



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

May 6, 2024

Arnold Jablon, Esquire- ajablon@comcast.net
3717 Lanamer Road
Randallstown, MD 21133

RE: Petitions for Special Hearing & Variance
Case No. 2024-0055-SPHA
Property: 1909 York Road

Dear Mr. Jablon:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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 that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent than the last name "Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Hai Yang Li – haiyangli@verizon.net
Jing Jing Xu – xumangementllc@gmail.com
Bernadette Moskunus siteriteinc@aol.com
Eric Rockel – erockel@earthlink.net

IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

(1909 York Road)

8th Election District

3rd Council District

Hai Yang Li and Hui Li

Legal Owner

Jing Jing Xu

Contract Purchaser

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BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2024-0055-SPHA

Petitioners

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Hai Yang Li and Hui Li, legal owners, and Jing Jing Xu, contract purchaser (collectively, the “Petitioners”) for the property located at 1909 York Road, Timonium (“the Property”). The Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7 to: (1) confirm the Variance and Special Hearing relief granted in Case No. 03-292-SPHA runs with the property and continues in full force and effect and to be subject to the terms and conditions as set forth in the Restrictive Covenant Agreement executed between the Petitioner and the Greater Timonium Community Council, Inc. to be presented at the hearing; and (2) to allow commercial parking in a residential zone.

In the event the Petition for Special Hearing was denied, Variance relief was requested in the alternative, to permit: (1) 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices in lieu of the permitted 25%; (2) 7 parking spaces in lieu of the required 9 for a medical office; (3) a 2-way driveway width of 9 ft. in lieu of the required 20 ft.; (4) a Residential Transition Area (“RTA”) buffer and setback of 10 ft. each in lieu of the required

50 ft. and 75 ft., respectively; and (5) off-street parking in the front yard in lieu of the required side or rear yard.

An in-person hearing was held on April 24, 2024 at 10 a.m., Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD. The Petition was properly advertised and posted. Legal Owner Dr. Hai Yang Li (“Dr. Li”), and the contract purchase/Petitioner, Jing Jing Xu (“Dr. Xu”) attended the hearing, along with Bernadette Moskunas, President of Site Rite Surveying, Inc., the civil engineering firm who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). Arnold Jablon, Esquire represented the Petitioners. Eric Rockel, President of Greater Timonium Community Council (“GTCC”) was also present in-person.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Department of Environmental Protection and Sustainability (“DEPS”), and Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”); agencies did not oppose the requested relief.

The facts here are not in dispute. The Property is 0.258 acres +/- (11,272 sf) and is improved with a 1 ½ story, 1,904 sf office building, detached garage and surface parking lot which fronts on York Road in Timonium. The Property is split-zoned Density Residential (DR 3.5) and Residential-Office (R-O). Mr. Jablon explained that Dr. Li and his wife, Hui Li, purchased the Property in 2002 to operate his acupuncture and herbalist practice. Because he needed zoning relief in order to operate his practice, Dr. Li filed a Petition for Special Hearing and Variance relief in Case No. 03-292-SPHA. In order to obtain the support of GTCC and Yorkshire/Haverford Community Association, Inc. (“Yorkshire/Haverford”) in the 2003 Case, Dr. Li agreed to an Agreement with GTCC and Yorkshire/Haverford dated June 11, 2003 (the “2003 GTCC Agreement”) which was incorporated into, and made a part of, the Order granting the requested

zoning relief.¹ Notwithstanding the incorporation of the entire 2003 GTCC Agreement into the 2003 Order which made each term therein enforceable through Code Enforcement if needed, People's Counsel, by Motion for Reconsideration, requested that specific terms - already contained within the 2003 Order by incorporation - be spelled out separately in a revised Order. People's Counsel also requested that any modification of the relief granted in the Order or other use of the Property, would be subject to further review, public hearing and approval by the Zoning Commissioner. An Order on the Motion for Reconsideration dated September 23, 2003 was granted with those items delineated.

However, by its own terms, the 2003 GTCC Agreement expired on June 11, 2023, or "upon the sale of the Land" by Dr. Li, whichever date was sooner. Consequently, since its expiration in June of 2023, no other agreement has been in place between Dr. Li and GTCC. Dr. Li is now selling the Property and/or his acupuncture/herbalist practice to Dr. Xu who will continue to operate the same acupuncture/herbalist practice at the Property during the same days and hours of operation, with the same number of employees. There is no change to the building layout. There is no change in the building footprint; no change in the footprint of the detached garage; no change to the parking spaces; and more importantly, no change in the type of use. The zoning for the Property is also the same as it was in 2003. The Parties agree that there is absolutely zero zoning relief needed by Dr. Xu in order to operate the same acupuncture/herbalist practice. Indeed, it was confirmed by Mr. Jablon that the Use Permit is not required to be changed to reflect the change in legal ownership of the Property or the practice. To be clear, the facts here are exactly as they were in the 2003 Case, and Dr. Xu does not need any modifications from the 2003 Order.

¹ According to Mr. Rockel, Yorkshire/Haverford Community Association no longer exists.

Accordingly, the restriction in the 2003 Order requested by People's Counsel that (*i.e. any modification of the Order issued in this case or any other proposed used of the property shall be subject to review, public hearing and approved by the Zoning Commissioner*), is not applicable here because there no modification of the 2003 Order needed, and the use is exactly the same (acupuncture/herbalist practice) as it was in 2003. Apparently, this Case was requested to be filed by People's Counsel and/or GTCC in order to coerce a new restrictive covenant agreement to be put in place, and to then incorporate the new Restrictive Covenant Agreement into the Order here, so that GTCC can avail itself of Code Enforcement, if needed. In fact, a new Restrictive Covenant Agreement (undated) has already been executed by Dr. Xu and GTCC which by its terms will be recorded in the Land Records of Baltimore County. (Pet. Ex. 4). By its recordation, the new Restrictive Covenant Agreement can be enforced by GTCC in a civil action.

SPECIAL HEARING

A "special hearing" request under BCZR §500.7 "is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). This regulation gives the Administrative Law Judge the authority to interpret the county zoning regulations and to grant appropriate relief based on those interpretations. Further, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing [request] would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

The Special Hearing relief requested in this Case is not needed and will be dismissed as moot. Restriction #9 in the 2003 Order on Motion for Reconsideration is not applicable here because the same use of the Property for an acupuncture/herbalist practice by Dr. Xu will continue

and there are no modifications of the 2003 Order needed to continue that use. There are zero changes to the building or garage footprint or layout, and there is no change to the parking. The days and hours of operation and number of employees are also exactly the same. A petitioner - who does not need any zoning relief and does not need any modifications of a previous zoning Order - should not be compelled to incur the cost of filing and posting notice of a Petition for Special Hearing/Variance, to retain civil engineers, and/or to retain counsel in order to compel a new private restrictive covenant agreement (previously expired) to be executed and recorded. Since June of 2023, there has not been any restrictive covenant agreement in place against Dr. Li or against this Property. Where no zoning relief is needed, the zoning process should not be used to compel private agreements between property owners and community associations. Here, GTCC, in its negotiation of the new Restrictive Covenant Agreement with Dr. Xu, can enforce that private agreement by civil action, if needed.

Accordingly, the Petition for Special Hearing will be dismissed as moot.

VARIANCE

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).

For the same reasons set forth in regard to the Petition for Special Hearing above, the Petition for Variance relief will also be dismissed as moot. By operation of law, all Variance relief previously granted in the 2003 Order runs with the land.

THEREFORE, IT IS ORDERED this 6th day of **May, 2024** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR §500.7 to confirm the Variance and Special Hearing relief granted in Case No. 03-292-SPHA runs with the property and continues in full force and effect and to be subject to the terms and conditions as set forth in the Restrictive Covenant Agreement executed between the Petitioner and the Greater Timonium Community Council, Inc. to be presented at the hearing and to allow commercial parking in a residential zone. be, and it is hereby, **DISMISSED AS MOOT**; and

IT IS FURTHER ORDERED that Variance relief to permit: (1) 100% of the adjusted gross floor area of a Class A office building to be occupied by medical offices in lieu of the permitted 25%; (2) 7 parking spaces in lieu of the required 9 for a medical office; (3) a 2-way driveway width of 9 ft. in lieu of the required 20 ft; (4) a Residential Transition Area (“RTA”) buffer and setback of 10 ft. each in lieu of the required 50 ft. and 75 ft., respectively; and (5) off-street parking in the front yard in lieu of the required side or rear yard, be, and the same are all hereby, **DISMISSED AS MOOT**.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 1909 York Road Lutherville Timonium MD 21093 Currently Zoned DR 3.5 and RO
Deed Reference 16378/81 Digit Tax Account # 08-0801074280
Owner(s) Printed Name(s) Hai Yang Li and Hui Li

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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 Attached

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

3. ☒ a **Variance** from Section(s)

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)

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

JINGJING XU

Name - Type or Print

Jing-jing Xu

Signature

7915 Rolling View Ave Nottingham, MD

Mailing Address City State

21236 667-200-9688 Xumangement11c@gmail.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Arnold Jablon

Name - Type or Print

Arnold Jablon

Signature

3717 Lanamer Rd, Randallstown, MD

Mailing Address City State

21133 443-250-6455 ajablon@comcast.net

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Hai Yang Li Hui Li

Name #1 - Type or Print

Name #2 - Type or Print

Hai Yang Li *Hui Li*

Signature #1

Signature #2

12211 Garrison Forest Rd, Owings Mills, MD

Mailing Address

City State

21117 443-823-9513 haiyangli@verizon.net

Zip Code

Telephone #'s (Cell and Home)

Email Address

Representative to be contacted:

Arnold Jablon

Name - Type or Print

Arnold Jablon

Signature

3717 Lanamer Rd, Randallstown, MD

Mailing Address

City State

21133 443-250-6455 ajablon@comcast.net

Zip Code

Telephone #

Email Address

Case Number 2024-0055-SPA Filing Date 2/27/24

Do Not Schedule Dates

Reviewer msk

AFFIDAVIT IN SUPPORT OF SPECIAL HEARING
AND/OR IN THE ALTERNATIVE OF A VARIANCE

Attachment 1

This Petition for Special Hearing is filed pursuant to §500.7 of the Baltimore County Zoning Regulations to confirm the variance and special hearing relief granted in Case No. 03-292 SPHA runs with the property and continues in full force and effect, and to be subject to the terms and conditions as set forth in the Restrictive Covenant Agreement executed by between the Petitioner and The Greater Timonium Community Council, Inc. to be presented at the hearing.

Or, in the alternative, the Petitioner seeks variances:

1. To permit 100% of the adjusted gross floor area of a class A office building to be occupied by medical offices in lieu of the permitted 25%;
2. To permit 7 parking spaces for a medical office in lieu of the required 9 parking spaces;
3. To permit a 2-way driveway width of 9' in lieu of the required 20';
4. To permit an RTA buffer and setback of 10' each in lieu of the required 50' and 75', respectively;
5. To permit off-street parking in the front yard in lieu of the required side or rear yard;

And to approve by special hearing: commercial parking in a residential zone (DR 3.5).

All of the above relief were approved in Case No 3-269 SPHA, by the original Order and by the Amended Order..

The structure has been located on this site since 1950. The site is located on the southeast corner of Rolling Road and Baltimore National Pike. The property is a rectangular shaped parcel located near the southwest corner of the intersection of Gorsuch Road and York Road in Timonium. The property contains a gross area of 0.073 acres +/-, and split zoned RO of 0.185 acres and DR 3.5 of 0.073 acres. The subject property is improved with a 1 ½ story building, two 1-story wings and a detached garage.

The subject property, as proposed in Case No. 03-292 SPHA, was to be used as Acupuncture medical office, and the variances and special hearing were approved in 2003. The property has been used by the Petitioner in that matter since then, continuously and without interruption. The Petitioner in this matter is also an Acupuncturist and proposes to conduct same business as an Acupuncturist.

The requested relief is proposed to permit the Petitioner herein to continue the same use of the property.

2024-0055-SPHA

Attachment 2

Special Hearing

1. To confirm the relief granted in Case No. 03-292SPH runs with land and no variance or special hearing relief is required, and to adopt as conditions thereto those as described and set forth in the Restrictive Covenant Agreement entered into and executed by and between the Petitioner and the GTCC; or

Variance

2. To grant variances to permit: 100% of the adjusted gross floor area of Class A office building to be occupied by medical offices in lieu of permitted 25%; 7 parking spaces in lieu of the permitted 9 for a medical office; an RTA buffer and setback of 10' each in lieu of the required 50' and 75' respectively; off-stree parking in front yard in lieu of the required side or rear yard; and
3. Approve by special hearing the request to allow commercial parking in a residential zone.

2024-0055-SPHA

Attachment 3

General Notes

1. Area of property: 0.073 acres
2. Existing Zoning of Property: RO and DR 3.5
3. Existing Use of Property: class A office building
4. Proposed zoning of property: N/A
5. Proposed Use of Property: same
6. Property served by public water and sewer
7. Petitioner's requests as previously delineated
8. Existing structure constructed on or about 1950
9. Existing property's zoning history: see attached site plan
10. There are no code violations.

2024-0055 - SPHA

CERTIFICATE OF POSTING

2024-0055-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

**Hai Yang Li, Hui Li
Jingjing Xu**

April 24, 2024

Date of Hearing/Closing: _____

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

Attn: Jeff Perlow:

Ladies and Gentlemen:

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

1909 York Road *SIGN 1A & 1B*

April 3, 2024

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

Sincerely,

 **April 3, 2024**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

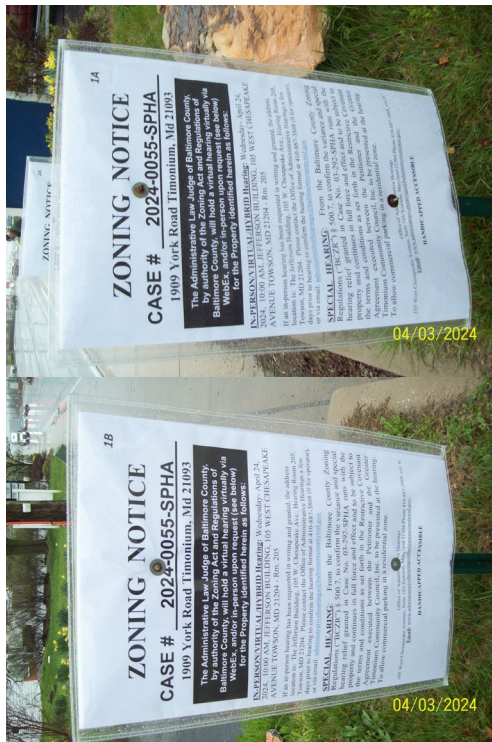
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



March 11, 2024

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the Plan to Accompany the Petition for Variance on Case number 2024-0055-SPHA, which was received on March 4, 2024. An internal review reveals that the existing entrance onto MD 45 (1909 York Rd.) is not consistent with current State Highway Administration requirements. An Access Permit will be required to reconstruct the existing entrance. As a condition of approval for Special Hearing Variance, Case Number 2024-0055-SPHA, the improvements listed below include but are not limited to the following:

1. The existing 12' wide entrance should be reconstructed to meet the SHA current standards for a two-way commercial entrance. The entrance must be a depressed curb type design Standard number MD 630.01.
2. All submitted plans must have an engineer of record. Their seal must be clearly shown on the plans.

An access permit will be required for all construction in the SHA right-of-way. This submission must be made through the SHA Salesforce electronic submission portal at <https://mdotsha.force.com/accesspermit/login?ec=302&inst=4v&startURL=%2Faccesspermit>. Please reference the SHA tracking number on any future submissions. Keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>.

If you have any questions, or require additional information, please contact Ms. Teresa Eller via email at teller@mdot.maryland.gov

Sincerely,

Teresa Eller, for

Sutapa Samanta, P.E.
Metropolitan District Engineer
State Highway Administration
District 4 – Baltimore and Harford Counties

Zoning Description for #1909 York Road

Beginning at a point on the east side of York Road, State Road Route 45, which is 80 feet wide at the distance of 93 feet south of the centerline of Gorsuch Road which is 40 feet wide, being part of Lot 4, all of Lots 5 and 6, and part of Lot 7 Section "I" in the subdivision of "Yorkshire" as recorded in the Baltimore County Plat Book #7 folio #21, containing 11,200 square feet.

Located in the 8th Election District, 3rd Council District

This description is only for the purpose of the Zoning.

Site Rite Surveying, Inc
200 E. Joppa Road
Shell Building 105
Towson, MD 21286
(410)339-5413



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

2024-6055 - SPHA

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

No. 229530
Date: 2/27/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$1,000

Total: \$1,000

Rec
From:

YYH LLC

For:

Zoning Variance & Special Hearing
1909 York Road
Zoning Case 2024-0055-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MSK

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Item Number or Case Number: 2024-0055 - SP4A

Petitioner: Jing Jing Xu

Address or Location: 1909 York Road, Timonium, Maryland 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: Law Office of Arnold Jablon

Address: 3717 Lanamer Road

Randallstown, Maryland 21133

Telephone Number: 443 250-6455

Revised 2/20/98 - SCJ

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 0801074280

Owner Information

Owner Name: LI HAIYANG Use: COMMERCIAL
LI HUI L Principal Residence: NO
Mailing Address: 12211 GARRISON FOREST ROAD Deed Reference: /16378/ 00081
0WINGS MILLS MD 21117-

Location & Structure Information

Premises Address: 1909 YORK RD Legal Description: PT LT 4-5-6-7
TIMONIUM 21093- 1909 YORK RD
YORKSHIRE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0060 0012 0579 20000.04 0000 I 4 2023 Plat Ref: 0007/ 0021

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1950 1,904 SF 11,200 SF 06

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
OFFICE BUILDING/ C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	273,600	273,600		
Improvements	162,600	173,500		
Total:	436,200	447,100	439,833	443,467
Preferential Land:	0	0		

Transfer Information

Seller: ELI THOMAS J	Date: 05/06/2002	Price: \$230,000
Type: ARMS LENGTH IMPROVED	Deed1: /16378/ 00081	Deed2:
Seller: ELI THOMAS J	Date: 04/23/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15142/ 00464	Deed2:
Seller: MANSFIELD LUCIE A	Date: 07/28/1980	Price: \$75,000
Type: ARMS LENGTH IMPROVED	Deed1: /06187/ 00519	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

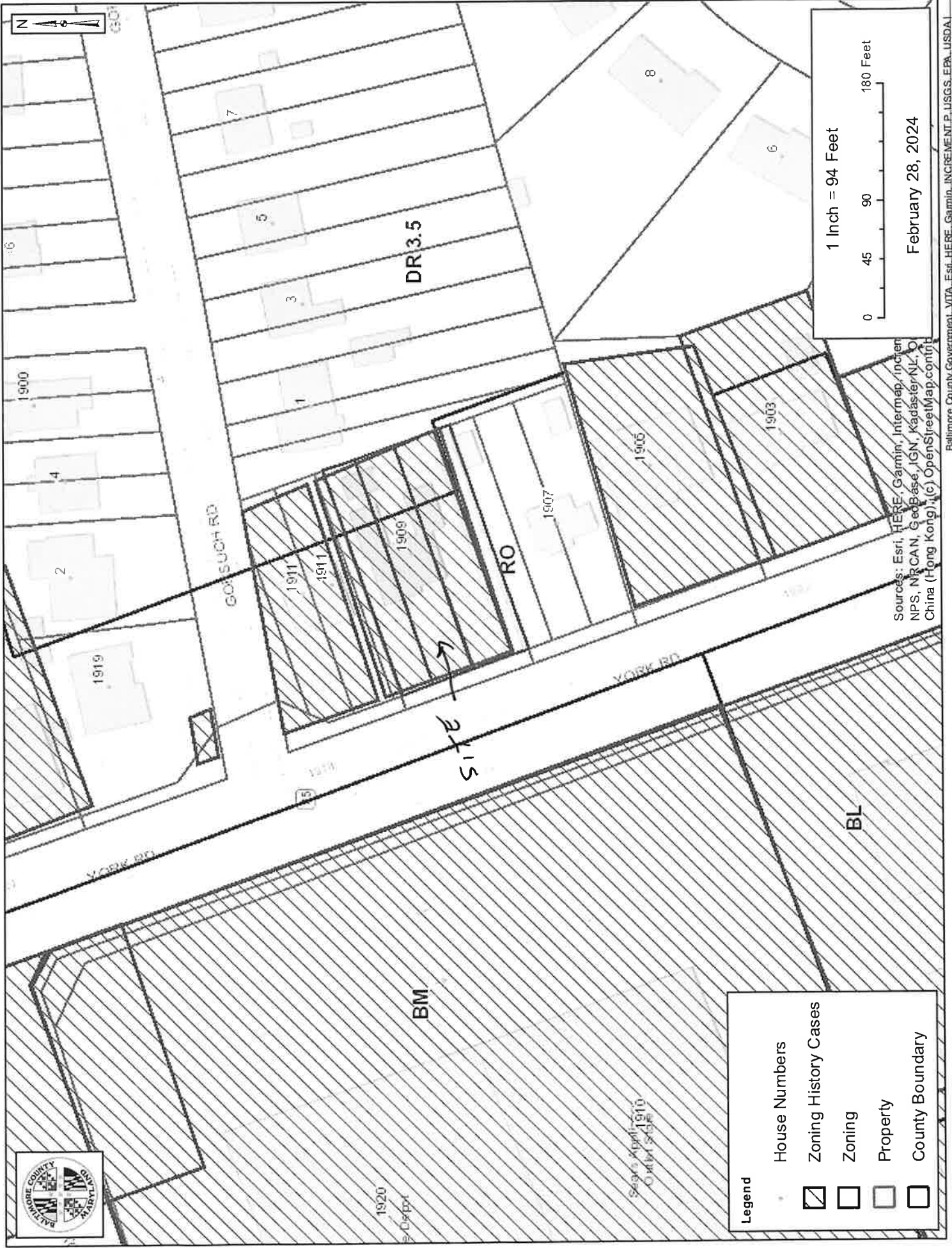
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

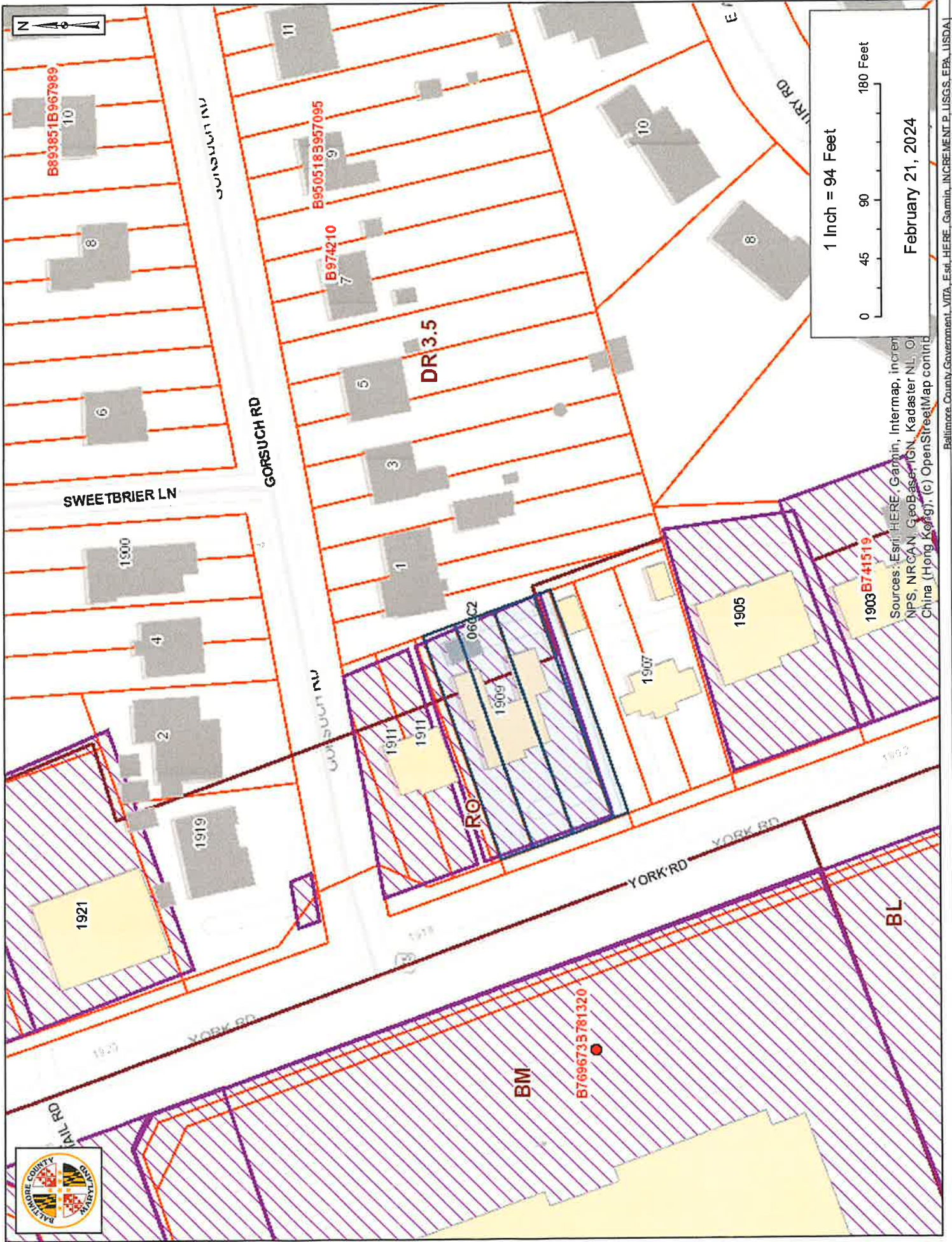
2024-0055-SPHA

Baltimore County - My Neighborhood

2024-0055-SPHA



Baltimore County - My Neighborhood 2024-0055 - SPHA



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, HERE, Garmin, Swisstopo, ToPO, USGS, AeroGRID, IGN, China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 6, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0055-SPHA
Address: 1909 YORK RD
Legal Owner: Jingjing Xu

Zoning Advisory Committee Meeting of March 11, 2024.

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

Additional Comments:

Reviewer: Earl D Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 7, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0055-A

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

DPR: No comment.

DPW-T: No Exception taken.

Landscaping: If Zoning Relief is granted a Landscape Plan is required per the requirements of the Baltimore County Landscape Manual. A Lighting Plan is also required.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/8/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0055-SPHA

INFORMATION:

Property Address: 1909 York Road
Petitioner: Haiyang Li, Hui Li
Zoning: DR 3.5, RO
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. To confirm the relief granted in Zoning Case 2003-292-SPH runs with the land and no Variance or Special Hearing relief is required, and to adopt as conditions thereto those as described and set forth in the Restrictive Covenant Agreement entered into and executed by and between the Petitioner and the GTCC; or, in the alternative,

Variance -

1. To permit: 100% of the adjusted gross floor area of the Class A office building to be occupied by medical offices in lieu of the permitted 25%; 7 parking spaces in lieu of the permitted 9 for a medical office; an RTA buffer and setback of 10' each in lieu of the required 50' and 75' respectively; off-street parking in the front yard in lieu of the required side or rear yard; and

Special Hearing -

1. To approve by Special Hearing the request to allow commercial parking in a residential zone.

The subject site is an approximately 11,200 square foot property on York Road in the Timonium area. It is between East Aylesbury Road and Gorsuch Road, and is improved with an office building, a detached garage, and a surface parking lot. The office building is used entirely as an acupuncture and herb center. Based on the Petition, site plan, and a copy of the Restrictive Covenant Agreement provided to the Department of Planning by the representative for the Petition via email on March 7th, 2024, the Petitioners/owners of the property are looking to sell the property to the Contract Purchaser listed on the Petition. The Contract Purchaser would like to maintain the existing use as an acupuncture and herb center, which will provide alternative medicine services, including acupuncture, acupressure, and massage and herbal therapy.

Uses surrounding the subject site vary, but primarily consist of residential offices, commercial and retail stores, and residential. Nearby uses along York Road include a real estate company, medical offices, a Harbor Freight store, and a Crunch Fitness gym. East of the subject site, along East Aylesbury Road and Gorsuch Road, is primarily comprised of single family detached dwellings.

The site is split-zoned RO and DR 3.5, with the RO portion of the site being located near York Road, and the DR 3.5 portion of the site being located in the rear, adjacent to nearby residences on Gorsuch Road. The use of the site as medical offices was approved in 2003 following Zoning Case 2003-292-SPHA, which approved a Special Hearing to permit commercial parking in a residential zone; a Variance to permit 100% of a Class A office building be used for medical offices; a Variance to permit 7 parking spaces in lieu of the required 9; a Variance to permit a two-way driveway aisle width of 9' in lieu of the required 20'; a Variance to permit an RTA buffer and setback of 10'; and a Variance to permit off-street parking in the front yard in lieu of the required rear or side yard. In a Motion for Reconsideration, the Zoning Commissioner imposed several conditions on the approval of the Zoning Case, including limiting the office to one professional person and one employee; limiting exterior lighting; requiring a 10' landscape buffer at the rear of the property; only allowing the then Petitioners to park in the DR 3.5 zoned portion of the property; not allowing any other uses on the property, so long as the Petitioner's are utilizing it for their practice; and requiring that any modifications of the Order be subject to approval by the Zoning Commissioner.

The Department of Planning contacted the representative for the Petition via email on March 7th, 2024 seeking clarification if any exterior improvements or alterations were proposed for the property, and requesting a copy of the Restrictive Covenant Agreement mentioned in the Special Hearing request. In a same day reply, the representative confirmed that no exterior alterations were proposed and provided an unsigned copy of the Restrictive Covenant Agreement that the Contract Purchaser had entered into with the Greater Timonium Community Council (GTCC). The Agreement explains that the Contract Purchaser intends to use the property in the same manner as that approved in Zoning Case 2003-292-SPHA, and outlines restrictions consistent with those set forth in the Zoning Commissioners 2003 Motion for Reconsideration.

The requested Special Hearing and/or Variance will allow a new owner to use the subject site in the same way as it has been used since 2003. As such, the Department of Planning has no objections to the requested relief.

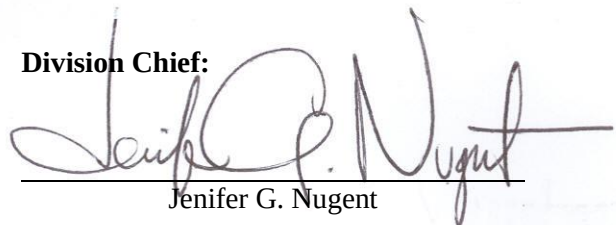
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:

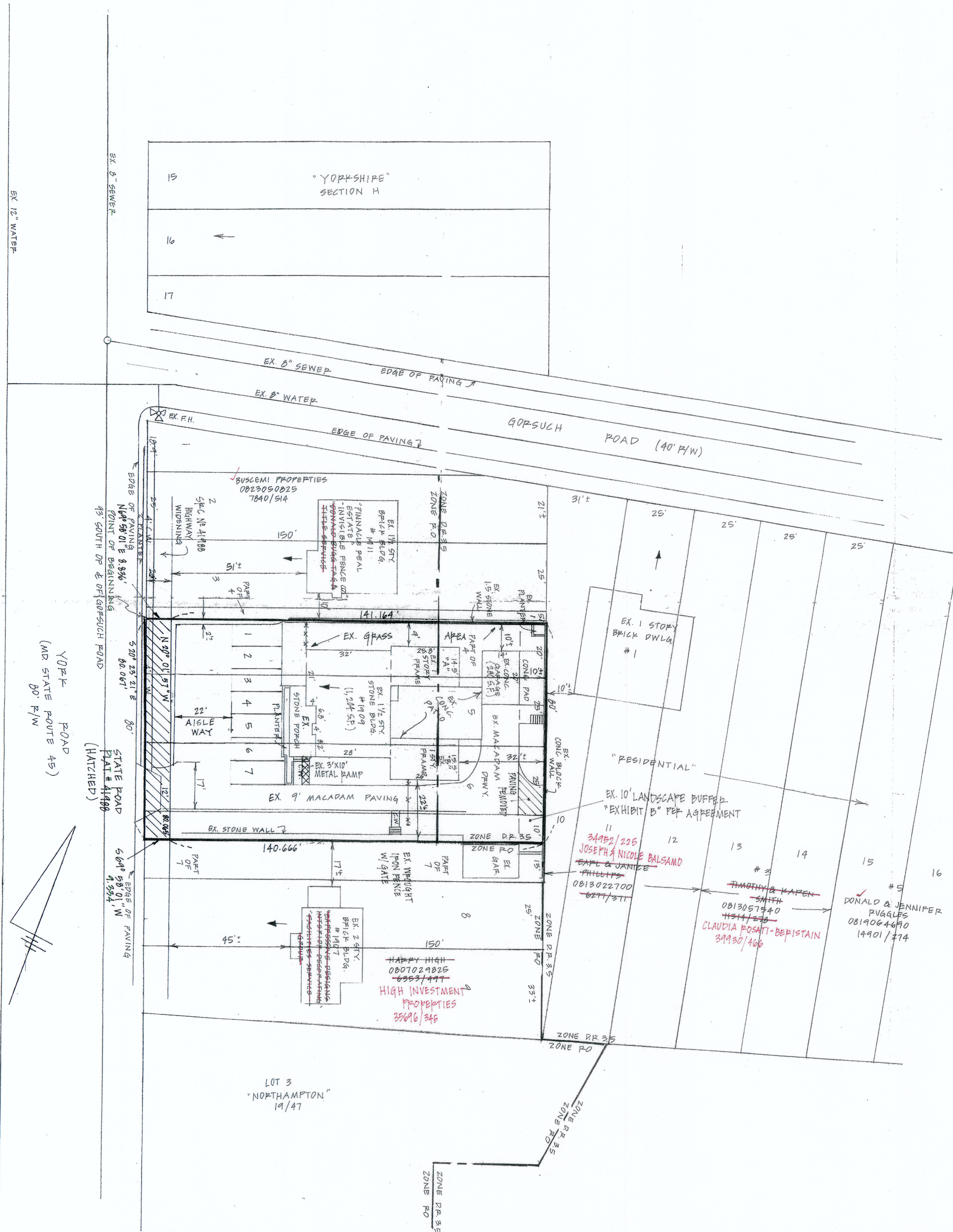


Jenifer G. Nugent

SL/JGN/KP

c: Arnold Jablon
David Birkenthal, Department of Planning
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review

Office of Administrative Hearings
People's Counsel for Baltimore County

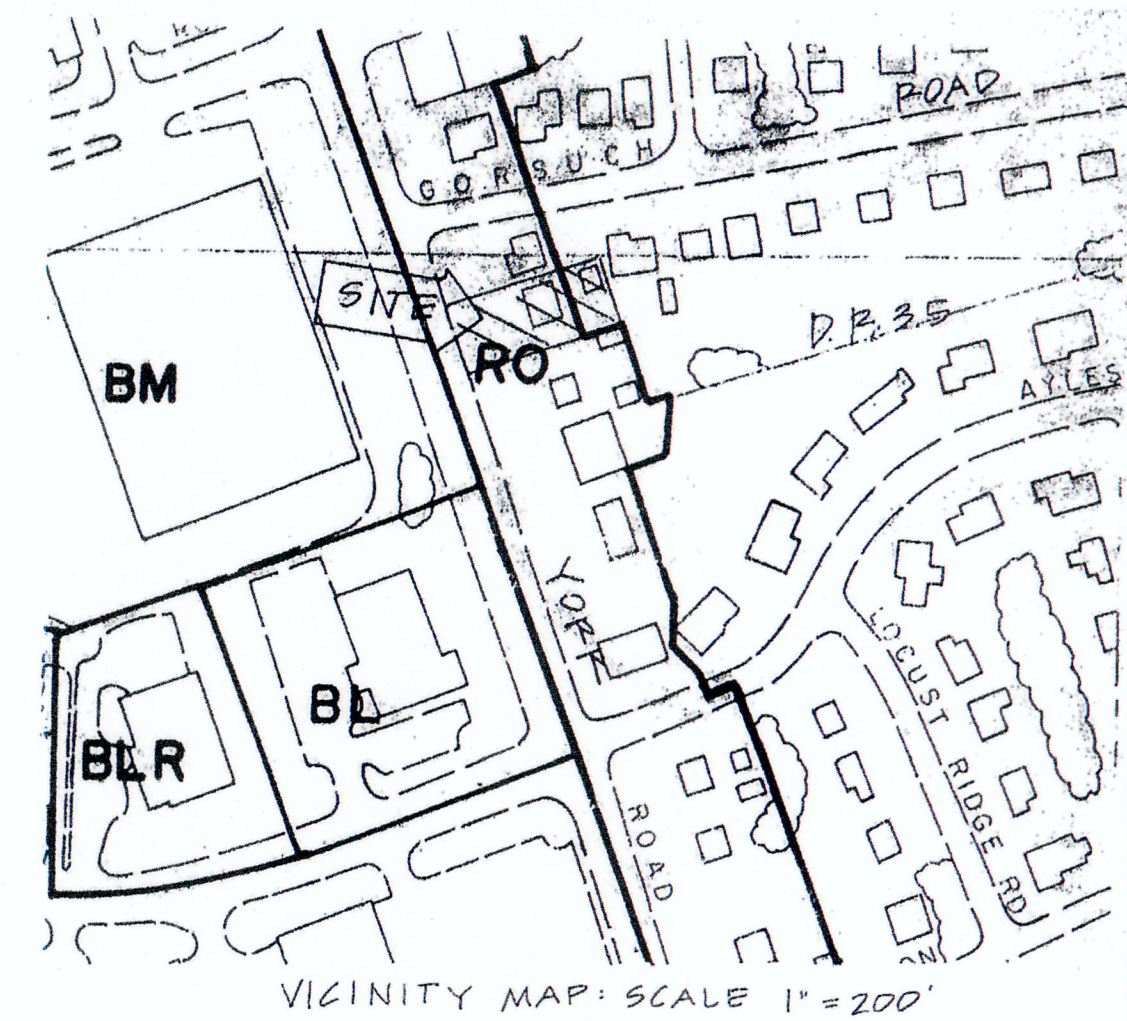


Previous Zoning History: Case No. 2003-0292-SFHA (8/8/2003) Granted the following:

1. Special Hearing to permit commercial parking in a residential zone
2. Variance to permit 100% of class A office building for medical offices
3. Variance to permit 7 parking spaces in lieu of the required 9
4. Variance to permit a two-way driveway aisle width, 9' in lieu of the required 20'
5. Variance to permit an RTA buffer and setback of 10 feet
6. Variance to permit off-street parking in the front yard

Case No. 2003-0292-SFHA (9/23/2003) Motion for Reconsideration, imposed the following:

1. One (1) professional person and one (1) employee
2. No exterior lights, other than the existing and any exterior lights installed for security and approved by the Landscape Architect
3. 10-foot landscape buffer installed in the rear yard of the property
4. Only the then Petitioners may park in the residential portion of the property.
5. For so long as the then Petitioners utilize the property for their practice, no other use may take place
6. Any modification of the Order "issued in this case or any other proposed use of the property shall be subject to review, public hearing and approval by the Zoning Commissioner."



General Notes:

1. Existing Zoning: RO (0.185 ac +/-) & DR 3.5 (0.073 ac +/-)
2. Lot Area: Gross 12,000 SF/0.275 ac +/-
Highway Widening: 727,365 SF/0.016 ac +/-
Net 11,272,635 SF/0.258 ac +/-
3. 200' scale Map: 060C2
4. Not located in the Chesapeake Bay Critical Area
5. Not located in the 100 Year Flood Plain (FEMA Community Panel NO. 24001002656, Zone "X")
6. Existing Use: 100% Acupuncture and Herb Center (Medical Office in RO Zone)
Proposed Use: 100% Acupuncture and Herb Center (Medical Office in RO Zone)
7. Total Area of existing building: 1904 SF
8. Parking lot is paved as a durable dustless surface
9. No new light fixtures to be added to the existing building or property
10. All parking spaces are striped as shown
11. Floor Area Ratio: Gross Floor Area: 2,261 SF
Lot Area: 11,272,635 SF
Total = 0.20
12. Clinic will provide alternative medicine services including consultation, acupuncture, cupressure, massage and herbal therapy
13. Two employees: one licensed practitioner and one receptionist
14. Hours of Operation: Monday 9am-4pm
Tuesday 9am-6:30pm
Wednesday 9am-12pm
Thursday 9am-6:30pm
Friday 9am-4pm
Saturday 9am-12pm
Sunday Closed
15. No loading service or any use other than parking shall be permitted on parking lot
16. Parking Required: 4.5 spaces per 1000 SF = 9 spaces
Parking Proposed: 7 spaces
17. 10' Landscape Buffer was installed in the rear of the property
18. Mass Transit is available on York Road within 1000' of the property
19. The dwelling has not been enlarged in floor area by 10% or more within a period of 5 years prior to the date of application
20. Employee parking is within the existing garage only

Plat to Accompany Petition
for Variance & SPECIAL HEARING
(100% use of a Class "A" Building)
#1909 York Road
Part of Lot 4, all of Lots 5 and 6, and Part of Lot 7
"Yorkshire" 7/21
Election District No. 8
Baltimore County, Maryland
Scale: 1" = 20'
June 21, 2002
8682
REV. JULY 30, 2003
UPDATED: FEBRUARY 9, 2024

Owner: Haiyang Li and Hui Li
1111 Greenway Road
Cockeysville, MD 21030-1707
(410)252-1958
Tax Map: 60 Grid: 12 Parcel: 579
Tax Account No.: 0801074280
Deed Ref.: 16378/81

