

IN RE. PETITIONS FOR SPECIAL HEARING,	* BEFORE THE
SPECIAL EXCEPTION AND VARIANCE -	
E/S York Road, 570' S of	* DEPUTY ZONING COMMISSIONER
Ridgely Road	
(1725 York Road)	* OF BALTIMORE COUNTY
8th Election District	
4th Councilmanic District	* Case No. 98-244-SPHXA
Lan Lea Realty Company	*
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Lan Lea Realty Company, by Robert E. Morrow, President of Royal York Realty Corporation, a General Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan for the subject property in prior Case No. 98-63-SPH and a special exception to permit a service garage use (for the installation of car radios, telephones and similar electronic equipment). In addition to the special hearing and special exception requests, the Petitioner seeks variance relief from Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wall-mounted enterprise sign of 390 sq.ft. in lieu of the maximum permitted 150 sq.ft., and one (1) freestanding enterprise sign of 150 sq.ft. total in lieu of the permitted two signs of 100 sq.ft. total each. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Robert Morrow, General Partner, Robert A. Hoffman, Esquire, attorney for the Petitioner, Charles Main, II and Mitchell Kellman, representatives of

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Date

By

Daft-McCune-Walker, Inc. who prepared the site plan for this property, and Jeffrey Long, a representative of the Office of Planning. Also appearing in support of the Petitions were Tim Paumquist, a representative of Best Buy Corporation, a prospective tenant of the subject property, Robert T. Hofmann, and John Austin, Esquire, who appeared on behalf of the York Manor Improvement Association, the neighboring community. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 7.128 acres, more or less, split zoned D.R.16 and B.L. The property is located on the east side of York Road, just south of its intersection with Ridgely Road, and is presently improved with an apartment complex and a Firestone Automobile Service Center. The Petitioner is desirous of redeveloping the property with new commercial buildings and accessory parking areas in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. Testimony indicated that the Firestone building will remain, but the apartment buildings and other outbuildings will be razed to make way for new, multi-tenant buildings. One of the tenants slated to be located at this site is Best Buy which will occupy the proposed one-story retail building of 43,431 sq.ft. Best Buy sells a variety of electronic merchandise and wishes to provide a service area in which to install car radios, car alarms, cellular telephones, and other electronic equipment in automobiles. Thus, a special exception is being requested for a service garage, which, in this case, would consist of two small service bays in the location shown on the site plan. Additionally, a second one-story retail building of approximately 16,536 sq.ft. is proposed to the side of the Best Buy building. While no tenant has been selected at this time, the Petitioner expects to lease that space in the

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Date 2/3/88
By [Signature]

near future. The Firestone Service Center that has existed on the property for many years has a long-term lease over which the current owners of the property have no control and, given the terms and conditions of that lease, the Firestone Service Center is not a part of the redevelopment of the subject site.

As is expected, the Best Buy Corporation proposes to install its customary sign package at this location. The signs proposed for this site can be seen at other Best Buy stores in the Baltimore/Metropolitan area. An issue arose as to whether a variance was necessary for the proposed signs and the Petition for Variance was filed in the event that my interpretation of the new sign regulations did not allow their sign package. Testimony presented by Mr. Hoffman on behalf of his client indicated that the use on the property is a multi-tenant retail use and as such, the proposed signs comply with the new sign regulations which went into effect in October 1997.

Mr. Jeffrey Long, who appeared on behalf of the Office of Planning, agreed with the Petitioner's interpretation of the new sign regulations and indicated his full support for the proposed signs.

On behalf of the York Manor Improvement Association, Mr. John Austin noted that his client is not opposed to the proposed service garage and supports Best Buy's proposal to locate a store on the subject site. To that end, they have entered into a restrictive covenant agreement with the Petitioner, a copy of which was entered into evidence as Petitioner's Exhibit 2. Mr. Austin stated that so long as the proposed signs for this site fall within the confines of the new sign regulations, the York Manor Improvement Association would not be opposed. However, he pointed out

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Date

By

several conditions and restrictions his Association would like to see imposed upon the Petitioner to protect their community.

It is clear that the B.C.Z.R. permits the use proposed in the B.L. 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 if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner 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 of the B.C.Z.R. The Petitioner has 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 location described by Petitioner's 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, 432 A.2d 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 with certain restrictions as more fully described below. Furthermore, the Petition for Special Hearing should be granted in order to update the existing site plan for this property to reflect the proposed improvements to same.

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Date 9/3/88
BY [Signature]

As to the Petition for Variance, I am persuaded by the testimony presented that the use proposed for this site is a multi-tenant retail use and as such, the signs proposed by Best Buy are in compliance with the new sign regulations. Best Buy is permitted to have a wall-mounted sign of up to 476 sq.ft. in area and a freestanding sign of up to 150 sq.ft. However, the wall-mounted sign proposed by Best Buy will only be 390 sq.ft. in area. In addition, a variance is not needed for the proposed freestanding sign of 150 sq.ft., inasmuch as same is permitted for a multi-tenant use. Therefore, the Petition for Variance shall be dismissed as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and special exception shall be granted and the variance dismissed as moot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3^d day of February, 1998 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in prior Case No. 98-63-SPH, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage use (for the installation of car radios, telephones and similar electronic equipment), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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By

2) The Restrictive Covenant Agreement entered into between the Ian Lea Realty Company and the York Manor Improvement Association, Inc., a copy of which was entered into evidence as Petitioner's Exhibit 2, shall be incorporated herein and enforceable as if a part of my Order.

3) The Petitioner shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County.

4) The two service bays proposed within the special exception request shall be climate-controlled so that the exterior doors to those service bays may be closed during installations of electronic equipment into automobiles. This will minimize the amount of noise that may emanate from the service garage operation.

5) The Petitioner shall provide safe pedestrian access at all points of their property.

6) A lighting plan shall be submitted to the Office of Planning for their review and approval. Said lighting plan shall be consistent with the Covenant Agreement entered into with the York Manor Improvement Association.

8) 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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wall-mounted enterprise sign of 390 sq.ft. in lieu of the maximum permitted 150 sq.ft., and one (1) freestanding enterprise sign of 150 sq.ft. total in lieu of the permitted two signs of 100 sq.ft. total each, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 3, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
E/S York Road, 570' S of Ridgely Road
(1725 York Road)
8th Election District - 4th Councilmanic District
Lan Lea Realty Company - Petitioner
Case No. 98-244-SPHXA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Variance have 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Robert E. Morrow, President, Royal York Realty Corp., G.P.
825 Third Avenue, New York, N.Y. 10022

John Austin, Esquire
1504 Bedworth Road, Timonium, Md. 21093

People's Counsel; Case Files





Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at East side York Road approximately 570 ft.
south of Ridgely Road (1725 York Road)
which is presently zoned DR16 and BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Special Exception to permit a service garage (the installation of car radios, telephones and similar electronic equipment).

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 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Towson
City

MD
State

21204
Zipcode

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.

Legal Owner(s):

Lan Lea Realty Company

c/o Royal York Realty Corporation, General Partner

(Type or Print Name)

By:

Signature

(Type or Print Name) Robert E. Morrow, President

Signature

825 Third Avenue

212-593-4600

Address

Phone No.

New York

NY

10022

City

State

Zipcode

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

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave., Towson, MD 21204

(410) 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hrs

unavailable for hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: [Signature]

DATE

12-26-97



244

98-244-SPHXA

ORDER RECEIVED FOR FILING

Date 2/3/98

By [Signature]



Petition for Varionce

AND SPECIAL
HEARING

to the Zoning Commissioner of Baltimore County

for the property located at East side York Rd. approximately 570 ft. south
of Ridgely Rd. (1725 York Road)

which is presently zoned DR16 and BL

This Petition shall be
filed with the Office of
Zoning

Administration & Development Management.

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 part of hereof, hereby petition for a Variance from Section(s) 450

to permit a wall-mounted enterprise sign of 390 sq. ft. in lieu of the permitted 150 sq. ft. and to permit one free-standing enterprise
sign of 150 sq. ft. in lieu of the permitted two of 100 sq. ft. each; and special hearing to amend the site plan approved in Case
No. 98-63-SPH.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or
practical difficulty)

To be determined at hearing.

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 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Towson

MD

21204

City

State

Zipcode



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.

Legal Owner(s):

Lan Lea Realty Company
c/o Royal York Realty Corporation, General Partn
(Type or Print Name)

By:

Signature Robert E. Morrow, President

(Type or Print Name)

Signature

825 Third Avenue

212-593-4600

Address

Phone No.

New York

NY

10022

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representati
to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204

(410) 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

See SP. EX

unavailable for hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

12-26-97

244

98-244-SPHXA

ORDER RECEIVED FOR FILING

Date

By

244

Description to Accompany
Petition for Special Exception

0.050 Acre Parcel

The Lan-Lea Corporation Property

East Side of York Road

North of Seminary Avenue

Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

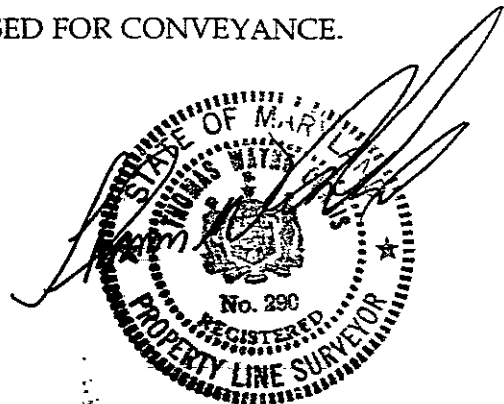
Environmental Professionals

Beginning for the same at the end of the two following courses and distances measured from a point formed by the intersection of the centerline of Ridgely Road and the centerline of York Road (66 feet wide) (1) South 20 degrees 11 minutes 51 seconds East 1057 feet, more or less, thence (2) North 70 degrees 07 minutes 12 seconds East 356 feet, more or less, thence leaving the point of beginning and running the six following courses and distances, viz: (1) North 19 degrees 52 minutes 48 seconds West 40.00 feet, thence (2) North 70 degrees 07 minutes 12 seconds East 44.00 feet, thence (3) South 19 degrees 52 minutes 48 seconds East 27.00 feet, thence (4) North 70 degrees 07 minutes 12 seconds East 33.30 feet, thence (5) South 19 degrees 52 minutes 48 seconds East 13.00 feet, and thence (6) South 70 degrees 07 minutes 12 seconds West 77.30 feet to the point of beginning; containing 0.050 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

December 23, 1997

Project No. 95020.C (L95020.C)



98-244-SPHXA

Description to Accompany

Petition for Variance

7.128 Acre Parcel

The Lan-Lea Corporation Property

East Side of York Road

South of Ridgely Road

Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

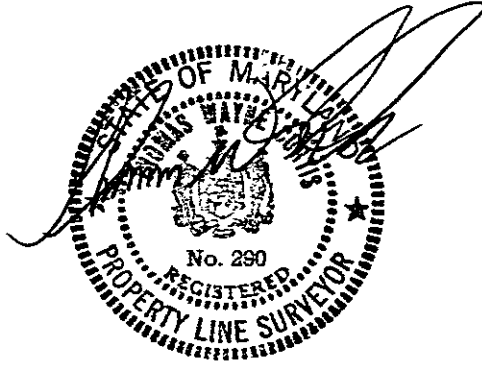
Beginning for the same at the end of the two following courses and distances measured from a point formed by the intersection of the centerline of Ridgely Road and the centerline of York Road (66 feet wide) (1) South 20 degrees 11 minutes 51 seconds East 1107 feet, more or less, and thence (2) North 70 degrees 07 minutes 12 seconds East 33 feet, more or less, thence leaving the point of beginning and binding on the east side of York Road as shown on State Roads Commission of Maryland Plat No. 25440 (1) North 20 degrees 11 minutes 51 seconds West 406.17 feet, thence leaving the east side of York Road and running the nine following courses and distances, viz: (2) North 77 degrees 18 minutes 09 seconds East 76.90 feet, thence (3) South 12 degrees 41 minutes 51 seconds East 55.00 feet, thence (4) North 77 degrees 18 minutes 09 seconds East 144.00 feet, thence (5) North 12 degrees 41 minutes 51 seconds West 35.00 feet, thence (6) North 57 degrees 41 minutes 51 seconds West 28.28 feet, thence (7) North 20 degrees 11 minutes 51 seconds West 156.27 feet, thence (8) North 74 degrees 59 minutes 03 seconds East 414.48 feet, thence (9) South 31 degrees 30 minutes 43 seconds East 512.70 feet, and thence (10) South 70 degrees 07 minutes 12 seconds West 712.56 feet to the point of beginning; containing 7.128 acres of land, more or less.

98-244-SPHXA Page 1 of 2

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

December 23, 1997

Project No. 95020.C (L95020C.2)



BALTIMORE COUNTY, MD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

AND

Item 2.44
No. 044531

DATE 13-36-97

ACCOUNT R-001-6150

AMOUNT \$ 650.00

RECEIVED FROM:

Verable, Bartier & Howard, LLP
Counsel for Plaintiff

FOR:

Med fee: 30.00, Ex 3.00, & Verable
1735 York Rd. (8th E.D.)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

98-244-SPAXA

PAID RECEIPT

PROJECT ACTUAL TIME

2/26/1997 12/28/1997 11:55:30

4803 CASHIER UNTIL Q4M DEPART

5 MISCELLANEOUS CASH RECEIPT

Receipt # 030115

CR. NO. 044537

650.00 (BANK: FID)

Baltimore County, Maryland

CERTIFICATE OF POSTING

RE Case No 98-244 SPHXA

Petitioner/Developer: LAN LEA REALTY CO., ETAL
% ROBERT HOFFMAN, ESQ

Date of Hearing/Closing: 1/23/98 F296-4705

@ 2:00 PM
RM. 106 - C.O.B.

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Cwendolyn Stephens

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at #1725 YORK RD.

sign(s) were posted on 1/7/98
 (Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/12/98
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
 (Printed Name)

523 PENNY LANE
 (Address)

HUNT VALLEY, MD, 21030
 (City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
 (Telephone Number)

ZONING NOTICE
 CASE # 98-244 SPHXA
**A PUBLIC HEARING WILL BE HELD BY
 THE ZONING COMMISSIONER
 IN TOWSON, MD**
 111 WEST CHESAPEAKE AVENUE
 PLACE: ROOM 106, COUNTY OFFICE BUILDING
 DATE AND TIME: FRIDAY, JANUARY 23, 1998 AT 2:00 PM
 SPECIAL EXCEPTION TO PERMIT A SERVICE
 GARAGE. VARIANCE TO PERMIT A WALL-MOUNTED
 ENTERPRISE SIGN OF 370 SQUARE FEET IN LIEU OF
 THE PERMITTED 150 SQUARE FEET AND TO PERMIT ONE
 FREE-STANDING ENTERPRISE SIGN OF 150 SQUARE FEET
 IN LIEU OF THE PERMITTED TWO OF 100 SQUARE FEET EACH.
 SPECIAL HEARING TO AMEND THE SITE PLAN IN CASE
 NO. 98-63 SPH.
 (#1725 YORK ROAD LAN LEA)
 POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
 FOR FURTHER HEARING CALL 847-3391

98-244 SPHXA
#1725 YORK ROAD
LAN LEA REALTY CO.
H-1/23/98

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 in Towns, Maryland on the property identified herein as follows:

Case: #99-244-SPHXA
1726 York Road
E/S York Road, 570' +/- S of
Heatherline Ridge Road
4th Election District
4th Councilmanic District
Legal Owner(s):

Lee Lea Realty Company,
Special Exception: to permit
a service garage. Variance: to
permit a well-mounted enter-
prise sign of 360 square feet
in lieu of the permitted 150
square feet and to permit one
free-standing enterprise sign
of 150 square feet in lieu of the
permitted two of 100 square
feet each. Special Hearing: to
amend the site plan in case
No. 98-63-SPL.

Hearing: Friday, January 23,
1998 at 2:00 p.m. in Room
106, County Court Bldg.,
111 West Chesapeake Ave-
nue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations.
Please Call (410) 887-3353.
(2) For information concern-
ing the file and/or hearing,
Please Call (410) 887-3391.

1/17/98 Jan. 8

C198930

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1-28, 1998

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 1-28, 1998

THE JEFFERSONIAN,
A. H. Enick
LEGAL AD. - TOWSON

Request for Zoning: Variance, Special Exception, ^{and} ~~on~~ Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-244-SPHX-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Petition for a Special Exception to allow a Service Center

A Special Hearing to amend the site plan approved in zoning Case

#96-63-SPH and a Variance of Sect 450 to allow a wall mounted

enterprise sign of 390 sq ft. in lieu of max permitted 150 sq ft & to

allow (1) 150 sq ft. free standing enterprise sign in lieu of permitted 2

signs @ 100 sq ft each.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 244 Law Lease Realty Co.
Petitioner: 90 Venable, Baetjen & Howard
Location: 1725 York Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robt. Hoffman, Venable Baetjes + Howard
ADDRESS: 210 Allegheny Ave
Towson, Md, 21204
PHONE NUMBER: 494-6200

AJ:ggs

(Revised 09/24/96)

98-244-SPHXA -16-

TO: PATUXENT PUBLISHING COMPANY
December 31, 1997 Issue - Jeffersonian

Please forward billing to:

Robert Hoffman, Esquire 410-494-6200
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-244-SPHXA
1725 York Road
E/S York Road, 570' +/- S of centerline Ridgely Road
8th Election District - 4th Councilmanic District
Legal Owner: Lan Lea Realty Company

Special Exception to permit a service garage. Variance to permit a wall-mounted enterprise sign of 390 square feet in lieu of the permitted 150 square feet and to permit one free-standing enterprise sign of 150 square feet in lieu of the permitted two of 100 square feet each. Special Hearing to amend the site plan in case no 98-63-SPH.

HEARING: Friday, January 23, 1998 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 26, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-244-SPHXA
1725 York Road
E/S York Road, 570' +/- S of centerline Ridgely Road
8th Election District - 4th Councilmanic District
Legal Owner: Lan Lea Realty Company

Special Exception to permit a service garage. Variance to permit a wall-mounted enterprise sign of 390 square feet in lieu of the permitted 150 square feet and to permit one free-standing enterprise sign of 150 square feet in lieu of the permitted two of 100 square feet each. Special Hearing to amend the site plan in case no 98-63-SPH.

HEARING: Friday, January 23, 1998 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized flourish at the end.

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire
Lan Lea Realty Company

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JANUARY 8, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 14, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 244
Case No.: 98-244-SPHXA
Petitioner: Lan Lea Realty Company

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 26, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

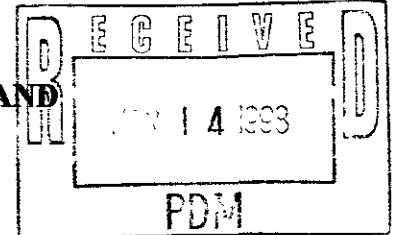
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: January 12, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 1725 York Road

INFORMATION

Item Number: 244

Petitioner: Lan Lea Realty Company

Zoning: BL & DR-16

Requested Action: Special Exception, Variance and Special Hearing

Summary of Recommendations:

Based upon a review of the information provided and analysis conducted, the Office of Planning provides the following comments:

The sign regulations were recently revised to improve the quality of commercial corridors through the enhanced control of placement, size and design of commercial corridor signage. These regulations allow for various class and structural types of signs to be constructed based on the zone and use of the property. The class of sign identifies and defines the various categories of signs based on purpose.

The legislative intent of the new sign legislation and the term "multi-tenant retail building" was meant to include a two-tenant building. In addition, the guidelines in the CMDP for Commercial Corridors (see pages 18 and 19), state that one freestanding sign should be used to identify a shopping center, rather than several signs. This reinforces the argument for one joint identification sign. Therefore, a joint identification sign is appropriate at the subject site.

The applicant's representative, Mr. Robert Hoffman, indicated that the proposed freestanding sign will incorporate architectural elements of the proposed buildings. The sign should include the name of the center and its tenants. It is the opinion of staff that the variance for the wall mounted sign is moot because the development involves the development of a multi-tenant retail building. Since the plan accompanying the subject request shows the wall mounted sign as projecting above the parapet, this issue will need to be resolved to insure compliance with the current regulations.

The requested special exception includes the addition of two-way access to the rear service and loading areas, additional parking and a trash compactor. On a previous plan the building was sited at the zone line which, in effect, formed a wall along the residential boundary. In order to mitigate this change to the plan, the petitioner's representative has agreed to eliminate the four parking spaces and provide a climate controlled service bay environment. Staff suggests that information be provided regarding sound emanation from the trash compactor. In the event that this issue is not addressed to the satisfaction of the zoning commissioner, relocation may be appropriate.

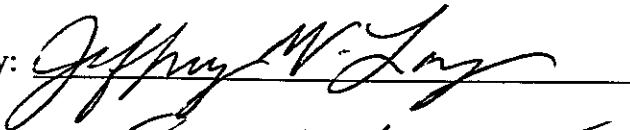
Without the benefit of a grading plan it is difficult to predict the edge condition of the south property line, and it is likely that a steep slope or retaining wall will result along this edge. Therefore, a dense landscape buffer of evergreens and a fence and/or berm should be provided.

The Office of Planning supports the applicant's request and recommends the following conditions be imposed:

- 1) Provide a revised landscape plan;
- 2) The covenant agreement should be incorporated into the zoning commissioner's Order;
- 3) Provide safe pedestrian access to the building entry;
- 4) Architectural elevations with material and colors labeled should be submitted for review and approval. Long, flat building facades are strongly discouraged. Buildings over 100 feet in length should incorporate recesses/off-sets, or other features to provide a visually interesting form.
- 5) Provide a climate controlled service bay environment.
- 6) Submit a lighting plan that details the type, height, and location of lighting fixtures (including building mounted fixtures), consistent with the covenant agreement.

* Note that the developer's representative has met with staff and the above mentioned conditions will be met by the developer.

Prepared by:



Division Chief:



AFK/JL

Sen
1/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: January 12, 1998

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Prepared by: Jeffrey W. Lay
Division Chief: Gary L. Kerns

AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

January 5, 1998

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 244
Lan Lea
MD 45 (east side)
570' south of Ridgely Road
1725 York Road
Mile Post 4.26

Dear Ms. Eubanks:

We have reviewed the referenced item and have no objection to approval of the special exception.

However, we will require the owner to obtain an access permit through this office.

Please have the owner contact this office regarding the required improvements conditioned to the access permit.

If you have any questions, please contact Larry Gredlein at 410-545-5606. Also you may E-mail (lgredlein@sha.state.md.us).

Very truly yours,


Ronald Burns, Chief
Engineering Access Permits Division

LG/eu

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

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

January 9, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Lan Lea Realty Company

Location: DISTRIBUTION MEETING OF January 8, 1998

Item No.: 244 Zoning Agenda:

Gentlemen:

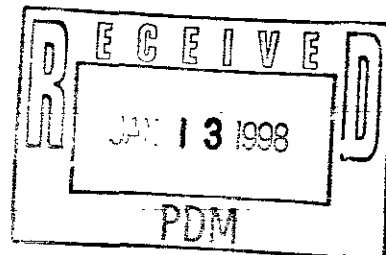
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: January 9, 1998

FROM:  Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for January 12, 1998
 Item Nos. 244 & 245

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0112.NOC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley *RBS/gp*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *Jan 5, 98*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

243
(244)
245

RBS:sp

BRUCE2/DEPRM/TXTSBP

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
1725 York Road, E/S York Rd, 570' +/-
S of c/l Ridgely Rd, 8th Election
District, 4th Councilmanic

Lan Lea Realty Company
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-244-SPHXA
*

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Citizen

PLEASE PRINT CLEARLY

~~PROTESTANT~~(S) SIGN-IN SHEET

NAME
Rob Haffman
John Austin
Jeffrey Long
Mitchell Kellman
Charles Main II
ROBERT MORROW
DM PAMQUIST - PAT PAV
Robert T. Hofmann

ADDRESS
210 Allegheny Ave 21204
1564 Redmont Rd 21093
Office of Planning
200 E. Pennsylvania Ave
DMW 200 E. Penn. Ave 21286
825 3rd Ave N.Y. N.Y. 10022
7075 FLYING CLOUD DR., EDEN PRAIRIE
6501 YORK RD. / BLVD. 21212 MN

2

001,873 499

Lan Lea

RESTRICTIVE COVENANT AGREEMENT

This Agreement is entered into this 1st day of OCTOBER, 1996 by and between the LAN LEA REALTY CO. ("Lan Lea") and the YORK MANOR IMPROVEMENT ASSOCIATION, INC. ("York Manor").

RECITALS

A. Lan Lea is the owner of approximately 7½ acres of land ("Land"), in the Fourth Councilmanic District of Baltimore County, Maryland and is located on the east side of York Road approximately 570 ft. south of Ridgely Road and as designated the "Land" on Exhibit A. Part of the property is more particularly described in a deed recorded among the Land Records of Baltimore County at Liber 3563, folio 475.

B. At the present time the Land is zoned BL and DR16.

C. The Land is currently developed as the Royal York Apartments which include executive-type apartment units, as well as some ancillary retail and office usage on the front portion of the Land. Lan Lea has submitted a request to change approximately 2.67 acres of property currently zoned DR16 to BL to be consistent with the BL zoning classification on the front portion of the Land. See Exhibit A. The requested zoning will enable Lan Lea to redevelop the aging and now outdated buildings currently on the Land with new commercial buildings. See Exhibit A.

D. York Manor is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of residential areas in the vicinity of the Land.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE

DATE

[Signature] 10/30/96

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

By

Date

[Signature] 10/30/96

CR

E. York Manor desires to place certain restrictions on the Land and on the use of the Land to assure that, in the event that the requested BL zoning is granted, future use does not have a deleterious effect on the nearby residential areas.

F. Lan Lea, in recognition of the concerns of York Manor, is willing to place certain restrictions on the Land in return for the agreement of York Manor described below.

G. In order to make the covenants, restrictions and conditions contained in this Agreement binding and fully effective on the Land, and on the present and future owners and occupants thereof, the parties have entered into this Agreement, to the end and with the intent that Lan Lea, and its successors and assigns will hold, use, transfer, convey or foreclose upon the Land subject to the said covenants, restrictions and conditions.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

Lan Lea on behalf of itself, and its successors and assigns, agree as follows:

1. That the Land shall be developed with building(s) containing a maximum square footage of sixty thousand (60,000) square feet.

2. That the height of the building(s) as defined in the Baltimore County Zoning Regulations ("BCZR") shall not exceed two (2) stories or thirty (30) feet in height.
3. No restaurants of any kind shall be located east of the now existing BL zone line.
4. No open pit beef stands, snowball stands, or similar outdoor eating establishments will be located on the Land. Additionally, there shall be no X-rated bookstores or X-rated video stores located on the Land.
5. Development of any buildings on the Land and any off-street parking areas shall be confined to those areas shown on Exhibit A attached hereto.
6. In those areas designated on Exhibit A as "no build landscape area", Lan Lea shall make good faith efforts to preserve any existing tree over 24" inches in diameter. Any of the now existing trees over 24" inches in diameter within such areas that do not survive shall be replaced in the next available growing season with the same or similar species at a minimum of twelve (12) feet in height.
7. The area along the north and east property lines shall include berms and landscaping on both sides of the berms and landscaping along the south property line in substantial accord with the landscape plan attached as Exhibit B. The purpose of the berm and landscaping is to provide an effective and attractive buffer for the immediate residential neighbors to the Land. The landscape area shall also include a chain link fence of at least six (6) feet in height, with a 2 inch mesh and shall be covered by green vinyl to visually blend in with the surrounding landscaping. The approximate location of

the fence is shown on Exhibit B. The fence and landscaping shall be installed no later than 12 months after any redevelopment begins on the Land including the razing of structures in anticipation of redeveloping the Land. The berm and landscaping shall be maintained in a good and workmanlike fashion. The Agreement set forth in this paragraph shall be for a period of thirty-five (35) years from the effective date of the adoption of the 1996 Comprehensive Zoning Map.

8. There shall be no signs placed on any building that extend above the roof line of the building. East of the existing BL zone line there shall be no signage placed on the north, south or east facade of any building exclusive of exit signs, directional signage or other similar type of signage.

9. All lighting for parking areas shall contain the "shoebox" type of lighting shade and the light standards shall not exceed twenty (20) feet in height. Such lighting shall be directed onto the Land or towards York Road. In the area of off-street parking located to the east or north of any building that is east also of the existing BL zone line, the lighting shall only be illuminated for security purposes from one-half hour after sunset until sunrise.

10. Any and all alarms or bells which shall be installed in the building(s) shall be oriented towards York Road.

11. All delivery to the site and all trash removal from the Land shall be done between the hours of 8:00 a.m. and 10:00 p.m.

12. Lan Lea shall ensure that any increase in storm water runoff due to redevelopment of the site shall be directed to a suitable storm drain system prior to leaving the Land.

13. Lan Lea agrees that it will not seek any rezoning of the Land or participate in the rezoning of any adjacent property to any commercial zoning classification. The agreement set forth in this paragraph shall be for a period of thirty-five (35) years from the effective date of the adoption of the 1996 Comprehensive Zoning Map.

14. Lan Lea shall modify its zoning request so that there shall be requested a (ten) 10 foot strip of residentially zoned land binding on its south property line for the express purpose of indicating an end to any further commercial encroachment south of the Land and to further indicate the unique circumstances that would allow the rezoning of the requested 2.67 acre portion of the land by Lan Lea. See Exhibit B.

15. The obligations of Lan Lea shall not become effective and binding upon Lan Lea unless and until the Land has been reclassified to BL, in accordance with Lan Lea's zoning request, and as modified by Paragraph 16. The obligations of Lan Lea shall only apply to the redevelopment of the Land and will not require modifications to the property or buildings while the existing use(s) continue.

16. Immediately upon satisfaction of the condition precedent stated in Paragraph 15 above, Lan Lea shall cause these covenants, restrictions and conditions to be recorded among the Land Records of Baltimore County, Maryland. Lan Lea shall then promptly deliver to York Manor a copy of the covenants as recorded together with evidence of the recordation. The covenants shall run with and be binding upon the Land,

upon all present and future owners thereof, and generally owing to the benefit of the parties respectively and their successors and assigns for a period of twenty (20) years from the date of this Agreement.

York Manor, on behalf of itself, its members, and its successors and assigns, agrees as follows:

- A. It shall support the reclassification of the Land to BL in the 1996 Comprehensive Zoning Map, and will not seek any future down-zoning of the Land during the term of this Agreement.
 - B. It shall support the rezoning and redevelopment as shown on Exhibits A and B of the Land and not pursue any appeals thereof, so long as that development is consistent with the covenants of Lan Lea stated above.
 - C. It shall support Lan Lea with the State and Baltimore County in any effort to signalize York Road at the entrance to the redeveloped Land.
 - D. The support required by subparagraphs A, B and C shall include support at hearings on appeals, and in any other proceedings before the County Council, the Planning Board, the Board of Appeals, the Baltimore County Hearing Officer or Zoning Commissioner, or any other governmental body or agency having jurisdiction; however such support may be evidenced by a letter in lieu of personal appearance.
17. The obligations of Lan Lea hereunder shall not become effective and binding upon Lan Lea unless and until the Land has been reclassified to BL, in accordance with Lan Lea's request.

18. Notwithstanding anything to the contrary all of the provisions of this Agreement, except the provisions in paragraphs 5 and 7, shall terminate and be of no further force and effect as to any portion of the Land if that Land is rezoned in a proceeding subsequent to the adoption of the currently pending BL zoning to a zone less intensive than BL. Such termination shall be effective at the time such rezoning becomes final and unappealable. However, if Lan Lea is successful in obtaining BL zoning as specified in the condition precedent stated above, it shall not for a period of 35 years, as stated in Paragraph 13 above, from the date of this Agreement, initiate any proceedings to obtain further commercial zoning on the Land or any adjacent property.

19. If any party to this Agreement, or any party or successor is required to institute legal action to enforce the terms of this Agreement and is successful (whether by judgment or settlement) in obtaining enforcement of the Agreement, that party or successor shall be entitled to recover reasonable attorneys' fees and other reasonable costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within one hundred twenty (120) days after the receipt of this Notice may legal action be instituted.

20. The parties further agree as follows:

A. Prior to its recordation among the Land Records of Baltimore County, Maryland, this Agreement may be amended only by written instrument in recordable

form signed by both of the parties hereto. Following its recordation among the Land Records of Baltimore County this Agreement may be amended only by a written instrument, signed by York Manor or its successor and the then-existing legal owner or owners of the Land, and recorded among the Land Records of Baltimore County.

B. The parties warrant and represent that they have taken all necessary action to be taken by the respective charters, bylaws, or other organizational documents to authorize the execution of this Agreement.

C. This Agreement, which may be executed in counterparts, contains the entire understanding of the parties.

D. Each of the party warrants that it has carefully read and understands this Agreement, is cognizant of its term and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

E. Failure in any instance to enforce any of the covenants, restrictions and conditions contained in this Agreement shall in no event constitute waiver of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto.

F. All the notices required by this Agreement shall be sent by certified mail, return receipt requested, to the following addressees, or to other such address as either party shall notify the other of in writing; Lan Lea shall maintain one local contact for notice under this Agreement:

LAN LEA
 Kenilworth Equities, Ltd.
 Attention: Joanne Kirby
 6306 Holly Lane
 Baltimore, Maryland 21212
 (410) 377-5100

with a copy to

ROBERT E. MORROW
 Kenilworth Equities, Ltd.
 825 Third Avenue
 New York, New York 10022

and

YORK MANOR
P.O. BOX 36
LUTHERVILLE, MD 21094

IN WITNESS WHEREOF, the parties have executed this Agreement under seal
 as of the day and year first above written.

ATTEST:

LAN LEA REALTY CO.

By: ROYAL YORK REALTY
 CORPORATION, General Partner

Joanne Kirby

By: [Signature] (SEAL)
 (Name) Robert E. Morrow
 (Title) President

YORK MANOR IMPROVEMENT
ASSOCIATION, INC.Latricia A. JacarilloBy: Phillip F. Hider (SEAL)
(Name) PHILLIP F. HIDER
(Title) PRESIDENT**ACKNOWLEDGMENTS**STATE OF New York, CITY/COUNTY OF New York to wit:

I HEREBY CERTIFY that on this 27 day of September, 1996, before a Notary Public in and for the State aforesaid, personally appeared Robert E. McSwain, who acknowledged himself/herself to be the President of York Manor Corp, a body corporate, and that he/she, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself/herself as President.

ARLINE WEST
Notary Public, State of New York
No. 31-4794054
Qualified in New York County
Commission Expires July 31, 1998

Arline West
Notary Public

My Commission Expires: _____

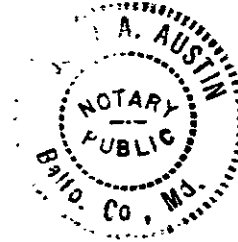
STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY that on this 1st day of OCTOBER, 1996, before a Notary Public in and for the State aforesaid, personally appeared PHILLIP F. HIDER, who acknowledged himself/herself to be the PRESIDENT of York Manor Improvement Assn, a body corporate, and that he/she, as such PRESIDENT, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself/herself as PRESIDENT.

AS WITNESS my hand and notarial seal.

John A. Austin
Notary Public

My Commission Expires: 9-1-99



TOIDOC51/RAH01/0027211.01

