

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

NW side of Belair Road; 128' NE
of the c/line of Pinehall Road
11th Election District
5th Council District
(9402 Belair Road)

Khashayar and Nicole Varzandeh
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0062-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as Petitions for Special Hearing and Variance filed by the legal owners of the property, Khashayar and Nicole Varzandeh. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To permit utilization of off-street parking spaces for residential uses and lodging uses on 9402 Belair Road off-site on the adjoining property known as 9404 Belair Road, which is within 300 feet walking distance of a building entrance to the use that such spaces serve in accordance with B.C.Z.R. Section 409.7.A; and
- For such other and further relief as may be determined necessary by the Administrative Law Judge.

Petitioners are also requesting Variance relief as follows:

- From Sections 432A.1.C.1, 1B02.3.B and 1B02.3.C of the B.C.Z.R. to allow an existing side yard setback of 6.5 feet to be retained in lieu of the minimum required side yard setback of 10 feet; and

ORDER RECEIVED FOR FILING

Date

10-31-11

By

D3

- From Section 432A.1.C.1 of the B.C.Z.R. to allow the existing parking and delivery areas in the front yard to remain where presently located in lieu of moving the parking to the required side or rear yard; and
- From Sections 202.4.A, 1B02.3.B, 1B02.3.C and 504 of the B.C.Z.R. to allow an existing Class II Assisted Living Facility with 1,737 square feet net lot area per resident in lieu of the minimum 2,500 square feet net lot area required; and
- For such other and further relief as may be determined necessary by the Administrative Law Judge for Baltimore County.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case was Khashayar Varzandeh and Kenneth J. Wells with kj Wells, Inc., the property line surveyor who prepared the site plan for the Petitioners. The Petitioners were represented by Lawrence E. Schmidt, Esquire. There were no Protestants or other persons present; however, Mr. Varzandeh's parents were in attendance at the hearing.

The ZAC comments were received and made a part of the file. Comments were received from the Bureau of Development Plans Review dated September 15, 2011 which indicate that per Section 409 the travelway connecting the two properties should be 20 feet wide and be paved with a durable, dustless surface. However, given the occasional use, the flat grades and the clear sight distance, they recommend that the travelway shown as gravel and 12-13 feet wide should be allowed.

Testimony and evidence revealed that the subject property is located at 9402 Belair Road in the Perry Hall area of Baltimore County and is zoned R-O-A. The subject property is

approximately 1/2 acre in size and is improved with a one-story stucco building which originally served as a single-family dwelling. Approximately ten years ago, the Petitioners herein petitioned Baltimore County to utilize the property as an Assisted Living Facility (ALF). That Use Permit was approved and the Petitioners, Khashayar and Nicole Varzandeh, have been utilizing the subject property as an ALF since that time. As the site plan of the property demonstrates and the photographs submitted into evidence depict, the property is served by a circular driveway and several parking spaces. The property is well kept and maintained. It has easy access to Belair Road and has functioned very well as an ALF for the past 10+ years.

Testimony offered at the hearing demonstrated that the Petitioners herein also owns the ALF located immediately adjacent to the site to the north; said property being known as 9404 Belair Road. In fact, the subject property has a shared parking arrangement with the property next door where there exists a small parking lot area to the rear of that property. In addition to these two properties, the Petitioners herein also own a third ALF located at 9412 Belair Road. The Petitioners operate under the business name of Ma Maison Senior Assisted Living. As the photographs submitted into evidence depict, the Petitioners maintain their properties in an impeccable condition with an abundance of vegetation and amenities for the residents. Ma Maison also provides a shuttle bus which is used to provide transportation for their residents. A photograph of that shuttle bus is depicted in Petitioners' Exhibit 2A; a photograph of the subject property.

At this time, the Petitioners propose to increase the number of residents living within the ALF at 9402 Belair Road to 15 residents. The operation will remain as a Class II Assisted Living Facility under the current law. In order to proceed with the proposal to add some additional residents, the special hearing relief, filed pursuant to Section 409 of the B.C.Z.R., is

necessary in that the parking requirements for 9402 Belair Road increases to five parking spaces. Only three parking spaces are provided on site so a special hearing has been filed to allow the Petitioners to utilize two parking spaces on the adjacent property, which they own, and will be used to service 9402 Belair Road. The zoning regulation imposes a requirement that these spaces be located within 300 feet of the front door of the ALF operating at 9402 Belair Road. These spaces are actually situated 180 feet from the front door of 9402 Belair Road, and, therefore, the special hearing relief shall be approved for the purpose as stated within the petition.

In order to add these additional residents and to clean up the use of the property, the Petitioners have filed several variances which are basically housekeeping in nature.

The first two of the variances are for existing conditions on the property. The first being a 6.5 foot setback to the side property line in lieu of the required 10 feet. This single-family dwelling, which now serves as an ALF, was constructed originally 6.5 feet from the property line and nothing is being changed at this time. This approval shall be granted. In addition, the regulations pertaining to ALF's require the parking spaces to be situated to the rear of the site and the three parking spaces provided at 9402 Belair Road have existed there for many years and are not in the rear yard. In fact, the rear yard provides a nice open space area with natural vegetation and grass for the residents. To move the parking spaces to the rear would take away that nice amenity. Furthermore, these parking spaces have always existed in the front of the property for many years and have functioned very well. Therefore, that variance shall be granted to allow this existing condition to continue to remain as it has for many years.

Finally, the last variance requests relief from an area requirement based on the number of residents of the ALF as compared to the lot size of the property. In this application, the

requirement is to provide a 2,500 square foot area per resident, which is a requirement of the B.C.Z.R. At this time, however, the Petitioners are providing 1,739 square feet per resident and are requesting a variance from this provision.

As to all of the variance requests, I am persuaded to grant the requested 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 Petitioners.

I further find that the variance 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 variance 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).

Furthermore, and as stated previously, I find that the Special Hearing relief shall be granted in that the evidence presented shows the parking spaces associated with this request are well within the 300 foot requirement and the use of the parking from the adjacent property will not cause a shortage of parking for that property.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 31st day of October, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") seeking relief as follows:

- To permit utilization of off-street parking spaces for residential uses and lodging uses on

9402 Belair Road off-site on the adjoining property known as 9404 Belair Road, which is within 300 feet walking distance of a building entrance to the use that such spaces serve in accordance with B.C.Z.R. Section 409.7.A,

be and is hereby GRANTED;

IT IS FURTHER ORDERED that the Petition for Variance as follows:

- From Sections 432A.1.C.1, 1B02.3.B and 1B02.3.C of the B.C.Z.R. to allow an existing side yard setback of 6.5 feet to be retained in lieu of the minimum required side yard setback of 10 feet; and
- From Section 432A.1.C.1 of the B.C.Z.R. to allow the existing parking and delivery areas in the front yard to remain where presently located in lieu of moving the parking to the required side or rear yard, and
- From Sections 202.4.A, 1B02.3.B, 1B02.3.C and 504 of the B.C.Z.R. to allow an existing Class II Assisted Living Facility with 1,737 square feet net lot area per resident in lieu of the minimum 2,500 square feet net lot area required,

be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Use Permit granted herein for an Assisted Living Facility shall continue in full force and effect and shall be considered as a Class II Assisted Living Facility under current law and that the number of residents is between 8 to 15. There is no need to file any new request for a Use Permit at this time.

ORDER RECEIVED FOR FILING

Date

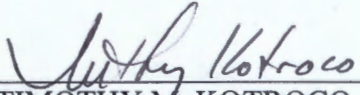
10-31-11

By

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The relief granted herein shall be subject to the following:

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


TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:dlw

ORDER RECEIVED FOR FILING

Date 10-31-11
By DS



KEVIN KAMENETZ
County Executive

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

October 31, 2011

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

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
NW side of Belair Road; 128' NE of the c/line of Pinehall Road
11th Election District - 5th Council District
(9402 Belair Road)
Khashayar and Nicole Varzandeh - *Petitioners*
CASE NO. 2012-0062-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco", is written over a light-colored background.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 9402 Belair Road

which is presently zoned ROA

Deed Reference 14515/00296

10 Digit Tax Account # 1123053232

Property Owner(s) Printed Name(s) Khashayar Varzandeh and Nicole Varzandeh

CASE NUMBER 2012-0062-SPHA Filing Date 8/31/2011 Estimated Posting Date Reviewer A. Fan

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

PLEASE SEE ATTACHED

2. ☐ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ **a Variance** from Section(s)

PLEASE SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address City State

(410) 821-0070
Zip Code Telephone # Email Address

Legal Owners:

Khashayar Varzandeh

Nicole Varzandeh

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4302 Perry Hall Maryland

Mailing Address City State

21128 / 410.248.0545 / khashyv@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address City State

(410) 821-0070
Zip Code Telephone # Email Address

2012-0062-SPHA

ATTACHMENT TO PETITION FOR SPECIAL HEARING

9402 Belair Road

1. The utilization of off-street parking spaces for residential uses and lodging uses on 9402 Belair Road off-site on the adjoining property, 9404 Belair Road, which is within 300 feet walking distance of a building entrance to the use that such spaces serve in accordance with BCZR § 409.7.A; and
2. For such other and further relief as may be determined necessary by the Administrative Law Judge.

Nicole Varyan

Nicole Varyan

2012-0062-SPHA

ATTACHMENT TO PETITION FOR VARIANCE

9402 Belair Road

1. 432A.1.C.1, 1B02.3.B and 1B02.3.C of the BCZR to allow an existing side yard setback of 6.5 feet to be retained in lieu of the minimum required side yard setback of 10 feet; and
2. 432A.1.C.2 of the BCZR to allow the existing parking and delivery areas in the front yard to remain where presently located in lieu of moving the parking to the required side or rear yard; and
3. 202.4.A, 1B02.3.B, 1B02.3.C and 504 of the BCZR to allow an existing Class II ALF, with 1,737 square feet net lot area per resident in lieu of the minimum 2,500 square feet ~~net~~ lot area required; and *Gross TMK*
4. For such other and further relief as may be determined necessary by the Administrative Law Judge.

Kristen Vogel

Nicole Varyondel

2012-0062-SPHA

MEMO

From: Aaron Tsui, Planner II  September 7, 2011

To: Zoning Commissioner/File

Re: Case no. 2012-0062-SPHA
Proposed Assisted Living Facility III
9402 Belair Road, 11th Election District

The Zoning Office has discussed with the owner's attorney about the density calculations for the proposed Assisted Living Facility (ALF). The attorney maintained to use 2,500 square feet as the area requirement for each proposed bed; Zoning Office uses 1 density lot for 4 beds and rounds up to the lowest density lot numbers for the maximum beds allowed.

The subject property area is 26,096 square feet and is in a ROA zone, the said zone follows DR3.5 zone bulk regulations for residential uses. DR3.5 zone requires 10,000 square feet for each density lot. 26,096 square feet lot area yields 2 density lots - 8 beds are allowed. For a proposed 15 beds ALF, 4 density lots are required.

This petition proposed 15 beds in lieu of the maximum allowed 8 beds.

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

August 31, 2011

**Zoning Description
of
9402 Belair Road
Baltimore County
Maryland
11th Election District
5th Councilmanic District**

Beginning for the same at a point located on the northwest side of Belair Road (width varies) 128 feet northeasterly from the centerline of Pinehall Road (width varies), thence

- 1) North 47 degrees 48 minutes 21 seconds West 136.47 feet;
- 2) North 42 degrees 11 minutes 39 seconds East 100.00 feet;
- 3) North 42 degrees 11 minutes 39 seconds East 51.00 feet;
- 4) South 47 degrees 48 minutes 21 seconds East 135.00 feet;
- 5) North 42 degrees 11 minutes 39 seconds East 0.23 feet;
- 6) South 47 degrees 48 minutes 21 seconds East 1.47 feet;
- 7) South 42 degrees 11 minutes 39 seconds West 151.00 feet;

to the place of beginning as recorded in a Deed Liber 14515 folio 269 saving and excepting that area described in a Deed recorded in Liber 16498 folio 708. Containing 0.472 acres or 20,576 square feet of land more or less.



TK
10/20/11**CERTIFICATE OF POSTING****2012-0062-SPHA**

RE: Case No.: _____

Petitioner/Developer: _____

Khashayer & Nicole Varzandeh**October 20, 2011**

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

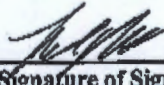
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were
posted conspicuously on the property located at: _____

9402 Belair Road**October 5, 2011**

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

October 13, 2011
(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

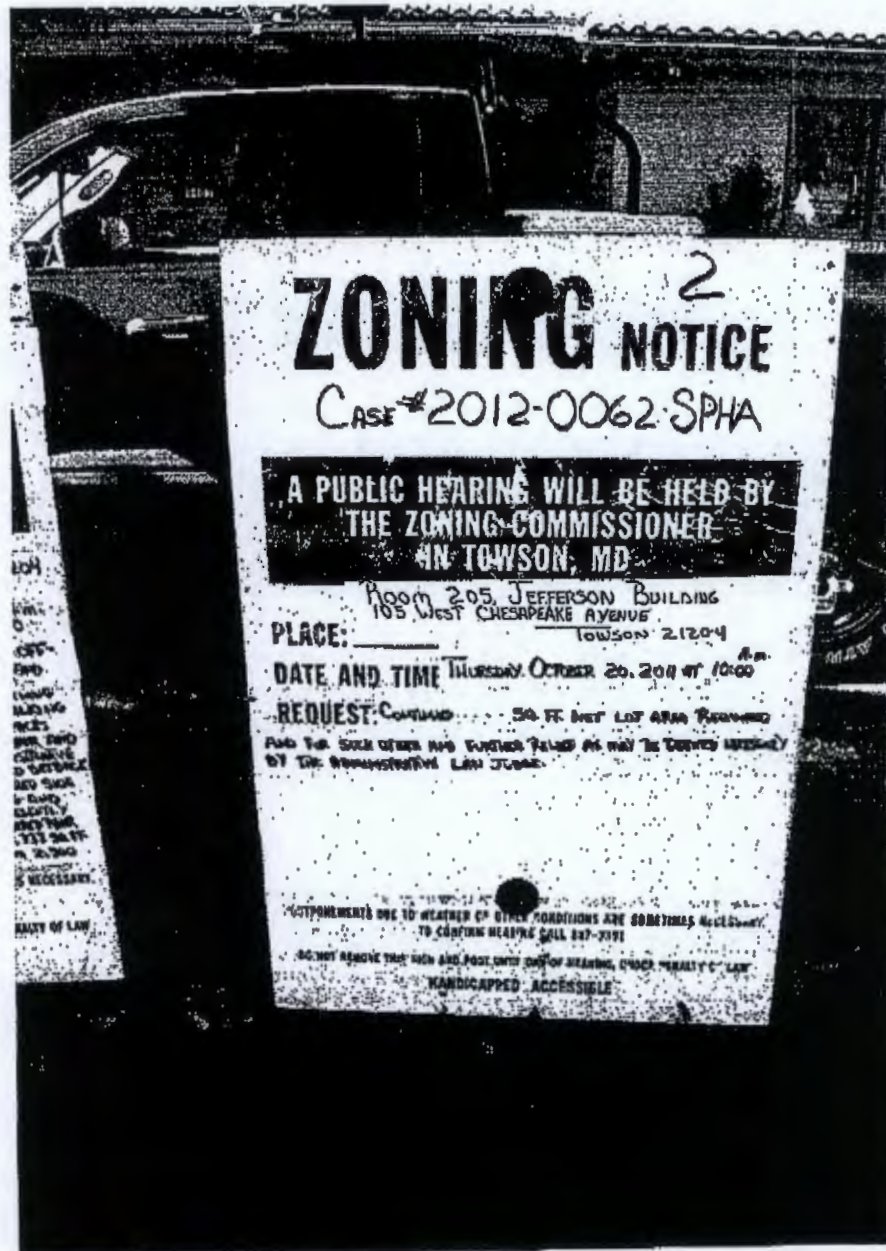
(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

HANDICAPPED ACCESSIBLE

1-3 NOT READING TIME AND FOR
- - - - -



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0062-SPHA
Petitioner: KHASHAYAR & NICOLE VARZANDEH
Address or Location: 9402 BELAIR ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON T. VETTORI
Address: SMITH, GILDEA & SCHMIDT, LLC
600 WASHINGTON AVE., STE. 200
TOWSON, MD 21204
Telephone Number: (410) 821-0070

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

No. **73662**

Date: **8/31/11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
0001	506	1000		6250						\$ 770

Total: **\$ 770**

Rec From: **SMITH GILDEA & SCHMIDT, LLC**

For: **7402 BELAIR RD**

9012 - 0062 - SPHA

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: # 2012-0062-SPHA

9402 Belair Road

N/W side of Belair Road, 128 feet n/east of the centerline of Pinehall Road

11th Election District — 5th Councilmanic District
Legal Owner(s): Khashayer & Nicole Varzandeh

Special Hearing: to permit utilization of off-street parking spaces for residential uses and lodging uses on 9402 Belair Road off-site on the adjoining property, 9404 Belair Road, which is within 300 ft. walking distance of a building entrance to the use that such spaces serve in accordance with BCZR 409.7.A and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Variance to allow an existing side yard setback of 6.5 ft. to be retained in lieu of the minimum required side yard setback of 10 ft.; and to allow the existing parking and delivery areas in the front yard to remain where presently located in lieu of moving the parking to the required side or rear yard. To allow an existing Class II ALF, with 1,737 sq. ft. net lot area per resident in lieu of the minimum 2,500 sq. ft. net lot area required and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Thursday, October 20, 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 10/602 October 4 287541

CERTIFICATE OF PUBLICATION

10/6/2011

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 10/4/2011.

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

S. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

September 19, 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: 2012-0062-SPHA

9402 Belair Road

N/w side of Belair Road, 128 feet n/east of the centerline of Pinehall Road

11th Election District – 5th Councilmanic District

Legal Owners: Khashayar & Nicole Varzandeh

Special Hearing to permit utilization of off-street parking spaces for residential uses and lodging uses on 9402 Belair Road off-site on the adjoining property, 9404 Belair Road, which is within 300 ft. walking distance of a building entrance to the use that such spaces serve in accordance with BCZR 409.7.A and for such other and further relief as may be determined necessary by the Administrative Law Judge. Variance to allow an existing side yard setback of 6.5 ft. to be retained in lieu of the minimum required side yard setback of 10 ft.; and to allow the existing parking and delivery areas in the front yard to remain where presently located in lieu of moving the parking to the required side or rear yard. To allow an existing Class II ALF, with 1,737 sq. ft. net lot area per resident in lieu of the minimum 2,500 sq. ft. net lot area required and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Thursday, October 20, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a faint circular stamp.

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Mr. & Mrs. Varzandeh, 4302 Chapel Road, Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 5, 2011.**
(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868. FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 4, 2011 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0700

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: 2012-0062-SPHA

9402 Belair Road

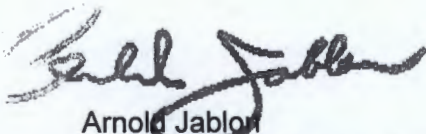
N/w side of Belair Road, 128 feet n/east of the centerline of Pinehall Road

11th Election District – 5th Councilmanic District

Legal Owners: Khashayar & Nicole Varzandeh

Special Hearing to permit utilization of off-street parking spaces for residential uses and lodging uses on 9402 Belair Road off-site on the adjoining property, 9404 Belair Road, which is within 300 ft. walking distance of a building entrance to the use that such spaces serve in accordance with BCZR 409.7.A and for such other and further relief as may be determined necessary by the Administrative Law Judge. Variance to allow an existing side yard setback of 6.5 ft. to be retained in lieu of the minimum required side yard setback of 10 ft.; and to allow the existing parking and delivery areas in the front yard to remain where presently located in lieu of moving the parking to the required side or rear yard. To allow an existing Class II ALF, with 1,737 sq. ft. net lot area per resident in lieu of the minimum 2,500 sq. ft. net lot area required and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Thursday, October 20, 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

October 12, 2011

Mr. & Mrs. Varzandeh
4302 Chapel Road
Perry Hall, MD 21128

RE: Case Number 2012-0062SPHA, 9401 Belair Road

Dear Mr. & Mrs. Varzandeh,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 31, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Jason Vettori, 600 Washington Avenue., Ste. 200, Towson, MD 21204

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-12-11

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

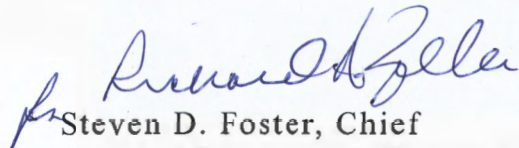
RE: Baltimore County
Item No. 2012-0062-SPHA
Special Hearing Variance
Khashayar & Nicole Varzandeh
9402 Belair Road

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 9-12-11. A field inspection and internal review reveals that an entrance onto US1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2012-0062-SPHA

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

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 26, 2011
Item No. 2012-0062

DATE: September 15, 2011

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

Per section 409, the travelway connecting the two properties should be 20-feet-wide and be paved with a durable, dustless surface. However, given the occasional use, the flat grades and the clear sight distance, we recommend that the travelway shown as gravel and 12-13 feet wide should be allowed.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0062-09262011.doc

TK 10/20 10am 205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 19, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-0062-SPHA
Address: 9402 Belair Road
(Varzandeh Property)

Zoning Advisory Committee Meeting of September 12, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

SEP 19 2011

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
9402 Belair Road; N/W Side of Belair Road, * ADMINISTRATIVE LAW
128' NW of c/line Pinehall Road *
11th Election & 5th Councilmanic Districts * JUDGE FOR
Legal Owner(s): Khashayar & Nicole Varzandeh *
Petitioner(s) * BALTIMORE COUNTY
* 2012-062-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

SEP 19 2011

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2011, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

October 23, 2013

Cassidy Investment Properties LLC
4302 Chapel Road
Baltimore, Maryland 21128

Khashayar Varzandeh, Resident Agent
9402 Belair Road.
Nottingham, Maryland 21236

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

Re: Order to remove improvements erected under rescinded Building Permit #B819552

Dear Mr. Varzandeh:

By letter dated September 11, 2013 Cassidy Investment Properties LLC was notified that building permit #B819552 was rescinded. Restated here are the reasons for the rescission: (1) the planned addition exceeds the area shown on the zoning plan submitted in Zoning Case No. 2012-0062-SPHA; (2) the planned addition did not receive the approval of the Development Review Committee (DRC) and (3) the addition encroaches upon a State storm drain easement and there is no record of the State agreeing to such encroachment.

Cassidy Investment Properties LLC was advised (1) to call Dennis Kennedy, Supervisor of the Developer's Plan Review Section at 410-887-3751 to discuss the requirement for DRC review; (2) to call the Zoning Office at 410-887-3391 to discuss all zoning limitations that apply to the property at 9402 Belair Road and (3) to contact Mike Pasquariello at the MD State Highway Administration to discuss whether it would allow any encroachment upon its drainage easement.

Cassidy Investment Properties LLC has not taken any steps to remedy the reasons for the rescission. As a result, Cassidy Investment Properties LLC is ordered to remove any and all work described in building permit #B819552 issued on August 13, 2013 and rescinded on September 13, 2013 within the next sixty (60) days and to restore the property to its prior condition.

You are also directed to call the undersigned within 3 days of receipt of this letter and advise of your intentions in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald E. Brand".

Donald E. Brand, P.E.
Building Engineer

Copies: Dennis Kennedy, Developer's Review Section
Carl Richards, Zoning Office
Glenn Berry, Chief Building Inspector

Building Engineer's Office | County Office Building
111 West Chesapeake Avenue, Room 105 | Towson, Maryland 21204 | Phone 410-887-4585 | Fax 410-887-5708
www.baltimorecountymd.gov

TK 10/20
10 AM
Rm. 205

From: Peter Zimmerman
To: Stahl, Lawrence
CC: Kennedy, Dennis; MBailey@sha.state.md.us; Weber, Stephen
Date: 9/27/2011 11:11 AM
Subject: Fwd: Khashayar & Nicole Varzandeh Case No.: 2012-062-SPHA
Attachments: Fwd: Khashayar & Nicole Varzandeh Case No.: 2012-062-SPHA

Dear Judge Stahl,

For your information, enclosed is a comment on this case from Stephen E. Weber, Chief, Division of Traffic Engineering. We hope it will be of assistance to the Office of Administrative Hearing in the course of this case.

Sincerely yours,

Peter Max Zimmerman

Debra Wiley - Fwd: Khashayar & Nicole Varzandeh Case No.: 2012-062-SPHA

From: Stephen Weber
To: Peter Zimmerman
Date: 9/26/2011 10:58 PM
Subject: Fwd: Khashayar & Nicole Varzandeh Case No.: 2012-062-SPHA
CC: Dennis Kennedy; Mike Bailey
Attachments: 20110921084946.pdf

Dear Mr. Zimmerman:

We have reviewed the subject petition and do not have any significant traffic concerns with the case. Development Plans Review already examined the site and noted that "Per Section 409, the travelway connecting the two properties should be 20 feet wide and be paved with a durable, dustless surface. However, given the occasional use, the flat grades and the clear sight distance, we recommend that the travelway shown as gravel and 12-13 feet side should be allowed." It should be noted that this is an existing connection and it connects the two properties both serving as Assisted Living Facilities.

While the subject site is 9402 Belair Rd, and they are proposing utilizing parking on next door 9404 Belair Rd to supply 2 parking spaces, it should be noted that all the paving on 9404 Belair Rd is not shown on the site plan. There is a similar circular driveway for that property as well, as can be seen in the aerial photo below. While Mike Bailey from the State Highway Administration Engineering Access Permits Division would also be provided copies of this request, we would note that the State would generally not permit these circular driveways onto US 1, especially when they are servicing something other than a single-family home. Given the cross connection between the two properties and the apparent shared use between the two properties, this really results in 4 access points for the joint 2 properties which seems far in excess of what is needed. However, given that this issue really comes under the State's jurisdiction, I would leave the issue of whether any of these access points should be closed to the State's determination.

Should you have any questions regarding this information, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554



>>> People's Counsel 9/21/11 9:05 AM >>>
Mr. Weber,

Attached you will find the Petitions for Special Hearing and Variance with regard to the above-mentioned case. Please review the case and let my office know if you have any traffic concerns with this case.

Thank you in advance.

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

From: Donald Brand
To: Viscarra, Michael
CC: Berry, Glenn; Mayer, Lewis
Date: 9/10/2013 11:01 AM
Subject: Fwd: Re: 9402 Belair Rd. 21236 project over existing storm drain, building permit, B819552

Michael, please read e-mail I received from Jim Ford below.

A permit to renovate 1635 sq ft + 1-sty addition at this assisted living facility was issued to Sid Groman of Venice Contracting on August 16, 2013. Has Mr. Groman met his obligations as far as you are concerned and, if not, should a stop work be issued until that occurs? Please advise.

Thanks.

Don

>>> James Ford 9/10/2013 8:32 AM >>>

Don,

Just an FYI.

Sid Gronan from Dennis Contracting was told by several agencies back in May of 2013 that the County was not in favor of his plan to construct an addition to a house at 9402 Belair Rd. due to the existing storm drain running under his proposed site. Mike Viscarra informed me he told Mr. Gronan that he would need the easement release from the State before the County would approve. I just happened to be driving past this location on Friday and saw what appears to be the beginning of construction. As far as I know, he never came back to Storm Drain Design with this info. Maybe he got proper approval from the State or County? Obviously, Storm Drain Design has no enforcement power but if the drain is damaged, blocked, etc., we will be having problems with flooding on the upstream end. The storm drain system begins at the intersection of Darnall Rd. and Belair Rd. and runs straight across Belair Rd. next to the house. The record drawing numbers are: 1956-1661, 1956-1662, 1961-0288, 1971-0442, 1995-0270, 2004-2027.

Thanks,

Jim

James F. Ford, II
Engineering Associate III
Baltimore County
Storm Drain Design Section

410-887-3711

>>> Glenn Berry 9/10/2013 7:49 AM >>>

Jim,

They have an issued building permit, B819552. If you need it

rescinded, contact the Permit office or Don Brand. With an issued permit, we have no violation at this time.

Regards

Lew Mayer

Glenn Berry
Chief, Building Inspector
Baltimore County
410-887-3953 - Office
410-887-8081 - Fax

Patricia Zook - 2012-0062-SPHA & 2012-0066-SPH 30 day appeal period up

From: Patricia Zook
To: Adams, Sarah; Wiley, Debra; Zook, Patricia
Date: 11/30/2011
Due: 11/30/2011
Subject: 2012-0062-SPHA & 2012-0066-SPH 30 day appeal period up

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/20/2011 2:10 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 ave any questions or concerns.

2012-0060-SA - 10749, 10751, 10803, 10805, 20089 Falls Rd.
Hearing Date: 10/19/11 @ 10 AM

2012-0061-A - 5108 Morning Dove Way
Administrative Variance: Closing 9/26/11

2012-0062-SPHA - 9402 Belair Road
Hearing Date: None in data base as of 9/20

2012-0063-A - 907 Catherine Avenue
Administrative Variance: Closing 9/26/11

2012-0064-A - 1701 Twin Springs Road
Hearing Date: None in data base as of 9/20

2012-0065-A - 7655 Old Battle Grove Road (CBCA)
Hearing Date: None in data base as of 9/20

2012-0066-SPH - 6630 Ebenezer Road
Hearing Date: None in data base as of 9/20

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

M E M O R A N D U M

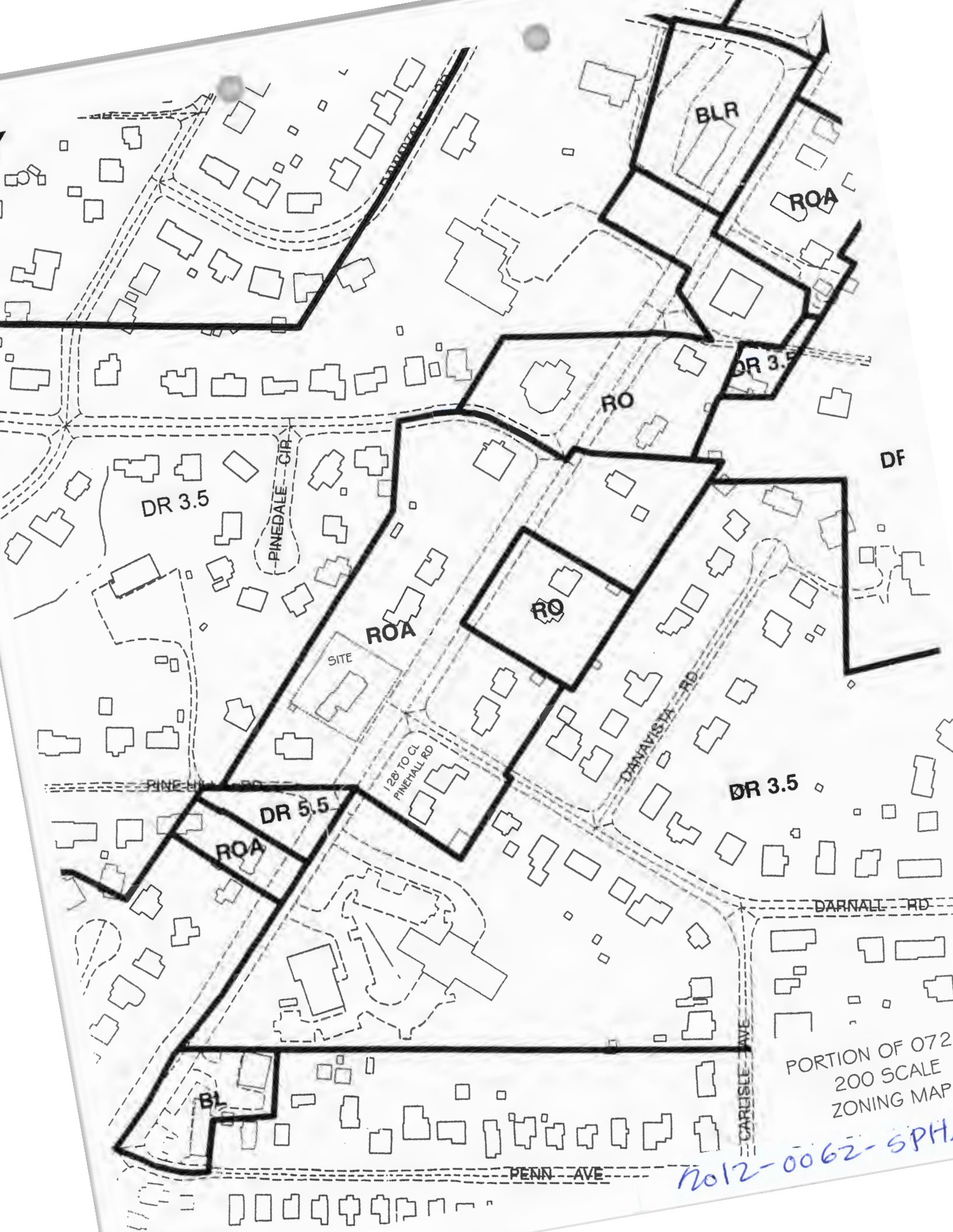
DATE: December 5, 2011
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0062-SPH

The appeal period for the above-referenced case expired on November 30, 2011. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

CASE NAME Ma Maison
CASE NUMBER 2012-002-SPCA
DATE 10/20/11

[illegible]



BLR

ROA

DR 3.5

RO

DF

DR 3.5

PINEDALE CIR

ROA

SITE

RO

128' TO CL
PINEHALL RD

DANAVISTA RD

DR 3.5

DR 5.5

ROA

DARNALL RD

BL

PENN AVE

CARLISLE AVE

PORTION OF 072
200 SCALE
ZONING MAP

2012-0062-SPH

IN RE: PETITION FOR VARIANCE
NW/S Belair Road, 475' S of the c/l
Pinedale Drive
(9402 Belair Road)
11th Election District
5th Council District

Javad Varzandeh, et al
Petitioners

* BEFORE THE *previous*
* ZONING COMMISSIONER *Order*
* OF BALTIMORE COUNTY
* Case No. 03-371-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Javad Varzandeh and Guity Varzandeh, and the Contract Lessee, Khashayar Varzandeh. The Petitioners seek relief from Section 450.4.5(m) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a freestanding, illuminated sign of 14 sq.ft. in lieu of the maximum allowed 8 sq.ft., wall-mounted or projecting, non-illuminated sign in an R.O.A. zone. 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 request were Javad Varzandeh, Khashayar Varzandeh and Nicole Varzandeh, property owners. Appearing in opposition to the request was William M. Libercci, a representative of the Perry Hall Improvement Association.

The subject property under consideration is a rectangular shaped parcel located on the northwest side of Belair Road, south of Pinedale Drive, across from its intersection with Darnall Road in Perry Hall. The property contains a gross area of 0.468 acres, more or less, zoned R.O.A. and is improved with a one-story stucco building which was previously used as a single family dwelling; however, is proposed to be converted for use as an assisted living facility for up to 10 beds (residents). Interestingly, the Petitioners own the adjacent property, known as 9404 Belair Road, which was also previously used as a single family dwelling; however, is now used as an

2012-0062-Sum
Case No.: 2012-0062

TK
10/20/11

Exhibit Sheet DW 11/2/11

Bj 12/6/11

Petitioner/Developer

Protestant

No. 1	Site Plan of the Property	
No. 2	2A Photos of House 2B Builders themselves 2C Photos of other properties	
No. 3	2D Vegetation around house 2E Photo of 9404 (No Exhibit 3)	
No. 4	use permit 10/31/01 for Class A ALF 8 persons	
No. 5	Bldg permit for interior changes	
No. 6	Checklist from zoning office	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2A



PETITIONER'S

EXHIBIT NO. 2B



PETITIONER'S

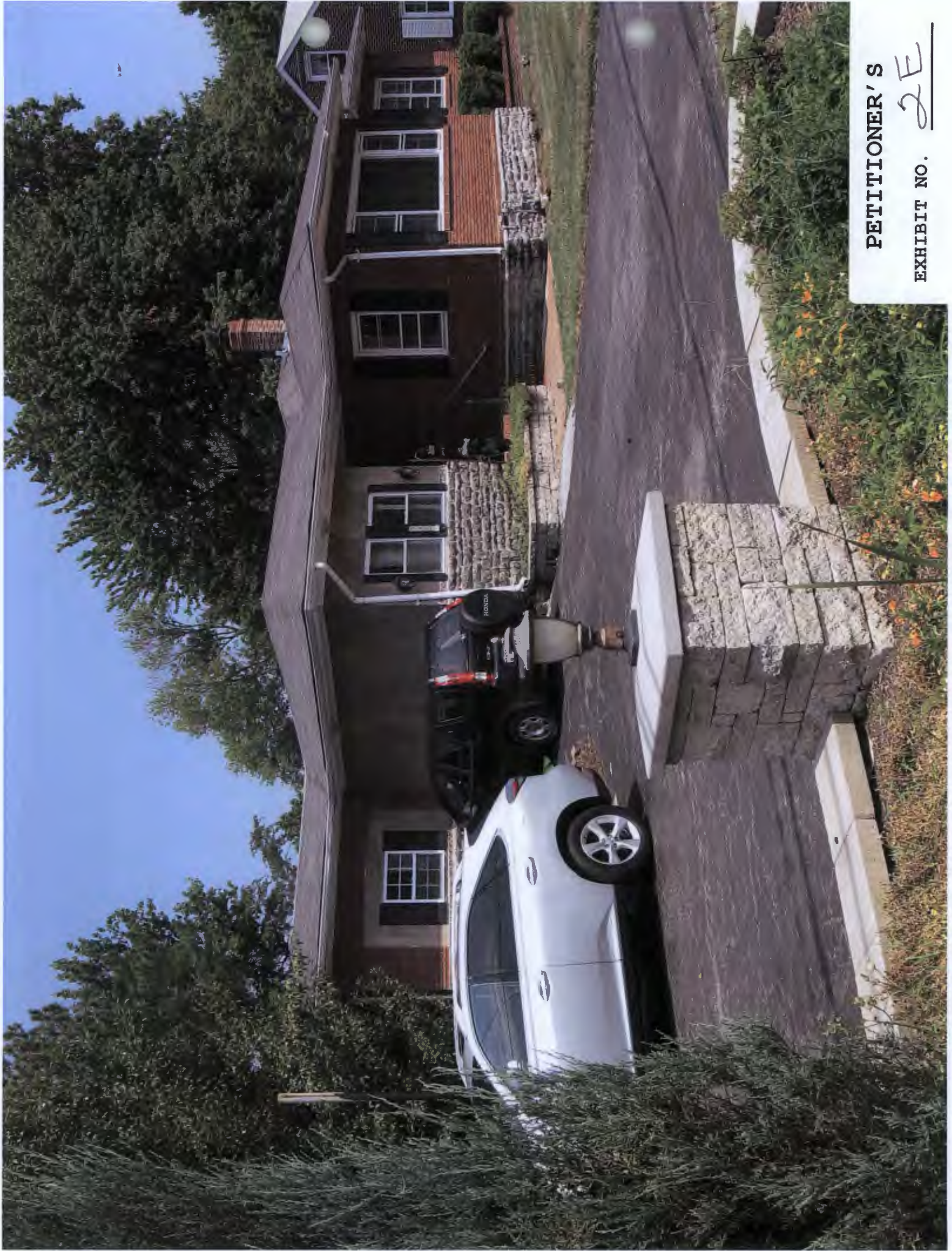
EXHIBIT NO. 2C



PETITIONER'S

EXHIBIT NO.

21



PETITIONER'S

EXHIBIT NO. 2E

USE PERMIT



IT IS ORDERED by the Director of the Baltimore County Department of Permits and Development Management, this 31ST of OCTOBER, 2001, that 9402 BELAIR ROAD. (street address) should be and the same is hereby granted permission to operate a CLASS "A" (ELDERLY) ASSISTED LIVING FACILITY FOR 8 "ALF" RESIDENTS. THIS PERMIT IS CONDITIONED UPON COMPLIANCE WITH MR JEFF LONG'S CONDITIONAL APPROVAL. COMMENTS DATED: 10/22/01

NA.
Permit No.

[Signature]
Director

Planner's Initials [Signature]

REV 06/00

PETITIONER'S

EXHIBIT NO. 4

PETITIONER'S

EXHIBIT NO. 5

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

DATE: 3-7-02

OEA: ELW/107
HISTORIC DISTRICT/BLDG.

PERMIT #: B477823
EIPT #: A476376
CONTROL #: COC-
XREF #:

PROPERTY ADDRESS 9402 BELAIR RD
SUITE/SPACE/FLOOR 1307FS # Pinedale DR
TAX ACCOUNT #: 1123053232
OWNER'S INFORMATION (LAST, FIRST)
NAME: JAVAD & GITY VARZANDEH
ADDR: 9402 BELAIR RD 21236-1502

FEE: 35.4 + 100.
PAID: 135.00
PAID BY: APPL
INSPECTOR:

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

BUILDING 1 or 2 FAM.

CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT

1. ☐ NEW BLDG CONST
2. ☐ ADDITION
3. ☒ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER Change of occupancy from single family dwelling to ALF for 10 residents - to install

TYPE OF USE

RESIDENTIAL

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

TYPE FOUNDATION

1. ☐ SLAB
2. ☐ BLOCK
3. ☐ CONCRETE
- BASEMENT
1. ☐ FULL
2. ☐ PARTIAL
3. ☐ NONE

TYPE OF CONSTRUCTION

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

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

OWNERSHIP

1. ☒ PRIVATELY OWNED
2. ☐ PUBLICLY OWNED
3. ☐ SALE
4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☒ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. ☐ HIRISE
1 FAMILY BEDROOMS

APPLICANT INFORMATION

NAME: KHASHAYAR VARZANDEH
COMPANY:

STREET 44302 CHAPEL RD

CITY, ST, ZIP PERRY HALL MD 21128

PHONE #: 443 829 2431 MHIC LICENSE #:

APPLICANT

SIGNATURE: K Varzandeh DRC#

PLANS: CONST 2 PLOT 0 PLAT 0 DATA 3 EL 1 PL 1

TENANT

CONTR: OWNER

ENGR:

SELLR:

DESCRIBE PROPOSED WORK: Change of occupancy from single family dwelling to ALF for 10 residents - to install
separate permit for add work is required incl
sprinklers & alarms. ALTERATIONS PER PLANS.

NON-RESIDENTIAL

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

TYPE OF HEATING FUEL

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

TYPE OF WATER SUPPLY

1. ☒ PUBLIC SYSTEM
2. ☐ PRIVATE SYSTEM

TYPE OF SEWAGE DISPOSAL

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

PROPOSED USE: Assisted Living Facility (10) & ALTERATIONS
EXISTING USE: SEF

Per #5
Labrad
for

ZONING INFORMATION FOR SMALL ASSISTED LIVING FACILITIES (ALF's)

The attached information will help in filing for the use permits for Class I and II ALF's

There are two checklist sheets. One is for Zoning Use Permit; the other is for Planning Office compatibility review. Both must be followed carefully. A sample site plan accompanies the checklist for your convenience. There is also a condensed copy of the zoning regulations attached to the above information.

The regulations for these facilities were based on their establishment in certain residential (DR or equivalent) zones and in existing detached single family dwellings or buildings. They may not be located in apartment buildings. They can only be placed in townhouse units with difficulty; usually involving Zoning Public Hearings for parking or other conflicts with the zoning regulations as set forth on the checklists. Please be aware that a public hearing requires actions that are not detailed in this information. You may contact the zoning review staff at 410 - 887-3391 about public hearing requirements if you have a site plan conflict with the regulations.

The buildings in which ALF's are proposed must have existed for the past five years and not have had substantial enlargement during that time. For details please see the checklist.

Please check your zoning as directed below. This is very important if you are proposing more than four ALF beds. Each zone requires an increasingly larger lot area to support more than four beds. You may call the above referenced zoning review phone # for questions on required lot sizes once you can state what the site is zoned and the number of ALF beds you are proposing.

ALF II's are for more than 7 beds. There are special requirements for location. They must be located on a "principal arterial street". You must come to the Zoning Review Office at 111 West Chesapeake Ave. in Towson Md., in person to locate your site on the State Highways system map to confirm compliance with this requirement.

ALF III's are for more than 15 residents and have requirements that go beyond those of the smaller ALF I and II Facilities (such as development regulation application). Please contact the zoning staff at the above phone # for details regarding this type of approval.

Please be aware that the provided information is for zoning use permit application only and it is not intended to represent the requirements of any other agency regarding approval of your use.

To find your zoning, you may come to the Zoning Office at the above address or go to the following website: <http://www.baltimorecountyonline.info>. Once there, click on "What's My Zoning", then on the next page click the "I Agree" tab. An address bar will then come up. Put the street # and road name in the bar and click the "Create A Map" tab. In a few seconds the zoning map should appear. The zoning designation is shown within the blue lines. If you cannot read it clearly, place the mouse cursor on the site and left click the mouse, the zoning should appear in a window on your screen. Occasionally this site may be off-line. Should you have difficulty accessing it, you can try again later or come to the zoning counter at the above address for help. Please be aware that this on-line map is not official. To get a copy of the official map, you must come to the zoning counter for assistance.

PETITIONER' S

Revised

2/17/11

EXHIBIT NO. 6

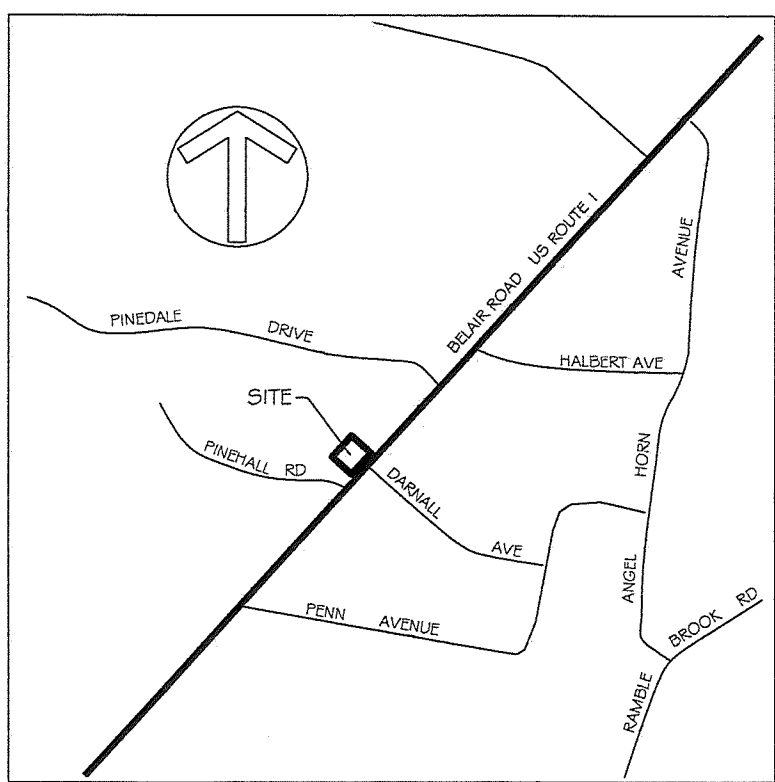
PREVIOUS HEARINGS:
ZONING HEARING CASE NO. 03-371-A:
A VARIANCE FROM SECTION 450.4.5(m) TO PERMIT A
FREESTANDING ILLUMINATED 14 SQUARE FOOT SIGN IN LIEU OF
AN 8 SQUARE FOOT WALL-MOUNTED NON-ILLUMINATED SIGN
WAS DENIED.
BOARD OF APPEALS CASE NO. 03-371-A:
A VARIANCE FROM SECTION 450.4.5(m) TO PERMIT A
FREESTANDING ILLUMINATED 14 SQUARE FOOT SIGN IN LIEU OF
AN 8 SQUARE FOOT WALL-MOUNTED NON-ILLUMINATED SIGN
WAS DENIED.

PREVIOUS PERMITS:
USE PERMIT 10/31/2001
PERMISSION WAS GRANTED TO OPERATE A CLASS 'A' ASSISTED
LIVING FACILITY FOR 8 RESIDENTS.

BUILDING PERMIT # B477823
CHANGE OF OCCUPANCY FROM SINGLE FAMILY DWELLING TO
ASSISTED LIVING FACILITY FOR 10 RESIDENTS AND MAKE
INTERIOR ALTERATIONS WAS ISSUED ON 6/13/2002.

PARKING NOTE:
BOTH ASSISTED LIVING FACILITIES LOCATED AT 9402 AND THE
ADJOINING PROPERTY LOCATED AT 9404 BELAIR ROAD ARE
REQUIRED TO PROVIDE 1 PARKING SPACE FOR EACH 3 BEDS.
CURRENTLY 9402 HAS 5 SPACES AND 9404 HAS 5 SPACES. 9402
IS PROPOSING TO INCREASE THE NUMBER OF BEDS TO 15 AND
WOULD REQUIRE 5 PARKING SPACES. THE CURRENT NUMBER OF
BEDS PROVIDED AT 9404 IS 11 WHICH REQUIRES 4 PARKING
SPACES. WITH A SLIGHT MODIFICATION TO THE PARKING AREA IN
THE REAR OF 9404 THAT AREA COULD THEN PROVIDE A TOTAL OF 6
PARKING SPACES. IT IS INTENDED TO CREATE A SHARED PARKING
AGREEMENT BETWEEN THE TWO FACILITIES WHEREAS 9404 WILL
PROVIDE THE 2 ADDITIONAL PARKING SPACES REQUIRED FOR 9402
WITH THE REMAINING SPACES TO BE UTILIZED BY 9404.

SITE DATA:
1) OWNERS: JAVAD AND GITY VARZANDEH
2) OWNERS ADDRESS: 9402 BELAIR ROAD
BALTIMORE, MARYLAND 21236
3) OWNERS TELEPHONE NO.: 410-248-0245
4) TAX ACCOUNT NUMBERS: 1123053232
5) TAX MAP: 72 GRID: 2 PARCELS: 1117
6) DEED REFERENCES: 14515269 SAE 16498/708
7) LOT AREA: 20,576 SF / 0.4724 ACRES
8) GROSS AREA: 26,096 SF / 0.5991 ACRES
9) ZONING MAP: 072A1
10) ZONING: R-OA
11) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
12) THE SUBJECT PROPERTY NOT LOCATED WITHIN A 100-YEAR
FLOODPLAIN.
13) THE BASIC SERVICES MAPS INDICATE THAT NO DEFICIENCIES
EXIST THAT IMPACT THE SUBJECT SITE. THE SUBJECT
PROPERTY IS LOCATED WITHIN A LEVEL 'D' TRANSPORTATION
SERVICE AREA.
14) PREVIOUS HEARINGS AND/OR PERMITS:
PETITION FOR A VARIANCE CASE NO. 03-371-A
USE PERMIT GRANTED ON 10/31/01
BUILDING PERMIT # B477823 ISSUED 6/13/02
15) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE
SUBJECT PROPERTY.
16) OPEN SPACE:
REQUIRED: 20,576 X .10 = 2,058 SQ. FT.
PROVIDED: 2,128 SQ. FT.
17) F.A.R. = NONE REQUIRED
18) PARKING: (SEE PARKING NOTE)
REQUIRED: 1 SPACE PER 3 BEDS (15 BEDS/3=5 SPACES)
PROVIDED: 5 SPACES (3 ON-SITE AND 2 OFF-SITE)
19) PUBLIC WATER AND SEWER ARE PROVIDED.
20) UNIT CALCULATIONS PER AREA REQUIREMENTS:
MIN. PERMITTED: 2,500 SF. / UNIT
PROPOSED: 26,096 / 15 = 1,739 SF. / UNIT



REQUESTED VARIANCES:

1. 1 B02.3.B AND 1 B02.3.C OF THE BCZR TO ALLOW AN EXISTING SIDE YARD SETBACK OF 6 1/2 FEET TO BE RETAINED IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 10 FEET; AND
2. 432A.1.C.2 OF THE BCZR TO ALLOW THE EXISTING PARKING AND DELIVERY AREAS IN THE FRONT YARD TO REMAIN IN LIEU OF MOVING THE PARKING TO THE REQUIRED SIDE OR REAR YARD; AND
3. 202.4.A, 1 B02.3.B, 1 B02.3.C AND 504 OF THE BCZR TO ALLOW AN EXISTING CLASS II ALF, WITH 1,739 SQUARE FEET NET LOT AREA PER RESIDENT IN LIEU OF THE MINIMUM 2,500 SQUARE FEET GROSS LOT AREA REQUIRED; AND
4. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DETERMINED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

REQUESTED SPECIAL HEARING:

1. THE UTILIZATION OF OFF-STREET PARKING SPACES FOR RESIDENTIAL USES AND LODGING USES ON 9402 BELAIR ROAD OFF-SITE ON THE ADJOINING PROPERTY, 9404 BELAIR ROAD, WHICH IS WITHIN 300 FEET WALKING DISTANCE OF A BUILDING ENTRANCE TO THE USE THAT SUCH SPACES SERVE IN ACCORDANCE WITH BCZR § 409.7.A; AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DETERMINED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

OWNERS' NOTE:

THE BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST 5 YEARS. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITIONS (OF 25% OR MORE, BASED ON THE GROUND FLOOR AREA, AS OF 5 YEARS BEFORE THE DATE OF THIS APPLICATION) TO THE EXTERIOR OF THE BUILDING HAVE OCCURRED. NO ADDITIONS ARE PROPOSED TO EXCEED THIS LIMIT FOR FIVE YEARS FROM THE DATE OF THIS APPLICATION.

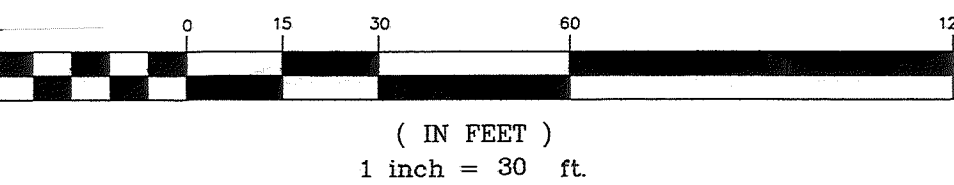
ADDITION CALCULATIONS:
EXISTING GROUND FLOOR AREA: 2,573 SQ. FT.
PROPOSED ADDITION GROUND FLOOR AREA: 610 SQ. FT.
PERCENTAGE OF INCREASE: 23.7%

Javad Varzandeh 8/10/11
DATE
Gity Varzandeh 8/10/11
DATE

PETITIONER'S

EXHIBIT NO. NO 1

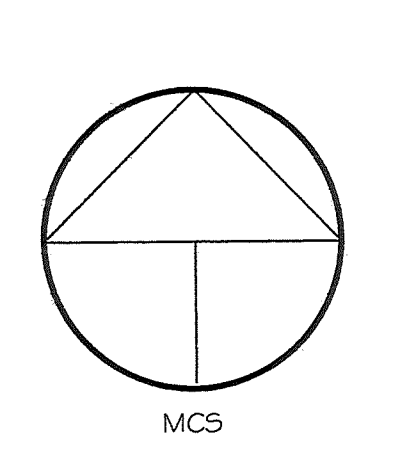
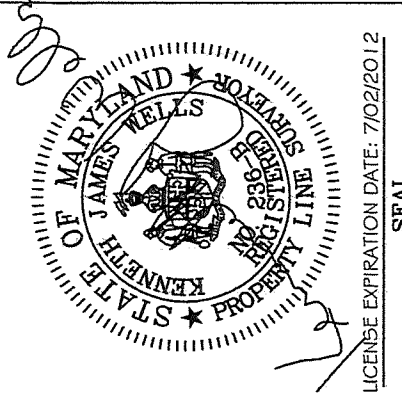
GRAPHIC SCALE



- LEGEND:
- TRAFFIC DIRECTION
 - FENCING
 - STORM DRAIN MANHOLE
 - SANITARY SEWER MANHOLE
 - CLEAN OUT
 - UTILITY POLE
 - GUY WIRE
 - FIRE HYDRANT

kjwellsinc
7403 NEW CUT ROAD
KINGSTOWN, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning



REVISIONS:	
NO.	DATE
1	10/17/2011

PLAN TO ACCOMPANY A
PETITION FOR A
SPECIAL HEARING AND VARIANCE
AND APPLICATION FOR A USE PERMIT
9402 BELAIR ROAD
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 7/21/2011
PROJECT NO.:
2011-019

PETITIONER'S
EXHIBIT NO. 1