IN RE: PETITION FOR VARIANCE
E/S of York Road, 252' N
centerline of Cranbrook Road
8th Election District
3rd Councilmanic District
(10015 York Road)

York Marketplace, LLC By: David I. Bavar, President Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- CASE NO. 04-019-A

ORDER ON MOTION FOR RECONSIDERATION

This matter came before this Deputy Zoning Commissioner as a Motion for Reconsideration of this Office's September 16, 2003 Order by letter from the Petitioner's attorney dated October 9, 2003. The September 16, 2003 Order granted the variance request subject to certain conditions and restrictions. The Petitioners request reconsideration of Restriction No. 2 of said Order which required "That the owner shall develop the property in accordance with Petitioners' Exhibit No. 4 with at least five stores and/or restaurants and that said restaurants shall be primarily carryout restaurants." The attorney for the Petitioners requested that I modify Restriction No. 2 as follows:

That the owner shall develop the property in accordance with Petitioner's Exhibit No. 4 with no more than a total of five carryout restaurants or a combination of one standard restaurant and four carryout restaurants. With regard to the classification of any future restaurant tenants, any restaurant tenant space not in excess of 1,700 square feet shall be considered a carryout restaurant.

The owner contends the original restriction needs clarification and could be interpreted in a manner that could unduly restrict the intended use of the portion of the building designated for restaurant use. In addition the original variance was supported by the Greater Timonium

Coordinating Council and the owner's attorney proffers that GTCC supports this change to Restriction 2.

I find that the proposed wording of Restriction No. 2 clarifies the type and size of the restaurants that may become tenants in the new commercial strip and that this clarification is consistent with the need to limit the parking on the property so that parking for a single standard restaurant not overwhelm the available parking spaces. Consequently, I will grant the requested change in Restriction No. 2.

THEREFORE, IT IS ORDERED, this <u>29</u> day of October, 2003, by this Deputy Zoning Commissioner, that Restriction No. 2 of this Office's Order dated the 16th day of September, 2003, shall be replaced as follows:

2. That the owner shall develop the property in accordance with Petitioners' Exhibit No. 4 with no more than a total of five carryout restaurants or a combination of one standard restaurant and four carryout restaurants. With regard to the classification of any future restaurant tenants, any restaurant tenant space not in excess of 1,700 square feet shall be considered a carryout restaurant.

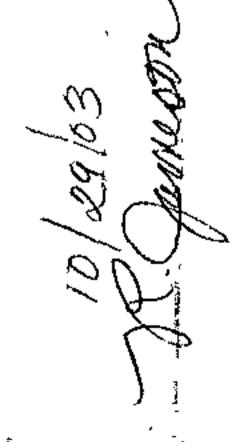
IT IS FURTHER ORDERED that all other terms and conditions of the September 16, 2003 Order shall remain in full force and effect.

JOHN (). MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 29, 2003

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

Re: Order on Motion for Reconsideration

Case No. 04-019-A

Property: 10015 York Road

Dear Messrs. Karceski & Jablon:

Enclosed please find the amended order for the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Murphy

JVM:raj Enclosure

c: David Bavar
Jacqueline Halcott
Robert Bowar
1966 Greenspring Drive
Timonium, MD 21093

Larry Townsend GTCC 1111 Longbrook Road Timonium, MD 21093

David Martin G. W. Stephens, Jr. & Assoc., Inc. 1020 Cromwell Bridge Road Towson, MD 21286



Visit the County's Website at www.baltimorecountyonline.info

IN RE: PETITION FOR VARIANCE
E/S of York Road, 252' N
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8th Election District
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(10015 York Road)

York Marketplace, LLC
By: David I. Bavar, President

Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 04-019-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, York Marketplace, LLC, by David I. Bavar, President. The Petitioners are requesting variance relief for property located at 10015 York Road in the Cockeysville area of Baltimore County. The variance requests are as follows:

- (1) from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a minimum side yard setback of 10 ft. and a minimum rear yard setback of 6 ft. in lieu of the required 30 ft.; and
- (2) from Section 409.6 of the B.C.Z.R., to allow 93 parking spaces in lieu of the required 155 parking spaces.

The property was posted with Notice of Hearing on August 23, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 26, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted

91603 91603 as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: The Planning Office did not oppose the Petition but requested five conditions of approval as shown in their September 11, 2003 memo.

Interested Persons

Appearing at the hearing on behalf of the variance requests was David Bavar, President of Petitioners, York Marketplace, LLC, Jacqueline Halcott, and Robert Bowar. Also appearing was David Martin, on behalf of G. W. Stephens, Jr. & Associates, Inc., the engineering firm that prepared the site plan of the property and David Karceski and Arnold Jablon, Esquire, attorneys for the Petitioners. Larry Towsend, Zoning Chairman of the Greater Timonium Community Council, signed as a Protestant but in fact testified in favor of the Petition. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Findings of fact and conclusions of law

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.515 acres., more or less, zoned B.R. The subject property had previously been occupied by the Southern States Company as a retail outlet but has been vacant for some time. The proposal is to raze the existing building and erect a new and greatly enhanced design which would house various retail and food service uses all of which are allowed by right in this B.R. zone.

The request for variance arises because the owner wants to eliminate the alleyway behind the present store to allow the new building to come within 6 feet of the eastern boundary and to eliminate the old garden center extending the northern end of the new building to within 10 feet of the property line. The property is surrounded by retail business uses. The rear of the adjacent Yorktowne Plaza shopping center is on the eastern boundary. Mr. Karceski proffered that this meant there is no practical way to extend the building nor could they arrange for shared parking with the center. The same is also true on the northern end of the property where differences in elevation, an existing retaining wall and close proximity of the next retail establishment prohibits Mr. Townsend testified that the retail uses to the south are already woefully shared parking. short of parking and that it appeared to be unwise to suggest some shared parking with these uses as their patrons would likely fill up this commercial site. In addition, Mr. Karceski proffered that there was no reasonable way to locate the building on the western side of the property nearer York road if proper traffic circulation and parking layout was to be achieved. Consequently, all testimony indicated that the new building should be located essentially where the old Southern States building was located and parking should be located near York Road as shown on Petitioners' Exhibit No. 1. There is ample evidence that the property is greatly constrained, and that the owner should suffer hardship and practical difficulty if the request for variance of the setback requirements was not granted. The representative of the Greater Timonium Community Council fully supported these variance requests.

The more difficult issue concerned the parking variance. It has already been established that there was no opportunity for shared parking with the surrounding properties. However, the mix of retail and standard restaurant chosen by the owner, triggered the parking variance request. This was primarily driven by the 5,600 sq. ft of standard restaurant use which requires 16 parking spaces per 1000 sq. ft. of floor space or 90 parking spaces. If the owner had chosen a

carryout restaurant instead of a standard restaurant, there would be no need for a parking variance.

In support of the parking variance, the owner submitted a front elevation which illustrated his proposed uses. See Petitioners' Exhibit No. 4. This plan showed six small retail stores and food establishments, rather than, as I supposed, a large standard restaurant. The owner very clearly stated the he did not intend a single sit down restaurant. Rather, Mr. Karceski proffered that the owner would likely have several carry out restaurants among the retail stores as shown on Petitioners' Exhibit No. 4. However, he was greatly concerned that upon application for permit, the County may take the position that a small carry out restaurant with a few tables or service would be classified as a standard restaurant triggering the 16 spaces per 1,000 sq. ft. requirement. Fearing this he requests the parking variance.

Mr. Townsend testified that his Community Council had reviewed the owner's plans and welcomed them as an improvement to the general commercial area along this portion of York Road. He testified that he hoped this development would spur similar redevelopment in the commercial corridor which according to all reports badly needed the boost. Mr. Townsend described the difficult but apparently livable parking problem on the retail uses south of the property, where IHOP and Dunkin Donuts are located. He felt confident, having worked with this owner for some time, of his good intentions. Specifically, the parking variance will allow the owner to market the center to the broadest market. It appeared in so testifying he relied heavily on Petitioners' Exhibit No. 4.

While I have no doubt as to the owner's best intentions as expressed in Petitioners' Exhibit No. 4, I am worried that a future less responsible owner may simply rely on the letter of a zoning variance which, as presently stated, would allow a sit down standard restaurant on the site along with 12,950 sq. ft. of retail. Should this occur, the site would clearly be overwhelmed. It is on

the basis of the present owner's good intentions of basically having all carryout restaurants, that the Community Council so forcefully supports the variances. Consequently, I will make this a condition of approval.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Residential density was not an issue in this case. Furthermore, I find that I can grant these variance requests with conditions in strict harmony with the spirit and intent of regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this ______ day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variances: (1) from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a minimum side yard setback of 10 ft. and a minimum rear yard setback of 6 ft. in lieu of the required 30 ft. and (2) from Section 409.6 of the B.C.Z.R., to allow 93 parking spaces in lieu of the required 155 parking spaces, be and they are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

- 2. That the owner shall develop the property in accordance with Petitioners' Exhibit No. 4 with at least five stores and/or restaurants and that said restaurants shall be primarily carryout restaurants.
- 3. The Petitioners shall comply with the five Office of Planning comments as shown in their September 11, 2003 memo, except that comment 4 shall be submitted to Avery Harden for review and not the Office of Planning.

OWN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

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Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 16, 2003

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

> Re: Petition for Variance Case No. 04-019-A Property: 10015 York Road

Dear Messrs. Karceski & Jablon:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



Visit the County's Website at www.baltimorecountyonline.info

Copies to:

David Bavar
Jacqueline Halcott
Robert Bowar
1966 Greenspring Drive
Timonium, MD 21093

David Martin G. W. Stephens, Jr. & Assoc., Inc. 1020 Cromwell Bridge Road Towson, MD 21286

Larry Townsend GTCC 1111 Longbrook Road Timonium, MD 21093



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10015 York Road	•
which is presently zoned	

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lega 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)

SEE ATTACHED

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

To be determined at hearing

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.

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	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: David I. Bayar Name - Tree Weling	Legal Owner(s): See Attached Southern States Cooperative, Incorporated
Signature Timenium One	By: Signature Signature
Address Telephone No. Timonium, Maryland 21093	Name - Type or Print
City State Zip Code Attorney For Petitioner:	Signature 6606 West Broad St. (804) 281-1208
Robert A. Hoffman Name • Type or Print	Address Richmond, Virginia 23230-1717
Signature	City State Zip Code Representative to be Contacted:
Venable LLP Company	Robert A. Hoffman
210 Allegheny Avenue (410) 494-6200 Telephone No.	210 Allegheny Avenue (410) 494-6200 Address Telephone No.
Towson, Maryland 21204 State Zip Code	Towson, Maryland 21204 City State Zip Code
Signature :	OFFICE USE ONLY
Case No. 04-019-A	ESTIMATED LENGTH OF HEARING
REV 9/15/98	UNAVAILABLE FOR HEARING Date 7/9/03

Petition for Variance 10015 York Road

Signature Page

Legal Owner:

York Marketplace, LLC

David I. Bavar, President

1966/Greenspring Drive, Suite 508

Timonium, Maryland 21093

(410) 560-0300

DHK165328

PETITION FOR VARIANCE

10015 YORK ROAD

- 1. Variance from Section 238.2 of the Baltimore County Zoning Regulations ("BCZR") to allow a minimum side yard setback of 10 feet and a minimum rear yard setback of 6 feet in lieu of the required 30 feet.
- 2. Variance from BCZR Section 409.6 to allow 93 parking spaces in lieu of the required 155 parking spaces.

164097

ZONING DESCRIPTION

Beginning at a point on the east side of York Road which is 80' wide at the distance of 252.71' north 09° 45' 12" west of the centerline of Cranbrook Road, 90' wide running thence (1) north 18° 51' 39" west 340.33 feet; (2) north 71° 03' 52" west 193.65 feet; (3) south 18° 56' 08" east 340.33 feet; and (4) south 71° 03' 52" west 149.09 feet, as now surveyed to the place of beginning containing 1.515 acres ±.

As recorded in deed Liber 1552, folio 50 and Liber 1519, folio 94.



#019

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: #04-019-A

10015 York Road

E/side of York Road, 252 feet north of centerline of

Cranbrook Road

8th Election District - 3rd Councilmanic District Legal Owner(s): York Marketplace, LLC, David Bavar,

President

variance: to permit a minimum side yard setback of 10 teet and a minimum rear yard setback of 6 feet in lieu of the required 30 feet. To permit 93 parking spaces in lieu of the required 165 parking spaces.

Hearing: Thursday, September 11, 2003 at 10:00 a.m. in Hoom 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.

JT/8/761 Aug. 26

C622989

CERTIFICATE OF PUBLICATION

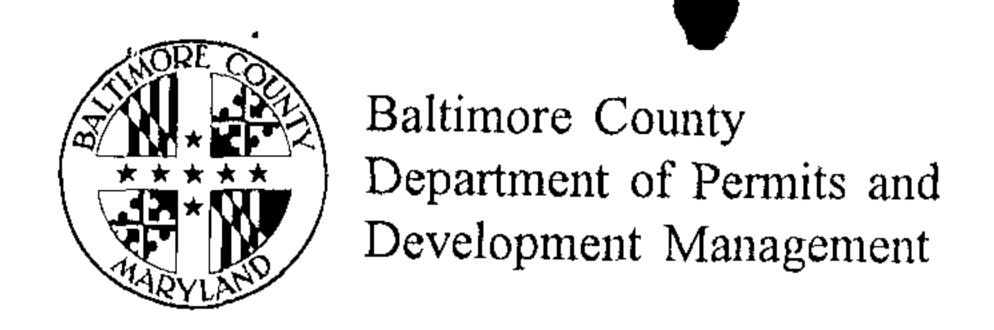
<u>8/28/,2003</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 826 , 2003 .
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News
D/Weins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: Petitioner/Developer: 2012 K MARKETPLACE Date of Hearing/Closing: **Baltimore County Department of** Permits and Development Management **County Office Building, Room 111** 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: The sign(s) were posted on Sincerely, (Signature of Sign Poster) ZONING NOTICE SSG Robert Black CASE # (Print Name) A PUBLIC HEARING WILL BE HELD RY 1508 Leslie Road THE ZONING COMMISSIONER IN TOWSON, MD (Address) PLACE: MANY COMMENTS AND CONTRACT AND DATE AND TIME: THE FAX. IT HUMBER X DESIGNORAN REQUEST: ANNALE TO CORPULA MINIMAL SIDE AND "TIDATED" Dundalk, Maryland 21222 DILLYDYHANDAR MOJHAKG VALLANKI GER TO SHAND WHITE IN THE PROPERTY OF THE REGISTOR (Kity, State, Zip Kode) LOINE HAY Socieculmente sel to mealites on attes constitees sar lemtimes erceseine (410) 282-7940 sa cantilan Klatine tart tal. tar no and almost Lime Dies 1960 solls their ball on mercine' beine scientis da l'obj

(Telephone Number)



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

Fax: 410-887-5708

July 31, 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: 04-019-A

10015 York Road

E/side of York Road, 252 feet north of centerline of Cranbrook Road

8th Election District – 3rd Councilmanic District

Legal Owner: York Marketplace, LLC, David Bavar, President

<u>Variance</u> to permit a minimum side yard setback of 10 feet and a minimum rear yard setback of 6 feet in lieu of the required 30 feet. To permit 93 parking spaces in lieu of the required 155 parking spaces.

Hearings:

Thursday, September 11, 2003, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Multy Kotroco
Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, Venable, LLP, 210 Allegheny Avenue, Towson 21204 York Marketplace, LLC, David Bavar, President, 1966 Greenspring Dr., Ste. 508, Timonium, 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 26, 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.

PATUXENT PUBLISHING COMPANY TO:

Tuesday, August 26, 2003 Issue - Jeffersonian

Please forward billing to:

Amy Dontell

Towson, MD 21204

410-494-6244 210 Allegheny Avenue

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: 04-019-A

10015 York Road

E/side of York Road, 252 feet north of centerline of Cranbrook Road

8th Election District – 3rd Councilmanic District

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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.

FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MILE P.

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

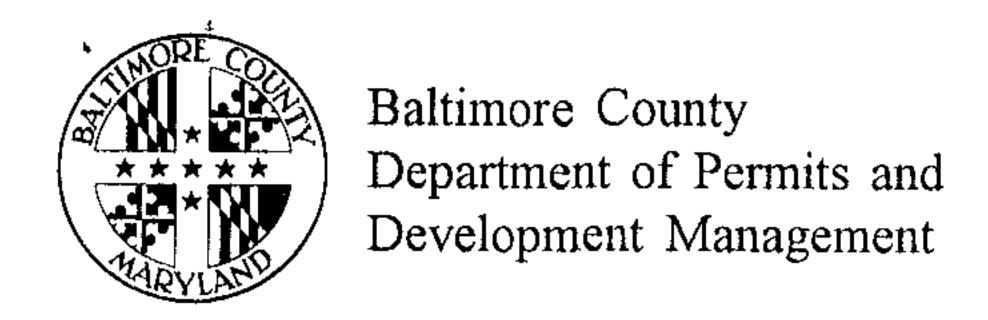
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 04-019- A
Petitioner:
Address or Location: (00/5 Your Road)
PLEASE FORWARD ADVERTISING BILL TO: Name: Din tell
Address: Address: Aronne
Tourson, MD 21204
Telephone Number: (40) 494 - 6244

Revised 2/20/98 - SCJ



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

September 5, 2003

Robert Hoffman Venable, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 04-019-A, 10015 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 9, 2003.

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

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel David Bavar, York Marketplace, LLC, 1966 Greenspring Dr., Ste. 508, Timonium 21093



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 31, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 28, 2003

Item No.:

019, 027-031

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 21, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 21, 2003

Item No.: 015-020, 022-026 (43)

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., Governor-Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF FRANSPORTATION

Date: 7.25.03

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

RE: Baltimore County

Item No. **7**

JMP

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US/37. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

Ju

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

10015 York Road

INFORMATION:

Item Number:

04-019

Petitioner:

York Market Place, LLC.

SEP 1 X 2003

RECEIVED

DATE: September 11, 2003

Zoning:

BR

Requested Action:

Variance

70NING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- 1. The proposed development/structure shall be in accordance with the guidelines stated in the Hunt Valley Timonium Plan (HVT). Add a note to the plan indicating compliance with this requirement.
- The architectural elevations submitted with the variance request meet the HVT guidelines provided materials are of high quality, such as brick or decorative concrete block.
- 3. Submit a lighting plan in accordance with IESN standards to Avery Harden, Baltimore County Landscape Architect.
- 4. Submit a final landscape plan, and sign elevations of any free-standing signs to this office for review and approval prior to the issuance of any building permits.
- 5. Provide a sidewalk connection from the proposed structure to the public right-of-way.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 26, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:\\\

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 1, 2003 Case No. 04-019-A

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

INTEROFFICE CORRESPONDENCE

DATE: September 12, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 4, 2003

Item Nos.019, 029, 030, and 032

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE

10015 York Road; E/side York Rd,

252' N c/line Cranbrook Rd * ZONING COMMISSIONER

8th Election & 3rd Councilmanic Districts

Legal Owner(s): Southern States Cooperative,* FOR

Inc, James R. Wright, Director

Petitioner(s) * BALTIMORE COUNTY

* 04-019-A

* * * * * * * *

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

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to, Robert A Hoffman, Esquire, Venable LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 05 200

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517

Telephone 410-494-6200 Facsimile 410-821-0147 www.venable.com

Writer's Direct Number (410) 494-6285

dhkarceski@venable.com

October 9, 2003

RECEIVED

OCT - 9 2003

ZONING COMMISSIONER

HAND-DELIVERED

John V. Murphy, Deputy Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re:

York Marketplace 10015 York Road

8th Election District, 3rd Councilmanic District

Case No. 04-019-A

Dear Mr. Murphy:

I am in receipt of your Findings of Fact and Conclusions of Law dated September 16, 2003, for the above-captioned property and request clarification of the Order. In the Order, you imposed a restriction (Restriction No. 2) relating to future restaurant tenants that raises concern. Restriction No. 2 reads as follows:

[t]hat the owner shall develop the property in accordance with Petitioners' Exhibit No. 4 with at least five stores and/or restaurants and that said restaurants shall be primarily carryout restaurants.

See Order, Page 6.

As you may recall, testimony presented at the hearing indicated that the applicant, York Marketplace, LLC, is seriously considering various upscale retail and service uses for the property, including restaurant tenants. With regard to restaurant uses, testimony was presented that York Marketplace proposes to lease tenant space to no more than five restaurants that may be one standard restaurant and up to four carryout restaurants or five carryout restaurants.

Therefore, I am requesting that you modify Restriction No. 2 of your Order to reflect York Marketplace's intended use of the portion of the building designated for restaurant use to read as follows:

VENABLE LLP

John V. Murphy, Deputy Zoning Commissioner October 9, 2003 Page 2

That the owner shall develop the property in accordance with Petitioner's Exhibit No. 4 with no more than a total of five carryout restaurants or a combination of one standard restaurant and four carryout restaurants. With regard to the classification of any future restaurant tenants, any restaurant tenant space not in excess of 1,700 square feet shall be considered a carryout restaurant.

Larry Townsend participated in the September 11th hearing in his capacity as Zoning Chairman for the Greater Timonium Community Council. Mr. Townsend confirmed his agreement that, subject to proposed Restriction No. 2, five carryout restaurants or one standard restaurant in combination with four carryout restaurants, in addition to the utilization of other retail uses on the property, is a suitable arrangement.

I am, therefore, respectfully asking that you amend your Order to incorporate the above-revised Restriction No. 2.

I appreciate your attention to this matter.

Very truly yours,

Jewell BASUN/ULL

Arnold Jablon

David H. Karceski

DHK Enclosure

cc: Mr. Larry Townsend,
GTCC Zoning Chairman
Mr. David I. Bavar

TO1DOCS1/DHK01/#169539 v1



ZAC AGENDA



item Number: 019

Case Number: 4-19-A

Primary Use: Commercial

Reviewer: BPR

Type:

Legal Owner: Southern States Cooperative, Inc. James R. Wright, Director

Contract Purchaser David I. Bavar

Critical Area: No Flood Plain: No

Historic: No

Election Dist 8th

Councilmanic Dist 3rd

Property Address: 10015 York Road

Location: E/side York Road, 252 feet north centerline Cranbrook Road

Area: 1.51 acres Existing Zoning: BR

Proposed Zoning: VARIANCE to permit a minimum side yard setback of 10 feet and a minimum rear yard setback of 6 feet

in lieu of the required 30 feet. To permit 93 parking spaces in lieu of the required 155 parking spaces.

Attorney: Robert A. Hoffman

Miscellaneous:

Robert L. Ehrlich, Jr. Governor Maryland Department of Planning

Audrey E. Scott Secretary

Florence E. Burtan Deputy Secretary

Michael S. Steele Lt. Governor

July 29, 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 re: case numbers 4-19-A, A-27-SPH, 4-28-A, 4-29-SPH, 4-30-A, 4-31-A, & 4-32-XA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/29/03. 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 Planning Services

cc: Mike Nortrup

CASE NA				
CASE N	JMBER_	04	-019	- A
DATE	9/11	103		

PETITIONER'S SIGN-IN SHEET

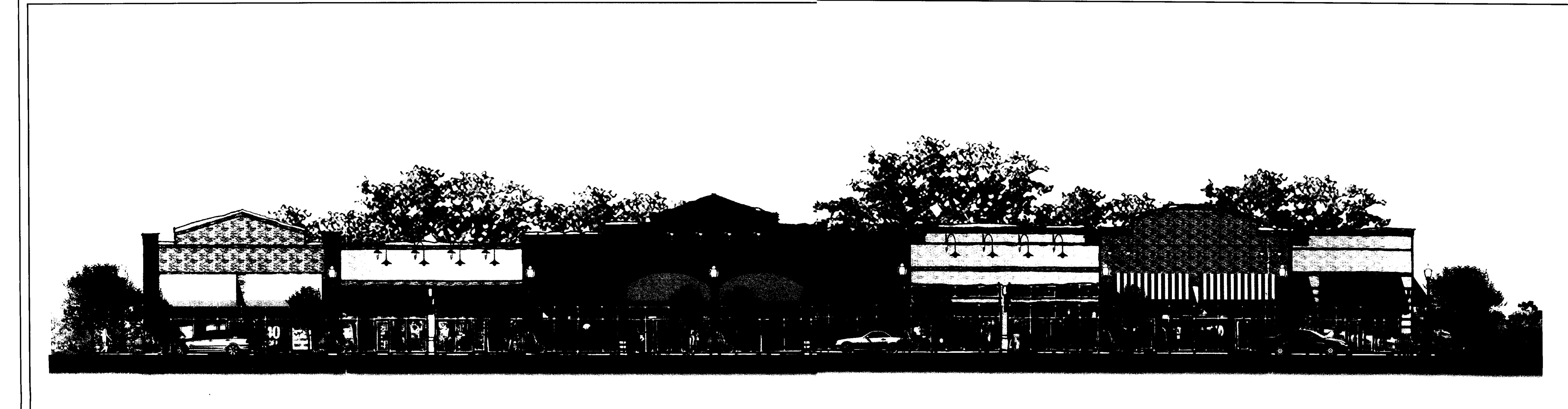
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JACQUELNE HALCOTT	1966 GREENSPRING DR	TIMONIUM MD 21093	
Robert BowAR	1966 GREENSPRING DR	TIMONIUM MD 21093	RAB @ bavar properties. Com
WAND MARTIN	1020 CROMWELL BADOE PD.	POWSON MD 21266	amartine autterphens com
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Case Number	04-019A
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PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
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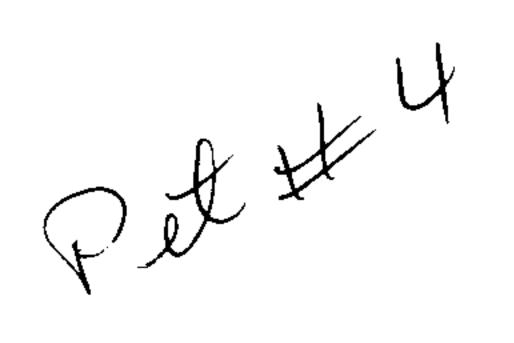


FRONT ELEVATION

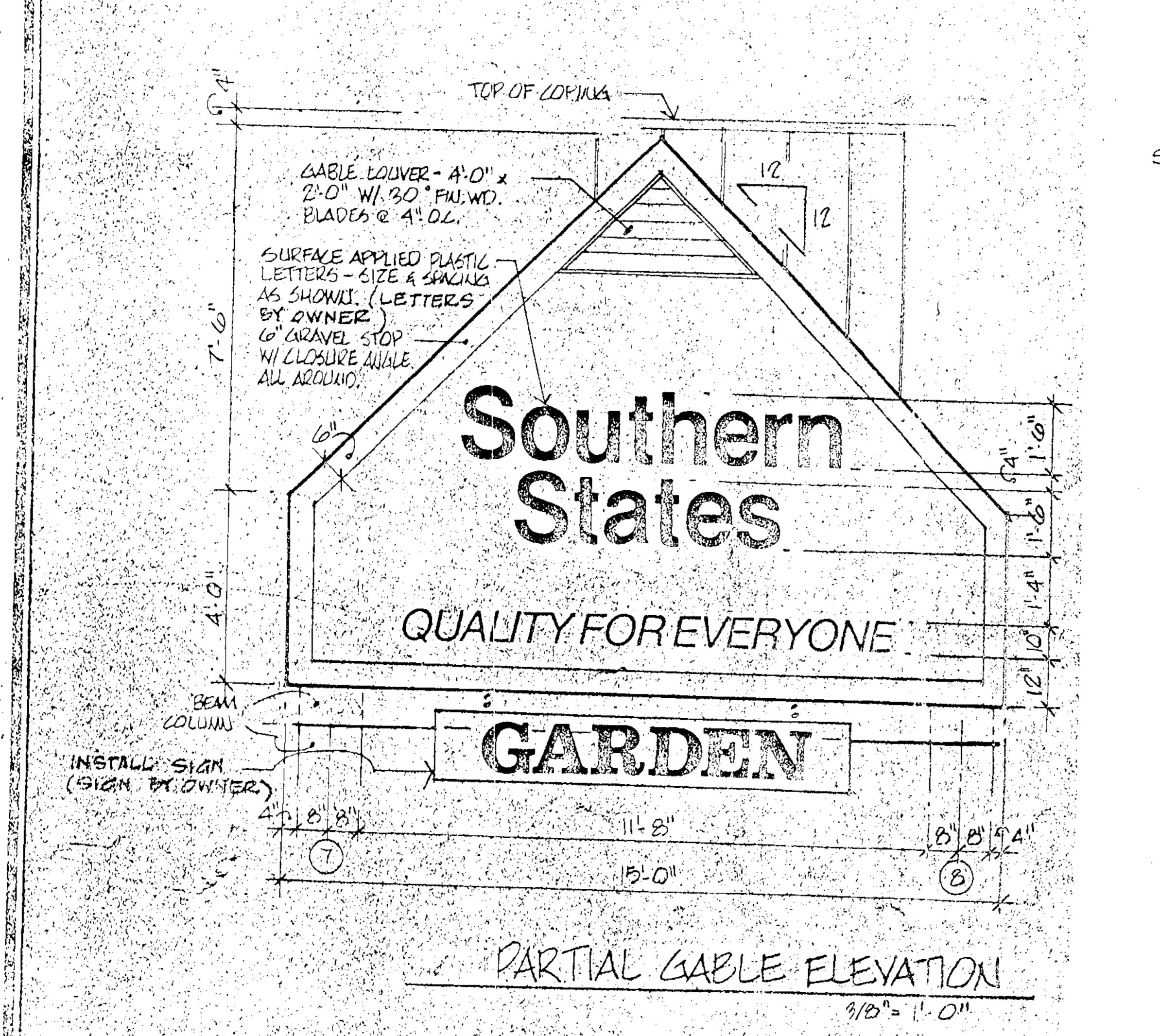
YORK MARKET PLACE

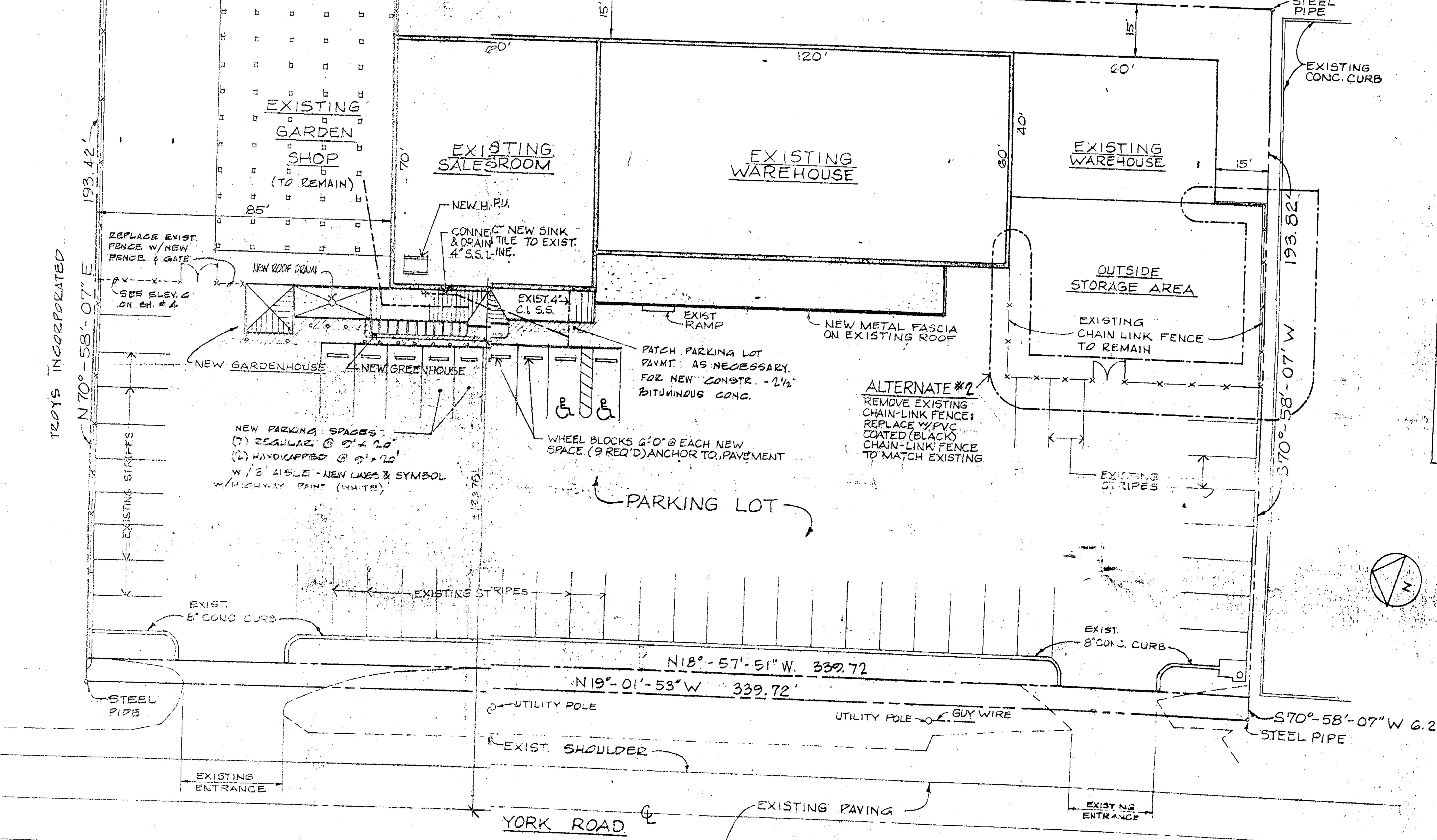






EXIST. CONC. CURB -





WQQD_TRUSS_NOTES

TRUSS FABRICATOR SHALL PROVIDE SYSTEM OF TRUSSES TO FIT CONDITIONS SHOWN FOR THE FOLLOWING LOADS:

TRUSSES SHALL CONFORM TO THE "DESIGN SECIFICATIONS FOR LIGHT METAL PLATE CONNECTED WOOD TRUSSES" BY THE TRUSS PLATE INSTITUTE.

TRUSS FABRICATOR SHALL SUBMIT DESIGN CALCULATIONS INCLUDING
LUMBER SPECIES AND GRADE WITH SHOP DRAWINGS FOR REVIEW PRIOR
TO FABRICATION OF COMPONENTS. THE CALCULATIONS AND SHO
DRAWINGS SHALL DEAR THE SEAL OF A PROFESSIONAL ENGINEER
RESISTERED TO PRACTICE IN THE STATE OF VIRGINIA, THESE DEAF TWO
MUST ALSO BE REVIEWED BY THE ARCH, FROME TO PARTICULAR
INCLUDE WITH SHOP DRAWINGS PROPOSED SYSTEM OF LATERAL ENGINE
AS WELL AS CROSS PRACING TO BE USED FOR ERECTION.

TRUSS CONNECTIONS SHALL BE MADE WITH "SANFORD URIP MOTTING" "RONNEL BARB-GRIP", DR "GANT-WILL" PLATES, AND CONTRACTOR ACCORDING TO MANUFACTURER'S INSPRICTIONS.

DATA FROM PLAT OF PROPERTY AND TOPOGRAPHIC SURVEY
BY LEO W. RADER, R.L.S. - TIMONIUM, MD. - DATED AUG. B., 1968 AND
PLANS ON MD. ROUTE 45 (YORK RD.) RIGHT OF WAY PROJECT PREPARED BY
GEORGE WILLIAM STEPHENS JR. & ABSOCIATES, INC.
TOWSON, MARYLAND - DATED APRIL 2,1973.

PLOT PLAN SCALE: 1'-20' EV/SIN

contract of any shall be pressure-treated wolfmanaged.

5 All beams and latter Shall bear 4" minimum at searting points.

Provide later at a linew chaptings.

SIGNIERA

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(804) 649-2192

