IN THE MATTER OF NASIR HAMIDY – LEGAL OWNERS AND PETITIONERS FOR VARIANCE ON THE PROPERTY LOCATED AT 6302 CHESWORTH ROAD	*	BEFORE THE BOARD OF APPEALS OF
1st ELECTION DISTRICT 1st COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	Case Nos. 19-098-A

* * * * * * * * * * * * *

OPINION

This matter comes before the Board of Appeals of Baltimore County as a *de novo* appea of the Opinion and Order of the Administrative Law Judge, John E. Beverungen, dated Decembe 7, 2018 denying the requested Variance relief. The Petition for Variance was filed by Petitioner Nasir Hamidy, the legal owner of the subject property. This Petition seeks Variance Relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft. At the April 18, 2019 hearing before this Board, the Petitioners amended their request without objection to also include variance for a sum of side yard setbacks of 15.9 feet in lieu of the required 25 ft.

A hearing was held before this board on April 18, 2019 and was publicly deliberated July 16, 2019. A site plan was included as evidence before the Board and marked as Exhibi Nasir Hamidy and Professional planner and zoning expert Mitch Kellman testified on behal the Petitioners. Lawrence E. Schmidt, of Smith, Gildea & Schmidt, LLC, appeared on beha the Petitioner. Neighbors, Henry and Nancy Miller appeared, pro se as Protestants in oppo of the proposed Variance Relief.

FACTS/BACKGROUND

The site in question is approximately 8,568 square feet in size and zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1970. The Petitioner purchased the home in 2018 and desires to construct a 2-story addition with a garage and additional living space for his family. As was described by the Petitioner, the proposed addition would constitute a 2-story 18' x 29.25' addition to the existing dwelling. This addition would allow for a garage (which presently does not exist on the Property) and additional living area on the second floor. Petitioner provided Baltimore County ZAC comments, reflecting that the Department of Planning does not oppose the Petitioner's variance request.

Petitioner provided the testimony of Professional planner and zoning expert, Mitch Kellman who testified in support of the Petition. Mr. Kellman described the neighborhood and the Property layout, including the current improvements on the Property. He offered his expert opinion that the Petition satisfied the criteria for variance relief in BCZR §307.1, opining that the Petitioner's property was unique due to its size and shape, and the fact that steep slopes exist in the rear of the property. He further opined that not being able to construct the addition would create practical difficulty, in that Mr. Hamidy would not have sufficient living space for his family. Both Mr. Kellman and Mr. Hamidy noted that many houses in the neighborhood already had similar garages as the one proposed. (See Petitioner's Ex. 6A to 6S).

The Protestants, who live in the adjacent property are concerned with the size of the proposed addition and the potential impact it may have on their home. The Millers have lived in the home adjacent to the property at issue since 1971. The homes are located in the Woodbridge Valley subdivision. Mrs. Miller disagreed with Mr. Kellman's assessment that the Petitioner's property is unique. Mrs. Miller testified that through her own observations that there are many

oddly shaped lots in the Woodbridge Valley subdivision. (See Protestant's Ex. 4). Mrs. Miller also testified that she believed that the size of the addition would decrease the Petitioner's side yard to a point which the Petitioner would be forced to use the Protestants property to navigate lawn equipment from the front to the back of the property. Finally, Mrs. Miller testified that they purchased their home when the Woodbridge Valley subdivision was originally created, and buyers had a choice of different size lots, some with garages and some without. The Millers believe that the Petitioner's property was never meant to have a garage or addition on its smaller lot.

DISCUSSION/ANALYSIS

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 and peculiarity must necessitate variance relief; and
> 2. if variance relief is denied the petitioner will experience a practical difficulty or hardship. *Cromwell v. Ward,* 102 Md. App 691 (1995).

Although the Petitioner's property is somewhat smaller than others in the Woodbridge Valley subdivision, this Board is not persuaded that any characteristics of this property are enough to qualify it as "unique" as the term is used in Maryland law. Assuming, *arguendo*, that the property was deemed "unique," the Board is not satisfied that the Petitioner's need for living space in a home that was just recently purchased constitutes "practical difficulty" as required in the second prong of *Cromwell.* Consequently, when applying the facts of this matter to the *Cromwell* analysis, the Petitioner's Petition for Variance must be denied.

ORDER

THEREFORE, IT IS THIS 1st day of October, 2019 by the Board of Appeals of Baltimore County hereby,

ORDERED that the Petition for Variance seeking relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed a side yard addition with a side setback of 5.8 feet in lieu of the requested 10 feet; and to permit a sum of side yard setbacks of 15.9 feet in lieu of the required 25 is hereby **DENIED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chair

Kendra Randall Jolivet

Joseph L. Evans

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
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October 1, 2019

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: In the Matter of: *Nasir Hamidy*
Case No.: 19-098-A

Dear Mr. Schmidt:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rul 201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO T OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Peti for Judicial Review filed from this decision should be noted under the same civil action num** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file w closed.

Very truly yours,

Sunny Cannington Hay

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Nasir Hamidy
Henry and Nancy Miller
Office of People's Counsel
Paul Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Nasir Hamidy 19-098-A

DATE: July 16, 2019

BOARD/PANEL: Andrew M. Belt, Chair
Kendra Randall Jolivet
Joseph L. Evans

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance relief from BCZR Section 1B02.3.C.1 to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.; and to permit a sum of side yard setbacks of 15.9 ft. in lieu of the required 25 ft.

2. Is the property unique pursuant to the conditions set forth in Cromwell v. Ward, and if it is, will failure to grant the Variance present a practical difficulty or unusual hardship?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board reviewed the case. The Petitioner originally requested a side setback of 5.8 ft. in lieu of the required 10 ft., and amended the request at the hearing to also allow for a sum of side yard setbacks of 15.9 ft. in lieu of 25 ft. The Board accepted the amendment without objection of the neighbors.

- The Petitioner testified he recently purchased the house and wishes to construct a two story addition, with a garage and additional living area on the second floor to accommodate his family.

- Testimony from the adjoining neighbors was they are concerned about the closeness to their property, and the ability of lawn mowing equipment to access the rear yard. The neighbors have no objection to an addition, but want it built within the law.

- The Board discussed the uniqueness requirements of *Cromwell*. Petitioner's expert testified that the property was unique due to its small size, the rear slope of the property, and the inability of the garage to be located anywhere else on the property. The Board does not find the property to be unique, noting there are other lots in the neighborhood of similar size and shape.

- The Board discussed the practical difficulty factor. The Board noted that even if the Petitioner reduced the size of the addition to comply with the 10 ft. side yard setback requirement, they would still require a variance to the sum of side yard setback requirement. The Board found that there is no practical difficulty as the Petitioner could build a smaller addition without the need for a variance.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Tammy A. Zahner

Tammy A. Zahner

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
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410-887-3180
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June 7, 2019

AMENDED NOTICE OF DELIBERATION

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

Re: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

12/7/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter was heard and concluded on April 18, 2019. The public deliberation in this matter scheduled for July 9, 2019 has been postponed due to a scheduling conflict. The public deliberation has been rescheduled for the following:

DATE AND TIME: **JULY 16, 2019 at 9:00 a.m.**

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER THE CONCLUSION OF THE DELIBERATION. A COPY OF THAT OPINION AND ORDER WILL BE SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our webs www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

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c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Nasir Hamidy

Protestant : Henry and Nancy Miller

C. Pete Gutwald, Director/Department of Planning
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Ju
Michael Mallinoff, Director/PAI
Office of People's Counsel

IN THE MATTER OF:
Nasir Hamidy
Legal Owner
6302 Chesworth Road

1st Election District
1st Councilmanic District

RE: PETITION FOR VARIANCE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* **Case No.: 2019-098-A**
*
*

RECEIVED
MAY 20 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* *

PETITIONER'S CLOSING MEMORANDUM IN LIEU OF CLOSING ARGUMENT

The property owner, Nasir Hamidy (hereinafter "Petitioner"), by and through his attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, submit this Closing Memorandum in Lieu of Closing Argument in support of the petition for variance fo the above referenced matter and respectfully states:

STATEMENT OF THE CASE

This matter comes before the County Board of Appeals (the "Board") as a *de* appeal of Administrative Law Judge ("ALJ") John Beverungen's denial (on Decem 2018) of a Petition for Variance relief for the property located at 6302 Cheswort (the "Property"). In applying the *de novo* standard, the Board's findings of conclusions of law will be exclusively from the record made at the publi conducted.

A public hearing was held before the ALJ on December 4, 2018. T relief was filed pursuant to the Baltimore County Zoning Regulations

1B02.3.C.1 to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft. By written Opinion and Order dated December 7, 2018, ALJ Beverungen denied the requested variance relief based on his conclusion that the Property was not "unique". On January 4, 2019, Petitioner filed a timely appeal to the Board of the ALJ's decision in accordance with Baltimore County Code ("BCC") § 32-3-401.

The public hearing before the Board consumed one day on April 18, 2019. At the onset of the hearing, Petitioner's Counsel moved to formally amend the zoning petition, requesting variance relief pursuant to the BCZR § 1B02.3.C.1 (1) to permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet and (2) to permit a sum of side yard setbacks of 15.9 feet in lieu of the required 25 feet. In accordance with due process, parties are required to be given reasonable notice and opportunity to participate in the Board's hearing and consideration of the zoning proposal. Significantly, the Supreme Court of the United States has explained that the essence of due process is the requirement that a party be given notice and an opportunity to be heard "...at a meaningful time and in a meaningful manner." *Mathews v. Eldridge,* 424 US. 319, 333, 348-49 (1976). Further, proper public notice of the requests was afforded consistent with the principles stated by the Court of Appeals in *Cassidy v. Baltimo County Board of Appeals, 218 Md. 418 (1958).* In full consideration of due process w regard to the amended zoning petition, all parties agreed to proceed on the amen zoning petition which was therefore accepted by the Board. Thus, the Board sh consider both variance requests. The relevant testimony will be recounte appropriate herein.

STATEMENT OF THE FACTS

The property at issue is known as 6302 Chesworth Road (the "Property"). It is located near the intersection of Chesworth Road and N. Rolling Road, with frontage on Chesworth Road. The Property is approximately 8,568 square feet in area (.197 acres) and zoned DR-3.5 (Density Residential). The Property lies inside the Urban Rural Demarcation Line ("URDL") and currently served by public water and sewer. A single-family dwelling was constructed on the Property in 1970. The Property is comprised of all of Lot 26 as shown on a record plat entitled "Woodbridge Valley" (recorded in 1960) and is recorded in Plat Book 33 folio 111. Lot 26 was zoned R-10 when the Woodbridge Valley plat was recorded. This community has been built out over the years and features single family detached dwellings. For purposes of setback requirements, R-10 and DR 3.5 are identical. Lot 26 has been described as a separate lot of record in the Land Records since its creation in the 1969 plat.

The Property was purchased by Petitioner from Deutsche Bank National Trust, as reflected in a deed dated September 18, 2018, which is recorded in the Land Records of Baltimore County in Liber 40675, Folio 00145. The Petitioner seeks to construct a 2-story 18' X 29.25 'addition to the existing dwelling, which is a permitted use in the DR 3.5 zone. This addition will allow for a garage (which presently does not exist on the Property) and additional living area on the second floor. As required by the BCZR, Petitioner sought variance relief from BCZR § 1B02.3.C.1. to: (1) to permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet; and (2) to permit a sum of side yard setbacks of 15.9 feet in lieu of the required 25 feet. As indicated within

the ZAC comments, the Department of Planning does not oppose the Petitioner's variance.

Lawrence E. Schmidt represented Petitioner at the Board's hearing. Professional planner and zoning expert Mitch Kellman testified in support of the Petition. He described the neighborhood and Property layout, including the current improvements on the Property (i.e. the single family dwelling). Mr. Kellman offered expert opinion that the Petition satisfied the criteria for variance relief in BCZR § 307.1. His expert testimony and conclusions were not disputed. The details and need of the proposed addition were described largely through the testimony of Mr. Hamidy. Mr. Hamidy explained his desire to construct a 2-story addition including a garage and additional living space for his growing family. Nancy Miller and Henry Miller (adjacent neighbors located at 6304 Chesworth Road) (hereinafter referred to as the "Protestants") appeared in opposition to the Petition. Protestants testified on concerns about the size of the proposed addition and the potential impact the addition may have upon the value of their home.

STANDARD OF REVIEW

In Baltimore County, zoning variances are permitted and analyzed under BCZR § 307.1 and the case law interpreting that provision. Significantly, to obtain a zoning variance in Baltimore County, a two-pronged analysis is required showing that:

(1) The property is unique; and
(2) If the variance relief is denied, petitioner will experience a practical difficulty or unreasonably hardship. BCZR § 307.1; *Cromwell v. Ward*, 102 Md. App. 691, 694-95 (1995).

ARGUMENT

The BCZR governs both the allowed uses on the Property and the scope/size of improvements permitted for properties zoned DR 3.5. Undoubtedly, the single-family dwelling is an expressly allowed use in the DR 3.5. That is, BCZR § 1B01.1.A.1. identifies "dwellings … single family detached" as a permitted use, by right. Garages are commonly associated with single family dwellings and are also a permitted use. The question presented in this case is not as to the use, but whether the proposal satisfies the scope/size (also referred to as the "bulk") regulations.

I. Petitioner is Entitled to Variance Relief

The bulk regulations from which Petitioner seeks relief are as follows: (1) to permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet, and (2) to permit a sum of side yard setbacks of 15.9 feet in lieu of the required 25 feet. The Board, based upon the record before it, should conclude that Petitioner is entitled to variance relief in the instance case.

As noted above, *Cromwell* is often cited as the seminal variance case when considering BCZR § 307.1. This is because *Cromwell* is a reported decision arising from a variance request under that section of the BCZR. Admittedly, the *Cromwell* Court opined that the grant of a variance is "rarely appropriate." *Cromwell* (pg. 711). But with that said, the Court's opinion does not conclude that variances can never be granted and that the County's zoning authorities lack the jurisdiction to grant a zoning variance. Instead, the Court imposed a substantial burden upon the applicant in order for a

variance to be granted. Petitioner avers that such circumstances exist in the instant case and that the variance is warranted and its burden satisfied.

A. The Property is Unique

In the instant case, due to the events that led to the creation and configuration of the Property, special circumstances and conditions exist which make the Property unique.

The Court in *Cromwell* defined the term "uniqueness" as follows:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., it shape, topography, subsurface condition, environmental factors, historical significance, access or not-access to navigable waters, practical restrictions imposed by abutting properties (such as obstruction) or other similar restrictions. *Cromwell* (pg. 710).

Therefore, the question of whether a property is unique does not derive from the circumstances of the owner or the use of a property. These considerations are more properly addressed in the second "test"; i.e. whether a practical difficulty would be suffered if strict adherence to the zoning regulation was required. The uniqueness test is met if there are inherent physical characteristics of the Property which make it different, peculiar and therefore unique from other properties in the locale.

The testimony of Mr. Kellman, along with the neighborhood plat and photographs entered into evidence (Petitioner's Exhibits No. 4 and 6), show that the Property is substantially different than other properties in the area with differences in size, shape, and topography. It is therefore "unique" and unlike other properties in the

locale. This is a narrow, irregularly shaped parcel which was created over 50 years ago. No other property in the vicinity has these precise dimensions and shape. A mere examination of the aerial photographs submitted (Petitioner's Exhibit No. 5), as well as the record plat for this subdivision (Petitioner's Exhibit No. 4) are conclusive to the finding that there is no other property of this shape, dimension and acreage. This is not the case of a "cookie cutter" residential subdivision, where all lots are, for example, seventy five feet wide and one hundred feet deep. This property is different than any other lot in terms of size, shape, dimension and configuration.

As importantly, the topography of the Property is also unique. As testified to by Mr. Kellman, the Property has a walkout basement and an unusual steep slope at the rear of the dwelling. This topography combined with the unique shape, dimension and size of the Property results in the lack of any feasible building area for the proposed garage. It cannot be located anywhere else on the Property. Therefore, these unique physical characteristics drive the need for the variance. Based upon the combination of these unique physical characteristics that are not shared by other properties in the area, it must be concluded that the subject Property satisfies the "unique" test required under *Cromwell*. Finally, it is important to note that the prior subdivision that created Lot 26 was not at the hands of the Petitioner, therefore there can be no claim of self imposed hardship.

B. If the Variance is Denied, Petitioner will Experience a Practical Difficulty or Unreasonable Hardship

A denial of the variance would deprive the Petitioner of the right to reasonably

develop his property in accordance with regulations and would constitute a practical difficulty under these circumstances. Courts have interpreted the "practical difficulty or unreasonable hardship" standard to be disjunctive, meaning that satisfaction of either of the conditions may warrant a variance. *Loyola Loan Ass'n v. Buschman*, 227 Md. 243, 250-51, 176 A.2d 355 (1961). Nevertheless, the "practical difficulties" standard is less stringent than the "undue hardship." *Loyola Fed. Savs. & Loan Ass'n v. Buschman*, 227 Md. 243, 249, 176 A.2d 355 (1961). The Court in *Mclean v. Soley*, 270 Md. 216 (1973) established criteria for determining practical difficulty or unreasonable hardship:

(1) Whether compliance with the strict letter of the restrictions governing various variances would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessary burdensome.
(2) Whether a grant of the variance applied would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
(3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Furthermore, the practical difficulty or unreasonable hardship must not be self-imposed. *Richard Roeser Prof'l Builder, Inc. v. Anne Arundel Cnty.*, 368 Md. 294, 314 (2002).

That the Petitioner would suffer practical difficulty if relief were not afforded is manifest. The undersized nature of Lot 26 and strict adherence to the regulations (BCZR § 1B02.3.C.1) would not allow a reasonable and permitted use of the property (i.e. construction of a dwelling addition/garage). The imposition of BCZR § 1B02.3.C.1. on Lot 26, which was apart of an existing subdivision, disproportionately restricts permitted uses as compared to lots in the area. As testified to by Mr. Kellman, the

Petitioner will suffer a practical difficulty if the variance is denied because Petitioner is unable to construct a garage/addition elsewhere on the Property without the need of a variance from the BCZR. In the instant matter, the practical difficulty or unreasonable hardship is not self-imposed because the subdivision, which created Lot 26, occurred some 50 years ago; Petitioner purchased the Property in 2018. Petitioner has a large family and requires additional living area. Similar to other houses in the neighborhood, Petitioner requires a garage. Petitioner's use of the Property would be unduly limited and restricted if the variance relief was denied.

Lot 26's physical peculiarities will cause Petitioner to suffer disproportionately due to the application of BCZR § 1B02.3.C.1. Without the requested variance relief, Petitioner is unable to construct a garage, unlike other properties within the Woodbridge Valley subdivision that are improved with garages. (Petitioner's Exhibit No. 6) In fact, the dwelling immediately across the street is improved with a garage. Due to the severe topography and narrowness of the Property and the location of the AC unit, the proposed addition cannot be constructed on the rear or opposite side of the dwelling.

Further, a grant of the requested variance relief will not detrimentally impact adjacent properties. The proposed addition would be developed in a manner consistent with the neighborhood, including architectural design. Mr. Kellman testified that considering the surrounding neighborhood and site constraints at issue, the construction of the proposed addition would be consistent with DR 3.5 zoning regulations and would not cause injury to the public health, safety, or general welfare.

Lot 26 (and the proposed addition thereon) is entirely consistent with the character of this neighborhood and the Woodbridge Valley subdivision. As such, Petitioner will experience practical difficulty or unreasonable hardship if the requested variances are not granted.

Protestants maintained that Petitioner is responsible for his need for variance relief and thus not eligible for approval, arguing Petitioner had the option of buying a larger dwelling or property. This argument is similar to the positions articulated by opponents to variances in many cases. That is, that any building can be made smaller and that the BCZR should always be strictly enforced. But such a position is neither practical nor persuasive. Zoning variances should "rarely" be granted; not "never" granted. The Protestants' rationale that the Petitioner "buy another property to meet his needs" would preclude every variance request. *Cromwell* specifically permits the granting of variance relief in special circumstances. The weight of these special circumstances are to be determined by the Board's discretion in implementing the spirit and intent of the BCZR.

CONCLUSION

The testimony and evidence presented to the Board supports the Petitioner's request for variance relief. This case, like the property under consideration, is unique. It is one of those rare appropriate circumstances where the criteria in *Cromwell* are satisfied. The subject property, due to circumstances beyond the Petitioner's control, is unique and clearly the Petitioner would be faced with a practical difficulty that is not

self-imposed. For the reasons stated above, the requested variance relief should be approved.

Respectfully Submitted,

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
lschmidt@sgs-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 20th day of May, 2019, a copy of the foregoing Memorandum was mailed, postage pre-paid, to:

Henry Miller & Nancy Miller
6304 Chesworth Road
Catonsville, MD 21228

LAWRENCE E. SCHMIDT

Henry & Nancy Miller
6304 Chesworth Road
Baltimore MD 21228

April 29, 2019

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson MD 21204

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

RE: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

On April 19, 2019 I submitted to you a summary of my testimony regarding the above petition. At the time of the hearing Mr. Andrew Belt, of the Board, instructed me to provide this testimony but did not make it clear that 3 copies and an original were to be submitted. Therefore, only one copy was sent. Having received notification of the deliberation to be held on July 9, which includes the instruction to supply an original and 3 copies, I have enclosed additional copies for the Board along with photos provided in my testimony which were marked as Exhibits 1A, B and C.

I apologize to the Board for this mistake.

Sincerely,

Nancy E. Miller — Nancy E. Miller

Henry G. Miller — Henry G. Miller

4/29/2019 — Date

COPY

Henry & Nancy Mil
6304 Chesworth Roac
Baltimore MD 21228

Original Letter sent to Board on April 19, 2019

Nancy Miller

April 19, 2019

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson MD 21204

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

RE: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Following the hearing on this matter held on April 18, 2019, and at the request of the Board of Appeals, summarized below is Nancy Miller's testimony regarding the objections of Nancy & Henry Miller to the request by Mr. Hamidy for a zoning variance to permit a side yard addition to his home.

For purposes of clarification, the word "we" in this summary refers to Henry & Nancy Miller.

- Mrs. Miller began her testimony by stating that she and Mr. Miller have no wish to be inhospitable to Mr. Hamidy and his family and are, in fact, pleased that he has invested so much time and money in renovating the home, which has been vacant since November 2018.

- We are objecting to the zoning variance requested for the proposed addition to the property at 6302 Chesworth Road, a two- story dwelling, containing 4 bedrooms and located adjacent to our property at 6304 Chesworth Road, where we have resided since 1971. Mr. Hamidy has never lived in the home as the home is undergoing extensive renovation.

- Mr. Hamidy approached us only after the original variance posting on the property and described his intention to add an attached garage with a second floor. He even asked if we were willing to give him a larger variance. Since that time, Mr. Hamidy has approached us multiple times to ask if we would be willing to withdraw our objection. We have always responded that we wanted a decision from Baltimore County.

- Mr. Hamidy originally supplied Mr. Charles Springer, covenants representative of the Woodbridge Valley Improvement Assn. who governs the property where our homes are located, and of which we are a member, a copy of the proposed addition. Mr. Hamidy told us, and stated at the hearing, that this was only a conceptual drawing and that he, in fact, was not

happy with the design. When we asked Mr. Hamidy recently if there was a new drawing, he stated that since the architect would charge for a new drawing there was none. (Note: Mr. Schmidt offered Exhibit 2, a drawing of the proposed addition, which differs from the one presented by Mr. Hamidy at the original hearing.)

- We also received correspondence from Zachary Wilkins, of the law firm of Smith, Gildea & Schmidt, who Mr. Hamidy engaged after the request was denied by John Beverungen, Administrative Law Judge for Baltimore County and responded to his letter with explanation of our objections. (It should be noted that we requested an updated drawing at that time but none was provided.)

- The addition Mr. Hamidy proposes will increase the size of the house by approximately 1/3. And, based on the only drawing we have been shown, the roof line of the addition will be even with the current roof line, making the addition 2+ stories high, since the basement of the house itself rises approximately 3 feet above ground. The drawing (Exhibit 2) presented by Mr. Schmidt, legal counsel for Mr. Hamidy, confirms this.

- Mr. Schmidt also provided a plat of the properties at 6300, 6302 and 6304 Chesworth Road, (Exhibit 1). Mitchell Kellman of DMW, responded to a question by Mr. Schmidt if the design of the lot at 6302 Chesworth Road is unique in the affirmative. Mrs. Miller disagreed with this statement, stating that the property at 1302 Rolling Road, also shown on the plat, also does not conform to a standard rectangle or square. In fact, if one looks at the entire of Woodbridge Valley, presented by Mr. Schmidt as Exhibit 4, there are numerous oddly shaped lots.

- The property at 6302 Chesworth Road has a significant drop to the back yard at the end of the driveway (See Mr. Schmidt's Exhibits 6G, 6HJ, 6K, 6M). There is a set of steps which leads from the end of the driveway down to the back yard, and by eliminating the steps to accommodate the garage, access to the back yard will be from the basement of the home, by going around the garage and down the hill, or by going around the other side of the house, which has a smaller incline. As proposed, there would be 5 ft. between the exterior wall of the garage and our property line. While this is approximately the same access footage as available now for large lawn equipment, due to the hill, there is no wall to go around. We believe that it will be necessary for such equipment to traverse a portion of our property in order to get to the back yard. Mr. Hamidy has assured us that he will landscape the new addition so that it will look nice, and we appreciate that offer, but that will take up additional space on the side of the garage and will, therefore, limit the width available for any access by lawn care people or contractors.

- There are no other homes in Woodbridge of the design of Mr. Hamidy's which have such a large two-story addition and we are not aware of any properties which have been granted a zoning variance for such an addition. Mr. Schmidt provided photos of other homes in the Woodbridge Community which have garages. Exhibit 6N shows the home directly across the street from the Miller home at 6304 Chesworth. It should be noted that this home was not built by the original builder in the community and included a garage when built. This home is on a large corner lot.

Mr. Schmidt also presented additional photos (Exhibits 6O, 6P, 6Q, 6R, 6S) in an effort to show that other homes in the community have garages. Mrs. Miller noted that in each case the garage was one story – no room above it. It should also be noted that some of the garages were attached while others were free standing.

- Mrs. Miller also questioned Mr. Kellman if he was aware that when the Woodbridge subdivision where 6302 and 6304 Chesworth are located was being sold, buyers chose the model home they desired (there were 4 choices) and that then they were provided with a selection of lots where the home could be built. Garages were an option for some of the models. In other words, the properties were sized to accommodate the style of home. Mr. Kellman was not aware of this.

- Mrs. Miller also provided the Board with photos (Exhibits 1A, 1B, and 1C) showing the street view of 6302 and 6304 Chesworth and responded to questions from the Board regarding the property line by referring them to the telephone/cable poll which sits on the property line at the beginning of both driveways. The photos also show views taken from the driveway of 6304 to try to give the Board the Miller perspective. The position of the dumpster gives a good idea of where the outside wall of the garage would be in relation to the property line, which, in the photo, almost follows the brown vs. green grass.

- When the zoning variance was originally posted, we spoke with a local real estate agent with over 30 years of experience and a Woodbridge Valley resident, to inquire about the impact this large addition would have on our property. It is our understanding that a large addition built so close to our property line would reduce the value of our property. In short, we believe that the lots in our community were laid out to accommodate the homes as designed and that this proposed addition will make the home too large for the lot.

- Mr. Hamidy has indicated that he requires this addition to accommodate his family of three adults and 4 children. However, we would like to point out that the previous owner of this home had 2 adults and 4 children living in the home. We do not understand why Mr. Hamidy would purchase a home that, as constructed, cannot accommodate his family. Mr. Hamidy also stated that there were no other homes available. However, Mrs. Miller noted that a new community is being constructed a short distance away on Rolling Road and there are other larger homes in Woodbridge periodically for sale.

I believe this summary of testimony on April 18, is accurate. We look forward to receiving further information regarding the Board's decision. As a reminder, Mrs. Miller informed the court that she will undergo hip replacement surgery on May 7 with an undefined recovery time.

Nancy E. Miller	Henry G. Miller	Date

Signed and dated 4/19/2019
Mailed 4/20/2019

Google Maps 6302 Chesw...th Rd

14

Image capture: Aug 2012 © 2019 Google

Catonsville, Maryland

Google

Street View - Aug 2012


800-954-N
NEXTDAYDUMPSTERS.


800-954-NEXT
NEXT
DUMP

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 25, 2019

NOTICE OF DELIBERATION

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

Re: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

12/7/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter having been heard and concluded on April 18, 2019, a public deliberation has been scheduled for the following:

DATE AND TIME: **JULY 9, 2019 at 9:00 a.m.**

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **May 20, 2019 by 3:00 p.m.**
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER THE CONCLUSION OF THE DELIBERATION. A COPY OF THAT OPINION AND ORDER WILL BE SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

---

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Nasir Hamidy

Protestant : Henry and Nancy Miller

Jeff Mayhew, Acting Director/Department of Planning
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Mike Mohler, Acting Director/PAI
Office of People's Counsel

Henry & Nancy Miller
6304 Chesworth Road
Baltimore MD 21228

April 19, 2019

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson MD 21204

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

RE: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Following the hearing on this matter held on April 18, 2019, and at the request of the Board of Appeals, summarized below is Nancy Miller's testimony regarding the objections of Nancy & Henry Miller to the request by Mr. Hamidy for a zoning variance to permit a side yard addition to his home.

For purposes of clarification, the word "we" in this summary refers to Henry & Nancy Miller.

- Mrs. Miller began her testimony by stating that she and Mr. Miller have no wish to be inhospitable to Mr. Hamidy and his family and are, in fact, pleased that he has invested so much time and money in renovating the home, which has been vacant since November 2018.

- We are objecting to the zoning variance requested for the proposed addition to the property at 6302 Chesworth Road, a two- story dwelling, containing 4 bedrooms and located adjacent to our property at 6304 Chesworth Road, where we have resided since 1971. Mr. Hamidy has never lived in the home as the home is undergoing extensive renovation.

- Mr. Hamidy approached us only after the original variance posting on the property and described his intention to add an attached garage with a second floor. He even asked if we were willing to give him a larger variance. Since that time, Mr. Hamidy has approached us multiple times to ask if we would be willing to withdraw our objection. We have always responded that we wanted a decision from Baltimore County.

- Mr. Hamidy originally supplied Mr. Charles Springer, covenants representative of the Woodbridge Valley Improvement Assn. who governs the property where our homes are located, and of which we are a member, a copy of the proposed addition. Mr. Hamidy told us, and stated at the hearing, that this was only a conceptual drawing and that he, in fact, was not happy with the design. When we asked Mr. Hamidy recently if there was a new drawing, he stated that since the architect would charge for a new drawing there was none. (Note: Mr. Schmidt offered Exhibit 2, a drawing of the proposed addition, which differs from the one presented by Mr. Hamidy at the original hearing.)

- We also received correspondence from Zachary Wilkins, of the law firm of Smith, Gildea & Schmidt, who Mr. Hamidy engaged after the request was denied by John Beverungen, Administrative Law Judge for Baltimore County and responded to his letter with explanation of our objections. (It should be noted that we requested an updated drawing at that time but none was provided.)

- The addition Mr. Hamidy proposes will increase the size of the house by approximately 1/3. And, based on the only drawing we have been shown, the roof line of the addition will be even with the current roof line, making the addition 2+ stories high, since the basement of the house itself rises approximately 3 feet above ground. The drawing (Exhibit 2) presented by Mr. Schmidt, legal counsel for Mr. Hamidy, confirms this.

- Mr. Schmidt also provided a plat of the properties at 6300, 6302 and 6304 Chesworth Road, (Exhibit 1). Mitchell Kellman of DMW, responded to a question by Mr. Schmidt if the design of the lot at 6302 Chesworth Road is unique in the affirmative. Mrs. Miller disagreed with this statement, stating that the property at 1302 Rolling Road, also shown on the plat, also does not conform to a standard rectangle or square. In fact, if one looks at the entire of Woodbridge Valley, presented by Mr. Schmidt as Exhibit 4, there are numerous oddly shaped lots.

- The property at 6302 Chesworth Road has a significant drop to the back yard at the end of the driveway (See Mr. Schmidt's Exhibits 6G, 6HJ, 6K, 6M). There is a set of steps which leads from the end of the driveway down to the back yard, and by eliminating the steps to accommodate the garage, access to the back yard will be from the basement of the home, by going around the garage and down the hill, or by going around the other side of the house, which has a smaller incline. As proposed, there would be 5 ft. between the exterior wall of the garage and our property line. While this is approximately the same access footage as available now for large lawn equipment, due to the hill, there is no wall to go around. We believe that it will be necessary for such equipment to traverse a portion of our property in order to get to the back yard. Mr. Hamidy has assured us that he will landscape the new addition so that it will look nice, and we appreciate that offer, but that will take up additional space on the side of the

garage and will, therefore, limit the width available for any access by lawn care people or contractors.

- There are no other homes in Woodbridge of the design of Mr. Hamidy's which have such a large two-story addition and we are not aware of any properties which have been granted a zoning variance for such an addition. Mr. Schmidt provided photos of other homes in the Woodbridge Community which have garages. Exhibit 6N shows the home directly across the street from the Miller home at 6304 Chesworth. It should be noted that this home was not built by the original builder in the community and included a garage when built. This home is on a large corner lot. Mr. Schmidt also presented additional photos (Exhibits 6O, 6P, 6Q, 6R, 6S) in an effort to show that other homes in the community have garages. Mrs. Miller noted that in each case the garage was one story – no room above it. It should also be noted that some of the garages were attached while others were free standing.

- Mrs. Miller also questioned Mr. Kellman if he was aware that when the Woodbridge subdivision where 6302 and 6304 Chesworth are located was being sold, buyers chose the model home they desired (there were 4 choices) and that then they were provided with a selection of lots where the home could be built. Garages were an option for some of the models. In other words, the properties were sized to accommodate the style of home. Mr. Kellman was not aware of this.

- Mrs. Miller also provided the Board with photos (Exhibits 1A, 1B, and 1C) showing the street view of 6302 and 6304 Chesworth and responded to questions from the Board regarding the property line by referring them to the telephone/cable poll which sits on the property line at the beginning of both driveways. The photos also show views taken from the driveway of 6304 to try to give the Board the Miller perspective. The position of the dumpster gives a good idea of where the outside wall of the garage would be in relation to the property line, which, in the photo, almost follows the brown vs. green grass.

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also stated that there were no other homes available. However, Mrs. Miller noted that a new community is being constructed a short distance away on Rolling Road and there are other larger homes in Woodbridge periodically for sale.

I believe this summary of testimony on April 18, is accurate. We look forward to receiving further information regarding the Board's decision. As a reminder, Mrs. Miller informed the court that she will undergo hip replacement surgery on May 7 with an undefined recovery time.

Nancy E. Miller — Henry G. Miller — 4/19/2019

Nancy E. Miller — Henry G. Miller — Date


BALTIMORE MD 212
20 APR 2015 PM 5 L
USA
FOREVER
Nancy Miller
6304 Chesworth Road
Catonsville MD 21228
Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson MD 21204
21204-471153

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 1, 2019

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

Re: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

12/7/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter was scheduled for hearing on March 20, 2019 and has been postponed by request of counsel. This matter has been

REASSIGNED FOR: APRIL 18, 2019, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Nasir Hamidy

Protestant : Henry and Nancy Miller

Jeff Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
*Admitted in MD, FL, PA

LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

February 19, 2019

Sent Via Hand Delivery
Ms. Krysundra L. Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: In the Matter of: Nasir Hamidy
6302 Chesworth Road
Case Nos. 2019-098-A

Dear Sunny,

I am in receipt of the Board's Notice of Assignment in connection with the above referenced matter. and understand that this matter has been scheduled for a hearing on March 20, 2019 beginning at 10:00 a.m. Unfortunately, I am scheduled to be a presenter at the Maryland State Bar Land Use Institute program that day in Columbia, Maryland. I have enlisted the assistance of the other attorneys in my office that would normally be available to step up in my absence. As such, we would appreciate this matter being postponed to a later date at the convenience of the Board.

Thank you for your courtesy. I look forward to hearing from you.

Very truly yours,

Lawrence E. Schmidt

LES/amf
cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Henry and Nancy Miller, 6304 Chesworth Road, Catonsville, MD 21228

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 30, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

Re: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

12/7/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

ASSIGNED FOR: **MARCH 20, 2019, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

---

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Nasir Hamidy

Protestant : Henry and Nancy Miller

Jeff Mayhew, Acting Director/Department of Planning
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Mike Mohler, Acting Director/PAI
Office of People's Counsel

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

January 4, 2019

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt
600 Washington Ave, Suite 200
Towson, MD 21204-1301

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for ~~Special Hearing and~~ Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 4, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228
Baltimore County Board of Appeals
People's Counsel for Baltimore County

IN RE: **PETITION FOR VARIANCE** **6302 Chesworth Road**	*	BEFORE THE BOARD OF APPEALS
1st Election District 1st Councilmanic District	*	OF BALTIMORE COUNTY
Nasir Hamidy, *Legal Owner* Appellant	*	**Case No.: 2019-0098-A**
	*	

* *

NOTICE OF APPEAL

The Appellant, Nasir Hamidy, by and through his attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order dated December 7, 2018 in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of **January, 2019,** a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

Henry and Nancy Miller
6304 Chesworth Road
Baltimore, MD 21228

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

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

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

LAWRENCE E. SCHMIDT

IN RE: **PETITION FOR VARIANCE** **6302 Chesworth Road**	*	BEFORE THE
	*	BOARD OF APPEALS
1st Election District 1st Councilmanic District	*	OF
	*	BALTIMORE COUNTY
Nasir Hamidy, *Legal Owner* Appellant	*	**Case No.: 2019-0098-A**
	*	

* *

NOTICE OF APPEAL

The Appellant, Nasir Hamidy, by and through his attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order dated December 7, 2018 in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of **January, 2019,** a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

Henry and Nancy Miller
6304 Chesworth Road
Baltimore, MD 21228

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

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

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

LAWRENCE E. SCHMIDT

DONALD I. MOHLER III
County Executive

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

December 7, 2018

Nasir Hamidy
6302 Chesworth Road
Baltimore. Maryland 21228

RE: Petitions for Special Hearing and Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Hamidy:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln
Enclosure

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228

IN RE: PETITION FOR VARIANCE (6302 Chesworth Road) 1st Election District 1st Council District Nasir Hamidy *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0098-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Nasir Hamidy, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Nasir Hamidy appeared in support of the petition. The adjoining neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county reviewing agencies.

The site is approximately 8,568 square feet in size and zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1970. Petitioner recently purchased the home and would like to construct a 2-story addition with a garage and additional living space for his family. The adjoining neighbors are concerned about the size of the proposed addition and the potential impact it may have upon the value of their home.

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).

The subject property is similar in size and shape to the majority of the other properties in the Woodbridge Valley subdivision. As such I do not believe the property qualifies as "unique" as that term is used in the law. In a contested variance case the petitioner faces an uphill battle. In Maryland, variances must be granted "sparingly" since it is "an authorization for [that] …which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. While the Petitioner's request is reasonable and the proposed addition (as shown on the elevations submitted at the hearing) would be attractive and constructed of quality materials, those are not sufficient reasons to grant a variance. As such the petition must be denied.

THEREFORE, IT IS ORDERED, this 7th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft., be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING
Date 12/7/18
By sln

IN RE: PETITION FOR VARIANCE (6302 Chesworth Road) 1st Election District 1st Council District Nasir Hamidy *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0098-A**

* * * * * * *

OPINION AND ORDER

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(2) If variance relief is denied, Petitioner will experience a practical difficulty

or hardship.

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

The subject property is similar in size and shape to the majority of the other properties in the Woodbridge Valley subdivision. As such I do not believe the property qualifies as "unique" as that term is used in the law. In a contested variance case the petitioner faces an uphill battle. In Maryland, variances must be granted "sparingly" since it is "an authorization for [that] …which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. While the Petitioner's request is reasonable and the proposed addition (as shown on the elevations submitted at the hearing) would be attractive and constructed of quality materials, those are not sufficient reasons to grant a variance. As such the petition must be denied.

THEREFORE, IT IS ORDERED, this 7th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft., be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

DONALD I. MOHLER III
County Executive

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

December 7, 2018

Nasir Hamidy
6302 Chesworth Road
Baltimore. Maryland 21228

RE: Petitions for Special Hearing and Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Hamidy:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln
Enclosure

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228

SMITH, GILDEA & SCHMIDT LLC

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

LAUREN D. BENJAMIN
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN
*Admitted in MD, FL, PA

January 4, 2019

Via Hand Delivery
Michael Mohler, Acting Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 6302 Chesworth Road
Case No. 2019-0098-A

Dear Mr. Mohler,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, Nasir Hamidy, to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of $300.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

Lawrence E. Schmidt

LES/amf
Enclosures
cc: Administrative Law Judge John E. Beverungen
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
Henry and Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228
Nasir Hamidy, 6302 Chesworth Road, Baltimore, MD 21228

SMITH, GILDEA & SCHMIDT LLC

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January 4, 2019

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Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 6302 Chesworth Road
Case No. 2019-0098-A

Dear Mr. Mohler,

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Lawrence E. Schmidt

LES/amf
Enclosures
cc: Administrative Law Judge John E. Beverungen
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
Henry and Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228
Nasir Hamidy, 6302 Chesworth Road, Baltimore, MD 21228

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

No. 174809

Date: 1/4/19

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300.00

Total: 300.00

Rec From: Jerry Schmidt, Esq

For: Office of Administrative Hearings (CD OR APPEAL)

CASE NO. 19-0098-A

ADDRESS OR PROJECT: 6302 Chesworth Rd

HEARING DATE(S): 12-4-18

CHECK # 3353

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

PLEASE PRESS HARD!!!!

PAID RECEIPT
BUSINESS ACTUAL TIME
1/07/2019 1/04/2019 10:46:37
REG WS03 WALKIN CAM
>>RECEIPT # 803000 1/04/2019
Dept 5 526 ZONING VERIFICATION
CR NO. 174809
Recpt Tot $ 300.00
300.00 CK .00
Baltimore County, Maryland

CASHIER'S VALIDATION

IN RE: **PETITION FOR VARIANCE** **6302 Chesworth Road**	*	BEFORE THE BOARD OF APPEALS
1st Election District 1st Councilmanic District	*	OF BALTIMORE COUNTY
Nasir Hamidy, *Legal Owner* Appellant	*	**Case No.: 2019-0098-A**
	*	

* *

NOTICE OF APPEAL

The Appellant, Nasir Hamidy, by and through his attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order dated December 7, 2018 in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of **January, 2019,** a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

Henry and Nancy Miller
6304 Chesworth Road
Baltimore, MD 21228

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

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

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

LAWRENCE E. SCHMIDT

IN RE: PETITION FOR VARIANCE (6302 Chesworth Road) 1st Election District 1st Council District Nasir Hamidy *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0098-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Nasir Hamidy, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Nasir Hamidy appeared in support of the petition. The adjoining neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county reviewing agencies.

The site is approximately 8,568 square feet in size and zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1970. Petitioner recently purchased the home and would like to construct a 2-story addition with a garage and additional living space for his family. The adjoining neighbors are concerned about the size of the proposed addition and the potential impact it may have upon the value of their home.

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or hardship.

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The subject property is similar in size and shape to the majority of the other properties in the Woodbridge Valley subdivision. As such I do not believe the property qualifies as "unique" as that term is used in the law. In a contested variance case the petitioner faces an uphill battle. In Maryland, variances must be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. While the Petitioner's request is reasonable and the proposed addition (as shown on the elevations submitted at the hearing) would be attractive and constructed of quality materials, those are not sufficient reasons to grant a variance. As such the petition must be denied.

THEREFORE, IT IS ORDERED, this 7th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft., be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING
Date 12/7/18
By SLO

DONALD I. MOHLER III
County Executive

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

December 7, 2018

Nasir Hamidy
6302 Chesworth Road
Baltimore. Maryland 21228

RE: Petitions for Special Hearing and Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Hamidy:

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In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln
Enclosure

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
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*Admitted in MD, FL, PA

January 4, 2019

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Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 6302 Chesworth Road
Case No. 2019-0098-A

Dear Mr. Mohler,

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Very truly yours,

Lawrence E. Schmidt

LES/amf
Enclosures
cc: Administrative Law Judge John E. Beverungen
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
Henry and Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228
Nasir Hamidy, 6302 Chesworth Road, Baltimore, MD 21228

IN RE: **PETITION FOR VARIANCE** **6302 Chesworth Road**	*	BEFORE THE
	*	BOARD OF APPEALS
1st Election District 1st Councilmanic District	*	OF
	*	BALTIMORE COUNTY
Nasir Hamidy, *Legal Owner* Appellant	*	**Case No.: 2019-0098-A**
	*	

* *

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Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

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Henry and Nancy Miller
6304 Chesworth Road
Baltimore, MD 21228

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
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John E. Beverungen, Esquire
Administrative Law Judge
for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

LAWRENCE E. SCHMIDT

IN RE: PETITION FOR VARIANCE (6302 Chesworth Road) 1st Election District 1st Council District Nasir Hamidy *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0098-A**

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JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING
Date 12/7/18
By SLN

Debra Wiley

From: Administrative Hearings
Sent: Friday, December 14, 2018 8:41 AM
To: hamza786h@gmail.com
Subject: Opinion and Order for Case No. 2019-0098-A (6302 Chesworth Rd.)
Attachments: 20181214083805055.pdf

Good Morning,

Per your request, please find attached a copy of the cover letter and Order in reference to the above.

-----Original Message-----
From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Friday, December 14, 2018 8:38 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 12.14.2018 08:38:04 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

DONALD I. MOHLER III
County Executive

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

December 7, 2018

Nasir Hamidy
6302 Chesworth Road
Baltimore. Maryland 21228

RE: Petitions for Special Hearing and Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Hamidy:

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Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln
Enclosure

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228

IN RE: PETITION FOR VARIANCE (6302 Chesworth Road) 1st Election District 1st Council District Nasir Hamidy *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0098-A**

* * * * * * *

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JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

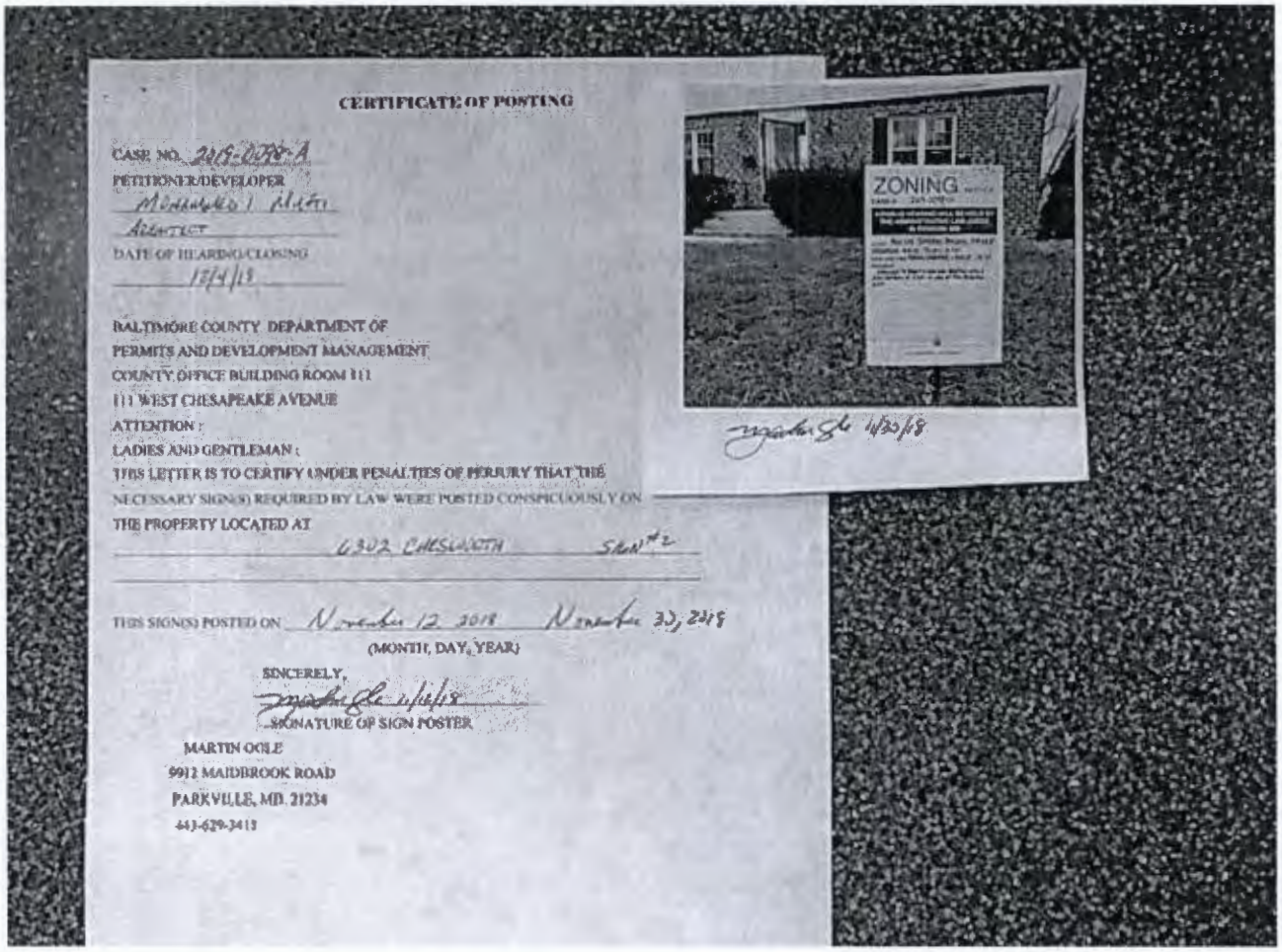
JEB/sln

ORDER RECEIVED FOR FILING
Date 12/7/18
By sln

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Monday, December 03, 2018 1:39 PM
To: Administrative Hearings
Subject: 6302 Chesworth

2nd set of certificates



CERTIFICATE OF POSTING

CASE NO. 2019-0078-A

PETITIONER/DEVELOPER

ARCHITECT

DATE OF HEARING/CLOSING

12/4/18

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

ATTENTION:

LADIES AND GENTLEMAN:

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

6302 CHESWORTH SIGN #2

THIS SIGN(S) POSTED ON November 12 2018 November 23, 2018
(MONTH, DAY, YEAR)

SINCERELY,

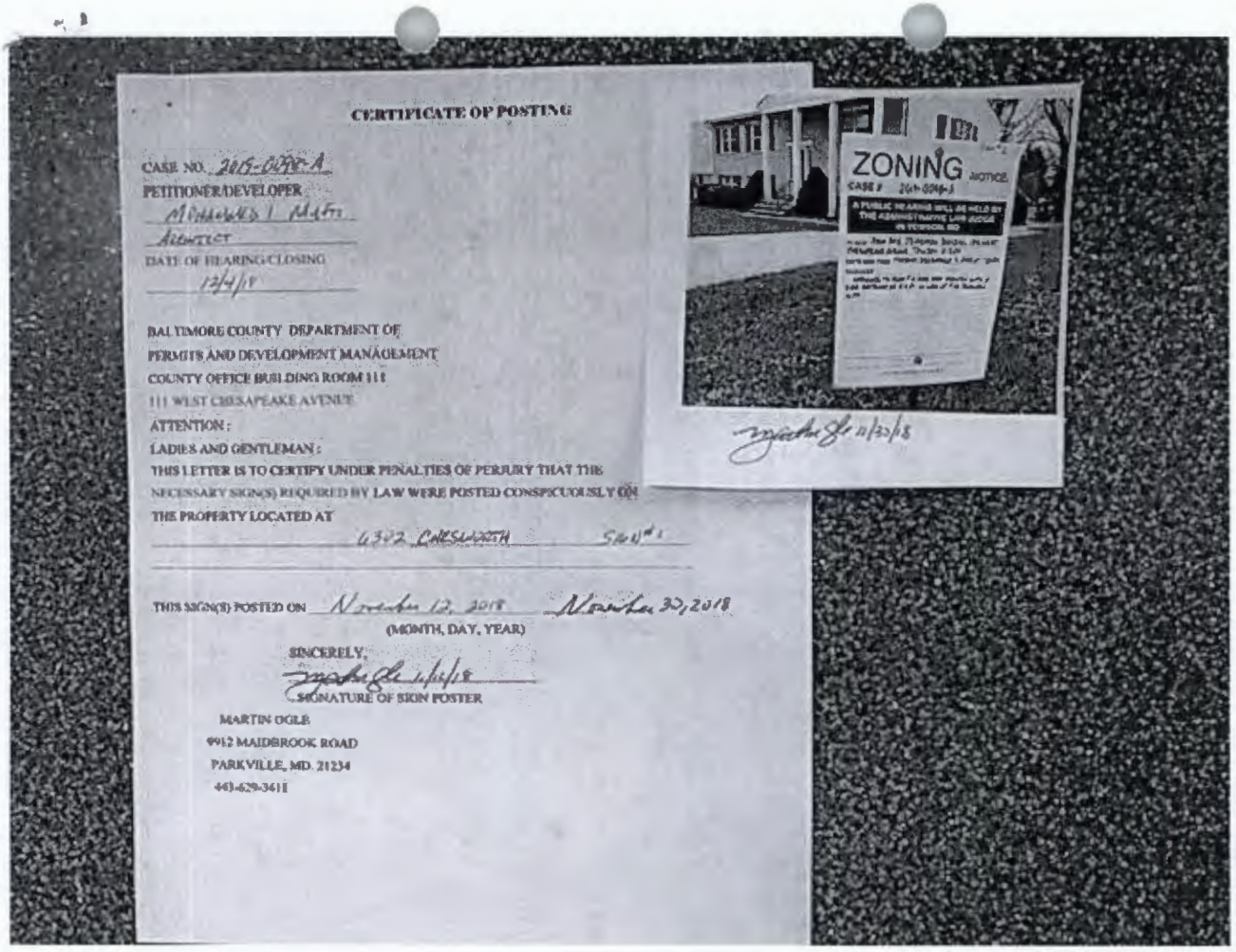
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3413

ZONING

11/23/18

RECEIVED
DEC 04 2018
OFFICE OF
ADMINISTRATIVE HEARINGS



CERTIFICATE OF POSTING

CASE NO. 2019-0092-A

PETITIONER/DEVELOPER

MATTHEWS / MARTIN

ARCHITECT

DATE OF HEARING/CLOSING

12/4/18

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

ATTENTION:

LADIES AND GENTLEMAN:

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

4302 CARSLAWTH SOUTH

THIS SIGN(S) POSTED ON November 12, 2018 November 30, 2018
(MONTH, DAY, YEAR)

SINCERELY,

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING NOTICE

CASE # 2019-0092-A

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD

11/30/18

Sent from my iPhone

RECEIVED

DEC 0 4 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

ZAC Comments

:R III

November 28, 2018

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

Nasir Hamidy
4705 Widdup Ct.
Ellicott City, MD 21043

Mr. Hamidy:

RE: Case Number: 2019-0098A, Address: 6302 Chesworth Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 27, 2018. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Mohammed Mufti 12440 Frederick Rd. West Friendship, MD 21794

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: October 16, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 8, 2018
Item No. 2019-0080-A, 0088-A, 0089-A, 0090-A, 0092-SPH, 0093-A, 0094-SPHXA, 0095-A, 0096-A, 0097-A and 0098-A

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

* * * * *

VKD: cen
cc: file

10-22

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: October 10, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0098-A
Address 6302 Chesworth Road
(Hamidy Property)

Zoning Advisory Committee Meeting of **October 8, 2018**.

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

Reviewer: Steve Ford

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 19-0098-A 6302 Chesworth Road.doc

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 10/1/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0098-A
Administrative Variance
Nasir Hamidy
6302 Chesworth 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

TO: THE DAILY RECORD
Wednesday, November 14, 2018 - Issue

Please forward billing to:
Mohammed Mufti 443-604-3127
12440 Frederick Road
West Friendship, MD 21794

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: 2019-0098-A
6302 Chesworth Road
NE/s of Chesworth Road, 110 ft. se of the centerline of the intersection with W. North Rolling Road
1st Election District – 1st Councilmanic District
Legal Owners: Nasir Hamidy

Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Hearing: Tuesday, December 4, 2018 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.

CERTIFICATE OF POSTING

CASE NO. 2019-0098-A

PETITIONER/DEVELOPER

MOHAMMED I. MUFTI

ARCHITECT

DATE OF HEARING/CLOSING

12/4/18

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

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

6302 CHESWORTH SIGN #1

THIS SIGN(S) POSTED ON November 12, 2018

(MONTH, DAY, YEAR)

SINCERELY,

11/12/18

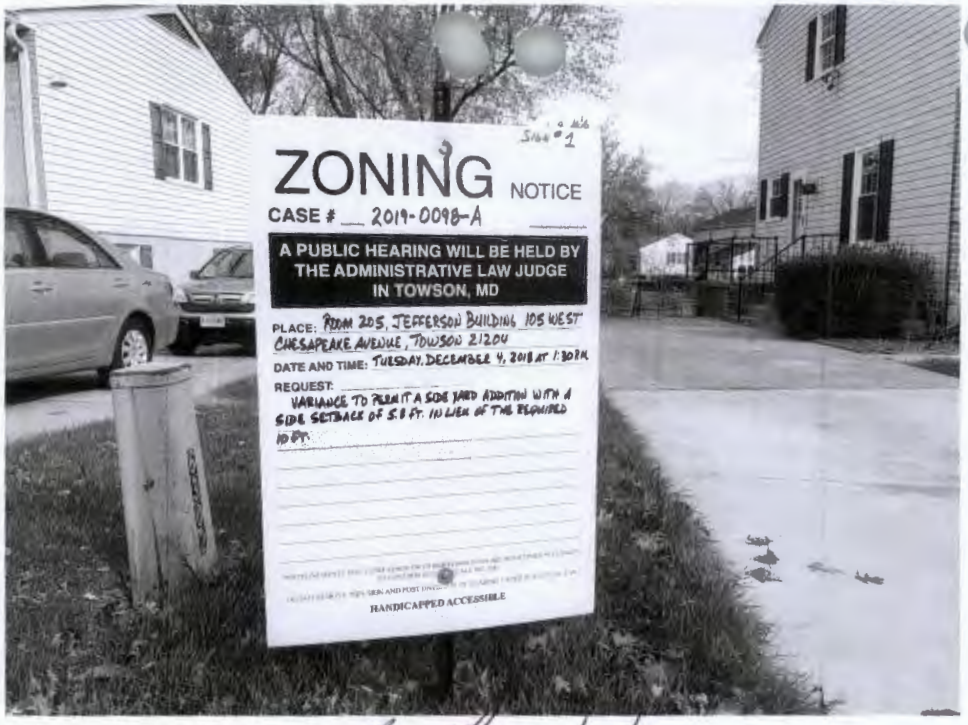
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411



Yvette Ste 11/12/18

CERTIFICATE OF POSTING

CASE NO. 2019-0098-A

PETITIONER/DEVELOPER

MOHAMMED I. MUFTI

ARCHITECT

DATE OF HEARING/CLOSING

12/4/18

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

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

6302 CHESWORTH SIGN #2

THIS SIGN(S) POSTED ON November 12, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 11/12/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

DONALD I. MOHLER III
County Executive

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

October 25, 2018

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: 2019-0098-A
6302 Chesworth Road
NE/s of Chesworth Road, 110 ft. se of the centerline of the intersection with W. North Rolling Road
1st Election District – 1st Councilmanic District
Legal Owners: Nasir Hamidy

Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

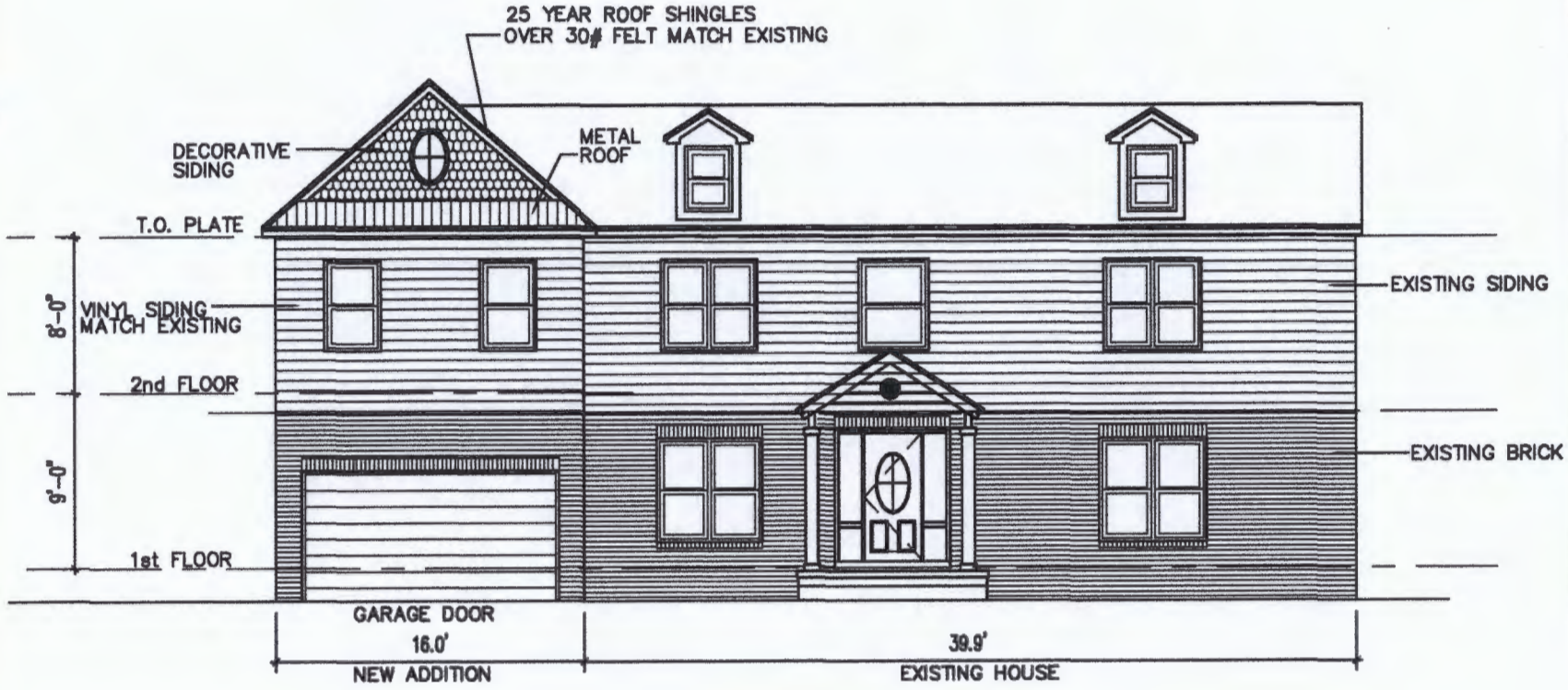
Hearing: Tuesday, December 4, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Nasir Hamidy, 6302 Chesworth Road, Catonsville 21228
Mohammed Mufti, 12440 Frederick Road, West Friendship 21794
Mr. & Mrs. Miller, 6304 Chesworth Road, Catonsville 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 14, 2018.**
(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.



FRONT ELEVATION

SCALE: 1"=8'

DATE: 10/24/18

SHEET NO: A-1

6302 CHESWORTH ROAD

TITLE: PROPOSED ADDITION

FORMAL DEMAND FOR HEARING

CASE NUMBER: 2019-0098-A

Address: 6302 Chesworth Rd.

Petitioner(s): Nasir Hamidy

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Henry & Nancy Miller
Name - Type or Print

(✓) Legal Owner OR ( ) Resident of

6304 Chesworth Rd.
Address

Baltimore MD 21228
City State Zip Code

410-744-9329
Telephone Number

which is located approximately 20 feet from the property, which is the subject of the above petition, ***do hereby formally demand that a public hearing be set in this matter.***

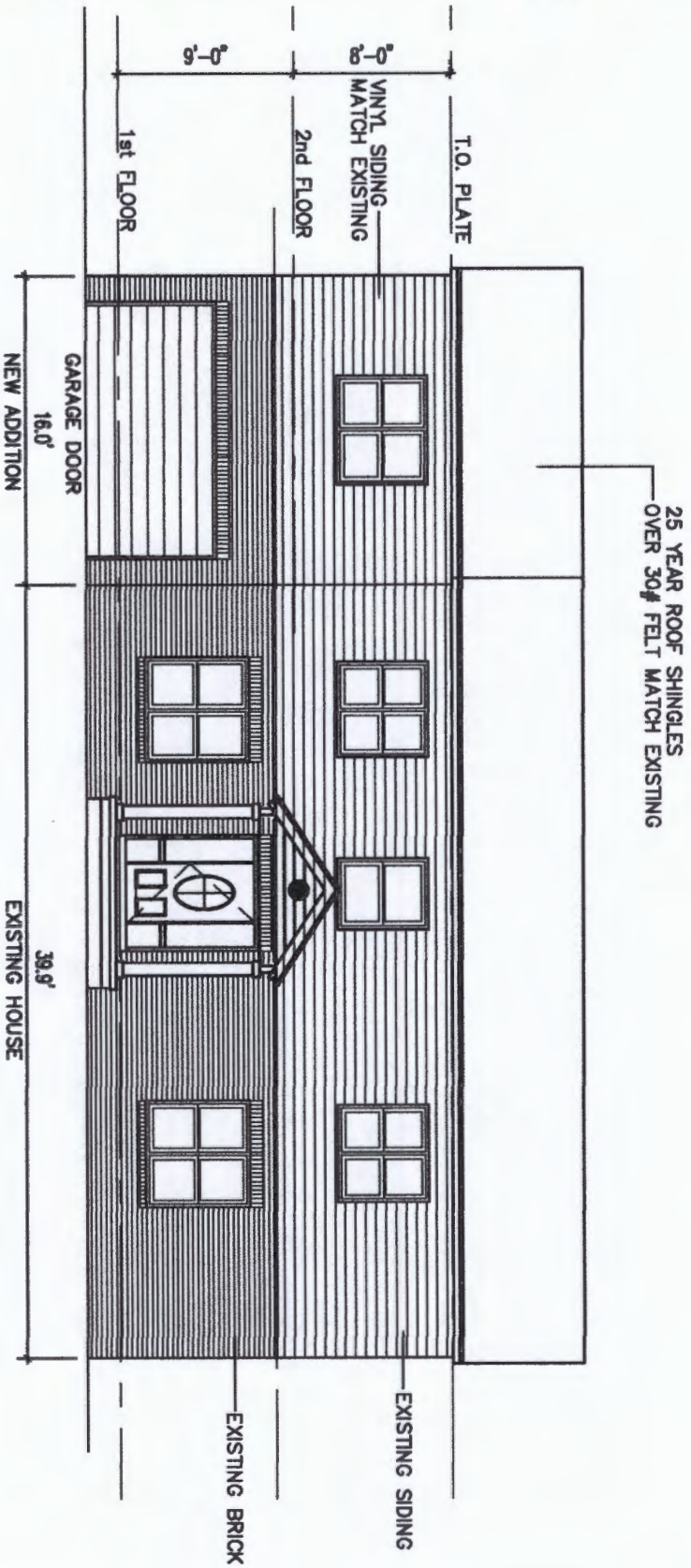
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Nancy Miller 10/22/2018
Signature Date

Henry Miller 10/22/2018
Signature Date

Revised 9/18/98 - wcr/scj

FRONT ELEVATION



6302 CHESWORTH ROAD	SCALE: 1"=8'
TITLE: PROPOSED ADDITION	DATE: 10/16/18
	SHEET NO: A-1

CERTIFICATE OF POSTING

CASE NO. 2019-0098-A

PETITIONER/DEVELOPER

HAMIDY

DATE OF HEARING/CLOSING

10/22/18

admin var.

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

LADIES AND GENTLEMAN :

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

6302 CHESWORTH ROAD

SIGN #1

THIS SIGN(S) POSTED ON October, 6 2018

(MONTH, DAY, YEAR)

SINCERELY,

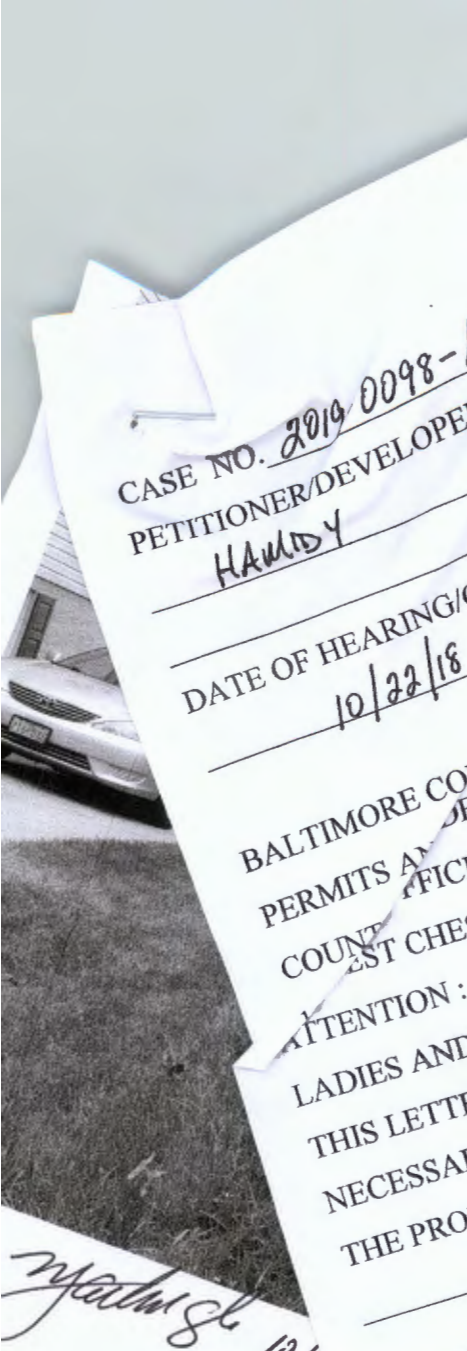
10/6/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411


Sign #1
ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE# 2019-0098-A
TO PERMIT A SIDE YARD ADDITION WITH A SIDE SETBACK OF 5.6 FEET IN LIEU OF THE REQUIRED 10 FEET
PUBLIC HEARING ?
PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON MONDAY, OCTOBER 22, 2018
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
TEL. 410-887-3391
MEETING IS HANDICAP ACCESSIBLE

10/6/18



CERTIFICATE OF POSTING

CASE NO. 2019-0098-A

PETITIONER/DEVELOPER

HAMIDY

DATE OF HEARING/CLOSING

10/22/18

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

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT 6302 CHESWORTH ROAD SIGN # 2

THIS SIGN(S) POSTED ON October, 6 2018
(MONTH, DAY, YEAR)

SINCERELY,

10/6/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2019-0088-A

PETITIONER/DEVELOPER

HANDY

DATE OF HEARING/CLOSING

10/22/18

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

LADIES AND GENTLEMAN:

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

6302 CHESWORTH ROAD

SIGN # 1

THIS SIGN(S) POSTED ON October 6 2018 October 21, 2018
(MONTH, DAY, YEAR)

SINCERELY,

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9812 MARBRIDGE ROAD
PARKVILLE, MD 21234
443-629-3413

10/21/18

RECEIVED
OCT 22 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

CASE NO. 2019-0033-A

PETITIONER(S): HEARING

DATE OF HEARING/CLOSING: 10/22/18

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

LADIES AND GENTLEMAN:

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

6302 CHESWORTH ROAD

THIS SIGN(S) POSTED ON October 6 2018 October 21, 2018
(MONTH, DAY, YEAR)

SINCERELY,

11/6/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3431

RECEIVED
OCT 22 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

0098 (AV) 10-22

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Sunday, October 21, 2018 4:34 PM
To: Administrative Hearings
Subject: 6302 Chesworth
Attachments: IMG_0916.jpg; ATT00001.txt; IMG_0917.jpg; ATT00002.txt

2nd set of certificates

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

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

Address 6302 CHESWORTH ROAD **Currently zoned** DR 3.5
Deed Reference 40314 / 00024 10 Digit Tax Account # 0107410548
Owner(s) Printed Name(s) NASIR HAMIDY

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ✓ **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR: 1B01.2.C.1.b → To permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ___ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (*indicate type of work in this space: i.e., to raze, alter or construct addition to building*)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

ORDER RECEIVED FOR FILING
Date 12/7/18
By ASD

Owner(s)/Petitioner(s):

Nasir Hamidy
Name #1 – Type or Print

Name # 2 – Type or Print

Signature #1

Signature # 2

6302 CHESWORTH RD. CATONSVILLE, MD
Mailing Address City State

21228 / 443-803-2822 / HAMZA786@gmail.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

MOHAMMED MUFTI
Name – Type or Print

Signature

12440 FREDERICK RD. W.FRIENDSHP, MD
Mailing Address City State

21794 / 443-604-3127 / brmufti@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0098-A **Filing Date** 9/27/18 **Estimated Posting Date** 10/7/18 **Reviewer** JS

Rev 5/5/2016

ZONING PETITION PROPERTY DESCRIPTION

PART A

Zoning Property Description for 6302 Chesworth Road, Baltimore, MD 21228.
Beginning at a point on the North side of Chesworth Road which is 88 Feet wide at a distance of 110 feet Southeast of the centerline of the nearest improved intersecting street N. Rolling Road which is 70 feet wide.

PART B

Being Lot #(26), Block (E), Section #(1) in the subdivision of Woodbridge Valley in Baltimore County Plat Book #(33), Folio #(105), containing 8,560 Sq. Ft. Located in the (1st) Election District and (1st) Council District.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: NONE

Account Identifier: **District - 01 Account Number -** 0107410548

Owner Information

Owner Name:	HAMIDY NASIR	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	6302 CHESWORTH RD CATONSVILLE MD 21228-2608	**Deed Reference:**	/40675/ 00145

Location & Structure Information

Premises Address:	6302 CHESWORTH RD CATONSVILLE 21228-2608	**Legal Description:**	6302 CHESWORTH RD WOODBRIDGE VALLEY

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0094	0018	0298		0000	1	E	26	2019	3	0033/ 0111

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1970	1,976 SF	600 SF	8,568 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	75,000	75,000		
Improvements	186,200	188,200		
Total:	263,200	263,200	263,200	
Preferential Land:	0			

Transfer Information

Seller: DEUTSCHE BANK NATIONAL TRUST COMPANY TRUSTEE	**Date:** 09/18/2018	**Price:** $315,525
Type: NON-ARMS LENGTH OTHER	**Deed1:** /40675/ 00145	**Deed2:**
Seller: CAMONAYAN FERDIE	**Date:** 06/04/2018	**Price:** $281,900
Type: NON-ARMS LENGTH OTHER	**Deed1:** /40314/ 00024	**Deed2:**
Seller: STEPANIAN SARA B	**Date:** 01/26/2005	**Price:** $305,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /21325/ 00542	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2016	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**


0107410532
0107410533
Lot # 12
0107410534
MONROE FIELD CT
10
0107410535
Lot # 13
Pt. Bk. 0000034, Folio 0026
Lot # 33
1600001092
Pt. Bk./Folio # 034026A
1310
0107410554
Lot # 32
11
0107410536
Lot # 14
1308
0107410553
Lot # 31
Lot # 18
0107410540
3
0107410539
Lot # 17
9
7
1306
0107410552
Lot # 30
0107410538
Lot # 16
0107410537
Lot # 15
21
Lot #
0107410543
0107410544
Lot # 22
0107410551
Lot # 29
1600002684
Lot # 23
Pt. Bk. 0000034, Folio 0093
Pt. Bk./Folio # 034093
1600002685
1302
Lot # 28
0107410550
PAI # 010133
24
Lot #
0107410547
25
Lot #
0107410548
26
Lot #
Lot # 27
0107410549
Pt. Bk./Folio # 033111
DR 3.5
094C3
1 CD 1 ED
R-1963-0144
R-1967-0051
SW 1-G
6307
0107410566
Lot # 11
CHESWORTH RD
CEDAR BLUFF CT
Lot # 5
17000117676303
Pt. Bk. 0000041, Folio 0003
0107410565
3
Lot # 4
0107410559
1228
Lot # 6
1700012858
Pt. Bk./Folio # 041003
1226
Lot # 3
0107410558
5
0107410562
Lot # 7
Lot # 8
0107410563
1224
Lot # 2
0107410557
Lot # 1
0107410556
Pt. Bk. 0000033, Folio 0111
1222
DR 2
Pt. Bk./Folio # 021074
PAI # 010072
Pt. Bk. 0000028, Folio 0040
N ROLLING RD
0114100620
Lot # 1
2400009402
1315
PAI # 010502
Pt. Bk./Folio # MP00025
PAI # 010502
2400009404
Lot # 3
2400009403
1311
0104350030
Pt. Bk./Folio # 051051
PAI # 010238
1985-0078-X
Lot # 11
1900012189
Pt. Bk. 0000051, Folio 0051
PAI # 010238
DR 5.5
0121450170
Lot # 29
Lot # 1
2001-0314-A
0119512080
PAI # 010357
Pt. Bk. 0000026, Folio 0033
PAI # 010584
Pt. Bk./Folio # 026033
1228
0102653130
Lot # 28
Lot # 27
0119640031
Lot # 2
0123502940

Board of Appeals

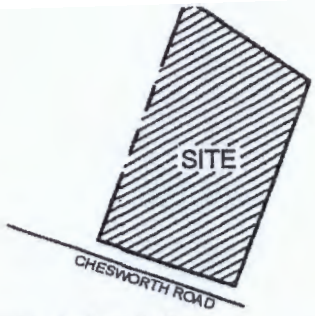
Case No: 19-098-A Case Name: Nasir Hamidy

Exhibit List

Party: Petitioner - Hamidy Date: 4/18/19

Exhibit No:	Description:
1	House addition plan for 6302 Chesworth Rd.
2	Proposed addition - Front elevation 10/29/18
3	CV of Mitchell Kellman
4	Plat (S1, Plat8) Woodbridge Valley 5/20/69
5A-5D	Balto. Co. - My Neighborhood maps
6A-6S	Pictures of houses in Woodbridge Valley
	VERIFIED BY KC DATE: 4/25/19

CBA Exhibit 1



Vicinity Map

ZONING HEARING PLAN FOR VARIANCE X SPECIAL HEARING ___

ADDRESS 6302 CHESWORTH RD. CATONSVILLE MD 21228 OWNER NAME(S) NASIR HAMIDY

SUBDIVISION NAME WOODBRIDGE VALLEY LOT# 26 BLOCK# E SECTION# 1

PLAT BOOK# 33 FOLIO# ~~0105~~ 111 10 DIGIT TAX# 0107410548 DEED REF.# ~~40314/00024~~ 40675/00145

SCALE: 1" = 40'

DATE: 6/15/18

SHEET NO: C-1

ADC Map D-12A
Tax Map 0094

House Addition w/ 5.8' setback

~~ZONING MAP#~~ ~~09 & B2~~

SITE ZONED DR3.5

ELECTION DISTRICT 1ST

COUNCIL DISTRICT 1ST

LOT AREA ACREAGE

OR SQUARE FEET 8,560 SF

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES?

WATER IS: PUBLIC

PUBLIC Y PRIVATE

SEWER IS: PUBLIC

PUBLIC Y PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

NO

VIOLATION CASE NO

6302 Chesworth Road
Catonsville, MD 21228

TITLE: House Addition

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, MD 21207
Phone: 443-604-3127

Petitioner
CBA Exhibit
3

DMW

MITCHELL J. KELLMAN

VICE PRESIDENT | DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning
Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 30 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 15 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel, which formulates design recommendations to the Planning staff and Administrative Law Judges, and the Landmarks Preservation Commission.

Partial List of Projects

Delight Quarry, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Charlestown Retirement Community, Baltimore County, MD
Goucher College, Baltimore County, MD
Greenspring Quarry, Baltimore County, MD
Loveton Business Center, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Sparks Corporate Center, Baltimore County, MD
Towson Town Center, Baltimore County, MD

Memberships and Associations

Baltimore County Landmarks Commission, 2014, 2015, 2016, 2017, 2018, 2019
Baltimore County Design Review Panel, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
Greater Towson Committee, Planning & Development Sub-Committee, 2012, 2013, 2014, 2015, 2016, 2017, 2018
Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014, 2015
Greater Towson Committee Board of Directors - Secretary, 2014, 2015, 2016, 2017, 2018, 2019
Leadership Baltimore County, 2013
Leadership Baltimore County, Class Interviewer, Member, 2015

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present
Baltimore County Zoning Review Office, Towson, MD: 1985-2000

Petitioner
CBA Exhibit
6A

Petitioner
CBA Exhibit
6B


Petitioner
CBA Exhibit
6C

Petitioner
CBA Exhibit

6D


Petitioner
CBA Exhibit
6E


Petitioner
CBA Exhibit
6F

Petitioner
CBA Exhibit
6 6

Petitioner
CBA Exhibit
64

Petitioner
CBA Exhibit
6 I


54-NEXT
MPSTERS.COM
Petitioner
CBA Exhibit
6J

Petitioner
CBA Exhibit
6K

Petitioner
CBA Exhibit
6

Petitioner
CBA Exhibit
6M

Petitioner
CBA Exhibit
6 N

Petitioner
CBA Exhibit
60

Petitioner
CBA Exhibit
6 P


Petitioner
CBA Exhibit
6Q

Petitioner
CBA Exhibit
6K

Petitioner
CBA Exhibit
45

Vicinity Map

ZONING HEARING PLAN FOR VARIANCE X SPECIAL HEARING ___

ADDRESS 6302 CHESWORTH RD. CATONSVILLE MD 21228 OWNER NAME(S) NASIR HAMIDY

SUBDIVISION NAME WOODBRIDGE VALLEY LOT# 26 BLOCK# E SECTION# 1

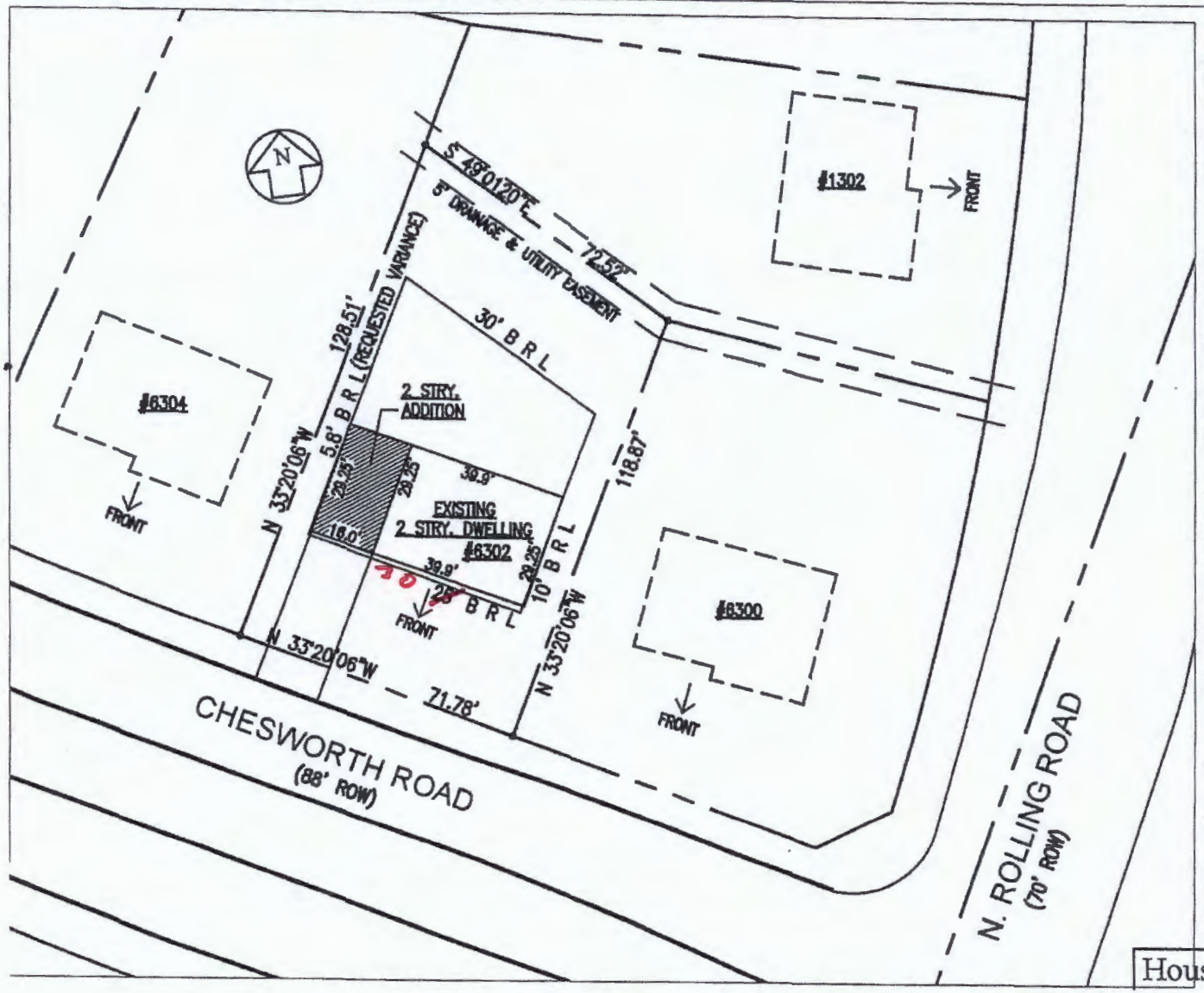
PLAT BOOK# 33 FOLIO# ~~0105~~ 111 10 DIGIT TAX# 0107410548 DEED REF.# ~~40314/00024~~ 40675/00145

SCALE: 1" = 40'

DATE: 6/15/18

SHEET NO: C-1

ADC Map D-12A
Tax Map 0094



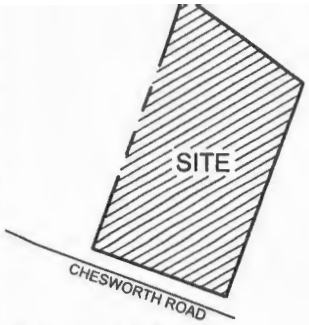
House Addition w/ 5.8' setback

~~ZONING MAP#~~	~~09 & B2~~
SITE ZONED	DR3.5
ELECTION DISTRICT	1ST
COUNCIL DISTRICT	1ST
LOT AREA ACREAGE OR SQUARE FEET	8,560 SF
HISTORIC?	NO
IN CBCA?	NO
IN FLOOD PLAIN?	NO
UTILITIES?	
WATER IS:	PUBLIC
PUBLIC Y PRIVATE	
SEWER IS:	PUBLIC
PUBLIC Y PRIVATE	
PRIOR HEARING?	NO
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW	
	NO
VIOLATION CASE	NO

6302 Chesworth Road
Catonsville, MD 21228

TITLE: House Addition

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, MD 21207
Phone: 443-604-3127



Vicinity Map

ZONING HEARING PLAN FOR VARIANCE X SPECIAL HEARING ___

ADDRESS 6302 CHESWORTH RD. CATONSVILLE MD 21228 OWNER NAME(S) ~~SYED HABEEB ASHRUF~~ NASIR HANDOY. ~~ANEESA ASHRUF~~

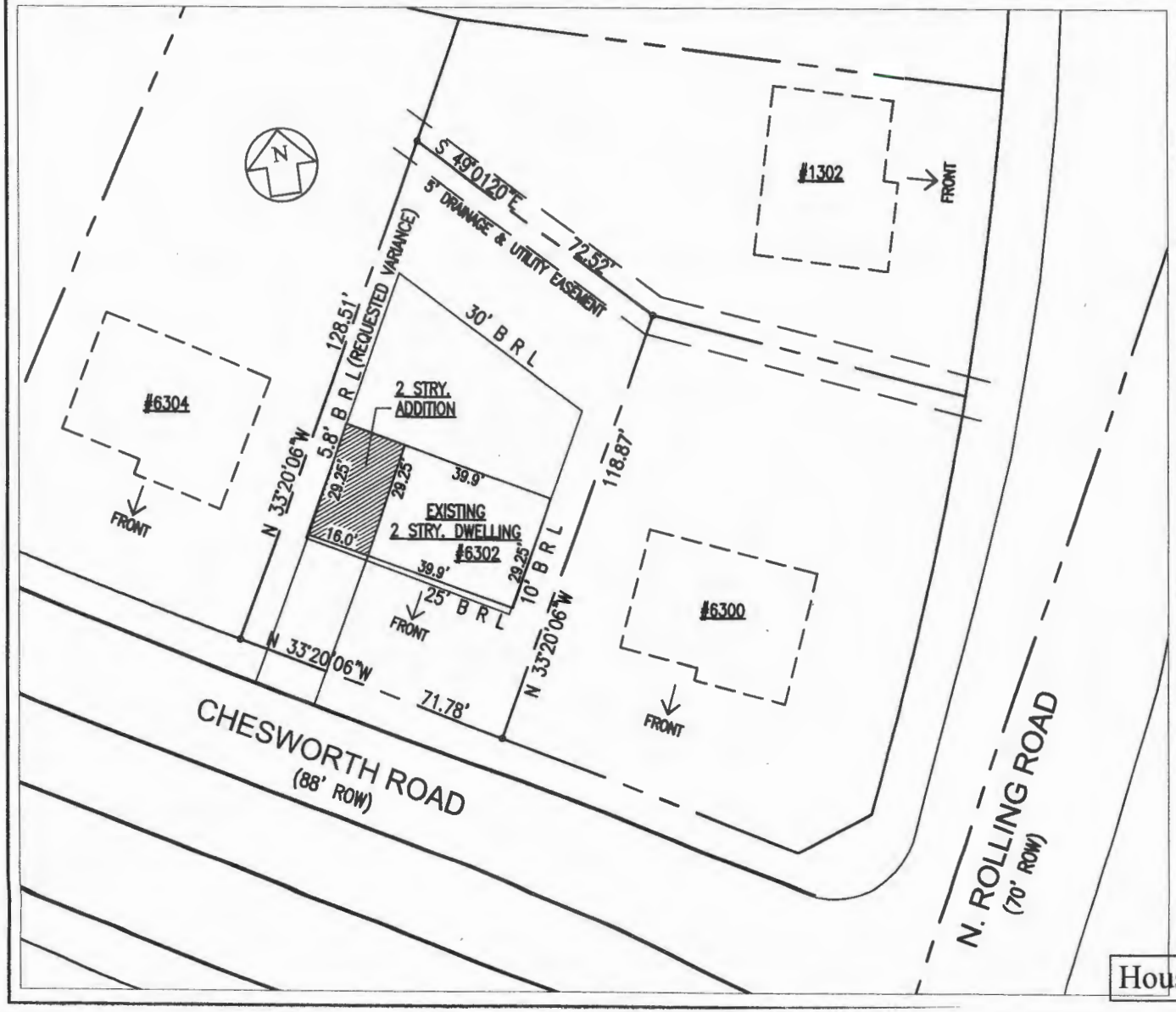
SUBDIVISION NAME WOODBRIDGE VALLEY LOT# 26 BLOCK# E SECTION# 1

PLAT BOOK# 33 FOLIO# 0105 10 DIGIT TAX# 0107410548 DEED REF.# 40314/00024

SCALE: 1" = 40'

DATE: 6/15/18

SHEET NO: C-1



ZONING MAP# 09 & B2

SITE ZONED DR3.5

ELECTION DISTRICT 1ST

COUNCIL DISTRICT 1ST

LOT AREA ACREAGE

OR SQUARE FEET 8,560 SF

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES?

WATER IS: PUBLIC

PUBLIC Y PRIVATE

SEWER IS: PUBLIC

PUBLIC Y PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

NO

VIOLATION CASE NO

House Addition w/ 5.8' setback

6302 Chesworth Road
Catonsville, MD 21228

TITLE: House Addition

Pet. #1

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, MD 21207
Phone: 443-604-3127

Google Maps 6302 Chesworth Rd

Image capture: Aug 2012 © 2018 Google

Catonsville, Maryland

Google, Inc.

Street View - Aug 2012

Dearbr

Board of Appeals

Case No: 19-098-A Case Name: Nasir Hamidy

Exhibit List

Party: Protestant - Miller Date: 4/18/19

Exhibit No:	Description:
✓ 1A-1C	Miller's pictures of adjacent properties
	VERIFIED BY KC DATE: 4/25/19

Google Maps 6302 Chesworth Rd

Image capture: Aug 2012 © 2019 Google

Catonsville, Maryland

Google

Street View - Aug 2012

Protestant
CBA Exhibit
1A

Protestant
CBA Exhibit
1B

Protestant
CBA Exhibit
1C

APPEAL

Petition for Variance
(6302 Chesworth Road)
1st Election District – 1st Councilmanic District
Legal Owner: Nasir Hamidy
Case No. 2019-0098-A

Petition for Variance (September 27, 2018)

Zoning Description of Property

Notice of Zoning Hearing (October 25, 2018)

Certificate of Publication (November 14, 2018)

Certificate of Posting for Hearing & Administrative Variance (October 6, 2018 & November 12, 2018) by Martin Ogle

Entry of Appearance by People's Counsel (None)

Petitioner(s) Sign-in Sheet – None
Citizen(s) Sign-in Sheet – None

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -
1. Site Plan

Protestants' Exhibits – None

Miscellaneous

Administrative Law Judge Order and Letter (DENIED December 7, 2018)

Notice of Appeal –Lawrence E. Schmidt, Esq on January 4, 2019

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 1, 2019

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: In the Matter of: *Nasir Hamidy*
Case No.: 19-098-A

Dear Mr. Schmidt:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Nasir Hamidy
Henry and Nancy Miller
Office of People's Counsel
Paul Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF NASIR HAMIDY – LEGAL OWNERS AND PETITIONERS FOR VARIANCE ON THE PROPERTY LOCATED AT 6302 CHESWORTH ROAD	*	BEFORE THE BOARD OF APPEALS OF
1st ELECTION DISTRICT 1st COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	Case Nos. 19-098-A

* * * * * * * * * * * * *

OPINION

This matter comes before the Board of Appeals of Baltimore County as a *de novo* appeal of the Opinion and Order of the Administrative Law Judge, John E. Beverungen, dated December 7, 2018 denying the requested Variance relief. The Petition for Variance was filed by Petitioner, Nasir Hamidy, the legal owner of the subject property. This Petition seeks Variance Relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft. At the April 18, 2019 hearing before this Board, the Petitioners amended their request without objection to also include a variance for a sum of side yard setbacks of 15.9 feet in lieu of the required 25 ft.

A hearing was held before this board on April 18, 2019 and was publicly deliberated on July 16, 2019. A site plan was included as evidence before the Board and marked as Exhibit 1. Nasir Hamidy and Professional planner and zoning expert Mitch Kellman testified on behalf of the Petitioners. Lawrence E. Schmidt, of Smith, Gildea & Schmidt, LLC, appeared on behalf of the Petitioner. Neighbors, Henry and Nancy Miller appeared, pro se as Protestants in opposition of the proposed Variance Relief.

FACTS/BACKGROUND

The site in question is approximately 8,568 square feet in size and zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1970. The Petitioner purchased the home in 2018 and desires to construct a 2-story addition with a garage and additional living space for his family. As was described by the Petitioner, the proposed addition would constitute a 2-story 18' x 29.25' addition to the existing dwelling. This addition would allow for a garage (which presently does not exist on the Property) and additional living area on the second floor. Petitioner provided Baltimore County ZAC comments, reflecting that the Department of Planning does not oppose the Petitioner's variance request.

Petitioner provided the testimony of Professional planner and zoning expert, Mitch Kellman who testified in support of the Petition. Mr. Kellman described the neighborhood and the Property layout, including the current improvements on the Property. He offered his expert opinion that the Petition satisfied the criteria for variance relief in BCZR §307.1, opining that the Petitioner's property was unique due to its size and shape, and the fact that steep slopes exist in the rear of the property. He further opined that not being able to construct the addition would create practical difficulty, in that Mr. Hamidy would not have sufficient living space for his family. Both Mr. Kellman and Mr. Hamidy noted that many houses in the neighborhood already had similar garages as the one proposed. (See Petitioner's Ex. 6A to 6S).

The Protestants, who live in the adjacent property are concerned with the size of the proposed addition and the potential impact it may have on their home. The Millers have lived in the home adjacent to the property at issue since 1971. The homes are located in the Woodbridge Valley subdivision. Mrs. Miller disagreed with Mr. Kellman's assessment that the Petitioner's property is unique. Mrs. Miller testified that through her own observations that there are many

oddly shaped lots in the Woodbridge Valley subdivision. (See Protestant's Ex. 4). Mrs. Miller also testified that she believed that the size of the addition would decrease the Petitioner's side yard to a point which the Petitioner would be forced to use the Protestants property to navigate lawn equipment from the front to the back of the property. Finally, Mrs. Miller testified that they purchased their home when the Woodbridge Valley subdivision was originally created, and buyers had a choice of different size lots, some with garages and some without. The Millers believe that the Petitioner's property was never meant to have a garage or addition on its smaller lot.

DISCUSSION/ANALYSIS

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 and peculiarity must necessitate variance relief; and
2. if variance relief is denied the petitioner will experience a practical difficulty or hardship. *Cromwell v. Ward,* 102 Md. App 691 (1995).

Although the Petitioner's property is somewhat smaller than others in the Woodbridge Valley subdivision, this Board is not persuaded that any characteristics of this property are enough to qualify it as "unique" as the term is used in Maryland law. Assuming, *arguendo*, that the property was deemed "unique," the Board is not satisfied that the Petitioner's need for living space in a home that was just recently purchased constitutes "practical difficulty" as required in the second prong of *Cromwell.* Consequently, when applying the facts of this matter to the *Cromwell* analysis, the Petitioner's Petition for Variance must be denied.

ORDER

THEREFORE, IT IS THIS 1st day of October, 2019 by the Board of Appeals of Baltimore County hereby,

ORDERED that the Petition for Variance seeking relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed a side yard addition with a side setback of 5.8 feet in lieu of the requested 10 feet; and to permit a sum of side yard setbacks of 15.9 feet in lieu of the required 25 is hereby **DENIED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chair

Kendra Randall Jolivet

Joseph L. Evans

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Nasir Hamidy 19-098-A

DATE: July 16, 2019

BOARD/PANEL: Andrew M. Belt, Chair
Kendra Randall Jolivet
Joseph L. Evans

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance relief from BCZR Section 1B02.3.C.1 to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.; and to permit a sum of side yard setbacks of 15.9 ft. in lieu of the required 25 ft.

2. Is the property unique pursuant to the conditions set forth in Cromwell v. Ward, and if it is, will failure to grant the Variance present a practical difficulty or unusual hardship?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board reviewed the case. The Petitioner originally requested a side setback of 5.8 ft. in lieu of the required 10 ft., and amended the request at the hearing to also allow for a sum of side yard setbacks of 15.9 ft. in lieu of 25 ft. The Board accepted the amendment without objection of the neighbors.

- The Petitioner testified he recently purchased the house and wishes to construct a two story addition, with a garage and additional living area on the second floor to accommodate his family.

- Testimony from the adjoining neighbors was they are concerned about the closeness to their property, and the ability of lawn mowing equipment to access the rear yard. The neighbors have no objection to an addition, but want it built within the law.

- The Board discussed the uniqueness requirements of *Cromwell*. Petitioner's expert testified that the property was unique due to its small size, the rear slope of the property, and the inability of the garage to be located anywhere else on the property. The Board does not find the property to be unique, noting there are other lots in the neighborhood of similar size and shape.

- The Board discussed the practical difficulty factor. The Board noted that even if the Petitioner reduced the size of the addition to comply with the 10 ft. side yard setback requirement, they would still require a variance to the sum of side yard setback requirement. The Board found that there is no practical difficulty as the Petitioner could build a smaller addition without the need for a variance.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Tammy A. Zahner

Tammy A. Zahner

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 7, 2019

AMENDED NOTICE OF DELIBERATION

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

Re: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

12/7/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter was heard and concluded on April 18, 2019. The public deliberation in this matter scheduled for July 9, 2019 has been postponed due to a scheduling conflict. The public deliberation has been rescheduled for the following:

DATE AND TIME: **JULY 16, 2019 at 9:00 a.m.**

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER THE CONCLUSION OF THE DELIBERATION. A COPY OF THAT OPINION AND ORDER WILL BE SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Nasir Hamidy

Protestant : Henry and Nancy Miller

C. Pete Gutwald, Director/Department of Planning
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Michael Mallinoff, Director/PAI
Office of People's Counsel

IN THE MATTER OF: Nasir Hamidy *Legal Owner* 6302 Chesworth Road	*	BEFORE THE BOARD OF APPEALS
1st Election District 1st Councilmanic District	*	OF BALTIMORE COUNTY
RE: PETITION FOR VARIANCE	*	**Case No.: 2019-098-A**

* *

PETITIONER'S CLOSING MEMORANDUM IN LIEU OF CLOSING ARGUMENT

The property owner, Nasir Hamidy (hereinafter "Petitioner), by and through his attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, submit this Closing Memorandum in Lieu of Closing Argument in support of the petition for variance for the above referenced matter and respectfully states:

STATEMENT OF THE CASE

This matter comes before the County Board of Appeals (the "Board") as a *de novo* appeal of Administrative Law Judge ("ALJ") John Beverungen's denial (on December 7, 2018) of a Petition for Variance relief for the property located at 6302 Chesworth Road (the "Property"). In applying the *de novo* standard, the Board's findings of fact and conclusions of law will be exclusively from the record made at the public hearing conducted.

A public hearing was held before the ALJ on December 4, 2018. The Variance relief was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") §

1B02.3.C.1 to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft. By written Opinion and Order dated December 7, 2018, ALJ Beverungen denied the requested variance relief based on his conclusion that the Property was not "unique". On January 4, 2019, Petitioner filed a timely appeal to the Board of the ALJ's decision in accordance with Baltimore County Code ("BCC") § 32-3-401.

The public hearing before the Board consumed one day on April 18, 2019. At the onset of the hearing, Petitioner's Counsel moved to formally amend the zoning petition, requesting variance relief pursuant to the BCZR § 1B02.3.C.1 (1) to permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet and (2) to permit a sum of side yard setbacks of 15.9 feet in lieu of the required 25 feet. In accordance with due process, parties are required to be given reasonable notice and opportunity to participate in the Board's hearing and consideration of the zoning proposal. Significantly, the Supreme Court of the United States has explained that the essence of due process is the requirement that a party be given notice and an opportunity to be heard "...at a meaningful time and in a meaningful manner." *Mathews v. Eldridge,* 424 US. 319, 333, 348-49 (1976). Further, proper public notice of the requests was afforded consistent with the principles stated by the Court of Appeals in *Cassidy v. Baltimore County Board of Appeals, 218 Md. 418 (1958).* In full consideration of due process with regard to the amended zoning petition, all parties agreed to proceed on the amended zoning petition which was therefore accepted by the Board. Thus, the Board should consider both variance requests. The relevant testimony will be recounted as appropriate herein.

STATEMENT OF THE FACTS

The property at issue is known as 6302 Chesworth Road (the "Property"). It is located near the intersection of Chesworth Road and N. Rolling Road, with frontage on Chesworth Road. The Property is approximately 8,568 square feet in area (.197 acres) and zoned DR-3.5 (Density Residential). The Property lies inside the Urban Rural Demarcation Line ("URDL") and currently served by public water and sewer. A single-family dwelling was constructed on the Property in 1970. The Property is comprised of all of Lot 26 as shown on a record plat entitled "Woodbridge Valley" (recorded in 1960) and is recorded in Plat Book 33 folio 111. Lot 26 was zoned R-10 when the Woodbridge Valley plat was recorded. This community has been built out over the years and features single family detached dwellings. For purposes of setback requirements, R-10 and DR 3.5 are identical. Lot 26 has been described as a separate lot of record in the Land Records since its creation in the 1969 plat.

The Property was purchased by Petitioner from Deutsche Bank National Trust, as reflected in a deed dated September 18, 2018, which is recorded in the Land Records of Baltimore County in Liber 40675, Folio 00145. The Petitioner seeks to construct a 2-story 18' X 29.25 'addition to the existing dwelling, which is a permitted use in the DR 3.5 zone. This addition will allow for a garage (which presently does not exist on the Property) and additional living area on the second floor. As required by the BCZR, Petitioner sought variance relief from BCZR § 1B02.3.C.1. to: (1) to permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet; and (2) to permit a sum of side yard setbacks of 15.9 feet in lieu of the required 25 feet. As indicated within

the ZAC comments, the Department of Planning does not oppose the Petitioner's variance.

Lawrence E. Schmidt represented Petitioner at the Board's hearing. Professional planner and zoning expert Mitch Kellman testified in support of the Petition. He described the neighborhood and Property layout, including the current improvements on the Property (i.e. the single family dwelling). Mr. Kellman offered expert opinion that the Petition satisfied the criteria for variance relief in BCZR § 307.1. His expert testimony and conclusions were not disputed. The details and need of the proposed addition were described largely through the testimony of Mr. Hamidy. Mr. Hamidy explained his desire to construct a 2-story addition including a garage and additional living space for his growing family. Nancy Miller and Henry Miller (adjacent neighbors located at 6304 Chesworth Road) (hereinafter referred to as the "Protestants") appeared in opposition to the Petition. Protestants testified on concerns about the size of the proposed addition and the potential impact the addition may have upon the value of their home.

STANDARD OF REVIEW

In Baltimore County, zoning variances are permitted and analyzed under BCZR § 307.1 and the case law interpreting that provision. Significantly, to obtain a zoning variance in Baltimore County, a two-pronged analysis is required showing that:

(1) The property is unique; and
(2) If the variance relief is denied, petitioner will experience a practical difficulty or unreasonably hardship. BCZR § 307.1; *Cromwell v. Ward,* 102 Md. App. 691, 694-95 (1995).

ARGUMENT

The BCZR governs both the allowed uses on the Property and the scope/size of improvements permitted for properties zoned DR 3.5. Undoubtedly, the single-family dwelling is an expressly allowed use in the DR 3.5. That is, BCZR § 1B01.1.A.1. identifies "dwellings ... single family detached" as a permitted use, by right. Garages are commonly associated with single family dwellings and are also a permitted use. The question presented in this case is not as to the use, but whether the proposal satisfies the scope/size (also referred to as the "bulk") regulations.

I. Petitioner is Entitled to Variance Relief

The bulk regulations from which Petitioner seeks relief are as follows: (1) to permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet, and (2) to permit a sum of side yard setbacks of 15.9 feet in lieu of the required 25 feet. The Board, based upon the record before it, should conclude that Petitioner is entitled to variance relief in the instance case.

As noted above, *Cromwell* is often cited as the seminal variance case when considering BCZR § 307.1. This is because *Cromwell* is a reported decision arising from a variance request under that section of the BCZR. Admittedly, the *Cromwell* Court opined that the grant of a variance is "rarely appropriate." *Cromwell* (pg. 711). But with that said, the Court's opinion does not conclude that variances can never be granted and that the County's zoning authorities lack the jurisdiction to grant a zoning variance. Instead, the Court imposed a substantial burden upon the applicant in order for a

variance to be granted. Petitioner avers that such circumstances exist in the instant case and that the variance is warranted and its burden satisfied.

A. The Property is Unique

In the instant case, due to the events that led to the creation and configuration of the Property, special circumstances and conditions exist which make the Property unique.

The Court in *Cromwell* defined the term "uniqueness" as follows:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., it shape, topography, subsurface condition, environmental factors, historical significance, access or not-access to navigable waters, practical restrictions imposed by abutting properties (such as obstruction) or other similar restrictions. *Cromwell* (pg. 710).

Therefore, the question of whether a property is unique does not derive from the circumstances of the owner or the use of a property. These considerations are more properly addressed in the second "test"; i.e. whether a practical difficulty would be suffered if strict adherence to the zoning regulation was required. The uniqueness test is met if there are inherent physical characteristics of the Property which make it different, peculiar and therefore unique from other properties in the locale.

The testimony of Mr. Kellman, along with the neighborhood plat and photographs entered into evidence (Petitioner's Exhibits No. 4 and 6), show that the Property is substantially different than other properties in the area with differences in size, shape, and topography. It is therefore "unique" and unlike other properties in the

locale. This is a narrow, irregularly shaped parcel which was created over 50 years ago. No other property in the vicinity has these precise dimensions and shape. A mere examination of the aerial photographs submitted (Petitioner's Exhibit No. 5), as well as the record plat for this subdivision (Petitioner's Exhibit No. 4) are conclusive to the finding that there is no other property of this shape, dimension and acreage. This is not the case of a "cookie cutter" residential subdivision, where all lots are, for example, seventy five feet wide and one hundred feet deep. This property is different than any other lot in terms of size, shape, dimension and configuration.

As importantly, the topography of the Property is also unique. As testified to by Mr. Kellman, the Property has a walkout basement and an unusual steep slope at the rear of the dwelling. This topography combined with the unique shape, dimension and size of the Property results in the lack of any feasible building area for the proposed garage. It cannot be located anywhere else on the Property. Therefore, these unique physical characteristics drive the need for the variance. Based upon the combination of these unique physical characteristics that are not shared by other properties in the area, it must be concluded that the subject Property satisfies the "unique" test required under *Cromwell.* Finally, it is important to note that the prior subdivision that created Lot 26 was not at the hands of the Petitioner, therefore there can be no claim of self imposed hardship.

B. If the Variance is Denied, Petitioner will Experience a Practical Difficulty or Unreasonable Hardship

A denial of the variance would deprive the Petitioner of the right to reasonably

develop his property in accordance with regulations and would constitute a practical difficulty under these circumstances. Courts have interpreted the "practical difficulty or unreasonable hardship" standard to be disjunctive, meaning that satisfaction of either of the conditions may warrant a variance. *Loyola Loan Ass'n v. Buschman,* 227 Md. 243, 250-51, 176 A.2d 355 (1961). Nevertheless, the "practical difficulties" standard is less stringent than the "undue hardship." *Loyola Fed. Savs. & Loan Ass'n v. Buschman,* 227 Md. 243, 249, 176 A.2d 355 (1961). The Court in *Mclean v. Soley,* 270 Md. 216 (1973) established criteria for determining practical difficulty or unreasonable hardship:

(1) Whether compliance with the strict letter of the restrictions governing various variances would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessary burdensome.
(2) Whether a grant of the variance applied would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
(3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Furthermore, the practical difficulty or unreasonable hardship must not be self-imposed. *Richard Roeser Prof'l Builder, Inc. v. Anne Arundel Cnty.,* 368 Md. 294, 314 (2002).

That the Petitioner would suffer practical difficulty if relief were not afforded is manifest. The undersized nature of Lot 26 and strict adherence to the regulations (BCZR § 1B02.3.C.1) would not allow a reasonable and permitted use of the property (i.e. construction of a dwelling addition/garage). The imposition of BCZR § 1B02.3.C.1. on Lot 26, which was apart of an existing subdivision, disproportionately restricts permitted uses as compared to lots in the area. As testified to by Mr. Kellman, the

Petitioner will suffer a practical difficulty if the variance is denied because Petitioner is unable to construct a garage/addition elsewhere on the Property without the need of a variance from the BCZR. In the instant matter, the practical difficulty or unreasonable hardship is not self-imposed because the subdivision, which created Lot 26, occurred some 50 years ago; Petitioner purchased the Property in 2018. Petitioner has a large family and requires additional living area. Similar to other houses in the neighborhood, Petitioner requires a garage. Petitioner's use of the Property would be unduly limited and restricted if the variance relief was denied.

Lot 26's physical peculiarities will cause Petitioner to suffer disproportionately due to the application of BCZR § 1B02.3.C.1. Without the requested variance relief, Petitioner is unable to construct a garage, unlike other properties within the Woodbridge Valley subdivision that are improved with garages. (Petitioner's Exhibit No. 6) In fact, the dwelling immediately across the street is improved with a garage. Due to the severe topography and narrowness of the Property and the location of the AC unit, the proposed addition cannot be constructed on the rear or opposite side of the dwelling.

Further, a grant of the requested variance relief will not detrimentally impact adjacent properties. The proposed addition would be developed in a manner consistent with the neighborhood, including architectural design. Mr. Kellman testified that considering the surrounding neighborhood and site constraints at issue, the construction of the proposed addition would be consistent with DR 3.5 zoning regulations and would not cause injury to the public health, safety, or general welfare.

Lot 26 (and the proposed addition thereon) is entirely consistent with the character of this neighborhood and the Woodbridge Valley subdivision. As such, Petitioner will experience practical difficulty or unreasonable hardship if the requested variances are not granted.

Protestants maintained that Petitioner is responsible for his need for variance relief and thus not eligible for approval, arguing Petitioner had the option of buying a larger dwelling or property. This argument is similar to the positions articulated by opponents to variances in many cases. That is, that any building can be made smaller and that the BCZR should always be strictly enforced. But such a position is neither practical nor persuasive. Zoning variances should "rarely" be granted; not "never" granted. The Protestants' rationale that the Petitioner "buy another property to meet his needs" would preclude every variance request. *Cromwell* specifically permits the granting of variance relief in special circumstances. The weight of these special circumstances are to be determined by the Board's discretion in implementing the spirit and intent of the BCZR.

CONCLUSION

The testimony and evidence presented to the Board supports the Petitioner's request for variance relief. This case, like the property under consideration, is unique. It is one of those rare appropriate circumstances where the criteria in *Cromwell* are satisfied. The subject property, due to circumstances beyond the Petitioner's control, is unique and clearly the Petitioner would be faced with a practical difficulty that is not

self-imposed. For the reasons stated above, the requested variance relief should be approved.

Respectfully Submitted,

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
lschmidt@sgs-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 20th day of May, 2019, a copy of the foregoing Memorandum was mailed, postage pre-paid, to:

Henry Miller & Nancy Miller
6304 Chesworth Road
Catonsville, MD 21228

LAWRENCE E. SCHMIDT

Henry & Nancy Miller
6304 Chesworth Road
Baltimore MD 21228

April 29, 2019

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson MD 21204

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

RE: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

On April 19, 2019 I submitted to you a summary of my testimony regarding the above petition. At the time of the hearing Mr. Andrew Belt, of the Board, instructed me to provide this testimony but did not make it clear that 3 copies and an original were to be submitted. Therefore, only one copy was sent. Having received notification of the deliberation to be held on July 9, which includes the instruction to supply an original and 3 copies, I have enclosed additional copies for the Board along with photos provided in my testimony which were marked as Exhibits 1A, B and C.

I apologize to the Board for this mistake.

Sincerely,

Nancy E. Miller — Henry G. Miller — 4/29/2019

Nancy E. Miller — Henry G. Miller — Date

COPY

Henry & Nancy Mil
6304 Chesworth Roa
Baltimore MD 21228

April 19, 2019

Original Letter sent to Board on April 19, 2019

Nancy Miller

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson MD 21204

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

RE: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Following the hearing on this matter held on April 18, 2019, and at the request of the Board of Appeals, summarized below is Nancy Miller's testimony regarding the objections of Nancy & Henry Miller to the request by Mr. Hamidy for a zoning variance to permit a side yard addition to his home.

For purposes of clarification, the word "we" in this summary refers to Henry & Nancy Miller.

- Mrs. Miller began her testimony by stating that she and Mr. Miller have no wish to be inhospitable to Mr. Hamidy and his family and are, in fact, pleased that he has invested so much time and money in renovating the home, which has been vacant since November 2018.

- We are objecting to the zoning variance requested for the proposed addition to the property at 6302 Chesworth Road, a two- story dwelling, containing 4 bedrooms and located adjacent to our property at 6304 Chesworth Road, where we have resided since 1971. Mr. Hamidy has never lived in the home as the home is undergoing extensive renovation.

- Mr. Hamidy approached us only after the original variance posting on the property and described his intention to add an attached garage with a second floor. He even asked if we were willing to give him a larger variance. Since that time, Mr. Hamidy has approached us multiple times to ask if we would be willing to withdraw our objection. We have always responded that we wanted a decision from Baltimore County.

- Mr. Hamidy originally supplied Mr. Charles Springer, covenants representative of the Woodbridge Valley Improvement Assn. who governs the property where our homes are located, and of which we are a member, a copy of the proposed addition. Mr. Hamidy told us, and stated at the hearing, that this was only a conceptual drawing and that he, in fact, was not

happy with the design. When we asked Mr. Hamidy recently if there was a new drawing, he stated that since the architect would charge for a new drawing there was none. (Note: Mr. Schmidt offered Exhibit 2, a drawing of the proposed addition, which differs from the one presented by Mr. Hamidy at the original hearing.)

- We also received correspondence from Zachary Wilkins, of the law firm of Smith, Gildea & Schmidt, who Mr. Hamidy engaged after the request was denied by John Beverungen, Administrative Law Judge for Baltimore County and responded to his letter with explanation of our objections. (It should be noted that we requested an updated drawing at that time but none was provided.)

- The addition Mr. Hamidy proposes will increase the size of the house by approximately 1/3. And, based on the only drawing we have been shown, the roof line of the addition will be even with the current roof line, making the addition 2+ stories high, since the basement of the house itself rises approximately 3 feet above ground. The drawing (Exhibit 2) presented by Mr. Schmidt, legal counsel for Mr. Hamidy, confirms this.

- Mr. Schmidt also provided a plat of the properties at 6300, 6302 and 6304 Chesworth Road, (Exhibit 1). Mitchell Kellman of DMW, responded to a question by Mr. Schmidt if the design of the lot at 6302 Chesworth Road is unique in the affirmative. Mrs. Miller disagreed with this statement, stating that the property at 1302 Rolling Road, also shown on the plat, also does not conform to a standard rectangle or square. In fact, if one looks at the entire of Woodbridge Valley, presented by Mr. Schmidt as Exhibit 4, there are numerous oddly shaped lots.

- The property at 6302 Chesworth Road has a significant drop to the back yard at the end of the driveway (See Mr. Schmidt's Exhibits 6G, 6HJ, 6K, 6M). There is a set of steps which leads from the end of the driveway down to the back yard, and by eliminating the steps to accommodate the garage, access to the back yard will be from the basement of the home, by going around the garage and down the hill, or by going around the other side of the house, which has a smaller incline. As proposed, there would be 5 ft. between the exterior wall of the garage and our property line. While this is approximately the same access footage as available now for large lawn equipment, due to the hill, there is no wall to go around. We believe that it will be necessary for such equipment to traverse a portion of our property in order to get to the back yard. Mr. Hamidy has assured us that he will landscape the new addition so that it will look nice, and we appreciate that offer, but that will take up additional space on the side of the garage and will, therefore, limit the width available for any access by lawn care people or contractors.

- There are no other homes in Woodbridge of the design of Mr. Hamidy's which have such a large two-story addition and we are not aware of any properties which have been granted a zoning variance for such an addition. Mr. Schmidt provided photos of other homes in the Woodbridge Community which have garages. Exhibit 6N shows the home directly across the street from the Miller home at 6304 Chesworth. It should be noted that this home was not built by the original builder in the community and included a garage when built. This home is on a large corner lot.

Mr. Schmidt also presented additional photos (Exhibits 6O, 6P, 6Q, 6R, 6S) in an effort to show that other homes in the community have garages. Mrs. Miller noted that in each case the garage was one story – no room above it. It should also be noted that some of the garages were attached while others were free standing.

- Mrs. Miller also questioned Mr. Kellman if he was aware that when the Woodbridge subdivision where 6302 and 6304 Chesworth are located was being sold, buyers chose the model home they desired (there were 4 choices) and that then they were provided with a selection of lots where the home could be built. Garages were an option for some of the models. In other words, the properties were sized to accommodate the style of home. Mr. Kellman was not aware of this.

- Mrs. Miller also provided the Board with photos (Exhibits 1A, 1B, and 1C) showing the street view of 6302 and 6304 Chesworth and responded to questions from the Board regarding the property line by referring them to the telephone/cable poll which sits on the property line at the beginning of both driveways. The photos also show views taken from the driveway of 6304 to try to give the Board the Miller perspective. The position of the dumpster gives a good idea of where the outside wall of the garage would be in relation to the property line, which, in the photo, almost follows the brown vs. green grass.

- When the zoning variance was originally posted, we spoke with a local real estate agent with over 30 years of experience and a Woodbridge Valley resident, to inquire about the impact this large addition would have on our property. It is our understanding that a large addition built so close to our property line would reduce the value of our property. In short, we believe that the lots in our community were laid out to accommodate the homes as designed and that this proposed addition will make the home too large for the lot.

- Mr. Hamidy has indicated that he requires this addition to accommodate his family of three adults and 4 children. However, we would like to point out that the previous owner of this home had 2 adults and 4 children living in the home. We do not understand why Mr. Hamidy would purchase a home that, as constructed, cannot accommodate his family. Mr. Hamidy also stated that there were no other homes available. However, Mrs. Miller noted that a new community is being constructed a short distance away on Rolling Road and there are other larger homes in Woodbridge periodically for sale.

I believe this summary of testimony on April 18, is accurate. We look forward to receiving further information regarding the Board's decision. As a reminder, Mrs. Miller informed the court that she will undergo hip replacement surgery on May 7 with an undefined recovery time.

Nancy E. Miller	Henry G. Miller	Date

Signed and dated 4/19/2019
Mailed 4/20/2019

Google Maps 6302 Ches h

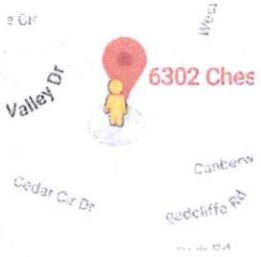
1.A

Image capture: Aug 2012 © 2019 Google

Catonsville, Maryland

Google

Street View - Aug 2012

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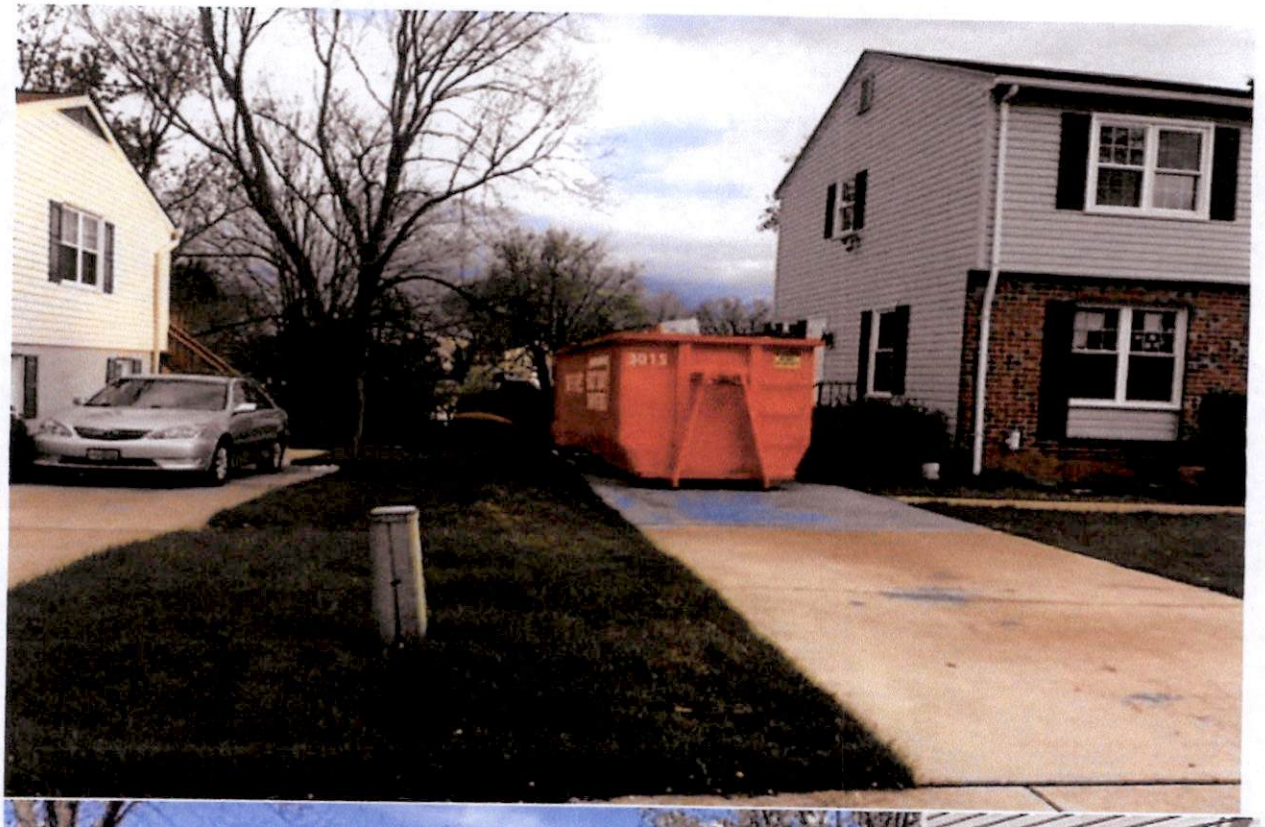


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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 25, 2019

NOTICE OF DELIBERATION

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

Re: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

12/7/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter having been heard and concluded on April 18, 2019, a public deliberation has been scheduled for the following:

DATE AND TIME: **JULY 9, 2019 at 9:00 a.m.**

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **May 20, 2019 by 3:00 p.m.**
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER THE CONCLUSION OF THE DELIBERATION. A COPY OF THAT OPINION AND ORDER WILL BE SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

---

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Nasir Hamidy

Protestant : Henry and Nancy Miller

Jeff Mayhew, Acting Director/Department of Planning
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Mike Mohler, Acting Director/PAI
Office of People's Counsel

Henry & Nancy Miller
6304 Chesworth Road
Baltimore MD 21228

April 19, 2019

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson MD 21204

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

RE: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Following the hearing on this matter held on April 18, 2019, and at the request of the Board of Appeals, summarized below is Nancy Miller's testimony regarding the objections of Nancy & Henry Miller to the request by Mr. Hamidy for a zoning variance to permit a side yard addition to his home.

For purposes of clarification, the word "we" in this summary refers to Henry & Nancy Miller.

- Mrs. Miller began her testimony by stating that she and Mr. Miller have no wish to be inhospitable to Mr. Hamidy and his family and are, in fact, pleased that he has invested so much time and money in renovating the home, which has been vacant since November 2018.

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I believe this summary of testimony on April 18, is accurate. We look forward to receiving further information regarding the Board's decision. As a reminder, Mrs. Miller informed the court that she will undergo hip replacement surgery on May 7 with an undefined recovery time.

Nancy E. Miller — Henry G. Miller — 4/19/2019

Nancy E. Miller — Henry G. Miller — Date

Nancy Miller
6304 Chesworth Road
Catonsville MD 21228

BALTIMORE MD 212
20 APR 2019 PM 5 L

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson MD 21204

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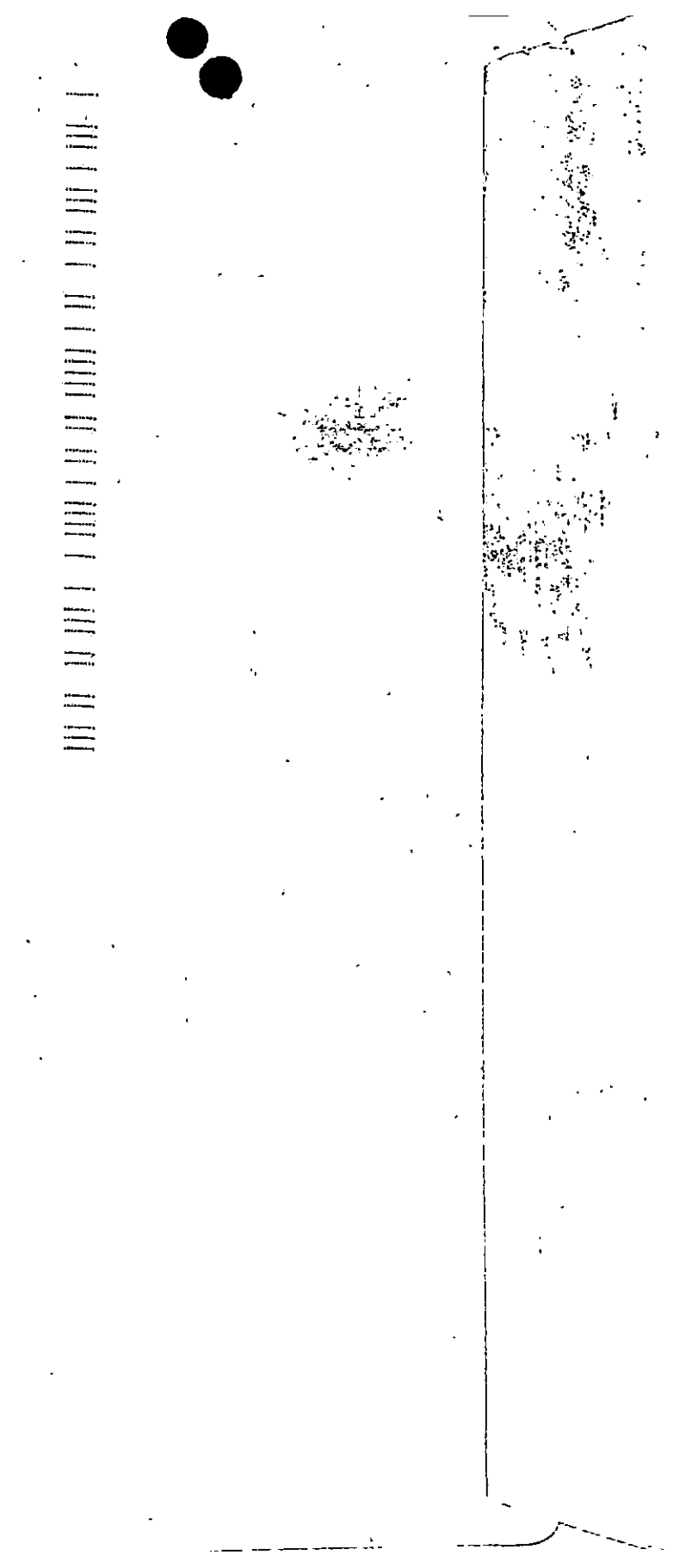

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 1, 2019

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

Re: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

12/7/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter was scheduled for hearing on March 20, 2019 and has been postponed by request of counsel. This matter has been

REASSIGNED FOR: APRIL 18, 2019, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Nasir Hamidy

Protestant : Henry and Nancy Miller

Jeff Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel

SM[redacted], GILDEA & SCHM[redacted] LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
*Admitted in MD, FL, PA

LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

February 19, 2019

Sent Via Hand Delivery
Ms. Krysundra L. Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: In the Matter of: Nasir Hamidy
6302 Chesworth Road
Case Nos. 2019-098-A

Dear Sunny,

I am in receipt of the Board's Notice of Assignment in connection with the above referenced matter. and understand that this matter has been scheduled for a hearing on March 20, 2019 beginning at 10:00 a.m. Unfortunately, I am scheduled to be a presenter at the Maryland State Bar Land Use Institute program that day in Columbia, Maryland. I have enlisted the assistance of the other attorneys in my office that would normally be available to step up in my absence. As such, we would appreciate this matter being postponed to a later date at the convenience of the Board.

Thank you for your courtesy. I look forward to hearing from you.

Very truly yours,

Lawrence E. Schmidt

LES/amf
cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Henry and Nancy Miller, 6304 Chesworth Road, Catonsville, MD 21228

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 30, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Nasir Hamidy
6302 Chesworth Road
19-098-A 1st Election District; 1st Councilmanic District

Re: Petition for Variance relief pursuant to BCZR to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

12/7/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

ASSIGNED FOR: MARCH 20, 2019, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

---

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Nasir Hamidy

Protestant : Henry and Nancy Miller

Jeff Mayhew, Acting Director/Department of Planning
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Mike Mohler, Acting Director/PAI
Office of People's Counsel

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

January 4, 2019

RECEIVED
JAN 4 2019
BALTIMORE COUNTY
BOARD OF APPEALS

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt
600 Washington Ave, Suite 200
Towson, MD 21204-1301

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for ~~Special Hearing and~~ Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 4, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228
Baltimore County Board of Appeals
People's Counsel for Baltimore County

DONALD I. MOHLER III
County Executive

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

December 7, 2018

Nasir Hamidy
6302 Chesworth Road
Baltimore. Maryland 21228

RE: Petitions for Special Hearing and Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Hamidy:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln
Enclosure

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228

IN RE: PETITION FOR VARIANCE (6302 Chesworth Road) 1st Election District 1st Council District Nasir Hamidy *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0098-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Nasir Hamidy, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Nasir Hamidy appeared in support of the petition. The adjoining neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county reviewing agencies.

The site is approximately 8,568 square feet in size and zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1970. Petitioner recently purchased the home and would like to construct a 2-story addition with a garage and additional living space for his family. The adjoining neighbors are concerned about the size of the proposed addition and the potential impact it may have upon the value of their home.

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).

The subject property is similar in size and shape to the majority of the other properties in the Woodbridge Valley subdivision. As such I do not believe the property qualifies as "unique" as that term is used in the law. In a contested variance case the petitioner faces an uphill battle. In Maryland, variances must be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell,* 102 Md. App. at 699. While the Petitioner's request is reasonable and the proposed addition (as shown on the elevations submitted at the hearing) would be attractive and constructed of quality materials, those are not sufficient reasons to grant a variance. As such the petition must be denied.

THEREFORE, IT IS ORDERED, this 7th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft., be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

IN RE: PETITION FOR VARIANCE (6302 Chesworth Road) 1st Election District 1st Council District Nasir Hamidy *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0098-A**

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(2) If variance relief is denied, Petitioner will experience a practical difficulty

S[illegible]H, GILDEA & SCHM[illegible]T LLC

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

LAUREN D. BENJAMIN
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN
*Admitted in MD, FL, PA

January 4, 2019

Via Hand Delivery
Michael Mohler, Acting Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 6302 Chesworth Road
Case No. 2019-0098-A

Dear Mr. Mohler,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, Nasir Hamidy, to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of $300.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

Lawrence E. Schmidt

LES/amf
Enclosures
cc: Administrative Law Judge John E. Beverungen
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
Henry and Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228
Nasir Hamidy, 6302 Chesworth Road, Baltimore, MD 21228

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

No. 174809

Date: 1/4/19

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300.00

Total: 300.00

Rec From: Larry Schmidt, Esq

For: Office of Administrative Hearings (CD OF APPEAL)

CASE NO. 19-0098-A

ADDRESS OR PROJECT: 6302 Chesworth Rd.

HEARING DATE(S): 12-4-18

CHECK # 3353

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

PLEASE PRESS HARD!!!!

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
1/07/2019 1/04/2019 10:46:37 3
REG WS03 WALKIN CAM
>>RECEIPT # 903000 1/04/2019 OPLN
Dept 5 528 ZONING VERIFICATION
CR NO. 174809
Recpt Tot $ 300.00
300.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

IN RE: **PETITION FOR VARIANCE** **6302 Chesworth Road**	*	BEFORE THE BOARD OF APPEALS
1st Election District 1st Councilmanic District	*	OF
	*	BALTIMORE COUNTY
Nasir Hamidy, *Legal Owner* Appellant	*	**Case No.: 2019-0098-A**
	*	

* *

NOTICE OF APPEAL

The Appellant, Nasir Hamidy, by and through his attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order dated December 7, 2018 in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of **January, 2019,** a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

Henry and Nancy Miller
6304 Chesworth Road
Baltimore, MD 21228

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

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

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

LAWRENCE E. SCHMIDT

IN RE: PETITION FOR VARIANCE (6302 Chesworth Road) 1st Election District 1st Council District Nasir Hamidy *Legal Owner* Petitioner	*	BEFORE THE OFFICE
	*	OF ADMINISTRATIVE
	*	HEARINGS FOR
	*	BALTIMORE COUNTY
	*	**CASE NO. 2019-0098-A**

* * * * * * *

OPINION AND ORDER

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Nasir Hamidy appeared in support of the petition. The adjoining neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county reviewing agencies.

The site is approximately 8,568 square feet in size and zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1970. Petitioner recently purchased the home and would like to construct a 2-story addition with a garage and additional living space for his family. The adjoining neighbors are concerned about the size of the proposed addition and the potential impact it may have upon the value of their home.

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

The subject property is similar in size and shape to the majority of the other properties in the Woodbridge Valley subdivision. As such I do not believe the property qualifies as "unique" as that term is used in the law. In a contested variance case the petitioner faces an uphill battle. In Maryland, variances must be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell,* 102 Md. App. at 699. While the Petitioner's request is reasonable and the proposed addition (as shown on the elevations submitted at the hearing) would be attractive and constructed of quality materials, those are not sufficient reasons to grant a variance. As such the petition must be denied.

THEREFORE, IT IS ORDERED, this 7th day of **December, 2018,** by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft., be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING
Date 12/7/18
By SLN

S[illegible]I, GILDEA & SCHM[illegible] LLC

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

LAUREN D. BENJAMIN
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MELISSA L. ENGLISH
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*Admitted in MD, FL, PA

January 4, 2019

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Michael Mohler, Acting Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
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Re: Notice of Appeal
Property: 6302 Chesworth Road
Case No. 2019-0098-A

Dear Mr. Mohler,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, Nasir Hamidy, to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of $300.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

Lawrence E. Schmidt

LES/amf
Enclosures
cc: Administrative Law Judge John E. Beverungen
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
Henry and Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228
Nasir Hamidy, 6302 Chesworth Road, Baltimore, MD 21228

IN RE: **PETITION FOR VARIANCE** **6302 Chesworth Road**	*	BEFORE THE BOARD OF APPEALS
1st Election District 1st Councilmanic District	*	OF
	*	BALTIMORE COUNTY
Nasir Hamidy, *Legal Owner* Appellant	*	**Case No.: 2019-0098-A**
	*	

* *

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Towson, MD 21204
(410) 821-0070
Attorney for Appellant

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LAWRENCE E. SCHMIDT

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JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING
Date 12/7/18
By SLN

Debra Wiley

From: Administrative Hearings
Sent: Friday, December 14, 2018 8:41 AM
To: hamza786h@gmail.com
Subject: Opinion and Order for Case No. 2019-0098-A (6302 Chesworth Rd.)
Attachments: 20181214083805055.pdf

Good Morning,

Per your request, please find attached a copy of the cover letter and Order in reference to the above.

-----Original Message-----
From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Friday, December 14, 2018 8:38 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 12.14.2018 08:38:04 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

DONALD I. MOHLER III
County Executive

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

December 7, 2018

Nasir Hamidy
6302 Chesworth Road
Baltimore. Maryland 21228

RE: Petitions for Special Hearing and Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Hamidy:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln
Enclosure

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228

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JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

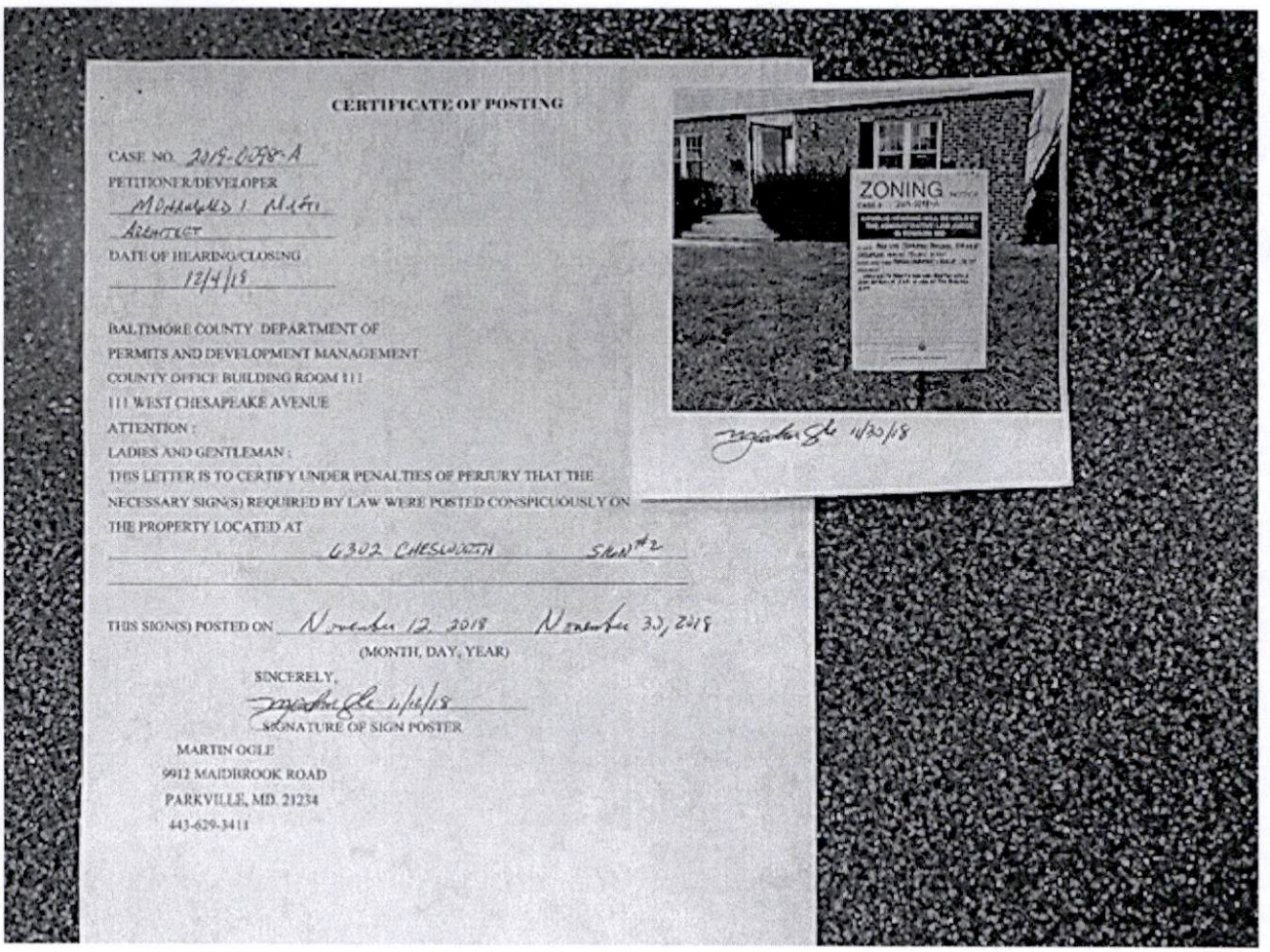
JEB/sln

ORDER RECEIVED FOR FILING
Date 12/7/18
By sln

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Monday, December 03, 2018 1:39 PM
To: Administrative Hearings
Subject: 6302 Chesworth

2nd set of certificates



CERTIFICATE OF POSTING

CASE NO. 2019-0078-A
PETITIONER/DEVELOPER
McHugh & Mertz
Architect
DATE OF HEARING/CLOSING
12/4/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:
LADIES AND GENTLEMAN:
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
6302 CHESWORTH Sign #2

THIS SIGN(S) POSTED ON November 12, 2018 November 30, 2018
(MONTH, DAY, YEAR)

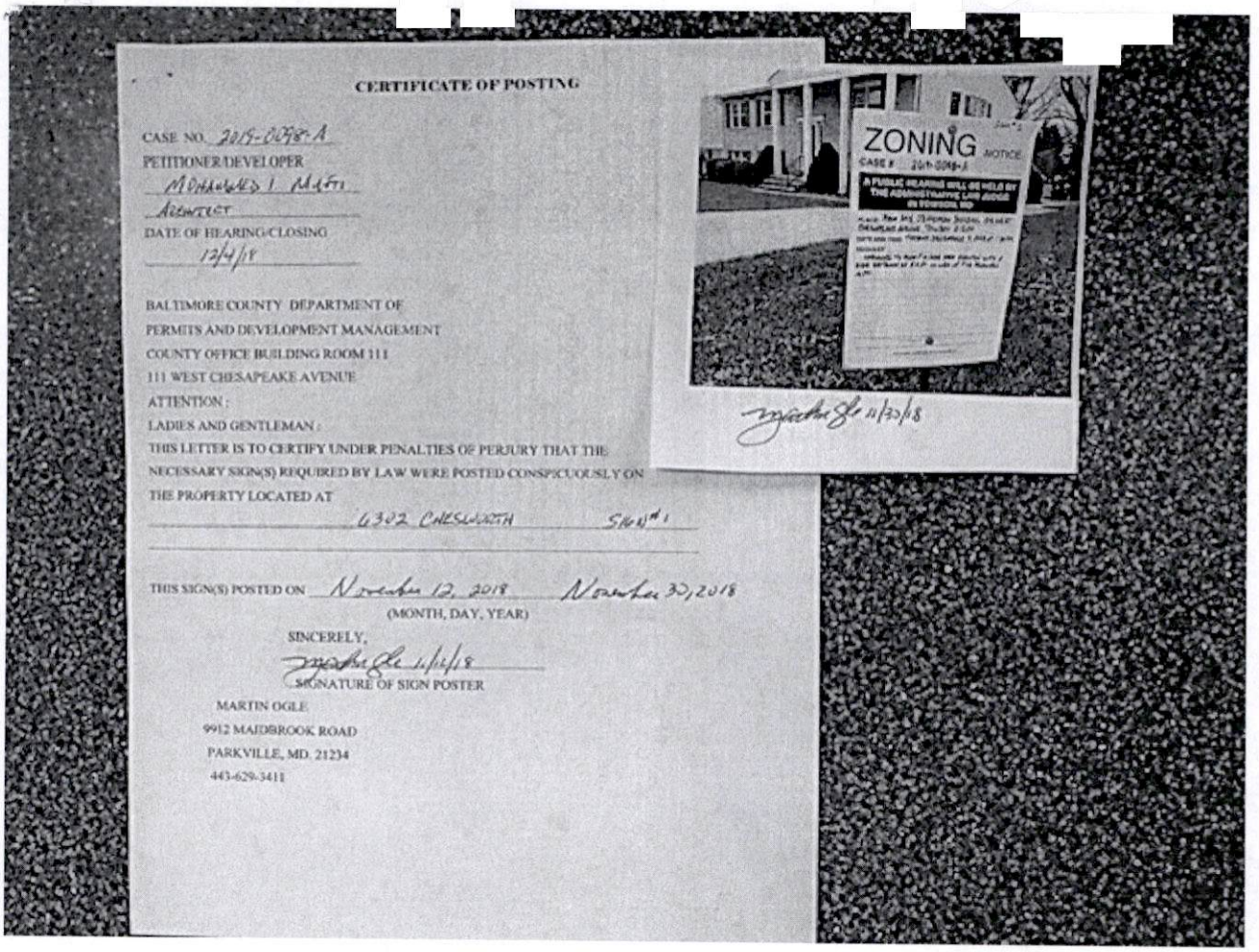
SINCERELY,
Marty Ogle 11/12/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD 21234
443-629-3411

ZONING

Marty Ogle 11/30/18

RECEIVED
DEC 04 2018
OFFICE OF
ADMINISTRATIVE HEARINGS



CERTIFICATE OF POSTING

CASE NO. 2019-0078-A

PETITIONER/DEVELOPER

MOHAMMED I MATTI

ARCHITECT

DATE OF HEARING/CLOSING

12/4/18

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

ATTENTION:

LADIES AND GENTLEMAN:

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

6302 CHESWORTH SIGN #1

THIS SIGN(S) POSTED ON November 12, 2018 November 30, 2018
(MONTH, DAY, YEAR)

SINCERELY,

11/12/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING NOTICE
CASE #

11/30/18

Sent from my iPhone

RECEIVED
DEC 04 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

ZAC Comments

ER III

November 28, 2018

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

Nasir Hamidy
4705 Widdup Ct.
Ellicott City, MD 21043

Mr. Hamidy:

RE: Case Number: 2019-0098A, Address: 6302 Chesworth Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 27, 2018. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Mohammed Mufti 12440 Frederick Rd. West Friendship, MD 21794

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: October 16, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 8, 2018
Item No. 2019-0080-A, 0088-A, 0089-A, 0090-A, 0092-SPH, 0093-A, 0094-SPHXA, 0095-A, 0096-A, 0097-A and 0098-A

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

* * * * *

VKD: cen
cc: file

10-22

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: October 10, 2018

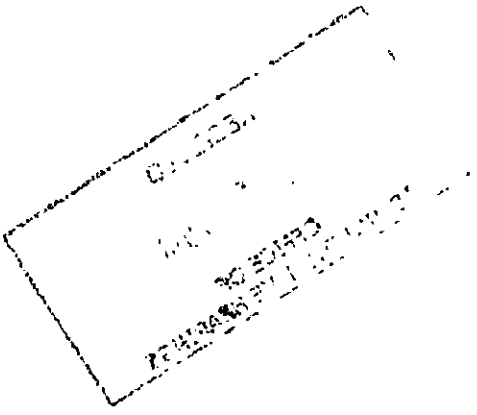
SUBJECT: DEPS Comment for Zoning Item # 2019-0098-A
Address 6302 Chesworth Road
(Hamidy Property)

Zoning Advisory Committee Meeting of **October 8, 2018**.

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

Reviewer: Steve Ford

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 19-0098-A 6302 Chesworth Road.doc



Date: 10/1/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0098-A
Administrative Variance
Nasir Hamidy
6302 Chesworth 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

TO: THE DAILY RECORD
Wednesday, November 14, 2018 - Issue

Please forward billing to:
Mohammed Mufti 443-604-3127
12440 Frederick Road
West Friendship, MD 21794

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: 2019-0098-A
6302 Chesworth Road
NE/s of Chesworth Road, 110 ft. se of the centerline of the intersection with W. North Rolling Road
1st Election District – 1st Councilmanic District
Legal Owners: Nasir Hamidy

Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Hearing: Tuesday, December 4, 2018 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.

C TIFICATE OF POSTIN

CASE NO. 2019-0098-A

PETITIONER/DEVELOPER

MOHAMMED I. MUFTI

ARCHITECT

DATE OF HEARING/CLOSING

12/4/18

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

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

6302 CHESWORTH SIGN #1

THIS SIGN(S) POSTED ON November 12, 2018

(MONTH, DAY, YEAR)

SINCERELY,

11/12/18

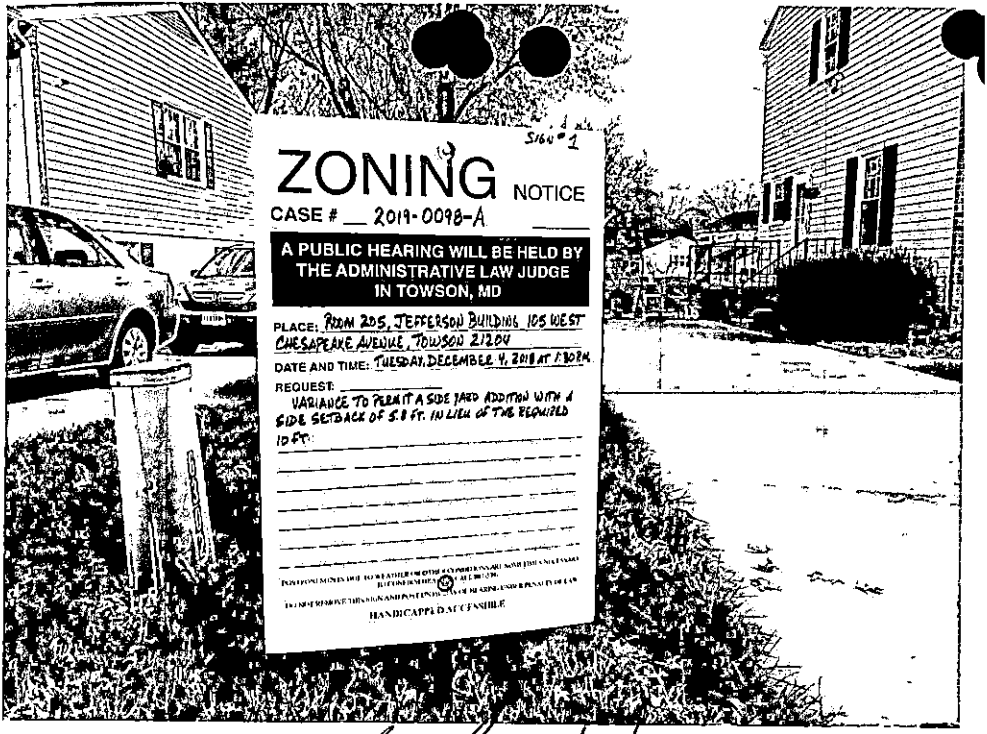
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411


SIGN # 1
ZONING NOTICE
CASE # 2019-0098-A
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD
PLACE: ROOM 205, JEFFERSON BUILDING, 105 WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: TUESDAY, DECEMBER 4, 2018 AT 1:30PM
REQUEST:
VARIANCE TO PERMIT A SIDE YARD ADDITION WITH A SIDE SETBACK OF 5.8 FT. IN LIEU OF THE REQUIRED 10 FT.
HANDICAPPED ACCESSIBLE

11/12/18

CERTIFICATE OF POSTIN

CASE NO. 2019-0098-A

PETITIONER/DEVELOPER

MOHAMMED I. MUFTI

ARCHITECT

DATE OF HEARING/CLOSING

12/4/18

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

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

6302 CHESWORTH SIGN #2

THIS SIGN(S) POSTED ON November 12, 2018

(MONTH, DAY, YEAR)

SINCERELY,

11/12/18

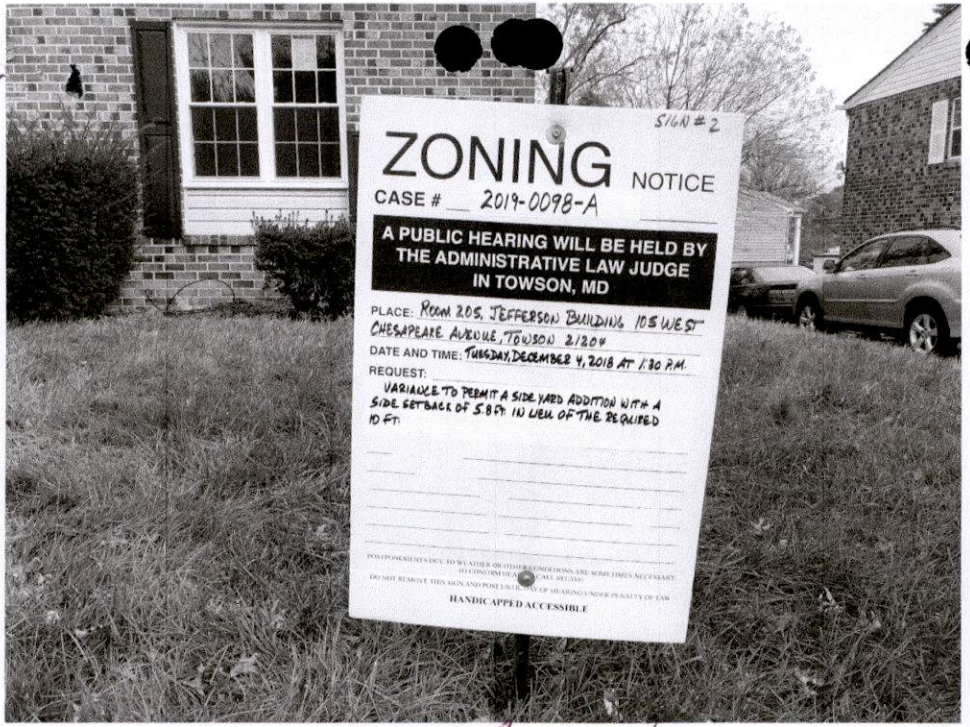
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411


SIGN # 2
ZONING NOTICE
CASE # 2019-0098-A
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD
PLACE: Room 205, Jefferson Building 105 West Chesapeake Avenue, Towson 21204
DATE AND TIME: Tuesday, December 4, 2018 at 1:30 P.M.
REQUEST:
VARIANCE TO PERMIT A SIDE YARD ADDITION WITH A SIDE SETBACK OF 5.85 FT. IN LIEU OF THE REQUIRED 10 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

11/12/18

DONALD I. MOHLER III
County Executive

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

October 25, 2018

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:

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6302 Chesworth Road
NE/s of Chesworth Road, 110 ft. se of the centerline of the intersection with W. North Rolling Road
1st Election District – 1st Councilmanic District
Legal Owners: Nasir Hamidy

Variance to permit a side yard addition with a side setback of 5.8 ft. in lieu of the required 10 ft.

Hearing: Tuesday, December 4, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

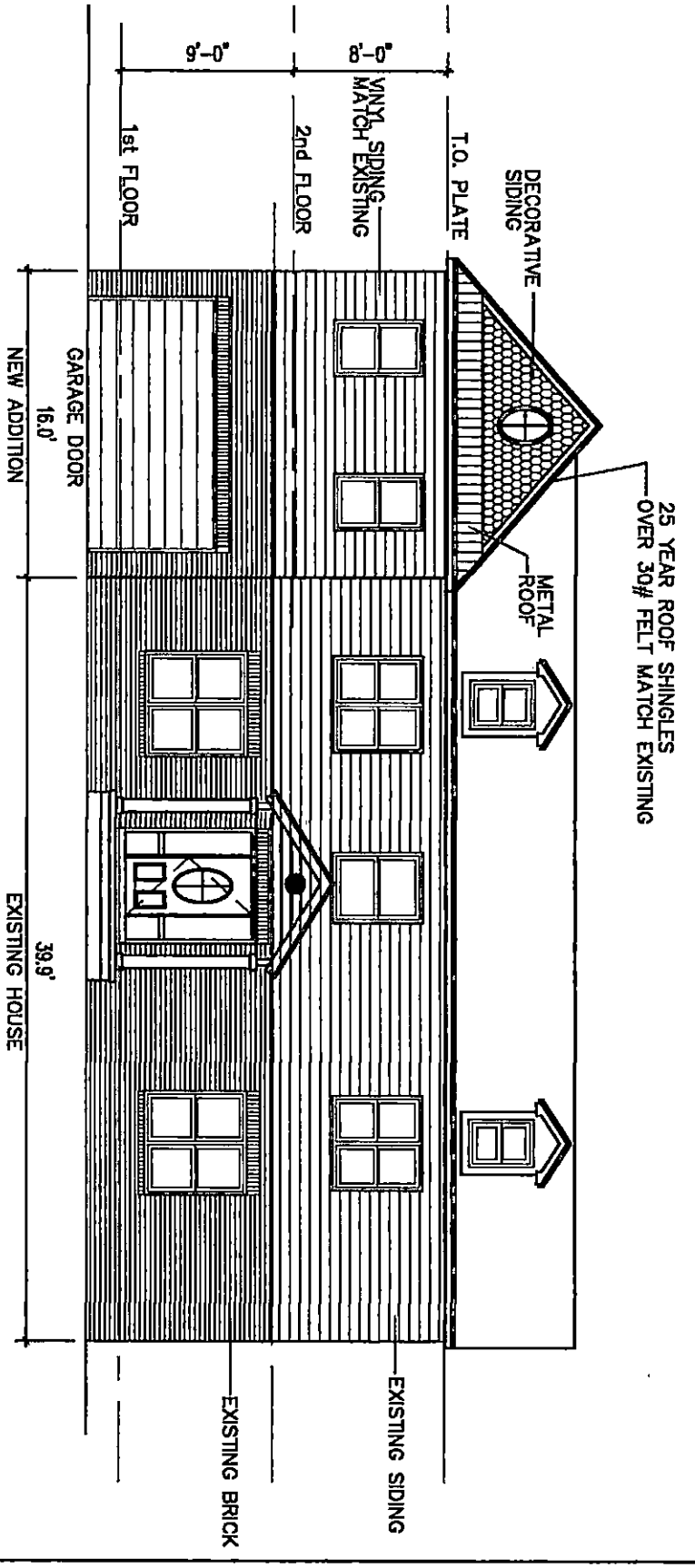
Arnold Jablon
Director

AJ:kl

C: Nasir Hamidy, 6302 Chesworth Road, Catonsville 21228
Mohammed Mufti, 12440 Frederick Road, West Friendship 21794
Mr. & Mrs. Miller, 6304 Chesworth Road, Catonsville 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 14, 2018.**
(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.

FRONT ELEVATION



6302 CHESWORTH ROAD

TITLE:

PROPOSED ADDITION

SCALE: 1"=8'

DATE: 10/24/18

SHEET NO: A-1

FORMAL DEMAND FOR HEARING

CASE NUMBER: 2019-0098-A

Address: 6302 Chesworth Rd.

Petitioner(s): Nasir Hamidy

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Henry & Nancy Miller
Name - Type or Print

(✓) Legal Owner OR ( ) Resident of

6304 Chesworth Rd
Address

Baltimore MD 21228
City State Zip Code

410-744-9329
Telephone Number

which is located approximately 20 *feet from the property, which is the subject of the above petition,* ***do hereby formally demand that a public hearing be set in this matter.***

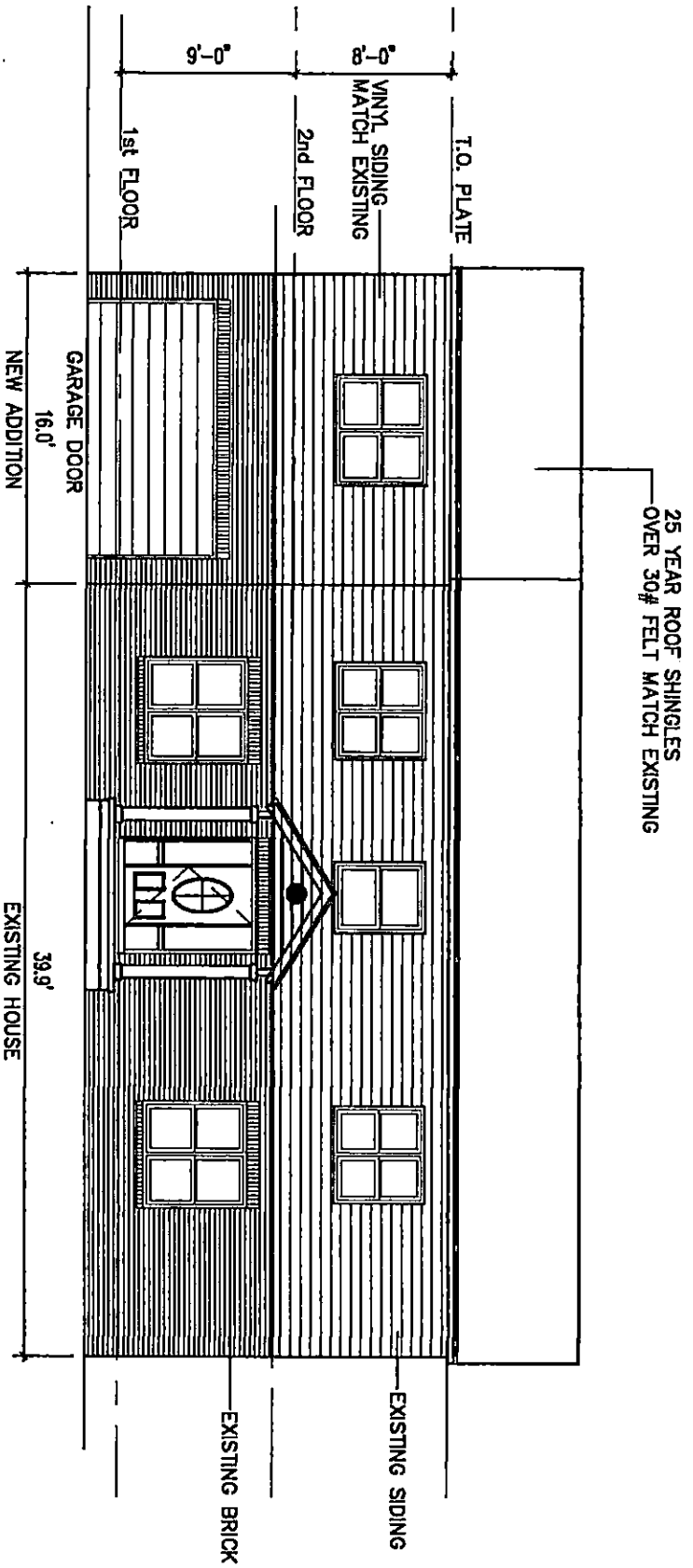
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Nancy Miller 10/22/2018
Signature Date

Henry Miller 10/22/2018
Signature Date

Revised 9/18/98 - wcr/scj

FRONT ELEVATION



6302 CHESWORTH ROAD

TITLE:

PROPOSED ADDITION

SCALE: 1"=8'

DATE: 10/16/18

SHEET NO: A-1

C TIFICATE OF POSTING

CASE NO. 2019-0098-A

PETITIONER/DEVELOPER

HAMIDY

DATE OF HEARING/CLOSING

10/22/18

admi.var.

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

LADIES AND GENTLEMAN :

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

6302 CHESWORTH ROAD

SIGN #1

THIS SIGN(S) POSTED ON October, 6 2018

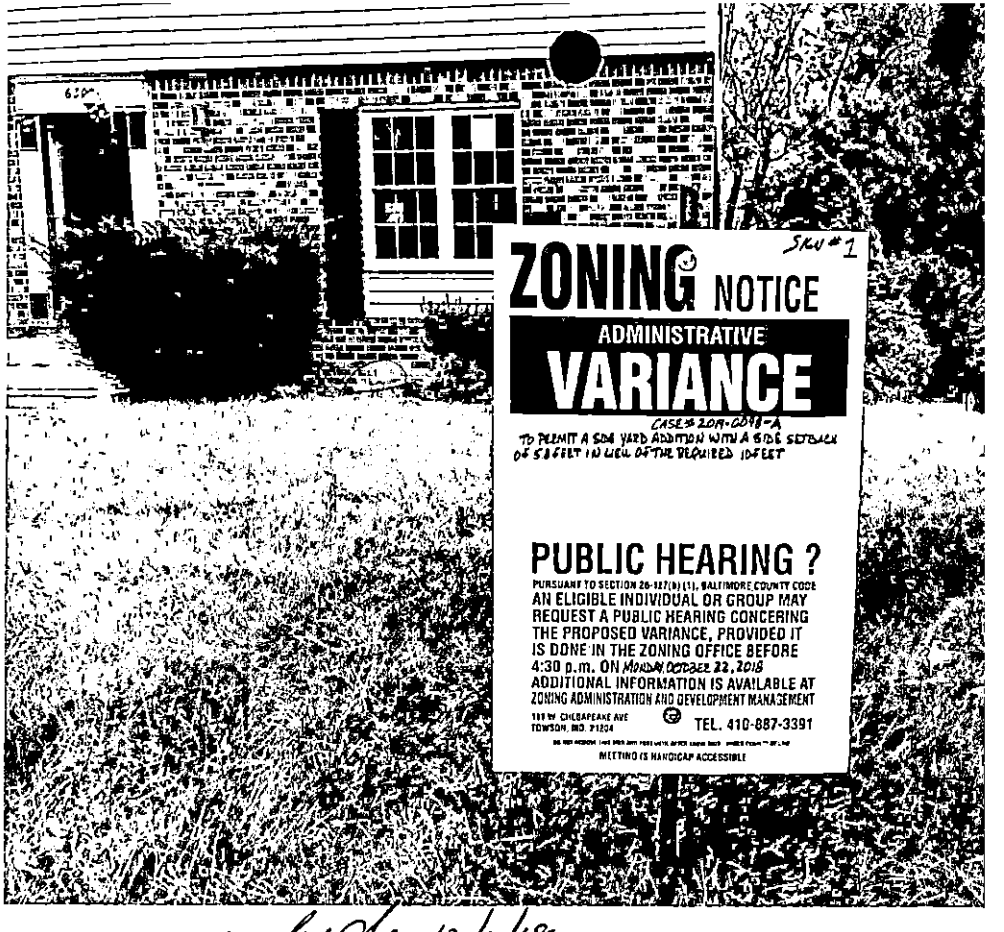
(MONTH, DAY, YEAR)

SINCERELY,

10/6/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411


SKU #1
ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE # 2019-0098-A
TO PERMIT A SIDE YARD ADDITION WITH A SIDE SETBACK OF 5.8 FEET IN LIEU OF THE REQUIRED 10 FEET
PUBLIC HEARING ?
PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON Monday October 22, 2018
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE
TOWSON, MD. 21204
TEL. 410-887-3391
MEETING IS HANDICAP ACCESSIBLE

10/6/18

CERTIFICATE OF POSTING

CASE NO. 2019-0098-A

PETITIONER/DEVELOPER

HANDY

DATE OF HEARING/CLOSING

10/22/18

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

ATTENTION:

LADIES AND GENTLEMAN:

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6302 CHESWORTH Road

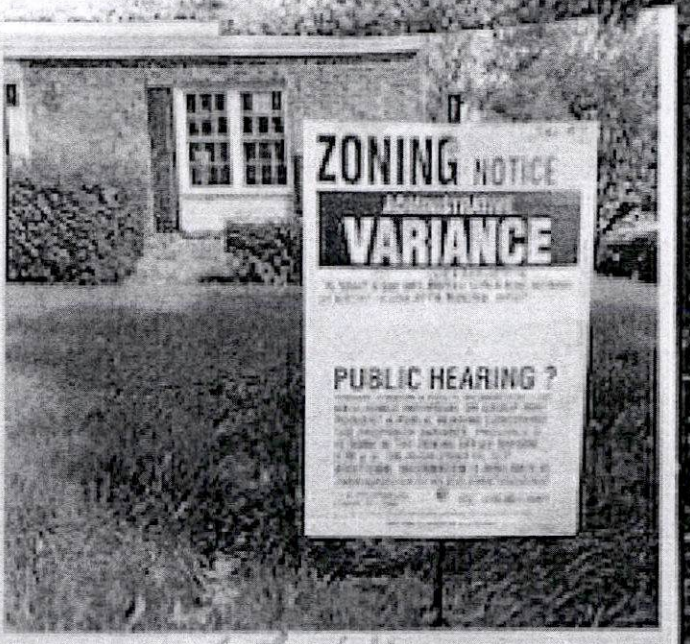
SIGN # 1

THIS SIGN(S) POSTED ON October 6 2018 October 21, 2018
(MONTH, DAY, YEAR)

SINCERELY,

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9812 MARBRIDGE ROAD
PARKVILLE, MD. 21234
443-629-3411



RECEIVED
OCT 22 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

CASE NO. 2019-0011-A

PETITIONER/DEVELOPER

HANDY

DATE OF HEARING/CLOSING

10/22/18

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

ATTENTION:

LADIES AND GENTLEMAN:

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6302 CHESWORTH Road

SIGN #2

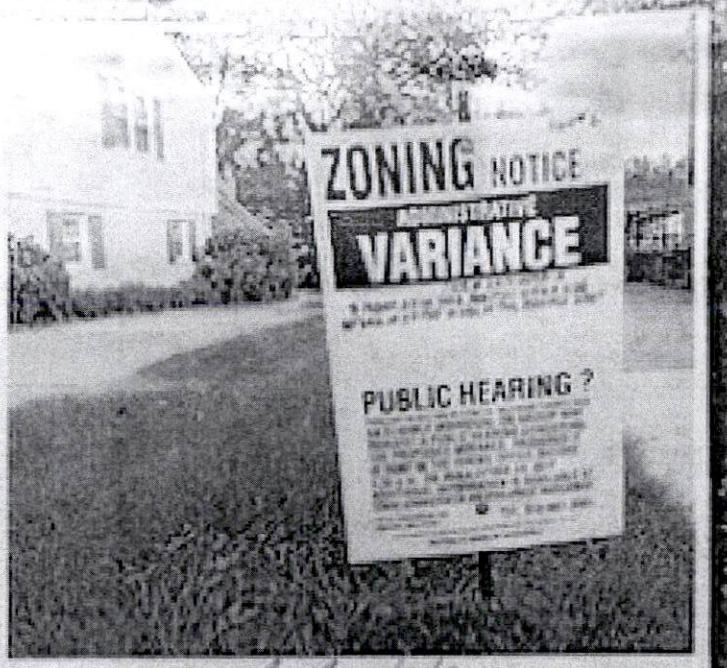
THIS SIGN(S) POSTED ON October 6 2018 October 21, 2018
(MONTH, DAY, YEAR)

SINCERELY,

10/6/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9612 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411



10/21/18

0098 (AV) 10-22

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Sunday, October 21, 2018 4:34 PM
To: Administrative Hearings
Subject: 6302 Chesworth
Attachments: IMG_0916.jpg; ATT00001.txt; IMG_0917.jpg; ATT00002.txt

2nd set of certificates

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 6302 CHESWORTH ROAD Currently zoned DR 3.5

Deed Reference 40314 / 00024 10 Digit Tax Account # 0107410548

Owner(s) Printed Name(s) NASIR HAMIDY

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ✓ **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR: 1B01.2.C.1.b → To permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ___ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (*indicate type of work in this space: i.e., to raze, alter or construct addition to building*)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

ORDER RECEIVED FOR FILING
Date 12/7/18
By ALD

Owner(s)/Petitioner(s):

Nasir Hamidy / _____
Name #1 – Type or Print Name # 2 – Type or Print

Nasir Hamidy / _____
Signature #1 Signature # 2

6302 CHESWORTH RD. CATONSVILLE, MD
Mailing Address City State

21228 / 443-803-2820 / HAMZA786@gmail.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

_____
Name- Type or Print

_____
Signature

_____
Mailing Address City State

_____ / _____ / _____
Zip Code Telephone # Email Address

Representative to be contacted:

MOHAMMED MUFTI
Name – Type or Print

_____
Signature

12440 FREDERICK RD. W.FRIENDSHP, MD
Mailing Address City State

21794 / 443-604-3127 / brmufti@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

_____
Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0098-A **Filing Date** 9/27/18 **Estimated Posting Date** 10/7/18 **Reviewer** JS

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 6302 CHESWORTH RD (Print or Type Address of property) CATONSVILLE (City) MD (State) 21228 (Zip Code)

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

THE ADDITION OF A GARAGE AT THE REAR OF THE PROPERTY IS DIFFICULT BECAUSE OF A SUDDEN DROP OF THE SITE ELEVATION AT THE END OF THE DRIVEWAY. A GARAGE WITH A SECOND FLOOR BEDROOM IS ONLY POSSIBLE ON THE LEFT SIDE OF EXISTING HOUSE. THE ADDITION WILL BE IN SIDE SETBACK.

WE REQUEST SIDE SETBACK OF 5.8 FEET IN LIEU OF REQUIRED 10 FEET.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Nabir

Signature of ~~Owner (Affiant)~~

Nasir Hamidy

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this_____ day of _____, _____, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: _____

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

OFFICIAL SEAL
JAMES ADEOYE
NOTARY PUBLIC-MARYLAND
BALTIMORE COUNTY
My Commission Expires

Notary Public

9/23/2020

My Commission Expires

REV. 5/5/2016

ZONING PETITION PROPERTY DESCRIPTION

PART A

Zoning Property Description for 6302 Chesworth Road, Baltimore, MD 21228.
Beginning at a point on the North side of Chesworth Road which is 88 Feet wide at a distance of 110 feet Southeast of the centerline of the nearest improved intersecting street N. Rolling Road which is 70 feet wide.

PART B

Being Lot #(26), Block (E), Section #(1) in the subdivision of Woodbridge Valley in Baltimore County Plat Book #(33), Folio #(105), containing 8,560 Sq. Ft. Located in the (1st) Election District and (1st) Council District.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Tax Exempt:		Special Tax Recapture:	
Exempt Class:		NONE	
Account Identifier:	District - 01 Account Number - 0107410548		

Owner Information

Owner Name:	HAMIDY NASIR	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	6302 CHESWORTH RD CATONSVILLE MD 21228-2608	Deed Reference:	/40675/ 00145

Location & Structure Information

Premises Address:	6302 CHESWORTH RD CATONSVILLE 21228-2608	Legal Description:	6302 CHESWORTH RD WOODBRIDGE VALLEY

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0094	0018	0298		0000	1	E	26	2019	3	0033/ 0111

Special Tax Areas:		Town:	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1970	1,976 SF	600 SF	8,568 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	75,000	75,000		
Improvements	188,200	188,200		
Total:	263,200	263,200	263,200	
Preferential Land:	0			

Transfer Information

Seller: DEUTSCHE BANK NATIONAL TRUST COMPANY TRUSTEE	Date: 09/18/2018	Price: $315,525
Type: NON-ARMS LENGTH OTHER	Deed1: /40675/ 00145	Deed2:
Seller: CAMONAYAN FERDIE	Date: 06/04/2018	Price: $281,900
Type: NON-ARMS LENGTH OTHER	Deed1: /40314/ 00024	Deed2:
Seller: STEPANIAN SARA B	Date: 01/26/2005	Price: $305,000
Type: ARMS LENGTH IMPROVED	Deed1: /21325/ 00542	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Tax Exempt:		Special Tax Recapture:	
Exempt Class:		NONE	

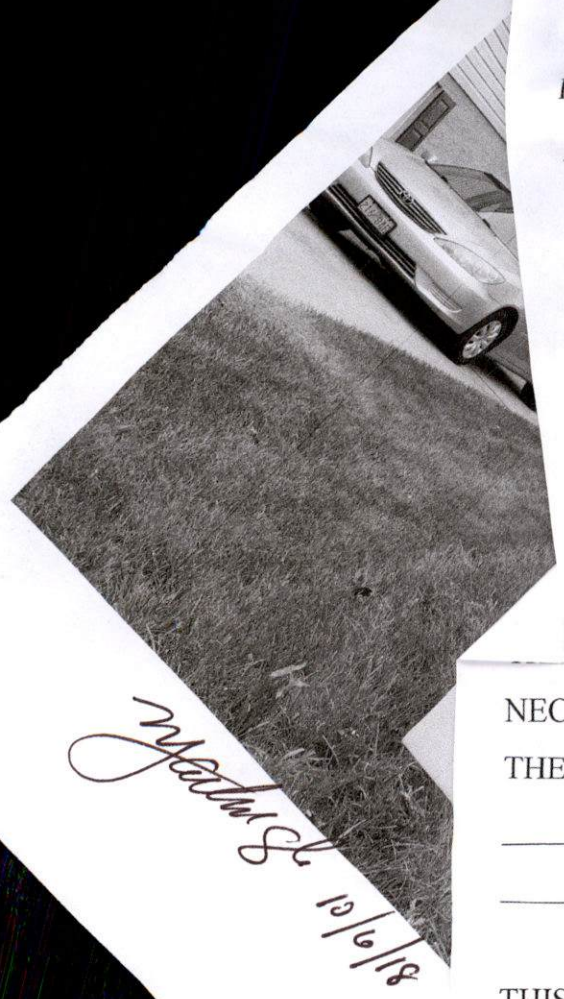
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:


0107410532
0107410533
Lot # 12
0107410534
MONROE FIELD CT
Lot # 18
0107410540
0107410539
Lot # 17
0107410543
Lot # 21
0107410544
Lot # 22
1600002684
Lot # 23
Pt. Bk. 0000034, Folio 0093
Pt. Bk./Folio # 034093
1600002685
Lot # 24
0107410547
Lot # 25
0107410548
Lot # 26
Lot # 27
0107410549
Pt. Bk./Folio # 033111
R-1963-0144
R-1967-0051
DR 3.5
094C3
1 CD 1 ED
SW 1-G
6307
0107410566
Lot # 11
CEDAR BLUFF CT
0107410565
CHESWORTH RD
Lot # 5
17000117676303
Pt. Bk. 0000041, Folio 0003
Lot # 4
0107410559
1228
Lot # 6
1700012858
Pt. Bk./Folio # 041003
1226
Lot # 3
0107410558
0107410562
Lot # 7
Lot # 8
0107410563
1224
Lot # 2
0107410557
Lot # 1
0107410556
Pt. Bk. 0000033, Folio 0111
1222
DR 2
Pt. Bk./Folio # 021074
PAI # 010072
Pt. Bk. 0000
Pt. Bk. 0000034, Folio 0026
Lot # 33
1600001092
Pt. Bk./Folio # 034026A
1310
0107410554
Lot # 32
11
0107410536
Lot # 14
1308
0107410553
Lot # 31
9
7
1306
0107410552
Lot # 30
0107410538
Lot # 16
0107410537
Lot # 15
0107410551
Lot # 29
1302
Lot # 28
0107410550
PAI # 010133
PAI # 010133
N ROLLING RD
N ROLLING RD
0114100620
Lot # 1
2400009402
1315
PAI # 010502
PAI # 010502
Pt. Bk./Folio # MP00025
PAI # 010502
2400009404
Lot # 3
2400009403
1311
0104350030
PAI # 010238
Pt. Bk./Folio # 051051
PAI # 010238
1985-0078-X
Lot # 11
PAI # 010238
1900012189
Pt. Bk. 0000051, Folio 0051
PAI # 010238
DR 5.5
0121450170
Lot # 29
Lot # 1
2001-0314-A
0119512080
PAI # 010357
Pt. Bk. 0000026, Folio 0033
PAI # 010084
Pt. Bk./Folio # 026033
1228
0102653130
Lot # 28
Lot # 27
0119640031
Lot # 2
0123502940
Pt. Bk. 0000028, Folio 0040



CERTIFICATE OF POSTING

CASE NO. 2018-0098-A

PETITIONER/DEVELOPER

HANLEY

DATE OF HEARING/CLOSING

10/22/18

DEPARTMENT OF

BALTIMORE DEVELOPMENT MANAGEMENT

PERMITS BUILDING ROOM 111

CHESAPEAKE AVENUE

COUNTY:

LADY AND GENTLEMAN:

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

6302 CHESWORTH ROAD

SIGN # 2

THIS SIGN(S) POSTED ON October, 6 2018

(MONTH, DAY, YEAR)

SINCERELY,

10/6/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

Board of Appeals

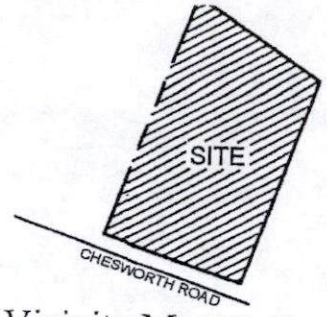
Case No: 19-098-A Case Name: Nasir Hamidy

Exhibit List

Party: Petitioner - Hamidy Date: 4/18/19

Exhibit No:	Description:
1	House addition plan for 6302 Chesworth Rd.
2	Proposed addition - Front elevation 10/29/18
3	CV of Mitchell Kellman
4	Plat (S1, Plat8) Woodbridge Valley 5/20/69
5A-D	Balto. Co. - My Neighborhood maps
6A-6S	Pictures of houses in Woodbridge Valley
	VERIFIED BY KC DATE: 4/25/19

Petitioner
CBA Exhibit
1



Vicinity Map

ZONING HEARING PLAN FOR VARIANCE X SPECIAL HEARING ___

ADDRESS 6302 CHESWORTH RD. CATONSVILLE MD 21228 OWNER NAME(S) NASIR HAMIDY

SUBDIVISION NAME WOODBRIDGE VALLEY LOT# 26 BLOCK# E SECTION# 1

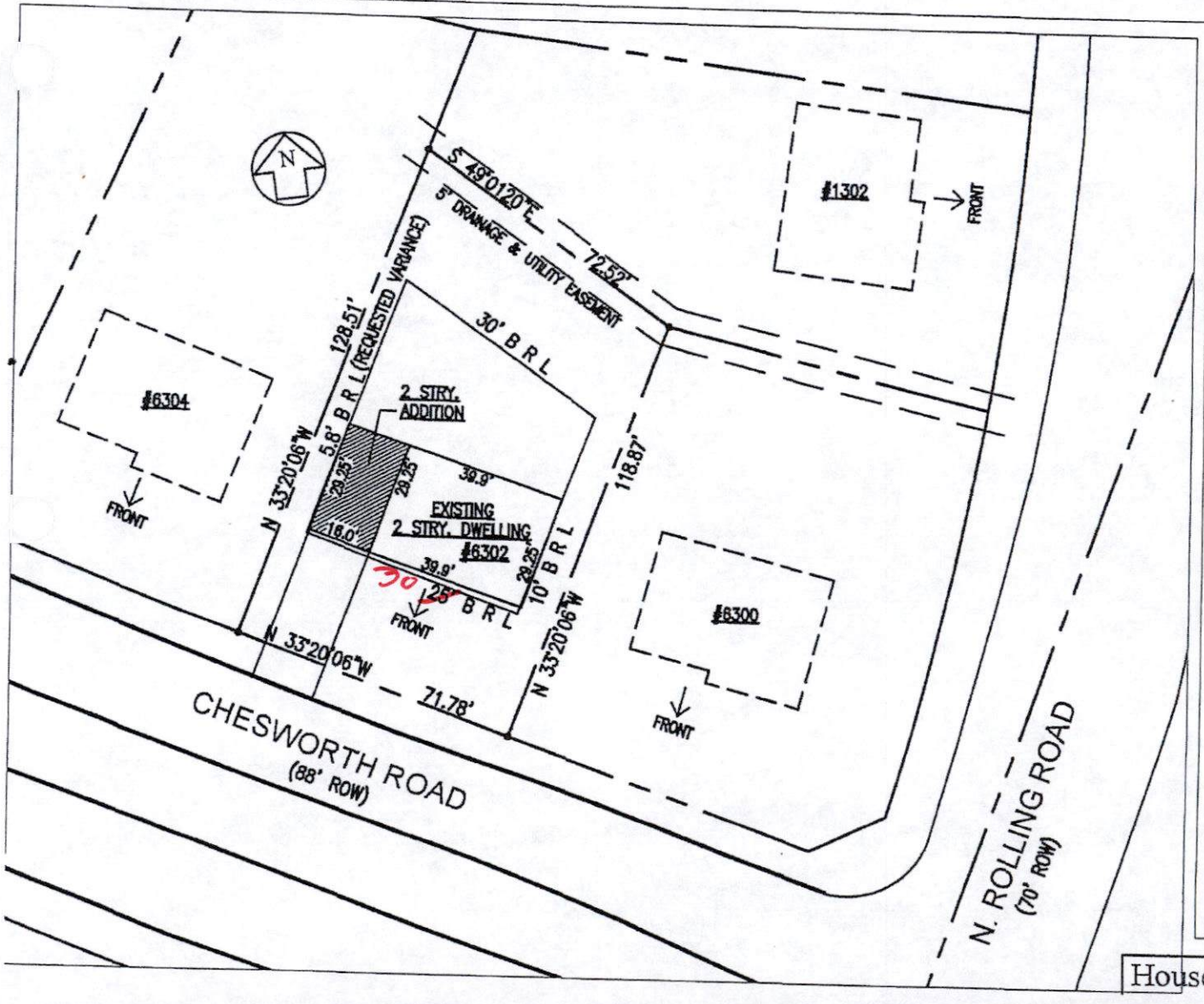
PLAT BOOK# 33 FOLIO# ~~0105~~ 111 10 DIGIT TAX# 0107410548 DEED REF.# ~~40314/00024~~ 40675/00145

SCALE: 1" = 40'

DATE: 6/15/18

SHEET NO: C-1

ADC Map D-12A
Tax Map 0094



~~ZONING MAP#~~	~~09 & B2~~
SITE ZONED	DR3.5
ELECTION DISTRICT	1ST
COUNCIL DISTRICT	1ST
LOT AREA ACREAGE OR SQUARE FEET	8,560 SF
HISTORIC?	NO
IN CBCA?	NO
IN FLOOD PLAIN?	NO
UTILITIES?	
WATER IS: PUBLIC Y PRIVATE	PUBLIC
SEWER IS: PUBLIC Y PRIVATE	PUBLIC
PRIOR HEARING?	NO
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW	NO
VIOLATION CASE	NO

House Addition w/ 5.8' setback

6302 Chesworth Road
Catonsville, MD 21228

TITLE: House Addition

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, MD 21207
Phone: 443-604-3127

Petitioner
CBA Exhibit
3

DMW

MITCHELL J. KELLMAN

VICE PRESIDENT | DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning

Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 30 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 15 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel, which formulates design recommendations to the Planning staff and Administrative Law Judges, and the Landmarks Preservation Commission.

Partial List of Projects

Delight Quarry, Baltimore County, MD

Hunt Valley Towne Centre, Baltimore County, MD

Charlestown Retirement Community, Baltimore County, MD

Goucher College, Baltimore County, MD

Greenspring Quarry, Baltimore County, MD

Loveton Business Center, Baltimore County, MD

Oakcrest Village Retirement Community, Baltimore County, MD

Sheppard and Enoch Pratt Hospital, Baltimore County, MD

Sparks Corporate Center, Baltimore County, MD

Towson Town Center, Baltimore County, MD

Memberships and Associations

Baltimore County Landmarks Commission, 2014, 2015, 2016, 2017, 2018, 2019

Baltimore County Design Review Panel, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019

Greater Towson Committee, Planning & Development Sub-Committee, 2012, 2013, 2014, 2015, 2016, 2017, 2018

Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014, 2015

Greater Towson Committee Board of Directors - Secretary, 2014, 2015, 2016, 2017, 2018, 2019

Leadership Baltimore County, 2013

Leadership Baltimore County, Class Interviewer, Member, 2015

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present

Baltimore County Zoning Review Office, Towson, MD: 1985-2000

Petitioner
CBA Exhibit
6A

Petitioner
CBA Exhibit
6B


Petitioner
CBA Exhibit
6C

Petitioner
CBA Exhibit
6D


Petitioner
CBA Exhibit
6E


Petitioner
CBA Exhibit
6F

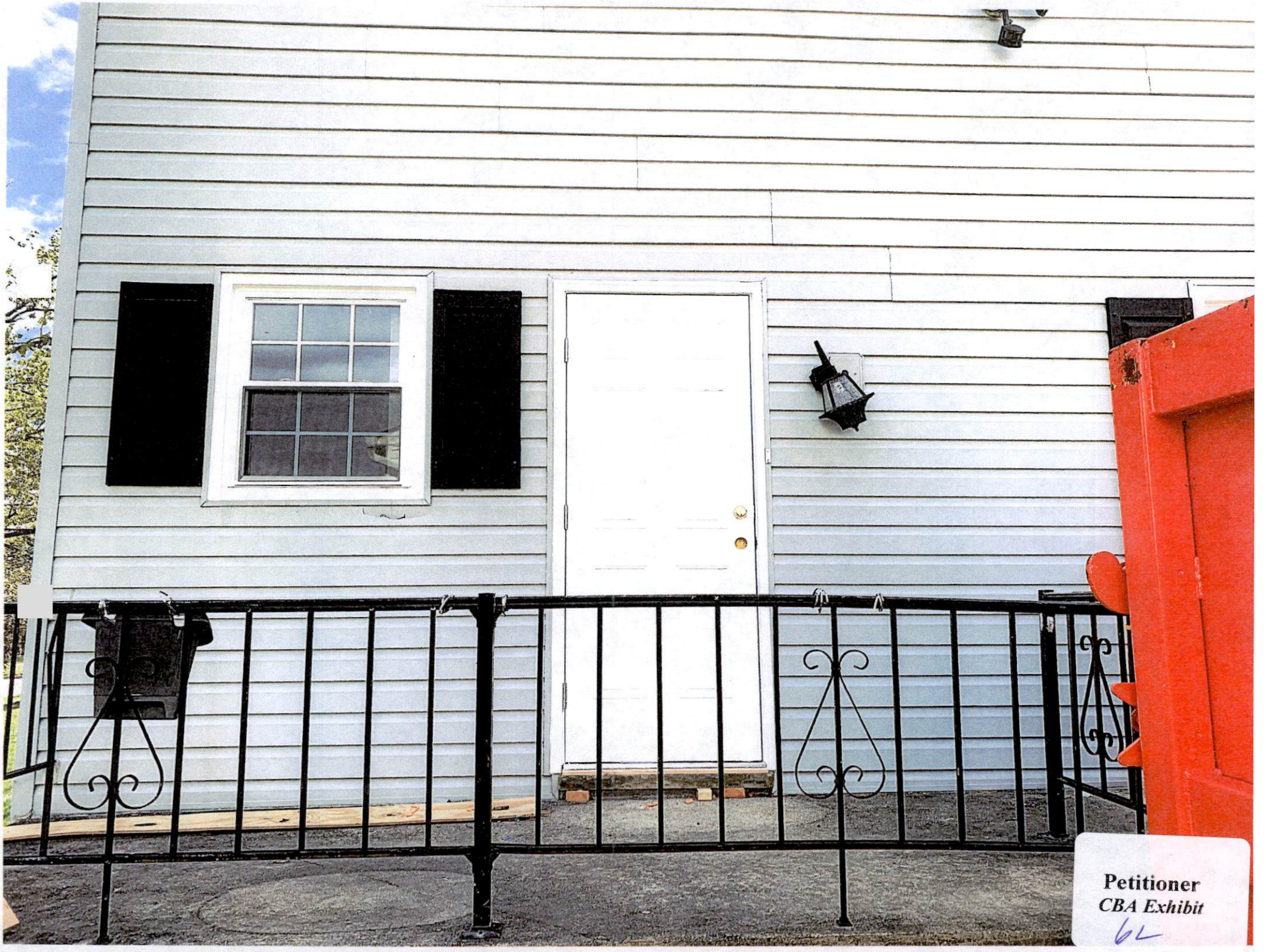
Petitioner
CBA Exhibit
6 6

Petitioner
CBA Exhibit
64

Petitioner
CBA Exhibit
6 I


54-NEXT
MPSTERS.COM
Petitioner
CBA Exhibit
6J


800-954-NEXT
Petitioner
CBA Exhibit
6K


Petitioner
CBA Exhibit
6L

Petitioner
CBA Exhibit
6M


Petitioner
CBA Exhibit
6N

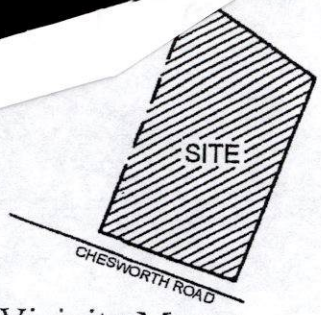
Petitioner
CBA Exhibit
60


Petitioner
CBA Exhibit
6P


Petitioner
CBA Exhibit
6D


Petitioner
CBA Exhibit
6R


Petitioner
CBA Exhibit
65



Vicinity Map

ZONING HEARING PLAN FOR VARIANCE X SPECIAL HEARING ___

ADDRESS 6302 CHESWORTH RD. CATONSVILLE MD 21228 OWNER NAME(S) NASIR HAMIDY

SUBDIVISION NAME WOODBRIDGE VALLEY LOT# 26 BLOCK# E SECTION# 1

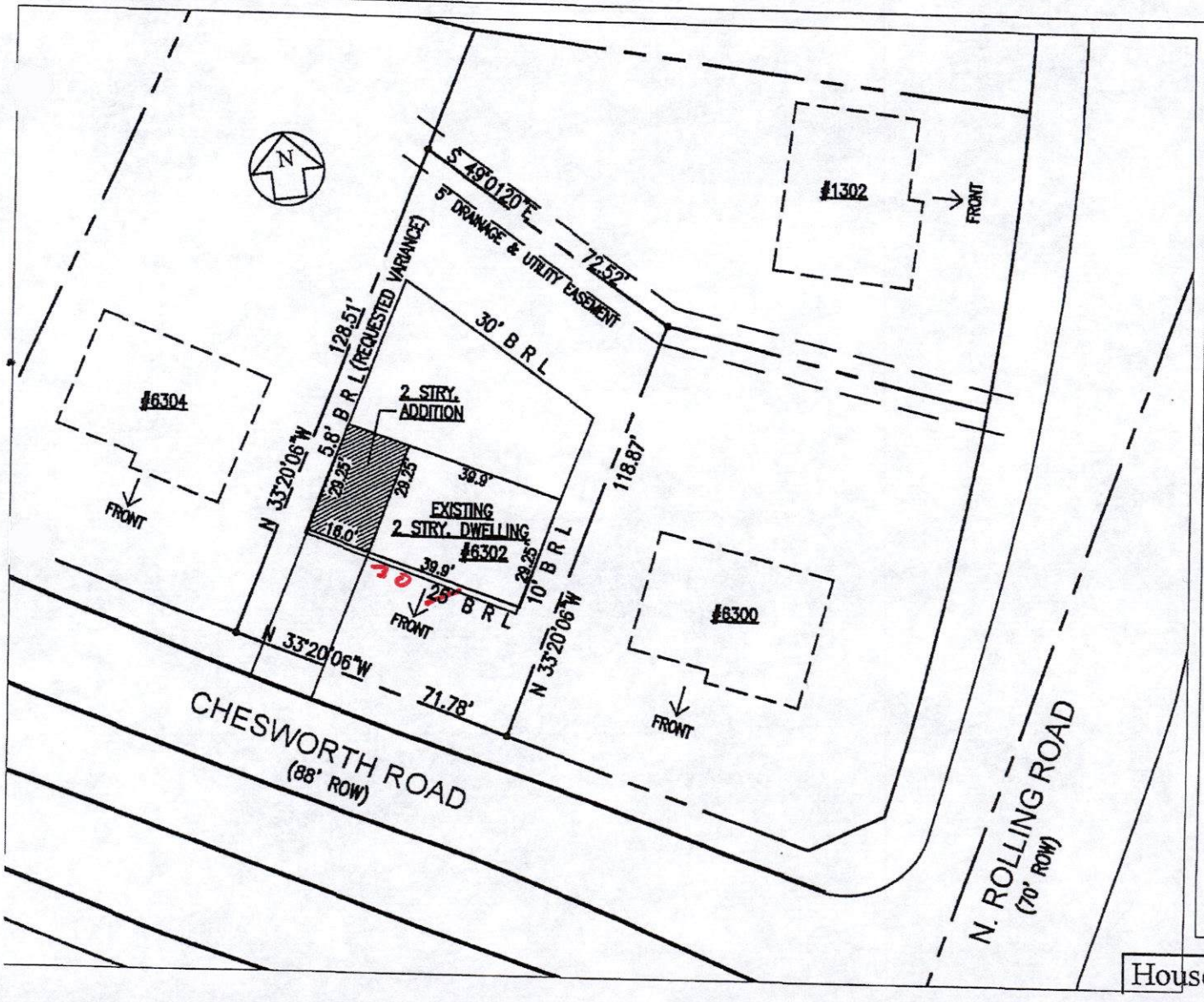
PLAT BOOK# 33 FOLIO# ~~0105~~ 111 10 DIGIT TAX# 0107410548 DEED REF.# ~~40314/00024~~ 40675/00145

SCALE: 1" = 40'

DATE: 6/15/18

SHEET NO: C-1

ADC Map D-12A
Tax Map 0094



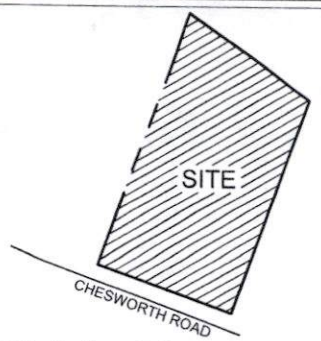
~~ZONING MAP#~~	~~09 & B2~~
SITE ZONED	DR3.5
ELECTION DISTRICT	1ST
COUNCIL DISTRICT	1ST
LOT AREA ACREAGE OR SQUARE FEET	8,560 SF
HISTORIC?	NO
IN CBCA?	NO
IN FLOOD PLAIN?	NO
UTILITIES?	
WATER IS:	PUBLIC
PUBLIC Y PRIVATE	
SEWER IS:	PUBLIC
PUBLIC Y PRIVATE	
PRIOR HEARING?	NO
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW	NO
VIOLATION CASE	NO

House Addition w/ 5.8' setback

6302 Chesworth Road
Catonsville, MD 21228

TITLE: House Addition

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, MD 21207
Phone: 443-604-3127



Vicinity Map

ZONING HEARING PLAN FOR VARIANCE X SPECIAL HEARING ____

ADDRESS 6302 CHESWORTH RD. CATONSVILLE MD 21228 OWNER NAME(S) NASIR HANDOY. ~~SYED HABEEB ASHRUF~~ ~~ANEESA ASHRUF~~

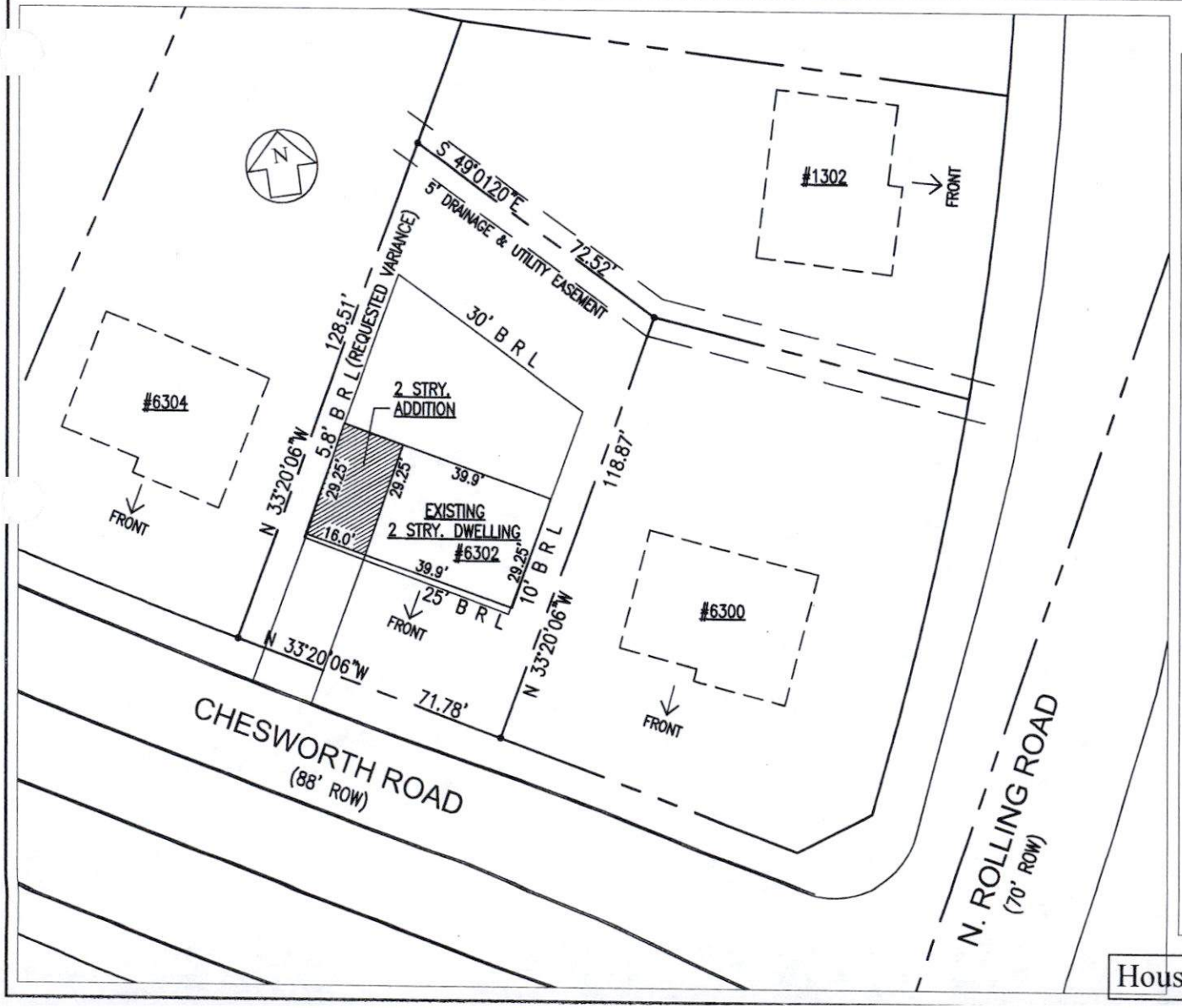
SUBDIVISION NAME WOODBRIDGE VALLEY LOT# 26 BLOCK# E SECTION# 1

PLAT BOOK# 33 FOLIO# 0105 10 DIGIT TAX# 0107410548 DEED REF.# 40314/00024

SCALE: 1" = 40'

DATE: 6/15/18

SHEET NO: C-1



ZONING MAP# 09 & B2

SITE ZONED DR3.5

ELECTION DISTRICT 1ST

COUNCIL DISTRICT 1ST

LOT AREA ACREAGE

OR SQUARE FEET 8,560 SF

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES?

WATER IS: PUBLIC

PUBLIC Y PRIVATE

SEWER IS: PUBLIC

PUBLIC Y PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

NO

VIOLATION CASE NO

House Addition w/ 5.8' setback

6302 Chesworth Road
Catonsville, MD 21228

TITLE: House Addition Pet. #1

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, MD 21207
Phone: 443-604-3127

Google Maps 6302 Chesworth Rd

Image capture: Aug 2012 © 2018 Google

Catonsville, Maryland

Google, Inc.

Street View - Aug 2012

Board of Appeals

Case No: 19-098-A Case Name: Nasir Hamidy

Exhibit List

Party: Protestant - Miller Date: 4/18/19

Exhibit No:	Description:
1A-1C	Miller's pictures of adjacent properties
	VERIFIED BY KC DATE: 4/25/19

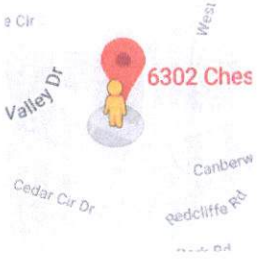
Google Maps 6302 Chesworth...

Image capture: Aug 2012 © 2019 Google

Catonsville, Maryland

Google

Street View - Aug 2012



Protestant
CBA Exhibit
1A

Protestant
CBA Exhibit
1B

Protestant
CBA Exhibit
1C

APPEAL

Petition for Variance
(6302 Chesworth Road)
1st Election District – 1st Councilmanic District
Legal Owner: Nasir Hamidy
Case No. 2019-0098-A

Petition for Variance (September 27, 2018)

Zoning Description of Property

Notice of Zoning Hearing (October 25, 2018)

Certificate of Publication (November 14, 2018)

Certificate of Posting for Hearing & Administrative Variance (October 6, 2018 & November 12, 2018) by Martin Ogle

Entry of Appearance by People's Counsel (None)

Petitioner(s) Sign-in Sheet – None
Citizen(s) Sign-in Sheet – None

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -
1. Site Plan

Protestants' Exhibits – None

Miscellaneous

Administrative Law Judge Order and Letter (DENIED December 7, 2018)

Notice of Appeal –Lawrence E. Schmidt, Esq on January 4, 2019

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

January 4, 2019

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt
600 Washington Ave, Suite 200
Towson, MD 21204-1301

RECEIVED
JAN 4 2019
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Variance
Case No. 2019-0098-A
Property: 6302 Chesworth Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 4, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Henry & Nancy Miller, 6304 Chesworth Road, Baltimore, MD 21228
Baltimore County Board of Appeals
People's Counsel for Baltimore County

APPEAL

Petition for Variance
(6302 Chesworth Road)
1st Election District – 1st Councilmanic District
Legal Owner: Nasir Hamidy
Case No. 2019-0098-A

Petition for Variance (September 27, 2018)

Zoning Description of Property

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Certificate of Publication (November 14, 2018)

Certificate of Posting for Hearing & Administrative Variance (October 6, 2018 & November 12, 2018) by Martin Ogle

Entry of Appearance by People's Counsel (None)

Petitioner(s) Sign-in Sheet – None
Citizen(s) Sign-in Sheet – None

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -
1. Site Plan

Protestants' Exhibits – None

Miscellaneous

Administrative Law Judge Order and Letter (DENIED December 7, 2018)

Notice of Appeal –Lawrence E. Schmidt, Esq on January 4, 2019

Formal Demand (10-[illegible] AV)

CASE NO. 2019- 0098-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
10/16	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	NC
10-10	DEPS (if not received, date e-mail sent _____)	NC
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
10/1	STATE HIGHWAY ADMINISTRATION	NO Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11-12-18

SIGN POSTING (1st) Date: 10-6-18 by Ogle

SIGN POSTING (2nd) Date: 10-21-18 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

BALTIMORE COUNTY DEPA IENT OF PERMITS, APPROVAL ND INSPECTIONS
ONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0098 -A Address 6302 CHESWORTH ROAD, 21228

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/27/18 **Posting Date:** 10/7/18 **Closing Date:** 10/22/18

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

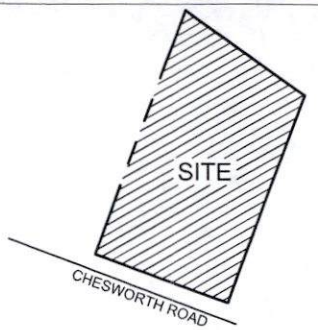
Case Number 2019- 0098 -A Address 6302 CHESWORTH ROAD, 21228

Petitioner's Name HAMIDY Telephone 443-803-2820

Posting Date: 10/7/18 **Closing Date:** 10/22/18

Wording for Sign: To Permit A SIDE YARD ADDITION WITH A SIDE SET BACK OF 5.8 FEET IN LIEU OF THE REQUIRED 10 FEET.

Revised 6/30/2019



Vicinity Map

ZONING HEARING PLAN FOR VARIANCE X SPECIAL HEARING ____

ADDRESS 6302 CHESWORTH RD. CATONSVILLE MD 21228 OWNER NAME(S) NASIR HAMIDY ~~SYED HABEEB ASHRUF~~ ~~ANEESA ASHRUF~~

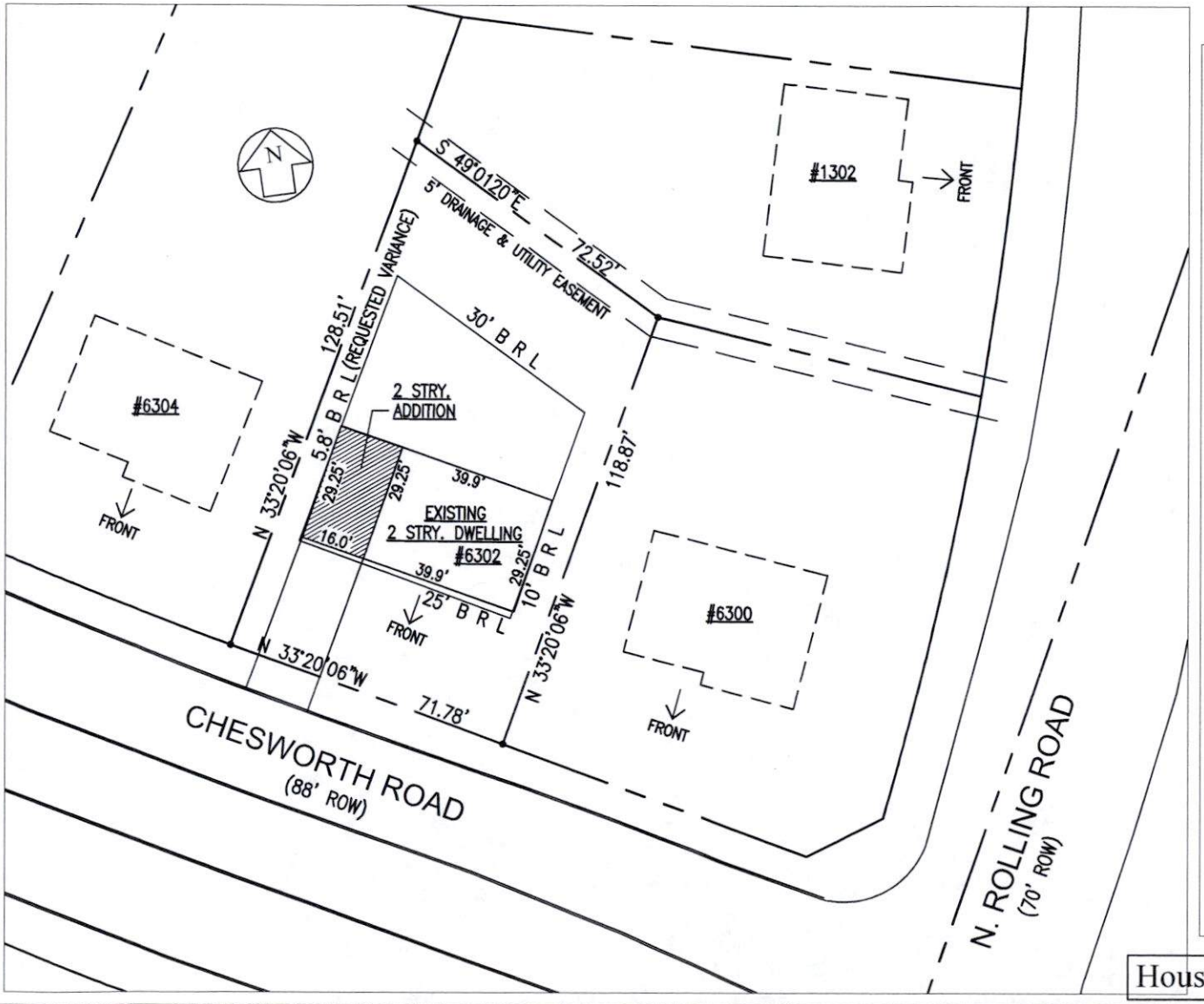
SUBDIVISION NAME WOODBRIDGE VALLEY LOT# 26 BLOCK# E SECTION# 1

PLAT BOOK# 33 FOLIO# 0105 10 DIGIT TAX# 0107410548 DEED REF.# 40314/00024

SCALE: 1" = 40'

DATE: 6/15/18

SHEET NO: C-1



ZONING MAP# 09 & B2

SITE ZONED DR3.5

ELECTION DISTRICT 1ST

COUNCIL DISTRICT 1ST

LOT AREA ACREAGE

OR SQUARE FEET 8,560 SF

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES?

WATER IS: PUBLIC

PUBLIC Y PRIVATE

SEWER IS: PUBLIC

PUBLIC Y PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

NO

VIOLATION CASE NO

House Addition w/ 5.8' setback

6302 Chesworth Road
Catonsville, MD 21228

TITLE: House Addition

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, MD 21207
Phone: 443-604-3127

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 6302 CHESWORTH ROAD **Currently zoned** DR 3.5

Deed Reference 40314 / 00024 10 Digit Tax Account # 0107410548

Owner(s) Printed Name(s) NASIR HAMIDY

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ✓ **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR: 1B01.2.C.1.b → To permit a side yard addition with a side setback of 5.8 feet in lieu of the required 10 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ____ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (*indicate type of work in this space: i.e., to raze, alter or construct addition to building*)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

ORDER RECEIVED FOR FILING
Date 12/7/18
By DEN

Owner(s)/Petitioner(s):

Nasir Hamidy / _____
Name #1 – Type or Print Name # 2 – Type or Print

Nasir Hamidy / _____
Signature #1 Signature # 2

6302 CHESWORTH RD. CATONSVILLE, MD
Mailing Address City State

21228 / 443-803-2820 / HAMZA786@gmail.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

_____
Name- Type or Print

_____
Signature

_____
Mailing Address City State

_____ / _____ / _____
Zip Code Telephone # Email Address

Representative to be contacted:

MOHAMMED MUFTI
Name – Type or Print

_____
Signature

12440 FREDERICK RD. W.FRIENDSHP, MD
Mailing Address City State

21794 / 443-604-3127 / brmufti@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

_____
Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0098-A **Filing Date** 9/27/18 **Estimated Posting Date** 10/7/18 **Reviewer** JS

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 6302 CHESWORTH RD (Print or Type Address of property) CATONSVILLE (City) MD (State) 21228 (Zip Code)

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

THE ADDITION OF A GARAGE AT THE REAR OF THE PROPERTY IS DIFFICULT BECAUSE OF A SUDDEN DROP OF THE SITE ELEVATION AT THE END OF THE DRIVEWAY. A GARAGE WITH A SECOND FLOOR BEDROOM IS ONLY POSSIBLE ON THE LEFT SIDE OF EXISTING HOUSE. THE ADDITION WILL BE IN SIDE SETBACK.

WE REQUEST SIDE SETBACK OF 5.8 FEET IN LIEU OF REQUIRED 10 FEET.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of ~~Owner (Affiant)~~ | Signature of Owner (Affiant)

Nasir Hamidy
Name- Print or Type | Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this_____ day of _____, _____, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: _____

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

OFFICIAL SEAL
JAMES ADEOYE
NOTARY PUBLIC-MARYLAND
BALTIMORE COUNTY
My Commission Expires

Notary Public

9/23/2020
My Commission Expires

REV. 5/5/2016

ZONING PETITION PROPERTY DESCRIPTION

PART A

Zoning Property Description for 6302 Chesworth Road, Baltimore, MD 21228.
Beginning at a point on the North side of Chesworth Road which is 88 Feet wide at a distance of 110 feet Southeast of the centerline of the nearest improved intersecting street N. Rolling Road which is 70 feet wide.

PART B

Being Lot #(26), Block (E), Section #(1) in the subdivision of Woodbridge Valley in Baltimore County Plat Book #(33), Folio #(105), containing 8,560 Sq. Ft. Located in the (1st) Election District and (1st) Council District.

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

No. 176248

Date: 9/27/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$ 100.00

Total: $ 100.00

Rec From: HAM 84

For: 2019-0095-A

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/28/2018	9/27/2018	11:15:36	3

REG HSO7 WALKIN CAM
>RECEIPT # 791240 9/27/2018 OFLN
Dept 5 528 ZONING VERIFICATION
176248
Rcpt Tot $100.00
$100.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: 2019-0098-A

Property Address: 6302 CRIGSWORTH ROAD, 21228

Property Description: _____

_____

Legal Owners (Petitioners): _____

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MOHAMMED MUFTI

Company/Firm (if applicable): _____

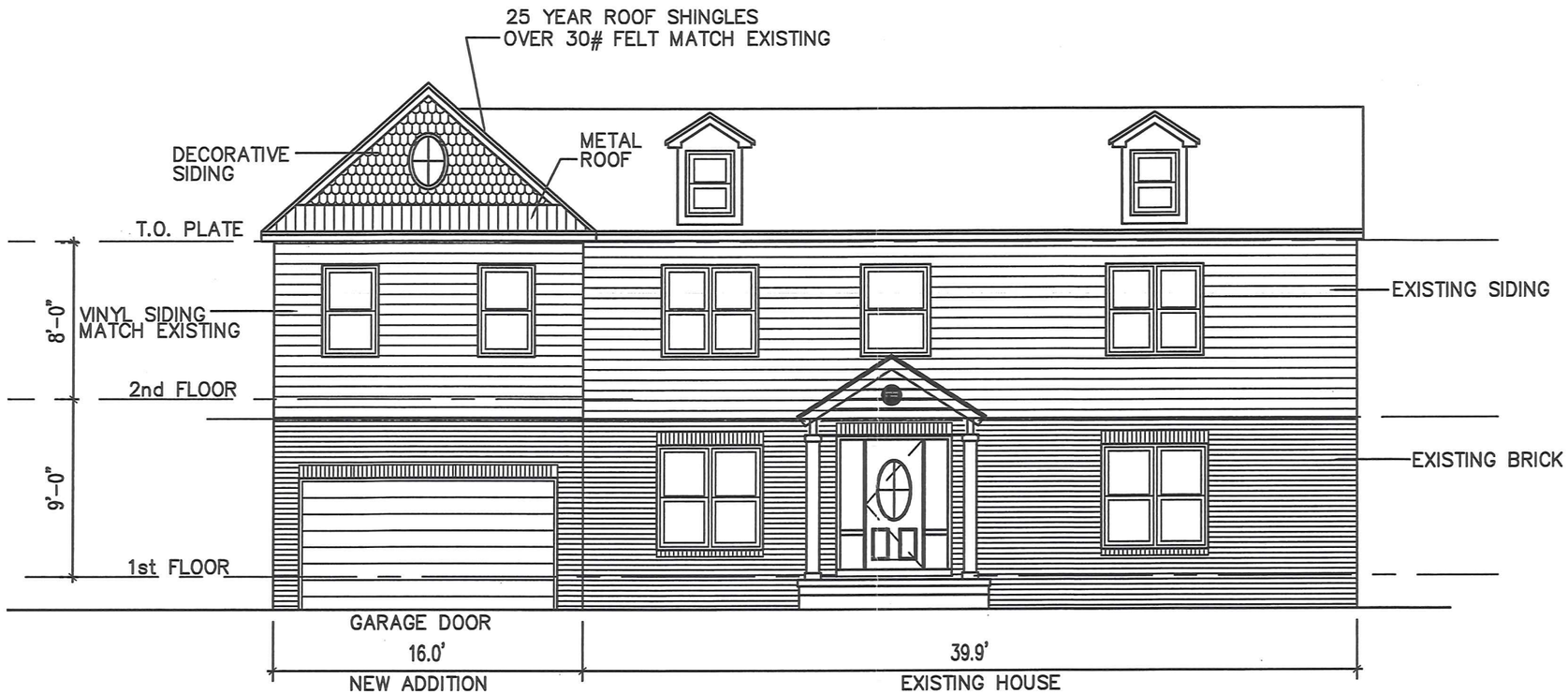
Address: 12440 FREDERICK RD

W. FRIENDSHIP, MD 21794

_____

Telephone Number: 443-604-3127

Revised 7/9/2015



FRONT ELEVATION

SCALE: 1"=8'

DATE: 10/24/18

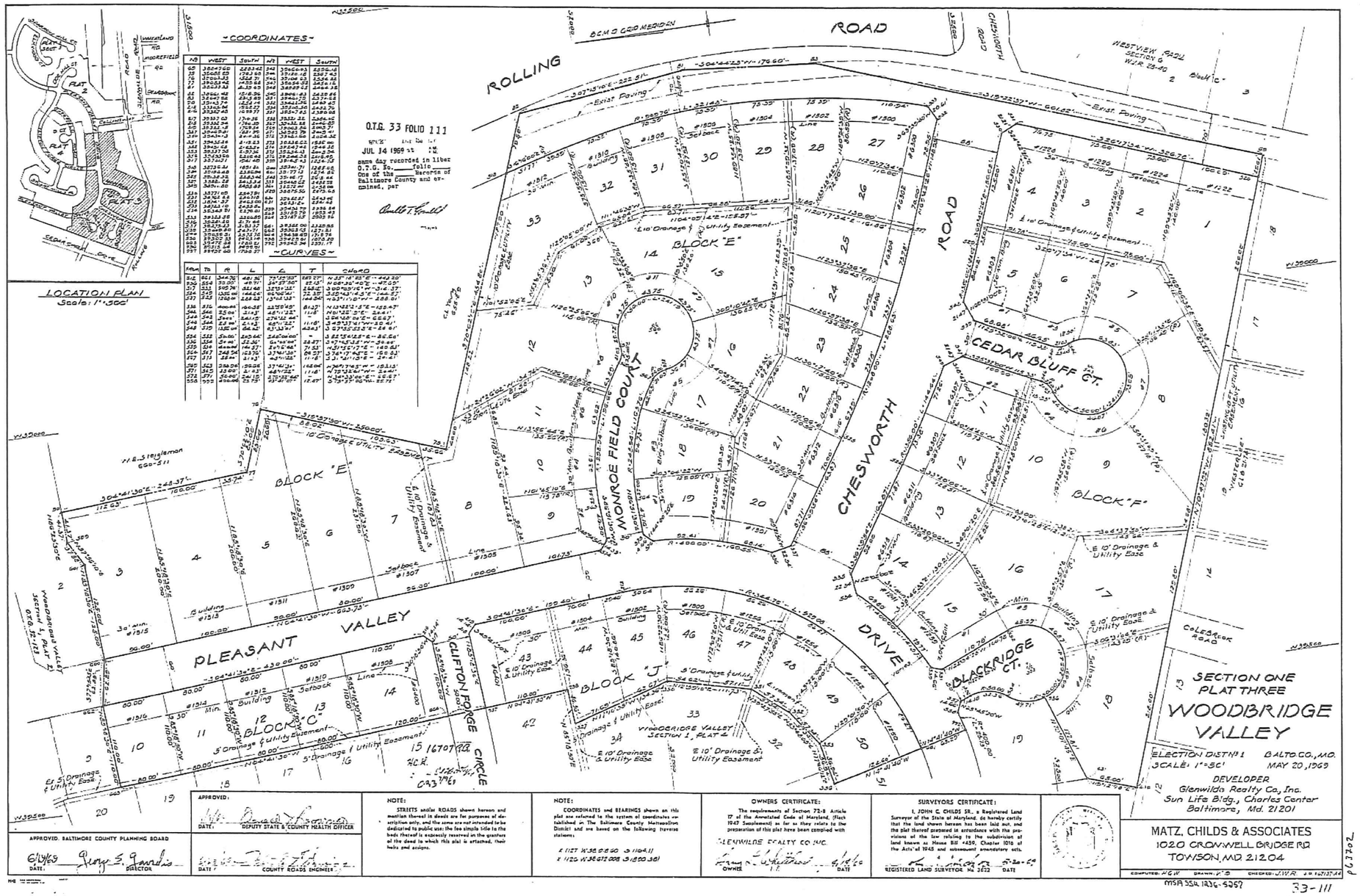
SHEET NO: A-1

6302 CHESWORTH ROAD

TITLE: PROPOSED ADDITION

Petitioner
CBA Exhibit
2

Petitioner
CBA Exhibit
4



Petitioner
CBA Exhibit
5A

Baltimore County - My Neighborhood

Petitioner
CBA Exhibit
5B

Baltimore County - My Neighborhood

Petitioner
CBA Exhibit
5C

Baltimore County - My Neighborhood

Petitioner
CBA Exhibit
5D

Baltimore County - My Neighborhood