

2/18/10

IN THE MATTER OF  
THE APPLICATION OF  
HAFEEZ ANJUM  
—LEGAL OWNER FOR A SPECIAL  
HEARING ON PROPERTY LOCATED ON  
W/S GAY BROOK ROAD, 170' S C/L GAYMOUNT  
(2112 GAY BROOK ROAD)  
1<sup>ST</sup> ELECTION DISTRICT  
1<sup>ST</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 09-325-SPH

\* \* \* \* \*

**ORDER OF DISMISSAL**

This case comes to the Baltimore County Board of Appeals based on an appeal from a decision of the Deputy Zoning Commissioner for Baltimore County by "Opinion and Order" dated August 21, 2009 in which the Petitioners' special hearing request was denied.

On September 21, 2009, Mr. Hafeez Anjum filed a Notice of Appeal from the decision of the Deputy Zoning Commissioner relative to the "Petition for Administrative Special Hearing."

A hearing was scheduled to be held before this Board on Thursday, February 18, 2010 at 10:00 a.m., for which proper notice was given. Carole S. Demilio, Deputy People's Counsel for Baltimore County, appeared at the scheduled time of hearing; Hafeez Anjum, Appellant /Legal Owner, did not appear, nor did anyone on his behalf.

At 10:10 a.m., the Board's Administrator unsuccessfully attempted to contact Appellant by telephone. The Board convened at 10:25 a.m., and, on the record and in open hearing, , Carole S. Demilio, Deputy People's Counsel for Baltimore County moved for dismissal for failure to appear. Upon consideration of same, the Board granted said Motion for Dismissal and will so order.

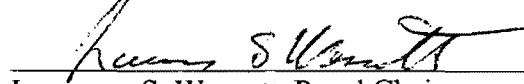
**IT IS THEREFORE ORDERED** this 18<sup>th</sup> day of February, 2010 by the Board of Appeals of Baltimore County that the appeal filed in Case No. 09-325-SPH be and the same is hereby **DISMISSED** for Failure to Appear. The decision of the

**Case No. 09-325-SPH /Hafeez Anjum/Legal Owner /Dismissal**

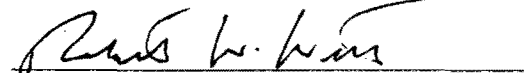
Deputy Zoning Commissioner dated August 21, 2009 in which the subject Petition for Special Hearing was denied, remains the Final Order in this matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*. If no such petition is filed within 30 days from the date of this Order, the subject file will be closed.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Lawrence S. Wescott, Panel Chairman

  
Wendell H. Grier

  
Robert W. Witt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

February 18, 2010

Hafeez Anjum  
2112 Gay Brook Road  
Baltimore, MD 21244

RE: *In the Matter of: Hafeez Anjum-Legal Owner/Petitioner*  
Case No.: 09-325-SPH

Dear Mr. Anjum:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in black ink that reads "Theresa Shelton/jkc".

Theresa R. Shelton  
Administrator

TRS/klc  
Enclosure

c: Jay Cohen  
Elouise Wright  
Office of People's Counsel  
William J. Wiseman, III, Zoning Commissioner  
Timothy Kotroco, Director/PDM  
Arnold F. "Pat" Keller, III, Director/Planning  
Nancy West, Assistant County Attorney  
John Beverungen, County Attorney

8/21/09

**IN RE: PETITION FOR SPECIAL HEARING**

W side of Gaybrook Road; 170 feet S of  
the c/l of Gaymount Road  
1<sup>st</sup> Election District  
1<sup>st</sup> Councilmanic District  
(2112 Gay Brook Road)

**Hafeez Anjum**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **CASE NO. 2009-0325-SPH**


\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Hafeez Anjum, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (shed) to be equipped with a full bathroom for the occasional overnight use by associates. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Petitioner Hafeez Anjum. Appearing as interested citizens opposed to the relief were Jay Cohen of 2119 North Rolling Road and Petitioner's adjacent neighbor to the northwest, Elouise Wright, of 2110 Gaybrook Road.

Testimony and evidence offered revealed that the subject property, 2112 Gaybrook Road, is a rectangular-shaped property comprised of approximately 0.23 acre, more or less, zoned D.R.5.5. The subject property is located on the south side of Gaybrook Road, east of North Rolling Road and west of Lord Baltimore Drive in the Windsor Mill area of Baltimore County. As shown on the site plan, the property is currently improved with a split-level single-family dwelling (26.6 feet by 40.3 feet) and a storage building (27.7 feet by 11.7 feet) in the rear of the home

8-21-09  


equipped with a toilet room and sink, and currently serving as a storage area for the principal dwelling.

Providing some background information on his instant special hearing request, Petitioner presented two applications for building permits that had been submitted to the Department of Permits and Development Management, which were marked and accepted into evidence as Petitioner's Exhibits 3 and 4. Petitioner's Exhibit 3, an application for permit dated October 28, 2008, approved the construction of an accessory structure containing a storage area and a powder room. However, said permit specifically enumerated a condition prohibiting the installation of a tub or shower. Petitioner's Exhibit 4, an application for permit dated June 2, 2009, requested approval of an addition to the prior approved accessory structure, expanding the use of the building as a "guest room with full bath for religious purposes and storage." There is no signature of approval on Petitioner's Exhibit 4, which is presently pending following resolution of the instant special hearing request.

According to testimony and evidence presented, specifically the affidavit of Petitioner to accompany the zoning relief petition marked and accepted into evidence as Petitioner's Exhibit 5, Petitioner desires to install a tub/shower in the existing accessory structure so as to provide a guestroom complete with a full bathroom for occasional use by overnight associates. Petitioner explained that the tub/shower would be used for washing prior to religious prayer. Petitioner is an air conditioning/refrigeration contractor who performs most of his work for Pizza Boli's. One of his three associates/employees often stays overnight in this building because Petitioner's Muslim religion prohibits non-familial males to sleep overnight in the principal dwelling. Petitioner requests special hearing relief to permit the proposed tub/shower, with a determination that, despite a full-bathroom and guestroom, the building is a permitted accessory structure.

8-21-09

The Protestants in attendance at the hearing presented testimony that strongly opposed the requested relief. Jay Cohen, who resides at 2119 North Rolling Road -- which fronts Rolling Road and backs up near the rear of the subject property -- notes that the building in question looks more like a dwelling rather than a storage shed or accessory structure. The building has a hot water heater, vents, and plumbing. He also indicated that the lots in the Rolling Road Farms subdivision, of which Protestants' and Petitioner's properties are a part, are smaller than a quarter acre. This small lot size creates close living quarters for neighboring properties. Mr. Cohen is further concerned that Petitioner could rent out the storage shed as a guest house in the future. Although Petitioner indicated he would not do so, he did indicate that he would install heaters and a window-type air conditioner if the requested relief were granted. Mr. Cohen stated that individuals temporarily sleeping in or even residing in the subject building, which is located very close to Mr. Cohen's rear property line, would adversely effect his property and the surrounding community by exacerbating the existing lot size constraints.

Elouise Wright, who resides at 2110 Gaybrook Road adjacent to Petitioner, echoed the concerns of Mr. Cohen. Ms. Wright also stated that she suspects Petitioner has split up the principal dwelling into two apartments and that the subject building would be another "apartment" for Petitioner or others. Ms. Wright noted that there are people constantly coming and going from Petitioner's home and that she is concerned that the subject property is being used as a boarding house.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated July 6, 2009 stating that the floor plan detail of the detached building shows a full bathroom and a storage room that is big enough to be a large bedroom. It is questionable whether the proposed use complies

8-21-09  
pm

with the definition of accessory use or structure contained in Section 101.1 of the B.C.Z.R. To that end, the Office of Planning recommends that a determination should be made at the hearing whether the structure is customarily incident to the principal use or structure; whether it serves the principal use or structure; and whether it contributes to the comfort, convenience or necessity of occupants in the principal use or structure served. According to Petitioner's statement in the petition, the full bathroom is for the occasional overnight use by associates. Therefore, it is not intended for the use of the persons residing in the dwelling.

Based on the testimony and evidence adduced at the hearing, I am not convinced that relief is warranted under the circumstances. Section 101.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) defines an accessory use or structure as:

“a use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure.”

In the instant matter, Petitioner requests that the undersigned approve a one-story building equipped with a guestroom and full bathroom as an accessory structure. However, in my opinion this use would not be “incident and subordinate to” the principal dwelling nor serve the principal use or dwelling. Petitioner admits that the proposed building would have overnight occupants unrelated to the principal dwelling. Further, Protestants and this Hearing Officer are skeptical as to whether individuals would be living in the proposed building full-time. Indeed, as Mr. Cohen testified, with the existing and proposed amenities, the building resembles a dwelling more than an accessory structure. It does not appear that the proposed use for the building would subordinately serve the principal dwelling like a shed or garage would. Although I am mindful of Petitioner's religious purpose for a tub/shower and understand his reasons given for the instant request, I am also cautious of the potential impact on adjacent neighbors that the proposed conversion of the

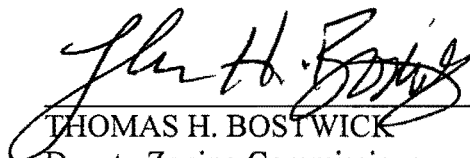
8.21.09

storage building and use might have. Moreover, as noted by the Zoning Advisory Comments enumerated above, the Office of Planning is also very skeptical as to whether the proposed addition and use are consistent with the definition of an accessory use or structure. Petitioner for his part has not alleviated those concerns, and weighing the desires of Petitioner with the concerns expressed by members of the community, I am not persuaded to grant the requested relief in this instance. In short, I find that Petitioner's special hearing request is not within the spirit and intent of the definition enumerated in Section 101.1 of the B.C.Z.R. for an accessory use or structure, and the conversion of this storage shed into a guestroom with full tub/shower -- and potentially into a separate dwelling -- is likely to have a negative impact on the surrounding community.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 21<sup>st</sup> day of August, 2009 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (shed) to be equipped with a full bathroom for the occasional overnight use by associates be and is hereby DENIED.

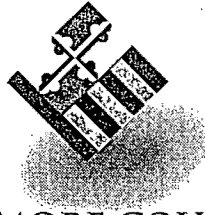
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

~~RECEIVED FOR FILING~~  
8.21.09  
pm





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

August 21, 2009

HAFEEZ ANJUM  
2112 GAY BROOK ROAD  
BALTIMORE MD 21244

Re: Petition for Special Hearing  
Case No. 2009-0325-SPH  
Property: 2112 Gay Brook Road

Dear Mr. Anjum:

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,

A handwritten signature in cursive script, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Jay Cohen, 2119 North Rolling Road, Windsor Mill MD 21244  
Elouise Wright, 2110 Gaybrook Road, Windsor Mill MD 21244



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2112 GAY BROOK RD  
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

*see attached*

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.

**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):**

Name - Type or Print HAFEEZ ANJUM

Signature *[Signature]*

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Representative to be Contacted:**

Name \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Case No. 2009-0325-SPH

Reviewed By AK Date 6/15/09

~~RECEIVED FOR FILED~~  
8.21.09  
AK

An accessory structure (shed) to be equipped with a full bathroom for the occasional overnight use by associates.

# ZONING DESCRIPTION

## Zoning Description For 2112 Gaybrook Road

Beginning at a point on the West side of Gaybrook Road, which is 60 feet wide at the distance of 170 ft. south of the centerline of the nearest improved intersecting street Gaymount Road, which is 60 ft. wide. Being Lot # 5, Block E, Section 3 in the subdivision of Rolling Road Farms as recorded in Baltimore County Plat Book #0030, Folio# 0075, containing 10,010 square feet. Also known as 2112 Gaybrook Road and located in the 1<sup>st</sup> Election District, 1<sup>st</sup> Councilmanic District.

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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2009-0325-SPH

Petitioner:  HAFEEZ ANJUM

Address or Location:  2112 GAY BROOK RD BALTIMORE MD  
21244

PLEASE FORWARD ADVERTISING BILL TO:

Name:  HAFEEZ ANJUM

Address:  2112 GAY BROOK RD BALTIMORE MD 21244

Telephone Number:  301 332 2898

Revised 7/11/05 - SCJ

copy of sign posters given to applicant

Bh

**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: # 2009-0325-SPH**

2112 Gaybrook Road

W/side of Gaybrook Road, 170 feet south of the centerline of Gaymount Road

1st Election District — 1st Councilmanic District

Legal Owner(s): Hafeez Anjum

**Special Hearing:** to permit an accessory structure (shed) equipped with a full bathroom for the occasional overnight use by associates.

**Hearing: Monday, August 17, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.**

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) 887-4386.

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

7/560 July 30

206865

# CERTIFICATE OF PUBLICATION

7/30/2009

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 7/30/2009.

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



LEGAL ADVERTISING

# CERTIFICATE OF POSTING

Department of Permits & Development Management  
Baltimore County  
111 W. Chesapeake Avenue  
Room 111  
Towson, MD 21204

Date: Aug. 1, 2009

Attention: Zoning Office  
Ms. Kristen Matthews

Re: Case Number: 2009-0325-SPH  
Petitioner/Developer: Hafeez Anjum  
Date of Hearing/Closing: Aug. 17, 2009

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 2112 Gaybrook Road

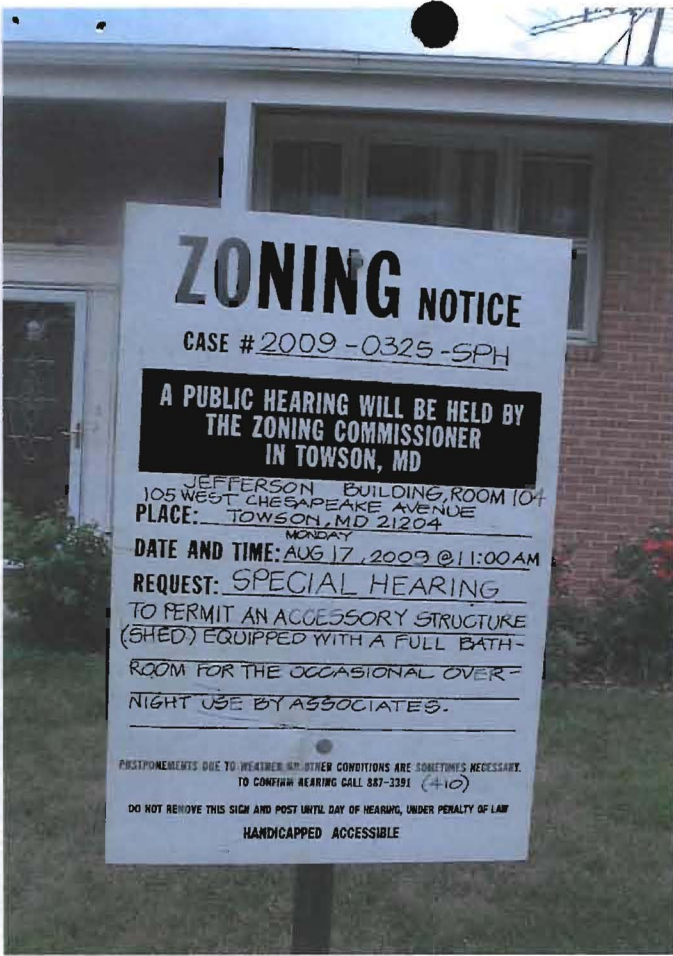
The sign (s) were posted on: Aug. 1, 2009



William D. Gulick, Jr.

2944 Edgewood Avenue  
Baltimore, MD 21234  
(410) 530-6293

**SEE ATTACHED SITE PHOTOS**



RECEIVED  
AUG 04 2009  
DEPT. OF PERMITS AND  
DEVELOPMENT MANAGEMENT

~~RECEIVED  
AUG 03 2009  
DEPT. OF PERMITS AND  
DEVELOPMENT MANAGEMENT~~



# INVOICE

**WILLIAM D. GULICK, JR.**  
Baltimore County Approved Sign Poster  
Notary Public  
2944 Edgewood Avenue  
Baltimore, MD 21234  
(410) 530-6293

DATE: August 1, 2009  
INVOICE #: 2009-024  
CUSTOMER ID: Anjum  
Case No. : 2009-0325-SPH  
2112 Gaybrook Road

BILL TO: Mr. Hafeez Anjum

SERVICE FEE:	<u>AMOUNT</u>
	\$150.00

Labor: Posting and retrieval of signage. Submittal of Certificate of Posting and Site Photos to Baltimore County Zoning Office.

## OTHER COMMENTS

1. Total payment due upon receipt.
2. Please include the invoice number on your check

SUBTOTAL: \$150.00  
TAX RATE:  
TAX:  
OTHER:  
**TOTAL: \$150.00**

Make all checks payable to: William D. Gulick, Jr.

**DO NOT REMOVE SIGNAGE- IT IS THE RESPONSIBILITY OF THE POSTER**

Requested: November 6, 2009

**APPEAL SIGN POSTING REQUEST**

CASE NO.: 09-325-SPH

2112 Gay Brook Road

1<sup>st</sup> ELECTION DISTRICT

APPEALED: 9/21/09

**ATTACHMENT** – (Plan to accompany Petition – Petitioner’s Exhibit No. 1)

**\*\*\*COMPLETE AND RETURN BELOW INFORMATION\*\*\***

**CERTIFICATE OF POSTING**

TO: Baltimore County Board of Appeals  
The Jefferson Building, Suite 203  
102 W. Chesapeake Avenue  
Towson, MD 21204

Attention: Theresa Shelton  
Administrator

CASE NO.: 09-325-SPH

LEGAL OWNER: Hafeez Anjum

**RECEIVED**

MAR 24 2010

BALTIMORE COUNTY  
BOARD OF APPEALS

Returned  
unposted-sc

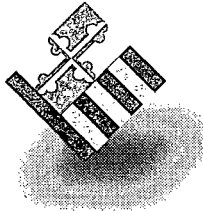
This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

2112 GAY BROOK ROAD  
W/S GAY BROOK ROAD, 170' S OF C/L GAYMOUNT ROAD

-----  
The sign was posted on \_\_\_\_\_, 200\_\_\_\_\_.

By: \_\_\_\_\_  
(Signature of Sign Poster)

\_\_\_\_\_  
(Print Name)



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

July 15, 2009  
TIMOTHY M. KOTROCO, *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: 2009-0325-SPH**

2112 Gaybrook Road

W/side of Gaybrook Road, 170 feet south of the centerline of Gaymount Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Hafeez Anjum

Special Hearing to permit an accessory structure (shed) equipped with a full bathroom for the occasional overnight use by associates.

Hearing: Monday, August 17, 2009 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Hafeez Anjum, 2112 Gaybrook Road, Baltimore 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 1, 2009.**
- (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, July 30, 2009 Issue - Jeffersonian

Please forward billing to:

Hafeez Anjum.  
2112 Gaybrook Road  
Baltimore, MD 21244

301-332-2898

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## NOTICE OF ZONING HEARING

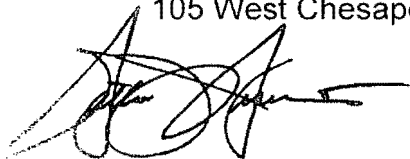
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**CASE NUMBER: 2009-0325-SPH**

2112 Gaybrook Road  
W/side of Gaybrook Road, 170 feet south of the centerline of Gaymount Road  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owners: Hafeez Anjum

Special Hearing to permit an accessory structure (shed) equipped with a full bathroom for the occasional overnight use by associates.

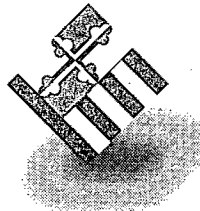
Hearing: Monday, August 17, 2009 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



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.





**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

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

August 14, 2009

Hafeez Anjum  
2112 Gaybrook Rd  
Baltimore, MD 21244

Dear: Hafeez Anjum

RE: Case Number 2009-0325-SPH, 2112 Gaybrook Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 2009. 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.

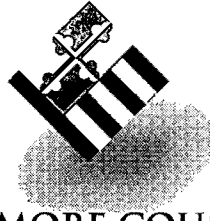
Very truly yours,

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



**BALTIMORE COUNTY**  
M A R Y L A N D

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

June 22, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 22.2009

Item Numbers 0321,0322,0323,0324,0325,0327

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  
Department of Permits &  
Development Management

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For June 29, 2009  
Item Nos. 2009-202, 321, 322, 323,  
324, 325 and 327

**DATE:** July 2, 2009

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

DAK:CEN:cab  
cc: File  
ZAC-060292009 -NO COMMENTS



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** July 6, 2009

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

**SUBJECT:** 2112 Gay Brook Road

**Item Number:** 9-325

**Petitioner:** Hafeez Anjum

**Zoning:** DR 5.5

**Requested Action:** Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The floor plan detail of the detached building shows a full bathroom and a storage room that is big enough to be a large bedroom.

It is questionable whether the proposed use complies with the definition of ACCESSORY USE OR STRUCTURE contained in Section 101.1 of the BCZR. The following questions should be answered at the subject hearing as no contact information for the petitioner was included on the petition:

Is it customarily incident to the principal use or structure?

Does it serve the principal use or structure?

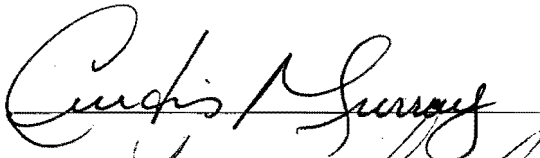
Does it contribute to the comfort, convenience or necessity of occupants in the principal use or structure served?

According to the applicant's statement in the Petition for Special Hearing, the full bathroom is for the occasional overnight use by associates. Therefore, it is not intended for the use of the persons residing in the dwelling. Also, it is highly unusual to have a full bathroom that is not located within the building housing the dwelling unit.

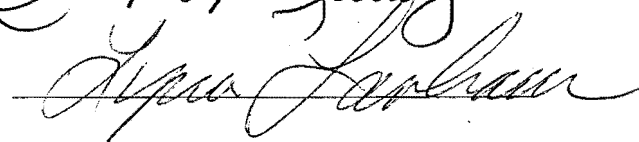
The planned use of the "storage room" should be determined.

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

Prepared by:



Division Chief:  
AFK/LL: CM





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

State Highway Administration

Beverly K. Swaim-Staley, Acting Secretary | Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 25, 2009

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

RE: Baltimore County  
Item No 2009-0325-SPH  
2112 GAY BROOK RD  
ANJUN 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. 2009-0325-SPH.

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,

For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

TB 8-17  
11 Am

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**RECEIVED**

**JUL 14 2009**

**ZONING COMMISSIONER**

**TO:** Timothy M. Kotroco  
**FROM:** Dave Lykens, DEPRM - Development Coordination  
**DATE:** July 13, 2009  
**SUBJECT:** Zoning Item # 09-325-SPH  
Address 2112 Gay Brook Road  
(Anjum Property)

Zoning Advisory Committee Meeting of June 22, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 7/13/09



**BALTIMORE COUNTY**  
M A R Y L A N D

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

August 21, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 10, 2009

Item Numbers 0325, 0328, 0032, 0034, 0036, 0037, 0038, 0040

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

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 2112 Gay Brook Road; W/S Gay Brook Road \* ZONING COMMISSIONER  
 170' S of c/line Gaymount Road \*  
 1<sup>st</sup> Election and 1<sup>st</sup> Councilmanic Districts \*  
 Legal Owner(s): Hafeez Anjum \* FOR  
 Petitioner(s) \* BALTIMORE COUNTY  
 \* 09-325-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People’s Counsel for Baltimore County as an interested party 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.

RECEIVED  
 JUN 29 2009

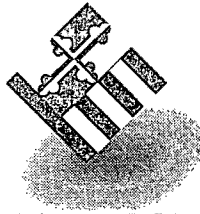
*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People’s Counsel for Baltimore County  
*Carole S. Demilio*

\_\_\_\_\_  
 CAROLE S. DEMILIO  
 Deputy People’s Counsel  
 Jefferson Building, Room 204  
 105 West Chesapeake Avenue  
 Towson, MD 21204  
 (410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29th day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to Hafeez Anjum. 2112 Gay Brook Road, Windsor Mill, MD 21244, Petitioner(s).

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People’s Counsel for Baltimore County



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

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

October 26, 2009

Hafeez Anjum  
2112 Gay Brook Road  
Baltimore, MD 21244

Dear Mr. Anjum:

RE: Case: 2009-0325-SPH, 2112 Gay Brook Road

Please be advised that your appeal of the above-referenced case was filed in this office on September 21, 2009. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner  
Timothy Kotroco, Director of PDM  
People's Counsel  
Jay Cohen, 2119 North Rolling Road, Windsor Mill 21244  
Elouise Wright, 2110 Gay Brook Road, Windsor Mill 21244

**APPEAL**

Petition for Special Hearing  
2112 Gay Brook Road  
W/s Gay Brook Rd., 170' s/of c/l Gaymount Rd.  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owners: Hafeez Anjum

Case No.: 2009-0325-SPH

- ✓ Petition for Special Hearing (June 15, 2009)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (July 15, 2009)
- ✓ Certification of Publication (The Jeffersonian – July 30, 2009 issue)
- ✓ Certificate of Posting (August 1, 2009) by William Gulick
- ✓ Entry of Appearance by People's Counsel (June 29, 2009)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibit
  - ✓ 1. Site Plan
  - ✓ 2. SDAT Printout
  - ✓ 3. 10-28-09 Permit for bathroom
  - ✓ 4. 6-2-09 Permit for guest room and bathroom
  - ✓ 5. Statement from petitioner
- Protestants' Exhibits None
- Miscellaneous (Not Marked as Exhibit) none
- ✓ Deputy Zoning Commissioner's Order (DENIED – August 21, 2009)
- ✓ Notice of Appeal received on September 21, 2009 from Hafeez Anjum

**RECEIVED**

OCT 26 2009

BALTIMORE COUNTY  
BOARD OF APPEALS

c: People's Counsel of Baltimore County, MS #2010  
Zoning Commissioner/Deputy Zoning Commissioner  
Timothy Kotroco, Director of PDM  
Jay Cohen  
Elouise Wright

*date sent October 26, 2009, klm*

**Address List**

**Petitioner:**

Hafeez Anjum  
2112 Gay Brook Road  
Baltimore, MD 21244

**Protestants:**

Jay Cohen  
2119 North Rolling Road  
Baltimore, MD 21244

Elouise Wright  
2110 Gay Brook Road  
Baltimore, MD 21244

**Interoffice:**

Office of People's Counsel  
William J. Wiseman, III, Zoning Commissioner  
Timothy Kotroco, Director/PDM  
Arnold F. "Pat" Keller, III, Director/Planning  
John Beverungen, County Attorney





*Baltimore County, Maryland*

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building  
105 West Chesapeake Avenue, Room 204  
Towson, Maryland 21204

410-887-2188  
Fax: 410-823-4236

PETER MAX ZIMMERMAN  
People's Counsel

**RECEIVED**

FEB - 1 2010

**BALTIMORE COUNTY  
BOARD OF APPEALS**

CAROLE S. DEMILIO  
Deputy People's Counsel

February 1, 2010

Lawrence M. Stahl, Panel Chairman  
County Board of Appeals of Baltimore County  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 203  
Towson, MD 21204

Re: In the Matter of the: Hafeez Anjum  
Case No.: 09-325-SPH

Dear Chairman Stahl:

Please enter our appearance in this appeal taken by the property owner following the denial of a special hearing by the Deputy Zoning Commissioner (DZC). The hearing before the Board of Appeals is scheduled for February 18, 2009. The property owner seeks to establish living quarters in an existing shed, which he expanded, and located in his backyard.

We agree with the decision of the DZC that the special hearing should be denied. The decision is fundamentally a legal issue – is the use permitted in the zone. We believe a brief review of the pertinent BCZR regulations may be helpful to the Board. In that light, we do not believe our attendance at the hearing would be necessary.

The undisputed facts are that the property is a .23 acre single lot zoned D.R. 5.5 and located in a residential subdivision known as Rolling Road Farms in the Windsor Mill area. It is improved with a single family dwelling in which the Petitioner resides and a shed in the rear of the lot in which the Petitioner has installed a toilet and sink. Petitioner operates a refrigeration and air conditioning business and services Pizza Boli's restaurants. He seeks to improve the shed with a "guest room with full bath for religious purposes and storage" for use by his three business associates. Petitioner claims the use and structure are permitted as accessory. The petition is opposed by two neighbors who adjoin Petitioner's property and who attended the DZC hearing.

BCZR 1B02.2 requires nearly 8000 square ft per dwelling unit in the D.R. 5.5 zone. The small lot table in BCZR 1B02.3 requires 6000 square feet. Petitioner has

10,000 sq. ft. which supports the existing single family dwelling, but not two dwellings. Thus the property cannot be subdivided for two dwellings, the singular legal process required to construct an additional dwelling on this lot.

BCZR 1B01 A.1. which includes the D.R. 5.5 zone, lists a "single-family detached" dwelling as a principal use. (By way of information, group houses and multifamily buildings are also not permitted in the D.R. 5.5 zone by right. There must be a specific finding of compatibility at a public hearing). Multi-family buildings are permitted by right only in the D.R. 10 and D.R. 16 zones.

BCZR 101 defines accessory uses, buildings and structures and is attached.

**Apartment buildings** are permitted only in the R.A. E 1, R.A.E. 2 zones. **Hotels** are permitted in the OR-2 , OR-3, O.T. B.L. (by special exception) , B.M., B.R. M.L.R.,and M.L. zones. A **hotel** is also defined in BCZR 101 as guest rooms for lodging on a daily weekly or similar short-term basis. Petitioner's proposed use is akin to a hotel use.

Additional living quarters on a lot zoned for single family dwellings do not meet the definition of accessory use. Otherwise, zoning density would be a sham if additional dwelling or density units could be permitted as accessory uses. Even so, such an arrangement cannot meet the required "customary to the principal use" standard in the definition of accessory uses for the same reason. An accessory use cannot be customary if it is illegal. As previously stated, this is more than a formality of subdivision – Petitioner's lot would not even qualify for subdivision since the total acreage is insufficient to meet the minimum lot size in the zone.

Moreover, even if the facts were in play for an accessory use, the neighbors testified there is nothing remotely akin to the proposed living quarters in an expanded shed in the neighborhood. Thus the proposal is not a common or acceptable use, let alone legal. Nor does the use "serve" the principal dwelling use. It is proposed for the convenience of Petitioner's business, which, incidentally, is not a permitted use in the D.R. 5.5 zone. Plumbing, heating and electrical shops are relegated to the B.M. and B.R. zones. The principal dwelling here can function as a single family home without additional living quarters for the owner's business associates. Also, Petitioner's heating and air conditioning business services equipment offsite, where presumably his associates can meet him.

The instant case is similar to In The Matter of J. Gary and Barbara Mueller, Case No. 08-471-SPH. There the property owner filed a Petition for Special Hearing to approve living quarters for his adult son in a structure approved only for a workshop-garage located in the rear of his property. The CBA denied the special hearing. The Order is attached. This Board also denied "in-law" quarters in In the Matter of Brian and Robin I. Znamirovski, Case No. 07-332-SPHA and In the Matter of Christopher and Charlotte Oktavec, Case No. 08-132-SPH.

Our office fails to see any connection between Petitioner's religious practices and the operation of his secular heating and air conditioning business and the servicing of Pizza Boli's equipment. Petitioner is claiming his associates in the business cannot board in his home because they are not related to him. But there is no requirement that business associates must live on the same premises. And Petitioner has no authority to operate a boarding house in the existing dwelling.

Because Petitioner has raised his religious affiliation, even though it appears to have no connection to the relief requested and the facts in this case, our office will address this issue. The fact that the Petitioner claims the Petition should be granted because of his religious beliefs is simply not a valid basis for relief under federal and state law. The Court of Appeals addressed this in Trinity v. People's Counsel, 407 Md. 53 (2008), where a church sought a sign variance. The Court pointed out on page 93: "A law, however, does not impose a substantial burden on religious exercise if it simply "operates as to make the practice of . . . religious beliefs more expensive." (citations omitted). . . . "Similarly, government actions "which may make it more difficult to practice certain religions but which ha[s] no tendency to coerce individuals into acting contrary to their religious beliefs" does not qualify as a substantial burden." (citations omitted).

In the instant case there is no such religious "exercise." The "exercise" to be protected relates to assembling and participating in religious activities. Here, Petitioner merely wants the convenience of providing accommodations for his co-workers or employees, or perhaps as rental income for Petitioner. (As pointed out, a business cannot be operated in this residential zone, nor can more than one density unit exist on this undivided 10,000 sq. ft. lot, including a prohibition of a second dwelling as a rental unit). There is simply no basis to grant the Special Hearing because of Petitioner's religious beliefs or practices.

The applicable zoning regulations in the instant case are applied neutrally. Petitioner cannot use the site in a way prohibited to other citizens under the guise of a religious requirement. The 7<sup>th</sup> Circuit Federal Court addressed this:

*"Unfortunately for Appellants, no such free pass for religious land uses masquerades among the legitimate protections RLUIPA ( Religious Land Use and Institutionalized Persons Act of 2000) affords to religious exercise." CLUB v. City of Chicago 342 F.3d 752 (7<sup>th</sup> Cir. 2003).*

In other words, RLUIPA does not favor religious institutions or religious practices with an outright exemption from land-use regulations.

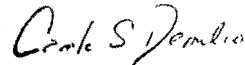
Maryland law is in accord. The Court of Appeals said in Montrose Christian School v. Walsh 363 Md. 565, 585 (2001):

Lawrence M. Stahl, Panel Chairman  
February 1, 2010  
Page 4

*"The Free Exercise Clause of the First Amendment and Article 36 of the Maryland Declaration of Rights ordinarily do not grant to an individual or religious organization a constitutional right to ignore neutral laws of general applicability' even when such laws have an incidental effect of burdening a particular religious activity."*

For all of these reasons, it is our position that the Petition for Special Hearing should be denied.

Sincerely,



Carole S. Demilio  
Deputy People's Counsel

CSD/rmw  
Enclosures

cc: Hafeez Anjum  
Jay Cohen  
Elouise Wright

**§ 101.1 Word usage; definitions.**

[Bill No. 149-1987]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below.

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

**ACCESSORY BUILDING**

One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

**ACCESSORY USE OR STRUCTURE**

A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

[Bill Nos. 100-1970; 26-1988]

Editor's Note: The definition of "acreage, gross residential" which originally followed this definition was repealed by Bill No. 100-1970. The definition of "after-hours club," which followed thereafter, was repealed by Bill No. 36-2000.

**AGRICULTURE, COMMERCIAL**

The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquiculture, apiculture, viticulture, forestry, animal and poultry husbandry, the operation of an equestrian center, horse breeding and horse training and also includes ancillary activities such as processing, packing, storing, financing, managing, marketing or distributing, provided that any such activity shall be secondary to the principal agricultural operations.

[Bill Nos. 51-1993; 24-2002]

**AIRPORT**

Any area of land or water designed and set aside for landing or taking off of aircraft.

**ALLEY**

A right-of-way 20 feet or less in width, designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed, which provides service access for vehicles to the side or rear of abutting property.



Background

The subject property is located at 1109 Justa Lane in the Cockeysville community of northern Baltimore County, in the 8<sup>th</sup> Election District, 2<sup>nd</sup> Councilmanic District. The property measures 1.78 acres and is split zoned RC 4 and RC 5. It is improved with an existing single-family, detached brick and frame two-story dwelling, which includes three (3) one-story attached additions, an attached deck, a greenhouse and a shed. The dwelling is serviced by a septic tank and well. There is a wood shed in the middle of the property. At the rear of the property there is a two-story metal accessory structure. It also is serviced by a separate septic tank and well. Access to the main dwelling is via a circular driveway from Justa Lane at the front of the property. Access to the accessory structure is a gravel driveway that enters and exits via a 16 ½ foot use-in-common private road at the rear of the property, which the Muellers and other neighbors share. The elevation of the property drops significantly from the front of the property at Justa Lane to the rear of the property. The accessory building was built into the slope of the property so only the second floor is visible from Justa Lane. It was built in 2007 pursuant to a building permit issued by Baltimore County on March 8, 2007 (Petitioner's Exhibit No. 4). The permit called for construction of a two-story detached three (3) car garage with storage and hand sink on the first floor and an office/loft on the second floor. Subsequently, the building has been improved with a bathroom and utilities on the first floor and two bathrooms, a kitchen, and three (3) rooms on the second floor (Petitioner's Exhibit Nos. 5A and 5B).

The Mueller's son, Nicholas (Cole), presently lives in the accessory building while attending Stevenson University. The Mueller's petition seeks relief pursuant to Section 500.7 of the BCZR to permit Cole to continue to live in the accessory structure while attending Stevenson University and law school, and then to convert the accessory building into an in-law apartment to be used by Mr. Mueller's mother.

Testimony and Evidence

Mr. Schmidt, in his opening remarks, described the property and submitted as Petitioner's Exhibit No. 1, a zoning plat which shows the residence and the accessory building. He stated that an "in-law apartment" is requested for the accessory building. Mr. Schmidt also introduced as Petitioner's Exhibit No. 4, a copy of the original Baltimore County Permit dated March 8, 2007 to construct the two-story detached accessory building with a three (3) car garage, storage and hand sink on the first level and an office and loft on the second floor. Proposed use was to be a detached garage/office. Subsequently the building has been improved with a bathroom and utilities on the first floor and two (2) bathrooms, three (3) rooms and a kitchen on the second floor. (see Petitioner's Exhibit No. 5A and 5B). No testimony or exhibits were presented authorizing these improvements to the accessory structure.

Mr. Schmidt called his first witness, Mr. J. Gary Mueller. Mr. Mueller testified that he and his wife have owned the property since September, 1987 and it is their primary residence. They have two children, a son and a daughter. Mr. Mueller is a salesman and travels approximately forty (40) weeks a year. The youngest child is their son Nicholas, nick-named Cole, who attends Stevenson University and is Captain of the lacrosse team. He attended St. Paul School until 2004 and lived in the main dwelling during that time. He presently lives in the accessory building on the property. The Mueller's daughter is 28 years old, is single and lives in the main dwelling. She works at Greenspring Station. Mrs. Mueller works at Northern Baltimore Surgical Center off Kenilworth Drive. Mr. Mueller testified that there are four (4) bedrooms and three (3) bathrooms in the main dwelling. There is a small kitchen and two (2) offices on the upper level of the accessory building and storage and bathroom on the lower level. There is also a garden shed in the middle of the property. Mr. Mueller testified that Cole has friends over and they sometimes spend the night in the accessory building. Cole drives a Dodge



Dakota and a pick-up truck. Mr. Mueller testified that his brother and mother may occupy the accessory structure in the future. Cole would continue to live there while attending law school. Mr. Mueller stated that his mother presently lives with his brother on Stevenson Lane. He has another brother and two (2) sisters. One sister lives in Ohio and the other in Chicago. The second brother resides in Baltimore.

Mr. Schmidt introduced as Petitioner's Exhibit No. 6 a Stipulation Letter dated February 10, 2009, signed by J. Gary Mueller, Barbara I. Muller, Nicholas F. Mueller and six (6) neighbors, in which the Muellers agree to adhere to six (6) conditions concerning their use of the accessory building. The conditions stipulate that occupancy of the accessory building is restricted to Nicolas Mueller or another immediate member of the Mueller family; that the accessory building shall not be leased or used by others; that Nicholas Mueller shall not reside in the accessory building longer than September 1, 2015; that no outdoor gatherings would be held after 9:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday; that no gathering shall exceed ten (10) guests; and that the Muellers shall not block the private access road to the accessory building.

Mr. Schmidt called Mitchell Kellman of Daft-McCune-Walker, Inc., to testify on behalf of the Petitioners. Mr. Kellman is a former long time employee of the Zoning Office within the Department of Permits and Development Management (PDM) of Baltimore County and was accepted as a expert planner and an expert in the interpretation of the BCZR. Mr. Kellman testified that he visited the property and the subject building is an accessory structure and meets points A-D of BCZR, Section 101.1, which describes an accessory use or structure as:

- (a) is customarily incident and subordinate to and serves a principal use or structure;
- (b) is subordinate in area, extent or purpose to the principal use or structure;
- (c) is located on the same lot as the principal use or structure served; and

(d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served;

Mr. Kellman further offered testimony that the structure complies with the area of limitations for accessory structure in BCZR 400.1.

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

Under cross-examination by Mr. McCann, Mr. Kellman testified that there is nothing in the Baltimore County Zoning Regulations (BCZR) to allow family members to occupy an accessory structure. Mr. Kellman testified that the accessory structure satisfies all the conditions of BCZR, paragraph 502.1, conditions that determine the granting of Special Exceptions. Mr. Kellman testified that no zoning variances were required. Mr. Kellman conceded that the zoning regulations do not state anywhere that in-laws or other family members may reside in an accessory building in the RC zone. He acknowledged that the words "in-law" apartment(s) are not mentioned in the BCZR.

Mr. McCann called four (4) witnesses who testified in opposition to Petitioner's request for Special Hearing relief. Mr. Marvin Tenberg testified on behalf of the Falls Road Community Association. He is the Vice President of the Association, which represents two thousand seven hundred (2,700) families. He has lived at the end of Boxer Hill Road for twenty (20) years. Rule 8 papers for Mr. Tenberg were submitted as Protestant's Exhibit No. 5. Mr. Tenberg expressed concern regarding the precedent the Petitioner's proposal would set. Mr. McCann

then called Carole Kakel. Ms. Kakel has lived at 12006 Boxer Hill Road for forty (40) years and is Treasurer of the Falls Road Community Association. Ms. Kakel echoed Mr. Tenberg's concern about a precedent being set. She also expressed concern about the impact Petitioner's proposal would have on the neighborhood. Mr. McCann then called Mr. James B. Smith, III, who also testified for the Protestants. Mr. Smith lives at 11889 Falls Road. He has lived there for twenty (20) years. The front yard of his property fronts the rear yard of the Mueller's property where the accessory building is located. He testified they have experienced numerous parties, loud noises late at night and numerous cars coming and going daily. He also discussed drainage issues in the area between his property and the Petitioner's property. Mr. McCann's final witness was Maria Christina Sabolzik. Ms. Sabolzik resides two (2) properties over and east of the Petitioner's property. She testified that she has observed a lot of cars using the private driveway to access the second building. She said it is not the amount of traffic an accessory structure would have. In her opinion it "indicates to her, that this is not just one person living there". She also echoed Mr. Smith's concern regarding the water run-off along the right-of-way.

Mr. Schmidt, in his Post-Hearing Memorandum, cited six (6) cases that permitted "in-law" apartments. Four (4) of the cases involved additions to existing dwellings. Two (2) cases, numbers 07-476-SPH and 01-496-SPHA granted "in-law apartments" to be located in accessory structures with occupancy restricted to in-laws related to the Petitioners. Two (2) of the cases utilized a document called *Declaration of Understanding*, which restricts the use of "in-law apartments". A sample of the document was included as Exhibit D in Mr. Schmidt's Post-Hearing Memorandum. It is noted that Section I, titled Declaration, in the *Declaration of Understanding* statements specifies:

- I. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit.

Decision

The matter at hand concerns a request by the Muellers for Special Hearing Relief pursuant to BCZR Section 500.7 to permit their son Cole to live in an accessory building, which is located on the same property as their existing single family dwelling. BCZR Section 500.7 permits the Zoning Commissioner, and Board of Appeals on appeal, to conduct a Special Hearing to "determine any rights whatsoever of such person in any property within Baltimore County in so far as they may be affected by these regulations". Testimony and Exhibits presented indicate that an accessory structure exists on the Mueller's property and was constructed to service the Mueller's principal dwelling.

Section 101 of the BCZR defines an accessory structure:

- a. is customarily incident and subordinate to and serves a principal use or structure;
- b. is subordinate in area, extent or purpose to the principal use or structure;
- c. is located on the same lot as the principal use or structure served; and
- d. contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

The Building Permit issued March 8, 2007 to construct the accessory building described the proposed work:

"CONSTRUCT 2 STY DETACHED GARAGE T/D 3 CAR GARAGE  
W STORAGE, HANK SINK ONLY 2<sup>ND</sup> FLR TO BE OFFICE/LOFT  
ACCESSORY STRUCTURE LTR ATTACHED IN REAR OF  
PROPERTY OF EX. SFD OVERALL DIM 50'X30'X24'10"=2,500SF,  
SMALLER THAN DWELLING"

There is no mention of an apartment or dwelling use. Subsequently, the Muller's made improvements to the building to include two (2) bedrooms; two (2) baths and a full kitchen on the second floor and a bathroom on the first floor. The building is serviced by a well and septic system separate from the main dwelling. The Mueller's son, Cole, lives full time in the accessory building. In order to permit Cole to reside in the accessory structure, the Muller's, through their attorney, Mr. Schmidt, have requested that the accessory structure be labeled "in-law apartment". Although Mr. Schmidt presented several rulings in his Post-Hearing Memorandum, which permitted "in-law apartments", the Board cannot find anything in the BCZR that permits such an apartment in an accessory structure. Mr. Kellman, who was accepted as an expert in the interpretation of the BCZR, testified that there is nothing in the BCZR that allows family members to occupy an accessory structure. The rulings that were cited by Mr. Schmidt included restrictions such as covenants that must be added to the Deed and Declaration of Understanding. Again, this Board cannot find in the BCZR, any code that would permit a residence in an accessory structure, with these restrictions. There was no testimony presented why Cole cannot reside in the main dwelling, other than he frequently entertains fellow students and friends and some stay overnight. To reclassify the accessory structure as an "in-law apartment" is a misnomer. The letter signed by the Muellers and several neighbors specified that Cole can continue to reside in the accessory building until September 1, 2015. Mr. Mueller testified that there are four (4) bedrooms and three (3) bathrooms in the main dwelling. The current precedent is to allow "in-law" living quarters as an addition to an existing dwelling, where there is the medical necessity of an elderly relative. Under this precedent, this matter does not meet the requirements to allow "in-law" living quarters in the existing accessory structure. The Board is concerned that by allowing the current living arrangement in the existing accessory

building, the density of the property is increased beyond what is allowable in RC 4 and RC 5 zones.

After a thorough review of the facts, testimony and law, the Board unanimously agreed to deny the Petitioner's Special Hearing request to allow living quarters for the Mueller's son, Cole, in the existing accessory structure.

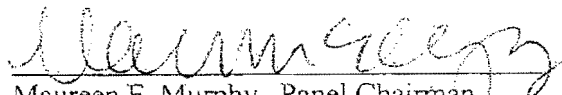
**ORDER**

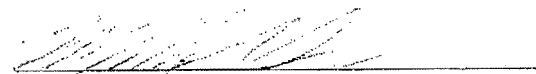
THEREFORE, IT IS THIS 18<sup>th</sup> day of May, 2009 by the Board of Appeals of Baltimore County;

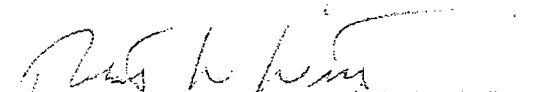
**ORDERED** that for the reasons stated in the foregoing Opinion, the Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to allow living quarters for a son in an existing accessory structure be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Maureen E. Murphy, Panel Chairman

  
Wendell H. Grier

  
Robert W. Witt

SEP 21, 2009

HAFEEZ ANJUM

2112 GAY BROOK RD

BALIMORE MD 21244

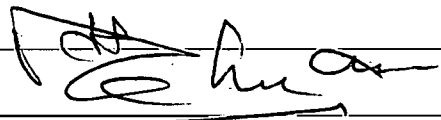
CASE # 2009-0325-SPH.

PROPERTY - 2112 GAY BROOK RD.

This is HAFEEZ ANJUM want To  
appeal for UPER CASE # 2009-0325-SPH  
PHONE # 301-332-2898.

very truly

HAFEEZ-U. ANJUM.



9-21-09

# WhitePages

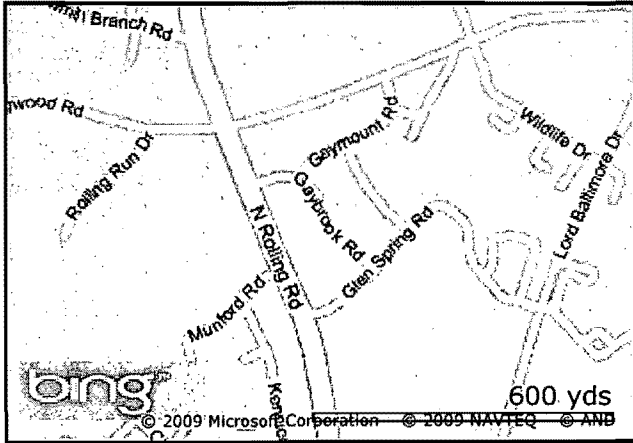
## Hafeez U Anjum

2112 Gaybrook Rd  
Windsor Mill, MD 21244-2609

(410) 277-9119 - *not in service*

**Age:** 50-54

**Household:** Nusrat Anjum



Listing date: Apr. 2009



Advertise with Us

**Find Anyone's Email Address**

First Name:

Last Name:

Age:(approx.)

Powered by:  







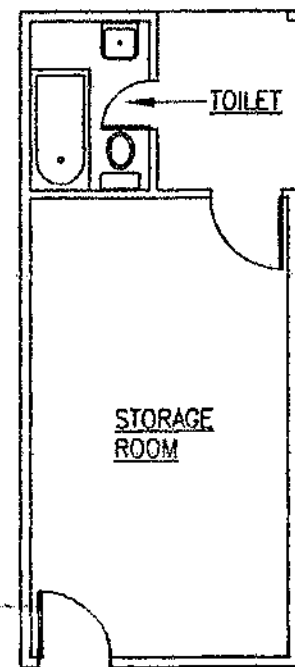
Case No.: 2009-0325-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

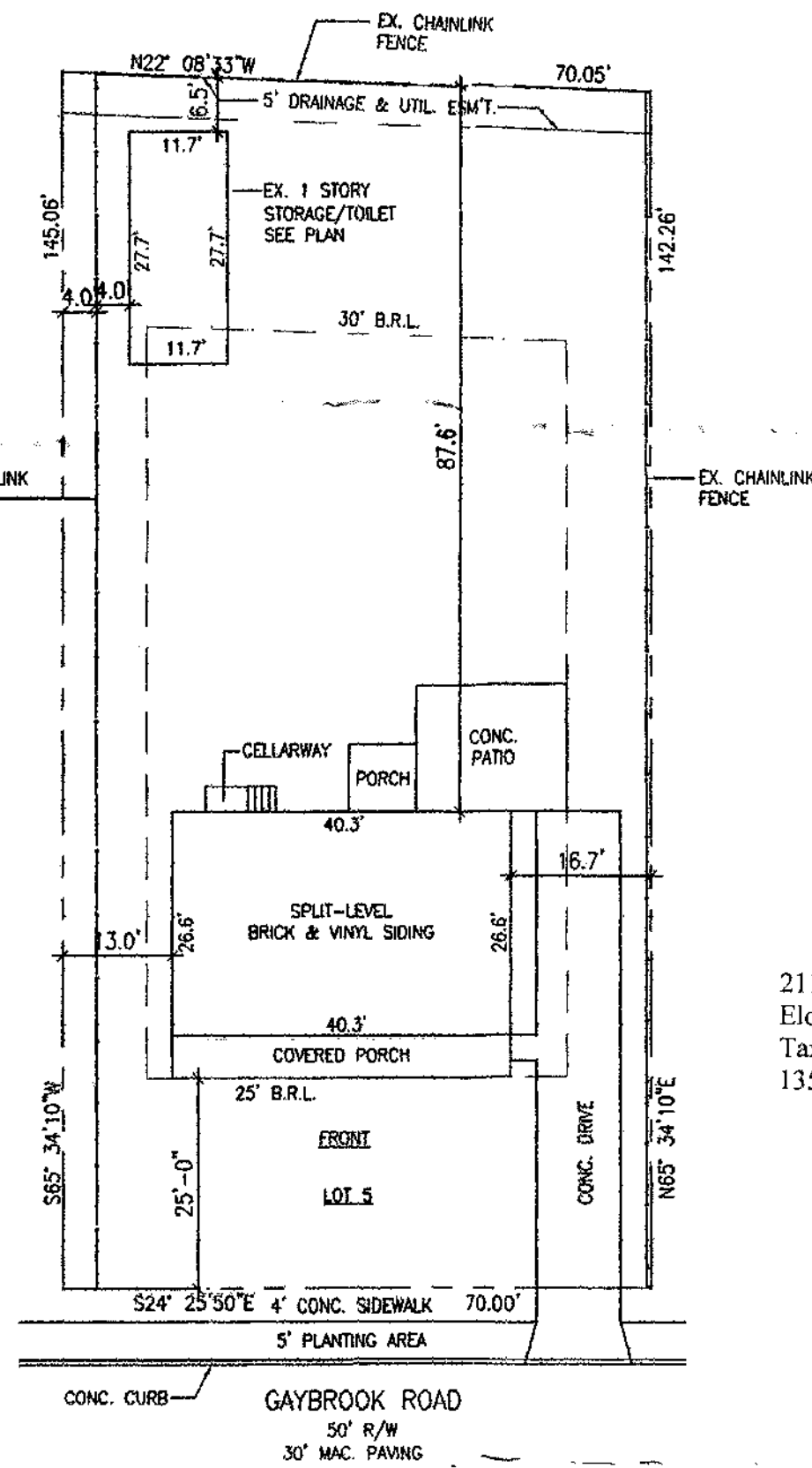
	Petitioner/Developer	Protestant
No. 1	Site Plan	
No. 2	SDAT Printout	
No. 3	10/08/08 Permit for bottom	
No. 4	6-8-09 for guest room + full bath	
No. 5	Statement of Pet.	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



**EXISTING STORAGE/  
TOILET ROOM**

SCALE: 1/8" = 1'-0"

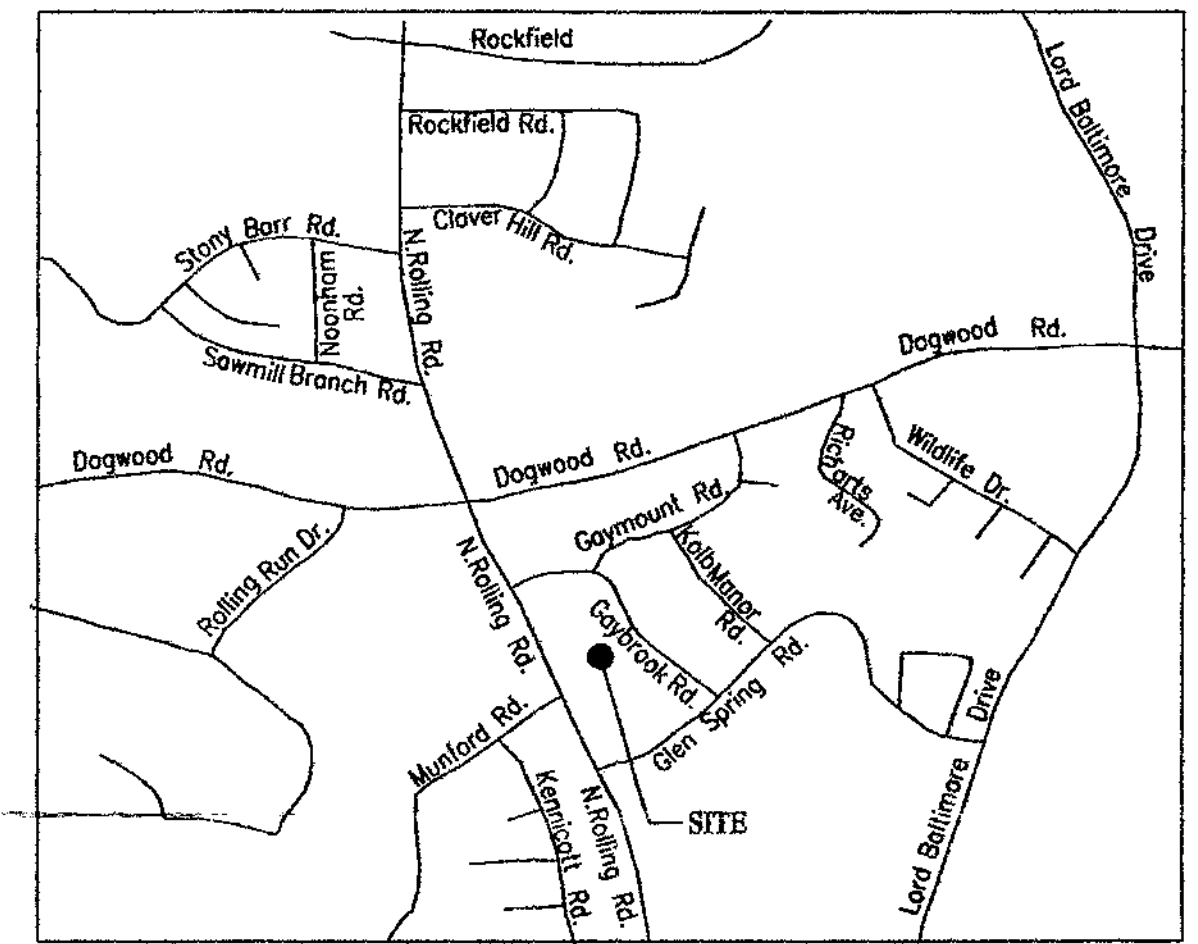
2114 Gaybrook Road  
Joseph Alascio, Jr.  
Tax #0107471410  
10412/0688



**EXISTING PLAT**

SCALE: 1" = 20'

PETITIONER'S  
EXHIBIT NO. \_\_\_\_\_



**VICINITY MAP**

2110 Gaybrook Road  
Elouise Wright  
Tax #0107471480  
13517/0087

OWNER	ANJUM HAFEEZ/ANJUM NUSRAT
PROPERTY ACCOUNT NO.	0110452230
PROPERTY ADDRESS	2112 GAYBROOK ROAD BALTIMORE COUNTY MD 21244
SUBDIVISION NAME	ROLLING ROAD FARMS
PLAT BOOK #	30/75
FOLIO #	12616/383
LOT #/SECTION/BLOCK	5/ 3/ E
MAP/GRID/PARCEL	87/ 24/ 395
ELECTION DISTRICT	01
COUNCILMANIC DISTRICT	01
1"=200' SCALE MAP #	NW 2-G
ZONING	DR 5.5
LOT SIZE	10,010.00 SQ.FT. 0.23 ACRES
SEWER	PUBLIC
WATER	PUBLIC
CHESAPEAKE BAY CRITICAL AREA	NO
100 YEARS FLOOD PLAIN	NO
HISTORIC PROPERTY/BUILDING	NO
PRIOR ZONING HEARINGS	NONE

Mufti & Associates, Inc.  
6413 Windsor Mill Road, Baltimore, Maryland 21207

**Plat to Accompany Special Hearing**

TITLE: 2112 GAYBROOK ROAD, BALTIMORE COUNTY

SCALE: 1"=20'

DATE: 06/08/09

SHEET NO: C-1

#0325



**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
 Real Property Data Search (2007 vw1.1)

[Go Back](#)  
[View Map](#)  
[New Search](#)

**Account Identifier:** District - 01 Account Number - 0110452230

**Owner Information**

<b>Owner Name:</b>	ANJUM HAFEEZ ANJUM NUSRAT	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	2112 GAYBROOK RD BALTIMORE MD 21244-2609	<b>Principal Residence:</b>	YES
		<b>Deed Reference:</b>	1) /12616/ 383 2)

**Location & Structure Information**

<b>Premises Address</b> 2112 GAYBROOK RD	<b>Legal Description</b> 2112 GAYBROOK RD ROLLING ROAD FARMS
---	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
87	24	395			3	E	5	1	Plat Ref: 30/ 75

<b>Special Tax Areas</b>	<b>Town</b> Ad Valorem Tax Class
--------------------------	--

<b>Primary Structure Built</b> 1966	<b>Enclosed Area</b> 1,040 SF	<b>Property Land Area</b> 10,010.00 SF	<b>County Use</b> 04
--	----------------------------------	---	-------------------------

<b>Stories</b> SPFOY	<b>Basement</b>	<b>Type</b> SPLIT FOYER	<b>Exterior</b> SIDING
-------------------------	-----------------	----------------------------	---------------------------

**Value Information**

	Base Value	Value		
		As Of	Phase-in Assessments	
		01/01/2007	As Of	As Of
<b>Land</b>	35,250	86,250	07/01/2008	07/01/2009
<b>Improvements:</b>	69,490	139,230		
<b>Total:</b>	104,740	225,480	185,232	225,480
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b> ANJUM HAFEEZ	<b>Date:</b> 01/20/1998	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /12616/ 383	<b>Deed2:</b>
<b>Seller:</b> HUSSAIN MUSHTAQ	<b>Date:</b> 05/08/1997	<b>Price:</b> \$130,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /12167/ 480	<b>Deed2:</b>
<b>Seller:</b> VARKEY MATHAI P	<b>Date:</b> 10/11/1989	<b>Price:</b> \$110,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> / 8294/ 116	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

<b>Tax Exempt:</b> NO	<b>Special Tax Recapture:</b>
<b>Exempt Class:</b>	* NONE *

**PETITIONER'S**

EXHIBIT NO. 2

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

DATE: 10/28/08

OEA: 2/1/76  
HISTORIC DISTRICT/BLDG.

PERMIT #: B 706297  
RECEIPT #: A 947081  
CONTROL #: MR  
XREF #:

PROPERTY ADDRESS 2112 GAY BROOK  YES  NO  
SUITE/SPACE/FLOOR ND  
SUBDIV: ROLLING ROAD FARMS  DO NOT KNOW  
TAX ACCOUNT #: 01C 45 22 30 DISTRICT/PRECINCT

FEE: 25.00  
PAID: 25.00  
PAID BY: Appr  
INSPECTOR:

OWNER'S INFORMATION (LAST, FIRST)  
NAME: ANTUM HAFEE 2 and NUSRAT  
ADDR: 2112 GAY BROOK RD 21244-2609

DOES THIS BLDG. HAVE SPRINKLERS  
YES  NO

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION  
NAME: HAFEE 2 ANTUM  
COMPANY: SELF OWNER  
STREET: 2112 GAY BROOK RD  
CITY, ST, ZIP: BALTIMORE MD  
PHONE #: 301 322 2898 MHIC # ND MHBR # ND  
APPLICANT SIGNATURE: [Signature] DRC#  
PLANS: CONST  PLOT  PLAT  DATA  EL 1 PL 1  
TENANT  
CONTR: SELF OWNER  
ENGR:  
SELLR:

- TYPE OF IMPROVEMENT
- NEW BLDG CONST
  - ADDITION
  - ALTERATION
  - REPAIR
  - WRECKING
  - MOVING
  - OTHER

DESCRIBE PROPOSED WORK: cancel B 706297 Revision done to change in const & site plans. Const. of shed in rear property to be used for storage and also a powder room. 11'8" X 27'8" X 15' = 324.09 SF. accessory letter attached. permit expires 10/20/09.

TYPE OF USE

- RESIDENTIAL
- ONE FAMILY
  - TWO FAMILY
  - THREE AND FOUR FAMILY
  - FIVE OR MORE FAMILY (ENTER NO UNITS)
  - SWIMMING POOL
  - GARAGE
  - OTHER shed
- NON-RESIDENTIAL
- AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
  - CHURCH, OTHER RELIGIOUS BUILDING
  - FENCE (LENGTH HEIGHT)
  - INDUSTRIAL, STORAGE BUILDING
  - PARKING GARAGE
  - SERVICE STATION, REPAIR GARAGE
  - HOSPITAL, INSTITUTIONAL, NURSING HOME
  - OFFICE, BANK, PROFESSIONAL
  - PUBLIC UTILITY
  - SCHOOL, COLLEGE, OTHER EDUCATIONAL
  - SIGN
  - STORE MERCANTILE RESTAURANT SPECIFY TYPE
  - SWIMMING POOL SPECIFY TYPE
  - TANK, TOWER
  - TRANSIENT HOTEL, MOTEL (NO. UNITS)
  - OTHER

NO INSIDE TUB OR SHOWER ALLOWED

- TYPE FOUNDATION
- |             |            |
|-------------|------------|
| 1. SLAB     | 1. FULL    |
| 2. BLOCK    | 2. PARTIAL |
| 3. CONCRETE | 3. NONE    |

- | TYPE OF CONSTRUCTION | TYPE OF HEATING FUEL | TYPE OF SEWAGE DISPOSAL  |
|----------------------|----------------------|--|
| 1. MASONRY           | 1. GAS               | 1. PUBLIC SEWER <input checked="" type="checkbox"/> EXISTS <input type="checkbox"/> PROPOSED |
| 2. WOOD FRAME        | 2. OIL               | 2. PRIVATE SYSTEM <input type="checkbox"/> EXISTS <input type="checkbox"/> PROPOSED          |
| 3. STRUCTURE STEEL   | 3. ELECTRICITY       | SEPTIC <input type="checkbox"/> EXISTS <input type="checkbox"/> PROPOSED                     |
| 4. REINF. CONCRETE   | 4. COAL              | PRIVY <input type="checkbox"/> EXISTS <input type="checkbox"/> PROPOSED                      |

CENTRAL AIR: 1.  2.  3.  PUBLIC SYSTEM  EXISTS  PROPOSED  
ESTIMATED COST: \$ 1500.00 4.  PRIVATE SYSTEM  EXISTS  PROPOSED  
OF MATERIALS AND LABOR  
PROPOSED USE: shed and shed  
EXISTING USE: shed

OWNERSHIP  
1.  PRIVATELY OWNED 2.  PUBLICLY OWNED 3.  SALE 4.  RENTAL

RESIDENTIAL CATEGORY: 1.  DETACHED 2.  SEMI-DET. 3.  GROUP 4.  TOWNHSE 5.  MIDRISE  
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6.  HIRISE  
1 FAMILY BEDROOMS  
GARBAGE DISPOSAL 1.  2.  BATHROOMS CLASS 04  
POWDER ROOMS KITCHENS LIBER 30 FOLIO 75 Block E Section 3

BUILDING SIZE LOT SIZE AND SETBACKS  
FLOOR 324.09 SF SIZE 10 010 SF  
WIDTH 11'8" FRONT STREET N/C  
DEPTH 27'8" SIDE STREET  
HEIGHT 15' MAX FRONT SETBK N/C  
STORIES SIDE SETBK 5' / 45'  
LOT #'S 5 SIDE STR SETBK  
CORNER LOT REAR SETBK 6'  
1.  YES 2.  NO ZONING DR S.5

APPROVAL SIGNATURES DATE  
BLD INSP :  
BLD PLAN :  
FIRE :  
SEDI CTL :  
ZONING [Signature] :  
PUB SERVICE [Signature] :  
ENVRMNT :  
PLANNING :  
PERMITS :

PETITIONER'S  
EXHIBIT NO. 3

Nevisia n

Red Stamp

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND

DATE: 6-2-09

DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

OEA: KNA  
HISTORIC DISTRICT/BLDG.

PERMIT #: ~~70885~~ 70885  
RECEIPT #: A  
CONTROL #: MR  
XREF #:

PROPERTY ADDRESS 2112 GAY BROOK RD YES  NO   
SUITE/SPACE/FLOOR BALTIMORE  
SUBDIV: Rolling Road Farms DO NOT KNOW   
TAX ACCOUNT #: 011045 2230 DISTRICT/PRECINCT  
OWNER'S INFORMATION (LAST FIRST) 01 01  
NAME: HAFEEZ, ANJUM + Nasrat  
ADDR: Same

FEE: 20  
PAID:  
PAID BY: Appl.  
INSPECTOR:

APPLICANT INFORMATION

NAME: 2112 GAY BROOK RD  
COMPANY:  
STREET BALTIMORE  
CITY, ST, ZIP MD 21244  
PHONE #: 301 3322 898 MHIC #  
APPLICANT SIGNATURE: [Signature] DRC#  
PLANS: CONST 1 PLOT 1 PLAT 1 DATA 1 EL 1 PL 1  
TENANT  
CONTR: Owner  
ENGR:  
SELLR:

DOES THIS BLDG.  
HAVE SPRINKLERS  
YES  NO

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

TYPE OF IMPROVEMENT

- 1.  NEW BLDG CONST
- 2.  ADDITION
- 3.  ALTERATION
- 4.  REPAIR
- 5.  WRECKING
- 6.  MOVING
- 7.  OTHER

DESCRIBE PROPOSED WORK: Construct Addition To Ex Detached Shed On Rear Of Property. To Be Used As Guest Room with Full Bath For Religious Purposes And Storage. At 11'8" x 27'8" x 15' = 325 sq ft Bathing. Accessory Structure Letter Attached. Replaces B 706851. Working Change To Include Bathing Area

TYPE OF USE

RESIDENTIAL

- 01.  ONE FAMILY
- 02.  TWO FAMILY
- 03.  THREE AND FOUR FAMILY
- 04.  FIVE OR MORE FAMILY (ENTER NO UNITS)
- 05.  SWIMMING POOL
- 06.  GARAGE
- 07.  OTHER Accessory Structure

NON-RESIDENTIAL

- 08.  AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
- 09.  CHURCH, OTHER RELIGIOUS BUILDING
- 10.  FENCE (LENGTH HEIGHT)
- 11.  INDUSTRIAL, STORAGE BUILDING
- 12.  PARKING GARAGE
- 13.  SERVICE STATION, REPAIR GARAGE
- 14.  HOSPITAL, INSTITUTIONAL, NURSING HOME
- 15.  OFFICE, BANK, PROFESSIONAL
- 16.  PUBLIC UTILITY
- 17.  SCHOOL, COLLEGE, OTHER EDUCATIONAL
- 18.  SIGN
- 19.  STORE  MERCANTILE  RESTAURANT SPECIFY TYPE
- 20.  SWIMMING POOL SPECIFY TYPE
- 21.  TANK, TOWER
- 22.  TRANSIENT HOTEL, MOTEL (NO. UNITS)
- 23.  OTHER

TYPE FOUNDATION

- 1.  SLAB
- 2.  BLOCK
- 3.  CONCRETE

BASEMENT

- 1.  FULL
- 2.  PARTIAL
- 3.  NONE

TYPE OF CONSTRUCTION

- 1.  MASONRY
- 2.  WOOD FRAME
- 3.  STRUCTURE STEEL
- 4.  REINF. CONCRETE

TYPE OF HEATING FUEL

- 1.  GAS
- 2.  OIL
- 3.  ELECTRICITY
- 4.  COAL

TYPE OF SEWAGE DISPOSAL

- 1.  PUBLIC SEWER  EXISTS  PROPOSED
- 2.  PRIVATE SYSTEM  SEPTIC  EXISTS  PROPOSED
- PRIVY  EXISTS  PROPOSED

CENTRAL AIR: 1.  2.   
ESTIMATED COST: \$ WINDOW  
OF MATERIALS AND LABOR

PROPOSED USE: Same + Shed Addition For Guest Room w/Bath  
EXISTING USE: SFD + Shed

OWNERSHIP

- 1.  PRIVATELY OWNED
- 2.  PUBLICLY OWNED
- 3.  SALE
- 4.  RENTAL

RESIDENTIAL CATEGORY:

1.  DETACHED 2.  SEMI-DET. 3.  GROUP 4.  TOWNHSE 5.  MIDRISE  
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6.  HIRISE  
1 FAMILY BEDROOMS  
GARBAGE DISPOSAL 1.  YES 2.  NO BATHROOMS CLASS 04 Blacker E  
POWDER ROOMS KITCHENS LIBER 30 FOLIO 75 sect-3

BUILDING SIZE LOT SIZE AND SETBACKS  
FLOOR 325 SIZE 70.05 X  
WIDTH 11'8" FRONT STREET  
DEPTH 27'8" SIDE STREET  
HEIGHT 15' FRONT SETBK NO  
STORIES 1 SIDE SETBK 5' / 45'  
LOT #'S 5 SIDE STR SETBK  
CORNER LOT REAR SETBK 6'  
1.  YES 2.  NO ZONING

APPROVAL SIGNATURES

DATE

BLD INSP :  
BLD PLAN :  
FIRE :  
SECT CTL :  
ZONING : 111  
PUB SERV :  
ENVRMNT :  
PLANNING :  
PERMITS :  
PETITIONER'S 4  
EXHIBIT NO. 4

**ZONING RELIEF PETITION**  
**2112 GAYBROOK ROAD, BALTIMORE COUNTY**  
**MARYLAND 21244**

From: Hafeez Anjum  
Residence: 2112 Gaybrook Road

301-332-2898 (cell phone)


I work as air conditioning refrigeration contractor. My company's name is Baltimore Aircare.

One of my employee/friend who does not have an automobile, rides with me to work. Sometimes when he returns from work very late with me, can not find public transportation to return to his home. He has not option but to stay with me overnight until 6:00 a.m. to catch the bus.

We are Muslims and it is not permissible for a stranger man to stay with me and my family in our house. I have a room at the rear of my house in my property with a toilet room (sink and toilet only). Which can be used for such guest. As a Muslim we are required to pray five times. We are required to wash ourselves from head to toe before making prayers. This toilet room is lacking a tub to wash the feet till knees for prayer preparation.

I am requesting that the existing rear room is permitted for occasional stay for my guest and permission to add a tub in the existing toilet room for religious prayer washing use. The toilet room was built after obtaining the building permit from Baltimore County.

Thanks.

  
Sincerely,

Hafeez Anjum  
2112 Gaybrook Road,  
Baltimore County, Maryland 21244

**PETITIONER' S**  
**EXHIBIT NO. 5**

#0325



