

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

September 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Rock Church

Location: Cromwell Bridge Road and Loch Raven Blvd.

Item No.: 63

Zoning Agenda: Meeting of 9/14/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- (x) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Areas shall support 50,000 lb. fire apparatus.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *George M. Hegardt*
Planning Group
Special Inspection Division
Approved: *George M. Hegardt*
Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-0610

TED ZALESKI JR.
DIRECTOR

September 20, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 63 Zoning Advisory Committee Meeting are as follows:

Property Owner: Rock Church
Location: SE/Cor. Cromwell Bridge Road and Loch Raven Blvd.
Existing Zoning: D.R. 2
Proposed Zoning: Variance to allow a crusher run parking lot in lieu of the required durable and dustless surface (tar & chip, macadam, etc.)

Address:
District: 9th.

The items checked below are applicable:

(X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

B. A building/_____ permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" for commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 1401, Item 1, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/_____

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 1401.

NOTE:

(X) Comments - The plan provided does not indicate if the structure is existing or proposed. If it is existing and had a previous use, a change of occupancy and alteration permit may be required. If it is a new structure proposed, a building permit shall be required. Handicapped shall be provided an acceptable surface of walks, parking lot, etc. for access to the building.

See Section 1401 of the State Handicapped Code.
NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles S. Burman
Charles S. Burman, Chief
Plans Review

CEB:ee

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SE Corner Cromwell Bridge : OF BALTIMORE COUNTY
Rd. & Loch Raven Blvd.
(1607 Cromwell Bridge Rd.)
9th District :
ROCK CHURCH, Petitioner : Case No. 85-126-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-entitled matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 17th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Rev. Bart Pierce, Rock Church, 1607 Cromwell Bridge Rd., Baltimore, MD 21234, Petitioner; and Chris Trionfo, 8364 Harford Rd., Baltimore, MD 21234, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITION FOR VARIANCE * BEFORE THE
SE/Corner Cromwell Bridge * ZONING COMMISSIONER
Road and Loch Raven Boulevard * OF BALTIMORE COUNTY
(1607 Cromwell Bridge Road) - *
9th Election District *
Rock Church, * Case No. 85-126-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to allow a crusher run surface on its parking lot rather than a durable and dustless surface, as more particularly shown on Petitioner's Exhibit 1.

The Petitioner, by Reverend Bart Pierce, appeared and testified. Also testifying in behalf of the Petitioner was Chris Trionfo. There were no Protests.

Testimony indicated that the church is situated on an 8.8-acre parcel with a parking area adjacent to the church building. See Petitioner's Exhibits 2 through 6. Surrounding the parking area on three sides is a paved driveway which leads to Cromwell Bridge Road, an approximate distance of 600 feet. There are no homes or commercial buildings within a quarter of a mile of the property. The parking lot is composed of a crusher run base and stone surface. The topography of the property and the layout of the building and lot make a crusher run surface preferable. The building and parking area are located on a hill surrounded by a valley, and if paved, the run-off would need to be directed into a storm water drainage system which would require an expense not within the church budget. A crusher run surface would allow water to be absorbed without run-off. It is important to note that the parking lot would be utilized no more than five hours per week and that there would not be extensive dust produced and certainly none that would cause an adverse impact on the area.

Paving would not have any effect on the reasoning behind requiring such by the Baltimore County Zoning Regulations (BCZR), namely the alleviation of a dust problem caused by traffic utilizing the parking area.

The Petitioner seeks relief from Section 409.2.c.(2), BCZR, and Section IX.A.2.a, Comprehensive Manual of Development Policies (CMPD), pursuant to Section 307, BCZR.

The BCZR do not define "durable and dustless". Webster's New Collegiate Dictionary defines "durable" as being able to endure; lasting; enduring; not wearing out. "Dustless" obviously would mean to be dust free—to prevent fine dry pulverized particles of earth or fine powder of any kind; to prevent a cloud of dust. By analogy, reference to the BCZR limiting the parking surfaces of trucking facilities to particular types of paving, specifically in Sections 410.3.B.7 and 410A.3.B.6, can be utilized to clarify the County Council's intent and which conforms to the reasonableness of the use of the term "durable and dustless" as intended by Section 409.2.c.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all of its parts harmonize with each other and render them consistent with its general object and scope. *Pittman v. Housing Authority*, 25 A.2d 466. The intent of the BCZR must be determined as being construed as a whole. *Smith v. Miller*, 249 Md. 390. The specific language delineating the requirement for a durable and dustless surface in Section 409.2.c.(2) must be construed in light of all of the provisions concerning the surface area for parking lots so that the various parts of the BCZR are given their intended effect. Moreover, the relationship between these various provisions regulating the surface area for parking lots must be reconciled as a whole. See *Smith*, supra; *Bowie Vol. Fire Depart. & Rescue Squad, Inc. v. Bd. of County Commissioners*, 255 Md. 381; *Anderson, American Law of Zoning*, Section 16.08.

ORDER RECEIVED FOR FILING
DATE *October 2, 1984*
BY *John P. [illegible]*

In response to the trucking-facilities legislation, the Baltimore County Planning Board introduced and adopted, by resolution dated February 17, 1983, an amendment to the CMPD, Section IX—Miscellaneous Adopted Design Provisions, pursuant to the authority vested in it by Section 504, BCZR. This amendment promulgates trucking-facility paving standards, which were intended to assure that parking areas are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected. Section IX.A.2 sets out the standards to be applied:

- (1) a bituminous concrete surface over a suitable base;
- (2) a Portland-cement concrete surface over a suitable base; or
- (3) two (2) or more applications of bituminous surface treatment over a suitable base.

In other words, Section IX.A.2 requires a durable and dustless surface for trucking-facility parking areas. If Section 409.2.c and Section IX.A.2 are construed as a whole, it is evident that the Council intended for the paving standards for trucking facilities to be imposed for all parking areas for more than five vehicles when it used the term "durable and dustless".

Certainly, the clear and plain meaning of the term requires application of the standards required by Section IX.A.2. In order to deviate from those standards, variance is necessary.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

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DATE *October 2, 1984*
BY *John P. [illegible]*

2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.
- Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *21st* day of November, 1984, that the Petition for Zoning Variance to allow a crusher run surface rather than a durable and dustless surface be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner shall insure that the surface of the parking area is maintained at all times, i.e., no potholes.
2. The Petitioner shall submit a revised site plan to the Zoning Office for approval, pursuant to law, conforming to or amending the site plan submitted with the recent building permit for the church addition and clarifying

ORDER RECEIVED FOR FILING
DATE *October 2, 1984*
BY *John P. [illegible]*

the number of parking spaces provided which must conform to the requisite BC2R.

[Signature]
Zoning Commissioner of
Baltimore County

At/srl:

cc: The Reverend Bart Pierce
People's Counsel

Description for Rock Church
1607 Cromwell Bridge Rd

Located on the Southeast corner of Cromwell Bridge Rd. and Loch Raven Blvd. and thence running North 170° 15' East 830± thence South 260° 58' East 610± to the North side of the Baltimore Beltway and thence running 898± in a Northwesterly direction to the West side Loch Raven Blvd. and thence running in a Northerly direction 380' to the place of beginning.

The Reverend Bart Pierce
1607 Cromwell Bridge Road
Baltimore, MD 21234

NOTICE OF HEARING

RE: Petition for Variance
SE/cor. Cromwell Bridge Rd. & Loch
Raven Blvd. (1607 Cromwell Bridge Rd.)
Rock Church - Petitioner
Case No. 85-126-A

TIME: 10:45 A.M.

DATE: Thursday, November 8, 1984

PLACE: Room 106, County Office Building 111 West Chesapeake

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 133255

DATE: 8/11/84 ACCOUNT: R-01-615-000

AMOUNT: 11.00

RECEIVED: *[Signature]*

FOR: *[Signature]*
Rock Church

6 142*****1000618 86446

VALIDATION OR SIGNATURE OF CASHIER

cc: Chris Trionfo
8304 Harford Road
Baltimore, MD 21234

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 10/19/84
Posted for: Variance to allow a crusher run parking lot in lieu of a durable and dustless surface (tar and chip, macadam, etc.)
Petitioner: Rock Church
Location of property: SE/cor. Cromwell Bridge Rd. & Loch Raven Blvd.
1607 Cromwell Bridge Rd. 21234
Location of Sign: Facing Cromwell Bridge Rd. - across St. E. Loch Raven Blvd.
Remarks: Sign would not be visible at viewing distance 600 ft.
Posted by: *[Signature]* Date of return: 10/24/84
Number of Signs: 1

CERTIFICATE OF PUBLICATION

PETITION FOR VARIANCE
9th Election District
LOCATION: Southeast corner Cromwell Bridge Road and Loch Raven Boulevard (1607 Cromwell Bridge Road)
DATE AND TIME: Thursday, November 8, 1984 at 10:45 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance to allow a crusher run parking lot in lieu of a durable and dustless surface (tar and chip, macadam, etc.) on the property of the Rock Church, located at the Southeast corner of Cromwell Bridge Road and Loch Raven Boulevard, in the 9th Election District, Baltimore County, Maryland, on Thursday, November 8, 1984 at 10:45 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

Towson, Md. 85-126-A
12/5/84

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for consecutive weeks, the first publication appearing on the 17th day of October, 1984.

The TOWSON TIMES
[Signature]
Cost of Advertisement: \$249

ORDER RECEIVED FOR FILING

DATE: November 1, 1984
BY: *[Signature]*
Administrative Assistant

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 18, 1984
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 18, 1984.

THE JEFFERSONIAN,

Cost of Advertising 20.00



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 29, 1984

The Reverend Bart Pierce
1607 Cromwell Bridge Road
Baltimore, Maryland 21234

RE: Petition for Variance
SE/cor Cromwell Bridge Rd. & Loch
Raven Blvd. (1607 Cromwell Bridge Road)
Rock Church - Petitioner
Case No. 85-126-A

Dear Reverend Pierce:

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135848

DATE: Nov. 8, 1984 ACCOUNT: R-01-615-000

AMOUNT: \$48.85

RECEIVED: Rock Church of Baltimore
FOR: Ad. & Posting of Case No. 85-126-A

6 063*****460518 50847

VALIDATION OR SIGNATURE OF CASHIER

AJ:aj

cc: Chris Trionfo
8304 Harford Road
Baltimore, Maryland 21234

PETITION FOR VARIANCE
9th Election District

LOCATION: Southeast corner Cromwell Bridge Road and Loch Raven Boulevard (1607 Cromwell Bridge Road)

DATE AND TIME: Thursday, November 8, 1984 at 10:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow a crusher run parking lot in lieu of a durable and dustless surface (tar and chip, macadam, etc.)

Being the property of Rock Church as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR VARIANCE
9th Election District

LOCATION: Southeast corner Cromwell Bridge Road and Loch Raven Boulevard (1607 Cromwell Bridge Road)

DATE AND TIME: Thursday, November 8, 1984 at 10:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

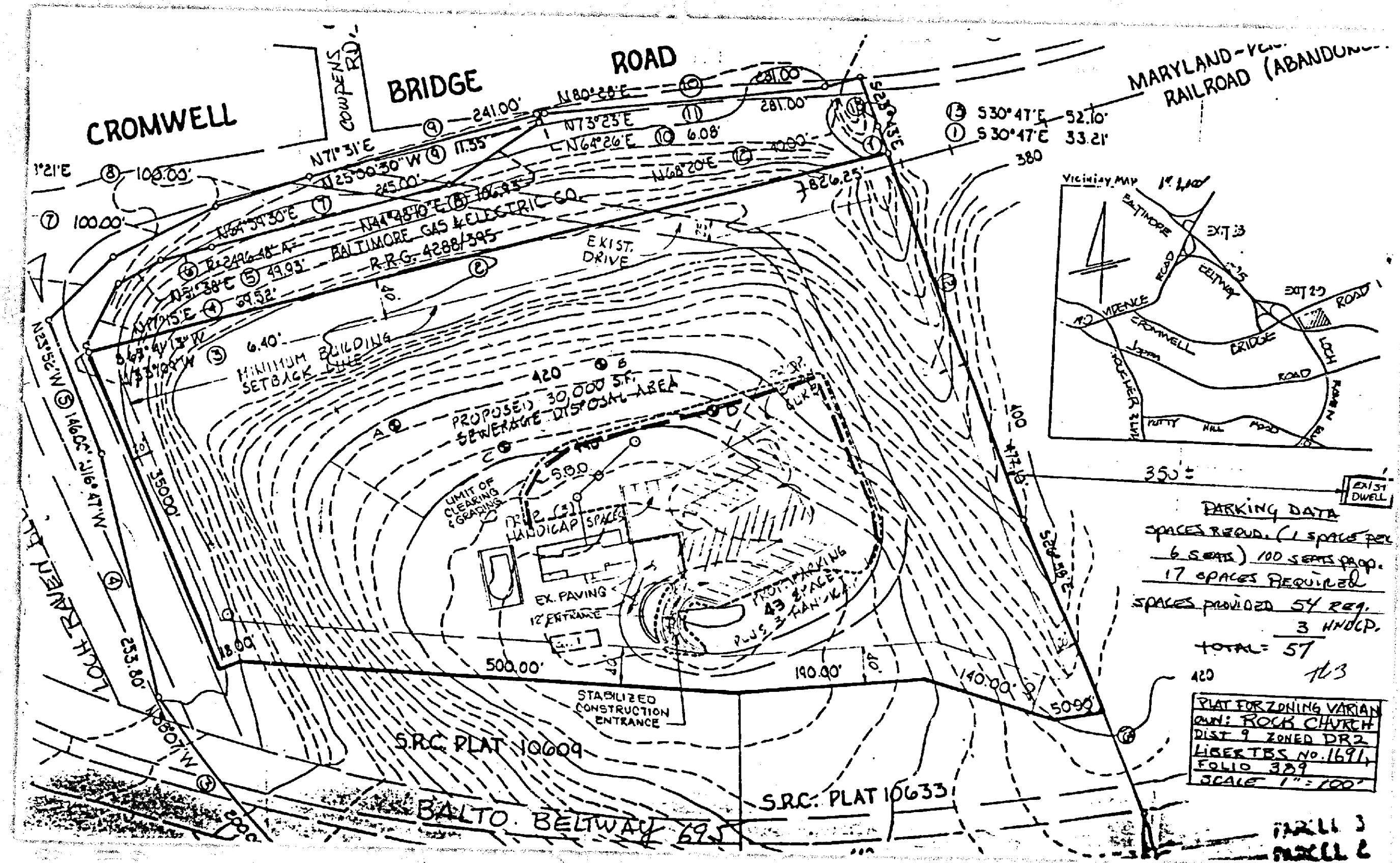
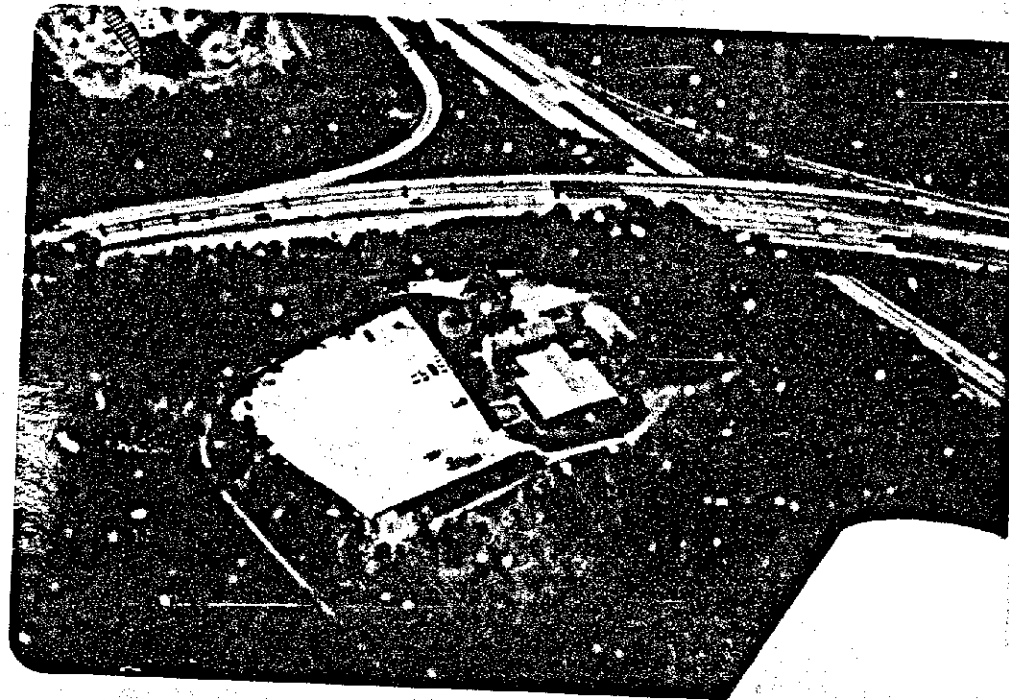
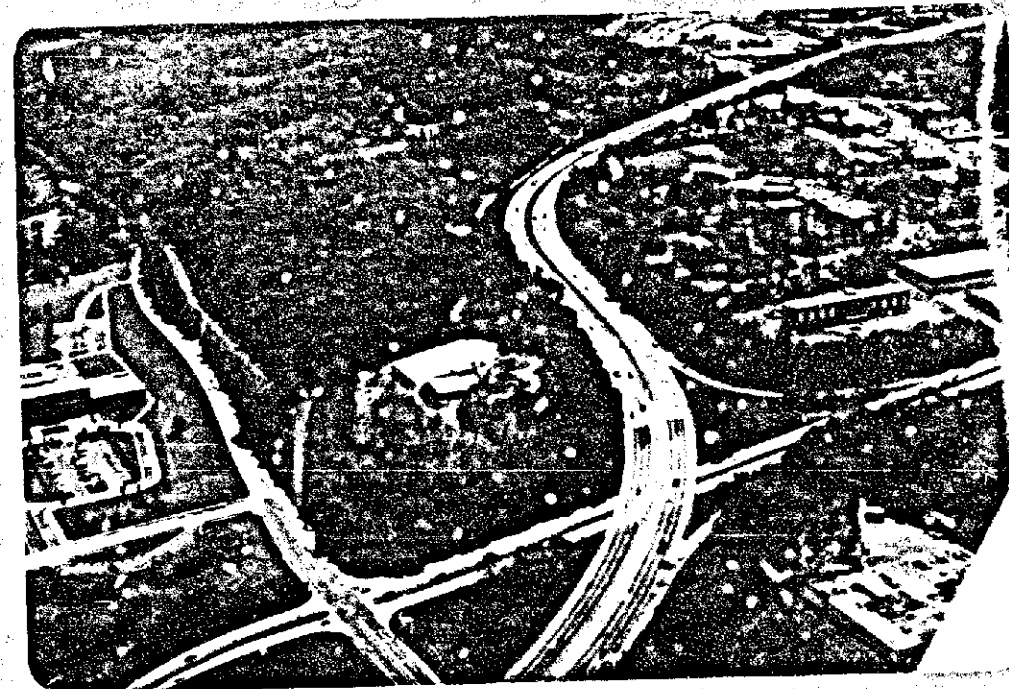
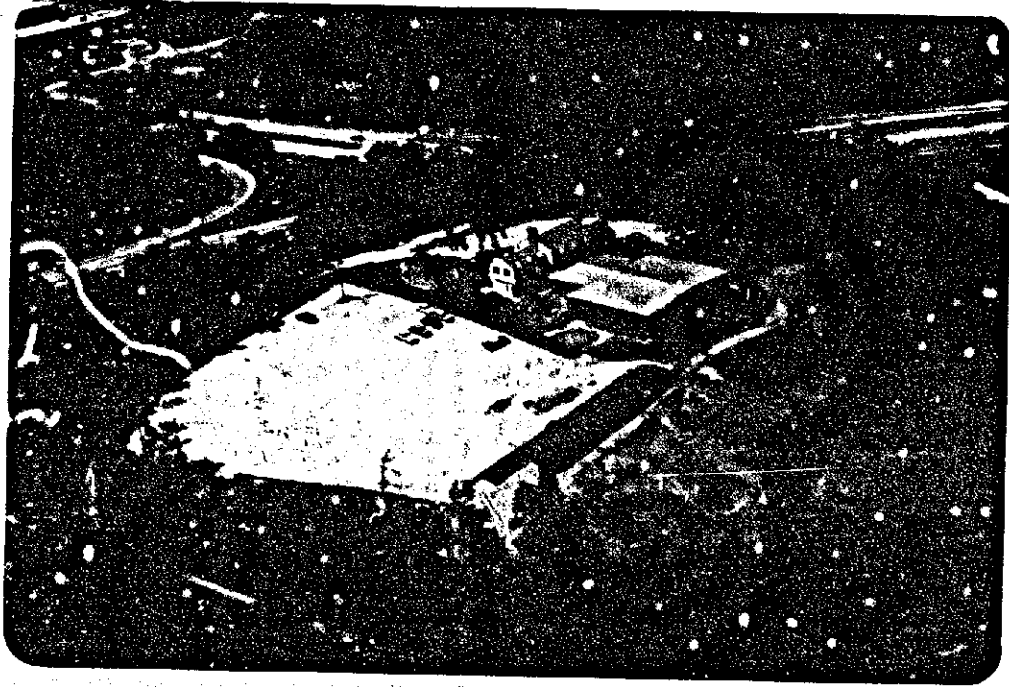
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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 19, 1996

Deborah C. Dopkin, Esquire
Rosolio, Silverman & Kotz, P.A.
Suite 220, Nottingham Centre
502 Washington Avenue
Towson, MD 21204-4513

RE: The Rock Church
Temporary Dormitory for Approx. 30
Special Needs Students
Zoning Case #91-94-SPH, #85-126-A
9th Election District

Dear Ms. Dopkin:

Reference is made to your letter of September 5 to Arnold Jablon, Director of Permits and Development Management, and your supplemental letter of September 9, both of which I will reply to. You have requested on behalf of your client, Rock Church, that this office concur that the proposed special needs student dormitory would be in keeping with the spirit and intent of the zoning regulations and the above referenced zoning cases.

At a meeting in this office on September 9, it was explained that the students had experienced abuse or neglect and would only temporarily live in the dormitory, not to exceed 90 days, after which time they would continue to attend class but they would later return to the family home or be placed in foster care or a residential facility. As was further explained, the temporary dormitory accommodations and student services, similar to transitional services offered by other religious institutions, will be "accessory to" and not change the "principal church operations" at the site.

I have discussed your proposal with Arnold Jablon and simply stated, this office would agree that the temporary dormitory use for approximately 30 special students would not conflict with the Baltimore County Zoning Regulations and would be within the spirit and intent of the zoning cases. Our final approval would be contingent upon:

1. the revision of the site plan in the latest zoning case to reflect the changes, even though the proposal may be less intense;

Deborah C. Dopkin, Esquire
September 19, 1996
Page 2

2. notifying this office and requesting re-approval should the special student accommodations be proposed to exceed 30;
3. an understanding that should there be complaints received in the Permits and Development Management Office concerning this operation that, after notification, a public hearing must be filed in this office for (a) special exception for a community care center and/or (b) special hearing to approve transitional student accommodations as accessory to a church.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 287-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

c: Councilman Joseph Bartenfelder

