

M E M O R A N D U M

DATE: July 26, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0300-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 25, 2018. 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 VARIANCE

(1801 York Road)
8th Election District
3rd Council District
1801 YR, LLC
Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0300-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by 1801 YR, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §238.2 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to permit a side building to property line setback of up to 24 ft. in lieu of the otherwise required 30 ft., and (2) to permit a side building to property line setback of up to 3 ft. in lieu of the otherwise required 30 ft. A site plan was marked as Petitioner’s Exhibit 1.

Professional engineer Gerry Powell appeared in support of the petition. Jennifer R. Busse, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency does not oppose the request.

The site is approximately 2.72 acres in size and zoned BR. The property is improved with two commercial buildings. In a 2010 zoning case (No. 2010-0297-A) Petitioner obtained variance relief permitting a building-to-building setback of 32' in lieu of the required 60'. Recently, Petitioner amended the development plan for this site with DRC approval, and a lot

ORDER RECEIVED FOR FILING

Date

6/25/18

By

Sen

line has been created between these two commercial buildings. As such, the variance relief granted in the 2010 case is no longer needed since each building will now be situated on its own lot. But the new lot line has generated the need for building setback variances; no improvements of any type are proposed at this juncture.

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).

As noted in the 2010 zoning case, there is a grade change between this site and the adjoining shopping center. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be required to raze or relocate the buildings. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 25th day of **June, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 238.2 of the Baltimore County Zoning Regulations ("BCZR"): (1) to permit a side building to property line setback of up to 24 ft. in lieu of the otherwise required 30 ft., and (2) to permit a side building to property line setback of up to 3 ft. in lieu of the otherwise required 30 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6/25/18

By sen

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.

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:sln

ORDER RECEIVED FOR FILING

Date 6/25/18

By sln



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 1801 York Road

which is presently zoned BR

Deed References: 27143/676

10 Digit Tax Account # 1600005846

Property Owner(s) Printed Name(s) 1801 YR, LLC

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

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

3. X a **Variance** from Section(s)

please see 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:

N/A

Name - Type or Print

Signature

Mailing Address

Zip Code

Date

By

City

State

Telephone #

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204

410-832-2077

jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Marc Cohen

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

700 Kenilworth Drive, Towson, Maryland

Mailing Address

City

State

21204 410-296-7900 Marc.Cohen@Priority1autogroup.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R. Busse, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Suite 300, Towson, MD

Mailing Address

City

State

21204

410-832-2077

jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2018-0300-A

Filing Date

5, 2, 18

Do Not Schedule Dates:

Reviewer

JB

Attachment to Petition for Variances

1801 York Road

Petition for Variance pursuant to Baltimore County Zoning Regulations ("BCZR") Section 238.2 to permit a side building to property line setback of up to 24 feet in lieu of the otherwise required 30 feet.

Petition for Variance pursuant to Baltimore County Zoning Regulations ("BCZR") Section 238.2 to permit a side building to property line setback of up to 3 feet in lieu of the otherwise required 30 feet.



FREDERICK WARD ASSOCIATES

ARCHITECTS

ENGINEERS

PLANNERS

SURVEYORS

P.O. Box 127 • South Mountain
Bel Air, Maryland 21034-0127
410-879-0000
410-879-1243 fax

www.frederickward.com

ZONING DESCRIPTION – 1801 York Road

April 21, 2010

BEGINNING at a point on the northerly right of way line of Ridgely Road, an eighty foot wide right of way, at the southeasterly end of a right of way intersection fillet connecting the north side of Ridgely Road with the easterly right of way line of Maryland Route 45, York Road a 93.5 feet wide right of way. Thence, binding on said fillet and right of way,

- 1) North 72°30'24" West 69.47 feet,
- 2) North 20°24'21" West 246.65 feet. Thence, leaving said right of way,
- 3) North 63°26'39" East 418.41 feet,
- 4) South 20°24'21" East 283.52 feet to the said northerly right of way line of Ridgely Road,
- 5) South 63°26'39" West 96.59 feet,
- 6) by a curve to the left in a southwesterly direction of radius 3040.00 feet, an arc distance of 268.28 feet and subtended by a chord; South 60°57'25" West 268.19 feet to the place of beginning as recorded in Liber SM 27143, folio 676.

BEING a part of Parcel 3 as shown on the "Final Plat, Property of Archbishop of Baltimore and Ford Leasing Development Company" as recorded in Baltimore County Plat Book OTG 34, folio 117, containing 118278 square feet or 2.7153 acres of land more or less. Also known as 1801 York Road in the Eighth Election District, Baltimore County, Maryland.



2018-0300-A

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 9, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0300-A
Address 1801 York Road
(Cohen Property)

Zoning Advisory Committee Meeting of **May 17, 2018**

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

Reviewer: Steve Ford



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 5622829

Sold To:

WHITEFORD, TAYLOR & PRESTON - CU00177349
1 W Pennsylvania Ave Ste 300
TOWSON, MD 21204

Bill To:

WHITEFORD, TAYLOR & PRESTON - CU00177349
1 W Pennsylvania Ave Ste 300
TOWSON, MD 21204

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

May 31, 2018

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: # 2018-0300-A
1801 York Road
NE corner of Ridgely Road and York Road
8th Election District - 3rd Councilmanic District
Legal Owner(s) Marc Cohen

Variance: to permit a side building to property line setback of up to 24 ft. in lieu of the otherwise required 30 ft. To permit a side building to property line setback of up to 3 ft. in lieu of the otherwise required 30 ft.

Hearing: Friday, June 22, 2018 at 11:00 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.

05/31/18 5622829

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

25
10/1/77
10/1/77

2. Miller

Legal Advisor

CERTIFICATE OF POSTING:

CASE NO. 2018-0300-A

PATTERNS DEVELOPED

CONFIDENTIAL, TAYLOR & HASTON LLP

DATE OF HEARING: _____

6/25/15

BALTIMORE COUNTY DEPARTMENT OF
PRODUCTS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGNS REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1801 Fox Road

5/6.2 #1

THIS RECORD POSTED ON

June 2, 2018

(MONTH, DAY, YEAR)

APPENDIX

SIGNATURE OF SIGN POSTER

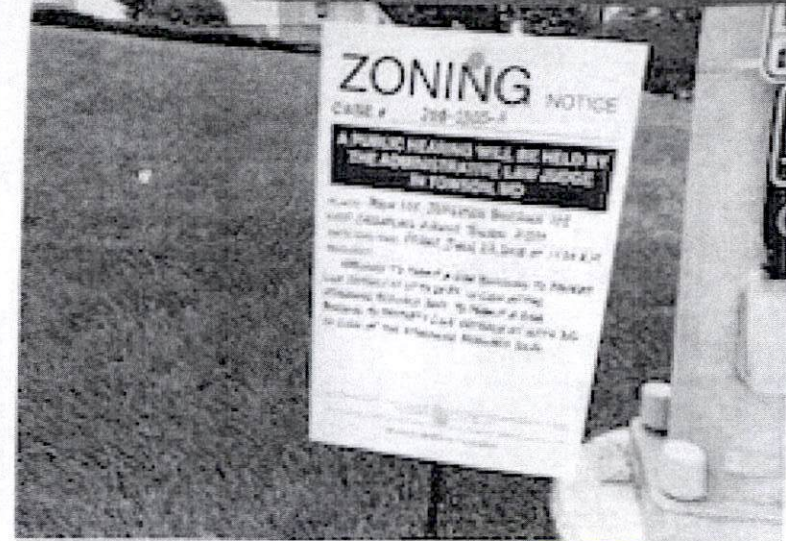
SIGNATURE SIGN POSTER

MARTIN CULP

9912 MATTHEW ROAD

PARKVILLE, MD 21234

443-574-7434



4/20/88 - 5/20/88

CERTIFICATE OF POSTING

CASE NO. 208-0300-A

PETITIONER/DEVELOPER

WUNDERLIP, TAYLOR PESTON LLP

DATE OF HEARING/CLOSING

6/18/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGNS REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1801 1/221 Road

SHEET # 2

THIS SIGN WAS POSTED ON

JUNE 2, 2018

(MONTH, DAY, YEAR)

SIGNATURE

Martin Dole 6/1/18 6/16/18

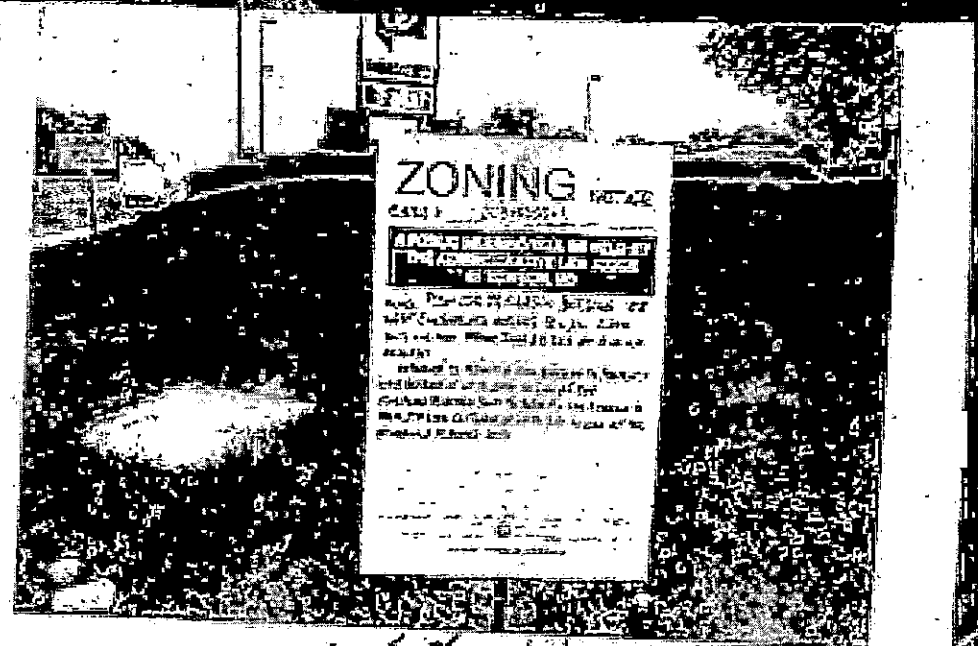
SIGNATURE OF SIGN POSTER

MARTIN DOLE

6912 MAIDENBROOK ROAD

PARKVILLE, MD 21224

410-629-3401



Martin Dole 6/1/18 Sheet 2

CERTIFICATE OF POSTIN

CASE NO. 2018-0300-A

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING

6/22/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

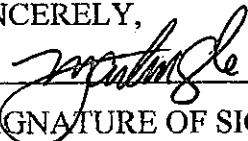
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1801 YORK ROAD

SIGN #1

THIS SIGN(S) POSTED ON JUNE 2, 2018
(MONTH, DAY, YEAR)

SINCERELY,

 6/2/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING NOTICE

CASE # 2018-0300-A

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, JUNE 22, 2018 AT 11:00 A.M.

REQUEST:

VARIANCE TO PERMIT A SIDE BUILDING TO PROPERTY
LINE SETBACK OF UP TO 24 FT. IN LIEU OF THE
OTHERWISE REQUIRED 30 FT. TO PERMIT A SIDE BUILDING TO
PROPERTY LINE SETBACK OF UP TO 3 FT. IN LIEU OF THE
OTHERWISE REQUIRED 30 FT.

POSTED HERE DUE TO WEATHER OR OTHER CONDITIONS ARE SUBJECT TO A FURTHER
NOTICE TO THE PUBLIC AND A CALL TO THE TOWSON

DO NOT REMOVE THIS SIGN AND POST IT FOR 10 DAYS OR TO AVOID A FINE OR PENALTY OF LAW
HANDICAPPED ACCESSIBLE

142015 8/12/18 6/12/18 5160A 1

CERTIFICATE OF POSTING

CASE NO. 2018-0300-A

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING

6/22/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1801 YORK ROAD
SIGN #2

THIS SIGN(S) POSTED ON JUNE 2, 2018
(MONTH, DAY, YEAR)

SINCERELY,

 6/2/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411



KEVIN KAMENETZ
County Executive

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

May 16, 2018

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: 2018-0300-A

1801 York Road
NE corner of Ridgely Road and York Road
8th Election District – 3rd Councilmanic District
Legal Owners: Marc Cohen

Variance to permit a side building to property line setback of up to 24 ft. in lieu of the otherwise required 30 ft. To permit a side building to property line setback of up to 3 ft. in lieu of the otherwise required 30 ft.

Hearing: Friday, June 22, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Marc Cohen, 700 Kenilworth Drive, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 2, 2018.**
- (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, May 31, 2018 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

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: 2018-0300-A

1801 York Road
NE corner of Ridgely Road and York Road
8th Election District – 3rd Councilmanic District
Legal Owners: Marc Cohen

Variance to permit a side building to property line setback of up to 24 ft. in lieu of the otherwise required 30 ft. To permit a side building to property line setback of up to 3 ft. in lieu of the otherwise required 30 ft.

Hearing: Friday, June 22, 2018 at 11:00 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 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 VARIANCE * BEFORE THE OFFICE
1801 York Road; NE corner of Ridgely Road *
And York Road * OF ADMINSTRATIVE
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Marc Cohen * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2018-300-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAY 10 2018

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 10th day of May, 2018, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, 1 West Pennsylvania Avenue, Suite 300, 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: 2018-0300-A
Property Address: 1801 York Rd
Property Description: _____
Legal Owners (Petitioners): 1801 YR LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennife Busse
Company/Firm (if applicable): Whiteford Taylor & Preston
Address: 4 W. Pennsylvania Ave
Suite 300
Towson MD 21204
Telephone Number: 410 832 2077

Revised 5/20/2014

2018-0300-A

ZONING NOTICE

CASE # 2018-0300-A

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON, 21204

DATE AND TIME: FRIDAY, JUNE 22, 2018 AT 11:00 A.M.

REQUEST:

VARIANCE TO PERMIT A SIDE BUILDING TO PROPERTY
LINE SETBACK OF UP TO 24 FT. IN LIEU OF THE
OTHERWISE REQUIRED 30FT. TO PERMIT A SIDE
BUILDING TO PROPERTY LINE SETBACK OF UP TO 3FT.
IN LIEU OF THE OTHERWISE REQUIRED 30 FT.

POSTING REMAINS EXPOSED TO WEATHER OR OTHER CONDITIONS ARE SOMETIME NECESSARY
TO CONSIDER THE POSTING (CALL 800-339-1)

DO NOT REMOVE THIS SIGN AND POSTING THE DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

#2
5/16/15

6/2/18

8/17/19
J. M. Smith



KEVIN KAMENETZ
County Executive

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

June 13, 2018

Marc Cohen
700 Kenilworth Drive
Towson MD 21204

RE: Case Number: 2018-0300 A, Address: 1801 York Road

Dear Mr. Cohen:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 2, 2018. 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
Jennifer R Busse, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

Date: 5/7/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
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 5/7/18. 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 Variance, Case Number 2018-0300-A.

*Variance
Marc Cohen
1801 York Road.*

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 6/4/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-300



INFORMATION:

Property Address: 1801 York Road
Petitioner: Marc Cohen
Zoning: BR
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit side yard setbacks of 3 feet and as much as 24 feet in lieu of the required 30 feet.

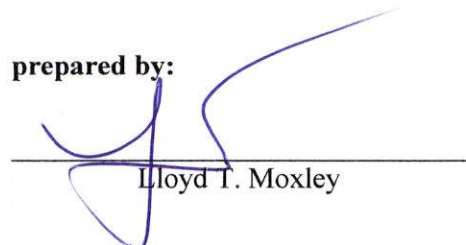
The site is a commercial property that presently includes two stand-alone buildings. The buildings are built. The petitioner is asking the county for approval to subdivide the property so that each building is on a stand-alone lot. The subdivision necessitates the variance. The parking is not sufficient on lot 1 for the existing use, however, the plan proposes that there will be a parking use agreement between the two properties. Currently there is a large free-standing tenant sign on the corner of Ridgely and York Roads on proposed lot 1 and a smaller monument sign on proposed lot 2.

The site is within the Hunt Valley/Timonium Master Plan area. The plan was adopted by the Baltimore County Council October 19, 1998. With respect to this request, the relevant issue listed in the plan is on Page 27 and concerns "improving the visual quality..." The plan specifically mentions sign congestion along York Road.

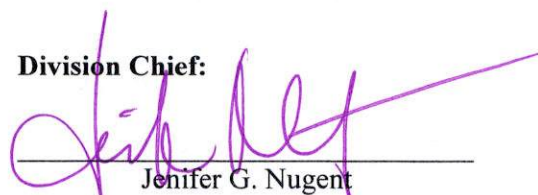
The Department does not object to the request but advises the petitioner that it will not support the replacement of the existing monument sign on lot 2 with a larger free-standing sign.

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

prepared by:


Lloyd T. Moxley

Division Chief:


Jennifer G. Nugent

Date: 6/4/2018
Subject: ZAC # 18-300
Page 2

AVA/JGN/LTM/

c: Wally Lippincott
Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 5, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 17, 2018
Item No. 2018-0294-A, 0295-A, 0297-A, 0298-SPH, 0299-A, and 0300-A

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/4/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-300

INFORMATION:

Property Address: 1801 York Road
Petitioner: Marc Cohen
Zoning: BR
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit side yard setbacks of 3 feet and as much as 24 feet in lieu of the required 30 feet.

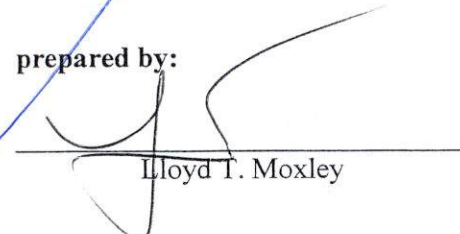
The site is a commercial property that presently includes two stand-alone buildings. The buildings are built. The petitioner is asking the county for approval to subdivide the property so that each building is on a stand-alone lot. The subdivision necessitates the variance. The parking is not sufficient on lot 1 for the existing use, however, the plan proposes that there will be a parking use agreement between the two properties. Currently there is a large free-standing tenant sign on the corner of Ridgely and York Roads on proposed lot 1 and a smaller monument sign on proposed lot 2.

The site is within the Hunt Valley/Timonium Master Plan area. The plan was adopted by the Baltimore County Council October 19, 1998. With respect to this request, the relevant issue listed in the plan is on Page 27 and concerns "improving the visual quality..." The plan specifically mentions sign congestion along York Road.

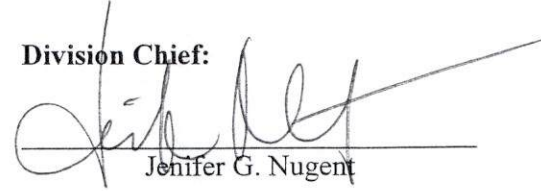
The Department does not object to the request but advises the petitioner that it will not support the replacement of the existing monument sign on lot 2 with a larger free-standing sign.

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

prepared by:


Lloyd T. Moxley

Division Chief:


Jennifer G. Nugent

Date: 6/4/2018
Subject: ZAC # 18-300
Page 2

AVA/JGN/LTM/

c: Wally Lippincott
Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston
Office of the Administrative Hearings
People's Counsel for Baltimore County

0-22

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 9, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0300-A
Address 1801 York Road
(Cohen Property)

Zoning Advisory Committee Meeting of May 17, 2018

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

Reviewer: Steve Ford

Date: 5/2/12

BUSINESS	ACTUAL	TIME	DRM
4/03/2018	5/02/2018	10:19:08	3

WALKIN CAM
RECEIPT # 770764 5/02/2018 OFLN

5. 528 ZONING VERIFICATION
10. 158796

Rec'd Tot \$500.00
\$500.00 - OK \$1.00 - CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	6000		6150				\$500.00
Total:								\$500.00

Rec
From: Whiteford Taylor & Preston

For: 1801 York Rd.
Civic 2 2018-0300-A

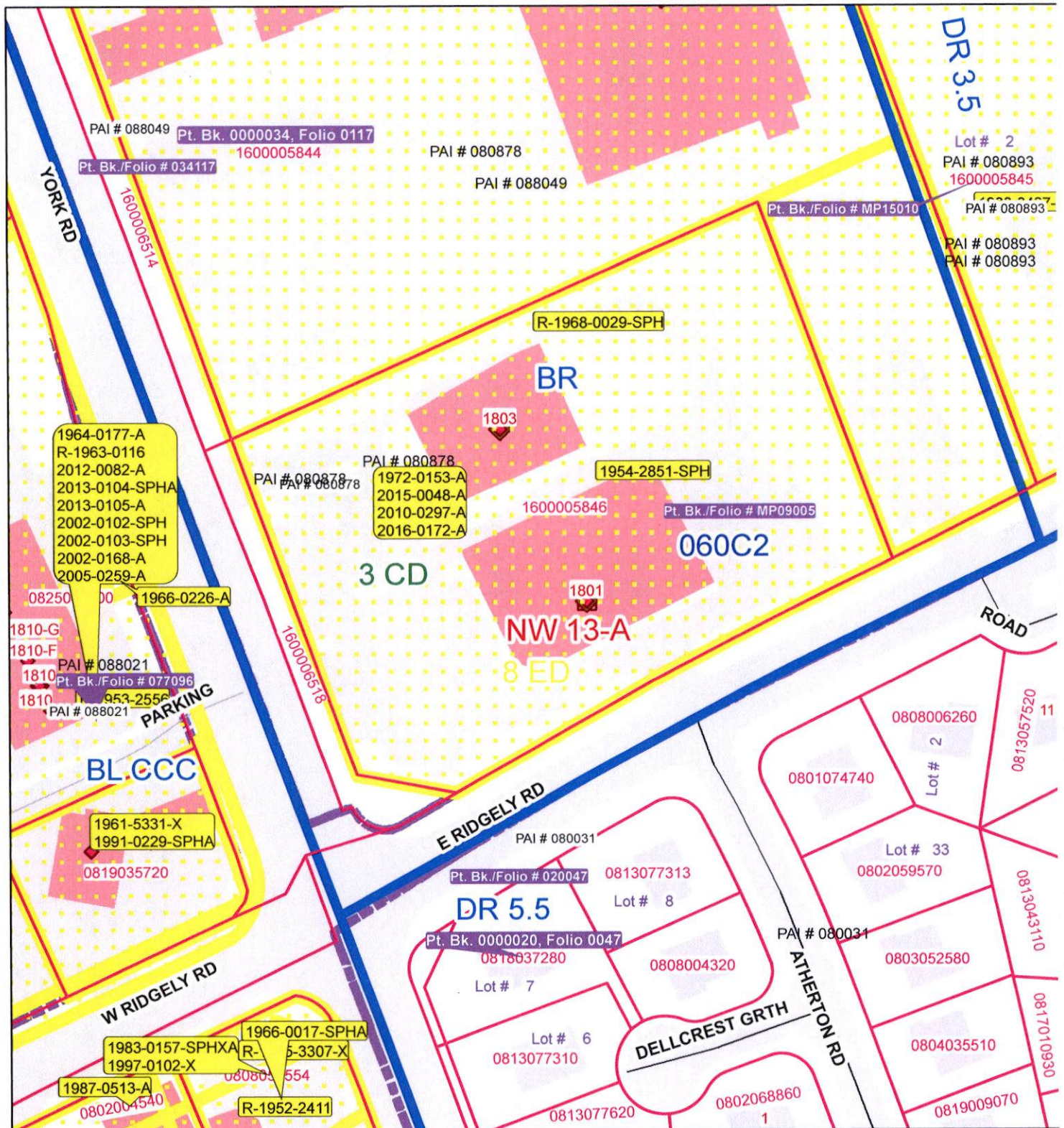
DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

1801 York Road



Publication Date: 5/2/2018



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

CASE NAME 2018-300
CASE NUMBER 1801 York Rd
DATE 6/22/18

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment6/5DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NO COMMENT5/9DEPS
(if not received, date e-mail sent _____)NO COMMENT

FIRE DEPARTMENT

6/4PLANNING
(if not received, date e-mail sent _____)Comment5/7

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2010-0297-A)NEWSPAPER ADVERTISEMENT Date: 5/31/18SIGN POSTING (1st) Date: 6/2/18 by OgleSIGN POSTING (2nd) Date: 6/20/18 by OglePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 08 Account Number - 1600005846							
Owner Information									
Owner Name:		1801 YR LLC			Use:		COMMERCIAL		
Mailing Address:		700 KENILWORTH DR TOWSON MD 21204-2427			Principal Residence:		NO		
					Deed Reference:		/27143/ 00676		
Location & Structure Information									
Premises Address:		1801 YORK RD 0-0000			Legal Description:		2.717 AC PARCEL 3 1801 YORK RD ARCHBISHOP OF BALTIMORE		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0060	0012	0758		0000				2017	Plat Ref: 0034/0117
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
2014		22415				2.7200 AC		22	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		RETAIL STORE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2017		07/01/2017		07/01/2018	
Land:		3,400,000		3,400,000					
Improvements		2,483,900		7,618,500					
Total:		5,883,900		11,018,500		7,595,433		9,306,967	
Preferential Land:		0						0	
Transfer Information									
Seller: BRANCO INC				Date: 06/30/2008		Price: \$9,000,000			
Type: ARMS LENGTH IMPROVED				Deed1: /27143/ 00676		Deed2:			
Seller: FORD LEASING DEV ELOPMENT CO				Date: 08/11/1975		Price: \$741,536			
Type: ARMS LENGTH IMPROVED				Deed1: /05555/ 00306		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
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									

Homeowners' Tax Credit Application Status: No Application **Date:**

17B
X-7-10

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
E side of York Road; NW corner of		
York Road and Ridgely Road	*	DEPUTY ZONING
8 th Election District		
3 rd Councilmanic District	*	COMMISSIONER
(1801 York Road)		
	*	FOR BALTIMORE COUNTY
1801 YR, LLC		
Petitioner	*	CASE NO. 2010-0297-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Lou Cohen, Managing Member, on behalf of the legal owner of the subject property, 1801 YR, LLC. Petitioner is requesting Variance relief from Sections 238.2 and 102.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a building-to-building setback of 32 feet in lieu of the required 60 feet. The subject property and requested relief is more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Marc Cohen on behalf of Petitioner 1801 YR, LLC and David H. Karceski, Esquire, attorney for Petitioner. Also appearing in support of Petitioner's request for relief were Kevin Small, registered landscape architect, and Dave Rudisill, a civil engineer, both with Frederick Ward Associates, Inc., the firm that prepared the site plan and is managing Petitioner's proposed development. Appearing as an interested citizen was Eric Rockel, President of the Greater Timonium Community Council. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is rectangular in shape and consists of approximately 2.72 acres, more less, zoned B.R. The property is located in the Lutherville area of Baltimore County, at the northeast corner of the intersection of York Road and

Ridgely Road, with ingress/egress from both public roads. The subject property sits along the heavily traveled commercial corridor of York Road, north of Towson and south of Cockeysville/Hunt Valley, and is bordered by a shopping center -- zoned D.R.3.5 -- that wraps around the subject property to the north and east. The rest of the area surrounding the subject property contains a mix of commercial and residential zoning districts. The Ridgely Road residential subdivision, zoned D.R.5.5, is located on the opposite side of Ridgely Road to the south of the subject property. The zoning makeup of the area surrounding the subject property can be seen in the zoning map that was marked and accepted into evidence as Petitioner's Exhibit 2. Several shopping centers also exist near the subject property. The size of the parcels in this area of York Road are extremely varied, as seen in the tax map of the area that was marked and accepted into evidence as Petitioner's Exhibit 3.

As background to the request at hand, Petitioner noted the recent development history of the subject property. It was revealed that the subject property was previously occupied by the Dulaney Lincoln-Mercury car dealership. The remnants of this prior use can be seen in the photographs that were marked and accepted into evidence as Petitioner's Exhibits 4A through 4E. Mr. Karceski proffered that the subject property was purchased in 2008 and that it was soon determined thereafter that its continued use as a car dealership was no longer viable considering the economic climate.¹ Mr. Cohen testified that redevelopment of the property was pursued and it was determined that a retail-office use for the subject property would be consistent with the commercial nature of this area of York Road. The subject property went through the development process, appearing before the Development Review Committee ("DRC") and receiving approval.

¹ The subject property was purchased from Branco, Inc. in the Deed recorded as Liber-Folio 27143-676.

This initial plan was for the construction of a Walgreens store and a pad site for a proposed bank. The approved plan did not necessitate variance relief. The existing one-story building shown on the site plan consisting of 16,500 square feet, more or less, is nearing completion and will be occupied by the aforementioned Walgreens store. However, due to the struggling economy and the continuing decline of the current banking market, a lessee for the potential banking pad site has not come to fruition. As such, at this juncture, Petitioner proposes to construct a one-story commercial building containing 7,800 square feet, more or less, to be used for retail or office space. Mr. Cohen and Mr. Karceski indicated that no restaurant or fast food establishment is intended for the location. Access to the property is two-fold: a full exit and right-turn entrance is available from Ridgely Road and a full entrance and right-turn exit is available from York Road.

The proposed development meets all external setback requirements and parking requirements. Mr. Karceski stated that variance relief is requested for a building-to-building setback of 32 feet in lieu of 60 feet pursuant to Section 238.2 of the B.C.Z.R. This section requires a 30 foot setback; however, Section 102.2 of the B.C.Z.R. states that "[n]o yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use." Although the distance between the buildings is internal to the property and the affected area is between the two proposed buildings shown on the site plan, the Zoning Review Office has interpreted this section to require a 60 foot setback, so that each building has its own 30 foot setback for a total of 60 feet; hence, the requested variance relief.

In support of the variance request, Mr. Karceski proffered the testimony of Petitioner's design and engineering consultants that the property is constrained by unique circumstances that would render strict compliance with the Zoning Regulations impracticable. Mr. Karceski

explained that the property line to the north and east shared with Grand York Plaza has an extremely steep grade. Moreover, the entire property sits at an angle on York Road. The steep grading of the subject property and its configuration can be seen in the photographs that were marked and accepted into evidence as Petitioner's Exhibit's 4A through 4E and 5A through 5I. Additionally, Mr. Karceski cited the fact that the Grand York Plaza shopping center wraps around the subject property and the subject property's location at the intersection of York Road and Ridgely Road as special circumstances affecting the placement of improvements on the property. It is the totality of these circumstances that render this property unique in a zoning sense and drive the need for variance relief.

Further, since a retail commercial use is consistent with the spirit and intent of the zoning classification for this site, compelling Petitioner to strictly comply with the Zoning Regulations would cause unreasonable hardship and practical difficulty by denying Petitioner the right to use the subject property as permitted by these Regulations. Mr. Karceski added that this relief could be granted without detriment to the community and conversely, that Petitioner's improvements would increase the curb appeal and aesthetics of the property and would provide needed redevelopment of an important commercial site to this area of Lutherville. Additional testimony was proffered that if called to testify, Mr. Small would indicate the significant landscaping provided for in the plan in order to increase the aesthetics and positive impact on the surrounding community. Mr. Small's resume was marked and accepted into evidence as Petitioner's Exhibit 7 and an approved landscape plan was marked and accepted into evidence as Petitioner's Exhibit 6.

Appearing as an interested citizen, Eric Rockel, President of the Greater Timonium Community Council, questioned Petitioner's consultants and Mr. Cohen and expressed some concerns about the proposed development of the property. The majority of these concerns

centered on traffic flow within the property itself and between the Walgreens and the proposed commercial building. Mr. Rockel inquired as to the possibility that a second drive aisle lane could be placed between the two buildings. Mr. Rudisill, whose resume was marked and accepted into evidence as Petitioner's Exhibit 8, testified that the proposed internal traffic flow, with proper signage, could safely and adequately serve the subject property. Mr. Cohen also indicated that directional signage could be provided for and that the safety of patrons is a primary concern in this proposal. Mr. Rockel also expressed concerns about parking. Mr. Rudisill noted that the proposed parking plan was in compliance with the Regulations. However, Mr. Cohen stated that potential lessees would be encouraged to have their employees park in the rear of the site, to the east of the proposed commercial building, leaving closer and more desirable spaces for customers.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated June 7, 2010 indicate no opposition to the variance request provided that Petitioner submits building elevations for review and approval to the Office of Planning prior to the application of building permit. Mr. Karceski indicated that Petitioner has no objection to this condition and commented that additional review and approval by the DRC is still necessary prior to this continued development.

The determination of a variance request from the Zoning Regulations is governed by Section 307.1 of the B.C.Z.R., as interpreted by the Court of Special Appeals of Maryland in *Cromwell v. Ward*, 102 Md. App. 691 (1995). As indicated by the Court in *Cromwell*, "The general rule is that variances and exceptions are to be granted sparingly, only in rare instances and under peculiar and exceptional circumstances." 102 Md.App. at 700. The two part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would

result. Self-inflicted or created hardship is not considered proper grounds for a variance. *Id.* at 707.

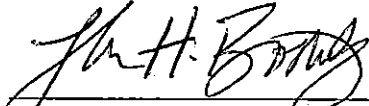
Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, I find that the steep grade of the property resulting from its location on the decline of a hill, the fact that the property is located at an intersection with significant road frontage, and the location of the adjacent shopping center parcel that wraps around the subject property, combine to render the property unique. Further, I find that strict compliance with the Zoning Regulations would create a hardship that would result in a denial of a reasonable and sufficient use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). Thus, refusing to grant the variance would result in unreasonable hardship and practical difficulty. I also find this variance request can be granted in strict harmony with the spirit and intent of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell*, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED this 13th day of July, 2010 by this Deputy Zoning Commissioner, that Petitioner's Variance relief from Sections 238.2 and 102.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a building-to-building setback of 32 feet in lieu of the required 60 feet be and is hereby **GRANTED**. The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall submit building elevations to the Office of Planning for review and approval prior to the application of building permit.
3. Petitioner shall place directional signage at the appropriate locations on the property so as to promote efficient traffic circulation within the property.
4. Petitioner shall direct lessees and/or tenants to encourage employees to park at the northeast portion of the subject property, behind the proposed commercial building, so as to provide customers with more desirable parking near the buildings to the west and south on the property.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Case No.: 2018-0300-A

Exhibit Sheet - Continued

Petitioner/Developer

Respondent

EW
7-26-18

slv
6-25-18

No. 13 1	Site plan	
No. 14 2	Aerial photo	
No. 15 3	DRC Letter 4-24-18	
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

Baltimore County Government
Department of Permits Approvals and Inspections
Development Management



RECEIVED
MAY 03 2018

111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

April 24, 2018

Frederick Ward Associates
Gerry P. Powell, P.E.
5 South Main Street
P.O. Box 727
Bel Air, MD 21014

RE: York Road
PAI Number: 08-0878
2nd Development Refinement
Tracking Number: DRC-2018-00038
DRC Number: 040318B; Dist. 8C3

Dear Mr. Powell:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106(b)(2) and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits Approvals and Inspections (PAI).

The DRC has, in fact, met in an open meeting on April 3, 2018 and made the following recommendations: The DRC has determined that your project meets the requirements of **refinement to the development plan** under Section 32-4-106(b)(2). Please amend the Record Plat. Your project will require a Spirit and Intent letter from PAI's Zoning Review Section. They may be reached at 410-887-3391.

PET. Ex. 3

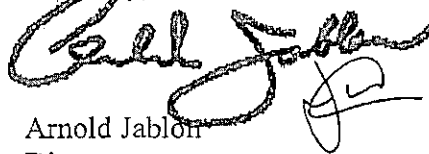
Frederick Ward Associates
York Road
2nd Development Refinement
April 24, 2018
Page 2

Please submit a copy of this letter, and one (1) copy of the checkprint to Sharon Miller of this office, Room 123, for final approval of your plan.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 24th day of April 2018, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", with a stylized flourish at the end.

Arnold Jablon
Director

AJ: JMC:sem

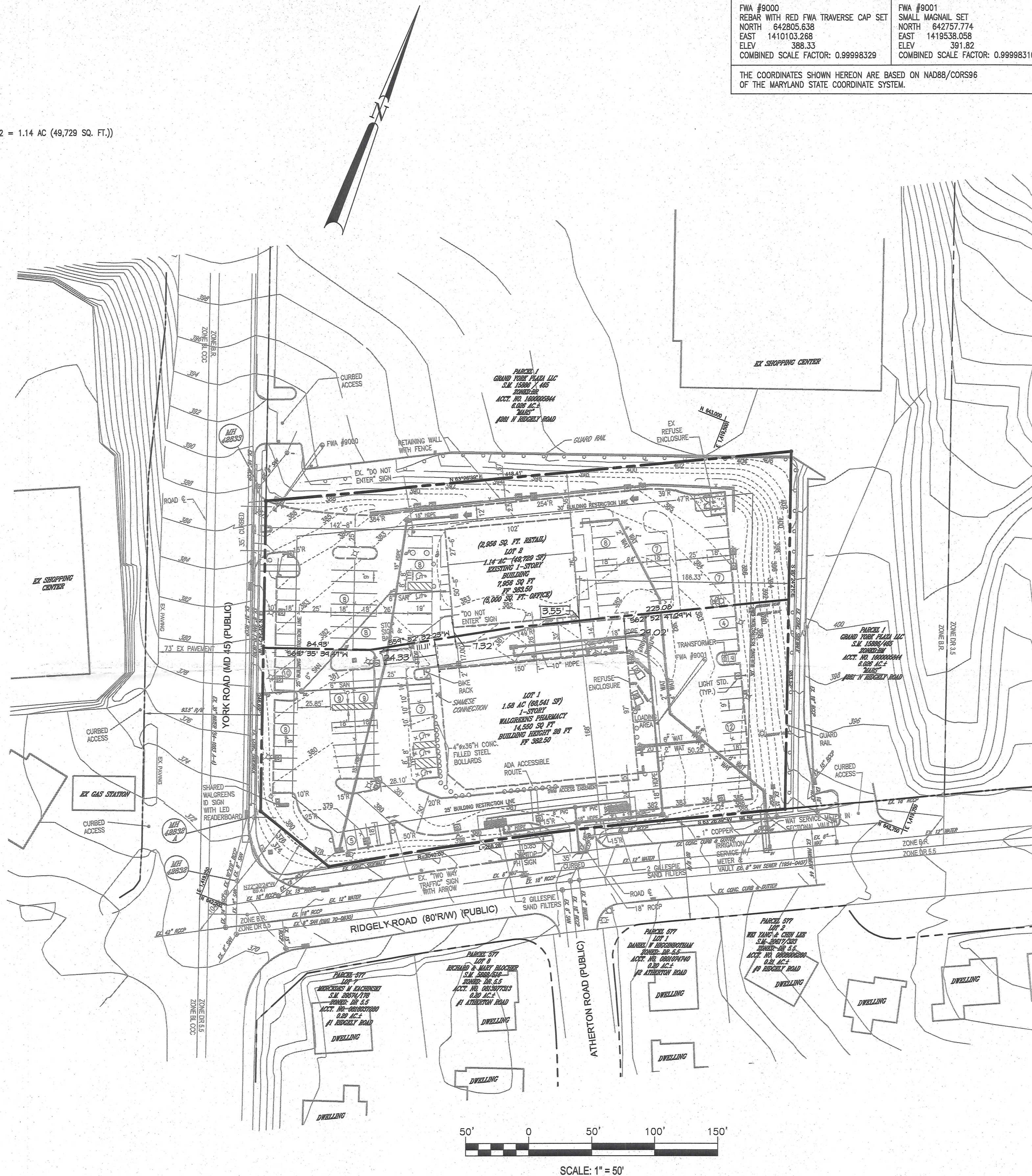
C: Sharon E. Miller
File

Louis Cohen; 700 Kenilworth Drive; Towson, MD 21204

SITE & DEVELOPMENT DATA

- OWNER: 1801 YR. LLC
700 KENILWORTH DRIVE
TOWSON, MARYLAND 21204-2427
- PLAN PREPARED BY: FREDERICK WARD ASSOCIATES, INC.
5 S. MAIN STREET
P.O. BOX 727
BEL AIR, MARYLAND 21014
- SITE DATA:
TOTAL SITE AREA: 2.72 ACRES (118,270 SQ. FT.) (LOT 1 = 1.58 AC (68,541 SQ. FT.)) (LOT 2 = 1.14 AC (49,729 SQ. FT.))
EXISTING ZONING: BR
ELECTION DISTRICT: 8
COUNCILMANIC DISTRICT: 3
CENSUS TRACT: 408601
SUB-SEWERSHED: 57 N
WATERSHED: JONES FALLS OF PATAPSCO RIVER AREA (02-13-09)
ZONING MAP: 060C2
TAX MAP: 60
GRID: 12
PARCEL: 758
TAX ACCOUNT NO.: 1600005846
DEED REFERENCE: 27143/676
A PEAK ADT: 1,280
- BUILDING COVERAGE:
A. ALLOWED = 236,540 SF± (F.A.R. = 2.0)
B. TOTAL PROPOSED = (2 ONE STORY BLDGS) = 22,350 SF±
(F.A.R. = 0.19) (LOT 1 F.A.R. = 0.21) (LOT 2 F.A.R. = 0.16)
- ZONING & PERMIT INFORMATION:
A. PDM # = 08-878
B. SWM PERMIT #B714277
C. GRADING PERMIT #B716766
D. BUILDING PERMIT #B716766
E. RETAINING WALL PERMIT #B714282
F. UTILITY CONTRACT #09112
G. MDE NOI PERMIT #09P0172
- PARKING REQUIREMENTS AND PROPOSAL:
A. REQUIRED: 105
PROPOSED:
PHARMACY: 14,550 SQ. FT. 5.0/1000 = 73
OFFICE: 5,000 SQ. FT. 3.3/1000 = 17
RETAIL: 2,956 SQ. FT. 5.0/1000 = 15
B. PROVIDED:
LOT 1: 58
LOT 2: 52
TOTAL SPACES: 110

- HANDICAP PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND CODE FOR HANDICAPPED, COMAR 05-02.02.
- SETBACK REQUIREMENTS (BR ZONING DISTRICT)
FRONT YARD: 25' MIN. BUILDING TO PROPERTY LINE
(40' MIN. BUILDING TO STREET CENTERLINE)
SIDE AND REAR YARD: 30' BUILDING TO PROPERTY LINE
 - THERE ARE NO 100-YR F.E.M.A. FLOODPLAINS ON THIS SITE (PANEL NO. 240010 0220C). SITE IS LOCATED IN FLOOD ZONE C.
 - THERE ARE NO NON-TIDAL WETLANDS LOCATED ON THIS SITE.
 - THERE ARE NO KNOWN REGULATED PLANT OF WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.
 - THERE ARE NO KNOWN ARCHEOLOGICAL SITES ON THIS PROPERTY.
 - THE SITE IS SERVICED BY BOTH PUBLIC WATER AND SEWER. THERE ARE NO KNOWN WELLS OR STORAGE TANKS ON THE SITE.
 - BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN IS BY G.W. STEPHENS, JR. AND ASSOCIATES, INC. (JANUARY 2008).
 - ALL SIGNAGE WILL BE ACCORDING TO SECTION 450 OF THE B.C.Z.R., OR A VARIANCE WILL BE REQUESTED.
 - ALL PROPOSED BUILDINGS SHALL MEET ALL BUILDING AND FIRE CODE REQUIREMENTS.
 - SITE IMPERVIOUSNESS: FORMERLY - 2.34 ACRES (102,062.9 SF±)
NOW - 2.07 ACRES (89,976.0 SF±)
 - FOREST CONSERVATION FOR THIS SITE WAS WAIVED BY DEPRM ON FEBRUARY 5, 2009. THE TRACKING NUMBER IS 03-08-807
 - "BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
 - STORMWATER MANAGEMENT:
QUANTITY - A 9.2% REDUCTION IN RUNOFF AND THEREFORE IS NOT REQUIRED FOR THE REDEVELOPMENT OF THIS SITE. (Q= FORMER CONDITIONS = 16.22 CFS & Q= NOW CONDITIONS = 14.73 CFS)
QUALITY - SITE IMPERVIOUS REDUCED BY 11.85%. REMAINING 8.15% OF THE 20% REDUCTION OF IMPERVIOUS AREA TREATED BY SAND FILTERS.
 - A PRESSURE REDUCING VALVE (PRV) SHALL BE INSTALLED INSIDE THE BUILDINGS BY THE MECHANICAL AND PLUMBING ENGINEER.
 - ZONING HEARINGS:
A. CASE # 68-29-RSPH. ORDER ON 9-5-1967, DENIAL OF ZONING RECLASSIFICATION OF NEIGHBORING PROPERTY AND OFF-STREET PARKING WITHIN SAME.
B. CASE # 72-153-A. ORDER ON 6-5-1972, GRANTING A VARIANCE TO SIGN AREA AND HEIGHT FOR FREESTANDING SIGN.
C. CASE # 2010-0297-A. ORDER ON 7-13-2010, GRANTING A VARIANCE TO REDUCE THE SEPARATION BETWEEN THE TWO BUILDINGS FROM 60 FEET TO 32 FEET. THE RELIEF GRANTED IN THIS CASE IS SUBJECT TO THE FOLLOWING:
1. PETITIONER MAY APPLY FOR ITS BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. PETITIONER SHALL SUBMIT BUILDING ELEVATIONS TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO THE APPLICATION OF BUILDING PERMIT.
3. PETITIONER SHALL PLACE DIRECTIONAL SIGNAGE AT THE APPROPRIATE LOCATIONS ON THE PROPERTY SO AS TO PROMOTE EFFICIENT TRAFFIC CIRCULATION WITHIN THE PROPERTY.
4. PETITIONER SHALL DIRECT LESSEES AND/OR TENANTS TO ENCOURAGE EMPLOYEES TO PARK AT THE NORTHEAST PORTION OF THE SUBJECT PROPERTY, BEHIND THE PROPOSED COMMERCIAL BUILDING, SO AS TO PROVIDE CUSTOMERS WITH MORE DESIRABLE PARKING NEAR THE BUILDINGS TO THE WEST AND SOUTH ON THE PROPERTY.
ANY APPEAL OF THIS DECISION MUST BE MADE WITHIN THIRTY (30) DAYS OF THE DATE ON THIS ORDER.
 - CASE # 2015-0048-A. ORDER ON 10-27-2014, GRANTING A VARIANCE TO SIGN AREA, SIGN HEIGHT, AND TEXT HEIGHT FOR A SECOND FREESTANDING JOINT IDENTIFICATION SIGN.
 - ARCHITECTURAL BUILDING PLANS AND ELEVATIONS WILL BE PROVIDED TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO APPLICATION FOR BUILDING PERMIT.
 - A DECLARATION OF PARKING, ACCESS, AND UTILITY EASEMENT AGREEMENT WILL BE PROVIDED BETWEEN THE TWO PROPOSED LOTS.



BENCHMARK DATA

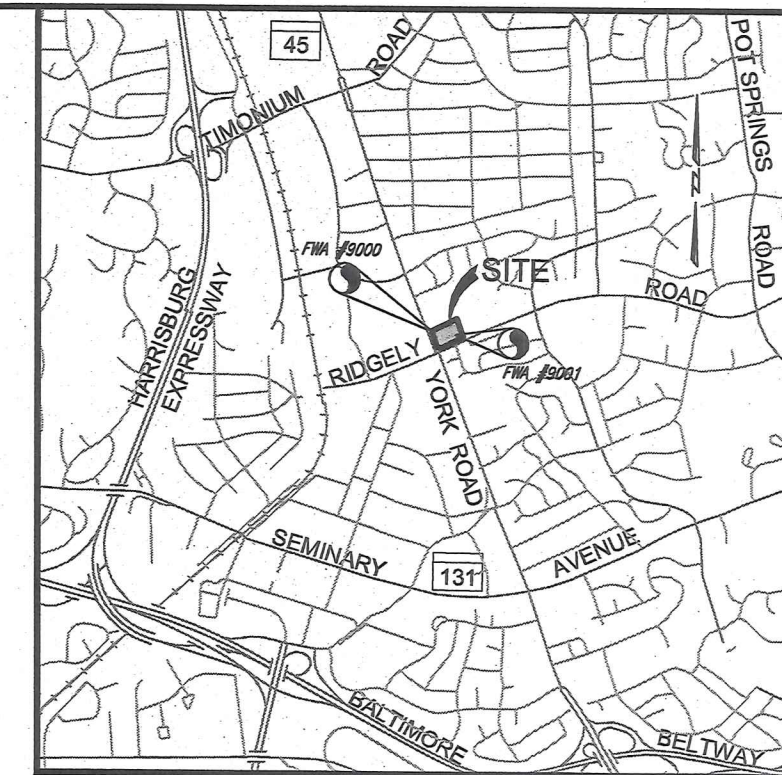
FWA #9000 REBAR WITH RED FWA TRAVERSE CAP SET NORTH 642805.638 EAST 1410103.268 ELEV 388.33 COMBINED SCALE FACTOR: 0.99998329	FWA #9001 SMALL MAGNAIL SET NORTH 642757.774 EAST 1419336.058 ELEV 391.82 COMBINED SCALE FACTOR: 0.99998310
--	--

THE COORDINATES SHOWN HEREON ARE BASED ON NAD83/CORS96 OF THE MARYLAND STATE COORDINATE SYSTEM.

SOILS CHART

SYMBOL	DESCRIPTION	GROUP
JpC2	JOPPA GRAVELLY SANDY LOAM	B

NOTE: ENTIRE PROPERTY LIES WITHIN JpC2 SOILS. THEREFORE, NO SOIL LINES ARE DEPICTED ON THE PLAN.



VICINITY MAP

1"=2000'

P.O. Box 727, 5 South Main Street
Bel Air Maryland 21014 - 0727
410-838-7800
410-893-1243 fax
www.frederickward.com

F.W.A.
FREDERICK WARD ASSOCIATES
ARCHITECTS ENGINEERS PLANNERS SURVEYORS

REVISIONS	DESCRIPTION	DATE	REV

OWNER/DEVELOPER:
1801 YR. LLC
700 KENILWORTH DRIVE
TOWSON, MD 21204-2427

PLAN TO ACCOMPANY VARIANCE
REQUEST

1801 YORK ROAD

3RD COUNCILMANIC DISTRICT
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

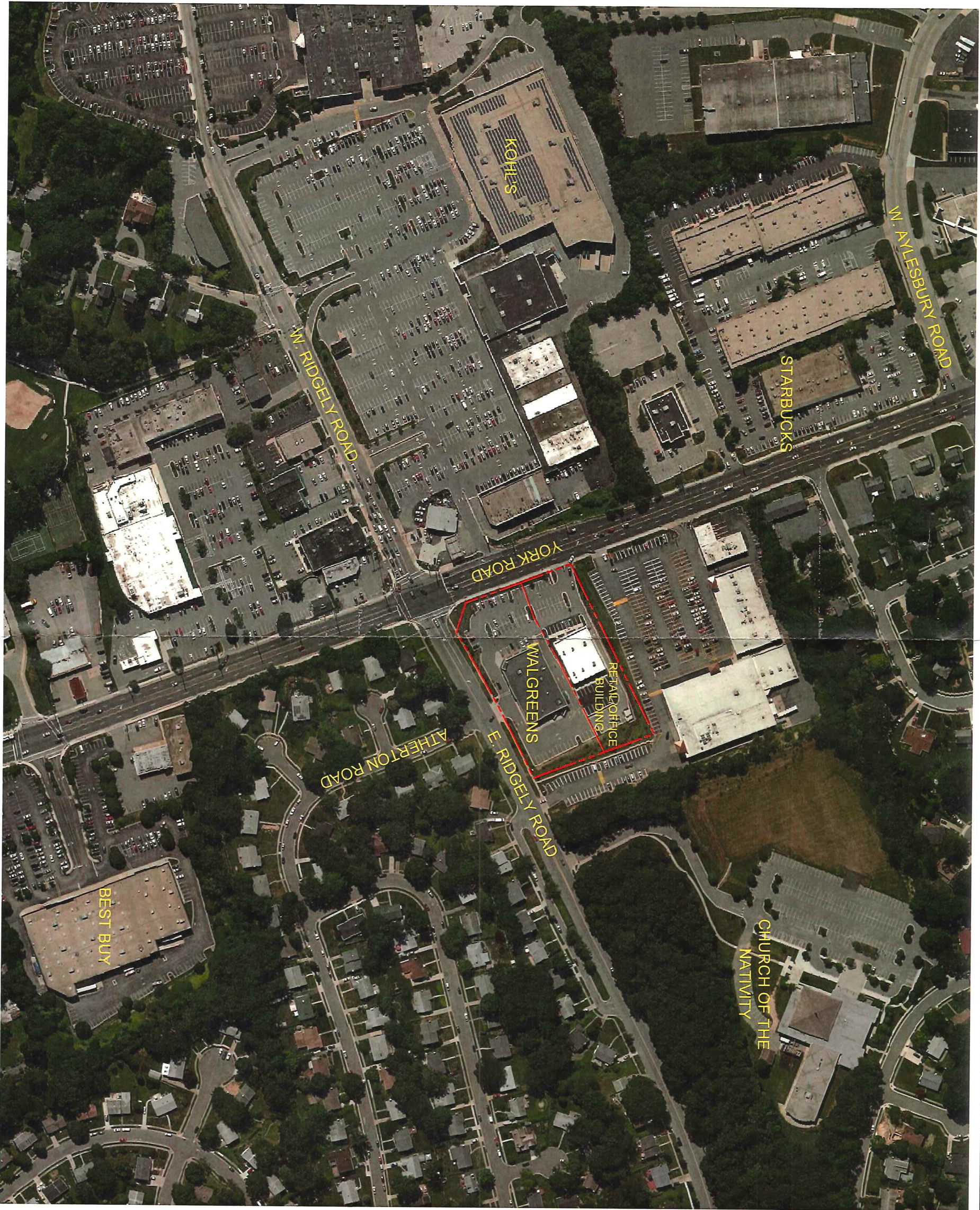
- DRC #102008K GRANTED 11/17/08
LIMITED EXEMPTION GRANTED 11/17/08 PURSUANT TO SECTION 32-4-106(B)(8) OF THE COUNTY CODE.
- DRC #081710D GRANTED 08/24/10
THIS REFINEMENT HAS ADJUSTED THE BUILDING & PARKING LOT TO MEET THE CONDITIONS OF THE VARIANCE GRANTED BY THE DEPUTY ZONING COMMISSIONER CASE NO. 2010-0297-A, JULY 13, 2010 TO ALLOW THE BUILDING TO BUILDING SETBACK OF 32' IN-LIEU OF THE REQUIRED 60' TO PROVIDE FUTURE SUBDIVISION AND CONVERSION OF THE LEASE LINE TO A LOT LINE.
- DRC #2018-00038 GRANTED 04/03/18
THIS REFINEMENT SUBDIVIDED THE PARCEL INTO TWO LOTS.

PDM #: 8-878
DRC #: 2018-00038
DISTRICT: 8C3



DATE 05/02/18	DRAWING NO. SP1
SCALE 1" = 50'	DESIGNED BY BWL/BMF
DRAWN BY BWL/BMF	CHECKED BY BWL/BMF
SHEET 1 OF 1	FWA JOB NUMBER 2081158.00

Pet-Ex.1
2018-0300-A



AERIAL EXHIBIT
TO ACCOMPANY VARIANCE REQUEST

1801 YORK ROAD

3RD ELECTION DISTRICT BALTIMORE COUNTY, MD

OWNER/DEVELOPER
1801 YR, LLC
700 KENILWORTH DRIVE
TOWSON, MD 21204-2427



ARCHITECTS
ENGINEERS
PLANNERS
SURVEYORS
410-879-2090
frederickward.com

REVISIONS		
REV#	DATE	DESCRIPTION

PET. EX
2

SP2

DATE: 08/22/2018
SCALE: 1" = 100'
DRAWN BY: [blank]
CHECKED BY: [blank]
SHEET 2 OF 2
JOB NUMBER: 2081158.02