PETITION FOR ZONING VANIANCE

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

Variance from Section __ 1B02.2B_(V_B_2_CMDP)_to_permit_a_front_yard_

setback of 30! in lieu of the required 60!

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

TO THE ZONING COMMISSIONER OF BALITMORE COUNTY:

86-251-A

I, or we, agree to pay expenses of above Variance 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 under the penalties of are the legal owner(s which is the subject of	declare and affirm, perjury, that I/we hap \(\sum_{\text{AAP}} \sum_{\text{AAP}} \sum_{\text{AAP}} \(\sum_{\text{AAP}}
Contract Purchaser:	Legal Owner(s):	E. D
(Type or Print Name)	Reverend L. G. Smith (Type or Print Name)	DATE 2/22
Signature	Signature TRUSTEES OF	CENTE COST DE
Address	(Type or Print Name)	GH COST
City and State	Signature	·
Attorney for Petitioner:		
(Type or Print Name)	6604 Woodbine Road Address	301/795-0918 Phone No.
Signature	Woodbine, Maryland 217 City and State	97
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	
	Louis A. Spittel, P.E.	•
City and State	Name	
Attorney's Telephone No.:	1920 Woodstock Rd., Woodstock, MD 301/465-2990 Address Phone No.	
RDERED By The Zoning Commissioner of	Baltimore County, this13t	h day
of November, 19 85, that the required by the Zoning Law of Baltimore County by Baltimore County, that property be posted, an County issue of Baltimore County in Room 10	subject matter of this petition, in two newspapers of general of that the public hearing be had 6, County Office Building in	n be advertised, as circulation throughdiselection the Zoning Towson, Baltimore
County on the day of	Lecmener 19 81.,	at11;9%'clock
and the second second	Zoning Commissioner of	Baltimore County.

LOUIS A. SPITTEL Consulting Engineers 1920 WOOL STOCK ROAD OODSTOCK, MARYLAND 21163 301/465-2990

FOR

ZONING DESCRIPTION

containing 10.009 acres more or less.

BEFORE THE IN RE: PETITION ZONING VARIANCE NW/S of Westchester Avenue, 2.450' N of Frederick Road - * ZONING COMMISSIONER 1st Election District OF BALTIMORE COUNTY Trustees of Penecostal Church, Case No. 86-251-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests a variance to permit a front yard setback of 30 feet instead of the required 60 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by The Reverend L. G. Smith, appeared and testified. Louis A. Spittel, a registered civil engineer, appeared on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.2 and located on Westchester Avenue, contains 10 acres and is presently improved with a Sunday school, church, and tabernacle. The Petitioner wishes to construct a 60' x 155' building to be used as a retreat house for camp meeting attendees and speakers and for temporary accommodations for senior citizens and those members of the church who need sanctuary and counseling after suffering a personal tragedy or disaster. The facility will consist of 25 guest rooms, accommodating two guests per room, each with a private bath. There will also be a kitchen, large dining room, and living room.

The Petitioner seeks relief from Sections 1802.2.B (Section V.B.2, Comprehensive Manual of Development Policies (CMDP)), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

It appears from the testimony that the new building will in fact face toward the church and that the proposed variance is not for the front of the building but for its side, toward Westchester Avenue. If this is so, the Petitioner does not need a variance because the CMDP requires 30-foot side yard setbacks. In any event, whether front or side, the 30-foot setback will be granted.

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

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief;
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. or Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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

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

- 2 -

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of December, 1985, that the Petition for Zoning Variance to permit a front yard setback of 30 feet instead of the required 60 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition,
- 2. The retreat house shall serve only church members.

cc: The Reverend L. G. Smith

People's Counsel FOR CEIVED

December 11, 1985

- 3 -

PETITION FOR VARIANCE

1st Election District

Northwest side of Westchester Ave., 2450 feet North of LOCATION: Frederick Road

Monday, December 16, 1985 at 11:00 a.m. DATE AND TIME:

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

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

Petition for Variance from Section 1BO2.2B (V.B.2. CMDP) to permit a front yard setback of 30 feet in lieu of the required

Being the property of Reverend L.G. Smith 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

RE: PETITION FOR VARIANCE NW/S Westchester Ave., 2450' N of Frederick Rd., 1st District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

REVEREND L. G. SMITH, Petitioner

Case No. 86-251-A

:::::::

ENTRY OF APPEARANCE

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

> Phyllis Cole Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 22nd day of November, 1985, a copy of the foregoing Entry of Appearance was mailed to Reverend L. G. Smith, 6604 Woodbine Rd., Woodbine, MD 21797, Potitioner; and Jouis A. Spittel, P.E., 1920 Woodstock Rd., Woodstock, MD 21163, who requested notification.

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

ARNOLD JADLON ZONING COMMISSIONER

6604 Woodbine Road

Woodbine, Maryland 21797

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

Reverend L. G. Smith Trustees of Pentecostal Church

RE; NW/S Westchester Ave., 2450' N of Frederick Rd. !st Election District

Reverend L. G. Smith - Petitioner

Dear Reverend Smith:

Case No. 86-251-A

This is to advise you that \$48.83 is due for advertising and posting of the above property. This fee gust 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Balaine County, Maryland, and remit to Zoning Office. Records ding. Towson, Maryland ding, Towson, Maryland

BALTIMORE COUNTY, MARYLAND	No. 016157
OFFICE OF FINANCE THE DECEIPT	11-65-000
DATE 12-16-15 ACCOUNT	48.13
AMOUNT 3	
RECEIVED PROMINE	12 x 86.251.
	39 2166F

Tymdy GENESOS Per W/S Westchestr rederick Road

November 15, 1985 BALTIMORE COUNTY, MARYLAND Reverend L.G. Smith 10750 Little Patuxent Pkwy. Trustees of Pentecostal church INTER-OFFICE CORRESPONDENCE BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE Columbia, MD 21044 6604 Woodbine Road Arnold Jablon PETVITION POR VARIANCE

1et Staetlen Blehtet

LOCATION: West Side of Numrery Lane, 309 feet North of Fredertok Road (14 Numery Lane)

DATE AND TIME: Monday, December 16, 1985 at 10:10 a.m.

FUBLIC HEARING: Room 106,
County Otice Building, 111 West
Cheespeaks Avenus, Towson, Maryland.

The Zonine Commissioner of
Balkmore County, by authority of
the Zoning Act and Regulations of
Balkmore County, will hold a public
hasing: Woodbine, Maryland 21797 November 26, 1985 TO Zoning Commissioner 19 November 26, 1985 November 27 NOTICE OF HEARING COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21206 Re: NW/S Westchester Ave., 2450' N of Frederick Rd. Norman E. Gerber, AICP Reverend L. G. Smith FROM Director of Planning and Zoning Trustees of Pentecostal Church 1st Election District 6604 Woodbine Road Reverend L.G. Smith - Petitioner Woodbine, Maryland 21797 Case No. 86-251-A SUBJECT Zoning Petition No. 86-248-A, 86-251-A, 86-258-A, and 86-259-A THIS IS TO CERTIFY, that the annexed advertisement of RE: Item No. 140 - Case No. 86-251-A Saltemore County, will hold a public fearing:

Teletion for Variance from Section 1902-3-C.1 (301.1) to permit a rear yard setbeck of 10 feet in lieu at the required 37.5 feet.

Being the property of Robert Lee thyses, at air as shown on the platted with the Zoning Office.

In this avent that this Petition is granted, a building permit may be leaved within the thirty (30) day appeal period. The Zoning Commissioner will, however, entereain any request for a stoy of the leavener of said permit during this period for good cause shown. Such request must be received in writing by the ciste of the leaving set above or made at the hearing.

BY ORDER OF ARNOLD JABLOM ZONING COMMISSIOMER OF SALTIMORE COUNTY 280-C/Nov. 28. Petitioner - Trustees of Pentecostal Church Variance Petition TIME: _____11:00 a.m. PETITION FOR VARIANCE MEMBERS 71503 DATE: Monday, December 16, 1985 Dear Reverend Smith: Bureau of Engineering was inserted in the following: PLACE: Room 106, County Office Building, 111 West Chesapeake The Zoning Plans Advisory Committee has reviewed the plans sub-Department of mitted with the above-referenced petition. The following comments **₹**3Catonsville Times There are no comprehensive planning factors requiring comment are not intended to indicate the appropriateness of the zoning action State Roads Commiss □Arbutus Times Avenue, Towson, Maryland requested, but to assure that all parties are made aware of plans or weekly newspapers published in Baltimore County, Maryland problems with regard to the development plans that may have a bearing Fire Prevention on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of once a week for <u>one</u> successive weeks before Health Department the _____30 _ day of __November__19_85, that is to say, Project Planning the requested zoning. the same was inserted in the issues of Building Department Richard D. Payne Esq. Enclosed are all comments submitted from the members of the Board of Education Committee at this time that offer or request information on your November 28, 1985 Zoning Administratio petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not inform-NEG:JGH:slm Industrial ative will be placed in the hearing file. This petition was accepted BALTIMORE COUNTY, MARYLAND for filing on the date of the enclosed filing certificate and a hearing OFFICE OF FINANCE - REVENUE DIVISION scheduled accordingly. MISCELLANEOUS CASH RECEIPT Very truly yours, nmissioner lames E. Dyer AMES E. DYER Chairman Zoning Plans Advisory Committee Irun Spittel Enclosures cc: Mr. Louis A. Spittel 1920 Woodstock Road Woodstock, Maryland 21163 VALIDATION OR SIGNATURE OF CASHIER BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500 BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610 BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550 November 22, 1985 ALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204 PAUL H. REINCKE CHIEF TED ZALESKI, JR. November 20, 1985 STEPHEN E. COLLINS DIRECTOR Mr. Arnold Jablon Zoning Commissioner November 15, 1985 Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204 Office of Planning and Zoning Mr. Arnold Jablon Mr. Arnold Jablon Zoning Commissioner County Office Building Attention: Nick Commodari, Chairman Zoning Commissioner County Office Building Towson, Maryland 21204 NOVEMBER 25, 1985 Zoning Plans Advisory Committee Comments on Item # 140 Zoning Advisory Committee Meeting are as follows: Towson, Maryland 21204 Trustees of Pentecostal Church RE: Property Owner: Trustees of Pentecostal Church NW/S Westchester Avenue, 2450' N of Frederick Road Re: Zoning Advisory Heeting of OCTOBER 22, 1985

Item + 140

Property Owner: TRUSTEES OF PENTECOSTAL Meeting of October 22, 1985 Item No. Districts Location: NW/S Westchester Avenue, 2450' N of Frederick Road Property Owner: Trustees of Pentecostal Church Location: CHURCH NW/S Westchester Avenue, 2450 N of Frederick Road Dear Mr. Jablon: Item No.: 140 NW/S WESTCHESTER ANE. 2,450 Zoning Agenda: Meeting of October 22, 1985 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.M.S.I. #117-1 - 1980) and other applicable Codes and Standards. Existing Zoning: The Division of Current Planning and Development has reviewed the subject applicable.

The Division of Current Planning and Development has reviewed the subject applicable. Proposed Zoning: Variance to permit a front yard setback of 30' in Gentlemen: lieu of the required 60' A building and other miscellaneous permits shall be required before the start of any construction. Pursuant to your request, the referenced property has been surveyed by this ()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 forward by the Bureau of Public Services.

()This site is part of a larger tract: therfore it is defined as a subdivision. The plan must show the entire tract.

()A record plat will be required and must be recorded prior to issuance of a building permit. Bureau and the comments below marked with an "X" are applicable and required 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/is not required on plans and technical data. to be corrected or incorporated into the final plans for the property. 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. Acres: 10.009 acres (X) 1. Fire hydrants for the referenced property are required and shall be District: located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the to issuance of a building permit.
)The access is not satisfactory. E. All Use Groups except R-4 Single Pamily Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 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 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line. Department of Public Works. 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 Dear Mr. Jablon: () 2. A second means of vehicle access is required for the site. development on these soils which are defined as wetlands, and Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Westchester Avenue has sereve safety problems with vertical and horizontal () 3. The vehicle dead end condition shown at F. The structure does not appear to comply with Table 505 for permissable 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 501 and 505 and have your Architect/Engineer contact this department. curves, any increase in traffic can only add to these problems. Regulations.

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

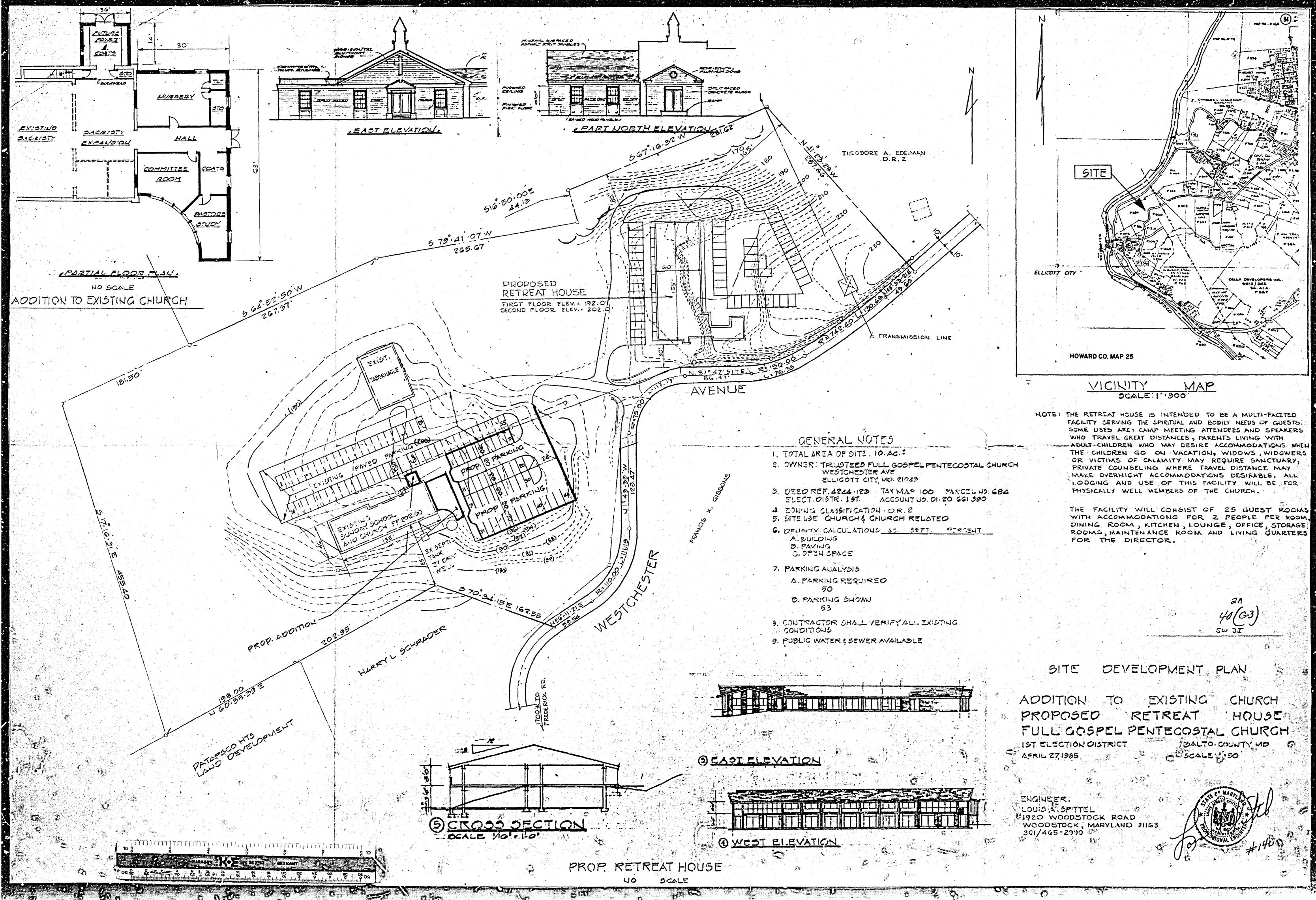
()The amended Development Plan was approved by the Planning Board Any construction on Westchester Avenue may have problems due to the weight G. The requested variance appears to conflict with Section(s) _______, of the Baltimore County Building Code: EXCEEDS the maximum allowed by the Fire Department. limits on the bridges in the area. (Westchester Avenue - 9 tons, Oella Avenue -)The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service 10 tons). . () 4. The site shall be made to comply with all applicable parts of the 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. Haryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use . See Section 312 of the Building Code. Fire Prevention Code prior to occupancy or beginning of operation. . (X) 5. The buildings and structures existing or proposed on the site shall Intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council. comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior In The proposed project appears to be located in a Flood Plain, Tidal/Riverine. 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 finish floor levels including basement. to occupancy. Additional comments:

A WOINER OF CRG PLON + STONDORDS (CURB,
GUTTER AND SIDEWOLK) SEE FILE# W-85-164,
Was GROWED BY THE PLANING BOORD ON NOV. 21,1985 Group
R-1 as indicated in Section 309.2. Professional design, seals and signatures
on the construction plans and data sheets will be required. Compliance to the () 6. Site plans are approved, as drawn. no comments at this time. Traffic Engineer Associate II State Handicapped Code is not indicated on the place but will be required. K. These abbreviated examents reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed at the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 2120h. Noted and MSF/bld Eugane A. Bober Planning Group
Special Inspection Division Charles E. Secondary Distances Deliding Plans Review Chief, Current Planning and Development cc: James Hoswell Fire Prevention Bureau

The state of the s

The second state of the second second

Comments of the second state of the second s



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 13th day of Rovember , 1985. ARNOLD ABLON Zoning Commissioner Reverend L. G. Smith Trustees of Penacostal Petitioner Received by: Petitioner's Chairman, Zoning Plan Advisory Committee Attorney 86-251-A CERTIFICATE OF PUBLICATION TOWSON, MD., November 28 PETITION FOR VARIANCE Int Election District LOCATION: Northwest side of Westchester Ave., 2434 feet North of Frederick Road THIS IS TO CERTIFY, that the annexed advertisement was DATE AND TIME: Monday, Decem-ber 16, 1985 at 11:00 a.m. PUBLIC HEARING: Room 106, published in THE JEFFERSONIAN, a weekly newspaper printed County Office Building, 111 W. Chesapeake Avenue, Towson, and published in Towson, Baltimore County, Md., appearing on

The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petialen for Varience from Section 1802.2B (V.B.2 CMDP) to permit a forms used asphace of 30 feet in him of

Maryland

front yard setback of 30 feet in lieu of the required 60 feet.

the required of feet.

Being the property of Reverend
L.G. Smith at shown on the plat filed
with the Zoning Office.

In the event that this Petition is
granted, a building permit may be
assued within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain nay request for will, however, entertain any request for 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,

Zoner Commissioner.

Zoning Commissioner of Baltimore County Nov. 28.

THE JEFFERSONIAN.

Publisher

Cost of Advertising

22,00

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

November 28 19 85

Towner, Maryland

86-251-A.

District 1 set	Date of Posting 11-28-45
Posted for: Parience	
Petiti ner: Reverend J. 5	West chester are 2456'N of
Location of property:	The court of the c
and love MW ou	do of Westchester are- appeny 1700
Worth of Francis Road and In	sin North side of West Chestin ane
Remarks: Of Mark 2 200 1	orth of Fredrich Roll
Posted by Jeff Crafa	Date of return: Dec. 2, 1985
Number of Signs:	