1/5/12

IN THE MATTER OF: **DAT T. TRAN** *Petitioner*	* BEFORE THE * BOARD OF APPEALS
1402 E. Joppa Road	* FOR
9th Election District 6th Councilmanic District	* BALTIMORE COUNTY * **Case No.: 2011-0366-ASA**

* *

OPINION

This matter comes before the County Board of Appeals of Baltimore County (hereinafter "Board") on an appeal of the September 13, 2011 Opinion and Order of the Administrative Law Judge for Baltimore County. Therein, Administrative Law Judge Timothy M. Kotroco granted certain zoning relief to permit the conversion of the subject property and improvements thereon for use as a nail salon. The adjacent property owners in interest, namely, Di Zhang and Yidion Dong (hereinafter "Appellants") filed a timely appeal on October 6, 2011. The matter then came before the Board at a public hearing on November 29, 2011. Appearing at that hearing were J. Neil Lanzi, Esquire, representing Petitioner/owner of the subject property, Dat T. Tran and Lawrence E. Schmidt, Esquire representing Appellants, Di Zhang and Yidion Dong, principals of DZD, LLC, the Maryland Limited Liability Company on title for 1404 East Joppa Road.

At the onset of the hearing, counsel informed the Board that, subsequent to the filing of the appeal by the Appellants and prior to the hearing before the Board, an agreement had been reached between the parties. This agreement relates to the proposed use of the property and the zoning relief to be granted in connection therewith; as well as the amendment of an existing private easement binding these adjacent properties. The parties requested that amended relief be granted, as hereinafter described, and that the case be presented through the proffer of counsel. This request was approved by the Board and the matter proceeded in that fashion.

Proffered testimony and evidence indicated the subject property located at 1402 East Joppa Road consists of 7,225 square feet or 0.16 acres and is currently zoned Residential-Office (RO). A one and a half story masonry building is located on the subject property which is being converted to a nail salon. The proposed nail salon will utilize the first floor while the second floor will be utilized for storage.

Mr. Lanzi proffered the following testimony on behalf of Henry Tran, brother of Owner, Dat T. Tran. Henry Tran will be the owner and operator of the nail salon business at the subject property along with his wife. Mr. Tran previously operated a nail salon business in a leased space near the subject property. The hours of operation for the nail salon business will be Monday through Saturday, 10:00 a.m. – 8:00 p.m. and Sunday, 11:00 a.m. – 4:00 p.m. Saturdays are typically the busiest day. Customers will be mostly by appointment, however, some walk-ins are anticipated. The purchase of the subject property and improvements to date have cost in excess of $300,000.00. Parking will be sufficient for employees and customers and the proposed improvements will be compatible with the various businesses, residences and offices in the area along the Joppa Road corridor.

Additional evidence presented and as shown on the site plan accepted as Exhibit No. 1, was that the Appellants own the adjacent property known as 1404 Joppa Road and use that property as their residence. Although they do not object to the proposed use, they object to the Petitioner's initial proposal which provided for the construction of a driveway between properties to a proposed parking lot in the rear. The Appellants fear that this proposed driveway (which would be constructed on both properties pursuant to a recorded easement which permits joint access in between the respective buildings) would detrimentally impact their property and cause an unsafe condition. Moreover, construction of that driveway and parking configuration

would necessitate a series of zoning variances; as more particularly described in Administrative Law Judge Kotroco's opinion and order.

In lieu of these concerns, the Petitioner, with the consent of the Board, amended the relief requested. In lieu of the variances required under the prior proposal, the Petitioner now seeks the approval of a modified parking plan, pursuant to Baltimore County Zoning Regulation ("BCZR") Section 409.12. The modified parking plan shows that the number of parking spaces required for this proposed use are in fact provided and the configuration of the proposed parking area is revised from the initial proposal. All of the parking is now provided in the front yard to take advantage of the existing means of access from Joppa Road and existing impervious surface. The modification requested relates to the configuration of the proposed lot.

Mr. Lanzi next proffered the following testimony on behalf of Thomas J. Hoff, landscape architect, who has testified before this Board as an expert landscape architect and expert in land use matters. The modified parking plan as shown on the site plan prepared by Mr. Hoff was offered and accepted as Petitioner's Exhibit 1. Exhibit 1 reflects the proposed nail salon, three standard parking spaces and one van accessible handicap space in the front yard and one employee parking space in the side yard. The modified parking plan was necessary as a result of the undue hardship upon Petitioner in order to meet the requirements for parking under Section 409 of the BCZR. This undue hardship includes the necessity of creating and paving a driveway between the subject property and 1404 East Joppa Road. Additional hardship includes the removal and relocation of an existing fence between the two properties and the elimination of natural/pervious area. Paving would have to be installed along the side of Petitioner's Property, through the neighbor's side yard and into the Petitioner's landscaped rear yard. The area as shown on the modified plan is paved and available for the proposed parking.

Mr. Hoff's further proffered testimony included his expert opinion that the modified parking plan as shown on Exhibit 1 meets the requirements of Section 409.8(B)(2) of the BCZR as follows:

i. The land being used for the modified parking plan adjoins the nail salon business;
ii. The modified parking plan is limited to passenger vehicles only;
iii. The modified parking plan reflects the limitation of no loading, service or uses other than parking;
iv. The modified parking plan shows that lighting will be restricted as to location, direction, glare and intensity;
v. The modified parking plan shows satisfactory parking arrangements and vehicle access;
vi. The modified parking plan provides for maintenance by the owner of the property and business; and
vii. The modified parking plan will not be detrimental to the health, safety or general welfare of the surrounding community.

Section 409.8B(1)(e)(4) of the BCZR requires Petitioner to meet the requirements of Section 502.1 of the BCZR and Mr. Hoff's further proffered expert testimony included the following opinions:

i. The modified parking plan will not be detrimental to the health, safety, general welfare of the area.
ii. The modified parking plan will not tend to create congestion in roads, streets or alleys.
iii. The modified parking plan will not create a potential hazard from fire, panic or other danger.
iv. The modified parking plan will not tend to overcrowd land or cause undue concentration of population.
v. The modified parking plan will not interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements.
vi. The modified parking plan will not interfere with adequate light and air.
vii. The modified parking plan will not be inconsistent with the purposes of the properties RO zoning classification or in any other way be inconsistent with the spirit and intent of the BCZR.
viii. The modified parking plan will not be inconsistent with the impermeable surface and vegetative retention provisions of the BCZR.
ix. The modified parking plan will not be detrimental to the environmental and natural resources of the site and vicinity.

A Certificate of Zoning Approval for Cosmetology or Barber Related Uses as signed by Arnold Jablon, Director, Permits, Approvals and Inspections, dated July 12, 2011, was offered and

accepted as Petitioner's Exhibit 2. Seven recent photographs taken by Mr. Hoff of the subject property and adjoining properties were offered and accepted as Petitioner's Exhibit 3.

The exhibits and further testimony proffered on behalf of Mr. Hoff confirmed the unique characteristics of the subject property which caused the BCZR to impact disproportionately on the subject property and thus resulting in practical difficulty or unreasonable hardship to the Petitioner. These characteristics included the narrow nature of the lot, the steep grade in the rear, the existence of the residence since 1942 and the fact the lot is surrounded by Joppa Road in the front and the Merritt Retail Center in the rear.

The only variance requested under the revised proposal is for signage. Across the street from the subject property and all along the Joppa Road corridor in this area are residential townhouses. Section 450.4, Attachment 1, Section A(5)(m) of the BCZR requires that in the event of a residential zone across from a RO zoned property, a variance is necessary for a freestanding identification sign. Proffered testimony described the proposed 15 square foot non-illuminated freestanding sign, no more than six feet in height, as essential for locating the business for existing and potential customers. The size and height of the proposed sign is in accordance with the sign regulations in the BCZR.

A Special Variance is also requested due to the property's location in a deficient traffic shed. The proffered testimony confirmed discussions had been held and plans reviewed by Mr. Hoff and Steve Weber of the Baltimore County Traffic Division with regard to the impact of the proposed nail salon business on the failing intersection located at Loch Raven Boulevard and East Joppa Road. Testimony confirmed that the distance of the subject property from the intersection, the small number of employees and potential customers and the hours of operation would result in little or no adverse impact on this intersection. In conclusion, counsel proffered on behalf of Mr. Hoff that

without the sign variance, special variance for traffic and modified parking plan, Petitioner would be unable to use the property for the permitted nail salon use.

On behalf of the Appellants, Di Zhang and Yidion Dong, Lawrence E. Schmidt, Esquire represented there was no objection to the modified parking plan and requested zoning relief for the proposed nail salon at the subject property.

DECISION

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions, which in pertinent part allows a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance request and where strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship. Under the Court of Special Appeals Decision in Cromwell v. Ward, 102 Md. App. 691, 1995 which sets forth the legal standard under which a variance may be granted, the Board of Appeals, hearing the case *De Novo,* is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. Once having established the property is unique, the Board must find the application of the zoning ordinances impose a practical difficulty and undue hardship on the Petitioner. Finally, the Board must determine whether the approval of the requested zoning relief will be contrary to the spirit and intent of the BCZR.

Upon consideration of the testimony and evidence offered during this hearing, the Board finds the subject property is unique because of its narrow size, steep slopes and 1942 structure. The proffered testimony of the proprietor, Henry Tran and Petitioner's expert Thomas J. Hoff, was uncontradicted by the Appellants. Having established the property is unique, the Board finds the application of the zoning ordinances impose a practical difficulty and undue hardship on the Petitioner. The Board finds as a matter of fact, the location of the subject property in an RO zone

across from a townhouse community located in a Density Residential (DR) zone and its location at the outer boundary of a failing intersection area result in practical difficulty upon the Petitioner. The Board finds as a matter of fact, that the steep topography, narrow lot and limited area between the Petitioner's property and the Appellant's property renders the proposed location of the modified parking appropriate. None of these factors were self-imposed by the Petitioner. The Board finds the uncontradicted evidence establishes there will be no injury to public safety, health and general welfare by the granting of the requested zoning relief nor will approval be contrary to the spirit and intent of the BCZR.

In conclusion, the Board is unanimous in granting the amended zoning relief; to wit, (i) Petition for Special Hearing pursuant to Section 500.7 for the approval of a modified parking plan pursuant to Section 409.12 of the BCZR; (ii) Petition for Variance from Section 450.4, Attachment 1, Section A(5)(m) of the BCZR to allow a freestanding sign in a RO zoned property facing residentially zoned property; and (iii) Petition for Special Variance from Section 4A02.4(D) to allow twelve (12) peak hour trips in lieu of the permitted zero number of peak hour trips.

ORDER

THEREFORE, it is this 5th day of January, 2012, by the Board of Appeals for Baltimore County,

ORDERED, the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations to approve the modified parking plan pursuant to Section 409.12; the Petition for Variance from Section 450.4, Attachment 1, Section A(5)(m) of the BCZR to allow a freestanding sign facing residentially zoned property and, the Petition for Special Variance

from Section 4A02.4(D) to allow twelve (12) peak hour trips in lieu of the permitted zero number of peak hour trips, be and the same are hereby **GRANTED**.

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

Lawrence S. Wescott, Chairman

Wendy A. Zerwitz

Edward W. Crizer, Jr.

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

January 5, 2012

J. Neil Lanzi, Esquire
Mercantile Building, Ste 617
409 Washington Avenue
Towson, MD 21204

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

RE: *In the Matter of: Dat Tran – Legal Owner/Petitioner*
Case No.: 11-366-ASA

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order 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,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Dat T. Tran
Thomas J. Hoff
Yidian Dong
Douglas Sachse, Esquire
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Hung Q. Tran
Di Zhang
Annamaria Walsh, Esquire
Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Judge
Michael Field, County Attorney, Office of Law

9/13/11

IN RE: PETITIONS FOR VARIANCE AND SPECIAL VARIANCE N Side of East Joppa Road, 209′ E of c/line of Drumwood Road 9th Election District 6th Councilmanic District **(1402 East Joppa Road)** Dat T. Tran *Petitioner*	* * * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2011-0366-ASA**

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

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of Petitions for Variance and Special Variance filed by the Dat T. Tran, legal owner. The Petitioner requested variance relief pursuant to Section 307 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- Section 409.8A(4) to allow an 8 foot setback for a parking space from the right-of-way line in lieu of the required 10 feet,
- Section 409.8A(1) to allow a 3 foot landscape strip in between paved surfaces and lot lines adjacent to commercial uses in lieu of the required 6 feet,
- Section 409.8A(1) to allow a .7 foot setback from the face of the building to the parking lot edge in lieu of the 6 feet required,
- Section 202.3(C)(2)(b) to allow a 3 foot setback from the property lines in lieu of the required 10 feet,
- Section 202.3(C)(2)(c) to allow 1 van accessible parking space to be located in the front yard in lieu of the side and rear yards,
- Section 409.4(C) to allow a two way drive aisle of 10 feet in lieu of the 22 feet required, and
- Section 450.4, Attachment "A" 5(m) to allow a freestanding sign facing residentially zoned property.

In addition, Petitioner is requesting a Special Variance pursuant to Section 4A02.4(G) of the B.C.Z.R. to allow 12 peak hour trips in lieu of the permitted zero number of peak hour trips. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING
Date 9-13-11
By

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 received July 15, 2011, which indicate as follows:

> "The Office of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests several variances to facilitate the proposed nail salon to be located on the subject property. The proposed parking and landscaping included on the site plan would not be detrimental to the adjacent neighbors and the community.
>
> Due to the challenges of the site such as topography and ADA requirements, the Office of Planning recommends granting the petitioner's seven requested variances.
>
> The Office of Planning also recommends approval of the Special Variance, as the proposed business would begin daily operations after peak hours with regard to traffic on Joppa Road.
>
> Lastly, no retail uses shall be permitted for this non-retail, service use, located in a residential zone."

A ZAC comment was also received from the Bureau of Development Plans Review, dated July 6, 2011, which indicates as follows:

> "We do not oppose granting of the variance request for items 1 through 7. Regarding the special variance, the proposed nail salon would generate relatively few peak hour trips and given its distance from the failing intersection, we do not oppose granting the variance. We could actually be in favor of granting the variance if the petitioner would offer some form of mitigation such as restricting business hours to non-peak times."

Appearing at the public hearing in support of the Petition was Dat T. Tran, legal owner, and Thomas J. Hoff of Thomas J. Hoff, Inc., the professional engineer who prepared the site plan. J. Neil Lanzi, Esquire appeared as counsel representing the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. Appearing in opposition to this request were Di Zhang and Yidian

ORDER RECEIVED FOR FILING
Date 9-13-11
By

Dong, adjacent property owners and Annamaria Walsh, Esquire and Douglas Sachse, Esquire, their representatives.

Testimony and evidence offered at the hearing demonstrated that the property which is the subject of this special variance and variance requests consists of a gross area of 0.16 acres, more or less, and is zoned R.O. The subject property is located on the north side of East Joppa Road near its intersection with Drumwood Road. The property is improved with a 1-½ story masonry single-family dwelling. The property is zoned R.O. and the owner of the property, Dat Tran, is desirous of converting the former dwelling into a nail salon. The Petitioner testified that he currently operates a nail salon at 203 East Joppa Road. He pays rent at that location. He and his brother recently purchased the property which is the subject of this request and is in the process of converting the dwelling into a nail salon. Mr. Tran is interested in relocating his business from 203 East Joppa Road to this location and in lieu of paying rent will own the premises.

Mr. Tran testified briefly regarding the type of business he hopes to operate within this property. As stated previously, he currently operates a nail salon where he works along with his wife, who is a part-time technician. They also employ a part-time worker who is Mr. Tran's sister-in-law. Their hours of operation are basically 10 AM to 8 PM, Monday through Saturday with hours on Sunday from 11 AM to 4 PM. Mr. Tran has been working on the interior of the house in order to convert it to a nail salon; however, in order to make the exterior improvements to the property the variance relief as previously cited is necessary. A review of Petitioner's Exhibit 1, the site plan submitted into evidence and prepared by Thomas J. Hoff, indicates that Mr. Tran is desirous of paving a parking area in the rear yard of the property with a driveway to the side of the building whereupon customers can park. The driveway will lead out to East Joppa Road where Mr. Tran and his customers will have access to the property. He also proposes to provide a

ORDER RECEIVED FOR FILING
Date 9-13-11
By 193

handicapped parking space in front of the dwelling adjacent to Joppa Road. A review of the surrounding properties along East Joppa Road in this area of Towson indicates that many of the other properties along this stretch of Joppa Road have already converted these former dwellings into businesses and have provided paved macadam surfaces for their customers similar to what Mr. Tran wishes to do at this location.

Also appearing and testifying on behalf of the Petitioner's request was Mr. Thomas Hoff. Mr. Hoff submitted into evidence several photographs of the subject property as well as surrounding properties. He also testified regarding some improvements that the Petitioner has been requested to make to East Joppa Road by the Baltimore County Bureau of Traffic Engineering. He testified that in his expert opinion the subject property will function well as a nail salon given the limited number of customers that come in any given time and the amount of parking that will be provided for those customers. Mr. Hoff also testified about the special variance request given that the subject property is located on the outer perimeter of the failing traffic shed. The failing intersection in question is located at Loch Raven and Joppa Road. That intersection is functioning at a current level "F". In order to convert the subject property to a business use, the special variance is necessary to provide relief from the regulations pertaining to failing intersections.

Mr. Hoff testified that the intersection at Loch Raven and Joppa Road fails in the morning hours between 7 AM and 9 AM only. It does not fail in the evening hours. He also stated that the Petitioner's business does not open until 10 AM, one hour after the morning rush hour traffic passes through that intersection; therefore, Mr. Hoff opined that this particular nail salon will not have an adverse impact on that intersection given the fact that it does not even open for business until one hour after the intersection ceases to fail.

ORDER RECEIVED FOR FILING
Date 9-13-11
By

As stated previously, the adjacent property owners appeared and testified in opposition to the Petitioner's request. Ms. Di Zhang testified that she owns and resides at 1404 East Joppa Road, which is the property located to the east of the subject site. Ms. Zhang testified that she uses her property as a residence even though it is zoned R.O. Residential use is certainly a permitted use in the R.O. zone. Ms. Zhang resides in the property with her 21-month old baby and her husband. She is very much concerned over the safety of her child playing on their property given the amount of vehicular traffic that will come and go to this nail salon. She requests that the variance relief be denied.

In this case, relief is requested because the intersection of Loch Raven Boulevard and East Joppa Road is a failing intersection. It has been graded as an "F" level of service intersection and the "shed" of this intersection includes the subject property. As the subject property is located within that shed, building permits cannot be issued nor development approval given until the intersection is improved and no longer failing or special variance relief is granted.

Obviously, the manner in which a proposed development will impact specific directions/movements in the intersection is a significant consideration in determining the merits of a special variance request. The testimony in this case revealed that this business will open no earlier than 10 AM on any given day. The intersection in question fails only during the morning rush hours between 7 AM to 9 AM.

Thus, based on the above, it is clear there will be no impact from the development of the subject property on the failing intersection during its peak volume. It is equally clear that existing traffic patterns, anticipated road improvements, the contemplated volume direction and timing of traffic to and/or from the proposed development are all factors that weigh in favor of a finding that

ORDER RECEIVED FOR FILING
Date 9-13-11
By 103

the anticipated impact of this development will have no impact on the intersection during the time that it fails.

Based upon the foregoing, I find that the testimony and evidence that has been offered is sufficient to comply with the special variance standard set forth in Section 4A03.4.G of the B.C.Z.R. Thus, the Petition for Special Variance shall be granted and relief approved so that the proposed development may be approved and building permits issued for this project, notwithstanding its location within the shed of a failing intersection.

In addition, after considering all the testimony and evidence presented at the hearing, including the testimony in opposition thereto, I am persuaded to grant the request for 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. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

I further find that the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that the variances can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the Petition for Variances should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge of Baltimore County, this 13th day of September, 2011 that the Petition for Variance from Section 307 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- Section 409.8A(4) to allow an 8 foot setback for a parking space from the right-of-way line in lieu of the required 10 feet,

ORDER RECEIVED FOR FILING
Date 9-13-11
By

- Section 409.8A(1) to allow a 3 foot landscape strip in between paved surfaces and lot lines adjacent to commercial uses in lieu of the required 6 feet,
- Section 409.8A(1) to allow a .7 foot setback from the face of the building to the parking lot edge in lieu of the 6 feet required,
- Section 202.3(C)(2)(b) to allow a 3 foot setback from the property lines in lieu of the required 10 feet,
- Section 202.3(C)(2)(c) to allow 1 van accessible parking space to be located in the front yard in lieu of the side and rear yards,
- Section 409.4(C) to allow a two way drive aisle of 10 feet in lieu of the 22 feet required, and
- Section 450.4, Attachment "A" 5(m) to allow a freestanding sign facing residentially zoned property,

be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Variance pursuant to Section 4A02.4(G) of the B.C.Z.R. to allow 12 peak hour trips in lieu of the permitted zero number of peak hour trips, be and is hereby GRANTED.

The relief granted herein is subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner shall comply with the Zoning Advisory Committee (ZAC) comments received from the Office of Planning dated July 8, 2011, and the Bureau of Development Plans Review, dated July 6, 2011; copies of which are attached and made a part hereof.

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

ORDER RECEIVED FOR FILING
Date 9-13-11
By DJ

TMK:dlw

Timothy Kotroco
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: July 8, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1402 Joppa Road

INFORMATION:

Item Number: **11-366**

Petitioner: Dat T. Tran

Zoning: **RO**

Requested Action: **Variance**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests several variances to facilitate the proposed nail salon to be located on the subject property. The proposed parking and landscaping included on the site plan would not be detrimental to the adjacent neighbors and the community.

Due to the challenges of the site such as topography and ADA requirements, the Office of Planning recommends granting the petitioner's seven requested variances.

The Office of Planning also recommends approval of the Special Variance, as the proposed business would begin daily operations after peak hours with regard to traffic on Joppa Road.

Lastly, no retail uses shall be permitted for this non-retail, service use, located in a residential zone.

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

Prepared by: Cindy Murray

Division Chief: Lynn Lolar
JM/LL: CM

RECEIVED
JUL 15 2011
OFFICE OF ADMINISTRATIVE HEARINGS

ORDER RECEIVED FOR FILING
Date 9-13-11
By

W:\DEVREV\ZAC\ZACs 2011\11-366.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: July06, 2011

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

DAK

SUBJECT: Zoning Advisory Committee Meeting
For July 11, 2011
Item No. 2011-366

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

We do not oppose granting of the variance request for items 1 through 7.
Regarding the special variance, the proposed nail salon would generate relatively few peak hour trips and given its distance from the failing intersection, we do not oppose granting the variance. We could actually be in favor of granting the variance if the petitioner would offer some form of mitigation such as restricting business hours to non- peak times.

ORDER RECEIVED FOR FILING
Date 9-13-11
By

DAK:CEN
cc: File
ZAC-ITEM NO 11-366-072011.doc

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

September 13, 2011

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

Re: Petitions for Variance and Special Variance
Case No. 2011-0366-ASA
Property: 1402 East Joppa Road

Dear Mr. Lanzi:

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 the appeals clerk at 410-887-3391.

Sincerely,

Timothy Kotroco

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/dlw
Enclosure

c: Annamaria Walsh, Esquire and Douglas Sachse, Esquire
606 Baltimore Avenue, #402
Towson, MD 21204

SPECIAL

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1402 East Joppa Road
which is presently zoned RO

Deed Reference: 30782 / 095 Tax Account # 0923500230

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.)

See attached

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi, Esquire
Name - Type or Print

Signature

J. Neil Lanzi, P.A.
Company

409 Washington Ave, Suite 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Dat T. Tran
Name - Type or Print

X
Signature

Name - Type or Print

Signature

1402 E. Joppa Road
Address Telephone No.

Baltimore, MD 21286
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi, Esquire
Name

409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

Case No. 2011-0366-ASA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by A-TSMI Date 6/22/11

ORDER RECEIVED FOR FILING

Date 9-13-11

By DW

REV 8/20/07

Petition for Special Variance

Petitioner, Dat T. Tran for the property known as 1402 East Joppa Road, hereby files this Petition for Special Variance pursuant to Section 4A02.4(G) of the Baltimore County Zoning Regulations (BCZR) as follows:

1. Variance from Section 4A02.4(D) to allow twelve (12) peak hour trips in lieu of the permitted zero number of peak hour trips.

The Administrative Hearing Officer may grant a Petition for Special Variance upon finding the demand or impact of the proposed development will be less than assumed by the district standard that would otherwise restrict or prohibit the development. Petitioner will provide additional reasons at the hearing in support of the Special Variance.

2011-0366-ASA

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 1402 East Joppa Road

which is presently zoned RO

Deed Reference: 30782 / 095 Tax Account # 0923500230

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.)

See attached

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi, Esquire

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Suite 617 410-296-0686

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Dat T. Tran

Name - Type or Print

X Signature

Name - Type or Print

Signature

1402 E. Joppa Road

Address Telephone No.

Baltimore, MD 21286

City State Zip Code

Representative to be Contacted:

J. Neil Lanzi, Esquire

Name

409 Washington Ave, Ste 617 410-296-0686

Address Telephone No.

Towson, MD 21204

City State Zip Code

Case No. 2011-0366-ASA

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by A. TSUI Date 6/22/11

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 9-13-11

By

Petition for Variance

Petitioner, Dat T. Tran for the property known as 1402 East Joppa Road, hereby petitions the Administrative Hearing Officer for variances pursuant to Section 307 of the Baltimore County Zoning Regulations (BCZR) as follows:

I Variance from Section 409.8A(4) of the BCZR to allow an eight (8) foot setback for a parking space from the right of way line in lieu of the required ten (10) feet.

2. Variance from Section 409.8A(1) of the BCZR to allow a three (3) foot landscape strip in between paved surfaces and lot lines adjacent to commercial uses in lieu of the required six (6) feet.

3. Variance from Section 409.8A(1) of the BCZR to allow a .7 foot setback from the face of the building to the parking lot edge in lieu of the six (6) feet required.

4. Variance from Section 202.3(C)(2)(b) of the BCZR to allow a three (3) foot setback from the property lines in lieu of the required ten (10) feet.

5. Variance from Section 202.3(C)(2)(c) of the BCZR•to allow one van accessible parking space to be located in the front yard in lieu of the side and rear yards.

6 Variance from Section 409.4(C) of the BCZR to allow a two way drive aisle of • ten (10) feet in lieu of the twenty-two (22) feet required.

7. Variance from Section 450.4, Attachment "A".5.(m) of the BCZR to allow a freestanding sign facing residentially zoned property.

The Administrative Hearing Officer has the power to grant variances that will not be

2011-0366-ASA

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

June 16, 2011

Description of 1402 East Joppa Road to Accompany Petition for Variances and Special Variance, 9th Election District

BEGINNING FOR THE SAME at a point on the north side of East Joppa Road, 209 feet more or less east of the centerline of Drumwood Road (50' R/W).

Thence binding on the north side of East Joppa Road,

1) By a curve to the right with a radius of 3182.68 feet and a length of 49.63 feet, subtended by the chord South 87 degrees 28 minutes 33 seconds East 49.63 feet, thence leaving the north side of East Joppa Road,
2) North 02 degrees 38 minutes 59 seconds East 120.19 feet, thence,
3) South 88 degrees 51 minutes West 47.00 feet, thence,
4) South 03 degrees 59 minutes 06 seconds West 117.21 feet, to the place of beginning.

Containing 0.13 acres of land more or less.

Note:
This Description has been prepared for zoning purposes only.

STATE OF MARYLAND
THOMAS HOFF
No. 493
REGISTERED
LANDSCAPE ARCHITECT

2011-0366-ASA

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

No. 70366

Date: 6/2/11

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				770.—

Total: $770.—

Rec From: HUNG Q. TRAN

For: 1402 E. JOPPA RD

2011-0366-A (VARIANCE + SPEC. VARIANCE)

FILED BY: TOM HOFF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0366-ASA
1402 East Joppa Road
N/side of East Joppa Road, 209 feet east of centerline of Drumwood Road
9th Election District - 6th Councilmanic District
Legal Owner(s): Dat Tran
Variance: to allow an 8 foot setback for a parking space from the right of way line in lieu of the required 10 feet; to allow a 3 foot landscape strip in between paved surfaces and lot lines adjacent to commercial uses in lieu of the required 6 feet; to allow a 7 foot setback from the face of the building to the parking lot edge in lieu of the 6 feet required; to allow a 3 foot setback from the property lines in lieu of the required 10 feet; to allow one van accessible parking space to be located in the front yard in lieu of the side and rear yards; to allow a two way drive aisle of 10 feet in lieu of the 22 feet required to allow a freestanding sign facing residentially zoned property
Special Variance to allow 12 peak hour trips in lieu of the permitted 0 number of peak hour trips.
Hearing: Tuesday, August 9, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 07/704 July 26 282041

CERTIFICATE OF PUBLICATION

7/28/, 2011

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 7/26/, 2011.

- [x] 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. 2011-0366-ASA

Petitioner/Developer THOMAS I. HOFF

Date Of Hearing/Closing: 8/9/11

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

Attention:

Ladies and Gentlemen

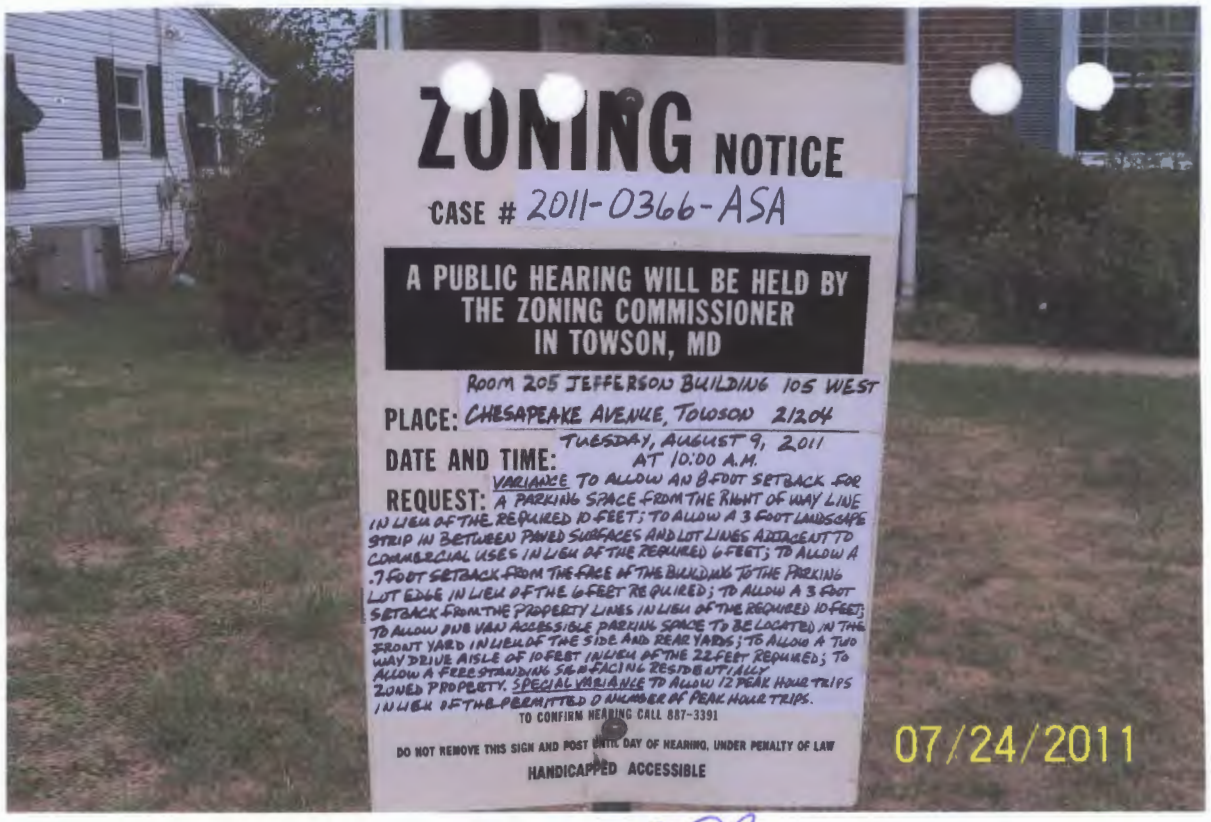
This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 1402 EAST JOPPA RD

This sign(s) were posted on July 24, 2011
Month, Day, Year

Sincerely,

7/24/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411


ZONING NOTICE
CASE # 2011-0366-ASA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD
PLACE: ROOM 205 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: TUESDAY, AUGUST 9, 2011 AT 10:00 A.M.
REQUEST: VARIANCE TO ALLOW AN 8 FOOT SETBACK FOR A PARKING SPACE FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10 FEET; TO ALLOW A 3 FOOT LANDSCAPE STRIP IN BETWEEN PAVED SURFACES AND LOT LINES ADJACENT TO COMMERCIAL USES IN LIEU OF THE REQUIRED 6 FEET; TO ALLOW A .7 FOOT SETBACK FROM THE FACE OF THE BUILDING TO THE PARKING LOT EDGE IN LIEU OF THE 6 FEET REQUIRED; TO ALLOW A 3 FOOT SETBACK FROM THE PROPERTY LINES IN LIEU OF THE REQUIRED 10 FEET; TO ALLOW ONE VAN ACCESSIBLE PARKING SPACE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE SIDE AND REAR YARDS; TO ALLOW A TWO WAY DRIVE AISLE OF 10 FEET IN LIEU OF THE 22 FEET REQUIRED; TO ALLOW A FREE STANDING SIGN FACING RESIDENTIALLY ZONED PROPERTY. SPECIAL VARIANCE TO ALLOW 12 PEAK HOUR TRIPS IN LIEU OF THE PERMITTED 0 NUMBER OF PEAK HOUR TRIPS.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE
07/24/2011

7/24/11

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

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

October 31, 2011

NOTICE OF DELIBERATION IMMEDIATELY FOLLOWING THE CONCLUSION OF THE HEARING

CASE #: 11-366-ASA **IN THE MATTER OF:** Dat T. Tran- Legal Owner/Petitioner
1402 East Joppa Road/9th Election District; 6th Councilmanic District

Re: Petition for Variance to allow

1. an eight foot setback for a parking space from the right of way line in lieu of required ten feet;
2. a three foot landscape strip in between paved surfaces and lot lines adjacent to commercial uses in lieu of the required six feet;
3. a .7 foot setback from the face of the building to the parking lot edge in lieu of the six feet required;
4. a three foot setback from the property lines in lieu of the required ten feet;
5. one van accessible parking space to be located in the front yard in lieu of the side and rear yards;
6. a two way drive aisle of ten feet in lieu of the twenty-two feet required;
7. a freestanding sign facing residentially zoned property;

Petition for Special Variance to allow twelve peak hour trips in lieu of the permitted zero number of peak hour trips.

9/13/11 -Opinion and Order of the Administrative Law Judge Granting relief as requested with restrictions.

Having concluded this matter on 11/29/11, a public deliberation has been scheduled *IMMEDIATELY FOLLOWING THE CONCLUSION/CLOSING ARGUMENTS OF THIS MATTER, WHICH IS SCHEDULED AS FOLLOWS:*

DATE AND TIME : **TUESDAY, NOVEMBER 29, 2011**
AT THE CLOSE OF THE HEARING

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Counsel for Petitioner/Legal Owner : J. Neil Lanzi, Esquire
Petitioner/Legal Owner : Dat T. Tran

Protestants/Appellants : Di Zhang
: Yidian Dong

Hung Q. Tran
Thomas J. Hoff
Annamaria Walsh, Esquire
Douglas Sachse, Esquire

Office of People's Counsel Lawrence M. Stahl, Managing Administrative Judge Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

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

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

October 28, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-366-ASA **IN THE MATTER OF:** Dat T. Tran- Legal Owner/Petitioner
1402 East Joppa Road/9th Election District; 6th Councilmanic District

Re: Petition for Variance to allow

1. an eight foot setback for a parking space from the right of way line in lieu of required ten feet;
2. a three foot landscape strip in between paved surfaces and lot lines adjacent to commercial uses in lieu of the required six feet;
3. a .7 foot setback from the face of the building to the parking lot edge in lieu of the six feet required;
4. a three foot setback from the property lines in lieu of the required ten feet;
5. one van accessible parking space to be located in the front yard in lieu of the side and rear yards;
6. a two way drive aisle of ten feet in lieu of the twenty-two feet required;
7. a freestanding sign facing residentially zoned property;

Petition for Special Variance to allow twelve peak hour trips in lieu of the permitted zero number of peak hour trips.

9/13/11 -Opinion and Order of the Administrative Law Judge Granting relief as requested with restrictions.

ASSIGNED FOR: TUESDAY, NOVEMBER 29, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

---

c: Counsel for Petitioner/Legal Owner : J. Neil Lanzi, Esquire
Petitioner/Legal Owner : Dat T. Tran

Protestants/Appellants : Di Zhang
: Yidian Dong

Hung Q. Tran
Thomas J. Hoff
Annamaria Walsh, Esquire
Douglas Sachse, Esquire

Office of People's Counsel Lawrence M. Stahl, Managing Administrative Judge Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 26, 2011 Issue - Jeffersonian

Please forward billing to:
Hung Tran
1801 Oakmont Road
Fallston, MD 21047

443-504-8332

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0366-ASA
1402 East Joppa Road
N/side of East Joppa Road, 209 feet east of centerline of Drumwood Road
9th Election District – 6th Councilmanic District
Legal Owner: Dat Tran

Variance to allow an 8 foot setback for a parking space from the right of way line in lieu of the required 10 feet; to allow a 3 foot landscape strip in between paved surfaces and lot lines adjacent to commercial uses in lieu of the required 6 feet; to allow a .7 foot setback from the face of the building to the parking lot edge in lieu of the 6 feet required; to allow a 3 foot setback from the property lines in lieu of the required 10 feet; to allow one van accessible parking space to be located in the front yard in lieu of the side and rear yards; to allow a two way drive aisle of 10 feet in lieu of the 22 feet required; to allow a freestanding sign facing residentially zoned property. Special Variance to allow 12 peak hour trips in lieu of the permitted 0 number of peak hour trips.

Hearing: Tuesday, August 9, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits, Approvals & Inspections

July 18, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0366-ASA
1402 East Joppa Road
N/side of East Joppa Road, 209 feet east of centerline of Drumwood Road
9th Election District – 6th Councilmanic District
Legal Owner: Dat Tran

Variance to allow an 8 foot setback for a parking space from the right of way line in lieu of the required 10 feet; to allow a 3 foot landscape strip in between paved surfaces and lot lines adjacent to commercial uses in lieu of the required 6 feet; to allow a .7 foot setback from the face of the building to the parking lot edge in lieu of the 6 feet required; to allow a 3 foot setback from the property lines in lieu of the required 10 feet; to allow one van accessible parking space to be located in the front yard in lieu of the side and rear yards; to allow a two way drive aisle of 10 feet in lieu of the 22 feet required; to allow a freestanding sign facing residentially zoned property. Special Variance to allow 12 peak hour trips in lieu of the permitted 0 number of peak hour trips.

Hearing: Tuesday, August 9, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Dat Tran, 1402 East Joppa Road, Baltimore 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 25, 2011.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011-0366-ASA

Petitioner: DAT T. TRAN

Address or Location: 1402 EAST JOPPA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: HUNG Q. TRAN

Address: 1801 OAKMONT RD
FALLSTON, MD 21047

Telephone Number: 443-504-8332

Revised 2/20/98 - SCJ

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits, Approvals & Inspections

August 1, 2011

Dat T. Tran
1402 E. Joppa Road
Baltimore, MD 21286

RE: Case Number 2011-0366-ASA, 1402 E. Joppa Road

Dear Mr. Tran,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 2011. 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:mcn

Enclosures

c: People's Counsel
J. Neil Lanzi, Esq., 509 Washington Avenue, Ste. 617, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: July 8, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1402 Joppa Road

INFORMATION:

Item Number: **11-366**

Petitioner: Dat T. Tran

Zoning: **RO**

Requested Action: **Variance**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests several variances to facilitate the proposed nail salon to be located on the subject property. The proposed parking and landscaping included on the site plan would not be detrimental to the adjacent neighbors and the community.

Due to the challenges of the site such as topography and ADA requirements, the Office of Planning recommends granting the petitioner's seven requested variances.

The Office of Planning also recommends approval of the Special Variance, as the proposed business would begin daily operations after peak hours with regard to traffic on Joppa Road.

Lastly, no retail uses shall be permitted for this non-retail, service use, located in a residential zone.

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

Prepared by: Cynthia Murray

Division Chief: Lynn Lolar
JM/LL: CM

RECEIVED
JUL 15 2011
OFFICE OF ADMINISTRATIVE HEARINGS

W:\DEVREV\ZAC\ZACs 2011\11-366.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: July06, 2011

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

DAK

SUBJECT: Zoning Advisory Committee Meeting
For July 11, 2011
Item No. 2011-366

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

We do not oppose granting of the variance request for items 1 through 7.
Regarding the special variance, the proposed nail salon would generate relatively few peak hour trips and given its distance from the failing intersection, we do not oppose granting the variance. We could actually be in favor of granting the variance if the petitioner would offer some form of mitigation such as restricting business hours to non- peak times.

DAK:CEN
cc: File
ZAC-ITEM NO 11-366-072011.doc

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

State Highway Administration

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

Maryland Department of Transportation

Date: 6-28-2011

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2011-0366-ASA
1402 EAST JOPPA RD
TRAN PROP
VARIANCE -
SPECIAL VARIANCE -

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. 2011-0366-ASA

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Michael P. Bailey

for Steven D. Foster, Chief
Access Management Division

SDF/rz

KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 28,2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 27, 2011**

Item No.:

Special Hearing: 2011-0359-SPHA, 2011-0361-SPH, 2011-0364-SPH, 2011-0368-SPH

Administrative Variance: 2011-0363A, 2011-0365A, 2011-0367A, 2011-0369A

Variance: 2011-0360A, 2011-0366-ASA

Special Variance: 2011-0366-ASA

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability (DEPS) - Development Coordination

DATE: July 1, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-366-ASA
Address 1402 East Joppa Road
(Tran Property)

Zoning Advisory Committee Meeting of June 27, 2011.

_X_ The Department of Environmental Protection and Sustainability has no comments on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUL 01 2011

OFFICE OF ADMINISTRATIVE HEARINGS

C:\DOCUME~1\DWILEY~1.BA2\LOCALS~1\Temp\XPgrpwise\ZAC 11-366-ASA 1402 East Joppa Road_1.doc

RE: PETITION FOR SPECIAL VARIANCE 1402 East Joppa Road; N/S East Joppa Road, 209' E of c/line of Drumwood Road 9th Election & 6th Councilmanic Districts Legal Owner(s): Dat T. Tran Petitioner(s)	* * * * * *	BEFORE THE ADMINSTRATIVE LAW JUDGE FOR BALTIMORE COUNTY 2011-366-ASA

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

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.

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

RECEIVED
JUL 06 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 7/12/2011 3:04 PM
Subject: ZAC Comments

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2011-0359-SPH - 110 Forest Avenue (No Hearing Date reflected in data base as of today)

2011-0360-A - 1512 Denton Road (Hearing Date: 8/1/11) [DEPS comment rec'd]

2011-0361-SPH - Lincoln and Cooper Avenue (No Hearing Date reflected in data base as of today) - [DEPS comment rec'd]

2011-0362-SPH - 164 Wesley Avenue (Hearing: 8/1/11)

2011-0363-A (Administrative Variance) - 606 Hollow Road (Closing Date Per ZAC Agenda - 7/11/11; Closing Date Per data base - 7/25/11 - not sure which is correct)

2011-0364-SPH - Gilroy, Map 51, Parcel 360 Rd. (Hearing Date: 8/2/11) - [DEPS comment rec'd]

2011-0365-A (Administrative Variance) - 750 Chapel Ridge Road (Closing Date 7/18/11)

2011-0366-ASA (Variance Special Variance) - 1402 East Joppa Road (No Hearing Date reflected in data base as of today)

2011-0367-A (Administrative Variance) - 5 Ivy Brook Farm Ct. (Closing Date 7/18/11) - [DEPS comment rec'd]

2011-0368-SPH - 2464 East Ruhl Road (No Hearing Date reflected in data base as of today)

2011-0369-A - (Administrative Variance) 2627 Brannan Avenue (Closing Date 7/18/11)

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits, Approvals & Inspections

October 25, 2011

J. Neil Lanzi
Mercantile Building, Ste. 617
409 Washington Avenue
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case: 2011-0366-ASA, 1402 East Joppa Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 6, 2011 by Di Zhang. 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,

Arnold Jablon
Director

AJ:kl

c: Administrative Hearings Office
People's Counsel
Di Zhang, 1404 E. Joppa Road, Towson 21286
Annamarie Walsh & Douglas Sachse, 606 Baltimore Ave., Ste. 402, Towson 21204
Dat Tran, 1402 E. Joppa Road, Towson 21286

RECEIVED
OCT 26 2011
BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Special Variance & Variance
1402 East Joppa Road
N/side of E. Joppa Road, 209' E of c/line Drumwood Road
9th Election District – 6th Councilmanic District
Legal Owners: Dat. Tran

Case No.: 2011-0366-ASA

✓Petition for Special Variance and Variance (June 22, 2011)

✓Zoning Description of Property

✓ Notice of Zoning Hearing (July 18, 2011)

✓ Certification of Publication (The Jeffersonian – July 26, 2011)

✓ Certificate of Posting (July 24, 2011) by Martin Ogle

✓ Entry of Appearance by People's Counsel (July 6, 2011)

✓ Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

✓ Citizen(s) Sign-In Sheet – One Sheet

✓ Zoning Advisory Committee Comments

RECEIVED
OCT 26 2011
BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners' Exhibit
- ✓ 1. Site Plan
- ✓2. Photos of houses
- ✓3. Zoning Map
- ✓4. Deed of Easement
- ✓5. Letter from Steve Weber
- ✓6. Use permit for Nail Salon
- 7. Zoning Map (Not listed on Exhibit Sheet)

Protestants' Exhibits:
- ✓1. Photo of area between house
- ✓2. Photo of fence & vegetation
- ✓3. Photo of front of house
- 4. Photo of parking space (Not listed on Exhibit Sheet)

Miscellaneous (Not Marked as Exhibit) -
- ✓1. Findings of Fact & Conclusions of Law for 01-401-SPHXA

✓Administrative Law Judges Order (GRANTED – September 13, 2011)

✓Notice of Appeal received on October 6, 2011 from Di Zhang

Address List

Petitioner:

J. Neil Lanzi, Esquire
Mercantile Building, Ste 617
409 Washington Avenue
Towson, MD 21204

Dat T. Tran
1402 E. Joppa Road
Towson, MD 21286

Hung Q. Tran
1801 Oakmont Road
Fallston, MD 21047

Thomas J. Hoff
512 Virginia Avenue
Towson, MD 21286

Protestant

Lawrence E. Schmidt, Esquire
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

Di Zhang
Yidian Dong
1404 E. Joppa Road
Towson, MD 21286

Annamaria Walsh, Esquire
Douglas Sachse, Esquire
606 Baltimore Avenue, Ste 402
Towson, MD 21204

Interoffice:

Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

RECEIVED

OCT 6 2011

ZONING OFFICE

In Re: PETITIONS FOR VARIANCE AND SPECIAL VARIANCE	*	BEFORE THE
N Side of East Joppa Road, 209'E of c/line of Drumwood Road	*	OFFICE OF ADMINISTRATIVE
9TH Election District	*	HEARING FOR
6TH Councilmanic District		
(1402 East Joppa Road)	*	BALTIMORE COUNTY
Dat T. Tran Petitioner	*	**CASE NO. 2011-0366-ASA**

NOTICE OF APPEAL

Di Zhang and Yidian Dong, adjacent property owners in the above-captioned case, feeling aggrieved by the decision of the administrative law judge of Baltimore County in the Findings of Fact and Conclusions of Law dated Sep 13, 2011, attached hereto and incorporated herein as Exhibit #1, hereby appeals the aforementioned Findings of Fact and Conclusions of Law and Order to the County Board of Appeals of Baltimore County.

Filed concurrently with this Notice of Appeal is Petitioners' check made payable to Baltimore County in full payment of the costs of the appeal. Petitioners were a party below and fully participated in the proceedings.

Respectfully submitted,

Di Zhang, Yi Dian Dong

Di Zhang, Yidian Dong
1404 E Joppa Road
Towson, MD, 21286
Tel: 4439562392

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of Oct 2011, a copy of the foregoing Notice of Appeal was mailed first class, postage prepaid to:

J Neil Lanzi, Esquire,
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

Di Zhang
Yidian Dong

Di Zhang
Yidian Dong

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

December 15, 2011

Theresa R. Shelton, Administrator
Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

Re: In the Matter of: Dat T. Tran-Legal Owner/Petitioner
Case No.: 11-366-ASA

Dear Ms. Shelton:

As requested by the Board after our hearing on November 29, 2011, a draft Opinion has been prepared. This draft has been reviewed and approved by Lawrence E. Schmidt, Esquire on behalf of the Appellants and by me on behalf of the Petitioner.

Should you have any questions or require anything further, please do not hesitate to contact me.

Kind regards,

J. Neil Lanzi

JNL\mlr

cc: Dat T. Tran
Lawrence E. Schmidt, Esquire

RECEIVED
DEC 16 2011
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF: **DAT T. TRAN** *Petitioner*	* BEFORE THE * BOARD OF APPEALS
1402 E. Joppa Road	* FOR
9th Election District 6th Councilmanic District	* BALTIMORE COUNTY * **Case No.: 2011-0366-ASA**

* *

OPINION

This matter comes before the County Board of Appeals of Baltimore County (hereinafter "Board") on an appeal of the September 13, 2011 Opinion and Order of the Administrative Law Judge for Baltimore County. Therein, Administrative Law Judge Timothy M. Kotroco granted certain zoning relief to permit the conversion of the subject property and improvements thereon for use as a nail salon. The adjacent property owners in interest, namely, Di Zhang and Yidion Dong (hereinafter "Appellants") filed a timely appeal on October 6, 2011. The matter then came before the Board at a public hearing on November 29, 2011. Appearing at that hearing were J. Neil Lanzi, Esquire, representing Petitioner/owner of the subject property, Dat T. Tran and Lawrence E. Schmidt, Esquire representing Appellants, Di Zhang and Yidion Dong, principals of DZD, LLC, the Maryland Limited Liability Company on title for 1404 East Joppa Road.

At the onset of the hearing, counsel informed the Board that, subsequent to the filing of the appeal by the Appellants and prior to the hearing before the Board, an agreement had been reached between the parties. This agreement relates to the proposed use of the property and the zoning relief to be granted in connection therewith; as well as the amendment of an existing private easement binding these adjacent properties. The parties requested that amended relief be granted, as hereinafter described, and that the case be presented through the proffer of counsel. This request was approved by the Board and the matter proceeded in that fashion.

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

October 20, 2011

Theresa R. Shelton, Administrator
Baltimore County Board of Appeals
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 2011-0366-ASA
Dat T. Tran, Petitioner
1402 East Joppa Road

Dear Ms. Shelton:

Enclosed you will find an Entry of Appearance confirming my representation of Dat T. Tran, Petitioner in the above referenced appeal. On his behalf, I would request an expedited hearing if at all possible. This case took approximately 75 minutes before the Administrative Law Judge and I do not anticipate it taking more than 3 hours at the Board level.

In addition, on behalf of the Petitioner, I would request a waiver of the post hearing memoranda in the interest of time and expense. My client is attempting to open a new business at this new location and has limited resources beyond those funds allocated towards the renovation of the structure in question.

Finally, by this letter I would request on behalf of Petitioner a waiver of the Notice of Deliberation so that the public deliberation may be held immediately after the close of the hearing.

Thank you very much for your consideration and I look forward to hearing from you.

Very truly yours,

J. Neil Lanzi

RECEIVED
OCT 28 2011
BALTIMORE COUNTY
BOARD OF APPEALS

JNL\mlr
cc: DiZhang and Yidian Dong, Appellants
Carole S. DeMilio, People's Counsel

IN THE MATTER OF	*	BEFORE THE COUNTY
DAT T. TRAN	*	BOARD OF APPEALS
Petitioner	*	FOR
1402 East Joppa Road 9th Election District 6th Councilmanic District	*	BALTIMORE COUNTY
	*	Case No. 2011-0366-ASA

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

ENTRY OF APPEARANCE

Please enter the appearance of J. Neil Lanzi and J. Neil Lanzi, P.A. on behalf of Dat T. Tran, Petitioner in the above captioned matter.

J. Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Avenue
Suite 612
Towson, Maryland 21204
(410) 296-0686

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of October, 2011, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to Carole S. DeMilio, Deputy People's Counsel for Baltimore County, Jefferson Building, 105 Washington Avenue, Towson, Maryland 21204, and DiZhang and Yidian Dong, Appellants, 1404 East Joppa Road, Baltimore, Maryland 21286.

J. Neil Lanzi

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

October 31, 2011

J. Neil Lanzi, Esquire
Mercantile Building, Ste 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of:* Dat T. Tran- Legal Owner/Petitioner
Case No. 11-366-ASA

Dear Mr. Lanzi:

This letter acknowledges receipt of your letter and Entry of Appearance filed October 28, 2011, in the subject matter on behalf of Dat. T. Tran, Petitioner; and your request for an expedited hearing, as well as the additional request that the public deliberation commence at the conclusion of the hearing.

The appeal was received in this office on October 26, 2011. The Board sits on Tuesday, Wednesday and Thursday of each week.. On October 28, 2011, a Notice of Assignment was issued to the parties, prior to receiving your letter of the same date, scheduling this matter for Tuesday, November 29, 2011 @ 10:00 a.m. This was the first available date on the Board's docket (due to a postponement of another matter). The docket is currently scheduled to the end of December 2011. Should another date become available due to dismissal or postponement, consideration will be given to your request for an expedited hearing of this matter.

Your request to proceed with the Deliberation immediately following the conclusion of the hearing has been granted. A Notice of Deliberation has been issued and distributed to the parties, giving appropriate notice .

A copy of the Notice of Deliberation is enclosed. Should you have any questions, please call me at 410-887-3180.

Sincerely,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Enclosure: Notice of Deliberation

c(w/Encl): Office of People's Counsel
Dat T. Tran
Di Zhang
Yidian Dong

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

Account Identifier: District - 09 Account Number - 0923500230

Owner Information

Owner Name:	TRAN DAT T	**Use:**	COMMERCIAL/RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1402 E JOPPA RD TOWSON MD 21286-	**Deed Reference:**	1) /30782/ 00095 2)

Location & Structure Information

Premises Address
1402 JOPPA RD
BALTIMORE 21286-5909

Legal Description
PT LT 52

TOWSONDALE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0070	0017	0698		0000			52	2	Plat Ref: 0012/ 0106

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1942	1171	5,664 SF	06

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2011	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	250,000	220,000		
Improvements:	145,300	143,000		
Total:	395,300	363,000	114,000	363,000
Preferential Land:	0			0

Transfer Information

Seller:		**Date:**	05/06/2011	**Price:**	$236,000
Type:	ARMS LENGTH IMPROVED	**Deed1:**	/30782/ 00095	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
* NONE *

PLEASE PRINT CLEARLY

CASE NAME Tran
CASE NUMBER 2011-0366-ASA
DATE 8-9-11

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
HUNG Q. TRAN	1801 OAKMONT RD		HTKV2004@COMCAST.NET
	FALLSTON MD 21047		
THOMAS J. HOFF	512 VIRGINIA AVE.	TOWSON, MD 21286	TOM@THOMASJHOFF.COM

PLEASE PRINT CLEARLY

CASE NAME Tran
CASE NUMBER 2011-0366-ASA
DATE 8-9-11

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Annemaria Walsh	606 Baltimore Ave. #402	Towson, MD 21204	awalsh@dtslawoffices.com
Di zhang	1404 E Joppa Rd	Towson MD 21286	zhangdi_2002@yahoo.com
Yidian Dong	1404 E Joppa Rd.	Towson MD 21286	
Douglas Sachse	606 Baltimore Ave #402	Towson MD 21204	dsachse@dtslaw[illegible]

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - N/S E. Joppa Road, 295' E of the c/l Mylander Lane (1400 E. Joppa Road) 9th Election District 4th Council District

Marye D. Kellerman
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-401-SPHXA
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This most unusual case comes before this Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Marye D. Kellerman. As filed, the Petitioner requests a special hearing to approve an existing accessory apartment use to remain not subject to density standards, and a special exception to approve a Class "B" office building in an R.O. zone. In addition, the Petitioner requests variance relief as follows: From Section 409.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a two-way driveway width of 11 feet in lieu of the required 20 feet; and, from Section 204.4.C.4 of the B.C.Z.R. to permit a minimum side yard setback of 6 feet in lieu of the required 20 feet along the eastern property line, adjacent to a residential use; from Section 204.4.C.6 to permit pervious amenity open space of 0% in lieu of the required 7%; and, from Section 204.4.C.9.c.(1) and (2) to permit setbacks and buffers of 0 feet each in lieu of the required 20 feet and 10 feet, respectively. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Marye D. Kellerman, property owner, and Paul Lee, Professional Engineer, who prepared the site plan for this property. Donna Spicer, who is active on behalf of community associations in the impacted area, appeared. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 6/14/01
By

Case No: 11-316-ASA Case Name: Dat T. Tran

Exhibit List

Party: Petitioner Date: 11-29-11

Exhibit No:	Description:
1	Plan to Accompany
2	Certificate of Zoning Approval
3	Pictures of area properties A-D
	VERIFIED BY tns DATE: 11/29/11

CERTIFICATE OF ZONING APPROVAL FOR COSMETOLOGY OR BARBER RELATED USES

This will certify that the property and the improvements located at:

LOCATION: 1402 EAST JOPPA RD.

BUSINESS NAME: "HV NAILS"

is ZONED: RO and is permitted to operate the following Use:

NAIL SALON

subject to the following CONDITIONS:

1. **IF THE ABOVE USE IS LOCATED IN AN "R.O." ZONE:**
   - **RETAIL SALES OF PRODUCTS OR MERCHANDISE (INCLUDING COSMETOLOGY OR BARBER RELATED ITEMS) IS STRICTLY PROHIBITED; AND**
   - **THIS OFFICE WILL NOT APPROVE A BUSINESS/TRADER'S LICENSE FOR THIS USE; AND**
   - **COMPLIANCE WITH ALL ZONING STANDARDS, INCLUDING PARKING, MUST BE DEMONSTRATED**
2. Proper application, if required by Baltimore County, for and subsequent approval of a change of occupancy and/or a building permit for said Use;
3. Caution: The issuance of this permit may not eliminate the need to obtain the required approvals of other State or County agencies.
4. Other: _____

Zoning Designations and permitted uses are subject to change and therefore, ***in the event that the subject property is not utilized for a period of a year***, this certificate is void and a renewal *MUST* be requested.

7/12/2011 — Date

WCR — Director, Permits, Approvals and Inspections

Rev. 2/10/11

PDM ZR9 — Rev 08/10

Pet. Ex 2 Dat T. Tran CBA 11-366-ASA 11-29-11

3-A

"27" View of Residential Property across Joppa Road

"28" View of Residential Property across Joppa Road

Pet. Ex #3 Dat T. Tran CBA 11-366-ASA 11-29-11

3-B

"5" Front of Property - 1408 East Joppa Road

"6" Front of Property - 1410 East Joppa Road

3-C

NEW PHOTOS
PETITIONER'S EXHIBIT #

"1" New paving

"2" New paving

4-D

"5" Front of Property – 1402 East Joppa Road

"6" View from 1404 East Joppa Road

Case No.: 2011-0366-ASA

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan	Photo of area between house
No. 2	Photos of house + other houses on 10pa	Photo of fence + vegetation
No. 3	Zoning map	photo of front of house
No. 4	Deed of Easement	
No. 5	letter from Steve Weber	
No. 6	use permit for nail salon	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBIT #

"1" Front of Property – 1402 East Joppa Road

"2" Front of Property - 1400 East Joppa Road

PETITIONER'S

EXHIBIT NO. 2

"3" Front of Property - 1404 East Joppa Road

"4" Front of Property - 1406 East Joppa Road

"5" Front of Property - 1408 East Joppa Road

"6" Front of Property - 1410 East Joppa Road

"7" Existing Sign - 1410 East Joppa Road

"8" Existing Sign - 1424 East Joppa Road

"9" Existing Sign - 1416 East Joppa Road

"10" Existing Sign - 1420 East Joppa Road

"11" Existing Sign - 1422 East Joppa Road

"12" Parking in front of 1404 East Joppa Road

PETITIONER'S
EXHIBIT NO. 3

AFTER RECORDING PLEASE RETURN TO:
Thomas P. Dore, Esquire
Covahey & Boozer, P.A.
606 Baltimore Ave., Suite #302
Towson, Md. 21204

DEED AND DECLARATION OF EASEMENT

THIS DEED AND DECLARATION OF EASEMENT, Made this 9th day of May, 2001 by and between **MARY M. WIRTH** ("Wirth") and **EDWARD C. BYRNES and LISA S. BYRNES**, his wife, ("Byrnes").

WHEREAS, Wirth is the owner of all that real property described in a Deed dated the 25th day of September, 1941 and recorded among the Land Records of Baltimore County in Liber No. 1178 at folio 431 by and between Richmer Realty Corporation and Eugene H. Wirth and Mary M. Wirth, his wife, the said Eugene H. Wirth having departed this life on or about the 1st day of August, 1993; and

WHEREAS, Byrnes is the owner of all of that real property described in a Deed dated May 11, 1992 and recorded among the Land Records of Baltimore County in Liber No. 9234 at folio 455 by and between James R. Bowersox, Jr. and Linda T. Bowersox, his wife and Edward C. Byrnes and Lisa S. Byrnes, his wife; and

WHEREAS, the properties owned by Wirth and Byrnes are adjacent to each other, and for a period of time Wirth and Byrnes have used a mutual driveway which is situate on the properties of both Wirth and Byrnes; and

WHEREAS, Wirth and Byrnes wish to formalize and establish an easement over the property of the other so as to formally establish the rights, duties and obligations with respect to the use of this driveway as a means in ingress and egress from their properties to Joppa Road, a public road lying and situate in Baltimore County, State of Maryland.

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Wirth and Byrnes do hereby agree as follows:

1. Wirth does hereby grant unto Byrnes, their Personal Representatives, heirs and assigns an easement over her property as is shown on a drawing attached hereto and marked Exhibit A and incorporated herein by way of reference.

PETITIONER'S
EXHIBIT NO. 4

BA CIRCUIT COURT (Land Records) [MSA CE 62-15110] SM 15255, p. 0123. Printed 05/27/2011. Online 03/07/

KEVIN KAMENETZ
County Executive

EDWARD C. ADAMS, JR, *Director*
Department of Public Works

July 25, 2011

Mr. Thomas J. Hoff
512 Virginia Avenue
Towson, MD 21286

PETITIONER'S
EXHIBIT NO. 5

RE: 1402 E. Joppa Rd

Dear Mr. Hoff:

We have reviewed the proposed access plan you presented for the subject property, dated 6/8/11. In it you propose increasing the current 13.5-foot entrance for #1402 to be 22 feet wide. On this plan we also note the existence of an 8-foot wide R/W for use-in-common access to the rear of both properties of #1402 & 1404. 5 feet of this R/W is on #1404 and 3 feet on 1402 and this R/W comes out to E. Joppa Rd at a point exactly between your existing single entrance and a single 13.5-foot entrance for #1404. Therefore oddly the use-in-common R/W is the one point where no access is currently provided to E. Joppa Rd.

In examining your proposal, we have significant concerns with the fact that you are wanting to widen an existing entrance in an area that already has a high concentration of access points. Furthermore, we examined all the houses that were rezoned to RO a number of years ago to determine how they have all been treated and how access is gained to all of them. Interestingly, the only property out of the total 14 properties that already has two access points is #1404 E. Joppa Rd and given the relatively small size of the lot that should not even occur. 8 properties currently have one single means of access while 5 properties share a single means of access with an abutting property. However, the 14th property, #1404, has both which shouldn't be permitted.

When looking at your request, and realizing that we already have an access violation on #1404 E. Joppa Rd, we are only agreeable to a change in access on Joppa Rd provided one of the following two options is chosen:

1. Your driveway can be increased in width as you show to 22 feet provided the western single-use access to #1404 E. Joppa Rd is closed. That will then leave #1404 with one shared use-in-common access, the same as 5 of the other properties in this group of buildings.
2. Both your single-use driveway for #1402 and the single-use driveway for #1404 be closed and a new 30-foot wide use-in-common access centered on the property line be constructed. That will then leave #1404 with **two** shared use-in-common accesses, twice as many as any other property in this group of buildings. Normally we would not allow a use-in-common driveway onto Joppa Rd this wide. However, in order to try and satisfy the access desires of both property owners and eliminate one access point onto Joppa Rd, and continue to preserve an extra access point to #1404 E. Joppa Rd to make the change more agreeable, we would request approval of this wider than normal access point if the combining of the two entrances into one can be achieved.

In your discussions with the property owner at #1404, you should let them know that if they are not agreeable to Option #2, the County may seek closure of the western access onto their property regardless of any

development of your parcel. Based on the parking layout developed on their property, this exclusive western access point appears redundant and a review of their previously submitted development plans will be examined. If they can work the issue out with you to combine the two single-use entrances into one use-in-common entrance between you, that will insure their continued allowance for two access points onto Joppa Rd.

You had also inquired about how the County's Basic Services Legislation might impact the property at #1402 E. Joppa Rd given that it is located in a traffic deficient area due to the level-of-service "F" intersection at Loch Raven Blvd & E. Joppa Rd. Over the past several years, the "F" designation causing the restriction in the issuance of any development permits in this area is due to congestion levels only during the morning peak hours of 7–9 a.m. There are no issues with the intersection handling additional trips during the afternoon peak hours. Certainly you could apply for a Special Variance for consideration of being granted a waiver of this portion of Basic Services. There are a couple of factors that would support the granting of such a variance request. The first is that this site is on the boundary of the commuter shed for Loch Raven Blvd & E. Joppa Rd. Property located just 400 west of the site is outside of this commuter shed and is not impacted by the "F" level intersection while the "F" level intersection itself is located approximately 2,800 feet to the east. That item alone does not discount the traffic impacts from the site, but that combined with the small size of the site with 6 parking spaces would indicate that the combined small size of the traffic generation from the site combined with the dispersion of traffic to/from this site would cause negligible impacts on Loch Raven Blvd & E. Joppa Rd. The house on its own is considered to generate 0.85 trips during the peak hour, so the issue would be looking at the difference between the use as a house and the proposed use.

A second possibility would depend on the type of use proposed for the building. Your plan shows that the first and second floors are approximately 800 sq. ft. in size each. 1,600 sq. ft. of office use would be expected to generate 3.7 peak-hour trips which would be in comparison with the 0.85 trips it would generate as a house. If 800 sq. ft. (the 1st floor) were operated in a retail capacity, it would be expected to generate 11.8 peak-hour trips. That is an extra 11 trips during the peak hour, but if it were a retail use that did not open until after 9 a.m., there would be no adverse impacts on the intersection of Loch Raven Blvd & E. Joppa Rd at the time it is deficient, i.e., the morning peak hours. Therefore, it does appear that there are potential options to be explored which would have negligible to no impacts on the level-of-service of Loch Raven Blvd & E. Joppa Rd during those morning hours which are currently experiencing a problem.

I hope this information assists you in determining how you might want to proceed forward with this property. It is hoped that you can work out something of mutual benefit with the owner of #1404 E. Joppa Rd that will preserve their two access points onto Joppa Rd and still work for a betterment of overall access onto Joppa Rd. If you have any questions or wish to discuss this in further detail, please feel free to give me a call.

Sincerely,

Stephen E. Weber, P.E., Chief
Division of Traffic Engineering

SEW

cc: Greg Carski
Dennis A. Kennedy
Peter Max Zimmerman, People's Counsel

J:\2011 Documents\Ad-Weber\Letters\sew072511-1402E.JoppaRd.doc

CERTIFICATE OF ZONING APPROVAL FOR COSMETOLOGY OR BARBER RELATED USES

PETITIONER'S

EXHIBIT NO. 6

This will certify that the property and the improvements located at:

LOCATION: 1402 EAST JOPPA RD.

BUSINESS NAME: "HV NAILS"

is ZONED: RO and is permitted to operate the following Use:

NAIL SALON

subject to the following CONDITIONS:

1. **IF THE ABOVE USE IS LOCATED IN AN "R.O." ZONE:**
   - **RETAIL SALES OF PRODUCTS OR MERCHANDISE (INCLUDING COSMETOLOGY OR BARBER RELATED ITEMS) IS STRICTLY PROHIBITED; AND**
   - **THIS OFFICE WILL NOT APPROVE A BUSINESS/TRADER'S LICENSE FOR THIS USE; AND**
   - **COMPLIANCE WITH ALL ZONING STANDARDS, INCLUDING PARKING, MUST BE DEMONSTRATED**
2. Proper application, if required by Baltimore County, for and subsequent approval of a change of occupancy and/or a building permit for said Use;
3. Caution: The issuance of this permit may not eliminate the need to obtain the required approvals of other State or County agencies.
4. Other: _____

Zoning Designations and permitted uses are subject to change and therefore, ***in the event that the subject property is not utilized for a period of a year***, this certificate is void and a renewal *MUST* be requested.

7/12/2011

Date

WCR

Director, Permits, Approvals and Inspections

Rev. 2/10/11

PDM ZR9

Rev 08/10

PETITIONER'S

EXHIBIT NO. 7

7032-LOT 1T

Case No.: 2011-0366-ASA

Exhibit Sheet

Petitioner/Developer | Protestant

No. 1	Site Plan	Photo of area between house
No. 2	Photos of house + other houses on 10pa	Photo of fence + vegetation
No. 3	zoning map	photo of front of house
No. 4	Deed of Easement	
No. 5	letter from Steve weber	
No. 6	use permit for nail salon	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PROTESTANT'S

EXHIBIT NO. 1 Exh 1

Exh 2.

PROTESTANT'S

EXHIBIT NO. 2

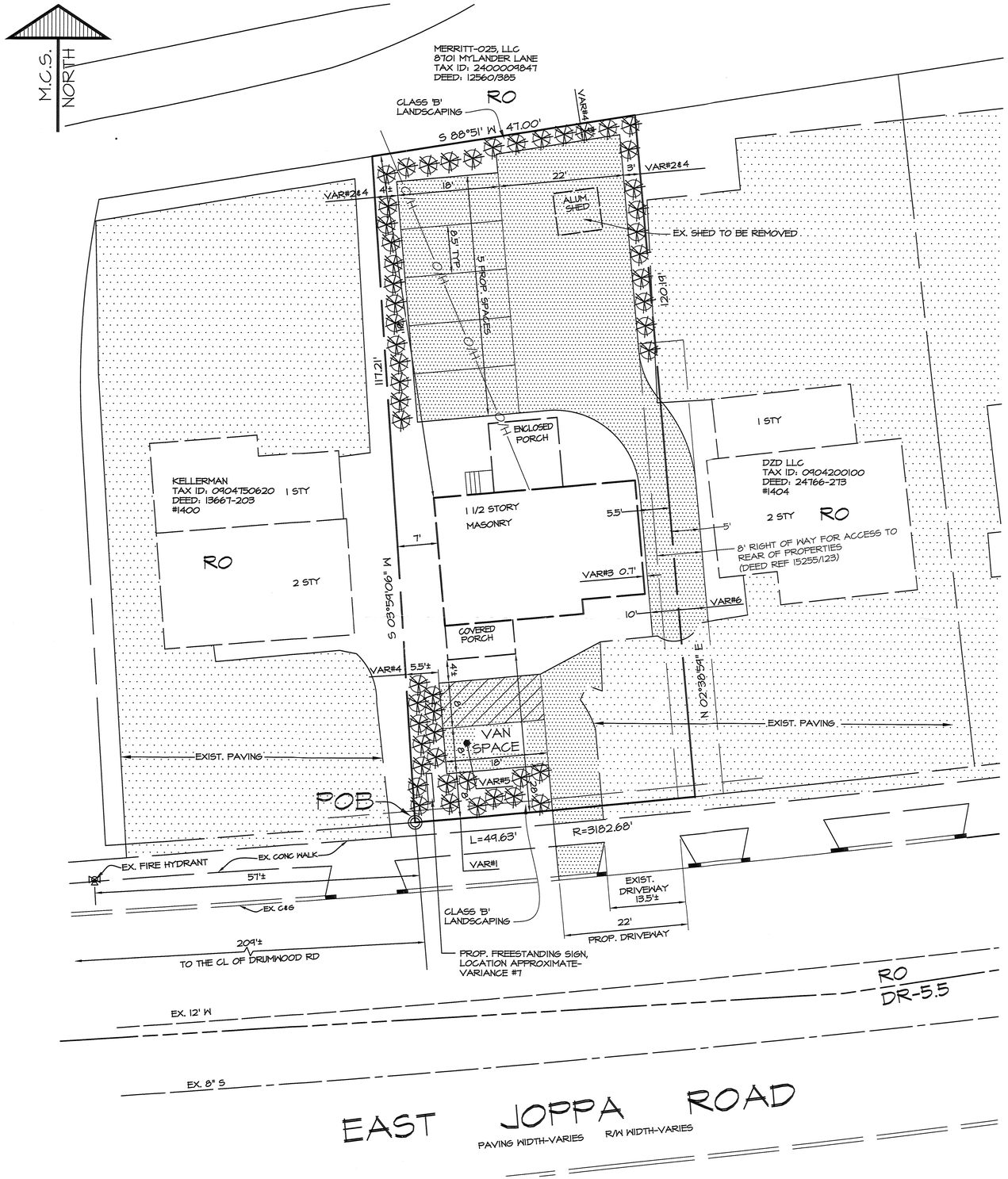
PROTESTANT'S

EXHIBIT NO. 3

Exh 3 -

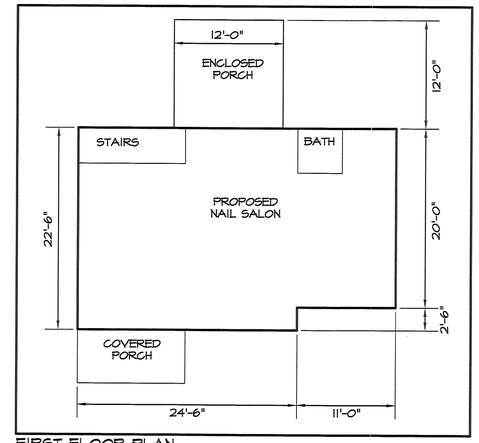
PROTESTANT'S

EXHIBIT NO. 4 Exh

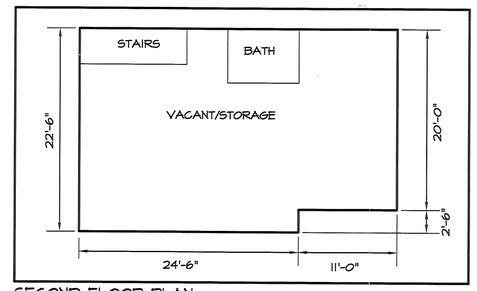


SITE PLAN
SCALE: 1"=10'

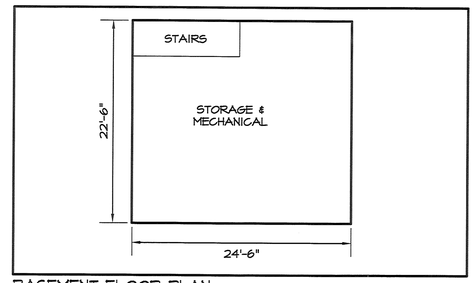
EXISTING PAVING
PROPOSED PAVING



FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"



BASEMENT FLOOR PLAN
SCALE: 1/8"=1'-0"

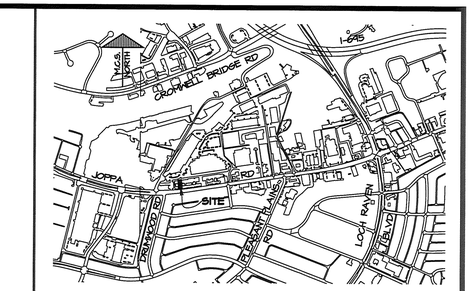
ZONING RELIEF REQUESTED:

1. VARIANCE FROM SECTION 409.8A(4) OF THE BCZR TO ALLOW AN EIGHT (8) FOOT SETBACK FOR A PARKING SPACE FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED TEN (10) FEET.
2. VARIANCE FROM SECTION 409.8A(1) OF THE BCZR TO ALLOW A THREE (3) FOOT LANDSCAPE STRIP IN BETWEEN PAVED SURFACES AND LOT LINES ADJACENT TO COMMERCIAL USES IN LIEU OF THE REQUIRED SIX (6) FEET.
3. VARIANCE FROM SECTION 409.8A(1) OF THE BCZR TO ALLOW A 0.7 FOOT SETBACK FROM THE FACE OF THE BUILDING TO THE PARKING LOT EDGE IN LIEU OF THE SIX (6) FEET REQUIRED.
4. VARIANCE FROM SECTION 202.3(C)(2)(B) OF THE BCZR TO ALLOW A THREE (3) FOOT SETBACK FROM THE PROPERTY LINES IN LIEU OF THE REQUIRED TEN (10) FEET.
5. VARIANCE FROM SECTION 202.3(C)(2)(C) OF THE BCZR TO ALLOW ONE VAN ACCESSIBLE PARKING SPACE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE SIDE AND REAR YARDS.
6. VARIANCE FROM SECTION 409.4(C) OF THE BCZR TO ALLOW A TWO WAY DRIVE AISLE OF TEN (10) FEET IN LIEU OF THE TWENTY-TWO (22) FEET REQUIRED.
7. VARIANCE FROM SECTION 450.4.ATTACHMENT 'A'.5.(m) TO ALLOW A FREESTANDING SIGN FACING RESIDENTIALLY ZONED PROPERTY.

SPECIAL VARIANCE RELIEF REQUESTED:

1. VARIANCE FROM SECTION 4A02.4(D) TO ALLOW TWELVE (12) PEAK HOUR TRIPS IN LIEU OF THE PERMITTED ZERO NUMBER OF PEAK HOUR TRIPS.

STATE OF MARYLAND
THOMAS HOFF
No. 1085
REGISTERED
LANDSCAPE ARCHITECT



VICINITY MAP
SCALE: 1"=1000'

SITE DATA:

GROSS AREA - 7225 SF, 0.16 AC.±
NET AREA - 5724 SF, 0.13 AC.±
EXISTING ZONING - RO
PROPOSED ZONING - RO
ZONING MAP - 07OC2
EXISTING USE - RESIDENTIAL
PROPOSED USE - NAIL SALON
PARKING REQUIRED
716 SF @ 5 SP/1000 SF = 3.9 OR 4 SPACES
PARKING PROPOSED = 6 SPACES (INCLUDING 1 VAN ACCESSIBLE SPACE)

OWNER:

DAT T. TRAN
1402 EAST JOPPA RD
TOWSON, MD 21286
DEED REF 30782/415
TAX #0923500230

ZONING/DEVELOPEMENT HISTORY:

1. THERE ARE NO PRIOR ZONING CASES, CRG, DRC OR DEVELOPMENT PLANS FOR THIS PROPERTY.
2. THERE ARE NO PRIOR COMMERCAIL PERMITS ON THIS PROPERTY

BASIC SERVICES NOTE:

PROPERTY IS IN A TRAFFIC MORATORIUM AREA.
SEE SPECIAL VARIANCE REQUESTED.

GENERAL NOTES:

1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM THE PLAT OF TOWSONDALE, PLAT REF 12/105.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS. EXISTING IMPROVEMENTS ON SITE ARE FIELD LOCATED.
8. PARKING LOT SHALL HAVE A DURABLE AND DUSTLESS SURFACE AND SHALL BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
9. ANY FIXTURE USED TO ILLUMINATE THE PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.
10. ALL PARKING SPACES SHALL BE STRIPED.

SIGNAGE NOTES:

1. SIGNS SHALL BE IN COMPLIANCE WITH BCZR SECTION 450.
2. THERE SHALL BE ONE WALL MOUNTED SIGN, NON-ILLUMINATED OF 8 SF
3. A VARIANCE IS BEING REQUESTED FOR ONE FREESTANDING SIGN, NON-ILLUMINATED OF 15 SF, NO MORE THAN 6' HIGH.
4. SIGN PERMIT SHALL BE REQUIRED FOR ALL SIGNS.

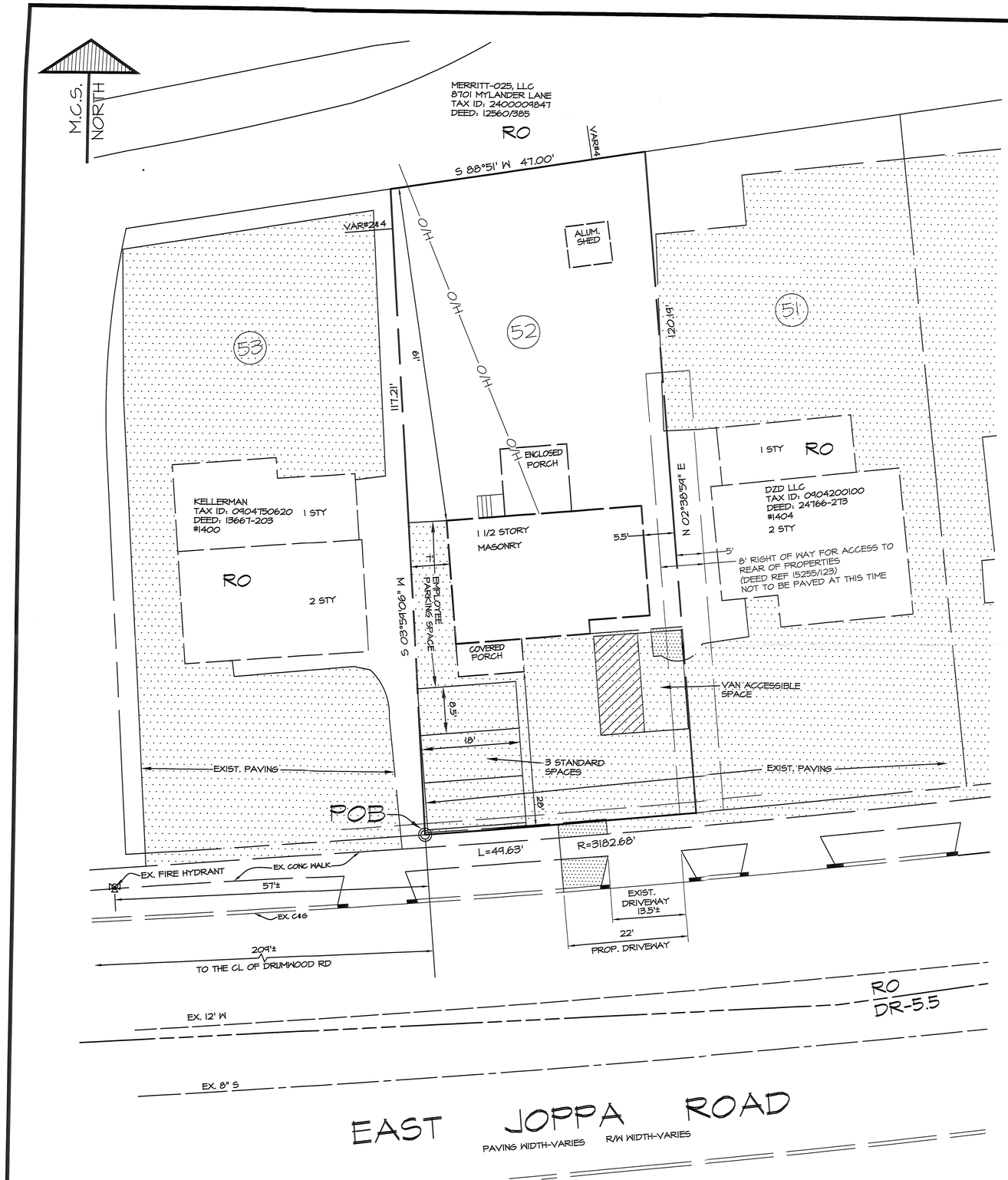
PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION FOR VARIANCES & SPECIAL VARIANCE
1402 EAST JOPPA ROAD

9th ELECTION DISTRICT, 5th COUNCILMANIC, BALTIMORE COUNTY, MD

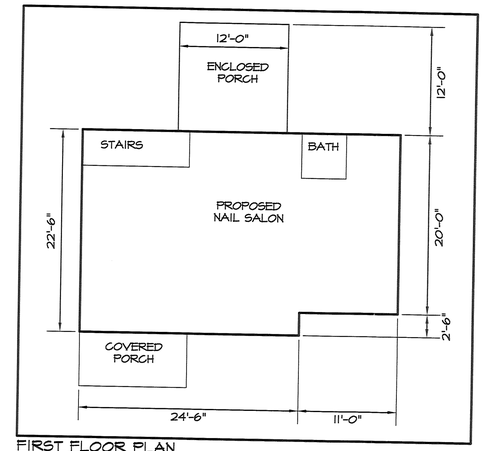
THOMAS J. HOFF
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

SCALE: AS SHOWN	
DATE: 06/22/11	
JOB NO.: 0569-01	
DESIGNED: TJH	
DRAWN: TJH	
REVISIONS:	DRAWING NUMBER: ZP-1
	SHEET 1 OF 1

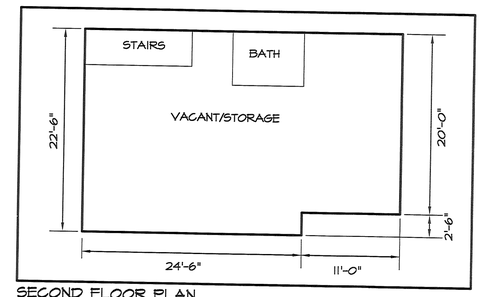


SITE PLAN
SCALE: 1"=10'

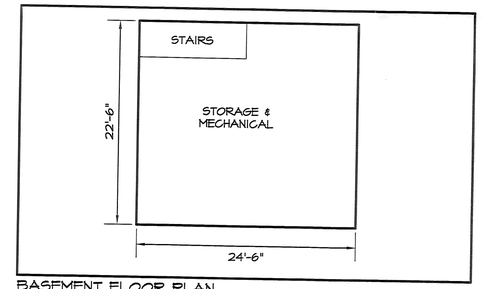
EXISTING PAVING
PROPOSED PAVING



FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"



BASEMENT FLOOR PLAN
SCALE: 1/8"=1'-0"

ZONING RELIEF REQUESTED:

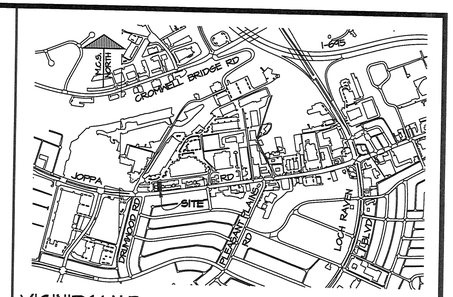
1. PETITION FOR SPECIAL HEARING PURSUANT TO SECTION 500.7 FOR THE APPROVAL OF A MODIFIED PARKING PLAN PURSUANT TO SECTION409.12 OF THE BCZR.
2. VARIANCE FROM SECTION 450.4. ATTACHMENT 1, SECTION A (5)(m) TO ALLOW A FREESTANDING SIGN FACING RESIDENTIALLY ZONED PROPERTY.

SPECIAL VARIANCE RELIEF REQUESTED:

1. VARIANCE FROM SECTION 4A02.4(D) TO ALLOW TWELVE (12) PEAK HOUR TRIPS IN LIEU OF THE PERMITTED ZERO NUMBER OF PEAK HOUR TRIPS.

PARKING SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE LAND SO USED SHALL ADJOIN THE BUSINESS.
2. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
3. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
4. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED. (SEE ALSO, GENERAL NOTE #4)
5. METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE AND PERMITTED HOURS OF USE SHALL BE SPECIFIED AND REGULATED AS REQUIRED.
6. THE PARKING ARRANGEMENT AND VEHICULAR ACCESS ARE SHOWN ON THIS PLAN.



VICINITY MAP
SCALE: 1"=1000'

SITE DATA:

GROSS AREA - 7225 SF, 0.16 AC.±
NET AREA - 5724 SF, 0.13 AC.±
EXISTING ZONING - RO
PROPOSED ZONING - RO
ZONING MAP - 07C2
EXISTING USE - RESIDENTIAL
PROPOSED USE - NAIL SALON
PARKING REQUIRED
716 SF @ 5 SF/1000 SF = 3.9 OR 4 SPACES
PARKING PROPOSED = 4 SPACES (INCLUDING 1 VAN ACCESSIBLE SPACE, EXCLUDING EMPLOYEE PARKING SPACE)

OWNER:

DAT T. TRAN
1402 EAST JOPPA RD
TOWSON, MD 21286
DEED REF 30782/45
TAX #0423500230

ZONING/DEVELOPEMENT HISTORY:

1. THERE ARE NO PRIOR ZONING CASES, CRG, DRC OR DEVELOPMENT PLANS FOR THIS PROPERTY.
2. THERE ARE NO PRIOR COMMERCAIL PERMITS ON THIS PROPERTY

BASIC SERVICES NOTE:

PROPERTY IS IN A TRAFFIC MORATORIUM AREA.
SEE SPECIAL VARIANCE REQUESTED.

GENERAL NOTES:

1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM THE PLAT OF TOWSONDALE, PLAT REF 12/105.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS. EXISTING IMPROVEMENTS ON SITE ARE FIELD LOCATED.
8. PARKING LOT SHALL HAVE A DURABLE AND DUSTLESS SURFACE AND SHALL BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
9. ANY FIXTURE USED TO ILLUMINATE THE PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.
10. ALL PARKING SPACES SHALL BE STRIPED.

SIGNAGE NOTES:

1. SIGNS SHALL BE IN COMPLIANCE WITH BCZR SECTION 450.
2. THERE SHALL BE ONE WALL MOUNTED SIGN, NON-ILLUMINATED OF 8 SF
3. A VARIANCE IS BEING REQUESTED FOR ONE FREESTANDING SIGN, NON-ILLUMINATED OF 15 SF, NO MORE THAN 6' HIGH.
4. SIGN PERMIT SHALL BE REQUIRED FOR ALL SIGNS.

REVISED PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING, VARIANCE & SPECIAL VARIANCE
1402 EAST JOPPA ROAD

9th ELECTION DISTRICT, 5th COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

SCALE: AS SHOWN	
DATE: 06/22/11	
JOB NO.: 0569-01	
DESIGNED: TJH	
DRAWN: TJH	
DRAWING NUMBER: ZP-1	
SHEET 1 OF 1	

REVISIONS:
11/28/11-REVISED PLAN, TJH

Pet. Ex #1 Dat T. Tran CBA-11-336-ASA 11-29-11