

MEMORANDUM

DATE: March 23, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0143-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on March 22, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1835 Frederick Road)	*	OFFICE OF
1 st Election District		
1 st Council District	*	ADMINISTRATIVE HEARINGS
Candlelight Realty, LLC	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2018-0143-SPHA
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Candlelight Realty, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to amend the previously approved site plan and Order in Case No. 2014-0059-SPHXA to approve the construction of a 4,875 sq. ft. addition containing two viewing rooms; (2) to approve the reconfiguration of the existing parking lot and the construction of a new parking area to support the new addition; and (3) to allow three residential dwellings to be constructed at the rear of the subject property, outside of the previously approved special exception area for the funeral home.

A petition for variance seeks to allow a row of parking spaces as close as 4 ft. from a street right-of-way in lieu of the required 10 ft. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Craig and Deborah Witzke and Rick Richardson, professional engineer, appeared in support of the requests. Timothy M. Kotroco, Esq. represented the Petitioner. Several citizens attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive

ORDER RECEIVED FOR FILING

Date 2/20/18
By Sen

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR), Department of Environmental Protection and Sustainability (DEPS) and the State Highway Administration (SHA). None of the reviewing agencies opposed the requests

SPECIAL HEARING

The petition for special hearing seeks to amend the site plan submitted in a 2014 special exception case which approved a funeral home at the property. The amendments would reflect that the funeral home is being enlarged with a proposed addition, and the parking area(s) serving that use are being reconfigured and enlarged. Technically speaking an owner is entitled to enlarge a building in which a special exception use is conducted, provided he meets all height and setback requirements for the zone. Petitioner is not requesting any variances in connection with the proposed addition, and thus this aspect of the special hearing petition is essentially a "housekeeping" measure to update the plan approved in the 2014 zoning case.

The other aspect of the special hearing concerns the potential for three single-family dwellings which would be constructed at the rear of the 6.6 acre parcel. Mr. Witzke stated one lot would be used to construct a home for him and his wife. Counsel noted funeral home operators frequently reside on site, and Mr. Witzke stated it would be convenient (and more economical) for him to reside on the premises. I concur, and believe Mr. Witzke's home would be an accessory structure/use to the funeral home operation.

But I do not believe the same can be said for the two other proposed lots, on which his daughters might potentially construct dwellings. Mr. Richardson testified there is sufficient density to construct three or more dwellings in the area at the rear of the site, and as requested by the DOP he showed on his plan "division lines" which reflect each lot would satisfy the area

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Date 2/20/18
By SLH

requirement for the DR 5.5 zone. While Petitioner may well have the right to construct three dwellings at the rear of the site, I do not believe the request (“to allow three residential dwellings to be constructed on the rear of the subject property”) is an appropriate special hearing request in the context of this case, which primarily concerns the expansion of a funeral home special exception use.

In my opinion, as stated above, Mr. Witzke’s home can be constructed as proposed and would be accessory to the funeral home operation. But if additional dwellings are to be constructed on the site, I believe Petitioner would need to seek development or subdivision approval from Baltimore County. At a minimum, an approved subdivision would be required before Petitioner could lawfully convey any of the proposed dwellings independently of the overall parcel containing the funeral home. As such, I will not address this aspect of the special hearing request.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The sole variance request concerns the row of parking spaces adjacent to Frederick Road, which have existed in this location for many years. As such the property is unique, and Petitioner essentially seeks to “legitimize” an existing condition. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be required to remove several parking spaces used by the funeral home. Finally, I find that the variance can be granted in

ORDER RECEIVED FOR FILING

Date 2/20/18
By SEN

harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this 20th day of **February, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R"): (1) to amend the previously approved site plan and zoning Order in Case No. 2014-0059-SPHXA to approve the construction of a 4,875 sq. ft. addition containing two viewing rooms; and (2) to approve the reconfiguration of the existing parking lot and the construction of a new parking area to support the new addition, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to allow a row of parking spaces as close as 4 ft. from a street right-of-way in lieu of the required 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
3. Petitioner must comply with the ZAC comment submitted by the SHA, a copy of which is attached hereto.
4. Petitioner or subsequent owner/lessee shall not be permitted to operate a crematory on the subject property.
5. Petitioner must comply with the ZAC comment submitted by DEPS, a copy of which is attached hereto.

ORDER RECEIVED FOR FILING

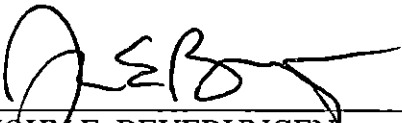
Date

2/20/18

By

sen

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 2/20/18
By slh



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1835 Frederick Road which is presently zoned DR 5.5 & DR 2
Deed References: 24804/0157 10 Digit Tax Account # 01-0103003161
Property Owner(s) Printed Name(s) Candlelight Realty, LLC

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

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Avenue, Suite 502, Towson, Maryland

Mailing Address City State

21204 / 410-299-2943 / TKotroco@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Candlelight Realty LLC., By: Craig Witzke, Member

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

Signature #1 Signature #2

1835 Frederick Road, Baltimore, MD

Mailing Address City State

21228 / 410-744-7006 / Craig@witzkefh.com
Zip Code Telephone # Email Address

Representative to be contacted:

Same As Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2018-0143-SP6A Filing Date 11/28/17

Do Not Schedule Dates: Reviewer gf

**ATTACHMENT TO SPECIAL HEARING
AND VARIANCE PETITION**

1. Special Hearing pursuant to section 500.7 of the BCZR;
 - a. To amend the previously approved site plan and zoning Order in Case No. 2014-0059 SPHXA to approve the construction of a 4,875 sq. ft. addition containing two viewing rooms; AND
 - b. To approve the reconfiguration of the existing parking lot and the construction of a new parking area to support the new addition; AND
 - c. To allow 3 residential dwellings to be constructed on the rear of the subject property, outside of the previously approved ~~SP~~X area.
2. Variance relief from section 409.8.A.4 of the BCZR to allow a row of parking spaces as close as 4' feet from a street right of way in lieu of the required 10' feet.
3. For such other and further relief as the nature of this cause may require.

2018-0143-SPHA

**ZONING DESCRIPTION FOR
1835 FREDERICK ROAD
SPECIAL EXCEPTION AREA
(MARYLAND ROUTE #144)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the south side right-of-way of Frederick Road (Maryland Route #144) (66 feet in width) 29' west of where it intersects the west side right-of-way of Rolling Road (50 feet in width), thence following the south side right-of-way of Frederick Road and binding on the right-of-way line the following course and distance; (1) South 86 degrees 37 minutes 00 seconds East 391.60 feet, thence leaving the south side right-of-way the following courses and distances; (2) South 12 degrees 03 minutes 00 seconds West 79.90 feet, (3) South 11 degrees 07 minutes 00 seconds East 295.00 feet, (4) South 80 degrees 04 minutes 44 seconds West 454.61 feet, (5) North 2 degrees 16 minutes 00 seconds East 411.27, feet to the point of beginning;

Containing a net area of 161,236 square feet, or 3.70 acres of land, more or less.



2018-0143-SPHA



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

January 25, 2018

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on January 25, 2018.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2018-0143-SPHX

1835 Frederick Road

S/s Frederick Road, 380 ft +/- east of centerline of South Hilltop Road

1st Election District - 1st Councilmanic District

Legal Owner(s) Candlelight Realty, LLC

Special Hearing to amend the previously approved site plan and Zoning Order Case No. 2014-0059-SPHXA to approve the construction of a 4875 sq. ft. addition containing two viewing rooms; to approve the reconfiguration of the existing parking lot and the construction of a new parking area to support the new addition; to allow 3 residential dwelling to be constructed on the rear of the subject property, outside of the previously approved X area. Variance to allow a row of parking spaces as close as 4 ft. from a street right-of-way in lieu of the required 10 ft. For such other and further relief as the nature of this cause may require.

Hearing: Wednesday, February 14, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1/100 January 25

5411689

CERTIFICATE OF POSTING

2018-0143-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Candlelight Realty, LLC

February 14, 2018

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

1835 Frederick Road

January 25, 2018

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

January 25, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

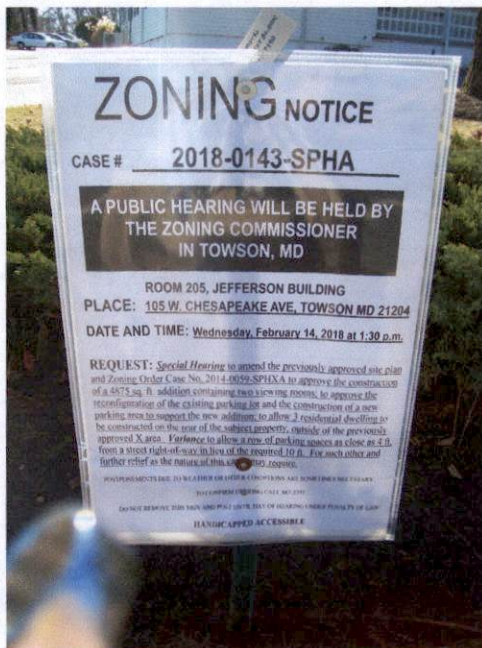
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 11, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0143-SPHA

1835 Frederick Road

S/s Frederick Road, 380 ft. +/- east of centerline of South Hilltop Road

1st Election District – 1st Councilmanic District

Legal Owners: Candlelight Realty, LLC

Special Hearing to amend the previously approved site plan and Zoning Order Case No. 2014-0059-SPHXA to approve the construction of a 4875 sq. ft. addition containing two viewing rooms; to approve the reconfiguration of the existing parking lot and the construction of a new parking area to support the new addition; to allow 3 residential dwelling to be constructed on the rear of the subject property, outside of the previously approved X area. Variance to allow a row of parking spaces as close as 4 ft. from a street right-of-way in lieu of the required 10 ft. For such other and further relief as the nature of this cause may require.

Hearing: Wednesday, February 14, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Craig Witzke, 1835 Frederick Road, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 25, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 25, 2018 Issue - Jeffersonian

Please forward billing to:

Craig Witzke
Candlelight Realty, LLC
1835 Frederick Road
Baltimore, MD 21228

410-744-7006

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0143-SPHX

1835 Frederick Road

S/s Frederick Road, 380 ft. +/- east of centerline of South Hilltop Road

1st Election District – 1st Councilmanic District

Legal Owners: Candlelight Realty, LLC

Special Hearing to amend the previously approved site plan and Zoning Order Case No. 2014-0059-SPHXA to approve the construction of a 4875 sq. ft. addition containing two viewing rooms; to approve the reconfiguration of the existing parking lot and the construction of a new parking area to support the new addition; to allow 3 residential dwelling to be constructed on the rear of the subject property, outside of the previously approved X area. Variance to allow a row of parking spaces as close as 4 ft. from a street right-of-way in lieu of the required 10 ft. For such other and further relief as the nature of this cause may require.

Hearing: Wednesday, February 14, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
1835 Frederick Road; S/S Frederick Road,
380' E of c/line of South Hilltop Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Candlelight Realty LLC
By Craig Witzke, Member
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-143-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

DEC 05 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of December, 2017, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0143-SPHA
Property Address: 1835 FREDERICK RD
Property Description: _____

Legal Owners (Petitioners): CRAIG WITZKE
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG WITZKE
Company/Firm (if applicable): _____
Address: CANDLE LIGHT FUNERAL HOME
1835 FREDERICK RD
BALT. 21228
Telephone Number: 410-744-7006

22 161211

Date: 11/28/17

PAID 2/25/79

BUSINESS	ACTUAL	TIME	TRAV
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11/29/2017 11/28/2017 10:37:25

REC-5503-104511-1411

RECEIPT 11734977 11/23/2017 0912

Dept. 5 528 ZONING VERIFICATION

ER NO. 761211

Receipt Tot . \$1,000.00

\$1,000.00 OK \$1.00 CA

Baltimore County, Maryland

[illegible]

Total: 1000.00

Rec
From: Timothy M. Kistraco

For: 2018-0143-SP H/A

1835 Frederick Rd

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

February 8, 2018

Candlelight Realty LLC
Craig Witzke
1835 Frederick Road
Baltimore MD 21228

RE: Case Number: 2018-0143 SPHA, Address: 1835 Frederick Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 28, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Timothy M Kotroco, Esquire, 302 Washington Avenue, Suite 502, Towson MD 21204

December 21, 2017

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review the site plan to accompany the petition for special hearing, and variance, for the Candle Light Funeral Home located at 1835 Frederick Road (MD 144) in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and is pleased to respond.

Candle Light Funeral Home
Site Plan Review for Special Hearing, and Variance
Case No. 2018-0143-SPHA
SHA Tracking No. 16APBA024XX
MD 144 (south side) opposite Rolling Road
Mile Post 2.27
Baltimore County

An access permit will be required for entrance and frontage improvements on MD 144 for the proposed expansion of this development. The following criteria and details will apply and must be reflected on future plan submittals:

The existing entrances must be re-constructed to meet current commercial standards. Both entrances must be a minimum of 25' wide and no greater than 35' wide. SHA 8" Type 'A' curb & gutter (MD 620.02) must be utilized for the radii.

A 60" pathway with no greater than a 2% cross slope must be maintained across each entrance between the sidewalk ramps.

A 5' wide sidewalk must be constructed along the entire property frontage with no greater than a 2% cross slope. Sidewalk ramps that are compliant with the American with Disabilities Act (ADA) must be constructed on all entrance radii.

To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine (9) sets of plans reflecting the above criteria and details. The plan submittal should include 1 set of hydraulic computations, and a CD containing plans and all supporting documentation to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Mr. Richard Zeller. Please utilize the SHA tracking number when making this submission.

Ms. Kristen Lewis
Candle Light Funeral Home MD 144
Case 2018-0143 SPHA
December 21, 2017
Page 2

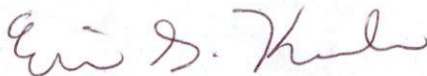
All SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents:

SHA Access Manual
SHA Business Standards and Specifications
SHA Accessibility Policy and Guidelines for Pedestrian Facilities

The Access Management Plan Review Checklist must be utilized in drafting the SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. These documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) or by email at (rzeller@sha.state.md.us).

Sincerely,



for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

cc: Richardson Engineering, LLC / 30 East Padonia Road, Suite 500, Timonium, MD 21093
Candlelight Realty, LLC / 1835 Frederick Road, Baltimore, MD 21228
Mr. Jan M. Cook / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 W. Chesapeake Avenue, Towson, MD 21204
Ms. Kelly Kosino, MDOT SHA District 4 Traffic
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Andre Futrell, MDOT SHA District 4 Maintenance

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-143



INFORMATION:

Property Address: 1835 Frederick Road
Petitioner: Candlelight Realty, LLC, Craig Witzke, Member
Zoning: DR 5.5, DR 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing and a variance as listed on the attachment submitted in support of the petition.

The Department has no objection to granting the petitioned zoning relief associated with the proposed addition and parking.

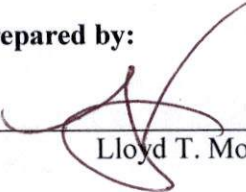
- The parking spaces as shown have existed in this location for many years. Provided it is the determination of the Department of Public Works that they do not block the sight distance of vehicles exiting the parking lot, the Department has no objection to granting the petitioned zoning relief.
- The Department recognizes the 22' foot RTA buffers established in the previous Order and finds the proposed addition to be situated beyond said setback and being setback greater than other exiting components of the structure.

The Department has reservations about the future residential use proposed to be established on site and recommends that the areas can be laid out such that conformity to the applicable area requirements of the Baltimore County Zoning Regulations (BCZR) is met.

- Pursuant to BCZR §102.1, the Department recommends the residential proposal meet the requirements of BCZR §102.4 by establishing zoning use division lines encompassing at minimum 20,000 sq. ft. in area. The areas should provide all minimum yard setbacks for the zone in which they are situated that is normally required through subdivision. In doing so, future conflicts with the provisions of the BCZR are avoided in the event the dwellings are sold off.

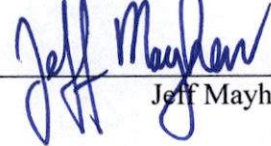
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Dennis Wertz
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

2-14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0143-SPHA
Address 1835 Frederick Road
(Candlelight Realty, LLC Property)

Zoning Advisory Committee Meeting of **December 11, 2017**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Any proposed impacts to the proposed Forest Buffer Easement will require the submittal and approval of a Forest Buffer variance.

Reviewer: Glenn Shaffer

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
nc
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For December 11, 2017
Item No. 2018-0143-SPHA

DATE: December 28, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Hearing and Zoning Relief is granted, a Landscape Plan is required per the requirement of the Landscape Manual. A Lighting Plan is also required.

Both commercial entrances shown on the Plan, must be widened to a minimum of 24-feet per Baltimore County Standard Detail R-32.

*

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VKD: can
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/20/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-143

INFORMATION:

Property Address: 1835 Frederick Road
Petitioner: Candlelight Realty, LLC, Craig Witzke, Member
Zoning: DR 5.5, DR 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing and a variance as listed on the attachment submitted in support of the petition.

The Department has no objection to granting the petitioned zoning relief associated with the proposed addition and parking.

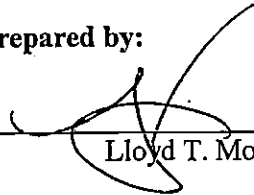
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- The Department recognizes the 22' foot RTA buffers established in the previous Order and finds the proposed addition to be situated beyond said setback and being setback greater than other exiting components of the structure.

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- Pursuant to BCZR §102.1, the Department recommends the residential proposal meet the requirements of BCZR §102.4 by establishing zoning use division lines encompassing at minimum 20,000 sq. ft. in area. The areas should provide all minimum yard setbacks for the zone in which they are situated that is normally required through subdivision. In doing so, future conflicts with the provisions of the BCZR are avoided in the event the dwellings are sold off.

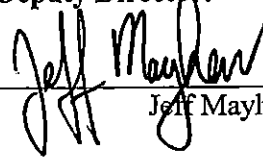
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Dennis Wertz
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
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DATE: December 15, 2017

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Additional Comments:

Any proposed impacts to the proposed Forest Buffer Easement will require the submittal and approval of a Forest Buffer variance.

Reviewer: Glenn Shaffer

Sherry Nuffer

From: Julia Southern <julia_southern@yahoo.com>
Sent: Monday, February 12, 2018 2:52 PM
To: Administrative Hearings
Cc: Julia and Scott Southern
Subject: Upcoming Zoning Hearing - Case No. 2018-0143-SPHA

Dear Judge Beverungen,

I am writing concerning the upcoming Zoning Hearing on 1835 Frederick Road, Catonsville, MD - Case No. 2018-0143-SPHA. The hearing is scheduled for this Wednesday, February 14 at 1:30 pm.

The proposed change amends a previously approved site plan for the Candlelight Funeral Home, owned by Candlelight Realty, and approves a 4,800 square foot addition to the funeral home facility as well as an expansion of parking to within a few feet of Frederick Road. It also allows for 3 residential dwellings to be built in the rear of the property, not previously zoned for residential housing.

Currently, there is a small wooded area that divides an entire residential neighborhood from this commercial business and Frederick Road. The houses are located along Concert Way and Philbar Court. We are residents of this neighborhood (313 Concert Way), having just purchased our home after moving from a home very close by, which was located at the corner of Hilltop Road and Logwind Road. Our goal in moving was to provide our two young boys (ages 6 and 9) with a safer and quieter place to grow up.

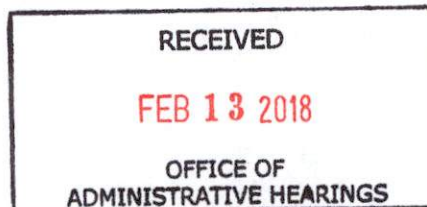
When we were looking to purchase our home, one of the primary factors that we liked so much was the the wooded area behind it which provides privacy and a good bit of separation from the commercial business (Candlelight Funeral Home). In the winter, when the leaves are off of the trees, we can see the backside of the Candlelight - however, in its current form / size, it is not disruptive. This barrier and our distance from other homes and commercial sites is one of the key quality of life features of our home and a major factor in us deciding to significantly increase our mortgage to move there.

I have many concerns about the proposed plan, including loss of privacy for current residents of Concert Way, noise from Frederick Road and from the expanded business, increased residential density, and the necessary changes that would come with providing access and infrastructure for these homes. I am also very concerned about an increase in traffic and safety hazards at the intersection of Frederick and Rolling Road, which is already highly congested and fraught with frequent fender-benders.

Although I just found out about all of this today, I am going to do my best to attend this hearing. I know my neighbors share my concerns and respectfully ask that you take them into consideration. Please let me know if there is anything else I can do.

With kind regards,

Julia Southern
313 Concert Way
Catonsville, MD 21228
410-456-7025



[Redacted]

RECEIVED
FEB 13 2012
OFFICE OF
ADMINISTRATIVE HEARINGS

Candle Light Funeral Home
1835 Frederick Road
Baltimore, MD 21228
February 2, 2018

PROPOSED EXPANSION

The current business consists of an existing 8,288 SF 2-story building and a 1,290 SF garage. The funeral home is proposing an expansion to include the addition of a new 4,500 SF building along with three residential homes. The parking will also be expanded to include a total of 109 spaces. No trip generation numbers have been provided for this development; however, it is assumed that the site will generate less than 50 peak hour trips and that a Traffic Impact Study is not required.

ACCESS PERMIT REQUIREMENTS

The Annotated Code of Maryland grants to the Maryland Department of Transportation State Highway Administration (MDOT SHA) certain regulatory authority, including the right to limit the width and location of existing access points, the requirement that a temporary or permanent entrance from any commercial or industrial property may not be made into any highway except in accordance with a permit issued by the Administration, and the requirement that permits must be acquired from the Administration before working within and across a State highway. Section 11.04.05.01 of the Code of Maryland Regulations further defines who shall apply for a permit as follows: "parties desiring to modify, expand, or in any other manner make improvements to an existing facility, which will increase or change the type of vehicular generation or traffic pattern; parties desiring to change use or occupancy of an existing facility; Parties desiring to do any work within of across the State highway right-of-way." Section 11.04.05.03 further defines required entrance standards and specifications including requirements for pedestrian and bicycle access.

ENTRANCE AND FRONTAGE IMPROVEMENTS

The MDOT SHA Access Manual provides guidance on the site access improvements required to support entrances and street connection. The scope of improvements required by MDOT SHA to support the proposed access generally reflects the type and size of the development, the number and location of proposed access points, the anticipated traffic conditions, and the functional requirements, operational characteristics, and geometric conditions of the state highway. The State Highway System designation, highway functional classification, prevailing approach speeds, traffic volumes, driver expectancy, sight distance, adjacent access points, nearby intersections, existing lane markings, and other existing and anticipated geometric conditions on the highway are considered during the review process.

At a commercial entrance along Secondary Roadways, the Access Manual requires that a full deceleration lane be installed if 30 or more peak hour right turns are expected at the access point. A partial deceleration lane is required if 10 to 29 peak hour right turns are expected at the access

point. Otherwise, a shoulder improvement may be required in lieu of a deceleration lane. At a residential street connection along Secondary Roadways a partial deceleration lane is required if the total # of lots served is 6 to 12. Shoulder improvement is required if the # of lots is less than 6. The manual has similar requirements for an acceleration lane.

Although trip generation numbers have not been provided to confirm the number of anticipated trips generated by the site, we are not recommending the installation of an acceleration or deceleration lane along MD 144 at the entrances to the site. MDOT SHA will require the funeral home to upgrade the existing entrances to current standards, and to install sidewalk along the frontage of the property. No other roadway improvements are recommended.

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2018

DATE 2/14/18

PETITIONER'S SIGN-IN SHEET

[illegible]

DATE Feb. 14, 2018

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
12/28	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
12/15	DEPS (if not received, date e-mail sent _____)	Comment
_____	FIRE DEPARTMENT	_____
12/20	PLANNING (if not received, date e-mail sent _____)	Comment
12/24	STATE HIGHWAY ADMINISTRATION	Comment
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 1/25/18	
SIGN POSTING	Date: 1/25/18	by SSG Block
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 01 Account Number - 0103003161							
Owner Information									
Owner Name:		CANDLELIGHT REALTY LLC				Use:		COMMERCIAL	
Mailing Address:		1835 FREDERICK RD BALTIMORE MD 21228-5516				Principal Residence:		NO	
						Deed Reference:		/24804/ 00157	
Location & Structure Information									
Premises Address:		1835 FREDERICK RD 0-0000				Legal Description:		6.208 AC 1835 FREDERICK RD 400FT E OF HILLTOP RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0100	0012	0437		0000				2018	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1850		8320				6.2100 AC		23	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		MORTUARY							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2017		07/01/2018	
Land:		591,200		591,200					
Improvements		354,200		446,400					
Total:		945,400		1,037,600		945,400		976,133	
Preferential Land:		0						0	
Transfer Information									
Seller: CANDLE LIGHT INVESTMENTS INC				Date: 11/22/2006			Price: \$830,000		
Type: ARMS LENGTH IMPROVED				Deed1: /24804/ 00157			Deed2:		
Seller: CATONSVILLE COUN TRY CLUB INC				Date: 03/07/1977			Price: \$145,000		
Type: ARMS LENGTH IMPROVED				Deed1: /05730/ 00955			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:

Case No.: 2018-0143 SP44 Witzke Funeral Home

Exhibit Sheet

2/20/18
Sen

Petitioner/Developer

DS
2-14-18

Protestant

No. 1	Original Site Plan	
No. 2	Highlighted Site Plan	
No. 3	Photos of Property	
No. 4	Prior Zoning Decision	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



1



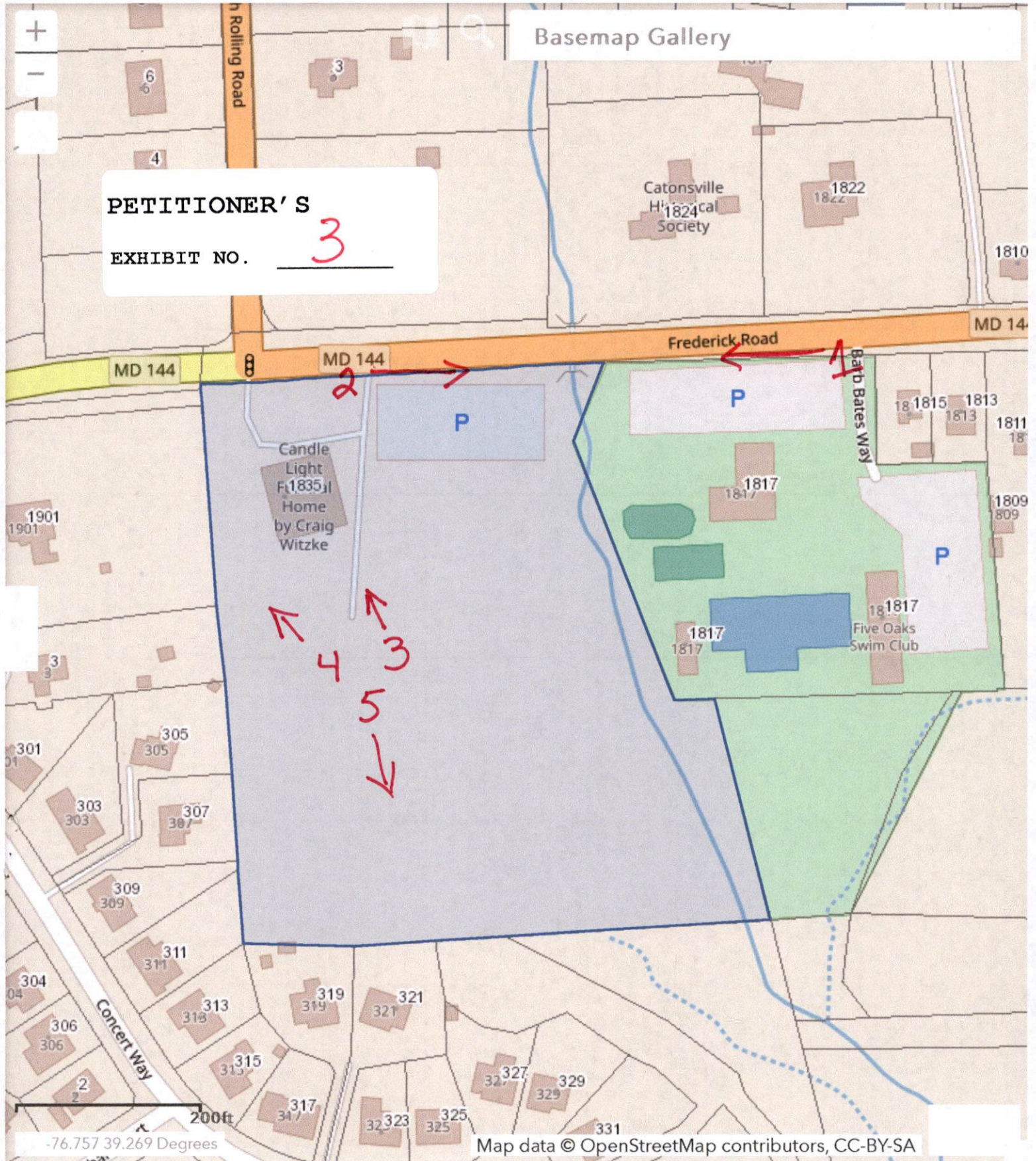








Baltimore County - My Neighborhood



IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(1835 Frederick Road) *
1st Election District *
1st Councilmanic District *
Candlelight Realty, LLC, *Legal Owner* *
Witzke Properties *
Contract Purchaser *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0059-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Lawrence E. Schmidt, Esquire from Smith, Gildea & Schmidt, LLC on behalf of Candlelight Realty LLC, the legal owner, and Witzke Properties, contract purchaser ("Petitioners"). The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to determine the applicability of the residential transition area (RTA) to an existing structure undergoing a change in use. A Petition for Special Exception was filed pursuant to B.C.Z.R. § 1B01.1.C.9 to permit a funeral establishment in a D.R. (residential) zone.

Finally, a Petition for Variance was filed pursuant to the B.C.Z.R. as follows: (1) to permit a residential transition area of 22 feet in lieu of the required 100 feet pursuant to § 1B01.1.B.1.a; (2) to permit an RTA buffer of 33 feet to a parking structure (garage) in lieu of the required 50 feet pursuant to § 1B01.1.B.1.e(5); (3) to permit a setback of 33 feet for a parking structure (garage) in lieu of the required 75 feet pursuant to § 1B01.1.B.1.e(5); and (4) to permit an RTA setback of 50 feet for a parking lot in lieu of the required 75 feet pursuant to § 1B01.1.B.1.e(5).

The subject property and requested relief is more fully depicted on the redlined site plan

PETITIONER' S

EXHIBIT NO.

4

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Date 11/25/13

By SLA

that was marked and accepted into evidence as Petitioners' Exhibit 1. Appearing in support of the requests was Craig Witzke, Mitch Kellman and John Mellema, Jr. Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC, appeared as counsel and represented the Petitioners. Several members of the community attended the hearing, and their names are listed in the case file. The file reveals that the Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), and the State Highway Administration (SHA).

The subject property is approximately 6.63± acres in size and is zoned D.R. 5.5 and D.R. 2. For many years the Candlelight Inn restaurant was operated on the premises, and as many residents indicated, it was a beloved Catonsville institution that hosted many celebratory dinners and other special occasion gatherings. The restaurant has closed, and the Petitioners propose to convert the use to a funeral establishment, which requires zoning relief.

SPECIAL HEARING

The Petition for Special Hearing seeks a determination as to whether the Residential Transition Area (RTA) regulations apply in this case. As noted above, the zoning is residential (primarily D.R. 5.5), and as shown on the aerial photo (Exhibit 2) the site is surrounded (for the most part) by single family dwellings. In these circumstances, I believe the RTA regulations are applicable.

Petitioners' counsel notes that the Candlelight Inn was constructed long before the adoption of the B.C.Z.R., and is thus a legal nonconforming use and building that with the construction of the proposed garage would be enlarged by not more than 25% of the floor area. As such, under B.C.Z.R. § 104 it would arguably enjoy a "grandfathered" status and not be

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Date

11/25/13

By

SLN

subject to the RTA regulations, and the garage (which would be connected to the main building by a breezeway) would enjoy the same exemption. Even so, I believe this site possesses the requisite uniqueness (discussed below) and will therefore resolve the matter by way of the variance petition.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). In fact, as noted by counsel, the Schultz case also involved a funeral home in a residential zone, and the court noted that such a use is appropriate even though "there can be no doubt that an undertaking business has an inherent depressing and disturbing psychological effect which may adversely affect persons residing in the immediate neighborhood." Id. at 13. The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Such evidence was not presented here, and thus the petition will be granted.

VARIANCES

Based upon the testimony and evidence presented, I will also grant the petition for variance. To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

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Date 11/25/13
By Sen

The Petitioners have met this test. The site is nearly seven acres in size (6.63 acres $\pm$) and is of irregular shape. In addition, it is improved with a structure that is over 150 years old. As such, the property is unique.

If the B.C.Z.R. were strictly interpreted, the Petitioners would indeed suffer a practical difficulty, since they would be unable to operate the new business at this location or would need to raze the existing structure and construct a new building that complied with zoning setbacks, which is an unpalatable alternative. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

The Garage

At the outset, Petitioners noted that only interior modifications are being proposed, with the exception of a garage to be constructed behind the existing restaurant and covered pavilion area. The garage will be connected to the main building (as recommended by the DOP) and will be used to store funeral vehicles, supplies and for intake and transfer of human remains. The Petitioners explained the garage was proposed for this location (instead of elsewhere on the lot) since it was "tucked away" in a "notch" behind the main building and would provide privacy so as to shield these operations from public view.

Although there was little opposition to its proposed placement, several neighbors objected to a prefabricated metal building being used for the garage. As one neighbor put it, "there is no such thing as an attractive metal building." I would tend to agree, especially given the iconic nature of the Candlelight Inn. I do not however believe that my role is to decide upon the design and/or aesthetic treatment of proposed structures. This is a matter best left to the DOP and Petitioners; they can agree upon a design that will function as needed and enhance the

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Date

11/25/13

By

SEN

appearance of the site. Mr. Witzke indicated he was amenable to working with the DOP in this fashion.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the petitions for special hearing, special exception and variance shall be granted.

THEREFORE, IT IS ORDERED this 25th day of November, 2013, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), be and is hereby GRANTED, and it is determined the RTA regulations apply in this case.

IT IS FURTHER ORDERED that the Petition for Special Exception filed pursuant to the B.C.Z.R., to permit a funeral establishment in a D.R. zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance relief as follows: (1) to permit a residential transition area of 22 feet in lieu of the required 100 feet pursuant to § 1B01.1.B.1.a; (2) to permit an RTA buffer of 33 feet to a parking structure (garage) in lieu of the required 50 feet pursuant to § 1B01.1.B.1.e(5); (3) to permit a setback of 33 feet for a parking structure (garage) in lieu of the required 75 feet pursuant to § 1B01.1.B.1.e(5); and (4) to permit an RTA setback of 50 feet for a parking lot in lieu of the required 75 feet pursuant to § 1B01.1.B.1.e(5), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners must comply with the ZAC comment of the SHA.

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Date 11/25/13
By Sen

3. The Petitioners shall not operate a crematory on the subject premises.
4. The Special Exception granted herein must be utilized within two (2) years of the date hereof, unless extended by subsequent Order.
5. The Special Exception area in which all funeral establishment operations must take place shall be the 3.69 acre $\pm$ parcel delineated on the redlined site plan marked as Exhibit 1.
6. The Petitioners must submit for approval by the DOP building elevations of the proposed garage, to ensure that it is compatible with the neighborhood and existing improvements on site.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

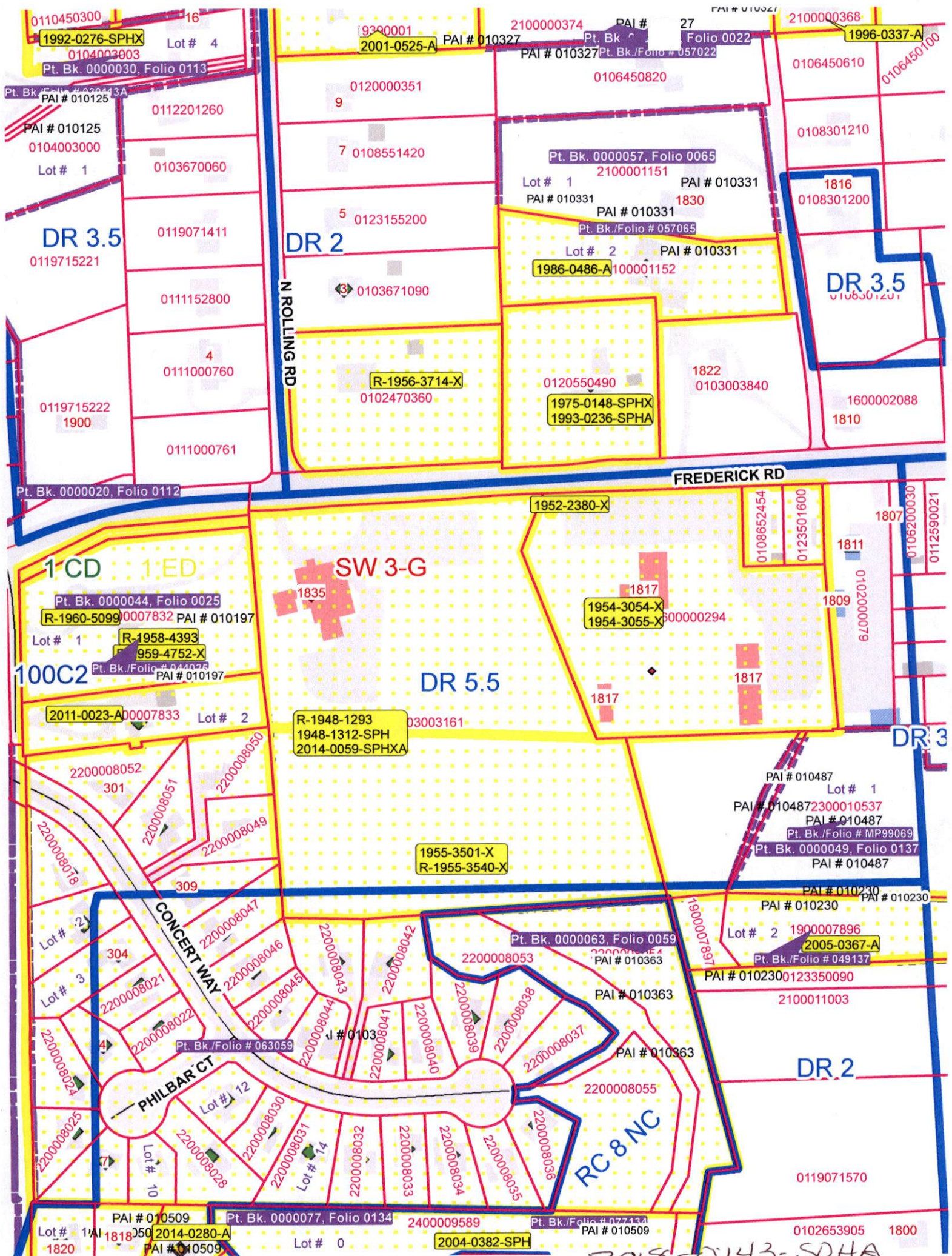


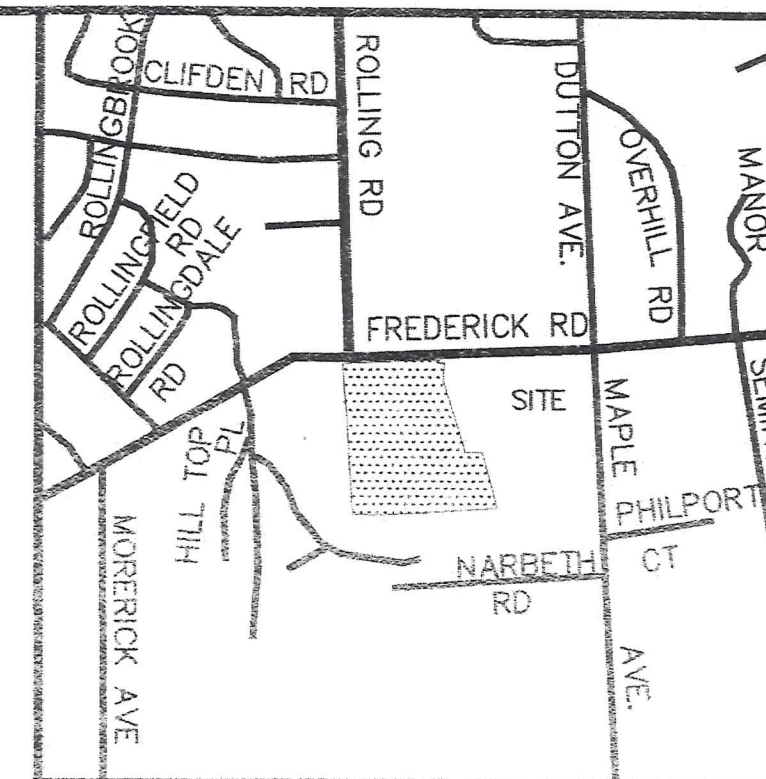
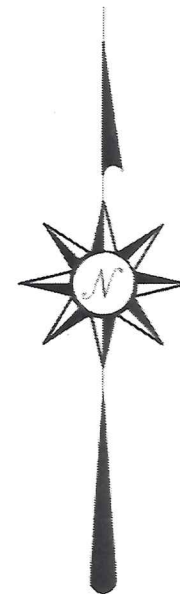
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

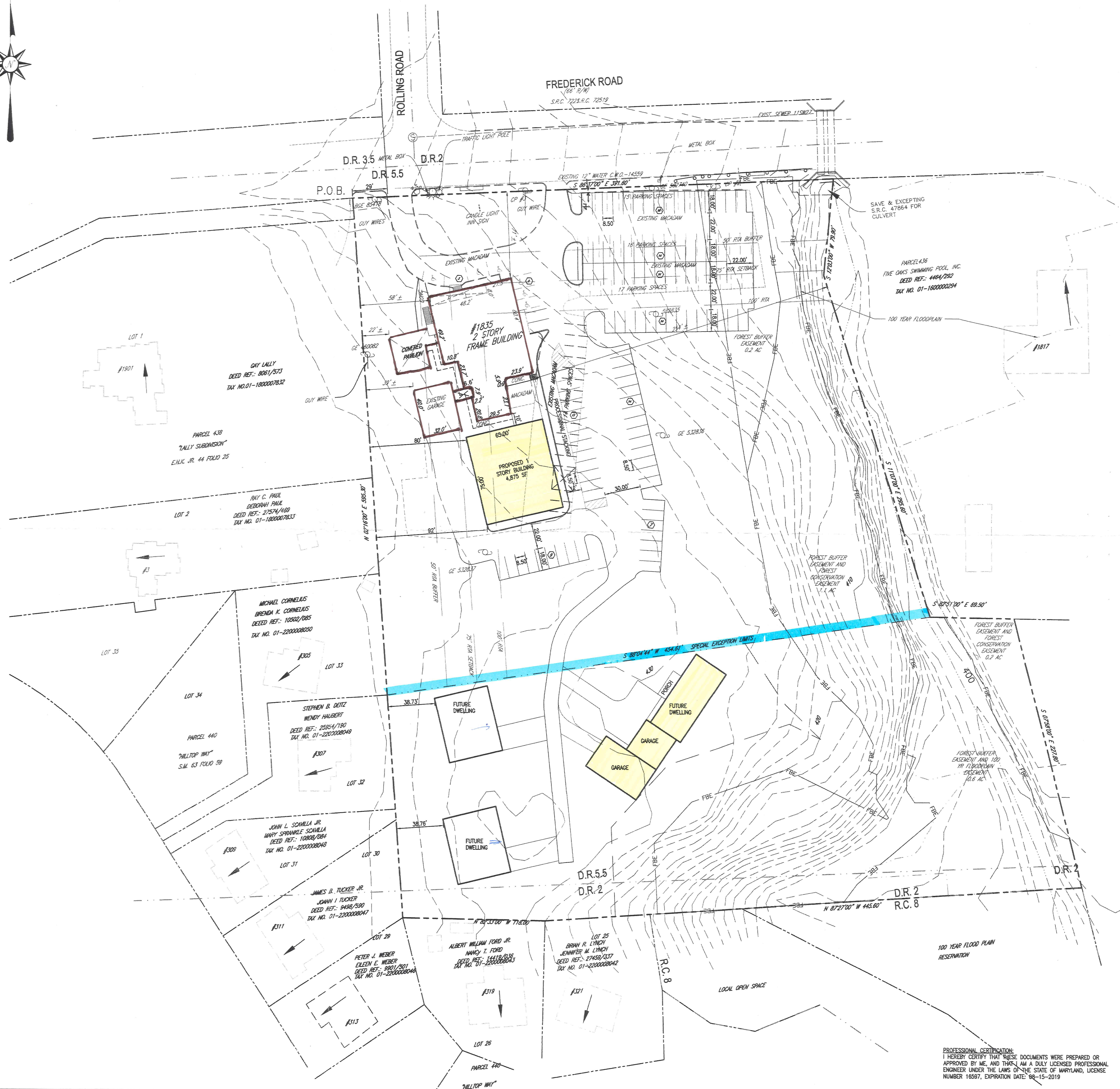
Date 11/25/13
By slh





LOCATION MAP

SCALE: 1" = 1000'



GENERAL NOTES:

- OWNER: CANDLELIGHT REALTY LLC
1835 FREDERICK ROAD
BALTIMORE, MARYLAND 21228
PHONE NO. 410-708-6076
- SITE AREA:
GROSS AREA = 288,814 SQ. FT. OR 6.63 ACRES
NET AREA = 278,570 SQ. FT. OR 6.39 ACRES
- BUILDING AREA EXISTING BUILDING = 6,284 SQ. FT.
GARAGE = 1,280 SF
- PROPOSED BUILDING AREA = 4,500 SF
- UTILITIES: PUBLIC WATER
PUBLIC SEWER
- PART OF THIS PROPERTY LIES WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. PANEL #370 OF 580
FLOODPLAIN SHOWN AS PER FLOOD STUDY APPROVED 10/17 BY BALTIMORE COUNTY
- SETBACKS: D.R. 5.5
FRONT: 40' FROM PROPERTY LINE
SIDE: 20' FROM PROPERTY LINE
REAR: 10' FROM PROPERTY LINE WITHIN R.T.A. = 75' FROM ADJACENT TRACT
- HEIGHT OF STRUCTURE:
MAXIMUM PERMITTED: 35' WITHIN R.T.A. FOR STRUCTURES
EXISTING: 27.9'
- DEED REFERENCE: 24804/1157
- TAX ACCOUNT NO. 0103003161
- COUNCILMANIC DIST: 1
- REGIONAL PLANNING DIST. 3248
- CENSUS TRACT: 40500
- WATERSHED PATAPSCO RIVER
- ZONING: D.R. 5.5 AND D.R. 2
(PER 200 SCALE ZONING MAP 10002)
- TAX MAP #100 PARCEL #437
- PREVIOUS ZONING CASES:
1948-1312-SPH APPROVED 12/28/48 TO ALLOW ALCOHOLIC BEVERAGES IN CONNECTION WITH A RESTAURANT
2014-0059-SPHX APPROVED 11/25/13 TO PERMIT A FUNERAL ESTABLISHMENT IN A DR ZONE
VARIANCE FOR A R.T.A. OF 22' IN LIEU OF THE REQUIRED 100', AN R.T.A. BUFFER OF 33' TO A PARKING
STRUCTURE IN LIEU OF THE REQUIRED 50', PERMIT A SETBACK OF 33' FOR A PARKING STRUCTURE IN LIEU
OF THE REQUIRED 75' AND AN R.T.A. SETBACK OF 50' FOR A PARKING LOT IN LIEU OF THE REQUIRED 75'
- PERMITS ON FILE NONE
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- THERE ARE NO HISTORICAL FEATURES ON SITE, NOR IS THE SITE ITSELF HISTORIC.
- ALL SIGNAGE SHALL COMPLY WITH BCZR SECTION 450
- THE PROPERTY IS NOT IN A FAILING INTERSECTION UNDER THE COUNTY'S BASIC SERVICES MAPS.
- TOPO SHOWN HEREON IS TAKEN FROM COUNTY TOPO
- FLOODPLAIN INFORMATION AS SHOWN HEREON TAKEN FROM FLOOD STUDY APPROVED 10/17 BY BALTIMORE COUNTY
- PARKING REQUIRED:
PARKING FOR EXISTING BUILDING 4,053 SF @ 10/1000 SF = 41 SPACES
EMPLOYEES: 4 EMPLOYEES @ 1/2 EMPLOYEES = 2 SPACES
COMPANY VEHICLES: 6 @ 1/VEHICLE = 6 SPACES
PARKING FOR NEW BUILDING: 4,500 SF @ 10/1000 SF = 45 SPACES
TOTAL REQUIRED: 94 SPACES
- PARKING PROVIDED: 108 SPACES

PETITIONER'S

EXHIBIT NO. 2

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1205

PLAN TO ACCOMPANY ZONING PETITION
FOR

CANDLE LIGHT
FUNERAL HOME
1835 FREDERICK ROAD
BALTIMORE, MD 21228

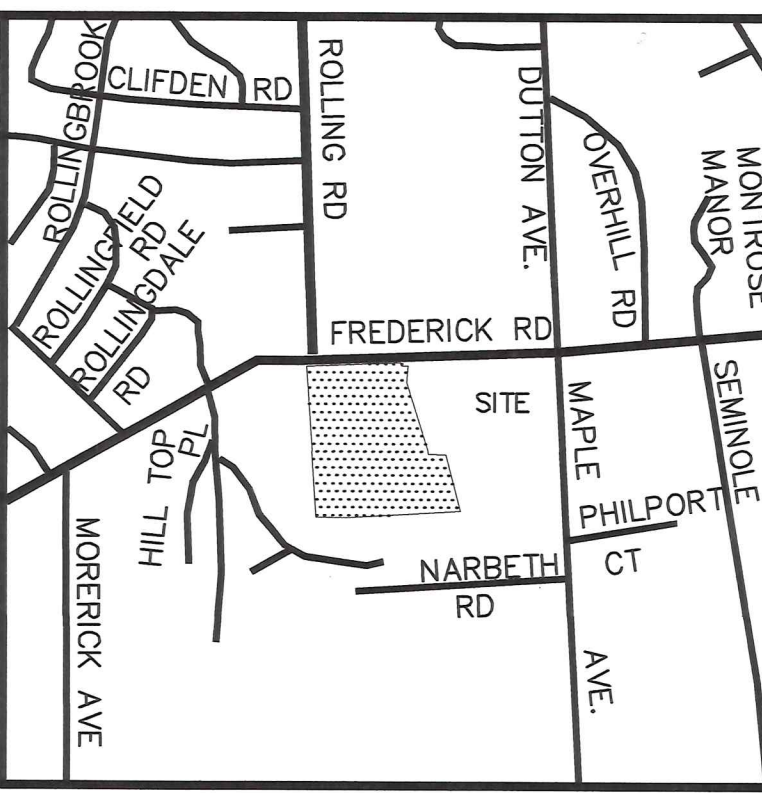
BALTIMORE COUNTY
1ST ELECTION DISTRICT

MARYLAND
1ST COUNCILMANIC DISTRICT

REVISIONS		DRAWN BY:	CHECKED BY:	SCALE:
		PCR	PCR	1" = 40'
		DATE:	JOB NO.:	SHEET NO.:
		11/21/17	17126	1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 15557, EXPIRATION DATE: 06-15-2019





LOCATION MAP
SCALE: 1" = 1000'

PETITIONER'S
EXHIBIT NO. 1

GENERAL NOTES:

- OWNER: CANDLELIGHT REALTY LLC
1835 FREDERICK ROAD
BALTIMORE, MARYLAND 21228
PHONE NO. 410-788-6076
- SITE AREA= 288,814 SQ. FT. OR 6.63 ACRES±
NET AREA = 276,570 SQ. FT. OR 6.35 ACRES±
BUILDING AREA EXISTING BUILDING= 8,288 SQ. FT.±
GARAGE= 1,280 SF
- PROPOSED BUILDING AREA= 4,500 SF
- UTILITIES: PUBLIC SEWER
- PART OF THIS PROPERTY LIES WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. PANEL #370 OF 580
FLOODPLAIN SHOWN AS PER FLOOD STUDY APPROVED 10/17 BY BALTIMORE COUNTY
- SETBACKS: D.R. 5.5
FRONT: 40' FROM PROPERTY LINE
SIDE: 20' FROM PROPERTY LINE
REAR: 30' FROM PROPERTY LINE/WITHIN RTA=75' FROM ADJACENT TRACT
- HEIGHT OF STRUCTURE:
MAXIMUM PERMITTED: 35' WITHIN R.T.A. FOR STRUCTURES
EXISTING: 27.9'
- DEED REFERENCE: 24804/157
- TAX ACCOUNT NO. 0103003161
- COUNCILMANIC DIST: 1
- REGIONAL PLANNING DIST. 3248
- CENSUS TRACT: 400500
- WATERSHED: PATAPSCO RIVER
- ZONING: DR 5.5 AND DR 2
(PER 200 SCALE ZONING MAP 100C2)
- TAX MAP #100 PARCEL #437
- PREVIOUS ZONING CASES:
1948-1312-SPH APPROVED 12/28/48 TO ALLOW ALCOHOLIC BEVERAGES IN CONNECTION WITH A RESTAURANT
2014-0059-SPHXA APPROVED 11/25/13 TO PERMIT A FUNERAL ESTABLISHMENT IN A DR ZONE
VARIANCE FOR A RTA OF 22' IN LIEU OF THE REQUIRED 100', AN RTA BUFFER OF 33' TO A PARKING
STRUCTURE IN LIEU OF THE REQUIRED 50', PERMIT A SETBACK OF 33' FOR A PARKING STRUCTURE IN LIEU
OF THE REQUIRED 75' AND AN RTA SETBACK OF 50' FOR A PARKING LOT IN LIEU OF THE REQUIRED 75'
- PERMITS: ON FILE NONE
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- THERE ARE NO HISTORICAL FEATURES ON SITE, NOR IS THE SITE ITSELF HISTORIC.
- ALL SIGNAGE SHALL COMPLY WITH BCER SECTION 430
- THE PROPERTY IS NOT IN A FAILING INTERSECTION UNDER THE COUNTY'S BASIC SERVICES MAPS.
- TOPO SHOWN HEREON IS TAKEN FROM COUNTY TOPO
- FLOODPLAIN INFORMATION AS SHOWN HEREON TAKEN FROM FLOOD STUDY APPROVED 10/17 BY BALTIMORE COUNTY
- PARKING REQUIRED:
PARKING FOR EXISTING BUILDING 4,053 SF @ 10/1000 SF = 41 SPACES
EMPLOYEES: 4 EMPLOYEES @ 1/2 EMPLOYEES = 2 SPACES
COMPANY VEHICLES: 5 @ 1/VEHICLE = 5 SPACES
PARKING FOR NEW BUILDING: 4,500 SF @ 10/1000 SF = 45 SPACES
TOTAL REQUIRED: 94 SPACES
- PARKING PROVIDED: 109 SPACES
- DENSITY FOR HOUSES:
DR-5.5: 2.35 AC. X 5.5/AC = 12.9
DR-2: 0.31 AC. X 2/AC = 0.6
- IF RESIDENTIAL HOUSES ARE MADE INTO SEPARATE PROPERTIES, AND ARE SOLD, A VARIANCE TO
SETBACKS WILL BE REQUIRED IF THEY DO NOT MEET THE ZONING SETBACKS.
- PLANS WILL BE SUBMITTED TO BALTIMORE COUNTY FOR APPROVAL OF FINAL LANDSCAPE AND LIGHTING PLANS

Richardson Engineering, LLC

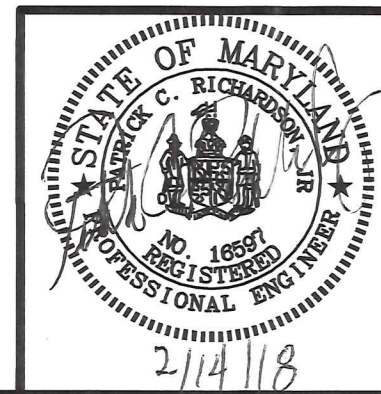
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

CANDLE LIGHT
FUNERAL HOME
1835 FREDERICK ROAD
BALTIMORE, MD 21228

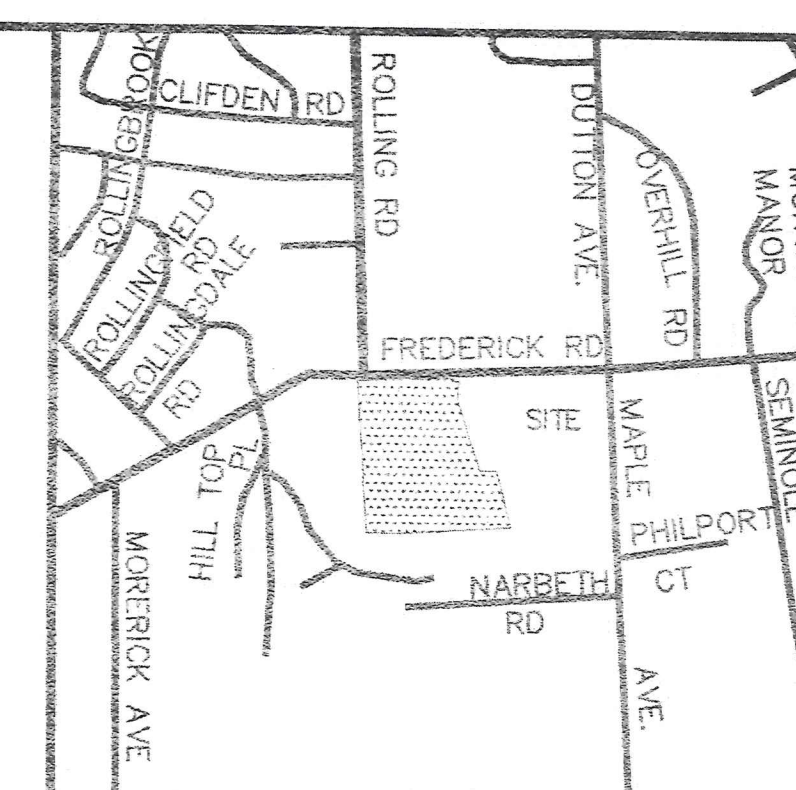
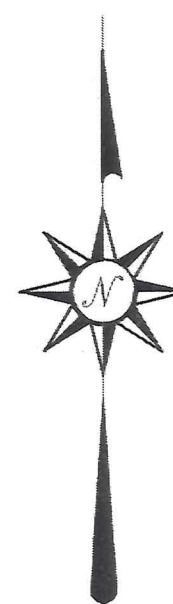
BALTIMORE COUNTY 1ST ELECTION DISTRICT MARYLAND 1ST COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	PCR	PCR	1" = 40'
	DATE:	JOB NO.:	SHEET NO.:
	11/21/17	17126	1 OF 1



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 06-15-2019

C:\Users\johnd\Documents\17126-1835_FuneralHome\17126-1835_FuneralHome.dwg, 11/21/2018 9:42:49 AM



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: CANDLELIGHT REALTY LLC
1835 FREDERICK ROAD
BALTIMORE, MARYLAND 21228
PHONE NO. 410-788-8076
2. SITE AREA:
GROSS AREA = 288,514 SQ. FT. OR 6.63 ACRES±
NET AREA = 276,570 SQ. FT. OR 6.35 ACRES±
3. BUILDING AREA EXISTING BUILDING = 8,208 SQ. FT.±
GARAGE = 1,280 SF
4. PROPOSED BUILDING AREA: 4,500 SF
5. UTILITIES: PUBLIC WATER
PUBLIC SEWER
6. PART OF THIS PROPERTY LIES WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. PANEL #370 OF 580
FLOODPLAIN SHOWN AS PER FLOOD STUDY APPROVED 10/17 BY BALTIMORE COUNTY
7. SETBACKS: D.R. 5.5
FRONT: 40' FROM PROPERTY LINE
SIDE: 20' FROM PROPERTY LINE
REAR: 30' FROM PROPERTY LINE/WITHIN RTA=75' FROM ADJACENT TRACT
8. HEIGHT OF STRUCTURE:
MAXIMUM PERMITTED: 35' WITHIN R.T.A. FOR STRUCTURES
EXISTING: 27.9'
9. DEED REFERENCE: 24804/157
10. TAX ACCOUNT NO. 0103003161
11. COUNCILMANIC DIST: 1
12. REGIONAL PLANNING DIST. 3248
13. CENSUS TRACT: 400500
14. WATERSHED PATAPSCO RIVER
15. ZONING: D.R. 5.5 AND DR. 2
(PER 200 SCALE ZONING MAP 100C2)
16. TAX MAP #100 PARCEL #437
17. PREVIOUS ZONING CASES:
1948-1312-SPH APPROVED 12/28/48 TO ALLOW ALCOHOLIC BEVERAGES IN CONNECTION WITH A RESTAURANT
2014-0056-SPHRA APPROVED 11/25/13 TO PERMIT A FUNERAL ESTABLISHMENT IN A DR. ZONE
VARIANCE FOR A RTA OF 22' IN LIEU OF THE REQUIRED 100', AN RTA BUFFER OF 33' TO A PARKING
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OF THE REQUIRED 75' AND AN RTA SETBACK OF 50' FOR A PARKING LOT IN LIEU OF THE REQUIRED 75'
18. PERMITS ON FILE NONE
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
20. THERE ARE NO HISTORICAL FEATURES ON SITE, NOR IS THE SITE ITSELF HISTORIC.
21. ALL SIGNAGE SHALL COMPLY WITH 802P SECTION 450
22. THE PROPERTY IS NOT IN A FLOOD INTERSECTION UNDER THE COUNTY'S BASIC SERVICES MAPS.
23. TOPO SHOWN HEREON IS TAKEN FROM COUNTY TOPO
24. FLOODPLAIN INFORMATION AS SHOWN HEREON TAKEN FROM FLOOD STUDY APPROVED 10/17 BY BALTIMORE COUNTY
25. PARKING REQUIRED:
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COMPANY VEHICLES: 6 @ 1/VEHICLE = 6 SPACES
PARKING FOR NEW BUILDING: 4,500 SF @ 10/1000 SF = 45 SPACES
TOTAL REQUIRED: 94 SPACES
26. PARKING PROVIDED: 109 SPACES
27. DENSITY FOR HOUSES:
DR-5.5: 2.35 AC. X 5.5/AC = 12.9
DR-2: 0.31 AC. X 2/AC = 0.6
28. IF RESIDENTIAL HOUSES ARE MADE INTO SEPARATE PROPERTIES, AND ARE SOLD, A VARIANCE TO SETBACKS WILL BE REQUIRED IF THEY DO NOT MEET THE ZONING SETBACKS.

Richardson Engineering, LLC

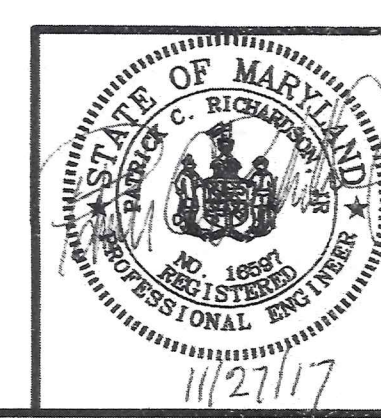
30 East Padonia Road, Suite 500
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BALTIMORE, MD 21228

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1ST COUNCILMANIC DISTRICT

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DATE:	JOB NO.:	SHEET NO.:	
11/21/17	17126	1 OF 1	



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ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16997, EXPIRATION DATE: 08-15-2019

23:46:34 11/21/2017 17:24:15 1835 Frederick Rd, Timonium, MD 21093 11/21/2017 17:24:15