

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(7600 and 7604 York Road)		
9 th Election District	*	OFFICE OF
5 th Council District		
7600 LLC, 7604 LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2019-0049-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of 7600 LLC & 7604 LLC, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit a modified parking plan as more particularly shown on the attached site plan (i.e., a shared business parking arrangement) in an ROA zone with a single common access to public street with spaces within 10 ft. of a street right-of-way. A site plan was marked and admitted as Petitioners’ Exhibit 1.

Eugene Hartman and Charles Huebler appeared in support of the petition. Lawrence E. Schmidt, Esq. represented Petitioners. One neighbor attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (“DOP”) and the Bureau of Development Plans Review (“DPR”). Neither agency opposed the request.

The subject property is 46,724 square feet in size and zoned DR 3.5. The property is comprised of two separate lots: 7600 York Road (10,003 sq. ft.) and 7604 York road (36,721 sq. ft.). Each of the lots is improved with a single family dwelling which has been converted to a

Class A office, as permitted in the ROA zone. The Petitioners are not at this time proposing any new improvements for the site, and this case concerns only the existing conditions at the site.

While the properties are now in common ownership, there is a pending contract of sale for one of the properties, and both may in the near future be sold to new owners. This could present a complication since the off-street parking is shared between the properties, while the BCZR requires each lot or property to have its own parking spaces.

Even so, the BCZR does contain a provision whereby adjoining properties can establish a shared parking arrangement, provided there is in place a lease or easement which guarantees the availability and right to use the spaces in question. Petitioners submitted deeds to the subject properties which contain a reciprocal easement, and counsel indicated the new owners would incorporate a similar provision in any deed transferring the property. The other aspect of the parking regulations for which a modification is sought concerns the required 10 ft. setback between parking spaces and property boundaries. There is shown on the plan one parking space which intrudes upon the required setback although it has been in that location for many years, apparently without complaint.

THEREFORE, IT IS ORDERED this 30th day of **October, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to permit a modified parking plan as more particularly shown on the attached site plan (i.e., a shared business parking arrangement) in an ROA zone with single common access to public street with one parking space within 10 ft. of a street right-of-way, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners shall to the extent possible preserve all mature trees and vegetation on the property.
3. Should the existing two yard dumpster on site be replaced with a larger dumpster, Petitioners or subsequent owners will be required to provide an appropriate enclosure and/or screening as required by Condition H of the Baltimore County Landscape Manual.
4. Should Petitioners or subsequent owners seek to provide additional lighting at the site they will be required to obtain approval from the Baltimore County Landscape Architect before the issuance of permit(s) for same.
5. Petitioners or subsequent owners shall at all times have in place a lease or express reciprocal easement guaranteeing access to the parking spaces shown on the site plan which was admitted as Petitioners Exhibit 1.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln