



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

December 8, 2010

David H. Karceski
210 W. Pennsylvania Ave Ste. 500
Towson, Maryland 21204

Dear Mr. Karceski:

RE: 2011-0153-A, 321 York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 27, 2010. 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:rjc

Enclosures

c: People's Counsel
Chesapeake & York, LLC Mark D. Neumann, Member 510 Garrison Forest Rd.
Owings Mills 21117

TB 12/14
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 30, 2010

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

SUBJECT: 321 York Road

INFORMATION:

Item Number: 11-153

Petitioner: 321 York Road

Zoning: BM-CT

Requested Action: Variance

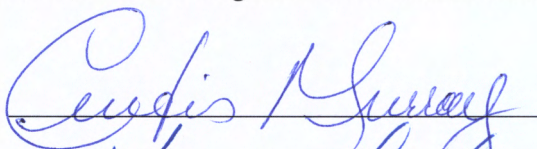
The petitioner is seeking a variance to permit 0 off-street parking spaces in lieu of the required 36 parking spaces.

SUMMARY OF RECOMMENDATIONS:

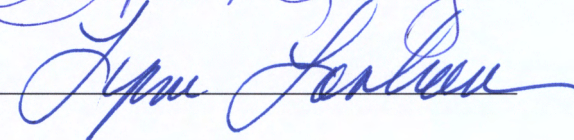
The lack of required on site parking is consistent with the pattern of development in Towson in the BM-CT zone. The building is located on the heart of downtown Towson where more on street parking is encouraged. Furthermore there are several nearby parking garages that have more than enough capacity to take on additional parking. The Office of Planning recommends approval of the petitioner's request.

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

Prepared by:



Division Chief:
AFK/LL: CM



RECEIVED

DEC 01 2010

ZONING COMMISSIONER



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 3, 2010

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

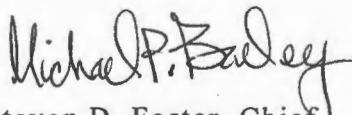
RE: Baltimore County
Item No. 2011-0153-A
MD45 (YORK RD)
321 YORK ROAD
CHESAPEAKE & YORK, LLC
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0153-A.

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

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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



Baltimore County
Fire Department

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

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

November 9, 2010

ATTENTION: Kristen Mathews
ZAC 11-15-2010

Case Number(s): 2011-0148-SPHA
2011-0150-A
2011-0151-A
2011-0152-SPHA
2011-0153-A

The fire marshal's office has no comments at this time.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



RE: PETITION FOR VARIANCE * BEFORE THE
321 York Road; SW corner of Chesapeake *
Avenue & York Road * ZONING COMMISSIONER
9th Election & 4th Councilmanic Districts *
Legal Owner(s): Chesapeake & York, LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-153-A

* * * * *

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

NOV 05 2010

.....

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 5th day of November, 2010, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 321 PARK
CASE NUMBER 2011-153-A
DATE 12/14/10

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
David Karcuski	210 W. Penn Ave 5th Fl.	Towson MD 21204	dhkarcuski@verizon.com
FRED THOMPSON	Gowert Thompson Inc. 429 E. LACE AVE BALTO.	21212	GOWERTHOMPSON AOL.COM
SID McNAIRY	321 York Rd	TOWSON, MD 21204	info@LifelinePowerYoga.com

Power to the People
A donation based studio

Check Out:
Retreats
Workshops
Audios / Video
Teacher Training and more



To schedule:
Sid at your studio
Call (410)321-0642

www.LifelinePowerYoga.com / www.SidMcNairy.com

Case No.:

2011-0153-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	prev zoning case	
No. 3	Mr. Thompson's resume	
No. 4	tax map	
No. 5 A+B	aerial photographs	
No. 6	12-9-10 - letter from T Ch. of Com - in support	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR VARIANCE
SWC Chesapeake Avenue
And York Road
9th Election District
4th Councilmanic District
(321 York Road)

Chesapeake & York, LLC
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-448-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Chesapeake & York, LLC. The variance request is for property located at 321 York Road, which property is zoned BM-CT. The variance request is to allow 0 parking spaces in lieu of the required 11 spaces.

Appearing at the hearing on behalf of the variance request were J. Scott Dallas, registered property line surveyor who prepared the site plan of the property, Khaled Shakra, John Marking and Mark Tobey, all appearing on behalf of the Petitioner and Patricia A. Malone, attorney at law, representing the Petitioners. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, is located at the southwest corner of the intersection of Chesapeake Avenue and York Road, in the heart of Towson. The subject property is improved with a commercial retail building comprising approximately 3,500 sq. ft. The subject property is vacant at this time and was formerly a "Wendy's" fast food restaurant. A 7-11 convenience store is now interested in occupying the site, but in order to do so finds it necessary to request a variance for parking. Testimony and evidence revealed that the property, which is the subject of this request, has no area in order to provide parking spaces in that the building itself takes up the entire property's

PETITIONER' S

EXHIBIT NO. 2

ORDER RECEIVED FOR FILING

Date

By

6/25/00

J. P. Jameson

GOWER THOMPSON INC.

Frederick J. Thompson, P.E.

Project Manager, Principal

Mr. Thompson has numerous years of experience in providing civil/site engineering for a wide variety of private and public clients. He is experienced in land planning to optimize new site development; site development plans; public works drawings and specifications for highways, roads, and utilities; site evaluations; preparation of zoning plans; feasibility studies to determine the future use and/or the adaptive reuse of an existing facility, and; the design for the expansion and upgrading of developed sites. He has extensive experience in Baltimore City and County.

Relevant Project Experience

New Senior Housing Building
Subdivision of 17 Acre Parcel
Public Works Plans
New Parking Lots
Stormwater Management
New Housing
Development Plan
PUD Approval
Renaissance Square
Baltimore County

New Apartment Building
For the Elderly
Grading & Utility Design
Public Works Improvements
Stormwater Management
New Parking Lot
Floodplain Study
Development Plan
PUD Approval
The Greens at
Rolling Road
Baltimore County

Site Design
Major Parking Lot Expansion
Stormwater Management
Grading & Utility Design
Play Fields
Erosion & Sediment Control
Pre-School Addition
Gordon Theater
Jewish Community Center
Owings Mills Complex
Baltimore County

New Office Building
New Parking Lot
Public Works Improvements
Crossroads West
Office Complex
Baltimore County

New Apartment Building
For the Elderly
100 Year Floodplain Study
Public Works Improvements
Stormwater Management
New Parking Lot
Cove Point Apartments
Peninsula Expressway
Baltimore County

Four New Apartment Buildings
For the Elderly
New Parking Lots
Development Plan Amendment
Grading & Utility Design
PWA Plan
Weinberg Village
Baltimore County

New Activity Center
Building Addition
Public Works Improvements
Zoning Variance
Parking Lot Revisions
St. Agnes Parish
Baltimore County

Renovation of Historic
Building for Apartments
For Teachers
Grading & Utility Design
Public Works Improvements
Floodplain Permit
Union Mill
Baltimore City

Professional Experience

Gower Thompson, Inc.
1996 - Present

LPJ, Inc. (Principal)
1990-1996

A/E Group
1988-1990

RTKL
1971-1988

Gannett, Fleming, Corddry,
and Carpenter, Inc.
1962-1971

California Department of
Highways
1961-1962

Education

Villanova University
Master of Science
Civil Engineering
1971

Villanova University
Bachelor of Science
Civil Engineering

Professional Registration

Maryland
Pennsylvania

PETITIONER'S

EXHIBIT NO.

3



PETITIONER'S
EXHIBIT NO. 5A



EXHIBIT NO.

5B

TOWSON

CHAMBER OF COMMERCE

44 West Chesapeake Avenue
Towson, Maryland 21204
Phone: 410-825-1144
Fax: 410-832-5863
Email: info@towsonchamber.com
Web: www.towsonchamber.com

Board of Directors

~Officers~

President

David Hinshaw
Towson University Marriott Conference
Hotel

Vice President

Debra Moriarty, Ph. D.
Towson University

Secretary

Kaitlin Radebaugh
Radebaugh Florist & Greenhouses

Treasurer

Mary Fran Stroniger
J.L. Kenneally & Co., P.A.

Immediate Past President

Michael Pianowski
Franklin Financial, LLC

Wendy Belzer Litzke
Goucher College

Danny BenDebbas
DAASN

Richard Celeste
Country Club of Maryland

Steve Cupit, CPA

Janet Farr
GBMC Foundation

Phil Grillo
Grillo & Company

Kathy Harden
Souris' Saloon

Lisa Troia Martin
Café Troia

Cooper Pollard
Pollard's Towing Company

Douglas Riley, Esq.
Trenor, Pope & Hughes, P.A.

Jeffrey Rogyom, Esq.
Bodie, Dolina, Smith & Hobbs, P.C.

Mori Schuchman
Taubman Properties, LLC

Paul J. Schwab III, Esq.
Azrael, Gami & Frantz, LLP

Mark Shulman, DDS

Executive Director
Nancy Hafford

Executive Assistant
Pattie McLane

December 9, 2010

Mr. Mark D. Neumann
510 Ventures, LLC
510 Garrison Forest Road
Owings Mills, MD 21117

Dear Mark,

The Towson Chamber of Commerce is so pleased to welcome Sid and Lifeline Power Yoga to our community. We had the pleasure of seeing his place of business during the recent ribbon cutting and were amazed at how fresh and vibrant the location has become.

We at the Chamber are never happier than to include a new business to our area, especially one that already has such a great following. You are adding to our community, not only a much needed resource but an addition to the economic health of Towson.

The Chamber understands that a parking variance is required for Lifeline Power Yoga as no parking is provided on site and the Chamber supports the variance.

We wish him well for the future here in Towson and if we can help in any way, please let us know.

Best Wishes,

Nancy Hafford
Nancy Hafford
Executive Director

PETITIONER'S

EXHIBIT NO. 6

IN RE: PETITION FOR VARIANCE
SW corner of Chesapeake Avenue
and York Road
9th Election District
4th Councilmanic District
(321 York Road)

Chesapeake and York, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2011-0153-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Chesapeake and York, LLC. Petitioner is requesting Variance relief from Section 409.6.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 0 off street parking spaces in lieu of the required 36 parking spaces. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Variance request were Mark D. Neumann, Member, for Petitioner Chesapeake and York, LLC and David H. Karceski, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Sid McNairy, owner and operator of tenant Lifeline Power Yoga, and Fred Thompson, P.E. with Gower Thompson Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance.

The testimony and evidence offered in the case was presented by way of a proffer of Mr. Thompson's expert testimony from Mr. Karceski and revealed that the subject property is rectangular shaped and contains approximately 0.12 acre, more or less, zoned B.M.-C.T. In this instance, the Business, Major Zone is overlaid with the Commercial, Town-Center Core District.

As stated in Section 259.2.D of the B.C.Z.R., "C.T. Districts may be applied only to primary

ORDER RECEIVED FOR FILING

Date 12-14-10

By PM

shopping areas within town centers on land zoned B.L., B.M., B.R. and/or M.L., the primary shopping area of any such center being that area which contains or is intended to contain a high incidence of pedestrian-oriented retail uses ..." The property is located at the southwest corner of West Chesapeake Avenue and York Road in downtown Towson, and is improved with an existing three-story brick building utilized for office, retail, services, and other commercial uses, including a 7-11 convenience store on the first floor and Mr. McNairy's yoga studio on the second floor. The yoga studio has been operating at the subject site since mid-October of this year.

Although Lifetime Power Yoga has been operating at the site for the last two months, in order to obtain a Use & Occupancy permit, it is necessary for Petitioner to obtain variance relief from the parking requirements set forth in the B.C.Z.R., or for Petitioner to enter into a lease with the Baltimore County Revenue Authority to use their parking garage for the 36 spaces required. Petitioner opted to file for the instant variance relief.

In order to give some background and context to the matter in support of the variance request, Mr. Karceski referenced an earlier zoning case that pertains to the subject property. In Case No. 00-448-A, the owner Chesapeake & York, LLC requested variance relief to allow 0 parking spaces in lieu of the required 11 spaces. At that time, the variance was necessitated by the impending arrival of the 7-11 store at the site. In an Order dated June 25, 2000, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 2, then-Deputy Zoning Commissioner Timothy M. Kotroco granted the parking variance, finding that the property met the variance standard of Section 307.1 as interpreted by the relevant case law.

As to the instant variance request, Petitioner again seeks variance relief from the required parking calculations for the entire building. In support of the relief, Mr. Karceski discussed several unusual features of the property, particularly that the property is located in the C.T. District of Towson, which has as a defining characteristic the high incidence of pedestrian oriented travel.

ORDER RECEIVED FOR FILING

Date 12-14-10

2

By KB

He also explained that the existing conditions are what drive the need for the variance. The building essentially takes up the entire site, with no opportunity for on site parking. In addition, Mr. Karceski indicated there would be no adverse impact from the variance and pointed out that Towson's "Walkable District" is consistent with the C.T. overlay. Moreover, the yoga studio draws most of its clients from existing businesses and offices in Towson or from Towson University, hence most of the patrons walk to and from the studio. Those that attend evening yoga classes generally have enough on street parking from which to choose.

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 dated November 30, 2010 which indicates that the lack of required on site parking is consistent with the pattern of development in Towson in the B.M.-C.T. Zone. The building is located in the heart of downtown Towson where more on street parking is encouraged. Furthermore, there are several nearby parking garages that have more than enough capacity to take on additional parking. The Planning Office recommends approval of the Petitioner's request.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. As explained by Mr. Karceski, the C.T. District overlay presents a unique feature, with the desirability of a "walkable" Towson matched against the more stringent parking requirements of Section 409.6 of the B.C.Z.R. This zoning feature, coupled with the inherent limitations posed by the fact that the building takes up the entire site, renders the property unique in my judgment. I also find that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship upon Petitioner. Finally, I find that the variance from the parking requirements can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public

ORDER RECEIVED FOR FILING

Date 12-14-10

3

By ps

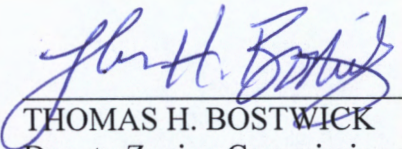
health, safety, and general welfare. As an example, Nancy Hafford, Executive Director of the Towson Chamber of Commerce, authored a letter dated December 9, 2010 expressing support for the variance request. *See*, Petitioner's Exhibit 6.

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

THEREFORE, IT IS ORDERED this 14th day of December, 2010 by this Deputy Zoning Commissioner that Petitioner's Variance request from Section 409.6.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 0 off street parking spaces in lieu of the required 36 parking spaces be and is hereby **GRANTED**, subject to the following conditions:

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

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 12-14-10

By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 14, 2010

DAVID H. KARCESKI, ESQUIRE
VENABLE LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2011-0153-A
Property: 321 York Road

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Mark D. Neumann, Member, Chesapeake and York LLC, 510 Garrison Forest Road, Owings Mills MD 21117
Sid McNairy, Lifeline Power Yoga, 321 York Road, Towson MD 21204
Fred Thompson, P.E., Gower Thompson Inc., 429 East Lake Avenue, Baltimore MD 21212



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 321 York Road

which is presently zoned BM-CT

Deed Reference: 12973 / 475 Tax Account # 0919326260

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)

Variance from Section 409.6.A of the Baltimore County Zoning Regulations to permit 0 off-street parking spaces in lieu of the required 36' parking spaces.

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

To be determined at hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave., Suite 500 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Chesapeake & York, LLC

Name - Type or Print

Signature

Mark D. Neumann, Member

Name - Type or Print

Signature

510 Garrison Forest Road

410-363-0113

Address

Telephone No.

Owings Mills

MD

21117

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 W. Pennsylvania Ave., Suite 500 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2011-0153-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

BK

Date

12/27/10

REV 8/20/07

ORDER RECEIVED FOR FILING

Date

12-14-10

By

pm

ZONING DESCRIPTION
CHESAPEAKE AND YORK LLC BUILDING
321 YORK ROAD
TOWSON, MARYLAND 21204

BEGINNING FOR THE SAME AT A POINT AT THE SOUTHWESTERN CORNER OF THE INTERSECTION OF YORK ROAD AND WEST CHESAPEAKE AVENUE, THENCE EXTENDING THE FOLLOWING COURSES AND DISTANCES:

1. NORTH 76 DEGREES 53 MINUTES WEST, 114 FEET ALONG THE SOUTHERN RIGHT OF WAY LINE OF WEST CHESAPEAKE AVENUE,
2. SOUTH 12 DEGREES 43 MINUTES WEST, 45 FEET;
3. SOUTH 77 DEGREES 01 MINUTE EAST, 110 FEET, AND
4. NORTH 17 DEGREES 53 MINUTES EAST, 45 FEET ALONG THE WESTERN RIGHT OF WAY INE OF YORK ROAD TO THE PLACE OF BEGINNING.

CONTAINING 0.12 ACRES MORE OR LESS.

LOCATED IN THE 9TH ELECTION DISTRICT.



PAID RECEIPT

BUSINESS ACTION TIME NOW

10/27/2016 10:27:20 AM 14:10:43

FILED HERE MAY 14 1964

OR LEIPT # 550540 10/27/2010 15 LN

528 ZORING VERIFICATION

CR 061004

Amount Tot 172.00

\$125.00 01 \$100.00 01

Baltimore County, Maryland

Total: 14,500

For: _____

PLEASE PRESS HARD!!!!

20W 0153

**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: #2011-0153-A

321 York Road
S/West corner of Chesapeake Avenue and York Road

9th Election District
4th Councilmanic District
Legal Owners: Chesapeake & York, LLC

Variance: to permit 0 off street parking spaces in lieu of the required 36 parking spaces.

Hearing: Tuesday, December 14, 2010 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 11/720 Nov 30 261950

CERTIFICATE OF PUBLICATION

12/21, 2010

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 11/30, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

12-14

CERTIFICATE OF POSTING

2011-0153-A

RE: Case No.: _____

Petitioner/Developer: _____

Chesapeake & York, LLC

Dec 14, 2010

Date of Hearing/Closing: _____

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

Attn: Kristin Matthews:

Ladies and Gentlemen:

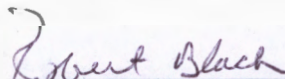
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

321 York Road

November 29, 2010

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



December 2 2010

(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 # 2011-0153-A

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

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

DATE AND TIME: TUESDAY, DECEMBER 14, 2010 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT 0 OFF STREET PARKING
SPACES IN LIEU OF THE REQUIRED 36 PARKING SPACES

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 30, 2010 Issue - Jeffersonian

Please forward billing to:

Kedrick Whitmore

410-494-6204

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0153-A

321 York Road

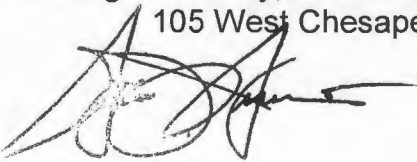
S/west corner of Chesapeake Avenue and York Road

9th Election District – 4th Councilmanic District

Legal Owners: Chesapeake & York, LLC

Variance to permit 0 off street parking spaces in lieu of the required 36 parking spaces.

Hearing: Tuesday, December 14, 2010 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 Permit and
Development Management
November 10, 2010

NOTICE OF ZONING HEARING

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CASE NUMBER: 2011-0153-A

321 York Road

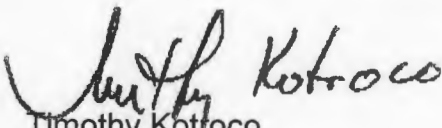
S/west corner of Chesapeake Avenue and York Road

9th Election District – 4th Councilmanic District

Legal Owners: Chesapeake & York, LLC

Variance to permit 0 off street parking spaces in lieu of the required 36 parking spaces.

Hearing: Tuesday, December 14, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Mark Neumann, 510 Garrison Forest Road, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 29, 2010.**
- (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.

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/neighbor 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.

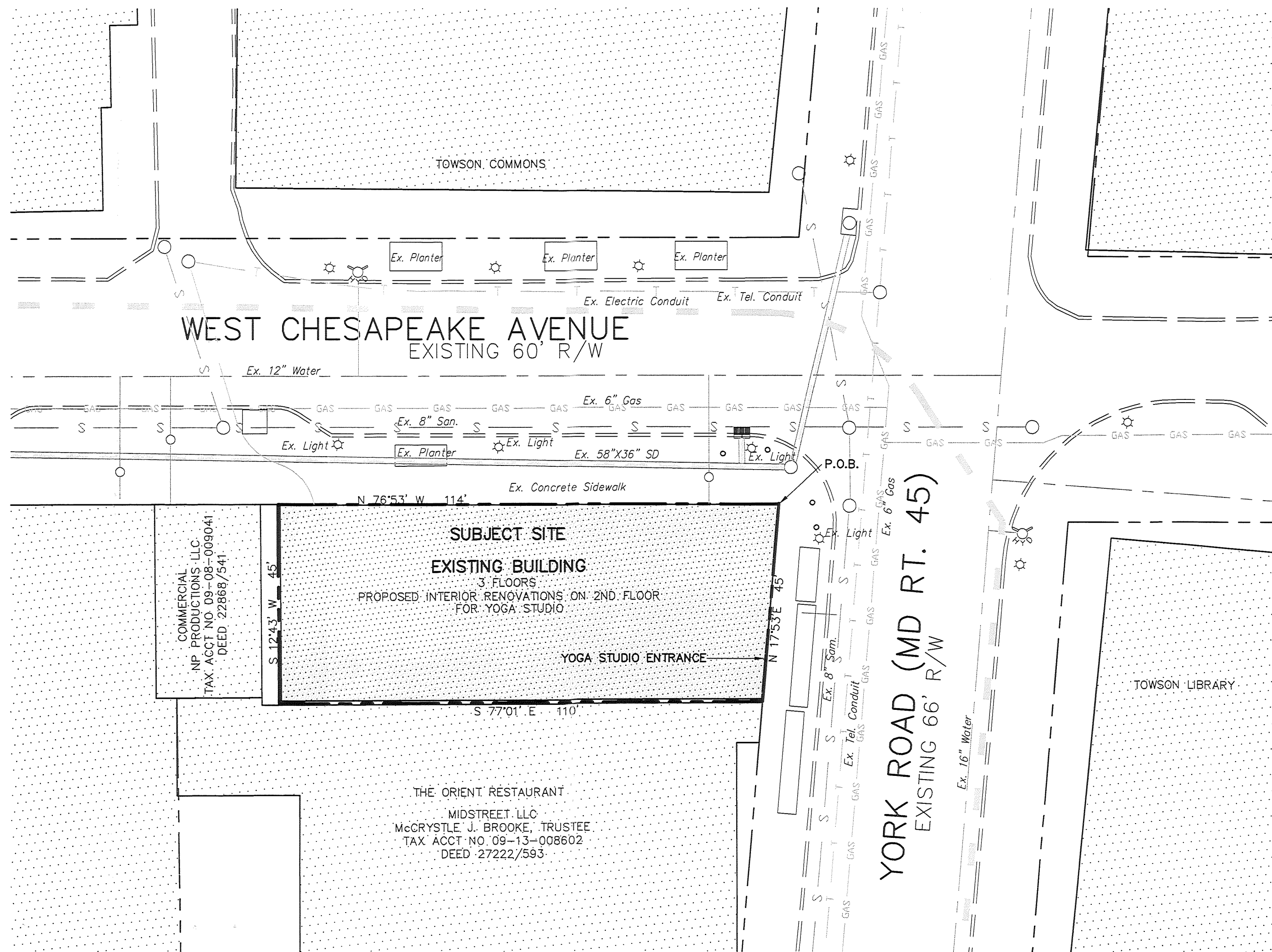
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2011-053 - A
Petitioner: Chesapeake & York, LLC
Address or Location: 321 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kedrick Whitmore
Address: 210 W. Pennsylvania
Towson MD 21204
Telephone Number: 410 494 6204



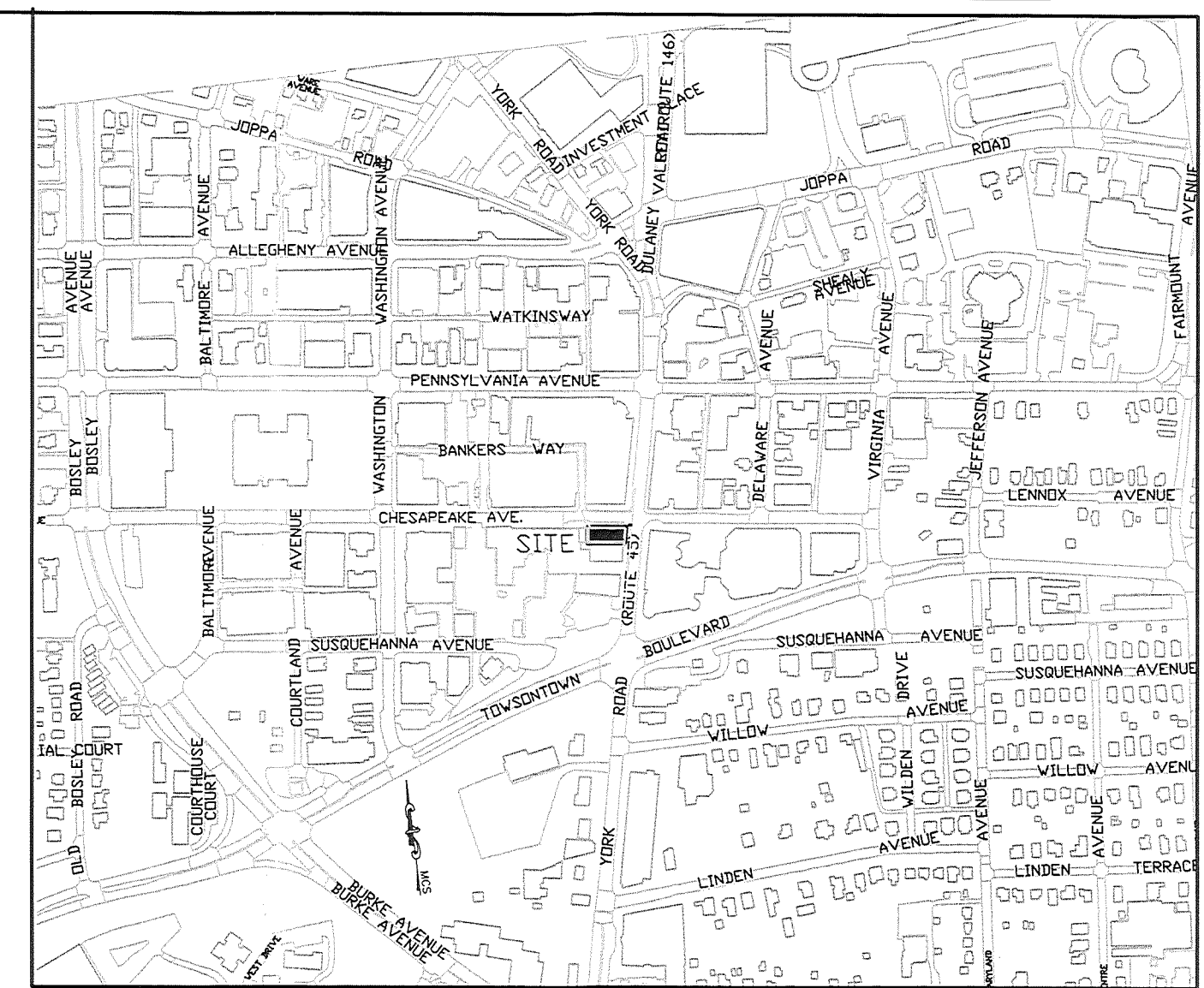
DETAIL PLAN VIEW
SCALE: 1"=20'



Baltimore County
Office of Planning and Zoning
Official Zoning Map

BM-CT	BL	CB	CB-1
BM-CT	BL	CB	CB-1
BM-CT	BL	CB	CB-1

ZONING MAP - 70A2
SCALE: 1" = 200'



LOCATION MAP
SCALE: 1"=500'

ELECTION DISTRICT 9 COUNCILMANIC DISTRICT 4

OWNER: CHESAPEAKE & YORK LLC
3505 CROSSLAND AVE.
BALTIMORE, MD 21213

DEED REFERENCE: 12973/475

PLAT REFERENCE: N.A.

TAX ACCOUNT: 09-19-326260

SITE AREA: 0.12 ACRES

EXISTING USE: MIXED USE, COMMERCIAL/RETAIL

PROPOSED USE: SAME, RENOVATION OF 2ND FLOOR FOR YOGA STUDIO

SITE ZONED: BM-CT (MAP 70-A2) (COVERS ENTIRE AREA
SHOWN ON THE SITE PLAN)

ZONING REQUIREMENTS:	PERMITTED/REQUIRED	PROVIDED
F.A.R.	4.0	3.0
AMENITY OPEN SPACE	0	0*
FRONT YARD	15'	0*
SIDE YARD	0'	0*
REAR YARD	0'	0*

* EXISTING CONDITIONS

SITE IS NOT IN A 100 YEAR FLOOD PLAIN OR A BALTIMORE COUNTY MORATORIUM AREA.

SITE IS NOT PART OF AN APPROVED CRG OR DEVELOPMENT PLAN.

THERE IS NO SITE DISTURBANCE ASSOCIATED WITH THIS CONSTRUCTION.

BUILDING USES:

GROUND FLOOR	=	RESTAURANT	4,984 SF
1ST FLOOR	=	RETAIL (7-ELEVEN)	3,500 SF
	=	RESTAURANT	1,484 SF
2ND FLOOR	=	YOGA STUDIO	4,984 SF

REQUIRED PARKING:

RESTAURANT:	0 (CT DISTRICT)	0 SPACES
RETAIL:	3/1,000 * 3,500	11 SPACES
YOGA STUDIO:	5/1,000 * 4,984	25 SPACES
TOTAL		36 SPACES

PROVIDED 0 SPACES

ZONING HISTORY:

PETITION FOR VARIANCE FOR NUMBER OR REQUIRED PARKING SPACES, CASE NO 00-448-A APPROVED JUNE 25, 2000

THEREFORE, IT IS ORDERED this 25th day of June, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow 0 parking spaces in lieu of the required 11 spaces, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

NOTE: ANY NEW SIGNAGE WILL COMPLY WITH SECTION 450.
OR A VARIANCE WILL BE REQUESTED.

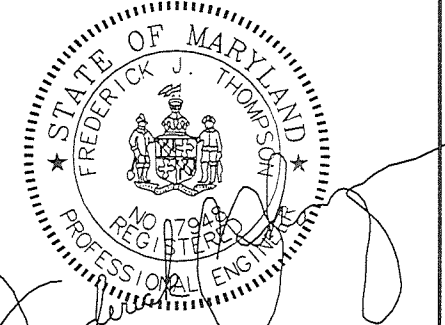
PETITIONER'S

EXHIBIT NO. 1

REVISIONS	COMMENTS
NO.	DATE

GT
GOWER THOMPSON INC.
CIVIL ENGINEERING - SITE PLANNING
229 E. Lake Avenue
Baltimore, MD 21202
Phone 410-532-0101
Fax 410-532-0104
Email GOWER@GTH.COM

PROFESSIONAL CERTIFICATE
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
Licence No.: 7948
Expiration Date: 7/11/2011



CHESAPEAKE & YORK LLC BUILDING
INTERIOR RENOVATIONS
321 YORK ROAD
BALTIMORE COUNTY, MARYLAND 21204
SITE PLAN TO ACCOMPANY
ZONING VARIANCE

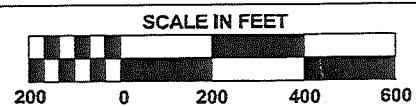
PROJECT TITLE	
PROJECT NO.	
DATE	10/21/10
DRAWING NO.	C-1
SHEET	OF



PETITIONER' S
EXHIBIT NO. 4

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STATE OF MARYLAND
ALL RIGHTS RESERVED.

THESE MAPS ARE PROTECTED BY COPYRIGHT. THEY MAY NOT BE COPIED OR REPRODUCED IN ANY FORM INCLUDING ELECTRONIC MEANS SUCH AS: DIGITIZING, SCANNING, VECTORIZING, OR IMAGE PROCESSING, OR BY ANY SYSTEM NOW KNOWN OR TO BE INVENTED WITHOUT PERMISSION IN WRITING FROM THE MARYLAND DEPARTMENT OF PLANNING.



COMPILED BY:
MARYLAND DEPARTMENT OF PLANNING
PROPERTY MAPPING SECTION

The information shown on this map has been compiled from deed descriptions and plats and is not an actual survey. It should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning, Property Mapping Section, Room 1101, 301 W. Preston St., Baltimore, MD 21201-3286.

PROPERTY LINE
SUBDIVISION BOUNDARY
TOWN BOUNDARY

PRIVATE ROAD
STREAM LINE
CONTINUING OWNERSHIP
PARCEL NUMBERING - P.R.
SCALE 1"=200' (R)

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ASSIGNED TO IDENTIFY OWNERSHIP, MUST BE PRECEDED BY
A MAP NUMBER.)

ENTER QUADRANGLE	DATE OF PHOTO	SMA GRID
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MDP
Maryland
Department of Planning

TOWSON
BALTIMORE COUNTY,
MARYLAND

MAP I
70