

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

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.

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.

Signed _____
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln