

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
<b>(2021 Lord Baltimore Drive)</b>		
1 <sup>st</sup> Election District	*	OF ADMINISTRATIVE
1 <sup>st</sup> Council District		
Redeemed Christian Church of God	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2015-0109-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. Petitioner originally sought relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §409.7.B.1 to permit off-street parking spaces for uses other than residential and lodging within 1,316 feet walking distance of a building entrance to the church use in lieu of the maximum walking distance to a building entrance of 500 feet. At the hearing, the Petition was amended to seek relief under a different provision of the off-street parking regulations, as noted in the order which follows. A site plan for the project was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the request was Senior Pastor Ayoola Olulana. Jason T. Vettori, Esquire, represented the Petitioner. There were no Protestants in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 2.5 acres and is zoned BM-AS. The property is located near the Security Square Mall in the Woodlawn area of Baltimore County. Petitioner

proposes to construct a church within an existing warehouse building on the site to accommodate its growing congregation.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

Petitioner has met this test. The site is of irregular dimensions and is therefore unique. Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since it would be unable to construct the proposed church and sanctuary. 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. This is demonstrated by the absence of County or community opposition.

THEREFORE, IT IS ORDERED, this 12<sup>th</sup> day of January, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 65 off-street parking spaces in lieu of the required 90 spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits, Petitioner must obtain approval from Baltimore County of landscape and lighting plans for the site.
3. Petitioner must within 30 days of the date hereof submit to the OAH and the Department of Planning (DOP) a revised (redline) site plan containing the details identified in Item Nos. 2 and 4 of the DOP's

December 8, 2014 ZAC comment, a copy of which is attached hereto and incorporated herein.

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

JEB:sln

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County