

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(1400 Coppermine Terrace)</b>		
3rd Election District	*	OFFICE OF
2nd Council District		
110% Sports Ventures, LLC	*	ADMINISTRATIVE HEARINGS
Legal Owner	*	FOR BALTIMORE COUNTY
<b>Petitioner</b>	*	<b>Case No: 2021-0055-SPH</b>
* * * * *		* * *

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing filed by 110% Sports Ventures, LLC. The Special Hearing was filed to except out a portion of the property from the Special Exception granted for the Commercial Recreational Facility in Case No. 2013-0157-SPHX. The excepted portion of Special Exception area is to be used as a Group Child-Care Center, which is permitted by right in the ML Zone pursuant to § 424.5 of the Baltimore County Zoning Regulations (“BCZR”).

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). They did not oppose the requested relief, provided their concerns about traffic and limited site distance at the entrance were adequately addressed. There were no protestants at the hearing.

Alex Jacobs, the owner of Sports Ventures, appeared in support of the Petition. Adam Baker, Esquire from Rosenberg, Martin Greenberg, LLP represented the Petitioner. Michael Pieranunzi of Century Engineering also appeared. The site plan that he prepared and sealed was admitted as Petitioner’s Exhibit 1. He was accepted as an expert in engineering, land use and

planning, and in the BCZR. Also in attendance was Mickey Cornelius who was accepted as an expert in traffic engineering. The Traffic Analysis that he conducted and prepared was admitted as Petitioner's Exhibit 5. The subject is 3.32 acres and is zoned ML.

Mr. Jacobs explained that his company has been operating at this location since 2013. They provide a variety of youth sports and recreational programs here and at other locations around the Baltimore metropolitan area. There is a demand for a child care program and he therefore proposes to convert part of an existing building for this purpose. He further explained that most of the recreational programming is in the evening hours and that the proposed day care center will operate from 7:30 a.m. to 4:30 p.m. Therefore there will be no parking or traffic exacerbation.

Because there was no opposition to the proposed relief the undersigned allowed Mr. Baker to proffer the remaining facts supporting the Petition. He explained that this commercial recreational facility was permitted by Special Exception in the above-captioned case. He noted that he and Mr. Jacobs have met with the Ruxton Riderwood Lake Roland Area Improvement Association (RRLRAIA) to explain the plans for the child care center and that they are not opposed. He further proffered that Mr. Pieranunzi would testify that the proposed plan conforms in all respects to the BCZR in that the proposed child care facility is permitted by right in this zone. He further noted that the facility will be licensed and regulated by the State. Mr. Baker next submitted the Traffic Impact study which documents that the proposed child care facility will not have any significant impacts on traffic or on the existing parking requirements. Finally, he and Mr. Jacobs explained that the site distance concern noted by DOP is being addressed by trimming the overhanging limbs and vegetation at the entrance to this site as well as on the property to the immediate north in cooperation with that property owner.

Based on the evidence presented I find that the requested relief is within the spirit and intent of the BCZR and will not harm the public health, safety, or welfare.

Good cause having been shown it is, THEREFORE, ORDERED this **7<sup>th</sup>** day of **May, 2021** by this Administrative Law Judge that the Petition for Special Hearing to except out a portion of the property from the Special Exception granted for the Commercial Recreational Facility in Case No. 2013-0157-SPHX is hereby **GRANTED**. The excepted portion of Special Exception area is to be used as a Group Child-Care Center, which is permitted by right in the ML Zone pursuant to § 424.5 of the Baltimore County Zoning Regulations (“BCZR”).

The relief granted herein shall be subject to the following:

- 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 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, Petitioner would be required to return the subject property to its original condition.
- Petitioner shall insure that the vegetation at the entrance to this site is regularly trimmed to insure site distance to the extent possible.

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



PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM/dlm