

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - S/S Philadelphia Road, 340' NE of Chesaco Avenue (8037 Philadelphia Road) 15th Election District 7th Councilmanic District Rosedale Volunteer Fire Dept. Petitioner

* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 93-281-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing and a Petition for Variance filed by the owners of the subject property, the Rosedale Volunteer Fire Department, by their President, Randy P. Meyer. The Petitioners request a special hearing to amend the previously approved site plan in Case No. 88-479-XA to permit the proposed expansion, and a variance from Section 409.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 143 parking spaces in lieu of the required 154 spaces, all as more particularly described on Petitioner's Exhibits 1 and 2.

Appearing and testifying on behalf of the Petitions were Randy P. Meyer, President, and Paul Lee, Professional Engineer. The Petitioners were represented by Bowen P. Weisheit, Jr., Esquire. There were no Protestants at the hearing.

Testimony indicated that the subject property, known as 8037 Philadelphia Road, consists of 1.879 acres, more or less, split zoned B.M. and B.L.-C.S.A. The property is the site of the Rosedale Volunteer Fire Department and is improved with a fire station and accessory hall. The Petitioners are desirous of making interior improvements to the existing fire station to provide a recreation and meeting room on the 2nd floor of the subject building. The Petitioners propose no exterior changes to the

site and submitted Petitioner's Exhibit 2, a floor plan of the proposed interior changes. The Petitioners testified that the proposed improvements will not increase the number of firemen on the subject site, but will only serve to upgrade the existing facility. Further testimony indicated that there has never been a parking problem on the site. Therefore, the relief requested will not result in any detriment to the surrounding community or adversely impact the public health, safety or general welfare.

A comment submitted by the Office of Planning and Zoning raised the issue of landscaping for the subject site. Inasmuch as all changes to the subject site will be done on the interior of the existing building, and no exterior changes are proposed, I do not believe it is necessary for the Petitioners to submit a landscape plan at this time. Mr. Meyer, President of the Rosedale Volunteer Fire Department, stated that the Petitioners have done a good job of landscaping the subject property and that, in his opinion, additional landscaping is unnecessary. Based upon the testimony presented, I do not feel it is necessary for the Petitioners to submit a landscape plan at this time.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief sought are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of April, 1993 that the Petition for Special Hearing requesting an amendment to the previously approved site plan in Case No. 88-479-XA to permit the proposed interior renovations to the existing building, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 409.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 143 parking spaces in lieu of the required 154 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 4/14/93
By [Signature]

- 2 -

ORDER RECEIVED FOR FILING
Date 4/14/93
By [Signature]

- 3 -

ORDER RECEIVED FOR FILING
Date 4/14/93
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

April 14, 1993

(410) 887-4386

Bowen P. Weisheit, Jr., Esquire
1406 Fidelity Building
210 N. Charles Street
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Philadelphia Road, 340' NE of the c/i of Chesaco Avenue
(8037 Philadelphia Road)
15th Election District - 7th Councilmanic District
Rosedale Volunteer Fire Department - Petitioners
Case No. 93-281-SPHA

Dear Mr. Weisheit:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Randy P. Meyer, President
Rosedale Volunteer Fire Department
8037 Philadelphia Road, Baltimore, Md. 21237

People's Counsel

file



Petition for Special Hearing 93-281-SPHA to the Zoning Commissioner of Baltimore County

Rosedale Volunteer Fire Department
8037 Philadelphia Road
which is presently zoned BM & BL-CSA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 802.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To amend Site Plan - Case 88-479XA

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

Phone No.

Address and phone number of legal owner, contract purchaser or representative to be contacted

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Address

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 3/12/93
Posted for: Special Hearing & Variance
Petitioner: Rosedale Volunteer Fire Dept.
Location of property: SP, 1761 Rd., 3401 N.E. Chesapeake Ave.
Location of Sign: Facing road way on property of Petitioner
Remarks: _____
Posted by: At Filing Date of return: 3/26/93
Number of Signs: 2

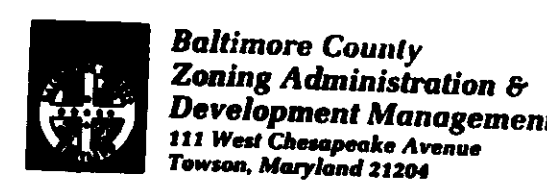
CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/11, 1993
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/11, 1993

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

\$186.38
\$122.13



receipt
Date: 3/22/93 Account: R-001-6150
Number: 19300289
PUBLIC HEARING FEES QTY PRICE
020 - ZONING VARIANCE (OTHER) 1 X \$.00
040 - SPECIAL HEARING (OTHER) 1 X \$.00
TOTAL: \$.00
LAST NAME OF OWNER: ROSEDALE VOL FIRE
Please Make Checks Payable To: Baltimore County
Casher Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/22/93

Rosedale Volunteer Fire Department
8037 Philadelphia Road
Baltimore, Maryland 21237

RE: CASE NUMBER: 93-281-SPHA (Item 289)
S/S Philadelphia Road, 340' NE of c/l Chesapeake Avenue
8037 Philadelphia Road
15th Election District - 7th Councilmanic
Petitioner(s): Rosedale Volunteer Fire Department
HEARING: WEDNESDAY, APRIL 7, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 122.13 is due for advertising and posting of the above captioned property and hearing date.

THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE OFFICE SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Forward your check for the above fee via return mail to the Zoning Office, (ZADM), County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please write the case number and hearing date on the check and make same payable to Baltimore County, Maryland. To avoid delay of the Zoning Commissioner's Order in your case, immediate attention to this matter is suggested.

Carl Jahn
ARNOLD JABLON
DIRECTOR

cc: Bowen P. Weisheit, Jr.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

MAR 05 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-281-SPHA (Item 289)
S/S Philadelphia Road, 340' NE of c/l Chesapeake Avenue
8037 Philadelphia Road
15th Election District - 7th Councilmanic
Petitioner(s): Rosedale Volunteer Fire Department
HEARING: WEDNESDAY, APRIL 7, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.
Special Hearing to amend site plan in case #88-479-1A.
Variance permitting 143 parking spaces in lieu of the required 154 parking spaces.

Arnold Jablon
Director

cc: Rosedale Volunteer Fire Department
Bowen P. Weisheit, Jr.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 31, 1993

Bowen P. Weisheit, Jr., Esquire
1406 Fidelity Building
210 N. Charles Street
Baltimore, MD 21201

RE: Case No. 93-281-SPHA, Item No. 289
Petitioner: Rosedale Volunteer Fire Department
Petition for Special Hearing and Variance

Dear Mr. Weisheit:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-5-93

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +289 (MJK)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7886 Baltimore Metro - 505-8481 D.C. Metro - 1-800-482-8062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21205-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: March 11, 1993

SUBJECT: 8037 Philadelphia Road

INFORMATION:

Item Number: 289
Petitioner: Rosedale Volunteer Fire Department
Property Size: _____
Zoning: B.M. & B.L.-C.S.A.
Requested Action: _____
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff recommends that the Petitioners request be granted subject to the following:

The applicant should meet with the Deputy Director of the Planning Office to discuss a landscape treatment for the subject property.

Prepared by: Jeffrey M. Long

Division Chief: Cheryl Kenna

PK/JL:lw

289.ZAC/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 22, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #289
Rosedale Volunteer Fire Department
Zoning Advisory Committee Meeting of March 8, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:rmp

Attachment

ZNG.289/DCRMP

Item No.: +289(MJK) Zoning Agenda: MARCH 8, 1993

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Jerry Hefner
Planning Group
Special Inspection Division

JP/KEKF

