

2nd

Amended/Refined Plan Submitted



ZONING HISTORY:

Case Number 4590 - It is ordered by the Zoning Commissioner of Baltimore County this 17th day of March, 1993, that the above described property or area shall be and the same is hereby reclassified from and after the date of this order, from a "Business Roadside" zone to a "Business Local" zone. Abandoned. Property now zoned BM per bill 122-93, effective January 4, 1993.

Case Number 01-41-A - Therefore, it is ordered by the Zoning Commissioner of Baltimore County this 11th day of January, 1993, that the herein petition for variance to permit 80 parking spaces in lieu of the required 160 spaces be and the same is hereby denied.

Case Number 03-120-A - Therefore, it is ordered by the Zoning Commissioner of Baltimore County this 11th day of January, 1993, that the herein petition for variance to permit 92 parking spaces in lieu of the required 126 spaces, for the expressed purpose of constructing an addition to increase the kitchen and storage areas of the existing restaurant, in accordance with the site plan dated June 24, 1992, and marked petitioner's exhibit 2, is hereby granted, from and after the date of order, subject, however, to the following restrictions:

1. The patron area of the restaurant shall not be increased and no more than 100 patrons permitted on the upper level and 77 on the lower level at anytime.
2. The site plan shall indicate that 126 parking spaces are required and the location of the dumpster.
3. Compliance with the recommendation of the Maryland Department of Transportation, dated July 14, 1992, that 78 concrete curb be constructed beyond the existing right of way line for uniformity in design and protection of the existing sign.
4. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening required for approval by the current Planning and Development Division. Relief abandoned.

Case Number 07-232-A - Therefore, it is ordered by the Deputy Zoning Commissioner of Baltimore County this 16th day of March, 2000, that the herein request for a 0-foot front yard setback, in accordance with the plan submitted, prepared by Bill Monk, Land Planner, revised December 8, 1996 and identified as petitioner's exhibit 5, be and is hereby granted, subject to the following restrictions:

1. A 4-foot wide landscaping strip shall be provided along the southern property line from the front extending to the rear a minimum of 75 feet.
2. A permitted, freestanding sign shall not exceed 27 sq. ft. per face. Relief abandoned. DRC No. 05277A. A request to confirm the B(9) limited exemption granted on May 27, 1997 was tabled on July 5, 1999 pending resolution of the requested zoning relief. The plan was subsequently brought before the DRC on May 4, 2000 as old business where the previously granted B(9) limited exemption was confirmed.

Parking Calculations

Use	Sq. Footage	Required Parking	Req'd Spaces
Retail	10,248	5 spaces/1000 sq. ft.	92 155
Office	17,167	3.3 spaces/1000 sq. ft.	67 72
Storage	24,150	1 per employee on largest shift (25 employees)	25 15
Totals	59,565	15	174 242

Notes: All parking areas to be in accordance with Section 409 of the B.C.Z.R. accessible parking spaces shall be in accordance with the Maryland Building Code for the Handicapped, contained in the Code of Maryland Regulations 05.01.07.

Parking Proposed:

Category	Count
Regular spaces	259 266
Accessible spaces	7
Lower-level spaces	44
Total	314 266

NOTES

1. Owner/Applicant information: York Aylesbury, LLC, 15 West Aylesbury Road, Suite 400, Timonium, MD 21093. CO SMYTH JEWELERS, 2000 YORK ROAD, TIMONIUM, MD 21093. Deed reference/tax account numbers: S.M. 11831524 220002640, S.M. 118581406 0803087808, S.M. 117041526 0803087700, S.M. 131491411 2300033923, S.M. 132181713 0803087764. Tax map no: 60 grid: 12 parcels: 186, 187, 189, 190, 617. Zoning: BM (map NW 13-A). Election District: 8th. Councilmanic District: 3rd. Census tract: 408B. Watershed: 8 Jones Falls Subwatershed: 78.
2. Floor area ratio: Allowed = 0.33. Provided = 0.28 (59,565 sq. ft./215,622 sq. ft.).
3. Building area: Retail: 10,248 S.F. 31,000. Office: 17,167 S.F. 21,555. Storage: 24,150 S.F. 24,517. Lower-level parking: 17,507 S.F. Total building: 77,072 S.F.
4. Proposed paving will be of a durable, dustless surface which shall be properly drained to not create any undesirable conditions.
5. Previous commercial permits: 1134-70, 797-71, 252-72, 1275-76, 1186-78, 1723-87, 601-82, 111-87, 2262-87, B103434, B14695, B115014, B217984, B222030, B245422, B270286, B339394, B350395.
6. The best of our knowledge this site contains no hazardous materials as defined by section 7101 of the Environmental Article of the Annotated Code of Maryland, as from time to time amended.
7. The site is served by existing public water and sewer. Their locations are as shown. No wells, septic systems, or underground storage tanks are known to exist on the site.
8. A waiver of stormwater quantity management has been approved. Stormwater quality management will be provided.
9. No part of the proposed development is within a floodplain according to Federal Emergency Management Administration, community panel number 240010-0245-E.
10. All proposed signage to conform to section 450 B.C.Z.R. except as noted below.
11. Site area: Gross site area = 215,622 S.F. - 4.950 Ac.±. Net site area = 187,916 S.F. - 4.314 Ac.±.
12. Existing use: Vacant. Proposed use: Retail building. Existing and proposed water service: Public. Existing and proposed sewer service: Public.
13. Any fixture used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjacent residential area and public streets.
14. No portion of the site is located within a designated area of critical state concern, and no portion of the site is located within the Chesapeake Bay Critical Area.
15. There are no wetlands, streams, seeps, ponds, or other water bodies on or within 200 feet of the development site and as such, compliance with Baltimore County Forest Buffer Regulations is not required.
16. There are no significant regulated plant or wildlife communities onsite.
17. There are no known historic structures or sites as per the Landmarks Preservation Commission and the Maryland Historical Trust Inventory.
18. There are no significant views.
19. Building height shall not exceed two stories. Or as stated in Section 221 of the B.C.Z.R.
20. Zoning Commissioner, by letter dated April 19, 2000, removed the word "landscaping" from restrictions number 2 and number 6 of the zoning order dated March 16, 2000.
21. All buildings shown onsite have been demolished since the topographic survey.
22. This project was approved as a refinement to the Development Plan at the DRC on April 3, 2003; DRC No. 032403F.
23. ADT calculations: Retail: 59,565 sq. ft. x 71/1000 = 4230.
24. Developer will remove and replace any damaged or sunken curb and gutter and provide a new 5' wide (min.) sidewalk along the frontage of Aylesbury Road.
25. Outdoor seating area is designed to accommodate 15 people based on 10% of the maximum number of employees of 150 during the heaviest shift and a minimum area of 500 square feet.

Case number 00-301-A - therefore, it is ordered by the Zoning Commissioner for Baltimore County this 16th day of March, 2000 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 409 to allow 240 parking spaces in lieu of the required 330; from Section 303.2 to allow from average setbacks of 20 feet and 32 feet in lieu of the required 66 feet from Section 450.7 to permit two (2) joint identification signs with 10 lines displayed in lieu of the 5 lines allowed, with a total sign area of 154.6 sq. ft. in lieu of the maximum allowed 150 sq. ft., and to permit two (2) enterprises signs in lieu of the allowed one; and, from section 409.4 to permit access to parking spaces from driveway in lieu of the required access from driveway aisles, in accordance with petitioner's exhibit 1, be and is hereby granted, subject to the following restrictions:

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 processing 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.

2) Pursuant to the Declaration of Restrictive Covenant Agreement signed November 16, 1998 by and between York Aylesbury, LLC and the Greater Timonium Community Council, Inc., all buildings, improvements, landscaping, etc., shall be in accordance with the BLR Design Criteria set forth in Sections 229.3.a.2, 4, 5, 6, 7, 8, 9 and 10 and Section 229.6.a.2 and 3 of the B.C.Z.R.

3) Upon receipt of all necessary county approvals for any redevelopment of the subject property which triggers application of the BLR Design Criteria described above, and if storm water management for both quantity and quality is waived in its entirety by the county, the petitioner agrees either to provide additional storm water management so that there is at least 20% of the quality and quantity management required for such redevelopment, or contribute \$12,000 towards the construction of any regional storm water management facility proposed and constructed by the county within five (5) years hereof.

4) The following uses shall be prohibited in any redevelopment plan of the subject property, notwithstanding the being permitted in the BM zoning classification: a) "erect" video, book or clothing stores; b) fortune telling establishments; c) taverns, night clubs, or after-hours clubs; d) pawn shops; e) new and used car dealerships; f) massage parlors; g) arcades, except that coin-operated games in association with other entertainment uses such as a discovery zone, movie theaters, or similar uses shall be permitted; and h) catering hall, as those uses are currently defined in the B.C.Z.R.

5) The petitioners shall relocate at the cost, the existing public sanitary sewer line outside the proposed building's foundation, subject to the review and approval of said relocation and construction by the Designers Plans Review Division (Department of Public Works).

6) Building construction materials, e.g., brick facade and landscaping, will be in accordance with the design criteria for the BLR Zoning Classification, as set forth in Section 229.3.a.2, 4, 5, 6, 7, 8, 9 and 10, and section 229.6.a.2 of the B.C.Z.R.

7) But for the signage shown on the site plan, there will be no additional signage, temporary or permanent, with the exception of a grand opening sign for the center.

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

BENCHMARK DESCRIPTION

Coordinates shown hereon are based on the following Baltimore County traverse control stations.

X-9822 N 48237.370 W 1807.670 Elev. 366.177
10469 N 47811.150 W 2695.380 Elev. 349.284

X-9822 RE spike in mac north side Ridgely Rd. 150'± west of York Road
10469 RE spike in mac north side Ridgely Rd. at Stewart's parking lot, 400'± west of Kurtz Ave.

VICINITY MAP

SCALE: 1"=1000'

LEGEND

- Property Line
- Adjacent Property Line
- Zoning Line
- Existing Water
- Existing Sewer
- Existing Storm Drain
- Existing Gas
- Existing Woods Line
- Soils Line
- Existing Contour
- Proposed Contour
- Proposed Building
- Proposed Concrete Sidewalk
- Proposed Retaining Wall
- Proposed Sewer
- Proposed Water and Fire Hydrant
- Proposed Storm Drain and Inlets
- Proposed Curb & Gutter
- Proposed Landscaping

REASON FOR REFINEMENT

To revise the proposed improvement of the site from a three building (retail, bank, restaurant) development to a single retail building.

OWNER'S CERTIFICATION

I, Notarized, certify under oath that there are no (joint) accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

DATA SOURCES:

Underground gas and electric from BGE record drawings.

Bearings and distances as shown are taken from a boundary survey prepared by Gerhold, Cross & Etzel, Ltd. on April 11, 1997.

Topography as shown is taken from a topographic worksheet prepared by Gerhold, Cross & Etzel, Ltd., dated April 5, 1997 and topographic and ALTA/ASCM land title survey of Duron, Inc. and Campay Partnership Properties prepared by DMW, Inc., dated May 15, 1998.

Underground storm drains and sewer from Baltimore County record drawings.

DMW
DRAFT-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

SECOND
A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY First Refinement DRC REQUEST
Development Plan
Smyth Jeweler's
(Formerly known as Crowther Properties)
2010-2044 York Road, Timonium, Maryland
8th Election District - 3rd Councilmanic District - Baltimore County, Maryland

DRC#: 0031720A
DATE: 9/20/04

REVISIONS

DATE	BY	REVISIONS
12/10/03	CMR	Revised per County comments

PRINTED
SEP 3 2004
DAFT-McCUNE-WALKER, INC.

ISSUE DATES

REVIEW	DATE
BID	10-09-03
PERMIT	
CONSTRUCTION	
BASE	M95
DRAWN	M95
DESIGNED	JLM/DFM
CHECKED BY	ETS
DATE CHECKED	9-20-04
SCALE	1"=30'
PROJECT NO.	950251
DRAWING	1 OF 2



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 19, 2020

Mitchell J. Kellman
DMV
501 Fairmount Avenue, Suite 300
Towson, Maryland 21286

Dear:

RE: Zoning Spirit and Intent Informal Opinion, 2020 York Road, Zoning Case No. 2000-0301-A, 8th Election District

Your letter to Mr. Michael Mallinoff, Director, concerning a spirit and intent determination from this Office pertaining to the above referenced property, the subject zoning case, and the proposed changes to be made to the existing Smyth Jewelers building has been referred to this Office for reply. Upon review of zoning case No. 2000-0301-A and the applicant's provided plan, it is the opinion of the staff that the proposed changes to the existing Smyth building are within the spirit and intent of the above referenced zoning case on this property. This letter must be copied onto all future site plans filed with this Office for review that pertain to the subject property.

This letter is strictly limited to the application of the BCZR as applied to the inquiries presented in your letter, and does not, in any fashion, represent verification for any other Local, State or other Regulations that may apply to this property.

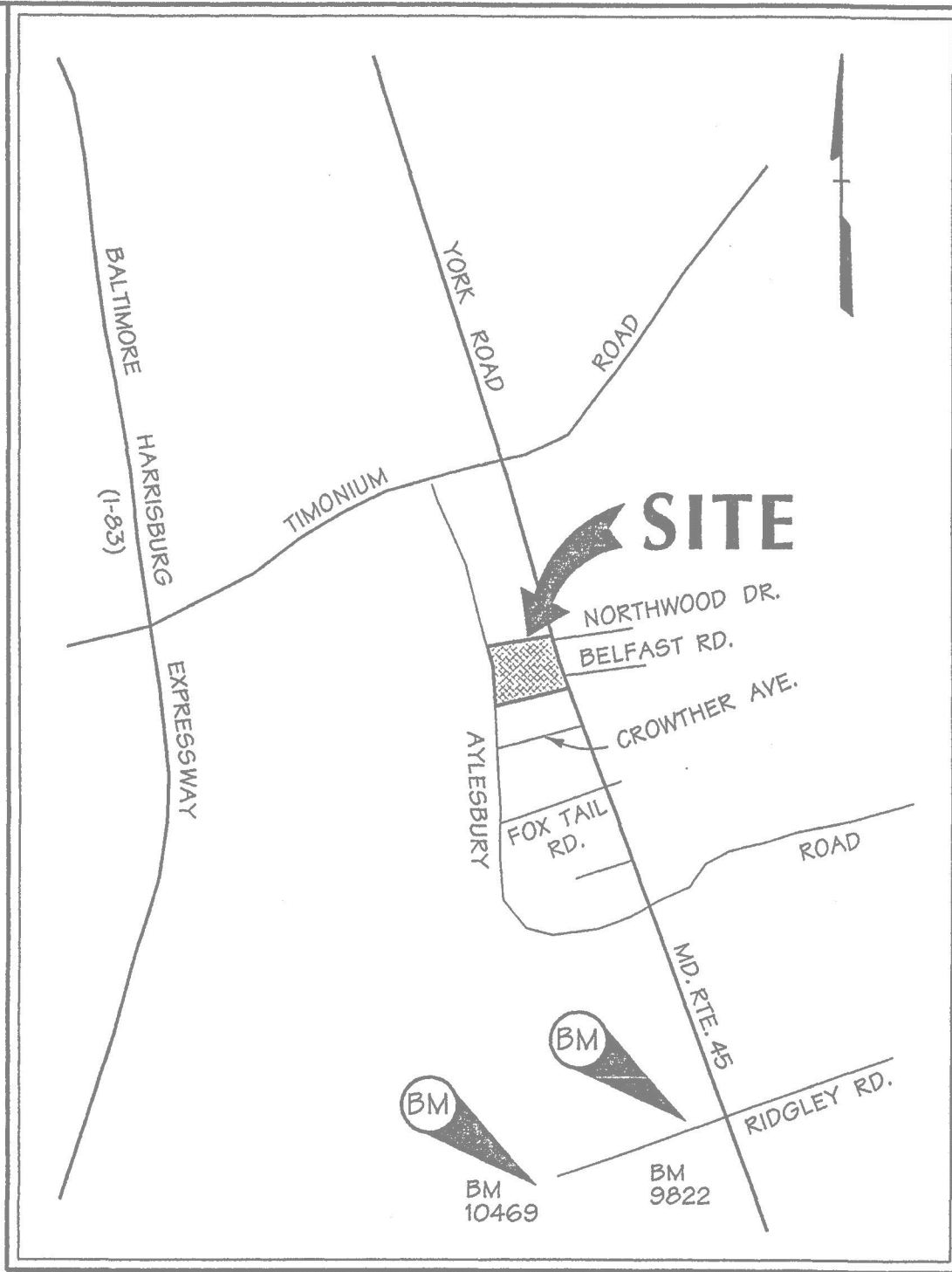
THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

Joseph C. Merrey
Planner II
Zoning Review
410-887-3391

Director's Office | County Office Building
111 West Chesapeake Avenue, Room 105 | Towson, Maryland 21204 | Phone 410-887-3353 | Fax 410-887-5708
www.baltimorecountymd.gov

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VICINITY MAP

SCALE: 1"=1000'

LEGEND

	Property Line
	Adjacent Property Line
	Zoning Line
	Existing Water
	Existing Sewer
	Existing Storm Drain
	Existing Gas
	Existing Woods Line
	Soils Line
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	Proposed Retaining Wall
	Proposed Sewer
	Proposed Water and Fire Hydrant
	Proposed Storm Drain and Inlets
	Proposed Curb & Gutter
	Proposed Landscaping

REASON FOR REFINEMENT

To revise the proposed improvement of the site from a three building (retail, bank, restaurant) development to a single retail building.
DRC Number: 032403F

OWNER'S CERTIFICATION

I, Michael Mallinoff, certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

DATA SOURCES:

Underground gas and electric from BGE record drawings.

Bearings and distances as shown are taken from a boundary survey prepared by Gerhold, Cross & Etzel, Ltd. on April 11, 1997.

Topography as shown is taken from a topographic worksheet prepared by Gerhold, Cross & Etzel, Ltd., dated April 15, 1997 and topographic and ALTA/ASCM land title survey of Duron, Inc. and Campday Partnership Properties prepared by DMW, Inc., dated May 15, 1999.

Underground storm drains and sewer from Baltimore County record drawings.

DMW
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200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
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A Team of Land Planners,
Landscape Architects,
Golf Course Architects,
Engineers, Surveyors &
Environmental Professionals

PLAN TO ACCOMPANY First Refinement
DRC REQUEST

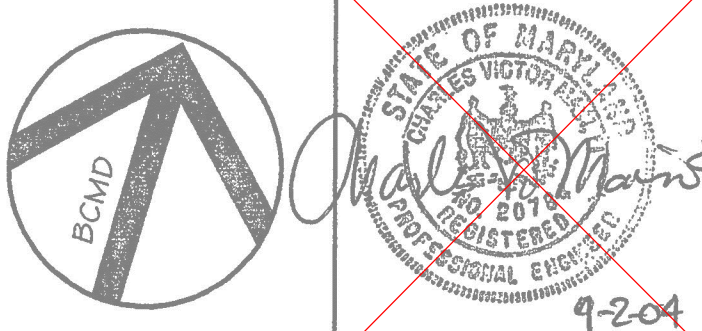
Development Plan

Smyth Jeweler's

DRC#: **0031720A** (Formerly known as Crowther Properties)

2010-2044 York Road, Timonium, Maryland

8th Election District • 3rd Councilmanic District • Baltimore County, Maryland



DATE	BY	REVISIONS	DESIGNED:
12/15/03	CMR	Revised per County comments	JLM/DFM
			CHECKED BY: <u>ETS</u>
			DATE CHECKED: <u>8-20-04</u>
			SCALE: <u>1"=30'</u>
			PROJECT NO.: <u>95025.1</u>
			DRAWING: <u>2 OF 2</u>

ISSUE DATES

REVIEW: _____

BID: _____

PERMIT: 10-09-03

CONSTRUCTION: _____

BASE: MSS

DRAWN: MSS

DATE CHECKED: 8-20-04

SCALE: 1"=30'

PROJECT NO.: 95025.1

DRAWING: 2 OF 2

This is a preliminary drawing. It is not to be used for construction. No part of this drawing is to be reproduced without the written consent of DMW, Inc.



Baltimore County
Zoning Commissioner

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

April 19, 2000

Julius W. Lichter, Esquire
Peter G. Angelos, P.C.
210 W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
York Aylesbury LLC - Petitioners
Case No. 00-301-A

Dear Mr. Lichter:

In response to your letter dated March 30, 2000 concerning the above-captioned matter, the following comments are offered. Your letter has been considered as a Motion for Reconsideration of the Order issued by me in the subject case on March 16, 2000. Your Motion has been timely filed, pursuant to Rule K of the Zoning Commissioner's Rules of Practice and Procedure (See Appendix G, Baltimore County Zoning Regulations (B.C.Z.R.)).

Upon consideration of your letter, as well as the response thereto by Louis W. Miller, President of the Greater Timonium Community Council, Inc., kindly be advised that I will grant your request for reconsideration. I believe that I erroneously inserted the word "landscaping" in Restrictions 2 and 6 of my Order. It is to be noted that the other restrictions imposed survive this ruling and are therefore binding. In this regard, the Petitioners/Property Owners will be required to comply with the B.L.R. standards referenced within my Order. However, those standards indeed do not relate to landscaping.

Insofar as landscaping, the Petitioners shall be required to comply with the County's Landscape Manual and/or other requirements of law as they are applicable to this property. In addition, the Covenant Agreement by and between York Aylesbury, LLC and the Greater Timonium Community Council, Inc. represents a private contract by and between those parties which apparently is enforceable in a Court of law. It was my intent to incorporate certain terms of that Agreement within my Order and I erred when the term "landscaping" was added thereto. Thus, by this letter, which shall be considered a ruling on your request for reconsideration, the word "landscaping" shall be deleted from both restrictions.

In the event any party finds this ruling is unfavorable, said party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this letter. 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. Louis W. Miller, 44 E. Timonium Road, Timonium, Md. 21093
Developer's Plans Review Division, DPDMD; OP; People's Counsel; Case File



LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION
COURT TOWERS, SUITE 300
210 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-825-7300 FAX # 410-296-2541

MAR 30

JULIUS W. LICHTER

OTHER OFFICES:

NEW YORK, NEW YORK
PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
PITTSBURGH, PENNSYLVANIA
BETHLEHEM, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

March 30, 2000

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: PETITION FOR VARIANCE
York Aylesbury, LLC - Petitioner
Case No. 00-301-A

Dear Mr. Schmidt:

Regarding your decision in the above-referenced matter, my client and I have reviewed your order and we are requesting your reconsideration on a specific aspect thereof. The restrictions which you impose, upon which the grant of the variance is conditioned, include references to an agreement between my client and the community, that landscaping shall be in accordance with the BLR Design criteria, as codified in Baltimore County Zoning Regulations. However, a careful reading of the covenants reveals that, while my client did agree that certain finishing aspects of the development of the property shall be in accordance with the BLR Design Criteria, landscaping was not among those aspects.

Specifically, restriction number 2 states that "all buildings, improvements, *landscaping*, etc, shall be in accordance with the BLR Design Criteria found at Sections 229.3.A.2,4,5,6,7,8,9,10 and Section 229.6.A.2 and 3 of the B.C.Z.R." Furthermore, restriction number 6 states that "Building construction materials, e.g. brick façade and landscaping, will be in accordance with the Design Criteria for the BLR zoning classification, as set forth in Section 229.3.A.2,4,5,6,7,8,9,10 and Section 229.6.A.2 and 3 of the B.C.Z.R."

The Order accurately sets forth the code sections which were incorporated in the agreement between the developer and the community. These sections deal with the following design aspects in the BLR zone:

ONE CHARLES CENTER
100 N CHARLES STREET
BALTIMORE, MD 21201-3812
410 649-2000
(800) 252-6622
FAX 410-659-2101, 81, 82

UNION PARK CENTER
6905 HARFORD ROAD
BALTIMORE, MD 21214-1846
410-426-3200
(800) 492-3240
FAX 410-426-1269

STEELWORKERS' HALL
640 DUNDALK AVENUE
BALTIMORE, MD 21224 2997
410-633-8100
FAX 410-633-0480

CENTERPARK II
SUITE 315
4061 POWDER MILL ROAD
BELTSVILLE, MD 20705-3149
(800) 537-8261
FAX 301-937-5738

63 HENDERSON AVENUE
CUMBERLAND, MD 21502-2452
301-789-2700
FAX 301-789-2703

201 S CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3848

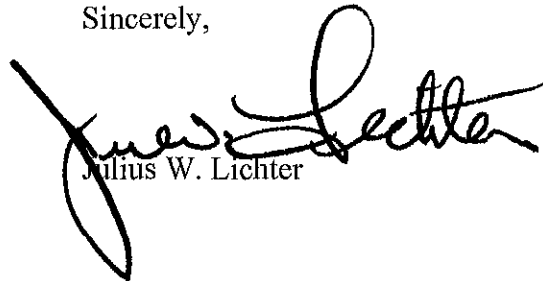
Section	Subject/Design Standard
229.3.A.2	Accessory uses and activities shall be confined within completely enclosed buildings.
229.3.A.4	Lighting of parking areas within 50 feet of a residential zone or use.
229.3.A.5	Finishing of rear and sides of buildings near adjacent properties.
229.3.A.6	Conservation and integration of architecturally and historically significant structures.
229.3.A.7	Pedestrian and bike access.
229.3.A.8	Proposed projects to be in accordance with the intent of any community plan.
229.3.A.9	Signage.
229.3.A.10	Freestanding buildings.
229.6.A.2	Maximum Floor Area.
229.6.A.3	Maximum FAR.

It is plainly evident that those sections which were incorporated and cited do not address landscaping. Furthermore, it is especially notable that the section which does address landscaping, section 229.6.E, was not incorporated into the agreement between the parties. While my client certainly intends to landscape the property in a quality manner, it did not agree to do so in accordance with the BLR Design standards. Our concern is that, as worded, your Order does not accurately reflect the agreement between the parties, and it creates the possibility for county and community authority in an area where none was intended by the parties.

The 10 sections of the law which are cited in the agreement and the Order speak for themselves in terms of their scope and requirements. Accordingly, we respectfully request that you issue an amended Order clarifying that landscaping is not included among the aspects of design for which my client must adhere to BLR zone design standards.

Should you have any questions, please contact me.

Sincerely,



Julius W. Lichter

cc: York Aylesbury, LLC
Mr. Bob Bathurst, DMW
Greater Timonium Community Council, Inc. (c/o Mr. Louis W. Miller)
Ms. Kathleen Beadell

IN RE: PETITION FOR VARIANCE
W/S York Road, E/S Aylesbury Road
(2010-2014 York Road)
8th Election District
4th Councilmanic District

York Aylesbury, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-301-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, York Aylesbury LLC, by Peter G. Angelos, Member, through their attorney, Julius W. Lichter, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409 to allow 246 parking spaces in lieu of the required 338; from Section 303.2 to allow front average setbacks of 20 feet and 32 feet in lieu of the required 65 feet; and from Section 450.7 to permit two (2) joint identification signs with 10 lines displayed in lieu of the 5 lines allowed, with a total sign area of 154.6 sq.ft. in lieu of the maximum allowed 150 sq.ft., and to permit two (2) enterprises signs in lieu of the allowed one. In addition, the Petitioners requested in open hearing a variance from Section 409.4 of the B.C.Z.R. to permit access to parking spaces from driveways in lieu of the required access from driveway aisles. 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 1.

Appearing at the requisite public hearing in support of this request were Wayne Gioso, a representative of York Aylesbury, LLC, property owners, Julius W. Lichter, Esquire and Dino C. LaFiandra, Esquire, attorneys for the Petitioners, Wes Guckert, Traffic Engineer, and Charles Main, II, Project Engineer with Daft-McCune-Walker, Inc., who prepared the site plan for this property. Appearing as interested persons in the matter were Louis W. Miller, John Schaller, and Kathleen Beadell, nearby residents of the area.

ORDER RECEIVED FOR FILING

Date 3/16/11

By [Signature]

Testimony and evidence presented disclosed that the subject property consists of a compilation of adjacent lots that were acquired by the York Aylesbury, LLC and consolidated for the purpose of redevelopment. Collectively, the property contains a gross area of 4.950 acres, zoned B.M., and is located with frontage along York Road, opposite Northwood Drive and Belfast Road in Timonium. This area of York Road is part of the commercial corridor that extends from Towson to the south to Hunt Valley to the north. In addition to its frontage along York Road, the property abuts Aylesbury Road to the rear. Both sides of York and Aylesbury Roads feature commercial uses, and much of the properties that lie adjacent to these roads have recently been redeveloped. To the south (side) the property abuts a Burger King fast food restaurant, and to the north (side) a heating/air conditioning business and other commercial-type properties.

The property was previously the site of several structures which were used for a mix of retail/business uses; however, those buildings have been demolished to make way for the proposed improvements. The Petitioners propose three separate structures on the site. The primary structure will be a 43,000 sq.ft. strip shopping center. Due to the grade of the property, which falls off from the front (York Road) to the back (Aylesbury Road), the strip shopping center will have a single row (one-story) of stores in the front facing York Road, and two rows, one atop the other, of stores in the rear facing Aylesbury Road. The second and third structures proposed include a one-story, 3,680 sq.ft. bank building in the front portion of the site, and a one-story, 6,500 sq.ft. building that may be utilized as a restaurant. In addition to these improvements, the site will be redeveloped with a parking field, both in the front adjacent to York Road, and in the rear, adjacent to Aylesbury Road. Based upon concerns expressed by the neighbors, a single internal traffic aisle will be provided for customers through the site from York Road to Aylesbury Road. Thus, development on the property has been configured to prevent easy cut-through access from York Road through the site to Aylesbury Road.

On behalf of the Petitioners, Mr. Main testified about the plan and described the uniqueness of the site, which is primarily caused by the significant downgrade of the property from York Road to Aylesbury Road. He also described the proposed development as outlined above.

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Date 3/16/11
By [Signature]

Apparently, plans for development of this property have been under consideration for a number of years. Over this time, the Petitioners acquired the individual lots which collectively form the subject property. Additionally, there have been meetings with residents of the community to consider and address their concerns. The subject plan represents the final version of the Petitioners' efforts.

Mr. Gioso also testified about the plan. He noted that the property owners have developed a property not far from the subject site on York Road, known as the Foxtail Shopping Center. He testified that the subject property would be developed in a similar manner and that the proposed shopping center would be a high-quality strip center.

Testimony was also received from Wes Guckert. Mr. Guckert testified about the need for the variance as to the number of parking spaces to be provided. In this regard, he indicated that the Petitioners will provide 246 spaces in lieu of the required 338. The high number of parking spaces required in this case is driven by the proposed restaurant use of a portion of the site. Under Section 409 of the B.C.Z.R., the bank and retail uses would require 226 parking spaces; however, due to the higher requirements for restaurant parking, 112 spaces would be required for 7,000 sq.ft. of restaurant use. Mr. Guckert noted that the Foxtail Shopping Center located nearby was developed in a similar mixed-use fashion. Apparently, a parking variance for a deficient number of spaces was granted in that case. Mr. Guckert indicated that a ratio of 4.1 spaces per 1,000 sq.ft. was approved for Foxtail Center. He indicated that there was no parking problem on that site and that the lot is never fully utilized. In fact, approximately 3.57 parking spaces per 1,000 sq.ft. of leasible area are occupied at that location during peak periods of usage. At the subject site, the ratio of parking to be provided is 4.7 parking spaces per 1,000 sq.ft. That is, there is more parking provided here per square foot of leasible area than is provided at Foxtail and sufficient parking exists at that site. Thus, Mr. Guckert opined that the parking variance in this case was justified and would not cause any spill-over parking into adjacent streets or neighborhoods.

As noted above, several members from the surrounding community appeared. They expressed a number of concerns about the project; however, indicated that there had been lengthy and ongoing negotiations between the property owners and the community over the years. In fact,

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Date 3/16/11
By [signature]

the property owners and the community have apparently entered into a declaration of restrictive covenants. Although that entire document will not be incorporated into this Order, portions thereof are appropriate and will be attached as conditions to the grant of relief in this case. The restrictions agreed by the parties include design criteria as to landscaping and building construction/ materials, the proposed storm water management plan, and the types of tenants/uses allowed on the property.

It is also to be noted that a primary concern of the community related to the location of the access points to the property from York Road. These access points were designed at the community's request to discourage the installation of any traffic lights that would regulate the intersections of York Road and Belfast Road, and York Road and Northwood Drive. That is, the community does not want additional traffic lights to be installed along York Road, and the project was designed so as to discourage the need for such installation. The access points to the property are offset from those intersections. In addition, Counsel for the Petitioners indicated that his clients had abandoned their original efforts to secure a traffic light at the entrance to the site on York Road and would cooperate with the community to discourage such installation by the State Highway Administration in the future.

In addition to the concerns raised by the Protestants, there were other issues raised by the County's Zoning Advisory Committee (ZAC). One such comment submitted by the Office of Planning (OP) suggested that the proposed retail building be moved further towards the rear of the site (York Road). This apparently was proposed to create a pedestrian-oriented street frontage along Aylesbury Road. Such a proposal ignores, however, the grade of the site and the need to provide parking immediately adjacent to both levels of the strip center. This proposal was addressed in detail by Mr. Main and the other witnesses produced by the Petitioners. I am persuaded that the Petitioners' plan and siting of the building envelope is appropriate and will not adopt OP's recommendation.

A comment was also received from the Developers Plans Review Division of the Department of Permits and Development Management. This comment indicates that the Petitioners will be required to relocate an existing sanitary sewer, due to the proposed construction.

The Petitioner indicated that it was willing to abide by this condition and will relocate the existing line at its own expense. The Developers Plans Review comment also objects to the parking variance; however, I was persuaded by the testimony offered by Mr. Guckert, as outlined above.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. I find that the development proposed in this case has been well thought out and has had the benefit of extensive community input and site engineering by the Petitioners' expert witnesses. Thus, I will grant the relief requested, subject to certain restrictions as set forth below.

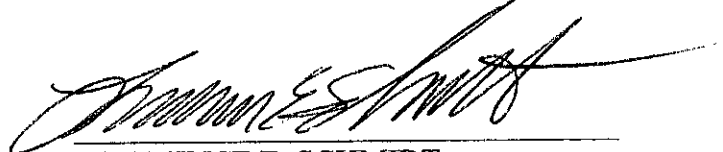
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of March, 2000 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409 to allow 246 parking spaces in lieu of the required 338; from Section 303.2 to allow front average setbacks of 20 feet and 32 feet in lieu of the required 65 feet; from Section 450.7 to permit two (2) joint identification signs with 10 lines displayed in lieu of the 5 lines allowed, with a total sign area of 154.6 sq.ft. in lieu of the maximum allowed 150 sq.ft., and to permit two (2) enterprises signs in lieu of the allowed one; and, from Section 409.4 to permit access to parking spaces from driveways in lieu of the required access from driveway aisles, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) Pursuant to the Declaration of Restrictive Covenant agreement signed November 16, 1998 by and between York Aylesbury, LLC and the Greater Timonium Community Council, Inc., all buildings, improvements, landscaping, etc., shall be in accordance with the BLR Design Criteria set forth in Sections 229.3.A.2, 4, 5, 6, 7, 8, 9 and 10 and Section 229.6.A.2 and 3 of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date 3/16/00
By [Signature]

- 3) Upon receipt of all necessary County approvals for any redevelopment of the subject property which triggers application of the BLR Design Criteria described above, and if storm water management for both quantity and quality is waived in its entirety by the County, the Petitioner agrees either to provide additional storm water management so that there is at least 20% of the quality and quantity management required for such redevelopment, or, contribute \$12,000 towards the construction of any regional storm water management facility proposed and constructed by the County within five (5) years hereof.
- 4) The following uses shall be prohibited in any redevelopment plan of the subject property, notwithstanding its being permitted in the BM zoning classification: a) "x-rated" video, book or clothing stores; b) fortune telling establishments; c) taverns, night clubs, or after-hours clubs; d) pawn shops; d) new and used car dealerships; e) massage parlors; f) arcades, except that coin-operated games in association with other entertainment uses such as a Discovery Zone, movie theaters, or similar uses shall be permitted; and g) catering hall, as those uses are currently defined in the B.C.Z.R.
- 5) The Petitioners shall relocate at its cost, the existing public sanitary sewer line outside the proposed building's foundation, subject to the review and approval of said relocation and construction by the Developers Plans Review Division (Department of Public Works).
- 6) Building construction materials, e.g., brick façade and landscaping, will be in accordance with the Design Criteria for the BLR zoning classification, as set forth in Section 229.3.A.2, 4, 5, 6, 7, 8, 9 and 10, and Section 229.6.A.2 of the B.C.Z.R.
- 7) But for the signage shown on the site plan, there will be no additional signage, temporary or permanent, with the exception of a grand opening sign for the center.
- 8) When applying for a building permit, the site plan and/or 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



Baltimore County
Zoning Commissioner

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

March 16, 2000

Julius W. Lichter, Esquire
Dino C. LaFiandra, Esquire
Peter G. Angelos, P.C.
210 W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S York Road, E/S Aylesbury Road
(2010-2014 York Road)
8th Election District - 4th Councilmanic District
York Aylesbury LLC - Petitioners
Case No. 00-301-A

Dear Messrs. Lichter & LaFiandra:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact 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. Charles Main, II, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286
Mr. Louis W. Miller, 44 E. Timonium Road, Timonium, Md. 21093
Mr. John Schaller, 3 Barnaby Court, Timonium, Md. 21093
Ms. Kathleen Beadell, 30 Northwood Drive, Timonium, Md. 21093
Developer's Plans Review Division, DPDM; OP; People's Counsel; Case File



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2010-2044 York Road

which is presently zoned BM

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) 409, 303.2, 450.7

See Attached

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:

Legal Owner(s): YORK AYLESBURY LLC

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Julius W. Lichter, Esquire

Name - Type or Print

Signature

Peter G. Angelos, P.C.

Company

210 W. Pennsylvania Ave, Ste 300 (410)825-7300

Address

Towson

Maryland

Telephone No.

21204

City

State

Zip Code

Name - Type or Print

by

Signature

Name - Type or Print

Signature

100 N. Charles Street, Suite 1200

Address

Baltimore, Maryland 21202

State

Zip Code

Representative to be Contacted:

Julius W. Lichter, Esquire

Name

210 W. Pennsylvania Ave, Ste 300 (410)825-7300

Address

Towson

Maryland

Telephone No.

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By

CTM

Date

1/20/00

ORDER RECEIVED FOR FILING

Date

By

RE 9/19/98

00-301-A

ATTACHMENT TO PETITION FOR VARIANCE
CROWTHER PROPERTIES

ZONING RELIEF SOUGHT:

1. Variance from Section 409 to allow 246 parking spaces in lieu of the required 338 parking spaces.
2. Variance from Section 303.2 to allow a front yard set back of 20 feet and 32 feet in lieu of the required 65 foot set back. (~~Front~~ Averaging).
3. Variance from Section 450.7 to allow two joint identification signs (marked "A") with 10 lines displayed in lieu of the 5 lines allowed, and allow 154.6 s.f. in lieu of the 150 s.f. permitted.
4. Variance to permit two enterprise signs (marked "B").

PRACTICAL DIFFICULTY AND UNREASONABLE HARDSHIP

1. To provide for maximum access to the property from York Road as well as Aylesbury Road.
2. To provide sufficient opportunities for identification of tenants on York and Aylesbury Roads
3. To address the difficulty and hardship caused by the severe change in elevation from east to west.
4. Such other and further support as will be presented at the time of the hearing, all to further spread the access to and from the site from York and Aylesbury Roads.

ORDER RECEIVED FOR FILING
Date 3/16/16
By [Signature]

#301

00-301-A

Description to
Accompany Petition for Zoning Variance
4.31 Acre Parcel
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 second of the two following courses and distances measured from the intersection of the centerline of Timonium Road (variable width) with the centerline of York Road (variable width) (1) Southeasterly 1070 feet, more or less and thence, (2) Southwesterly 41 feet, more or less to the west side of York Road, thence binding thereon, the six following courses and distances, viz: (1) South 18 degrees 45 minutes 15 seconds East 210.19 feet, thence (2) North 71 degrees 14 minutes 45 seconds East 1.00 foot, thence (3) South 18 degrees 45 minutes 15 seconds East 62.97 feet, thence (4) South 70 degrees 15 minutes 17 seconds West 1.00 foot, thence (5) South 18 degrees 45 minutes 15 seconds East 23.86 feet, to a point of curvature, and thence (6) Southeasterly by a line curving to the left having a radius of 21065.62 feet for a distance of 158.86 feet, (the arc of said curve being subtended by a chord bearing South 18 degrees 58 minutes 18 seconds East 158.86 feet), thence (7) South 70 degrees 50 minutes 32 seconds West 453.86 feet to the east side of Aylesbury Road (variable width) thence binding thereon the two following courses and distances, viz: (8) North 08 degrees 12 minutes 51 seconds West 458.01 feet, and thence (9) North 12 degrees 30 minutes 54 seconds West 9.33 feet, thence (10) North 71 degrees 19 minutes 03 seconds East 368.45 feet to the point of beginning; containing 4.31 acres of land, more or less.

00-301-A

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

December 3, 1999

Project No. 95025.H (L95025.H)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 077957

DATE 1/20/00 ACCOUNT R001-6150
AMOUNT \$ 250.00

RECEIVED FROM: DIO LAFIANDRA
FOR: DIO VARIANCE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TWO
1/20/2000	1/20/2000	11:55:25
REG. 4503	CASHIER PMS (13)	DRG/EE
Dept 5	120 ZARLING VERIFICATION	
Receipt #	11200	011N
CR NO.	077957	

Rec'd Tot. 250.00
250.00 OK 00 Tu
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #00-301-A

2010-2044 York Road

W/S York Road, 1070' SE and 41' SW of centerline

Timonium Road

8th Election District - 4th Councilmanic District

Legal Owner(s): York Aylesbury LLC

Variance: to allow 246 parking spaces in lieu of the required 338 parking spaces; to allow a front yard setback of 20 feet and 32 feet in lieu of the required 65-foot setback; to allow two joint identification signs with 10 lines displayed in lieu of the 5 lines allowed and 154.6 square feet in lieu of the 150 square feet permitted; and to permit two enterprise signs.

Hearing: Friday, February 25, 2000 at 2:00 p.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.

2/09/4 February 10

C368929

CERTIFICATE OF PUBLICATION

TOWSON, MD,

2/11

, 20 00

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 2/10, 20 00.

THE JEFFERSONIAN,
S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 00-301-A
Petitioner/Developer: P.G.A., ETAL
% DINO LAFIANDRA ESQ.
Date of Hearing/Closing: 2/25/2000

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 #2010 to #2044

YORK ROAD

The sign(s) were posted on 2/9/2000
(Month, Day, Year)

Sincerely,

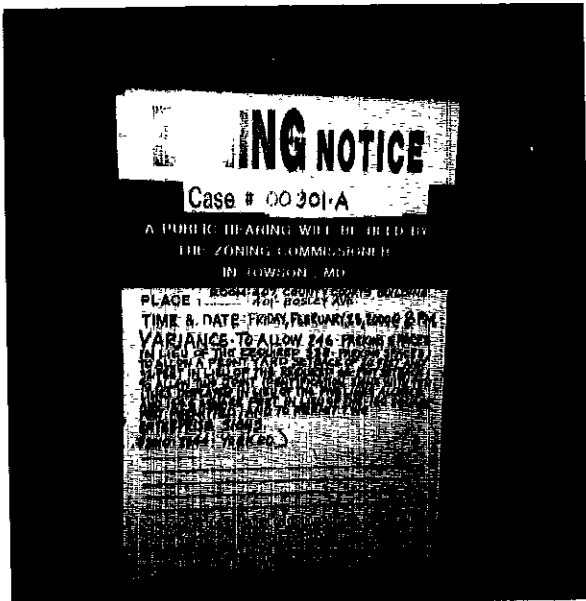
Patrick M. O'Keefe 2/10/2000
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

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

10-666-5366 ; CELL 410-905-8571



To <u>P.G.A./LICHTER</u>		Date	# of pages <u>1</u>
Co./Dept. <u>LA FIANDA</u>		From <u>O'KEEFE</u>	
Phone #		Phone #	
Fax #		Fax #	

CERTIFICATE OF POSTING

324-4

RE Case No 00-301-A
YORK-AYLESBURY-LLC
Petitioner/Developer P.G.A. / LICHTER, ETAL
— C/O DINO LAFIANDRA, ESQ
F 296-2541
Date of Hearing/Closing 2/25/2000

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

@ 2 PM
RM-407 CCB

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 # 2010 — # 2044 YORK RD,

The sign(s) were posted on 2/10/2000
(Month, Day, Year)

Sincerely,

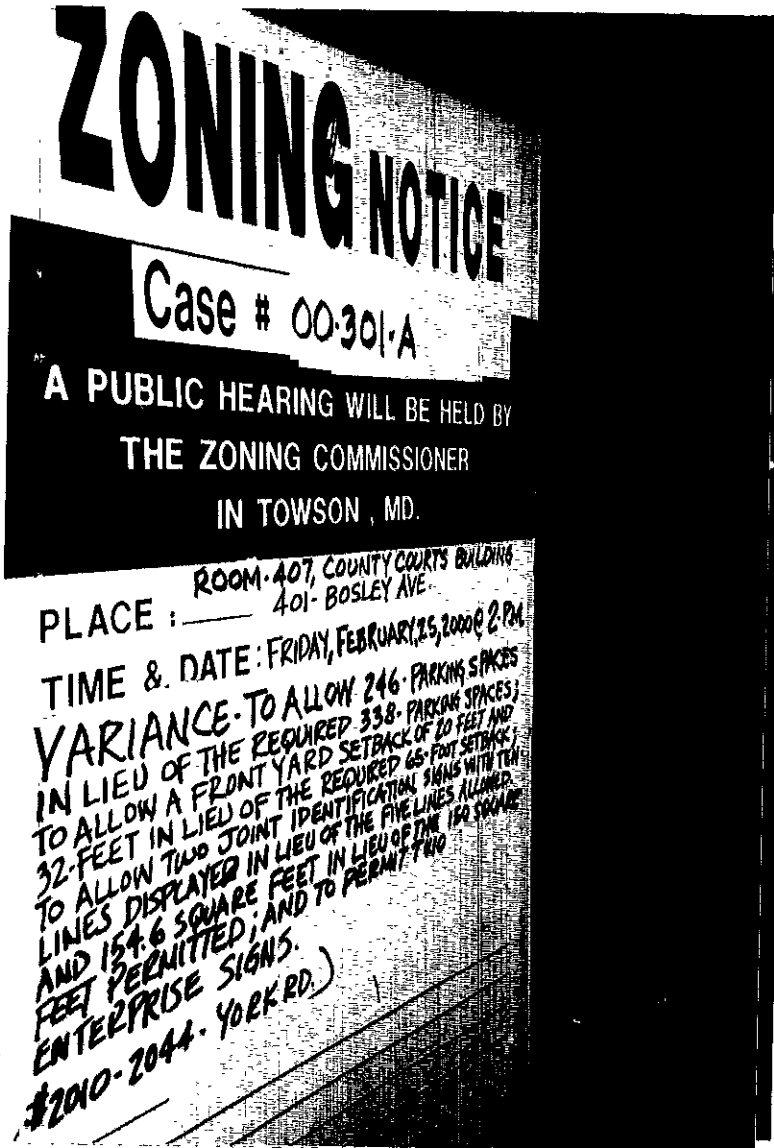
Patrick M. O'Keefe 2/11/
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21036
(City, State, Zip Code)

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





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

January 31, 2000

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: 00-301-A

2010-2044 York Road

W/S York Road, 1070' SE and 41' SW of centerline Timonium Road

8th Election District – 4th Councilmanic District

Legal Owner: York Aylesbury LLC

Variance to allow 246 parking spaces in lieu of the required 338 parking spaces; to allow a front yard setback of 20 feet and 32 feet in lieu of the required 65-foot setback; to allow two joint identification signs with 10 lines displayed in lieu of the 5 lines allowed and 154.6 square feet in lieu of the 150 square feet permitted; and to permit two enterprise signs.

HEARING: Friday, February 25, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Julius Lichter, Esquire, 210 W. Pennsylvania Avenue, Suite 300, Towson 21204
York Aylesbury LLC, 100 N. Charles Street, Suite 1200, Baltimore 21202

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 10, 2000.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.**



TO: PATUXENT PUBLISHING COMPANY
Thursday, February 10, 2000 Issue – Jeffersonian

Please forward billing to:

Julius W. Lichter, Esquire 410-825-7300
Peter G. Angelos, P.C.
210 W. Pennsylvania Avenue
Suite 300
Towson, MD 21204

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: 00-301-A

2010-2044 York Road

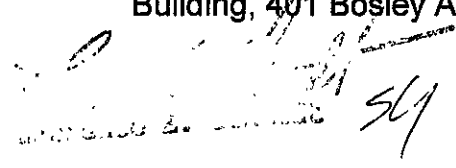
W/S York Road, 1070' SE and 41' SW of centerline Timonium Road

8th Election District – 4th Councilmanic District

Legal Owner: York Aylesbury LLC

Variance to allow 246 parking spaces in lieu of the required 338 parking spaces; to allow a front yard setback of 20 feet and 32 feet in lieu of the required 65-foot setback; to allow two joint identification signs with 10 lines displayed in lieu of the 5 lines allowed and 154.6 square feet in lieu of the 150 square feet permitted; and to permit two enterprise signs.

HEARING: Friday, February 25, 2000 at 2:00 p.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 ACCOMODATIONS, 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

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

February 17, 2000

Mr. Julius W. Lichter
Peter G. Angelos, P.C.
210 W. Pennsylvania Avenue #300
Towson MD 21204

Dear Mr. Lichter:

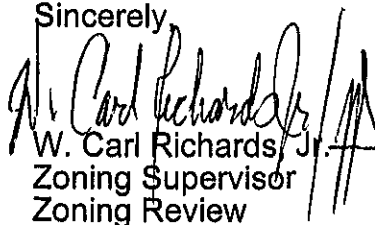
RE: Case Number 00-301-A , 2010-2044 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 20, 2000.

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,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



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

INTEROFFICE CORRESPONDENCE

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

DATE: February 4, 2000

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review
 Department of Permits & Development
 Management

SUBJECT: Zoning Advisory Committee Meeting
 for February 7, 2000
 Item No. 301

The Bureau of Development Plans Review has reviewed the subject zoning item. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

If the proposed buildings cannot be repositioned, the Developer will have to relocate, at his cost, the existing public sanitary sewer mains outside the building's foundation.

Due to adverse impact to adjacent roads, this office strongly recommends against granting the requested parking variance.

A request shall be added to allow parking along "travel ways".

RWB:HJO:jrb

cc: File

} will
be
done
per
Devel.



Baltimore County
Fire Department

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

February 15, 2000

RECEIVED FEB 25 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: YORK AYLESBURY, LLC - 301
HARRIS TERRELL ZIPKIN AND JUDY ANN ZIPKIN, JAZ NICK
ENTERPRISES LLC, BALTIMORE COUNTY REV. AUTH. - 303

Location: DISTRIBUTION MEETING OF JANUARY 31, 2000

Item No.: (301) AND 303

Dear Ms. Stephens:

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.

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", 1994 edition prior to occupancy.

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *WBS*

DATE: February 9, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of January 31, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
296	10519 Marriottsville Road
297	8 Shad Court
298	4103 Southwestern Boulevard
299	55 Millstone Road
301	2010-2044 York Road
302	107 Forest Drive
304	Belfast Road

JP
2/25

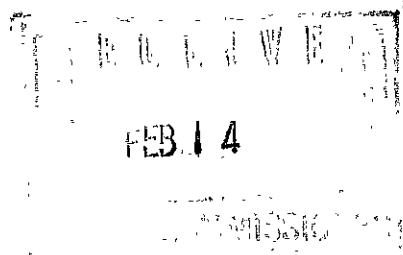
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2000

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



SUBJECT: 2010-2044 York Road

INFORMATION:

Item Number: 00-301-A
Petitioner: Julius W. Lichter, Esquire
Property Size: 4.950 acres
Zoning: BM, BL
Requested Action: Variance
Hearing Date: 2/25/00

REQUEST:

The variances being requested in this case are from the following sections of the BCZR; Section 409 to allow 246 parking spaces in lieu of the required 338 parking spaces, Section 303.2 to allow a front yard setback of 20 feet and 32 feet in lieu of the required 65 foot set back, Section 450.7 to allow two joint identification signs with 10 lines displayed in lieu of the 5 lines permitted, to allow 154 square feet in lieu of the 150 square feet permitted, and to permit two enterprise signs.

The subject property is a 4.9 acre site located within the boundaries of the West Aylesbury Road Mixed Use Area of the Hunt Valley/Timonium Master Plan, adopted by County Council in 1998. The site, which was recently cleared, is proposed to be improved with a new commercial development consisting of a 43,000 square foot, two story complex which would house multiple retail tenants, and have access and frontage from both York Road and West Aylesbury Road. Additionally, two freestanding pad sites (a bank and a 6500 square foot building) are proposed to be located at the north and south end of the site, approximately 20 feet from the York Road right-of-way.

SUMMARY OF RECOMMENDATIONS:

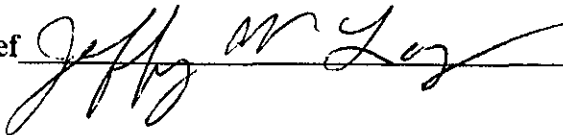
The Hunt Valley /Timonium Master Plan (HVT), adopted by the County Council in October 1998 lists design guidelines for redevelopment in this area. These guidelines address improved pedestrian connections, providing attractive screening and landscaping of parking areas, building materials and finishes which create a consistent architectural theme and sense of place, and signage design and placement which is unobtrusive and conforms to the HVT plan.

Additionally, Section III: Recommendations for Development/Redevelopment Opportunities in the West Aylesbury Road Area (p.24) recommends this area be designated a Design Review Panel Area with design standards. Accordingly, this office has been working with an advisory group of citizens, land use attorneys, and developers to create design standards that will ultimately be adopted by the County Council and incorporated into the Comprehensive Manual of Development Policies (CMDP).

As the proposed development is located within the heart of the West Aylesbury Road area, the following comments are reflective of the design goals contained in the plan towards which we are working to adopt and implement as design standards. This office recommends the following:

1. In accordance with the proposed guidelines, shift the multi-tenant building west towards West Aylesbury Road such that the building serves as an edge and creates a pedestrian oriented "street front" along West Aylesbury Road.
2. Reconfigure the parking layout to accommodate the shifting of the building to the west and eliminate the parking spaces along travel aisles.
3. Decrease the height of the proposed freestanding signs to no more than 12 feet.
4. Concentrate the majority of identification signage within a comprehensive sign band along the fascia of the buildings with a uniform signage package.
5. Submit building elevations for review and approval by this office. The primary building material should be brick.
6. Submit a landscape plan to this office for review and approval which indicates placement of plant material, design and materials of low screening walls, sidewalk location, and designation of an outdoor amenity area.

Section Chief



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: February 2, 2000

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

RE: Baltimore County
Item No. 301 (LTM)
2010-2044 York Road
MD 45
Mile Post 4.93

RECEIVED FEB 04 2000

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval of the variance request.

However we will require the owner to obtain an access permit and as a minimum the following will be conditioned to the permit:

- An operational traffic impact analysis will be required.
- A hydraulic analysis may be required.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ 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

RE: PETITION FOR VARIANCE
2010-2044 York Road, W/S York Rd,
1070' SE and 41' SW of c/l Timonium Rd
8th Election District, 4th Councilmanic

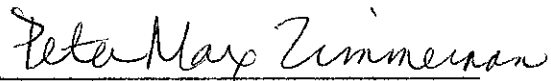
Legal Owner: York Aylesbury LLC
Petitioner(s)

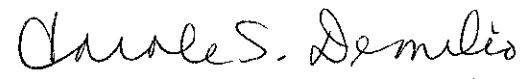
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-301-A

* * * * *

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 7th day of February, 2000 a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esq., Law Offices Peter G. Angelos, 210 W. Pennsylvania Avenue, Suite 515, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN

LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION
COURT TOWERS, SUITE 300
210 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-825-7300 FAX # 410-296-2541

Soph
00-301-A
o/c uca
BPH
EH

JULIUS W. LICHTER

January 20, 2000

OTHER OFFICES.
NEW YORK, NEW YORK
PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
PITTSBURGH, PENNSYLVANIA
BETHLEHEM, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

Ms. Gwen Stephens
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: York Aylesbury LLC
Petition for Variance
Case No. 00-301-A

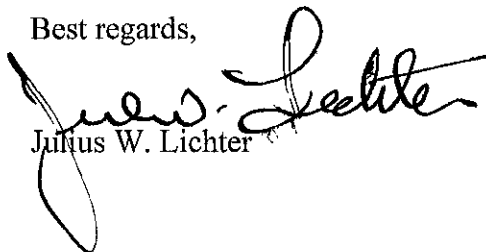
Dear Ms. Stephens:

On behalf of our client, York Aylesbury LLC, we filed the above referenced Petition for Variance on January 20, 2000. We had originally tried to file the application on January 7, 2000 and then again on January 14, 2000. However, because we had received conflicting advise from various county agencies regarding the substantive requirements of the petition and variance plan, John Lewis asked us to revise the submission to meet the requirements.

I understand that your office is currently scheduling zoning hearings for 40 to 55 days from the date of submission of the petition. The hearing in this case should take no longer than two hours. In light of the delay which we incurred in submitting the petition, I would *greatly* appreciate this case being scheduled for the earliest possible time. My client and I both are extremely eager to get this important zoning matter underway as we intend to initiate construction in April if at all possible, and to be open for business in the early fall of this year.

Should you have any questions, please call me. Thank you in advance for your customary courtesy.

Best regards,


Julius W. Lichter

cc: York Aylesbury LLC

ONE CHARLES CENTER
100 N. CHARLES STREET
BALTIMORE, MD 21201-3812
410-649-2000
(800) 252-6622
FAX 410-659-2101 B1, B2

UNION PARK CENTER
6906 HARFORD ROAD
BALTIMORE, MD 21214-1846
410-426-3200
(800) 492-3240
FAX 410-426-1269

STEELWORKERS' HALL
840 DUNDALK AVENUE
BALTIMORE, MD 21224-2997
410-633-8100
FAX 410-633-0480

CENTERPARK II
SUITE 315
4061 POWDER MILL ROAD
BELTSVILLE, MD 20705-3149
(800) 637-8261
FAX 301-937-5738

63 HENDERSON AVENUE
CUMBERLAND, MD 21502-2452
301-759-2700
FAX 301-759-2703

201 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3848

GREATER TIMONIUM COMMUNITY COUNCIL, INC.

9B RIDGELY RD., TIMONIUM, MD. 21093

LOUIS W. MILLER, PRESIDENT

PH: 410-252-3444

E/M: LEABO@AOL.COM

File

April 21, 2000

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

APR 25

Re: Case No. 00-301-A

Dear Commissioner Schmidt:

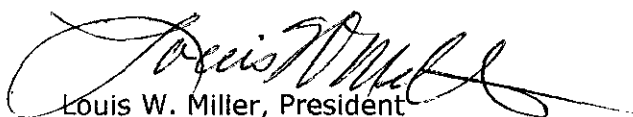
In acknowledgement of your letter of April 19, 2000 deleting the word "landscaping" in Restrictions 2 and 6 of your Order of March 16, 2000, I appreciate your fair and equitable decision in this matter. Section 229.6.E was not included in the covenant referred to in my letter to you of April 4, 2000.

Subsequent to my letter to you, with copies to Mr. Lichter, he sent me copies of the signed covenant, which I had never seen or participated in its approval. As I stated during the hearing, certain inclusions in that document were not approved by the Board of the Council. The document was signed by the then President, Kathleen Beadell. As, also stated, those differences enumerated about traffic lights, were between us and Mr. Lichter.

The 229.6.E landscaping standards relate to performance standards of the Section, and while important to us, given the written assurances by Mr. Lichter that the area will be quality landscaped and your inclusion that the Baltimore County Landscape Manual be followed, is satisfactory to us.

I, again, thank you for your consideration and patience in this matter.

Respectfully yours,


Louis W. Miller, President

CC: Julius W. Lichter, for York Aylesbury, LLC

GTCC0030142100

File: GTCC, INC. files (Secr., Beadell, Miller)

GREATER TIMONIUM COMMUNITY COUNCIL, INC.

9B RIDGELY RD., TIMONIUM, MD. 21093
LOUIS W. MILLER, PRESIDENT

PH: 410-252-3444 E/M: LEABO@AOL.COM

April 4, 2000

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

APR - 6

Re: Petition for Variance
York Aylesbury, LLC -Petitioner
Case No. 00-301-A

Dear Commissioner Schmidt:

I appreciate receiving the letter to you from Julius Lichter, Esq. relating to the landscaping subject in relation to the BLR Design Criteria omission in the covenants addressed.

As noted during the hearing for variances, the covenant document was addressed by me as to what was or not included, when was it signed, and by whom. In my capacity as Chairman, Zoning and Development for the Greater Timonium Community Council, Inc. at that time, and now President, I did not approve of certain inclusions in the draft covenants. As of yet today, I do not have a copy of the signed covenant. However, I wish to address the intent of those covenants and how they came about.

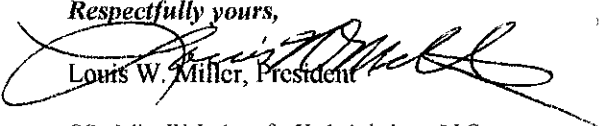
Mr. Lichter was given a copy of the covenants relating to the Obrecht property just south of the Aylesbury tract. He was to incorporate those sections appropriate to his development with the intent that all of the restrictions inherent in the BLR Design Criteria would be included. This, among other items so enumerated in the covenant was to be the agreement. Specific items were added, changed or removed: (1) Sections 229.3, A.1; (2) Removed a sentence following the last sentence of paragraph no. 1 page 2 which stated, "Redevelopment of a use not permitted under the ML-IM zoning classification shall be deemed to comply with the BLR Design Criteria, if it is in substantial compliance with the site plan and elevation drawings attached here to as Exhibits B & C."; (3) Paragraph 3 on page 2 was added, which I addressed in the hearing, and was always opposed by the Community; (4) Paragraph 2, page 2, added to last sentence "within three years". This time frame was not included in the draft given.

The intent was to have the BLR Design Criteria in its entirety in the covenant along with others as a condition for the Community to support the zoning change for those properties in the Aylesbury Corridor Plan. The omission of the Section 229.6.E was an obvious over-site by us not having the regulations before us and not being professionals in the knowledge of each and every section. We relied upon the "legal beagles" to explain the regulations included. To that end also, as I have said, I personally did not see the final covenant document.

Given the request by Mr. Lichter, for the technical reason, there is no question his request is correct as to the itemizations given. However, the missing phrase listed above on the redevelopment comments certainly fits our intent of using the BLR Design Criteria in total.

I believe you have the right to add in your order and its restrictions, that which you believe to be the fair and equitable decision in this matter. We have tried to negotiate the changes on York Road and it's environs for the future benefit of both the citizens and businesses. *We believe the BLR restriction relating to "landscaping" should be included and enforced in this instance. Thank you for your patience, I remain,*

Respectfully yours,


Louis W. Miller, President

CC: Julius W. Lichter, for York Aylesbury, LLC
GTCC, INC Files (Secr., Beadell, Miller)

LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION
COURT TOWERS, SUITE 300
210 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-825-7300 FAX # 410-296-2541

APR - 7

OTHER OFFICES:

NEW YORK, NEW YORK
PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
PITTSBURGH, PENNSYLVANIA
BETHLEHEM, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

JULIUS W. LICHTER

April 6, 2000

Mr. Louis W. Miller, President
Greater Timonium Community Council, Inc.
9B Ridgely Road
Timonium, Maryland 21093

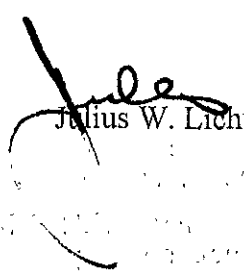
Re: York Aylesbury, LLC

Dear Lou:

Enclosed is a copy of the signed covenants which were seriously negotiated over many weeks and months, in conjunction with you, Ms. Beadell and Eric Rockel. The fact that your draft, in your possession, was not signed represents nothing but a draft that was negotiated further with the full knowledge of all of you and the Greater Timonium Community Council, Inc. My client has made substantial changes in the development of this site in accordance with your personal, specific desires. You also realize that the site will be properly and appropriately landscaped. The omission of Section 229.6.E was not an obvious oversight and was not present in the agreement with the full knowledge and attention of all parties negotiating the agreement.

I would be appropriate that you communicate with me, as we have always been cooperative and amicable in our dealings with one another. Please call me.

Sincerely,


Julius W. Lichter

cc: Mr. Lawrence Schmidt
Ms. Kathleen Beadell
Mr. Eric Rockel
York Aylesbury, LLC

ONE CHARLES CENTER
100 N. CHARLES STREET
BALTIMORE, MD 21201-3812
410-649-2000
(800) 252-6622
FAX 410 659-2101, 81, 82

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BALTIMORE, MD 21214-1846
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301-759-2700
FAX 301-759-2703

201 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3848

DECLARATION OF RESTRICTIVE COVENANT

This Declaration ("Declaration") is made as of this 16 day of Nov, 1998, by YORK AYLESBURY, LLC, a Maryland Limited Liability Company (the "Company") in favor of the GREATER TIMONIUM COMMUNITY COUNCIL, INC., a Maryland corporation ("GTCC").

RECITALS

A. The Company owns or has under Contract of Sale dated March 30, 1996, 4.35 acres of land binding on the west side of York Road and on the east side of Aylesbury Road, Timonium, Baltimore County, Maryland, as more particularly shown on the attached Exhibit A (the "Property"), pursuant to the following deeds dated December 2, 1996, August 31, 1998, April 25, 1006, and July 15, 1996, and recorded in the Land Records of Baltimore County at Libers 11931 folio 524 , 13118 folio 404, 13118 folio 411, 11559 folio 406, 13118 folio 409, 11704 folio 586, and 13118 folio 401, respectively, (the "Deeds" and "Contract"). The Property is currently zoned ML-IM and BL on the 1996 Baltimore County Comprehensive Zoning Map (the "1996 Map").

B. Baltimore County, Maryland (the "County") by its Office of Planning, and pursuant to Resolution No. 22-98 of the County Council (the "Resolution"), has recommended that the Property be rezoned to BM as described in the Baltimore County Zoning Regulations (the "Zoning Regulations").

C. The Company wishes to rezone the Property to BM in order to permit the development of the Property for uses permitted in the BM zone.

D. GTCC has agreed to support the Company's request for rezoning to BM, provided that the parties enter into this Declaration.

NOW, THEREFORE, THIS DECLARATION WITNESSETH, that the Company hereby agrees that the Property shall be held, sold, and conveyed subject to the covenants, conditions, and restrictions set forth below:

1. The Company and GTCC agree that if the Property is rezoned to BM, in its entirety, any future redevelopment of the Property for a use permitted under the BM zoning classification, in effect as of the date of this Declaration, shall be constructed in accordance with the design criteria for zoning classification BLR as set forth in Sections 229.3, A.2, 4, 5, 6, 7, 8, 9 and 10, and 229.6, A.2 and 3 of the Zoning Regulations, as of the date hereof (the "BLR Design Criteria").

2. Upon receipt of all necessary County approvals for any redevelopment of the Property, which triggers application of the BLR Design Criteria identified above and if storm water management for both quantity and quality is waived in its entirety by the County, the Company agrees either to (i) provide additional storm water management so that there is at least twenty percent (20%) of the quality and quantity management required for such redevelopment as if it were not subject to a waiver of storm water management requirements, or (ii) contribute Twelve Thousand Dollars (\$12,000.00) towards the construction of any regional storm water management facility proposed and constructed by the County within five (5) years hereof.

3. The Company and GTCC agree that if the Property is rezoned to BM in its entirety that the Company shall apply for and diligently pursue, at the Company's sole expense, the approval for the installation of a traffic control signal for traffic on York Road, which signal shall be located at or closely near the midpoint of the York Road boundary line of the Property, to allow for full movement (left and right turns) in and out of the Property, with the understanding that the Company will also exert its best efforts to have the traffic signals located on York Road, north and south of the

Property and at the entrance to the Property, synchronized to improve the ability of westbound traffic from Northwood Drive and Belfast Road to enter and have full movement at their intersection with York Road. GTCC hereby agrees to support the Company's effort to secure the approval of the aforesaid traffic signal. It being fully understood by all parties that such traffic signal application nor the approval thereof will be pursued until a plan for the development of the Property is submitted and reviewed by required governmental agencies, which in all probability will not occur until after the Baltimore County Council acts on the Hunt Valley/Timonium Master Plan and companion comprehensive rezoning of the Property.

4. The following uses shall be prohibited in any redevelopment plan of the Property, notwithstanding its being permitted in the BM zoning classification:

- (i) "x-rated" video, book or clothing stores;
- (ii) fortune telling establishments;
- (iii) taverns;
- (iv) night clubs;
- (v) pawn shops;
- (vi) new and used car dealerships;
- (vii) after hours club;
- (viii) massage parlors;
- (ix) arcades, except that coin-operated games in association with other entertainment uses such as a discovery zone, movie theater or similar uses shall be permitted; and
- (x) catering hall,

as those uses are currently defined in the Zoning Regulations.

5. GTCC and the Company shall have the sole right to enforce the covenants, declarations and restrictions contained herein by instituting a lawsuit to enjoin any breach or to enforce any covenant contained herein; provided, however, that compliance with the requirements of paragraph 1 above shall be determined by the Director of Planning for Baltimore County. The

party prevailing in any lawsuit to enjoin any breach or to enforce any covenant contained herein shall pay reasonable legal fees incurred by the other party in connection with such lawsuit.

6. The covenants, conditions and restrictions set forth in this Declaration shall be binding upon the Company and GTCC, their respective successors and assigns, and shall run with the land and bind the Property, conditioned upon the Property being rezoned by the County Council to BM in November 1998 pursuant to the Resolution. The covenants, conditions and restrictions shall terminate and be of no further force or effect twenty (20) years from the date hereof; provided, however, that if the Property is not rezoned to BM in November 1998 as a result of the action authorized by the Resolution, or if the Property or any portion thereof is subsequently rezoned, or subjected to regulations that limit its use to a less intensive or an industrial zoning classification or regulation of any kind, this Declaration shall automatically terminate and be of no further force or effect. Notwithstanding anything in this Declaration to the contrary, the conditions, restrictions and covenants set forth herein shall not apply to the continued current use of the Property by owner or any use of the Property that is permitted under the existing BL and ML-IM zoning classification.

7. The terms and provisions of this Declaration may only be modified or amended by an instrument, in writing, executed by the Company, GTCC (or their respective heirs, personal representatives, successors or assigns), which amendment shall then be promptly recorded among the Land Records of Baltimore County.

8. Notwithstanding anything herein to the contrary, should any portion of the Property be taken by eminent domain or by a deed in lieu thereof or be required in any manner for improvements to an existing road or right-of-way, upon the taking or transfer, such portion shall be deemed removed from this Declaration and the Company shall have no further liability hereunder

for such area taken or transferred.

WITNESS the hand and seal of the duly authorized representative of the owner as of the day and year first written above.

WITNESS/ATTEST:

Wayne R. [Signature]

YORK AYLESBURY, LLC

By: *Peter G. Angelos* (SEAL)
Peter G. Angelos, Member

GREATER TIMONIUM COMMUNITY
COUNCIL

Thomas J. Beadell

By: *Kathleen F. Beadell* (SEAL)
Kathleen F. Beadell, President

STATE OF Maryland, CITY/COUNTY of Baltimore, to wit:

I HEREBY CERTIFY that on this 16 day of November, 1998, before a Notary Public in and for the State aforesaid, personally appeared Peter G. Angelos, who executed the foregoing instrument on behalf of York Aylesbury, LLC, for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Angeline M. Downs
Notary Public

My Commission expires July 1, 2000

STATE OF Maryland, CITY/COUNTY of Baltimore, to wit:

I HEREBY CERTIFY that on this 16 day of November, 1998, before a Notary Public in and for the State aforesaid, personally appeared Kathleen F. Beadell, who executed the foregoing instrument on behalf of Greater Timonium Community Council, Inc., for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and notarial seal.

Thomas J. Reddworth
Notary Public

My Commission expires: 4/1/02

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Charles Mann II DMW

200 E. Penn. Ave. 21286

Julius W. Lianora

210 W. PENNSYLVANIA AVE

DINO C. LAFIANDRA

210 W. PENNSYLVANIA AVE

(?)

PROTESTORS - SIGN IN SHEET

LOUIS W. MILLER

44 E. TIM. RD 21093

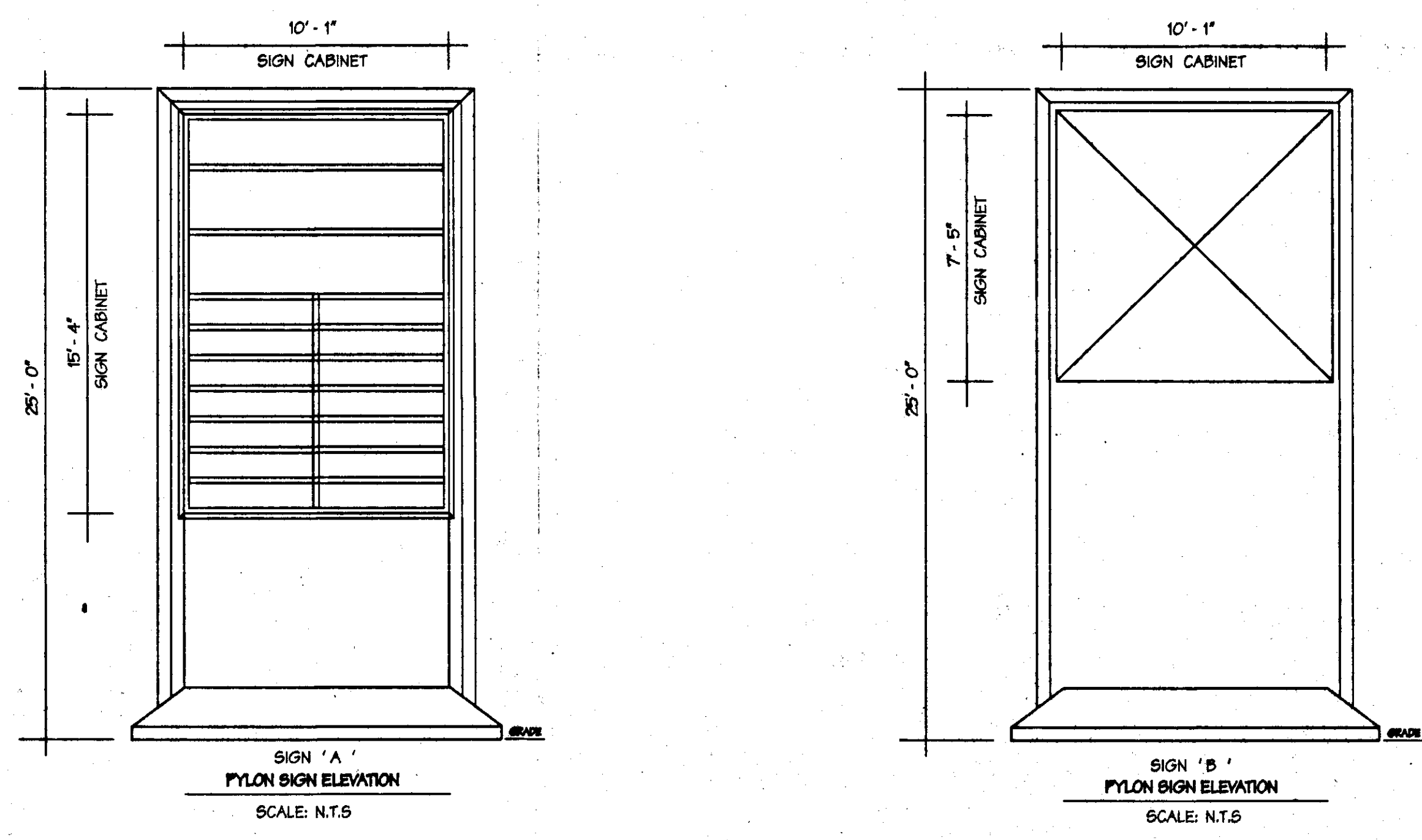
John Schaller

3 Barnaby Ct 21093

Kathleen Beadell

30 Northwood Dr 21093





00-301-A