

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
E/S of Hammonds Ferry Road, 40' N of		
Eskow Avenue	*	ZONING COMMISSIONER
<b>(3211 &amp; 3215 Hammonds Ferry Road)</b>		OF
13 <sup>th</sup> Election District	*	BALTIMORE COUNTY
1 <sup>st</sup> Council District		
	*	
Alexa Enterprise, LLC		
<i>Petitioner</i>	*	<b>Case No. 2011-0080-SPH</b>
* * * * *		

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Eugene B. Welch, managing member of Alexa Enterprise, LLC, the legal owner of the subject property, by and through their attorney Alfred L. Brennan, Jr., Esquire. The Petitioner requests a petition for special hearing for a waiver pursuant to Section 500.6 Baltimore County Zoning Regulations (B.C.Z.R.), Section 3112.0 of the Baltimore County Building Code, and Sections 32-4-107(a)(2), 32-4-414 and 32-8-301 of the Baltimore County Code (B.C.C.), to permit the redevelopment of a site located in a riverine floodplain and to allow filling, grading, relocation of the 100-year floodplain limit, installation of public and private utilities, road improvements as required, parking spaces, and a contractors equipment and materials storage area within the floodplain. The subject property and the requested relief are more particularly described on the site plan submitted, which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing as expert witnesses in support of the requests were John W. Ranocchia, Sr., a registered professional engineer and Michael Pieranunzi, a registered professional landscape architect, both with Century Engineering, Inc., the consulting firm who prepared the site plan; and Walter T. Smith, Jr., a self employed development consultant for the Petitioner. Also participating at the hearing were Lori Rogers, of the Baltimore

County Department of Economic Development, whose department supports the petition, Gene Welch on behalf of the Petitioner/Owner, and Alfred L. Brennan, Jr., Esquire of Brennan and Brennan. There were no Protestants or other interested persons present.

Testimony and evidence offered by Petitioner disclosed that the subject property, 3211 and 3215 Hammonds Ferry Road, consists of approximately 1.888 acres located on the east side of Hammonds Ferry Road, directly across from Eskow Avenue in the Halethorpe area of the County. The area is made up of predominately industrial and commercial uses. The property which is zoned M.L., consists of two (2) adjacent lots. As shown on the highlighted site plan (Petitioner's Exhibit 2), there is an old wood frame building on each lot with parking fields on each lot. Each lot has a separate driveway and access to Hammonds Ferry Road. The two (2) frame buildings have been renovated by the Petitioner and each building provides office space for two (2) construction contracting companies owned and operated by the Petitioner.

Alexa Enterprise, LLC purchased the property in May 2002 and it now seeks to make a substantial investment in the area through redevelopment. The Petitioner's specific proposal includes the razing of both existing buildings and the construction of two, 10,000-square foot, two story office buildings, one on each lot, within an area on both lots impacted by the 100-year riverine floodplain.

Petitioner also proposes additional site work including grading, installation of public and private utilities, road improvements, parking, contractors equipment and material storage area and other related and required site work. Because a portion of the property is impacted by a 100-year riverine floodplain, the Petitioner is required to obtain the requested waiver in order to proceed.

As Mr. Ranocchia explained, this area drains to an undersized culvert, and consequently, results in overland flow, which creates a 100-year floodplain. Century Engineering prepared a Flood Plain Analysis Report, Petitioner's Exhibit 4, in accordance with Baltimore County guidelines. The report was subsequently reviewed by David L. Thomas, a professional engineer with the Department of Public Works.

Based on this study and Mr. Thomas' advice, the Director of the Department of Public Works has recommended approval of this waiver. A copy of this recommendation was submitted as Petitioner's Exhibit 5 and made part of the record in this case.

Having considered all of the evidence and testimony on this issue, I am persuaded to grant the Petition for Special Hearing. I find that the Petitioner has demonstrated that its request meets the standards for granting a waiver under B.C.C. Sections 32-4-107 and 32-8-303. The Petitioner has articulated good and sufficient reasons for the waiver and that a denial of the waiver would result in exceptional hardship. If the proposed work is allowed, Alexa Enterprise, Inc. will be making a considerable investment in the property in furtherance of the goals of the local community organizations. Obsolete, outdated buildings will be replaced with modern buildings built to current standards. The old private well and septic system that serves the properties will be removed and replaced with public water and sewer services.

Based on the evidence presented at the hearing, I also find that granting the waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local or state laws and ordinances. For all these reasons, I find that Petitioner is entitled to the waiver and relief requested.

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 of Baltimore County this 14<sup>th</sup> day of October 2010, that the Petition for Special Hearing seeking approval of a waiver pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R), Section 3112.2 of the Baltimore County Building Code (now Baltimore County Building Code, Part 125, as adopted by County Council Bill No. 47-10), and Sections 32-4-107(a)(2), 32-4-404, 32-4-414 and 32-8-301 of the Baltimore County Code (B.C.C.) for the redevelopment of a site partially located in a riverine floodplain and to allow relocation of the 100-year floodplain limit on a portion of Lots 1 and 2, grading, filling, paving, utilities, road improvements, landscaping, parking, contractors equipment and materials storage area and other related site work within the 100-year floodplain, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. ADVISORY: Petitioner may apply for 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

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