

M E M O R A N D U M

DATE: October 31, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0015-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on October 30, 2017. 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

(2507 North Point Road) *

12th Election District *

7th Council District *

Prosperity Investment Enterprise, LLC *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0015-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 Prosperity Investment Enterprise, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) To approve a modified parking plan as shown on the attached site plan: (a) To modify certain parking facility access requirements, as necessary; (b) To permit 19 spaces in lieu of the required 20 spaces; (c) To allow certain modifications to landscape manual standards, if deemed to be necessary; (d) To allow certain modifications to allow parking spaces to be located 0 ft. from public street right-of-way lines in lieu of the required 10 ft.; (e) To allow a modified parking lot which does not provide a separate area for loading/unloading; (2) To permit business parking within a residential zone, as shown on the attached site plan; and (3) To approve a modified RTA to allow a minimum 5.9 ft. RTA setback and a minimum 5.9 ft. RTA buffer in lieu of the 75 ft. setback and 50 ft. buffer required for parking lots.

A Petition for Variance seeks: (1) if required from an internal lot line where both lots are under common ownership, to permit a rear yard of 0 ft. in lieu of the 20 ft. deep rear lot required;

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Date 9/29/17

By sen

and (2) if necessary, to permit amenity open space of 0 sq. ft. in lieu of the 1,525 sq. ft. required. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Surveyor Ken Wells and Reza Tafrishi, D.D.S., appeared in support of the requests. Lawrence E. Schmidt, Esq. 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. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP).

SPECIAL HEARING

The petition for special hearing seeks three categories of relief: (1) a modified parking plan; (2) business parking in a residential zone; and (3) modification of RTA requirements. The subject property is approximately 15,000 sq. ft. in size and is comprised of two lots. Lot 1 is 7,609 sq. ft. and zoned BL-CCC. This lot is improved with a commercial building and for over 50 years a dental clinic has been operated at the site. Petitioner proposes to expand the size of the existing building and hire additional dentists/endodontists to serve more clients, many of whom are low-income residents. Dr. Tafrishi stated his practice was one of the few in the County which accept low income Medicaid patients. Lot 1 has ten existing parking spaces.

Lot 2 is 7,000 sq. ft. and zoned DR 5.5. This lot is improved with a dilapidated dwelling, which Petitioner proposes to raze. Petitioner proposes to construct a parking lot on Lot 2 to serve the enlarged dental practice. The new lot will have twelve spaces and will be surrounded by a stockade fence.

The modified parking plan is required because the site has been in its current configuration for over 50 years, and many of the current parking setback and landscape requirements contained in B.C.Z.R. §409 cannot be satisfied. The second and third special hearing requests are required

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Date

9/29/17

2 By

sen

in order for Petitioner to construct additional parking on Lot 2 (zoned D.R. 5.5), which it recently purchased.

Based on the testimony of Mr. Wells and Dr. Tafrishi, I believe Petitioner would experience an undue hardship if it was required to satisfy B.C.Z.R. §409, since it would be unable to expand the dental practice to serve this community. In addition, the specific requirements set forth in B.C.Z.R. §409.8.B.2 have been satisfied. I do not believe the modified parking plan will be detrimental in any way to the health, safety or general welfare of the community, and pursuant to B.C.Z.R. §409.12 the modified parking plan will be approved.

Following the hearing Petitioner submitted a revised site plan (Ex. 11) which reconfigured several parking spaces situated on Lot 1 along the North Point Road side of the site. The original site plan (Ex.1) proposed just two parallel parking spaces in this area, which would have altered the long-existing parking pattern at the site. Dr. Tafrishi testified that for years patients have parked in several unstriped spaces which are perpendicular to the existing building, as shown on the photo marked as Ex. 4L.

He said these spaces are favored by many of his elderly patients since it allows them to access the building without climbing steps or stairways. As a result of this change, the revised plan proposes 22 spaces while only 20 are required, so the special hearing request concerning the number of spaces is no longer required. In place of that request the petition will be amended to include a special hearing request allowing the five perpendicular spaces facing North Point Road to have a depth of 11.6 feet in lieu of the required 18 feet.

The proposed parking lot will provide a valuable amenity to this underserved community, and will in fact be more aesthetically pleasing than the existing abandoned home which is both an eyesore and public health hazard. The immediate area has many commercial uses and

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Date 9/29/17

3 By Sen

significant vehicular traffic. As such, I do not believe the business parking on this small sliver of residential land will be injurious to the community. Likewise, the reductions in the RTA setbacks are required given the long-existing site conditions and the lack of any additional land which Petitioner could acquire to provide a larger buffer. Petitioner proposes to install a stockade fence around the parking lot, which will screen the dwelling to the west of the parking area.

VARIANCES

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).

This property has an irregular shape and Petitioner must contend with site conditions which have existed for over 50 years. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to expand the dental office. Finally, I find that the variances 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 community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED this 29th day of **September, 2017**, 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) to approve a modified parking plan as shown on the attached site plan: (a) to modify certain parking facility access requirements, as necessary; (b) to allow a standard angled parking space depth of 11.6 feet in lieu of the required 18 feet; (c)

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Date 9/29/17

4 By sen

to allow certain modifications to landscape manual standards, if deemed to be necessary; (d) to allow certain modifications to allow parking spaces to be located 0 ft. from public street right-of-way lines in lieu of the required 10 ft.; (e) to allow a modified parking lot which does not provide a separate area for loading/unloading; (2) to permit business parking within a residential zone; and (3) to approve a modified RTA to allow a minimum 5.9 ft. RTA setback and a minimum 5.9 ft. RTA buffer in lieu of the 75 ft. setback and 50 ft. buffer required for a business parking lot in a residential zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit as follows: (1) from an internal lot line where both lots are under common ownership, to permit a rear yard of 0 ft. in lieu of the 20 ft. deep rear lot required under B.C.Z.R. §232.3; and (2) to permit amenity open space of 0 sq. ft. in lieu of the 1,525 sq. ft. required, 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.
2. Petitioner must comply with the ZAC comment of DOP, a copy of which is attached hereto.

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:slh

ORDER RECEIVED FOR FILING

Date

9/29/17

By

slh



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 2507 North Point Road which is presently zoned BL CCC

Deed References: 34065/00418 10 Digit Tax Account # 1205061670

Property Owner(s) Printed Name(s) Prosperity Investment Enterprise LLC

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

Please see attached.

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

3. X a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners): Authorized Representative of

Reza Tafrishi DDS

Prosperity Investment Enterprise LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2507 North Point Road Dundalk

MD

Mailing Address

City

State

21222

410-284-6650

rezatafrishi@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2018-0015-SPHA

Filing Date

7/17/17

Do Not Schedule Dates:

Reviewer

AT

ATTACHMENT TO PETITION FOR ZONING HEARING

2507 North Point Road

Special Hearing Relief:

1. To approve a modified parking plan as shown on the attached Site Plan pursuant to BCZR § 409.12.B, modifying the following BCZR § 409 provisions:
 - a. § 409.4 of the BCZR to modify certain parking facility access requirements, as necessary.
 - b. § 409.6.A.2 of the BCZR to permit 19 spaces in lieu of the required 20 spaces.
 - c. § 409.8.A.1 of the BCZR to allow certain modifications to landscape manual standards, if determined to be necessary.
 - d. § 409.8.A.4 to allow certain modifications to allow parking spaces to be located 0 ft. from public street right-of-way lines in lieu of the required 10 ft.
 - e. § 409.11 of the BCZR to allow a modified parking lot which does not provide a separate area for loading/unloading.
2. Pursuant to BCZR § 409.8.B, to permit business parking within a residential zone, as shown on the attached Site Plan.
3. Pursuant to BCZR § 1B01.1.B.1.c and § 32-4-402 of the Baltimore County Code, to approve a modified RTA to allow a minimum 5.9 ft. RTA setback and a minimum 5.9 ft. RTA buffer, in lieu of the 75 ft. setback and 50 ft. buffer required for parking lots under BCZR 1B01.1.B.1.e(5).
4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance Relief:

1. If required from an internal lot line where both lots are under common ownership, to permit a rear yard of 0ft. in lieu of the 20 ft. deep rear lot required pursuant to § 232.3 of the BCZR.
2. If necessary, to permit amenity open space of 0 sq. ft. in lieu of the 1,525 sq. ft. required pursuant to § 232A.4 of the BCZR.
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: August 10, 2017

TO: Administrative Law Judge

FROM: Aaron Tsui, Zoning Review

Subject: Zoning Case No. 2018-0015-SPHA
2507 North Point Road

Mr. Carl Richards, Zoning Supervisor is of the opinion that Items 1b, d, & 3 should be handled as 'variance'. After discussing with Mr. Larry Schmidt on 8/10/17, Mr. Schmidt stated that he has done other similar zoning cases which were granted by Special Hearing to a proposed modified parking plan. Mr. Schmidt will present his case in the petition hearing.



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 5152654

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:

Aug 29, 2017

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: # 2018-0015-SPHA

2507 North Point Road
SW/S of North Point Road, SW corner of intersecting streets of North Point and Parkwood Roads
12th Election District - 7th Councilmanic District
Legal Owner(s) Prosperity Investment Enterprise, LLC, Reza Tafrishi, DDS

Special Hearing 1. To approve a modified parking plan as shown on the attached Site Plan a. To modify certain parking facility access requirements, as necessary. b. To permit 19 spaces in lieu of the required 20 spaces. c. To allow certain modifications to landscape manual standards, if deemed to be necessary. d. To allow certain modifications to allow parking spaces to be located 0 ft. from public street right-of-way lines in lieu of the required 10 ft. e. To allow a modified parking lot which does not provide a separate area for loading/unloading. 2. To permit business parking within a residential zone, as shown on the attached Site Plan. 3. To approve a modified RTA to allow a minimum 5.9 ft. RTA setback and a minimum 5.9 ft. RTA buffer in lieu of the 75 ft. setback and 50 ft. buffer required for parking lots. 4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance 1. If required from an internal lot line where both lots are under common ownership, to permit a rear yard of 0 ft. in lieu of the 20 ft. deep rear lot required. 2. If necessary, to permit amenity open space of 0 sq. ft. in lieu of the 1,525 sq. ft. required. 3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 18, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 8/787 Aug. 29

5152654

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/28/2017

Case Number: 2018-0015-SPHA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~ REZA TAFRISHI ~ KEN WELLS, KJWELLS, INC.

Date of Hearing (Closing): SEPTEMBER 18, 2017

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:
2507 NORTH POINT ROAD

The sign(s) were posted on: AUGUST 27, 2017

ZONING NOTICE

CASE # 2018-0015-SPHA

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

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: MONDAY, SEPTEMBER 18, 2017
AT 1:30 P.M.

**SPECIAL HEARING 1. TO APPROVE A MODIFIED
PARKING PLAN AS SHOWN ON THE ATTACHED SITE
PLAN a. TO MODIFY CERTAIN PARKING FACILITIES
ACCESS REQUIREMENTS, AS NECESSARY. b. TO
PERMIT 19 SPACES IN LIEU OF THE REQUIRED 20
SPACES. c. TO ALLOW CERTAIN MODIFICATIONS TO
LANDSCAPE MANUAL STANDARDS, IF DEEMED TO BE
NECESSARY. d. TO ALLOW CERTAIN MODIFICATIONS
TO ALLOW PARKING SPACES TO BE LOCATED 0 FT.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

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)

ZONING NOTICE

CASE # 2018-0015-SPHA

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

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: MONDAY, SEPTEMBER 18, 2017
AT 1:30 P.M.

FROM PUBLIC STREET RIGHT-OF-WAY LINES IN LIEU OF THE REQUIRED 10 FT. e. TO ALLOW A MODIFIED PARKING LOT WHICH DOES NOT PROVIDE A SEPARATE AREA FOR LOADING/UNLOADING. 2. TO PERMIT BUSINESS PARKING WITHIN A RESIDENTIAL ZONE, AS SHOWN ON THE ATTACHED SITE PLAN. 3. TO APPROVE A MODIFIED RTA TO ALLOW A MINIMUM 5.9 FT. RTA SETBACK AND A MINIMUM 5.9 FT. RTA BUFFER IN LIEU OF THE 75 FT. SETBACK AND 50 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2018-0015-SPHA

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

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: MONDAY, SEPTEMBER 18, 2017
AT 1:30 P.M.

BUFFER REQUIRED FOR PARKING LOTS. 4. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY. VARIANCE 1. IF REQUIRED FROM AN INTERNAL LOT LINE WHERE BOTH LOTS ARE UNDER COMMON OWNERSHIP. TO PERMIT A REAR YARD OF 0 FT. IN LIEU OF THE 20 FT. DEEP REAR LOT REQUIRED. 2. IF NECESSARY, TO PERMIT AMENITY OPEN SPACE OF 0 SQ. FT. IN LIEU OF THE 1,525 SQ. FT. REQUIRED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

Sign #2

Sign #3

ZONING NOTICE

CASE # 2018-0015-SPHA

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

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: MONDAY, SEPTEMBER 18, 2017
AT 1:30 P.M.

3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
2507 NORTH POINT ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

Sign #4 2507 North Point Road



Group Photo 2507 North Point Road



August 23, 2017

KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals and Regulations

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: 2018-0015-SPHA

2507 North Point Road

SW/S of North Point Road, SW corner of intersecting streets of North Point and Parkwood Roads
12th Election District – 7th Councilmanic District

Legal Owners: Prosperity Investment Enterprise, LLC, Reza Tafrishi, DDS

Special Hearing 1. To approve a modified parking plan as shown on the attached Site Plan
a. To modify certain parking facility access requirements, as necessary. b. To permit 19 spaces in lieu of the required 20 spaces. c. To allow certain modifications to landscape manual standards, if deemed to be necessary. d. To allow certain modifications to allow parking spaces to be located 0 ft. from public street right-of-way lines in lieu of the required 10 ft. e. To allow a modified parking lot which does not provide a separate area for loading/unloading. 2. To permit business parking within a residential zone, as shown on the attached Site Plan. 3. To approve a modified RTA to allow a minimum 5.9 ft. RTA setback and a minimum 5.9 ft. RTA buffer in lieu of the 75 ft. setback and 50 ft. buffer required for parking lots. 4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance 1. If required from an internal lot line where both lots are under common ownership, to permit a rear yard of 0 ft. in lieu of the 20 ft. deep rear lot required. 2. If necessary, to permit amenity open space of 0 sq. ft. in lieu of the 1,525 sq. ft. required. 3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 18, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Reza Tafrishi, 2507 North Point Rd., Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 29, 2017.**
(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, August 29, 2017 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
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: 2018-0015-SPHA

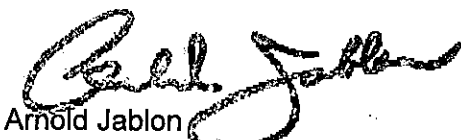
2507 North Point Road

SW/S of North Point Road, SW corner of intersecting streets of North Point and Parkwood Roads
12th Election District – 7th Councilmanic District

Legal Owners: Prosperity Investment Enterprise, LLC, Reza Tafrishi, DDS

Special Hearing 1. To approve a modified parking plan as shown on the attached Site Plan
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Hearing: Monday, September 18, 2017 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 *
2507 North Point Road; SW/S North Point Rd,* OF ADMINISTRATIVE
SW corner of North Point Rd & Parkwood Rd HEARINGS FOR
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Prosperity Investment * BALTIMORE COUNTY
Enterprise, LLC by Reza Tafrishi, DDS *
Petitioner(s) * 2018-015-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

AUG 17 2017

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 17th day of August, 2017, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, 610 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0015 - SPHA

Property Address: 2507 North Point Road

Property Description: _____

Legal Owners (Petitioners): Prosperity Investment Enterprise, LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/9/2015

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

Nº 154848

Date: 7/12/17

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 500

Total: \$ 500

Rec
From:

For:

2507 NORTH POINT RD.

2018-0015-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
7/13/2017 7/12/2017 11:11:05 2

REG MS02 WALKIN JEE

>>RECEIPT N 015750 7/12/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 154848

Recpt Tot \$500.00

\$500.00 CK \$1.00 CA

Baltimore County, Maryland

**CASHIER'S
VALIDATION**

№ 156169

Date:

8/3/17

PAID-RECEIPT

BUSINESS	ACTUAL	TIME	END
8/07/2017	8/03/2017	14:52:15	

REG NO: 45171 LR
 >>RECEIVED 11/23/2017 06/03/2017 06:11
 Dept: 5 320 ZINING VERIFICATION
 CR NO. 153169

Receipt for: \$500.00
 \$500.00 OK \$1.00 CA
 Baltimore County, Maryland

[illegible]

Total:

\$500

För:

2507 NORTH POINT RD

2018-0015-SP/HA

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

September 12, 2017

Prosperity Investment Enterprise LLC
Reza Tafrihi DDS
2507 North Point Road
Dundalk MD 21222

RE: Case Number: 2018-0015 SPHA, Address: 2507 North Point Road

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 July 12, 2017. 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.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

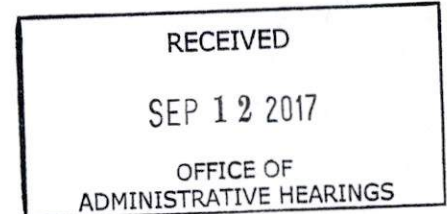
c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 9/7/2017

FROM: Andrea Van Arsdale
Director, Department of Planning



SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-015

INFORMATION:

Property Address: 2507 North Point Road
Petitioner: Reza Tarfrishi, DDS
Zoning: BL CCC
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to approve a modified parking plan, to permit business parking within a residential zone, and to approve a modified RTA, and also a petition for variances as listed on the attachment submitted in support of the petition.

A site visit was conducted on August 16, 2017.

A compatibility narrative pursuant to BCC § 32-4-402 was received by the Department. The Department recommends that the applicable compatibility objectives in said BCC regulation are met provided the Baltimore County Landscape Architect finds the Class A landscape requirements are being met.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The exterior facades for the addition shall be comparable to those of the existing building in terms of materials and colors.
- Any proposed fencing shall be consistent in color and material throughout the site with that existing fence proposed to remain.
- Submit a landscape plan to the Baltimore County Landscape Architect for approval.
- Relocate the dumpster away from the road frontage.
- Provide sidewalk from the adjoining streets into the site.
- Correct note # 19 to reflect a parking requirement of 20 spaces.

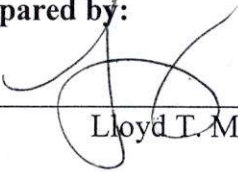
ORDER RECEIVED FOR FILING

Date 9/29/17

By sen

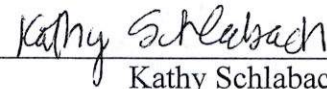
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

9/29/17

By

sen

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *VP*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 21, 2017
Item No. 2018-0015-SPHA

DATE: August 23, 2017

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

The Proposed commercial entrance from Parkwood Road into parking lot should be a minimum of 24' wide per Standard Plate Detail R-32.

If Special Hearing and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual, Lighting Plan is also required. Suggest addressing deficiencies with respect to Landscape requirements

* * * * *

VKD: CEN
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/7/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-015

INFORMATION:

Property Address: 2507 North Point Road
Petitioner: Reza Tarfrishi, DDS
Zoning: BL CCC
Requested Action: Special Hearing, Variance

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A site visit was conducted on August 16, 2017.

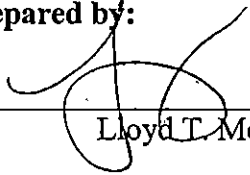
A compatibility narrative pursuant to BCC § 32-4-402 was received by the Department. The Department recommends that the applicable compatibility objectives in said BCC regulation are met provided the Baltimore County Landscape Architect finds the Class A landscape requirements are being met.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The exterior facades for the addition shall be comparable to those of the existing building in terms of materials and colors.
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- Relocate the dumpster away from the road frontage.
- Provide sidewalk from the adjoining streets into the site.
- Correct note # 19 to reflect a parking requirement of 20 spaces.

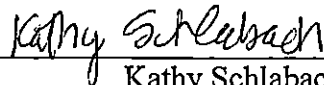
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 8/17/17

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

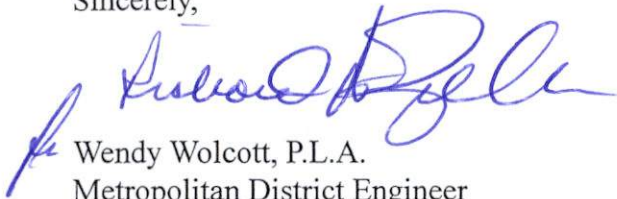
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0015-SPHA -

*Special Hearing Variance
Prosperity Investment Enterprise, LLC
2507 North Field Road.*

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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/7/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-015



INFORMATION:

Property Address: 2507 North Point Road
Petitioner: Reza Tarfrishi, DDS
Zoning: BL CCC
Requested Action: Special Hearing, Variance

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A site visit was conducted on August 16, 2017.

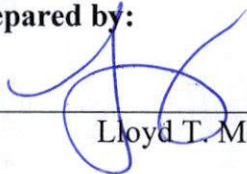
A compatibility narrative pursuant to BCC § 32-4-402 was received by the Department. The Department recommends that the applicable compatibility objectives in said BCC regulation are met provided the Baltimore County Landscape Architect finds the Class A landscape requirements are being met.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The exterior facades for the addition shall be comparable to those of the existing building in terms of materials and colors.
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- Provide sidewalk from the adjoining streets into the site.
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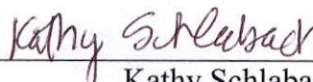
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: August 24, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0015-SPHA
Address 2507 North Point Road
(Prosperity Investment Enterprise,
LLC Property)

Zoning Advisory Committee Meeting of **August 21, 2017**.

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

Reviewer: Steve Ford Date: 8-24-2017

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: August 24, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0015-SPHA
Address 2507 North Point Road
(Prosperity Investment Enterprise,
LLC Property)

Zoning Advisory Committee Meeting of **August 21, 2017**.

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

Reviewer: Steve Ford Date: 8-24-2017

9/18

1:30 PM

Case No.: 2018-0015-SPHA-2507 North Point Rd.

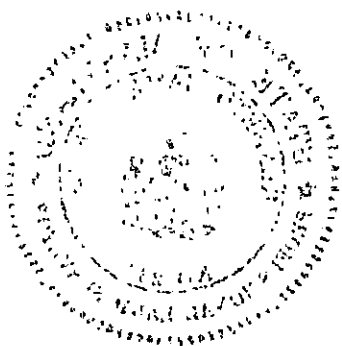
Exhibit Sheet

9/29/17
Sen

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	Existing conditions plan	
No. 3	proposed schematic landscape plan	
No. 4	Photos (A-L)	
No. 5	1952 Zoning Reclass.	
No. 6	1957 Pet. for Variance	
No. 7	Letter to A. Van Arsdale 9-5-2017	
No. 8	Aerial photo	
No. 9	Aerial photo	
No. 10	Order in # 2011-0316-SPHA	
No. 11	Revised site plan	
No. 12		



kjWellsInc

Land Surveying, Site Planning & Landscape Architecture

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

July 12, 2017

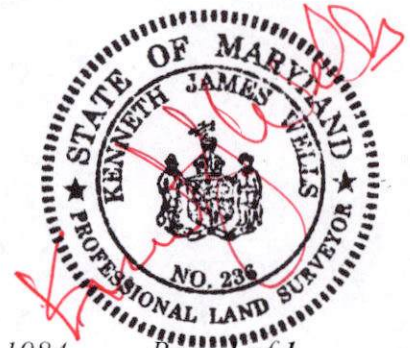
Zoning Descriptions of 2507 North Point Road and

1 Parkwood Road

Baltimore County
Maryland
12th Election District
7th Councilmanic District

Beginning for the first at a point on the southwest side North Point Road which is 103 feet northwest from the intersection of North Point Road (right of way varies) and the centerline of Parkwood Road (50 feet wide), thence 1) *South 42 degrees 24 minutes 58 seconds East 55.68 feet*; 2) *with a line curving to the right having a radius of 30.00 feet and an arc length of 24.70 feet*; 3) *South 28 degrees 36 minutes 42 seconds West 66.40 feet*; 4) *North 61 degrees 23 minutes 18 seconds West 100.00 feet*; 5) *North 45 degrees 13 minutes 22 seconds East 105.78 feet* to the place of beginning as recorded in Deed Liber 34650 folio 418. Also being known as Lot 1 as shown on a Plat entitled "Part of Gray Manor" recorded in Plat Book 12 folio 112 containing 0.175 acres of land more or less.

Beginning for the second at a point on the northwest side of Parkwood Road which is 117 feet southwest from the intersection of Parkwood Road (50 feet wide) and the centerline of North Point Road (right of way varies), thence 1) *South 28 degrees 36 minutes 42 seconds West 50.00 feet*; 2) *North 61 degrees 23 minutes 18 seconds West 140.00 feet*; 3) *North 28 degrees 36 minutes 42 seconds East 50.00 feet*; 4) *South 61 degrees 23 minutes 18 seconds East 140.00 feet* to the place of beginning as recorded in Deed Liber 38749 folio 395. Also being known as Lot 2 as shown on a Plat entitled "Part of Gray Manor" recorded in Plat Book 12 folio 112 containing 0.161 acres of land more or less.



2018-0015 - SPHA

CASE NAME 2907 North Point RD
CASE NUMBER 18-015
DATE 9/18/17

NAME _____

ADDRESS

CITY, STATE, ZIP

E-MAIL

NAME
Lawrence E. Shumpert

ADDRESS
600 WASHINGTON AVE, STE 200

CITY, STATE, ZIP
Buckhorn, ND 58204

E-MAIL
lschmidt@sqs-law.com

K. WELLS

7403 NEW CUT, RD

WINGSPAN 21087

KWELLS & KWELLS INC.

Reza Tafrishi

2507 N. Point Rd.

Dundalk, MD 21222

rezatafrishi@gmail.com

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE

2018-0015-SPTA

9-18-2017

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

Gunny Terhune

terhunevirginia@
gmail.com

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

MICHAEL H. BOWMAN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
WILLIAM L. RODOWSKY
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
*Admitted in MD, FL, PA

September 20, 2017

Via Hand Delivery

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204



**Re: 2507 North Point Road
Case No.: 2018-0015-SPHA**

Dear ALJ Beverungen,

This is to follow up the public hearing before you for the above matter on September 18, 2017.

As you recall, testimony and evidence was presented in support of the relief requested within the Petitions for Special Hearing and Variance. One aspect of the relief requested relates to existing and proposed parking that serves the dental offices on the site. My client, Reza Tafrishi, testified that he has practiced dentistry at the site for nearly ten (10) years and that a dental office has been at this location for almost fifty (50) years. In fact, zoning case history suggests that a dental office has been located at the property since approximately 1958.

During that time, vehicles have parked perpendicular to the existing building along both the Parkwood Road and North Point Road frontages. As Mr. Wells testified, there is a large area of macadam paving which extends from the end of the roadways to the existing office building. On Mr. Wells' plan submitted at the hearing, five (5) parking spaces were shown on the Parkwood Road side of the Property immediately adjacent and perpendicular to the building addition. On the North Point Road side, two parallel parking spaces were shown. Dr. Tafrishi testified that the entrance to the building faces North Point Road and that most of his patients' park in a perpendicular fashion immediately adjacent to the building entrance. Such an existing arrangement makes the parking easier and access to the building more convenient.



7

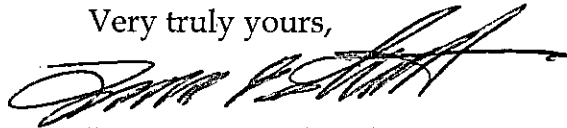
In accordance with our request made at the hearing, I am submitting herewith a red lined revised plan which slightly alters the proposed parking arrangement. In lieu of the two parallel spaces adjacent to North Point Road, five (5) perpendicular spaces are now shown. These spaces retain the current parking arrangement which has worked without issue for many years. The spaces shown are all nine (9) feet wide. The required width is 8.5 feet so they are oversized in that dimension. The space closest to the intersection has a depth of 11.6 feet. The depth of the four (4) remaining spaces located further from the intersection is slightly greater. The required depth (under the BCZR) is 18 feet.

As the result of this revision, one of the requests under the Petition for Special Hearing can be deleted. Specifically, since three additional (net) spaces are provided, the site plan now shows a total of 22 off street spaces in lieu of the required 20. Thus, a sufficient **number** of spaces is provided. An additional request has been made, specifically, relief from Section 409.3 to allow a standard angled parking space depth of 11.6 feet in lieu of the required 18 feet. I am also attaching a revised zoning petition reflecting this change.

In support of this request, it should be noted that the spaces are located approximately 7.5 feet from the building. That is, the concrete sidewalk abutting the building is 7.5 feet wide and is partially covered by a roof overhang. The parking space closest to the intersection is located 18 feet from the edge of the travel way of North Point Road. Therefore, the rear of vehicles (in the event of head in parking) will not extend into the travel way and there is sufficient room for maneuvering. The building itself is approximately 37 feet from the edge of travel way of North Point Road (7.5 foot walkway, 11.5 foot parking space plus 18 foot maneuvering area).

The Petitioners requests your favorable consideration of these Petitions as revised. As noted above, I am enclosing a revised site plan and petition (with attachment) for your file.

Very truly yours,



Lawrence E. Schmidt

LES/amf
Enclosures

cc: Ken Wells, kjWells, Inc.
Reza Tafrishi, DDS

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

8/24

DEPS

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

NO COMMENT

FIRE DEPARTMENT

9/12

PLANNING

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

no obj
w/ conditions

8/17

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

8/29/17

SIGN POSTING

Date:

8/27/17

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1205061670			
Owner Information					
Owner Name:		PROSPERITY INVESTMENT ENTERPRISE LLC		Use:	COMMERCIAL
Mailing Address:		11666 FARSIDE RD ELLICOTT CITY MD 21042-		Principal Residence:	NO
				Deed Reference:	/34065/ 00418
Location & Structure Information					
Premises Address:		2507 NORTH POINT RD 0-0000		Legal Description:	2507 NORTH POINT RD GRAY MANOR
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0103	0006	0435		0000	1 2016 0012/0112
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Living Area	Finished Basement Area		Property Land Area	County Use
1958	2815			7,609 SF	06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		OFFICE BUILDING			
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2016	07/01/2017	07/01/2018	
Land:	76,000	76,000			
Improvements	211,200	228,600			
Total:	287,200	304,600	298,800	304,600	
Preferential Land:	0			0	
Transfer Information					
Seller: TAFRISHI REZA		Date: 08/13/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34065/ 00418		Deed2:	
Seller: HIMMEL SUSAN		Date: 12/12/2011		Price: \$300,000	
Type: ARMS LENGTH IMPROVED		Deed1: /31485/ 00426		Deed2:	
Seller: SILVERMAN SUSAN L		Date: 12/10/2001		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /15841/ 00457		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application			Date:		

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

SE Side of Parkwood Road, 212' SW of *
c/line of North Point Road
12th Election District *
7th Councilmanic District *
(2 Parkwood Road) *

John W. Searfoss and Charles P. Patterson *
Legal Owners
Nicolett Zizos, et al, *Contract Purchaser* *
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2011-0316-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by John W. Searfoss and Charles P. Patterson, the legal owners of the subject property, and Nicolett Zizos, et al, contract purchaser. Petitioners request Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR.") as follows:

- A modified parking space and loading space plan in accordance with BCZR Section 409.12.B; and/or in the alternative;
- Off-site parking spaces for uses other than residential and lodging, within 500 feet walking distance of a building entrance to use that such spaces serve in accordance with BCZR Section 409.7.B.1;
- A use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR;
- To allow access through a residential zone for a commercial use in accordance to the Zoning Commissioner's Policy Manual (ZCPM) Section 102.6.A.3; and
- Such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

ORDER RECEIVED FOR FILING

Date 6-15-11

By [Signature]

Additionally, Petitioners request Variance relief as follows:

- To allow a 10 foot buffer and setback for parking in a RTA in lieu of the required 50 foot buffer and the 75 foot setback in accordance with BCZR Section 1B01.1B.1.e.(5), and
- Such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

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

At the requisite public hearing in support of the requested relief was Nicolett Zizos, contract purchaser. Also appearing in support of the requested relief were John W. Searfoss and Kenneth James Wells with KJ Wells, Inc., the professional surveyor who prepared the site plan for the Petitioners. The file reveals that the Petition was properly advertised and the property was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance.

The Zoning Advisory Committee ("ZAC") comments were received by this Administrative Law Judge and are made a part of the record in this case. There were no adverse comments received from any of the County reviewing agencies.

Mr. Wells was accepted as an expert witness in the field of surveying and the regulations pertaining to development in Baltimore County, and proceeded to proffer Petitioners' presentation. He described the property in question as comprising approximately 0.143 acres of land situated in close proximity to the southeast side of Parkwood Road and the intersection of North Point Road in Dundalk. He stated that it was 150 feet deep, 50 feet wide, and split zoned DR 5.5 and BL-CCC, as indicated on Petitioners' Exhibit 1. The site, known as Lots 37 and 38 on the plat are both served by public sewer and water. The site in question is not located in a floodplain or subject to any other environmental constraints.

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Date 6-15-11

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By [Signature]

He testified that the commercial property to which their request relates is also owned by the contract Petitioner, Nicolett Zizos, and presently contains ongoing offices, a nail salon, billiards hall, and a diner. The existing carpet and flooring business on the site (Lots 6, 7, and part of 8) also to be served by Petitioners' proposal and request, is owned by Searfoss and Patterson. He noted that for almost 50 years, the driveway from Parkwood Road to the rear of the store has been utilized for deliveries. He pointed out that under the proposal, there would also be sufficient space (required under 409.8) for a "turnaround."

Mr. Wells presented the proposal of Petitioners, to wit: the approval of 13 parking spaces, driveway and delivery capabilities from Parkwood Road to the rear of the commercial uses previously described. These are shown by the shaded area on the Plan to Accompany the Petition for Special Hearing and Variance (Petitioners' Exhibit 1). At the same time, Petitioners request a use permit so the proposed parking/delivery area could utilize DR zoned land.

The witness explained that there is not enough parking, primarily for employees of the commercial uses carried out on the site in question. As a result, Parkwood Road and the residential neighborhood on the west side of Parkwood Road is utilized for overflow parking by the patrons. The proposal is intended to avoid that situation. The witness referred to the shaded area of the plan, noting that, as a result of the impervious area in the proposal, they were able to avoid stormwater management issues and pointed out that only 2,500 square feet in total would be disturbed by the Petitioners' proposal.

Mr. Wells offered that the Petitioners proposed a Class "A" 10 foot in width planted buffer to separate the parking/loading area from the adjacent residential neighbors (the subject of the accompanying variance request in this matter). He described the existing lighting as 16 foot light fixtures. These lights had already been functioning on the property for many years. Finally,

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Date 6-15-11

By [Signature]

Petitioners will request a permit to raze the structure presently located on the proposed parking site, in order to allow sufficient access and use space.

The witness then directed himself to the specific statutory requirements for the relief being requested. As to the request for a modified parking space and loading space plan in accordance with Section 409.12.B of the B.C.Z.R., he stated that, as the physical realities of the site in question rendered the requirements for parking and loading space unduly difficult, the Petitioners are entitled to request a modified plan pursuant to the Section 409.8.B.1 of the B.C.Z.R. He asserted that the Petitioners would comply with the design standards of Section 409.8; that the commercial nature of the area was appropriate for the relief requested; and that there would be a positive impact on the surrounding community by providing space for parking that would otherwise be located on Parkwood Road and the adjacent residential community. He then briefly reiterated that, as noted on the Plan to Accompany (Petitioners' Exhibit 1), the driveway they propose on residential land is the only possible access from the public street (Parkwood Road) and the already existing commercial use to be served by the proposed parking/delivery area. Finally, Mr. Wells satisfactorily addressed the individual requirements of Section 502.1 of the B.C.Z.R., which is required for relief generally herein as well as specifically noted in B.C.Z.R. 409.8.B.1.e(4). He concluded thereupon that the requested relief would not result in any difficulties therein enumerated.

Mr. Wells then turned his attention to the variance relief requested by the Petitioners. He pointed to the size and configuration of the subject site vis-à-vis the existing commercial uses to be served; as well as the juxtaposition of commercial and residential land (as shown on the plan). In addition, he observed that the commercial use is located up to its property line. In sum, he believes that the above-noted conditions rendered the site unique. Given these physical realities,

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Date 6-15-11

By [Signature]

he asserts that there simply is not enough space to utilize the relief requested in the special hearing, if granted, on that site.

Considering all of the testimony and evidence presented, I find that the Petitioners have satisfied the requirements of Section 409.1.2.b (a modified parking space and loading space plan) as well those requirements for a use permit for the use of land in a residential zone for parking facilities under Section 409.6 of the B.C.Z.R.; both requests pursuant to the requirements under Section 409.8.A and B of the B.C.Z.R. In addition, I am convinced that the Petitioners' proposal satisfies the conditions and requirements set forth in the Zoning Commissioner's Policy Manual, Section 102.6.3. Moreover, Petitioners have properly addressed and satisfied the inquiries of Section 502.1 of the B.C.Z.R. I further find that the granting of the special hearing relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. In view of these determinations, and the granting of Petitioners' request pursuant to them, their request for off site parking spaces within 500 feet walking distance of a building entrance under Section 409.7.B.1 is rendered moot.

As regard the variance request, I am convinced that the property in question is in fact unique under the requirements of statute and case law. It is also clear that Petitioners could not act upon the granting of the special hearing request herein absent the granting of this accompanying variance. They would therefore be placed in a position of not being able to act upon that which was a permitted activity and use. Likewise, the granting of the variance would do substantial justice to the applicants under those circumstances.

Finally, I find that the variance can be granted in strict harmony with the spirit and intent of the said regulations and case law, and in such manner as to grant relief without injury to the public health, safety, and general welfare.

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Date 6-15-11

By [Signature]

Therefore, in all manner and form, I find that the variance requested can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). *McLean v Soley*, 270 Md. 208 (1973).

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners' request for special hearing and variances should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County this 15 day of June, 2011 that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR.") as follows:

- A modified parking space and loading space plan in accordance with BCZR Section 409.12.B; and
- A use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR; and
- Access through a residential zone for a commercial use in accordance to the Zoning Commissioner's Policy Manual (ZCPM) Section 102.6.A.3,

be and are hereby GRANTED;

IT IS FURTHER ORDERED THAT the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR.") as follows:

- Off-site parking spaces for uses other than residential and lodging, within 500 feet walking distance of a building entrance to use that such spaces serve in accordance with BCZR Section 409.7.B.1,

be and hereby is RENDERED MOOT;

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

- To allow a 10 foot buffer and setback for parking in a RTA in lieu of the required 50 foot buffer and the 75 foot setback in accordance with BCZR Section 1B01.1B.1.e.(5), be and they are hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6-15-11

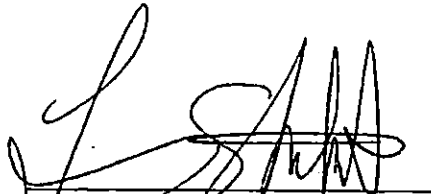
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By [Signature]

The relief granted herein is subject to the following conditions:

1. Petitioners are advised that they may apply for any required building 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 the 30-day appeal period from the date of 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. All landscaping buffers and lighting required herein shall be approved by Avery Harden, Baltimore County Landscape Architect.
3. Hours of delivery shall be limited to 9:00 am – 7:00 pm.
4. Petitioners shall utilize a durable, dustless surface in parking areas.
5. All parking areas granted under this Order shall be striped by Petitioners.

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


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 6-15-11

By [signature]



KEVIN KAMENETZ
County Executive

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

June, 15, 2011

JOHN W. SEARFOSS AND CHARLES P. PATTERSON
2707 NORTH POINT ROAD
BALTIMORE MD 21222

Re: Petition for Special Hearing
Case No. 2011-0316-SPH
Property: 2 Parkwood Road

Dear Messrs. Seafoss and Patterson:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to be "LMS", is written over the typed name of Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Nicolett Zizos, PO Box 4833, Lutherville MD 21094
Kenneth James Wells, KJ Wells, Inc., 7403 New Cut Road, Kingsville MD 21087



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 2 Parkwood Road
which is presently zoned BL-CCC/DR 5.5

Deed Reference: 7149 / 619 Tax Account # 1218011822

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached sheet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

If the variance is granted, the entire lot would be transferred to the adjoining property owners of Zizos and Frank to help alleviate the deficient number of existing parking spaces for their mix use commercial property.

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

I, or we, agree to pay expenses of above Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Nicolett Zizos et.al.

Name - Type or Print

Signature Nicolett Zizos

Address P.O. Box 4833

Telephone No. 410-628-1655

City Suthterville, Md. State

Zip Code 21094

Attorney For Petitioner:

Name - Type or Print

Signature

ORDER RECEIVED FOR FILING

Company

Date 6-15-11

Address

By [Signature]

Telephone No.

City

State

Zip Code

Case No. 2011-0316-SPHA

REV 8/20/07

Legal Owner(s):

John Searfoss

Name - Type or Print

Signature [Signature]

Charles Patterson

Name - Type or Print

Signature [Signature]

2707 North Point Road

443-463-6668

Address

Telephone No.

Baltimore

Maryland

21222

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by [Signature]

Date 4/22/11

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

February 3, 2011

Variance Hearing Petition Request
2 Parkwood Road
Baltimore County
Maryland

1. To allow a 10 foot buffer and setback for parking RTA in lieu of the required 50 foot buffer and the 75 foot setback in accordance with bczr § 1 B 01.1.B. 1.e.(5); and
2. Such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2 Parkwood Road
which is presently zoned BL-CCC/DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for 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 sheet.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Nicolett Zizos et. al.

Name - Type or Print

Signature

2701 North Point Road

Address

Baltimore

Maryland

Telephone No.

21222

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

John Searfoss

Name - Type or Print

Signature

Charles Patterson

Name - Type or Print

Signature

2707 North Point Road

443-463-6668

Address

Telephone No.

Baltimore

Maryland

21222

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2011-0316-SPHA

REV 9/15/98 ORDER RECEIVED FOR FILING

Reviewed By

Date

4/22/11

Date

By

kjWellsInc
Land Surveying and Site Planning

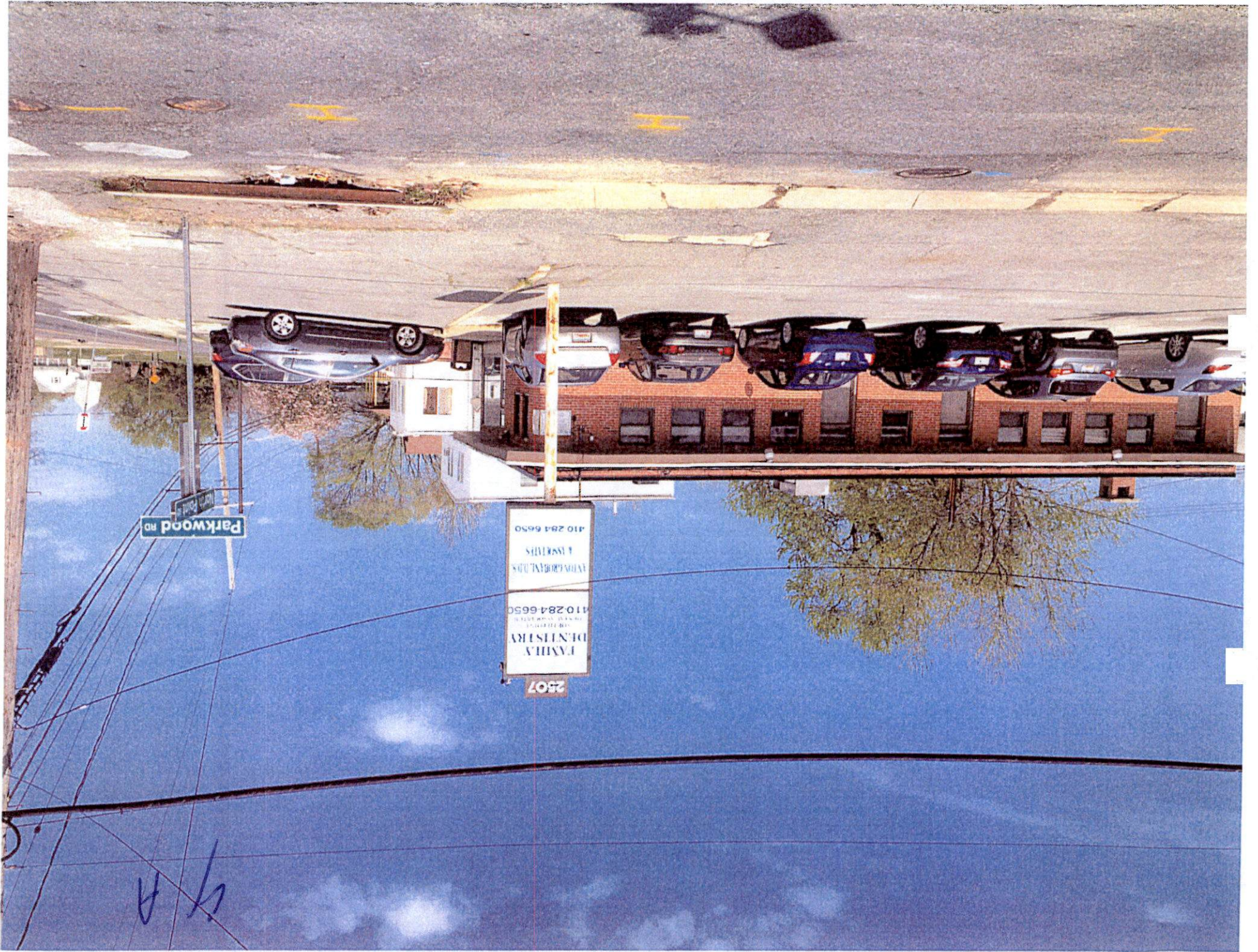
Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

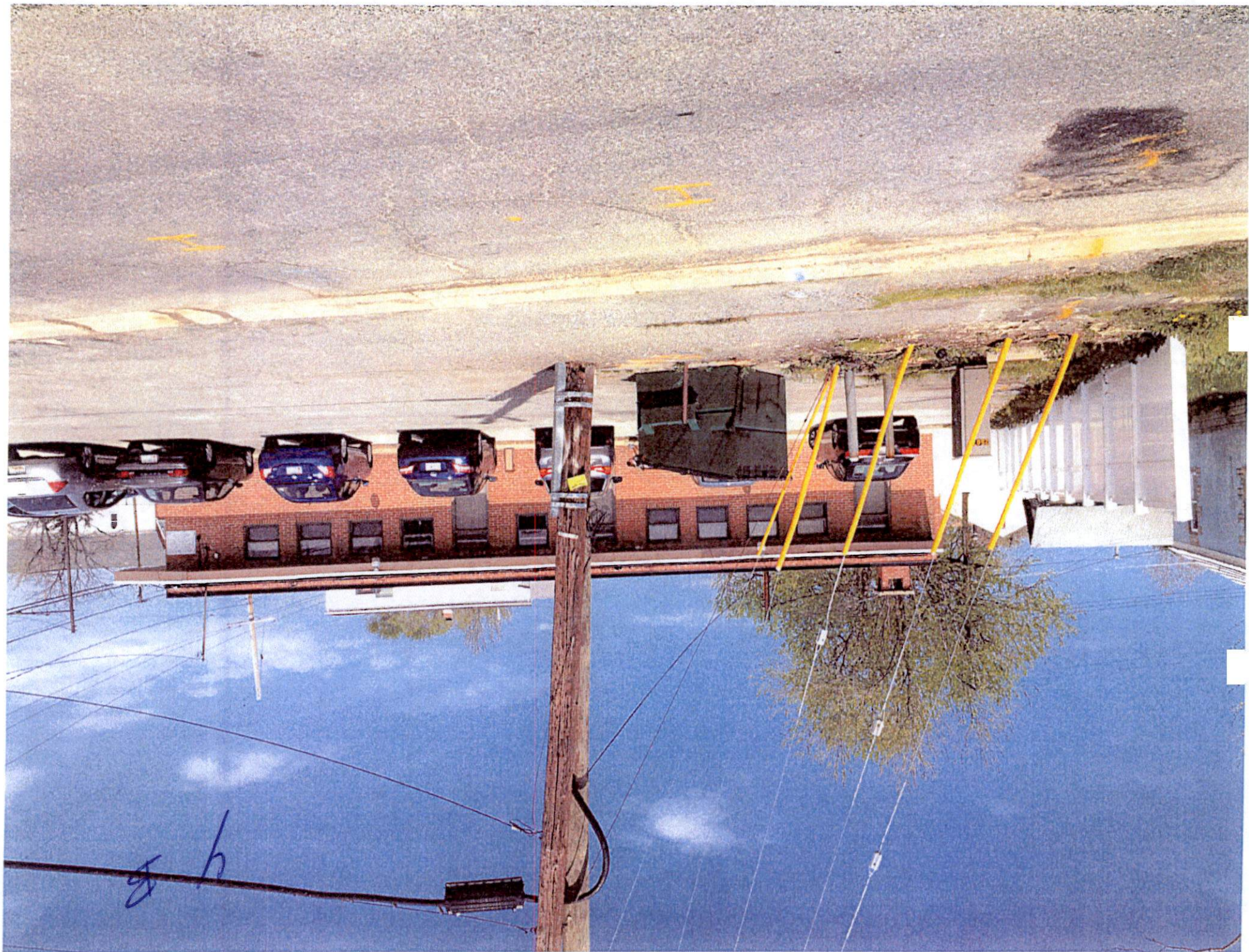
7403 New Cut Road
Kingsville, Md. 21087-1132

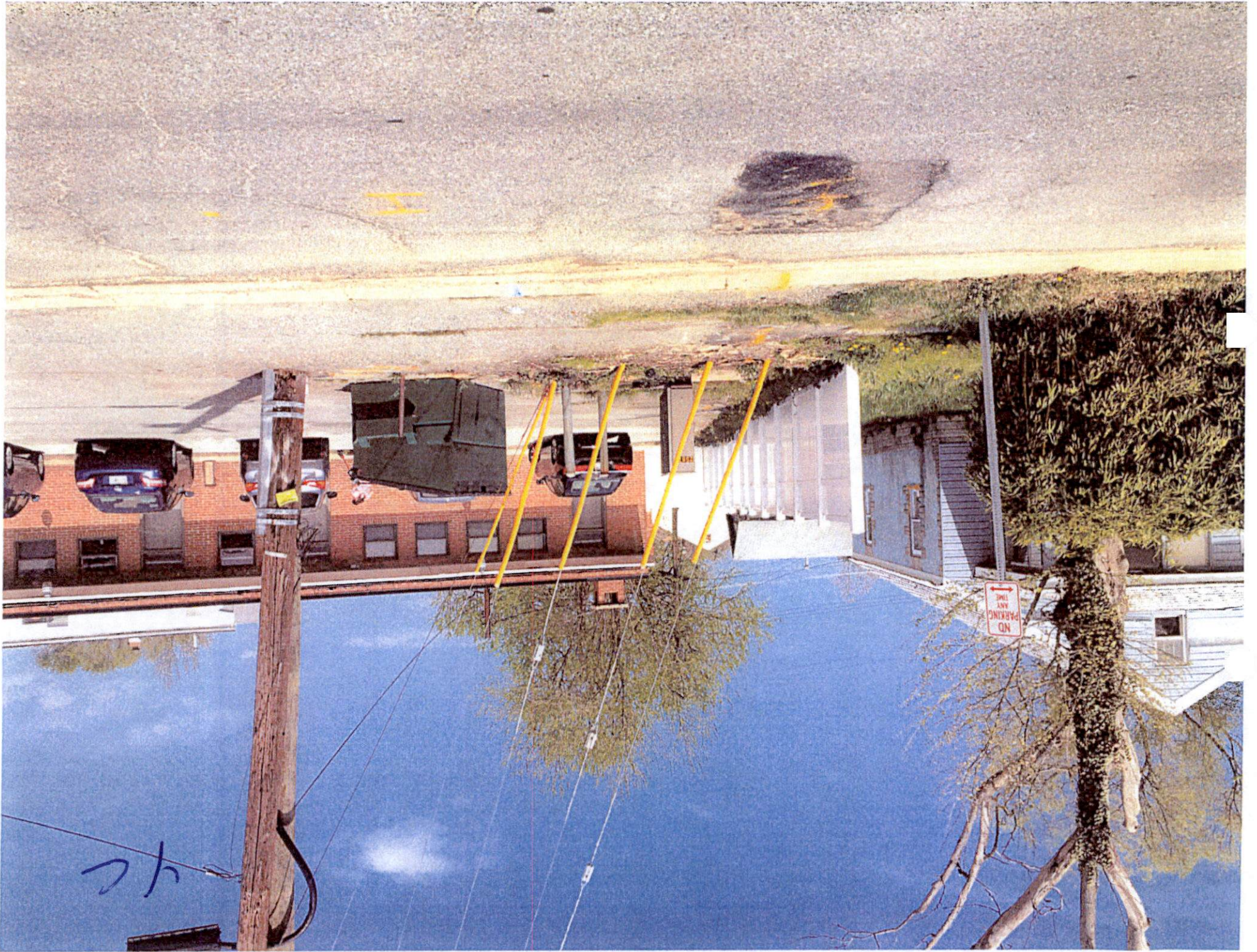
April 12, 2011

Special Hearing Petition Request
2 Parkwood Road
Baltimore County
Maryland

1. A modified parking space and loading space plan in accordance with BCZR § 409.12.b; and/or, in the alternative,
2. Off-site parking spaces, for uses other than residential and lodging, within 500 feet walking distance of a building entrance to use that such spaces serve in accordance with BCZR § 409.7.b.1; and
3. A use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to section 409.8 of the BCZR; and
4. To allow access through a residential zone for a commercial use in accordance to the Zoning Commissioner's Policy Manual 102.6.3; and
5. Such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.









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SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

MICHAEL H. BOWMAN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
WILLIAM L. RODOWSKY
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
*Admitted in MD, FL, PA

September 5, 2017

Act
No 7

Via Hand Delivery

Ms. Andrea Van Arsdale
Department of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204

**Re: RTA Compatibility Narrative
2507 North Point Road - Case No. 2018-015-SPHA**

Dear Ms. Van Arsdale:

The following RTA Compatibility Narrative has been prepared for your consideration for the above referenced zoning case. I understand that your office is preparing a Zoning Advisory Committee comment for this matter.

Pursuant to Baltimore County Zoning Regulations ("BCZR") § 1B01.1.B.1.c(2), the RTA may be modified if the proposal is in conformance with the compatibility objectives provided within Baltimore County Code ("BCC") § 32-4-402, and so long as the RTA reduction does not adversely impact the residential community. As you may be aware, the property is located within the Dundalk community of Eastern Baltimore County at 2507 North Point Road. This property is improved with an existing 2,412 sq. ft. single-story commercial office building that was constructed in 1958, and also maintains a paved area for parking. The existing commercial office building is currently used solely as a dental practice and has been so used for many years. The site has been in its current condition for many years., As this dental office has grown over the years, the existing office building and paved on-site parking area no longer provide sufficient capacity to accommodate the growing demand for dental services of the surrounding community.

To accommodate this growing demand for dental services, Dr. Tafrishi, the only dentist currently operating at this location, seeks to bring in another dentist who will perform dental surgeries (extractions), which Dr. Tafrishi does not perform as part of his practice. Additional space is needed in order for Dr. Tafrishi to diversify the dental services offered at his practice by adding another dentist as described above. For this reason, Dr. Tafrishi seeks to enlarge and modernize the exiting commercial building and is proposing the construction of one (1) story,

1,815 sq. ft. addition to be built towards Parkwood Road. In addition, Dr. Tafrishi has also acquired the residential property located at 1 Parkwood Road, which adjoins the dental office directly to the south, in order to provide twelve (12) additional parking spaces to alleviate the overcrowding issues that presently exist on the current paved parking area. With this proposed construction of an expanded parking facility, nineteen (19) combined total spaces will be provided to serve the dental office (7 spaces are to be retained on the 2507 North Point Road site), which will bring the dental office into compliance with the current County parking space requirements. Specifically, nineteen (19) spaces are required for the proposed 4,227 sq. ft. dental office with the addition. The acquisition of the adjacent property and proposed improvement and expansion of the existing building provide a much needed opportunity to upgrade a "tired" and poorly functioning property.

However, as the 1 Parkwood Road site is zoned DR 5.5, the RTA Regulations apply to the proposed parking lot expansion at this location, and a modification of the RTA is hereby requested in order to provide the additional spaces needed. More specifically, Dr. Tafrishi is proposing to install a minimum 5.9 ft. landscape buffer along the portion of the residential properties that abut the proposed parking facility 1 Parkwood Road, as indicated on the attached Site Plan. As such, Dr. Tafrishi is seeking approval of a modified RTA to allow a minimum 5.9 ft. RTA setback and a minimum 5.9 ft. RTA buffer, in lieu of the 75 ft. setback and 50 ft. buffer required for parking lots under BCZR § 1B01.1.B.1.e(5).

For the reasons to follow, a variance should be granted from the RTA regulations under § BCZR 1B01.1.B.1.c(2), because the proposed expansion of the dental office parking facility at the property is in compliance with the compatibility objectives set forth within BCC § 32-4-402, and this project will not adversely impact the neighboring residences.

BCC § 32-4-402(d) outlines the compatibility requirements and includes eight (8) objectives, which can be broken down into categories as follows: (1) Site Development Context, (2) Building and Parking Layout, (3) Road Widths and Sidewalks, (4) Open Space Planning, (5) Site Features, (6) Site Landscaping, Streetscape and Buffers, (7) Exterior Signs, Lighting and Accessory Structures, and (8) Architectural Design.

Pursuant to BCC § 32-4-402(d)(1) the Site Development Context objective contemplates whether, "[t]he arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood."

The subject property fronts onto the intersection of North Point and Parkwood Roads, which is a high traffic intersection along a major arterial road within the Dundalk community of Baltimore County. Like many arterial roads throughout the County, there are many commercial

uses located along North Point Road, and residential neighborhoods are setback from and surround the North Point Road corridor. The existing office building was constructed on this property in 1958, and as such, the longstanding improvements and commercial character of this intersection are intertwined with and have become a part of the fabric of the surrounding neighborhood. In addition, stockade fencing and a 5.9 ft. landscape buffer is proposed to provide screening to the few residential properties which border the proposed parking lot expansion in order to mitigate any adverse impact from the proposed construction. Given the commercial nature of the North Point/Parkwood intersection, combined with the dilapidated condition and consistent compilation of miscellaneous debris that has historically been maintained on the 1 Parkwood site, the proposed construction of parking facilities with screening at this location will not have an adverse impact on the neighborhood. To the contrary, the proposed expansion would be an enhancement to the neighborhood.

For the reasons set forth herein, the pattern of the proposed building addition, expanded parking facility, and landscaping and fencing for screening, to be located on this commercial Property are compatible with the surrounding neighborhood.

Pursuant to BCC § 32-4-402(d)(2), the Building and Parking Layout objective contemplates whether, "[t]he building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood." The existing parking lot will be enhanced and will better facilitate ingress and egress from this Property. Currently, the parking lot is deficient to accommodate current existing dental office, and the proposed expansion of the parking facility will bring the property into compliance with current County parking space requirements, even when considering the 1,815 sq. ft. addition. As such, the building and parking layout are compatible with the surrounding neighborhood.

Moreover, BCC § 32-4-402(d)(3)-(5) address compatibility with regard to road widths and sidewalks, open space planning, and significant site features. Given the improvements proposed on the 1 Parkwood Road site with regard to enhanced landscaping, fencing, and cleaning up the functionally obsolete, debris ridden condition of the property, these compatibility objectives are not impacted adversely by the proposed project.

Moreover, given that the only changes being made to the existing Property are the enhanced landscaping features and the striping of the parking lot as proposed, these compatibility objectives are not adversely impacted by the proposed project. Therefore, considering that the improvements located on this Property are well established components of this neighborhood, and further, that this site has been utilized for office purposes dating back to 1958, the property will remain in conformance with the above referenced compatibility objectives.

In addition, BCC § 32-4-402(d)(6) contemplates whether, "[t]he proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities." As noted herein, enhanced landscaping and stockade fencing will be installed as buffer along the residential properties which border the expanded parking facility. Considering that the proposed landscaping will improve the aesthetic character of the Property, as well as provide a buffer between this commercial site and the neighboring residential uses, the property is thus compatible with the landscape patterns of the neighborhood.

Furthermore, BCC § 32-4-402(d)(7) whether, "[t]he exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood." There is an existing exterior sign located at the intersection of North Point and Parkwood Roads, which is intended to identify and assist the public in locating the dental office building. No changes are proposed to the existing sign and all signage will be provided in compliance § 450 of the BCZR, and also all will adhere to the Baltimore County Design Guidelines. In addition, all site lighting will be directed away from residential properties and screening will be designed to contain light from spilling onto adjacent residential properties. Lighting will also be turned off after hours. The existing site lighting will remain unchanged and the property is thus compatible with BCC § 32-4-402(d)(7).

Pursuant to BCC § 32-4-402(d)(8) the Architectural Design objective is as follows: "[t]he scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood." No changes are proposed to the architectural components of the existing commercial office building, and the addition thereto will likewise be designed to present an aesthetically consistent appearance with the existing building. As such, while the onsite landscaping and interior of the dental office are intended to be improved with certain modern amenities, the architectural exterior of the building will remain unchanged in order to conform with the existing character of the structure. Accordingly, because no changes are proposed to the exterior architectural components to the current building, BCC § 32-4-402(d)(8) will not be impacted by this proposal. Accordingly, the Property will remain compatible with the architectural design objective. It is to be noted that this single story building is compatible with existing scheme of development in the area and is, relatively speaking, a small commercial building in context with the area.

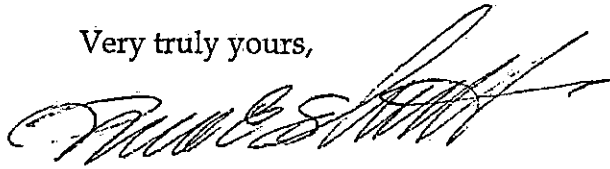
In summary, for the foregoing reasons, the proposed expansion of the dental office parking lot facility onto the DR 5.5 zoned property located at 1 Parkwood Road, is in compliance with the compatibility objectives set forth within BCC § 32-4-402 and this project will not adversely impact the neighboring residences. Therefore, we respectfully request this office recommend approval of Dr. Tafrishi's request for a modified RTA to allow a minimum 5.9 ft. RTA setback and a minimum

RTA Compatibility Narrative
2507 North Point Road - Case No. 2018-015-SPHA
September 5, 2017
Page 5

5.9 ft. RTA buffer, in lieu of the 75 ft. setback and 50 ft. buffer required for parking lots under BCZR § 1B01.1.B.1.e(5).

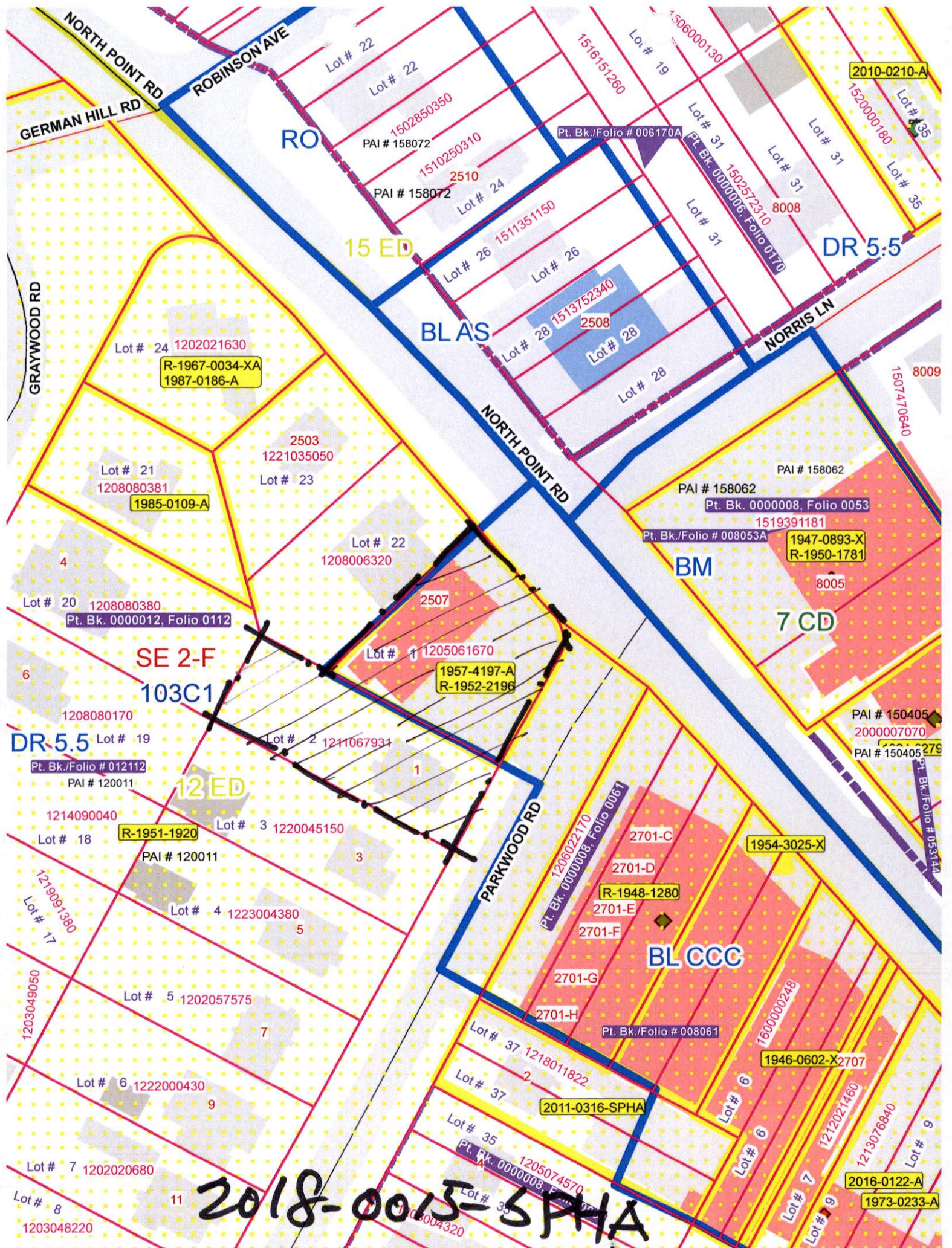
If you have any additional questions, or should you require additional information with this submittal, please do not hesitate to contact me. Your thoughtful review and consideration of this important matter is sincerely appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lawrence E. Schmidt', with a stylized flourish at the end.

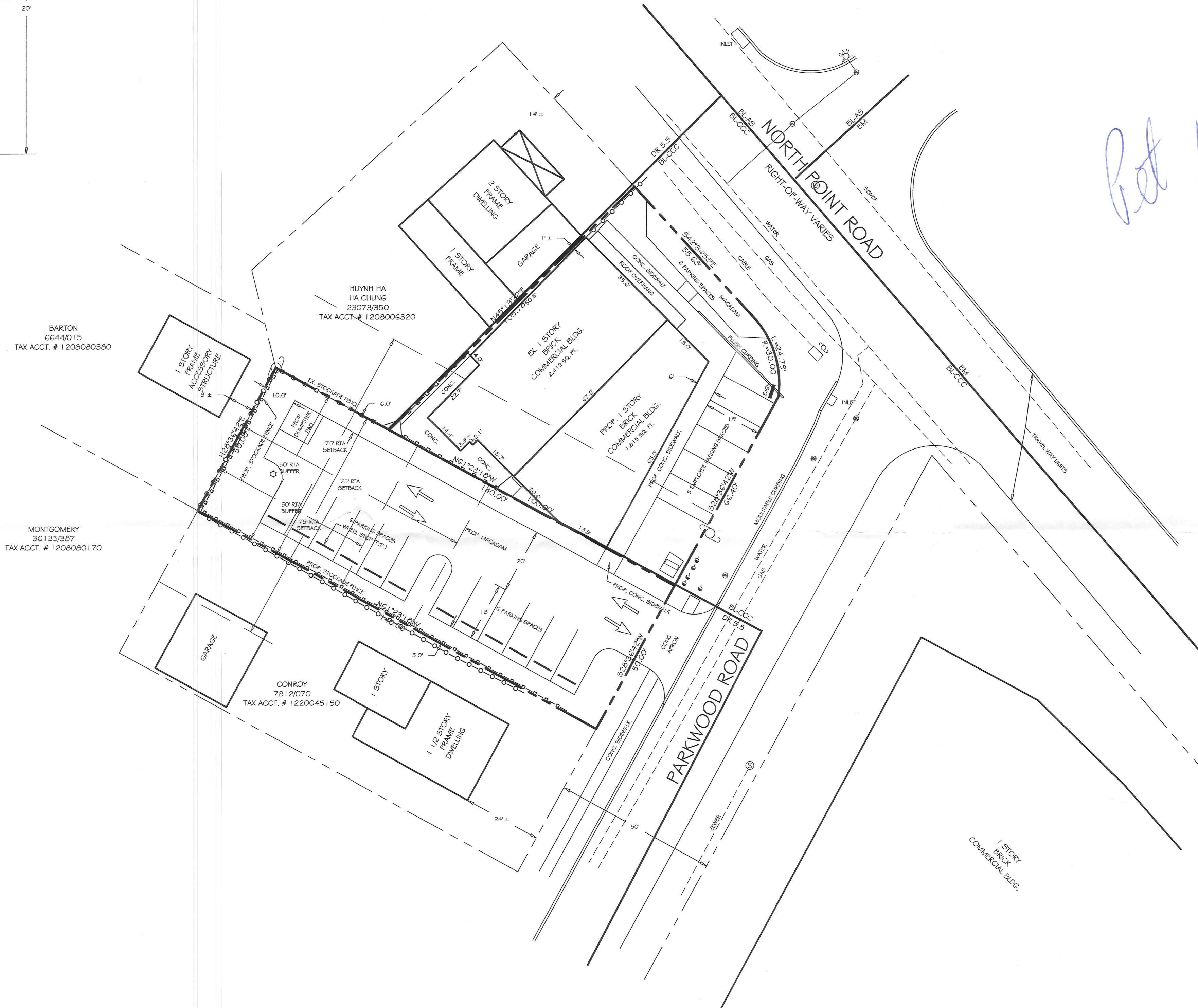
Lawrence E. Schmidt

CC: Lloyd Moxley, Baltimore County Department of Planning
Krystle Patchak, Baltimore County Department of Planning
Reza Tafrishi, Prosperity Investment Enterprise, LLC
Kenneth Wells, KjWellsInc.
Christopher W. Corey, Esquire

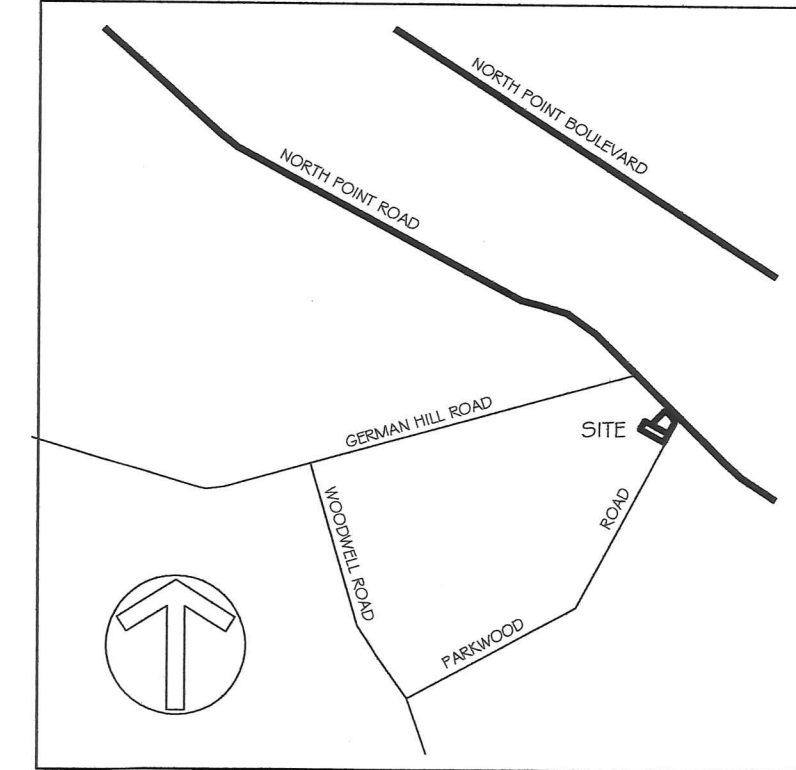




DOUBLE ILLUMINATED SIGN



- SITE DATA:
- OWNERS: PROSPERITY INVESTMENT ENTERPRISE, LLC
 - OWNERS ADDRESS: 2507 NORTH POINT ROAD, BALTIMORE, MARYLAND 21222
 - SITE ADDRESS: 2507 NORTH POINT # 1 PARKWOOD ROADS
 - OWNERS TELEPHONE NO.: 410-284-6650
 - TAX ACCOUNT NUMBER: 1205061670 # 1211067891
 - TAX MAP: 103 GRID: 6 PARCEL: 435 LOTS 1 & 2
 - DEED REFERENCE: 34650418 430749395
 - PLAT REFERENCE: GRAY MANOR 12/112
 - GROSS AREA: LOT 1: 7,609 SF LOT 2: 7,000 SF
 - ZONING MAP: 103C1
 - ZONING: BL-COC = 0.175 ACRES
DR 5.5 = 0.161 ACRES
 - EXISTING AND PROPOSED USE: MEDICAL OFFICE
 - THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBGA.
 - THE SUBJECT PROPERTY IS NOT WITHIN A 100-YEAR FLOODPLAIN PER FEMA.
 - NO PREVIOUS HEARINGS OR PERMITS.
 - NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
 - AMENITY OPEN SPACE (UNDER CURRENT BCZRS):
REQUIRED: 0.175 x 43,560 x 0.2 = 1,525 SF
PROPOSED: -0.5F
 - F.A.R.
ALLOWED: 0.175 x 43,560 x 4.5 = 30,491 SF
PROPOSED: 4,227 SF
 - PARKING:
REQUIRED: 4,227 / 1,000 x 4.5 = 20 SPACES
PROPOSED: 19 SPACES
 - SITE SERVED BY PUBLIC WATER AND SEWER.
 - EXISTING SIGNAGE TO REMAIN. NO PROPOSED SIGNAGE.
 - THE BASIC SERVICE MAPS INDICATED THAT NO DEFICIENCIES EXIST THAT IMPACT THE SUBJECT SITE.



VICINITY MAP
SCALE: 1" = 1,000'

PREVIOUS ZONING HEARING:

CASE NO.: 1957-4197A
VARIANCES WERE GRANTED TO ALLOW A SIDE YARD SETBACK OF 9 FEET IN LIEU OF THE REQUIRED 12 FEET, A REAR YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 20 AND 8 PARKING SPACES IN LIEU OF THE REQUIRED 10 SPACES ON JULY 15, 1957.

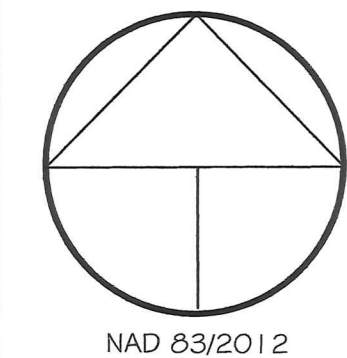
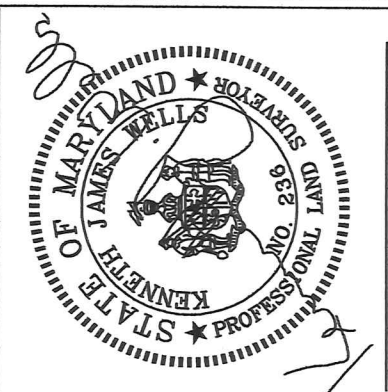
ZONING HEARING RELIEF:

- SPECIAL HEARING RELIEF:
- TO APPROVE A MODIFIED PARKING PLAN AS SHOWN ON THE ATTACHED SITE PLAN PURSUANT TO BCZR § 409.12.B, MODIFYING THE FOLLOWING BCZR § 409 PROVISIONS:
 - § 409.4 OF THE BCZR TO MODIFY CERTAIN PARKING FACILITY ACCESS REQUIREMENTS, AS NECESSARY.
 - § 409.6.A.2 OF THE BCZR TO PERMIT 19 SPACES IN LIEU OF THE REQUIRED 20 SPACES.
 - § 409.6.A.1 OF THE BCZR TO ALLOW CERTAIN MODIFICATIONS TO LANDSCAPE MANUAL STANDARDS, IF DETERMINED TO BE NECESSARY.
 - § 409.8.A.4 TO ALLOW CERTAIN MODIFICATIONS TO ALLOW PARKING SPACES TO BE LOCATED 0 FT. FROM PUBLIC STREET RIGHT-OF-WAY LINES IN LIEU OF THE REQUIRED 10 FT.
 - § 409.11 OF THE BCZR TO ALLOW A MODIFIED PARKING LOT WHICH DOES NOT PROVIDE A SEPARATE AREA FOR LOADING/UNLOADING.
 - PURSUANT TO BCZR § 409.8.B, TO PERMIT BUSINESS PARKING WITHIN A RESIDENTIAL ZONE, AS SHOWN ON THE ATTACHED SITE PLAN.
 - PURSUANT TO BCZR § 1.B01.1.B.1.C AND § 32.4-402 OF THE BALTIMORE COUNTY CODE, TO APPROVE A MODIFIED RTA TO ALLOW A MINIMUM 5.9 FT. RTA SETBACK AND A MINIMUM 5.9 FT. RTA BUFFER, IN LIEU OF THE 75 FT. SETBACK AND 50 FT. BUFFER REQUIRED FOR PARKING LOTS UNDER BCZR 1.B01.1.B.1.E(5).
 - FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

VARIANCE RELIEF:

- IF REQUIRED FROM AN INTERNAL LOT LINE WHERE BOTH LOTS ARE UNDER COMMON OWNERSHIP, TO PERMIT A REAR YARD OF 0 FT. IN LIEU OF THE 20 FT. DEEP REAR LOT REQUIRED PURSUANT TO § 232.3 OF THE BCZR.
- IF NECESSARY, TO PERMIT AMENITY OPEN SPACE OF 0 SQ. FT. IN LIEU OF THE 1,525 SQ. FT. REQUIRED PURSUANT TO § 232A.4 OF THE BCZR.
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

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



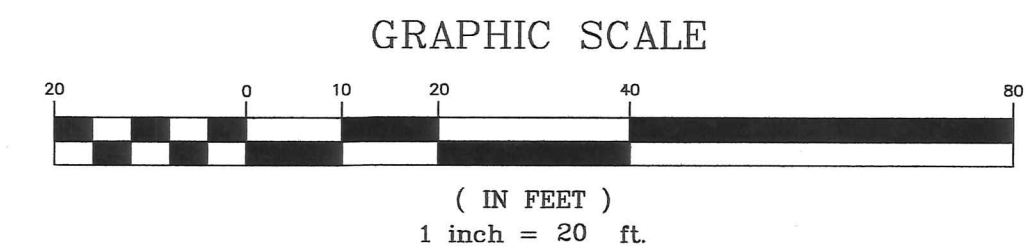
REVISIONS:	NO.	DATE
	1	9/18/2017

PLAN TO ACCOMPANY ZONING PETITION
PROPOSED CONDITION PLAN
2507 NORTH POINT AND 1 PARKWOOD ROADS
BALTIMORE COUNTY
MARYLAND
12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

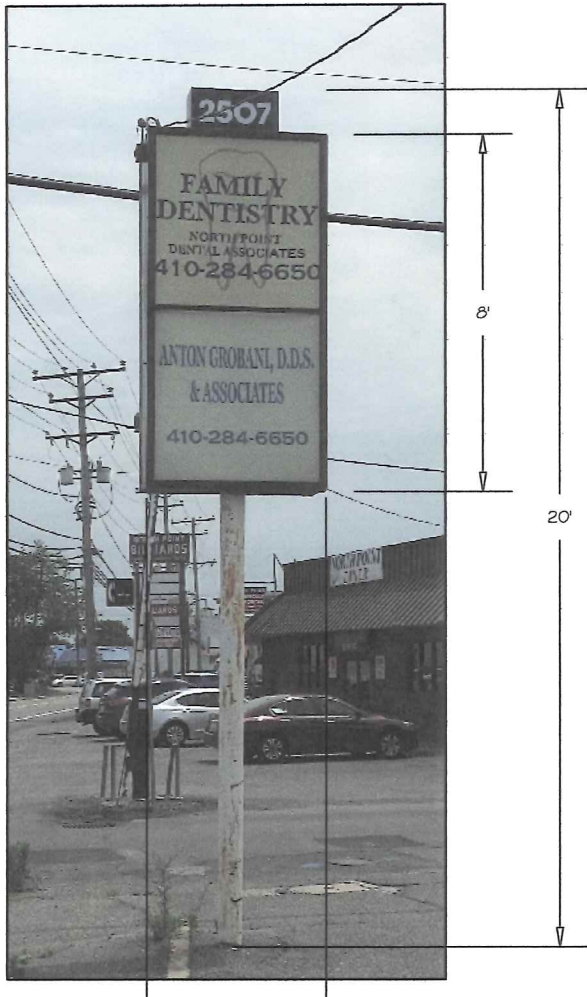
DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 6/22/2017

PROJECT NO.:
2017-016

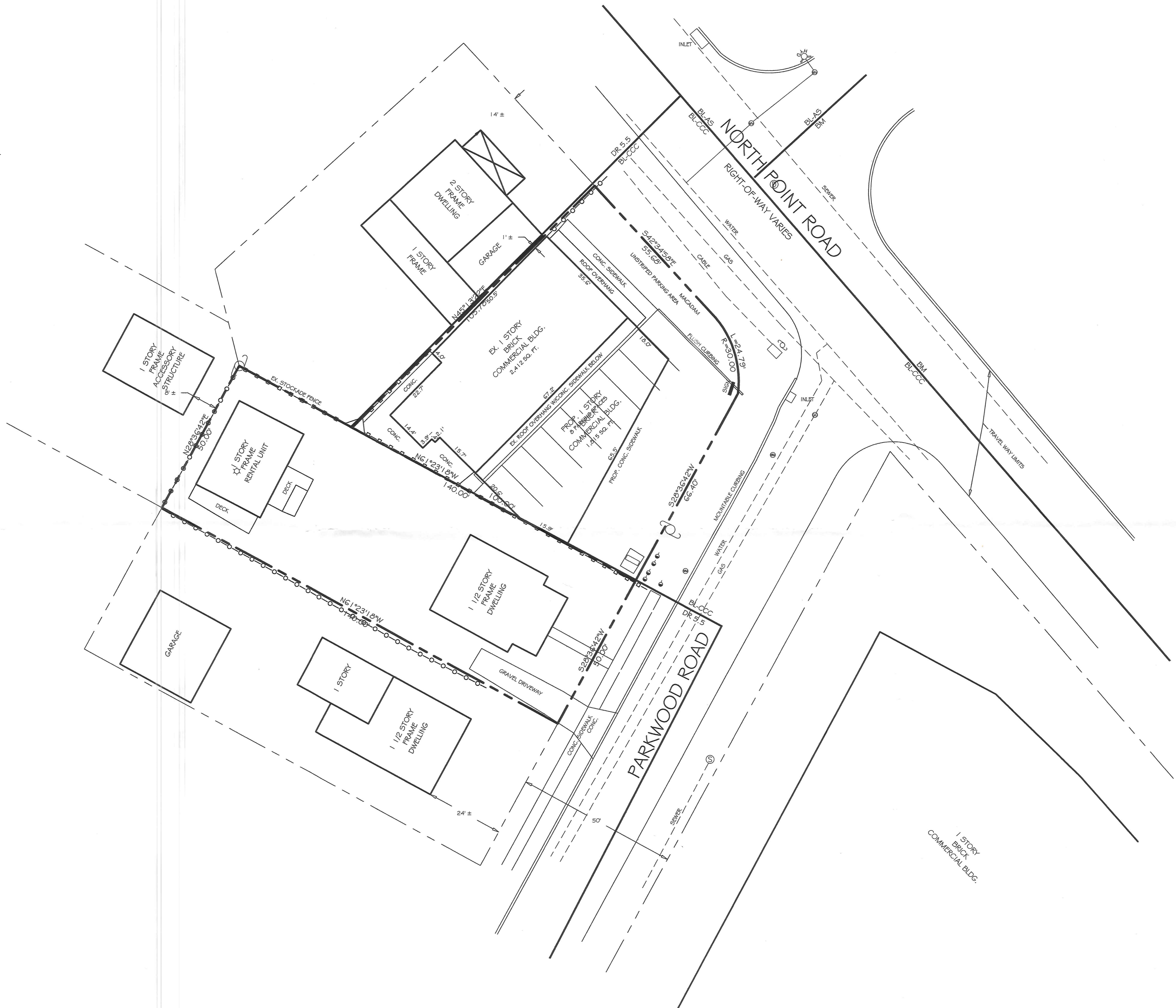
SHEET 1 OF 2



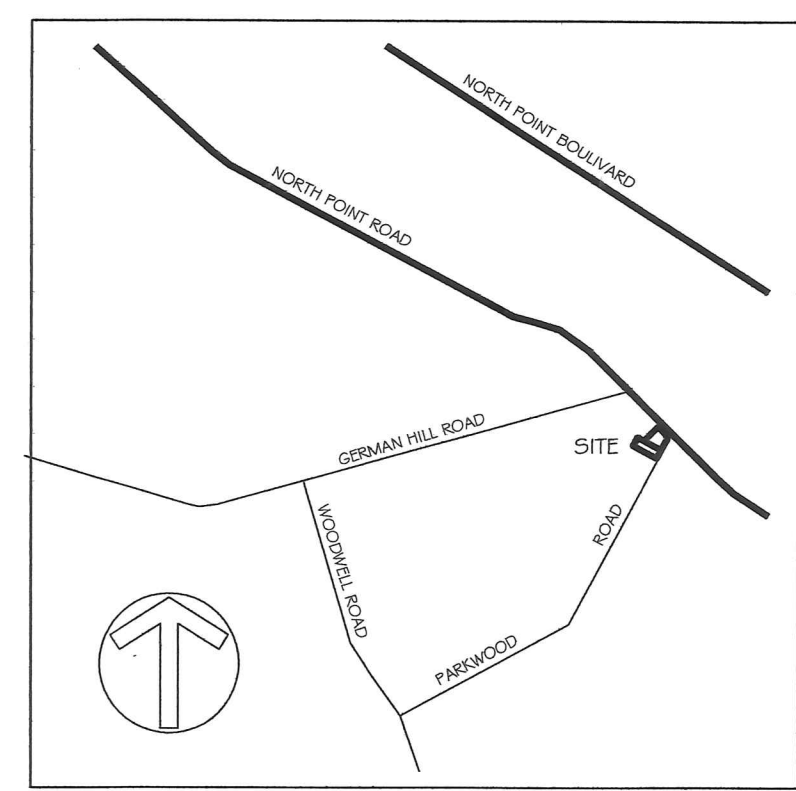
- LEGEND:
- STOCKADE FENCE
 - CHAIN LINK FENCE
 - LIGHTING
 - STORM DRAIN MANHOLE
 - SANITARY SEWER MANHOLE
 - CLEANOUT
 - UTILITY POLE
 - GUY WIRE
 - GAS CAP
 - WATER CAP
 - WATER METER
 - WATER VALVE
 - FIRE HYDRANT



DOUBLE ILLUMINATED SIGN



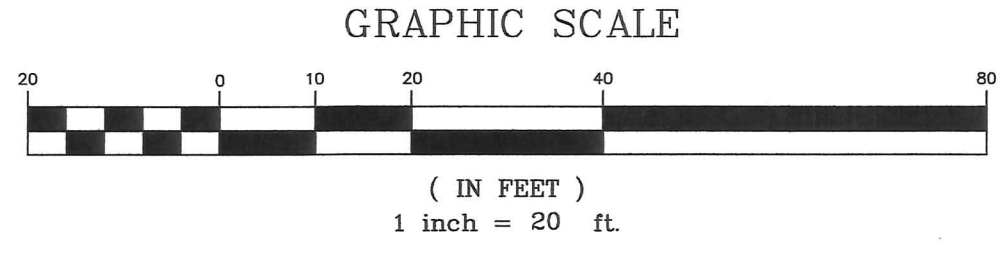
- EXISTING SITE DATA:
- 1) OWNERS: PROSPERITY INVESTMENT ENTERPRISE, LLC
 - 2) OWNERS ADDRESS: 2705 NORTH POINT ROAD BALTIMORE, MARYLAND 21222
 - 3) SITE ADDRESS: 2705 NORTH POINT # 1 PARKWOOD ROADS
 - 4) OWNERS TELEPHONE NO.: 410-284-6650
 - 5) TAX ACCOUNT NUMBER: 1205061670 # 1211067931
 - 6) TAX MAP: 103 GRID: 6 PARCEL: 455 LOTS 1 & 2
 - 7) DEED REFERENCE: 34650418 #38749/395
 - 8) PLAT REFERENCE: GRAY MANOR 12/112
 - 9) GROSS AREA: LOT 1: 7,609 SF LOT 2: 7,000 SF
 - 10) ZONING MAP: 103C1
 - 11) ZONING:
 - BL-CCC = 0.175 ACRES
 - DR 5.5 = 0.161 ACRES
 - 12) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
 - 13) THE SUBJECT PROPERTY IS NOT WITHIN A 100-YEAR FLOODPLAIN PER FEMA.
 - 14) NO PREVIOUS HEARINGS OR PERMITS.
 - 15) NO HISTORICALLY SIGNIFICANTLY STRUCTURES ON THE SUBJECT PROPERTY.
 - 16) AMENITY OPEN SPACE: NONE REQUIRED
 - 17) F.A.R. = -0-
 - 18) PARKING: EXISTING: 14 SPACES
 - 19) SITE SERVED BY PUBLIC WATER AND SEWER
 - 20) THE BASIC SERVICE MAPS INDICATES THAT NO DEFICIENCIES EXIST THAT IMPACT THE SUBJECT SITE.



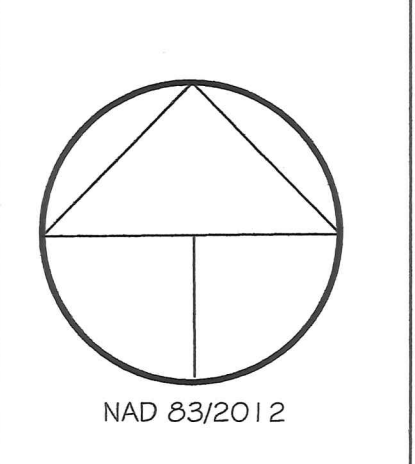
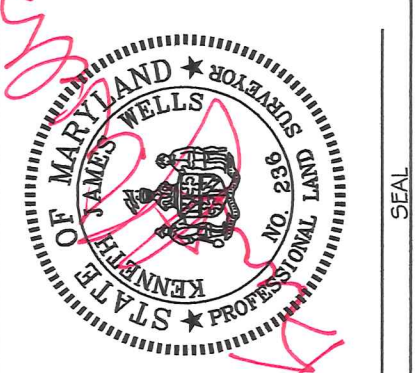
VICINITY MAP
SCALE: 1" = 1,000'

File No 2

- LEGEND:
- x FENCING
 - ⊙ STORM DRAIN MANHOLE
 - ⊙ SANITARY SEWER MANHOLE
 - ⊙ CLEANOUT
 - ⊙ UTILITY POLE
 - GUY WIRE
 - ⊙ GAS CAP
 - ⊙ WATER CAP
 - ⊙ WATER METER
 - ⊙ WATER VALVE
 - ⊙ FIRE HYDRANT



kjwellsinc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8900



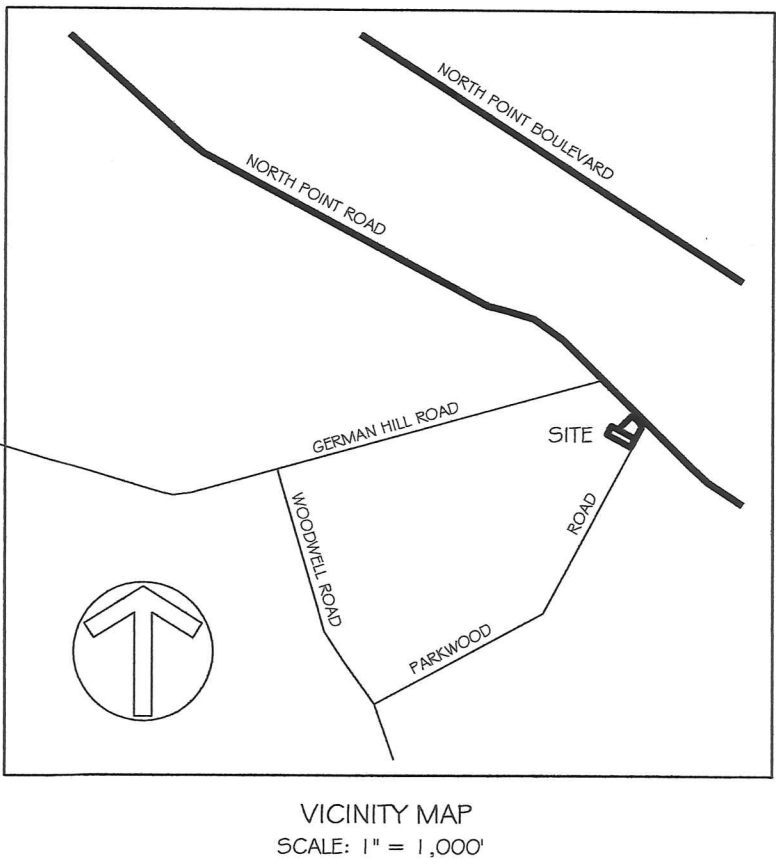
REVISIONS:	
NO.	DATE

PLAN TO ACCOMPANY ZONING PETITION
EXISTING CONDITION PLAN
2507 NORTH POINT AND 1 PARKWOOD ROADS
BALTIMORE COUNTY
MARYLAND
12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 6/22/2017
PROJECT NO.: 2017-016
SHEET 1 OF 2

Pet No 3

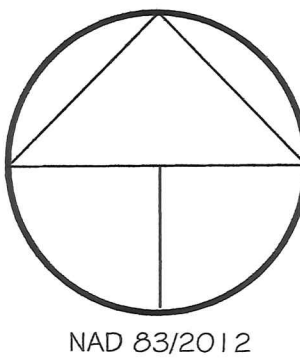
SITE DATA:
1) OWNERS: PROSPERITY INVESTMENT ENTERPRISE, LLC
2) OWNERS ADDRESS: 2507 NORTH POINT ROAD
BALTIMORE, MARYLAND 21222
3) SITE ADDRESS: 2507 NORTH POINT & I PARKWOOD ROADS
4) OWNERS TELEPHONE NO.: 410-284-6650
5) TAX ACCOUNT NUMBER: 1205061670 & 1211067931
6) TAX MAP: 103 GRD: 6 PARCEL: 435 LOTS 1 & 2
7) DEED REFERENCE: 34650418 438749395
8) PLAT REFERENCE: GRAY MANOR 12/1/12
9) GROSS AREA: LOT 1: 7,609 SF LOT 2: 7,000 SF
10) ZONING MAP: 103C1
11) ZONING:
BL-CCC = 0.175 ACRES
OR 5.5 = 0.161 ACRES
12) EXISTING AND PROPOSED USE: MEDICAL OFFICE
13) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
14) THE SUBJECT PROPERTY IS NOT WITHIN A 100-YEAR
FLOODPLAIN PER FEMA.
15) NO PREVIOUS HEARINGS OR PERMITS.
16) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE
SUBJECT PROPERTY.
17) AMENITY OPEN SPACE (UNDER CURRENT BCZRS):
REQUIRED: 0.175 x 43,560 x 0.2 = 1,525 SF
PROPOSED: 0- SF
18) F.A.R.
ALLOWED: 0.175 x 43,560 x 4 = 30,491 SF
PROPOSED: 4,227 SF
19) PARKING:
REQUIRED: 4,227 / 1,000 X 4.5 = 19 SPACES
PROPOSED: 19 SPACES
20) SITE SERVED BY PUBLIC WATER AND SEWER.
21) EXISTING SIGNAGE TO REMAIN. NO PROPOSED SIGNAGE.
22) THE BASIC SERVICE MAPS INDICATES THAT NO DEFICIENCIES
EXIST THAT IMPACT THE SUBJECT SITE.



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

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/11/2019



REVISIONS:
NO. DATE

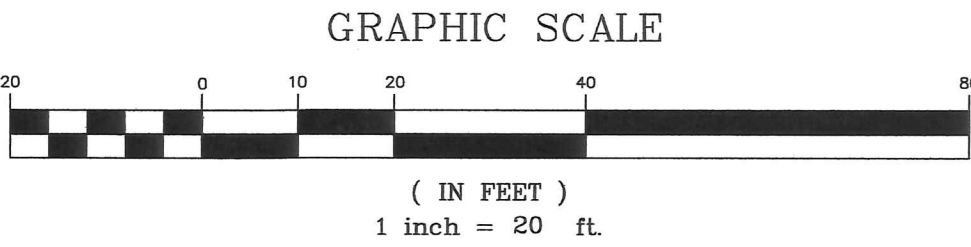
SCHEMATIC LANDSCAPE PLAN
2507 NORTH POINT AND I PARKWOOD ROADS

BALTIMORE COUNTY
MARYLAND
12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 6/22/2017

PROJECT NO.:
2017-016
SHEET 1 OF 2

- LEGEND:
- STOCKADE FENCE
 - CHAIN LINK FENCE
 - LIGHTING
 - STORM DRAIN MANHOLE
 - SANITARY SEWER MANHOLE
 - CLEANOUT
 - UTILITY POLE
 - GUY WIRE
 - GAS CAP
 - WATER CAP
 - WATER METER
 - WATER VALVE
 - FIRE HYDRANT



Pet. 3

2196 ✓

It is this 22nd day of August, 1952, ordered by the Board of Public Appeals of Baltimore County that the order of the Board of Public Appeals of Baltimore County, denying the petition for restoration, be and the same is hereby reversed and the petition granted subject to the upper floors of the restaurant, building on the property in question, which is in a poor condition or reconstructed or remodelled, being and only the professional opinion.

MICROFILM

2196

Please enter an appeal from your order dated March 13th, 1952, in the above entitled matter.

3/7² 30

There are a number of dilapidated residential structures and other structures in bad state of repair in this neighborhood; and it is the opinion of the Board that a reclassification of this property from an "A" Residence Zone to an "A" Commercial Zone would not be detrimental to the health, safety, or general welfare of the community; and, therefore will pass an Order reclassifying this property from an "A" Residence Zone to an "A" Commercial Zone; provided further, that the owner place

MICROFILMED

Charles E. Edgell
County Court Clerk
of Baltimore County

ORDERED By The Zoning Commissioner of Baltimore County, this 6th ^{Feb} 7th day of February, 1952, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing herein be had in the office of the Zoning Commissioner of Baltimore County, in the Heckerld Bldg., in Towson, Maryland, on the 11th day of March, 1952 at 2:00 P. M.

W. B. Campbell
James W. Williams
Carl F. Tolson
 Board of Housing Appeals of
 Baltimore County

Red No
5

MICROFILMED

In view of the above, the Board wishes to change the classification of this property from "A" Residence Zone to "B" Commercial Zone.

H. Guy Campbell

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th #2196
 Posted for: an "A" Residence zone to an "C" Commercial zone
 Petitioner: Mrs. A. J. J. J.
 Location of property: Southwest corner of North Point Rd. & Parkwood Rd., 55.58' South 13.94' W. 105.8' North 56.72' East to the main left hand Rd., 91.6' North 16.46' West 9.24' and 24' North 17.17' East 9.24'
 Location of Signs: Southwest corner of North Point & Parkwood Roads
 Remarks: _____
 Posted by: George R. Hummel Date of return: 2-21-52
 Signature

FILED FEB 20 1952

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 22, 1952

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~xxxxxxx~~ of 2 times ~~xxxxxxx~~ before the 3rd day of March 1952, the first publication appearing on the 15th day of February 1952

THE JEFFERSONIAN,
A. J. J. J.
 Manager.

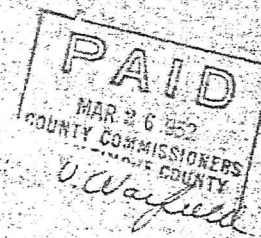
Cost of Advertisement, \$.....

March 25, 1952

\$22.00

RECEIVED of John Crasen Famball, Attorney for Dr. Morris A. Jacobs and Rose Eagle, petitioners, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying reclassification of property, southwest corner of North Point and Parkwood Roads.

Zoning Commissioner of
Baltimore County



February 18, 1952

\$20.00

RECEIVED of Dr. M. A. Jacobs the sum of Twenty (\$20.00) Dollars, being cost of petition for reclassification, advertising and posting of property, southwesternmost corner of North Point and Parkwood Roads, 12th District of Baltimore County.

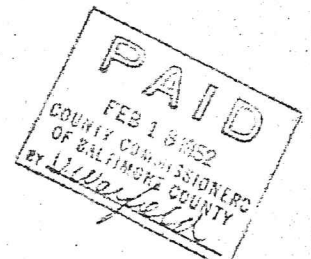
Zoning Commissioner

Hearing:

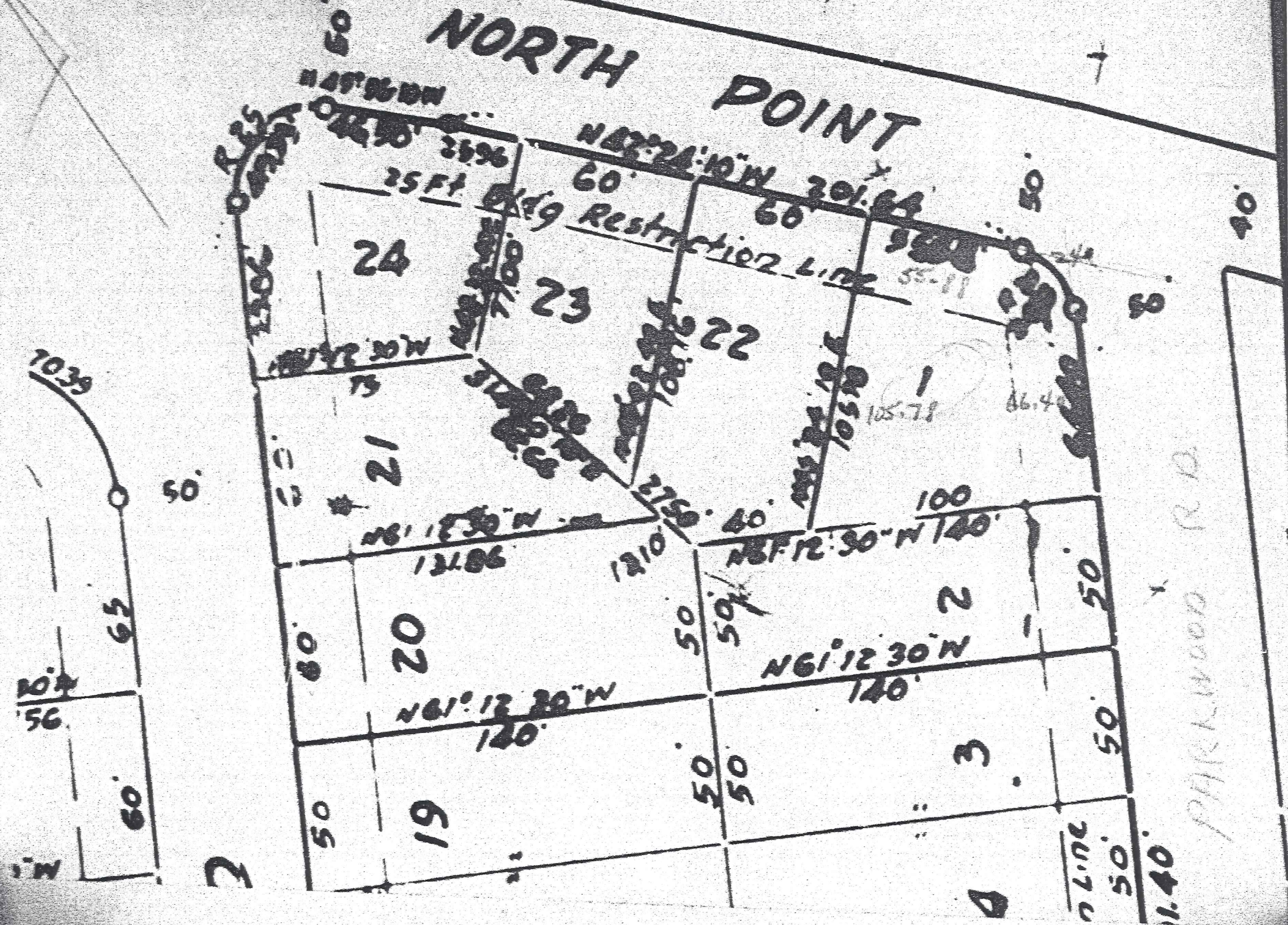
Monday, March 3, 1952

at 1:00 p. m.

basement of Rockford Bldg.,
Towson 4, Md.



Gray Manor



4197-V

PETITION FOR VARIANCE TO ZONING REGULATIONS

IN THE MATTER OF : ROSE ENGLE & DR. M. A. JACOBS :
: BEFORE THE :
: ZONING COMMISSIONER :
: OF BALTIMORE COUNTY :

For Variance to the Zoning Regulations
To the Zoning Commissioner of Baltimore County

ROSE ENGLE & DR. M. A. JACOBS Legal Owners

of the property hereinafter described hereby petition for a Variance to the
Zoning Regulations of Baltimore County.

The Zoning Regulations to be excepted are as follows:

Section 232.2 - Side Yards - Shall be not less than 12 feet in width.
Section 232.3 - Rear Yards - Shall be not less than 20 feet deep.
Section 109.2 - Parking Space - Sub-section 6 - 10 offstreet parking
spaces required.

The Reasons for Variances:

To permit a side yard of 9 feet instead of the required 12 feet,
to permit a rear yard of 10 feet instead of the required 20 feet and
to permit 6 offstreet parking spaces instead of the required 10.

Property situate:

All that parcel of land in the Twelfth District of Baltimore County
on the Southwest corner of North Point and Parkwood Roads; thence
running Northwesterly and binding on the Southwest side of North Point
Road 69 feet; thence Southwesterly 105.70 feet; thence Southwesterly 100
feet to the Northwest side of Parkwood Road; thence Northwesterly and
binding on the Northwest side of Parkwood Road 77 feet to the place of
beginning.

Rose Engle
Dr. M. A. Jacobs
Legal Owners
3811 Chatterbox Ave
1010 Old North Pt Rd
Address

4197-V

ORDER OF the Zoning Commissioner of Baltimore
County this 17th day of June, 1957,
that the subject matter of this petition be advertised in
a newspaper of general circulation throughout Baltimore
County and that the property be posted, as required by the
Zoning Regulations and Act of Assembly aforesaid, and that
a public hearing thereon be had in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 17th
day of July, 1957, at 2:30 o'clock
P. M.

Zoning Commissioner
of Baltimore County

Upon hearing on the above petition for variances to the
Zoning Regulations as set forth in the within petition, and it appear-
ing that said Regulations would result in practical difficulty and
unnecessary hardship upon the petitioner and the variances would
grant relief without substantial injury to the public health, safety
and the general welfare of the locality, the said petition should
be granted, therefore:

It is this 17th day of July, 1957, by the Zoning
Commissioner of Baltimore County, ORDERED that the aforesaid petition
for variances to the Zoning Regulations, be and the same are granted
as follows, subject to compliance with the plan submitted with the
petition:

Section 232.2 - a side yard of 9 feet instead of the
required 12 feet;
Section 232.3 - a rear yard of 10 feet instead of the
required 20 feet; and
Section 109.2 - 6 parking spaces instead of the required
10 spaces.

William H. Adams
Zoning Commissioner
of Baltimore County

June 27, 1957

\$25.00

RECEIVED of Rose Engle, petitioner, the sum of
Twenty-five Dollars (\$25.00) being cost of petition, ad-
vertising and posting property situate on the Southwest
corner of North Point and Parkwood Roads, Twelfth District
of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:
Wednesday, July 17, 1957
at 2:30 P. M.
Room 108
County Office Building
111 N. Chesapeake Avenue
Towson, Maryland

No 6

July 16, 1957

\$1.00

RECEIVED of Rose Engle, petitioner, the sum of Four
Dollars (\$4.00), to cover cost of additional advertising of
the property located on the Southwest corner of North Point
& Parkwood Roads - 12th District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

4197-V

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Baltimore, Md.

THE COMMUNITY PRESS
Dundalk, Md.

No. 1 Newburg Avenue CATONSVILLE, MD.

JUL 9 1957

THIS IS TO CERTIFY, that the annexed advertisement of
William H. Adams, Zoning Commissioner
of Baltimore County
was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for 3 successive weeks before
the 17th day of July, 1957, that is to say
the same was inserted in the issues of
June 25 and July 5, 1957.
THE BALTIMORE COUNTIAN
By *Paul J. Morgan*
Editor and Manager.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4197

District 12th Date of Posting 7-3-57

Posted for: *Notice to Zoning Regulations*

Petitioner: *Rose Engle & Dr. M. A. Jacobs*

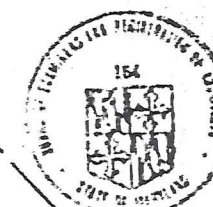
Location of property: *S.W. corner of North Point & Parkwood Roads*

Site: *See Map*

Location of Sign: *Southwest corner of North Point & Parkwood Roads*

Remarks: *Guaranteed Payment*

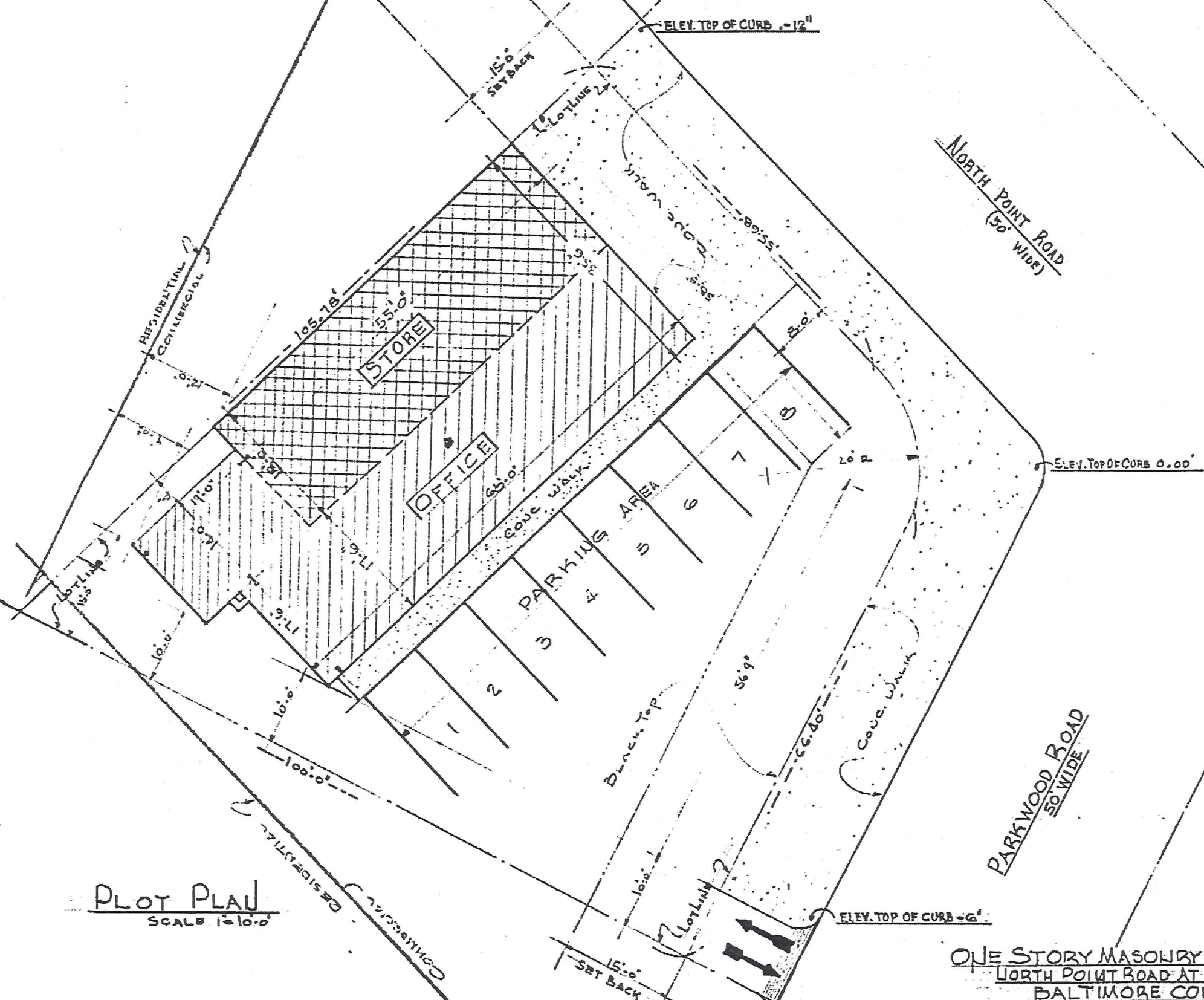
Posted by: *Guaranteed Payment* Date of return: 7-5-57



DAVID HARRISON	
ARCHITECT	
NO. 1111 F.S.	MARYLAND
10-2-57	PROJECT NO.
10-2-57	
10-2-57	
10-2-57	

ONE STORY MASONRY STORE & OFFICE BLDG
NORTH POINT ROAD AT PARKWOOD ROAD
BALTIMORE COUNTY MARYLAND

FOR
MRS. ROSE EUGLE



PLOT PLAN
SCALE 1"=10'-0"

Baltimore County - My Neighborhood



September 18, 2017

Baltimore County - My Neighborhood



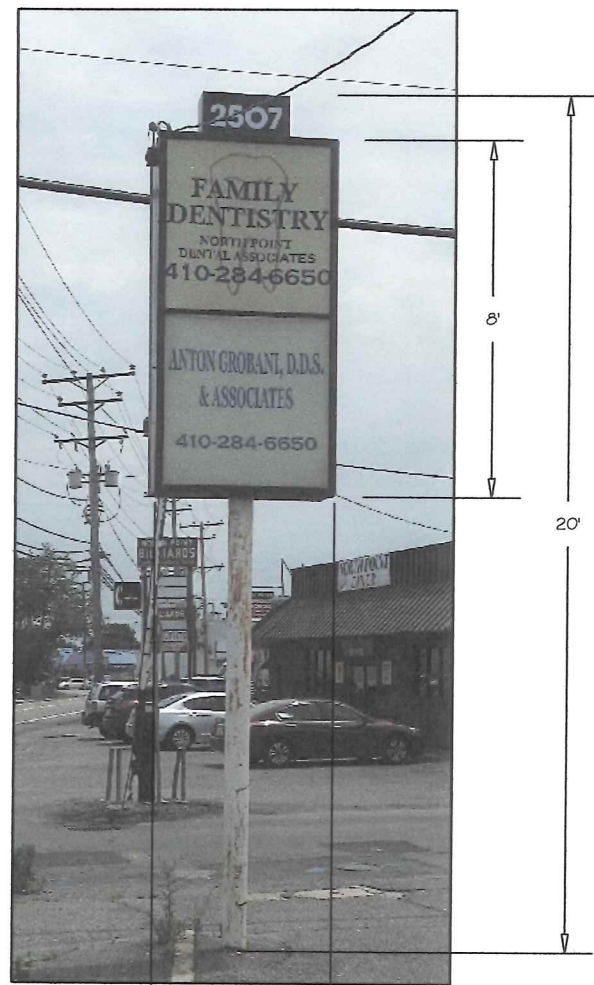
September 18, 2017

Legend

- House Numbers
- Property

Ref No 9

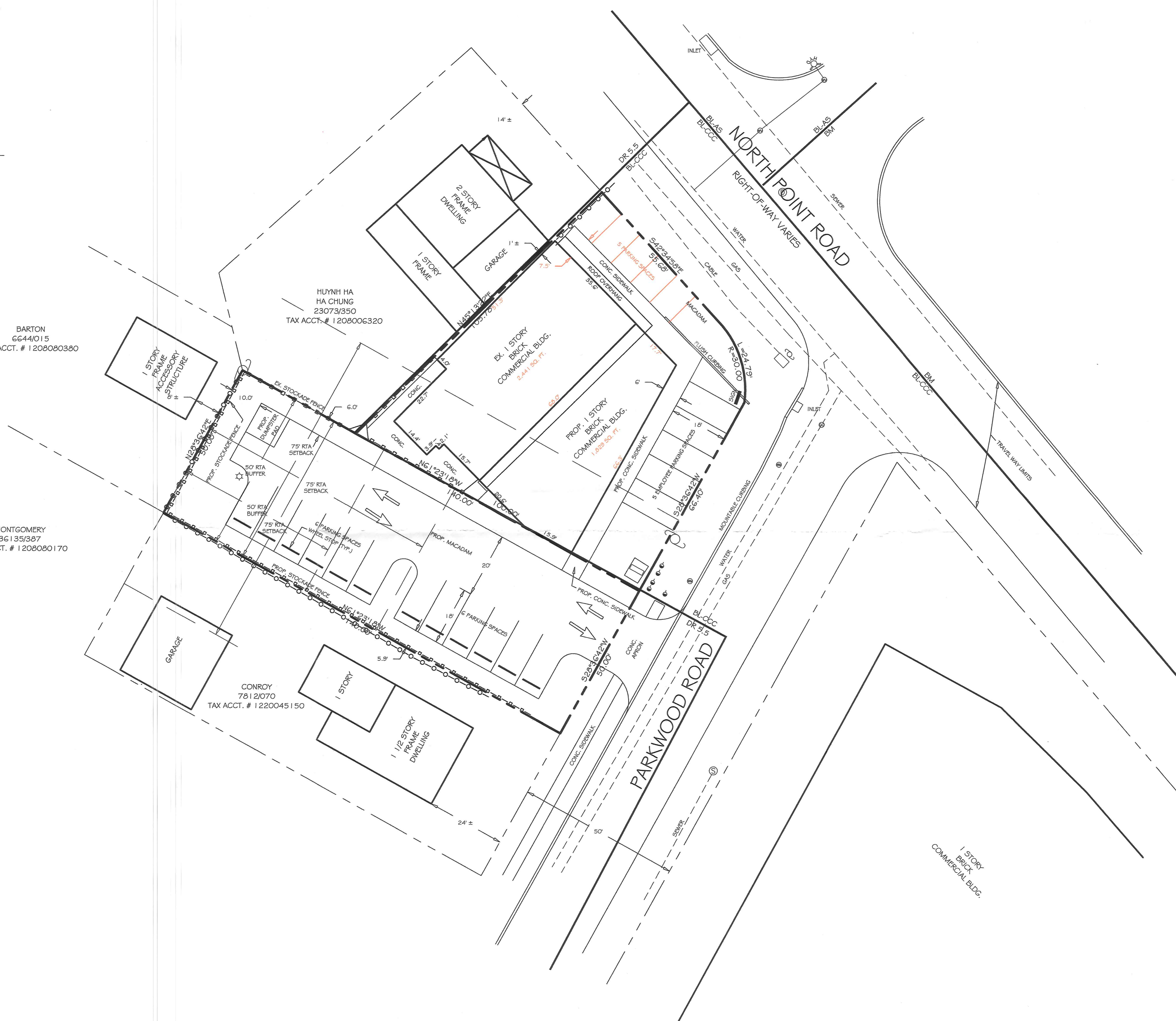
0 0.05 Miles
1 inch = 188 feet



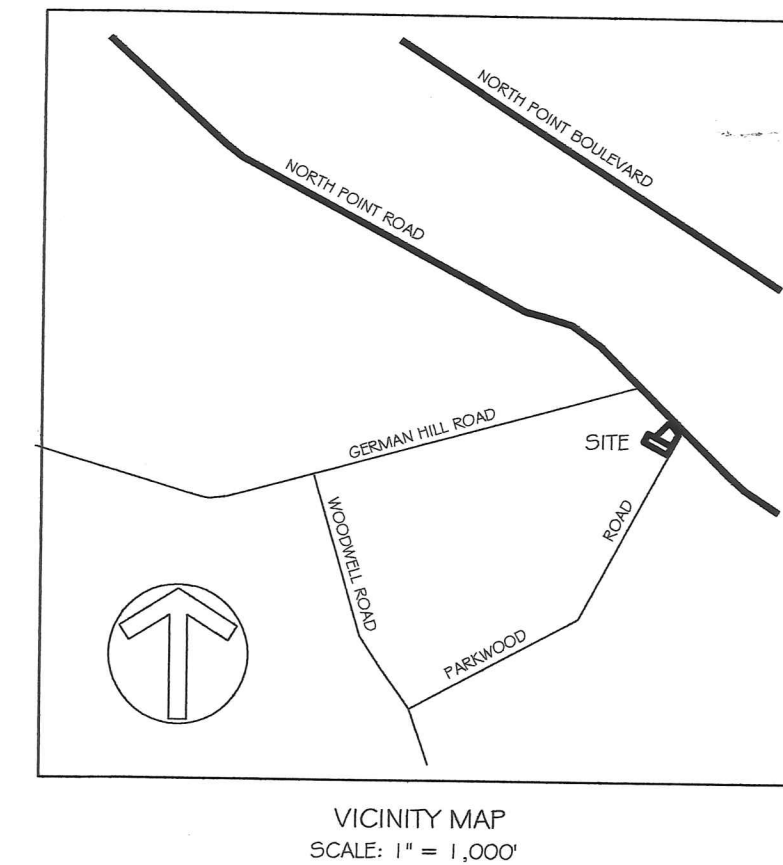
DOUBLE ILLUMINATED SIGN

BARTON
6644/O15
TAX ACCT. # 1208060380

MONTGOMERY
36135/387
TAX ACCT. # 1208060170



- SITE DATA:
- 1) OWNERS: PROSPERITY INVESTMENT ENTERPRISE, LLC
 - 2) OWNERS ADDRESS: 2507 NORTH POINT ROAD, BALTIMORE, MARYLAND 21222
 - 3) SITE ADDRESS: 2507 NORTH POINT # 1 PARKWOOD ROADS
 - 4) OWNERS TELEPHONE NO.: 410-284-6650
 - 5) TAX ACCOUNT NUMBER: 1208061670 # 1211067931
 - 6) TAX MAP: 103 GRID: 6 PARCEL: 435 LOTS 1 # 2
 - 7) DEED REFERENCE: 34650418 #38749/395
 - 8) PLAT REFERENCE: GRAY MANOR 12/112
 - 9) GROSS AREA: LOT 1: 7,609 SF LOT 2: 7,000 SF
 - 10) ZONING MAP: 103C1
 - 11) ZONING:
 - BL-CCC = 0.175 ACRES
 - DR 5.5 = 0.161 ACRES
 - 12) EXISTING AND PROPOSED USE: MEDICAL OFFICE
 - 13) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBGA.
 - 14) THE SUBJECT PROPERTY IS NOT WITHIN A 100-YEAR FLOODPLAIN PER FEMA.
 - 15) NO PREVIOUS HEARINGS OR PERMITS.
 - 16) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
 - 17) AMENITY OPEN SPACE (UNDER CURRENT BCZRS):
 - REQUIRED: 0.175 x 43,560 x 0.2 = 1,525 SF
 - PROPOSED: 0-5F
 - 18) F.A.R.:
 - ALLOWED: 0.175 x 43,560 x 4 = 30,491 SF
 - PROPOSED: 4,270 SF
 - 19) PARKING:
 - REQUIRED: 4,270 / 1,000 X 4.5 = 20 SPACES
 - PROPOSED: 22 SPACES
 - 20) SITE SERVED BY PUBLIC WATER AND SEWER
 - 21) EXISTING SIGNAGE TO REMAIN. NO PROPOSED SIGNAGE.
 - 22) THE BASIC SERVICE MAPS INDICATES THAT NO DEFICIENCIES EXIST THAT IMPACT THE SUBJECT SITE.



PREVIOUS ZONING HEARING:

CASE NO.: 1957-4197A

VARIANCES WERE GRANTED TO ALLOW A SIDE YARD SETBACK OF 9 FEET IN LIEU OF THE REQUIRED 12 FEET, A REAR YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 20 AND 8 PARKING SPACES IN LIEU OF THE REQUIRED 10 SPACES ON JULY 19, 1957.

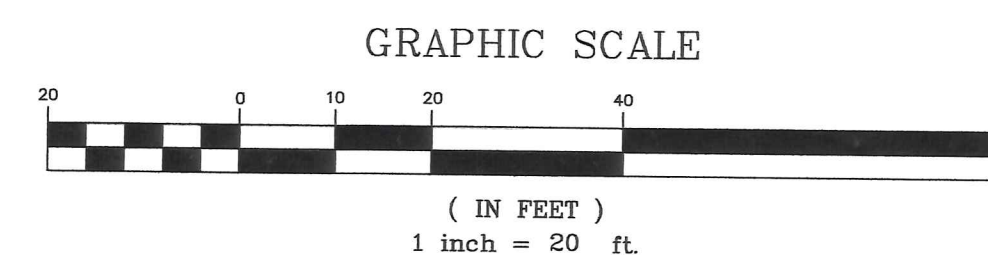
ZONING HEARING RELIEF:

SPECIAL HEARING RELIEF:

1. TO APPROVE A MODIFIED PARKING PLAN AS SHOWN ON THE ATTACHED SITE PLAN PURSUANT TO BCZR § 409.12.B, MODIFYING THE FOLLOWING BCZR § 409 PROVISIONS:
 - a. § 409.4 OF THE BCZR TO MODIFY CERTAIN PARKING FACILITY ACCESS REQUIREMENTS, AS NECESSARY.
 - b. § 409.6A.2 OF THE BCZR TO PERMIT 19 SPACES IN LIEU OF THE REQUIRED 20 SPACES.
 - c. § 409.8A.1 OF THE BCZR TO ALLOW CERTAIN MODIFICATIONS TO LANDSCAPE MANUAL STANDARDS, IF DETERMINED TO BE NECESSARY.
 - d. § 409.8A.4 TO ALLOW CERTAIN MODIFICATIONS TO ALLOW PARKING SPACES TO BE LOCATED 0 FT. FROM PUBLIC STREET RIGHT-OF-WAY LINES IN LIEU OF THE REQUIRED 10 FT.
 - e. § 409.11 OF THE BCZR TO ALLOW A MODIFIED PARKING LOT WHICH DOES NOT PROVIDE A SEPARATE AREA FOR LOADING/UNLOADING.
 - f. § 409.3 OF THE BCZR TO ALLOW A STANDARD ANGLED PARKING SPACE DEPTH OF 11.6 FEET IN LIEU OF THE REQUIRED 18 FEET.
2. PURSUANT TO BCZR § 409.8.B, TO PERMIT BUSINESS PARKING WITHIN A RESIDENTIAL ZONE, AS SHOWN ON THE ATTACHED SITE PLAN.
3. PURSUANT TO BCZR § 1B01.1.B.1.C AND § 32-4-402 OF THE BALTIMORE COUNTY CODE, TO APPROVE A MODIFIED RTA TO ALLOW A MINIMUM 5.9 FT. RTA SETBACK AND A MINIMUM 5.9 FT. RTA BUFFER, IN LIEU OF THE 75 FT. SETBACK AND 50 FT. BUFFER REQUIRED FOR PARKING LOTS UNDER BCZR 1B01.1.B.1.E(5).
4. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

VARIANCE RELIEF:

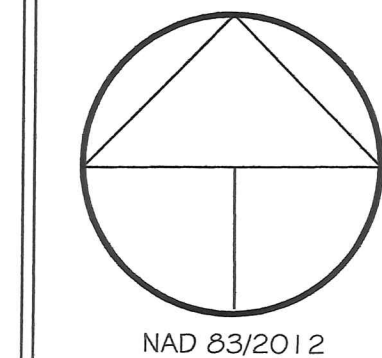
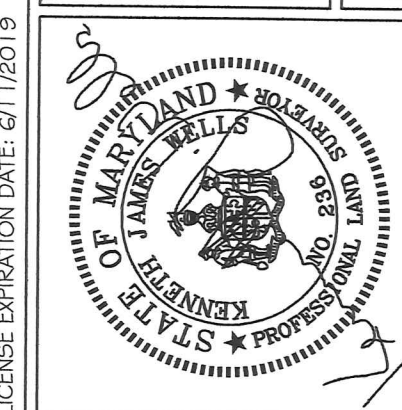
1. IF REQUIRED FROM AN INTERNAL LOT LINE WHERE BOTH LOTS ARE UNDER COMMON OWNERSHIP, TO PERMIT A REAR YARD OF 0 FT. IN LIEU OF THE 20 FT. DEEP REAR LOT REQUIRED PURSUANT TO § 232.3 OF THE BCZR.
2. IF NECESSARY, TO PERMIT AMENITY OPEN SPACE OF 0 SQ. FT. IN LIEU OF THE 1,525 SQ. FT. REQUIRED PURSUANT TO § 232A.4 OF THE BCZR.
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.



PLAN TO ACCOMPANY ZONING PETITION
PROPOSED CONDITION PLAN
2507 NORTH POINT AND 1 PARKWOOD ROADS

BALTIMORE COUNTY
MARYLAND
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 6/22/2017
PROJECT NO.:
2017-016
SHEET 1 OF 2

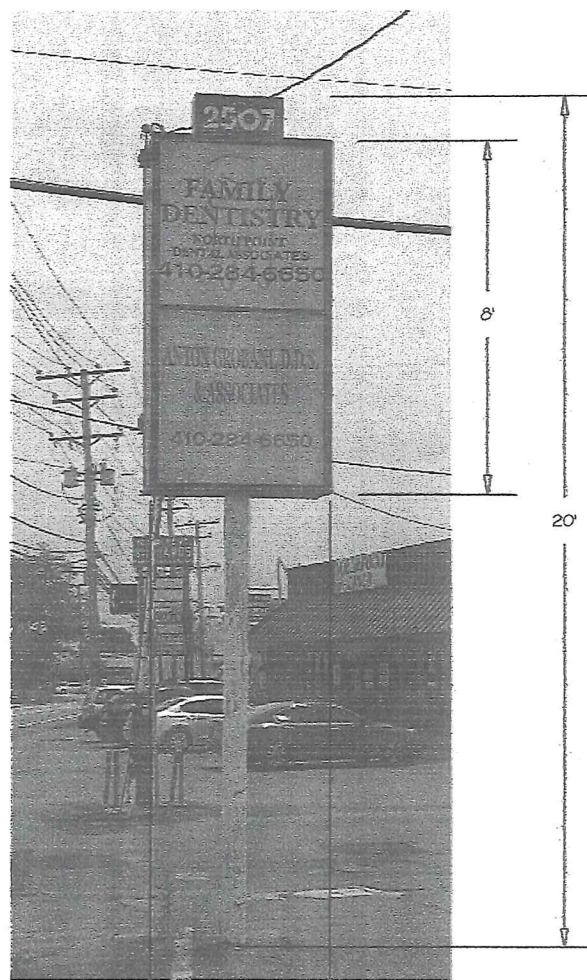


REVISONS:	
NO.	DATE
1	9/18/2017
2	9/19/2017

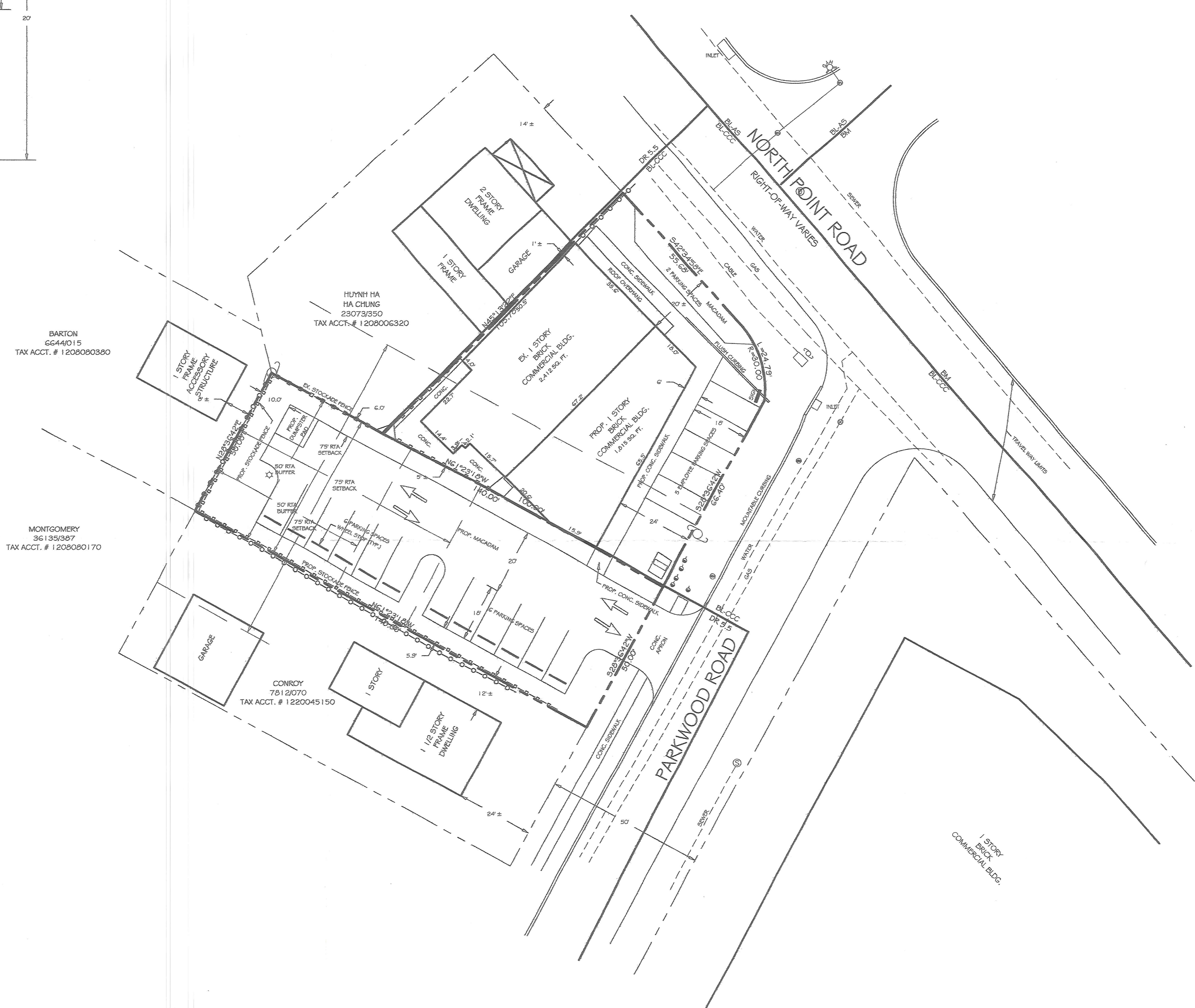
kjwellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2019



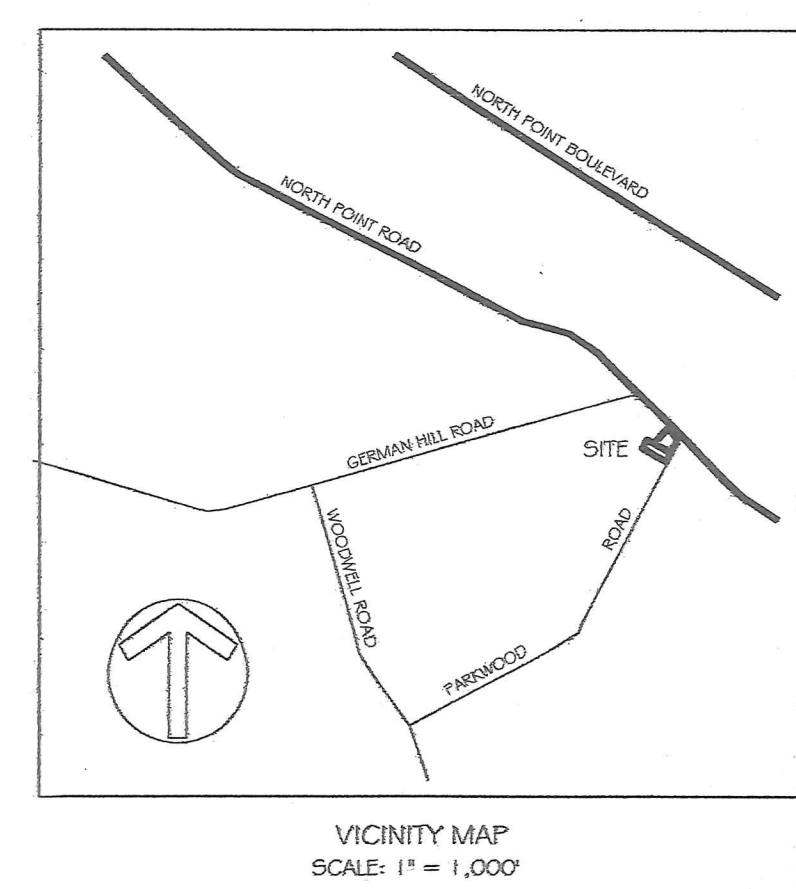
DOUBLE ILLUMINATED SIGN



- LEGEND:
- STOCKADE FENCE
 - CHAIN LINK FENCE
 - LIGHTING
 - ⊕ STORM DRAIN MANHOLE
 - ⊙ SANITARY SEWER MANHOLE
 - ⊗ CLEANOUT
 - ⊕ UTILITY POLE
 - GUY WIRE
 - ⊙ GAS CAP
 - ⊙ WATER CAP
 - ⊙ WATER METER
 - ⊙ WATER VALVE
 - ⊙ FIRE HYDRANT

SITE DATA:

- OWNERS: PROSPERITY INVESTMENT ENTERPRISE, LLC
- OWNERS ADDRESS: 2507 NORTH POINT ROAD, BALTIMORE, MARYLAND 21222
- SITE ADDRESS: 2507 NORTH POINT # 1 PARKWOOD ROADS
- OWNERS TELEPHONE NO.: 410-284-6650
- TAX ACCOUNT NUMBER: 1205061670 & 1211067931
- TAX MAP: 103 GRID: 6 PARCEL: 435 LOTS 1 & 2
- DEED REFERENCE: 34650418 430749395
- FLAT REFERENCE: GRAY MANOR 12/112
- GROSS AREA: LOT 1: 7,609 SF LOT 2: 7,000 SF
- ZONING MAP: 103C1
- ZONING: BL-COC = 0.175 ACRES DR 5.5 = 0.161 ACRES
- EXISTING AND PROPOSED USE: MEDICAL OFFICE
- THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBZA FLOODPLAIN PER FEMA.
- NO PREVIOUS HEARINGS OR PERMITS.
- NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
- AMENITY OPEN SPACE (UNDER CURRENT BCZRS): REQUIRED: 0.175 x 43,560 x 0.2 = 1,525 SF PROPOSED: 0.5 SF
- F.A.R. ALLOWED: 0.175 x 43,560 x 4 = 30,491 SF PROPOSED: 4,227 SF
- PARKING: REQUIRED: 4,227 / 1,000 x 4.5 = 19 SPACES PROPOSED: 19 SPACES
- SITE SERVED BY PUBLIC WATER AND SEWER.
- EXISTING SIGNAGE TO REMAIN, NO PROPOSED SIGNAGE.
- THE BASIC SERVICE MAPS INDICATES THAT NO DEFICIENCIES EXIST THAT IMPACT THE SUBJECT SITE.

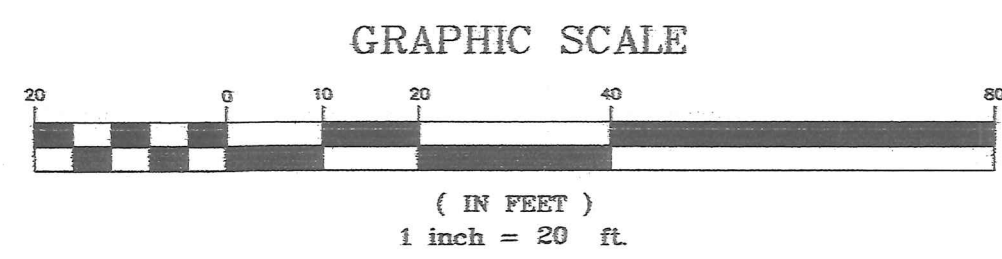


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ZONING HEARING RELIEF:

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 - § 409.6.A.1 OF THE BCZR TO ALLOW CERTAIN MODIFICATIONS TO LANDSCAPE MANUAL STANDARDS, IF DETERMINED TO BE NECESSARY.
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 - § 409.11 OF THE BCZR TO ALLOW A MODIFIED PARKING LOT WHICH DOES NOT PROVIDE A SEPARATE AREA FOR LOADING/UNLOADING.
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 - IF NECESSARY, TO PERMIT AMENITY OPEN SPACE OF 0 SQ. FT. IN LIEU OF THE 1,525 SQ. FT. REQUIRED PURSUANT TO § 232A.4 OF THE BCZR.
 - FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.



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STATE OF MARYLAND
KINGSMILL
PROFESSIONAL LAND SURVEYOR
SEAL

NAD 83/2012

REVISIONS:
NO. DATE

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SHEET 1 OF 2

2018-0015-SPHA