

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – N/S Thelma Street,
160' W of the c/l York Road
(2320 York Road)
8th Election District
3rd Councilmanic District

Edward C. Covahey, Jr. and
Donald C. Covahey - Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-176-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Edward C. Covahey, Jr., Esquire, and his brother, Donald C. Covahey. The Petitioners request a special hearing to approve business parking in a D.R. 3.5 zone, as permitted by Sections 409.8.B.1 and 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request variance relief from Section 1B01.B.1.c(2) to modify the amount of Residential Transition Area (RTA), and from Section 1B01.B.1.e(5) to permit a landscape buffer and parking lot setback of 10 feet each in lieu of the required 50-foot buffer and 75-foot setback, pursuant to Section 409.8.B of the B.C.Z.R. The subject property and relief sought are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1A.

Appearing at the requisite public hearing in support of the request were Edward C. Covahey, Jr., Esquire, and Donald C. Covahey, co-owners of the subject property, and Douglas L. Kennedy, Professional Engineer who prepared the site plan for this property. Disregarding that well known rule of law about attorneys representing themselves, Mr. Edward C. Covahey, Jr. represented his brother and himself. There were no Protestants or other interested persons present.

The subject property is well known to this Zoning Commissioner. The property is located on the west side of York Road, between Thelma Road and Rose Street on the perimeter of the older subdivision known as Timonium Heights in Timonium. The property has been owned by

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By [Signature]

the Covahey family for a number of years. The Covahey family holdings, in its entirety, contains approximately .49 acres in area. The property, although held as a single parcel, is divided into two clearly distinct portions. The front portion of the site is actually comprised of 12 lots (Lots 1 – 12), as shown in the original plat of Timonium Heights, which was filed in the Land Records of Baltimore County on October 29, 1920. Collectively, these lots are 252 feet wide and 94 feet deep, and are zoned B.R. These lots were previously improved with three buildings, two of which have been used for retail purposes for a number of years. One of the buildings contains a liquor store and the other is used by Gibby's Restaurant for its Carry-Out operation. The third building was previously used as a residence and was occupied by the Petitioners' mother. However, Mrs. Covahey passed away and that building was subsequently razed.

To the rear of all of the 12 lots that front York Road as described above, there exists a 12-foot wide narrow strip which was designated on the original plat as an alley. However, by Order of Baltimore County, that alley was closed on March 16, 1999. A copy of that Order was submitted at the hearing and marked into evidence as Petitioner's Exhibit 2. The second portion of the property contains 8 additional lots (as originally recorded), zoned D.R.3.5. Two of those lots abut Rose Street and are identified on the original plat as Lots 38 and 39. Collectively, those two lots are 46 feet wide and 126 feet deep. The remaining 6 lots, identified as Lots 13 through 18, front Thelma Street. These 8 lots are unimproved. All of the Petitioners' holdings are more particularly shown on the site plan submitted into evidence as Petitioner's Exhibit 1A.

The Petitioners propose an extensive renovation of the entire site. Testimony indicated that they will retain the liquor store building, which contains 2400 sq.ft. of retail space; however, the Gibby's Carry-out building will be razed. New construction will include a 3600 sq.ft. retail building attached to the south side of the liquor store building, and a 2400 sq.ft. retail building attached to the north side of the liquor store building. With existing and proposed improvements, the buildings will collectively contain 8400 sq.ft. of retail space.

In addition to the redevelopment of the site as outlined above, other improvements are proposed. These include a new parking lot and area. As shown on the plan, there will be 10

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parking spaces provided in front of the retail buildings adjacent to York Road. Another 9 spaces will be provided on the B.R. zoned portion of the site. These 9 spaces are north of the buildings and adjacent to the front part of the property that abuts Rose Street.

The subject of the zoning relief relates to an additional 35 parking spaces which are proposed to the rear of the property in the D.R.3.5 zoned area of the parcel. Special hearing relief is necessary to approve these spaces. In addition, variance relief is requested to allow a reduced RTA buffer and setback. Technically, the Petitioners' request for variance from Section 1B01.B.1.c(2) is not necessary in that this Section empowers the Zoning Commissioner to modify the RTA and does not establish minimum standards. The standards from which relief are actually sought in this case are contained within Section 1B01.B.1.e(5) of the B.C.Z.R.

Following the public hearing, I conducted a site visit to the property. The property is not particularly well kept. The proposed redevelopment of the site is appropriate and will be an improvement to the neighborhood. Collectively, the Timonium Heights subdivision has been under increasing pressure from development along the York Road corridor. Timonium Heights remains largely residential; however, the lots along the perimeter of the community at large have been developed with highly intense retail/commercial/manufacturing uses. The arterial route of York Road abuts the east side of Timonium Heights, Padonia Road is located to the north, and I-83 to the west. The Maryland State Fairgrounds lie south of this subdivision.

In support of their requests, the Petitioners submitted a Petition which had been signed by a number of residents of the vicinity endorsing their proposal. Additionally, there were no Protestants present at the hearing. However, an adverse Zoning Advisory Committee comment was received from the Office of Planning. Although encouraging new development on the site, the Office of Planning comment indicates that it is their belief that the special hearing and variance relief sought are excessive.

Although Timonium Heights is indeed largely residential, my site inspection disclosed a number of what appeared to be business/commercial uses on the interior lots (those not adjacent to York Road) which abut the Petitioners' land. I drove down Rose Street and Thelma Road and

observed that there are a number of the lots that contain large parking areas with commercial-type vehicles. Nonetheless, the D.R.3.5 zoning classification exists in the interior of the community and the County Council has been reticent to extend commercial zoning beyond those properties that immediately abut York Road.

Another factor to be considered in evaluating this proposal relates to the amount of required parking. As noted above, the Petitioners' plan proposes 8400 sq.ft. of retail area. Section 409 of the B.C.Z.R. sets out the amount of parking required for retail uses. For general retail space, the B.C.Z.R. require 5 parking spaces for every 1,000 sq.ft. Thus, 42 spaces would be required in the instant case. As shown on the plan, there are 19 spaces provided on the B.R. zoned portion of the site, and 35 spaces in the D.R.3.5 area. Thus, 54 spaces will be provided, significantly more than the 42 spaces required.

This is a difficult case. Redevelopment of this site is warranted; however the integrity of the D.R. zoning in the interior community, irrespective of its present appearance, is appropriate. Thus, under the circumstances, I will grant a modification of the relief requested. I will grant the Petition for Special Hearing to permit parking in the D.R.3.5 zone. Additionally, I will grant a variance to allow a reduced setback and buffer. However, I will require alterations to the plan. Specifically, the Petitioners shall amend their plan so as to not allow parking on Lot 18 and one-half of the westernmost area of Lot 17. That is, the Petitioners shall maintain a 30-foot buffer from the Marcantoni Property to the west of this site. Additionally, this 30-foot buffer shall be landscaped. Furthermore, the Petitioners shall maintain a 10-foot landscape buffer around the perimeter of the remaining portion of the D.R.3.5 zoned portion of the tract to be used for parking. This restriction will require the Petitioners to somewhat reconfigure their parking layout. The 11 spaces shown on Lots 38 and 39 can remain unaltered; however, the 15 spaces presently shown on Lots 13 through 16 may well need to be reconfigured. It is anticipated that the Petitioners will be able to reconfigure their lots so as to provide sufficient parking under the B.C.Z.R. (at least 42 spaces), while preserving a reasonable buffer (30 feet/10 feet) from the interior of the Timonium Heights community. Additionally, the buffers described hereinabove shall be landscaped, pursuant

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Date

By

to an approved landscape plan. Thus, the Petitioners shall submit a landscape plan for review and approval by Mr. Avery Harden, the County's Landscape Architect, prior to the issuance of any building and/or use permits.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested, as modified herein, shall be granted.

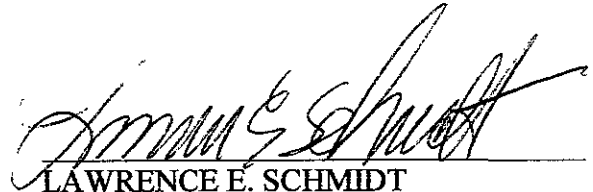
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of February, 2000 that the Petition for Special Hearing to approve business parking in a D.R. 3.5 zone, pursuant to Sections 409.8.B.1 and 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.B.1.c(2) to modify the amount of Residential Transition Area, and from Section 1B01.B.1.e(5) to permit a landscape buffer and parking lot setback of 10 feet each in lieu of the required 50-foot buffer and 75-foot setback, pursuant to Section 409.8.B of the B.C.Z.R., be and is hereby GRANTED, subject to the following terms and conditions:

- 1) Prior to the issuance of any permits, the Petitioners shall submit a revised site plan incorporating the modified relief granted herein. Specifically, the revised plan shall reflect that a 30-foot buffer from the Marcantoni property shall be provided and that this buffer shall be landscaped. Moreover, the revised plan shall show that a 10-foot landscape buffer is being provided around the perimeter of the remaining portion of the D.R.3.5 zoned portion of the tract to be developed.
- 2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by Mr. Avery Harden, the Landscape Architect for Baltimore County.
- 3) 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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- 4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

LES:bjs

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Date 2/23/16
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 22, 2000

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
N/S Thelma Street, 160' W of the c/l York Road
(2320 York Road)
8th Election District - 3rd Councilmanic District
Edward C. Covahey, Jr. & Donald C. Covahey - Petitioners
Case No. 00-176-SPHA

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Donald C. Covahey
31 Tenby Court, Timonium, Md. 21093

Mr. Douglas Kennedy, KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101, Baltimore, Md. 21244

People's Counsel; Case File



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Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2320 York Road

which is presently zoned B.R. and D.R. 3.5

This Petition shall be filed with the Department of Permits and 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 a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve business parking in a DR (Density Residential) 3.5 zone as permitted by Section 409.8 B 1 and 409.8 B 2 of the Baltimore County Zoning Regulations

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

I, or we, agree to pay expenses of above Special Hearing, 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.

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Covahey & Boozer, P.A.

Company

614 Bosley Avenue

410-828-9441

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Donald C. Covahey

Name - Type or Print

Signature

614 Bosley Avenue

410-828-9441

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Representative to be Contacted:

Edward C. Covahey, Jr.

Name

614 Bosley Avenue

410-828-9441

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By jam Date 10.27.99

Case No. 00-176-SPHA

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Date 10/23/99
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at REAR OF #2320 YORK ROAD

which is presently zoned D.R.3.5

This Petition shall be filed with the Department of Permits and 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 a part hereof, hereby petition for a Variance from Section(s) 1801B.1.C.(2) TO MODIFY THE AMOUNT OF R.T.A. AND FROM SECTION 1801B.1.C.(5) TO ALLOW A 10 FT. LANDSCAPE BUFFER AND 10 FT. SETBACK FOR A PARKING LOT PURSUANT TO SECTION 409.8.B IN LIEU OF THE REQUIRED 50 FT. BUFFER AND 75 FT. SETBACK.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

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

I, or we, agree to pay expenses of above Variance, 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.

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Covahey & Boozer, P.A.

Company

614 Bosley Avenue

410-828-9441

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

Legal Owner(s):

EDWARD C. COVAHEY, JR.

Name - Type or Print

Signature

DONALD C. COVAHEY

Name - Type or Print

Signature

614 BOSLEY AVE. 410-828-9441

Address

Telephone No.

TOWSON, MD

MD

21204

City

State

Zip Code

Representative to be Contacted:

EDWARD C. COVAHEY, JR.

Name

614 BOSLEY AVE. 410-828-9441

Address

Telephone No.

TOWSON, MD.

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date 10-27-99

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Date 220 915198

By

Case No. 00-176 SPH A

RE: Rear of 2320 York Road

Hardship or Practical Difficulty:

1. Without the Variance from the buffer and setback requirements for the RTA, the Owner would experience unreasonable hardship and practical difficulty in that it would be impossible to locate parking pursuant to BCZR Section 409.8B to the rear of 2320 York Road.
2. That the granting of the Variance in conjunction with the Petition for Special Hearing for business parking in a residential zone would provide additional parking to the subject premises and eliminate and/or reduce business parking on the adjacent residential streets of Thelma and Rose Avenues.
3. That the creating of the Variance would be within the spirit and intent of the Baltimore County Zoning Regulations and would facilitate improvements to 2320 York Road. A reduction in RTA, buffer requirements and setback requirements will not adversely impact the adjacent residential community.

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DATE 2/23/12
BY 

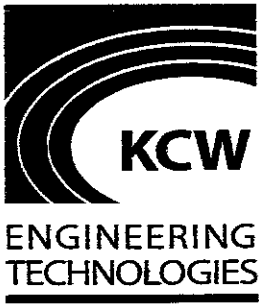
EXHIBIT "B"

Hastings Surveying

41 Eastship Road
Baltimore, MD 21222
Phone (410) 288-5663
Fax (410) 288-5311

Beginning for the same at a point on the Southernmost line of Lot 1, Block C, as shown on The Plat of Timonium Heights, recorded among the Land Records of Baltimore County in Plat Book 5, folio 82. Said point being Westerly 120 feet from the intersection of the North side of Thelma Street (30' R/W) and the West side of York Road (66' R/W) as shown on said Plat. Said point also being at the intersection of the North side of Thelma Street (30' R/W) and the East side of a 12' alley as shown on said Plat. Thence binding on the East side of said 12' alley by a line parallel to, and 6 feet East of the rear line of Lots 1 thru 12 inclusive, Block C, of said Plat, North 12 degrees 18 minutes west 252 feet to a point on the South side of Rose Street (30' R/W) as shown on said Plat. Said point being Westerly 120 feet from the intersection of the South side of Rose Street and the West side of York Road. Thence Westerly 12 feet along the South side of Rose Street to the intersection of the South side of Rose Street with the West side of said 12' alley. Thence binding on the West side of said 12' alley by a line parallel to an 6 feet West of the East line of Lot 38, Block C, South 12 degrees 18 minutes East 120 feet to the intersection of the West side of said 12' alley with the North side of another 12' alley as shown on said plat. Thence, binding on the North side of said 2nd mentioned 12' alley, by a line parallel to and 6 feet North of the rear line of Lots 38 and 39, Block C, of said Plat, Westerly 40 feet to intersect the line of division between Lots 39 and 40, Block C, of said Plat, with the North side of said 12' alley. Thence South 12 degrees 18 minutes East 12 feet to intersect the South side of said 12' alley with the line of division between Lots 14 and 15, Block C, of said Plat. Thence binding on the South side of said 12' alley, by a line parallel to an 6 feet South of the rear of Lots 14 and 13, Easterly 40 feet to the intersection of the South side of said 12' alley with the West side of the above 1st mentioned 12' alley, thence binding on the West side of said 1st mentioned 12' alley by a line parallel to and 6 feet West of the East line of Lot 13, Block C, of said Plat, South 12 degrees 18 minutes East 120 feet to intersect the West side of said 12' alley with the North side of Thelma Street. Thence Easterly 12 feet binding on the North side of Thelma Street to the point of beginning. Containing 2304 square feet.

Being part of Lots 1 thru 14 inclusive 38 and 39, Block C, of the Plat of Timonium Heights. Recorded in the Land Records Office of Baltimore Maryland in Plat Book 5, folio 82.



ZONING DESCRIPTION

COVAHEY PROPERTY
Rear of 2320 York Road
8TH Election District
BALTIMORE COUNTY, MARYLAND

KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244

(410) 281-0030
Fax (410) 298-0604
www.KCW-ET.com

William K. Woody
President and CEO

Douglas L. Kennedy
Senior Vice President

J. Peter McDonnell
Vice President

Ronald J. Lind
Associate Vice President

Martin J. Lipinski
Associate Vice President

Edwin S. Howe, III
Associate Vice President

Edward M. Shine
Associate

Joseph P. Wood
Associate

William C. Usher
Associate

Reginald C. Roberts
Associate

BEGINNING FOR THE SAME on the North Side of Thelma Street, 30 feet wide, said Point of Beginning being situate 160 feet, more or less, West of the intersection of the centerlines of Thelma Street and York Road (MD. RTE. 45), 80 feet wide, and running thence the following courses and distances:

1. South 71 degrees 42 minutes 17 seconds West a distance of 126.00 feet to a point.
2. North 18 degrees 17 minutes 43 seconds West a distance of 120.00 feet to a point.
3. North 71 degrees 42 minutes 17 seconds East a distance of 80.00 feet to a point.
4. North 18 degrees 17 minutes 43 seconds West a distance of 132.00 feet to a point.
5. North 71 degrees 42 minutes 17 seconds East a distance of 46.00 feet to a point.
6. South 18 degrees 17 minutes 43 seconds East a distance of 252.00 feet to the Point of Beginning.

CONTAINING 21192.00 square feet or 0.49 acres more or less.



176

[Handwritten signature] 7/29/04

PALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 073240

DATE 10.27.99 ACCOUNT Rec'd. 6150

AMOUNT \$ 500.00

RECEIVED 60000000 FROM: 2320 10000

FOR: (60000000)

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

J.C.M.

PAID RECEIPT

10/27/1999 10/27/1999 10:31:03
 REG #5901 CASHIER JRIC JMR DROMER
 DEPT 5 528 ZONING VERIFICATION
 Receipt # 123915
 CR No. 073240

Receipt Tot 500.00
 500.00 OK
 Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11/12, 1999

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 11/11, 1999

S. Jeffersonian
THE JEFFERSONIAN,
LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commission 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:

C888700-176-6PHA

2320 York Road

N/S Thelma Street, 160' +/- W of York Road
8th Election District -- 3rd Councilmanic District
Legal Owners: Edward C. Corahey, Jr. and Donald C. Corahey

Variance: to modify the amount of RTA, and to allow a 10 ft. landscape buffer and 10 ft. setback for a parking lot in lieu of the required 50 ft. buffer and 75 ft. setback.

Special Hearing: to approve business parking in a D.R.3.5 zone.
Hearing: Tuesday, December 7, 1999 at 11:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3891.

C352572

11/11 Nov 11

CERTIFICATE OF POSTING

RE: Case No.: 00-176-SPHA

Petitioner/Developer: COVAHEY, ETAL

Date of Hearing/Closing: 12/20/99

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

Attention: Ms. Gwendolyn 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 #2320 YORK RD,

The sign(s) were posted on

12/4/99

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 12/10/99
(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)

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
2320 York Road, N/S Thelma St,
160' +/- W of c/I York Rd
8th Election District, 3rd Councilmanic

Legal Owner: Edward C. Covahey, Jr. and
Donald C. Covahey
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-176-SPHA

* * * * *

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
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN

TO: PATUXENT PUBLISHING COMPANY
November 11, 1999 Issue - Jeffersonian

Please forward billing to:

Edward C. Covahey, Jr., Esq.
614 Bosley Avenue
Towson, MD 21204
410-828-9441

NOTICE OF ZONING 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: 00-176-SPHA

2320 York Road
N/S Thelma Street, 160'+/- W of c/l York Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Edward C. Covahey, Jr. and Donald C. Covahey

VARIANCE: to modify the amount of RTA; and to allow a 10 ft. landscape buffer and 10 ft. setback for a parking lot in lieu of the required 50 ft. buffer and 75 ft. setback.

SPECIAL HEARING: to apporve business parking in a D.R.3.5 zone.

HEARING: TUESDAY, DECEMBER 7, 1999 at 11:00 a.m. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 5, 1999

NOTICE OF ZONING 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: 00-176-SPHA

2320 York Road

N/S Thelma Street, 160'+/- W of c/l York Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Edward C. Covahey, Jr. and Donald C. Covahey

VARIANCE: to modify the amount of RTA; and to allow a 10 ft. landscape buffer and 10 ft. setback for a parking lot in lieu of the required 50 ft. buffer and 75 ft. setback.

SPECIAL HEARING: to apporve business parking in a D.R.3.5 zone.

HEARING: TUESDAY, DECEMBER 7, 1999 at 11:00 a.m. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Edward C. Covahey, Jr., Esq.

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 22, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number:

176
00-~~193~~ - SPHA

Petitioner: EDWARD C. COVAHEY, JR. & DONALD C. COVAHEY

Address or Location:

REAR OF *2320 YORK ROAD
BETWEEN THELMA ROAD AND ROSE STREET.

PLEASE FORWARD ADVERTISING BILL TO:

Name: EDWARD C. COVAHEY, JR.

Address: 614 BOSLEY AVENUE

TOWSON, MD. 21204

Telephone Number: 410-828-9441



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 3, 1999

Mr. Edward Covahey
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Covahey:

RE: 00-176-SPHA , Rear of 2320 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 10/27/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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.

Sincerely,

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

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c:

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

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: November 16, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for November 15, 1999
 Item No. 176

The Bureau of Development Plans Review has reviewed the subject zoning item.

Thelma Street and Rose Street are an existing road which shall ultimately be improved as a 30 foot street cross section on a 50 foot right-of-way.

RWB:HJO:cab

cc: File

ZAC11159.176



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

November 16, 1999

Department of Permits and
Development Management, PDM,
County Office Building, Room 111
Mail Stop #110,
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Fran Stephens

RE: Property Owner: ROBERT L. COMARNEY, JR. & DONALD

Location: DISTRIBUTION MEETING OF November 8, 1999

Item No.: 171

Dear Mr. Stephens:

4. The site shall be used 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", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



As
12/7

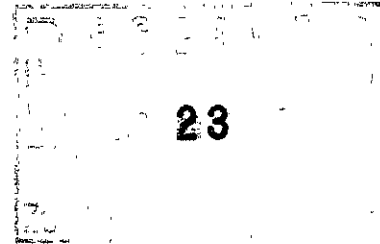
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 22, 1999

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



SUBJECT: 2320 York Road

INFORMATION:

Item Number: 00-176
Petitioner: Edward C. Covahey, Jr.
Property Size: .49 acres
Zoning: D.R. 3.5
Requested Action: Variance
Hearing Date: 12/7/99

REQUEST:

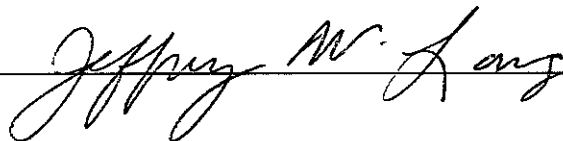
The variance being requested in this case is from Section 1B01B.1.C(2) to modify the amount of R.T.A and from Section 1B01B.1.e (5) to allow a 10 foot landscape buffer and 10 foot setback for a parking lot pursuant to Section 409.8.B in lieu of the required fifty foot buffer and seventy five foot setback.

The subject property is currently improved with two small, commercially used buildings which are physically connected. Current uses consist of a liquor store and a seafood carryout. The buildings are oriented towards York Road with a paved parking area in front of the buildings. They constitute the eastern edge of the West Timonium Heights community. The property is zoned Business Roadside (BR) and D.R. 3.5 . The area to the rear of the buildings is unpaved and is currently used for outdoor storage and parking. It is unscreened from the adjacent residential community. The proposed plan indicates the razing of the building currently used for the seafood carryout. The 2400 square foot building utilized as a liquor store will remain, and an additional 3,432 square foot retail space will be constructed. A total of thirty five paved parking spaces are proposed for the D.R. (rear) portion of the site. One hundred percent of these spaces are located in the Residential Transition Area (R.T.A.). Additionally, eighteen parking spaces are proposed to be located in the front of the redeveloped and newly constructed buildings.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends disapproval of this variance. It is the opinion of this Office that the extent of the modification of the R.T.A. being requested could have a potential negative effect on the quality of life for the adjacent residents in the West Timonium Heights community, particularly the newly constructed dwelling directly west of the site on the north side of Thelma Street. A recent site visit indicated that the area proposed for parking is currently already being used as such, and is maintained in poor condition, appearing to have an unscreened dumpster in addition to other items stored on the lot. While this office is encouraged by the overall proposed redevelopment of the site, we suggest that the parking needs and configuration be studied and reconfigured in order to avoid the significant encroachment into the residential community. Additionally, a portion of this site is part of CZMP 2000 Staff Issue 4-014 which proposes to rezone the properties between Highview Street and Rose Street from Business Roadside (BR) to Business Local Restricted (BLR), in order to encourage high quality development that is compatible with nearby residential uses. For these reasons, we further recommend disapproval of a request that would result in a lesser amount of landscaping and buffering. We respectfully request that this variance be denied. This Office would be most willing to meet with the developers to discuss possible alternative parking schemes, as well as the overall redevelopment of the site. If there should be any questions, please contact Laurie Hay, 4th District Community Planner, at 410-887-3480.

Section Chief

A handwritten signature in cursive script, reading "Jeffrey W. Lang", is written over a horizontal line.



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 11.11.99

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

RE: Baltimore County
Item No. 176

JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 2, 1999

Edward C. Covahey, Jr., Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Covahey:

RE: Case Number 00-176-SPHA, 2320 York Road, 8th Election District

The above matter, previously scheduled for Tuesday, December 7, 1999, has been postponed at your request. The case has been **rescheduled for Monday, December 20, 1999 at 3:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Arnold Jablon" with "scj" written below it.

Arnold Jablon
Director

AJ:scj





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 31, 2000

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
N/S Thelma Street, 160' W of the c/l York Road
(2320 York Road)
8th Election District - 3rd Councilmanic District
Edward C. Covahey, Jr. & Donald C. Covahey - Petitioners
Case No. 00-176-SPHA

Dear Mr. Covahey:

In response to your letter dated March 23, 2000 and its attached amended plan relative to the above-captioned matter, the following comments are offered.

I did indeed overlook the 1400 sq.ft. of retail space located north of the existing building. A review of the case file discloses that this space has been shown on all of the plats submitted in connection with this matter, including those attached with the Petitions filed and that submitted into evidence as Petitioner's Exhibit 1 in open hearing. Thus, the total amount of retail space will be 9800 sq.ft., not the 8400 sq.ft. indicated in my Order.

Notwithstanding this change, there is still sufficient parking. The newest plan submitted with your letter shows a 30-foot landscape area, as required by my Order, and 31 parking spaces within the D.R.3.5 zoned portion of the property. When added to the 19 spaces shown in the R.O. zoned portion of the tract, there will be a total of 50 parking spaces provided, more than the 49 required by the parking regulations. Kindly accept this letter as an amendment to my Order dated February 23, 2000, and the amended plan shall be incorporated therein and inserted into the case file.

Please contact me should you have any questions regarding this matter.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Douglas Kennedy, KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101, Baltimore, Md. 21244
People's Counsel; Case File



COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

To: Green

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DIPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN
MICHAEL T. PATE

FAX 410-823-7530

ANNEX OFFICE
SUITE 320
606 BALTIMORE AVE.
TOWSON, MD. 21204

*11/30/99
cf
SJ*

November 30, 1999

* ALSO ADMITTED TO D. C. BAR

HAND-DELIVERED

Arnold Jablon, Esq., Director
Permits and Development Management
County Office Building
111 w. Chesapeake Avenue
Towson, Maryland 21204

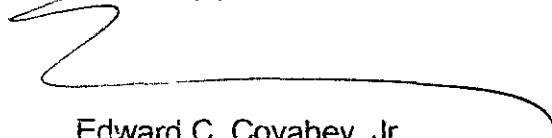
Re: Case No. 00-176-SPHA
Hearing Date: December 7, 1999
Property: 2320 York Road

Dear Mr. Jablon:

Please treat this letter as a request that the above-captioned be rescheduled from its Tuesday, December 7, 1999 date in that arrangements were not made to post the property. It never fails that you screw up your own case.

I will, of course, pay to readvertise and any other expenses incurred as a result of this screw up.

Very truly yours,



Edward C. Covahey, Jr.

ECC,Jr./ldr
1130ldr03

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS F. DORE
ROGER J. SULLIVAN
MICHAEL T. PATE

FAX 410-823-7530

ANNEX OFFICE
SUITE 320
606 BALTIMORE AVE.
TOWSON, MD. 21204

* ALSO ADMITTED TO D. C. BAR

March 23, 2000

HAND-DELIVERED

Lawrence E. Schmidt, Zoning Commission
for Baltimore County
400 Washington Ave., Suite 112
Towson, Maryland 21204

Re: 2320 York Road
Case No. 00-176-SPHA

Dear Mr. Schmidt

Pursuant to your Order of February 23, 2000, enclosed please find revised site plan reflecting the 30' buffer adjacent to the Marcantoni property. In reviewing the Opinion, and specifically page 4, first full paragraph, second sentence, references that the plan proposes 8400 square feet of retail. It appears that in your computations, you overlooked the 1400' store north of the existing building. The total square footage of retail area is 9800 square feet.

I would appreciate it if you could so correct your Opinion so that no problems are encountered at the building permit stage. This does not alter the other calculations.

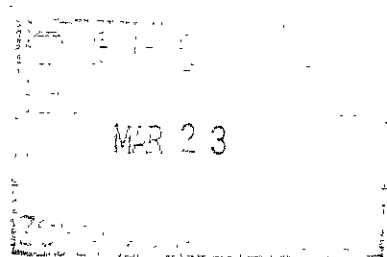
Your indulgence is appreciated.

Very truly yours,



Edward C. Covahey, Jr.

ECC,Jr./ldr
0323ldr03



ORDER RECEIVED FOR FILING

Date

By

NOTE TO FILE:

- ADVISED APPLICANT THAT VARIANCE IS NOT FROM SECTION 1301B.1.C.(2). THIS SECTION GRANTS AUTHORITY TO MODIFY RTA; IT DOES NOT CREATE MIN. STANDARDS (CG. SETBACKS, LANDSCAPING ETC.).

00-176-SPHA

BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

CASE NO. 00-176-SPHA

The undersigned sign this Petition to indicate their approval of the request of Donald C. Covahey and Edward C. Covahey, Jr., the owners of the real property at 2320 York Road, for business parking in a residential zone and a variance from the residential transition area requirements. The undersigned represent that the proposed plan has been explained to them, that they are familiar with the area, reside in close proximity to the property, and support this application and believe that it would be in the best interest of the neighborhood.

Name:

Address:

Ben Marcantoni

Ben Marcantoni

Candice Marcantoni

CANDICE MARCANTONI

WILLIAM COALE

William Coale

Sherrie L Coale

Sherrie L. Coale

Tim Barshingal

By Robt

Bryan Roberts

Dino DiPaola

Dino DiPaola

Lettie Sheeler

Lettie Sheeler

LETTIE SHEELER

8 Thelma St

Tim Md. 21093

561-3050

8 Thelma St.

Tim. Md. 21093

561-3050

3 Thelma St

Timonium, Md. 21093

252-6119

3 Thelma St.

Timonium, Md. 21093

252-6119

7 ROSE ST.

Timonium Md. 21093

410-561-8462

Bryan

5 Thelma St Timonium

410-561-0978

5 Thelma St

410-561-0978

18 THELMA ST.

TIMONIUM MD 21093

BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

CASE NO. 00-176-SPHA

The undersigned sign this Petition to indicate their approval of the request of Donald C. Covahey and Edward C. Covahey, Jr., the owners of the real property at 2320 York Road, for business parking in a residential zone and a variance from the residential transition area requirements. The undersigned represent that the proposed plan has been explained to them, that they are familiar with the area, reside in close proximity to the property, and support this application and believe that it would be in the best interest of the neighborhood.

Name:

Address:

Johanna M. Maylan

Johanna M. Maylan

Joseph M. Kelly

JOSEPH M KELLY

Eleanor M. Kelly

ELEANOR M. KELLY

Christina Habicht

Christina Habicht

John Habicht

John Habicht

Sharon J. Rogers

Sharon J. Rogers

Joseph S Rogers

Joseph S Rogers

Elizabeth I Smith

Elizabeth I Smith

11 Thelma Street

11 Thelma Street

2328 YORK RD

TIMONIUM MD

2328 York Road

Timonium, Md. 21093

8 Rose St.

Tim. MD. 21093

8 ROSE ST

Tim md 21093

3 Rose Street

Timonium MD 21093

3 Rose Street

Tim MD 21093

13 Rose St

Timonium Md 21093

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Case #
00-176-SPNA

NAME

ADDRESS

DOUGLAS L. KENNEDY, P.E.

3104 TIMANUS LANE

KCW ENGINEERING TECHNOLOGIES, Inc.

SUITE 101

BALTIMORE, MD. 21244

PATRICK M. O'KEEFE

523 PENNY LN. 21030

DONALD C. COVAHEY

31 TENBY CT.

TIMON 16M, MD. 21093



BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

CASE NO. 00-176-SPHA

The undersigned sign this Petition to indicate their approval of the request of Donald C. Covahey and Edward C. Covahey, Jr., the owners of the real property at 2320 York Road, for business parking in a residential zone and a variance from the residential transition area requirements. The undersigned represent that the proposed plan has been explained to them, that they are familiar with the area, reside in close proximity to the property, and support this application and believe that it would be in the best interest of the neighborhood.

Name:

John A Smith Jr.
John A Smith Jr

PAT EGAN

Pat Egan

Mike EGAN

Michael A. Egan

Calvin W Denmyer

CALVIN. W DENMYER

George M Denmyer

GEORGE M. DENMYER

Herbert Schubert
HERBERT SCHUBERT

Bessie Schubert
BESSIE SCHUBERT

Address:

13 ROSE ST
TIMONIUM MD 21093

16 ROSE ST.
TIMONIUM MD. 21093

17 LINCOLN ST
TIMONIUM MD. 21093

20 ROSE ST
TIMONIUM MD. 21093

20 ROSE ST
TIMONIUM, MD 21093

14 THERA ST
TIMONIUM, MD. 21093

RC 98-010

IN THE MATTER OF THE CLOSING OF A 12
FOOT ALLEY TO THE REAR OF 2320 YORK
ROAD, TIMONIUM HEIGHTS, WHICH ALLEY
CONNECTS THELMA ST. AND ROSE ST.
AND IS SITUATE IMMEDIATELY TO THE
WEST OF LOTS 1 THROUGH 12, SECTION C
PLAT OF TIMONIUM HIEGHTS; AND
FURTHER TO A PORTION OF A 12 FOOT
ALLEY BETWEEN LOTS 13, 14 AND
LOTS 38, 39 OF SAID PLAT WHICH ALLEY
IS PERPENDICULAR TO THE NORTH/SOUTH
12 FOOT ALLEY, ALL AFOREDESCRIBED
EIGHTH ELECTION DISTRICT

BEFORE THE
COUNTY EXECUTIVE
FOR
BALTIMORE COUNTY

Ref No 2

ORDER

WHEREAS, the Petitioners, EDWARD C. COVAHEY, JR. and DONALD C. COVAHEY, petitioned to close a 12 foot alley to the rear of 2320 York Road and a portion of a 12 foot alley between Lots 13, 14, and Lots 38, 39 of the Plat of Timonium Heights in the Eighth Election District of Baltimore County, Maryland; and

WHEREAS, Notice of said closing was published in a local Baltimore County newspaper for three successive weeks giving notice by publication of the intention to close said road; and

WHEREAS, a hearing as set forth in the advertisement hereinabove referred to was held on December 15, 1998, at 10:00 A.M in Room 319 of the county Office Building, Towson, Maryland, for the purpose of receiving objections; and

WHEREAS, the county Hearing Officer has found that the hereinafter described 12 foot alley and portion of a 12 foot alley are no longer necessary for public travel.

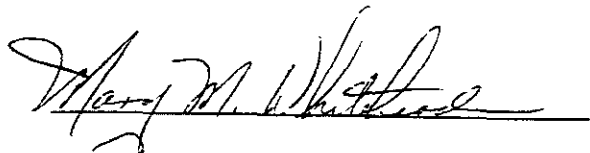
NOW THEREFORE, it is this 16th day of MARCH, 1999, by Baltimore
by County, Maryland

ORDERED, that the 12 foot alley and a portion of a 12 foot alley both shown and
indicated "12' ALLEY," on a drawing attached hereto as Exhibit A, and further described in
a metes and bounds description, attached hereto as Exhibit B, both of which are made a
part hereof, be and the same are hereby closed.

RESERVING unto Baltimore County, Maryland all easements, expressed,
proposed, or implied, including, but not limited to slope, water, sewer, and storm drains.

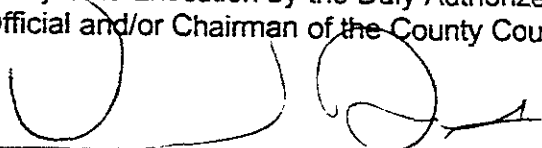
RESERVING ALSO unto Baltimore Gas and Electric Company, Comcast
Cablevision of Baltimore County, and Bell Atlantic-Maryland, Inc. all easements for utility
facilities including but not limited to gas mains, underground cables, poles, and overhead
wires.

ATTEST:



By: Donald T. Rascoe (SEAL)
DONALD T. RASCOE
HEARING OFFICER

APPROVED FOR LEGAL FORM AND SUFFICIENCY*
(Subject to Execution by the Duly Authorized Administrative
Official and/or Chairman of the County Council, as indicated.)



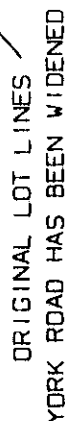
OFFICE OF THE COUNTY ATTORNEY

(*Approval of Legal Form and Sufficiency Does Not
Convey Approval Or Disapproval of the Substantive
Nature of This Transaction. Approval is Based Upon
Typeset Document-All Modifications Require Re-Approval.)

2/25/99

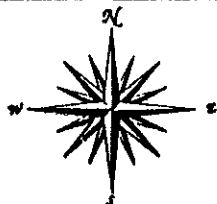
DFM:LMB:mmw

PLAT OF TITANIUM HEIGHTS



Lane J Hastings

The seal is circular with a thick, textured border. Inside the border, the text "STATE OF MARYLAND" is at the top and "PROPERTY LINE SURVEYOR" is at the bottom, both in a bold, sans-serif font. In the center of the seal is the coat of arms of the State of Maryland, which depicts two figures holding a shield with a cross and a star, with a ship on the water below. Above the coat of arms, the name "LORNE TERENCE MASTERS" is written in a curved path. Below the coat of arms, the text "No. 505 REGISTERED" is written in a curved path.



JOB NO.
2166

N 56,000

W 4,500

D.R. 3.5

W 3,000

(SHEET N.W. 1)

ROSE

D.R. 3.5

STREET #2320

SITE

BR

BL

MR

YORK

ALR-1M

LAND STREET

N 55,000

00-176-SPHA

ROAD

BR

YORK

SCALE
1" = 200' ±

LOCATION

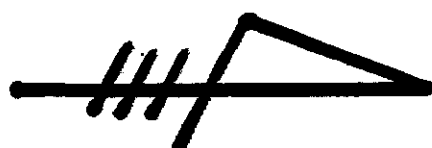
SHEET

N.W.

TIMONIUM

14-A

DATE
OF
PHOTOGRAPHY
JANUARY
1986



Pool

BM

MR

RO

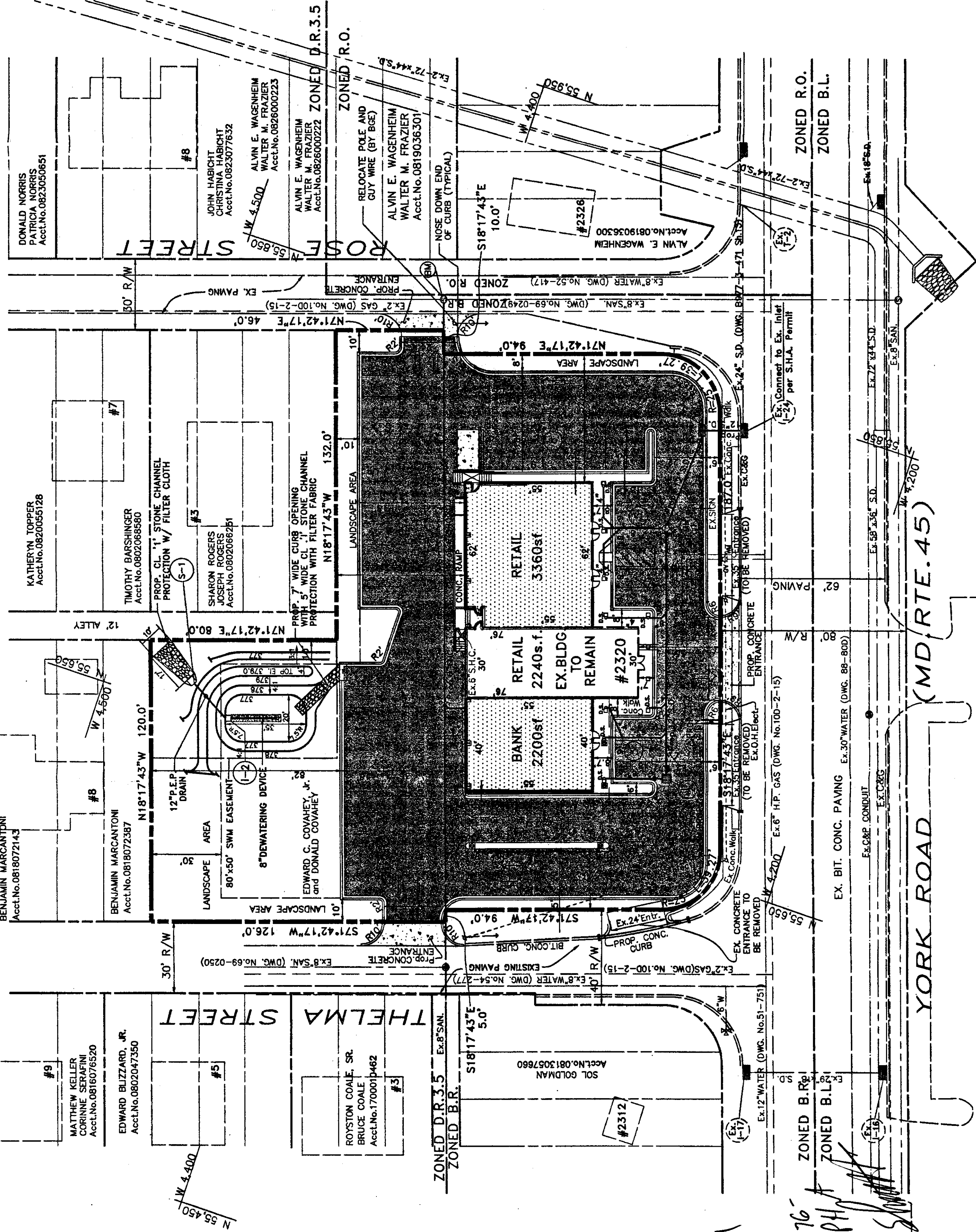
ZONING CASE No. 00-176-SPHA

THEREFORE, IT IS ORDERED by the Zoning Commission for Baltimore County this 23rd day of February, 2000 that the following be approved: 1. That the proposed site plan for the 2320 York Road, Baltimore County, Maryland, be and it is hereby GRANTED, subject to the following terms and conditions:

- 1) Prior to the issuance of any permits, the Petitioner shall submit a revised site plan incorporating the modified relief granted herein. Specifically, the revised plan shall reflect that a 30-foot buffer from the Macdonald property shall be provided and that this buffer shall be landscaped. Moreover, the remaining portion of the D.R.3.5 zoned portion of the tract to be developed.
- 2) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review and approval by Mr. Avery Harden, the Landscape Architect for Baltimore County.
- 3) 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 and that 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.
- 4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
See LETTER OF AMENDMENT dated March 31, 2000 from Zoning Commissioner LAWRENCE E. SCHMIDT to EDWARD C. COVAHEY, Jr. indicating that the total amount of retail space will be 9,800 s.f.

PLAT OF "TIMONIUM HEIGHTS" PLAT BOOK 5 FOLIO 82



- LEGEND**
- 1. TELEPHONE BOOTH
 - 2. SANITARY CLEAN OUT
 - 3. SIGN
 - 4. CORNER TREE
 - 5. DECIDUOUS TREE
 - 6. STORM DRAIN MANHOLE
 - 7. PUBLIC WORKS MANHOLE
 - 8. TRAFFIC POLE
 - 9. TELEPHONE MANHOLE
 - 10. UNKNOWN MANHOLE
 - 11. UTILITY POLE
 - 12. WATER/MONITORING WELL
 - 13. WATER METER
 - 14. WATER VALVE
 - 15. HAND BOX
 - 16. LIGHT POLE
 - 17. BELL ATLANTIC MANHOLE
 - 18. PIPE RELLAND
 - 19. CORNER TREE
 - 20. STORM DRAIN MANHOLE
 - 21. PUBLIC WORKS MANHOLE
 - 22. TRAFFIC POLE
 - 23. TELEPHONE MANHOLE
 - 24. UNKNOWN MANHOLE
 - 25. UTILITY POLE
 - 26. WATER/MONITORING WELL
 - 27. WATER METER
 - 28. WATER VALVE
 - 29. HAND BOX
 - 30. LIGHT POLE

VICINITY MAP

SCALE: 1" = 500'

HORIZONTAL & VERTICAL CONTROLS:

Baltimore County Map Commission District (B.C.M.D.) Coordinate System used.
No. 10005 N 51871.16 W 3877.38
No. 10006 N 51512.15 W 4440.90
Bench Mark "A" - Center of Menhaden Cover in Rose St. 100' from centerline of York Rd. Elev. 377.08

GENERAL NOTES

1. OWNER: EDWARD C. COVAHEY, JR. and DONALD C. COVAHEY, JR. 614 BOSLEY AVENUE BALTIMORE, MD 21204
2. LOCATION: #2320 YORK RD.
3. DEED: Liber 11797 folio 304 Liber 11744 folio 720 1.13 ac.±
4. ELECTION DISTRICT: 08
5. COUNCILMATIC DISTRICT: C-3
6. PROPERTY: "TIMONIUM HEIGHTS" PLAT 5-82 Account No.: 0803047977 Section 'C' Lots 1-12 Account No.: 0803047981 Section 'C' Lots 13-14 Account No.: 0803047975 Section 'C' Lots 15,16 Account No.: 0803047986 Section 'C' Lots 17,18 Account No.: 0803047976 Section 'C' Lots 38,39
7. ZONING: BR (0.64 ac.) and D.R.3.5 (0.49 ac.) Retail center within BR zone and unimproved within D.R.3.5 zone.
8. PROPOSED LAND USE: 7800 s.f. Retail Center within D.R.3.5 zone. Parking for Retail Center within D.R.3.5 zone.
9. PARKING REQUIRED: 7800 s.f. retail x 5.0 p.s. per 1000 s.f. = 39 p.s. PARKING PROVIDED: 39 p.s. (including 2 H.C. spaces) All spaces shall be 9'x18' minimum and striped.
10. LIGHTING: Lighting of parking areas shall be directed away from residential properties and public rights-of-way.
11. LANDSCAPING: A Landscape Plan shall be approved in accordance with the Baltimore County Landscape Manual and the Zoning Commissioner's Office in Case No. 00-176-SPHA.
12. STORMWATER MANAGEMENT: Water was granted for SWM quantity control. W.M. is proposed with an equivalent detention storage facility.
13. UTILITIES: Public water and sanitary are existing.
14. FOREST CONSERVATION: The requirements of the Forest Conservation Act shall be met prior to issuance of permits.
15. PREVIOUS COMMERCIAL PERMITS: None.
16. PRIOR ZONING CASES: R098-010 Petition to close a 12 ft. alley to the rear of 2320 York Road granted per Order dated March 16, 1999.

SITE DEVELOPMENT PLAN (PLAT TO ACCOMPANY APPLICATION FOR COMMERCIAL BUILDING PERMIT)

COVAHEY PROPERTY

2320 YORK ROAD

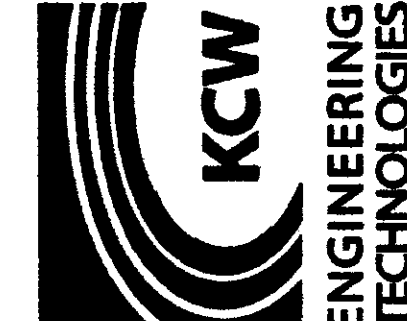
8th ELECTION DISTRICT, C3
BALTIMORE COUNTY, MARYLAND

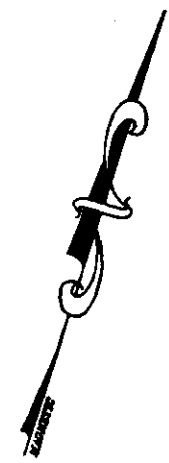
REVISIONS		KCM J.O.	99699
DATE	DESCRIPTION	SCALE:	1" = 30'
		DATE:	Dec. 11, 2000
		DESIGNED:	DLK
		DRAWN:	YN
		CHECKED:	DLK
		DRAWING NO.:	C-101

OWNER:
EDWARD C. COVAHEY, JR.
and DONALD C. COVAHEY
614 Bosley Ave.
Towson, Maryland 21204
Tele: 410-828-9441

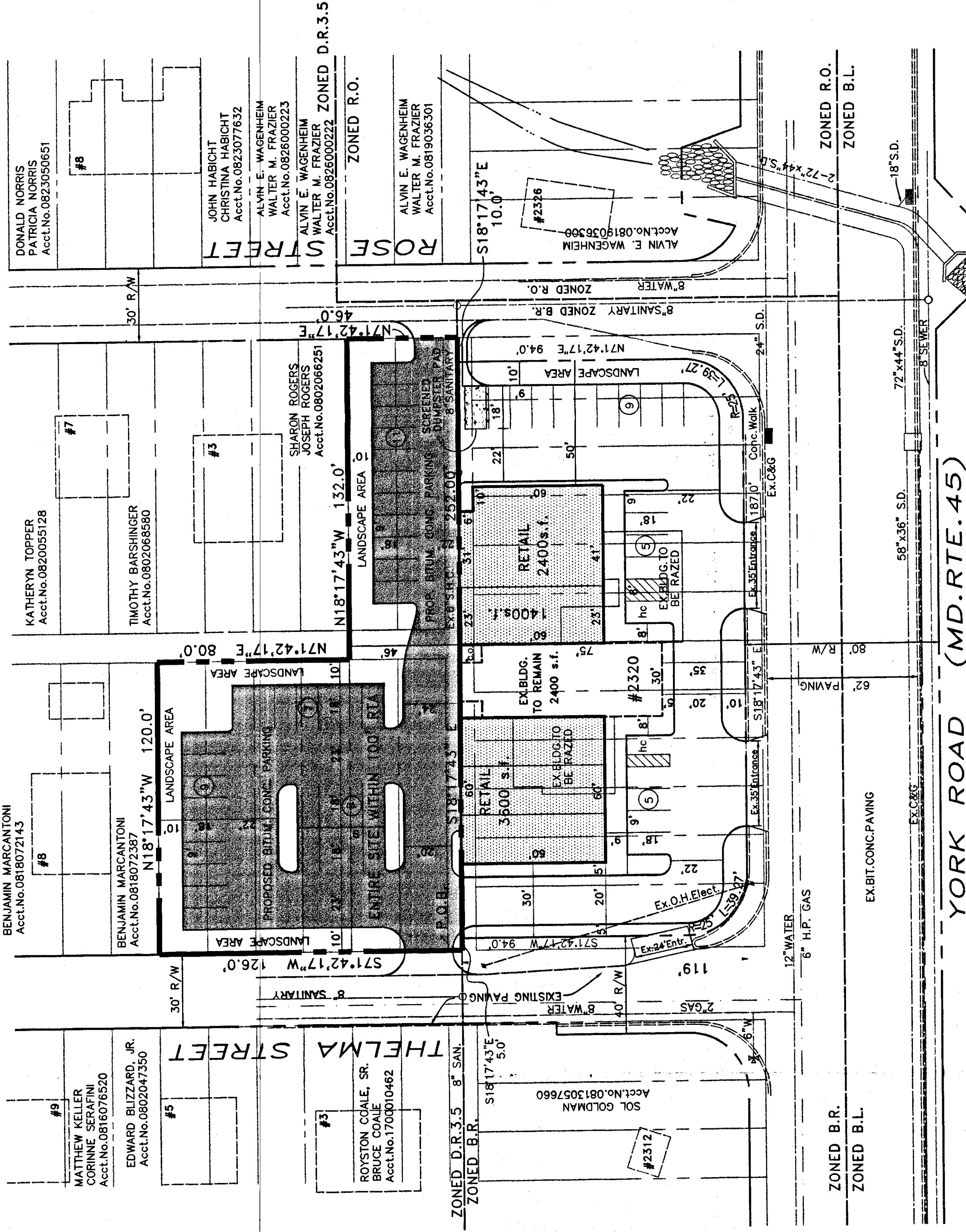
- LIST OF DRAWINGS:**
- C-101 SITE DEVELOPMENT PLAN
 - C-102 EXISTING CONDITIONS AND DEMOLITION PLAN
 - C-103 GRADING PLAN
 - C-104 SEDIMENT CONTROL PLAN
 - C-105 UTILITY PROFILES/CONSTRUCTION DETAILS
 - C-106 LANDSCAPE PLAN
 - C-107 STORMWATER MANAGEMENT PLAN

KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244
(410) 281-0033
Fax (410) 281-1005
www.KCW-ET.com





PLAT OF "TIMONIUM HEIGHTS"
PLAT BOOK 5 FOLIO 82



Petition for SPECIAL HEARING

Per B.C.Z.R. Sec. 409.8B. to permit the use of land in a residential zone for business parking facilities to meet the requirements of Section 409.6.

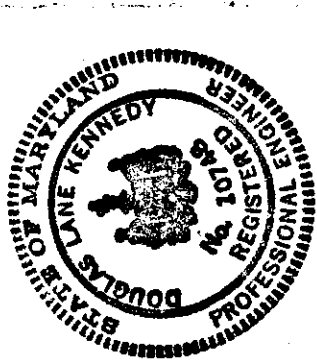
Petition for VARIANCE

Per B.C.Z.R. Section 1B01B.1.c.(2) to modify the amount of RTA, and per B.C.Z.R. Section 1B01B.1.e(5) to allow a 10 ft. landscape buffer and 10 ft. setback for a parking lot pursuant to Section 409.8.B in lieu of the required 50 ft. buffer and 75 ft. setback.



KCW
ENGINEERING
TECHNOLOGIES

KCW Engineering Technologies, Inc.
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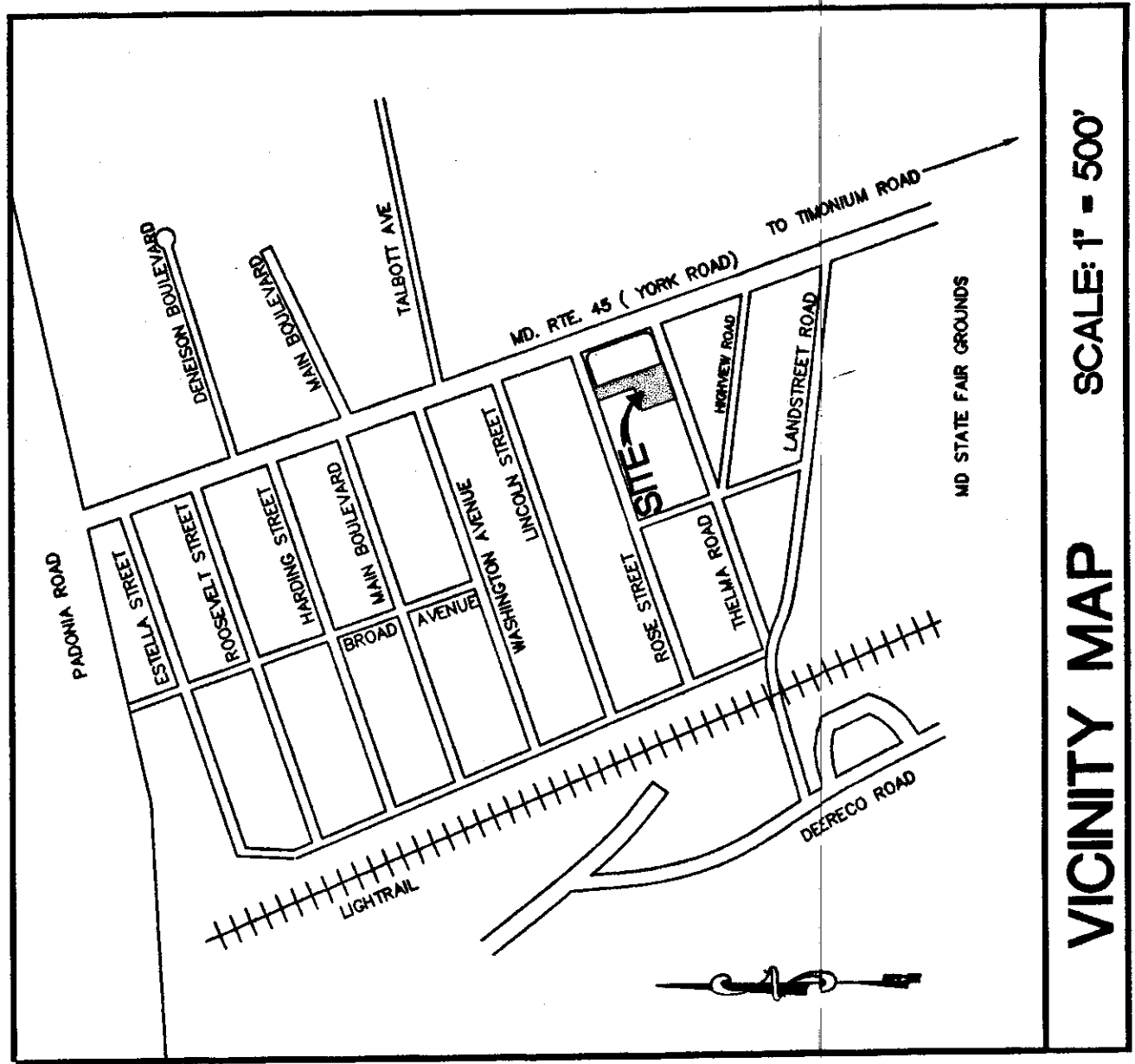
1-7-00
David H. Hensley

REVISIONS	
DATE	DESCRIPTION
12-29-99	REVISE PROPOSED RETAIL AREA ON #2320.
10-27-99	SUBMIT PETITION TO OFFICE OF ZONING.

KCW J.O.	99699
SCALE:	1" = 30'
DATE:	Sept. 2, 1999
DESIGNED:	EAC/DLK
DRAWN:	EAC
CHECKED:	DLK
DRAWING NO.:	C-100

PLAN TO ACCOMPANY PETITIONS for ZONING SPECIAL HEARING and VARIANCE

COVAHEY PROPERTY
REAR of 2320 YORK ROAD
8th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

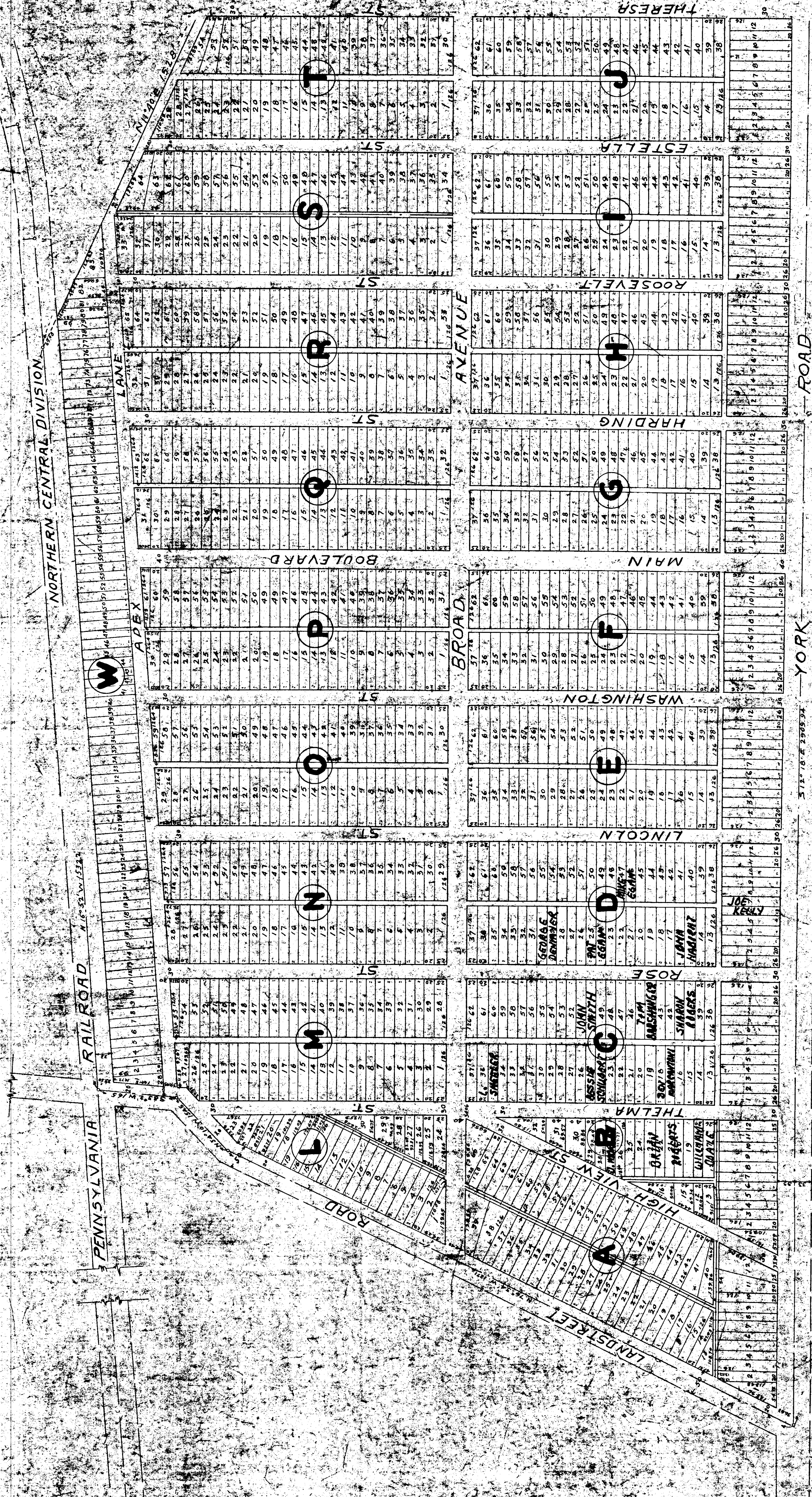


GENERAL NOTES

- OWNER : EDWARD C. COVAHEY, JR.
DONALD C. COVAHEY
614 BOSLEY AVENUE
BALTIMORE, MD 21204
- LOCATION: REAR OF #2320 YORK RD.
- DEED: Liber 11797 folio 304
Liber 11744 folio 720
- AREA: 0.49 ac.±
- ELECTION DISTRICT: 08
COUNCILMANIC DISTRICT: 08
- PROPERTY: "TIMONIUM HEIGHTS" PLAT 5-82
Account No.: 0803047981 Section 'C' Lots 13,14
Account No.: 0803047925 Section 'C' Lots 15,16
Account No.: 0803047986 Section 'C' Lots 17,18
Account No.: 0803047976 Section 'C' Lots 38,39
- ZONING: D.R. 3.5
- EXISTING LAND USE: Vacant, unimproved.
- PROPOSED LAND USE: Off-street parking area within D.R.3.5 zone for use of retail center at #2320 York Road.
- PARKING PROPOSED: 35 parking spaces.
- LIGHTING: Lighting of parking areas shall be directed away from residential properties and public rights-of-way.
- LANDSCAPING: A Landscape Plan shall be prepared in accordance with the Baltimore County Landscape Manual.
- STORMWATER MANAGEMENT: Stormwater Management shall be provided in accordance with the Baltimore County Stormwater Management Regulations.
- UTILITIES: None required.
- FOREST CONSERVATION: The requirements of the Forest Conservation Act shall be met prior to issuance of permits.
- PREVIOUS COMMERCIAL PERMITS: None.
- PRIOR ZONING CASES: RC98-010
Petition to close a 12 ft. alley to the rear of 2320 York Road granted per Order dated March 16, 1999.
- RESIDENTIAL TRANSITION AREA: The Residential Transition Area (RTA) is an area designated by the Baltimore County Board of Commissioners. The entire 0.49 acre property proposed for off-street parking is located within the RTA.

*Designated by RTA Map
off by RTA Map
11/10/00-91558
SOS*

TIMONIUM HEIGHTS



Plat of Timonium Heights
Filed for record October 29, 1920
Test Wm. P. Coker, Clerk