IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(6326 & 6410 Security Blvd.)	*	OFFICE OF
1st Election District		
1st Council District	*	ADMINISTRATIVE HEARINGS
Amalgamated Transit Union Local 1300, *Owner*	*	FOR BALTIMORE COUNTY
Petitioner		
	*	**Case No. 2016-0150-SPHA**

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Amalgamated Transit Union Local 1300, legal owner ("Petitioner"). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow shared parking as part of a modified parking plan. In addition, a Petition for Variance seeks to allow off-site parking spaces for commercial use distant 930 ft. in lieu of the allowed 500 ft. In the alternative, variance relief is sought to allow 92 parking spaces for office and union hall use in lieu of the 138 space required. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Sherman Hope, Donald Hicks and Leroy K. Carpenter. J. Neil Lanzi, Esq. appeared on behalf of the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). There were no protestants or interested citizens in attendance.

The subject property (6326 Security Blvd) is 1.38 acres and zoned ML. Petitioner purchased and is the process of renovating the 2 story office building at the site. This would become the headquarters for the transit union, which has twenty-five or fewer board members

and employees. The union office would be operated during normal business hours Monday through Friday, and on the second Wednesday evening (8:00 p.m.-9:30 p.m.) of every month a membership meeting would be held. Union officials indicated parking for both day-to-day operations and monthly membership meetings could be accommodated on site, since Petitioner will be adding 26 spaces to the 66 spaces existing at present (i.e., for a total of 92 parking spaces on site).

Petitioner explained that the zoning office considered the union hall use (which is not a defined use under the B.C.Z.R.) to be a "catering hall," which requires 20 spaces to be provided for each 1,000 sq. ft. of space. Using that classification, 138 spaces would be required. Petitioner proposed alternative scenarios to accomplish its goal: (A) a shared parking arrangement with the bowling alley at 6410 Security Blvd., which is located 930 feet from the subject property, thereby necessitating variance relief for exceeding the 500 feet maximum under the Regulations; or (B) variance relief to permit 92 parking spaces in lieu of the required 138 spaces. Since variance relief is required in either scenario, I believe option B above (i.e., variance relief for the required number of spaces) is the most sensible way of solving this issue. This method of resolution will not require scrutiny of a proposed shared parking agreement with the bowling alley (submitted as Exhibit No. 3), and based on the testimony of union officials it appears 92 spaces will be more than sufficient.

A variance request involves a two-step process, summarized as follows:

> (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
> (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The site has an irregular shape and a panhandle configuration along its northern boundary. It is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given it would be unable to complete construction of its new facility. 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. This is demonstrated by the lack of County and/or community opposition.

The ZAC comments suggested that landscape and lighting plans be required for all new parking spaces. As noted above, Petitioner proposes 26 additional spaces at the subject property, and a condition will be included to require appropriate landscaping in that area. Petitioner indicated the existing lighting is sufficient and would remain, and thus I do not believe a lighting plan is required.

At the conclusion of the hearing, Petitioner noted that the ingress/egress point off of Security Blvd. might be relocated to improve traffic safety and navigation through the site. Whether or not that access drive is changed would have no impact on the number of required parking spaces, and is thus irrelevant to the present matter. Of course, as noted by the undersigned at the hearing, the State Highway Administration may well require Petitioner to obtain an access permit if the driveway is relocated, but that is not a Baltimore County issue since it is a State roadway (i.e., Rt. 122).

THEREFORE, IT IS ORDERED this **8th** day of March, 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 allow shared parking as part of a modified parking plan, be and is hereby DISMISSED as MOOT.

IT IS FURTHER ORDERED that the Petition for Variance which seeks to allow off-site parking spaces for commercial use distant 930 ft. in lieu of the allowed 500 ft., be and is hereby DISMISSED as MOOT.

IT IS FURTHER ORDERED that the Petition for Variance to allow 92 parking spaces for office and union hall use in lieu of the 138 spaces required, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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. Petitioner must provide appropriate landscaping or screening for the proposed 26 additional parking spaces on site, as determined in the discretion of the Baltimore County Landscape Architect.

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/sln