

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
S side of Kenwood Avenue at corner	*	OFFICE OF
of W side of Dale Avenue		
14 th Election District	*	ADMINISTRATIVE HEARINGS
6 th Councilmanic District		
(4519 Kenwood Avenue)	*	FOR BALTIMORE COUNTY
Hardick Group, LLC	*	CASE NO. 2012-0121-SPHXA
<i>Petitioner</i>		

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing, Special Exception and Variance for the property located at 4519 Kenwood Avenue. The Petitions were filed by Howard L. Alderman, Jr., Esquire. Special Hearing relief is requested as follows:

- Pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 409.8.B to approve a use permit for use of the residentially zoned portion of the subject property for commercial parking to support existing and proposed uses to meet the requirements of B.C.Z.R. Section 409.6; and
- To determine pursuant to B.C.Z.R. Section 232.3B that the rear lot line of this commercial property does not abut a lot in a residence zone; and
- For such additional relief as the nature of this case may require.

Petitioner is also requesting Special Exception relief to permit the use of the described portion of the existing/proposed improvements as residential living quarters pursuant to B.C.Z.R. Section 230.3, and for such additional relief as the nature of this case may require.

Petitioner is requesting Variance relief as follows:

- From B.C.Z.R. Section 1B01.1.B.1.e(1) to permit the existing building and proposed addition in the RTA; and
- From B.C.Z.R. 1B01.1.B.1.e.(2) and (5) to allow 10.5 foot (front-existing use and 27 foot (side-proposed use) minimum landscape buffer and to allow 10.5 foot (front-existing use) and 27 foot (side-proposed use) accessory/associated parking lot setback in lieu of the required 50 foot buffer and 75 foot setback, respectively; and
- From B.C.Z.R. 1B01.1.B.1.e(3) to allow a stormwater management facility and accessory structures inside the 50 foot buffer; and
- Alternatively, if special hearing relief is not granted from B.C.Z.R. Section 232.3B to permit a rear yard setback of 8.9 feet for an existing building in lieu of the 20 foot required; and
- For such additional relief as the nature of this case may require.

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

Appearing at the hearing on behalf of the Applicant were Walt Zawislak, P.E., and Nireen Kalathiya and Harold R. Sachs II with Ammon Heisler Sachs, the architects who prepared the site plan. Howard L. Alderman, Jr., Esquire, represented the Petitioner. There were no Protestants in attendance.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments contained in the file at the time of hearing indicate no opposition or other recommendations concerning the requested relief. There was a comment from the Department of Planning that was received after the close of evidence in this case. That comment, because of its late filing, was not considered.

Testimony and evidence offered at the hearing demonstrated that the property which is the subject of this zoning request consists of 0.53 acres more or less and is split zoned BL and DR 5.5. The property is located at the southwest corner of the intersection of Kenwood Avenue and Dale Avenue in the Overlea area of Baltimore County. The property is improved at this time with an existing two story building and associated parking lot. The property is currently used as a neighborhood bar and tavern.

The owners of the property are interested in constructing a 1 ½ story addition onto the existing building the dimensions of which are 42.7 feet x 40 feet 6 inches. The owners also propose to do substantial upgrades to the facades of the existing two story building in conjunction with the new building to be constructed. In order to proceed with the upgrade to the existing building as well as the construction of the new improvements, various zoning relief is necessary.

First, the Petitioner is requesting special hearing relief to approve a use permit so that the residentially zoned portion of the subject property can be used for commercial parking associated with the tavern use existing on the property. In addition, the Applicant is requesting a finding that the rear lot line of this commercial property does not abut a lot in a residential zone. As stated previously, the subject property is split zoned BL and DR 5.5. For the most part the BL zone portion of the property contains the tavern improvements and the remainder of the parking lot area is situated in a DR 5.5 zone. These areas have long been used for parking and ingress and egress to the subject business which has been situated on this corner for many decades. It is appropriate to allow this commercial parking to continue to be used in connection with the business located on this property. The Applicant has satisfied the requirements of Section 409.6 of the zoning regulations to allow commercial parking to exist in a residential zone. In addition, the testimony presented clearly shows that the rear lot line of the property binds on Dale Avenue. This area is not residentially zoned. This is important in that it obviates the need for variance number 4 in

their Petition for Variance. Giving this finding, variance request 4 in the Petition shall be dismissed as being unnecessary.

In addition to the special hearing relief, the Applicant is also requesting special exception approval to allow residential living quarters in accordance with Section 230.3 to exist within the commercial building. The owner of this commercial business does at this time have an apartment above the retail store. They ask that this residential use continue after the renovations are completed to the building. In many instances, it is important to have a caretaker's residence associated with businesses such as this. This allows for someone to be on the premises 24 hours a day 7 days a week to keep an eye on the property and the business during off hours. These caretaker residences are a valuable amenity. In order for the residence to continue to exist on the property, the special exception requirements of Section 502.1 must be met. The testimony and evidence presented at the hearing clearly demonstrated that the Applicant meets all of the requirements of Section 502.1 of the B.C.Z.R. and accordingly the special exception request shall be granted.

Lastly, in order to approve the renovation and additional building to be constructed, certain variance relief is necessary. As stated previously, variance relief from the RTA requirements is necessary as well as to allow a 10.5 foot and 27 foot minimum landscape buffer and to allow a 10.5 and 27 foot accessory associated parking lot setback in lieu of the required 50 foot buffer and 27 foot setback, respectively, is necessary. Furthermore, variance relief is needed to allow a stormwater management facility and accessory structure inside the 50 foot buffer. The last variance request for a rear yard setback has been dismissed in that the special hearing relief previously discussed has been granted.

The testimony and evidence presented at the hearing was uncontradicted and clearly demonstrated that the Petitioner has met all of the requirements of Section 307.1 as to the granting

of the variance request. I find that 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.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this matter held, and after considering the testimony and evidence offered, I find that Petitioner's requests for special hearing, special exception, and variance relief as described above should be granted.

IT IS ORDERED this 27th day of January, 2012, by this Administrative Law Judge, that the Petition for Special Hearing relief requested as follows:

- Pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 409.8.B to approve a use permit for use of the residentially zoned portion of the subject property for commercial parking to support existing and proposed uses to meet the requirements of B.C.Z.R. Section 409.6; and
- To determine pursuant to B.C.Z.R. Section 232.3B that the rear lot line of this commercial property does not abut a lot in a residence zone,

be and are hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit the use of the described portion of the existing/proposed improvements as residential living quarters pursuant to B.C.Z.R. Section 230.3, be and is hereby GRANTED.

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

- From B.C.Z.R. Section 1B01.1.B.1.e(1) to permit the existing building and proposed addition in the RTA; and
- From B.C.Z.R. 1B01.1.B.1.e.(2) and (5) to allow 10.5 foot (front-existing use and 27 foot (side-proposed use) minimum landscape buffer and to allow 10.5 foot (front-existing use) and 27 foot (side-proposed use) accessory/associated parking lot setback in lieu of the required 50 foot buffer and 75 foot setback, respectively; and
- From B.C.Z.R. 1B01.1.B.1.e(3) to allow a stormwater management facility and accessory structures inside the 50 foot buffer,

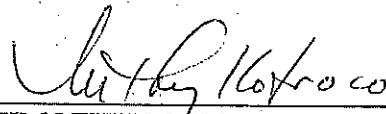
be and are hereby GRANTED.

IT IS FURTHER ORDERED that the Variance from B.C.Z.R. Section 232.3B to permit a rear yard setback of 8.9 feet for an existing building in lieu of the 20 foot required is hereby DISMISSED as the special hearing relief filed in the alternative has been granted.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their 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.

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


 TIMOTHY M. KOTROCO
 Administrative Law Judge
 for Baltimore County

TMK:pz



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 4519 Kenwood Avenue

which is presently zoned BR & D.R. 5.5

Deed Reference 28106 / 184

10 Digit Tax Account # 1402086775

Property Owner(s) Printed Name(s) HARDICK GROUP, LLC

CASE NUMBER 2012-0121-SPNKA Filing Date 11/21/2011 Estimated Posting Date 1/1 Reviewer JNP

(SELECT THE HEARING(S) BY MARKING ☒ 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

SEE ATTACHED

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

SEE ATTACHED

3. ☒ 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 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:

N/A

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Howard L. Alderman, Jr., Esq.

Name- Type or Print

Signature

Levin & Gann, PA, 502 Washington Ave., Ste 800 Towson MD

Mailing Address City State

21204 410-312-0600 halderman@LevinGann.com

Zip Code Telephone # Email Address

Legal Owners:

Hardick Group, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4519 Kenwood Avenue Baltimore MD

Mailing Address City State

21206 410-499-1862 drvsp123@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Niren Kalathiya, LEED AP / Ammon Heisler Sachs

Name - Type or Print

Signature

1 N. Charles St., Mezzanine 1 Baltimore MD

Mailing Address City State

21201 410-752-3510 x. 109 nkalathiya@ahsarch.com

Zip Code Telephone # Email Address

Attachment 1

CASE NO: 12-- -SPHXA

Address: 4519 Kenwood Avenue

Legal Owners: Hardick Group, LLC

Present Zoning: BR & DR 5.5

PETITION FOR SPECIAL HEARING

REQUESTED RELIEF:

Formal Request pursuant to BCZR §409.8.B to approve a Use Permit for use of the residentially zoned portion of the subject property for commercial parking to support existing and proposed uses to meet the requirements of BCZR § 409.6; to determine pursuant to BCZR §232.3B that the rear lot line of this commercial property does not abut a lot in a residence zone; and for such additional relief as the nature of this case may require.

PETITION FOR SPECIAL EXCEPTION

REQUESTED RELIEF:

Use of the described portion of the existing/proposed improvements as residential living quarters pursuant to BCZR §§ ~~226.1.A., 233.1.A., and~~ 230.3, and for such additional relief as the nature of this case may require.

PETITION FOR VARIANCE

REQUESTED RELIEF:

A variance from: i) BCZR § 1B01.1.B.1.e.(1) to permit the existing building and proposed addition in the RTA; ii) BCZR §§ 1B01.1.B.1.e.(2) & (5) to allow 10.5 foot [front-existing use] and 27 foot [side-proposed use] minimum landscape buffer and to allow 10.5 foot [front-existing use] and 27 foot [side-proposed use] accessory/associated parking lot setback in lieu of the required 50 foot buffer and 75 foot setback, respectively; iii) BCZR § 1B01.1.B.1.e.(3) to allow a stormwater management facility and accessory structures inside the 50 foot buffer; iv) alternatively, if the Special Hearing relief is not granted, from BCZR § 232.3B to permit a rear yard setback of 8.9 feet for an existing building in lieu of the 20' required; and v) for such additional relief as the nature of this case may require.

For Additional Information Contact:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Centre
8th Floor
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

halderman@LevinGann.com

Exhibit "A"
METES AND BOUNDS DESCRIPTION OF
23,125.0 SQ. FT. OR 0.53088 ACRES +/-
Hardik Group LLC Property:
4519 Kenwood Avenue
TAX MAP 81, GRID 21, Parcel 34
14th District, Baltimore County, Maryland

COMMENCING at a point located at the existing center-line intersection of Kenwood Avenue and Dale Avenue. Said point is also shown as station 0+00 on the Baltimore County Bureau of Land Acquisition Drawing No. HRW 60-095-1, which is recorded among the land records of Baltimore County, Maryland in Liber 3737 Page 526. Thence with a part of the center-line or **SOUTH 05°26'42" EAST Line** as now surveyed with the bearings referenced to direct ties to Baltimore County traverse stations 9258 and 16587 and as shown on Exhibit "B" prepared by Axiom Engineering Design, LLC dated October, 2011:

1. **SOUTH 05°36'36" EAST – 13.94 FEET** to a point; and thence
2. **SOUTH 84°23'24" WEST – 41.02 FEET** to the true point of beginning and continuing as follows:

BEGINNING for the same at a point located at the intersection of the southern right-of-way line of Kenwood Avenue, (a variable width public right-of-way) and the western right of way line of the aforesaid Dale Avenue, (a variable width public right-of-way). Said point is also located at the beginning of the 3rd or South two and one-quarter degrees East two hundred eight feet and nine inches line as described in the first parcel of that conveyance from Jacob Mufareh and Suad Mufareh to the Hardik Group, LLC by a deed dated the 12th day of May, 2009 and recorded among the land records of Baltimore County in Liber 28106, Page 184.

Thence leaving said 3rd or said two hundred eight foot line and leaving said southern right-of-way of Kenwood Avenue and continuing with the western side of Dale Avenue the following two courses as now surveyed

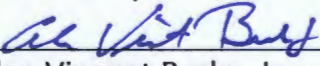
- L-1) **SOUTH 27°23'38" EAST – 56.63 FEET** to a point at the end of a fillet; and thence
- L-2) **SOUTH 05°36'36" EAST – 156.50 FEET** to a point marking the intersection of the northeast corner of Lot 98 as shown on a plat entitled "Elmwood" recorded among the Plat Records of Baltimore County at Plat Book W.P.C. 8 pages 18-19; and at the end of the 5th or South eighty three and one-quarter degrees East two

hundred eleven feet and nine inches line of the aforesaid first parcel of that conveyance to the Hardik Group, LLC. Thence leaving the western side of Dale Avenue, and reversing on a part of said 5th or two hundred and eleven foot line; and binding on a part of the northern line of lot 98

- L-3) **SOUTH 75°14'24" WEST – 101.75 FEET** to a point that intersects the beginning of the 3rd or North one degree thirty-six minutes West 208 feet 11 inches line as described in that conveyance from John J. Sweetra et.al. to Anthony D. Hayes and Kim M. Webb by a deed dated the 24th of February, 2000 and recorded among the land records of Baltimore County in Liber 14347, Page 227. Thence leaving the northern line of lot 98 and running with the said 3rd line of that conveyance to Hayes and Webb as now surveyed
- L-4) **NORTH 11°52'30" WEST – 208.77 FEET** to a point that intersects the 3rd line of that conveyance to the Hardik Group, LLC; and the southern side of said Kenwood Avenue. Thence leaving the said 3rd line of that conveyance to Hayes and Webb, and reversing on a part of the said 3rd line of that conveyance to the Hardik Group, LLC; and binding on the southern side of Kenwood Avenue
- L-5) **NORTH 74°32'54" EAST – 103.75 FEET** to the Point of Beginning. Containing **23,125.0 SQUARE FEET or 0.53088 Acres** of Land more or less within the bounds of this description.

BEING all of that lot or parcel of land previously described in a conveyance from Jacob Mufareh and Suad Mufareh to the Hardik Group, LLC by a deed dated the 12th day of May, 2009 and recorded among the land records of Baltimore County, Maryland in Liber 28106, page 184.

I hereby certify that this Metes and Bounds Description was personally prepared by me or that I was in responsible charge over its preparation and the Surveying work reflected in it and that this Description is in compliance with COMAR Section 09.13.06.12 of the Minimum Standards of Practice as now adopted by the Maryland Board of Professional Land Surveyors.


Alan Vincent Burke, Jr.
Professional Land Surveyor MD No. 10946
(License Expiration date is June 25, 2012)
Axiom Engineering Design, LLC (Project 11-0027.00)
6990 Columbia Gateway Drive, Suite 150
Columbia, MD 21046 443-276-6220

10-6-11
Date





KEVIN KAMENETZ
County Executive

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

December 13, 2011

Hardick Group, LLC
4519 Kenwood Avenue
Baltimore, MD 21206

RE: Case Number 2012-0121-SPHXA, 4519 Kenwood Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 2, 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
Niren Kalathiya, LEED AP, Ammon Heisler Sachs, 1 N. Charles St., Mezz. 1, Baltimore, MD
21201
Howard Alderman, Jr. Esq., Levin & Gann, PA, 502 Washington Ave., Ste. 800, Towson, MD
21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

CID PMZ

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 21, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 4519 Kenwood Avenue

INFORMATION:

Item Number: 12-121

Petitioner: Hardick Group, LLC

Zoning: BR and DR 5.5

Requested Action: Special Hearing, Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request provided the following conditions are met:

1. The proposed building addition shall serve as the dwelling unit for the owner of the commercial establishment located on the first floor. It shall consist of one dwelling unit only.
2. Elevations were submitted for the proposed new addition. In addition to the new construction portion of the building, any proposed improvements to the existing building that front on Kenwood Avenue shall be submitted for review and approval prior to issuance of the permit.
3. Locate the dumpster in the BL portion of the property and screen with a masonry screen.
4. Provide a landscape plan to screen and buffer adjacent residential uses from the proposed parking.
5. Plan should be labeled clearly as to the portion of the building that is retail versus residential.

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

Prepared by:

Division Chief:
AVA/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 28, 2011
Item No. ~~2012-0121~~

DATE: November 18, 2011

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

The 67.2-foot existing entrance along Dale Avenue should be eliminated and the area between the existing and proposed building and Dale Avenue should be used for landscaping.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0121-11282011.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-14-11

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

RE: Baltimore County
Item No. 2012-0121 SPHXA
Special hearing Special Exception Variance
Hardick Group, LLC
4519 Kenwood Avenue.

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. 2012-0121 SPHXA.

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,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE
4519 Kenwood Avenue; S/S Kenwood Avenue,* OF ADMINISTRATIVE
corner of Westside of Dale Avenue
14th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Hardick Group, LLC
Petitioner(s) * BALTIMORE COUNTY
* 2012-121-SPHXA

* * * * *

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

NOV 17 2011

mn

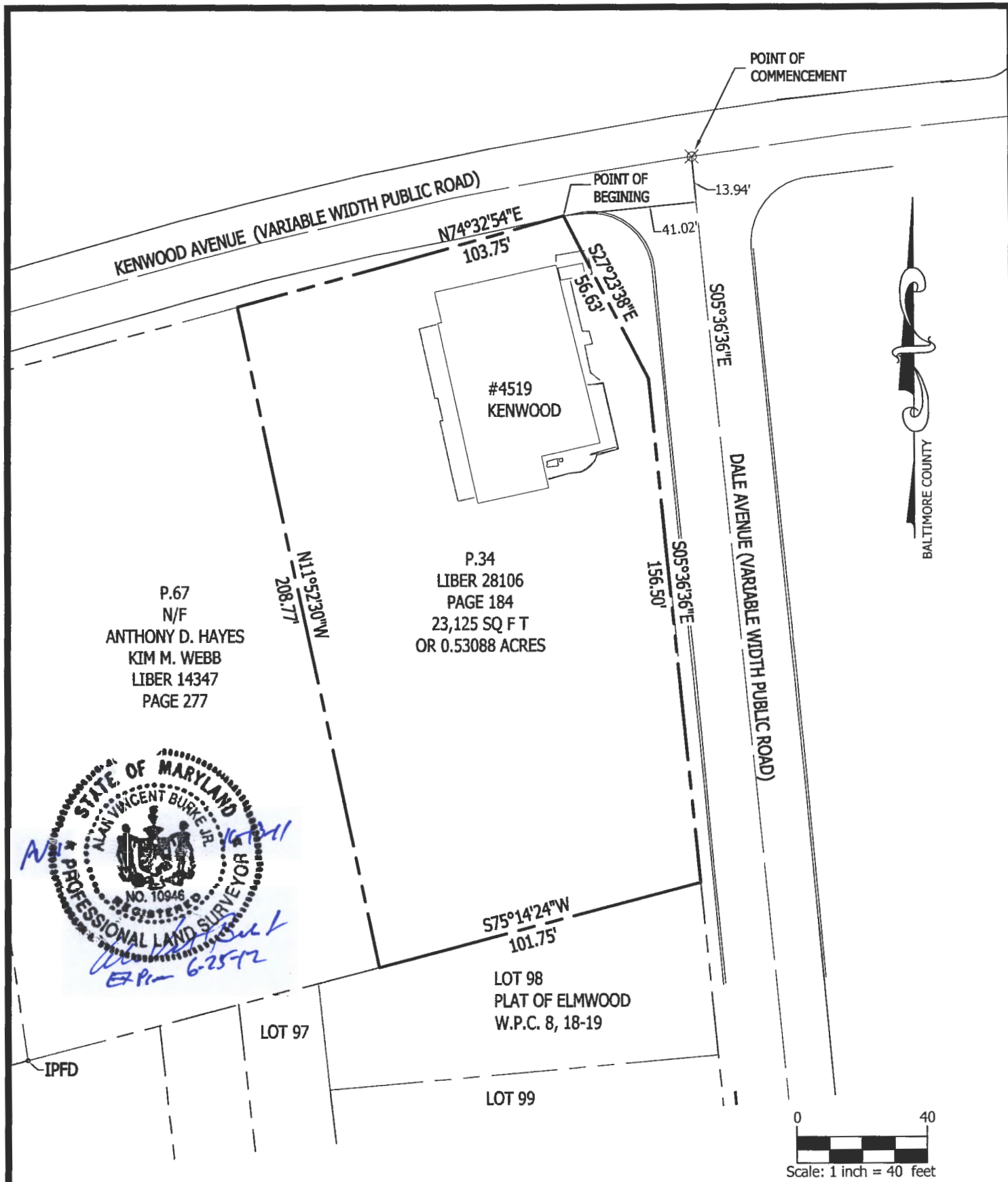
CERTIFICATE OF SERVICE

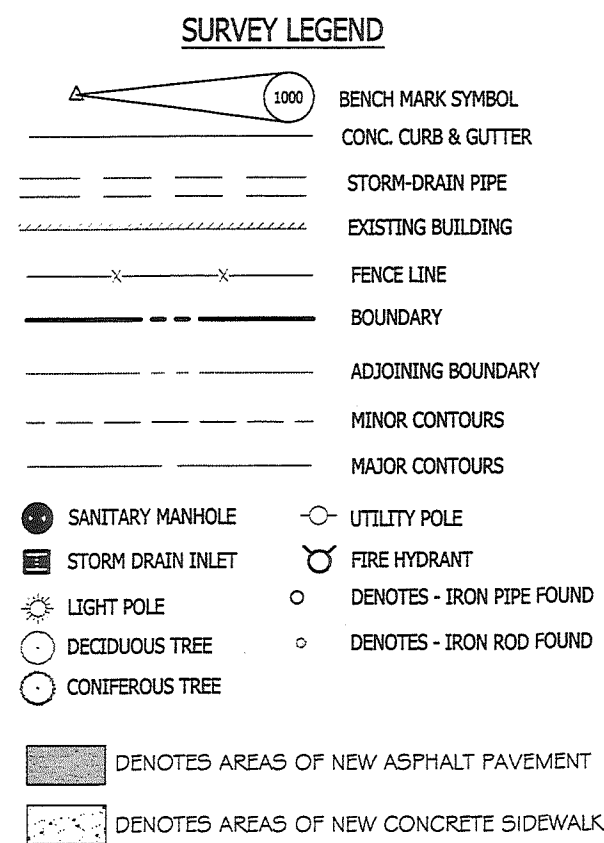
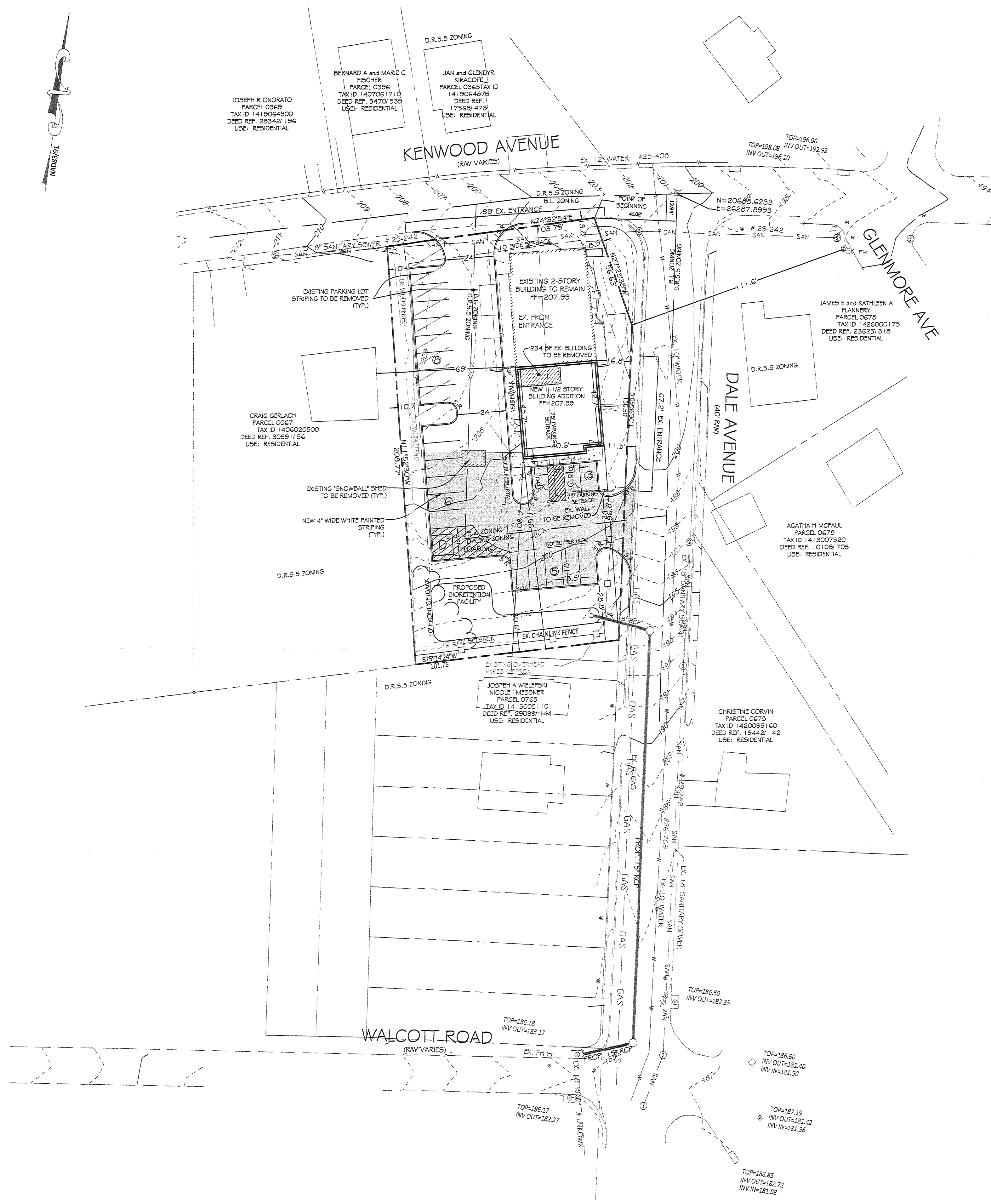
I HEREBY CERTIFY that on this 17th day of November, 2011, a copy of the foregoing Entry of Appearance was mailed to Niren Kalathiya, 1 N. Charles Street, Mezzanine 1, Baltimore, MD 21201 and Howard Alderman, Esquire, Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County







GENERAL NOTES

1. TAX ACCOUNT #: 1402086775
2. OWNER: HARDIK GROUP, LLC
3. SITE AREA: 25,255 SF (0.57+/- AC)
4. CURRENT ZONING: BL, DR 5.5
5. PREVIOUS ZONING HEARING CASE NUMBERS: NONE
6. DATES OF ZONING ORDERS: NONE
7. PREVIOUSLY GRANTED / DENIED BY ZONING ADMINISTRATOR: N/A
8. PREVIOUS ZONING ORDERS: NONE
9. WITHIN CHESAPEAKE BAY CRITICAL AREA: NO
10. WITHIN 100-YEAR FLOOD PLAIN: NO
11. HISTORIC PROPERTY: NO
12. EXISTING BUILDING FOOTPRINT: 2,480 SF +/-
13. PROPOSED BUILDING FOOTPRINT: 4,085 SF +/-
14. EXISTING IMPERVIOUS AREA: 9,996 SF
15. PROPOSED IMPERVIOUS AREA: 17,601 SF
16. PREVIOUS COMMERCIAL PERMIT: NONE
17. ZONING HEARING, CRG, DRC, WAIVERS: N/A
18. FLOOR AREA: FLOOR AREA RATIO = 431.3/22335=0.19
19. HEIGHT DETERMINATION: BUILDING HEIGHT < 40'
20. SPECIAL USE REQUIREMENTS: USE PERMIT NECESSARY FOR COMMERCIAL/BUSINESS PARKING IN RESIDENTIALLY ZONED PORTION OF PROPERTY.
21. SIGNS: ALL SIGNS WILL COMPLY WITH SECTION 450 BCZR
22. BASIC SERVICES MAPS: SITE LOCATED IN NO INEFFICIENT AREA
23. USES, BUILDING: EXISTING USE: RESIDENTIAL & RETAIL
24. PROPOSED USE: RESIDENTIAL & RETAIL
25. LIGHTING FIXTURES IN THE PARKING AREAS SHALL COMPLY WITH BCZR 1801.1.1(4). ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
26. THE LANDSCAPE BUFFER ADJACENT TO THE COMMERCIAL PARKING IN THE RESIDENTIAL ZONE WILL BE A CLASS 'A' BUFFER.

PARKING CALCULATIONS

DEVELOPMENT TYPE: RETAIL / RESIDENTIAL (SEE NOTE)
RETAIL AREA: 4,313 SF
PARKING REQUIREMENTS: 5 / 1,000 SF RETAIL
REQUIRED PARKING: 22 SPACES
PROVIDED PARKING: 22 SPACES (INCLUDES 2 HC SPACE AND 2 SPACES FOR RESIDENTIAL DWELLING)
NOTE: RESIDENTIAL CONSISTS OF ONE DWELLING OCCUPIED BY THE OWNER OF THE RETAIL ESTABLISHMENT.

PETITION FOR SPECIAL HEARING

REQUESTED RELIEF:

Formal Request pursuant to BCZR §409.8 B to approve a Use Permit for use of the residentially zoned portion of the subject property for commercial parking to support existing and proposed uses to meet the requirements of BCZR § 409.6, to determine pursuant to BCZR §232.3B that the use lot line of this commercial property does not abut a lot in a residence zone; and for such additional relief as the nature of this case may require.

PETITION FOR SPECIAL EXCEPTION

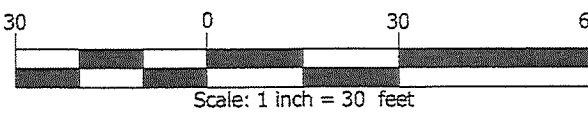
REQUESTED RELIEF:

Use of the described portion of the existing/proposed improvements as residential living quarters pursuant to BCZR § 286.4, and for such additional relief as the nature of this case may require.

PETITION FOR VARIANCE

REQUESTED RELIEF:

A variance from: i) BCZR § 1801.1 B.1 e. (1) to permit the existing building and proposed addition in the R.T.A. ii) BCZR § 1801.1 B.1 a. (3) & (5) to allow 10.5 foot [front-existing use] and 27 foot [side-proposed use] minimum landscape buffer and to allow 10.5 foot [front-existing use] and 27 foot [side-proposed use] accessory/associated parking lot setback in lieu of the required 50 foot buffer and 75 foot setback, respectively, iii) BCZR § 1801.1 B.1 c. (3) to allow a stormwater management facility and necessary structures inside the 50 foot buffer, iv) alternatively, if the Special Hearing relief is not granted, from BCZR § 232.3B to permit a rear yard setback of 8.9 feet for an existing building in lieu of the 20' required; and v) for such additional relief as the nature of this case may require.



Axiom
Engineering Design

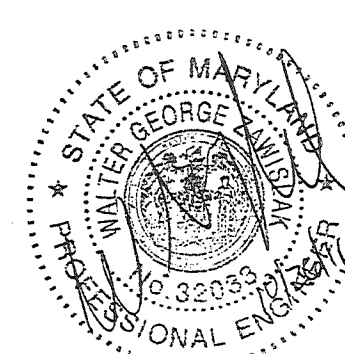
Civil Engineering • Land Surveying • Landscape Architecture • Land Planning
6990 Columbia Gateway Dr. Ste 150 Office: 443.276.6220
Columbia, Maryland 21046 Fax: 443.276.6221
www.axiom-ed.com info@axiom-ed.com

PREPARED FOR:

Ammon Heisler Sachs
Architects, PC
One North Charles Center
Mezzanine One
Baltimore, MD 21201

PLAN TO ACCOMPANY
SPECIAL HEARING, SPECIAL
EXCEPTION, AND
VARIANCE REQUEST
KENWOOD AVENUE #4519
Baltimore, Maryland
Parcel 0034

Map 0034
14th Election District Baltimore County, Maryland
6TH COUNCILMAN DISTRICT



Walter G. Zawislak, P.E.

Professional Engineer
6990 Columbia Gateway Drive, Suite 150, Columbia, Maryland 21046
Ph: 443-276-6220 Fax: 443-276-6221 info@axiom-ed.com
PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 32033, EXPIRATION DATE 6/20/2013

Drawn: J. Sloman/L. Torres
Checked: W. Zawislak
Date: Oct. 26, 2011
Project No.: 11-0027.00
Scale: 1"=30'
Sheet: C 1.0

2012-0121-SPHX4