

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

N side of Wilkens Avenue, 365' W of the *
c/line of W Kenwood Avenue
(5210 Wilkens Avenue) *
1st Election District *
1st Council District *

Abdul Hassan
Petitioner

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2012-0146-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the property, Abdul Hassan. The Petitioner is requesting Special Hearing relief under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a use permit to operate a rooming/boarding house with a maximum of six (6) tenant beds, per Section 408.B.1 of the B.C.Z.R. In addition, Petitioner is requesting Variance relief from Sections 409.6.A.1 and 409.4.A of the B.C.Z.R. to permit two (2) on-site parking spaces in a garage in lieu of the required six (6) spaces and a 14 feet drive aisle in lieu of the required 20 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Bernadette Moskunus with Site Rite Surveying, Inc., the consultant who prepared the site plan. The Petitioner did not attend the hearing, but did call the Office of Administrative Hearings at 3:00 p.m. on January 24, 2012, and stated he could not attend the hearing because he could not get off from work. Several citizens attended the hearing (their names are included on the sign-in sheet which is contained in the record of this case) and all but one voiced strong opposition to the requests. James Hollyer, who resides at the subject premises and is a student at UMBC, also attended the hearing. The file reveals that

ORDER RECEIVED FOR FILING

Date 1-30-12

PM

the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

This matter is currently the subject of a violation case (Case No. CO-00101748) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits, Approvals, and Inspections, which has the authority to issue Correction Notices and Citations and to impose fines and other penalties for violation of law. On the other hand, the role of the Administrative Law Judge in this matter is to decide the discreet legal issue of whether the Petitioners are entitled to the requested special hearing relief.

The ZAC comments were received and made a part of the file. Comments were received from the Department of Planning, dated January 10, 2012, which state as follows:

"The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department recommends denial of the petitioner's request. The two-car garage referenced in the petition is being used for storage. At present, there isn't sufficient room in the garage to provide any required parking spaces. The proposed use will over-crowd the site with parked cars and inadequate driveway width for multiple vehicle movement and storage."

The subject property is 36,432 square feet (0.84 acres) and is zoned DR 3.5. The property is improved with a single family dwelling, and currently has six tenants, and it is situated a short distance from UMBC and the CCBC.

Under the B.C.Z.R., a boarding house (at least in these circumstances, where Petitioner does not reside on the premises) is a building occupied (for compensation) by three or more individuals who are not related to each other by blood, marriage or adoption. B.C.Z.R. § 101.1. The dwelling at 5210 Wilkens Avenue is therefore a "boarding house," given that six tenants reside therein. The procedure to obtain approval for a boarding house in a residential zone is

ORDER RECEIVED FOR FILING

Date 1-30-12 2

By [Signature]

found in § 408B of the B.C.Z.R.

That regulation requires that the applicant demonstrate the use will be consistent with the surrounding community, and that the operation of the boarding house will satisfy the special exception standards set forth at B.C.Z.R. § 502.1. In this case, the Petitioner failed to present any evidence or testimony concerning how the operation of the boarding house would satisfy the numerous requirements and standards set forth in B.C.Z.R. § 502.1. The only "evidence" presented in Petitioner's case was the site plan, admitted as Exhibit 1. Ms. Moskunas presented the plan, testified she created the document, and authenticated and verified its contents. She specifically stated that would be the extent of her testimony, and she did not address the B.C.Z.R. § 502 factors or any other aspect of the case.

The zoning regulations impose numerous requirements in cases of this nature, and the Petitioner has simply not presented a sufficient case. I am constrained by the law in this scenario, and am unable to approve the request unless the requisite showing has been made.

I am, however, sympathetic to the plight of the college students now residing at the premises. They moved to the premises in August 2011, and did not know that County zoning regulations prohibited such an arrangement. Mr. Hollyer said that on the morning of the hearing in this case, he and the other tenants were served with a letter from Petitioner's attorney indicating they would soon be evicted from the premises. There is of course nothing I can do about that, which is a private civil matter for the District Court. As for Baltimore County's involvement, this Order (assuming it is not appealed) would be enforced by the Department of Permits, Approvals and Inspections (not this Office), and I hope that agency (and the community) would be amenable to some sort of "grace period" which would allow these students to locate alternative housing arrangements.

ORDER RECEIVED FOR FILING

Date 1-30-12

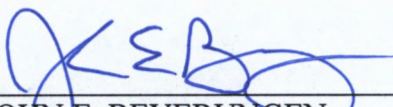
By [Signature]

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED, this 30 day of January, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing relief under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a use permit to operate a rooming/boarding house with a maximum of six (6) tenant beds, per Section 408.B.1 of the B.C.Z.R., be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to Sections 409.6.A.1 and 409.4.A of the B.C.Z.R. to permit two (2) on-site parking spaces in a garage in lieu of the required six (6) spaces and a 14 feet drive aisle in lieu of the required 20 feet, be and is hereby DENIED.

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

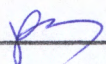


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 1-30-12

By 



KEVIN KAMENETZ
County Executive

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

January 30, 2012

ABDUL HASSAN
8490 UPPER SKY WAY #321
LAUREL MD 20723

Re: Petition for Special Hearing and Variance
Case No. 2012-0146-SPHA
Property: 5210 Wilkens Avenue

Dear Mr. Hassan:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz
Enclosure

c: Bernadette Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286
James Hollyer, 5210 Wilkens Avenue, Catonsville MD 21228
Keith Phillips, 5208 Wilkens Avenue, Catonsville MD 21228
Gary Hietz, 5210½ Wilkens Avenue, Catonsville MD 21228
George Deal, 435 Paradise Avenue, Catonsville MD 21228
G. Scott Barhight, Esquire, Whiteford, Taylor & Preston LLP, Towson Commons, Suite 300, One West
Pennsylvania Avenue, Towson, MD 21204-5025
Baltimore County Code Inspection and Enforcement



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 5210 Wilkens Avenue which is presently zoned D.R. 3.5
 Deed References: 28276 / 285 10 Digit Tax Account # 16 000 04861
 Property Owner(s) Printed Name(s) Abul Hassan

(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 a use permit for a rooming / boarding house with a maximum of 6 tenant beds. per Section 408.B.1 (BCZR)

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

3. ☒ a **Variance** from Section(s) 409.6.A.1 and 409.4.A (B.C.Z.R.) To permit two (2) onsite parking spaces (garage) in lieu of the required 6 spaces and a 14 foot drive aisle in lieu of the required 20 feet.

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:

Name- Type or Print

Signature

Date

Mailing Address City State

By

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

8490 Upper Sky Way #321 Laurel MD 20723

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Bernadette L. Moskunas Site Site Surveying Inc

Name - Type or Print

Signature

200 E. Joppa Rd Rm 101 Towson, MD

Mailing Address City State

21286 410 828 9060 site.vikinc@aol.com

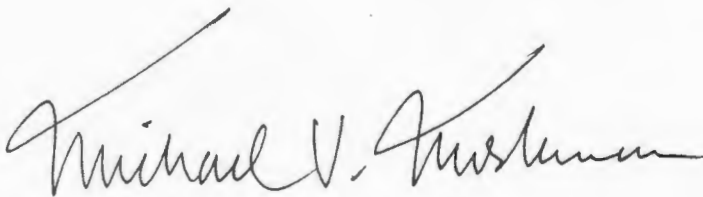
Zip Code Telephone # Email Address

CASE NUMBER 2012-0146-SPHA Filing Date 12/13/2011 Do Not Schedule Dates: Reviewer 13h

Zoning Property Description for #5210 Wilkens Avenue

Beginning at a point on the northeast side of Wilkens Avenue which is a State Highway with a variable right-of-way (SRC Plat Nos. 10691 and 10692) at a distance of 365 feet, more or less, northwest of the centerline of Kenwood Avenue which is a variable right-of-way per said SRC Plat No. 10692.

Being Lot No. 2 in the subdivision of "Kendale Heights" as recorded in Baltimore County Plat Book No. 34, folio no. 129, containing 0.84 of an acre, more or less. Located in the 1st Election District, 1st Councilmanic District.



**Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175**

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

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

No. **78208**

Date: **12/13/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	206	000		610					\$ 710.00

Total: **\$ 710.00**

Rec From: _____

For: **Special Meeting for 6th Ward**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

Item # 0146

**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: # 2012-0146-SPHA

5210 Wilkens Avenue

N/s Wilkens Avenue, 365' west of c/line of W. Kenwood Avenue

1st Election District — 1st Councilmanic District

Legal Owner(s): Abul Hassan

Special Hearing: to permit a use permit for a rooming/boarding house with a maximum 6 tenant beds. **Variance:** to permit two onsite parking spaces (garage) in lieu of the required 6 spaces and a 14 feet drive aisle in lieu of the required 20 feet.

Hearing: Tuesday, January 24, 2012 at 1:30 p.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 1/648 January 10

294456

CERTIFICATE OF PUBLICATION

1/12/ 2012

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 1/10/ 2012.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0146-SPHA

PETITIONER/DEVELOPER SITE

RTI SURVEYING INC

DATE OF HEARING/CLOSING: _____

1/24/12

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 5210 WILKENS AVE

THIS SIGN(S) WERE POSTED ON January 8, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 1/8/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2012-0146-SPHA

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

ROOM 205 JEFFERSON BUILDING 108 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: TUESDAY, JANUARY 24, 2012
AT 1:30 P.M.

REQUEST: SPECIAL HEARING TO PERMIT A USE PERMIT
FOR A ROOMING/BOARDING HOUSE WITH A MAXIMUM OF 6
TENANT BEDS. VARIANCE TO PERMIT TWO ONSITE PARKING
SPACES (GARAGE) IN LIEU OF THE REQUIRED 6 SPACES
AND 14 FEET DRIVE AISLE IN LIEU OF THE REQUIRED
20 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 687-3391

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

01/08/2012

myahm 1/8/12



KEVIN KAMENETZ
County Executive

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

January 13, 2012

Abdul Hassan
8490 Upper Sky Way #331
Laurel, MD 20733

RE: Case Number 2012-0146-SPHA, 5210 Wilkens Avenue

Dear Mr. Hassan,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 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
Bernadette Moskunas, 200 E. Joppa road, Rm. 101, Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 10, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5210 Wilkens Avenue

INFORMATION:

Item Number: 12-146

Petitioner: Abul Hassan

Zoning: DR 3.5

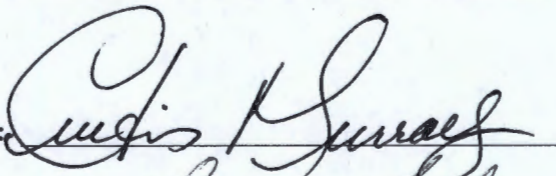
Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

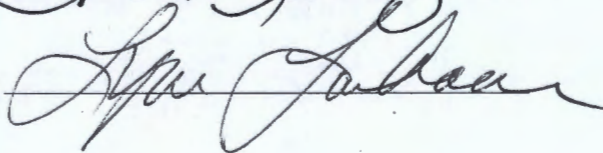
The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department recommends denial of the petitioner's request. The two- car garage referenced in the petition is being used for storage. At present, there isn't sufficient room in the garage to provide any required parking spaces. The proposed use will over-crowd the site with parked cars and inadequate driveway width for multiple vehicle movement and storage.

For further information concerning the matters stated here in, please contact Dennis Wertz 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: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2012
Item Nos. 2012-080, 145, 146, 147, 149,
150 and 151

DATE: January 4, 2012

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

DAK:CEN
cc: File

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-28-2011

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

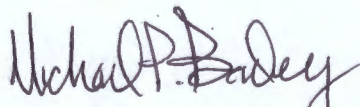
RE: Baltimore County
Item No. 2012-0146-SPHA
MD 372
5210 WILKENS AVE
ABDUL HASSAN
SPECIAL HEARING
VARIANCE

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 12-28-11. A field inspection and internal review reveals that an entrance onto MD 372 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for ABDUL HEARING, Case Number 2012-0146-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,


For 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

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12-28-2010

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

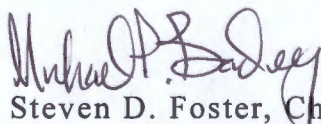
RE: Baltimore County
Item No. 2012-046-SHA
9210 WILKENS AVENUE
ABDUL HASSAN PROPERTY
SPECIAL HEARING -
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does ~~not~~ access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-046-SHA.

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,

For 
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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 10, 2012 Issue - Jeffersonian

Please forward billing to:

Abul Hassan
8490 Upper Sky Way, #321
Laurel, MD 20723

443-883-6697

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: 2012-0146-SPHA

5210 Wilkens Avenue

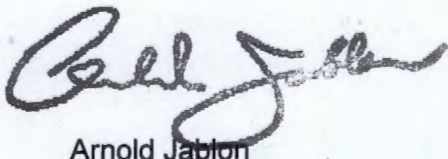
N/s Wilkens Avenue, 365' west of c/line of W. Kenwood Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Abul Hassan

Special Hearing to permit a use permit for a rooming/boarding house with a maximum of 6 tenant beds. Variance to permit two onsite parking spaces (garage) in lieu of the required 6 spaces and a 14 feet drive aisle in lieu of the required 20 feet.

Hearing: Tuesday, January 24, 2012 at 1:30 p.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

January 4, 2012

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: 2012-0146-SPHA

5210 Wilkens Avenue

N/s Wilkens Avenue, 365' west of c/line of W. Kenwood Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Abul Hassan

Special Hearing to permit a use permit for a rooming/boardng house with a maximum of 6 tenant beds. Variance to permit two onsite parking spaces (garage) in lieu of the required 6 spaces and a 14 feet drive aisle in lieu of the required 20 feet.

Hearing: Tuesday, January 24, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Abul Hassan, 8490 Upper Sky Way, #321, Laurel 20723
Bernadette Moskunas, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 9, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
5210 Wilkens Avenue; N/S Wilkens Avenue, * OF ADMINISTRATIVE
365' W c/l of W. Kenwood Avenue *
1st Election & 1st Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Abdul Hassan * BALTIMORE COUNTY
* 2012-146-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

JAN 05 2012

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 5th day of January, 2012, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, 200 E. Joppa Road, Room 101, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2012- 0146- S P H A
Petitioner: Mr. Abul Hassan
Address or Location: 5210 Wilkens Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. Abul Hassan
Address: 8490 Upper Sky Way
#321
Laurel, MD 20723
Telephone Number: 443 883- 6697

Revised 2/20/98 - SCJ

#0146

Case No.:

2012-0146

SPHA

Exhibit Sheet

11/26/12
PJO

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME 5210 Wilkens Avenue
CASE NUMBER 2012-0146-SPHA
DATE 1/24/2012

NAME _____

CITY, STATE, ZIP

Bernadette Moskunas SiteRite Surveying 200 E. Joppa Road Rm 101 Towson, MD 21286	siteriteinc@aol.com
--	---------------------

CASE NAME 5210 Wilkins Avenue
CASE NUMBER 2012-0146-SPHA
DATE 1/24/2012

[illegible]

JB

Patricia Zook - Re: Case 2012-0146-SPHA @ 1:30 today

1-24-12

From: John Beverungen
To: Patricia Zook
Date: 1/24/2012 3:08 PM
Subject: Re: Case 2012-0146-SPHA @ 1:30 today
CC: Debra Wiley

Patti,

Thanks. Looks like he just called, which is 1 ½ hours after the hearing. I conducted the hearing, and his representative (Ms. Moskunis) presented the site plan. Additionally, 5 neighbors provided testimony. So I consider the hearing concluded, and plan to issue an Order by the end of the week. For what it is worth, 1 of the 6 tenants in the home did appear, and said he had just yesterday gotten an eviction notice from Mr. Hassan, and the tenant said that was why the owner was not at the hearing. So no need to call him back.

Deb, can you put a copy of this email, and my response, in the file.

John.

>>> Patricia Zook 01/24/12 2:59 PM >>>
John -

A man identifying himself as Abdul Hassan (Petitioner) just called. Before identifying himself he asked a number of questions such as what was the decision, does the applicant need to attend the hearing, etc. I inquired why he was not at the hearing. He stated he was unable to make the hearing because he could not get off from work. I informed him that there were a number of citizens present at the hearing.

He requested that someone give him a call to let him know what he needs to do now. In the past, we prepared a memo to the file and returned the file to the ZRO for rescheduling.

If you would like, I can call him. (His cell is 443 883 6697)

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

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

John Beverungen - Hearing On 5210 Wilkens Ave.

From: george deal <ravensedgecrc@verizon.net>
To: "jbeverungen@baltimorecountymd.gov" <jbeverungen@baltimorecountymd.gov>
Date: 01/23/12 7:00 PM
Subject: Hearing On 5210 Wilkens Ave.

Dear Judge Beverungen, Please excuse my informality and inability to write you in the proper manner in which you deserve. I am only a working man, not an Attorney, but my cause is still sincere just the same. I am writing you on behalf of my neighbors in reference to case # 2012-0146-SPHA 5210 Wilkens Ave. We have been residents of this area for the past 40 to 50 years and where we are not located directly on Wilkens Ave., our single lane dead end street (Paradise Ave.) will be greatly impacted through a granted zonal change for the aforementioned property located on Wilkens. In fact it already has, before application was even made for this change, the owner allowed boarders to move in to that address, resulting in a huge out of control party, up to 75 cars were lined along Wilkens and up Paradise. Noise, trash, and urine was deposited in our neighborhood and into the newly renovated stream by Baltimore County (\$450,000) until the early AM when the Police were finally called and the crowd was dispersed. We also have a problem with the parking change, no matter what changes are made, the fact is you still have to back out on to Wilkens, which is extreme high fast traffic (especially during School) as it services UMBC, CCBC, Baltimore County Court House, Baltimore County Police, and Catonsville High School. SOMEONE WILL GET KILLED. The property at 5210 Wilkens was on the market a long time, without success, the owner lives somewhere else. We still live here, why do we have to change our lives, endure yet another change around or actually endanger someones life to accommodate an absentee homeowner/landlord. We ask that you deny the change for a boarding house so either a single family resides there (as it is currently zoned), or the owner successfully sells it. Thank- You for your valuable time, it is greatly appreciated. George Deal

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>1-4</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>1-17</u>	PLANNING (if not received, date e-mail sent _____)	<u>Denial</u>
<u>12-28</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. 101748 *Emailed Ray Harmon for info. 1/20*)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1-10-12

SIGN POSTING Date: 1-8-12 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Debra Wiley - 5210 Wilkens Ave.

From: Debra Wiley
To: Harmon, Raymond
Date: 1/20/2012 11:22 AM
Subject: 5210 Wilkens Ave.

Hi Ray,

Mr. Hassan of the above referenced address has a hearing coming before our office next week (1/25) and the site plan states that this is a violation case.

Do you have any information on this that we can put in the file to be considered?

Thanks in advance.

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

Owner Name and Address

HASSAN ABUL

Facility Name and Address

PDM 1600004861

5210 WILKENS AVE

CATONSVILLE MD 21228

Facility ID FA0179094 ... PDM 1600004861

Record ID C00101748

Site Location 5210 WILKENS AVE

Disposition

Emp #

Date

Time

Status

ON

Open - Normal

Received By EE000000E9 ... Palmer, Constance

9/27/2011 ...

03:15:57

Program/Element EH01 ...

Code Enforcement Comple

Assigned To EE00000039 ... Harmon, Ray

9/27/2011 ...

Complaint

Complainant KEVIN PHILLIPS

Complaint Mode PH

PHONE

Address 5208 WILKENS AVE

Last Activity 10/04/2011

(INITIAL INSPECTION)

City, St, Zip

Complaint Description

Country USA USA

TRASH STREWN IN FRONT YARD, ROOMING/BOARDING HOUSE. CAN
SEE AT NIGHT THE # OF VEHs, COMPL WISHES TO BE CALLED

Work Phone (+10)747-5444

Ext

Fax () -

Home Phone () -

Ext

Ext

***1/17/11- TRASH NOT IN CANS. PILED IN DRIVEWAY. PLEASE CALL MR
PHILLIPS WHEN YOU RETURN***

Email Address

Contact	Information	Location	Financial	Referral Dates/Agencies	GIS	User-Defined Fields	Daily Activities	Violations	Invoices
---------	-------------	----------	-----------	-------------------------	-----	---------------------	------------------	------------	----------

1/20
 provided
 to
 [signature]

Record ID: C08101738

Facility ID: FA0179894 ... P01 1800004831

Site Location: 5210 WELKENS AVE

- | | | | |
|--|---|--|--|
| ☒ Accessory Structure | ☒ IBC/IBC NonCompliance | ☒ Open Dump | ☒ Sump Pump Discharge |
| ☒ Board and Secure | ☒ Illegal Business | ☒ Other | ☒ Tall Grass and Weeds |
| ☒ Cars without Lids | ☒ Infestation Insects | ☒ Pool | ☒ Trash, Junk and Debris |
| ☒ Commercial Vehicle | ☒ Infestation Rodents | ☒ Recreational Vehicle | ☒ Unsafe Conditions |
| ☒ Exterior Repair | ☒ Internal Repair | ☒ Rental Registration | ☒ Untagged/Inoperable Vehicle |
| ☒ Feces | ☒ Junk Yard | ☒ Rooming/Boarding House | |
| ☒ Gutter/Downspout Discharge | ☒ No Permit | ☒ Signs | Scheduled Time: <input type="text"/> |
| AS 400 Case Number: <input type="text"/> | | | Service Visit Duration (005 min - 9.0 hrs): <input type="text"/> |

Contact / Information / Location / Financial / Referral Dates / Agencies / GIS / User-Defined Fields / Daily Activities / Violations / Invoices

JB 1/24 1:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 10, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5210 Wilkens Avenue

RECEIVED

INFORMATION:

JAN 17 2012

Item Number: 12-146

Petitioner: Abul Hassan

OFFICE OF ADMINISTRATIVE HEARINGS

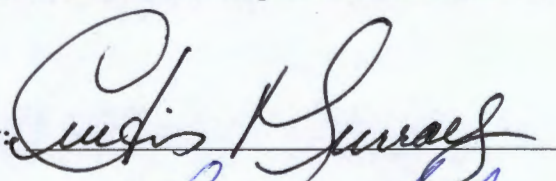
Zoning: DR 3.5

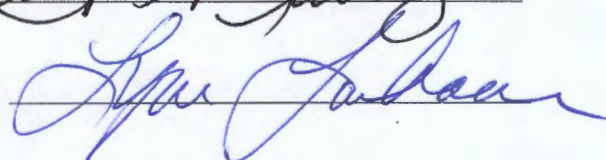
Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department recommends denial of the petitioner's request. The two- car garage referenced in the petition is being used for storage. At present, there isn't sufficient room in the garage to provide any required parking spaces. The proposed use will over-crowd the site with parked cars and inadequate driveway width for multiple vehicle movement and storage.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

Debra Wiley - ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/26/11

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 12/27/2011 8:19 AM
Subject: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/26/11

Good Morning,

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.

2012-0145-A - 9020 Simms Avenue
(Administrative Variance - Closing Date: 1/9/12)

2012-0146-SPHA - 5210 Wilkens Avenue
(No hearing date in data base as of 12/27)

2012-0147-SPH - 12202 Worthington Road
(No hearing date in data base as of 12/27)

2012-0148-A - 3213 Woodvalley Drive
(Administrative Variance - Closing Date: 1/9/12)

2012-0149-SPHXA - 300 Eastern Blvd. - **Critical Area**
(No hearing date in data base as of 12/27)

2012-0150-SPH - 10111, 10126 & 10131 York Road
(No hearing date in data base as of 12/27)

2012-0151-A - 8207 Daren Ct.
(No hearing date in data base as of 12/27)

Thanks and have a great day !

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

From: Dennis Kennedy
To: dwiley@baltimorecountymd.gov
Date: 12/27/2011 8:19 AM
Subject: Re: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/26/11 (next year)

I will be out of the office until Jan. 3, 2012. Contact Mike Viscara at mviscara@baltimorecountymd.gov or Geoff Rice at grice@baltimorecountymd.gov or call 410-887-3751 for assistance.

>>> Debra Wiley 12/27/11 08:19 >>>

Good Morning,

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.

2012-0145-A - 9020 Simms Avenue
(Administrative Variance - Closing Date: 1/9/12)

2012-0146-SPHA - 5210 Wilkens Avenue
(No hearing date in data base as of 12/27)

2012-0147-SPH - 12202 Worthington Road
(No hearing date in data base as of 12/27)

2012-0148-A - 3213 Woodvalley Drive
(Administrative Variance - Closing Date: 1/9/12)

2012-0149-SPHXA - 300 Eastern Blvd. - **Critical Area**
(No hearing date in data base as of 12/27)

2012-0150-SPH - 10111, 10126 & 10131 York Road
(No hearing date in data base as of 12/27)

2012-0151-A - 8207 Daren Ct.
(No hearing date in data base as of 12/27)

Thanks and have a great day !
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

Subject: Fwd: Re: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/26/11 (next year)
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 12/27/2011 8:20 AM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
To: Geoff Rice (grice@baltimorecountymd.gov)	Delivered	12/27/2011 8:20 AM	
To: Michael Viscarra (mviscarra@baltimorecountymd.gov)	Delivered	12/27/2011 8:20 AM	

M E M O R A N D U M

DATE: March 1, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0146-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on February 29, 2012. 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

Patricia Zook - 2012-0146-SPHA -- 30 day appeal period

From: Patricia Zook
To: Adams, Sarah; Wiley, Debra; Zook, Patricia
Date: 2/29/2012
Due: 2/29/2012
Subject: 2012-0146-SPHA -- 30 day appeal period

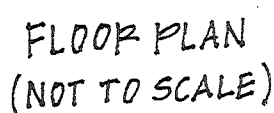
Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.



#5210 Wilkens Avenue
Case # 2012 -0146-SPHA

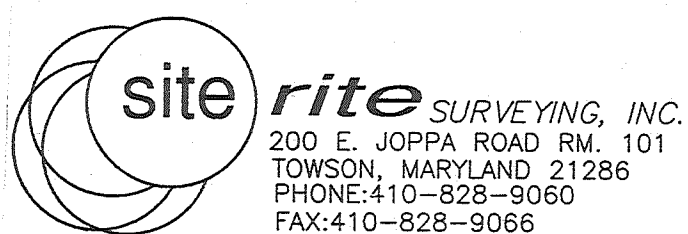
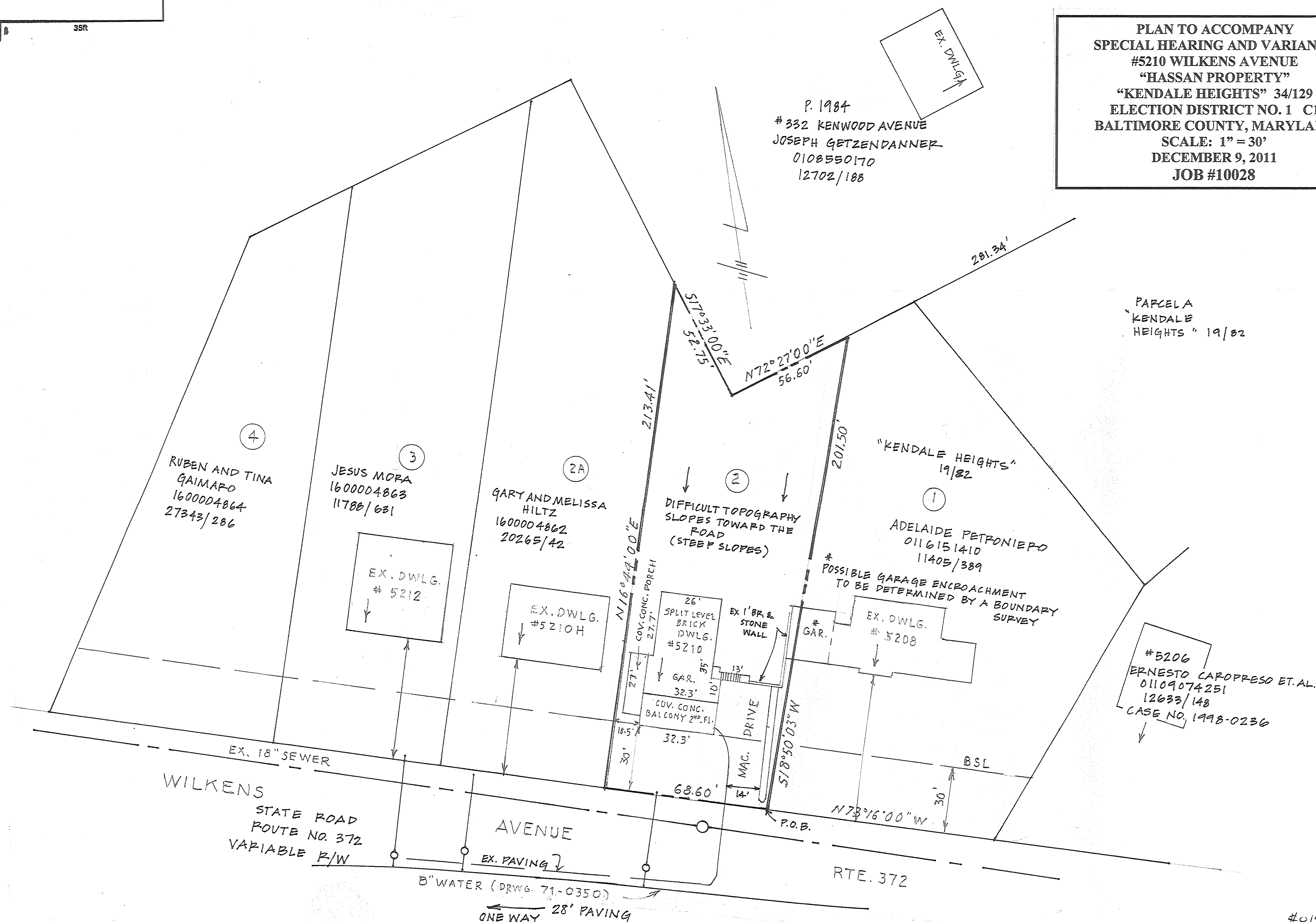


1. Zoning: DR 3.5 (101 B2)
2. Lot Area: 36,432 S.F. / 0.84 Ac +/-
3. This property is not located in the Chesapeake Bay Critical Area
4. This property is not located in an Historic Area
5. This property is not located in a 100 Year Flood Plain
Community Panel No. 240010 0389 F Zone: "X"
6. This property is serviced by public water and sewer
7. Existing Use: Single Family Dwelling with 6 tenants
(Students attending local college)
Proposed Use: Single Family Dwelling with 6 tenants
8. Parking Calculations:
Required: 1 per tenant bed (Owners does not reside on property)
6 Bedrooms per Floor Plan = 6 Spaces
Parking Proposed: Use of existing driveway plus 2 car garage
9. A Use Permit has not been filed for to date, awaiting approved Zoning Relief
10. This property is a lot or record as shown on the "Kendale Heights" record Plat dated
October 19, 1970. Owner purchased said property in June 2009.
11. Floor Plan is attached to signed petition
12. There are no boarding/rooming houses adjacent to this property.
13. A Violation Notice was issued for this property, Case No. 101748.
14. There are no prior zoning histories.

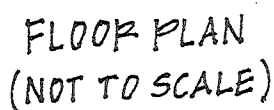


**PLAN TO ACCOMPANY
SPECIAL HEARING AND VARIANCE
#5210 WILKENS AVENUE
"HASSAN PROPERTY"
"KENDALE HEIGHTS" 34/129
ELECTION DISTRICT NO. 1 C1
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'
DECEMBER 9, 2011
JOB #10028**

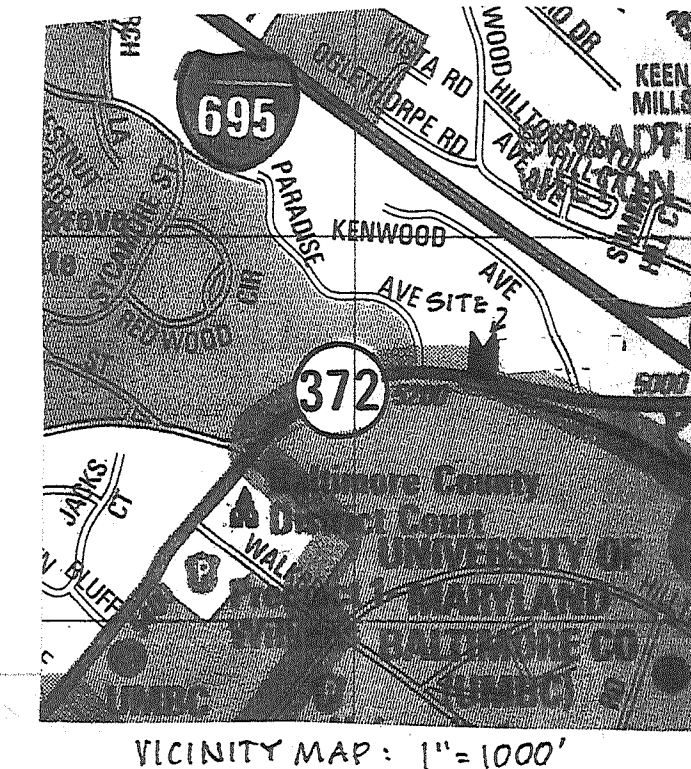
Mr. Abul Hassan
8490 Upper Sky Way
#321
Laurel MD 20723
Phone: (443) 883-6697
Tax Map: 101 "Grid: 16 Parcel: 1195
Deed Ref.: 28276/285
Tax Acct. No. 1600004861



#0146

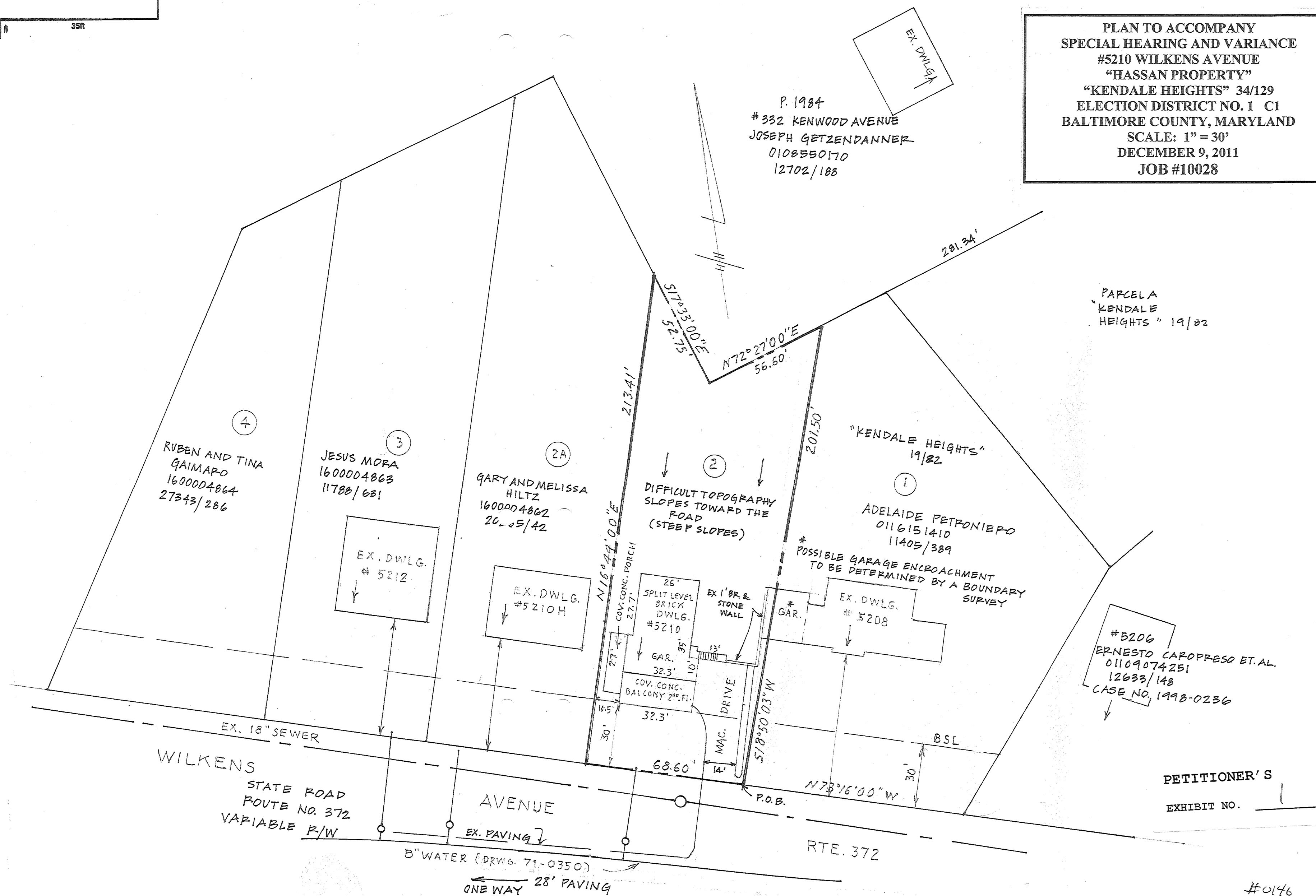


1. Zoning: DR 3.5 (101 B2)
2. Lot Area: 36,432 S.F. / 0.84 Ac +/-
3. This property is not located in the Chesapeake Bay Critical Area
4. This property is not located in an Historic Area
5. This property is not located in a 100 Year Flood Plain
Community Panel No. 240010 0389 F Zone: "X"
6. This property is serviced by public water and sewer
7. Existing Use: Single Family Dwelling with 6 tenants
(Students attending local college)
Proposed Use: Single Family Dwelling with 6 tenants
8. Parking Calculation:
Required: 1 per tenant bed (Owners does not reside on property)
6 Bedrooms per Floor Plan = 6 Spaces
Parking Proposed: Use of existing driveway plus 2 car garage
9. A Use Permit has not been filed for to date, awaiting approved Zoning Relief
10. This property is a lot or record as shown on the "Kendale Heights" record Plat dated
October 19, 1970. Owner purchased said property in June 2009.
11. Floor Plan is attached to signed petition
12. There are no boarding/rooming houses adjacent to this property.
13. A Violation Notice was issued for this property, Case No. 101748.
14. There are no prior zoning histories.



**PLAN TO ACCOMPANY
SPECIAL HEARING AND VARIANCE
#5210 WILKENS AVENUE
"HASSAN PROPERTY"
"KENDALE HEIGHTS" 34/129
ELECTION DISTRICT NO. 1 C1
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'
DECEMBER 9, 2011
JOB #10028**

Mr. Abul Hassan
8490 Upper Sky Way
#321
Laurel MD 20723
Phone: (443) 883-6697
Tax Map: 101 "Grid: 16 Parcel: 1195
Deed Ref.: 28276/285
Tax Acct. No. 1600004861



PETITIONER'S
EXHIBIT NO. _____



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

#0146