

<b>IN RE: PETITIONS FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>AND SPECIAL EXCEPTION</b>		
NE Side of Reisterstown Road, corner	*	OFFICE OF
of Reisterstown Road and Harden Avenue		
3 <sup>rd</sup> Election District	*	ADMINISTRATIVE HEARINGS
2 <sup>nd</sup> Councilmanic District		
<b>(9621 Reisterstown Road)</b>	*	FOR BALTIMORE COUNTY
Rental Stores, LLC, <i>Legal Owner</i>	*	
Jewish Community Services, <i>Contract Lessee</i>		
Petitioners	*	<b>Case No. 2011-0283-SPHX</b>

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Special Exception filed by David H. Karceski, Esquire with Venable, LLP, on behalf of the Petitioners. Petitioners are requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for a determination that the number of off-street parking spaces provided on the subject property is adequate, as shown on the site plan. Petitioners are also requesting Special Exception relief from Section 230.3 of the B.C.Z.R. to permit a “community building” in the B.L. zone. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the public hearing in support of the requested relief was Joan Grayson Cohen, Senior Manager of Jewish Community Services, Petitioner, Richard Matz with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan, and David H. Karceski, Esquire, and Christopher Mudd, Esquire, attorneys for Petitioners. Also in attendance was: Allison Magat, Nancy Kohn Rabin, Barbara L. Gradet, Joan Roth, Karen Netter, Noah Aronin, Brian A. Goldman and James Corbett. A letter of support dated April 20, 2011 (and marked as

Exhibit 6) was received from Sherrie Becker, Executive Director, Pikesville Chamber of Commerce. There were no Protestants in attendance.

There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the reviewing agencies. A comment was received from the Office of Planning on April 29, 2011, which reflects their support of the requested relief and indicated that the proposed Mitchell David Teen Center is a use that is beneficial to the community and should meet the requirements of Section 502.1 of the B.C.Z.R. In addition, a comment was received from the Fire Department dated March 31, 2011, which recommended that Petitioner comply with all parts of the Baltimore County Fire Prevention Code, Council Bill 48-10, prior to occupancy or the beginning of operation.

The testimony -- presented by way of a proffer -- established the subject property is .7 acres in size and is zoned BL, along an extremely busy portion of the Reisterstown Road corridor. The Petitioner currently operates a teen center (Mitchell David Teen Center) at another location, but needs to relocate since a drugstore is being constructed on those premises. The center operates with administrative staff Monday-Friday 9-5 (Friday until 3 pm) and holds events for teens Tuesday-Thursday 7:30 pm-10 pm and Saturday 8:30 pm – 12:30 am. On any given evening, approximately 20 teenagers will visit the center, although larger events at the center will draw more attendance.

Petitioner seeks special exception relief under B.C.Z.R. §230.3, to operate a “community building” in a BL zone. Petitioner’s engineer – Mr. Matz – testified that the operation would satisfy and comply with the factors set forth in B.C.Z.R. §502, and no evidence (from County staff or the community) was offered to the contrary.

Petitioner also seeks special hearing relief; essentially a declaration that the number of off-street parking spaces shown on the site plan (Exhibit 1) is sufficient. The proposed teen center will be in a roadside shopping center, and will be located adjacent to a tailor, seafood carry-out, tax service and car rental agency. Each of these businesses will experience the bulk of their visitors during daytime, normal business hours. The teen center is at that time relatively inactive, with just administrative staff on location. Conversely, the teen center will be busiest and have the most traffic in the evenings, when the aforementioned businesses will either be closed or will have much less activity. The parking calculation chart on the site plan (Note 6 on Exhibit 1) reflects that 49 spaces are required for the overall site, and that number of spaces are in fact provided. The current retail uses account for just 36 of the spaces, which leaves 13 spaces to be allotted to the teen center.

In my opinion, that is more than sufficient, especially considering that according to the Center's Senior Manager less than 25% of the teens visiting the site drive their own vehicles. Petitioner's engineer also opined that sufficient parking will be available at the center.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested.

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

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 10 day of May, 2011 that Petitioners' Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations for a determination that the number of

off-street parking spaces provided on the subject property is adequate, as shown on the site plan, be and is hereby GRANTED, and

IT IS FURTHER ORDERED that Petitioners' Special Exception request from Section 230.3 of the Baltimore County Zoning Regulations to permit a "community building" in the B.L. zone, be and is hereby GRANTED.

The relief granted herein is subject to the following conditions:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, 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 for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must comply with all parts of the Baltimore County Fire Prevention Code, Council Bill 48-10, prior to occupancy or the beginning of operation.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:pz