

IN RE: PETITION FOR SPECIAL HEARING

SE side of South Rolling Road, 800 feet
N of the c/l of Wilkens Ave.
1st Election District
1st Councilmanic District
(850 South Rolling Road)

YMCA of Central Maryland
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2011-0218-SPH**

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OPINION AND ORDER

This matter comes before this Administrative Law Judge for consideration of a Petition for Special Hearing filed by John Hoey, Executive Director, YMCA of Central Maryland, the legal owner of the subject property. The Petition for Special hearing, filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) is to permit an amendment to the site plan and Order in Case Nos. 92-227 and 69-9161-X to permit an expansion to the existing community building and to determine parking requirements. The subject property and requested relief are more fully described on the plat, which was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the requested special hearing relief were Petitioner John Hoey, Executive Director, YMCA of Central Maryland, Matthew T. Allen with Bohler Engineering, the professional engineer who prepared the site plan, and John B. Gontrum, Esquire attorney for the Petitioner. Also attending were Sherrie Rovnan and David Schuetz, both from the YMCA. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered at the hearing revealed that the property, which is the subject of this special hearing request, contains 20.319 acres, more or less, and is zoned D.R.2.

The subject property is located on the southwest side of Rolling Road near its intersection with Wilkens Avenue in the Catonsville area of Baltimore County. The site is the home of the Catonsville YMCA.

The property is improved with an existing 19,146 square foot, 1-story building, wherein the YMCA is located. There are some additional facilities located on this 20 acre parcel of land, including two 1-story frame pavilions, an existing 6,539 square foot day care facility, a large parking lot area and access roadways. The YMCA has recently received some bond money from the State of Maryland which can be used for the purposes of expanding their facility by way of a 4,300 square foot building addition as shown on Petitioner's Exhibit 1, the site plan of the property.

The testimony offered at the hearing demonstrated that the bond money supplied by the State is a "use or lose" funding source. That is, the YMCA has a certain timeframe within which to utilize this money for this expansion project or the money will be lost forever. Therefore, they are anxious to seek approval for this expansion and commence the necessary construction, thereby utilizing this bond money. In order to proceed with this project, the special hearing request is necessary to amend the previously approved site plans in the prior cases applicable to this site. It should be noted that several of the cases heard in the early 90s were actually heard by the undersigned almost 20 years ago. The special hearing request is to amend the site plans that were accepted into evidence by the undersigned in those cases to show the newly proposed building addition to the YMCA.

In addition to the special hearing requested by the Petitioner, the Applicant is also requesting a determination that the parking requirements pursuant to Section 409.6.A of the B.C.Z.R. have been met. The Applicant submitted into evidence as Petitioner's Exhibit 1, the site

plan of the property. The site plan specifically Note No. 18 entitled "Parking" calculates the required number of parking spaces for each of the separate uses occurring on the YMCA property. Each of these particular uses and the parking calculations associated therewith were discussed at the hearing. I find based on the testimony and evidence offered regarding parking that the Petitioner has in fact satisfied the parking requirements provided in Section 409.6.A and the special hearing request should be approved. The Applicant is providing 112 parking spaces and the required number of parking spaces for this YMCA is 112 spaces. Therefore no variance is necessary and the special hearing relief shall be granted.

In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the subject property and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's Special Hearing request should be granted with conditions.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 6th day of April, 2011, that the Petitioner's request for Special Hearing relief, filed pursuant to Section 500.7 of the B.C.Z.R. to permit an amendment to the site plan and Order in Case Nos. 92-227 and 69-9161-X to permit an expansion to the existing community building and to determine parking requirements, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The proposed building changes and additions shall comply with the provisions of the Baltimore County Fire Prevention Code, County Bill No. 48-10 dated July 19, 2011.

3. Prior to allowing use and occupancy for the 850 South Rolling Road property expansion project, the Petitioner must contact the State Highway Administration for coordination and review of engineered site plans.

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

Signed
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz