

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SE side of Bellvue Avenue; 142 feet SW	*	DEPUTY ZONING
of Bradshaw Road		
11 th Election District	*	COMMISSIONER
3 rd Councilmanic District		
(11601 Bellvue Avenue)	*	FOR BALTIMORE COUNTY
Kingsville Volunteer Fire Company	*	
<i>Petitioner</i>		Case No. 2010-0319-SPHA
	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Edward Griffiths, Captain, on behalf of the legal property owner, the Kingsville Volunteer Fire Company. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve an amendment to the Special Exception orders and site plans in Case Nos. 3557-X, 78-111-A and 84-163-SPHA to allow additions to be constructed and revision to the setback variance. Petitioner is also requesting Variance relief from Section 409.6.A of the Zoning Policy Manual to permit 127 parking spaces in lieu of 187 spaces required, and Section 1A04.3.B.2 of the B.C.Z.R to permit a setback of 6 feet from a property line for a new building in lieu of the required 50 feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Captain Edward Griffiths with the Kingsville Volunteer Fire Company and John B. Gontrum, Esquire attorney for Petitioner. Also appearing in support of the requested relief was Rick Richardson

with Richardson Engineering, LLC, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance.¹

Testimony and evidence offered revealed that the subject property is irregular-shaped and consists of approximately 3.6 acres, more or less, zoned R.C.5. The property is located at the southern terminus of Bellvue Avenue and is situated just south of the intersection of Bradshaw Road and Cedar Lane Road in the Kingsville area of Baltimore County. As shown on the site plan, the property is presently improved with an existing two-story 10,027 square foot building and a one-story 4,192 square foot addition. There are also designated paved parking areas throughout the property.

Further evidence indicated that the Kingsville Volunteer Fire Company was established in 1954 and has been at the subject site since 1956. Construction was started on the present fire station in September 1957 and the building was completed one year later and the equipment moved in on October 8, 1958. The most recent addition to the building was constructed in the early 1980's. Captain Griffiths testified that the nature and intensity of the calls for service have changed over the years and the sheer volume of calls has increased significantly. For example, in 1981, there were 450 fire calls and 415 EMS calls for a total of 865 calls for service. Fast forwarding to this past year, there were 1,050 fire calls and 1,170 EMS call for a total of 2,220 calls for service. The company not only serves the growing Kingsville area, but also smaller adjacent communities as well. In addition, Captain Griffiths explained that the fire and EMS equipment has also changed and evolved over the years. The trucks have gotten larger and their

¹ This matter was scheduled for a public hearing on July 16, 2010. For that hearing, the posting and publishing notices only referenced the special hearing request and the setback variance. Neither the sign nor the advertisement referenced the requested parking variance. As a result, the hearing was held and testimony and evidence taken as to the special hearing and variance requests; thereafter, the undersigned requested that the property be reposted (which was done on July 17, 2010) to include all the requested relief, including the parking variance, and rescheduled for August 6, 2010. The hearing was reconvened on that date with no additional attendees and was then concluded and the evidence closed.

equipment more complex, and the capital investment for the equipment is substantial, with a single truck running into the hundreds of thousands of dollars.

In order to keep up with the increased needs of the community and protect the investment into the fire trucks and related equipment, Petitioner desires to construct an addition to the fire station, as depicted on the site plan. The existing two-story building would remain and be converted from vehicle bays, while the existing one-story addition would be removed in favor of the proposed one-story 16,150 square foot addition, with a 1,996 square foot mezzanine and seven bays for the fire equipment. In order to accommodate the addition, some of the parking to the rear of the site would be moved and reconfigured. In order to follow through with these plans, Petitioner is in need of variance relief for a setback to a property line of 6 feet in lieu of the required 50 feet and 127 parking spaces in lieu of 187 spaces required. The 6 foot setback is shown on the site plan near one of the eastern property lines where the corner of the mezzanine will be located.

In support of the variance requests, Mr. Richardson indicated that the extreme irregular shape of the property and the original location of the fire station combine to drive the need for the variance relief. As shown on the site plan and the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, the property is situated between residential properties to the north, east, and west, and rural farmland to the south. Essentially, the irregular shape "pinches" the property on all sides. Mr. Richardson also noted that the original fire station was constructed in 1957, well before the adoption of the R.C.5 zoning on the property. Virtually any improvements or additions to this station would necessitate variance relief due to the proximity of the station to the eastern property line -- the same property line from which variance relief is now requested. Mr. Richardson also mentioned that other constraints are present on the

property, including the location of the existing septic and well areas and some uneven contours of the land. There are also some wetlands toward the rear, southernmost portion of the site. In Mr. Richardson's expert opinion, all of these factors limit the degree to which improvements can be made and also limits the numbers of parking spaces that can be provide. On this issue in particular, Mr. Richardson opined that the reconfiguration of the parking to accommodate the addition and the providing of 127 spaces in lieu of 187 spaces required would be sufficient for the needs of the site.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated June 7, 2010 which indicates they do not oppose Petitioner's request for a special hearing and variance, provided Petitioner submits building elevations for review and approval to the Office of Planning prior to the application of building permit.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. The requested special hearing relief will update and incorporate the previous zoning cases into the instant matter and allow for a current paper trail for these cases. As to the variance requests, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The uncontroverted testimony and evidence indicates a number of circumstances that render the property unique in a zoning sense, including its unusual shape, the original improvements predating the adoption of the zoning regulations in this part of the County, as well as the existing septic and well areas and uneven contours of the land. In my view these factors drive the need for the variance relief and strict compliance with the Zoning Regulations would create a practical difficulty and

unreasonable hardship. I am also persuaded by Mr. Richardson's expert testimony that the proposed parking configuration and the number of spaces provided will be sufficient for the site.

Finally, I find that the variance relief can be granted in strict harmony with the spirit and intent of said Regulations, and in such manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that the variance request can be granted in such a manner as to meet the requirements of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of August, 2010 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for an amendment to the Special Exception orders and site plans in Case Nos. 3557-X, 78-111-A and 84-163-SPHA to allow additions to be constructed and revision to the setback variance be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance requests from Section 409.6.A of the Zoning Policy Manual to permit 127 parking spaces in lieu of 187 spaces required, and Section 1A04.3.B.2 of the B.C.Z.R to permit a setback of 6 feet from a property line for a new building in lieu of the required 50 feet, be and are hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of

2. Petitioner shall submit building elevations to the Office of Planning for review and approval prior to the application of building permit.

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

SIGNED
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz