

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
SW/Side of Ebenezer Road, 498' NW of		
Yvonne Avenue	*	ZONING COMMISSIONER
(4375 Ebenezer Road)		
11 th Election District	*	OF
5 th Council District		
	*	BALTIMORE COUNTY
Faith Fellowship Church of Baltimore, Inc.,		
<i>Legal Owner</i>	*	
Robert J. Brosmer of Central Md.,		
<i>Lessee</i>	*	Case No. 2009-0164-X
Petitioners		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the property, Faith Fellowship Church of Baltimore, Inc., and the YMCA of Central Maryland Inc., the contract lessee, through their attorneys, Whiteford, Taylor & Preston, LLC, for the use of approximately 15,000 square feet of an existing 64,000 square foot building. Specifically, the Petitioners request a special exception to permit a community building for civic, social, recreational and educational activities, pursuant to Section 230.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), on the subject property. The property, existing improvements and the requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Robert J. Brosmer, Chief Operating Officer of the YMCA of Central Maryland; Francis D. Anderson, Construction Consultant to the YMCA; Larry Stewart on behalf of the Faith Fellowship Church of Baltimore, Inc., owner of the subject property; Adam D. Baker, Esquire and John B. Gontrum Esquire, both of Whiteford, Taylor & Preston, L.L.P., attorneys for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregularly shaped rectangular parcel located approximately 400 feet to the east of the intersection of Ebenezer Road and Belair Road in Perry Hall. The property contains a gross area of 5.9 acres, zoned B.L.-C.C.C. (Business, Local) - (Commercial, Community Core), and is improved with a 64,000 square foot church building owned by Faith Fellowship Church of Baltimore, Inc. The property and large accessory parking field are accessed from Ebenezer Road. Prior to the church's acquisition of the property, the building was occupied by a Metro Food Market grocery store. Testimony indicated that the Petitioners intend to lease approximately 15,000 square feet within the church building in order to operate the proposed community building for civic, social, recreational and educational activities as shown on the site plan (Petitioners' Exhibit 1). Given the property's zoning classification, a special exception is necessary in order to proceed.

On behalf of the Petitioners, Mr. Baker proffered that the property is currently served by public water and sewer and there is adequate parking capacity for the proposed use. All of the improvements will be located within the existing building so there will be no impact on the permeable surface of the site or on its retention of vegetation. In addition, given the nature of the heavy impact use of the current church and the previous grocery store, the proposed community center use will not impact traffic.

Mr. Baker further proffered that the YMCA is a non-profit charitable organization dedicated to providing programs and services that promote the health and well being of the community. It has been a community resource in Maryland since 1853 committed to providing high quality, family-oriented, affordable programs. In addition to the variety of programs the YMCA offers in Baltimore County, it also currently operates two (2) health and wellness centers in the County, one in Towson and the other in Catonsville. These health and wellness centers

provide a location for Perry Hall and neighboring residents to exercise and engage in various family programs and activities which promote a healthy, balanced lifestyle. The proposed community center on the subject property would offer an additional location where the YMCA could serve these County residents.

After due consideration of the evidence presented, I am persuaded to grant the requested relief. I find that the proposed use meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and will not adversely impact the surrounding locale. The facts and circumstances show that the proposed use at this particular location is appropriate and will not have any adverse impacts above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981); *People's Counsel for Baltimore Co. v. Loyola College*, 406 Md. 54 (2008). In fact, the Petitioners have shown that the proposed community building will provide a benefit to the community. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. However, subsequent to the close of the hearing, the Office of Planning submitted a ZAC comment outlining areas of concern. The first request was to submit building elevations showing the front façade of the YMCA building, *if any exterior changes are planned to the existing building*. As previously discussed, no exterior changes are contemplated. Secondly, sidewalk connections were requested leading from the existing sidewalk on Ebenezer Road to the walkway at the northern end of the existing building. This request is appropriate and Petitioners shall provide safe pedestrian access from the public walkway to its building. Similarly, any proposed signage for the YMCA building shall be submitted to Donnell Zeigler with the Office of Planning for his review and approval. In light of these comments and the

testimony and evidence presented, it appears that the relief can be granted without detrimental impact to the adjacent properties or the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of January 2009 that the Petition for Special Exception, to approve the use of a building on the subject property for a community building (YMCA) devoted to civic, social, recreational and educational activities, pursuant to Section 230.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building/use permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

SIGNED
WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

