PETITION FOR ZONING VARIANCE 36-447-594A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2B.2 to permit a building width of 345 Ain lieu of the maximum allowed 300; 1802.2.B (V.B.2) to permit a distance between buildings of 100 to 1500. between buildings of 10' in lieu of the required 60'; 1802.2.B(V.B.2) to permit a distance between buildings of 21' in lieu of the required 100'-;-1802.2.8(V.B.2)-pelicy S-4-to-pormit-a-front-setback-of-59'--in lieu of the required 60' to the property line of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) er in the second of the second To be determined at hearing Property is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this 13,63 petition, and further agree to and are to be bound by the zoning regulations and restrictions of E 13,350 Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Vernon M. Scherer, President Lutheran High School Assoc, of Balto. (Type or Print Name) (T, pe or Print Name) (Type or Print Name)

City and State Attorney for Petitioner: 1145 Concordia Drive 823-5243 John R. Howard, Esquire (Type or Print Name) Baltimore, MD 21204 210 Allegheny Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, MD 21204 John B. Howard torney's Telephone No.: 823-4111 210 Allegheny Avenue 823-4111 Address Towson, MD 21204 RDERED By The Zoning Commissioner of Baltimore County, this __3rd_____ day

PETITIONS FOR SPECIAL **HEARING AND VARIANCES**

LUTHERAN HIGH SCHOOL ASSOCIATION OF BALTIMORE, PETITIONER BEFORE THE ZONING

COMMISSIONER OF

* OF BALTIMORE COUNTY

Case No.: 86-447-SPHA

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

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

Lutheran High School Association of Baltimore, Petitioner, by John B. Howard and Cook, Howard, Downes and Tracy, in support of it's Petition for Special Hearing states the

This case comes before the Zoning Commissioner on Petitions for Special Hearing and Variances to permit the Petitioner to build an addition to the existing high school facility as shown on the plat which accompanied the filing of these

The proposed addition would provide additional classrooms, a library and certain offices for school officials at a growing educational institution in Baltimore County.

The plat also indicates a "future chapel" which the school has no immediate plan for constructing. However, Petitioner would like to obtain the appropriate zoning approvals at this time to facilitate the addition of the chapel as the school's needs dictate.

Petitioner in this case has filed a Petition for Special Hearing to determine whether the proposed addition and chapel fall under the exceptions to the residential transition area ("RTA") requirements found at section 1BC1.1.B.1.c Baltimore County Zoning Regulations ("BCZR").

First, with regard to the proposed addition, Petitioner submits that the development would clearly fall under the plain meaning of section 1801.1.B.1.c.9 which reads in pertinent part as follows:

> An addition to an existing community building, or other structures devoted to civic, social, recreational, fraternal or <u>educational</u> activity.... (Emphasis added)

3/17/86

PETITION FOR SPECIAL HEARING QL-447-5PH A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situ. in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve proposed additions and parking lots in accordance with either Section 1801.1.B.1.C.4,5,9,10

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon first ing of this Petition, and further agree to and are to be bound by the zoning regulations and tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> I/We do solemnly declare and affirm, N-39,630 under the penalties of perjury, that I/we = 13, 350 are the legal owner(s) of the property which is the subject of this Pelition.

Legal Owner(s): Vernon M. Scherer, President Contract Purchaser: Lutheran High School Assoc. of Balto. (Type or Print Name) Vernon Schere (Type or Print Name) City and State Attorney for Petitioner: 1145 Concordia Drive 823-5243 John B. Howard, Esquire Baltimore, MD 21204 City and State 210 Allegheny Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, MD 21204 Attorney's Telephone No.: _823-4111 210 Allegheny Ave. 823-4111 Towson, MD 21204

ORDERED By The Zoning Commissioner of Baltimore County, this ____3rd_____ day of ______ April____, 19_86, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Immissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

It would be very difficult to find a structure that is

more devoted to educational activity than a high school.

Petitioner therefore respectfully submits that this Petition

for Special Hearing should be granted with regard to the

Section 1BO1.1.B.1.c.4 reads in pertinent part as follows:

An addition to an existing church

Petitioner submits that the future chapel also clearly

or other building for religious

falls within the criteria found at Section 9, previously

discussed with regard to the proposed addition. The use of

an addition for religious purposes would not take it out of

the purview of that Section as an addition to a structure

devoted to educational activity, the structure being the

that the future chapel could fall under section 4 as an addition

However, since the school has a certain religious purpose in its educational approach, Petitioner respectfully submits

For these reasons Petition respectfully requests that the

worship.... (Emphasis added)

The future chapel would also be excepted from the RTA

proposed addition.

existing high school.

pursuant to sections 1BO1.1.B.1.c 4 or 9.

to an other building for religious worship.

Petition for Special Hearing be granted.

Baltimore lutheran high school association, inc.

WHY BUILD ?

- WE'VE GROWN FROM 90 TO 442.
- WE'VE STARTED JR. HIGH WEST.
- JR. WEST STUDENTS COME TO TOWSON IN FALL OF 1985.
- WE NOW HAVE 21 CLASSROOMS INCLUDING GYM.
- 5. 7 PERIODS / DAY X 21 EQUALS 147 SECTIONS.
- 146 SECTIONS ARE SCHEDULED DAILY.
- LUNCHROOM CAPACITY IS 160. (NEED 220)
- 8. NEED TO EXPAND CURRICULUM.
- CURRICULUM EXPANSION PLUS ENROLLMENT INCREASE EQUALS 185 SECTIONS OR 26.4 ROOMS 86/87.

For Zoning Purposes

- 10. COMPUTER EDUCATION.
- MEDIA CENTER LIBRARY
- STORAGE & OFFICE SPACE
- 13. TENNIS COURTS

FETTIESTI 2

THE COATTERLEIGH ASSOCIATION

TOWSON, MD. 21294

Mr. Arnold Jablon. Zoning Commissioner RE: Petitions for Special Hearing Baltimore County Office of Planning and Zoning Towson, MD.

& Variances Case 86-447-SPHA

7. **5.** 5.

Dear Mr. Jablon:

The Chatterleigh Association, Inc., which is comprised of the Chatterleigh, Brook Meadows, Hunt Club Farms, and Hunt Crest developments. wishes to advise you that we support the Baltimore Lutheran High School's present and future building expansion program. Baltimore Lutheran High School has been a good neighbor since their beginning 21 years ago. Each time the School has built they have always come to our Association to advise us of their plans and to ask for our

This is their fifth expansion program and. on January 5th, a representative of the school attended our annual meeting and presented to our membership both their present plan to add to their senior high school building a library/media center, two classrooms, and an office area, and their future plans showing a chapel, an addition to the gymnasium, and additional classrooms. They presented us a floor plan of the new proposed senior high school building and a plot plan showing all future areas of expansion.

The School presents an architecturally pleasing addition to our neighborhood with a low profile - in fact the elevation of their buildings are lower than the neighboring two story houses. membership found only one item which we had any quarrel and that was the addition of trees and shrubbery. We are very concerned about the security and safety of our homes and members and wish to convey to you our desire that the new proposed addition to the present senior high school building be provided with only "foundation"

The membership unanimously passed the following resolution in support of Baltimore Lutheran High School. "Be it resolved that the Chatterleigh Association supports Lutheran High School in its appeal in opposition to additional trees being planted along Concordia Drive".

Mr. Albert F. Carr. Treasurer of the Chatterleigh Association. will be in attendance on Monday. May 5th. to represent us should you have any questions. We thank you for any help you can give us in support of our position.

G. Dowell Schwartz. JR. Riesident of Chatterleigh Association 12 Linlow Court Baltimore, Maryland 21204

Description of 24.306 acres

Beginning for the same at a point on the southwest corner of Cowpens Avenue and Concordia Drive and running thence along the southwesterly side of Cowpens Avenue the two following courses viz by a curve to the left in the southeasterly direction of a radius 1000.00 feet and arc distance of 295.00 feet to the point of tangency said curve being subtended by a cord bearing South 29 degrees 49 minutes 08 seconds East, 298.07 feet, thence South 38 degrees 05 minutes 47 seconds East, 184.11 feet to intersect the Maryland State Highway Administration right of way as shown on plat no. 10624, thence binding thereon South 85 degrees 40 minutes 15 seconds West, 10.62 feet and South, 08 degrees 01 minutes 06 seconds, West, 102.39 feet thence binding on the easement area for stream change as shown on said plat South 19 degrees 21 minutes 37 seconds West, 54.63 feet South 06 degrees 22 minutes 03 seconds West, 101.79 feet and South, 03 degrees 22 minutes 03 seconds East, 75.55 feet thence South 69 degrees 54 minutes 35 seconds West, 213.34 feet to the right of way line of the Baltimore Beltway, I-95 as shown on Maryland State Administration plat No. 10623 thence binding thereon North 72 degrees 40 minutes 54 seconds West, 19.14 feet thence binding on the easement area for stream change as shown on the aforesaid plat and as shown on Maryland State Highway Administration plat No. 10622. North 10 degrees 01 minutes 59 seconds East, 131.13 feet South 85 degrees 43 minutes 06 seconds West, 149.65 feet North 79 degrees 20 minutes 14 seconds West 455.03 feet North 79 degrees 23 minutes 48 seconds West 100.00 feet and South 55 degrees 46 minutes 49 seconds West, 131.38 feet thence binding on an Northeastern right of way as shown on Maryland State Highway plats nos. 10622 and 10621 North 55 degrees 54 minutes 54 seconds West, 352.55 feet North 56 degrees 53 minutes 26 seconds West, 101.27 feet North 58 degrees 48 minutes 21 seconds West 17.08 feet and North 47 degrees 48 minutes 01 seconds West, 566.77 feet thence leaving the highway and running North 23 degrees 04 minutes

06 seconds East 211.50 feet to intersect the point on the Southerly side of Concordia Drive and thence binding thereon the two courses viz: by a curve to the left of radius 661.00 feet an arc distance of 199.85 feet to the point of tangency said curve being subtended by a cord bearing South 75 degrees 35 minutes 35 seconds East 199.09 feet and South, 84 degrees 15 minutes 16 seconds East 1328.99 feet to the place of beginning. Containing 1,058,769.4 square feet or 24.306 acres of land more or less and being also known as number 1145 Concordia Drive and being located in the Ninth Election District of Baltimore County.

Cook, Howard, Downes & Tracy

210 Allegheny Avenue

(301) 823-4111

Towson, Maryland 21204

Attorney for Petitioner

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this Pursuant to the advertisement, posting of property, and public hearing on the Petition and it day of May, 1986, that the propose additions and parking lots are appearing that strict compliance with the Baltimore County Zoning Regulations would/wouldxnek result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of exempt from the Residential Transition Area (RTA) requirements and, as such, the the variance(s) requested with/will not adversely affect the health, safety, and general welfare of Petition for Special Hearing is hereby CRANTED from and after the date of this the community, the variance(s) should /shouldxnst be granted. Order. See attached Petition for Zoning Variances. Therefore, IT IS ORDERED by the Zoning Commissioner of Ealtimore County, this day of ______, 19_86_, that the Petition for Zoning Variances to permit a building width of 345 feet and 560 feet in lieu of the maximum permitted 300 PETITIONS FOR SPECIAL HEARING AND VARIANCES feet, a distance between buildings of 10 feet in lieu of the required 60 feet, a RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER distance between buildings of 21 feet in lieu of the required 100 feet, and a 9th Election District PETITION FOR VARIANCES Attachment OF BALTIMORE COUNTY SW/Corner of Cowpens Ave. & front yard setback of 59 feet in lieu of the required 60 feet be and is hereby Case No. 86-447-SPHA Concordia Dr. (1145 Concordia cc: John B. Howard, Esquire Dr.), 9th District GRANTED, from and after the date of this Order, based on the following which are People's Counsel VERNON M. SCHERER, PRESIDENT, : Case No. 86-447-SPHA Southwest Corner of Cowpens Avenue and Concordia Drive LUTHERAN HIGH SCHOOL ASSOC. conditions precedent to the relief granted herein: (1145 Concordia Drive) OF BALTO., Fetitioner The existing screening is sufficient and no additional DATE AND TIME: Monday, May 5, 1986, at 10:45 a.m. screening is required pursuant to an agreement by and ::::::: between the Petitioner and The Chatterieigh Associa-PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, ENTRY OF APPEARANCE tion, Inc., subject to review by the Current Planning Towson, Maryland and Development Division, Office of Planning and Zon-The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Please enter the appearance of the People's Counsel in the above-Regulations of Baltimore County, will hold a public hearing: 2. The proposed additions to the existing educational and captioned matter. Notices should be sent of any hearing dates or other religious uses of this property are exempt from the RTA requirements, Section 1801.1.8.1.c.4 and 9, BCZR. Petition for Special Hearing for approval of proposed additions and proceedings in this matter and of the passage of any preliminary or parking lots 3. The variances granted herein for distances between Petition for Zoning Variances to permit a building width of final Order. buildings shall become moot when the proposed chapel/ 345 feet and 560 feet in lieu of the maximum permitted 300 feet, auditorium is constructed because the latter will join a distance between the buildings of 10 feet in lieu of the required all existing buildings, thereby creating one. 60 feet, a distance between the buildings of 21 feet in lieu of the required 100 feet, and a front yard setback of 59 feet in lieu of 4. The community surrounding the school supports the prothe required 60 feet to the property line posed expansion. See Petitioner's Exhibit 4. Phyllis Cole Friedman People's Counsel for Baltimore County 5. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this Vernon M. Scherer, President, time is at its own risk until such time as the applica-Lutheran High School Assoc. of ble appellate process from this Order has expired. If, Being the property of Balto. Peter Max Zimmerman for whatever reason, this Order is reversed, the Petiplan filed with the Zoning Office. Deputy People's Counsel tioner would be required to return, and be responsible In the event that this Petition(s) is granted, a building permit may be issued Room 223, Court House for returning, said property to its original condition. within the thirty (30) day appeal period. The Zoning Commissioner will, however, Towson, Maryland 21204 entertain any request for a stay of the issuance of said permit during this period 494-2188 for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing. I HEREBY CERTIFY that on this 11th day of April, 1986, a copy BY ORDER OF Baltimore County of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner. VED . 0 0 00 CERTIFICATE OF PUBLICATION PETITIONS FOR SPECIAL
HEARING AND VARIANCES
1. 9th Election District
Case No. 86-447 SPHA 0 0 0 0 CERTIFICATE OF PUBLICATION April 4, 1986 h0.6LOCATION: Southwest Corner John B. Howard, Esquire April 17 RETITIONS FOR SPECIAL HEARING AND WARANCES SIN Election District Case No. 86-447-67HA or Cowpens Avenue and Concordia Drive (1145 Concordia Drive)
DATE AND TIME: Monday, May 5, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chempeake Avenue, Towson, Maryland 210 Allegheny Avenue Towson, Maryland 21204 TOWSON, MD., ______ April 16_____, 19_86_ DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 THIS IS TO CERTIFY, that the annexed advertisement was LOCATION: Southwest Corner of Coupens Avenue and Concordia Drive (1146 Concordia Drive) DATE AND TIME: Monday, May S, 1906, at 10:46 a.m. PUBLIC HEARING: Reom 106, County Office Building, 111 W. Chee-apenine Avenue, Towson, Maryland THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Hearing for ap-proval of proposed additions and park-NOTICE OF HEARING published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on and published in Towson, Baltimore County, Md., appearing on ARNOLD JABLON JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER The zorang Commissioner of Balti-more County, by authority of the Zoning Act and Regulations of Balti-more County, will hold a public hear-RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES SW/cor. of Cowpens Ave. and Concordia Dr. April 17 , 19 86 ZONING COMMISSIONER ing lots.
Petition for Zoning Variances to per April 16_____, 19_86. (1145 Concordia Dr.) April 29, 1986 Petnon for Special Hearing to 9th Election District Vernon M. Scherer, President, Lutheran High School Assoc. of Balto., CASE NO. 86-447-SPHA THE JEFFERSONIAN, Petition for Zoring Veriances to permit a building motifi of 345 feet and 560 feet in lieu of the mass-mure permitted 300 feet, a destance between the tankings of 10 feet in less of time sequired 60 feet, a distance between the buildings of 21 feet in lieu of the required 100 feet, and a front yand setback of 56 feet in fee of the property line. feet, and a front yard setback of 59 feet in lieu of the required 60 feet to the John B. Howard, Esquire TOWSON TIMES, property line.

Being the property of Vernon M.
Scherer, President, Lutheran High
School Assoc. of Balto., as shown on
plat plan filed with the Zoning Office.

In the event that this Petition(s) is 210 Allegheny Avenue Towson, Maryland 21204 Monday, May 5, 1986 Cost of Advertising PLACE: Room 106, County Office Building, 111 West Chesapeake RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES SW/cor. of Cowpens Ave. and Concordia Dr. Being the property of Vernon M. School Assoc of Satto, as show on plat plan filed with the Zorang Office. (1145 Concordia Dr.) Avenue, Towson, Maryland 9th Election District 30.25 Vernon M. Scherer, President, Lutheran High School Assoc. of Balto., CASE NO. 86-447-SPHA during this period for good cause shown. Such request must be received In the event that this Politich(s) is in writing by the date of the hearing at 46.75 above or music at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County Dear Mr. Howardt good cause shown. Such request must be received in writing by the This is to advise you that \$137.00 is due for advertising and posting of the above property. This fee must be paid before an 75886-L89324 April 16 jús. Order is issued. THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. CERTIFICATE OF POSTING of Baltimore County ZONING DEPARTMENT OF BALTIMORE COUNTY 86- HH7- SPH Do <u>not</u> remove sign from property from the time it is placed by this office until the day of the hearing itself. BALTIMORE COUNTY, MARYLAND No. 019831 CERTIFICATE OF POSTING OFFICE OF FINANCE - REVENUE DIVISION ZONING DEPARTMENT OF BALTIMORE COUNTY 84-H47-SPHA County, Maryland, and remit Date of Posting 4/19/86 MISCELLANEOUS CASH RECEIPT BALTIMORE COUNTY, MARYLAND ding, Towson, Maryland District 974 OFFICE OF FINANCE - REVENUE DIVISION 01-615-000 Posted for Special Hooving & Voning. MISCELLANEOUS CASH RECEIPT Date of Posting 4/18/86 Petitioner: Vernon M. Schorer, President, butheren ich Situal Asse of Belle R-01-615-000 SIGNS & POSTS TO BE Posted for: Special Hearing + Vanionie Location of property: 5W/cer Chupers + Concordia Prive RECEIVED Cluke H.D.T RETURNED TO ZONING Petitioner: Vernon M. Scherey President Lutheron High School Assoc, of Bolly Howard, Downes & Tracy Location of property: Swicex Compones live & Cancordio Privo Location of Signs (1) Fring Compens Are corne 12' Fr. 70. d Way Approx 300' SIE of the houston D Forty Concestio Dile, L'En medwy, com. 100 for interestion 1145 Corner dit Drivs Advertising & Posting re Case #86-447-SPHA Location of Signe For ing Comcordio Dr., Orenes 10' Fr. wad way et entrosefelit, Remarks: Added 1 more signe and whomas perting tocolines - 4/25/84 Posted by Male of return: 5/2/86 - D(3] ******107; 6:3 000*F APPROL HIS' W/COMPERS ATE VALIDATION OR SIGNATURE OF CASHIER Number of Signe: _______ Number of Signs: 2

The second second

A res Same

INTER-OFFICE CORRESPONDENCE

Date April 16, 1986 TO Arnold Jablon
Zoning Commissioner

PROM Norman E. Gerber, Director
Office of Planning & Zoning SUBJECT Zoning Petition Nos. 86-447-SpHA & 86-453-A

There are no comprehensive planning factors requiring comment on this petition.

NORMAN E. GERBER, ATCP, Director Office of Planning and Zoning

NEG/JGH/dmi

CPS-008

Ci

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 11, 1986

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

Chairman

MEMBERS

Department of

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

State Roads Commission

Bureau of

Bureau of

Development

John B. Howard, Esquire 210 Allegheny Avenue Towson, Maryland 21204

> RE: Item No. 190 - Case No. 86-447-SPHA Petitioner - Vernon M. Scherer, President, Lutheran High School Assoc. of Balto. Special Hearing and Variance Petitions

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petitions. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

> YAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Whitney, Bailey, Cox & Magnani 1850 York Road Timonium, Maryland 21093

Maryland Department of Transportation

William K. Hallmann

Hal Kassoff

January 13, 1986

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

State Highway Administration

Attn: Mr. N. Commodari

Re: Baltimore County ITEM: #190 Property Owner: Lutheran High School Location: S/W Corner of Cowpens Avenue and Concordia Dr. at Balto/Beltway I-695 Existing Zoning: D.R. 2 Proposed Zoning: Spec. Hearing to approve proposed additions and parking lots Acres: 24.306 District: 9th

Dear Mr. Jablon:

The State Highway Administration - Bureau of Project Planning has completed their review of additions and alterations to Baltimore Lutheran High School (dated 11-19-85) Item #190 and found the proposed study for improvements to the Baltimore Beltway (I-695) will have no affects on the site.

> Very truly yours, Charle L Charles Lee, Chief Bureau of Engineering Access Permtis

CL:GW:maw

By; George Wittman

cc: Mr. J. Ogle

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

Maryland Department of Transportation

William K. Helimann Hal Kasseff

December 6, 1985

Re: Baltimore County

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

Att: James Dyer

Item #190' Property Owner: Lutheran High School Location: SW corner of Cowpens Avenue and Concordia Dr. at Balto/Beltway I-695 Existing Zoning: D.R. 2 Proposed Zoning: Spec. Hearing to approve proposed additions and parking lots Acres: 24.306 District 9th

Dear Mr. Dyer:

The State Highway Administration Bureau of Project Planning is currently conducting a study for improvement to the Baltimore Beltway (I-695) from Reisterstown Road (Route 140) to John F. Kennedy Highway (I-95). A distance of approximately 16 miles.

This will include the modification of various interchanges and the realignment of existing roadways that are to be reviewed.

With the Lutheran High School property having frontage along the Baltimore Beltway (I-695) we (S.H.A. Bureau of Engineering Access Permits) are forwarding item #190 to the SHA Bureau of Project Planning for review and comment.

Upon receipt of this information, additional comments will be forthcoming.

Very truly yours,

Charles Charles Lee, Chief Bureau of Engr. Access Permits

by: George Wittman

CL-GW;es

cc: J. Ogle

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

TOWSON MARYLAND 21201 NORMAN E. GERDER DIRECTOR

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

Dear Mr. Jablon:

cc: James Hoswell

APRIL 10, 1986

Re: Zoning Advisory Heating of DECEMBER 3, 1985 Property Owner: LUTHERAN HIGH SCHOOL Location: ASSOC. OF BALTO.

SW/COR. OF COMPENS AVE. + CONCORDIADR The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items enecked below are

()There are no site planning factors requiring comment.

A County Review Group Meeting is required.

A County Review Group meeting was held and the minutes will be forward by the Burcau of Public Services.)This site is part of a larger tract; therfore it is defined as a Subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior to issuance of a building permit. The access is not satisfactory.)The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory. Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development 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)Landscaping: Must comply with Baltimore County Landscape Manual.

The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service The property is located in a traffic area controlled by a "D" level intersection as defined by Sill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas

Additional comments:

A WAIVER OF CRG HOS BEEN APPLIED FOR
LU-86-92 | AND WILL BE REVIEWED BY THE
PLOUNING BOORDON S/17/86

Eugene A. Bober

Chief, Current Planning and Development

are re-evaluated annually by the County Council.

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENG
TOWSON, MARYLAND 21204 DEPARTMENT OF TRAFFIC ENGINEERING

January 7, 1986

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

STEPHEN E. COLLINS DIRECTOR

Meeting of November 3, 1985 Item No. Property Owner: Location: Existing Zoning:

Acres: District:

Proposed Zoning:

Dear Mr. Jablon:

The department of Traffic Engineering has no comments for items number (190) 191, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205,

> Michael S. Flanigan Traffic Engineer Associate II

MSF/bld

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner Office of Planning and Zoning County Office Building

Towson, Maryland 21204 Zoning Item # 190 , Zoning Advisory Committee Meeting of Dec, 3, 1985

Property Owner: Lutheran High School

Location: SW Corner OF Cowpens AVE & Concordin District 9th Water Supply Public Sewage Disposal Public

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain require-

ments for such installation/s before work begins. () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

()	Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
,	•	and the state of t

() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 191-3768.

() Soil percolation tests (have been/must be) conducted. The results are valid until

Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until is not acceptable and must be retested. This must be accomplished

prior to conveyance of property and approval of Building Permit () Prior to occupancy approval, the potability of the water supply must be

verified by collection of bacteriological and chemical water samples. () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

() Others At this time the Health Dept. recommends Apprount of this petition, Please NOTE, however, that before grading and building permits are released nontidal wetlands Along Mine BANK RUN will have to be deliverted, Flagged and an Acceptable buffer zone between proposed construction and wetlands

established

San V. Forrest, Director

BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R

PAUL H. REINCKE CHIEF

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

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Lutheran High School

Location: SW corner Cowpens Avenue and Concordia Drive

Item No.: 190

Zoning Agenda: Meeting of December 3, 1985

December 17, 1985

Gentlemen:

A STATE OF THE STA

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 fear along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at ____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 161 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.

Special Inspection Division

REVIEWER: Care Order Willy 13-14-65 Approved:

Planning Group

Noted and
Fire Prevention Bureau

Fire Prevention Bureau

JAMES H. COUR JOHN B. HOWARD

DAVID D. DOWNES

JOHN H. ZINK, III

DANIEL O'C. TRACY, JR

JOSEPH C. WICH, JR.

HENRY E. PECK, JR.

THOMAS L. HUDSON

C. CAREY DEELEY, JR. GEORGE K. REYNOLDS. III

M KING HILL, III

CYNTHIA M. HAHN

KEVIN H. SMITH H. BARRITT PETERSON, JR.

ROBERT A. HOFFMAN

DEBORAH C. DOPKIN

KATHLEEN M. GALLOGLY

HERBERT R. O'CONOR, III

LAWRENCE L. HOOPER, JR

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

December 23, 1985

TED ZALESKI, JR. DIRECTOR

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

Comments on Item # 190 Zoning Advisory Committee Meeting are as follows:

Lutheran High School SW corner of Cowpens Avenue and Concordia Drive Districts

APPLICABLE ITEMS ARE CIRCLED:

All etructures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

P) A building and other miscellaneous permits shall be required before the start of any construction,

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

C. Commercial: Three sets of construction drawings scaled and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced scale are not acceptable.

- B. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.
- F. The structure does not appear to comply with Table 505 for parmissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table hol and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) ______, of the Baltimore
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use , or to Mixed Uses
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above see level for the lot and the finish floor levels including basement.
- Comments: The design architect will be required to show how the new addition will comply to the type of construction, height and permissable area of Article 4 and Article 5 of the 1984 B.O.C.A. Code for Use Group "E" Buildings.
- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

LAW OFFICES COOK, HOWARD, DOWNES & TRACY 210 ALLEGHENY AVENUE P.O. BOX 5517

TOWSON, MARYLAND 21204

February 17, 1986

EDITING DEPARTMENT

TELECOPIER

JOHN B. HOWARD DAVID D. DOWNES DANIEL O'C. TRACY, JR JOHN H. ZINK, III JOSEPH C. WICH, JR. HENRY & PECK, JR. HERBERT R. O'CONOR, II THOMAS L. HUDSON C. CAREY DEELEY, JR. GEORGE K. REYNOLDS. III LAWRENCE L. HOOPER, JR M. KING HILL, III ROBERT A. HOFFMAN DEBORAN C. DOPKIN CYNTHIA M. HAHN KATHLEEN M. GALLOGLY

KEVIN H. SMITH

JAMES H. COOK

H. BARRITT PETERSON, JA James E. Dyer, Zoning Supervisor County Office Building 111 W. Chesapeake Avenue

> RE: Petition for Special Hearing Item No. 190 Our File No.0779/18091

Dear Mr. Dyer:

First Floor

Towson, Maryland 21204

Please have John Howard copied on all correspondence relating to the above-referenced case.

Robert A Hoffman

RAH:bcs

Ser tel. Conversation with hot Affman 2-18-86 akto notify Howard only. (med not send copy to contact person showing on petition)

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

ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

February 10, 1986

John B. Howard, Esquire 210 Allecheny Avenue P.O. Box 5517 Towson, Maryland 21204

> RE: Item No. 190 Baltimore Lutheran High

Dear Mr. Howard:

In response to your letter dated February 5, 1986 concerning the above, please be advised that, notwithstanding your well-expressed arguments, they would be better presented at the public hearing which will be required to determine the matter.

Sincerely,

CARNOLD JABLON Zoning Commissioner

AJ/srl

FEB 6 LAW OFFICES

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

February 5, 1986

HAND-DELIVERED

Dan #190

(1906-1979)

TELEPHONE

TELECOPIER

Arnold E. Jablon Zoning Commission for Baltimore County County Office Building 111 V. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore Lutheran High School Petition for Special Hearing for Proposed Additions and Parking Lots Cowpens Avenue and Concordia Drive Item No.: 190 Our File No.: 0779/18091

Dear Mr. Jablon:

This firm has been asked to represent the Baltimore Lutheran High School in its' Petition for Special Hearing to approve certain proposed additions and parking.

By way of background, Baltimore Lutheran High School, through their architects, Smeallie, Orrick and Janka, Ltd., met with Doug Swam regarding a proposed one story addition to the existing Lutheran High School at the corner of Cowpens Avenue and Concordia Drive. That proposed addition is marked as such on the attached

Because the proposed addition is within 300' of a dwelling, a close analysis of the residential transition area regulations was required.

After Doug Swam discussed the matter with Jim Dyer, and briefly with you, he decided that the school must have a hearing in order to determine whether an addition to a school falls within an exception to the RTA at section 1801.1.B.1.C.10. That section reads in pertinent part as follows:

Arnold E. Jablon Re: Baltimore Lutheran High School February 5, 1986 Page 2



A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the zoning commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. (Emphasis added)

First, we submit that the proposed addition more appropriately falls under section 1801.1.B.1.C.9. which reads:

> An addition to an existing community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements are maintained. (Emphasis added)

The reason the addition falls under the above section is obvious in that the development is an addition to the existing high school and not a "new" community building or other structure.

Further, we submit that the high school is clearly an "other structure devoted to...educational activity", and that a hearing on the issue would not be in the best interest of Baltimore County or serve any logical purpose in interpreting the County Zoning Regulations. Similarly, a hearing would not be required to determine whether the Hecht Company is a "department store" or Rite-Aid a "drug store" under the permitted uses in a BL

In the instant case, the addition will be used primarily to house a new library, two classrooms and certain new offices for school officials. Moreover, the Baltimore Lutheran High School for which this addition is proposed is devoted exclusively to the education of children grades 7-12. If this school is net a structure devoted to educational activity I would be hard pressed to find another label for it.

Arnold E. Jablog Re: Baltimore Lutheran High School February 5, 1986 Page 3

by affixing your signature below.

It is therefore our opinion that where the plain meaning of this regulation includes an addition to a school as a structure devoted to educational activity, a Special Hearing is not

I would be happy to discuss this further at your convenience. However, if you concur with this analysis, please indicate

Yours truly,

JBH/jhr

Arnold E. Jablon, Zoning Commissioner

cc: James Dyer, Zoning Supervisor

Case No. 86-447-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this day of April , 1986.

Vernon M. Scherer, Pres.; Lutheran High School Assoc. Petitioner of Balto.

Zoning Commissioner Received by: smea

Petitioner's
John B. Howard, Esquire

Advisory Committee

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No.



