

M E M O R A N D U M

DATE: September 19, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0315-SPH

The appeal period for the above-referenced case expired on September 15, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(40 York Road)		
9 th Election District	*	OFFICE OF
5 th Council District		
Forty York Road Assoc., Ltd.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
40 York Road U15, LLC	*	FOR BALTIMORE COUNTY
<i>Contract Purchaser</i>		
Petitioners	*	Case No. 2016-0315-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Forty York Road Assoc., Ltd, legal owner and 40 York Road U15, LLC, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the modified parking plan approved in Case No. 2011-0242 SPH.

Prabhakaran Raja and surveyor Ken Wells appeared in support of the petition. J. Neil Lanzi, Esq. represented the Petitioners. Several community members attended the hearing to express support for the request, and Mr. Engesser from the Towson Manor Village Community Association attended to obtain additional information regarding the project. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Zoning Advisory Committee (ZAC) comments received.

The subject property is zoned BM, and is improved with a five story office/condominium building. This case involves one unit owner (Anytime Fitness) which seeks to expand its operation. The fitness facility is presently located on the first floor of the building, and Petitioner would like to acquire additional space on the second floor of the building to expand its offerings.

Ken Wells, a professional surveyor accepted as an expert, explained the plan and the

ORDER RECEIVED FOR FILING

Date 8-16-16

By Ken

proposed expansion of the fitness facility. He opined that the parking provided was more than sufficient, and that granting the petition would not have a detrimental impact upon the community. Mr. Raja, who owns and operates the Anytime Fitness club at this location, explained how the facility differs from "big box" fitness centers. Mr. Raja said that unlike those larger facilities, his gym is open 24/7 and for the most part there are only a handful of patrons at the facility at any one time. Mr. Raja has been in operation since 2011, and stated he has not received any complaints from the community or Baltimore County since that time.

In these circumstances, I do not believe granting the request will be injurious to the community. The gym is located along a busy commercial corridor in the heart of Towson, and has been in operation for several years. The nature of the facility is such that its members come to the gym in a staggered fashion throughout the day, which prevents there from being a mass exodus of patrons at the same time. The facility also operates on a 24 hour basis, which means that members can come to the gym at a time of their choosing, which again helps to prevent overcrowding. The proposed second floor expansion is modest in size (approximately 2,600 sq. ft.), and I do not believe the demand for parking will exceed the 159 off-street spaces provided.

THEREFORE, IT IS ORDERED this 16th day of August, **2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to amend the modified parking plan approved in Case No. 2011-0242 SPH, in accordance with the terms of this order and the site plan marked as Petitioners' Exhibit 1, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 8-16-16

By sen

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date_____

By_____



PETITION FOR ZONING HEARING(S)

** continued tax acct :

2400012730

To be filed with the Department of Permits, Approvals and Inspections

2400012731

To the Office of Administrative Law of Baltimore County for the property located at:

Address 40 York Rd which is presently zoned BM

Deed References: 7114/392 10 Digit Tax Account # 2400012728 2400012729 **

Property Owner(s) Printed Name(s) Forty York Road Associates Limited Partnership

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached

2. _____ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. _____ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

40 York Road U15, LLC

Name- Type or Print

Signature

9006 Sunni Shade Crt Perry Hall MD

Mailing Address City State

21128 / 410-296-4966 / fitnessraja@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

J. Neil Lanzi

Name- Type or Print

Signature

102 W. Pennsylvania Ave Ste 406 Towson MD

Mailing Address City State

21204 / 443-991-5917 / nlanzi@wclaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Forty York Road Associates Limited Partnership

Forty York Investors, LLC - General Partner

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Rick Arnold, Admin Member

5621 Old Frederick Rd Ste 2 Balti MD

Mailing Address City State

21228 / 410-258-6940 / rickarnold4@msn.com

Zip Code Telephone # Email Address

Representative to be contacted:

J. Neil Lanzi

Name - Type or Print

Date 8-16-16

Signature

By Sen

102 W. Pennsylvania Ave Ste 406 Towson MD

Mailing Address City State

21204 / 443-991-5917 / nlanzi@wclaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0315-SPH Filing Date 6/9/2016

Do Not Schedule Dates: _____

Reviewer ML

PETITION FOR SPECIAL HEARING

Contract Purchaser/Petitioner 40 York Road U15, LLC, hereby petitions the Administrative Law Judge for the following zoning relief with regard to the property known as 40 York Road:

1. Special Hearing pursuant to Sections 409.12, 409.6B(3) and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the modified parking plan approved in Case No. 2011-0242-SPH.
2. For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

The Administrative Law Judge has the power to grant special hearing relief that will not be detrimental to the health, safety or general welfare of the locality involved. Petitioner will be providing additional reasons in support of the requested zoning relief at the hearing.

kjWellsInc

Land Surveying, Site Planning and Landscape Architecture

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

May 30, 2016
**Zoning Description
of the
40 York Road Condominium**
Baltimore County
Maryland
9th Election District
5th Councilmanic District

Beginning at a point on the southeast side of York Road (width varies) at a distance of 160 feet northeast from the centerline of East Burke Avenue (width varies). Being that land shown on a Plat entitled "40 York Road Condominium Plat" as recorded in the Land Records of Baltimore County in Condominium Plat Book 30 folio 162 through 168 containing 1.45 acres or 63,162 square feet of land more or less. Also being known as 40 York Road.



CASE NO.: 2016-0315-SPH

ZONING NOTICE

CASE # 2016-0315-SPH

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

JEFFERSON BLDG. ROOM 205

PLACE: 105 W. CHESAPEAKE AVE. TOWSON, MD 21204

DATE AND TIME: FRI. AUG. 12, 2016 10AM

REQUEST: SPECIAL HEARING TO AMEND

THE MODIFIED PARKING PLAN APPROVED IN

CASE NO. 2011-0242-SPH. FOR ANY FURTHER

RELIEF AS MAY BE DEEMED NECESSARY BY THE

ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY

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

kjWellsInc

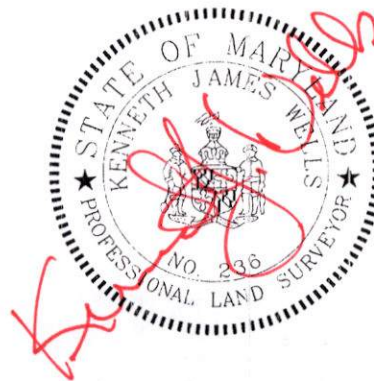
Land Surveying, Site Planning and Landscape Architecture

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

May 30, 2016
Zoning Description
of the
40 York Road Condominium
Baltimore County
Maryland
9th Election District
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Beginning at a point on the southeast side of York Road (width varies) at a distance of 160 feet northeast from the centerline of East Burke Avenue (width varies). Being that land shown on a Plat entitled "40 York Road Condominium Plat" as recorded in the Land Records of Baltimore County in Condominium Plat Book 30 folio 162 through 168 containing 1.45 acres or 63,162 square feet of land more or less. Also being known as 40 York Road.



CASE NO.: 2016-0315-SPH

Providing Land Surveying and Site Planning Services in Maryland since 1984

Page 1 of 1

CERTIFICATE OF POSTING

Date: 7-22-16

RE: Case Number: 2016-0315-SPH

Petitioner/Developer: 40 York Rd U15, LLC

Date of Hearing/Closing: Fri Aug 12, 2016 10 AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 40 YORK RD.

The signs(s) were posted on 7-22-16
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 18, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2016-0315-SPH

40 York Road

SE/s York Road, 160 ft. NE of E. Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Forty York Road Associates, Forty York Investors, LLC

Contract Purchasers: 40 York Road, U15, LLC

Special Hearing to amend the modified parking plan approved in Case No. 2011-0242-SPH; for any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Friday, August 12, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Neil Lanzi, 102 W. Pennsylvania Avenue, Ste.406, Towson 21204
Rick Arnold, Forty York Road Assoc., 5621 Old Frederick Road, Ste. 2, Baltimore 21228
40 York Road, U15, LLC, 9006 Sunni Shade Court, Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 23, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 21, 2016 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
102 W. Pennsylvania Avenue, Ste. 406
Towson, MD 21204

443-991-5917

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2016-0315-SPH

40 York Road

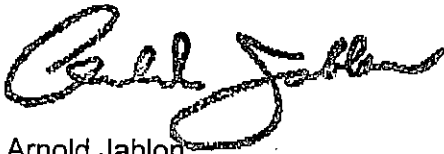
SE/s York Road, 160 ft. NE of E. Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Forty York Road Associates, Forty York Investors, LLC

Contract Purchasers: 40 York Road, U15, LLC

Special Hearing to amend the modified parking plan approved in Case No. 2011-0242-SPH; for any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
40 York Road; SE/S of York Road, 160' NE		
of c/line E. Burke Avenue	*	OF ADMINISTRATIVE
9 th Election & 5 th Councilmanic Districts		
Legal Owner(s): Forth York Road Assoc. Ltd	*	HEARINGS FOR
Partnership, Forty York Investors, LLC		
Contract Purchaser(s): 40 York Road U15 LLC*		BALTIMORE COUNTY
Petitioner(s)		
	*	2016-315-SPH

* * * * *

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

JUN 22 2016

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 22nd day of June, 2016, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 102 West Pennsylvania Avenue, Suite 406, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0315-SPH
Property Address: 40 YORK ROAD
Property Description: _____

Legal Owners (Petitioners): Forty YORK ROAD Associates Limited Partnership
Contract Purchaser/Lessee: 40 YORK ROAD LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: J NAIL LENZI
Company/Firm (if applicable): Wright, Constable & Skeen
Address: 102 W. PENNSYLVANIA AVE #406
TOWSON MD 21204
Telephone Number: 443 991-5917

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

No. 139389

Date: 6/9/16

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
6/10/2016 6/09/2016 09:37:59 3

REG WS03 WALKIN CAN
>>RECEIPT # 680369 6/09/2016 CFLN

Dept 5 528 ZONING VERIFICATION

NO. 139389

Recpt Tot \$500.00

\$500.00 CR \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev. Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				500.00

Total: 500.00

Rec From: Anytime Fitness Towson

For: 40 York Rd

2016-0315-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

August 2, 2016

Forty York Road Assoc. Ltd Partnership
Forty York Investors LLG
Rick Arnold, Admin Member
5621 Old Frederick Road Suite 2
Baltimore MD 21228

RE: Case Number: 2016-0315 SPH, Address: 40 York Road

Dear Mr. Arnold:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 9, 2016. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
40 York Road U15 LLC, 9006 Sunni Shade Court, Perry Hall MD 21128
J Neil Lanzi, Esquire, 102 W Pennsylvania Avenue, Suite 406, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 6/20/16

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 6/20/16. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing, Case Number 2016-0315-SPH

Forty York Road Associates, Ltd. Partnership
40 York Road
MD45

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: July 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-315

RECEIVED

AUG 01 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 40 York Road
Petitioner: J. Neil Lanzi
Zoning: BM
Requested Action: Special Hearing

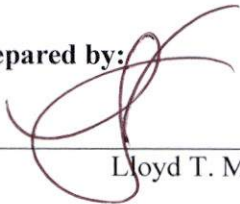
The Department of Planning has reviewed the petition for a special hearing to amend the modified parking plan approved in Case No. 2011-0242-SPH.

A site visit was conducted on July 9, 2016. Petitioner's representative indicates the plan will provide a total of 159 parking spaces. The site is located within the boundaries of Towson Commercial Revitalization Area and the Towson Community Plan. It is also part of CZMP 2016 Issue 5-034.

The Department has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
J. Neil Lanzi
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



8-12
RECEIVED

JUN 22 2016

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0315-SPH
Address 40 York Road
(Forty York Road Assoc. Property)

Zoning Advisory Committee Meeting of **June 27, 2016.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 06-22-2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: July 5, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2016
Item No. 2016-0313, 0315, 0316, 0318, 0319, 0320, 0321, 0323, 0326
and 0327

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC06272016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0315-SPH
Address 40 York Road
(Forty York Road Assoc. Property)

Zoning Advisory Committee Meeting of **June 27, 2016.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 06-22-2016

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment7/15DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C6/22DEPS
(if not received, date e-mail sent _____)N/C7/29FIRE DEPARTMENT
PLANNING
(if not received, date e-mail sent _____)N/C6/20

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2011-0242-SPH)NEWSPAPER ADVERTISEMENT Date: 7-21-16SIGN POSTING Date: 7/22/16 by PulsonPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 2400012728			
Owner Information					
Owner Name:	FORTY YORK ROAD ASSOCIATES LIMITED PARTNERSHIP		Use:	COMMERCIAL CONDOMINIUM	
Mailing Address:	5621 OLD FREDERICK RD BALTIMORE MD 21228-		Principal Residence:	NO	
Deed Reference:					
Location & Structure Information					
Premises Address:		40 YORK RD 0-0000 CONDO UNIT: 4		Legal Description:	UNIT 4 40 YORK RD ES 40 YORK ROAD CONDO
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0070	0014	0092		0000	
Assessment Year:				Plat No:	Plat Ref:
2014					0030/0163
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1986	2,521 SF		2,253 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		OFFICE CONDOMINIUM			
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	114,900	114,900			
Improvements	268,100	268,100			
Total:	383,000	383,000	383,000	383,000	
Preferential Land:	0			0	
Transfer Information					
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015	07/01/2016		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

[illegible]

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>)

JK 3/17/11

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W/Side of York Road, 160' N of c/line of		
Burke Avenue	*	OFFICE OF
9 th Election District		
5 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(40 York Road)		
	*	FOR BALTIMORE COUNTY
40 York Road U2, LLC, <i>Legal Owner</i>		
Anytime Fitness, <i>Contract Purchaser</i>	*	CASE NO. 2011-0242-SPH
Petitioners		

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County pursuant to a Petition for Special Hearing for the property located at 40 York Road in Towson. The Petition was filed by Ken Gelbard on behalf of Forty York Road Associates (Condominium Association) and Prabhakaran Raja, owner of Unit 2 within the building at that location. Special Hearing relief is requested to permit a modified parking plan pursuant to Section 409.12 of the Baltimore County Zoning Regulations ("BCZR") and for such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County. The subject property and requested relief are more particularly shown on the Plat to Accompany the Petition for Special Hearing, received into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case was Prabhakaran Raja, Co-Petitioner. The Petitioners were represented by Lawrence E. Schmidt, Esquire, of Smith, Gildea & Schmidt, LLC. Also present was Kenneth J. Wells, a licensed surveyor who prepared the site plan. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property known as 40 York Road is an irregularly shaped parcel, approximately 1.45 acres in area, zoned B.M. The property is

located within the Towson commercial core and is improved with an office building which is 51,069 square feet in area. Approximately 40,000 square feet of this area is leased and the remainder is dedicated to common areas, utilities and the like. The building is operated under a condominium regime. There are fourteen units, each owned by separate individuals. The building is generally used to accommodate offices; however, there is a restaurant (Seasons Pizza) on the first floor. The building contains five stories and abuts a multiple floor parking deck which contains 163 parking spaces.

Mr. Raja is the owner of Unit 2 of the condominium building. This unit is located on the ground floor and is 3,280 square feet in area. It was previously used as an office for a physical therapist. However, that user has vacated the building. Mr. Raja is also the franchisee of the Anytime Fitness chain and proposes that operation in Unit 2 of the building. Anytime Fitness is a national chain of fitness centers which is relatively new to the Maryland market. Unlike other health clubs, gyms and fitness centers, Anytime Fitness is open 24 hours per day. Access is provided to members via a computerized pass card. Anytime Fitness is for the individual who is committed to his/her particular workout regime. There are no aerobics classes or other organized activities. Rather, the facility features aerobic equipment (treadmills, stationary bikes, etc.) and weights and each member follows his/her own individualized fitness program. It was indicated that the typical client visits the center on the way to or from work, will conduct their individual workout and then leave the premises. There is no social club, juice bar, tennis/racket ball courts and similar amenities. Staffing is minimal in that no classes or group instruction is offered. A brochure entitled "Community Information Guide" fully describing the Anytime Fitness program was submitted into evidence as Exhibit No. 4. "Commercial recreation enterprises" and "community buildings" dedicated to recreational purposes are both permitted by right in the B.M. zone and this use as described, would generally qualify as either.

Insofar as zoning history to this site, a prior zoning case (Case No.: 76-56-ASPH) granted certain setback variance relief for a then proposed two-story retail building. Additionally, a 56-space parking space variance (99 parking spaces in lieu of the required 155) was also granted in that case. Later, in 1985, County Review Group ("CRG") approval was granted for the existing building and parking garage. The improvements were constructed shortly thereafter. The subject property and immediate neighborhood was depicted in a series of photographs (Petitioners' Exhibit 2) which were submitted at the hearing.

These photos demonstrated the commercial character of the area and showed the building and parking deck. The relief requested in this case is to allow a modified parking plan as permitted under BCZR Section 412.9. As shown on the site plan, 217 parking spaces would be required if parking were provided for each individual occupant of the building in accordance with the tabulation required under BCZR Section 409. The single biggest generators of parking under BCZR Section 409, as shown on the site plan, are Seasons Pizza (66 spaces required) and Anytime Fitness (33 spaces required). The balance of the spaces is needed for the office uses which occupy the upper floors of the building.

The uncontradicted testimony and evidence presented is that the 163 parking spaces which are provided are more than sufficient to accommodate the existing and proposed uses. It was indicated that the uses frequently have parking demands at different peak periods. That is, when the offices are frequently closed the restaurant is most busy. Moreover, the heavy volume of traffic to the fitness center in early morning/late evening hours will be after many of the offices and the restaurant are closed. Additionally, much of the restaurant business is delivery and take-out.

For all of these reasons, the Petitioners request a modified parking plan to allow the Anytime Fitness use without adding more parking spaces. In my judgment, the shared parking

arrangement as described in the hearing is dispositive of a finding that relief should be granted and that Anytime Fitness and existing uses can coexist without overwhelming the existing parking which is provided.

It is to be further noted that no Protestants appeared at the hearing and there were no adverse Zoning Advisory Committee (ZAC) comments. The Baltimore County Office of Planning requested that a chart showing the parking required be reflected on the Plan and that has been added. As to the assignment of specific spaces and/or at specific times; Mr. Raja confirmed that the members of the Condominium Association had met and reviewed the proposal. They do not object to the proposed use and also agree that the lot operates most efficiently when spaces are not reserved or assigned.

Pursuant to the advertisement, posting of the property, and public hearing on this matter held, and after considering the testimony and evidence offered, I find that Petition for Special Hearing shall be GRANTED.

THEREFORE, IT IS ORDERED by the undersigned Administrative Law Judge of Baltimore County, this 28th day of March, 2011, that the Petition for Special Hearing to allow the modified parking plan, be and is hereby GRANTED, as more particularly shown on Petitioners' Exhibit 1, The Plan to Accompany the Petition for Special Hearing.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw

CASE NAME 2026-0315 SPH3
CASE NUMBER 40 PARK ROAD
DATE 8/12/16

[illegible]

PLEASE PRINT CLEARLY

CASE NAME 40 York Rd
CASE NUMBER 2016-0315-SP#
DATE 8/12/16

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP.

E - MAIL

[illegible]

Case No.:

2016-0315-SPT

Exhibit Sheet

8-16-16
Sen

Petitioner/Developer

Protestants

No. 1	site plan	
No. 2	aerial photo - my neighborhood	
No. 3	Condominium plat	
No. 4	Architectural Plan	
No. 5	Photos	
No. 6	Petition signed by Members.	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



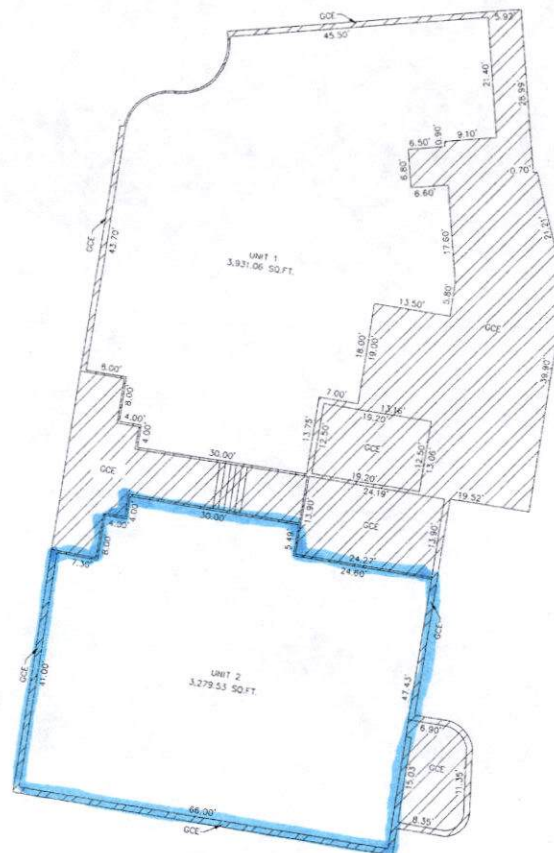
This data is only for general information purposes. Baltimore County, Maryland does not warrant the accuracy or reliability of this data, including but not limited to, all warranties, express or implied, of sequential damages, or of reliance upon this data.

PETITIONER'S
EXHIBIT NO. 2

ions. Baltimore County, e data, including but not ore County, Maryland sequential damages, of or reliance upon this

EXHIBIT NO.

3



1ST FLOOR

SM 30-163



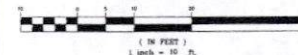
VICINITY MAP
SCALE: 1"=2000'

PLAT REC'D IN	15.00
TOTAL	15.00
RECEIVED	RECEIVED
BY	BY
DATE	DATE

LEGEND

 GCE - GENERAL COMMON ELEMENTS

40 YORK ROAD
CONDOMINIUM PLAT
1ST FLOOR
TAX MAP 70 GRID 14 PARCEL 92
9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.
GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
2635 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

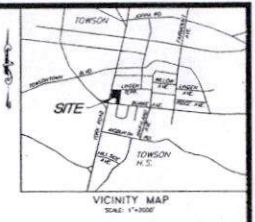


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				DATE: 02/20/2020
				JOB NO.: 2009254
				DESIGNED:
				DRAWN: GJC
				CHECKED: JAM
				FILE: 2009254 COND-PLAN
				OFFERING NUMBER:
NO.	DATE	REVISIONS:	BY	SHEET 2 OF

P116101 MSA SSu 1245 1630-2

2011 FIRST FLOOR

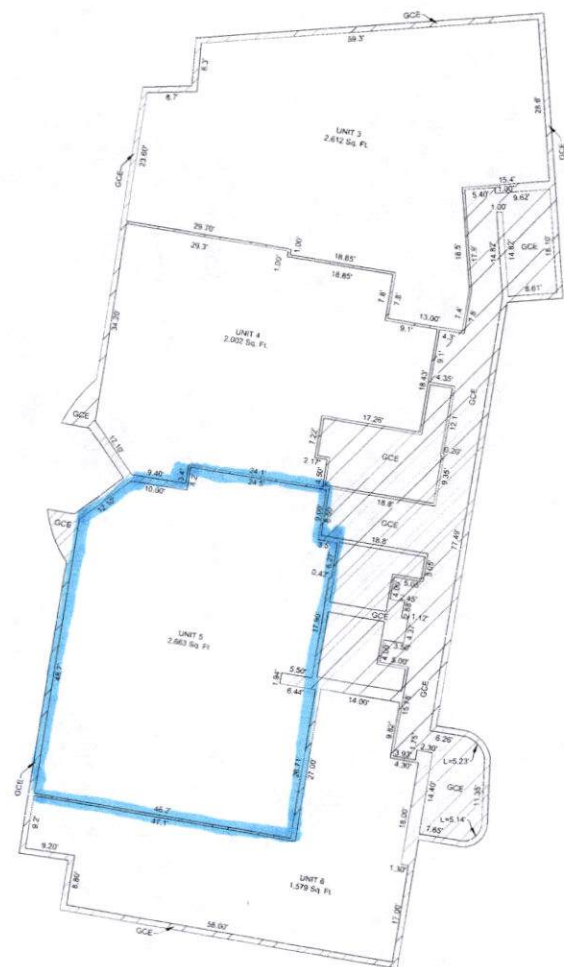
(Area occupied by Daytime Fitness)



140 180 1715 1111-3

CURRENT SECOND FLOOR

PII 6102 MSA SSU 1265 1630-3



2ND FLOOR

LEGEND
 GCE - GENERAL COMMON ELEMENTS

**1st AMENDED
CONDOMINIUM PLAT
40 YORK ROAD
2ND FLOOR**

TAX MAP 70 GRID 14 PARCEL 92
 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MD.
 GRAPHIC SCALE

(IN FEET)
 1 inch = 10 ft.

Colbert Matz Rosenfelt, Inc.
 Engineers • Surveyors • Planners
 2835 Smith Avenue, Suite G
 Baltimore, Maryland 21209
 Telephone: (410) 652-3836
 Facsimile: (410) 652-1953

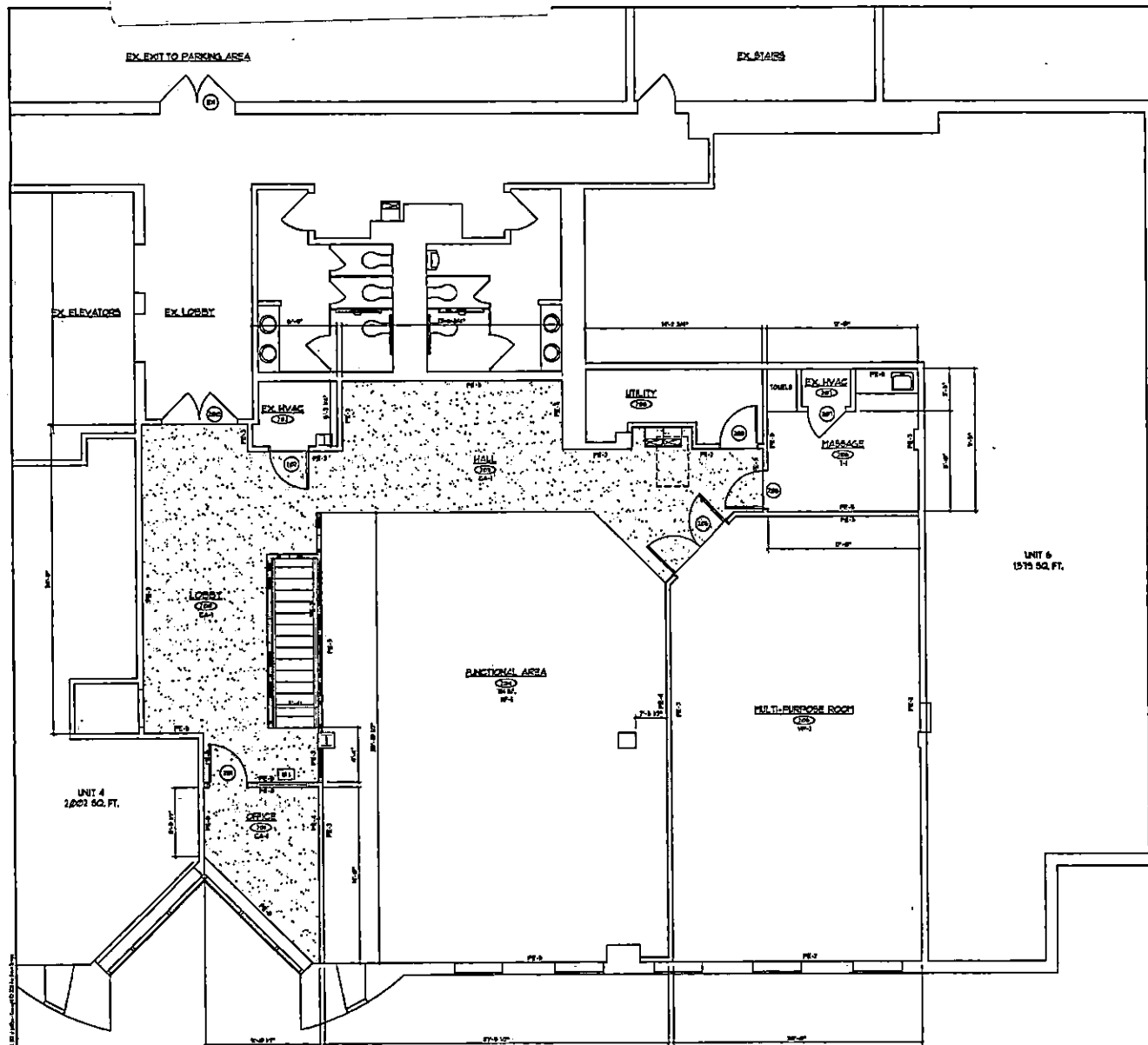
NO.	DATE	REVISIONS	BY	SHEET	3 OF 7

New Proposed Configuration -
 Highlighted Area 2nd Floor Anytime Fitness

PETITIONER'S

EXHIBIT NO. 4

Architectural Plan



SECOND FLOOR PLAN

UNIT 5 - 2664 SQ. FT.

DOOR FRAME SCHEDULE											
DOOR NO.	TYPE	FINISH	GLASS	GLASS TYPE	GLASS SIZE	GLASS WEIGHT	GLASS TYPE	GLASS WEIGHT	GLASS TYPE	GLASS WEIGHT	REMARKS
200	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE
201	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE
202	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE
203	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE
204	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE
205	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE
206	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE
207	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE
208	EX	134	EX	134	EX	134	EX	134	EX	134	EX 134 HARDWARE

ROOM FINISH SCHEDULE											
ROOM NO.	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	REMARKS
200	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
201	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
202	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
203	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
204	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
205	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
206	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
207	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
208	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE

FINISHES SCHEDULE											
FINISH NO.	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	REMARKS
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201	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
202	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
203	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
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205	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
206	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
207	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
208	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE

EQUIPMENT SCHEDULE											
EQUIPMENT NO.	EQUIPMENT	EQUIPMENT	EQUIPMENT	EQUIPMENT	EQUIPMENT	EQUIPMENT	EQUIPMENT	EQUIPMENT	EQUIPMENT	EQUIPMENT	REMARKS
200	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
201	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
202	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
203	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
204	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
205	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
206	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
207	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX	CA-1	EX 134 HARDWARE
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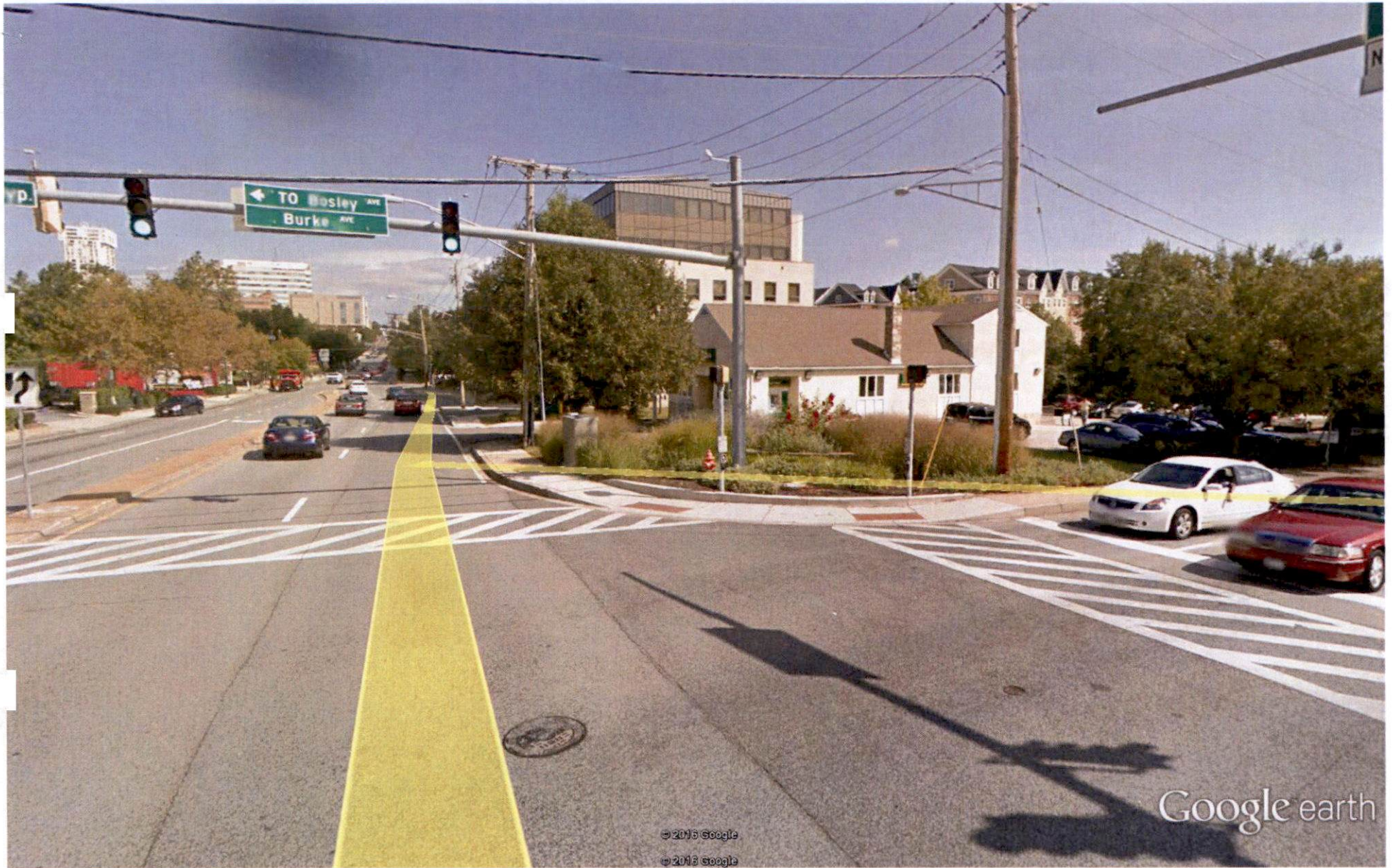
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201	EX	CA-1	201	EX	CA-1	201	EX	CA-1
202	EX	CA-1	202	EX	CA-1	202	EX	CA-1
203	EX	CA-1	203	EX	CA-1	203	EX	CA-1
204	EX	CA-1	204	EX	CA-1	204	EX	CA-1
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207	EX	CA-1	207	EX	CA-1	207	EX	CA-1
208	EX	CA-1	208	EX	CA-1	208	EX	CA-1

Douglas G. Seymour, P.E.
Professional Engineering Services
Douglas G. Seymour, P.E.
Phone: (717) 870-2122
Fax: (717) 870-2122
P.O. Box 7053
York, PA 17404

Eric Brown
DESIGNS
123 South 10th Street
York, PA 17402
Phone: (717) 870-2122
Fax: (717) 870-2122
P.O. Box 7053
York, PA 17404

PRELIMINARY PLAN
EXERCISE & GROUP TRAINING EXPANSION EXISTING FACILITY
ANYTIME FITNESS
40 YORK ROAD, BALTIMORE COUNTY
TOWSON, MARYLAND 21204-5420

REVISIONS
DATE: 6/29/2016
DRAWN BY: B
PROJECT NO.: 1982
SHEET NO.: A-4



Google earth

feet
meters

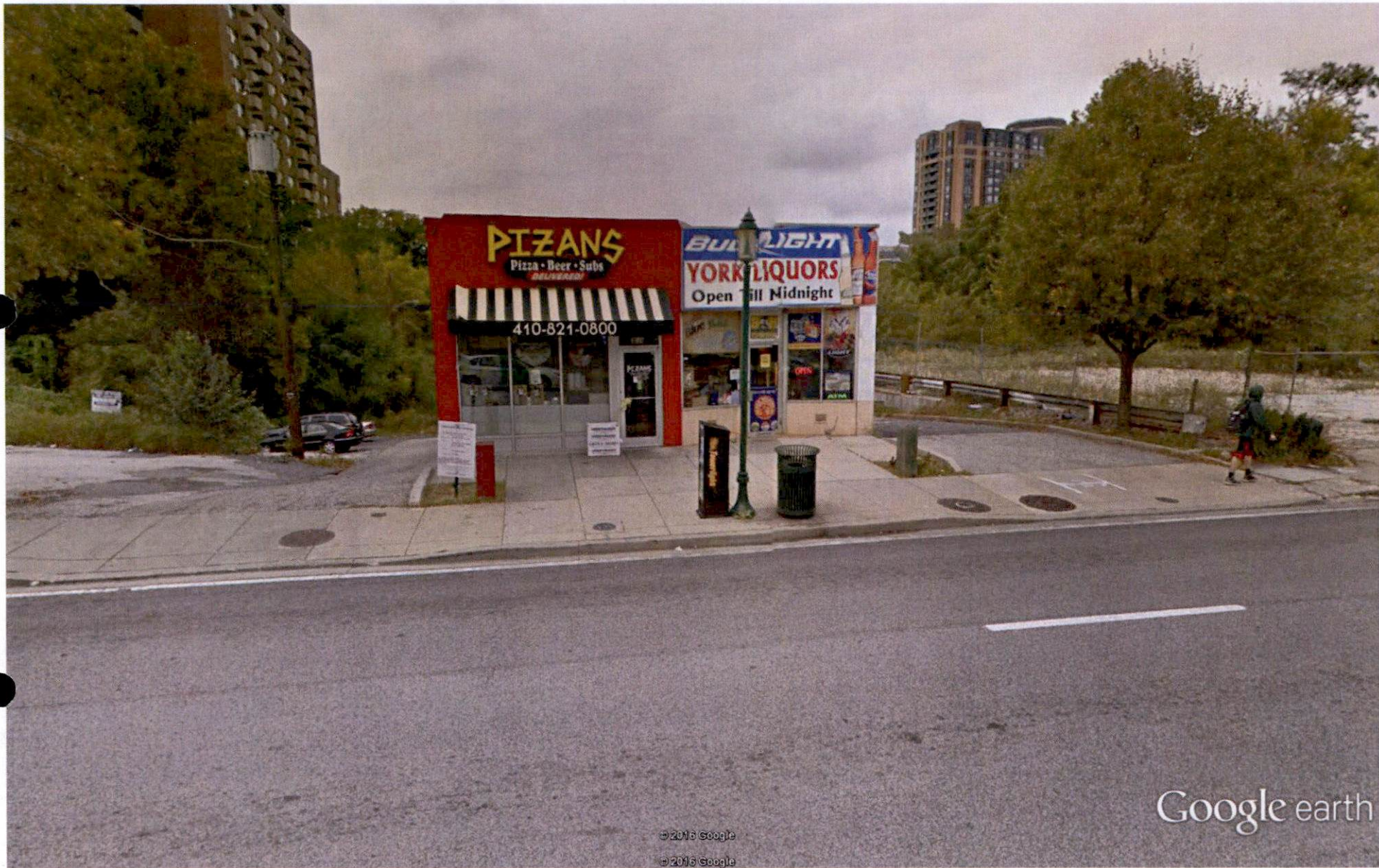
10

5

PETITIONER' S

EXHIBIT NO.

5



© 2016 Google

© 2016 Google

Google earth

feet
meters

10

4

















ANYTIME FITNESS

40
YORK RD

ANYTIME
FITNESS

ANYTIME
FITNESS
GUEST ENTRANCE
STAFFED GUEST
A-75
410-596-6788
(4944)

24/7

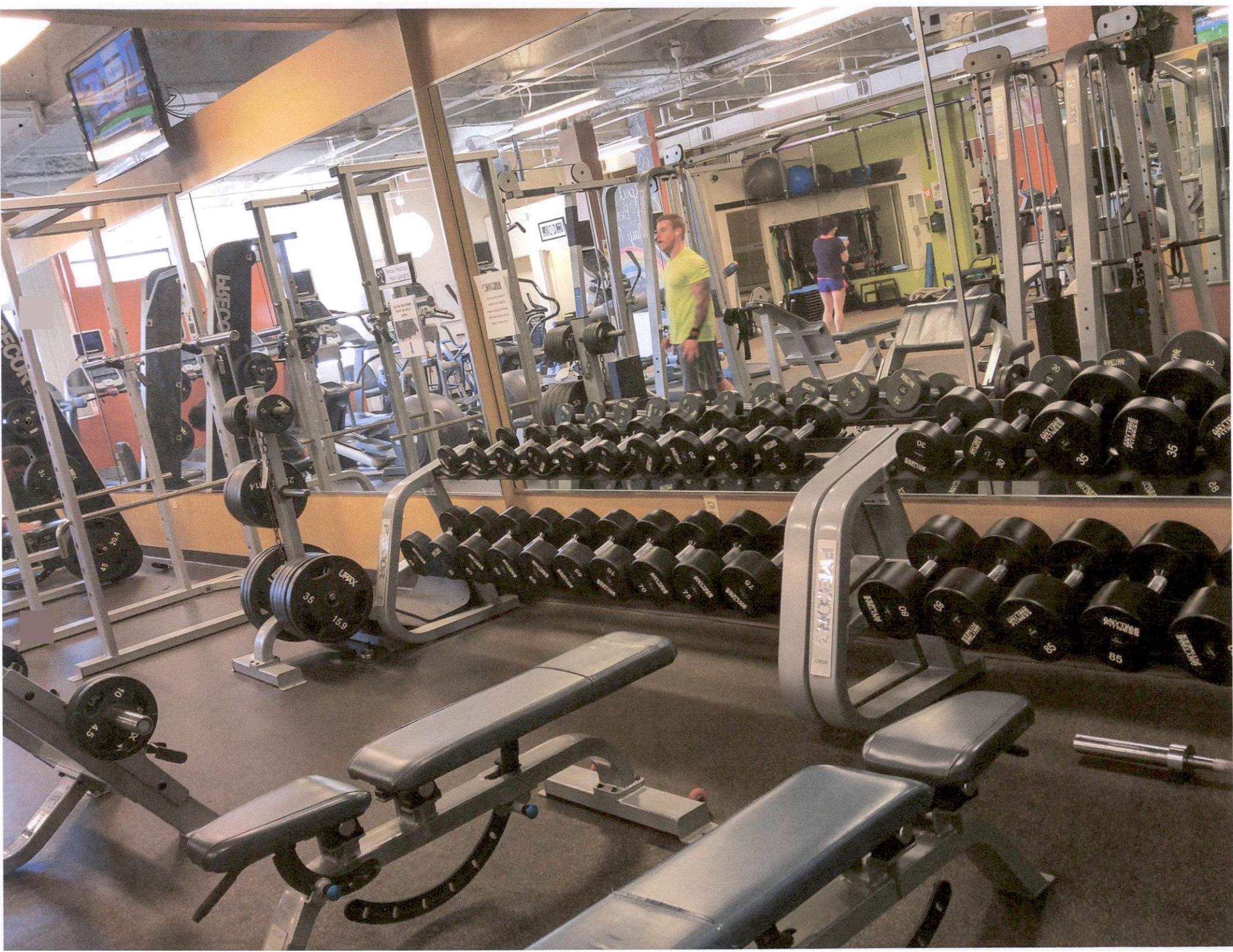
Member Access

Parking

◀ at Rear ▶









PETITIONER' S

EXHIBIT NO. 6

08/12/16

To,

Administrative Law Judge
Baltimore County,

Dear Sir,

I am Prabhakaran Raja the owner of Anytime Fitness in Towson. Attached is a list of some of our Towson Anytime Fitness Members who live in our community around our fitness club who have come forward to support the expansion of our Anytime Fitness Club in Towson.

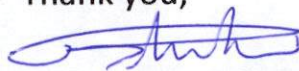
Our members use the existing 24/7 parking garage available and they strongly agree that the expansion of the club will not impact existing parking, but the expansion will provide a welcome addition to the community of Towson.

They have agreed to share their address and phone number if you would like to contact them personally.

Total number of Members signing this petition: 46 members

Along with the support of the community, we request your approval to amend the modified parking plan previously approved.

Thank you,



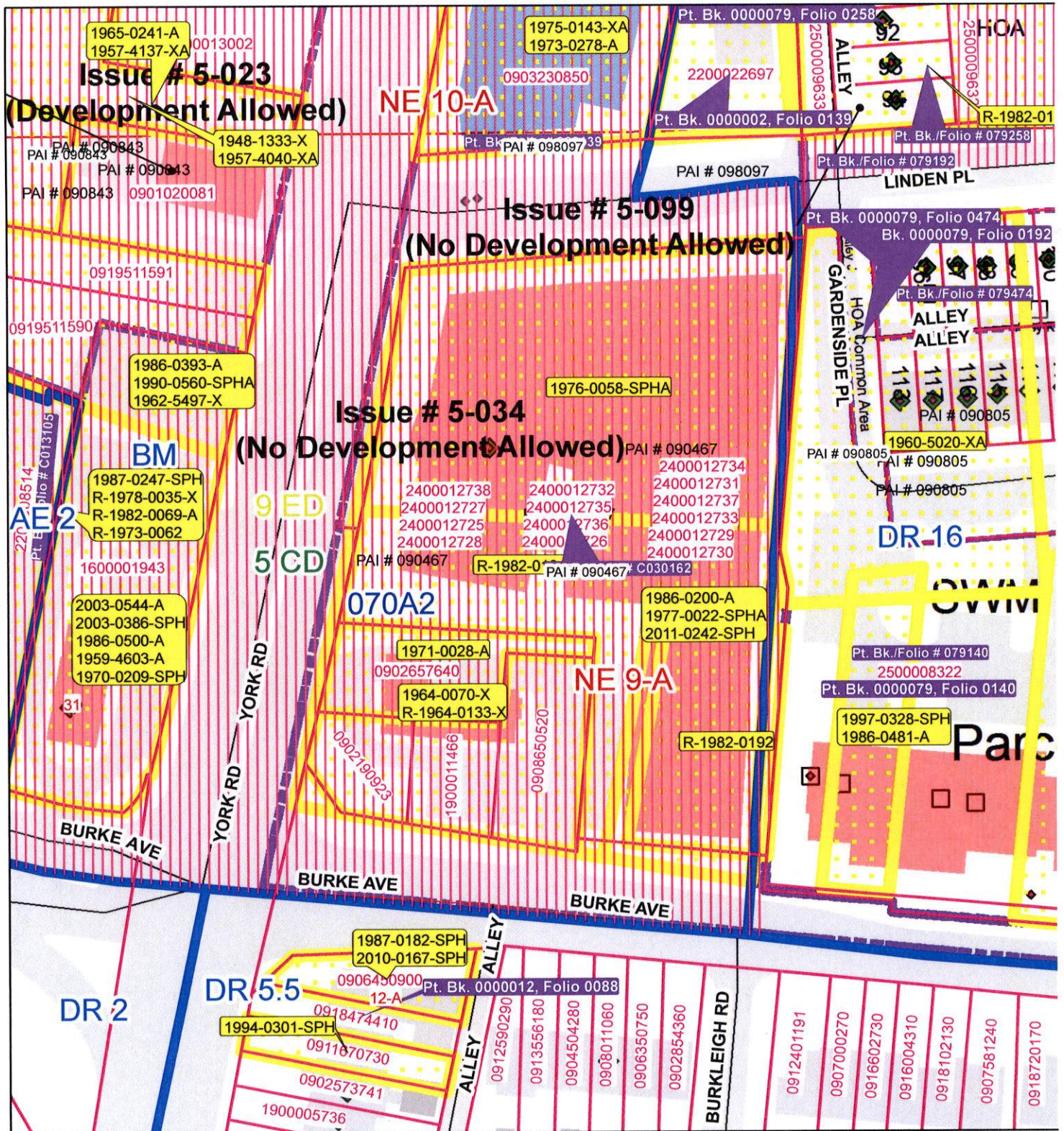
Prabhakaran Raja

DATE	NAME	ADDRESS	PHONE	SIGNATURE
7/20/16	Jessica Parks	6920 Donachie Rd Apt 810 Baltimore, MD 21239	845-866-3135	Jessica Parks
7/20/16	AB Bonds	308 STEWART AVE BALD, MD 21212	410-241-1404	AB Bonds
7-20-16	Chris Palmisano	1608 Myambay Rd. TOWSON, MD 21286	410-241-7451	Chris Palmisano
7-20-16	Ashley Oakes	4996 Beaumont Ave Balt, MD 21212	Balt, MD 21212	Ashley Oakes
7-20-16	Sonny Ock Marion	321 WORTHINGTON RD TOWSON, MD 21212	TOWSON, MD 21212	Sonny Marion
7/20/16	Michelle Roemer	60 Burkshire Road TOWSON MD 21286	443-536-4998	Michelle Roemer
7/20/16	Mark Joseph	19 Ryer Ave TOWSON, MD 21286	610-639-4455	Mark Joseph
7/20/14	Mary THOMPSON	205 E Joppa Rd #11608 TOWSON 21286	443-560-7581	Mary Thompson
7/21/16	Leah Taylor	63 Linden Pl Towson, MD 21286	612-385-8836	Leah Taylor
7/21/16	Joel Ranaive	305 Linden Ave Towson, MD 21286	443-322-6565	Joel Ranaive
7/21/16	Rosa Prater	Apt 202 1 Cooperative Dr 21212	410-367-5437	Rosa Prater
7/21/14	Steve Cooke	307 Regester Ave 21212	202 431-2040	Steve Cooke
7/21/16	MATTHEW CLARK	211 REGESTER AVE 21212	443 791 3818	Matthew Clark
7/21/16	PAM CLARK	211 REGESTER AVE 21212	443 791 3818	Pam Clark
7/21/14	Kathryn Sewell	28 Goucher Woods Ct. 21286	410-236-3573	K. Sewell
7/21/16	Jeremiah Chukwura	1803 Sherwood Avenue TOWSON, MD 21286	443-854-2682	Jeremiah Chukwura

DATE	NAME	ADDRESS	PHONE	SIGN
7/21/16	Courtnei Pumphrey	314 E. Melrose Ave Baltimore MD 21212	(443) 306-0158	SIGN Courtnei Pumphrey
7/21/16	Terre Dougherty	216 Stenmore Rd 21212	443-253-8115	Terre Dougherty
7/21/16	Lisa Leidich	11 Willow Ave 21286	410-913-8152	Lisa A Leidich
7/21/16	Ryan Casey	666 Burkleigh Rd. 21286	410-746-0712	Ryan Casey
7/21/16	Kira Casey	666 Burkleigh Rd. 21286	503-866-5338	Kira Casey
7/21/16	Billy Housman	966 Southly Rd 21204	410-336-1749	Billy Housman
7/21/16	Jenni Glose	6 Meridian 21286	410-935-7641	Jenni Glose
7/22/16	Brenton Summers	10 Witherwood Ct Towson, MD 21204	240-357-1833	Brenton Summers
7/23/16	Rebecca Forst	205 E Joppa Rd APT 302 Towson, MD 21286	301-466-7662	Rebecca Forst
7-25-16	A. Anansesem Ro	5 Fellowship Ct APT 7 Towson MD 21286	410 961 1059	A. Anansesem Ro
7-25-16	Adam Gans	4 Aintree Rd Towson, MD 21286	410 294 8644	Adam Gans
7-25-16	Connor Hula	252 Rodgers Forge Rd	240 447 4433	Connor Hula
7-26-16	JOSHUA BARTRUG	1045 Reverdy Rd	443 851 0395	Joshua Bartrug
7/26/16	Jonathan Cheney	248 E. Susquehanna Ave	410 458-4517	Jonathan Cheney
7/26/16	Shudharshane Syupta	258 Rodgers Forge Apt	410-717-6184	Shudharshane Syupta
7/27/16	Khamar Hopkins	14 Witherwood Court	301-356-7184	Khamar Hopkins
7/28/16	Courtney Joseph	19 Regester Ave 21212	617-851-7512	Courtney Joseph
7/28/16	Roy Best	8813 Richmond Ave	347-307-2274	Roy Best
7/29/16	Nicole Bonnin	1E Burke Ave	301-643-5080	Nicole Bonnin

[illegible]

40 York Road 2016-03-15-SPH



Publication Date: 6/9/2016



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with markings at 0, 20, 40, 80, 120, and 160 feet. The bar is black with white markings and the word "Feet" at the right end.

1 inch = 75 feet

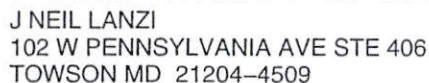


PO Box 3132 Boston, MA 02241-3132
adbilling@tribpub.com 844-348-2438

Billed Account #	CU00188665
Client Account #	
Invoice #	002810204
Client Name	

Billing Period	07/18/16 – 07/24/16
Due Date	07/24/16

2.1.207 1 MB 0.416 65962D11.p01 128900 1-1 6



TOTAL AMOUNT DUE	336.67
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00018866500018866507002810204 00033667 00033667 4

To ensure proper credit, please detach and return with remittance.

[illegible]

Billed Period	Billed Account #	Billed Account Name	Client Account #	Client Account Name
07/18/16-07/24/16	CU00188665	J NEIL LANZI		

THE BALTIMORE SUN MEDIA GROUP

GROSS PRICE * : \$336.67

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AdSize(s): 1 Column (8BRD),

Run Date(s): Thursday, July 21, 2016

Color Spec. B/W

Preview

NOTICE OF ZONING HEARING
The Administrative Law Judge 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: 2016-0315-SPH
40 York Road
SE/s York Road, 160 ft. NE of E. Burke Avenue
9th Election District - 5th Councilmanic District
Legal Owners: Fourty York Road Associates, Fourty York Investors, LLC
Contract Purchasers: 40 York Road, U15, LLC

Special Hearing to ament the modified parking plan approved in Case No. 2011-0242-SPH; for any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Friday, August 12, 2016
at 10 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Debra Wiley

From: Neil Lanzi <nlanzi@wclaw.com>
Sent: Wednesday, August 10, 2016 9:50 AM
To: Debra Wiley
Subject: FW: copy of the ad
Attachments: orderreport.pdf

Debbie,

Here is the newspaper ad for Friday's case. I will keep you and your family in my prayers.

Regards,

Neil



J. Neil Lanzi
Wright, Constable & Skeen, LLP

102 W. Pennsylvania Avenue
Suite 406
Towson, Maryland 21204
Tele: 443-991-5917
E-mail: nlanzi@wclaw.com

From: Melody Russell
Sent: Wednesday, August 10, 2016 9:46 AM
To: Neil Lanzi
Subject: FW: copy of the ad



Melody Russell, Legal Assistant
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, Maryland 21204
Tele: 443-991-5917
E-mail: mrussell@wclaw.com

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From: Jones, Tanya [<mailto:tajones@tronc.com>]

Sent: Wednesday, August 10, 2016 9:42 AM

To: Melody Russell

Subject: copy of the ad

Good day,

I hope this finds you well.

Thank you,
Tanya

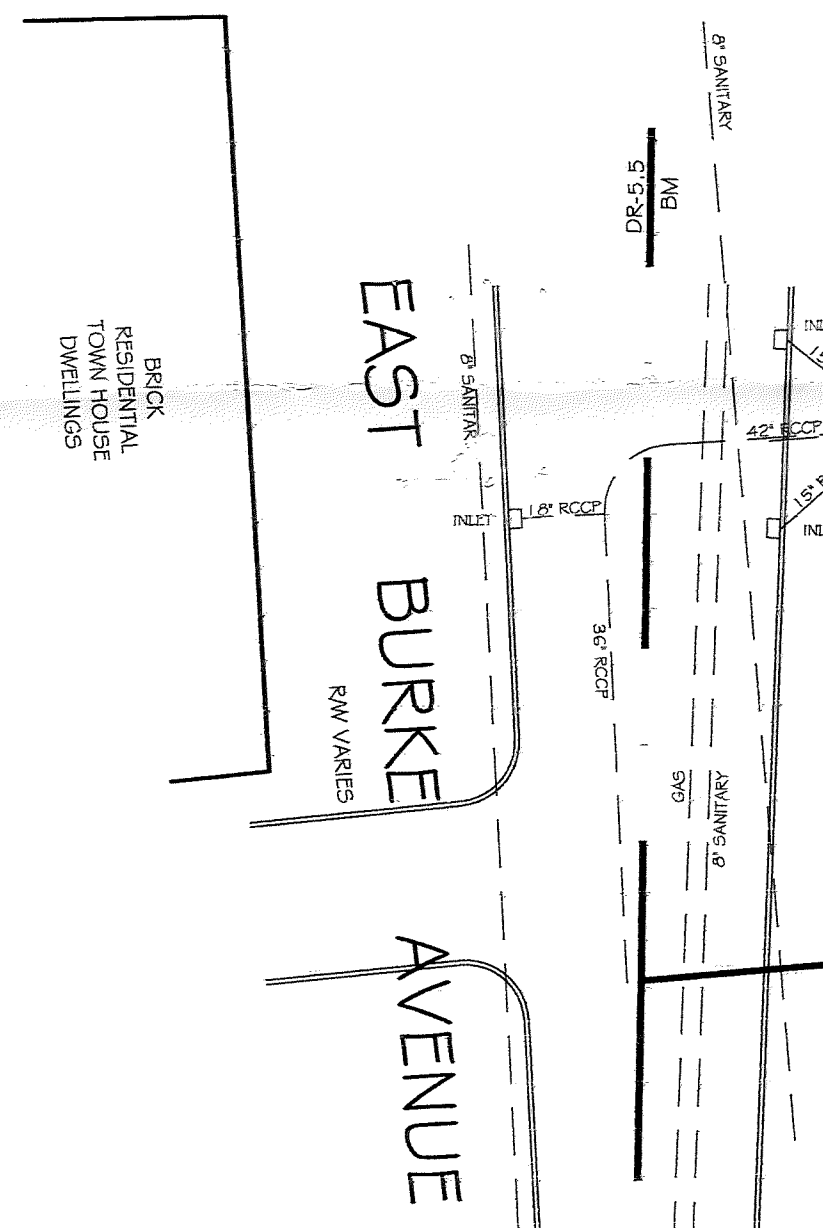
Tanya Jones | Customer Service Representative | tronc (Tribune Online Content)
tajones@tronc.com



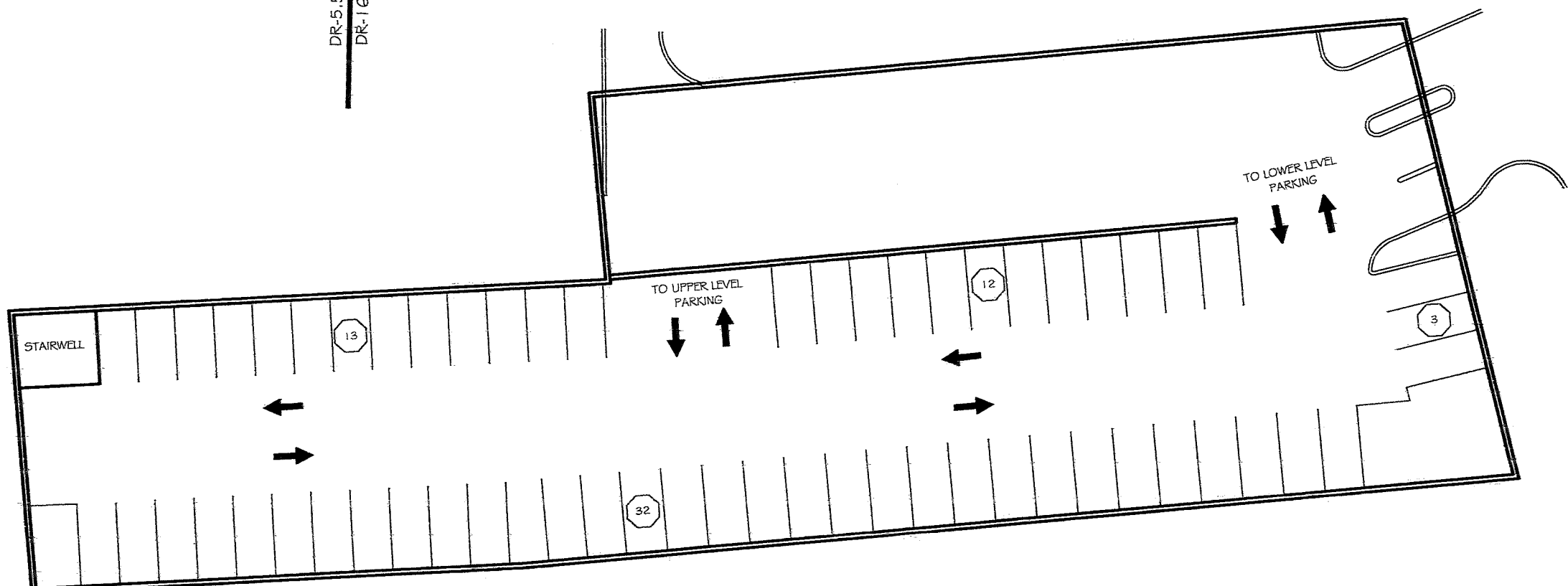
- LEGEND:
- TRAFFIC FLOW
 - HANDICAPPED PARKING SPACE
 - NUMBER PARKING SPACES

LINE TABLE			
LINE	BEARING	LENGTH	
L1	S46°11'22"W	16.66	
L2	S86°01'32"W	5.00	
L3	S03°58'48"E	22.11	

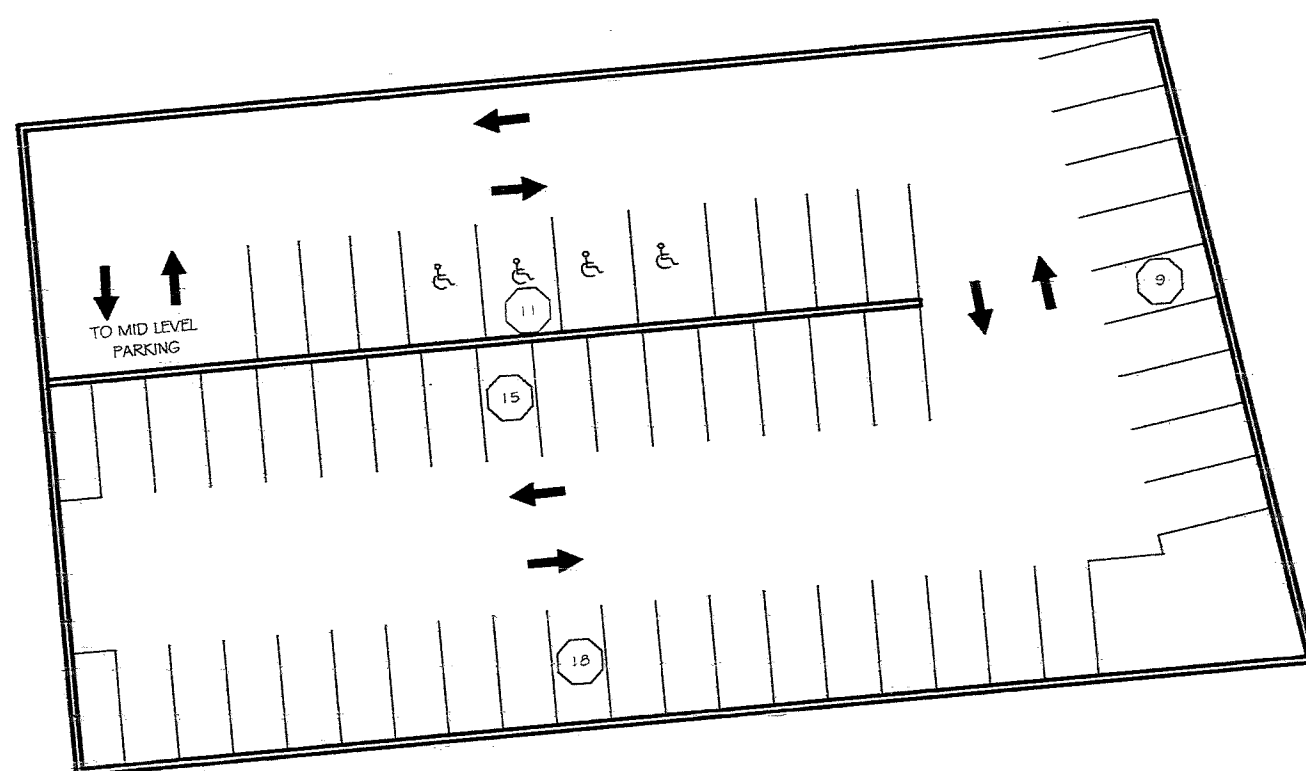
CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD BRG.	CHORD	TANGENT	DELTA
C1	154.02	1445.50	N09°24'17"E	153.95	77.08	6°06'18"



FIRST FLOOR AND LOWER LEVEL PARKING PLAN



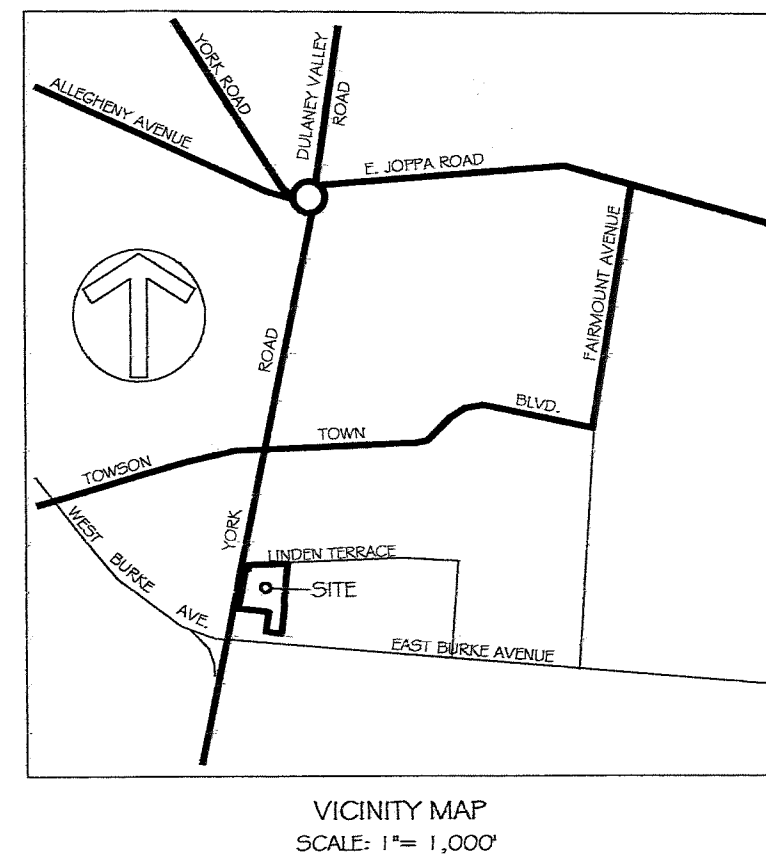
MID LEVEL PARKING PLAN



UPPER LEVEL PARKING PLAN

PETITIONER'S
EXHIBIT NO. 1

- SITE DATA:
- EXISTING UNITS 3-9 OWNER: FORTY YORK ROAD ASSOCIATES LIMITED PART.
 - EXISTING UNITS 3-9 OWNERS ADDRESS: 5621 OLD FREDERICK ROAD SUITE 2 BALTIMORE, MARYLAND 21228
 - OWNER'S TELEPHONE NO.: 410-382-8100
 - CONTRACT PURCHASER PROPOSED UNIT 5: 40 YORK ROAD U15, LLC
 - CONTRACT PURCHASER'S TELEPHONE NO.: 410-935-7998
 - SITE ADDRESS: UNIT 5 40 YORK ROAD
 - TAX ACCOUNT NOS UNIT 3-9: 2400012727 THRU 2400012733
 - TAX MAP: 70 GRID: 14 PARCEL: 92 LOT 2
 - DEED REFERENCE: 7114/392 (UNITS WERE SOLD SUBSEQUENT TO THIS DEED. TITLE TO UNITS 3-9 REMAIN IN THE ORIGINAL OWNER. SEE ITEM 1 ABOVE.)
 - PLAT REFERENCE: 40 YORK ROAD CONDOMINIUM SM 30/162 THRU 160
 - GROSS AREA: 1.45 ACRES
 - ZONING MAP: 070A2
 - ZONING: BM = 1.45 ACRES
 - THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCL.
 - THE SUBJECT PROPERTY IS NOT WITHIN A 100-YEAR FLOODPLAIN PER FEMA.
 - NO PREVIOUS COMMERCIAL PERMITS.
 - CRG WAS APPROVED IN OCTOBER 1988.
 - NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
 - AMENITY OPEN SPACE: NONE REQUIRED
 - PARKING: SEE PARKING TABULATION TABLE
REQUIRED: 235 SPACES
EXISTING: 159 SPACES
 - SITE SERVED BY PUBLIC WATER AND SEWER
 - ALL PROPOSED SIGNAGE TO COMPLY WITH BCZR SECTION 450
 - THE BASIC SERVICE MAPS INDICATES THAT NO DEFICIENCIES EXIST THAT IMPACT THE SUBJECT SITE.
 - FAR: (ACCORDING TO CRG)
ALLOWED: 2 (63, 162 x 2 = 126,324)
PROPOSED: 39,905/63, 162 = 0.64



PARKING TABULATION TABLE

UNIT NO.	AREA	USE	PARKING REQD.	TOTAL REQD.
UNIT 1	3,931 SF	RESTAURANT	16/1,000 SF	63
UNIT 2	3,260 SF	RECREATIONAL USE	10/1,000 SF	33
UNIT 3	2,612 SF	MEDICAL OFFICE	4.5/1,000 SF	12
UNIT 4	2,032 SF	OFFICE	3.3/1,000 SF	7
UNIT 5	2,663 SF	RECREATIONAL USE	10/1,000 SF	27
UNIT 6	1,579 SF	OFFICE	3.3/1,000 SF	6
UNIT 10	10,711 SF	OFFICE	3.3/1,000 SF	36
UNIT 11	7,258 SF	OFFICE	3.3/1,000 SF	24
UNIT 12	3,851 SF	MEDICAL OFFICE	4.5/1,000 SF	18
UNIT 13	952 SF	OFFICE	3.3/1,000 SF	4
UNIT 14	1,311 SF	OFFICE	3.3/1,000 SF	5
	40,150 SF			235

PREVIOUS ZONING HEARINGS:

CASE 76-58-SPH:
A VARIANCE WAS GRANTED TO ALLOW 99 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 155 SPACES, TO PERMIT A CORNER SIDE YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET, TO PERMIT AN INTERIOR SIDE YARD SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 30 FEET, TO PERMIT A SIDE YARD SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 25 FEET FOR A SUB-GRADE PARKING STRUCTURE AND A REAR YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 30 FEET.

A SPECIAL HEARING WAS GRANTED FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE.
CASE 82-191:
A ZONING RECLASSIFICATION WAS GRANTED WHICH HAS SINCE CHANGED AND IS NOW MOOT.

CASE 2011-0242-SPH:
A MODIFIED PARKING PLAN PER SECTION 409.12 OF THE BCZR WAS GRANTED TO ALLOW 162 PARKING SPACES IN LIEU OF THE REQUIRED 217 PARKING SPACES.

SPECIAL HEARING REQUESTS:

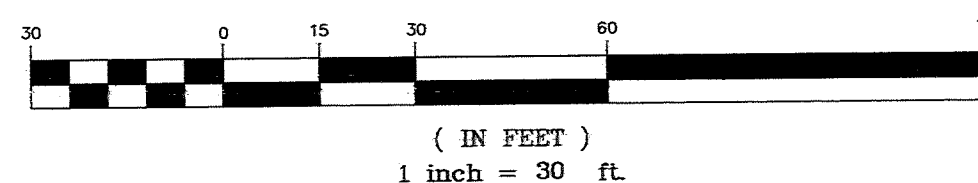
- SPECIAL HEARING PURSUANT TO SECTIONS 409.12, 409.6.B(3), AND 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) TO AMEND THE MODIFIED PARKING PLAN APPROVED IN CASE NO. 2011-0242-SPH.
- FOR ANY FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

NOTE:

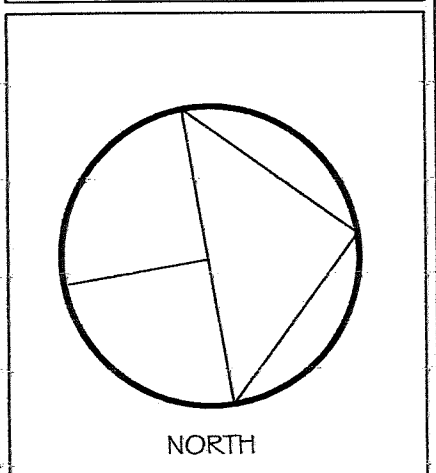
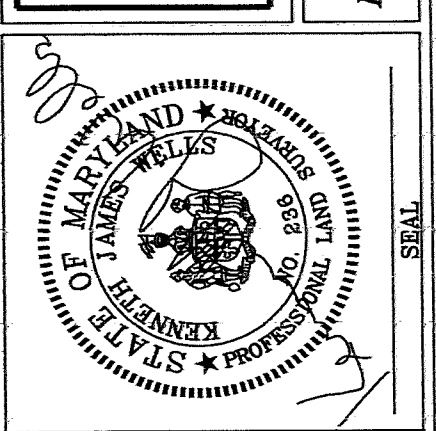
THE INFORMATION SHOWN HEREON WAS BASED ON A CRG PLAN PREPARED BY KIDDE CONSULTANTS, INC. APPROVED IN OCTOBER 1988. THE CONDOMINIUM PLAT PREPARED BY COLBERT, MATZ, ROSENFIELD, INC. RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT 30/162 AND 163, BALTIMORE COUNTY OFFICIAL ZONING MAP 070A2, UTILITY DRAWINGS PROVIDED BY BALTIMORE COUNTY, MD. AND AERIAL IMAGING FROM GOOGLE EARTH. THE INFORMATION SHOWN HEREON AND THE CONTENT OF THIS PLAN ARE NOT TO BE USED FOR OTHER PURPOSES THEN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING FOR A MODIFIED PARKING PLAN. USE OF THIS PLAN FOR OTHER PURPOSES WILL BE DONE AT USER'S OWN RISK.

CASE NO.: 2016-0315-SPH

GRAPHIC SCALE



kjwellsinc
7403 NEW CUT ROAD
KINGSTOWN, MARYLAND 21087
(410) 592-8800



REVISIONS:	
NO.	DATE
1	7/02/2016

PLAN TO ACCOMPANY A PETITION
for a
SPECIAL HEARING
40 YORK ROAD CONDOMINIUM
UNIT 2
BALTIMORE COUNTY, MARYLAND
9th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 1/13/2011
PROJECT NO.:
2011-001
SHEET 1 OF 1