

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
S/Side of Baltimore Street, 193' E of c/line of		
North Point Boulevard	*	OFFICE OF
15 th Election District		
7 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(200 North Point Boulevard)		
	*	FOR BALTIMORE COUNTY
Jake & Jill Properties, LLC		
<i>Petitioner</i>	*	CASE NO. 2011-0200-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by the legal owner of the subject property, Jake & Jill Properties, LLC. Petitioner is requesting Variance relief from Section 238.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a side setback of 5 feet instead of the required 25 feet. The subject property and requested relief are more fully described on the red lined 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 petition was Jon Quartner along with David Karceski, Esquire of Venable, LLP, the attorney representing Petitioner Jake & Jill Properties, LLC. Also appearing in support of the requested relief was Richard E. Matz with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance, and no letters of opposition were received by this Office.

Testimony and evidence offered revealed that the subject property is located on the south side of Baltimore Street and east of the centerline of North Point Boulevard, and is an existing laundromat known as Sudsville. The property comprises .744 acres and is zoned BR-IM. As reflected on Exhibit 1, Petitioner operates the one-story Laundromat and now seeks variance relief so that it can construct a 3,300 square foot addition onto the rear of the existing laundromat.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments from the Office of Planning (OP), received February 4, 2011, indicated that Petitioner has provided preliminary architectural elevations on February 2, 2011 and recommended that Petitioner provide to OP final elevations for review and approval prior to issuance of any building permit. In addition, OP requested that Petitioner provide to the Baltimore County Landscape Architect, Avery Harden, a landscape plan reflecting improvements to the triangular area on the east side of the building between the building and the pedestrian walkway, as well as the area at the intersection of North Point Boulevard and Baltimore Street. Furthermore, OP indicated that a dumpster pad is existing on site, and suggested Petitioner provide screening, including gates, for the dumpster to reduce visual impacts.

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. The lot is uniquely shaped (Petitioner described it as shaped like a “kite”) and was many years ago subdivided from a larger shopping center. A Denny’s restaurant was operated at the site, and several years ago the Petitioner occupied the existing space and adapted it to the Laundromat use. Petitioner’s engineer testified (by proffer) that if the lot was square or rectangular, a building of the size proposed by Petitioner could be constructed without variance relief.

In addition, Petitioner Jon Quartner testified (by proffer) that 85% of his customers visit the Laundromat during a limited time window, and that the expansion would allow him to meet this customer demand. Petitioner testified that if he was unable to construct the proposed addition, he would have to consider alternative sites for his business.

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. As noted by Petitioner's engineer, the subject property is located along a busy commercial/industrial corridor, and the proposed addition would blend with the existing structure. In addition, the landscaping improvements Petitioner will make will benefit the surrounding commercial community, which is certainly in the public interest.

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.

THEREFORE, IT IS ORDERED this 28th day of February, 2011 by this Administrative Law Judge that Petitioner's Variance request from Section 238.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side setback of 5 feet instead of the required 25 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must submit to the Office of Planning final elevations for review and approval prior to issuance of any building permit.
3. Petitioner must submit a landscape plan to the Baltimore County Landscape Architect, Avery Harden, for review and approval prior to the issuance of any building permit.
4. In addition, Petitioner must provide screening, including gates, for the dumpster at the rear of the site, to reduce visual impacts.
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw