

IN RE: PETITION FOR VARIANCE

N side of Eastern Avenue; 225 feet W
of the c/l of Taylor Avenue
15th Election District
7th Councilmanic District
(426-430 Eastern Avenue)

U.S. Construction, LLC

Legal Owner

Farhat Cheema

Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
*
* CASE NO. 2011-0133-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, U.S. Construction, LLC and Farhat Cheema (hereinafter "Petitioner"). Petitioner is requesting Variance relief as follows:

- From Section 232.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a front yard setback of 6 feet in lieu of the required 10 feet; and
- From Section 232.3 of the B.C.Z.R. to approve a rear yard setback of 2 feet in lieu of the required 20 feet; and
- From Section 409.6 of the B.C.Z.R. to approve 9 on site parking spaces in lieu of the required 41; and
- From Section 409.9 of the B.C.Z.R. to permit handicapped parking in the public right-of-way lieu of on site.

The subject property and requested relief are more fully described on the redlined site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Petitioner Farhat Cheema and Deborah C. Dopkin, Esquire, attorney for Petitioner. Also appearing in

DER RECEIVED FOR FILING

12-9-10

[Signature]

support of the relief was Amit Barman, Petitioner's architect, and Vincent Moskunas with Site Rite Surveying, Inc., the land surveying firm that prepared the site plan. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is rectangular shaped and contains approximately 13,185 square feet or 0.302 acre, more or less, zoned B.L.-C.C.C. The property is located on the north side of Eastern Avenue, just west of Taylor Avenue and east of the intersection of Eastern Avenue and Mace Avenue, in the Essex area of Baltimore County. The subject site is improved with a business-commercial style building that was built in 1939 and takes up almost the entire square footage of the property. Photographs of the front façade of the structure and the rear alley behind the building were marked and accepted into evidence as Petitioner's Exhibits 2A and 2B, respectively. They show a rather antiquated building front with unremarkable red brick and very little architectural interest.

Recently, Petitioner has undergone a renovation of the subject site and has improved the appearance of the building dramatically. As shown on the computer aided rendering of the front building façade, there is now an abundance of glass windows and doors throughout the storefronts, tall columns that divide the proposed uses therein, and attractive stone at the base of the columns. Photographs that were marked and accepted into evidence as Petitioner's Exhibits 4A through 4D also show the details of the front façade. As a result of these improvements, Petitioner is in need of variance relief to legitimize the existing location and condition of the building, and to reconfigure the parking, which was almost non-existent before the renovations.

As explained by Mr. Moskunas, the first two variance requests pertain to the existing building. Relief is required for the front and rear yard setbacks because when it was built in 1939, the building was built almost to the property lines/right-of-ways in the front and rear. It was also

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Date 12-9-10

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By PM

constructed prior to the adoption of the original Zoning Regulations in 1945. As to the parking variances, prior to the renovations, there was no on site parking for the property; however, as shown on the redlined site plan, Petitioner proposes to use one of the building interiors for on site parking and also proposes to place an additional handicapped space in the right-of-way. Details of the plan for the handicapped spaces is shown on the enlargement of the redlined site plan that was marked and accepted into evidence as Petitioner's Exhibit 6. As also depicted on that Exhibit in highlighted "yellow," an entrance will be cut for ingress/egress to/from the building.

As to the proposed uses, Petitioner plans to have a convenience store, a coin-operated Laundromat, and an MVA convenience office. The property would be known as the "Cheema Center," with the convenience store and Laundromat open generally between 9:00 AM and 9:00 PM. As a final matter, Ms. Dopkin indicated that the redevelopment that has been ongoing at the site will be consistent with the Essex revitalization strategy that includes inviting and updated storefronts, as well as hardscape and streetscape improvements, in order to promote walkability in the downtown areas of these older neighborhoods.

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 October 28, 2010 which indicates that the proposal is for the reconstruction and modification of an existing structure whose footprint will remain. Based on the submitted site plan, the Planning Office does not oppose the proposal. It does appear however that the entrance to the parking under the building is narrow for a turning car to access from a busy road. Reconfigure parking layout at new entry drive so that parking on west side of entrance does not overlap driveway. Provide architectural elevation of the front façade to the Office of Planning for review and approval. The property is

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Date 12-9-10

By PZ

within the Essex Design Review Panel (DRP) area. Staff waived DRP review based on preliminary assurances that the façade would not change except for the entrance opening.

After considering all of the testimony and evidence presented at the hearing, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The building was constructed in 1939, before the adoption of the Zoning Regulations, and there has been no plan to change the main footprint of the building. Thus, complying with today's front and rear setback requirements would essentially require razing the existing structure and starting over -- a prospect that would be neither economically feasible nor justified in this situation. I also find that Petitioner would suffer undue hardship and practical difficulty if the variances were denied.

Finally, I find these variance requests can be granted in strict harmony with the spirit and intent of the Zoning Regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. Petitioner has obviously expended considerable resources in making significant improvements and upgrades to the property, including providing on site parking where there was once none. As such, I believe the granting of the variance requests will be in the public interest.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 9th day of December, 2010 by this Deputy Zoning Commissioner that Petitioner's Variance requests as follows:

- From Section 232.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a front yard setback of 6 feet in lieu of the required 10 feet; and

ORDER RECEIVED FOR FILING

Date 12-9-10

4

By [Signature]

- From Section 232.3 of the B.C.Z.R. to approve a rear yard setback of 2 feet in lieu of the required 20 feet; and
- From Section 409.6 of the B.C.Z.R. to approve 9 on site parking spaces in lieu of the required 41; and
- From Section 409.9 of the B.C.Z.R. to permit handicapped parking in the public right-of-way in lieu of on site,

be and are hereby **GRANTED**, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Provide architectural elevations of the front façade to the Office of Planning for review and approval prior to the issuance of any building permit.
3. Reconfigure the parking layout at new entry drive so that parking on the west side of the entrance does not overlap the driveway.

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

ORDER RECEIVED FOR FILING

Date 12-9-10

By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 9, 2010

DEBORAH C. DOPKIN, ESQUIRE
409 WASHINGTON AVENUE #1000
TOWSON MD 21204

Re: Petition for Variance
Case No. 2011-0133-A
Property: 426-430 Eastern Avenue

Dear Ms. Dopkin:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB/pz

Enclosure

c: Farhat Cheema, 10128 Colesville Road, Silver Spring MD 20901
Amit Barman, 8101 Sandy Spring Road, Laurel MD 20707
Vincent Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Suite 101, Towson MD 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 428-430 Eastern Avenue

which is presently zoned BL-CCC

Deed Reference: 28570 / 210 Tax Account # 1516001220

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)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bound 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:

Farhat Cheema

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Attorney For Petitioner:

Deborah C. Dopkin

Name - Type or Print

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, #1000 410-821-0200

Address

Towson,

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

U. S. Construction, LLC

Name - Type or Print

Signature

Farhat Cheema

Name - Type or Print

Signature

10128 Colesville Road

Address

Telephone No.

Silver Spring,

MD

20901

City

State

Zip Code

Representative to be Contacted:

Site Rite, Inc.

Name

200 E. Joppa Road

410-828-9060

Address

Towson,

MD

Telephone No.

21286

City

State

Zip Code

Case No.

2012-0133-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by

BK

Date

10/2/10

REV 8/20/07

ORDER RECEIVED FOR FILING

Date

12-9-10

By

BS

1. Section 232.1 to approve a front yard setback of six feet (6') in lieu of the required ten feet (10');
2. Section 232.3 to approve a rear yard setback of two feet (2') in lieu of the required twenty feet (20');
3. Section 409.6 to approve nine (9) on site parking spaces in lieu of the required forty-one (41);
4. Section 409.9 to permit handicapped parking in the public right of way in lieu of on-site.

ZONING DESCRIPTION
#426 - #430 EASTERN AVENUE

BEGINNING at a point on the north side of Eastern Avenue (Eastern Boulevard Maryland Route No. 150) which is a variable right-of-way (80 feet on Record Plat) at the distance of 225 feet west of the center line of Taylor Avenue which is 50 feet wide. Being Lot Nos. 11 and 12, Section A, Block I in the subdivision of "Essex" as recorded in Baltimore County Plat Book No. 3, folio 15, containing 13, 185 S.F. Also known as #426-#430 Eastern Avenue and located in the 15th Election District, 7th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

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

FILE: CHEEMA VAR NOTES.DOC\C DRIVE

#0133

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 2011-0133-A
Petitioner: U.S. Construction, LLC
Address or Location: 426 - 430 Eastern Avenue.

PLEASE FORWARD ADVERTISING BILL TO

Name: U.S. Construction LLC
Address: % Farhat Cheema
10128 Colesville Road
Silver Spring, MD 20901
Telephone Number: 240 876 9589 cell.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **60749**

Date: **10/7/10**

PAID RECEIPT

BUSINESS ACTUAL TIME AMM
 10/07/2010 10/07/2010 10:05:44
 REC #005 BAL 134 DIB 160
 RECEIPT # 542546 10/07/2010 012
 5 528 00000 VERIFICATION
 REC NO. 060749
 Recpt Tot \$325.00
 \$325.00 CR \$325.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
201	206	0000		6150				\$ 325.00

Total: **\$ 325.00**

Rec From: **US Construction LLC**
 For: **Zoning Variance**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Item # **0133**

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: # 2011-0133-A

426-430 Eastern Avenue

N/side of Eastern Avenue, 225 feet west of the centerline of Taylor Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): U.S. Construction, LLC

Variance: to approve a front yard setback of six feet in lieu of the required ten feet; to approve a rear yard setback of two feet in lieu of the required twenty feet; to approve nine on site parking spaces in lieu of the required forty one; to permit handicapped parking in lieu of on-site.

Hearing: Wednesday, December 1, 2010 at 9:00 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.

JT 11/681 November 16

260873

CERTIFICATE OF PUBLICATION

11/18/ 2010

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 11/16/ 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2011-0133-A

Petitioner/Developer SITE
RITE SURVEYING INC

Date Of Hearing/Closing: 12/1/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 426-430 EASTERN AVE

This sign(s) were posted on November 16, 2010

Month, Day, Year
Sincerely,

Martin Ogle 11/16/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-829-3411

ZONING NOTICE

CASE # 2011-0133-A

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

ROOM 104, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

PLACE: **DATE AND TIME:** WEDNESDAY, DECEMBER 1, 2010
AT 9:00 A.M.

VARIANCE TO APPROVE A FRONT YARD SETBACK
REQUEST: OF SIX FEET IN LIEU OF THE REQUIRED TWENTY FEET;
TO APPROVE A REAR YARD SETBACK OF TWO FEET IN LIEU OF
THE REQUIRED TWENTY FEET; TO APPROVE NINE ON SITE
PARKING SPACES IN LIEU OF THE REQUIRED FORTYONE; TO
PERMIT HANDICAPPED PARKING IN LIEU OF ON-SITE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

11/16/2010

Yalun 11/16/10

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 16, 2010 Issue - Jeffersonian

Please forward billing to:
U.S. Construction LLC
C/o Farhat Cheema
10128 Colesville Road
Silver Spring, MD 20901

240-876-9589

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: 2011-0133-A

426-430 Eastern Avenue

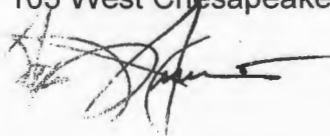
N/side of Eastern Avenue, 225 feet west of the centerline of Taylor Avenue

15th Election District – 7th Councilmanic District

Legal Owners: U.S. Construction, LLC

Variance to approve a front yard setback of six feet in lieu of the required ten feet, to approve a rear yard setback of two feet in lieu of the required twenty feet; to approve nine on site parking spaces in lieu of the required forty one; to permit handicapped parking in lieu of on-site.

Hearing: Wednesday, December 1, 2010 at 9:00 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

October 27, 2010

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: 2011-0133-A

426-430 Eastern Avenue

N/side of Eastern Avenue, 225 feet west of the centerline of Taylor Avenue

15th Election District – 7th Councilmanic District

Legal Owners: U.S. Construction, LLC

Variance to approve a front yard setback of six feet in lieu of the required ten feet, to approve a rear yard setback of two feet in lieu of the required twenty feet; to approve nine on site parking spaces in lieu of the required forty one; to permit handicapped parking in lieu of on-site.

Hearing: Wednesday, December 1, 2010 at 9:00 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:kl

C: Deborah Dopkin, 409 Washington Ave., Ste. 1000, Towson 21204
Farhat Cheema, 10128 Colesville Road, Silver Spring 20901
Site Rite Surveying, 200 E. Joppa Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 16, 2010.**
- (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.

TB- 12/1-9AM
104

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 28, 2010

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

RECEIVED

SUBJECT: 426-430 Eastern Avenue

NOV 03 2010

INFORMATION:

Item Number: 11-133

ZONING COMMISSIONER

Petitioner: Cheema Center

Zoning: BL-CCC

Requested Action: Variance

To approve a front yard setback of 6 ft. in lieu of 10 ft., a rear yard setback of 2 ft in lieu of 20 ft., 9 parking spaces in lieu of 41, and to permit handicapped parking in the public right of way in lieu of on site.

SUMMARY OF RECOMMENDATIONS:

The proposal is for the reconstruction and modification of an existing structure whose footprint will remain.

Based on the submitted site plan, the Office of Planning does not oppose the proposal. It does appear however that the entrance to the parking under the building is narrow for a turning car to access from a busy road.

Reconfigure parking layout at new entry drive so that parking on west side of entrance does not overlap driveway.

Provide architectural elevation of the front facade to the Office of Planning for review and approval. The property is within the Essex Design Review Panel (DRP) area. Staff waived DRP review based on preliminary assurances that the facade would not change except for the entrance opening.

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

Prepared by:

Division Chief:

AFK/LL: CM

TB
12-1-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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DEC 01 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 1, 2010
SUBJECT: Zoning Item # 11-133-A
Address 426-430 Eastern Avenue
(U.S. Construction, LLC Property)

Zoning Advisory Committee Meeting of October 18, 2010.

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

Reviewer: JWL Date: 12/1/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 1, 2010
Item Nos. 2011- 124, 133, 135, 136
And 138

DATE: November 1, 2010

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

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NOV 29 2010

ZONING COMMISSIONER

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11012010 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 19, 2010

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

RE: Baltimore County
Item No. 2011-0133-A
MD 150 (EASTERN AV.)
426-430 EASTERN AVENUE
US CONSTRUCTION, LLC

RECEIVED

NOV 29 2010

ZONING COMMISSIONER

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10/19/10. A field inspection and internal review reveals that an entrance onto MD 150 consistent with current State Highway Administration guidelines is required. As a condition of approval for 426-430 EASTERN AV. Case Number 2011-0133A the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael P. Bailey" or similar, written over the typed name.

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA
My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov



Baltimore County
Fire Department

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

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

October 20, 2010

ATTENTION: Kristen Mathews
ZAC 11/1/2010

RECEIVED

PDM Number no's.:

2011-0124-A

2011-0133-A

2011-0135-A

2011-0136-A

2011-0138-A

NOV 29 2010

ZONING COMMISSIONER

The fire marshal's office has no comments at this time.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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

RE: PETITION FOR VARIANCE * BEFORE THE
426-430 Eastern Avenue; N/S of Eastern *
Avenue, 225' W of c/line of Taylor Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): U.S. Construction, LLC * FOR
Contract Purchaser(s): Farhout Cheema *
Petitioner(s) * BALTIMORE COUNTY
* 2011-133-A

* * * * *

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
NOV 29 2010
ZONING COMMISSIONER

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 26th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED
OCT 26 2010
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - Re: Cases on Wednesday, December 1

From: Dennis Kennedy
To: Livingston, Jeffrey; Murray, Curtis; Zook, Patricia
Date: 11/29/2010 12:01 PM
Subject: Re: Cases on Wednesday, December 1
CC: Bostwick, Thomas; Richards, Carl

Patti:

We had no comments on Items 2011-0133, 2011-0135, or 2011-0138.

Dennis

>>> Patricia Zook 11/29/2010 10:19 AM >>>

Good morning gentlemen -

The following case files were delivered to our office late Friday afternoon and the files are missing all ZAC comments:

2011-0135-A

2011-0133-A

2011-0138-A (have a Planning comment on this one)

If you have 'no comment' you can reply to this e-mail and I'll print it and place it in the appropriate file.

As always, thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Files delivered Friday for Wednesday hearings - missing Entry of Appearance

From: Patricia Zook
To: Wheatley, Rebecca
Date: 11/29/2010 10:47 AM
Subject: Files delivered Friday for Wednesday hearings - missing Entry of Appearance
CC: Bostwick, Thomas

Hello Rebecca -

The following cases are missing the Peoples Counsel Entry of Appearance. The hearings are scheduled for Wednesday, December 1.

2011-0138-A
2011-0135-A
2011-0133-A

Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Cases on Wednesday, December 1

From: Patricia Zook
To: Kennedy, Dennis; Livingston, Jeffrey; Murray, Curtis
Date: 11/29/2010 10:19 AM
Subject: Cases on Wednesday, December 1
CC: Bostwick, Thomas

Good morning gentlemen -

The following case files were delivered to our office late Friday afternoon and the files are missing all ZAC comments:

2011-0135-A
2011-0133-A
2011-0138-A (have a Planning comment on this one)

If you have 'no comment' you can reply to this e-mail and I'll print it and place it in the appropriate file.

As always, thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Wednesday December 1 cases missing all ZAC comments & Peoples Counsel Entry of Appearance

From: Patricia Zook
To: Campbell, Rose; Lewis, Kristen
Date: 11/29/2010 10:14 AM
Subject: Wednesday December 1 cases missing all ZAC comments & Peoples Counsel Entry of Appearance
CC: Bostwick, Thomas

Ladies-

The following cases are missing all ZAC comments and Peoples Counsel Entry of Appearance.

2011-0138-A - also missing posting certification
2011-0135-A - also need violation packet for 0083050
2011-0133-A - have Planning Comment

I will need these documents as soon as possible!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

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

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

Account Identifier: District - 15 Account Number - 1516001220

Owner Information

Owner Name: U S CONSTRUCTION LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 10128 COLESVILLE RD Deed Reference: 1) /28570/ 210
SILVER SPRING MD 20901-2425 2)

Location & Structure Information

Premises Address Legal Description
430 EASTERN AVE
BALTIMORE MD 21221-6714 430 EASTERN AVE
ESSEX

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
97	8	374			A	I	12	3		3/ 15

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	6,000 SF	6,650.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2009	Phase-In Assessments As Of 07/01/2010	As Of 07/01/2011
Land	106,400	133,000		
Improvements:	136,300	151,800		
Total:	242,700	284,800	270,766	284,800
Preferential Land:	0	0	0	0

Transfer Information

Seller:	P & D REALTY LLC	Date:	08/26/2009	Price:	\$350,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/28570/ 210	Deed2:	
Seller:	REAL ESTATE MANAGEMENT	Date:	10/19/2005	Price:	\$310,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/22738/ 536	Deed2:	
Seller:	THOMPSON RICHARD C	Date:	03/15/2005	Price:	\$230,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/21555/ 421	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

CASE NAME 426-430 EASTERN AVE
CASE NUMBER 2011-133A
DATE Dec 1, 2010

[illegible]

Case No.:

2011-0133-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site plan (redlined)	
No. 2 A+B	photos of property (before renovation)	
No. 3	computer rendering of front building facade	
No. 4 A-D	photos of property (after renovation)	
No. 5	photo of handicapped space	
No. 6	enlargement of site plan detailing redlined parking configuration	
No. 7	tax record	
No. 8	elevation drawings	
No. 9		
No. 10		
No. 11		
No. 12		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1504501412

Owner Information

Owner Name: U S CONSTRUCTION LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 10128 COLESVILLE RD Deed Reference: 1) /29834/ 455
SILVER SPRING MD 20901-2425 2)

Location & Structure Information

Premises Address Legal Description
428 EASTERN AVE PT LT 11 .15 AC
428 EASTERN AVE
ESSEX

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	2	374			A	I	11	3	Plat Ref: 3/ 15

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	6,050 SF	6,535.00 SF	06

Stories Basement Type Exterior

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	104,500	130,700		
Improvements:	202,400	209,600		
Total:	306,900	340,300	329,166	340,300
Preferential Land:	0	0	0	0

Transfer Information

Seller: CHEEMA FARHAT	Date: 09/01/2010	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /29834/ 455	Deed2:
Seller: ESTATE OF CHARLES E CHLAN	Date: 12/04/2009	Price: \$325,000
Type: IMPROVED ARMS-LENGTH	Deed1: /28935/ 132	Deed2:
Seller: PECK C ALAN	Date: 04/28/2008	Price: \$82,000
Type: NOT ARMS-LENGTH	Deed1: /28935/ 132	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

PETITIONER'S

EXHIBIT NO. 7



PETITIONER'S

EXHIBIT NO. 4A-D

4A



4B



4C

RESTAURANT

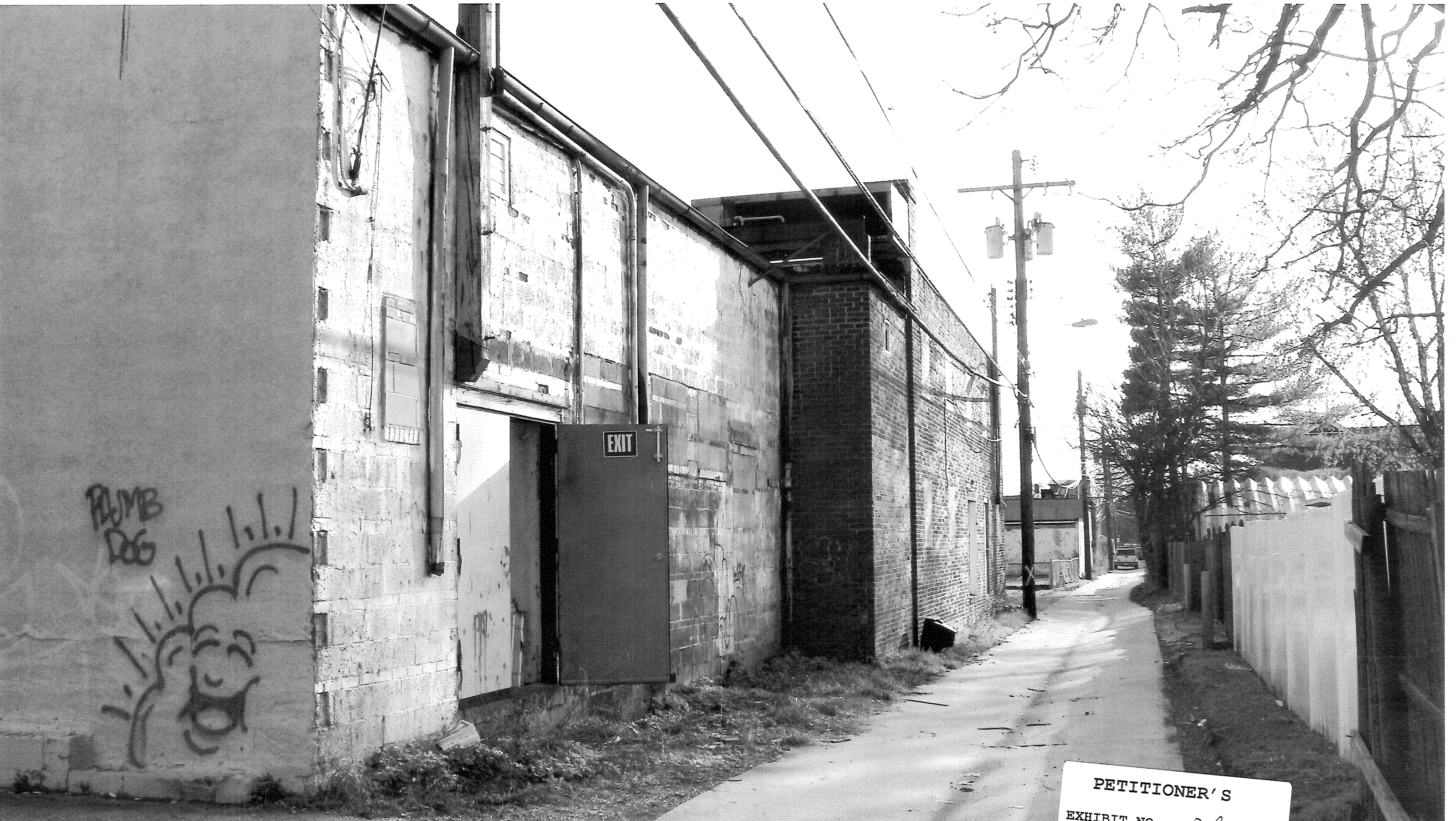
*Uncle
Eddie's*



PETITIONER'S

EXHIBIT NO.

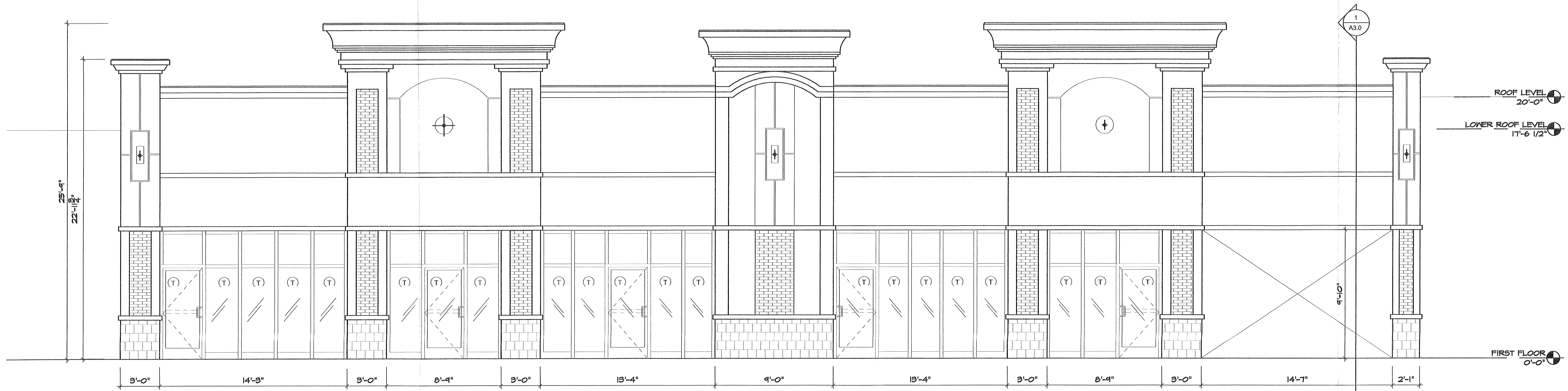
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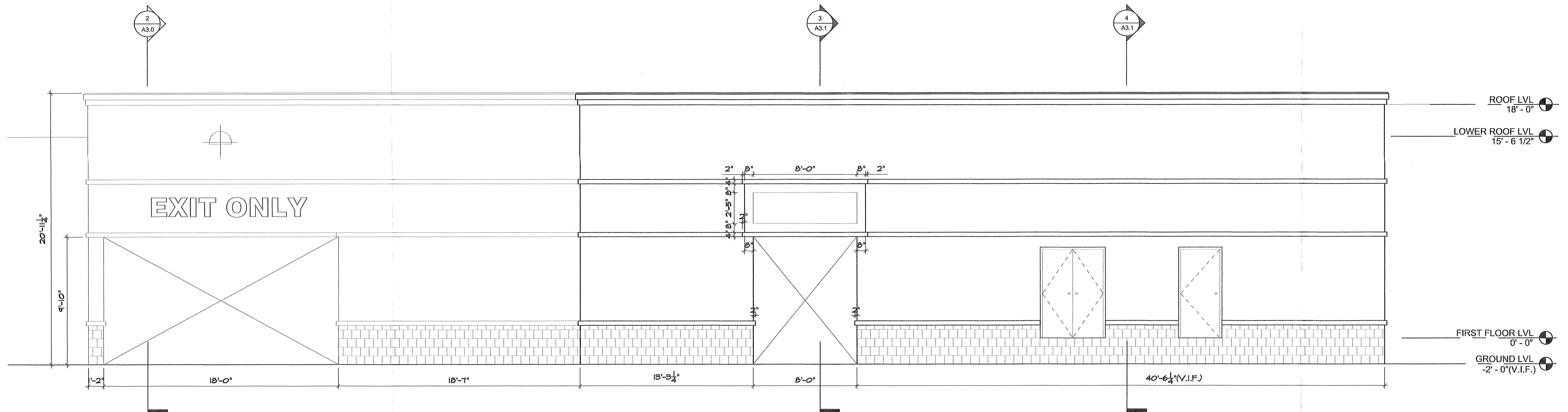
PETITIONER'S
EXHIBIT NO. 2B



PETITIONER'S
EXHIBIT NO. 2A

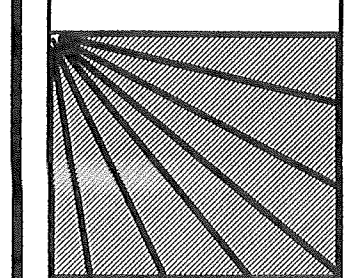


1 APPROVED FRONT ELEVATION
(APPROVED PERMIT # B730763)
SCALE : 1/4" = 1'-0"



2 REAR ELEVATION
SCALE : 1/4" = 1'-0"

PETITIONER'S
EXHIBIT NO. 8



SAA
ARCHITECTURE LLC.
Architecture / Planning
Siting, Functional,
Innovative Architecture
www.DesignedToLast.com

WASHINGTON OFFICE
8101 Sandy Spring Rd.
Suite 105
Lanham, MD 20707
phone 301.513.0890
fax 301.513.0155

CHARLOTTE OFFICE
417 East Boulevard
Suite 204
Charlotte, NC 28203
phone 704.423.0022
fax 704.328.0720

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* Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Architect under the laws of the state of Maryland, License No. 3329-A, Expiration Date: 9/14/2011*

426-428-430 EASTERN AVENUE
ESSEX, MARYLAND

It is the intent of these drawings and specifications to produce a complete project. In all cases the drawings and specifications must be reviewed, priced, estimated, and constructed in their entirety. The drawings are complementary to one another and the specifications. Anything shown or implied on any one drawing must be provided, installed and connected as though it was shown on all drawings and included in the original pricing. No request for additional cost, or change orders will be accepted by the owner from any contractor, subcontractor, supplier or installer that result from a failure to thoroughly review ALL the drawings, coordination with other trades, or thoroughly inspect the site to determine all existing conditions.

A	10-05-10	AB	PERMIT SET
MARK	DATE	MGR	RELEASE
SHEET STATUS			

APPROVED FRONT ELEVATION
REAR ELEVATION

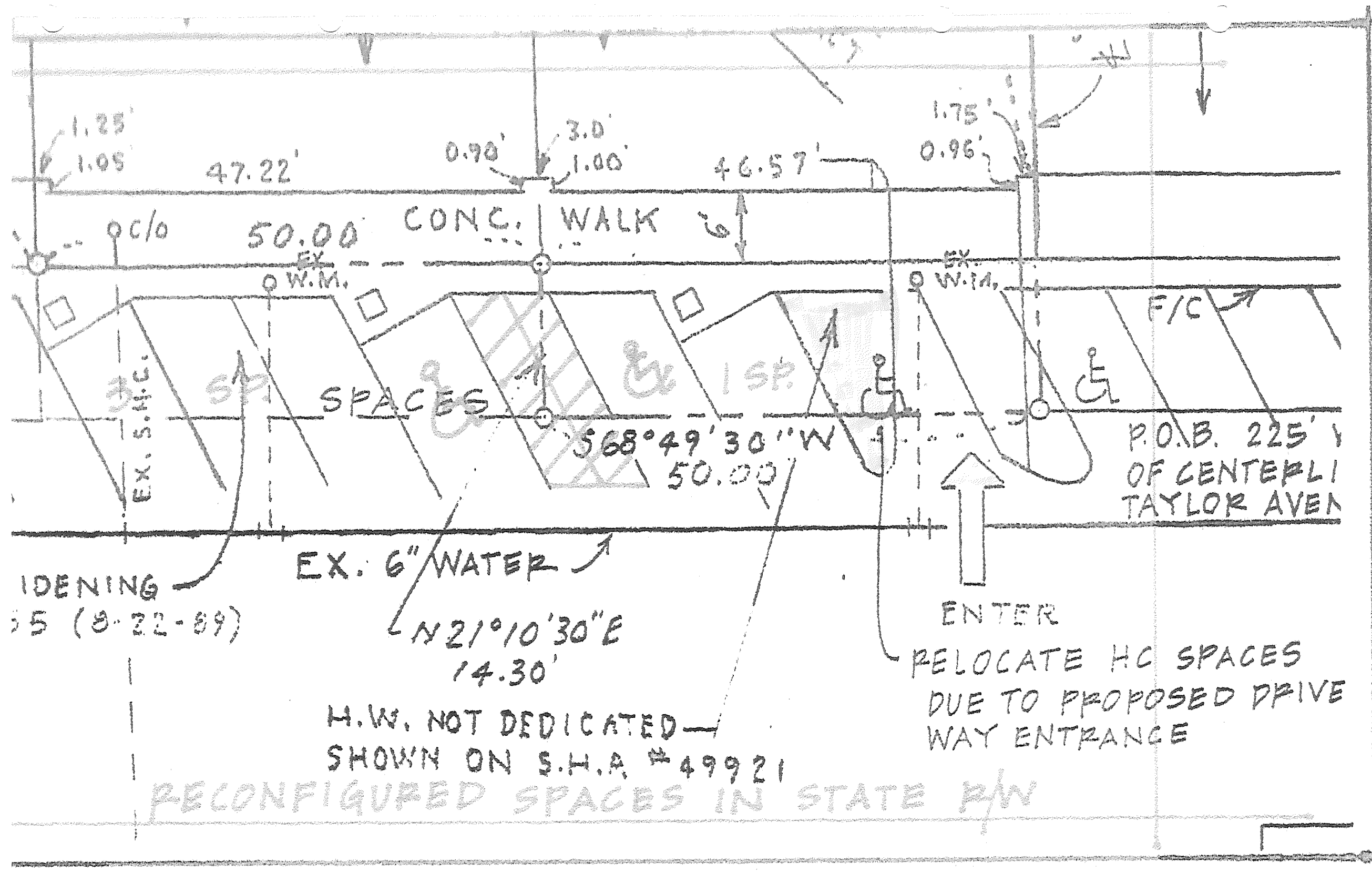
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CHK'D BY: RGS

JOB NO. 2010052

SHEET NO. A 2 D

70133



PETITIONER'S

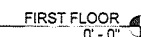
EXHIBIT NO.

6



WASHINGTON OFFICE 5101 Sandy Spring Rd. Suite 105 Laurel, MD 20707 phone 301.513.0900 fax 301.513.0115	CHARLOTTE 417 East Bowline Suite 204 Charlotte, N.C. 28202 phone 704.425.5100 fax 704.429.0500
--	--

CNSA ARCHITECTURE, LLC 2006
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[illegible]

FRONT ELEVATION
1/4" = 1'-0"

EXHIBIT NO. 3

DRAWN BY: AB

CHK'D BY: RGS

JOB NO.: 209053

SHEET NO.: A2.1

1502002450

Lot # 15

ALLEY

ALLEY

Lot # 5

200006925

Lot # 4

1519900410

Lot # 3

1519900010

Lot # 1

1520000440

Lot # 2

1520000440

Lot # 3

1519900010

Lot # 4

1519900410

Lot # 5

200006925

Lot # 6

1519900410

Lot # 7

1519900010

Lot # 8

1519900410

Lot # 9

1519900010

Lot # 10

1519900410

Lot # 11

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Lot # 12

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Lot # 13

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NE 2-G

DR 5.5

DORSEY AVE

15 ED

097A1

Pt. Bk. 3, Folio 14

DR 16

7 CD

BL CCC

EASTERN BLVD

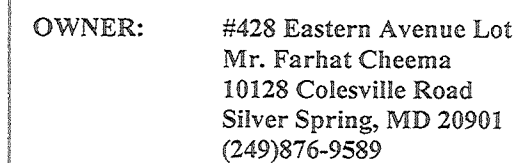
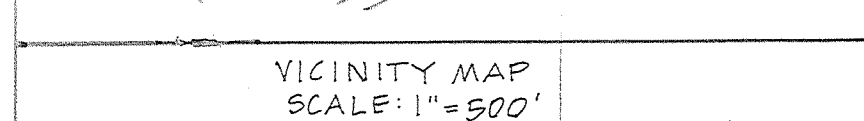
NE 1-G

EASTERN BLVD

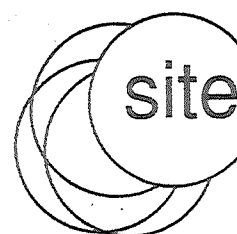
ALLEY

DR 5.5

#0133

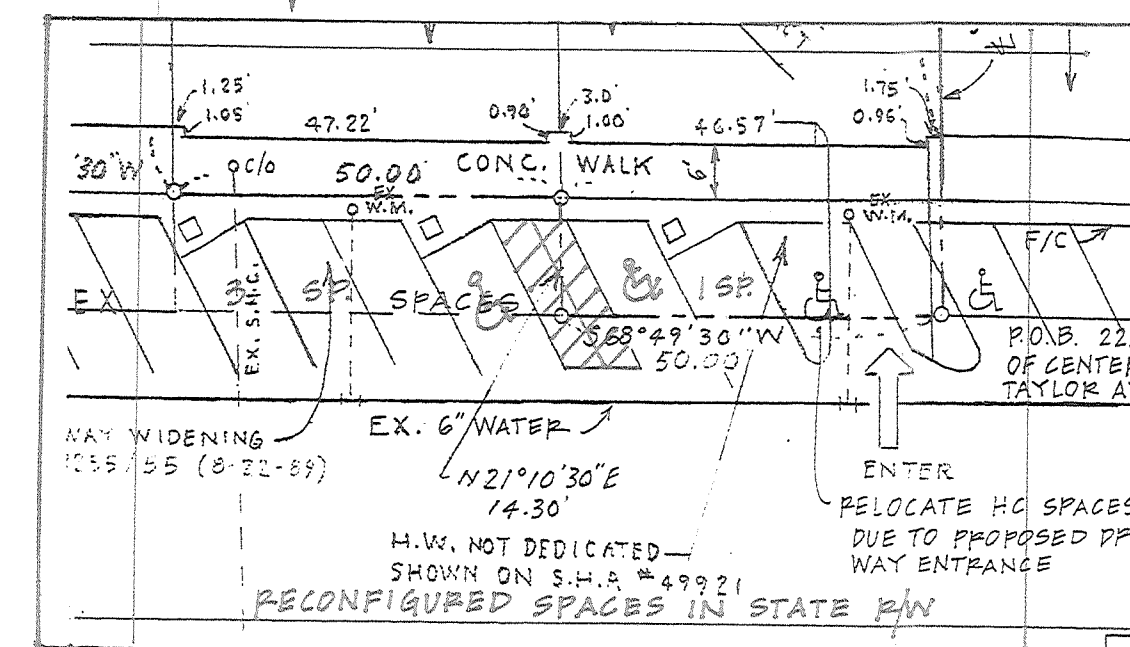


#430 Eastern Avenue Lot
US Construction LLC
c/o Mr. Farhat Cheema
10128 Colesville Road
Silver Spring, MD 20901

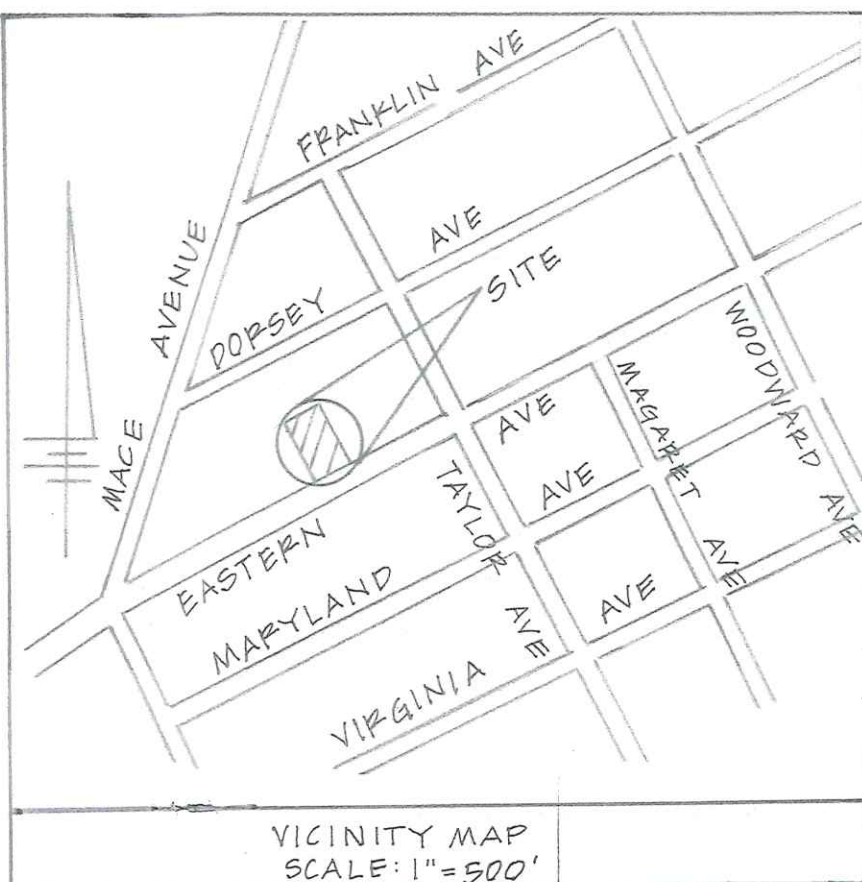


rite SURVEYING, INC.
200 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066

1. Existing Zoning: BL-CCC (097A1)
2. Lot Area: 13,185 S.F. / 0.302 Ac +/- (Total/Real Property Search)
3. Existing Use: Vacant (prior commercial use)
4. Proposed Use: Convenience Store, Laundromat, Garage and General Office
5. Existing parking spaces (7 regular spaces and 1 handicap space) are within the State Highway Right-of-way. No additional spaces are considered off-site
6. Required Spaces: Convenience Store: $6226.53 \times 5 \div 1000 = 32$ Spaces
Laundromat & Office: $3106 \text{ S.F.} \times 3.3 \div 1000 = 11$ Spaces
TOTAL: 43 (Less 2 Space for MTA Adjustment) = 41
7. Proposed Spaces: Spaces within the State Highway Right-of-Way are to be reconfigured to 4 regular spaces and 2 handicap spaces
Spaces within the Proposed Garage: 9 spaces (includes 4 compact spaces)
8. Any proposed sign will need to comply with Section 450 BCZR
9. Not located in an Historic District
10. Not located in a 100 Year Flood Plain Area
11. Not located in the Chesapeake Bay Critical Area
12. Located in the Essex Commercial Revitalization District
13. Property is serviced by the Mass Transit Administration Bus Route No. 4 (CCBC Essex Turner Station)
14. Property is part of a recorded Plat dated 1909
15. Property is serviced by public water and sewer
16. Property is not within any deficient area as shown on the 2010 Basic Service Maps for Water, Sewer and Transportation

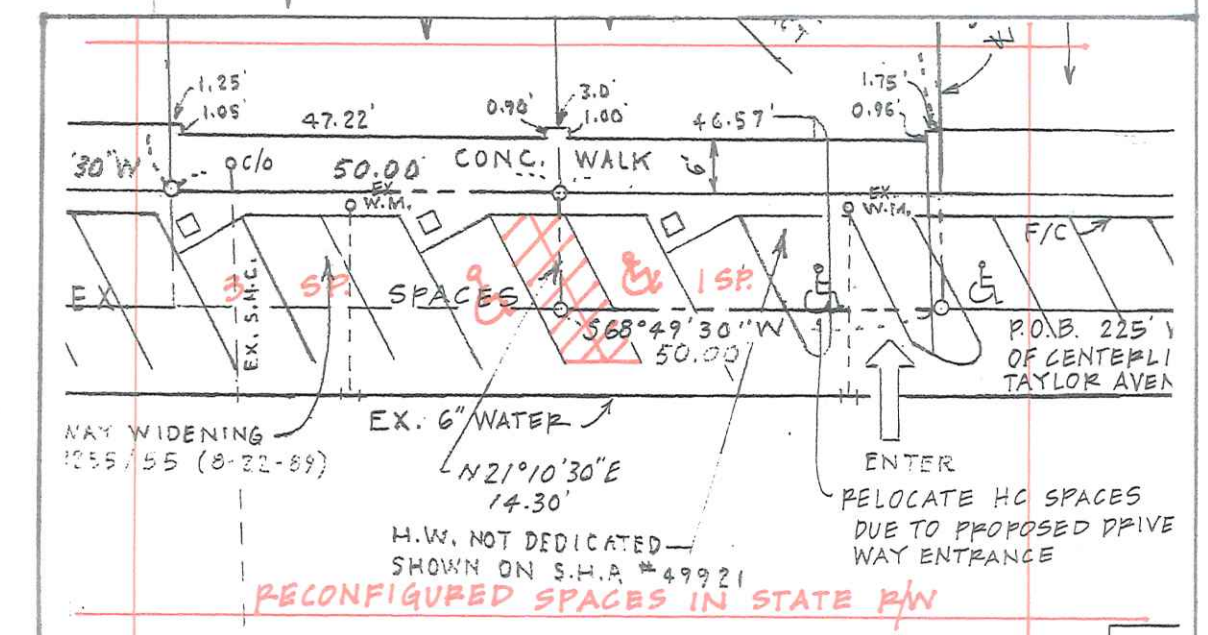
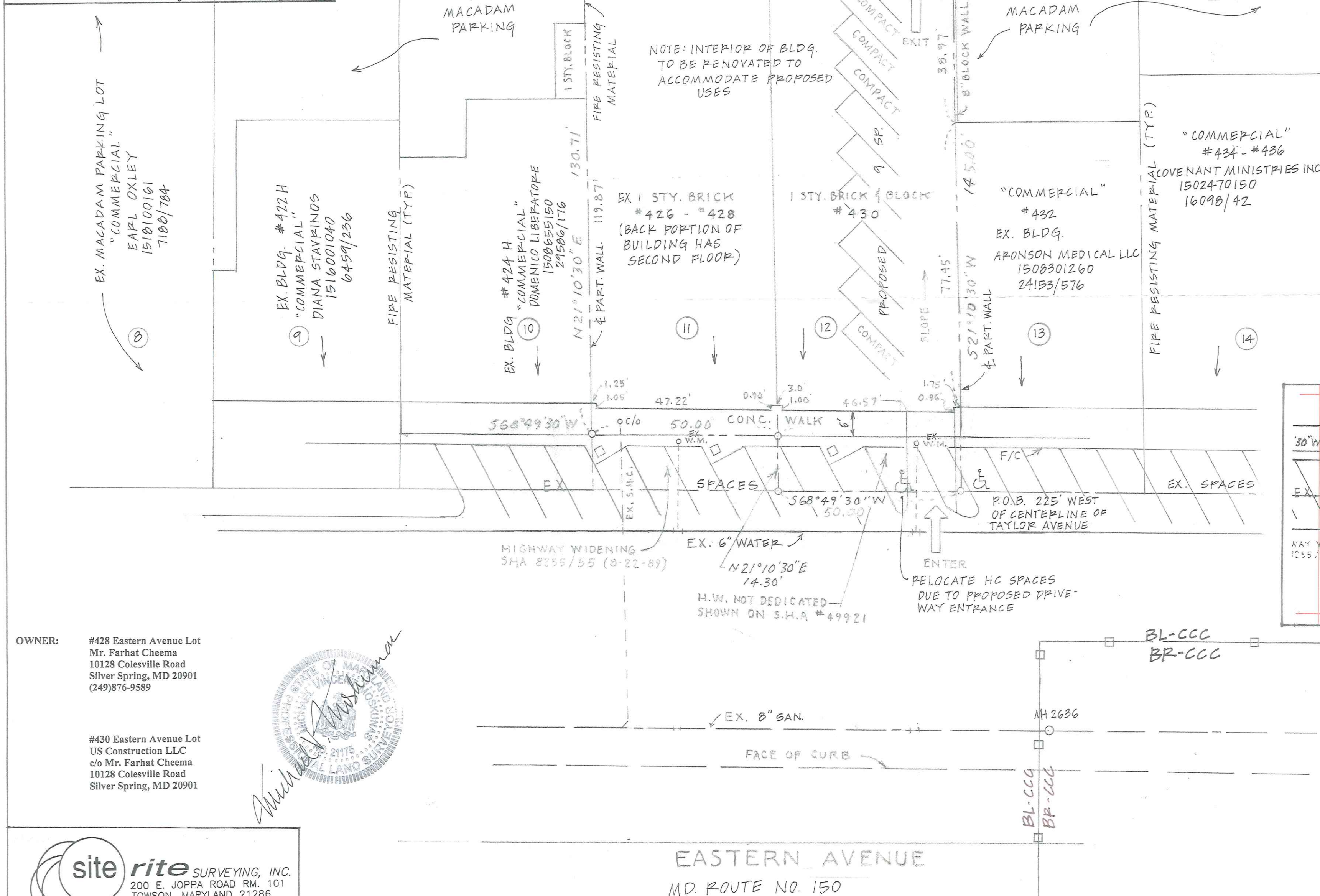


JOB #9923



GENERAL NOTES:

- Existing Zoning: BL-CCC (097A1)
- Lot Area: 13,185 S.F. / 0.302 Ac +/- (Total/Real Property Search)
- Existing Use: Vacant (prior commercial use)
- Proposed Use: Convenience Store, Laundromat, Garage and General Office
- Existing parking spaces (7 regular spaces and 1 handicap space) are within the State Highway Right-of-Way considered off-site
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- Property is serviced by public water and sewer
- Property is not within any deficient area as shown on the 2010 Basic Service Maps for Water, Sewer and Transportation



OWNER: #428 Eastern Avenue Lot
Mr. Farhat Cheema
10128 Colesville Road
Silver Spring, MD 20901
(249)876-9589

#430 Eastern Avenue Lot
US Construction LLC
c/o Mr. Farhat Cheema
10128 Colesville Road
Silver Spring, MD 20901



PLAN TO ACCOMPANY VARIANCE PETITION
"CHEEMA CENTER"
#426 - #430 Eastern Avenue
TAX MAP: 97 PARCEL: 374
Lots 11 & 12
"Essex" 3/15
TAX ACCT. NOS. 1504501412 & 1516001220
DEED REF.: 28935/132 & 28570/210
BALTIMORE COUNTY, MD
ELECTION DISTRICT NO. 15 C7
SCALE: 1" = 20'
October 7, 2010
JOB #9923