IN THE MATTER OF THE APPLICATION OF MEADOWCLIFF, A NEW COVENANT CHURCH FOR A SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY PARSONAGE N/s OF BELFAST ROAD, 340' EAST OF OLD BELFAST ROAD 8th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 85-132-X

JUL 1 1987

OPINION

This case comes before this Board on appeal from a denial of a special exception by the Deputy Zoning Commissioner for a church and accessory parsonage in an R.C. 2 zone. Testimony and evidence received in this case consumed two full days of hearings.

Petitioner presented three witnesses, Mr. Albert Meyers, Petitioner and pastor of the proposed church; Mr. Wesley Guckert, traffic expert; and Frederick Walker, surveyor and land planner. Protestants presented eight witnesses, each of whom testified individually their reasons for the opposition to the granting of this special exception. People's Counsel presented one witness, Mr. Paul Solomon of the Office of Planning & Zoning for Baltimore County, an expert in agricultural purposes. All of this lengthy testimony and evidence is contained within the record produced at these two hearings and is accurately detailed in the memorandums received in this case.

From the testimony and evidence presented by Petitioner, the following statistics evolved. The proposal under the special exception is for a church building ultimately of some 20,000 square feet; a septic drainage area of 17,500 square feet; some 85,000 square feet of paved parking; a two- to three-acre storm water management area; a five- to six-acre area designated for a parsonage; and some 1,400 feet of paved driveway, all of which are to be constructed and used on a parcel of some 51 acres that is now a working farm.

Baltimore County Zoning Regulations (B.C.Z.R.) 1A01.2.A states:

> "...Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C. 2 zones."

B.C.Z.R. 1A01.2.C states:

> "The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses...." (emphasis added)

There was significant testimony that this parcel of R.C. 2 land is in fact prime agricultural land and, as such, the Board believes that it should be protected from the inroads of development and therefore maintained in an agricultural manner consistent with the spirit and intent of R.C. 2 zoning. A legislative history of B.C.Z.R. 1A01.2.C, as reflected in Bill No. 178-79, mandates that uses proposed within an R.C. 2 zone should support agricultural purposes. From the testimony and evidence received, we find as a fact that, if the proposed special exception were granted, the proposed use would not support agriculture both on-site and in the vicinity, but rather would dissect a working farm into several small parcels that may not lend themselves to profitable agricultural use and furthermore possibly disrupt the adjoining agricultural uses within the vicinity.

Section 502, B.C.Z.R., which designates the conditions for the granting of a special exception, states in 502.1.g that "the use for which the special exception is requested will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations."

Based upon the evidence received, it is the opinion of this Board that the proposed use as set forth in the Petition for Special Exception is not consistent with the spirit and intent of the B.C.Z.R. as stated in the above sections. Rather, we find that the use as proposed would be detrimental to the agricultural pursuits currently existing on-site and within the vicinity. Therefore, this Board must deny the Petition for Special Exception and will so order.

O R D E R

It is therefore this 14th day of July, 1987 by the County Board of Appeals of Baltimore County ORDERED that the special exception for a church and accessory parsonage be and the same is DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

William T. Hackett, Chairman

Lawrence E. Schmidt

Patricia Phipps

PETITION FOR SPECIAL EXCEPTION

85-132-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Church and accessory Parsonage pursuant to Section 1A01.2.C.6

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Meadowcliff, A New Covenant Church
(Type or Print Name)

G. Albert Meyers
Signature

C. Albert Meyers, Pastor
(Type or Print Name)

Signature

Attorney for Petitioner:

Gregory A. Rapisarda
(Type or Print Name)

Gregory A. Rapisarda
Signature

36 N. Hickory Avenue
Address

Bel Air, Maryland 21014
City and State

4306 Meadowcliff Road 592-2617
Address Phone No.

Glen Arm, Maryland 21057
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

C. Albert Meyers
Name

4306 Meadowcliff Road 592-2617
Address Phone No.

Attorney's Telephone No.: 838-7522

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of August, 19 84, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of November, 19 84, at 11:15 o'clock

---M.

Continued Hearing
Tuesday, February 26, 1985
at 1:00 p.m.

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE June 3, 1985
BY ADMINISTRATIVE ASSISTANT

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
N/S of Belfast Rd., 340' E of Old Belfast Rd., 8th District : OF BALTIMORE COUNTY

MEADOWCLIFF, A NEW COVENANT CHURCH, Petitioner : Case No. 85-132-X

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
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 25th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Gregory A. Rapisarda, Esquire, 36 N. Hickory Ave., Bel Air, MD 21014, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

494-3180

County Board of Appeals
Room 219 Court House
TOWSON, MARYLAND 21204

April 9, 1986

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH
FOR - SE - CHURCH AND ACCESSORY PARSONAGE
N/S BELFAST RD., 340' E. of OLD BELFAST RD.
8th DISTRICT
6/3/85 - D.Z.C. DENIED PETITION

Scheduled for hearing on Thursday, April 17, 1986, at 10 a.m. has been POSTPONED by the Board at the request of counsel for Petitioner as he will be in Court, and has been

REASSIGNED FOR: THURSDAY, AUGUST 7, 1986, at 10 a.m.

cc: Gregory A. Rapisarda, Esq. — Counsel for Petitioner
S. Eric DiNenna, Esq. — " " "
Pastor C. Albert Meyers — Petitioner
Meadowcliff, A New Covenant Church — "

David L. Bowers, Esq. — Protestant
Ms. Judy Baer — Requested Notification
F. K. Caporale — " "
Harry C. Pullen — " "
Phyllis C. Friedman — People's Counsel
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean Jung
James Dyer

Andrew Radding, Esq. — Counsel for Protestant
John Willis, Esq. — " " "

June Holmen, Secy.

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

November 14, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH
N/s Belfast Rd., 340' E of Old Belfast Rd.
8th District
SE-Church and accessory parsonage pursuant to Sec. 1AC1.2.C.6.
6/3/85 - D.Z.C.'s Order - DENIED

ASSIGNED FOR: THURSDAY, FEB. 27, 1986, at 10 a.m.

cc: Gregory A. Rapisarda, Esq. — Counsel for Petitioner
David L. Bowers, Esq. — Protestant
Paster C. Albert Meyers, Meadowcliff, A New Covenant Church — Petitioner
Ms. Judy Baer, Valley Planning Council
F. K. Caporale
Harry C. Pulen
Phyllis C. Friedman — People's Counsel
Norman Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer

June Holmen, Secy.

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

June 19, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH
N/S Belfast Rd., 340' E of Old Belfast Rd.
8th District
SE-Church and accessory Parsonage pursuant to Sec. 1A01.2.C.6.

ASSIGNED FOR: TUESDAY, OCTOBER 22, 1985, at 10 a.m.

cc: Gregory A. Rapisarda, Esq. — Attorney for Petitioner
David L. Bowers, Esq. — Protestant
Pastor C. Albert Meyers, Meadowcliff Church — Petitioner
Judy Baer, Valley Planning Council
Phyllis C. Friedman — People's Counsel
N. E. Gerber
A. G. Hoswell
Arnold Jaolon
Jean Jung
James Dyer

June Holmen, Secretary

3rd Reassignment
N/S of Belfast Road, 340' East of
Case No. 85-132-X — Old Belfast Road, 8th District
Hearing Date: 6/12/85 — Meadowcliff, A New Covenant Church -
Date: — Petitioner
SE-Church and accessory Parsonage pursuant to Sec. 1A01.2.C.6.

X	1.	Copy of Petition
X	2.	Copy of Description of Property
X	3.	Copy of Certificate of Posting (1 Sign)
X	4.	Copy of Certificates of Publication
X	5.	Copy of Zoning Advisory Committee Comments
X	6.	Copy of Comments from the Director of Planning
—	7.	Planning Board Comments and Accompanying Map
X	8.	Copy of Order to Enter Appearance
X	9.	Copy of Order — Zoning Deputy Zoning Commissioner-6/3/85, DENIED.
X	10.	Copy of Plat of Property (See Petitioner's Exhibit 1)
—	11.	200' Scale Location Plan
X	12.	1000' Scale Location Plan
X	13.	Memorandum in Support of Petition
—	14.	Letter(s) from Protestant(s)
—	15.	Letter(s) from Petitioner(s)
X	16.	Protestants' Exhibits 1 to ____ Drawings & Photographs (Circuit)
X	17.	Petitioners' Exhibits 1 to 4 #1-Plan, #2-Cockert Credentials, #3-Facial Drawing of Church, #4-Elevation Drawing
X	18.	Letter of Appeal - 6/12/85 by Gregory A. Rapisarda, Esq., on behalf of Petitioner.

Gregory A. Rapisarda, Esquire — Attorney for Petitioner
36 N. Hickory Avenue
Bel Air, Maryland 21014

David L. Bowers, Esquire — Protestant
10 Light Street
Baltimore, Maryland 21202

Ms. Judy Baer, Executive Director — Request Notification
Valley Planning Council
Box 5402
212 Washington Avenue
Towson, Maryland 21204

Phyllis C. Friedman, Esquire — People's Counsel
Norman E. Gerber — Request Notification
James Hoswell — Request Notification
Arnold Jablon — Request Notification
Jean M. H. Jung — Request Notification
James E. Dyer — Request Notification
Pastor C. Albert Meyers — Petitioner
Meadowcliff, A New Covenant Church
4306 Meadowcliff Rd.
Glen Arm, MD. 21057

F. K. Caporale — Harry C. Pulen
8 Cloverleaf Dr. — 1625 Shamrock Rd.
New Fairfield, Conn. 06812 — Sparks, MD. 21152

S. Eric DiNenna, Esq. — Counsel for Protestant
Andrew Radding, Esq.
John Willis, Esq.
(Circuit Court)

1-28-86

Mr. A. Jablon -2- September 28, 1984

It appears the former Coventry Corporation Property has been subdivided after the denial of access along Belfast Road was established by the State Highway Administration without consideration to future access beyond the end of Right of Way Line of Through Highway.

If the existing owners or developers of the above site can provide this office with additional information to dispute our finding (see SHA Plat #24764), the State Highway Administration Bureau of Engineering Access Permits request they do so.

Attached for your use and review is a copy of S.H.A. Right of Way Plat #24764.

Be advised as of the writing of this letter, we are forwarding a copy of the site plan of 8-13-84 and Right of Way Plat #24764 to the State Highway Administration Office of Real Estate for additional review and comment.

We hereby request any and all approvals for special exception be withheld until additional information is received from S.H.A. Office of Real Estate.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

By: George Wittman

Attachment

cc: Mr. J. Ogle
Mr. R. Finck

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

November 7, 1984

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

Attention: Mr. N. Commodari

Re: Additional Comments
ZAC Meeting of 8-28-84
ITEM: #45.
Property Owner: Meadowcli
Location: N/S Belfast Roa
340' E. of Old Belfast Roa
@ I-83 Interchange.
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for church and accessory parsonage.
Acres: 51.20
District: 8th

Dear Mr. Jablon:

The State Highway Administration - Bureau of Engineering Access Permits has received comments from the State Highway Administration - Office of Real Estate.

Examination of the Meadowcliff Church plan of 8-13-84 by the S.H.A. - Office of Real Estate indicated the control of access at the base line of Belfast Road (Sta. 14+50) terminated on the easterly edge of the proposed access.

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Mr. A. Jablon -2- November 7, 1984

The State Highway Administration - Bureau of Engineering Access Permits will require the site plan of 8-13-84 for the Meadowcliff Church to be revised to show the end of right of way line of through highway at Sta. 14+50 (Belfast Road) ending at the easterly edge of the proposed access road.

It is requested the plan be revised prior to a hearing date being set.

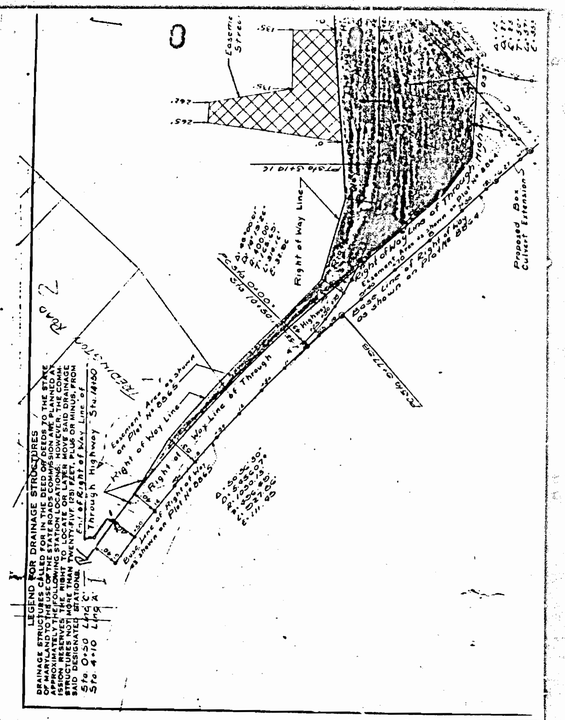
Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

By: George Wittman

cc: Mr. J. Ogle
Mr. G. Rapisaroa



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

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

10-4-84

Re: Zoning Advisory Meeting of 9-28-84
Item # 45
Property Owner: Meadowcliff
Location: N/S Belfast Rd.
E of Old Belfast Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

( ) There are no site planning factors requiring comment.
(X) A County Review Group Meeting is required.
( ) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior to issuance of a building permit.
( ) The access is not satisfactory.
( ) The circulation on this site is not satisfactory.
( ) The parking arrangement is not satisfactory.
( ) Parking calculations must be shown on the plan.
( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
( ) The amended Development Plan was approved by the Planning Board on
(X) Landscaping should be provided on this site and shown on the plan.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:

Show maintenance-free ground cover. Show a typical detail for parking area. Show profile for Cobble driveway. Crusher Run should be deleted from Note #2. Landscape Plan required as per Landscape Manual.

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

August 27, 1984

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

Item No. 41, 42, 43, 45, and 46 ZAC- Meeting of August 28, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item number 41, 42, 43, 45, and 46.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

Meadowcliff

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

PAUL H. REINCKE
CHIEF

September 10, 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: Meadowcliff

Location: N/S Belfast Rd. 340' E. of Old Belfast Road

Item No.: 45 Zoning Agenda: Meeting of 8/28/84

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 or _____ 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.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 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.

REVIEWER: Cpt. Joseph Kelly 9-10-84 Noted and Approved: George M. Wittgenstein
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

August 31, 1984

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

Dear Mr. Jablon:

Comments on Item # 45 Zoning Advisory Committee Meeting are as follows:

Property Owner: Meadowcliff
Location: N/S Belfast Road 340' E. of Old Belfast Road
Existing Zoning: R.C. 2
Proposed Zoning: Special exception for church and accessory parsonage

Acres: 51.20
District: 8th.

The items checked below are applicable:

(A.) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

(B.) A building/ & other miscellaneous 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/is 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 401, line 2, Section 1407 and Table 1402, also Section 503.2.

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

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 401.

(I.) Comments -All classrooms to be used for church related classes only or will they also be used for State accredited education uses full time weekly? Plans does not show compliance to handicapped code requirements of the State Code or Section 515.0 of Baltimore County Building 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 E. Burnham, Chief
Plans Review

CEB:mg

1-28-88

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 20, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Gregory A. Rapisarda, Esquire
36 N. Hickory Avenue
Bel Air, Maryland 21014

RE: Item No. 45
Petitioner - Meadowcliff
Special Exception Petition

Dear Mr. Rapisarda:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

State Highway Administration - Geroge Wittman - 659-1350

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc

85-149-A

JAN 18 8 AM

GREGORY A. RAPISARDA
ATTORNEY AT LAW
36 N. Hickory Avenue
Bel Air, Maryland 21014
838-7522 879-8311

Associate
Patrick D. Haskins

Zoning Department
By

January 16, 1985

Jean Marie Jung
Hearing Examiner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
N/S of Belfast Rd., 340' E of
Old Belfast Rd., 8th District

Meadowcliff New Covenant Church,
Petitioner
85-149-X

Dear Ms. Jung:

This will confirm that the above entitled case has been scheduled for hearing for Tuesday, February 26, 1985 at 1:30 p.m. By copy of this letter, I am advising the attorney for the Protestants of this date.

Thank you for your attention to this matter.

Yours truly,

Gregory A. Rapisarda

GAR:ms
cc: David L. Bowers, Esquire
Albert Meyers

GREGORY A. RAPISARDA
ATTORNEY AT LAW
36 N. Hickory Avenue
Bel Air, Maryland 21014
838-7522 879-8311

Associate
Patrick D. Haskins

December 14, 1984

Jean Marie Jung
Hearing Examiner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
N/S of Belfast Rd., 340' E of
Old Belfast Rd., 8th District

Meadowcliff New Covenant Church,
Petitioner
85-149-X

Dear Ms. Jung:

The above entitled case was scheduled for hearing on November 14, 1984. The applicants were given thirty (30) days to present an architect's rendering of the proposed building. Due to my vacation and my client being out of town, together with delays in obtaining the information necessary to complete the sketch, I would request an additional thirty (30) day extension to allow further discussions between the parties.

Mr. David Bowers, attorney for the protestants, has been advised of this request for extension.

Yours truly,

Gregory A. Rapisarda

GAR:ms
cc: David L. Bowers, Esquire

GREGORY A. RAPISARDA
ATTORNEY AT LAW
36 N. Hickory Avenue
P.O. Box 543
Bel Air, Maryland 21014
838-7522 879-8311

Associate
Patrick D. Haskins

September 26, 1985

County Board of Appeals of Baltimore County
Hearing Room #218
Room 200
Court House
Towson, Maryland 21204

Re: Case No. 85-132-X
Meadowcliff, A New Covenant Church
N/S Belfast Rd., 340'E of Old Belfast Rd.
8th District
SE-Church and accessory Parsonage
pursuant to Sec. 1A01.2.C.6.

Gentlemen:

Please postpone the hearing in the above entitled case presently scheduled for October 22, 1985 at 10:00 A.M. by agreement of counsel. We would ask that the hearing be postponed until after January, 1986.

We anticipate that the hearing will continue for two days. A postponement until after January, 1986 will allow the scheduling of the expert witnesses who will be called in this case.

Yours truly,

Gregory A. Rapisarda

cm

cc: David L. Bowers, Esquire

10/1/85 per Walt Haas

RECEIVED
COUNTY BOARD OF APPEALS
'85 OCT -3 A 9:36

LAW OFFICES
MILES & STOCKBRIDGE
405 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

TELEPHONE 301-821-0565
CABLE MILESRIDGE
TELEX 87-511

10 LIGHT STREET
BALTIMORE, MARYLAND 21202

124 NORTH WEST STREET
EASTON, MARYLAND 21601

40000 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

240 HUNGERFORD COURT
ROCKVILLE, MARYLAND 20850

1701 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006

DAVID L. BOWERS

January 7, 1986

Ms. June Holmen
Secretary
County Board of Appeals
of Baltimore County
Room 200, Court House
Towson, Maryland 21204

Re: Case No. 85-132-X
Meadowcliff, A New Covenant Church

Dear Ms. Holmen:

I received your notice of the hearing in the captioned case which has been assigned for Thursday, February 27th at 10:00 A.M. I had been scheduled by the Health Claims Arbitration Office of Maryland to begin hearing in a case on Monday, February 24, 1986, which it is anticipated will take four days to complete.

Accordingly, I must request a postponement of the captioned hearing. I am available during the week of March 10, 1986 and through the first four days of the week of March 24, 1986. Of course, Friday, March 28th is Good Friday. I am also available during the week of April 14, 1986.

By a copy of this letter to Mr. Rapisarda, I am advising him of this request.

Please advise if the captioned case can be rescheduled during the times I have indicated. Thank you for your cooperation and assistance.

Very truly yours,

David L. Bowers

DLB/ck

cc: Gregory A. Rapisarda, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
'86 JAN -9 P 3:37

WTH to PP 1/22/86
Reset 4/17 - counsel could have said no objection from Rapisarda

---

COPY

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

(301) 296-6820

April 9, 1986

David Bowers, Esquire
Miles & Stockbridge
Equitable Towson Building
401 Washington Avenue
Towson, Maryland 21204

RE: Case No.: 85-132-X
Meadowcliff/Petitioner
N/S Belfast Road
340 ft. E/Old Belfast Road
8th Election District

Dear Dave:

This is to confirm our conversation this date where you agreed on the date of August 7, 1986, as the date for the hearing before the County Board of Appeals.

I contacted Chairman Hackett and he indicated to me that Notices will be sent out to counsel advising that the hearing on April 7, 1986, is postponed and re-scheduled for August 7, 1986.

If you have any questions concerning this, please contact me.

Very truly yours,

S. ERIC DINENNA

SED:kar

cc: Meadowcliff New Covenant Church
Greg Rapisarda, Esquire
William Hackett, Chairman

RECEIVED
COUNTY BOARD OF APPEALS
'86 APR 10 A 10:52

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820

October 28, 1986

Peter Zimmerman, Esquire
Deputy Peoples Counsel
Court House
Towson, Maryland 21204

RE: Petition of Meadowcliff
Case No.: 85-132X

Dear Pete:

Enclosed herewith please find a copy of an amended plan concerning the above-captioned matter which I intend on submitting to the County Board of Appeals.

As you can see, except for the location of the church, it is substantially the same as the original plan and there is no need for any reference back to county agencies for review.

But as a courtesy, I am delivering to Mr. Solomon of the Office of Planning and Zoning a copy of this plan for any comments he wishes to make to you and later to the Board.

Very truly yours,

S. ERIC DINENNA

SED:bk
Enclosure
cc: Andrew Radding, Esquire
Mr. Paul Solomon
Reverend C. Albert Meyers
County Board of Appeals

NOTE: THE ADDRESS STATED ABOVE WILL BE EFFECTIVE NOVEMBER 1, 1986.
THANK YOU.

RECEIVED
COUNTY BOARD OF APPEALS
'86 OCT 29 P 2:22

Baltimore County, Maryland

Date

To: Mr. Hackett

From: J. H.

- ☐ Please Note & File
- ☐ For Your Information
- ☐ Please Note & Return
- ☐ Please Handle
- ☐ Please answer, Sending me Copy of your letter
- ☐ Please Prepare reply for my Signature

☐ To be Signed
☐ Please Comment
☐ Please See Me
☐ Investigate & Report

Remarks: Eric DiNenna said he technically agrees the postponement. Call him if you have any questions. (He also said Atty. Tate is putting out false & probably wouldn't be so bad to have it later.)

Recycled Paper

OFFICES
SENFELD, P.A.
AL CORPORATION
H FLOOR
ES CENTER
ARYLAND 21201
—
30-7600

July 15, 1986

Case Number 85132-X
Meadowcliff, A
New Covenant Church

I have recently entered my appearance on behalf of the Protestants in the above-captioned matter and received notification that this matter is scheduled for hearing on Thursday, August 7, 1986.

I will be out of town for the week beginning July 19, 1986 and will not be returning to my office until July 28, 1986. As recently retained counsel, I respectfully request a postponement of the August 7, 1986 hearing date to allow myself time to become familiar with all of the issues in this matter. As you can well imagine, there is a great deal of research and preparation to be done and, I fear, too little time in which to do it.

I only request a continuance of 30 days. I am certain I could be prepared in that period of time.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Andrew Radding

AR:dsc

cc: S. Eric DiNenna, Esquire
David L. Bowers, Esquire
Mr. Arnold Jablon
Mr. James Dyer
F. K. Caporale
Ms. Lisa Keir
Mr. Harry C. Pullen
Ms. Phyllis C. Friedman
Mr. Norman E. Gerber
Mr. James G. Hoswell
Ms. Jean Jung

Rec'd 4/30 Hackett

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COUNTY BOARD OF APPEALS
'86 JUL 18 A 11:07

1-28-88

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 10, 1985

NOTICE OF POSTPONEMENT

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH

N/s Belfast Rd., 340' E of Old Belfast Rd.

8th District

SE-Church and accessory Parsonage pursuant to Sec. 1A01.2.C.6.

Assigned for hearing on TUESDAY, OCTOBER 22, 1985, at 10 a.m.,

HAS BEEN POSTPONED by the Board at the request of Counsel for Petitioner:

cc: Gregory A. Rapisarda, Esq. — Attorney for Petitioner
David L. Bowers, Esq. — Protestant
Pastor C. Albert Meyers — Petitioner
Meadowcliff Church
Judy Baer, Valley Planning Council
Phyllis C. Friedman — People's Counsel
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer
F. K. Caporale

June Holmen, Secretary

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

January 22, 1986

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTE WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONE.. ITS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH

FOR - SE - CHURCH AND ACCESSORY PARSONAGE

N/S BELFAST ROAD 340' E. OF OLD BELFAST ROAD

8th DISTRICT

6/3/85 - D.Z.C. DENIED PETITION

Scheduled for hearing on Thursday, February 27, 1986 at 10 a.m. has been POSTPONED by the Board at the request of counsel for Protestant as he will be in court, and has been

REASSIGNED FOR: THURSDAY, APRIL 17, 1986 at 10 a.m.

cc: Gregory A. Rapisarda, Esquire — Counsel for Petitioner
S. Eric DiNenna, Esq. — " " "
Pastor C. Albert Meyers — Petitioner
Meadowcliff, A New Covenant Church
David L. Bowers, Esquire — Protestant
Ms. Judy Baer, Executive Director — Requested Notification
Valley Planning Council
F. K. Caporale — " "
Harry C. Pullen — " "
Phyllis Cole Friedman — People's Counsel
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Edith T. Eisenhart, Adm. Secretary

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

July 14, 1987

S. Eric DiNenna, Esquire
Suite 600, 409 Washington Avenue
Towson, MD 21204

RE: Case No. 85-132-X
Meadowcliff, A New Covenant Church

Dear Mr. DiNenna:

Enclosed is a copy of the final Opinion and Order passed today by the County Board of Appeals regarding the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Pastor C. Albert Meyers
David L. Bowers, Esquire
Ms. Judy Baer
Andrew Radding, Esquire
John Willis, Esquire
F. K. Caporale
Mr. Harry C. Pullen
Phyllis Cole Friedman, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 10, 1987

(CONTINUED FROM 3/10/87)
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

(CONTINUED FROM 3/10/87)

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH

FOR SE -CHURCH AND ACCESSORY PARSONAGE

N/s BELFAST ROAD, 340' E OF OLD BELFAST ROAD

8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

6/3/85 -D.Z.C. denied Petition

ASSIGNED FOR: THURSDAY, APRIL 23, 1987 at 11:30 a.m.
(CONTINUED HEARING)

cc: David L. Bowers, Esquire — Protestant
Andrew Radding, Esquire
John Willis, Esquire — Counsel for Protestant
Pastor C. Albert Meyers — Petitioner
S. Eric DiNenna, Esquire — Counsel for Petitioner
Ms. Judy Baer
Mr. Harry C. Pullen
F. K. Caporale
Phyllis Cole Friedman, Esquire — People's Counsel
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathi C. Weidenhammer
Administrative Secretary

IN THE MATTER OF THE APPLICATION OF MEADOWCLIFF, A NEW COVENANT CHURCH FOR A SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY PARSONAGE N/s OF BELFAST ROAD, 340' EAST OF OLD BELFAST ROAD 8th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT : BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY : CASE NO. 85-132-X

OPINION

This case comes before this Board on appeal from a denial of a special exception by the Deputy Zoning Commissioner for a church and accessory parsonage in an R.C. 2 zone. Testimony and evidence received in this case consumed two full days of hearings.

Petitioner presented three witnesses, Mr. Albert Meyers, Petitioner and pastor of the proposed church; Mr. Wesley Guckert, traffic expert; and Frederick Walker, surveyor and land planner. Protestants presented eight witnesses, each of whom testified individually their reasons for the opposition to the granting of this special exception. People's Counsel presented one witness, Mr. Paul Solomon of the Office of Planning & Zoning for Baltimore County, an expert in agricultural purposes. All of this lengthy testimony and evidence is contained within the record produced at these two hearings and is accurately detailed in the memorandums received in this case.

From the testimony and evidence presented by Petitioner, the following statistics evolved. The proposal under the special exception is for a church building ultimately of some 20,000 square feet; a septic drainage area of 17,500 square feet; some 85,000 square feet of paved parking; a two- to three-acre storm water management area; a five- to six-acre area designated for a parsonage; and some 1,400 feet of paved driveway, all of which are to be constructed and used on a parcel of some 51 acres that is now a working farm.

Baltimore County Zoning Regulations (B.C.Z.R.) 1A01.2.A states:

"...Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C. 2 zones."

B.C.Z.R. 1A01.2.C states:

"The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses...." (emphasis added)

There was significant testimony that this parcel of R.C. 2 land is in fact prime agricultural land and, as such, the Board believes that it should be protected from the inroads of development and therefore maintained in an agricultural manner consistent with the spirit and intent of R.C. 2 zoning. A legislative history of B.C.Z.R. 1A01.2.C, as reflected in Bill No. 178-79, mandates that uses proposed within an R.C. 2 zone should support agricultural purposes. From the testimony and evidence received, we find as a fact that, if the proposed special exception were granted, the proposed use would not support agriculture both on-site and in the vicinity, but rather would dissect a working farm into several small parcels that may not lend themselves to profitable agricultural use and furthermore possibly disrupt the adjoining agricultural uses within the vicinity.

Section 502, B.C.Z.R., which designates the conditions for the granting of a special exception, states in 502.1.g that "the use for which the special exception is requested will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations."

Based upon the evidence received, it is the opinion of this Board that the proposed use as set forth in the Petition for Special Exception is not consistent with the spirit and intent of the B.C.Z.R. as stated in the above sections. Rather, we find that the use as proposed would be detrimental to the agricultural pursuits currently existing on-site and within the vicinity. Therefore, this Board must deny the Petition for Special Exception and will so order.

ORDER

It is therefore this 14th day of July, 1987 by the County Board of Appeals of Baltimore County ORDERED that the special exception for a church and accessory parsonage be and the same is DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Lawrence E. Schmidt

Patricia Phipps

RE: PETITION FOR SPECIAL EXCEPTION N/S BELFAST ROAD, 340' E/OLD BELFAST ROAD 8TH ELECTION DISTRICT MEADOWCLIFF, A NEW COVENANT CHURCH Petitioner * BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 85-132-X

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COUNTY BOARD OF APPEALS
1987 JUN 15 PM 3:33

MEMORANDUM

Now Come the Protestants, David L. Bowers, Judith Watts, the Greater Sparks Glencoe Community Council, Inc., et. al., Andrew Radding and John T. Willis, Blades & Rosenfeld, P.A., their attorneys, and file this Memorandum pursuant to the direction of the Board of Appeals.

STATEMENT OF THE CASE

On August 13, 1984 the Petitioner, Meadowcliff, a New Covenant Church, filed a petition for a special exception for a church and an accessory parsonage pursuant to Section 1A01.1.C.6 of the Baltimore County Zoning Regulations (hereinafter sometimes cited as "BCZR").

A hearing on this petition was held on February 26, 1985 before the Deputy Zoning Commissioner of Baltimore County. A written decision denying the petition for special exception was rendered on June 3, 1986.

The Petitioner filed an appeal from this decision to the Board of Appeals for Baltimore County on June 12, 1986. On October 30, 1986, the Board of Appeals granted a continuance for the hearing of this matter after the Petitioner submitted a

1-28-88

revised site development plan.

Testimony and evidence was subsequently presented by the Petitioner, Protestants and People's Counsel on March 10, 1987 and April 23, 1987. Upon joint motion of the parties the Board of Appeals authorized the filing of post-hearing Memorandums.

STATEMENT OF FACTS

The Petitioner seeks approval for the construction of a 20,292 square foot building and related facilities to be erected on a 51.20 acre parcel of land on the north side of Belfast Road in the Eighth (8th) Election District of Baltimore County. The property is designated as Lot 5 of Parcel 38 on Baltimore County Tax Map No. 28. (See Protestants' Exhibits 21 and 23). The subject property is located within the "Resource Conservation-Agriculture" ("R.C. 2") zoning classification (See Petitioner's Exhibit 5) and is also located at the northeast corner of the "Western Run-Belfast Road Historic District" which is listed in the National Register of Historic Places (See Protestants' Exhibits 12 and 15).

Testifying on behalf of the Petitioner, Meadowcliff, a New Covenant Church, was Mr. C. Albert Meyers, the owner of a construction company by a vocation as well as the titular leader of the religious corporation, Meadowcliff Church, Inc. (See Petitioner's Exhibit 6 and Protestants' Exhibit 1). Mr. Meyers testified that the subject property would be used as a meeting place and place of worship for the members of his church. He also stated that a parsonage was planned for the property and

that church functions such as regional meetings, picnics, recreational activities, etc., would take place on the property.

Petitioner's Exhibit 2 is a proposed site plan for the subject property which depicts a 20,292 square foot building, a septic drainage area of 17,500 square feet, approximately 1,400 feet of an internal driveway traversing the property, approximately 85,000 square feet of macadam parking, a 2-3 acre storm water management area and a 5-6 acre area in the northwest corner designated for a parsonage.

Insofar as additional facts are inextricably related to the relevant issues of law, and may be controverted, they will be set forth as necessary in the arguments presented below.

ARGUMENT

Introduction

This is an exceptional and precedent setting case. It is not the length of the hearing or the myriad of witnesses which distinguish the subject petition for a special exception from other requests which have come before the County Board of Appeals for Baltimore County. While important to the Petitioner, the immediately surrounding neighbors and the entire Western Run-Belfast Road Historic District, the significance of this case transcends the parties.

The subject property is a unique parcel of land in a unique portion of Baltimore County. The decision in the matter before you is of extreme importance in maintaining the integrity of land use planning in Baltimore County and in assuring success

of the efforts of the State of Maryland and Baltimore County to foster conditions favorable to the continued agricultural use of productive agricultural land. It is a case deserving careful evaluation of the evidence, strict adherence to the purposes of the relevant statutory framework and thorough application of the facts to the appropriate legal standards. Your attentiveness to the witnesses, scrutiny of the various exhibits and patience in the proceedings has been greatly appreciated.

I.

THE REQUESTED SPECIAL EXCEPTION WOULD BE DETRIMENTAL TO THE PRIMARY AGRICULTURAL USES IN ITS VICINITY

The zoning classification in which the subject property is located, "Resource Conservation - Agriculture" (hereinafter sometimes cited as "R.C. 2") is truly special and extraordinary. Its very title implies a special nature as it is the only zone of Baltimore County's 23 zoning classifications that contains the word "Agriculture".

The resource conservation zones were added to the Baltimore County zoning ordinance in 1975 to, among other reasons, decrease the development of rural areas and control "very undesirable land use patterns". See Section 1A00 - "GENERAL PROVISIONS: ALL R.C. CLASSIFICATIONS, Baltimore County Zoning Regulations." The purpose of the "R.C. 2" zoning classification is "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of

urban use." Section 1A01.1.B, "BCZR."

At the hearing before the Board on April 23, 1987, Paul J. Solomon, the Environmental Planner for Baltimore County, testified at length regarding the importance of the "R.C. 2" zone. Its significance was also emphasized by Jeremy V. Criss, Program Administrator for the Baltimore County Agriculture Land Preservation Program, and Wayne McGinnis, a working farmer and Chairman of the Baltimore County Agriculture Land Preservation Group. Their testimony clearly and vividly underscored the legislative history, findings and purposes of the "R.C. 2" zoning classification. The Board of Appeals of Baltimore County recently recognized the value of the "R.C. 2" zoning classification and the importance of preserving and protecting farmland in the matter of The Petition of Conservation Associates, County Board of Appeals for Baltimore County, Case No. R-86-110 (May 1, 1987) (Attached hereto as Appendix A.)

The uniqueness of the "R.C. 2" zone, and the careful consideration to be given proposed uses located within this zone, is further exhibited by the additional requirement imposed on uses permitted by special exception. Section 1A01.2C of the Baltimore County Zoning Regulations provides, in pertinent part:

> "The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity;..."(emphasis added)

In the hearing before the Board of Appeals in this case the Petitioner failed to meet its burden of demonstrating that

the proposed special exception would not be detrimental to the primary agricultural uses. The generalized statements of the Petitioner's leader, Mr. Meyers, that they "might" plant an orchard and would try to keep all of the unused land in crops is simply not sufficient.

The landscape architect who testified for the Petitioner stated he felt the proposed use would be compatible with the agriculture uses in the vicinity because it was buffered by I-83 and Belfast Road. However, this witness acknowledged that he had no training or background in agriculture, did not know the soil types or classifications of the subject property, did not know the number of acres currently being farmed on the property, did not know the number of acres in the "R.C. 2" zoning classification and did not compare this particular property with similar properties located in the "R.C. 2" zones of Baltimore County. In short, the Petitioner's evidence on this crucial factor - the impact on agricultural use - was less than a scintilla.

In contrast to the Petitioner, the Protestants and People's Counsel offered abundant evidence on the adverse impact of the requested special exception on agriculture uses. The Environmental Planner for Baltimore County, Paul J. Solomon, the Program Administrator for the Baltimore County Agricultural Land Preservation Program, Jeremy V. Criss, and the Chairman of the Baltimore County Agricultural Land Preservation Group, vice president of the Baltimore County Soil Conservation District and

a working farmer, Wayne McGinnis, all testified that the proposed use of the Petitioner would adversely affect the agricultural uses of the property and the vicinity. The educational and professional credentials of these witnesses were outstanding and their testimony forthright, clear and convincing.

The subject property contains some of the best soil and productive land in Baltimore County. Over eighty percent (80%) of the land on the subject property is rated as prime and productive soils. (See Protestants' Exhibit 21). Mr. McGinnis described the conestoga soils on the property as the best and with the highest productive capacity in Baltimore County. Mr. Solomon likewise attested to the productivity of the soils and added his personal observations about the 1986 fall corn harvest. Mr. Criss evaluated the subject property under the strict criteria for participation in the Agricultural Land Preservation Program and found that it would be considered as having a "high priority" rating.

According to the Petitioner's planner and a study of the proposed site plan, approximately 7 to 10 acres of the productive agricultural land on the subject property would be consumed by the proposed building and roads and another 2 to 3 acres would be consumed by the storm water management requirements. There can be no doubt that the requested special exception would be detrimental to the current agricultural use of the subject property. It would be an absolute loss of some of the Baltimore County's best agricultural land. This doesn't even account for

the parsonage use or ancillary recreational uses which can reasonably be expected to accompany the proposed use as Mr. Meyers acknowledged and which would eliminate yet another 5-6 acres of prime and productive land. Such usage of the property would make the entire parcel unsuitable for the agricultural uses presently occurring on the property in the opinion of Mr. Solomon and Mr. McGinnis.

Not only would the proposed special exception be detrimental to the agricultural use of the 51.20 acre parcel itself (both the land directly lost and the remaining acreage on the site) but it would also adversely impact agricultural uses in the vicinity. The subject property is located in an area of the county which, according to Mr. Criss, is a "designated area of priority" for the agriculture preservation programs. These are areas where there is pressure to convert farmland to other uses but where there is still an opportunity to preserve and protect quality agricultural land by expanding preservation and easement programs. (See Protestants' Exhibit 22, page 2) Located along the western edge of a major highway and the eastern edge of a national register historic district, this particular property reflects the heavy tension between developmental pressure and good land use management with preservation goals.

As shown on Protestants' Exhibit 18 there are nearby properties which are in preservation districts and on which permanent agriculture easements have been granted. The subject property qualifies for a high priority of consideration in the

preservation programs and would be actively sought by the responsible governmental agencies. The granting of this proposed special exception would eliminate the potential of the subject property for participation in these important land use programs of the State of Maryland and Baltimore County and would lessen the goal of enlarging agricultural preservation areas and easements in the Western Run-Belfast Road vicinity and in Baltimore County generally.

Finally, the potential precedent setting impact of this request should not be ignored. Mr. Solomon of the Baltimore County Planning Office expressed deep concern over the potential disruption to this stable farming region of the county and how the loss of this productive land to agricultural use would be perceived by rural landowners, developers and farmers. To take literally over 50 acres of Baltimore County's prime agriculture land out of its productive agricultural use would totally frustrate the purposes of the "R.C. 2" zoning classification.

II.

THE REQUESTED SPECIAL EXCEPTION DOES NOT SATISFY THE REQUIREMENTS OF SECTION 502.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS

Any petition for a special exception in Baltimore County may not be granted unless it appears that the use which is requested will not, under Section 502.1, of the Baltimore County Zoning Regulations:

> "a. Be detrimental to the health, safety, or general welfare of the locality involved;

1-28-88

b. Tend to create congestion in roads, streets or alleys therein;

c. Create a potential hazard from fire, panic or other dangers;

d. Tend to overcrowd land and cause undue concentration of population;

e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

f. Interfere with adequate light and air;

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations."

While the Protestants believe that the Petitioner's failure to satisfy Section 1A01.2C, "BCZR", as set forth in Argument I above, constitutes grounds for denial of the requested special exception, it is also asserted that the Petitioner has failed to meet the standards required for the granting of any special exception in Baltimore County. The definition of a "special exception" means that a proposed use of land is not automatic or a matter of right and that the proposed use requires an affirmative action by an administrative body. The introductory "Note" to Section 502 of the Baltimore County Zoning Regulations acknowledges these principles in the observations that special exceptions may create unsatisfactory results if uncontrolled, may be inherently objectionable requiring extra regulation, may not fit into any particular zone "and therefore

must be located with discrimination in relation to their surroundings and may "have certain aspects which call for special consideration of each proposal."

The proposed use of a church and related facilities is the kind of use which requires special consideration in the "R.C. 2" zone. The evidence presented by the Petitioner was, at best, cursory and conclusory, on several of the relevant factors and totally absent with respect to other factors which should be considered by this Board.

The Petitioner did present a qualified traffic expert who concluded that the proposed use would not adversely effect traffic conditions or the "Level of Service" of Belfast Road. However, even this evidence fails to consider the particular circumstances of the property's location, the potential for intensification of use and the appropriate standards for comparison. The traffic study which was prepared for the original hearing date of October 30, 1986, contains several weaknesses. Nowhere in the traffic or study is there a comparison of Belfast Road with other similar roadways in Resource Conservation zones or in National Register Historic Districts of this type nor is there a standard set forth in the report for roadways of this type. Instead, the report focuses, predictably, on "Level of Service" and "intersection capacity" - traffic engineering terms of art of little relevance to a unique area and to this case.

An example of the consequences of irrelevant standards can

be demonstrated by the statistics compiled by the study. Based upon information supplied by the Petitioner it was estimated that the peak use of the subject property would occur between 10:00 a.m. and 11:00 a.m. on Sunday mornings. The traffic count taken on Sunday, October 26, 1986 showed 49 vehicles traveling eastbound and 41 vehicles traveling westbound on Belfast Road in front of the subject property during that hour. Based upon the Petitioner's assumptions, the traffic expert estimated a maximum of 250 cars or 500 additional trips during this period. These total trips would be more than five (5) times what currently exists on Belfast Road during this time period. While perhaps safe from an engineers point of view there can be no dispute that such a volume would dramatically increase traffic congestion in this rural historic district. Other potential problems arising from evening meetings and regional gatherings which would produce greater volumes of traffic can be easily envisioned as adversely affecting normal traffic patterns on historic Belfast Road. The proper standard for considering traffic impact is not a purely mechanical analysis but a pragmatic assessment of the impact on the particular area, in this case a predominently rural, agricultural area in a certified historic district. See Gotach v. Board of County Commissioners, 60 Md. App. 477, 483 A.2d 786 (1984).

Insofar as the proposed special exception would frustrate the purpose of the "R.C. 2" zoning classification in which the property is located, subsections a, d and g of Section 502.1,

"BCZR" are clearly offended. The arguments presented in Paragraph I above concerning agricultural use are herein incorporated by reference and are relevant to the Board's decision under these portions of the Baltimore County Zoning Regulations.

The "spirit and intent of the Zoning Regulations" and "the general welfare of the locality involved" are also offended by the requested special exception because its granting would represent an unwarranted intrusion and unalterable violation of the "Western Run - Belfast Road Historic District" which was placed on the National Register of Historic Places on January 23, 1979. (See Protestants' Exhibit 15; Federal Register, March 18, 1980, page 17450)

The special nature of this historic district is set forth in great detail in the Nomination Form which was presented to the Board. The narrative of this exhaustive study of the area concludes with this observation:

> Preservation efforts are evident everywhere in this district. The fact that although the mills, stores and other commercial-industrial structures have all but disappeared or been remodeled for private dwellings, the large working farms with their open spaces the wooded ridges and the many early nineteenth century domestic buildings have survived attests to the desire of the inhabitants to retain this rural district as it was when first settled. Although several efforts have been made to develop the area adjoining Interstate #83 on the eastern edge of the district and a tract near the intersection of Western Run and Shawan Roads, these newer houses have not yet had a severe impact on the whole district. The possibility of further development and the probably widening of Shawan Road presents an ever present fear among the residents. The valley as a whole is worthy of

of Baltimore County. It is in the public interest to maintain the character of the "Resource Conservation - agriculture" zone and the "Western Run-Belfast Road Historic District." The general welfare of the public is enhanced by the preservation of historical and agricultural areas. The benefits are not merely passive but are dynamic to the extent that they bolster property values, are an attraction to industry and business and foster good land use management. Mr. William Boucher, real estate developer, nearby property owner and executive director of the Greater Baltimore Committee for 26 years, testified that maintaining the subject property in agricultural use would facilitate the positive and dynamic consequenses of preservation and good land use management. Similarly, Mr. McGrain described the general benefits which flow from maintaining the integrity of historic districts and community character.

The Maryland Court of Appeals in Mayor and City Council of Baltmore v. Mano Swartz, Inc., 268 Md. 79, 91-92, 299 A.2d 828, 835 (1973), observed:

> "It has long been recognized that the police power may rightly be exercised to preserve an area which is generally regarded by the public to be pleasing to the eye or historically or architecturally significant."

The Deputy Zoning Commissioner for Baltimore County accurately perceived the positive benefits of historical and agricultural preservation and significance of these factors in the decision below. This Board should likewise uphold the general welfare and the purposes and intent of the Zoning Regulations by denying the requested special exception.

III.

THE REQUESTED SPECIAL EXCEPTION HAS ADVERSE IMPACT AT THIS PARTICULAR LOCATION GREATER THAN AT OTHER LOCATIONS IN THE R.C. 2 ZONING CLASSIFICATION

The Petitioner has predictably argued before the Board of Appeals during the hearing, and in its prior Memorandum to the Deputy Zoning Commissioner, that it has met the criteria for the granting of special exceptions established under Schultz v. Pritts, 291 Md.1 432 A.2d 1319 (1981). However, the Petitioner misperceives the Schultz standard and has failed to provide sufficient facts to support the request for this proposed use at this particular location.

It should be noted that the rules enunciated in Schultz v. Pritts, supra, did not and do not hinder a legislative body from establishing criteria for the evaluation of special exceptions. See Gotach v. Board of County Commissioners, 60 Md. App. 477, 483 A2d 786 (1984); Schultz v. Pritts, supra at 20-22, 432 A.2d at 1330. Therefore, to the extent that Section 1A01.2c. establishes a specific criteria for evaluating special exception petitions in the "R.C. 2" zone, the Schultz standard is not applicable to this case.

Assuming arguendo that the principles enunciated in Schultz v. Pritts, supra, did apply without qualification to the instant case, it is submitted that special exception request should be denied because of the particular adverse impacts of the propcsed use at this particular location.

The subject property is a unique parcel of land. It is

unique because of its location; because of its concentration of prime and productive soils; because of its relationship to adjacent land and the surrounding neighborhood; and, because of its zoning classification and historic district status.

It may be difficult to imagine how a single 51 acre parcel of land can be unique, but it is! There are 632.59 square miles or 404,858 acres in Baltimore County.[1] Of the total area subject to the Baltimore County Zoning Ordinance and Regulations, 121,700 acres (30.01%) are classified in the "R. C. 2" zone. Of this most valuable agriculture land only 27,977 acres are located in national register historic districts with 21,753 located in the prime agricultural valleys. Of the "R.C. 2" land in historic districts only 9,528 acres possess prime and productive agricultural soils with 7,992 acres located in the prime agriculture valleys. (See Protestants' Exhibit 25, attached hereto as Apendix B) Therefore, of the over 404,000 acres in Baltimore County there are only 7,942 acres or (1.96%) like the subject property.

There is much that distinguishes this particular property from other similar parcels in the "R.C. 2" zoning classification - soils, present use, location, historic district, appropriateness for agricultural preservation. It represents agriculture productivity, history and culture as very few other parcels do in Baltimore County. It makes no sense to take such

[1]The number of square miles for Baltmore Counmty may be found in a number of sources including the Maryland Manual 1985-1986, page 513. There are 640 acres in each square mile.

land out of its fullest agricultural use and the proposed special exception at this particular location should be denied.

SUMMARY AND CONCLUSION

This is an extraordinary case involving basic issues of land use planning and zoning. For the goals of agricultural preservation, the decision in this case is momentous. The subject property is truly one of the best agriculture parcels of land in Baltimore County. Its essential character should be protected and maintained.

The Protestants have endeavored to present the Board of Appeals with a sense of the property, the neighborhood and the districts to which this parcel belongs. Protestants' Exhibit 10, the magnificent panorama of the subject property, vividly shows the agricultural character of the present use. The slide presentation of the Western Run-Belfast Road Historic District viewed by the Board, along with the various photographs of local structures and scenery, was an effort to convey the beauty, character and uniqueness of the neighborhood and districts in which the subject property is located. Zoning classification boundaries and historic districts lines are intended to have meaning as they are the result of deliberative decisions made by experienced governmental bodies. This property is the quintessence of what is to be protected under the "Resource Conservation-Agriculture" zoning classification.

Accordingly, the Petitioner's request for a special exception should be denied and the decision of the Deputy Zoning

1-28-88

Commissioner for Baltimore County affirmed.

Respectfully submitted,

BLADES & ROSENFELD, P.A.

By: _____
Andrew Radding

By: _____
John S. Willis
Suite 1200, Sun Life Building
20 South Charles Street
Baltimore, Maryland 21201
(301) 539-7558

Attorneys for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 1987 a copy of the foregoing Memorandum was mailed first class, postage prepaid, to Eric DiNenna, Esquire, Suite 600, Mercantile - Towson Building, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner, and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204.

_____
John S. Willis
Attorney for Protestants

IN THE MATTER OF THE PETITION OF CONSERVATION ASSOCIATES FOR ZONING RECLASSIFICATION FROM R.C. 2 to R.C. 5 FOR PROPERTY LOCATED ON THE NORTHEAST SIDE OF PARK HEIGHTS AVENUE, 467' AND 1507' NORTH-WEST OF CAVES ROAD 4th ELECTION DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-86-110

: : : :

a number of the experts called previously in the case, he articulated a land plan that could be easily accomplished as a matter of right within the R.C. 2 zone. Such a plan affords a reasonable and appropriate use of the entire tract owned by Petitioners, conserves the Caves Valley resource, would preserve the agricultural nature of this resource for many years and at the same time provides the land owners with what would, by any measure, amount to a substantial profit on their investment in having purchased this property less than ten years ago. By taking advantage of the sales potential of fifteen lots each of approximately twenty acres and which could be clustered as permitted in an R.C. 2 zone and placing the remaining 350 acres into the Maryland Agricultural Land Preservation Program while continuing to farm that portion of the property which is capable of productive agricultural pursuits the result is a reasonable and effective land plan that accomplishes the conservation of a valuable natural resource for which the R.C. 2 zone was specifically created to protect and creates a reasonable and profitable residential use consistent with the R.C. 2 regulations that is a compatible form of development. The sum result of such use would foster conditions favorable to the continued use of the agriculturally productive Caves Valley. To retreat from this objective by granting the herein petition would not be appropriate. We are therefore denying this reclassification petition.

ADDITIONAL CONSIDERATIONS

The Board wishes to emphasize once again our agreement with Petitioner that the property that is the subject of this petition is not appropriately considered agricultural. Though the testimony on all sides dwelled extensively on the agricultural capacity of the petitioned acreage, we simply do not believe

that is the sole criteria for placement of land within the R.C. 2 zoning classification. We further contend that, after having heard the extensive testimony in this case, a somewhat higher use of a residential nature over that area contained in the petition above that which is permitted as a matter of right in an R.C. 2 zone may not be wholly incompatible with preservation of the viable agricultural land in the Caves Valley. It may be that more testimony on this point accompanied by a documented site plan in the future may satisfy this Board or the County Council in that regard. Testimony from Petitioner was that no more than 100 lots could be developed over this property. This Board however is compelled to assume that this property would be used to the fullest capacity permitted by the reclassification. We have no authority to restrict use following a reclassification and we are therefore required to apply the standards testified to in this case assuming that 202 homes would be sited over this property. Notwithstanding Petitioners' protestations to the contrary, this Board has been witness on more than one occasion to the completion of more implausible engineering feats than placing more than 100 homes over this property. As it was, no such documented site plan was provided in this case and ultimately may not have made any difference in our decision. Such facts were not before us and we will speculate no further on them.

In applying the legal standards that we must in this request we are convinced that the proposed rezoning would in time compromise the agricultural land that is adjacent to these parcels. We are required to presume the correctness of the original zoning and comprehensive rezoning. Under the circumstances, we see no reason to believe that such a determination was in error and will so order.

The Board recognizes that the R.C. 2 classification is entitled Agricultural Zones. Generally it exists where there are active farming activities. We do not believe that such activities or even the potential for them are prerequisites for the placement of land within the zone in light of the clear purposes stated in Section 1A01.1B. In this case we are specifically finding that notwithstanding the absence of farming on the subject petitioned property and the inability for such a potential, such a zoning classification is correct. If this basic presumption is nevertheless perceived as our indicating "error" for the subject site, we further hold that the petitioned reclassification for the property of R.C. 5 is not warranted by such perceived error, as would be required by §2-58.1(j)(2) of the Baltimore County Code.

O R D E R

It is therefore this 1st day of May, 1987, by the County Board of Appeals of Baltimore County ORDERED that the petitioned reclassification from R.C. 2 to R.C. 5 is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Patricia Phipps

Lenny G. Spurrier

PROTESTANTS EXHIBIT NO. 25

RC-2 Land in Historic Districts with Prime Agricultural Soils

121,500 acres - Total area of RC-2 land in County

27,977 acres - Area of RC-2 land in historical districts

9,528 acres - Prime and productive agricultural soils in historic districts in RC-2

IN VALLEYS

	RC-2 in Historic District	Prime Agr. Soi
Worthington Valley	5,400	2,112
Western Run/Belfast	7,481	2,468
Green Spring Valley	3,840	1,800
Long Green Valley	4,032	1,612
Total:	21.753	7,992

NOT IN VALLEYS

Glyndon	224	36
My Lady's Manor	6,000	1,500
Total:	6,224	1,536

APPENDIX B

11/13/85 - Following were notified of hearing set for ~~Thurs. Feb. 27~~ Thurs. Jan. 30, 1986, at 10 a.m.:

Gregory Rapisarda, ESq.
David Bowers, Esq.
Judy Baer
Pastor C. Albert Meyers
F. K. Caporale
Harry C. Pullen
Phyllis Friedman
Norman Gerber, Jas. Hoswell
A. Jablon, J. Jung, J. Dyer

Postponed 1/22/86
Rq. by Bowers

1/22/86 - Above notified of ~~POSTPONEMENT and REASSIGNMENT~~ for THURSDAY, APRIL 17, 1986 at 10 am
Postponed 4/9/86

4/9/86 - Above notified of POSTPONEMENT and REASSIGNMENT FOR ~~THURS. AUG. 7, 1986,~~ at 10 a.m.
postponed 7/24/86

7/24/86 - Above notified of POSTPONEMENT and REASSIGNMENT for Thurs. Oct. 30, 1986, at 10 a.m.

10/30/86 - Above notified of POSTPONEMENT and REASSIGNMENT for Tues, March 10, 1987 at 10 a.m.

3/10/87 - Hearing continued to 4/23/87 at 11:30 a.m. Above notified of CONTINUED date

4/23/87 - Memos (3) due by ~~June~~ 4-16-87 per WTH. Hearing held before Board - H.L.P.
ext. granted to DiNenna 5-27-87

5/27/87 - Received Memo from People's Counsel.
6/03/87 - Received Memo from Sparks-Glencoe Comm. Council (Judith Waldman, Pres.)

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
July 24, 1986

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH
FOR - SE - CHURCH AND ACCESSORY PARSONAGE
N/S BELFAST RD., 340' E. OF OLD BELFAST RD.
8th DISTRICT
6/3/86 - D.Z.C. DENIED PETITION

Scheduled for hearing on Thursday, August 7, 1986, at 10 a.m., has been POSTPONED by the Board at the request of counsel for the protestants, and

REASSIGNED FOR: THURSDAY, OCTOBER 30, 1986, at 10 a.m.

cc: Gregory A. Rapisarda, Esq. — Counsel for Petitioner
David L. Bowers, Esq. — Protestant
Judy Baer
Andrew Radding, Esq.
John Willis, Esq. — Counsel for Protestants
Pastor C. Albert Meyers — Petitioner
F. K. Caporale
S. Eric DiNenna, Esq. — Counsel for Petitioner
Harry C. Pullen
Phyllis C. Friedman
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer — People's Counsel

Juns Holmen, Secy.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 10, 1987

(CONTINUED FROM 3/10/87)
N O T I C E O F A S S I G N M E N T

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

(CONTINUED FROM 3/10/87)

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH
FOR SE -CHURCH AND ACCESSORY PARSONAGE
N/s BELFAST ROAD, 340' E OF OLD BELFAST ROAD
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
6/3/85 -D.Z.C. denied Petition

ASSIGNED FOR: THURSDAY, APRIL 23, 1987 at 11:30 a.m.
(CONTINUED HEARING)

cc: David L. Bowers, Esquire — Protestant
Andrew Radding, Esquire
John Willis, Esquire — Counsel for Protestant
Pastor C. Albert Meyers — Petitioner
S. Eric DiNenna, Esquire — Counsel for Petitioner
Ms. Judy Baer
Mr. Harry C. Pullen
F. K. Caporale
Phyllis Cole Friedman, Esquire — People's Counsel
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathi C. Weidenhammer
Administrative Secretary

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 30, 1986

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-132-X — MEADOWCLIFF, A NEW COVENANT CHURCH
FOR -SE -CHURCH AND ACCESSORY PARSONAGE
N/S BELFAST ROAD, 340' E OF OLD BELFAST ROAD
8th DISTRICT
6/3/85 - D.Z.C. DENIED PETITION

Scheduled for hearing on Thursday, October 30, 1986 at 10 a.m. has been POSTPONED by the Board at the agreement of all parties and

REASSIGNED FOR: TUESDAY, MARCH 10, 1987 at 10:00 a.m.

cc: ~~Grego y A. Rapisarda, Esq.~~ — Counsel for Petitioner
NOT HERE — David L. Bowers, Esquire — Protestant
Judy Baer
Andrew Radding, Esquire
John Willis, Esquire — Counsel for Protestants
Pastor C. Albert Meyers — Petitioner
F. K. Caporale
S. Eric DiNenna, Esquire — Counsel for Petitioner
Harry C. Pullen
Phyllis C. Friedman
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer — People's Counsel

Kathi C. Weidenhammer
Administrative Secretary

1-28-88

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 30, 1986

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 85-132-X

MEADOWCLIFF, A NEW COVENANT CHURCH
FOR -SE -CHURCH AND ACCESSORY PARSONAGE
N/S BELFAST ROAD, 340' E OF OLD BELFAST ROAD
8th DISTRICT
6/3/85 - D.Z.C. DENIED PETITION

Scheduled for hearing on Thursday, October 30, 1986 at 10 a.m. has been POSTPONED by the Board at the agreement of all parties and

REASSIGNED FOR: TUESDAY, MARCH 10, 1987 at 10:00 a.m.

cc: Gregory A. Rapisarda, Esq. — Counsel for Petitioner
David L. Bowers, Esquire — Protestant
Judy Baer
Andrew Radding, Esquire — Counsel for Protestants
John Willis, Esquire — " " "
Pastor C. Albert Meyers — Petitioner
F. K. Caporale — "
S. Eric DiNenna, Esquire — Counsel for Petitioner
Harry C. Pullen
Phyllis C. Friedman — People's Counsel
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Kathi C. Weidenhammer
Administrative Secretary

6/19/85 - Following were notified of hearing set for Tues. Oct. 22, 1985, at 10 a.m.:

Gregory Rapisarda, Esq.
David Bowers, Esq.
Judy Baer
Pastor Albert Meyers — Postponed 10/10/85
Phyllis Friedman
N. Gerber and J. Hoswell
Arnold Jablon, J. Jung, J. Dyer

GREGORY A. RAPISARDA
ATTORNEY AT LAW
36 N. Hickory Avenue
P.O. Box 543
Bel Air, Maryland 21014
838-7522 879-8311

Associate
Patrick D. Haskins

June 12, 1985

Baltimore County Office of
Planning and Zoning
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition For Special Exception
N/S Belfast Road
340' E/Old Belfast Road
8th Election District
Meadowcliff, A New Covenant Church
Petitioner
Case No.: 85-132-X (Item No. 45)

Dear Commissioner:

Please note an appeal on behalf of the Petitioner, Meadowcliff, A New Covenant Presbyterian Church, 4306 Meadowcliff Road, Glen Arm, Maryland 21057 to the Board of Appeals from the decision on June 3, 1985 of Deputy Zoning Commissioner Jung denying a special exception to permit a church and accessory parsonage on the above captioned property.

Yours truly,

Gregory A. Rapisarda

GAR:ms
cc: David L. Bowers, Esquire
Judy Baer, Executive Director Valley Planning Council
People's Counsel

GREGORY A. RAPISARDA
ATTORNEY AT LAW
36 N. Hickory Avenue
P.O. Box 543
Bel Air, Maryland 21014
838-7522 879-8311

Associate
Patrick D. Haskins

June 12, 1985

Baltimore County Office of
Planning and Zoning
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition For Special Exception
N/S Belfast Road
340' E/Old Belfast Road
8th Election District
Meadowcliff, A New Covenant Church
Petitioner
Case No.: 85-132-X (Item No. 45)

Dear Commissioner:

Please note an appeal on behalf of the Petitioner, Covenant Presbyterian Church, 4306 21057 to the Board of 1985 of Deputy Zoning exception to permit a bove captioned property.

truly,

y A. Rapisarda

ley Planning Council

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007343

DATE 6/14/85 ACCOUNT R-01-615-000
AMOUNT $ 100.00
RECEIVED Gregory A. Rapisarda, Esquire
FROM: Meadowcliff, A New Covenant Church
FOR: Appeal fee for 85-132-X
B 003*****10000:a 814F
VALIDATION OR SIGNATURE OF CASHIER

ORDER RECEIVED FOR FILING
DATE June 3, 1985
BY Kathleen C. Weidenhammer
ADMINISTRATIVE ASSISTANT

RE: PETITION FOR SPECIAL EXCEPTION
N/S Belfast Road,
340' E/Old Belfast Road
8th Election District
Medowcliff, A New Covenant Church-
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-132-X (Item No. 45)

* * * * * * * * * * * * *

The Petitioner herein requests a Petition for a Special Exception to permit a church and an accessory parsonage pursuant to Section 1A01.2.C.6.

Testimony on behalf of the Petitioner indicates that, at the present time, the ten year old congregation has about 110 adults and 55 children attending services in a public elementary school. It anticipates a maximum congregation of 215 and a maximum attendance of 1200 for regional annual one-day meetings. It intends to have Sunday services and to use the facilities several times during the week for classes, choirs, etc. At present it does not intend to provide a five day church school or summer camp. Mid-week services are held in homes.

The congregation purchased the site in May 1984 and proposes to construct, within a 140' x 160' envelope, a 120' x 140' split level, one and two story, peaked roof masonry church with no steeple and with a maximum height of 22 to 25 feet, and, at least 3-4 years in the future, a parsonage, both as shown on the plan prepared by John Trueschler, Registered Landscape Architect, dated August 13, 1984 and marked Petitioner's Exhibit 1. The church intends to tuck the building into the slope. No additional structures, other than a storage shed, are proposed. Two hundred parking spaces will be provided. The remaining acreage might be used for picnics, kite flying, a ball diamond or other family recreation for church members.

ORDER RECEIVED FOR FILING
DATE June 3, 1985
BY Kathleen C. Weidenhammer
ADMINISTRATIVE ASSISTANT

The site has rolling open areas, a stream and steep slopes covered with trees. There is an existing well. A storm water management wet pond will be provided. In addition to the existing State Highway Administration fence there will be a secure entrance. At this time there are no plans for lighting the parking lot. If lights are added later, they will be the cut off luminaire type.

A traffic expert testified that a "level A" access from the property onto Belfast Road would be maintained even if the parking lots were filled with 200 cars ready to exit at the same time. Proximity and ready access to I-83 were prime reasons for selecting the site.

Testimony by and on behalf of Protestants indicates the site is within the Belfast Historical District. In the opinion of the Protestants, the proposed church building and parking lot would, by virtue of the enormity of their size, be detrimental to the general character and welfare of the existing residential and agricultural area and appear as an encroachment west of I-83. Fire protection would have to come from Hereford or Butler and there is no substantial stream on the property, both reasons for questioning the adequacy of fire protection of a 1200 person facility. The water supply in the area was described as marginal. Concern was expressed over traffic and fears that Belfast Road would be widened, further changing the rural nature of the community.

A real estate appraiser and member of the Landmarks Preservation Commission testified that the commercial character of so large a building and parking lot would be detrimental to the area's welfare, and would set a precedent at an intersection that is unique in its nature and lack of any

ORDER RECEIVED FOR FILING
DATE June 3, 1985
BY Kathleen C. Weidenhammer
ADMINISTRATIVE ASSISTANT

commercial development. Additionally, it would be inconsistent with the spirit and intent of the zoning regulations in that it would be inappropriate and incompatible with the area and the RC-2 agricultural zone.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the requested special exception for a church of 22,400 square feet with 1200 seats and 200 parking spaces, as a particular church use proposed at the particular locaton, in an RC-2 zoned area designated as a historical district with no strucutures larger in scale than residences or farm buildings and no parking lots, would have adverse effects above and beyond those inherently associated with the placement of a church in this RC zoned area or even on this property in the location proposed. In addition, it has been shown that more harm would result than if a church of smaller scope were permitted in the location proposed, on land adjacent, or in close proximity to this site or the neighboring residences.

Pursuant to the advertisement, posting of property, and public hearing on the petition, and it appearing that by reason of the requirements of Section 502.1 and 1A01.2.C not having been met, as well as the health, safety and general welfare of the community being adversely affected, the special exception should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 3rd day of June, 1985, that the Petition for Special Exception to permit a church and accessory parsonage pursuant to Section 1A01.2.C.6 is hereby DENIED.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

PETITION OF NEW COVENANT PRESBYTERIAN CHURCH FOR SPECIAL EXCEPTION W/S of Belfast Rd., 340' E of Old Belfast Road, 6th District

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO. 85-132-X

* * * * * * *

PETITIONER'S MEMORANDUM
IN SUPPORT OF PETITION FOR
SPECIAL EXCEPTION

1-28-88

MEMORANDUM

The Applicant, Meadowcliff New Covenant Church, filed a Petition for Special Exception for construction of a single story church and parsonage at its property, Zoned RC-2, located in the northwest corner of the intersection of I-83 and Belfast Road.

The property having been posted and the petition advertised, testimony was taken before the examiner on November 14, 1984. At the commencement of the Petitioner's case, the Baltimore County Zoning Ordinance, the entire file of the Baltimore County Office of Planning and Zoning and a copy of a letter from the State Highway Administration were offered into evidence. The letter from the Office of Planning and Zoning indicated no objection to the proposed use. The Office had determined that the Petitioner was exempt from CRG.

Al Meyers, Pastor of Meadowclifff New Covenant Church was called as Petitioner's first witness. He described the church as a regional church, one of twenty-six churches in the Central Atlantic states. The local church began in 1976 and presently there are approximately 165 members, which includes 110 adults and 55 children. The church meets at the Pine Grove Elementary School. Services include Sunday Church at 9:30 a.m. until 12:00 noon and "Home Group" on Wednesday evenings. The church

is not utilized for "Home Group" meetings. The church would be used quarterly for district meetings with other New Covenant Churches. He did not anticipate any change in the schedule. Nearly all of the members of the church reside in the Towson/Timonium area and they would use northbound and southbound I-83 to Belfast Road and would not be travelling west of the property on Belfast Road. He confirmed that the impact on the neighbors would be minimal and testified without objection that there would be no adverse affect upon traffic. He stated that the building was positioned on the property in such a manner as to provide natural screening. As a pastor he intends to reside upon the property, but does not intend to construct a parsonage at this time.

John Trueschler of the engineering firm of Daft-McCune-Walker, Inc. testified with regard to his qualifications and was accepted as an expert land planner. He stated that there was a chain link fence around the perimeter of the property which he described as an area of approximately 51.2 acres with rolling topography. He stated that his reasons for selection of this site for the church included good visability from the road, its proximity to an existing well, and natural screening. He stated that there would be no adverse impact upon the neighboring properties. The distance between the church

and David Bowers' house, which is not the adjoining property, is approximately 555' and the site of the church was 800' from the nearest house which was located on the south side of Belfast Road. Mr. Trueschler testified that based upon his review of the property, his knowledge of the Zoning Ordinance and Zoning within Baltimore County, the proposed structure was consistent with the spirit and intent of the Zoning Ordinance. He did not consider the proposed use to present a traffic hazard along Belfast Road and further stated that the church would not have a significant impact on traffic in the area. Mr. Trueschler indicated that there would be a wet sediment pond which could be used upon the premises and noted that the parking lot would be a durable and dustless surface. Mr. Trueschler also testified, as an expert witness, that the proposed use would not be detrimental to the health, safety or general welfare of the locality; that it would not tend to create congestion in roads, streets or alleys; that it would not create a potential hazard from fire, panic or other danger; that it would not tend to overcrowd land or cause undue concentration of population; that it would not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; would not interfere with adequate light and air; would not be

inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the zoning regulations; nor be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations.

The protestants' case was presented primarily from its attorney, David Bowers, a resident of the area. He testified that he was concerned about the water supply but did not contest the fact that the present well yielded twelve gallons per minute. Mr. Bowers was also concerned about fire safety, but offered no specific reasons for his concern. It should be noted that the Office of Planning and Zoning and the Fire Marshall did in fact review this plan and had no adverse comments. Mr. Bowers' testimony can be characterized as reflecting the residents' fear that an extension of water and sewer would come into the area which could lead to additional development. Although Mr. Bowers indicated that his house was within a National Historic District, he admitted that there were other conventionally built modern brick dwellings directly across the street from the church. Mr. Bowers indicated that he was not objecting to a church, but merely the size of the church. He stated that he would like the scale of the church to be as existing churches which hold approximately 200. He noted there were two other churches

in the area which did hold approximately 100 persons each. He preferred a traditional church architecture.

Mr. Litz testified that he lives approximately three miles from the site but was concerned that there was a one lane bridge on Belfast Road which is located three miles west of the proposed site. Mr. Litz offered no factual support to his testimony.

After testimony was concluded, the Petitioner held its case open to allow discussion for possible resolution of any objections.

The issue before the examiner concerns whether a special exception shall be granted to Petitioners in order that they may erect a church in a RC-2 zone. The legal principles controlling the resolution of this question were clearly articulated by the Court of Appeals in Schultz v. Pritts, 291 Md. 1 (1981).

The Schultz decision set forth, for the first time, a clearly articuable standard governing the allowance or denial of special exceptions. The ruling in this case is governed by two primary principles enunciated in Schultz namely:

1) That special exceptions are presumptively permissible.

2) That such presumption is only negated by specific evidence of particularized detriment.

In addressing the first of these points, the Schultz court recognized that special exceptions were a legitimate zoning device created by legislative bodies. Such classifications share the presumption afforded the comprehensive zoning plan that such enactments are in the interest of the general welfare of the community. (Schultz p.11) The court noted that the legislature "delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption." Id. (emphasis in original).

The evidence in the instant case must be evaluated in light of the presumption afforded the church use by its classification as a special exception. The Petitioners have established that they have met all the "standards and requirements" mandated by the zoning ordinances and that there would not be any "adverse affect on the public interest." Id. This latter element is provided by the presumption created in favor of zoning legislation and it is incumbent upon the protestants to offer evidence to refute the presumption. It should be noted that the evidence presented by Petitioners, in addition to the presumption, established that there would not be any adverse effect on the community either through increased

traffic or aesthetic upheaval. The Special Exception sought by the Petitioner would have significantly less impact than other Special Exceptions in the RC-2 district such as kennels, airports, day camps and controlled excavations.

The primary question generated by this case is whether there has been any showing of an "adverse effect" upon the community which would be a legally sufficient basis for a denial of Petitioners application. It is this question which brings to the fore the second key discussion involved in the Schultz decision.

The crux of the Shultz case was the Court's determination as to what type of "adverse effect" had to be shown in order to deny a special exception. The specific holding on this issue was stated as follows:

> [T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Schultz at 22-23. In other words, there has to be a showing of deletorious effects which are unique to the particular use and location in the case confronting the zoning authorities. It is not permissible to deny a

special exception if the conditions which are shown to be anticipated are no different than conditions would be if the same use was permitted in any other sector of the zone. See also Anderson v. Sawyer, 23 Md. App. 612, 625 (1974). (In affirming the grant of a special exception the court said: "The protestants have shown nothing more than that they would suffer the same degree of harm as would be suffered by any homeowner if a funeral home were permitted on land adjacent or in close proximity to their residences.")

The evidence in this case does not reach the threshold of evidence needed to deny the Petitioner's application. There exists not even a scintilla of evidence of an "adverse effect" as defined by Schultz. While protestants have presented generalized evidence of unsafe traffic conditions, (evidence refuted by Petitioner's experts), general assertions of concerns for water supply and an articulated interest in the integrity of the aesthetic nature of the neighborhood, there has been no evidence linking the granting of the special exception to any unique problems which would be created due to this particular use, in this particular location. All of the difficulties cited by protestants are of a general character and would arise with the placement of a church in any residential community. Such evidence does not meet

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the standards proscribed in Schultz.

The type of particularized effect called for in Schultz in order to deny a special exception was arguably demonstrated in Lawton T. Sharp Farm v. Somerlock, 52 Md. App. 207 (1982). In Lawton, the Court of Special Appeals followed the holding in Schultz and remanded a case for further testimony in light of the Schultz decision. But in addressing the facts of the case, the Court noted that the testimony of a witness, Nancy Adams, "classically exemplified the Schultz criterion." Lawton at 210. Adams testimony had set forth unique problems which result from the location of a private airstrip, the subject of the special exception application, near her horse farm. It was the clearly articulated impact of an airstrip on the particular neighboring property, i.e. a horse farm, which the Court of Special Appeals seemed to have reached the evidenciary predicate set forth in Schultz.

Unlike Lawton, the instant record fails to devulge any "adverse effects which could be particularized to the area involved." No showing has been made that a church located in this community would in any manner impact this area to any greater extent or in any manner different from the impact a house of worship would have in any other community. Failing to provide such evidence, the protestants must fail in their attempt to have the

Petitioner's application denied. The Petitioner has met all statutory requirements for the special exception and, no adverse effect having been shown, Petitioner is entitled to the grant of the special exception use.

Respectfully submitted,

Gregory A. Rapisarda

Description For Zoning Purposes

51.200 Acre +/- Parcel
Northwest Corner of Belfast Road and I-83
Baltimore County, Maryland

BEGINNING for the same at a point 340 feet +/- east of Old Belfast Road on the northernly line of Belfast Road and running the following courses and distances: (1) North 07 degrees 41 minutes 22 seconds East 404.93 feet; (2) North 10 degrees 38 minutes 57 seconds West 595.25 feet; (3) North 19 degrees 55 minutes 48 seconds West 487.89 feet; (4) North 53 degrees 27 minutes 57 seconds East 118.94 feet; (5) North 79 degrees 04 minutes 22 seconds East 1800.93 feet to a point on the westernly line of the Baltimore - Harrisburg Expressway thence binding; (6) South 11 degrees 35 minutes 04 seconds West 183.98 feet; (7) South 18 degrees 50 minutes 56 seconds West 116.19 feet; (8) South 09 degrees 08 minutes 06 seconds West 301.21 feet; (9) South 13 degrees 47 minutes 44 seconds West 204.40 feet; (10) South 16 degrees 26 minutes 30 seconds West 207.75 feet; (11) South 24 degrees 49 minutes 08 seconds West 276.35 feet; (12) South 47 degrees 25 minutes 07 seconds West 394.76 feet; (13) South 44 degrees 54 minutes 58 seconds West 91.65 feet; (14) South 44 degrees 07 minutes 07 seconds West 75.18 feet; (15) North 41 degrees 57 minutes 14 seconds West 65.00 feet; (16) South 45 degrees 43 minutes 29 seconds West 95.08 feet; (17) North 50 degrees 46 minutes 00 seconds West 130.54 feet; (18) South 48 degrees 02 minutes 46 seconds West 30.00 feet; (19) South 33 degrees 30 minutes 48 seconds East

204.38 feet; (20) South 44 degrees 07 minutes 07 seconds West 92.54 feet; (21) South 65 degrees 00 minutes 03 seconds West 133.06 feet to a point on the northernly line of Belfast Road thence binding; (22) North 88 degrees 22 minutes 53 seconds West 89.22 feet; (23) South 86 degrees 13 minutes 53 seconds West 261.84 feet; (24) South 69 degrees 36 minutes 10 seconds West 105.47 feet; (25) thence by a line curving to the left with a radius of 1090.13 feet, an arc distance of 101.90 feet, the chord of said arc bearing South 71 degrees 16 minutes 11 seconds West 101.86 feet to the point of beginning and containing 51.200 acres +/-.

BEING the same parcel of land shown as Lot 5 on the plat entitles "Subdivision of the Property of Linda C. Green", and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. 38 folio 139.

August 7, 1984

PETITION FOR SPECIAL EXCEPTION

8th Election District

LOCATION: North side of Belfast Road, 340 feet East of Old Belfast Road

DATE AND TIME: Wednesday, November 14, 1984 at 11:15 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 Special Exception to permit a church and accessory parsonage pursuant to Section 1A01.2.C.6

Being the property of Meadowcliff, A New Covenant 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

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

ARNOLD JABLON
ZONING COMMISSIONER

November 5, 1984

Gregory A. Rapisarda, Esquire
36 North Hickory Avenue
Bel Air, Maryland 21014

RE: Petition for Special Exception
N/S Belfast Rd., 340' E of Old Belfast Road
Meadowcliff, A New Covenant Church - Petitioner
Case No. 85-132-X

Dear Mr. Rapisarda:

This is to advise you that $49.91 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

re County, Maryland, and
om 113, County Office Building,

erely,

NOLD JABLON
ning Commissioner

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

No. 135857

DATE Nov. 14, 1984 ACCOUNT R-01-615-000

AMOUNT $49.91

RECEIVED FROM Meadowcliff A New Covenant Church

FOR Advertising & Posting Case #85-132-X

042 49911a F14F

VALIDATION OR SIGNATURE OF CASHIER

January 23, 1985

Gregory A. Rapisarda, Esquire
36 North Hickory Avenue
Bel Air, Maryland 21014

NOTICE OF HEARING

RE: Petition for Special Exception - CONTINUED
N/S of Belfast Road, 340' E of Old Belfast Road
Meadowcliff, A New Covenant Church-Petitioner
Case No. 85-132-X

TIME: 1:30 p.m.

DATE: Tuesday, February 26, 1985

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

cc: C. Albert Meyers
4306 Meadowcliff Road
Glen Arm, Maryland 21057

David L. Bowers, Esquire
10 Light Street
Baltimore, Maryland 21202

Ms. Judy Baer, Executive Director
Valley Planning Council
Box 5402
212 Washington Avenue
Towson, Maryland 21204

Zoning Commissioner
of Baltimore County

bcc: Brenda Crabbs

October 11, 1984

Gregory A. Rapisarda, Esquire
36 W. Hickory Avenue
Bel Air, MD 21014

NOTICE OF HEARING

RE: Petition for Special Exception
N/S Belfast Rd., 340' E of Old Belfast Road
Meadowcliff, A New Covenant Church-Petitioner
Case No. 85-132-X

TIME: 11:15 A.M.

DATE: Wednesday, November 14, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

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

No. 133210

DATE 8-15-84 ACCOUNT R-01-615-000

AMOUNT 100.00

RECEIVED FROM Ellyde Inc. t/a 45 Nursing

FOR

B 088eeeee100001a 8164F

Commissioner
Baltimore County

VALIDATION OR SIGNATURE OF CASHIER

cc: C. Albert Meyers
4306 Meadowcliff Road
Glen Arm, MD 21057

1-28-88

85-132-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
28th day of August, 1984.

ARNOLD JABLON
Zoning Commissioner

Petitioner Meadowcliff
Petitioner's Attorney Gregory A. Esplanade

Received by:
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner Date November 8, 1984

FROM Norman E. Gerber, Director, Office of Planning and Zoning

SUBJECT No. 85-132-X, Meadowcliff

Assuming compliance with the comments of the Division of Current Planning and Development's representative on the Zoning Plans Advisory Committee, this office is not opposed to the subject special exception.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

SUITE 609
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

June 19, 1987

County Board of Appeals
Courthouse
Towson, Maryland 21204

RE: Meadowcliff Petition
Case #: 85132X

Dear Mr. Chairman:

Attached hereto please find the Memorandum of the Petitioner concerning the above-captioned matter.

Very truly yours,

S. ERIC DINENNA

SED:bk
Enclosure
cc: Andrew Radding, Esquire
Peter Zimmerman, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
1987 JUN 19 A 9:53

IN THE MATTER OF:
MEADOWCLIFF, A NEW COVENANT CHURCH
SPECIAL EXCEPTION FOR A CHURCH AND ACCESSORY PARSONAGE
NORTH-SOUTH BELFAST ROAD, 340' EAST OF OLD BELFAST ROAD
8th ELECTION DISTRICT
Petitioner

* BEFORE THE
* COUNTY BOARD
* OF
* APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 85-132X

* * * * * * * * * * * *

MEMORANDUM

Now comes Meadowcliff, a New Covenant Church by S. ERIC DINENNA, DINENNA, MANN & BRESCHI, and submits this brief pursuant to the request of this Honorable Board.

FACTS

This matter comes before the Board upon the petition of Meadowcliff, a New Covenant Church (Meadowcliff) for a special exception for a church pursuant to Section 1A01.2.C.6 of the Baltimore County Zoning Regulations. The property contains 51.20 acres, more or less, and enjoys an RC 2 zone.

The property is located at the northwest quadrant of the Harrisburg Expressway (I-83) and Belfast Road. It is vacant, partially farmed and partially wooded. The general area of the subject property is rural in nature with large lot residential uses. To the south of Belfast Road is a small lot subdivision that does not presently conform to the RC 2 zoning classification, as well as other residential lots in the area. Harrisburg Expressway is a major north-south freeway with an approximate right of way width of two hundred feet or more. The Expressway

and Belfast Road have a modern interchange. Belfast Road is approximately thirty (30) feet in width with modern paving. A large portion of the subject property fronts on the west side of the Harrisburg Expressway and it's western exit to Belfast Road.

The Board will note that the original plan dated August 13, 1984 was submitted with this petition, showing the proposed building near the western property line of the subject property. An amended plan, dated October 7, 1986, was presented to the Board at the first public hearing, showing the proposed facilities to be near the eastern property line and next to the Harrisburg Expressway. This amended plan was presented to meet the concerns of several property owners lying immediately to the west.

The evidence presented by the Petitioner showed that the Meadowcliff began in 1973, presently meets at various facilities including but not limited to public schools, homes, etc. It is the desire of Meadowcliff to build it's own church structure for its use and for the community. The church presently has one hundred members with families in the community including from Middletown Road, Parkton, and other areas in the vicinity of the subject property. The property was purchased by Meadowcliff approximately three (3) years ago with the specific idea of building a church structure. The intended use of the structure will be for religious services, educational and general meetings on Sundays and during the week. Pursuant to the plat submitted and as testified to by C. Albert Meyers, Pastor , the church will be constructed in two phases; phase I, a one story church building with accessory uses such as classrooms, storage, restrooms, etc., totaling 10,292

square feet and when needed, phase II a 10,000 square foot meeting room and convert the phase I portion into meeting rooms and classrooms. Sufficient parking is provided pursuant to section 409 of the Baltimore County Zoning Regulation. Testimony further indicated a continuing growth of population in this general vicinity.

Mr. John W. "Wes" Guckert, an eminently qualified traffic engineer and expert, after describing the area, the road networks and studying the plan and respective use of the subject property, testified that the use of the property, or portion thereof, as proposed would not have an adverse affect upon the area. He stated that the traffic impact upon Belfast Road and the Harrisburg Expressway would be insignificant. From his study, the proposed church would not cause any congestion. It was his opinion that the majority of the participants of the church will come from the Harrisburg Expressway to the subject property, which is approximately 1,200 feet west of the Harrisburg Expressway. He indicated that if a use other than vacant land is to be proposed, the subject property would be the ideal location for such a proposed use. He stated that very little traffic will go west or come from the west on Belfast Road.

His testimony met all of the requirements and standards of Section 502.1 within the confines of his expertise.

Mr. Frederick Walker, eminently qualified land planner and expert, testified that upon hearing all of the testimony presented on behalf of the petitioner, having reviewed the subject site personally, the surrounding area, and after a thorough review of the plan submitted with the petition, testified as to the purposes of

RC 2 Zoning classification set forth in Section 1A01.1B of the BCZR. His testimony overwhelmingly indicated tha a church is a compatible use in an agricultural zone and that the present location is ideal for such a use because of its good access. His testimony, with reference to the submitted plan, indicated that the location of the proposed structure and parking lot, at the eastern end of the property and adjoining the Harrisburg Expressway, is a good location, in that it would have no impact upon any residential uses to the west and north of the subject property as well as to the south. It should be noted that on the east side of the Harrisburg Expressway the total property is classified RC 5 and that a church would be permitted as a matter of right in that zone and at that location. Walker described the other churches and schools in the area, as well as the growth of the area.

Testimony indicated that the proposed use would have no more adverse affect above and beyond those inherently associated with such a use irrespective of where it might be located within the RC 2 zone. It would have a lesser affect upon the area than in most other localities within the RC 2 zone. He testified to the prerequisites and requirements of Section 502.1 in an affirmative manner giving reasons for his answers and indicated that the proposed use is an appropriate use at this location and a benefit to the entire community.

Protestants to this petition, some of which live near the subject property, but the majority of which reside far from the property testified in opporition to the subject request. Let it be noted that they were ably represented by council.

Mr. Wayne McGinnis, a farmer in the upper county, testified

that the subject property is suitable for agricultural purposes. He feared an increase in runoff from the subject use and a decrease of use of the property for farming purposes. Ms. Judith Waldmen, the president of the Greater Sparks-Glenco Community Council, testified in opposition to the subject request. She feared taking this land and putting it to another use. Mr. Richard Lenhardt, a resident who lives to the south of the property, took pictures of the subject property. He testified that this is a rural area for farming and is fearful of a change in the character of the area. He testified as to the age of some houses being several hundred years old. He basically had a concern and fear with reference to the prerequisites of Section 502.1, but without substance. He was fearful of changes in the area. It is interesting to note that his subject property could not be developed at this time, in that, it is inconsistent with the RC 2 zoning classification. Mr. David Bowers, the resident who lives immediately west of the subject property stated that his home was built in 1801 and that the house was placed on a tour of historically significant structures. His basic fear was that of congestion in the roads, fear of fire, panic and other dangers as he testified pursuant to Section 502.1.

Mr. John W. McGrain testified that he is employed by the Baltimore County Planning and Zoning Office and his position is to research ownership and properties that might be eligible for historic preservation. He testified to the various historic districts in Baltimore County, indicating that the subject property is in one of those districts. He further stated that his position

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and authority is only to comment in zoning petitions with no authority to grant, deny or recommend. His sole function is to preserve history which the petitioner agrees with. He testified that the preservation of historic structures helps the local economy by providing tours to visitors to the area of the various historic structures.

Mr. William Boucher, III, an urban land consultant, testified that he lives approximately two miles from the subject property by road. He also indicated that he was in favor of preserving open space, was very interested in the attraction of business and industry to the general metropolitan area of Baltimore. He testified as to his encouragement of tourism to the area to view the historic structures. He feels that the preservation of the historic structures increases the property values, enhances same by keeping the space in recreation and agriculture.

Mr. Jeremiah Christ, of the Office of Planning and Zoning, testified as to the soil types on the subject property as being agricultural. He stated that thirty percent (30%) of Baltimore County lies in the RC 2 zoning classification, that he conducted an evaluation of the subject property upon request of the Protestants or their agents, and reached the conclusion that the subject property is ideal for easement purposes to preserve the property for agricultural purposes. He stated that the granting of an easement would be voluntary on the part of the property owners.

Mr. Paul Solomon, of the Office of Planning and Zoning for Baltimore County testified that continuous construction of struc-

tures other than for agricultural purposes would be urban intrusion upon the agricultural land of Baltimore County. He claimed, that it flys in the face of the purpose of the agricultural zone. He fears that the construction of a church on the subject property would take the total 52 acres of land out of agricultural use.

Several of the Protestants and their witnesses testified as to the existing historical structures in the area and what their fear was with reference to this "new" church.

ARGUMENT

It is obvious from all the evidence presented that the subject request should be granted by this Honorable Board. The Petitioner amended his plan to show that the church would be constructed in two phases, moved the location to provide the least impact upon any adjoining residences and proved the prerequisites of Section 502.1. To believe, from the testimony presented by the Protestants that the construction of this church will seriously harm agricultural aspects of this community, as well as the subject property, can not be comprehended. Construction of this church in two phases, the adjoining "required" parking area and the road to the church, will not have an adverse affect on the agricultural nature of this property or the surrounding area. In fact, Reverend Meyers, testified that the remaining portions of the property will continue to be farmed with possibly orchards or other agricultural uses. It should be noted that all the testimony presented by the Protestants with reference to the farming of this property had to do with the raising of crops. A farm is defined as follows:

"a single tract of land more than three acres, primarily devoted to agriculture, including but not limited to raising of crops, dairy, forestry, livestock and poultry farming; horsebreeding, training and stabling; grazing; commercial greenhousing, flower farms and nurseries, whether wholesale or retail, excluding a limited acreage wholesale flower farm and commercial or non-commercial riding stables." Baltimore County Zoning Regulations, 1955 as amended.

The raising of crops is only one aspect of farming and the mere construction of this church on the property will not prohibit continued farming on the property whether it be raising of crops or the other possible uses. Also note, a farm is at least three acres in size. Legitimately, if this property were of much smaller acreage, for example, five to ten acres, then it is conceivable that the remaining portions of the property would not be used for farming.

The purposes of the RC 2 zone are enumerated in Section 1A01.1B of the Baltimore County Zoning Regulations and it states:

"The RC 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses."

A church is a permitted use in the RC 2 zone by special exception. The standing Maryland law with reference to special exceptions in various zoning classifications is enumerated fully in the case of Schultz vs. Pritz, 291 Md.1 (1981). The court said in Schultz at page 11:

"The special exception use is part of the comprehensive zoning plan sharing the presumption that, as such it is in the interest of the general welfare and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The

duties given the board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan."

"Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden."

"...if there is no probative evidence of harm or disturbances in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for special exception uses is arbitrary, capricious, and illegal." (cases cited therein)

The court went on further to say at page 14:

"But in the instant case the legislature of Baltimore County has determined that as part of it's comprehensive plan funeral homes are to be allowed in residential zones not withstanding their inherent deleterious affects. By defining a funeral home as an appropriate use by way of special exception, the legislature of Baltimore County has, inessence, declared that such uses, if they satisfy the other specific requirements of the ordinance, do promote the health, safety, and general welfare of the community. As part of the comprehensive zoning plan this legislative declaration shares in a presumption of validity and correctness which the courts will honor."

"Because there were neither facts nor valid reasons to support the conclusion that the grant of the requested special exception would adversely affect adjoining and surrounding properties in any way other than would result from the location from of any funeral home in a residential zone, the evidence presented by the protestants, was in affect, no evidence at all." Anderson vs. Sawyer, 223 Md. page 617.

At page 21, the court says:

"For example, churches and schools generally are designated as permitted uses. Such uses may be developed,

although, at the particular location proposed, they may have an adverse affect on a factor such as traffic; the cost of moral and educational purposes served are deemed to outweigh this particular adverse affect."

The Court in Schultz held as the standard for special exception requests on pages 22 and 23:

"We now hold that the appropriate standard to be used in determining whether a requested special exception used would have an adverse affect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse affects above and beyond those inherently associated with such special exception use irrespective of its location within the zone." (Cases cited therein.)

It appears that the Baltimore County Zoning Regulations limits churches in the RC 2 and RC 4 zones, only. They are the only zones in Baltimore County, if not in the state of Maryland, that imposes upon the prospective user of the property, as a church, the requirement of requesting a hearing to allow the construction of a church on a property. Schultz, basically indicates that if churches are permitted in the RC zone, as special exceptions, the use is presumed to be correct. Only if the facts dictate that that use at that particular locality is worse than would normally be found on other properties in the same zone, can it be denied. The presumption is very strong. This property is classified RC 2, because of its agricultural soils. The presumption goes further, all properties in an RC 2 zone have agricultural soils. The Petitioner has proven to this Board that at this particular location, it is the best property, within the confines of RC 2 zone, to establish the church. This property could be used for agricultural purpose, with both retail and wholesale sales, which would create more of a burden upon the roads than the proposed use. The

definition of a farm, above cited, permits commercial greenhousing and flower farms, for both retail and wholesale use. Also, a farmer may sell retail, from a road side stand, that which is grown and raised on his farm.

The presumption, pursuant to Schultz, is that churches are permitted within the RC 2 zone unless it can be shown, at this particular locality, it has an adverse affect over and above a similar use in any other part of the zone. To put it more directly, the church located at the subject property would have no greater adverse affect upon this community than any where else in the zone. Mr. Frederick Walker testified to this, was emphatic about it, and was supportive of "Wes" Guckert's testimony relative to traffic. It is unfortunate that the petitioner moved the location of the buildings from one side of the property to the other, because it is claimed, that the present location of the proposed buildings have better agricultural soils than the soils on the prior location. This of course, was done in the spirit of compromise for Protestants relative to the buiigings location to adjoining properties. It appears that the Protestants wish to use this as an advantage in the presentation of the testimony before this Board.

RC 2 zone was established to protect agricultural soils, which can not be debated. A lot depends upon the property owner and whether or not he wishes to use the property in an agricultural manner. Let it be noted that this property can be developed with two houses, with full lawns, and with no agricultural activities taking place thereon. Thus, the same affect will take place, as the Protestants would like this Board to think if it were developed

into a church.

We must now look at the actual element of the protest involved.

We have in this community some established residents of long and short term, with historical structures. They claim that the construction of this church will have an adverse affect upon their economy in that individuals will not be prone to tour their historic structures because of this church and its location, architecture or design. Again, this is not an established long term, century long church of the Christian or Jewish denomination, and therefore is "different". The Protestants can use all the objections that were placed before this Board as a facade for their actual "personal attitudes".

The construction of more modern buildings around such historic structures such as the Baltimore County Court House, the Shot Tower, City Hall, the Washington Monumsnt, St. Peter's in Rome, Big Ben and the many thousand similar in history, have not deterred or abated their historic significance.

The historic structure argument is absurd.

Now look at the first amendment of the Constitution of the United States of America and question whether or not the RC 2 legislation prohibits free exercise of religion. The RC 2 zone is a prohibitive zone and in essence should be because of the agricultural soils that are involved in the area. Do we go on to prohibit free exercise of religion in farming and agricultural areas? Because of the "uniqueness" of the proposed church and it's phases, the Protestants are opposed. Are they, and will this Board, in affect, prohibit the free exercise of religion on this

property. It is impossible to say that this is a "new, radical religion". It is a Christian Church established approximately fifteen years ago, and functions in a Christian community. Christianity is two thousand (2000) years old! Judiasm is older.

Assuming we are free to choose Christianity, Judaism, or whatever other religion we may desire, the First Amendment of the Constitution protects our right to establish our church for our belief and worship and to construct structures for this purpose. No evidence has been presented to this Board to show an absolute adverse affect upon the community involved here. The historic and agricultural arguments of the Protestants are nothing more than a facade. Freedom of religion and where we wish to worship is an absolute right that every citizen of this country has. It appears, to be facitious, that people in the farmland areas have no right, nor do they worship God.

The Petitioner does not wish to play games with its right to worship where it wants to worship but most strongly suggests a challenge that the RC 2 zone and its prohibitions of the establishment of churches as a matter of right, may be flawed, constitutionally. It is noted that it is not the Boards postiion to decide constitutional questions.

The Petitioner has offered to the Protestants a compromise wherein only phase I would be developed. Any future expansion of this property would necessitate future hearings, and only after the history of this use, would the Zoning Authorities make a determination as to expansion. Unfortunately, it fell upon deaf ears.

If we are to look at Section 502.1 of the Baltimore County Zoning Regulations, the Board will find that the Petitioner proved,

1-28-88

in an affirmative manner, it's request. But look at subsection g., "proposed use is not inconsistent with the purposes of the property zoning classification nor did it in any way be inconsistent with the spirit and intent of these zoning regulations." The church use is permitted and is presumed to be permitted pursuant to Schultz. There was no substantial evidence and testimony presented before this board by the Protestants to negate that presumption. The fear of the unknown by the Protestants and their fear of an encroachment of any other type use other than they desire, caused this protest.

The offer of phase I still stands and would establish the Meadowcliff New Covenant Church as a neighbor and, a good neighbor.

For the aforegoing reasons it is respectfully requested that this Honorable Board grant the special exception, as requested.

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204
(301)296-6820

Attorneys for Meadowcliff

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 19th day of June, 1987, a copy of the aforegoing Memorandum was mailed, postage prepaid to Andrew Radding, Esquire, 20 South Charles Street, Baltimore, Maryland 21201, Counsel for Protestants and to Peter Zimmerman, Esquire, Deputy People's Counsel, Courthouse, Towson, Maryland 21204.

S. ERIC DINENNA

IN THE MATTER OF THE PETITION FOR SPECIAL EXCEPTION FOR A CHURCH & ACCESSORY PARSONAGE N/S Belfast Rd., 340' E of Old Belfast Rd., 8th District : BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY : Case No. 85-132-X

MEADOWCLIFF, A NEW COVENANT CHURCH, Petitioner

: : : : : : :

PEOPLE'S COUNSEL'S POST-HEARING MEMORANDUM

This is a fascinating and important case because it calls for the separation of fact from belief, and for the careful consideration of the purpose or philosophy of the special exception for a church in an agricultural zone. For such a special exception, in addition to the usual considerations, there cannot be an adverse effect upon the primary agricultural uses in the vicinity. (Baltimore County Zoning Regulations 1A01.2C) The Board of Appeals is required by law to make a specific finding on the matter. BCZR 1A01.2C states:

> "C. Uses permitted by Special Exception. The following uses, only, may be permitted by special exception in any R.C.2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity... ."

The nub of the case is that the scale of the proposal will have an adverse effect upon agriculture in the vicinity, the neighborhood. The vicinity of a property exceeding 50 acres in size includes this neighborhood of 50 acres as well as surrounding properties. There is no dispute that the area is extremely productive and well suited to crops.

The only probative testimony on the effect of the church proposal on agriculture came from Wayne McGinnis, Jeremy Criss, and Paul Solomon. Their observations, separately and in combination, demonstrated that the large church, parking lot, access road, stormwater management facilities, and parsonage would devastate the land agriculturally. Each witness gave a particularly detailed

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analysis of the property in reference to the site plan submitted in evidence. These witnesses also gave compelling evidence of the intrusive nature of a proposal of this magnitude on agriculture in the general area. For a more detailed discussion of this problem, see the Board's Opinion in Conservation Associates, Case No. R-86-110, May 1, 1987.

Against this, Mr. Meyer, for the Petitioner, stated an intent to farm parts of the property not under concrete, perhaps as an orchard. But he had no facts or experience to back this up. He had made no inquiries. He had done nothing. Of course, even if the remainder of the property could be planted, it would be but a shadow of the original site.

This is where the Board must separate belief from fact. Mr. Meyer purchased this property upon advice of his brother-in-law, a real estate agent. The stated reasons for purchase did not include farming. Mr. Meyer may now sincerely believe that some farming can be done on the property along with the proposed church, and that a way would be found. But here, we are required to make a leap of faith, because there are no facts. In this connection, it is also clear that Petitioner's real estate witness at trial was not an expert on agriculture.

Petitioner argues nevertheless that churches are permitted by special exception; and so they are, where they satisfy the statute, its purpose and philosophy. In this context, the preservation of rural productive land from incursion must not be given a cramped interpretation. While we would not presume to dictate the area, size, shape, and plan of a religious institution, we feel comfortable in suggesting that churches can and do exist in rural areas of a scale compatible with agriculture. But they

are modest in scope and tend to occupy a few acres rather than 50. We are reminded of the movie, "Lilies of the Field," in which Sidney Poitier helped a group of nuns build a small church.

It is necessary to have a sense of proportion. The proposal here is unreasonable and not in keeping with the spirit of the law. And, it is no argument to say that an occasional mansion or large house may be built. Residences are permitted by right, at low density, and do not give rise to the land use problems typically associated with churches.

On this record, the Board should deny the special exception. The case is important because it will set the tone for other potential proposals which could have a dramatic impact on the agricultural zones in the county.

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 27th day of May, 1987, a copy of the foregoing People's Counsel's Post-Hearing Memorandum was mailed to S. Eric DiNenna, Esquire, Suite 600, Mercantile-Towson Bldg., 409 Washington Ave., Towson, MD 21204; Andrew Radding, Esquire, and John Willis, Esquire, Suite 1200, 20 S. Charles St., Baltimore, MD 21201; and David L. Bowers, Esquire, 10 Light St., Baltimore, MD 21202.

Peter Max Zimmerman
Peter Max Zimmerman

GREATER SPARKS-GLENCOE
COMMUNITY COUNCIL

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COUNTY BOARD OF APPEALS
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P.O. Box 396 • Sparks, Maryland 21152

Judy Waldman, President
Sheila F. Haskell, Vice-President
Charles Blair, Treasurer
Margaret H. Smith, Secretary

May 29, 1987

Mr. William T. Hackett, Director
Baltimore County Board of Appeals
Room 200 - Courthouse
Towson, Md. 21204

Re: Meadowcliff Covenant Church

Dear Mr. Hackett,

This is the final memoranda from our community association:

As stated in the hearings we are truly concerned with not setting a precedent of using RC-2 land - anywhere - for large structures, vast increases in population, increased traffic, and increased density of impervious surface - not just in our backyards - but any RC2 land.

Although Mr. Meyer and his lawyer have suggested many compromises of reduced size and scope we have reason to doubt the intention of keeping it small. I personally interviewed a former parishioner from Meadowcliff who wished to remain anonymous but stated she was a key person in the planning process for obtaining this particular property. She stated that the fifty acres was sought primarily because large expansion is planned and she is convinced that remains the goal. I felt this validated the concerns we had had all along.

In closing - I would add that our experiences in the Appeals Room thus far have been quite an education in the process of zoning matters and the important opportunity for citizen participation in this process.

We thank you and your board for your thoughtful deliberation.

Sincerely,
Judith Waldman
President

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

May 25, 1987

County Board of Appeals
Baltimore County
Court House
Towson, Maryland 21204

Attention: Mr. William Hackett,
Chairman

RE: Petition for Special Exception
Meadowcliff Church
Case No.: 85-132-X

Dear Mr. Hackett:

By agreement of counsel for the protestants and myself, we wish to request an extension of 15 days, for the submission of memorandum concerning the about captioned matter.

Unless I hear from you to the contrary, I will assume said extension has been granted.

Very truly yours,

S. ERIC DINENNA

SED/ib
cc: Mr. Andrew Radding, Esquire.
Mr. John Willis, Esquire.
Mr. Peter M. Zimmerman, Esquire.

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SAVE OUR STREAMS

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9115 Summer Park Drive
Baltimore, MD 21234

April 15, 1987

Mr. Hackett
County Board of Appeals
Room 200
Baltimore County Court House
Towson, MD 21204

Re: Meadowcliff, A New Covenant Church on Old Belfast Road in Sparks, MD Case #85-132-X

Dear Mr. Hackett

I wish to express my concerns about the impact of storm water from the Meadowcliff, New Covenant Church on Buffalo and Piney Creeks. Impervious surfaces have an extreme impact on the local stream and its aquatic life in the areas of reduced dry weather stream flow, thermal pollution and chemical pollution. I urge you to uphold the decision of the Zoning Commissioner of Baltimore County thereby retaining the rural nature of Northern Baltimore County and preserving its waterways.

The church building and parking lot will radically alter the land surface and cause drastic shifts in rainwater runoff patterns. Water will not infiltrate the imprevious material of rooftops and parking lots thereby reducing the rejuvenation of the ground water supply. Storm water traveling over large impervious surfaces will be heated and cause thermal pollution which is detrimental to aquatic life.

Also, the runoff will deliver the pollutants which have been deposited on the parking lot, rooftops and lawn area to Buffalo and Piney Creeks. The actual substances found in runoff waters will include but are not limited to pesticides, heavy metals and nutrients. The most common pollutants in storm water are copper, lead and zinc which originate in car exhaust and are extremely toxic to aquatic life.

Leading the way to a healthy Chesapeake Bay!

Again, I urge you to retain the decision of the Zoning Commissioner in order to allow Buffalo and Piney Creeks to retain their good water quality thereby providing tremendous recreational opportunities to area residents.

Sincerely,

Katherine J. R. Martin
Katherine J. R. Martin
President

1-28-88

Society for the
PRESERVATION
of
MARYLAND
Antiquities

March 2, 1987

Mr. William T. Hackett
Chairman, Baltimore County Board of Appeals
Room 200, Old Courthouse
Towson, MD 21204

RE: Case 85-132-X, Meadowcliff, a New Covenant Church, Petitioner
construction of a 22,400 sf church and 200 parking spaces in a National Historic District zoned RC2

Dear Mr. Hackett:

Preservation Maryland wishes to state on record that it supports the June 3, 1985 decision by Deputy Zoning Commissioner, Jean Jung. Ms. Jung denied the petiton for a special exception to the RC 2 zoning restrictions stating that construction of the "proposed church building and parking lot would, by virtue of the enormity of their size, be detrimental to the general character and welfare of the existing residential and agricultural area and appear as an encroachment west of I-83."

Preservation Maryland firmly supports that decision.

The proposed site for construction is within the Western Run-Belfast Road National Historic District --- an area known for its single-family structures, farm buildings and verdant open fields. The community, represented by the Greater Sparks-Glencoe Council, is committed to preserving its rural nature and adhering strictly to the Planning and Zoning policies restricting commercial-type structures west of I-83. Ms. Jung stated that the proposed development of the site "would be inconsistent with the spirit and intent of the zoning regulations in that it would be inappropriate and incompatible with the area and the RC 2 agricultural zone." She also noted that the "commercial character of so large a building and parking lot would be detrimental to the area's welfare."

The historical resources of this National Register District are superb assets to the "general character and welfare" of the area. In the National Register Nomination Form (copy attached), the authors note that the Western Run Belfast-Road District has been agricultural in nature since its initial settlement in the 18th Century. The structures therein are traditional in form and detail, constructed of the stone found abundantly in the district.

Non-Profit Organization
The Commerce Exchange / 17 Commerce Street / Baltimore, Maryland 21202 / (301) 685-2886

More than 80 individual historic structures, complete with outbuildings in some cases, survive from historic periods in Baltimore County's development. The recently restored Oregon General Store, Wood Hall Farm, the Kensey Johns Mill, the Western Run Road Tollhouse, are a few of the examples of Baltimore County's architectural heritage that stand as testimony of its people and their cultivation, not only of foodstuffs, but also of their society.

As Ms. Jung strongly argued in her denial of the special exception, the encroachment of such a ponderously large structure, ancillary outbuildings and a parking lot will create an irremediable visual intrusion destroying the integrity of the District. The increase in traffic caused by a 1,200 person capacity auditorium would also dictate substantial changes to roads and access to the District. Widening of Belfast and York Roads would obliterate valuable historic resources in the District.

We urge you to uphold Ms. Jung's denial and preserve a vital part of Baltimore County's patrimony.

Sincerely,

PRESERVATION MARYLAND

Stephanie D. Churchill

Stephanie D. Churchill
Executive Director

COUNTY BOARD OF APPEALS
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SEE INSTRUCTIONS

MARYLAND HISTORICAL TRUST WORKSHEET

NOMINATION FORM
for the
NATIONAL REGISTER OF HISTORIC PLACES, NATIONAL PARKS SERVICE

1. NAME
(COMMON): Western Run - Belfast Road Historical District
(AND/OR HISTORIC):

2. LOCATION
STREET AND NUMBER: Parts of 5th and 8th election districts, Baltimore County
CITY OR TOWN:
STATE: Maryland
COUNTY: Baltimore

3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP		STATUS	ACCESSIBLE TO THE PUBLIC
☒ District ☐ Site ☐ Building ☐ Structure ☐ Object	☒ Public ☒ Private ☐ Both (multiple)	Public Acquisitions ☐ In Process ☐ Being Considered	☒ Occupied ☐ Unoccupied ☐ Preservation work in progress	☐ Yes: ☒ Restricted ☐ Unrestricted ☐ No

PRESENT USE (Check One or More as Appropriate)

☒ Agricultural	☐ Government	☐ Park	☐ Transportation	☐ Comments
☐ Commercial	☐ Industrial	☒ Private Residence	☐ Other (Specify)	
☐ Educational	☐ Military	☒ Religious		
☐ Entertainment	☐ Museum	☐ Scientific		

4. OWNER OF PROPERTY
OWNER'S NAME(S): Multiple public and private
STREET AND NUMBER:
CITY OR TOWN:
STATE:

5. LOCATION OF LEGAL DESCRIPTION
COURTHOUSE, REGISTRY OF DEEDS, ETC: Baltimore County Courthouse
STREET AND NUMBER: Washington Avenue
CITY OR TOWN: Towson
STATE: Maryland
(Liber Reference of Current Deed (Book 6 Pg. 1):

6. REPRESENTATION IN EXISTING SURVEYS
TITLE OF SURVEY: Baltimore County Landmarks (partial)
DATE OF SURVEY: 1971 ☐ Federal ☐ State ☐ County ☒ Local
DEPOSITORY FOR SURVEY RECORDS: Baltimore County Historical Society
STREET AND NUMBER: York Road
CITY OR TOWN: Cockeysville
STATE: Maryland

SEE INSTRUCTIONS

7. DESCRIPTION

CONDITION (Check One)					
☐ Excellent	☐ Good	☐ Fair	☐ Deteriorated	☐ Ruins	☐ Unexposed

(Check One) ☐ Altered ☐ Unaltered
(Check One) ☐ Moved ☐ Original Site

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

From its initial settlement in the eighteenth century to the present day the Western Run-Belfast Road district has been an agricultural one. Most of this district remains agricultural but its accessibility to Baltimore via I-83 makes it vulnerable to the suburbia which is spreading over the face of the land. The Western Run-Belfast Road Historic District is the easterly half of a large region nominated to the National Register; the westerly half, already nominated, is the Worthington Valley Historic District.

Visually the Western Run-Belfast Road district resembles all agricultural land before residential, commercial and industrial exploitation. There are fewer structural intrusions in this district than would be expected in one so close to a major metropolitan area. Roads do not exceed two lanes in width -- narrow two lanes at that -- a scale in perfect harmony with the land.

Structures in this district have always been traditional in form and detail, little affected by current style or taste. The abundant stone is the typical building material, recognized and appreciated for its permanence, obviously a most important detail to early builders. The absence of important late nineteenth century houses indicates the early prosperity which the area enjoyed, the conservative taste of its inhabitants and the degree of permanence which earlier builders incorporated into their structures.

(See Continuation Sheet Number 1)

SEE INSTRUCTIONS

Continuation Sheet Number 1

Question No. 7, continued

Nature was the all-powerful influence on lives and the securing of food was man's basic quest. Accordingly, unless an overwhelming reason suggested otherwise, the dwelling house had its long principal facade to the south, the sunniest, warmest exposure in cold weather. Every dwelling was supported by a number of small outbuildings, in addition to major barns, the function of which was related to the preparation and preservation of food. The southerly exposure and supporting out-buildings remained typical characteristics of Maryland farm dwellings until central heating made the former unnecessary and canning, refrigeration, chemical preservatives and rapid transportation made the latter obsolete. Southerly orientations of dwellings are seldom changed but obsolescence has made outbuildings and other structures erected for purely functional purposes (such as grist mills, tanneries and industrial structures) rare. An area which retains a number of these buildings, as does this area, assumes greater significance.

The Eighteenth Century

Settlement in the district began in the eighteenth century but eighteenth century structures are, not surprisingly, extremely rare. The earliest were undoubtedly small, simple, hasty and crude. The remarkable 1798 Federal Direct Tax records, which recorded the measurements, number of storeys, and building material of every dwelling house and out-building, indicates that most houses in the area were quite small but all the known building materials

(See Continuation Sheet Number 2)

Continuation Sheet Number 2

Question No. 7, continued

were represented: log, stone, frame and brick. Brick dwellings were the rarest and it may be assumed that this man-made material was more expensive and possibly of a less-desirable sophistication than was desired by the earliest builders. Three stone houses have been identified in the 1798 Federal Direct Tax records: CONCEPTION VALLEY (1794), REGULATION and the KENNETH FISHER HOUSE. The first two had pent roofs at their second floor lines and CONCEPTION VALLEY has a corner chimney, all features associated with southeastern Pennsylvania, not tidewater Maryland. The KENNETH FISHER HOUSE, originally three bays in length with two rooms in each storey -- one occupying two bays, the other occupying one -- and an insignificant enclosed staircase, is related to several other houses with identical plans, dating from the opening years of the nineteenth century: CONCLUSION, ROSEDALE (1806) and THISTLE DOWN FARMS.

Two eighteenth century houses have been moved to the area: ROSS HOUSE from Bladensburg, Prince Georges County, and the YATES HOUSE from Kent County, Maryland.

1800-1820

CONCLUSION, ROSEDALE (1806) and THISTLE DOWN FARMS are also substantially built of stone, utterly traditional in form and detail, but incorporating timely technological advances in their use of the machine-cut nail. The KENNETH FISHER HOUSE and THISTLE DOWN FARMS are further related by their identical early nineteenth century wings and their twentieth century adaptations of the smaller

(See Continuation Sheet Number 3)

Continuation Sheet Number 3

Question No. 7, continued

original room as a center hall with an important open staircase, an alteration which occurred early in the nineteenth century at LOCUST HILL (q.v.) in the Worthington Valley (q.v.). CONCLUSION shares several sophisticated interior details with STAMFORD (q.v.), an important brick house in the Worthington Valley (q.v.) both apparently built just after 1798.

Like CONCLUSION, ROSEDALE and THISTLE DOWN FARMS, other houses dating from the opening years of the nineteenth century are traditional, their nineteenth century origins indicated only by their absence in the 1798 Tax records and their use of machine-cut nails; their forms belong to the eighteenth century as do most of their details. Several houses in one group of this period share common details as well as common names: SPRING GARDEN (1807), SPRING GARDEN (ENSOR) and SPRING GARDEN'S ADDITION (1808); these stone houses all have a narrow central hall with an open, important staircase and a service wing containing the kitchen, attached at one end, its height slightly lower than the main house, its detailing simpler. HILLTOPS (1811) and SMALLWOOD are similar but their kitchen wings are smaller and the FULLER HOUSE (1801) also has a narrow central hall but its kitchen wing is perpendicular to the main house. SAMMY'S BOTTOM is at the end of this group, a transition to the next period with its central hall, one-room depth and 'L' shaped plan formed by the kitchen wing, itself one room in depth, two rooms in length.

(See Continuation Sheet Number 4)

Continuation Sheet Number 4

Question No. 7, continued

Another group of very early nineteenth century houses have side halls, probably recognized as a way to commence a house with a convenient way to double its size in the future. OAKLAND is two rooms deep and it is built of brick, a rarity in this district. WOOD HALL FARM is also two rooms deep, with a side hall. CUMBERLAND HOUSE is of stone, one room deep but it shares many interior details with OAKLAND. HARTMAN HOUSE and MASTER'S CARE are both of stone, one room deep, with a side hall containing an important open stair. All but WOOD HALL FARM have had major additions added beside the side hall.

Several very small houses survive from this period; small survivors are especially rare when they have not been enlarged, such as the AKEHURST HOUSE, of stone. The oldest part of the DRAWBAUGH HOUSE belongs to the early nineteenth century. The GELBER HOUSE is a fragment -- the stone kitchen wing -- of an early house and AUNT ELLIE'S CHIMNEY is an even smaller fragment of an early house. HILL HOUSE is partly of log construction, enlarged and often remodeled. LINFIELD'S LOG HOUSE is perhaps the rarest of all, being a very early house, certainly the oldest log house in the area, its hand-made nails indicating a possible eighteenth century date; it has not been enlarged and it is nearly unaltered. The log section of ORENANKS has been much altered and additions on two sides at two different early periods have obscured its original identity. BOSLEY'S LOG HOUSE and the GLYKIN HOUSE are two other rare survivors in log, as is one of the DELIGHT FARM TENANT HOUSES.

The KENSEY JOHNS MILL, dated 1800, is one of the oldest

(See Continuation Sheet Number 5)

1-28-88

Question No. 7, continued

surviving mill structures in the state. GRAY'S ROCKY LODGE, closely related to the Mill, was probably architecturally related to other three-bay stone houses of the early nineteenth century.

1821-1840

That a center hall containing an important staircase wa a degree of sophistication is indicated by their increasing prevalence as the region prospered. BELLEFIELD, BELHAVEN (1834) and CONCLUSION (GLENN BOSLEY) are examples; the first two are of stone, the last is of frame construction, perhaps the oldest surviving house in the district of that material. PLEASANT PROSPECT is a variation on the theme, its important stair hall occupying one corner of the stone dwelling. Often an addition containing an important hall with staircase was added to an earlier, more primitive structure: MEADOWDALE, OREBANKS and REGULATION are examples of stone additions to frame, log and stone earlier houses, respectively, added to achieve a hall with an open stair, and a parlor. The SCOTT HOUSE, with its two datestones 1787 and 1823, is a three bay, two storey stone house, gutted by fire early in this century, making it impossible to assign in one of these particular sub groups.

The tiny O'LLAHAN HOUSE is a substantial stone dwelling or an outbuilding for a much larger dwelling. MARGARET'S DELIGHT is a small stone house, basic in design, with later additions. Two religious meeting houses, the Black Rock (Baptist) and the Gunpowder (Friends), both are structures of denominations which demanded substance with utter simplicity in their structures, hence their very

(See Continuation Sheet Number 6)

Question No. 7, continued

traditional form and detail, substantially rendered in stone.

1841-1860

Prosperity together with family increases often caused additions to existing houses. T addition to BELLEFIELD (1842) virtually copied the form of the original house. CONCLUSION and the HARTMAN HOUSE both had third storeys added to the original two, an engineering feat possible when the original construction was substantially built of stone. One room was added to the length of the HARTMAN HOUSE at this time while at CONCLUSION three bays were added, two rooms deep, with a new stair hall, plus the third storey over the old house, thus creating a new main house. The three storey form was characteristic of the mid-century, possibly an influence of the city house: the GEORGE CANOLES HOUSE, the LLOYD HOUSE, CONCLUSION OVERSEER'S HOUSE, the house on STUBBS MUSHROOM FARM and the DAVIS HOUSE are examples; all but the last are of stone, the last being of frame. The DAVIS HOUSE has a tripartite motif in its central bay -- entrance with sidelights in the first storey, a wide window flanked by narrower ones in upper storeys -- and this same motif is found in several other mid-century houses, almost the sole exterior decorative element related to current style: BUFFALO RUN, BLAND HOUSE and DELIGHT FARM. Like the DAVIS FARM, the BLAND HOUSE is of frame and the others are of stone. Stucco is an important exterior finish, probably considered more sophisticated than rubble stone and that finish is found on CONCLUSION OVERSEER'S

(See Continuation Sheet Number 7)

Question No. 7, continued

HOUSE, the house on STUBBS MUSHROOM FARM and DELIGHT FARM.

Major additions (1858) to ROSEDALE (1806) are unique; the old house, three bays in length, one room in depth, had its orientation changed, converting its original front into the end of a much larger house, now five bays in length, two rooms in depth, with a center hall in the addition adjacent to the rear facade of the original house.

The FERTON HOUSE (1849) is a stone house with a side hall, two rooms in depth, traditional in form and detail. Modest traditional additions to earlier houses continued: CUMBERLAND HOUSE, DRAKEBAUGH HOUSE. As the years draw closer to our own, more and more of the modest small houses survive: RYDER HOUSE, JOHN EDELEN III HOUSE and WESTERN RUN ROAD TOLLHOUSE. A large stone grist mill, WILLOW MILL, together with its small stone MILLER'S HOUSE survives, the former gutted and nearly ruinous.

The OREGON & CO. STORE is a mid-century stone structure erected by an early industrial concern; the original part and its several later additions illustrate traditional or old-fashioned form and details employed when utility superseded style in importance.

1861-1880

A major technological change wrought important architectural changes in this period: the closed stove superseded the open fireplace as a source of heat in buildings. Chimneys were built as single flues, without multiple fireplaces, each with its own flue. The OREGON & CO. STORE (first mentioned above) is in this period,

(See Continuation Sheet No. 8)

Question No. 7, continued

as is BELFAST FARM, BUTLER HOTEL, BROOKS HOUSE, MRS. CLARA LEE'S HOUSE, the DAVIS PLOW FACTORY, MADDEN HOUSE, MARGARET'S DELIGHT (addition), OREGON & CO. OVERSEER'S HOUSE and OREGON & CO. COMPANY HOUSES. BELFAST FARM, like others mentioned earlier, was probably a hall-with-staircase and parlor addition to an earlier house, now vanished. BROOKS, MRS. CLARA LEE'S and MADDEN HOUSE are the frame dwellings of newly freed black people. The frame BARKO HOUSE exhibits a stylish central pediment, perhaps the earliest in this area of a house type which became typical throughout the last half of the nineteenth century.

Four early one-room schoolhouses remain from this period dating from the establishment of public education: BLACK ROCK SCHOOL, PRICEVILLE SCHOOL, WESTERN RUN SCHOOL and SHAWAN SCHOOL. The first three are of stone and the fourth is of brick, indicating the desire to make these public buildings permanent and relatively maintenance-free.

Increased transportation demands resulted in the development of the WESTERN RUN TURNPIKE and several stone-linteled culverts and at least one fine stone-arched bridge remain in service. Advanced technology allowed iron to replace wood and stone for bridges and a good early wrought iron CUDA ROAD BRIDGE spans Western Run.

As the century progressed, fewer important houses were built, indicating the early prosperity of the region and the later satisfaction with those earlier, traditional houses, a feeling still prevalent.

(See Continuation Sheet Number 9)

Question No. 7 continued

1880-1900

The GILL HOUSE and the HOWELL HOUSE are the largest and most important late nineteenth century dwellings, each on a commanding hilltop site, each of frame, each with modest late-nineteenth century detailing, a central gable in the roof being the predominant feature. Other frame houses, smaller, but with the characteristic gable as virtually the only stylish ornamentation are DANIEL BOSLEY HOUSE, LINFIELD HOUSE, PARKER HOUSE, PINDELL HOUSE, RAMBERG HOUSE, ROBERT LEWIS' RENTED HOUSE, SPRING GARDEN TENANT HOUSE and TURNBAUGH HOUSE. Similar but lacking the gable are COLE HOUSE, GENT STORE, WAXTER HOUSE and WHEELER LANE HOUSE. The SCHAEFFER HOUSE was similar, its additions creating a unique form. The WESTERN RUN ROAD STORE AND TOLLHOUSE is an utterly simple frame utilitarian dwelling and business structure. The second DELIGHT FARM TENANT HOUSE is similarly simple. The WHYE HOUSE is a modest house of a black family, traditional in form. The BUTLER SCHOOL is a very early example of consolidation in school construction, consisting of three classrooms instead of the then-customary one. The BOSLEY METHODIST CHURCH is a stylish Gothic-revival church, a radical departure from that denomination's earlier philosophy of utterly-simple meeting houses, an influence from such sophisticated city churches as the Mount Vernon Place Methodist.

1900-1920

The few dwellings from this period including BREITNECKER HOUSE and BRYANT HOUSE continue the late nineteenth century tradition

(See Continuation Sheet Number 10)

Question No. 7, continued

of simplicity; neither of these two is large; both exhibit modest influences of the Colonial Revival. GREENCROFT in stone is on a commanding site and it is of a scale equal to the earlier stone houses; it, too, modestly reflects the Colonial Revival style. The FALLS ROAD M.E. CHURCH (1914) incorporates some very simple Gothic-revival detailing in an otherwise simple frame meetinghouse. The GOUGH CHURCH (1907) is a simple frame meeting house of a black congregation incorporating even fewer Gothic-revival details. RILEY'S STORE is a typical early twentieth century small general store, its form once repeated in many examples of that functional building type, a type becoming rarer with each passing year.

Kitchens

Kitchens are the most important outbuildings. Early kitchens in Maryland were often like those in other southern regions, in separate buildings. Others were in attached wings. Maryland has been a transitional area in many ways, and her domestic architecture is no exception. Many early Maryland kitchens, particularly in northern Maryland, were in basements, like their counterparts in more northerly regions of America. As technology allowed the cooking process to progress from an open fire to the enclosed range, the kitchen invariably was incorporated as part of the same structure and on the same floor as the dwelling. Tradition was strong, however, and throughout the nineteenth century the kitchen was usually expressed as a wing, structurally distinct from the principal dwelling, but attached and constructed in the same building effort. A tradition

(See Continuation Sheet Number 11)

Question No. 7, continued

persists that the kitchen wings of many houses are the original dwellings on the property (undoubtedly because of their more primitive detailing and lower ceilings) but in most cases, structurally, they can be proven to be contemporary with the dwelling, sometimes constructed, in actual sequence, after the dwelling, but as part of the same building effort. A shed-roof form for kitchen wings, perpendicular to the principal part of the dwelling, is characteristic of many in this area, a form frequently seen in northern western Maryland and southern Pennsylvania, less-frequently seen in eastern and southern Maryland: CONCLUSION, HILL HOUSE, HENDERSON HOUSE, BLAND HOUSE, BUFFALO RUN, GEORGE CANOLES HOUSE, JOHN EDELEN III HOUSE, OREGON & CO. STORE, OREGON & CO. OVERSEER'S HOUSE.

Barns

Early barns, described in the 1798 Federal Direct Tax records, were invariably small compared to barns typically associated with rural Maryland. The stone barn at the MAC FARLANE HOUSE (originally part of the CUMBERLAND HOUSE property) is typical of the earliest described barns. Unlike most nineteenth century barns, it is not built into a hillside. Stone bank barns at PLEASANT PROSPECT and ROSEDALE (1812) survive, relatively unchanged; stone bank barns survive in various conditions at BELHAVEN FARM, CONCLUSION, MEADOWDALE FARM, SCOTT HOUSE and SMALLWOOD. Frame bank barns, on stone ground storeys, survive at BREITNECKER HOUSE, GEORGE CANOLES HOUSE, GREENCROFT, MEADOWDALE FARM, OREBANKS, SAMMY'S BOTTOM, SPRING GARDEN, SPRING GARDEN (ENSOR) and SPRING GARDEN TENANT HOUSE. Stone

(See Continuation Sheet Number 12)

Question No. 7, continued

foundation walls of former bank barns survive at BELLEFIELD, FULLER HOUSE, HILLTOPS, and OREGON & CO. Invariably the ground storey, containing livestock stalls, opens to the south, sheltered by a projecting, often cantilevered, tall loft storey, accessible on grade to the north.

Graineries

A distinctive regional style exists for graineries: two stone side walls, usually buttressed, supporting a second storey with framed end walls: BELFAST FARM, BELHAVEN FARM (ruinous), BELLEFIELD (ruinous), DAVIS FARM, FULLER HOUSE, MacFARLANE HOUSE, MASTER'S CARE, MEADOWDALE FARM, PLEASANT PROSPECT and SPRING GARDEN.

Polygonal Outbuildings

Polygonal outbuildings occur frequently throughout northern Baltimore County; two built as ice houses are in this area: at FERTON HOUSE and at SPRING GARDEN. Their origins probably lie in a popular nineteenth century movement which advocated polygonal structures, small outbuildings being easily adapted to this practical, decorative and whimsical shape.

Spring Houses

The abundance of springs eased the settlement in this area and this valuable natural gift was used for drinking water and for food preservation. Structures were built over springs to control and shelter this vital operation, stone being the usual material chosen to survive in the inevitably damp location. Many springhouses

(See Continuation Sheet Number 13)

1-28-88

Continuation Sheet Number 13

Question No. 7, continued

survive, a testament to their durable construction in spite of their functional obsolescense and resultant abandonment today. Surviving one-storey spring houses include those at BELFAST FARM, BELHAVEN FARM, BELLEFIELDS, BREITNECKER HOUSE, DAVIS FARM, FENTON HOUSE, MacFARLANE HOUSE, MARGARET'S DELIGHT, MASTER'S CARE, MEADOWDALE FARM, OREDANKS, OREGON & CO. OVERSEER'S HOUSE, OREGON & CO. STORE, PLEASANT PROSPECT (1836), ROSEDALE, SAMMY'S BOTTOM, SPRING GARDEN, SPRING GARDEN (ENSOR), SPRING GARDEN'S ADDITION, SPRING GARDEN TENANT HOUSE, THISTLE DOWN FARM, WOODHALL FARM. Surviving two-storey spring houses include those at BATCHELOR'S CHOICE, BUFFALO RUN, CONCLUSION, FULLER HOUSE, HARTMAN HOUSE, HENDERSON HOUSE, LLOYD HOUSE, OAKLAND, SCOTT HOUSE.

Meat Houses

Most of the smaller outbuildings associated with early dwellings relate to the preservation of food. Smoking and curing meat was an early preservation process, requiring its own structure and several survive, generally adapted to useful storage buildings today: BELHAVEN FARM, BELLEFIELD, BREITNECKER HOUSE, COLE HOUSE, CUMBERLAND HOUSE, DAVIS FARM, GEORGE CANOLES HOUSE, MASTER'S CARE, MEADOWDALE FARM, PLEASANT PROSPECT, SAMMY'S BOTTOM, SPRING GARDEN, SPRING GARDEN'S ADDITION, TURNBAUGH HOUSE.

Privies

The most functional and inevitable outbuilding associated with all early dwellings is today the rarest: the privy. All are abandoned today. Two, one for ladies, the other for gentlemen,

(See Continuation Sheet Number 14)

Continuation Sheet Number 14

Question No. 7, continued

survive attached to the GUNPOWDER FRIENDS MEETING HOUSE. A stone privy at the DAVIS FARM contains separate rooms for the sexes. A stone privy is attached to the stone meat house at ROSEDALE and a stone privy is attached to another stone outbuilding at SCOTT HOUSE. Frame privies survive at the GEORGE CANOLES HOUSE, HILL HOUSE and MEADOWDALE FARM.

Root Cellars

Root cellars are unusual but four survive in this area, underground, separate from the dwelling: CUMBERLAND HOUSE, HILLTOPS, SMALLWOOD and WOODHALL FARM. At HILLTOPS, it is accessible from the dwelling's cellar. All have vaulted stone roofs covered with earth.

Mounting Blocks

Mounting blocks, minimal structures provided as a permanent functional devices, survive at several dwellings, their permanence made possible by the abundant, easily worked stone in the area: BELHAVEN FARM, CONCLUSION, GUNPOWDER FRIENDS MEETING HOUSE, OAKLAND, PLEASANT PROSPECT, SMALLWOOD and MEADOWDALE FARM.

Other Notable Outbuildings

Several stone structures survive at PLEASANT PROSPECT related to that property's tanning industry. A rare stone Quarters survives, semi-ruinous, at SMALLWOOD. Stone-walled pits covered by wooden structures, intended for the storage of ice, survive at CUMBERLAND HOUSE and CONCLUSION; other ice houses were noted above as Polygonal Structures. Several timber-framed graineries follow the stone walled form described above: DAVIS FARM, DELIGHT FARM and

Continuation Sheet Number 15

Question No. 7, continued

HOWELL HOUSE. An early stone structure of undetermined original function survives at SCOTT HOUSE.

SEE INSTRUCTIONS

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

☐ Pre-Columbian	☐ 16th Century	☒ 18th Century	☒ 20th Century
☐ 15th Century	☐ 17th Century	☒ 19th Century	

SPECIFIC DATE(S) (If Applicable, and Known)

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

☐ Aboriginal	☐ Education	☐ Political	☐ Urban Planning
☐ Prehistoric	☐ Engineering	☐ Religion/Phil.	☐ Other (Specify)
☐ Historic	☒ Industry	☐ Theology	
☒ Agriculture	☐ Invention	☐ Science	
☒ Architecture	☐ Landscape Architecture	☐ Sculpture	
☐ Art	☐ Literature	☐ Social/Humanitarian	
☐ Commerce	☐ Military	☐ Theater	
☐ Communications	☐ Music	☐ Transportation	
☐ Conservation			

STATEMENT OF SIGNIFICANCE

The Western Run - Belfast Road Historical District is a natural extension of the Worthington Valley District which has previously been nominated to the National Register. Its western boundary follows the center of Falls Road, abutting the eastern boundary of Worthington Valley; its northern and southern boundaries extend the valleys and ridges of the latter and embrace the Western Run as it flows into the Gunpowder River. The eastern boundary of this district is the western edge of Interstate Highway #83.

This is a rural district, devoted entirely to agricultural and residential use, with only the village of Butler forming a small commercial crossroads with its general store, post office and firehouse. Except for a small area in the northwest corner the district lies entirely within the 8th election district of Baltimore County.

For as long as this area has been settled it has been known for its rich mineral resources, in particular its deep vein of iron ore and abundant supply of limestone. Over one hundred forty years ago the Oregon Company was formed to mine iron ore and by 1677 the Ashland Iron Works, which had taken over Oregon,

(Continuation Sheet #16)

Continuation Sheet #16

Question #8 Significance (continued)

was capable of producing six hundred tons of manufactured iron a week. Marble was found on the Western Run near Tanyard Road, but the major quarries which are still worked are located north of Butler on the Falls Road. The limestone produced there has been used both for fertilizer and as a building material.

There were numerous saw and grist mills within the district. Now abandoned, they performed a major service for the farmers nearby. Indeed, the construction of the Western Run Turnpike which bisected the district was accomplished in 1852 to assist the farmers in transporting their grain to the mills and to the city of Baltimore. This road with its bridges and culverts has remained relatively untouched. The bridges with their Gothic arches and massive limestone construction reflect the availability of native stone nearby and the Gothic-revival style of architecture popular in the 1850's.

The district was once dotted with villages and hamlets, most of which have disappeared and are recalled only in the neighboring road names. Typical of these crossroads is Western Run near the ruins of the old Willow Mill. Here may be seen the surviving miller's house, public school, tollhouse and wheelwright shop - all converted into private dwellings. Research indicates that there was also a sawmill, a blacksmith shop and a combination store and post office.

Davisville, on the Belfast Road, was another industrial complex which surrounded the Davis Plough Factory. It included the factory, a sales building, tenant houses and a school. Only the Davis home, sales building and several tenant houses remain.

Butler has always been a commercial center. Located on a

Continuation Sheet # 17

Question #8 Significance (continued)

portion of the Falls Road which was part of the Western Run Turnpike system, it served both the Worthington Valley and Western Run-Belfast Road districts. The village contained a post office, hotel, blacksmith shop, two general stores, a school and several churches. All are standing today.

Leesville, a group of about five houses named for Benjamin Lee, a freed slave, was built shortly after the Civil War and continues to house some of Lee's descendants. Centsville on Cuba Road, which takes its name from William C. Gent, one of the first three County Commissioners of Baltimore County (1851) and owner of a large tract of land there, is a small residential black neighborhood surrounding Gough United Methodist Church. There was formerly a school in the church building which dates from 1864.

Other communities within this district, which for the most part have disappeared, were Black Rock with its old gristmill, school and Methodist church, Oregon, Shawan and Belfast. Quaker Bottom is the name frequently associated with Priceville and Philopolis because it was settled early in the eighteenth century by members of the Society of Friends. The Gunpowder Friends Meeting House has been restored and still serves its modern congregation.

There are five school buildings still standing within the district. All but one, the Black Rock school, have been converted into private homes. The Black Rock school is presently being remodelled for an antiques shop. Additionally, there are five churches, all over one hundred years old and all presently in use.

Of particular note is the fact that through the years, descendants of the original settlers have continued to live in this district,

(See Continuation Sheet #19)

Continuation Sheet #18

Question #8 Significance (continued)

in many instances farming the same land and occupying the original homes of their ancestors. The Price family came into the area in 1723 and married into the Cole family. The Matthews family settled in 1727 and their descendants still live on the original property. The Scotts, who operated a tannery and mill on the Western Run, arrived around 1751 and four of their homes survive. The Ensors took out patents in the 1790's at Cold Bottom and Spring Gardens Addition and the Regulated Vineyard Resurveyed, all of which lie within this district. The Bosleys purchased land from Benjamin Wheeler about 1801. All of these families are still represented among the residents of the Western Run-Belfast Road District.

Historically, this district has always been an agricultural area. From the earliest times, it was recognized for the large and prosperous farms which produced crops of corn and grass, cattle and sheep. One event of historical importance took place in 1824 when General Lafayette, then on his final visit to America, presented the prize given by the State Agricultural Society for the best cultivated farm to Colonel Nicholas Merryman Bosley of "Mayfields".

Preservation efforts are evident everywhere in this district. The fact that although the mills, stores and other commercial-industrial structures have all but disappeared or been remodelled for private dwellings, the large working farms with their open spaces the wooded ridges and the many early nineteenth century domestic buildings have survived attests to the desire of the inhabitants to retain this rural district as it was when first settled. Although several efforts have been made to develop the area adjoining Interstate #83 on the eastern edge of the district and a tract near the

(See Continuation Sheet #19)

Continuation Sheet # 19

Question #8 Significance (continued)

intersection of Western Run and Shawan Roads, these newer houses have not yet had a severe impact on the whole district. The possibility of further development and the probable widening of Shawan Road presents an ever-present fear among the residents. The valley as a whole is worthy of protection from Federally-financed projects because of its survival as one of the few untouched rural agricultural and residential areas in Baltimore County.

1-28-68

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Scharf, J. Thomas. The History of Baltimore City and Baltimore County. (Philadelphia, 1881).

Hopkins, G.M. Atlas of Baltimore County, Maryland. (Philadelphia, 1877).

(See Continuation Sheet #20)

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			OR	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES	
CORNER	LATITUDE Degrees Minutes Seconds	LONGITUDE Degrees Minutes Seconds		LATITUDE Degrees Minutes Seconds	LONGITUDE Degrees Minutes Seconds
NW	° ' "	° ' "		° ' "	° ' "
NE	° ' "	° ' "			
SE	° ' "	° ' "			
SW	° ' "	° ' "			

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: 9,975 Acres ±

Acreage Justification:

SEE INSTRUCTIONS

11. FORM PREPARED BY

NAME AND TITLE: Catharine F. Black and James T. Wollon, Jr. AIA

ORGANIZATION: For Valleys Historical District Project — DATE: Sept. 1976

STREET AND NUMBER: 1114 Baltimore Road

CITY OR TOWN: Baltimore — STATE: Maryland

12. State Liaison Officer Review: (Office Use Only)

Significance of this property is:
National ☐ State ☐ Local ☐

Signature

Western Run-Belfast Road Historic District
Baltimore County, Maryland

Continuation Sheet #20

Question #9 Bibliography (continued)

Sidney, J.C. Map of the City and County of Baltimore, Maryland. (Baltimore, 1850).

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McGrain, John W. Willow Mill. (Typescript, copyright, 1975).

McGrain, John W. Heavy Industry at Daviesville. (Typescript, copyright, 1975).

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Baltimore County Tax Assessments: 1818, 1823, 1852, 1876, 1896.

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Forman, Henry Chandlee. Early Manor and Plantation Houses. (Easton, Md. 1934).

Genealogy and Biography of the Leading Families of Baltimore. Chapman Publishing Company. (New York, 1877).

Boundaries of Western Run - Belfast Road Historical District

Beginning for the WESTERN boundary in the center of Falls Road approximately 800 feet north of Shawan Road at its crossing with the Oregon Branch. Thence following the center of Falls Road to the 340 foot contour line south of the village of Butler. Thence bounding the back property lines on the west side of Falls Road for a distance of about 1000 feet to the 400 foot contour line. Thence southwesterly on the 400 foot line for a distance of about 600 feet; north northwesterly a distance of approximately 5200 feet, crossing Butler Road, the southwestern branch of Black Rock Run, the northwestern branch of Black Rock Run, to a point on the 400 foot contour. Thence northerly on the 400 foot contour west of Falls Road to its nearest proximity with the 500 foot contour east of Falls Road.

For the NORTHERN boundary, continuing east of Falls Road on the 500 foot contour (approximately 800 feet) thence following that line to Black Rock Run. Crossing the Run in a straight line to the 600 foot contour line and following that line across Yeoho Road and Buffal Run in a straight line to the 500 foot contour line. Continue on that elavation to the western edge of Interstate Highway #83.

For the EASTERN boundary of the district, follow the westernmost edge of the right of way of Interstate #83 to a point where it crosses Oregon Branch south of Shawan Road.

For the SOUTHERN boundary, follow Oregon Branch to the 300 foot contour, thence due west to the 500 foot contour line. Continuing on that line to the eastern edge of Falls Road; north to Oregon Branch, thence easterly on Oregon Branch approximately 500 feet, then in a northwesterly direction to the beginning.

Maryland Historical Trust

February 27, 1987

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Room 200, Old Courthouse
Towson, Maryland 21204

RE: New Covenant Church of Christ
Petition for Special Exception
85-132-X

Dear Chairman Hackett:

The Maryland Historical Trust, the state's official historic preservation agency is writing to you today to urge your rejection of the petition recently submitted by Meadowcliff New Covenant Church to allow construction of a new church within an area of Baltimore County between I-83 and Belfast Road now zoned RC2.

As you may know, construction of this building would take place within the "Western Run-Belfast Road Historic District," which was listed in the National Register of Historic Places -- the nation's list of historic buildings, structures, sites, districts and objects worthy of consideration for preservation -- on January 23, 1979. Construction of a 22,000 square foot church and associated parking within this historic area would harm the feeling and associations for which the "Western Run-Belfast Road Historic District" was originally listed on the National Register of Historic Places. If this request had involved state or federal funding, permitting or licensing, this office would have objected to this project, as it clearly would have an adverse effect on this historic district, as the construction would constitute an intrustion to the area which is out of keeping (because of excessive size, massing, etc.) with the scale and setting of the designated district.

Our office urges that the Board of Appeals support the positions of Deputy Zoning Commissioner Jean Jung and the Greater Sparks-Glencoe Council in rejecting the proposed re-zoning. Rejecting the proposed petition would clearly benefit the rural and historical character of the region, to the ultimate benefit of the County as a whole. We would deeply appreciate your consideration in this matter.

Sincerely,

J. Rodney Little
Director-State Historic
Preservation Officer

JRL/AHL/MRE/mmc
cc: Ms. May C. Robinson
Mr. Paul McKean

RECEIVED
COUNTY BOARD OF APPEALS
1987 MAR -3 A 8:24

Shaw House, 21 State Circle, Annapolis, Maryland 21401 (301) 269-2212, 269-2438, 269-2850
Department of Economic and Community Development Admin. S & P TPS

LAW OFFICES
BLADES & ROSENFELD, P.A.
A PROFESSIONAL CORPORATION
TWELFTH FLOOR
ONE CHARLES CENTER
BALTIMORE, MARYLAND 21201
(301) 539-7550

7/18/86 JUL 18

ZONING DEPARTMENT

July 15, 1986

Mr. William Hackett
Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

RE: Case Number 85132-X
Meadowcliff, A
New Covenant Church

Dear Mr. Chairman:

I have recently entered my appearance on behalf of the Protestants in the above-captioned matter and received notification that this matter is scheduled for hearing on Thursday, August 7, 1986.

I will be out of town for the week beginning July 19, 1986 and will not be returning to my office until July 28, 1986. As recently retained counsel, I respectfully request a postponement of the August 7, 1986 hearing date to allow myself time to become familiar with all of the issues in this matter. As you can well imagine, there is a great deal of research and preparation to be done and, I fear, too little time in which to do it.

I only request a continuance of 30 days. I am certain I could be prepared in that period of time.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Andrew Radding

AR:dsc

cc: S. Eric DiNenna, Esquire
David L. Bowers, Esquire
Mr. Arnold Jablon
Mr. James Dyer
F. K. Caporale
Ms. Lisa Keir
Mr. Harry C. Pullen
Ms. Phyllis E. Friedman
Mr. Norman E. Gerber
Mr. James G. Hoswell
Ms. Jean Jung

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 8, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Gregory A. Rapisarda, Esquire
36 North Hickory Avenue
Bel Air, Maryland 21014

RE: Case No. 85-132-X (Item No. 45)
Petitioner - Meadowcliff
Special Exception Petition

Dear Mr. Rapisarda:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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 with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to construct a church on the subject property, this hearing is required.

Particular attention should be afforded to the revised comments of the State Highway Administration.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari/mb

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mcb

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 28, 1984

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

Re: Item #45 (1984-1985)
Property Owner: Meadowcliff Church
N/S Belfast Rd. 340' E. of Old Belfast Rd.
Acres: 51.20
District: 8th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

Baltimore County highway and utility improvements are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Very truly yours,

GILBERT S. BENSON, P.E., Asst. Chief
Bureau of Public Services

GSB:EAM:FWR:ss

DD-SW Key Sheet
92 - 94 NW 10 & 11 Pos.Sheets
NW 23 & 24 C Topo
34 Tax Map

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

September 28, 1984

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

Attention: Mr. N. Commodari

Re: ZAC Meeting of 9-28-84
ITEM: #45.
Property Owner: Meadowcliff
Location: N/S Belfast Road
340' E. of Old Belfast Road
@ I-83 Interchange.
Existing Zoning: R.C. 2
Proposed Zoning: Special
Exception for church and
accessory parsonage.
Acres: 51.20
District: 9th

Dear Mr. Jablon:

On review of the submittal of 9-13-84 of special exception for the Meadowcliff Church, the State Highway Administration offers the following comments.

A review of State Highway Administration Right-of-Way files and plats shows no access will be permitted across the "Right of Way Line of Through Highway" that ends at baseline of Right of Way Station 14+50 Relocated Belfast Road.

This would prevent construction of the proposed church entrance as shown on the submittal of 9-13-84 that appears to fall within the Right of Way Line of Through Highway.

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

1-28-88

LAW OFFICES
BLADES & ROSENFELD, P.A.
A PROFESSIONAL CORPORATION
TWELFTH FLOOR
ONE CHARLES CENTER
BALTIMORE, MARYLAND 21201

(301) 539-7558

July 10, 1986

Baltimore County
Board of Zoning Appeals
Room 200, Court House
Towson, Maryland 21204

RE: Case No.: 85-132-X
Meadowcliff/Petitioner
N/S Belfast Road
340 ft. E/Old Belfast Road
8th Election District

Dear Sirs:

This letter is to request that you enter the appearance of Andrew Radding, John Willis and the firm of Blades & Rosenfeld, P.A. on behalf of the Protestant in the above-captioned case.

Thank you for your attention to this matter.

Very truly yours,

Andrew Radding

AR:dsc

cc: S. Eric DiNenna, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
JUL 11 A 9:41

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

(301) 296-6820

March 27, 1986

Mr. William Hackett
Chairman
County Board of Appeals
Towson, Maryland 21204

RE: Case No.: 85-132-X
Meadowcliff/Petitioner
N/S Belfast Road
340 ft. E/Old Belfast Road
8th Election District

Dear Mr. Chairman:

Please enter my appearance as attorney for Petitioner.

It is my understanding that this matter is set for hearing on April 17, 1986.

I am sitting as a Master for the Circuit Court for Baltimore County on that date and respectfully request a postponement.

I have spoken with Mr. Bowers, counsel for the Protestant, and he is not opposed to the postponement so long as we can reach an agreement as to the hearing date.

Accordingly, I will call your office in the next ten days and will confer with Mr. Bowers as to his schedule.

If you have any questions concerning this, please advise me.

Very truly yours,

S. ERIC DINENNA

SED:kar

cc: Meadowcliff New Covenant Church
David Bowers, Esquire
Greg Rapisarda, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
MAR 31 P 2:06

PERSONS IN ATTENDANCE ON APR. 23, 1987 WHO WISH TO STATE THEIR OPPOSITION TO THE PROPOSED SPECIAL EXCEPTION REQUESTED BY MEADOWCLIFF, A NEW COVENANT CHURCH, CASE # 85-132X, COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

	NAME	ADDRESS
1.	Herbert A. Davis	15115 Wheeler Lane Sparks MD 21152
2.	Gary Levine	42 CHESTERFIELD CT. MONKTON 21111
3.	Winfred Carpenter	44 Chesterfield Ct, Monkton 21111
4.	Linda McKenna	6 Glen Highland Ct. Phoenix 21131
5.	FOREST GRIMES	15329 TANYARD RD SPARKS 21152
6.	Mrs Robert Pearce	15225 Tanyard Rd Sparks 21152
7.	Mrs Sandra Whitsell	15407 Tanyard Rd Sparks, MD 21152
8.	BARBARA BURKE	15821 Yecho Rd. Sparks 21152
9.	James McDonald	16501 York Rd. Monkton Md 21111
10.	Lineil C. Smith	1018 Belfast Rd. Sparks, Md. 21152
11	Margaret Maddox	15200 Wheeler Lane Sparks MD 21152
12.	Mrs. Gene Swackhamer	16429 Yecho Rd. Sparks MD 21152
13	MR. CHARLES J. MATCZUK,	9300 UPPER GLENCOE RD, SPARKS, MD 21152
14	Wendy McIver	23 Mason Brook Rd Monkton, Md. 21111
15	JUDITH Waldman	1 Piney Creek Monkton, Md. 21111

85-132-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th. Date of Posting 6-26-85
Posted for: Appeal
Petitioner: Meadowcliff A New Covenant Church
Location of property: N/S Belfast Rd, 340' E of Old Belfast Rd.
Location of Signs: N/S of Belfast, approx. 400 FT. E. of Old Belfast Rd.
Remarks:
Posted by S.J. Acata (Signature) Date of return: 6-28-85
Number of Signs: 1

85-132-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th. Date of Posting 10-26-84
Posted for: Special Exception
Petitioner: Meadowcliff A New Covenant Church
Location of property: N/S Belfast rd 340' E of Old Belfast Rd
Location of Signs: N/S of Belfast Rd. approx 340' E of Old Belfast Rd.
Remarks:
Posted by A.J. Acata (Signature) Date of return: 11-2-84
Number of Signs: 1

John W. "Wes" Guckert

John W. Guckert is a recognized expert in the areas of traffic engineering impact analysis, traffic signal design, circulation and access studies and transportation planning. He has designed numerous traffic signal projects including a 10-intersection system in the city of Laurel, Maryland. Mr. Guckert played a major role in the planning study for the revitalization of Pikesville, in Baltimore County, Maryland.

Mr. Guckert served as th.. ..oject manager for several public agency projects including the Maryland ..10 Bus Stop Study, the Capital Center (Largo) Access Study, and the University of Maryland (College Park) Access Study. He also served as the principal traffic engineer responsible for the conduct of over 30 traffic safety studies for numerous municipalities throughout Maryland. He has directed the design and implementation of traffic access systems for several local and regional shopping malls including the 1,500,000 square foot Towsontown Centre. This is just a sample of the projects Mr. Guckert has undertaken since joining STS in 1977, subsequent to his five years of experience with the Maryland State Highway Administration, Traffic Division.

Mr. Guckert has qualified and been accepted as an expert in the field of traffic engineering before numerous County and Municipal Planning and Zoning Boards in Maryland, Virginia, and Pennsylvania, as well as the Baltimore County Circuit Court.

1977-present
Street Traffic Studies, Ltd.

1972-1977
Maryland State Highway Administration
Traffic Division
Assistant Regional Traffic Engineer

Educational Background
Civil Engineering Preparation: Johns Hopkins University; Towson State University; and Essex Community College
Traffic Engineering Courses: Northwestern University Traffic Institute, University of Tennessee Transportation Center, University of Maryland

Affiliations
Institute of Transportation Engineers
I.T.E. Professional Committees
Traffic Considerations for Special Events
Parking Facilities for Industrial Plants
Internal Transportation Systems for Major Activity Centers

Places Where Mr. Guckert Has Qualified as an Expert Witness

Maryland
Planning Board, Allegheny County
Zoning Hearing Examiner and Board of Appeals, Anne Arundel County
Planning Commission and City Council, City of Annapolis
City Council, Baltimore
Board of Appeals, Circuit Court, Planning Board, Zoning Hearing Examiner, Baltimore County
Planning Board, Town Commissioners Town of Bel-Air
Planning Board and Board of Appeals, Carroll County
Planning Board, Frederick County
Zoning Hearing Examiner, Harford County
Planning Board and Zoning Board, Howard County
Zoning Hearing Examiner, Montgomery County
Board of Appeals, Montgomery County
Planning Board, Zoning Hearing Examiner, Prince Georges County
Planning Board, St. Mary's County

New Jersey
Holmdel Township Planning Board

Virginia
Arlington County Board of Supervisors
Loudoun County Planning Board

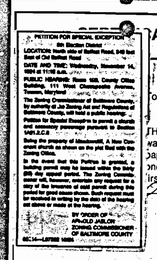
Pennsylvania
West Whiteland Township Planning Board, Town Council

Street Traffic Studies Ltd.
Suite 295, Commercentre East
1777 Reisterstown Road
Baltimore, Maryland 21208
(301) 484-3000

PETITIONER'S EXHIBIT 2 QUALIFICATIONS John W. "Wes" Guckert

85-132-X

CERTIFICATE OF PUBLICATION



Towson, Md. 12/5 19 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 1 consecutive weeks, the first publication appearing on the 29th day of Nov. 1984.

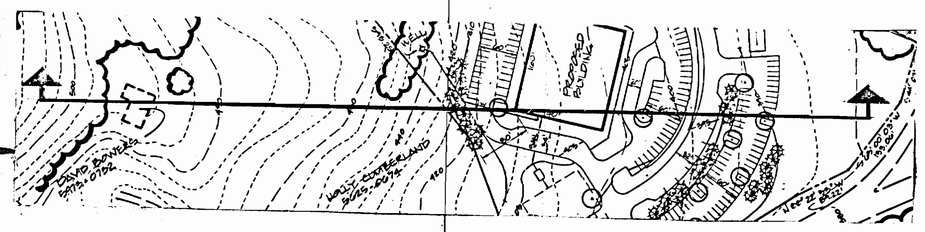
The TOWSON TIMES
Marianne Bugielski

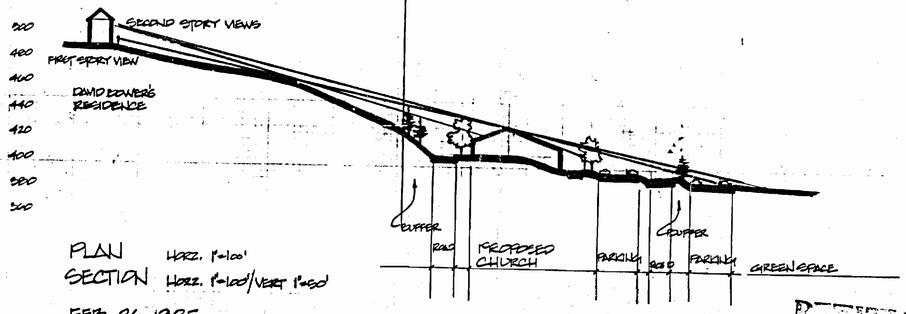
Cost of Advertisement: $ 24.41

#85-132-X 8th District
N/S Belfast Rd., 340' E of Old Belfast Rd.
MEADOWCLIFF, A New Covenant Church
SIGN

85-132 X
10/5/87
I hereby received slides in envelope + listing of slides not entered as exhibits from Zoning Office this 5th day of 10/87.
Barbara Friedman

MEADOWCLIFF CHURCH

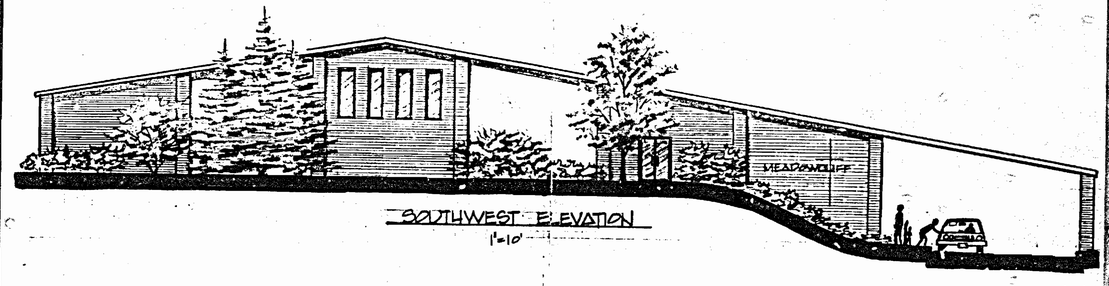




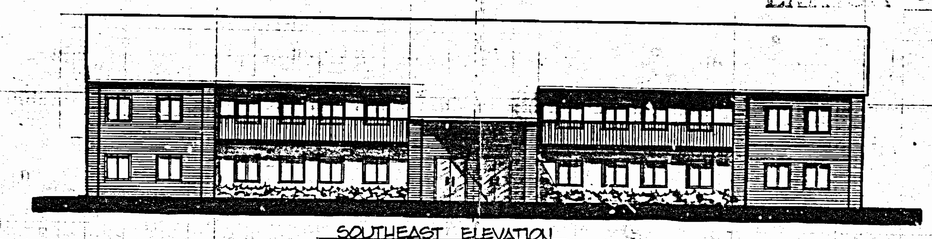
PLAN Horz. 1"=100'
SECTION Horz. 1"=100'/Vert 1"=20'
FEB. 26, 1985

PETITIONER'S EXHIBIT 4

MEADOWCLIFF CHURCH



SOUTHWEST ELEVATION
1"=10'



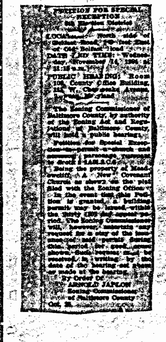
SOUTHEAST ELEVATION
1"=10'

DEC. 1984

PETITIONER'S EXHIBIT 3

85-132-X

CERTIFICATE OF PUBLICATION



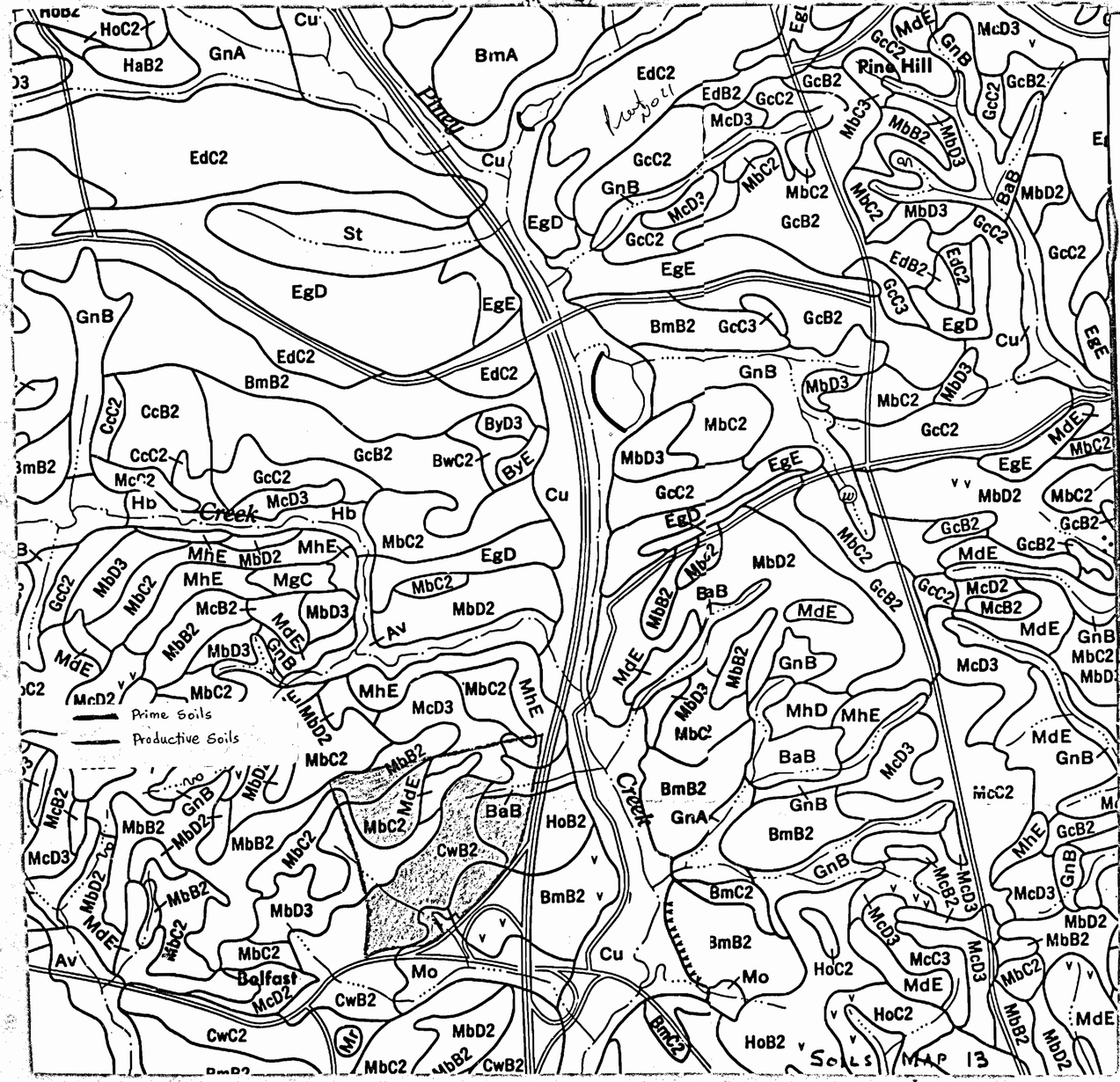
TOWSON, MD., Oct. 25, 19 84

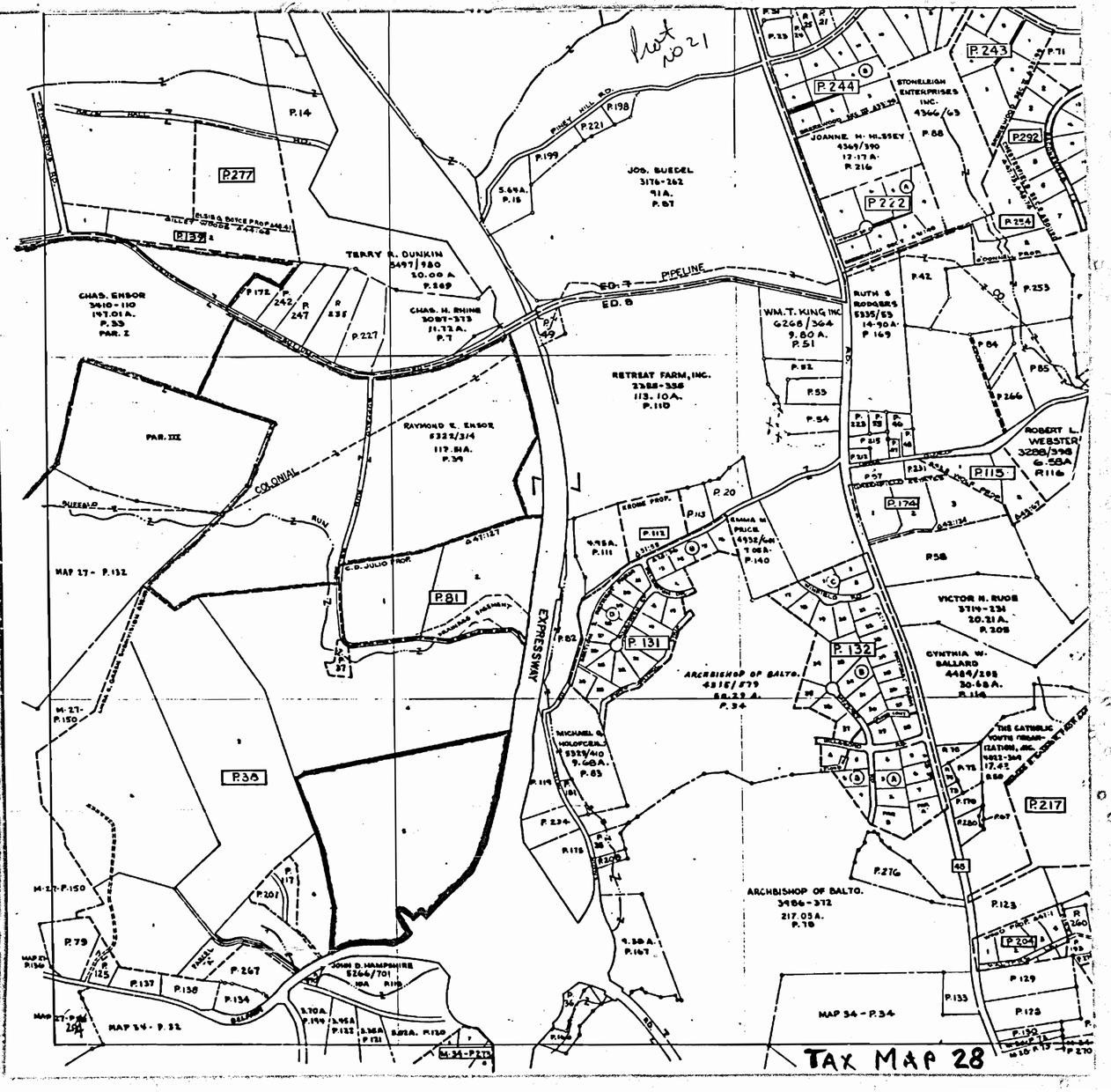
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 25, 1984

THE JEFFERSONIAN,
Publisher

Cost of Advertising 20.00

1-28-88




TAX MAP 28
COLONIAL
EXPRESSWAY
PIPELINE
P277
P81
P38
P131
P132
P115
P217
P243
P244
P292
P222
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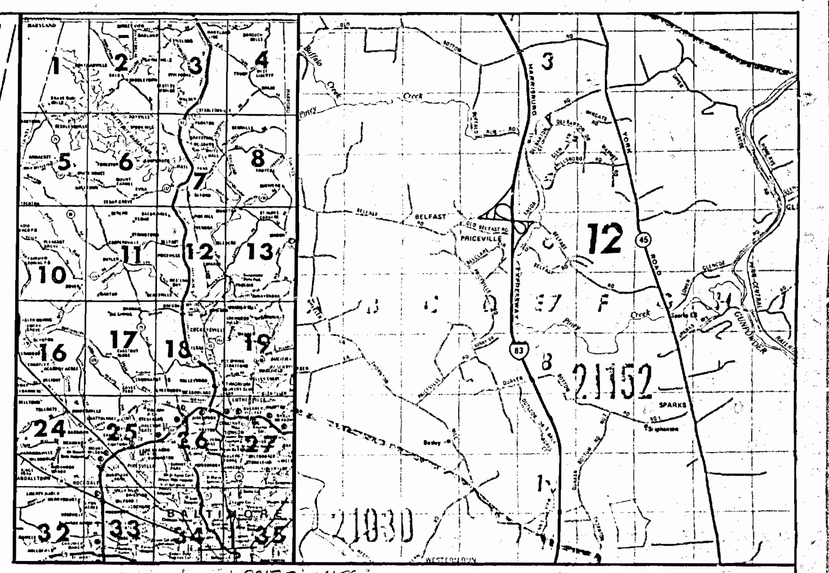


LOCATION MAPS SCALE: 1"=2000'

RC 2

OLLY CUMBERLAND
3629-0674

AREA FOR PARSONAGE

WELL & SEPTIC TO BE PROVIDED

WILLIAM & CUMBERLAND
3629-0674

RC 2

DAVID BOWERS
3972-0752

WOLF CUTLERLAND
3629-0674

RC 2

EXPRESSWAY

RC 5

HARRISBURG

NORTH

SCALE 1"=100'

SEPTIC DRAINAGE AREA

PROPOSED BUILDING

ROAD

BELFAST

JOHN D. HAMPSHIRE
3200-701

EXISTING WOODS

RC 2

OLD BELFAST ROAD

EXISTING FENCE

SITE DATA

OWNER:	MEADOWCLIFF CHURCH
DEED REFERENCE:	0716-0430
PLAT REFERENCE:	LOT B, "SUBDIVISION OF THE PROPERTY OF LINDA GREEN", RECORDED OCT. 2, 1975, ENK. NO. 80 FOLIO 139
ELECTION DISTRICT:	B
ZONING:	RC 2
LOT SIZE:	51.20 Ac.
EXISTING USE:	AGRICULTURAL
PROPOSED USE:	CHURCH / AGRICULTURAL
PROPOSED BUILDING:	A. ONE STORY CHURCH BUILDING 12,000 SF MEETING ROOM (1200 PEOPLE CAPACITY) 10,400 SF ACCESSORY USES (CLASSROOMS, OFFICES, STORAGE, RESTROOMS, FOYER, HALLS AND KITCHEN) 22,400 SF TOTAL B. MAINTENANCE SHED C. PARSONAGE
PARKING REQUIRED:	1200 SEATS ÷ 6 = 200 SPACES.
PARKING PROVIDED:	200 SPACES

1. A COMBINATION OF CURBS AND WHEELSTOPS SHALL BE UTILIZED AROUND PARKING AREAS. CURBS SHALL BE BALTIMORE COUNTY STANDARD BITUMINOUS OR CONCRETE. WHEELSTOPS SHALL BE EITHER CONCRETE OR PRESSURE TREATED 6"x8" TIMBERS ANCHORED BY (2) 3/4" LONG #4 REINFORCING BARS.
2. PAVING SHALL BE A DURABLE DUSTLESS SURFACE; EITHER TAR & CHIP MACADAM, BITUMINOUS CONCRETE, CONCRETE, PRECAST PAVERS OR CRUSHER RUN.
3. WATER SHALL BE SUPPLIED BY MEANS OF WELLS. AN EXISTING WELL WILL SERVE THE NEEDS OF THE PROPOSED CHURCH BUILDING.
4. WASTE WATER WILL BE HANDLED BY USE OF A SEPTIC SYSTEM AND DRAINAGE FIELD.
5. STORM WATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH STATE AND COUNTY REGULATIONS.

LANDSCAPING ⊙ 2-2½" CAL SHADE TREES ✡ 4' TALL EVERGREEN TREES

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

MEADOWCLIFF CHURCH

PLAN PREPARED BY: JOHN TRUESCHLER
REGISTERED LANDSCAPE ARCHITECT 502

5/12/87

SPARKS ELEMENTARY SCHOOL

AREA BY POST OFFICE ROUTES

MAP NO. C-12

MAP NO. B-12

MAP NO. A-12

MAP NO. B-13

PREPARED BY THE
MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

INDEX TO ADJOINING MAPS

A-11	A-12	A-13
B-11	B-12	B-13
C-11	C-12	C-13

LAMBERT CONFORMAL CONIC PROJECTION
MAP PHOTOREVISED
BALTIMORE CO. 1984 CARROLL CO. 1985

MARYLAND GENERAL HIGHWAY
STATEWIDE GRID MAP
MAP NO. B-12
1985

ROADSIDE CULTURE

- Armory
- City Town Hall
- Court House
- Fire House
- Highway Garage
- Hospital
- Library
- Park and Rest Location
- Picnic Site
- Police Station
- Post Office
- Radio Station Tower
- Rest Area with Restrooms
- School
- Yacht Club Marina

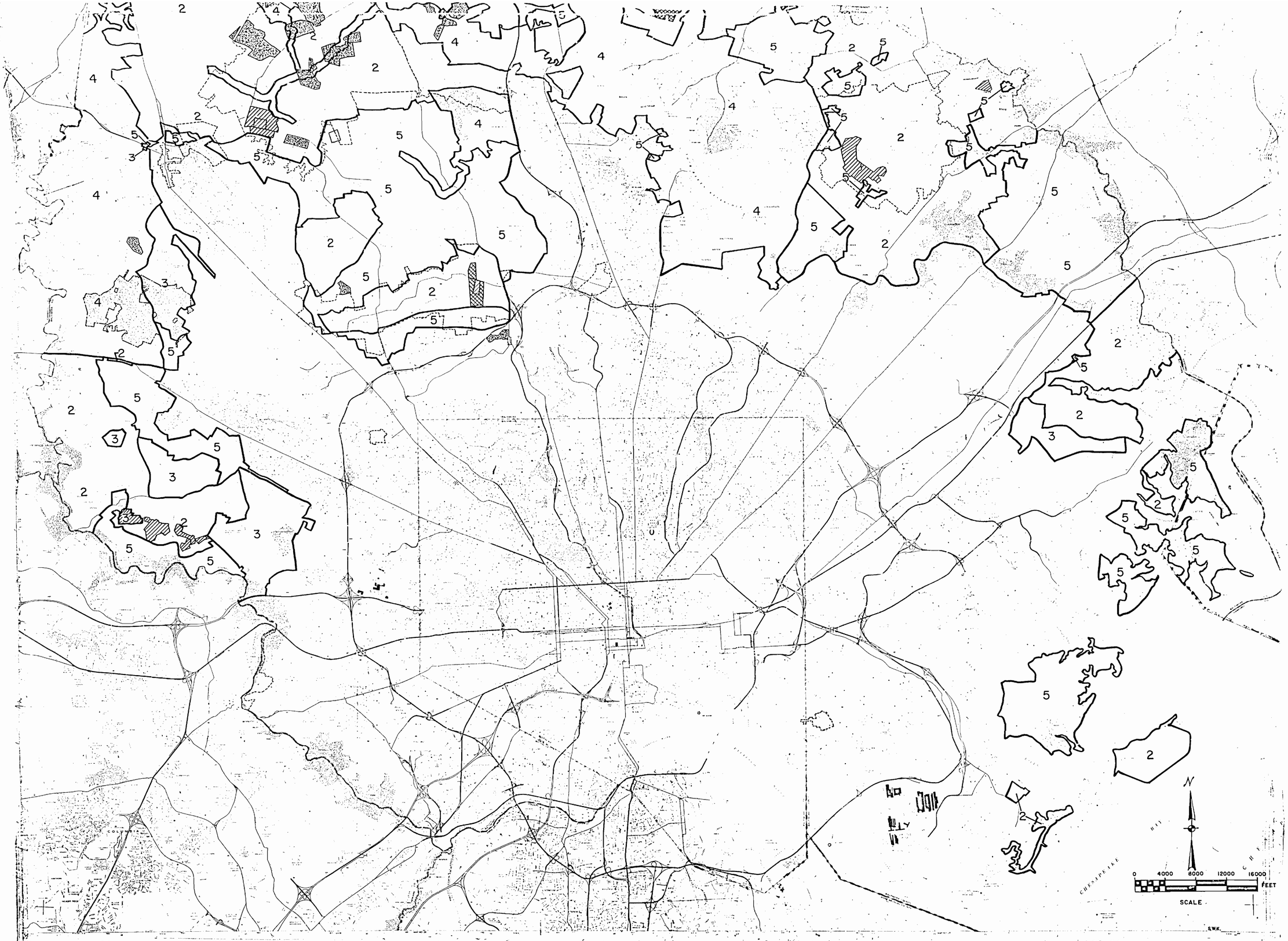
© 1970 SHA

NORTH
SCALE
2000 0 2000 4000 FEET
0.5 0 0.5 1 MILE
0 1 2 KILOMETERS

PRESERVATION TECHNIQUES MAP BALTIMORE COUNTY MARYLAND

Legend

2 = R.C.2 (AGRICULTURAL)
3 = R.C.3 (DEFERRAL OF PLANNING)
4 = R.C.4 (WATERSHED PROTECTION)
5 = R.C.5 (RURAL RESIDENTIAL)
AGRICULTURAL LAND PRESERVATION DISTRICT
AGRICULTURAL LAND PRESERVATION DISTRICT-EASEMENT ACQUIRED
MARYLAND ENVIRONMENTAL TRUST-EASEMENT
NATURAL ENVIRONMENTAL AREA
NATIONAL HISTORIC DISTRICT


0 4000 8000 12000 16000
FEET
SCALE
1-28-88

MbB2

MbC2

MbC2

MdE

BaB

CwB2

MbD3

BmB2

Mo

PROTECTED
SEWER

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	BELFAST	NW
DATE OF PHOTOGRAPHY JANUARY 1986	PRICEVILLE AREA	23-C

OGRAPHICS, INC
61

Protestants Exhibit #14

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

UNITED STATES
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

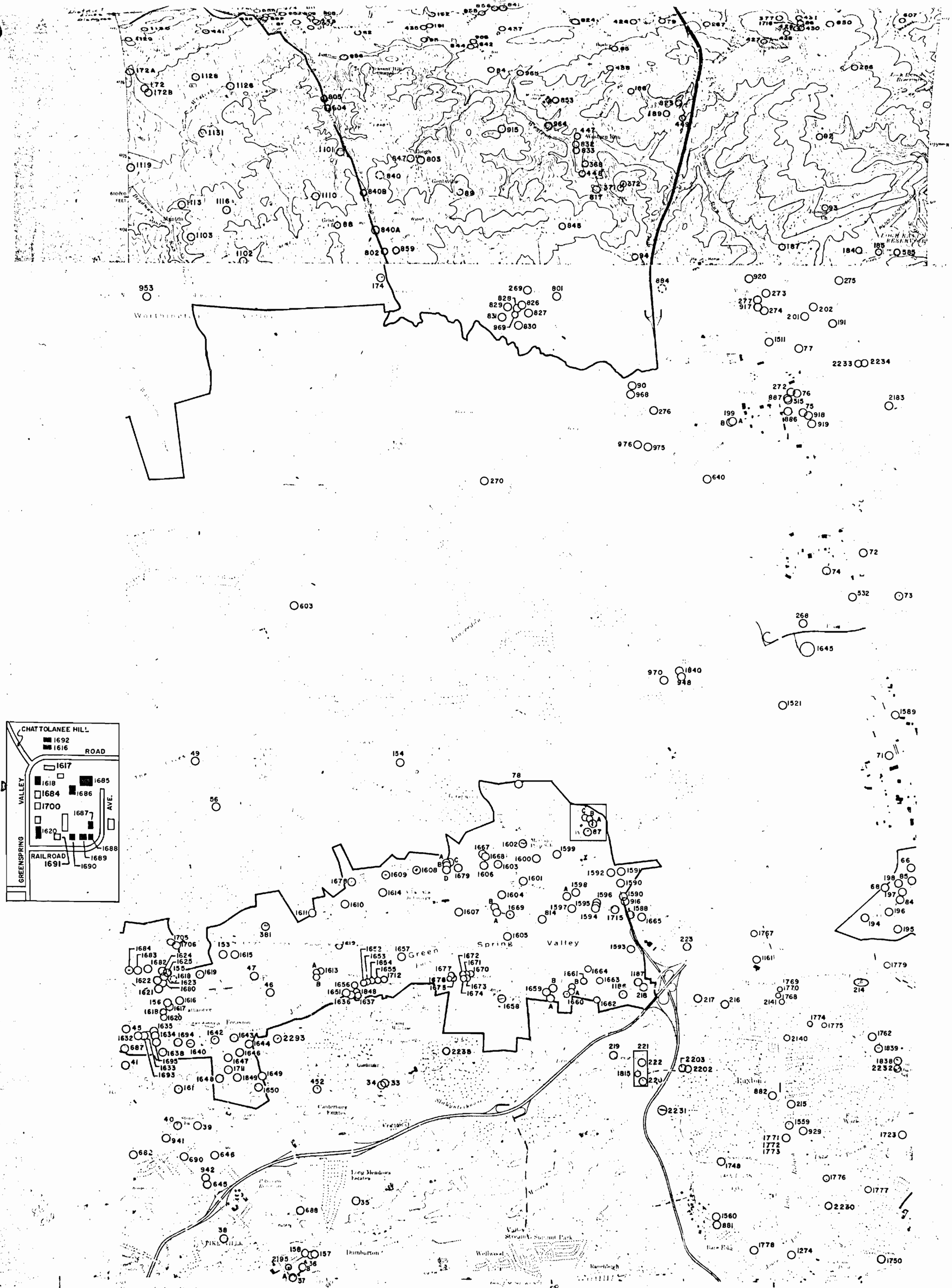
HEREFORD QUADRANGLE
MARYLAND—BALTIMORE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

DETAIL:
BUTLER VILLAGE

Historical District Lines Disagree

WESTERN RUN-BELFAST
NATIONAL REGISTER
HISTORIC DISTRICT II

1-28-88



FOR SALE BY U. S. GEOLOGICAL SURVEY, WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

MAP 10

LEGEND:
- HISTORIC SITES
- HISTORIC SITES DEMOLISHED
- HISTORIC DISTRICTS

REVISIONS	
BY	DATE
	30 Dec 1965 5 Feb 1973 2 Jan 1974

1-23-80

Petition Ex #2

RC 2

JOLLY CUMBERLAND
5629-0674

AREA FOR PARSONAGE

WELL & SEPTIC TO BE PROVIDED

WILLIAM E. CUMBERLAND
5629-0676

RC 2

DRIVE WAY

DRAINAGE & UTILITY EASEMENT

EXISTING TREES TO REMAIN

DAVID BOWERS
5973-0732

WELL

PROPOSED WATER

JOLLY CUMBERLAND
5629-0674

SHED

SEPTIC DRAINAGE AREA

EX. TREES

STORM WATER MANAGEMENT

EXPRESSWAY

RC 5

HARRISBURG

ROAD

BELFAST

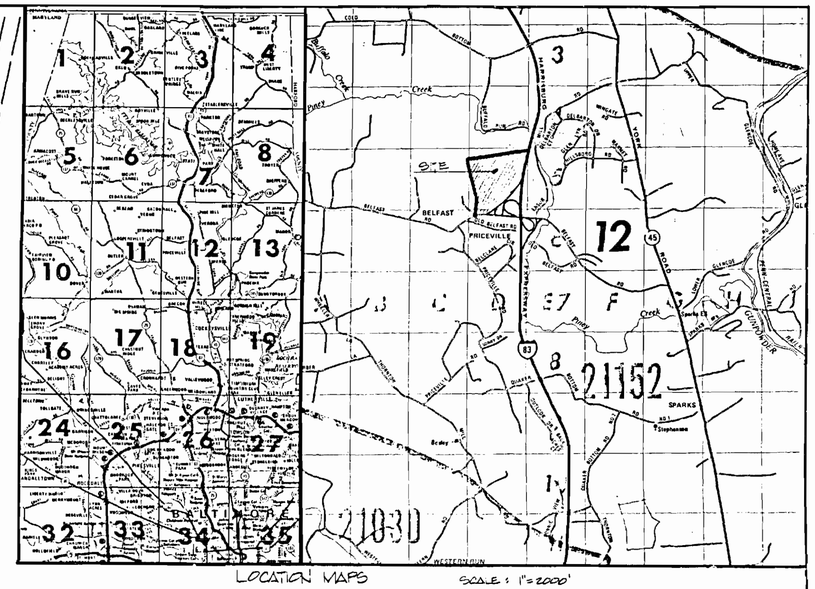
OLD BELFAST ROAD

JOHN D. HAMPSHIRE
5266-701

EXISTING WOODS

EXISTING RESIDENCES

RC 2



LOCATION MAPS SCALE: 1"=2000'

SCALE 1"=100'

SITE DATA

OWNER:	MEADOWCLIFF CHURCH
DEED REFERELCE:	0718-0430
PLAT REFERENCE:	LOT B, "SUBDIVISION OF THE PROPERTY OF LINDA GREEN", RECORDED OCT. 2, 1975, ENK JR 30 FOLIO 189
ELECTION DISTRICT:	8
ZONING:	RC 2
LOT SIZE:	51.20 Ac.
EXISTING USE:	AGRICULTURAL
PROPOSED USE:	CHURCH / AGRICULTURAL

PROPOSED BUILDING: PHASE 1 - ONE STORY CHURCH BUILDING
- 3084 SF MEETING ROOM (360 PEOPLE CAPACITY)
- 3228 SF ACCESSORY USES (CLASSROOMS, OFFICES, STORAGE, RESTROOMS, FOYER WALLS AND KITCHEN.
- 10,242 SF TOTAL PHASE 1

PHASE 2 - CONSTRUCT 10,000 SF MEETING ROOM (ONE STORY)
CONVERT PHASE 1 MEETING ROOM TO CLASS ROOMS
TOTAL - 10,000 SF MEETING + 10,242 ACCESSORY USES
= 20,242 SF

PARKING REQUIRED: PHASE 1 - 360 SEATS ÷ 6 = 60 SPACES REQUIRED
PHASE 1 AND 2 - 1000 SEATS ÷ 6 = 167 SPACES REQUIRED

PARKING PROVIDED: PHASE 1 -
PHASE 1 = 60 SPACES PHASE 1+2 = 198 SPACES

NOTES

1. A COMBINATION OF CURBS AND WHEELSTOPS SHALL BE UTILIZED AROUND PARKING AREAS. CURBS SHALL BE BALTIMORE COUNTY STANDARD BITUMINOUS OR CONCRETE. WHEELSTOPS SHALL BE EITHER CONCRETE OR PRESSURE TREATED 6"x6" TIMBERS ANCHORED BY (2) 3/4" LONG #4 REINFORCING BARS.
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3. WATER SHALL BE SUPPLIED BY MEANS OF WELLS. AN EXISTING WELL WILL SERVE THE NEEDS OF THE PROPOSED CHURCH BUILDING.
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5. STORM WATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH STATE AND COUNTY REGULATIONS.
6. LANDSCAPING ⊙ 2-2½" CAL SHADE TREES ✲ 4' TALL EVERGREEN TREES

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
MEADOWCLIFF CHURCH

REVISED OCT. 7, 1996 8/15/24

PLAN PREPARED BY: JOHN TRUESCHLER
REGISTERED LANDSCAPE ARCHITECT 502

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