

ADJOINING PROPERTY OWNERS FOR 4870 TEN OAKS ROAD

International Church of the
Four Square Gospel
P.O. Box 32
Dayton, MD 21036-0032
(28.001)

Rand and Anna Postell
4865 Ten Oaks Road
Dayton, MD 21036-1122
(28.001)

Lee Grant
4888 Ten Oaks Road
P.O. Box 117
Dayton, MD 21036-1123
(28.001)

Barbara & Bernard Cook
13520 Orion Drive
Dayton, MD 21036-1109
(28.001)

Kristine Krick
William Fisher
4866 Ten Oaks Road
Dayton, MD 21036-1123
(28.001)

"
"

Requested Zoning

Search Street:

TEN OAKS RD

Property Information:

Amendment No.: 28.001

Current Zoning: RR-DEO

Requested Zoning: B-1

Tax Account ID.: 1405367239

Map: 28

Grid: 8

Parcel: 25

Lot:

Acres: 2.41

Address: 4870 TEN OAKS RD

City/State/Zip: DAYTON, MD 21036

Owner:

Name: Niakam Kazemi & Afsoun Daneshkhah

Email: nkazemi@adabtek.com

Phone: 410-419-7184

Mailing Address: 4870 TEN OAKS RD

City/State/Zip: DAYTON, MD 21036

Representative:

Name:

Email:

Phone:

Mailing Address:

City/State/Zip:

Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

Zoning Map Amendment Request Form

Howard County
Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Property Information

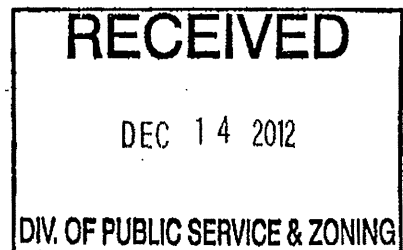
- 1 Address / Street (Only) 4870 Ten Oaks Road
2 Tax Map Number 0028 Grid 0008
3 Parcel(s) 0025 ✓
4 Lot(s) N/A
5 Tax Account Data: District 05 Account # 367239
- 6 Size of Property: Acres 2.4100 ✓ Square feet
- 7 The Property is currently zoned: RR ✓
I request that the Property be rezoned to: B-1

B. Owner Information

- 8 Owner Name Niam Kazemi and Afsoun Daneshkhah (wife)
9 Mailing street address 13800 Holly Crest Lane
or Post Office Box
City, State Dayton, Maryland
ZIP Code 21036
Telephone (Main) 410-419-7184
Telephone (Secondary) 443-535-9420
Fax
10 E-Mail nkazemi@adabtek.com

C. Representative Information

- 11 Name
Mailing street address
or Post Office Box
City, State
ZIP
Telephone (Main)



C. Representative Information

Telephone (Secondary)

Fax

E-Mail

12 Association with Owner

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

E. Explanation of the Basis / Justification for the Requested Rezoning

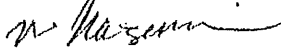
13 The subject property is in close proximity (about 500 feet) to the Dayton town center where the existing business district hosts a few businesses, including a restaurant/pub, an auto repair shop, and other service companies with offices and warehouses. There is also a church across the road abutting the property and a post office about 200 feet to the right of the property (see exhibit 1). In addition, Dayton and its immediate surrounding areas have been growing tremendously in recent years; for example, over the past decade several new residential developments have been created and a new elementary school has been built (less than half a mile from the property). These developments have drastically changed the dynamics of the Dayton's town center. We believe that 1) the current zoning designation of the property no longer seem to match the current and future dynamics of the town center, 2) the aforementioned growth should be accompanied by a corresponding growth in the business district so that Dayton's residents could benefit from fulfilling their business related needs (space, goods, and services) locally.

F. List of Attachments/Exhibits

14 1. Location of the property and its proximity to other business districts or other non-residential uses of properties 2. Satellite view of the Dayton's Town Center 3. Proof of Ownership

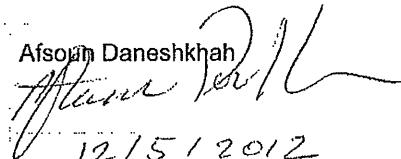
G. Signatures

15 Owner Niakam Kazemi



Date 12/5/2012

Owner (2) Afsoun Daneshkhah



Date 12/5/2012

Additional owner signatures? **X** the box to the left and attach a separate signature page.

16 Representative Signature

Date

DPZ Use Only	Amendment No.	28.001
Notes	CAH 12/19/12	



Exhibit 2: Satellite view of the Dayton's Town Center

The areas marked on the map are approximations and does not constitute legal limits of the properties shown.

Exhibit 3: Proof of Ownership

The ownership of the subject property was transferred to the new owners, Niakam Kazemi and Afsoun Daneshkhah (wife), on November 9th, 2012. Currently, the State Department of Assessments and Taxation ("SDAT") shows the previous owners' names, Willard Allen Simpson and Catherine L. Simpson (wife), in its records. Since an update of SDAT records takes up to three months, which surpasses the deadline for submitting this Zoning Map Amendment Request, the attached deed is provided as the proof of the aforementioned ownership transfer, thereby, providing proof of ownership of the subject property by the owners listed on the submitted Zoning Map Amendment Request Form.

LIBRA | 4460 (08)475

000317

TAX ID #05-367239

FREE SIMPLE DEED

THIS DEED, Made this 9th day of November, 2012, by and between Willard Allen Simpson and Catherine L. Simpson, his wife, parties of the first part; and Nlakam Kazemi and Afsoun Daneshkhah, his wife, as tenants by the entirety, parties of the second part,

WITNESSETH, That in consideration of the sum of Two Hundred Forty Thousand dollars and Zero cents (\$240,000.00), the said parties of the first part do(es) grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all that property situate in Howard County, State of Maryland, that is to say:

All that lot of ground, situate and lying in the Village of Dayton in the Fifth Election District of Howard County, State of Maryland, on the South side of the concrete road running from Dayton to Clarksville, which according to a survey made on December 29, 1927 by William Talbott, Surveyor, is more particularly described as follows:

540
30
2450
12-00
72

BEGINNING for the part herein described at a stone where the properties of Bradley Simpson, William Scrivener and this, the William Maloney property join, and which stone is at the end of the second line of the William Maloney property, and then running with the third line allowing 4 1/4 degrees for variation North; North 36 1/4 degrees East 38 perches to the center of the concrete road, thence with the same; South 41 1/4 degrees East 11 3/5 perches, then leaving road and by a new line; South 36 1/4 degrees West 29 4/5 perches to intersect the second line of the Maloney property, then with the remainder of this line allowing 4 1/4 degrees for variation; North 78 1/4 degrees West 12 11/25 perches to the beginning, containing 2.41 acres of land, more or less.

the premises thereon being known as: 4870 Ten Oaks Road
Dayton, Maryland 21036

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

11/19/2012 11:19 AM CSK 0045 Reg 0045
T/Ref 0048058493 Grp 000001 P/Line 000001
01 - Main Location
\$1,200.00
Validation Number: 0048-055696
1000000000-1300-409910-1300000000-999999
999999999999
Parcel Number: 5357239
Doc Type: Deeds
Consolidation Amount: \$240,000.00

LIBER 14460 folio 76

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple.

BEING all of the same land and premises acquired by the party(ies) of the first part by Deed dated January 21, 1972 and recorded among the Land Records of Howard County, Maryland, in Liber 582 at folio 580.

BY EXECUTION of this Deed, the party(ies) of the first part hereby certify(ies) under penalties of perjury that the actual consideration paid, or to be paid, including the amount of any mortgage or deed of trust outstanding is in the sum total of \$240,000.00.

THE total payment per Section 10-912(b) of the Tax-General Article of the Annotated Code of Maryland is: \$ N/A

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted, and they will execute such further assurances as may be requisite.

WITNESS the hand and seal of the said parties of the first part.

WITNESS:
 [Signature]
 (as to both)

 Willard Allen Simpson (SEAL)
Willard Allen Simpson

 Catherine L. Simpson (SEAL)
Catherine L. Simpson

STATE OF MARYLAND

(To wit:


CITY/COUNTY OF Prince George's

I HEREBY CERTIFY, that on this 9th day of November, 2012, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Willard Allen Simpson and Catherine L. Simpson, his wife, known to me (or satisfactorily proven) to be the person(s) whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

LIBER 14460 1019477

NANCY R. McNEALY
Notary Public, State of Maryland
My Commission Expires:



Notary Public

My Commission Expires: December 30, 2013

This is to certify that the within instrument has been prepared by, or under the supervision, of the undersigned Maryland Attorney, who is duly admitted to practice before the Court of Appeals of the State of Maryland.



William L. Callahan

AFTER RECORDING, RETURN TO:

Consumer Real Estate Title, Inc.
4739 Sellman Road
Beltsville, Maryland 20705

File #2012-6597

11/19/12
20



Howard County Council

George Howard Building
3456 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Niakam Kazemi & Afsoun Daneshkah
4870 Ten Oaks Road
Dayton, MD 21036

Dear Sir or Madam:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

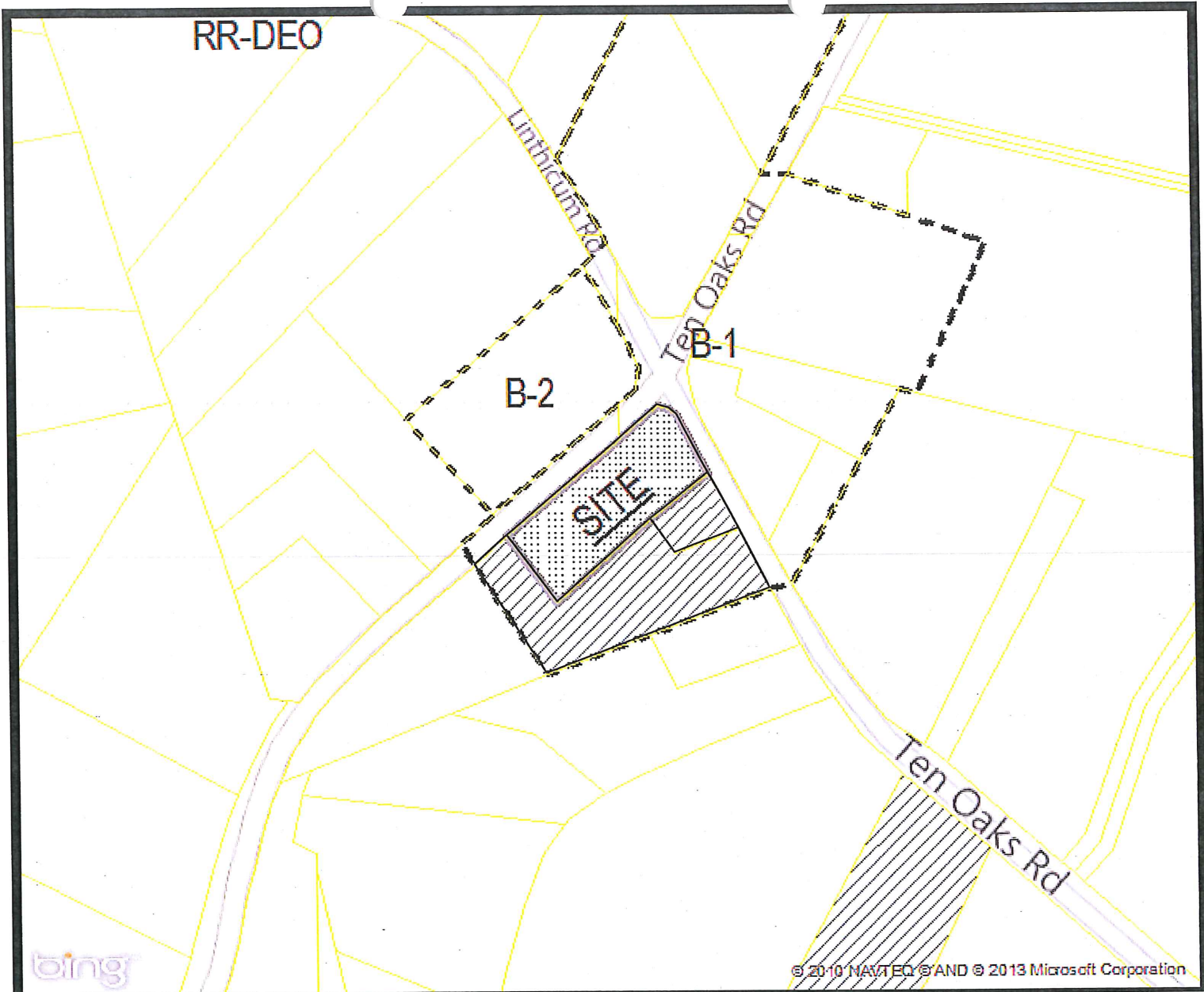
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

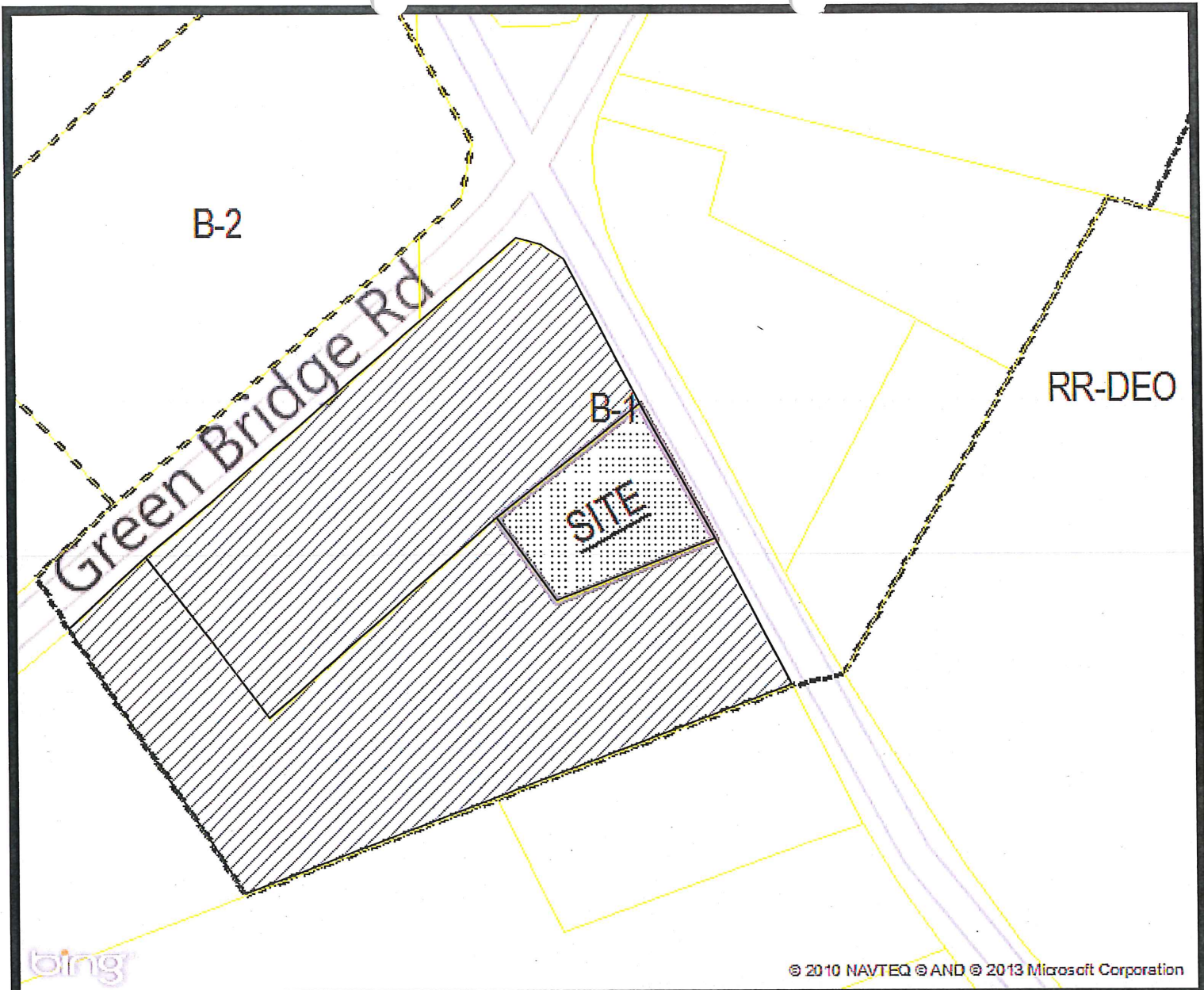
Stephen M. LeGendre
Administrator



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12	13	14	15	16	17	18
19	20	21	22	23	24	25
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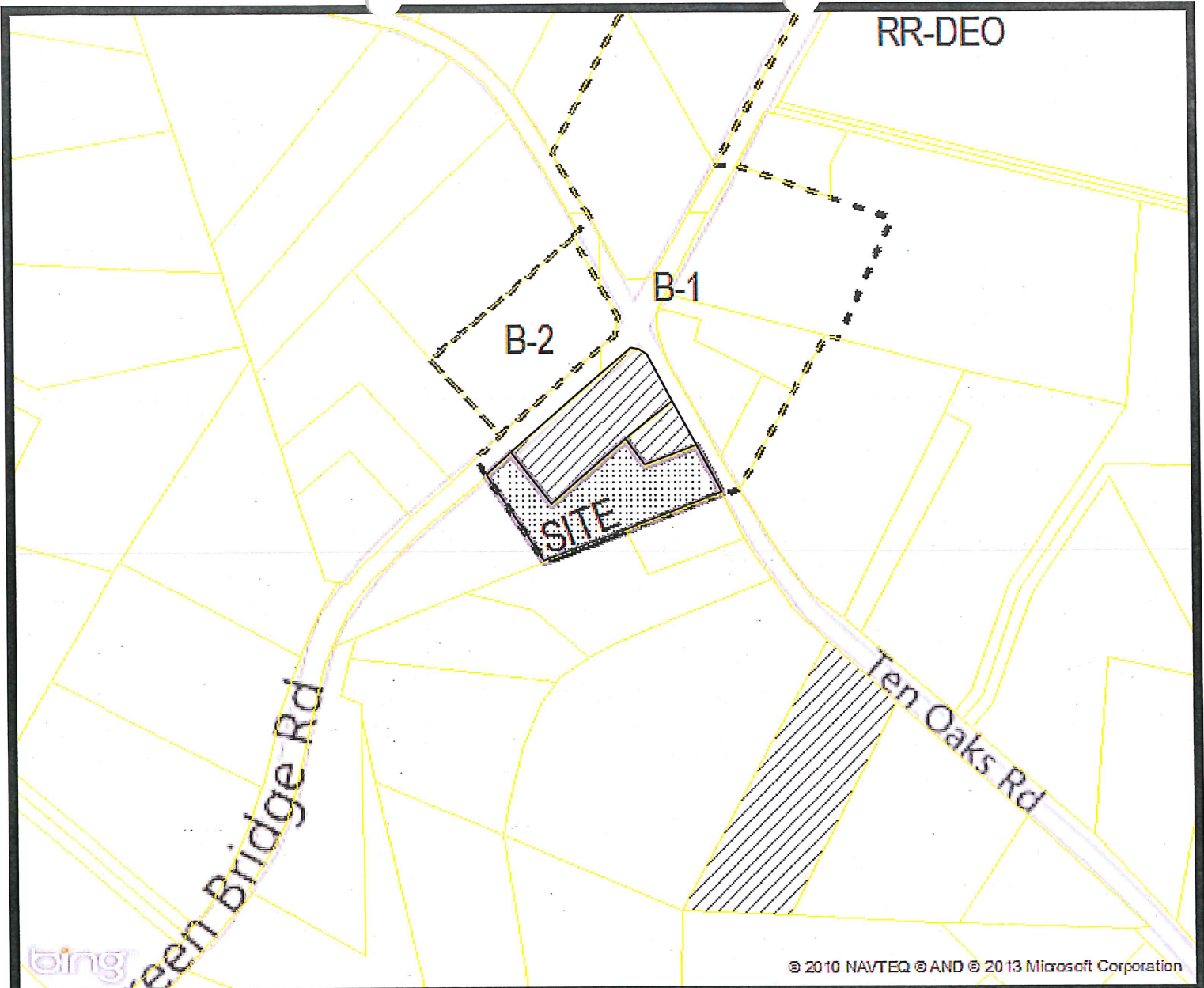
Zoning Map General Plan Amendment: **28.002** Tax ID: **1405363047**
 Current Zoning: **B-1** Council District: **5**
 Tax Map: **28** Grid: **8** Parcel: **110** Lot: **N/A**
 Address: **4808 Ten Oaks Road**



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				50		



Zoning Map General Plan Amendment: 28.002 Tax ID: 1405353696
 Current Zoning: B-1 Council District: 5
 Tax Map: 28 Grid: 8 Parcel: 20 Lot: N/A
 Address: 4828 Ten Oaks Road



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		45	46	47	48	
				50		



Zoning Map General Plan Amendment: 28.002 Tax ID: 1405353661
 Current Zoning: B-1 Council District: 5
 Tax Map: 28 Grid: 8 Parcel: 182 Lot: N/A
 Address: 4830 Ten Oaks Road

Dear Howard County Council:

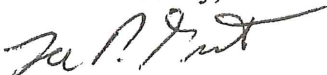
We, Lee and Carol Grant, the residents and property owners at 4888 Ten Oaks Rd., Dayton, MD 21036, support the rezoning of our neighbors' property located next door at 4870 Ten Oaks Rd. as stated on the Map Amendment Number 28.001.

Mr. Niakam Kazemi and his wife, Mrs. Afsoun Daneshkhah, have shared and we have discussed their ideas and reasons for their rezoning petition. Per their petition, they are requesting the rezoning of the property at the above address from Rural Residential (RR) to Business Local (B1).

Considering the unique location of this property and the changes in our area in recent years, we agree with our neighbors that a B1 designation of this property, which generally allows for establishment of local businesses, will be more appropriate. Such a designation will potentially benefit all of us by allowing the establishment of another business that will favorably affect Dayton residents. This property is within close proximity to at least four active businesses, other commercially zoned properties, and including one that is also petitioning for rezoning (Map Amendment Number 28.002). We do not believe that approval of the rezoning of the property at 4870 Ten Oaks Rd. would result in any issues that will negatively affect our area.

Again we support the petition for B-1 zoning at 4870 Ten Oaks Rd. and thank you in advance for taking our support into account while considering a favorable vote to approve the rezoning petition for this property.

Most sincerely,



Lee P. Grant



Carol A. Grant

Dear Howard County Council,

I, Thomas & Nancy Talbot, the resident and the property owner at 4924 Ten Oaks Road, Dayton, MD 21036, would like to register my support for the rezoning of my neighbors' property located at 4870 Ten Oaks Road, Dayton MD 21036, map amendment number 28.001.

Mr. Niakam Kazemi and his wife, Mrs. Afsoun Daneshkhah, have shared and discussed their ideas and the reasons for their rezoning petition with me. Per their petition they are requesting the rezoning of the above property from Rural Residential (RR) to Business Local (B1).

Considering the unique location of this property and the changes in our area in recent years, I agree with my neighbors that a B1 designation for the above property, which generally allows for establishment of local businesses, will be more appropriate for the property. Such designation will potentially benefit all of us by allowing for establishment of businesses that directly serve Dayton's residents. This property is about 350 ft. from B1 properties (with existing businesses), which were also recently petitioned for rezoning to Business General (B2). That rezoning has been recommended by the Howard County Planning Board. I do not believe that approval of the aforementioned petition would result in any issues that affect our area, negatively.

I restate my support for the above petition and I thank you in advance for taking my support into account for considering a favorable vote to approve the above rezoning petition.

Sincerely,

Thomas L. Talbot

Nancy K. Talbot

6/3/2013

Dear Howard County Council,

I am Dr. Niakam Kazemi and I am speaking in regard to the map amendment number 28.001 for the property at 4870 Ten Oaks Road in Dayton, hereafter "the Property". In addition to myself, I am also representing my wife, Afsoun Daneshkhah.

We have requested the rezoning of the Property from RR to B1 so that we can invest in building a center that locally serves Dayton residents with services and goods by providing some retail and office space.

As Exhibit 1 shows, while the Property is not adjacent to another property with the requested B1 zoning, it is in close proximity to such properties. We envision that, once our proposal is approved, new types of businesses with focus on fulfilling local residence's needs would be established, on one hand, and that new job opportunities and tax base would be created, on the other hand.

We have provided more information regarding our rezoning request in the previous testimony before the Planning Board (transcript attached).

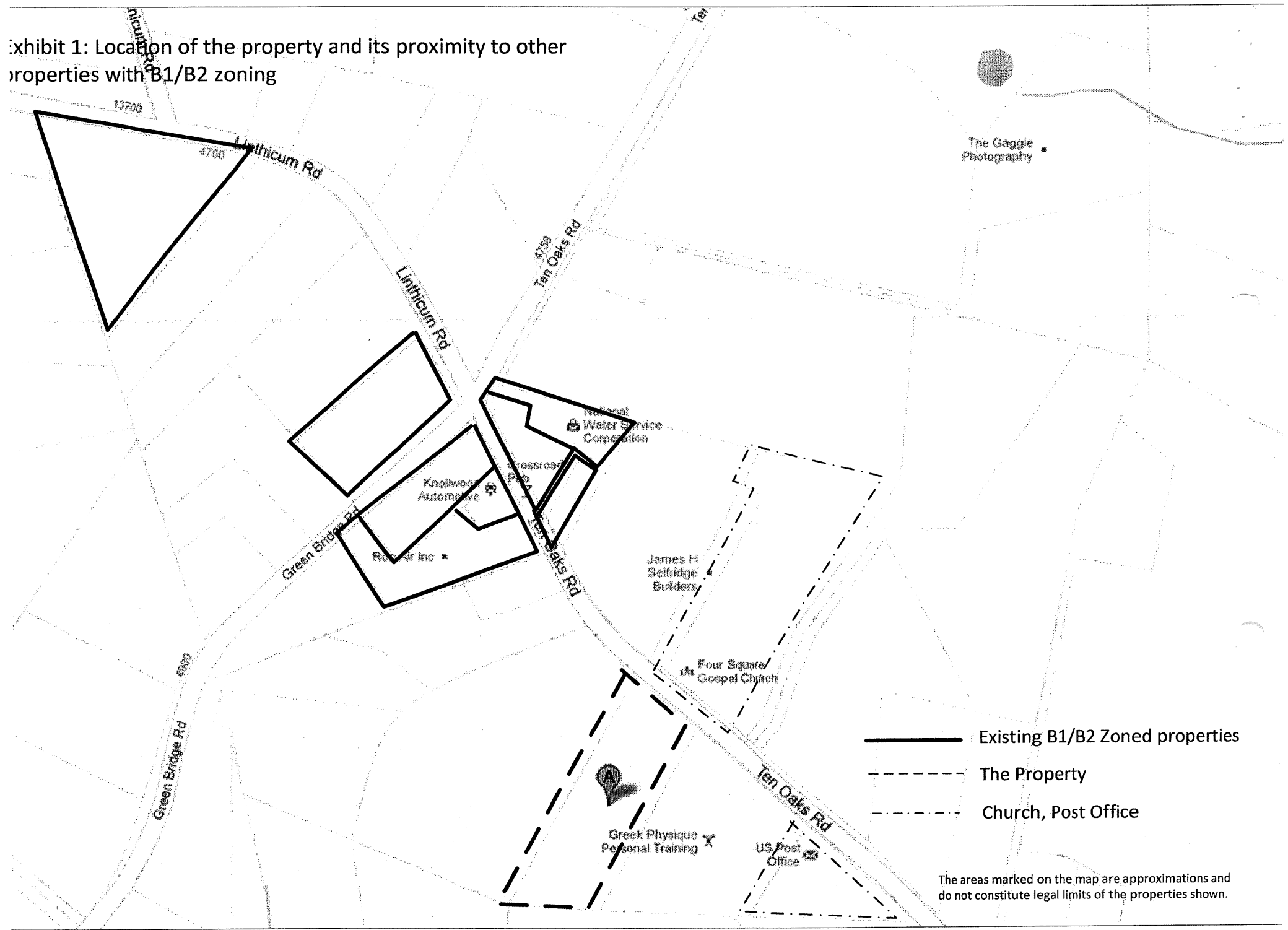
On behalf of my wife and I, I thank you for your time considering our proposal.

Sincerely,



Niakam Kazemi, Dr. Sc.

Exhibit 1: Location of the property and its proximity to other properties with B1/B2 zoning



The areas marked on the map are approximations and do not constitute legal limits of the properties shown.

Transcript of the testimony delivered on 4/8/2013 in support of Map Amendment Number 28.001

I am Dr. Niakam Kazemi and I am speaking in regard to the map amendment number 28.001 for the property at 4870 Ten Oaks Road in Dayton, hereafter "the Property". In addition to myself, I am also representing my wife, Afsoun Daneshkhah. We have just learned that the Department of Planning and Zoning (DPZ) did not support our Zoning Map Amendment to rezone the Property from RR to B1 due to "Intent unknown. Does not adjoin retail." The purpose of this testimony is to 1) provide information about how we would like to use this property in the future, 2) provide our reasons for the rezoning petition, and 3) respectfully ask the DPZ to re-evaluate our rezoning petition.

My wife and I purchased this property a few months ago with the initial intent to establish a dedicated office for our IT consulting company. After a few weeks of planning and considering other potential uses for this property, we concluded that we could justify much bigger investments in this property, if we could create additional business opportunities suitable for serving the town residents with other services to meet their day-to-day needs. Hence, we submitted our petition for rezoning of this property from RR to B1.

The B1 zoning allows us to meet our initial objective of having a dedicated office for our business. The current RR zoning allows for only up to 33% of the space for business use which does not meet our needs.

Dayton is a town whose town center does not include any retail or day-to-day service businesses. Current residents need to travel to Clarksville and to Glenelg to fulfill their smallest needs. There are also many new houses under development in the area which will, in turn, generate more needs for such businesses. The current properties with B1 zoning located at the town center are about 1-minute walking distance from the Property and are not offering goods or services that meet the resident's day-to-day needs. These facts and the fact that the Property is in close proximity to the Dayton's town center makes it a good candidate for establishing businesses that offer services to the local residents.

Transcript of the testimony delivered on 4/8/2013 in support of Map Amendment Number 28.001

We are hopeful to have the support of the DPZ in this rezoning process so we could 1) meet our need in establishing our dedicated office for our business and 2) establish other businesses to service the residents in the area. As highly educated professionals we would like to be able to contribute to the health of our local economy by being able to invest in the area in which we live by creating more business and employment opportunities.

I should mention that we have been living in Dayton for the past 12 years in Holly Crest which is in walking distance from the Property. My son and soon my daughter go to Dayton Oaks Elementary School, in walking distance from where we live and from the location of the Property. This should be considered as evidence for our vested interest in different aspects of the area's well-being, especially economic, environmental, safety, and security. We would not request the rezoning of this property, if we saw any negative impacts resulted from such rezoning compared to the current use of the Property.

In the end we thank the planning board for arranging for this hearing session and giving us the opportunity to provide them with more information about our plans.

Thank you

Smith
28.001

Knight, Karen

From: Ruth Smith <grammyruth@verizon.net>
Sent: Friday, April 05, 2013 2:12 PM
To: Fox, Greg
Cc: Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay
Subject: Rezone Request 28.001

As a close neighbor to the Kazemi property at 4870 Ten Oaks Road I wish to submit the following objections to rezoning the property from rural residential to commercial (RR-DEO to B-1). The corner of my property adjoins the back corner of Mr. and Mrs. Kazemi's property. This is rezone request amendment 28.001.

Ruth Guyton Smith
4852 Ten Oaks Road
Dayton, MD 21036
410-531-6638

1) The subject property is in the middle of a harmonious and friendly multicultural family neighborhood which has been thus for at least 40 years. There are homes on all sides and across the road from the 4870 Ten Oaks property. Rezoning to commercial would destroy the neighborhood. It would open the property possibly to be developed as a shopping center, fast food restaurant, tavern, liquor store, convenience stores, or many other types of businesses. Note the reasoning stated on the Kazemi zoning request speaking of Dayton: "The aforementioned [population] growth should be accompanied by a corresponding growth in the business district so that Dayton's residents could benefit from fulfilling their business related needs (space, goods, and services) locally."

This would begin to make Dayton and Ten Oaks Road just another Route 1 with a string of shopping areas and vacant properties. Instead of helping Dayton, it would destroy one of its most pleasant home neighborhoods.

2) A new business neighborhood is not needed in the area. Glenelg is only 2 miles away and Clarksville is less than 4 miles away. Each can be reached in less than 4 minutes maintaining legal speed limits. They supply our neighborhood with all the small shopping businesses we need. At present there is commercial property for sale in Dayton and numerous sites available for rent or sale in Glenelg and Clarksville. In Dayton the restaurant/pub (mentioned in the Kazemi petition) was up for sale this winter, but there were no takers. This property is on the corner of Ten Oaks, Howard and Greenbridge Roads where the only true commercial property in Dayton exists with very few businesses. If Mr. Kazemi wishes to establish a new business in Dayton he might want to consider this site rather than ruining a family neighborhood by building another excess commercial center along Ten Oaks Road.

Those of us who live in Dayton moved here to be in the country away from myriad shopping centers.

3) Mr. Kazemi said that he wants to rezone 4870 Ten Oaks Road to commercial in order to place his office there. At present his office is in his residence which has a rural residential zoning, indicating that it is doubtful that he would need 2.4 acres for parking for his business. He can maintain his office on the new property with the present rural residential zoning. It is highly improbable that his business as a government consultant will expand during this period of Federal budget cutting in which the jobs of many Federal workers and subcontractors are being terminated.

If Mr. Kazemi needs more parking he could establish his office in one of the office spaces which is already in the pipeline rather than creating a new redundant office space and in the process destroying a family neighborhood. From page 58 of Plan Howard 2030 “Through 2030, the demand for office space is expected to peak at just over three million square feet. This demand is low when compared to the 14.1 million square feet of approved office space in the pipeline in Howard and Anne Arundel Counties.”

4) The next door neighbors to the property say that they also would also be forced to rezone to commercial just to maintain their property values. Residential property value next to commercial property depreciates severely. This change would start a domino effect on reducing residential property value throughout Dayton, and another domino effect resulting in rezoning requests along Ten Oaks Road. The pleasant family home neighborhood would be destroyed.

5) One of the objectives of the Plan Howard 2030 is to maintain the Western rural property without expansion of new commercial properties therein. To protect home owners the CEF established a Rural West Advisory Committee to be a “sounding board on various land use issues in the Rural West.” (Page 33) The county Planned Service Area is not to be extended to the Rural West. According to Figure 6-13 on page 83 at the end of September 30, 2010 there were 74 acres of undeveloped commercial property in Rural West Howard County. Due to the depression it can be presumed that this has not changed drastically from that time to present. In fact, there are a number of formerly developed properties that are now vacant. We do not need any more rural residential property to be rezoned to commercial.

6) Mr. and Mrs. Kazemi consider the tiny post office and the small church to be examples of commercial properties in Dayton, both of which have been a part of the local neighborhood for many decades. The small Four Square Church includes the home of the minister. It has fewer than 100 members, and to my knowledge it only has services on Sunday mornings at 10:30 and Wednesday evening prayer meetings. The tiny post office is used so little that the Postal Service is planning to reduce its open hours by half.

6) Traffic is already horrendous on Ten Oaks Road. Another intersection of business traffic with the present endless stream in the early morning and late afternoon would be hazardous. Also the water table is at risk, and it is difficult to drill for water in the area.

7) Please help us maintain a pleasant family neighborhood along Ten Oaks Road in Dayton.