IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – E/S York Road, 93' S of the c/l Gorsuch Road **(1909 York Road)** 8th Election District 4th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 03-292-SPHA
Haiyang Li, et ux Petitioners	*	

* * * * * * * * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

This matter comes before the Zoning Commissioner on a Motion for Reconsideration filed by the Office of People's Counsel for Baltimore County of the Order issued by me in the above-captioned matter on August 8, 2003. By way of background, the owners of the subject property, Haiyang Li, and his wife, Hui L. Li, filed Petitions for Special Hearing and Variance relief for a proposed Class A Office Building on the subject property.

Pursuant to my Order of August 8, 2003, the requested relief was granted, subject to certain terms and conditions. Specifically, Restriction 2 required compliance with the terms of a written agreement entered into by and between the Petitioners and the Greater Timonium Community Council and the Yorkshire/Haverford Community Association, Inc., dated June 11, 2003, a copy of which was attached thereto and made a part thereof. The Office of People's Counsel seeks a modification of the Order to specifically limit the use of the officer building to one professional person and one employee, which is not part of the agreement, but is referenced in my Order. In addition, the Office of People's Counsel requests that the Order explicitly identify the terms and conditions set forth in Paragraph 3A through 3E of the Agreement, even though the Agreement and the terms and conditions thereof were already incorporated as a condition to the relief granted by my Order. Finally, the Office of People's Counsel requests that the Order state that any modification of the relief granted in the Order or other use of this property is subject to further review, public hearing, and approval by the Zoning commissioner to insure public participation in same.

Upon due consideration of the Motion,

9/23/03

IT IS THEREFORE ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of September, 2003 that the Order issued August 8, 2003 be and the same is hereby AMENDED to add the following restrictions:

> "4) The use granted herein is limited to only one (1) professional person and one (1) employee.
>
> 5) No exterior lights, other than the existing exterior lighting and any exterior lights installed for security purposes and approved by the Landscape Architect for Baltimore County, are permitted on the land.
>
> 6) A 10-foot wide landscape buffer shall be installed in the rear yard of the property as shown on Exhibit B attached to the Agreement.
>
> 7) Only Mr. & Mrs. Li may park on the D.R.3.5 portion of the property. The agreed parking layout is shown on Exhibit C attached to the Agreement.
>
> 8) For so long as Mr. & Mrs. Li are utilizing any or all of the building for their medical practice, no other use may take place on the property.
>
> 9) Any modification of the Order issued in this case or any other proposed use of the property shall be subject to review, public hearing and approval by the Zoning Commissioner."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued August 8, 2003 shall remain in full force and effect.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: David Karceski, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204
Mr. & Mrs. Haiyang Li, 1111 Greenway Road, Cockeysville, Md. 21030
Mr. Vincent Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
Mr. Louis Miller, 44 E. Timonium Road, Timonium, Md. 21093
Mr. Richard Jarvis Hoffman, 35 Cinder Road, Timonium, Md. 21093
Mr. Frank Regan, 302 Ridgely Road, Lutherville, Md. 21093
People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 9/23/03
By

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – E/S York Road, 93' S of the c/l Gorsuch Road **(1909 York Road)** 8th Election District 4th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 03-292-SPHA
Haiyang Li, et ux Petitioners	*	

* * * * * * * * * * *

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, Haiyang Li, and his wife, Hui L. Li, through their attorney, David Karceski, Esquire. The Petitioners request a special hearing to allow commercial parking in a residential zone (D.R.3.5); to permit a portion of a commercial building (Class A Office Building) to be located in a residential zone (D.R.3.5); and, a determination that Residential Transition Area (RTA) requirements are not applicable to the proposed parking or building. In addition, the Petitioners request variance relief from Section 204.3.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices in lieu of the maximum allowed 25%; from Section 409.3 and 409.6.A.1 of the B.C.Z.R. to permit 7 parking spaces, 8' x 16' in dimension for a medical office, in lieu of the required 9 parking spaces, 8'6" x 18' in dimension; and from Section 409.4.A of the B.C.Z.R. to permit a two-way driveway aisle width of 9 feet in lieu of the required 20 feet. The subject property and requested relief 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 the request were Haiyang and Hui Li, property owners; Vincent J. Moskunas, the consultant who prepared the site plan, and David Karceski, Esquire, attorney for the Petitioners. Appearing as interested citizens from the

ORDER RECEIVED FOR FILING
Date 3/3/03
By

surrounding community were Louis W. Miller and Frank Regan, who appeared on behalf of the Greater Timonium Community Council, and Richard Jarvis Hoffman, a representative of the Yorkshire/Haverford Community Association. There were no Protestants or other interested persons present.

At the onset of the hearing, the Petitions were amended to conform to an agreement that was reached between the Petitioners and adjoining community associations. A copy of that agreement, which has been incorporated into the case file, was attached to the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning and marked as Petitioner's Exhibit 8A. The amendments are more particularly set forth on copies of the respective Petitions filed and marked into evidence as Petitioner's Exhibit 2. Specifically, the Petitioners have amended the special hearing request, seeking only to allow commercial parking in a residential zone (D.R.3.5). In addition, the Petition for Variance was amended to add two additional requests and to modify the second variance. Apparently, the Petitioners can now comply with the dimension requirements for the parking spaces and seek relief only as to the number of spaces to be provided. In addition, relief is requested from Section 1B01.1.B of the B.C.Z.R. to permit an RTA buffer and setback of 10 feet each in lieu of the required 50 feet and 75 feet, respectively; and from Section 204.3.C.2 to permit off-street parking in the front yard in lieu of the required side or rear yards.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located near the southeast corner of the intersection of Gorsuch Road and York Road in Timonium. The property contains a gross area of 0.073 acres, more or less, and is split zoned R.O. (0.185 acres) and D.R.3.5 (0.073 acres). As shown on the site plan, the property is improved with a 1½-story building, which features two one-story wings, and a detached garage. In addition, the bulk of the property, but for a narrow strip along the northern property line is macadam paved. Mr. Li is an Acupuncturist and Herbalist by profession and has been licensed by the State of Maryland since 1988 to perform acupuncture and administer herbal medicine. Copies of supporting documents and an impressive resume were submitted into evidence as Petitioner's

ORDER RECEIVED FOR FILING
Date 5/8/03
By

Exhibits 4, 7A and 7B. Apparently Mr. Li and his wife have operated their practice in the Timonium area for several years and recently relocated to the subject property in November 2002. Subsequent to relocating to the subject site, the Petitioners obtained a conditional permit from the Department of Permits and Development Management (DPDM) pending approval of the special hearing and variance relief set forth above. This is a solo practice and about 8 to 10 patients are seen daily by appointment, only. Testimony indicated that Mr. Li usually sees no more than 4 patients at the site at any given time. The hours of operation are limited and shown on the site plan; however, generally the office hours are from 9:00 AM to 6:30 PM, Monday through Friday, Saturdays from 9:00 AM to 12:00 PM, and no Sunday hours.

Turning first to the variance relief requested, Section 204.3.A.2 of the B.C.Z.R. limits medical office use in a Class A office building to 25%. As noted above, Mr. Li is a sole practitioner and has no employees other than his wife, who serves as the receptionist. Additionally, the zoning line bisects the rear of the building through two one-story wings that were added to the dwelling. Testimony indicated that one of the wings serves as a laundry room and the other contains a bathroom. The Petitioners agreed that neither of those limited areas of the building would be used in connection with the business and that only the main portion of the building will be used for medical office space. However, variance relief is necessary in view of the fact that the entire building, but for the two wings to the rear, will be used to support the medical office use.

As to the parking variances requested, testimony revealed that there are 7 parking spaces located in front of the building on that portion of the site zoned R.O. Testimony indicated that parking was provided in the front portion of the site so as not to disturb the residential community to the rear of the property. However, as shown on the site plan, 2 parking spaces are provided in the rear of the property in the D.R.3.5 zone. It was indicated that only Mr. Li and his wife would occupy those spaces. In addition, there is a 9-foot wide driveway that has existed on the property for many years. Presently, this driveway leads from York Road along the south side of the property to the rear of the site and the existing garage and parking area. As shown on the site

plan, a portion of the driveway and parking area in the rear of the property will be removed to provide a 10' landscape buffer along the rear property line. Due to the split zoning of the property, the narrow width of the lot, and the location of existing improvements thereon, the required parking and RTA setback requirements cannot be met. Thus, the requested variance relief is necessary.

After due consideration of the testimony and evidence presented, and the agreement entered into between the community associations and the Petitioners, I am persuaded to grant the requested relief. It is clear that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners and that the use proposed will not be detrimental to the surrounding locale. Moreover, the agreement entered into with the neighboring community associations to address their concerns shall be incorporated herein and made a part hereof.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions s 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 8th day of August, 2003 that the Petition for Special Hearing (as amended) to approve commercial parking in a residential zone (D.R.3.5), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance (as amended) seeking relief from Section 204.3.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices in lieu of the maximum allowed 25%; from Section 409.3 and 409.6.A.1 of the B.C.Z.R. to permit 7 parking spaces in lieu of the required 9 spaces; from Section 409.4.A of the B.C.Z.R. to permit a two-way driveway aisle width of 9 feet in lieu of the required 20 feet; from Section 1B01.1.B of the B.C.Z.R. to permit an RTA buffer and setback of 10 feet each in lieu of the required 50 feet and 75 feet, respectively; and from Section 204.3.C.2 to permit off-street parking in the front yard

ORDER RECEIVED FOR FILING
Date 8/8/03
By

in lieu of the required side or rear yards, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their permits 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) Compliance with the agreement entered into by and between the Petitioners and the Greater Timonium Community Council and the Yorkshire/Haverford Community Association, Inc., dated June 11, 2003, a copy of which is attached hereto and made a part hereof.

3) When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit a portion of a commercial building (Class A Office Building) to be located in a residential zone (D.R.3.5) and a finding that Residential Transition Area (RTA) requirements are not applicable to the proposed parking or building, be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

AGREEMENT

This AGREEMENT is entered into as of this 11th day of June, 2003, by and between HAIYANG LI and HUI L. LI (hereinafter the "LIS") and YORKSHIRE/HAVERFORD COMMUNITY ASSOCIATION, INC. (hereinafter "YORKSHIRE/HAVERFORD") and THE GREATER TIMONIUM COMMUNITY COUNCIL, INC. (hereinafter "GTCC").

RECITALS

A. The LIS are the legal owners of a parcel of land consisting of approximately 0.258 acres (11,272 square feet) known as 1909 York Road (hereinafter the "Land"), in the 3rd Councilmanic District of Baltimore County, Maryland located on the East Side of York Road and South of Gorsuch Road, identified as Baltimore County Tax Map No. 60, Grid 12, Parcel 579, as outlined on Exhibit A attached hereto.

B. The Land was conveyed by Thomas J. Eli to the LIS by a deed dated April 22, 2002, and recorded among the Land Records of Baltimore County in Liber 16378, Page 81.

C. At the present time, the Land is split-zoned RO (Residential Office), approximately 0.185 acres (8,058.60 square feet), and D.R.3.5 (Density Residential), approximately 0.073 acres (3,179.88 square feet). The RO classification was granted during the 1980 Comprehensive Zoning Map Process (hereinafter the "CZMP").

D. The Land is currently improved with a 1½ story building and detached garage.

Contract/Lease/Agreement
Exhibit
Page

RNH: JS
HLi HL

E. Under the current Baltimore County Zoning Regulations (hereinafter the "Zoning Regulations"), Class A office buildings are permitted by right in the RO zone, except that no more than 25% of the total adjusted gross floor area of an office building may be occupied by medical offices without a variance.

F. The Zoning Regulations require 4.5 parking spaces per 1,000 square feet of gross floor area for medical offices, off-street parking spaces to be 8.5 feet x 18 feet in size and a driveway width of 20 feet for two-way movement. Design, screening and landscaping must be in accordance with the Landscape Manual and all other manuals adopted pursuant to Section 26-283 of the Baltimore County Code, 1988 edition, as revised.

G. The LIS have requested the following variances from Baltimore County in Case No. 03-292-SPHA for the Land:

1. Variance to allow 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices in lieu of the permitted 25%.
2. Variance to allow 7 parking spaces for a medical office in lieu of the required 9 parking spaces.
3. Variance to allow a two-way driveway width of 9 feet in lieu of the required 20 feet.

H. The LIS have requested the following additional relief by way of a Petition for Special Hearing in Case No. 03-292-SPHA for the Land:

1. To make a determination that RTA is not applicable to the parking or building.
2. To permit commercial parking in a residential zone (D.R.3.5).
3. To permit a portion of a commercial building (Class A office building) in a residential zone (D.R.3.5).

RMH 05
H.L. H

E. Under the current Baltimore County Zoning Regulations (hereinafter the "Zoning Regulations"), Class A office buildings are permitted by right in the RO zone, except that no more than 25% of the total adjusted gross floor area of an office building may be occupied by medical offices without a variance.

F. The Zoning Regulations require 4.5 parking spaces per 1,000 square feet of gross floor area for medical offices, off-street parking spaces to be 8.5 feet x 18 feet in size and a driveway width of 20 feet for two-way movement. Design, screening and landscaping must be in accordance with the Landscape Manual and all other manuals adopted pursuant to Section 26-283 of the Baltimore County Code, 1988 edition, as revised.

G. The LIS have requested the following variances from Baltimore County in Case No. 03-292-SPHA for the Land:

1. Variance to allow 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices in lieu of the permitted 25%.
2. Variance to allow 7 parking spaces for a medical office in lieu of the required 9 parking spaces.
3. Variance to allow a two-way driveway width of 9 feet in lieu of the required 20 feet.

H. The LIS have requested the following additional relief by way of a Petition for Special Hearing in Case No. 03-292-SPHA for the Land:

1. To make a determination that RTA is not applicable to the parking or building.
2. To permit commercial parking in a residential zone (D.R.3.5).
3. To permit a portion of a commercial building (Class A office building) in a residential zone (D.R.3.5).

RCA 05
H.L. H

I. YORKSHIRE/HAVERFORD is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of its community, within which the Land is located.

J. GTCC is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of the Timonium area, within which the Land is located.

K. YORKSHIRE/HAVERFORD and GTCC desire to clarify certain restrictions on the Land and the use thereof to assure that the current and future use does not have a deleterious affect on the area.

L. The LIS in recognition of the concerns of YORKSHIRE/HAVERFORD and GTCC are willing to place certain restrictions on the Land in return for support of the relief requested in Case No. 03-292-SPHA referenced above with respect to permitting, zoning and other government approvals, and YORKSHIRE/HAVERFORD and GTCC have agreed upon the terms and conditions hereinafter described.

AGREEMENTS

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

ORDER RECEIVED FOR FILING
Date 9/5/03
By

RH
H.L. H

THE LIS, YORKSHIRE/HAVERFORD AND GTCC, AND THEIR HEIRS, PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS, AGREE AS FOLLOWS:

1. The LIS may file a request to rezone the D.R.3.5 portion of the Land to RO during the 2004 CZMP (hereinafter the "Rezoning").

2. YORKSHIRE/HAVERFORD and GTCC will not oppose the Rezoning or the relief requested by way of the Petitions for Variance and Special Hearing filed in Case No. 03-292-SPHA.

3. The LIS and YORKSHIRE/HAVERFORD and GTCC propose the following restrictions on the Land:

a. No exterior lights, other than the existing exterior lighting and any exterior lights installed for security purposes and approved by the Landscape Architect for Baltimore County, are permitted on the Land.

b. A ten (10) foot wide landscape buffer shall be installed in the rear yard of the property as shown on Exhibit B attached hereto.

c. Only the LIS may park on the D.R.3.5 portion of the property. The agreed parking layout is as shown on Exhibit C attached hereto.

d. For so long as the LIS are utilizing any or all of the building for their medical practice, no other use may take place on the property.

e. No further RTA exceptions will be requested.

4. The terms and provisions of this AGREEMENT may only be modified or amended by the LIS and their heirs, personal representatives, successors or assigns, and YORKSHIRE/HAVERFORD and GTCC and their successors or assigns, which amendment(s) shall then be promptly recorded in the Land Records of Baltimore County.

THE LIS, YORKSHIRE/HAVERFORD AND GTCC, AND THEIR HEIRS, PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS, AGREE AS FOLLOWS:

1. The LIS may file a request to rezone the D.R.3.5 portion of the Land to RO during the 2004 CZMP (hereinafter the "Rezoning").

2. YORKSHIRE/HAVERFORD and GTCC will not oppose the Rezoning or the relief requested by way of the Petitions for Variance and Special Hearing filed in Case No. 03-292-SPHA.

3. The LIS and YORKSHIRE/HAVERFORD and GTCC propose the following restrictions on the Land:

a. No exterior lights, other than the existing exterior lighting and any exterior lights installed for security purposes and approved by the Landscape Architect for Baltimore County, are permitted on the Land.

b. A ten (10) foot wide landscape buffer shall be installed in the rear yard of the property as shown on Exhibit B attached hereto.

c. Only the LIS may park on the D.R.3.5 portion of the property. The agreed parking layout is as shown on Exhibit C attached hereto.

d. For so long as the LIS are utilizing any or all of the building for their medical practice, no other use may take place on the property.

e. No further RTA exceptions will be requested.

4. The terms and provisions of this AGREEMENT may only be modified or amended by the LIS and their heirs, personal representatives, successors or assigns, and YORKSHIRE/HAVERFORD and GTCC and their successors or assigns, which amendment(s) shall then be promptly recorded in the Land Records of Baltimore County.

RCH. RCP
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CONDITIONS

This Agreement between the LIS, YORKSHIRE/HAVERFORD and GTCC is conditioned upon final, non-appealable approval of all the variance and special hearing relief requested in Case No. 03-292-SPHA. Any appeal taken from the Zoning Commissioner's Findings of Fact and Conclusions of Law in Case No. 03-292-SPHA by YORKSHIRE/HAVERFORD and/or GTCC shall render this Agreement null and void.

CONDITIONS PRECEDENT

This Agreement, and particularly the obligations and restrictions set forth above, shall not be effective and binding upon the LIS unless and until final, non-appealable approval is obtained in Case No. 03-292-SPHA. If the conditions precedent are not satisfied, then this Agreement shall have no further force and effect.

TERMINATION

Notwithstanding anything to the contrary contained herein, if not sooner terminated, this Agreement and the obligations, covenants and restrictions contained herein shall cease and be of no further force and effect upon sale of the Land by the LIS, if the property is rezoned, in whole or in part, to any zoning classification other than RO, or at the expiration of twenty (20) years from the date of this Agreement, whichever is sooner.

ORDER RECEIVED FOR FILING
Date 8/5/03
By

RFH. H.L. H.

MISCELLANEOUS

1. If any party to this Agreement, or its successors or assigns, is required to institute legal action to enforce the terms of this Agreement and is successful (whether by judgment or settlement) in obtaining enforcement of this Agreement, that party or its successors or assigns shall be entitled to recover reasonable attorney's fees and other reasonable costs of action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of this Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within thirty (30) days after the receipt of this notice may legal action be instituted.

2. This Agreement may be amended only by written instrument executed by each of the parties hereto.

3. This Agreement may be executed in individual counterparts, all of which together shall constitute one original instrument.

4. YORKSHIRE/HAVERFORD and GTCC hereby warrant and represent to the LIS that all necessary action required to be taken by their respective charters, by-laws or other organizational documents to authorize the execution of this Agreement has been taken.

5. Each party warrants that it has carefully read and understands this Agreement and is cognizant of its terms.

6. All the notices pursuant to this Agreement shall be hand-delivered or sent by certified mail, postage prepaid, return receipt requested or by nationally recognized

PCH OB
HL H.L

MISCELLANEOUS

1. If any party to this Agreement, or its successors or assigns, is required to institute legal action to enforce the terms of this Agreement and is successful (whether by judgment or settlement) in obtaining enforcement of this Agreement, that party or its successors or assigns shall be entitled to recover reasonable attorney's fees and other reasonable costs of action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of this Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within thirty (30) days after the receipt of this notice may legal action be instituted.

2. This Agreement may be amended only by written instrument executed by each of the parties hereto.

3. This Agreement may be executed in individual counterparts, all of which together shall constitute one original instrument.

4. YORKSHIRE/HAVERFORD and GTCC hereby warrant and represent to the LIS that all necessary action required to be taken by their respective charters, by-laws or other organizational documents to authorize the execution of this Agreement has been taken.

5. Each party warrants that it has carefully read and understands this Agreement and is cognizant of its terms.

6. All the notices pursuant to this Agreement shall be hand-delivered or sent by certified mail, postage prepaid, return receipt requested or by nationally recognized

M.H. 08
H.L. H.L

overnight delivery service, to the following addresses or to other such address as any party shall notify the others of in writing:

HAIYANG and HUI L. LI
1909 York Road
Timonium, Maryland 21093

and

YORKSHIRE/HAVERFORD COMMUNITY
ASSOCIATION, INC.
35 Cinder Road
Timonium, Maryland 21093

and

THE GREATER TIMONIUM COMMUNITY COUNCIL, INC.
9b Ridgely Road
Timonium, Maryland 21093

7. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

CONCLUSION

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

ATTEST/WITNESS	LEGAL OWNERS:
	HAIYANG LI
Eileen R. Lenhart	_____ (SEAL)
	HUI L. LI
Eileen R. Lenhart	_____ (SEAL)

H.L. H.L

YORKSHIRE/HAVERFORD
COMMUNITY ASSOCIATION, INC.

BY: _____ (SEAL)

Name: RICHARD JARVIS HUFFMAN
Title: PRES.

THE GREATER TIMONIUM
COMMUNITY COUNCIL, INC.

BY: _____ (SEAL)

Name: FRANK REYNOLDS
Title: PRESIDENT

RCH. 95
H.L. H.L

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

I HEREBY CERTIFY that on this 11th day of June, 2003, before me a Notary Public in and for the State aforesaid, personally appeared HAIYANG LI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained by signing his name.

AS WITNESS my hand and notarial seal.

Eileen R. Lerskow
Notary Public

My Commission Expires: 8/1/2006

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

I HEREBY CERTIFY that on this 11th day of June, 2003, before me a Notary Public in and for the State aforesaid, personally appeared HUI L. LI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained by signing her name.

AS WITNESS my hand and notarial seal.

Eileen R. Lerskow
Notary Public

My Commission Expires: 8/1/2006

BHL
H.L

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

I HEREBY CERTIFY that on this 11th day of June, 2003, before me a Notary Public in and for the State aforesaid, personally appeared RICHARD HARRIS HOFFMAN, PRES of the YORKSHIRE/HAVERFORD COMMUNITY ASSOCIATION, INC., a Maryland corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained by signing his/her name as such officer of the YORKSHIRE/HAVERFORD COMMUNITY ASSOCIATION, INC.

AS WITNESS my hand and notarial seal.

Ellen R. Lenhart
Notary Public

My Commission Expires: 8/1/2006

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

I HEREBY CERTIFY that on this 11th day of June, 2003, before me a Notary Public in and for the State aforesaid, personally appeared FRANK REGAN, PRES of THE GREATER TIMONIUM COMMUNITY COUNCIL, INC., a Maryland corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained by signing his/her name as such officer of THE GREATER TIMONIUM COMMUNITY COUNCIL, INC.

AS WITNESS my hand and notarial seal.

Ellen R. Lenhart
Notary Public

My Commission Expires: 8/1/2006

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RCH.

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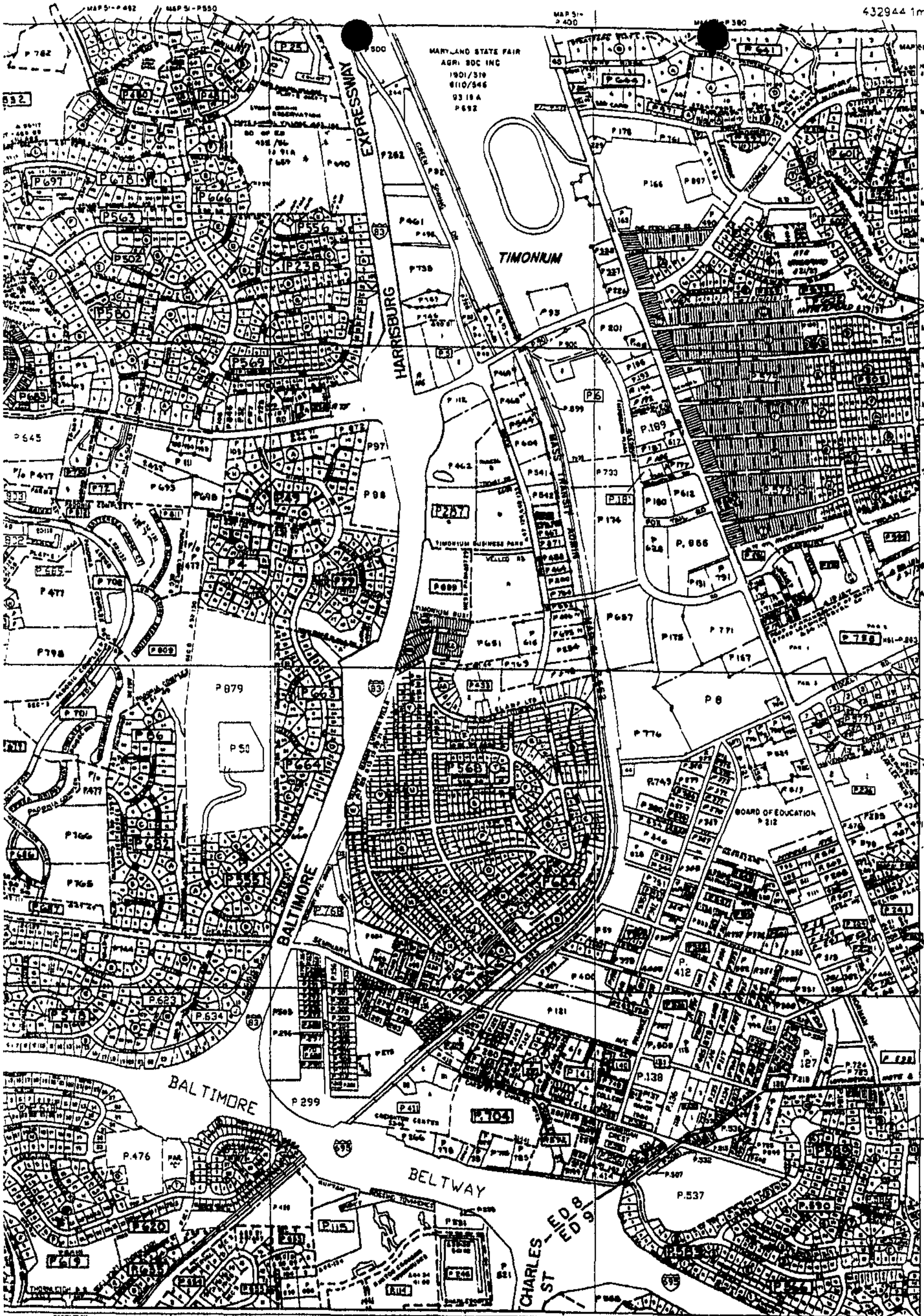

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Exhibit A

PLH

H.L.

H.L.

BALTIMORE COUNTY,
MARYLAND

MAP NO. 60

MDP Maryland Department of Planning

SCALE 1"=800' (RF 1:7200)

PROPERTY LINE
SUBDIVISION BOUNDARY
TOWN BOUNDARY
PRIVATE ROAD
STREAM LINE
CONTINUING OWNERSHIP

10' LANDSCAPE BUFFER

EX. MACADAM PAVING TO BE REMOVED

EX. CONC BLOCK WALL

80'

ZONE

21'±

25'

5'

20'

10'±

25'

10'

15'

EX PLANTER

CONC PAD

20'

10'±

EX. CONC. GARAGE (200SF)

EX. MACADAM DRWY.

32'±

ZONE DR 35

ZONE RO

EX GAR

EX 1.5' STONE WALL

PART OF 4

5

6

8

14.5'

"A"

EX. CONC. PATIO

15.5'

EX "B"

1 STY FRAME (403SF)

PART OF 7

ZONE DR 35

ZONE R.O

9' AREA

25.8'

EX 1 STORY FRAME 374 S.F

22'±

EX 1½ STY. BRICK BLDG. #1911

"PINNACLE REAL ESTATE"

"INVISIBLE FENCE CO."

"DONALD BUGG TAG & TITLE SERVICE"

141.164'

150' GRASS

EX. 1½ STY. STONE BLDG. #1909 (1,204 S.F.)

32'

28'

EX. WROUGHT IRON GATE

9' MACADAM PAVING

150'

133.666'

17'±

15'

6.8'

4'

8.2'

21'

8.5'

STONE PORCH

C.W.

150'

8.5'

PLANTER

6.5'

2

3

4

5

6

7

18'

0023050825
7840/514

PART OF 4

51'±

3

2

(HATCHED AREA) HIGHWAY WIDENING

EX. MACADAM PAVING

2'

22' AISLE WAY

EX. STONE WALL

PART OF 7

P.O.B.

2'

N 20° 01' 54" W

17'

80.065'

12'

(S.R.C Nº 41988)

N69°58'01"E

25'

S 69°58'01" W, 9

25'

4' C.W.

2' PLANTER

EDGE OF PAVING

S20° 23' 21" E 80'

80.067'

STATE ROAD PLAT #41988

EDGE OF

POINT OF BEGINNING

91.5' SOUTH OF ℄ OF GORSUCH ROAD

EXHIBIT "B"

YORK ROAD
(MD. STATE ROUTE 45)
80' R/W

EAST

H.L.
H.C.

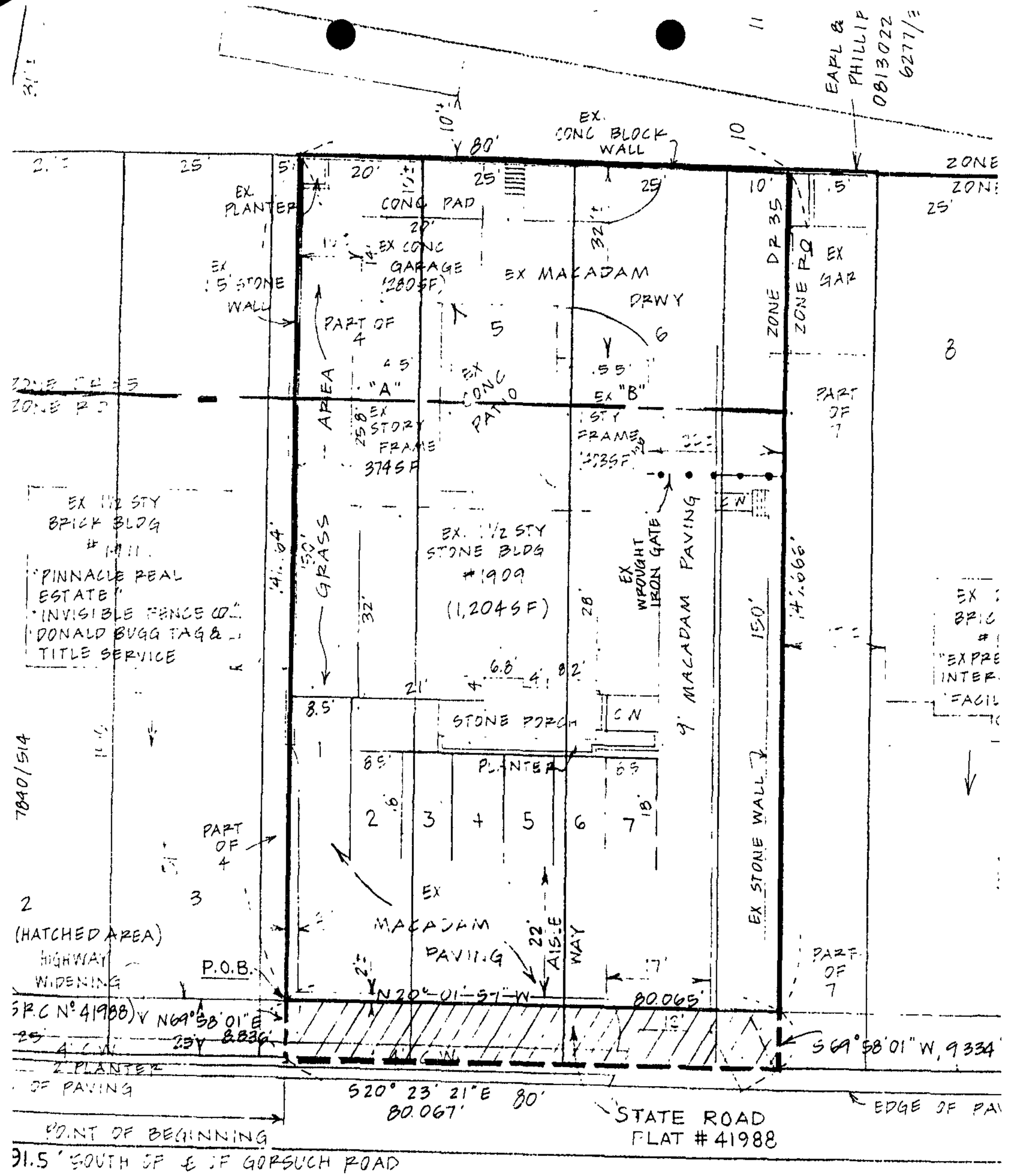


Exhibit C

RGK
H.L. H.L.

Baltimore County
Zoning Commissioner

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

August 8, 2003

David Karceski, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
E/S York Road, 93' S of the c/l Gorsuch Road
(1909 York Road)
8th Election District – 4th Council District
Haiyang Li, et ux - Petitioners
Case No. 03-292-SPHA

Dear Mr. Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance, as amended, 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Haiyang Li
1111 Greenway Road, Cockeysville, Md. 21030
Mr. Vincent Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
Mr. Louis Miller, 44 E. Timonium Road, Timonium, Md. 21093
Mr. Richard Jarvis Hoffman, 35 Cinder Road, Timonium, Md. 21093
Mr. Frank Regan, 302 Ridgely Road, Lutherville, Md. 21093
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1909 York Road

which is presently zoned R-O/DR 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

1. To permit commercial parking in a residential zone (D.R. 3.5).

2. To permit a portion of a commercial building (Class A office building) in a residential zone (D.R. 3.5).

3. To make a determination that the RTA is not applicable to the parking or the building.

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:

Herbert Burgunder III, Esquire

Name - Type or Print

Signature

Kramon & Graham, P.A.

Company

One South Street, Suite 2600 410-752-6030

Address — Telephone No.

Baltimore MD 21202

City — State — Zip Code

See attached Pet. for Variance

Legal Owner(s):

Haiyang Li

Name - Type or Print

Signature

Hui L. Li

Name - Type or Print

Signature

1111 Greenway Road 410-252-1958

Address — Telephone No.

Cockeysville MD 21030

City — State — Zip Code

Representative to be Contacted:

Herbert Burgunder III, Esquire

Name

Kramon & Graham, P.A.

Address One South St., Suite 2600 Telephone No.

Baltimore MD 21202

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 12/19/02

Case No. 03-292-SPHA

ORDER RECEIVED FOR FILING
Date 8/13
By

REV 9/15/98

02538/0/00062731 WPDv1

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1909 York Road

which is presently zoned R-O/DR 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)

1. Section 204.3.A.2 to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead of 25%.
2. Sec 409.3 Section 409.6.A.1 to permit 7 parking spaces of 8½ x 16 dimension for a medical office instead of 9 parking spaces of 8½ x 18 dimension.
3. Section 409.4.A to permit a two-way driveway of 9 feet instead of a two-way driveway of 20 feet.

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

Practical difficulty and unreasonable hardship based on [redacted] size of lot, location of lot, topography, and proximity to major thoroughfare.

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:

David Karceski

Herbert Burgunder III, Esquire
Name - Type or Print

Venable, Baetjer & Howard
City

Signature

Kramon & Graham, P.A. 210 Allegheny Ave 2nd
Company

One South Street, Suite 2600 410-752-6030
Address Telephone No.

Baltimore MD 21202
City State Zip Code

Legal Owner(s):

Haiyang Li
Name - Type or Print

Signature

Hui L. Li
Name - Type or Print

Signature

1111 Greenway Road 410-252-1958
Address Telephone No.

Cockeysville MD 21030
City State Zip Code

Representative to be Contacted:

David Karceski

Herbert Burgunder III, Esquire
Name

Kramon & Graham, P.A. 410-752-6030
Address One South St, Suite 2600 Telephone No.

Baltimore MD 21202
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 12/19/02

Case No. 03-292-SPHA

8/8/03

REV 9/15/98

02538/0/00062731 WPDv1

ZONING DESCRIPTION FOR #1909 YORK ROAD

BEGINNING AT A POINT ON THE EAST SIDE OF YORK ROAD, WHICH IS 80 FEET WIDE AT THE DISTANCE OF 93 FEET SOUTH OF THE CENTERLINE OF GORSUCH ROAD WHICH IS 40 FEET WIDE. BEING PART OF LOT 4, ALL OF LOTS 5 AND 6, AND PART OF LOT 7, SECTION "I" IN THE SUBDIVISION OF "YORKSHIRE" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #7, FOLIO #21, CONTAINING 11,200 S.F. ALSO KNOWN AS #1909 YORK ROAD AND LOCATED IN THE 8TH. ELECTION DISTRICT, 4TH. COUNCILMANIC DISTRICT.

STATE OF MARYLAND
J. TILGHMAN DOWNEY, JR.
No. 114
REGISTERED
PROPERTY LINE SURVEYOR

J. Tilghman Downey, Jr.

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson, MD 21286
(410)828-9060

03-292-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 19297

DATE 1/19/02 ACCOUNT 1-00-006-6150

AMOUNT $ 500.00

RECEIVED FROM: Lenhardt, III, Esquire

FOR: PHA 1909 TURK ROAD (LI)

03-292-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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: #03-292-SPHA
1909 York Road
E/side of York 93 feet south of Gorsuch Road
8th Election District – 4th Councilmanic District
Legal Owner(s): Haiyang Li and Hui L. Li

Special Hearing: to permit commercial parking in a residential zone. To permit a portion of a commercial building. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. **Variance:** to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead of 25%. To permit 7 parking spaces of 8 x 16 dimension for a medical office instead of 9 parking spaces 8½ x 18 dimension. To permit a two-way driveway of 9 feet instead of a two-way driveway of 20 feet.

Hearing: Monday, February 24, 2003 at 9:00 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.

2/012 Feb 6 C586177

CERTIFICATE OF PUBLICATION

2/6/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/6/, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

P. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-292-SPHA

Petitioner/Developer: HAIYANG LI AND HUI L. LI

Date of Hearing/Closing: 4/2/03

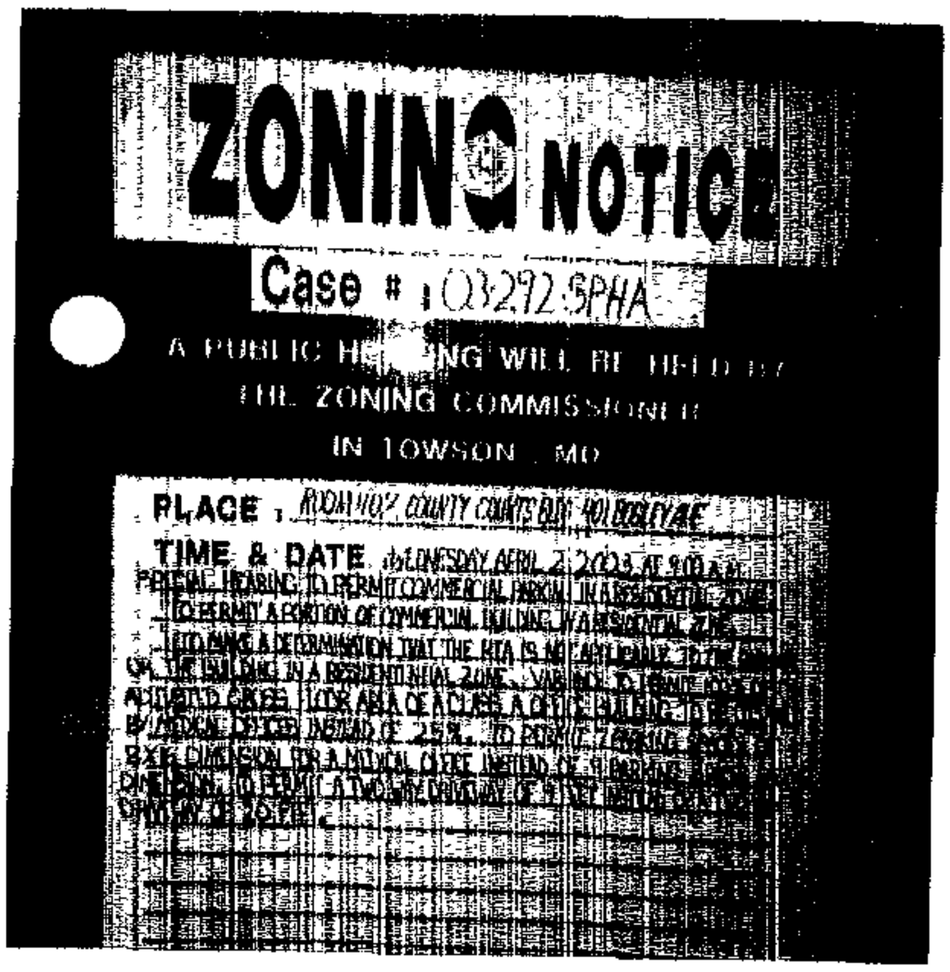
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 1909 YORK RD

The sign(s) were posted on 3/16/03
(Month, Day, Year)



Sincerely,

3/16/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 03-292-SPHA

Petitioner/Developer: HAIYANG LI AND HUI L. LI

Date of Hearing/Closing: 7/31/03

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

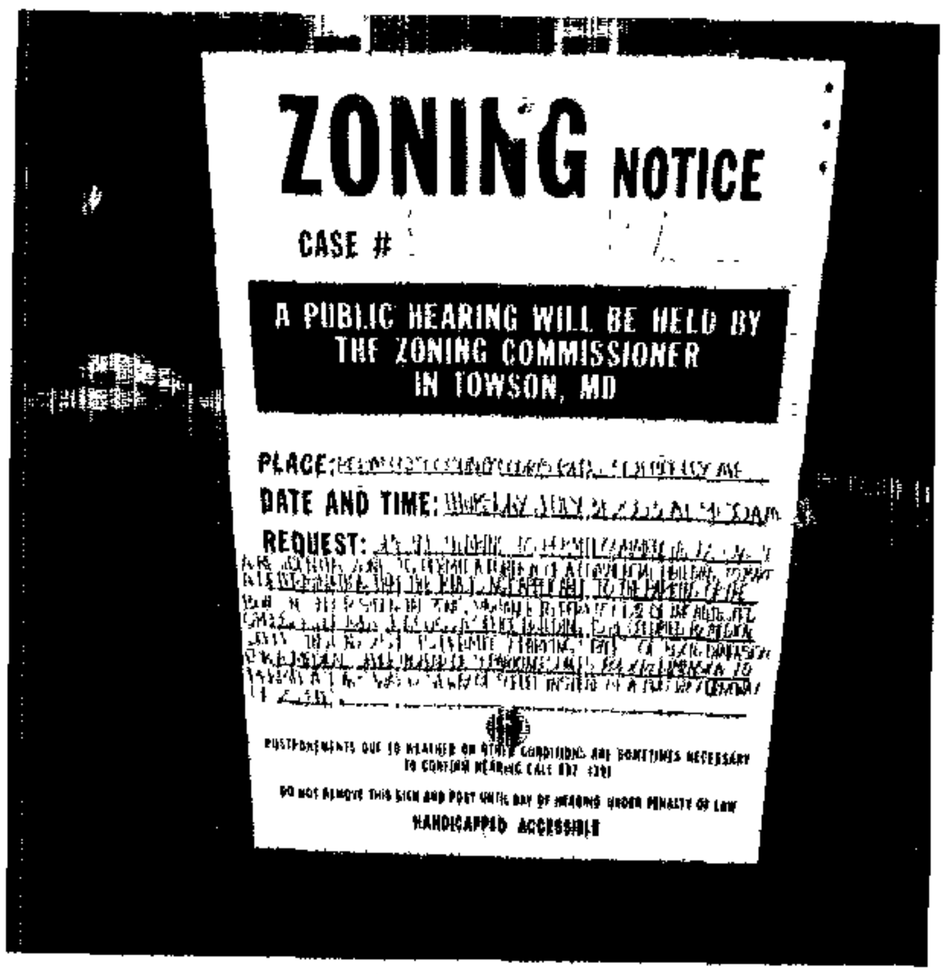
Attention: Ms. Gwendolyn Stephens

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

1909 YORK RD

The sign(s) were posted on 7/12/03
(Month, Day, Year)



Sincerely,

7/12/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 03-292-SPHA

Petitioner/Developer: HAIYANG LI

& HUL L. LI

Date of Hearing/Closing: 2/24/03

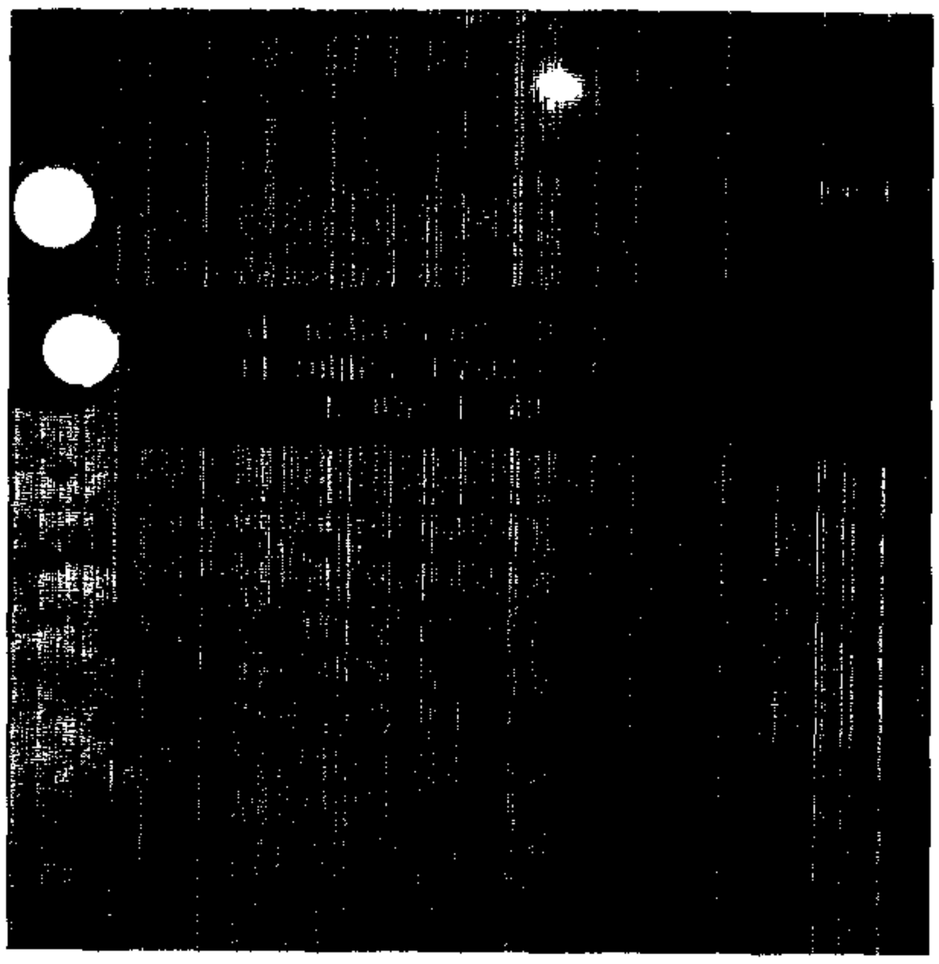
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 1909 YORK RD

The sign(s) were posted on 2/7/03
(Month, Day, Year)



Sincerely,

2/7/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	1909 York Road; Eside of York, 93ft S Gorsuch Road	*	ZONING COMMISSIONER
	8th Election District	*	FOR
	4th Councilmanic District		
	Legal Owner(s): Haiyang & Hui L. Li	*	BALTIMORE COUNTY
	Petitioner(s)		
		*	03-292-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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

Carole S. Demilio
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 14th day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to Herbert Burgunder, III, Esquire, Kramon & Graham, P.A., One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 6, 2003 Issue - Jeffersonian

Please forward billing to:
Haiyang Li 410-252-1958
1111 Greenway Road
Cockeysville, MD 21030-1707

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: 03-292-SPHA
1909 York Road
E/side of York 93 feet south of Gorsuch Road
8th Election District – 4th Councilmanic District
Legal Owner: Haiyang Li and Hui L. Li

Special Hearing to permit commercial parking in a residential zone. To permit a portion of a commercial building. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. Variance to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead 25%. To permit 7 parking spaces of 8 x 16 dimension for a medical office instead of 9 parking spaces 8 ½ x 18 dimension. To permit a tow-way driveway of 9 feet instead of a two-way driveway of 20 feet.

Hearings: Monday, February 24, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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.

TO: PATUXENT PUBLISHING COMPANY
Issue - Jeffersonian

Please forward billing to:

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: 03-292-SPHA
1909 York Road
E/side of York 93 feet south of Gorsuch Road
8th Election District – 4th Councilmanic District
Legal Owners: Haiyang Li and Hui L. Li

Special Hearing to permit commercial parking in a residential zone. To permit a portion of commercial building in a residential zone. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. Variance to permit 100% of the adjusted gross floor area of a Class A office building to be occupied my medical offices instead of 25%. To permit 7 parking spaces of 8 x 16 dimension for a medical office instead of 9 parking spaces 8 ½ x 18 dimension. To permit a two-way driveway of 9 feet instead of a two-way driveway of 20 feet.

Hearings: Wednesday, April 2, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 6, 2003 Issue - Jeffersonian

Please forward billing to:
Haiyang Li 410-252-1958
1111 Greenway Road
Cockeysville, MD 21030-1707

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: 03-292-SPHA
1909 York Road
E/side of York 93 feet south of Gorsuch Road
8th Election District – 4th Councilmanic District
Legal Owner: Haiyang Li and Hui L. Li

Special Hearing to permit commercial parking in a residential zone. To permit a portion of a commercial building. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. Variance to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead 25%. To permit 7 parking spaces of 8 x 16 dimension for a medical office instead of 9 parking spaces 8 ½ x 18 dimension. To permit a tow-way driveway of 9 feet instead of a two-way driveway of 20 feet.

Hearings: Thursday, July 31, 2003 at 9:00 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 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

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

January 14, 2003

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: 03-292-SPHA
1909 York Road
E/side of York 93 feet south of Gorsuch Road
8th Election District – 4th Councilmanic District
Legal Owner: Haiyang Li and Hui L. Li

Special Hearing to permit commercial parking in a residential zone. To permit a portion of a commercial building. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. Variance to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead 25%. To permit 7 parking spaces of 8 x 16 dimension for a medical office instead of 9 parking spaces 8 ½ x 18 dimension. To permit a tow-way driveway of 9 feet instead of a two-way driveway of 20 feet.

Hearings: Monday, February 24, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Mr. and Mrs. Li, 1111 Greenway Road, Cockeysville 21030
Herbert Burgunder, III, Kramon & Graham, P.A, One South Street, Suite 600, Baltimore 21202

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 8, 2003.**
(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.

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on Recycled Paper

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

February 28, 2003

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: 03-292-SPHA
1909 York Road
E/side of York 93 feet south of Gorsuch Road
8th Election District – 4th Councilmanic District
Legal Owners: Haiyang Li and Hui L. Li

Special Hearing to permit commercial parking in a residential zone. To permit a portion of commercial building in a residential zone. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. Variance to permit 100% of the adjusted gross floor area of a Class A office building to be occupied my medical offices instead of 25%. To permit 7 parking spaces of 8 x 16 dimension for a medical office instead of 9 parking spaces 8 ½ x 18 dimension. To permit a two-way driveway of 9 feet instead of a two-way driveway of 20 feet.

Hearings: Wednesday, April 2, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Haiyang Li and Hui Li, 1111 Greenway Road, Cockeysville 21030
Robert A. Hoffman, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 18, 2003.**
(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.

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on Recycled Paper

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

June 5, 2003

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: 03-292-SPHA
1909 York Road
E/side of York 93 feet south of Gorsuch Road
8th Election District – 4th Councilmanic District
Legal Owners: Haiyang Li and Hui L. Li

Special Hearing to permit commercial parking in a residential zone. To permit a portion of commercial building in a residential zone. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. Variance to permit 100% of the adjusted gross floor area of a Class A office building to be occupied my medical offices instead of 25%. To permit 7 parking spaces of 8 x 16 dimension for a medical office instead of 9 parking spaces 8 ½ x 18 dimension. To permit a two-way driveway of 9 feet instead of a two-way driveway of 20 feet.

Hearing: Wednesday, July 23, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Haiyang Li and Hui Li, 1111 Greenway Road, Cockeysville 21030
Robert A. Hoffman, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 8, 2003.**
(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.

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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

June 9, 2003

CORRECTED 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: 03-292-SPHA
1909 York Road
E/side of York 93 feet south of Gorsuch Road
8th Election District – 4th Councilmanic District
Legal Owner: Haiyang Li and Hui L. Li

Special Hearing to permit commercial parking in a residential zone. To permit a portion of a commercial building. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. Variance to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead 25%. To permit 7 parking spaces of 8 x 16 dimension for a medical office instead of 9 parking spaces 8 ½ x 18 dimension. To permit a tow-way driveway of 9 feet instead of a two-way driveway of 20 feet.

Hearings: Thursday, July 31, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Mr. and Mrs. Li, 1111 Greenway Road, Cockeysville 21030
David Karceski, Venable Baetjer & Howard, 210 Allegheny Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 15, 2003.**
(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.

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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: 03-292-SPHA

Petitioner: Mr. and Mrs. Li

Address or Location: 1909 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Haiyang Li

Address: 1111 Greenway Road
Cockeysville, MD 21030-1707

Telephone Number: (410) 252-1958

Revised 2/20/98 - SCJ

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 20, 2003

Herbert Burgunder III Esquire
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, MD 21202

Dear Mr. Burgunder:

RE: Case Number 03-292-SPHA 1909 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 2002 .

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

Very truly yours,

W. Carl Richards Jr./rjc

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: Haiyang Li and Hui L. Li 1111 Greenway Road Cockeysville MD 21030
People's Counsel

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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

March 28, 2003

Haiyang Li
Hui Li
1111 Greenway Road
Cockeysville MD 21030

Dear Mr. and Mrs. Li:

RE: Case Number 03-292-SPHA , 1909 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 2002.

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

c: People's Counsel

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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

July 25, 2003

David Karceski
Venable Baetjer Howard LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

RE: Case Number 03-292-SPHA, 1909 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 2002.

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

c: People's Counsel
Haiyang & Hui Li, 1111 Greenway Road, Cockeysville 21030

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on Recycled Paper

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

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

January 14, 2002

ATTENTION: Rebecca Hart

Property Owner: Haiyang and Hui Li

Location: 1909 York Rd.

Item No.: 292

Dear Mr. Zahner:

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.

9' drive unacceptable.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For January 21, 2003
Item Nos. 291, 292, 295, 297, 301,
302, and 304

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS | TLT

DATE: February 3, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 13, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

291, 292, 295, 296, 299, 300, 302, 303.

Sepi 2/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 29, 2003

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

RECEIVED
JAN 29 2003
ZONING COMMISSIONER

SUBJECT: 1909 York Road

INFORMATION:

Item Number: 03-292

Petitioner: Haiyang Li

Zoning: RO/DR 3.5

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request to permit **(a)** 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead of the maximum permitted 25%; **(b)** 7 parking spaces for a medical office instead of the minimum required 9 spaces; **(c)** a two-way driveway of 9 feet instead in the minimum required 20 feet; **(d)** commercial parking in a residential zone (DR 3.5); and, **(e)** a portion of a commercial Class A office building in a residential zone be **DENIED** due to the following:

1. During a visit of the subject site, Planning staff observed what appeared to be overflow parking (generated from the existing offices along York Road) into the adjoining residential communities. This office is concerned that the requested parking variance could increase this overflow parking along the residential streets, thus negatively impacting the communities.
2. This office has determined that the proposed use is an over-utilization of the subject property that will result is an undesirable encroachment into the residential neighborhood.

3. Additionally, this office is of the opinion that a RTA is applicable to the parking area as well as the building.

Prepared by: Mark A Cunningham

Section Chief: Lynne Jankauskas

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 29, 2003

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

SUBJECT: 1909 York Road – **REVISED COMMENTS**

INFORMATION:

Item Number: 03-292

Petitioner: Haiyang Li

Zoning: RO/DR 3.5

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided all conditions of the agreement entered into on June 11, 2003 by and between Haiyang Li, Hui L. Li, Yorkshire/Haverford Community Association, Inc. and the Greater Timonium Community Council, inc., are incorporated into the Hearing Officer's order.

Please see the attached agreement.

Prepared by: Martha A Cunningham

Section Chief: Jeffrey W. Long

AFK/LL:MAC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1·13·03

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 292 JHP

Dear. Mr. Zahner:

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

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

January 14, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda 01/21/03 re: case numbers 03-291-A, 03-292-SPHA, 03-293-A, 03-294-A, 03-295-A, 03-296-A, 03-297-SPHA, 03-299-A, 03-300-SPH, 03-301-A, 03-302-SPHXA, 03-303-SPHXA, 03-304-A**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/14/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

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 28, 2003

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

Dear Mr. Hoffman:

RE: Case Number: 03-292-SPHA

The above matter, previously scheduled for February 24, 2003, has been postponed at the request of Yorkshire/Haverford Community Association. Once the hearing has been rescheduled you will be notified by mail.

The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

Arnold Jablon
Director

AJ:rlh

C: Yorkshire/Haverford Community Association, Richard Huffman, President,
C/o 44 E. Timonium Road, Timonium 21093
Haiyang Li and Hui Li, 1111 Greenway Road, Cockeysville 21030

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VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
(410) 494-6285

dhkarceski@venable.com

Jun 2/24

RECEIVED
FEB 20 2003
ZONING COMMISSIONER

February 19, 2003

HAND-DELIVERED

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Case No.: 03-292-SPHA
1909 York Road

Dear Mr. Schmidt:

Enclosed please find the Notice of Substitution of Counsel for filing in the above-referenced case. Thank you for your attention to this matter.

Please contact me if you have any questions.

Sincerely,

David H. Karceski

DHK/bl
Enclosure
cc: Haiyang Li
Herbert Burgunder III, Esquire
Robert A. Hoffman, Esquire
TO1DOCS1/DHK01/#153063 v1

BH

VENABLE, BAETJER AND HOWARD, LLP
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210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
(410) 494-6285

dhkarceski@venable.com

June 5, 2003

HAND-DELIVERED

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
County Office Building - Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 03-292-SPHA
1909 York Road

Dear Mr. Kotroco:

Case No. 03-292-SPHA was continued at a public hearing on February 24, 2003. Rebecca Hart of the Zoning Review Office indicated to me that July 31, 2003, at 9:00 a.m. is an available Zoning Commissioner's hearing date. I am, therefore, respectfully requesting that the Department of Permits and Development Management reschedule the hearing for this date and time.

Thank you for your consideration of this request.

Very truly yours,

David H. Karceski

DHK/bl
cc: Ms. Rebecca Hart
TO1DOCS1/DHK01/#162186 v1

RECEIVED
JUN 6 2003
03-1905

Yorkshire/Haverford Community Association, Inc.
c/o 44 E. Timonium Rd.
Timonium, Md. 21093
Phone: 410-252-3444, Email: Leabo@aol.com
(Member of Greater Timonium Community Council, Inc.)

February 21, 2003

Deputy Zoning Commissioner
Baltimore County Courts Bldg.
401 Bosley Ave.
Towson, Md. 21204

Re: Zoning Hearing, #03-292-SPHA, 1909 York Rd.

Dear Commissioner:

Due to the inclement weather conditions and other logistical problems of our group, we request a postponement of the scheduled hearing date of February 24, 2003.

We also understand the petitioner has changed legal council from the original filing. Certain conditions have been changed therewith, thus, we need time to determine those changes.

Yorkshire/Haverford Community Association has 976 residents. Many of those residents live close to 1909 York Road. Attached is a bulletin dated 2/12/03 distributed to a portion of that area. Some were not distributed due to the snow, others because of absence of the distributor. In addition, the schools were closed on the scheduled meeting date February 18, 2003 due to snow.

For the above reasons we request a postponement of the hearing.

Thank you for your consideration.

Very truly yours,

Louis W. Miller, Treasurer — **Jim Leishear, Co-Chair Zoning**

Richard Huffman, President — **Stew Davis, Co-Chair Zoning**

Encl: 2/12/03 Bulletin

RECEIVED

FEB 2 0 2003

ZONING COMMISSIONER

PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	*	ZONING COMMISSIONER
1909 York Road	*	OF BALTIMORE COUNTY
	*	
8th Election District 4th Councilmanic District	*	Case No.: 03-292-SPHA
	*	

* * * * * * *

NOTICE OF SUBSTITUTION OF COUNSEL

Haiyang and Hui Li, Petitioners, respectfully request that the Zoning Commissioner withdraw the appearance of Herbert Burgunder III and substitute the appearance of Robert A. Hoffman as counsel for Petitioners in the above-referenced matter.

HERBERT BURGUNDER III

HERBERT BURGUNDER III
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202-3291
(410) 752-6030

ROBERT A. HOFFMAN
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410) 494-6200
Attorneys for Haiyang and Hui Li

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of February, 2003, a copy of the foregoing Notice of Substitution of Counsel was mailed to: Peter M. Zimmerman, Esquire, People's Counsel, 400 Washington Avenue, Towson, Maryland 21204 and Lawrence E. Schmidt, Zoning Commissioner of Baltimore County, County Courts Building, 401 Bosley Avenue, 4th Floor, Towson, Maryland 21204.

ROBERT A. HOFFMAN

TO1DOCS1/153064 v1

JK 2/24

IN THE MATTER OF HAIYANG AND HUI L. LI	*	BEFORE THE
	*	ZONING COMMISSIONER
PETITIONS FOR SPECIAL HEARING AND VARIANCE FOR PROPERTY LOCATED	*	OF BALTIMORE COUNTY
AT 1909 YORK ROAD ON THE EAST SIDE OF YORK ROAD,	*	
SOUTH OF GORSUCH ROAD	*	
		CASE NO. 03-292-SPHA
	*	
8th Election District 4th Councilmanic District	*	

* * * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Monday, February 24, 2003, at 9:00 a.m. in Room 407, County Courts Building, located at 401 Bosley Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Zoning Commissioner.

Witness: **Vincent J. Moskunas**

Address: **Site Rite Surveying, Inc.**
101 Shell Building
200 East Joppa Road
Towson, Maryland 21286

General Purpose: for the witness to testify and bring all files and information regarding the property known as 1909 York Road.

Requested By: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410) 494-6200

The witness named above is hereby ordered to so appear before the Zoning Commissioner of Baltimore County.

Zoning Commissioner of Baltimore County

TO1DOCS1/DHK01/#155174 v1

Greater Timonium Community Council, Inc. and
Yorkshire/Haverford Community Association, Inc.
44 E. Timonium Rd., Timonium, Md. 21093

RECEIVED
SEP 12 2003
ZONING COMMISSIONER

Lawrence Schmidt, Zoning commissioner
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Haiyang Li, et ux. – Petitioners
Case No. 03-292-SPHA

Dear Mr. Schmidt:

We have had discussion with Peter Zimmerman, Peoples Council, relating to this case and your order and the registered agreement among the parties.

We suggested a reconsideration of your order to include the items and language in his letter of August 26, 2003 to you. Mr. Zimmerman explained the issue to us and rather than have his office file an appeal to the Board of Appeals, we suggested a reconsideration request.

We sincerely hope you agree and can include the items in an amended order.

Sincerely yours,

Louis W. Miller, Treasurer GTCC & Yrk/Hvd
Richard Huffman, President, Yrk/Hve
Frank Regan, President, GTCC

cc: David Karceski, Esq
Peter Zimmerman, Peoples Council
Larry Towsend

Belle -

I faxed to Kaneshi -

If he's ok with this, I'll grant the motion for Recons. by People's Counsel + add 3 conditions:

1) only 1 proper. person + 1 employee as an 1st P

2) Explicitly incorporate the conditions, even though they are already incorporated

3) No modification w/o Public Hearing

Want to hear from Kaneshi -

ZCS

FAX COVER SHEET

For You, For Baltimore County

Census 2000

Count Yourself in Maryland's Future!

Date: 8/27

Number of Pages including cover sheet: 3

To: DAVID TEARLCESKI

Phone:

Fax #

c:

From: BARRY SCHWARTZ

Phone:

Fax #

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

KARCESKI

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DUNEE
Deputy People's Counsel

RECEIVED
AUG 2 7 2003
ZONING COMMISSIONER

August 26, 2003

Lawrence Schmidt, Zoning Commissioner
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Haiyang Li, et ux. - Petitioners
Case No.: 03-292-SPHA

Dear Mr. Schmidt:

This letter is a Motion for Reconsideration under Rule 2K of the Zoning Commissioner's Rules of Practice and Procedure. It concerns the Order dated August 8, 2003.

We respectfully request that the Order include specifically the condition that the approved use is limited to one professional person and one employee. This condition, (which is not in the agreement between Petitioner, Yorkshire/Haverford Community Association, and GTCC but is referenced in your Opinion), is in our view necessary in the public interest to justify a deviation from the standard 25% maximum area for medical offices.

We also request that the Order include explicitly the conditions listed in Paragraph 3 a through e of the agreement:

"a. No exterior lights, other than the existing exterior lighting and any exterior lights installed for security purposes and approved by the Landscape Architect for Baltimore County, are permitted on the Land.

b. A ten (10) foot wide landscape buffer shall be installed in the rear yard of the property as shown on Exhibit B attached hereto.

c. Only the LIS may park on the D.R. 3.5 portion of the property. The agreed parking layout is shown on Exhibit C attached hereto.

d. For so long as the LIS are utilizing any or all of the building for their medical practice, no other use may take place on the property.

e. No further RTA exceptions will be requested."

Finally, we request that the Order state that any modification of this Order or other use of this property is subject to further review, public hearing, and approval by the Zoning Commissioner. This will clarify that the Order is not subject to change by agreement of private parties, but rather is based on the spirit of the law and the public safety, health and welfare.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S Demilio
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: David Karceski, Esquire
Louis Miller
Lawrence Townsend

Pet No 2 (AMENDED)

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1909 York Road

which is presently zoned R-O/DR 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)

1. Section 204.3.A.2 to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead of 25%.
2. Sec. 409.3, Section 409.6.A.1 to permit 7 parking spaces for a medical office instead of 9 parking spaces.
3. Section 409.4.A to permit a two-way driveway of 9 feet instead of a two-way driveway of 20 feet.

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

Practical difficulty and unreasonable hardship based on [redacted] size of lot, location of lot, topography, and proximity to major thoroughfare.

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

Legal Owner(s):

Haiyang Li
Name - Type or Print

Signature

Hui L. Li
Name - Type or Print

Signature

1111 Greenway Road 410-252-1958
Address Telephone No.

Cockeysville MD 21030
City State Zip Code

Attorney For Petitioner:

Herbert Burgunder III, Esquire
Name - Type or Print

Signature

Kramon & Graham, P.A.
Company

One South Street, Suite 2600 410-752-6030
Address Telephone No.

Baltimore MD 21202
City State Zip Code

Representative to be Contacted:

Herbert Burgunder III, Esquire
Name

Kramon & Graham, P.A. 410-752-6030
Address One South St, Suite 2600 Telephone No.

Baltimore MD 21202
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 03-292-SPHA

Reviewed By JNP Date 12/19/02

REV 9/15/98

02538/0/00062731.WPDv1

4. Section 1B01.1.B to permit a 10 foot residential transition area buffer and setback in lieu of the required 50 foot buffer and 75 foot setback.
5. Section 204.3.C.2 to permit off-street parking in the front yard in lieu of side or rear yards.

(AMENDED)

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1909 York Road

which is presently zoned R-O/DR 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

1. To permit commercial parking in a residential zone (D.R. 3.5).

~~To permit a portion of a commercial building (Class A office building) in a residential zone (D.R. 3.5).~~

~~To [illegible] determination that the [illegible] be the proper use for the building.~~

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:

Herbert Burgunder III, Esquire
Name - Type or Print

Signature

Kramon & Graham, P.A.
Company

One South Street, Suite 2600 — 410-752-6030
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

Legal Owner(s):

Haiyang Li
Name - Type or Print

Signature

Hui L. Li
Name - Type or Print

Signature

1111 Greenway Road — 410-252-1958
Address — Telephone No.

Cockeysville — MD — 21030
City — State — Zip Code

Representative to be Contacted:

Herbert Burgunder III, Esquire
Name

Kramon & Graham, P.A.

One South St., Suite 2600
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 12/19/02

Case No. 03-292-SPHA

REV 9/15/98

02538/0/00062731.WPDv1

ZONING DESCRIPTION FOR #1909 YORK ROAD

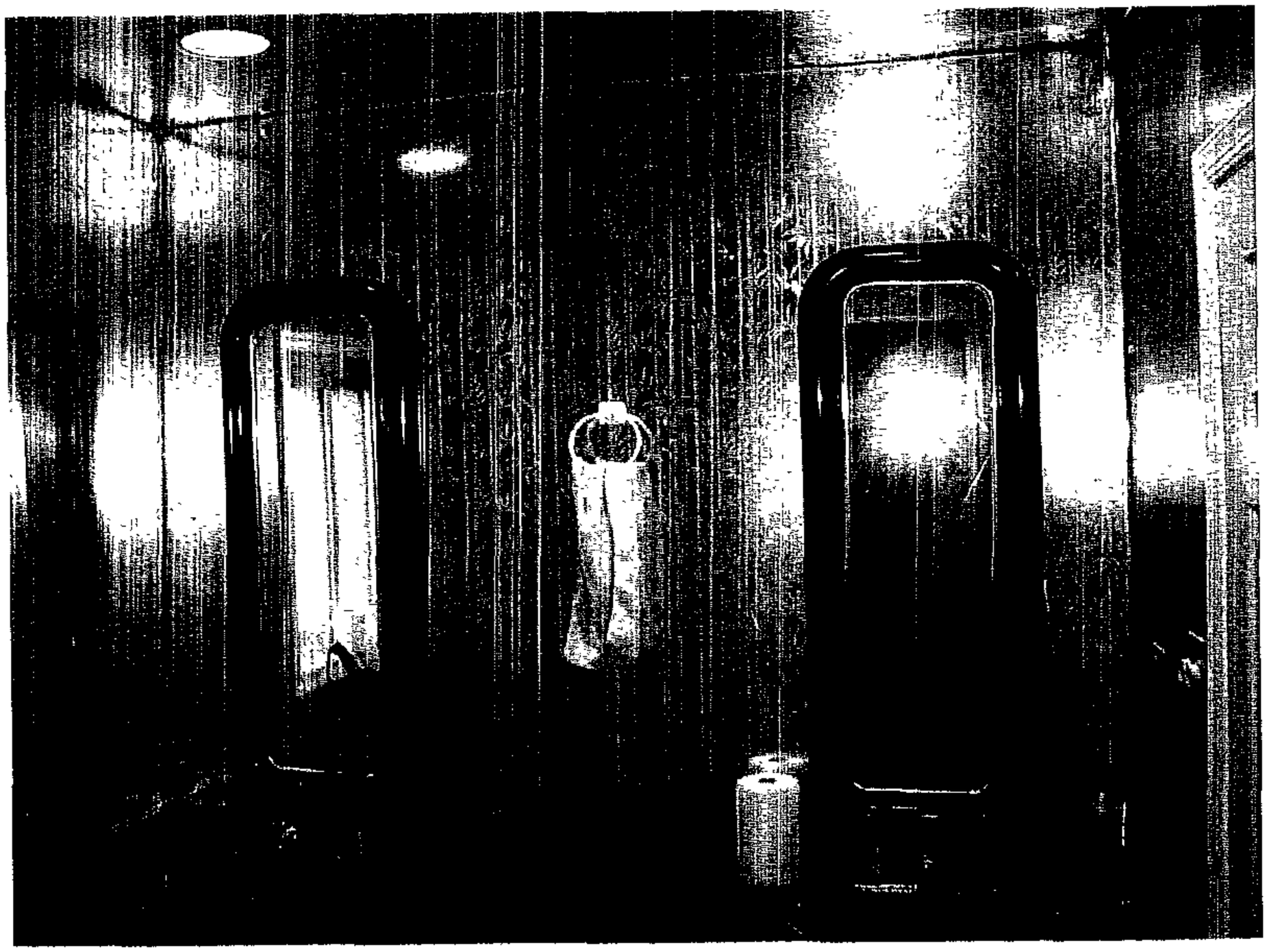
BEGINNING AT A POINT ON THE EAST SIDE OF YORK ROAD, WHICH IS 80 FEET WIDE AT THE DISTANCE OF 93 FEET SOUTH OF THE CENTERLINE OF GORSUCH ROAD WHICH IS 40 FEET WIDE. BEING PART OF LOT 4, ALL OF LOTS 5 AND 6, AND PART OF LOT 7, SECTION "I" IN THE SUBDIVISION OF "YORKSHIRE" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #7, FOLIO #21, CONTAINING 11,200 S.F. ALSO KNOWN AS #1909 YORK ROAD AND LOCATED IN THE 8TH. ELECTION DISTRICT, 4TH. COUNCILMANIC DISTRICT.

STATE OF MARYLAND
J. TILGHMAN DOWNEY
No. 114
REGISTERED
PROPERTY LINE SURVEYOR

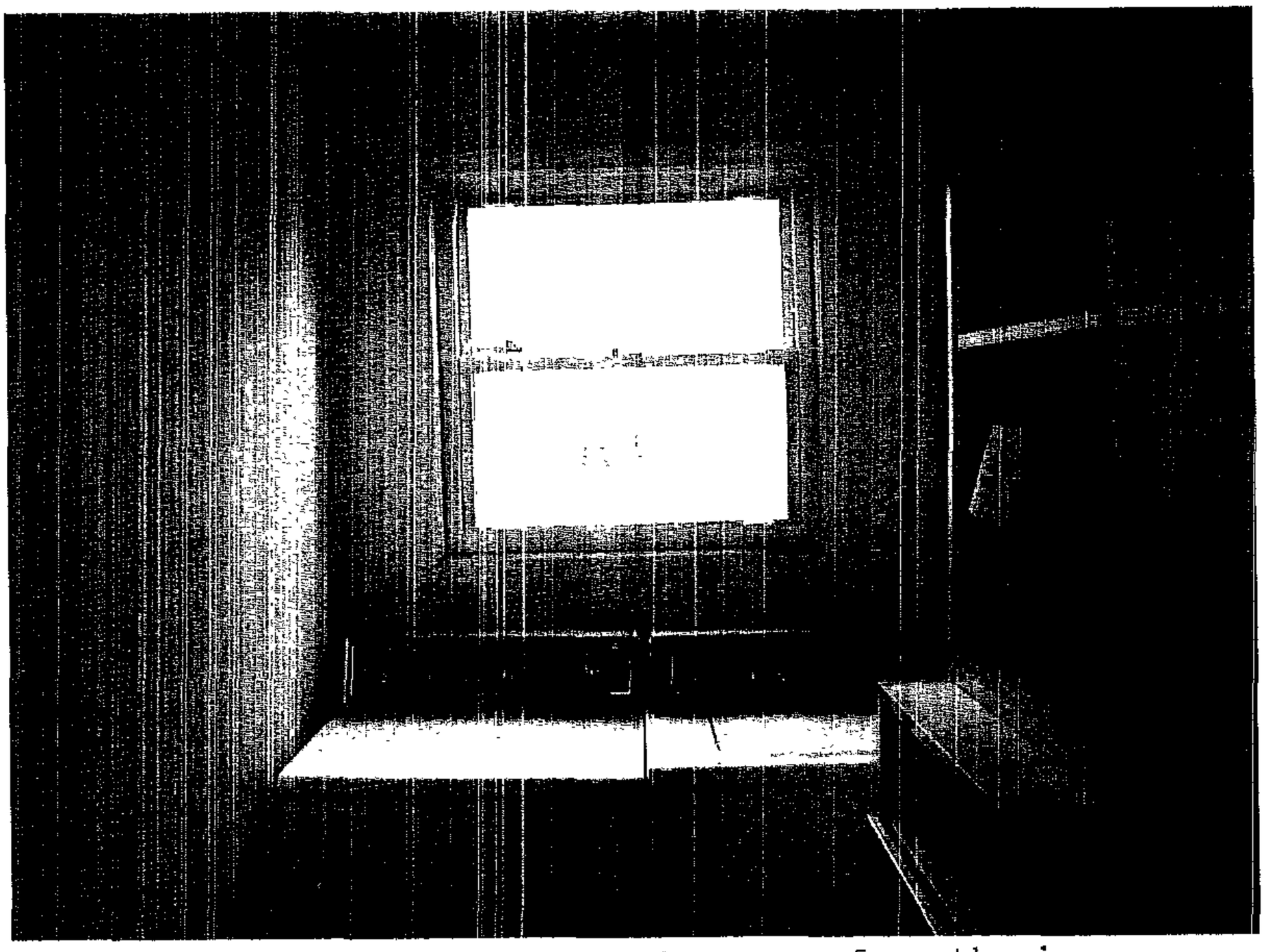
J. Tilghman Downey, Jr.

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson, MD 21286
(410)828-9060

03-292-SPHA

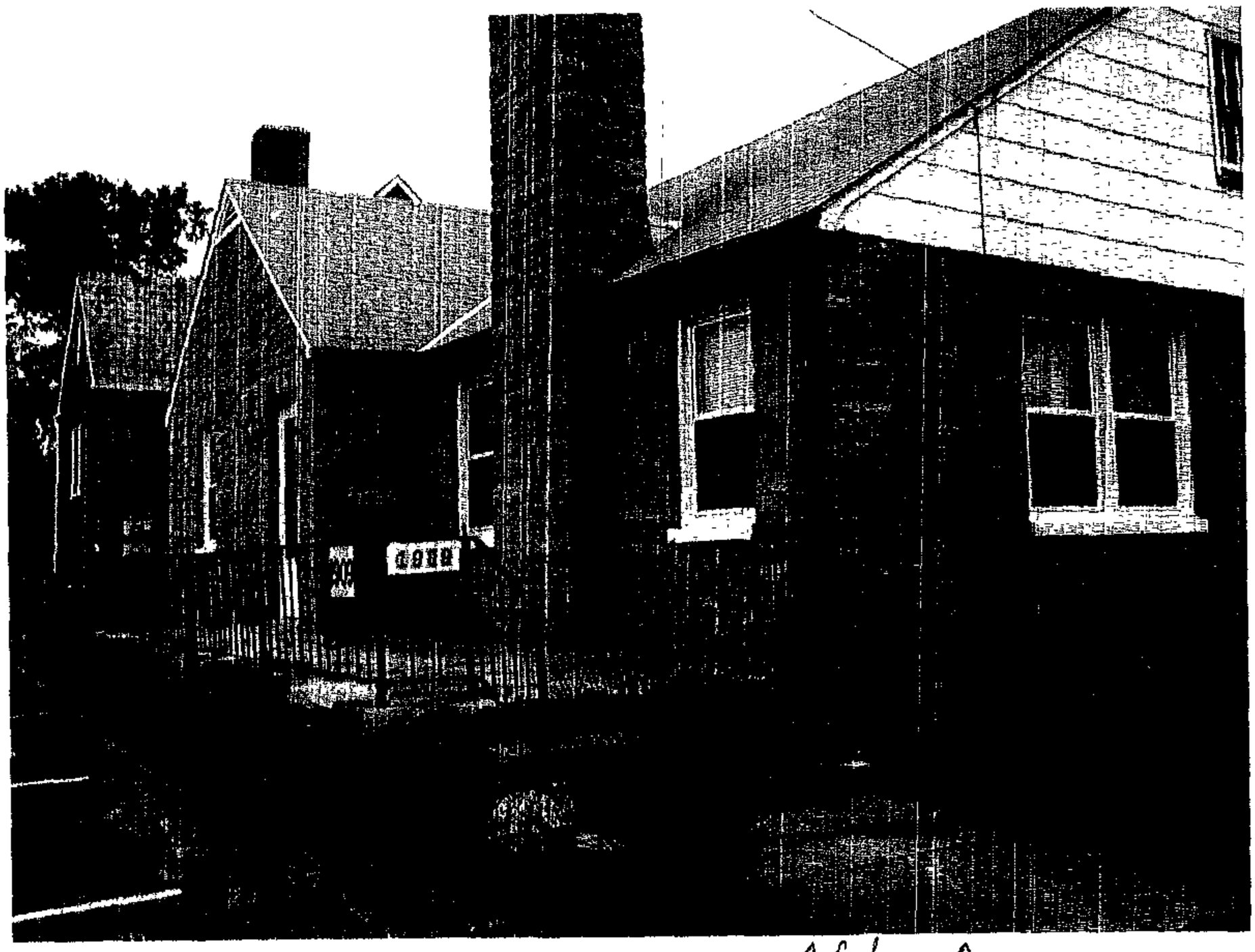


Rear bathroom (north wing)



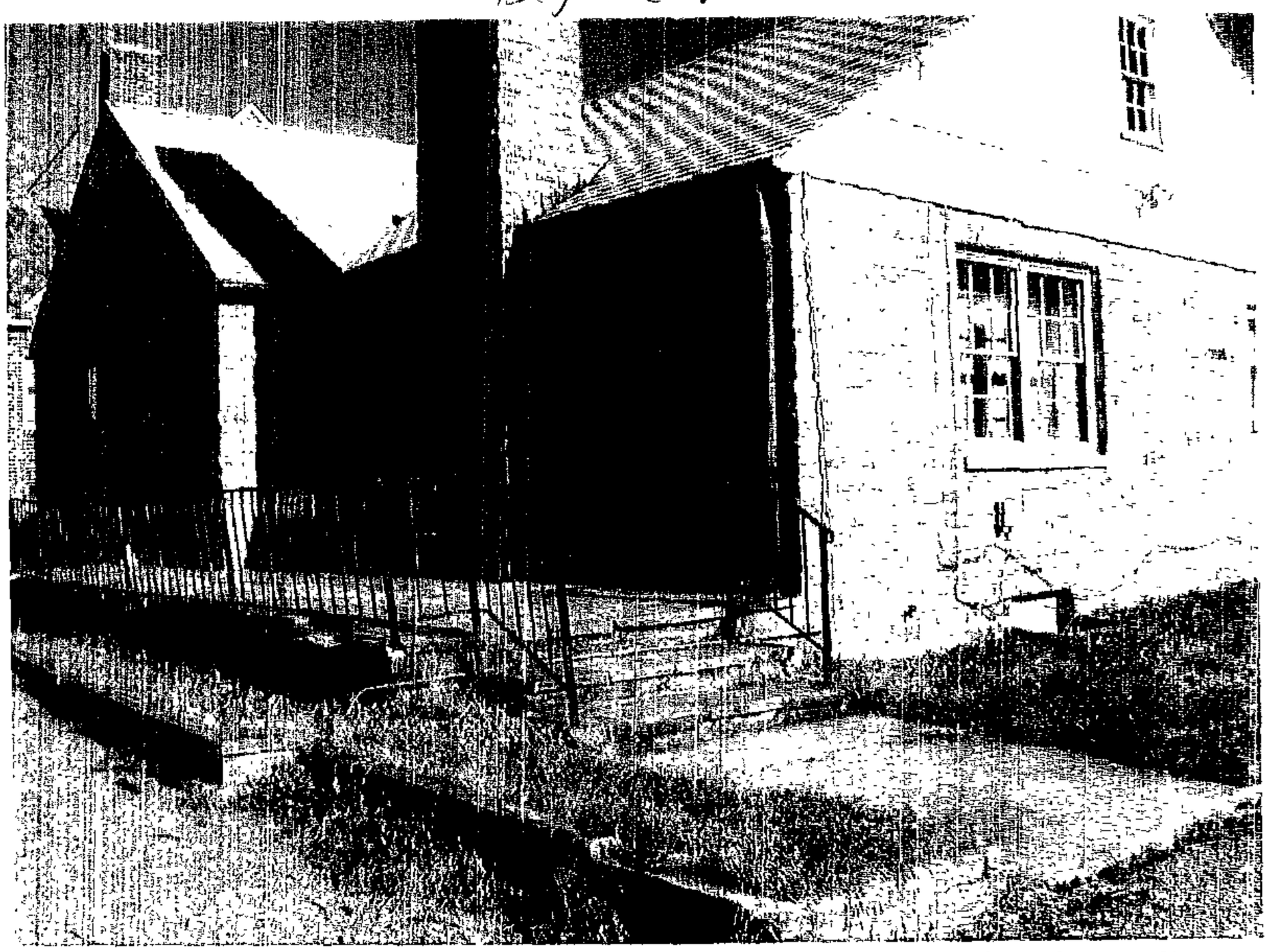
Laundry room in the rear of south wing

Ped No 3A



After ↑

Before ↓



Pet 3B

1) Leaking roof w/ curled shingles, 2) degenerated windows w/ missing glasses, 3) rusty & collapsing railings, 4) crumbling patio w/ missing stones, 5) garbage bags piled in the doorway, 6) missing covers over window wells w/ wild animals living in craw space, 7) naked electric wires in the follower beds & around house, 8) dry leaves & loose garbage everywhere, and 9) junked car & rusty radiators.

Ref No 4

RESUME

Haiyang Li, Lic. Ac., Dipl. Ac. & C.H. (NCCAOM)

1978 to 1983 Full-time medical student, Department of Acupuncture, Tuina and Orthopedics, Shanghai University of Traditional Chinese Medicine, Shanghai, China. *Degree awarded: Bachelor of Medicine*

1983 to 1987 Resident Physician, Shanghai Research Institute of Acupuncture and Meridian, and Longhua General Hospital (Both are teaching facilities of Shanghai University of Traditional Chinese Medicine)

1988 to 1990 Full-time graduate student & part-time Research Assistant, University of Wisconsin. *Degree awarded: Master of Science in Rehabilitation (M.S.)*

1990 to 1992 Rehabilitation Case Manager, W.O.Walker Industrial Rehabilitation Center, Ohio Bureau of Workers' Compensation

1992 to present: Acupuncturist and Herbalist (full-time private practice)
(Maryland Acupuncture License Holder since 1988)
Present office:

Li's Acupuncture & Herb Center
1909 York Road
Timonium, MD 21093
Phone: (410) 252-1958; Fax: (410) 252-2980
E-mail: tcmworks@aol.com

1994 to 2002 Professor, Maryland Institute of Traditional Chinese Medicine (Part-time teaching)

1994 to present: Mentor & Research Consultant, University of Maryland At Baltimore School of Medicine (Part-time volunteer work)

1999 to present Professional Member, Acupuncture Board of Maryland

2001 to present Ph. D. Candidate for Doctor of Oriental Medicine in Advanced Research, American Liberty University

Publications:

Co-author of "A Randomized Trial of Acupuncture as an Adjunctive Therapy in Osteoarthritis of the Knee," Rheumatology, 1999; 38:346-354 (An NIH Funded Study through University of Maryland At Baltimore School of Medicine.)

Co-author of "Effect of Acupuncture on Regulating Pituitary-Thyroid-Axis Function in Patients of Thyroidism," Shanghai Journal of Acupuncture and Moxibustion, May, 1986

Co-author of "Long-term Observation on Long-term Effect of Acupuncture on Hyperthyroidism," Shanghais Journal of Acupuncture Research, October 1986: 7-9

Co-author of "Clinical Analysis on Response of Thyroid to Various Acupuncture Methods," Shanghai Journal of Acupuncture Research, October 1986: 3-6

John V. Trautwein
1704 Lancaster St
Baltimore, Md 21231
410 746 7494

February 18, 2003

To Whom It May Concern:

I am most happy to write in behalf of Dr. Haiyang Li. Being a regular patient (weekly and recently bi-weekly) for over three years, I have come not only to respect him as an acupuncturist but also as a caring good person. Both he and his wife have not only been highly professional but even as important extremely warm and friendly. I count them as friends.

Their new office on York Road in Timonium is convenient with necessary parking facilities. Without the parking it would be impossible for me to be his patient.

I urge you to approve the necessary zoning for Dr. Li is a valuable asset to that area.

Yours truly,

John V. Trautwein

John V. Trautwein

Pet 5 A

February 21st 2003

Members of the Baltimore County Zoning Board:

I am writing this letter in regards to Li's Acupuncture & Herb Center. The center is owned and operated by Dr. Haiyang Li. I have been a patient of Dr. Li's for four years.

Recently, Dr. Li moved the Acupuncture & Herb Center from 101 W. Ridgely Road to 1909 York Road, Lutherville, MD. I see Dr. Li on a weekly bases and I have always found adequate parking available.

Sincerely,

Barry Brownlee

Barry Brownlee

Feb 5B

Oakbranch Productions

Charles Gummer, Videographer
9511 Oakbranch Way
Baltimore, Md. 21236-4746
1-410-256-0233
www.oakbranchproductions.com

February 20, 2003

Zoning Commissioner
Baltimore County
Towson, MD 21204

Re: Case Number 03 - 292 SPHA
1909 York Rd

I have known the Li's for many years. I have been receiving acupunture for a medical condition. Without their services, I feel I would not be able to function as well as I have been.

In November, Li's Acunpunture and Herb Center moved to 1909 York Road from their old office on Ridgely Road. The Li's worked many long hours to get this new office ready, pefroming many minor renovations themselves. They were proud of their accomplishment. This new location provided a designated parking lot their old establishment did not have.

Since November, I have found parking to be more than adequate. There has always been enough space even at the busiest of times. It is convenient allowing easy entrance for patients. Access to the lot from York Rd has not been a problem. Considering the amount of traffic on York Road, exiting has not been a problem.

If you have any questions, feel free to call me.

Sincerely,

Charles Gummer

Charles Gummer

Pl 5C

Bd No 6

The State of Maryland

Parris N. Glendening, *Governor to*

HAIYANG LI **, Greetings:**

Having trust and confidence in your integrity, prudence and ability, you are hereby appointed and commissioned A MEMBER OF THE STATE BOARD OF ACUPUNCTURE FOR A TERM OF THREE YEARS FROM JULY 1, 2001

to execute the duties of said position with fidelity and zeal for the interest and advantage of the State of Maryland.

In Testimony Whereof, *We have caused these our letters to be made patent and the Great Seal of the State of Maryland to be hereon affixed.*

Witness: Parris N. Glendening

Governor of the State of Maryland

At the City of Annapolis, the 16th *day of* October *in this the year of Our Lord two thousand and* One

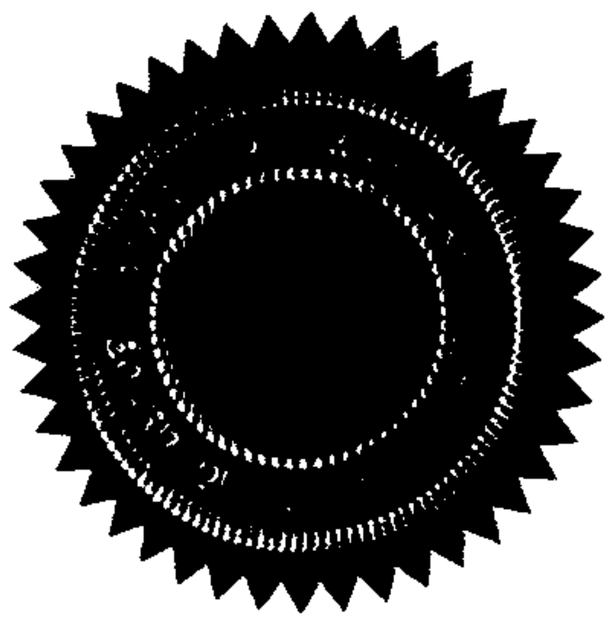
Attest:

John T. Willis
Secretary of State

State of Maryland

The Board of Acupuncture

Feb 14



This Certifies that

HAIYANG LI

Has fulfilled the standards and qualifications established by the Board of Acupuncture and is hereby licensed to practice

ACUPUNCTURE

in the State of Maryland

Chairman

Secretary

Executive Director

U-354

Official License Number

November 8, 1988

Date Issued

LICENSE, REGISTRATION, OR CERTIFICATION RENEWAL

SAVE THIS PORTION OF CARD AND USE REVERSE SIDE FOR NAME AND/OR ADDRESS CHANGES. BOARD MUST BE NOTIFIED OF THESE CHANGES IMMEDIATELY.

Board of ACUPUNCTURIST
4201 Patterson Avenue
Baltimore, MD 21215

HAIYANG LI
Suite 2-B
101 Ridgely Road
Lutherville, MD 21093

STATE OF MARYLAND 803785
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
LICENSE, REGISTRATION, OR CERTIFICATION RENEWAL
THE MARYLAND STATE BOARD OF
ACUPUNCTURE
CERTIFIES THAT
HAIYANG LI
IS AN AUTHORIZED
LICENSED ACUPUNCTURIST
In accordance with the Health Occupations Article of the Annotated Code of Maryland

LIC. REG. CERT. NO.	EXPIRATION DATE
000354	05/31/2003

M.D.
SIGNATURE OF BEARER
SECRETARY, D.H.M.H.

803785

State of Maryland

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
LICENSE, REGISTRATION, OR CERTIFICATION RENEWAL

THE MARYLAND STATE BOARD OF ACUPUNCTURE
CERTIFIES THAT HAIYANG LI
IS AN AUTHORIZED LICENSED ACUPUNCTURIST

IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND

LIC. REG. CERT. NO.	EXPIRATION DATE
000354	05/31/2003

M.D.
SECRETARY, D.H.M.H.

SIGNATURE OF BEARER

WHERE REQUIRED BY LAW, THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

BALTIMORE COUNTY, MARYLAND

Pet No 8A

INTER-OFFICE CORRESPONDENCE

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

DATE: July 29, 2003

RECEIVED
JUL 29 2003
ZONING COMMISSIONER

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

SUBJECT: 1909 York Road – **REVISED COMMENTS**

INFORMATION:

Item Number: 03-292

Petitioner: Haiyang Li

Zoning: RO/DR 3.5

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided all conditions of the agreement entered into on June 11, 2003 by and between Haiyang Li, Hui L. Li, Yorkshire/Haverford Community Association, Inc. and the Greater Timonium Community Council, inc., are incorporated into the Hearing Officer's order.

Please see the attached agreement.

Prepared by: Martha A Cunningham

Section Chief: Jeffrey W. Long

AFK/LL:MAC

AGREEMENT

This AGREEMENT is entered into as of this 11th day of June, 2003, by and between HAIYANG LI and HUI L. LI (hereinafter the "LIS") and YORKSHIRE/HAVERFORD COMMUNITY ASSOCIATION, INC. (hereinafter "YORKSHIRE/HAVERFORD") and THE GREATER TIMONIUM COMMUNITY COUNCIL, INC. (hereinafter "GTCC").

RECITALS

A. The LIS are the legal owners of a parcel of land consisting of approximately 0.258 acres (11,272 square feet) known as 1909 York Road (hereinafter the "Land"), in the 3rd Councilmanic District of Baltimore County, Maryland located on the East Side of York Road and South of Gorsuch Road, identified as Baltimore County Tax Map No. 60, Grid 12, Parcel 579, as outlined on Exhibit A attached hereto.

B. The Land was conveyed by Thomas J. Eli to the LIS by a deed dated April 22, 2002, and recorded among the Land Records of Baltimore County in Liber 16378, Page 81.

C. At the present time, the Land is split-zoned RO (Residential Office), approximately 0.185 acres (8,058.60 square feet), and D.R.3.5 (Density Residential), approximately 0.073 acres (3,179.88 square feet). The RO classification was granted during the 1980 Comprehensive Zoning Map Process (hereinafter the "CZMP").

D. The Land is currently improved with a 1½ story building and detached garage.

RMH. JS
H.L. H.L

E. Under the current Baltimore County Zoning Regulations (hereinafter the "Zoning Regulations"), Class A office buildings are permitted by right in the RO zone, except that no more than 25% of the total adjusted gross floor area of an office building may be occupied by medical offices without a variance.

F. The Zoning Regulations require 4.5 parking spaces per 1,000 square feet of gross floor area for medical offices, off-street parking spaces to be 8.5 feet x 18 feet in size and a driveway width of 20 feet for two-way movement. Design, screening and landscaping must be in accordance with the Landscape Manual and all other manuals adopted pursuant to Section 26-283 of the Baltimore County Code, 1988 edition, as revised.

G. The LIS have requested the following variances from Baltimore County in Case No. 03-292-SPHA for the Land:

1. Variance to allow 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices in lieu of the permitted 25%.
2. Variance to allow 7 parking spaces for a medical office in lieu of the required 9 parking spaces.
3. Variance to allow a two-way driveway width of 9 feet in lieu of the required 20 feet.

H. The LIS have requested the following additional relief by way of a Petition for Special Hearing in Case No. 03-292-SPHA for the Land:

1. To make a determination that RTA is not applicable to the parking or building.
2. To permit commercial parking in a residential zone (D.R.3.5).
3. To permit a portion of a commercial building (Class A office building) in a residential zone (D.R.3.5).

Roll 05
H.L. H

I. YORKSHIRE/HAVERFORD is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of its community, within which the Land is located.

J. GTCC is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of the Timonium area, within which the Land is located.

K. YORKSHIRE/HAVERFORD and GTCC desire to clarify certain restrictions on the Land and the use thereof to assure that the current and future use does not have a deleterious affect on the area.

L. The LIS in recognition of the concerns of YORKSHIRE/HAVERFORD and GTCC are willing to place certain restrictions on the Land in return for support of the relief requested in Case No. 03-292-SPHA referenced above with respect to permitting, zoning and other government approvals, and YORKSHIRE/HAVERFORD and GTCC have agreed upon the terms and conditions hereinafter described.

AGREEMENTS

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

RPH JS
H.L. H

THE LIS, YORKSHIRE/HAVERFORD AND GTCC, AND THEIR HEIRS, PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS, AGREE AS FOLLOWS:

1. The LIS may file a request to rezone the D.R.3.5 portion of the Land to RO during the 2004 CZMP (hereinafter the "Rezoning").

2. YORKSHIRE/HAVERFORD and GTCC will not oppose the Rezoning or the relief requested by way of the Petitions for Variance and Special Hearing filed in Case No. 03-292-SPHA.

3. The LIS and YORKSHIRE/HAVERFORD and GTCC propose the following restrictions on the Land:

a. No exterior lights, other than the existing exterior lighting and any exterior lights installed for security purposes and approved by the Landscape Architect for Baltimore County, are permitted on the Land.

b. A ten (10) foot wide landscape buffer shall be installed in the rear yard of the property as shown on Exhibit B attached hereto.

c. Only the LIS may park on the D.R.3.5 portion of the property. The agreed parking layout is as shown on Exhibit C attached hereto.

d. For so long as the LIS are utilizing any or all of the building for their medical practice, no other use may take place on the property.

e. No further RTA exceptions will be requested.

4. The terms and provisions of this AGREEMENT may only be modified or amended by the LIS and their heirs, personal representatives, successors or assigns, and YORKSHIRE/HAVERFORD and GTCC and their successors or assigns, which amendment(s) shall then be promptly recorded in the Land Records of Baltimore County.

RGH. RG
H.L. H.L

CONDITIONS

This Agreement between the LIS, YORKSHIRE/HAVERFORD and GTCC is conditioned upon final, non-appealable approval of all the variance and special hearing relief requested in Case No. 03-292-SPHA. Any appeal taken from the Zoning Commissioner's Findings of Fact and Conclusions of Law in Case No. 03-292-SPHA by YORKSHIRE/HAVERFORD and/or GTCC shall render this Agreement null and void.

CONDITIONS PRECEDENT

This Agreement, and particularly the obligations and restrictions set forth above, shall not be effective and binding upon the LIS unless and until final, non-appealable approval is obtained in Case No. 03-292-SPHA. If the conditions precedent are not satisfied, then this Agreement shall have no further force and effect.

TERMINATION

Notwithstanding anything to the contrary contained herein, if not sooner terminated, this Agreement and the obligations, covenants and restrictions contained herein shall cease and be of no further force and effect upon sale of the Land by the LIS, if the property is rezoned, in whole or in part, to any zoning classification other than RO, or at the expiration of twenty (20) years from the date of this Agreement, whichever is sooner.

RGH. GB
H.L. H.

MISCELLANEOUS

1. If any party to this Agreement, or its successors or assigns, is required to institute legal action to enforce the terms of this Agreement and is successful (whether by judgment or settlement) in obtaining enforcement of this Agreement, that party or its successors or assigns shall be entitled to recover reasonable attorney's fees and other reasonable costs of action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of this Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within thirty (30) days after the receipt of this notice may legal action be instituted.

2. This Agreement may be amended only by written instrument executed by each of the parties hereto.

3. This Agreement may be executed in individual counterparts, all of which together shall constitute one original instrument.

4. YORKSHIRE/HAVERFORD and GTCC hereby warrant and represent to the LIS that all necessary action required to be taken by their respective charters, by-laws or other organizational documents to authorize the execution of this Agreement has been taken.

5. Each party warrants that it has carefully read and understands this Agreement and is cognizant of its terms.

6. All the notices pursuant to this Agreement shall be hand-delivered or sent by certified mail, postage prepaid, return receipt requested or by nationally recognized

RCH 08
H.L H.L

overnight delivery service, to the following addresses or to other such address as any party shall notify the others of in writing:

HAIYANG and HUI L. LI
1909 York Road
Timonium, Maryland 21093

and

YORKSHIRE/HAVERFORD COMMUNITY
ASSOCIATION, INC.
35 Cinder Road
Timonium, Maryland 21093

and

THE GREATER TIMONIUM COMMUNITY COUNCIL, INC.
9b Ridgely Road
Timonium, Maryland 21093

7. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

CONCLUSION

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

ATTEST/WITNESS	LEGAL OWNERS:
	HAIYANG LI
Eileen R. Lenhart	_____(SEAL)
	HUI L. LI
Eileen R. Lenhart	_____(SEAL)

REL. HL
H.L. H.L

YORKSHIRE/HAVERFORD
COMMUNITY ASSOCIATION, INC.

BY: _____ (SEAL)

Name: RICHARD JARVIS HUFFMAN
Title: PRES.

THE GREATER TIMONIUM
COMMUNITY COUNCIL, INC.

BY: _____ (SEAL)

Name: FRANK RYAN
Title: PRESIDENT

RCH. 95
H.L. H.L

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

I HEREBY CERTIFY that on this 11th day of June, 2003, before me a Notary Public in and for the State aforesaid, personally appeared HAIYANG LI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained by signing his name.

AS WITNESS my hand and notarial seal.

Eileen R. Lerhaw
Notary Public

My Commission Expires: 8/1/2006

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

I HEREBY CERTIFY that on this 11th day of June, 2003, before me a Notary Public in and for the State aforesaid, personally appeared HUI L. LI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained by signing her name.

AS WITNESS my hand and notarial seal.

Eileen R. Lerhaw
Notary Public

My Commission Expires: 8/1/2006

RHL
H.L.
H.L

STATE OF MARYLAND, CITY/~~COUNTY~~ OF Baltimore, to wit:

I HEREBY CERTIFY that on this 11th day of June, 2003, before me a Notary Public in and for the State aforesaid, personally appeared RICHARD HARRIS HOFFMAN, PRES of the YORKSHIRE/HAVERFORD COMMUNITY ASSOCIATION, INC., a Maryland corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained by signing his/her name as such officer of the YORKSHIRE/HAVERFORD COMMUNITY ASSOCIATION, INC.

AS WITNESS my hand and notarial seal.

Eileen R. Lenhart
Notary Public

My Commission Expires: 8/1/2006

STATE OF MARYLAND, CITY/~~COUNTY~~ OF Baltimore, to wit:

I HEREBY CERTIFY that on this 11th day of June, 2003, before me a Notary Public in and for the State aforesaid, personally appeared FRANK REGAN, PRES of THE GREATER TIMONIUM COMMUNITY COUNCIL, INC., a Maryland corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained by signing his/her name as such officer of THE GREATER TIMONIUM COMMUNITY COUNCIL, INC.

AS WITNESS my hand and notarial seal.

Eileen R. Lenhart
Notary Public

My Commission Expires: 8/1/2006

TO1DOCS1/DHK01/#158688 v2

RCH. JR
H.L. H.L

197739.6mN
432944.1mE

588

585

582

579

576

194081.9mN
432944.1mE

905

908

890-576

MAP NO. 60

BALTIMORE COUNTY,
MARYLAND

Exhibit A

H.L.

H.L.

MARYLAND DEPARTMENT OF PLANNING
PROPERTY MAPPING SECTION

PROPERTY LINE
SUBDIVISION BOUNDARY
TOWN BOUNDARY
PRIVATE ROAD
STREAM LINE
CONTINUING OWNERSHIP
PARCEL NUMBERING - P.### (ASSIGNED TO IDENTIFY OWNERSHIP, MUST BE PRECEDED BY A MAP NUMBER)
SCALE 1"=600' (RF 1:7200)

MDP Maryland Department of Planning

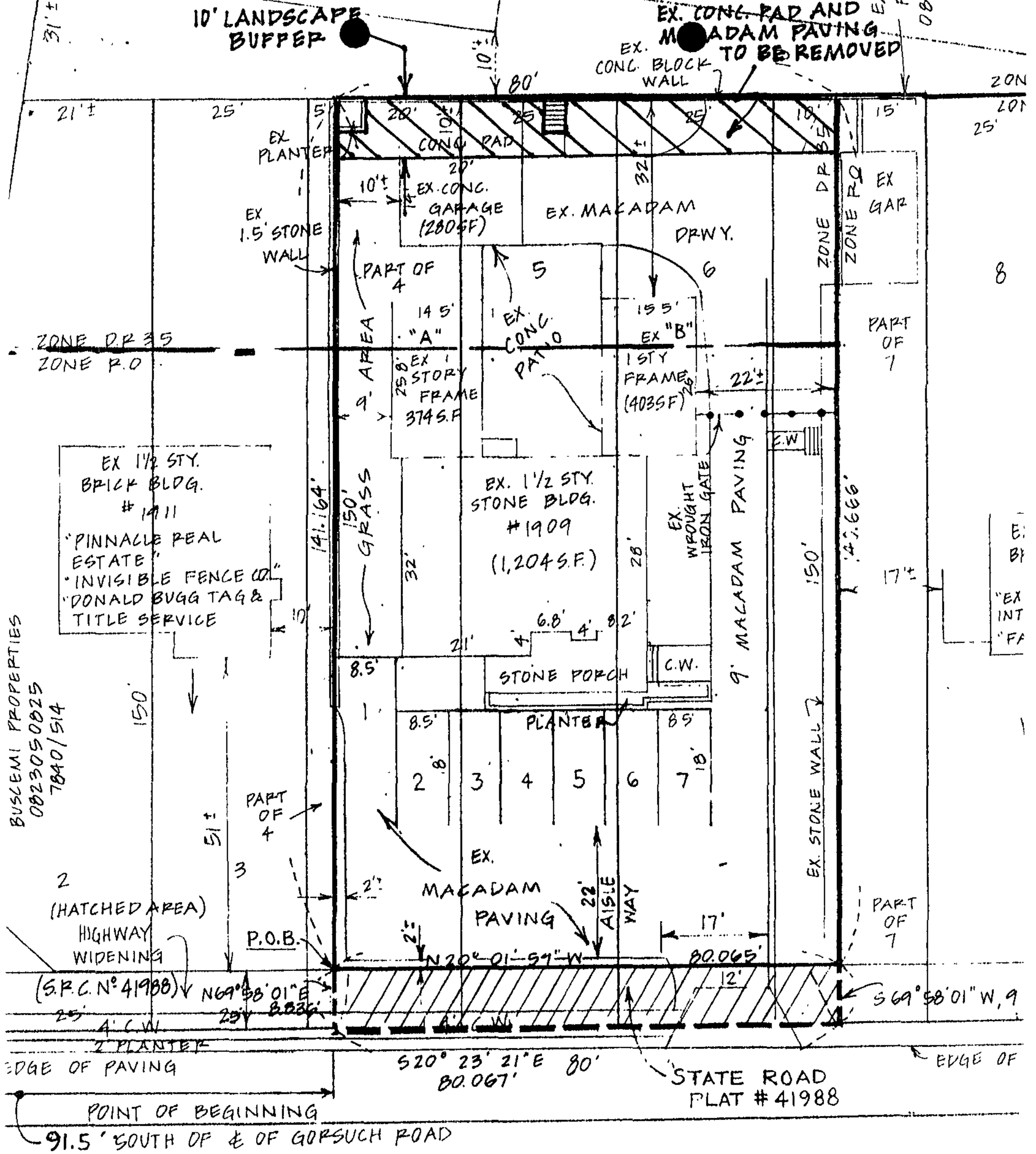


EXHIBIT "B"

YORK ROAD
(MD STATE ROUTE 45)
80' R/W

H.L.
H.L.

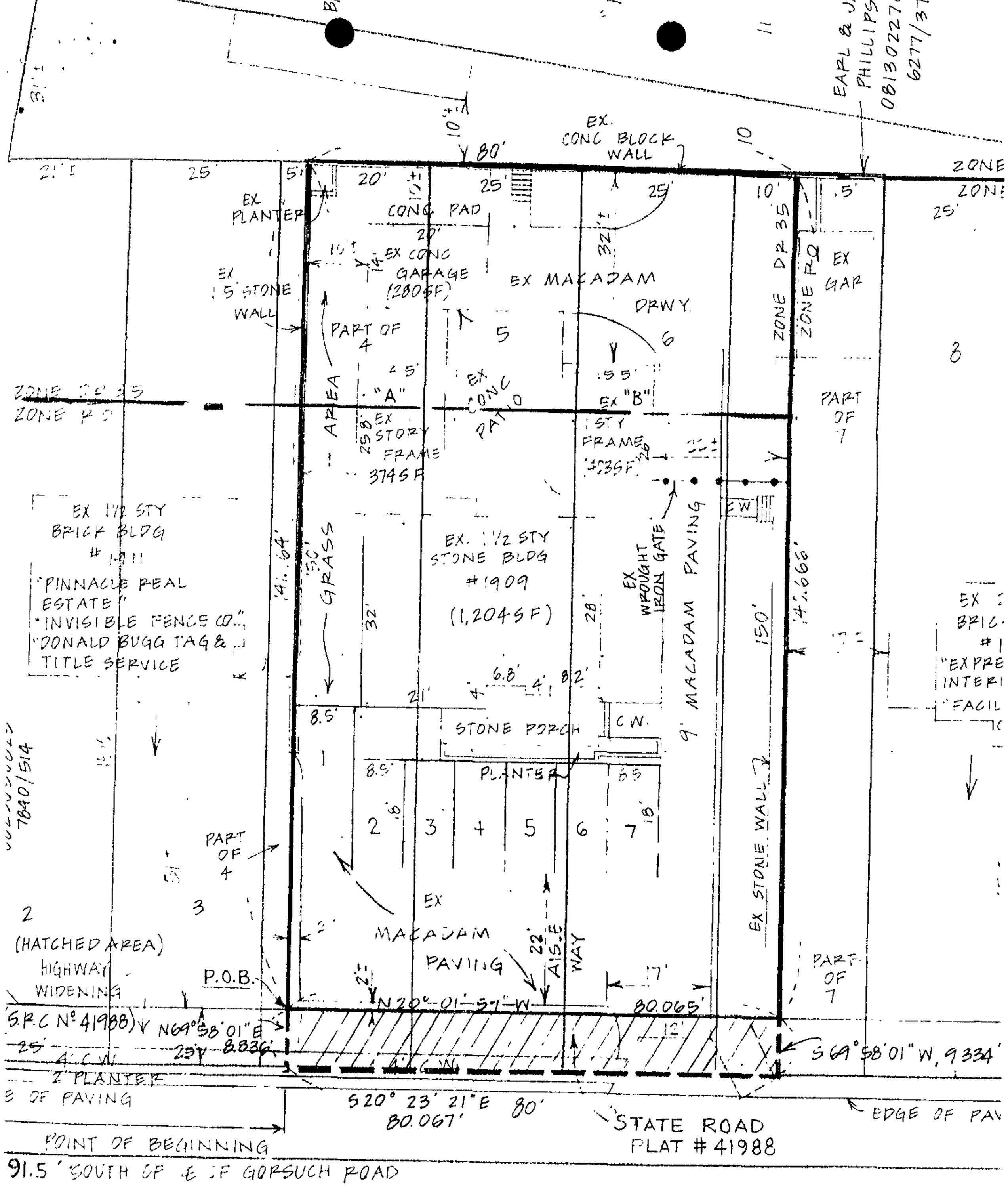


Exhibit C

YORK ROAD
(MD STATE ROUTE 45)

RJK
H.L. H.L.

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for County Validation

RECD 8B

RECORDING FEE 20.00
TOTAL 20.00
Rept # 30317
JLF Bk # 5823
Jul 29, 2003 04:09 PM

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

☐ Deed ☐ Mortgage ☐ Other ☐ Other
☐ Deed of Trust ☐ Lease ☒ Agreement

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length *[1]* ☐ Unimproved Sale Arms-Length *[2]* ☐ Multiple Accounts Arms-Length *[3]* ☐ Not an Arms-Length Sale *[9]*

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation
State Transfer
County Transfer

per S. Dubin

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value	$

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount −	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

Agent: RBost
Tax Bill:
C.B. Credit:
Ag. Tax/Other:

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$	$
Surcharge	$	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other	$	$

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
08	08010074280	16378 / 81	60	579	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
				7/21	

Location/Address of Property Being Conveyed (2): 1909 York Rd.

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☐ | Fee Simple ☐ or Grount Rent ☐ | Amount:

Partial Conveyance? ☐ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Haiyang Li & Hui L. Li	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Yorkshire/Haverford Community Association, Inc.	
Greater Timonium Community Council, Inc.	

New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: David H. Karcesky, Esquire
Firm: Venable
Address: 210 Allegheny Ave
Towson, MD 21204 Phone: (410) 494-6285

☐ Return to Contact Person
☒ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

RBost
RBost 7/29/03

Distribution: *White - Clerk's Office*
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE 7/31/03

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
LOUIS W. MILLER	44 E. TIMONIUM RD	TIM MD 21093	LIEABO@AOL.COM
Richard James Huffman	35 Cinder Rd	Timon Md 21093	HUFDAD@AOL.COM
Frank [illegible]	302 Ridgely Rd	Lutherville, MD 21093	N/A
Regan			

PLEASE PRINT CLEARLY

CASE NAME 1909 York Rd.
CASE NUMBER 03-292 SPHA
DATE 2/24/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
SITE RITE SURVEYING, INC. VINCENT MOSKUNAS	200 E. JOPPA Rd.	TOWSON, MD. 21286	VJMMVM@AOL.COM.
Haiyang Li	1909 York Rd.	Timonium, MD 21093	tcmworks@AOL.COM
Hui L. Li	1909 York Rd.	Timonium, MD 21093	same as above
June W. Peterson	2804 Louise Ave.	Balto, Md. 21214	
ROBERT HOFFMAN	210 ALLEGHENY AVE.	TOWSON MD 21204	rahoffman@verizon.net
DAVID KARCESKY			

PLEASE PRINT CLEARLY

CASE NAME 1909 York Rd.
CASE NUMBER 03-292
DATE 4/02/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ROBERT A. HOFFMAN	210 ALLEGHENY AVENUE	TOWSON, MD 21204	
DAVID H. KARLESKY			
Haiyan Li & Hui Li	1909 York Rd.	Timonium. MD 21093	tcmworks@aol.com
VINCENT MOSKUNAS	200 E. JOPPA Rd.	TOWSON, MD. 21286	VJMMVM@AOL.COM.
SITE RITE SURVEYING			

PLEASE PRINT CLEARLY

CASE NAME 1909 York Rd
CASE NUMBER 03-292-SPHA
DATE 7/31/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DAVID KARCESKI	210 ALLEGHENY AVE.	TOWSON, MD	dhkarceski@venable.com
Haiyang Li	1909 York Rd.	Timonium, MD 21093	tcmworks@aol.com
Hui L Li	1909 York Rd.	Timonium. MD 21093	
VINCENT J. MOSKUNAS SITE RITE SURVEYING, INC	200 E. TOWSON Rd.	TOWSON MD. 21286	VJMKVM@A.O.L.COM

YORKSHIRE/HAVERFORD COMMUNITY ASSOCIATION

2/12/03 LWM

MEETING: TUESDAY, 2/18/03, Tim. Elem. SCHOOL LIBRARY, 7:00PM

HEARING:
Monday, 2/24/03, 9:00am, Rm 407, County Courts Bldg 401 Bosley Ave.

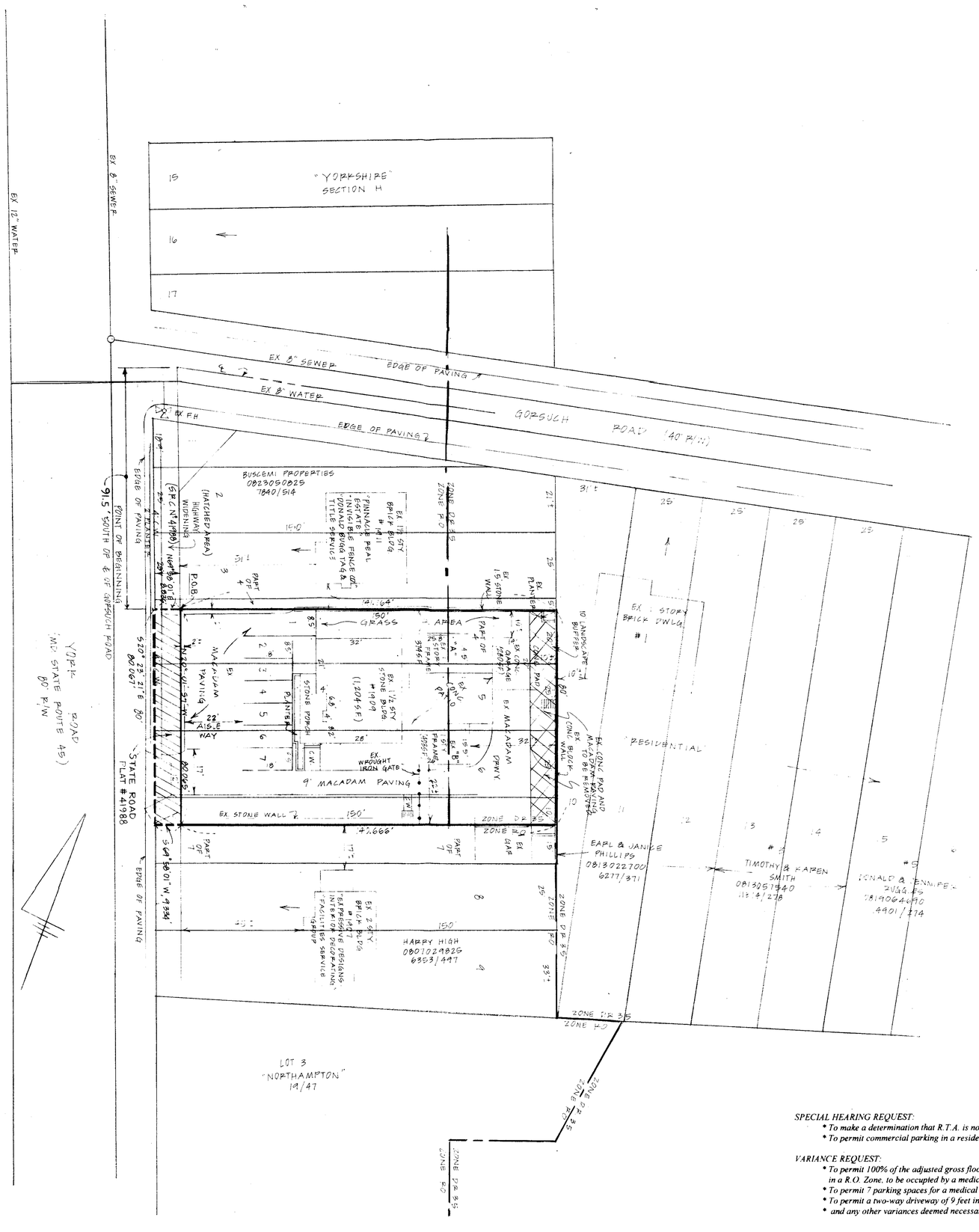
CASE #: 03-292-SPHA—1909 York Rd. E/side of York 93 feet south of Gorsuch Rd. SPECIAL HEARING to permit commercial parking in a residential zone. To permit a portion of a commercial building. To make a determination that the RTA is not applicable to the parking or the building in a residential zone. VARIANCE to permit 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices instead of 25%. To permit 7 parking spaces of 8 X 16 dimension for a medical office instead of 9 parking spaces 8 ½ X 18 dimension. To permit a two-way driveway of 9 feet instead of a two-way driveway of 20 feet.

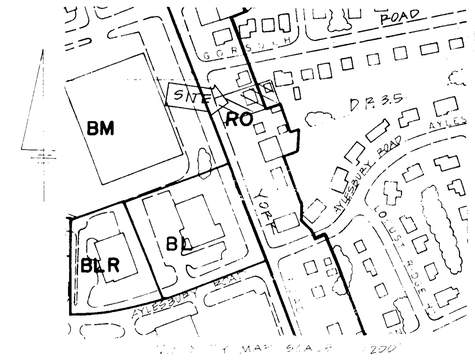
CITIZENS OF THE AREA:
This property known as RO (Residential Office-Class A) has recently been purchased and the new owner wants the County to apply the variances and special exceptions to this property. Only part of the property is RO. The back part, with garage, is residential and butts up to the residential lots in the back.

In the RO zone, when used by medical personnel, only 25% of the building can be used. This petition requests 100% use. The RTA (Residential Transition Area) calls for a 100 feet buffer to the residential lots.
This petition requests exceptions to those regulations.
The parking variances requested are smaller than required and the driveway does not adhere to the regulations.

Distribution of this notice is being made to citizens of Belfast Rd., Evans Ave., and Gorsuch Rd.

BELEAST
BL-AS
D.R. 5.5
EVANS
AVE.
AVE.
YORK
ROAD
FANNIN
POOL
GORSUCH
D.R. 3.5
BM
RO
AYLESBURY
SOUTH OF ROAD
BLR
BL
LOCUST RIDGE RD.
RD.
SAVO
CT.
ROAD
MD. RTE. 45
NORTHAMPTON
D.R. 3.5
ML-IM
200' SCALE MAP - N.W. 13-4
#1909 York Road
Baltimore County, MD
03-292-SPHA





General Notes

1. *Existing Zoning: R.O. (0.185 Ac.+/-) & D.R.3.5 (0.073 Ac.+/-)*
2. *Lot Area: Gross: 12,000 S.F.+/- or 0.275 Ac. +/-*
   Highway Widening: 727.365 S.F.+/- or 0.016 Ac.+/-
   Net: 11,272.635 S.F.+/- or 0.258 Ac.+/-
3. *200' Scale Map: N.W. 13-A*
4. *Not located in the Chesapeake Bay Critical Area*
5. *Not located in the 100 Year Flood Plain Area*
6. *No prior zoning history*
7. *FEMA Community Panel No.: 240010 0265B*
   Zone: "C"
8. *Existing Use: Existing 1 1/2 story building with detached garage*
   Proposed Use: 100% Acupuncture and Herb Center (Medical Office in R.O. Zone)
9. *Total area of existing building: 1,904 S.F.*
10. *Parking lot is paved as a durable dustless surface.*
11. *No new light fixtures to be added to existing building or property.*
12. *All parking spaces are striped as shown.*
13. *Floor Area Ratio: gross floor area: 2,261 S.F.*
    lot area: 11,272.635 S.F.
    total: 0.20
14. *Clinic will provide alternative medicine services including consultation, acupuncture, acupressure, message and herbal therapy*
15. *Two employees: one licensed practitioner and one receptionist*
16. *Hours of operation: Monday 9 a.m. - 4 p.m.*
    Tuesday 9 a.m. - 6:30 p.m.
    Wednesday 9 a.m. - 12 p.m.
    Thursday 9 a.m. - 6:30 p.m.
    Friday 9 a.m. - 4 p.m.
    Saturday 9 a.m. - 12 p.m.
    Sunday Closed
17. *No loading service or any use other than parking shall be permitted on parking lot.*
18. *Parking required: 4.5 spaces per 1000 s.f. = 9 spaces*
    Parking proposed: 7 spaces
19. *Design, screening and landscaping shall be provided in accordance with the landscape manual and all other manuals adopted pursuant to section 26-283 of the Baltimore County Code, 1988 Edition, as revised.*
20. *Mass Transit is available on York Road within 1,000 feet of the property.*
21. *The dwelling has not been enlarged in floor area by 10% or more within a period of five years prior to the date of application.*
22. *Employee parking is within the existing garage only.*
23. *A use permit has been applied for and a provisional permit has been issued per Mr. Arnold Jablon contingent on a Special Hearing and Variance decisions.*

SPECIAL HEARING REQUEST:

- *To make a determination that R.T.A. is not applicable to the parking or building*
- *To permit commercial parking in a residential zone (D.R. 3.5)*

VARIANCE REQUEST:

- *To permit 100% of the adjusted gross floor area of a Class "A" Office Building, in a R.O. Zone, to be occupied by a medical office in lieu of the required 25%*
- *To permit 7 parking spaces for a medical office in lieu of 9 parking spaces*
- *To permit a two-way driveway of 9 feet in lieu of a two-way driveway of 20 feet*
- *and any other variances deemed necessary at the time of hearing.*

Owner: Haiyang Li and Hui Li
1111 Greenway Road
Cockeysville, MD 21030-1707
(410)252-1958
Tax Map: 60 Grid: 12 Parcel: 579
Tax Account No.: 0801074280
Deed Ref.: 16378/81

Pet No 1

PLAN TO ACCOMPANY PETITIONS FOR SPECIAL HEARING AND VARIANCE

#1909 York Road
Part of Lot 4, all of Lots 5 and 6, and Part of Lot 7
"Yorkshire" 7/21
Election District No. 8 C4
Baltimore County, Maryland
Scale: 1" = 20'
DECEMBER 14, 2002
3682

REVISED FEBRUARY 24, 2003
(PER HEARING COMMENTS)
REVISED MARCH 5, 2003
REV. MARCH 6, 2003
REV. APRIL 2, 2003
REV. JULY 30, 2003.