

April 7, 2025

Dear Neighbors,

The DVIA Board is pleased to report on the outcome of Baltimore County's recent rezoning effort, the 2024 Comprehensive Zoning Map Process (CZMP). Every 4 years the County Council considers requests for rezoning. The Council's zoning decisions are critical because they determine the extent of permissible redevelopment and, in some instances, they grant specific development rights to property owners. The DVIA was actively engaged in rezoning requests surrounding three properties that border our community. In our view the promise of no convenience store for 8 years, limited senior housing and no apartments at the Galleria are important wins.

The Board is pleased to report that the DVIA's engagement paid off.

### **1215 York Road and Royal Farms Store #514**

1215 York Road is located at the southeast corner of York and Greenridge Roads and for years was home to the SEBCO Federal Credit Union. More recently, the DVIA has been troubled by the new owner's plans to build a large Royal Farms convenience store on the lot. In 2020 CZMP, the property was rezoned from Office Retail ("OR") to Business Local ("BL"), which grants the owner the right to build a convenience store. At that time, the owner also requested an Automotive Service ("AS") overlay that would permit the installation of gas pumps, but the request was denied. The Council concluded at the time that gas pumps were "unsuitable" for the location.

In November 2021 the developer, Two Farms, submitted a project designated "Royal Farms Store #514" to the County, requesting a "Limited Exemption". Approval of a Limited Exemption allows the developer to bypass the otherwise required process for community input. It also prevents the community from challenging the project at an Administrative Hearing. The County's Development Review Committee ("DRC") reviewed and approved the Limited Exemption request without public notice and any community involvement. The decision also appeared to be based on insufficient and incomplete information provided by the developer.

The DVIA Board believed there were strong legal arguments that the DRC's decision to approve the Limited Exemption was wrong, and that a challenge to the approval could stop the project, or at least delay its ultimate approval. So, the DVIA Board appealed the DRC's approval of the Limited Exemption to the County Board of Appeals. The decision to pursue legal action had to be made quickly, as the County Code permits only 30 days to file an appeal.

In January 2022, Two Farms submitted plans for Royal Farms Store #514 to the County's development review process for approval. With the Limited Exemption decision in litigation, however, the project could not be fully approved.

In August 2022, the County Board of Appeals ruled in favor of the DRC's decision. The DVIA Board and its lawyers, however, continued to believe the legal arguments challenging the Limited Exemption were strong, and so the Board of Appeals decision was appealed, this time to the Baltimore County Circuit Court. The DVIA Board also believed that if the project remained in litigation until the 2024 CZMP began, the ongoing suit would give Councilman Kach leverage to block the convenience store.

We are pleased to report that the strategy of litigation and delay worked. The 2024 CZMP process began in August 2023 with the suit still pending before the Baltimore County Circuit Court. At each phase of the 2024 CZMP, the DVIA Board lobbied Councilman Kach to return the property to the original OR classification. Councilman Kach did not grant that request. However, he negotiated with the property owner to (1) withdraw the Royal Farms Store #514 project from the County's approval process and (2) attach a covenant to the property. The covenant, a copy of which is attached, promises that no convenience store, gas pumps or charging stations will be built on the property for 8 years, but permits the property to remain zoned BL. In return, the DVIA agreed to withdraw its pending suit in Baltimore County Circuit Court. Councilman Kach and the DVIA's lawyer believe the covenant gives the community protection after Kach leaves office.

Although not the original goal, the covenant is a "win" and will protect the community from overdevelopment at 1215 York Road for nearly a decade. The Zoning Team is thankful to the DVIA community for its timely and generous financial support. The community's generosity allowed the DVIA to hire skilled lawyers and expert witnesses, and to pay necessary filing fees, all within the very tight 30-day window to file an appeal

### **1301 York Road (Heaver Plaza) and Apartments**

1301 York Road is located at the northeast corner of York and Greenridge Roads. During the 2024 CZMP, the owners (the same group that owns 1215 York Road) requested that 6.46 acres be rezoned from BL to BL with a "CCC" overlay. A CCC overlay would allow the owner to build more than 200 mixed-use apartments (i.e., apartments plus commercial businesses). The same rezoning request was made in 2020 and denied.

The DVIA lobbied Councilman Kach against the rezoning, believing inadequate infrastructure (i.e. schools, roads and sewer), poor walkability, lack of amenities and the impact to adjacent homes were reasons to deny 200 apartments.

During those meetings, Councilman Kach explained that his greatest concern was the effect of the recently passed State bills (State SB 484 and HB 538, ***Affordable Housing - Zoning Density and Permitting***), which supersedes County zoning and would permit up to 600 apartments on the property. Rather than risk this overdevelopment, the DVIA Board agreed to the rezoning of 3 acres of the property to "RAE 1," which permits 40 apartments per acre (for a total of 120 apartments), and an "ESH" overlay, which requires Elderly Senior Housing. The rezoning was designated accordingly.

### **Seminary Galleria and 300 Apartments**

The Galleria is located on the southeast corner of York and Seminary Roads. During the 2024 CZMP, the owner, Hill Management, requested that 2.54 acres of their (unused) parking lot be rezoned from BL to “BM” (Business Major\_ with a CCC overlay. Their stated desire was to build high density mixed-use apartments. The DVIA Board lobbied against the rezoning, believing 300 apartments were unsuitable on this property.

Councilman Kach denied the request, but he warned that this property could also be a target of developers applying the new Maryland State Bill. The DVIA must monitor and remain actively engaged to ensure appropriate development and density.

### **Summary**

The DVIA Board was pleased with the outcome of the 2024 CZMP, and grateful for the community’s active engagement and generous financial support. It is because you made your voices heard—and supported the DVIA’s limited, strategic litigation with your wallets—that the most troubling zoning outcomes were avoided.

Our job, however, is not done. The last 3 years have taught us that we must:

- Be vigilant for zoning changes and development plans
- Maintain financial reserves that allow quick (legal) action when necessary
- Elect County and State representatives who support our communities, including our prerogative to decide zoning issues locally
- Work with our neighboring York Road communities—we’re stronger when we join our voices and resources together.

Sincerely,  
The DVIA Board

LR - Declaration/Covenant  
 Recording Fee 20.00  
 Declarant Name: 1215  
 YORK ROAD  
 Ref: LR - Surcharge 40.00  
 SubTotal: 60.00  
 Total: 60.00  
 08/07/2024 10:52  
 #18365456 CC0301 -  
 Baltimore  
 County/CC03.01.06 -  
 Register 06

## DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (this "Declaration") is made as of the 14th day of August, 2024 (the "Effective Date"), by 1215 YORK ROAD LLC, a Maryland limited liability company ("Declarant"), in favor of the Dulaney Valley Improvement Association, Inc., a Maryland Corporation ("DVIA" or the "Beneficiary"). Declarant and Beneficiary are, individually, each a "Party" and, any combination of more than one Party are the "Parties."

### RECITALS:

A. Declarant is the owner of approximately 1.71 +/- acres of land located at the intersection of Greenridge Road and York Road in the Timonium area of Baltimore County (hereinafter the "Property"). The Property is identified as Baltimore County Tax Map No. 61, Parcels 331 and 435, has Tax Identification Numbers of 0919274221 and 0913134530, and is currently improved with a credit union building.

B. DVIA is an association of community members and other local stakeholders interested in proposed development and other related issues within a designated portion of the Timonium area, which area includes the Property.

C. In Baltimore County's 2020 Comprehensive Zoning Map Process (the "2020 CZMP"), the Property was rezoned from its prior zoning designation of Office Building - Residential (OR-1) to its current zoning classification of Business, Local (B.L.). The request was known as Issue No. 3-005 (the "2020 Issue").

D. A request to rezone the Property from its existing B.L. zoning classification was filed by Baltimore County Council in the 2024 Comprehensive Zoning Map Process (the "2024 CZMP") and assigned Issue No. 3-051 (the "2024 Issue").

E. Declarant is seeking to preserve the existing B.L. zoning classification on the Property, which are shown and indicated on Exhibit A, attached hereto and incorporated herein (the "Existing Zoning").

F. In order to maintain the Existing Zoning, Declarant is willing to place certain restrictions on the Property in accordance with the terms and conditions set forth below.

### DECLARATIONS:

NOW THEREFORE, Declarants hereby agrees as follows:

1. This Declaration shall not be effective unless the Existing Zoning remains in place at the conclusion of the 2024 CZMP (the "Condition Precedent"). Subject to the timely satisfaction of the Conditions Precedent, Declarant, on behalf of itself, its successors and assigns, hereby agrees as follows:

A. Declarant will not locate a fuel service station, electric vehicle charging stations, and/or a convenience store as that term is defined in Section 101.1 of the Baltimore County Zoning Regulations, on the Property.

2. The covenants and restrictions contained in this Declaration shall run with the land and shall automatically terminate eight (8) years following the Effective Date (the "Term"). Notwithstanding the preceding sentence, if any portion of the Property is submitted for rezoning, or is rezoned, during the Term to a classification that is more restrictive than B.L., this Declaration shall automatically terminate and be of no further force or effect.

3. Within thirty (30) days following satisfaction of the Condition Precedent, Declarant shall record this Declaration among the Land Records of Baltimore County, at Declarant's sole expense. If Declarant fails to record this Declaration, the Beneficiary may record this Declaration, and Declarant shall reimburse the Beneficiary for the actual costs associated with such recordation.

4. In any proceeding for the enforcement of this Declaration or any provision thereof, whether it be an action for damages, declaratory relief, injunctive relief, or any other action, the losing Party or Parties shall pay the reasonable attorneys' fees and expenses of the prevailing Party or Parties. The prevailing Party or Parties shall be entitled to such reasonable attorneys' fees and expenses even if any said proceeding is settled prior to judgment. However, as a prerequisite to recovery of fees and costs under this Section 4, the Party seeking enforcement shall serve the alleged violator of this Declaration with written notice of the alleged violation, and only if the alleged violator has failed to remedy or to make substantial progress toward remedying the violation within thirty (30) days after receipt of this notice may legal action be instituted.

5. This Declaration may be amended only by written instrument executed by the Declarants and Beneficiary that may be impacted by such amendment.

**[SIGNATURES ON FOLLOWING PAGES]**

IN WITNESS THEREOF, Declarant has executed this Declaration as of the day and year first above written.

WITNESS:

DECLARANT

1215 YORK ROAD LLC

Ryan Vorkel  
Ryan Vorkel

By: Justin Rosemore (SEAL)  
Name: Justin Rosemore  
Title: Authorized Signatory

STATE OF MARYLAND, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY, that on this 14th day of August, 2024, before me, the subscriber, a Notary Public, personally appeared Justin Rosemore, and that he/she, as Authorized Signatory of 1215 YORK ROAD LLC, being authorized to do so, executed the foregoing Declaration for the purposes therein contained, by signing the name of the company by himself.

AS WITNESS my hand and notarial seal.

Joshua Erez  
Notary Public Joshua Erez

My Commission Expires: 9-29-2028

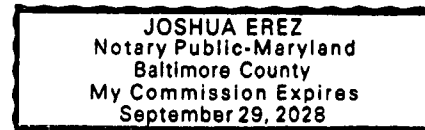
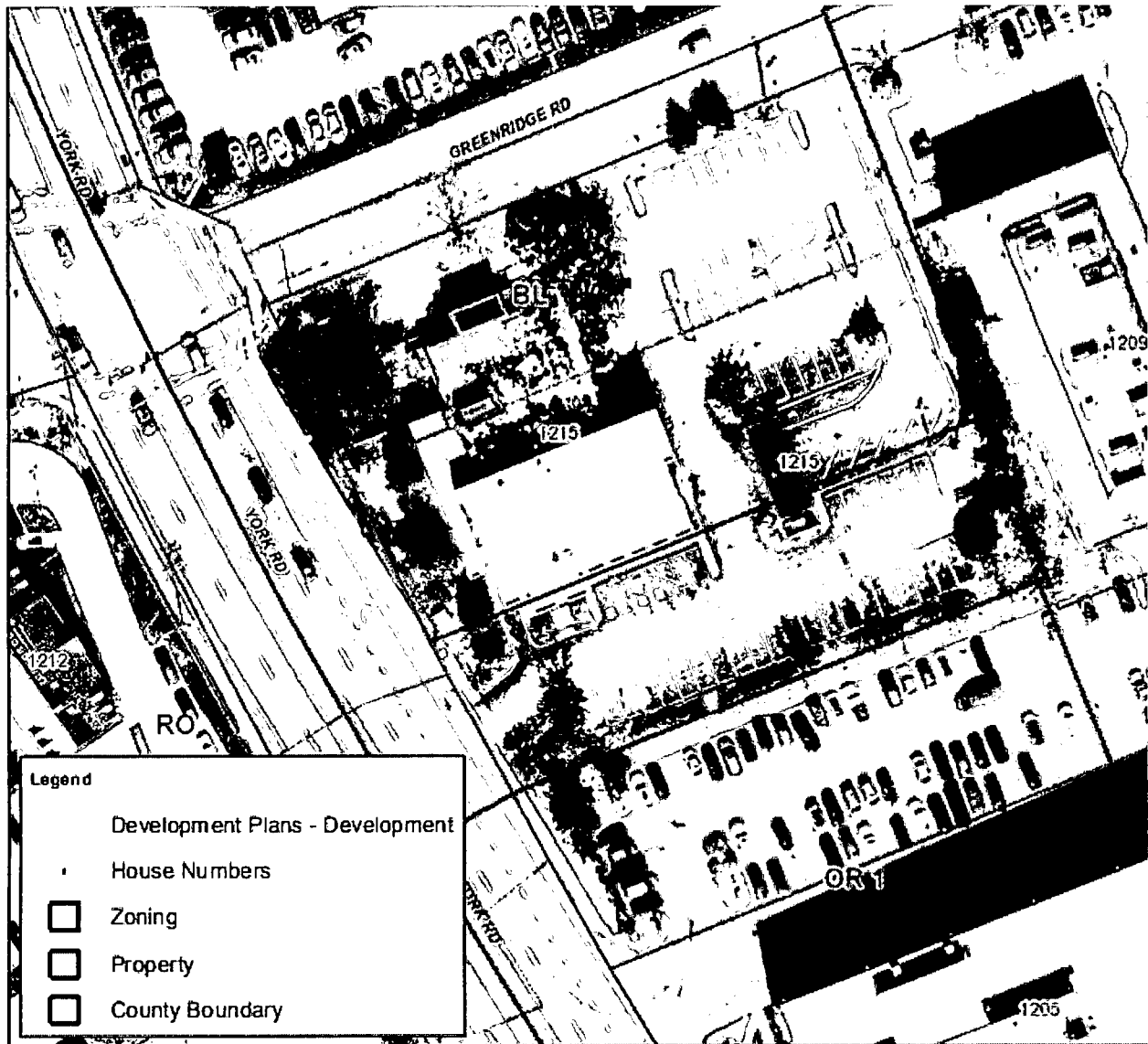


Exhibit A

Existing Zoning Map



Space Reserved for County Validation

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 49356, p. 0437, MSA CE62 49213, Date available 08/30/2024, Printed 04/07/2025.