

M E M O R A N D U M

DATE: April 30, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0220-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 29, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(6413 Windsor Mill Road)
2nd Election District
4th Council District
Mohammed & Farhana Mufti
Legal Owners
Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0220-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Mohammed & Farhana Mufti, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 409 of the Baltimore County Zoning Regulations (“BCZR”) and the Baltimore County Landscape Manual as follows: (1) to allow 12 ft. wide driveway in lieu of the required 20 ft. for two way movement; (2) to allow 6 ft. offset from right-of-way in lieu of the required 10 ft.; (3) to allow 20 ft. backup aisle in lieu of required 22 ft. for parking spaces #1 and #2; (4) to allow no landscaping buffer between paved surfaces on adjacent commercial properties in lieu of required 6 ft. wide landscaping strip; and (5) to allow dumpster enclosure placed 2 ft. from residential property boundary in lieu of the required 10 ft. A site plan was marked as Petitioners’ Exhibit 1.

Mohammed Mufti appeared in support of the petition. A neighbor attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). As discussed below that agency did not oppose the bulk of the zoning requests.

The site is approximately 7,000 square ft. in size and is zoned BL. The property is

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Date 3/28/19

By SLN

comprised of two lots (Lot 51 and 52 on Plat of Broadacres), each measuring 25 ft. x 140 ft. The property is improved with a small (572 sq. ft.) frame structure constructed in 1943. The structure was used as a single family dwelling until approximately 2006 when the Petitioners purchased the property. The property is now zoned BL and the structure is used for commercial purposes (i.e., a tobacco shop), as are all of the adjoining properties along Windsor Mill Road. Petitioners propose to construct a one-story addition (1,000 sq. ft.) although zoning relief is required before they can do so.

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 lots are narrow and quite deep, and the improvements were constructed long before adoption of the BCZR. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed addition. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

In its ZAC comment the DOP indicated it did not support Petitioners' request to provide no landscaping. Mr. Mufti noted the entire site is paved and that to provide landscaping would be a difficult and expensive proposition. He also noted none of the adjoining properties have landscaping. I am sympathetic to Petitioners concerns, although I agree with the DOP Petitioners should explore with the County's Landscape Architect potential options for landscaping, which

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Date 3/28/19

By Sen

would enhance the appearance of the site. Mr. Mufti indicated he believed planters or similar fixtures could be installed to provide a vegetative buffer along the front of the site. That seems like a reasonable compromise under the circumstances and a condition to that effect will be included below.

The DOP also questioned whether the proposed dumpster complies with Condition H in the landscape manual. Of course, the manual imposes a 10 ft. setback from a DR zone, although Petitioners have sought an "adjustment" to permit a 2 ft. setback. The plan shows a 6 ft. opaque wood fence along the DR 5.5 zone boundary at the rear of the site, and a "10' x 10' dumpster enclosure with gates." In my opinion these measures will conceal the dumpster from adjacent properties and streets, which is the objective of Condition H.

The final issue raised by the DOP concerned whether the "existing 2nd floor apartment" as shown on the site plan was permitted since the property was not located within a CCC overlay district. As noted above, the existing structure was constructed in 1942 and has been used (at least in part) for residential purposes since that time. The adjoining owner (Albert Watson) testified he has lived at 6411 Windsor Mill for over 30 years and that he lives on the second floor and operates a salon/shoe repair business on the first floor. Although Petitioners did not specifically request any zoning relief concerning this issue, I believe a second story apartment is permitted in these circumstances as a lawful nonconforming use under BCZR Section 104. In addition, "residences" are permitted by right in the BL zone.

THEREFORE, IT IS ORDERED, this 28th day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 409 of the Baltimore County Zoning Regulations ("BCZR") and the Baltimore County Landscape Manual: (1) to allow 12 ft. wide driveway in lieu of the required 20 ft. for two way movement;

ORDER RECEIVED FOR FILING

3

Date

3/28/19

By

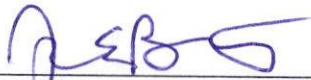
slr

(2) to allow 6 ft. offset from right-of-way in lieu of the required 10 ft.; (3) to allow 20 ft. backup aisle in lieu of required 22 ft. for parking spaces #1 and #2 shown on the site plan, and (4) to allow dumpster enclosure placed 2 feet from residential property boundary in lieu of the required 10 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. No temporary banners, flags or signs of any type shall be permitted at the subject property.
3. Petitioners shall provide appropriate landscaping along the Windsor Mill Road frontage, as determined in the sole discretion of the Baltimore County Landscape Architect.

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:slm:dlw

ORDER RECEIVED FOR FILING

Date 3/28/19
By sen



PETITION FOR ZONING HEARING(S)

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

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

Address 6413 WINDSOR MILL ROAD which is presently zoned BL
 Deed References: 23561/0009 10 Digit Tax Account # 0219710731
 Property Owner(s) Printed Name(s) MOHAMMED MUFTI, FARHANA MUFTI

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MOHAMMED MUFTI FARHANA MUFTI
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1 [Signature] Signature #2 [Signature]

12440 FREDERICK RD. WEST FRIENDSHIP, MD
 Mailing Address City State

21794 / 443-604-3127 / BRMUFTI@GMAIL.COM
 Zip Code Telephone # Email Address

Representative to be contacted:

MOHAMMED MUFTI
 Name - Type or Print

Signature [Signature]

12440 FREDERICK RD. WEST FRIENDSHIP, MD
 Mailing Address City State

21794 / 443-604-3127 / BRMUFTI@GMAIL.COM
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0220-A Filing Date 1/24/19

Do Not Schedule Dates: Reviewer JS

6413 WINDSOR MILL ROAD, BALTIMORE, MD 21207
VARIANCES & LANDSCAPE MANUAL ADJUSTMENTS REQUIRED

3. A VARIANCE FROM SECTIONS:

1. B.C.Z.R. 409

- A. VARIANCE TO ALLOW 12 FEET WIDE DRIVEWAY IN-LIEU OF REQUIRED 20 FEET FOR TWO WAY MOVEMENT.

Hardship: Existing building will not allow 20 feet wide 2 way driveway.

- B. VARIANCE TO ALLOW 6 FEET OFFSET FROM RIGHT OF WAY IN-LIEU OF REQUIRED 10 FEET. FRONT YARD PARKING SPACE #1.

Hardship: ADA extra wide parking space will not allow 10 feet offset.

- C. VARIANCE TO ALLOW 20 FEET BACKUP AISLE IN-LIEU OF REQUIRED 22 FEET FOR PARKING SPACES #1 AND #2.

Hardship: Existing 50 feet lot width will not allow 22 feet reverse aisle.

2. CONDITION B - PARKING LOTS LANDSCAPE REQUIREMENTS
PERIMETER SCREENING

409.8.A.1

- A. LANDSCAPE MANUAL ADJUSTMENT TO ALLOW NO LANDSCAPING BUFFER BETWEEN ADJACENT COMMERCIAL PROPERTIES PAVED SURFACES ON EITHER SIDE OF LOT LINES IN LIEU OF REQUIRED 6 FEET WIDE LANDSCAPING STRIP.

Hardship: Existing 50 feet lot width will not allow landscaping buffers.

3. CONDITION H – DUMPSTER AND GROUND MOUNTED HVAC

- A. LANDSCAPE MANUAL ADJUSTMENT TO ALLOW DUMPSTER ENCLOSURE PLACED 2 FEET FROM RESIDENTIAL RIGHT OF WAY IN LIEU OF REQUIRED 10 FEET AWAY.

Hardship: Moving trash enclosure 10 feet from residential right of way will encroach into drive aisle.

4. RELIEF FROM ALL OTHER VARIANCES AND OR ADJUSTMENTS FROM LANDSCAPE MANUAL THAT MAY APPLY.

ZONING PETITION PROPERTY DESCRIPTION

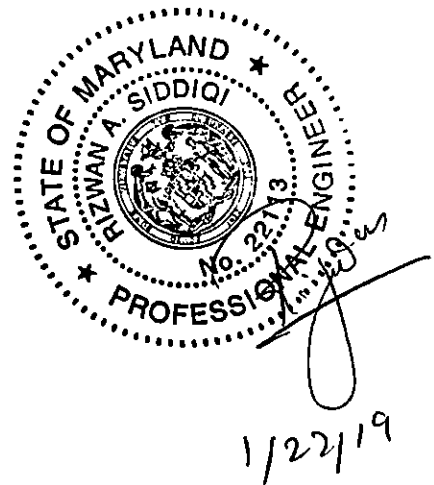
PART A

Zoning Property Description for 6413 Windsor Mill Road, Baltimore, MD 21207.

Beginning at a point on the Southwest side of Windsor Mill Road which is 30 Feet wide at a distance of 400 feet Southeast of the centerline of the nearest improved intersecting street Woodlawn Drive which is 50 feet wide.

PART B

Being Lot #(51,52), Block (E), Section #(1) in the subdivision of Broadacres in Baltimore County Plat Book #(33), Folio #(105), containing 7,000 Sq. Ft. Located in the (2nd) Election District and (4th) Council District.



The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/5/2019

Order #: 11710142
Case #: 2019-0220-A
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0220-A



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0220-A

6413 Windsor Mill Road

SW/s Windsor Mill Road, s/east of Woodlawn Drive

2nd Election District - 4th Councilmanic District

Legal Owners: Mohammad & Farhana Mufti

Variance to allow 12 feet wide driveway in lieu of required 20 feet for two way movement. To allow 6 feet offset from right of way lieu of required 10 feet. Front yard parking space #1. To allow 20 feet backup aisle in lieu of required 22 feet for parking spaces #1 and #2. To allow no landscaping buffer between adjacent commercial properties paved surfaces on either side of lot lines in lieu of required 6 feet wide landscaping strip. To allow dumpster enclosure placed 2 feet from residential right of way in lieu of required 10 feet away. Relief from all other variances and or adjustments from landscape manual that may apply.

Hearing: Monday, March 25, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

mh5

JB 3-25-19
10Am

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Sunday, March 24, 2019 7:39 PM
To: Administrative Hearings
Subject: 2019-0220-A

RECEIVED
MAR 25 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

2nd set of certificates

CERTIFICATE OF POSTING

CASE NO. 2019-0220-A
PETITIONER/DEVELOPER
MOHAMMAD
FARHANA MUFTI
DATE OF HEARING/CLOSING
3/25/19

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
6413 WINDSOR MILL ROAD SIGN # 2

THIS SIGN(S) POSTED ON March 4, 2019 March 22, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Marty Ogle 3/4/19
SIGNATURE OF SIGN POSTER

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

ZONING
A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
ON MARCH 25, 2019 AT 10:00 AM
AT THE BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
BALTIMORE, MD 21201
FOR MORE INFORMATION, PLEASE CONTACT
MARTIN OGLE AT 443-629-3411

Marty Ogle 3/22/19

CERTIFICATE OF POSTING

CASE NO. 2019-0220-A

PETITIONER/DEVELOPER

MOHAMMAD
FARHADA MUFTI

DATE OF HEARING/CLOSING

3/25/19

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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NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

6413 WINDSOR MILL ROAD

SIGN #1

THIS SIGN(S) POSTED ON

March 4, 2019

March 22, 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 3/4/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

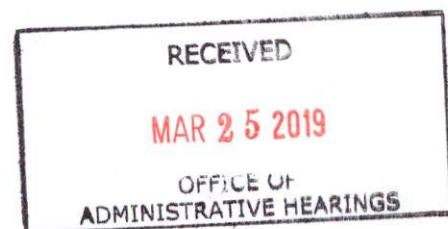
PARKVILLE, MD. 21234

443-629-3411



Martin Ogle 3/22/19

Sent from my iPhone



CERTIFICATE OF POSTING

CASE NO. 2019-0220-A

PETITIONER/DEVELOPER

MOHAMMAD
FARHANA MUFTI

DATE OF HEARING/CLOSING

3/25/19

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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NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

6413 WINDSOR MILL ROAD SIGN #1

THIS SIGN(S) POSTED ON March 4, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 3/4/19
SIGNATURE OF SIGN POSTER

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

OR
PARK IN FRONT OF

ZONING NOTICE

CASE # 2019-0220-A

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21204

DATE AND TIME: Monday, March 25, 2019 at 10:00 a.m.

REQUEST: Variance to allow 12 feet wide driveway in lieu of required 20 feet for two way movement. To allow 6 feet offset from right of way line of required 10 feet. Front yard parking space #1. To allow 20 foot backup aisle in lieu of required 22 feet for parking spaces #1 and #2. To allow no landscaping buffer between adjacent commercial properties paved surfaces on either side of lot when in lieu of required 6 feet wide landscaping strip. To allow dumpster enclosure placed 2 feet from residential right of way in lieu of required 10 feet away. Relief from all other variances and or adjustments from landscape manual that may apply.

NOTICE: THIS NOTICE IS TO BE HEARD IN TOWSON, MD. HEARINGS ARE NON-TRIAL ADJUDICATIONS.

IT IS THE POLICY OF THE CITY OF TOWSON TO PROVIDE ACCESS TO ALL CITY SERVICES TO ALL CITIZENS.

IF YOU ARE A PERSON WITH A DISABILITY, PLEASE CONTACT THE CITY OF TOWSON AT 410.281.1234 FOR MORE INFORMATION.

HANDICAPPED ACCESSIBLE

W. J. Smith Jr. 3/4/19

CERTIFICATE OF POSTING

CASE NO. 2019-0220-A

PETITIONER/DEVELOPER

MOHAMMAD
FARHANA MUFTI

DATE OF HEARING/CLOSING

3/25/19

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

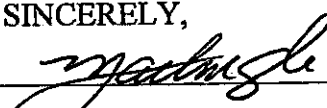
6413 WINDSOR MILL ROAD SIGN #2

THIS SIGN(S) POSTED ON

March 4, 2019

(MONTH, DAY, YEAR)

SINCERELY,

 3/4/19

SIGNATURE OF SIGN POSTER

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
6413 Windsor Mill Rd; SW/S of Windsor Mill *
Road, 400' SE of c/line with Woodlawn Drive * OF ADMINISTRATIVE
2nd Election & 4th Councilmanic Districts HEARINGS FOR
Legal Owner(s): Mohammed & Farhana Mufti *
Petitioner(s) * BALTIMORE COUNTY
* 2019-220-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

FEB 14 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2019, a copy of the foregoing Entry of Appearance was mailed to Mohammed Mufti, 12440 Frederick Road, West Friendship, Maryland 21794, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 28, 2019

NOTICE OF ZONING HEARING

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2nd Election District – 4th Councilmanic District
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Hearing: Monday, March 25, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Mike Mohler".

Mike Mohler
Director

MM:kl

C: Mr. & Mrs. Mufti, 12440 Frederick Road, West Friendship 21794

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 5, 2019.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Tuesday, March 5, 2019 - Issue

Please forward billing to:
Mohammed Mufti
12440 Frederick Road
West Friendship, MD 21794

443-604-3127

NOTICE OF ZONING HEARING

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

No. **178451**

Date: **1/24/19**

PAID RECEIPT

BUSINESS: ACTUAL
 1/25/2019 1/24/2019

REC. 1501 WALKIN CAM

>RECEIPT 1 805231 1/24/

Dept 5 528 ZONING VERI

Amount 178451

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

Rec'd Tot \$

500.00 CK

Baltimore County, Md

Total: **\$ 500.00**

Rec From: **MUFTI**

For: **2019-0220-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER
VALIDA**

we sell variety of tobacco products
Wholesale to Pub

ZONING NOTICE

CASE # 2019-0220-A

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave. Towson MD 21204
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of required 6 feet wide landscaping strip. To allow dumpster
enclosure placed 2 feet from residential right of way in lieu
of required 10 feet away. Relief from all other variances and
or adjustments from landscape manual that may apply.

THE ZONING COMMISSION IS A PUBLIC BODY AND ITS MEETINGS ARE OPEN TO THE PUBLIC. ANYONE MAY ATTEND AND SPEAK AT THE MEETING. THE COMMISSION WILL CONSIDER THE REQUEST FOR VARIANCE AND MAKE A DECISION ON THE MATTER.

THE ZONING COMMISSION IS A PUBLIC BODY AND ITS MEETINGS ARE OPEN TO THE PUBLIC. ANYONE MAY ATTEND AND SPEAK AT THE MEETING. THE COMMISSION WILL CONSIDER THE REQUEST FOR VARIANCE AND MAKE A DECISION ON THE MATTER.

LANDSCAPED ACT ENDS HERE

ryan m. gl 3/4/19

**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: 2019-0770-A

Property Address: 6413 WINDSOR MILL ROAD

Property Description: _____

Legal Owners (Petitioners): MOHAMMED + FARHANA MUFTI

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MOHAMMED MUFTI

Company/Firm (if applicable): _____

Address: 12440 FREDERICK ROAD
WEST FRIENDSHIP, MD. 21794

Telephone Number: 443-604-3127

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

March 15, 2019

Mohammed & Farhana Mufti
12440 Frederick Road
West Friendship MD 21794

RE: Case Number: 2019-0220-A, 6413 Windsor Mill Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 24, 2019. 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/kl

Enclosures

c: People's Counsel

3-25-19

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 3/4/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-220



INFORMATION:

Property Address: 6413 Windsor Mill Road
Petitioner: Mohammed and Farhana Mufti
Zoning: BL
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit the zoning relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on February 19, 2019.

The site is subject to the Woodlawn/Liberty Community Plan and is located within the Woodlawn Commercial Revitalization District Area.

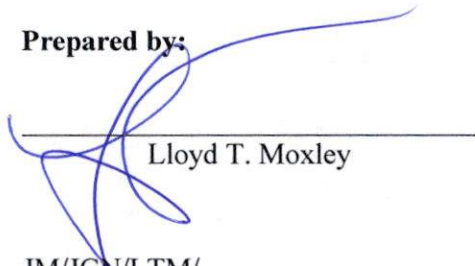
The Department has no objection to granting the petitioned zoning relief in part and opposes granting zoning relief in part as follows:

- All temporary or non-permitted signage shall be removed.
- The Department does not support providing no landscape buffering. Petitioners shall work with the Baltimore County Landscape Architect to provide landscaping to the extent possible.
- The Department does not object to granting setback relief provided Petitioners demonstrate how the dumpster meets the requirements of Condition H of the Baltimore County Landscape Manual.

Be advised the subject site lacks the Commercial, Community Core (CCC) district overlay necessary for residential apartments in combination with a non-residential building. Petitioners shall demonstrate to the satisfaction of the Administrative Law Judge how the residential use may continue.

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

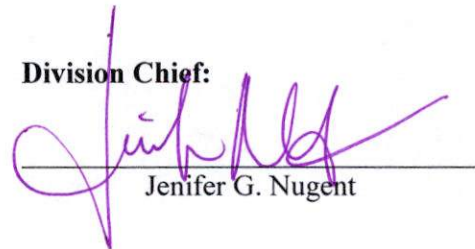
Prepared by:



Lloyd T. Moxley

JM/JGN/LTM/

Division Chief:



Jenifer G. Nugent

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Mohammed Mufti
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: Feb 25, 2019

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

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2019
Item No. 2019-0218-SPH, 0220-A, 0221-A, 0222-SPHA, 0223-SPH, 0224-
SPHA

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

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-220

DATE: 3/4/2019

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Zoning: BL
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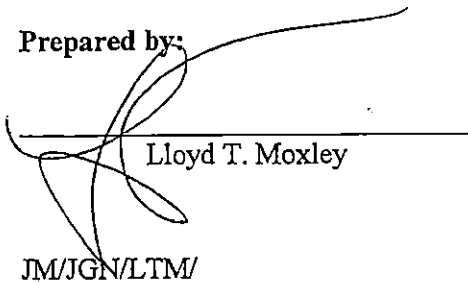
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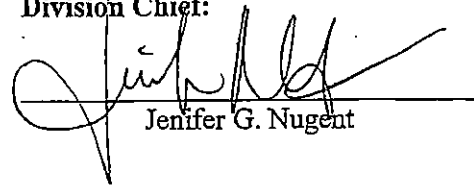
Prepared by:



Lloyd T. Moxley

JM/JGN/LTM/

Division Chief:



Jenifer G. Nugent

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Mohammed Mufti
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: February 21, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0220-A
Address 6413 Windsor Mill Road
(Mufi Property)

Zoning Advisory Committee Meeting of **February 18, 2019**.

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

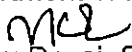
Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: Feb 25, 2019

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2019
Item No. 2019-0218-SPH, 0220-A, 0221-A, 0222-SPHA, 0223-SPH, 0224-SPHA

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

* * * * *

VKD: cen
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 2/19/19

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:

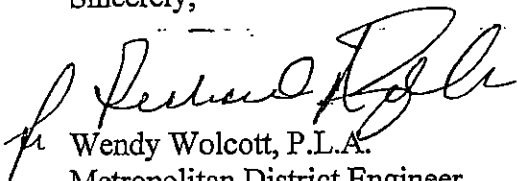
Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-0220-A

Variance

*Mohammed & Farhana Muf,
6413 Windsor Mill 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



*Office of Administrative Hearings
105 West Chesapeake Avenue, Room 103
Jefferson Building
Towson, Maryland 21204*

Return Service Requested

Albert Watson
6411 Windsor Mill Road
Baltimore, Maryland 21207

→
- BL zone → does it permit residential. ?

Albert Watson

6411 Windsor Mill

21267

→ - owns next door
Hair Salon + shoe repair
- owned for 30+ years
and lives ~~is~~ upstairs.

Send copy of
order



CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

2/25

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

No Comment

2/21

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

No Comment

3/4

FIRE DEPARTMENT

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

Comment

2/19

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

NO Obj

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/5/19

Daily Record

SIGN POSTING (1st)

Date:

3/4/19

by

Ogle

SIGN POSTING (2nd)

Date:

3-22-19

by

"

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 02 Account Number - 0219710731			
Owner Information					
Owner Name:	MUFTI MOHAMMED MUFTI FARHANA		Use:	COMMERCIAL	
Mailing Address:	12440 STATE ROUTE 144 W FRIENDSHIP MD 21794-9511		Principal Residence:	NO	
			Deed Reference:	/23561/ 00001	
Location & Structure Information					
Premises Address:	6413 WINDSOR MILL RD BALTIMORE 21207-6065		Legal Description:	LTS 51,52 .1602 AC 6413 WINDSOR MILL RD BROADACRES	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0088	0020	0391		0000	
					Block:
					51
					Lot:
					2019
					Assessment Year:
					Plat No:
					Plat Ref: 0005/0044
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1943	858 SF		7,000 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE	1 full	Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2019	As of 07/01/2018	As of 07/01/2019	
Land:	102,000	102,000			
Improvements	70,200	67,800			
Total:	172,200	169,800	172,200	169,800	
Preferential Land:	0			0	
Transfer Information					
Seller: STANSBURY MARY ANITA		Date: 03/21/2006		Price: \$160,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /23561/ 00001		Deed2:	
Seller: NOCHUMOWITZ PAUL WYE		Date: 07/26/1991		Price: \$79,500	
Type: ARMS LENGTH IMPROVED		Deed1: /08866/ 00377		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			

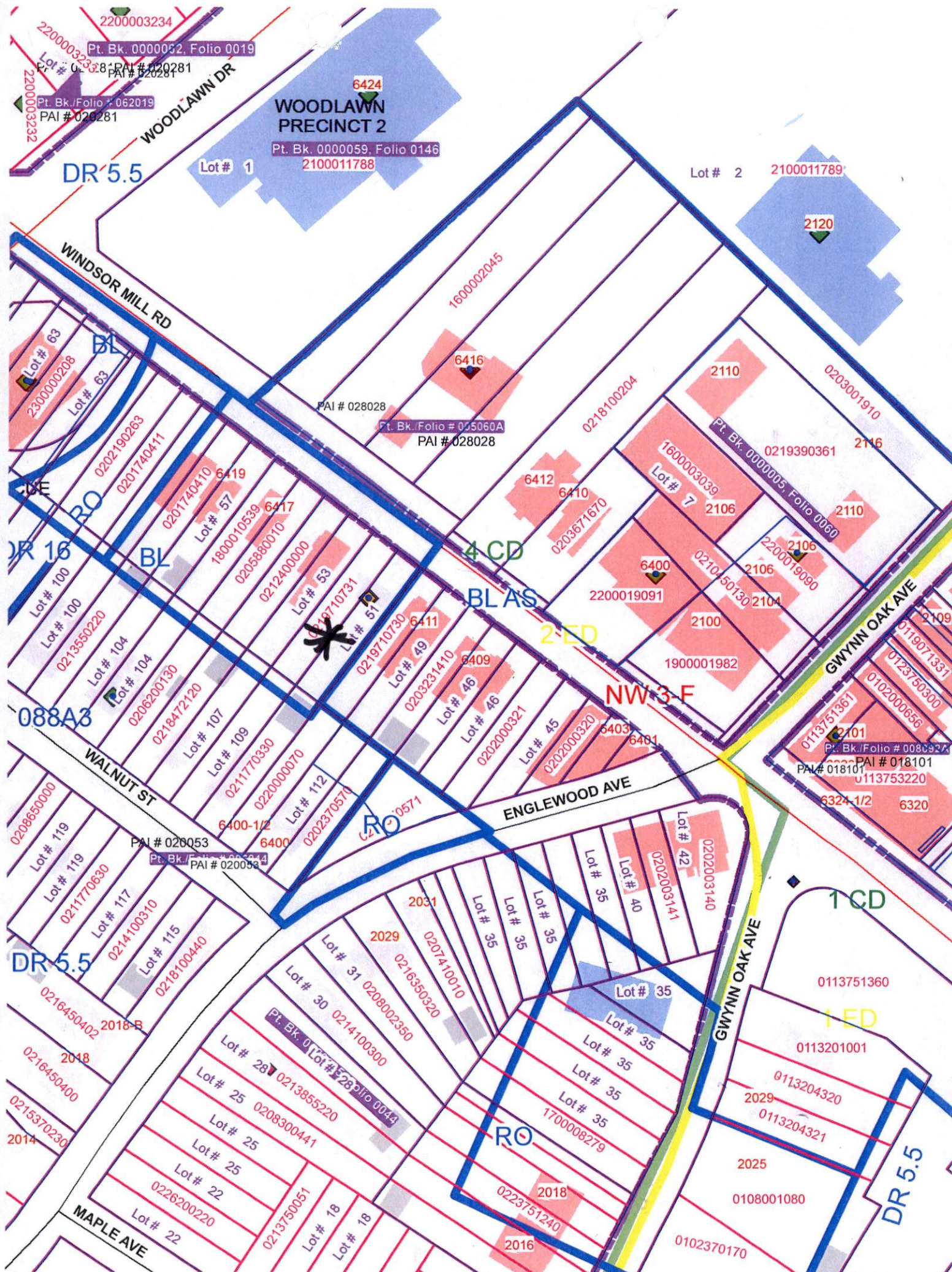
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

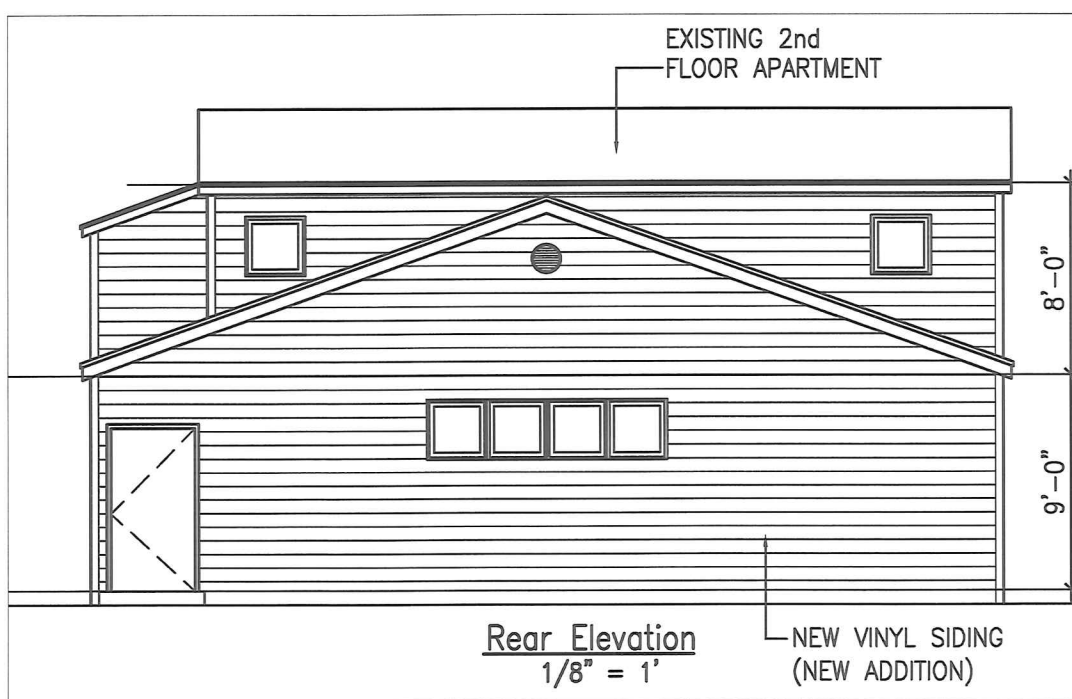
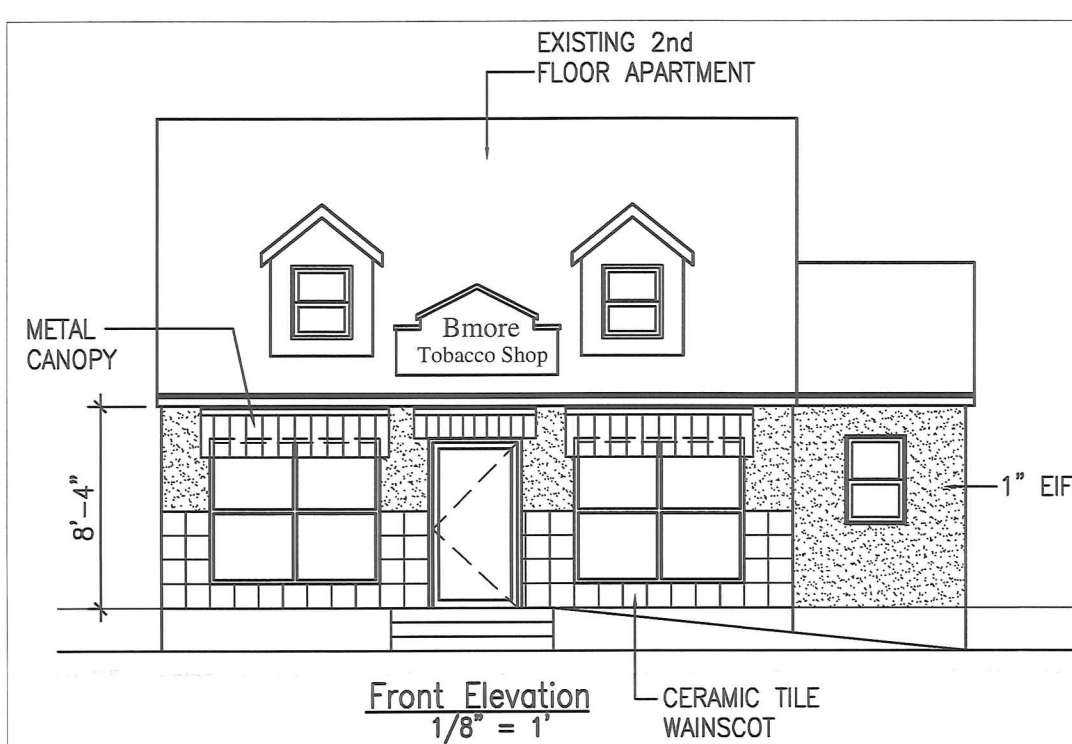
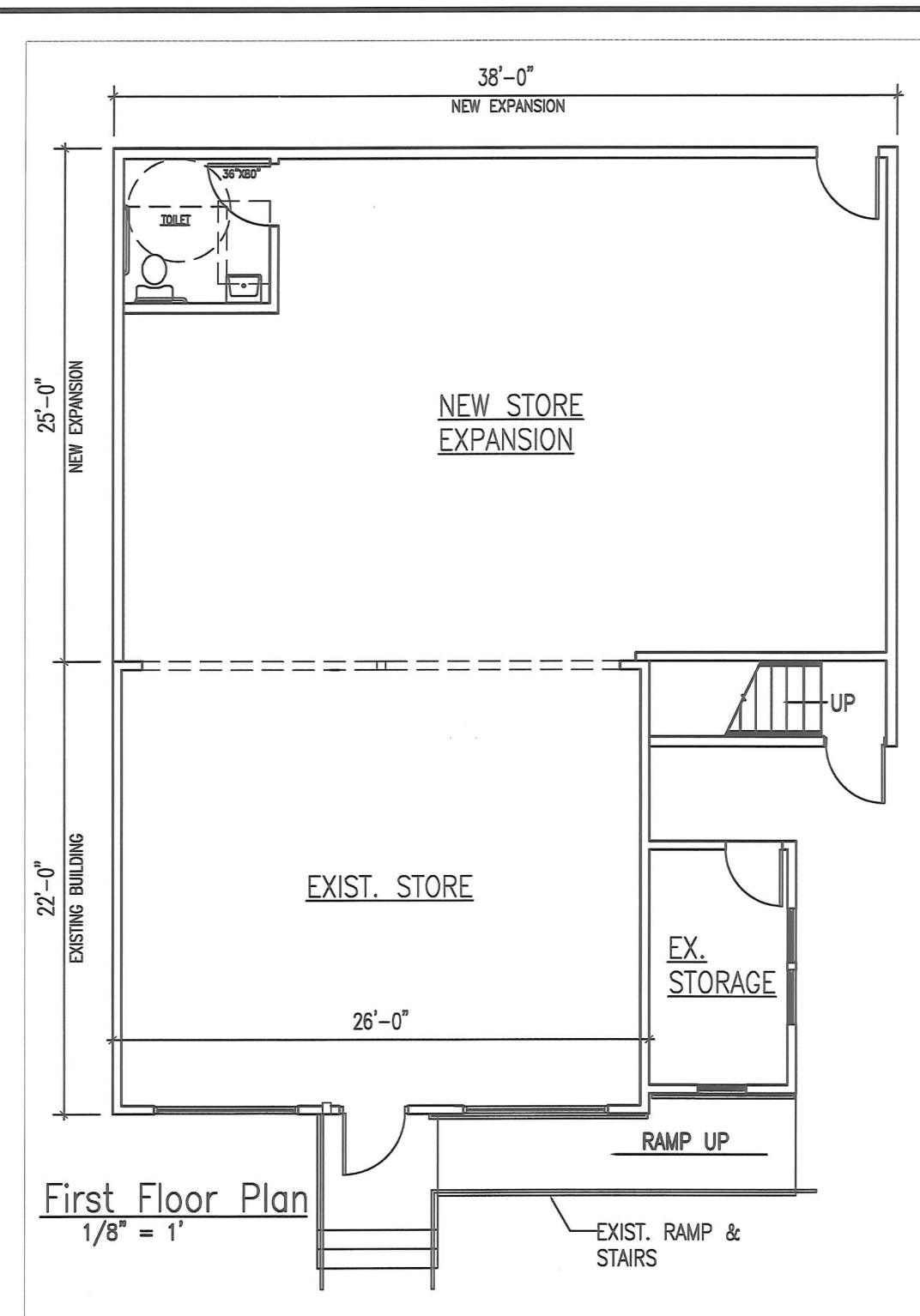
Date:





9

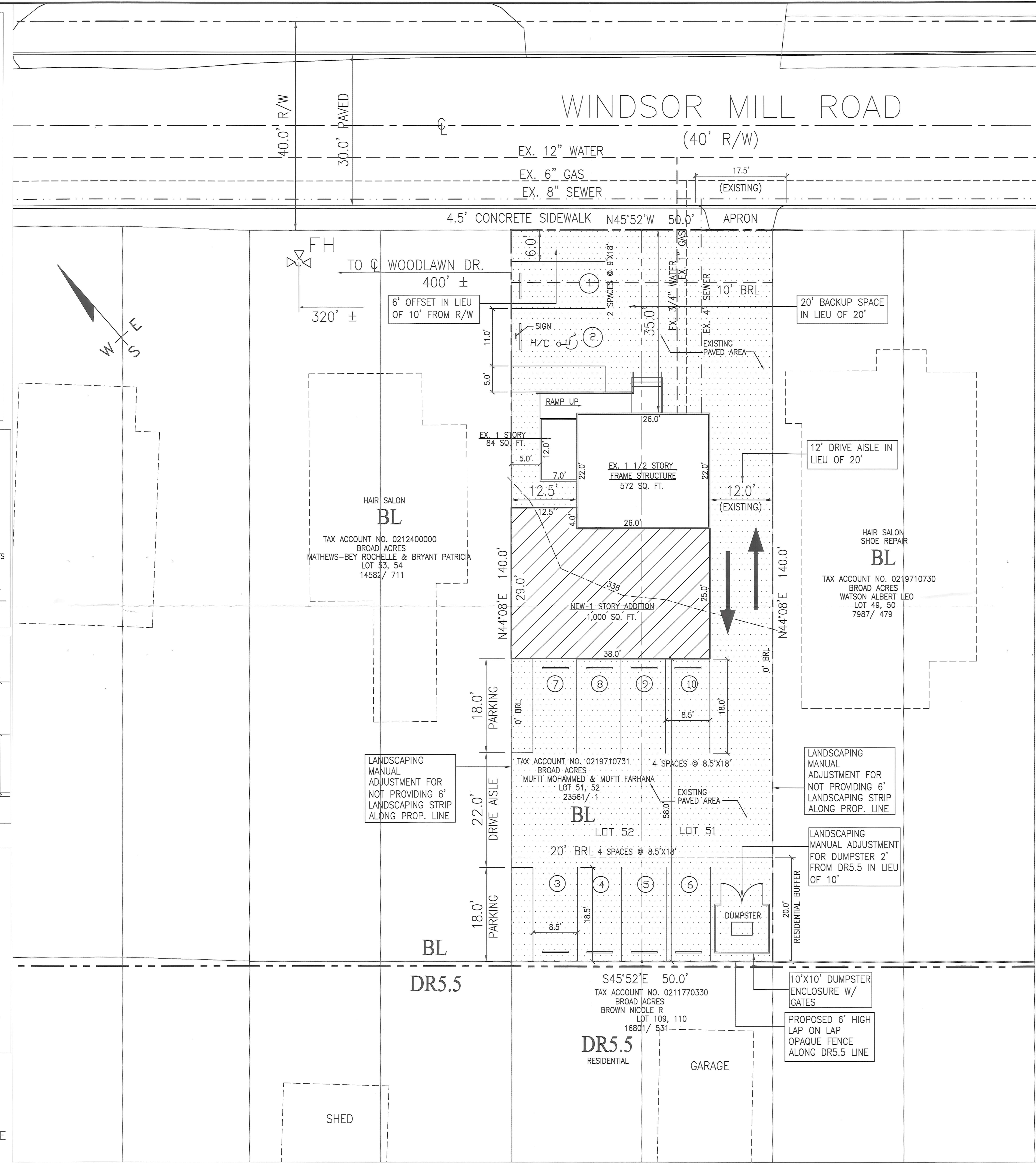
2



- VARIANCES & LANDSCAPE MANUAL ADJUSTMENTS REQUIRED**
- A VARIANCE FROM SECTIONS:
 - B.C.Z.R. 409
 - VARIANCE TO ALLOW 12 FEET WIDE DRIVEWAY IN-LIEU OF REQUIRED 20 FEET FOR TWO WAY MOVEMENT.
 - VARIANCE TO ALLOW 6 FEET OFFSET FROM RIGHT OF WAY IN-LIEU OF REQUIRED 10 FEET. FRONT YARD PARKING SPACE #1.
 - VARIANCE TO ALLOW 20 FEET BACKUP AISLE IN-LIEU OF REQUIRED 22 FEET FOR PARKING SPACES #1 AND #2.
 - CONDITION B - PARKING LOTS LANDSCAPE REQUIREMENTS PERIMETER SCREENING
 - LANDSCAPE MANUAL ADJUSTMENT TO ALLOW NO LANDSCAPING BUFFER BETWEEN ADJACENT COMMERCIAL PROPERTIES PAVED SURFACES ON EITHER SIDE OF LOT LINES IN LIEU OF REQUIRED 6 FEET WIDE LANDSCAPING STRIP.
 - CONDITION H - DUMPSTER AND GROUND MOUNTED HVAC
 - LANDSCAPE MANUAL ADJUSTMENT TO ALLOW DUMPSTER ENCLOSURE PLACED 2 FEET FROM RESIDENTIAL RIGHT OF WAY IN LIEU OF REQUIRED 10 FEET AWAY.
 - RELIEF FROM ALL OTHER VARIANCES AND OR ADJUSTMENTS FROM LANDSCAPE MANUAL THAT MAY APPLY.

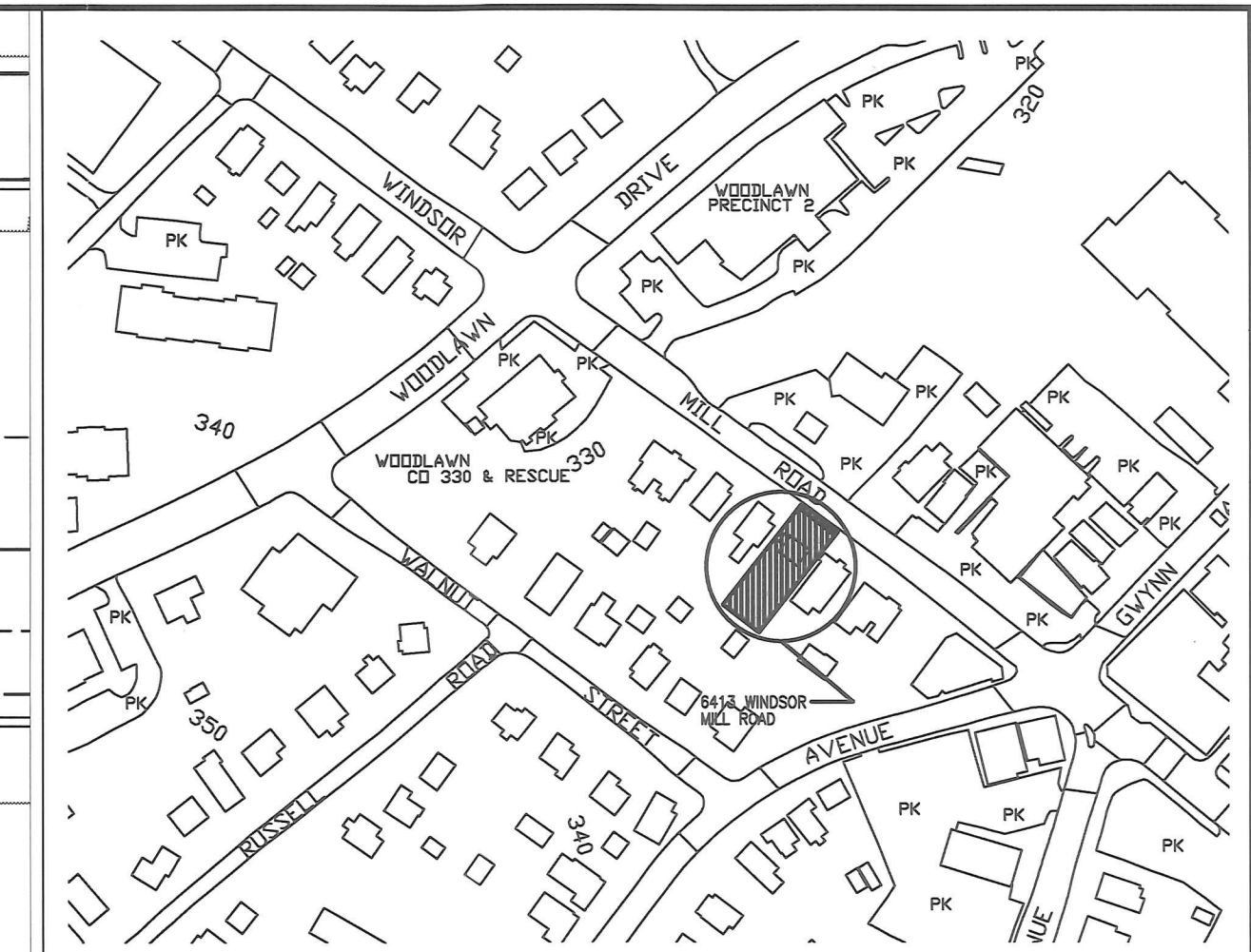
KEY

- EXISTING BLACKTOP PAVED SURFACE
- NEW 1 STORY BUILDING ADDITION



SITE PLAN

SCALE: 1" = 10'



Vicinity Map

1" = 200'

PROPERTY OWNER: MOHAMMED & FARHANA MUFTI
 DAY TELEPHONE: 443-604-3127
 OWNER ADDRESS: 12440 FREDERICK ROAD
 ELLICOTT CITY, MD. 21794
 PROPERTY USE: COMMERCIAL RETAIL STORE
 TAX ACCOUNT NO.: 0219710731

CONGRESSIONAL DISTRICT: 7
 ELECTION DISTRICT: 02
 COUNCILMANIC DISTRICT: 4
 LEGISLATIVE DISTRICT: 10
 COMMERCIAL REVITALIZATION DISTRICT: WOODLAWN
 WATERSHED NAME: GWYNNS FALLS
 GIS TILE NO. (200 SCALE): 08BA3

LOT NUMBER: NO. 51,52
 SUBDIVISION NAME: "BROADACRES"
 PLAT BOOK NO.: NO. 1
 LIBER: NO. 1
 FOLIO: NO. 23561
 ZONING: BL
 ADJACENT ZONING: BOTH SIDES BL
 REAR DR5.5

LAND AREA: 0.1602 ACRES OR 7,000 S.F.
 EXISTING BUILDING HEIGHT: 22.0'
 BUILDING SETBACKS:
 FRONT: 10.0'
 SIDES: 0.0'
 REAR: 20.0'

EXISTING BUILDING AREA:
 FIRST FLOOR AREA: 656.0 SQ.FT. RETAIL
 SECOND FLOOR AREA: 400.0 SQ.FT. APARTMENT

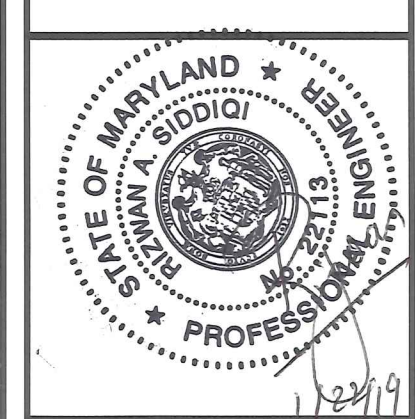
NEW ADDITION: 1,000.0 SQ.FT.
 TOTAL FLOOR AREA: 1,656.0 SQ.FT.
 FLOOR AREA RATIO: 0.24

EXISTING IMPERVIOUS AREA: 5,900.0 S.F.
 PERVIOUS AREA: 1,100.0 S.F.

ALL PAVING/ PARKING EXISTING
PARKING REQUIREMENTS:
 RETAIL AREA: 1,656 SQ. FT. 5/1,000 9 CARS
 APARTMENT AREA: 400 SQ. FT. 1 CARS
 TOTAL PARKING PROVIDED: 10 CARS

Drawing to Accompany Variances & Landscape Manual Adjustments

This site is located within
Woodlawn Commercial
Revitalization District



Mufti & Associates, Inc.
 12440 Frederick Road
 Ellicott City, Md 21794

Phone: 443-604-3127

Preliminary Site Plan

6413 WINDSOR MILL ROAD
BALTIMORE COUNTY, MARYLAND 21207

Revisions:	Date:
Drawn by: MM	01/23/19
Designed by: MM	01/23/19

Sheet Title:

Proposed Addition

Scale: 1" = 10'

C-1

2019-0220-A

