



Towson Presbyterian Church

Inclusive - Curious - Compassionate - Courageous
400 W. Chesapeake Avenue
Towson, MD 21204
410-823-6500
www.towsonpres.org

To: GH File
8/27/19
ua
SCW -
To Case # 1968-0175

Mr. Lionel van Dommelen, Chief
Bureau of Code Inspections and Enforcement
111 W. Chesapeake, Rm. 111
Towson, MD 21204

Re: Towson Presbyterian Church's Cemetery at BeeTree Preserve in Parkton

Mr. van Dommelen,

I am writing in response to your September 26, 2018 letter to Carol Appleby, a member of Towson Presbyterian Church (TPC), regarding the church's cemetery in Parkton. TPC's BeeTree Cemetery was established in 1968 when Baltimore County approved the church's request for a zoning variance to create a cemetery on a portion of the church's BeeTree Preserve property (case # 1968-0175). As part of the request for the zoning variance a master plan was presented to Baltimore County for development of two plats for burials. Since that time the two areas have been developed and burials have taken place in both, following all applicable state, county and church rules and regulations.

Over the past few years there has been some interest among a few members in possibly expanding the church cemetery by adding a third area for burials. As part of exploring this possibility a committee at the church looked at various possibilities for this expansion area, as well as checking into what this might involve in terms of any county or state regulations. Upon consulting with the Baltimore County Zoning office, we learned that the original variance for a religious cemetery was granted based on the master plan submitted at the time. The office suggested that expansion beyond that master plan could require a new request for an additional zoning variance.

For a number of reasons, the committee and the church decided not to pursue expanding the church cemetery, and have decided to continue to operate the already existing, permitted church cemetery by the same applicable state, county and church rules and regulations that we have been following.

We have worked over the years to build a good working relationship with the church's neighbors of both the BeeTree Cemetery and the surrounding BeeTree Preserve (263 acres put in permanent conservation easement with Baltimore County). However, it appears that during the church's internal conversations and explorations, some neighbors somehow received incomplete or incorrect information regarding church "plans" for BeeTree Cemetery. It seems the result of that was the complaint received by your office. We have also received a few letters of concern directly to the church from neighbors which has allowed us to respond to them directly.

As such, we disagree with the interpretation of the zoning requirements that you included in your letter. I believe this interpretation is based on the misinformation provided to your office by the complainant regarding possibilities that we were exploring but decided not to pursue.

As the committee made their explorations and discussed many different options and issues related to the church's cemetery and the burials there, we were advised by several different county and state entities that the "Conservation Burial Ground" bills (6-15 and 50-15) do not apply to an existing, permitted religious cemetery, but only to commercial cemeteries.

Further, our committee had confirmed through these same explorations and sources, that there are no state or Baltimore County regulations regarding specific burial practices in existing, permitted religious cemeteries, things such as:

- embalming of a body
- type of casket/container
- use of sealed vaults or unsealed cement liners
- type or placement of markers
- type or placement of plants (except reg. 401.1 regarding screening and setback, but as the church's cemetery is located in the middle of the woods, with significant setback from the road and neighbors this is not an issue for us).

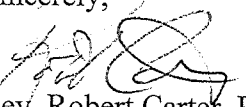
As such, we were advised that decisions regarding specific burial practices were "an internal management decision" of the church, as owner of the cemetery.

In summary, we believe that the development of TPC's BeeTree cemetery, and all of our internal rules and regulation, are all in compliance with applicable state and Baltimore County regulations, and that the "Conservation Burial Ground" regulations do not apply to us as an existing, permitted, religious cemetery. All of the cemetery is on acreage included in the 1968 exemption and excluded from the conservation easement.

Do you disagree with this understanding? And if so, can you please explain why?

Thank you very much for your attention to this matter.

Sincerely,



Rev. Robert Carter, Pastor, Senior
Towson Presbyterian Church

Cc: Mr. Carl Richards, Supervisor
Baltimore County Office of Zoning

ORDER RECEIVED FOR FILING

DATE 2/15/68 BY [Signature]

68-175-X

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
I, Towson Presbyterian Church, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from 68-175-X to 68-175-X following reasons:

See attached description

and for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a cemetery.

Property is to be posted and advertised as prescribed by Zoning Regulations. We agree to pay expenses of above reclassification and/or Special Exception advertising, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Towson Presbyterian Church
Address: Chesapeake & Highland Aves.
Petitioner's Attorney: John H. [Signature]
Protestant's Attorney: [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of January, 1968, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of February, 1968, at 11:30 o'clock A. M.

Zoning Commissioner of Baltimore County.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 1-22-68
Posted for: Special Exception
Petitioner: Towson Presbyterian Church
Location of property: SW corner of Bee Tree Rd & Kaufman Rd.
Location of Sign: On NW corner of Bee Tree Rd & Kaufman Rd.
Remarks: [Signature]
Posted by: [Signature] Date of return: 1-25-68

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COUNTY HOUSE
TOWSON, MARYLAND 21204

To: Towson Presbyterian Church
Chesapeake & Highland Aves.
Towson, Md. 21204

RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND SEND THIS PORTION FOR YOUR RECORDS

Advertising and posting of property
68-175-X

ORDER RECEIVED FOR FILING

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met

the above reclassification should be and is further appearing that by reason of

a Special Exception for a cemetery should be granted
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6 day of February, 1968, that the herein described property be reclassified and the zoning status of the herein described property be reclassified from 68-175-X to 68-175-X and a Special Exception for a cemetery should be and the same is granted, from and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6 day of February, 1968, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a 68-175-X zone and/or the Special Exception for a cemetery be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
To: Mr. John G. Rose, Zoning Commissioner Date: January 25, 1968
FROM: George E. Favello, Director of Planning
SUBJECT: Petition #68-175-X, Southwest corner of Bee Tree and Kaufman Roads.
Petition for Special Exception for a Cemetery
Towson Presbyterian Church - Petitioner
7th District
HEARING: Monday, February 5, 1968. (11:30 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:
The subject property is, in the main, extremely steep and is part of the watershed for Bee Tree Run. Almost any use of the property could pose some threat to the stream, whether from siltation or other forms of pollution. If it should be decided to grant this petition, we request that the grant be conditioned upon our approval of a detailed site plan.

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Advertising and posting of property
68-175-X

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description of Part of the Property of
The Towson Presbyterian Church to Accompany
Special Exception Zoning of Cemetery in
Existing 68-175-X Zoning.
R-6

Beginning for the same at a point where the center of Bee Tree Road intersects the eastern most right of way line of the Northern Central Railroad sixty-six (66) feet wide, as shown on a plat entitled: "Plat Showing Property of Henry H. Hurt and Anna E. Hurt, his wife" dated January 28, 1965, from the office of Whitman Reardon & Associates, Consulting Engineers of Baltimore, Maryland, and running thence with and in the center of Bee Tree Road and Kaufman Road the following twenty-one (21) courses, viz: first, North 63° 30' 00" East 57.44 feet, second, northeasterly along a curve to the left with a radius of 131.00 feet for a distance of 41.05 feet, said curve being subtended by a chord bearing North 54° 37' 20" East 40.69 feet, third North 45° 38' 40" East 24.20 feet, fourth northeasterly along a curve to the right with a radius of 382.00 feet for a distance of 36.06 feet, said curve being subtended by a chord bearing North 42° 56' 25" East 36.04 feet, fifth North 40° 14' 10" East 32.36 feet, sixth northeasterly along a curve to the right with a radius of 276.00 feet for a distance of 34.98 feet, said curve being subtended by a chord bearing North 43° 52' 02" East 34.96 feet, seventh North 47° 29' 55" East 79.80 feet, eighth northeasterly along a curve to the left with a radius of 390.00 feet for a distance of 174.85 feet, said curve being subtended by a chord bearing North 33° 35' 05" East 173.13 feet, ninth North 19° 40' 15" East 100.67 feet, tenth northeasterly along a curve to the right with a radius of 301.50 feet for a distance of 59.43 feet, said curve being subtended by a chord bearing North 25° 19' 20" East 59.33 feet, eleventh northeasterly along a curve to the left with a radius of 797.83 feet, for a distance of 36.95 feet, said curve being subtended by a chord bearing North 28° 53' 05" East 36.96 feet,

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Richard C. Murray, Esq.,
Loyola Federal Building
Towson, Maryland 21204

SUBJECT: Petition for Special Exception,
for Cemetery for Towson Presbyterian
Church, located on the West side of
Kaufman Rd., 800' North of Bentley Rd.,
7th District
(Item 58, January 2, 1968)

Dear Sirs:
The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

BUREAU OF ENGINEERING:
Public utilities are not available.
Road - Both Kaufman and Bee Tree Roads are to be developed on a minimum 70' R/W's.
BUREAU OF TRAFFIC ENGINEERING:
Plan as shown seems to be satisfactory.
STATE PARKS COMMISSION:
Will review and make any necessary comment at a later date.
HEALTH DEPARTMENT:
Will review and make any necessary comment at a later date.
ZONING ADMINISTRATION DIVISION:
If the petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:
Project Planning Division
Bureau of Fire Prevention
Building Engineer
Board of Education
Industrial Development

Very truly yours,
JAMES E. DYER,
Principal Zoning Technician

JED:djd
cc: Carolyne Brown-Sur, of Engr.; L. Richard Moore-Sur, of Traff. Engr.; John Meyers - State Roads; Sam, Greenwell-Health Dept.

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twelfth North 26° 52' 20" East 77.06 feet, thirteenth northeasterly along a curve to the right with a radius of 620.00 feet for a distance of 38.06 feet, said curve being subtended by a chord bearing North 29° 28' 05" East 38.04 feet, fourteenth North 32° 03' 50" East 78.37 feet, fifteenth northeasterly along a curve to the right with a radius of 97.00 feet for a distance of 162.24 feet, said curve being subtended by a chord bearing North 79° 58' 42" East 143.98 feet, sixteenth South 52° 06' 15" East 94.31 feet, seventeenth southeasterly along a curve to the right with a radius of 93.00 feet for a distance of 62.92 feet, said curve being subtended by a chord bearing South 42° 53' 25" East 61.72 feet, eighteenth South 13° 20' 35" East 16.80 feet, nineteenth southeasterly along a curve to the left with a radius of 84.00 feet for a distance of 38.70 feet, said curve being subtended by a chord bearing South 13° 22' 55" East 57.57 feet, twentieth South 53° 25' 15" East 47.36 feet, twenty first southeasterly along a curve to the left with a radius of 410.00 feet for a distance of 67.37 feet, said curve being subtended by a chord bearing South 38° 07' 42" East 67.30 feet and running thence the next fourteen (14) courses as shown on the forsaidd plat, viz: first, North 23° 36' 05" East 10.90 feet, second South 58° 08' 30" East 220.08 feet, third South 02° 21' 30" West 293.70 feet, fourth South 42° 43' 50" East 788.82 feet, fifth South 36° 40' 20" East 276.92 feet, sixth South 38° 11' 15" East 272.85 feet, seventh South 19° 38' 05" East 67.91 feet, eighth South 33° 04' 35" East 234.29 feet, ninth South 67° 54' 55" East 268.51 feet, tenth South 67° 52' 40" West 256.89 feet, eleventh South 38° 41' 20" West 627.00 feet, twelfth South 37° 37' 10" West 590.92 feet, thirteenth North 55° 08' 15" West 258.98 feet, fourteenth North 77° 38' 45" West 290.19 feet to intersect the easternmost right of way line

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of the Northern Central Railroad, thence binding on said Right of Way line the four (4) following courses, viz: first North 12° 33' 15" East 911.61 feet, second North 05° 33' 35" East 330.00 feet, third North 09° 41' 25" East 196.00 feet, and fourth northwesterly along a curve to the left with a radius of 1,152.00 feet for a distance of 488.14 feet, said curve being subtended by a chord bearing North 25° 05' 30" West 488.30 feet to the place of beginning.

Containing 66.207 acres of land more or less.
Being all of Parcel two, three and four as shown on a plat entitled: "Plat Showing Property of Henry H. Hurt and Anna E. Hurt, his wife", dated January 28, 1965, from the office of Whitman Reardon & Associates, Consulting Engineers, of Baltimore, Maryland.

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