

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
W/S York Rd. (MD Rte. 45), 106' S c/line of *
Washington Street
(2340 & 2342 York Road) *

8th Election District *
3rd Council District *

Dennis G. Foster, Jr., D.D.S., et ux *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2010-0078-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the property, Dr. Dennis G. Foster, Jr. and his wife, Carol R. Foster, through their attorney Arnold E. Jablon, Esquire with Venable, LLP. The Petitioners request a special hearing to amend the previously approved site plan in prior Case No. 99-52-XA, to permit an addition to an existing Class B office building (2340 York Road) and an existing Class A office building (2342 York Road). In addition, special exception relief is requested pursuant to Section 204.3B2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a Class B office building at 2342 York Road. Lastly, variance relief is sought to permit: (1) a side yard setback of 7.2 feet in lieu of the permitted 20 feet for 2342 York Road, pursuant to B.C.Z.R. Section 204.4C4; (2) to permit 100% of the adjusted gross floor area at 2342 York Road to be occupied by medical offices in lieu of the permitted 25%, pursuant to B.C.Z.R. Section 204.3B2A; (3) to permit a two-way driveway with a width of 8 feet in lieu of the required 20 feet at 2342 York Road, pursuant to B.C.Z.R. Section 409.4A; (4) to permit office buildings located on 2340 and 2342 York Road to be attached, pursuant to B.C.Z.R. Section 204.4C8, if applicable; and (5) to provide relief from B.C.Z.R.

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Section 204.4C9 (a), (b), and (c) 1, for 2340 and 2342 York Road, by not requiring all parking areas abutting the adjacent residential zone from being screened by an opaque fence, wall or berm in association with plantings, to not require any screening height to be at least 5 feet, and to not require a 20 foot landscape buffer. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests on behalf of the Petitioners were Arnold Jablon, Esquire, who produced as expert witnesses David Flowers, land planner, who is familiar with the site, and Pattianne Smith, a registered professional land surveyor who prepared the site plan for these properties. Both Mr. Flowers and Ms. Smith were accepted as experts as to Sections 204, 409, 502.1 and 307 of the B.C.Z.R. Eric Rockel appeared as an interested citizen on behalf of the Greater Timonium Community Council and participated at the hearing. Mr. Rockel stated that he did not oppose the requested relief and indicated he had spoken to a representative of the local community (who, although did not live in the residential community directly behind the subject properties, was active as a community representative in the area). Mr. Rockel stated that there was no opposition to the requested relief. There were no other interested persons present.

There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies. The Office of Planning and the State Highway Administration (SHA) did not oppose the requested variances. *See* comments, dated October 21, 2009 and September 22, 2009, respectively. It should also be noted that Stephen E. Weber, Chief, Bureau of Traffic Engineering, Department of Public Works, provided comments following his review to People's Counsel. His comments concerning the adjoining property, at

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2338 York Road, while not included in the relief as outlined above, is peripherally involved, as well as a "paper" alley that runs parallel and behind the subject properties. These issues will be addressed below.

Testimony and evidence offered on the two (2) properties known as 2340 and 2342 York Road disclosed that their total area is 0.28 acres, more or less, zoned R-O. 2340 York Road is 0.18 acres in size and is a rectangular shaped parcel; 2342 York Road is 0.10 acres and also rectangular in shape. Both are immediately adjacent to each other and located on the west side of York Road between Washington Street in Timonium. Both are improved with existing office buildings; the building at 2340 consists of approximately 2200 square feet and the building at 2342 consists of approximately 1075 square feet. 2340 York Road was the subject of two (2) previous zoning cases. Petitioners' Exhibit 1 (the site plan) illustrates this history and describes the subject properties and their uses which is briefly outlined. In Case No 78-190-XA, a special exception was granted to permit an office building and variances to permit a side yard setback of 8 feet in lieu of the then required 25 feet and to permit a front yard setback of 26 feet in lieu of the then required 30 feet. *See* Petitioners' Exhibit 2. In Case No. 99-52-XA, a special exception to permit a class "B" office building was granted and variances to permit a side yard setback of 9 feet in lieu of 10 feet, to permit a two-way travel lane with a width of 15 feet in lieu of 22 feet, and to permit 100% of total adjusted gross floor area to be occupied by medical offices in lieu of the maximum 25%, were all granted. *See* Petitioners' Exhibit 3.

Dr. and Mrs. Foster own both 2340 and 2342 York Road. Dr. Foster's dental office is located in 2340 York Road. Dr. Foster now proposes to connect the buildings located on each lot so that there would in effect be one building. The office building on 2340 is severely cramped for space and the building on 2342 would provide the additional space needed. It

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would literally be a practical difficulty to not connect the buildings—having to go outside of one to enter the other. The addition proposed is 570 square feet and would connect the south side of 2342 to the north side of 2340, as more particularly shown on Exhibit 1. Dr. Foster has retained Sanders Design, architects, who prepared elevation drawings submitted as Petitioners' Exhibit 5. These show the exterior of the two (2) buildings after their attachment. Parking is provided to the rear of 2342 and to the side and rear of 2340, all presently existing. No additional impervious area is proposed.

Sole access to 2340 is from York Road. Sole access to 2342 is by a 12 foot use-in-common alley, to the rear of the properties, from Washington Street. There is no access from York Road to 2342 and no access to 2340 from the alley. This alley is unpaved and is usable only by 2344 York Road and 2342 York Road. 2344 York Road, on the corner of Washington Street and the alley, is presently being improved with a new building and is not owned by the Fosters. The alley, which extends as shown on the site plan beyond 2344 and 2342 York Road, has never been used, and is no more than a "paper alley". In fact, the adjoining properties on both sides of the alley have utilized it to its centerline for accessory structures or parking. The portion of the alley used for access terminates at the joint property line of 2340 and 2342 York Road.

The purpose of these petitions is to seek a special exception to permit medical offices at 2342 York Road; variances to permit 2342 York Road to be used 100% for medical offices, as is 2340 York Road; to permit a side yard setback of 7.2 feet from the building on 2342 York Road to the property line separating 2342 and 2244 York Road; to permit a two-way driveway with a width of 8 feet as to 2342 York Road, which presently exists from the alley onto the site; to permit the attachment of the two (2) buildings, if otherwise required; and to provide certain relief

from the landscaping requirements of B.C.Z.R. Section 204.4C9; and for a special hearing to amend the site plan approved in case No. 99-52-XA.

Mr. Flowers confirmed that the properties are zoned R-O, surrounded by R-O to the north and south. Adjoining 2340 York Road to the south is 2338 York Road, also owned by Dr. Foster, and is currently being used for offices. Immediately to the north, 2344 York Road, as stated above, is not owned by Dr. Foster, is a new building under construction and near completion. It is not clear whether the building will be used as a single-family dwelling or for office use. Out of an abundance of caution, Mr. Jablon explained that the request for the side yard setback of 7.2 feet in lieu of 20 feet was because Section 204.4C4 requires a 10 foot side yard setback except if the adjacent property is predominantly residentially zoned, residentially used *or* is adjacent to a residential street, in which case the required setback is 20 feet.

Mr. Jablon further explained the proposed addition attaching the buildings located on 2340 and 2342 York Road as well as the use of 2342 York Road as medical offices would require 18 parking spaces. On both properties there are 12 existing parking spaces. However, the use at 2338 York Road requires only five (5) spaces, but 12 spaces are provided. Pursuant to Section 409.7B2, 2338 York Road is within 500 feet of 2340 and 2342, thus the extra seven (7) parking spaces may be used to conform with the requisite parking for 2340 and 2342 York Road. 2338 York Road is not part of this hearing and its only connection is to use its excess parking to satisfy the parking requirements for 2340 and 2342 York Road. Therefore, no parking variance is needed.

In support of the variances, Petitioners' attorney, Mr. Jablon, proffered and Mr. Flowers confirmed, that the property has several unusual characteristics that drive the need for the variances. Most notable, as shown on the site plan, are the size, shape and location of the subject

properties. 2342 York Road is landlocked but for the alley to the rear. Both structures on 2340 and 2342 York Road predate the zoning regulations and the properties are very narrow and elongated. It is important also that the buildings are presently being used as offices and that there is not proposed any additional employees, parking spaces or impervious areas to be created.

In terms of practical difficulty, Mr. Jablon pointed out that there is no where else an access can be provided to 2342 York Road other than by the alley. If the landscaping requirements of Section 204.4C9 (a) – (c) (1) are required, the alley would be foreclosed and the site landlocked. After all, he notes that the alley is only 12 feet wide. This also is the reason for the requested relief for an 8 foot width of the two-way driveway. To do otherwise, access would be literally denied. And, of course, testimony and evidence submitted underscores that the current conditions have been longstanding. As for 2340 York Road, there already exists landscaping, which will not be disturbed. *See* Petitioners' photographic Exhibit 6, (1 – 11), which graphically and succinctly shows the existing conditions between the houses and the subject properties. It is also to be noted that a fence already exists between the houses adjoining the subject properties and the alley.

The 7.2 foot setback also currently exists. There is no change proposed to that side of the building. Mr. Jablon, with the concurrence of Mr. Rockel, proffered the testimony of both Mr. Flowers and Ms. Smith who would testify that it was their opinion that there would be no adverse impact on the community if any of the variances requested were to be granted and there would be no detriment to the health, safety or general welfare of the locale. Finally, to specifically address the request to permit 100% of the building at 2342 York Road as medical offices they opine that the request conforms to the previously cited approval in Case No. 99-52-XA. Mr. Flowers would testify that the granting of this variance will have no detrimental impact

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on the surrounding locale and would not be detrimental to the health, safety or general welfare of the locale and would have no negative impact on the community. Mr. Flowers would testify that it was his opinion that the strictures of Section 307.1 were satisfied and that a practical difficulty would exist if the variances were to be denied. He would testify that in his opinion the properties were unique in a zoning sense.

As to the request for a special exception for 2342 York Road, Mr. Flowers would further opine that the proposed use as a medical office building would conform to and meet all of the criteria set forth in B.C.Z.R. Section 502.1 as interpreted by the *Court of Appeals in People's Counsel for Baltimore County v. Loyola College* 406 Md. 54 (2008), as there would be no adverse impact if granted and, if granted, would be consistent with the properties' zoning classification and within the spirit and intent of the B.C.Z.R. Further, he would testify that it was his opinion that the proposed use would not cause any greater adverse impact or effects at this location than elsewhere in the same zone. He pointed to 2340 York Road as evidence of this. Mr. Rockel also agreed that the current dental office at 2340 York Road was not a problem and has operated without complaint. He did not oppose the requested special exception or the variances.

As to the request to amend the previously approved site plan in Case No. 99-52-XA, if B.C.Z.R. Section 502.1 were to be applied, Mr. Flowers would testify that each of the conditions prescribed are satisfied as well, i.e., there would be no adverse impact if granted, and the relief, if granted, would be consistent with the properties' zoning classification and within the spirit and intent of the B.C.Z.R. and Case No. 99-52-XA.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning, and as stated

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above, indicated no opposition but did recommend that the Hunt Valley/Timonium guidelines be followed with respect to style, building materials, and design. Mr. Jablon stated that he had no objection. Due to both properties being located on York Road, a State road, State Highway Administration provided its comment and specifically does not oppose the requested relief.

Mr. Weber's comments posted to Mr. Zimmerman in an e-mail, dated October 30, 2009, are also made part of the case file and raised a number of concerns. While clear that Mr. Weber is not aware of the properties zoning history or the historical use of the alley, Mr. Jablon agreed to address Mr. Weber's concerns about certain parking spaces located at 2338 York Road that extend into the alley and that they be moved. *See Exhibit 1.* On behalf of his clients, Mr. Jablon agreed that these spaces be moved out of the 12 foot wide use-in-common alley and entirely within the bounds of 2338 York Road. The site plan was amended to reflect this change. It should be noted, however, that the paved area on which they exist is pre-existing. Mr. Weber also indicated his concern that the alley should be "closed" by way of a road closure. However, both Mr. Jablon and Mr. Rockel, who have a great deal of expertise and knowledge in this province, stated that to require this would serve no useful purpose. The use of the alley has not changed in any way for 50 years, if not more. Mr. Rockel stated his opposition to requiring this as a condition of approval.

Finally, inasmuch as the Petitioners effectively own all the lots at issue, I believe the doctrine of zoning merger applies. B.C.Z.R. Section 204.4.C.8 provides that the office building shall be the only principal building on the lot on which it is situated and shall not be attached to another building. The Petitioners request that they be permitted to attach the two (2) existing buildings by the proposed addition, and request a variance to do so, if required. I find that a variance is not required. Zoning merger occurs as a result of a property owner's use of

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contiguous lots under the same ownership. *See, Friends of the Ridge v. Baltimore Gas & Electric Co*, 352 Md 645 (1999) where the Court stated:

“ . . . We shall hold that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize contiguous lots in the service of a single structure or project . . .”. *See also Remes v. Montgomery County*, 387 Md. 52 (2005).

Both lots are owned by the same parties and effectively are merged by their use. For zoning purposes, 2340 and 2342 York Road shall be considered as one lot, and, therefore, no variance is necessary to B.C.Z.R. Section 204.4.C.8. Alternatively, even if the doctrine of zoning merger does not apply, I find that the proposed addition satisfies the criteria required by Section 307.1 and would be in strict harmony with the spirit and intent of zoning regulations, specifically Section 204.4.C8.

Considering all the testimony and the evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure that is the subject of the variances requested. Clearly, the subject property has constraints that are inherent to the property and have existed for a significant period of time. Its rectangular shape, their frontage on York Road and their rear on this above described 12 foot wide alley, that 2342 York Road is landlocked but for the alley, and the location of the existing, longstanding, structures on the property, leads me to find the properties unique in a zoning sense. I further find that the strict application of limitations imposed by B.C.Z.R. Sections 204.3B2A, 204.4C4, 204.4C8, 204.4C9 and 409.4A would cause practical difficulty.

I find that the variances 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. Thus, I find that these variances can be granted in such a manner as to meet the

requirements of Section 307.1 of the B.C.Z.R., as established by *Cromwell v. Ward*, 102 Md. App 691 (1995).

Further, I find the proposed medical office at 2342 York Road will not be detrimental to the community. I find that the proposed use meets the special exception criteria set forth in Section 502.1 of the B.C.Z.R. I find that the use at the subject location will not have any adverse impacts above and beyond those inherently associated with such use irrespective of its location within the zone.

Further, I find that the amendment of the site plan approved and made part of Case No. 99-52-XA should be granted. I find that the proposed amendment meets the criteria of Section 502.1 of the B.C.Z.R. and will not adversely affect the neighborhood. There will be no adverse impact on the health, safety and welfare of the neighborhood.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4th day of January 2010, that the Petitioners' request to connect the office buildings at 2340 and 2342 York Road is permitted as of right and, therefore, their request for variance from the Baltimore County Zoning Regulations (B.C.Z.R.) Section 204.4.C.8, shall be dismissed as MOOT; and

IT IS FURTHER ORDERED that the Petitioners' requests for: (1) a Special Exception to permit a Class B office building pursuant to B.C.Z.R. Section 204.3B2; (2) for Special Hearing approval to amend the previously approved site plan in prior Case No. 99-52-XA to allow an addition to the existing Class B office building, and (3) Variances to permit: (i) 100% of adjusted gross floor area to be occupied by medical offices in lieu of the permitted 25% pursuant

to B.C.Z.R. Section 204.3B2A as to 2342 York Road; (ii) a side yard setback of 7.2 feet in lieu of the permitted 20 feet pursuant to B.C.Z.R. Section 204.4C4 as to 2342 York Road; (iii) a two-way driveway with a width of 8 feet in lieu of the required 20 feet pursuant to B.C.Z.R. Section 409.4A as to 3242 York Road; (iv) all parking areas abutting residential zones shall not be required to be screened by an opaque fence, wall or berm in association with plantings as otherwise required by B.C.Z.R. Section 204.4.C.9.a; (v) zero (0) foot minimum screening height in lieu of the required 5 feet as otherwise required by B.C.Z.R. Section 204.4.C..9.b; (vi) zero (0) foot landscape buffer in lieu of the required 20 feet from any property line which abuts any property which is predominantly residentially zoned, residentially used or which abuts any residential street as otherwise required by B.C.Z.R. Section 204.4.C.9.c(1); and (vii) should the doctrine of zoning merger not apply, the Variance to attach the existing buildings at 2340 and 2342 York Road, as otherwise not permitted by B.C.Z.R. Section 204.4.C.8; be and are all hereby GRANTED, subject to the following:

1. Petitioners may apply for a building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Petitioners shall follow the Hunt Valley/Timonium guidelines with respect to style, building materials, and design as otherwise set forth in the Hunt Valley/Timonium Master Plan and submit drawings to the Office of Planning for review and approval prior to application for building permit.

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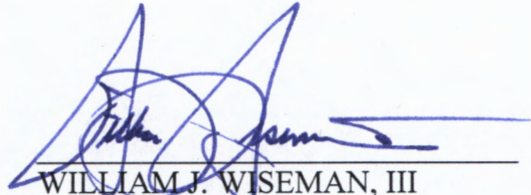
Date

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By

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Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code and filed within thirty (30) days of the date of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

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Date 1-4-10
By DW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 4, 2010

Arnold E. Jablon, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
W/S York Rd. (MD Rte. 45), 106' S c/line of Washington Street
(2340 & 2342 York Road)
8th Election District - 3rd Council District
Dennis G. Foster, Jr., D.D.S., et ux - Petitioners
Case No. 2010-0078-SPHXA

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Dr. and Mrs. Dennis G. Foster, Jr., 2301 Paper Mill Road, Phoenix, MD 21131
David Flowers, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204
Pattianne Smith, Sanders Designs, 5802 York Road, Baltimore, MD 21212
Eric Rockel, 1610 Riderwood Drive, Lutherville, MD 21093
People's Counsel; Office of Planning; Stephen E. Weber, Traffic Engineering, DPW; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2340 York Road

which is presently zoned RO

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

To amend site plan approved in prior zoning case No. 99-52 XA to permit an addition of Class B office building

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound 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:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 West Pennsylvania Ave. 410 494 6298

Address

Telephone No.

Towson

Maryland 21204

City

State

Zip Code

Legal Owner(s):

Dennis G. Foster, Jr.

Name - Type or Print

Signature

Carol R. Foster

Name - Type or Print

Signature

2301 Paper Mill Road

Address

Telephone No.

Phoenix, Maryland 21131

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 West Pennsylvania Ave 410 494 6298

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2010-0078-SPHXA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

Date

9.4.09

ORDER RECEIVED FOR FILING

Date

1-4-09

By

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Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 2342 York Road

which is presently zoned RO

Deed Reference: 28185 / 361 Tax Account # 0817010025

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

To permit Class B office building pursuant to BCZR section 204.3B2

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

I, or we, agree to pay expenses of above Special Exception, 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:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 West Pennsylvania Ave 410 494 6298

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

Dennis G. Foster, Jr.

Name - Type or Print

Signature

Name - Type or Print

Signature

2301 Paper Mill Road

Address Telephone No.

Phoenix, Maryland 21131

City State Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 West Pennsylvania Ave 410 494 6298

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Case No. 2010-0078-SPHXA

REV 07/27/2007

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 9.4.09

ORDER RECEIVED FOR FILING

Date 1-4-09

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2340 and 2342 York Road
which is presently zoned RO

Deed Reference: 10901 / 378 Tax Account # 0825045331

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

- (1) To permit 100% of adjusted gross floor area to be occupied by medical offices in lieu of permitted 25% as to 2342 York Road, pursuant to section 204.3B2A;
- (2) To permit sideyard setback of 7.2' in lieu of required 20' as to 2342 York Road, pursuant to section 204.4C4;
- (3) to permit a 2-way driveway with a width of 8' in lieu of required 20' as to 2342 York Road, pursuant to section 409.4A;
- (4) to permit office buildings located on 2340 and 2342 York Road to be attached, pursuant to section 204.4C8, if determined to be applicable;
- (5) to provide relief from Section 204.4C9 (a), (b), and (c) (1), BCZR, for 2340 and 2342 York Road

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

look up refs to

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:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 West Pennsylvania Ave.

410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Dennis G. Foster, Jr.

Name - Type or Print

Signature

Carol R. Foster

Name - Type or Print

Signature

2301 Paper Mill Road

Address

Telephone No.

Phoenix, Maryland 21131

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 West Pennsylvania Ave., 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. 2010-0078-SAHXA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature] Date 9-4-09

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 1-4-09

By [Signature]

DESCRIPTION TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTIONS,
SPECIAL HEARING AND
PETITION FOR ZONING VARIANCES

2340 YORK ROAD

BEGINNING for the same at the end of the second course and distance measured from the intersection of the centerline of Washington Street and the centerline of York Road, (1) Southerly 106 feet, more or less and thence (2) Westerly 40 feet to the point of beginning, thence running with the west side of York Road (1) South 18 degrees 17 minutes 43 seconds East 70.00 feet, thence leaving York Road (2) South 71 degrees 42 minutes 17 seconds West 113.48 feet, thence (3) North 18 degrees 17 minutes 43 seconds West 70.00 feet, and thence (4) North 71 degrees 42 minutes 17 seconds East 113.8 feet to the point of beginning.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO
BE USED TO CONVEY PROPERTY.



DESCRIPTION TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTIONS,
SPECIAL HEARING AND
PETITION FOR ZONING VARIANCES

2342 YORK ROAD

BEGINNING for the same at the end of the second course and distance measured from the intersection of the centerline of Washington Street and the centerline of York Road, (1) Southerly 66 feet, more or less and thence (2) Westerly 40 feet to the point of beginning, thence running with the west side of York Road (1) South 18 degrees 17 minutes 43 seconds East 40.00 feet, thence leaving York Road (2) South 71 degrees 42 minutes 17 seconds West 113.48 feet, thence (3) North 18 degrees 17 minutes 43 seconds West 40.00 feet, and thence (4) North 71 degrees 42 minutes 17 seconds East 113.8 feet to the point of beginning.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO
BE USED TO CONVEY PROPERTY.



**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: 0078
Petitioner: DENNIS G FOSTER, JR, ET AL
Address or Location: 2338, 2340, 2342 YONK RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON
Address: 210 W PENNSYLVANIA AVE
TOWSON, MD 21204
Telephone Number: 410 494 6298

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 44772

Date: 9.4.09

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
9/04/2009 9/04/2009 08:45:06 5

REG MS03 WALKIN RBOS LRB
>> RECEIPT # 418158 9/04/2009 DFLN

Dept 5 528 ZONING VERIFICATION
TR NO. 044772

Recpt Tot \$800.00
\$800.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				800.00

Total: 800.00

Rec From: D. FOSTER

For: 2010-0078-SPHXA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

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: # 2010-0078-SPHXA

2340 & 2342 York Road

W/side of York Road; 106 ft. +/- south of the centerline of Washington Street

8th Election District — 3rd Councilmanic District

Legal Owner(s): Dennis & Carol Foster, Jr.

Special Hearing: to amend site plan approved in prior zoning case 99-55-XA to permit an addition of Class B office building. **Special Exception:** to permit Class B office building. **Variance:** to permit (100%) of adjusted gross floor area to be occupied by medical offices in lieu of permitted 25% as to 2342 York Rd; to permit side yard setback of 7.2 ft. in lieu of the required 20 ft. to 2342 York Rd; to permit a 2-way driveway with a width of 8 ft in lieu of the required 20 ft. as to 2342 York Rd., to permit office building located on 2340 & 2342 York Rd. to be attached, pursuant to section 204.4C8, if determined to be applicable; to provide relief for 2340 & 2342 York Rd. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Hearing: Tuesday, November 10, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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.

JT 10/868 October 27

219016

CERTIFICATE OF PUBLICATION

10/29/, 2009

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 10/27/, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2010-0078-SPHXA

Petitioner/Developer: __

Dennis & Carol Foster, Jr.

Date of Hearing/closing November 10, 2009

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

Attn; Kristin Matthews;

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, _____
2340 & 2342 York Road

The sign(s) were posted on October 26 2009
(Month, Day, Year)

Sincerely,

Robert Black Oct. 29, 2009,
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0078-SPHXA

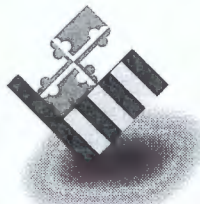
**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104, JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: TUESDAY, NOVEMBER 10, 2009 AT 10:00^{A.M.}

REQUEST: SPECIAL HEARING TO AMEND THE SITE PLAN
AN ADDITION OF CLASS B OFFICE BUILDING. SPECIAL EXCEPTION
TO PERMIT CLASS B OFFICE BUILDING. VARIANCE TO PERMIT (100%)
OF ADJUSTED GROSS FLOOR AREA TO BE OCCUPIED BY MEDICAL
OFFICES IN LIEU OF PERMITTED 25% AS TO 2342 YORK RD. TO PERMIT
SETBACK OF 7.2 FT. IN LIEU OF THE REQUIRED 20 FT. TO 2342 YORK
RD. TO PERMIT A 2-WAY DRIVEWAY WITH A WIDTH OF 8 FT. IN LIEU OF
THE REQUIRED 20 FT. AS TO 2392 YORK RD. TO PERMIT OFFICE BUILDING LOCATED
ON 2390 + 2342 YORK RD. TO BE ATTACHED PURSUANT TO SECTION 20H.4C2 IF
DETERMINED TO BE APPLICABLE TO () PROPOSED LOT FOR 2390 + 2392
YORK RD. OF THE ZONING REGULATION OF BALTIMORE COUNTY TO BE ZONED
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 5, 2009

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: 2010-0078-SPHXA

2340 & 2342 York Road

W/side of York Road; 106 ft. +/- south of the centerline of Washington Street

8th Election District – 3rd Councilmanic District

Legal Owners: Dennis & Carol Foster, Jr.

Special Hearing to amend site plan approved in prior zoning case 99-55-XA to permit an addition of Class B office building. Special Exception to permit Class B office building. Variance to permit (100%) of adjusted gross floor area to be occupied by medical offices in lieu of permitted 25% as to 2342 York Rd; to permit side yard setback of 7.2 ft in lieu of the required 20 ft to 2342 York Rd; to permit a 2-way driveway with a width of 8 ft in lieu of the required 20 ft as to 2342 York Rd., to permit office building located on 2340 & 2342 York Rd. to be attached, pursuant to section 204.4C8, if determined to be applicable; to provide relief for 2340 & 2342 York Rd. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Hearing: Tuesday, November 10, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 W. Pennsylvania Avenue, Towson 21204
Mr. & Mrs. Foster, 2301 Paper Mill Road, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 26, 2009.**
- (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
Tuesday, October 27, 2009 Issue - Jeffersonian

Please forward billing to:

Arnold Jablon
Venable, LLP
210 W. Pennsylvania Avenue
Towson 21204

410-494-6298

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: 2010-0078-SPHXA

2340 & 2342 York Road

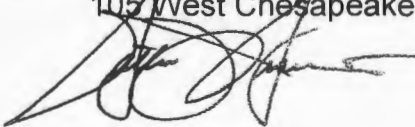
W/side of York Road; 106 ft. +/- south of the centerline of Washington Street

8th Election District – 3rd Councilmanic District

Legal Owners: Dennis & Carol Foster, Jr.

Special Hearing to amend site plan approved in prior zoning case 99-55-XA to permit an addition of Class B office building. Special Exception to permit Class B office building. Variance to permit (100%) of adjusted gross floor area to be occupied by medical offices in lieu of permitted 25% as to 2342 York Rd; to permit side yard setback of 7.2 ft in lieu of the required 20 ft to 2342 York Rd; to permit a 2-way driveway with a width of 8 ft in lieu of the required 20 ft as to 2342 York Rd., to permit office building located on 2340 & 2342 York Rd. to be attached, pursuant to section 204.4C8, if determined to be applicable; to provide relief for 2340 & 2342 York Rd. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County .

Hearing: Tuesday, November 10, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake 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

November 3, 2009

Arnold Jablon
Venable, LLP
210 West Pennsylvania Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2010-0078-SPHXA, 2340 2342 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 04, 2009. 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:lnw

Enclosures

c: People's Counsel
Dennis & Carol Foster, 2301 Paper Mill Rd.; Phoenix, MD 21131



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 14. 2009

Item Numbers 069 and 078

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
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 5, 2009
Item No. 10-078

DATE: September 28, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10052009.002 -NO COMMENTS.doc

BW 11/10
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 21, 2009

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

RECEIVED

OCT 26 2009

SUBJECT: 2340 York Road

ZONING COMMISSIONER

Item Number: 10-078

Petitioner: Dennis and Carol Foster

Zoning: RO

Requested Action: Special Hearing, Special Exception and Variance

The petitioner requests a special hearing to amend the site plan approved in prior zoning Case No. 99-52-X to permit an addition of a Class B office building. The petitioner is requesting a special exception to permit a Class B office building pursuant to section 204.3B2 of the BCZR. The petitioner is requesting a variance from Section 204.3.B.2.A of the BCZR to allow 100% of the adjusted gross floor area to be occupied by medical offices in lieu of the maximum permitted 25% as to 2342 York Road and addition. From Section 204.4.C.4 of the BCZR to allow a side yard setback of 7.2 feet in lieu of the required 20 feet as to 2342 York Road. From Section 409.4.A of the BCZR to allow a two-way driveway with a width of 8 feet in lieu of the required 20 feet as to 2342 York Road. From Section 204.4.C.8 of the BCZR if determined to be applicable to permit office buildings located on 2340 and 2342 York Road to be attached. From Section 204.4.C.9 (a), (b), and (c) (1) of the BCZR for 2340 and 2342 York Road.

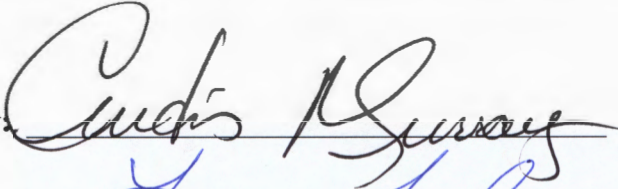
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This Office believes that the subject proposal for Special Exception to permit a Class B office building will not be detrimental to health, safety or welfare of the surrounding community. This Office also supports the variance requests listed above, provided that the Hunt Valley/Timonium guidelines are followed with respect to style, building materials, and design. On page 43 of the Hunt Valley/Timonium Master Plan it specifically states that buildings should vary and articulate the elements to visually and dimensionally interrupt the bulk of a building. Highlighting entrances and establishing focal points are among the ways to achieve this guideline. The use of consistent architecture and finish on all facades is encouraged. The use of high quality building materials such as brick or decorative concrete block is also encouraged. The size and scale of the building should be proportionate to that which already exists in the area. The Office of Planning also supports the special hearing to amend the site plan approved in prior zoning Case No. 99-

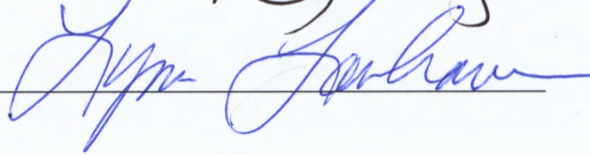
52-X to permit an addition of a Class B office building. The applicant must submit drawings to the Office of Planning prior to the application of building permit.

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

Prepared by:

A handwritten signature in black ink, appearing to read "Curtis R. Gurney", written over a horizontal line.

Division Chief:
AFK/LL: CM

A handwritten signature in blue ink, appearing to read "Lynn J. Furman", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-078-SPHXA
Address 2340 & 2342 York Road
(Foster Property)

Zoning Advisory Committee Meeting of September 14, 2009

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 9/29/09

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



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Date: SEPT. 22, 2009

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

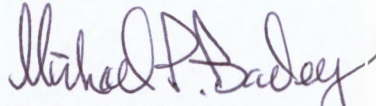
RE: Baltimore County
Item No. 2010-0078-SPHXA
MD 45
2340-2342 YORK ROAD
FOSTER PROPERTY
VARIANCE -
SPECIAL HEARING -
SPECIAL EXCEPTION -

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 9/21/09. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 2340-2342 YORK RD., Case Number 2010-0078-SPHXA.

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 email him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


For ¹ 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.sha.maryland.gov

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * ZONING COMMISSIONER
2340 & 2342 York Road; W/S York Road, *
106' S c/line of Washington Street *
8th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Dennis & Carol Foster *
Petitioner(s) * BALTIMORE COUNTY
* 10-078-SPHXA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED
SEP 23 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of September, 2009, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

November 4, 2009

HAND DELIVERED

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

NOV 04 2009

Re: PETITION FOR SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE
Dennis & Carol Foster- Legal Owners
2340 York Road
Case No: 10-078-SPHXA

ZONING COMMISSIONER

Dear Mr. Wiseman,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petitions and site plan for any traffic/parking issues. He sent the enclosed e-mail dated October 30, 2009, which is self-explanatory. As is our custom, we forward it to you for consideration. The hearing is set for November 10, 2009.

It appears from Mr. Weber's thorough review that there are significant "substandard parking" issues with respect to 2338 York Road, concerns about the use of the alley and the parking behind 2342 York Road, about a fence on 2340 York Road, and about encroachment issues with respect to the adjoining 2344 York Road. These should be reviewed, addressed, and, to the extent necessary and appropriate, result in revisions to the proposed plan.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Arnold Jablon, Esquire, attorney for Petitioners
Stephen E. Weber, Division of Traffic Engineering
Eric Rockel, President, Greater Timonium Community Council

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 10/30/2009 8:20 PM
Subject: Fwd: 10-078-SPHXA, 2340 & 2342 York Rd
Attachments: 10-078-SPHXA.pdf

Dear Mr. Zimmerman:

We have reviewed the site plan for this Item and have the following comments.

First off, I'm not certain of the legal requirements regarding the merging of the various properties and the consideration given to each, but we note that while #2340 & 2342 York Rd are listed as the properties under review, the property at #2338 is being merged into the parking calculations and is necessary in order for the parking requirements of 2340 & 2342 to be met. In addition, all three properties (2338, 2340, & 2342) are all held differently, 2338 and 2342 held individually by different property owners and 2340 in the middle being held jointly by the two individual owners of 2338 and 2342.

While we do not note any major traffic engineering issues with the subject site at 2340 & 2342 York Rd, noting that #2338 is an integral part of the submission in order to prevent the need for a parking variance request, we do note a number of substandard parking issues on #2338. First of all, the parking lot on the western edge of #2338 and one-half of a parking space on #2340 are located approximately 5 feet off of the properties and into the paper alley. We're not certain how the use of property outside the property lines can legally be used for supporting the parking requirements under the Zoning Regulations. In addition, the two-way travel lane running between the parking spaces behind #2338 is substandard, currently only being 18 feet wide rather than the 22 feet that is required. If the 5-foot encroachment off of the property into the alley did not exist, that would further reduce the travel lane from 18 feet to 13 feet, basically making it unfeasible to access the perpendicular parking spaces. We don't know if there was any prior zoning history with respect to #2338 granting variances to the County standards, but if there were those variances are not listed on the site plan. It would seem that the current proceedings should be addressing this deficiency, especially considering that #2338 is clearly being used to support the petitioned use.

To our knowledge there has been no formal Road Closing hearing to negate the presence of the alley and its use by those having title to properties on the record plat which have frontage to the alley. Interesting as well is that the petitioner is proposing continued physical use of this same alley at its intersection with Washington St to reach parking behind #2342, therefore deriving benefit and requesting continued use of the alley for themselves behind the adjoining property at #2344 York Rd, but apparently denying that same potential use to others by putting a parking lot on top of the alley at its south end. In addition, there is a fence on the western side of #2340 which is also located half way into the alley, basically trying to incorporate half the paper alley into this property. (The County does have a public sanitary sewer line running down the center of this paper alley.)

We don't have any objection to the 8-foot wide driveway within the northern alley access to Washington St given that it only serves 5 parking spaces behind #2342. We would imagine that these 5 parking spaces would be more oriented to employees rather than to customers or clients. However, we do note that the current access encroaches onto the adjoining property of #2344 York Rd and it appears that adjustments could be made to provide additional pavement within the alley to minimize or eliminate access encroachment onto #2344. In addition, the site plan again shows that the parking lot behind #2342 encroaches 1 foot off of the property and into the alley. Looking at the rear of the property at #2342, there appears to be no reason why the parking spaces can't be shifted 1 foot to the east to keep the entire parking lot on the property itself, and thus eliminate the encroachment into the alley and creating parking spaces located outside of the property lines of the subject site. I am not certain if there are any zoning issues regarding setback requirements of parking lots from alley right-of-way lines which might further complicate the proposed parking layout.

Also, a correction to the site plan on an adjoining property. At the southwest corner of York Rd & Washington St, it shows a building under construction owned by Phillip Colianni. Be advised that this information is incorrect, Mr. Colianni instead owning the property on the northwest corner of the same intersection. This property is instead owned by K & S Properties, LLC under Liber 26707 Folio 375, being addressed to #2344

York Rd. The building is basically completed at this point with parking located to the west of the building.

Should you have any questions regarding our comments on this site, please feel free to give me a call.

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

>>> People's Counsel 9/30/09 10:35 AM >>>
Mr. Weber,

Attached you will find the Petitions for Special Hearing, Special Exception and Variance in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.
Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, has authorized Arnold Jablon, Esq., Venable, LLP, 210 West Pennsylvania Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief and for the applicable use permit. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petition to be filed on our behalf. The petition(s) filed is/are for property located at 2340 and 2342 York Road, property we own.

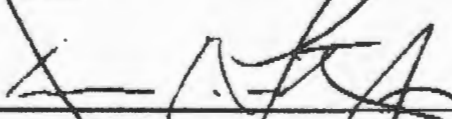


Carol R. Foster

9-2-09

(Date)

2301 Paper Mill Road Phoenix, Md 21131
Address



Dennis G. Foster, Jr.

9-2-9

(Date)

2301 Paper Mill Road Phoenix, Md 21131
Address



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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Account Identifier: District - 08 **Account Number -** 0825045331

Owner Information

Owner Name: FOSTER DENNIS G,JR
 FOSTER CAROL R
Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 2301 PAPER MILL RD
 PHOENIX MD 21131-1329
Deed Reference: 1) /10901/ 378
 2)

Location & Structure Information

Premises Address 2340 YORK RD
Legal Description PT LT 5-6-7-8
 2340 YORK RD
 TIMONIUM HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
51	23	378			E		5	2	1	
									Plat Ref:	5/ 82

Special Tax Areas Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1932	1,932 SF	8,353.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		Value	As Of	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	227,900	288,700		
Improvements:	163,600	189,100		
Total:	391,500	477,800	449,032	477,800
Preferential Land:	0	0	0	0

Transfer Information

Seller: MCKECHNIE JOSEPH
Type: IMPROVED ARMS-LENGTH
Date: 01/10/1995
Deed1: /10901/ 378
Price: \$200,000
Deed2:

Seller: VODENOS STELLA
Type: IMPROVED ARMS-LENGTH
Date: 06/08/1978
Deed1: / 5894/ 261
Price: \$52,000
Deed2:

Seller:
Type:
Date:
Deed1:
Price:
Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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Account Identifier: District - 08 **Account Number -** 0817010025

Owner Information

Owner Name: FOSTER DENNIS G,JR **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 2340 YORK RD **Deed Reference:** 1) /28185/ 361
TIMONIUM MD 21093-2216 2)

Location & Structure Information

Premises Address **Legal Description**
2342 YORK RD PT LT 9-10
LUTHERVILLE 21093 2342 YORK RD
TIMONIUM HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
51	23	378			E		9	2	Plat Ref:	5/ 82

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	1,329 SF	4,760.00 SF	15

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2008	Phase-In Assessments As Of 07/01/2009	As Of 07/01/2010
Land	175,000	225,000		
Improvements:	75,600	91,800		
Total:	250,600	316,800	294,732	316,800
Preferential Land:	0	0	0	0

Transfer Information

Seller: HOFFMAN ROBERT J	Date: 06/04/2009	Price: \$270,000
Type: IMPROVED ARMS-LENGTH	Deed1: /28185/ 361	Deed2:
Seller: QUINN GERALD E	Date: 03/17/1997	Price: \$115,000
Type: IMPROVED ARMS-LENGTH	Deed1: /12084/ 403	Deed2:
Seller: BARSHINGER JOHN M	Date: 11/22/1950	Price: \$1,500
Type: IMPROVED ARMS-LENGTH	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
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Account Identifier: District - 08 Account Number - 0823052002

Owner Information

Owner Name: FOSTER CAROL RAIMONDI **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 2338 YORK RD **Deed Reference:** 1) /14490/ 384
 LUTH-TIMONIUM MD 21093-2216 2)

Location & Structure Information

Premises Address **Legal Description**
 2338 YORK RD PT LT 3-4-5
 2338 YORK RD
 TIMONIUM HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
51	23	378				E	3	2	Plat Ref: 5/ 82

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	1,110 SF	5,966.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	175,000	225,000		
Improvements:	66,800	80,700		
Total:	241,800	305,700	284,400	305,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: LOBE LYNN B	Date: 05/26/2000	Price: \$185,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14490/ 384	Deed2:
Seller: JABLON SAUL JABLON ELLEN	Date: 01/20/1999	Price: \$180,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13463/ 175	Deed2:
Seller: JABLON SAUL JABLON ARNOLD E	Date: 02/10/1997	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12028/ 376	Deed2: /12028/ 373

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

CASE NAME 3010-0078-SPHXA
CASE NUMBER → Foster
DATE 11-10-09

[illegible]

CASE NAME Foster
CASE NUMBER 10-078-SPHXA
DATE Nov. 10, 2009

[illegible]

Case No.: 2010-0077-SPH 2340 1/2 342 YORK RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	ZONING ORDER 78-190-XA	
No. 3	ZONING ORDER 99-52-XA	
No. 4	SITE PLAN approved in 99-52-XA	
No. 5	elevation drawings by Sanders Design	
No. 6 11 Photos	Photographs - Existing Conditions	
No. 7	Aerial Photograph	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
 AND VARIANCES :
 W/S of York Road, 101' S of Washington : DEPUTY ZONING
 Street - 8th Election District :
 Estate of Philip Vodenos - Petitioner : COMMISSIONER
 NO. 78-190-XA (Item No. 132) :
 : OF
 : BALTIMORE COUNTY

::: :::

::: :::

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception for an office building and offices, and for Variances to permit a side yard setback of 8 feet instead of the required 25 feet and to permit a front yard setback of 26 feet instead of the required 30 feet for the above referenced property.

Testimony on behalf of the Petitioner indicated that the existing one and one-half story building would be converted to office use, retain its residential facade, and the existing roof lines would be unchanged. Six parking spaces would be provided at the rear of the building. Provision for a future 12 foot by 24 foot addition to the rear of the building is included in this Petition.

Without reviewing the evidence further in detail, but based upon all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met, and the Special Exception should be granted.

Further, as strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner, the Variances should also be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 10th day of April, 1978, that the aforementioned Special Exception and Variances should be and the same are hereby GRANTED,

ORDER RECEIVED FOR FILING

DATE April 10, 1978
 BY Stella R. Lacey, clerk

PETITIONER'S

EXHIBIT NO. 2

ORDER RECEIVED FOR FILING

DATE 11 11 1978

from and after the date of this Order, subject to compliance with an approved site plan, including, but not limited to, screening and landscaping, by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, and the Office of Planning and Zoning.


Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE April 19, 1978

BY Stella P. Garry, ckk
ADMINISTRATIVE ASSISTANT

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - W/S York Road, * DEPUTY ZONING COMMISSIONER
101'S of c/l Washington Street * OF BALTIMORE COUNTY
(2340 York Road) *
8th Election District * Case No. 99-52-XA
3rd Councilmanic District *
Dennis G. Foster *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Dennis G. Foster. The Petitioner requests a special exception for a Class "B" office building, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), and (amended) variance relief from the B.C.Z.R. as follows: From Sections 204.4.C.4 and 409.4.A to permit a side yard setback of 9 feet in lieu of the required 10 feet and a two-way travel lane with a width of 15 feet in lieu of the required 22 feet; and, from Section 204.3.B.2.a of the B.C.Z.R. to allow 100% use of the total adjusted gross floor area of the Class B office building to be occupied by medical offices in lieu of the maximum permitted use of 25%. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Dennis Foster, property owner, and Benjamin Bates. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.19 acres, more or less, zoned R.O. and is located on the west side of York Road, between Washington and Lincoln

PETITIONER'S

EXHIBIT NO. 3

ORDER RECEIVED FOR FILING

Date 6/1/88

By [Signature]

Streets in Timonium. The property is presently improved with a one-story office/clinic building containing 1,056 sq.ft. of floor space which has been used as a dentist's office for many years. The Petitioner is desirous of constructing a one-story addition of 560 sq.ft. to the rear of the existing building to provide additional office space. Due to the proposed use of the entire building for medical office space, and the location of the existing building and parking area, the requested special exception and variances are necessary in order to proceed as proposed.

It is to be noted that this property owner and the owner of the adjoining property at 2338 York Road have had a verbal agreement for many years as to the use and maintenance of the driveway that exists between the two properties. However, no formal written agreement has ever been executed. Pursuant to the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning, dated August 21, 1998, certain recommendations were made as a condition to their approval of this project, including a requirement that the Petitioner enter into a written shared driveway agreement with the adjoining property owner of 2338 York Road. These recommendations were discussed with the property owner at the hearing and he agreed to comply with same. Therefore, as a condition of approval of the relief requested, the Petitioner shall comply with the recommendations made by Planning, including the execution of a written shared driveway agreement with the adjoining property owner of 2338 York Road. This will insure that there are no future problems regarding the use and maintenance of this driveway by both parties. An executed copy of this written agreement shall be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

8/6/98
10/1/98
DPDM
By

It is clear that the B.C.Z.R. permits the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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Date 11/1/88
By [Signature]

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

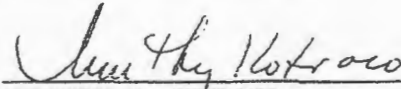
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of October, 1998 that the Petition for Special Exception to permit a Class "B" office building on the subject property, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning

Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance, as modified seeking relief from Sections 204.4.C.4, 409.4.A and 204.3.B.2.a of the B.C.Z.R. to permit a side yard setback of 9 feet in lieu of the required 10 feet, a two-way travel lane with a width of 15 feet in lieu of the required 22 feet, and to allow 100% use of total adjusted gross floor area of Class B office building to be occupied by medical offices in lieu of the maximum permitted use of 25%, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Office of Planning dated August 21, 1998, a copy of which is attached hereto and made a part hereof.
- 3) Within thirty (30) days of the date of this Order, the Petitioner shall enter into and submit an executed copy of a written shared driveway agreement with the adjacent property owner of 2338 York Road. Said agreement shall set forth the respective responsibilities of each property owner as to the use and maintenance of this shared driveway. An executed copy of this written agreement shall be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file.
- 4) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/19/98
By [Signature]

2342 York Rd



PETITIONER'S

EXHIBIT NO. 5



1.

A



B

2.



View of building recently constructed at 2344 York Road. Photo B shows the area between the building on 2344 York Road (right) and 2342 York Road (left).

3.

A



B

4.



Views of 2338 York Road, south of subject properties. Photo A looks from northwest corner of property, Photo B looks from sidewalk along York Road in northeast corner of the property.

PETITIONER'S

EXHIBIT NO. 6

5

A

B

6



View of building on 2340 York Road. Photo A looks from the southwest corner and Photo B looks from the southeast corner.

7



View of area between buildings on 2342 (right) and 2340 (left) York Road Properties. View is from sidewalk along York Road. Area of proposed connection between buildings.

2340 and 2342 York Road
Existing Condition Photographs

8

A



B

9



View of alley behind 2340 and 2342 York Road. Photo A looks north from 2338 York Road. Photo B looks south from Washington Street

10

A



B

11



View of 2342 York Road. Photo A from northwest property corner. Photo B from northeast corner of site.



2346 YORK RD

BL

2341 YORK RD

4 WASHINGTON ST

1 WASHINGTON ST

3 WASHINGTON ST

2342 YORK RD

2340 YORK RD

RO

3 TALBOTT AVE

DR 3.5

2338 YORK RD

2336 YORK RD

2 LINCOLN ST

4 LINCOLN ST

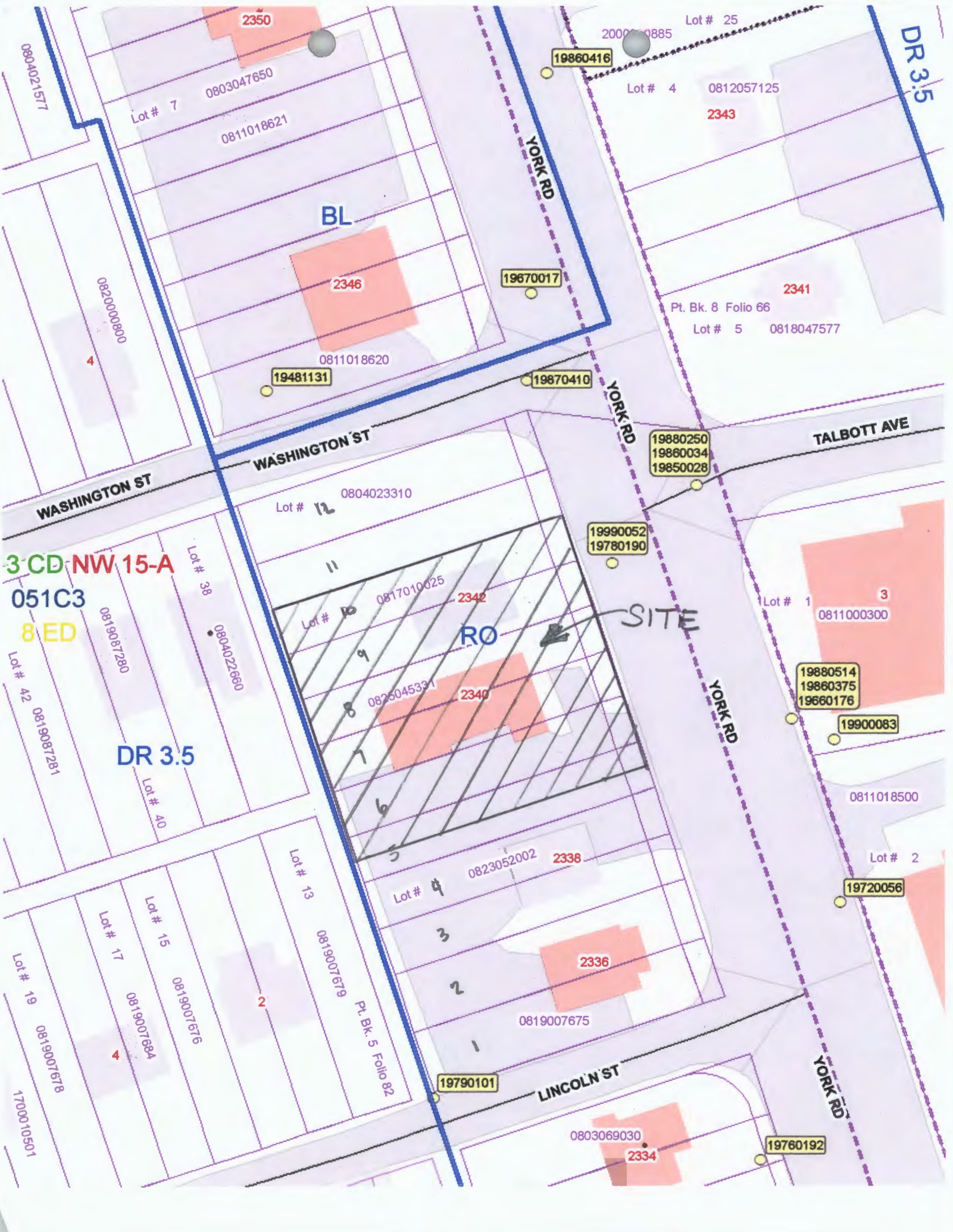
2334 YORK RD

PETITIONER'S

EXHIBIT NO.

7

BL



3 CD NW 15-A
051C3
8 ED

DR 3.5

BL

RO

SITE

DR 3.5

2350

2000 0885

Lot # 25

19860416

Lot # 4

0812057125

2343

19670017

2341

Pt. Bk. 8 Folio 66

Lot # 5 0818047577

2346

0811018620

19481131

19870410

WASHINGTON ST

WASHINGTON ST

YORK RD

TALBOTT AVE

19880250
19860034
19850028

Lot # 12 0804023310

19990052
19780190

Lot # 1

0811000300

19880514
19860375
19660176

19900083

0811018500

Lot # 2

19720056

0823052002

2338

Lot # 4

2336

0819007675

19790101

LINCOLN ST

0803069030

2334

19760192

YORK RD

0820000800

0819087280

0804022680

Lot # 40

Lot # 13

0819007676

Lot # 15

0819007676

Lot # 17

0819007684

Lot # 19

0819007678

1700010501

BUILDING SETBACK REQUIREMENTS:

FRONT: 25'
SIDE: 10'
REAR: 30'

GENERAL NOTES:

1. PROPERTY ADDRESS: 2340 YORK ROAD
TIMONIUM, MARYLAND 21092
TEL. (410) 252-6555
2. OWNER: DR. DENNIS FOSTER
2361 PAPER HILL ROAD
PHOENIX, MARYLAND 21131-1329
TEL. (410) 527-1189
3. DEED REFERENCE: LIBER S.M. No. 18981, FOLIO 378
PLAT REFERENCE: NORTHERLY HALF OF LOT 5 AND ALL OF LOTS 6, 7
AND 8 OF SECTION 8 OF "TIMONIUM HEIGHTS"
PLAT BOOK W.P.C. No. 5, FOLIO 82
4. ZONING: R-O RESIDENTIAL-OFFICE
5. 200 SCALE ZONING MAP No. 1, S.M. 15-A
6. ELECTION DISTRICT NINE
7. COUNCILMANIC DISTRICT THREE
8. SITE EXISTING USE: CLASS A
PROPOSED USE: CLASS B AND 100% GROSS FLOOR AREA OCCUPIED BY MEDICAL OFFICE
9. EXISTING FLOOR AREA RATIO: 1,056 SQ. FT. EXIST. FLOOR AREA /
11,136 SQ. FT. GROSS SITE AREA = 0.09 OR 9%
10. PROPOSED FLOOR AREA RATIO: 1,616 SQ. FT. PROP. FLOOR AREA /
11,136 SQ. FT. GROSS SITE AREA = 0.15 OR 15%
PERMITTED FLOOR AREA RATIO = 0.50 OR 50%
11. EXISTING PARKING SPACES: 9
12. REQUIRED PARKING SPACES: $1.5/1000 \times 1,616 = 2.424$ PARKING SPACES
PROPOSED PARKING SPACES: 9 (1 HANDICAPPED)
13. AMENITY OPEN SPACE: TOTAL = 1,935 SQ. FT.
A.O.S.



BPS/land technology inc.

Engineers & Surveyors
P.O. BOX 5614
Baltimore, Maryland

410-435-0800

21210

SCALE: 1" = 20'

DATE: JULY 30, 1998

PLAT TO ACCOMPANY
PETITIONS FOR
VARIANCE AND SPECIAL EXCEPTIONS

REVISIONS

Date	Description	By

Designed By

Drawn By

Checked By

PETITIONER'S

EXHIBIT NO. 4

PETITIONER'S
EXHIBIT 1

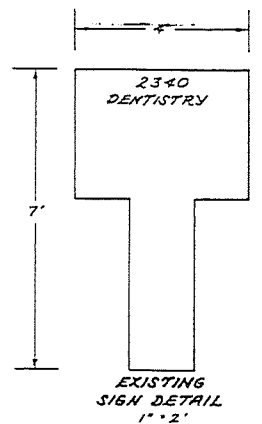
99-52-XA

LINCOLN STREET

WASHINGTON STREET

YORK ROAD MD. RTE. 45

VICINITY MAP
1" = 1000'



GENERAL NOTES:
ELECTION DISTRICT: EIGHTH
COUNCIL DISTRICT: THIRD
SUBDIVISION: TIMONIUM HEIGHTS
SITE AREAS, NET:
#2340 YORK ROAD: 7,943 SF / 0.18 ACRE ±
#2342 YORK ROAD: 4,539 SF / 0.10 ACRE ±
TOTAL: 12,482 SF / 0.28 ACRE ±
SITE AREAS, GROSS:
#2340 YORK ROAD: 7,943 SF + 2,520 SF = 10,463 GSF
#2342 YORK ROAD: 4,539 SF + 1,440 SF = 5,979 GSF
TOTAL: 16,442 GSF / 0.38 ACRE ±
ADJUSTED GROSS FLOOR AREAS:
#2340 YORK ROAD: 2,200 GSF
#2342 YORK ROAD: 1,075 GSF
SUB-TOTAL: 3,275 GSF
+ 570 GSF ADDITION = 3,845 GSF
FLOOR AREA RATIO:
#2340 YORK ROAD: EXISTING
2200 GSF GR. FLOOR AREA / 10,463 GSF GR. SITE AREA = 0.21
#2342 YORK ROAD: EXISTING
1075 GSF GR. FLOOR AREA / 5,979 GSF GR. SITE AREA = 0.18
#2340 YORK ROAD: PROPOSED
2542 GSF GR. FLOOR AREA / 10,463 GSF GR. SITE AREA = 0.24
#2342 YORK ROAD: PROPOSED
1303 GSF GR. FLOOR AREA / 5,979 GSF GR. SITE AREA = 0.22
COMBINED PROPOSED:
3,845 GSF GR. FLOOR AREA / 16,442 GSF GR. SITE AREA = 0.23
PARKING CALCULATIONS:
#2338 YORK ROAD: 1,000 GSF (5 PER 1,000) = 5
#2340 YORK ROAD: 2,200 GSF (4.5 PER 1,000) = 10
#2342 YORK ROAD: 1,075 GSF (4.5 PER 1,000) = 5
570 SF ADDITION (4.5 PER 1,000) = 3
TOTAL REQUIRED = 23
TOTAL PROVIDED = 24
PURSUANT TO SECTION 409.7.B.2 #2338 IS WITHIN 500 FEET OF THE ADJACENT LOT THUS THE 7 ADDITIONAL SPACES CAN BE UTILIZED BY #2340/42
AMENITY OPEN SPACE CALCULATIONS:
AMENITY OPEN SPACE AREA: 1,625 SF + 800 SF = 2,425 SF
ADJ. GR. FLOOR AREA = 3,845 GSF
RATIO: 2,425 SF / 3,845 GSF = 0.63
PREVIOUS COMMERCIAL PERMIT:
DATE: OCT. 1, 1999
PERMIT NO. 388301/C-99
* SITE AREAS GROSS, AS DEFINED BY THE ZONING COMMISSIONER'S POLICY MANUAL, SECTION 101.

SPECIAL HEARING:
1.) To amend the site plan approved in prior zoning case No. 99-52-XA to permit an addition to #2340 York Road.
SPECIAL EXCEPTION:
1.) To permit a Class B Office Building pursuant to BCZR Section 204.3.B.2, as to #2342 York Road.
VARIANCES:
1.) Requesting relief from BCZR Section 204.3.B.2.A to allow 100% of the adjusted gross floor area to be occupied by medical offices in lieu of the permitted maximum of 25%, as to #2342 York Road and addition.
2.) Requesting relief from BCZR Section 204.4.C.4 to allow a sideyard setback of 7.2 feet in lieu of the required 20 feet, as to #2342 York Road.
3.) Requesting relief from BCZR Section 409.4.A to allow a two-way driveway with a width of 8.0 feet in lieu of the required 20 feet, as to #2342 York Road
4.) Requesting relief from BCZR Section 204.4.C.8, if deemed applicable by the Zoning Commissioner.
5.) Requesting relief from BCZR Section 204.4.C.9, sub sections a, b, and c(1) Landscape Requirements, for #2340 and #2342 York Road.



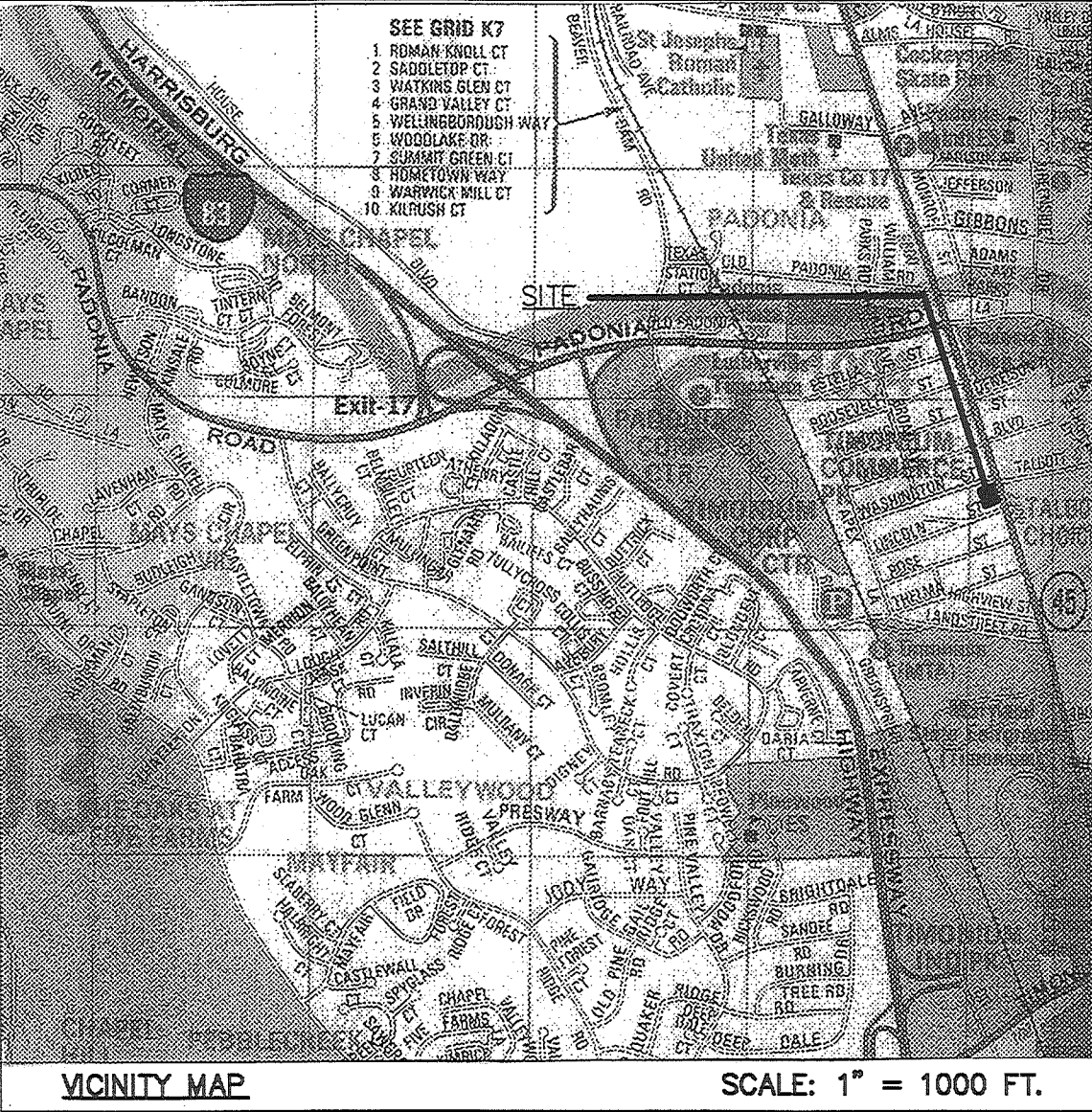
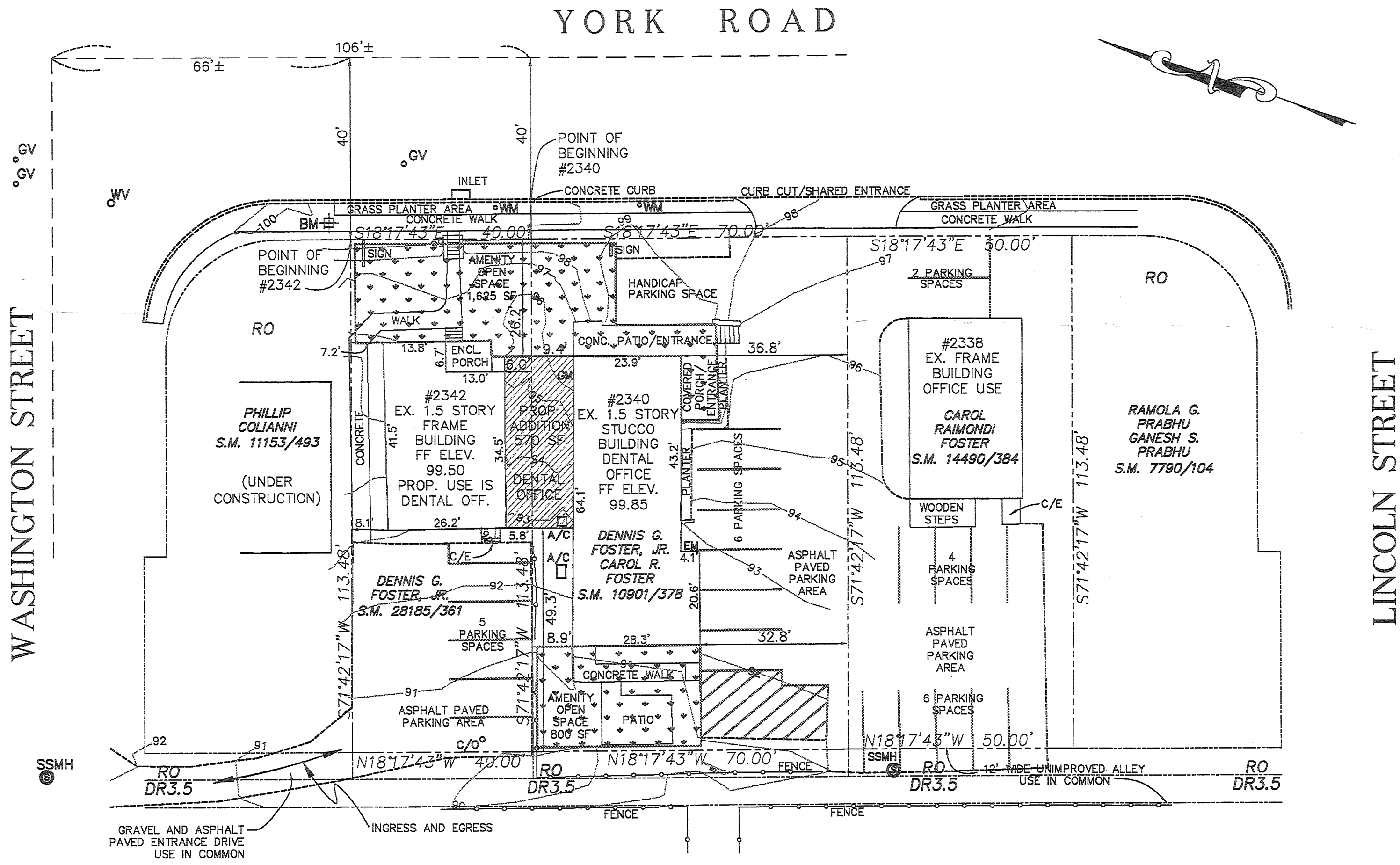
DESIGN TEAM:

L.L.S. LAND SERVICES, INC.
5802 YORK ROAD
BALTIMORE, MARYLAND 21212
410.879.4735
FAX 410.879.4736

ZONING HISTORY:
CASE NO. 99-52-XA
DATE: OCT. 1, 1998
#2340 YORK ROAD
OUTCOME:
1) Special Exception to permit a class "B" office building pursuant to Section 204.3.B.2.A - GRANTED.
2) Variance to permit a side yard setback of 9 feet in lieu of 10 feet - GRANTED.
3) Variance to permit a two-way travel lane with a width of 15 feet in lieu of 22 feet - GRANTED.
4) Variance to allow 100% use of total adjusted gross floor area of class "B" office building to be occupied by medical offices in lieu of the maximum 25% - GRANTED.
WITH THE FOLLOWING RESTRICTIONS:
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order reversed, the relief granted herein shall be rescinded.
2) Compliance with the ZAC comments submitted by the Office of Planning dated August 21, 1998, a copy of which is attached hereto and made a part hereof.
3) Within (30) days of the date of this Order, the Petitioner shall enter into and submit an executed copy of a written shared driveway agreement with the adjacent property owner of 2338 York Road. Said agreement shall set forth the respective responsibilities of each property owner as to the use and maintenance of this shared driveway. An executed copy of this written agreement shall be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file.
4) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
CASE NO. 78-190-XA
DATE: APR. 10, 1978
#2340 YORK ROAD
OUTCOME:
1) Special Exception to permit an office building and offices - GRANTED.
2) Variance to permit a side yard setback of 8 feet instead of the required 25 feet - GRANTED.
3) Variance to permit a front yard setback of 26 feet instead of the required 30 feet - GRANTED.
WITH THE FOLLOWING RESTRICTIONS:
Subject to compliance with an approved site plan, including, but not limited to, screening and landscaping, by the State Highway Administration, Dept. of Public Works, Dept. of Traffic Engineering, and the Office of Planning and Zoning.

1. BOUNDARY SHOWN HEREON IS TAKEN FROM DEEDS, PLATS AND OTHER RECORDS FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND AND DOES NOT REFLECT A FIELD RUN BOUNDARY SURVEY.
2. ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM AND REFERENCED TO A +-CUT FOUND IN THE CONCRETE SIDEWALK AND MARKED "0001". IT IS SHOWN HEREON ON AS "BM" AND LABELED "BM".

ABBREVIATIONS USED:
WM WATER METER
WV WATER VALVE
GV GAS VALVE
EM ELECTRIC METER
A/C AIR CONDITION UNIT
SSMH SANITARY SEWER MANHOLE
C/O CLEAN OUT
C/E CELLAR ENTRY



DRAWING SCALE: 1" = 20'-0" DATE: AUGUST 28, 2009
PLAN TO ACCOMPANY HEARING FOR SPECIAL EXCEPTIONS AND ZONING VARIANCES
PROPERTY ADDRESS: #2340, and #2342 YORK ROAD
FOSTER PROPERTIES
PROPERTY OWNER(S):
#2340 YORK RD.
DENNIS G. FOSTER, JR.
CAROL R. FOSTER
2301 PAPER MILL ROAD
PHOENIX, MD 21131-1329
#2342 YORK RD.
DENNIS G. FOSTER, JR.
2301 PAPER MILL ROAD
PHOENIX, MARYLAND 21131-1329
APPLICANT: DR. DENNIS G. FOSTER, JR.

SANDERS | DESIGNS
ARCHITECTS PLANNERS
WWW.SANDERSDESIGNS.COM MAILBOX@SANDERSDESIGNS.COM
9727 GREENSIDE DRIVE SUITE 202 COCKEYSVILLE, MD 21030 T-410 580 2624 F-410 580 2722

GENERAL NOTES:
ELECTION DISTRICT: EIGHTH
COUNCIL DISTRICT: THIRD
SUBDIVISION: TIMONIUM HEIGHTS
SITE AREAS, NET:
#2340 YORK ROAD: 7,943 SF / 0.18 ACRE ±
#2342 YORK ROAD: 4,539 SF / 0.10 ACRE ±
TOTAL: 12,482 SF / 0.28 ACRE ±
SITE AREAS, GROSS:
#2340 YORK ROAD: 7,943 SF + 2,520 SF = 10,463 GSF
#2342 YORK ROAD: 4,539 SF + 1,440 SF = 5,979 GSF
TOTAL: 16,442 GSF / 0.38 ACRE ±
ADJUSTED GROSS FLOOR AREAS:
#2340 YORK ROAD: 2,200 GSF
#2342 YORK ROAD: 1,075 GSF
SUB-TOTAL: 3,275 GSF
+ 570 GSF ADDITION = 3,845 GSF
FLOOR AREA RATIO:
#2340 YORK ROAD: EXISTING
2200 GSF GR. FLOOR AREA / 10,463 GSF GR. SITE AREA = 0.21
#2342 YORK ROAD: EXISTING
1075 GSF GR. FLOOR AREA / 5,979 GSF GR. SITE AREA = 0.18
#2340 YORK ROAD: PROPOSED
2542 GSF GR. FLOOR AREA / 10,463 GSF GR. SITE AREA = 0.24
#2342 YORK ROAD: PROPOSED
1303 GSF GR. FLOOR AREA / 5,979 GSF GR. SITE AREA = 0.22
COMBINED PROPOSED:
3,845 GSF GR. FLOOR AREA / 16,442 GSF GR. SITE AREA = 0.23
PARKING CALCULATIONS:
#2338 YORK ROAD: 1,000 GSF (5 PER 1,000) = 5 12
#2340 YORK ROAD: 2,200 GSF (4.5 PER 1,000) = 10 7
#2342 YORK ROAD: 1,075 GSF (4.5 PER 1,000) = 5 5
570 SF ADDITION (4.5 PER 1,000) = 3
TOTAL REQUIRED = 23
TOTAL PROVIDED = 24
PURSUANT TO SECTION 409.7.B.2 #2338 IS WITHIN
500 FEET OF THE ADJACENT LOT THUS THE 7
ADDITIONAL SPACES CAN BE UTILIZED BY #2340/42
AMENITY OPEN SPACE CALCULATIONS:
AMENITY OPEN SPACE AREA: 1,625 SF + 800 SF = 2,425 SF
ADJ. GR. FLOOR AREA = 3,845 GSF
RATIO: 2,425 SF / 3,845 GSF = 0.63
PREVIOUS COMMERCIAL PERMIT:
DATE: OCT. 1, 1999
PERMIT NO. 388301/C-99
* SITE AREAS GROSS, AS DEFINED BY THE ZONING COMMISSIONER'S POLICY
MANUAL, SECTION 101.

SPECIAL HEARING:
1.) To amend the site plan approved in prior zoning case No.
99-52-XA to permit an addition to #2340 York Road.
SPECIAL EXCEPTION:
1.) To permit a Class B Office Building pursuant to BCZR Section
204.3.B.2, as to #2342 York Road.
VARIANCES:
1.) Requesting relief from BCZR Section 204.3.B.2.A to allow 100% of
the adjusted gross floor area to be occupied by medical offices in
lieu of the permitted maximum of 25%, as to #2342 York Road and
addition.
2.) Requesting relief from BCZR Section 204.4.C.4 to allow a sideyard
setback of 7.2 feet in lieu of the required 20 feet, as to #2342 York
Road.
3.) Requesting relief from BCZR Section 409.4.A to allow a two-way
driveway with a width of 8.0 feet in lieu of the required 20 feet, as
to #2342 York Road
4.) Requesting relief from BCZR Section 204.4.C.8, if deemed
applicable by the Zoning Commissioner.
5.) Requesting relief from BCZR Section 204.4.C.9, sub sections a, b,
and c(1) Landscape Requirements, for #2340 and #2342 York Road.



DESIGN TEAM:

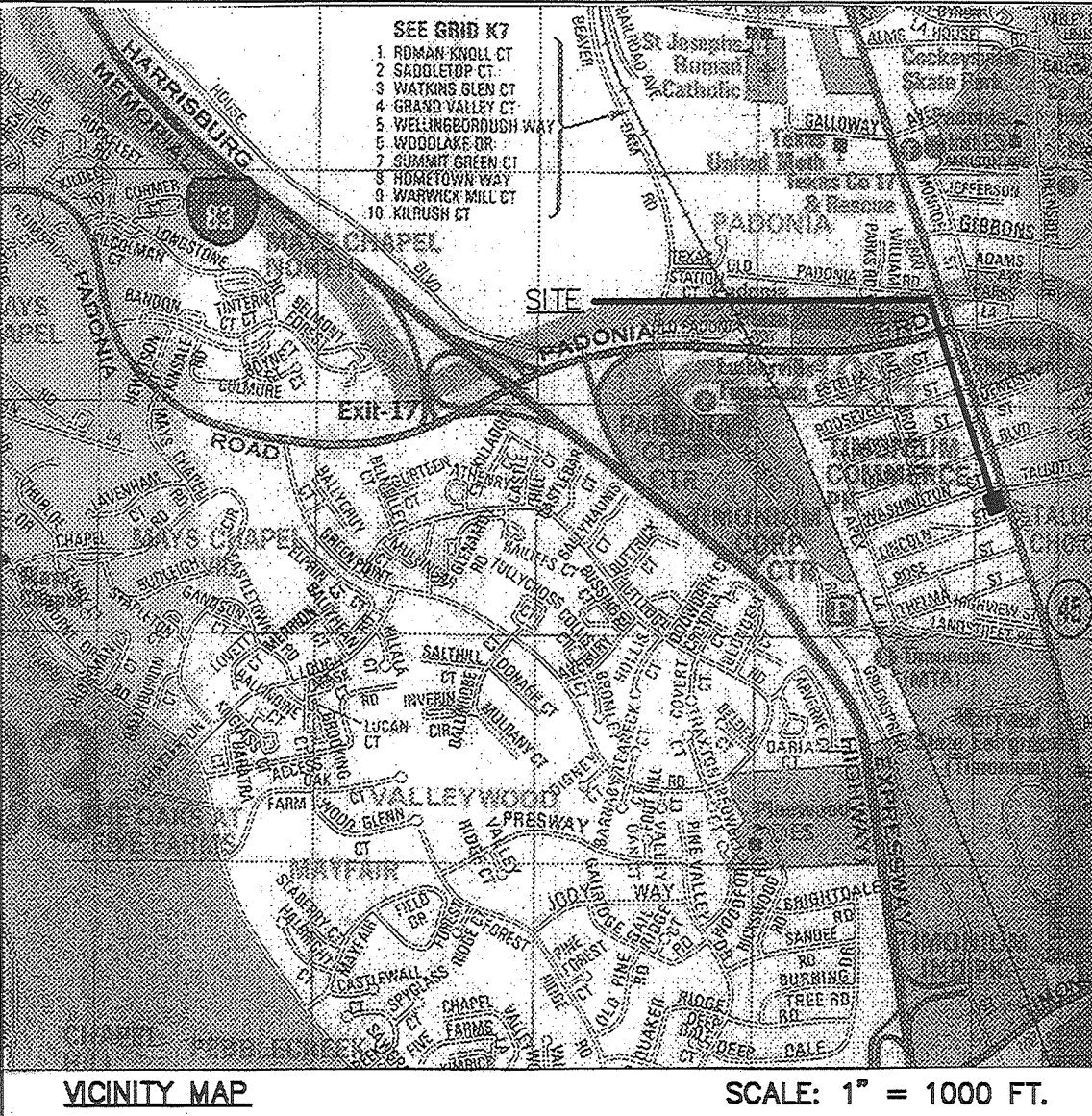
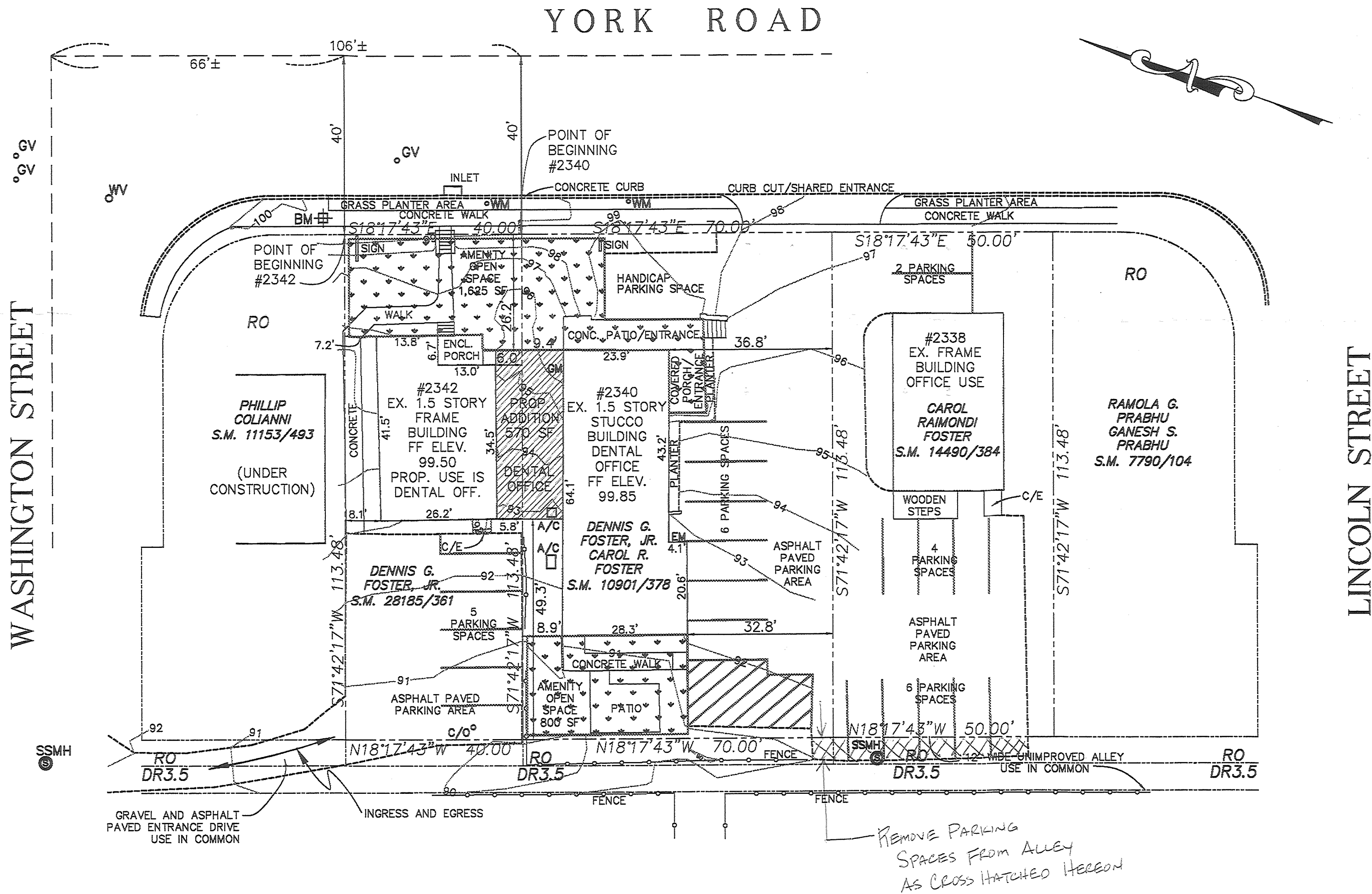
L.L.S. LAND
SERVICES, INC.
5802 YORK ROAD
BALTIMORE, MARYLAND 21212
410.879.4735
FAX 410.879.4736

ZONING HISTORY:
CASE NO. 99-52-XA
DATE: OCT. 1, 1998
#2340 YORK ROAD
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Section 204.3.B.2.A - GRANTED.
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feet - GRANTED.
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in lieu of 22 feet - GRANTED.
4) Variance to allow 100% use of total adjusted gross floor area of
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APPLICANT: DR. DENNIS G. FOSTER, JR.
PETITIONER'S
EXHIBIT NO. 1

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