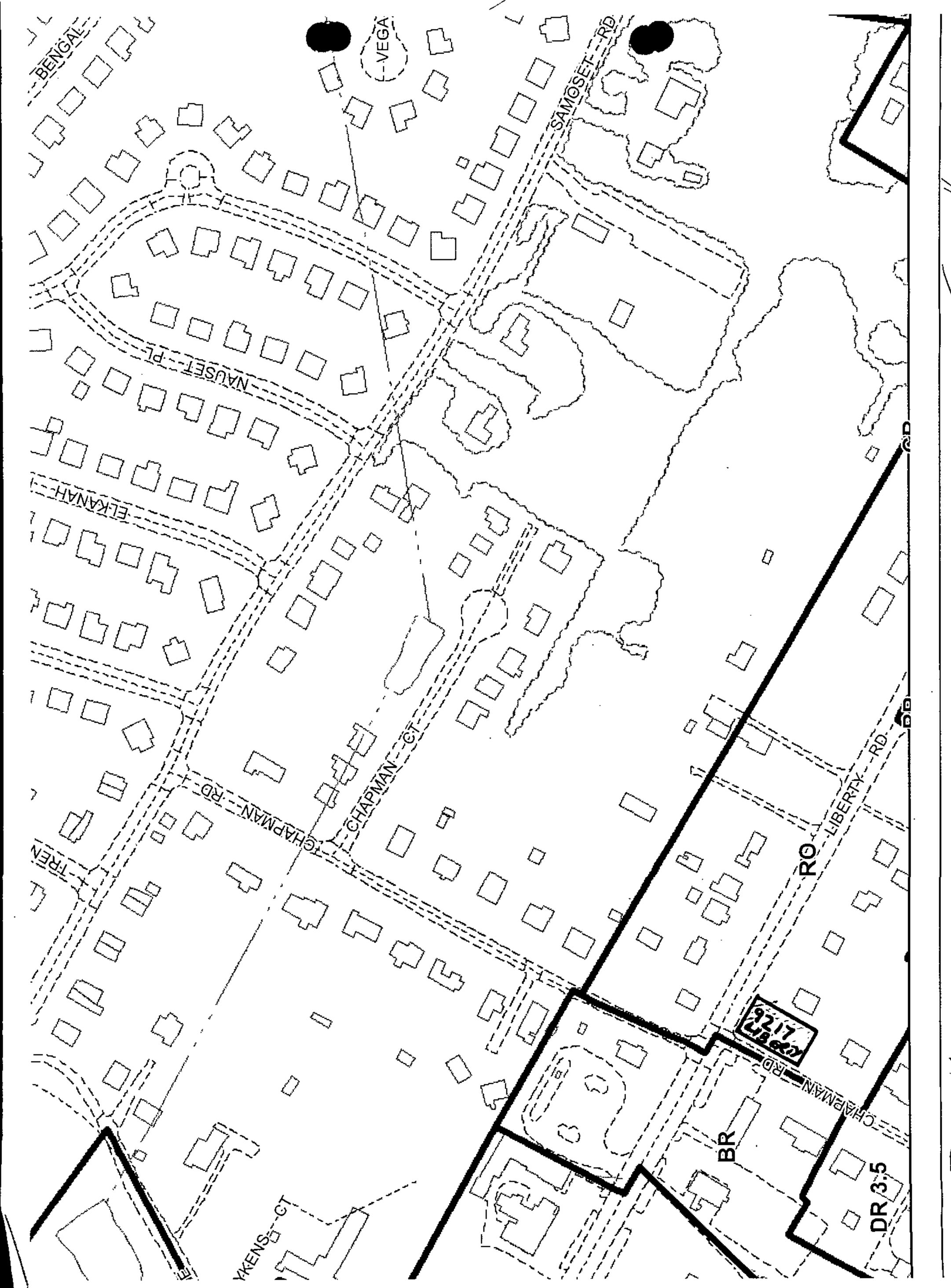
Editor's Note: This bill originally added the O-1 Zone as Section 204. It was subsequently changed to OR-1 and Section 205 by Bill No. 186-1994.

PLEASE PRINT CLEARLY

CASE NUMBER O 7-276-X A DATE 2-23-07

PETITIONER'S SIGN-IN SHEET

RSIDDIGIOMCAGINET								
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ADDRESS 6413 WINDSOR MILL RD 9UPMAN CT								
RIZWAN SIDDIAI SOHAN L.SAMBNI.								



ZOWING MAP O77A1



