

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	*	OFFICE OF
(1805 East Joppa Road)	*	ADMINISTRATIVE HEARINGS
9 th Election District	*	FOR BALTIMORE COUNTY
5 th Council District	*	Case No. 2016-0119-SPHXA
Lawrence & Nancy Odette, <i>Legal Owners</i>	*	
Matthew B. Hitt, <i>Contract Purchaser</i>	*	
Petitioners	*	

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Lawrence & Nancy Odette, legal owners and Matthew B. Hitt, contract purchaser (“Petitioners”).

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve: Amending January 12, 2009 Special Exception, Variance and Special Variance (Case No. 2009-0080-XSA) to include 1805 East Joppa Road within its scope; to confirm 0 ft. side yard setbacks conform with requirements of Section 204.1.C.8; to permit a proposed two story building and to confirm shared parking between 1805 and 1807 East Joppa Road.

A Petition for Special Exception was filed pursuant to B.C.Z.R. §204.3.B.2 to use the herein described property for a Class B office building in an R-O zone. The final request was for a special variance from B.C.Z.R. § 4A02, et seq., Basic Services Maps, so as to establish that the proposed building on 1805 East Joppa Road will not adversely impact the traffic shed. Prior to the hearing, counsel submitted a copy of Bill 79-15 which, among other things, specified that properties within a Commercial Revitalization District are exempt from Basic Services mapping

standards. This property (as noted in the DOP ZAC comment) is within the Loch Raven Commercial Revitalization District. As such, special variance relief is not required.

Appearing at the public hearing in support of the requests was Matthew Hitt and professional engineer John Motsco. Edward J. Gilliss, Esq., represented the contract purchaser. There were no protestants and/or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). The concerns addressed by those agencies will be included as conditions in the Order below.

The subject property is approximately 9,850 sq. ft. in size and is zoned RO with a small sliver zoned BLR. Mr. Hitt is a CPA and his office is located at 1807 East Joppa Road, next door to the subject property at 1805 Joppa Road. The subject property currently houses a State Farm Insurance agency. Mr. Hitt proposes to raze that building and construct a new office building on 1805 which would straddle the lot line and connect to the existing building at 1807. The site plan (Exhibit 1) contains additional details regarding the project.

Counsel submitted a copy of the order in Case No. 2009-0080-XSA, which involved the property at 1807 East Joppa Road where Mr. Hitt's CPA office is located. In that order, former Zoning Commissioner Wiseman granted special exception and variance relief, finding Petitioner had satisfied the standards set forth in B.C.Z.R. §§ 502.1 and 307. Mr. Wiseman's order is detailed and thorough, and recites the salient facts that in his opinion entitled Petitioner to zoning relief. I believe the same reasoning and logic applies to the property in this case, which is immediately adjacent to (and will after construction of the new building be connected to) the site under consideration in Case No. 2009-0080-XSA. As such, the petitions will be granted.

THEREFORE, IT IS ORDERED this 8th day of **January, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R) to approve: Amending January 12, 2009 Special Exception, Variance and Special Variance (Case No. 2009-0080-XSA) to include 1805 East Joppa Road within its scope; to confirm 0 ft. side yard setbacks conform with requirements of Section 204.1.C.8; to permit a proposed two story building; to confirm shared parking between 1805 and 1807 East Joppa Road, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception filed pursuant to B.C.Z.R. §204.3.B.2 to use the herein described property for a Class B office building in an R-O zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Variance from B.C.Z.R. § 4A02, et seq., Basic Services Maps, to establish that the proposed building on 1805 East Joppa Road will not adversely impact the traffic shed, be and is hereby DISMISSED as unnecessary pursuant to Baltimore County Council Bill 79-15.

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 provide landscaping and/or screening for off-street parking on the entire site as determined in the sole discretion of the Baltimore County Landscape Architect.
3. Petitioners shall comply with the DOP ZAC comment, a copy of which is attached hereto.

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