

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE - NW/S Rickenbacker *
 Road, 250' S of the c/l of * DEPUTY ZONING COMMISSIONER
 Seversky Court *
 (1626 Rickenbacker Road) * OF BALTIMORE COUNTY
 15th Election District *
 5th Councilmanic District * Case No. 95-299-XA

 The Community Center for Youth *
 Development, Inc. - Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1626 Rickenbacker Road, located in the Stemmers Run/Back River Neck area of Essex. The Petitions were filed by the owners of the property, The Community Center for Youth Development, Inc., by Charles H. Cresswell, President, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special exception for a community building with a group child care center in a D.R. zone, and a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required 17 for a proposed community center/day care facility in an existing building. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions filed were Charles H. Cresswell, President of the Community Center for Youth Development, Inc., William Bafitis, Professional Engineer, Mary Emerick, East Side Community Representative, Joseph Schuack, Sr., and John B. Gontrum, Esquire. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.046 acres, more or less, zoned D.R. 16 and is improved with

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 By

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a two-story brick apartment building, also known as Unit 26 of the Village of Evergreen Condominium, which is part of the Villages of Tall Trees. The Petitioners, a non-profit organization, are desirous of establishing a community center on the premises and propose converting the six-apartment building into a center for community services, including a day care facility for the many residents of The Village of Tall Trees. Furthermore, the Petitioners are attempting to locate counseling and health care services, as well as a branch office for the Department of Human Services within this building. All of these uses are desperately needed in this community and it was clear from the testimony that the relief requested would not be detrimental to the surrounding locale. Furthermore, the requested variance is necessary due to the proposed use of the existing building and strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioners.

It is clear that the B.C.Z.R. permits the use proposed in a D.R.16 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

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cial exception use, irrespective of its location within the zone.
Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

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Date 3/28/95
By [Signature]

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court character-

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ized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of March, 1995 that the Petition for Special Exception to permit a community building with a group child care center in a D.R. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required 17 for a proposed community center/day care facility in an existing building, 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/use permits 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 relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date 3/28/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 28, 1995

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/S Rickenbacker Road, 250' S of the c/l of Seversky Court
(1626 Rickenbacker Road)
15th Election District - 5th Councilmanic District
The Community Center for Youth Development, Inc. - Petitioners
Case No. 95-299-XA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception 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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Charles Cresswell, President, The Community Center for Youth Dev.
1626 Rickenbacker Road, Baltimore, Md. 21221

People's Counsel

File





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1626 Rickenbacker Road
which is presently zoned D.R.16.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for special exception for a community building with a group child care center in a D.R. Zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

John B. Gontrum

(Type or Print Name)

Signature

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Blvd.

Address

Phone No.

Essex, MD 21221 686-8274

City

State

Zipcode

Legal Owner(s):

The Community Center for Youth

(Type or Print Name) Development, Inc.

Signature

CHARLES H. CRESSWELL

(Type or Print Name)

Signature

1626 Rickenbacker Road 667-1366

Address

Phone No.

Baltimore, MD 21221

City

State

Zipcode

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

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL ☒ OTHER

REVIEWED BY: mark DATE 2/24/95

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

95-299-XA
to the Zoning Commissioner of Baltimore County

for the property located at 1626 Rickenbacker Road
which is presently zoned D.R.16.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6 or to apply for 0 parking spaces in lieu of the required 17.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The variance is for an existing building which is one of over 105 units of a condominium complex. The building is to serve the residents of the complex, and parking is adjacent to the site for residents of the complex. It is the unique configuration of this complex and of the amenities which necessitates the variance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance 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.

I/We do 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 Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

John B. Gontrum

(Type or Print Name)

Signature

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Blvd. 686-8274

Address

Phone No

Essex, MD 21221

City

State

Zipcode

Legal Owner(s)

The Community Center for Youth

(Type or Print Name) Development, Inc.

Signature

(Type or Print Name)

Signature

1626 Rickenbacker Road 667-1366

Address

Phone No

Baltimore, MD 21221

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING

Date

By



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on Recycled Paper

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95-299-XA

ZONING DESCRIPTION
1626 RICKENBACKER ROAD
(UNIT # 26)
VILLAGE OF TALL TREES

Beginning on the Northwest side of Rickenbacker Road, 60 feet wide, at a distance of 190.50 feet Southwesterly, along the Northwestern right-of-way line of Rickenbacker Road, having radii, of 215.73 feet and 428.00 feet, from the intersection of the Northwest right-of-way line of Rickenbacker Road and the Southwestern right-of-way line of Seversky Court, 130 feet wide. Thence running along a property line South 85°49'20" West 255.03 feet, thence leaving said property line North 04°10'40" West 27.23 feet to a beginning point; thence the following four courses and distances to encircle Unit # 26 (#1626 Rickenbacker Road) 1) North 38°14'12" West 80.08 feet, 2) North 51°45'48" East 55.21 feet, 3) South 38°14'12" East 80.08 feet, 4) South 51°45'48" West 55.21 feet to the beginning point. Containing 4,421 square feet, (0.101 Acres) of land more or less. Together with an adjacent playground containing 2,000 square feet (0.046) Acres of land, more or less.

Being a part of the subdivision of The Village of Evergreen as recorded in Baltimore County Plat Book E.H.K. Jr. 7 Folio 43, Also known as 1626 Rickenbacker Road (Unit # 26) and located in the 15th Election District of Baltimore County Maryland.




William N. Bafitis, P.E. Md. Reg. # 11641

2.10.25
Date

#295

McGraw-Hill

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-299-XA

District: 15th Date of Posting: 3/4/85

Posted for: Special Exception & Variance

Petitioner: The Community Ctr. of Youth Development, Inc.

Location of property: 1676 Pickensbacker Rd. N/W/S

Location of Signs: Facing road & on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 3/10/85
Signature

Number of Signs: 1



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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-299-XA (Item 295)
1626 Rickenbacker Road
NW/S Rickenbacker Road,
2501 S of c/1 Saversky Ct.
15th Election District
5th Councilmanic
Legal Owner(s):

The Community Center
for Youth Development,
Inc.

HEARING: TUESDAY,
MARCH 28, 1995 at 9:00
a.m. in Rm. 118, Old
Courthouse.

Special Exception: for a
community building with a
group child care center.
Variance: to apply for zero
parking spaces in lieu of the re-
quired 17.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-3353.

(2) For Informa-
tion concerning the File and/or
Hearing, Please Call 887-3391.

3/11/ March 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

319, 1995

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 319, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

Publisher

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Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-299-XA

Account: R-001-6150

Number

Date 2/25/95

Item: 295

Taken In By: MFK

The Community Center for
Youth Development, Inc. — 1626 Rickenbacker Rd

050- Special Exception — \$ 300.00

020- Comm. Variance — \$ 250.00

080- 2 signs (\$ 35.00 each) — \$ 70.00

Total — \$ 620.00

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01AD1#00004NICWRC

\$620.00

BA 000047AMD2-24-95

Please Make Checks Payable To: Baltimore County

Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 295

Petitioner: The Community Center for Youth Development, Inc.

Location: 1626 Rickenbacker Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John B. Gontrom (Romadka, Gontrom, + McLaughlin, P.A.)

ADDRESS: 814 Eastern Blvd
Essex, MD 21221

PHONE NUMBER: 686-8274

AJ:ggs

(Revised 04/09/93)



Printed on Recycled Paper

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
March 9, 1995 Issue - Jeffersonian

Please forward billing to:

John Gontrum Esq.
814 Eastern Blvd.
Essex, Maryland 21221
410-686-8274

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: 95-299-XA (Item 295)
1626 Rickenbacker Road
NW/S Rickenbacker Road, 250' S of c/l Seversky Court
15th Election District - 5th Councilmanic
Legal Owner(s): The Community Center for Youth Development, Inc.
HEARING: TUESDAY, MARCH 28, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a community building with a group child care center.
Variance to apply for zero parking spaces in lieu of the required 17.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

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: 95-299-XA (Item 295)

1626 Rickenbacker Road

NW/S Rickenbacker Road, 250' S of c/l Seversky Court

15th Election District - 5th Councilmanic

Legal Owner(s): The Community Center for Youth Development, Inc.

HEARING: TUESDAY, MARCH 28, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a community building with a group child care center.
Variance to apply for zero parking spaces in lieu of the required 17.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: The Community Center for Youth
John Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 21, 1995

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Blvd.
Essex, Maryland 21221

RE: Item No.: 295
Case No.: 95-299-XA
Petitioner: Community Center for
Youth Development

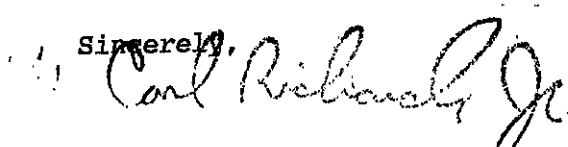
Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 24, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 14, 1995

SUBJECT: 1626 Rickenbacker Road

INFORMATION:

Item Number:

295

Petitioner:

The Community for Youth Development, Inc.

Property Size:

Zoning:

D.R. 16

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The subject petition for a Special Exception for the community building on Rickenbacker Road, located within the Village of Tall Trees has broad-based community support. A committee that includes the Office of Planning, the Essex-Middle River Chamber of Commerce, the Baltimore County Police Department, Department of Social Services, Mars Estates Elementary School, the Village of Tall Trees Condo Association, area residents, Our Lady of Mount Carmel Catholic Church and several other groups have been working cooperatively since February, 1994 trying to deal with the social and economic issues in the Village of Tall Trees.

The complex houses nearly 3000 residents, however, few community amenities exist within the complex. The community building will give the Village of Tall Trees a focal point for much needed services such as the day care center. Additional uses for the center include employment services, a police community office, health services and an after school educational program.

The community building is the kind of partnership that Baltimore County should support and encourage. Therefore, the Office of Planning recommends that the applicant's request be granted.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL:lw

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Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: THE COMMUNITY CENTER FOR YOUTH DEVELOPMENT INC.

LOCATION: NW/S RICKENBACKER RD., 250' S OF CENTERLINE SEVERSKY CT.
(1626 RICKENBACKER RD.)

Item No. 295

Zoning Agenda: SPECIAL EXCEPTION
VARIANCE

Gentlemen:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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", 1991 edition prior to occupancy.

RECEIVED
MAR 9 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3/8/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 3/6/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 291
293
295 ✓

LS:sp

LETTY2/DEPRM/TXTSBP



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-8-95

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

Re: Baltimore County
Item No.: +295 (MJK)

Dear Ms. Watson:

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 effected by any State Highway Administration project.

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

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 24, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #295
1626 Rickenbacker Road

This petition was accepted as filed; however, the site plan was not sealed or signed by the engineer as the property description was. Also, the site plan does not specifically show a metes and bounds description around the special exception area. At the hearing, the petitioner should argue that the proposed community building should not have to meet all the RTA requirements and that the proposed is compatible with the surrounding residential use.

MJK:scj

RECEIVED

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
1626 Rickenbacker Road, NW/S Rickenbacker * ZONING COMMISSIONER
Road, 250' S of c/l Seversky Court, 15th *
Election District, 5th Councilmanic * OF BALTIMORE COUNTY

The Community Center for Youth Develop- * CASE NO. 95-299-XA
ment, Inc. *
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

RECEIVED
MAR 16 1995
ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN

1138-95



Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
1981
CLASS



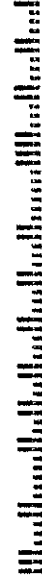
JK.
DLD

THE COMMUNITY CENTER FOR YOUTH
CHARLES H CRESSWELL
1626 RICKENBACKER ROAD
BALTIMORE MD 2.

CRES626 212212010 IN 03/09/95
RETURN TO SENDER
NO ORDER ON FILE
FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

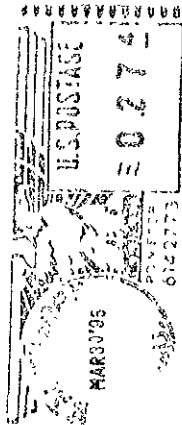
APK
2/13

21221-2043 13





Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204



POSTAGE
PAID
1001
CLASS

Handwritten: CLACK
+ MAR 11 1973



VACANT

Mr. Charles Cresswell
President, The Community Center for Youth Development
1626 Rickenbacker Road
Baltimore, Maryland 21221

Microfilm



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

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: 95-299-XA (Item 295)

1626 Rickenbacker Road

NW/S Rickenbacker Road, 250' S of c/l Seversky Court

15th Election District - 5th Councilmanic

Legal Owner(s): The Community Center for Youth Development, Inc.

HEARING: TUESDAY, MARCH 28, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a community building with a group child care center.
Variance to apply for zero parking spaces in lieu of the required 17.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: The Community Center for Youth
John Gontrum, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



our lady of mt. carmel church

1704 EASTERN AVENUE

BALTIMORE, MARYLAND 21221

934-95
MS for file
3/6/95

March 3, 1995

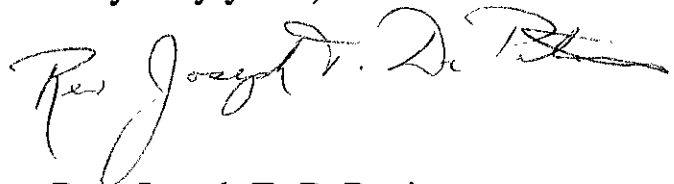
Arnold Jablon, Esq.
Director of Zoning Administration
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Special Exception/Variance
Tall Trees Community Center
Zoning Item 295

Dear Mr. Jablon:

I am aware of the request for zoning special exception and variances for parking for the proposed community center at the Village of Tall Trees. We are in full support of the petitions as there is a tremendous need for this sort of facility in the Tall Trees Community.

Very truly yours,



Rev. Joseph T. DePetrìs
Pastor

RECEIVED

MAR 6 1995

ZADM

MICROFILMED

Partners
MANAGEMENT COMPANY

3/3/95
for file

911-95
AJ-GS

THE JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
SUITE 307
TOWSON, MD 21204
410-821-0500
FAX 410-821-5295

March 1, 1995

95-299-XA

Mr. Arnold Jablon
Director of Zoning
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

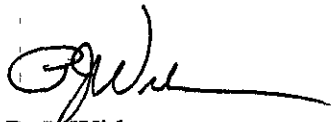
Dear Mr. Jablon:

As the managing agent of the Essectowne Apartments located on Essectowne Circle in Eastern Baltimore County, and adjacent to the Tall Trees Apartment community, this letter will certify that we are in favor of the special exception and variance request for the community building project at the Tall Trees community.

This facility and the programs planned will be a positive and progressive solution to many of the problems that have plagued the community.

I hope you will give this request a favorable decision.

Sincerely,



P. J. Widerman
Vice President
Residential Properties

cc: Robert A. Romadka
Michael Botsaris
Jeanne Romadka

PJW:cr\395LTRS

RECEIVED

MAR 8 1995

ZADM

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Joseph Schuack Jr

Mary Emerick

William Baritis, Jr.

Charles H. Russell

15-B. Nut MEY Knoll CT
Cockeysville, Md. 21030

6E VIEW RIDGE DR.

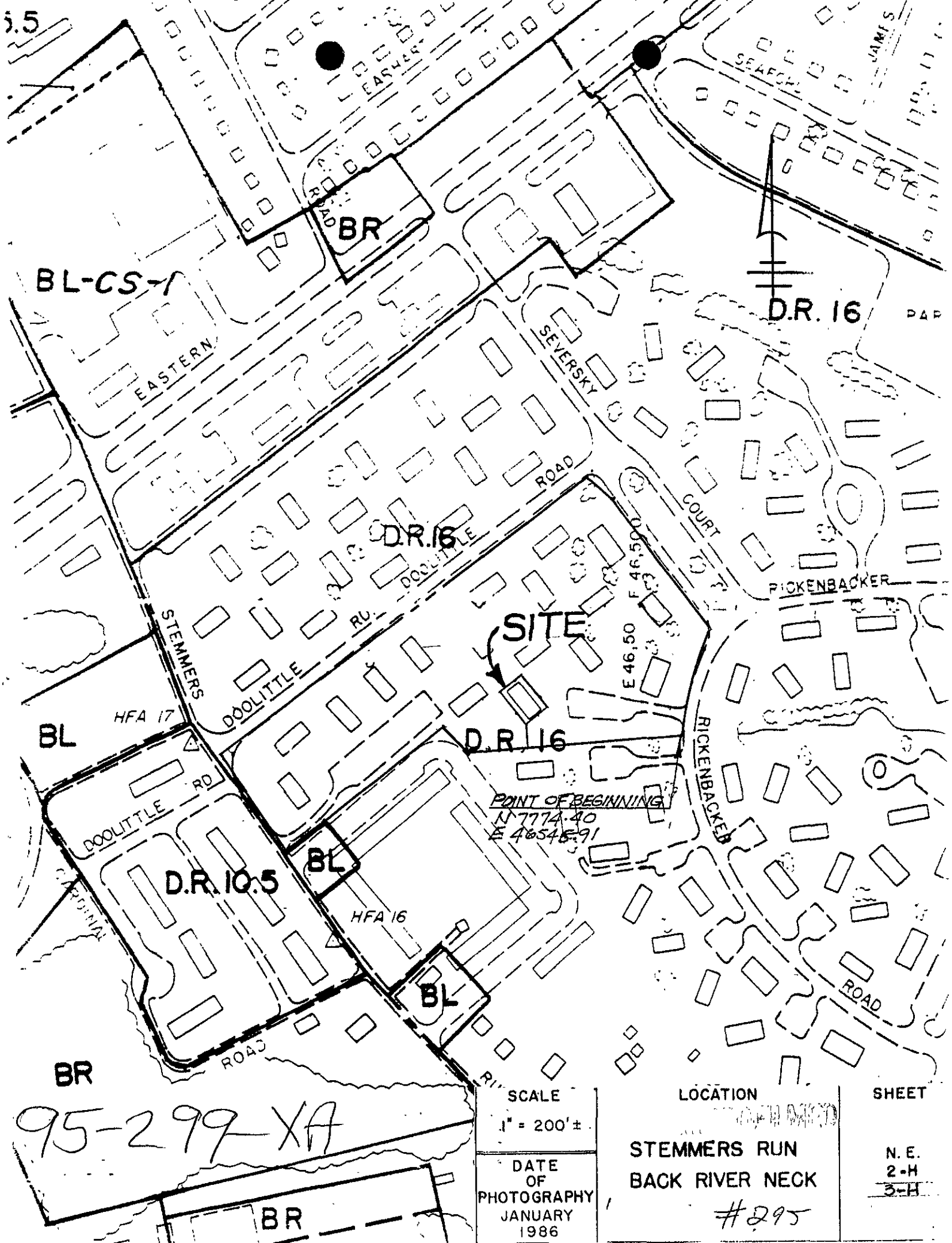
BALTO. MD 21236

1249 ENGELBERTH Rd.

BALTO. Md 21221

5444 Princess Dr.

Balt. MD 21227



ZONING DESCRIPTION	
PT #	DISTANT
1	N 38°4'12" W 80.08'
2	N 51°45'48" E 55.21'
3	S 38°14'12" E 80.08'
4	S 51°45'48" W 55.21'

- 1) Boundary information from Condominium plat "The Village of Emerygreen," a portion of the villages of Tall Trees ERK Jr. 7, Folio 43.
- 2) This site is situated within Flood Zone "C", key sheet I-5-E.
- 3) This site is not situated within the Cheapeake Bay Critical Areas
- 4) 16366 (Unit 26) is served by public sanitary sewer and public water main



William N. Baritis, P.E.

(410) 391-2336

PETITIONER'S
EXHIBIT /

SHEET 11

NO.	REVISIONS	DATE
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[illegible]

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[illegible]

MICROFILMED # 295

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE * NW/S Rickenbacker
Road, 250' S of the c/l of * DEPUTY ZONING COMMISSIONER
Seversky Court * OF BALTIMORE COUNTY
(1626 Rickenbacker Road) *
15th Election District * Case No. 95-299-XA
5th Councilmanic District *
The Community Center for Youth *
Development, Inc. - Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1626 Rickenbacker Road, located in the Stemmers Run/Back River Neck area of Essex. The Petitions were filed by the owners of the property, The Community Center for Youth Development, Inc., by Charles H. Cresswell, President, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special exception for a community building with a group child care center in a D.R. zone, and a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required 17 for a proposed community center/day care facility in an existing building. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions filed were Charles H. Cresswell, President of the Community Center for Youth Development, Inc., William Bafitis, Professional Engineer, Mary Emerick, East Side Community Representative, Joseph Schuack, Sr., and John B. Gontrum, Esquire. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.046 acres, more or less, zoned D.R. 16 and is improved with

a two-story brick apartment building, also known as Unit 26 of the Village of Evergreen Condominium, which is part of the Villages of Tall Trees. The Petitioners, a non-profit organization, are desirous of establishing a community center on the premises and propose converting the six-apartment building into a center for community services, including a day care facility for the many residents of The Village of Tall Trees. Furthermore, the Petitioners are attempting to locate counseling and health care services, as well as a branch office for the Department of Human Services within this building. All of these uses are desperately needed in this community and it was clear from the testimony that the relief requested would not be detrimental to the surrounding locale. Furthermore, the requested variance is necessary due to the proposed use of the existing building and strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioners.

It is clear that the B.C.Z.R. permits the use proposed in a D.R.16 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

- 2 -

cial exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

- 3 -

ized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; 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, pp. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

- 5 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of March, 1995 that the Petition for Special Exception to permit a community building with a group child care center in a D.R. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required 17 for a proposed community center/day care facility in an existing building, 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/use permits 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 relief granted herein shall be rescinded.

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

TWK:bjs

ORDER RECEIVED FOR FILING
Date 3/8/95
By [Signature]

- 6 -

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 28, 1995

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/S Rickenbacker Road, 250' S of the c/l of Seversky Court
(1626 Rickenbacker Road)
15th Election District - 5th Councilmanic District
The Community Center for Youth Development, Inc. - Petitioners
Case No. 95-299-XA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception 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

TWK:bjs

cc: Mr. Charles Cresswell, President, The Community Center for Youth Dev.
1626 Rickenbacker Road, Baltimore, Md. 21221

People's Counsel

[Signature]
File

Printed with Raychem Ink
on Recycled Paper

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court character-

- 4 -



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1626 Rickenbacker Road
which is presently zoned D.R.16.

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a special exception for a community building with a group child care center in a D.R. Zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception 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.

Current Purchaser/Owner
Type of Petition
Signature
Address
City
State
Zip

Legal Owner(s)
The Community Center for Youth Development, Inc.
[Signature]
CHARLES H. CRESSWELL
Type of Petition

Signature
1626 Rickenbacker Road 667-1366
Address
Baltimore, MD 21221
City
State
Zip

Attorney for Petitioner
John B. Gontrum
Type of Petition
Signature
Address
City
State
Zip

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Blvd.
Essex, MD 21221 686-8274
City
State
Zip

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
The following dates
ALL
REVIEWED BY
DATE

1 hr
Next Two Months
DATE 3/24/95

ORDER RECEIVED FOR FILING
Date 3/8/95
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1626 Rickenbacker Road
which is presently zoned D.R.16.

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 Variance from Section(s) 409.6 or to apply for 0 parking spaces in lieu of the required 17.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
The variance is for an existing building which is one of over 105 units of a condominium complex. The building is to serve the residents of the complex, and parking is adjacent to the site for residents of the complex. It is the unique configuration of this complex and of the amenities which necessitates the variance.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we, agree to pay expenses of above Variance 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.

Correct Purchaser/Owner:
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s):
(Type or Print Name)
Signature
Address
City State Zipcode

The Community Center for Youth Development, Inc.
John B. Gontrum, President
Charles H. Gressa, III

1626 Rickenbacker Road 667-1366
Baltimore, MD 21221

Name Address and phone number of representative to be contacted

John B. Gontrum 667-1366
ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Blvd. 686-8274
Essex, MD 21221

ESTIMATED LENGTH OF HEARING: 1 hr +

the following dates: ALL OTHER DATE 2/24/95

REVIEWED BY: [Signature] DATE: 2/24/95

Printed with Recycled Ink on Recycled Paper

ORDER RECEIVED FOR FILING

Date: 2/24/95 By: [Signature]

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 295

Petitioner: The Community Center for Youth Development, Inc.

Location: 1626 Rickenbacker Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John B. Gontrum (Romadka, Gontrum & McLaughlin, P.A.)

ADDRESS: 814 Eastern Blvd

Essex, MD 21221

PHONE NUMBER: 686-8274

AJ:ggg

(Revised 04/09/93)

ZONING DESCRIPTION

1626 RICKENBACKER ROAD
(UNIT # 26)
VILLAGE OF TALL TREES

Beginning on the Northwest side of Rickenbacker Road, 60 feet wide, at a distance of 190.50 feet Southwesterly, along the Northwestern right-of-way line of Rickenbacker Road, having radii, of 215.73 feet and 428.00 feet, from the intersection of the Northwest right-of-way line of Rickenbacker Road and the Southwestern right-of-way line of Seversky Court, 130 feet wide. Thence running along a property line South 85°49'20" West 255.03 feet, thence leaving said property line North 04°10'40" West 27.23 feet to a beginning point; thence the following four courses and distances to encircle Unit # 26 (#1626 Rickenbacker Road) 1) North 38°14'12" West 80.08 feet, 2) North 51°45'48" East 55.21 feet, 3) South 38°14'12" East 80.08 feet, 4) South 51°45'48" West 55.21 feet to the beginning point. Together with an adjacent playground containing 2,000 square feet (0.046) Acres of land, more or less.

Being a part of the subdivision of The Village of Evergreen as recorded in Baltimore County Plat Book E.H.K. Jr. 7 Folio 43, Also known as 1626 Rickenbacker Road (Unit # 26) and located in the 15th Election District of Baltimore County Maryland.



William N. Bafitis, P.E. Md. Reg. # 11641

Date: 2-10-95

295

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 3/4/95

Posted for: Special Exception Variance

Petitioner: The Community Center for Youth Development, Inc.

Location of property: 1626 Rickenbacker Rd. N. 1626

Location of Sign: Along West Side of property being turned

Remarks:

Posted by: [Signature] Date of return: 3/9/95

Number of Signs: 1

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, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 95-299-XA (Item 295)
1626 Rickenbacker Road
N.W. of Seversky Court
15th Election District - 5th Councilmanic
Legal Owner(s): The Community Center for Youth Development, Inc.
The Community Center for Youth Development, Inc.
HEARING: TUESDAY, MARCH 28, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception: for a community building with a group child care center.
Variance to apply for zero parking spaces in lieu of the required 17.
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, contact this office at 887-3391.
3/11 March 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 3/9, 1995

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 3/9, 1995

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

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: 95-299-XA (Item 295)
1626 Rickenbacker Road
N.W. of Seversky Court
15th Election District - 5th Councilmanic
Legal Owner(s): The Community Center for Youth Development, Inc.
HEARING: TUESDAY, MARCH 28, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a community building with a group child care center.
Variance to apply for zero parking spaces in lieu of the required 17.

[Signature]
Arnold Jablon
Director

cc: The Community Center for Youth Development, Inc.
John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 21, 1995

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Blvd.
Essex, Maryland 21221

RE: Item No.: 295
Case No.: 95-299-XA
Petitioner: Community Center for Youth Development

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 24, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



1. Planning Commission
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-299-XA

Account: R-001-6150

Number

Date: 2/14/95

Item: 295

700-5000-2-05X

The Community Center for Youth Development, Inc. - 1626 Rickenbacker Rd.

150- Special Exception - \$ 300.00

200- Case Variance - \$ 250.00

300- Signs (1500 each) - \$ 70.00

Total - \$ 620.00

Please Make Checks Payable To: Baltimore County

Validation

Printed with Recycled Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 14, 1995

SUBJECT: 1626 Rickenbacker Road

INFORMATION:

Item Number: 295

Petitioner: The Community for Youth Development, Inc.

Property Size: _____

Zoning: D.R. 16

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The subject petition for a Special Exception for the community building on Rickenbacker Road, located within the Village of Tall Trees has broad-based community support. A committee that includes the Office of Planning, the Essex-Middle River Chamber of Commerce, the Baltimore County Police Department, Department of Social Services, Mars Estates Elementary School, the Village of Tall Trees Condo Association, area residents, Our Lady of Mount Carmel Catholic Church and several other groups have been working cooperatively since February, 1994 trying to deal with the social and economic issues in the Village of Tall Trees.

The complex houses nearly 3000 residents, however, few community amenities exist within the complex. The community building will give the Village of Tall Trees a focal point for much needed services such as the day care center. Additional uses for the center include employment services, a police community office, health services and an after school educational program.

The community building is the kind of partnership that Baltimore County should support and encourage. Therefore, the Office of Planning recommends that the applicant's request be granted.

Prepared by: *Jeffrey M. Long*
Division Chief: *Gary L. Kerns*
PK/JL:lw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 10, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 13, 1995
Item No. 295

The Developers Engineering Section has reviewed the subject zoning item. Granting the requested variance will have a negative impact on the community and the surrounding public roadways.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/09/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: THE COMMUNITY CENTER FOR YOUTH DEVELOPMENT, INC.

LOCATION: 1626 RICKENBACKER RD., 250' S OF CENTERLINE SEVERSKY CT.
(1626 RICKENBACKER RD.)

Item No. 295

Zoning Agenda: SPECIAL EXCEPTION
VARIANCE

Content:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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, 1991 edition prior to occupancy.

RECEIVED
MAR 9 1995
ZADM

REVIEWED: LT. ROBERT P. SAVERHILL
Fire Marshal Office, PHONE 887-4581, MS-1100P

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 3/9/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 291
293
295

LS:sp

LETTY2/DEPRM/TXTSBP

SHA Maryland Department of Transportation
State Highway Administration

O. James Lightvizer
Secretary
Hal Kassoff
Administrator

3-8-95

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

Re: Baltimore County
Item No.: 295 (MTK)

Dear Ms. Watson:

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 effected by any State Highway Administration project.

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,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 24, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #295
1626 Rickenbacker Road

This petition was accepted as filed; however, the site plan was not sealed or signed by the engineer as the property description was. Also, the site plan does not specifically show a metes and bounds description around the special exception area. At the hearing, the petitioner should argue that the proposed community building should not have to meet all the RTA requirements and that the proposed is compatible with the surrounding residential use.

MJK:scj

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
1626 Rickenbacker Road, NW/S Rickenbacker
Road, 250' S of c/I Seversky Court, 15th
Election District, 5th Councilmanic

The Community Center for Youth Development, Inc.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-299-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrom, Esquire, Romanka, Gontrom & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

RECEIVED
MAR 16 1995
ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

March 2, 1995

(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 105 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

THE COMMUNITY CENTER FOR YOUTH
CHARLES H CRESSWELL
1626 RICKENBACKER ROAD
BALTIMORE MD 21221

21221-2745 13

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-1153.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Mr. Charles Cresswell
President, The Community Center for Youth Development
1626 Rickenbacker Road
Baltimore, Maryland 21221

1704 EASTERN AVENUE • BALTIMORE, MARYLAND 21221

March 3, 1995

Arnold Jablon, Esq.
Director of Zoning Administration
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Special Exception/Variance
Tall Trees Community Center
Zoning Item 295

Dear Mr. Jablon:

I am aware of the request for zoning special exception and variances for parking for the proposed community center at the Village of Tall Trees. We are in full support of the petitions as there is a tremendous need for this sort of facility in the Tall Trees Community.

Very truly yours,

Rev. Joseph T. DePetrìs
Pastor

RECEIVED
MAR 6 1995
ZADM

Partners
MANAGEMENT COMPANY

March 1, 1995

Mr. Arnold Jablon
Director of Zoning
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

As the managing agent of the Essex Towne Apartments located on Essex Towne Circle in Eastern Baltimore County, and adjacent to the Tall Trees Apartment community, this letter will certify that we are in favor of the special exception and variance request for the community building project at the Tall Trees community.

This facility and the programs planned will be a positive and progressive solution to many of the problems that have plagued the community.

I hope you will give this request a favorable decision.

Sincerely,

P. J. Widerman
Vice President
Residential Properties

cc: Robert A. Romadka
Michael Botsaris
Jeanne Romadka

PJW:cr\395LTRS

RECEIVED
MAR 3 1995
ZADM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

NAME Joseph Schuack Jr

Mary Emeryck.

William Rafitis, PE.

Charles H. Russell

15-B. NUT MEY KNOLL CT
COCKEYVILLE, MD. 21030

6 E View Ridge DR.

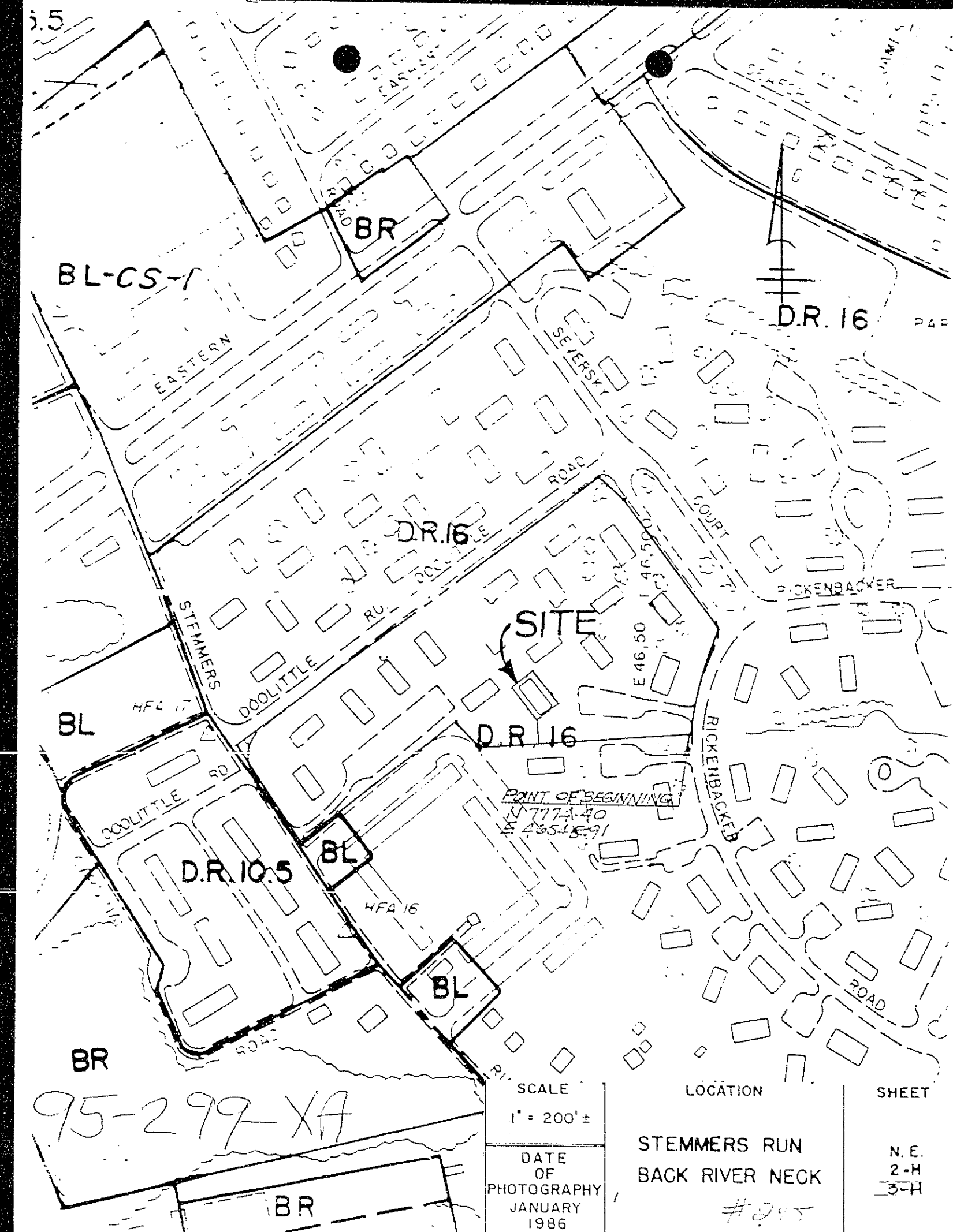
BALTO. MD 21236

1749 ENGELBERTH Rd.

BALTO. Med 21221

5444 Princess Dr.

Ball no 21227

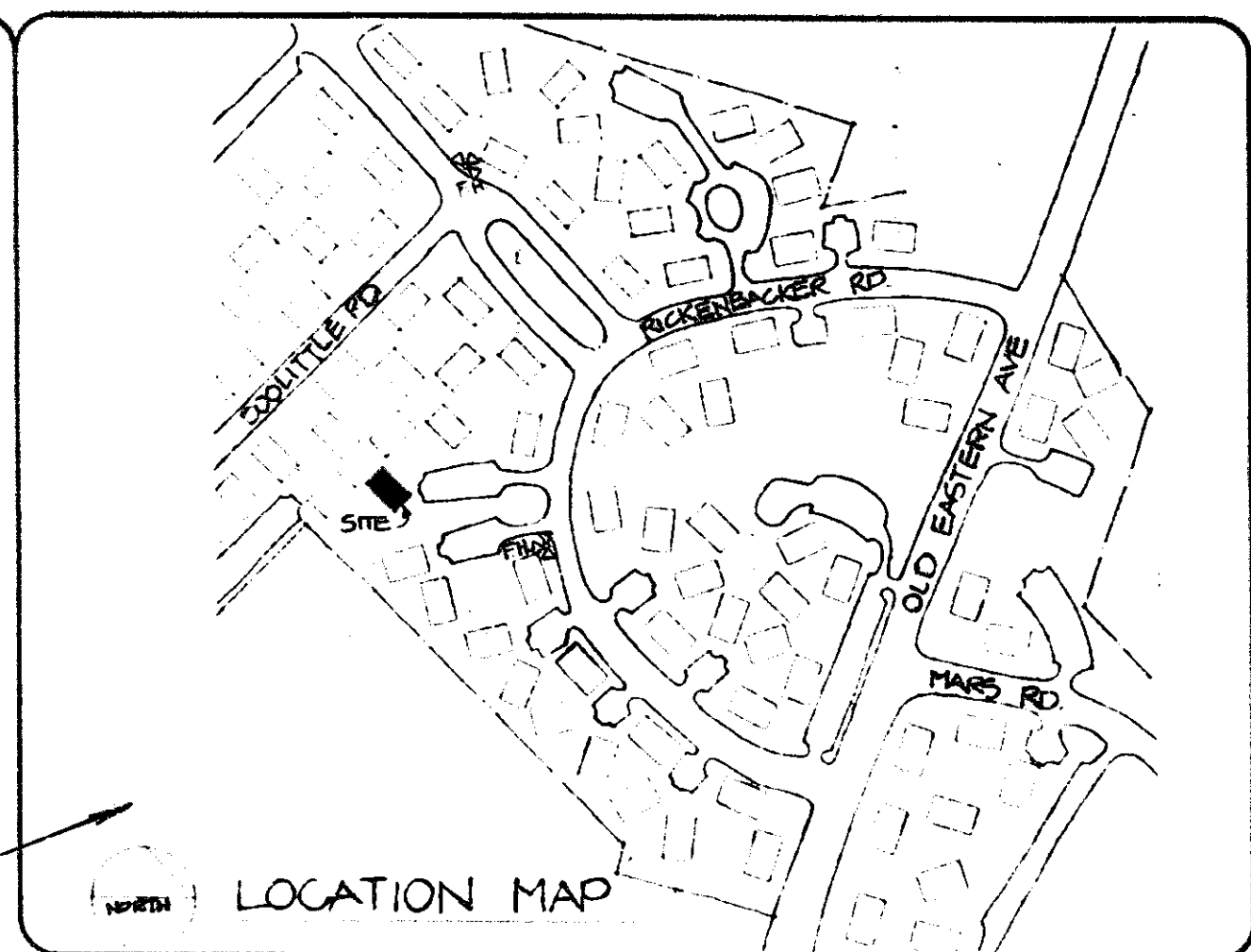
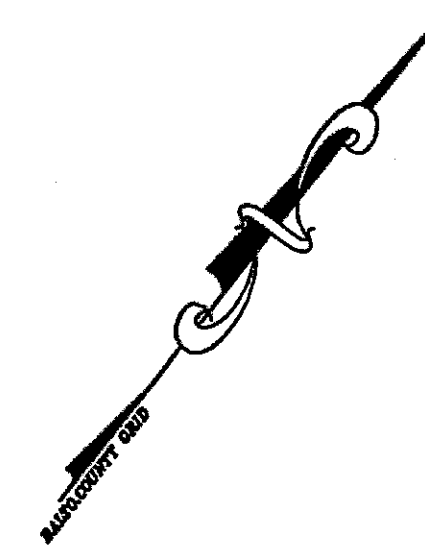


95-299-XA

ZONING DESCRIPTION		
PT #	BEARING	DISTANT
1	N 38°14'12" W	80.08'
2	N 51°45'48" E	55.21'
3	S 38°14'12" E	80.08'
4	S 51°45'48" W	55.21'

NOTES:

- 1) Boundary information from Condominium Plat "The Village of Evergreen" a portion of the villages of Tall Trees EHK Jr. 7, Folio 43.
- 2) This site is situated within Flood Zone "C", key sheet I-S.E.
- 3) This site is not situated within the Chesapeake Bay Critical Areas
- 4) #1626 (Unit 26) is served by public sanitary sewer and public water main



DOOLITTLE ROAD

60' RIGHT OF WAY

N 51°34'30" E
799.52'

FIRE HYDRANT LOCATIONS

VICINITY MAP
(SCALE: 1" = 500')

SITE DATA

Condominium Name: Tall Trees Condominium Association
5444 Princess Drive
Baltimore Maryland 21217

Owner & Developer of Unit 26:
The Community Center for Youth Development, Inc.
(a non profit Maryland Corporation)
1626 Rickenbacker Road
Baltimore Maryland 21221
Telephone: 447-1344

Election District: 15th

Councilmanic District: 5th

Deed Reference: EHK, Jr. 411, Folio 238 (Amended EHK Jr. 411, Folio 245) (Condominium)

Deed Reference (Unit 26): 010781.181

Condominium Plat Reference: EHK, Jr. Book 7, Page 43

Tax Account No.: 15-19-00-004020

Area of Condominium: 270,139.788 S.F. ± 5.054 Ac. ± (The Village of Evergreen a portion of the Village of Tall Trees)

Area of 1626 Rickenbacker Road, Unit 26: 2,550 S.F. (floor 12 floors) (5,100 S.F. total)

Tax Map 84: Parcel 133

Existing Zoning: UP 16 (Map 8 H.R. 2-M)

Existing Use: Multi-Family Residential

Proposed Use: Community Building:
Community Service Offices 1,275 S.F.
Meeting rooms 1,275 S.F.
Day Care Center 2,550 S.F.

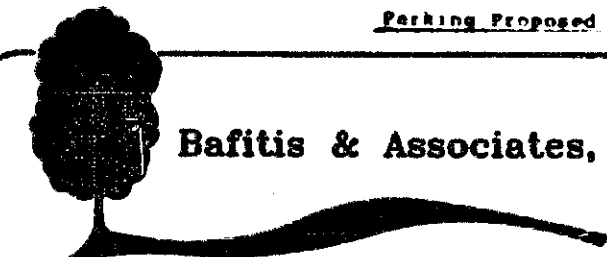
Parking: Required:
Multiple Family Rental: 1.30 P.S./1 or 2 Hr. Unit
Group (Child Care Center or Nursery School) (min. 2 P.S.)
Community Service Offices: 3.3 P.S./1,000 S.F.

Meeting Rooms: 1 P.S./4 Seats

Driveway: 6 Units @ 1.5 P.S./Unit = 9 P.S.
Parking required with residential use: 9 P.S.

Proposed:
Community Service Offices: 1,275 S.F. @ 1 P.S./1,000 S.F. = 1.275 P.S. ± 4.2
Meeting Rooms (1,275 S.F.): (40 persons) 10 P.S.
Day Care (1 P.S. per employee, 2 employees) 2 P.S.
Total Parking Required: 17 P.S.
Parking Proposed: 0

SEVERSKY COURT



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

FOR

#1626 RICKENBACKER ROAD (UNIT 26)

THE VILLAGE OF EVERGREEN CONDOMINIUM PART OF
THE VILLAGES OF TALL TREES

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

PETITIONER'S
EXHIBIT

WILLIAM N. BAFITIS, P.E.

SHEET 1 OF 1

SCALE:

1" = 30'

JOB ORDER NO:

94045

DATE:

01-03-95

NO.	REVISIONS	DATE