

<b>IN RE: PETITION FOR SPECIAL EXCEPTION *</b>		BEFORE THE
<b>(6326 Security Blvd.)</b>		
1 <sup>st</sup> Election District	*	OFFICE OF
4 <sup>th</sup> Councilman District		
6326 Security Boulevard Baltimore, LLC.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Amalgamated Transit Union-Local 1300	*	FOR BALTIMORE COUNTY
<i>Contract Purchaser</i>		
Petitioners	*	<b>Case No. 2014-0191-X</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Exception filed for property located at 6326 Security Blvd. The Petition was filed by 6326 Security Boulevard Baltimore, LLC, legal owner, and contract purchaser Amalgamated Transit Union-Local 1300 (“Petitioners”). The Petition seeks relief pursuant to §253.2.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to use the property as a union hall. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the hearing in support of the petition was Robert Burley. Mona L. Carpenter, Esquire, attended and represented the contract purchaser. The Petition was advertised and posted as required by the B.C.Z.R. There were no Protestants in attendance and the file does not contain any letters of protest or opposition.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (which supported the request) and the Bureau of Development Plans Review (DRP), which did not offer any substantive comments.

The subject property is 1.38+/- acres and is zoned ML. The property is comprised of two parcels, known as parcels 95 & 396. Parcel 95 is improved with a 2 story office building. The

contract purchaser is the union for state transit workers, and proposes to use the property for its business operations and membership meetings. Such meetings are usually held once a month beginning at 7 to 8 p.m., and usually have 100 participants/attendees. To operate as a union hall requires special exception relief.

#### SPECIAL EXCEPTION LAW

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. In this case, no evidence was presented which would indicate that the proposed use would negatively impact the community. In fact, the DOP opined that the use would not have a detrimental impact upon the surrounding uses.

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

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 19<sup>th</sup> day of May, 2014, that the Petition for Special Exception relief under §253.2.B.4 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to use the property as a union hall, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate 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 such time as the 30-day appellate process from 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.

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

JEB/sln

\_\_\_\_\_  
Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County