

**PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.16 zone to an Residential - Office zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

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COUNTY BOARD OF APPEALS
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Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and use to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Gilbert E. South, ETAL (Type or Print Name) <i>Gilbert E. South</i> Signature	Legal Owner(s): REVEREND WILLIAM D. BORDERS, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE (Type or Print Name) Signature ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. (Type or Print Name) <i>John H. M. ...</i> Signature
4 Winters Lane Address Catonsville, Maryland City and State	27 Melvin Avenue Address Catonsville, Maryland 21228 City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name Address Phone No.
Attorney's Telephone No.:	

BANC-Form 1

St. Mark's Roman Catholic Congregation, Inc.
NW/S Melrose Ave., 60' NE of Winters Lane
1st Elec. Dist.

I believe the reclassification of the Subject property from D.R.16 to Residential-Office should be made for the following reasons:

ERROR

- 37.28% of the old school site is presently zoned R.O. and 62.72% is zoned D.R.16. For consistency the entire parcel should be the same.
- The entire front of Winters Lane, on the east side, between Melrose and Fusting is zoned R.O. and the land adjacent to and in the rear of the old school parcel is zoned R.O. leaving just a small strip of D.R.16 between the two R.O. zoned lands. It would seem consistent to zone this small D.R.16 parcel to R.O.
- The south side of Melrose Avenue is zoned B.L. - CCC. Section 203.2 states that R.O. zoning is to accommodate conversions to office building in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors. This site meets this criteria.
- The site as it exists now is not economically feasible to be used for residential purposes. Section 203.1 paragraph A and B and C of the Baltimore County regulations seem to favor reclassifying this site to R.O.
- The site meets the criteria mentioned in the Baltimore County Zoning Regulations, Interim Edition, March 1985, Appendix F, Article V Section 2-58.1 paragraph J subparagraph 2.

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

REASONS FOR RECLASSIFICATION

PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION

Aug. 29th, 1985

Lot in rear of #20 Winters Lane for Reclassification

Beginning for the same at a point on the Northwest side of Melrose Ave. at the distance of 60' measured Northeastly from the Northeast side of Winters Lane; thence binding along Melrose Ave. N. 67°26'13" E. 101.56'; thence leaving Melrose Ave. and running N. 25°32'50" W. 144.63'; thence S. 66°32'09" W. 98.60' and thence S. 24°23'13" E. 142.95' to the place of beginning.

Containing 0.330 Acres of land more or less.



George T. Keller
George T. Keller
Reg. Prof. Propt. L.S.#67

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

REAR OF 20 WINTERS LANE PROPOSED ZONING CHANGE FROM EXISTING D.R.16 TO R.O.

PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION

Aug. 29th, 1985

Old School Property
Northwest Corner of Winters La. & Melrose Ave.

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°23'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'50" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'13" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.



George T. Keller
George T. Keller
Reg. Prof. Propt. L.S.#67

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

DESCRIPTION OF THE ENTIRE OLD SCHOOL PARCEL WHICH IS NOW ZONED R.O. AND D.R.16

ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. R-86-346
Item #12, Cycle II, 1985
NW/S Melrose Avenue, 60'
NE of Winters Lane 1st District
D.R. 16 to R.O. .330 acres

Aug. 30, 1985 Petition filed

John McCall, Pastor
St. Mark's R.C. Congregation, Inc.
27 Melvin Avenue (21228) Petitioner

Gilbert E. South, et al
4 Winters Lane (21228) Contract Purchaser

Phyllis Cole Friedman People's Counsel

Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

James Earl Kraft
Baltimore County Board of Education
2121 Abingdon Road (21204)
744 York
Michael Magraw - 400 Royal Fed Bldg
Petitioner

Phyllis Friedman } P.C.
(Miss Press)
Ronald Hickernell, County Council
Hannah Lindsey
506 Royal Oak (21228) (Land use planner)

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. R-86-346

OPINION

This case comes before this Board on a petition for reclassification of a portion of the property located on the corner of Winters Lane and Melrose Avenue, in the First Election District of Baltimore County. This property is an abandoned school building and has been abandoned for some ten or more years. At the present time the property is bisected by the zoning demarcation line, the Winters Lane area of some .196 acres being zoned R.O. and the rear portion of some .33 acres along Melrose Avenue being zoned D.R. 16. This zoning classification was assigned to this property in the 1980 comprehensive map process and since no issue was raised during the 1984 map process, the zoning remained unchanged. In December, 1985, a petition for a special exception to permit a Community Care Facility on this site was granted by the Zoning Commissioner. Once this special exception was granted an actual cost estimation was undertaken to determine the cost to renovate this old building and bring it into compliance with all Baltimore County regulations necessary to operate a Community Care Facility on the site. This cost survey indicated the renovation costs associated with this proposed use to be too expensive to be feasible and this project was abandoned. There is now a contract purchaser

ST. MARK'S - #R-86-346

for the site who proposes to renovate this structure for office use only but can only do so if the entire site is zoned R.O. The case was heard on this day, May 20, 1986, in its entirety.

Mr. Grant Lauterbach, contract purchaser, first testified as to his proposed use of the building as offices and entered Petitioner's Exhibits #1 and #2.

Mr. James W. Mohler, real estate expert next testified. Mr. Mohler noted the need for office space in this area and testified that this old school building was adaptable for office use.

Mr. William Monk, a land planner, next testified. Mr. Monk described all the nearby and abutting zoning classifications and land uses, and testified as to the appropriateness of R.O. use here as described in the Baltimore County Zoning Regulations (BCZR), §203, and the practicality of this proposed use as regards to its impact on the neighborhood. This concluded Petitioner's case.

No Protestants testified in opposition to this petition. People's Counsel presented only one witness to this Board, Mr. James Hoswell, Planner for Baltimore County. He entered as People's Counsel's Exhibit #1 the report by the Director of the Office of Planning and Zoning on this reclassification petition identified as Item #12, such Item recommending the R.O. zoning. Mr. Hoswell also entered as People's Counsel's Exhibit #2 the report to this Board by the Baltimore County Planning Board which also recommended R.O. zoning. In addition, he testified that it was his opinion the zoning line as drawn and shown on Petitioner's Exhibit #7 was in error and should have at least gone between the two buildings instead of through the larger building. This concluded testimony in this case.

ST. MARK'S - #R-86-346

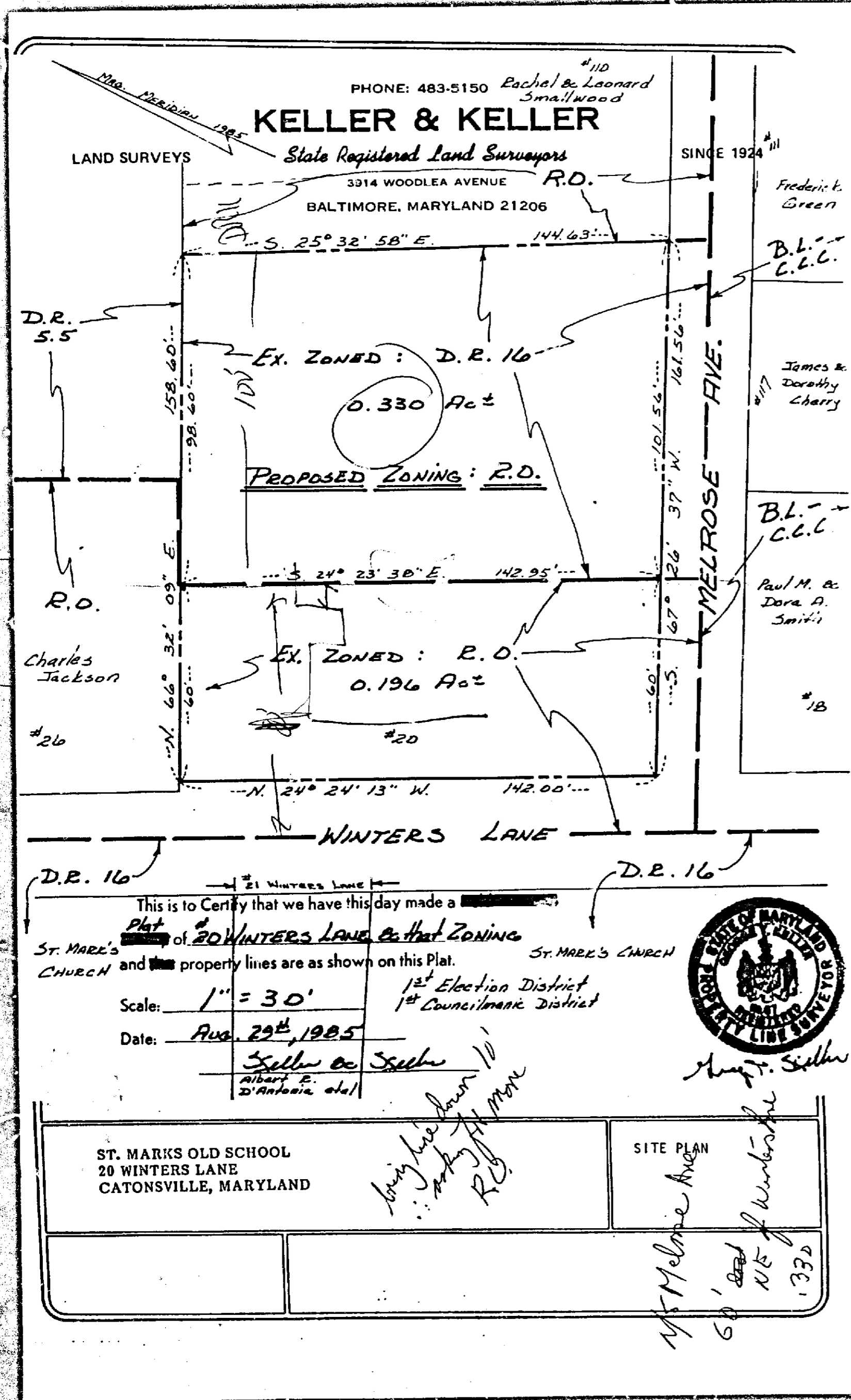
After consideration of all the testimony and evidence received this day, the Board is of the opinion that the zoning line as now drawn is in fact in error. Had the special exception permitted use as a Community Care Center been feasible, a reasonable use of the property would have been possible. Since this possibility no longer exists, no really reasonable use of this property exists. Parcel "A", containing .196 acres and a portion of the original building is zoned R.O. but would appear impractical to utilize without the remainder of the building. Parcel "B", containing some .33 acres and a portion of the original building, is zoned D.R. 16 and would appear impractical to utilize, especially since it is so small and virtually surrounded by R.O. and B.L.-C.C.C. zoned land.

For all the above reasons, the Board is of the opinion that the present bifurcated zoning is, in fact, in error and will order the zoning line relocated so as to provide R.O. zoning for the entire parcel.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of Sept. 1986, by the County Board of Appeals, ORDERED that the R.O. zoning line be relocated northeast until it intersects the existing R.O. zoning at that point, thus GRANTING the entire parcel in question the petitioned for R.O. zoning classification.

Any appeal from this decision must be in accordance with Rules

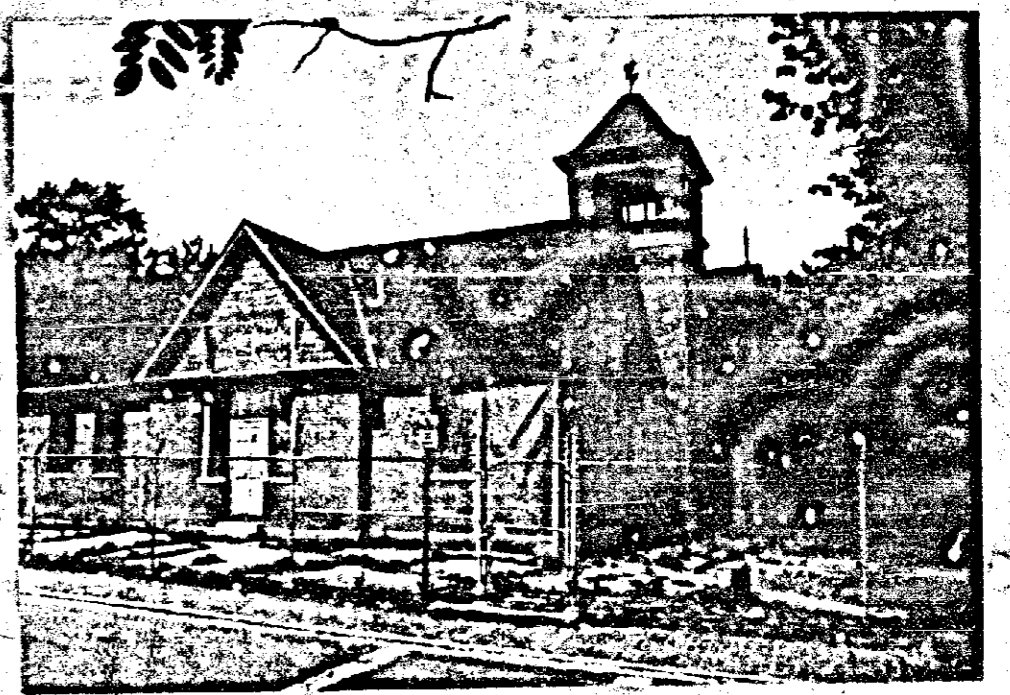
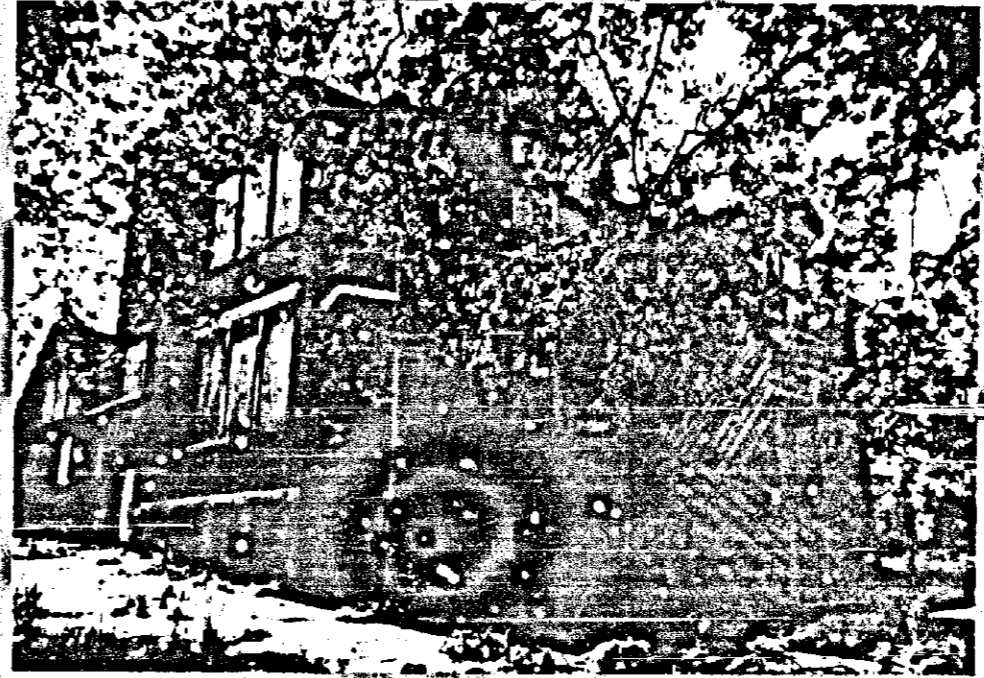
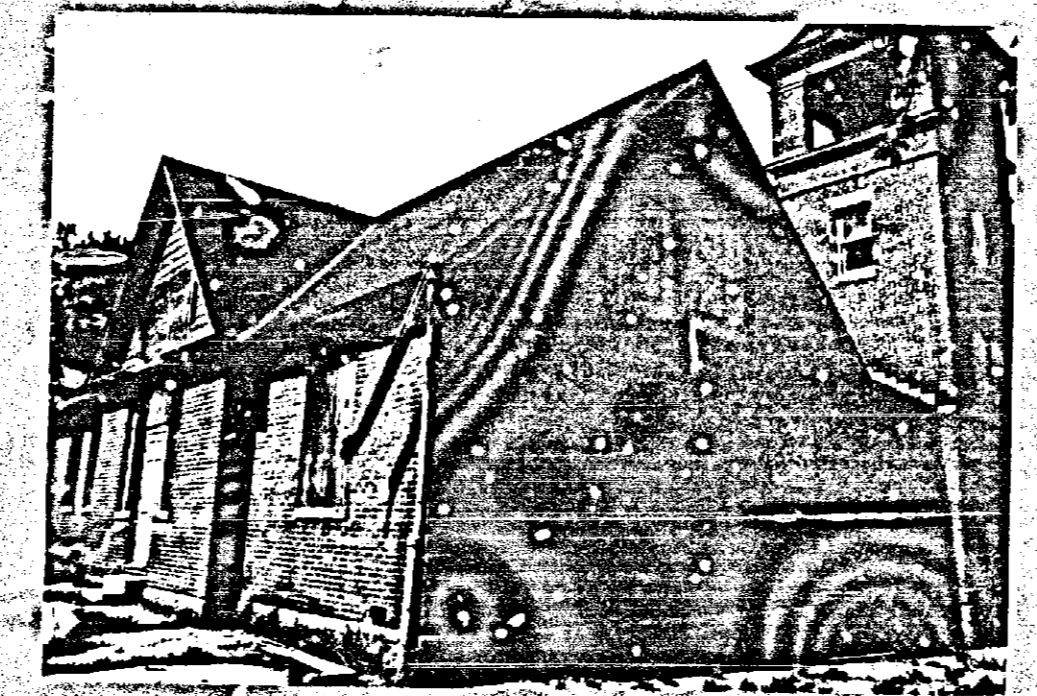
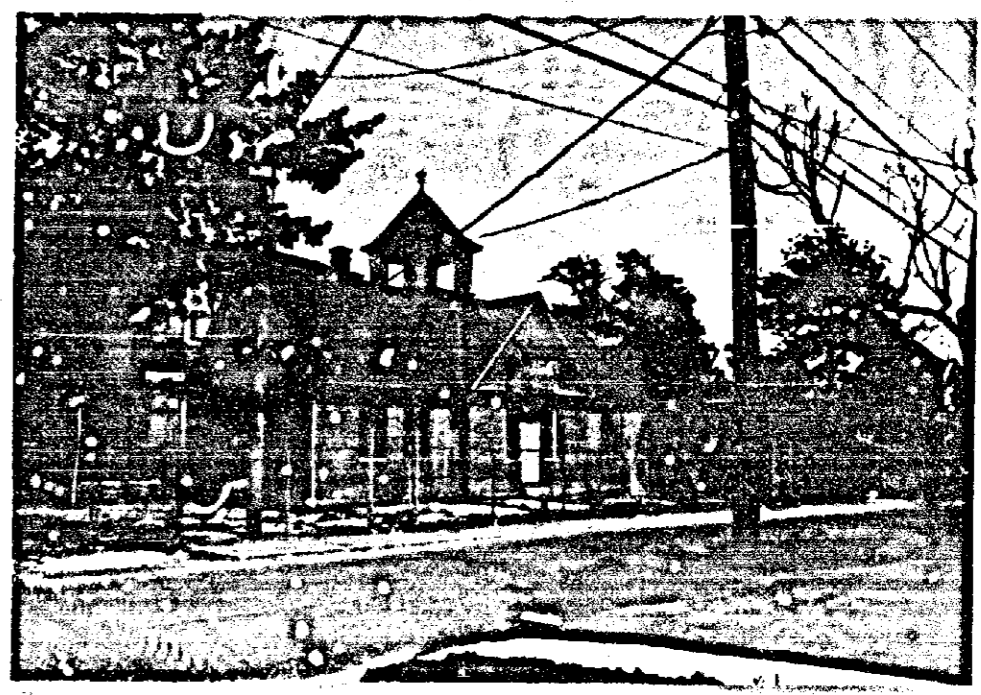


Catonsville Civic League ONE
 506 Cargelane Balt Md 21228 5/15/86

Board of Appeals Members
 Speaking for the Winters Lane Community
 We are in favor of the change in zoning
 of Old Saint Marks School the subject property
 for office space This kind of thing is much
 needed in the Community

Yours Truly
 Hannah Lindsey pres.

RECEIVED BOARD OF APPEALS
 COUNTY OF BALTIMORE
 MAY 19 1986



BOARD OF APPEALS
 METROPOLITAN'S



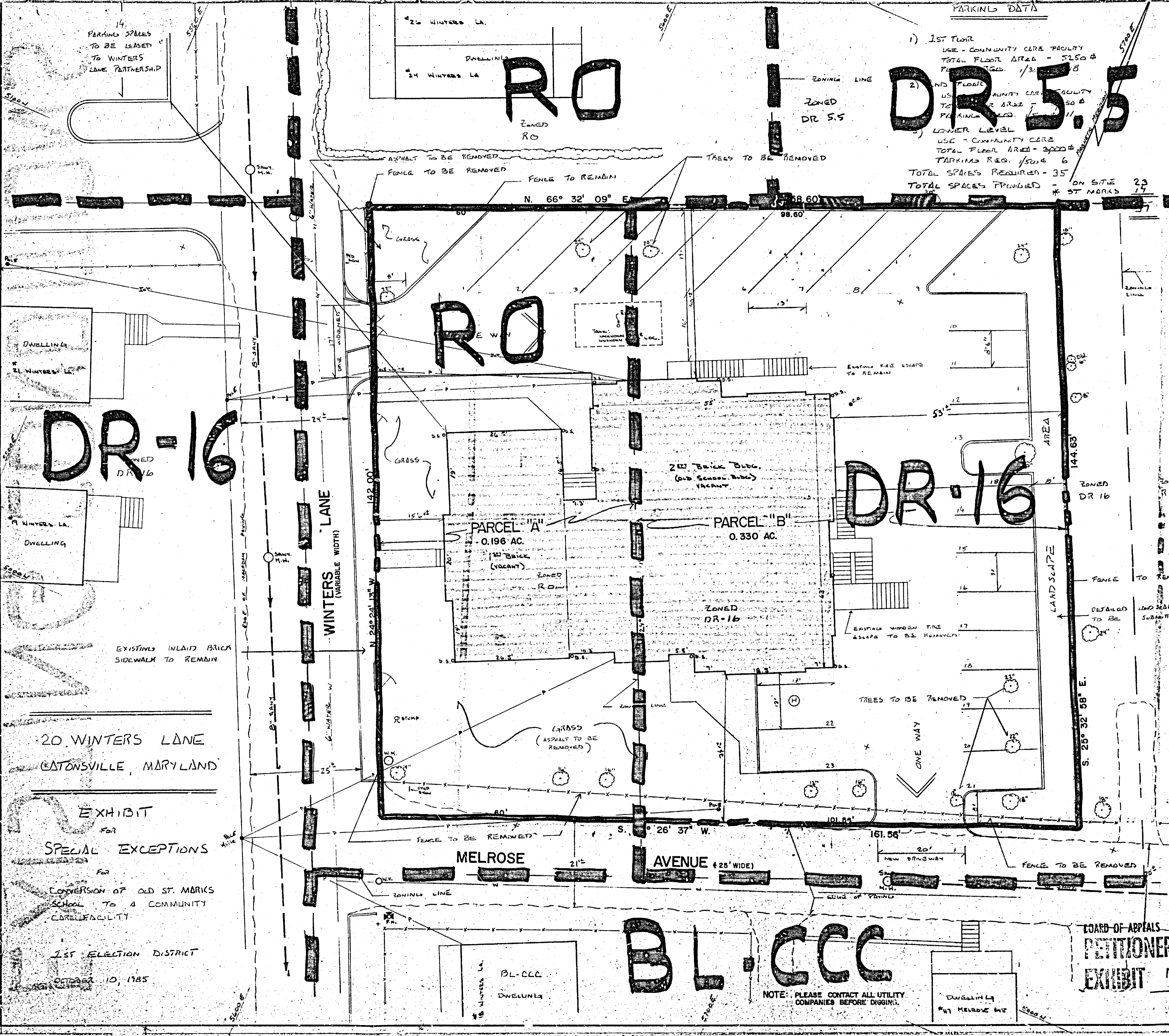
H-NE G-NW
 H-SE G-SW

1976 COMPREHENSIVE ZONING MAP
 ADOPTED BY THE
 BALTIMORE COUNTY COUNCIL
 OCT. 7, 1976 & OCT. 8, 1976
 B. L. NOS: 108, 76, 109, 76, 110-76, 111-76,
 112-76, 113-76, and 114-76

CHAIRMAN COUNTY COUNCIL

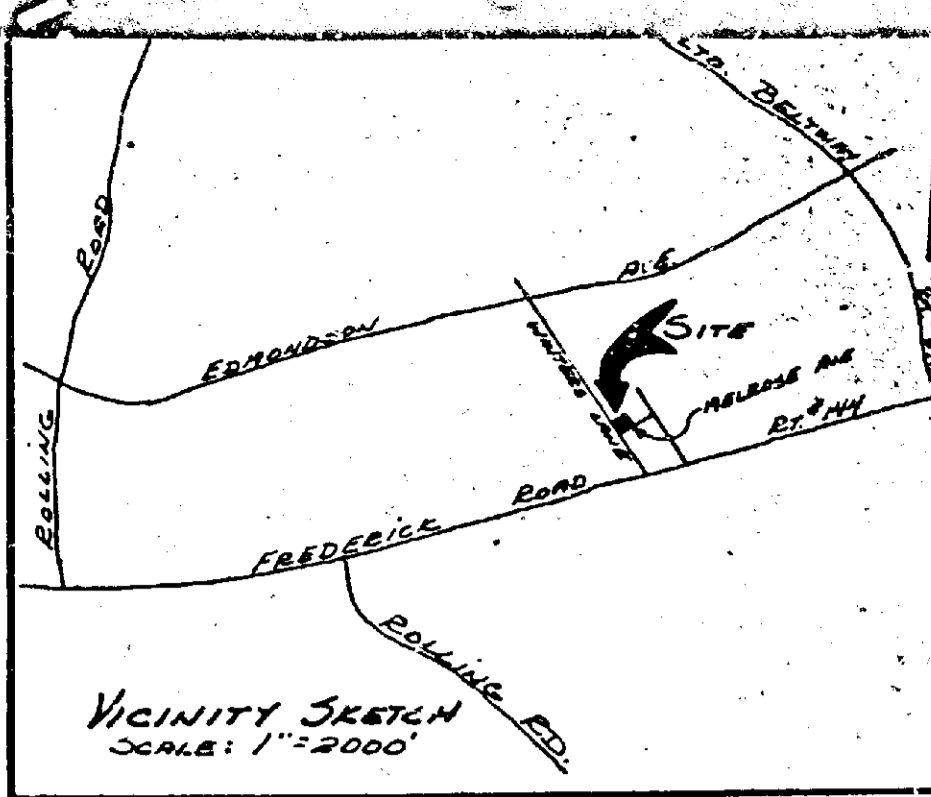
PHOTOGAMMETRIC MAP OF
 BALTIMORE COUNTY METROPOLITAN AREA
 OFFICIAL ZONING MAP

REVISIONS		SCALE 1" = 200'	LOCATION CATONSVILLE	SHEET SW 3-F
BY	DATE			
		DATE OF PHOTOGRAPHY APRIL 1953		
Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.				



PARKING DATA

- 1) 1ST FLOOR
USE - COMMUNITY CARE FACILITY
TOTAL FLOOR AREA - 5,250 sq ft
PARKING REQ. 1/30 = 175
 - 2) 2ND FLOOR
USE - COMMUNITY CARE FACILITY
TOTAL FLOOR AREA - 5,250 sq ft
PARKING REQ. 1/30 = 175
 - 3) LOWER LEVEL
USE - COMMUNITY CARE FACILITY
TOTAL FLOOR AREA - 3,000 sq ft
PARKING REQ. 1/50 = 60
- TOTAL SPACES REQUIRED - 350
TOTAL SPACES PROVIDED - 23 ON SITE
* 327 MARKS



NOTES

- 1) EXISTING ZONING
A) PARCEL "A" (FRONT PORTION) RO
853 sq ft
B) PARCEL "B" (REAR PORTION) DR-16
19,375 sq ft
* THE DR-16 ZONED PORTION OF THE SITE HAS BEEN SUBMITTED FOR RECLASSIFICATION TO RO. THE BALTIMORE COUNTY COUNCIL WILL ACT ON THE APPLICATION SPRING 1984.
 - 2) LOT AREA - 22,913 sq ft - .526 ACRES
 - 3) EXISTING USE - VACANT 2 STORY SCHOOL WITH BASEMENT (FORMER ST MARKS SCHOOL)
 - 4) PROPOSED USE - COMMUNITY CARE FACILITY BY SPECIAL EXCEPT
 - 5) BUILDING AREA
FIRST FLOOR 5,250
2ND FLOOR 5,250
LOWER LEVEL 3,000
13,500 sq ft
- * THE WINTERS LANE PARTNERSHIP HAS LEASED 14 PARKING SPACES FROM ST MARKS. THE APPROVAL OF THESE SPACES IS SUBJECT TO A SPECIAL HEARING TO ALLOW OFF-STREET PARKING IN A RESIDENTIAL ZONE.

APPLICANT:

WINTERS LANE PARTNERSHIP
4 WINTERS LANE
CATONSVILLE, MD. 21228

SCALE: 1" = 10'
DATE: OCT. 8th, 1985

Heard Spiller
RES. PROF. PROPT. L.S. NO. 67

KELLER & KELLER
LAND SURVEYORS
3914 WOODLEE LANE
BALTO., MD. 21206
301-493-5150

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 7

DR-16

RO

DR-5.5

RO

DR-16

RO

BL-CCC

20 WINTERS LANE
CATONSVILLE, MARYLAND

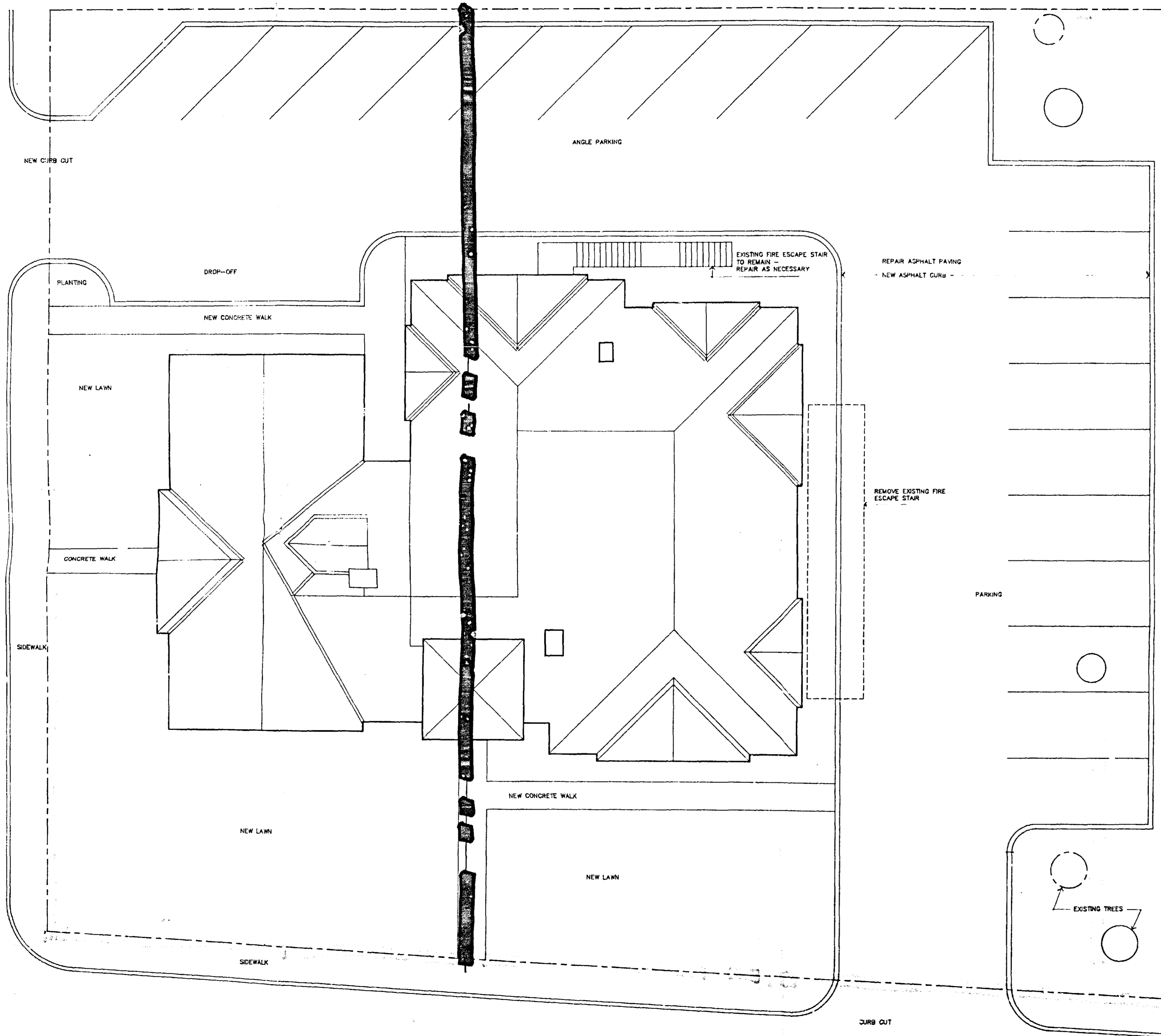
EXHIBIT
FOR
SPECIAL EXCEPTIONS

FOR
CONVERSION OF OLD ST. MARKS
SCHOOL TO A COMMUNITY
CARE FACILITY

1ST ELECTION DISTRICT
OCTOBER 10, 1985

NOTE: PLEASE CONTACT ALL UTILITY COMPANIES BEFORE DIGGING.

WINTERS LANE



SITE PLAN
1/8" = 1'

BOARD OF APPEALS
PETITIONER'S
EXHIBIT # 8

REVISIONS

SEAL

Owner & Developer: Bach Brothers Inc.
ST MARKS
RENOVATION

DAVIS S. SHULL A.I.A.
ARCHITECTS
518 S. HANOVER STREET
BALTIMORE, MD 21201
(301) 332-0128

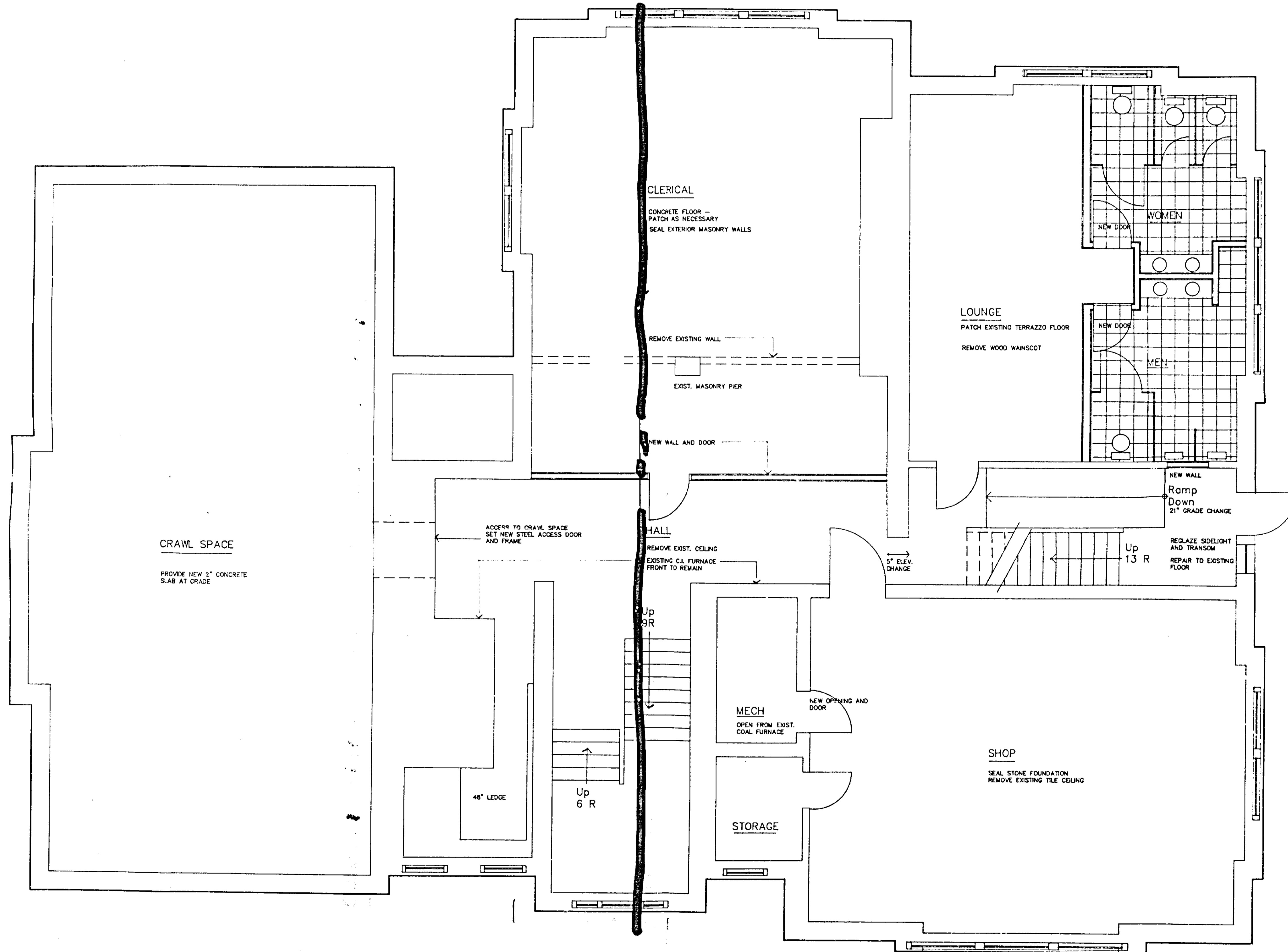
DRAWING:

DATE:

APRIL 23, 1986

SHEET NO.

OF:



GROUND FLOOR PLAN

REVISIONS

SEAL

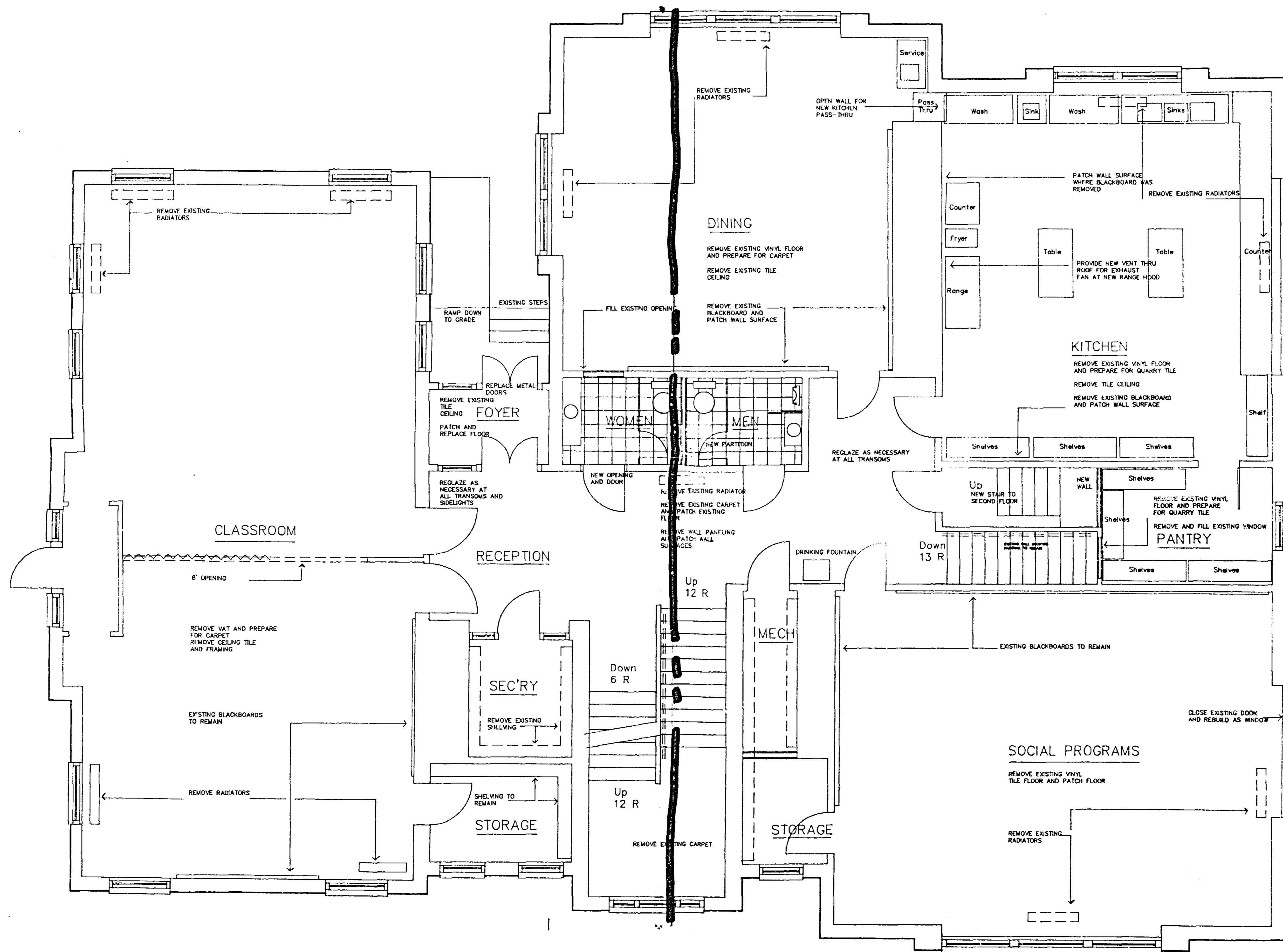
Owner & Developer: **Bach Brothers Inc.**
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 516 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:

SHEET NO. OF:
 2



FIRST FLOOR PLAN

REVISIONS

SEAL

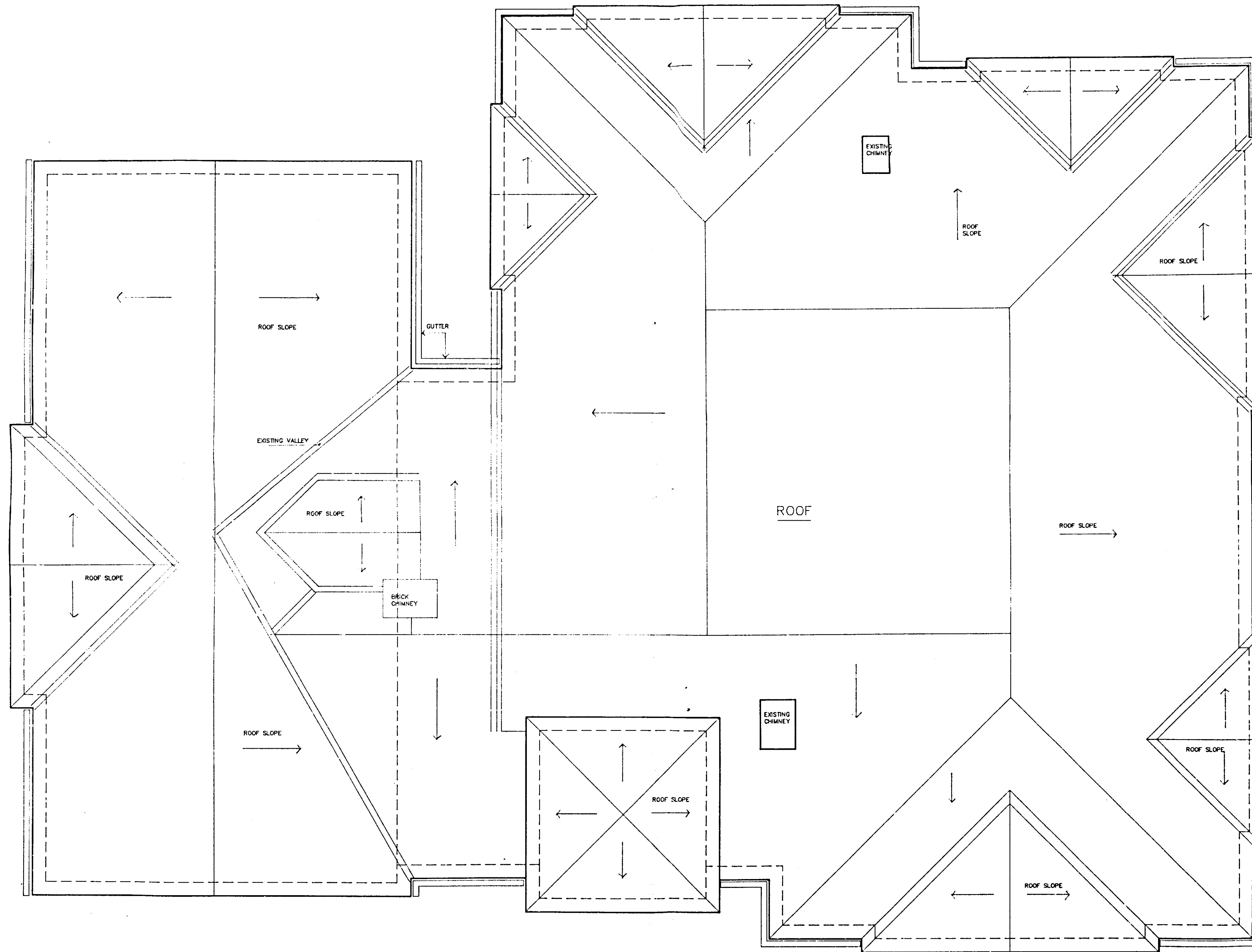
Owner & Developer: Bach Brothers Inc.
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 518 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:
 APRIL 23, 1986

SHEET NO. OF:



ROOF PLAN
 1/4" = 1'-0"

REVISIONS

SEAL

Owner & Developer: Bach Brothers Inc.
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 518 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:
 APRIL 21, 1986

SHEET NO. 5 OF:

ST. MARK'S - #R-86-346

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

Patricia Phipps
Patricia Phipps

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

PETITION FOR RECLASSIFICATION

LOCATION: Northwest Side of Melrose Avenue, 60 feet Northeast of Winters Lane

PUBLIC HEARING: Tuesday, May 20, 1986, at 10:00 a.m.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

To reclassify the zoning status of property from a D.R. 16 Zone to a Residential-Office Zone

All that parcel of land in the 1st Election District of Baltimore County

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°24'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'58" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'37" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.

Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore

Being the property of
as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY



County Board of Appeals of Baltimore County

Room 203 Court House
Towson, Maryland 21204
(301) 494-3180

September 3, 1986

Rev. John H. McCall
St. Mark's Roman Catholic Congregation, Inc.
27 Melvin Avenue
Baltimore, MD 21228

Re: Case No. R-86-346
St. Mark's R.C.
Congregation, Inc.

Dear Rev. McCall:

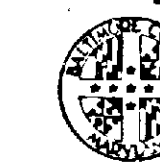
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

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

Enclosure

cc: Gilbert E. South, et al
Michael Magruder
Phyllis Cole Friedman
Ronald Hickernell
Hannah Lindsey
Norman E. Gerber
James G. Howell
Arnold Jablon
Jean M. H. Jang
James E. Dyer
Betty DuBois
James Earl Kraft



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 20, 1986

Ms. Mary Ellen Lowman
Parish Bookkeeper
St. Mark's Church
27 Melvin Avenue
Baltimore, Maryland 21228-4495

RE: PETITION FOR ZONING RECLASSIFICATION
NW/S Melrose Ave., 60' NE of Winters Lane
1st Election District
Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore
Case No. R-86-346 (Cycle II, Item No. 12)

Dear Ms. Lowman:

We thank you for your check for \$367.45, but on this date, our office received a check from a Mr. W. Grant Lauterbach paying in full the advertising and posting amount due in this case.

Enclosed is your check in the amount of \$367.45.

Very truly yours,

Margaret E. du Bois
Zoning Office

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

No. 01710

DATE: 5/20/86 ACCOUNT: 8-91-915-001
AMOUNT: \$ 367.45

RECEIVED FROM: Mr. Grant Lauterbach

FOR: Advertising and Posting - Case R-86-346

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR RECLASSIFICATION

LOCATION: Northwest Side of Melrose Avenue, 60 feet Northeast of Winters Lane

PUBLIC HEARING: Tuesday, May 20, 1986, at 10:00 a.m.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

To reclassify the zoning status of property from a D.R. 16 Zone to a Residential-Office Zone

All that parcel of land in the 1st Election District of Baltimore County

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°24'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'58" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'37" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.

Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore

Being the property of
as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

St. Mark Church
27 Melvin Avenue
Baltimore, Maryland 21228-4495
744-6500

May 19, 1986

Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Attn: Ms. Margaret E. du Bois

Dear Ms. du Bois:

We are enclosing a check in the amount of \$367.45. We only just received a request for this check today. The letter was dated May 16, 1986 and the postmark was the 17th.

Msgr. McCall contacted your office today to inform you of this fact. Thank you for your attention in this matter.

Sincerely,

Mary Ellen Lowman
Mary Ellen Lowman
Parish Bookkeeper

encl.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 16 TO R.O. ZONE : OF BALTIMORE COUNTY
NW/S Melrose Ave., 60' NE :
of Winters Lane :
First District :
SAINT MARK'S ROMAN CATHOLIC : Case No. R-86-346
CONGREGATION, 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
Room 223, Court House
Towson, Maryland 21204
494-2188

RECEIVED
COUNTY BOARD OF APPEALS
15 FEB - 7 A 9 24

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Pastor John H. McCall, St. Mark's Roman Catholic Congregation, Inc., 27 Melvin Avenue, Catonsville, MD 21228, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

ST. MARK CHURCH
27 MELVIN AVENUE
TOWSON, MD 21204
PHONE 744-6500

UNION TRUST
PAY TO THE ORDER OF
MARGARET E. DU BOIS
\$ 367.45

FOR DEPOSIT ONLY
#005370000000168 #0070584316

6537

Pastor John H. McCall
St. Mark's Roman Catholic Congregation,
Inc.
27 Melvin Avenue
Catonsville, Maryland 21228

April 22, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
N/W/S Melrose Ave., 60' NE of Winters Lane
1st Election District
Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore
Case No. R-86-345 (Cycle II, Item No. 12)

TIME: 10:00 a.m.

DATE: Tuesday, May 20, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 212575

T. Thacker
Sackett, Chairman
of Appeals

DATE: ACCOUNT:

AMOUNT:

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CARRIER

ZONING RECLASSIFICATION PETITIONS: CYCLE II

Report to the County Board of Appeals
by the
Baltimore County Planning Board

Adopted January 16, 1986

Baltimore County Office of Planning and Zoning
Towson, Maryland

PC #2

ITEM NO. 12

PROPERTY OWNER: St. Mark's Roman Catholic Congregation, Inc. ACREAGE: 0.3
LOCATION: N/W/S of Melrose Avenue, 60' N/E of Winters Lane
ELECTION DISTRICT: 1 COUNCILMANIC DISTRICT: 1

RECOMMENDED DATE OF HEARING: Week of May 19, 1986

ZONING PRIOR TO ADOPTION OF 1984 COMPREHENSIVE ZONING MAP: D.R. 16

EXISTING ZONING: D.R. 16

REQUESTED ZONING: R.O.

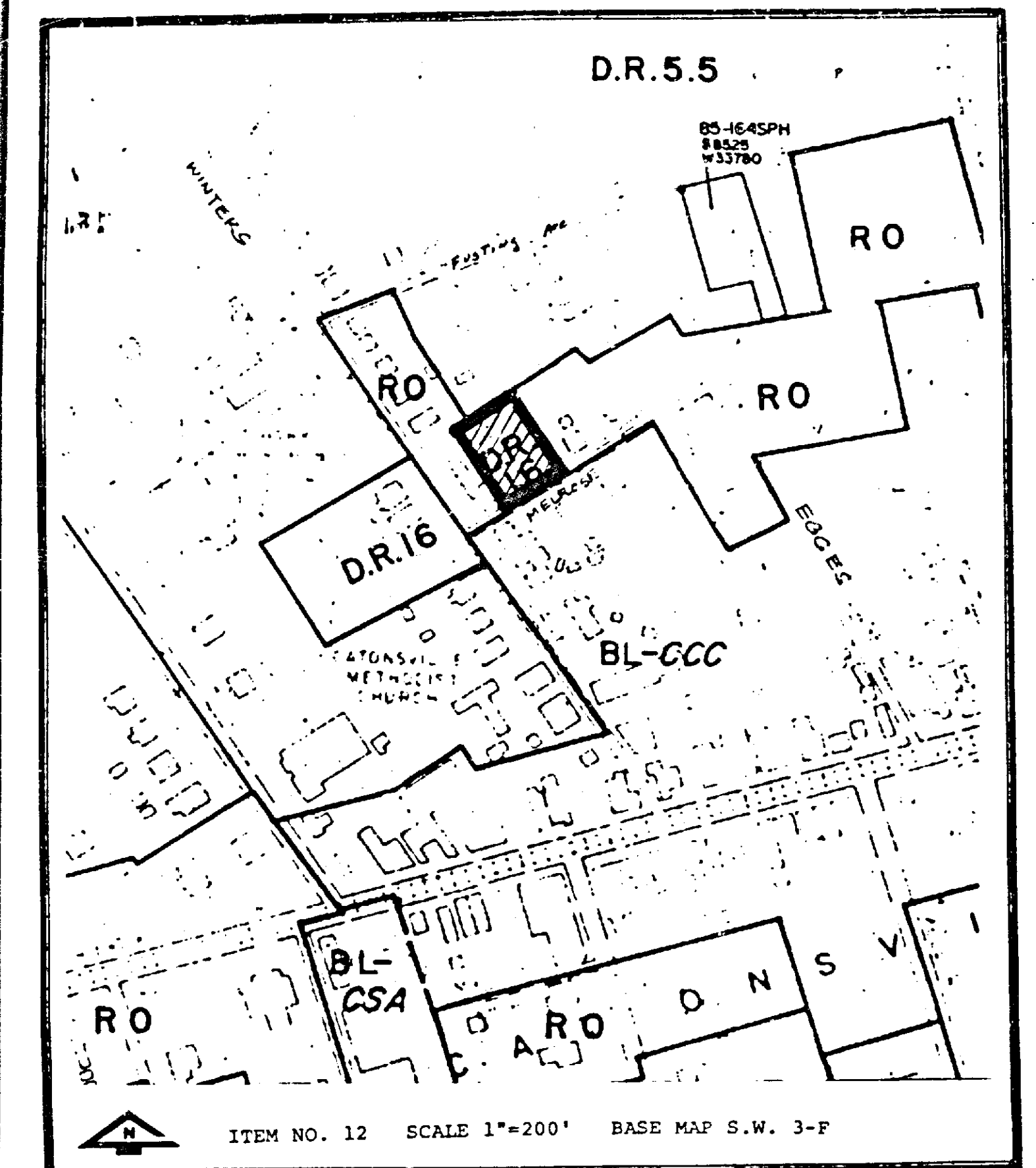
PLANNING BOARD RECOMMENDATION: R.O.

This 0.3-acre property, containing a vacant, boarded-up building, is located in downtown Catonsville. Adjacent properties are zoned B.L.-C.C.C., D.R. 16, R.O. and D.R. 5.5. The petitioner is requesting a change from D.R. 16 to R.O. zoning and has chosen to submit plans that do not show a proposed use for the property.

Prior to the adoption of the 1984 Comprehensive Zoning Map, this property was zoned D.R. 16. During the preparation and processing of this map, the zoning of the subject property was not identified as a specific issue; the County Council reaffirmed D.R. 16 zoning here.

The Planning Board believes that R.O. zoning is appropriate here. It should be noted that with the exception of the subject site, all of the properties along the north side of Winters Lane are in the R.O. zoning classification. The granting of R.O. for the subject property would be consistent with the established zoning pattern here. Furthermore, the R.O. zoning along this side of Winters Lane would provide for the type of development that would act as a transition between the development potential of the B.M.-C.C.C. zoned land to the south and the residential area to the north.

It is therefore recommended that the petitioner's request for R.O. zoning be granted.



Location of Property Under Petition

REPORT
BY THE
DIRECTOR OF PLANNING AND ZONING
TO THE
BALTIMORE COUNTY PLANNING BOARD

ZONING CLASSIFICATION PETITIONS
CYCLE II
1985 - 1986

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
November 29, 1985

PC #1



RECOMMENDATIONS TO THE PLANNING BOARD

No.	Petitioner	Location	Average	Existing Zoning	Requested Zoning	Recommended Zoning
1	Browning Ferris, Inc.	N/E/S of P.O. & N.W. Cor. of 1975' N/E of North Point Blvd. and Trapp Road	99.4	R.C. 2	M.U. - I.M.	R.C. 2
2	Joe C. Roberts, et al	S/E corner Dillen Ring Rd. and Michalant Ave.	0.3	D.R. 5.5 M.L.	B.L.	D.R. 5.5 & M.L. (Existing Zoning)
3	Ronald G. Rosenthal, et al	N/W/S of Beal Rd., 215' N/E of Foster Ave.	3.654	D.R. 5.5 (202 ac) R.O. (1 ac)	D.R. 5.5 & R.O.	D.R. 5.5 & R.O. (Existing Zoning)
4	Leroy M. Merritt	N/E corner of Appa Rd. & Mylander Lane	0.3	R.O.	B.L.*	R.O.
5	Agnes J. Kerr, et al	E/S Bailey Ave., between Allegheny & Pennsylvania Aves.	1.575	0-1	B.M. - C.C.	B.M. - C.C.
6	F. & S. United Fisheries	S/S W. Chesapeake Ave., 95' E. of Florida Ave.	0.2	D.R. 5.5	R.O.	D.R. 5.5
7	Ralph Conroy, et al	E/S Old Oak Rd., 71' E/W of West Liberty Rd.	2.2	B.L. - C.C.R.C. 2	B.M. - C.C.*	B.L. - C.C. R.C. 2
8	Operating Engineer 377 Pension Fund	N/W corner Garrison Forest Rd. & Cromwell Lane	3.6	D.R. 1	M.L. - I.M.	M.L. - I.M.
9	Operating Engineer 377 Pension Fund	275' S/W of Westchester Pike, 1935' N/W of Reisterstown Rd.	51.01	D.R. 5.5 D.R. 3.5	D.R. 10.5	D.R. 5.5 D.R. 3.5
10	Baltec, Inc. & Elec. Co.	S/W/S of Reisterstown Rd., opposite Rosewood Lane	10.0	B.R. - I.M. M.L. - I.M.	B.M. - C.C.C.	B.R. - I.M. M.L. - I.M.
11	Bice Spelman	N/E/S of Liberty Rd., 2321' N/W of Bear Park Rd.	0.5	D.R. 5.5	B.L.	D.R. 5.5
12	St. Mark's Roman Catholic Congregation, Inc.	N/W/S of Melrose Ave., 60' N/E of Winters Lane	0.3	D.R. 16	R.O.	R.O.

* Documented title plan
* S.E. for car sales

Item No. 9 is a request for a change from D.R. 5.5 and D.R. 3.5 to the D.R. 10.5 zoning classification. The zoning of the property was identified as a specific issue (3-45) during the processing of the 1984 Comprehensive Zoning Map. The Planning staff and the Planning Board recommended D.R. 10.5 zoning; however, the County Council adopted D.R. 5.5 and D.R. 3.5 zoning here. From a planning perspective, the Director is still of the opinion that D.R. 10.5 zoning is preferable; however, it is the Director's belief that the zoning adopted by the County Council provides for a reasonable use for the land.

Item No. 10 is a request for a change from B.R.-I.M. and M.L.-I.M. to the B.M.-C.C.C. zoning classification. The Director believes that the existing zoning provides for a reasonable use for the land and that the zoning map is correct. It should be noted that the B.R. zone is the most permissive commercial zone in Baltimore County, lists more than forty uses permitted as of right and by special exception, and, additionally, permits all of the uses delineated in the B.L. and B.M. zoning classifications. The M.L. zone lists more than 80 uses permitted as of right or by special exception.

Item No. 11 is a request for a change from D.R. 3.5 to the B.L. zoning classification. The Director believes that in view of the existing, occupied dwelling on the site, that the existing zoning provides for a reasonable use for the property; however, it is with great reticence that this recommendation is made. With the exception of this property and the lot with a dwelling abutting the easternmost boundary of the subject site, commercial zoning exists along the north side of Liberty Road throughout the area. Had the Planning staff noticed this while preparing the 1984 Comprehensive Zoning Map, the Director would have recommended B.L. zoning for both properties to a depth of approximately 300 feet; i.e., to the depth established on the property abutting the westernmost side of the subject property.

Item No. 12 is a request for a change from D.R. 16 to the R.O. zoning classification. It is the Director's opinion that the petitioner's request should be granted. With the exception of the subject property, all of the adjacent properties along the north side of Melrose Avenue in proximity to Winters Lane are zoned R.O. The granting of R.O. would be consistent with the established zoning pattern here.

Office of
PATUXENT PUBLISHING CORP.
10750 Lanes Park Drive
Columbia MD 21044

May 1 19 86

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR RECLASSIFICATION
was inserted in the following:
 Catonsville Times
 Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before the
3 day of May 19 86 that is to say,
the same was inserted in the ISSUES of
May 1, 1986

PATUXENT PUBLISHING CORP.
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff
vs.
Defendant

CERTIFICATE OF PUBLICATION OF

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William P. Hackett, Chairman, Board of Appeals
FROM: Ronald S. Hückernell, County Council
SUBJECT: St. Marks School

On Tuesday, May 20, the Board of Appeals was presented with a request to change the zoning classification on the St. Marks School.

When the Board has rendered its decision regarding this case, please send me a copy of its opinion.

RBH:dp

RECEIVED APPEALS COUNTY BOARD OF TOWSON, MD MAY 25 1985

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 11 N. Chesapeake Ave. Towson, Maryland 21284

Pastor John H. McCall, St. Mark's Roman Catholic Congregation, Inc., 27 Melvin Avenue, Catonsville, Maryland 21228

RE: Item No. 12, Cycle II, October, 1985 - April, 1986, Petitioner - St. Mark's Roman Catholic Congregation, Inc., Reclassification Petition

Dear Pastor McCall:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

If it has been suggested that the petition forms, descriptions, briefs and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985.

In view of the fact that the submitted site plan does not indicate a proposed use at this time the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Item No. 12, Cycle II, Reclassification Petition, Page 2, November 1, 1985

comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

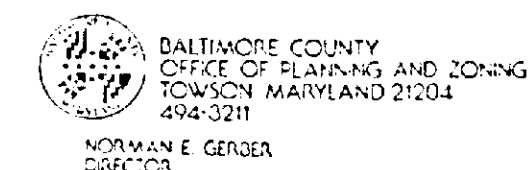
Very truly yours, James E. Dyer (in), JAMES E. DYER, Chairman, Zoning Plans Advisory Committee

JED:NBC:mr

Enclosures

cc: Keller & Keller, 3914 Woodlee Avenue, Baltimore, Maryland 21206

Mr. William Mork, P. O. Box 11415, Baltimore, Maryland 21239



Mr. Arnold Jablon, Zoning Commissioner, County Office Building, Towson, Maryland 21284

SEPTEMBER 24, 1985

RE: Zoning Advisory Meeting of SEPTEMBER 17, 1985, Item #12 - CYCLE II, Property Owner: ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC.

Dear Mr. Jablon:

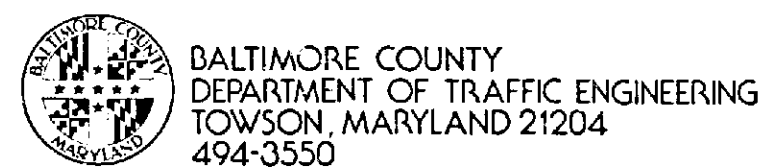
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment AT THIS TIME.
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 circulation on this site is not satisfactory.
The access is not satisfactory.
The parking arrangement is not satisfactory.
The parking arrangement is not 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 use 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 [blank].
Landscaping: Must comply with Baltimore County Landscape Manual.
The property is located in a deficient service area as defined by Bill 128-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service area is [blank].
The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 128-79, and its conditions change annually. The traffic capacity may become more limited. The traffic capacity areas are re-evaluated annually by the County Council.

ANN FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL #66-87, THE DEVELOPMENT REGULATIONS.

Eugene A. Sober, Chief, Current Planning and Development

cc: James Hoswell



STEPHEN E. COLLINS, DIRECTOR

September 23, 1985

Mr. William Hackett, Chairman, Board of Appeals, Office of Law, Courthouse, Towson, Maryland 21204

Cycle II Meeting of September 17, 1985
Item No. 12
Property Owner: Saint Mark's Roman Catholic Congregation, Inc.
Location: NW side Melrose Avenue, 60' NE of Winters Lane
Existing Zoning: D.R. 16
Proposed Zoning: R.O.

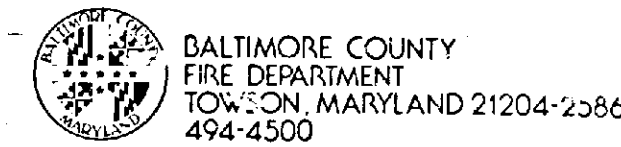
Acres: .330
District: 1st

Dear Mr. Hackett:

The existing DR 16 zoning can be expected to generate approximately 40 trips per day and 80 trips per day with the proposed R.O. zoning.

Michael S. Flanagan, Traffic Engineer Assoc II

MSP/bld



PAUL H. RENCKE, CHIEF

September 23, 1985

William Hackett, Chairman, Board of Appeals, Office of Planning and Zoning, Baltimore County Office Building, Towson, MD 21204

Attention: Nick Commodari, Chairman, Zoning Plans Advisory Committee

RE: Property Owner: St. Mark's Roman Catholic Congregation, Inc.

Location: NW side Melrose Avenue, 60' NE of Winters Lane

Item No.: 12 Zoning Agenda: Meeting of 9/17/85

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.

- X 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at [blank] 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.

REVIEWED BY [Signature] Noted and Approved: [Signature] Fire Prevention Bureau, Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William Hackett, Chairman, Board of Appeals, TO: Mr. James Dyer, Zoning Supervisor, Date: September 24, 1985

FROM: Charles E. Burnham, Chief, Building Plans Review, Permits and Licenses, SUBJECT: Cycle II Zoning Meeting Scheduled 9/17/85

ITEM #12 - Saint Mark's Roman Catholic Congregation, Inc., NW side Melrose Avenue, 60' NE of Winters Lane 1st. Election District

Any construction, alterations, additions or improvements to the property shall comply with the Code in force at the time of permit application. The current Code is the Baltimore County Building Code composed of the 1984 Edition of the B.O.C.A. Basis National Building, Mechanical, and Energy Code as amended and adopted by County Council Bill #17-85. Also enforced by the jurisdiction is the State of Maryland Handicapped Code as revised January 1, 1985 and the American National Standard, A.N.S.I. A117.1 - 1980.

CEB/vw

CERTIFICATE OF PUBLICATION

TO: Mr. William Hackett, Chairman, Board of Appeals, DATE: September 24, 1985

FROM: Charles E. Burnham, Chief, Building Plans Review, Permits and Licenses, SUBJECT: Cycle II Zoning Meeting Scheduled 9/17/85

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BY ORDER OF WILLIAM E. HACKETT, CHAIRMAN, BOARD OF APPEALS, BALTIMORE COUNTY, MD

BY ORDER OF CHARLES E. BURNHAM, CHIEF, BUILDING PLANS REVIEW, PERMITS AND LICENSES, BALTIMORE COUNTY, MD

BY ORDER OF PAUL H. RENCKE, CHIEF, FIRE DEPARTMENT, BALTIMORE COUNTY, MD

BY ORDER OF STEPHEN E. COLLINS, DIRECTOR, DEPARTMENT OF TRAFFIC ENGINEERING, BALTIMORE COUNTY, MD

BY ORDER OF JAMES E. DYER, CHAIRMAN, ZONING PLANS ADVISORY COMMITTEE, BALTIMORE COUNTY, MD

BY ORDER OF [Signature], CHIEF, CURRENT PLANNING AND DEVELOPMENT, BALTIMORE COUNTY, MD

BY ORDER OF [Signature], CHIEF, FIRE PREVENTION BUREAU, BALTIMORE COUNTY, MD

BY ORDER OF [Signature], CHIEF, SPECIAL INSPECTION DIVISION, BALTIMORE COUNTY, MD

BY ORDER OF [Signature], CHIEF, TRAFFIC ENGINEERING ASSOCIATION, BALTIMORE COUNTY, MD

BY ORDER OF [Signature], CHIEF, ZONING PLANS ADVISORY COMMITTEE, BALTIMORE COUNTY, MD

BY ORDER OF [Signature], CHIEF, ZONING PLANS ADVISORY COMMITTEE, BALTIMORE COUNTY, MD

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BY ORDER OF [Signature], CHIEF, ZONING PLANS ADVISORY COMMITTEE, BALTIMORE COUNTY, MD

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY, Towson, Maryland, R 86-346

District 1st, Date of Posting May 1, 1986

Posted for: The Jeffersonian

Petitioner: Raymond Williams, Roman Catholic Congregation of Baltimore

Location of property: NW side of Melrose Ave., 60' NE of Winters Lane

Location of Sign: NW side of Melrose Avenue, Opposite 110' NE of Winters Lane

Remarks: [Signature]

Posted by: [Signature], Date of return: May 7, 1986

Number of Signs: 7

CONTRACT OF SALE

THIS CONTRACT OF SALE (the "Contract"), made and entered into this day of August, 1985, by and between the MOST REVEREND WILLIAM D. BORDERS, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE, a Corporation Sole, and ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. (hereinafter collectively referred to as the "Seller") and JOHN W. LAUTERBACH, JR., W. GRANT LAUTERBACH and GILBERT E. SOUTH, (hereinafter collectively referred to as the "Purchaser");

WITNESSETH:

WHEREAS, Seller desires to sell to Purchaser and Purchaser desires to buy from Seller that certain tract of land together with any and all improvements thereon, located at 20 Winters Lane, situated in Baltimore County, Maryland, and more particularly described in paragraph 1 below;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and undertakings hereinafter set forth, and the deposit to be made as hereinafter described, and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Seller agrees to sell and convey to Purchaser, and Purchaser agrees to purchase from Seller the tract of land described in paragraph 1 below together with the improvements thereon on the terms and conditions hereinafter set forth:

- 1. Description of Property. All that tract of land located at the corner of WINTERS Lane and Melrose Avenue and running approximately 125 feet along Winters Lane and 125 feet along Melrose Avenue consisting of about 12,500 square feet.
2. Purchase Price. The purchase price shall be \$60,000.00 net to the Seller, which shall be paid as follows: (a) a deposit of \$500.00 to be paid simultaneously with the execution of this contract, and (b) the balance to be paid in the form of cash, certified check or cashiers check at the time of settlement.
3. Deposit and Settlement. The deposit of \$500.00 made pursuant to paragraph 2(a) shall be considered as a deposit and credited as such against the purchase price. The Seller shall deposit said \$500.00 in an interest bearing account, and notwithstanding any other provision of this contract, all interest earned on said deposit shall inure to the benefit of the Seller. It is agreed and understood that no part of the interest earned on said deposit shall be credited against the purchase price. Settlement is to occur on or before July 1, 1986, at the sole option of the Purchaser.

- 4. Insurance. The Seller shall immediately have all of the insurance policies on the property so endorsed as to protect the Purchaser and shall continue said insurance in force during the life of the Contract. In the event it shall be deemed by the Seller that the property is inadequately insured by the Seller, the Purchaser shall have the right, at Purchaser's option and expense, to obtain such insurance or additional insurance, as shall be satisfactory to Purchaser.
5. Condition of the Improvements. Purchaser acknowledges having inspected the improvements located on the property and purchasing the property in its "As Is" condition.
6. Seller's Warranties. The Seller warrants that:
(a) to the best of its knowledge, subject to hereinafter mentioned title examination, it has good and marketable fee simple title to the property free of liens and encumbrances except use and occupancy restrictions of public and publicly recorded easements for public utilities and any other easements which might be observed by an inspection of the property.

Purchaser shall at its expense proceed promptly to have the title to the Property examined by a Title Company and shall deliver prior to August 1, 1985 a full copy of the title report to Seller's counsel with copy of any liens, encumbrances and exceptions to title. Further, Purchaser must advise Seller in writing prior to August 1, 1985 of any objections it has to the title. If no written objection is received by Seller within said time period then Purchaser shall have waived its right to object and shall be required to accept title subject to the liens, encumbrances and exceptions set forth on the aforesaid title report. If prior to August 1, 1985, Purchaser does object then Seller shall have the right to cure same at its expense for a period of sixty (60) days from not have succeeded in removing, remedying or satisfying such objectionable liens, encumbrances, or exceptions. Seller shall give the Purchaser written notice thereof and Purchaser shall have ten (10) days from the mailing of such notice to elect by written notice to Seller to purchase the property, subject to unwilling to waive its objections and to close this transaction, this Contract shall be cancelled. In the event of cancellation of this Contract under any of the circumstances referred to in this Section, the Contract shall

cease, terminate and come to an end, and neither party hereto shall have any rights, obligations or liabilities against or to the other, except that Purchaser shall be entitled to the return of its deposit. Nothing herein contained shall obligate Seller to cure or remove any such title defect or objection;

- (b) it has not dealt with any real estate agent or broker in connection with transaction other than James W. Mohler of Whalen Properties;
(c) it has not, and will not, while this Contract is in full force and effect, enter into any other option or contract of sale or execute any deeds, easements, or rights-of-ways affecting the property; and
(d) the persons executing this Contract have full power and authority to execute this Contract.

7. Right of Entry. From and after the date hereof and until settlement or until this Contract is terminated, Purchaser, its employees and agents shall have the right to enter the property, including any structures thereon, from time to time and make surveys, examinations and studies, as Purchaser may determine to be necessary and desirable, so long as such studies do not result in a material change in the present character of the property. Purchaser shall hold Seller harmless from and against any claim for personal injury or damage resulting from Purchaser's entry. As a condition to Purchaser's entry, Purchaser shall procure and maintain a policy of insurance insuring Purchaser and Seller against any and all liabilities for injury to or death of a person or persons and from damage or destruction of the property occasioned by or arising out of or in connection with Purchaser's entry onto the property. The limits of such policy shall be in an amount not less than \$500,000.00 with respect to bodily injury or death per any one occurrence and \$100,000.00 with respect to property damaged or destroyed.

8. Development and Governmental Approvals. Purchaser, at its sole expense, shall be responsible for obtaining any and all necessary approvals and consents including but not limited to those required by Baltimore County in connection with any planning, subdivision, buildable lot and/or rezoning issues and those required of any adjoining landowner including but not limited to temporary or permanent easements, setbacks and use. Further, Purchaser during the term of this Contract shall have the right to apply for any and all zoning variances, zoning exceptions, subdivision plats and building permits and Seller shall sign any and all of said applications and plats.

Seller agrees to provide Purchaser fourteen (14) additional parking spaces located on the church property for a period of five years. The Pastor of St. Mark's Parish has designated these 14 parking spaces to be located on the east side of the large "new church", if the County Zoning Board requires the Purchaser to provide such parking spaces, in order to obtain the proper zoning or special exceptions. The Purchaser shall have an option to lease the said 14 spaces for an additional five year period if such a period is required by the County. The amount of rental payment for any such additional five year terms shall be agreed upon by the parties or shall be established by an appraiser agreed upon by both parties. Further all rights to the use of 14 parking spaces established hereunder shall never extend to Saturday afternoons and Sundays and religious holidays when Masses are being held in the large "New Church".

Seller shall cooperate with Purchaser in obtaining said approvals but shall not be obligated to pay for or assume the costs thereof.
9. Contingencies. This Contract shall be contingent on the ability of the Purchasers obtaining zoning changes that will allow them to convert said property to offices covered under zoning code R. O. or being granted special exceptions from Baltimore County to proceed with building plans to convert said property to offices with assurance that zoning approval would be granted in the future, or that the special exceptions so granted would be a perpetual one.

10. Conveyance. Settlement is to be made at a time and place mutually satisfactory to both parties in accordance with the terms hereof, but in any event settlement shall be no later than September 1, 1986. Notice shall be given by the Purchaser to the Seller at least five (5) days in advance of the date fixed by the purchaser for closing. Seller agrees to execute and deliver a deed for the property containing covenants of special warranty and further assurances to Purchaser and agrees to give possession and occupancy at the time of settlement. Each party shall be responsible for its own legal fees in connection with the settlement; the Purchaser shall pay the cost of all recordation, transfer taxes, documentary stamps and fees which may be required for the transfer of title. Time shall be of the essence of this contract.

11. Risk of Loss by Condemnation. In the event that prior to settlement the title property shall be condemned by any public or quasi public authority under the power of eminent domain, or in the event that an offer to purchase the property, in whole or in part, in lieu of condemnation shall be received by the Seller from any public or quasi public authority, then and in either of such events, the Seller shall give the

Purchaser notice within twenty-four (24) hours thereafter and terminate this Contract, and pay the deposit to the Purchaser plus all accrued interest. Thereupon this Contract shall terminate without further force, effect, or liability.

In the event part of the property shall be condemned, the risk of loss by condemnation shall be borne by the Purchaser and the obligations of the parties shall continue unimpaired and Purchaser shall have the right to participate in any condemnation proceeding or offer to purchase in lieu thereof until settlement. At settlement, Seller shall assign to Purchaser all its right, title and interest in the condemnation awards, contracts of purchase in lieu thereof, the sale proceeds and any other interests pertaining to said condemnation or purchase in lieu thereof.

12. Broker. The Purchaser hereby agrees to pay an 8% broker's fee at the time of settlement to James W. Mohler of Whalen Properties in cooperation with Edward J. Warren of Edward J. Warren, Inc.

13. Notices. All notices and communications hereunder, including change of address, shall be in writing and shall be deemed to have been duly given if delivered or mailed, registered or certified mail, first class, postage prepaid.

- (a) If to Seller: Archbishop William D. Borders, c/o Richard D. Berndt, Esquire, Gallagher, Evelius & Jones, 1100 One Charles Center, Baltimore, Maryland 21201
(b) If to Purchaser: Gilbert E. South, President, Frontier Systems of America, Inc., #2 Winters Lane, Baltimore, Maryland 21228

14. Covenants. The parties to this Contract mutually agree that it shall be binding upon them and each of their successors, heirs and assigns, however, Purchaser may only assign this Contract to an entity in which Purchaser manages in the event the entity is a partnership or in which Purchaser owns more than 50% of the stock in the event the entity is a corporation. This Contract contains the final and entire agreement between the parties hereto, and neither they nor their agents shall be bound by any terms, conditions,

warranties, or representations, oral or written, not herein contained.

IN WITNESS WHEREOF, the parties herein have executed this Contract on the day, month and year first herein written.

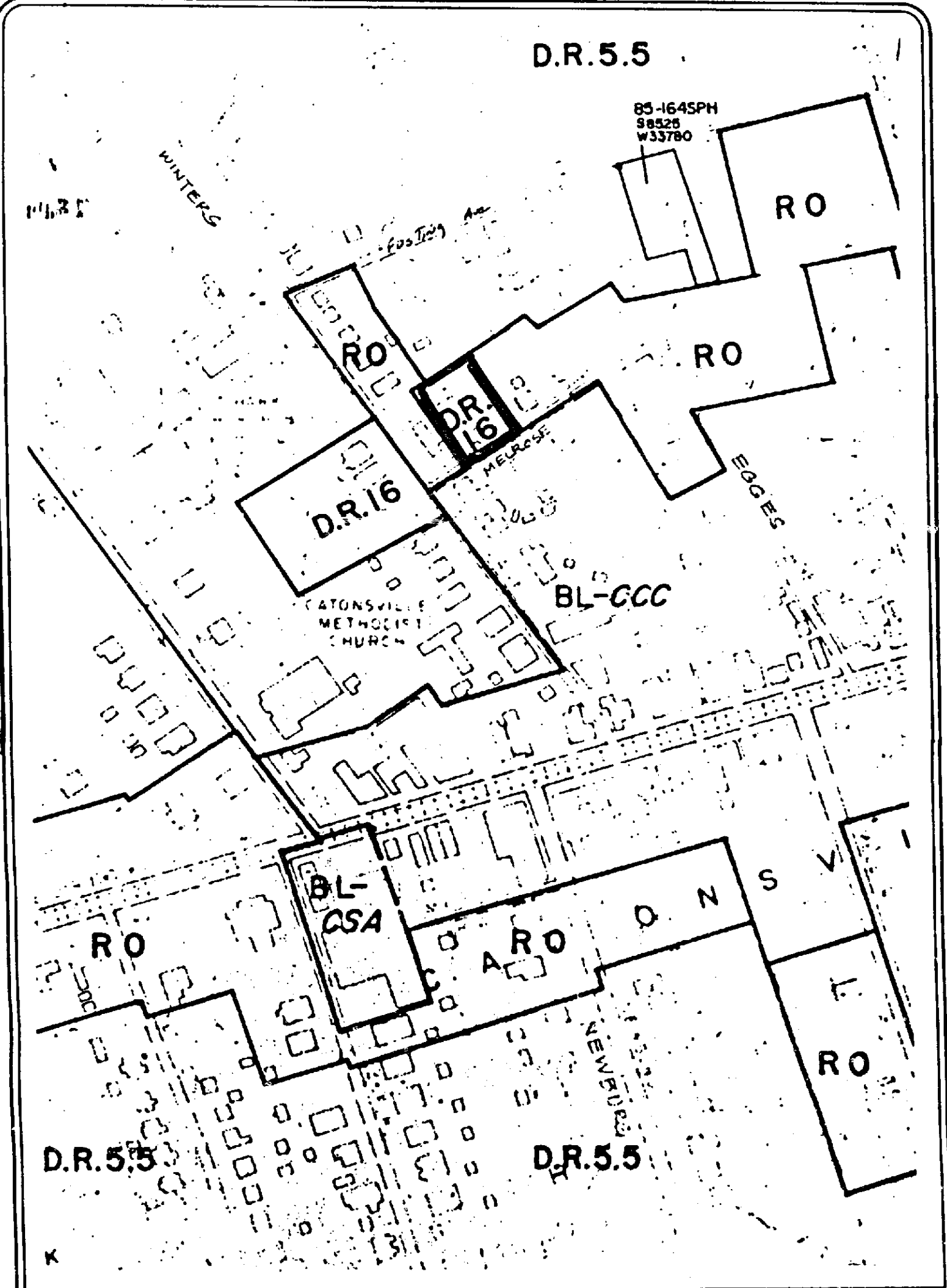
ATTEST: SELLER: Most Reverend William D. Borders, Roman Catholic Archbishop of Baltimore, a Corporation Sole

Witness: St. Michael's Abbey, William D. Borders (SEAL), Most Reverend William D. Borders, St. Mark's Roman Catholic Congregation, Inc.

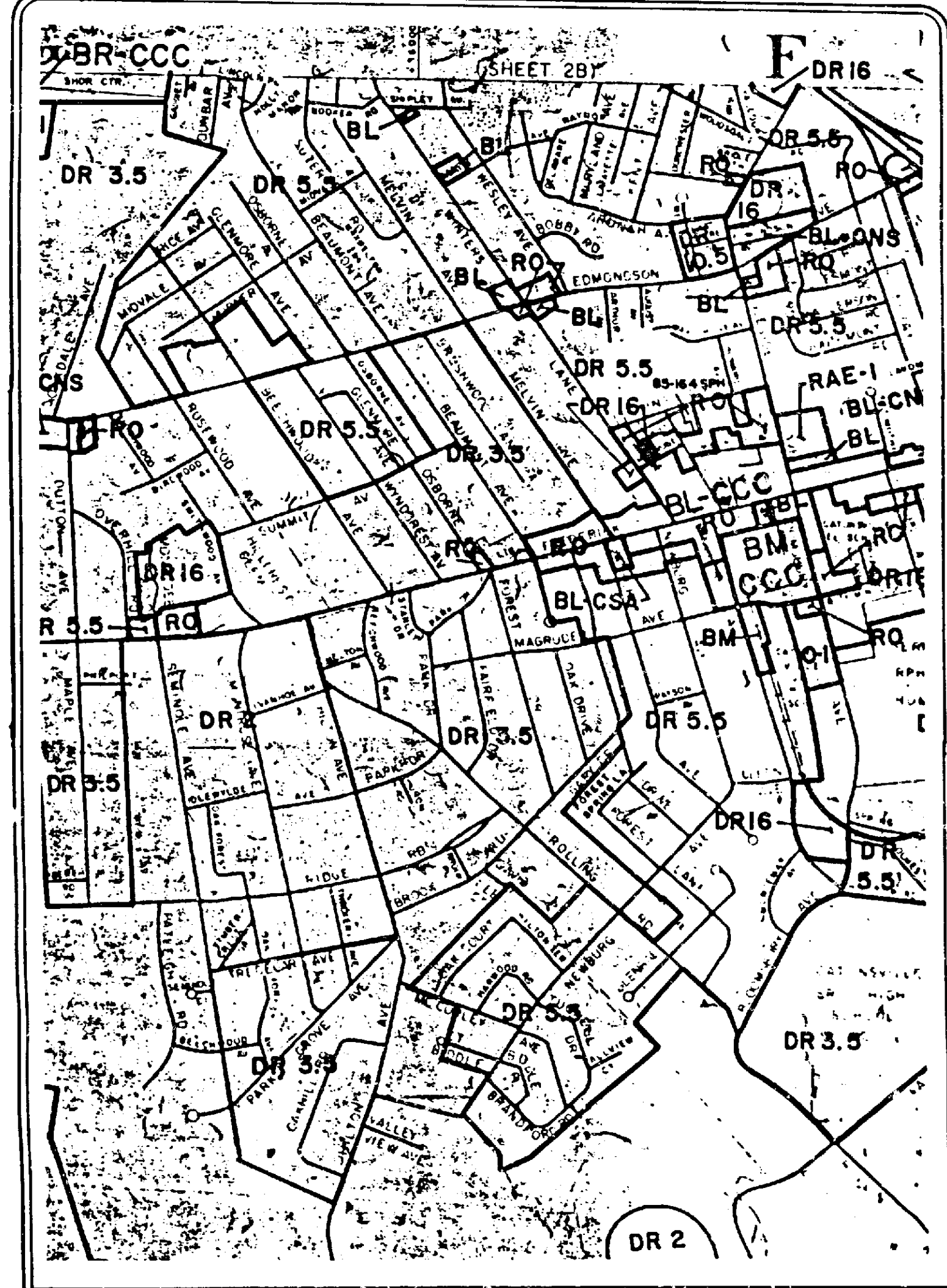
Witness: Mary Ellen Gorman, Notary Public, Notary Signor John H. McCall, Secretary/Treasurer

WITNESS: PURCHASER: John W. Lauterbach, Jr. (SEAL), W. Grant Lauterbach (SEAL), Gilbert E. South (SEAL)

0189-B/20/85-ROB



ST. MARKS OLD SCHOOL, 20 WINTERS LANE, CATONSVILLE, MARYLAND 21228. SCALE 1" = 200', August 28, 1985. Part of Sheet S.W. 3-F. INSERT MAP TAKEN FROM 1984 ZONING MAP, BALTIMORE COUNTY, MD.



ST. MARKS OLD SCHOOL, 20 WINTERS LANE, CATONSVILLE, MARYLAND 21228. SCALE 1" = 1000', August 28, 1985. Part of Map 2A. INSERT MAP TAKEN FROM 1984 ZONING MAP, BALTIMORE COUNTY, MD.

**PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.16 zone to an Residential - Office zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED
COUNTY BOARD OF APPEALS
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Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and use to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Gilbert E. South, ETAL (Type or Print Name) <i>Gilbert E. South</i> Signature	Legal Owner(s): REVEREND WILLIAM D. BORDERS, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE (Type or Print Name) Signature ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. (Type or Print Name) <i>William D. Borders</i> Signature
4 Winters Lane Address Catonsville, Maryland City and State	27 Melvin Avenue Address Catonsville, Maryland 21228 City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name Address Phone No.
Attorney's Telephone No.:	

BANC-Form 1

St. Mark's Roman Catholic Congregation, Inc.
NW/S Melrose Ave., 60' NE of Winters Lane
1st Elec. Dist.

I believe the reclassification of the Subject property from D.R.16 to Residential-Office should be made for the following reasons:

ERROR

- 37.28% of the old school site is presently zoned R.O. and 62.72% is zoned D.R.16. For consistency the entire parcel should be the same.
- The entire front of Winters Lane, on the east side, between Melrose and Fusting is zoned R.O. and the land adjacent to and in the rear of the old school parcel is zoned R.O. leaving just a small strip of D.R.16 between the two R.O. zoned lands. It would seem consistent to zone this small D.R.16 parcel to R.O.
- The south side of Melrose Avenue is zoned B.L. - CCC. Section 203.2 states that R.O. zoning is to accommodate conversions to office building in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors. This site meets this criteria.
- The site as it exists now is not economically feasible to be used for residential purposes. Section 203.1 paragraph A and B and C of the Baltimore County regulations seem to favor reclassifying this site to R.O.
- The site meets the criteria mentioned in the Baltimore County Zoning Regulations, Interim Edition, March 1985, Appendix F, Article V Section 2-58.1 paragraph J subparagraph 2.

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

REASONS FOR RECLASSIFICATION

PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION

Aug. 29th, 1985

Lot in rear of #20 Winters Lane for Reclassification

Beginning for the same at a point on the Northwest side of Melrose Ave. at the distance of 60' measured Northeastly from the Northeast side of Winters Lane; thence binding along Melrose Ave. N. 67°26'13" E. 101.56'; thence leaving Melrose Ave. and running N. 25°32'50" W. 144.63'; thence S. 66°32'09" W. 98.60' and thence S. 24°23'13" E. 142.95' to the place of beginning.

Containing 0.330 Acres of land more or less.



George T. Keller
George T. Keller
Reg. Prof. Propt. L.S.#67

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

REAR OF 20 WINTERS LANE PROPOSED ZONING CHANGE FROM EXISTING D.R.16 TO R.O.

PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION

Aug. 29th, 1985

Old School Property
Northwest Corner of Winters La. & Melrose Ave.

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°23'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'50" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'13" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.



George T. Keller
George T. Keller
Reg. Prof. Propt. L.S.#67

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

DESCRIPTION OF THE ENTIRE OLD SCHOOL PARCEL WHICH IS NOW ZONED R.O. AND D.R.16

ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. R-86-346
Item #12, Cycle II, 1985
NW/S Melrose Avenue, 60'
NE of Winters Lane 1st District
D.R. 16 to R.O. .330 acres

Aug. 30, 1985 Petition filed

John McCall, Pastor Petitioner
St. Mark's R.C. Congregation, Inc.
27 Melvin Avenue (21228)
Gilbert E. South, et al Contract Purchaser
4 Winters Lane (21228)
Phyllis Cole Friedman People's Counsel

James Earl Kraft
Baltimore County Board of Education
2121 Abingdon Road (21204)
744 York
Michael Magruder - 400 Royal Fed Bldg
Petitioner

Phyllis Friedman } P.C.
(Kevin Press)
Ronald Hickernell, County Council
Hannah Lindsey
506 Royal Fed Bldg (21228) (Andrew J. Gladwin)

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. R-86-346

OPINION

This case comes before this Board on a petition for reclassification of a portion of the property located on the corner of Winters Lane and Melrose Avenue, in the First Election District of Baltimore County. This property is an abandoned school building and has been abandoned for some ten or more years. At the present time the property is bisected by the zoning demarcation line, the Winters Lane area of some .196 acres being zoned R.O. and the rear portion of some .33 acres along Melrose Avenue being zoned D.R. 16. This zoning classification was assigned to this property in the 1980 comprehensive map process and since no issue was raised during the 1984 map process, the zoning remained unchanged. In December, 1985, a petition for a special exception to permit a Community Care Facility on this site was granted by the Zoning Commissioner. Once this special exception was granted an actual cost estimation was undertaken to determine the cost to renovate this old building and bring it into compliance with all Baltimore County regulations necessary to operate a Community Care Facility on the site. This cost survey indicated the renovation costs associated with this proposed use to be too expensive to be feasible and this project was abandoned. There is now a contract purchaser

ST. MARK'S - #R-86-346

for the site who proposes to renovate this structure for office use only but can only do so if the entire site is zoned R.O. The case was heard on this day, May 20, 1986, in its entirety.

Mr. Grant Lauterbach, contract purchaser, first testified as to his proposed use of the building as offices and entered Petitioner's Exhibits #1 and #2.

Mr. James W. Mohler, real estate expert next testified. Mr. Mohler noted the need for office space in this area and testified that this old school building was adaptable for office use.

Mr. William Monk, a land planner, next testified. Mr. Monk described all the nearby and abutting zoning classifications and land uses, and testified as to the appropriateness of R.O. use here as described in the Baltimore County Zoning Regulations (BCZR), §203, and the practicality of this proposed use as regards to its impact on the neighborhood. This concluded Petitioner's case.

No Protestants testified in opposition to this petition. People's Counsel presented only one witness to this Board, Mr. James Hoswell, Planner for Baltimore County. He entered as People's Counsel's Exhibit #1 the report by the Director of the Office of Planning and Zoning on this reclassification petition identified as Item #12, such Item recommending the R.O. zoning. Mr. Hoswell also entered as People's Counsel's Exhibit #2 the report to this Board by the Baltimore County Planning Board which also recommended R.O. zoning. In addition, he testified that it was his opinion the zoning line as drawn and shown on Petitioner's Exhibit #7 was in error and should have at least gone between the two buildings instead of through the larger building. This concluded testimony in this case.

ST. MARK'S - #R-86-346

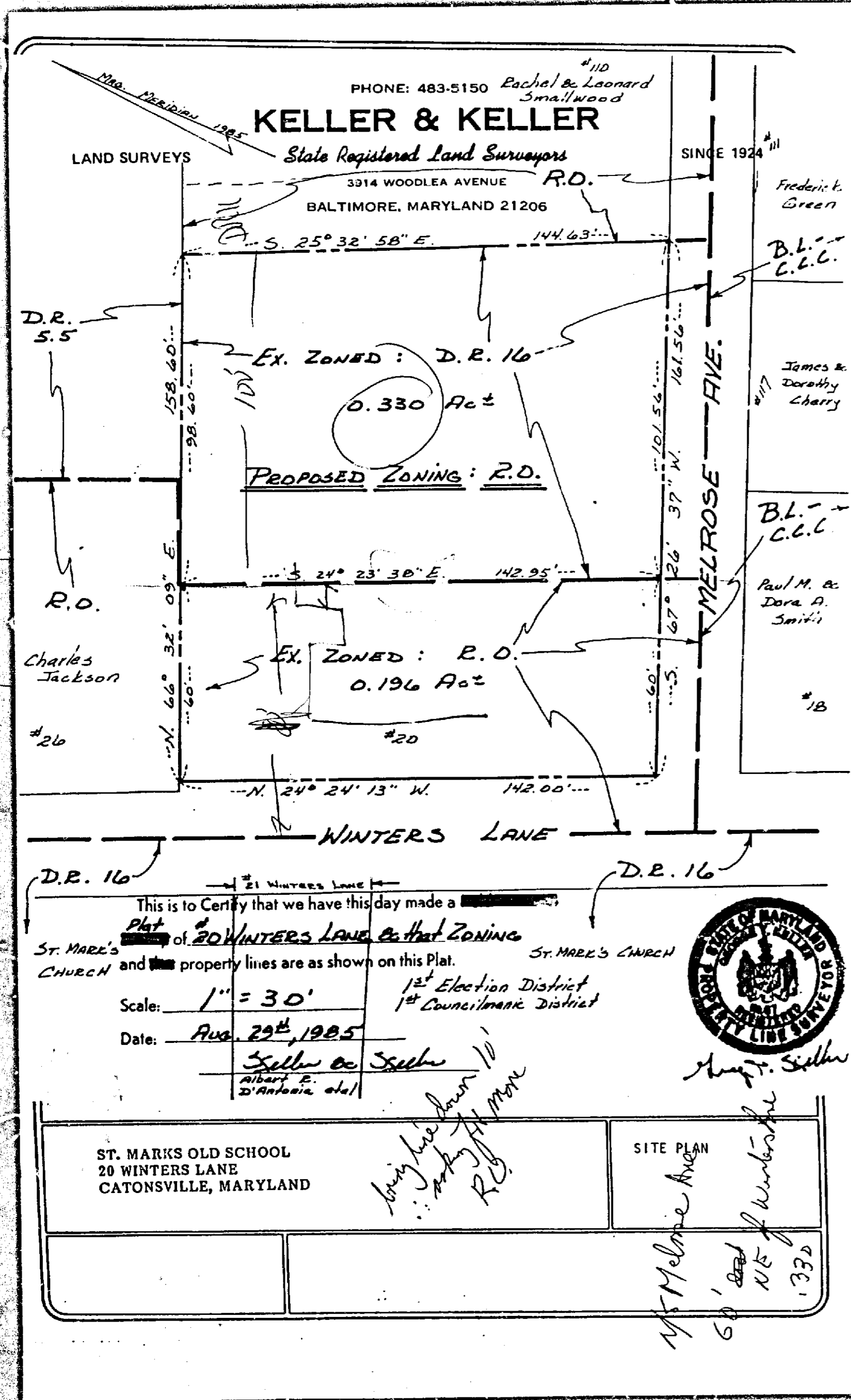
After consideration of all the testimony and evidence received this day, the Board is of the opinion that the zoning line as now drawn is in fact in error. Had the special exception permitted use as a Community Care Center been feasible, a reasonable use of the property would have been possible. Since this possibility no longer exists, no really reasonable use of this property exists. Parcel "A", containing .196 acres and a portion of the original building is zoned R.O. but would appear impractical to utilize without the remainder of the building. Parcel "B", containing some .33 acres and a portion of the original building, is zoned D.R. 16 and would appear impractical to utilize, especially since it is so small and virtually surrounded by R.O. and B.L.-C.C.C. zoned land.

For all the above reasons, the Board is of the opinion that the present bifurcated zoning is, in fact, in error and will order the zoning line relocated so as to provide R.O. zoning for the entire parcel.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of Sept. 1986, by the County Board of Appeals, ORDERED that the R.O. zoning line be relocated northeast until it intersects the existing R.O. zoning at that point, thus GRANTING the entire parcel in question the petitioned for R.O. zoning classification.

Any appeal from this decision must be in accordance with Rules

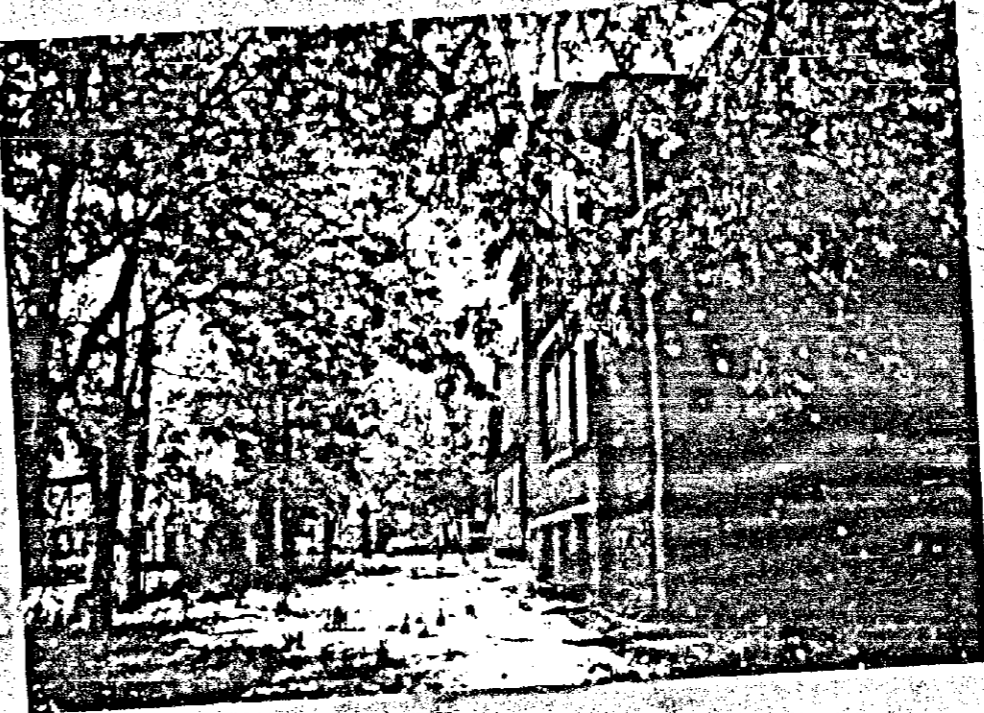
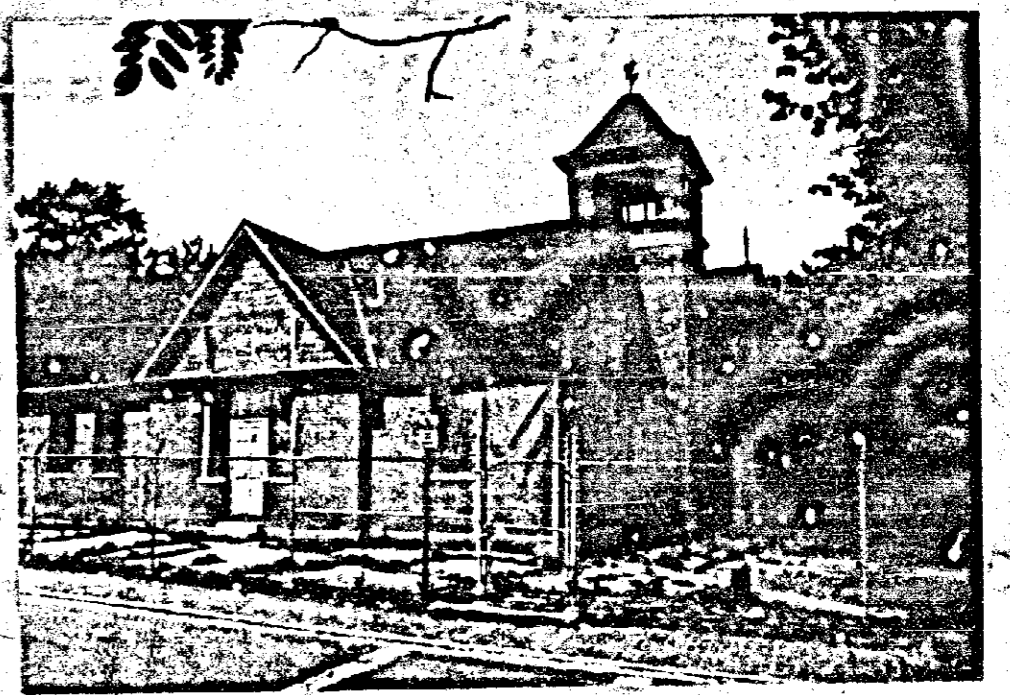
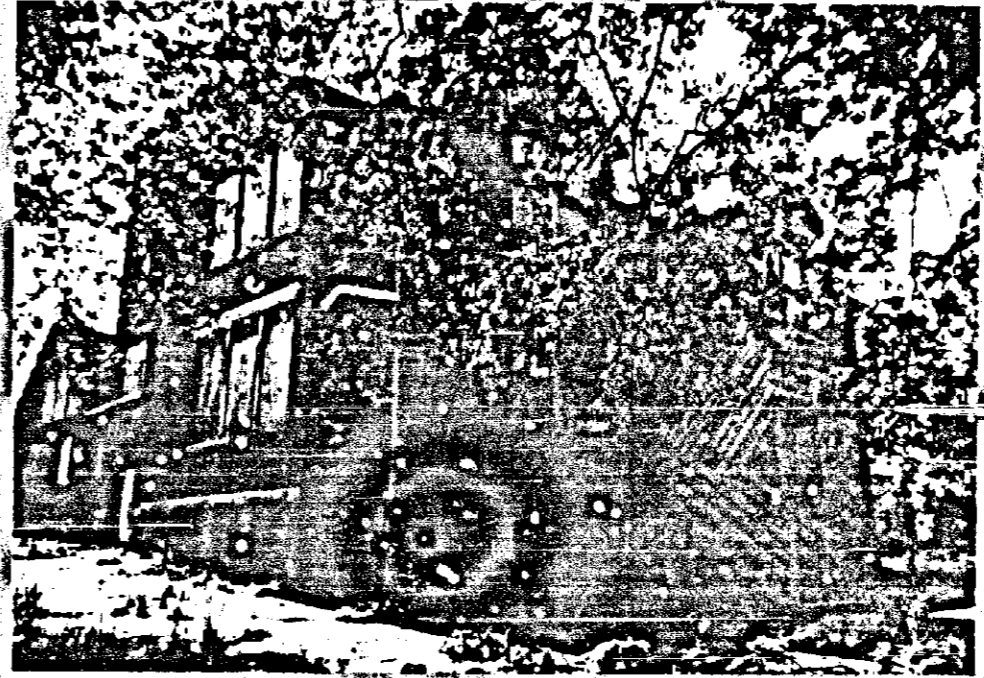
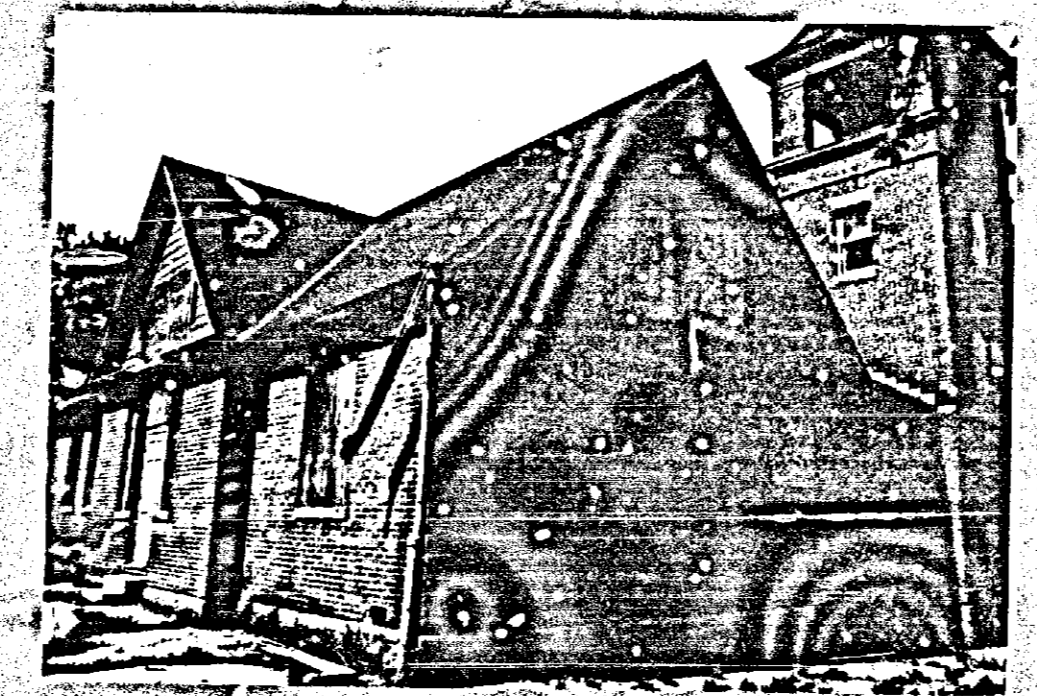
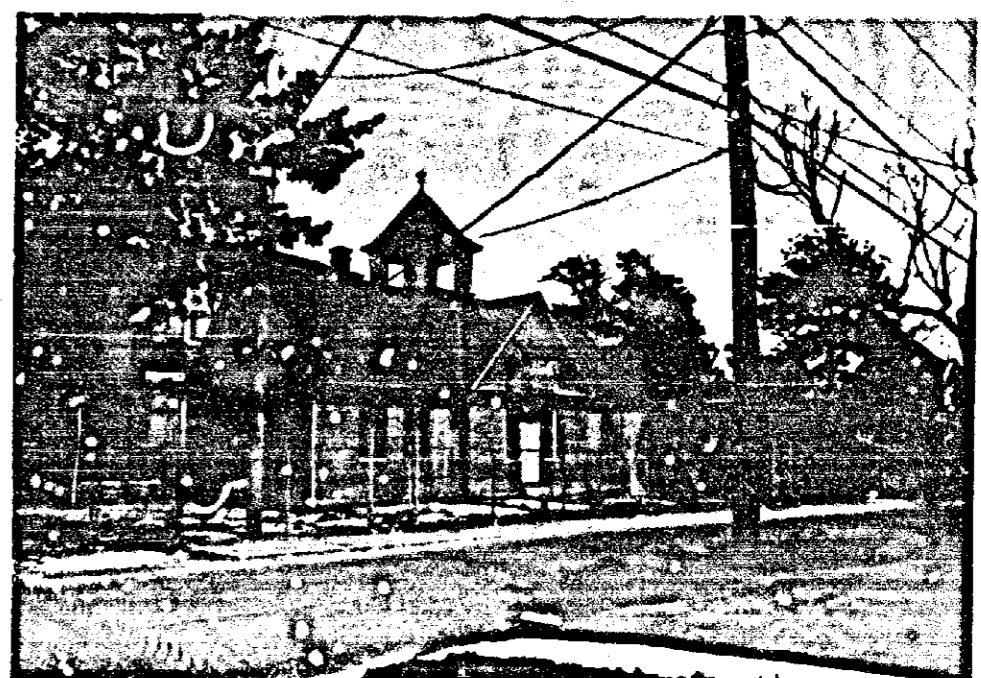


Catonsville Civic League ONE
 506 Cargelane Catonsville Md 21228 5/15/86

Board of Appeals Members
 Speaking for the Winters Lane Community
 We are in favor of the change in zoning
 of Old Saint Marks School the subject property
 for office space This kind of thing is much
 needed in the Community

Yours Truly
 Hannah Lindsey pres.

RECEIVED BOARD OF APPEALS
 COUNTY BOARD OF APPEALS
 MAY 19 1986



BOARD OF APPEALS
 METROPOLITAN'S



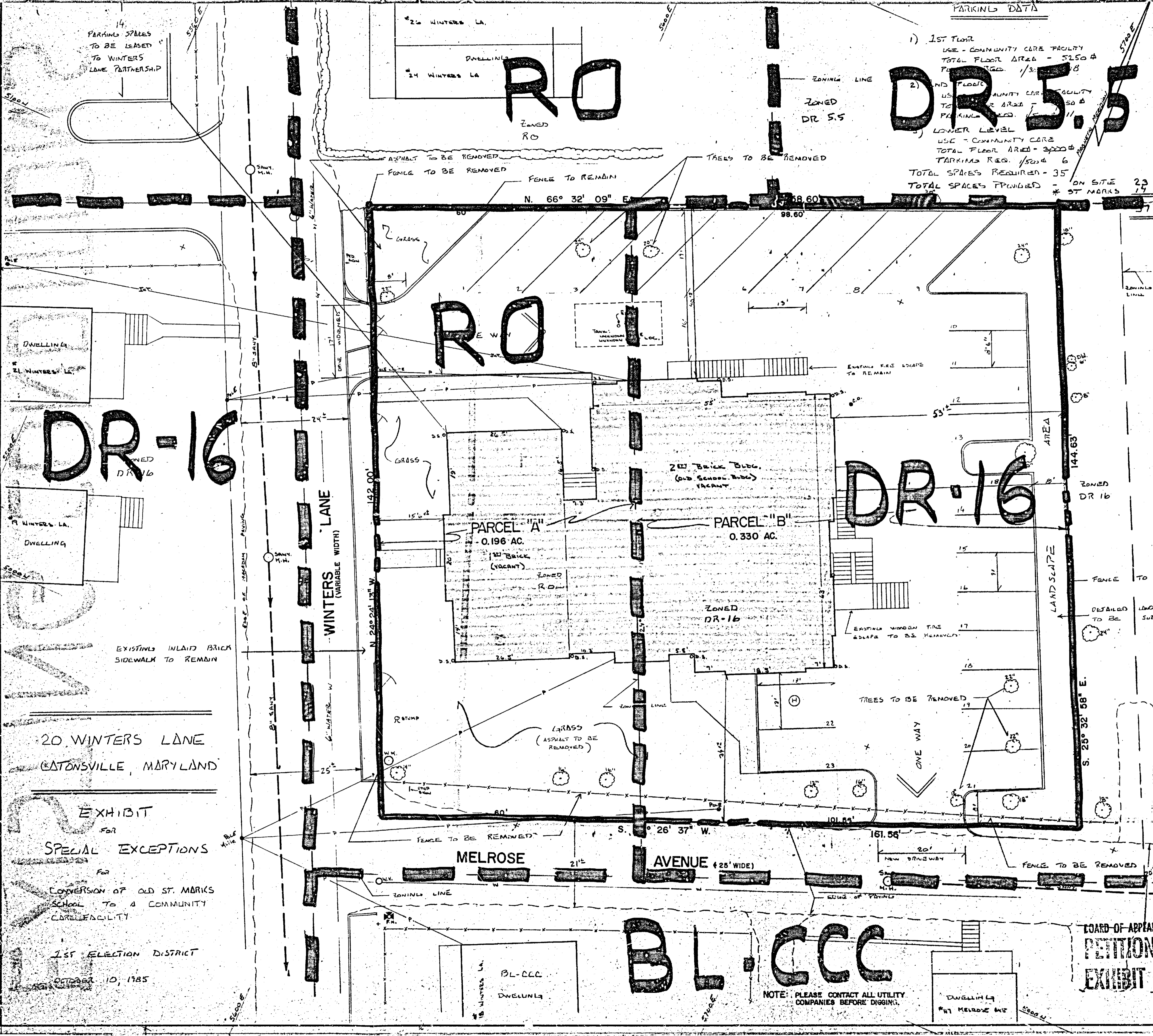
H-NE G-NW
 H-SE G-SW

1976 COMPREHENSIVE ZONING MAP
 ADOPTED BY THE
 BALTIMORE COUNTY COUNCIL
 OCT. 7, 1976 & OCT. 8, 1976
 B. L. NOS: 108, 76, 109, 76, 110-76, 111-76,
 112-76, 113-76, and 114-76

CHAIRMAN COUNTY COUNCIL

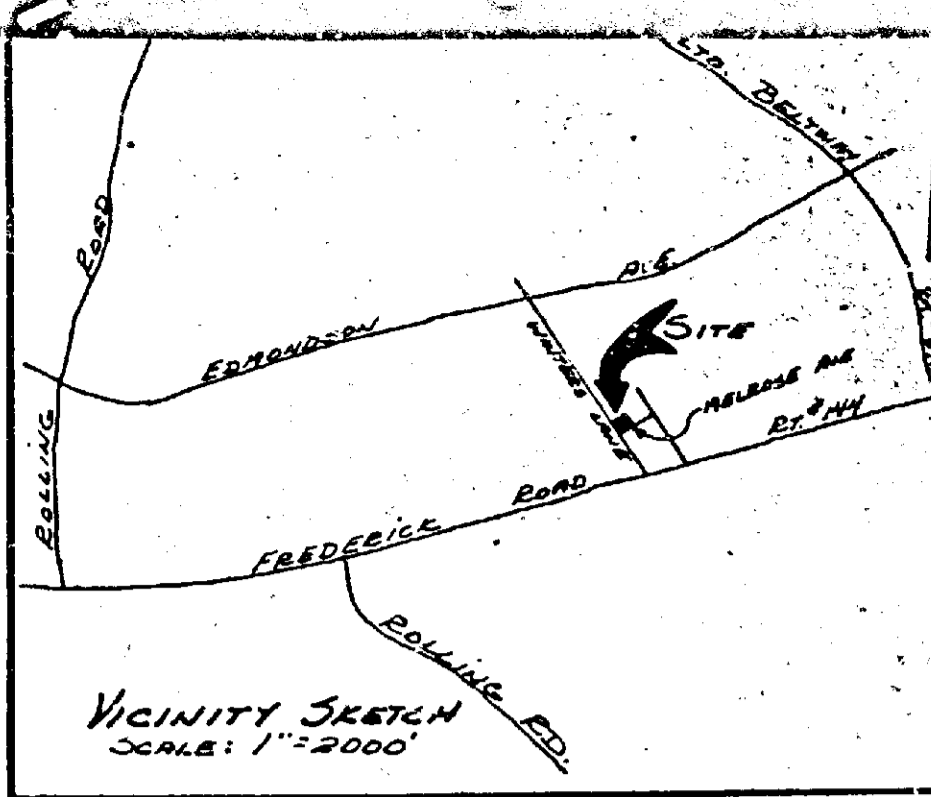
PHOTOGAMMETRIC MAP OF
 BALTIMORE COUNTY METROPOLITAN AREA
 OFFICIAL ZONING MAP

REVISIONS		SCALE 1" = 200'	LOCATION CATONSVILLE	SHEET SW 3-F
BY	DATE			
		DATE OF PHOTOGRAPHY APRIL 1953		
Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.				



PARKING DATA

- 1) 1ST FLOOR
USE - COMMUNITY CARE FACILITY
TOTAL FLOOR AREA - 5,250 sq ft
PARKING REQ. 1/30 = 175
 - 2) 2ND FLOOR
USE - COMMUNITY CARE FACILITY
TOTAL FLOOR AREA - 5,250 sq ft
PARKING REQ. 1/30 = 175
 - 3) LOWER LEVEL
USE - COMMUNITY CARE
TOTAL FLOOR AREA - 3,000 sq ft
PARKING REQ. 1/50 = 60
- TOTAL SPACES REQUIRED - 350
TOTAL SPACES PROVIDED - 23 ON SITE
* ST MARKS 17



NOTES

- 1) EXISTING ZONING
A) PARCEL "A" (FRONT PORTION) RO
853 sq ft
B) PARCEL "B" (REAR PORTION) DR-16
19,375 sq ft
* THE DR-16 ZONED PORTION OF THE SITE HAS BEEN SUBMITTED FOR RECLASSIFICATION TO RO. THE BALTIMORE COUNTY COUNCIL WILL ACT ON THE APPLICATION SPRING 1984.
 - 2) LOT AREA - 22,913 sq ft - .526 ACRES
 - 3) EXISTING USE - VACANT 2 STORY SCHOOL WITH BASEMENT (FORMER ST MARKS SCHOOL)
 - 4) PROPOSED USE - COMMUNITY CARE FACILITY BY SPECIAL EXCEPT
 - 5) BUILDING AREA
FIRST FLOOR 5,250
2ND FLOOR 5,250
LOWER LEVEL 3,000
13,500 sq ft
- * THE WINTERS LANE PARTNERSHIP HAS LEASED 14 PARKING SPACES FROM ST MARKS. THE APPROVAL OF THESE SPACES IS SUBJECT TO A SPECIAL HEARING TO ALLOW OFF-STREET PARKING IN A RESIDENTIAL ZONE.

APPLICANT:

WINTERS LANE PARTNERSHIP
4 WINTERS LANE
CATONSVILLE, MD. 21228

SCALE: 1" = 10'
DATE: OCT. 8th, 1985

Heard Spiller
RES. PROF. PROPT. L.S. NO. 67

KELLER & KELLER
LAND SURVEYORS
3914 WOODLEE AVE.
BALTO, MD. 21208
301-493-5150

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 7

DR-16

RO

DR-5.5

RO

DR-16

RO

BL-CCC

20 WINTERS LANE
CATONSVILLE, MARYLAND

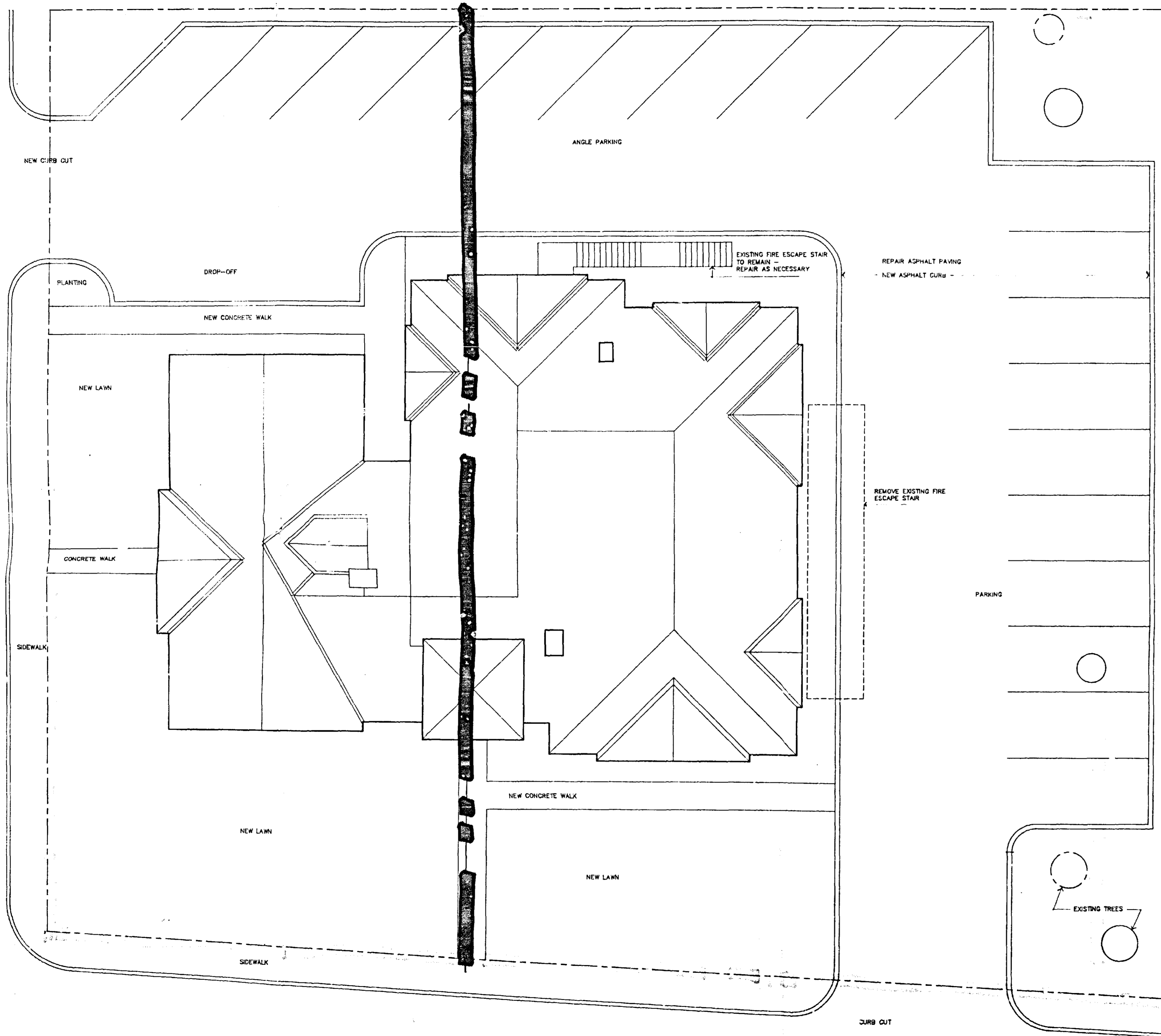
EXHIBIT
FOR
SPECIAL EXCEPTIONS

FOR
CONVERSION OF OLD ST. MARKS
SCHOOL TO A COMMUNITY
CARE FACILITY

1ST ELECTION DISTRICT
OCTOBER 10, 1985

NOTE: PLEASE CONTACT ALL UTILITY COMPANIES BEFORE DIGGING.

WINTERS LANE



SITE PLAN
1/8" = 1'

BOARD OF APPEALS
PETITIONER'S
EXHIBIT # 8

REVISIONS

SEAL

Owner & Developer: Bach Brothers Inc.
ST MARKS
RENOVATION

DAVIS S. SHULL A.I.A.
ARCHITECTS
518 S. HANOVER STREET
BALTIMORE, MD 21201
(301) 332-0128

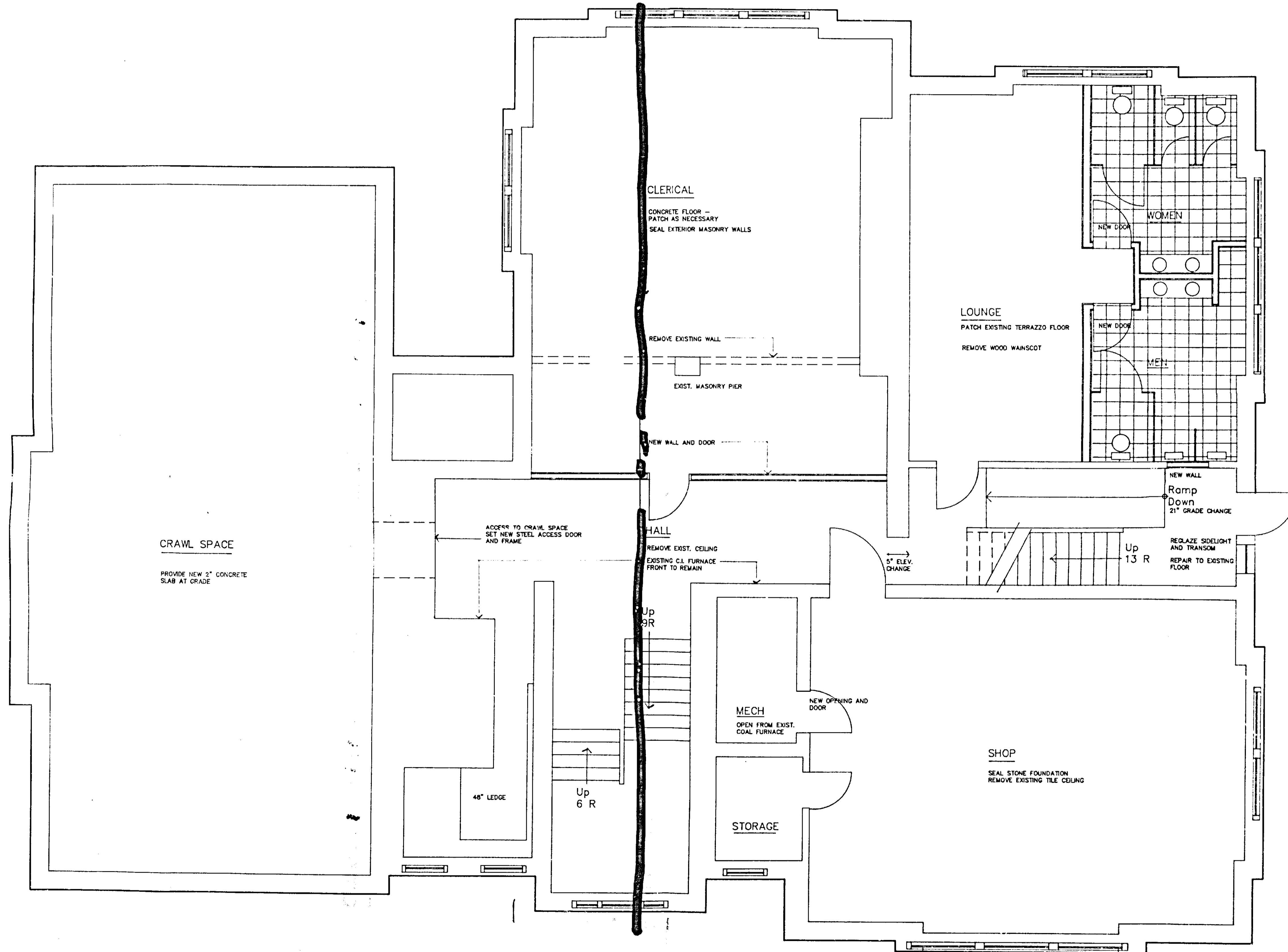
DRAWING:

DATE:

APRIL 23, 1986

SHEET NO.

OF:



GROUND FLOOR PLAN

REVISIONS

SEAL

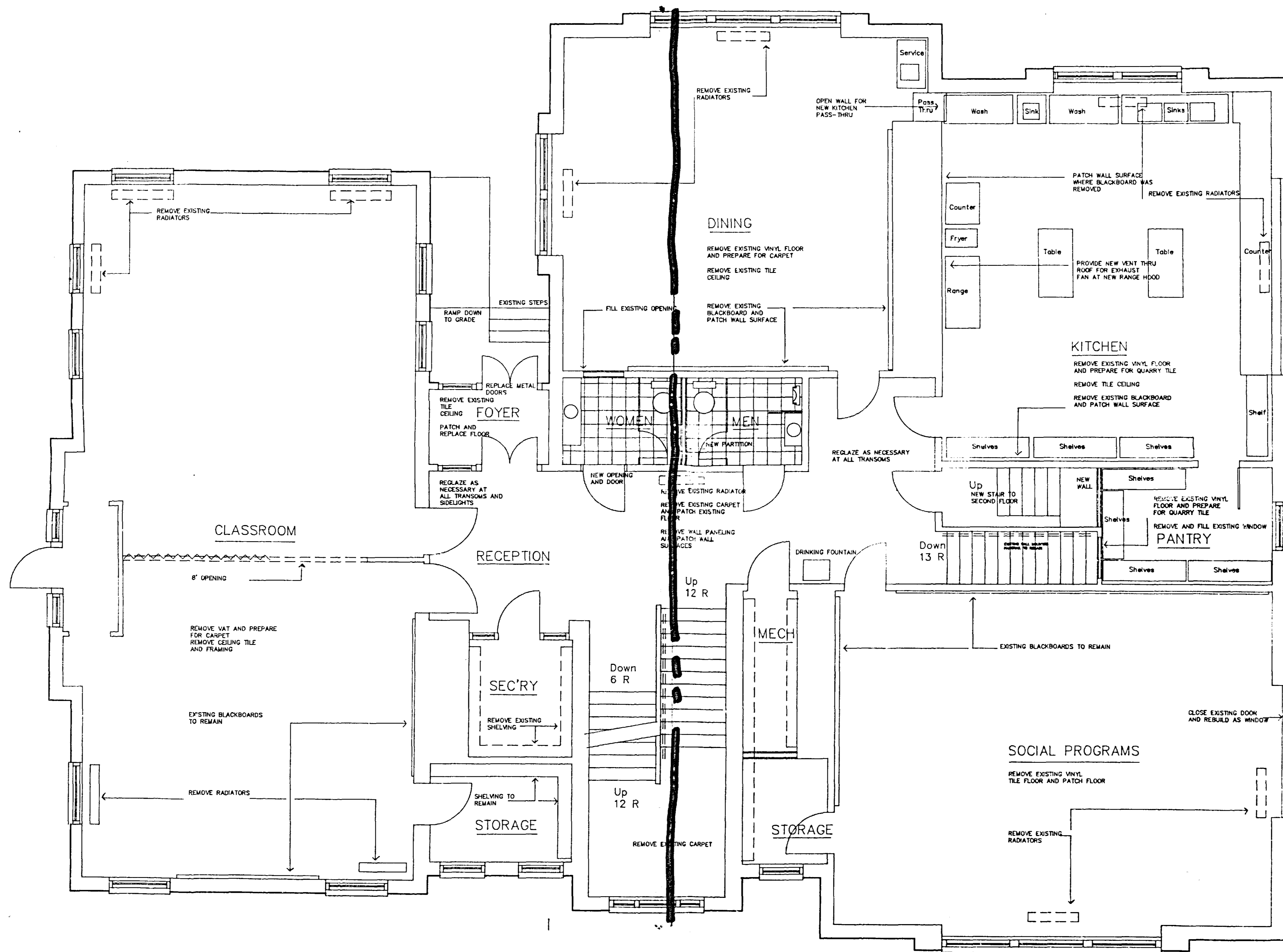
Owner & Developer: **Bach Brothers Inc.**
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 516 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:

SHEET NO. OF:
 2



FIRST FLOOR PLAN

REVISIONS

SEAL

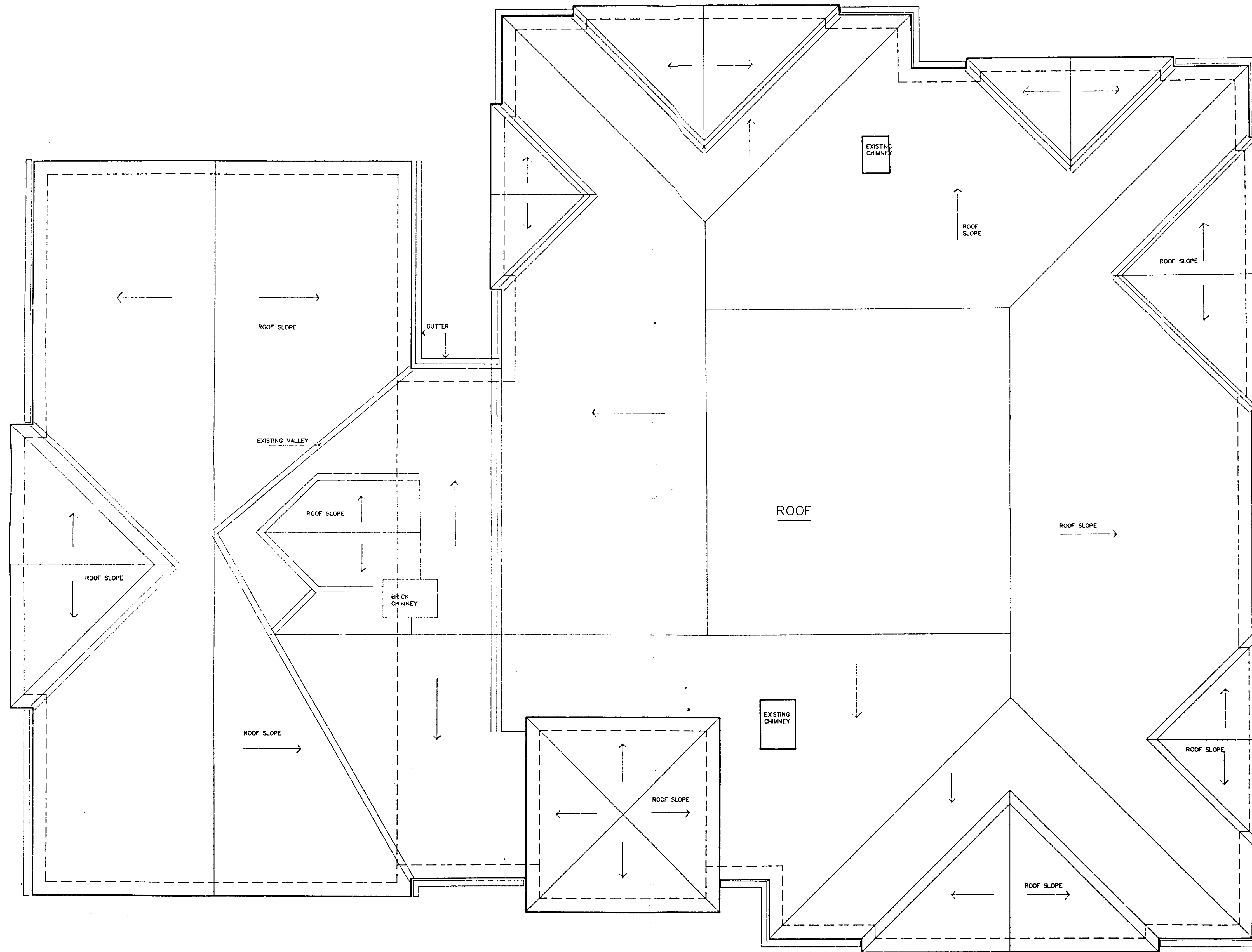
Owner & Developer: Bach Brothers Inc.
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 518 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:
 APRIL 23, 1986

SHEET NO. OF:
 3



ROOF PLAN
 1/4"=1'-0"

REVISIONS

SEAL

Owner & Developer: Bach Brothers Inc.
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 518 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:
 APRIL 21, 1986

SHEET NO. 5 OF:

ST. MARK'S - #R-86-346

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

Patricia Phipps
Patricia Phipps

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

PETITION FOR RECLASSIFICATION

LOCATION: Northwest Side of Melrose Avenue, 60 feet Northeast of Winters Lane

PUBLIC HEARING: Tuesday, May 20, 1986, at 10:00 a.m.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

To reclassify the zoning status of property from a D.R. 16 Zone to a Residential-Office Zone

All that parcel of land in the 1st Election District of Baltimore County

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°24'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'58" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'37" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.

Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore

Being the property of
as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY



County Board of Appeals of Baltimore County

Room 203 Court House
Towson, Maryland 21204
(301) 494-3180

September 3, 1986

Rev. John H. McCall
St. Mark's Roman Catholic Congregation, Inc.
27 Melvin Avenue
Baltimore, MD 21228

Re: Case No. R-86-346
St. Mark's R.C.
Congregation, Inc.

Dear Rev. McCall:

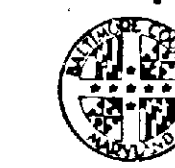
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

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

Enclosure

cc: Gilbert E. South, et al
Michael Magruder
Phyllis Cole Friedman
Ronald Hickernell
Hannah Lindsey
Norman E. Gerber
James G. Howell
Arnold Jablon
Jean M. H. Jang
James E. Dyer
Betty DuBois
James Earl Kraft



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 20, 1986

Ms. Mary Ellen Lowman
Parish Bookkeeper
St. Mark's Church
27 Melvin Avenue
Baltimore, Maryland 21228-4495

RE: PETITION FOR ZONING RECLASSIFICATION
NW/S Melrose Ave., 60' NE of Winters Lane
1st Election District
Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore
Case No. R-86-346 (Cycle II, Item No. 12)

Dear Ms. Lowman:

We thank you for your check for \$367.45, but on this date, our office received a check from a Mr. W. Grant Lauterbach paying in full the advertising and posting amount due in this case.

Enclosed is your check in the amount of \$367.45.

Very truly yours,

Margaret E. du Bois
Zoning Office

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

No. 01710

DATE: 5/22/86 ACCOUNT: 8-91-915-001
WITH RECEIPT - POST TO: 267.45
AMOUNT: \$ 267.45

RECEIVED FROM: Mr. Grant Lauterbach

FOR: Advertising and Posting - Case R-86-346

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR RECLASSIFICATION

LOCATION: Northwest Side of Melrose Avenue, 60 feet Northeast of Winters Lane

PUBLIC HEARING: Tuesday, May 20, 1986, at 10:00 a.m.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

To reclassify the zoning status of property from a D.R. 16 Zone to a Residential-Office Zone

All that parcel of land in the 1st Election District of Baltimore County

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°24'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'58" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'37" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.

Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore

Being the property of
as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 16 TO R.O. ZONE : OF BALTIMORE COUNTY
NW/S Melrose Ave., 60' NE :
of Winters Lane :
First District :
SAINT MARK'S ROMAN CATHOLIC : Case No. R-86-346
CONGREGATION, 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
Room 223, Court House
Towson, Maryland 21204
494-2188

RECEIVED
COUNTY BOARD OF APPEALS
15 FEB - 7 A 9 24

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Pastor John H. McCall, St. Mark's Roman Catholic Congregation, Inc., 27 Melvin Avenue, Catonsville, MD 21228, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

St. Mark Church
27 Melvin Avenue
Baltimore, Maryland 21228-4495
744-6500

May 19, 1986

Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Attn: Ms. Margaret E. du Bois

Dear Ms. du Bois:

We are enclosing a check in the amount of \$367.45. We only just received a request for this check today. The letter was dated May 16, 1986 and the postmark was the 17th.

Msgr. McCall contacted your office today to inform you of this fact. Thank you for your attention in this matter.

Sincerely,

Mary Ellen Lowman
Mary Ellen Lowman
Parish Bookkeeper

encl.

ST. MARK CHURCH
27 MELVIN AVENUE
CATONSVILLE, MD 21228
PHONE 744-6500

UNION TRUST
FOR CHECKS
R-86-346
#005377449550000168 #0070584314

DATE: May 17, 1986
AMOUNT: \$ 367.45
DOLLARS

6537

Pastor John H. McCall
St. Mark's Roman Catholic Congregation,
Inc.
27 Melvin Avenue
Catonsville, Maryland 21228

April 22, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
N/W/S Melrose Ave., 60' NE of Winters Lane
1st Election District
Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore
Case No. R-86-345 (Cycle II, Item No. 12)

TIME: 10:00 a.m.

DATE: Tuesday, May 20, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 212575

T. Thacker
Sackett, Chairman
of Appeals

DATE: ACCOUNT:

AMOUNT: \$

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CARRIER

ZONING RECLASSIFICATION PETITIONS: CYCLE II

Report to the County Board of Appeals
by the
Baltimore County Planning Board

Adopted January 16, 1986

Baltimore County Office of Planning and Zoning
Towson, Maryland

PC #2

ITEM NO. 12

PROPERTY OWNER: St. Mark's Roman Catholic Congregation, Inc. ACREAGE: 0.3
LOCATION: N/W/S of Melrose Avenue, 60' N/E of Winters Lane
ELECTION DISTRICT: 1 COUNCILMANIC DISTRICT: 1

RECOMMENDED DATE OF HEARING: Week of May 19, 1986

ZONING PRIOR TO ADOPTION OF 1984 COMPREHENSIVE ZONING MAP: D.R. 16
EXISTING ZONING: D.R. 16
REQUESTED ZONING: R.O.

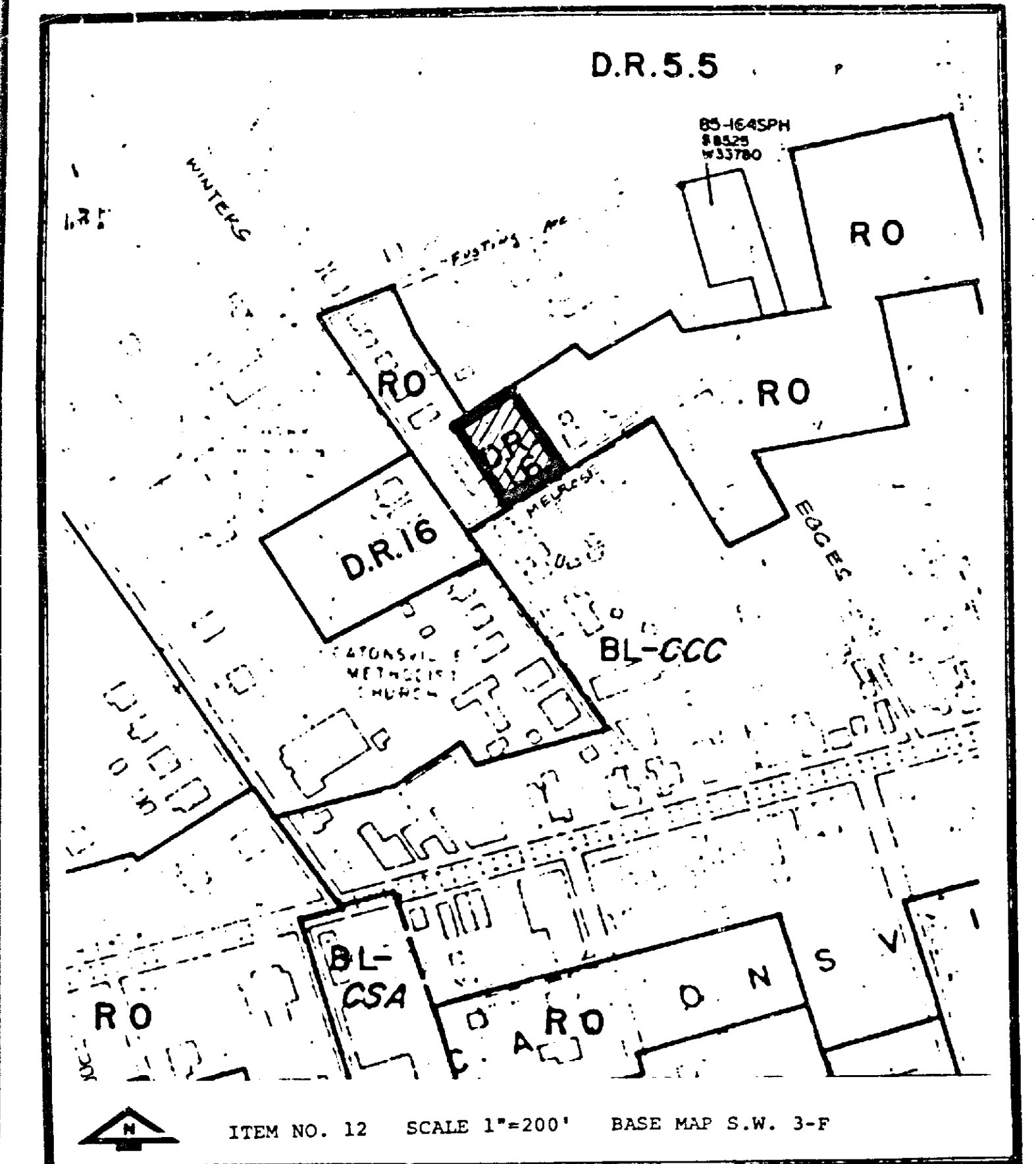
PLANNING BOARD RECOMMENDATION: R.O.

This 0.3-acre property, containing a vacant, boarded-up building, is located in downtown Catonsville. Adjacent properties are zoned B.L.-C.C.C., D.R. 16, R.O. and D.R. 5.5. The petitioner is requesting a change from D.R. 16 to R.O. zoning and has chosen to submit plans that do not show a proposed use for the property.

Prior to the adoption of the 1984 Comprehensive Zoning Map, this property was zoned D.R. 16. During the preparation and processing of this map, the zoning of the subject property was not identified as a specific issue; the County Council reaffirmed D.R. 16 zoning here.

The Planning Board believes that R.O. zoning is appropriate here. It should be noted that with the exception of the subject site, all of the properties along the north side of Winters Lane are in the R.O. zoning classification. The granting of R.O. for the subject property would be consistent with the established zoning pattern here. Furthermore, the R.O. zoning along this side of Winters Lane would provide for the type of development that would act as a transition between the development potential of the B.M.-C.C.C. zoned land to the south and the residential area to the north.

It is therefore recommended that the petitioner's request for R.O. zoning be granted.



Location of Property Under Petition

REPORT
BY THE
DIRECTOR OF PLANNING AND ZONING
TO THE
BALTIMORE COUNTY PLANNING BOARD

ZONING CLASSIFICATION PETITIONS
CYCLE II
1985 - 1986

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
November 29, 1985

PC #1

RECOMMENDATIONS TO THE PLANNING BOARD

No.	Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	Recommended Zoning
1	Browning Ferris, Inc.	N/E/S of P.O. & N. W. Co. Hwy. 1375' N/E of North Point Blvd. and Trapp Road	99.4	R.C. 2	M.U. - I.M.	R.C. 2
2	Joe C. Roberts, et al	S/E corner Dillen Ring Rd. and Michalant Ave.	0.3	D.R. 5.5 M.L.	B.L.	D.R. 5.5 & M.L. (Existing Zoning)
3	Ronald G. Rosenthal, et al	N/W/S of Belair Rd., 2375' N/E of Foster Ave.	3.654	D.R. 5.5 (202 ac) R.O. (1 ac)	D.R. 5.5 & R.O.	D.R. 5.5 & R.O. (Existing Zoning)
4	Leroy M. Merritt	N/E corner of Appo Rd. & Mylander Lane	0.3	R.O.	B.L.*	R.O.
5	Agnes J. Kerr, et al	E/S Bailey Ave., between Allegheny & Pennsylvania Aves.	1.575	0-1	B.M. - C.C.	B.M. - C.C.
6	F. & S. United Fisheries	S/S W. Chesapeake Ave., 95' E. of Florida Ave.	0.2	D.R. 5.5	R.O.	D.R. 5.5
7	Ralph Conroy, et al	E/S Old Oak Rd., 77' E/W of West Liberty Rd.	2.2	B.L. - C.C.R.C. 2	B.M. - C.C.*	B.L. - C.C. R.C. 2
8	Operating Engineer 377 Pension Fund	N/W corner Garrison Forest Rd. & Cromwell Lane	3.6	D.R. 1	M.L. - I.M.	M.L. - I.M.
9	Operating Engineer 377 Pension Fund	275' S/W of Westchester Pike, 1375' N/W of Reisterstown Rd.	51.01	D.R. 5.5	D.R. 10.5	D.R. 5.5
10	Balco, Inc. & Elec. Co.	S/W/S of Reisterstown Rd., opposite Rosewood Lane	10.0	B.R. - I.M. M.L. - I.M.	B.M. - C.C.C.	B.R. - I.M. M.L. - I.M.
11	Since Spivack	N/E/S of Liberty Rd., 2321' N/W of Bear Park Rd.	0.5	D.R. 5.5	B.L.	D.R. 5.5
12	St. Mark's Roman Catholic Congregation, Inc.	N/W/S of Melrose Ave., 60' N/E of Winters Lane	0.3	D.R. 16	R.O.	R.O.

* Documented title plan
* S.E. for car sales

Item No. 9 is a request for a change from D.R. 5.5 and D.R. 3.5 to the D.R. 10.5 zoning classification. The zoning of the property was identified as a specific issue (3-45) during the processing of the 1984 Comprehensive Zoning Map. The Planning staff and the Planning Board recommended D.R. 10.5 zoning; however, the County Council adopted D.R. 5.5 and D.R. 3.5 zoning here. From a planning perspective, the Director is still of the opinion that D.R. 10.5 zoning is preferable; however, it is the Director's belief that the zoning adopted by the County Council provides for a reasonable use for the land.

Item No. 10 is a request for a change from B.R.-I.M. and M.L.-I.M. to the B.M.-C.C.C. zoning classification. The Director believes that the existing zoning provides for a reasonable use for the land and that the zoning map is correct. It should be noted that the B.R. zone is the most permissive commercial zone in Baltimore County, lists more than forty uses permitted as of right and by special exception, and, additionally, permits all of the uses delineated in the B.L. and B.M. zoning classifications. The M.L. zone lists more than 80 uses permitted as of right or by special exception.

Item No. 11 is a request for a change from D.R. 3.5 to the B.L. zoning classification. The Director believes that in view of the existing, occupied dwelling on the site, that the existing zoning provides for a reasonable use for the property; however, it is with great reticence that this recommendation is made. With the exception of this property and the lot with a dwelling abutting the easternmost boundary of the subject site, commercial zoning exists along the north side of Liberty Road throughout the area. Had the Planning staff noticed this while preparing the 1984 Comprehensive Zoning Map, the Director would have recommended B.L. zoning for both properties to a depth of approximately 300 feet; i.e., to the depth established on the property abutting the westernmost side of the subject property.

Item No. 12 is a request for a change from D.R. 16 to the R.O. zoning classification. It is the Director's opinion that the petitioner's request should be granted. With the exception of the subject property, all of the adjacent properties along the north side of Melrose Avenue in proximity to Winters Lane are zoned R.O. The granting of R.O. would be consistent with the established zoning pattern here.

Office of
PATUXENT PUBLISHING CORP.
10750 Lanes Park Drive
Columbia MD 21044

May 1 19 86

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR RECLASSIFICATION
was inserted in the following:
 Catonsville Times
 Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 3 day of May 19 86 that is to say,
the same was inserted in the ISSUES of
May 1, 1986

PATUXENT PUBLISHING CORP.
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff
vs.
Defendant

CERTIFICATE OF PUBLICATION OF

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William P. Hackett, Chairman, Board of Appeals
FROM: Ronald S. Hückernell, County Council
SUBJECT: St. Marks School

On Tuesday, May 20, the Board of Appeals was presented with a request to change the zoning classification on the St. Marks School.

When the Board has rendered its decision regarding this case, please send me a copy of its opinion.

RBH:dp

RECEIVED APPEALS COUNTY BOARD OF TOWSON, MD MAY 25 1985

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 11 N. Chesapeake Ave. Towson, Maryland 21284

Pastor John H. McCall, St. Mark's Roman Catholic Congregation, Inc., 27 Melvin Avenue, Catonsville, Maryland 21228

RE: Item No. 12, Cycle II, October, 1985 - April, 1986, Petitioner - St. Mark's Roman Catholic Congregation, Inc., Reclassification Petition

Dear Pastor McCall:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time. If you have any questions concerning these

Item No. 12, Cycle II, Reclassification Petition, Page 2, November 1, 1985

comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

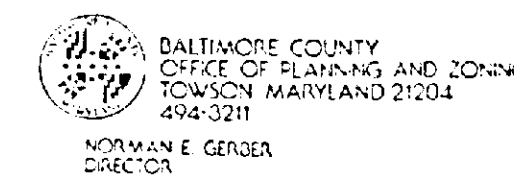
Very truly yours, James E. Dyer (in), JAMES E. DYER, Chairman, Zoning Plans Advisory Committee

JED:NBC:mr

Enclosures

cc: Keller & Keller, 3914 Woodlee Avenue, Baltimore, Maryland 21206

Mr. William Monk, P. O. Box 11415, Baltimore, Maryland 21239



Mr. Arnold Jablon, Zoning Commissioner, County Office Building, Towson, Maryland 21284

SEPTEMBER 24, 1985

Re: Zoning Advisory Meeting of September 17, 1985, Item #12 - Cycle II, Property Owner: ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC.

Dear Mr. Jablon:

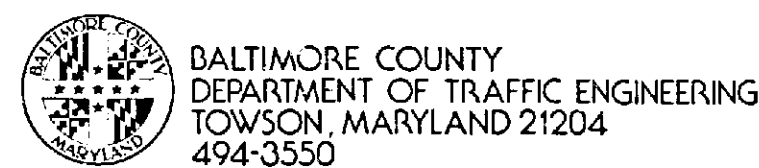
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment at this time.
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 circulation on this site is not satisfactory.
The access is not satisfactory.
The parking arrangement is not satisfactory.
The parking arrangement is not 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 use 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 [blank].
Landscaping: Must comply with Baltimore County Landscape Manual.
The property is located in a deficient service area as defined by Bill 128-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service area is [blank].
The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 128-79, and its conditions change annually. The traffic capacity may become more limited. The traffic capacity areas are re-evaluated annually by the County Council.

ANN FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL #66-87, THE DEVELOPMENT REGULATIONS.

Eugene A. Sober, Chief, Current Planning and Development

cc: James Hoswell



STEPHEN E. COLLINS, DIRECTOR

September 23, 1985

Mr. William Hackett, Chairman, Board of Appeals, Office of Law, Courthouse, Towson, Maryland 21204

Cycle II Meeting of September 17, 1985
Item No. 12
Property Owner: Saint Mark's Roman Catholic Congregation, Inc.
Location: NW side Melrose Avenue, 60' NE of Winters Lane
Existing Zoning: D.R. 16
Proposed Zoning: R.O.

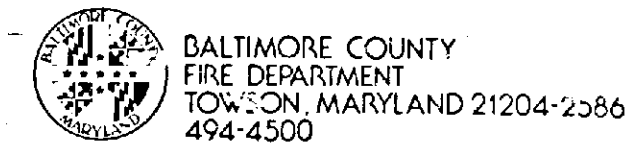
Acres: .330
District: 1st

Dear Mr. Hackett:

The existing DR 16 zoning can be expected to generate approximately 40 trips per day and 80 trips per day with the proposed R.O. zoning.

Michael S. Flanagan, Traffic Engineer Assoc II

MSP/bld



PAUL H. RENCKE, CHIEF

September 23, 1985

William Hackett, Chairman, Board of Appeals, Office of Planning and Zoning, Baltimore County Office Building, Towson, MD 21204

Attention: Nick Commodari, Chairman, Zoning Plans Advisory Committee

RE: Property Owner: St. Mark's Roman Catholic Congregation, Inc.

Location: NW side Melrose Avenue, 60' NE of Winters Lane

Item No.: 12 Zoning Agenda: Meeting of 9/17/85

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.

- X 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at [blank] 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.

REVIEWED BY [Signature] Noted and Approved: [Signature] Fire Prevention Bureau, Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William Hackett, Chairman, Board of Appeals, TO: Mr. James Dyer, Zoning Supervisor, Date: September 24, 1985

FROM: Charles E. Burnham, Chief, Building Plans Review, Permits and Licenses, SUBJECT: Cycle II Zoning Meeting Scheduled 9/17/85

ITEM #12 - Saint Mark's Roman Catholic Congregation, Inc., NW side Melrose Avenue, 60' NE of Winters Lane, 1st. Election District

Any construction, alterations, additions or improvements to the property shall comply with the Code in force at the time of permit application. The current Code is the Baltimore County Building Code composed of the 1984 Edition of the B.O.C.A. Basis National Building, Mechanical, and Energy Code as amended and adopted by County Council Bill #17-85. Also enforced by the jurisdiction is the State of Maryland Handicapped Code as revised January 1, 1985 and the American National Standard, A.N.S.I. A117.1 - 1980.

CEB/vw

PETITION FOR RECLASSIFICATION

LOCATION: Northwest Side of Melrose Avenue, 60 feet Northeast of Winters Lane, 1st. Election District.

PUBLIC HEARING: Tuesday, May 20, 1986, at 6:00 P.M.

The County Board of Appeals for Baltimore County, an authority of the Baltimore County Charter, will hold a public hearing:

To reclassify the zoning status of property from D.R. 16 Zone to a Residential Office Zone.

All that parcel of land in the 1st Election District of Baltimore County, Maryland, known as [blank]

Being for the same at the intersection of Melrose Avenue and Winters Lane on the Northwest side of Melrose Avenue and running along the West and Westward side of Winters Lane, N. 2742 1/2' W. 141.00' there being [blank]

having [blank] and running N. 2742 1/2' E. 144.83' to the East Northwest side of Melrose Ave. E. 4724 3/4' W. 143.00' to the place of beginning.

Containing 0.330 Acres of land more or less.

Being the property of Reverend William D. Borders, Roman Catholic Archbishop of Baltimore, as shown on the plat plus filed with the Zoning Department.

BY ORDER OF WILLIAM E. HACKETT, CHAIRMAN, BOARD OF APPEALS, BALTIMORE COUNTY, Md.

CERTIFICATE OF PUBLICATION

TOWSON, MD, May 1, 1986

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 May 1, 1986

THE JEFFERSONIAN, 18 Ventnor, Publisher

Cost of Advertising 27.50

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY, Towson, Maryland, RP 86-346

District 1st, Date of Posting May 1, 1986

Posted for: The Classification

Petitioner: Reverend William D. Borders, Catholic Archbishop of Baltimore

Location of property: NW side of Melrose Ave., 60' NE of Winters Lane

Location of Sign: NW side of Melrose Avenue, 60' NE of Winters Lane

Remarks: [Signature]

Posted by: [Signature], Date of return: May 7, 1986

Number of Signs: 7

CONTRACT OF SALE

THIS CONTRACT OF SALE (the "Contract"), made and entered into this day of August, 1985, by and between the MOST REVEREND WILLIAM D. BORDERS, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE, a Corporation Sole, and ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. (hereinafter collectively referred to as the "Seller") and JOHN W. LAUTERBACH, JR., W. GRANT LAUTERBACH and GILBERT E. SOUTH, (hereinafter collectively referred to as the "Purchaser");

WITNESSETH:

WHEREAS, Seller desires to sell to Purchaser and Purchaser desires to buy from Seller that certain tract of land together with any and all improvements thereon, located at 20 Winters Lane, situated in Baltimore County, Maryland, and more particularly described in paragraph 1 below;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and undertakings hereinafter set forth, and the deposit to be made as hereinafter described, and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Seller agrees to sell and convey to Purchaser, and Purchaser agrees to purchase from Seller the tract of land described in paragraph 1 below together with the improvements thereon on the terms and conditions hereinafter set forth:

- 1. Description of Property. All that tract of land located at the corner of WINTERS Lane and Melrose Avenue and running approximately 125 feet along Winters Lane and 125 feet along Melrose Avenue consisting of about 12,500 square feet.
2. Purchase Price. The purchase price shall be \$60,000.00 net to the Seller, which shall be paid as follows: (a) a deposit of \$500.00 to be paid simultaneously with the execution of this contract, and (b) the balance to be paid in the form of cash, certified check or cashiers check at the time of settlement.
3. Deposit and Settlement. The deposit of \$500.00 made pursuant to paragraph 2(a) shall be considered as a deposit and credited as such against the purchase price. The Seller shall deposit said \$500.00 in an interest bearing account, and notwithstanding any other provision of this contract, all interest earned on said deposit shall inure to the benefit of the Seller. It is agreed and understood that no part of the interest earned on said deposit shall be credited against the purchase price. Settlement is to occur on or before July 1, 1986, at the sole option of the Purchaser.

- 4. Insurance. The Seller shall immediately have all of the insurance policies on the property so endorsed as to protect the Purchaser and shall continue said insurance in force during the life of the Contract. In the event it shall be deemed by the Purchaser that the property is inadequately insured by the Seller, the Purchaser shall have the right, at Purchaser's option and expense, to obtain such insurance or additional insurance, as shall be satisfactory to Purchaser.
5. Condition of the Improvements. Purchaser acknowledges having inspected the improvements located on the property and purchasing the property in its "As Is" condition.
6. Seller's Warranties. The Seller warrants that:
(a) to the best of its knowledge, subject to hereinafter mentioned title examination, it has good and marketable fee simple title to the property free of liens and encumbrances except use and occupancy restrictions of public and publicly recorded easements for public utilities and any other easements which might be observed by an inspection of the property.
Purchaser shall at its expense proceed promptly to have the title to the Property examined by a Title Company and shall deliver prior to August 1, 1985 a full copy of the title report to Seller's counsel with copy of any liens, encumbrances and exceptions to title. Further, Purchaser must advise Seller in writing prior to August 1, 1985 of any objections it has to the title. If no written objection is received by Seller within said time period then Purchaser shall have waived its right to object and shall be required to accept title subject to the liens, encumbrances and exceptions set forth on the aforesaid title report. If prior to August 1, 1985, Purchaser does object then Seller shall have the right to cure same at its expense for a period of sixty (60) days from not have succeeded in removing, remedying or satisfying such objectionable liens, encumbrances, or exceptions. Seller shall give the Purchaser written notice thereof and Purchaser shall have ten (10) days from the mailing of such notice to elect by written notice to Seller to purchase the property, subject to unwilling to waive its objections and to close this transaction, this Contract shall be cancelled. In the event of cancellation of this Contract under any of the circumstances referred to in this Section, the Contract shall

- cease, terminate and come to an end, and neither party hereto shall have any rights, obligations or liabilities against or to the other, except that Purchaser shall be entitled to the return of its deposit. Nothing herein contained shall obligate Seller to cure or remove any such title defect or objection;
(b) it has not dealt with any real estate agent or broker in connection with transaction other than James W. Mohler of Whalen Properties;
(c) it has not, and will not, while this Contract is in full force and effect, enter into any other option or contract of sale or execute any deeds, easements, or rights-of-ways affecting the property; and
(d) the persons executing this Contract have full power and authority to execute this Contract.

7. Right of Entry. From and after the date hereof and until settlement or until this Contract is terminated, Purchaser, its employees and agents shall have the right to enter the property, including any structures thereon, from time to time and make surveys, examinations and studies, as Purchaser may determine to be necessary and desirable, so long as such studies do not result in a material change in the present character of the property. Purchaser shall hold Seller harmless from and against any claim for personal injury or damage resulting from Purchaser's entry. As a condition to Purchaser's entry, Purchaser shall procure and maintain a policy of insurance insuring Purchaser and Seller against any and all liabilities for injury to or death of a person or persons and from damage or destruction of the property occasioned by or arising out of or in connection with Purchaser's entry onto the property. The limits of such policy shall be in an amount not less than \$500,000.00 with respect to bodily injury or death per any one occurrence and \$100,000.00 with respect to property damaged or destroyed.

8. Development and Governmental Approvals. Purchaser, at its sole expense, shall be responsible for obtaining any and all necessary approvals and consents including but not limited to those required by Baltimore County in connection with any planning, subdivision, buildable lot and/or rezoning issues and those required of any adjoining landowner including but not limited to temporary or permanent easements, setbacks and use. Further, Purchaser during the term of this Contract shall have the right to apply for any and all zoning variances, zoning exceptions, subdivision plats and building permits and Seller shall sign any and all of said applications and plats.

Seller agrees to provide Purchaser fourteen (14) additional parking spaces located on the church property for a period of five years. The Pastor of St. Mark's Parish has designated these 14 parking spaces to be located on the east side of the large "new church", if the County Zoning Board requires the Purchaser to provide such parking spaces, in order to obtain the proper zoning or special exceptions. The Purchaser shall have an option to lease the said 14 spaces for an additional five year period if such a period is required by the County. The amount of rental payment for any such additional five year terms shall be agreed upon by the parties or shall be established by an appraiser agreed upon by both parties. Further all rights to the use of 14 parking spaces established hereunder shall never extend to Saturday afternoons and Sundays and religious holidays when Masses are being held in the large "New Church".

Seller shall cooperate with Purchaser in obtaining said approvals but shall not be obligated to pay for or assume the costs thereof.
9. Contingencies. This Contract shall be contingent on the ability of the Purchasers obtaining zoning changes that will allow them to convert said property to offices covered under zoning code R. O. or being granted special exceptions from Baltimore County to proceed with building plans to convert said property to offices with assurance that zoning approval would be granted in the future, or that the special exceptions so granted would be a perpetual one.

10. Conveyance. Settlement is to be made at a time and place mutually satisfactory to both parties in accordance with the terms hereof, but in any event settlement shall be no later than September 1, 1986. Notice shall be given by the Purchaser to the Seller at least five (5) days in advance of the date fixed by the purchaser for closing. Seller agrees to execute and deliver a deed for the property containing covenants of special warranty and further assurances to Purchaser and agrees to give possession and occupancy at the time of settlement. Each party shall be responsible for its own legal fees in connection with the settlement; the Purchaser shall pay the cost of all recordation, transfer taxes, documentary stamps and fees which may be required for the transfer of title. Time shall be of the essence of this contract.

11. Risk of Loss by Condemnation. In the event that prior to settlement the title property shall be condemned by any public or quasi public authority under the power of eminent domain, or in the event that an offer to purchase the property, in whole or in part, in lieu of condemnation shall be received by the seller from any public or quasi public authority, then and in either of such events, the Seller shall give the

Purchaser notice within twenty-four (24) hours thereafter and terminate this Contract, and pay the deposit to the Purchaser plus all accrued interest. Thereupon this Contract shall terminate without further force, effect, or liability.

In the event part of the property shall be condemned, the risk of loss by condemnation shall be borne by the Purchaser and the obligations of the parties shall continue unimpaired and Purchaser shall have the right to participate in any condemnation proceeding or offer to purchase in lieu thereof until settlement. At settlement, Seller shall assign to Purchaser all its right, title and interest in the condemnation awards, contracts of purchase in lieu thereof, the sale proceeds and any other interests pertaining to said condemnation or purchase in lieu thereof.

12. Broker. The Purchaser hereby agrees to pay an 8% broker's fee at the time of settlement to James W. Mohler of Whalen Properties in cooperation with Edward J. Warren of Edward J. Warren, Inc.

13. Notices. All notices and communications hereunder, including change of address, shall be in writing and shall be deemed to have been duly given if delivered or mailed, registered or certified mail, first class, postage prepaid.

- (a) If to Seller: Archbishop William D. Borders, c/o Richard D. Berndt, Esquire, Gallagher, Evelius & Jones, 1100 One Charles Center, Baltimore, Maryland 21201
(b) If to Purchaser: Gilbert E. South, President, Frontier Systems of America, Inc., #2 Winters Lane, Baltimore, Maryland 21228

14. Covenants. The parties to this Contract mutually agree that it shall be binding upon them and each of their successors, heirs and assigns, however, Purchaser may only assign this Contract to an entity in which Purchaser manages in the event the entity is a partnership or in which Purchaser owns more than 50% of the stock in the event the entity is a corporation. This Contract contains the final and entire agreement between the parties hereto, and neither they nor their agents shall be bound by any terms, conditions,

warranties, or representations, oral or written, not herein contained.

IN WITNESS WHEREOF, the parties herein have executed this Contract on the day, month and year first herein written.

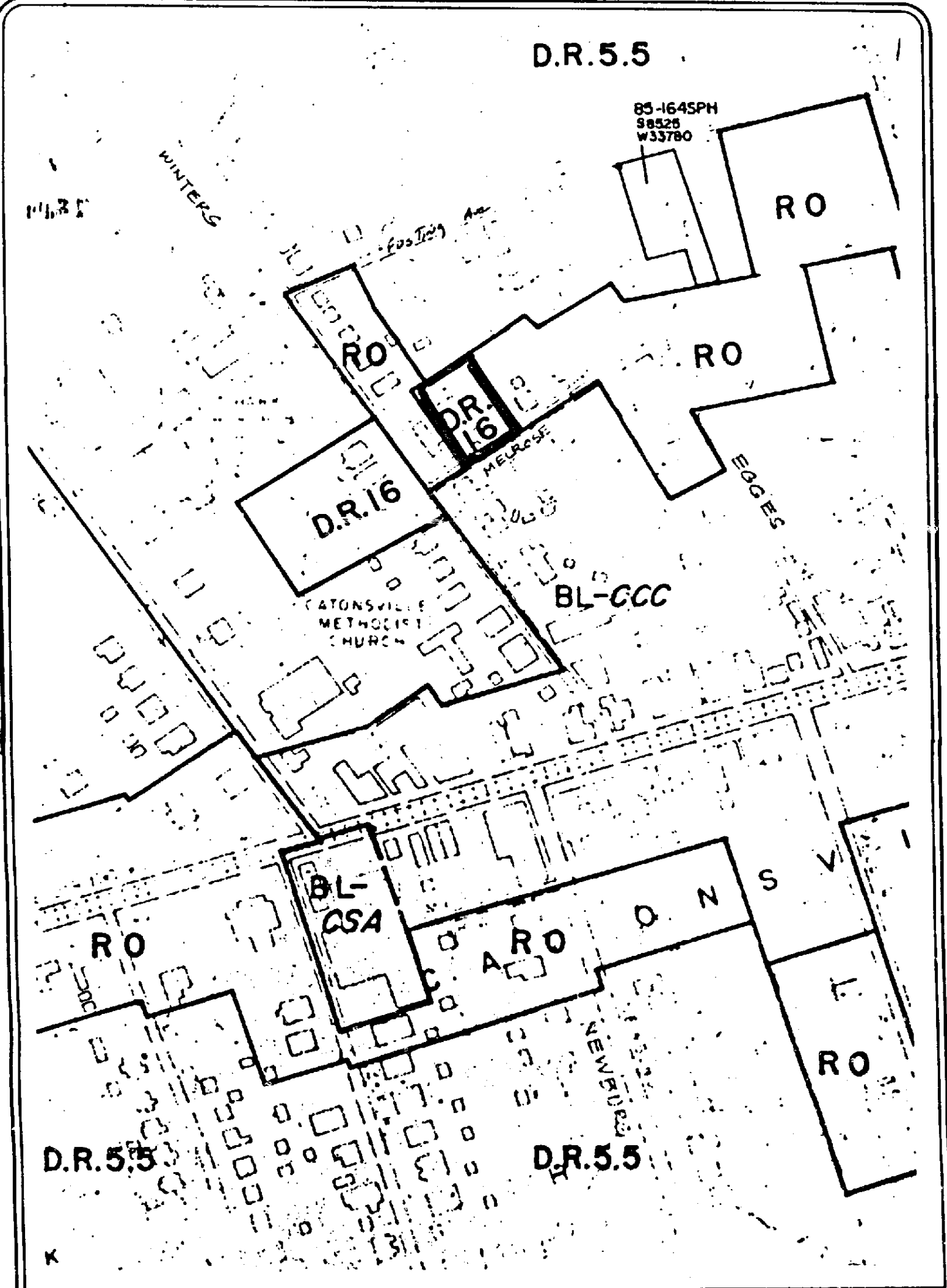
ATTEST: SELLER: Most Reverend William D. Borders, Roman Catholic Archbishop of Baltimore, a Corporation Sole

Witness: St. Michael's, Baltimore, Md. (Signature) William D. Borders (SEAL) Most Reverend William D. Borders, St. Mark's Roman Catholic Congregation, Inc.

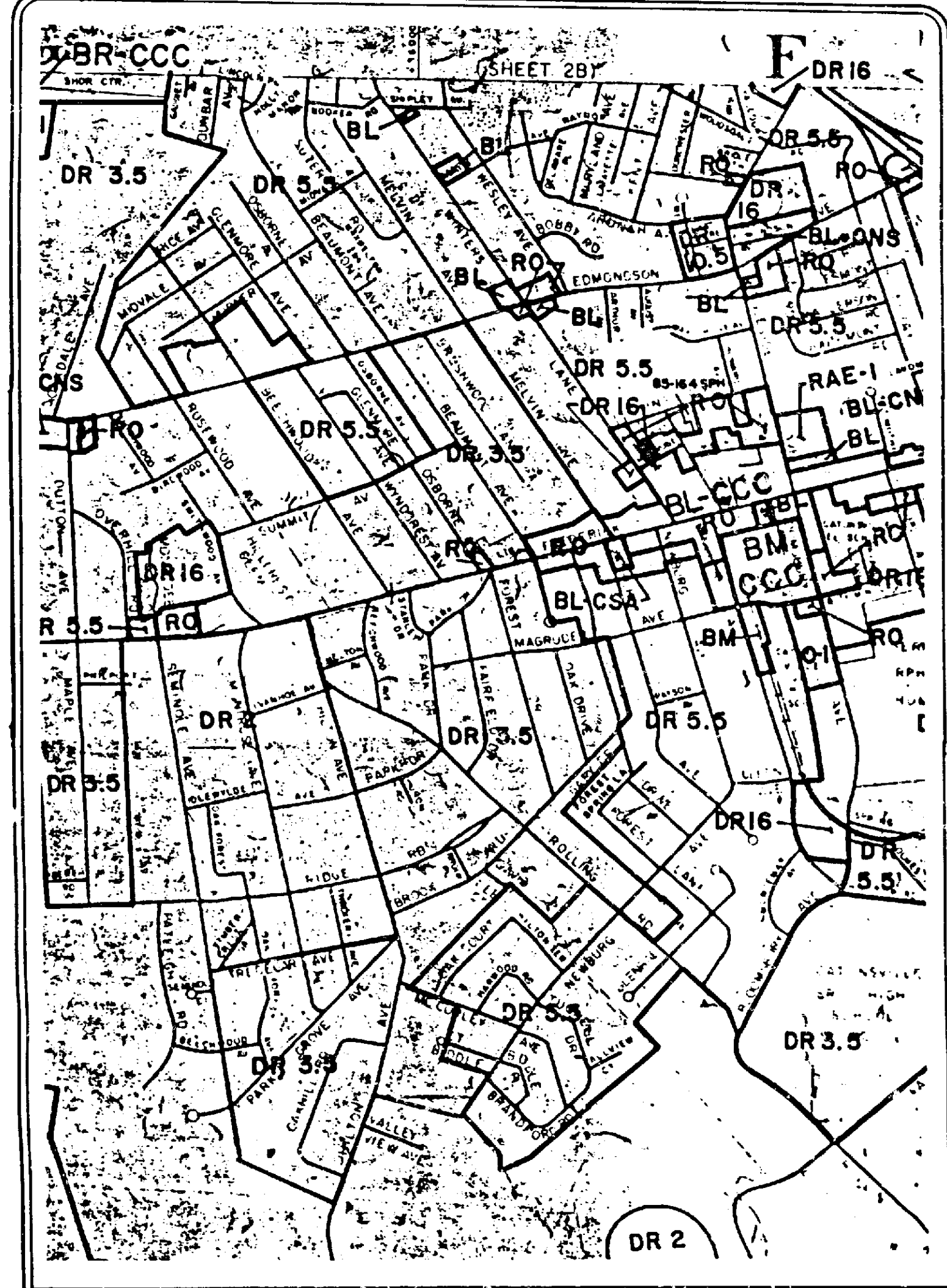
Witness: Holy Cross, Baltimore, Md. (Signature) Monsignor John H. McCall, Secretary/Treasurer

WITNESS: PURCHASER: John W. Lauterbach, Jr. (SEAL) W. Grant Lauterbach (SEAL) Gilbert E. South (SEAL)

0189-B/20/85-ROB



ST. MARKS OLD SCHOOL 20 WINTERS LANE CATONSVILLE, MARYLAND 21228 SCALE 1" = 200' August 28, 1985 Part of Sheet S.W. 3-F INSERT MAP TAKEN FROM 1984 ZONING MAP BALTIMORE COUNTY, MD Item 12 Cycle II



ST. MARKS OLD SCHOOL 20 WINTERS LANE CATONSVILLE, MARYLAND 21228 SCALE 1" = 1000' August 28, 1985 Part of Map 2A INSERT MAP TAKEN FROM 1984 ZONING MAP BALTIMORE COUNTY, MD Item 12 Cycle II OFFICE COPY

**PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.16 zone to an Residential - Office zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED
COUNTY BOARD OF APPEALS
1985 AUG 30 AM 10

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Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and use to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Gilbert E. South, ETAL (Type or Print Name) <i>Gilbert E. South</i> Signature	Legal Owner(s): REVEREND WILLIAM D. BORDERS, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE (Type or Print Name) Signature ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. (Type or Print Name) <i>William D. Borders</i> Signature
4 Winters Lane Address Catonsville, Maryland City and State	27 Melvin Avenue Address Catonsville, Maryland 21228 City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name Address Phone No.
Attorney's Telephone No.:	

BANC-Form 1

St. Mark's Roman Catholic Congregation, Inc.
NW/S Melrose Ave., 60' NE of Winters Lane
1st Elec. Dist.

I believe the reclassification of the Subject property from D.R.16 to Residential-Office should be made for the following reasons:

ERROR

- 37.28% of the old school site is presently zoned R.O. and 62.72% is zoned D.R.16. For consistency the entire parcel should be the same.
- The entire front of Winters Lane, on the east side, between Melrose and Fusting is zoned R.O. and the land adjacent to and in the rear of the old school parcel is zoned R.O. leaving just a small strip of D.R.16 between the two R.O. zoned lands. It would seem consistent to zone this small D.R.16 parcel to R.O.
- The south side of Melrose Avenue is zoned B.L. - CCC. Section 203.2 states that R.O. zoning is to accommodate conversions to office building in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors. This site meets this criteria.
- The site as it exists now is not economically feasible to be used for residential purposes. Section 203.1 paragraph A and B and C of the Baltimore County regulations seem to favor reclassifying this site to R.O.
- The site meets the criteria mentioned in the Baltimore County Zoning Regulations, Interim Edition, March 1985, Appendix F, Article V Section 2-58.1 paragraph J subparagraph 2.

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

REASONS FOR RECLASSIFICATION

PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION

Aug. 29th, 1985

Lot in rear of #20 Winters Lane for Reclassification

Beginning for the same at a point on the Northwest side of Melrose Ave. at the distance of 60' measured Northeasterly from the Northeast side of Winters Lane; thence binding along Melrose Ave. N. 67°26'13" E. 101.56'; thence leaving Melrose Ave. and running N. 25°32'50" W. 144.63'; thence S. 66°32'09" W. 98.60' and thence S. 24°23'13" E. 142.95' to the place of beginning.

Containing 0.330 Acres of land more or less.



George T. Keller
George T. Keller
Reg. Prof. Propt. L.S.#67

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

REAR OF 20 WINTERS LANE PROPOSED ZONING CHANGE FROM EXISTING D.R.16 TO R.O.

PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION

Aug. 29th, 1985

Old School Property
Northwest Corner of Winters La. & Melrose Ave.

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°23'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'50" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'13" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.



George T. Keller
George T. Keller
Reg. Prof. Propt. L.S.#67

ST. MARKS OLD SCHOOL
20 WINTERS LANE
CATONSVILLE, MARYLAND

DESCRIPTION OF THE ENTIRE OLD SCHOOL PARCEL WHICH IS NOW ZONED R.O. AND D.R.16

ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. R-86-346
Item #12, Cycle II, 1985
NW/S Melrose Avenue, 60'
NE of Winters Lane 1st District
D.R. 16 to R.O. .330 acres

Aug. 30, 1985 Petition filed

John McCall, Pastor Petitioner
St. Mark's R.C. Congregation, Inc.
27 Melvin Avenue (21228)
Gilbert E. South, et al Contract Purchaser
4 Winters Lane (21228)
Phyllis Cole Friedman People's Counsel

James Earl Kraft
Baltimore County Board of Education
2121 Abingdon Road (21204)
Michael Magraw - 400 Royal Fed Bldg
Phyllis Friedman } P.C.
Ronald Hickernell, County Council
Hannah Lindsey
506 Royal Oak (21228) (handwritten signature)

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. R-86-346

OPINION

This case comes before this Board on a petition for reclassification of a portion of the property located on the corner of Winters Lane and Melrose Avenue, in the First Election District of Baltimore County. This property is an abandoned school building and has been abandoned for some ten or more years. At the present time the property is bisected by the zoning demarcation line, the Winters Lane area of some .196 acres being zoned R.O. and the rear portion of some .33 acres along Melrose Avenue being zoned D.R. 16. This zoning classification was assigned to this property in the 1980 comprehensive map process and since no issue was raised during the 1984 map process, the zoning remained unchanged. In December, 1985, a petition for a special exception to permit a Community Care Facility on this site was granted by the Zoning Commissioner. Once this special exception was granted an actual cost estimation was undertaken to determine the cost to renovate this old building and bring it into compliance with all Baltimore County regulations necessary to operate a Community Care Facility on the site. This cost survey indicated the renovation costs associated with this proposed use to be too expensive to be feasible and this project was abandoned. There is now a contract purchaser

ST. MARK'S - #R-86-346 2.
for the site who proposes to renovate this structure for office use only but can only do so if the entire site is zoned R.O. The case was heard on this day, May 20, 1986, in its entirety.

Mr. Grant Lauterbach, contract purchaser, first testified as to his proposed use of the building as offices and entered Petitioner's Exhibits #1 and #2.

Mr. James W. Mohler, real estate expert next testified. Mr. Mohler noted the need for office space in this area and testified that this old school building was adaptable for office use.

Mr. William Monk, a land planner, next testified. Mr. Monk described all the nearby and abutting zoning classifications and land uses, and testified as to the appropriateness of R.O. use here as described in the Baltimore County Zoning Regulations (BCZR), §203, and the practicality of this proposed use as regards to its impact on the neighborhood. This concluded Petitioner's case.

No Protestants testified in opposition to this petition. People's Counsel presented only one witness to this Board, Mr. James Hoswell, Planner for Baltimore County. He entered as People's Counsel's Exhibit #1 the report by the Director of the Office of Planning and Zoning on this reclassification petition identified as Item #12, such Item recommending the R.O. zoning. Mr. Hoswell also entered as People's Counsel's Exhibit #2 the report to this Board by the Baltimore County Planning Board which also recommended R.O. zoning. In addition, he testified that it was his opinion the zoning line as drawn and shown on Petitioner's Exhibit #7 was in error and should have at least gone between the two buildings instead of through the larger building. This concluded testimony in this case.

ST. MARK'S - #R-86-346 3.

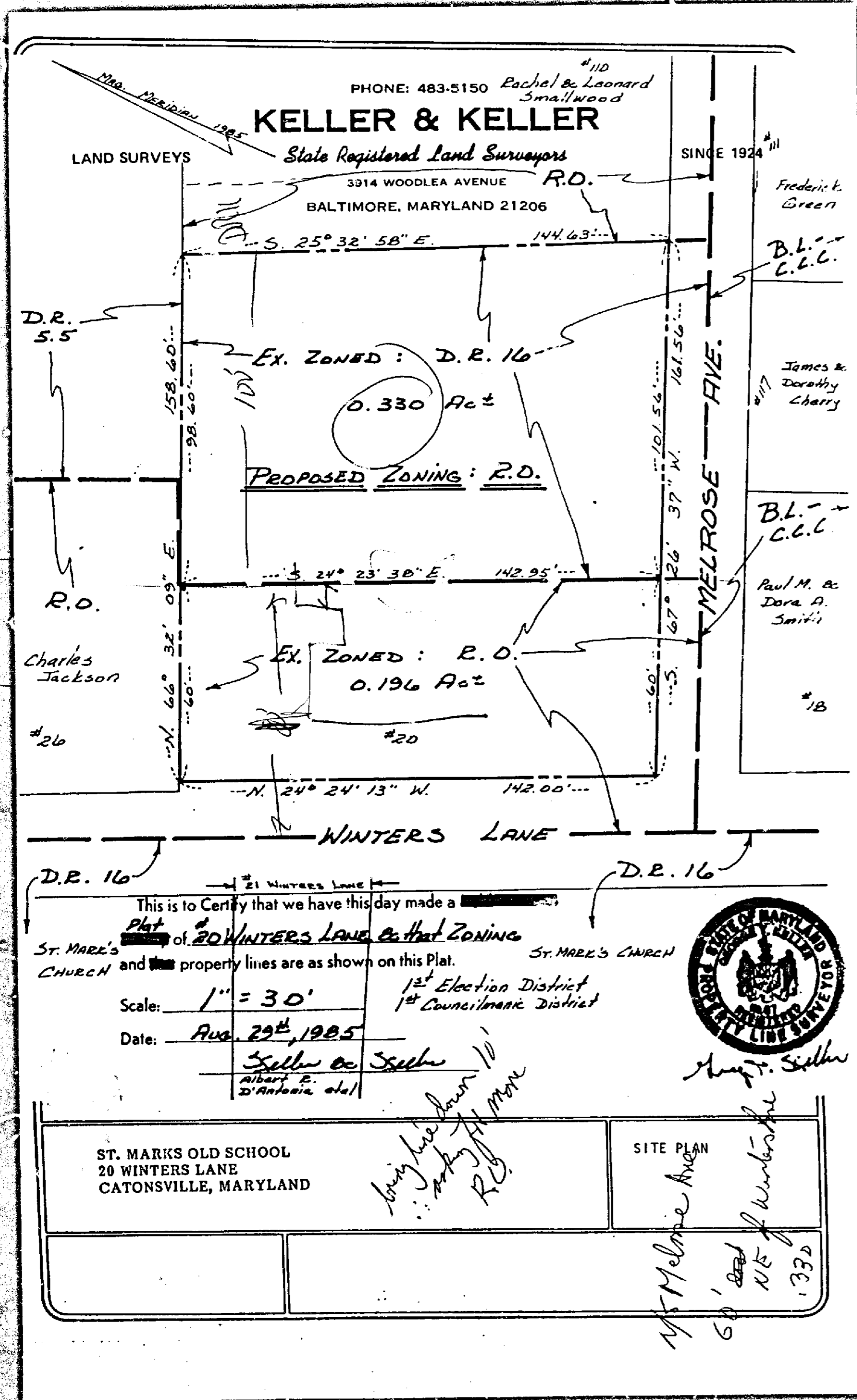
After consideration of all the testimony and evidence received this day, the Board is of the opinion that the zoning line as now drawn is in fact in error. Had the special exception permitted use as a Community Care Center been feasible, a reasonable use of the property would have been possible. Since this possibility no longer exists, no really reasonable use of this property exists. Parcel "A", containing .196 acres and a portion of the original building is zoned R.O. but would appear impractical to utilize without the remainder of the building. Parcel "B", containing some .33 acres and a portion of the original building, is zoned D.R. 16 and would appear impractical to utilize, especially since it is so small and virtually surrounded by R.O. and B.L.-C.C.C. zoned land.

For all the above reasons, the Board is of the opinion that the present bifurcated zoning is, in fact, in error and will order the zoning line relocated so as to provide R.O. zoning for the entire parcel.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of Sept. 1986, by the County Board of Appeals, ORDERED that the R.O. zoning line be relocated northeast until it intersects the existing R.O. zoning at that point, thus GRANTING the entire parcel in question the petitioned for R.O. zoning classification.

Any appeal from this decision must be in accordance with Rules

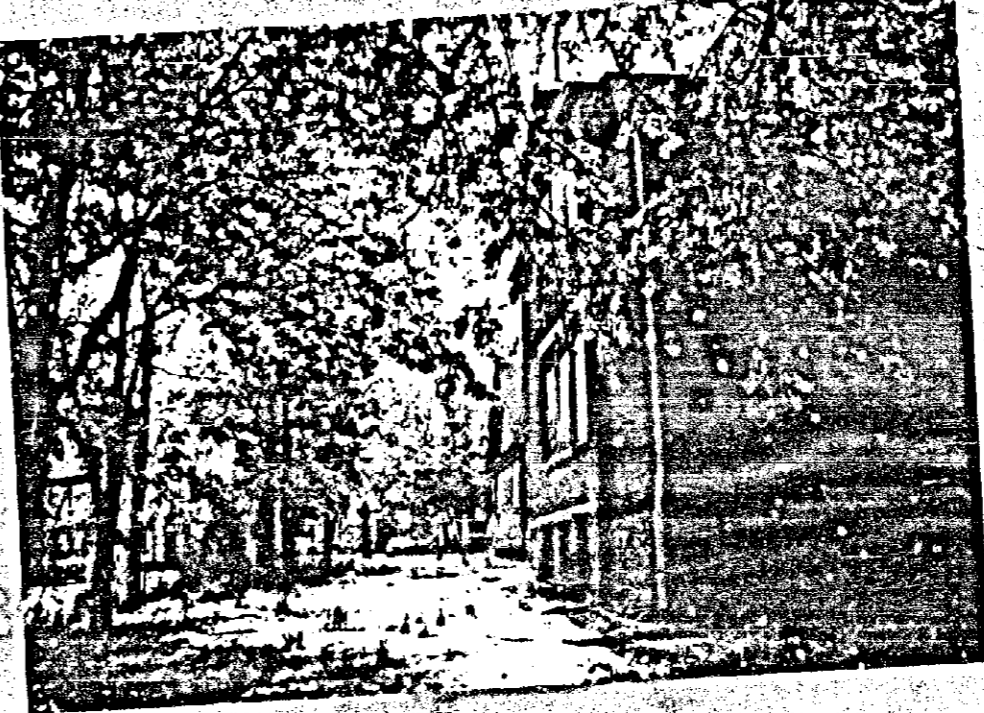
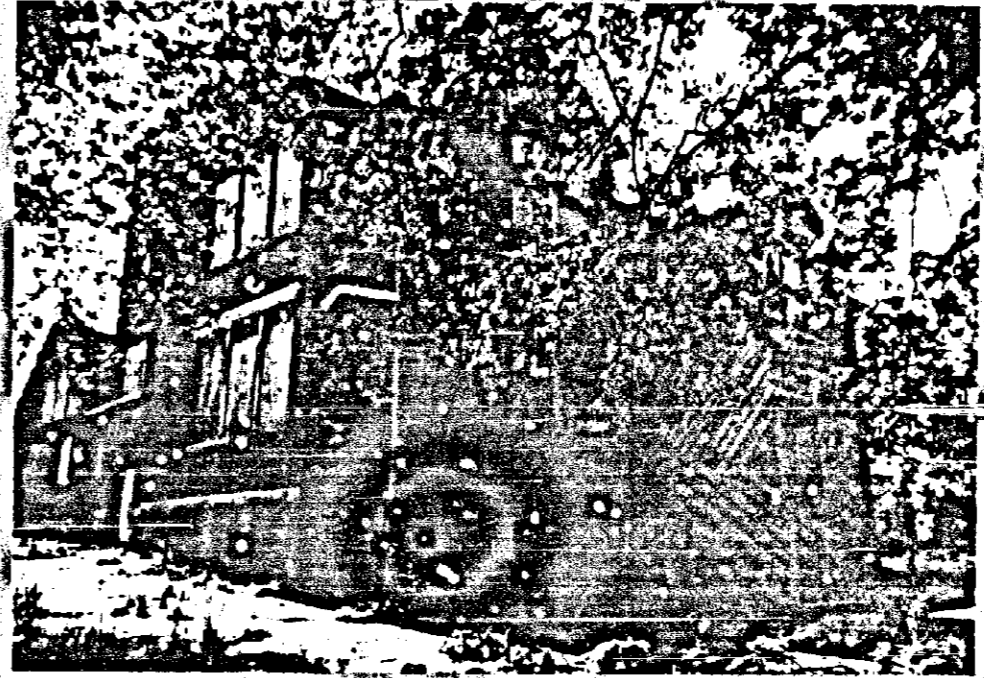
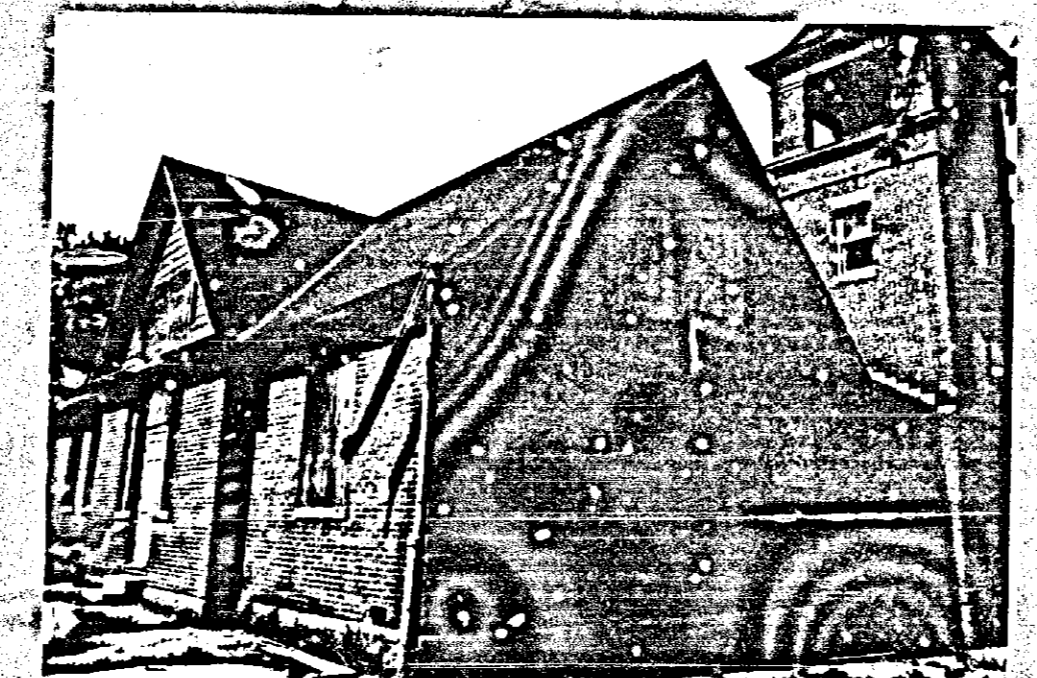
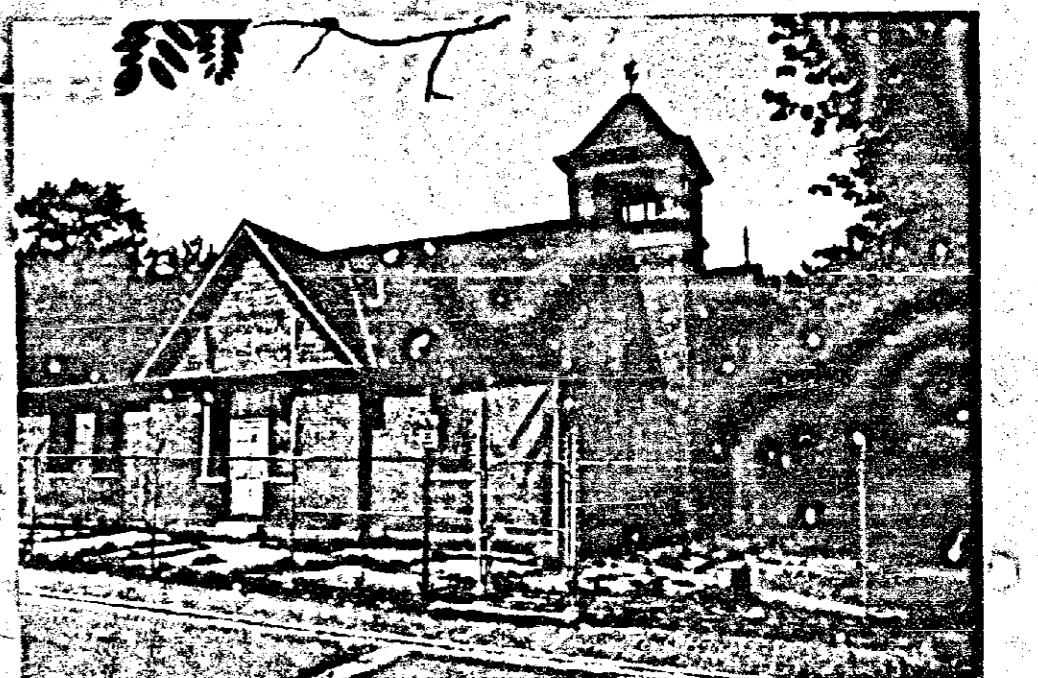
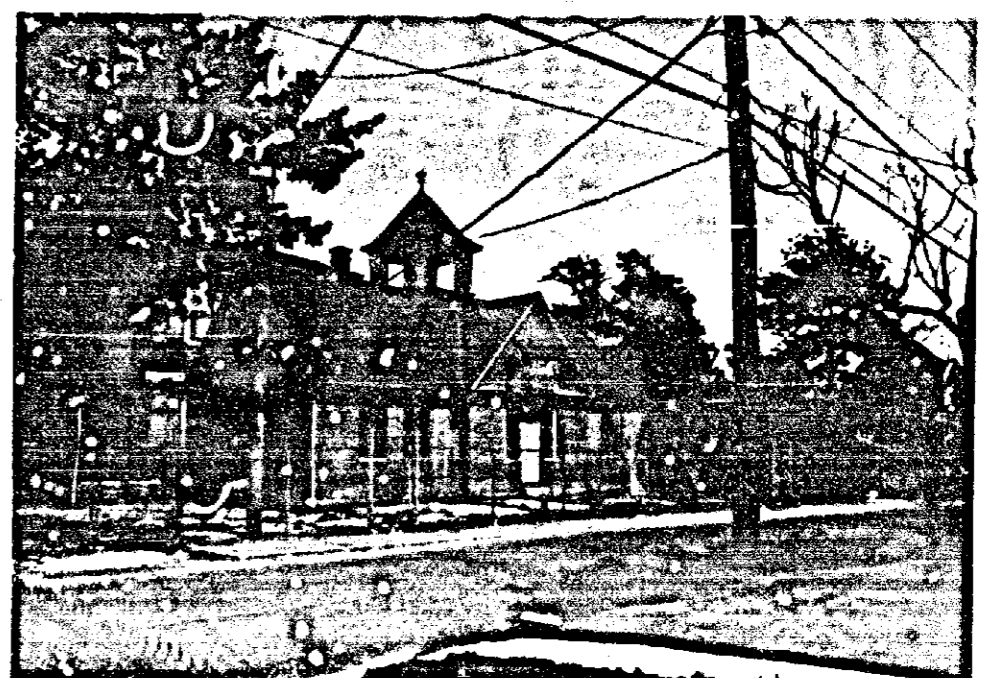


Catonsville Civic League ONE
 506 Cargelane Catonsville Md 21228
 5/15/86

Board of Appeals Members
 Speaking for the Winters Lane Community
 We are in favor of the change in zoning
 of Old Saint Marks School the subject property
 for office space This kind of thing is much
 needed in the community

Yours Truly
 Hannah Lindsey pres.

RECEIVED BOARD OF APPEALS
 COUNTY OF BALTIMORE
 MAY 19 1986



BOARD OF APPEALS
 METROPOLITAN'S



H-NE G-NW
 H-SE G-SW

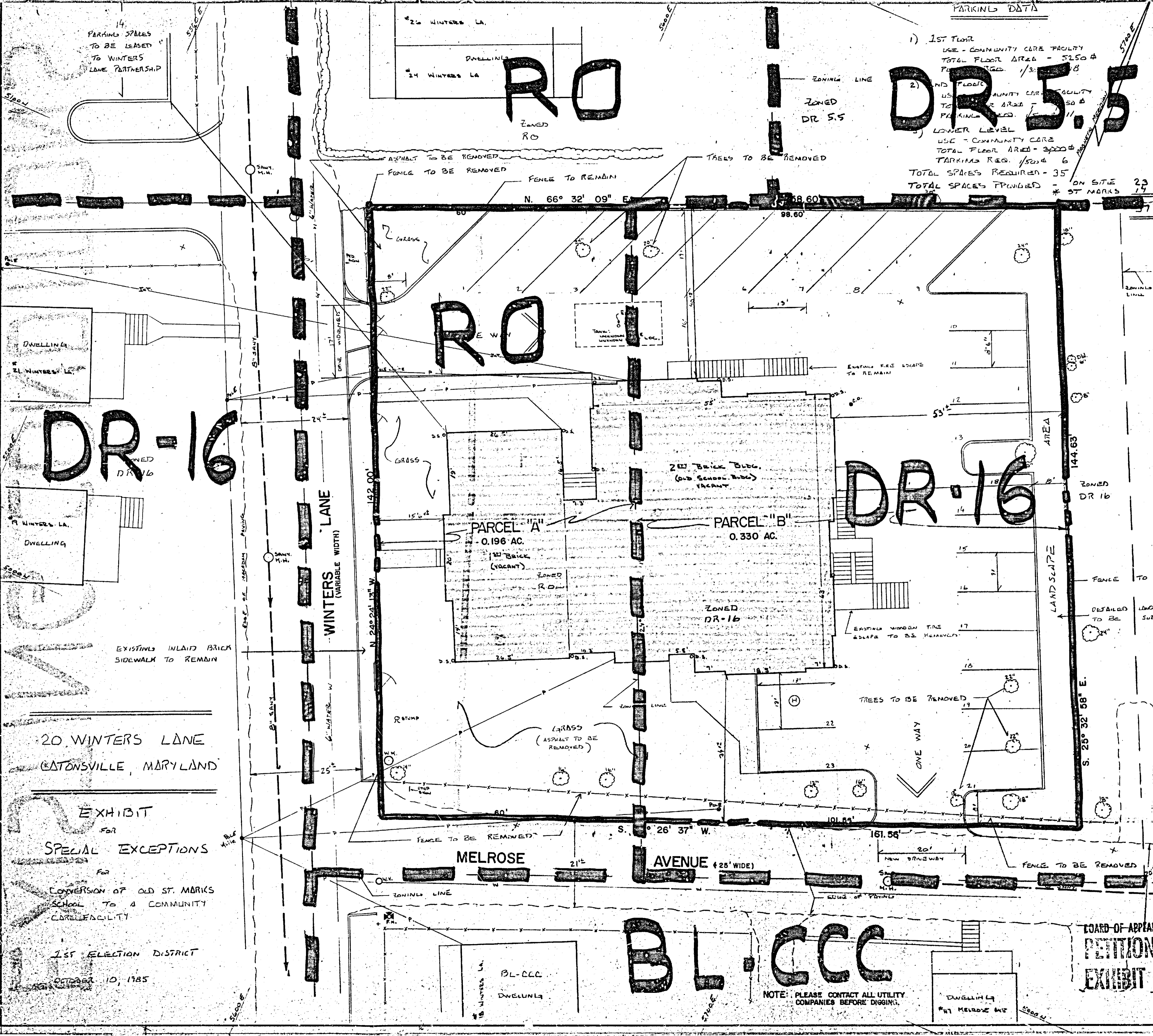
1976 COMPREHENSIVE ZONING MAP
 ADOPTED BY THE
 BALTIMORE COUNTY COUNCIL
 OCT. 7, 1976 & OCT. 8, 1976
 B. L. NOS: 108, 76, 109, 76, 110-76, 111-76,
 112-76, 113-76, and 114-76

CHAIRMAN COUNTY COUNCIL

PHOTOGAMMETRIC MAP OF
 BALTIMORE COUNTY METROPOLITAN AREA
 OFFICIAL ZONING MAP

REVISIONS		SCALE		LOCATION		SHEET	
BY	DATE	1" = 200'		CATONSVILLE		SW	
		DATE OF PHOTOGRAPHY				3-F	
		APRIL 1953					

Compiled By Photogrammetric Methods
 AERO SERVICE CORPORATION-PHILADELPHIA, PA



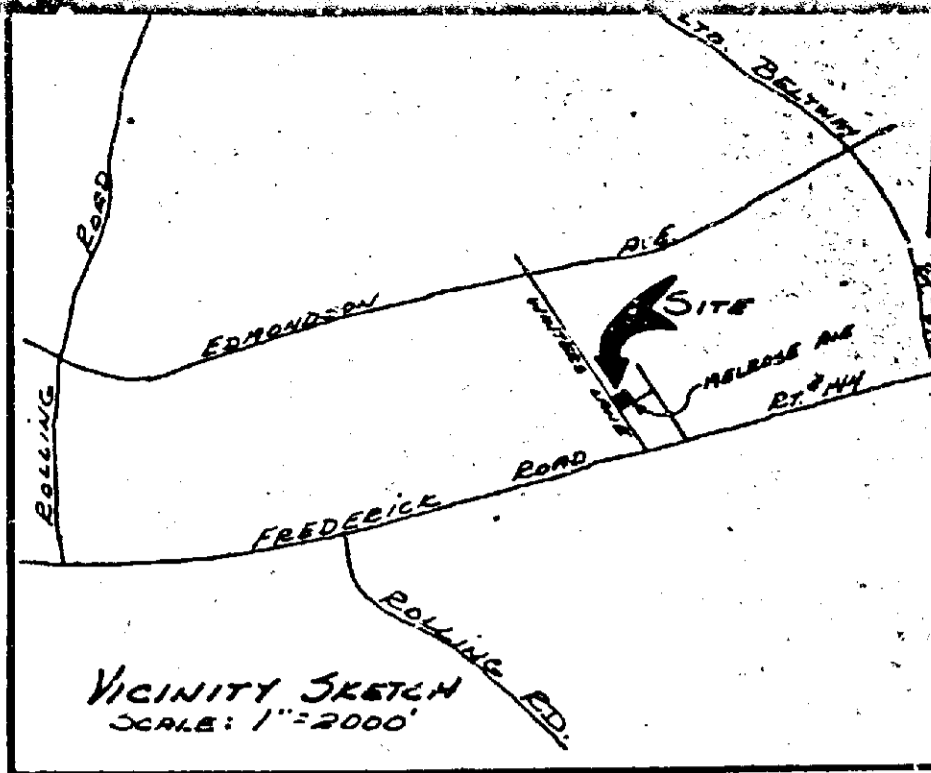
PARKING DATA

1) 1ST FLOOR
 USE - COMMUNITY CARE FACILITY
 TOTAL FLOOR AREA - 5250 sq ft
 PARKING REQ. 1/30 = 175

2) 2ND FLOOR
 USE - COMMUNITY CARE FACILITY
 TOTAL FLOOR AREA - 5250 sq ft
 PARKING REQ. 1/30 = 175

3) LOWER LEVEL
 USE - COMMUNITY CARE FACILITY
 TOTAL FLOOR AREA - 3000 sq ft
 PARKING REQ. 1/50 = 60

TOTAL SPACES REQUIRED - 350
 TOTAL SPACES PROVIDED - 23 ON SITE
 * ST MARKS 17



- NOTES**
- EXISTING ZONING
 - A) PARCEL "A" (FRONT PORTION) RO 8534 sq ft
 - B) PARCEL "B" (REAR PORTION) DR-16 19,375 sq ft
 - LOT AREA - 22,913 sq ft - .526 ACRES
 - EXISTING USE - VACANT 2 STORY SCHOOL WITH BASEMENT (FORMER ST MARKS SCHOOL)
 - PROPOSED USE - COMMUNITY CARE FACILITY BY SPECIAL EXCEPT
 - BUILDING AREA

FLOOR	AREA (sq ft)
FIRST FLOOR	5,250
2ND FLOOR	5,250
LOWER LEVEL	3,000
TOTAL	13,500
- * THE DR-16 ZONED PORTION OF THE SITE HAS BEEN SUBMITTED FOR RECLASSIFICATION TO RO. THE BALTIMORE COUNTY COUNCIL WILL ACT ON THE APPLICATION SPRING 1984.
- * THE WINTERS LANE PARTNERSHIP HAS LEASED 14 PARKING SPACES FROM ST MARKS. THE APPROVAL OF THESE SPACES IS SUBJECT TO A SPECIAL HEARING TO ALLOW OFF-STREET PARKING IN A RESIDENTIAL ZONE.

APPLICANT:
 WINTERS LANE PARTNERSHIP
 4 WINTERS LANE
 CATONSVILLE, MD. 21228

SCALE: 1" = 10'
 DATE: OCT. 8th, 1985

Heard Spiller
 RES. PROF. PROPT. L.S. NO. 67

KELLER & KELLER
 LAND SURVEYORS
 3914 WOODLEE AVE.
 BALTO., MD. 21208
 301-493-5150

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 7

DR-16

RO

DR-5.5

DR-16

RO

BL-CCC

20 WINTERS LANE
 CATONSVILLE, MARYLAND

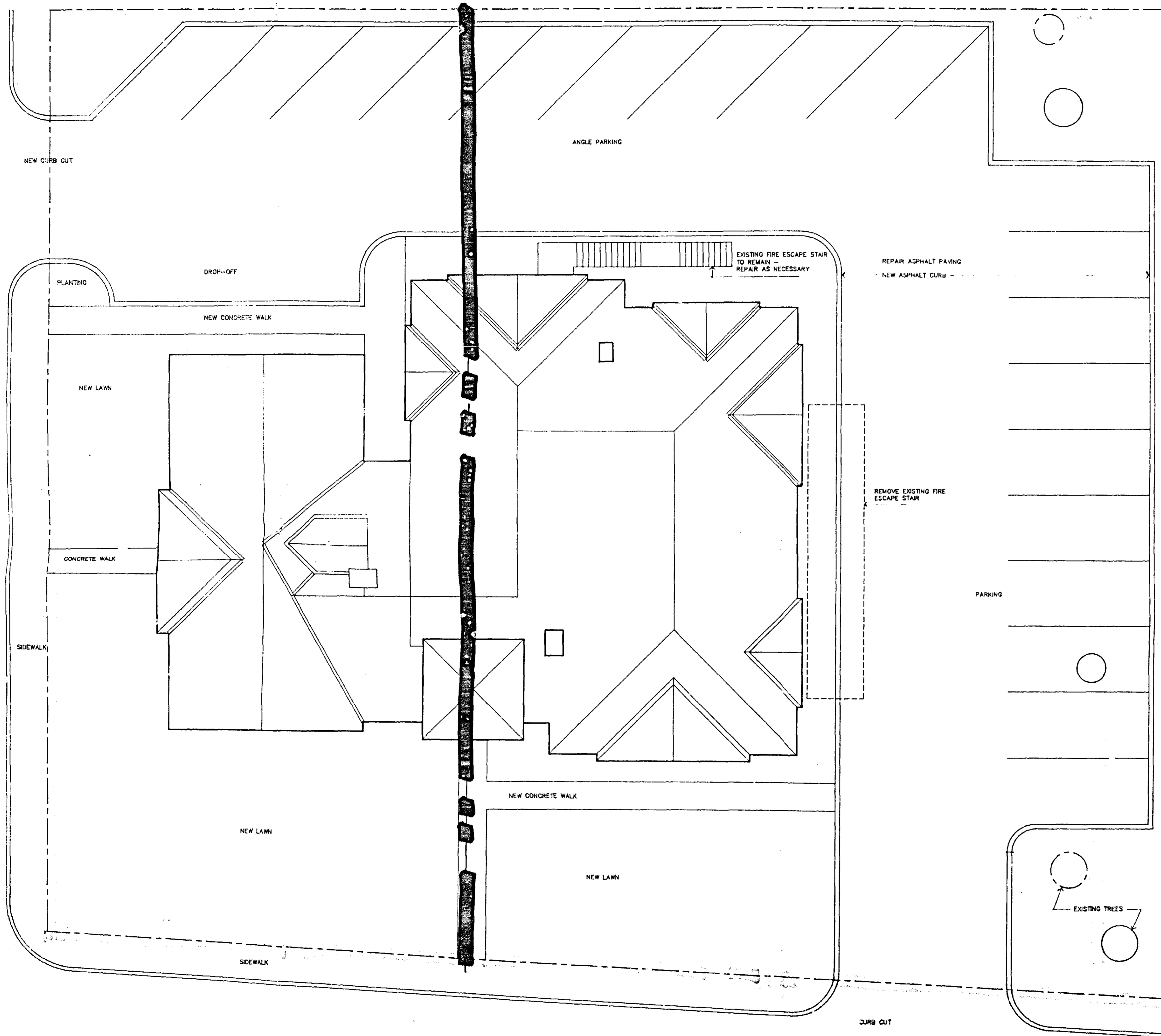
EXHIBIT
 FOR
 SPECIAL EXCEPTIONS

FOR
 CONVERSION OF OLD ST. MARKS
 SCHOOL TO A COMMUNITY
 CARE FACILITY

1ST ELECTION DISTRICT
 OCTOBER 10, 1985

NOTE: PLEASE CONTACT ALL UTILITY COMPANIES BEFORE DIGGING.

WINTERS LANE



SITE PLAN
1/8" = 1'

BOARD OF APPEALS
PETITIONER'S
EXHIBIT # 8

REVISIONS

SEAL

Owner & Developer: Bach Brothers Inc.
ST MARKS
RENOVATION

DAVIS S. SHULL A.I.A.
ARCHITECTS
518 S. HANOVER STREET
BALTIMORE, MD 21201
(301) 332-0128

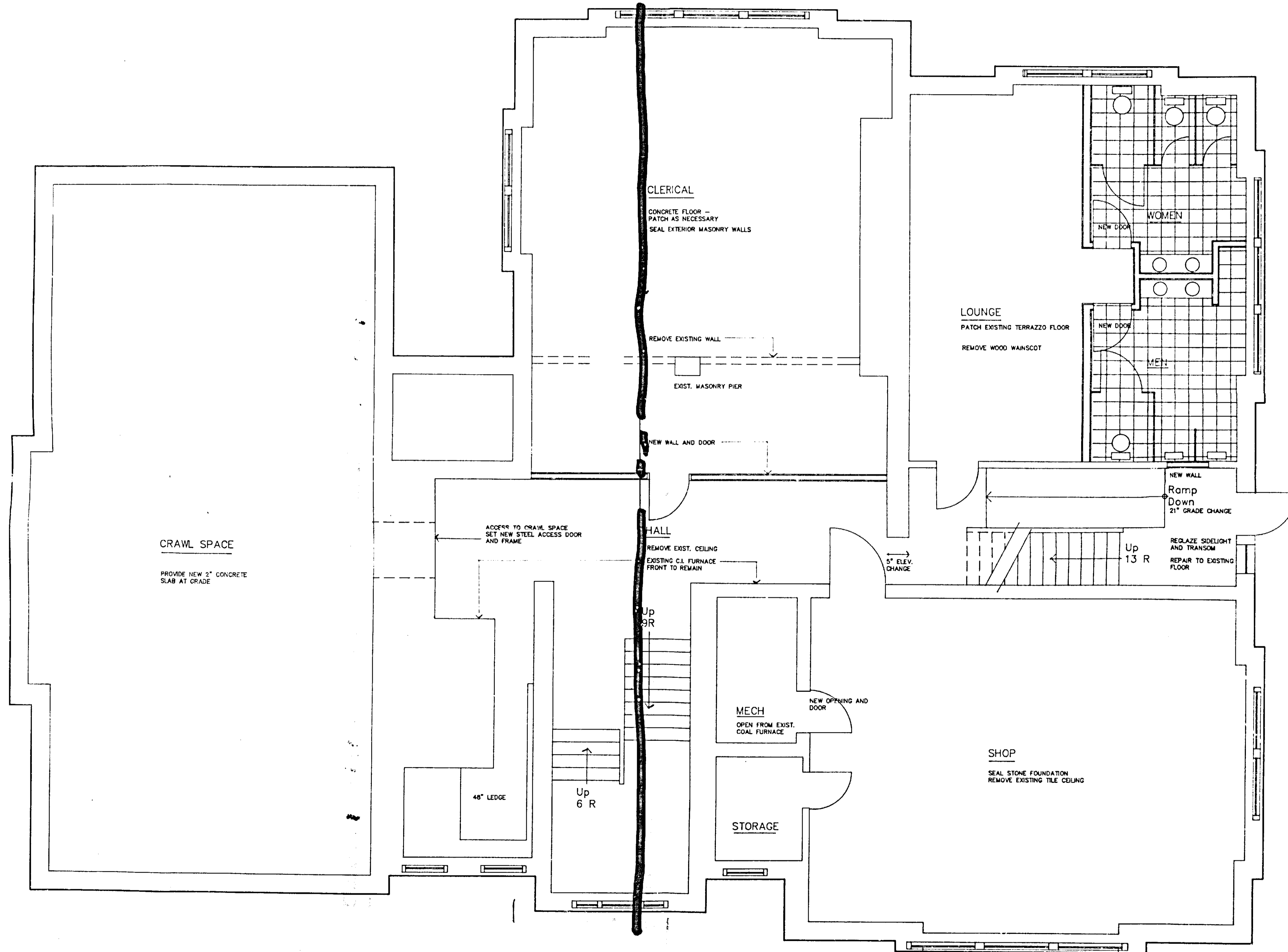
DRAWING:

DATE:

APRIL 23, 1986

SHEET NO.

OF:



GROUND FLOOR PLAN

REVISIONS

SEAL

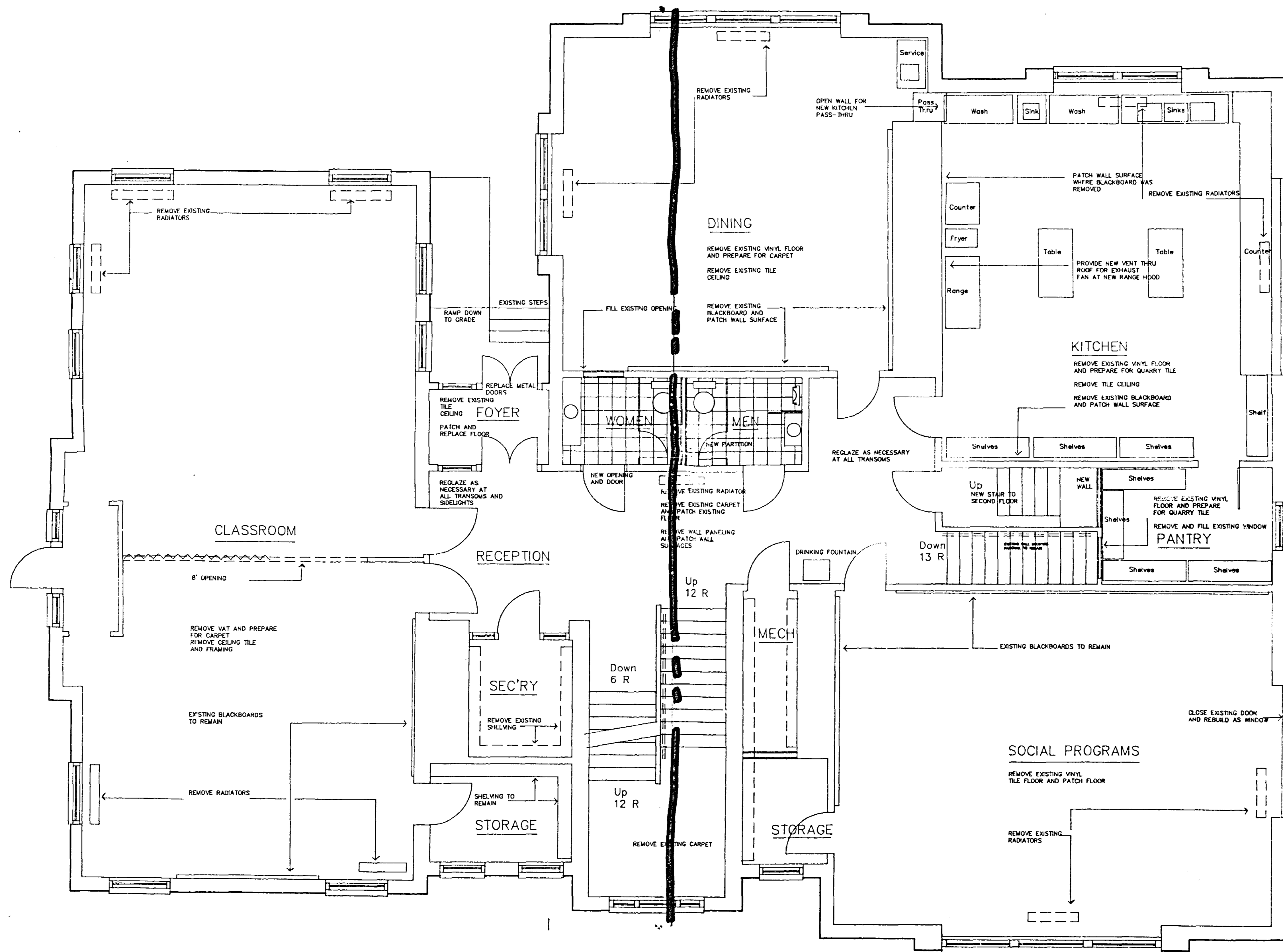
Owner & Developer: **Bach Brothers Inc.**
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 516 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:

SHEET NO. OF:
 2



FIRST FLOOR PLAN

REVISIONS

SEAL

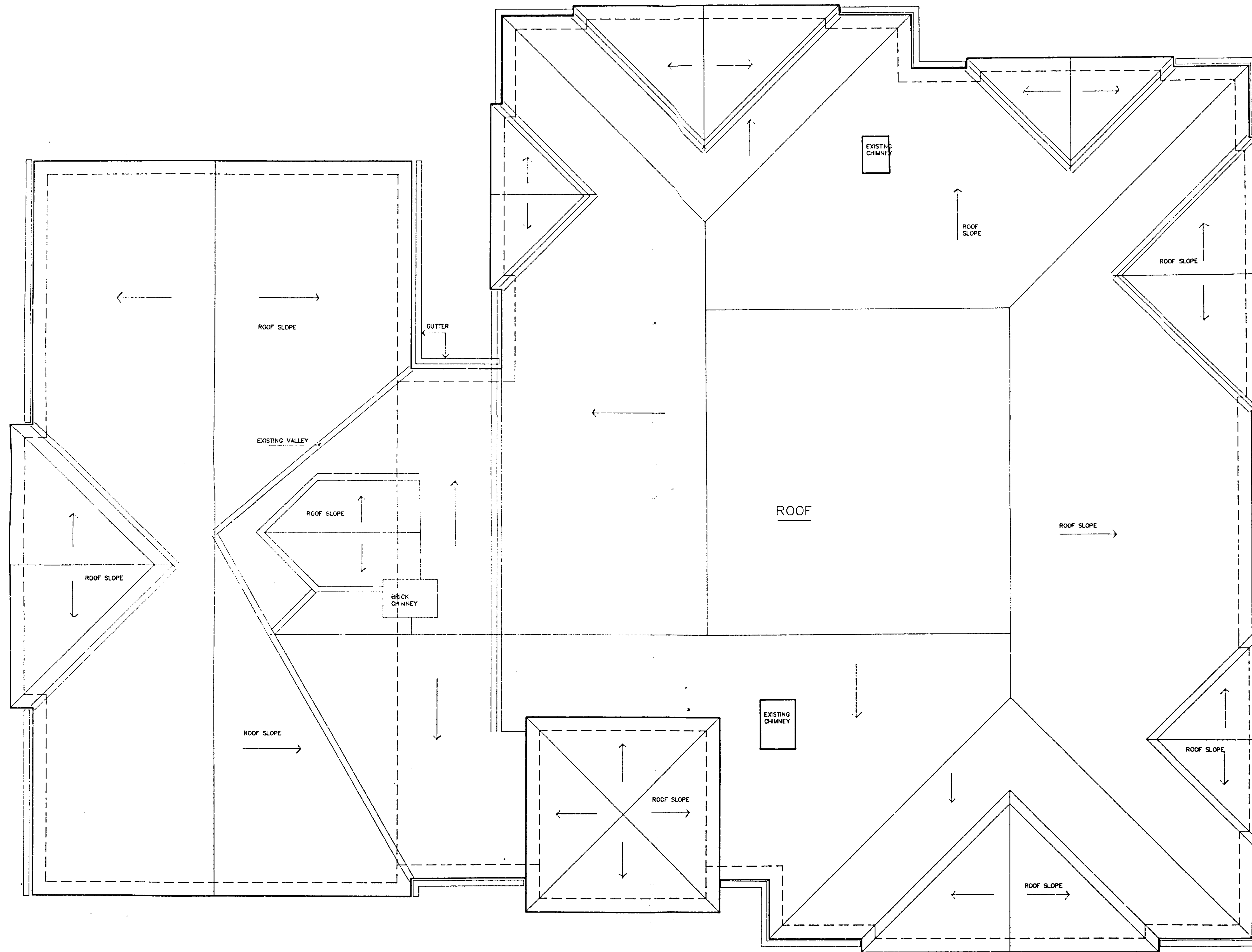
Owner & Developer: Bach Brothers Inc.
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 518 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:
 APRIL 23, 1986

SHEET NO. OF:
 3



ROOF PLAN
 1/4" = 1'-0"

REVISIONS

SEAL

Owner & Developer: Bach Brothers Inc.
ST MARKS
 RENOVATION

DAVIS S. SHULL A.I.A.
 ARCHITECTS
 518 S. HANOVER STREET
 BALTIMORE, MD 21201
 (301) 332-0128

DRAWING:

DATE:

APRIL 21, 1986

SHEET NO.

OF:

ST. MARK'S - #R-86-346

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

Patricia Phipps
Patricia Phipps

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

PETITION FOR RECLASSIFICATION

LOCATION: Northwest Side of Melrose Avenue, 60 feet Northeast of Winters Lane

PUBLIC HEARING: Tuesday, May 20, 1986, at 10:00 a.m.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

To reclassify the zoning status of property from a D.R. 16 Zone to a Residential-Office Zone

All that parcel of land in the 1st Election District of Baltimore County

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°24'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'58" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'37" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.

Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore

Being the property of
as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY



County Board of Appeals of Baltimore County

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

September 3, 1986

Rev. John H. McCall
St. Mark's Roman Catholic Congregation, Inc.
27 Melvin Avenue
Baltimore, MD 21228

Re: Case No. R-86-346
St. Mark's R.C.
Congregation, Inc.

Dear Rev. McCall:

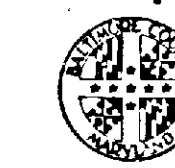
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

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

Enclosure

cc: Gilbert E. South, et al
Michael Magruder
Phyllis Cole Friedman
Ronald Hickernell
Hannah Lindsey
Norman E. Gerber
James G. Howell
Arnold Jablon
Jean M. H. Jang
James E. Dyer
Betty DuBois
James Earl Kraft



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 20, 1986

Ms. Mary Ellen Lowman
Parish Bookkeeper
St. Mark's Church
27 Melvin Avenue
Baltimore, Maryland 21228-4495

RE: PETITION FOR ZONING RECLASSIFICATION
NW/S Melrose Ave., 60' NE of Winters Lane
1st Election District
Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore
Case No. R-86-346 (Cycle II, Item No. 12)

Dear Ms. Lowman:

We thank you for your check for \$367.45, but on this date, our office received a check from a Mr. W. Grant Lauterbach paying in full the advertising and posting amount due in this case.

Enclosed is your check in the amount of \$367.45.

Very truly yours,

Margaret E. du Bois
Zoning Office

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

No. 01710

DATE: 5/22/86 ACCOUNT: 8-91-915-001
WITH RECEIPT - POST TO: 267.45
AMOUNT: \$ 267.45

RECEIVED FROM: Mr. Grant Lauterbach

FOR: Advertising and Posting - Case R-86-346

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR RECLASSIFICATION

LOCATION: Northwest Side of Melrose Avenue, 60 feet Northeast of Winters Lane

PUBLIC HEARING: Tuesday, May 20, 1986, at 10:00 a.m.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

To reclassify the zoning status of property from a D.R. 16 Zone to a Residential-Office Zone

All that parcel of land in the 1st Election District of Baltimore County

Beginning for the same at the intersection of the Northeast side of Winters Lane & the Northwest side of Melrose Ave. and running thence along the said Northeast side of Winters Lane, N. 24°24'13" W. 142.00'; thence leaving said Winters Lane and running N. 66°32'09" E. 158.60' and S. 25°32'58" E. 144.63' to the said Northwest side of Melrose Ave.; thence binding along said Melrose Ave. S. 67°26'37" W. 161.56' to the place of beginning.

Containing 0.526 Acres of land more or less.

Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore

Being the property of
as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

St. Mark Church
27 Melvin Avenue
Baltimore, Maryland 21228-4495
744-6500

May 19, 1986

Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Attn: Ms. Margaret E. du Bois

Dear Ms. du Bois:

We are enclosing a check in the amount of \$367.45. We only just received a request for this check today. The letter was dated May 16, 1986 and the postmark was the 17th.

Msgr. McCall contacted your office today to inform you of this fact. Thank you for your attention in this matter.

Sincerely,

Mary Ellen Lowman
Mary Ellen Lowman
Parish Bookkeeper

encl.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 16 TO R.O. ZONE : OF BALTIMORE COUNTY
NW/S Melrose Ave., 60' NE :
of Winters Lane :
First District :
SAINT MARK'S ROMAN CATHOLIC : Case No. R-86-346
CONGREGATION, 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
Room 223, Court House
Towson, Maryland 21204
494-2188

RECEIVED
COUNTY BOARD OF APPEALS
15 FEB - 7 A 9 24

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Pastor John H. McCall, St. Mark's Roman Catholic Congregation, Inc., 27 Melvin Avenue, Catonsville, MD 21228, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

ST. MARK CHURCH
27 MELVIN AVENUE
TOWSON, MD 21204
PHONE 744-6500

UNION TRUST
PAY TO THE ORDER OF
MARGARET E. DU BOIS
\$367.45
MAY 17 1986

6537

Pastor John H. McCall
St. Mark's Roman Catholic Congregation,
Inc.
27 Melvin Avenue
Catonsville, Maryland 21228

April 22, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
N/W/S Melrose Ave., 60' NE of Winters Lane
1st Election District
Reverend William D. Borders, Roman Catholic
Archbishop of Baltimore
Case No. R-86-345 (Cycle II, Item No. 12)

TIME: 10:00 a.m.

DATE: Tuesday, May 20, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 212575

T. Thacker
Sackett, Chairman
of Appeals

DATE: ACCOUNT:

AMOUNT:

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CARRIER

ZONING RECLASSIFICATION PETITIONS: CYCLE II

Report to the County Board of Appeals
by the
Baltimore County Planning Board

Adopted January 16, 1986

Baltimore County Office of Planning and Zoning
Towson, Maryland

PC #2

ITEM NO. 12

PROPERTY OWNER: St. Mark's Roman Catholic Congregation, Inc. ACREAGE: 0.3
LOCATION: N/W/S of Melrose Avenue, 60' N/E of Winters Lane
ELECTION DISTRICT: 1 COUNCILMANIC DISTRICT: 1

RECOMMENDED DATE OF HEARING: Week of May 19, 1986

ZONING PRIOR TO ADOPTION OF 1984 COMPREHENSIVE ZONING MAP: D.R. 16
EXISTING ZONING: D.R. 16
REQUESTED ZONING: R.O.

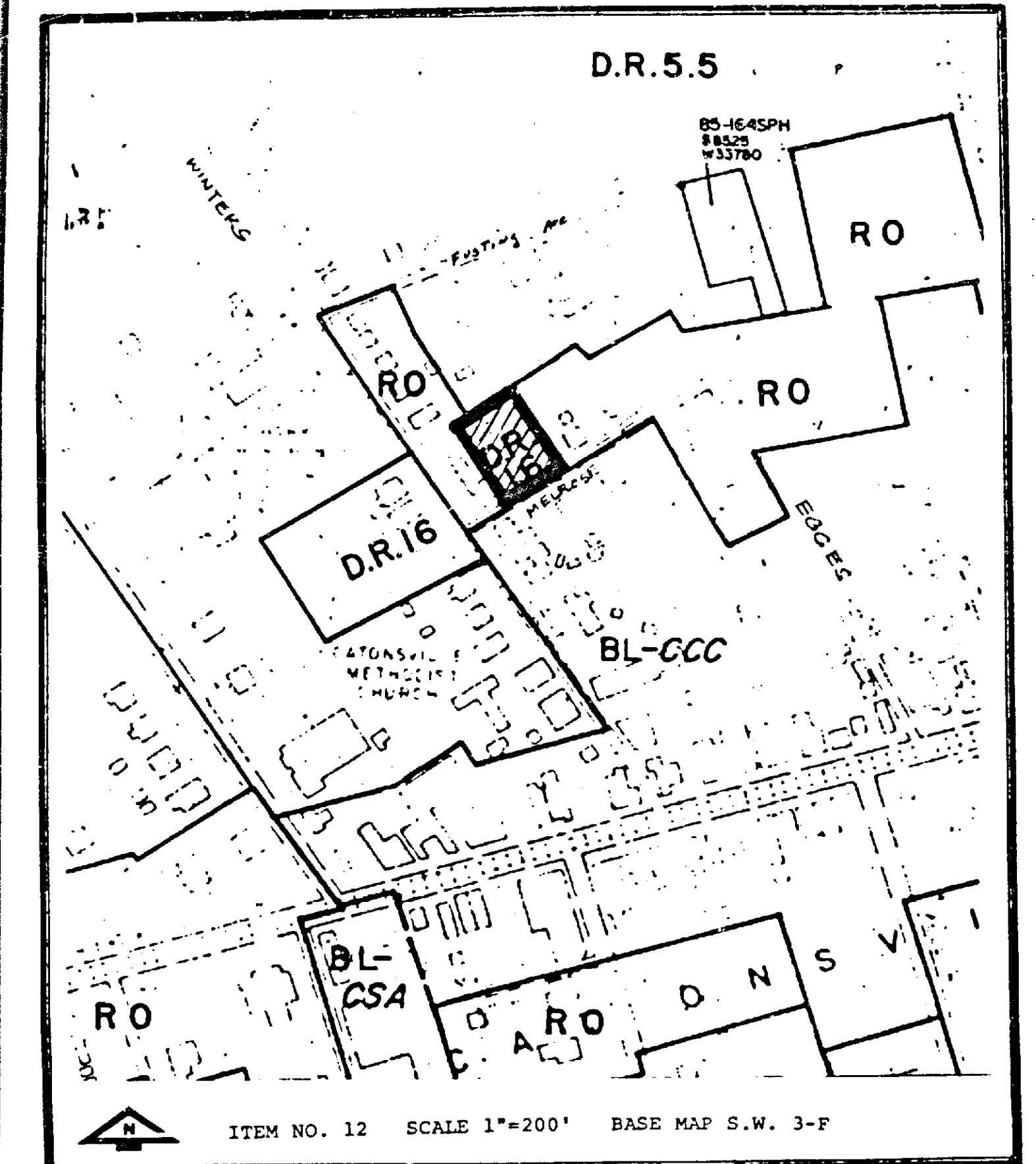
PLANNING BOARD RECOMMENDATION: R.O.

This 0.3-acre property, containing a vacant, boarded-up building, is located in downtown Catonsville. Adjacent properties are zoned B.L.-C.C.C., D.R. 16, R.O. and D.R. 5.5. The petitioner is requesting a change from D.R. 16 to R.O. zoning and has chosen to submit plans that do not show a proposed use for the property.

Prior to the adoption of the 1984 Comprehensive Zoning Map, this property was zoned D.R. 16. During the preparation and processing of this map, the zoning of the subject property was not identified as a specific issue; the County Council reaffirmed D.R. 16 zoning here.

The Planning Board believes that R.O. zoning is appropriate here. It should be noted that with the exception of the subject site, all of the properties along the north side of Winters Lane are in the R.O. zoning classification. The granting of R.O. for the subject property would be consistent with the established zoning pattern here. Furthermore, the R.O. zoning along this side of Winters Lane would provide for the type of development that would act as a transition between the development potential of the B.M.-C.C.C. zoned land to the south and the residential area to the north.

It is therefore recommended that the petitioner's request for R.O. zoning be granted.



Location of Property Under Petition

REPORT
BY THE
DIRECTOR OF PLANNING AND ZONING
TO THE
BALTIMORE COUNTY PLANNING BOARD

ZONING CLASSIFICATION PETITIONS
CYCLE II
1985 - 1986

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
November 29, 1985

No.	Petitioner	Location	Average	Existing Zoning	Requested Zoning	Recommended Zoning
1	Browning Ferris, Inc.	N/E/S of P.O. & N. W. Co. Hwy. 1375' N/E of North Point Blvd. and Trapp Rd.	99.4	R.C. 2	M.U. - I.M.	R.C. 2
2	Joe C. Roberts, et al	S/E corner Dillen Ring Rd. and Michalant Ave.	0.3	D.R. 5.5 M.L.	B.L.	D.R. 5.5 & M.L. (Existing Zoning)
3	Ronald G. Rosenthal, et al	N/W/S of Beal Rd., 2375' N/E of Foster Ave.	3.654	D.R. 5.5 (202 ac) R.O. (161 ac)	D.R. 5.5 & R.O.	D.R. 5.5 & R.O. (Existing Zoning)
4	Leroy M. Merritt	N/E corner of Appa Rd. & Mylander Lane	0.3	R.O.	B.L.*	R.O.
5	Agnes J. Kerr, et al	E/S Bailey Ave., between Allingway & Pennsylvania Ave.	1.575	0-1	B.M. - C.C.	B.M. - C.C.
6	F. & S. United Fisheries	S/S W. Chesapeake Ave., 95' E. of Florida Ave.	0.2	D.R. 5.5	R.O.	D.R. 5.5
7	Ralph Conroy, et al	E/S Old Oak Rd., 77' E/W of West Liberty Rd.	2.2	B.L. - C.C.	B.M. - C.C.*	B.L. - C.C. R.C. 2
8	Operating Engineer 377 Pension Fund	N/W corner Garrison Forest Rd. & Cromwell Lane	3.6	D.R. 1	M.L. - I.M.	M.L. - I.M.
9	Operating Engineer 377 Pension Fund	275' S/W of Westchester Pike, 1375' N/W of Reisterstown Rd.	51.01	D.R. 5.5	D.R. 10.5	D.R. 5.5
10	Balco, Inc. & Elec. Co.	S/W/S of Reisterstown Rd., opposite Rosewood Lane	10.0	B.R. - I.M. M.L. - I.M.	B.M. - C.C.C.	B.R. - I.M. M.L. - I.M.
11	Since Spelman	N/E/S of Liberty Rd., 2321' N/W of Bear Park Rd.	0.5	D.R. 5.5	B.L.	D.R. 5.5
12	St. Mark's Roman Catholic Congregation, Inc.	N/W/S of Melrose Ave., 60' N/E of Winters Lane	0.3	D.R. 16	R.O.	R.O.

* Documented title plan
* S.E. for car sales

Item No. 9 is a request for a change from D.R. 5.5 and D.R. 3.5 to the D.R. 10.5 zoning classification. The zoning of the property was identified as a specific issue (3-45) during the processing of the 1984 Comprehensive Zoning Map. The Planning staff and the Planning Board recommended D.R. 10.5 zoning; however, the County Council adopted D.R. 5.5 and D.R. 3.5 zoning here. From a planning perspective, the Director is still of the opinion that D.R. 10.5 zoning is preferable; however, it is the Director's belief that the zoning adopted by the County Council provides for a reasonable use for the land.

Item No. 10 is a request for a change from B.R.-I.M. and M.L.-I.M. to the B.M.-C.C.C. zoning classification. The Director believes that the existing zoning provides for a reasonable use for the land and that the zoning map is correct. It should be noted that the B.R. zone is the most permissive commercial zone in Baltimore County, lists more than forty uses permitted as of right and by special exception, and, additionally, permits all of the uses delineated in the B.L. and B.M. zoning classifications. The M.L. zone lists more than 80 uses permitted as of right or by special exception.

Item No. 11 is a request for a change from D.R. 3.5 to the B.L. zoning classification. The Director believes that in view of the existing, occupied dwelling on the site, that the existing zoning provides for a reasonable use for the property; however, it is with great reticence that this recommendation is made. With the exception of this property and the lot with a dwelling abutting the easternmost boundary of the subject site, commercial zoning exists along the north side of Liberty Road throughout the area. Had the Planning staff noticed this while preparing the 1984 Comprehensive Zoning Map, the Director would have recommended B.L. zoning for both properties to a depth of approximately 300 feet; i.e., to the depth established on the property abutting the westernmost side of the subject property.

Item No. 12 is a request for a change from D.R. 16 to the R.O. zoning classification. It is the Director's opinion that the petitioner's request should be granted. With the exception of the subject property, all of the adjacent properties along the north side of Melrose Avenue in proximity to Winters Lane are zoned R.O. The granting of R.O. would be consistent with the established zoning pattern here.

Office of
PATUXENT PUBLISHING CORP.
10750 Linn Park Drive
Columbia MD 21044

May 1 19 86

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR RECLASSIFICATION
was inserted in the following:
 Catonsville Times
 Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 3 day of May 19 86 that is to say,
the same was inserted in the ISSUES of
May 1, 1986

PATUXENT PUBLISHING CORP.
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff
vs.
Defendant

CERTIFICATE OF PUBLICATION OF

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William P. Hackett, Chairman, Board of Appeals
FROM: Ronald S. Hückernell, County Council
SUBJECT: St. Marks School

On Tuesday, May 20, the Board of Appeals was presented with a request to change the zoning classification on the St. Marks School.

When the Board has rendered its decision regarding this case, please send me a copy of its opinion.

RBH:dp

RECEIVED APPEALS COUNTY BOARD OF APPEALS MAY 25 1985

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 11 N. Chesapeake Ave. Towson, Maryland 21284

Pastor John H. McCall, St. Mark's Roman Catholic Congregation, Inc., 27 Melvin Avenue, Catonsville, Maryland 21228

RE: Item No. 12, Cycle II, October, 1985 - April, 1986, Petitioner - St. Mark's Roman Catholic Congregation, Inc., Reclassification Petition

Dear Pastor McCall:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

If it has been suggested that the petition forms, descriptions, briefs and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985.

In view of the fact that the submitted site plan does not indicate a proposed use at this time the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Item No. 12, Cycle II, Reclassification Petition, Page 2, November 1, 1985

comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

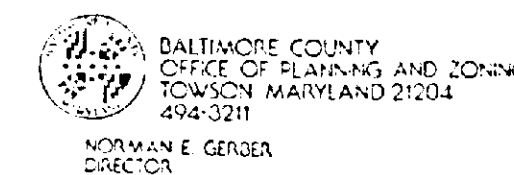
Very truly yours, James E. Dyer (in), JAMES E. DYER, Chairman, Zoning Plans Advisory Committee

JED:NBC:mr

Enclosures

cc: Keller & Keller, 3914 Woodlee Avenue, Baltimore, Maryland 21206

Mr. William Mork, P. O. Box 11415, Baltimore, Maryland 21239



Mr. Arnold Jablon, Zoning Commissioner, County Office Building, Towson, Maryland 21284

SEPTEMBER 24, 1985

RE: Zoning Advisory Meeting of SEPTEMBER 17, 1985, Item #12 - CYCLE II, Property Owner: ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC.

Dear Mr. Jablon:

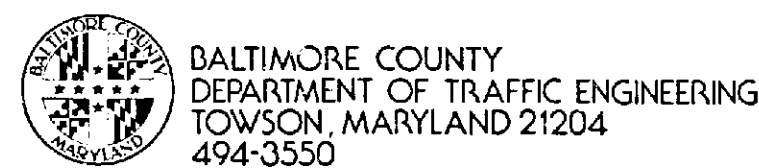
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment AT THIS TIME.
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 circulation on this site is not satisfactory.
The access is not satisfactory.
The parking arrangement is not satisfactory.
The parking arrangement is not 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 use 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 [blank].
Landscaping: Must comply with Baltimore County Landscape Manual.
The property is located in a deficient service area as defined by Bill 128-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service area is [blank].
The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 128-79, and its conditions change annually. The traffic capacity may become more limited. The traffic capacity areas are re-evaluated annually by the County Council.

ANN FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL #66-87, THE DEVELOPMENT REGULATIONS.

Eugene A. Sober, Chief, Current Planning and Development

cc: James Hoswell



STEPHEN E. COLLINS, DIRECTOR

September 23, 1985

Mr. William Hackett, Chairman, Board of Appeals, Office of Law, Courthouse, Towson, Maryland 21204

Cycle II Meeting of September 17 1985
Item No. 12
Property Owner: Saint Mark's Roman Catholic Congregation, Inc.
Location: NW side Melrose Avenue, 60' NE of Winters Lane
Existing Zoning: D.R. 16
Proposed Zoning: R.O.

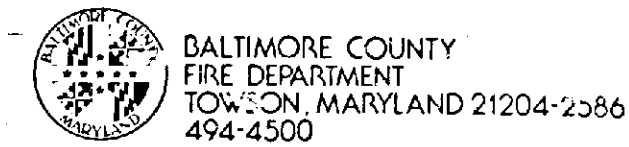
Acres: .330
District: 1st

Dear Mr. Hackett:

The existing DR 16 zoning can be expected to generate approximately 40 trips per day and 80 trips per day with the proposed R.O. zoning.

Michael S. Flanagan, Traffic Engineer Assoc II

MSP/bld



PAUL H. RENCKE, CHIEF

September 23, 1985

William Hackett, Chairman, Board of Appeals, Office of Planning and Zoning, Baltimore County Office Building, Towson, MD 21204

Attention: Nick Commodari, Chairman, Zoning Plans Advisory Committee

RE: Property Owner: St. Mark's Roman Catholic Congregation, Inc.

Location: NW side Melrose Avenue, 60' NE of Winters Lane

Item No.: 12 Zoning Agenda: Meeting of 9/17/85

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.

- X 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at [blank] 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.

REVIEWED BY [blank] Noted and Approved: [blank] Fire Prevention Bureau, Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William Hackett, Chairman, Board of Appeals, TO: Mr. James Dyer, Zoning Supervisor, Date: September 24, 1985

FROM: Charles E. Burnham, Chief, Building Plans Review, Permits and Licenses, SUBJECT: Cycle II Zoning Meeting Scheduled 9/17/85

ITEM #12 - Saint Mark's Roman Catholic Congregation, Inc., NW side Melrose Avenue, 60' NE of Winters Lane 1st. Election District

Any construction, alterations, additions or improvements to the property shall comply with the Code in force at the time of permit application. The current Code is the Baltimore County Building Code composed of the 1984 Edition of the B.O.C.A. Basis National Building, Mechanical, and Energy Code as amended and adopted by County Council Bill #17-85. Also enforced by the jurisdiction is the State of Maryland Handicapped Code as revised January 1, 1985 and the American National Standard, A.N.S.I. A117.1 - 1980.

CEB/vw

PETITION FOR RECLASSIFICATION

LOCATION: Northwest Side of Melrose Avenue, 60 feet Northeast of Winters Lane, 1st. Election District, Towson, Maryland 21204

PUBLIC HEARING: Tuesday, May 20, 1986, at 6:00 P.M.

The County Board of Appeals for Baltimore County, an authority of the Baltimore County Charter, will hold a public hearing:

To reclassify the zoning status of property from D.R. 16 Zone to a Residential Office Zone.

All that parcel of land in the 1st Election District of Baltimore County, Maryland, known as [blank]

Being the same as the [blank]

Section 10 of the Baltimore County Charter, and [blank]

Winters Lane is the Northwest side of Melrose Avenue, 60 feet Northeast of Winters Lane, 1st. Election District, Towson, Maryland 21204.

Containing 0.330 Acres of land, more or less.

Being the property of Reverend William D. Borders, Roman Catholic Archbishop of Baltimore, as shown on the plat filed with the Zoning Department.

BY ORDER OF WILLIAM P. HACKETT, CHAIRMAN, BOARD OF APPEALS, BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF PUBLICATION

TOWSON, MD, May 1, 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 May 1, 1985

THE JEFFERSONIAN, 18 Ventnor, Publisher

Cost of Advertising 27.50

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY, Towson, Maryland

RP 86-346

District 1st, Date of Posting May 1, 1985

Posted for: The Classification

Petitioner: Reverend William D. Borders, Catholic Archbishop of Baltimore

Location of property: NW side of Melrose Ave., 60' NE of Winters Lane

Location of Sign: NW side of Melrose Avenue, 60' NE of Winters Lane

Remarks: [blank]

Posted by: [blank], Date of return: May 7, 1985

Number of Signs: 7

CONTRACT OF SALE

THIS CONTRACT OF SALE (the "Contract"), made and entered into this day of August, 1985, by and between the MOST REVEREND WILLIAM D. BORDERS, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE, a Corporation Sole, and ST. MARK'S ROMAN CATHOLIC CONGREGATION, INC. (hereinafter collectively referred to as the "Seller") and JOHN W. LAUTERBACH, JR., W. GRANT LAUTERBACH and GILBERT E. SOUTH, (hereinafter collectively referred to as the "Purchaser");

WITNESSETH:

WHEREAS, Seller desires to sell to Purchaser and Purchaser desires to buy from Seller that certain tract of land together with any and all improvements thereon, located at 20 Winters Lane, situated in Baltimore County, Maryland, and more particularly described in paragraph 1 below;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and undertakings hereinafter set forth, and the deposit to be made as hereinafter described, and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Seller agrees to sell and convey to Purchaser, and Purchaser agrees to purchase from Seller the tract of land described in paragraph 1 below together with the improvements thereon on the terms and conditions hereinafter set forth:

- 1. Description of Property. All that tract of land located at the corner of WINTERS Lane and Melrose Avenue and running approximately 125 feet along Winters Lane and 125 feet along Melrose Avenue consisting of about 12,500 square feet.
2. Purchase Price. The purchase price shall be \$60,000.00 net to the Seller, which shall be paid as follows: (a) a deposit of \$500.00 to be paid simultaneously with the execution of this contract, and (b) the balance to be paid in the form of cash, certified check or cashiers check at the time of settlement.
3. Deposit and Settlement. The deposit of \$500.00 made pursuant to paragraph 2(a) shall be considered as a deposit and credited as such against the purchase price. The Seller shall deposit said \$500.00 in an interest bearing account, and notwithstanding any other provision of this contract, all interest earned on said deposit shall inure to the benefit of the Seller. It is agreed and understood that no part of the interest earned on said deposit shall be credited against the purchase price. Settlement is to occur on or before July 1, 1986, at the sole option of the Purchaser.

- 4. Insurance. The Seller shall immediately have all of the insurance policies on the property so endorsed as to protect the Purchaser and shall continue said insurance in force during the life of the Contract. In the event it shall be deemed by the Purchaser that the property is inadequately insured by the Seller, the Purchaser shall have the right, at Purchaser's option and expense, to obtain such insurance or additional insurance, as shall be satisfactory to Purchaser.
5. Condition of the Improvements. Purchaser acknowledges having inspected the improvements located on the property and purchasing the property in its "As Is" condition.
6. Seller's Warranties. The Seller warrants that:
(a) to the best of its knowledge, subject to hereinafter mentioned title examination, it has good and marketable fee simple title to the property free of liens and encumbrances except use and occupancy restrictions of public and publicly recorded easements for public utilities and any other easements which might be observed by an inspection of the property.

Purchaser shall at its expense proceed promptly to have the title to the Property examined by a Title Company and shall deliver prior to August 1, 1985 a full copy of the title report to Seller's counsel with copy of any liens, encumbrances and exceptions to title. Further, Purchaser must advise Seller in writing prior to August 1, 1985 of any objections it has to the title. If no written objection is received by Seller within said time period then Purchaser shall have waived its right to object and shall be required to accept title subject to the liens, encumbrances and exceptions set forth on the aforesaid title report. If prior to August 1, 1985, Purchaser does object then Seller shall have the right to cure same at its expense for a period of sixty (60) days from not have succeeded in removing, remedying or satisfying such objectionable liens, encumbrances, or exceptions. Seller shall give the Purchaser written notice thereof and Purchaser shall have ten (10) days from the mailing of such notice to elect by written notice to Seller to purchase the property, subject to unwilling to waive its objections and to close this transaction, this Contract shall be cancelled. In the event of cancellation of this Contract under any of the circumstances referred to in this Section, the Contract shall

cease, terminate and come to an end, and neither party hereto shall have any rights, obligations or liabilities against or to the other, except that Purchaser shall be entitled to the return of its deposit. Nothing herein contained shall obligate Seller to cure or remove any such title defect or objection;

- (b) it has not dealt with any real estate agent or broker in connection with transaction other than James W. Mohler of Whalen Properties;
(c) it has not, and will not, while this Contract is in full force and effect, enter into any other option or contract of sale or execute any deeds, easements, or rights-of-ways affecting the property; and
(d) the persons executing this Contract have full power and authority to execute this Contract.

7. Right of Entry. From and after the date hereof and until settlement or until this Contract is terminated, Purchaser, its employees and agents shall have the right to enter the property, including any structures thereon, from time to time and make surveys, examinations and studies, as Purchaser may determine to be necessary and desirable, so long as such studies do not result in a material change in the present character of the property. Purchaser shall hold Seller harmless from and against any claim for personal injury or damage resulting from Purchaser's entry. As a condition to Purchaser's entry, Purchaser shall procure and maintain a policy of insurance insuring Purchaser and Seller against any and all liabilities for injury to or death of a person or persons and from damage or destruction of the property occasioned by or arising out of or in connection with Purchaser's entry onto the property. The limits of such policy shall be in an amount not less than \$500,000.00 with respect to bodily injury or death per any one occurrence and \$100,000.00 with respect to property damaged or destroyed.

8. Development and Governmental Approvals. Purchaser, at its sole expense, shall be responsible for obtaining any and all necessary approvals and consents including but not limited to those required by Baltimore County in connection with any planning, subdivision, buildable lot and/or rezoning issues and those required of any adjoining landowner including but not limited to temporary or permanent easements, setbacks and use. Further, Purchaser during the term of this Contract shall have the right to apply for any and all zoning variances, zoning exceptions, subdivision plats and building permits and Seller shall sign any and all of said applications and plats.

Seller agrees to provide Purchaser fourteen (14) additional parking spaces located on the church property for a period of five years. The Pastor of St. Mark's Parish has designated these 14 parking spaces to be located on the east side of the large "new church", if the County Zoning Board requires the Purchaser to provide such parking spaces, in order to obtain the proper zoning or special exceptions. The Purchaser shall have an option to lease the said 14 spaces for an additional five year period if such a period is required by the County. The amount of rental payment for any such additional five year terms shall be agreed upon by the parties or shall be established by an appraiser agreed upon by both parties. Further all rights to the use of 14 parking spaces established hereunder shall never extend to Saturday afternoons and Sundays and religious holidays when Masses are being held in the large "New Church".

Seller shall cooperate with Purchaser in obtaining said approvals but shall not be obligated to pay for or assume the costs thereof.
9. Contingencies. This Contract shall be contingent on the ability of the Purchasers obtaining zoning changes that will allow them to convert said property to offices covered under zoning code R. O. or being granted special exceptions from Baltimore County to proceed with building plans to convert said property to offices with assurance that zoning approval would be granted in the future, or that the special exceptions so granted would be a perpetual one.

10. Conveyance. Settlement is to be made at a time and place mutually satisfactory to both parties in accordance with the terms hereof, but in any event settlement shall be no later than September 1, 1986. Notice shall be given by the Purchaser to the Seller at least five (5) days in advance of the date fixed by the purchaser for closing. Seller agrees to execute and deliver a deed for the property containing covenants of special warranty and further assurances to Purchaser and agrees to give possession and occupancy at the time of settlement. Each party shall be responsible for its own legal fees in connection with the settlement; the Purchaser shall pay the cost of all recordation, transfer taxes, documentary stamps and fees which may be required for the transfer of title. Time shall be of the essence of this contract.

11. Risk of Loss by Condemnation. In the event that prior to settlement the title property shall be condemned by any public or quasi public authority under the power of eminent domain, or in the event that an offer to purchase the property, in whole or in part, in lieu of condemnation shall be received by the Seller from any public or quasi public authority, then and in either of such events, the Seller shall give the

Purchaser notice within twenty-four (24) hours thereafter and terminate this Contract, and pay the deposit to the Purchaser plus all accrued interest. Thereupon this Contract shall terminate without further force, effect, or liability.

In the event part of the property shall be condemned, the risk of loss by condemnation shall be borne by the Purchaser and the obligations of the parties shall continue unimpaired and Purchaser shall have the right to participate in any condemnation proceeding or offer to purchase in lieu thereof until settlement. At settlement, Seller shall assign to Purchaser all its right, title and interest in the condemnation awards, contracts of purchase in lieu thereof, the sale proceeds and any other interests pertaining to said condemnation or purchase in lieu thereof.

12. Broker. The Purchaser hereby agrees to pay an 8% broker's fee at the time of settlement to James W. Mohler of Whalen Properties in cooperation with Edward J. Warren of Edward J. Warren, Inc.

13. Notices. All notices and communications hereunder, including change of address, shall be in writing and shall be deemed to have been duly given if delivered or mailed, registered or certified mail, first class, postage prepaid.

- (a) If to Seller: Archbishop William D. Borders, c/o Richard D. Berndt, Esquire, Gallagher, Evelius & Jones, 1100 One Charles Center, Baltimore, Maryland 21201
(b) If to Purchaser: Gilbert E. South, President, Frontier Systems of America, Inc., #2 Winters Lane, Baltimore, Maryland 21228

14. Covenants. The parties to this Contract mutually agree that it shall be binding upon them and each of their successors, heirs and assigns, however, Purchaser may only assign this Contract to an entity in which Purchaser manages in the event the entity is a partnership or in which Purchaser owns more than 50% of the stock in the event the entity is a corporation. This Contract contains the final and entire agreement between the parties hereto, and neither they nor their agents shall be bound by any terms, conditions,

warranties, or representations, oral or written, not herein contained.

IN WITNESS WHEREOF, the parties herein have executed this Contract on the day, month and year first herein written.

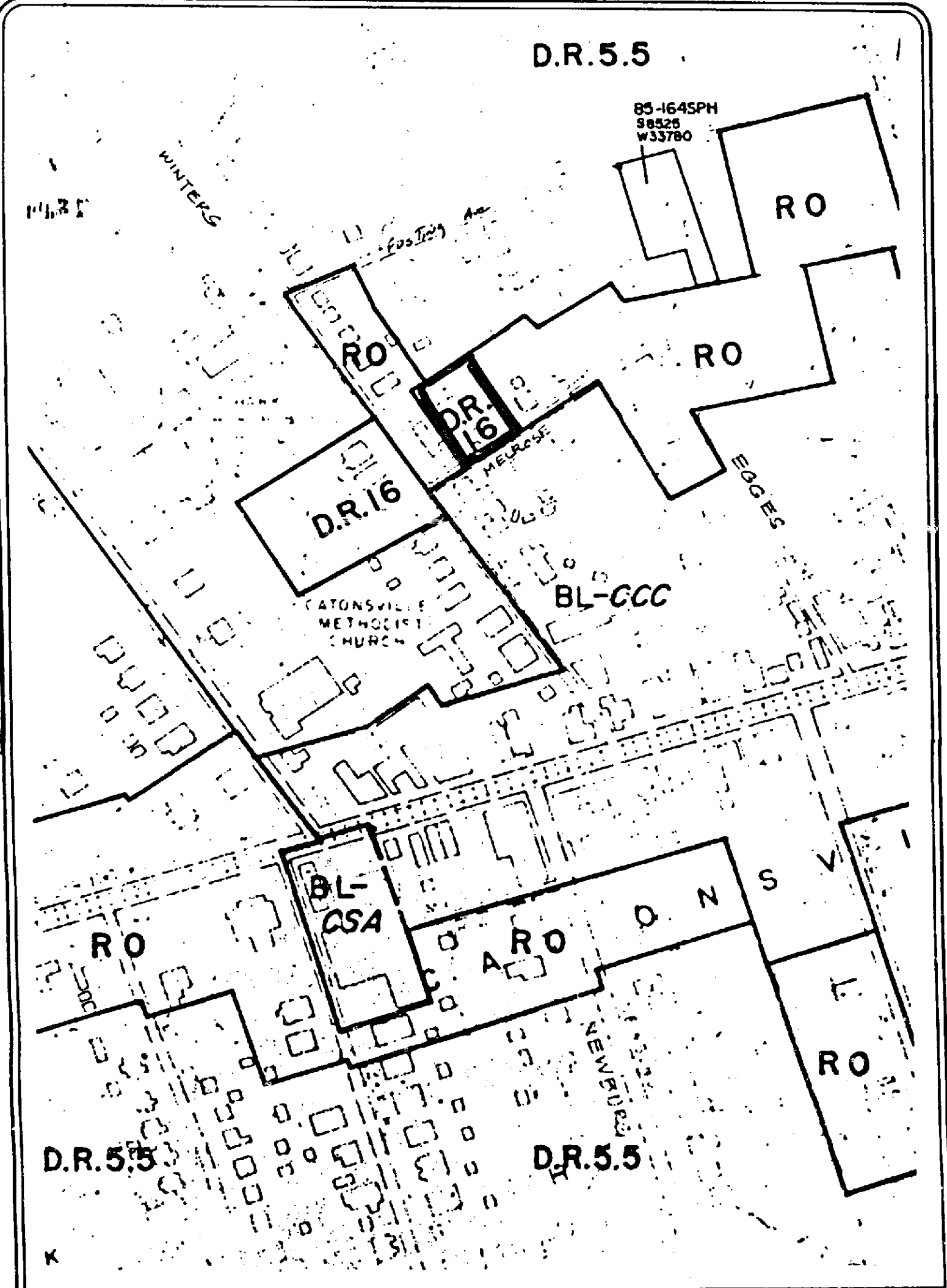
ATTEST: SELLER: Most Reverend William D. Borders, Roman Catholic Archbishop of Baltimore, a Corporation Sole

Witness: St. Michael's, Baltimore, Md. (Signature) William D. Borders (SEAL) Most Reverend William D. Borders, St. Mark's Roman Catholic Congregation, Inc.

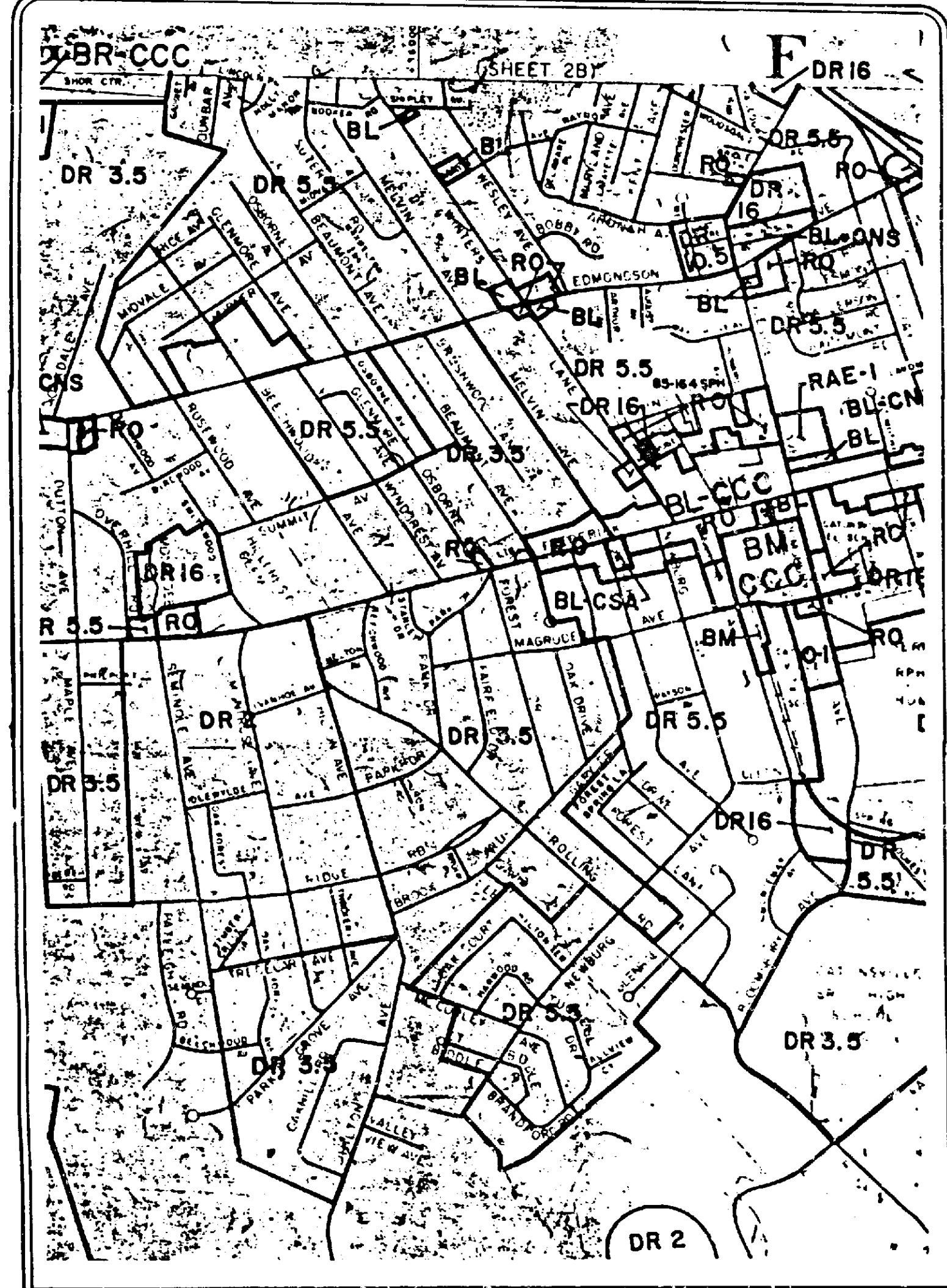
Witness: Holy Cross, Baltimore, Md. (Signature) Monsignor John H. McCall, Secretary/Treasurer

WITNESS: PURCHASER: John W. Lauterbach, Jr. (SEAL) W. Grant Lauterbach (SEAL) Gilbert E. South (SEAL)

0189-B/20/85-ROB



ST. MARKS OLD SCHOOL 20 WINTERS LANE CATONSVILLE, MARYLAND 21228 SCALE 1" = 200' August 28, 1985 Part of Sheet S.W. 3-F INSERT MAP TAKEN FROM 1984 ZONING MAP BALTIMORE COUNTY, MD Item 12 Cycle II



ST. MARKS OLD SCHOOL 20 WINTERS LANE CATONSVILLE, MARYLAND 21228 SCALE 1" = 1000' August 28, 1985 Part of Map 2A INSERT MAP TAKEN FROM 1984 ZONING MAP BALTIMORE COUNTY, MD Item 12 Cycle II