

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
S side of Sparrows Point Road, 85 feet		
E of School House Lane	*	OFFICE OF
15 th Election District		
7 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(2207 Sparrows Point Road)		
	*	FOR BALTIMORE COUNTY
Knights of the Road, Inc.		
<i>Petitioner</i>	*	CASE NO. 2012-0009-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Knights of the Road, Inc., legal owners. Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows:

- From Sections 238.1 and 303.2 to permit a front yard setback of 22 feet in lieu of the required 37 feet average on a dual highway; and
- From Section 283.2 to permit a side yard setback of 10 feet and 17 feet in lieu of the required 40 feet; and
- From Section 409.8.A.4 to permit parking spaces with a 0 foot street right-of-way setback in lieu of the required 10 feet; and
- From Section 409.6.A.4 to permit 4 parking spaces in lieu of the required 41 spaces, or in the alternative, a special hearing for a modified parking plan is requested.

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 variance request was Michael Seckens and William Meekins on behalf of Knights of the Road, Inc., the legal owners, and Patrick Richardson of Richardson Engineering, LLC, the professional engineer who prepared the site plan

for the property. No Protestants attended the hearing, nor were any letters of protest or objection received by this Office.

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections¹. Code Inspections and Enforcement Correction Notices were issued to the Petitioner on August 3, 2009 and again on March 10, 2011, for failure to obtain building permits for an addition and failure to obtain required inspections. Hence, Petitioner filed the instant Petitions to cure setback deficiencies and to approve a modified parking plan.

Testimony and evidence offered revealed that the subject property consists of 0.31 acres, more or less, and is split zoned BR and RO. The property is improved with an existing one story, 1,094 square feet building along with a parking lot area. The property is located on the south side of Sparrows Point Road just east of its intersection with School House Lane. The property is currently owned by the Knights of the Road, Inc., a local motorcycle club that has operated its club from this location since 1999 until the present time. The members of the club are in the process of adding a proposed 957 square feet one story addition to the rear of their existing clubhouse. The project began with the renovation of a canopy roof wherein the members thought they could save part of the structure. However, after beginning the project they realized that much of the structure that was existing had to be torn down and a complete new addition constructed thereon. Initially they felt they were not in need of securing building permits; however, once the old structure was torn down and new construction commenced, building permits were required which resulted in the Code Enforcement citation being issued. The Petitioner has filed the variance request and special hearing relief to legitimize the structures that exist on the property and to approve the new addition.

¹ Case No: CO-0065595

Two members of the Knights of the Road motorcycle club appeared and testified at the hearing. The Knights of the Road were formed and have been in the Baltimore area since 1970 to the present time. As stated previously, they have been at this location for the past 13 years. They utilize this facility as a meeting place for their club and have laid out a parking plan which in essence is designed to accommodate motorcycles. Members come and go from the clubhouse on their motorcycles and special hearing relief for a modified parking plan for motorcycle parking has been requested.

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 August 1, 2011, which indicate the property is the subject of a code violation for the construction of the proposed addition without a building permit. There is a deck on the subject property that appears to be on or very close to the property line which may require a setback variance. Provide a vegetative buffer above the swale on the east side of the property to mitigate visual impacts, land use and potential noise. Additional onsite parking shall be for motorcycles only. No additional onsite parking shall be permitted for passenger vehicles.

ZAC comments were also received from the Department of Environmental Protection and Sustainability dated August 4, 2011. The subject property is located within the Chesapeake Bay Critical Area. According to B.C.Z.R. Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (DEPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The applicant is proposing to reduce the side and

front yard setbacks for parking as well as the number of required spaces. To minimize impacts on water quality, lot coverage requirements must be met. Reduction of setbacks and required parking spaces will help reduce lot coverage. By meeting the lot coverage requirements, the relief requested by the applicant will result in minimal impacts to water quality. However, EPS notes that the site plan submitted shows a proposed addition that appears to increase lot coverage beyond the allowable limits. Any future additions must meet all Critical Area requirements.

2. Conserve fish, wildlife, and plant habitat; and

This property is not waterfront. The applicant's plan accompanying this zoning petition shows that the requested relief will not increase the lot coverage on site, which will conserve fish habitat in Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

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

I further find that the Petitioner's request for a modified parking plan to approve motorcycle parking on the property in the configuration depicted on the site plan shall be approved. The

testimony demonstrated that the requirements to provide parking on this site would create an undue hardship upon the applicants if they had to comply with those standards.

THEREFORE, IT IS ORDERED this 1st day of September, 2011 by this Administrative Law Judge that Petitioner's Variance request from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- From Sections 238.1 and 303.2 to permit a front yard setback of 22 feet in lieu of the required 37 feet average on a dual highway; and
- From Section 283.2 to permit a side yard setback of 10 feet and 17 feet in lieu of the required 40 feet; and
- From Section 409.8.A.4 to permit parking spaces with a 0 foot street right-of-way setback in lieu of the required 10 feet

be and are hereby GRANTED.

IT IS FURTHER ORDERED, that the Special Hearing to approve a modified parking plan to allow motorcycle parking on the property in the configuration depicted on the site plan shall also be approved, subject to the following conditions and restrictions:

1. Petitioner may apply for 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the ZAC comment issued by the Office of Planning dated August 1, 2011.
3. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated August 4, 2011, a copy of which is attached hereto and made a part hereof.

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

Attachments

TMK/pz