

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(10926 York Road) *
8th Election District *
3rd Council District *
Biejan Arvon & Ali Mehr *
Legal Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0289-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Biejan Arvon and Ali Mehr, legal owners ("Petitioners").

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to amend the previously approved site plan for Case No. 06-451-SPHXA. A Petition for Variance seeks: (1) to permit a front yard setback of 14 ft. in lieu of the required 50 ft. for a non-residential building; (2) to permit a side yard setback of 7.5 ft. in lieu of the required 30 ft. for a non-residential building; and (3) to permit a 12 ft. travel way in lieu of the required 20 ft. travel way. Finally, a Petition for Special Exception seeks to permit a service garage in a ML-IM zone.

Appearing at the public hearing in support of the requests was professional engineer John Motsco and owners Ali Mehr & Biejan Arvon. Marc Seldin Rosen, Esq. represented Petitioners. Eric Rockel attended the hearing and expressed concern with the proximity of the flood plain. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). These comments will

ORDER RECEIVED FOR FILING

Date 6-30-17

By DW

be discussed below.

The subject property is approximately 0.454 acres in size and is zoned ML-IM. The property is on York Road in the Hunt Valley area, and is adjacent to Beaver Dam Run. A service garage has operated at the site for many years. Petitioners propose to raze the existing building (which as noted by the DOP is in poor condition) and construct on the lot a new building for the service garage along with the necessary off-street parking. Strictly speaking, Petitioners do not require zoning relief, since a special exception for a service garage and setback variances (more significant than those sought herein) were granted in Case No. 2006-451-SPHXA. Even so, given the scope of the project the zoning office required a public hearing in the case.

Special Hearing

The special hearing request is in the nature of a housekeeping matter, in that it simply seeks to amend the plan approved in the 2006 case cited above to reflect proposed conditions. This will enable the County to have an updated and accurate site plan for this project. As such the petition will be granted.

Variances

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property has irregular dimensions and the available building envelope is constrained by environmental features. As such it is unique. If the Regulations were

ORDER RECEIVED FOR FILING

Date 6-30-17

By DW

strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed service garage. Finally, I find that the variance 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 health, safety, and general welfare.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, ___ Md. ___, 152 A.3d 765 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

In this case Mr. Motsco opined Petitioners satisfied the B.C.Z.R. §502.1 requirements, and no evidence was presented to rebut this prima facie case. In addition, a service garage has operated at the site for many years and there is no indication the use has had a detrimental impact upon the community. As such the petition for special exception will be granted.

Mr. Rockel indicated he was surprised the Department of Environmental Protection and Sustainability (DEPS) did not submit a ZAC comment. Mr. Motsco explained however that the owners began this process by seeking and obtaining from DEPS an environmental variance permitting construction within the forest buffer which, as he notes, bisects the site and would (if strictly applied) render the property useless.

ORDER RECEIVED FOR FILING

Date 6-30-17

By pw

ZAC Comments

The DOP did not oppose the requests, but proposed certain conditions which it believed were appropriate if the petitions were granted. I concur, and will include those conditions in the order below.

The Bureau of DPR requested Petitioners remove from the plan the parking space which would intrude slightly into the floodplain, and that condition will be included in the order below. That agency also suggested Petitioners needed a variance (which it would not support) to have off-street parking on surfaces which are not durable and dustless. However, Mr. Motsco confirmed all parking and vehicle storage areas would be paved.

Finally, the Bureau of DPR also indicated Petitioners required a variance (which it also would not support) for parking within 10 feet of the York Road right-of-way. Based on my review of the plan, I respectfully disagree with that agency's comment. The parking space in question will be designated as a handicapped space, and is in fact more than 10 feet from York Road. It is only the ingress and egress area specifically required for such spaces that is within the required setback. The applicable Regulation states no "parking space" shall be closer than 10 feet to a public street, and in my opinion Petitioners have satisfied this requirement. B.C.Z.R. §§409.8.A.4 & 409.9.

THEREFORE, IT IS ORDERED this 30th day of June, **2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to amend the previously approved site plan for Case No. 06-451-SPHXA, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage in a ML-IM zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a front yard

ORDER RECEIVED FOR FILING

Date 6-30-17

By lwj

setback of 14 ft. in lieu of the required 50 ft. for a non-residential building; (2) to permit a side yard setback of 7.5 ft. in lieu of the required 30 ft. for a non-residential building; and (3) to permit a 12 ft. travel way in lieu of the required 20 ft. travel way, 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.
2. Petitioners must comply with the ZAC comment received from the DOP, a copy of which is attached hereto and made a part hereof.
3. Petitioners shall remove from the plan the proposed parking space farthest from York Road, and submit to the Office of Administrative Hearings within 15 days of the date hereof a redlined site plan reflecting this change.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 6-30-17

By ISW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 30, 2017

Marc Seldin Rosen
26 South Street
Baltimore, Maryland 21202

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2017-0289-SPHXA
Property: 10926 York Road

Dear Mr. Rosen:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Eric Rockel, 1610 Riderwood Drive, Lutherville-Timonium, MD 21093



PETITION FOR ZONING HEARING(S)

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

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

Address 10926 YORK ROAD which is presently zoned ML IM
Deed References: 30628/65 10 Digit Tax Account # 0 8 0 2 0 2 2 5 0 9
Property Owner(s) Printed Name(s) ALI MEHR & BIEJAN ARVON 2 1 0 0 0 0 6 6 5 5

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ 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 "EXHIBIT 'A'" ATTACHED

2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
SEE "EXHIBIT 'A'" ATTACHED

3. ☒ a Variance from Section(s)
SEE "EXHIBIT 'A'" ATTACHED

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

NAME SELDIN ROSEN
Name- Type or Print

Signature

26 SOUTH STREET, BALTIMORE MD
Mailing Address City State

21202 / 410-244-1155 / MROSEN@TRIALAW.COM
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

BIEJAN ARVON / ALI MEHR
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

10926 YORK ROAD COCKEYSVILLE, MD
Mailing Address City State

21030 / 410-527-0022 / ARVONBIEJAN@GMAIL.COM
Zip Code Telephone # Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, JOHN MOTSCO
Name - Type or Print

Signature

1055 TAYLOR AVE TOWSON, MD
Mailing Address City State

21286 / 410-296-1636 / JOHN.MOTSC@LITTLEASSOCIATES.COM
Zip Code Telephone # Email Address

CASE NUMBER 2017-0289-SPHXA Filing Date 4/26/17

ORDER RECEIVED FOR FILING

Do Not Schedule Dates: Reviewer JF

REV. 10/4/11

Date 6-30-17

By [Signature]

EXHIBIT 'A'

RELIEF REQUESTED

TAX ACCOUNT NUMBERS: 0802022508, 0802022509,
1600000324; 2100006655

1. SPECIAL EXCEPTION TO PERMIT SERVICE GARAGE IN A ML IM ZONE, PURSUANT TO SECTION 253.2B.3 OF THE BCZR.
2. VARIANCE FROM BCZR§ 255.1 & 238.1 TO PERMIT A FRONT YARD SETBACK OF 14 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A NON-RESIDENTIAL BUILDING.
3. VARIANCE FROM BCZR§ 255.1 & 238.2 TO PERMIT A SIDE YARD SETBACK OF 7.5 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A NON-RESIDENTIAL BUILDING.
4. VARIANCE FROM BCZR§ 409.4 TO PERMIT A 12 FOOT TRAVEL WAY IN LIEU OF THE REQUIRED 20 FOOT TRAVEL WAY.
5. SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED SITE PLAN FOR CASE 06-451-SPHXA.
6. ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

February 6, 2017

ZONING DESCRIPTION FOR
#10922 & #10926 YORK ROAD

Beginning at a point on the west side of York Road, which varies in width, at the distance of 420 feet south of the centerline of Beaver Dam Lane, which is 30 feet wide. Thence the following courses and distances: **(1)** South 19 degrees 25 minutes 19 seconds East 106.34 feet; thence **(2)** South 85 degrees 41 minutes 22 seconds West 66.09 feet; thence **(3)** South 57 degrees 59 minutes 22 seconds West 51.17 feet; thence **(4)** South 10 degrees 00 minutes 22 seconds West 25.02 feet; thence **(5)** South 85 degrees 41 minutes 22 seconds West 103.25 feet; thence **(6)** North 24 degrees 41 minutes 22 seconds East 54.92 feet; thence **(7)** North 18 degrees 16 minutes 23 seconds East 61.68 feet; thence **(8)** North 24 degrees 58 minutes 48 seconds East 19.24 feet; thence **(9)** North 28 degrees 35 minutes 33 seconds East 4.79 feet; and thence **(10)** North 74 degrees 54 minutes 23 seconds East 133.14 feet to the point of beginning as recorded in Deed Liber J.L.E. 30628, Folio 65 and containing 19,789 square feet or 0.454 acres of land, more or less. Located in the 8th Election District and 3rd Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2018

[Handwritten signature]

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

№ 148657

Date: 2/3/17 4/26

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/27/2017 4/26/2017 10:14:07 3
 REG W303 WALKIN CAM
 >>RECEIPT # 723834 4/26/2017 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 148657

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6152				1,200.00

Recpt Tot \$1,200.00
 \$1,200.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: 1,200.00

Rec From: Phoenix Auto. LLC

For: 10926 York Rd.
SPHXA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 6-7-2017

RE: Case Number: 2017-0289-SPHXA

Petitioner/Developer: A. Mehr and B. Aron

Date of Hearing/Closing: 6-28-2017 1:30 PM

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 10926 York Rd

The signs(s) were posted on 5 JLP
6-7-17
(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)

ZONING NOTICE

CASE # 2017-0289 - SPHXA

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

JEFFERSON BLDG. ROOM 205

PLACE: 105 W. CHESAPEAKE AVE. TOWSON, 21204

DATE AND TIME: WED. JUNE 28, 2017 1:30 PM

REQUEST: SPECIAL HEARING TO AMEND THE PREVIOUSLY
APPROVED SITE PLAN FOR CASE 06-451 SPHXA ADDITIONAL
RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW
JUDGE. SPECIAL EXEMPTION TO PERMIT SERVICE GARAGE IN A HL-1M ZONE

VARIANCE 1: TO PERMIT A FRONT YARD SETBACK OF 14 FT. INSTEAD OF
THE REQUIRED 56 FT. FOR A NON-RESIDENTIAL BUILDING. 2: TO PERMIT

A SIDE YARD SETBACK OF 7.5 FT. IN LIES OF THE REQUIRED 30 FT. FOR
A NON-RESIDENTIAL BUILDING. 3: TO PERMIT A 12 FT. TRAVEL

WAY IN LIES OF THE REQUIRED 25 FT. TRAVEL WAY

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

February 6, 2017

ZONING DESCRIPTION FOR
#10922 & #10926 YORK ROAD

Beginning at a point on the west side of York Road, which varies in width, at the distance of 420 feet south of the centerline of Beaver Dam Lane, which is 30 feet wide. Thence the following courses and distances: **(1)** South 19 degrees 25 minutes 19 seconds East 106.34 feet; thence **(2)** South 85 degrees 41 minutes 22 seconds West 66.09 feet; thence **(3)** South 57 degrees 59 minutes 22 seconds West 51.17 feet; thence **(4)** South 10 degrees 00 minutes 22 seconds West 25.02 feet; thence **(5)** South 85 degrees 41 minutes 22 seconds West 103.25 feet; thence **(6)** North 24 degrees 41 minutes 22 seconds East 54.92 feet; thence **(7)** North 18 degrees 16 minutes 23 seconds East 61.68 feet; thence **(8)** North 24 degrees 58 minutes 48 seconds East 19.24 feet; thence **(9)** North 28 degrees 35 minutes 33 seconds East 4.79 feet; and thence **(10)** North 74 degrees 54 minutes 23 seconds East 133.14 feet to the point of beginning as recorded in Deed Liber J.L.E. 30628, Folio 65 and containing 19,789 square feet or 0.454 acres of land, more or less. Located in the 8th Election District and 3rd Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2018



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5000259

Sold To:

Biejan Arvon - CU00603207
10926 York Rd
Cockeysville, MD 21030-2119

Bill To:

Biejan Arvon - CU00603207
10926 York Rd
Cockeysville, MD 21030-2119

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jun 08, 2017

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: # 2017-0289-SPHXA

10926 York Road
W/s York Road, 420 ft. S/of centerline of Beaver Dam Lane
8th Election District - 3rd Councilmanic District
Legal Owner(s) Biejan Arvon & Ali Mehr

Special Hearing: to amend the previously approved site plan for Case 06-451-SPHXA; addition relief as may be deemed necessary by the Administrative Law Judge.

Special Exception: to permit service garage in a ML-IM zone. **VARIANCE** 1. To permit a front yard setback of 14 ft. in lieu of the required 50 ft. for a non-residential building. 2. To permit a side yard setback of 7.5 ft. in lieu of the required 30 ft. for a non-residential building. 3. To permit a 12 ft. travel way in lieu of the required 20 ft. travel way.

Hearing: Wednesday, June 28, 2017 at 1:30 p.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.

6/026 June 8

5000259

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 8, 2017 Issue - Jeffersonian

Please forward billing to:
Biejan Arvon & Ali Mehr
10926 York Road
Cockeysville, MD 21030

410-527-0022

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: 2017-0289-SPHXA

10926 York Road

W/s York Road, 420 ft. S/of centerline of Beaver Dam Lane

8th Election District – 3rd Councilmanic District

Legal Owners: Biejan Arvon & Ali Mehr

Special Hearing to amend the previously approved site plan for Case 06-451-SPHXA; addition relief as may be deemed necessary by the Administrative Law Judge. **Special Exception** to permit service garage in a ML-IM zone. **Variance** 1. To permit a front yard setback of 14 ft. in lieu of the required 50 ft. for a non-residential building. 2. To permit a side yard setback of 7.5 ft. in lieu of the required 30 ft. for a non-residential building. 3. To permit a 12 ft. travel way in lieu of the required 20 ft. travel way.

Hearing: Wednesday, June 28, 2017 at 1:30 p.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 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.



KEVIN KAMENETZ
County Executive

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

May 10, 2017

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: 2017-0289-SPHXA

10926 York Road
W/s York Road, 420 ft. S/of centerline of Beaver Dam Lane
8th Election District – 3rd Councilmanic District
Legal Owners: Biejan Arvon & Ali Mehr

Special Hearing to amend the previously approved site plan for Case 06-451-SPHXA; addition relief as may be deemed necessary by the Administrative Law Judge. **Special Exception** to permit service garage in a ML-IM zone. **Variance** 1. To permit a front yard setback of 14 ft. in lieu of the required 50 ft. for a non-residential building. 2. To permit a side yard setback of 7.5 ft. in lieu of the required 30 ft. for a non-residential building. 3. To permit a 12 ft. travel way in lieu of the required 20 ft. travel way.

Hearing: Wednesday, June 28, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a faint circular stamp.

Arnold Jablon
Director

AJ:kl

C: Marc Seldin Rosen, 26 South Street, Baltimore 21202
Biejan Arvon, Ali Mehr, 10926 York Road, Cockeysville 21030
Little & Associates, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 8, 2017.**
- (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.**

**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 twenty (20) 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: 2017-0289-SPHXA

Property Address: #10926 YORK ROAD COCKEYSVILLE MD 21030

Property Description: 0.447 AC ± ON WEST SIDE OF YORK ROAD 500' ±
NORTH OF RAILROAD AVENUE.

Legal Owners (Petitioners): ALI MEHR ? BIEJAN ARJON

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALI MEHR ? BIEJAN ARJON

Company/Firm (if applicable): PHOENIX AUTO

Address: #10926 YORK ROAD COCKEYSVILLE MD 21030

Telephone Number: 410-527-0622



KEVIN KAMENETZ
County Executive

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

June 21, 2017

Biejan Arvon
Ali Mehr
10926 York Road
Cockeysville MD 21030

RE: Case Number: 2017-0289 SPHXA, Address: 10926 York Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 26, 2017. 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.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Marc Seldin Rosen, 26 South Street, Baltimore MD 21202
Little & Associates, John Motsco, 1055 Taylor Avenue, Suite 307, Towson MD 21286

Date: 5/1/17

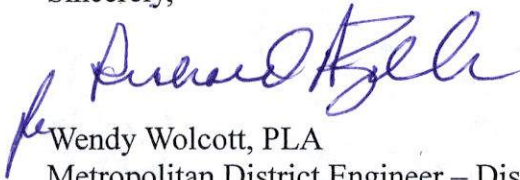
Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

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 5/1/17. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0289-SPHVA. Special Hearing. Special Exception Variance Special Hearing. Brian Anyon & Ali Mohr. 10926 York Road MD 45.

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,



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

WW/RAZ

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: May 4, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0289-SPHXA
Address 10926 York Road
(Arvon & Mehr Property)

Zoning Advisory Committee Meeting of **May 8, 2017**.

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

Reviewer: Steve Ford Date: 5-4-2017

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 1, 2017
Item No. 2017-0289

DATE: May 11, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

1. Landscape and Lighting Plans are required per the requirements of the Landscape Manual, prior to approval of a grading or building permit
2. An environmental greenway easement including Forest Buffer – non disturbance area must be conveyed to the County prior to approval of a building or grading permit.
3. Additional Variances Needed –
 - a. parking within 10 feet of the York Road right-of-way.
 - b. drive aisle width less than 22 feet at perpendicular parking.
 - c. pavement without durable and dustless surface.We do not support a. or c.
4. If the existing contours shown are correct, fill must be placed in the flood plain to build the parking space furthest from York Road. A Special Hearing would be required to do this. The petitioner should either remove the proposed parking space; check the contours and fix them, if wrong; or apply for a Special Hearing.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0289-05012017.doc

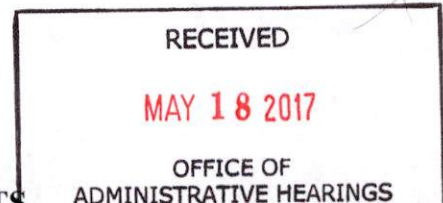
6-28

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 5/12/2017

FROM: Andrea Van Arsdale
Director, Department of Planning



SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-289

INFORMATION:

Property Address: 10926 York Road
Petitioner: Biejan Arvon & Ali Mehr
Zoning: ML-IM
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for a special exception to use the property for a service garage and the petition for variance to permit a non-residential building to have a front yard setback of 14 feet, a side yard setback of 7.5 and a 12 foot travel way in lieu of the required 50 feet, 30 feet and 20 feet respectively. The Department also reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an amendment of the previously approved site plan for zoning case # 06-451.

A site visit was conducted on May 4, 2017. The Department finds the building at 10926 York Road is unsightly. The site is located within the Hunt Valley Timonium Master Plan (HVTMP) adopted into the Baltimore County Master Plan on October 19, 1998 and is more specifically a part of the Cockeysville Historic Area as described in the aforesaid HVTMP (pg.49). The HVTMP establishes the Hunt Valley/Timonium area as an important employment area that is critical to the economic development of Baltimore County (pg. 9). Support for the Cockeysville Historic Area as a small, historic shopping locality is set as an action item in said Plan (pg.31). The Cockeysville Historic Area is further subject to design guidelines found in the Comprehensive Manual of Development Policies (pg. 265) which seek to preserve and enhance this unique element within the HVTMP.

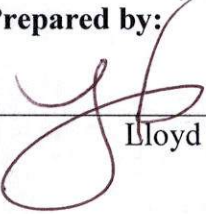
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The proposed building shall have a front façade incorporating brick and or stone material consistent with other buildings in the immediate area. The petitioners shall submit architectural elevations to the Department for approval at the time of development plan review or if such a plan is not required, at the time of building permit application.

- Submit a landscape plan to the Baltimore County Landscape Architect for approval. Such a plan shall include landscaping along York Road in the front of the office and parking area.

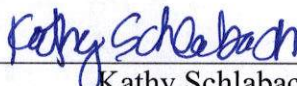
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE * OF ADMINISTRATIVE
10926 York Road; W/S of York Road, *
420' S of c/line of Beaver Dam Road * HEARINGS FOR
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Biejan Arvon & Ali Mehr * BALTIMORE COUNTY
Petitioner(s) *
* 2017-289-SPHXA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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

RECEIVED

MAY 05 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 2017, a copy of the foregoing Entry of Appearance was mailed to Little & Associates, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286 and Marc Deldin Rosen, 26 South Street, Baltimore Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: August 2, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0289-SPHXA – Appeal Period Expired

The appeal period for the above-referenced case expired on August 1, 2017. 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

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802022509			
Owner Information					
Owner Name:		MEHR ALI ARVON BIEJAN		Use:	INDUSTRIAL
Mailing Address:		10926 YORK RD COCKEYSVILLE MD 21030-		Principal Residence:	NO
				Deed Reference:	/30628/ 00065
Location & Structure Information					
Premises Address:		YORK RD 0-0000		Legal Description:	LT WS 8 FT RD 94 W YORK RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0042	0022	0221		0000	
				Assessment Year:	Plat No:
				2017	Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			9,200 SF	07	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2017	07/01/2016	07/01/2017
Land:		79,200	79,200		
Improvements		0	0		
Total:		79,200	79,200	79,200	79,200
Preferential Land:		0			0
Transfer Information					
Seller: CASPER GEORGE W JR		Date: 03/18/2011		Price: \$600,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /30628/ 00065		Deed2:	
Seller: CASPER GEORGE W		Date: 09/08/2005		Price: \$300,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /22507/ 00244		Deed2:	
Seller: BEAVER DAM REALTY INC		Date: 05/01/1979		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06015/ 00172		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2016	07/01/2017
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					
Homeowners' Tax Credit Application Information					

CASE NAME 10926 York Rd.
CASE NUMBER 2017-289
DATE 6-28-2017

[illegible]

CASE NAME 10926 York Road
CASE NUMBER 2017-289 SPHX
DATE JUNE 28, 2017

[illegible]

IN RE: PETITIONS FOR SPECIAL EXCEPTION, *
SPECIAL HEARING & VARIANCE
West side of York Road, 420 feet *
South of Beaver Run Lane
8th Election District *
3rd Councilmanic District
(10926 York Road) *

BEFORE THE
DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-451-SPHXA

George W. Casper, Jr., *Legal Owner*
and

Biejan Arvon and Ali Mehr,
Contract Purchasers

Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owner of the subject property, George W. Casper, Jr. and Biejan Arvon and Ali Mehr, contract purchasers. The Petitioners are requesting special exception, special hearing and variance relief for property located at 10926 York Road in the Cockeysville area of Baltimore County. The special exception request is for a service garage, pursuant to Section 253.2B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, special hearing relief is requested to approve a parking plan as shown on the plan to accompany the petition, pursuant to Section 409.12(B) of the B.C.Z.R. Finally, variance relief is requested to permit a front yard setback of 14 feet in lieu of the required 50 feet for a non-residential building pursuant to Sections 255.1 and 238.1 of the B.C.Z.R.; to permit a side yard setback as little as 6 inches in lieu of the required 30 feet for a non-residential building pursuant to Sections 238.1 and 255.1 of the B.C.Z.R.; to permit a rear yard setback of 1.2 feet in lieu of the required 30 feet for a non-residential building pursuant to Section 255.1 and 231.1 of the B.C.Z.R.; to permit a side yard setback of 7.5 feet in lieu of the required 30 feet for a non-residential building pursuant to Sections 255.1 and 238.1 of the B.C.Z.R.; and to allow a 12 foot wide travel way in lieu of the required 20 feet pursuant to Section 409.4 of the B.C.Z.R.

The property was posted with Notice of Hearing on April 11, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 11, 2006 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

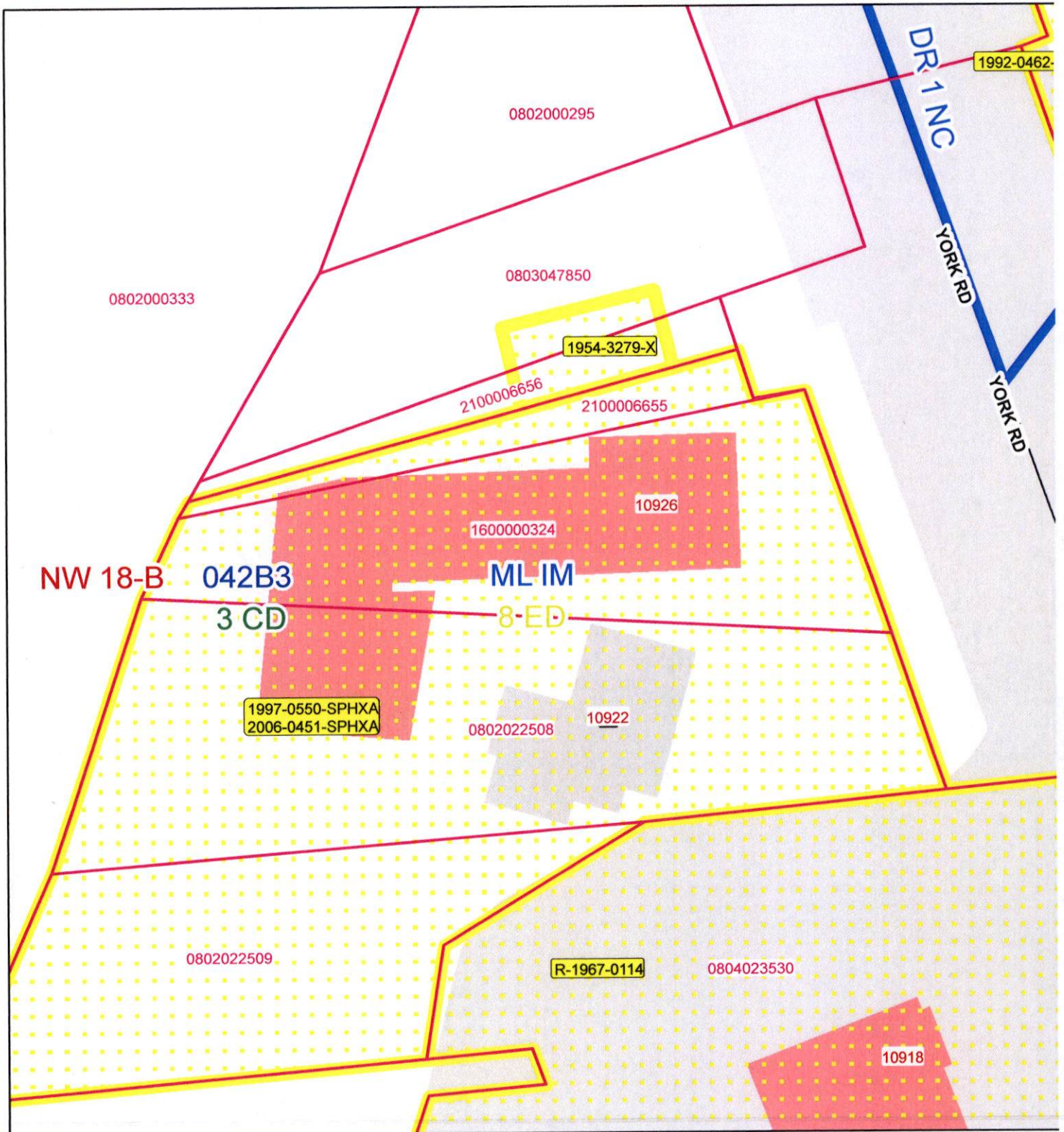
Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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

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

10926 York Road



Publication Date: 1/9/2017



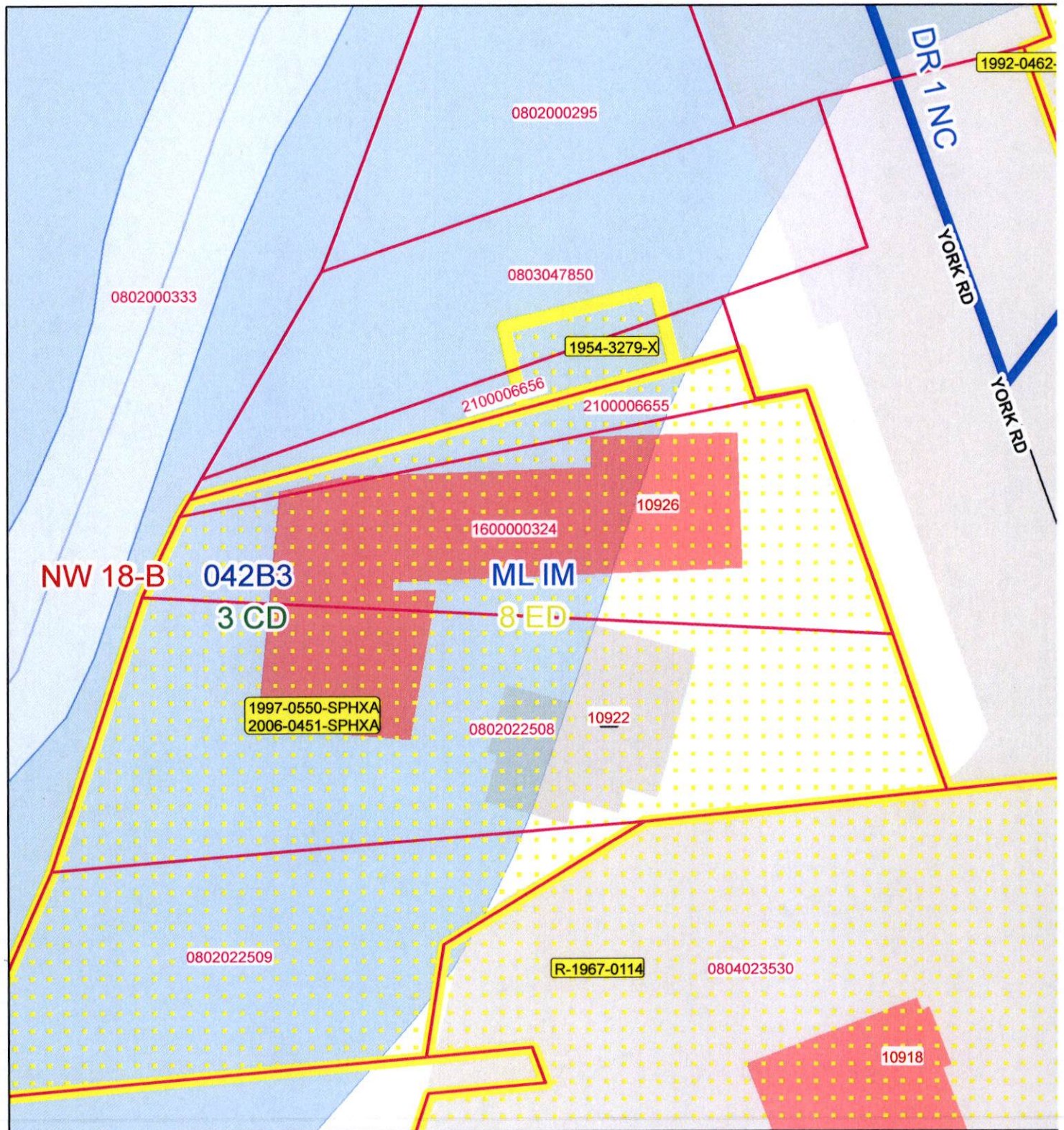
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

Flood Hazard Areas (Hydro & Stream Buffer Maps)



Publication Date: 1/9/2017



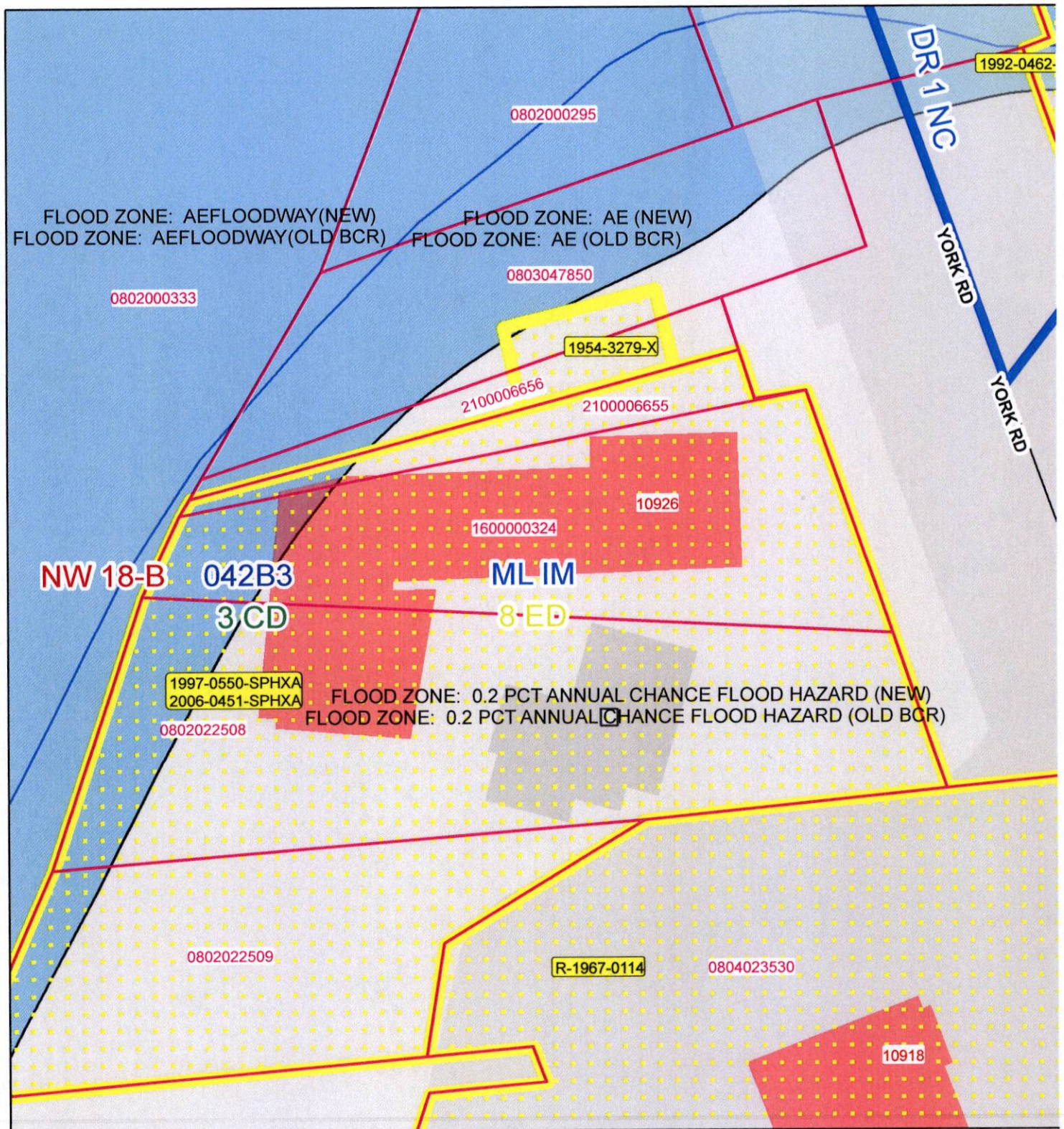
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

Flood Hazard Area (F LMA)



Publication Date: 1/9/2017



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

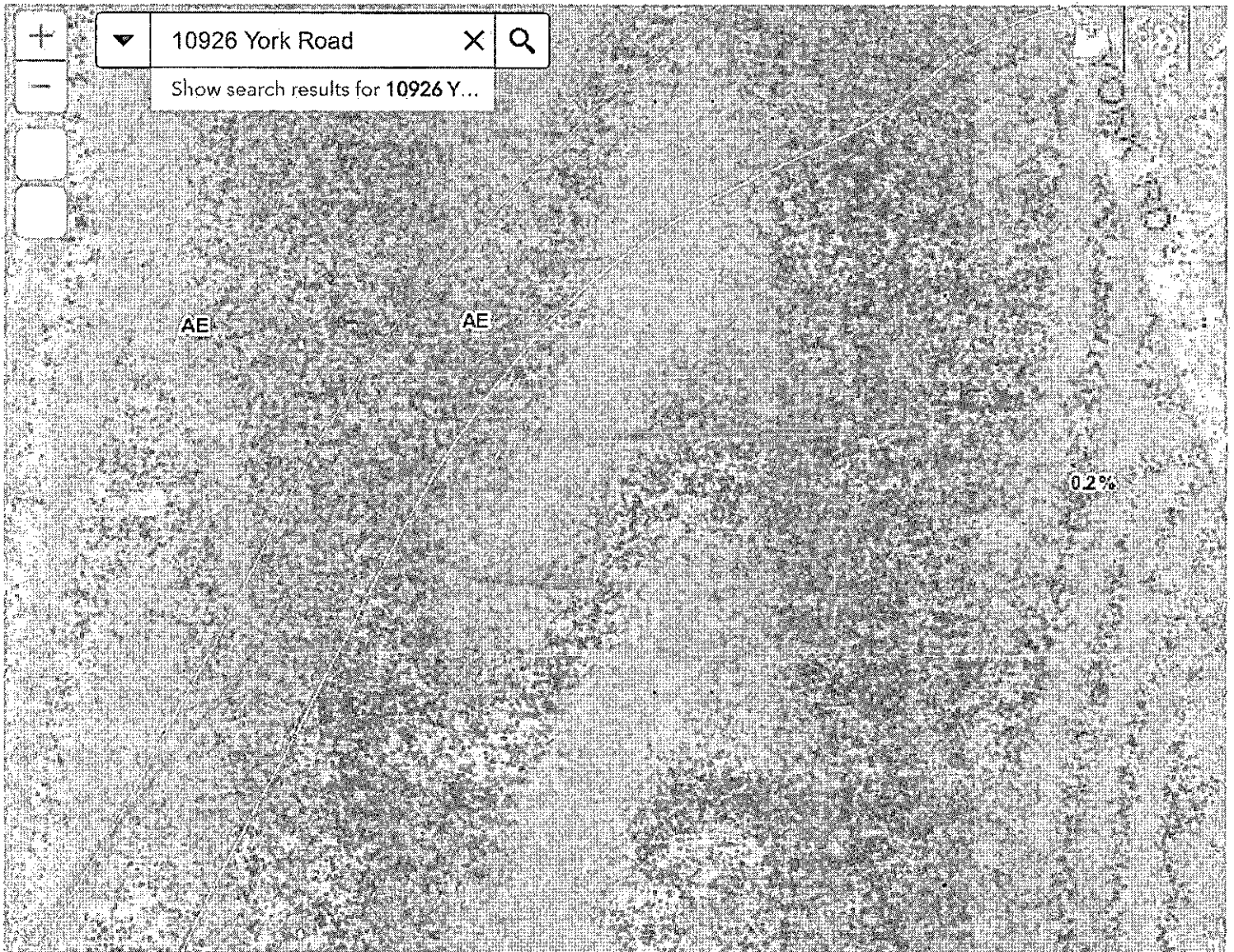


0 5 10 20 30 40
 Feet

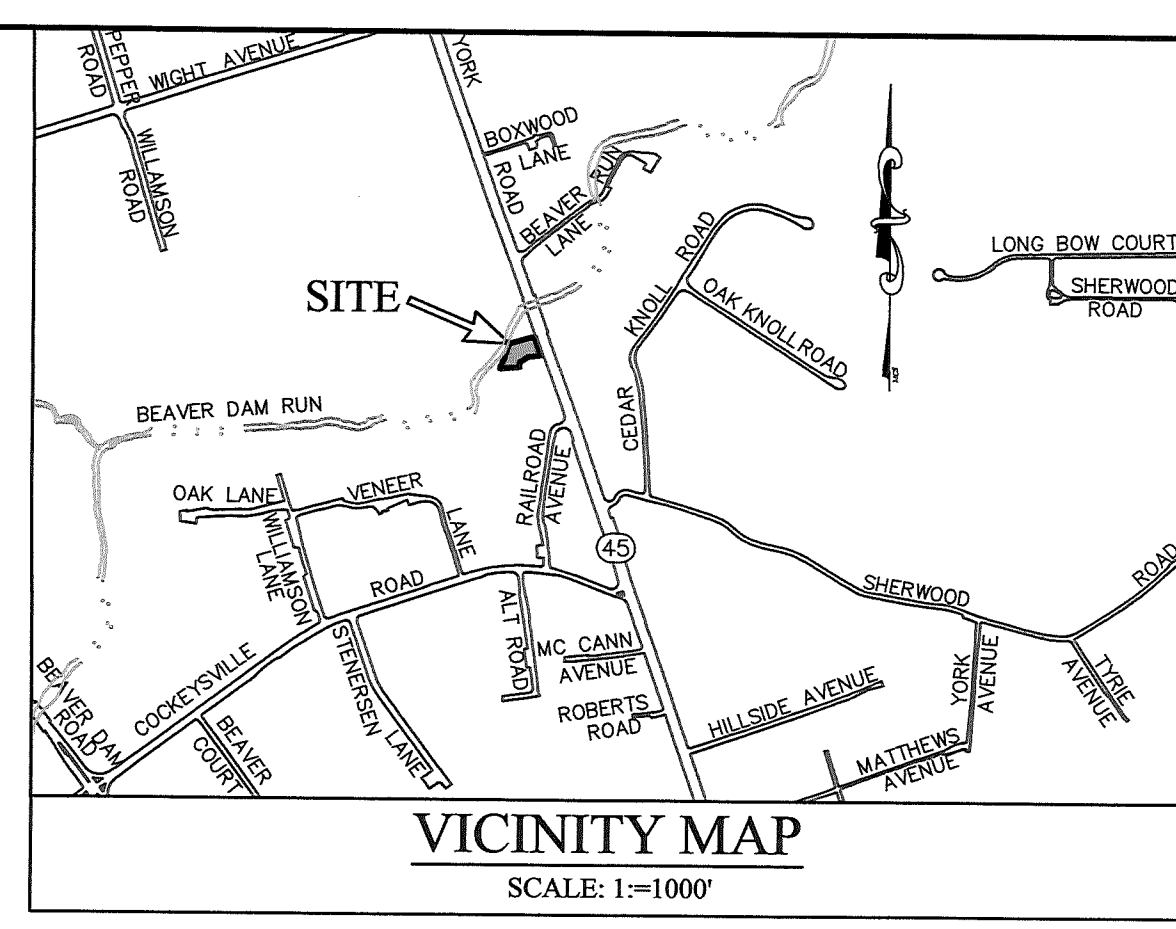
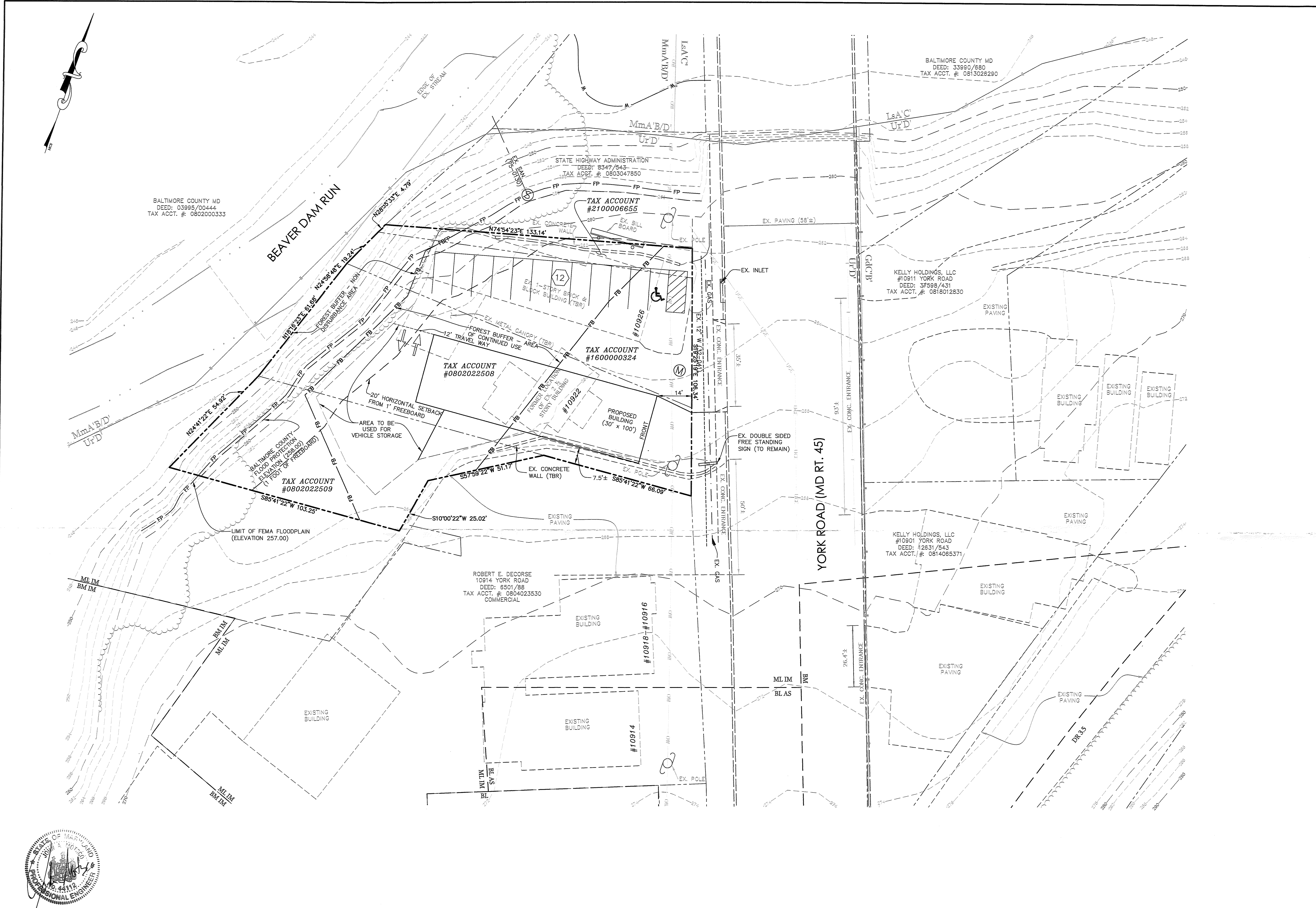
1 inch = 30 feet



Baltimore County DFIRM



Prot. No. 1



- SITE DATA**
- OWNER:
ALI MEHR & BIEJAN ARVON
#10922 & #10926 YORK ROAD
COCKEYSVILLE, MD, 21030
(410)-666-1985
 - SITE DATA:
ELECTION DISTRICT: 8
COUNCILMANIC DISTRICT: 3
TAX MAP: 42 GRID: 22 PARCEL: 220 & 221
DEED REFERENCE: 30628/65
TAX ACCOUNT NO.: 0802022508, 0802022509, 1600000324, 2100006655
SITE AREA: 0.454 AC.± (19,789 S.F.±)
EXISTING ZONING: ML IM
ZONING MAP: 42B3
EXISTING USE: SERVICE GARAGE
PROPOSED USE: SERVICE GARAGE
 - SETBACK SUMMARY:
FRONT YARD: 14'
REAR YARD: 52'
SIDE YARD: 7.5'
 - FLOOR SPACE:
TOTAL PROPOSED: 3,000 S.F.
 - PARKING DATA:
AUTO REPAIR SHOP / SERVICE GARAGE
3,000 S.F. @ 3.3 P.S./1000 S.F. = 9.9 P.S. REQUIRED
TOTAL PARKING REQUIRED: 10 P.S.
PARKING PROVIDED: 12 P.S.
 - FLOODPLAIN LIMITS SHOWN ARE BASED ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 2400100235F REVISED SEPTEMBER 26, 2008.
 - FOREST BUFFER LIMITS AS SHOWN WERE APPROVED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY - ENVIRONMENTAL IMPACT REVIEW ON NOVEMBER 9, 2016.
 - ON NOVEMBER 14, 2016, A VARIANCE WAS GRANTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FROM BALTIMORE COUNTY CODE ARTICLE 33, TITLE 3 PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS TO IMPACT 10,180 SQUARE FEET OF FOREST BUFFER IN ORDER TO ALLOW REDEVELOPMENT AND CONTINUED USE OF AN AUTO REPAIR FACILITY. THE FOREST BUFFER EASEMENT AND ITS SETBACK SHOWN HEREON ARE REFLECTIVE OF THIS VARIANCE. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS INCLUDING ONSITE POSTING OF THE REMAINING BUFFER AND PURCHASE OF OFFSITE MITIGATION CREDITS.

ZONING HISTORY
CASE # 97-550-SPHXA: GRANTED
FILING DATE OF PETITION: 06/11/1997
ORDER DATE: 8/14/1997

SPECIAL EXCEPTION FOR AN OUTDOOR ADVERTISING SIGN (11 FEET BY 40 FEET) WITH A SINGLE FACE, WAS GRANTED.

SPECIAL HEARING TO APPROVE AN OUTDOOR ADVERTISING SIGN IN A M.L. ZONE LESS THAN 1,000 FEET BUT MORE THAN 100 FEET FROM AN EXISTING OUTDOOR ADVERTISING SIGN IN A B.R. ZONE ON THE SAME SIDE OF THE STREET WAS GRANTED.

A VARIANCE TO PERMIT AN OUTDOOR ADVERTISING SIGN TO BE LOCATED 300 FEET FROM AN EXISTING SIGN ON THE SAME SIDE OF THE STREET IN LIEU OF THE REQUIRED 1,000 FEET WAS DISMISSED AS MOOT.

CASE # 06-451-SPHXA: GRANTED
FILING DATE OF PETITION: 03/16/2006
ORDER DATE: 5/8/2006

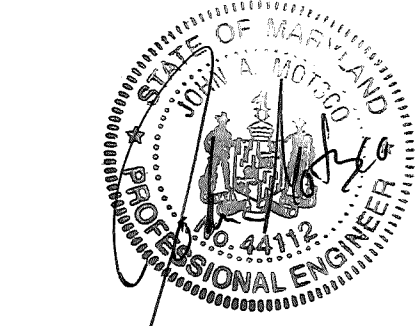
SPECIAL HEARING TO APPROVE A PARKING PLAN AS SHOWN ON THE PLAN TO ACCOMPANY THIS PETITION FOR SPECIAL HEARING WAS GRANTED.

SPECIAL EXCEPTION TO ALLOW SERVICE GARAGE WAS GRANTED SUBJECT TO THE FOLLOWING CONDITION:

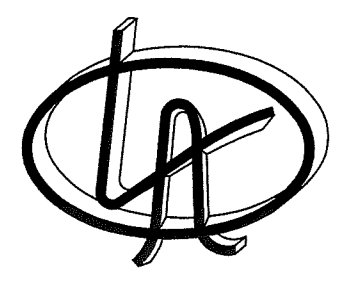
1. IF, AS AND WHEN THE PETITIONERS OR THEIR SUCCESSORS CREATE PHYSICAL CHANGES ON THE PROPERTY, THE PETITIONER OR THEIR SUCCESSORS SHALL COMPLY WITH THE ZAC COMMENT OF THE DEPARTMENT OF PLAN REVIEW REGARDING DELINEATION OF THE 100-YEAR FLOOD PLAIN OF BEAVER DAM RUN, APPLY FOR AND GRANTED SUCH VARIANCES AS MAY BE NECESSARY, AS THE RESULT OF THE DELINEATION AND SETBACK PROVISIONS THEREFROM.

VARIANCE TO PERMIT A FRONT YARD SETBACK OF 14 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A NON RESIDENTIAL BUILDING AND TO PERMIT A SIDEYARD SETBACK AS LITTLE AS 6 INCHES IN LIEU OF THE REQUIRED 30 FEET FOR A NON RESIDENTIAL BUILDING AND TO PERMIT A REAR YARD SETBACK OF 1.2 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A NON RESIDENTIAL BUILDING AND TO PERMIT A SIDEYARD SETBACK OF 7.5 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A NON RESIDENTIAL BUILDING AND TO ALLOW A 12 FOOT WIDE TRAVEL WAY IN LIEU OF THE REQUIRED 20 FEET AND TO ALLOW A 12 FOOT WIDE TRAVEL WAY IN LIEU OF THE REQUIRED 20 FEET WAS GRANTED SUBJECT TO THE FOLLOWING RESTRICTION:

1. VEHICLES USING THE DRIVEWAY BETWEEN BUILDINGS SHALL BE OPERATED BY EMPLOYEES FAMILIAR WITH THE CONSTRAINTS OF THE SITE.



PROFESSIONAL CERTIFICATION
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.
LICENSE NO. 44112, EXPIRATION DATE: 6/9/2017.



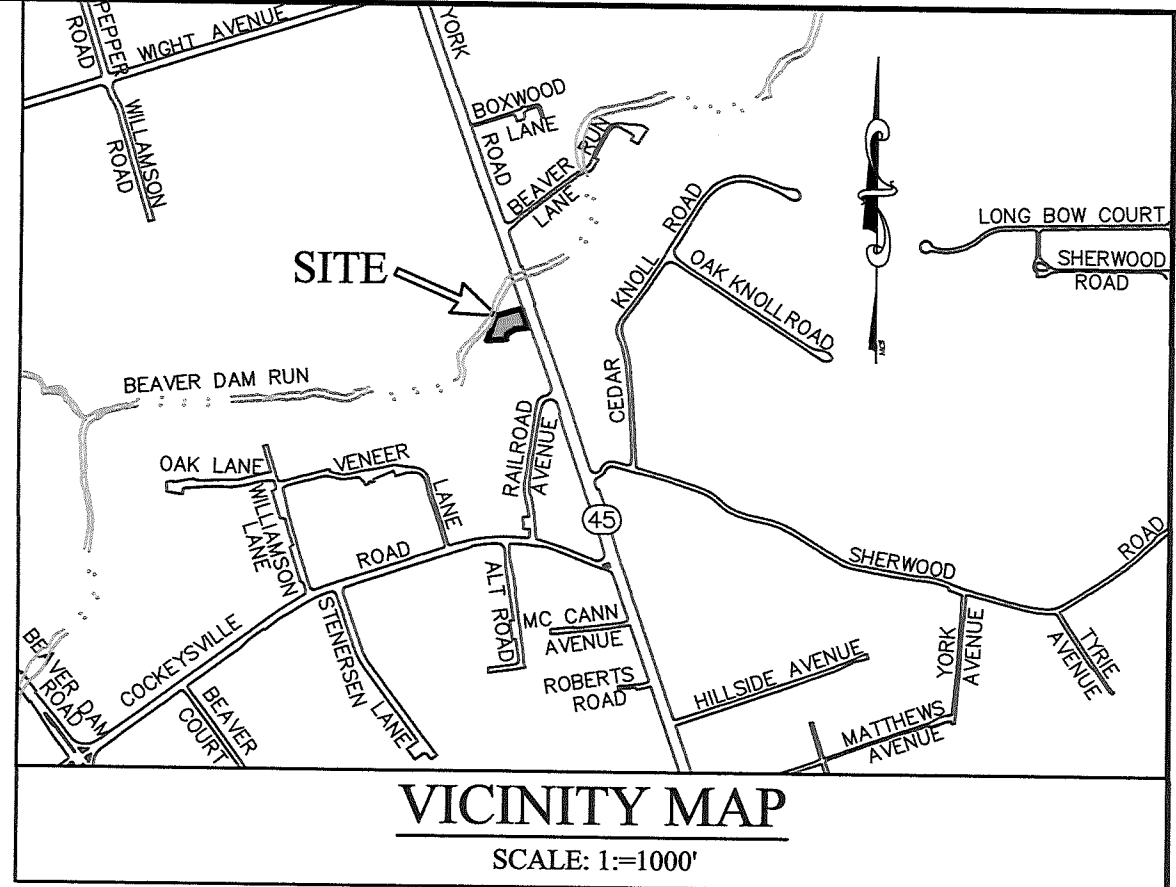
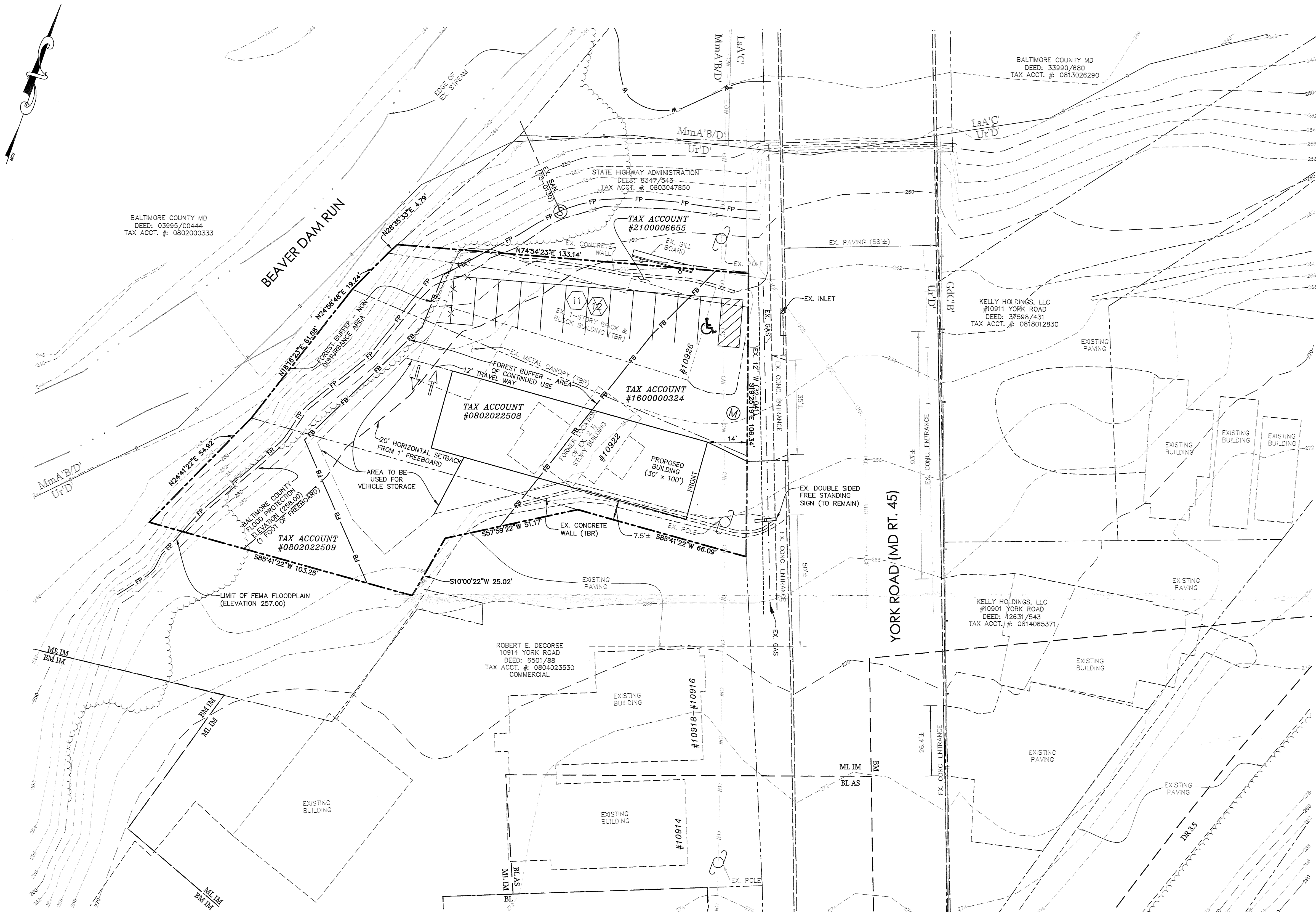
LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

- RELIEF REQUESTED**
TAX ACCOUNT NUMBERS: 0802022508, 0802022509, 1600000324, 2100006655
- SPECIAL EXCEPTION TO PERMIT SERVICE GARAGE IN A M.L. IM ZONE, PURSUANT TO SECTION 253.2B.3 OF THE BCZR.
 - VARIANCE FROM BCZR§ 255.1 & 238.1 TO PERMIT A FRONT YARD SETBACK OF 14 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A NON-RESIDENTIAL BUILDING.
 - VARIANCE FROM BCZR§ 255.1 & 238.2 TO PERMIT A SIDE YARD SETBACK OF 7.5 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A NON-RESIDENTIAL BUILDING.
 - VARIANCE FROM BCZR§ 409.4 TO PERMIT A 12 FOOT TRAVEL WAY IN LIEU OF THE REQUIRED 20 FOOT TRAVEL WAY.
 - SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED SITE PLAN FOR CASE 06-451-SPHXA.
 - ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

**SITE PLAN TO ACCOMPANY
PETITION FOR VARIANCE, SPECIAL
EXCEPTION AND SPECIAL HEARING
#10922 & #10926 YORK ROAD
PHOENIX AUTO**

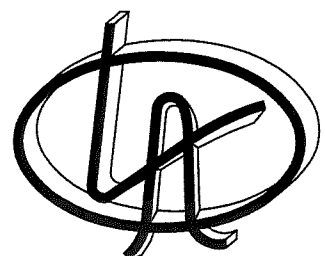
DISTRICT 8c3
SCALE: 1"=20'
BALTIMORE COUNTY, MD
APRIL 25, 2017

Petitioners No. 1



- SITE DATA**
- OWNER: ALI MEHR & BEJAN ARVON
#10922 & #10926 YORK ROAD
COCKEYSVILLE MD, 21030
(410)-666-1985
 - SITE DATA:
ELECTION DISTRICT: 8
COUNCILMANIC DISTRICT: 3
TAX MAP: 42 GRID: 22 PARCEL: 220 & 221
DEED REFERENCE: 30628/65
TAX ACCOUNT NO.: 0802022508, 0802022509, 1600000324, 2100006655
SITE AREA: 0.454 AC.± (19,789 S.F.±)
EXISTING ZONING: ML IM
ZONING MAP: 42B3
EXISTING USE: SERVICE GARAGE
PROPOSED USE: SERVICE GARAGE
 - SETBACK SUMMARY:
FRONT YARD: 14'
REAR YARD: 52'
SIDE YARD: 7.5'
 - FLOOR SPACE:
TOTAL PROPOSED: 3,000 S.F.
 - PARKING DATA:
AUTO REPAIR SHOP / SERVICE GARAGE
3,000 S.F. @ 3.3 P.S./1000 S.F. = 9.9 P.S. REQUIRED
TOTAL PARKING REQUIRED: 10 P.S.
PARKING PROVIDED: 12 P.S. 11 P.S.
 - FLOODPLAIN LIMITS SHOWN ARE BASED ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 240100235F REVISED SEPTEMBER 26, 2008.
 - FOREST BUFFER LIMITS AS SHOWN WERE APPROVED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY - ENVIRONMENTAL IMPACT REVIEW ON NOVEMBER 9, 2016.
 - ON NOVEMBER 14, 2016, A VARIANCE WAS GRANTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FROM BALTIMORE COUNTY CODE ARTICLE 33, TITLE 3 PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS TO IMPACT 10,180 SQUARE FEET OF FOREST BUFFER IN ORDER TO ALLOW REDEVELOPMENT AND CONTINUED USE OF AN AUTO REPAIR FACILITY. THE FOREST BUFFER EASEMENT AND ITS SETBACK SHOWN HEREON ARE REFLECTIVE OF THIS VARIANCE. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS INCLUDING ONSITE POSTING OF THE REMAINING BUFFER AND PURCHASE OF OFFSITE MITIGATION CREDITS.
- ZONING HISTORY**
CASE # 97-850-SPHXA: GRANTED
FILING DATE OF PETITION: 06/11/1997
ORDER DATE: 8/14/1997
- SPECIAL EXCEPTION FOR AN OUTDOOR ADVERTISING SIGN (11 FEET BY 40 FEET) WITH A SINGLE FACE, WAS GRANTED.
- SPECIAL HEARING TO APPROVE AN OUTDOOR ADVERTISING SIGN IN A M.L. ZONE LESS THAN 1,000 FEET BUT MORE THAN 100 FEET FROM AN EXISTING OUTDOOR ADVERTISING SIGN IN A B.R. ZONE ON THE SAME SIDE OF THE STREET WAS GRANTED.
- A VARIANCE TO PERMIT AN OUTDOOR ADVERTISING SIGN TO BE LOCATED 300 FEET FROM AN EXISTING SIGN ON THE SAME SIDE OF THE STREET IN LIEU OF THE REQUIRED 1,000 FEET WAS DISMISSED AS MOOT.
- CASE # 06-451-SPHXA: GRANTED
FILING DATE OF PETITION: 03/16/2006
ORDER DATE: 5/8/2006
- SPECIAL HEARING TO APPROVE A PARKING PLAN AS SHOWN ON THE PLAN TO ACCOMPANY THIS PETITION FOR SPECIAL HEARING WAS GRANTED.
- SPECIAL EXCEPTION TO ALLOW SERVICE GARAGE WAS GRANTED SUBJECT TO THE FOLLOWING CONDITION:
- IF, AS AND WHEN THE PETITIONERS OR THEIR SUCCESSORS CREATE PHYSICAL CHANGES ON THE PROPERTY, THE PETITIONER OF THEIR SUCCESSORS SHALL COMPLY WITH THE ZAC COMMENT OF THE DEPARTMENT OF PLAN REVIEW REGARDING DELINEATION OF THE 100-YEAR FLOOD PLAIN OF BEAVER DAM RUN, APPLY FOR AND GRANTED SUCH VARIANCES AS MAY BE NECESSARY, AS THE RESULT OF THE DELINEATION AND SETBACK PROVISIONS THEREFROM.
- VARIANCE TO PERMIT A FRONT YARD SETBACK OF 14 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A NON RESIDENTIAL BUILDING AND TO PERMIT A SIDEYARD SETBACK AS LITTLE AS 6 INCHES IN LIEU OF THE REQUIRED 30 FEET FOR A NON RESIDENTIAL BUILDING AND TO PERMIT A REAR YARD SETBACK OF 12 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A NON RESIDENTIAL BUILDING AND TO PERMIT A SIDEYARD SETBACK OF 7.5 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A NON RESIDENTIAL BUILDING AND TO ALLOW A 12 FOOT WIDE TRAVEL WAY IN LIEU OF THE REQUIRED 20 FEET AND TO ALLOW A 12 FOOT WIDE TRAVEL WAY IN LIEU OF THE REQUIRED 20 FEET WAS GRANTED SUBJECT TO THE FOLLOWING RESTRICTION:
- VEHICLES USING THE DRIVEWAY BETWEEN BUILDINGS SHALL BE OPERATED BY EMPLOYEES FAMILIAR WITH THE CONSTRAINTS OF THE SITE.

PROFESSIONAL CERTIFICATION
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, LICENSE NO. 44112, EXPIRATION DATE: 6/9/2017.



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

- RELIEF REQUESTED**
TAX ACCOUNT NUMBERS: 0802022508, 0802022509, 1600000324, 2100006655
- SPECIAL EXCEPTION TO PERMIT SERVICE GARAGE IN A ML IM ZONE, PURSUANT TO SECTION 253.2B.3 OF THE BCZR.
 - VARIANCE FROM BCZR§ 255.1 & 238.1 TO PERMIT A FRONT YARD SETBACK OF 14 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A NON-RESIDENTIAL BUILDING.
 - VARIANCE FROM BCZR§ 255.1 & 238.2 TO PERMIT A SIDE YARD SETBACK OF 7.5 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A NON-RESIDENTIAL BUILDING.
 - VARIANCE FROM BCZR§ 409.4 TO PERMIT A 12 FOOT TRAVEL WAY IN LIEU OF THE REQUIRED 20 FOOT TRAVEL WAY.
 - SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED SITE PLAN FOR CASE 06-451-SPHXA.
 - ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

**SITE PLAN TO ACCOMPANY
PETITION FOR VARIANCE, SPECIAL
EXCEPTION AND SPECIAL HEARING
#10922 & #10926 YORK ROAD
PHOENIX AUTO**

DISTRICT 8c3
SCALE: 1"=20'
BALTIMORE COUNTY, MD
APRIL 25, 2017
JULY 12, 2017