

IN RE: PETITION FOR VARIANCE

W side of York Road, 41 feet N
of c/l of Northwood Drive
8th Election District
3rd Councilmanic District
(2046 York Road)

JK Investments IV, LLC, Jennie Kim
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-340-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Jennie Kim on behalf of the legal owner of the subject property, JK Investments IV, LLC. Petitioner is requesting variance relief as follows:

- From Section 229.6.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard and rear yard setback of five feet each in lieu of the required 10 feet respectively; and
- From Section 229.6.D of the B.C.Z.R. to permit a proposed parking lot with a front yard setback to the ultimate street right-of-way of 14 feet and a side yard setback of one foot in lieu of the required 20 feet and eight feet respectively; and
- From Section 409.8.A.5 of the B.C.Z.R. to permit a dead-end aisle without a "turn-around" space in lieu of the required backup area for the end parking spaces; and
- From Section 409.12 to permit an off-street loading space which will impede normal vehicular circulation in lieu of the required off-street loading space which will not impede vehicular circulation.

The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests were Jennie and Jonathan Kim on behalf of JK Investments IV, LLC, and their attorney, Gary R. Maslan, Esquire. Also appearing in support of the requested relief was R. Alonzo Childress with R.A. Childress & Associates, Inc., the professional engineer who prepared the site plan, and Buck

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Jones with FreeState General Contractors, Inc., Petitioner's builder. Appearing as an interested citizen was Louis W. Miller of 44 East Timonium Road. Mr. Miller is a past President of the Greater Timonium Community Council and has been involved in civic activities in the Lutherville-Timonium community for a number of years. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property containing approximately 8,822 square feet or .203 acre, more or less, and zoned B.L.R. The property is currently improved with a two-story dwelling that has been used in the past for retail businesses, but is now currently vacant, and a one-story garage towards the rear of the property. It is located in a commercial corridor on the west side of York Road, just south of Timonium Road in the Lutherville-Timonium area of Baltimore County. Mr. and Mrs. Kim purchased the property in 1996 and transferred ownership to JK Investments IV, LLC in 2004 (hereinafter referred to collectively as "Petitioners"). During the ensuing 12 years of ownership, the appearance and profile of the area has changed; in particular, there has been an influx of newer, modern retail structures along this stretch of York Road. These changes have made it much more difficult for Petitioners to keep the property rented and attract retail businesses, now and in the future.

The dwelling on the property was constructed as a single-family home in 1928, prior to the imposition of zoning on the property and at a time when this area of York Road looked and functioned much differently. Presently, the dwelling appears out of place because it is the only dwelling on the west side of York Road, as opposed to the commercial retail buildings. Along that side of York Road are the Timonium Crossing Shopping Center, the aforementioned bank, the Smyth building which was constructed within the last few years, and several more strip shopping centers with various retail businesses. Petitioners submitted an aerial photograph of the

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area that was marked and accepted into evidence as Petitioners' Exhibit 2. While most of the new retail structures have been set back further from York Road, the subject dwelling sits very close to the road by comparison, again reflecting the time when it was built and its original use. A site plan depicting the existing improvements on the property and photographs of the subject property and the nearby retail buildings along York Road were marked and accepted into evidence as Petitioners' Exhibit 3, and Petitioners' Exhibits 3A through 3J, respectively.

At this juncture, Petitioners propose to raze the existing structures and replace them with a one-story retail building that would be more in line with the existing retail buildings in the area. Petitioners propose a 2,600 square foot building that would be divided into two separate retail spaces. As shown on a more detailed site plan that was marked and accepted into evidence as Petitioners' Exhibit 4, the new building would be set back from York Road, with parking towards the front of the property. There would be a concrete apron on each side of the entrance to the property, with landscaping islands on either side as well. A rendering of the proposed building with architectural details was marked and accepted into evidence as Petitioners' Exhibit 5. Petitioners would be looking to lease the spaces to various family oriented retail businesses, such as an antique shop, camera-photo-supply store, clothing-accessory store, duplicating service, florist shop, gift or hobby shop, sporting goods store, shoe store, or travel agency. In order to make the planned improvements to the property economically feasible, Petitioners indicated that the building must have at least 1,300 square feet for each of the two retail businesses. As a result of the size of the proposed building, Petitioners are in need of variance relief from front and side yard setbacks and parking requirements.

In support of the variance requests, Mr. Childress, Petitioners' engineering consultant, discussed some of the unusual characteristics of the property that necessitate zoning relief.

Perhaps the most glaring distinction between the subject property and others in the area is the

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fact that this B.L.R. zoned property is improved with a dwelling and garage that was more appropriate 50 years ago when there was likely very little commercial activity in this corridor. As previously indicated, the area is now a heavy commercial corridor with commercial style structures dotting York Road -- except for the subject property. It should also be noted that the structure is showing its 80 year old age and is in some state of disrepair and in need of updating or, as in this case, replacement.

In addition, the size of the property is unique compared with the other adjacent properties. On one side is the Smyth property which is approximately 4.3 acres in size covering several blocks and containing a very large, almost 50,000 square foot retail building. On the other side is the Mercantile property which is almost one acre in size and contains the one-story PNC Bank building that is over 4,000 square feet. By comparison, the subject property is only about 60 feet wide by 143 feet deep (less than a quarter acre) and is proposed for a 2,600 square foot building. The subject property also slopes downward toward the rear of the property and has no access from the rear -- only from York Road. As a result of these constraints, Mr. Childress believes the imposition of zoning disproportionately affects the subject property as compared to others in the district. In short, without zoning relief, Petitioners will not have an opportunity to gain a permitted use of the property.

Another issue Mr. Childress discussed was parking and loading and unloading. Because the proposed building will be set back from York road, there will be parking in front of the building closer to York Road. The retail use of the property requires one parking space for each 1,000 square feet of retail space. In the instant matter, the 2,600 square foot building requires 13 parking spaces. Petitioners propose 13 parking spaces, including one handicapped space. In providing sufficient parking for the retail businesses, which Petitioners believe is very important in order to attract customers from busy York Road, it has also resulted in a situation where

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Petitioners are unable to provide a traditional "turnaround" area for parking space number 1, closest to the building. Essentially, a customer that drives into the parking area and pulls into this space will not have an area to back out of at an angle in order to exit after their visit; however, Mr. Childress believes that as a practical matter, the vehicle that uses that first parking space will be able to back up into the parking area across from that space. This area is where the handicapped parking space will be located. The handicapped space is larger than the other spaces and will have a shaded area next to it that is as big as a regular parking space. Other than when a handicapped parker uses this area to get out of and back into their vehicle, this area will always be clear, much like a fire lane. Hence, a customer parking in the first parking space can use this area when backing out of that first space.

Another issue involves loading and unloading. Because of the previously stated need to maximize the number of parking spaces for the proposed retail businesses, this has resulted in an inability to have a separate area for loading and unloading of deliveries. Mr. Childress again pointed to the relatively small size of the subject property, which places constraints on meeting each of the parking requirements. In order to have an adequate loading and unloading area, the number of parking spaces would need to be reduced, thereby necessitating a separate parking variance. Because Petitioners and Mr. Childress believe the frequency of loading and unloading makes it a secondary issue as compared with the undue hardship of having insufficient parking for customers, and because the issue can be addressed by restricting deliveries to before or after normal business hours, Petitioners are requesting pursuant to Section 409.12.B of the B.C.Z.R., and as depicted on the site plan and shown at General Note 18, a modified plan for loading and unloading space.

It should also be noted that the proposed dumpster area for the property will be located against the building on the left side near the front, adjacent to the proposed handicapped parking

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space. This small dumpster will be surrounded on three sides by a gate that will screen and shield it from view, an example of which is shown in the photograph that was marked and accepted into evidence as Petitioners' Exhibit 6. Moreover, as stated in General Note 19, the dumpster will be unloaded only before or after normal business hours.

Finally, Petitioners indicated they have shared their plans for the subject property with community representatives from Hunt Valley and the Greater Timonium Community Council and have been met with a very favorable response to removing what has been characterized as an "eyesore" and replacing it with a new building. Petitioners also met with representatives from Smyth's and PNC Bank on each side, and Pipco Air Conditioning, Inc. to the rear of the subject property. These entities indicated they had no objections to the proposed building project, as indicated by the letters marked and accepted into evidence as Petitioners' Exhibits 9A through 9C.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated March 5, 2008 which indicate that the proposed building is too large for the site. The site could be better developed using a shared access from the adjacent driveway to the north with a smaller building being located closer to York Road. It appears from the aerial photograph that there is already access from the adjacent driveway at the rear of the site. Comments were also received from the Office of Planning dated February 20, 2008 which indicate that the property is within the Hunt Valley/Timonium Community Plan Area and is subject to the design guidelines. Building elevations should be submitted for review and approval prior to the hearing. Elevations of signage should be submitted for review and approval, and the project is subject to performance standards. In addition, People's Counsel for Baltimore County submitted a letter to the file dated February 29, 2008 expressing concerns over the side yard and rear yard setback

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variance requests and the potential parking issues related to the dead-end aisle turnaround and the off-street loading space plan. Based on these concerns and the comment of the Bureau of Development Plans Review, People's Counsel believes the building will have to be downsized.

Considering all the testimony and evidence presented at the hearing, and taking into account the comments of the Bureau of Development Plans review and People's Counsel, I am persuaded to grant the requested variance relief. Section 229 of the B.C.Z.R. relates to Performance Based Business Zones: C.B. (Community Business) and B.L.R. (Business Local Restricted) Zones. Section 229 states that the existing commercial districts for use within the urban-rural demarcation line (A.S., C.C.C. and C.T.) and the underlying Business Zones (B.L., B.M. and B.R.) allow for a wide range of uses which in design, scale, intensity, use or traffic generation can be disruptive to communities. As such, the Master Plan calls for a neighborhood business zone that can promote the development of attractive, convenient commercial centers designed to meet the daily shopping needs of community residents, and also cites a need to upgrade the appearance of the county's major commercial corridors through new regulatory standards to be applied as older parts of the county are redeveloped.

In the instant matter, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The existing residential style dwelling situated very close to York Road compared with the adjacent newer, more modern commercial buildings makes the subject property unique. I also agree with Petitioners' engineering consultant that due to the property's small size, its downward slope toward the rear, and its limited means of access, the imposition of zoning disproportionately affects the subject property as compared to others in the district. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The property has constraints that are inherent to the property through no fault of

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Petitioners. In order for development of the property to be economically feasible, a building of sufficient size for business retail tenants is required. In my judgment, although it will be close to the side yard property lines, it will not overcrowd the land or look disproportionate. There will still be sufficient space between the proposed building on the subject site and the existing Smyth and PNC Bank buildings on either side as to not appear congested.

Finally, I find these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In my judgment, the goal of the Performance Based Business Zones to promote the development of attractive, convenient commercial centers designed to meet the daily shopping needs of community residents, as well as upgrading the appearance of the county's major commercial corridors, will be met.

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

THEREFORE, IT IS ORDERED this 25th day of April, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request as follows:

- From Section 229.6.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard and rear yard setback of five feet each in lieu of the required 10 feet respectively; and
- From Section 229.D of the B.C.Z.R. to permit a proposed parking lot with a front yard setback to the ultimate street right-of-way of 14 feet and a side yard setback of one foot in lieu of the required 20 feet and eight feet respectively; and
- From Section 409.8.A.5 of the B.C.Z.R. to permit a dead-end aisle without a "turn-around" space in lieu of the required backup area for the end parking spaces; and
- From Section 409.12 to permit an off-street loading space which will impede normal vehicular circulation in lieu of the required off-street loading space which will not impede vehicular circulation.

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be and are hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The proposal is subject to the performance standards outlined in Section 229.3 of the Baltimore County Zoning Regulations.
3. Elevations of the signage shall be submitted to the Office of Planning for review and approval.
4. Exterior architectural features and finishes of the building shall be submitted to the Office of Planning for approval.
5. Landscaping features shall be subject to approval by the County's Landscape Architect, Avery Harden.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 25, 2008

GARY R. MASLAN, ESQUIRE
7508 EASTER AVENUE
BALTIMORE MD 21224

Re: Petition for Variance
Case No. 08-340-A
Property: 2046 York Road

Dear Mr. Maslan:

Enclosed please find the decision rendered in 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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick", written over a circular stamp.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Jonathan and Jennie Kim, JK Investments IV LLC, 3 Fawn Ridge Court, Reisterstown MD 21136
Buck Jones, Free-State General Contractors Inc., 500 Vogts Lane, Baltimore MD 21221
R. Alonzo Childress, R.A. Childress & Associates, Inc., 713 Pheasant Drive, Forest Hill, MD 21050
Louis W. Miller, 44 East Timonium Road, Timonium MD 21093



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2046 York Road
which is presently zoned BLR

Deed Reference: 19626 / 324 Tax Account # 0803067807

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)

see attached

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

See attached.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Gary R. Maslan

Name - Type or Print

Signature

Maslan, Maslan & Rothwell, P.A.

Company

7508 Easter Avenue

410-282-2700

Address

Telephone No.

Baltimore, MD 21224

City

State

Zip Code

Legal Owner(s):

JK Investments IV, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

3 Fawn Ridge Court

410-627-2119

Address

Telephone No.

Reisterstown, MD 21136-5654

City

State

Zip Code

Representative to be Contacted:

Gary R. Maslan

Name

7508 Eastern Avenue

410-282-2700

Address

Telephone No.

Baltimore, MD 21224

City

State

Zip Code

Case No.

08-340-A

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by

BPR

Date

1/31/08

REV 8/20/07

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Subject property was purchased by Yong Keuk Kim (a/k/a Jonathan Kim) and Jennie H. Kim in 1996 and then transferred to the present LLC which is wholly owned by the Kims. The property presently contains an older house which has been used for various retail establishments. In the time since the Kims originally purchased the property substantial development and improvements have occurred along that York Road corridor which render the configuration of the property and the antiquated structure thereon obsolete for any modern commercial purposes. Only by bringing the property into conformity with adjacent properties as a modern commercial property is there any practical use for the subject property that will generate any reasonable return on the investment. The likelihood of anyone purchasing it for use as a residence is extremely low.

By virtue of its size and location between a large jewelry store operation and a bank on the other side, it is for all practical purposes unusable for any commercial return in its present configuration. It differs from its neighbors because of its size and the difficulty and hardship of complying with all setback requirements and conforming that to some reasonable use. The hardship is not the result of the applicants' actions and improvements by neighbors. Strict compliance with all setback requirements and turn around requirements would be unnecessarily burdensome as no commercially viable structure could be placed on that property.

229.6(C) to permit a side yard and rear yard setback of 5 ft. each in lieu of the required 10 ft. respectively; section 229.D to permit a proposed parking lot with a front yard setback to the ultimate street right-of-way of 14 ft. and a side yard setback of 1 ft. in lieu of the required 20 ft. and 8 ft., respectively; Section 409.8.A.5 to permit a dead-end aisle without a “turn-around” space in lieu of the required backup area for the end parking spaces; Section 409.12 to permit an off-street loading space which will impede normal vehicular circulation in lieu of the required off-street loading space which will not impede vehicular circulation.

January 24, 2008

ZONING DESCRIPTION FOR
JK Investments IV LLC
2046 York Road
Timonium, Maryland 21093-4244

Beginning at a point on the west side of York Road (Maryland Route 45), which is a 82 foot right-of-way at the distance of 41+/- feet north from the centerline of the intersection of Northwood Drive, which is a 40 foot right-of-way. Thence the following courses and distances:

- | | | |
|----|----------------|------------|
| 1. | N 19 03' 00" W | 62.42 ft. |
| 2. | S 70 21' 56" W | 142.97 ft. |
| 3. | S 18 25' 09" E | 60.71 ft. |
| 4. | N 71 03' 09" E | 143.63 ft. |

To the Point of Beginning.

The Property (2046 York Road) located in the 8th Election District, 3rd Councilmanic District, is designated as Lots No. 2 as shown on the "Crowther Property" record plat SM 62 Folio 50 and as recorded in:

<u>Deed</u>	<u>Tax Map</u>	<u>Parcel</u>
Liber 19626 Folio 324	60	191

Containing 0.203 acres of land more or less.



R. Alonzo Childress
Registered Professional Engineer
Maryland P.E. No. 10227

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09773**

Date: 1/31/08

PAID RECEIPT

BUSINESS ACTUAL TIME DFM
 1/31/2008 1/31/2008 09:30:36 2

REC-002 MAIL TEMA SET
 >>RECEIPT # 560499 1/31/2008 09:31
 Dept 5 528 ZONING VERIFICATION
 009773

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
	001			6150				8325.00

Total: 8,325.00

Rec
 From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CA

Item # 340

Recpt for 8325.00
 8325.00 12 8.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-340-A

2046 York Road

W/side of York Road, 41 feet north of centerline of Northwood Drive

8th Election District - 3rd Councilmanic District

Legal Owner(s): JK Investments IV, LLC

Variance: to permit a side yard a rear yard setback of 5 feet each in lieu of the required 10 feet respectively, and to permit a proposed parking lot with a front yard setback to the ultimate street right-of-way of 14 feet and a side yard setback of 1 foot in lieu of the required 20 feet and 8 feet, respectively and to permit a dead-end aisle without a "turn-around" space in lieu of the required backup area for the end parking spaces and to permit an off street loading space which will impede normal vehicular circulation in lieu of the require off-street loading which will not impede vehicular circulation.

Hearing: Monday, March 24, 2008 at 10:00 a.m. in Room 407, County Court Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

3/020 Mar. 6

165787

CERTIFICATE OF PUBLICATION

3/6/2008

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 3/6/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

(Telephone Number of Sign Poster)

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.

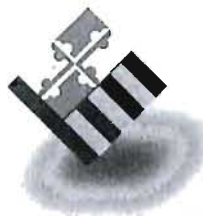
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08-340-A
Petitioner: JK INVESTMENTS IV LLC
Address or Location: 2046 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JENNIE H KIM
Address: 3 FAWN RIDGE COURT
REISTERSTOWN, MD 21136-5654
Telephone Number: 410-627-2119



BALTIMORE COUNTY
M A R Y L A N D

February 8, 2008

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 08-340-A

2046 York Road

W/side of York Road, 41 feet north of centerline of Northwood Drive

8th Election District – 3rd Councilmanic District

Legal Owners: JK Investments IV, LLC

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Hearing: Monday, March 24, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:kllm

C: Gary Maslan, 7508 Easter Avenue, Baltimore 21224
Jennie Kim, JK Investments IV, LLC, 3 Fawn Ridge Court, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 8, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 6, 2008 Issue - Jeffersonian

Please forward billing to:

Jennie Kim
3 Fawn Ridge Court
Reisterstown, MD 21136

410-627-2119

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: 08-340-A

2046 York Road

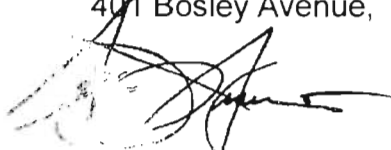
W/side of York Road, 41 feet north of centerline of Northwood Drive

8th Election District – 3rd Councilmanic District

Legal Owners: JK Investments IV, LLC

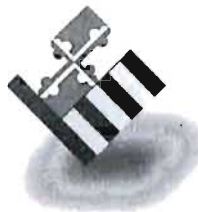
Variance to permit a side yard a rear yard setback of 5 feet each in lieu of the required 10 feet respectively, and to permit a proposed parking lot with a front yard setback to the ultimate street right-of-way of 14 feet and a side yard setback of 1 foot in lieu of the required 20 feet and 8 feet, respectively and to permit a dead-end aisle without a "turn-around" space in lieu of the required backup area for the end parking spaces and to permit an-off street loading space which will impede normal vehicular circulation in lieu of the require off-street loading which will not impede vehicular circulation.

Hearing: Monday, March 24, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

March 19, 2008

Gary R. Maslan
Maslan, Maslan & Rothwell, P.A.
7508 Easter Avenue
Baltimore, MD 21224

Dear Mr. Maslan:

RE: Case Number: 08-340-A, 2046 York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 31, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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:amf

Enclosures

c: People's Counsel
JK Investments IV, LLC Jennie Kim 3 Fawn Ridge Court Reisterstown 21136-5654



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEB. 4, 2008

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

RE: Baltimore County
Item No. B-340-A
MD 45
2046 YORK ROAD
JK INVESTMENTS, LLC
VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 02/01. A field inspection and internal review reveals that the existing entrance onto MD 45 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to JK INVESTMENTS, LLC, Case Number B-340A approval.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 04, 2008

Item Number: 327 (340)

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

TB 3/24 10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 20, 2008

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

SUBJECT: 2046 York Road

INFORMATION:

Item Number: 8-340

Petitioner: JK Investments IV, LLC

Zoning: BLR

Requested Action: Variance

RECEIVED
FEB 26 2008

BY: _____

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

- The subject property falls within the Hunt Valley/ Timonium Community Plan Area. Therefore, the new improvements are subject to the respective design guidelines (high quality building materials, etc...) the applicant should refer to the plan for further details.
- The applicant should submit full building elevations for review and approval prior to the close of the subject variance hearing. Additional elevations of proposed signage should be submitted for review and approval as well.
- The proposal is also subject to the performance standards outlined in Section 229.3 of the Baltimore County Zoning Regulations.

For further information concerning the matters stated here in, please contact Jessie Bialek (410) 887-3480.

Reviewed by:

Curtis Murray

Division Chief:

AFK/LL: CM

Lynn Lachar

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: March 5, 2008

FROM: ~~DAK~~ Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 11, 2008
Item No. 08-340 **REVISED**

The Bureau of Development Plans Review has reviewed a revised plan for the subject zoning item and we have the following comment(s).

We feel that the proposed building is too large for this site for the following reasons:

1. While a truck is in the loading area, five parking spaces cannot be used. Furthermore, a delivery truck cannot turn around on the site if the parking spaces are full, leading to the possibility of a delivery truck having to back in off of York Road. At minimum, there should be time limitations placed on deliveries so that they occur during off hours.
2. The SHA should be contacted to see if they are willing to grant a new access permit when there is a viable access point 25-feet away.
3. The dumpster location is not readily accessible.

We suggest that the site could be better developed using a shared access from the adjacent driveway to the north, with a smaller building being located closer to York Road. It appears from aerial photography that there is already access from the adjacent driveway at the rear of the site.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-340revised-03052008.doc

PM

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 02/27/2008 9:37 AM
Subject: Case No. 08-340-A, 2046 York Rd

Dear Mr. Zimmerman:

We wouldn't add any additional comments beyond those already provided by Dennis Kennedy to ZAC dated 2/11/08.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: February 11, 2008

FROM: ~~DAK~~ Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 11, 2008
Item No. 08-340

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We feel that the proposed building is too large for this site for the following reasons:

1. While a truck is in the loading area, five parking spaces cannot be used.
2. This parking lot is subject to condition B.1.b of the Landscape Manual, which provides for a six-foot-wide landscaped strip on each side. The Smyth Jeweler's Property provided a ten-foot-wide green landscaped strip. It would be unfair for this site to provide nothing.
3. There is a public sewer that runs under and along the rear property line that is deep and old. We would ask that the rear building set back variance request be denied. If the building were placed as shown, the building would be endangered should the county have to dig up the sewer.

We suggest that the site could be better developed using a shared access from the adjacent driveway to the north, with the building being located closer to York Road. It appears from aerial photography that there is already access from the adjacent driveway at the rear of the site.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 08-340-02072008.doc

RE: PETITION FOR VARIANCE
2046 York Road; W/S York Road,
41' N c/line Northwood Drive
8th Election & 3rd Councilmanic Districts
Legal Owner(s): JK Investments IV, LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-340-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 and all 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 6th day of February, 2008, a copy of the foregoing Entry of Appearance was mailed to, Gary R. Maslan, Esquire, Maslan, Maslan & Rothwell, P.A., 7508 Eastern Avenue, Baltimore, MD 21224, Attorney for Petitioner(s).

RECEIVED

FEB - 6 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TB 3/24



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410 823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 29, 2008

RECEIVED
FEB 2 2008

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

BY:-----

Re: PETITION FOR VARIANCE
JK Investments IV, LLC- Petitioners
2046 York Road
Case No: 08-340-A

Dear Mr. Wiseman,

Because this petition for variances for a building involves side yard and rear yard setbacks, parking lot setbacks, and dead-end aisle turnaround and off-street loading space impedance issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. As a result, he sent the enclosed e-mail dated February 27, 2008. As is our custom, we forward it to you for consideration. The hearing is currently scheduled for **March 24, 2008**.

Mr. Weber concurs with Dennis Kennedy's enclosed comment dated February 11, 2008. Mr. Kennedy, the Supervisor in the Bureau of Development Plans Review, finds that the proposed building is too large for the site. The loading area overlaps the parking spaces. There is no landscaping provided. There is a public sewer, which runs under and along the rear property line. The building as proposed would be endangered if the county has to dig up the sewer.

Mr. Kennedy suggests that the site could be better developed with a building located closer to York Road, using shared access from the adjacent driveway to the north. This, of course, would likely involve an amended zoning petition, public notice, and additional zoning review. Based on Mr. Kennedy's comment, the building will have to be downsized.

It should also be noted that the enclosed Planning Office comment includes the point that any building is subject to the Hunt Valley/Timonium Community Plan design guidelines.

William J. Wiseman, III, Zoning Commissioner
February 29, 2008
Page 2

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in blue ink that reads "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

cc: Gary R. Maslan, Esquire
Stephen Weber, Chief
Dennis A. Kennedy

**FREE-STATE
GENERAL
CONTRACTORS, INC.**



500 VOGT'S LANE • BALTIMORE, MARYLAND 21221 • (410) 574-9337
M.H.I.C. = 20286 • M.H.B.R. = 307
www.FreeStateGeneralContractors.com

MARCH 24, 2008

LYNN LANHAM
OFFICE OF PLANNING

RE: PETITION 08-340-A
J.K INVESTMENTS IV
2046 YORK ROAD
TIMONIUM, MD 21212

DEAR MS. LANHAM,

ENCLOSED ARE THE PLANS FOR THE ABOVE MENTIONED PROJECT. THESE PLANS SHOW THE QUALITY OF MATERIALS TO BE USED ON THE PROJECT. ASSUMING WE ARE SUCCESSFUL WITH OUR VARIANCE, WE WILL THEN WORK WITH AN ARCHITECTURAL FIRM TO BE BETTER ABLE TO PROVIDE DRAWINGS WITH MORE DETAILED MATERIALS AS DESCRIBED ON THESE DRAWINGS, ASSUMING THEY MEET YOUR APPROVAL.

THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

SINERELY,
Buck Jones
BUCK JONES
410-574-9337

*This is a Finish /
small building. Finish /
all sides the same /
Lynn Lanham*

*These elevations
are not
acceptable.
Lynn Lanham*

RECEIVED

APR 09 2008

OFFICE OF PLANNING

CASE NAME _____
CASE NUMBER 08 340A
DATE _____

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 08-340-A
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

LEON'S W MILLER

44 E. TIMONHILL RD

TIM. MD 21093

LEABO@AOL.COM

Baltimore County - My Neighborhood



PETITIONER' S

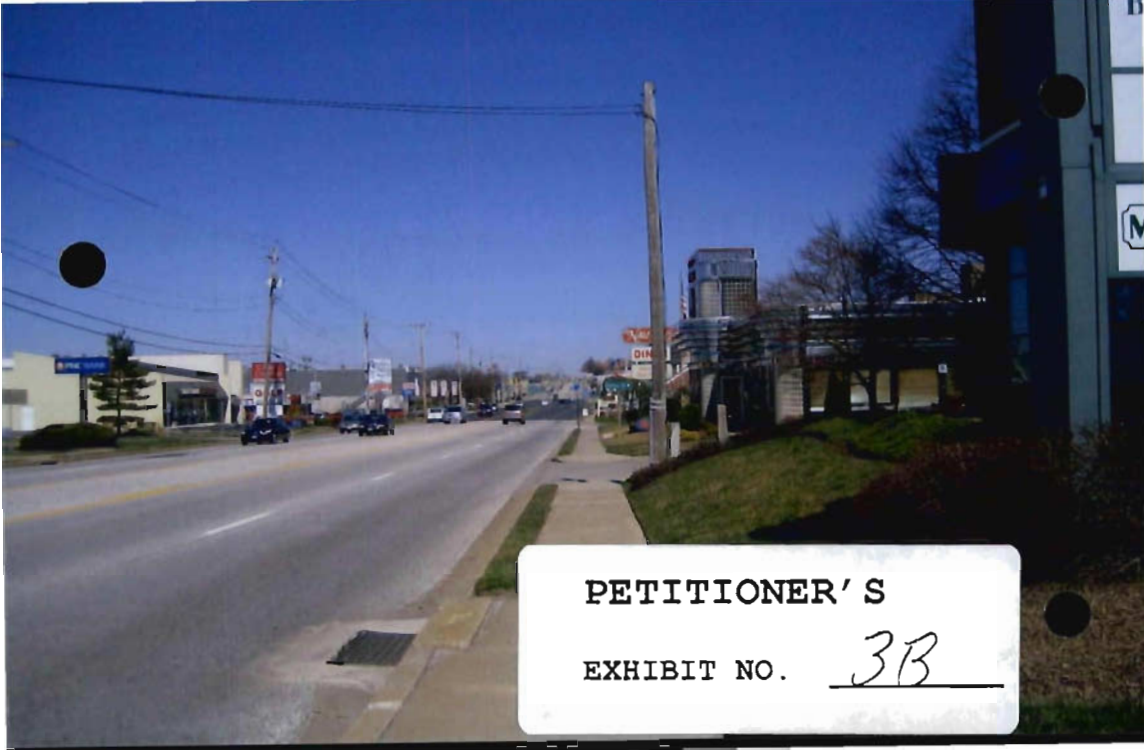
EXHIBIT NO.

2



PETITIONER'S

EXHIBIT NO. 3A

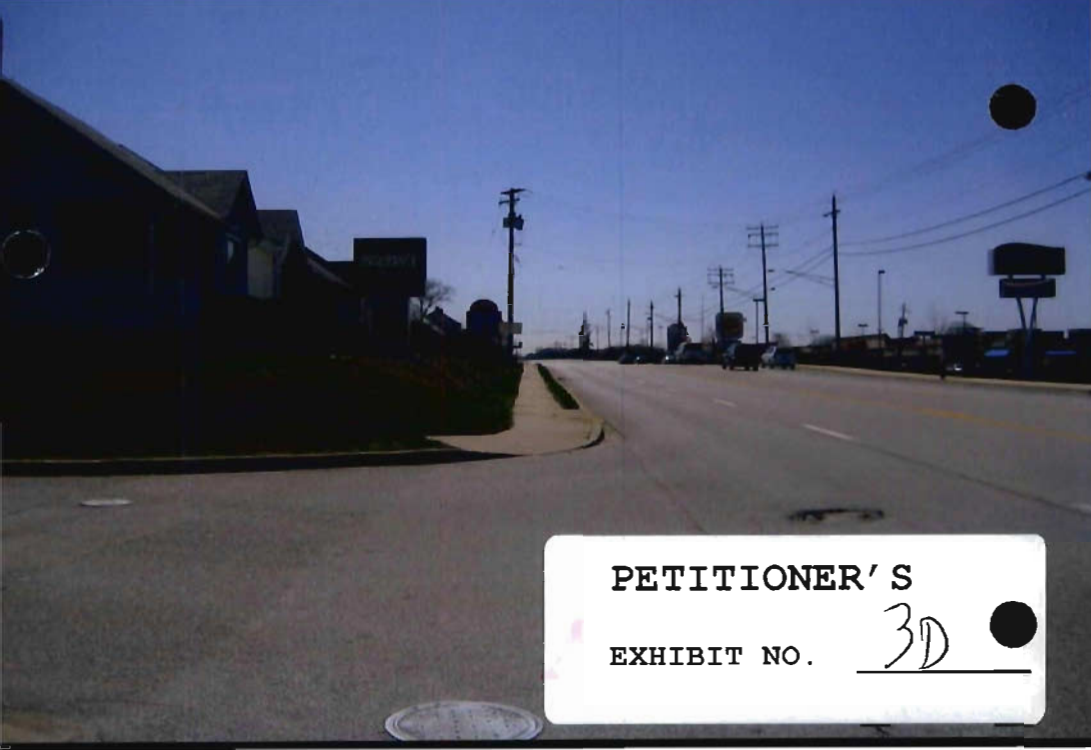


PETITIONER' S

EXHIBIT NO. 3B



PETITIONER' S
EXHIBIT NO. 3c



PETITIONER' S

EXHIBIT NO.

3D



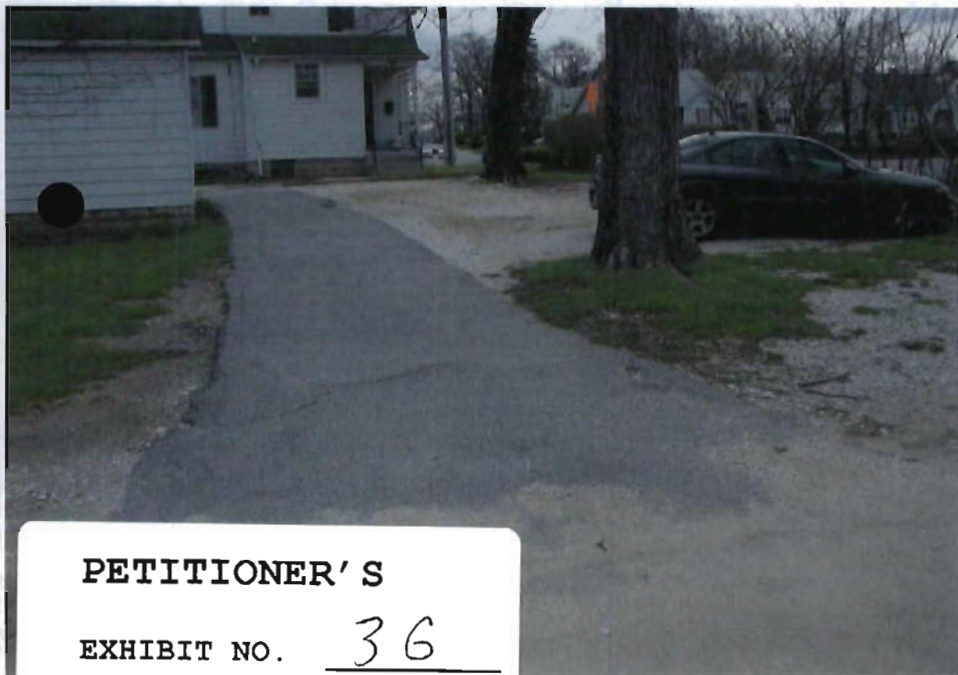
PETITIONER'S

EXHIBIT NO. 3E



PETITIONER'S

EXHIBIT NO. 3F



PETITIONER' S

EXHIBIT NO. 36

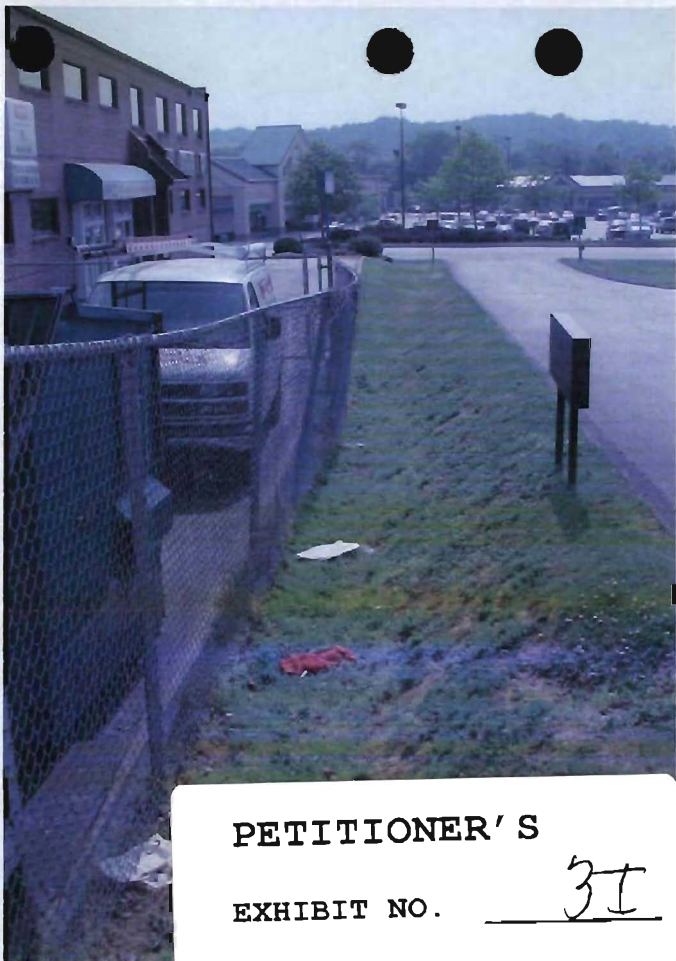
7



PETITIONER' S

EXHIBIT NO. 3H

#8



PETITIONER' S

EXHIBIT NO.

31

#9



PETITIONER'S

EXHIBIT NO. 3J



PETITIONER'S
EXHIBIT NO. 5



PETITIONER' S

EXHIBIT NO.

6

MASLAN, MASLAN AND ROTHWELL, P.A.

7508 EASTERN AVENUE

BALTIMORE, MARYLAND 21224

GARY R. MASLAN

RALPH K. ROTHWELL, JR.

JENNIFER M. PECHULIS, ASSOCIATE

(410) 282-2700

FAX: (410) 282-3336

M. MICHAEL MASLAN
(1911 - 1996)

March 21, 2008

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: PETITION FOR VARIANCE
JK Investments IV, LLC – Petitioners
2046 York Road
Case No: 08-340-a

Dear Mr. Wiseman / Mr. Tom Bostwick,

We are in receipt of the memo from Mr. Peter Max Zimmerman of the People's Counsel and several agencies from Baltimore County and wish to make the following comments:

On March 11, 2008, we amended our petition and forwarded a copy to all parties that have commented on the petition. The changes are as follows:

- There is a provision line item No: 18 that takes into effect and stipulates that deliveries will be scheduled to occur before or after normal business hours of the retail stores. Delivery trucks will not be permitted during normal retail business hours. I believe that it is important to bear in mind that due to the type of deliveries that this business will be receiving will be shipped in by vans and not tractor trailers.
- Line item No: 19 states that the dumpster shall be unloaded before or after the normal retail business hours.
- A very valid concern is the fact that we were asking for a five foot (5') rear yard setback since we have been informed of the quality of the sewerage line behind the building. We have moved the building forward, thus eliminating the need for the zoning variance. More importantly, this keeps the building out of harms way when the time would arise to replace the existing sewer line.
- Avery Harden has reviewed our plan and understands that due to the width of the site, locating parking on either side leaves you with little room for landscaping.
- The site falls below the floor to area ratio set forth by Baltimore County.

PETITIONER'S

EXHIBIT NO. 7

- Ms. Lynn Laham with the Office of Planning has several concerns as to the materials being used. Prior to our variance hearing, she will have a fresh set of plans detailing the materials that we propose to construct the building with.
- We presented our plans to the Hunt Valley / Greater Timonium Community Association on December 9, 2007. We were greeted with a very favorable response. Everyone was thrilled to see what they refer to as an "eye sore" being potentially removed and a new building erected.
- We have reviewed this building plan with Symth's, Pipco and PNC Bank. They are all happy to see that the old house would be razed and a modern commercial building would be erected on the site. Symth's and Pipco have sent letters of support.
- PNC Bank is the neighbor to the north of this building. We have discussed with them the option of sharing their driveway and bringing the building forward. PNC Bank was opposed to the idea but conveyed they liked the plans as they are shown.
- At completion, this building and site will compliment the area.

Thank you for your consideration.

Sincerely,



Gary R. Maslan, Esquire

Cc: Buck Jones
Jennie Kim

MASLAN, MASLAN AND ROTHWELL, P.A.

7508 EASTERN AVENUE

BALTIMORE, MARYLAND 21224

GARY R. MASLAN

RALPH K. ROTHWELL, JR.

JENNIFER M. PECHULIS, ASSOCIATE

(410) 282-2700

FAX: (410) 282-3336

M. MICHAEL MASLAN
(1911 - 1996)

March 24, 2008

Tom Bostwick, Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: PETITION FOR VARIANCE
JK Investments IV, LLC -- Petitioners
2046 York Road
Case No: 08-340-a

Dear Mr. Bostwick,

Jonathan and Jennie Kim, JK Investments IV, LLC have owned the above referenced property since 1996. In 1928, the existing structure was constructed as a single family dwelling. The Kim's wish to make improvements so that their property will conform with the newer buildings along the York Road corridor. In order to construct a structure suitable for leasing they need several zoning variances. They are as follows:

- To permit a building side yard setback of 5' in lieu of the required 10'.
- To permit a 14' front yard setback from parking lot in lieu of the required 20'.
- To permit a 1' side yard setback from parking lot in lieu of the required 8'.
- To permit off-street loading space which will impede normal vehicular circulation.
- To permit a dead-end aisle without a "Turn-Around" space.

Additionally, if the Kim's plan is approved they would be looking to lease space to a client style/type as noted below:

- Antique Shop
- Camera – Photo – Supply
- Clothing and Accessory Store
- Duplicating Service
- Florist
- Gift Shop
- Hobby Shop
- Sporting Goods Store
- Shoe Store
- Tourist Agency

PETITIONER'S

EXHIBIT NO. 8

Thank you advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be 'G. Maslan', written over the word 'Sincerely,'.

Gary R. Maslan, Esquire

Cc: Buck Jones
Jennie Kim



Diamonds · Jewelry · Watches · Bridal Registry · Fine Gifts · Sterling · Crystal · Corporate Gifts

January 8, 2008

Buck Jones
Free-State General Contractors
500 Vogts lane
Baltimore, MD 21221

Re: J K Investments IV LLC
2046 York Road

Dear Buck,

Thank you for returning my call to answer a few questions about the above proposed building project and for sending the packet of info.

We have seen the drawings and site plan and have no objections to the project as presented. We look forward to a positive building experience and new neighbors.

Sincerely,

Ruth Ann Carroll
Special Projects
Smyth Jewelers

PETITIONER' S

EXHIBIT NO.

9A

2020 York Road · Timonium, MD 21093-4244
410-252-6666 · 1-800-638-3333 · 410-252-2355 (fax)
www.albertsmyth.com

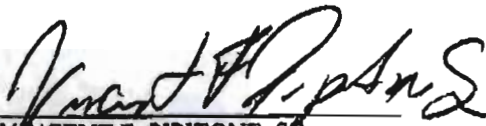
26 W. AYLESBURY ROAD
P.O. BOX 4393
TIMONIUM, MD 21094-4393

MARCH 18, 2008

RE: 2046 YORK ROAD

TO WHOM IT MAY CONCERN:

WE HAVE REVIEWED THE DRAWINGS AND SITE PLAN FOR THE KIM'S PROJECT AT
2046 YORK ROAD, AND HAVE NO OBJECTION TO THE PROJECT.


VINCENT F. PIPITONE, SR.
PROPERTY OWNER

26 W. AYLESBURY ROAD
TIMONIUM, MD 21093


ROBERT J. WONTROP
PRESIDENT

PIPCO AIR CONDITIONING
& HEATING CO., INC.

RECEIVED 03-18-'08 16:49 FROM- 4102522526

TO- FREESTATE GENERAL P002/002

PETITIONER'S
EXHIBIT NO. 9B



Joseph D. Beam

Branch Manager Vice President

T 410-252-9500 F 410-252-4735

joseph.beam@pnc.com

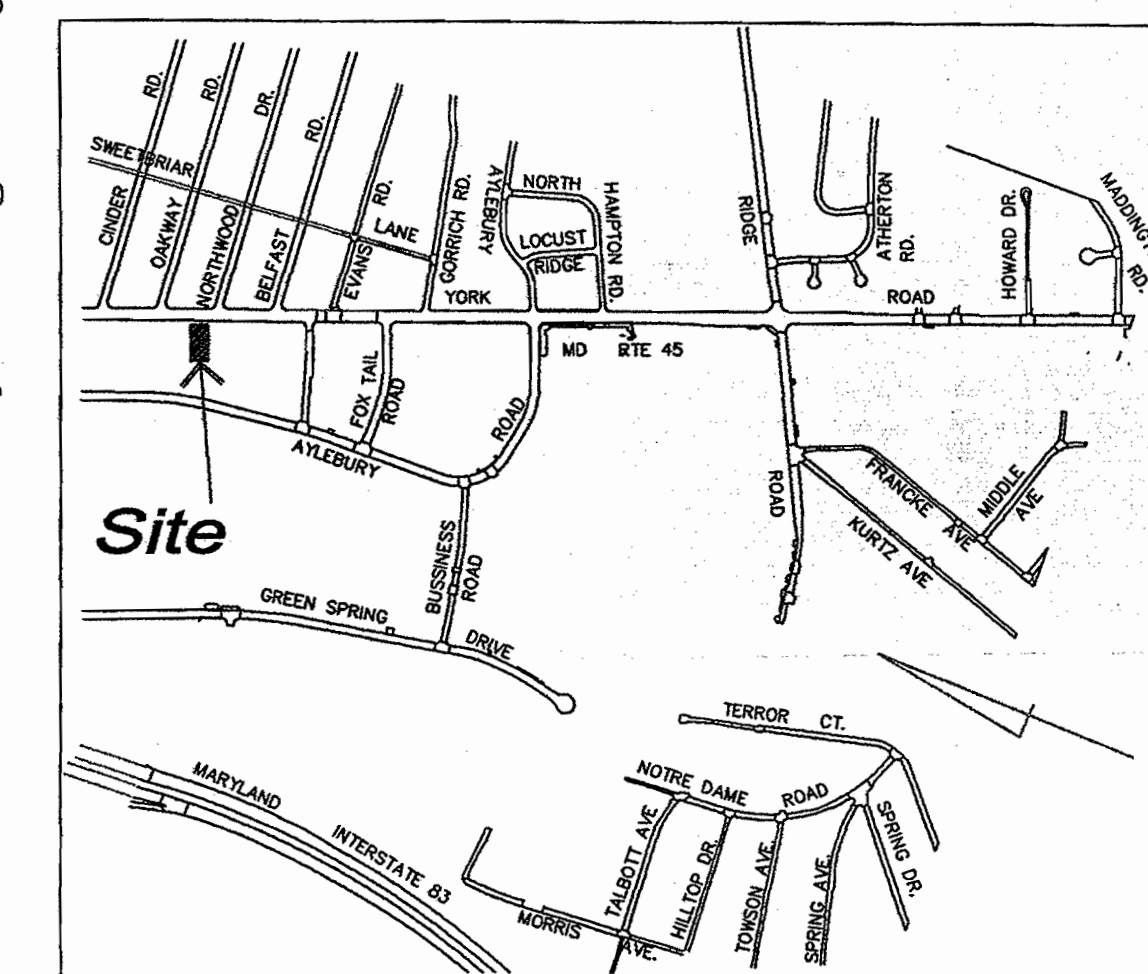
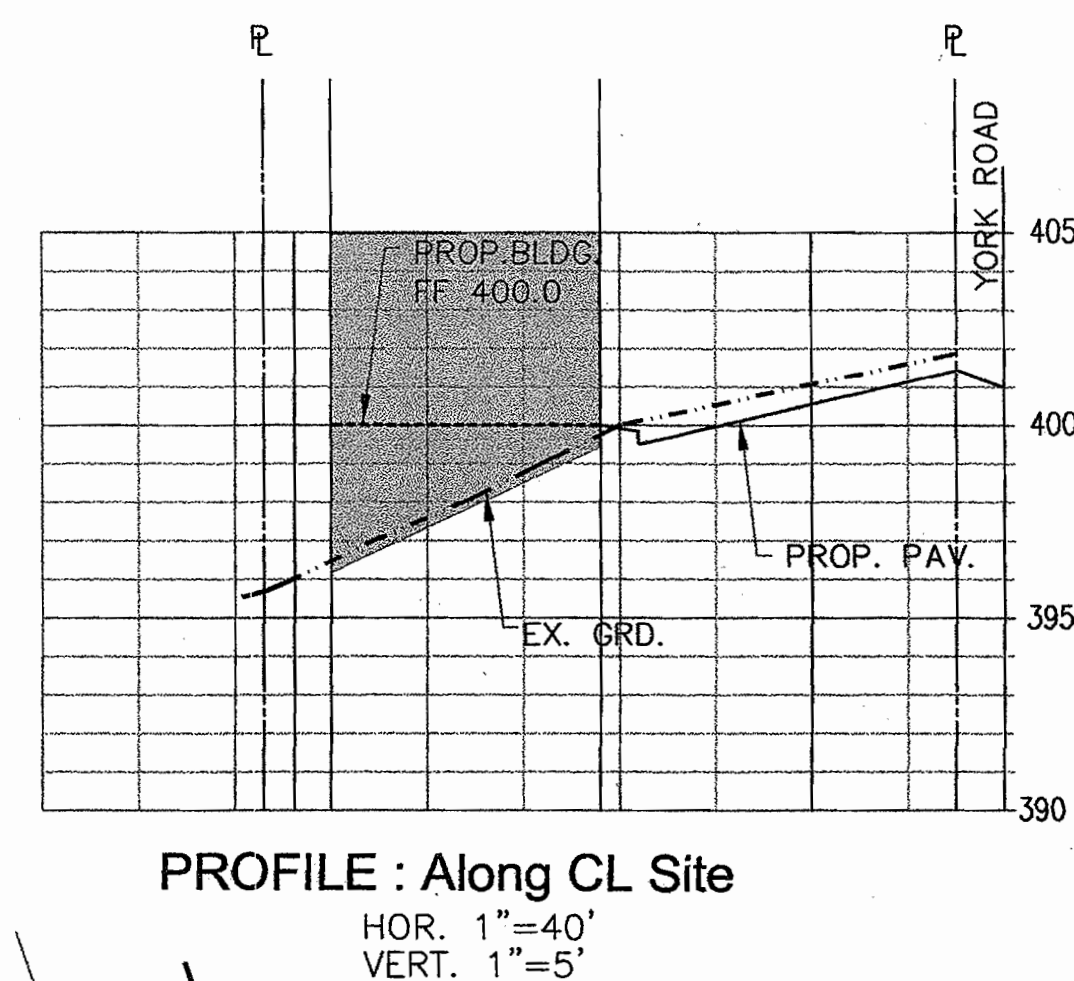
Member of The PNC Financial Services Group

2050 York Road

Timonium Maryland 21093

PETITIONER'S

EXHIBIT NO. 9C



LOCATION MAP

SCALE 1" = 1,000'

GENERAL NOTES

SITE

1. DEED REFERENCE : 19626/324
- LOT 2 - "CROWTHER PROPERTY" RECORD PLAT NO. SM 62 FOLIO 50
2. TAX ACCOUNT No. #0803067807
3. TAX MAP 60, GRID BLOCK 12, PARCEL 191
4. ELECTION DISTRICT: 8th. COUNCILMANIC DISTRICT 3rd.
5. TOTAL AREA OF PROPERTY = 0.203 AC.± (8,822 SF±)

ENVIRONMENTAL

6. SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
7. SITE IS NOT WITHIN A 100 YEAR FLOODPLAIN.
8. PUBLIC WATER AND SEWER SERVE THIS SITE.

ZONING

9. EXISTING ZONING OF SUBJECT PROPERTY: BLR
10. EXISTING USE: UNOCCUPIED RESIDENTIAL
PROPOSED USE: RETAIL
11. PARKING REQUIRED: (BUILDING 50'x52') = ONE STORY - 2,600 SF x 5/1,000= 13 SPACES
PARKING PROVIDED: 13 SPACES INCLUDES 1 H.C. SPACE
12. THE SITE IS LOCATED ON 1"=200' SCALE ZONING MAP GIS TILES 060C1
13. ANY NEW SIGN(S) WILL COMPLY WITH SECTION 413 OF THE "BCZR" AND ALL ZONING POLICIES.
14. ILLUMINATION FOR OFF-STREET PARKING WILL REFLECT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
15. THIS SITE IS NOT A HISTORICAL PROPERTY.
16. THIS SITE HAS NO PRIOR ZONING CASES.
17. F.A.R. MAX. ALLOWED 0.33
PROPOSED 2,600SF/8,822SF = 0.295
18. ALL DELIVERIES SHALL BE BEFORE OR AFTER THE NORMAL BUSINESS HOURS OF THE RETAIL STORES.
DELIVERY TRUCKS WILL NOT BE PERMIT DURING NORMAL BUSINESS HOURS.
19. THE DUMPSITE SHALL BE UNLOADED BEFORE OR AFTER THE NORMAL BUSINESS HOURS.

PETITION FOR ZONING VARIANCE:

1. TO PERMIT A BUILDING SIDE YARD SETBACK OF 5' IN LIEU OF THE REQUIRED 10'.
- ~~2. TO PERMIT A BUILDING REAR YARD SETBACK OF 5' IN LIEU OF THE REQUIRED 10'.~~
3. TO PERMIT A 14' FRONT YARD SETBACK FROM PARKING LOT IN LIEU OF THE REQUIRED 20'.
4. TO PERMIT A 1' SIDE YARD SETBACK FROM PARKING LOT IN LIEU OF THE REQUIRED 8'.
5. TO PERMIT A OFF-STREET LOADING SPACE WHICH WILL IMPEDE NORMAL VEHICULAR CIRCULATION.
6. TO PERMIT A DEAD-END AISLE WITHOUT A "TURN-AROUND" SPACE.

OWNER/PETITIONER:
JK INVESTMENTS IV LLC
C/O JENNIE H. KIM
3 FAWN RIDGE COURT
REISTERSTOWN, MD 21136-5654
(410) 627-2119

PETITIONER' S

EXHIBIT NO.

MARYLAND COORDINATE SYSTEM (MCS)

Amended Plan 3/11/08

3/11/08	ADDED NOTES 18 & 19	RAC
3/5/08	MOVED BUILDING FROM 5' TO 10.75' FROM REAR PROPERTY LINE AND REMOVED "PETITION FOR ZONING VARIANCE" NOTE # 2.	RAC
2/12/08	REDUCED SIZE OF REAR DECK TO MAX. 100 SF	RAC
DATE	REVISION DESCRIPTION	BY

Plan to Accompany Petition for Zoning Variances

For
JK INVESTMENTS IV, LLC
2046 York Road

Lot 2 - "Crowther Property" Record Plat No. SM 62 Folio 50

BALTIMORE COUNTY
SCALE: 1" = 20 ft.

DISTRICT: 08 C3

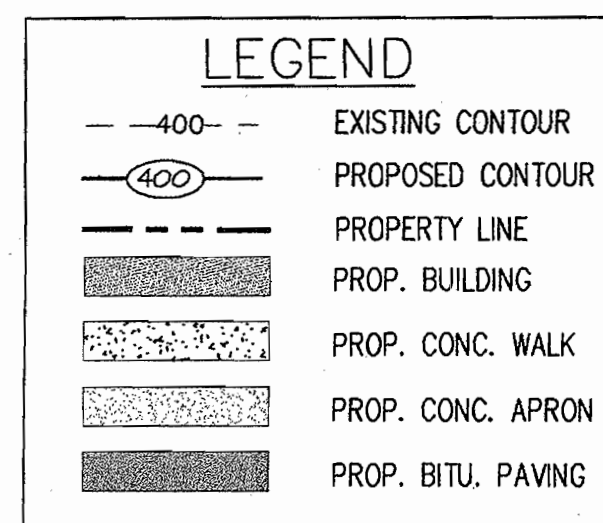
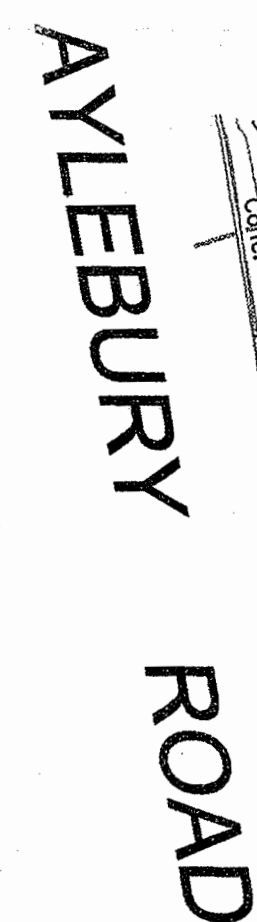
MARYLAND
DATE: 01/25/2008

ENGINEER:
R. A. CHILDRESS & ASSOC. INC.
713 PHEASANT DRIVE
FOREST HILL, MD. 21050
(410) 803-0304

DWG. NO.

Z-1

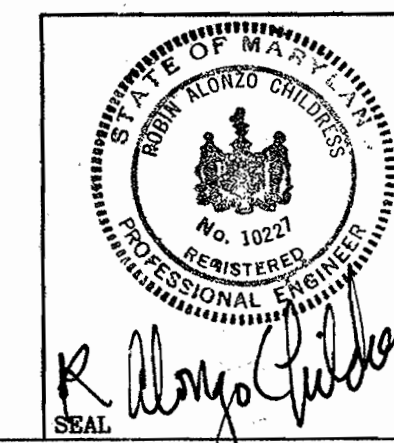
SHEET 1 OF 1

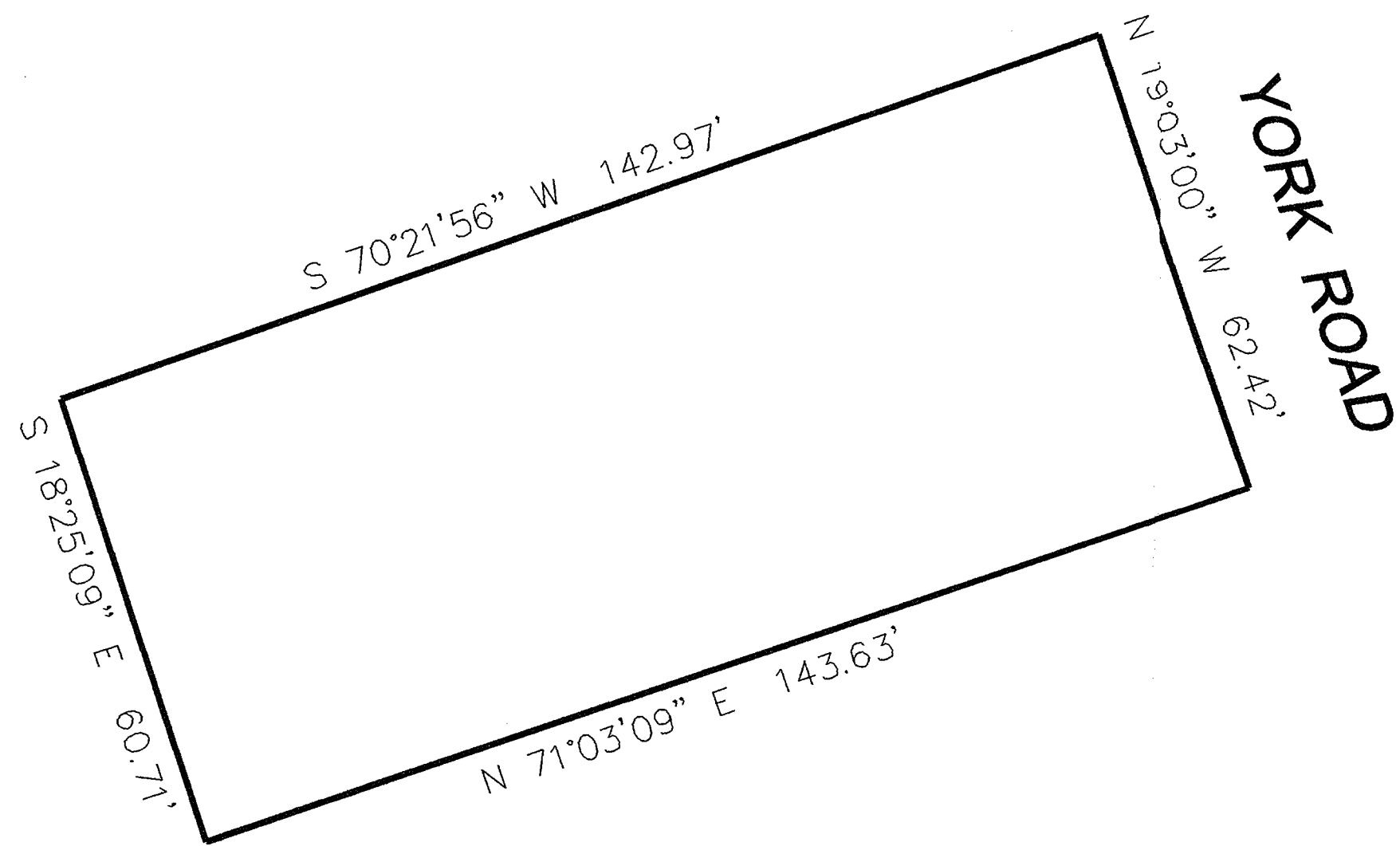


SITE PLAN

SCALE : 1"=20'

STANDARD BUILDING SETBACK DISTANCES
FRONT ----- 25'
REAR AND SIDE 10'
(MAX. BUILDING HEIGHT - 35')





DETAIL
SCALE : 1"=20'

NOTE: ALL ADJACENT BUILDINGS WITHIN 200' FROM THE SITE ARE SHOWN ON THIS PLAN

AYLEBURY ROAD

YORK ROAD

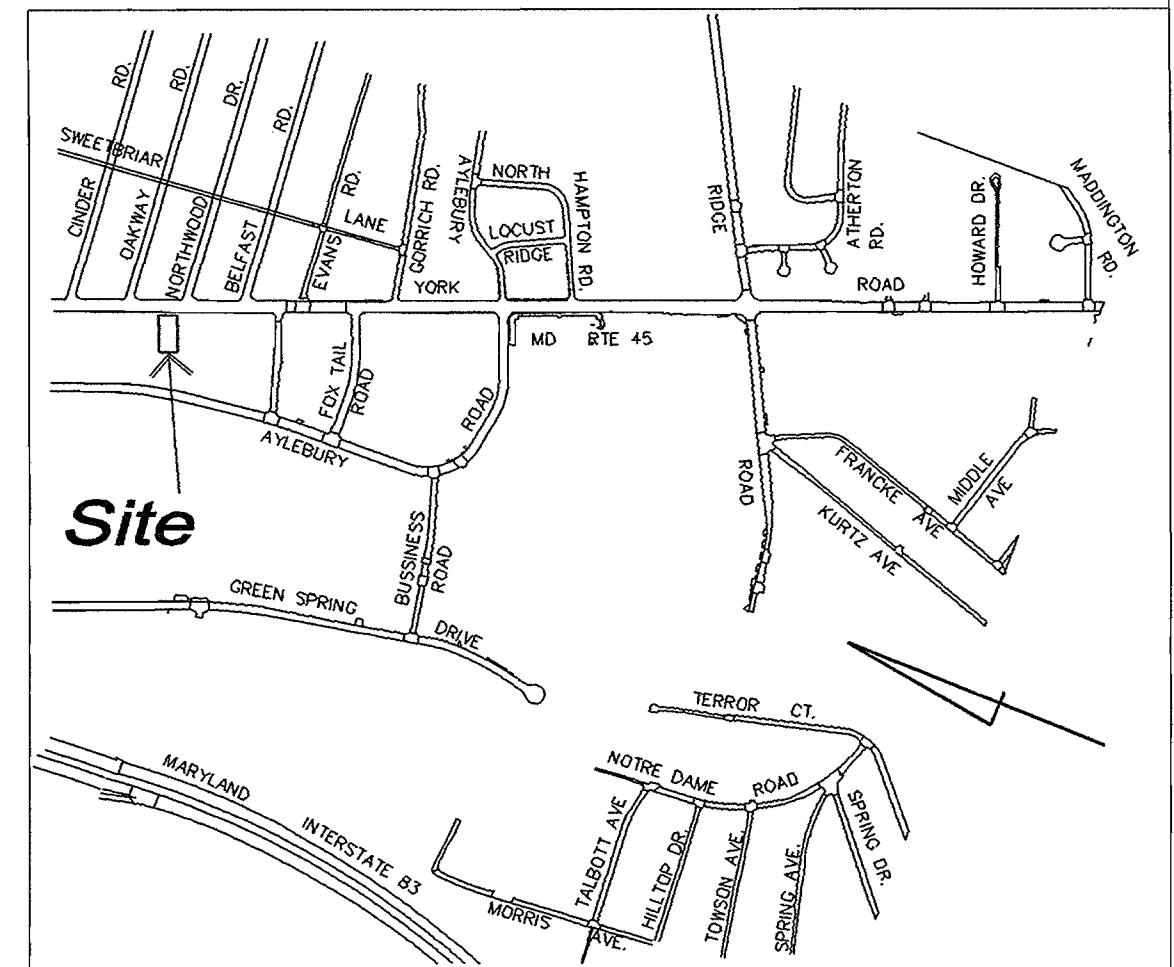
NORTHWOOD DRIVE

MD. RTE. 45

SITE PLAN
SCALE : 1"=20'

- EXISTING CONTOUR
- - - PROPOSED CONTOUR
- PROPERTY LINE
- PROP. BUILDING
- PROP. CONC. WALK
- PROP. CONC. APRON
- PROP. BITU. PAVING

STANDARD BUILDING SETBACK DISTANCES
FRONT ----- 25'
REAR AND SIDE 10'
(MAX. BUILDING HEIGHT - 35')



LOCATION MAP
SCALE 1"= 1,000'

GENERAL NOTES

- SITE
- DEED REFERENCE : 19626/324
 - LOT 2 - "CROWTHER PROPERTY" RECORD PLAT NO. SM 62 FOLIO 50
 - TAX ACCOUNT No. #0803067807
 - TAX MAP 60, GRID BLOCK 12, PARCEL 191
 - ELECTION DISTRICT: 8th. COUNCILMANIC DISTRICT 3rd.
 - TOTAL AREA OF PROPERTY = 0.203 AC.± (8,822 SF±)

ENVIRONMENTAL

- SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- SITE IS NOT WITHIN A 100 YEAR FLOODPLAIN.
- PUBLIC WATER AND SEWER SERVE THIS SITE.

ZONING

- EXISTING ZONING OF SUBJECT PROPERTY: BLR
- EXISTING USE: UNOCCUPIED RESIDENTIAL
- PROPOSED USE: RETAIL
- PARKING REQUIRED: (BUILDING 50'x52') = ONE STORY - 2,600 SF x 5/1,000= 13 SPACES
- PARKING PROVIDED: 13 SPACES INCLUDES 1 H.C. SPACE
- THE SITE IS LOCATED ON 1"=200' SCALE ZONING MAP GIS TILES 060C1
- ANY NEW SIGN(S) WILL COMPLY WITH SECTION 413 OF THE "BC2R" AND ALL ZONING POLICIES.
- ILLUMINATION FOR OFF-STREET PARKING WILL REFLECT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
- THIS SITE IS NOT A HISTORICAL PROPERTY.
- THIS SITE HAS NO PRIOR ZONING CASES.
- F.A.R. MAX. ALLOWED 0.33
- PROPOSED 2,600SF/8,822SF = 0.295

OWNER/PETITIONER:
JK INVESTMENTS IV LLC
C/O JENNIE H. KIM
3 FAWN RIDGE COURT
REISTERSTOWN, MD 21136-5654
(410) 627-2119

PETITIONER'S
EXHIBIT NO. 3

MARYLAND COORDINATE SYSTEM (MCS)

CASE 08-340 A		
DATE	REVISION DESCRIPTION	BY
EXISTING CONDITIONS PLAN For JK INVESTMENTS IV, LLC 2046 York Road Lot 2 - "Cronther Property" Record Plat No. SM 62 Folio 50		
BALTIMORE COUNTY	DISTRICT: 08 C3	MARYLAND
SCALE: 1"=20 ft.	DATE: 01/25/2008	
ENGINEER: R. A. CHILDRESS & ASSOC. INC. 713 PHEASANT DRIVE FOREST HILL, MD. 21050 (410) 803-0304		DWG. NO. E-1 SHEET 1 OF 2

MERCANTILE BANK & TRUST
2050 YORK ROAD

Small Inlet to Capture Water
Flow from Parking Lot
For Water Quality Treatment
(IF SWM Variance is not granted)

Maintain Exist.
Grass Swale

EX. 10' D. & U. E.
SEE RECORD PLAT 20 / 36
DEED 2701-248
RW 54-121

acent property owner,
ing and grade area
north swale.

EX. Building

PROP. CONC. APRON

Exhibit # 4

NORTH
DR

CenterLine

UNDERGROUND TELEPHONE
6" SAN. (DWG #54-409)
30" WATER (DWG #54-409)

6" WS-HP GAS MAIN

EX. 82'± SHA R/W

PETITIONER'S
EXHIBIT NO. 4

2046 YORK RD

scale 1"=10'

BLR

BL

BM

MD. RTE. 45

Point of Beginning

DUMPSTER /
SCREENING FENCE

Prop. Sand Filter Chamber
For Water Quality Treatment
(IF SWM Variance is not granted)

Prop. 8" PVC

Ex. Conc. C&G

Ex. Paving

Ex. Conc. C&G

EX. SHA R/W LINE

Ex. Building

Building

PROP. ONE STORY
RETAIL BLDG

Slab Elev. 400.0
#2046

PROP. CURB

PROP. CURB

Mac Berm

Curb & Gutter
Mac

Mac Berm

Hedge

Stone
Parking

Loose Stone

PROP. LOADING
UNLOADING
SPACE

EX. BLDG. (TO BE REMOVED)
FF 404.58

Conc

Stone
Parking

TC 399.8
BC 399.3

TC 400.1
BC 399.6

E. 143.63

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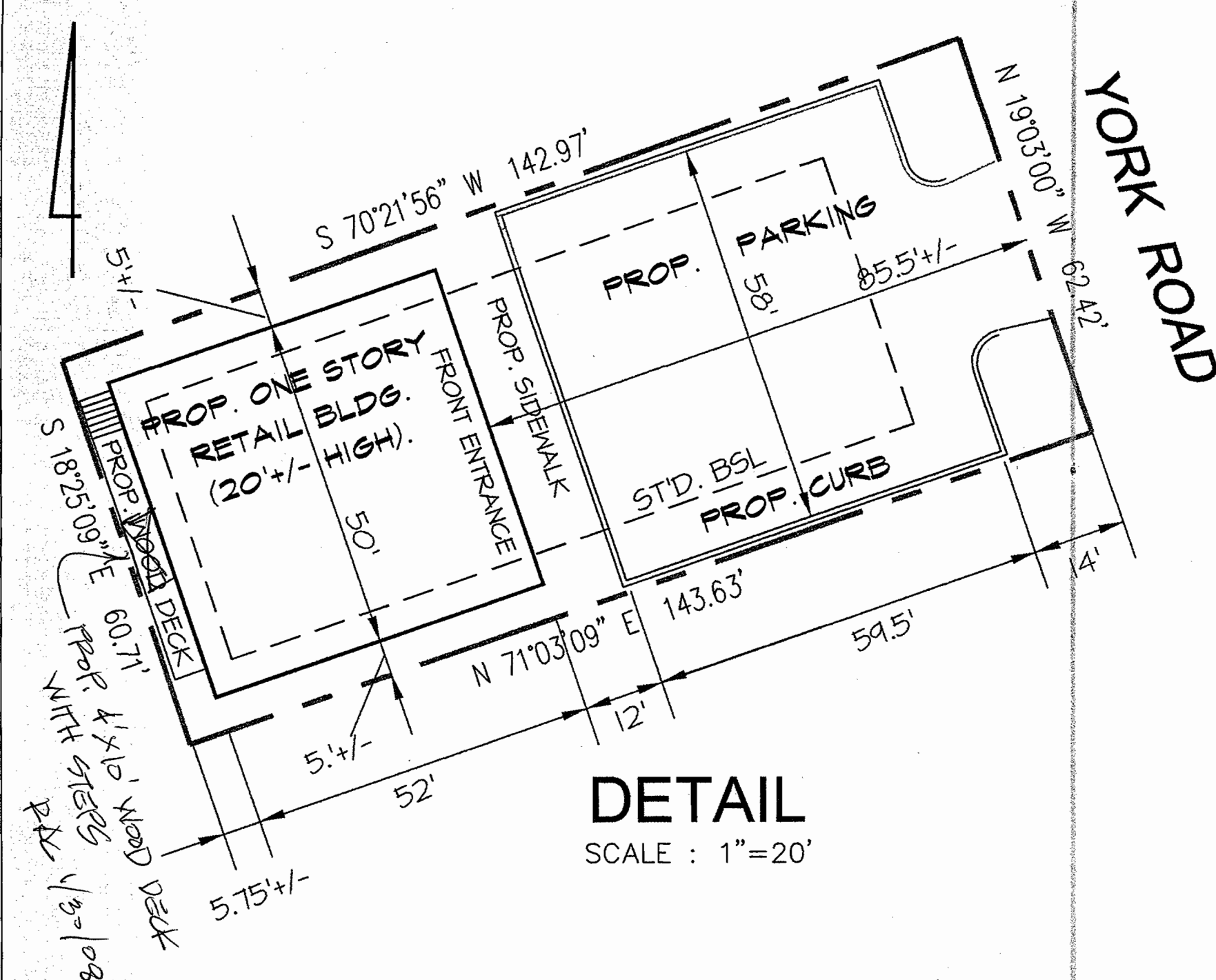
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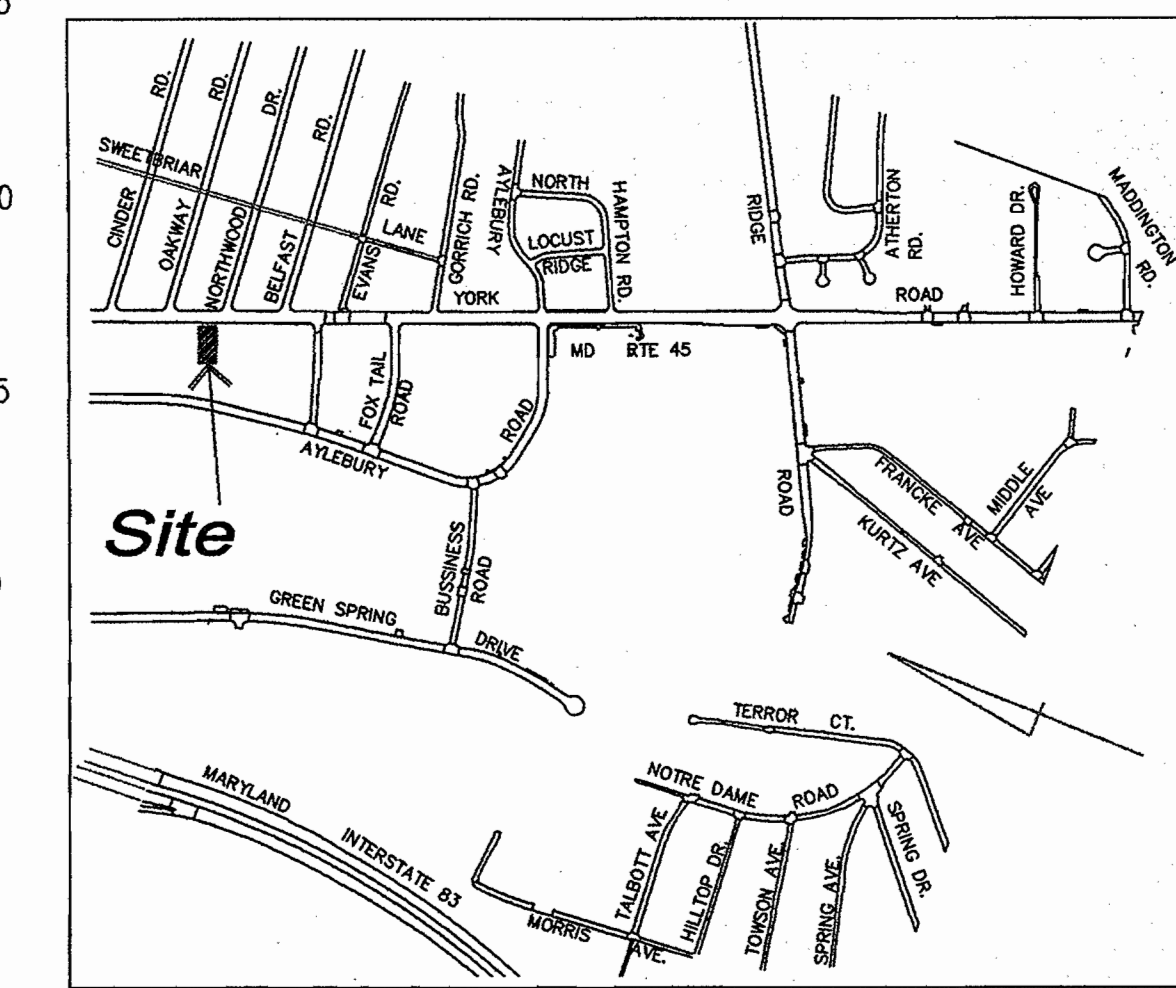
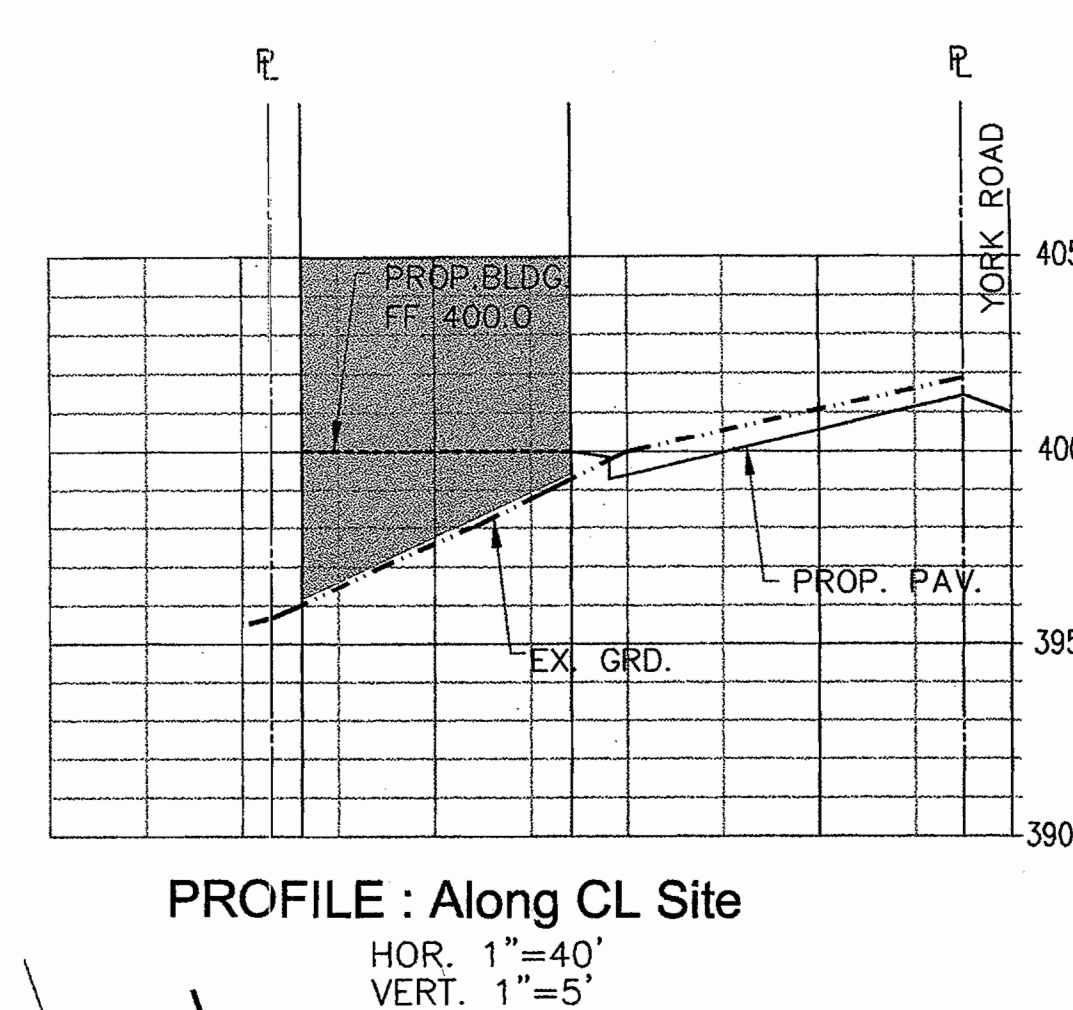
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NOTE: ALL ADJACENT BUILDINGS WITHIN 200' FROM THE SITE ARE SHOWN ON THIS PLAN



GENERAL NOTES

- SITE**
- DEED REFERENCE : 19626/324
 - LOT 2 - "CROWTHER PROPERTY" RECORD PLAT NO. SM 62 FOLIO 50
 - TAX ACCOUNT No. #0803067807
 - TAX MAP 60, GRID BLOCK 12, PARCEL 191
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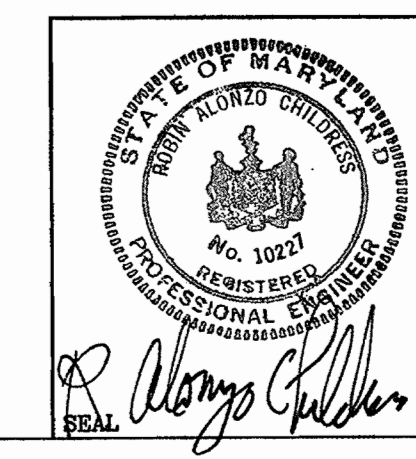
PETITION FOR ZONING VARIANCE:

- TO PERMIT A BUILDING SIDE YARD SETBACK OF 5' IN LIEU OF THE REQUIRED 10'.
- TO PERMIT A BUILDING REAR YARD SETBACK OF 5' IN LIEU OF THE REQUIRED 10'.
- TO PERMIT A 14' FRONT YARD SETBACK FROM PARKING LOT IN LIEU OF THE REQUIRED 20'.
- TO PERMIT A 1' SIDE YARD SETBACK FROM PARKING LOT IN LIEU OF THE REQUIRED 8'.
- TO PERMIT A OFF-STREET LOADING SPACE WHICH WILL IMPEDE NORMAL VEHICULAR CIRCULATION.
- TO PERMIT A DEAD-END AISLE WITHOUT A "TURN-AROUND" SPACE.

OWNER/PETITIONER:
JK INVESTMENTS IV LLC
C/O JENNIE H. KIM
3 FAWN RIDGE COURT
REISTERSTOWN, MD 21136-5654
(410) 627-2119

MARYLAND COORDINATE SYSTEM (MCS)

DATE	REVISION DESCRIPTION	BY
Plan to Accompany Petition for Zoning Variances		
For		
JK INVESTMENTS IV, LLC		
2046 York Road		
Lot 2 - "Crowther Property" Record Plat No. SM 62 Folio 50		
BALTIMORE COUNTY	DISTRICT: 08 C3	MARYLAND
SCALE: 1" = 20 ft.		DATE: 01/25/2008
ENGINEER:		DWG. NO.
R. A. CHILDRESS & ASSOC. INC.		Z-1
713 PHEASANT DRIVE		
FOREST HILL, MD. 21050		
(410) 803-0304		
		SHEET 1 OF 1



STANDARD BUILDING SETBACK DISTANCES
FRONT ----- 25'
REAR AND SIDE 10'
(MAX. BUILDING HEIGHT - 35')

SITE PLAN

SCALE : 1"=20'

AYLESBURY ROAD

YORK ROAD

NORTHWOOD DRIVE

MD. RTE. 45

LEGEND

---	EXISTING CONTOUR
---	PROPOSED CONTOUR
---	PROPERTY LINE
---	PROP. BUILDING
---	PROP. CONC. WALK
---	PROP. CONC. APRON
---	PROP. BITU. PAVING

Top Inlet 384.83
15" Rcp 380.43 Out W
12" CMP 382.53 Out N
6" CMP 380.48 Out E
Throat Open N.E.S 384.03

PIPICO
A/C & HEATING CO. INC.
26 AYLESBURY ROAD

VINCENT PIPITONE
2100014154
9023/152
M60 P854

SMYTH JEWELER'S
2010 YORK ROAD

YORK AYLESBURY LLC
2400008869
M60 P189

Small Inlet to Capture Water
Flow from Parking Lot
For Water Quality Treatment

Ex. 10' D. & U. E.
SEE RECORD PLAT 20 / 36
DEED 2701-248
RW 54-121

With approval of adjacent property owner,
remove existing paving and grade area
to drain to existing north scale.

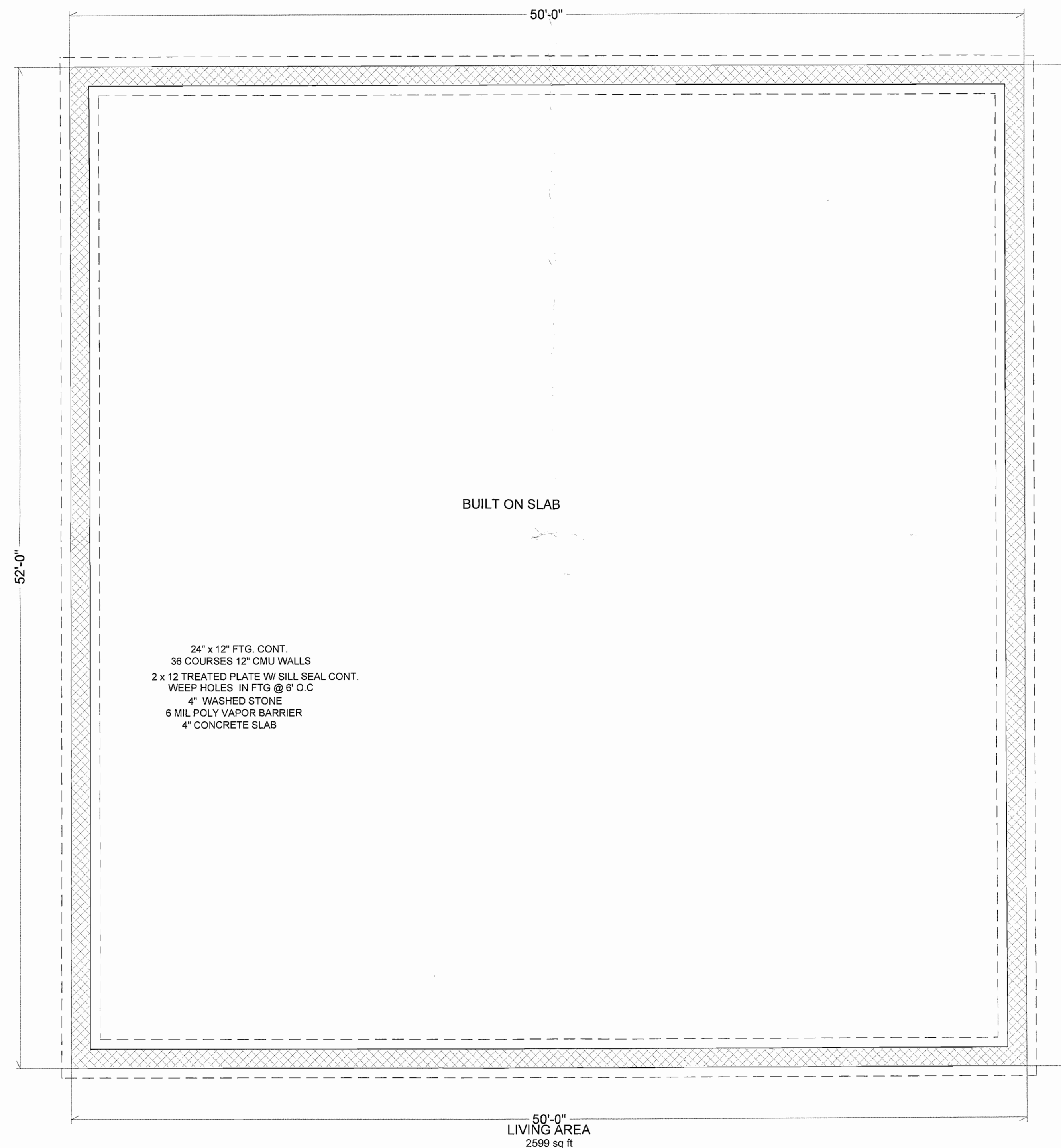
Point of Beginning

Ex. Conc. C&G

Ex. Conc. C&G

Ex. Paving

EX. F.H.



FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK RD 410-574-9337

SCALE 1/4" = 1'

DATE 03-21-08

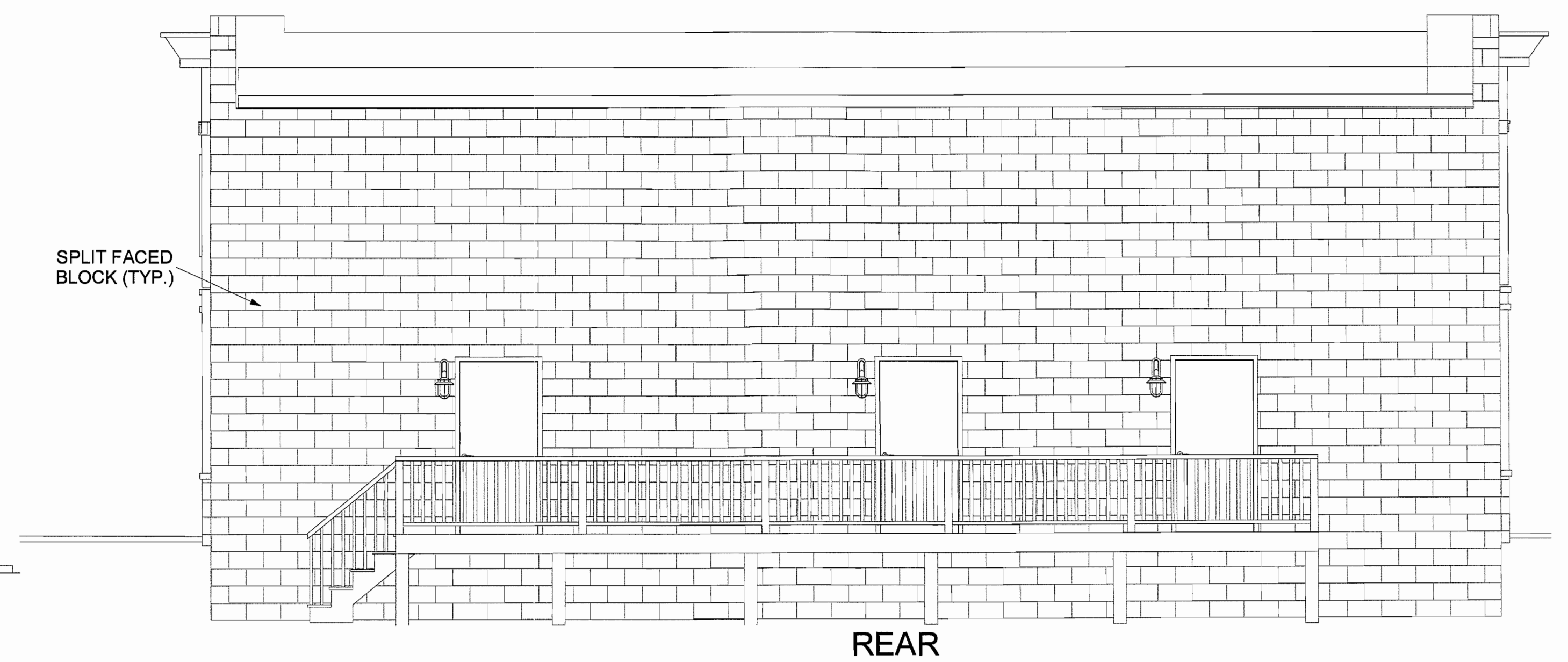
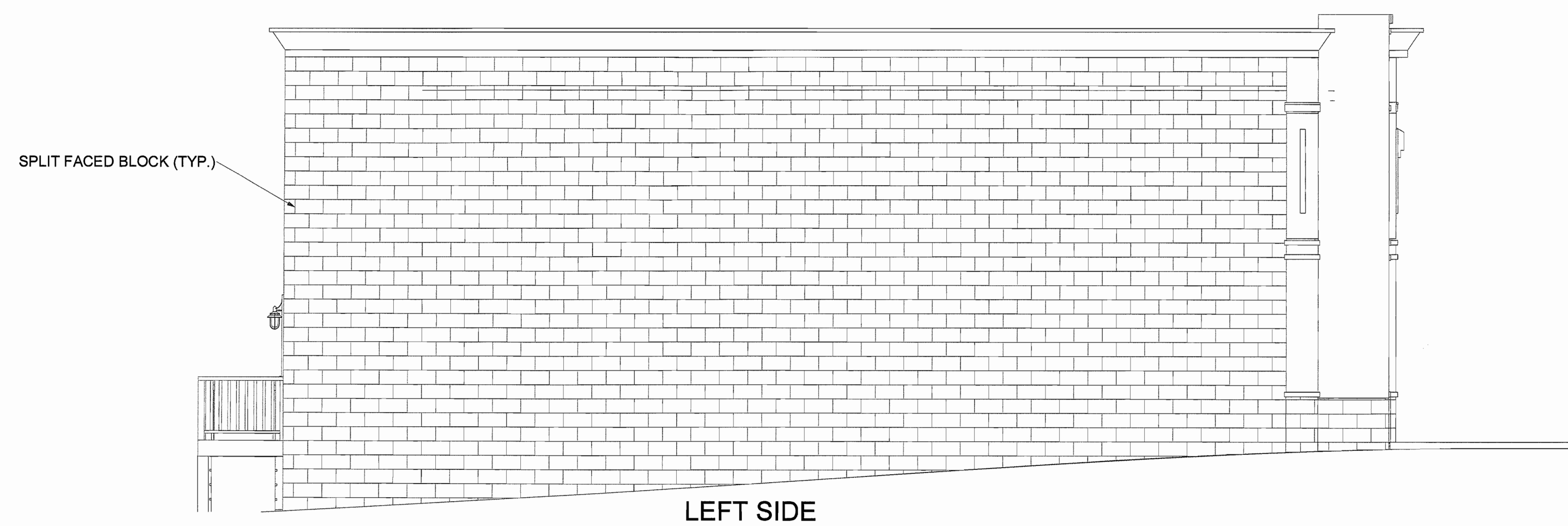
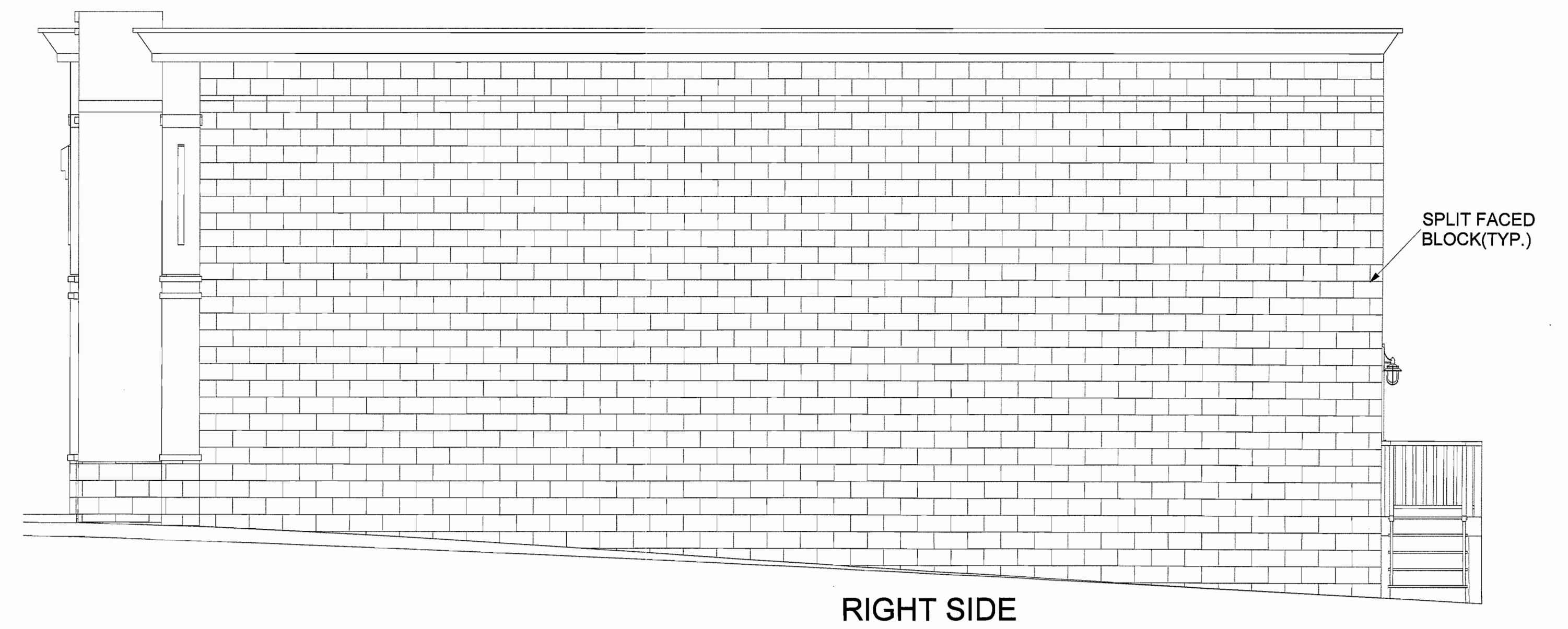
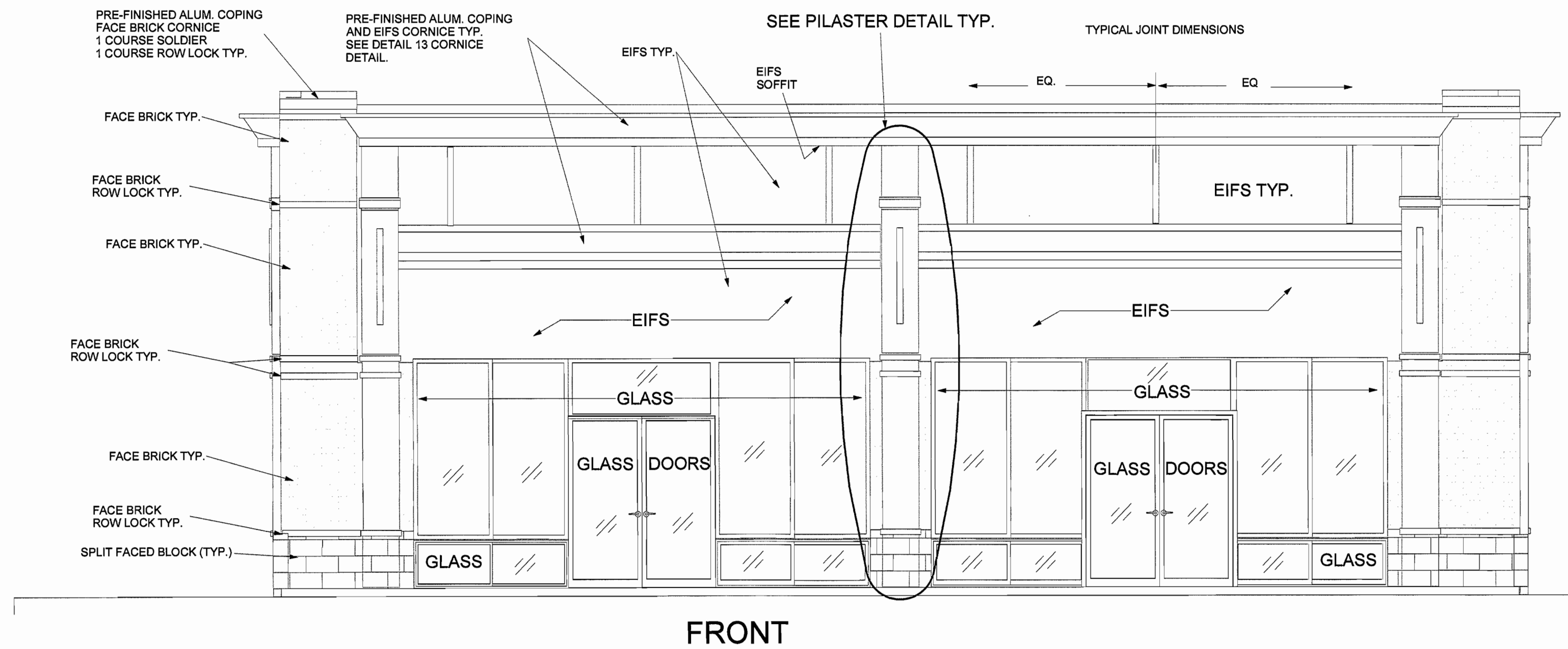
KIM PLANS

FOUNDATION PLAN

DRAWN BY
SKIP STORM &
JESSE NANTZ

PAGE # **4**

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FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK RD 410-574-9337

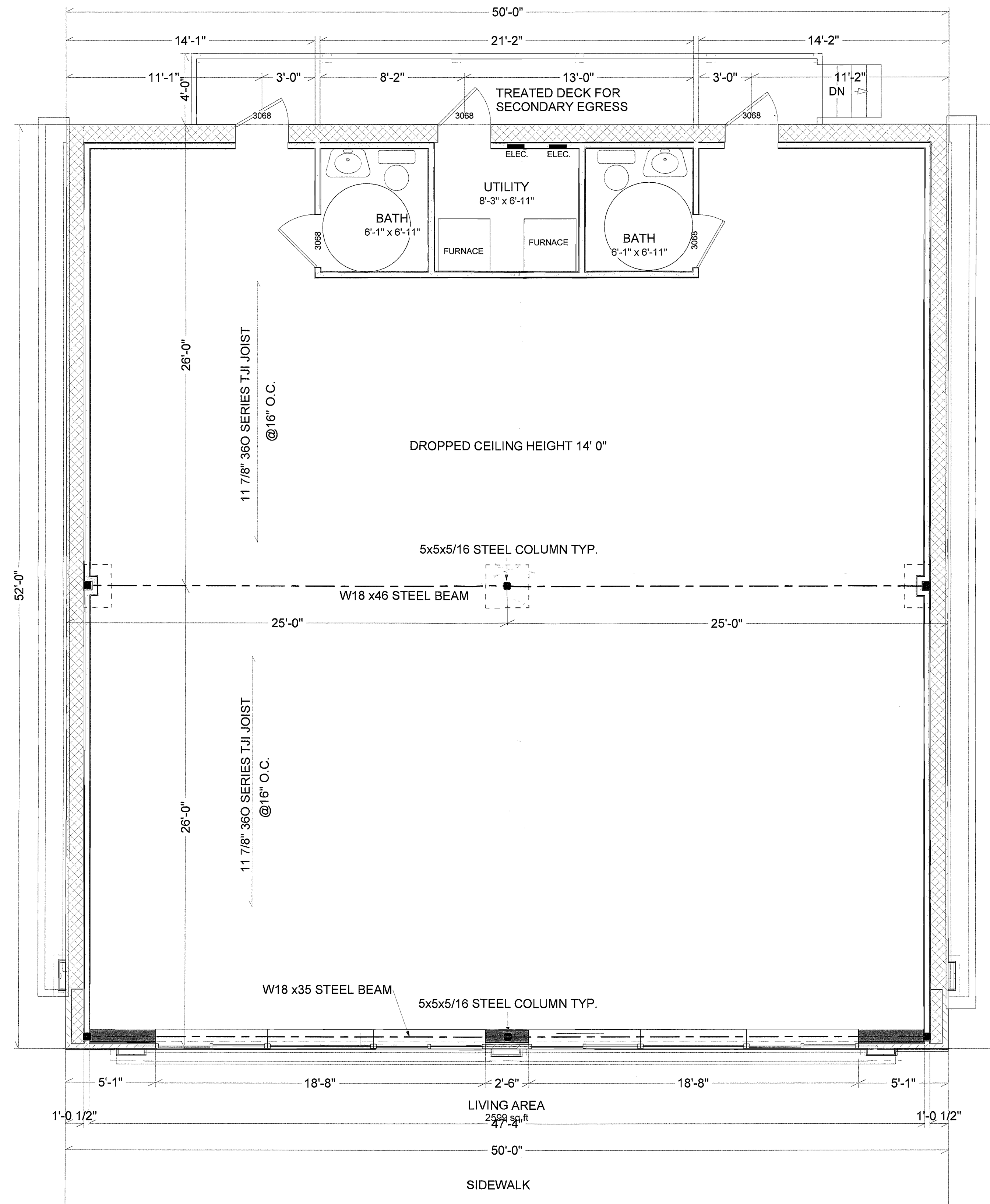
SCALE 1/4" = 1'
DATE 03-21-08

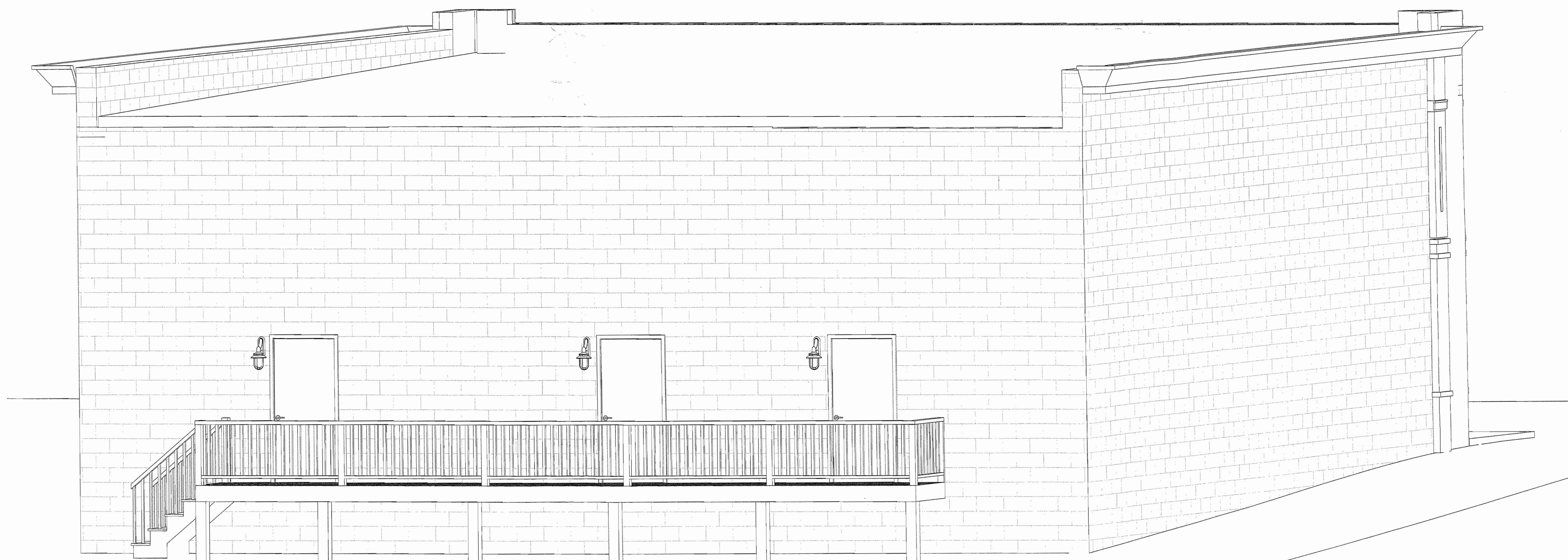
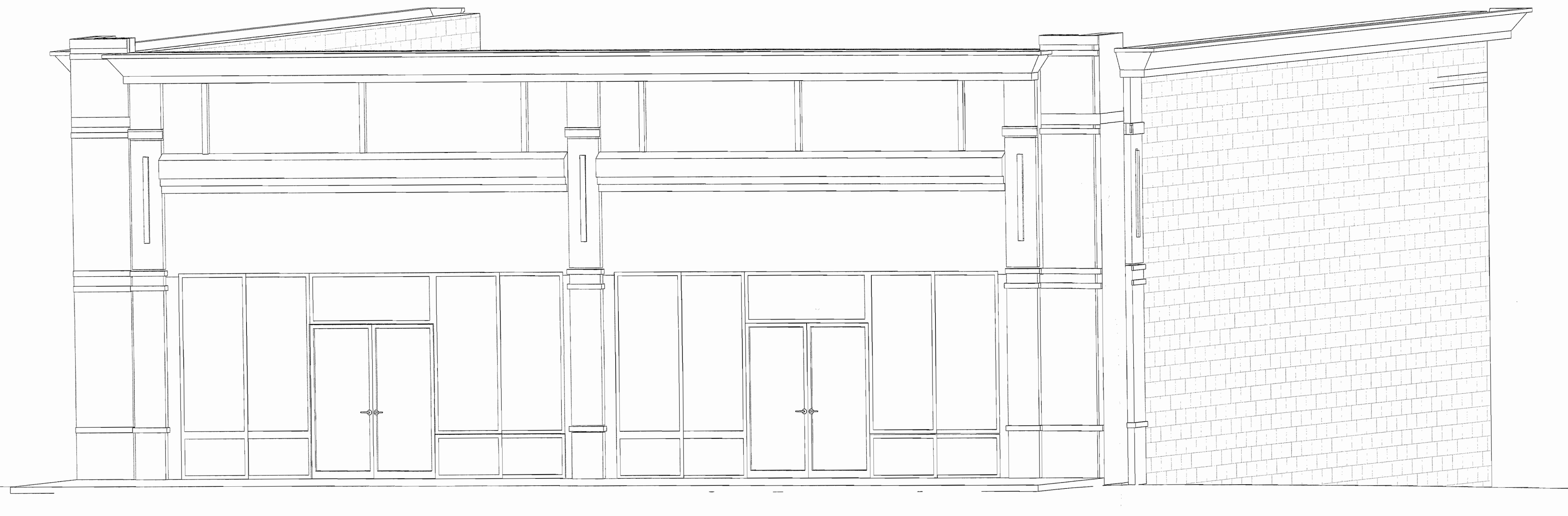
KIM PLANS
ELEVATIONS

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SKIP STORM &
JESSE NANTZ

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FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK RD 410-574-9337

DATE 03-21-08

KIM PLANS
3 D PLANS

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JESSE NANTZ
PAGE # 1



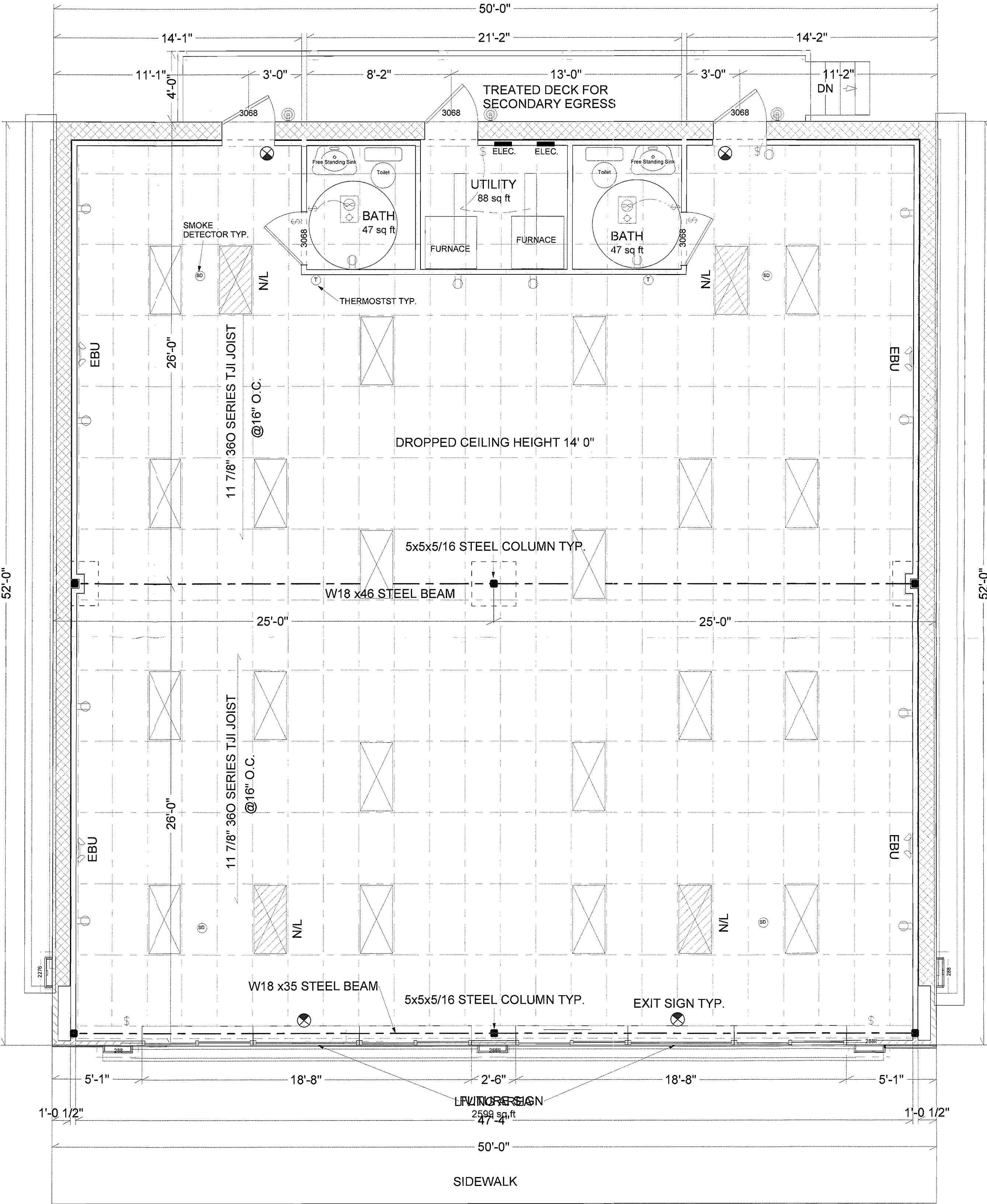
FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK RD 410-574-9337

KIM PLANS
3D RENDERED VIEW

DRAWN BY
SKIP STORM &
JESSE NANTZ
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LIGHTING FIXTURE SCHEDULE						
NOTE:	VERIFY CEILING AND WALL CONSTRUCTION AND FINISHES WITH THE ARCHITECTS DRAWINGS AND FINISH SCHEDULES. FURNISH PROPER MOUNTING FRAMES, BRACKETS AND HARDWARE AS REQUIRED TO BE COMPATIBLE WITH ARCHITECTURAL FINISHES. MOUNTING HEIGHTS INDICATED ARE TO BOTTOM OF FIXTURE.					
TYPE	DESCRIPTION	LAMPS			MOUNTING	MANU. / MODEL No. (OR APPROVED EQUAL)
		VOLTS	NO.	TYPE		
A	2'x4' FLORESENT TROFFER W/ 1/8" ACRYLIC LENS, +/- 3 3/4" DEEP, ELECTRONIC BALLAST.	120	24	FO32T8	112	RECESSED COLUMBIA J SERIES
A1	2'x4' FLORESENT TROFFER W/ 1/8" ACRYLIC LENS, +/- 3 3/4" DEEP, ELECTRONIC BALLAST.	120	3	FO32T8	112	RECESSED COLUMBIA J SERIES
B	METAL HALIDE WALL PACK W/ SHIELD, POLYCARBONATE LENS, WITH PHOTO CELL	120	1	100W MH	100	WALL @10' A.F.F. LITHONIA TWP SERIES
EX	POLYCARBONATE LED EXIT SIGN WITH BATTERY, LED COLOR AS REQUIRED BY AUTHORITY HAVING JURISDICTION	120	4	LED	10	UNIVERSAL PRESCOLITE EX SERIES
EM	DUAL HEAD POLYCARBONATE EMERGENCY LIGHTING UNIT W/ LEAD CALCIUM BATTERY REMOTE CAPABILITY, 30 WATTS	120	4	8W HALOGEN	20	UNIVERSAL PRESCOLITE EDS4 SERIES
F	4' STRIP LIGHT	120	2	FO32T8	66	CEILING LITHONIA C SERIES





Baltimore County **Office of Planning and Zoning** **Official Zoning Map**

Vegetation
 Rail Lines

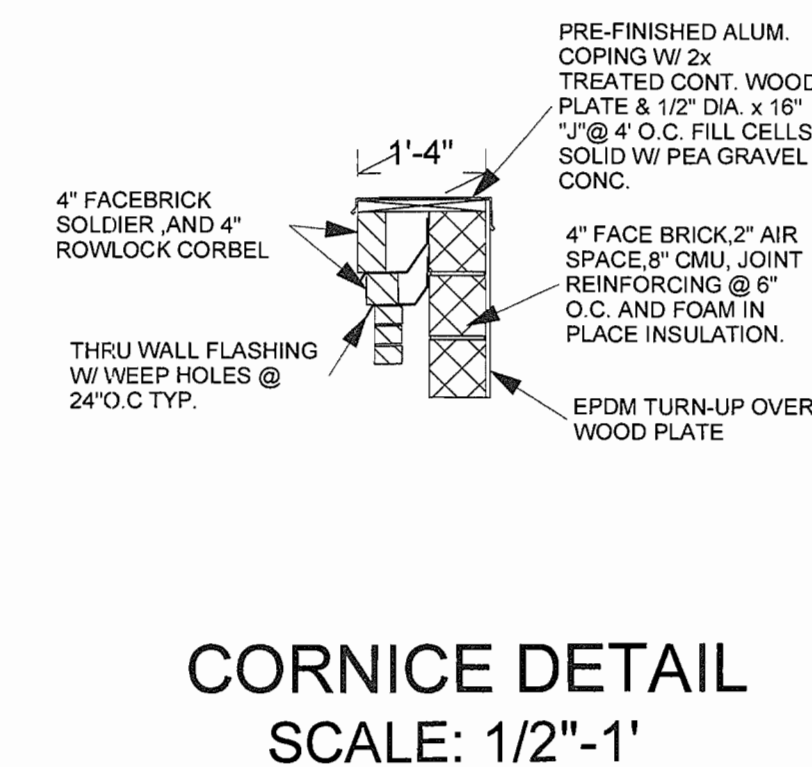
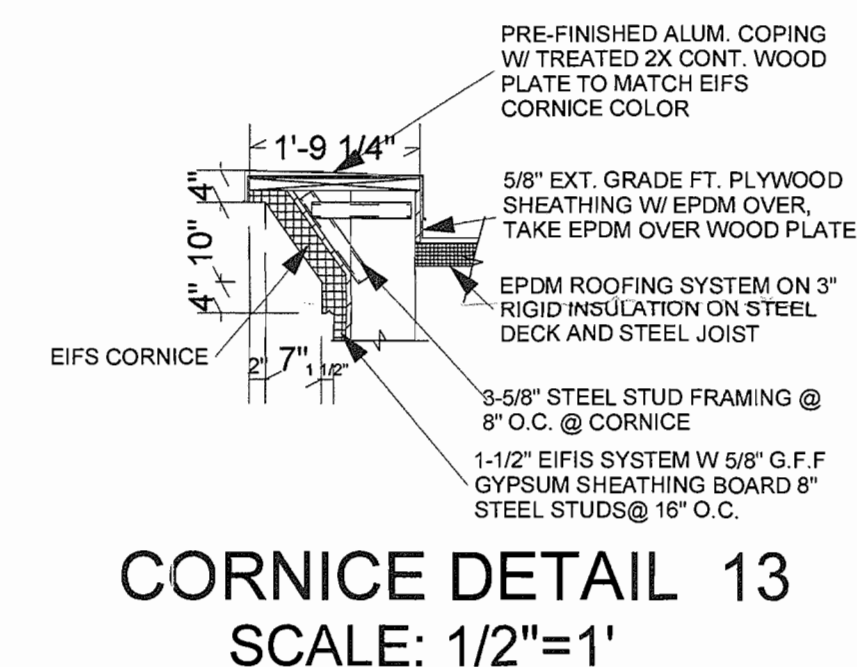
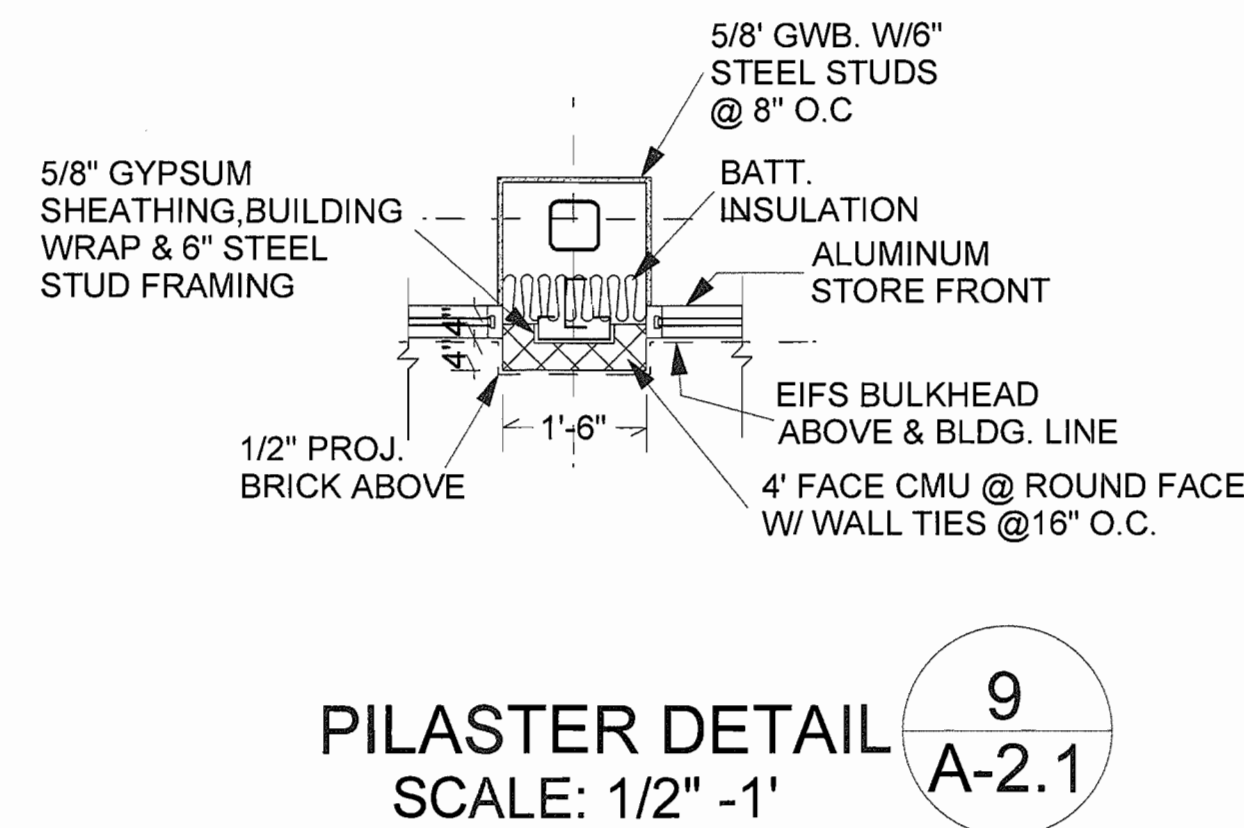
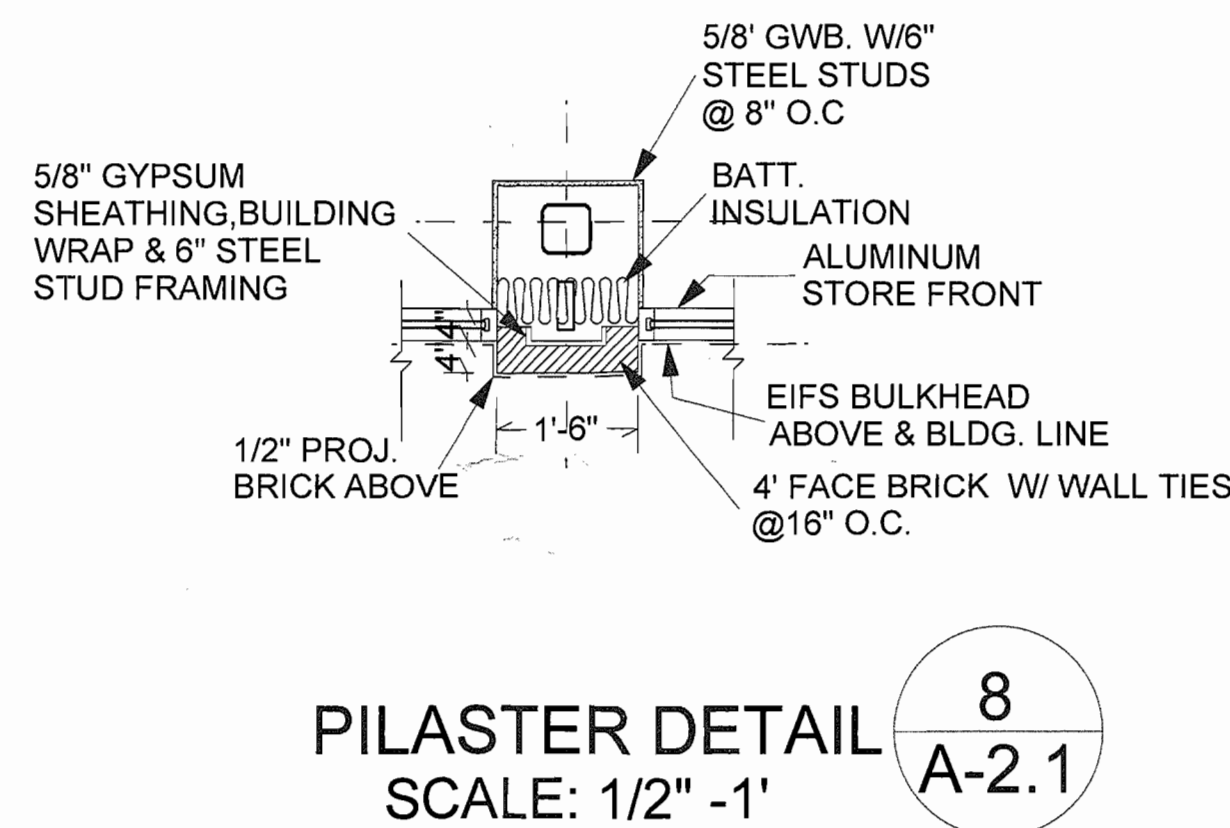
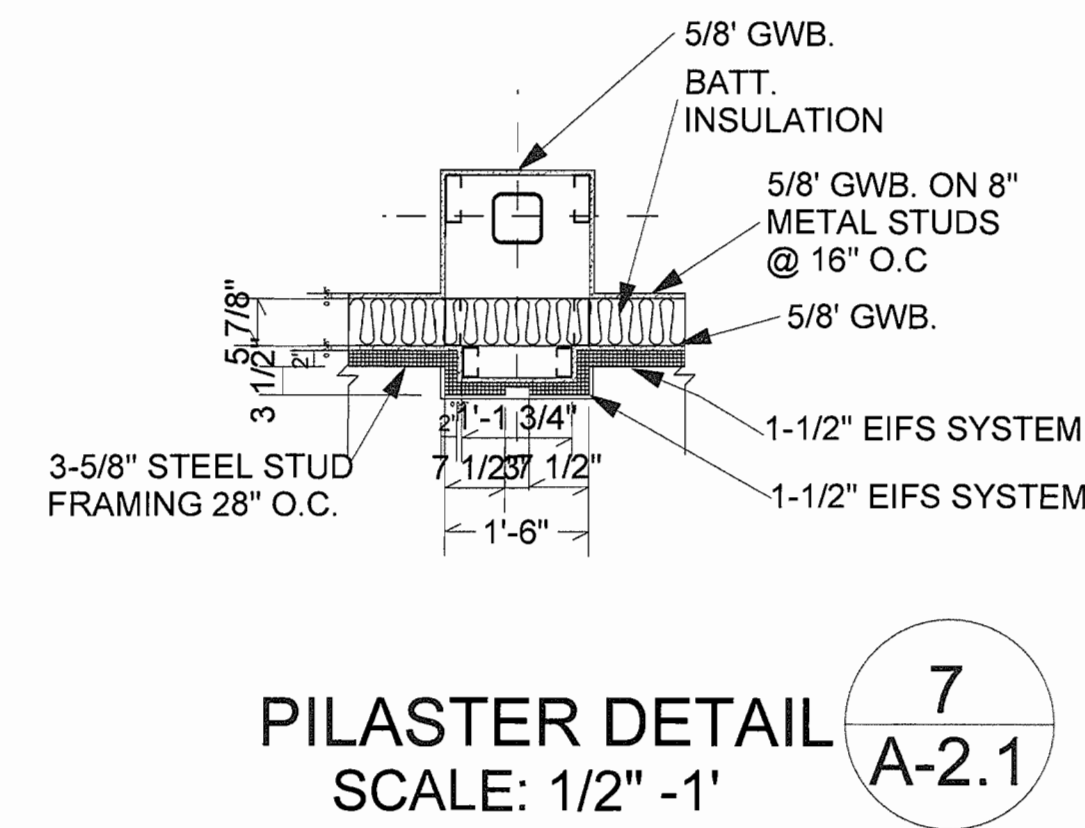
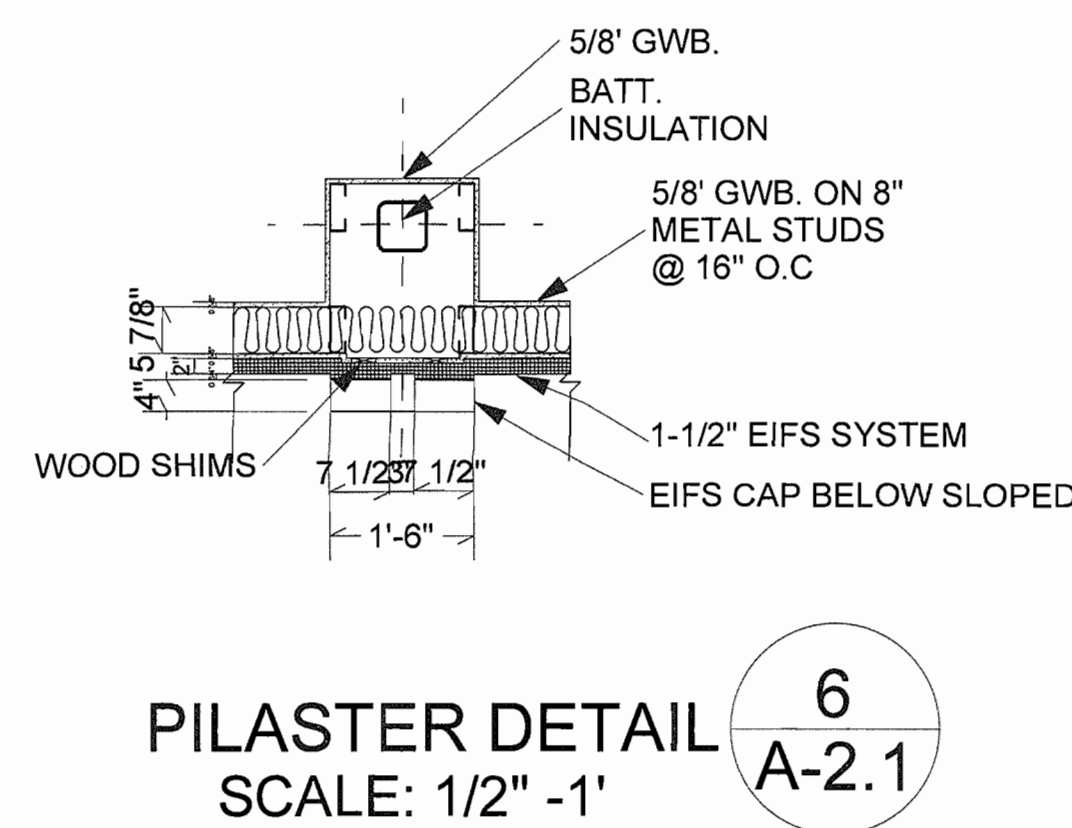
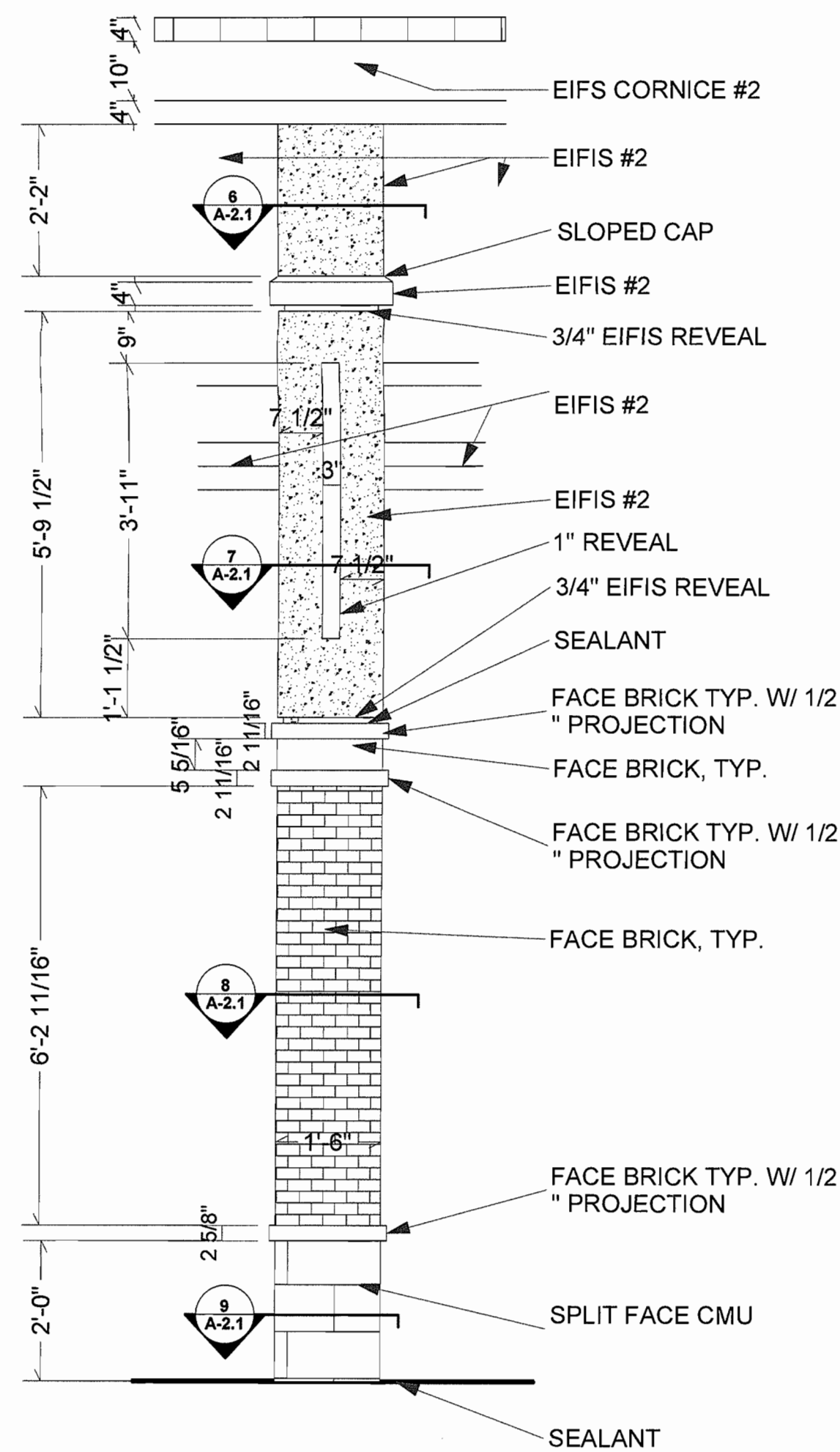
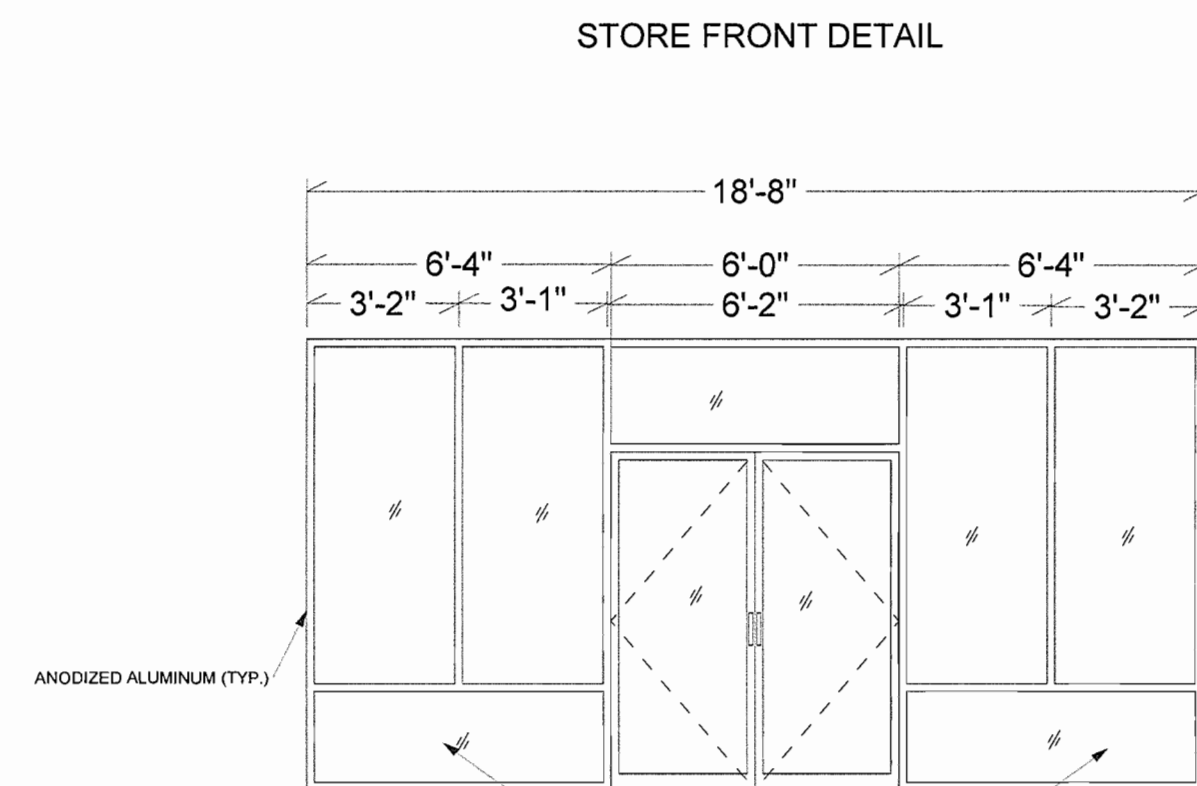
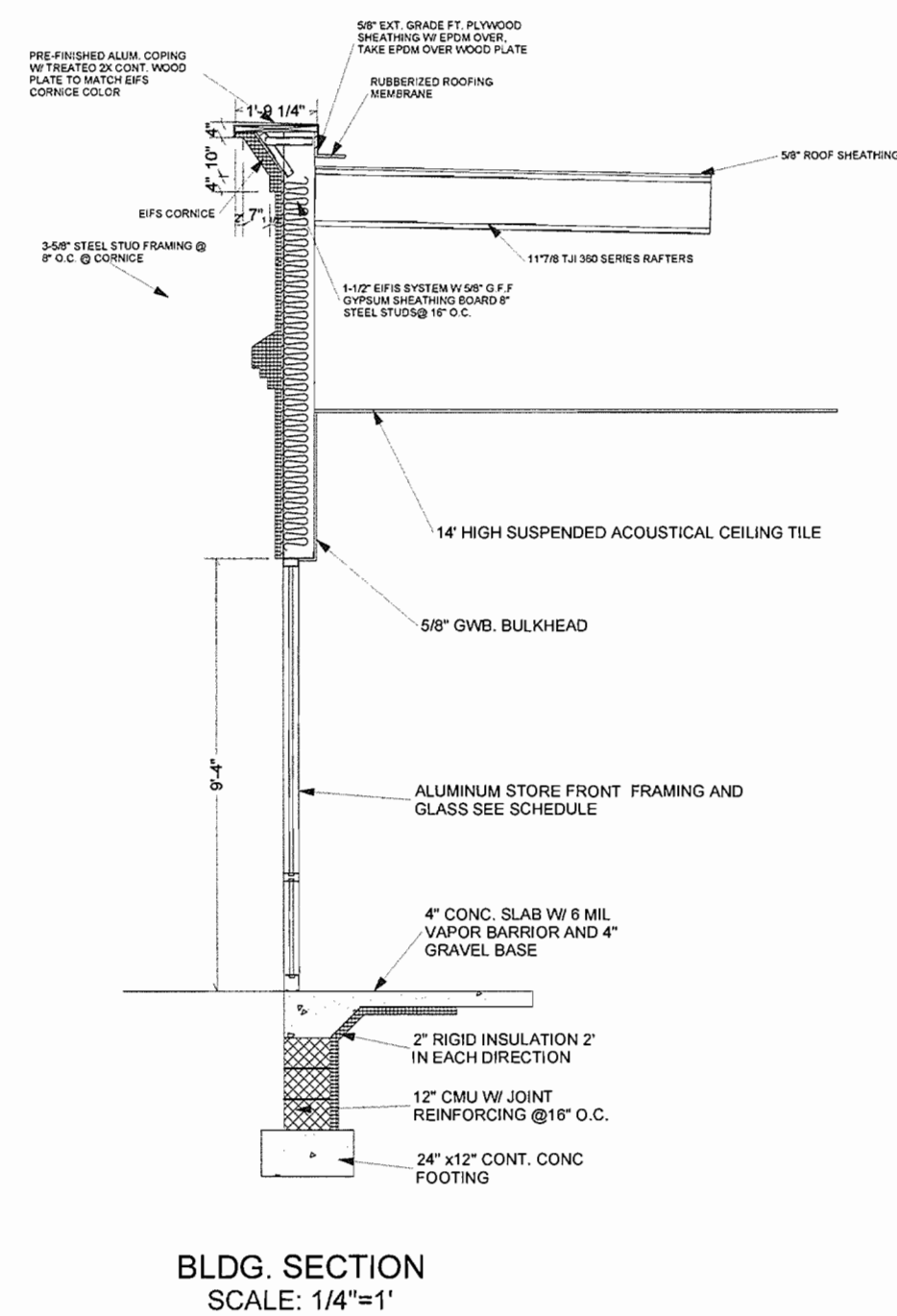
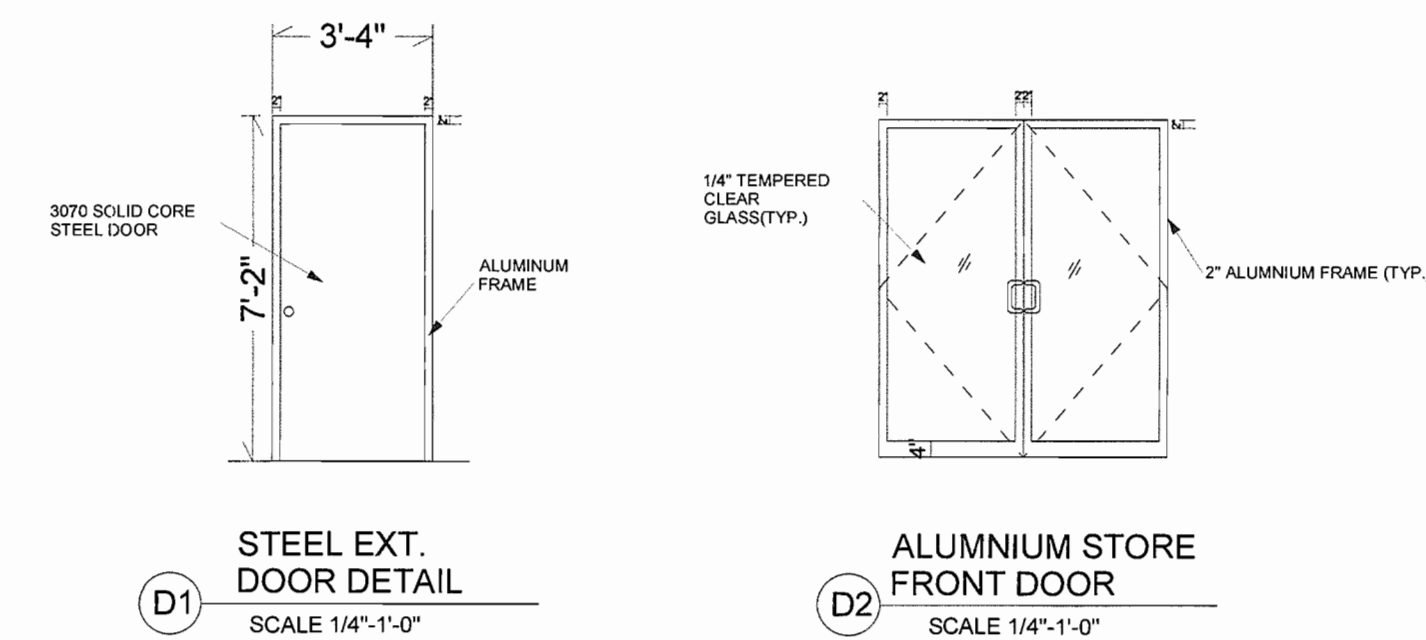
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Scale

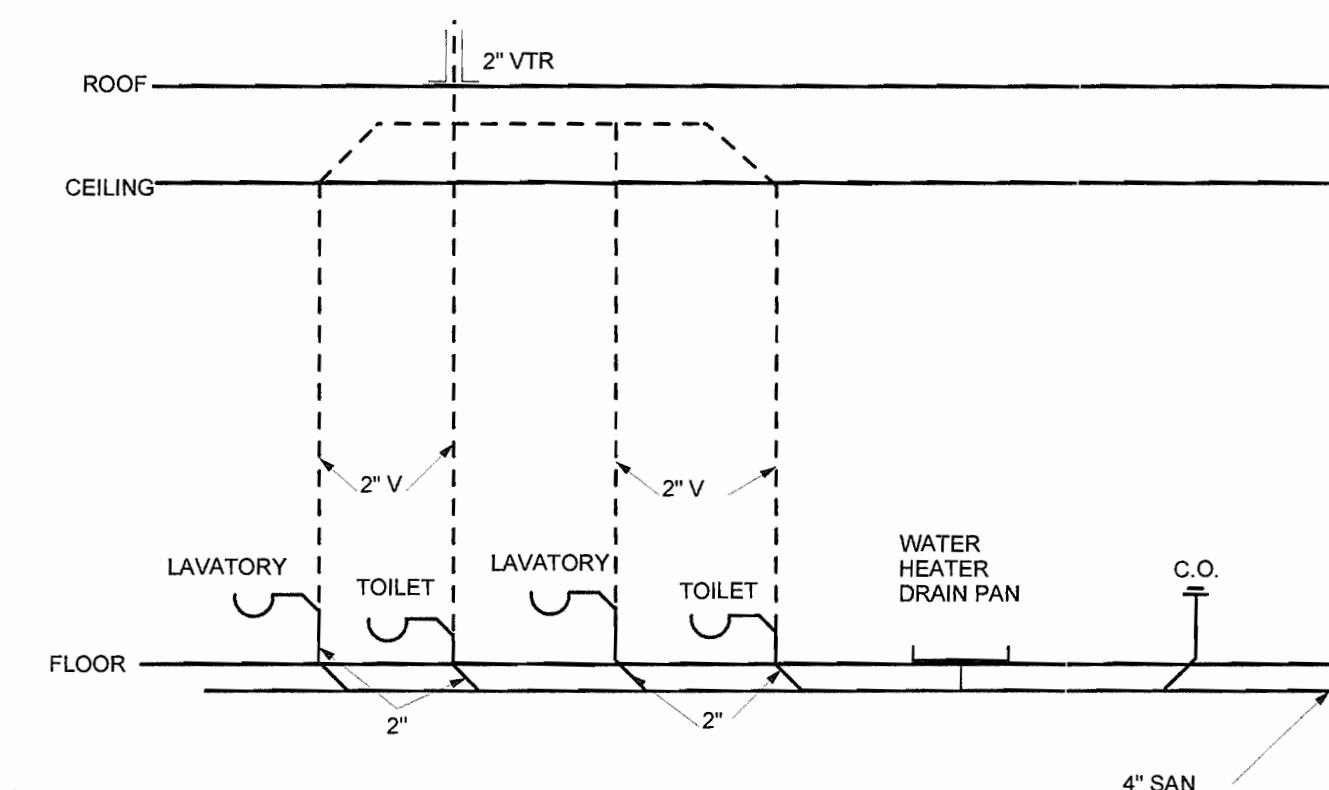
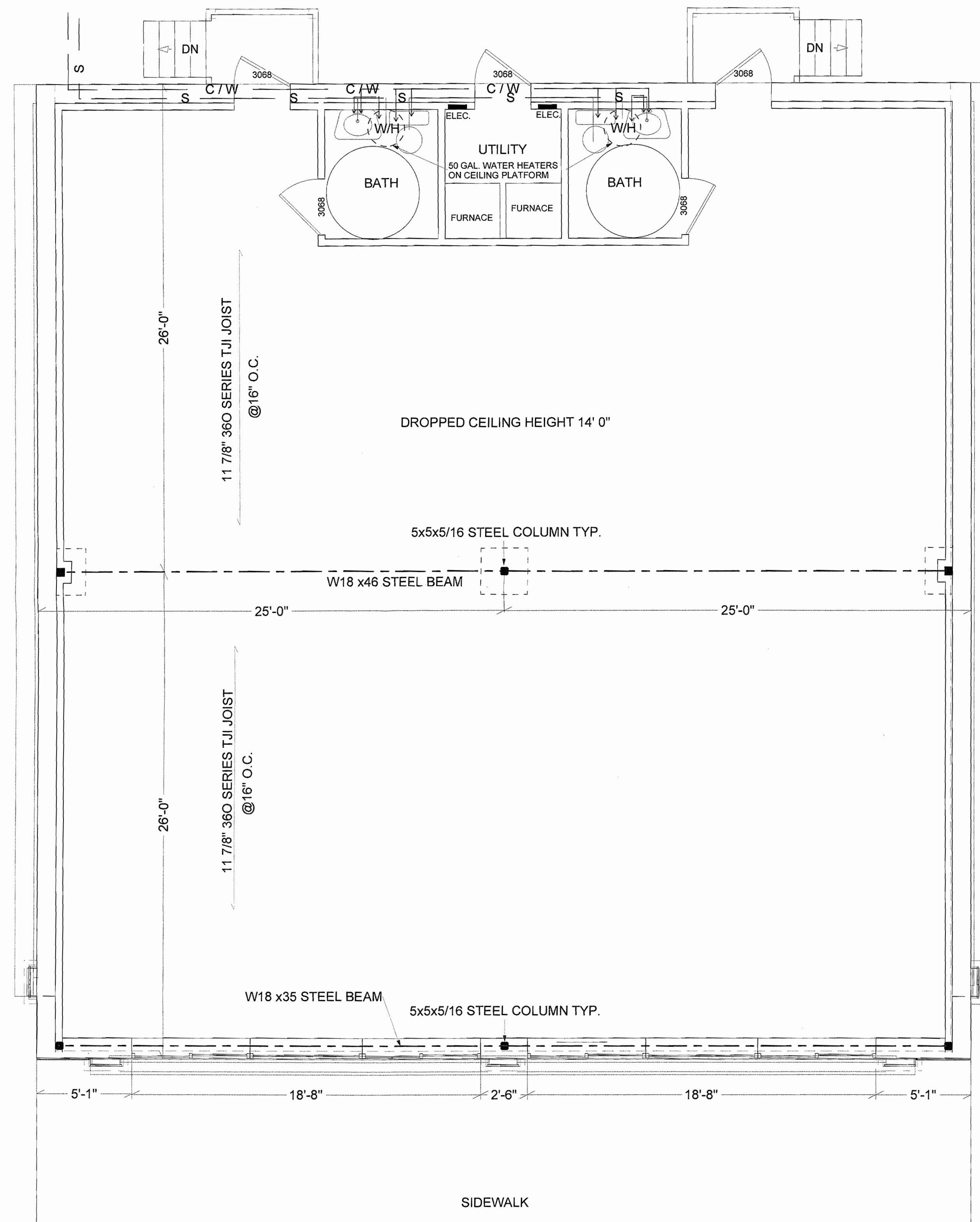
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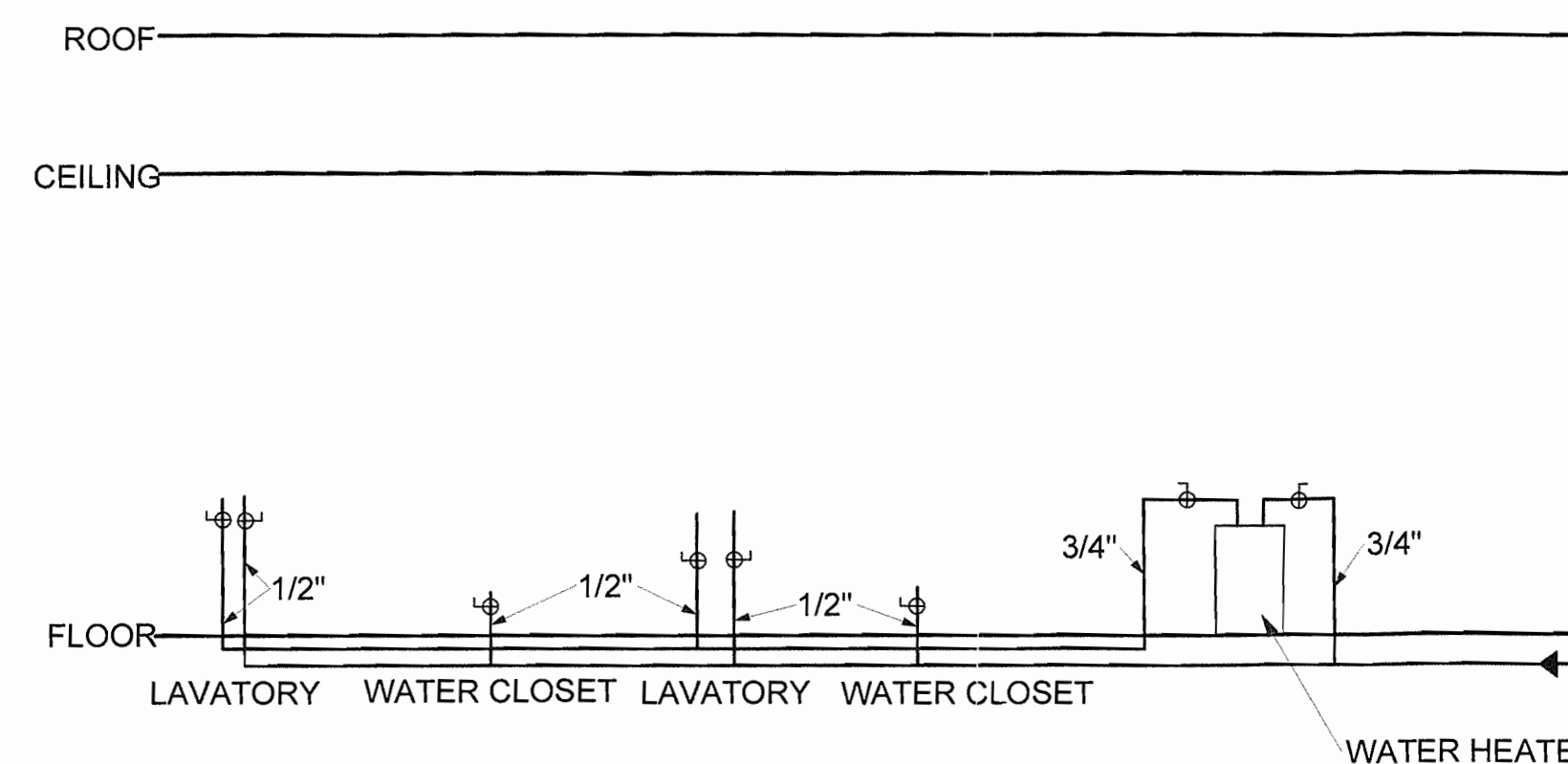
DOOR SCHEDULE							
NO.	LOCATION	QUANTITY	DOOR	DOOR	DOOR	FRAME	COMMENTS
			MATERIAL	SIZE	THICKNESS	MATERIAL	
1	FRONT ENTRY	2	ALUMINUM/ GLASS	36"x84" X2	1 3/4"	ALUMINUM	
2	UTILITY ROOM	1	SOLID CORE/ STEEL	36" x84"	1 3/4"	ALUMINUM	
3	REAR EXIT	2	SOLID CORE/ STEEL	36" x84"	1 3/4"	ALUMINUM	
4	INTERIOR B/R DOORS	2	HOLLOW CORE/ WOOD	36" x80"	1 3/4"	WOOD	



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SANITARY RISER DIAGRAM
SCALE: NONE



WATER RISER DIAGRAM
SCALE: NONE

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK RD 410-574-9337

SCALE 1/4" = 1'
DATE 03-21-08

KIM PLANS
PLUMBING PLAN

DRAWN BY
SKIP STORM &
JESSE NANTZ
PAGE # 6

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