



KATHERINE A. KLAUSMEIER
County Executive

March 14, 2025

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

Adam Baker, Esquire abaker@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

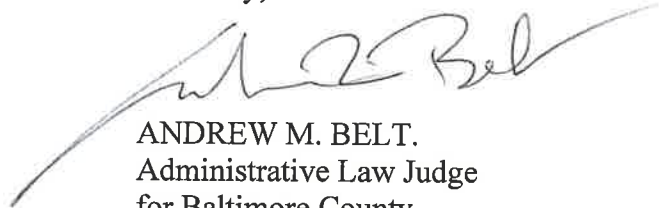
RE: Petition for Special Hearing
Case No. 2025-0022-SPH
Property: 2318 York Road

Dear Mr. Baker:

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,



ANDREW M. BELT.
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: York 2318 LLC kksidhu65@yahoo.com
Eric Rockel – erockel@earthlink.net

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(2318 York Road)		
8 th Election District	*	OFFICE OF
3 rd Council District		
Covahey Brothers, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
York 2318, LLC		
<i>Contract Purchaser</i>	*	Case No. 2025-0022-SPH
Petitioners	*	

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petition for Special Hearing filed by the legal owner Covahey Brothers, LLC and the contract purchaser, York 2318, LLC, (“Petitioners”) for the property known as 2318 York Road (the “Property”). The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to permit business stacking spaces in a residential zone for a proposed Dunkin carry out restaurant with a drive-thru, and for such other and further relief as may be deemed necessary by the Administrative Law Judge (“ALJ”).

A public Webex Virtual Hearing was held on March 13, 2025. The Petition was properly advertised and posted. The Petitioner, K.K. Sidhu of York 2318, LLC appeared at the hearing along with Walenty Zarski who prepared the site plan. Adam D. Baker, Esquire of Rosenberg Martin and Greenberg represented the Petitioners. Concerned citizen and long-time area resident, Eric Rockel, appeared supporting the requested relief with conditions.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Plans Review (“DPR”); they did not oppose the requested relief.

The subject property is approximately 49,223 sq. ft., and is zoned BR/DR 3.5 and is located on York Road in the Timonium area of Baltimore County. This property is currently occupied by a commercial structure which includes Gibby's Seafood, Fairground Liquors and a vacant unit on the far south side of the building that once housed a bank with a drive-thru. (Pet. Ex. 1)

As testified to by Mr. Zarski, the property has previously received approval for commercial parking in a residential zone by Zoning Case No. 2000-0176-SPHA, when the current commercial structure was originally proposed. Mr. Zarski explained that the businesses noted *supra*, front York Road and are located in the BR zone, while the majority of the parking is located in the rear of the site, and zoned DR 3.5. He noted that the Timonium Heights residential neighborhood is located to the west of the subject site and is accessed by Thelma Street and Rose Street, the two streets leading to York Road to the south and north of the property, respectively. (Pet. Ex. 2) Mr. Sidhu and Mr. Zarski provided testimony explaining that the now vacant bank location is proposed to be used as a Dunkin carry-out/drive-thru. This Dunkin will predominantly be a drive-thru location, with 65 to 75 percent of customers choosing the drive-thru option. The drive-thru window will be located on the south site of the property, with the menu boards being located in the rear of the location. Mr. Zarski explained that the site plan foresees 5 of the 9 stacked spaces for the drive-thru to be located in the DR 3.5 portion of the property. (Pet. Ex. 1) As noted on the plan, vehicles will enter the drive-thru cue heading south along the rear of the building and turn eastbound towards York Road after passing the menu boards. Mr. Zarski explained that after consultation with County Officials, a traffic control island and signage will be provided at the Thelma Street entrance to the property informing drivers to turn right, and drive around the building to enter the cue. He also noted that a center turn lane exists on York Road, which can be utilized by patrons traveling northbound without interfering with traffic flow. Mr. Sidhu and Mr.

Zarski further testified that the peak hours for the drive-thru will be from 7:00 am to 9:00 am, while the other commercial uses on site start later in the morning and have different peak hours.

Mr. Eric Rockel testified regarding his familiarity with the subject site and stated that he was not opposed to the proposed use. However, Mr. Rockel noted that the current landscaping buffer between the site's rear parking lot and the nearest residential structure consists of predominantly mature trees. Mr. Rockel suggested that the addition of shrubbery would more effectively shield the site from neighboring residential properties. Additionally, Mr. Rockel noted that a vinyl fence surrounded the residence at 3 Rose Street, separating it from the neighboring commercial use. He requested that such fencing also be considered as a buffer for the residences located on Thelma Street.

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 design standards for business parking in a residential zone include the following:

§ 409.8. Design standards.

- B. Business or industrial parking in residential zones.
 - 1. Upon application, 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, under the following procedure:
 - a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.
 - b. Within the 15-day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
 - c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of Section 409.8.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.
 - d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
 - e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - (1) His findings following the public hearing;
 - (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
 - (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
 - (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.

Additional requirements for drive-thru facilities include the following:

§ 409.10. - Requirements for drive-through facilities.

- A. For uses with drive-through facilities, stacking spaces for vehicles waiting to complete a transaction shall be provided in addition to the parking spaces required by Section 409.6. Each stacking space shall be at least 20 feet in length. The stacking space requirement shall not include the space next to the transaction station. The following are the minimum number of required stacking spaces by type use:

Use	Required Stacking Spaces
Automotive service station	As required in Section 405
Bank	5 for the first station, plus 2 for each additional station
Car wash	As required in Section 419
Restaurant, fast food	7 per station, 5 of which must be behind the order board [Bill No. 110-1993]
Restaurant, fast food, drive-through only	Single drive-through lane: 10 if walkup window is provided; 12 if there is no walkup window [Bill No. 110-1993]
	Double drive-through lane: 16 with no less than 5 stacking spaces per lane if walkup window is provided; 20 with no less than 5 per lane if there is no walkup window [Bill No. 110-1993]
Other uses	As determined by the Zoning Commissioner

Mr. Zarski testified that the requested parking plan for the proposed Dunkin carry-out/drive thru will not be detrimental to the health, safety or general welfare of the surrounding community and that of requirements of BCZR, §§ 409.8B and 409.10 noted above have been met. In light of the evidence presented, I concur, and the Petitioners' request for Special Hearing will be granted. The present and proposed conditions on the subject site are in keeping with the relief granted in prior Zoning Case No. 2000 0176 SPHA. While the drive-thru use for Dunkin will be more intense than that of a bank, the fact that peak hours occur from 7:00 am to 9:00 am mitigates potential traffic disruption. Additionally, while residential properties exist nearby in the Timonium Heights neighborhood, the majority of neighboring properties fronting York Road are commercial in nature. In keeping with DPR comments and Mr. Zarski's testimony regarding


communications with DPR officials, additional landscaping will be required on the site and should include Mr. Rockel's suggestion that shrubbery be added to the rear landscape buffer. As the far western part of the subject site is not controlled or owned by the Petitioners, I cannot mandate at this time that additional fencing be included as a buffer to Thelma Street properties as no Thelma Street residents appeared for the hearing, thus, depriving the record as to whether they would support the erection of such a structure.

THEREFORE, IT IS ORDERED this 14th day of **March, 2025** by this Administrative Law Judge that the Petition for Special Hearing from Baltimore County Zoning Regulations ("BCZR") § 500.7 to permit business stacking spaces in a residential zone for a proposed Dunkin carry-out restaurant with a drive-thru, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- 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.
- Prior to issuance of permits, Petitioners must comply with the following portions of the ZAC comment submitted by DPR, a copy of which is attached hereto and made a part hereof.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 11, 2025

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2025-0022-SPH

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 Special Hearing is successful, a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required for proposed Lighting.

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 Hearings for Baltimore County for the property located at:

Address 2318 York Rd Currently Zoned BR/DR 3.5
Deed Reference 26405 / 370 10 Digit Tax Account # 0803047977
Owner(s) Printed Name(s) Covahey Brothers LLC

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

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

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

PLEASE SEE ATTACHED

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

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

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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

York 2318 LLC
Name - Type or Print
[Signature]
Signature
12322 High Stakes Drive, Reisterstown, MD
Mailing Address City State
21136 / 410-491-4528 / kksidhu65@yahoo.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Covahey Brothers LLC /
Name #1 - Type or Print Name #2 - Type or Print
SEE PAGE 2 OF 2
Signature #1 Signature #2
614 Bosley Avenue, Baltimore, MD
Mailing Address City State
21204 / /
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Adam D. Baker
Name - Type or Print
[Signature]
Signature
25 S Charles St. Floor 21, Baltimore, MD
Mailing Address City State
21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Representative to be contacted:

Adam D. Baker
Name - Type or Print
[Signature]
Signature
25 S Charles St. Floor 21, Baltimore, MD
Mailing Address City State
21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Case Number 2025-0022-SPH Filing Date 1/28/25 Do Not Schedule Dates _____ Reviewer [Signature]



PETITION FOR ZONING HEARING(S)

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Contract Purchaser/Lessee:

York 2318 LLC

Name - Type or Print

SEE PAGE 1 OF 2

Signature

12322 High Stakes Drive, Reisterstown, MD
Mailing Address City State

21136 / 410-491-4528 / kksidhu65@yahoo.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Covahey Brothers LLC

Name #1 - Type or Print Name #2 - Type or Print

[Signature] / [Signature]

Signature #1 Signature #2

614 Bosley Avenue, Baltimore, MD
Mailing Address City State

21204 / /
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Adam D. Baker

Name - Type or Print

Signature

25 S Charles St, Floor 21, Baltimore, MD
Mailing Address City State

21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Representative to be contacted:

Adam D. Baker

Name - Type or Print

Signature

25 S Charles St, Floor 21, Baltimore, MD
Mailing Address City State

21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Case Number _____ Filing Date _____ / / Do Not Schedule Dates _____ Reviewer _____

Attachment to Zoning Petition for 2318 York Road

Special Hearing

1. Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations to permit business stacking spaces in a residential zone for a proposed Dunkin' carry out restaurant with a drive-thru; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

**DESCRIPTION TO ACCOMPANY PETITION
FOR SPECIAL HEARING
DUNKIN' DONUTS
2318 YORK ROAD
TIMONIUM, MARYLAND, 21093
8TH ELECTION DISTRICT; 3RD COUNCILMANIC DISTRICT**

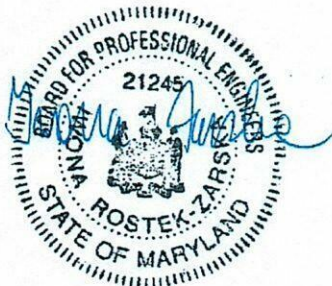
January 6, 2025

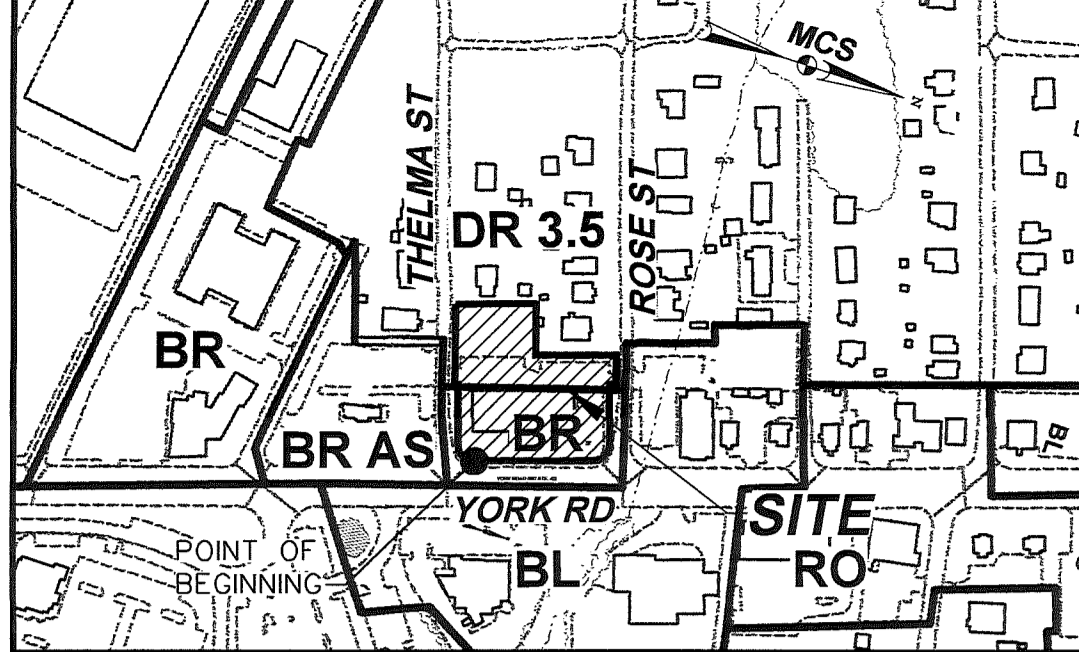
Beginning at the point located on the south side of the existing York Road right-of-way (variable width), said point being located southwesterly ± 45 feet from the intersection of the centerlines of York Road and Thelma Street, thence running the following courses and distances:

1. Along the curve to the left having a radius of 25.00 feet, for 39.27 feet; thence,
2. South $71^{\circ} 42' 17''$ West, 94.00 feet to a point; thence,
3. South $18^{\circ} 17' 43''$ East, 5.00 feet to a point; thence,
4. South $71^{\circ} 42' 17''$ West, 126.00 feet to a point; thence,
5. North $18^{\circ} 17' 43''$ West, 120.00 feet to a point; thence,
6. North $71^{\circ} 42' 17''$ East, 80.00 feet to a point; thence,
7. North $18^{\circ} 17' 43''$ West, 132.00 feet to a point; thence,
8. North $71^{\circ} 42' 17''$ East, 46.00 feet to a point; thence,
9. South $18^{\circ} 17' 43''$ East, 10.00 feet to a point; thence,
10. North $71^{\circ} 42' 17''$ East, 94.00 feet to a point; thence,
11. Along the curve to the right having a radius of 25.00 feet, for 39.27 feet; thence,
12. South $18^{\circ} 17' 43''$ East, 187.00 feet to the point of beginning

Containing 49,223 square feet or 1.13 acres, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.





ZONING MAP
SCALE: 1" = 200'
(MAP: 51 C3)

LEGEND

RIGHT-OF-WAY LINE: ---
 PROPERTY LINE: - - -
 EX. EASEMENT: --- BR ---
 ZONING LINE: --- BL ---
 EX. CONCRETE CURB AND GUTTER: --- EX.C&G ---
 EX. CURB AND GUTTER TO BE REMOVED: * * * * *
 EX. CONCRETE TO BE REMOVED DESIGNATION: (TBR)
 EX. BUILDING: []
 EX. SIGN: [] EX.SIGN
 EX. BOLLARD: []
 "EXISTING" DESIGNATION: EX.
 PR. CONCRETE CURB & GUTTER: --- PR.C&G ---
 PR. SIGN: []
 PR. PARKING COUNT: (5)
 "PROPOSED" DESIGNATION: PR.



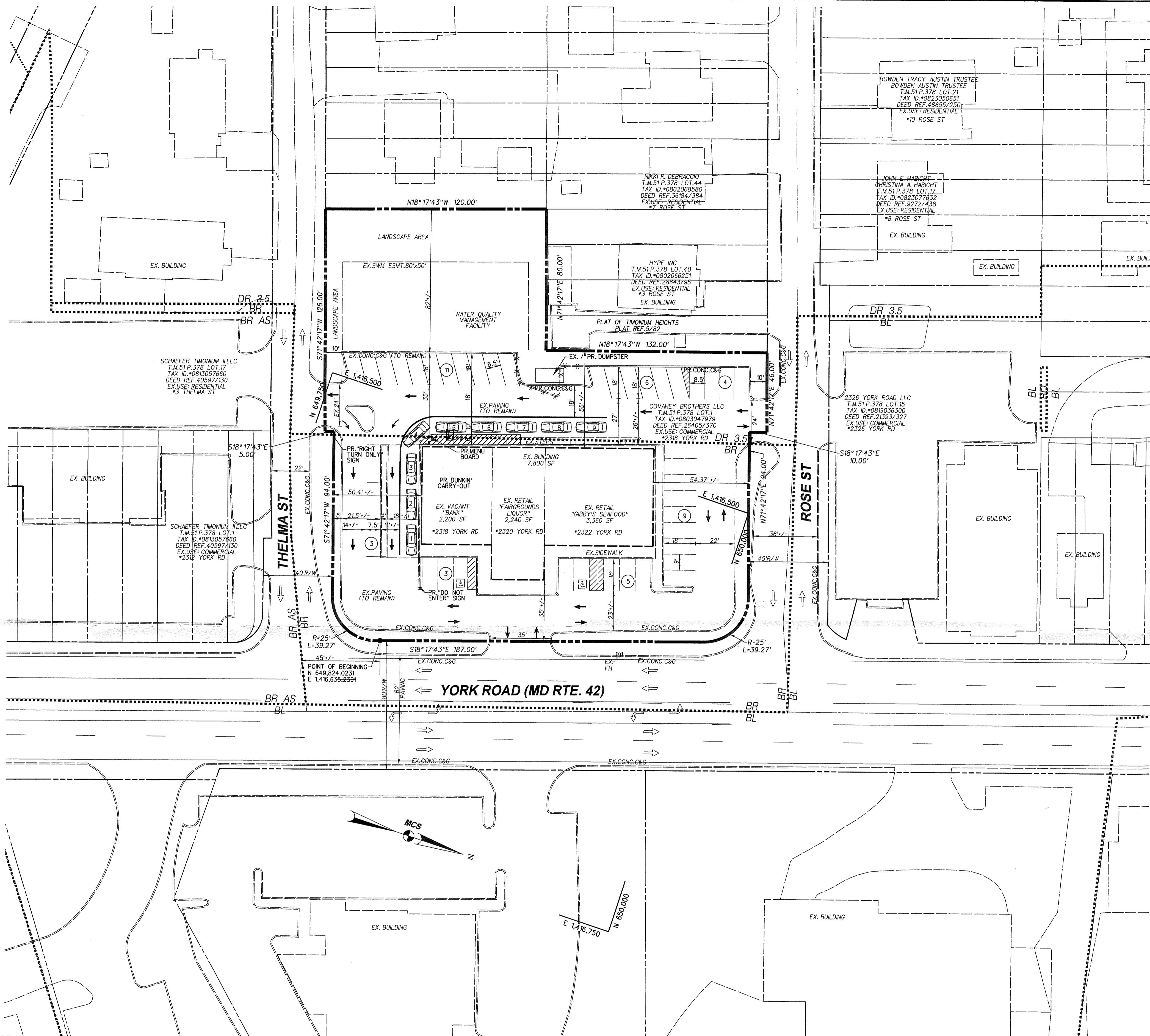
VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA

- AREA OF TRACT: 49,223 SF OR 1.13 AC
- OWNER: COVAHEY BROTHERS LLC
614 BOSLEY AVE
BALTIMORE MD 21204
- TAX MAP REFERENCES: T.M.51 P.378; TAX ID: 0803047977 DEED REF: 26405/370 PLAT REF: 5/82
- ELECTION DISTRICT: 8; COUNCILMANIC DISTRICT: 3
- EXISTING ZONING: BR, MAP #51 C3
- EXISTING USE: BANK (VACANT)
PROPOSED USE: DUNKIN' DONUTS WITH DRIVE THRU
- CENSUS TRACT: 408505
TRANSPORTATION ZONE: 676
ZIP CODE: 21093
WATERSHED: LOCH RAVEN RESERVOIR WATERSHED
- MINIMUM SETBACK REQUIREMENT:
FRONT: 25 FT FROM PROPERTY LINE, 50' FROM STREET CENTERLINE
SIDE: 30 FT ON THE STREET SIDE
REAR: 30 FEET WHEN ABUTTING A RESIDENTIAL ZONE
- LANDSCAPE REQUIREMENTS:
LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL
- STORM WATER MANAGEMENT (SWM): N/A
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST.
- THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON SITE.
- FOREST CONSERVATION REQUIREMENTS: N/A
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION:
PREMISES IS SHOWN ON MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 265 OF 580, COMMUNITY PANEL NUMBER 240000255, MAP REVISED NOVEMBER 2, 2023" AND IS LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD).
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- LIGHTING SHALL BE ERRECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL AREAS AND PUBLIC ROADS.

PARKING REQUIREMENTS

PARKING SPACES REQUIRED:
 RETAIL & CARRY OUT RESTAURANT PER B.C.Z.R. 409.6.A.2)
 7,800 SF @ 5.0 PS / 1,000 SF = 39 P.S.
 PARKING SPACES PROVIDED: 41 PS (INCL. 2 HDCP)
 CARRY-OUT WITH DRIVE-THRU DUNKIN' WILL HAVE
 NO MORE THAN THREE (3) TABLES AND TWELVE (12) SEATS



ZONING HISTORY

CASE 2004-0493-A:
 REQUEST FOR VARIANCE FROM SECTION 450.4.5(d) TABLE OF SIGN REGULATIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.), TO ALLOW SIGNAGE ALONG THE SOUTH CANOPY WITHOUT A CUSTOMER ENTRANCE ALONG THAT SIDE OF THE BUILDING WAS GRANTED ON JULY 22, 2004.

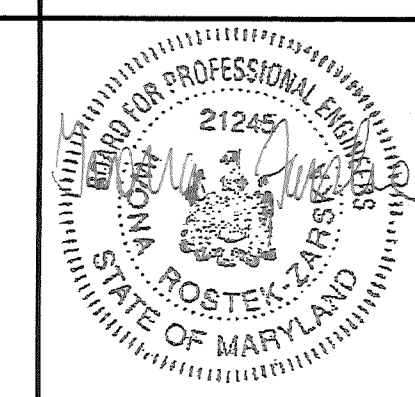
CASE 2000-0176-SPHA:
 PETITION FOR SPECIAL HEARING TO APPROVE BUSINESS PARKING IN A DR 3.5 ZONE, PURSUANT TO SECTIONS 409.8.B1 AND 409.8.B2 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.), PETITION FOR VARIANCE SEEKING RELIEF FROM SECTION 1B01.B.1C(2) TO MODIFY THE AMOUNT OF RESIDENTIAL TRANSITION AREA, AND FROM SECTION 1B01.B.1E(5) TO PERMIT A LANDSCAPE BUFFER AND PARKING LOT SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 50 FT BUFFER AND 75 FT SETBACK PURSUANT TO SECTION 409.8.B OF THE B.C.Z.R. WAS GRANTED FEBRUARY 23, 2000.

SPECIAL HEARING REQUEST

- SPECIAL HEARING:
- SPECIAL HEARING PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT BUSINESS STACKING SPACES IN A RESIDENTIAL ZONE FOR A PROPOSED DUNKIN' CARRY OUT RESTAURANT WITH A DRIVE-THRU; AND
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

NOTE:
 THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY
 AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

BLDG
 Baltimore Land Design Group, Inc.
 Consulting Engineers
 230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
 PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGC.COM



PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, IWONA ROSTECK-ZARSKA, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2026.

OWNER
 COVAHEY BROTHERS LLC
 614 BOSLEY AVE
 BALTIMORE MD 21204

DEVELOPER / APPLICANT
 YORK 2318 LLC
 12322 HIGH STAKES DRIVE
 REISTERSTOWN, MARYLAND 21136
 PHONE 410-491-4528

REVISIONS			
DATE	NO.	DESCRIPTION	BY

PLAN TO ACCOMPANY SPECIAL HEARING REQUEST
2318 YORK ROAD
 2318 YORK ROAD
 TOWSON, MARYLAND 21204
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 30'
 ELECTION DISTRICT: 8; C3
 DATE: JANUARY, 2024

DRAWING NO.
SH-1
 SHEET 1 OF 1

**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: 2025-0022-SPH
Property Address: 2318 York Rd
Legal Owners (Petitioners): Covahey Brothers LLC
Contract Purchaser/Lessee: York 2318 LLC

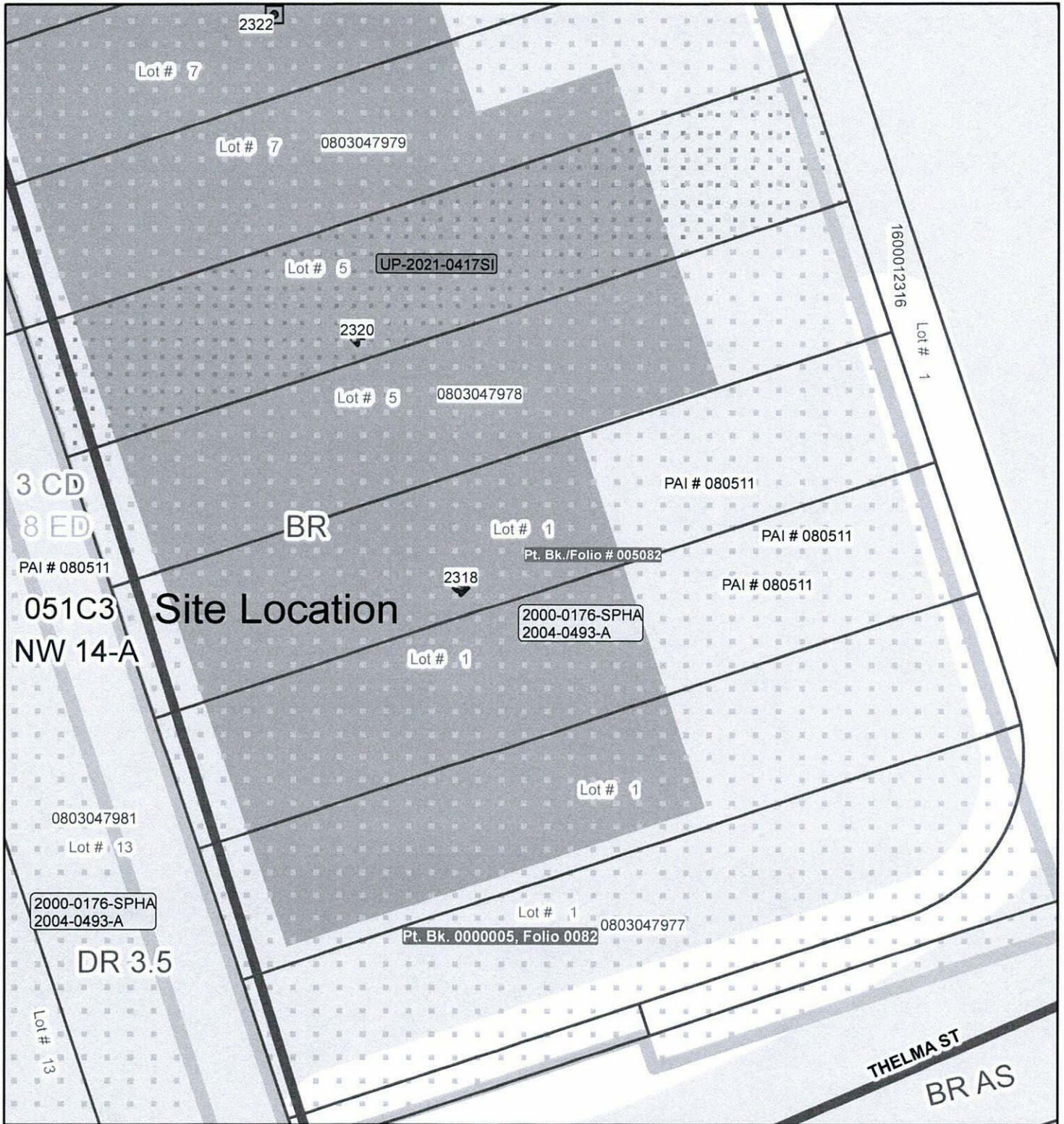
PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Adam Baker
Address: 25 S Charles St. Floor 21

Telephone Number: 410-727-6600

*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.

2318 York Rd



Publication Date: 1/28/2025



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



0 5 10 20 30 40 Feet

1 inch = 20 feet



PETITION FOR ZONING HEARING(S)

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

Address 2318 York Rd Currently Zoned BR/DR 3.5
Deed Reference 26405 / 370 10 Digit Tax Account # 0803047977
Owner(s) Printed Name(s) Covahey Brothers LLC

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

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

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

PLEASE SEE ATTACHED

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

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

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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

York 2318 LLC
Name - Type or Print
[Signature]
Signature
12322 High Stakes Drive, Reisterstown, MD
Mailing Address City State
21136 / 410-491-4528 / kksidhu65@yahoo.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Covahey Brothers LLC /
Name #1 - Type or Print Name #2 - Type or Print
SEE PAGE 2 OF 2
Signature #1 Signature #2
614 Bosley Avenue, Baltimore, MD
Mailing Address City State
21204 / /
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Adam D. Baker
Name - Type or Print
[Signature]
Signature
25 S Charles St. Floor 21, Baltimore, MD
Mailing Address City State
21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Representative to be contacted:

Adam D. Baker
Name - Type or Print
[Signature]
Signature
25 S Charles St. Floor 21, Baltimore, MD
Mailing Address City State
21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Case Number 2025-0022-SPH Filing Date 1/28/25 Do Not Schedule Dates _____ Reviewer [Signature]



PETITION FOR ZONING HEARING(S)

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

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Deed Reference 26405 / 370 10 Digit Tax Account # 0803047977

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Contract Purchaser/Lessee:

York 2318 LLC

Name - Type or Print

SEE PAGE 1 OF 2

Signature

12322 High Stakes Drive, Reisterstown, MD
Mailing Address City State

21136 / 410-491-4528 / kksidhu65@yahoo.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam D. Baker

Name - Type or Print

Signature

25 S Charles St, Floor 21, Baltimore, MD
Mailing Address City State

21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Covahey Brothers LLC

Name #1 - Type or Print / Name #2 - Type or Print

[Signature] / [Signature]

Signature #1 / Signature #2

614 Bosley Avenue, Baltimore, MD
Mailing Address City State

21204 / /
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Adam D. Baker

Name - Type or Print

Signature

25 S Charles St, Floor 21, Baltimore, MD
Mailing Address City State

21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Case Number _____ Filing Date _____ / / Do Not Schedule Dates _____ Reviewer _____

Revised 8/2022

Attachment to Zoning Petition for 2318 York Road

Special Hearing

1. Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations to permit business stacking spaces in a residential zone for a proposed Dunkin' carry out restaurant with a drive-thru; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

**DESCRIPTION TO ACCOMPANY PETITION
FOR SPECIAL HEARING
DUNKIN' DONUTS
2318 YORK ROAD
TIMONIUM, MARYLAND, 21093
8TH ELECTION DISTRICT; 3RD COUNCILMANIC DISTRICT**

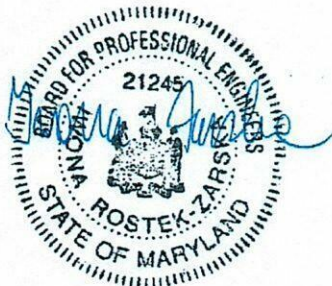
January 6, 2025

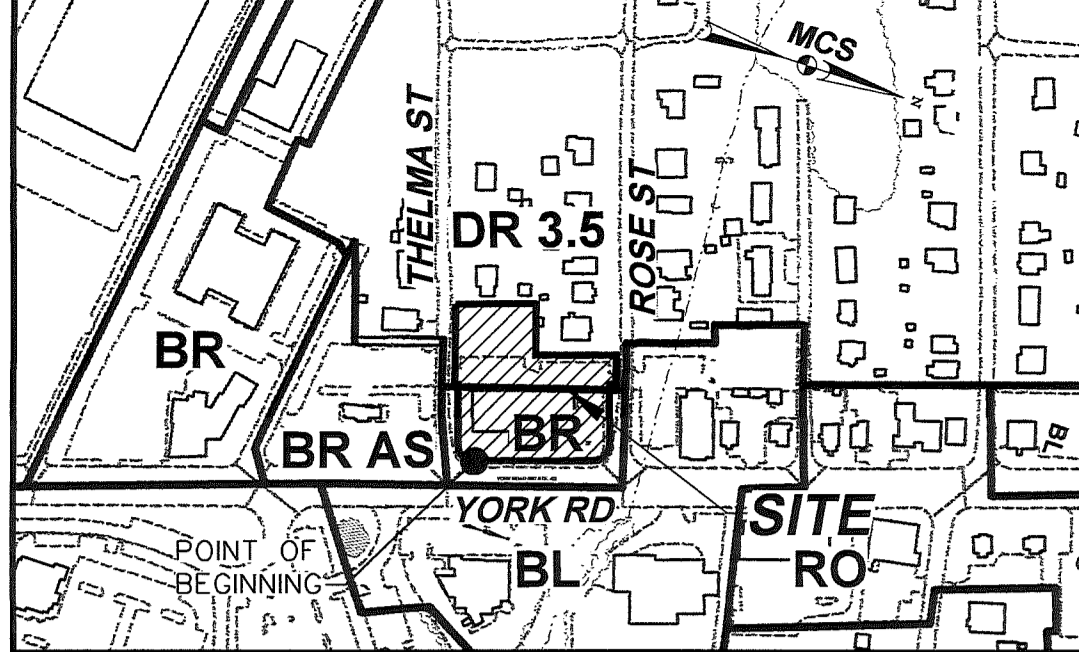
Beginning at the point located on the south side of the existing York Road right-of-way (variable width), said point being located southwesterly ± 45 feet from the intersection of the centerlines of York Road and Thelma Street, thence running the following courses and distances:

1. Along the curve to the left having a radius of 25.00 feet, for 39.27 feet; thence,
2. South $71^{\circ} 42' 17''$ West, 94.00 feet to a point; thence,
3. South $18^{\circ} 17' 43''$ East, 5.00 feet to a point; thence,
4. South $71^{\circ} 42' 17''$ West, 126.00 feet to a point; thence,
5. North $18^{\circ} 17' 43''$ West, 120.00 feet to a point; thence,
6. North $71^{\circ} 42' 17''$ East, 80.00 feet to a point; thence,
7. North $18^{\circ} 17' 43''$ West, 132.00 feet to a point; thence,
8. North $71^{\circ} 42' 17''$ East, 46.00 feet to a point; thence,
9. South $18^{\circ} 17' 43''$ East, 10.00 feet to a point; thence,
10. North $71^{\circ} 42' 17''$ East, 94.00 feet to a point; thence,
11. Along the curve to the right having a radius of 25.00 feet, for 39.27 feet; thence,
12. South $18^{\circ} 17' 43''$ East, 187.00 feet to the point of beginning

Containing 49,223 square feet or 1.13 acres, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.

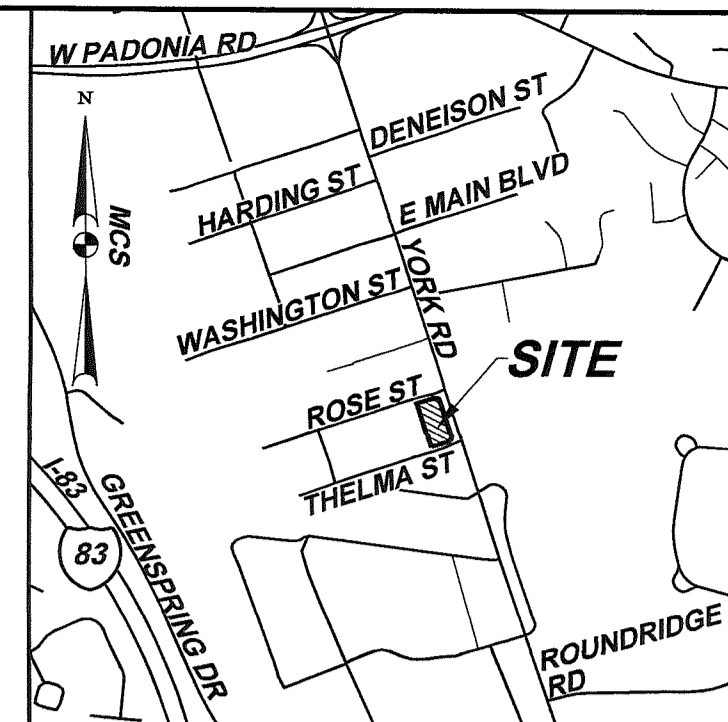




ZONING MAP
SCALE: 1" = 200'
(MAP: 51 C3)

LEGEND

RIGHT-OF-WAY LINE: ---
 PROPERTY LINE: - - -
 EX. EASEMENT: --- BR ---
 ZONING LINE: --- BL ---
 EX. CONCRETE CURB AND GUTTER: --- EX.C&G ---
 EX. CURB AND GUTTER TO BE REMOVED: * * * * *
 EX. CONCRETE TO BE REMOVED DESIGNATION: (TBR)
 EX. BUILDING: []
 EX. SIGN: [] EX.SIGN
 EX. BOLLARD: []
 "EXISTING" DESIGNATION: EX.
 PR. CONCRETE CURB & GUTTER: --- PR.C&G ---
 PR. SIGN: []
 PR. PARKING COUNT: (5)
 "PROPOSED" DESIGNATION: PR.



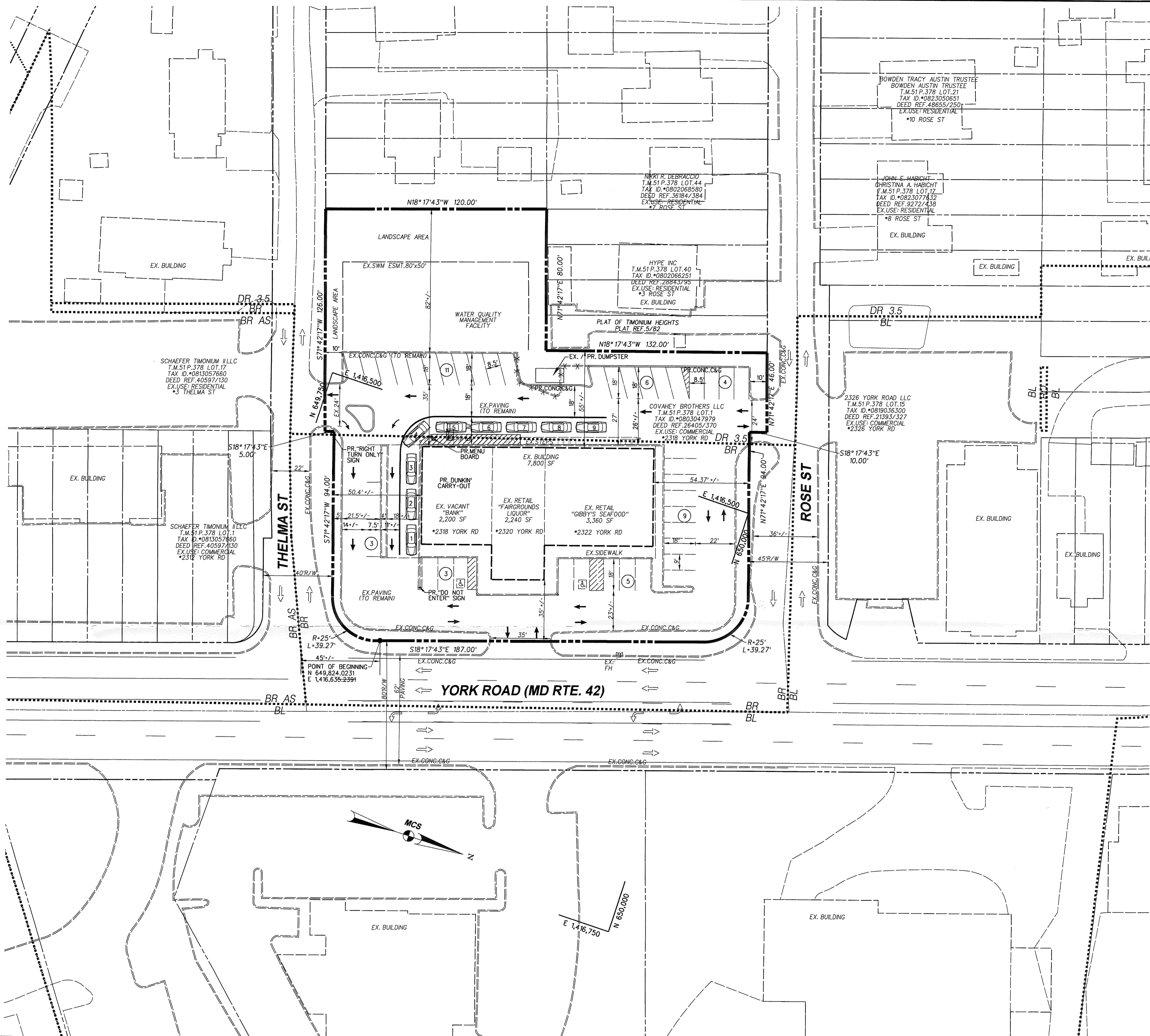
VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA

- AREA OF TRACT: 49,223 SF OR 1.13 AC
- OWNER: COVAHEY BROTHERS LLC
614 BOSLEY AVE
BALTIMORE MD 21204
- TAX MAP REFERENCES: T.M.51 P.378; TAX ID: 0803047977 DEED REF: 26405/370 PLAT REF: 5/82
- ELECTION DISTRICT: 8; COUNCILMANIC DISTRICT: 3
- EXISTING ZONING: BR, MAP #51 C3
- EXISTING USE: BANK (VACANT)
PROPOSED USE: DUNKIN' DONUTS WITH DRIVE THRU
- CENSUS TRACT: 408505
TRANSPORTATION ZONE: 676
ZIP CODE: 21093
WATERSHED: LOCH RAVEN RESERVOIR WATERSHED
- MINIMUM SETBACK REQUIREMENT:
FRONT: 25 FT FROM PROPERTY LINE, 50' FROM STREET CENTERLINE
SIDE: 30 FT ON THE STREET SIDE
REAR: 30 FEET WHEN ABUTTING A RESIDENTIAL ZONE
- LANDSCAPE REQUIREMENTS:
LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL
- STORM WATER MANAGEMENT (SWM): N/A
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST.
- THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON SITE.
- FOREST CONSERVATION REQUIREMENTS: N/A
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION:
PREMISES IS SHOWN ON MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 265 OF 580, COMMUNITY PANEL NUMBER 240000255, MAP REVISED NOVEMBER 2, 2023" AND IS LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD).
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- LIGHTING SHALL BE ERRECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL AREAS AND PUBLIC ROADS.

PARKING REQUIREMENTS

PARKING SPACES REQUIRED:
 RETAIL & CARRY OUT RESTAURANT PER B.C.Z.R. 409.6.A.2)
 7,800 SF @ 5.0 PS / 1,000 SF = 39 P.S.
 PARKING SPACES PROVIDED: 41 PS (INCL. 2 HDCP)
 CARRY-OUT WITH DRIVE-THRU DUNKIN' WILL HAVE
 NO MORE THAN THREE (3) TABLES AND TWELVE (12) SEATS



ZONING HISTORY

CASE 2004-0493-A:
 REQUEST FOR VARIANCE FROM SECTION 450.4.5(d) TABLE OF SIGN REGULATIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.), TO ALLOW SIGNAGE ALONG THE SOUTH CANOPY WITHOUT A CUSTOMER ENTRANCE ALONG THAT SIDE OF THE BUILDING WAS GRANTED ON JULY 22, 2004.

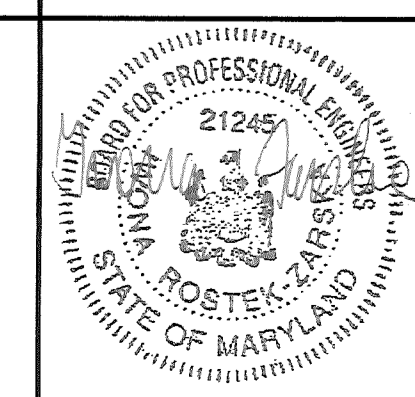
CASE 2000-0176-SPHA:
 PETITION FOR SPECIAL HEARING TO APPROVE BUSINESS PARKING IN A DR 3.5 ZONE, PURSUANT TO SECTIONS 409.8.B1 AND 409.8.B2 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.), PETITION FOR VARIANCE SEEKING RELIEF FROM SECTION 1B01.B.1C(2) TO MODIFY THE AMOUNT OF RESIDENTIAL TRANSITION AREA, AND FROM SECTION 1B01.B.1E(5) TO PERMIT A LANDSCAPE BUFFER AND PARKING LOT SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 50 FT BUFFER AND 75 FT SETBACK PURSUANT TO SECTION 409.8.B OF THE B.C.Z.R. WAS GRANTED FEBRUARY 23, 2000.

SPECIAL HEARING REQUEST

- SPECIAL HEARING:
- SPECIAL HEARING PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT BUSINESS STACKING SPACES IN A RESIDENTIAL ZONE FOR A PROPOSED DUNKIN' CARRY OUT RESTAURANT WITH A DRIVE-THRU; AND
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

NOTE:
 THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY
 AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

BLDG
 Baltimore Land Design Group, Inc.
 Consulting Engineers
 230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
 PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGC.COM



PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, IWONA ROSTEK-ZARSKA, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2026.

OWNER
 COVAHEY BROTHERS LLC
 614 BOSLEY AVE
 BALTIMORE MD 21204

DEVELOPER / APPLICANT
 YORK 2318 LLC
 12322 HIGH STAKES DRIVE
 REISTERSTOWN, MARYLAND 21136
 PHONE 410-491-4528

DATE		NO.		DESCRIPTION		REVISIONS	
DATE	NO.	DESCRIPTION	BY	DATE	NO.	DESCRIPTION	BY

PLAN TO ACCOMPANY SPECIAL HEARING REQUEST
2318 YORK ROAD
 2318 YORK ROAD
 TOWSON, MARYLAND 21204
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 30'
 ELECTION DISTRICT: 8; C3
 DATE: JANUARY, 2024

DRAWING NO.
SH-1
 SHEET 1 OF 1

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: February 18, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0022-SPH
Address: 2318 YORK ROAD
Legal Owner: Covahey Brothers, LLC

Zoning Advisory Committee Meeting of February 18, 2025.

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

Additional Comments:

Reviewer: Earl Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 11, 2025

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2025-0022-SPH

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 Special Hearing is successful, a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required for proposed Lighting.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/19/2025

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2025-0022

INFORMATION:

Property Address: 2318 York Road
Petitioner: Covahey Brothers LLC
Zoning: BR/DR 3.5
Requested Action: Special Hearing

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

Special Hearing -

1. A Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations to permit business stacking spaces in a residential zone for a proposed Dunkin' carry-out restaurant with a drive-thru; and
2. Additional relief as deemed necessary by the Administrative Law Judge.

The proposed property is located along York Road in the 3rd Councilmanic District. The property is located on the west side of York Road just south of the intersection with Rose Street. It is currently improved with a small strip shopping center which houses Gibby's Seafood, Grapes & Grains Wine and Spirits and the proposed Dunkin' drive-thru restaurant. The site is split-zoned BR and DR 3.5. The shopping center is located entirely in the BR zone, but a portion of the parking, including the proposed drive-thru lanes for the Dunkin', are located in the DR 3.5.

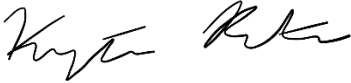
The Department of Planning does not object to the proposed relief for the following reasons:

- i. The property has previously received approval for commercial parking in a residential zone, as demonstrated by zoning case 2000-0176-SPHA. This precedent established the suitability of such use for the shopping center, acknowledging the compatibility of commercial and residential zoning in this context.
- ii. The drive-thru currently in place was utilized by a prior tenant, a bank, which similarly engaged in commercial activities requiring drive-thru service. The infrastructure for the drive-thru and stacking spaces already exists and was previously used entirely within the BR zone.

- iii. The stacking spaces for the drive-thru are intended to be used only during peak demand times, primarily in the morning. This limited and strategic use minimizes the impact on residential areas and focuses on efficiency and necessity.

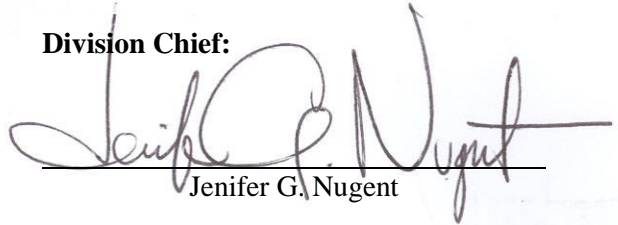
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Adam D. Baker
Megan Benjamin, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search ()
 Search Result for BALTIMORE COUNTY

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

Special Tax Recapture: None

Account Number: District - 08 Account Identifier - 0803047977

Owner Information

Owner Name: COVAHEY BROTHERS LLC Use: COMMERCIAL
 Principal Residence: NO
 Mailing Address: 614 BOSLEY AVE Deed Reference: /26405/ 00370
 BALTIMORE MD 21204-4029

Location & Structure Information

Premises Address: YORK RD Legal Description: PT LT1,2,3,4 .1842AC
 0-0000 NW COR THELMA ST
 TIMONIUM HEIGHTS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1
 0051 0023 0378 20000.04 0000 C 1 2023 Plat Ref: 0005/ 0082

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 8,027 SF 06

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 /

Value Information

	Base Value	Value		
		As of 01/01/2023	As of 07/01/2024	As of 07/01/2025
Land:	203,800	203,800		
Improvements	14,100	16,000		
Total:	217,900	219,800	219,167	219,800
Preferential Land:	0	0		

Transfer Information

Seller: COVAHEY EDWARD C, JR Date: 11/21/2007 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /26405/ 00370 Deed2:
 Seller: COVAHEY EDWARD C, JR Date: 06/03/1996 Price: \$0
 Type: ARMS LENGTH MULTIPLE Deed1: /11617/ 00166 Deed2:
 Seller: COVAHEY EDWARD C, JR Date: 11/09/1992 Price: \$0
 Type: Deed1: /09452/ 00562 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2024 07/01/2025
 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: