



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

August 28, 2023

Dino LaFiandra, Esquire – dcl@lafiandralaw.com
The Law Offices of Dino C. LaFiandra
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

RE: Petitions for Special Hearing, Special Exception & Variance
Case No. 2023-0114-SPHXA
Property: 7606 Eastern Avenue

Dear Mr. LaFiandra:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order 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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: Ben Cox – bcox@blconstruction.biz
Patrick Richardson – rick@richardsonengineering.net
Elise Andrews- eandrews@baltimorecountymd.gov

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION &	*	THE OFFICE
VARIANCE)	*	ADMINISTRATIVE HEARINGS
(7606 Eastern Avenue)	*	FOR BALTIMORE COUNTY
12 th Election District	*	Case No. 2023-0114-SPHXA
7 th Council District	*	
Cox Property Management, LLC	*	
<i>Legal Owner</i>	*	
Petitioner		

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing, Special Exception, and Variance filed on behalf of Cox Property Management, LLC, legal owner (“Petitioner”) for the property known as 7606 Eastern Avenue, Dundalk (the “Property”). The Petition for Special Hearing was filed to approve a modified parking plan pursuant to Baltimore County Zoning Regulations (“BCZR”), §409.12.B as shown on the plan to accompany Petition for Special Hearing, including eight (sic 12) parking spaces without direct access to a drive aisle. The Petition for Special Exception was filed for approval of a Community Care Center in the BR-AS zone and in the DR 10.5 zone, as shown on the plan to accompany Petition for Zoning Hearing. Petitions for Variance relief was filed from BCZR, §1B01.2.C.1.a for a non-residential principal building in the DR 10.5 zone with a rear yard setback of 30 ft. in lieu of the 50 ft. required, and from BCZR, §238.2 for an existing commercial building in the BR-AS zone with a side yard setback of 1 ft. in lieu of the 30 ft. required.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petitions were properly advertised and posted. Ben Cox, representative of the Petitioner, appeared at the hearing along with Patrick Richardson, PE of Richardson Engineering, a licensed civil engineer, who prepared and sealed a redlined site plan (the “Redlined Site Plan”). (Pet. Ex. 2). Dino

La Fiandra represented the Petitioner. Elise Andrews, MA, MPH, Opioid Strategy Coordinator for the County also testified. There were no Protestants or interested citizens in attendance.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Department of Environmental Protection and Sustainability ("DEPS"), and Department of Plans Review ("DPR") which agencies did not oppose the requested relief.

The case proceeded by way of proffer by Mr. La Fiandra. The Property is 0.71 acres +/- (30,831 sf) and adjoins a highway ramp which runs parallel to Eastern Ave. It is improved with a 5,834 sf, 1-story office/warehouse building occupied by Cox Roofing Company, a general contracting company owned by Ben Cox, the member of the Petitioner. The Property is split-zoned Business, Roadside with an Automotive Service overlay (BR-AS) and Density Residential (DR 10.5).

Petitioner proposes to repurpose the existing commercial building and to construct a 3-story addition for use as a residential treatment facility/program for housing, counseling, supervision, and rehabilitation of recovering drug abusers. There will be 14, two-bedroom units complete with cooking and full bathroom facilities sufficient for 2 residents. Ben Cox explained that he owns two (2) other residential treatment facilities for recovering drug abusers which are both classified as Intensive Outpatient Programs ("IOP"): one in Lutherville and one in Fallston.

The proposed residential treatment facility will be licensed by the MD Department of Health and Mental Hygiene ("DHMH") and will be sponsored by the Commission on Accreditation Rehabilitation Facilities, a non-profit organization operating in DC. The services provided to recovering drug abusers will be paid for by Medicare. A resident will be placed in the facility for up to 9 months of residential treatment with the following services: group counseling for 1 hr./day, every day; access to mental health counseling 1 time per month; vocational and job

placement assistance; and random drug testing. Each resident must be 100% drug-free to remain in the facility/program. To provide those services, there will be a counselor, technician and a security guard on-site 24 hours per day, 7 days a week.

By way of background, there are 3 types of step-down drug treatment facilities: (1) Inpatient housing facilities/programs ("PHP"); (2) IOP as described above which Petitioner (through the Bergand Group) owns/operates in Lutherville and Forest Hill in which a resident can live for 6-9 months after completing a PHP; and (3) Residential Treatment facility/program as proposed here.

Rick Richardson opined that the proposed use meets each of the Special Exception factors in BCZR, §502.1. He testified that there are no adverse impacts associated with the proposed Community Care Center above and beyond that would typically be associated with such use regardless of location within the BR-AS or DR 10.5 zones. He highlighted that, as shown in the aerial photograph, the Property here is located in a commercial area and next to an intense commercial zone (BL-AS). (Pet. Ex. 4). More specifically, the building orientation and focus of activity will be facing the intersection ramp as shown on the Redlined Site Plan and away from the residential properties directly across the alley on the north-western portion of the Property. (Pet. Ex. 2). Mr. Richardson explained that the existing building and proposed addition will be 46 ft. from the closest residence (30 ft. to alley plus 16 ft. alley).

Mr. Richardson added that the use requires 31 parking spaces and the Petitioner is providing 33 spaces. As a result, there will be no overflow parking problems for adjacent or adjoining properties. In regard to the Petition for Special Hearing, as shown on the Site Plan, there are 12 proposed parking spaces which are directly accessible by way of the 16 ft. alley. As a result of this configuration, those 12 parking spaces do not have direct access to an internal drive aisle

as required in BCZR, §409.4.B. Nonetheless, Mr. Richardson opined that the alley essentially functions as the drive aisle. There also is an internal drive aisle from which the remaining parking space have access and its width of 22 ft. complies with the required width for two-way vehicular traffic under BCZR, §409.4.C. In regard to needing zoning approval for business parking in a residential zone, Mr. Richardson opined the proposed use is an institutional use similar to a church or hospital, and therefore, the requirements of BCZR, §409.8.B need not be met. The parking here is accessory to the institutional use. The Petitioner is not seeking approval to park in an adjoining residential property but rather on the same Property here which is split-zoned.

In regard to the DPR ZAC comment, Mr. Richardson also confirmed that the proposed use is *not* for elderly housing and therefore that part of the DPR ZAC comment is not applicable. In regard to the DPR's request for Open Space under the Local Open Space Manual, he testified that the Local Open Space Manual does not apply because the use is institutional and does not involve a residential development plan. Nevertheless, in accordance with the DOP ZAC comment, Mr. Richardson redlined the original site plan to include an outdoor amenity area which he described as a landscaped picnic area with seating. (Pet. Ex. 2). Petitioner is also planning to incorporate indoor fitness areas for the residents. A Landscape and Lighting Plan will be filed as part of the development plan process. Additionally, the Redlined Site Plan shows a 10 ft. landscape buffer along the highway ramp as well as landscape island(s) within the parking spaces as shown.

In regard to the Petitions for Variance, Mr. Richardson testified that the Property is uniquely shaped and sized as compared to other neighboring properties, and is also unique due the position of the 70-year old commercial building within 1.8 ft. +/- of the southern boundary line. As a result of these unique physical features, the proposed use needs Variance relief for a 1 ft. setback for the existing building in the BR-AS zone in lieu of the required 30 ft., and a reduced

setback for the proposed addition in the DR 10.5 zone with a rear yard setback of 30 ft. to the alley in lieu of the required 50 ft.

Elise Andrews, the County Opioid Coordinator, also testified in regard to the Report of the Opioid Response Working Group dated November of 2019 (the “Opioid Report”). (Pet. Ex. 3). The Opioid Report provides recommendations to address the opioid crisis which is the 2nd leading cause of death in the County. Specifically, Recommendation 7 provides that housing for recovering drug abusers is needed in the County. (Pet. Ex. 3, p. 18).

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, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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.

First, a Community Care Center is a use specifically listed as permitted in the DR zones by Special Exception. While the BR zone does not specifically list a Community Care Center as permitted by right or by Special Exception, the BR zones does allow all uses permitted and as limited in the Business, Major (“BM”) Zone. Similarly, the BM zone allows all uses permitted in the Business, Local (“BL”) Zone. The BL zone permits a Community Care Center by Special Exception. A Community Care Center is defined in BCZR, §101.1 as:

COMMUNITY CARE CENTER — A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department

of Social Services, for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization.

Second, based on the uncontroverted evidence presented, I find the proposed use meets the definition of a Community Care Center. I find that the proposed use also meets all of the Special Exception factors in BCZR, §502. Specifically, I find that the proposed use will not be detrimental to the health, safety or general welfare of the surrounding commercial or residential uses, particularly given that the activity for the residential treatment facility faces the highway ramp parallel to Eastern Ave. and is adjacent to intensely commercial zones. There will not be congestion on surrounding roads or streets, or overcrowding of land, as the use would bring a finite number of vehicles primarily driven by employees and service vehicles and there is ample parking in front of the building and along the alley. There is no potential hazard from fire, panic or other danger as all interior construction for the existing building and the addition will meet all building codes. There will not be any impact on schools, parks, sewer or public improvements as the Property is not located in a deficient or failing area on the Basic Services Map. There will not be any interference with light or air as the 3-story addition will be separated from the adjoining commercial building at 7604 by the existing building. Given that the Property is largely built-out with a parking lot, the addition will be constructed on the parking lot surface already there. There are no environmental features on the Property as indicated by the lack of any substantive comment from DEPS. Finally, the use is consistent with the BR-AS and DR 10.5 zones which permits Community Care Centers by Special Exception.

Additionally, the proposed residential treatment facility/program serves a greater need within the surrounding community and in the County for recovering drug abusers. The program

demands that the residents are drug-free and provides them with the necessary housing, counseling, and job placement/assistance. Accordingly, the Special Exception will be granted.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

In this case, the Petitioner seeks Special Hearing approval for the 12 parking spaces along the alley which do not have direct access to a drive aisle. I find that the alley essentially functions as a drive aisle from which those parking spaces can be accessed. This is not an elderly housing use and therefore the number of vehicles is limited to the employees and service vehicles; the residents are not likely to have vehicles to drive. As a result, I find that the modified parking plan to allow access to those 12 parking spaces from the alley is consistent with the spirit and intent of the BCZR as there is at least 22 ft. of width in which to have two-way driving lanes on the alley and still be able to park in those spaces. Thus, the Petition for Special Hearing will be granted.

VARIANCES

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).

As described above, the Property is unique due to its irregular shape and size. I find that those physical characteristics restrict the ability of the Petitioner to meet the required rear yard setback and side yard setback, particularly given that the existing 70 year old commercial building sits 1.8 ft +/- from the adjoining Property line. I find that the Petitioner would suffer a practical difficulty and unreasonable hardship if the proposed setbacks were not granted because the proposed repurposing of the existing building, and the proposed addition, could not be used for the Community Care Center. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED this 28th day of **August 2023**, by this Administrative Law Judge, that the Petition for Special Exception for a Community Care Center in the BR-AS zone and in the DR 10.5 zone, as shown on the plan to accompany Petition for Zoning Hearing, be, and it is hereby, **GRANTED**, and

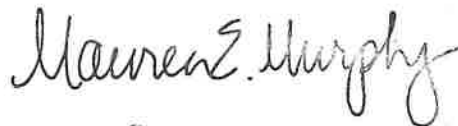
IT IS FURTHER ORDERED that the Petition for Special Hearing filed to approve a modified parking plan pursuant to BCZR, §409.12.B as shown on the plan to accompany Petition for Special Hearing, including twelve (12) parking spaces without direct access to a drive aisle, be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance relief from BCZR, §1B01.2.C.1.a for a non-residential principal building in the DR 10.5 zone with a rear yard setback of 30 ft. in lieu of the 50 ft. required, and from BCZR, §238.2 for an existing commercial building in the BR-AS zone with a side yard setback of 1 ft. in lieu of the 30 ft. require, and are 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 their 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. The Redlined Site Plan (Pet. Ex. 2) is attached hereto and incorporated herein in its entirety.
3. Petitioner must comply with the DOP ZAC comment, a copy of which is attached hereto and made a part hereof.
4. Petitioner shall file a Landscape and Lighting Plan as part of the development process.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 7/5/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-114-SPHXA

INFORMATION:

Property Address: 7606 Eastern Avenue
Petitioner: Cox Property Management, LLC
Zoning: BR AS, DR 10.5
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing - To approve a modified parking plan as shown on the Plan to Accompany Petition for Zoning Hearing, including eight parking spaces without direct access to a drive aisle, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (BCZR);

Special Exception - To approve a Special Exception for a Community Care Center in the BR AS Zone and in the DR 10.5 Zone, as shown on the Plan to Accompany Petition for Zoning Hearing;

Variance(s) -

1. From Section 1B01.2.C.1 of the BCZR for a Non-Residential Principal Building in the DR 10.5 Zone with a rear yard setback of 30' in lieu of the required 50'; and
2. From Section 238.2 of the BCZR for an existing commercial building in the BR AS Zone with a side yard setback on 1' in lieu of the required 30'.

The subject site is an approximately 0.71 acre parcel in the Dundalk area. It is currently improved with a one story commercial structure, which is occupied by Cox Roofing Company and BL Construction, and an associated surface parking lot. The site plan lists the sites use as office/warehouse. The subject site is bound by the Eastern Avenue exit of North Point Boulevard to the northeast. This stretch of Eastern Avenue is primarily commercial and includes multiple gas stations, a restaurant, office space, and commercial stores. Uses surrounding the site not fronting Eastern Avenue are primarily residential: uses behind/to the northwest of the subject site are primarily single-family attached residential (townhouses), and uses across Eastern Avenue behind the commercial uses are primarily single-family detached residential. 7604 Eastern Avenue, the site immediately next to the subject site, is listed on County GIS as being a commercial property with dual occupancy; the State Department of Assessments and Taxations lists the property as a principle residential structure.

The subject site is within the boundaries of the following community plans: the Greater Dundalk-Edgemere Community Conservation Plan, the Eastern Baltimore County Pedestrian and Bicycle Access Plan, and the Eastern Baltimore County Revitalization Strategy. The site is also within the boundary of

the Greater Dundalk/Sparrows Point Sustainable Community, which is currently up for renewal. The Greater Dundalk/Sparrows Point Sustainable Community outlines strengths, weaknesses, and recommended strategies and actions to improve the economy, transportation, housing, and quality of life within the plan boundary area. The Greater Dundalk-Edgemere Community Conservation Plan, adopted February 2000, outlines findings and recommendations for economic development, education, the environment, housing, human services, physical development, and public safety within the plan boundary area. The plan identified some of the most positive things about living in the neighborhoods as friendly people, activities for youth, feels safe, and close to places of worship/stores/schools; conversely, the plan identified some of the most important problems to be visible drug activity, poor or no public transportation, inadequate parking, and traffic (page 39). Two of the recommendations of the plan are to "improve the accessibility of information about human services" and "improve the delivery of human services" (pages 40-41).

Per the submitted site plan, the applicants wish to retain the existing one-story commercial building and construct a three-story addition to the northeast where surface parking currently exists. On the site plan, both the existing building and the addition are labeled as a "Proposed Community Care Center". The notes of the site plan state that there will be fourteen two-bedroom units with two residents in each bedroom for a total of 56 residents.

On June 22nd, 2023, the Department of Planning met with the representative/attorney for the petition, Dino LaFiandra; the property owner, Bex Cox; and the engineer, Rick Richardson, for additional information on the proposal and plan. At the meeting, the applicant's team explained that the community care center will be for substance abuse treatment and will provide long-term housing (up to nine months) paid for by Medicaid. The site will have 24-hour on site staffing and there will be no medication management on site.

The additional proposal for the Zoning Petition is to construct the housing units. The applicant is proposing fourteen two-bedroom units. Each bedroom will have two occupants/residents, for a total of 56 residents/ occupants.

Behind the subject site, to the northwest, is an existing 16' wide alley and then townhomes. Currently, the existing parking lot for Cox Roofing and BL Construction is accessed via the alley. The applicants wish to better refine the ingress/egress point and provide thirteen parking spaces which are to be accessed directly from the alley, not from a drive aisle on the site. Because of this, the applicant is requesting a Special Hearing to approve a modified parking plan as shown on the Plan to Accompany Petition for Zoning Hearing, including eight parking spaces without direct access to a drive aisle, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (BCZR). Because the alley is already used to access the existing site, the Department of Planning has no objections to the modified parking plan, subject to the following condition:

1. The Baltimore County Landscape Manual and the Comprehensive Manual of Development Policies require landscape islands. The site is proposed to be over parked by three parking spaces. Omit one of the parking spaces to add a landscape island. This will reduce the parking on site, as well as create a better site design by adding additional landscaping.

The Department of Planning has no objection to the Variance request for a side yard setback on 1' in lieu of the required 30' is for the existing one-story commercial building. The building was constructed prior to modern Zoning Regulations, and the approval of the Variance will confirm its non-conforming nature.

The Variance for a Non-Residential Principal Building in the DR 10.5 Zone with a rear yard setback of 30' in lieu of the required 50' is for the rear yard setback of both the existing building and the proposed

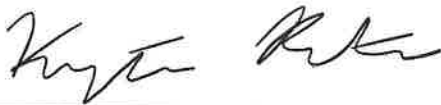
addition. The Department of Planning has no objections to the requested relief, as the lot shape is irregular in nature and meeting that setback is a proven hardship. Further, although the setback from the building to the property line is 30', if the width of the alley could be included, the setback would be 46', which is a minimal reduction.

The proposal will address multiple concerns outlined in the Greater Dundalk-Edgemere Community Conservation Plan, which stresses the importance of providing human services and assisting with the areas visible drug problem. Further, the subject site is in close proximity to public transportation with the existence of a bus stop in front of the subject site to travel southwest, and a bus stop across Eastern Avenue to travel northeast. The site is primarily surrounded by commercial structures along this stretch of Eastern Avenue and is not embedded in a neighborhood. Because of this, the Department of Planning has no objections to the Special Exception for a Community Care Center in the BR AS Zone and in the DR 10.5 Zone, subject to the following conditions:

1. The addition will be highly visible from the residential dwellings behind the site, from the exit ramp of North Point Boulevard, and from Eastern Avenue. Because of this, the existing structure and addition should be cohesive in terms of façade materials to create a visually appealing structure. Blank walls shall be avoided.
2. Outdoor amenity space shall be provided for the residents/occupants. In a June 26th, 2023 email, the representative for the petition confirmed that the area immediately behind the existing one-story commercial building would be left for access to the building doors at the rear of the existing building. The applicant shall explore the possibility of making this area an amenity area for residents/occupants with landscaping, benches, picnic tables, etc. The area shall be screened from the neighboring property at 7604 Eastern Avenue to the extent possible.

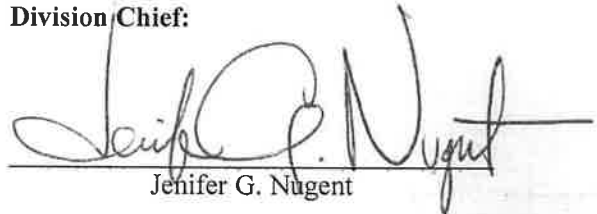
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Dino C. La Fiandra, Esq.
Michael Thomas, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2023-0114-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Cox Property Management, LLC

August 10, 2023

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: _____

7606 Eastern Avenue ***SIGN 1***

July 21, 2023

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



Sincerely,

 July 21, 2023
(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)

CERTIFICATE OF POSTING

2023-0114-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Cox Property Management, LLC

August 10, 2023

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: _____

7606 Eastern Avenue ***SIGN 2***

July 21, 2023

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



Sincerely,

 July 21, 2023

(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)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

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FROM: Steve Lafferty
Director, Department of Planning

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On June 22nd, 2023, the Department of Planning met with the representative/attorney for the petition, Dino LaFiandra; the property owner, Bex Cox; and the engineer, Rick Richardson, for additional information on the proposal and plan. At the meeting, the applicant’s team explained that the community care center will be for substance abuse treatment and will provide long-term housing (up to nine months) paid for by Medicaid. The site will have 24-hour on site staffing and there will be no medication management on site.

The additional proposal for the Zoning Petition is to construct the housing units. The applicant is proposing fourteen two-bedroom units. Each bedroom will have two occupants/residents, for a total of 56 residents/ occupants.

Behind the subject site, to the northwest, is an existing 16’ wide alley and then townhomes. Currently, the existing parking lot for Cox Roofing and BL Construction is accessed via the alley. The applicants wish to better refine the ingress/egress point and provide thirteen parking spaces which are to be accessed directly from the alley, not from a drive aisle on the site. Because of this, the applicant is requesting a Special Hearing to approve a modified parking plan as shown on the Plan to Accompany Petition for Zoning Hearing, including eight parking spaces without direct access to a drive aisle, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (BCZR). Because the alley is already used to access the existing site, the Department of Planning has no objections to the modified parking plan, subject to the following condition:

1. The Baltimore County Landscape Manual and the Comprehensive Manual of Development Policies require landscape islands. The site is proposed to be over parked by three parking spaces. Omit one of the parking spaces to add a landscape island. This will reduce the parking on site, as well as create a better site design by adding additional landscaping.

The Department of Planning has no objection to the Variance request for a side yard setback on 1’ in lieu of the required 30’ is for the existing one-story commercial building. The building was constructed prior to modern Zoning Regulations, and the approval of the Variance will confirm its non-conforming nature.

The Variance for a Non-Residential Principal Building in the DR 10.5 Zone with a rear yard setback of 30’ in lieu of the required 50’ is for the rear yard setback of both the existing building and the proposed

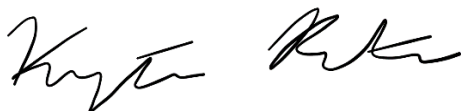
addition. The Department of Planning has no objections to the requested relief, as the lot shape is irregular in nature and meeting that setback is a proven hardship. Further, although the setback from the building to the property line is 30', if the width of the alley could be included, the setback would be 46', which is a minimal reduction.

The proposal will address multiple concerns outlined in the Greater Dundalk-Edgemere Community Conservation Plan, which stresses the importance of providing human services and assisting with the areas visible drug problem. Further, the subject site is in close proximity to public transportation with the existence of a bus stop in front of the subject site to travel southwest, and a bus stop across Eastern Avenue to travel northeast. The site is primarily surrounded by commercial structures along this stretch of Eastern Avenue and is not embedded in a neighborhood. Because of this, the Department of Planning has no objections to the Special Exception for a Community Care Center in the BR AS Zone and in the DR 10.5 Zone, subject to the following conditions:

1. The addition will be highly visible from the residential dwellings behind the site, from the exit ramp of North Point Boulevard, and from Eastern Avenue. Because of this, the existing structure and addition should be cohesive in terms of façade materials to create a visually appealing structure. Blank walls shall be avoided.
2. Outdoor amenity space shall be provided for the residents/occupants. In a June 26th, 2023 email, the representative for the petition confirmed that the area immediately behind the existing one-story commercial building would be left for access to the building doors at the rear of the existing building. The applicant shall explore the possibility of making this area an amenity area for residents/occupants with landscaping, benches, picnic tables, etc. The area shall be screened from the neighboring property at 7604 Eastern Avenue to the extent possible.

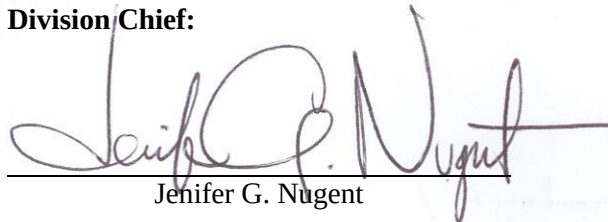
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Dino C. La Fiandra, Esq.
Michael Thomas, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2023
Item No. 2023-0114-SPHXA

DATE: June 1, 2023

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 requirements of the Landscape Manual. A Lighting Plan will also be required

Rec & Parks

If special Hearing and Zoning Relief is granted, Open Space must be addressed per the current requirements and the Local Open Space Manual

DPWT comments:

If the proposed land use is elderly housing, then per the zoning manual 409.6 the required parking depending on location and class type, is one space per every 2 or 1.5 dwelling units. At the listed 14 dwelling units and using the more conservative requirement of one space per 1.5 units, the required on site units would be 10 spaces. Because the rates are listed in the facility type these rates should already account for the employees at the elderly housing. I will defer to others regarding the appropriate land use and corresponding required spaces. Because the required spaces are called into question, we do not recommend granting a non-aisle parking access variance at this time.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: May 30, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0114-SPHXA
Address: 7606 Eastern Ave
Legal Owner: Cox Property Management, LLC

Zoning Advisory Committee Meeting of May 30, 2023.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn



23-0459
MK

Transmittal

DATE: May 16, 2023
TO: Bureau of Zoning Review
FROM: Dino La Fiandra
SUBJECT: Petition for Zoning Hearing - New Filing
7606 Eastern Avenue

Enclosed herewith please find:

3	Petition for Zoning Hearing
12	Site Plan to Accompany Petition for Zoning Hearing
3	Zoning Description
1	Zoning Map, Site Outlined
1	Advertising Form
1	Check for \$1200 Filing Fee. Petitions for Special Hearing, Variance and Special Exception

Please let me know if you have any questions or require any additional information.

2023-0114-SPHX A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 222554

Date: 5/18/2023

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$1,200
Total:									\$1,200

Rec
From: Cox Property Management

For: Zoning Special Exception, Variance, Special Hearing
7606 Eastern Avenue
Zoning Case 2023-0114-SPH24

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

7606 Eastern Avenue



**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/neighbor 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: 2023-0114-SPHXA

Property Address: 7606 Eastern Avenue

Property Description: 0.702 Acres NWS Eastern Ave, COR North Point Rd

Legal Owners (Petitioners): Cox Property Management LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. La Fiandra, Esquire

Company/Firm (if applicable): The Law Office of Dino C. La Fiandra, LLC

Address: 100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204

Telephone Number: 443-204-3473

Revised 7/9/2015

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 12 Account Number - 1700001996

Owner Information

Owner Name: COX PROPERTY MANAGEMENT LLC Use: COMMERCIAL
Principal Residence: NO

Mailing Address: 430 FOXCROFT RD
BALTIMORE MD 21224- Deed Reference: /35854/ 00424

Location & Structure Information

Premises Address: 7606 EASTERN AVE
0-0000 Legal Description: .702 AC NWS EASTERN
SW COR NORTH POINT R

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0096 0016 0043 10000.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1955	5,900 SF		30,579 SF	15

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
	STORAGE WAREHOUSE/	C3			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	165,500	210,500		
Improvements	160,200	131,700		
Total:	325,700	342,200	331,200	336,700
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
HACKER ROBERT L	02/18/2015	\$320,000
Type: ARMS LENGTH IMPROVED	Deed1: /35854/ 00424	Deed2:
Seller: LING VIRGINIA	Date: 08/26/1977	Price: \$35,000
Type: ARMS LENGTH IMPROVED	Deed1: /05795/ 00180	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

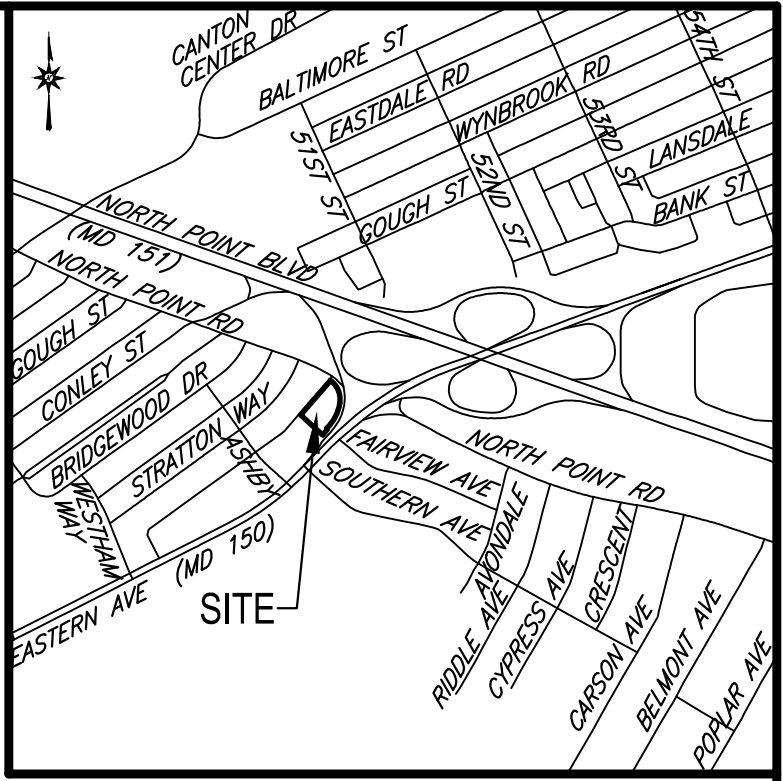
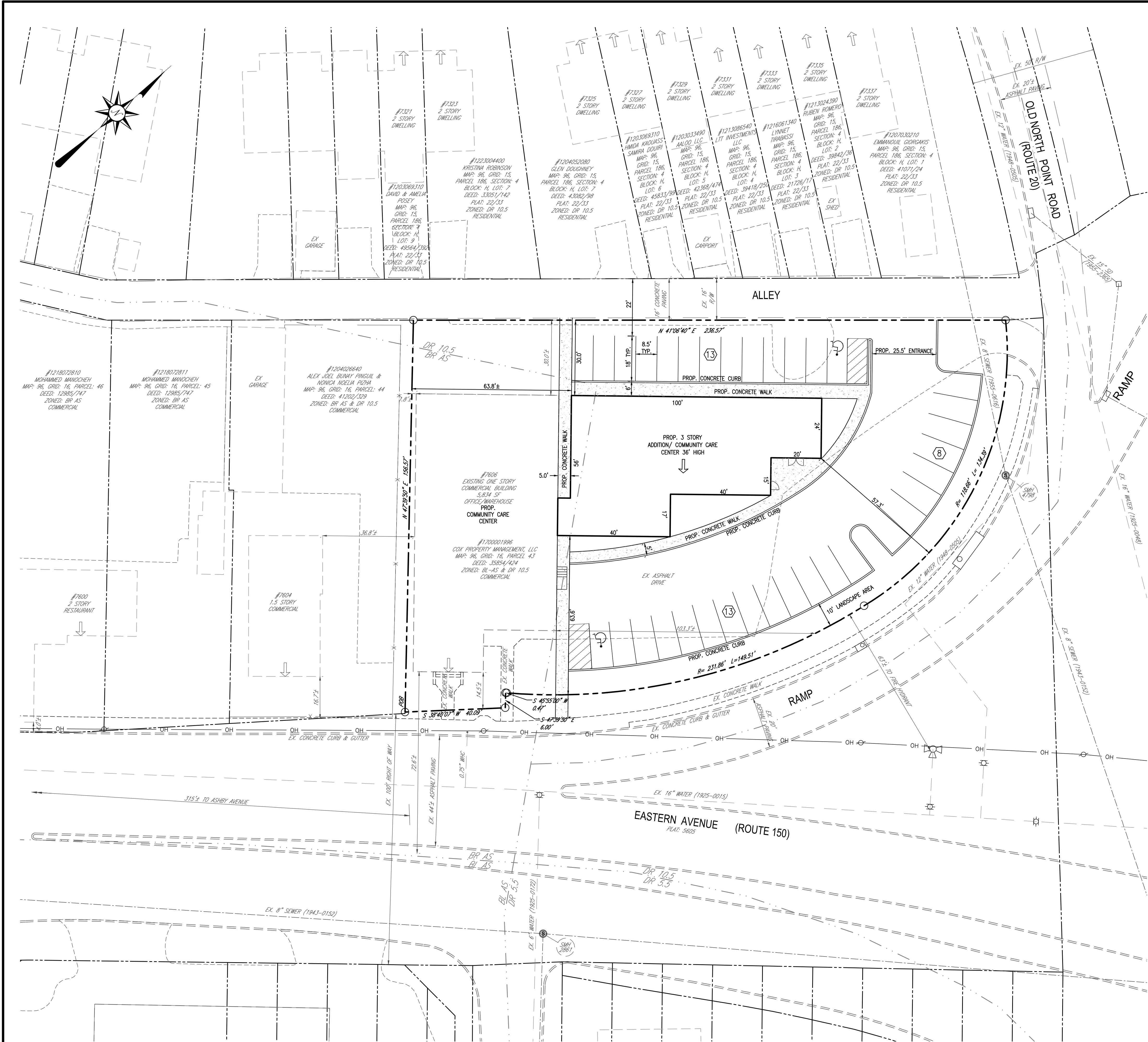
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0114-SPHXA



LOCATION MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

- OWNER:
COX PROPERTY MANAGEMENT LLC
430 FOXGROVE ROAD
BALTIMORE, MD 21224
- SITE AREA:
GROSS: 40,565 Sq.Ft. or 0.93 Ac.±
NET: 30,831 Sq.Ft. or 0.71 Ac.±
- EXISTING BUILDING AREA: 5,834 Sq.Ft. (TO REMAIN)
PROPOSED BUILDING AREA: 4,280 Sq.Ft.
TOTAL BUILDING AREA: 10,114 SQ.FT.
- UTILITIES:
PUBLIC WATER
PUBLIC SEWER
- DEED REF: 35854/424
- TAX ACCOUNT: #1700001996
- EXISTING ZONING: BR AS & DR 10.5
(PER 200 SCALE GIS TILE # 09683)
- TAX MAP #96, GRID #16, PARCEL #43
- PLAT REF: N/A
- NO PREVIOUS PERMITS ON FILE. ORIGINAL BUILDING BUILT IN 1955.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO FLOODPLAINS EXISTS ON SITE AS PER FEMA MAP #24001004206 DATED MAY 5, 2014.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2022)

TYPE	DEFICIENT (Y/N)	NOTE
WATER	N	-
SEWER	N	-
TRANSPORTATION	N	-
- PREVIOUS ZONING CASE:
R-1947-0992 - PETITION TO CHANGE FROM 'A' RESIDENCE TO 'E' COMMERCIAL ZONE DENIED AUGUST 29, 1947.
R-1947-1109 - PETITION TO CHANGE FROM 'A' RESIDENCE TO 'E' COMMERCIAL ZONE GRANTED DECEMBER 22, 1947.
1959-4576-X - PETITION FOR SPECIAL EXCEPTION FOR TWO 12' X 25' ADVERTISING STRUCTURES GRANTED FEBRUARY 11, 1959.
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR) SECTION 450, OR A VARIANCE WILL BE REQUESTED.
- SETBACKS FOR DR 10.5 NON-RESIDENTIAL PRINCIPAL BUILDING

TYPE	REQUIRED	PROVIDED
FRONT	25'	57.3'±
SIDE (CORNER)	35'	57.3'±
REAR	50'	30.0'± VARIANCE REQUEST
- SETBACKS FOR BR AS

TYPE	REQUIRED	EXISTING
FRONT (PROPERTY LINE)	25'	14.5'±
FRONT (CENTERLINE)	50'	73.6'±
SIDE	30'	1.8'±
REAR	30'	30.0'±
- EXISTING: 1 STORY OFFICE/WAREHOUSE BUILDING
PROPOSED: 1 STORY COMMUNITY CARE CENTER WITH 3 STORY ADDITION
- FLOOR AREA REGULATIONS
MAX=2.0 IN BR ZONE
PROVIDED=5,834 OFFICE/WAREHOUSE, APARTMENTS + 11,800 APARTMENT
SF/40,565 SF=0.44
- PARKING
REQUIRED:
14 APARTMENTS @ 1.5 SPACES/APARTMENT = 21 SPACES
ONE SPACE PER EMPLOYEE ON LARGEST SHIFT = 10 SPACES
TOTAL SPACES REQUIRED = 31 SPACES
PROVIDED:
34 SPACES (INCLUDING 2 HANDICAPPED)
- THERE WILL BE 14 TWO BEDROOM RESIDENTIAL UNITS. THERE WILL BE TWO RESIDENTS IN EACH BEDROOM. THE TOTAL NUMBER OF RESIDENTS WILL BE 56



7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net
rick@richardsonengineering.net

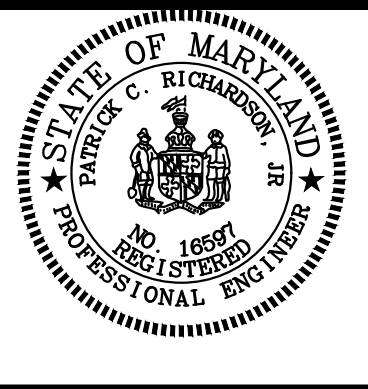
PLAN TO ACCOMPANY ZONING PETITION
FOR

COX ROOFING

7606 EASTERN AVENUE

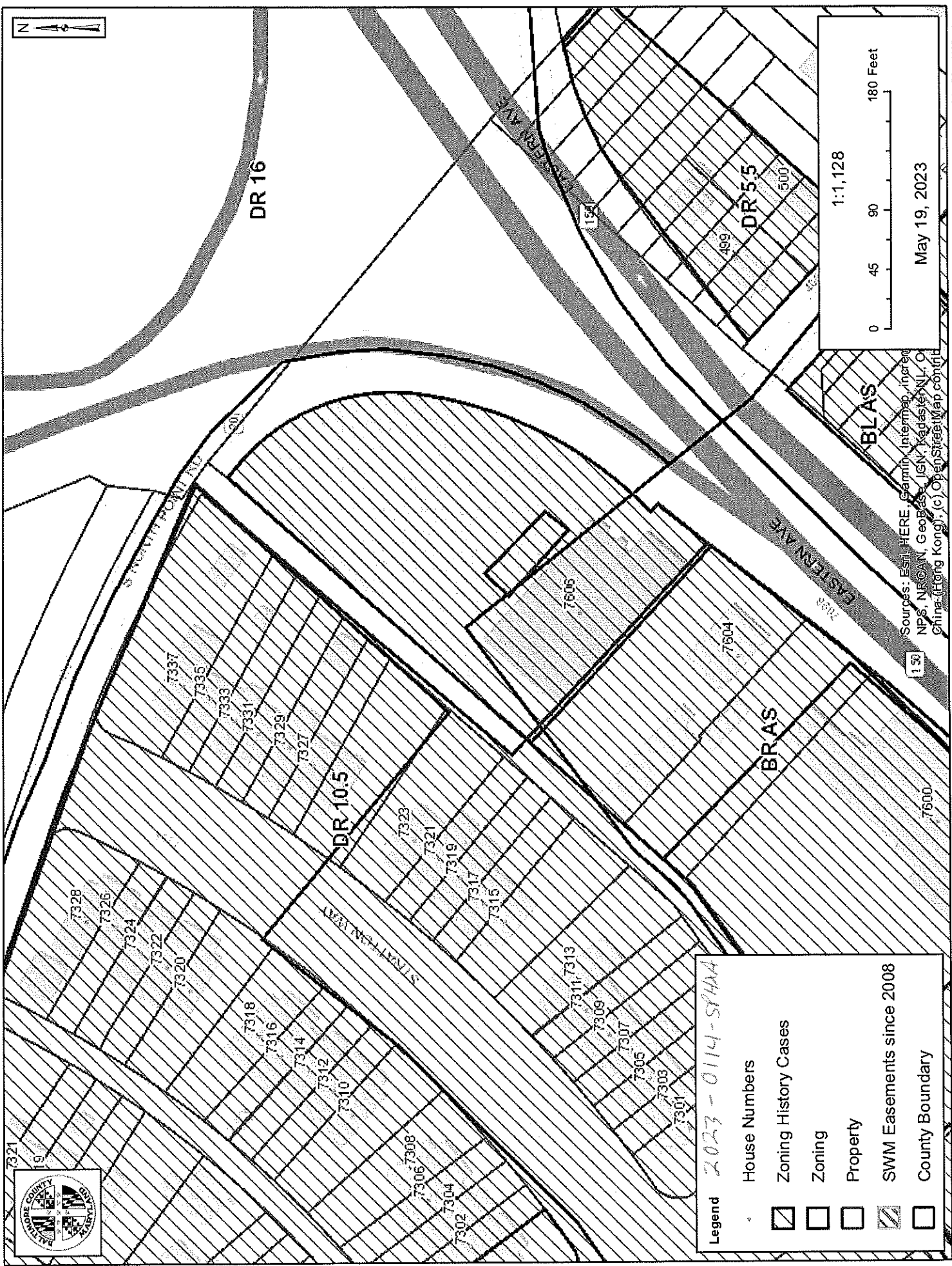
BALTIMORE COUNTY MARYLAND
12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: AAR	CHECKED BY: PCR	SCALE: 1" = 20'
DATE: 5-1-23	JOB NO.: 22149	SHEET NO.: 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 16697, EXPIRATION DATE: 08-15-2023

Baltimore County - My Neighborhood



Legend 2023 - 0114-SP444

- House Numbers
- ☒ Zoning History Cases
- ☐ Zoning
- ☐ Property
- ☒ SWM Easements since 2008
- ☐ County Boundary

Sources: Esri, HERE, Garmin, Intermap, increment PLS, NRCAN, GeoBase, IGN, Kadaster NL, OpenStreetMap contributors, Swatch, China (Hong Kong), (c) OpenStreetMap contributors, Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USF, USDA

1:1,128
0 45 90 180 Feet
May 19, 2023



GENERAL NOTES:

- [illegible]

Petitioner's Exhibit 2



Richardson
ENGINEERING

7. Denison Street
Baltimore, Maryland 21093

PLAN TO ACCOMPANY ZONING PETITION

FOR

COX ROOFING

7606 EASTERN AVENUE
BALTIMORE COUNTY
12TH ELECTION DISTRICT

DATE: 5-1-23	JOB NO.: 22143	CHECKED BY: ECH	SCALE: 1" = 30'
			SHEET NO.: 1 OF 1

PROFESSIONAL CERTIFICATE
I HEREBY CERTIFY THAT THESE
REMARKS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
COUNSELOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 10033.