

IN RE: <b>PETITIONS FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>AND VARIANCE</b>		
N side of Old Harford Road; NE corner	*	OFFICE OF
of Old Harford and Edgewood		
9 <sup>th</sup> Election District	*	ADMINISTRATIVE HEARINGS
6 <sup>th</sup> Council District		
	*	BALTIMORE COUNTY
<b>(8611 Old Harford Road)</b>		
Ravenette Realty LLC, Legal Owner	*	
Candice Holt, Contract Purchaser		
<i>Petitioners</i>	*	<b>Case No. 2012-0218-SPHA</b>

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**ORDER AND OPINION**

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Ravenette Realty LLC, the owner of the subject property, and Candice Holt, the contract purchaser. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit 100% medical office use in lieu of the required 25%. In addition, variance relief is requested from Section 409.8.4 of the B.C.Z.R. to permit a 0 foot setback in lieu of the required 10 feet from a street right-of-way line for parking spaces. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners’ Exhibit 1.

Appearing at the requisite public hearing in support of the request were Thomas Wedge for Ravenette Realty LLC and Candice Holt, the contract purchaser. Representing the Petitioners was Andrew G. Bailey, Esquire. Also appearing was Scott Dallas, property line surveyor, who prepared the site plan. Appearing as interested citizens were Mr. and Mrs. John Disney who reside at 2903 Manns Avenue. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Planning dated April 13, 2012 which state:

“The Department of Planning has reviewed the petitioner’s request for a Special Hearing to permit 100% Medical Office use in the subject building in lieu of the permitted 25%, a Variance to permit parking spaces zero feet from the right-of-way in lieu of the required 10 feet and accompanying site plan.

This department does not oppose the petitioner’s special hearing.

As to the variance request, the following conditions are necessary to meet the intent of the RO zone:

1. Remove 2 parking spaces adjacent to Old Harford Road and provide landscaping in the subject area.
2. Remove 2 parking spaces adjacent to 2401 Edgewood Avenue and provide landscaping in the subject area.

Overall, prepare and submit a landscape plan for review and approval that provides visual screening of the parking area from the adjacent residential dwelling, Edgewood Avenue and Old Harford Road. The landscaping should also serve as site beautification to improve visual aesthetics.”

Testimony and evidence offered revealed that the subject property consists of 0.293 acres, more or less, and is zoned RO. The property is improved with a one story brick and vinyl sided commercial building which contains offices for the owner of the property, Ravenette Realty, LLC and the contract purchaser, Candice Holt. The property is also improved with a macadam parking lot containing a total of 10 parking spaces with two additional parking spaces being located on a small parking pad located along Edgewood Avenue.

Candice Holt appeared and testified regarding the special hearing and variance request. She stated that she grew up in the Parkville area and currently operates her wellness center from within the subject building. She is a licensed massage therapist and a licensed acupuncturist. Submitted into evidence as Petitioners’ Exhibit 2 were copies of her licenses. For the past two years, Ms. Holt has been operating her business from within the subject building. Also located toward the rear of the building are the offices of Ravenette Realty and the owner of the subject property, Tom Wedge.

Mr. Wedge is interested in selling the building to Ms. Holt assuming that she would be able to operate her business within the entire building. Massage therapy and acupuncture are considered medical uses and therefore the special hearing is requested to allow those uses to occur within the entire building. At the present time, only 25% of the building should be used for medical offices. Ms. Holt would not be interested in purchasing the building if she were not able to operate and expand her business within the entire office building. Accordingly, the special hearing request has been filed to approve the building for 100% medical office use. In addition to the special hearing relief, a variance is also requested to allow the parking spaces located on the existing parking lot to remain as they have been which is 0 feet from a street right-of-way line.

It should be noted and the testimony presented at the hearing demonstrated that there will be no physical changes to the property whatsoever. The parking configuration will remain the same and there are no additions or changes proposed to the existing structure. Ms. Holt is simply requesting to be able to purchase the building and expand her business into the entire building.

Appearing as interested citizens in the matter were Mr. and Mrs. John Disney. The Disneys have been long time residents of Parkville and reside a short distance from this property on Manns Avenue. Mr. Disney attended the hearing in order to gain more information regarding this property. He passes by this property as he travels to and from his residence. He was satisfied after hearing that there are no physical changes proposed to the building and that Ms. Holt is simply requesting approval to expand her business and hopefully purchase the property. He had no opposition to that request. However, he was concerned that there are too many signs on the property. Ms. Holt indicated that she would verify with the Zoning Office what signage is permitted and will conform to the regulations. I shall impose upon the Petitioners that the property be brought into compliance with the sign regulations as a condition of approval of the special hearing and variance.

As to the special hearing relief, I find that the use of the subject property for 100% medical offices, massage therapy and acupuncture is appropriate, and will not adversely affect the surrounding and neighboring properties. Accordingly, the special hearing shall be granted.

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.

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. 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). The parking lot has existed in this configuration for many years and functions perfectly. There is no need to alter or interfere with its design and layout at this time. Therefore, it shall not be necessary to eliminate any of the existing parking spaces as suggested in the Planning Department's comment. Furthermore, the Petitioner will need all available parking as there is no parking available on Old Harford or Edgewood Avenue.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by this Administrative Law Judge for Baltimore County this 27 day of April, 2012 that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 100% medical office use in lieu of the required 25%, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance seeking relief from Section 409.8.4 of the B.C.Z.R. to permit a 0 foot setback in lieu of the required 10 feet from a street right-of-way line for parking spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners will be required to return and be responsible for returning said property to its original condition.
2. The Petitioner shall be required to bring all signage on the property into compliance with the zoning regulations within 45 days from the date of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

Signed \_\_\_\_\_  
TIMOTHY M. KOTROCO  
Zoning Commissioner  
for Baltimore County

TMK:pz