IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
S/S Blue Mount Road, 1,200' W of c/line Silly Circle	*	ZONING COMMISSIONER
(Blue Mount Road) 10 <sup>th</sup> Election District	*	FOR
3 <sup>rd</sup> Council District	*	BALTIMORE COUNTY
Homayoon Farzadegan, et ux Petitioners	*	Case No. 08-025-SPHA

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located on Blue Mount Road in the Monkton community of northern Baltimore County. The Petitions were filed by the property owners Homayoon Farzadegan and his wife, Mahim Shamszad, by and through their attorney, Lawrence E. Schmidt, Esquire. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the relocation of a lot line between Parcels 1 and 3, which are within an existing tract zoned R.C.7, and to permit a lot line adjustment between Parcel 1 and Parcel 2 to provide for panhandle access to Parcel 2. Variance relief is also requested pursuant to B.C.Z.R. Section 400.1 to permit an accessory structure in a location other than the rear yard, and to permit a panhandle length in excess on one thousand (1,000) feet in an R.C. zone. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case was Kenneth J. Wells, the registered property line surveyor who prepared the site plan. Representing the Petitioners at the hearing was Lawrence E. Schmidt, Esquire, of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present.

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Testimony and evidence revealed was that the Petitioners are owners of a large tract of land, which collectively is 81.5 acres in area. The overall tract has road frontage on Blue Mount Road in the Monkton area of northern Baltimore County, near the Gunpowder Falls and the North Central Railroad (NCR) Park Trail. As will be described further, the tract is currently improved with one detached single-family dwelling and the balance of the acreage is vacant and wooded. The property consists of three lots of record, as described in the legal description which accompanied the Petitions (See Petitioners' Exhibit 3). Parcel 1 is the largest lot, approximately 45.3 acres in area, rectangular shaped and zoned R.C.7. This lot is improved with a single-family detached dwelling and barn. This features direct road frontage on Blue Mount Road. Parcel 2 essentially is a land-locked irregular shaped unimproved lot that is adjacent to and abuts the northeastern boundary of Parcel 1. This lot contains 29.3 acres in area and zoned R.C.2. The third parcel is to the rear (east) side of Parcel 1 and is 6.9 acres in area zoned R.C.7. Parcel 3 is also land-locked with no frontage on a public road and unimproved.

The Petitioners propose to develop these three parcels in accordance with the site plan offered as Petitioners' Exhibit 1. As noted above, Parcel 1 is less than 50 acres (45.3 acres) in area and is zoned R.C.7. Pursuant to B.C.Z.R. Section 1A08.6.B.1, this property cannot be subdivided by virtue of its size being less than 50 acres. The B.C.Z.R. specifies that this parcel can be improved with one single-family dwelling and its development potential from a residential standpoint is fully utilized. Further, and as noted above, Parcel 3 is also zoned R.C.7 and is 6.9 acres in area. Similarly, B.C.Z.R. Section 1A08.6.B.1 limits the development of this property to one single-family detached dwelling. As shown on the plan, that property is land-locked and located a significant distance from Blue Mount Road. In order to construct a dwelling on that property, as currently configured, a lengthy driveway would need to be

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constructed from Blue Mount Road in order to provide vehicular access. Construction of such a driveway would entail significant disturbance of the property for grading and paving. This construction would result in a detrimental environmental impact, particularly given the fact that these parcels are immediately adjacent to the NCR Park Trail and Gunpowder Falls. Obviously, this environmental resource should not be disturbed and impacts thereto should be kept to a minimum. In order to achieve these objectives, the Petitioner proposes a relocation of the lot line that separates Parcels 1 and 3. As more particularly shown on Petitioners' Exhibit 1, the lot line will be relocated to a point closer to York Road. The proposed building envelope for a dwelling on newly configured Parcel 3 nearer to York Road is shown. The effect of this lot line relocation will be to cluster the area of the overall tract to be disturbed, and to minimize impacts to the environment. If the lot line is relocated, the proposed house will be located closer to Blue Mount Road and a large area of the tract abutting the Gunpowder Falls will be left in its natural state and not be disturbed. Moreover, there is no increase of residential density/subdivision caused by this lot line adjustment. As noted above, the Petitioners are entitled to construct one singlefamily dwelling on Parcels 1 and 3 (one house on each) and in fact two, total, are proposed. The total rights of subdivision/density are therefore not being altered by the request and the spirit and intent of the Resource Conservation Zone is being respected. No density transfer is proposed.

Special Hearing relief is also requested as it relates to the proposed development of Parcel 2. As noted above, Parcel 2 is 29.3 acres in area and zoned R.C.2. Pursuant to the provisions contained in B.C.Z.R. Section 1A01.3.B, Parcel 2 may be subdivided into two building lots. Petitioners' Exhibit 1 shows such a proposed subdivision. The lot line adjustment in this case is motivated to remedy the fact that Parcel 2 is land-locked. Parcel 2 does not contain any fee simple frontage on Blue Mount Road, and two narrow in-fee strips are proposed

through Parcel 1 in order to provide needed public road frontage. The lot line adjustment proposed in this case is to accommodate those fee simple strips. That lot line adjustment likewise will not alter the rights of subdivision/density for Parcel 2 or within the overall tract. As noted above, two units are permitted and two are being proposed.

Finally, Variance relief is requested. Variance relief is first requested pursuant to the requirements of B.C.C. Section 32-4-409. That section regulates panhandle driveways, which are proposed in this case to accommodate the two dwellings on subdivided Parcel 2. B.C.C. Section 32-4-409 provides that panhandle driveways in the R.C. zones cannot exceed 1,000 feet in length. The panhandles proposed in this case are greater than that limitation, particularly on proposed Lot 2 of Parcel 2. The panhandles, as more particularly shown on Petitioners' Exhibit 1, will provide access to Parcel 2 through the lot line adjustment and the fee-simple strips created pursuant thereto.

B.C.C. Section 32-4-409 provides that panhandle strips may be used to achieve better use of irregularly shaped parcels and to avoid development in environmentally sensitive areas. Further, panhandles are permitted when such use will not be detrimental to adjacent properties, and will not create an unfavorable impact to the public safety and general welfare.

In my judgment, based upon the evidence presented, all of these goals are applicable and justify the granting of relief in this case. As noted above, this is an environmentally sensitive property, given its proximity to the Gunpowder Falls. The panhandles have been designed and located to minimize impact upon that environmental resource, while providing reasonable access to this parcel. Additionally, the location and configuration of Parcel 2 is unique and justifies relief in this instance. Finally, I do not believe that the grant of relief in this case will cause any detriment to the adjacent properties, or harm the public welfare and safety. In sum, I believe that

Date By

the panhandle driveways, as proposed, are consistent with the spirit and intent of Section 32-4-409 of the B.C.C. and that relief can be granted in accordance with the requirements of B.C.Z.R. Section 307.

Finally, variance relief is also requested for the existing barn presently located on Parcel 1. B.C.Z.R. Section 400.1 governs accessory structures and provides, in part, that they may only be located in the rear yard of the property. The impact of this section in the R.C.7 zone is modified, however, by the provisions contained in Section 1A06.6.C.2.f of the B.C.Z.R. That section provides that Section 400.1 is not applicable to properties in the R.C.7 zone, yet requires that accessory structures are not to be permitted in the front yard.

As is well settled, what constitutes the front yard of a property is determined by the house orientation on the lot as well as the location of the public street; in this instance, Blue Mount Road. An examination of the site plan presented shows that the existing barn might well be considered to be located in the side yard; however, a more reasonable interpretation is that the barn is located in the front yard. It appears that the house's orientation, vis-à-vis the driveway and Blue Mount Road, is such that the barn is located in the front yard.

Obviously, this is an existing structure and the age of the barn may well be persuasive to a finding that this location is non-conforming; however, in this case, I am persuaded that variance relief should nonetheless be granted. I specifically find that the requirements set forth in B.C.Z.R. Section 307 have been met. The property's uniqueness in terms of shape, configuration, size and environmental constraints is obvious. Moreover, strict adherence to the regulation would be unduly burdensome, and relief can be fashioned without adverse impact to adjacent properties.

Finally, it is to noted that the Petitioner submitted proof regarding compliance with the

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development regulations in the Baltimore County Code. (See Petitioners' Exhibits 4A and 4B) In this regard, the Petitioner did submit a request to the Development Review Committee (DRC) regarding this matter. By letter dated March 6, 2007, the Director of Permits and Development Management, Timothy M. Kotroco, advised the Petitioners that the DRC had determined in DRG No. 022007B that the subdivision of Parcel 2 is to be considered a minor subdivision. That is, the development of Parcel 2 into two lots constitutes a minor subdivision under the law, and must undergo review in accordance with that process. As a result of the DRC's interpretation, the proposed construction on Parcels 1 & 3 constitutes the development of a single-family dwelling on existing lots. Clearly, this project does not constitute a major subdivision, and I concur with the findings of the DRC in this regard. Lastly, it is to be noted that there were no adverse agency comments regarding the subject Petitions and, as noted above, there were no Protestants or other interested persons present. For all of the reasons stated herein, I am persuaded that relief should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners request for Special Hearing and Variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_ day of October, 2007 that the Petition for Special Hearing to permit the relocation of the lot line between Parcels 1 and 3, which are within an existing tract and zoned R.C.7, and to permit a lot line adjustment between Parcel 1 and Parcel 2 to provide panhandle access to Parcel 2, as more particularly shown on Petitioners' Exhibit 1, be and are hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance from Section 400.1 of the

Date Date Convention

Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure in a location other than the rear yard, and to permit a panhandle driveway length in excess of one thousand (1,000) feet in an R.C. zone be and is hereby **GRANTED**.

Any appeal of this decision must be filed within thirty (30) days of the date hereof, in accordance with the applicable provisions of law.

WHILIAMU. WISEMAN, III

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 5, 2007

Lawrence E. Schmidt, Esquire Gildea & Schmidt, LLC 600 Washington Avenue, Ste. 200 Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

S/S Blue Mount Road, 1,200' W of c/line Silly Circle

(Blue Mount Road)

10<sup>th</sup> Election District - 3<sup>rd</sup> Council District Homayoon Farzadegan, et ux - Petitioners

Case No. 08-025-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

WNLEIAMET WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:dlw

Homayoon Farzadegan & Mahim Shamszad, 40 Brett Manor Court, Cockeysville, Md. 21030

Kenneth J. Wells, 7403 New Cut Road, Kingsville, Md. 21087

People's Counsel; Case File



### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Blue Mount Roa	d
	ned <u>R.C 2 &amp; R.C 7</u>

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

See attachment

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.

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.

### Legal Owner(s): Contract Purchaser/Lessee: Homayoon Farzadegan N/A Name - Type or Print Name - Type or Print Signature Signature Mahim Shamszad Name - Type or Print Telephone No. Address Zip Code Signature State City 41**0**-955-1383 40 Brett Manor Court Attorney For Petitioner: Telephone No. Address 21030 **MD** Cockeysville Lawrence E. Schmidt Zip Code State City Name - Type or Print Representative to be Contacted: Signature Kenneth J. Wells Gildea & Schmidt, LLC Name Company 410-592-8800 7403 New Cut Road (410) 821-0070 600 Washington Avenue, Suite 200 Telephone No. Telephone No. Address Address 21087 **MD** 21204 Kingsville MD Towson Zip Code State City Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_\_\_ Case No. 08 -025 - SPHA UNAVAILABLE FOR HEARING Tous Date 07-13-2007 CADER RECEIVED FOR FILING REV 9/15/98

### Attachment to Petition for Special Hearing

- 1) To permit the relocation of the lot line between parcels one and three, which are within an existing tract and are zoned R.C.-7, and;
- 2) To permit a lot line adjustment between parcel one and parcel two to provide panhandle access to lot two, and;
- 3) For such other and further relief as may be required by the Zoning Commissioner.



REV 9/15/98

Date\_

By.

OPICER RECEIVED FOR FILING

### Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at: Blue Mount Road

which is presently zoned: R.C.-2 & R.C.-7

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): 1) 400.1 (BCZR) to permit an accessory structure in a location other than the rear yard, and;

→3 ②)For such other and further relief as may be required by the Zoning Commissioner. 2) To permit a panhandle length in excess of 1,000 feet in a RC tore; and

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

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.

### <u>Legal Owner(s):</u> Contract Purchaser/Lessee: N/A Homayoon Farzadegan Name - Type or Brint Name - Type or Print Signature Signature Mahim Shamszad Name - Type or Print Telephone No. Address Zip Code Signature City State 410-955-1383 40 Brett Manor Court Attorney For Petitioner: Telephone No. Address Lawrence E. Schmidt MD 21030 Cockeysville State Zip Code Name - Type or Print City Representative to be Contacted: Signature Kenneth J. Wells Gildea & Schmidt, LLC Name Company 410-592-8800 410-821-0070 7403 New Cut Road 600 Washington Avenue Telephone No. Address Address Telephone No. 21087 MD Kingsville 21204 MD Towson State Zip Code City City Zip Code State OFFICE USE ONLY Case No. 08-025 - SPHA ESTIMATED LENGTH OF HEARING \_\_\_\_\_ UNAVAILABLE FOR HEARING Reviewed By Tlaron TSUS Date 07-13-200

### kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800

Fax: (410) 817-4055 Email: <u>kwells@kiwellsinc.com</u> 7403 New Cut Road Kingsville, Md. 21087-1132

June 14, 2007

Zoning Description
Parcels 1, 2 and 3
of the
Farzadegan and Shamszad Property
1647 Blue Mount Road
Baltimore County, Maryland
10<sup>th</sup> Election District
3<sup>rd</sup> Councilmanic District

Beginning at a point on the south edge of pavement of Blue Mount Road not having any rightof-way and a distance 1,200 feet west of the centerline of the nearest intersecting street which is known as Silly Circle, thence the following twenty seven courses and distances whish comprise of Parcels 1, 2 and 3: 1) South 21 degrees 35 minutes 02 seconds East 132.25 feet; 2) South 34 degrees 32 minutes 53 seconds West 112.28 feet; 3) South 11 degrees 12 minutes 13 seconds West 300.13 feet; 4) South 4 degrees 45 minutes 49 seconds West 287.58 feet; 5) South 85 degrees 08 minutes 20 seconds East 33.05 feet; 6) South 85 degrees 08 minutes 20 seconds East 976.61 feet; 7) South 4 degrees 52 minutes 28 seconds West 662.00 feet; 8) South 85 degrees 08 minutes 20 seconds East 700.71 feet; 9) South 23 degrees 59 minutes 56 seconds West 1315.17 feet; 10) South 85 degrees 01 minutes 57 seconds East 230.98 feet; 11) South 36 degrees 39 minutes 35 seconds East 247.50 feet; 12) 2 degrees 52 minutes 05 seconds East 288.75 feet; 13) South 38 degrees 52 minutes 05 seconds East 99.00 feet; 14) South 3 degrees 10 minutes 52 seconds East 302.98 feet; 15) South 45 degrees 04 minutes 08 seconds West 255.78 feet; 16) South 76 degrees 34 minutes 08 seconds West 199.14 feet; 17) with a line curving to the right having a radius of 1400.00 feet and an arc length of 166.32 feet with a chord bearing and distance of South 31 degrees 29 minutes 40 seconds East 166.22; 18) North 13 degrees 04 minutes 08 seconds East 337.33 feet; 19) with a line curving to the left having a radius of 1888.58 feet and an arc length of 308.46 feet with a chord bearing and distance of North 34 degrees 22 minutes 19 seconds West 308.12 feet; 20) North 39 degrees 03 minutes 03 seconds West 1574.65 feet; 21) with a line curving to the right having a radius of 2040.70 feet and an arc length of 231.79 feet with a chord bearing and distance of North 35 degrees 47 minutes 49 seconds West 231.67 feet; 22) North 32 degrees 32 minutes 35 seconds West 909.64 feet; 23) with a line curving to the right having a radius of 1022.27 feet and an arc length of 114.10 feet with a chord bearing and distance of North 29 degrees 20 minutes 44 seconds West 114.04 feet; 24) North 86 degrees 46 minutes 03 seconds West 243.88 feet; 25) with a line curving to the right having a radius of 1240.57 feet and an arc length of 259.77 feet with a chord bearing North 14 degrees 37 minutes 42 seconds West 258.70 feet; 26) North 55 degrees 31 minutes 46 seconds East 1191.75 feet; 27) South 71 degrees 24 minutes 40 seconds East 76.32 feet to the place of beginning.

Containing 81.50 acres of land more or less and comprising of Parcels 1, 2 and 3 as recorded in the three following Deeds: Liber 8375 folio 601, Liber 8375 folio 606 and Liber 8414 folio 495.



### NOTICE OF ZONING HEARING

thority 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: #06-029-8PHA

Blue Mount Road

S/of Blue Mount Road, 1200 feet west of the centerline of Silly Circle

10th Election District - 3rd Councilmanic District

Legal Owner(s): Homayoon Farzadegan and

Mahim Shamszad

Special Hearing: to permit the relocation

Special Hearing: to permit the relocation of the lot line between parcels one and three, which are within an existing tract and are zoned RC-7 and to permit a lot line adjustment between parcel one and parcel two to provide panhandle access to lot two. Variance: to permit an accessory structure in a location other than the rear yard and to permit a panhandle length in excess of 1,000 feet in a RC zone.

Hearing: Thursday, September 20, 2007 at 9:00 a.m. Hearing: Thursday, September 20, 2007 at 9:00 a.m. Avenue, Towson 21204.

| WILLIAM J. WISEMAN, III | Zoning Commissioner for B | NOTES: (1) Hearings are

Soning 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, Contact the Zoning Review Office at (410) 887-3391.

JT/9/617 Sept. 4

TY, that the annexed advertisement was published newspaper published in Baltimore County, Md., THIS IS TO CERTII in the following weekly

successive weeks, the first publication appearing once in each of G

The Jeffersonian

Times Arbutus Catonsville Times

Mills Times Times Owings Towson

NE Booster/Reporter

ounty News North C

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LEGAL ADVERTISING

### 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: 08-025-SPHA,
Petitioner: NOMAYOON FARZADOGAN V MAILIM SMANSZA
Address or Location: Blue MOUNT NOAD
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Name: LAWKENCE E SCHMIDI
Address: 600 WAS/Y/NGTON AUR
SUITE ZOO
JOWSON, MD 21204
Telephone Number: <u> </u>

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### CERTIFICATE OF POSTING

RE: Case No.: <u>OB-O25-SPHA</u>

Petitioner/Developer: <u>HOMAY OON</u>

FARZADEGAN + MAHUM SHAMSZAD

Date of Hearing/Closing: <u>GEPT</u> 20, 2007

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

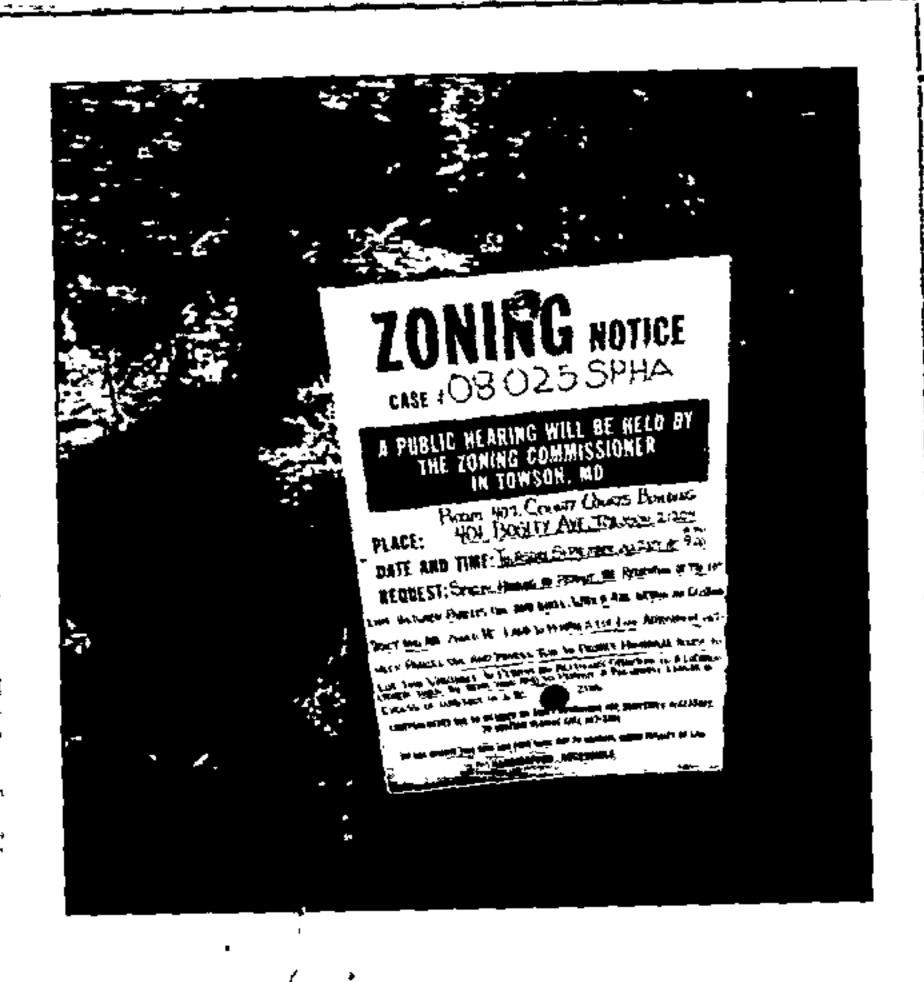
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

1647 BLUE MOUNT RD

The sign(s) were posted on

9-3-07 (Month, Day, Year)

Sincerely,



•	
Robert Black	9-6-0
(Signature of Sign Poster)	(Date)
SSG Robert Black	
(Print Name)	
1508 Leslie Road	•
(Address)	
Dundalk, Maryland 2122	22
(City, State, Zip Code	)
(410) 282-7940	• •
(Telephone Number)	



JAMES T. SMITH, JR. County Executive

August 15, 2007
TIMOTHY M. KOTROCO, Director

Department of Permits and

### NEW NOTICE OF ZONING HEARING evelopment Management

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: 08-025-SPHA

Blue Mount Road
S/of Blue Mount Road, 1200 feet west of the centerline of Silly Circle
10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owners: Homayoon Farzadegan and Mahim Shamszad

Special Hearing to permit the relocation of the lot line between parcels one and three, which are within an existing tract and are zoned RC-7 and to permit a lot line adjustment between parcel one and parcel two to provide panhandle access to lot two. <u>Variance</u> to permit an accessory structure in a location other than the rear yard and to permit a panhandle length in excess of 1,000 feet in a RC zone.

Hearing: Thursday, September 20, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204 Homayoon Farzadegan, Mahim Shamszad, 40 Brett Manor Court, Cockeysville 21030 Kenneth J. Wells, 7403 New Cut Road, Kingsville 21087

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 5, 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, September 4, 2007 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt Gildea & Schmidt, LLC 600 Washington Avenue, Ste. 200 Towson, MD 21204 410-821-0070

### **NEW 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: 08-025-SPHA

Blue Mount Road

S/of Blue Mount Road, 1200 feet west of the centerline of Silly Circle

10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Homayoon Farzadegan and Mahim Shamszad

Special Hearing to permit the relocation of the lot line between parcels one and three, which are within an existing tract and are zoned RC-7 and to permit a lot line adjustment between parcel one and parcel two to provide panhandle access to lot two. <u>Variance</u> to permit an accessory structure in a location other than the rear yard and to permit a panhandle length in excess of 1,000 feet in a RC zone.

Hearing: Thursday, September 20, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Ayehue, Towson 21204

WILLIAM J. WISEMAN III 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.



JAMES T. SMITH, JR. County Executive

August 1, 2007
TIMOTHY M. KOTROCO, Director

Department of Permits and
RING

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: 08-025-SPHA

Blue Mount Road

S/of Blue Mount Road, 1200 feet west of the centerline of Silly Circle

10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Homayoon Farzadegan and Mahim Shamszad

Special Hearing to permit the relocation of the lot line between parcels one and three, which are within an existing tract and are zoned RC-7 and to permit a lot line adjustment between parcel one and parcel two to provide panhandle access to lot two. Variance to permit an accessory structure in a location other than the rear yard and to permit a panhandle length in excess of 1,000 feet in a RC zone.

Hearing: Monday, September 10, 2007 at 11:00 a.m. in Room 407, County Courts Building,

404 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204 Homayoon Farzadegan, Mahim Shamszad, 40 Brett Manor Court, Cockeysville 21030 Kenneth J. Wells, 7403 New Cut Road, Kingsville 21087

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 25, 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

Thursday, August 23, 2007 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt Gildea & Schmidt, LLC 600 Washington Avenue, Ste. 200 Towson, MD 21204

410-821-0070

### 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: 08-025-SPHA

Blue Mount Road S/of Blue Mount Road, 1200 feet west of the centerline of Silly Circle 10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: Homayoon Farzadegan and Mahim Shamszad

Special Hearing to permit the relocation of the lot line between parcels one and three, which are within an existing tract and are zoned RC-7 and to permit a lot line adjustment between parcel one and parcel two to provide panhandle access to lot two. Variance to permit an accessory structure in a location other than the rear yard and to permit a panhandle length in excess of 1,000 feet in a RC zone.

Hearing: Monday, September 10, 2007 at 11:00 a.m. in Room 407, County Courts Building,

4/1 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 12, 2007

Lawrence E. Schmidt Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, Maryland 21204

Dear Mr. Schmidt:

RE: Case Number: 08-025-SPHA, Blue Mount Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 13, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

WCR:amf - Enclosures

c: People's Counsel

Homayoon Farzadegan Mahim Shamszad 40 Brett Manor Court Cockeysville 21030 Kenneth J. Wells 7403 New Cut Road Kingsville 21087

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** July 31, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-025- Special Hearing

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 Jessie Bailek in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

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

July 25, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of July 23, 2007

Item Number: 020 through 034

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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 30, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for July 30, 2007 Item No. 08-025

We have no objection to the panhandle being longer than 1000 feet.

DAK:CEN:cab

cc: File

ZAC-ITEM NO 08-025-07302007.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JULY 23, 2007

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

RE: E

**Baltimore County** 

Item No. 8-25-8PHA

BLUE MOUNT ROAD

FARZADEGAN/SHAMSZAD PROPERTY

SPECIAL HEARING

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.8-25-5744.

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,

Foo!

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

From:

Debra Wiley

To:

Livingston, Jeffrey; Murray, Curtis

Date:

09/14/07 9:33:43 AM

Subject:

Case 08-025-SPHA - Comments Needed for Bill - Thursday, 9/20 @ 9 AM

### Good Morning Gentlemen:

Bill will be hearing the above-referenced case next Thursday, 9/20 @ 9 AM and we need both Planning and DEPRM comments.

Here is some information to help you:

### 08-025-SPHA

Blue Mount Road S/of Blue Mount Road, 1200 feet west of c/line of Silly Circle 10th Election District - 3rd Council District Legal Owners: Homayoon Farzadegan and Mahim Shamszad

<u>Special Hearing</u> to permit the relocation of the lot line between parcels one and three, which are within an existing tract and are zoned RC-7 and to permit a lot line adjustment between parcel one and parcel two to provide panhandle access to lot two.

Variance to permit an accessory structure in a location other than the rear yard and to permit a panhandle length in excess of 1,000 feet in a RC zone.

Thanks and have a great day!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

BW 9/20 9Am

### GILDEA & SCHMIDT, LLC

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

600 WASHINGTON AVENUE SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070 FACSIMILE 410-821-0071 www.gildeallc.com ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

SEBASTIAN A. CROSS

F. GILLIS GREEN

ERIC N. LAMB

CHARLES B. MAREK, III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

August 14, 2007



Via Facsimile Only
Miss Kristin Matthews
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Re:

1647 Blue Mount Road

Case No.: 08-025-SPHA

AUG 1 6 2007

BY:\_\_\_\_\_

Dear Ms. Matthews:

This letter shall serve to confirm your conversation with my paralegal, Cristen Pascucci, earlier today. As you know, we have requested a postponement on the matter listed above, presently scheduled to be heard before the Baltimore County Department of Permits and Development Management on Monday, September 10, 2007 at 11:00 a.m. You indicated that, per our request, the matter will be rescheduled for 9:00 a.m. on Thursday, September 20, 2007, at that same location.

Should you have any questions or comments regarding this matter, please contact me. With kind regards, I am

Very truly yours,

Lawrence E. Schmidt

LES/cjp

CC: William J. Wiseman, III

Dr. Homayoon Farzadegan
Shannon D. Sentman, Esquire
Sebastian A. Cross, Esquire
Kenneth J. Wells, kj Wells, Inc.



RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

S/S Blue Mount Road; 1,200' W c/line Silly Cir\*

10<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Homayoon Farzadegan

& Mahim Shamszad

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

BALTIMORE COUNTY

08-025-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/

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 27th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087, and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 27 2007

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

## PLEASE PRINT CLEARLY

CASE NAME TO RADOM CASE NUMBER OF DESSIPHING

# PETITIONER'S SIGN-IN SHEET

Ischmidtegille,con								
CITY, STATE, ZIP OWSON, MD 21204 KNYSENILLE, MD. 21087								
ADDRESS  MASHINGTON ALE -SACZO  1402 NEXI ROD.								
WANGE ESUMIPT KENDERY VELLS								

Case No.: 08-025-SPHA BLUE MOUNT PO

### **Exhibit Sheet**

### Petitioner/Developer

### Protestant

No. 1		
1,0,1	SITE PLAN	
No. 2	ZONING MAP	
No. 3	ZONING DESCRIPTION FOR	
No. 4	THREE Lots OF RECORD  4A - DRC ORDER 3/6/07  4B - Petitimus REQUEST to DRC  60 LOT HNE ADJUSTMENTS	
No. 5	HOULDT HANE HIJUSTMENTS	· · · · · · · · · · · · · · · · · · ·
No. 6		
No. 7		
No. 8		,
No. 9		
No. 10		
No. 11		
No. 12		

### kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800 Fax: (410) 817-4055

Email: kwells@kjwellsinc.com

7403 New Cut Road Kingsville, Md. 21087-1132

June 14, 2007

Zoning Description
Parcels 1, 2 and 3
of the
Farzadegan and Shamszad Property
1647 Blue Mount Road
Baltimore County, Maryland
10<sup>th</sup> Election District
3<sup>rd</sup> Councilmanic District

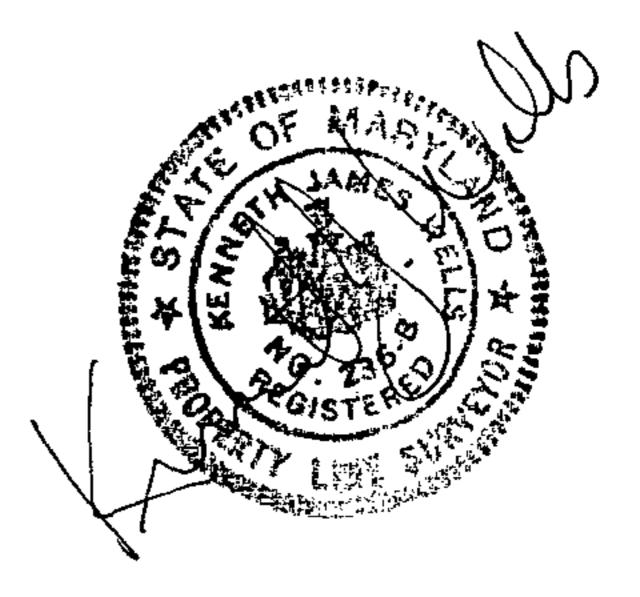
**Beginning at a point** on the south edge of pavement of Blue Mount Road not having any rightof-way and a distance 1,200 feet west of the centerline of the nearest intersecting street which is known as Silly Circle, thence the following twenty seven courses and distances whish comprise of Parcels 1, 2 and 3: 1) South 21 degrees 35 minutes 02 seconds East 132.25 feet; 2) South 34 degrees 32 minutes 53 seconds West 112.28 feet; 3) South 11 degrees 12 minutes 13 seconds West 300.13 feet; 4) South 4 degrees 45 minutes 49 seconds West 287.58 feet; 5) South 85 degrees 08 minutes 20 seconds East 33.05 feet; 6) South 85 degrees 08 minutes 20 seconds East 976.61 feet; 7) South 4 degrees 52 minutes 28 seconds West 662.00 feet; 8) South 85 degrees 08 minutes 20 seconds East 700.71 feet; 9) South 23 degrees 59 minutes 56 seconds West 1315.17 feet; 10) South 85 degrees 01 minutes 57 seconds East 230.98 feet; 11) South 36 degrees 39 minutes 35 seconds East 247.50 feet; 12) 2 degrees 52 minutes 05 seconds East 288.75 feet; 13) South 38 degrees 52 minutes 05 seconds East 99.00 feet; 14) South 3 degrees 10 minutes 52 seconds East 302.98 feet; 15) South 45 degrees 04 minutes 08 seconds West 255.78 feet; 16) South 76 degrees 34 minutes 08 seconds West 199.14 feet; 17) with a line curving to the right having a radius of 1400.00 feet and an arc length of 166.32 feet with a chord bearing and distance of South 31 degrees 29 minutes 40 seconds East 166.22; 18) North 13 degrees 04 minutes 08 seconds East 337.33 feet; 19) with a line curving to the left having a radius of 1888.58 feet and an arc length of 308.46 feet with a chord bearing and distance of North 34 degrees 22 minutes 19 seconds West 308.12 feet; 20) North 39 degrees 03 minutes 03 seconds West 1574.65 feet; 21) with a line curving to the right having a radius of 2040.70 feet and an arc length of 231.79 feet with a chord bearing and distance of North 35 degrees 47 minutes 49 seconds West 231.67 feet; 22) North 32 degrees 32 minutes 35 seconds West 909.64 feet; 23) with a line curving to the right having a radius of 1022.27 feet and an arc length of 114.10 feet with a chord bearing and distance of North 29 degrees 20 minutes 44 seconds West 114.04 feet; 24) North 86 degrees 46 minutes 03 seconds West 243.88 feet; 25) with a line curving to the right having a radius of 1240.57 feet and an arc length of 259.77 feet with a chord bearing North 14 degrees 37 minutes 42 seconds West 258.70 feet; 26) North 55 degrees 31 minutes 46 seconds East 1191.75 feet; 27) South 71 degrees 24 minutes 40 seconds East 76.32 feet to the place of beginning.

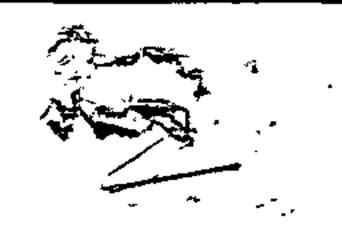
PETITIONER'S

EXHIBIT NO.

ک

Containing 81.50 acres of land more or less and comprising of Parcels 1, 2 and 3 as recorded in the three following Deeds: Liber 8375 folio 601, Liber 8375 folio 606 and Liber 8414 folio 495.





### Baltimore County Government Department of Permits and Development Management



111 West Chesapeake Avenue Towson, MD 21204

410-887-3335

March 6, 2007

Mr. Kenneth J. Wells 7403 New Cut Road Kingsville, MD 21087

RE: Farzadegan/Shamszad Property

1647 Bluemount Road

DRC Number 022007B; Dist. 10C3

Dear Mr. Wells:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on February 20, 2007, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(b)(5).

PETITIONER'S

EXHIBIT NO.

4A

### kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800 Fax: (410) 817-4055

Email: kwells@kiwellsinc.com

7403 New Cut Road Kingsville, Md. 21087-1132

January 30, 2007

### Letter to Accompany DRC Request

Dear DRC Committee Members:

On behalf of my clients, I am requesting that lot line adjustments be granted under Section 32-4-106.a.l.viii. My clients own three parcels of land that consist of 45.3 acres, 6.9 acres and 29.3 acres. The first request is to allow the reconfiguration of the 6.9 acre parcel of land which is land locked and located to the south of the 45.3 acre parcel to 2.4 acres more or less and would include a panhandle strip touching Blue Mount Road. The second request is to allow the lot line between the 45.3 acre parcel and the 29.3 acre parcel be adjusted to allow a panhandle strip to touch Blue Mount Road as the 29.3 acre parcel is also land locked. All three parcels will be served by the existing driveway which now provides access to the 45.3 acre parcel. An ingress, egress, utility and maintenance easement would be created allowing for the shared and continue use of the existing driveway.


Thank you for your consideration.

Kenneth J. Wells


PETITIONER'S

EXHIBIT NO.

413



.....



Mr. Kenneth J. Wells
Farzadegan/Shamszad Property
March 6, 2007

Page 2

In order to further process your development plan, submit a complete minor subdivision package, as described in the **Procedures for Minor Subdivision**, prepared in accordance with Sections 32-4-221 through 32-4-224 of the <u>Baltimore County Code</u>, and a copy of this letter to this office.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 6th day of March 2007, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to the permit approval. For further information, contact Mike Bailey at 410-545-5600.

Sincerely.

Timothy Kotroco

Director

TK:DTR:sem

c: Joe Chmura File Enclosure