

IN RE: PETITION FOR SPECIAL HEARING
W/S Old Georgetown Road, 150 ft. NW
Of c/l Hopkins Avenue
3600 Georgetown Road
13th Election District
1st Councilmanic District
3600 Georgetown Road, LLP
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-208-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 3600 Georgetown Road in Lansdowne. The Petition was filed by 3600 Georgetown Road, LLP, property owner. Special Hearing relief was requested to approve an extension of the special exception approved in case No. 98-260-SPHX, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was David L. Martin, a Landscape Architect with G.W. Stephens, Jr. and Associates, Inc., the preparers of the site plan. The Petitioner was represented by David K. Gildea, Esquire. There were no Protestants or other interested persons present.

The subject property was the subject of a recent hearing before me under Petitions for Special Hearing and Special Exception filed in case No. 98-260-SPHX. Pursuant to an opinion and Order issued on February 25, 1998, the Petitions for Special Hearing and Special Exception were approved to amend the site plan for a previously approved Class I trucking facility dated June 16, 1981 and to amend the previously approved plan in case No. 48-90-RX.

The Petitioner comes before me under a Petition for Special Hearing, seeking to expand the timeframe wherein the Special Exception might be utilized. Section 502.3 of the BCZR provides that special exceptions may be utilized for a period of 2 years from the date of the grant of the Petition. However, that section further allows the Zoning Commissioner to increase that period of utilization up to 5 years from the date of the initial grant.

Testimony and evidence presented was that the Petitioner was negotiating to acquire an

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Date 6/15/99
By M. H. [Signature]

adjacent tract for the purpose of expanding its business operations thereon. However, the adjacent tract needs to be re-zoned to accommodate that plan. The re-zoning might occur during the County Council's next quadrennial zoning process in the year 2000. Under the circumstances, the Petitioner has sought relief to extend the period for the utilization of the special exception granted in case No. 98-260-SPHX to a period of five years. In that the prior Order was issued on February 25, 1998, the expansion will allow utilization up to February 25, 2003.

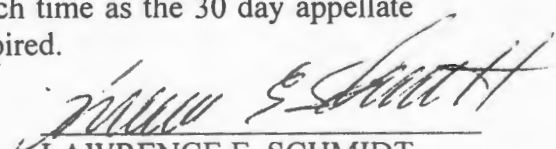
In addition to the Petition under consideration, it is of note that there was recently a zoning violation case opened for this property. However, a review of that file indicates that the alleged violation may relate to a neighboring property. In any event, the proposed special exception use is appropriate, subject to compliance with all relevant governmental standards.

Based upon the uncontradicted testimony and evidence offered, I am persuaded to grant the Petition. As noted above, there were no Protestants or other interested persons at this hearing, nor did anyone appear in opposition at the hearing held in case No. 98-260-SPHX. Moreover, there are no adverse Zoning Plans Advisory Committee (ZAC) comments. In my judgment, an expansion of the timeframe to utilize the Petition for Special Exception is appropriate. The proposed land use will not cause detrimental impact to the health, safety or general welfare of the locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of January 1999 that the Petition for Special Hearing to allow utilization to February 25, 2003, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER

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