

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE
S/W side of York Road; N/W corner		
of Ridgely Road and York Road	*	OFFICE OF ADMINISTRATIVE
8 <sup>th</sup> Election District		
3 <sup>rd</sup> Council District	*	HEARINGS FOR
<b>(30-115 West Ridgely Road)</b>		
	*	BALTIMORE COUNTY
Yorkridge Shopping Center, LLC		
<i>Petitioner</i>	*	<b>CASE NO. 2012-0082-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the property, Yorkridge Shopping Center, LLC. The Petitioner is requesting Variance relief under Baltimore County Zoning Regulations (“B.C.Z.R.”) Section 409.6.A.2 to permit 921 off-street parking spaces in lieu of the required 1,048 spaces. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the variance request were Mark Wagonheim and Mark Renbaum from Yorkridge Shopping Center, LLC, Bill Monk with Morris & Ritchie Associates, Inc., who prepared the site plan for this property, and David Karceski, Esquire with Venable, LLP, counsel for the Petitioner. Eric Rockel, from the Greater Timonium Community Council, attended the hearing, and indicated he was not opposed to the relief. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. The only substantive comment was received from the Office of Planning, dated November 10, 2011. In that correspondence, the Office of Planning indicated it would not oppose the Petition if Petitioner agreed to install a sidewalk along a portion of the site. This

comment does not pertain, strictly speaking, to the merits of the variance request, and is more appropriately considered in connection with the eventual development of the pad sites.

Testimony and evidence offered revealed that the subject property is approximately 16+/- acres in size and is primarily zoned BL-CCC. The Petitioner operates a shopping center at the site, and has in the last few years made significant improvements to the center. The Petitioner anticipates the development of two retail pad sites at some time in the future, as reflected on Exhibit 1. One pad site would replace the existing gas station at the southeast corner of the site, and the other pad site would be located at the south end of the property and would be located in an area Petitioner describes as “underutilized.”

As noted above, the only relief sought in the present case is a variance concerning the number of parking spaces, and Petitioner indicated it needs such relief in order to eventually develop the proposed pad sites.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested 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. The site is uniquely shaped, and the topography changes toward the northeast side of the parcel. In addition, the center is served by a mid-block traffic signal which provides excellent access to the center but also imposes design constraints and consumes much of the area that could otherwise be used for parking.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Indeed, Petitioner’s engineer testified that more than enough parking exists at the site, and the community shares that belief. Therefore, in all manner and form, I find that the variance can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

THEREFORE, IT IS ORDERED, this   16   day of November, 2011 by this Administrative Law Judge that Petitioner's Variance request from Baltimore County Zoning Regulations ("B.C.Z.R.") Section 409.6.A.2 to permit 921 off-street parking spaces in lieu of the required 1,048 spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for his building permit and may be granted same upon receipt of this Order, however the 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 will be required to return and be responsible for returning said property to its original condition.

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