

PETITION FOR SPECIAL EXCEPTION

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 a cemetery (columbarium). This is a facility to inter the ashes of cremated bodily remains. Also, the Petitioner will ask for a determination that a columbarium is a permitted accessory use to the principal use of the Church.

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: Legal Owner(s):
(Type or Print Name) Brown Memorial Presbyterian Church (USA), Inc.
(Type or Print Name)
Signature By: *Herbert R. O'Connor, III* (Type or Print Name)
Address (Type or Print Name)
City and State
Atorney for Petitioner: Cook, Howard, Downes & Tracy
(Type or Print Name)
Signature By: *Herbert R. O'Connor, III* (Type or Print Name)
Address 210 Allegheny Avenue
City and State
Atorney's Telephone No.: 823-4111 210 Allegheny Avenue, Towson, MD 21204
Address Phone No. 823-4111

ORDERED BY The Zoning Commissioner of Baltimore County, this 18th day of June, 1985, 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 24th day of July, 1985, at 10:30 o'clock.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

(over)

RESERVED FOR THURSDAY, SEPTEMBER 5, 1985 at 10:00 a.m.



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

November 13, 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. 86-38-X BROWN MEMORIAL PRESBYTERIAN CHURCH (USA)
SW/Corner Charles Street Avenue and Woodbrook Lane (6200 N. Charles St.)
9th District
SE-For a cemetery (columbarium)
9/10/85 - D.Z.C.'s Order - GRANTED
ASSIGNED FOR: WEDNESDAY, DECEMBER 11, 1985, at 1:00 PM
cc: Herbert R. O'Connor, III, Esq. Counsel for Petitioner
Brown Memorial Presbyterian Church (USA), Inc. Petitioner
By: Dr. Lyle Dykstra, Pres. People's Counsel
Phyllis C. Friedman
Norman E. Gerber
James Hoswerl
Arnold Jablon
Jean Jung
James E. Dyer

June Holmer, Secretary

Case No. 86-38-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 18th day of June, 1985.

Brown Memorial Presbyterian Church (USA), Inc.
Petitioner's Attorney
Herbert R. O'Connor, III, Esq.
Received by: *James E. Dyer*
Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 19, 1985

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

Herbert R. O'Connor, III, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 352 - Case No. 86-38-X
Petitioner - Brown Memorial Presbyterian Church (USA), Inc.
Special Exception Petition

Dear Mr. O'Connor:

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 planning 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.

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 comments 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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nn

Enclosures

cc: Cochran, Stephenson & Donkervoet, Inc.
325 North Charles Street
Baltimore, Maryland 21201

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 5, 1985

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

Re: Item #352 (1984-1985)
Property Owner: Brown Memorial Presbyterian Church (USA) Inc.
S/W corner North Charles Street & Woodbrook Lane
District 9th

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:

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

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.

Since no public facilities are involved, this office has no comment.

Very truly yours,
James A. Marple, P.E.
JAMES A. MARPLE, P.E., Chief
Bureau of Public Services

JAM:PHO:blp

cc: File

BALTIMORE COUNTY
DEPARTMENT OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3550

NORMAN E. GERBER
DIRECTOR

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

JULY 3, 1985

Re: Zoning Advisory Meeting of MAY 28, 1985
Item # 352
Property Owner: BROWN MEMORIAL PRESBYTERIAN CHURCH (USA) INC.
Location: SW/CORNER NORTH CHARLES ST. & WOODBROOK LANE

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.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore 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 _____.
- ☐ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☐ The property is located in a deficient service area as defined by Bill 175-79. 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 175-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are reevaluated annually by the County Council.
- ☐ Additional comments: _____

cc: James Horwell

Eugene A. Sober
Chief, Current Planning and Development

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

STEPHEN E. COLLINS
DIRECTOR

June 26, 1985

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

ZAC-Meeting of May 28, 1985

Item No. 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 364, 365, and 366
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 364, 365, and 366.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 2566
494-4500

PAUL H. RENCKE
CHIEF

June 5, 1985

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

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Brown Memorial Presbyterian Church (USA) Inc.

Location: S/W corner North Charles Street and Woodbrook Lane

Item No.: 352 Zoning Agenda: Meeting of May 28, 1985

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 dual 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.

☐ 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: *Robert M. Markowitz* Noted and Approved: *Robert M. Markowitz*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

JUN 25 1985

DATE

WILTONDALE IMPROVEMENT ASSOCIATION, INCORPORATED

September 23, 1985

Ms. Jean Jung
Baltimore County Deputy Zoning Commission
County Office Building
Room 109
Towson, MD 21204

Dear Ms. Jung:

As President of the Wiltondale Improvement Association, I have been requested by the residents of Wiltondale to write and express our concerns with your comments in the Towson Times article on September 11, 1985.

Although there were no formal protests lodged to the Woodbrook Proposal, it is unfair to assume that all community associations would take the same position. Our association fought vehemently against the Ascension Lutheran Proposal some 15 months ago, and our position has not changed since. Our understanding of the notice was that the hearing was for the Woodbrook area and not the entire county.

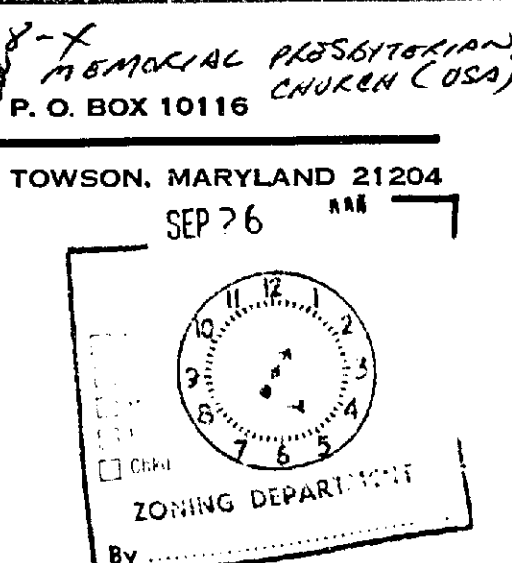
We feel your decision to favor the second part of the church petition that a columbarium is a permitted accessory use of church is unacceptable. This decision, which would allow the church to skip the tedious process of applying for and obtaining a special zoning exception for columbarium, would eliminate the only due process available to the county's taxpayer and surrounding residents affected by such accessory use.

Our hope is that you will reconsider your position and allow the protection process for the county's residents to unwanted change in the complexion of their neighborhood.

Sincerely,

Hugh A. Mallon, III
Hugh A. Mallon, III
President

HAM:pam



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

November 7, 1985

Herbert R. O'Connor, III, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., P.O. Box 5517
Towson, Maryland 21204

RE: Brown Memorial Presbyterian Church, Petitioner - Case No. 86-38-X; Your File No. 1110-16717

Dear Mr. O'Connor:

In reference to your letter dated October 25, 1985, this is our understanding:

1. The Petitioner will withdraw its petition insofar as it requests a determination that a columbarium is a permitted accessory use to a church.
2. The proceedings will go forward with the understanding that the petition is for a special exception for a cemetery, the columbarium being considered a type of cemetery.
3. Upon this basis, the People's Counsel does not oppose the petition for special exception under the facts and circumstances known concerning this petition.
4. This is not to be considered a precedent for blanket approval of columbaria in other locations or other cases.

5. The petition, of course, would be subject to review and approval by the County Board of Appeals based on their own independent judgment.

If the above is agreeable to the Petitioner, we would be prepared to participate in a conference with the Board Chairman for administrative purposes prior to the hearing date.

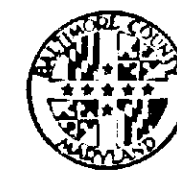
Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Norman E. Gerber

PMZ:sh

RECEIVED
COUNTY BOARD OF APPEALS
NOV 14 1985



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

November 13, 1985

Hugh A. Mallon, III, President
Wiltondale Improvement Assn., Inc.
P. O. Box 10116
Towson, Maryland 21204

RE: Brown Memorial Presbyterian Church (USA),
Petitioner - Zoning Case No. 86-38-X

Dear Mr. Mallon:

After reflection on the contents of your letter dated September 23, 1985, an appeal was taken by this office from the Zoning Commissioner's Opinion in the above-referenced case.

At this time the Petitioner has agreed to withdraw its petition insofar as it requests a determination that a columbarium is a permitted accessory use to a church. Upon this basis, People's Counsel will not oppose the petition for a special exception which will be heard before the Board of Appeals on December 11, 1985 at 9:30 a.m. People's Counsel will also explain to the Zoning Commissioner that the intention of the withdrawal by Petitioner is so the instant case is not considered a precedent for blanket approval of columbaria in other locations and the opportunity for notice and hearing is preserved by the continuation of the special exception process. You should be aware, however, that such remarks are advisory only since the Zoning Office is in no way bound by the position of People's Counsel.

It is our present intention, given the above, to have a brief hearing on the special exception petition based on the facts presented to the Zoning Commissioner. If you wish to appear and testify you have the right to do so, but I would appreciate it if you would call and let my office know as soon as possible so I can request time to be set aside.

Thank you for bringing this matter to my attention. Please feel free to call if you have any questions or comments.

Sincerely yours,

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

cc: Herbert O'Connor, Esq.

PCF:sh

RECEIVED
COUNTY BOARD OF APPEALS
NOV 14 1985

LAW OFFICES

COOK, HOWARD, DOWNES & TRACY

210 ALLEGHENY AVENUE
P. O. BOX 5517

TOWSON, MARYLAND 21204

November 14, 1985

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. "TRACY" JR.
JOHN V. ZIM, III
JOSEPH C. WICH, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUSON
C. CAREY DEELEY, JR.
GEORGE R. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
H. JUNG HILL, III
ROBERT A. HOFFMAN
FREDERICK C. DOPPIN
CYNTHIA M. HAHN
KATHLEEN M. GALLAGHER
KEVIN M. SMITH
H. BARRITT, PETERSON, JR.

JAMES D. C. DOWNES
(1908-1979)
TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0447

The Honorable William T. Hackett
The Board of Appeals
Court House
Towson, Maryland 21204

Re: Brown Memorial Special Exception
Case No. 86-38-X
Our File No. 1110-16717

Dear Mr. Hackett:

As discussed during our meeting yesterday morning with Phyllis Friedman, I submit this letter as a notice that the portion of the Petition for Special Exception, which pertains to the recognition of a columbarium as a permitted accessory use to the principal use of a church, is withdrawn.

A Hearing has been scheduled for December 11 at 9:30 a.m. Thank you for your attention to this matter.

Very truly yours,

Herbert R. O'Connor, III
Herbert R. O'Connor, III

HRO'C/ko

cc: Phyllis C. Friedman, Esq.
Thomas P. Eastman, Esq.
S. James Campbell
Mr. Richard Donkersvoet
Reverend Lyle Dykstra



CHERRY

2330 E. Fayette Street
Baltimore, Maryland 21224

301-276-4574

November 25, 1985

Dear Ms. Holmen:

Please send a copy of the Order regarding the hearing on Columbarias which is scheduled for December 11th at 9:30 a.m.

Many thanks

Jay Cherry, Chair
Jay Cherry, Chair
Columbarias Committee

Endowment Board
Towson Unitarian
Universalist Church

RECEIVED
COUNTY BOARD OF APPEALS
NOV 15 1985

ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Ninth District of Baltimore County, State of Maryland, and described as follows, to wit:

BEGINNING for the same in the center of Woodbrook Lane at a point distance south 83 degrees 14 minutes 15 seconds west 62.18 feet along the center thereof from the center line of Charles Street Avenue running thence in the center of Woodbrook Lane south 83 degrees 14 minutes 15 seconds west 341.17 feet thence leaving the center of Woodbrook Lane and running south 5 degrees 39 minutes 45 seconds east 850.00 feet running thence north 81 degrees 05 minutes 15 seconds east 371.84 feet to the west right-of-way line of Charles Street Avenue shown on State Roads Commission Right-of-Way plats numbers 11549 and 11550 and running thence and binding on the west right-of-way of Charles Street Avenue the eight following courses and distances; north 6 degrees 24 minutes 59 seconds west 11.76 feet, north 5 degrees 47 minutes 01 second west 65.00 feet, north 5 degrees 41 minutes 30 seconds west 100.00 feet, north 5 degrees 40 minutes 28 seconds west 250.00 feet, north 5 degrees 32 minutes 13 seconds west 100.00 feet, north 5 degrees 28 minutes 01 second west 150.00 feet, north 5 degrees 24 minutes 10 seconds west 108.57 feet, and northwesterly by a line curving to the west with a radius of 30.00 feet for a distance of 47.84 feet (the chord of said arc being north 51 degrees 04 minutes 58 seconds west 42.32 feet) to the south side of Woodbrook Lane; thence north 6 degrees 45 minutes 45 seconds west 20.00 feet to the place of beginning.

CONTAINING 7.0079 acres of land more or less, exclusive of area of the bed of Woodbrook Lane.

WILTONDALE IMPROVEMENT ASSOCIATION, INCORPORATED

P. O. BOX 10116

TOWSON, MARYLAND 21204

September 23, 1985

Mrs. Phyllis Friedman
People's Council
Room 223, Courthouse
Towson, MD 21204

Dear Mrs. Friedman:

As President of the Wiltondale Improvement Association, I have been requested by the residents of Wiltondale to write and express our concerns with the comments in the Towson Times article on September 11, 1985.

Although there were no formal protests lodged to the Woodbrook Proposal, it is unfair to assume that all community associations would take the same position. Our association fought vehemently against the Ascension Lutheran Proposal some 15 months ago, and our position has not changed since. Our understanding of the notice was that the hearing was for the Woodbrook area and not the entire county.

We feel your decision to favor the second part of the church petition that a columbarium is a permitted accessory use of church is unacceptable. This decision, which would allow the church to skip the tedious process of applying for and obtaining a special zoning exception for columbarium, would eliminate the only due process available to the county's taxpayer and surrounding residents affected by such accessory use.

Our hope is that you will reconsider your position and allow the protection process for the county's residents to unwanted change in the complexion of their neighborhood.

Sincerely,

Hugh A. Mallon, III
Hugh A. Mallon, III
President

HAM:pam

RECEIVED
COUNTY BOARD OF APPEALS
NOV 14 1985

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 9th Date of Posting August 16, 85
Posted for: Special Exception
Petitioner: Brown Memorial Presbyterian Church (USA), Inc.
Location of property: S.W. Corner of Charles St. Ave. & Woodbrook Lane
Location of Sign: S.W. Corner of Charles St. Ave. & Woodbrook Lane
Remarks: _____
Posted by: A. J. Pate Date of return: August 16, 1985
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 9th Date of Posting 10-25-85
Posted for: Appeal
Petitioner: Brown Memorial Presbyterian Church
Location of property: S.W. Corner of Charles St. Ave. & Woodbrook Lane
Location of Sign: S.W. Corner of Charles St. Ave. & Woodbrook Lane
Remarks: _____
Posted by: A. J. Pate Date of return: 10-25-85
Number of Signs: 1

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Southwest corner of Charles Street Avenue and Woodbrook Lane (6200 N. Charles Street)

DATE AND TIME: Thursday, September 5, 1985 at 10:00 a.m.

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

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for a columbarium (columbarium). This is a facility to inter the ashes of cremated bodies remains. Also, the Petitioner will ask for a determination that a columbarium is a permitted accessory use to the principal use of the Church.

Being the property of Brown Memorial Presbyterian Church, (USA), Inc. 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
Aug. 15.

86-38-X
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 15, 1985

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 August 15, 1985.

THE JEFFERSONIAN,
JB Venetian
Publisher

Cost of Advertising
24.75

86-38-X
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 14, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 14, 1985.

TOWSON TIMES,
JB Venetian
Publisher

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Southwest corner of Charles Street Avenue and Woodbrook Lane (6200 N. Charles Street)

DATE AND TIME: Thursday, September 5, 1985 at 10:00 a.m.

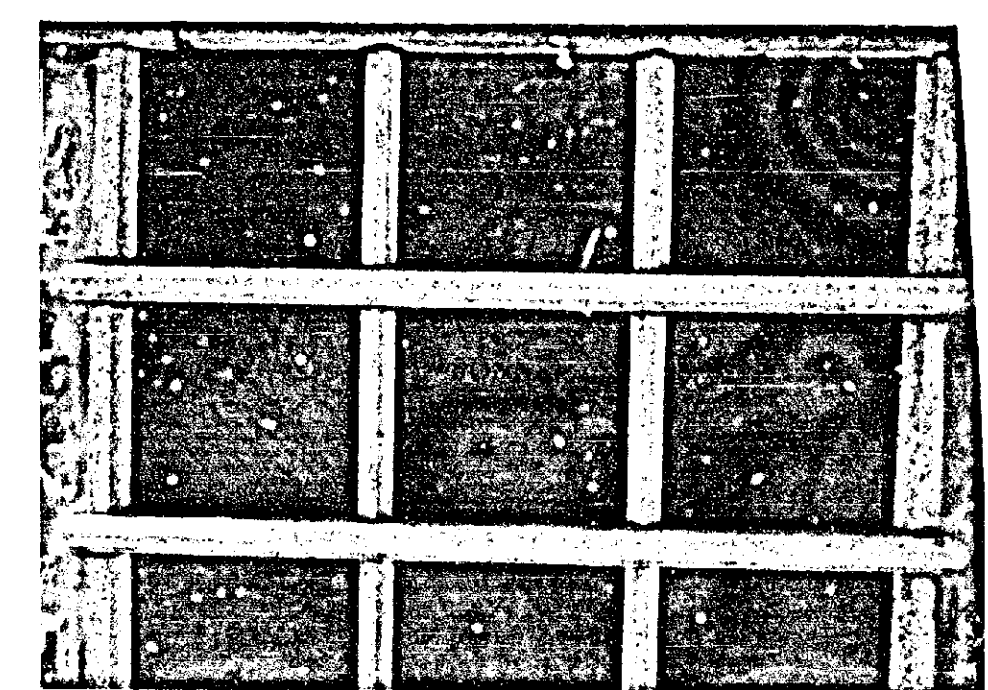
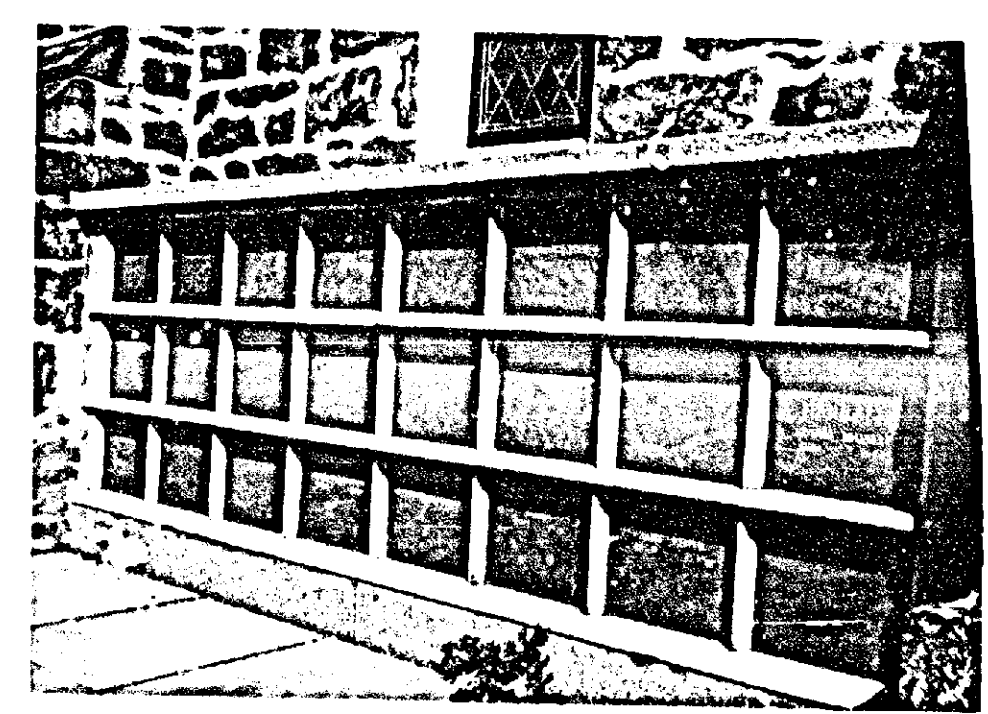
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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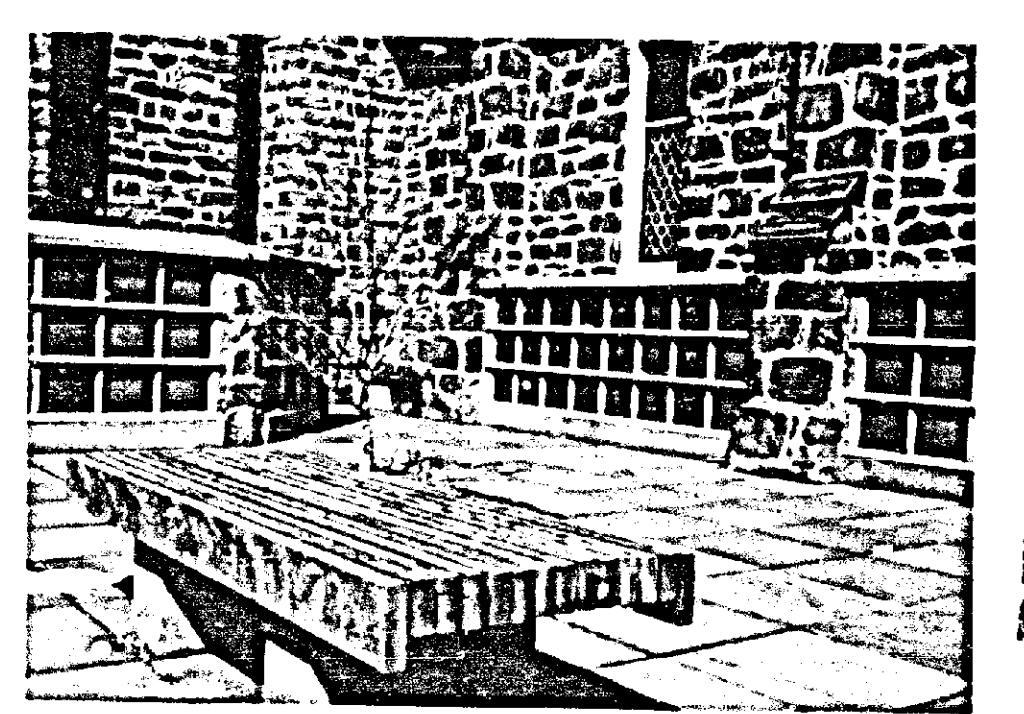
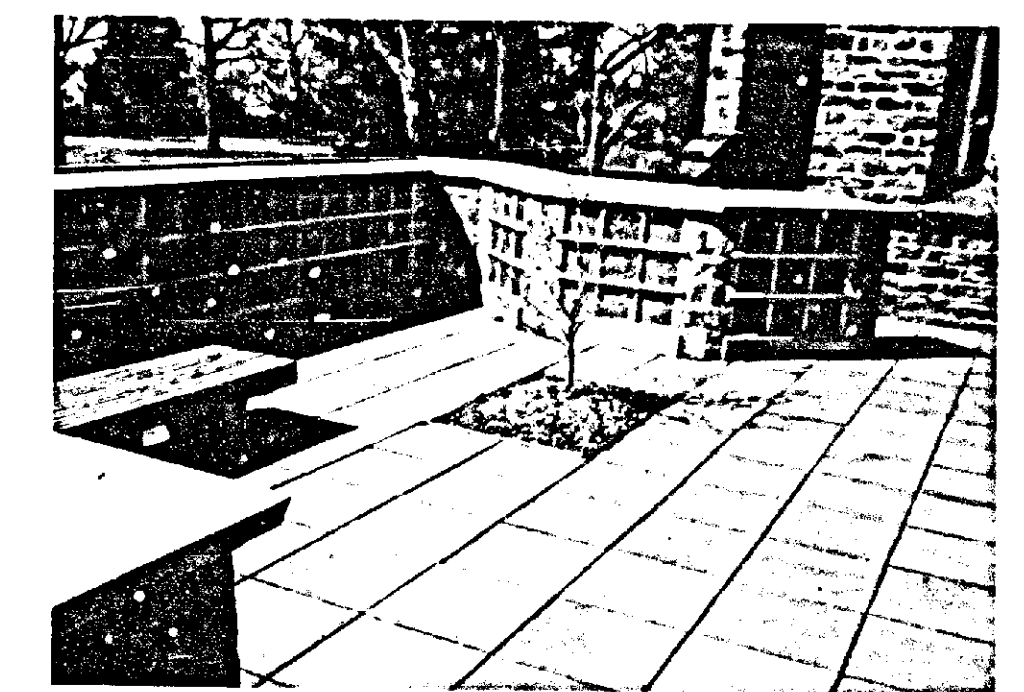
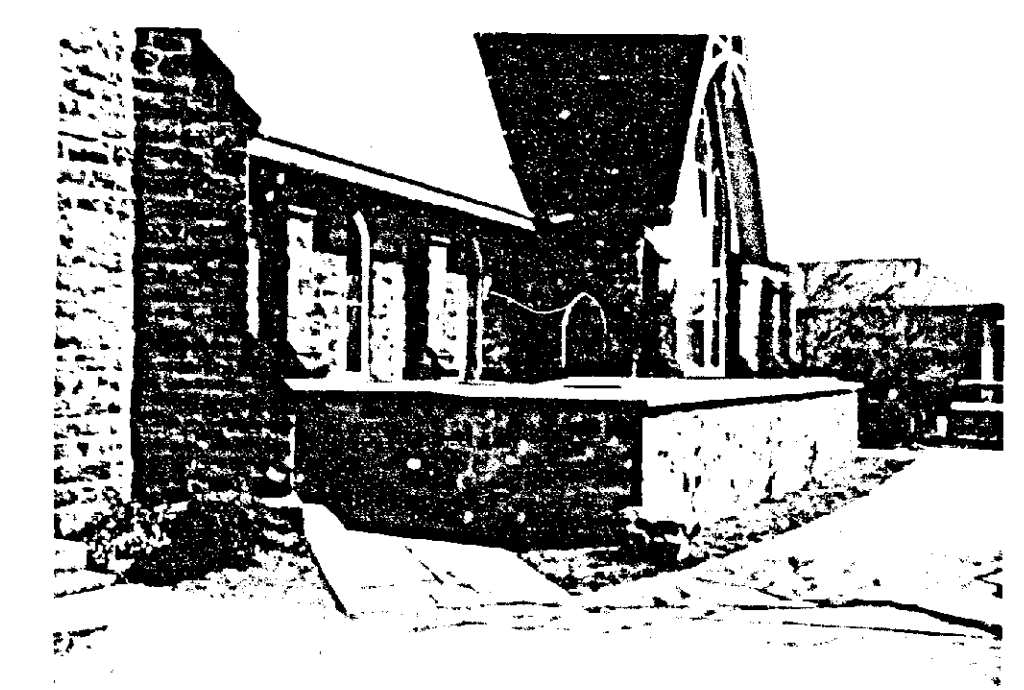
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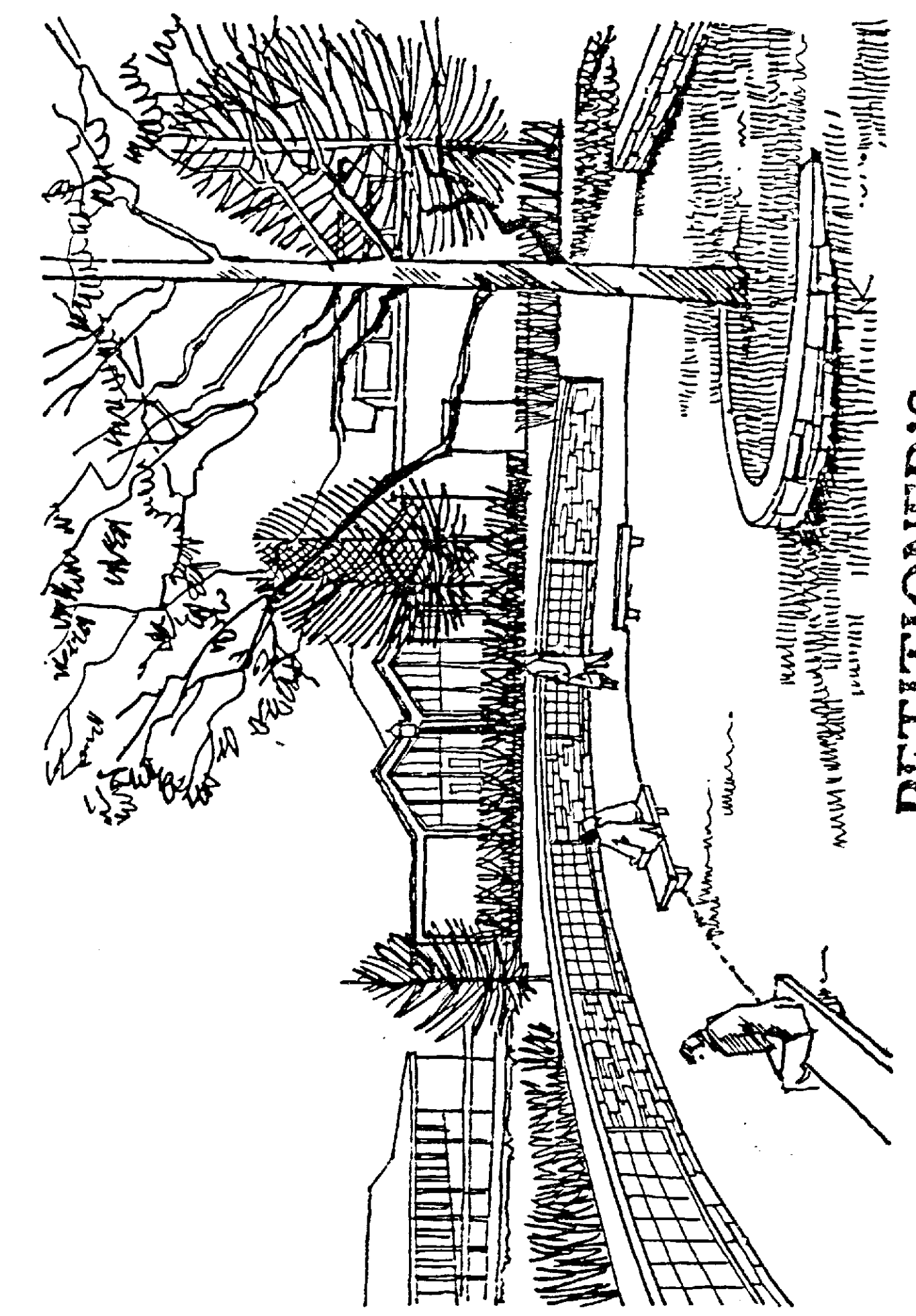
By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
8782-L-1811-814



PETITIONER'S
EXHIBIT 3



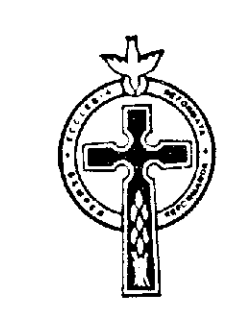
PETITIONER'S
EXHIBIT 3



PROPOSED COLUMBARIUM
BROWN MEMORIAL WOODBROOK
PETITIONER'S
EXHIBIT 4

86-38-X
9th District
SW/cor. Charles St. Ave. & Woodbrook Lane
(6200 N. Charles Street)
Brown Memorial Presbyterian Church
1 SIGN

Columbarium Committee
Gwen Bruggman
S. James Campbell
Richard C. Donkervoet
Gail Parker
Stuart M. Wolff
Lyle Dykstra, Minister

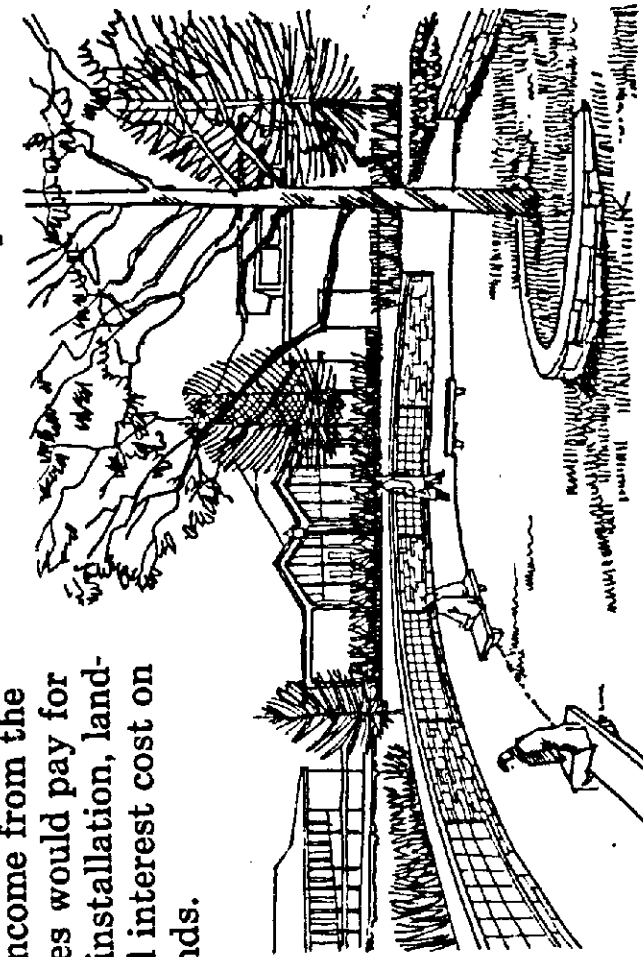


BROWN MEMORIAL WOODBROOK
CHURCH
1 Woodbrook Lane
Baltimore, MD 21212
PETITIONER'S
EXHIBIT 2

COLUMBARIUM
PROPOSAL

Several indications of interest from members of the congregation make the feasibility of such a project seem realistic.

If there is sufficient positive response from the membership, and the congregation votes at a meeting to approve this plan, details of construction can proceed immediately. Please indicate your interest in the proposed columbarium on the enclosed card. This is in no way a binding commitment, but will help in the formulation of plans.



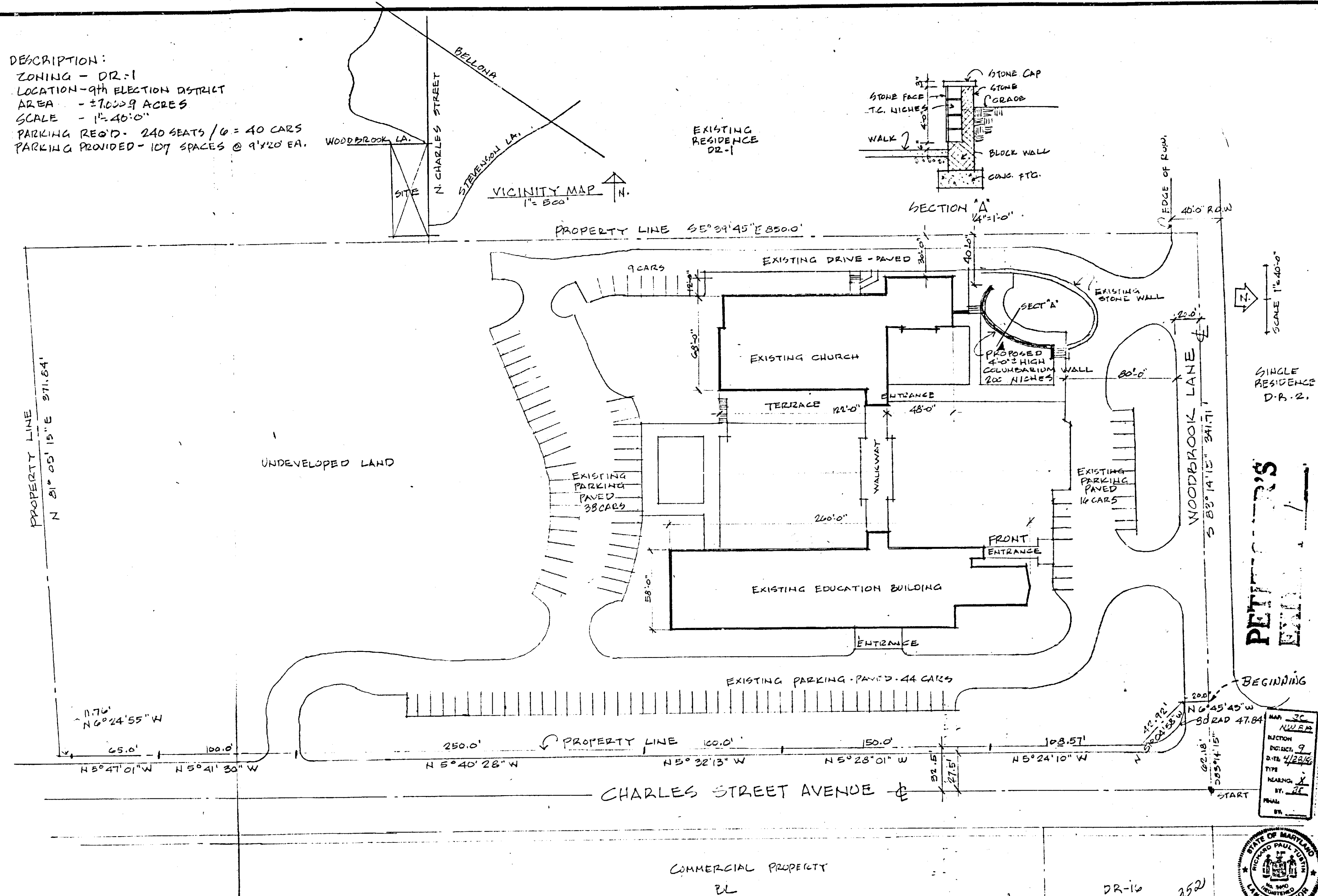
The plans call for the use of an area on the North West corner of the church property, with easy access to the workshop center and appropriately screened and landscaped as a memorial garden. Niches, set in stone walls, would be available to members of the church for a reasonable fee estimated to be more economical than traditional cemetery burial.

A bequest for this purpose provides seed money for the original planning and construction. Income from the sale of niches would pay for the cost of installation, landscaping and interest cost on advance funds.

The Session of Brown Memorial Woodbrook recommends for the approval of the congregation the construction of a columbarium on the church grounds.

A columbarium is an area especially designed for the interment of the ashes of the deceased. This form of burial, widely used through the ages, is an accepted practice of the Christian world and is in full accord with the practices and beliefs of the Presbyterian church. Several of our neighbors, including the Church of the Redeemer and St. David's, already have successful columbaria. The one at Brown Memorial is intended to meet the needs of those who desire a place of interment on the grounds of the church where they have worshipped and which is associated with the crucial events of their lives.

DESCRIPTION:
ZONING - DR-1
LOCATION - 9TH ELECTION DISTRICT
AREA - 17,000 SQ. ACRES
SCALE - 1" = 40'-0"
PARKING REQ'D - 240 SEATS / 6 = 40 CARS
PARKING PROVIDED - 107 SPACES @ 9'x20' EA.



PLAT FOR SPECIAL EXCEPTION
PROPOSED COLUMBARIUM
BROWN MEMORIAL WOODBROOK PRESBYTERIAN CHURCH
WOODBROOK LANE & CHARLES ST.
6200 N. CHARLES ST. MARYLAND
BALTIMORE CO. 21212

CS&D

Architect
Cochran, Stephenson
& Donker voet, Incorporated
925 North Charles Street
Baltimore, Md. 21201

No:	Date:	Revision:
1	5/1/85	
Project No:	N.A.	
Date:	APRIL 25, '85	
Scale:	1" = 40'-0"	
Sheet Title:	SITE PLAN	
Sheet No:	1	Of: 1

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 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception



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

TED ZALESKI, JR.
DIRECTOR

June 7, 1985

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

Dear Mr. Jablon:

Comments on Item # 352 Zoning Advisory Committee Meeting are as follows:

Property Owner: Brown Memorial Presbyterian Church (USA) Inc.
Location: S/W Corner North Charles Street and Woodbrook Lane
District: 9th.

APPLICABLE RULES AND ORDINANCES:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1007, Section 1008 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Modified architecture or Engineer seals are usually required. The change of Use Groups are from the _____ to Use _____ See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Flood Protection. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- J. Comments:
- K. These abbreviated 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 the applicant may obtain additional information by visiting Room 122 of the County Office Building at 210 N. Charles Avenue, Towson, Maryland 21204.

4/27/85

- 2 -

Any appeal from this decision must be 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
William T. Hackett, Chairman

William R. Evans
William R. Evans

Lawrence E. Schmidt
Lawrence E. Schmidt

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 11, 1985

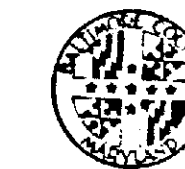
Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment on these petitions.

NEG:JGH:slm

Norman E. Gerber, Director
Office of Planning and Zoning



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301)494-3180

December 11, 1985

Phyllis Cole Friedman
People's Counsel of Baltimore County
Room 223, Courthouse
Towson, MD 21204

Re: Case No. 86-38-X
Brown Memorial Presbyterian Church

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Herbert R. O'Connor, III, Esquire
Brown Memorial Presbyterian Church (USA), Inc.
Jay Cherry
Norman E. Gerber
James G. Roswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
SW/Corner Charles St. Ave. and
Woodbrook Lane (6200 N. Charles : OF BALTIMORE COUNTY
St.), 9th District
BROWN MEMORIAL PRESBYTERIAN : Case No. 86-38-X
CHURCH (USA), Petitioner :

ORDER

Upon consideration of evidence in open hearing and comment of counsel for all parties, it is, this 11th day of December, 1985, ORDERED,

1. That the Petition for Special Exception to allow a cemetery (columbarium) be, and hereby is, GRANTED, subject to the following conditions:

- a. The columbarium shall be incorporated within walls, walks and/or landscaping within the church grounds.
- b. No monuments are permitted.
- c. The columbarium is not a public facility, but is available primarily to members of the congregation and their immediate families.

2. That the part of the petition which requests a determination that a columbarium is a permitted accessory use to the principal use of the church be, and hereby is, WITHDRAWN; and

3. Notwithstanding any statements to the contrary in the Opinion of the Deputy Zoning Commissioner dated September 10, 1985, this case is not to be considered a precedent on the question of the permissibility of a columbarium as an accessory use to a church.



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

ARNOLD JABLON
ZONING COMMISSIONER

September 10, 1985

Herbert R. O'Connor, III, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR SPECIAL EXCEPTION
SW/Corner of Charles St. Ave.
and Woodbrook Lane, (6200 N.
Charles Street) - 9th Election
District
Brown Memorial Presbyterian
Church (USA), Inc.,
Petitioner
Case No. 86-38-X

Dear Mr. O'Connor:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
Jean M. H. Jung
Deputy Zoning Commissioner

JMH:jtg

Attachments

cc: People's Counsel

Ms. Carol Ukens
Towson Times
305 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
SW/Corner of Charles Street Ave. : DEPUTY ZONING COMMISSIONER
and Woodbrook Lane, (6200 N. :
Charles Street) - 9th Election : OF BALTIMORE COUNTY
District :
Brown Memorial Presbyterian : Case No. 86-38-X
Church (USA), Inc., :
Petitioner :

The Petitioner herein requests a special exception for a columbarium and a determination that a columbarium is a permitted accessory use to the principal use of a church.

Testimony by and on behalf of the Petitioner indicated that the congregation considered the theological and historical perspectives, as well as the emotional and economic advantages, of providing a columbarium within the church grounds for members and their families. Such a columbarium would be a physical statement of theological belief in the interrelationships of birth, life and death, and a way of affiliating a deceased relative with his family and the congregation. There are church services for an average of twelve funerals annually; traffic to the site will not be increased. About 200 niches, each with room for four urns, will be placed within a wall as indicated on the plan prepared by Richard P. Tustin, dated May 7, 1985 and marked Petitioner's Exhibit 1 and on the sketch of the proposed columbarium marked Petitioner's Exhibit 4. The spaces will not be marketed commercially. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that the requirements of Section 502.1 of the Baltimore County Zoning Regulations have been met and the health, safety and general welfare of the community will not be adversely affected, the Petition for Special Exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 10th day of September, 1985, that the request for a special

ORDER RECEIVED FOR FILING
DATE: Sept. 19, 1985
BY: [Signature]

exception for a columbarium in the instant case, in accordance with Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order.

In addition, it is hereby determined that a columbarium located within church grounds but outside a building is a permitted accessory use to the principal use of a church when, and only when, specific requirements are met.

Therefore, it is further ordered that a columbarium is a permitted accessory use to the principal use of a church subject, however, to the following restrictions:

1. The columbarium shall be incorporated within walls, walks and/or landscaping within the church grounds.
2. No monuments are permitted.
3. The columbarium is not a public facility, but is available primarily to members of the congregation and their immediate families.

John M. H. Dyer
Deputy Zoning Commissioner
of Baltimore County

JMH:tbq

ORDER RECEIVED FOR FILING

DATE Sept. 14, 1985

BY *Phyllis Cole Friedman*
ADMINISTRATIVE ASSISTANT

Herbert R. O'Connor, III, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Exception
SW corner of Charles Street Avenue &
Woodbrook Lane (6200 N. Charles St.)
9th Election District
Brown Memorial Presbyterian Church (USA),
Inc., Petitioner - Case No. 86-38-X

TIME: 10:00 a.m.
DATE: Thursday, September 5, 1985
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

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

No. 007219

DATE 9-14-85 ACCOUNT R-01-615-000

RECEIVED FROM Herbert R. O'Connor, III AMOUNT \$ 65.00

FOR Advertising and Posting Case 86-38-X

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Southwest corner of Charles Street Avenue and
Woodbrook Lane (6200 N. Charles Street)

DATE AND TIME: Thursday, September 5, 1985 at 10:00 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 for a cemetery (columbarium). This is a
facility to inter the ashes of cremated bodily remains. Also, the Petitioner
will ask for a determination that a columbarium is a permitted accessory use
to the principal use of the Church.

Being the property of Brown Memorial Presbyterian Church (USA), Inc. 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, enter-
tain 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

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW Corner of Charles St. Ave. : OF BALTIMORE COUNTY
& Woodbrook Lane (6200 N. Charles St.), 9th District
BROWN MEMORIAL PRESBYTERIAN : Case No. 86-38-X
CHURCH (USA), INC., Petitioner :

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy
of the foregoing Entry of Appearance was mailed to Herbert R. O'Connor,
III, Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., Towson,
MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

August 28, 1985

Herbert R. O'Connor, III, Esq.
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
SW corner of Charles Street Avenue &
Woodbrook Lane (6200 N. Charles St.)
9th Election District
Brown Memorial Presbyterian Church (USA),
Inc., Petitioner
Case No. 86-38-X

Dear Mr. O'Connor:

This is to advise you that \$68.00 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

Please make the check payable to Baltimore County, Maryland,
County Office Building,
Towson, Maryland 21204.

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

No. 012567

DATE 9-14-85 ACCOUNT R-01-615-000

AMOUNT \$ 65.00

RECEIVED FROM Herbert R. O'Connor, Esquire

FOR Advertising and Posting Case 86-38-X

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW corner of Charles St. Ave. : OF BALTIMORE COUNTY
and Woodbrook Lane, (6200 N. Charles St.), 9th District

BROWN MEMORIAL PRESBYTERIAN : Case No. 86-38-X
CHURCH (USA), INC.,
Petitioner

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning
Commissioner, under date of September 10, 1985, to the County Board of
Appeals and forward all papers in connection therewith to the Board for
hearing.

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

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

I HEREBY CERTIFY that on this 8th day of October, 1985, a copy
of the foregoing Notice of Appeal was mailed to Herbert R. O'Connor, III,
Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., Towson, MD
21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
GEORGE R. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
H. RING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPPIN
CYNTHIA M. HAHN
ANGUS E. FINNEY
KEVIN H. SMITH
H. BARNITT PETERSON, JR.

COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

May 17, 1985

HAND DELIVERED

Nick handled
Case #86-38-X
Postponed from
7/24/85
Reset for 9/5/85
@ 10

James E. Dyer
Zoning Supervisor
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Special Exception of
Brown Memorial Presbyterian Church (U.S.A.), Inc.
Our File No. 1110-16717

Dear Mr. Dyer:

You may recall that I wrote to you earlier this week
indicating your office had accepted a Petition for Special
Exception on May 14 and asking that you have someone call me
about scheduling a Hearing. I have talked with my client and
witnesses and, after comparing calendars including my trial
schedule, I respectfully request that you schedule this for
a Hearing on August 21, 22 or 23. Also, please recall that you
earlier indicated that it seemed appropriate for questions about
a columbarium to be placed before Zoning Commissioner Arnold
Jablón. If Mr. Jablón will be on vacation during the suggested
times, I will be happy to work with whomever you suggest to
get an agreed date.

Thank you.

Very truly yours,
Herbert R. O'Connor, III
Herbert R. O'Connor, III

HR0'C/ko

MICROFILMED

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
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LAWRENCE L. HOOPER, JR.
H. RING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPPIN
CYNTHIA M. HAHN
ANGUS E. FINNEY
KEVIN H. SMITH
H. BARNITT PETERSON, JR.

COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

May 15, 1985

HAND DELIVERED

Nick handled
Case #86-38-X
Postponed from
7/24/85
Reset for 9/5/85
@ 10

James E. Dyer
Zoning Supervisor
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Special Exception of
Brown Memorial Presbyterian Church (U.S.A.), Inc.
Our File No. 1110-16717

Dear Mr. Dyer:

On May 14, your office accepted for filing a Petition for
Special Exception for a cemetery (columbarium). My client is
concerned that the public will be misled if the sign would
merely indicate that the Special Exception concerned a cemetery.
Therefore, I respectfully request that the sign display the
full content of the request as shown on the Petition.

Since it is likely that the Hearing will be set for some
time in July or August, I respectfully request that you have
your assistant responsible for scheduling give me a call so
that I can verify my witnesses will be available for the
Hearing.

Thank you for your attention to this matter.

Very truly yours,
Herbert R. O'Connor, III
Herbert R. O'Connor, III

HR0'C/ko

MICROFILMED

WILTONDALE IMPROVEMENT ASSOCIATION, INCORPORATED

September 23, 1985

Ms. Jean Jung
Baltimore County Deputy Zoning Commission
County Office Building
Room 109
Towson, MD 21204

Dear Ms. Jung:

As President of the Wiltondale Improvement Association, I have been requested by the residents of Wiltondale to write and express our concerns with your comments in the Towson Times article on September 11, 1985.

Although there were no formal protests lodged to the Woodbrook Proposal, it is unfair to assume that all community associations would take the same position. Our association fought vehemently against the Ascension Lutheran Proposal some 15 months ago, and our position has not changed since. Our understanding of the notice was that the hearing was for the Woodbrook area and not the entire county.

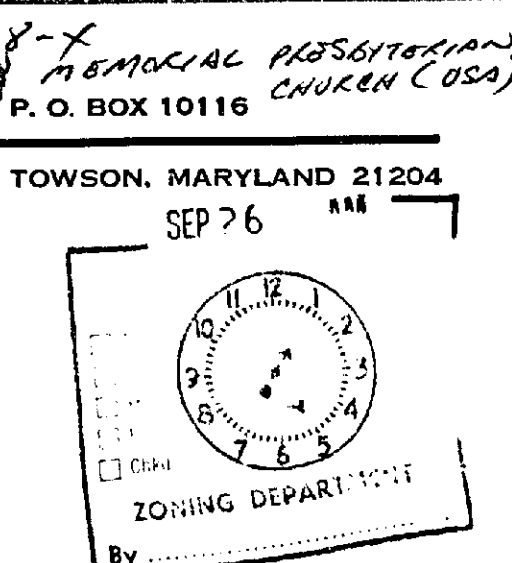
We feel your decision to favor the second part of the church petition that a columbarium is a permitted accessory use of church is unacceptable. This decision, which would allow the church to skip the tedious process of applying for and obtaining a special zoning exception for columbarium, would eliminate the only due process available to the county's taxpayer and surrounding residents affected by such accessory use.

Our hope is that you will reconsider your position and allow the protection process for the county's residents to unwanted change in the complexion of their neighborhood.

Sincerely,

Hugh A. Mallon, III
Hugh A. Mallon, III
President

HAM:pam



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

November 7, 1985

Herbert R. O'Connor, III, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., P.O. Box 5517
Towson, Maryland 21204

RE: Brown Memorial Presbyterian Church, Petitioner - Case No. 86-38-X; Your File No. 1110-16717

Dear Mr. O'Connor:

In reference to your letter dated October 25, 1985, this is our understanding:

1. The Petitioner will withdraw its petition insofar as it requests a determination that a columbarium is a permitted accessory use to a church.
2. The proceedings will go forward with the understanding that the petition is for a special exception for a cemetery, the columbarium being considered a type of cemetery.
3. Upon this basis, the People's Counsel does not oppose the petition for special exception under the facts and circumstances known concerning this petition.
4. This is not to be considered a precedent for blanket approval of columbaria in other locations or other cases.

5. The petition, of course, would be subject to review and approval by the County Board of Appeals based on their own independent judgment.

If the above is agreeable to the Petitioner, we would be prepared to participate in a conference with the Board Chairman for administrative purposes prior to the hearing date.

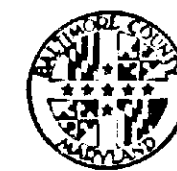
Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Norman E. Gerber

PMZ:sh

RECEIVED
COUNTY BOARD OF APPEALS
NOV 14 1985



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

November 13, 1985

Hugh A. Mallon, III, President
Wiltondale Improvement Assn., Inc.
P. O. Box 10116
Towson, Maryland 21204

RE: Brown Memorial Presbyterian Church (USA),
Petitioner - Zoning Case No. 86-38-X

Dear Mr. Mallon:

After reflection on the contents of your letter dated September 23, 1985, an appeal was taken by this office from the Zoning Commissioner's Opinion in the above-referenced case.

At this time the Petitioner has agreed to withdraw its petition insofar as it requests a determination that a columbarium is a permitted accessory use to a church. Upon this basis, People's Counsel will not oppose the petition for a special exception which will be heard before the Board of Appeals on December 11, 1985 at 9:30 a.m. People's Counsel will also explain to the Zoning Commissioner that the intention of the withdrawal by Petitioner is so the instant case is not considered a precedent for blanket approval of columbaria in other locations and the opportunity for notice and hearing is preserved by the continuation of the special exception process. You should be aware, however, that such remarks are advisory only since the Zoning Office is in no way bound by the position of People's Counsel.

It is our present intention, given the above, to have a brief hearing on the special exception petition based on the facts presented to the Zoning Commissioner. If you wish to appear and testify you have the right to do so, but I would appreciate it if you would call and let my office know as soon as possible so I can request time to be set aside.

Thank you for bringing this matter to my attention. Please feel free to call if you have any questions or comments.

Sincerely yours,

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

cc: Herbert O'Connor, Esq.

PCF:sh

RECEIVED
COUNTY BOARD OF APPEALS
NOV 14 1985

LAW OFFICES

COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P. O. BOX 5517
TOWSON, MARYLAND 21204

November 14, 1985

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O'C. TRACY, JR.
JOHN V. ZIM, III
JOSEPH C. WICH, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUSON
C. CAREY DEELEY, JR.
GEORGE R. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
H. JUNG HILL, III
ROBERT A. HOFFMAN
FREDRICK C. DOPPIN
CYNTHIA M. HAHN
KATHLEEN M. GALLAGHER
KEVIN M. SMITH
H. BARRITT, PETERSON, JR.

JAMES D. C. DOWNES
(1908-1979)
TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147

The Honorable William T. Hackett
The Board of Appeals
Court House
Towson, Maryland 21204

Re: Brown Memorial Special Exception
Case No. 86-38-X
Our File No. 1110-16717

Dear Mr. Hackett:

As discussed during our meeting yesterday morning with Phyllis Friedman, I submit this letter as a notice that the portion of the Petition for Special Exception, which pertains to the recognition of a columbarium as a permitted accessory use to the principal use of a church, is withdrawn.

A Hearing has been scheduled for December 11 at 9:30 a.m. Thank you for your attention to this matter.

Very truly yours,

Herbert R. O'Connor, III
Herbert R. O'Connor, III

HRO'C/ko

cc: Phyllis C. Friedman, Esq.
Thomas P. Eastman, Esq.
S. James Campbell
Mr. Richard Donkersvoet
Reverend Lyle Dykstra



CHERRY

2330 E. Fayette Street
Baltimore, Maryland 21224

301-276-4574

November 25, 1985

Dear Ms. Holmen:

Please send a copy of the Order regarding the hearing on Columbarias which is scheduled for December 11th at 9³⁰ a.m.

Many thanks

Jay Cherry, Chair
Jay Cherry, Chair
Columbarium Committee

Endowment Board
Towson Unitarian
Universalist Church

RECEIVED
COUNTY BOARD OF APPEALS
NOV 15 1985

ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Ninth District of Baltimore County, State of Maryland, and described as follows, to wit:

BEGINNING for the same in the center of Woodbrook Lane at a point distance south 83 degrees 14 minutes 15 seconds west 62.18 feet along the center thereof from the center line of Charles Street Avenue running thence in the center of Woodbrook Lane south 83 degrees 14 minutes 15 seconds west 341.17 feet thence leaving the center of Woodbrook Lane and running south 5 degrees 39 minutes 45 seconds east 850.00 feet running thence north 81 degrees 05 minutes 15 seconds east 371.84 feet to the west right-of-way line of Charles Street Avenue shown on State Roads Commission Right-of-Way plats numbers 11549 and 11550 and running thence and binding on the west right-of-way of Charles Street Avenue the eight following courses and distances; north 6 degrees 24 minutes 59 seconds west 11.76 feet, north 5 degrees 47 minutes 01 second west 65.00 feet, north 5 degrees 41 minutes 30 seconds west 100.00 feet, north 5 degrees 40 minutes 28 seconds west 250.00 feet, north 5 degrees 32 minutes 13 seconds west 100.00 feet, north 5 degrees 28 minutes 01 second west 150.00 feet, north 5 degrees 24 minutes 10 seconds west 108.57 feet, and northwesterly by a line curving to the west with a radius of 30.00 feet for a distance of 47.84 feet (the chord of said arc being north 51 degrees 04 minutes 58 seconds west 42.92 feet) to the south side of Woodbrook Lane; thence north 6 degrees 45 minutes 45 seconds west 20.00 feet to the place of beginning.

CONTAINING 7.0079 acres of land more or less, exclusive of area of the bed of Woodbrook Lane.

WILTONDALE IMPROVEMENT ASSOCIATION, INCORPORATED

P. O. BOX 10116

TOWSON, MARYLAND 21204

September 23, 1985

Mrs. Phyllis Friedman
People's Council
Room 223, Courthouse
Towson, MD 21204

Dear Mrs. Friedman:

As President of the Wiltondale Improvement Association, I have been requested by the residents of Wiltondale to write and express our concerns with the comments in the Towson Times article on September 11, 1985.

Although there were no formal protests lodged to the Woodbrook Proposal, it is unfair to assume that all community associations would take the same position. Our association fought vehemently against the Ascension Lutheran Proposal some 15 months ago, and our position has not changed since. Our understanding of the notice was that the hearing was for the Woodbrook area and not the entire county.

We feel your decision to favor the second part of the church petition that a columbarium is a permitted accessory use of church is unacceptable. This decision, which would allow the church to skip the tedious process of applying for and obtaining a special zoning exception for columbarium, would eliminate the only due process available to the county's taxpayer and surrounding residents affected by such accessory use.

Our hope is that you will reconsider your position and allow the protection process for the county's residents to unwanted change in the complexion of their neighborhood.

Sincerely,

Hugh A. Mallon, III
Hugh A. Mallon, III
President

HAM:pam

RECEIVED
COUNTY BOARD OF APPEALS
NOV 14 1985

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting August 16, 85
Posted for: Special Exception
Petitioner: Brown Memorial Presbyterian Church (USA), Inc.
Location of property: S.W. Corner of Charles St. Ave. & Woodbrook Lane
Location of Sign: S.W. Corner of Charles St. Ave. & Woodbrook Lane
Remarks: _____
Posted by: A. J. Pate Date of return: August 16, 1985
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 10-25-85
Posted for: Appeal
Petitioner: Brown Memorial Presbyterian Church
Location of property: S.W. Corner of Charles St. Ave. & Woodbrook Lane
Location of Sign: S.W. Corner of Charles St. Ave. & Woodbrook Lane
Remarks: _____
Posted by: A. J. Pate Date of return: 10-25-85
Number of Signs: 1

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Southwest corner of Charles Street Avenue and Woodbrook Lane (6200 N. Charles Street)

DATE AND TIME: Thursday, September 5, 1985 at 10:00 a.m.

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

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for a columbarium (columbarium). This is a facility to inter the ashes of cremated bodies remains. Also, the Petitioner will ask for a determination that a columbarium is a permitted accessory use to the principal use of the Church.

Being the property of Brown Memorial Presbyterian Church, (USA), Inc. 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
Aug. 15.

86-38-X
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 15, 1985

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 August 15, 1985.

THE JEFFERSONIAN,

B. Venetian
Publisher

Cost of Advertising

24.75

86-38-X
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 14, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 14, 1985.

TOWSON TIMES,

B. Venetian
Publisher

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Southwest corner of Charles Street Avenue and Woodbrook Lane (6200 N. Charles Street)

DATE AND TIME: Thursday, September 5, 1985 at 10:00 a.m.

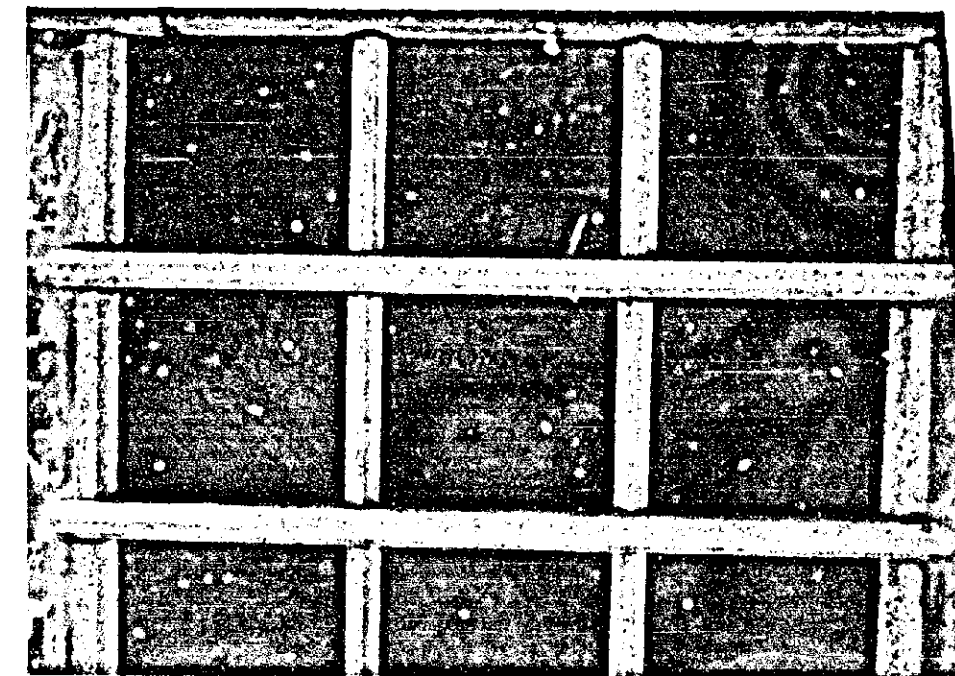
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for a columbarium (columbarium). This is a facility to inter the ashes of cremated bodies remains. Also, the Petitioner will ask for a determination that a columbarium is a permitted accessory use to the principal use of the Church.

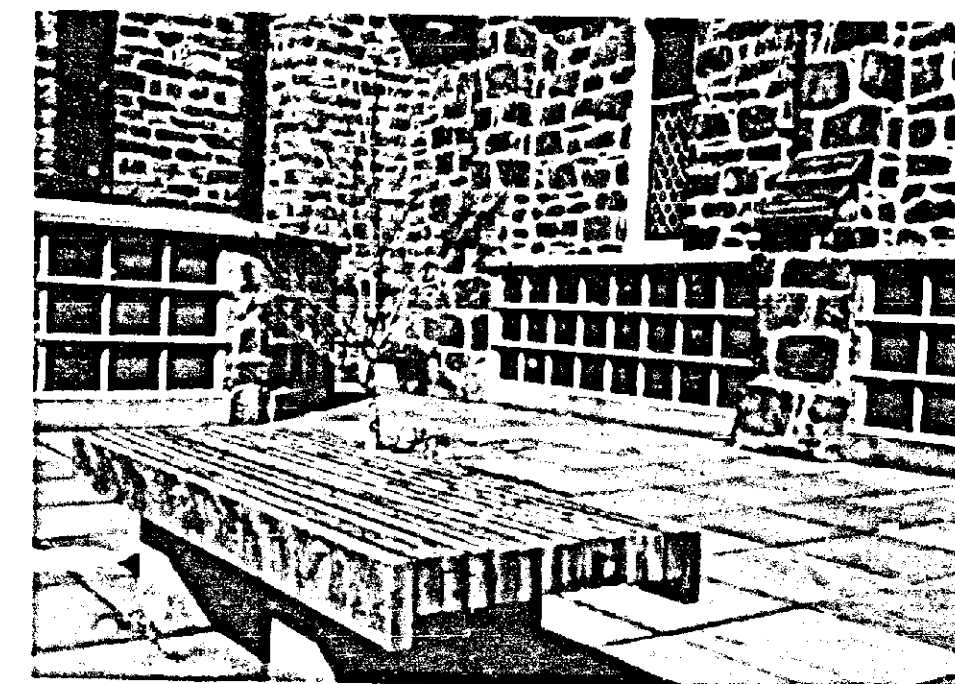
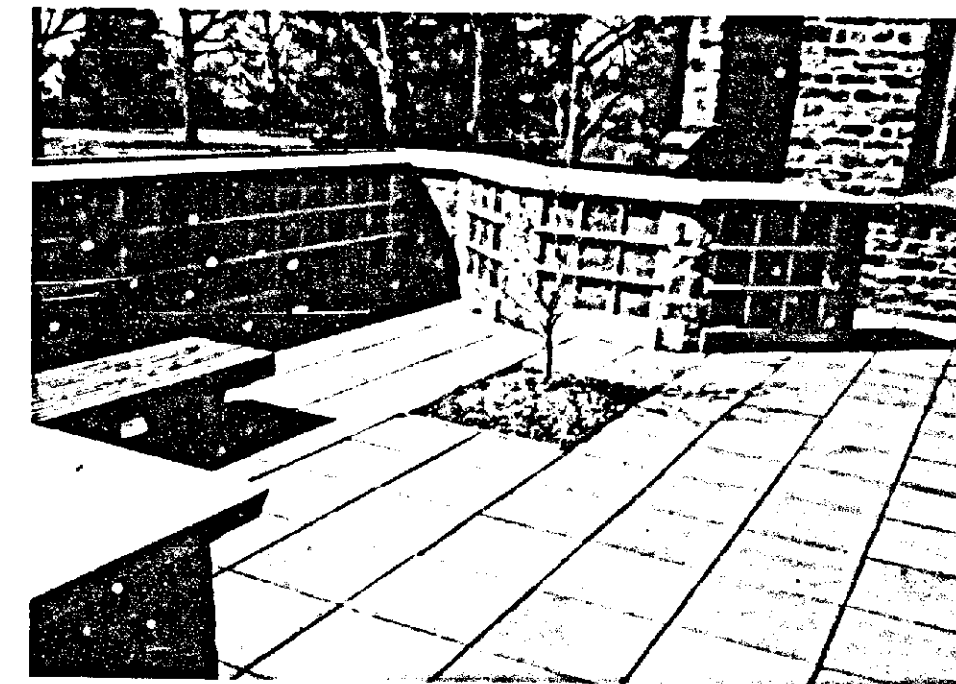
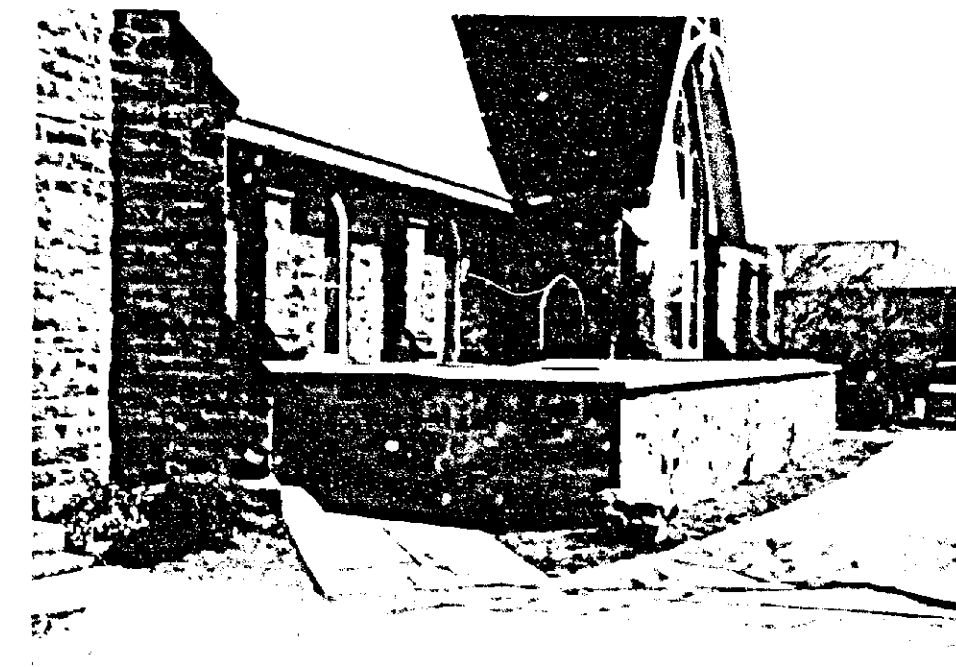
Being the property of Brown Memorial Presbyterian Church, (USA), Inc. as shown on the plat filed with the Zoning Office.

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.

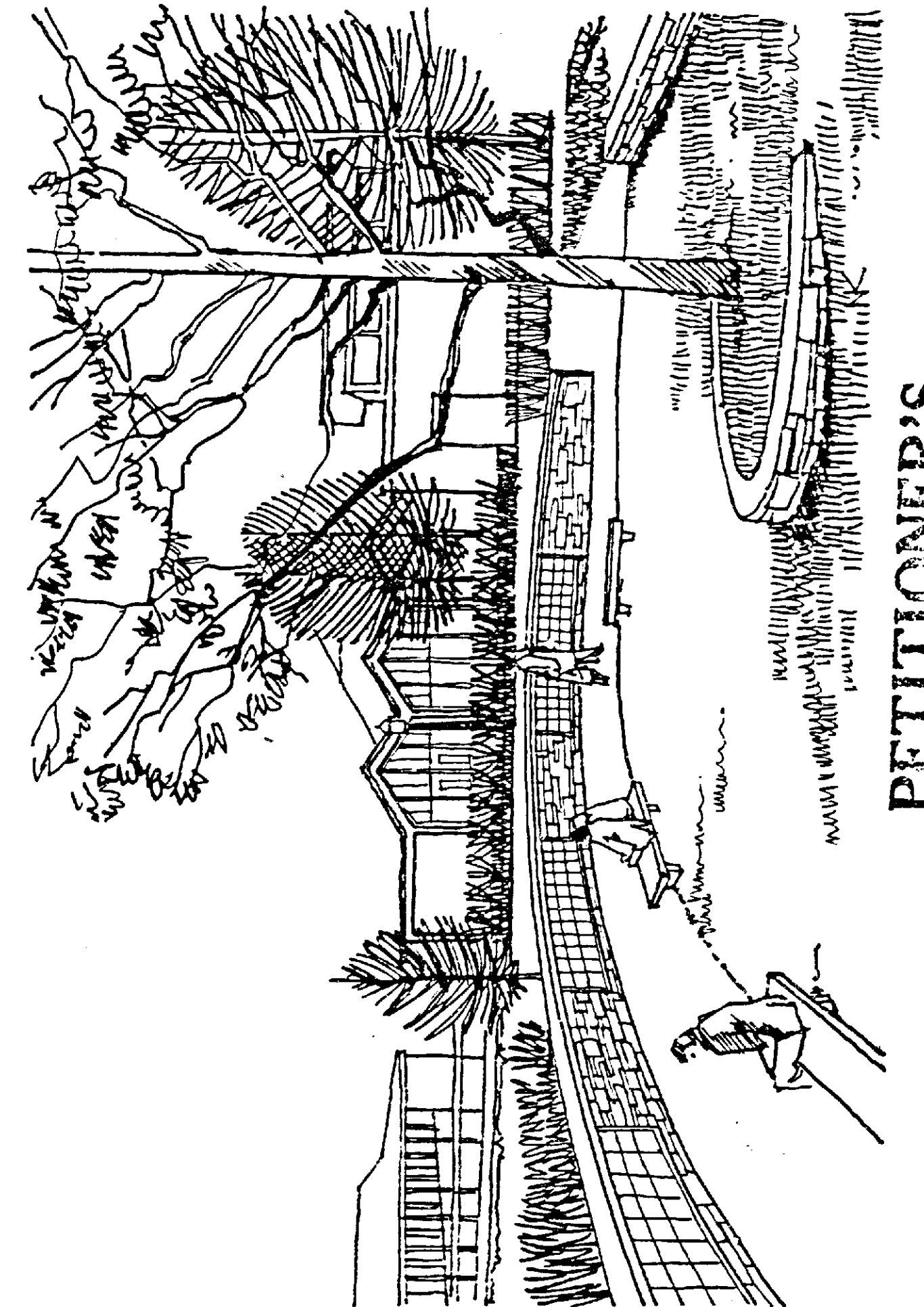
By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
8782-L-1811-814



PETITIONER'S
EXHIBIT 3



PETITIONER'S
EXHIBIT 3



PROPOSED COLUMBARIUM
BROWN MEMORIAL WOODBROOK
PETITIONER'S
EXHIBIT 4

#86-38-X

9th District

SW/cor. Charles St. Ave. & Woodbrook Lane
(6200 N. Charles Street)

Brown Memorial Presbyterian Church

1 SIGN

Columbarium Committee
Gwen Bruggman
S. James Campbell
Richard C. Donkervoet
Gail Parker
Stuart M. Wolff
Lyle Dykstra, Minister



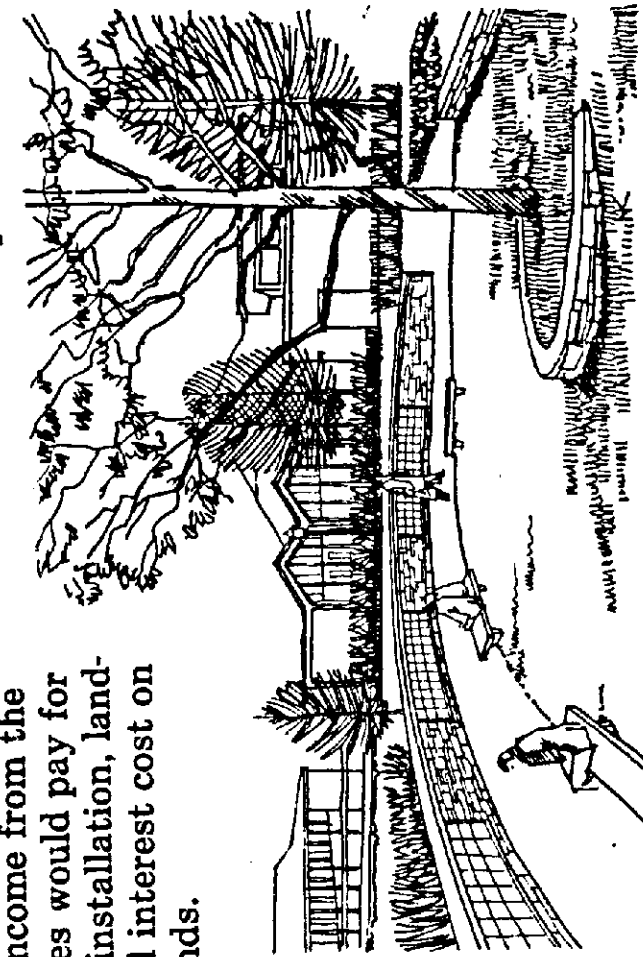
BROWN MEMORIAL WOODBROOK
CHURCH

1 Woodbrook Lane
Baltimore, MD 21212

PETITIONER'S
EXHIBIT 2

Several indications of interest from members of the congregation make the feasibility of such a project seem realistic.

If there is sufficient positive response from the membership, and the congregation votes at a meeting to approve this plan, details of construction can proceed immediately. Please indicate your interest in the proposed columbarium on the enclosed card. This is in no way a binding commitment, but will help in the formulation of plans.



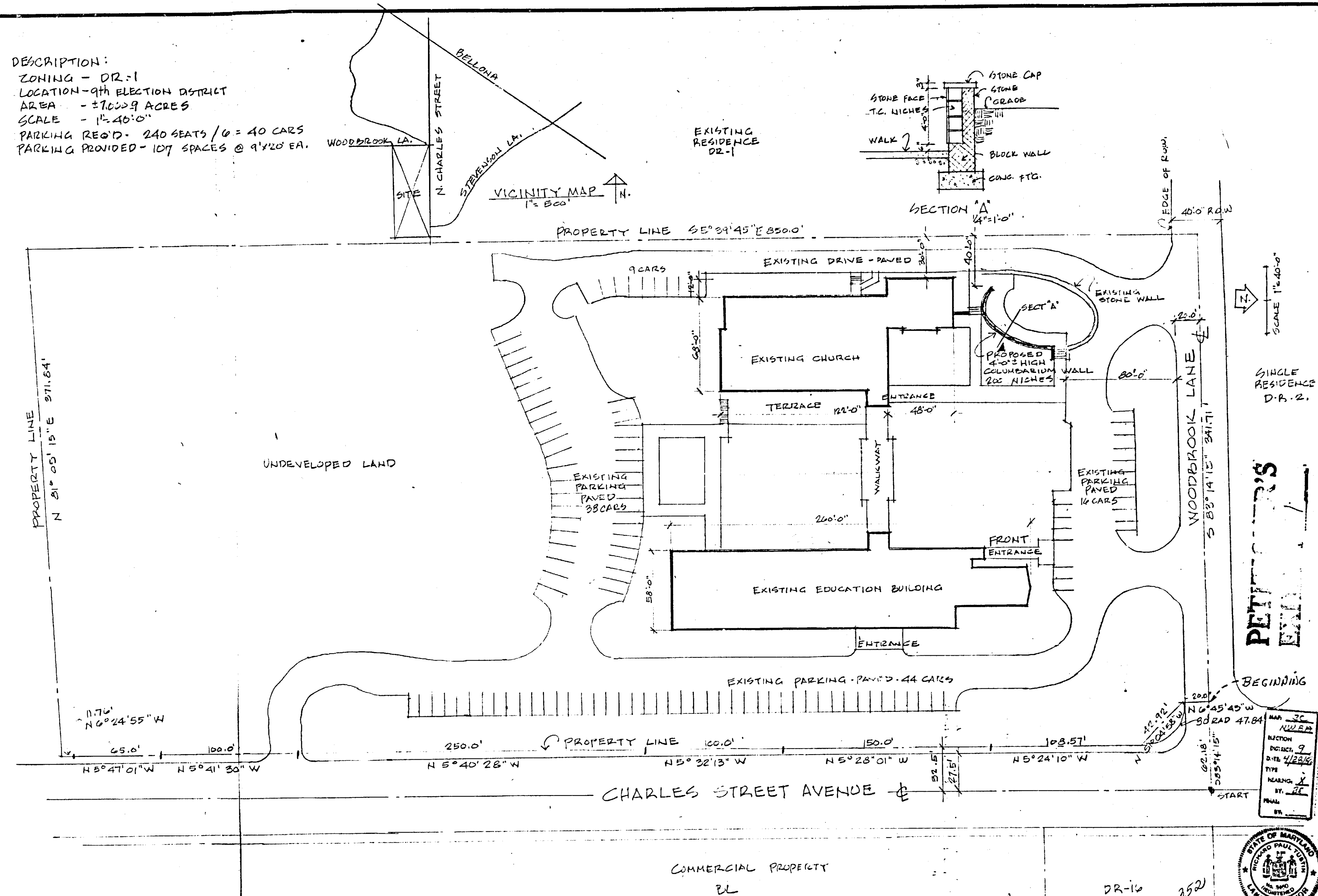
The plans call for the use of an area on the North West corner of the church property, with easy access to the workshop center and appropriately screened and landscaped as a memorial garden. Niches, set in stone walls, would be available to members of the church for a reasonable fee estimated to be more economical than traditional cemetery burial.

A bequest for this purpose provides seed money for the original planning and construction. Income from the sale of niches would pay for the cost of installation, landscaping and interest cost on advance funds.

The Session of Brown Memorial Woodbrook recommends for the approval of the congregation the construction of a columbarium on the church grounds.

A columbarium is an area especially designed for the interment of the ashes of the deceased. This form of burial, widely used through the ages, is an accepted practice of the Christian world and is in full accord with the practices and beliefs of the Presbyterian church. Several of our neighbors, including the Church of the Redeemer and St. David's, already have successful columbaria. The one at Brown Memorial is intended to meet the needs of those who desire a place of interment on the grounds of the church where they have worshipped and which is associated with the crucial events of their lives.

DESCRIPTION:
ZONING - DR-1
LOCATION - 9TH ELECTION DISTRICT
AREA - 17,000 SQ. ACRES
SCALE - 1" = 40'-0"
PARKING REQ'D - 240 SEATS / 6 = 40 CARS
PARKING PROVIDED - 107 SPACES @ 9'x20' EA.



PLAT FOR SPECIAL EXCEPTION
PROPOSED COLUMBARIUM
BROWN MEMORIAL WOODBROOK PRESBYTERIAN CHURCH
WOODBROOK LANE & CHARLES ST.
6200 N. CHARLES ST. MARYLAND
BALTIMORE CO. 21212

CS&D

Architect
Cochran, Stephenson
& Donker voet, Incorporated
925 North Charles Street
Baltimore, Md. 21201

No. 1
Date: 5/1/85
Revision:
Project No.: N.A.
Date: APRIL 25, '85
Scale: 1" = 40'-0"
Sheet Title: SITE PLAN
Sheet No.: 1
Of: 1

PETITION FOR SPECIAL EXCEPTION

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 a cemetery (columbarium). This is a facility to inter the ashes of cremated bodily remains. Also, the Petitioner will ask for a determination that a columbarium is a permitted accessory use to the principal use of the Church.

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: Legal Owner(s):
(Type or Print Name) Brown Memorial Presbyterian Church (USA), Inc.
(Type or Print Name)
Signature By: *Herbert R. O'Connor, III* (Type or Print Name)
Address (Type or Print Name)
City and State
Atorney for Petitioner: Cook, Howard, Downes & Tracy
(Type or Print Name)
Signature By: *Herbert R. O'Connor, III* (Type or Print Name)
Address 210 Allegheny Avenue
City and State
Atorney's Telephone No.: 823-4111 210 Allegheny Avenue, Towson, MD 21204
Address Phone No. 823-4111

ORDERED BY The Zoning Commissioner of Baltimore County, this 18th day of June, 1985, 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 24th day of July, 1985, at 10:30 o'clock.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

(over)

RESERVED FOR THURSDAY, SEPTEMBER 5, 1985 at 10:00 a.m.



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

November 13, 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. 86-38-X BROWN MEMORIAL PRESBYTERIAN CHURCH (USA)
SW/Corner Charles Street Avenue and Woodbrook Lane (6200 N. Charles St.)
9th District
SE-For a cemetery (columbarium)
9/10/85 - D.Z.C.'s Order - GRANTED
ASSIGNED FOR: WEDNESDAY, DECEMBER 11, 1985, at 1:00 PM
cc: Herbert R. O'Connor, III, Esq. Counsel for Petitioner
Brown Memorial Presbyterian Church (USA), Inc. Petitioner
By: Dr. Lyle Dykstra, Pres. People's Counsel
Phyllis C. Friedman
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James E. Dyer

June Holmer, Secretary

Case No. 86-38-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 18th day of June, 1985.

Brown Memorial Presbyterian Church (USA), Inc.
Petitioner's Attorney
Herbert R. O'Connor, III, Esq.
Received by: *James E. Dyer*
Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 19, 1985

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

Herbert R. O'Connor, III, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 352 - Case No. 86-38-X
Petitioner - Brown Memorial Presbyterian Church (USA), Inc.
Special Exception Petition

Dear Mr. O'Connor:

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 planning 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.

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 comments 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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Cochran, Stephenson & Donkervoet, Inc.
325 North Charles Street
Baltimore, Maryland 21201

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 5, 1985

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

Re: Item #352 (1984-1985)
Property Owner: Brown Memorial Presbyterian Church (USA) Inc.
S/W corner North Charles Street & Woodbrook Lane
District 9th

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:

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

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.

Since no public facilities are involved, this office has no comment.

Very truly yours,
James A. Marple, P.E.
JAMES A. MARPLE, P.E., Chief
Bureau of Public Services

JAM:PHO:blp

cc: File

BALTIMORE COUNTY
DEPARTMENT OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3550

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

JULY 3, 1985

Re: Zoning Advisory Meeting of MAY 28, 1985
Item # 352 BROWN MEMORIAL PRESBYTERIAN CHURCH (USA) INC.
Location: SW/CORNER NORTH CHARLES ST. & WOODBROOK LANE

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.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore 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 _____.
- ☐ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☐ The property is located in a deficient service area as defined by Bill 175-79. 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 175-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are reevaluated annually by the County Council.
- ☐ Additional comments: _____

cc: James Horwell

Eugene A. Sober
Chief, Current Planning and Development

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

STEPHEN E. COLLINS
DIRECTOR

June 26, 1985

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

ZAC-Meeting of May 28, 1985

Item No. 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 364, 365, and 366
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 364, 365, and 366.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 2566
494-4500

PAUL H. RENCKE
CHIEF

June 5, 1985

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

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Brown Memorial Presbyterian Church (USA) Inc.

Location: S/W corner North Charles Street and Woodbrook Lane

Item No.: 352 Zoning Agenda: Meeting of May 28, 1985

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 dual 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.

☐ 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: *Robert M. Markowitz* Noted and Approved: *Robert M. Markowitz*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

JUN 25 1985

DATE

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 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception



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

TED ZALESKI, JR.
DIRECTOR

June 7, 1985

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

Dear Mr. Jablon:

Comments on Item # 352 Zoning Advisory Committee Meeting are as follows:

Property Owner: Brown Memorial Presbyterian Church (USA) Inc.
Location: S/W Corner North Charles Street and Woodbrook Lane
District: 9th.

APPLICABLE ZONING AND CODES:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1007, Section 1008 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Modified architecture or Engineer seals are usually required. The change of Use Groups are from the _____ to Use _____ See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Flood Protection. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- J. Comments:
- K. These abbreviated 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 the applicant may obtain additional information by visiting Room 122 of the County Office Building at 210 N. Charles Avenue, Towson, Maryland 21204.

4/27/85

- 2 -

Any appeal from this decision must be 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
William T. Hackett, Chairman

William R. Evans
William R. Evans

Lawrence E. Schmidt
Lawrence E. Schmidt

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 11, 1985

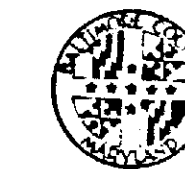
Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment on these petitions.

NEG:JGH:slm

Norman E. Gerber, Director
Office of Planning and Zoning



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301)494-3180

December 11, 1985

Phyllis Cole Friedman
People's Counsel of Baltimore County
Room 223, Courthouse
Towson, MD 21204

Re: Case No. 86-38-X
Brown Memorial Presbyterian Church

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Herbert R. O'Connor, III, Esquire
Brown Memorial Presbyterian Church (USA), Inc.
Jay Cherry
Norman E. Gerber
James G. Roswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
SW/Corner Charles St. Ave. and
Woodbrook Lane (6200 N. Charles : OF BALTIMORE COUNTY
St.), 9th District
BROWN MEMORIAL PRESBYTERIAN : Case No. 86-38-X
CHURCH (USA), Petitioner :

ORDER

Upon consideration of evidence in open hearing and comment of counsel for all parties, it is, this 11th day of December, 1985, ORDERED,

1. That the Petition for Special Exception to allow a cemetery (columbarium) be, and hereby is, GRANTED, subject to the following conditions:

- a. The columbarium shall be incorporated within walls, walks and/or landscaping within the church grounds.
- b. No monuments are permitted.
- c. The columbarium is not a public facility, but is available primarily to members of the congregation and their immediate families.

2. That the part of the petition which requests a determination that a columbarium is a permitted accessory use to the principal use of the church be, and hereby is, WITHDRAWN; and

3. Notwithstanding any statements to the contrary in the Opinion of the Deputy Zoning Commissioner dated September 10, 1985, this case is not to be considered a precedent on the question of the permissibility of a columbarium as an accessory use to a church.



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

ARNOLD JABLON
ZONING COMMISSIONER

September 10, 1985

Herbert R. O'Connor, III, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR SPECIAL EXCEPTION
SW/Corner of Charles St. Ave.
and Woodbrook Lane, (6200 N.
Charles Street) - 9th Election
District
Brown Memorial Presbyterian
Church (USA), Inc.,
Petitioner
Case No. 86-38-X

Dear Mr. O'Connor:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
Jean M. H. Jung
Deputy Zoning Commissioner

JMH:jtg

Attachments

cc: People's Counsel

Ms. Carol Ukens
Towson Times
305 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
SW/Corner of Charles Street Ave. : DEPUTY ZONING COMMISSIONER
and Woodbrook Lane, (6200 N. :
Charles Street) - 9th Election : OF BALTIMORE COUNTY
District :
Brown Memorial Presbyterian : Case No. 86-38-X
Church (USA), Inc., :
Petitioner :

The Petitioner herein requests a special exception for a columbarium and a determination that a columbarium is a permitted accessory use to the principal use of a church.

Testimony by and on behalf of the Petitioner indicated that the congregation considered the theological and historical perspectives, as well as the emotional and economic advantages, of providing a columbarium within the church grounds for members and their families. Such a columbarium would be a physical statement of theological belief in the interrelationships of birth, life and death, and a way of affiliating a deceased relative with his family and the congregation. There are church services for an average of twelve funerals annually; traffic to the site will not be increased. About 200 niches, each with room for four urns, will be placed within a wall as indicated on the plan prepared by Richard P. Tustin, dated May 7, 1985 and marked Petitioner's Exhibit 1 and on the sketch of the proposed columbarium marked Petitioner's Exhibit 4. The spaces will not be marketed commercially. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that the requirements of Section 502.1 of the Baltimore County Zoning Regulations have been met and the health, safety and general welfare of the community will not be adversely affected, the Petition for Special Exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 10th day of September, 1985, that the request for a special

ORDER RECEIVED FOR FILING
DATE: Sept. 19, 1985
BY: [Signature]

exception for a columbarium in the instant case, in accordance with Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order.

In addition, it is hereby determined that a columbarium located within church grounds but outside a building is a permitted accessory use to the principal use of a church when, and only when, specific requirements are met.

Therefore, it is further ordered that a columbarium is a permitted accessory use to the principal use of a church subject, however, to the following restrictions:

1. The columbarium shall be incorporated within walls, walks and/or landscaping within the church grounds.
2. No monuments are permitted.
3. The columbarium is not a public facility, but is available primarily to members of the congregation and their immediate families.

John M. H. Dyer
Deputy Zoning Commissioner
of Baltimore County

JMH:tbq

ORDER RECEIVED FOR FILING

DATE Sept. 14, 1985

BY *Richard A. Dwyer*
ADMINISTRATIVE ASSISTANT

Herbert R. O'Connor, III, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Exception
SW corner of Charles Street Avenue &
Woodbrook Lane (6200 N. Charles St.)
9th Election District
Brown Memorial Presbyterian Church (USA),
Inc., Petitioner - Case No. 86-38-X

TIME: 10:00 a.m.
DATE: Thursday, September 5, 1985
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

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

No. 007219

DATE 9-14-85 ACCOUNT R-01-615-000

RECEIVED FROM Herbert R. O'Connor, III AMOUNT \$ 65.00

FOR Advertising and Posting Case 86-38-X

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXCEPTION 9th Election District

LOCATION: Southwest corner of Charles Street Avenue and
Woodbrook Lane (6200 N. Charles Street)

DATE AND TIME: Thursday, September 5, 1985 at 10:00 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 for a cemetery (columbarium). This is a
facility to inter the ashes of cremated bodily remains. Also, the Petitioner
will ask for a determination that a columbarium is a permitted accessory use
to the principal use of the Church.

Being the property of Brown Memorial Presbyterian Church (USA), Inc. 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, enter-
tain 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

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW Corner of Charles St. Ave. : OF BALTIMORE COUNTY
& Woodbrook Lane (6200 N. Charles St.), 9th District
BROWN MEMORIAL PRESBYTERIAN : Case No. 86-38-X
CHURCH (USA), INC., Petitioner :

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy
of the foregoing Entry of Appearance was mailed to Herbert R. O'Connor,
III, Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., Towson,
MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

August 28, 1985

Herbert R. O'Connor, III, Esq.
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
SW corner of Charles Street Avenue &
Woodbrook Lane (6200 N. Charles St.)
9th Election District
Brown Memorial Presbyterian Church (USA),
Inc., Petitioner
Case No. 86-38-X

Dear Mr. O'Connor:

This is to advise you that \$68.00 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

Please make the check payable to Baltimore County, Maryland,
County Office Building,
Towson, Maryland 21204.

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

No. 012567

DATE 9-14-85 ACCOUNT R-01-615-000

AMOUNT \$ 65.00

RECEIVED FROM Herbert R. O'Connor, Esquire

FOR Advertising and Posting Case 86-38-X

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW corner of Charles St. Ave. : OF BALTIMORE COUNTY
and Woodbrook Lane, (6200 N. Charles St.), 9th District

BROWN MEMORIAL PRESBYTERIAN : Case No. 86-38-X
CHURCH (USA), INC.,
Petitioner

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning
Commissioner, under date of September 10, 1985, to the County Board of
Appeals and forward all papers in connection therewith to the Board for
hearing.

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

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

I HEREBY CERTIFY that on this 8th day of October, 1985, a copy
of the foregoing Notice of Appeal was mailed to Herbert R. O'Connor, III,
Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., Towson, MD
21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
GEORGE R. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
H. RING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPPIN
CYNTHIA H. HAHN
ANGUS E. FINNEY
KEVIN H. SMITH
H. BARNITT PETERSON, JR.

COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

May 17, 1985

HAND DELIVERED

James E. Dyer
Zoning Supervisor
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Special Exception of
Brown Memorial Presbyterian Church (U.S.A.), Inc.
Our File No. 1110-16717

Dear Mr. Dyer:

You may recall that I wrote to you earlier this week
indicating your office had accepted a Petition for Special
Exception on May 14 and asking that you have someone call me
about scheduling a Hearing. I have talked with my client and
witnesses and, after comparing calendars including my trial
schedule, I respectfully request that you schedule this for
a Hearing on August 21, 22 or 23. Also, please recall that you
earlier indicated that it seemed appropriate for questions about
a columbarium to be placed before Zoning Commissioner Arnold
Jablón. If Mr. Jablón will be on vacation during the suggested
times, I will be happy to work with whomever you suggest to
get an agreed date.

Thank you.

Very truly yours,
Herbert R. O'Connor, III
Herbert R. O'Connor, III

HR0'C/ko

MICROFILMED

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
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H. BARNITT PETERSON, JR.

COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

May 15, 1985

HAND DELIVERED

James E. Dyer
Zoning Supervisor
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Special Exception of
Brown Memorial Presbyterian Church (U.S.A.), Inc.
Our File No. 1110-16717

Dear Mr. Dyer:

On May 14, your office accepted for filing a Petition for
Special Exception for a cemetery (columbarium). My client is
concerned that the public will be misled if the sign would
merely indicate that the Special Exception concerned a cemetery.
Therefore, I respectfully request that the sign display the
full content of the request as shown on the Petition.

Since it is likely that the Hearing will be set for some
time in July or August, I respectfully request that you have
your assistant responsible for scheduling give me a call so
that I can verify my witnesses will be available for the
Hearing.

Thank you for your attention to this matter.

Very truly yours,
Herbert R. O'Connor, III
Herbert R. O'Connor, III

HR0'C/ko

MICROFILMED