

M E M O R A N D U M

DATE: February 11, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0522-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on February 10, 2020. 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 SPECIAL HEARING	*	BEFORE THE
(110 Old Padonia Road)		
8 th Election District	*	OFFICE OF
3 rd Council District		
Mohammad and Moshiri Zamani	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0522-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Mohammad and Moshiri Zamani, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to rescind restrictions, Numbers 1 through 11 of Case Number 91-98-A of the prior decision of the Deputy Zoning Commissioner dated the 29th day of November 1990 in Case Number 91-98-A as no longer being applicable 30 years after they were written. A site plan was marked and admitted as Petitioners' Exhibit 1.

Dr. Mohammad Zamani appeared in support of the petition. Timothy M. Kotroco, Esq. represented Petitioners. Richard Matz, the professional engineer who prepared the Plan was also in attendance, as was real estate broker, Joseph Nolan. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR").

SPECIAL HEARING

In light of the fact that there were no protestants Mr. Kotroco was allowed to proffer the

ORDER RECEIVED FOR FILING

Date 1/10/20
By Sen

essential facts supporting the requested relief. He explained that back in 1991, when the existing restrictions were placed on the subject property, that the surrounding neighborhood contained a mix of uses, including a good percentage of residences. This, he explained, was the reason for the conditions which were placed on the use, which largely addressed noise, traffic, and congestion issues. As Mr. Kotroco further explained, the area is now almost entirely devoted to commercial uses. The subject property has housed a variety of medical offices, like many of the surrounding properties. The Department of Planning (DOP) notes in its comments that the adjoining properties are both dental offices. DOP further observes that this area is a designated "Employment Area" under the 2020 Master Plan and is within the Hunt Valley/Timonium Plan Area, which seeks to support economic development and use of the light rail, which are all compatible with the current and envisioned use of this building as office space. ¹

I find that the requested relief can be granted within the spirit and intent of the BCZR, and without harming the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this 10th day of **January, 2020** by this Administrative Law Judge, that the Petition for Special Hearing to rescind restrictions, Numbers 1 through 11 of Case Number 91-98-A of the prior decision of the Deputy Zoning Commissioner dated the 29th day of November 1990 in Case Number 91-98-A as no longer being applicable 30 years after they were written, be and is hereby GRANTED.

¹ DOP states that it does not object to the removal of all the conditions from the 1991 Order, except for restriction 3, which limits on-site catering operations to a maximum of 175 persons. Dr. Zamani testified that in the intervening 20 years that the property has never been used for catering and that it is not expected that it ever will be given the current state of the area. He stated that he could live with this restriction but doesn't believe it is necessary. The real estate broker, Mr. Nolan, explained that he is marketing the property for sale and would prefer not to have this restriction attached to the property as it may be an unnecessary complication in the sale process. I am convinced that this is an unnecessary restriction and that the public health, safety and welfare will not be harmed by its rescission.

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Date 1/10/20

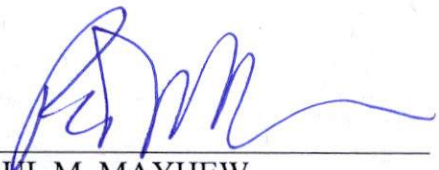
Rv

Nolan

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. Petitioners must comply with ZAC comments submitted by the DPR, a copy of which is attached hereto and made a part hereof.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln

ORDER RECEIVED FOR FILING

Date 1/10/20
By sln



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 110 Old Padonia Road which is presently zoned BM

Deed References: 08304/0520 10 Digit Tax Account # 0808068000

Property Owner(s) Printed Name(s) Mohammad & Moshiri Zamani

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

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

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

SEE ATTACHED

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

3. ☐ **a Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Timothy M. Kotroco, Esq.

Name- Type or Print

Signature

305 Washington Avenue, Ste 502 Towson MD

Mailing Address

City

State

21204

410-299-2943

tkotroco@gmail.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Mohammad Zamani

Moshiri Zamani

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10633 Pot Spring Road

Cockeysville

MD

Mailing Address

City

State

21030

410-574-2630

mhz1325@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Same as Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-052280H

Filing Date 11/18/19

Do Not Schedule Dates:

Reviewer [Signature]



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 110 Old Padonia Road which is presently zoned BM
Deed References: 08304/0520 10 Digit Tax Account # 0808068000
Property Owner(s) Printed Name(s) Mohammad & Moshiri Zamani

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

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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:

Timothy M. Kotroco, Esq.

Name- Type or Print

Signature

305 Washington Avenue, Ste 502 Towson MD

Mailing Address City State

21204 410-299-2943 tkotroco@gmail.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Mohammad Zamani / Moshiri Zamani

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

10633 Pot Spring Road Cockeysville MD

Mailing Address City State

21030 410-574-2630 mhz1325@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Same as Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2019-0522-804 Filing Date 4/18/19 Do Not Schedule Dates: Reviewer gr

Drop-off / review

2019-0522-804

REV. 10/4/11

ATTACHMENT TO SPECIAL HEARING PETITION

Special Hearing to rescind restrictions nos. 1 through 11 of Case No. 91-98-A of the prior decision of the Deputy Zoning Commissioner dated the 29th day of November 1990 in Case No. 91-98-A as no longer being applicable 30 years after they were written. (Copy Attached); AND

And, for such other and further relief as the nature of this cause may require

Drop off/ No review

2019- 0522- SP+1

Beginning at a point on the North side of Old Padonia Road, with a proposed right of way width of 50 feet, at a distance of 45 feet West of the center line of Broad Ave, having a right of way width of 70 feet. Thence the following course and distances: N 83 degrees 59 minutes 50 seconds W 225 feet North 06 degrees 7 minutes 34 seconds E 200.28 feet, South 83 degrees 59 minutes 40 seconds E 225 feet, South 06 degrees 07 minutes 34 seconds W 200.27 feet to the place of beginning.

Being lots 20, 21 and 22 of a plat entitled "plat of land belonging to Robert H Bussey" as recorded in Baltimore County plat book WPC #4 folio 155, containing 45,000 square feet. Also known as numbers 108, 110 and 114 Old Padonia Road and located in the 8th election district, Baltimore County Maryland.

Drop-off/ No review

2019-0522-SDA

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

12/13/2019

Order #: 11825596
Case #: 2019-0522-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0522-SPH



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: 2019-0522-SPH

110 Old Padonia Road

N/s of Old Padonia Road, s/west of Broad Avenue.

8th Election District - 3rd Councilmanic District

Legal Owners: Mohammad & Moshiri Zaman

Special Hearing to rescind restriction nos. 1 through 11 of Case 97-98-A of the prior decision of the Deputy Zoning Commissioner dated the 29th day of November 1990 in Case 91-98-A as no longer being applicable 30 years after they were written; and for such other and further relief as the nature of this cause may require.

Hearing: Thursday, January 2, 2020 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

d13

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
110 Old Padonia Road; N/S Padonia Road, *
SW 40' to c/line of Broad Avenue * OF ADMINISTRATIVE
8th Election & 3rd Councilmanic Districts *
Legal Owners: Mohammad & Moshiri Zamani* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-522-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

DEC 03 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of December, 2019, a copy of the foregoing Entry of Appearance was mailed to Timothy M. Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Sherry Nuffer

From: David Billingsley <dwb0209@yahoo.com>
Sent: Monday, December 30, 2019 1:19 PM
To: Administrative Hearings
Cc: Timothy M. Kotroco
Subject: 110OLD PADONIA ROAD CASE NO 2019-0522-SPH
Attachments: Scan_0617.pdf

CAUTION: This message from dwb0209@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Posting recertification attached
Thanks and Happy New Year

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL



CERTIFICATE OF POSTING

RECERTIFY 12/30/19

Date: DECEMBER 13, 2019

RE: Project Name: 110 OLD PADONIA ROAD # 1
Case Number /PAI Number: 2019-0522-SPH
Petitioner/Developer: ZAMANI
Date of Hearing/Closing: JANUARY 2, 2020

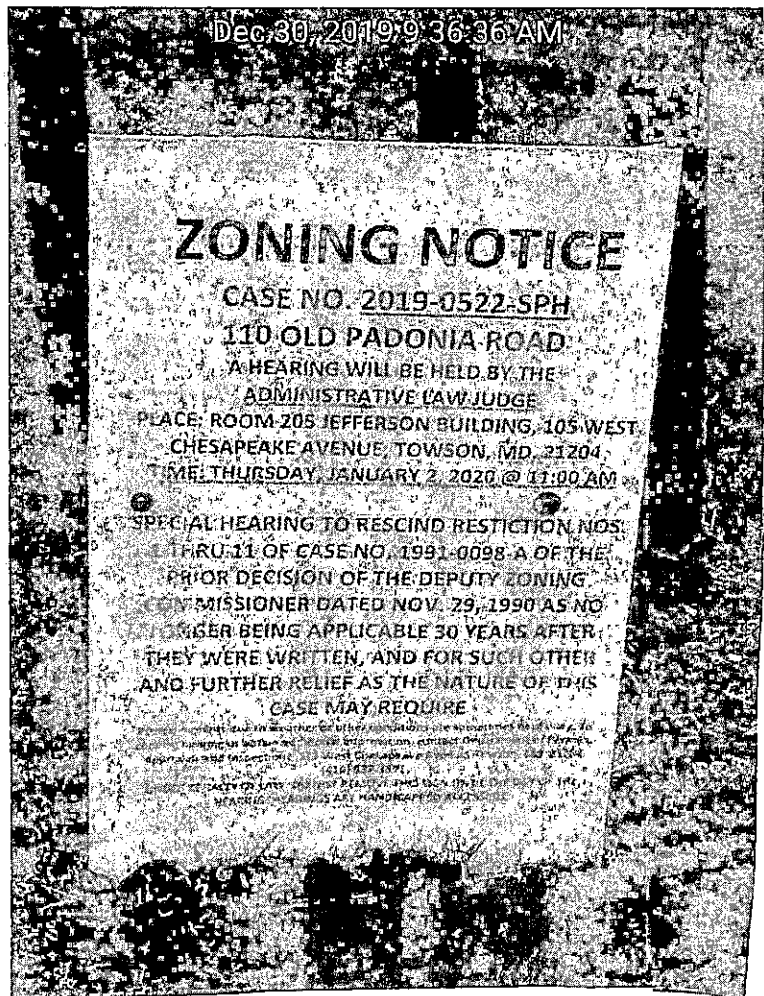
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 110 OLD PADONIA ROAD

RECERTIFY 12/30/19

DECEMBER 13, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECERTIFY 12/30/19

Date: DECEMBER 13, 2019

RE: Project Name: 110 OLD PADONIA ROAD # 2
Case Number /PAI Number: 2019-0522-SPH
Petitioner/Developer: ZAMANI
Date of Hearing/Closing: JANUARY 2, 2020

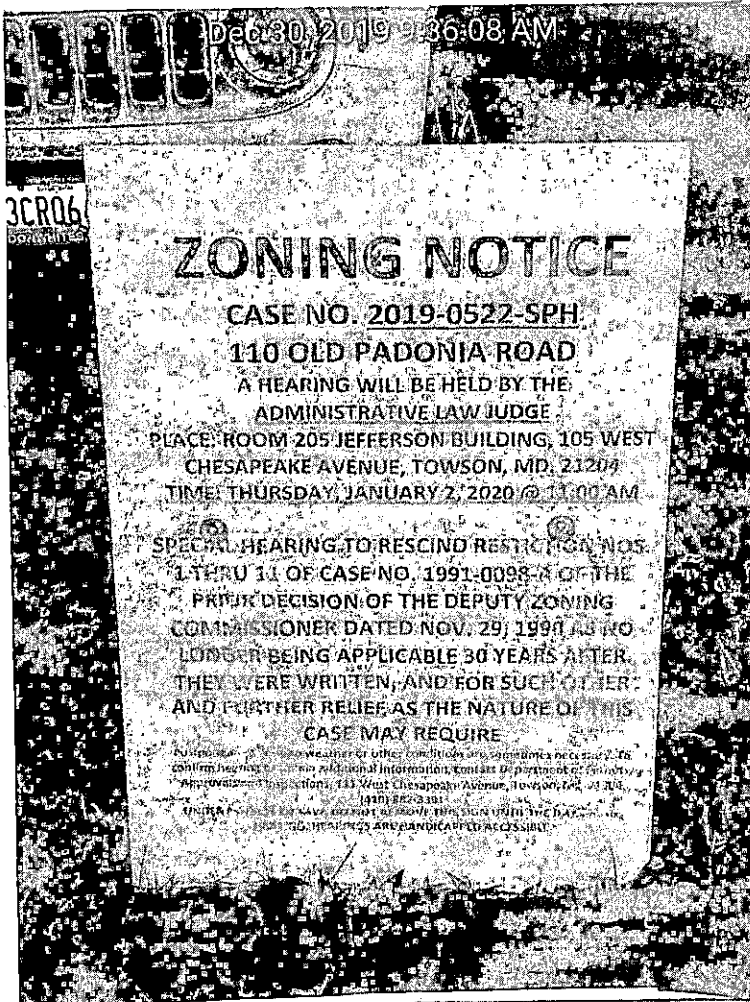
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 110 OLD PADONIA ROAD

RECERTIFY 12/30/19

DECEMBER 13, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

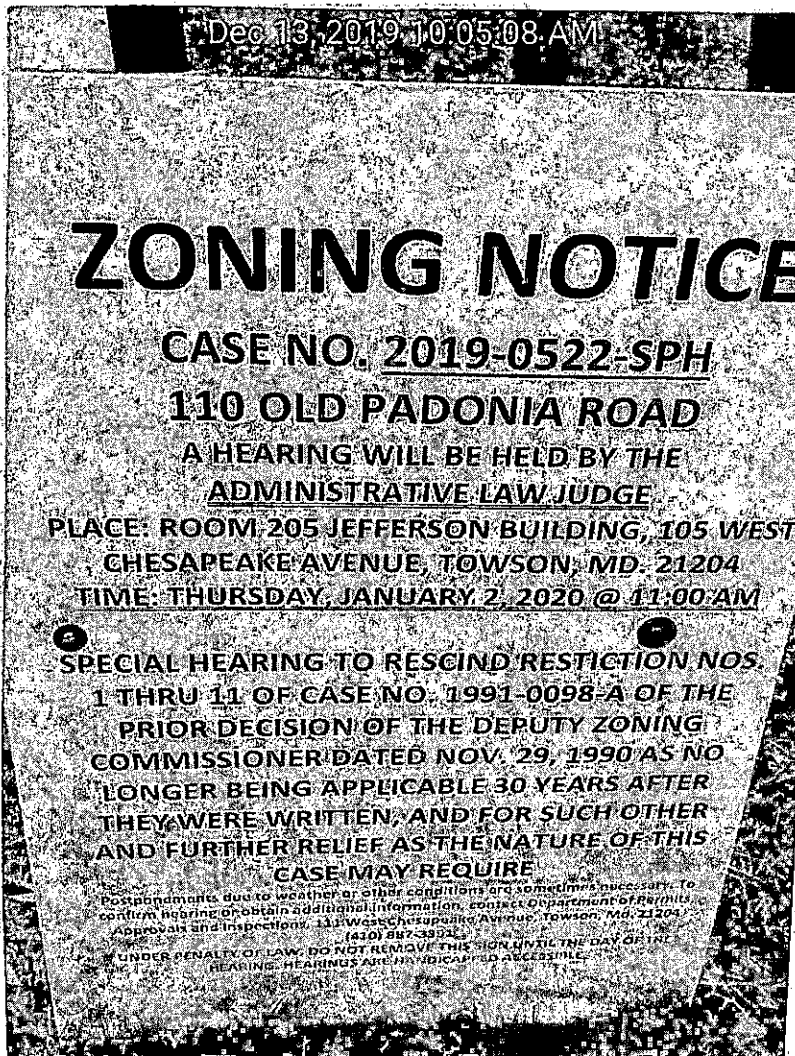
CERTIFICATE OF POSTING

Date: DECEMBER 13, 2019

RE: Project Name: 110 OLD PADONIA ROAD # 1
Case Number /PAI Number: 2019-0522-SPH
Petitioner/Developer: ZAMANI
Date of Hearing/Closing: JANUARY 2, 2020

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 110 OLD PADONIA ROAD

The sign(s) were posted on DECEMBER 13, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: DECEMBER 13, 2019

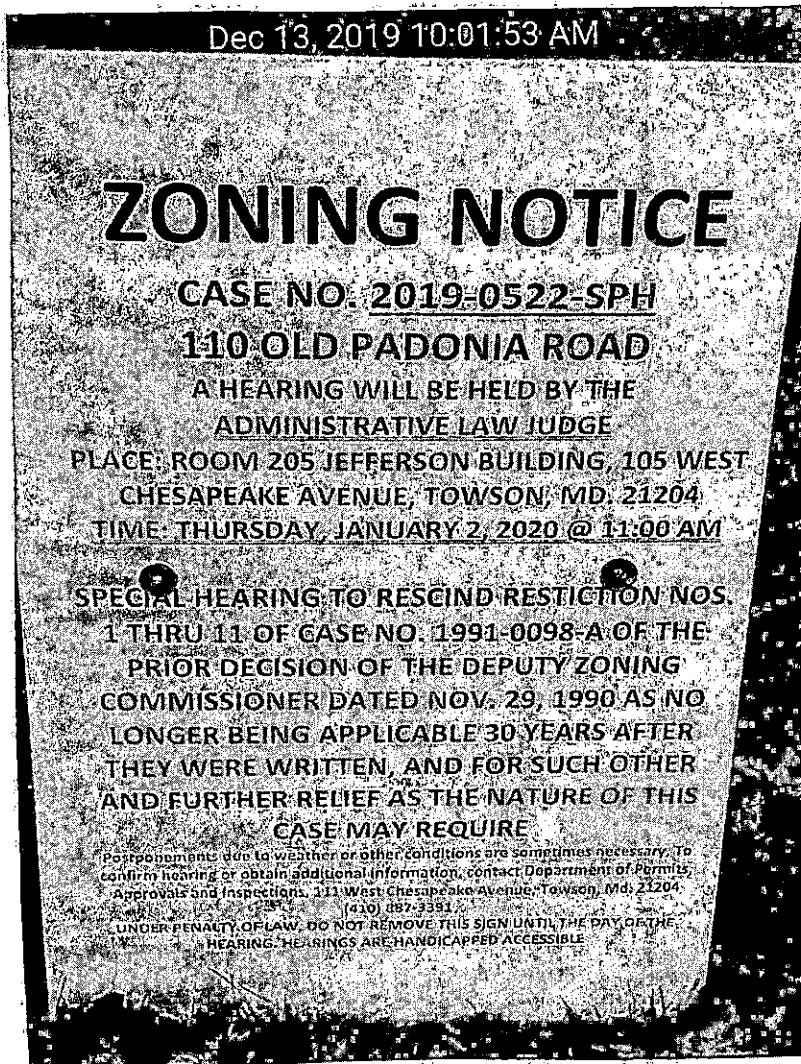
RE: Project Name: 110 OLD PADONIA ROAD # 2
Case Number /PAI Number: 2019-0522-SPH
Petitioner/Developer: ZAMANI
Date of Hearing/Closing: JANUARY 2, 2020

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The sign(s) were posted on

DECEMBER 13, 2019

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, Director
Department of Permits,
Approvals & Inspections

December 10, 2019

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: 2019-0522-SPH

110 Old Padonia Road
N/s of Old Padonia Road, s/west of Broad Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Mohammad & Moshiri Zamani

Special Hearing to rescind restriction nos. 1 through 11 of Case 97-98-A of the prior decision of the Deputy Zoning Commissioner dated the 29th day of November 1990 in Case 91-98-A as no longer being applicable 30 years after they were written; and for such other and further relief as the nature of this cause may require.

Hearing: Thursday, January 2, 2020 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Mr. & Mrs. Zamani, 10633 Pot Spring Road, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 13, 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
Friday, December 13, 2019 – Issue

Please forward billing to:
Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

NOTICE OF ZONING HEARING

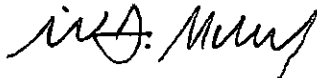
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Hearing: Thursday, January 2, 2020 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

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

**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: 2019-0522-SPH

Property Address: 110 Old Padonia Road

Property Description: _____

Legal Owners (Petitioners): Mohammad & Moshiri Zamani

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco

Company/Firm (if applicable): Kotrow & Associates, LLC

Address: 305 Washington Ave Suite 502
Towson, MD 21204

Telephone Number: 410 299 2943



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 17, 2019

Timothy M. Kotroco
305 Washington Ave Ste 502
Towson MD 21204

RE: Case Number: 2019-0522-SPH, 110 Old Padonia 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 November 18, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Mohammad Zamani 10633 Pot Spring Road Cockeysville MD 21030

Pm 1-2-20
11 Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 12/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-522



INFORMATION:

Property Address: 110 Old Padonia Road
Petitioner: Mohammed Zamani
Zoning: BM
Requested Action: Special Hearing

The Department of Planning has the petition for a Special Hearing under BCZR 500.7 to rescind restrictions nos. 1-11 of Case No. 91-98A.

A site visit was conducted on December 18, 2019. Old Padonia is an interesting mix of uses that include medical, commercial, contractors, rear of a hotel, day care, new car storage, parking lot, etc. There remains a few small residential structures that have mostly been converted to commercial use but can give the idea of what much of Old Padonia looked like when the subject building was constructed. Of particular relevance to this request the uses immediately adjacent to this site at both 109 Broad Avenue and 106 Padonia are dental offices.

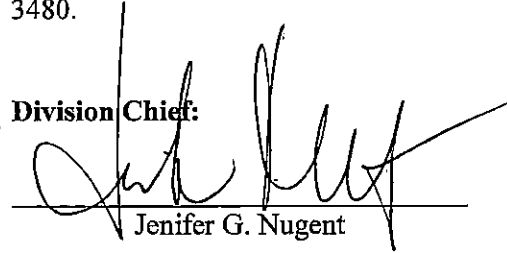
The site is located in a Master Plan 2020 designated Employment Area (transect designated Urban Center) and is with the Hunt Valley/Timonium Plan Area (adopted by County Council October 19, 1998. The Hunt Valley/ Timonium plan seeks to support economic development with minimal impact on the adjacent communities. It seeks to encourage greater use of the light rail and for development to provide more amenity uses, improve environmental protections and storm water management as well as to improve the form and structure of development on York Road,

The petition for this site is to eliminate the use limitations imposed in Zoning Case 91-98 in 1990. The Department is not opposed to eliminating restrictions 1 through 11 excepting Restriction 3 and specifically, the Department seeks to retain the limitation to 175 people for the catering operation. Given the site size, intensity of adjacent uses, and limited on-street parking, catering should continue to be limited to 175 people for this site.

Date: 12/26/2019
Subject: ZAC # 19-521
Page 2

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

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Wally Lippincott
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM: ^{MD} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 22, 2019
Item No. 2019-0522-SPH

DATE: 12/16/19

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

If Zoning Relief is granted, a Landscape Plan is required per the requirements of the landscape manual. A Lighting Plan is also required

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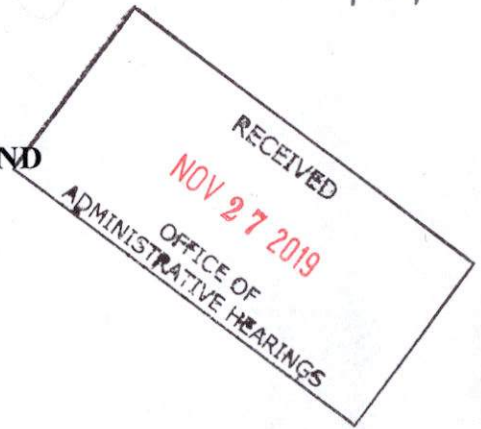
*

VKD: cen
cc: file

112

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: November 27, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0522-SPH
Address 110 Old Padonia Road
(Zamani Property)

Zoning Advisory Committee Meeting of **November 22, 2019**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 12/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-522

INFORMATION:

Property Address: 110 Old Padonia Road
Petitioner: Mohammed Zamani
Zoning: BM
Requested Action: Special Hearing

The Department of Planning has the petition for a Special Hearing under BCZR 500.7 to rescind restrictions nos. 1-11 of Case No. 91-98A.

A site visit was conducted on December 18, 2019. Old Padonia is an interesting mix of uses that include medical, commercial, contractors, rear of a hotel, day care, new car storage, parking lot, etc. There remains a few small residential structures that have mostly been converted to commercial use but can give the idea of what much of Old Padonia looked like when the subject building was constructed. Of particular relevance to this request the uses immediately adjacent to this site at both 109 Broad Avenue and 106 Padonia are dental offices.

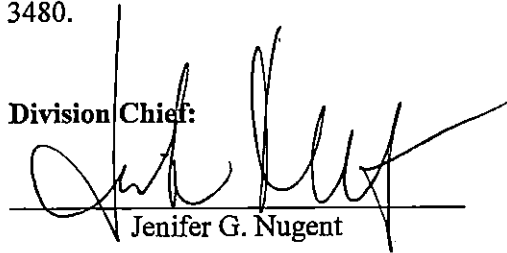
The site is located in a Master Plan 2020 designated Employment Area (transect designated Urban Center) and is with the Hunt Valley/Timonium Plan Area (adopted by County Council October 19, 1998. The Hunt Valley/ Timonium plan seeks to support economic development with minimal impact on the adjacent communities. It seeks to encourage greater use of the light rail and for development to provide more amenity uses, improve environmental protections and storm water management as well as to improve the form and structure of development on York Road,

The petition for this site is to eliminate the use limitations imposed in Zoning Case 91-98 in 1990. The Department is not opposed to eliminating restrictions 1 through 11 excepting Restriction 3 and specifically, the Department seeks to retain the limitation to 175 people for the catering operation. Given the site size, intensity of adjacent uses, and limited on-street parking, catering should continue to be limited to 175 people for this site.

Date: 12/26/2019
Subject: ZAC # 19-521
Page 2

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

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Wally Lippincott
Office of the Administrative Hearings
People's Counsel for Baltimore County



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 11/26/19

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. 2019-0522-SPH

Special Hearing
Mohammad & Moshiri Zonari
110 Old Padonia 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@mdot.maryland.gov).

Sincerely,

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM: ^{ML}Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 22, 2019
Item No. 2019-0522-SPH

DATE: 12/16/19

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

If Zoning Relief is granted, a Landscape Plan is required per the requirements of the landscape manual. A Lighting Plan is also required

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*

*

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date

1/10/20

By

sen

contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of November, 1990 that the Petition for Zoning Variance to permit 70 parking spaces in lieu of the required 159, an average front yard setback of 77 feet in lieu of the minimum required 86 feet, and a height of 46 feet in lieu of the permitted 40 feet for a proposed three-story office building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) No medical offices shall be permitted, including, but not limited to, dental, chiropractor, physical therapy, etc.

3) The first floor of the subject building shall be limited to use as a day care center with alternate use as a rental and catering hall establishment on weekday evenings, Saturdays, Sundays and possibly holidays. Such alternate use of the first floor shall not be permitted on more than four (4) days of any calendar week and shall not commence before 6:30 PM Monday thru Friday, except holidays. Petitioner shall keep records of such alternate use and permit access of same by Zoning Office personnel upon request to insure compliance with this Order.

4) Use of the first floor as a rental or catering establishment shall be limited to 175 persons, or as

set forth pursuant to the Baltimore County Fire Department restrictions, whichever is less.

5) The first floor of the subject building shall not be used as a restaurant.

6) Prior to the issuance of any permits, and/or within ninety (90) days of the date of this Order, whichever occurs first, Petitioner shall submit a landscaping plan for approval by the Director and/or Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any permits.

7) In the event the Petitioner and/or any future property owner ever proposes to change the use of the first floor, as set forth herein, a public hearing shall be held to determine the appropriateness of such change.

8) Compliance with all Zoning Plans Advisory Committee comments submitted and made a part of the record, including, but not limited to, the Department of Permits and Licenses comments dated September 11, 1990, and the Department of Environmental Protection and Resource Management, Bureau of Water Quality comments dated August 22, 1990.

9) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this order.

10) Any restrictions contained herein may be modified as a result of a public hearing.

11) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

C. H. L.
C. H. L.
Zoning Enforcement Division
Baltimore County
1000 North Street
Baltimore, MD 21201

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John P. [Signature]
[Illegible text]
[Illegible text]
[Illegible text]
[Illegible text]

CASE NAME _____
CASE NUMBER _____
DATE JANUARY 2, 2019

DATE JANUARY 2, 2019

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

12/16/19

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

Comment

11/27/19

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

No Comment

FIRE DEPARTMENT

12/26

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

Comment

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 12/13/19 The Daily Record

SIGN POSTING (1st) Date: 12/13/19 by BeelingsleySIGN POSTING (2nd) Date: 12/30/19 by BeelingsleyPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Search Result for BALTIMORE COUNTY

contrary to the spirit of the B.C.Z.K. and would not result in substantial detriment to the public health, safety, and general welfare.

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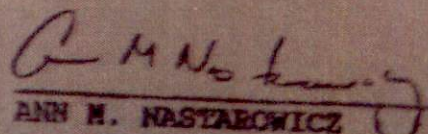
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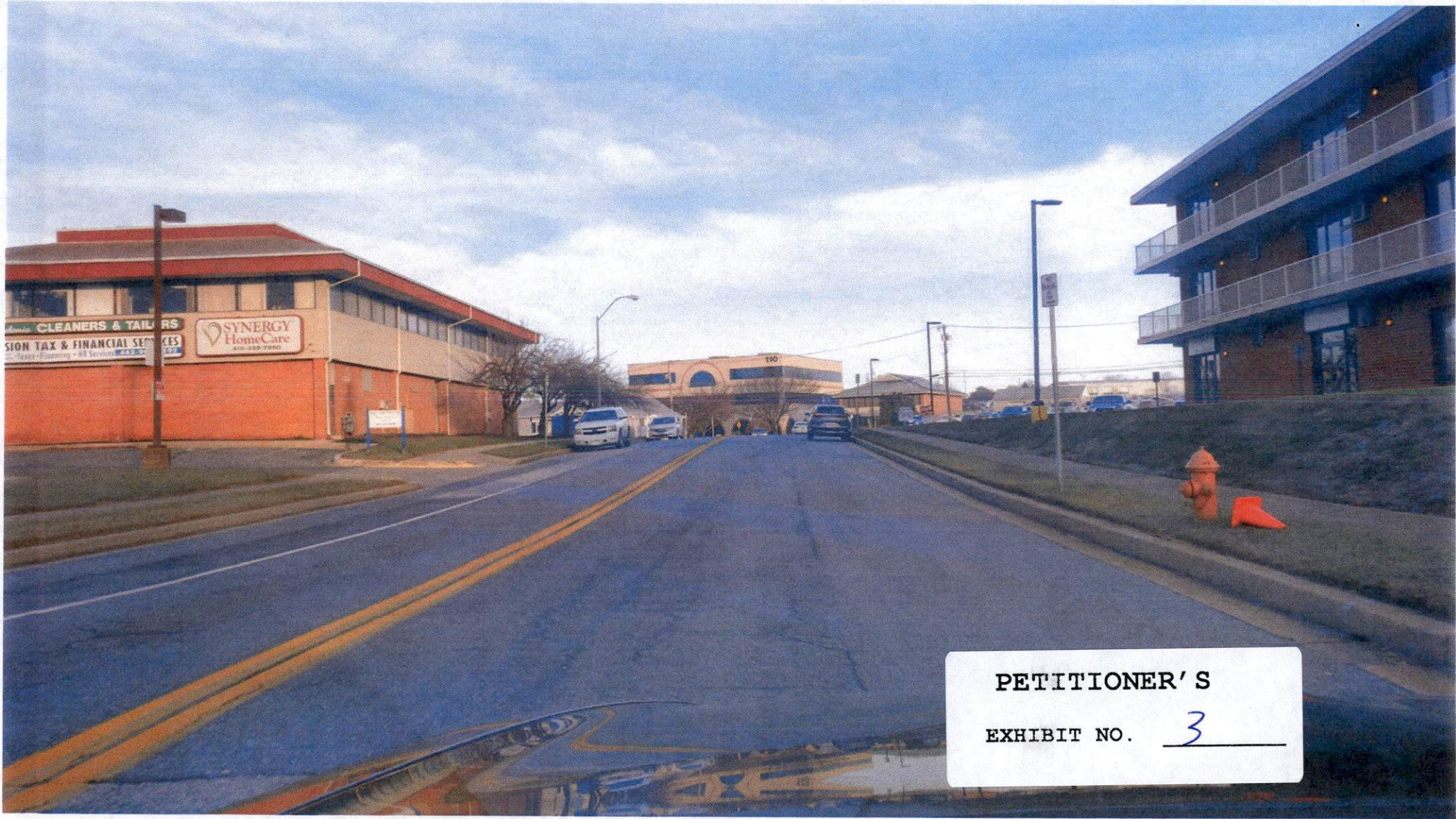
PETITIONER'S

EXHIBIT NO. 2

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ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County



PETITIONER'S

EXHIBIT NO. 3





N/klnb

SALE/LEASE
MEDICAL OFFICE

JOE NOLAN
CHRIS KUBLER
443-632-2065

410-321-0100

N/klnb

SALE/LEASE
MEDICAL OFFICE

JOE NOLAN
CHRIS KUBLER
443-632-2065

410-321-0100



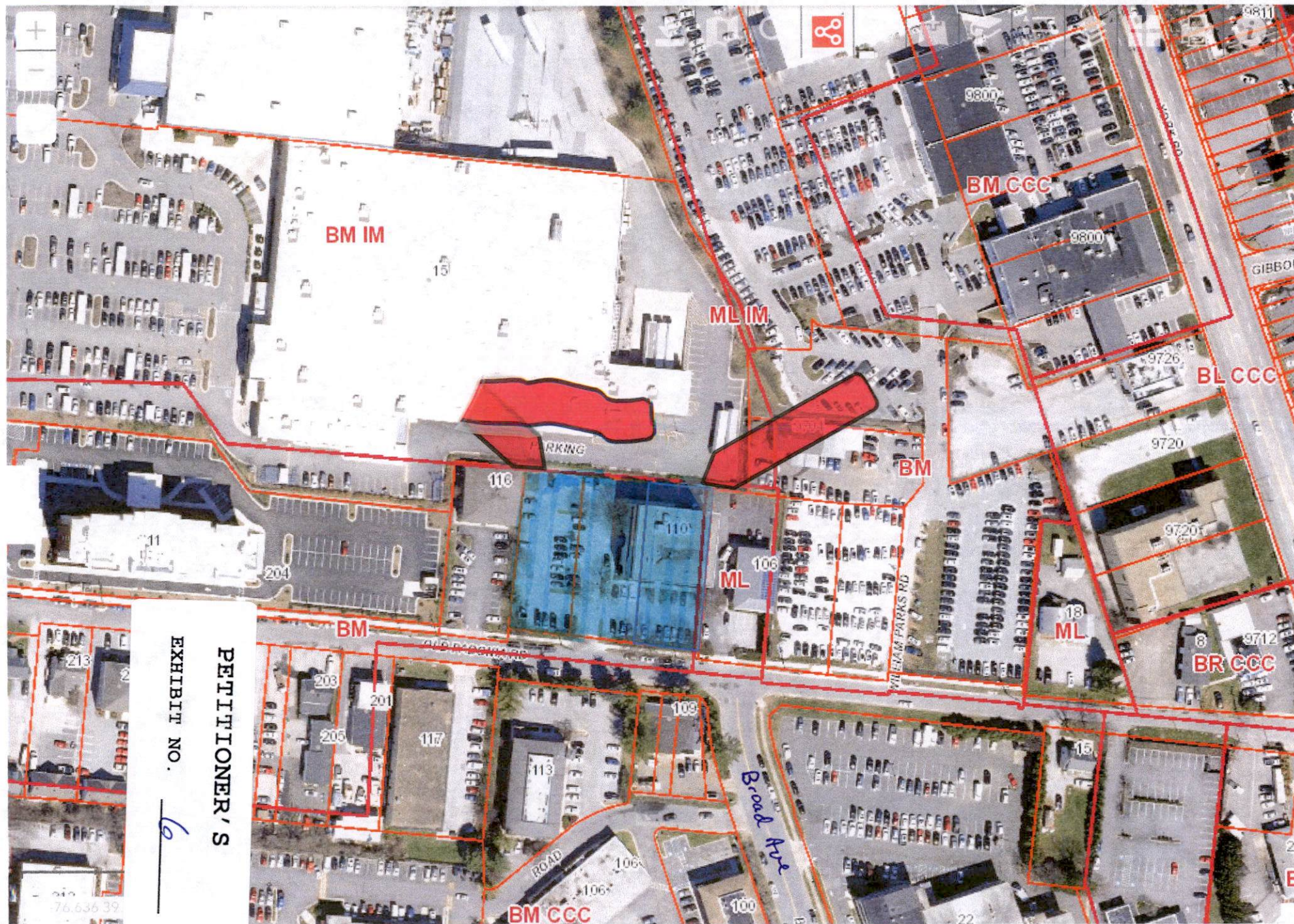


Baltimore County - My Neighborhood





Baltimore County - My Neighborhood

PETITIONER'S
EXHIBIT NO. 6

2019-05-22-SP4

Pt. Bk. 0000071, Folio 0121
2300008150

Lot # 11
Pt. Bk./Folio # 071121

2004-0092-A
1986-0236-A
1996-0003-A
2005-0664-A

R-1968-0218

PAI # 080695

Lot # 1

1998-0086-A
2000-0283-A

R-1994-0335

PAI # 080695
2300008147

PAI # 080695

PAI # 080695

Pt. Bk./Folio # 071120

Pt. Bk. 0000071, Folio 0120

PAI # 080746

Lot # 2

PAI # 080746

PAI # 080746

2300010723

PAI # 080746

2001-0477-A
R-1998-0368

Pt. F. 0000073, Folio 0030
Pt. Bk./Folio # 073030

BM IM

PARKING

PARKING

BM

0802021550

2000-0324-SPHA
1993-0102-XA

116

3 CD

051C3

8 ED

NW 15-A

0819058410

1955-3504-X

Lot # 23

Lot # 22

0823015275
1991-0098-A
1994-0463-SPHX

Pt. Bk./Folio # 004155B

BM

Lot # 21

0808002975

1955-3504-X

110
PAI # 088006

PAI # 088006

0808068000

Lot # 20

ML

Lot # 19

2200002413

1988-0188-A

PAI # 080861

2007-0524-A

0805062000

Lot # 18

PAI # 080861

PAI # 080861

PAI # 080861

Pt. Bk. 0000004, Folio 0155

0813041225

Lot # 17

OLD PADONIA RD

BM CCC

PAI # 080341

Pt. Bk./Folio # 048100

Pt. Bk. 0000048, Folio 0100

1800006124

PAI # 080341

R-1974-0201

PAI # 080341

PAI # 080341

PAI # 080341

PAI # 080511

Pt. Bk./Folio # 005082

2017-0010-SPH

2018-0317-X

1800006125 Pt. Bk./Folio # MP18042

PAI # 080511

PAI # 080511
PAI # 080511

R-1966-028

1700013839

1980-0047-A
1996-0517-A

BROAD AVE

0802087100

PETITIONER'S

EXHIBIT NO. 1



SITE MAP
SCALE 1" = 1000'

NOTES:
1. DEVELOPMENT NAME: PADONIA YORK LIMITED PARTNERSHIP
APPLICANT: 1033 POT SPRING ROAD
COCKEYSVILLE, MD 21030 (301) 656-3555
PREPARED BY: JOHNSON, MIRMIRAN & THOMPSON, P.A.
72 LOVETON CIRCLE
SPARKS, MD 21152
PHONE: (301) 329-3100

SCALE: 1" = 20'
DATE: APRIL 1, 1990

2. NORTH POINT: SEE PLAN
3. VICINITY MAP: SEE ABOVE
4. ELECTION DIST.: 8
5. COUNCILMANIC DIST.: 3
6. CENSUS TRACT: 4084
7. WATERSHED AND SUBWATERSHED: 32
8. THREE COR TEX: SEE PLAN
9. SITE DATA:
a. SITE ACRES: GROSS AREA = 1.03 AC + NET AREA = 0.98 AC +
b. COMMON OPEN SPACE: NOT REQUIRED

PARKING SPACE REQUIREMENTS TABLE
(Pursuant to MD Section 409-6.1)

Use	Daytime (4 am - 6 pm)	Evening (6 pm - 10 pm)	Nighttime (10 pm - 4 am)	Floor	Use	Daytime (4 am - 6 pm)	Evening (6 pm - 10 pm)	Nighttime (10 pm - 4 am)
Office	37.0 (100%)	6.0 (10%)	3 (5%)	1	Residential	1.0 (100%)	0.5 (50%)	0.2 (20%)
Daycare	34	0	0	2	Office	37.0 (100%)	6.0 (10%)	3 (5%)
Restaurant	45 (50%)	85.00 (100%)	85.00 (100%)	3	Daycare	34	0	0
Total	114	92	88		Restaurant	45 (50%)	85.00 (100%)	85.00 (100%)

172 p.s. provided = 2 handicap spaces = 78 p.s. provided

* Maximum 3500 sq ft of 20 p.s./1000 sq ft = 70 p.s.
Handicap 3500 sq ft of 20 p.s./1000 sq ft = 14 p.s.
Total 4300 sq ft = 84 p.s.

ONLY to be used on Friday (weekdays), Saturday, Sunday and Holidays

NOTES: 1ST FLOOR = 93700' = 7008 S.F.

2ND FLOOR = 93700' = 7008 S.F.

3RD FLOOR = 93700' = 7008 S.F.

TOTAL = 23,064 S.F.

NO MEDICAL OFFICES ARE PROPOSED.

GENERAL OFFICE USE ONLY

4. FLOOR AREA RATIO: 1.03 x 4.0 = 4.12, 23,064 S.F. Allowed, 23,064 S.F. Provided

5. THE DEPARTMENT OF TRAFFIC ENGINEERING HAS APPROVED THE DIRECT ACCESS PARKING ON THE MAIN VEHICLE TRAVELWAY.

6. ALL PARKING AISLE AND MANEUVERING AREAS WILL BE PAVED WITH NUGGET IN AND PERMANENTLY STRIPPED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARDS.

7. LANDSCAPE REQUIREMENTS

1. TREES

a. ROAD FRONTAGE 224 LF = 40 = 6 TREES

b. INTERIOR ROADS 34 LF = 20 = 3 TREES

c. PARKING: NO. OF PARKING SPACES 67 = 6 DECIDUOUS TREES

MINIMUM NO. OF TREES REQUIRED = 15

MINIMUM NO. OF TREES TO BE MAJOR DECIDUOUS = 11

2. SCREENING REQUIREMENTS

a. PARKING AREAS WHICH ADJUT A PUBLIC ROAD:

20 LF = 3 = 43 EVERGREEN SHRUB (1000 PAD - 2 SIDES)

b. DRAINAGE AREAS:

20 LF = 3 = 7 EVERGREEN SHRUBS

SUMMARY OF REQUIREMENTS

12 - MAJOR DECIDUOUS TREES

3 - MINOR, MAJOR OR EVERGREEN SHRUBS

50 - EVERGREEN SHRUBS

SUMMARY OF PROVISIONS:

14 - MAJOR DECIDUOUS TREES

2 - MINOR, MAJOR TREES OR DECIDUOUS SHRUBS

50 - EVERGREEN SHRUBS

11. PLAN BEARINGS AND DISTANCES: SEE PLAN

12. WELL AREAS: NOT APPLICABLE

13. SEPTIC AREAS: NOT APPLICABLE

14. SEWER & WATER LINES: SEE PLAN

15. FIRE HYDRANTS: SEE PLAN

SOIL TYPE	SOIL NAME	with basement	limitations	filter fields	% slopes
Bm2	BALTIMORE SLIGHT		SLIGHT	SLIGHT	0-8
CLAY LOAM			MODERATE	MODERATE	3-8
Bm2	SLIGHT		MODERATE	MODERATE	3-8

17. EXISTING TOPOGRAPHY: SEE PLAN

18. PROPOSED GRADING: SEE PLAN

19. EXISTING WOODED AREA AND VEGETATION TO BE REMOVED EXCEPT WHERE NOTED TO BE SAVED

20. PROPOSED LANDSCAPE: SEE PLAN FOR L.S. DESIGN AND NOTE NO. D.2.3 FOR PLANT PROVISIONS

21. EXISTING STREAMS, WATER BODIES OR SPRINGS: NOT APPLICABLE

22. FLOODPLAINS: NOT APPLICABLE

23. EXISTING BUILDINGS: SEE PLAN, THREE DWELLINGS TO BE REMOVED

24. HISTORIC BUILDINGS: NOT APPLICABLE

25. EXISTING ADJACENT BUILDINGS: SEE PLAN

26. ZONING DISTRICT: BM

NORTH: 14 - M

EAST: 14 - M

SOUTH: 14 - M

27. RESIDENTIAL TRANSITION AREA: NOT APPLICABLE

28. OWNERSHIP OF SUBJECT PROPERTY: PADONIA YORK LIMITED PARTNERSHIP

ADDRESS: 1033 POT SPRING ROAD, COCKEYSVILLE, MD

DEED REF: 4107-29 TAX ACT HOB-08-000001 LEBER 8304 FOLD 520

DEED REF: 4107-29 TAX ACT HOB-08-000001 LEBER 8304 FOLD 548

DEED REF: 4107-29 TAX ACT HOB-08-000001 LEBER 8304 FOLD 551

PROPERTY NUMBERS: 103 - 104 OLD PADONIA ROAD

OWNERSHIP OF ADJACENT PROPERTIES:

NORTH: GASTAR STONE PRODUCTS

ACT NO. 08-00-00013897

EAST: DR. VERNON F. OTTEWILLER

ACT NO. 08-00-000001

SOUTH: PADONIA MEDICAL ARTS GROUP

ACT NO. 08-00-000004

WEST: JOHN BUSSEY

5445 JARROVITTSVILLE PIKE

PHENIX MD. 21081

ACT NO. 08-00-000040

29. PROPOSED LOT AND BUILDING LAYOUT: SEE PLAN

SETBACKS: FRONT: 15 FEET FROM FRONT PROPERTY LINE

REAR: 0 FEET

30. AREAS OF COMMON OPEN SPACE: NOT APPLICABLE

31. PROPOSED PARKING LAYOUT: SEE PLAN

32. STREET LAYOUT: NOT APPLICABLE

33. PARKWAYS: NOT APPLICABLE

34. ESTIMATED AVERAGE DAILY TRIPS: OFFICE 0.7 TRIPS/1000 S.F. =

0.7/1000 = 23,236 = 4112 TRIPS

35. HANDICAP PARKING SPACES: 10000000 3 PARKING SPACES

36. CASEMENTS AND RIGHT OF WAY: SEE PLAN

37. STORM DRAIN: SEE PLAN

38. UTILITY SYSTEMS: SEE PLAN

39. STORMWATER MANAGEMENT CALCULATIONS

HYDROLOGIC SUMMARY

EXISTING CONDITIONS

PROPOSED CONDITIONS

GRASS: 1.15 AC

IMPERVIOUS: 0.38 AC

TOTAL DRAINAGE AREA: 1.54 AC

ROF: 70

TIME OF CONCENTRATION: 0.23 HR

2 YEAR DISCHARGE: 1.34 CFS

10 YEAR DISCHARGE: 3.47 CFS

2 YEAR REQUIRED STORAGE: 3.47 CFS

10 YEAR REQUIRED STORAGE: 3.47 CFS

VOLUME OF STORAGE PROVIDED: 3556 CF

40. WETLANDS: NOT APPLICABLE

41. CRITICAL AREAS: NOT APPLICABLE

42. ARCHEOLOGICAL SITES: NOT APPLICABLE TO THE BEST OF OUR KNOWLEDGE

43. ENDANGERED SPECIES: NOT APPLICABLE TO THE BEST OF OUR KNOWLEDGE

44. HAZARDOUS MATERIALS: NOT APPLICABLE TO THE BEST OF OUR KNOWLEDGE

45. SIGNS: ALL SIGNS SHALL BE IN ACCORDANCE WITH SECTION 413.2.B

AND ALL ZONING ORDINANCES AND LOCATED AS SHOWN ON THE PLAN.

46. EXISTING SEPTIC SYSTEMS LOCATIONS WILL BE SURVEYED AND SHOWN ON THE PLAN. SEPTIC SYSTEMS WILL BE REMOVED OR BACKFILLED PRIOR TO CONSTRUCTION

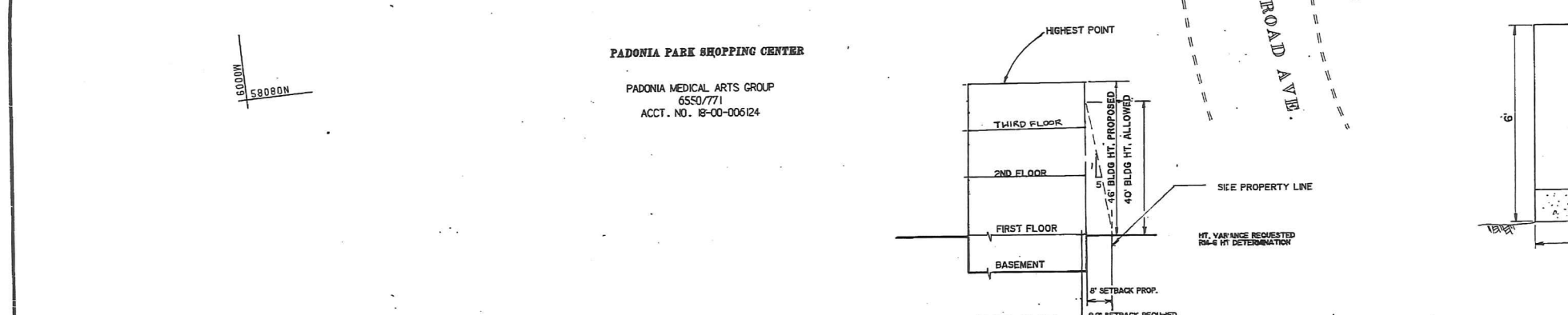
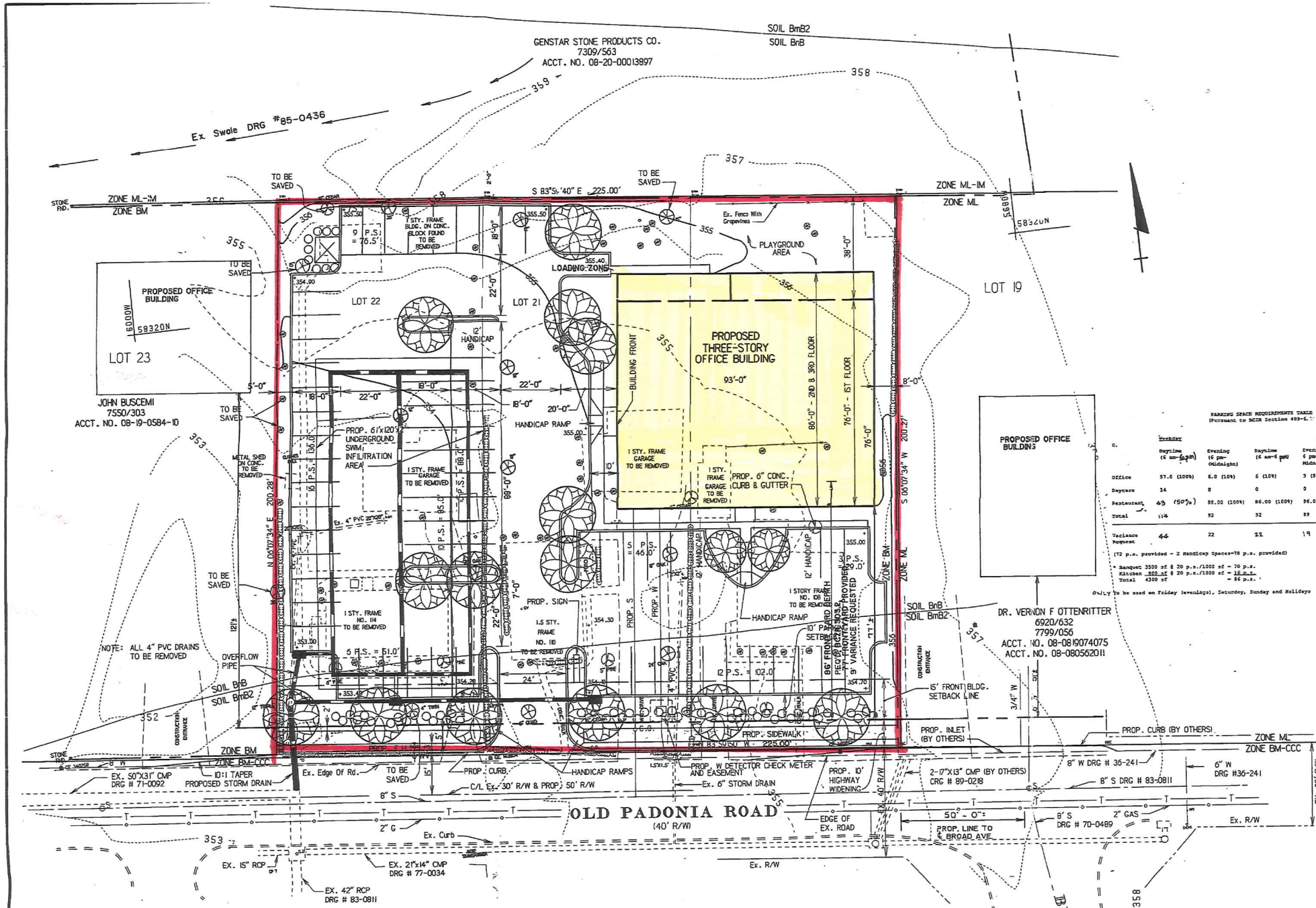
VARIANCES REQUESTED FOR:

1. B.C.Z.R., Section 409.6 Parking space Requirements.
2. B.C.Z.R., Section 303.2 and 235.1 To Permit a Front yard setback of 77 Feet in Lieu Of The 86 Feet Required.
3. B.C.Z.R., Section 231 and 234 To Permit a Building Height of 46 Feet in Lieu Of The 40 Feet Maximum Permitted Height.

NOTES:

1. SIGN WILL BE ILLUMINATED
2. SIGN MATERIAL WILL BE CONSISTENT WITH THE BUILDING MATERIALS.
3. SIGN IS CONCEPTUAL PLAN ONLY. 100 SF TOTAL, BOTH FACES ARE PERMITTED BY BCZR. ALL SIGNS WILL CONFORM WITH BCZR 413.2 AND 5

* A ZONING PUBLIC HEARING IS REQUESTED, TO OBTAIN A PARKING VARIANCE. PARKING WILL BE MITIGATED FOR, THROUGH SEPARATING THE DAY & EVENING PARKING USES.



REVISIONS

5/14/90

1. REV. PKG. TABLE TO SHOW DAY & EVENING USE (90)
2. CONFIRMED USE OF DIRECT ACCESS PKG. W/MAIN ENTRANCE (90)
3. NOTED PKG. TO BE PAVED AND STRIPPED (91)
4. CLARIFIED USES & FLOOR AREA TABLE (91 BLDG. FOOT PRINT)
5. ADDED NOTE ON SIGN TO BE IN CONFORMANCE W/BALTO. CO. STDS. & SIGN LOCATION PLAN (43)
6. DIMENSIONED PKG. BAY LENGTHS
7. LABELED FRONT OF BUILDING
8. REF. BUSSEY PLAN IN TITLE BLOCK
9. NOTED 10' PKG. SETBACK. 10' HIGHWAY R/W LINE
10. NOTED 10' PKG. SETBACK. 10' HIGHWAY R/W LINE
11. F.A.R. CALC. (91)
12. ADDED CURRENT PLANNING NO. IN TITLE BLOCK
13. ADDED MATERIAL TYPE, HT., ECT., TO BLDG. ELEV. PLAN
13. SIDE WALKS WERE ON PLAN 5' WIDE

14. NOTED TREES TO BE SAVED (10)

15. SENT PLAN TO MS. PAT XAVIER (284-5043), OCCLR

16. LABELED PLAY AREA

17. 1 P.S. NOTED PREV.

18. SANITARY SEWER PIPE & ESM'T NOT RED'D PER DEV. ENG. DIV. (D.E.V.), 5/16/90

19. PUBLIC S.D. NOT RED'D PER D.E.V., 5/16/90

20. NOTED PROP. S.D. CONNECTION AT OLD PADONIA RD.

21. ADDED DETECTOR METER CHECK

22. RUNOFF WILL NOT BYPASS SWM AREA. DESIGN CONFIRMED W/BALTO. CO. D.E.V. & SWM 5/16/90

JOHNSON, MIRMIRAN & THOMPSON

ENGINEERS • PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS

72 LOVETON CIRCLE
SPARKS, MD. 21151
(301) 329-3100

PLAN TO ACCOMPANY VARIANCE HEARING

FOR

PADONIA YORK LIMITED PARTNERSHIP

RESUBDIVISION OF LOTS # 20, 21, 22 OF ROBERT H. BUSSEY, PLAT 4/155

PUBLIC SERVICE CRG No. 9013 APPROVED 5/16/90 PLANNING No. VIII-567

BALT. CO. MD ELECT. DIST. #8

JULY 17, 1990 SHEET 1 OF 1

SCALE: 1" = 20'

DATE: JULY 17, 1990

DRAWN BY: T.M.

CHECKED BY: T.F.J.K.

APPROVED BY:

JOB NUMBER: 390127.02

FILE NUMBER:

IN RE: PETITIONS FOR SPECIAL HEARING & BEFORE THE
SPECIAL EXCEPTION
N/S Old Padonia Road, 45 ft. W of * ZONING COMMISSIONER
c/ Broad Avenue
110 Old Padonia Road * OF BALTIMORE COUNTY
8th Election District
3rd Councilmanic District * Case No. 94-463-SPHX
M.H. Zamani, M.D. & Shihla Moshiri,
M.D., his wife, Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and Petition for Special Hearing for the property located at 110 Old Padonia Road in Timonium. Special Exception relief is requested to permit a medical office/laboratory in a B.M. zone, pursuant to Section 233.4 of the Baltimore County Zoning Regulations (BCZR). Special Hearing relief is requested to approve an amendment to previous zoning case, No. 91-98-A for the subject property to allow a medical laboratory as requested within the Petition for Special Exception. The Petitions are filed by the property owners, M.H. Zamani, M.D., and Shihla Moshiri, M.D., his wife.

Appearing at the requisite public hearing held for this case were the aforementioned property owners. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is known as 110 Old Padonia Road and is located not far from the York Road in Timonium. The subject site is approximately .98 acres in area and is zoned B.M. Presently, the site is improved with a three story office building and related parking facilities. Testimony presented was that the third floor of the office building is occupied by a certified public accountant. The first floor is occupied with a day care center. The second floor is vacant.

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

Dr. Moshiri testified that she is a pathologist and presently operates a small laboratory near St. Joseph's Hospital. She proposes relocating her office to the aforementioned site, hence, the request for the Petitions for Special Exception and Special Hearing. She further testified that she is the sole employee of her practice, but for one part time secretary. As a pathologist, she performs certain laboratory/medical tests. The test includes pap smears, analysis of body fluids, and etc. She further testified that her laboratory operation is highly regulated by the State Department of Health and that she is licensed. The State regularly inspects the facility. Moreover, she has instituted a system of waste product pick up and disposal consistent with State law.

Testimony was also presented that the expected use will not generate any traffic. No patients would be seen at the laboratory as samples would be sent to her from the offices of other physicians for testing. Moreover, the anticipated work hours and days of operation are Monday through Friday, 8:30 A.M. to 5:00 P.M.

It is clear that the B.C.Z.R. permits the use proposed in a B.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

-2-

location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of August, 1994 that, pursuant to the Petition for Special Exception, approval to permit a medical office/laboratory in a B.M. zone, pursuant to Section 233.4 of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Special Hearing to approve an amendment to previous zoning case, No. 91-98-A for the subject property to allow a medical laboratory as requested within the Petition for Special Exception, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

-3-

reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mem

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386

August 2, 1994

Shihla Moshiri, M.D.
M.H. Zamani, M.D.
120 Sister Pierre Drive
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No. 94-463-SPHX
Property: 110 Old Padonia Road

Dear Doctors:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Special Hearing have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mem
att.

Petition for Special Hearing
94-463-SPHX
to the Zoning Commissioner of Baltimore County
for the property located at 110 Old Padonia Road
which is presently zoned B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to previous zoning commissioner for Baltimore County dated 29th of November, 1990, Case #91-98-A, 108, 110 & 114 Old Padonia Road 8 Election District, 3RD Councilmanic District, Padonia York Building, to Allow Medical Laboratory As Described AND Limited in The Attached Application For Special Exception.
AND FOR Reasons To be Addressed At Time of Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Consent Petitioners:

[Signature] M.H. Zamani

[Signature] Shihla Moshiri

[Signature] Shihla Moshiri

[Signature] Shihla Moshiri

[Signature] Shihla Moshiri

[Signature] Shihla Moshiri

[Signature] Shihla Moshiri

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[Signature] Shihla Moshiri

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[Signature] Shihla Moshiri

[Signature] Shihla Moshiri

Legal Owner:

M.H. Zamani

M.H. Zamani, M.D.

Shihla Moshiri

Shihla Moshiri

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Shihla Moshiri

Petition for Special Exception
94-463-SPHX
to the Zoning Commissioner of Baltimore County
for the property located at 110 Old Padonia Rd
which is presently zoned B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

MEDICAL OFFICE / LABORATORY
SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Consent Petitioners:

[Signature] M.H. Zamani

[Signature] M.H. Zamani

[Signature] M.H. Zamani

[Signature] M.H. Zamani

[Signature] M.H. Zamani

[Signature] M.H. Zamani

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[Signature] M.H. Zamani

[Signature] M.H. Zamani

[Signature] M.H. Zamani

Legal Owner:

M.H. Zamani

M.H. Zamani, M.D.

Shihla Moshiri

Shihla Moshiri

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Shihla Moshiri

Shihla Moshiri, MD
Cytology & Pathology Lab
The Professional Center
120 Sister Pierre Dr., Suite 503
Towson, MD 21204
Tel: 339-7757

Diplomate of American Board
Of Anatomic and Clinical Pathology
And Cytopathology

May 18, 1994

Zoning Commissioner for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Commissioner:

This is to advise that a special exception and various petitions were filed with your office on May 17, 1994 concerning the above captioned matter to amend previous variance granted on the 29th day of November, 1990, Item #2: "No medical office shall be permitted including but not limited to dental, chiropractor, physiotherapy". I am Shihla Moshiri, specialized in pathology, and as not seeing any patients. I wish to use my own property, which is vacant at the present time, for a medical office lab for blood tests not seeing any patients, my practice at this location will not cause any congestion in the road as well as the parking lot. I wish to have a hearing as soon as possible in this matter. I respectfully request that his matter be set for hearing as soon as your schedule would permit.

Thank you very much for your cooperation. Best regards.

Sincerely,
Shihla Moshiri, MD.
Shihla Moshiri, M.D.

446

CARROLL ENGINEERING, INC.

SUITE C - 61 PADONIA ROAD, EAST - TIMONIUM, MARYLAND 21083 - (410) 252-6211

ZONING DESCRIPTION

Beginning at a point on the North side of Old Padonia Road which is 50 feet wide at the distance of 45 feet West of the centerline of Broad Avenue. Thence the following courses and distances:

N.83° 59' 50"W. 225.00ft. N.06° 07' 34"E. 190.28ft. S.83° 59' 40"E. 225.00ft. and S.06° 07' 34"W. 190.27ft. to the point of beginning as recorded in Deed Liber 8304, Folio 520; Liber 8304, Folio 548; Liber 8304, Folio 551 containing 0.98 Acres. Also known as 108.110, and 114 Old Padonia Road located in the 8th election district.

Boundary and property information obtained from Dec. 1, 1990 Site Plan.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 114 Date of Posting: 6/1/94
Posted for: Mr. & Mrs. M. H. Zamani
Petitioner: Mr. & Mrs. M. H. Zamani
Location of property: 114 Old Padonia Road, East Timonium, Maryland 21083
Location of Sign: 114 Old Padonia Road, East Timonium, Maryland 21083
Remarks: Special Hearing to approve an amendment to previous case #91-90-8 to allow a medical laboratory.
Posted by: Lawrence E. Schmitt Date of return: 6/1/94
Number of Signs: 1

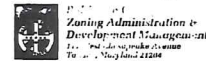
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 3, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 2, 1994.

THE JEFFERSONIAN,

A. Hennehan
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case #94-463-SPIX
114 Old Padonia Road, East Timonium, Maryland 21083
8th Election District - 3rd Councilmanic District
Legal Owner(s): Mr. & Mrs. M. H. Zamani and Shabla Mubini
Hearing: Monday, June 17, 1994 at 11:00 a.m. in Room 118, Old Courthouse
Special Hearing to approve an amendment to previous case #91-90-8 to allow a medical laboratory. Special Exception for medical office/labatory.
Lawrence E. Schmitt
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.
(2) For information concerning the filing and/or hearing, contact this office at 887-3353.
By Mr. Lawrence Schmitt, June 2, 1994



receipt
94-463-SPIX
Account: R 001-6150
Number: 446

Date: 5/17/94

OUC: [unclear]
OUC: [unclear]
OUC: [unclear]
TOWSON

Please Make Checks Payable To: Baltimore County
Baltimore County, Maryland 21204
Baltimore County, Maryland 21204

Cashier Validated

Item Number: 446
Planner: JBA
Date Filed: 5-17-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "list" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or the Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- ☐ Descriptions, including accurate beginning point
- ☐ Actual address of property
- ☐ Zoning
- ☐ Acreage
- ☐ Plans (need 12, only 1 submitted)
- ☐ 200 scale zoning map with property outlined
- ☐ Election district
- ☐ Councilmanic district
- ☐ BCR section information and/or wording
- ☐ Hardship/practical difficulty information
- ☒ Owner's signature (need minimum 1 original signature) and/or printed name and/or address
- ☐ Owner's telephone number
- ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ☐ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Notary Public's section is incomplete and/or incorrect
- ☒ and/or commission has expired
- ☒ Describe PRINTER NAME, ADDRESS & PHONE ON
Special Hearing Form

PET-FLAG (TXTSOPH)
11/17/93

TO: FUTURE PUBLISHING COMPANY
June 2, 1994 Issue - Jeffersonian

Please forward billing to:

M. H. Zamani
10633 Pot Spring Road
Cockeysville, Maryland 21030

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-463-SPIX (Item 446)

110 Old Padonia Road

N/S Old Padonia Road, 45 feet W of c/l Broad Avenue

8th Election District - 3rd Councilmanic

Legal Owner(s): M. H. Zamani and Shabla Mubini

HEARING: MONDAY, JUNE 27, 1994 at 11:00 a.m., Room 118, Old Courthouse

Special Hearing to approve an amendment to previous case #91-90-8 to allow a medical laboratory.

Special Exception for medical office/labatory.

LAWRENCE E. SCHMITT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-463-SPIX (Item 446)

110 Old Padonia Road

N/S Old Padonia Road, 45 feet W of c/l Broad Avenue

8th Election District - 3rd Councilmanic

Legal Owner(s): M. H. Zamani and Shabla Mubini

HEARING: MONDAY, JUNE 27, 1994 at 11:00 a.m., Room 118, Old Courthouse

Special Hearing to approve an amendment to previous case #91-90-8 to allow a medical laboratory.

Special Exception for medical office/labatory.

Call [unclear]
Arnold Sablon
Director

cc: M. H. Zamani and Shabla Mubini

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Printed with Supplement 144
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Mr. & Mrs. M. H. Zamani
10633 Pot Spring Road
Cockeysville, MD 21030

RE: Case No. 94-463-SPIX, Item No. 446
Petition for Special Hearing and Exception
Petitioner: M. H. Zamani, et ux

Dear Mr. & Mrs. Zamani:

The above-referenced petition and accompanying plans were accepted for filing on May 17, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed these plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties; i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

Mr. & Mrs. M. H. Zamani
June 17, 1994
Page 2

2. Any attorney choosing to file without preliminary review should be fully aware of their responsibility for accuracy and completeness. Any petition(s) filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. There may be insufficient time, however, to correct the petition after the comments are made; and therefore, if the petition(s) was/were filed incorrectly, there is the possibility that another hearing would be required or that the zoning commissioner would deny the petition.

3. Attorneys, engineers, and applicants who make appointments to file petitions on a regular basis and who fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time any further appointments are made. Failure to keep those appointments without 72 hours advance notice will result in the forfeiture of the filing fees.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

MCR:cm
Enclosures

7AC.428/PZONE/7AC1

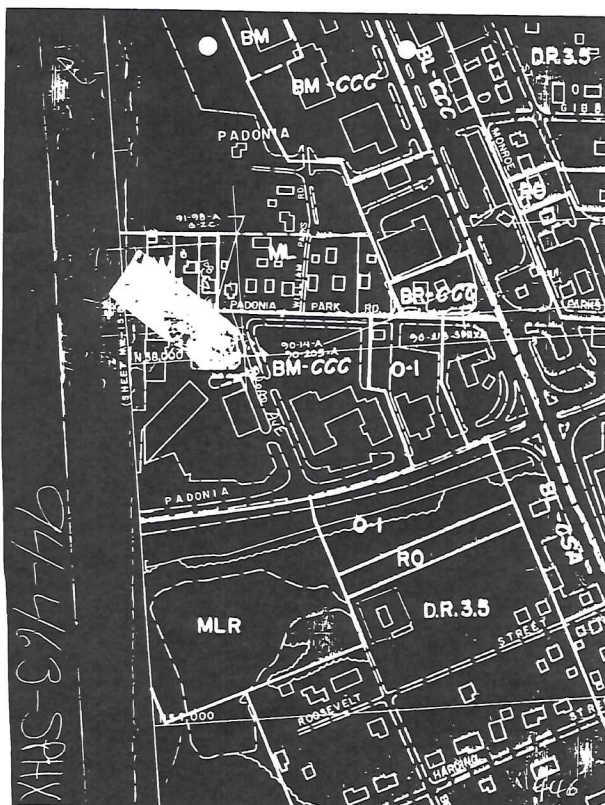
My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

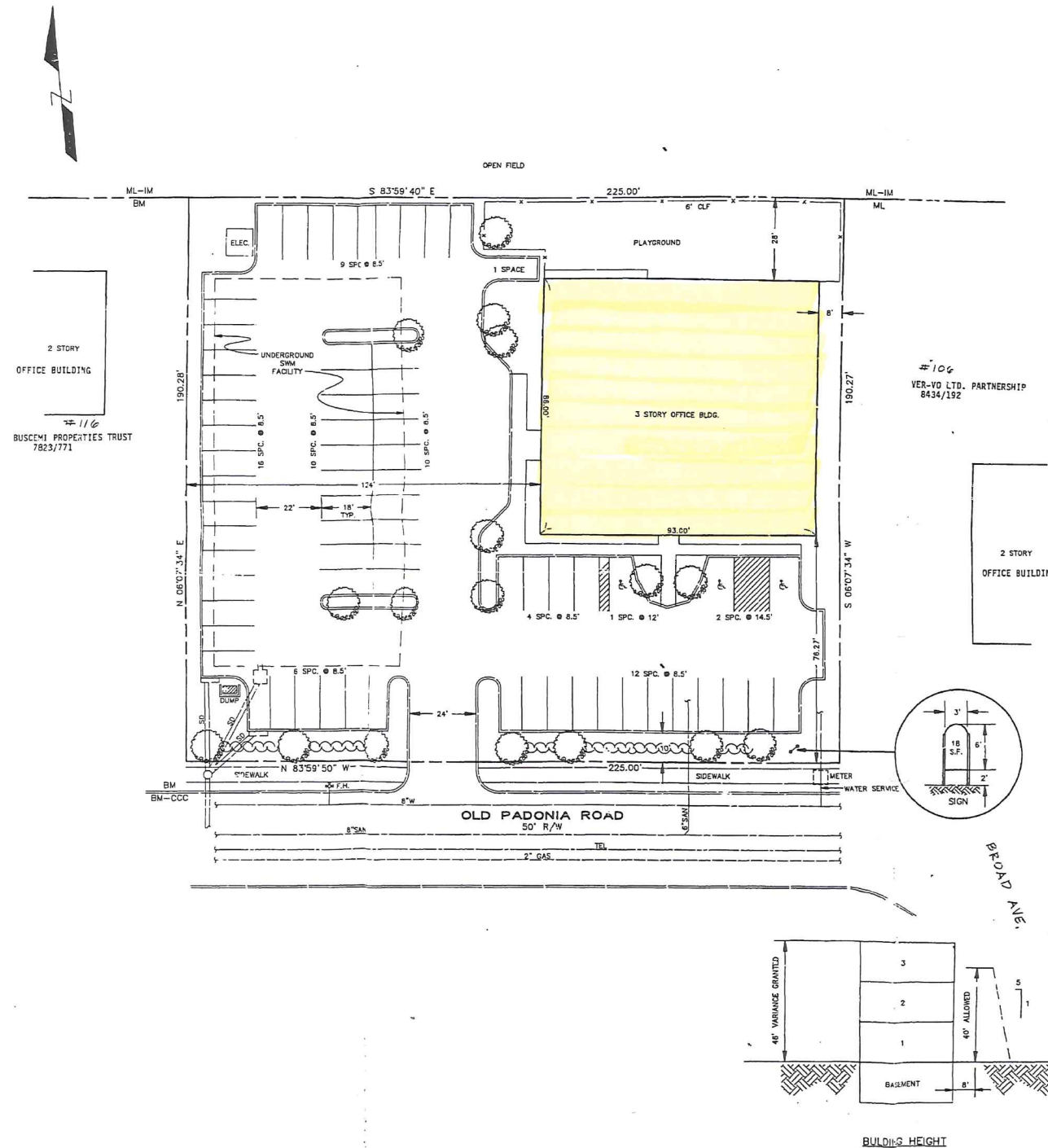
Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
JUN 22 1961
ZADM

[illegible]

PLAN TO ACCOMPANY ZONING HEARING

1" = 20'

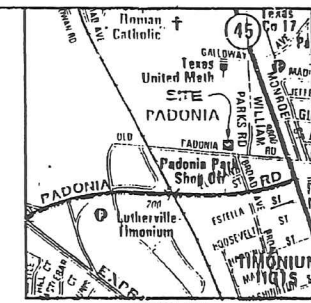


NOTES:

1. DEVELOPMENTS NAME: PADONIA YORK LIMITED PARTNERSHIP
APPLICANT: 10633 POT SPRING ROAD, COCKEYSVILLE, MD. 21030
2. PREPARED BY: CARROLL ENGINEERING, INC., 61 PADONIA ROAD E. SUITE C, TIMONIUM, MD. 21093, (410) 252-6211
3. SCALE: 1" = 20'
4. DATE: MAY, 1994
5. ELECTION DIST.: 18
6. COUNCILMANIC DIST.: 13
7. CENSUS TRACT: 4084
8. WATERSHED AND SUBWATERSHED: 32
9. SITE DATA:
 - a. SITE ACREAGE: 0.98 AC. = 42,811 S.F.
 - b. COMMON OPEN SPACE: NOT REQUIRED
 - c. FLOOR AREA RATIO: 0.88 AC. = 4.0 = 155,528 SF ALLOWED
 - d. THE DEPARTMENT OF TRAFFIC ENGINEERING HAS APPROVED THE DIRECT ACCESS PARKING ON THE MAIN VEHICLE TRAVELWAY.
 - e. ALL PARKING AISLE AND MANEUVERING AREAS ARE PAVED WITH MALADAM IN AND PERMANENTLY STRIPED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARDS.
10. ZONING: BM
11. OWNERSHIP OF SUBJECT PROPERTY: PADONIA-YORK LIMITED PARTNERSHIP
ADDRESS: 10633 POT SPRING ROAD, COCKEYSVILLE, MD.
DEED REFERENCE: LOT 20- TAX ACCT. #08-08-06000 LIBER 8304, FOLIO 120
LOT 21- TAX ACCT. #08-08-02275 LIBER 8304, FOLIO 548
LOT 22- TAX ACCT. #08-23-01575 LIBER 8304, FOLIO 551
PROPERTY NUMBERS: 108-114 OLD PADONIA ROAD
12. ESTIMATED AVERAGE DAILY TRIPS: OFFICE 17.7 TRIPS/1000 S.F. = 17.7/1000 x 23,236 = 411.27 TRIPS
13. HANDICAP PARKING SPACES: (BOCA CODE) 3 PARKING SPACES
14. PUBLIC SERVICE ORG NO. 9013, PLANNING NO. VII-567
15. PREVIOUS ZONING HEARING: VARIANCE CASE NO. 91-88-A

THEREFORE, IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 29 DAY OF NOVEMBER, 1990 THAT THE PETITION FOR ZONING VARIANCE TO PERMIT TO PARKING SPACES IN LIEU OF THE REQUIRED 159, AN AVERAGE FRONT YARD SETBACK OF 77 FEET IN LIEU OF THE MINIMUM REQUIRED 88 FEET AND A HEIGHT OF 48 FEET IN LIEU OF THE PERMITTED 40 FEET FOR A 3 STORY OFFICE BUILDING, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, BE AND IS HEREBY GRANTED, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS WHICH ARE CONDITIONS PRECEDENT TO THE RELIEF GRANTED:

- THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPEAL PROCESS FROM THIS ORDER HAS BEEN EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
- NO MEDICAL OFFICES SHALL BE PERMITTED, INCLUDING, BUT NOT LIMITED TO, DENTAL, CHIROPRACTIC, PHYSICAL THERAPY, ETC.
- THE FIRST FLOOR OF THE SUBJECT BUILDING SHALL BE LIMITED TO USE AS A DAY CARE CENTER WITH ALTERNATE USE AS A RENTAL AND CATERING SHALL ESTABLISHMENT ON WEEKDAY EVENINGS, SATURDAYS, SUNDAYS AND POSSIBLY HOLIDAYS. SUCH ALTERNATE USE OF THE FIRST FLOOR SHALL NOT PERMITTED ON MORE THAN FOUR (4) DAYS OF ANY CALENDAR WEEK AND SHALL NOT COMMENCE BEFORE 8:30 PM MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS. PETITIONER SHALL KEEP RECORDS OF SUCH ALTERNATE USE AND PERMIT ACCESS OF SAME BY ZONING OFFICE PERSONNEL UPON REQUEST TO INSURE COMPLIANCE WITH THIS ORDER.
- USE OF THE FIRST FLOOR AS A RENTAL OR CATERING ESTABLISHMENT SHALL BE LIMITED TO 175 PERSONS, OR AS SET FORTH PURSUANT TO THE BALTIMORE COUNTY FIRE DEPARTMENT RESTRICTIONS, WHICHEVER IS LESS.
- THE FIRST FLOOR OF THE SUBJECT BUILDING SHALL NOT BE USED AS A RESTAURANT.
- PRIOR TO THE ISSUANCE OF ANY PERMITS, AND/OR WITHIN NINETY (90) DAYS OF THE DATE OF THIS ORDER, WHICHEVER OCCURS FIRST PETITIONER SHALL SUBMIT A LANDSCAPING PLAN FOR APPROVAL BY THE DIRECTOR AND/OR DEPUTY DIRECTOR OF PLANNING. A COPY OF THE APPROVED PLAN SHALL BE SUBMITTED TO THE ZONING COMMISSIONERS OFFICE FOR INCLUSION IN THE CASE FILE PRIOR TO THE ISSUANCE OF ANY PERMITS.



- 9). IN THE EVENT THE PETITIONER AND/OR ANY FUTURE PROPERTY OWNER EVER PRODUCES TO CHANGE THE USE OF THE FIRST FLOOR, AS SET FORTH HEREIN, A PUBLIC HEARING SHALL BE HELD TO DETERMINE THE APPROPRIATENESS OF SUCH CHANGE.
- 10). COMPLIANCE WITH ALL ZONING PLANS AND ADVISORY COMMITTEE COMMENTS SUBMITTED AND MADE A PART OF THE RECORD.
- 11). INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENT OF PERMITS AND LICENSES COMMENTS DATED SEPTEMBER 11, 1990, AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, BUREAU OF WATER QUALITY COMMENTS DATED AUGUST 22, 1990.
- 12). UPON REQUEST AND REASONABLE NOTICE, PETITIONERS SHALL PERMIT A REPRESENTATIVE OF THE ZONING ENFORCEMENT DIVISION TO MAKE AN INSPECTION OF THE SUBJECT PROPERTY TO ENSURE COMPLIANCE WITH THIS ORDER.
- 13). ANY RESTRICTIONS CONTAINED HEREIN MAY BE MODIFIED AS A RESULT OF A PUBLIC HEARING.
- 14). WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN AND LANDSCAPING PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

13. PARKING: PROVIDED 72 SPACES - 2 HD = 70 SPACES PROVIDED

FLOOR	USE	SF	PHYS. REQ'D
BASMT	KITCHEN	800	20/1000 = 16
1	OFFICE	1050	3.3/1000 = 10
1	DAYCARE	3500	1.7/1000 = 13
1	BANQUET	3500	20/1000 = 70
2	OFFICE	2500	33/1000 = 27
3	OFFICE	2500	12/1000 = 27
			159

PARKING SPACE REQUIREMENTS PURSUANT TO NEW CITY OF BALTIMORE

	WEEKDAY	WEEKEND	WEEKDAY	WEEKEND	WEEKDAY
	DAYTIME 8am-5pm	EVENING 6pm-12am	DAYTIME 8am-5pm	EVENING 6pm-12am	WEEKEND 12am-6am
OFFICE	57(100%)	8(10%)	6(10%)	5(5%)	1(1%)
DAYCARE	14	0	0	0	0
RESTAURANT	43(50%)	84(100%)	84(100%)	84(100%)	84(100%)
TOTAL	74	92	90	89	85
VARIANCE GRANTED	(44)	(22)	(22)	(19)	(0)

- * BANQUET 3,500 SF @ 20 PS/1000 SF = 70
- * KITCHEN 800 SF @ 20 PS/1000 SF = 16
- * 4,300
- * BANQUET AND KITCHEN ONLY TO BE USED ON FRIDAY EVENINGS, SATURDAY, SUNDAY AND HOLIDAYS.

94-463-SPH

PROPERTY BOUNDARY INFO OBTAINED FROM SITE PLAN DATED DEC. 1, 1990.

CARROLL ENGINEERING, INC.
61 PADONIA ROAD E. TIMONIUM, MD 21093 (410) 252-6211

PETITIONER'S

EXHIBIT NO.

PETITIONER'S

EXHIBIT NO. 4

IN RE: PETITION FOR ZONING VARIANCE
8/5 Old Padonia Road, 45' W
of the c/l of Broad Avenue
(108, 110 & 114 Old Padonia Rd.)
8th Election District
3rd Councilmanic District
Padonia York Ltd. Partnership
Petitioner
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-98-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 70 parking spaces in lieu of the required 159, an average front yard setback of 77 feet in lieu of the minimum required 86 feet, and a height of 46 feet in lieu of the permitted 40 feet for a proposed three-story office building in accordance with Petitioner's Exhibit 1.

The Petitioner, by Muhammad H. Zamani, Partner, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Amir Asghari and Joyce A. Kimble with Johnson, Nirmiran and Thompson. Wally Lippincott, Community Planner appeared on behalf of the Office of Planning and Zoning. There were no Protestants.

Testimony indicated that the subject property, known as 108, 110 and 114 Old Padonia Road, consists of 1.03 acres more or less split zoned B.M. Said property is also known as Lots 20, 21 and 22 of the Robert H. Bussey property and is currently improved with a dwelling and detached garage on each lot. Petitioner is desirous of removing the existing improvements and constructing a three-story office building on the three lots. The proposed building will contain a day care center on the first floor and general offices on the second and third floors. Testimony indicated the requested parking variance is necessitated by an alternate use planned for the first floor as a rental and catering hall. The day care

center will operate approximately between 7:00 AM and 6:00 PM and it is intended that the same facility be rented out for various meetings and functions in the evenings after 6:00 PM on weekdays and on Saturdays, Sundays, and possibly holidays. Testimony indicated the need for such facilities by community groups, including, but not limited to, local recreation councils in the area. Evidence presented indicated that if the alternate use were not planned, parking is sufficient pursuant to Section 409 for the operation of a day care center and the general offices on the second and third floors.

Petitioner testified the requested parking variance is needed as a result of the planned alternate use of the first floor of the subject building. Petitioner argued that the Baltimore County parking regulations provide for alternate uses and that the Zoning Commissioner can approve same within his discretion. Testimony as to the requested height variance indicated that if the building were moved 2 feet to the west, no height variance would be required but would result in the loss of parking spaces. Testimony as to the requested front yard setback variance indicated that the building cannot be moved further to the rear as it will infringe on the playground planned for the day care center. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and is within the spirit and intent of the zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

- 2 -

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, hardship and practical difficulty exist in the development of this property. The subject property is unique in that it consists of three lots which have been assembled for the purpose of constructing one building thereon. Other office buildings built on the same side of Old Padonia Road were built on single lots as evidenced by the plats submitted with this Petition. The question of whether or not a variance from the parking regulations is required was disputed by Counsel for Petitioners. The uncontradicted testimony presented evidenced that in order to facilitate the planned alternate use, a hardship exists. If the building were to be moved 2 feet to the west to meet height restrictions, parking spaces would be lost that could accommodate the subject building. The Office of Planning requested the building be located closer to the street with parking in the rear, however, the playground area for the day care center will be located in the rear away from the traffic on Old Padonia Road requiring that parking be provided in the front and side of the proposed building. It is clear from the testimony that if the variances are granted, such use as proposed would not be

- 3 -

contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of November, 1990 that the Petition for Zoning Variance to permit 70 parking spaces in lieu of the required 159, an average front yard setback of 77 feet in lieu of the minimum required 86 feet, and a height of 46 feet in lieu of the permitted 40 feet for a proposed three-story office building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) No medical offices shall be permitted, including, but not limited to, dental, chiropractor, physical therapy, etc.
- 3) The first floor of the subject building shall be limited to use as a day care center with alternate use as a rental and catering hall establishment on weekday evenings, Saturdays, Sundays and possibly holidays. Such alternate use of the first floor shall not permitted on more than four (4) days of any calendar week and shall not commence before 6:30 PM Monday thru Friday, except holidays. Petitioner shall keep records of such alternate use and permit access of same by Zoning Office personnel upon request to insure compliance with this Order.
- 4) Use of the first floor as a rental or catering establishment shall be limited to 175 persons, or as

- 4 -

ORDER RECEIVED FOR FILING
Date 11/29/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/29/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/29/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/29/90
By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6 to provide 70 parking spaces in lieu of required 159; Secs. 303.2 and 235.1 to permit an average front yard of 77 feet in lieu of 86 feet; Secs. 231 and 234 to permit a height of 46 feet in lieu of 40 feet.

1. Configuration of property
2. Existing office buildings on either side
3. Multiple usage of property

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

S. Eric DiNenna, Esquire

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No. (301) 296-6820

Legal Owner(s):

Padonia York Limited Partnership

(Type or Print Name)

By: [Signature]

Signature

Address

City and State

72 Loveton Circle

Address

Sparks, MD 21151

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna, Esquire

Address

409 Washington Ave., Ste. 600

Towson, MD 21204

City and State

Attorney's Telephone No. (301) 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 5 day

of SEP 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 2 day of NOV 1990 at 11 o'clock

A. M.

[Signature]
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 11/29/90
By [Signature]

ESTIMATED LENGTH OF HEARING 1 1/2 HRS.
AVAILABLE FOR HEARING
MON./TUES./WED. 1 HRS. TWO MONTHS
ALL OTHER 1 HRS.
NOT REVIEWED BY: JLL DATE 8/90
GIVEN FINAL REVIEW
APPLICANT POSTED ON FILING

set forth pursuant to the Baltimore County Fire Department restrictions, whichever is less.

5) The first floor of the subject building shall not be used as a restaurant.

6) Prior to the issuance of any permits, and/or within ninety (90) days of the date of this Order, whichever occurs first, Petitioner shall submit a landscaping plan for approval by the Director and/or Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any permits.

7) In the event the Petitioner and/or any future property owner ever proposes to change the use of the first floor, as set forth herein, a public hearing shall be held to determine the appropriateness of such change.

8) Compliance with all Zoning Plans Advisory Committee comments submitted and made a part of the record, including, but not limited to, the Department of Permitting and Licenses comments dated September 11, 1990, and the Department of Environmental Protection and Resource Management, Bureau of Water Quality comments dated August 22, 1990.

9) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

10) Any restrictions contained herein may be modified as a result of a public hearing.

11) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]
ANN H. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:hjs

- 5 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 297-5055
J. Robert Haines
Deputy Commissioner

November 29, 1990



S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
8/5 Old Padonia Road, 45' W of the c/l of Broad Avenue
(108, 110 and 114 Old Padonia Road)
8th Election District - 3rd Councilmanic District
Padonia York Limited Partnership - Petitioner
Case No. 91-98-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]
ANN H. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:hjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
Date 11/29/90
By [Signature]



PETITIONER'S

EXHIBIT NO. _____

IN RE: PETITION FOR ZONING VARIANCE
N/S Old Padonia Road, 45' W
of the c/l of Broad Avenue
(108, 110 & 114 Old Padonia Rd.)
8th Election District
3rd Councilmanic District
Padonia York Ltd. Partnership
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-98-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 70 parking spaces in lieu of the required 159, an average front yard setback of 77 feet in lieu of the minimum required 86 feet, and a height of 46 feet in lieu of the permitted 40 feet for a proposed three-story office building in accordance with Petitioner's Exhibit 1.

The Petitioner, by Mohammad H. Zamani, Partner, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Amir Asghari and Joyce A. Kimble with Johnson, Mirmiran and Thompson. Wally Lippincott, Community Planner appeared on behalf of the Office of Planning and Zoning. There were no Protestants.

Testimony indicated that the subject property, known as 108, 110 and 114 Old Padonia Road, consists of 1.03 acres more or less split zoned B.M. Said property is also known as Lots 20, 21 and 22 of the Robert H. Bussey property and is currently improved with a dwelling and detached garage on each lot. Petitioner is desirous of removing the existing improvements and constructing a three-story office building on the three lots. The proposed building will contain a day care center on the first floor and general offices on the second and third floors. Testimony indicated the requested parking variance is necessitated by an alternate use planned for the first floor as a rental and catering hall. The day care

center will operate approximately between 7:00 AM and 6:00 PM and it is intended that the same facility be rented out for various meetings and functions in the evenings after 6:00 PM on weekdays and on Saturdays, Sundays, and possibly holidays. Testimony indicated the need for such facilities by community groups, including, but not limited to, local recreation councils in the area. Evidence presented indicated that if the alternate use were not planned, parking is sufficient pursuant to Section 409 for the operation of a day care center and the general offices on the second and third floors.

Petitioner testified the requested parking variance is needed as a result of the planned alternate use of the first floor of the subject building. Petitioner argued that the Baltimore County parking regulations provide for alternate uses and that the Zoning Commissioner can approve same within his discretion. Testimony as to the requested height variance indicated that if the building were moved 2 feet to the west, no height variance would be required but would result in the loss of parking spaces. Testimony as to the requested front yard setback variance indicated that the building cannot be moved further to the rear as it will infringe on the playground planned for the day care center. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and is within the spirit and intent of the zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, hardship and practical difficulty exist in the development of this property. The subject property is unique in that it consists of three lots which have been assembled for the purpose of constructing one building thereon. Other office buildings built on the same side of Old Padonia Road were built on single lots as evidenced by the plats submitted with this Petition. The question of whether or not a variance from the parking regulations is required was disputed by Counsel for Petitioners. The uncontradicted testimony presented evidenced that in order to facilitate the planned alternate use, a hardship exists. If the building were to be moved 2 feet to the west to meet height restrictions, parking spaces would be lost that could accommodate the subject building. The Office of Planning requested the building be located closer to the street with parking in the rear, however, the playground area for the day care center will be located in the rear away from the traffic on Old Padonia Road requiring that parking be provided in the front and side of the proposed building. It is clear from the testimony that if the variances are granted, such use as proposed would not be

contrary to the spirit of the B.C.Z.N. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of November, 1990 that the Petition for Zoning Variance to permit 70 parking spaces in lieu of the required 159, an average front yard setback of 77 feet in lieu of the minimum required 86 feet, and a height of 46 feet in lieu of the permitted 40 feet for a proposed three-story office building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) No medical offices shall be permitted, including, but not limited to, dental, chiropractor, physical therapy, etc.
- 3) The first floor of the subject building shall be limited to use as a day care center with alternate use as a rental and catering hall establishment on weekday evenings, Saturdays, Sundays and possibly holidays. Such alternate use of the first floor shall not permitted on more than four (4) days of any calendar week and shall not commence before 6:30 PM Monday thru Friday, except holidays. Petitioner shall keep records of such alternate use and permit access of same by Zoning Office personnel upon request to insure compliance with this Order.
- 4) Use of the first floor as a rental or catering establishment shall be limited to 175 persons, or as

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Date 11/29/90
By [Signature]

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Date 11/29/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/29/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/29/90
By [Signature]

set forth pursuant to the Baltimore County Fire Department restrictions, whichever is less.

5) The first floor of the subject building shall not be used as a restaurant.

6) Prior to the issuance of any permits, and/or within ninety (90) days of the date of this Order, whichever occurs first, Petitioner shall submit a landscaping plan for approval by the Director and/or Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any permits.

7) In the event the Petitioner and/or any future property owner ever proposes to change the use of the first floor, as set forth herein, a public hearing shall be held to determine the appropriateness of such change.

8) Compliance with all Zoning Plans Advisory Committee comments submitted and made a part of the record, including, but not limited to, the Department of Permits and Licenses comments dated September 11, 1990, and the Department of Environmental Protection and Resource Management, Bureau of Water Quality comments dated August 22, 1990.

9) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

10) Any restrictions contained herein may be modified as a result of a public hearing.

11) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 295-5005

J. Robert Hince
Deputy Zoning Commissioner

November 29, 1990

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Townson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
N/S Old Padonia Road, 45' W of the c/l of Broad Avenue
(108, 110 and 114 Old Padonia Road)
8th Election District - 3rd Councilmanic District
Padonia York Limited Partnership - Petitioner
Case No. 91-98-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File



PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409-6 to provide 70 parking spaces in lieu of required 159; Secs. 303.2 and 235.1 to permit an average front yard of 77 feet in lieu of 86 feet; Secs. 231 and 234 to permit a height of 46 feet in lieu of 40 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Configuration of property
2. Existing office buildings on either side
3. Multiple usage of property

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

409 Washington Ave., Ste. 600

Towson, MD 21204

City and State

Attorney's Telephone No.: (301) 295-6820

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna, Esquire

409 Washington Ave., Ste. 600

Towson, MD 21204 (301) 295-6820

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day

of 11/90

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of 12/90, at 11 o'clock

A.M.

J. Robert Hince

Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2 HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - 8:00 AM TO 12:00 PM

OTHER

NOT REVIEWED BY: JLL

GIVEN FINAL REVIEW

DATE 8/90

APPLICANT POSTED ON FILING

MAP REVIEW	122
E.D.	8
DATE	11-29-90
200	161
1000	6

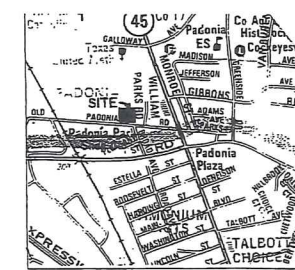
ZONING DESCRIPTION:

Beginning at a point on the north side of Old Padonia Road, with a proposed right-of-way width of 50 feet, at a distance of 45 feet west of the centerline of Broad Avenue, having a right-of-way width of 70 feet. Thence the following courses and distances: N 83° 59' 50" W. 225.00 ft, N 06° 07' 34" E. 200.28 ft, S 83° 59' 40" E. 225.00 ft., S 06° 07' 34" W. 200.27 ft. to the place of beginning.

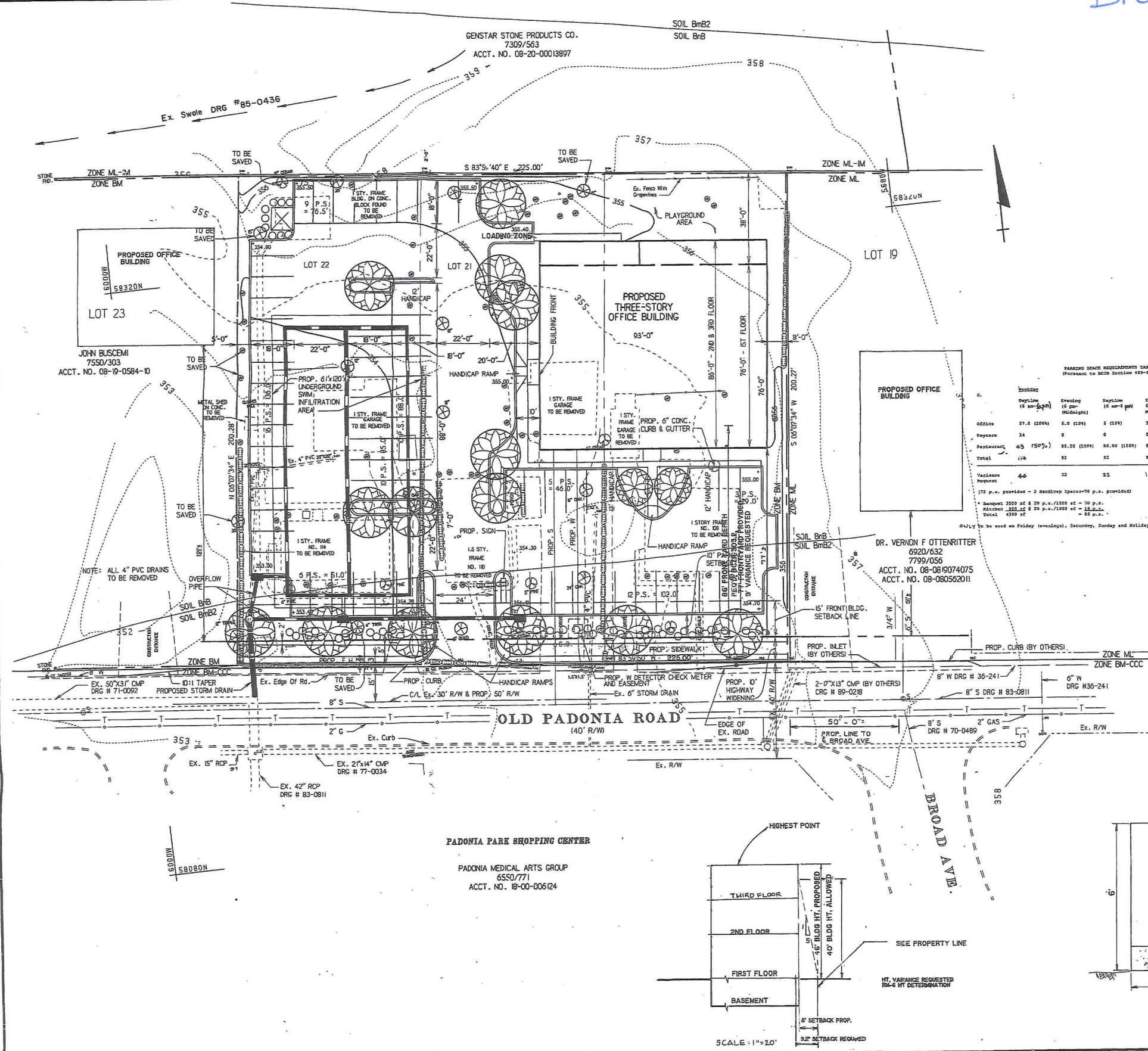
Being Lots #20, #21 and #22 of a plat entitled "Plat of Land belonging to Robert H. Bussey", as recorded in Baltimore County Plat Book W.P.C. No. 4, folio 155, containing 45,000 square feet. Also known as Nos 108, 110 and 114 Old Padonia Road and located in the 8th Election District, Baltimore County Maryland.



Drop-off/No review
2019-0522-SP4



SITE MAP
SCALE 1" = 1000'



NOTES:
1. DEVELOPMENT NAME: PADONIA YORK LIMITED PARTNERSHIP
APPLICANT: 10633 POT SPRING ROAD, COCKEYSVILLE, MD 21030 (301) 666-3555
PREPARED BY: JOHNSON, MIRMIRAN & THOMPSON, P.A.
772 LOCUST FARM CIRCLE, SPARKS, MD 21152
PHONE: (301) 329-3100

SCALE: 1" = 20'
DATE: APRIL 1, 1990

2. NORTH POINT: SEE PLAN
3. VARIANCE MAP: SEE ABOVE
4. ELECTION DIST: 8
5. COUNCILMANIC DIST: 3
6. CENSUS TRACT: 4084
7. WATERSHED AND SUBWATERSHED: 32
8. THREE CORNERS: SEE PLAN
9. SITE DATA:
a. SITE ACRES: GROSS AREA - 1.03 AC + NET AREA - 0.98 AC +
b. COMMON OPEN SPACE: NOT REQUIRED

PARKING SPACE REQUIREMENTS TABLE		FLOOR		USE		SQ. FT.		REQ. SPACES	
Building	Daytime (6 am-6 pm)	Evening (6 pm-Midnight)	Daytime (6 am-6 pm)	Evening (6 pm-Midnight)	Daytime (6 am-6 pm)	Evening (6 pm-Midnight)	Daytime (6 am-6 pm)	Evening (6 pm-Midnight)	Daytime (6 am-6 pm)
Office	37.0 (100%)	6.0 (10%)	3 (3%)	3 (3%)	1	1	1	1	1
Daycare	34	0	0	0	0	0	0	0	0
Restaurant	45 (50%)	86.0 (100%)	86.0 (100%)	86.0 (100%)	3 (10%)	3 (10%)	3	3	3
Total	116	92	89	89	4	4	4	4	4

Vehicle Request: 4-6, 22, 52, 19, 0

(72 p.s. provided - 2 Handicap Spaces - 70 p.s. provided)

Handicap 3500 sq ft @ 20 p.s./1000 sq ft = 70 p.s.
Kitchen 1000 sq ft @ 20 p.s./1000 sq ft = 10 p.s.
Total 4500 sq ft = 80 p.s.

Only to be used on Friday (weekdays), Saturday, Sunday and Holidays

NOTES: 1ST FLOOR = 93'0" x 70'0" S.F.
2ND FLOOR = 93'0" x 70'0" S.F.
3RD FLOOR = 93'0" x 70'0" S.F.
TOTAL 27,000 S.F.

NO MEDICAL OFFICES ARE PROPOSED, GENERAL OFFICE USE ONLY

4. FLOOR AREA RATIO: 1.03 x 4.0 = 4.12, 23,064 SF Provided

5. THE DEPARTMENT OF TRAFFIC ENGINEERING HAS APPROVED THE DIRECT ACCESS PARKING ON THE MAIN VEHICLE TRAVELWAY.

6. ALL PARKING SPACES AND MANEUVERING AREAS WILL BE PAVED WITH MACADAM IN AND PERMANENTLY STRIPPED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARDS.

7. LANDSCAPE REQUIREMENTS:
a. ROAD FRONTAGE 224 LF - 40 = 6 TREES
b. INTERIOR ROADS 54 LF - 20 = 3 TREES
c. PARKING: NO. OF PARKING SPACES 87 = 6 DECIDUOUS TREES
MINIMUM NO. OF TREES REQUIRED = 15
MINIMUM NO. OF TREES TO BE MAJOR DECIDUOUS = 11

8. SCREENING REQUIREMENTS:
a. PARKING AREAS WHICH ADJACENT A PUBLIC ROAD:
20 LF - 3 = 43 EVERGREEN SHRUB (10x10 PAD - 2 SIDES)
b. DUMPSTER AREAS:
20 LF - 3 = 7 EVERGREEN SHRUBS

9. SUMMARY OF PROVISIONS:
12 - MAJOR DECIDUOUS TREES
2 - MAJOR MAJOR OR EVERGREEN SHRUBS
50 - EVERGREEN SHRUBS

10. PLAN REPAIRS AND DISTANCES: SEE PLAN
11. WELL AREAS: NOT APPLICABLE
12. SEPTIC AREAS: NOT APPLICABLE
13. SEWER & WATER LINE: SEE PLAN
14. FIRE HYDRANTS: SEE PLAN

5. SOIL TYPE:
SYMBOL SOIL NAME LIMITATIONS
B8 BALTIMORE SLIGHT
B82 BALTIMORE SLIGHT
SILT LOAM MODERATE
MODERATE SLIGHT
3-8

7. EXISTING TOPOGRAPHY: SEE PLAN
SLOPES GREATER THAN 25% - NOT APPLICABLE

8. PROPOSED GRADING: SEE PLAN

9. EXISTING WOODED AREA AND VEGETATION TO BE REMOVED EXCEPT WHERE NOTED TO BE SAVED

10. PROPOSED LANDSCAPE: SEE PLAN FOR L.S. DESIGN AND NOTE NO. 10.2 FOR PLANT PROVISIONS

11. EXISTING STREAMS, WATER BODIES OR SPRINGS: NOT APPLICABLE

12. FLOODPLAINS: NOT APPLICABLE

13. EXISTING BUILDINGS: SEE PLAN, THREE DWELLINGS TO BE REMOVED

14. HISTORIC BUILDINGS: NOT APPLICABLE

15. EXISTING ADJACENT BUILDINGS: SEE PLAN

16. ZONING DISTRICT: BM
NORTH: ML - M
EAST: ML
WEST: BM
SOUTH: BM - CCC

17. RESIDENTIAL TRANSITION AREA: NOT APPLICABLE

18. OWNERSHIP OF SUBJECT PROPERTY: PADONIA YORK LIMITED PARTNERSHIP
ADDRESS: 10633 POT SPRING ROAD, COCKEYSVILLE, MD 21030
DEED REF. LOT 20 - TAX ACT 88-09-00000 LEBER 8304 FOLD 530
LOT 21 - TAX ACT 88-09-00000 LEBER 8304 FOLD 548
LOT 22 - TAX ACT 88-09-00000 LEBER 8304 FOLD 551

19. OWNERSHIP OF ADJACENT PROPERTIES:
NORTH: GENSTAR STONE PRODUCTS
EAST: DR. VERNON F. OTTENRITTER
SOUTH: LUCH RAVEN BLDG., BALTIMORE, MD. 21239
ACCT. NO. 08-08-0001897
ACCT. NO. 08-08-0004075
ACCT. NO. 08-08-0006201
SOUTH: PADONIA MEDICAL ARTS GROUP
ACCT. NO. 08-08-0006204
WEST: JOHN BUSSEY
1845 JACOBSTOWN PINE, PHENIX, MD. 21081
ACCT. NO. 08-08-0008410

20. PROPOSED LOT AND BUILDING LAYOUT: SEE PLAN
SETBACKS: FRONT: 5 FEET FROM FRONT PROPERTY LINE
SIDE: 0 FEET
REAR: 0 FEET

21. AREAS OF COMMON OPEN SPACE: NOT APPLICABLE

22. PROPOSED PARKING LAYOUT: SEE PLAN

23. STREET LAYOUT: SEE PLAN

24. PARKING SPACES: NOT APPLICABLE

25. ESTIMATED AVERAGE DAILY TRIPS: 17,000 S.F. = 41.27 TRIPS
17,000 S.F. = 41.27 TRIPS

26. HANDICAP PARKING SPACES: 4 (BADA CODE 3) PARKING SPACES

27. EXISTENTS AND RIGHT OF WAYS: SEE PLAN

28. STORM DRAIN: SEE PLAN

29. UTILITY SYSTEMS: SEE PLAN

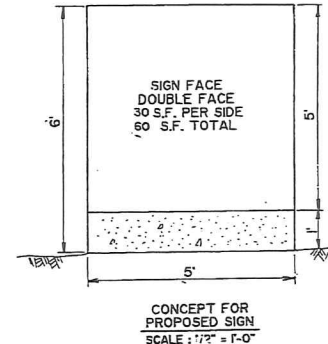
30. STORMWATER MANAGEMENT CALCULATIONS:
HYDROLOGIC SUMMARY
EXISTING CONDITIONS PROPOSED CONDITIONS
GRASS 1.0 AC 0.44 AC
IMPERVIOUS 0.38 AC 1.0 AC
TOTAL DRAINAGE AREA 1.38 AC 1.44 AC
RN 70 87
TIME OF CONCENTRATION 0.23 HR 0.23 HR
2 YEAR DISCHARGE 1.34 CFS 3.47 CFS
6 YEAR DISCHARGE 6.65 CFS 6.65 CFS
2 YEAR REQUIRED STORAGE 35H CF
6 YEAR REQUIRED STORAGE 536 CF
VOLUME OF STORAGE PROVIDED 5856 CF

40. WETLANDS: NOT APPLICABLE
41. CRITICAL AREAS: NOT APPLICABLE
42. ARCHEOLOGICAL SITES: NOT APPLICABLE TO THE BEST OF OUR KNOWLEDGE
43. ENDANGERED SPECIES: NOT APPLICABLE TO THE BEST OF OUR KNOWLEDGE
44. HAZARDOUS MATERIALS: NOT APPLICABLE TO THE BEST OF OUR KNOWLEDGE
45. SIGNS: ALL SIGNS SHALL BE IN ACCORDANCE WITH SECTION 4-B B.C.Z.D.
AND ALL ZONING ORDINANCES AND LOCATED AS SHOWN ON THE PLAN.
46. EXISTING SEPTIC SYSTEMS LOCATIONS WILL BE SHOWN AND SHOWN ON THE PLAN. SEPTIC SYSTEMS WILL BE REMOVED OR BACKFILLED PRIOR TO CONSTRUCTION

VARIANCES REQUESTED FOR:

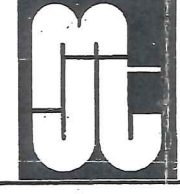
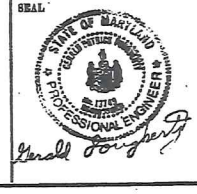
1. B.C.Z.R., Section 409.6 Parking space Requirements.
2. B.C.Z.R., Section 303.2 and 235.1 To Permit a Front yard setback of 77 Feet in Lieu of The 86 Feet Required.
3. B.C.Z.R., Section 231 and 234 To Permit a Building Height of 46 Feet in Lieu of The 40 Feet Maximum Permitted Height.

NOTES:
1. SIGN WILL BE ILLUMINATED
2. SIGN MATERIAL WILL BE CONSISTENT WITH THE BUILDING MATERIALS.
3. SIGN IS CONCEPTUAL PLAN ONLY. 100 SF TOTAL, BOTH FACES ARE PERMITTED BY BCZR. ALL SIGNS WILL CONFORM WITH BCZR 413.2 AND .5



- REVISIONS
1. REV. PKG. TABLE TO SHOW DAY & EVENING USE (90)
 2. CONFIRMED USE OF DIRECT ACCESS PKG. W/MAIN ENTRANCE (90)
 3. NOTED PKG. TO BE PAVED AND STRIPPED (90)
 4. CLARIFIED USES & FLOOR AREA (TABLE 9C BLDG. FOOT PRINT)
 5. ADDED NOTE ON SIGN TO BE IN CONFORMANCE W/BALTO. CO. STDS. & SIGN LOCATION PLAN (45)
 6. DIMENSIONED PKG. BAY LENGTHS
 7. LABELED FRONT OF BUILDING
 8. REF. BUSSEY PLAT IN TITLE BLOCK
 9. NOTED 10' PKG. SET BACK, 10' HIGHWAY R/W LINE
 10. F.A.R. CALC. (90)
 11. ADDED CURRENT PLANNING NO. IN TITLE BLOCK
 12. ADDED MATERIAL TYPE, HT., ECT. TO BLDG. ELEV. PLAN
 13. SIDE WALKS WERE ON PLAN 5' WIDE

14. NOTED TREES TO BE SAVED (19)
15. SENT PLAN TO MS. PAT XAVIER (284-5043) OCLLR
16. LABELED PLAY AREA
17. 1 P.S. NOTED PREV.
18. SANITARY SEWER PIPE & ES&T NOT REQUIRED PER DEV. ENG. DIV. D.E.V.J., 5/16/90
19. PUBLIC S.D. NOT REQUIRED PER D.E.V., 5/16/90
20. NOTED PROP. S.D. CONNECTION AT OLD PADONIA RD.
21. ADDED DETECTOR METER CHECK
22. RUNOFF WILL NOT BYPASS SWM AREA. DESIGN CONFIRMED W/BALTO. CO. D.E.V. & SHM 5/16/90



Johnson, Mirmiran & Thompson
ENGINEERS • PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
72 LOVETON CIRCLE
SPARKS, MD. 21151
(301) 329-3100

SCALE: 1" = 20'
DATE: JULY 17, 1990
DRAWN BY: T.M.
CHECKED BY: T.F./J.K.
APPROVED BY:
JOB NUMBER: 390127.02
FILE NUMBER:

* A ZONING PUBLIC HEARING IS REQUESTED, TO OBTAIN A PARKING VARIANCE. PARKING WILL BE MITIGATED FOR, THROUGH SEPARATING THE DAY & EVENING PARKING USES.

PLAN TO ACCOMPANY VARIANCE HEARING
FOR
PADONIA YORK LIMITED PARTNERSHIP
RESUBDIVISION OF LOTS # 20, 21, 22 OF ROBERT H. BUSSEY, PLAT 4/155
PUBLIC SERVICE CRG No. 9013 APPROVED SHARED PLANNING No. VIII-567
BALT. CO. MD ELECT. DIST. #8
JULY 17, 1990 SHEET 1 OF 1