

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
W/S Jefferson Avenue, 150' N of c/line of	*	ZONING COMMISSIONER
Towsontown Boulevard		
(411 Jefferson Avenue)	*	OF
9 th Election District	*	BALTIMORE COUNTY
5 th Council District		
	*	
Stanley F. Stockwell, <i>Legal Owner</i>		
Karen and William Glazer,	*	Case No. 2010-0074-SPHA
<i>Contract Purchasers</i>		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Stanley F. Stockwell and Karen and William Glazer, the Contract Purchasers. Petitioners request Special Hearing relief, through their attorney, Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC, in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow accessory off-street business parking in a residential zone per B.C.Z.R. Sections 409.1, 409.6 and 409.8.B. In addition, Petitioners are requesting Variance relief from B.C.Z.R. Section 409.8.A.4 to allow for a 3 foot setback from Jefferson Avenue in lieu of the required 10 feet; from B.C.Z.R. Section 409.8.A.1, and the Baltimore County Landscape Manual to permit a zero (0) foot Landscape Transition Area setback in lieu of the required 6 feet. The subject property and requested relief are more fully described on the revised site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Stanley Stockwell, property owner; Karen Glazer, one of the contract purchasers; Robert Bowling with Morris & Ritchie Associates, Inc., the consulting firm who prepared the site plan; Lawrence

Taubman of Taubman Properties, LLC, and Lawrence E. Schmidt, Esquire, counsel for Petitioners. There were no Protestants or other interested persons present.

The subject property under consideration is approximately 7,191 square feet (1.651 acres) in gross area, split-zoned D.R.10.5 and ROA. The predominant zoning of the property is D.R. 10.5; however, a narrow sliver adjacent to the rear property line is zoned ROA. It is approximately 50 feet wide and 122 feet deep. The property is an unimproved lot with frontage on Jefferson Avenue in the community known as Northeast Towson. Previously, the property was improved with a building which was at one time used as a dwelling. Mr. Taubman, who is familiar with the historic use of the site, indicated that although at one point determined to be historically significant, the building was razed with the permission of the appropriate Baltimore County agencies. Thus, the property is presently unimproved.

Mr. and Mrs. Glazer own and operate a business, known as Glazer/Kennedy Insider's Circle, which is located two doors down from the subject property at 401 Jefferson Avenue. That business operates within an existing commercial office building on that property. The nature of the business is a marketing firm. The firm publishes a monthly newsletter to approximately 10,000 registered customers. The newsletter provides information and advice regarding marketing techniques designed to increase Glazer/Kennedy's customer's sales. The newsletter, although written at the site, is printed and distributed through a subcontractor in Missouri. Thus, the business in Towson is restricted to the writing and creative efforts of the 25 employees employed at the facility. In addition to the existing office building at 401 Jefferson Avenue, there is a small parking lot on that property which accommodates 12-15 cars. Because of the lack of on-site parking for the existing office building, Mr. and Mrs. Glazer have contracted with Mr. Stockwell to purchase the property at 411 Jefferson Avenue.

The office building is located approximately 112 feet from the office building, within the 500 feet allowed under Section 409.7.B of the B.C.Z.R. That section specifically provides that parking shall be within 500 feet of the building entrance which it serves. The Petitioners propose to redevelop the subject property with a small parking lot to provide employee parking. As shown on the revised site plan, 16 parking spaces will be provided. There are 12 perpendicular spaces and 4 parallel type spaces as shown on the plan. In addition to the grading and paving of the site necessary to install the parking lot, the Petitioners also propose the construction of a stormwater management facility along the rear of the property. Additionally, proposed planting areas are shown on the front of the property adjacent to the curb cut to improve the appearance of the property along its frontage. All in all, the proposed construction will improve the appearance and use of the subject lot.

In addition to the site plan, the Petitioners also submitted a series of photographs of the property and neighborhood. These were instructive in providing a justification to support the Petitions for Special Hearing and Variance. The Petitioners also submitted a letter from Adelaide Bentley, President of the Northeast Towson Improvement Association. Ms. Bentley's letter indicates that the Association has reviewed the subject proposal and met with the applicants. The Association supports the request. In addition to providing needed employee parking and therefore reducing the amount of on-street parking used by Glazer-Kennedy, the Petitioners have also tentatively entered (subject to zoning approval) into a lease with the adjacent St. James African Union Methodist Protestant Church. This church is located immediately adjacent to the subject property. Under the terms of the proposed lease, Glazer-Kennedy will provide, for the minimal sum of One Dollar (\$1.00) per year, the use of the parking lot by the church during its Sunday services and weeknight functions. The operations of the Glazer-Kennedy business

typically take place between 8:30 a.m. and 6:00 p.m., Monday to Friday. Thus, Glazer-Kennedy is willing to share the lot with the church in times when it is not in business.

Due to the fact that the property is largely D.R.10.5 and ROA (both residence zones), Special Hearing relief is requested to permit business parking in a residential zone. The Variances requested are due to the narrowness of the lot. This unique configuration minimizes the area available for the parking facility.

I have also received and reviewed correspondence from the Office of People's Counsel and a copy of an email from Stephen E. Weber, Chief of the Division of Traffic Engineering for Baltimore County. Although not repeated at length herein, the letter and attachment are incorporated into the record. Those comments discuss the applicable sections of the B.C.Z.R. and the existing parking/traffic difficulties in northeast Towson. Although offering some comment, People's Counsel and Mr. Weber generally defer to the local community association (i.e., the Northeast Towson Improvement Association). The comments are generally supportive of the proposal if same is supported by the Association.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. I believe that the testimony and evidence presented meets the criteria of the Special Hearing (B.C.Z.R. Section 500.1) and the Variance (B.C.Z.R. Section 307.1) requirements. I believe that this approval will actually enhance the East Towson community, as it will help alleviate the street parking and traffic congestion in that area, as confirmed within Mr. Weber's email. Thus, approval will be granted.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of October, 2009 that the Petition for Special Hearing to permit accessory business

parking in a residential zone pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.A.4 of the B.C.Z.R. to permit parking spaces to be setback 3 feet from the right-of-way line of a public street in lieu of the required 10 feet; from Section 409.8.A.1 of the B.C.Z.R. and the Baltimore County Landscape Manual to allow a zero (0) foot Landscape Transition Area setback(s) [north and south boundary lines] in lieu of the required 6 feet, in accordance with Petitioners' Exhibit 1, be and are hereby GRANTED, subject to the following:

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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The use of the proposed accessory parking lot on the subject property (411 Jefferson Avenue) shall be limited to passenger cars and light trucks. There shall be no commercial trucks, truck/trailer combinations or buses stored on the property or allowed to remain on the parking lot for more than twenty-four (24) hours.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.

SIGNED
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw