

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(40 York Road)		
9 th Election District	*	OFFICE OF
5 th Council District		
Forty York Road Assoc., Ltd.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
40 York Road U15, LLC	*	FOR BALTIMORE COUNTY
<i>Contract Purchaser</i>		
Petitioners	*	Case No. 2016-0315-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Forty York Road Assoc., Ltd, legal owner and 40 York Road U15, LLC, contract purchaser (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to amend the modified parking plan approved in Case No. 2011-0242 SPH.

Prabhakaran Raja and surveyor Ken Wells appeared in support of the petition. J. Neil Lanzi, Esq. represented the Petitioners. Several community members attended the hearing to express support for the request, and Mr. Engesser from the Towson Manor Village Community Association attended to obtain additional information regarding the project. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Zoning Advisory Committee (ZAC) comments received.

The subject property is zoned BM, and is improved with a five story office/condominium building. This case involves one unit owner (Anytime Fitness) which seeks to expand its operation. The fitness facility is presently located on the first floor of the building, and Petitioner would like to acquire additional space on the second floor of the building to expand its offerings.

Ken Wells, a professional surveyor accepted as an expert, explained the plan and the

proposed expansion of the fitness facility. He opined that the parking provided was more than sufficient, and that granting the petition would not have a detrimental impact upon the community. Mr. Raja, who owns and operates the Anytime Fitness club at this location, explained how the facility differs from “big box” fitness centers. Mr. Raja said that unlike those larger facilities, his gym is open 24/7 and for the most part there are only a handful of patrons at the facility at any one time. Mr. Raja has been in operation since 2011, and stated he has not received any complaints from the community or Baltimore County since that time.

In these circumstances, I do not believe granting the request will be injurious to the community. The gym is located along a busy commercial corridor in the heart of Towson, and has been in operation for several years. The nature of the facility is such that its members come to the gym in a staggered fashion throughout the day, which prevents there from being a mass exodus of patrons at the same time. The facility also operates on a 24 hour basis, which means that members can come to the gym at a time of their choosing, which again helps to prevent overcrowding. The proposed second floor expansion is modest in size (approximately 2,600 sq. ft.), and I do not believe the demand for parking will exceed the 159 off-street spaces provided.

THEREFORE, IT IS ORDERED this 16th day of August, **2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to amend the modified parking plan approved in Case No. 2011-0242 SPH, in accordance with the terms of this order and the site plan marked as Petitioners’ Exhibit 1, be and is hereby GRANTED.

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.

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

____Signed_____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln