



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

July 26, 2024

Christopher D. Mudd, Esquire – cdmudd@venable.com
Venable, LLP
210 w. Pennsylvania Avenue
Towson, MD 21204

RE: Petitions for Special Hearing, Special Exception & Variance
Case No. 2024-0135-SPHXA
Property: 1200 York Road

Dear Mr. Mudd:

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 blue ink, appearing to be "DJB", is written over a circular blue stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB;dlm
Enclosure

c: Arthur Adler aadler@cavesvalleypartners.com
Beth George bgeorgeotr@yahoo.com
Gregg DeHoff greggdehoff@gmail.com
Scott Lippy s.lippy@verizon.net

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND SPECIAL EXCEPTION &	
VARIANCE *	OFFICE OF
(1200 York Road (aka 2 Cavan Drive &	
1202 York Road) *	ADMINISTRATIVE HEARINGS
9 th Election District	
3 rd Council District *	FOR BALTIMORE COUNTY
1202 York Road, LLC	
<i>Legal Owner</i>	
	Case No. 2024-0135-SPHXA
Petitioner	
* * * * *	* * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Petitioner, 1202 York Road, LLC, legal owner of the properties located at 2 Cavan Drive (aka 1200 York Road) & 1202 York Road, Timonium, Maryland (“the Property”). Special Hearing relief is requested pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 409.8B to allow parking for a Class B office building on contiguous lots in the DR 5.5 zone; Special Exception relief is requested pursuant to BCZR, §204.3.B to permit a Class B office building in a R-O zone. Lastly, the following Variance relief is requested:

- (1) rear yard setback of 20 ft. instead of the required 30 ft. pursuant to BCZR § 204.4.C.5;
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- (3) RTA buffer of 10 ft. and setback of 10 ft. instead of 50 ft. and 75 ft. respectively; and
- (4) Under the Table of Sign Regulations, to allow two (2) illuminated wall-mounted enterprise signs, each with a sign face area of 20 sq. ft. on a single facade of a Class B Office Building in the R-O zone, instead of the permitted one sign with a sign face area of 8 sq. ft. pursuant to BCZR, § 450.4.5(m).

Petitioner originally requested further sign variances for a proposed freestanding sign but that port of the request was withdrawn at the hearing. Withdrawal of the sign variance required

the submission of revised exhibits, marked as Petitioner's Exhibits 1, 4 & 5 ("Bluelined").

A public hearing was conducted on July 15, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. The following exhibits were received from Petitioner and admitted into the record: (1) Bluelined Site Plan; (2) CV Matt Bishop; (3) Aerial photographs; (4) Bluelined Site Plan Rendering (color); (5) Bluelined RTA Site Plan; (6) Adjacent signs; (7) Opinion & Order OAH Case No. 2021-0144-A; (8) Ground-level photos of site; (9) CV Mark Keeley; (10) Traffic Report. The following exhibits were received from county agencies and admitted into the record: (1) Zoning Advisory Committee ("ZAC") comments from the Department of Planning ("DOP"); (2) Building Plans Review (BPR) comments; (3) Development Plans Review (DPR) and DPW-T comments; and (4) Department of Environmental Protection & Sustainability (DEPS) comments. Planning's report contained objections to the freestanding sign requested under the original Petition. That request was withdrawn by the applicant. County agency reports do not indicate any further objection to the special exception, special hearing, or variances requested under the Petition.

Tracy Bowden, DDS appeared at the hearing on behalf of 1202 York Road, LLC. Matthew Bishop, a licensed landscape architect with Kimley-Horn & Associates, Inc., prepared the Redlined Site Plan and appeared on behalf of Petitioner. Mark Keeley, a certified Professional Transportation Planner (PTP) with Traffic Concepts, Inc., also appeared on behalf of Petitioner. Matthew Alsip, Esq. and Christopher Mudd, Esq. of Venable, LLP represented the Petitioner. Greg DeHoff and Steve Lippy from the Orchard Hills Neighborhood Association ("Orchard Hills") also appeared to provide testimony. With the request for special hearing and variance relief for the proposed freestanding sign withdrawn, Orchard Hills testified in support of the Petition.

Findings of Fact

The subject properties are approximately 24,540 sq. ft. (1202 York Road) and 8,988 sq. ft. (2 Cavan Drive) in land area and are split zoned DR 5.5/RO. 1202 York Road is improved with a vacant commercial structure with surface parking and 2 Cavan Drive is improved with a vacant residential structure. Both properties are held under common ownership by Petitioner. The properties are located along the York Road commercial corridor with surrounding uses being commercial or office in nature adjacent to predominantly single-family detached residential communities east and west of York Road. The properties are two blocks from highway ramps connecting York Road to interstate 695.

Petitioner proposes to raze the existing structures on 1202 York Road and 2 Cavan Drive and construct a 5,000 sq. ft. office building likely with medical office uses. The one-story office building will occupy 1202 York Road and surface parking accessory to the office use will occupy most of 2 Cavan Drive, reorienting the lot as 1200 York Road. Thirty-four (34) parking spaces are provided in the front yard along York Road and the site will be accessed from York Road. The properties are located within the boundaries of the Towson Community Plan and the Hunt Valley/Timonium Master Plan. The Plans recommend that special exceptions only be granted when the use will not be detrimental to the surrounding neighborhood; the use will not overcrowd the land; the use will not interfere with adequate public facilities; and the use will not interfere with light and air; the use will not be inconsistent with the purpose of its zoning classification; the use will not generate hazardous traffic and parking in the neighborhood; and the County and neighborhood have a need for the use. *See County Exhibit 1 (ZAC Comments).*

Mr. Alsip proceeded by way of a modified proffer describing the project, the surrounding community, the relief requested, and similar medical office building projects within the general

vicinity of the site. The Site Plan was prepared by Matt Bishop of Kimley-Horn and indicates landscape, fence, and wall buffers surrounding the site with enhanced buffers along the southwest, south, and southeast portions of the site abutting residential lots. *See* Petitioner's Exhibit 4. Mr. Alsip also summarized the project team's collaboration with members of the Orchard Hills Neighborhood Association in accommodating the community's concerns regarding traffic, the size, scope, and scale of the building, the location of the parking lot as necessary for safety and access purposes, and small but important features of site design including the addition of gates along the northern and southern property lines to reduce the risk of trespass. *See* Petitioner's Exhibit 1.

Mr. Alsip further described the traffic impacts through a traffic evaluation completed by Mark Keeley, a certified Professional Transportation Planner (PTP) with Traffic Concepts, Inc. That traffic evaluation concluded that impacted intersections will operate at an acceptable level of service and peak hour vehicle queuing will not overburden the left turn lane or York Road. *See* Petitioner's Exhibit 10.

Dr. Bowden testified on behalf of Petitioner, 1202 York Road, LLC, and explained the process of working with community members on the size of the proposed office building and location of the parking lot. Dr. Bowden also testified to the current deteriorating conditions of the existing structures and adverse impacts on the community. Dr. Bowden indicated that redevelopment of the lots under this Petition will alleviate those conditions and provide an amenity for the community.

Conclusions of Law

SPECIAL HEARING

Pursuant to BCZR § 409.8.B, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 following public posting and a notice requirement. If no formal request for a public hearing is filed, the Zoning Commissioner may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of BCZR § 409.8.B.2.¹ The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of BCZR § 409.8.B.2 and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community. BCZR § 409.8.B.1.c.

Based on the testimony and evidence presented at the hearing, I find that the requested Special Hearing relief can be granted under the authority of BCZR § 500.7 to allow parking for a Class B office building on a contiguous lot in the DR 5.5 zone is within the spirit and intent of the BCZR. I further find that this authorization does not cause harm to the general public's health, safety or welfare. I further find that the evidence establishes that Petitioner has satisfied its burden of demonstrating compliance with BCZR § 409.8.B.1 & BCZR § 409.8.B.2.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz*

¹ BCZR § 409.8.B.2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions: a. The land so used must adjoin or be across an alley or street from the business or industry involved. b. Only passenger vehicles, excluding buses, may use the parking facility. c. No loading, service or any use other than parking shall be permitted. d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required. e. A satisfactory plan showing parking arrangement and vehicular access must be provided. f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required. g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the Court of Appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. “A special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity.” *Id.* at 285 (*citing* Schultz, 291 Md. at 11, 432 A.2d at 1325 (1981)). “A special exception...is merely deemed *prima facie* compatible in a given zone. The special exception requires a case-by-case evaluation by an administrative zoning body or officer according to legislatively-defined standards. That case-by-case evaluation is what enables special exception uses to achieve some flexibility in an otherwise semi-rigid comprehensive legislative zoning scheme.” *People’s Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 71–72, 956 A.2d 166, 176 (2008). In Baltimore County, Petitioners are further required to satisfy the special exception factors pursuant to BCZR § 502.1 and OAH is required to make affirmative findings in regard to these special exception factors as well as the prevailing common law.

Petitioner requests approval of a Class B office building with offices or medical offices in an RO zone which is designated under BCRZ § 204.3.B as a special exception. I find by a preponderance of the evidence that the Petition and the testimony adduced at the hearing satisfy the BCZR § 502.1 factors in that the proposed use will not be detrimental to the health, safety or general welfare of the locality involved; tend to create congestion in roads, streets or alleys; create a potential hazard from fire, panic or other danger; tend to overcrowd land and cause undue concentration of population; interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; interfere

with adequate light and air; be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of BCZR; be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

This particular use is similar in size and scale to nearby office buildings with medical or similar uses along the York Road commercial corridor. With the exception of the single-family detached residential homes on Cavan Drive to the southwest of the site, the property abuts or confronts similar office building uses to the northeast, north, northwest, and southeast located with vehicle access predominantly from York Road. The proposed building located at 1202 York Road and is set back towards the rear of the lot at the request of community members to avoid placement of the surface parking lot adjacent to residential uses. There is no evidence in this record to indicate that the proposed medical office building use will be detrimental to the health, safety or general welfare. Access to the site is provided from York Road and not from Cavan Drive at the request of community members to eliminate commercial traffic on a residential street. The surface parking provided exceeds the required parking for the use so as not to create congestion on roads, streets or alleys. The use is modest in terms of size and scale with respect to capacity for office tenants and their customers, clients, or patients. The proposed building is limited to one-story in height to conform to the character of adjacent single-family detached residential homes in the community. Office uses have no adverse impacts on schools or parks and there is nothing in this record to indicate that the office building will utilize water, sewerage, transportation or other public

requirements, conveniences or improvements beyond that of any other similarly-sized use. The building's construction is limited to two stories at the request of the community to avoid interfering with adequate light and air to the adjacent single-family homes. The use itself is entirely consistent with the purposes of the property's RO (Residential Office) zoning classification. There is no evidence to indicate the use will be inconsistent with the impermeable surface and vegetative retention provisions of BCRZ as landscaping will be provided in accordance with the Landscape Manual and as indicated in the Site Plan. Notwithstanding that the property is not located in an RC zone, there is no evidence to indicate that the use will be detrimental to the environmental and natural resources of the site. Stormwater management will be required as indicated in the Site Plan. Lastly, I further find that the Petition satisfies the *Schultz* standard in that there were no facts and circumstances presented showing that any adverse impacts of the use at this particular location would be above and beyond those inherently associated with the special exception use. See *Schultz v. Pritts*, 291 Md. 1 (1981).

VARIANCE

Petitioner requests variance relief from the following requirements:

- (1) rear yard setback of 20 ft. instead of the required 30 ft. pursuant to BCZR § 204.4.C.5;
- (2) off-street parking in the front of a structure on a contiguous property in the R-O zone pursuant to BCZR § 204.3.C.2;
- (3) RTA buffer of 10 ft. and setback of 10 ft. instead of 50 ft. and 75 ft. respectively; and
- (4) Under the Table of Sign Regulations, to allow two (2) illuminated wall-mounted enterprise signs, each with a sign face area of 20 sq. ft. on a single facade of a Class B Office Building in the R-O zone, instead of the permitted one sign with a sign face area of 8 sq. ft. pursuant to BCZR, § 450.4.5(m).

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." 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 described above, the site is unique for a variety of reasons. As the properties are held in common and being developed together, they benefit from the doctrine of zoning merger. Zoning merger "consolidates lots insofar as the determination of what can be constructed upon that land, or what uses can be made of it, bearing in mind the requirement that one must comply with zoning requirements including area, setback, etc." *Remes v. Montgomery Cnty.*, 387 Md. 52, 66–67, 874 A.2d 470, 478 (2005). "We shall hold that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots in the service of a single structure or project, as respondent proposes in the instant case." *Friends of The Ridge v. Baltimore Gas & Elec. Co.*, 352 Md. 645,

658, 724 A.2d 34, 40 (1999). “For title purposes, the platted lot lines may remain, but by operation of law a single parcel emerges for zoning purposes.” *Id.* at 658.

Another unique aspect of the properties is their location on the York Road commercial corridor directly adjacent to residential homes. The project’s site design is driven by reasonable community desires to limit the impacts of the use on their residential communities by placing surface parking in front of the building instead of adjacent residential homes and providing vehicular access from York Road and not a residential feeder street. These accommodations trigger the rear yard and RTA setback requirements as well as the sign variance given the building’s resulting distance from York Road. Further, the office building’s siting is limited to the RO zoned portion of the lot, as office buildings are not permitted structures in DR zones, thus limiting the buildable space available to the owner. Also, the proposed front building line aligns with the front building line of the existing office building to the north parallel to York Road.

For these reasons I find that special circumstances or conditions exist that are peculiar to these properties where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty. Variances to the RTA requirements alone would be necessary for any redevelopment of the site. Setback and sign variances accommodate community concerns regarding parking lot siting and access. I further find that these variances can be granted as they remain in strict harmony with the spirit and intent of the setback, RTA, and sign regulations, and do not injure the public health, safety and general welfare. The developer worked with members of the Orchard Hill Neighborhood Association to address potential impacts of this development on the residential community and the resulting location, size, scale, and vehicular access to the site are the result of that cooperation. There are no facts in this record to indicate any injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this **26th** day of **July 2024**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief pursuant to § 409.8B to allow parking for a Class B office building on a contiguous lot in the DR 5.5 zone be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Special Exception seeking relief from BCZR § 204.3.B for a Class B office building in a R-O zone be and is hereby **GRANTED**; and

IT IS FURTHER, ORDERED that, pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order; and

IT IS FURTHER ORDERED, § 450.4.5(m) (Table of Sign Regulations), to allow two (2) illuminated wall-mounted enterprise signs, each with a sign face area of 20 sq. ft. on a single facade of a Class B Office Building in the R-O zone, instead of the permitted one sign with a sign face area of 8 sq. ft. is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that Petitioner's request pursuant to BCZR § 450.4.5(m) (Table of Sign Regulations) to allow a single freestanding, ground-mounted sign 18 ft. in height with two (2) illuminated sign panels, each with a sign face of 27 sq. ft. and one (1) LED changeable copy sign panel with a sign face of 64 sq. ft. instead of the permitted single freestanding sign 6 ft. in height and having a sign face area of 15 sq. ft. is hereby **WITHDRAWN**.

The relief granted herein shall be subject to the following:

- 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;
- Petitioner shall comply with all landscape and lighting requirements per DPR's comments attached hereto; and
- Petitioner's attached Bluelined Site Plan (Petitioner's Exhibit 1) is incorporated

herein.

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

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a horizontal line extending to the right.

DEREK J. BAUMGARNDER
Administrative Law Judge
for Baltimore County

DJB:dlm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0135-SPHXA

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

DPR: No comment.

DPW-T: A) State Document Record Plat Liber 17 Folio 53 shows a 20-foot easement reservation along the rear property line to 2 Cavan Drive (AKA as 1200 York Road) Tax Account 09-08-550590. This easement must be shown on the plan and no permanent structures may be located within this area.

Landscaping: If Special Exception and / or Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.



JOHN A. OLSZEWSKI, JR.
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Administrative Law Judge

August 1, 2024

Christopher D. Mudd, Esquire – cdmudd@venable.com
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: REVISED OPINION AND ORDER
Case No. 2024-0135-SPHX
Property: 1200 York Road

Dear Mr. Mudd:

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.

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DJB;dlm
Enclosure
c: *See next page*

Page -2-
Revised Order
August 1, 2024

c: Arthur Adler aadler@cavesvalleypartners.com
Beth George bgeorgeotr@yahoo.com
Gregg DeHoff greggdehoff@gmail.com
Scott Lippy s.lippy@verizon.net

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
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SPECIAL HEARING

Pursuant to BCZR § 409.8.B, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 following public posting and a notice requirement. If no formal request for a public hearing is filed, the Zoning Commissioner may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of BCZR § 409.8.B.2.¹ The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of BCZR § 409.8.B.2 and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community. BCZR § 409.8.B.1.c.

Based on the testimony and evidence presented at the hearing, I find that the requested Special Hearing relief can be granted under the authority of BCZR § 500.7 to allow parking for a Class B office building on a contiguous lot in the DR 5.5 zone is within the spirit and intent of the BCZR. I further find that this authorization does not cause harm to the general public's health, safety or welfare. I further find that the evidence establishes that Petitioner has satisfied its burden of demonstrating compliance with BCZR § 409.8.B.1 & BCZR § 409.8.B.2.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz*

¹ BCZR § 409.8.B.2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions: a. The land so used must adjoin or be across an alley or street from the business or industry involved. b. Only passenger vehicles, excluding buses, may use the parking facility. c. No loading, service or any use other than parking shall be permitted. d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required. e. A satisfactory plan showing parking arrangement and vehicular access must be provided. f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required. g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the Court of Appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. “A special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity.” *Id.* at 285 (*citing* Schultz, 291 Md. at 11, 432 A.2d at 1325 (1981)). “A special exception...is merely deemed *prima facie* compatible in a given zone. The special exception requires a case-by-case evaluation by an administrative zoning body or officer according to legislatively-defined standards. That case-by-case evaluation is what enables special exception uses to achieve some flexibility in an otherwise semi-rigid comprehensive legislative zoning scheme.” *People’s Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 71–72, 956 A.2d 166, 176 (2008). In Baltimore County, Petitioners are further required to satisfy the special exception factors pursuant to BCZR § 502.1 and OAH is required to make affirmative findings in regard to these special exception factors as well as the prevailing common law.

Petitioner requests approval of a Class B office building with offices or medical offices in an RO zone which is designated under BCRZ § 204.3.B as a special exception. I find by a preponderance of the evidence that the Petition and the testimony adduced at the hearing satisfy the BCZR § 502.1 factors in that the proposed use will not be detrimental to the health, safety or general welfare of the locality involved; tend to create congestion in roads, streets or alleys; create a potential hazard from fire, panic or other danger; tend to overcrowd land and cause undue concentration of population; interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; interfere

with adequate light and air; be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of BCZR; be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

This particular use is similar in size and scale to nearby office buildings with medical or similar uses along the York Road commercial corridor. With the exception of the single-family detached residential homes on Cavan Drive to the southwest of the site, the property abuts or confronts similar office building uses to the northeast, north, northwest, and southeast located with vehicle access predominantly from York Road. The proposed building located at 1202 York Road and is set back towards the rear of the lot at the request of community members to avoid placement of the surface parking lot adjacent to residential uses. There is no evidence in this record to indicate that the proposed medical office building use will be detrimental to the health, safety or general welfare. Access to the site is provided from York Road and not from Cavan Drive at the request of community members to eliminate commercial traffic on a residential street. The surface parking provided exceeds the required parking for the use so as not to create congestion on roads, streets or alleys. The use is modest in terms of size and scale with respect to capacity for office tenants and their customers, clients, or patients. The proposed building is limited to one-story in height to conform to the character of adjacent single-family detached residential homes in the community. Office uses have no adverse impacts on schools or parks and there is nothing in this record to indicate that the office building will utilize water, sewerage, transportation or other public

requirements, conveniences or improvements beyond that of any other similarly-sized use. The building's construction is limited to **one story** at the request of the community to avoid interfering with adequate light and air to the adjacent single-family homes. The use itself is entirely consistent with the purposes of the property's RO (Residential Office) zoning classification. There is no evidence to indicate the use will be inconsistent with the impermeable surface and vegetative retention provisions of BCRZ as landscaping will be provided in accordance with the Landscape Manual and as indicated in the Site Plan. Notwithstanding that the property is not located in an RC zone, there is no evidence to indicate that the use will be detrimental to the environmental and natural resources of the site. Stormwater management will be required as indicated in the Site Plan. Lastly, I further find that the Petition satisfies the *Schultz* standard in that there were no facts and circumstances presented showing that any adverse impacts of the use at this particular location would be above and beyond those inherently associated with the special exception use. See *Schultz v. Pritts*, 291 Md. 1 (1981).

VARIANCE

Petitioner requests variance relief from the following requirements:

- (1) rear yard setback of 20 ft. instead of the required 30 ft. pursuant to BCZR § 204.4.C.5;
- (2) off-street parking in the front of a structure on a contiguous property in the R-O zone pursuant to BCZR § 204.3.C.2;
- (3) RTA buffer of 10 ft. and setback of 10 ft. instead of 50 ft. and 75 ft. respectively; and
- (4) Under the Table of Sign Regulations, to allow two (2) illuminated wall-mounted enterprise signs, each with a sign face area of 20 sq. ft. on a single facade of a Class B Office Building in the R-O zone, instead of the permitted one sign with a sign face area of 8 sq. ft. pursuant to BCZR, § 450.4.5(m).

Pursuant to BCZR § 307.1, “...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare...” 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 described above, the site is unique for a variety of reasons. As the properties are held in common and being developed together, they benefit from the doctrine of zoning merger. Zoning merger “consolidates lots insofar as the determination of what can be constructed upon that land, or what uses can be made of it, bearing in mind the requirement that one must comply with zoning requirements including area, setback, etc.” *Remes v. Montgomery Cnty.*, 387 Md. 52, 66–67, 874 A.2d 470, 478 (2005). “We shall hold that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots in the service of a single structure or project, as respondent proposes in the instant case.” *Friends of The Ridge v. Baltimore Gas & Elec. Co.*, 352 Md. 645,

658, 724 A.2d 34, 40 (1999). “For title purposes, the platted lot lines may remain, but by operation of law a single parcel emerges for zoning purposes.” *Id.* at 658.

Another unique aspect of the properties is their location on the York Road commercial corridor directly adjacent to residential homes. The project’s site design is driven by reasonable community desires to limit the impacts of the use on their residential communities by placing surface parking in front of the building instead of adjacent residential homes and providing vehicular access from York Road and not a residential feeder street. These accommodations trigger the rear yard and RTA setback requirements as well as the sign variance given the building’s resulting distance from York Road. Further, the office building’s siting is limited to the RO zoned portion of the lot, as office buildings are not permitted structures in DR zones, thus limiting the buildable space available to the owner. Also, the proposed front building line aligns with the front building line of the existing office building to the north parallel to York Road.

For these reasons I find that special circumstances or conditions exist that are peculiar to these properties where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty. Variances to the RTA requirements alone would be necessary for any redevelopment of the site. Setback and sign variances accommodate community concerns regarding parking lot siting and access. I further find that these variances can be granted as they remain in strict harmony with the spirit and intent of the setback, RTA, and sign regulations, and do not injure the public health, safety and general welfare. The developer worked with members of the Orchard Hill Neighborhood Association to address potential impacts of this development on the residential community and the resulting location, size, scale, and vehicular access to the site are the result of that cooperation. There are no facts in this record to indicate any injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this **1st** day of **August 2024**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief pursuant to BCZR § 409.8B to allow parking for a Class B office building on a contiguous lot in the DR 5.5 zone be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Special Exception seeking relief from BCZR § 204.3.B for a Class B office building in a R-O zone be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that, pursuant to BCZR, §502.3, the Special Exception is valid **for a period of five (5) years** from the date of this Order; and

IT IS FURTHER ORDERED that the variance request for a rear yard setback of 20 ft. instead of the required 30 ft. pursuant to BCZR § 204.4.C.5 be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that, pursuant to BCZR § 204.3.C.2, the requested variance for off-street parking in the front of a structure on a contiguous property in the R-O zone be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's request for an RTA buffer of 10 ft. and setback of 10 ft. instead of 50 ft. and 75 ft. respectively be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that, pursuant to BCZR § 450.4.5(m) (Table of Sign Regulations), to allow two (2) illuminated wall-mounted enterprise signs, each with a sign face area of 20 sq. ft. on a single facade of a Class B Office Building in the R-O zone, instead of the permitted one sign with a sign face area of 8 sq. ft. is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that Petitioner's request pursuant to BCZR § 450.4.5(m) (Table of Sign Regulations) to allow a single freestanding, ground-mounted sign 18 ft. in height with two (2) illuminated sign panels, each with a sign face of 27 sq. ft. and one (1) LED changeable

copy sign panel with a sign face of 64 sq. ft. instead of the permitted single freestanding sign 6 ft. in height and having a sign face area of 15 sq. ft. is hereby **WITHDRAWN**.

The relief granted herein shall be subject to the following:

- 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;
- Petitioner shall comply with all landscape and lighting requirements per DPR's comments attached hereto; and
- Petitioner's attached Bluelined Site Plan (Petitioner's Exhibit 1) is incorporated herein.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0135-SPHXA

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

DPR: No comment.

DPW-T: A) State Document Record Plat Liber 17 Folio 53 shows a 20-foot easement reservation along the rear property line to 2 Cavan Drive (AKA as 1200 York Road) Tax Account 09-08-550590. This easement must be shown on the plan and no permanent structures may be located within this area.

Landscaping: If Special Exception and / or Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.



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 1200 York Rd. (AKA 2 Cavan Dr.) & 1202 York Rd. which is presently zoned DR 5.5 & RO

Deed References: See Attachment A. 10 Digit Tax Account # See Attachment A.

Property Owner(s) Printed Name(s) 1202 York Road, LLC

(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 Attachment A.

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

See Attachment A.

3. ☒ a **Variance** from Section(s)

See Attachment A.

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 City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6365 / cdmudd@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED SIGNATURE SHEET

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Christopher D. Mudd, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6365 / cdmudd@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2024-0135-SPHX Filing Date 5/24/2024 Do Not Schedule Dates: Reviewer

REV. 10/4/11

ATTACHMENT A

CONTIGUOUS PROPERTIES

1202 YORK ROAD ZONE: R-O PARCEL: 408 TAX MAP: 61 GRID: 19 TAX ACCT # 0919711810 OWNER: 1202 YORK ROAD, LLC	1200 YORK ROAD (AKA 2 CAVAN DR.) ZONE: DR 5.5 PARCEL: 341 TAX MAP: 61 GRID: 19 TAX ACCT # 0908550590 OWNER: 1202 YORK ROAD, LLC
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PETITION FOR SPECIAL HEARING

1. To allow parking for a Class B office building on a contiguous lot in the DR 5.5 zone, pursuant to Baltimore County Zoning Regulations ("BCZR") § 409.8.B.
2. If necessary, to permit an LDE changeable copy panel on the proposed freestanding sign.

PETITION FOR SPECIAL EXCEPTION

1. To permit a Class B office building in a R-O zone, pursuant to BCZR § 204.3.B.

PETITION FOR VARIANCES

1. Variance from BCZR § 204.4.C.5, to allow a rear yard setback of 20 feet instead of the required 30 feet.
2. Variance, if necessary, from BCZR § 204.3.C.2, to allow off-street parking on a contiguous property (2 Cavan Drive) in the R-O zone.
3. Variance, if necessary, from BCZR § 204.3.C.2, to allow off-street parking in the front of the structure instead of the side and/or rear of the structure in the R-O zone.
4. Variance from BCZR § 1B01.1.B, to allow a residential transition area buffer of 10 feet and setback of 10 feet instead of 50 feet and 75 feet, respectively.
5. Variance from BCZR Section 450.4.5(m) (Table of Sign Regulations), to allow two (2) illuminated wall-mounted enterprise signs, each with a sign face area of 20 sq. ft., on a single façade of a Class B office Building in the R-O zone, instead of the permitted one sign with a sign face area of 8 sq. ft.
6. Variance from BCZR Section 450.4.5(m) (Table of Sign Regulations), to allow a single freestanding, ground-mounted sign 18 ft. in height with two (2) illuminated sign panels, each with a sign face of 27 sq. ft., and one (1) LED changeable copy sign panel with a sign face of 64 sq. ft., instead of the permitted single freestanding sign 6 ft. in height and having a sign face area of 15 sq. ft.

Zoning Property Description for Zoning Petitions:
1202 York Road & 1200 York Road (AKA 2 Cavan Drive)

Beginning at a point located on the southwest side of York Road which has a right of way width of 88 feet at the distance of 0' to the centerline of the nearest improved intersecting street Cavan Drive which has a right of way width of 50 feet **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

1. North 32 degrees 18 minutes 28 seconds West, 86.19' to a point;
2. North 55 degrees 9 minutes 8 seconds East, 12.16' to a point;
3. North 31 degrees 58 minutes 26 seconds East, 91.20' to a point;
4. South 55 degrees 31 minutes 14 seconds West, 246.85' to a point,
5. South 35 degrees 29 minutes 50 seconds East, 92.67' to a point,
6. North 55 degrees 9 minutes 12 seconds East, 139.18' to a point,
7. South 34 degrees 50 minutes 48 seconds East, 110.00' to a point,
8. North 55 degrees 9 minutes 11 seconds East, 61.07' to a point,
9. Radius of 25', Arc Length of 38.16', Chord Length of 34.56', Chord Bearing North 11 degrees 25 minutes 22 seconds East to a point, and place of beginning.

Containing an area of 31,916 square feet or 0.73 acres of land, more or less and being located in the 9th Election District and 3rd Council District of Baltimore County Maryland.



2024-0135-SAXA

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

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

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

For Newspaper Advertising:

Case Number: 2024-0135-SPHXA
Property Address: 1200 YORK RD (AKA 2 CAVAN DR) and 1202 YORK RD
Legal Owners (Petitioners): Tracey Bowden
Contract Purchaser/Lessee: —

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Christopher Mudd
Address: 210 W. Pennsylvania Ave
STE 500
TOWSON MD 21204
Telephone Number: 410 444-6365

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

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

No. 231807

Date: 5-24-2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1200.00

Total: 1200.00

Rec
From: 12024 YORK RD & 2 CAVAN DR

For: 2024-0135-SPHXA

DISTRIBUTION

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

CASHIER'S
VALIDATION

CF 24-0491

Cindy Karpook 051324CDM01 05/13/2024 Bowden/York Rd./Cavan Dr. - Filing fee for Petitions for Variance, Special F 1,200.00

Check Total: 1,200.00

 PNC BANK
PNC, N.A. Bank 040
Maryland

VENABLE LLP
750 E. Pratt Street Suite 900
Baltimore, Maryland 21202
Operating Account

F 545157

15:3
540

DATE
May 13, 2024

AMOUNT
\$1,200.00

*****ONE THOUSAND TWO HUNDRED AND 00/100

Baltimore County, Maryland
Office of Budget and Finance
400 Washington Avenue, Room 152
Towson, MD 21204-4665


AUTHORIZED SIGNATURE

VOID AFTER 180 DAYS

AUTHORIZED SIGNATURE
(TWO SIGNATURES REQUIRED OVER \$25,000)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/6/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0135-SPHXA

INFORMATION:

Property Address: 1200 York Road (AKA 2 Cavan Drive) and 1202 York Road

Petitioner: 1202 York Road, LLC

Zoning: DR 5.5, RO

Requested Action: Special Hearing, Special Exception, Variance

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

Special Hearing -

1. To allow parking for a Class B office building on a contiguous lot in the DR 5.5 zone, pursuant to Baltimore County Zoning Regulations (BCZR) Section 409.8.B;
2. If necessary, to permit an LED changeable copy panel on the proposed freestanding sign;

Special Exception -

3. To permit a Class B office building in a RO zone, pursuant to BCZR Section 204.3.B;

Variance(s) -

4. From BCZR Section 204.4.C.5 to allow a rear yard setback of 20 feet in lieu of the required 30 feet;
5. If necessary, from BCZR Section 204.3.C.2 to allow off-street parking on a contiguous property (1200 York Road/2 Cavan Drive) in the RO zone;
6. If necessary, from BCZR Section 204.3.C.2 to allow off-street parking in the front of the structure in lieu of the required side and/or rear of the structure in the RO zone;
7. From BCZR Section 1B01.1.B to allow a residential transition area buffer of 10 feet and setback of 10 feet in lieu of the required 50 feet and 75 feet, respectively;
8. From BCZR Section 450.4.5(m) (Table of Sign Regulations) to allow two (2) illuminated wall-mounted enterprise signs, each with a sign face area of 20 square feet, on a single façade of a Class B office building in the RO zone, in lieu of the permitted one sign with a sign face area of 8 square feet; and
9. From BCZR Section 450.4.5(m) (Table of Sign Regulations) to allow a single freestanding, ground-mounted sign 18 feet in height with two (2) illuminated sign panels, each with a sign face of 27 square feet, and one (1) LED changeable copy sign panel with a sign face of 64 square feet,

in lieu of the permitted single freestanding sign 6 feet in height and having a sign face area of 15 square feet.

The subject site is comprised of two parcels located along York Road and Cavan Drive in the Lutherville area. 1200 York Road is an approximately 24,540 square foot parcel. It is improved with a one-story residential office style structure with an asphalt parking lot in the front yard. The structure fronts York Road. 1202 York Road/2 Cavan Drive is an approximately 8,988 square foot parcel. It is improved with a one and a half story Cape-Cod style dwelling. The State Department of Assessment and Taxation lists the property as a residential use, although it is not listed as homeowner occupied. The structure does not have any off-street parking and fronts Cavan Drive. Google Streetview of the properties from October 2023 shows that they are not dilapidated, but that they do not appear to be as in good of condition as they were approximately 10 years ago.

Uses surrounding the subject sites vary. Along York Road, uses are primarily commercial. Along York Road northwest of the subject site are multiple medical offices, including 1206 and 1212 York Road. Across York Road from the subject site, at 1205 York Road, is another medical office building. Along York Road southeast of the subject site are multiple office spaces, including law offices at 1142 York Road, and a multi-tenant office/commercial building at 1134 York Road. Uses off of York Road and surrounding the subject site are primarily single family detached residential dwellings. Cavan Drive is one of the ingress/egress points of the Orchard Hills community, with other access points being Othoridge Road and Westbury Road, both northwest of the subject site. The majority of the dwellings along Cavan Drive are one and a half story Cape-Cod style homes, similar to the existing structure at 1202 York Road/2 Cavan Drive. Many of the residences have driveways along the sides of their homes, however, parking is permitted along Cavan Drive.

Per the petition and site plan, the Petitioner wishes to demolish the structures at 1200 and 1202 York Road/2 Cavan Drive to construct a two tenant, 5,000 square foot Class B office building for medical offices. The office building is proposed to have a front yard setback of 74.5 feet, locating it behind 4 and 6 Cavan Drive. A 20 foot side yard setback is proposed between the office building and rear yards of 4 and 6 Cavan Drive, and the setback appears to be well landscaped. Parking for the structure is proposed to be located in the front yard, along York Road. Per the site plan, 23 parking spaces are required and 34 parking spaces are provided. Landscaping is proposed along the perimeter of the site and on landscape islands within the parking lot. One ingress/egress point is proposed along York Road. A freestanding sign with tenant information is proposed at the ingress/egress point, and a community sign is proposed at the corner of York Road and Cavan Drive.

The two subject properties are split zoned RO and DR 5.5, with 1200 York Road primarily being zoned RO and 1202 York Road/2 Cavan Drive primarily being zoned DR 5.5. The properties are the subject of Comprehensive Zoning map Process (CZMP) 2024 Issue Number 3-024. The Issue was raised by the property owner and requests rezoning 1.05 acres from RO and DR 5.5 to BL. The justification for the Issue, provided by the Petitioner, states that residential use of the structures is no longer feasible, that the Petitioner wishes to change the zoning to BL to allow for the development of a small retail center with associated parking, and that the BL zoning would also allow for an office building by right. The final Staff and Planning Board Recommendations on the Issue was to rezone the entire 1.05 acre Issue to RO. As of the date of these comments, County Council has not offered a final decision on the Issue. The sites were also the subject of CZMP Issues in 2008, 2004, 2000, and 1996; the RO and DR 5.5 zonings have been in place since at least 1996.

The subject sites are within the boundaries of the Towson Community Plan and the Hunt Valley/Timonium Master Plan. The Towson Community Plan, adopted February 3rd, 1992, provides information on land use, urban design, transportation, and community conservation within the plan area

boundary. The plan maps the subject sites as being part of the “outer neighborhoods” (Map 1, pages 4-5). Outer neighborhoods are defined as relatively stable residential communities that are impacted by the expansion of nonresidential zoning and through traffic, though not to the same extent as the “inner” neighborhoods (page 68). The plan recommends that Special Exceptions only be granted when the use will not be detrimental to the surrounding neighborhood; the use will not overcrowd the land; the use will not interfere with adequate public facilities; the use will not interfere with adequate light and air; the use will not be inconsistent with the purpose of the zoning; the use will not generate hazardous traffic and parking within the neighborhood; and the County and neighborhood alike have a need for the use (page 69).

The Hunt Valley/Timonium Master Plan, adopted October 19th, 1998, provides background information on the plan area, as well as recommendations related to economic development, transportation, the natural environment, recreation and parks, development/redevelopment opportunities, design quality, and community conservation. The plan calls for improving the visual quality of York Road by limiting curb cuts, improving landscaping, and controlling signage and sign clutter by limiting sign Variances (pages 28-29). Related to community conservation, the plan recommends protecting and enhancing the existing residential communities (page 29).

The Department of Planning has no objections to the Special Exception request to permit a Class B office building in an RO zone. The petition clarifies that the proposed one-story office building is for two medical office tenants. The use appears to be in keeping with this stretch of York Road and other surrounding medical office buildings at 1205, 1206, 1212 York Road, and select tenants at 1134 York Road.

The Department of Planning has no objections to the requested Special Hearing to permit parking for a Class B office building on a contiguous lot in the DR 5.5 zone. The neighboring office spaces at 1206, 1142, and 1134 York Road provide parking in the front yard. While each of these establishments also provide parking elsewhere on the site (i.e., 1206 and 1142 York Road to the respective rears and 1134 York Road to the side and rear), parking in the front yard is not uncommon for this small stretch of York Road. Landscaping/screening shall be provided along York Road, as shown on the submitted site plan, to screen the development from York Road.

The Department of Planning opposes the request for Special Hearing, if necessary, to permit an LED changeable copy panel on the proposed freestanding sign. Although two nearby properties (Heaver Plaza, located at 1301 York Road, and Beltway Professional Building, located at 1342 York Road) have, in part, a changeable copy sign, the Department feels the proposal is inappropriate given the properties location at the corner of York Road and an established residential neighborhood. The changeable copy sign for Beltway Professional Building is located near the entrance ramp to I-695, and changeable copy sign for Heaver Plaza is surrounded entirely by office and commercial uses.

Regarding the Variance request to allow a rear yard setback of 20’ in lieu of the required 30’, the Department of Planning has no objections, however, the Department strongly encourages the Petitioner to review the site plan to determine if this request is fully necessitated. The site plan states that 23 parking spaces are required and that 34 parking spaces are provided. Given the fact that the site is overparked, the Department encourages the Petitioner to explore the possibility of removing a number of parking spaces closest to the entrance of the office building, moving the office building forward on the lot, and therefore meeting the rear yard, 30’ setback. While the Department does not feel the existing proposal will significantly adversely impact the residential neighborhood, the Department feels that exploring this possibility would allow for more landscaping to screen the subject site and 9 Othoridge Road, which is located immediately behind the property.

The Department of Planning has no objections to the Variance, if necessary, to allow off-street parking on 2 Cavan Drive or the Variance to allow off-street parking in the front of the structure in lieu of the side and/or rear in the RO zone. As previously stated, other nearby properties provide parking in the front yard, and the proposal does not appear to be uncommon for this stretch of York Road. As shown on the submitted site plan, landscaping/screening shall be provided along York Road to screen the development from York Road.

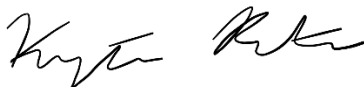
The Department of Planning has no objections regarding the Variance request to permit a residential transition area buffer of 10' and a setback of 10' in lieu of the required 50' and 75' respectively. The 10' buffer and setback is between 1202 York Road and the existing commercial/medical office building located at 1206 York Road. Setting the building 10' closer to this side of the property allows the landscape transition area buffer and building setback to be 20' between the subject site property boundary and the rear yards at 4 and 6 Cavan Drive. The Department recommends the landscaping within the 20' rear yard landscape buffer between the subject site and 9 Othoridge Road and the 20' side yard landscape buffer between the subject site and 4 and 6 Cavan Drive be variable in height to screen the development from the neighboring yards to the greatest extent possible.

The Department of Planning has no objections to the requested Variance to permit two wall-mounted enterprise signs with sign area faces of 20 square feet per sign. The signage appears to be well incorporated with the front elevation of the building and appears to be an appropriate scale given the size of the structure.

The Department of Planning opposes the request to allow a single, ground-mounted sign 18' in height and with one LED changeable copy sign panel with a sign face of 64 square feet. The Department of Planning has no objections to the two illuminated sign panels on the ground-mounted sign. The Department feels that both the height and proposed LED changeable copy panel are inappropriate given the properties location at the corner of an established residential neighborhood. As previously stated, although two nearby properties have, in part, changeable copy signs, neither are located at the entrance to an established community. Additionally, the proposed LED changeable copy panel is proposed to be 8' in height, which is taller than the normally permitted ground-mounted sign (6'). Further, the site is located along a busy stretch of York Road; the proposed 18' height of the ground-mounted sign appears unnecessary and incompatible with the surroundings. No information was provided with the petition on why a sign of such height would be required. The sign appears to be in a prominent location, directly adjacent to the single ingress/egress point of the site, and no hardship on why the sign was necessary was provided. Finally, the proposal and Variance request go against the recommendations in the Hunt Valley/Timonium Master Plan. The plan recommends improving the visual quality of York Road and specifically recommends "Action 3: Discourage sign variances along York Road and encourage stricter enforcement of the signage regulations along York Road" (page 29). As such, the Department of Planning recommends a ground-mounted sign of 6' in height, as permitted by the Baltimore County Zoning Regulations, with landscaping at the base.

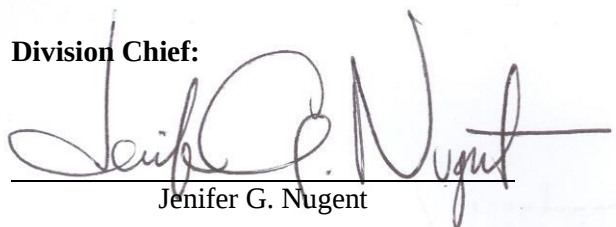
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Christopher D. Mudd, Esquire
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** May 29, 2024
Department of Permits, Approval, and Inspections

FROM: Derek M. Chastain
Bureau of Building Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0135-A

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

BPR: Please provide the required ADA accessible parking spots in accordance with ADAAG, 2010 edition

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: June 4, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0135-SPHXA
Address: 1200 YORK RD
Legal Owner: 1202 York Road, LLC

Zoning Advisory Committee Meeting of June 4, 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: May 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0135-SPHXA

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

DPR: No comment.

DPW-T: A) State Document Record Plat Liber 17 Folio 53 shows a 20-foot easement reservation along the rear property line to 2 Cavan Drive (AKA as 1200 York Road) Tax Account 09-08-550590. This easement must be shown on the plan and no permanent structures may be located within this area.

Landscaping: If Special Exception and / or Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)
[View GroundRent Redemption](#)
[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 0908550590

Owner Information

Owner Name:

1202 YORK ROAD LLC

Use:

RESIDENTIAL

Mailing Address:

14051 FOX HILL RD
SPARKS MD 21152-

Principal Residence:

NO

Deed Reference:

/44935/ 00054

Location & Structure Information

Premises Address:

1200 YORK RD
LUTHERVILLE 21093-0000

Legal Description:

NW COR CAVAN DR
TOWSONVALE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0061 0019 0341 9030041.04 0000 A 1 2023 Plat Ref: 0017/ 0053

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1952	1,305 SF	750 SF	8,988 SF	04

Stories	Basement Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNITASBESTOS SHINGLE/4	1	full		

Value Information

	Base Value	Value		Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024	
Land:	86,200	94,900			
Improvements	242,800	307,400			
Total:	329,000	402,300	353,433	377,867	
Preferential Land:	0	0			

Transfer Information

Seller: 1200 YORK ROAD LLC	Date: 06/16/2021	Price: \$712,500
Type: ARMS LENGTH MULTIPLE	Deed1: /44935/ 00054	Deed2:
Seller: TMR COUNTY LLC	Date: 05/31/2007	Price: \$375,000
Type: NON-ARMS LENGTH OTHER	Deed1: /25705/ 00336	Deed2:
Seller: RAFAILIDES THOMAS S	Date: 06/11/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /20217/ 00390	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:

2024-0135-SPHXA

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)
[View GroundRent Redemption](#)
[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 0919711810

Owner Information

Owner Name: 1202 YORK ROAD LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 14051 FOX HILL RD
SPARKS MD 21152- Deed Reference: /44935/ 00054

Location & Structure Information

Premises Address: 1202 YORK RD
0-0000 Legal Description: PT LT 19 .57 AC
RIDGELY LAND COMPANY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0061 0019 0408 20000.04 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1949 1,791 SF 24,540 SF 06

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

Value Information

	Base Value	Value		
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024
Land:	372,700	372,700		
Improvements	139,700	138,600		
Total:	512,400	511,300	511,300	511,300
Preferential Land:	0	0		

Transfer Information

Seller: 1200 YORK ROAD LLC	Date: 06/17/2021	Price: \$712,500
Type: ARMS LENGTH MULTIPLE	Deed1: /44935/ 00054	Deed2:
Seller: SATTERFIELD JANE	Date: 03/04/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /34731/ 00425	Deed2:
Seller: SATTERFIELD JANE	Date: 12/28/2012	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /32980/ 00220	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:

2024-0135 SPAXA

2200029172

1985-0317-X
1987-0387-SPHA
1987-0005-SPHA

PAI # 090104

Pt. Bk./Folio # 020025

PAI # 090104

OTHORIDGE RD

BL

Pt. Bk. 0000079, Folio 0004

2500008415

1976-0152-SPH

PAI # 090781
2005-0583-SPHXA
2007-0427-A

PAI # 090781

PAI # 090781

R-1965-0047-X

Pt. Bk./Folio # 079004

PAI # 090781

1700003165

1700003168

1700003169

1973-0146-SPHX

1986-0283-SPH

1987-0335-SPH

1987-0504-XA

1994-0466-SPH

R-1973-0004

RO

1986-0088-XA

0904201470

Lot # 18
1206

2 CD

NE 11-A

061A3

1202

0919711816

SITE

R-1974-0059-X

Lot # 1 0908550590

Pt. Bk. 0000017, Folio 0053

2

0906573350

Lot # 2

0907832080

Lot # 3

DR 5.5

PAI # 090065

PAI # 090065

Pt. Bk./Folio # 017053

0923506830

Lot # 4

0923157480

Lot # 5

Lot # 6

0919580550

CAVAN DR

1951-1988

1144

0908003500

Lot # 66

Lot # 65

0923005010

2024-0135-SPH

0910001670

Lot # 64

RO 70870