

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(2100 East Joppa Road) *

9th Election District *

5th Council District *

Dr. Narender & Bhavneet Bharaj, *

Legal Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0235-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Jason T. Vettori, Esquire, on behalf of Dr. Narender & Bhavneet Bharaj, the legal owners. The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") seeking approval of a modified parking plan. The variance petition seeks relief from B.C.Z.R. § 232.2 to permit a 0' side yard setback in lieu of the required 10' side yard setback.

The subject property and requested relief is more fully depicted on the revised site plan that was marked and accepted into evidence as Petitioners' Exhibit 2. Appearing at the public hearing in support of the requests was John Demos, P.E. and Narender Bharaj. Jason T. Vettori, Esquire, from Smith, Gildea & Schmidt, LLC appeared and represented the Petitioners. Two neighbors attended the hearing to obtain further explanation and clarification of the relief being sought. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) and Bureau of Development Plans Review (DPR). The DOP expressed support for the project, which is within the Loch Raven Revitalization District.

Originally, the Bureau of DPR objected to the petition. But after a discussion between

ORDER RECEIVED FOR FILING

Date 7/8/14

By Sen

Petitioners' engineer (Mr. Demos) and Mr. Kennedy, the plan was revised, and the Bureau of DPR no longer objects to the variances being sought. Petitioners' Exhibit 4.

The subject property is approximately 0.4 acres and is zoned BL. The property is located along Joppa Road, in an area where former dwellings are being converted to commercial uses. Petitioners propose to raze the existing single family dwelling on site, and construct in its place a 4,000 sq. ft. office building. Due to the configuration of the site, and the desire to position the building away from the adjoining dwelling owned by Harry Elgert, Petitioners require variance relief and a modified parking plan (primarily for reduced landscaping setbacks).

As noted, the petition for special hearing seeks to modify the landscape strip and surface parking lot setbacks for the site. The relief requested is modest, and will not in any way impact the adjoining residential property. As such, the petition will be granted.

Based upon the testimony and evidence presented, I will also grant the petition for variance. To obtain variance relief a petitioner must show:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioners have met this test. The property is irregularly shaped, primarily due to a roadway taking by Baltimore County. Exhibit 5. Thus, the property is unique.

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioners would be unable to construct the proposed improvements, which are permitted in the BL zone. 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. This is demonstrated by the absence of Baltimore County

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By Sen

opposition. Given the revisions to the plan, the zoning relief required will be less than originally sought in the petition.

THEREFORE, IT IS ORDERED this 8th day of July, 2014, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) as follows:

1. A modified parking plan pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.):
 - a. 409.8.A.1 of the B.C.Z.R. to permit a modification of the landscape-strip requirements to allow a 6 ft. strip in lieu of the required 10 ft. strip along Clement Avenue and a 3 ft. strip in lieu of the required 6 ft. between paved surfaces and lot/lease lines adjacent to commercial uses or zones; and
 - b. 409.8.A.4 of the B.C.Z.R. to permit a parking space in a surface parking facility for a nonresidential use to be located 4.7 ft. from the right-of-way line of a public street in lieu of the required 10 ft. setback, be and is hereby GRANTED

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §232.2 to permit a 0' side yard setback in lieu of the required 10' side yard setback (street side), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to issuance of permits, Petitioners must obtain approval from the County's landscape architect of a landscape plan.
3. Prior to issuance of permits, Petitioners must submit for review by the DOP proposed building elevations and details of proposed signage and dumpster enclosure.

ORDER RECEIVED FOR FILING

Date

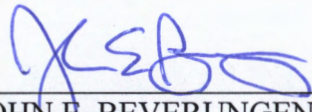
7/8/14

By

sen

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 7/8/14

By sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 8, 2014

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

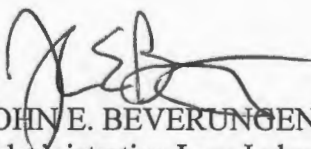
RE: Petitions for Special Hearing and Variance
Property: 2100 East Joppa Road
Case No.: 2014-0235-SPHA

Dear Mr. Vettori:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: John Demos, 4901 Picker Dr., Pylesville, Maryland 21132
Narender Bharaj, 9820 Anvil Court, Perry Hall, Maryland 21128
David Stoker, 121 Royal Oak Drive, Bel Air, Maryland 21015
Harry Elgert, 2104 E. Joppa Road, Baltimore, Maryland 21234
Martin Pennewill, 5122 E. Joppa Road, Perry Hall, Maryland 21128



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 2100 East Joppa Road

which is presently zoned BL

Deed References: 34857/333 & 34857/339

10 Digit Tax Account # 0916150010 & 1800000304

Property Owner(s) Printed Name(s) Dr. Narender Bharaj and Bhavneet Bharaj

(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

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)

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

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

Mailing Address

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Dr. Narender Bharaj Bhavneet Bharaj

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9820 Anvil Court

Perry Hall

MD

Mailing Address

City

State

21128 (410) 661-4670

soorma_5@yahoo.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

Mailing Address

City

State

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0235-SMA Filing Date 5/9/14

Do Not Schedule Dates:

Review: JS

ATTACHMENT TO PETITION FOR ZONING HEARING

2100 East Joppa Road

Case No.: 2014-_____-____

Special Hearing relief to approve:

1. A modified parking plan pursuant to Section 409.12.B of the Baltimore County Zoning Regulations ("BCZR") (modifying section):
 - a. 409.8.A.1 of the BCZR to permit a modification of the landscape strip requirements to allow a 6 foot strip in lieu of the required 10 foot strip along Clement Avenue and a 3 foot strip in lieu of the required 6 foot strip between paved surfaces and lot/lease lines adjacent to commercial uses or zones; and
 - b. 409.8.A.4 of the BCZR to permit a parking space in a surface parking facility for a nonresidential use to be located 0' from the right-of-way line of a public street in lieu of the required 10' setback; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Variance from Section(s):

1. 232.2 of the BCZR to permit a 0' side yard setback in lieu of the required 10' side yard setback; and
2. For such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

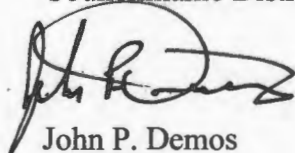
ZONING PROPERTY DESCRIPTION

2100 E. Joppa Road

BEGINNING FOR THE SAME at a point on the northeast side of Joppa Road and the east side of an unnamed street (A.K.A. Clement Avenue) running through the "Joppa Park Annex", said plat being recorded among the Plat Records of Baltimore County in Plat Book No. 9, Folio 50, said point of beginning being also the southwesternmost corner of Lot No. 26 on said Plat.; and running thence the following courses.

1. North 19 degrees 34 minutes 51 seconds West 31.67 feet to the east side of Clement Avenue 40 feet wide as shown on Baltimore County Bureau of Land Acquisition Drawing No. 66-085-40, thence binding on Clement Avenue,
2. North 31 degrees 19 minutes 03 seconds East 104.87 feet to the fifth line of said Baltimore County Bureau of Land Acquisition Drawing No. 66-085-40,
3. North 58 degrees 41 minutes 09 seconds West 5.00 feet, thence binding on the East side of Clement Avenue 30 feet wide,
4. North 31 degrees 20 minutes 14 seconds East, 77.00 feet to the dividing line between the southernmost one-half and the northernmost one-half of Lot No. 27 as shown on said Plat of "Joppa Park Annex", thence binding on said dividing line,
5. South 58 degrees 40 minutes 00 seconds East 150.00 feet to the dividing line with Lot No. 13 as shown on a Plat entitled "Joppa Park" being recorded among the Plat Records of Baltimore County in Plat Book No. 5, Folio 85, thence binding on said dividing line,
6. South 31 degrees 19 minutes 25 seconds West 50.00 feet to a pipe found at the southeasternmost corner of the southernmost one-half of Lot No. 27, and running thence westerly along the dividing line between Lots No. 25 and 27,
7. North 58 degrees 40 minutes 36 seconds West 75.01 feet to the northeasternmost corner of Lot No. 26, and thence running southerly along the dividing line between Lots No. 26 and 25,
8. South 31 degrees 19 minutes 37 seconds West 142.36 feet to the northeast side of Joppa road, thence binding on the northeast side of Joppa Road,
9. North 70 degrees 28 minutes 30 seconds West 46.40 feet to the place of beginning.

Containing 0.409 acres more or less and located in the 9th Election District and 5th Councilmanic District.



John P. Demos
Reg. No. 21546
Professional Land Surveyor



2014-0735-SP4A

**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: 2014-0235-SPHA
Petitioner: Dr. Narender Bharaj and Bhavneet Bharaj
Address or Location: 2100 East Joppa Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori, Esquire
Address: Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

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

109899

No.

Date:

5/9/14

PAID RECEIPT

BUSINESS ACTUAL TIME

5/09/2014 5/09/2014 11:10:36

REG 4525 WALKIN RDOS LRB

RECEIPT # 736622 5/09/2014

Dept 5 528 ZONING VERIFICATION

LN NO. 109899

Receipt Tot \$1,000.00

\$1,000.00 CK \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		630				\$1000.00

Total: **\$1000.00**

Rec From: **BHARAJ**

For: **2014-0235-SP4A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/12/2013

Case Number: 2014-0235-SPHA

Petitioner / Developer: JASON VETTORI, ESQ. of SMITH GILDEA & SCHMIDT LLC ~ DR. & MRS. BHARAJ

Date of Hearing (Closing): JULY 2, 2014

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
2100 EAST JOPPA ROAD

The sign(s) were posted on: JUNE 12, 2014



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 12, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on June 12, 2014



The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0235-SPHA

2100 East Joppa Road

NE corner of intersection of E. Joppa Road and Clement Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Dr. Narender Bharaj & Bhavneet Bharaj

Special Hearing: to approve a modified parking plan pursuant to Section 409.12.B of the Baltimore County Zoning/Regulations (BCZR) (modifying section): a. To permit a modification of the landscape strip requirements to allow a 6 ft. strip in lieu of the required 10 ft. strip along Clement Avenue and a 3 ft. strip in lieu of the required 6 ft. strip between paved surfaces and lot/lease lines adjacent to commercial uses or zones; and b. To permit a parking space in a surface parking facility for a non-residential use to be located 0 ft. from the right-of-way line of a public street in lieu of the required 10 ft. setback; and 2. For such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) of Baltimore County. **Variance:** to permit a 0 ft. side yard setback in lieu of the required 10 ft. side yard setback and for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Wednesday, July 2, 2014 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.
6/136 June 12 982761



KEVIN KAMENETZ
County Executive
May 30, 2014

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

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: 2014-0235-SPHA

2100 East Joppa Road

NE corner of intersection of E. Joppa Road and Clement Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Dr. Narender Bharaj & Bhavneet Bharaj

Special Hearing to approve a modified parking plan pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (BCZR) (modifying section): a. To permit a modification of the landscape strip requirements to allow a 6 ft. strip in lieu of the required 10 ft. strip along Clement Avenue and a 3 ft. strip in lieu of the required 6 ft. strip between paved surfaces and lot/lease lines adjacent to commercial uses or zones; and b. To permit a parking space in a surface parking facility for a non-residential use to be located 0 ft. from the right-of-way line of a public street in lieu of the required 10 ft. setback; and 2. For such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) of Baltimore County.

Variance to permit a 0 ft. side yard setback in lieu of the required 10 ft. side yard setback and for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Wednesday, July 2, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Dr. & Mrs. Bharaj, 9820 Anvil Court, Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 12, 2014.**
- (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.

*omitted
from last
request.*

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 12, 2014 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0235-SPHA

2100 East Joppa Road

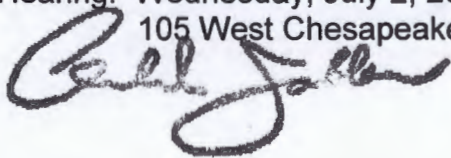
NE corner of intersection of E. Joppa Road and Clement Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Dr. Narender Bharaj & Bhavneet Bharaj

Special Hearing to approve a modified parking plan pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (BCZR) (modifying section): a. To permit a modification of the landscape strip requirements to allow a 6 ft. strip in lieu of the required 10 ft. strip along Clement Avenue and a 3 ft. strip in lieu of the required 6 ft. strip between paved surfaces and lot/lease lines adjacent to commercial uses or zones; and b. To permit a parking space in a surface parking facility for a non-residential use to be located 0 ft. from the right-of-way line of a public street in lieu of the required 10 ft. setback; and 2. For such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) of Baltimore County.
Variance to permit a 0 ft. side yard setback in lieu of the required 10 ft. side yard setback and for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Wednesday, July 2, 2014 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

M E M O R A N D U M

DATE: August 8, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0235-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 2014. 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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
2100 Joppa Road E; NE corner of intersection	*	OF ADMINISTRATIVE
of E. Joppa Road & Clement Avenue		
9 th Election & 5 th Councilmanic Districts	*	HEARINGS FOR
Legal Owners: Dr. Narendra & Bhavneet Bharaj	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2014-235-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

MAY 22 2014

.....

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 22th day of May, 2014, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
Received

Department

5/29/14

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

C

DEPS

(if not received, date e-mail sent _____)

FIRE DEPARTMENT

6/27/14

PLANNING

(if not received, date e-mail sent _____)

C

5/28/14

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

6/12/14

SIGN POSTING

Date:

6/12/14

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any:

letter from Delegate Joseph

Boteler, III dated

6-17-14

(opposing) and

John

Chatter, Jr.



KEVIN KAMENETZ
County Executive

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

June 26, 2014

Dr. Narender & Bhavneet Bharaj
9820 Anvil Court
Perry Hall MD 21128

RE: Case Number: 2014-0235 SPHA, Address: 2100 East Joppa Road

Dear Dr. & Ms. Bharaj:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 9, 2014. 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: jaf

Enclosures

c: People's Counsel
Jason T. Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 5/28/14

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

RE: Baltimore County
Item No 2014-0235-SPHA
Special Hearing Variance
Dr. Narendra & Bhavneet Bhangra
2100 Joppa Road E

Dear Ms. Lewis:

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. 2014-0235-SPHA

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).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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

JOHN W. E. CLUSTER, JR.

8th Legislative District

Baltimore County

Judiciary Committee



THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

MS 7-2-14 1:30 PM
Annapolis Office

6 Bladen Street, Room 308

Annapolis, Maryland 21401

410-841-3526 · 301-858-3526

800-492-7122 Ext. 3526

Fax 410-841-3098 · 301-858-3098

John.Cluster@house.state.md.us

District Office

9607 Dixon Avenue

Baltimore, Maryland 21234

410-841-3526 · Fax 410-665-6990

RECEIVED

JUN 20 2014

Baltimore County
Permits, Approvals and Inspections
Arnold Jablon, Director
County Office Building
111 West Chesapeake Ave., Suite 105
Towson, MD 21204

OFFICE OF ADMINISTRATIVE HEARINGS

June 17, 2014

RE: Hearing for a variance request for 2100 E. Joppa Road, Baltimore MD 21234

Dear Director Jablon,

We are contacting you to oppose the requested variance for 2100 E. Joppa Road in Carney.

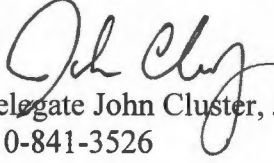
Mr. Harry Elgert who is the property owner of 2104 E. Joppa Road has contacted us with concerns about the proposed commercial building being built encroaching on his property line and has expressed his desire to prevent this from taking place. The hearing has been scheduled for July 2, 2014 at 1:30pm in the Jefferson Building.

Mr. Elgert has lived in his home for the past 30 years and is planning to remain in his home in the future. 2100 E. Joppa Road is zoned for commercial and he realizes that a commercial building will be constructed on the property however; he does not want the building constructed up to his property line. This proposed construction will encroach on his rights as the home owner if the variance is granted.

We respectfully request that you deny the requested variance and rule in favor of the home owner, Mr. Harry Elgert.

Thank you for your time and attention to this matter. Please do not hesitate contacting us directly if you would like to discuss this further.

Sincerely,


Delegate John Cluster, Jr.
410-841-3526


Delegate Joseph Boteler, III
410-841-3365

cc: Judge John E. Beverungen
Judge Lawrence M. Stahl

bcc:

JOHN W. E. CLUSTER, JR.
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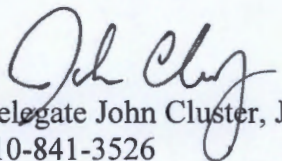
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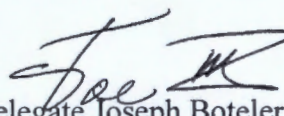
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Delegate John Cluster, Jr.
410-841-3526



Delegate Joseph Boteler, III
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cc: Judge John E. Beverungen
Judge Lawrence M. Stahl
bcc:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: June 27, 2014

FROM: Andrea Van Arsdale
Director, Office of Planning

RECEIVED

SUBJECT: 2100 East Joppa Road

JUN 30 2014

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 14-235

Petitioner: Dr. Narender Bharaj & Bhavneet Bharaj

Zoning: BL

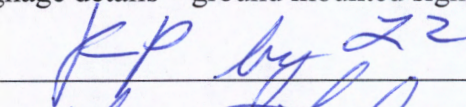
Requested Action: Special Hearing, Variance

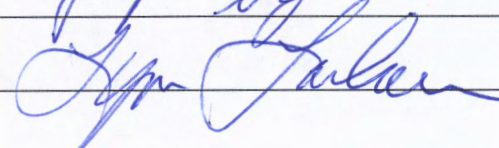
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request for a special hearing regarding a modified parking plan and variance regarding the 0' side yard setback.

The property is located in the Loch Raven Commercial Revitalization District and the new construction will be as an asset to the community. The property is also located within the East Joppa Road Corridor Community Plan area. The Department of Planning has met with the applicants and has no objection to this request providing the following conditions are met:

1. Revise site plan – move building closer to Joppa Road to provide greater street presence; this will eliminate an additional parking space but the Department would be in support.
2. Submit detailed building elevations to the Department of Planning for review in conjunction with development plan – brick material encouraged (show heights & detailing of parking structure).
3. Provide landscape plan – landscaping must be provided along the perimeter of the site to mitigate requested setbacks and screen from adjacent uses.
4. Provide details of dumpster enclosure to match building materials and proposed wall along Clement Avenue
5. Provide signage details – ground mounted signs are encouraged.

Prepared by: 

Division Chief: 
AVA:LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 26, 2014
Item No. 2014-0235

DATE: May 29, 2014

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

We recommend that all of these requests be denied. The proposed building with its parking is too large for the property as evidenced by the numerous requests.

Along Clement Avenue, the minimum entrance width is 24 feet and the entrance must be 15' from the property line per standard detail R-32. The curb and gutter shown as proposed should be at least 2 feet further onto the property, and then the right-of-way widening would be at least 5 feet back from the curb. Upon compliance with these requirements one parking space would be lost, and with two large BGE poles just behind the curb, it is doubtful that an ADA compliant sidewalk could be built.

Also, along Clement Avenue a 48" split face brick wall is proposed. This wall does not replace landscaping and there would only be 3 feet between the wall and the right-of-way line for plantings to soften the wall.

Furthermore, along Clement Avenue, the building and parking should be set back 10 feet from the right-of-way line. The plan shows 6 feet but no variance was requested.

The requested 0' setback for the parking space at the corner leaves no room for screening or landscaping and should be denied. Denying this request will eliminate another parking space and create the need for a variance of the number of parking spaces being provided to 27.

Should you decide to grant some or all of the relief requested, an approved schematic plan is required before a development plan will be approved and a final landscape plan, photometric lighting plan, cost estimate and security will be required before a building permit will be waived.

DAK: CEN.

Cc: file.

ZAC-ITEM NO 14-0235-05262014.d

Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 09 Account Number - 0916150010	
Owner Information		
Owner Name:	BHARAJ NARENDER DR BHARAJ BHAVNEET	Use: COMMERCIAL/RESIDENTIAL
Mailing Address:	9820 ANVIL CT PERRY HALL MD 21128-	Principal Residence: NO
		Deed Reference: 1) /34857/ 00333 2)
Location & Structure Information		
Premises Address:	2100 E JOPPA RD 0-0000	Legal Description: PT LT 26 2100 E JOPPA RD JOPPA PARK
Map:	Grid:	Parcel:
0071	0008	1205
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	26	2014
Plat No:	Plat Ref:	0009/ 0050
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1918	1300	
Property Land Area	County Use	
11,178 SF	06	
Stories	Basement	Type
1.500000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
ASBESTOS SHINGLE	2 full	
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2014	07/01/2013
Land:	328,600	328,600
Improvements	55,700	36,200
Total:	384,300	364,800
Preferential Land:	0	0
Transfer Information		
Seller: PENNEWILL MARTIN DALE JR/KAREN J	Date: 04/14/2014	Price: \$205,000
Type: ARMS LENGTH IMPROVED	Deed1: /34857/ 00333	Deed2:
Seller: PENNEWILL CLARA E	Date: 10/13/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /20823/ 00556	Deed2:
Seller: PENNEWILL CLARA E	Date: 06/28/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13861/ 00585	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

CASE NAME 2100 E. JOPPA RD
CASE NUMBER 2014-0235-SIR
DATE JULY 2, 2014

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Z100 E. JOHARD
CASE NUMBER 2014-0235-SPH
DATE JULY 2, 2014

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

Harry Elggert	2104 E Joppa Rd	BALTO Co Md 21234-2804
Martin Wale Perkowski	5122 E Joppa Rd	Perry Hall Md. 21128

Case No.:

2014-0235-SPHA

Exhibit Sheet

Petitioner/Developer

SEN
8-8-14

Protestants

SEN
7-8-14

No. 1	Plan (as filed)	
No. 2	Revised Site Plan	
No. 3	My Neighborhood Map	
No. 4	Revised Plan w/ DPR revised ZAC comment 7-2-14	
No. 5	Inquisition (Liber 5191, folio 041)	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



DEVELOPER' S

EXHIBIT NO.

3



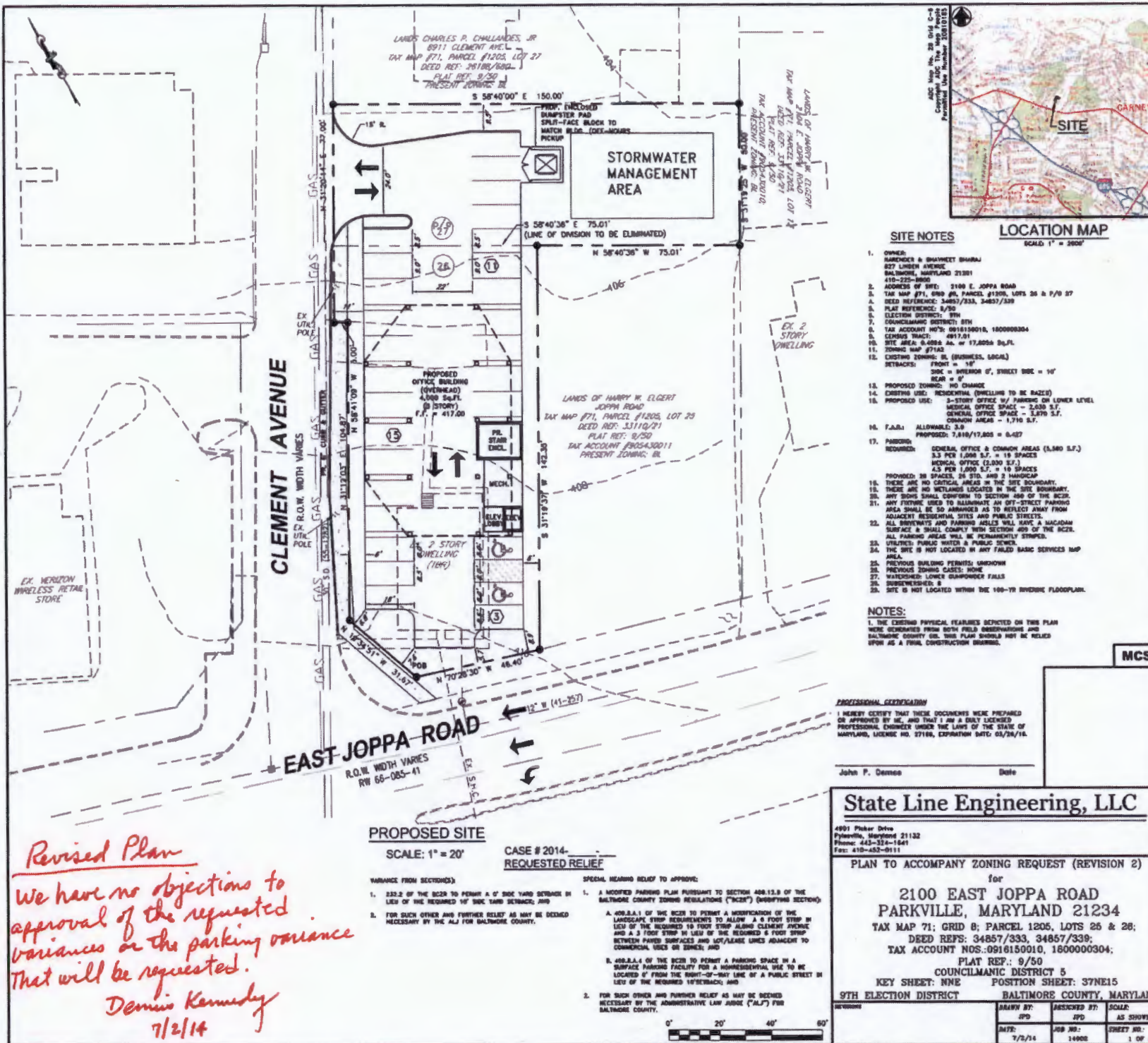
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 7/2/2014



DEVELOPER'S

EXHIBIT NO. 4

BALTIMORE COUNTY, MARYLAND, :
a body corporate and politic

IN THE

v.

CIRCUIT COURT FOR

MARTIN D. PENNEWILL and
CLARA E. PENNEWILL, his wife

BALTIMORE COUNTY

CONDEMNATION

9/13/1519

.....

INQUISITION made and taken at Bar in the Circuit Court for Baltimore County, in the matter of the Petition of Baltimore County, Maryland, a body corporate and politic, for the condemnation of the property hereinafter mentioned, witnesseth:

THAT, We, the Jury, whose names are hereunto subscribed and whose seals are hereunto affixed, being duly impaneled, sworn and charged to ascertain and justly and impartially value the damages which the Defendants will sustain by the taking, use and occupation of the following property:

All that parcel shown shaded in green containing 0.057 of an acre of land, more or less (2,489 sq. ft.), of which 0.0002 of an acre of land, more or less (10 sq. ft.) constitutes existing paving at the intersection of Joppa and Clement Roads.

Parcel shown hatched /// containing 0.003 of an acre of land, more or less (144 sq. ft.) as a temporary easement area to be used during the period of construction only.

Together with all right, title and interest in and to the beds of Joppa and Clement Roads. All as more particularly shown and described on the attached Plat No. RW 66-085-41A. Said property being located in the Ninth Election District of Baltimore, Maryland, Maryland.

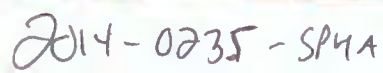
Having heard the evidence and duly considered the same, we do find and determine that:

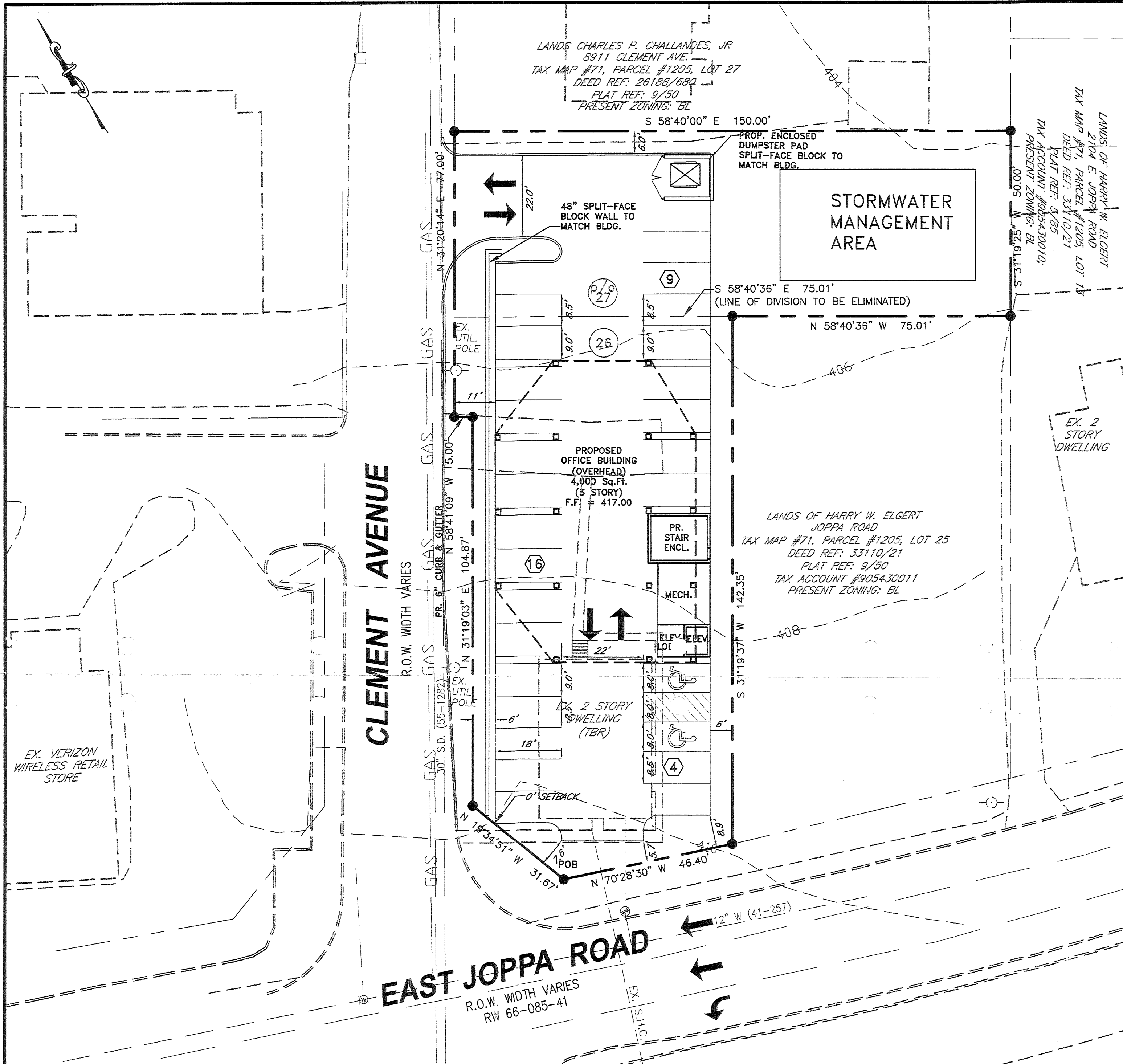
It is necessary for the Petitioner to condemn the said property and that the damages sustained by the Defendants because of the taking of their fee simple interest and estate in and to that parcel of land hereinbefore particularly described and the property and rights as set forth in the Petition are the sum of \$ \$ 7750.00

DEVELOPER' S

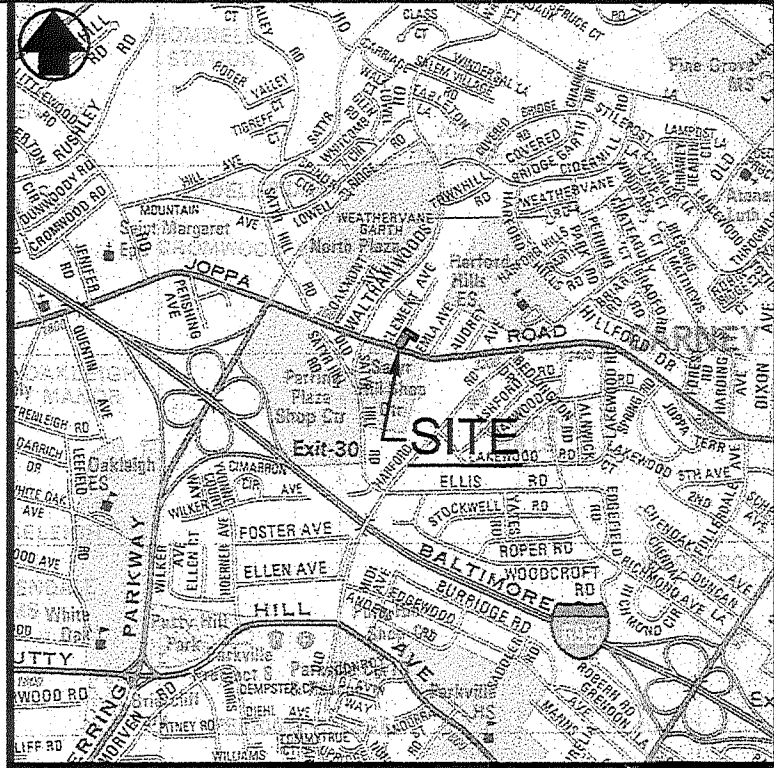
EXHIBIT NO.

5





ADC Map No. 28 Grid C-6
Copyright ABC The Map People
Permitted Use Number 20810185



SITE NOTES

- OWNER: NARENDER & BHAVNEET BHARAJ
827 LINDEN AVENUE
BALTIMORE, MARYLAND 21201
410-225-8000
- ADDRESS OF SITE: 2100 E. JOPPA ROAD
- TAX MAP #71, GRID #8, PARCEL #1205, LOTS 26 & P/O 27
- DEED REFERENCE: 34857/333, 34857/339
- PLAT REFERENCE: 9/50
- ELECTION DISTRICT: 9TH
- COUNCILMANIC DISTRICT: 5TH
- TAX ACCOUNT NO'S: 0916150010, 1800000304
- CENSUS TRACT: 4917.01
- SITE AREA: 0.409± Ac. or 17,805± Sq.Ft.
- ZONING MAP #71A2
- EXISTING ZONING: BL (BUSINESS, LOCAL)
- SETBACKS: FRONT = 10'
SIDE = INTERIOR 0', STREET SIDE = 10'
REAR = 0'
- PROPOSED ZONING: NO CHANGE
- EXISTING USE: RESIDENTIAL (DWELLING TO BE RAZED)
- PROPOSED USE: 3-STORY OFFICE W/ PARKING ON LOWER LEVEL
MEDICAL OFFICE SPACE - 2,030 S.F.
GENERAL OFFICE SPACE - 3,870 S.F.
COMMON AREAS - 1,710 S.F.
- F.A.R.: ALLOWABLE: 3.0
PROPOSED: 7,610/17,805 = 0.427
- PARKING: REQUIRED: GENERAL OFFICE & COMMON AREAS (5,580 S.F.)
5.3 PER 1,000 S.F. = 19 SPACES
MEDICAL OFFICE (2,030 S.F.)
4.5 PER 1,000 S.F. = 10 SPACES
PROVIDED: 29 SPACES, 27 STD. AND 2 HANDICAP
- THERE ARE NO CRITICAL AREAS IN THE SITE BOUNDARY.
- THERE ARE NO WETLANDS LOCATED IN THE SITE BOUNDARY.
- ANY SIGNS SHALL CONFORM TO SECTION 450 OF THE BCZ
- ANY FIXTURES USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
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- UTILITIES: P, C WATER & PUBLIC SEWER.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREA.
- PREVIOUS BUILDING PERMITS: UNKNOWN
- PREVIOUS ZONING CASES: NONE
- WATERSHED: LOWER GUNPOWDER FALLS
- SUBWERSHED: 8
- SITE IS NOT LOCATED WITHIN THE 100-YR RIVERINE FLOODPLAIN.

NOTES:

- THE EXISTING PHYSICAL FEATURES DEPICTED ON THIS PLAN WERE GENERATED FROM BOTH FIELD OBSERVATIONS AND BALTIMORE COUNTY GIS. THIS PLAN SHOULD NOT BE RELIED UPON AS A FINAL CONSTRUCTION DRAWING.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 27189, EXPIRATION DATE: 03/26/16.

John P. Demos
Date

5/8/14
Date

MCS



State Line Engineering, LLC

4901 Picker Drive
Pylesville, Maryland 21132
Phone: 443-324-1641
Fax: 410-452-0111

PLAN TO ACCOMPANY ZONING REQUEST for

2100 EAST JOPPA ROAD
PARKVILLE, MARYLAND 21234

TAX MAP 71; GRID 8; PARCEL 1205, LOTS 25 & 26;
DEED REFS: 34857/333, 34857/339;
TAX ACCOUNT NOS.: 0916150010, 1800000304;

PLAT REF.: 9/50

COUNCILMANIC DISTRICT 5

KEY SHEET: NNE

POSITION SHEET: 37NE15

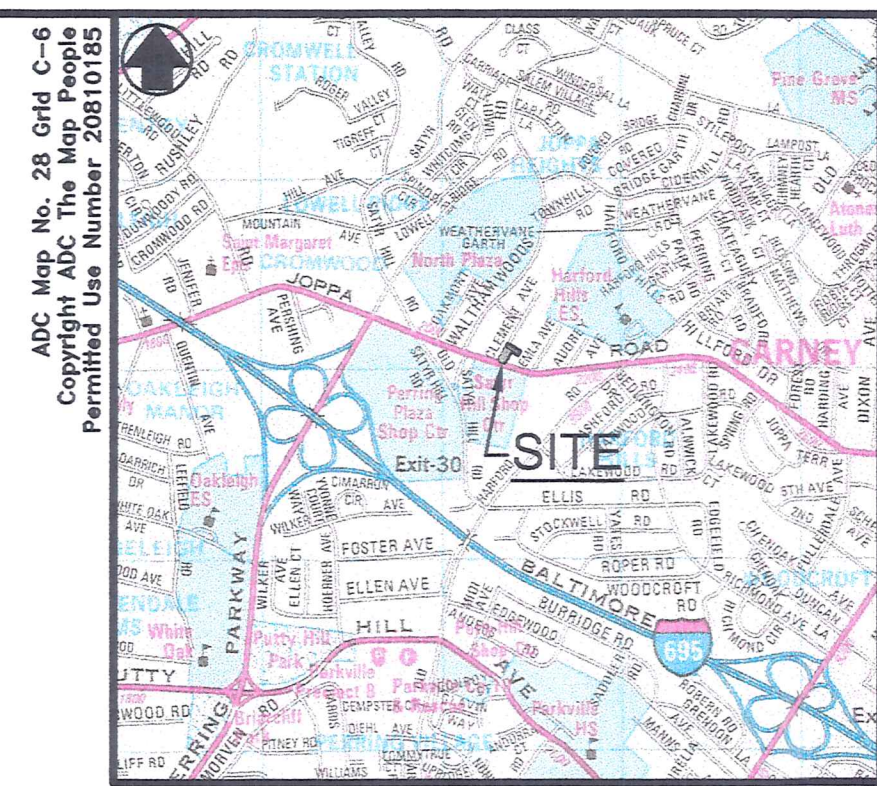
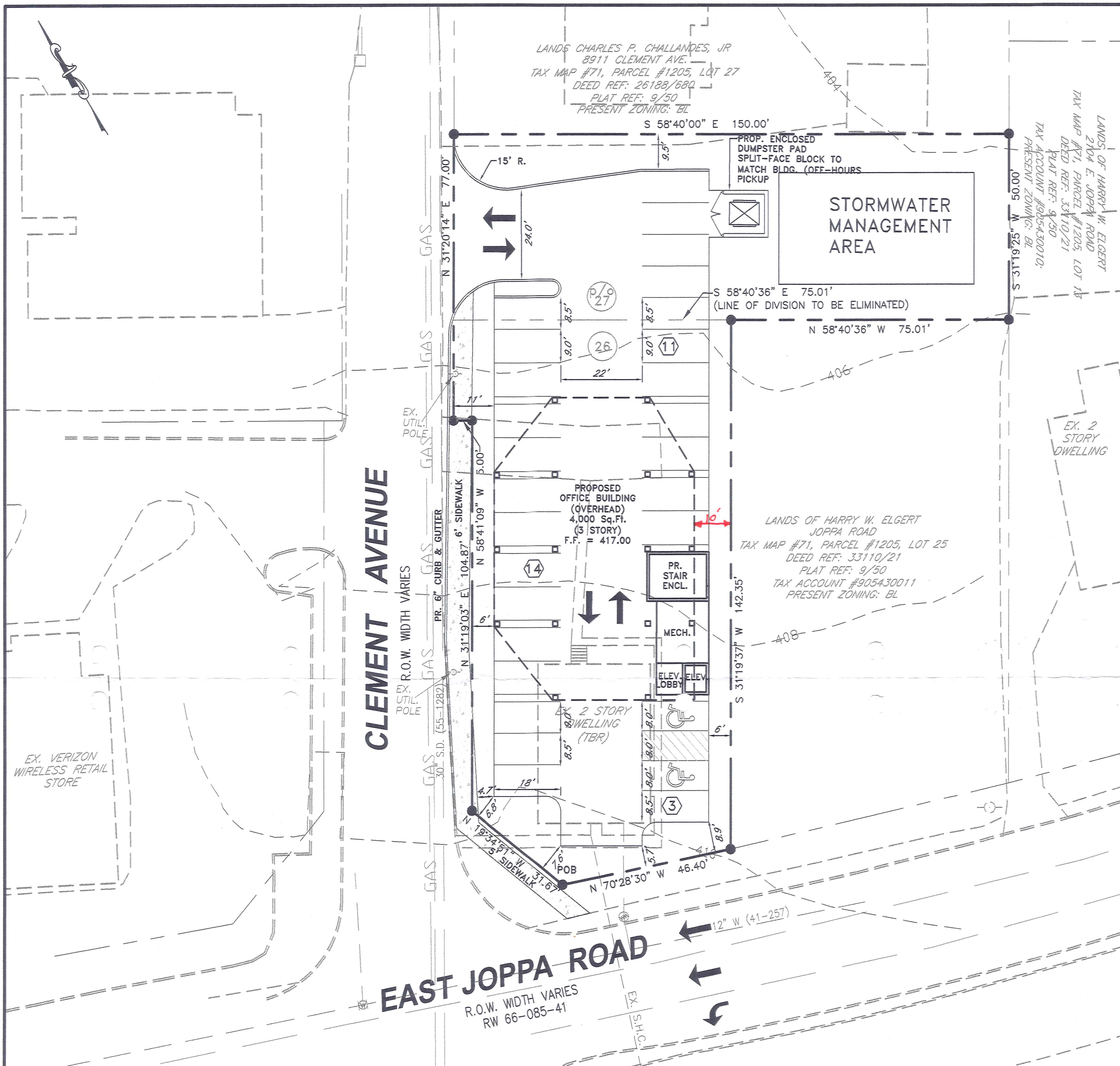
9TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REVISIONS PETITIONER'S

EXHIBIT NO.

DRAWN BY:	DESIGNED BY:	SCALE:
JPD	JPD	AS SHOWN
DATE:	JOB NO.:	SHEET NO.:
5/8/14	14002	1 OF 1

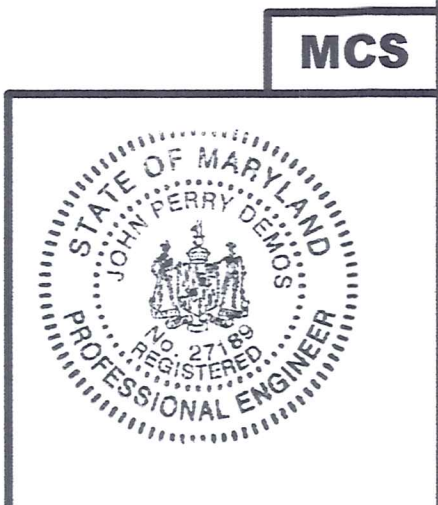


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PLAT REF.: 9/50
COUNCILMANIC DISTRICT 5
KEY SHEET: NNE POSITION SHEET: 37NE15
9TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

PROPOSED SITE

SCALE: 1" = 20'

CASE # 2014 - 0235 SPHA
REQUESTED RELIEF

VARIANCE FROM SECTION(S):

- 232.2 OF THE BCZR TO PERMIT A 0' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10' SIDE YARD SETBACK; AND
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ALJ FOR BALTIMORE COUNTY.

SPECIAL HEARING RELIEF TO APPROVE:

- A MODIFIED PARKING PLAN PURSUANT TO SECTION 409.12.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") (MODIFYING SECTION):
A. 409.8.A.1 OF THE BCZR TO PERMIT A MODIFICATION OF THE LANDSCAPE STRIP REQUIREMENTS TO ALLOW A 6 FOOT STRIP IN LIEU OF THE REQUIRED 10 FOOT STRIP ALONG CLEMENT AVENUE AND A 3 FOOT STRIP IN LIEU OF THE REQUIRED 6 FOOT STRIP BETWEEN PAVED SURFACES AND LOT/LEASE LINES ADJACENT TO COMMERCIAL USES OR ZONES; AND
B. 409.8.A.4 OF THE BCZR TO PERMIT A PARKING SPACE IN A SURFACE PARKING FACILITY FOR A NONRESIDENTIAL USE TO BE LOCATED 0' FROM THE RIGHT-OF-WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10' SETBACK; AND
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE ("ALJ") FOR BALTIMORE COUNTY.

