

M E M O R A N D U M

DATE: January 28, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0097-SPHA- Appeal Period Expired

The appeal period for the above-referenced case expired on January 22, 2016. 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

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(8901 Clement Avenue) *
9th Election District *
5th Council District *
Noor Properties, LLC *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0097-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Noor Properties, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") seeking: (1) A request for confirmation that the approvals in Case No. 2014-0235 SPHA authorize the revised site layout; and (2) In the alternative, a modified parking plan pursuant to § 409.12.B of the B.C.Z.R. modifying sections:

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. strip 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 6 ft. from the right-of-way line of a public street in lieu of the required 10 ft. setback.

In addition, a Petition for Variance was filed seeking relief pursuant to § 232.2 of the B.C.Z.R. to permit a 6 ft. side yard setback in lieu of the required 10 ft. side yard setback. A site plan was marked and accepted into evidence as Petitioner's Exhibit 2.

ORDER RECEIVED FOR FILING

Date 12/23/15

By Den

Appearing at the public hearing in support of the requests was Dr. Narender Bharaj and professional engineer John Demos from State Line Engineering, LLC, who prepared the site plan. Jason T. Vettori, Esq. with Gildea & Schmidt, LLC represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP).

The subject property is 0.409 acres and is zoned BL. The property is improved with a two-story residential dwelling constructed in 1918. Petitioner proposes to raze the structure and construct a new two-story office building on the site. In 2014, Dr. Bharaj proposed to construct a three-story office building (Exhibit 1) at the site, and he was granted variance and special hearing relief to do so in Case No. 2014-0235-SPHA. The Petitioner has in the interim modified the plans and now proposes to build a smaller office building at the site. Even though the current plan (Exhibit 2) increases the side yard and surface parking setbacks as shown on the original plan (Exhibit 1) the zoning office required Petitioner to again seek relief in connection with the modified proposal. While I believe the variance and special hearing relief granted in the earlier case would "authorize the revised site layout" (per Special Hearing request #1 in this case), I will nonetheless consider the Petition anew and grant the relief requested.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

ORDER RECEIVED FOR FILING

Date 12/23/15

By Sen

The Petitioner has met this test. As noted in the earlier Order, the property is irregularly shaped and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioner would suffer a practical difficulty since it would be unable to construct the proposed office building. 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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 23rd day of **December, 2015**, by this Administrative Law Judge, that the Petition for Special Hearing seeking approval of a modified parking plan pursuant to § 409.12.B of the B.C.Z.R. modifying sections:

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. strip 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 6 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 seeking relief pursuant to § 232.2 of the B.C.Z.R. to permit a 6 ft. side yard setback in lieu of the required 10 ft. side yard setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 12/23/15
By Sen

2. Petitioner must submit for approval by Baltimore County a Landscape Plan for the site.
3. Prior to issuance of permits Petitioner must submit for review by the DOP proposed building elevations and details of proposed signage and dumpster enclosure.

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:/sln

ORDER RECEIVED FOR FILING

Date 12/23/15

By sln



KEVIN KAMENETZ
County Executive

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

December 23, 2015

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

RE: Petitions for Special Hearing and Variance
Case No. 2016-0097-SPHA
Property: 8901 Clement Avenue

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,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



PETITION FOR ZONING HEARING(S)

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

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

Address 8901 Clement Avenue (aka 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

Date

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

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

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

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) 409-5999

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

2016-0097-SPHA

Filing Date

10/19/15

Do Not Schedule Dates:

Reviewer

JP

ATTACHMENT TO PETITION FOR ZONING HEARING

8901 Clement Avenue (fka 2100 East Joppa Road)

Case No.: 2016-_____

Special Hearing relief to approve:

1. A request for confirmation that the approvals in Case No. 2014-0235-SPHA authorize the revised site layout; and
2. In the alternative, a modified parking plan pursuant to Section 409.12.B of the Baltimore County Zoning Regulations ("BCZR") modifying sections:
 - 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 6' from the right-of-way line of a public street in lieu of the required 10' setback; and
3. 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 6' side yard setback in lieu of the required 10' side yard setback, if needed; and
2. For such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

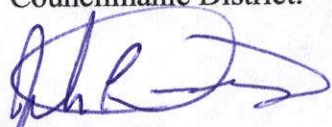
ZONING PROPERTY DESCRIPTION

8901 Clement Avenue (A.K.A. 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





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:sln
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

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2016-0097-SPHA

Petitioner: DR. NARENDER BHARAJ

Address or Location: 8901 CLEMENT AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON T. VETTORI

Address: SMITH, GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

TOWSON, MD 21204

Telephone Number: (410) 821-0070

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/1/2015

Case Number: 2016-0097-SPHA

Petitioner / Developer: JASON VETTORI, ESQ. ~ MR. & MRS. BHARAJ

Date of Hearing (Closing): DECEMBER 21, 2015

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:
8901 CLEMENT AVENUE (FKA 2100 EAST JOPPA ROAD)

The sign(s) were posted on: NOVEMBER 28, 2015



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)



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3778113

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 01, 2015

3.1 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 hereinafter as follows:

Case # 2014-0087 SPHA

890 J. Clement Avenue (aka 2100 East Joppa Road)
N/E corner of East Joppa Road and Clement Avenue
9th Election District - 5th Councilmanic District

Legal Owner(s) Dr. Narendra Bharaj & Bhavneet Bharaj

Special Hearing for a request for confirmation that the approvals in Case No. 2014-0235 SPHA authorize the revised site layout and in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZM modifying sections 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 nonresidential use to be located 6 ft. from the right-of-way line of a public street in lieu of the required 10 ft. setback and for such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County.

Variance to permit a 6 ft. side yard setback in lieu of the required 10 ft. side yard setback, if needed; and for such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

Hearings: Monday, December 21, 2015, 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) 887-3668.

(2) For information concerning the file and/or hearing, Contact the Zoning Review Office at (410) 887-3391.

IT 12/627 Dec 1 2015 3778113

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising



November 5, 2015
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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: 2016-0097-SPHA

8901 Clement Avenue (fka 2100 East Joppa Road)
N/e corner of East Joppa Road and Clement Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Dr. Narender Bharaj & Bhavneet Bharaj

Special Hearing for a request for confirmation that the approvals in Case No. 2014-0235 SPHA authorize the revised site layout; and in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR modifying sections: 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 nonresidential use to be located 6 ft. from the right-of-way line of a public street in lieu of the required 10 ft. setback; and for such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County. **Variance** to permit a 6 ft. side yard setback in lieu of the required 10 ft. side yard setback, if needed; and for such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

Hearing: Monday, December 21, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Mr. & 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 TUESDAY, DECEMBER 1, 2015.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 1, 2015 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

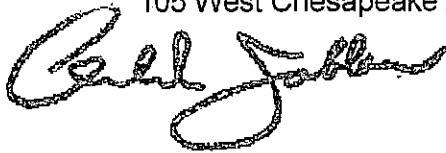
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0097-SPHA

8901 Clement Avenue (fka 2100 East Joppa Road)
N/e corner of East Joppa Road and Clement Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Dr. Narender Bharaj & Bhavneet Bharaj

Special Hearing for a request for confirmation that the approvals in Case No. 2014-0235 SPHA authorize the revised site layout; and in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR modifying sections: 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 nonresidential use to be located 6 ft. from the right-of-way line of a public street in lieu of the required 10 ft. setback; and for such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County. **Variance** to permit a 6 ft. side yard setback in lieu of the required 10 ft. side yard setback, if needed; and for such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

Hearing: Monday, December 21, 2015 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
8901 Clement Avenue; NE Corner of E. Joppa * OF ADMINISTRATIVE
Road & Clement Avenue *
9th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owners: Dr. Narendra & Bhavneet Bharaj *
Petitioner(s) * BALTIMORE COUNTY
* 2016-097-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

OCT 22 2015

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 October, 2015, 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

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

No. **127333**

Date: **10/16/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DEB
10/17/2015 10:16:30 10:33:24 1

RE 0001 WALYIN LSG LOR
73 RECEIPT # 010517 10.16.2015 0719
DE 5 529 EXHIBIT VERIFICATION
CR NO. 127333

Receipt for \$1,000.00
\$1,000.00 CR \$100 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS.Acct	Amount
001	806	0000		2150					1000

Total: **1000**

Rec From: **Dr. Narendra Ghargaj**

For: **3PHA 8701 Charent Ave**
2016-0097-3PHA

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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

'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

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.

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/sln

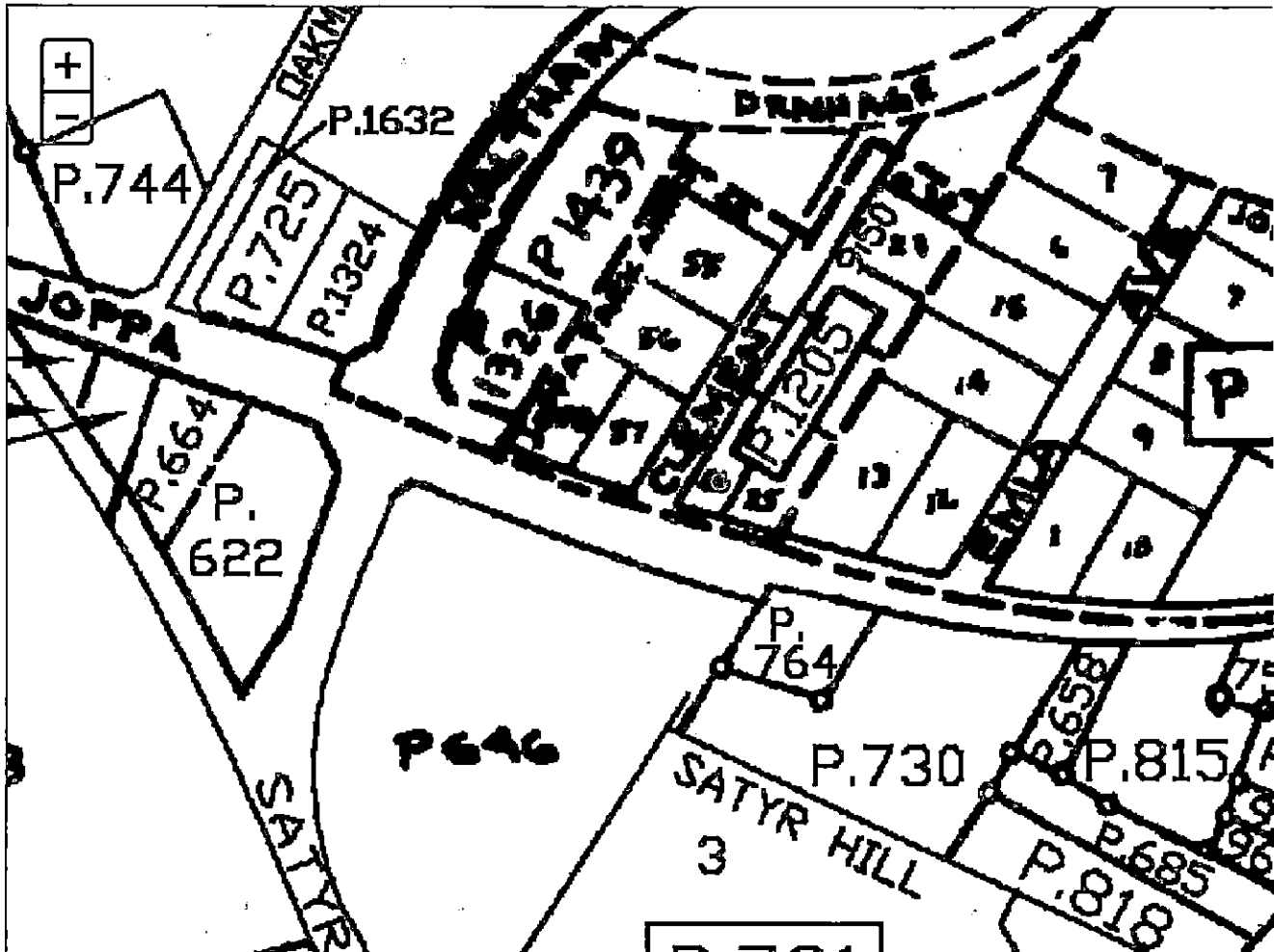
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0916150010			
Owner Information					
Owner Name:	NOOR PROPERTIES LLC		Use:	COMMERCIAL/RESIDENTIAL NO	
Mailing Address:	9820 ANVIL CT PERRY HALL MD 21128-		Principal Residence:	Deed Reference: /36245/ 00319	
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:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0009/0050
0071	0008	1205		0000	26 2014
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1918	1300			11,178 SF	06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE	2 full	
Value Information					
	Base Value		Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:	328,600		328,600		
Improvements	55,700		36,200		
Total:	384,300		364,800	364,800	364,800
Preferential Land:	0				0
Transfer Information					
Seller: BHARAJ NARENDER DR		Date: 06/02/2015		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /36245/ 00319		Deed2:	
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:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)District: **09** Account Number: **0916150010**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Real Property Data Search (w1)

Guide to searching the database

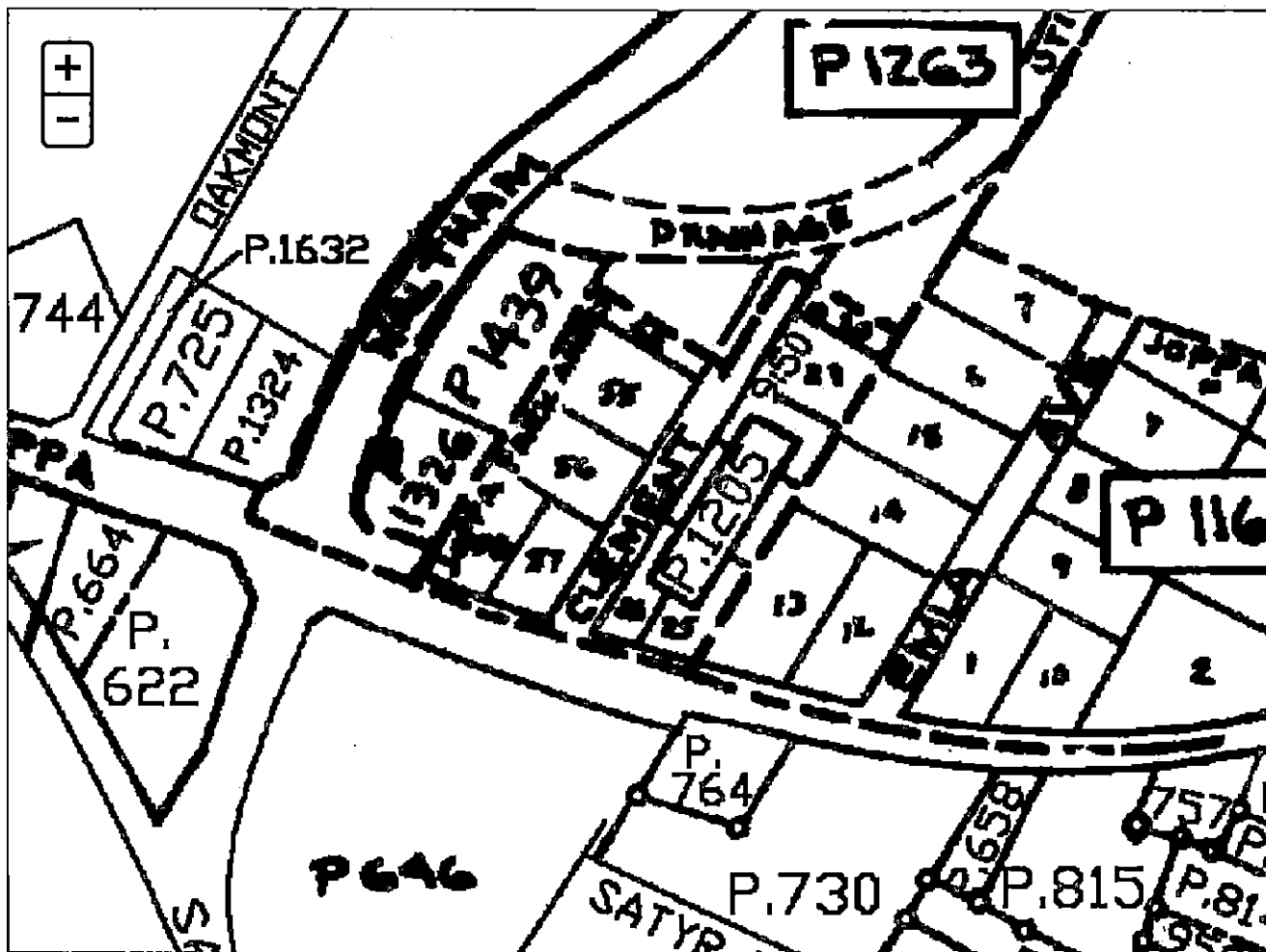
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 1800000304			
Owner Information					
Owner Name:	NOOR PROPERTIES LLC		Use:	COMMERCIAL	
Mailing Address:	9820 ANVIL CT		Principal Residence:	NO	
	PERRY HALL MD 21128-		Deed Reference:	/36245/ 00319	
Location & Structure Information					
Premises Address:	CLEMENT AVE 0-0000		Legal Description:	PT LT 27 172 NE JOPPA RD JOPPA PARK	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0009/0050
0071	0008	1205		0000	27... 2014
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				7,500 SF	06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015 As of 07/01/2016
Land:	168,700		168,700		
Improvements	0		0		
Total:	168,700		168,700		168,700
Preferential Land:	0				0
Transfer Information					
Seller: BHARAJ NARENDER DR		Date: 06/02/2015		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /36245/ 00319		Deed2:	
Seller: PENNEWILL MARTIN DALE JR		Date: 04/14/2014		Price: \$105,000	
Type: ARMS LENGTH VACANT		Deed1: /34857/ 00339		Deed2:	
Seller: DIETER JOSEPH M		Date: 06/28/1977		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05770/ 00173		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)

District: 09 Account Number: 1800000304



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Phone: (410) 821-0070

Facsimile: (410) 821-0071

<http://sgs-law.com>

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From: John E. Beverungen [<mailto:jbeverungen@baltimorecountymd.gov>]
Sent: Tuesday, December 22, 2015 10:54 AM
To: Jason Vettori
Cc: Sherry Nuffer
Subject: 2016-097

Mr. Vettori,

This is in regard to yesterday's hearing in the above zoning case. I am hoping to send the Order out today, but had one issue that I discovered when reviewing the file. The Petition was signed by Narender and Bhavneet Bharaj as legal owners. But according to the SDAT record, the property was transferred in 2015 by Dr. Bharaj to Noor Properties LLC. As such, I believe that the LLC should be the correct Petitioner in the case. Assuming you are in agreement, can you please just respond to this email and request that the Petition be amended accordingly. I will grant the amendment and the Order will be issued listing the LLC as Petitioner. I will include a copy of this email and your response in the case file.

John Beverungen

ALJ



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

December 17, 2015

Dr. Narender Bharaj
Bhavneet Bharaj
9820 Avnil Court
Perry Hall MD 21128

RE: Case Number: 2016-0097 SPHA, Address: 8901 Clement Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 16, 2015. 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

Sherry Nuffer

From: John E. Beverungen
Sent: Tuesday, December 22, 2015 11:54 AM
To: Jason Vettori
Cc: Sherry Nuffer
Subject: RE: FW: 2016-097

This email exchange will be kept in the file, and the Order will be issued with the LLC as Petitioner. No need to do anything else.

From: Jason Vettori [mailto:jvettori@sgs-law.com]
Sent: Tuesday, December 22, 2015 11:41 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Sherry Nuffer <snuffer@baltimorecountymd.gov>
Subject: FW: FW: 2016-097

Judge Beverungen,

I request that the Petition in the above referenced case be amended to reflect the correct owner of the property. As further indicated in the below exchange between myself and Dr. Bharaj, he is authorized to request zoning relief on behalf of Noor Properties LLC. Please advise whether you want a revised petition or if this e-mail will suffice. Thanks.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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From: Narender Bharaj [mailto:soorma_5@yahoo.com]
Sent: Tuesday, December 22, 2015 11:21 AM
To: Jason Vettori
Cc: John Demos (jpdemos@zoominternet.net); Bhavneet Bharaj
Subject: RE: FW: 2016-097

Yes . Myself and Bhavneet are the authorized representatives and are fully in capacity to file the Petition on behalf of Noor Properties LLC.

I will complete the paperwork and have it over to you this evening.

Narender Bharaj, M.D, CMD.
Maryland Medical First, PA.

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----- Original message -----

From: Jason Vettori <jvettori@sgs-law.com>
Date: 12/22/2015 11:08 AM (GMT-05:00)
To: Narender Bharaj <soorma_5@yahoo.com>
Cc: "John Demos (jpdemos@zoominternet.net)" <jpdemos@zoominternet.net>
Subject: FW: 2016-097

Dr. Bharaj,

I need you to confirm that you are an authorized representative of Noor Properties LLC and you authorized the Petition for Zoning Relief in the above referenced case to be filed.

As indicated below, Judge Beverungen has astutely pointed out that you and your wife transferred ownership of the property known as 2100 East Joppa Road (now known as 8901 Clement Avenue) to Noor Properties LLC. Attached hereto please find a SDAT printout indicating that on or about June 2, 2015, you transferred ownership to Noor Properties LLC. The Petitions which were filed incorrectly indicate that you and your wife are the legal owners. We need to request that Judge Beverungen amend the petition to indicated that you and your wife, Narender and Bhavneet Bharaj, intended to authorize the Petition for Zoning Relief in the above referenced case to be filed on behalf of Noor Properties, as authorized representatives thereof. Thank you for your prompt attention to this most important matter.

Jason T. Vettori

Smith, Gildea & Schmidt, LLC

600 Washington Avenue

Suite 200

Towson, MD 21204

DATE 12/21/15

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment10-22

DEVELOPMENT PLANS REVIEW

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

C

DEPS

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

FIRE DEPARTMENT

11-16

PLANNING

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

C10-21

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2014-0235-SPHA) 9/2014 JER
Drafted w/ Cond.

NEWSPAPER ADVERTISEMENT

Date:

12-1-15

SIGN POSTING

Date:

11-28-15by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

12/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8901 Clement Avenue (2100 E. Joppa Road)

RECEIVED

INFORMATION:

NOV 16 2015

Item Number: 16-097

Petitioner: Dr. Narender Bharaj and Bhavneet Bharaj

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BL

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should confirm that the approvals in Case No. 2014-0235 SPHA to authorize the revised site layout or in the alternative, approve a modified parking plan and also the petition for a variance to permit a 6' side yard setback in lieu of the required 10' side yard setback.

The Department understands that the Petitioner seeks to affirm the zoning relief granted in zoning case 2014-0235-SPHA. The Department has no objection to granting the petitioned zoning relief with the further understanding that all setbacks as shown on the site plan submitted in the instant case shall be the controlling layout and that the "as-built" strip between paved surfaces shall be 7.3' as shown, the 3' petitioned dimension notwithstanding.

Be advised that if the petitioned relief is granted, the Department will require detailed building elevations to include colors and materials, signage details and details of the dumpster enclosure for review and approval in conjunction with the Development Plan and prior to the issuance of any building permit. Further, a landscape plan demonstrating how the impacts of the reduced setbacks can be mitigated through vegetative screening must be submitted to the Baltimore County Landscape Architect for approval. Given the reduced setbacks thereby increasing the mass of the proposed building upon the site, the Department requires that where new freestanding commercial signage is introduced, that it be of the lower, ground mounted monumental type.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Division Chief: Katny Scherbach
AVA/KS

C: Krystle Patchak
Jeanette Tansey, RLA, PAI
Jason T. Vettori, Smith, Gildea and Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 23 2015



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 23, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0097-SPHA
Address 8901 Clement Avenue
(Bharaj Property)

Zoning Advisory Committee Meeting of October 19, 2015.

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

Reviewer: Steve Ford

Date: 10-23-2015

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/21/15

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

RE: Baltimore County
Item No. 2016-0097-SPHA
Special Hearing Variance
Dr. Narendra & Bhavneet Bhargava
8901 Clement Avenue

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.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 19, 2015
Item No. 2016-0097

DATE: October 22, 2015

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

A revised Landscape Plan may be required.

* * * * *

DAK
cc:file

ZAC-ITEM NO 16-0097-10192015.doc

BALTIMORE COUNTY, MARYLAND

NOV 16 2015

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8901 Clement Avenue (2100 E. Joppa Road)

INFORMATION:

Item Number: 16-097

Petitioner: Dr. Narender Bharaj and Bhavneet Bharaj

Zoning: BL

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

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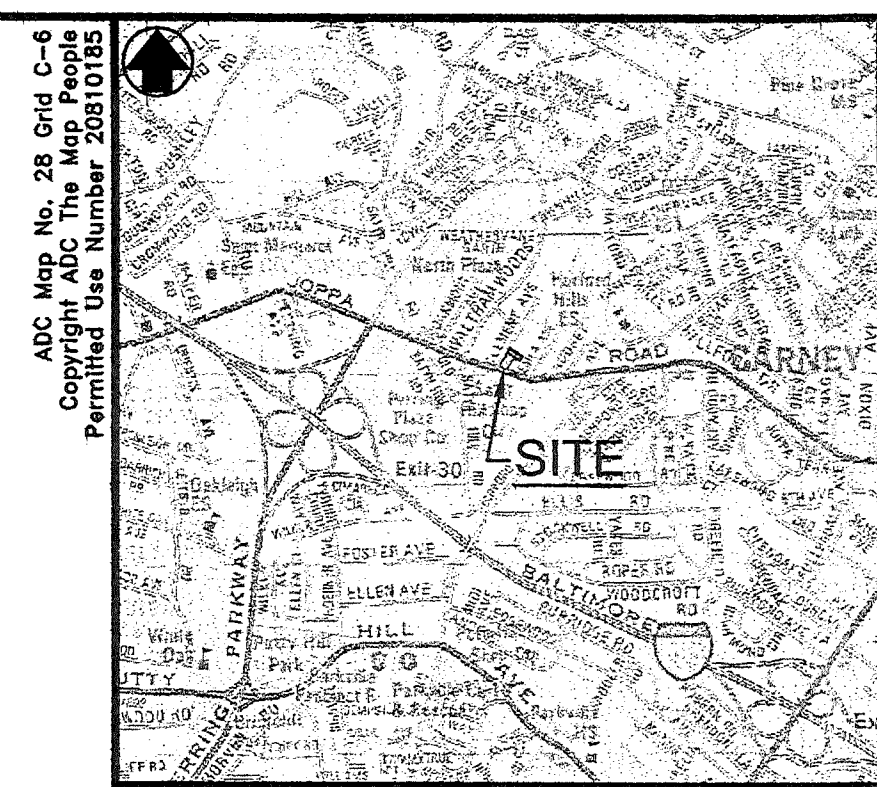
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Division Chief: Katny Schabach
AVA/KS

C: Krystle Patchak
Jeanette Tansey, RLA, PAI
Jason T. Vettori, Smith, Gildea and Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County



LOCATION MAP

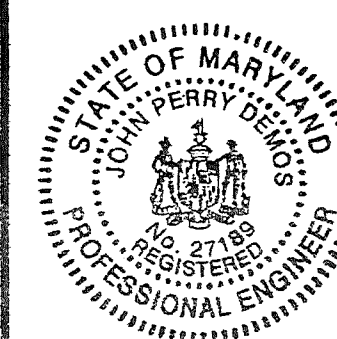
1. OWNER:
NARENDER & BHAVNEET BHARAJ
827 LINDEN AVENUE
BALTIMORE, MARYLAND 21201
410-225-8000
2. ADDRESS OF SITE: 8901 CLEMENT AVENUE (A.K.A. 2100 E. JOPPA ROAD)
3. TAX MAP #71, GRID #8, PARCEL #1205, LOTS 26 & P/O 27
4. DEED REFERENCE: 34857/333, 34857/339
5. PLAT REFERENCE: 9/50
6. ELECTION DISTRICT: 9TH
7. COUNCILMANIC DISTRICT: 5TH
8. TAX ACCOUNT NO'S: 0916150010, 1800000304
9. CENSUS TRACT: 4917.01
10. SITE AREA: 0.409± Ac. or 17,805± Sq.Ft.
11. ZONING MAP #71A2
12. EXISTING ZONING: BL (BUSINESS, LOCAL)
SETBACKS: FRONT = 10'
SIDE = INTERIOR 0', STREET SIDE = 10'
REAR = 0'
13. EXISTING USE: RESIDENTIAL (DWELLING TO BE RAZED)
14. PROPOSED USE: 2-STORY OFFICE W/ PARKING ON LOWER LEVEL
MEDICAL OFFICE SPACE = 2,100 S.F.
GENERAL OFFICE SPACE = 2,100 S.F.
COMMON AREAS = 600 S.F.
15. F.A.R.: ALLOWABLE: 3.0
PROPOSED: 4,800/17,805 = 0.270
16. PARKING:
REQUIRED: GENERAL OFFICE (2,100 S.F.)
3.3 PER 1,000 S.F. = 7 SPACES
MEDICAL OFFICE (2,100 S.F.)
4.5 PER 1,000 S.F. = 10 SPACES
COMMON AREAS (600 S.F.) = 0 SPACES
PROVIDED: 17 SPACES, 15 STD. AND 2 HANDICAP
17. THERE ARE NO CRITICAL AREAS IN THE SITE BOUNDARY.
18. THERE ARE NO WETLANDS LOCATED IN THE SITE BOUNDARY.
19. ANY SIGNS SHALL CONFORM TO SECTION 450 OF THE BCZR.
20. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
21. ALL DRIVEWAYS AND PARKING AISLES WILL HAVE A MACADAM SURFACE & SHALL COMPLY WITH SECTION 409 OF THE BCZR.
ALL PARKING AREAS WILL BE PERMANENTLY STRIPED.
22. UTILITIES: PUBLIC WATER & PUBLIC SEWER.
23. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP AREA.
24. PREVIOUS BUILDING PERMITS: UNKNOWN
25. PREVIOUS ZONING CASES: 2014-0235-SPHA
26. WATERSHED: LOWER GUNPOWDER FALLS
27. SUBSEWERSHED: 8
28. SITE IS NOT LOCATED WITHIN THE 100-YR RIVERINE FLOODPLAIN.

1. 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.

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

10/14/15
Date



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

for
8901 CLEMENT AVENUE
(a.k.a. 2100 E. 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	DRAWN BY:	DESIGNED BY:	SCALE:
	JPD	JPD	AS SHOWN
	DATE:	JOB NO.:	SHEET NO.:
	10/14/15	15011	1 OF 1

1. A REQUEST FOR CONFIRMATION THAT THE APPROVALS IN CASE NO. 2014-0235-SPHA AUTHORIZE THE REVISED SITE LAYOUT; AND
2. IN THE ALTERNATIVE, A MODIFIED PARKING PLAN PURSUANT TO SECTION 409.12.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") MODIFYING SECTIONS:

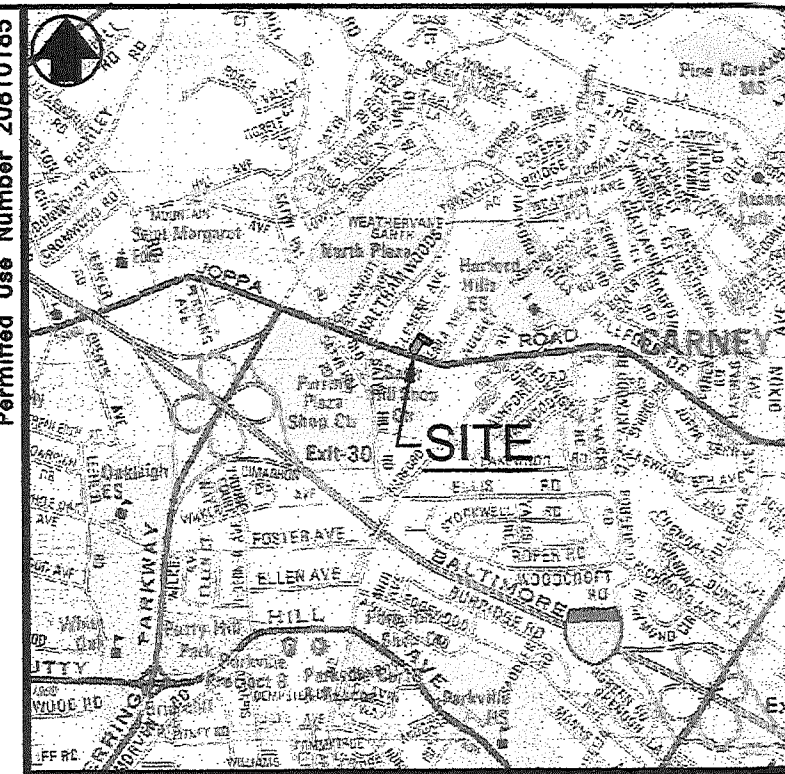
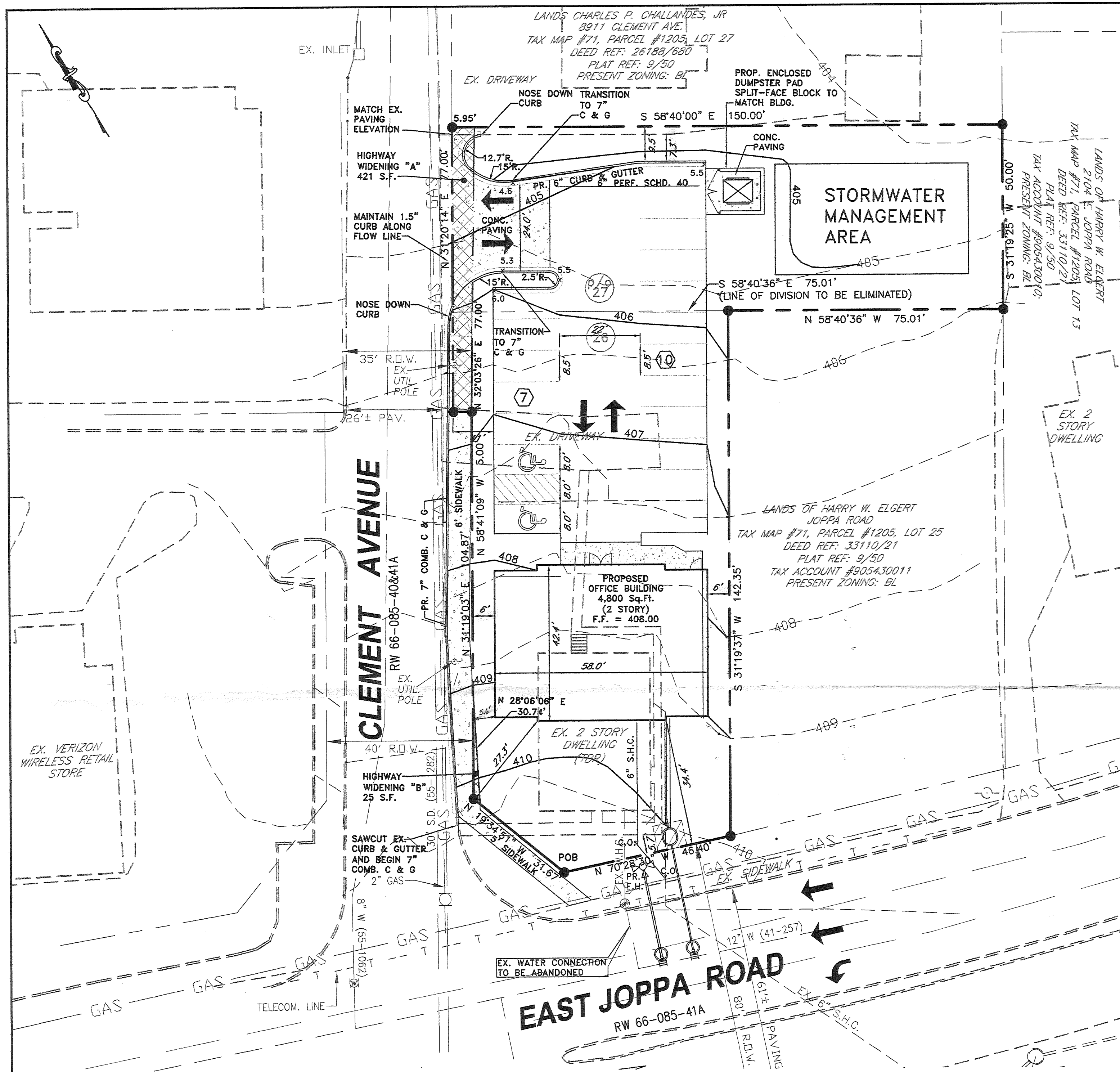
1. 232.2 OF THE BCZR TO PERMIT A 6' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10' SIDE YARD SETBACK; AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ALJ FOR BALTIMORE COUNTY.

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 409.8.A.2 OF THE BCZR TO PERMIT A 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 LOT FOR A NONRESIDENTIAL USE TO BE LOCATED 6' FROM THE RIGHT-OF-WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10' SETBACK; AND.

3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE ("ALJ") FOR BALTIMORE COUNTY.





SITE NOTES

- OWNER: NARENDER & BHAVNEET BHARAJ
827 LINDEN AVENUE
BALTIMORE, MARYLAND 21201
410-225-8000
- ADDRESS OF SITE: 8901 CLEMENT AVENUE (A.K.A. 2100 E. JOPPA ROAD)
- TAX MAP #71, GRID #8, PARCEL #1205, LOTS 25 & 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'
- EXISTING USE: RESIDENTIAL (DWELLING TO BE RAZED)
- PROPOSED USE: 2-STORY OFFICE W/ PARKING ON LOWER LEVEL
MEDICAL OFFICE SPACE - 2,100 S.F.
GENERAL OFFICE SPACE - 2,100 S.F.
COMMON AREAS - 600 S.F.
- F.A.R.: ALLOWABLE: 3.0
PROPOSED: 4,800/17,805 = 0.270
- PARKING:
REQUIRED: GENERAL OFFICE (2,100 S.F.)
3.3 PER 1,000 S.F. = 7 SPACES
MEDICAL OFFICE (2,100 S.F.)
4.5 PER 1,000 S.F. = 10 SPACES
COMMON AREAS (600 S.F.) = 0 SPACES
PROVIDED: 17 SPACES, 15 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 BCZR.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- ALL DRIVEWAYS AND PARKING AISLES WILL HAVE A MACADAM SURFACE & SHALL COMPLY WITH SECTION 409 OF THE BCZR. ALL PARKING AREAS WILL BE PERMANENTLY STRIPED.
- UTILITIES: PUBLIC WATER & PUBLIC SEWER
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP AREA.
- PREVIOUS BUILDING PERMITS: UNKNOWN
- PREVIOUS ZONING CASES: 2014-0235-SPHA
- WATERSHED: LOWER GUNPOWDER FALLS
- SUBWERSHED: 8
- SITE IS NOT LOCATED WITHIN THE 100-YR RIVERINE FLOODPLAIN.

NOTES:

1. 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

State Line Engineering, LLC

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

PLAN TO ACCOMPANY ZONING REQUEST

for
8901 CLEMENT AVENUE
(a.k.a. 2100 E. 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	DRAWN BY:	DESIGNED BY:	SCALE:
	JPD	JPD	AS SHOWN
	DATE:	JOB NO.:	SHEET NO.:
	10/14/15	15011	1 OF 1

PROPOSED SITE

SCALE: 1" = 20'

CASE # 2016- REQUESTED RELIEF

SPECIAL HEARING RELIEF TO APPROVE:

- A REQUEST FOR CONFIRMATION THAT THE APPROVALS IN CASE NO. 2014-0235-SPHA AUTHORIZE THE REVISED SITE LAYOUT; AND
- IN THE ALTERNATIVE, A MODIFIED PARKING PLAN PURSUANT TO SECTION 409.12.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") MODIFYING SECTIONS:
 - 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
 - 409.8.A.4 OF THE BCZR TO PERMIT A PARKING SPACE IN A SURFACE PARKING FACILITY FOR A NONRESIDENTIAL USE TO BE LOCATED 6' 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.

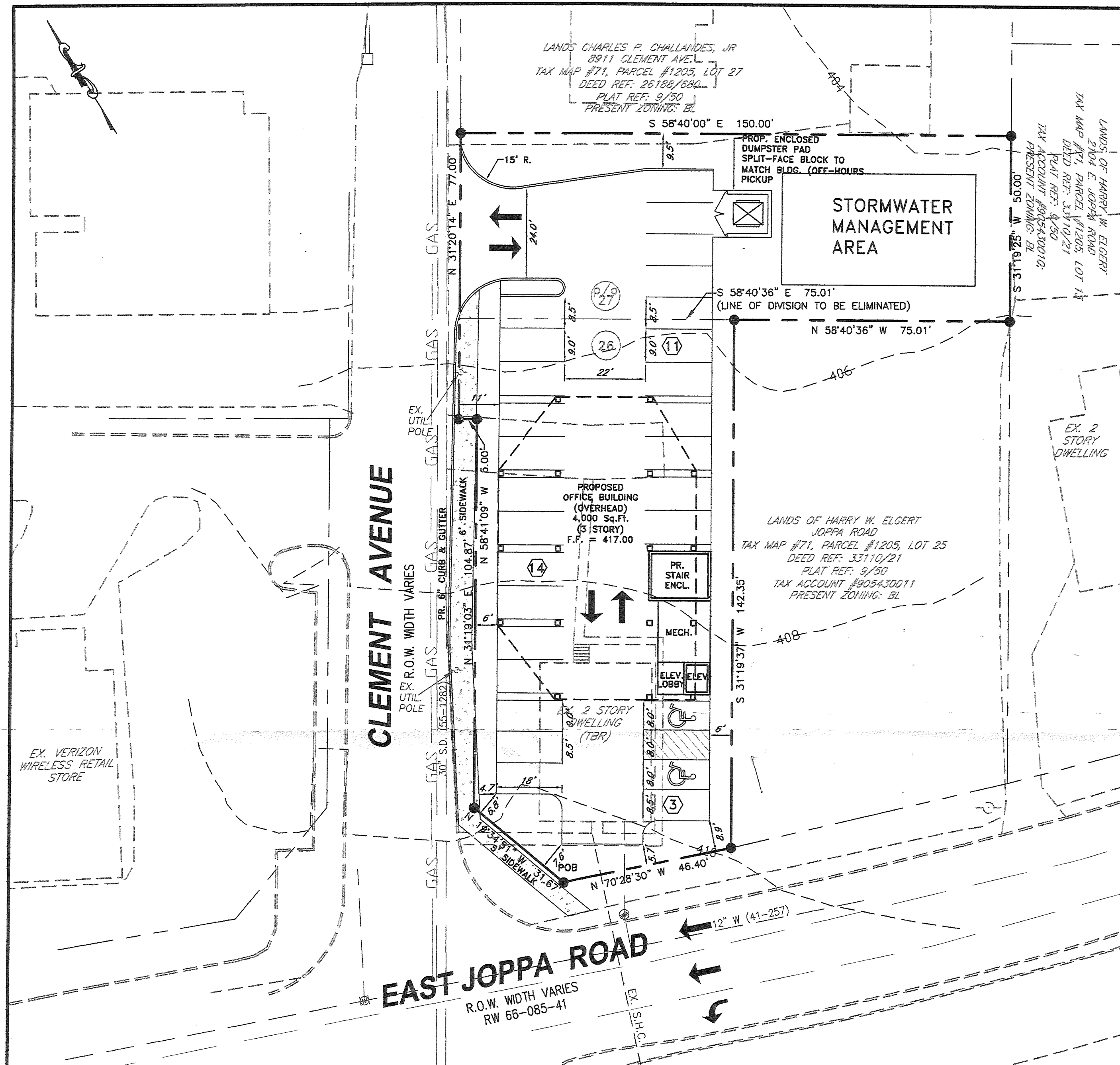
VARIANCE FROM SECTION(S):

- 232.2 OF THE BCZR TO PERMIT A 6' 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.

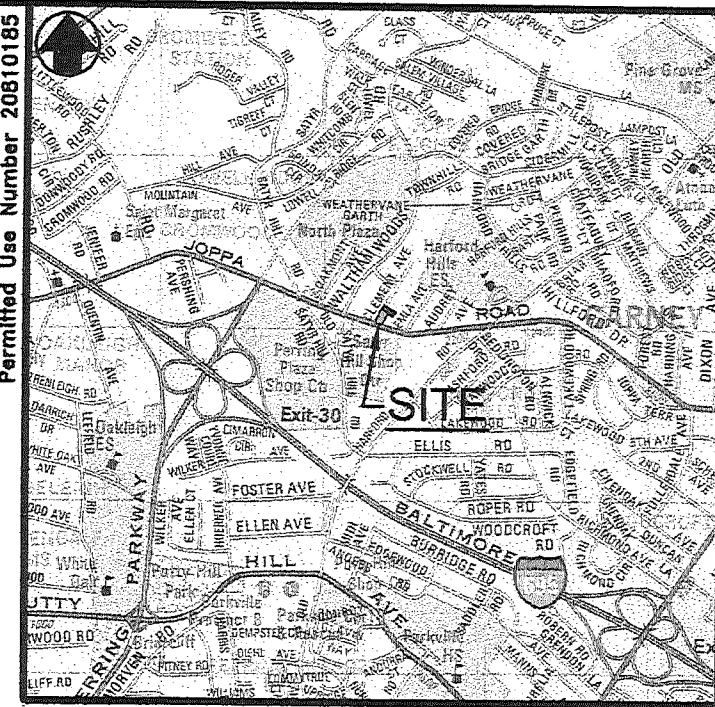
PETITIONER'S

EXHIBIT NO. 2





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



SITE NOTES

- OWNER: NARENDER & BHAYNEET 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: 5-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.)
3.3 PER 1,000 S.F. = 19 SPACES
MEDICAL OFFICE (2,030 S.F.)
4.5 PER 1,000 S.F. = 10 SPACES
PROVIDED: 28 SPACES, 26 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 BCZR.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- ALL DRIVEWAYS AND PARKING AISLES WILL HAVE A MACADAM SURFACE & SHALL COMPLY WITH SECTION 409 OF THE BCZR.
- ALL PARKING AREAS WILL BE PERMANENTLY STRIPED.
- UTILITIES: PUBLIC WATER & PUBLIC SEWER.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP.
- 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

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John P. Demos

Date

State Line Engineering, LLC

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

REVISED 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	DRAWN BY:	DESIGNED BY:	SCALE:
	JPD	JPD	AS SHOWN
	DATE:	JOB NO.:	SHEET NO.:
	7/2/14	14002	1 OF 1

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 409.12.8 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.



PETITIONER'S

EXHIBIT NO. 1