



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 29, 2024

Stevan G. Simons, Esquire – ssimons@simonsgoldnerlaw.com
Richard H. Goldner, Esquire
Simons Y Goldner, PA
1525 York Road
Lutherville, MD 21093

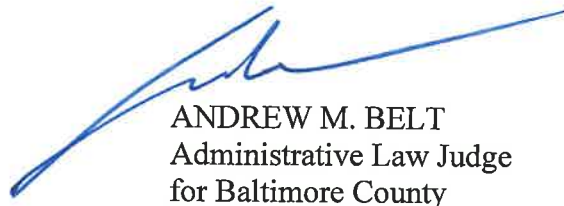
RE: Petitions for Special Hearing & Variance
Case No. 2024-0088-SPHA
Property: 1525 York Road

Dear Counsel:

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 blue ink signature of Andrew M. Belt, written in a cursive style.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

Enclosure

C: 1525 York, LLC –
Bruce E. Doak – bdoak@bruceedoakconsulting.com
Eric Rockel -- erockel@earthlink.net

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1525 York Road)	*	OFFICE OF
8 th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
1525 York , LLC		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2024-0088-SPHA
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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by legal owner, 1525 York, LLC (the “Petitioner”) for the property located at 1525 York Road, Timonium (the “Property”). A Petition for Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §409.8 to amend Case No: 2019-0219XA to allow a portion of the proposed commercial parking lot to be located in a residential zone (DR 5.5).

A Petition for Variance relief was also filed from:

- (1) BCZR, §409.6.A.2 to 6 permit off-street parking spaces on the subject property in lieu of the required 8 spaces.
- (2) BCZR, §1B01.1.B.1e(2) to permit a 14 ft. Residential Transition Area (“RTA”) set back in lieu of the required 75 ft., to the tract boundary.
- (3) BCZR § 1B01.1.B.1.e(2) to permit a 14 ft., RTA buffer in lieu of the required 50 ft., from the tract boundary.
- (4) BCZR § 204.4.C.6 to permit 0% Amenity Open space of the interior of the parking lot as pervious land in association with plantings in lieu of the require 7%

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on May 16, 2024. The Petition was properly advertised and posted. Petitioners, Stevan Simons, Esq. and

Richard H. Goldner, Esq. appeared in support of the Petition along with Bruce E. Doak a property line surveyor, who prepared and sealed a redlined site plan with one-way circulation ("Site Plan") (Pet. Ex.1) Interested citizen, Eric Rockel also appeared and testified.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Development Plans Review ("DPR") and Building Plans Review ("BPR"), these agencies did not oppose the requested relief.

The Property is approximately 8,455 sq. ft. at the corner of York Road and Croftley Road in the Timonium area. It is improved with a brick office building, which fronts York Road and is presently used as a law office. The subject property was subject of a prior zoning hearing (Case No.: 2019-0219-XA) in which a Special Exception was granted permitting an addition to a Class B Office with 5 parking spaces to be leased on a neighboring property. Mr. Doak testified that the requests for relief in the case at bar would facilitate the addition of a 6-space parking area to be added to rear of the subject property. (Pet. Ex 1). The subject site is zoned R.O. and borders a residential dwelling located at 6 Croftley Road. This property is owned by Arthur and Cameron Larson, who submitted a letter of support of the proposed parking area. (Pet. Ex. 7). Mr. Doak explained that the Petitioners have spoken with the Larsons and are planning to provide a landscape buffer with plantings chosen by the Larsons. He further explained that a basic landscape plan will be produced that will be executed by Larsons to confirm their approval.

On the properties adjacent to the subject property on York Road are other R.O. zoned office uses, many of which already have parking areas in the rear of their premises similar to that being requested by the Petitioners. (Pet. Ex. 4) The property at 1521 was the subject of a Petition for similar zoning relief that was granted in 1979. (Case No.: 1979-0174-XA). (Pet. Ex. 8)

Petitioner, Stevan Simons, Esq. testified that the construction of a parking area is now necessary due to the fact that the property from which they currently lease parking is being sold. He explained that in addition to the 3 full-time attorneys there are 5 full-time and 2 part-time employees at the office. He explained that the proposed parking area was primarily for employee use, while clients often use Croftley Road for their visits to the office. Additionally, the ADA compliant entrance to the office is located off Croftley Road, where a paved walkway leads to a ramped entrance. Mr. Simmons describes having a very good relationship with his neighbors at 6 Croftley Road and that he is working closely with them to ensure that any landscape buffer created is to their liking.

Longtime area resident, Eric Rockel testified that the subject property has always been well-maintained and has never been subject of complaints in the community. He commented that he would like to see the site plan amended to reflect that the landscaping buffer is “required” rather than “possible.” He also questioned whether there will be additional free-standing lighting added to the proposed parking lot. Mr. Simons confirmed that presently, lights are attached to the rear of the building and that no further lighting is proposed.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

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

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing 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 Petitioners have requested an amendment the prior order in Case No. Case No.: 2019-0219-XA in which an addition to a Class B Office Building was granted conditioned on the Petitioners leasing 5 parking spaces from a neighboring property. As testified to by Mr. Simmons, such parking arrangement is no longer available, causing the Petitioners to request a rear parking area similar that already present on several properties fronting York Road in the R.O. zone. In light of the subject property's low intensity use as a law office and the fact that the subject building has been maintained to retain a residential appearance, I find that the proposed amendment to the prior zoning order for the subject property is compatible with the community and generally consistent with the spirit and intent of the zoning regulations. Accordingly, I find the request for Special Hearing is granted conditioned on the discussion of the requested variance relief below.

RTA VARIANCES

BCZR §1B01.1B(1)(a) - states the legislative purpose of the RTA as follows:

1. Residential transition areas and uses permitted therein.
 - a. Definitions and purpose.
 - (1) The residential transition area (RTA) is a 100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.
 - (2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

Pursuant to BCZR § 1B01.1.B.1(c) the following standard applies to RTA variances:

- (2) The RTA for a tract may be modified as directed by findings pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

As commented by Mr. Rockel, the nature of the R.O. zone makes it extremely difficult for strict compliance with RTA requirements. BCZR § 204.2 Petitioners have requested variance relief to permit a 14-ft. RTA set back in lieu of the required 75 ft., to the tract boundary and to permit a 14-ft., RTA buffer in lieu of the required 50 ft., from the tract boundary. Both of these requests reflect the restrictive conditions located in the rear of the subject property. The neighboring property most conspicuously affected by the proposed variances is the Larson's property at 6 Croftley Road. In light of the fact that the Larsons have submitted a letter of support for the proposed relief and the fact that the Petitioners are willing to accommodate the Larson's preference for a landscape buffer, I find that the proposed reduction in RTA will not adversely impact the residential community or development on the land adjacent to the property to be developed. Accordingly, The Petitioners' requested RTA variances are granted.

BULK REGULATION VARIANCES

The remaining variances requested by the Petitioners include variance relief from BCZR, §409.6.A.2 to permit 6 off-street parking spaces on the subject property in lieu of the required 8 spaces, and variance relief from BCZR § 204.4.C.6 to permit 0% Amenity Open space of the interior of the parking lot as pervious land in association with plantings in lieu of the require 7%. Both of these variance requests are governed by 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).

The subject site is unique in that it is a Class B office building with associated parking requirements that can no longer be accomplished without the creation of onsite parking in an extremely limited space. This fact can also be extrapolated from the prior granting of the same zoning relief for a similar property and use found at 1521 York Road. The area in the rear of the subject property leaves room for a maximum of 6 spaces, (one more space than previously required) and leaves no room for the placement of amenity open space. With the addition to the subject building having been constructed in keeping with the 2019 zoning decision affirming its status as Class B office, parking must be provided. Consequently, Petitioners would obviously experience a practical difficulty in the use of their law office if parking were not be allowed on site. Consequently, I find that the variances outlined above should be granted.

THEREFORE, IT IS ORDERED, this 29th day of **May 2024**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR, §409.8 to amend Case No: 2019-0219XA to allow a portion of the proposed commercial parking lot to be located in a residential zone (DR 5.5), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §409.6.A.2 to permit 6 off-street parking spaces on the subject property in lieu of the required 8 spaces be and is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, § 1B01.1.B.1e(2) to permit a 14 ft. Residential Transition Area (“RTA”) set back in lieu of the required 75 ft., to the tract boundary be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 1B01.1.B.1.e(2) to permit a 14 ft., RTA buffer in lieu of the required 50 ft., from the tract boundary be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 204.4.C.6 to permit 0% Amenity Open space of the interior of the parking lot as pervious land in association with plantings in lieu of the require 7% be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must produce a landscape plan executed by the residents of 6 Croftley Road confirming their approval of the Petitioners proposed landscape buffer. In the event that such plan is not produced, a Landscape Plan approved by Baltimore County will be required.
3. Petitioners will retain all lighting presently installed in the rear of the subject property and will install no additional lighting to the proposed parking area that will be primarily used during daylight business hours. Consequently, no formal lighting plan will be required.
4. Petitioners maintain an ADA accessible entrance on the Croftley Road side of their property that is not accessible to the proposed parking area. Consequently, no ADA compliant parking space will be required in the proposed parking area.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm



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 1525 YORK ROAD which is presently zoned RO & DR55
 Deed References: 40653 / 440 10 Digit Tax Account # 16 000 02833
 Property Owner(s) Printed Name(s) 1525 YORK ROAD

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

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

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

SEE ATTACHED PAGE

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 PAGE

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 THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

STEVEN G. SIMONS

SIMONS & GOLDNER PA

Name- Type or Print

Signature

1525 YORK ROAD LUTHERVILLE TIMONUM MD

Mailing Address City State

Zip Code Telephone # Email Address

SSIMONS@SIMONSGOLDNERLAW.COM

CASE NUMBER 2024-0088-84A Filing Date 3/29/24

Legal Owners (Petitioners):

1525 YORK LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

STEVEN G. SIMONS

RICHARD GOLDNER

1525 YORK ROAD LUTHERVILLE TIMONUM MD

Mailing Address City State

Zip Code Telephone # Email Address

21093 410-296-3110 SSIMONS@SIMONSGOLDNERLAW.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

Mailing Address City State

Zip Code Telephone # Email Address

21053 410-419-4906 BDOAK@BRUCEDOAKCONSULTING.COM

Do Not Schedule Dates: Reviewer

Zoning Hearing Petitions Being Requested

Special Hearing to amend the conditions of Case 2019-0219-XA

Special Hearing to allow a portion of the proposed commercial parking lot to be located in a residential zone (DR 5.5) per Section 409.8.B BCZR

Variance to permit 6 off street parking spaces on the subject property in lieu of the required 8 parking spaces per Section 409.6.A.2 BCZR

Variance to permit a 14 foot Residential Transition Area (RTA) setback in lieu of the required 75 feet to the tract boundary per Section 1B01.1.B.1.e (2) BCZR

Variance to permit a 14 foot Residential Transition Area (RTA) buffer in lieu of the required 50 feet from the tract boundary per Section 1B01.1.B.1.e (2) BCZR

Variance to permit 0% Amenity Open Space of the interior of the parking lot as pervious land in association with plantings in lieu of the required 7% per Section 204.4.C.6

Anything else that the administrative Law Judge (ALJ) may deem necessary

2024-0088-SHA



Zoning Description
1525 York Road
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at the northeast corner of Croftley Road and York Road, thence running on the north side of Croftley Road and running on the outlines of the subject property 1) North 73 degrees 45 minutes East 125 feet, thence leaving Croftley Road and running and binding on the outlines of the subject property, the two following courses and distances, viz. 2) North 16 degrees 15 minutes West 70.00 feet and 3) South 73 degrees 45 minutes West 150 feet to the east side of York Road, thence running on the east side of York Road and continuing to run on the outlines of the subject property, the two following courses and distances, viz. 4) South 16 degrees 15 minutes East 45 feet and 5) Easterly by a line curving to the left with a radius of 25 feet with an arc distance of 39.27 feet to the place of beginning.

Saving and excepting the parcel of land conveyed to the State Roads Commission of Maryland in the deed dated December 1, 1961 which was recorded in the Land Records of Baltimore County in 3945/ 322.

Containing 8,455 square feet of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.

2024-0088-SPHA

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office



1. Ownership: 1525 York LLC
2. Address: 1525 York Road Lutherville, MD 21093
3. Deed references: JLE 40653/ 440
4. Area: 8,455 sq. ft. (per SDAT)
5. Tax Map / Parcel / Tax account #: 61 / 445 / 16-00-002833
6. Election District: 8 Councilmanic District: 3
ADC Map: 4579B3 GIS tile: 061A3
7. The boundary shown hereon is from the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 061A3 and the information provided by Baltimore County on the internet.
8. Improvements: 1 & 2 story office building. The existing building will remain. The building was built in 1950 (per SDAT)

Zoning: RO & DR 5.5 Case 2019-0219-XA Special Exception & Variances For Addition - Granted

Parking Calculations

Building square footage (per SDAT): 1st & 2nd Floors 1,892 + 325 (addition)= 2217
Height: Less than 35 feet
Required parking spaces: $1.892 \times 3.3 = 8$
Parking spaces provided on site: 0 (6 Proposed)
(Croftlev Road has no restrictions on parking on either side)

Amenity Open Space is not required since a parking lot does not exist.

Landscaping should not be required since mature landscaping exists on the subject property.

The office use of the building does not have or need a dumpster.

The existing building has not enlarged in floor area within the last 5 years.

DR 5.5 Setbacks for Residential Buildings

Front: 25 feet
Side: 10 feet
Rear: 30 feet

Required RO Setbacks for Commercial Buildings (if Class B)

Front: 25 feet or front averaging
Side: 20 feet (adjoining residence & residential street)
Rear: 30 feet

Existing RO Setbacks for Commercial Buildings (if Class B)

Front: 35 feet and front averaged
Side: 13 feet & 18 feet (adjoining residence & residential street)
Rear: 51 feet

Floor Area Ratio (if Class B)

Maximum: 0.33
Existing: 0.22

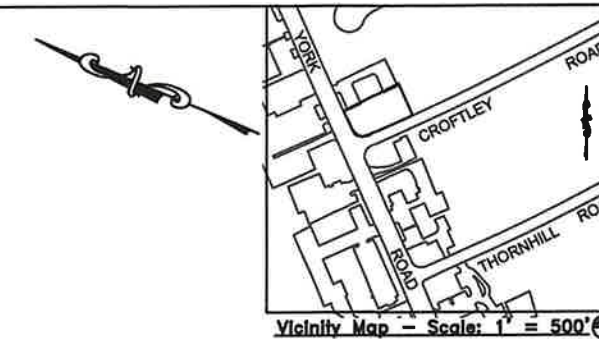
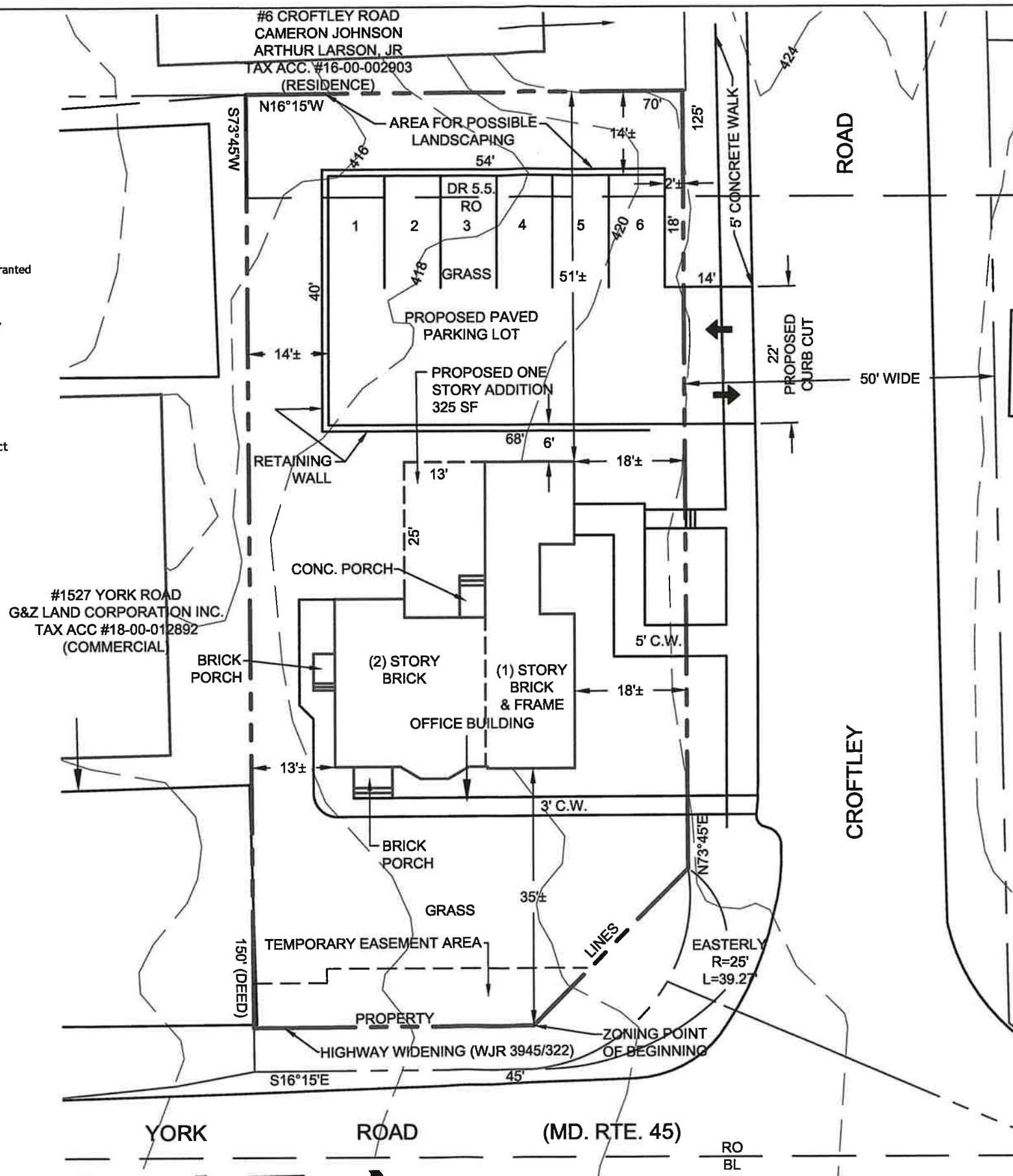
Watershed: Loch Raven Reservoir URDL land type: 1 Tier: 1

1. The existing building is currently served by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

Regional Planning District: Lutherville District Code: 308

1. The subject dwelling is not historic. The subject property is not in a historic district.

To construct an on site parking lot for 6 cars.



REQUESTS GRANTED IN CASE 2019-0219-XA:

Special Exception to permit an existing Class B office building with proposed addition
 Variance to permit a side street setback of 18 feet in lieu of the required 20 feet
 Variance to permit 5 off street parking spaces in lieu of the required 8 spaces
 Variance to permit off-site parking for a Class B office within 1,000 feet of the premises

CONDITIONS OF APPROVAL:

Provide landscaping to the extent possible
Shall permit the operation of a law office only in the Class B office building on the subject property. Any other use must be approved by the ALJ following a public hearing.
Expressly conditioned upon the availability of no less than 5 off street parking spaces located at an adjacent property within 1,000 feet of the subject property



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A ZONING PETITION

F

#1525 YORK ROAD

BALTIMORE COUNTY, MARYLAND
8th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 3/24/2024

Scale: 1"=20'

3/29/24	REVISION ADDRESS ZONING REVIEW COMMENTS
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2024-0088-SPHA

200

**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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 2024-0088-SPHA

Property Address: #1525 YORK ROAD

Property Description: NORTHEAST CORNER OF YORK ROAD AND CROFTLEY ROAD

Legal Owners (Petitioners): 1525 YORK LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING, LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-919-9906

Revised 5/20/2014

2024-0088-SPHA

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 - 1600002833

Owner Information

Owner Name: 1525 YORK LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 1525 YORK RD Deed Reference: /40653/ 00440
LUTHERVILLE TIMONIUM MD 21093-

Location & Structure Information

Premises Address: 1525 YORK RD Legal Description: 1525 YORK RD
LUTH-TIMONIUM 21093- NE COR CROFTLEY RD
BRIDLEWOOD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0061	0019	0445	20000.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1950	1,892 SF		8,455 SF	06

Stories Basement Type	Exterior Quality Full/Half Bath	Garage	Last 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:	242,100	242,100		
Improvements	161,700	170,600		
Total:	403,800	412,700	406,767	409,733
Preferential Land:	0	0		

Transfer Information

Seller: TARAS LLC	Date: 09/11/2018	Price: \$405,000
Type: ARMS LENGTH IMPROVED	Deed1: /40653/ 00440	Deed2:
Seller: BARNARD SELMA LENINGER	Date: 01/26/2017	Price: \$285,000
Type: NON-ARMS LENGTH OTHER	Deed1: /38558/ 00285	Deed2:
Seller: BARNARD FRANCIS H	Date: 07/23/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13025/ 00332	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:

Baltimore County - My Neighborhood 2024-0088-SPHA



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 10, 2024

FROM: Derek M. Chastain
Bureau of Building Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0088-A

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

BPR: Please require the appropriate ADA accessible parking spots.

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: April 9, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0088-SPHA
Address: 1525 YORK ROAD
Legal Owner: 1525 York, LLC

Zoning Advisory Committee Meeting of April 9, 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: April 8, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0088-SPHA

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 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: 4/11/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0088-SPHA

INFORMATION:

Property Address: 1525 York Road
Petitioner: 1525 York LLC
Zoning: RO, DR 5.5
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To amend the conditions of Zoning Case 2019-0219-XA;
2. To allow a portion of the proposed commercial parking lot to be located in a residential zone (DR 5.5) per Section 409.8.B of the Baltimore County Zoning Regulations (BCZR);

Variance(s) -

3. To permit 6 off-street parking spaces on the subject property in lieu of the required 8 parking spaces per Section 409.6.A.2 of the BCZR;
4. To permit a 14' Residential Transition Area (RTA) setback in lieu of the required 75' to the tract boundary per Section 1B01.1.B.1.e(2) of the BCZR;
5. To permit a 14' RTA buffer in lieu of the required 50' to the tract boundary per Section 1B01.1.B.1.e(2) of the BCZR;
6. To permit 0% Amenity Open Space of the interior of the parking lot as pervious land in association with plantings in lieu of the required 7% per Section 204.4.C.6 of the BCZR; and
7. Any other relief that the Administrative Law Judge may deem necessary.

The subject site is an approximately 8,455 square foot parcel at the corner of York Road and Croftley Road in the Timonium area. It is improved with a brick office building, which fronts York Road. Per Google Streetview of the site from October 2023, the front and backyards of the property are grassy with mature trees – one in the front and three in the rear. Per the petition, the Petitioners wish to add a 13' x 25' addition and a six car, paved parking lot, both to the rear of the building.

Along York Road, surrounding uses are primarily commercial and office. Like the subject site, properties neighboring the subject site at 1527, 1521, 1519, 1517, 1515, 1516, and 1511 York Road are all office buildings in residential dwellings, consistent with the RO zoning. Across York Road from the subject site, uses are more commercial and include a restaurant, a cannabis dispensary, and an electrical company.

East of the subject site, down Croftley Road, the use is primarily residential, with single family detached residential dwellings on similarly sized lots.

The site is within the boundary of the Hunt Valley/Timonium Master Plan, adopted October 19th, 1998. The plan provides background information on the plan area, design guidelines, and recommendation related to economic development, transportation, the natural environment, recreation and parks, development and redevelopment, design quality, and community conservation. The site is in the “impact area”, as opposed to the “focus area” of the plan, however, it is still important, as the “York Road corridor serves not only the adjacent residential neighborhoods, but also a broader area, extending in all directions to encompass Towson to the south, portions of east and west Baltimore County, and the rural areas to the north” (Map 1, pages 2-3). One of the recommendations of the plan is to improve the visual quality of the York Road corridor by improving landscaping, and controlling signage.

The site was previously the subject of Zoning Case 2019-0219-XA, which sought a Special Exception for an existing Class B office building with a proposed addition, and Variance relief to permit a side street setback of 18’ in lieu of the required 20’; to permit zero off-street parking spaces in lieu of the minimum required eight; and to permit a 0’ landscape buffer in lieu of the minimum required 20’. The site plan included with the Petition was similar to that included with the Zoning Case currently at hand, with the exception of the parking lot in the rear. The Department of Planning had no objections to the requested parking relief and recommended the preservation of the mature trees. The Department of Planning objected to the Variance for a 0’ landscape buffer, recommending that landscaping be provided to the extent possible, as determined by the Baltimore County Landscape Architect. On April 17th, 2019, the case was Dismissed without Prejudice following concerns that the lack of off-street parking would cause undue congestion along Croftley Road. On April 29th, 2019, following a written lease agreement between the Petitioner and the owner of 1521 York Road for the Petitioner to lease seven parking spaces in the parking lot at the rear of 1521 York Road, an Opinion and Order on the Petitioner’s Motion for Reconsideration granted the Special Exception and Variance requests.

The Department of Planning finds the proposed site plan to provide the Petitioner with on site parking while still maintaining the residential office feel. The proposal is similar to that of 1521 York Road, which has a residential office building fronting York Road and then a paved parking lot in the rear. As such, the Department of Planning has no objections to the Special Hearing requests, the Variance to permit six off-street parking spaces in lieu of the required 8, the Variance request to permit a 14’ RTA setback and buffer, or the Variance to permit 0% Amenity Open Space of the interior parking lot, subject to the following condition:

1. The site plan submitted with the petition shows the 14’ RTA buffer/setback as an area for “possible” landscaping. The Department of Planning requests evergreen landscaping be provided within the 14’ RTA buffer, similar to the landscaping at 1521 York Road, to screen the neighboring residence from the proposed parking lot.

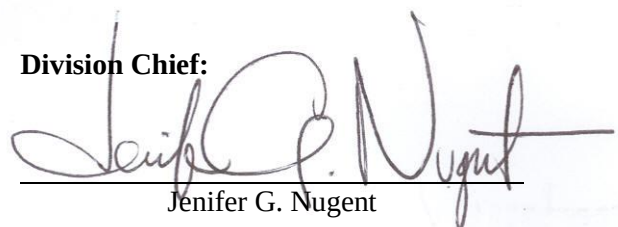
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

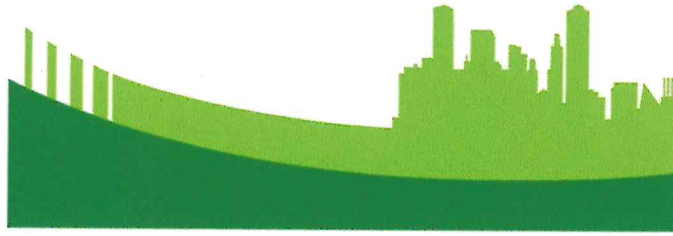
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



CERTIFICATE OF POSTING

April 16, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0088-SPHA

Legal Owner: 1525 York, LLC

Hearing date: May 16, 2024

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **1525 York Road**.

The signs were initially posted on **April 15, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Doak".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

IN OUR CIRCUIT COURT JUDGE

ANCO, JUDGE DEMA
ONE & JUDGE RHOD

2024

more County Circuit Court



ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0088-SPHA

1525 York Road, Lutherville, MD 21093
(NE Corner of York & Croftley Roads)
Council District 3, Election District 8

Legal Owners: 1525 York, LLC.

PETITION REQUEST: *Special Hearing:* To amend the conditions of the BCZR Case No. 2019-0219-XA. To allow a portion of the proposed commercial parking lot to be located in a residential zone (DR 5.5) per BCZR Section 409.8. ***Variance:*** To permit 6 off-street parking spaces on the subject property in lieu of the required 8 parking spaces per BCZR Section 409.6.A.2. To permit a 14 ft. Residential Transition Area ("RTA") setback in lieu of the required 75 ft. to the tract boundary per BCZR Section 1B01.1.B.1.e(2). To permit a 14 ft. Residential Transition Area ("RTA") buffer in lieu of the required 50 ft. from the tract boundary per BCZR Section 1B01.1.B.1.e(2). To permit 0% Amenity Open Space of the interior of the parking lot as pervious land in association with plantings in lieu of the required 7% per BCZR Section 204.4.C.6, anything else that the Administrative Law Judge ("ALJ") may deem necessary.

Hearing Date: Thursday, May 16, 2024 at 1:30 p.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing or confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204 Phone: 410-887-3808, ext. 8
Email: administrativehearings@baltimorecountymd.gov

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105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone: 410-887-3568, ext.0
Email: administrativehearings@baltimorecountymd.gov
or administrativehearings@baltimorecountymd.gov

NOTICE OF PUBLIC HEARING IS HEREBY GIVEN THAT THE MATTER IS OPEN TO THE PUBLIC AND ACCESSIBLE

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105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410.887.3868, ext 0
Email: administrativehearings@baltimorecountymd.gov

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105 West Chesapeake Avenue, Suite 103, Towson, Maryland 21204 Phone: 410-881-3000 ext 80
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE