

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(800 Kenilworth Drive)		
9 th Election District	*	OFFICE OF
5 th Council District		
	*	ADMINISTRATIVE HEARINGS
Kenilworth Limited Partnership		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2016-0325-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Jason T. Vettori, Esq., with Smith, Gildea & Schmidt, LLC, on behalf of Kenilworth Limited Partnership, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to clarify the relief granted in Case No. 78-91-A applies to the redevelopment of the shopping center; and (2) to approve a modified parking plan with 764 parking spaces in lieu of the required 807 spaces.

Jason T. Vettori, Esq. appeared in support of the petition. There were no protestants or interested citizens in attendance. The file does contain correspondence from Michael Ertel, President of the Greater Towson Council of Community Associations. Mr. Ertel expressed support for the project and noted the community has never experienced any problems with a lack of parking at the Kenilworth shopping center. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the requests, but requested landscaping and lighting plans be submitted for approval by Baltimore County.

The subject property is 8.12 acres and is primarily zoned Business, Major (B.M.) with a small sliver of Density Residential (D.R. 5.5). The Shops at Kenilworth is located at the site, and has been in operation at the location for nearly 40 years. The mall is undergoing a significant renovation and redevelopment which will include a new façade, signage and tenants. The owner obtained variance relief in 1978 permitting 853 parking spaces in lieu of the required 978 spaces. The plan contains a note stating the “variance runs with the land” and should be applicable in connection with this redevelopment project. I concur, and will approve both of the special hearing requests.

As noted by counsel, the variance in 1978 permitted the owner to provide just 87% of the number of required parking spaces, while the present request (764 in lieu of 807) is to provide 95% of the number of required off-street spaces. No evidence was presented to suggest granting the petition would have a detrimental impact upon the community. To the contrary, the shopping center has been a valuable asset to the community since its construction, and the redevelopment will enhance both its appearance and functionality.

THEREFORE, IT IS ORDERED this **23rd** day of **August, 2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 as follows: (1) to confirm the relief granted in Case No. 78-91-A applies to the redevelopment of the shopping center; and (2) to approve a modified parking plan with 764 parking spaces in lieu of the required 807 parking spaces, existing stacking spaces at Susquehanna Bank and Atwater’s drive through facilities and dimensions of existing parking spaces, driveways and aisles, 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 submit for approval by Baltimore County landscape and lighting plans for the site.
3. Petitioner shall within 15 days of the date hereof submit to the Office of Administrative Hearings (OAH) an amended site plan striking the note stating “no design, screening and/or landscaping as provided in B.C.Z.R. §409.8.A.1.”

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