Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 1, 1999

Stephen J. Nolan, Esquire
Nolan, Plumhoff & Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204-4528

Dear Mr. Nolan:

RE: Spirit and Intent, Gramercy Bed and Breakfast, 1400 Greenspring Valley Road, 3rd Election District

Thank you for your letter of February 22, 1999 to Arnold Jablon, Director of Permits and Development Management. This correspondence, in which you request confirmation that the proposed addition to the Gramercy Bed and Breakfast is within the spirit and intent of Zoning cases #90-355-SPH and 96-230-SPHA, has been referred to me for reply.

I regret to inform you that the Baltimore County Zoning Office cannot administratively consider and approve this confirmation without a special hearing as the main Gramercy building is on the Maryland Historical Trust Inventory. Any actions such as razing, altering, and adding to such a building must be approved by a waiver of preservation of historic buildings or sites.

Also, please be advised that a special hearing was filed challenging the current use of the subject property. To eliminate any challenges of approvals that the Baltimore County Zoning Office may grant, we will currently require that any amendments to the site be approved by a public hearing. It is advisable that any future changes that are anticipated be addressed at a special hearing in addition to the waiver.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me or W. Carl Richards at 410-887-3391.

Sincerely,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:cjs

Enclosure

c: Zoning cases 90-355-SPH and 96-230-SPHA

Printed with Soybean Ink
on Recycled Paper

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
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C. WILLIAM CLARK
E. BRUCE JONES**
J. JOSEPH CURRAN, III
STUART A. SCHADT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

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JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7853

March 4, 1996

VIA HAND DELIVERY

Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 96-230-SPHA (Item 224)
1400 Greenspring Valley Road
Petitioner: Koinonia Partnership
REQUEST FOR REASSIGNMENT

Dear Mr. Jablon:

Reference is made to your Notice of Reassignment dated March 1, 1996, with regard to the above-entitled case. Through an inadvertence, my letter dated February 27, 1996 addressed to Commissioner Schmidt failed to list Friday, March 22 as a conflict date. I am scheduled on that date to chair the statewide planning conference of the Maryland Coalition for Civil Justice at Westminster Hall of the University of Maryland School of Law on that date.

Accordingly, I respectfully request a new hearing date preferably during the month of March (with the exception of March 18, 25 and 29).

I regret any inconvenience that this oversight on my part has caused your docket clerk, Ms. Gwen Stephens. Thank you for your kind consideration of this letter.

Very truly yours,

Stephen J. Nolan

SJN/mao

cc: Ms. Gwen Stephens, Docket Clerk (via hand delivery)
Dr. John Bernstein, Valleys Planning Counsel
Koinonia Partnership
The Honorable Lawrence Schmidt, Zoning Commissioner

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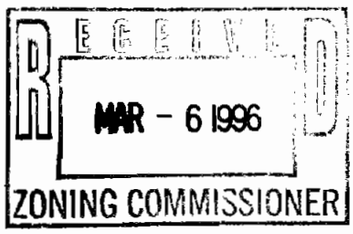
March 4, 1996



VIA HAND DELIVERY

Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 96-230-SPHA (Item 224)
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Petitioner: Koinonia Partnership
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Very truly yours,

Stephen J. Nolan

SJN/mao

cc: Ms. Gwen Stephens, Docket Clerk (via hand delivery)
Dr. John Bernstein, Valleys Planning Counsel
Koinonia Partnership
The Honorable Lawrence Schmidt, Zoning Commissioner

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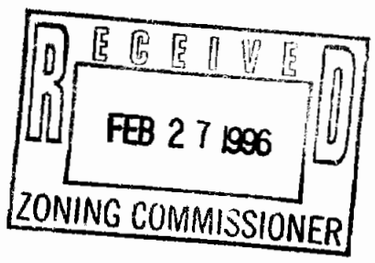
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-
7853

February 27, 1996

VIA HAND DELIVERY



The Honorable Lawrence Schmidt
Zoning Commissioner for
Baltimore County
Old Court House
Towson, Maryland 21204

RE: Case No.: 96-230-SPHA (Item 224)
1400 Greenspring Valley Road
8th Election District
3rd Councilmanic District
Koinonia Partnership - Petitioner

Dear Commissioner Schmidt:

The above entitled case was scheduled for a hearing on January 4, 1996. My client, Koinonia Partnership agreed to the continuance requested by the Valleys Planning Council.

Following a meeting on Friday, February 23, 1996 with John Bernstein and Kristen Forsyth of the Valleys Planning Council, we were informed that they have no objection to the scheduling of the hearing on the requested Bed and Breakfast Inn. Accordingly, please assign a new hearing date for this case. The only present conflict that I have in my schedule is March 7, 8, 11 and 25. Thank you for your consideration of this request.

Very truly yours,

Stephen J. Nolan

SJN/dlp

cc: Ms. Gwen Stevens, Hearing Clerk
Mr. Arnold Jablon, Director, Baltimore County Department of Permits and Development Management
Dr. John Bernstein, Valleys Planning Council
Ms. Christin Forsyth, Valleys Planning Council
Koinonia Partnership
Anne and Christin Pomykala
Mr. David S. Thaler

Proffered testimony indicated that the subject property was originally developed by the Koinonia Foundation, a tax exempt organization that operated a private school for the purpose of instructing individuals consistent with their religious beliefs. At the time of its inception, sometime in the 1950s, the Foundation constructed various structures for housing the pupils and support staff. Sometime prior to 1985, the year the Petitioners acquired the property, the private school ceased operation. However, numerous individuals and families continued to rent various properties from the Petitioners. The Petitioners were advised in 1988 by the Baltimore County Zoning Enforcement Office that their current use was in violation of the B.C.Z.R. The Petitioners thereupon filed the subject Petition for Special Hearing.

Mrs. Anne Pomykala indicated that she and her husband purchased the subject property in 1985 with the intent of utilizing the site as their primary residence. Referencing Exhibit No. 10, Mrs. Pomykala testified specifically regarding the various structures on the site and their current uses. Mrs. Pomykala testified that structures A, B, C, J, K, L and M are structures currently used for rental purposes, the majority of which are multi-unit dwellings. Mrs. Pomykala testified that her family occasionally rents the carriage house to groups for conferences, workshops and seminars, and to organizations such as the Girl Scouts for $75.00 to $100.00 per day. She indicated that the rentals and group facilities are advertised by word of mouth and in the local newspapers. She testified that the current agricultural uses on the property consists of berry bushes, orchards and gardens containing mushrooms and herbs.

Mr. Eugene Raphel, Professional Land Surveyor, testified that he has been familiar with this site for many years and has visited same on numerous occasions. He indicated, however, that he did not visit the site between the years 1980 and 1989. Mr. Raphel testified that the subject site is primarily residential in character, which was originally developed in conjunction with the private school (see Case No. 1745-SPX). He indicated that the adjacent properties are residential in character and that the subject use will have no detrimental impact on the health, safety or general welfare of this community.

Mrs. Lane Beck is an adjoining property owner and testified that she has been familiar with this site since approximately 1952. Mrs. Beck testified that the subject site is well screened from the surrounding community and that, in her opinion, the granting of the requested relief will have no detrimental impact on the community at large.

Mr. William Werley, a tenant in the "Literacy House" (see Petitioner's Exhibit No. 10, building "J"), appeared and testified on behalf of the Petitioners. Mr. Werley testified that he rents the second floor of "Literacy House" and has resided there since 1985. He testified that there are approximately 45 full time residents living on the subject site. Mr. Werley testified that he currently performs maintenance work for the Petitioners.

Ms. Pauline Gearhart testified that she is a girl scout leader and that she visited the property in 1985 with her girl scouts for a summer retreat. She testified that the girls would perform various tasks in the herb gardens and that it was a good learning experience for the girls.

Mr. Daniel Toomey, appearing on behalf of the Protestants, was the attorney for the Koinonia Foundation during the years 1981 to 1985 and is currently on the Board of Directors for said Foundation. Mr. Toomey testified that during the years he was affiliated with Koinonia, it was the clear intent of the organization to utilize the rental structures only in conjunction with Koinonia purposes. He testified that it was the Board of Directors' policy to prohibit leasing any of the apartments or residential structures to the general public to avoid risking the Foundation's tax exempt status. He also testified that the Board was very aware of the zoning problems associated with utilizing the apartments/residential structures in any manner inconsistent with the narrow Koinonia Foundation purposes. Mr. Toomey testified that the foundation originally wanted 1.2 million dollars for the property but, in view of the anticipated zoning hurdles, sold the estate to the Petitioners at auction for considerably less.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

Testimony and evidence in this case clearly indicated that no lawful nonconforming use existed on the subject property, prior to January 2, 1945, as the special exception for the subject private school was granted in 1950, pursuant to case no. 1745-SPX.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

The Petitioner's own testimony clearly indicated that the operation of the subject private school special exception had completely ceased operation sometime prior to the Petitioner's acquiring the property and, except for an incidental seminar retreat, the property is no longer being used as such. Clearly, when the private school ceased operation, there was no right vested in future owners of the property to convert the site into what is essentially a rental project. Testimony indicated that the Petitioners provided rental housing for approximately 45 permanent residents on this site which was unrelated to the original special exception granted on this site. The R.C. regulations of the B.C.Z.R. simply do not envision the "apartment house" type use that the Petitioners are currently maintaining on the subject site. In McKemy (supra), the Court held that if the change in use is found to be different than the original use, the current use of the property should not be considered nonconforming.

After reviewing all of the evidence and testimony presented, it is clear that the Petitioners have not met the requirements set forth in McKemy (supra) to establish a lawful nonconforming use and, therefore, the requested relief must be denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of July, 1990, that the Petition for Special Hearing to approve and confirm the lawful nonconforming residential, institutional and other uses, as indicated on Petitioner's Exhibits Nos. 3 and 10, is hereby DENIED.

IT IS FURTHER ORDERED, that Petitioners shall cease and desist the renting and/or leasing of the subject property on or before March 30, 1991.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

July 10, 1990

Stephen J. Nolan, Esquire
Nolan, Plumhoff and Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: Petition for Special Hearing
Koinonia Partnership, Petitioner
Case #90-355-SPH

Dear Mr. Nolan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
att.
cc: Peoples Counsel
cc: John P. Machen, Esquire
36 South Charles Street
Baltimore, Maryland 21201

AMENDED PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special 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 and confirm the lawful non-conforming residential, institutional and other uses as shown on the attached plat and the continuation of the approved special exception use for educational purposes.

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 filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	KOINONIA PARTNERSHIP (Type or Print Name)
Signature	By: Signature Donald A. Pomykala, General Partner (Type or Print Name)
Address	Signature
City and State	

Attorney for Petitioner:

Stephen J. Nolan (Type or Print Name)	Box 119, 1400 Greenspring Valley Rd Address Phone No. 486-24(
Signature Nolan, Plumhoff & Williams 7/2/90	Stevenson, MD 21153 City and State
210 W. Pennsylvania Ave Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204 City and State	Stephen J. Nolan Name
Attorney's Telephone No.: (301) 823-7800	210 W. Pennsylvania Ave 823-7800 Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Town, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____M.

Zoning Commissioner of Baltimore County.

ECO-No.1

(over)

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-355-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special 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 and confirm the lawful non-conforming residential, institutional and other uses as shown on the attached plat.

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 filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	KOINONIA PARTNERSHIP (Type or Print Name)
Signature	By: Signature
Address	DONALD A. POMYKALA, General Partner (Type or Print Name)
City and State	Signature

Attorney for Petitioner:

Stephen J. Nolan and Nolan, Plumhoff (Type or Print Name) & Williams, Chtd.	Box 119 1400 Greenspring Valley Road 486-2405 Address Phone No.
Signature Suite 700	Stevenson, Maryland 21153 City and State
210 W. Pennsylvania Avenue Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204 City and State	Stephen J. Nolan, Esquire Name Suite 700
Attorney's Telephone No.: 823-7800	210 W. Pennsylvania Avenue 823-7800 Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17 day of Jan, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16 day of March, 1990 at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ECO-No.1

(over)

CAM 21 Dec 89

88-2095

dwelling units operated by a profit-making partnership. They are very different in legal effect and nature.

We recognize that a few of the outbuildings on the property may have been in existence and used for residential purposes before the initial enactment of zoning legislation in Baltimore County in 1945. Those uses which the Zoning Commissioner finds to be of such antiquity should be allowed to continue notwithstanding the "one principal dwelling/one tenant house" rule of RC-2 zoning. But most of the buildings on the property came into residential use while Koinonia Foundation was operating the property as a private school. Their lawful use for residential purposes arose only because of the private school activities of the Foundation for which a special permit had been granted in 1950. The Petitioners are not operating these buildings under this special permit, and there is no provision under RC-2 zoning that permits their use for multi-family rental residential purposes. At best what we have here is an unlawful use of very long standing duration. That simply isn't enough.

Broad policy issues are presented in this case. What is to be done when an institution such as Koinonia Foundation ceases to exist after many years? Special-purpose buildings are left after the special purpose no longer exists. Petitioners would have the County adopt a policy that the successor owner may use the property in a somewhat similar manner. Petitioners argue that the burden on the property, the intensity of use, and the effect on the neighborhood has not significantly changed and suggest that it does not matter whether the owner of these outbuildings is a non-profit school or a profit-making landlord or whether the residents leave the property to work in the community or stay on the property to engage in educational activities.

The logical extension of this argument is that the zoning requirements may be disregarded on a case-by-case basis: precedent, consistency and stability are irrelevant; the only guiding principle is "no harm, no foul." The property in question is in an RC-2 zone, the most restrictive rural conservation zone under Baltimore County zoning regulations. Exceptions for certain institutional uses are made in an RC-2 zone because, as a matter of policy, we recognize the value of these institutional uses and are willing to compromise the conservation principles in an RC-2 zone for other benefits to society. We engage in a balancing of the equities. But fundamental policies dictate a restrictive view in how other uses are permitted to come into being and to continue in an RC-2 zone. Uses in an RC-2 zone must be strictly regulated in order to further the conservation purpose. As a matter of

policy and precedent, there can be no room for passive acquiesence to flagrant zoning violations.

This case arose because the Petitioners, either through neglect or indifference, failed to take into account the existing zoning when they bought the property. They now find themselves with a substantial investment only to realize they have a zoning problem. They now come before the Zoning Commissioner to bail them out. We are asked to take sympathy on the Petitioners to help protect their investment. They pose the rhetorical question: what is to be done with these buildings; must we tear them down? As much as one might sympathize with their situation, one cannot overlook the fact that no one forced them to buy this property in the first place. They had every opportunity investigate before making their investment. For whatever reason they decided to proceed despite the zoning compliance issues. These are not legitimate factors on which to establish a non-conforming use.

The Ledger Hill Neighbors respectfully request that the Zoning Commissioner deny the Petitioners' request for relief under its Petition for Special Hearing and order the Petitioners to cease operating all parts of their property in violation of RC-2 zoning.

Respectfully submitted,

John P. Machen

cc: Stephen J. Nolan, Esq.
Phyllis C. Friedman, Esq.
Dr. and Mrs. Charles J. E. Arnold
Mr. W. James Howard
Ms. Lucy Howard
Mr. John Howard
Mr. and Mrs. Stephen J. Immelt
Hamilton Moses, III, M. D.
Mr. and Mrs. Nathaniel S. Prentice

MICROFILMED

PIPER & MARBURY
CHARLES CENTER SOUTH
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202-861-3900

JOHN P. MACHEN
DIRECT DIAL NUMBER
301-576-1768

14 AUSTIN FRIARS
LONDON EC2N 2HE
071-638-3833

117 BAY STREET
EASTON, MARYLAND 21601
301-820-4460

February 22, 1991

William P. Hackett, Chairman
County Board of Appeals - Room 315
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Koinonia Partnership, Petitioner
Zoning Case No. 90-355-SPH

Dear Chairman Hackett:

This firm represents Ledger Hill Neighbors, a group of landowners whose properties are located adjacent to or near the property which is the subject of the above-referenced matter. The hearing before the Board of Appeals in this case is scheduled for Friday, March 29th.

By letter dated February 6, 1991, Phyllis Friedman, People's Counsel, notified you that both she and Deputy People's Counsel, Peter Max Zimmerman, celebrate Passover on that date and requested that either the hearing be postponed or that it be adjourned at 2:00 p.m. In a similar vein, Daniel Twomey, who is the principal witness for Ledger Hill Neighbors, celebrates Good Friday on that date and has indicated that he would be unable to testify at any time after 12:00 noon. I do not anticipate that the Appellant will have finished putting on its case before that time.

Given the number of key participants in this hearing who have religious observances on March 29th, it would seem that a postponement would be in order. Therefore, I respectfully request

William P. Hackett,
Chairman
February 22, 1991
Page 2

that the hearing be postponed until the next available space on the Board of Appeals' calendar.

Thank you very much for your consideration.

Sincerely,

John P. Machen

cc: Stephen J. Nolan, Esq.
Phyllis C. Friedman, Esq.
Daniel M. Twomey, Esq.
Hamilton Moses, III, M.D.

PIPER & MARBURY
CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
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JOHN P. MACHEN
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LONDON EC2N 2HE
071-638-3833

117 BAY STREET
EASTON, MARYLAND 21601
301-820-4460

July 17, 1991

County Board of Appeals
of Baltimore County
County Office Building - Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-355-SPH - Koinonia Partnership

To the Honorable Board of Appeals:

The hearing for the above-referenced case has been scheduled for Wednesday, July 24 and Friday, July 26.

Inasmuch as the petitioner/appellant anticipates needing at least one day to present its case, I, as counsel for the protestants, together with People's Counsel, have made arrangements for our witnesses to be available for testimony on the second day of the hearing, Friday, July 26, 1991.

Unless I hear otherwise, I will assume that this is acceptable to all parties.

Sincerely,

John P. Machen

cc: Stephen J. Nolan, Esq.
Phyllis C. Friedman, Esq.
Daniel M. Twomey, Esq.
Hamilton Moses, III, M.D.

300IH

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

TELEPHONE 301-821-0585
TELECOPIER 301-823-8123

10 LIGHT STREET
BALTIMORE, MARYLAND 21202

101 BAY STREET
EASTON, MARYLAND 21601

11350 RANDOM HILLS ROAD
FAIRFAX, VIRGINIA 22030

GARY C. DUVALL
301-823-8185

20 WEST PATRICK STREET
FREDERICK, MARYLAND 21701

22 WEST JEFFERSON STREET
ROCKVILLE, MARYLAND 20850

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

February 7, 1990

The Honorable J. Robert Haines
Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

RE: Case #90-355-SPH
Petitioner: Koinonia Partnership

Dear Commissioner Haines:

I would appreciate it if you would strike my appearance in the above-referenced case, inasmuch as I am no longer representing any of the protestants regarding the above-captioned matter. I received the Notice of Hearing which I also see was sent to John P. Machen, Esquire who is now representing the protestants.

Thank you for your cooperation.

Sincerely,

Gary C. Duvall

GCD:ld
cc: Stephen J. Nolan, Esquire
John P. Machen, Esquire

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FEB 1990
ZONING OFFICE

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Withdrawal of Appearance

Greenspring Valley Association
Incorporated

P.O. BOX 324 / STEVENSON, MARYLAND 21153-0211

May 4, 1990

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MAY 1990
ZONING OFFICE

Mr. J. Robert Haines, Zoning
Commissioner for Baltimore County
111 West Chesapeake Avenue, Room 113
Towson, MD 21204

RE: The Application by Ronald A. Pomykala for a change in zoning of the 45 acre parcel known as 1400 Greenspring Valley Road

Dear Mr. Haines:

The Board of our Association met with Newton A. Williams, Esquire, attorney for the owner and Mrs. Anita Prentice, a concerned neighbor, concerning the application for change of zoning on the Pomykala property. Our Association is comprised of owners of property within the Greenspring Valley as bounded by Falls Road to the east, Park Heights Avenue to the west, and the north and south ridges of the Valley itself; in addition to and including the interests of the contiguous land owners where appropriate. Thus, in this case, the Pomykala property is clearly within the boundaries of our membership.

It is the Association's request that there be no change in the present zoning. However, the Association would not object to the continued limited residential rental of the existing buildings, provided that the entire property is restricted by convenants recorded among the Land Records and running with the land, which would assure that there would be no further development on the property. Thus, the effect would be to permit a nonconforming use of the property which would terminate in the event of the destruction of the current apartment buildings. In addition, there would be an assurance to the neighborhood that the property would not be more intensely developed.

The Board believes that by utilizing a nonconforming use along with the owner's agreement to restrictive covenants as I have outlined, both the interest of the current owner in utilizing his existing buildings to maintain his income stream and the interest of the surrounding neighbors in maintaining the rural character of the Greenspring Valley are met. It is our hope that this letter may be of some assistance to your deliberations.

In any event, we do want you to know that the neighbors are quite concerned that any changes in zoning from the existing RC-2 protections within the Valley would adversely affect the entire Greenspring Valley, which has been cited nationally as an example of functioning open space preservation for the benefit of the community at large. Therefore, in the event that no compromise can be reached, it is our strong recommendation that you rule against the proposed change in zoning for the Pomykala property.

As representative of the Greenspring Valley Association Board I remain,

Sincerely yours,

Spaulding A. Goetze
President

SAG:dm

cc: Stephen J. Nolan, Esquire
John P. Machen, Esquire

Board of Education of Baltimore County, 257 Md. 542, 547-49 (1970). There the Court affirmed the decision of the Baltimore County Circuit Court permitting the addition of a new party plaintiff (whose name had changed due to legislative act) because its interests were held to be essentially identical with those of the original plaintiff. In the analogous present case, where the interests of the individual Neighbors and "Ledger Hill Neighbors" are necessarily identical, the Neighbors' amendment should therefore be permitted. The Court of Appeals' view of allowances for amending party misnomers is perhaps best characterized in Abromatis v. Amos, 127 Md. 394, 404 (1916), providing:

> "[n]o writ or action shall abate because of the misnomer of any plaintiff or defendant named therein, but the Court, on suggestion, supported by the affidavit of the plaintiff or defendant or other proof to the satisfaction of the Court that by mistake the plaintiff has sued in a wrong name, ... may ... direct the writ ... to be amended by inserting therein the true name of any plaintiff or defendant ....(quoting the applicable Maryland procedural rule).

3.

Additional Authorities Relied on
By The Koinonia Partnership

The Koinonia Partnership's reliance on Southland Hills Improvement Association v. Raine, 220 Md. 213, 217 (1959), in which a neighborhood improvement association's members were held to lack standing in their zoning appeal because none were named in the record as a party appellant, does not preclude an

amendment to the Neighbors' pleadings. If allowed to more completely describe themselves as individually identified persons rather than "Ledger Hill Neighbors," the Neighbors will firmly establish that the very same parties to the Board of Appeals' proceeding protesting the Koinonia Partnership's Petition are also the Appellants before this Court, thereby satisfying the Raine party appellant standard.

Moreover, if allowed to amend their pleadings, the Neighbors will also firmly establish that they have never been assembled in any neighborhood association or other organization and have never participated in this proceeding, at any stage, as an association. (See accompanying Affidavit of John P. Machen, Esquire, p. 2). Thus, the reliance by the Koinonia Partnership on Citizens Planning & Housing Association v. County Executive of Baltimore County, 273 Md. 333 (1974), holding that a neighborhood association had no standing, is misplaced.

CONCLUSION

For the reasons stated herein, the Neighbors submit that this Court should alter or amend its judgment and permit

the Neighbors' pleadings to be amended so that this case may proceed on its merits.

Respectfully submitted,

Roger D. Redden
John P. Machen
Kurt J. Fischer

Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(410) 576-1632

Attorneys for Appellants

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162
*

* * * * * * * * *

ORDER

The foregoing Motion to Alter or Amend Judgment having been read and considered, and the accompanying Affidavits of John P. Machen, Esquire and Lucy A.C. Howard and W. James Howard having also been considered, it is this _____ day of _____, 1991, by the Circuit Court for Baltimore County

ORDERED that

(1) the Motion to Alter or Amend is hereby GRANTED;

(2) the Appellants shall file an amended Order For Appeal and Amended Petition For Appeal in which the Appellants are more completely described by their individual names, rather than by the term "Ledger Hill Neighbors,"

(3) the Appellee shall file an answering Memorandum pursuant to Maryland Rule B12 within 30 days of this Order, and

(4) the Clerk shall mail a copy of this Order to counsel for the parties.

Judge

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162
*

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

REQUEST FOR HEARING

Dr. and Mrs. Charles J. E. Arnold, Mr. W. James Howard, Ms. Lucy A.C. Howard, Dr. Hamilton Moses, III, and Mr. and Mrs. Nathaniel E. Prentice, by their undersigned attorneys, request a hearing on their Motion to Alter or Amend Judgment.

Respectfully submitted,

Roger D. Redden
John P. Machen
Kurt J. Fischer

Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(410) 576-1632

Attorneys for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of November, 1991, a copy of the aforegoing Motion to Alter or Amend Judgment and Request for Hearing, and each Affidavit referenced therein, were mailed first class, postage prepaid, to the Baltimore County Board of Appeals, and to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 West Pennsylvania Avenue, Towson, Maryland 21204.

Kurt J. Fischer

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162
*

* * * * * * * * * *

AMENDED PETITION FOR APPEAL

Appellants, Dr. and Mrs. Charles J. E. Arnold, Mr. W. James Howard, Ms. Lucy A.C. Howard, Dr. Hamilton Moses, III, and Mr. and Mrs. Nathaniel E. Prentice, by their undersigned attorney, pursuant to Maryland Rule B2, appeal from the Order of the Board of Appeals of Baltimore County dated August 2, 1991. The Order of the Board of Appeals reversed the decision of the Zoning Commissioner of Baltimore County who denied the Petition for Special Hearing by Koinonia Partnership, Appellee, to approve and confirm alleged lawful nonconforming residential, institutional and other uses on the property located at 1400 Greenspring Valley Road.

In support of their Amended Petition for Appeal, Appellants state that the Board of Appeals committed reversible error by:

MARYLAND HISTORICAL TRUST

x-[illegible],950
y-580,210

DATE ENTERED

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC: GRAMERCY

AND/OR COMMON: Koinonia

2 LOCATION

STREET & NUMBER: 1400 Green Spring Valley Road

CONGRESSIONAL DISTRICT: second

CITY, TOWN: Stevenson — VICINITY OF

COUNTY: Baltimore

STATE: Maryland 21153

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE	
__DISTRICT	__PUBLIC	X OCCUPIED	__AGRICULTURE	__MUSEUM
X BUILDING(S)	X PRIVATE	__UNOCCUPIED	__COMMERCIAL	__PARK
__STRUCTURE	__BOTH	__WORK IN PROGRESS	X EDUCATIONAL	__PRIVATE RESIDENCE
__SITE	PUBLIC ACQUISITION	ACCESSIBLE	__ENTERTAINMENT	X RELIGIOUS
__OBJECT	__IN PROCESS	X YES RESTRICTED	__GOVERNMENT	__SCIENTIFIC
	__BEING CONSIDERED	__YES UNRESTRICTED	__INDUSTRIAL	__TRANSPORTATION
		__NO	__MILITARY	__OTHER

4 OWNER OF PROPERTY

NAME: Koinonia Foundation — Telephone #: 484-6262

STREET & NUMBER: 1400 Green Spring Valley Road

CITY, TOWN: Stevenson, Maryland — VICINITY OF — STATE, zip code: 21153

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE REGISTRY OF DEEDS, ETC: Baltimore County Court Building — Liber #: 1895 — Folio #: 103

STREET & NUMBER: 401 Bosley Avenue

CITY, TOWN: Towson — STATE: Maryland 21204

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

DATE — __FEDERAL __STATE __COUNTY __LOCAL

DEPOSITORY FOR SURVEY RECORDS

CITY, TOWN — STATE

7 DESCRIPTION

CONDITION: __EXCELLENT __GOOD X FAIR __DETERIORATED __RUINS __UNEXPOSED

CHECK ONE: X UNALTERED __ALTERED

CHECK ONE: X ORIGINAL SITE __MOVED DATE

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The Koinonia Foundation is a nonprofit, nonsectarian organization similar to the Philadelphia Quaker center, Pendle Hill. Koinonia was established on the philosophy that "Christianity must have an important role in this country's cooperation with the rest of the world."[1]

The men who founded this institution did so out of a need to respond to the problems created by World War Two. They were people prominent in the Protestant churches: Frank C. Laubach, noted for his method of teaching literacy in underdeveloped countries; Samuel Moor Shoemaker III, a famous Episcopal minister and a founder of Alcoholics Anonymous, whose family owned Burnside Farm in the Valley; Rufus Jones, Quaker scholar and mystic; E. Stanley Jones, a Methodist missionary and author; and Glen Clark, of MacCalester College, who founded the Camps Farthest out movement.[2]

They chose as the site for their foundation a 45-acre estate in a secluded section of the Green Spring Valley. This property, once called the Gramercy estate, included a twenty-five room Tudor style manor house built by W. Plunkett Stewart in 1905. The estate passed from Stewart to Benjamin Brewster, Jr.; then from Elizabeth B. Brewster, widow, to Hugo Hoffmann and his wife Burton; then finally from the Hoffmans to the Koinonia Board of Trustees on 13 October 1950.[3]

Koinonia began its program in January 1951. It recruited people who had experience in the areas of agriculture, business development, education, engineering, civic organization, literacy, and public health. They were brought to the manor house in the Valley where they learned to cope with language barriers and differences in religion, politics, and attitudes before being sent to work in countries abroad. One of the program's aims was to combat communism in underdeveloped nations. By 1970 Koinonia had trained over 1,000 people to work in 50 countries.[4]

In recent years the focus of the institution has changed. It is now a spiritual and education center with strong appeal to the younger generation's interests. Most of Koinonia's residents are there permanently. Others come for a semester or a year of personal and spiritual evaluation. All assist in the maintenance and cleaning of the buildings. The community also grows its own organic vegetables. Weekend workshops and conferences have begun to attract area residents.

In the main house are housed the director's office, the dining facilities, a small library, two living rooms used for classes and meditation, and a sunporch. Nearby is a small apartment building and dormitory built in the early days of Koinonia. The old stables serve as a print shop. A gift shop across the courtyard enables residents to sell their handicrafts. There is also a dance studio for children and an art gallery. Emphasis is placed on creative arts, volunteer services and spiritual discovery.

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
__PREHISTORIC	__ARCHEOLOGY-PREHISTORIC	__COMMUNITY PLANNING	__LANDSCAPE ARCHITECTURE	X RELIGION
__1400-1499	__ARCHEOLOGY-HISTORIC	__CONSERVATION	__LAW	__SCIENCE
__1500-1599	__AGRICULTURE	__ECONOMICS	__LITERATURE	__SCULPTURE
__1600-1699	X ARCHITECTURE	X EDUCATION	__MILITARY	__SOCIAL/HUMANITARIAN
__1700-1799	__ART	__ENGINEERING	__MUSIC	__THEATER
__1800-1899	__COMMERCE	__EXPLORATION/SETTLEMENT	__PHILOSOPHY	__TRANSPORTATION
X 1900-	__COMMUNICATIONS	__INDUSTRY	__POLITICS/GOVERNMENT	__OTHER (SPECIFY)
		__INVENTION		

SPECIFIC DATES — BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

This early twentieth century mansion is designed in the picturesque English Tudor style. Interior detailing of the principal rooms of the first storey is consistent with its basic style. The carriage house is contemporary and compatible with the dwelling. The original structures are adapted successfully as a conference center.

CONTINUE ON SEPARATE SHEET IF NECESSARY

9 MAJOR BIBLIOGRAPHICAL REFERENCES

Dawn F. Thomas and Robert W. Barnes, the Green Spring Valley: Its History and Heritage, 2 vols. (Baltimore: Maryland Historical Society, 1978)

CONTINUE ON SEPARATE SHEET IF NECESSARY

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY: 45

VERBAL BOUNDARY DESCRIPTION

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE — COUNTY

STATE — COUNTY

11 FORM PREPARED BY

NAME / TITLE: James Thomas Wollon, Jr., A.I.A./Dawn F. Thomas — DATE: 8-30-79

ORGANIZATION: Wallers Planning Council — TELEPHONE: 828-7807

STREET & NUMBER: 212 Washington Avenue, Towson — STATE: Maryland 21204

CITY OR TOWN

The Maryland Historic Sites Inventory was officially created by an Act of the Maryland Legislature, to be found in the Annotated Code of Maryland, Article 41, Section 181 KA, 1974 Supplement.

The Survey and Inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

RETURN TO: Maryland Historical Trust
The Shaw House, 21 State Circle
Annapolis, Maryland 21401
(301) 267-1438

PG-1908

BA# - 1679 — c. 1905

"Gramercy" (The Koinonia Foundation)
Green Spring Valley - Stevenson
Educational Use

This early twentieth century mansion was designed in the picturesque English Tudor style and built in 1905, by W. Plunkett Stewart. The original structure has been adapted successfully as the Koinonia Conference Center. The Koinonia Foundation was founded after the 2nd World War by a number of Protestant Church leaders including Samuel M. Shoemaker III founder of Alcoholics Anonymous and the owner of Burnside Farm in the Green Spring Valley. Although originally founded on a "Peace Corps" principle, its focus has changed to that of a spiritual and education center strongly appealing to young people.

BA# 1679

Koinonia

The Koinonia Foundation is a nonprofit, nonsectarian organization similar to the Philadelphia Quaker center, Pendle Hill. Koinonia was established on the philosophy that "Christianity must have an important role in this country's cooperation with the rest of the world."[1]

The men who founded this institution did so out of a need to respond to the problems created by World War Two. They were people prominent in the Protestant churches: Frank C. Laubach, noted for his method of teaching literacy in underdeveloped countries; Samuel Moor Shoemaker III, a famous Episcopal minister and a founder of Alcoholics Anonymous, whose family owned Burnside Farm in the Valley; Rufus Jones, Quaker scholar and mystic; E. Stanley Jones, a Methodist missionary and author; and Glen Clark, of MacCalester College, who founded the Camps Farthest out movement.[2]

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BA # 1679

Koinonia
Footnotes

1 Nancy Gregory Frame, "Living and Learning at Koinonia," Baltimore American, 8 April 1973; written notes on the Koinonia Foundation prepared in 1973 by the director, the Reverend David Poist.

2 See note 1.

3 Frame, "Living and Learning at Koinonia"; interview with the Reverend David Poist, 1973; Baltimore County Land Records, Libers R. J. S. no. 1218, fol. 420, R. J. S. no. 1521, fol. 382, and T. B. S. no. 1895, fol. 103, Towson Court House, Towson, Maryland.

4 W. Maclean Patterson, "How to Be at Home When Abroad," Sunday Sun Magazine, 23 May 1974; Frame, "Living and Learning at Koinonia."

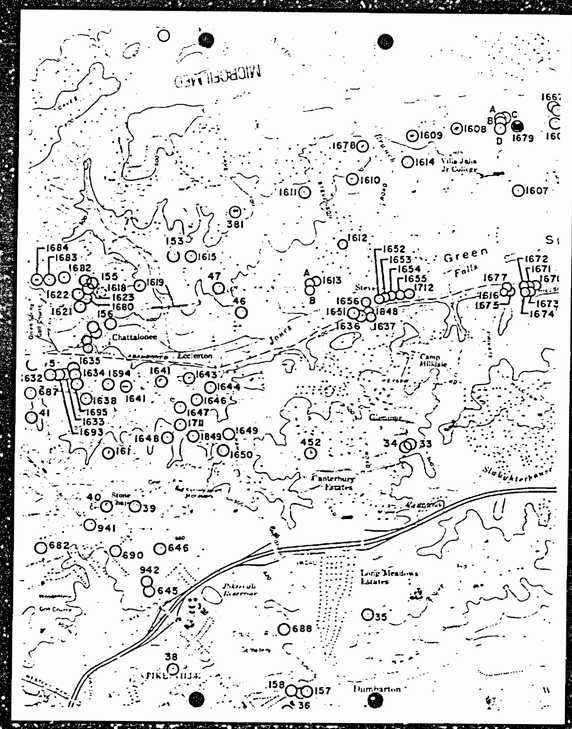
5 See note 1.

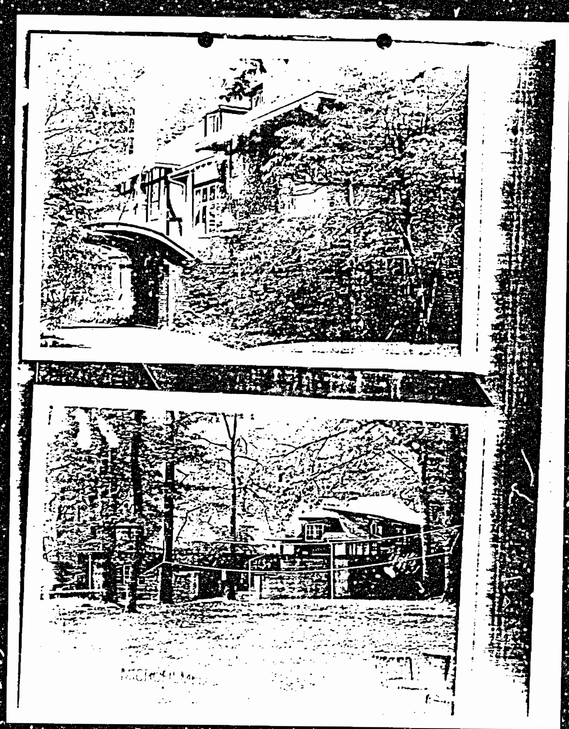
6 Ibid.

BIBLIOGRAPHY

Thomas, Dawn F. and Robert W. Barnes. The Green Spring Valley: Its History and Heritage. 2 vols. Baltimore: Maryland Historical Society, 1978.

MICROFILMED





Owner faces zoning charges

Greenspring Valley school illegally converted to apartments

By Michael Ruby

The private owner of the former Koinonia Foundation property in Greenspring Valley may be facing charges from county zoning officials for illegally converting the buildings of the old school into apartments.

Ronald Pomykala, the Bethesda dentist who purchased the 45-acre parcel at 1400 Greenspring Valley Road in 1985, is being cited for numerous violations and has been given 45 days to meet with zoning authorities. The conference may determine whether Pomykala can seek relief through the zoning commissioner's office or be forced to evict his tenants and lose the thousands of dollars he has spent renovating the structures.

The land has been given the county's most restrictive classification permitting only two houses are permitted on the tract. But a recent inspection of the site by a zoning official revealed that the barn, former dormitory and four other buildings have been converted into apartments, all occupied.

Pomykala admitted that about 20 people currently live on the estate, according to the report by zoning inspector Jeffrey Long.

Neighbors filed the complaint which prompted the investigation.

"If he's allowed to have 20 people here now, what's to stop him from having 100 people tomorrow?" asked Gary Duvall, the attorney representing the surrounding homeowners.

"Multi-family housing here is totally out of character with the rest of the community and the entire valley."

Attorney Stephen Nolan, who represents Pomykala, says his client will meet soon with the county officials, though no date has been set. "We may file for a special hearing to see if the out-buildings can be used in some way," said Nolan.

Back in 1950, a Presbyterian missionary training facility was located at the site. The Tudor-styled Gramercy mansion, built in 1908, served as the main building but others were added to the school.

During the 1960s and 70s, the property became a home for artists, organic gardeners and hippies, housing as many as 70 people at one time. These residents paid little r ue to the Koinonia (pronounced ' ry-no-KNEE-ah) Foundation, which was forced to auction off the property in 1985.

Valley residents were delighted when Pomykala bought the land because they expected it would once again become a private residence. In 1986, Gramercy was the Decorator Show House for the Baltimore Symphony Orchestra and since then, it has served as a home for Pomykala and his wife.

Last year, the owners filed a request in the on-going comprehensive review process to rezone the 12 northernmost acres for subdivision later into eight to ten lots. That petition lists the current use of the site as "mansion, apartments, multi-family houses and individual houses," though the land is zoned for rural conservation.

Duvall noticed the discrepancy when preparing his clients' arguments against the proposed rezoning request and brought it to the attention of county officials.

"The neighbors were aware of what was going on before but this was conclusive proof," Duvall said.

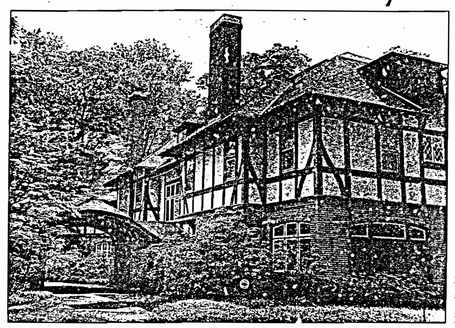
The inspection discovered that the barn is now a two-apartment dwelling; two houses contain two apartments each; a dormitory is now an eight-unit apartment building; another Tudor-styled structure has been converted into three apartments, and a house trailer is occupied by a sole tenant.

The owner has been cited with no specific violations at this time, pending the meeting with county officials. However, a letter sent to Pomykala from the zoning enforcement division pointed out that "numerous violations" exist including illegal conversion, locating a trailer on the property without a proper permit and having more than one dwelling on the land.

Koinonia tenants can stay there

Barbara Ramsey

90-355-SPH



The Koinonia property on Greenspring Valley Road includes a mansion built in an English Tudor-style architecture.

File photo

Residents of the disputed apartments at Koinonia in the Greenspring Valley can breathe easier now that the Baltimore County Board of Appeals has reaffirmed their right to live there.

In a nine-page opinion that reversed a County Review Group decision, the appeals board approved the existing nonconforming residential use of the estate, despite the fact that residents are no longer connected with educational functions there.

Koinonia, once a Presbyterian missionary training facility, came under scrutiny after it was sold to Dr. Ronald and Anne Pomykala in 1985.

The eight-building historic estate, located on 45 acres at 1400 Greenspring Valley Road, was run by the Koinonia Foundation beginning in 1950. The nonprofit organization, which preceded the Peace Corps in its mission to spread literacy and agricultural practices to underdeveloped nations, was sold at an auction in 1985 for $660,000.

The Pomykalas converted the 25-room English Tudor-style mansion into their residence, and continued to rent other buildings to about 20 residents, many who had lived there more than 15 years.

In July 1990, Zoning Commissioner J. Robert Haines ordered the owners to halt the rentals by March 30, 1991. That changed Aug. 2 when the appeals board, chaired by William Hackett, ruled that Koinonia continues to function as an educational site and has changed little since the 1950s.

John Machen, the attorney for those opposing the appeal, was on vacation and was unavailable for comment.

Margaret Worrell, executive director of the Valleys Planning Council which opposed continued apartment rental, expressed surprise at the decision. Worrell, who testified during the two-day hearing last month, said VPC fears the opinion "could set a dangerous precedent in allowing what was a nonprofit institution to become a profit-making enterprise."

Peoples Counsel Phyllis Friedman, who defends the county zoning maps, expressed disappointment with the decision, but was doubtful that it will set a precedent for future similar cases because of its uniqueness.

Christine Ritz, a resident of Koinonia for 16 years, said she is "very grateful for the opinion." Because she is an employee of Koinonia, she was not in danger of losing her home, but considers keeping the property open the greater issue.

Anne Pomykala attributed the decision partially to the property's historic value. Some of the buildings were constructed at the turn of the century. Maryland Historic Trust presented a letter to the appeals board, which was entered into the record, of its possible historic status, she said.

Anne Pomykala said she and her husband have already spent more than they paid for the property to restore it. The ongoing restoration effort has entailed replacing half of the rafters with custom-made ones, extensive electrical and roof work, and rebuilding of six chimneys, she said. Two of the three restoration workers live on the estate.

OWINGS MILLS TIMES 8-15-91

90-355-SPH

Court rules Koinonia renters can stay

Barbara Ramsey

Residents of the disputed apartments at Koinonia in the Greenspring Valley can breathe easier now that the Baltimore County Board of Appeals has reaffirmed their right to live there.

In a nine-page opinion that reversed a County Review Group decision, the appeals board approved the existing nonconforming residential use of the estate, despite the fact that residents are no longer connected with educational functions there.

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JEFFERSONIAN 8-15-91

90-355-SPH

F. Jeannette Berg
Greenspring Valley Road
Stevenson, Maryland 21153

Sept. 27, 1990

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT -1 AM 11:44

Zoning Board of Appeals
Towson, Md.

To Whom It May Concern:

I am interested in knowing more about the hearing #90-355-SPH. Please keep me informed as to events regarding this property and the time and date of hearing.

Thank you.

Truly yours
F. Jeannette Berg
(Mrs.) Samuel J. Berg

90-355-SPH Please add my name to the file:
MRS GATWOOD L CLARK
1704 HILLSIDE RD
STEVENSON, MD 21153

90-355 SPH

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN P. MACHEN (ATTORNEY)	36 SOUTH CHARLES STREET 21201
JEFFREY K. HETTLEMAN (ATTORNEY)	36 SOUTH CHARLES STREET, 21201
HAMILTON MOSES III	11041 GREEN SPRING AVENUE 21093.
Neatra Jeanne Ocewa, Neutral	Owings Mills Times
~~Brian Pomykala~~	~~Box 119 Stevenson MD 21153~~
Richard D. Boyd	11219 Pleasant Ave. - 21093
Mary S. Amoss (ARRIVED)	11042 Greenspring Ave 21093
John D. Howard	9611 Labrador Lane 21030

MICROFILMED

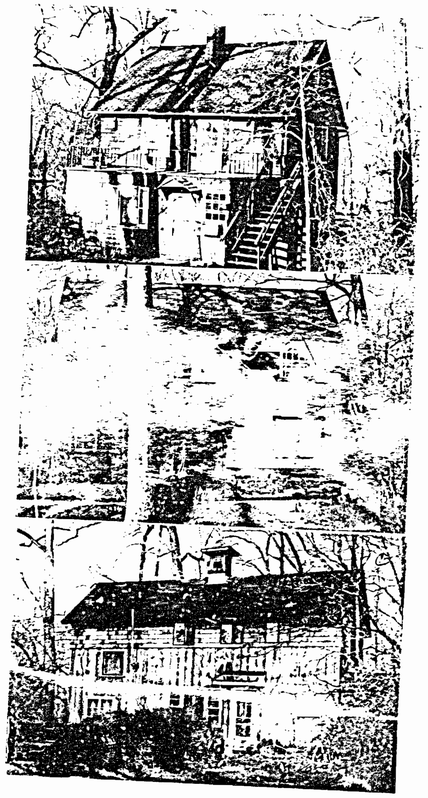
90-355 SPH

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
STEPHEN J. NOLAN	SUITE 700, 210 W. PENN A. AVE TOWSON, MD. 21204
Ronald + Pomykala	[illegible]
Anne Pomykala	1400 Greenspring Valley Rd Stevenson
Pauline H. Gearhart	1803 ARBOTSFORD DR VIENNA VA 22182
[illegible]	[illegible]
[illegible]	11400 Greenspring Valley Rd
Will Werley	Box 17 Stevenson MD 21153
Gerald K Nichols Jr	1520 Baltimore Rd Rockville MD 20850
Kathleen Gearhart	1803 Arbotsford Dr Vienna VA 22182
Brian Pomykala	Box 119 Stevenson MD 21153
Ingeborg A. Schaar	P.O. Box 104 Stevenson, MD. 21153
[illegible]	PO Box 149 Stevenson MD 21153
STAN RAMSEY	P.O. Box 4481 Montclair NJ 07042
Lorraine Pardi	PO Box 213 STEVENSON MD 21153
Barry Sullivan	PO Box 682 Brooklandville MD 21022
Mary C. Garbarge	P.O. Box 153 Brooklandville Md 21022
[illegible]	242 South 44th St. Philadelphia PA 19104
[illegible]	"Hearthside" Hunt Valley MD 21093
[illegible]	205 Cranbrook Ave Towson
Debrah Sers[illegible]	P.O. Box 62 Sto[illegible]

MICROFILMED

90-355-SPH



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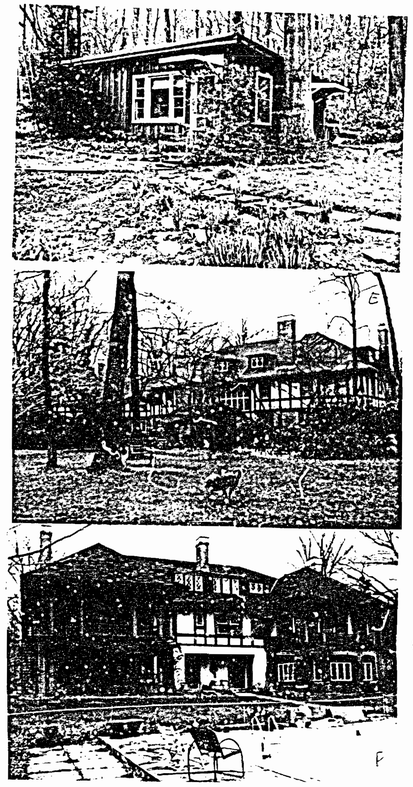
90-355-SPH



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90-355-SPH

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90-355-SPH

J.

K.

L.

90-355-SPH

M.

1

ORIGINAL

IN THE MATTER OF: * BEFORE THE
KOINONIA PARTNERSHP * COUNTY BOARD OF APPEALS
Case No. 90-355-SPH * OF BALTIMORE COUNTY
* July 26, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building on July 26, 1991, at 10 o'clock a.m.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
ARNOLD FOREMAN
C. WILLIAM CLARK

Reported by:
C.E. Peatt

TOWSON REPORTING COMPANY, INC.

1

ORIGINAL

IN THE MATTER OF: * BEFORE THE
KOINONIA PARTNERSHP * COUNTY BOARD OF APPEALS
Case No. 90-355-SPH * OF BALTIMORE COUNTY
* July 24, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County the County Office Building, on July 24, 1991, at 10 o'clock a.m.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
ARNOLD FOREMAN
BUD CLARK

Reported by:
C.E. Peatt

BOARD OF APPEALS

PETITIONER(S) EXHIBIT 2 — 90-355 SPH

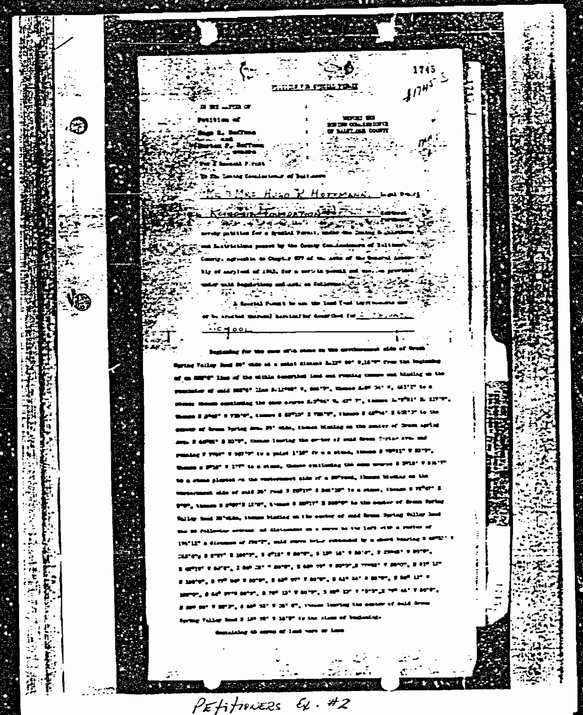
PETITIONER'S EXHIBIT 2

90-355 SPH Petitioners Ex. 2

Deposition - Marion Carnes
April 19, 1990

Petition for Special Hearing
Greenspring Valley Road
Koinonia Partnership, Petitioner

Case #90-355-SPH



Petitioners Ex. #2

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

90-355-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, THE KOINONIA FOUNDATION, legal owner 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 ..... zone to an ..... zone; for the following reasons:

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for A Nursery School

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

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

Contract purchaser — Legal Owner

Address — Address 4402 Greenspring Valley Rd Owings Mills Md 21117 (Attorney)

Petitioner's Attorney — Protestant's Attorney

Address

ORDERED By The Zoning Commissioner of Baltimore County, this ..... day of ....., 197..., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of December, 1979, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

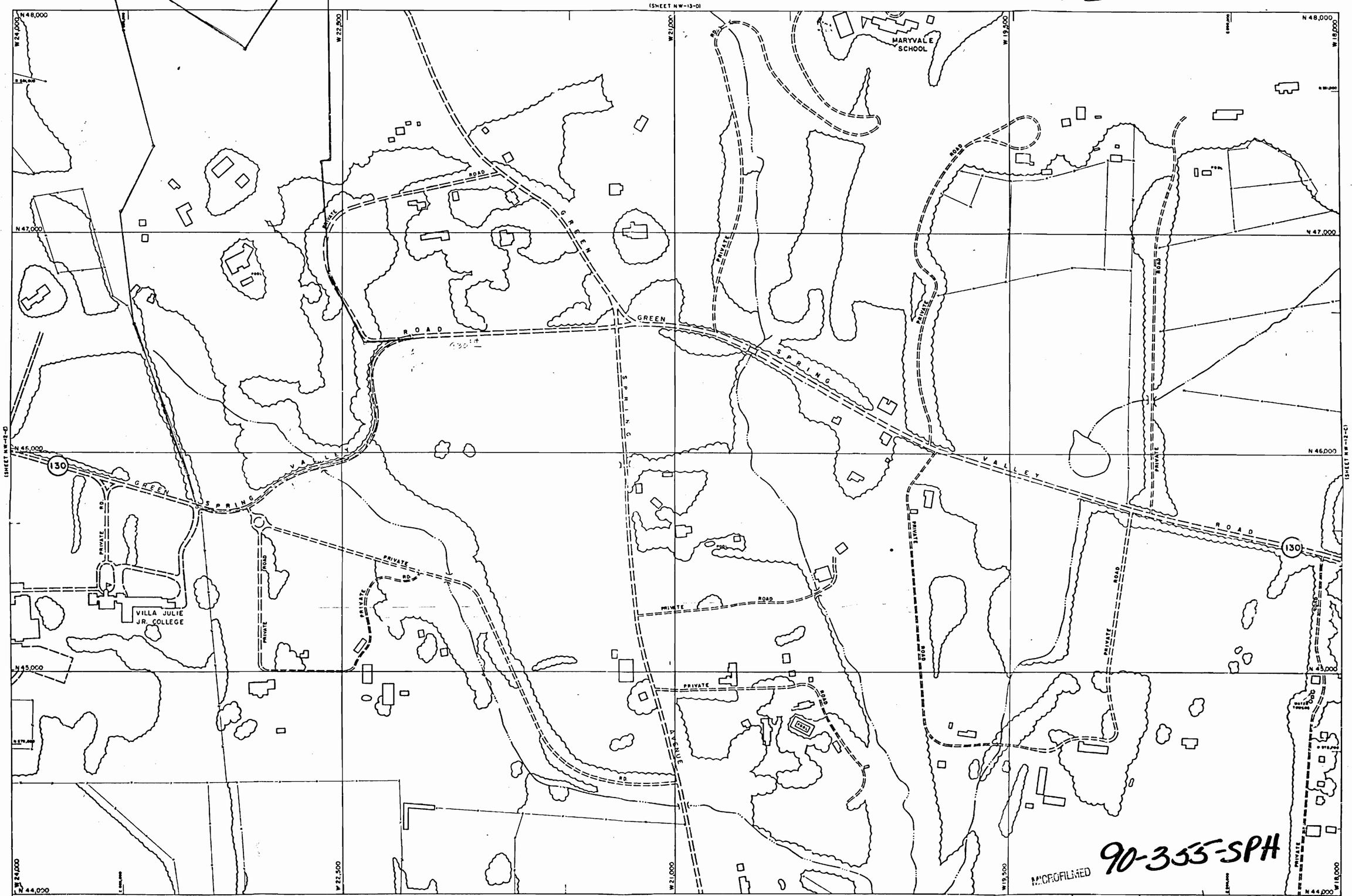
(over)

ORDER RECEIVED FOR FILING
DATE 11/20/79
BY

* Send all info to:
Jean Keller
6412 Wyndhurst Ave.
21212

Petitioners Ex. #5

502



MICROFILMED 90-355-SPH

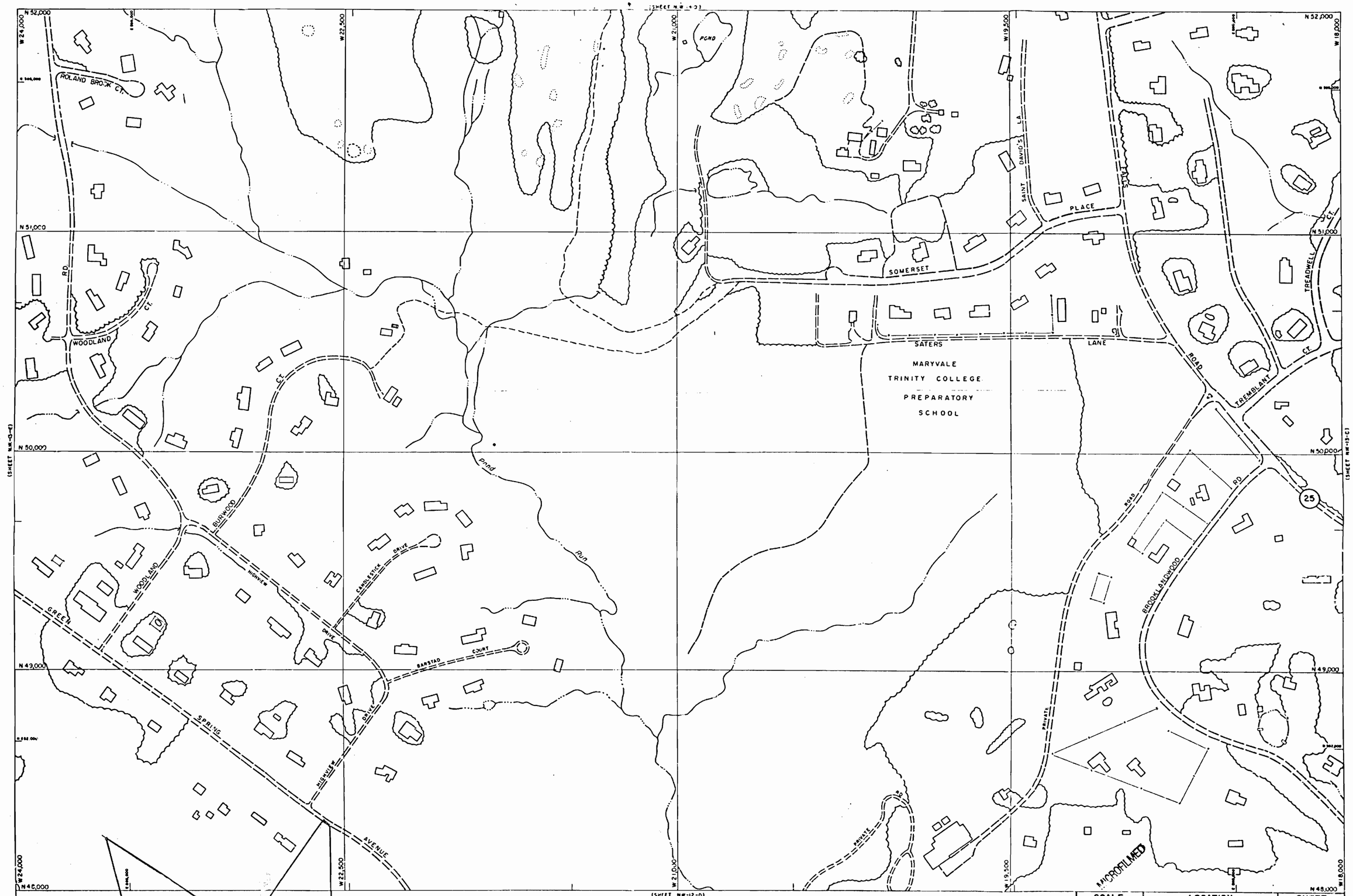
S - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PLANIMETRIC MAP

MICROFILMED

SCALE	LOCATION	SHEET
1" = 200'±	BROOKLANDVILLE 209	N.W. 12-D
DATE OF PHOTOGRAPHY JANUARY 1986		



S-SW
S-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
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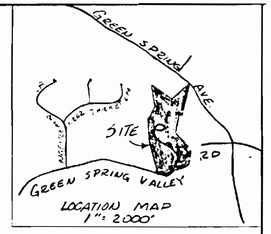
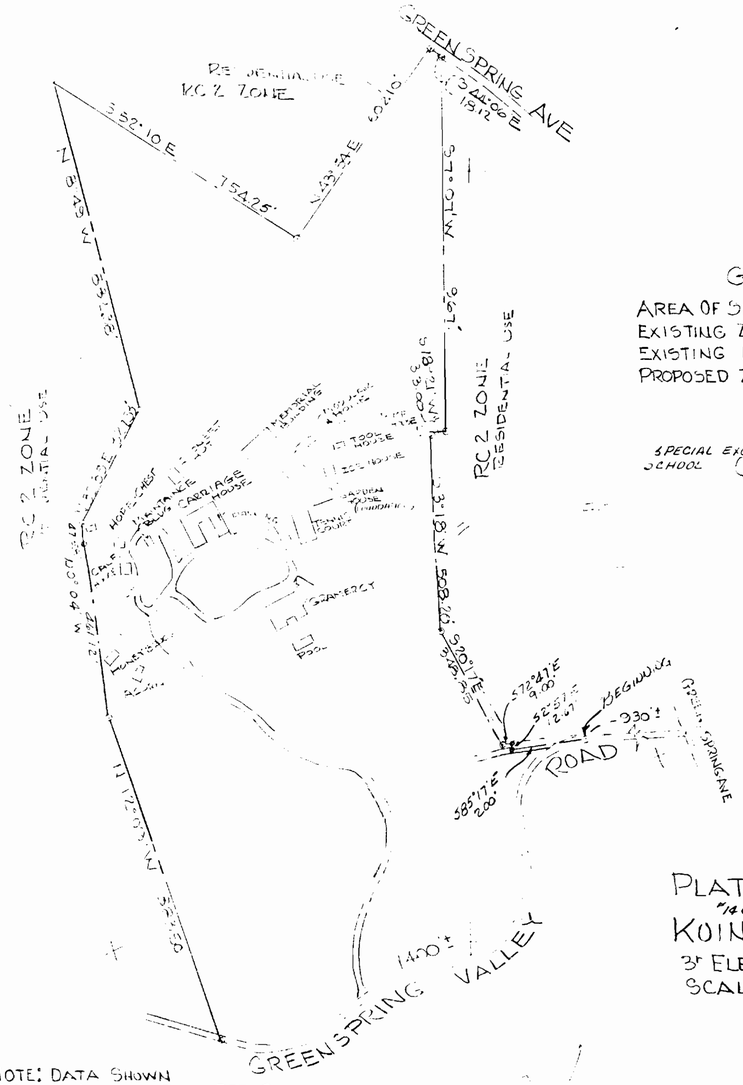
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PLANIMETRIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	BROOKLANDVILLE 209	N. W. 13-D
DATE OF PHOTOGRAPHY JANUARY 1986		

90-355-SPH





GENERAL DATA

AREA OF SITE	44.8 Ac.±
EXISTING ZONE	RC 2
EXISTING USE	RESIDENTIAL & EDUCATIONAL
PROPOSED ZONE	RC 2 - WITH NON CONFORMING FOR EXISTING USE

SPECIAL EXCEPTION GRANTED FOR NURSERY SCHOOL (IDCA 79-X-172)

PLAT FOR SPECIAL HEARING

"14.00 GREEN SPRING AVENUE

KOINONIA PARTNERSHIP

3rd ELECT. DIST. BALTO. CO.

SCALE 1"=200 DEC 20 1989

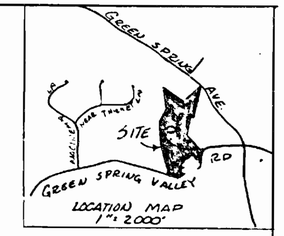
NOTE: DATA SHOWN HEREON - COMPILED FROM DEED PLATS AND OTHER SOURCES AND NOT FROM COMPLETE SURVEY

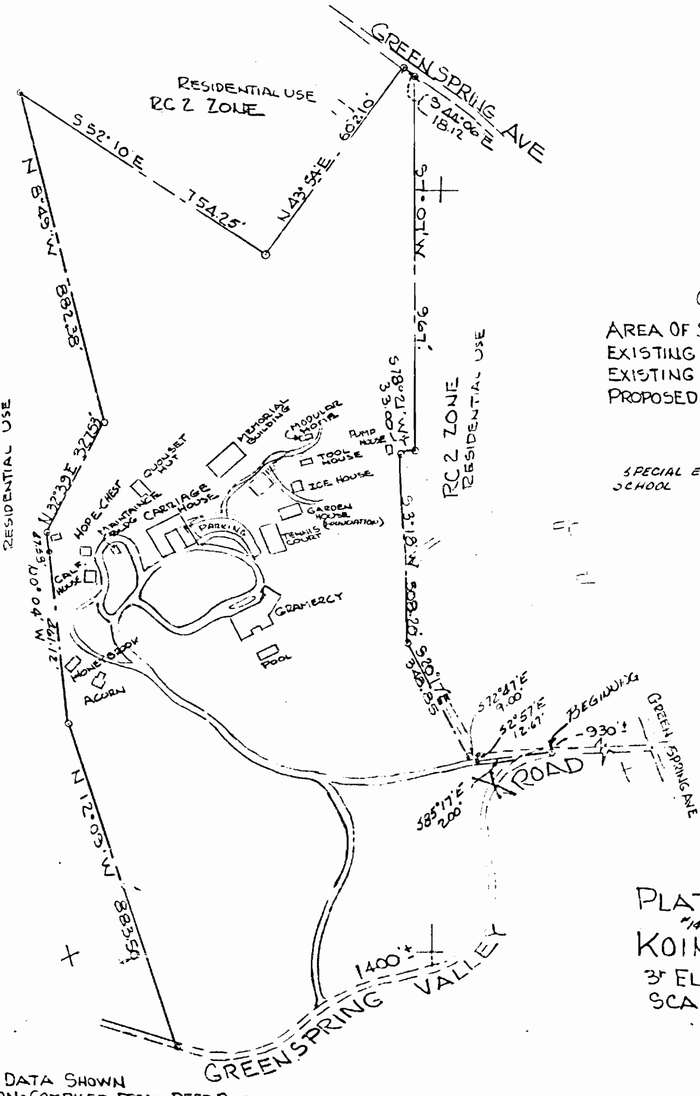
E. A. Raphel

PROFESSIONAL ENGINEER
LAND SURVEYOR

Petitioners Ex. #1

1947





GENERAL DATA

AREA OF SITE	44.8 Ac.±
EXISTING ZONE	RC 2
EXISTING USE	RESIDENTIAL & EDUCATIONAL
PROPOSED ZONE	RC 2 - WITH NON CONFORMING FOR EXISTING USE

SPECIAL EXCEPTION GRANTED FOR NURSERY SCHOOL (IDCA 79-X-172)

PETITIONER'S EXHIBIT 3

PLAT FOR SPECIAL HEARING

"14.00 GREEN SPRING AVENUE

KOINONIA PARTNERSHIP

3rd ELECT. DIST. BALTO. CO.

SCALE 1"=200 DEC 20 1989

209

90-355-SPH

NOTE: DATA SHOWN HEREON - COMPILED FROM DEED PLATS AND OTHER SOURCES AND NOT FROM COMPLETE SURVEY

E. A. Raphel

E. A. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
205 COPELAND AVENUE
ELKTON, MARYLAND 21921

209

1947

1947

The Waldorf School of Baltimore

NEW MORNING CHILDREN'S CENTER

August 14, 1979

Mr. E. Raphel:

I spoke with Diana Itter today and she said that if we file QUICKLY the school may be able to get an approval that is temporary until the actual hearing goes through. Without having filed our chances of getting our liscence before September 10 (opening day) are lessened.

Dorothy Samuels had not received the forms from you when I spoke with her today at 1:30p.m.

If there is anyway I can be of help in speeding up this process please do not hesitate to call me at school or home, 664-6218.

Thank you.

Andrea Levin Gambardella
Administrator

Petitioners Ex. #6

Rec. 12-17-79

(1947)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

Petitioners Ex. #7

KOINONIA

PHOTO EXHIBIT

A. HOPE CHEST
B. CALIFORNIA HOUSE
C. HONEY BROOK
D. ACORN
E. FRONT ENTR. TO GRAMERCY
F. POOL & REAR OF GR
G. GARDEN HOUSE FOUNDATION
H. ICE HOUSE
I. COOLING HOUSE
J. LITERACY
K. MODULAR TENANT HOUSE
L. MEMORIAL
M. CARRIAGE HOUSE

7952B

Petitioners Ex. #8

KOINONIA RESIDENTIAL USES

JULY 1991

A. HOPE CHEST - 1 Single
1 Couple

B. CALIFORNIA HOUSE - 1 Single
1 Couple

C. HONEY BROOK - 1 Single
1 Single

D. ACORN - 1 Single

E.-F GRAMERCY - Single Family

J LITERACY HOUSE - 1 Single
1 Family - 2 Adults & Children - Employees

K MODULAR TENANT HOUSE - 1 Couple & Children - Employees

L MEMORIAL BUILDING - 8 Apartments
(7 Singles
1 Single with Child)

M CARRIAGE HOUSE - 7 Students

7952B

9A

It is hoped that each person reading this pamphlet will make a gift of some amount. If further information is needed, interested persons are encouraged to write the officers noted above or any of the members of the Board of Trustees listed below.

Dr. Frank C. Laubach, Missionary to the "Silent Billion"
World Literacy Committee Office
156 Fifth Avenue
New York, New York

Dr. Glenn Clark, Author and Spiritual Leader
1671 Grand Avenue
St. Paul 5, Minnesota

Mr. Scott Daffy, Author and Lecturer
1001 Rodeo Road
Arcadia, California

Dr. Albert E. Day, Minister
Mount Vernon Place Methodist Church
At the Washington Monument
Baltimore 1, Maryland

Rev. J. Wesley Hines, Co-Pastor
Mount Vernon Place Methodist Church
At the Washington Monument
Baltimore 1, Maryland

Mr. Glenn Harding, Industrial Relations Consultant
Palos Park,
Illinois

Rev. Ward N. Hurlburt, Minister
Rockland Baptist Church
16th and Monroe Streets, N. E.
Washington, D. C.

Mr. Oscar P. Mast, Attorney
817 Southern Building
Washington 5, D. C.

Dr. Alfred Moore, Secretary
World Literacy Committee
156 Fifth Avenue
New York, New York

Mr. Frank Olmstead, Personal Counsellor
Poplar Plain,
Virginia

Mr. Willis R. Nies, Patent Attorney
Greater Building
New York 17, New York

Mr. Walter Taylor, Architect
1741 New York Avenue, N. W.
Washington, D. C.

Please make all checks payable to Koinonia Foundation.

FRONT ENTRANCE, MAIN HOUSE

MY ENLISTMENT IN KOINONIA FOUNDATION

I believe the world's greatest need is for Christ-filled men and women in government, industry, education, and all areas of life. I desire to support KOINONIA FOUNDATION in its work of helping to make this possible. I will make my contribution as follows:

☐ $ _____ ☐ $2000 ☐ $250 ☐ $25
☐ $5000 ☐ $1000 ☐ $100 ☐ $10
☐ $4000 ☐ $750 ☐ $75 ☐ $5
☐ $3000 ☐ $500 ☐ $50 ☐ $3

Amount enclosed $_____ Balance Payable $_____

DATE_____

NAME_____

ADDRESS_____

Make all checks and payments payable to:

KOINONIA FOUNDATION
c/o Oscar P. Mast, 817 Southern Building, Washington 5, D. C.
(Contributions deductible from income tax)

ONE OF ENTRANCES ON VALLEY ROAD

STUDENT APPLICATION

I believe the world's greatest need is for Christ-filled men and women in government, industry, labor, education, and all areas of life. I desire to serve Christ in my chosen field and offer my life for spiritual undergirding through the training of the Koinonia Foundation.

DATE_____

NAME_____

ADDRESS_____

Send to Koinonia Foundation, c/o Rev. J. Walter Pierce, Mount Vernon Place Methodist Church, at the Washington Monument, Baltimore 1, Maryland.

February 1950

VIEW OF HOUSE FACING SWIMMING POOL

*Koinonia Foundation

PAMPHLET NUMBER 2

PURPOSE

There is nothing so powerful as a God-given idea whose time of fulfillment has come. Those who share the Koinonia vision are convinced that it is such an idea. The story of Koinonia Foundation has been told and is available in Pamphlet Number 1. In brief this Foundation has been established to do three things:

1. Find young people who are technically trained, or in training, who are also thoroughly dedicated Christians. Enlist them for service in the interest of world need in their chosen secular field.

2. Provide a period of specialized training in spiritual integration and discipline, to insure consistent and contagious Christian living in the midst of human need.

3. Help place the ones thus trained in regular channels of industry, labor, education, government, etc. Their quality of life will bring credit to their employers, understanding among all people where they go, and a demonstration of God's way of peace.

PROPERTY

The next essential step for Koinonia is the opening of the Training Center. In answer to the prayer and search of the Board of Trustees and friends, a most desirable property has been found. It is a beautiful 45-acre estate, ideally located in the Green Spring Valley, some eight miles outside Baltimore, Maryland. The estate includes a large English manor-type house with spacious rooms on the first floor, including

*(Koy-no-nee'-ah)

Petitioners Ex. 10

LANDLORD AND TENANT AGREEMENT—37 — The Daily Record Company, Baltimore, Md

THIS AGREEMENT, *Made this* 2nd *day of* June

19 49, *between* Hugo R. Hoffmann *Landlord*,

and John E. Cross, Jr., *Tenant*.

WITNESSETH, That the said Landlord hereby rents to the said Tenant the 6 room & bath cottage located on the property of the landlord, together with the use of part of the shed in back of the cottage for his automobile.

for the term of One Year *beginning on the* First

day of September 19 48, *and ending on the* 31st *day of* August

19 49, *at* Sixty *dollars a* month *payable* in advance, together with a monthly charge for electricity as shown by the meter.

And the said Tenant hereby covenants with the said Landlord to pay the rent as aforesaid, keep the premises in good order, and to surrender the peaceful and quiet possession of the same at the end of the said term, in as good condition as when received (the natural wear and decay of the property and unavoidable accidents excepted), and further, that the said Tenant will not do, suffer or permit anything to be done in or about the premises which will contravene the policy of insurance against loss by fire; nor use, nor permit their use, for the purposes other than those of a residence and will not at any time assign this agreement, or sublet the property thus let or any portion thereof, without the consent in writing of the said Landlord or his representatives; and further, that whatever alterations or repairs the said Tenant shall be permitted to make shall be done at his own expense.

IT IS FURTHER AGREED, That if the rent shall be ten days in arrears the Landlord shall have the right to distrain for the same, and to re-enter and take possession; and if the Tenant shall violate any of the aforegoing covenants on his part herein made, the Landlord shall have the right without formal notice to re-enter and take possession; and if the property shall be destroyed or rendered untenantable by fire or unavoidable accident, the tenancy hereby created shall be thereby terminated, and all liability for rent hereunder shall cease upon payment proportionately to the day of fire or unavoidable accident.

AND IT IS ALSO FURTHER AGREED, That this agreement, with all its provisions and covenants, shall continue in force from term to term after the expiration of the term above mentioned, provided, however, that the parties hereto, or either of them, can terminate the same at the end of the term above mentioned, or of any term thereafter, by giving at least sixty days' previous notice thereof in writing.

IN TESTIMONY WHEREOF, the said parties have hereunto subscribed their names and affixed their seals the day and year first above written.

Test:

Hugo R. Hoffmann, Landlord (Seal)

John E. Cross, Jr., Tenant (Seal)

(Seal)

Petitioners #11

KOINONIA

Box 119
1400 Green Spring Valley Road
Stevenson, Maryland 21153
(301) 486-2405

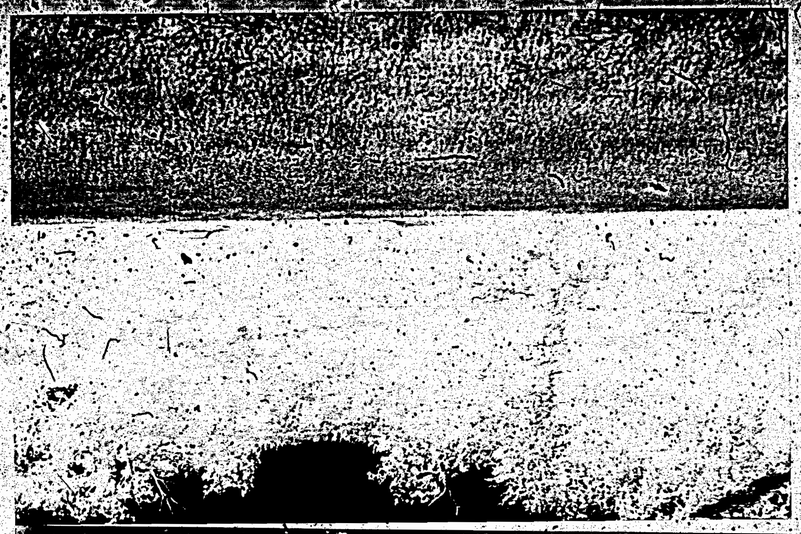
Carriage House Reservations - Seminars/Retreats/Workshops

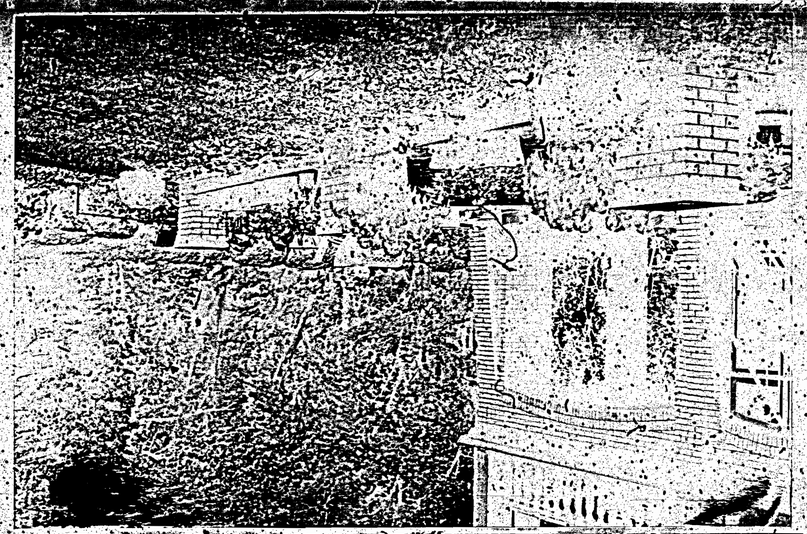
1986 April & March - Baltimore Symphony Association

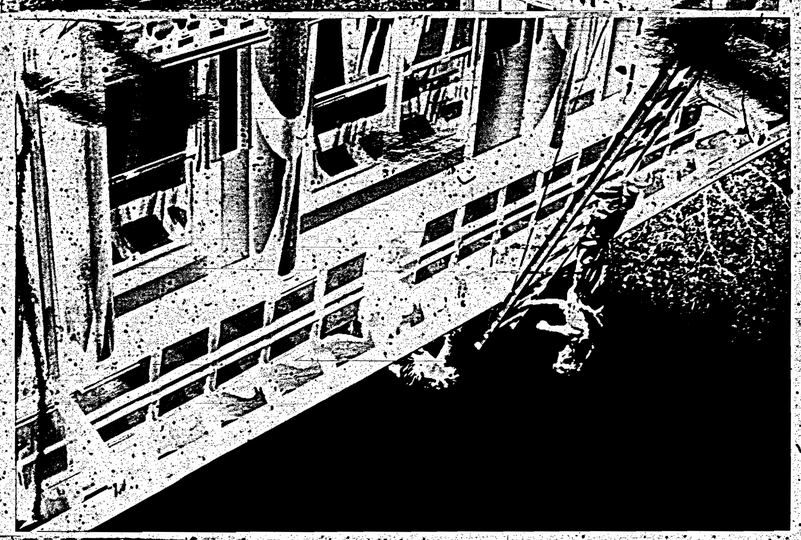
1986
9-5,6,7 Barbara Starr
9-11,12,13 mid Sept Girl Scout Troop (Pauline Bleakney, Leader)
11-14,15,16 Barbara Starr

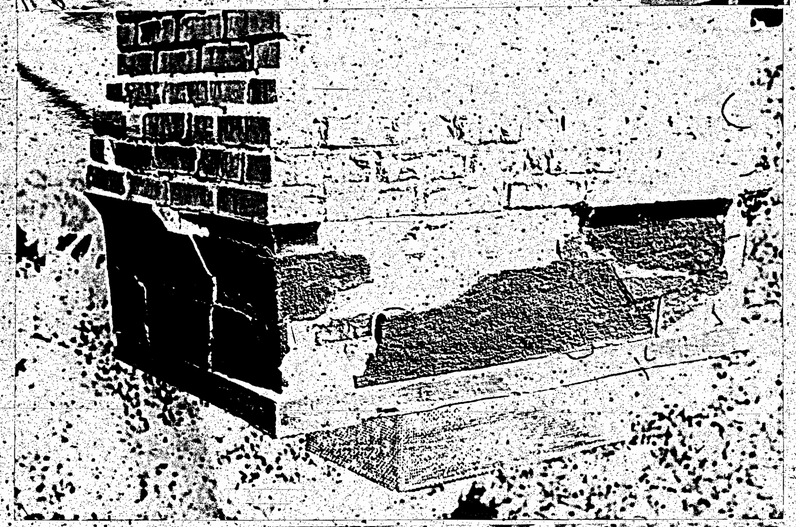
1987
1-31 Jean L. Hopkins
7-18 Sylvia F. Russell
7-31 & 8,1,2 Jessica Dibb
9-12,13,19,20 June C. Penick (The Creative)
10-17,18 Jean L. Hopkins (Classes For Health & Well Being
10-23,24,25 Metropolitan Community Church
Natural Health Clinic
10-30, 11-1 Kathy Baker (Artist)
11-6,7 Jackie C. Odoporte
11-21,22 Foundation For Future
12-5 Jane & Paul Saint (Light & Love)
12-17,18,20 Robin Randolph (Baltimore Ballerina)
12-31 Mr & Mrs Friedman

PETITIONERS EX. #12









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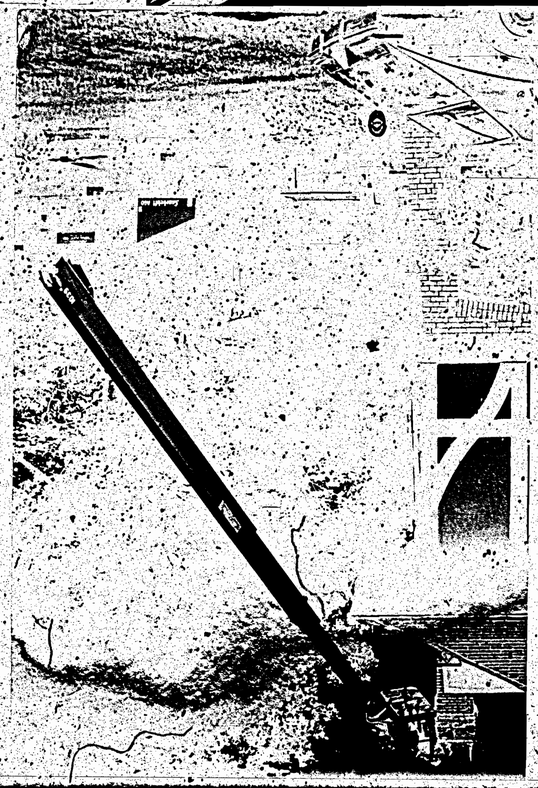


E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE OF DIRECTOR

OFFICE: 825-3908 RESIDENCE: 771-4592

DESCRIPTION TO ACCOMPANY

ZONING PETITION

PROPERTY OF

"KOINONIA PARTNERSHIP"

1400 GREENSPRING VALLEY ROAD

December 20, 1989

Beginning for the same at a point in the centerline of Greenspring Valley Road, westerly 930'± from the intersection formed by the centerline of Greenspring Valley Road and Greenspring Avenue, at the end of the 6th line in the deed of the Land of the Koinonia Partnership, running thence in the centerline of Greenspring Valley Road and on the outline of the Koinonia Partnership in a southerly and westerly direction 1400'± to the 29th line of said deed, thence leaving said road and binding on the Koinonia Partnership N 12° 09' W 883.50', N 0° 04' W 461.12', N 0° 04' W 47.58', N 32° 39' E 327.53', N 8° 49' W 882.38', S 52° 10' E 754.25', N 43° 54' E 602.10', to the centerline of Greenspring Ave., on said Avenue S 44° 06' E 18.12', thence leaving said Avenue and still binding on the Land of the Koinonia Partnership S 7° 07' W 967', S 78° 21' W 33', S 3° 18' W 508.20', S 20° 17' E 348.85', S 72° 47' E 9.00', S 2° 57' E 12.67', S 85° 17' E 200' to the place of beginning.

Containing 44.8 Acres of land ±.

Being the property of the Koinonia Partnership and located at 1400 Greenspring Valley Road.

E. F. Raphel
Reg. Prof. Land Surveyor
2246

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-355-SPH

District 3rd Date of Posting 2-23-90
Posted for: Special Hearing
Petitioner: Koinonia Partnership
Location of property: Greenspring Valley Road, 930' Wly from the C/L of Greenspring Avenue & 1400' Nly from C/L of Greenspring Valley Road
Location of Signs: Northside of Greenspring Valley Road approx. 1000' west of Greenspring Avenue
Remarks:
Posted by S. J. Quate Signature Date of return: 3-2-90
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 22, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on Feb 22, 1990.

THE JEFFERSONIAN,

S. Wm. Hess
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
Case number: 90-355-SPH
Greenspring Valley Road, 930' Wly from c/l of Greenspring Avenue
1400 Greenspring Valley Rd.
3rd Election District
3rd Councilmanic
Petitioner(s):
Koinonia Partnership
Hearing Date: Friday, Mar. 16, 1990 at 9:30 a.m.

Special Hearing: To approve and confirm the lawful non-conforming residential, institutional and other uses as shown on the attached plan.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

2/374 Feb. 22

The Mid-Winter Luncheon Meeting of the Baltimore Chapter of Hadassah will take place on Mon., Feb. 26 at 11:30 a.m. at Temple Oheb Shalom, 7310 Park Heights Ave. Frank Levy, internationally renowned concert pianist, who studied with Leon Fleisher, will perform. (358-2524).

The Asthma Support Group will meet on Tues., Feb. 27 from 7-30-9 p.m. at Baltimore County General Hospital in the Administrative Service: Bldg. Free. (521-5968).

The Chronic Fatigue Syndrome Group will meet Sat., Feb. 24 in BCGH's Administrative Services Bldg., meeting room 1. Family and interested parties also invited. (358-1203).

On Thurs., Feb. 22, Dr. Richard Dory, psychologist, will lead a group discussion on chronic pain and family communication. The meeting will begin at 7 p.m. at the Wilkens Avenue Medical Center, 4660 Wilkens Ave. (636-3731).

A meeting of the board of directors of the Smith-Greenspring Association will be held at the Pikesville Senior High School Library on Thurs. Feb. 22 at 8 p.m.

Associatio...of Villa Julie Colleges...the benefit of the college scholarship Fund, will be held in the Student Center at the college on Fri., Feb. 23. A preview of the art will be held at 7 p.m., with the auction to follow at 8 p.m. (486-7000).

Music

High Baroque chamber works by Handel, Leclair, Buxtehude, Telemann, Quantz, and Couperin will be presented by the Baltimore Consort at the Walters Art Gallery on Sun., Feb. 25 at 2:30 p.m. (576-9276).

Council, 1501 Reisterstown Road Plaza with a co... Wed., February 28, Oheb Shalom at 8:30 p.m. Price is $... mer info., call Leon 484-5285 or 887-124...

Heart Disea... 19 90
At Pikesvil...

'Are You at Ri... Disease?' will be the s... by Dr. Milan Wister a... Senior Ctr., 1301 R... Tues., Feb. 27, at 1... Wister will discuss the... on coping with heart... program is free and... public. For further... 887-1245.

LEGAL NOTICE

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 355-SPH
Greenspring Valley Road, 930' Wly from c/l of Greenspring Avenue
1400 Greenspring Valley Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Koinonia Partnership
HEARING: FRIDAY, March 16, 1990 at 9:30 a.m.

Special Hearing: To approve and confirm the lawful non-conforming residential institutional and other uses as shown on the attached plat.

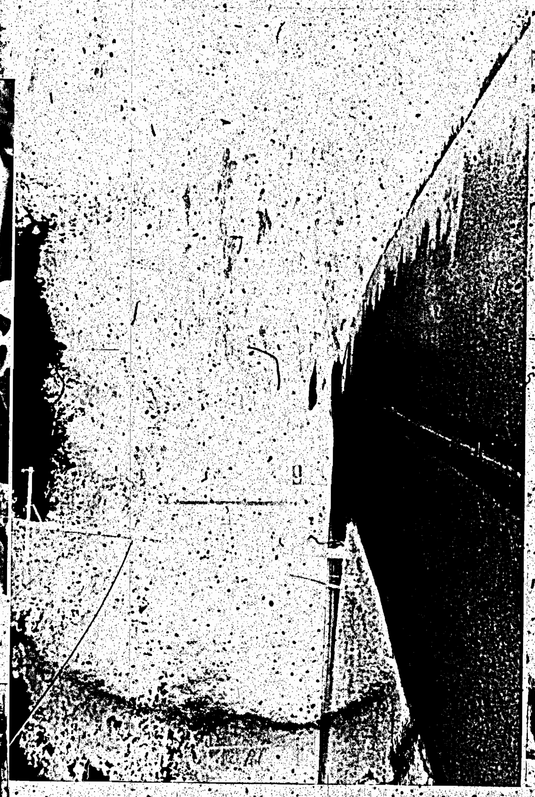
In the event that this Petition is granted a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

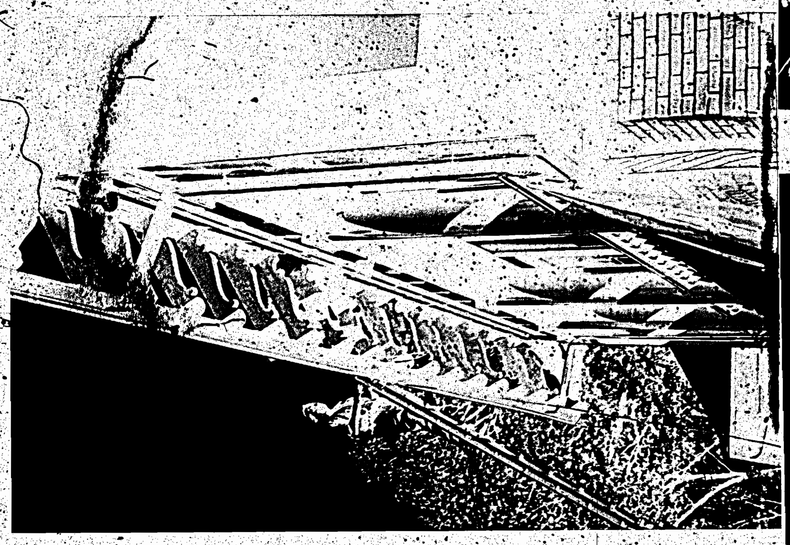
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

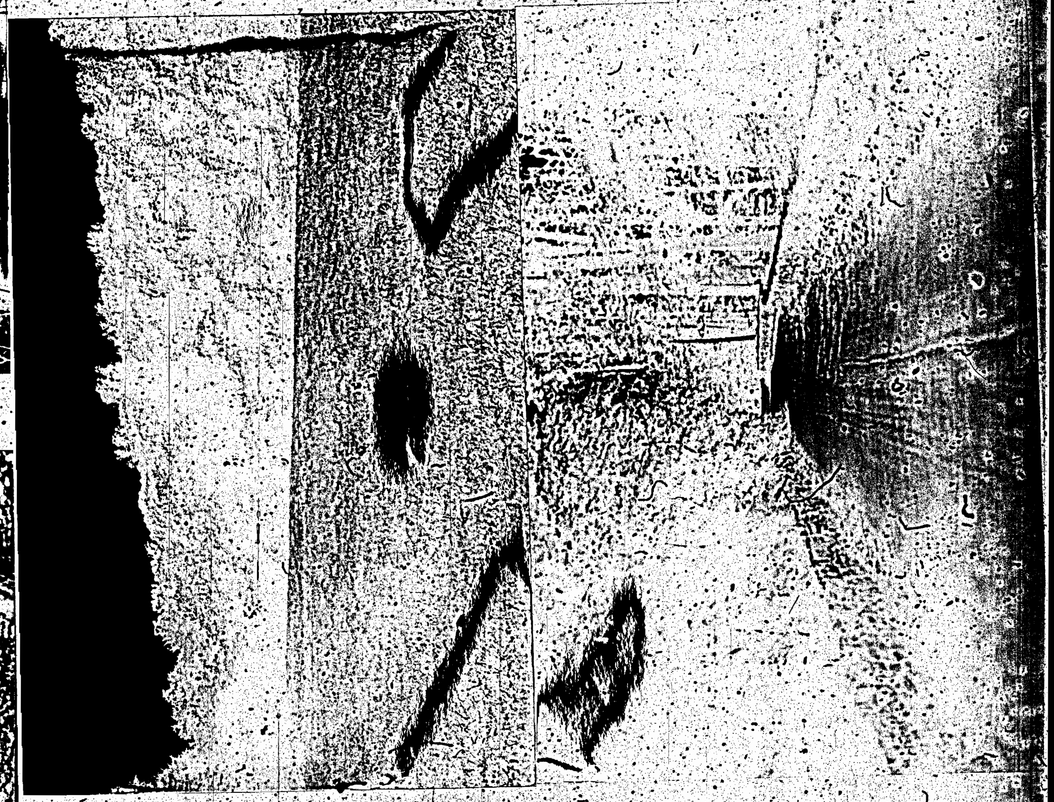
LEGAL N...

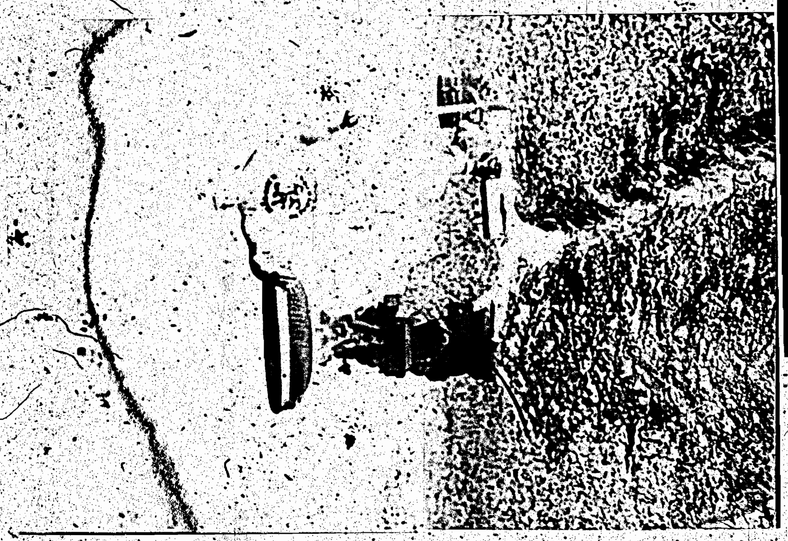
BALTIMORE COU...
BOARD OF LIQUOR LE...
TOWSON, MARYLA...
(301) 887-3...

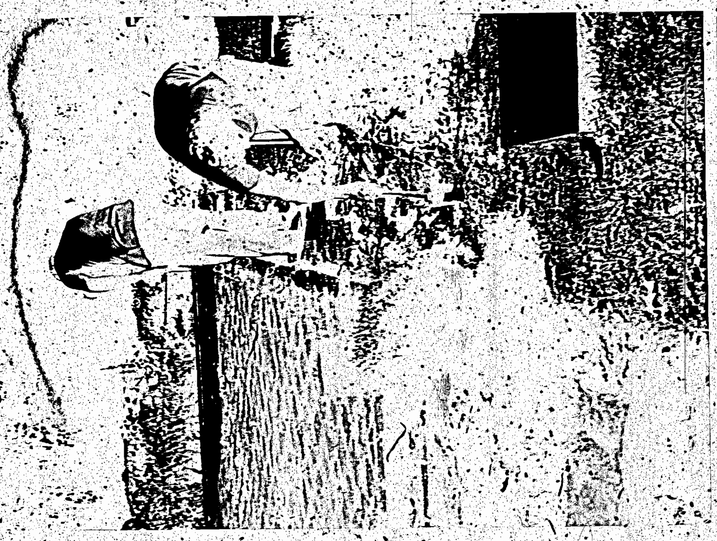
Notice is hereby given that the ... has received application for a ... Beer, Wine and Liquor License ... Beer, Wine and Liquor ... of the Class B-W-D-7 ... Change of Corporate Officers ... Beer, Wine and Liquor ... Class B-W-D-7 ... Change of Trade Name











7-24-91

KOINONIA HEARING

✓ Scott Barhaus
1400 Greenspring Valley Rd

Corinna Peril
1400 Greenspring Valley Rd #213

✓ Louis [illegible]
1400 Greenspring Valley Rd.

✓ David Benedict
1400 Greenspring Valley Rd

Will Worley Box 171 Stevenson MD

Lynn Woodland 15 Kirkwood Rd, Pikesville MD 21208

Christine Ritz Box 162 Hot Greenspring Valley Rd. 21153

OK [illegible] Box 119 1400 Greenspring Valley Rd 21153

Joni Pomykala 1400 Greenspring Valley Rd, Stevenson, MD 21153

OK Joanne Dunzis P.O. Box 1293 Brooklandville, MD 21022

OK Marlin Ballard Jr. Box 1154 Brooklandville Md 21022

Petitioners Ex #15

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 4, 1988

Stephen J. Nolan, Esquire
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, MD 21204

RE: 1400 Greenspring Valley Road
Case No. C-88-2085

Dear Mr. Nolan:

A recent inspection of the above referenced property revealed apparent violations with respect to current regulations for R.C. 2 zones. The violations are numerous and require detailed explanation. However, examples of some of the more obvious violations are as follows:

1. Illegal conversion
2. Location of a trailer on private property without benefit of a permit
3.. Location of more than one dwelling on a principle lot

Please contact this office for further information regarding the subject property. Additionally, within 45 days from the date of this letter you must have an appointment with the\Development Control Office to file a Petition for Variance.

Very truly yours,

Jeffrey W. Long
JEFFREY W. LONG
Zoning Inspector

JWL:eoh

cc: Dr. and Mrs. Ronald A. Pomykala
1400 Greenspring Valley Road
Stevenson, MD 21153

Gary C. Duvall, Esquire
401 Washington Avenue
Towson, MD 21204

Mr. George Gavrelis, Daft-McCune-Walker, Inc.

Petitioners Ex #16

16

MARYLAND HISTORICAL TRUST
Office of Preservation Services

William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

As the actual custodian of an original of this attached letter, dated July 24, 1991, I HEREBY CERTIFY that this copy is an official true test copy of a public document of the Maryland Historical Trust.

J. Rodney Little, Director, MHT
July 24, 1991

Dr. Ronald A. Pomykala
Box 119
Stevenson, MD 21153-0119

Re: Gramercy
Easement Property
Baltimore County

Dear Dr. Pomykala:

Thank you for notifying the Maryland Historical Trust about the zoning problems you are having concerning Gramercy.

As you are aware Gramercy is an important, historic property both to Baltimore County and the state. Gramercy was built soon after the turn of the century in a Tudor style. The main house and carriage house date from this time. The size and style of the house reflect the larger houses and estates that were being built in the Greenspring Valley at the time, as the more affluent were moving out of Baltimore City. The Trust has recognized the historical importance of the main house and carriage house by holding a perpetual historic easement on this part of the property.

The other residential structures on the property were probably built after World War II and are associated with the Koinonia movement during its use of Gramercy. This movement, a precursor of the Peace Corps, used the property as a training center, and the buildings were used as residences. These buildings have yet to be evaluated for their historical significance.

#7 Submitted
Admitted on day 2

Maryland
Division of Historical and Cultural Programs
Department of Housing and Community Development
100 Community Place, Crownsville, Maryland 21032-2023 (301) 514-7600

NORMAN E. GERBER AICP
35 Pickburn Court
Cockeysville, MD 21030
(301)-667-4543

PLANNING EXPERIENCE:

-Prepared master plans including policy plans, small-area plans and revitalization plans for older commercial districts.

-Prepared zoning and subdivision ordinances, growth management ordinances and zoning maps

-Enforced zoning laws and regulations

-Evaluated and approved subdivision and development plans

-Prepared and administered historic preservation and agricultural land preservation laws and programs.

-Testified at various state and local boards and commissions, state and federal legislative bodies, and state and federal courts, including The United States Tax Appeals Court.

-Lobbied city and county councils, state legislators and community groups to obtain support of projects, programs, budgets and contracts.

-Prepared capital budget and 5 year capital programs as well as two year borrowing programs.

-Prepared requests for proposals, selected consultants and administered consultant contracts.

-Conducted as well as evaluated transportation studies

-Located sites for publicly and privately owned facilities.

-Conducted various demographic and market studies

EMPLOYMENT RECORD:

2/88 to now	NORMAN E. GERBER AICP - Planning Consultant. Specializing in all land planning issues, preparation of development regulations, evaluating property development potential and providing expert testimony on planning and zoning matters.
2/89 to 10/90	CITY OF LAUREL MARYLAND Director of the Department of Planning and Zoning
4/56 - 1/88	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
9/80 - 1/88	Director of the Office of Planning and Zoning:
1977 to 1980	Deputy Director of Planning

Petitioners Ex #17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: January 22, 1990
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Koinonia Partnership, Item 209

The Petitioner requests a Special Hearing to determine the lawful non-conforming residential, institutional and other as shown on the attached plat.

In reference to the Petitioner's request, staff offers the following comments:

- The English Tudor-style mansion is one of the homes that make up the National Registered Historic District of the Greenspring Valley.
- The mansion, which is known as Gramercy, is also on the Maryland Historical Trust Inventory List.

An inventory form for state historic sites survey processing and an article that appeared in the Jeffersonian was also offered. (see attached)

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Attachment

JAN 26 1990

Petitioners #20

TIME LINE OF REGULATIONS AND DEVELOPMENT

PRE 1948

Owner: Mr. and Mrs. Hugo R. Hoffmann.

Uses: Estate with several tenant houses and out buildings.

Zoning Regulations: Zoning Regulations being approved by the State Legislature from 1941 to 1947. Codified by Baltimore county in 1948. Map approved in 1945

Subdivision Regulations: None.

Zoning Classification: "Cottage A" from 1945 onward.

Development Status: Single ownership, tenant cottages rented out and residential use on second floor of carriage house.

FROM 1948 to 1950

Owner: Mr. and Mrs. Hugo R. Hoffmann.

Uses: Estate with several tenant houses and out buildings.

Zoning Regulations In Effect: Zoning Regulations Codified in 1948.

Subdivision Regulations: None

Zoning Classification: "A" Residence

Development Status: Single ownership, tenant cottages rented out.

FROM 1950 to 1954

Owner: The Koinonea Foundation

Uses: A Training Center in the Spiritual fields, and the aforementioned buildings.

Zoning Regulations: The 1948 Zoning Regulations.

Subdivision Regulations: None.

Zoning Classification: "A" Residence and a Special Permit for a School (1745-S) granted June 23,1950

Development Status: Single ownership, tenant cottages rented out.

1

Petitioners Ex #21

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Greenspring Valley Road, *
1150' W of the c/l of Falls Road * DEPUTY ZONING COMMISSIONER
8th Election District *
3rd Councilmanic District * OF BALTIMORE COUNTY

Emerson Farms & Company *
Petitioner * Case No. 89-171-SPH

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve and confirm the nonconforming use of seven (7) historic dwellings, and approve and determine the owners' right to separately convey the existing residential units through the use of a homeowners or condominium association, all as more particularly described in Petitioner's Exhibit 1.

At the hearing held on November 9, 1988, the Petitioner, by Richard A. Moore, General Partner, appeared, testified and was represented by Stephen J. Nolan, Esquire. Also appearing on behalf of the Petition were: W. James Howard, Thomas W. Greene, J. M. Dryden Hall, Jr., Jack Dillon, Office of Planning and Zoning, A. D. McComas Executive Director of the Falls Road Community Association, Lisa Keir, Executive Director of the Valleys Planning Council, and Eugene F. Raphel, Civil Engineer. Phyllis Friedman appeared on behalf of People's Counsel for Baltimore County. There were no Protestants.

At the initial hearing held on November 9, 1988 testimony indicated that the subject property consisted of 2.602 acres of a 7.00 acre parcel known as Tract "A" as depicted on Petitioner's Exhibit 1. Thereafter, at the hearing held on January 7, 1991, the property was amended to consist of the entire 7.00-acre parcel as depicted on Petitioner's Exhibit 9. Said property, zoned R.C. 2, is located on the west side of Greenspring

Petitioners Ex #22

Art. 838, § 5-601 ANNOTATED CODE OF MARYLAND

Subtitle 6. Maryland Historical Trust.

Part I. General Provisions.

§ 5-601. Defintions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *"Submerged archaeological historic property."* — "Submerged archaeological historic property" means any site, structure, object, or remains which:

(1) Yields or is likely to yield information of significance to the scientific study of human prehistory, history, or culture; and

(2) (i) Is embedded in submerged lands and has remained unclaimed for 100 years or longer; or

(ii) Is included in or has been determined eligible for inclusion in the National Register of Historic Places.

(c) *Council.* — "Council" means the Maryland Advisory Council on Historic Preservation.

(d) *Director.* — "Director" means the Director of the Maryland Historical Trust.

(e) *Embedded.* — "Embedded" means firmly affixed in submerged lands such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the archaeological historic property and any part thereof.

(f) *Financial assistance.* — "Financial assistance" means an action by the State or a State unit to award grants, loans, loan guarantees, or insurance to a public or private entity to finance, either in part or in whole, an undertaking.

(g) *Governor's Consulting Committee on the National Register of Historic Places.* — "Governor's Consulting Committee on the National Register of Historic Places" means the committee that reviews nominations to the National Register under the National Historic Preservation Act of 1966.

(h) *Historic property.* — "Historic property" means a district, site, building, structure, or object significant in the prehistory, history, upland and underwater archeology, architecture, engineering, and culture of the State, including artifacts, records, and remains related to a district, site, building, structure, or object.

(i) *Permittee.* — "Permittee" means any person or entity authorized and given the exclusive right by the Maryland Historical Trust to excavate or disturb a submerged archaeological historic property under the provisions of § 5-620 of this subtitle.

(j) *Preservation.* — "Preservation" means the identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, and reconstruction of a historic property.

(k) *State Historic Preservation Officer.* — "State Historic Preservation Officer" means the individual who administers the State Historic Preservation

510

Petitioners Ex. #23

1. Finding that there has been a continuous use of the subject property for multi-family residential leasing which has not changed.

2. Finding that Koinonia Partnership, Appellee, is operating a private school on the subject property.

3. Improperly applying the legal standard for determining when there is a nonconforming use; in particular, failing to rule (or, in the event the Board of Appeals made an implied ruling, incorrectly ruling) that the alleged multi-family residential use of the subject property prior to the institution of the current RC-2 zoning was a lawful use.

For the foregoing reasons, and such other arguments in support of Appellants' contentions presented in the November 4, 1991 Memorandum of Appellant, Appellants respectfully request that this Court pass an Order reversing the decision of the Board of Appeals approving and confirming the alleged lawful and nonconforming residential, institutional and other uses set forth in such decision.

Roger D. Redden
John P. Machen
Kurt J. Fischer

Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(410) 576-1632

Attorneys for Appellants

25.202019A:11/21/91
18295-1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of November, 1991, a copy of the aforegoing Amended Petition for Appeal was mailed first class, postage prepaid, to the Baltimore County Board of Appeals, and to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 West Pennsylvania Avenue, Towson, Maryland 21204.

Kurt J. Fischer

25.202019A:11/21/91
18295-1

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162

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

AMENDED ORDER FOR APPEAL

To the Clerk:

Please file an appeal on behalf of Appellants, Dr. and Mrs. Charles J. E. Arnold, Mr. W. James Howard, Ms. Lucy A.C. Howard, Dr. Hamilton Moses, III, and Mr. and Mrs. Nathaniel E. Prentice, from the Order of the Baltimore County Board of Appeals (Case No. 90-355-SPH) dated August 2, 1991.

Roger D. Redden
John P. Machen
Kurt J. Fischer

Piper & Marbury
Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(410) 576-1632

Attorneys for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of November, 1991, a copy of the aforegoing Amended Order for Appeal was mailed first class, postage prepaid, to the Baltimore County Board of Appeals, County Office Building, Room 315, 111 West Chesapeake Avenue, Towson, Maryland 21204, and to Stephen J. Nolan, Esquire, Nolan Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 West Pennsylvania Avenue, Towson, Maryland 21204.

Kurt J. Fischer

24.202019A:11/21/91
18295-1

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162

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

AFFIDAVIT OF JOHN P. MACHEN, ESQUIRE

I, JOHN P. MACHEN, ESQUIRE, HEREBY STATE that on this 22nd day of November, 1991:

1. That I represent, as legal counsel in the above-captioned proceeding, Dr. and Mrs. Charles J. E. Arnold, Mr. W. James Howard, Ms. Lucy A. C. Howard, Dr. Hamilton Moses, III, and Mr. and Mrs. Nathaniel E. Prentice in their appeal of the August 2, 1991 decision of the County Board of Appeals of Baltimore County (Case No. 90-355-SPH).

2. That Mr. W. James Howard and Ms. Lucy A. C. Howard, owners of the property adjacent to and east of the subject property, were present at the proceeding before the County Board of Appeals of Baltimore County.

3. That Mrs. Charles J. E. Arnold and Dr. Hamilton Moses, III were present and registered as Protestants at the proceeding before the Baltimore County Zoning Commissioner in this matter (Zoning Commissioner's Order, p. 1, July 16, 1990, Case no. 90-355-SPH).

4. That I used the term "Ledger Hill Neighbors" before the Zoning Commissioner, the Board of Appeals (see, Board of Appeals transcript, July 26, 1991 at p. 12), and this Court in Appellants' Order For Appeal and Petition For Appeal.

5. That the term "Ledge. Hill Neighbors" was used merely as a descriptive umbrella name, for purposes of convenience, to refer to the collective group of neighbors protesting the Petition sought by the Koinonia Partnership.

6. That the term "Ledger Hill Neighbors" was never used or intended as a name of an incorporated entity, neighborhood association or any other organization.

7. That, as noted in the record before the Board of Appeals (transcripts of July 24, 1991 at p. 6 and July 26, 1991 at p. 12), all of the individuals listed in Paragraph 1 of this Affidavit own property on Green Spring Avenue or Greenspring Valley Road in close proximity to the Koinonia Partnership property.

8. That at no time during the proceedings before the Board of Appeals or the Zoning Commissioner did the Koinonia Partnership object to the involvement of the individuals listed in Paragraph 1 of this Affidavit as Protestants to its Petition.

27.202019A:11/22/91
18295-1

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true.

John P. Machen, Esquire
Piper & Marbury
Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(410) 576-1768

27.202019A:11/22/91
18295-1

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162

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

AFFIDAVIT OF
W. JAMES HOWARD

I, W. JAMES HOWARD, HEREBY STATE that on this 21st day of November, 1991:

1. That I am the owner, along with Ms. Lucy A. C. Howard, of property at 11044 Green Spring Avenue, Lutherville, Maryland 21093, on land due east and adjoining the property owned by the Koinonia Partnership.

2. That I was joined by Dr. and Mrs. Charles J. E. Arnold, Ms. Lucy A. C. Howard, Dr. Hamilton Moses, III and Mr. and Mrs. Nathaniel E. Prentice, all of whom own property in close proximity to the property owned by the Koinonia Partnership, in bringing the above-captioned appeal of the August 2, 1991 Order of the County Board of Appeals for Baltimore County (Case No. 90-355-SPH).

3. That I, along with those individuals identified in paragraph 2 of this Affidavit, retained John P. Machen, Esquire to oppose the Petition sought by the Koinonia Partnership before the Board of Appeals (Board of Appeals

SCALE	LOCATION	SHEET
1" = 200'±	STEVENSON	N.W. 12-E
DATE OF PHOTOGRAPHY JANUARY 1986		

PHOTOGRAPHICS, INC. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	BROOKLANDVILLE	N.W. 12-D
DATE OF PHOTOGRAPHY JANUARY 1986		

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	STEVENSON	NW 12-E
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

HOTOGRAPHICS, I
25401

RE: PETITION FOR SPECIAL HEARING (Greenspring Valley Road, 930' W From C/L of Greenspring Ave. 1400 Greenspring Valley Road 3rd Election District 3rd Councilmanic District) KOINONIA Partnership Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case #90-335SPH
Item #209
Hearing: May 15,1990
9:10 a.m.

April 19, 1990

APPEARANCES:

STEPHEN J. NOLAN, ESQ., In behalf of the Petitioner, Dr. Pomykala

JOHN P. MACHEN, Esq., In behalf of Ledger Hill Neighbors

PHYLLIS COLE FRIEDMAN, Esq. People's Counsel for Baltimore County

ALSO PRESENT:
MITCHELL S. ORCUTT, Television Recording Operator

Deposition of MARION CARNES, taken in behalf of the Petitioner before Bernard Danker, a Notary Public in and for the State of Maryland, County of Baltimore, at the offices of the Presbyterian Home of Maryland, Inc., 400 Georgia Court, Towson, Maryland 21204, at 10 o'clock, a.m., April 19, 1990.

Reported by: Bernard Danker

90-355 SPH Petitioners Ex # 24A

PETITIONER'S EXHIBIT 1

BERNARD DANKER ASSOCIATES (301) 527-1877

Carnes Depo Ex 2 (4-19-90)

KOINONIA
Box 119
1400 Green Spring Valley Road
Stevenson, Maryland 21153
(301) 486-2405

PETITIONER'S EXHIBIT 15
90-355SPH

Koinonia Farms - Sales

1986	Mushrooms	296.88
1987	Mushrooms	3524.77
	Baskets	349.78
		3574.55
1988	Mushrooms	5087.90
	Baskets	1060.40
		6148.30
1989	Mushrooms	2622.65
	Baskets	3899.50
		6522.15

Customers

Restaurants: Panda Gourmet, Stixx, Piffins, Innsworth, Sneaky Pete, Rudy's 2900, Jeannie's, Nanegi, Pember, Peabody Court, Harvest Moon Cafe, Dennys, Jafe, Country Fare Inn, Green Earth, Cafe des Artistes, Maryland Club

Groceries: The Gourmet Shop, O K Natural Food Store, The Health Emporium, The Green Earth, Brads Market, Wholistic Grocery, Innovative Gourmet, Fish Farms, Village Market Grocery, Magruders, E.A.T.A. Fruit Co

Wholesalers: Organic Farms, Imperial Produce, L.V.P. Produce, Sunrise Produce

Petitioners Ex 25

WILD ABOUT MUSHROOMS

Mushroom marketer Nancy Carol shows how inoculated logs sprout mushrooms at Koinonia Farms in Stevenson. Holes are drilled in the logs, mushroom spores are packed in, the holes are corked and soon mushrooms pop out all over the log. They will eat the log up, just like a natural rotting process," she says. "They'll live in this log until the log is totally consumed."

By Lynn Williams

"What does a truffle taste like?" I asked my friend, the gourmet gourmet. I think I expected a response along the lines of, "Well, it tastes a little like a mushroom, but with a stronger, smokier flavor."

His response, though, was a little testy. "How can I tell you that? The flavor is unique. Could you describe vanilla ice cream to someone who has never tasted it?"

Back then, few of us had tasted truffles, the "black gold" of the fungus family, unless we had encountered those tins of French pate in the fancy foods aisle. The gourmet treats turned out to be spongy pork demi-tags studded with gelatinous black bits whose taste, if we could discern it at all, made us wonder what all the fuss was about.

Of the other varieties of exotic mushroom — shiitakes, porcini, morels, chanterelles — we knew nothing at all. Mushrooms were the little beige buttons sliced on top of pizza. It was easy to describe their taste: They tasted mushroomy.

It's still nearly impossible to describe the flavor of a wild mushroom, although we food writers do our best with such overworked words as "earthy," "musky" or "sensual." At last, though, Baltimoreans are getting ample chance to taste for themselves. A number of restaurants are now featuring them, and they can be found, dried and even fresh, on the shelves of gourmet markets and health food stores. The United States, a traditionally "headless" phobic country, is developing an almost European mania for fantastic fungi.

"When I got into this business, nobody had even heard of a shiitake," says Lew Pearce 3rd, a wholesale mushroom buyer and shiitake mushrooms are pretty standard now. has turned into the purple mushroom."

Still, some consumers are understandably reluctant.

Mushroom hunting has a long and romantic history. Mushrooms in "Anna Karenina," alive all that is irresistible to those who love the lure of the wild woods.

the serendipitous joy of coming on a patch of puffballs or the golden trumpet chanterelles. But by can have tragic, or at least uncomfortable, results. mycologists mistake a toxic mushroom for one of the

there is a certain amount of caution. Even the experts when buying from professionals. Mr. Pearce tells Administration, not the Maryland Department of Health the sale of exotic mushrooms, so you've got to that the merchants you buy from, and the packers know what they're doing.

Now, however, forward-thinking farmers are about. As the market for exotics increases, many more concerns are learning to domesticate some of the varieties.

In Kennett Square, Pa., America's mushroom have branched off from the ordinary white mu

See MUSH

90-355
Petitioners Ex # 26

PETITIONER'S EXHIBIT 14 A
90-355

GFA
Greenspring Valley Association Incorporated
P.O. Box 304
Stevenson, MD 21153

June 18, 1991

Dear Mr. Nolan:

Attached is a copy of a letter pertaining to 1400 Greenspring Valley Road, which is self-explanatory.

May 4, 1990

Please be advised that the Greenspring Valley Association, Inc.'s position has not changed since the writing of this letter.

Thanking you to give this matter your attention.

Yours truly,

SPAULDING A. GOETZE, SR.
President

County
oom 113

A. Pomyka'a for a
15 acre parcel known as
Road

...et with Newton A. Williams, Esquire, ...Anita Prentice, a concerned neighbor, ...change of zoning on the Pomykala ... comprised of owners of property ...Greenspring Valley, as bounded by Falls Road to the east, Park Heights Avenue to the west, and the north and south ridges of the Valley itself; in addition to and including the interests of the contiguous land owners where appropriate. Thus, in this case, the Pomykala property is clearly within the boundaries of our membership.

It is the Association's request that there be no change in the present zoning. However, the Association would not object to the continued limited residential rental of the existing buildings, provided that the entire property is restricted by convenants recorded among the Land Records and running with the land, which would assure that there would be no further development on the property. Thus, the effect would be to permit a nonconforming use of the property which would terminate in the event of the destruction of the current apartment buildings. In addition, there would be an assurance to the neighborhood that the property would not be more intensely developed.

The Board believes that by utilizing a nonconforming use along with the owner's agreement to restrictive covenants as I have outlined, both the interest of the current owner in utilizing his existing buildings to maintain his income stream and the interest of the surrounding neighbors in maintaining the rural character of the Greenspring Valley are met. It is our hope that this letter may be of some assistance to your deliberations.

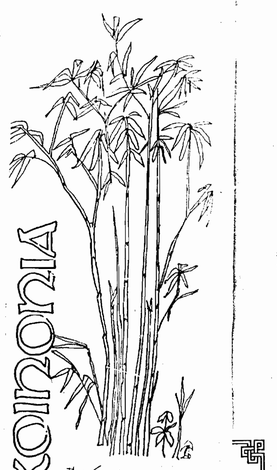
...ENSPRING VALLEY, MARYLAND 21153

Petitioners Ex 27
S.D. only

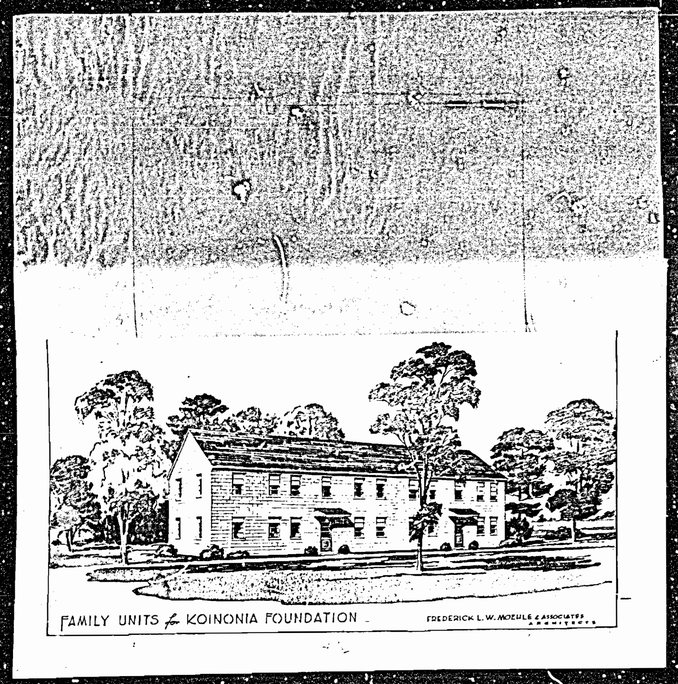
KOINONIA
P. O. Box 5744
Baltimore, Md. 21208
301/486-6262

PRINTED AT KOINONIA PRESS

Please post or pass on to a friend.



Petitioners Ex # 28



AUCTION:

ABSOLUTE TO THE HIGHEST BIDDER
(Minimum Opening Bid $600,000)

45 ± ACRES
PRIME GREENSPRING VALLEY LAND
INCL. MANSION

LOCATED AT KOINONIA FOUNDATION

1400 GREENSPRING VALLEY ROAD
STEVENSON, BALTIMORE COUNTY, MARYLAND

TUESDAY, MAY 14 AT 10:00 A.M.

PETITIONER'S EXHIBIT 11A

Michael Fox Auctioneers,
Executive Offices • 3825 Naylors Lane Inc.
Baltimore, Maryland 21208 • 301/653-4000

ATTENTION PROSPECTIVE BIDDERS

The information included herewith is a summary of information available from a number of sources, most of which have not been directly verified. It is supplied to you for whatever assistance it may be in answering your questions; however, SUCH INFORMATION AND OPINIONS ARE SUPPLIED WITHOUT ANY WARRANTY WHATSOEVER. Respective bidders are advised to avail themselves of the land and tax records of Baltimore County and/or to make detailed inspections of the premises on their behalf, consulting whatever advisors they may feel appropriate.

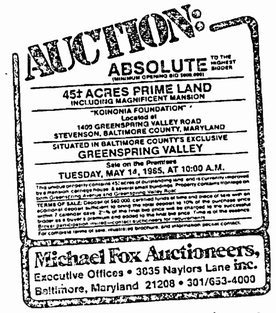
PETITIONER'S EXHIBIT 11B

TABLE OF CONTENTS

	PAGE NO.
Copy of Advertisement	1
Area Map	2
Location and Site Description	3
Site Map and Directions	4
Easement and Map	5
Assessments and Taxes	6
Zoning and Utilities	7
Broker's Participation	8
Terms of Sale	9

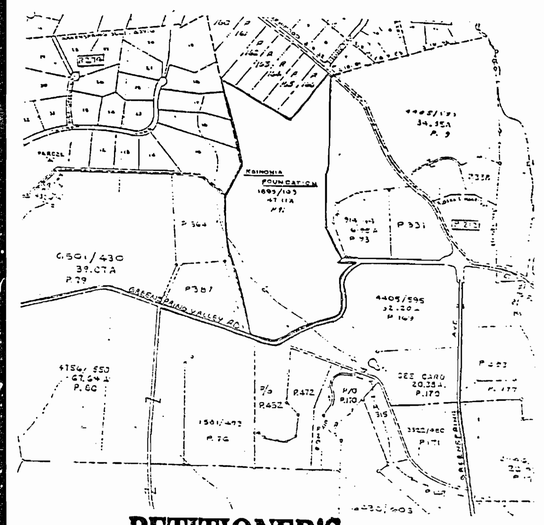
PETITIONER'S EXHIBIT 11 C

COPY OF ADVERTISEMENT



PETITIONER'S EXHIBIT 11 D

AREA MAP



PETITIONER'S EXHIBIT 11 E

LOCATION AND SITE DESCRIPTION

Location:

"Koinonia Foundation"
1400 Greenspring Valley Road
Stevenson, Baltimore County, Maryland

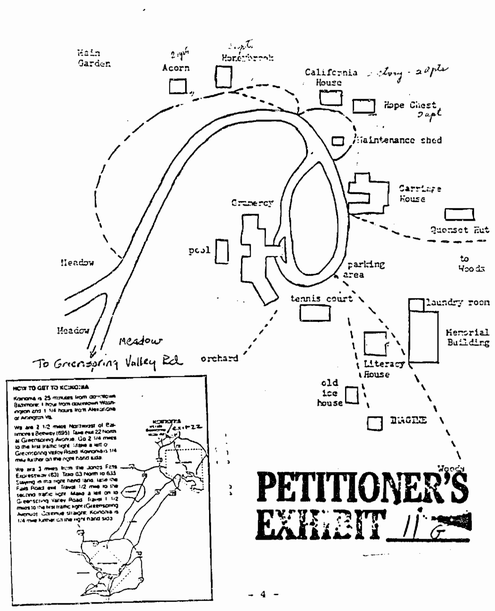
Site Description:

The site contains three contiguous parcels of prime land comprising a total of 45 ± acres. Located in Baltimore County's exclusive Greenspring Valley, the site also includes the magnificent Gramercy Mansion, built in 1908, as well as a carriage house, seven smaller buildings, swimming pool and tennis court.

Property contains frontage along both Greenspring Valley Road and Greenspring Avenue.

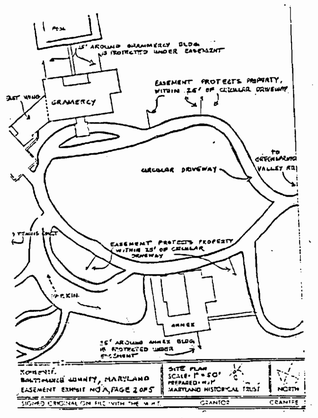
PETITIONER'S EXHIBIT 11 F

MAP OF KOINONIA'S GROUNDS



PETITIONER'S EXHIBIT 11 G

EASEMENT LOCATION



A deed of easement comprised of twenty-five feet surrounding the mansion, carriage house, and circular drive was granted to the Maryland Historical Trust (copy of actual deed available upon request).

PETITIONER'S EXHIBIT 11 H

ASSESSMENTS AND TAXES

Full Value:

	29.75± Acr.	14.0± Acr.	.585± Acr.	Total
Land	$507,500.	$140,000	$ 2,340.	$ 649,840.
Improvements	590,050.	------	------	590,050
Totals	$1,097,550.	$140,000.	$ 2,340.	$1,239,890

Assessments:

	29.75± Acr.	14.0± Acr.	.585± Acr.	Total
Total	$477,150.	$ 60,860.	$ 1,010.	$539,020.

Property is currently tax exempt. Proposed property tax for 1985/86 is $3.30* per $100. assessed value. *(Baltimore County $3.09, State .21).

The above assessments/full values are for tax purposes and were determined by Baltimore County and the State of Maryland.

PETITIONER'S EXHIBIT 11 I

UTILITIES AND ZONING

Utilities:

The site contains three wells; all buildings are on one interlinking water system.

There is one septic tank for the mansion and carriage house and separate septic tanks for each of the other buildings. There are also two septic fields.

All buildings have oil fired heat.

Zoning: RC2

PETITIONER'S EXHIBIT 11 J

KOINONIA

PHOTO EXHIBIT

A. HOPE CHEST
B. CALIFORNIA HOUSE
C. HONEY BROOK
D. ACORN
E. FRONT FNTR. TO GRAMERCY
F. POOL & REAR OF GR
G. GARDEN HOUSE FOUNDATION
H. ICE HOUSE
I. COOLING HOUSE
J. LITERACY
K. MODULAR TENANT HOUSE
L. MEMORIAL
M. CARRIAGE HOUSE

PETITIONER'S EXHIBIT 12

KOINONIA
Box 119
1400 Green Spring Valley Road
Stevenson, Maryland 21153
(301) 486-2405

Carriage House Reservations - Seminars/Retreats/Workshops

1986 May April + March - Baltimore Symphony Association

1986
9-5,6,7 Barbara Starr
9-11,12,13 mid Sept Girl Scout Troop (Pauline Headsteel leader)
11-14,15,16 Barbara Starr

PETITIONER'S EXHIBIT 13A

1987
1-31 Jean L. Hopkins
7-18 Sylvia F. Russell
7-31 8,1,2 Jessica Dibb
9-12,13,19,20 Jane B. Penick (The Creative)
10-17,18 Jean L. Hopkins (Classes For Health + Well Being
10-23,24,25 Metropolitan Community Church
Natural Health Clinic
10-30, 11-1 Kathy Baker (Flute)
11-6,7 Jackie B. Delaporte
11-21,22 Foundation For Future
12-5 Jane + Paul Saint (Light + Love)
12-17,18,20 Robin Rendrop (Baltimore Resources)
12-31 Mr + Mrs Friedman

KOINONIA
Box 119
1400 Green Spring Valley Road
Stevenson, Maryland 21153
(301) 486-2405

Carriage House reservations Seminars/Retreats/Workshops

1988
2-4,5,6,7 Foundation For Future
2-27,28 Sunray Meditation Society
3-9,10,11,12,13,20 Foundation For Future
3-25,26,27 Sunray Meditation Society
4-25,26,27,28,29 Tom Myers
5-22 Janice Levin
6-8 Baltimore Resources
6-10,11,12 Jessica Dibb
6-16,17,18,19 Foundation For Future
7-6,7,8,9,10,17 Foundation For Future

PETITIONER'S EXHIBIT 13B

KOINONIA
Box 119
1400 Green Spring Valley Road
Stevenson, Maryland 21153
(301) 486-2405

Bed + Breakfast Reservations - Gramercy
March, April + May - Baltimore Symphony Association
11-14,15,16-86 Ronald + Marlene Oetzel
6-14-86 Mr + Mrs Rick Nolbruger
7-[illegible]-86 Mr + Mrs Miguel Serrado
10-[illegible]-86 Janice Albaugh
10-11-86 Mr + Mrs. J. [illegible] Tisk
12-31-86 Mark + Becky Seidler
1-1-87
2-[illegible]-87 Nancy Merchant + Mikael Ferguson
2-[illegible]-87 Carole Simpmeister
2-[illegible]-87 Roberta Sahay
5-[illegible]-87 Mark + Janice Schott
7-[illegible]-87 Susan Reed
8-22-87 Mr + Mrs Halmes
9-19-87 Ted Wise
7-22-87 Arthur + Carol Freeman
11-1-87 Wendy Adams + husband
10-3-87 Dixie [illegible]

PETITIONER'S EXHIBIT 13C

11-7,8,9,10,11-87 Mark + Siegrid Von Dardouche
12,13,14,15,16 Mr + Mrs Barry Sutton
2-14-88 Mr + Mrs Joseph Hutchinson
3-26,27,28 Susan Mack + husband
5-28 Mr + Mrs Paul Betzel
5-29,30 Mr + Mrs Justin Patin
6-[illegible]
2-[illegible] Mr + Mrs David [illegible]

KOINONIA
Box 119
1400 Green Spring Valley Road
Stevenson, Maryland 21153
(301) 486-2405

Carriage House Reservations for Seminars, Retreats, Workshops 1988

Feb 4,5,6,7 Foundation For Future
Feb 27,28 Sunray Meditation Society
Mar 9,10,11,12,13,20 Foundation For Future
Mar 25,26,27 Sunray Meditation Society
Apr 25,26,27,28,29 Tom Myers Music
May 22 Janice Levin
June 8 Baltimore Resources
June 10, 11, 12 Jessica Dibb-Workshop
June 16,17,18,19 Foundation For Future
July 6,7,8,9,10,17 Foundation For Future
July 28 Carolyn Casey lecture
Sept 24 Candida Twisted
Nov 9-13 + 20 Synapsida
Nov 19 Sunray Meditation

PETITIONER'S EXHIBIT 13D

KOINONIA
Box 119
1400 Green Spring Valley Road
Stevenson, Maryland 21153
(301) 486-2405

Carriage House Reservations for Seminars, Retreats, Workshops 1989

Jan 7 Robert B Brown Assoc.
Jan 18-22 + 29 Synapsida
Feb 11 Browne Troop # 955, Potomac, MD
Mar 14,21,28 Synapsida
Mar 8-12 + 19 Synapsida
2nes evenings April Synapsida
May 13 Sunray Meditation Center
April 26 On Life Seminar
2nes evening May Synapsida
June, July, Aug

PETITIONER'S EXHIBIT 13E

June 2, 3, 4 Inspiration (Jessica Dibb
June 14 On Life
June 23-25 Ancient Healing Energy Systems
July 21-23 Baltimore Holistic Health
July 11,18,25 Synapsida
Aug 24,25 Waldorf School
Aug 26,27 Baltimore Holistic Health
Aug 30 On Life Seminars
Sept 13-17 Synapsida
Sept 1 Dunlop Wedding
2nes evenings Sept Synapsida
Oct Nov Dec Install Prenatal Workshops
Oct 14 On Life
Oct 11+25+4 Stone wedding
Oct 28 Kendall Fingham MD
Nov 4 Baltimore Commonwealth (Bracken)
Nov 16 Synapsida
Nov 29,30 Dec 1,2,3 On Life
Nov 15 + Dec 13 Inspiration (Jessica Dibb)

KOINONIA
Box 119
1400 Green Spring Valley Road
Stevenson, Maryland 21153
(301) 486-2405

Seminar Groups - Carriage House Jan-April 1990

Jan, Feb, Mar/April 2 2nes evenings Synapsida
Jan 26,27,28 Baltimore Holistic Health
Feb 7,8,9,10,11 Synapsida
March 3 + 24 Bridgeman Associates
March 7 Sinai Hospital, Postpartum Nurses
March 14 Women Support Groups
April 28 Bridgeman Associates
April 5 Women Support Groups

PETITIONER'S EXHIBIT 13F

JIM DYER
ZONING OFFICE
111 CHESAPEAKE AVE
TOWSON 21

Date of Zoning Order
June 7, 1945

ZONING REGULATIONS AND RESTRICTIONS
FOR
BALTIMORE COUNTY

PETITIONER'S EXHIBIT 16

James A. Nolen
204 W. Penn. Ave
Towson, Md. 21204

Stephen E. Nolen

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

40-355-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, THE KOINONIA FOUNDATION legal owner 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 _____ zone to an _____ zone; for the following reasons:

PETITIONER'S EXHIBIT 4A
90-355 SPH

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A Nursery School

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

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

ORDER RECEIVED FOR FILING
DATE March 3, 1980
BY Linda L. Lomey
ADMINISTRATIVE ASSISTANT

Contract purchaser

Address

Petitioner's Attorney

Legal Owner
Dwight T. Arnold, Executive Director
Address 1400 Greenspring Valley Rd
Stevenson, Md 21153
(Item 6G)

Protestant's Attorney

Address

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 197__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of December, 1979, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

* Send all info to:
Jean Heller
612 Hyattsville Ave
Hyattsville, Md 20781

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the Special Exception for a nursery school, to be located on the first floor only of the improvements already constructed on the land described as follows:

"Beginning for the same at a point located due west 250' from the beginning of the 33rd line of the land which by deed dated October 13, 1950, was conveyed by Hugo R. Hoffmann and wife to Koinonia Foundation, said point being located west from the intersection of Green Spring Valley Road and Green Spring Avenue, the two following courses and distances: (1) W 2000' and (2) N 550', running thence N 70° E 100' S 20° E 100' S 70° W 100' N 20° W 100' to the place of beginning."

and consisting of two rooms, should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of March, 1980, that the herein Petition for Special Exception for a nursery school, to be located on the first floor only of the improvements already constructed and consisting of two rooms, in accordance with the site plan prepared by E. F. Raphel and Associates and contained in this file, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

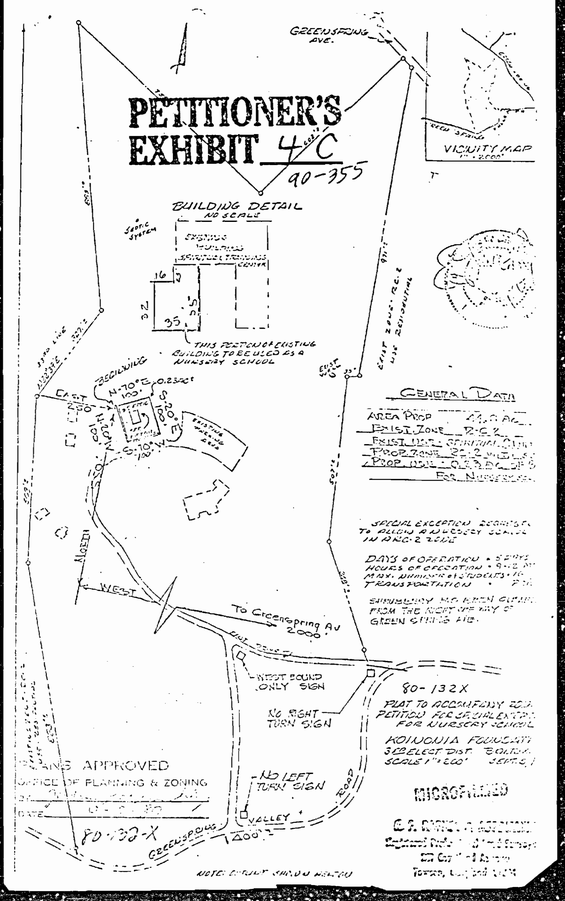
1. Maximum number of children shall be no more than 16.
2. Hours of operation shall be limited to between 9:00 a.m. and 12:00 noon, Monday through Friday.
3. Compliance with the comments submitted by the Department of Permits and Licenses, dated October 15, 1979, and the Maryland Department of Transportation, dated October 3, 1979.
4. A revised site plan be submitted and approved by the Maryland Department of Transportation, the Department of Public Works, the Department of Health, the Fire Department, and the Office of Planning and Zoning.

ORDER RECEIVED FOR FILING
DATE March 3, 1980
BY Linda L. Lomey
ADMINISTRATIVE ASSISTANT

Zoning Commissioner of Baltimore County

PETITIONER'S EXHIBIT 4B
90-355 SPH

PETITIONER'S EXHIBIT 4C
90-355



PETITIONER'S EXHIBIT 5A
90-355 SPH

PETITION FOR SPECIAL EXCEPTION

In the Matter of
Petition of
Hugo R. Hoffman
Hugo R. Hoffmann, Jr.
Per P. Raphael P.E.

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

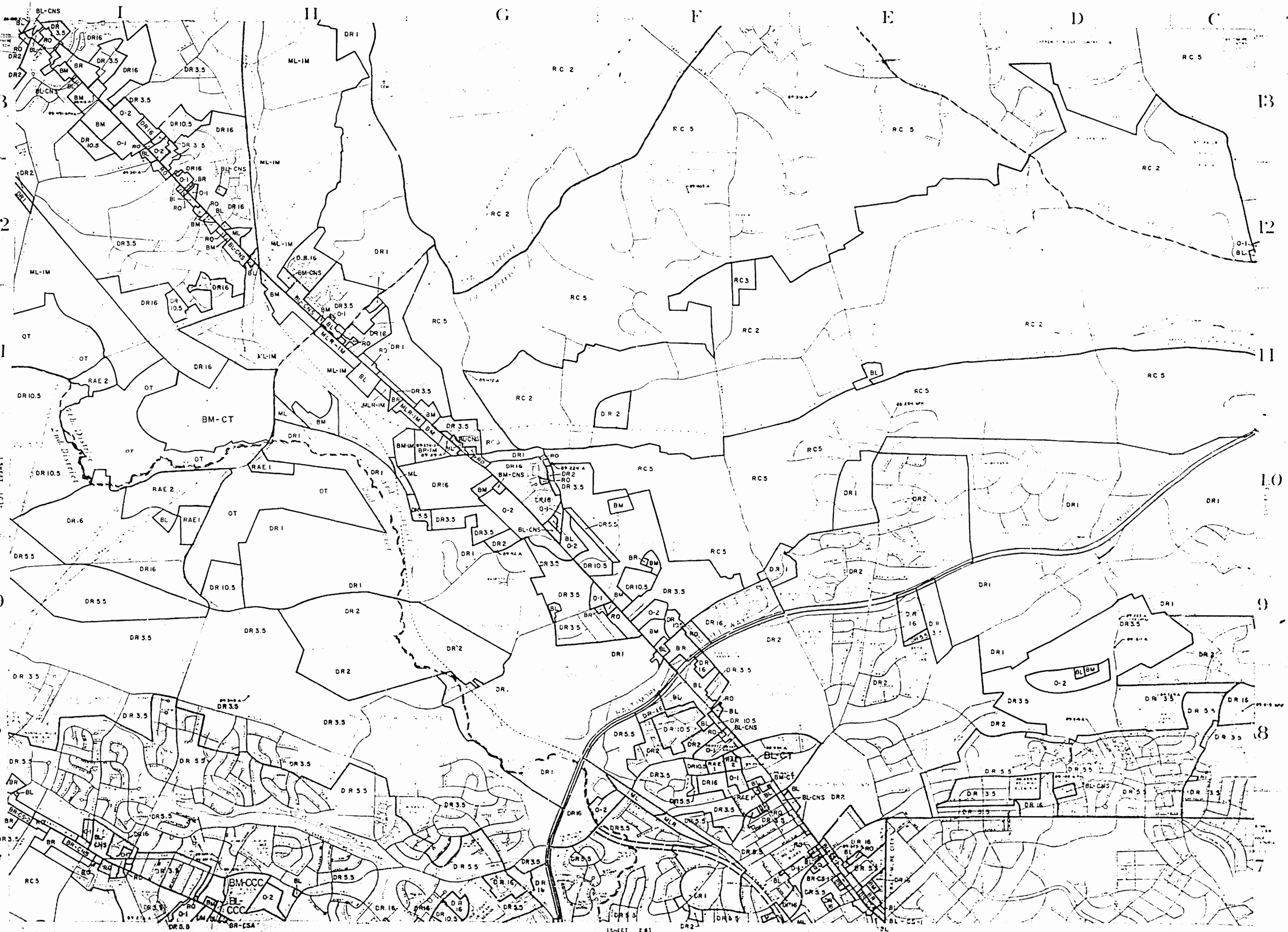
In the Zoning Commissioner of Baltimore County

Mr & Mrs Hugo R Hoffmann, Jr and Mrs
Koinonia Foundation, Petitioners

Now come the Petitioners, by Per P. Raphael P.E., their attorney, and file this petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, pursuant to Chapt. 699 of the Acts of the General Assembly of Maryland of 1945, for a certain permit and variance permission under said Regulations and Acts, as follows, viz:

A Special Permit to use the land and improvements thereon, or to erected thereon, hereinafter described for a nursery

Beginning for the same at a point on the southeastern side of Green Spring Valley Road 80' wide at a point distant S.33° 00' E.16.50' from the beginning of an 0.00°W line of the whole described land and running thence and binding on the remainder of said 0.00°W line S.33°00' E. 0.00', thence S.20° 30' E. 0.00' to a stone, thence continuing the same course S.20° E. 0.00', thence S.70°31' E. 0.00', thence S.0°31' E.0.00', thence S.0°31' E. 0.00', thence S.0°31' E.0.00', thence S.0°31' E. 0.00' to the center of Green Spring Ave. 80' wide, thence binding on the center of Green Spring Ave. S.0°00' E.0.00', thence leaving the center of said Green Spring Ave. and running S.0°00' E.0.00' to a point 1'00" W of a stone, thence S.70°31' E.0.00', thence S.0°31' E.0.00' to a stone, thence continuing the same S.0°31' E.0.00' to a stone planted on the southwest side of a 20' road, thence binding on the southwest side of said 20' road S.0°31' E.0.00' to a stone, thence S.0°00' E.0.00', thence S.0°00' E.0.00', thence S.0°31' E.0.00' to the center of Green Spring Valley Road 80' wide, thence binding on the center of said Green Spring Valley Road the two following courses and distances viz: N.0.00° W.0.00' to a stone, thence N.0°31' W.0.00' to a stone, thence N.0°31' W.0.00' to a stone, thence N.0°31' W.0.00' to a stone, thence N.0°31' W.0.00' to the beginning of the 33rd line of the whole described land and running thence and binding on the remainder of said 33rd line N.33°00' W. 0.00', thence N.20° 30' W. 0.00' to a stone, thence N.20° W. 0.00', thence N.20° W. 0.00', thence N.20° W. 0.00',



0 1000 3000 5000 FEET

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

PIKESVILLE

BALTIMORE COUNTY BASE MAP SERIES

2C

PETITIONER'S EXHIBIT 9

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 14, 1990

NOTICE OF REASSIGNMENT
CONFIRMING

Case #(s): 90-355-SPH

Petitioner(s): Koinonia Partnership

Location: .0 Greenspring Avenue

THE ABOVE MATTER HAS BEEN REASSIGNED.

THE HEARINGS WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, MAY 15, 1990 at 9:30 a.m.

BALTIMORE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204

J. Robert Haines

J.ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs
Copies:

Stephen J. Nolan, Esq.

John P. Machen, Esq.

Koinonia Partnership

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

DEC 2 2 1989

Hearing Room -
Room 301, County Office Bldg. December 17, 1990

NOTICE OF ASSIGNMENT

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

CASE NO. 90-355-SPH — KOINONIA PARTNERSHIP
Greenspring Valley Rd., 930' W from c/l of Greenspring Ave. (1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District

SPH-to approve & confirm nonconforming residential, institutional & other uses.

7/16/90 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, MARCH 29, 1991 at 10:00 a.m.

cc: Stephen J. Nolan, Esquire Counsel for Petitioner/Appellant
Newton A. Williams, Esquire " " "
Ronald A. Pomykaka - Koinonia Part. "
John P. Machen, Esquire Counsel for Protestants
Mr. Eugene Raphel
E.F. Raphel & Assoc.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

NO

LindaLee M. Kuszmaul
Legal Secretary

PP 50
7/24/91
@ 10:00

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. December 17, 1990

NOTICE OF ASSIGNMENT

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

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Greenspring Valley Rd., 930' W from c/l of Greenspring Ave. (1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District

SPH-to approve & confirm nonconforming residential, institutional & other uses.

7/16/90 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, MARCH 29, 1991 at 10:00 a.m.

cc: Stephen J. Nolan, Esquire Counsel for Petitioner/Appellant
Newton A. Williams, Esquire " " " "
Ronald A. Pomykaka - Koinonia Part. " "
F. Jeanette Berg
John P. Machen, Esquire Counsel for Protestants
Mr. Eugene Raphel
E.F. Raphel & Assoc.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
~~Public Services~~ out per Rules 1/2/91
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. (301) 887-3180 February 28, 1991

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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

CASE NO. 90-355-SPH — KOINONIA PARTNERSHIP
Greenspring Valley Rd., 930' W from c/l of Greenspring Ave.(1400 Greenspring Valley Road)
3rd E; 3rd C

SPH-to approve & confirm nonconforming residential, institutional & other uses.

7/16/90 - Z.C.'s Order DENYING Petition.

which was scheduled to be heard on March 29, 1991 has been POSTPONED at the request of Counsel for Protestants and People's Counsel for Baltimore County and has been

REASSIGNED FOR: WEDNESDAY, JULY 24, 1991 AT 10:00 a.m.

cc: Stephen J. Nolan, Esquire Counsel for Petitioner/Appellant
Newton A. Williams, Esquire " " " "
Ronald A. Pomykaka
Koinonia Partnership
F. Jeanette Berg
John P. Machen, Esquire Counsel for Protestants
Mr. Eugene Raphel
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. March 7, 1991

REVISED NOTICE OF ASSIGNMENT

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

CASE NO. 90-355-SPH — KOINONIA PARTNERSHIP
Greenspring Valley Rd., 930' W from c/l of Greenspring Ave.(1400 Greenspring Valley Road)
3rd E; 3rd C

SPH-to approve & confirm nonconforming residential, institutional & other uses.

7/16/90 - Z.C.'s Order DENYING Petition.

which is scheduled to be heard on July 24, 1991 has been ASSIGNED an additional hearing day as follows:

ASSIGNED FOR: WEDNESDAY, JULY 24, 1991 AT 10:00 a.m.
AND
ASSIGNED FOR: FRIDAY, JULY 26, 1991 AT 10:00 a.m.

cc: Stephen J. Nolan, Esquire Counsel for Petitioner/Appellant
Newton A. Williams, Esquire " " " "
Ronald A. Pomykaka
Koinonia Partnership
F. Jeanette Berg
John P. Machen, Esquire Counsel for Protestants
Mr. Eugene Raphel
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 8, 1990

Dennis F. Rasmussen
County Executive

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd
210 W. Pennsylvania Avenue, Suite 700
Towson, MD 21204

RE: Item No. 209, Case No. 90-355-SPH
Petitioner: Koin ..ia Partnership, et al
Petition for Special Hearing

Dear Mr. Nolan:

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

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

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Ronald A. Pomykala
Koinonia Partnership
Box 119
1400 Greenspring Valley Road
Stevenson, MD 21153

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

17th day of January, 1989.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Koinonia Partnership, et al

Petitioner's Attorney: Stephen J. Nolan

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 22, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Koinonia Partnership, Item 209

The Petitioner requests a Special Hearing to determine the lawful non-conforming residential, institutional and other as shown on the attached plat.

In reference to the Petitioner's request, staff offers the following comments:

- The English Tudor-style mansion is one of the homes that make up the National Registered Historic District of the Greenspring Valley.
- The mansion, which is known as Gramercy, is also on the Maryland Historical Trust Inventory List.

An inventory form for state historic sites survey processing and an article that appeared in the Jeffersonian was also offered. (see attached)

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Attachment

JAN 26 1990

MICROFILMED

COPYRIGHT FOUNDATION

transcript of July 26, 1991 at p. 12) and before the Baltimore County Zoning Commissioner.

4. That I was present during the proceedings before the Board of Appeals.

5. That at no time during the proceedings before the Board of Appeals or the Zoning Commissioner did the Koinonia Partnership object to or complain about my involvement as an opponent to it. Petition.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true.

W. James Howard

W. James Howard

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162
*

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

AFFIDAVIT OF
LUCY A. C. HOWARD

I, LUCY A.C. HOWARD, HEREBY STATE that on this 21 day of November, 1991:

1. That I am the owner, along with Mr. W. James Howard, of property at 11044 Green Spring Avenue, Lutherville, Maryland 21093, on land due east and adjoining the property owned by the Koinonia Partnership.

2. That as an owner of the property at 11044 Green Spring Avenue, I have paid and am paying real property taxes thereon.

3. That I was joined by Dr. and Mrs. Charles J. E. Arnold, Mr. W. James Howard, Dr. Hamilton Moses, III and Mr. and Mrs. Nathaniel E. Prentice, all of whom own property in close proximity to the property owned by the Koinonia Partnership, in bringing the above-captioned appeal of the August 2, 1991 Order of the County Board of Appeals for Baltimore County (Case No. 90-355-SPH).

4. That I, along with those individuals identified in Paragraph 3 of this Affidavit, retained John P. Machen, Esquire to oppose the Petition sought by the Koinonia Partnership before the Board of Appeals (Board of Appeals transcript of July 26, 1991 at p. 12) and before the Baltimore County Zoning Commissioner.

5. That I was present during the proceedings before the Board of Appeals.

6. That at no time during the proceedings before the Board of Appeals or the Zoning Commissioner did the Koinonia Partnership object to or complain about my involvement as an opponent to its Petition.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true.

Lucy A.C. Howard

Lucy A.C. Howard

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON
GREENSPRING VALLEY RD., 930'
WEST FROM CENTERLINE OF
GREENSPRING AVENUE
(1400 GREENSPRING VALLEY ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162
*

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

MEMORANDUM IN
OPPOSITION TO MOTION TO DISMISS

Appellants, Ledger Hill Neighbors, by their attorneys, submit this Memorandum in Opposition to the Motion to Dismiss filed by Appellee Koinonia Partnership, whose partners are Dr. Ronald A. Pomykaka and Ann Marie Pomykaka ("the Pomykakas" or "Appellee").

I. PROCEDURAL BACKGROUND

The Pomykakas are attempting to gain approval for their non-conforming residential and institutional uses of 44.88 acres of property located at 1400 Greenspring Valley Road. On December 21, 1989, Appellee filed a Petition for Special Hearing with the Zoning Commissioner of Baltimore County ("Commissioner"). Through their attorneys, Appellants filed an Entry of Appearance on January 23, 1990. The case was heard by the Commissioner on May 15, 1990. By Order dated July 16, 1990, the Commissioner denied Appellee's Petition for

Special Hearing. Appellee appealed the Commissioner's decision to the Baltimore County Board of Appeals ("Board"). Testimony was heard by the Board on July 24 and 26, 1991, and by Order on August 2, 1991, the Board reversed the decision of the Commissioner and granted the petition. On August 29, 1991, Appellants filed a timely Order for Appeal to this Court. Appellants' Petition for Appeal was filed on September 5, 1991, and on September 30, 1991 Appellee filed a Motion to Dismiss, alleging that Ledger Hill Neighbors is not a party to the proceeding who is aggrieved under Section 604 of the Charter of Baltimore County.

II. APPELLANTS ARE PARTIES
TO THE PROCEEDING WHO ARE AGGRIEVED

In support of their Motion to Dismiss, Appellee argues that because Appellants are not even an unincorporated association and because none of the Appellants personally testified before the Board, Appellants are not parties to the proceeding who are aggrieved. Appellee's motion fails to account for the long line of cases establishing the rule of standing applicable to this case and misapplies the single authority it cites in support of their motion. The motion, therefore, should be denied.

A two-step analysis is required in order to evaluate a party's standing to appeal a decision of the Zoning Board of

Appeals. Bryniarski v. Montgomery County, 247 Md. 137, 230 A.2d 289 (1967). First, the prospective appellant must be a party to the proceeding. Baltimore County Charter, § 604; Wright v. McCubbin, 260 Md. 11, 14, 271 A.2d 365, 366 (1970). Second, the party must be either aggrieved or a taxpayer. Kennerly v. Mayor of Baltimore, 247 Md. 601, 605, 233 A.2d 800, 802 (1966); Southland Hills Improvement Association v. Raine, 220 Md. 213, 216, 151 A.2d 734, 735-36 (1959). Appellee's Motion to Dismiss attacks Appellants' standing under the first prong of the analysis.

The sole authority cited by Appellee in support of their position is Southland Hills Improvement Association v. Raine, 220 Md. 213, 151 A.2d 734 (1959), which is distinguishable from the case sub judice. In Raine, the Court of Appeals dismissed the appeal of an improvement association because the record failed to disclose the name of a single individual as party appellant or the joinder or intervention of any individual as a party plaintiff. 213 Md. at 217, 151 A.2d at 736. Unlike Raine, at the Board hearing below, counsel for the Appellants, John P. Machen, read into the record the names of the individuals who constitute Ledger Hill Neighbors. Counsel for the Appellants "want[ed] to make clear who the Ledger Hill [N]eighbors are . . . [and] to make sure their names are on the record." Mr. Machen then read the names of

Mr. and Mrs. Robert H. Levi, Dr. and Mrs. Charles J. E. Arnold, Dr. Hamilton Moses, Ms. Lucy I. Howard, Mr. W. James Howard, Mr. Thomas W. Brundige, III, and Mr. Nathanial Prentice. (Tr. 7/26/91 p.12; App. 1). Appellee did not object when the names of the Appellants were submitted to the Board. Moreover, even prior to the Board hearing, the Commissioner recognized that Messrs. Moses and Howard and Mrs. Arnold were protestants by identifying them as such in the findings accompanying his order. (App. 2). See also Kennerly, 247 Md. at 606, 233 A.2d at 803 (appeal not subject to dimissal if at least one appellant has standing).

Appellants submit that the controlling case here is Wright v. McCubbin, 260 Md. 11, 271 A.2d 369 (1970), wherein the Court of Appeals declined to dismiss the appeal of aggrieved persons even though the named party lacked standing. 260 Md. at 14, 271 A.2d at 366. In so ruling, the court noted that when the names of the individuals who would be aggrieved by the zoning decision were submitted to the Board, "all thus became parties before the Board." Id. at 14, 271 A.2d at 366. As in Wright, the names of the members of Ledger Hill Neighbors were submitted to the Board by Mr. Machen, the same counsel who represented these individuals before the Commissioner and the Board. Under Wright, the members of Ledger Hill Neighbors became parties to the proceeding when their names were read to the Board.

Appellee argues further that because none of the members of Ledger Hill Neighbors testified before the Board, they are not the proper parties to pursue this appeal. That Appellants decided to rely upon the representation of counsel throughout the course of these proceedings and did not testify individually in front of the Board is irrelevant to the question of standing. The proper focus of the standing inquiry is whether the appellant was a party to the proceeding before the agency, a status which is not decided by whether the appellant testified before the administrative agency. Largo Civic Association v. Prince George's County, 21 Md. App. 76, 318 A.2d 834, 838 (1974) ("indeed, there is no requirement [that a person testify before the agency] provided the record shows he was in fact a party.") (citing Duboy v. Crane, 240 Md. 180, 213 A.2d 487 (1965)). As the record in this case indicates, the members of Ledger Hill Neighbors were parties to the proceeding.

While Appellee's motion is aimed at the first part of the standing test and does not contest that Appellants are aggrieved or taxpayers, it is clear that Appellants satisfy the second part of the standing test. It is uncontested that Appellants own property near the 1400 Greenspring Valley property (Tr. 7/26/91 p.12; App. 1) and thus are "parties

Note: If this request is granted, it does not guarantee the issuance of plan approval or a building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

1988 COMPREHENSIVE ZONING MAP
Request For Change

Office of Planning and Zoning
Baltimore County, Maryland

1 APPLICANT'S NAME KOINONIA PARTNERSHIP by Nolan, Plumhoff and Williams

2 ADDRESS 1400 Greenspring Valley Road

3 CITY Stevenson 4 STATE Maryland 5 ZIP 21153 6 PHONE 486-2405

7 ORGANIZATION (if any) _____

8 COMMUNITY ORGANIZATION INVOLVED: Valleys Planning Council and The Home Owners of Green Spring, Ltd.

9 APPLICANT STATUS: (Please Circle one)
(Property Owner) Contract Purchaser; Legal Rep.

10 PROPERTY LOCATION S/S of Greenspring Avenue, W. of Greenspring Valley Rd.

11 ACREAGE OR LOT SIZE 12 acre portion of Koinonia Property

12 EXISTING ZONING BY ACRES R.C.2 - 12 acres

13 REQUESTED ZONING BY ACRES R.C.5 - 12 acres

14 EXISTING USE Mansion, apts., multi-family house, and individual houses

15 PROPOSED USE (if known) 8-10 lot private subdivision

16 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18 Issue No. None 19 Year ____
(if applicable) 20(b) Cycle Zoning: 21 Case No. None

22 WATER SERVICE ZONE 1st Falls 5th

23 SUBSEWERSHED NUMBER (If request is located in more than one subsewershed, the number of dwelling units for each subsewershed must be shown, if known.) 61

24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)

District	Property Number		
03	20	00	003349
Deed	Liber		Folio
	6941		407

Map	Block	Parcel
59	17	81
Rec. Plat	Liber	Folio
N/A		
	Block	Lot

25 APPLICANT ACKNOWLEDGEMENT:
I hereby grant permission to Baltimore County for any required field inspections or sign posting of property with regard to the subject zoning request.

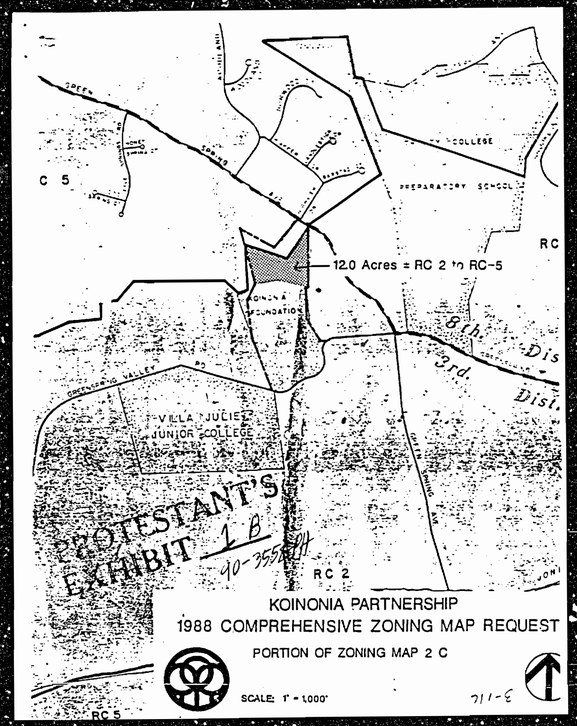
I hereby acknowledge that if the requested zoning is granted, a change in the property tax classification and/or transfer taxes may result for which the property owner would be responsible.

NAME Nolan, Plumhoff & Williams, Chtd. (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)

SIGNATURE Stephen J. Nolan
Stephen J. Nolan, Attorneys for the Applicant

Application Must be Presented in Person

PROTESTANT'S EXHIBIT 1A 90-355SPH



KOINONIA PARTNERSHIP
1988 COMPREHENSIVE ZONING MAP REQUEST
PORTION OF ZONING MAP 2 C

SCALE: 1" = 1000'

PROTESTANT'S EXHIBIT 1B 90-355SPH

3-116

STATEMENT IN SUPPORT OF REQUESTED IN-FILL R.C.5
ZONING FOR THE NORTHERN PORTION OF THE
KOINONIA PARTNERSHIP PROPERTY

SOUTHWEST SIDE OF GREENSPRING AVENUE, AND BINDING
ON THE EAST SIDE OF R.C.5 ZONED AND DEVELOPED GREEN SPRING

THIRD COUNCILMANIC DISTRICT

Koinonia Partnership, which is comprised of Dr. and Mrs. Ronald A. Pomykala as owners of the Koinonia tract and residents there, respectfully requests in-fill R.C.5 zoning for that northern portion of the Koinonia tract which relates to the R.C.5 areas and zones along Greenspring Avenue, as well as the development of Green Spring, immediately to the west.

1. The Koinonia property, which was acquired in 1984 by Dr. and Mrs. Pomykala, is a 44.86 acre property running from the southwest side of Greenspring Avenue to the north side of Greenspring Valley Road in the Third Councilmanic District of Baltimore County. Since at least 1950, the property had been used for educational and retreat purposes by the Koinonia Foundation.

2. When Dr. and Mrs. Pomykala acquired the property at a public auction, the mansion known as Grammercy and numerous, dependent buildings had fallen into substantial disrepair. Since 1984, the Pomykalas have renovated the main house, and in fact, it was the Baltimore decorator show house two years ago. They have also fixed up the numerous out-buildings.

PROTESTANT'S EXHIBIT 1C 90-355SPH

3. The Koinonia Partnership property really falls into two categories. The southern portion of the property which contains the mansion and a large number of dependent buildings, relates to Greenspring Valley Road. However, the northern portion of the property relates to Greenspring Avenue and to the R.C. 5 Green Spring development to the west. With the existing 3 acre crown of R.C.5, this northern portion accesses from Greenspring Avenue and is a completely separate and distinct area.

4. The Pomykalas intend to remain in the Grammercy main residence, and to retain the ownership of its related out-buildings. Nevertheless, in this request they are seeking additional R.C. 5 zoning to do approximately 8 to 10 lots of an R.C.5 nature on the northern portion of the property, which lots will be larger than the lots along the southwest side of Greenspring Avenue, and comparable in size to the majority of the lots in the R.C.5 Green Spring development to the west.

5. The northern portion of the Koinonia property has generally good topography with heavy tree cover. It is completely screened from view from Greenspring Valley Road by existing thick woods, which will remain. Screening is also afforded by the Grammercy mansion and the other buildings which intervene between the northern portion and the southern portion.

6. The well known Baltimore planning firm of Daft-McCune-Walker, Inc. has developed an excellent plan, based on R.C.5

PROTESTANT'S EXHIBIT 1D 90-355SPH

zoning for the northern portion of the property. With its access from the southwest side of Greenspring Avenue, a public road will be provided with a cul-de-sac serving the proposed lots. These lots will be of a multi-acre, prestige large lot format. Due to the heavy tree cover and their setback from Greenspring Avenue, the home sites will be virtually undetectable except from the air.

For all of the aforegoing reasons, Dr. and Mrs. Pomykala respectfully request that the northern portion of their Koinonia property, which relates to Greenspring Avenue and the Greenspring R.C.5 development to the west be likewise placed in an R.C.5 zone to allow an 8 to 10 lot subdivision with access from Greenspring Avenue.

Respectfully Submitted,

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

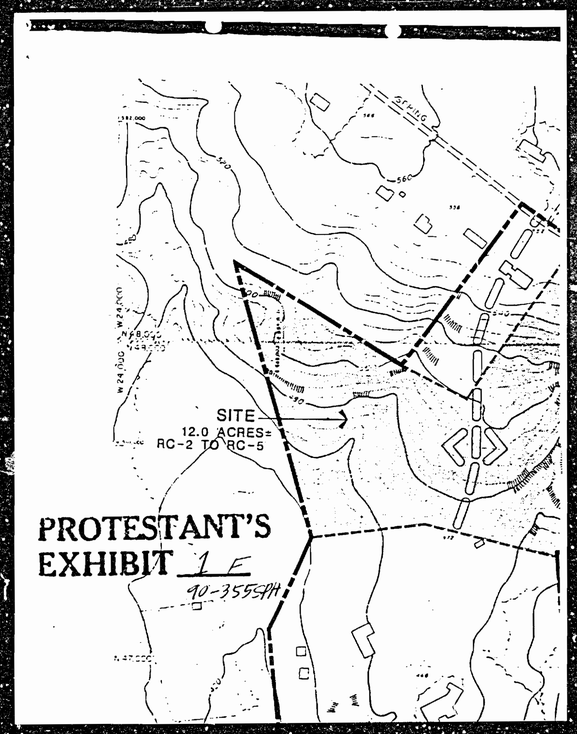
By: Stephen J. Nolan
STEPHEN J. NOLAN

Attorneys for Koinonia Partnership

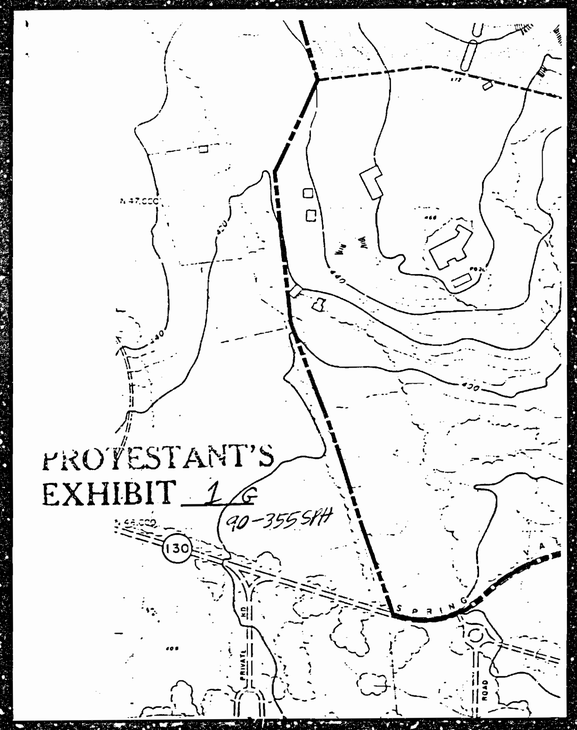
October [illegible], 1987

PROTESTANT'S EXHIBIT 1E 90-355SPH

3826A
0147Z



PROTESTANT'S EXHIBIT 1E 90-355SPH



PROTESTANT'S EXHIBIT 1G 90-355SPH

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
301 337-6877

PROTESTANT'S EXHIBIT 2. 90-355SPH

May 15, 1990

J. Robert Haines, Zoning Commissioner
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

RE: Koinonia Property
Hearing date May 15, 1990

Dear Mr. Haines,

This letter is to express the position of The Valleys Planning Council, Inc. regarding the establishment of a "non-conforming use" status for the current rental activities at 1400 Greenspring Valley Road.

As you know, The Valleys Planning Council works to preserve and protect the rural character of the Greenspring Valley. As such, we are concerned about the dangerous precedent created by allowing multiple rental units in such an area due to the nature of the surroundings. This area is basically large lots with single family dwellings and apartments and trailers are inharmonious. We are concerned that allowing these uses may break down barriers on inappropriate development in rural areas.

Thank you for your consideration to this matter.

Sincerely,

Karen Meyer

Karen Meyer
Executive Director

cc: John Machen
Richard B. Euck

CERTIFICATE OF INCORPORATION

We, the undersigned, all citizens of the United States, and a majority citizens and residents of the District of Columbia, desiring to associate ourselves as a corporation pursuant to the provisions of Title 29 of Chapter 6 of the District of Columbia Code (1940), do hereby certify as follows:

First. The name of title by which this corporation shall be known in law shall be Koinonia Foundation.

Second. The term for which it is organized shall be Perpetual.

Third. The particular business and objects of said corporation shall be to establish, maintain and operate facilities for receiving and giving instruction in using and applying religious concepts and activities, including facilities for one or more churches, parsonages, schools, libraries, hospitals, recreational centers, rest homes, orphanages, religious missions, both foreign and domestic. To provide assistance through gifts of funds and services, or otherwise, to other charitable and religious institutions which have objects similar to one or more of the objects of this corporation and no part of the net earnings, if any, of which shall enure to the benefit of any member thereof.

Fourth. The number of its trustees, directors, or managers for the first year of its existence shall be Twelve (12).

IN TESTIMONY WHEREOF, we have this 30th day of September, 1949, hereunto set our hands and seal.

J. WALTER FISCUS (SEAL)

OSCAR P. MAST (SEAL)

SALLYE W. POWELL (SEAL)

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

DISTRICT OF COLUMBIA, SS:

I, Elizabeth G. Soutter, a Notary Public in and for the District of Columbia, do hereby certify that J. Walter Fiscus, Oscar P. Mast and Sallye W. Powell, parties to a certain Certificate of Incorporation bearing date on the 30th day of September, 1949, and hereto annexed, personally appeared before me in said District, the said J. Walter Fiscus, Oscar P. Mast and Sallye W. Powell, being personally well known to me as the persons who executed the said Certificate of Incorporation, and severally acknowledged the same to be their act and deed.

Given under my hand and seal this 30th day of September, 1949.

ELIZABETH G. SOUTTER

(NOTARIAL SEAL)

Protestants Ex #1

U. S. TREASURY DEPARTMENT
WASHINGTON 25

OFFICE OF COMMISSIONER OF INTERNAL REVENUE

ADDRESS REPLY TO COMMISSIONER OF INTERNAL REVENUE AND REFER TO

IT:PER-TUC-2

1952

Koinonia Foundation
Graserry
Stevenson, Maryland

Gentlemen:

It is the opinion of this office, based upon the evidence presented, that you are exempt from Federal income tax under the provisions of section 101(6) of the Internal Revenue Code as it is shown that you are organized and operated exclusively for educational and religious purposes.

Accordingly, you will not be required to file income tax returns unless you change the character of your organization, the purposes for which you were organized, or your method of operation. Any such changes should be reported immediately to the collector of internal revenue for your district in order that their effect upon your exempt status may be determined.

Contributions made to you are deductible by the donors in computing their taxable net income in the manner and to the extent provided by section 23(o) and (q) of the Internal Revenue Code, as amended.

Bequests, legacies, devises or transfers, to or for your use are deductible in computing the value of the net estate of a decedent for estate tax purposes in the manner and to the extent provided by sections 812(d) and 861(a)(3) of the Code. Gifts of property to you are deductible in computing net gifts for gift tax purposes in the manner and to the extent provided in section 1004(a)(2)(B) and 1004(b)(2) and (3) of the Code.

It will not be necessary for you to file the annual return of information, Form 990A, generally required of organizations exempt under section 101 of the Internal Revenue Code, as you come within the specific exceptions contained in section 5481 of the Code.

Form 6382
(Rev. May 1950)

Protestants Ex #2

Note: If this request is granted, it does not guarantee the issuance of plan approval or a building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

1988 COMPREHENSIVE ZONING MAP
Request For Change

Office of Planning and Zoning
Baltimore County, Maryland

(Office Use Only)

1 APPLICANT'S NAME KOINONIA PARTNERSHIP by Nolan, Plumhoff and Williams
2 ADDRESS 1400 Greenspring Valley Road
3 CITY Stevenson 4 STATE Maryland 5 ZIP 21153 5 PHONE 486-2405
7 ORGANIZATION (if any)
8 COMMUNITY ORGANIZATION INVOLVED: Valleys Planning Council and The Home Owners of Green Spring, Ltd.
9 APPLICANT STATUS: (Please Circle one) (Property Owner) Contract Purchaser; Legal Rep.
10 PROPERTY LOCATION S/S of Greenspring Avenue, W. of Greenspring Valley Rd.
11 ACREAGE OR LOT SIZE 12 acre portion of Koinonia Property
12 EXISTING ZONING BY ACRES R.C.2 - 12 acres
13 REQUESTED ZONING BY ACRES R.C.5 - 12 acres
14 EXISTING USE Mansion, apts., multi-family house, and individual houses
15 PROPOSED USE (if known) 8-10 lot ~~private~~ subdivision
16 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18Issue No. None 19Year (if applicable) 20(b) Cycle Zoning: 21Case No. None
22 WATER SERVICE ZONE W. Falls 5th
23 SUBSEWERSHED NUMBER (If request is located in more than one subsewershed, the number of dwelling units for each subsewershed must be shown, if known.) 61
24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)

District	Property Number		
03	20	00	003349
Deed	Liber		Folio
	6941		407

Map	Block	Parcel
59	17	81
Rec. Plat	Liber	Folio
N/A		
	Block	Lot

25 APPLICANT ACKNOWLEDGEMENT:
I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.
I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

NAME Nolan, Plumhoff & Williams, Chtd. (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)
SIGNATURE Stephen J. Nolan
Stephen J. Nolan, Attorneys for the Applicant

Application Must be Presented in Person

PEOPLES COUNSEL #1

AUCTION:

ABSOLUTE TO THE
HIGHEST BIDDER
(Minimum Opening Bid $600,000)

45 ± ACRES
PRIME GREENSPRING VALLEY LAND
INCL. MANSION

LOCATED AT KOINONIA FOUNDATION

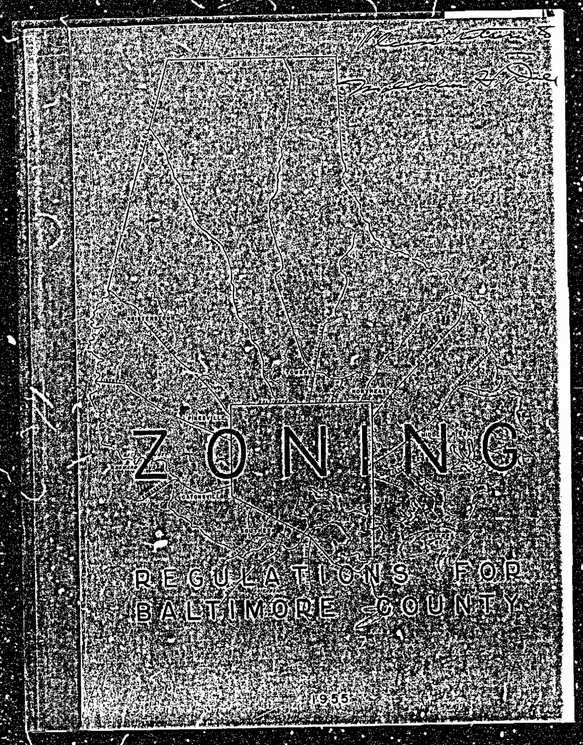
1400 GREENSPRING VALLEY ROAD
STEVENSON, BALTIMORE COUNTY, MARYLAND

TUESDAY, MAY 14 AT 10:00 A.M.

(1985)

Michael Fox Auctioneers,
Executive Offices • 3835 Naylors Lane Inc.
Baltimore, Maryland 21208 • 301/653-4000

Peoples Counsel #2



IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/S Falls Rd., 393 ft. south of a point 385' E of Woodland Drive
1700 Falls Road * ZONING COMMISSIONER
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * CASE # 90-428-SPH
Chestnut Ridge Country Club, Inc. *
Petitioner *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, pursuant to the Petition for Special Hearing, requests approval of an amended Plat remaining 34.432 acres +/- from the previously approved special exception country club, pursuant to zoning case No. 89-270SPHXA, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Robert Taubman, appeared and was represented by Harry S. Shapiro, Esquire. Appearing on behalf of the Petitioner was Mr. V. J. Moskunas, M & H Engineering, Inc. Appearing as Protestants were Harold H. Burns, Jr., A.D. McComas, Executive Director, Falls Road Community Association, Anthony and Joyce Delaney, Jacqueline Slavney, Ludvig Sternberger, Sidney Silber, Leonard Rauch, Margaret Stevens, Robert Hunter, Drs. Richard and Marian Damewood and Karen Meyer, Executive Director, Valleys Planning Council. Also appearing, pursuant to a subpoena issued by the Protestants, was Rocky Powell, Department of Environmental Protection and Resource Management.

Testimony indicated that the subject property known as the Chestnut Ridge Country Club, consists of 227.965 acres +/-, zoned R.C.5 and is improved with a subject country club including golf course, pool, tennis courts and related improvements. Testimony indicated that the Petitioner

JUL 26 1991

CASES READY FOR FILING
Date
By

Peoples Counsel Ex #4

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
301/337-6877

February 1,1991

To Whom It May Concern:

Margaret Worrall is the Executive Director of the Valleys Planning Council, Inc. As such she is authorized to represent the views of the organization. She is authorized to speak at public meetings, before the County Council, and in legal proceedings before the Zoning Comissioner, the Board of Appeals, in District of Circuit Court and in any other proceeding in which the Valleys Planning Council may have an interest.

Richard B. Buck
Richard B. Buck
President

Kathleen Pontone
Kathleen Pontone
Secretary

Peoples Counsel #5

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
301/337-6877
301-296-5409 (FAX)

July 24, 1991

William T. Hackett, Chairman
Board of Appeals
County Office Building - 3rd Floor
111 W. Chesapeake Avenue
Towson, Maryland 21204

re: Koinonia
1400 Greenspring Valley Road
Case no. 90-355-SPH

Dear Mr. Hackett:

The Valleys Planning Council, Inc., met in executive session on July 2, 1991, and unanimously confirmed our position concerning the property at 1400 Greenspring Valley Road.

The Valleys Planning Council supports the decision of Baltimore County Zoning Commissioner J. Robert Haines, dated July 16, 1990, and referenced as Case no. 90-355-SPH.

The Valleys Planning Council agrees with Mr. Haines that the use of Koinonia as a private school ceased prior to the purchase of the property by the Pomykalas in 1985, and the property is not being operated as a private school at the present time.

Furthermore, the land at Koinonia is zoned RC-2. The buildings at Koinonia are being rented out as multi-family apartments. This is not a permitted use in this zone, and is therefore illegal, as Commissioner Haines decreed.

Sincerely,

Margaret Worrall
Margaret Worrall
Executive Director

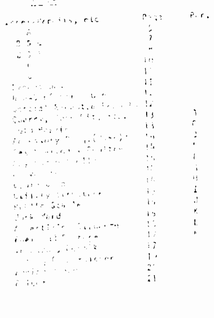
Peoples Counsel #6

People's Counsel #7

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY



BALTIMORE COUNTY

ZONING REGULATIONS

1969

0149

This is the property of:

Name JAMES G. HOSWELL

Address Baltimore County Office of Planning & Zoning Towson. 21204

Phone 494-3480

People's Counsel #9

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH OCTOBER 10, 1974

1975 EDITION

People's Counsel - #8

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

TOWSON, MARYLAND

People's Counsel #10

PC # 11

ARTICLE 1A-RESOURCE-CONSERVATION ZONES [Bill NO. 98-75]

Section 1A00—GENERAL PROVISIONS: ALL R.C. CLASSIFICATIONS [Bill No. 98-75]

1A00.1—Findings. It is found:

a. That development in the rural areas of Baltimore County has in recent years been taking place at an increasing rate; [Bill No. 98-75]

b. That this development has occurred without the framework of a land use plan or other planning components; [Bill No. 98-75]

c. That due to this and other factors, this development has formed very undesirable land use patterns; [Bill No. 98-75]

d. that in general, these patterns are, or can be described as, urban sprawl; [Bill No. 98-75]

e. that a significant amount of urban sprawl development is occurring as linear development along the various highways of the rural areas of the County as tracts of land immediately fronting along highways are "lotted off"; the utility of the road system is being impaired and future improvements will be frustrated if this process continues; [Bill No. 98-75]

f. that it has been established that this development carries with it an extremely high cost to the County in a number of respects including: [Bill No. 98-75]

1. the cost of servicing this pattern of development; [Bill No. 98-75]

2. the cost with respect to its consumption and use of prime agricultural land, critical watershed areas, mineral extractive sites, as well as of other important natural resource areas; [Bill No. 98-75]

3. the cost of future development opportunities due to the fact that viable, rational alternatives will be lost totally or comprised significantly by the present form of development; [Bill No. 98-75]

g. that the aspect of the comprehensive plan that is applicable and which is being considered for rural Baltimore County embodies solutions to the various problems; and [Bill No. 98-75]

h. that the effective implementation of this plan requires additional zoning classifications. [Bill No. 98-75]

1. Article 1A and Sections 1A00 and 1A01 enacted by Bill No. 100, 1970 were repealed by Bill No. 98, 1975 and new sections 1A00, 1A01, 1A02, 1A03 and 1A04 under new Article 1A were enacted by Bill No. 98, 1975

2. Thus in Bill 98, 1975

People's Counsel #11

THE GREEN SPRING VALLEY

Its History and Heritage

VOLUME ONE

A HISTORY

HISTORIC HOUSES

DAWN F. THOMAS

MARYLAND HISTORICAL SOCIETY

BALTIMORE, MARYLAND

1973

Peoples Counsel #12

KOINONIA FOUNDATION

DO NOT CIRCULATE

...D. V.E.
cINCH FRATI
FREE LIBRARY

How To Be At Home When Abroad

Persons Taking Posts Overseas Are Spiritually Oriented at An Unusual Maryland School

By W. Maclean Patterson

IN the Green Spring Valley there is an unusual institution, a special kind of school, the influence of which is being felt in at least sixteen different countries.

The school is that of the Koinonia Foundation, a name which in the Greek word for fellowship or communication—a mouthful, perhaps, for Americans who find their faith in prayer and in God Greatest Book in public relations at Koinonia illustrates the point very neatly.

He's a Case

Dr. Frank Laubach, a missionary with a flair, strolled a Manila during World War II. Reflecting on the humanity of the Filipinos but on what is now recognized as the failure of the Japanese occupying troops, he said:

"Both picked why so I put the saying 'Because you love others, you love your religion.'"

The founder of Koinonia felt that, despite the vast gulfs of language, culture and religion that exist in underdeveloped areas, the United States really was being the mid-wife—and best friends, too.

Pondering why, they decided that making friends is a personal matter. Technical knowledge is important, but it is not enough for people. In its recruiting Koinonia emphasizes that in addition to technical knowledge, men and women who are to go abroad must have emotional stability and faith in themselves, their fellowmen and in God.

SAMUEL S. BOARD, director of recruiting, says people are invited who have experience in agriculture, business administration, engineering, medicine, social work, teaching and public relations.

When it finds such people Koinonia undertakes to train them to cope with the language barriers and differences in customs, traditions and attitudes in the countries to which they have been assigned.

M. Glenn Harding is director of training. The regular schedule is a rigorous one which begins at 6:30 A.M. and ends at 10 P.M. Trainees start dinner in the evening. Trainees and staff work together in a family or community setting the establishment, preparing meals and performing the other chores.

In January, the trustees appointed Clayton Lane to the resident staff as director of area studies. Mr. Lane has had many years' experience as a career foreign service officer in the Far East and the Middle East. He has been posted in India and the Far East by the Foreign Operations Administration and the Foreign Service Administration.

As a result of his own experience abroad, Mr. Lane is convinced that Americans who go to those areas are more effective if they know some of their fundamental religious, philosophical and cultural backgrounds.

In recent lectures he traced the development of United States foreign policy in relation to Communism from the Yalta conference to the current crisis in Vietnam. He was a participant in the meeting of Commonwealth Prime Ministers at Canberra, Australia, at the time of the communist guerilla attack which ended the rule of the British in Malaya. He was also present during the crisis over the seizure of Suez by Egypt and the international situation.

He discussed the British attitude on recognition of Red China and the reasons for the recognition. In his lectures, he is planning to bring to Koinonia outstanding lecturers on specialized aspects of foreign affairs.

Dr. Nan Good Dye Asenter, a consultant psychiatrist on the staff of Johns Hopkins Hospital, each week. He is a graduate of the Universities of Colorado and Paris in India, Oxford in England and Yale in the country. She is lecturing currently at Koinonia on psychology in international relations.

In his talks at Koinonia, Dr. Asenter attempts to share in a small conference some of the newer findings in the psychological study of the people of the Far East.

Recently he discussed the psychological background of the extreme nationalism in Malaya, with its emphasis on the development of the individual rather than the group.

Trainees say that classes are not all conference some of the time is given to classwork how to learn them to cope with the language barriers. They differ one to the other in their attitudes on the countries to which they have been assigned.

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Clayton Lane, left; Willis Rice and M. Glenn Harding talk at Koinonia, upper picture. Lower, the foundation's home.

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People's Counsel #14

MAR 31 1978 B-7

BA 1679 (3)

Weekend by day

A spiritual retreat in a material setting

By Chaplin & Chaplin

Driving around the Green Spring Valley where it's given up an acre a share of the estates it's a) Great big fancy houses, every one of them, it seems, surrounded by acres, horses and money. All our resolve not to place too much emphasis upon the material things in life evaporates in this air, and we find ourselves daydreaming of wealth and mansions the way previous girls daydream of ice bricks and Sharon Stone.

A.M.-P.M. Baltimore

It's surprising, then, but not fitting, that this lush valley should be the home of a place that tries to emphasize the spiritual side of life. The place is Koinonia (pronounced koy-no-NEE-uh), and the Green Spring Valley road near Green Spring Station, 494-3480, is conveniently that started out as a kind of pre-Peace Corps, Christian training school for technicians to serve overseas. It has since evolved into a nondenominational way station for people undergoing personal changes, spiritual crises or simply the desire to explore those unseen areas of the self to which the particular and material intent of much of our modern culture is largely irrelevant.

Koinonia offers classic workaholics the stress and the opportunity to vast for a few days to live there for several months. The classes and workshops reflect the eclectic blend of Eastern and Western thought, with the emphasis on the latter, that is one of the hallmarks of the Aquarian generation. Lectures and workshops are offered from a traditionally religious perspective on the worldly and modern concern that individualism and self-fulfillment are the keys to a good and worthy life in a small, interdependent world.

The roster described in Koinonia's most recent catalogue lists, from the how-to's of such tangible matters as pottery and organic gardening to such ideas-in-the application of the Sermon on the Mount to one's own present-day life. The mood tends disciplined (yoga, t'ai chi, dancing by touch) more are ignored and the personal growth movement, that applies the Christian perspectives to the human condition, is represented by such workshops as "Creative Aging" (retirement, parenting) and love in human relations.

Tuition for these courses ranges from $15 to $70 with most around the $30 to $40 mark and it is necessary to live at Koinonia to take it. Room and board, also at Koinonia, run $40 a day, approximately $10 a day and for a maximum of three weeks, or apply to it, none what is called a short-term resident for a maximum of one year and at approximately $1,000.

Just under 10 of the 19 people live at Koinonia, a few of whom are full-time residents and staff, including a Protestant minister each. Every resident is to have to re-ceive a minimum, W. If it is to make their own rooms, and most residents find some service in the impressive dining room—but parts of the big main house. Much of the interior was put in the house raised in Koinonia's own woodwork ar-

Every Koinonia person at Koinonia works elsewhere at regular jobs, some go to Baltimore, some to Towson, some to Annapolis. Koinonia's own recommendations are accepted and supported. In fact, short-term guests are expected to meet with one of the Koinonia resident staff members regularly to discuss their goals and how to best use their experience there.

The idea of spiritual living and growth is new. It's assumed there's responsibility to do the normal things one's exposed to in the real world and there are many things which make changes such as retirement or divorce or readjustment of professional goals, and who is to be in a place where such psychic reassessments are accepted and supported. In fact, short-term guests are expected to meet with one of the Koinonia resident staff members regularly to discuss their goals and how to best use their experience there.

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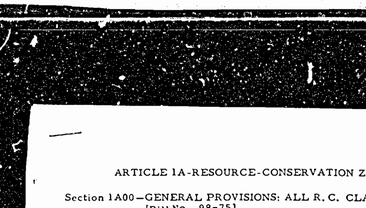
Koinonia seems to get around such difficulties of the communal life partly because it is more highly organized. Chores in the main house, the kitchen, the grounds, the office and the like are handled by salaried service to extend over well-graduated periods of time. In contrast to the collective, clear-headed, earnest folks who really did make communal existence a community, even welcome, part of community life.

On the first Sunday of every month, Koinonia holds an open house. On the Sunday we went, from the 15 or 15 children's classes around for piano—a handsome and half-covered musician and the Koinonia building as a whole, with its Spanish architecture, its striking grace, and a pretty setting for a Sunday afternoon. It seems to attract the relaxed, clear-headed, earnest folks who really did make communal existence a community, even welcome, part of community life.

Some people left after this tour, but most stayed on for quiet meditation and fellowship around the fireplace in the recreation room with tea. We were a little nervous about the conclusion but ended up enjoying it. Several residents and guests were invited to a pleasant room furnished only with chairs, cushions and the warm glow of a fire and conversation. It seems to be left to a fire and a good, relaxed chat from the Duke and suggestions.

The room became very quiet and still, the sun gradually set, we felt more and more peaceful, still, perhaps an hour later, we rose and departed for dinner. As we left the house, we noticed that the lights were out in the main house again. We retraced the path, and suggested to a young fellow with a guitar that he pass a song. The young fellow played, we listened, and then we found our way downstairs for dinner, already centered and far from our greedy daydreams of ice in the day.



The main house at Koinonia, a retreat in the Green Spring Valley.

Aching athletes

How to avoid crawling to the orthopedist

By Kay Kidder

Jerry Reichmuter has seen a lot of wounded athletes.

They arrive angry and aching on Monday mornings.

"You know," said Dr. Reichmuter, an attending orthopedic surgeon at Sinai Hospital, "the kind of guy who wakes up and says, 'Well, today is Saturday and I'm going to do my weekly exercises today and tomorrow.'"

Tomorrow never came for some 35-year-olds Dr. Reichmuter has seen arrive with—in total agony for most—a pulled muscle, severe cramps or pain with a strained leg or groin, sprains, fractures, tendonitis and tears.

Although bad luck begins the trip to his office for some—like the golfer who hits from, or a stroke in a dirt run around—most, if not all, of these injuries could be prevented, he said.

Dr. Reichmuter's definition of "weekend athlete" is a person who is not physically conditioned for running," he said. "There are a lot of people who play weekend golf and tennis that they do not quite get over the side and the height of the net."

Quick action sports such as racquetball and tennis require a warm-up routine of stretching exercises, he said, adding gently trying the fully extended arm to expand the shoulder and groin joints before actually reaching the ball.

Racquetball, the current darling of the racquet devotees, is played in a walled court, and the ball is hard and fast. Players must watch when the player cannot avoid a wall.

"You should always have the person you're playing with to 'fix-up' warned Dr. Reichmuter, "so you are each other's responsibility. It is easy to get hit in the face and head in the racquetball game, and there are stringed bows. They have a higher surface area and pose that injuries to other sports."

Tennis elbow can be minimized if resistance is gradually applied to the arm muscles by forearm exercises with a weighted hand-gripper. The forearm is the muscle in the forearm of the ball as you swing.

A phenomenon in sports like tennis is a condition called chronic patellar tendinitis, or jumper's knee. Several residents and guests were invited to a pleasant room furnished only with chairs, cushions and the warm glow of a fire and conversation. It seems to be left to a fire and a good, relaxed chat from the Duke and suggestions.

The room became very quiet and still, the sun gradually set, we felt more and more peaceful, still, perhaps an hour later, we rose and departed for dinner. As we left the house, we noticed that the lights were out in the main house again. We retraced the path, and suggested to a young fellow with a guitar that he pass a song. The young fellow played, we listened, and then we found our way downstairs for dinner, already centered and far from our greedy daydreams of ice in the day.

People's Counsel #15

aggrieved" within the meaning of Section 604. Wier v. Witney Land Company, 257 Md. 600, 610, 263 A.2d 833, 838 (1970).

Ledger Hill Neighbors has been active in opposition to the position of the Pomykakas since their initial filing before the Zoning Commissioner nearly two years ago and has been active in both the hearing before the Commissioner and the Board. During that time, Appellee, the Board, and the Commissioner have been aware that Ledger Hill Neighbors consists of the above-named individuals. Prior to their Motion to Dismiss, Appellee has not complained that Ledger Hill Neighbors is not a party to these proceedings. Appellee would not be prejudiced, nor would the prudential concerns of the Court be set aside by allowing this appeal to be heard. Appellees' contention that Ledger Hill Neighbors is not an aggrieved party to these proceedings is without merit, and Appellees' motion should be denied.

In the alternative, Appellants request leave of the Court to amend the Order for Appeal or to allow intervention in order to clarify that the individual Appellants comprising Ledger Hill Neighbors are Dr. and Mrs. Charles J. E. Arnold, Mr. and Mrs. Nathaniel E. Prentice, Dr. Hamilton Moses, III, Mr. W. James Howard, Mr. and Mrs. Robert H. Levi, Mr. Thomas M. Brundige, III, and Ms. Lucy I. Howard, as the record in the proceedings below confirms. If the Court so desires,

Appellants would be willing to submit testimony in support of their standing. See Kennerly, 247 Md. at 606, 233 A.2d at 803. ("'When the issue of the standing of an appellant to appeal is raised in the court in which review of the administrative action is asked, we have approved the practice of trial judges in permitting testimony on the point to be taken before them . . . .'" (quoting Town of Somerset v. Board, 245 Md. 52, 63, 225 A.2d 294, 301 (1965)).

For these reasons, Appellants respectfully request that the Motion to Dismiss be denied.

Respectfully submitted,

Kurt J. Fischer

John P. Machen
Kurt J. Fischer

Piper & Marbury
Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 539-2530

Attorneys for Ledger Hill
Neighbors, Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October, 1991, a copy of the aforegoing Memorandum in Opposition to Motion to Dismiss was mailed, postage prepaid, to:

Baltimore County Board of Appeals

Stephen J. Nolan, Esquire,
Nolan, Plumhoff & Williams, Chartered
Court Towers, Suite 700
210 West Pennsylvania Avenue
Towson, Maryland 21204

Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County
County Office Building, Room 304
111 West Chesapeake Avenue
Towson, Maryland 21204

Kurt J. Fischer

MR. NOLAN: Absent any rebuttal evidence from the petitioners, that would be the petitioner's case in chief.

MR. MACHEN: As a matter of housekeeping, I want to make clear who the Ledger Hill neighbors are in this. There are a number of individuals who could not be here. I want to make sure their names are on the record. The Leger Hill neighbors are comprised of Mr. and Mrs. Robert Levy --

THE CHAIRMAN You want this on the record, or on the record as an exhibit?

MR. MACHEN: I have not prepared an exhibit. I am simply identifying who the neighbors are, the protestants in this case.

THE CHAIRMAN: Mr. and Mrs. Levy.

MR. MACHEN: They are my clients. Mr. and Mrs. Charles J. Arnold, Dr. Hamilton Moses, Miss Lucy Howard, W. James Howard, Mr. Thomas W. Brundiget, 3d. and Nathanial Prentice. These are all neighbors either on Greenspring Avenue or living on Greenspring Valley Road. I don't have the street addresses. They live in close proximity to the Koinonia property,

APPENDIX 1

BOARD OF APPEALS

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
Greenspring Valley Road, 930
W from C/L of Greenspring Ave. *
1400 Greenspring Valley Rd. * ZONING COMMISSIONER
3rd Election District *
3rd Councilmanic District * OF BALTIMORE COUNTY
*
Koinonia Partnership * CASE NO. 90-355-SPH
Petitioner

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, the Zoning Commissioner to approve and confirm the lawful nonconforming residential, institutional and other uses as indicated on Petitioner's Exhibits Nos. 3 and 10.

The Petitioner, Koinonia Partnership, by their General Partner, Ronald A. Pomykaka, appeared, testified and was represented by Stephen J. Nolan, Esquire. Appearing and testifying on behalf of the Petition was Eugene Raphel, Professional Land Surveyor, Lane Beck, Anne Pomykala, William Herley and Pauline Gearhart. Noting their appearance on behalf of the Petition are individuals listed on the Petitioners Sign-in Sheet. Appearing in opposition to the requested relief on behalf of Peoples Counsel were Phyllis Friedman, Esquire and Peter Zimmerman, Esquire. Appearing as Protestants, and represented by John P. Machen, Esquire, were Daniel Toomey, Hamilton Moses, Richard Buck, Mary Arnold, and John Howard.

Testimony and evidence indicated that the subject property known as 1400 Greenspring Valley Road consists of 44.88 acres +/-, zoned R.C.2 and is improved with numerous structures utilized primarily for residential purposes, as indicated on Petitioners' Exhibits Nos. 3 and 10.

APPENDIX 2

IN THE MATTER OF THE APPLICATION * IN THE
OF KOINONIA PARTNERSHIP
FOR A SPECIAL HEARING ON * CIRCUIT COURT
PROPERTY LOCATED ON GREENSPRING
VALLEY ROAD, 930' WEST FROM * FOR
CENTERLINE OF GREENSPRING AVENUE
(1400 GREENSPRING VALLEY ROAD) * BALTIMORE COUNTY
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT * CG Doc. No. 98

LEDGER HILL NEIGHBORS, * Folio No. 162
PLAINTIFFS
CASE NO. 90-355-SPH * File No. 91-CG-3731

* * * * * * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Arnold G. Foreman, and C. William Clark, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 90-355-SPH

January 17, 1990	Petition filed by Stephen J. Nolan, Esquire, on behalf of Koinonia Partnership for a Special Hearing to approve and confirm the lawful non-conforming residential, institutional and other uses as shown on plat.
April 17	Amended Petition filed by Mr. Nolan to include the continuance of the approved Special Exception use for educational purposes.
March 8	Comments from Baltimore County Zoning Plans Advisory Committee.
February 22	Publication in newspapers.

April 23, 1990	Certificate of Posting of property.
March 16	Hearing held on Petition by the Zoning Commissioner.
July 16	Order of the Zoning Commissioner DENYING Petition.
August 10	Notice of appeal received from Stephen J. Nolan, Esquire on behalf of Koinonia Partnership.
July 24, 1991	Hearing on appeal before the Board of Appeals.
July 26	Continued Hearing before the Board.
August 2	Opinion and Order of the Board GRANTING the Petition for Special Hearing.
August 29	Order for Appeal filed in the Circuit Court for Baltimore County by John P. Machen, Esquire on behalf of Protestants.
August 29	Certificate of Notice sent to interested parties.
September 5	Petition to accompany appeal filed in the Circuit Court by Mr. Machen.
October 4	Transcript of testimony filed.

Petitioner's Exhibit No.
1 -Site Plan (12/20/89)
2 -Zoning Order (5/25/50)
3 -Blue Print (IN BOARD'S CLOSET)
4 -Tracing (IN BOARD'S CLOSET)
5 -Petition & Order for Spec. Exc.
6 -Letter (8/14/79)
7 -B.C. Zoning Comments
8 -List of photos to go with #9
9 -Photo Board w/map & photos (IN BOARD'S CLOSET)
9A-List
10-Pamphlet to go with #2
11-Lease Agreement
12-Carriage House Reserv. List
13-Photos A-N
14-Photos A-F
15-List of people in favor
16-Letter (5/4/88) zoning
17-Letter (7/24/91) Md. Hist. Trust
18-Gerber C.V.
19-Aerial Photo

Petitioner's Exhibit No.
20-Comments -Planning & Zoning
21-Time Line
22-Decision #89-171-SPH
23-Art. 88B Sec. 5-601 Annotated Code of Md.
24-Video tape
24-A-Transcript of tape
25-List of Customers & Sales
26-Articles
27-Letter from Greenspring Valley Assoc. (I.D. only)
28-Brochures
29-Picture of Memorial Bldg.

Protestants Exhibit No.
1-Certificate of Incorporation
2-Letter from Treas. Dept. - Exempt status

People's Counsel Exhibit No.
1 -Petition for Rezoning
2 -Auction detail packet
3 -Zoning Regs. 1955
4 -Zoning Comm. dec. 90-428-SPH
5 -Rule 8, Letter 2/1/91
6 -Letter 7/24/91
7 -B. Co. Zon. Reg. (1948)
8 -B. Co. Zon. Reg. (1955) R6-R40
9 -B. Co. Zon. Reg. (1969) R-40
10-B. Co. Zon. Reg. (1975) RDP
11-B. Co. Zon. Reg. RC2 current regs.
12-Excerpt from the Green Spring Valley Book
13-Article - Sun
14-Article - News American
15-Article - 3/31/78
16-Zoning Comm. File

October 4, 1991 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office and upon

request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Respectfully submitted,

Linda Lee M. Kuszmaul

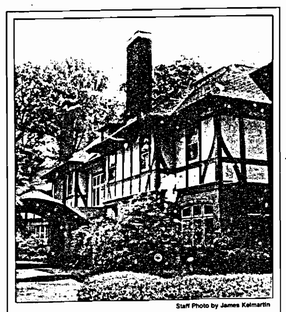
LindaLee M. Kuszmaul
Legal Secretary
County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 (301) 887-3180

cc: John P. Machen, Esquire
Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Mr. Ronald A. Pomykal - Koinonia Part.
People's Counsel for Baltimore County

IN THE MATTER OF THE APPLICATION OF KOINONIA PARTNERSHIP FOR A SPECIAL HEARING ON PROPERTY LOCATED ON GREENSPRING VALLEY RD., 930' WEST FROM CENTERLINE OF GREENSPRING AVENUE (1400 GREENSPRING VALLEY ROAD) 3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

* IN THE
* CIRCUIT COURT FOR
* BALTIMORE COUNTY
* CASE NO. 91-CG-3731 98/162
*

***



Staff Photo by James Kalmartin

The main building of the defunct Koinonia Foundation, on Greenspring Valley Road, is a Tudor-styled mansion. County officials have found other buildings on the property have been converted to apartments, in violation of its zoning. See page C5.

Jeff. MAY 19 1988

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 19, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 16, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 182, 209, 211, 213, 215, 216 and 218.

For Items 214 and 222 the County Review Group Comments for each item still apply.

For Item 217 the County Review Group Comments still apply. There are many discrepancies on the boundary of the storm water management reservation compared to the record plats, and an 8-foot vertical difference in grades between Sections 1 and 2 adjacent to lot 74.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21286-5500
(301) 887-4500

Paul H. Reincke
Chief

JANUARY 29, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KOINONIA FARTNERSHIP

Location: #1400 GREENSPRING VALLEY ROAD

Item No.: 209 Zoning Agenda: JANUARY 16, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: [signature] 1-30-90 Noted and Approved [signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

TO: Gwendolyn Stephens DATE: March 12, 1990

FROM: J. Robert Haines
Zoning Commissioner

SUBJECT: Case 90-355-SPH

When you reset the above case, it should be scheduled for all day.

JRH:mmn

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND 90-355-SPH

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer January 9, 1990
Zoning Supervisor

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 209
Koinonia Partnership - Petitioner
1400 Greenspring Valley Road

Please be advised that the above referenced property is the subject of an active violation case, C-88-2085.

When this matter is scheduled for a hearing, please notify the following people:

John P. Machen, Esquire
Piper and Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

Gary C. Duvall, Esquire
Miles and Stockbridge
401 Washington Avenue
Towson, Maryland 21204

JHT:ljs

*MICROFILMED

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 31, 1995

Steve Nolan, Esq.
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204-5340

Re: B & B Inn Use
Greenspring Valley Road
3rd Election District
(Zoning Case #90-355-SPH)

Dear Mr. Nolan:

This letter is to inform you that a request for zoning hearing concerning the proposed bed and breakfast inn has been filed within this office within the 15 day challenge period. As agreed upon and stated in my earlier letter of August 14, 1995, a special hearing must now be requested by you to proceed further in this matter. Please be aware that your client will be responsible for all additional filing, posting, and advertising fees required for such hearing.

Please return the sign and post to this office at your earliest convenience. You may call 887-3391 for an appointment to file. Please follow the enclosed checklist requirements for any public hearing filing.

Very truly yours,

John L. Lewis
Planner II

JLL:ggs

Printed with Soybean Ink on Recycled Paper

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

gust 16, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
Greenspring Valley Road, 800'+ from C/L of Greenspring Avenue
(1400 Greenspring Valley Road)
3rd Election District, 3rd Councilmanic District
KOINONIA PARTNERSHIP - Petitioner
Case No. 90-355-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 15, 1990 by Stephen J. Nolan and Newton A. Williams, Attorneys on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Ronald A. Powyska - Koinonia Partnership
1400 Greenspring Valley Road Stevenson, MD 21153

Stephen J. Nolan - Nolan, Plumhoff & Williams, Chtd.
Suite 700, Court Towers, 210 West Pennsylvania Ave., Towson, MD

RECEIVED
COUNTY BOARD OF APPEALS
90 AUG 20 AM 8:44

Appeal Cover Letter - Case No. 90-355-SPH
KOINONIA PARTNERSHIP - Petitioner
August 16, 1990
Page 2

Newton A. Williams - Nolan, Plumhoff & Williams, Chtd.
Suite 700, Court Towers, 210 West Pennsylvania Ave., Towson, MD

Eugene Raphel - E.F. Raphel & Associates
305 Courtland Avenue, Towson, MD 21204

John P. Machen, Esquire (Protestants),
36 South Charles Street, Baltimore, MD 21201

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

a brief visit. At that time she was a nurse employed in New York State who had been introduced to the Koinonia Foundation by a friend. She described the property usage in 1954 as that of a learning facility with religious values. She indicated that individuals and families were trained at the facility, living on the property while training before being sent overseas on their mission. She returned to the property in 1958 at age 49. During her stays on the property, she testified that at least 40 to 50 people constantly were living on the property. Ms. Carnes was a resident of the property until 1988, except for the few years she was on her mission in Laos. Using the Petitioner's Exhibit No. 9, Ms. Carnes in her deposition described the various buildings located on the site and gave their history.

Photograph A on the exhibit, a structure called the Hope Chest, has been, since her memory serves, a building which contained two apartment living units.

She further described Photograph B, California House, as another dwelling unit which contained two apartment living units.

Photograph C, Silver Lining, was also described as a two-apartment unit structure.

Photograph D, Chicken Coop, later called Acorn, was converted into a residence at a date uncertain; however, probably in the early 1960's.

Photographs E and F in Exhibit No. 9 depict the main building on the property known as Gramercy. This Building was originally constructed in approximately 1906 and has been the main residence house on the property.

Photograph G depicts the remains of what had been the Garden

House, which Ms. Carnes described as housing at least 14 people during 1955. However, that building was destroyed in the early 1980's and has not been rebuilt.

Photographs H and I of Exhibit No. 9 have never been occupied.

Photograph J depicts the building known as Literacy, and it was dedicated in 1958. The building came into use as a teaching building and later evolved into residential use. The building contains at least three apartments.

Photograph L is known as the Memorial Building and was specifically built for students and families to live in. The structure contains eight apartment units. It should be noted that Ms. Carnes advised that not only the student lived in this building but the family of the student along with their children resided there.

Building K on the exhibit is a trailer used by the worker who is employed for the farming activity of the subject site.

Ms. Carnes' records and memory and her position as the Sustainer gave great insight into the history of this unusual property.

Building M was originally a stable converted by Koinonia into meeting rooms, residences and other uses. The exhibits in Ms. Carnes' deposition indicated that the Literacy House construction and the eight-unit family apartments contained therein began prior to September 1959.

Further insight into the history of this property was supplied by Ms. Lane Berk, a resident of Greenspring Valley for at least 45 years. Ms. Berk told the Board that she has always been active in the community affairs of Greenspring Valley, and her memory dates

to at least 1952, recalling a number of residences at Koinonia, and buildings used as both residences and other multi purposes. She further recalls, although without a specific timeframe, that people lived on the site and worked off the site. She recalls the sale of the property in 1985 and feels that this property has been improved under its new ownership. She is further aware that educational workshops and conferences continue on the property. She feels that the property as it exists does not present a detriment to the surrounding area.

The Board next heard from Ann Marie Pomykala, who along with her husband, Dr. Ronald Pomykala, purchased the property at auction in 1985 from the Koinonia Foundation. When the property was purchased, it was in a run-down condition and their aim was to restore the property. The premises contained a print shop owned by outside ownership and a garage also owned by a non-resident. After the purchase of the property, the print shop and garage were removed from the premises. Also, at the time of the purchase of the property, tenants existed on the property and paid rent. A detailed description of the restoration of the property was given to the Board, as well as photographic evidence of the effort which has gone into the refurbishing of this property. Mrs. Pomykala indicated that some of the buildings are covered by the Maryland Historical Trust, and that the property now contains a mushroom and herb garden, and the workers for that garden live on the property.

Although the exclusive use for this property is not a private school, this site is rented out to private groups for seminars and other educational purposes throughout the year. Lynn Woodland indicated that she rents space on the property and has been doing

so for many years.

Christine Ritz, a resident in the Acorn House, told the Board she has lived on the property since 1975, and had worked elsewhere during that time period until she came to work for the herb garden function of the property in June 1990.

Dr. Pomykala told the Board that the only building which has been done on the property has been restoration and no new dwelling units have been placed upon the property. He said the use of the property has not intensified since his purchase.

Norman Gerber, an expert planner, told the Board he believed that this property contained two uses which date back to at least 1955. These uses are both residential and educational, and he feels that the current use of the property continues in that vein as both residential and educational. The special permit granted in the early 1950's for a private school has not expired and contains no expiration date. Exhibits produced by Petitioners indicate that from at least 1948 through 1951 portions of the property were rented to individuals by the previous owner, and that those rental uses continued through at least 1954. During the exclusive use of the Koinonia Foundation, the training center on the property continued to operate with multiple functions as a school, residence, and agricultural-type of establishment.

Mr. Jack Dillon, Senior Planner in the Office of Planning & Zoning for Baltimore County, differed from Mr. Gerber's previously stated opinion that the uses of the property are both residential and educational. Mr. Dillon believes the school permitted by special permit is the predominant use for that property and should that use not be in existence, then the R.C. 2 zoning regulations

will apply, and the use for multi-family dwellings must be pursued by special exception.

Jeffrey Long, of the Office of Planning & Zoning, also told the Board that when the school use on the site ceases the ability to have apartments on that property ceases also.

Daniel Twomey, a former member of the Koinonia Board and counsel to the corporation from 1975 to 1985, told the Board about the history of the Koinonia Foundation and as to how the property was operated during his affiliation with the Foundation. In reviewing Petitioner's Exhibit No. 9, Mr. Twomey indicated that the Acorn House, Photograph D, had not been living space prior to 1976, but was converted to living space in that year; further, that Photograph G, Garden House, had been instructional and then living area but as mentioned before, was removed due to natural causes. Mr. Twomey indicated that the Koinonia Board had discussed the possibility of renting units to tenants who were not affiliated with Koinonia. However, that Board rejected the idea since they were concerned with their tax-exempt status and the possibility of a conflict with any zoning regulation. Mr. Twomey did indicate that Koinonia did use the facilities to raise funds and these funds were derived from the sale of gifts, farm produce, and herbs, and the renting of the property to outside groups for educational and/or social purposes, and that these activities continued until the sale of the property. He described Marion Carnes, who testimony was outlined above, as a "grand lady."

Margaret Worrell, Executive Director of the Valleys Planning Council, submitted a letter indicating that the Valleys Planning Council was against the request of the Petitioners and asked that

the special hearing be denied.

People's Counsel presented a number of exhibits indicating the Baltimore County Zoning Regulations from 1945, 1955, 1969, and 1974. Also given to the Board were a number of newspaper articles regarding the Koinonia Foundation. These articles reflect that this property was used for brief training periods for those who participated in the Koinonia experience. However, as time changed, so did the Koinonia experience, and the property evolved from a site which was exclusive to those of the Koinonia following to one which became more open to the public in general. The Board is convinced that during the 1950's, 1960's, 1970's and 1980's, persons who were not affiliated 100 percent with the Koinonia Foundation resided on the property and paid rent to the Foundation. This belief is further bolstered by a March 1978 newspaper article indicating that some of the residents at Koinonia worked there while some worked elsewhere at regular jobs, and some went to school. Residents were described as people going through an adjustment due to divorce or realignment of professional goals or who wanted to be in a place where such reassessments were accepted and supported. This article further indicated that payment for these courses and the ability to become a resident for either a short term or up to one year ranged from $15.00 up to $220.00 per month.

A private school as defined by Black's Law Dictionary is one maintained by private individuals, groups, religious organizations, or corporations not at public expense, and open only to pupils selected and admitted by the proprietors or governors, or to pupils of a certain religion or possessing certain qualifications, and

generally supported, at least partly, by tuition fees or charges. A school is an institution or place for instruction or education. Clearly, this property continues in this Board's belief to function as an educational site, therefore falling within the definition of a school. The use of this property has changed little since the early 1950's. Although the Koinonia Foundation has faded from this property as owners, its spirit and legacy continue to inhabit this unusual property. The character of this property has not changed in over 40 years. No business that is conducted on this property can been seen or heard by its neighbors, nor do the comings and goings of the inhabitants affect the neighborhood. The Board finds as a matter of fact that multi-residential uses existed on this property during the 1970's, during the 1960's, and during the 1950's, and that these uses continued up to and through the 1980's and still continue to date, and that these uses are nonconforming uses which exist as a matter of right in the R.C. 2 zone as currently described in the Baltimore County Zoning Regulations. This property has been well-known to the neighborhood, and its general usage has continued throughout the last 45 years. A change in ownership does not destroy a nonconforming use. The use transferred to the succeeding owner will continue so long as the nature and character of that use is unchanged and substantially the same facilities are used. The Board finds that the nature and character of this property remains essentially unchanged, and the exact facilities are still being used. The Board finds substantial evidence on the record to support these findings. Accordingly, the Board will order as follows.

ORDER

IT IS THEREFORE this __ day of August, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to approve and confirm the lawful and nonconforming residential, institutional and other uses as shown on Petitioner's Exhibit No. 1 and the continuation of the approved special exception use for educational purposes be and is hereby GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

C. William Clark

C. William Clark

Arnold G. Foreman

Arnold G. Foreman

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

August 2, 1991

Stephen J. Nolan, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 90-355-SPH
Koinonia Partnership

Dear Mr. Nolan:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Newton A. Williams, Esquire
Ronald A. Pomykala
Koinonia Partnership
Eugene Raphel
John P. Machen, Esquire
Mildred Clark
F. Jeanette Berg
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

IN RE: PETITION FOR SPECIAL HEARING
Greenspring Valley Road, 930 W From C/L Of Greenspring Avenue
1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District
KOINONIA PARTNERSHIP
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO.: 90-355-SPH

NOTICE OF APPEAL

Please note an appeal from the decision of the Zoning Commissioner for Baltimore County in the above-captioned matter, under date of July 16, 1990, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing. The appellant taking this appeal is:

Koinonia Partnership
1400 Greenspring Valley Road
Post Office Box 119
Stevenson, Maryland 21153

Stephen J. Nolan

Newton A. Williams

Nolan, Plumhoff & Williams
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

RECEIVED
AUG 10 1990
ZONING OFFICE

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of August, 1990, a copy of the aforegoing Notice of Appeal was mailed, postage prepaid, to Phyllis C. Friedman, Esquire, People's Counsel, Suite 900, 409 Washington Avenue, Towson, Maryland 21204; and John P. Machen, Esquire, 100 Charles Center South, 36 South Charles Street, Baltimore, Maryland 21201.

Stephen J. Nolan

4099B

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

-2-

RE: PETITION FOR SPECIAL HEARING
(Greenspring Valley Road 930' W From C/L of Greenspring Ave.
1400 Greenspring Valley Road
3rd Election District
3rd Councilman District
KOINONIA Partnership
Petitioner

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* Case #90-355SPH
* Item #209
* Hearing: May 15, 1990
* 9:30 a.m

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ZONING OFFICE

PETITIONER'S MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

KOINONIA PARTNERSHIP, by Stephen J. Nolan and Nolan, Plumhoff and Williams, Chartered, its attorneys, respectfully submits this Memorandum In Support to aid the Zoning Commissioner in his consideration of this matter.

STATEMENT OF THE CASE

Koinonia Partnership, the owner of the subject 44.8 acre property, filed a Petition for Special Hearing to "confirm the lawful nonconforming residential, institutional and other uses as shown on the attached Plat and the continuation of the approved special exception use for educational purposes." The case was heard on May 15, 1990, by the Zoning Commissioner pursuant to the advertised and posted special hearing announcement. Interested neighbors styling themselves "Ledger Hill Neighbors" appeared and were represented by John P. Machen, Esquire of Piper & Marbury. The People's Counsel, Phyllis Cole Friedman, Esquire also appeared in the matter. This Memorandum is submitted in support of the requested special hearing findings.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

STATEMENT OF THE FACTS

Koinonia Partnership, composed of Dr. and Mrs. Ronald A. Pomykala, purchased the 44.8 acre Koinonia property, located on the North side of Greenspring Valley Road west of Greenspring Avenue in 1985. Dr. Pomykala and his wife, as Koinonia Partnership, purchased the property at public auction and the auction materials are included as Petitioners' Exhibit 11.

As shown on the E. F. Raphel Plat dated December 20, 1989, [Petitioners' Exhibit 1], the Koinonia Property is an irregularly shaped parcel, consisting of 44.8 acres, zoned RC-2. The property has approximately 1400 feet of frontage of an irregular, curving nature along the north side of Greenspring Valley Road, and it also has a very small frontage on the southwest side of Greenspring Avenue.

By Order of the Zoning Commissioner for Baltimore County, Charles H. Doing, dated June 23, 1950 [Case Number 1745S], Mr. and Mrs. Hugo R. Hoffman as owners, and the Koinonia Foundation as contract purchaser were granted a "special permit" to use the subject property as a private school.[1] The Koinonia Foundation is an interdenominational group founded to foster international peace and literacy, and was in many respects during its most active period in the 50's, 60's and 70's, somewhat similar on a private basis to the Peace Corps.

1 The 1950 case, Case Number 1745S is Petitioner's Exhibit 5.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

The special hearing in question has been occasioned by a zoning complaint filed by neighbors and by the fact that the Koinonia Property is improved by the original mansion house, known as Gramercy, (as shown on the site plan Petitioners' Exhibit 3), as well as a number of other residential buildings, most of them dating back to the property's usage as a private school by the foundation. In fact, over the years of the Koinonia Foundation's ownership, the 44.8 acre property saw various, new multi-occupant residential buildings erected, as shown on Petitioner's Exhibit 3.[2]

One of the initial concerns of the protestants, the Ledger Hill Neighbors, was that the various residential units in question may have been built in some illegal fashion, but the uncontradicted evidence during the case showed that the various buildings were constructed under Foundation auspices for Foundation purposes during the 1950's, 1960's and 1970's. If anything, Dr. Pomykala and Koinonia Partnership have restored these residences, and put them in good order since their purchase of the property.

The evidence presented at the special hearing definitely shows that the special permit for private school, which was the appropriate available category under the 1948 Zoning Regulations,

2. The zoning complaint was not joined by all of the property's neighbors inasmuch as Mrs. Lane Burke, a longtime Valley conservationist, testified in favor of the Petition. The Petition also received conditional support from the Greenspring Valley Association. The various houses in question are shown A through M, and a list of the photographs is attached hereto.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

was exercised in a timely fashion and was utilized intensively over a number of years. However, over a period of time, the Koinonia Foundation's work was supplanted by other organizations, and eventually the Foundation made a decision to auction the subject property in 1985, although it is our understanding that the Foundation continues to exist.

The testimony of Dr. Pomykala indicates that, since their acquisition of the property, the property continues to be used for a combination of purposes, including their own residential use of a portion of the mansion, as well as, agricultural uses (the growing of mushrooms and herbs). There has also been a continuing educational use of the property. The Carriage House (sometimes called the "Annex") has been utilized for seminars, retreats and workshops extensively and continuously since the 1985 purchase, with a very extensive list of educational users being in evidence (Petitioners' Exhibit 13).

The main item of concern continues to center around the various residences which were built during the Koinonia period, occupied residentially during that period, and which continue to be occupied residentially today. As the testimony revealed, all of the residences were at least minimally habitable at the time of the purchase of the property in 1985. The Pomykalas have made improvements to the various residences over the intervening years, and their present condition is good.[3]

3 As is shown in the photographs, Petitioner's Exhibit 10 and in the indexed photographs, Petitioner's Exhibit 12.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

QUESTIONS PRESENTED

ARE THE RESIDENTIAL BUILDINGS AND RESIDENTIAL USES ON THE KOINONIA PROPERTY ENTITLED TO CONTINUE, DESPITE THE CHANGE IN FOCUS OF THE MAIN USE OF THE PROPERTY?

The Petitioner respectfully asserts that the residential use of various residential buildings shown on the site plan (Petitioner's Exhibit 3), is entitled to continue since the proof is that it was begun in a perfectly appropriate fashion during the very intensive private school/foundation use of the property by the Koinonia Foundation, and this residential use has continued to date without interruption. The Petitioner also asserts that since the 1950 zoning decision granted a "special permit" for the use of the land as a private school, the subsequent residential use on the foundation property is now, at worst, a legal non-conforming use. Further, the Petitioner would argue that, regardless of whether the educational use has now diminished, the non-conforming use is entitled to continue since there has been no change in the conduct of the residential use over the intervening years.

As the Commissioner is well aware, a nonconforming use is defined in the Baltimore County Zoning Regulations in Section 101, as "a legal use that does not conform to a use regulation for the zone in which it is located but to a special regulation applicable to such a use.' A specifically named use described by the adjective 'nonconforming' is a nonconforming use." The Regulations continue to deal with nonconforming uses in Section

104, and more specifically in Section 104.1 which provides as follows:

> A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. [B.C.Z.R. 1955; Bill No. 18, 1976]

Viewing the factual situation of the Koinonia property in the light of Section 104.1, the evidence shows that the residential uses when commenced were valid, as part and parcel of the private school/foundation use of the property; and that the proof shows that in the intervening years they have not been abandoned or discontinued for more than a year, nor has their residential use been changed to any other use so as to lose their fundamental residential nature.

In McKemy v. Baltimore County, 39 Md. App. 257 (1978), the Special Court of Appeals of Maryland set forth a four prong test to be followed when deciding whether a current activity is within the parameters of the prevailing non-conforming use. The factors to be considered are as follows:

> (1) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use; (2) is the current use, merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character nature and kind, (3) does the current use have a substantially difference effect upon the neighborhood, (4) is the current use a drastic enlargement of extension of the original non-conforming use.

Id. at 269-270; See also, Jahnigan v. Staley, 245 Md. 130, (1967), Phillips v. Zoning Commissioner, 255 Md. 102 (1961).

Applying these factors to the Koinonia property, it seems clear that the present non-conforming use should be allowed to continue. The original non-conforming use was residental and continues to be so, even though the educational use of the property has diminished. The current use is not even a different manner of utilizing the original non-conforming use, but is the same in character, nature and kind. The buildings have always been used as residences, albeit student residences, but no real change has occurred.

Nor has any new effect been felt by the neighborhood. There has been no substantial impact on the neighborhood due to the de-intensification of the educational use of the property. Similarly, there has been no new level of traffic or an increase in the number of occupants. Again, no change in the manner of residential use has occurred. Finally, this is not a "drastic enlargement or extension" of the original non-conforming use. The use was residential and has continued as such. The de-intensification of the educational use has had no adverse impact on the property, the residences nor on the neighborhood. Simply put, the residences have always been used residentially, have not changed in character, nature or kind, and should be allowed to continue.

It should also be carefully noted that, although the Koinonia property represents a residential use which was begun during the private school/foundation years, the legal and zoning principles involved here, could and, indeed should, just as well be applied to numerous accessory residences located throughout the prestigious valleys of Baltimore County, which are no longer farms and which are no longer occupied by servants working in the main house. Although the Greenspring Valley is zoned RC-2, primarily to restrict its density and development, in fact, the farming and estate uses have receded, and, indeed, while there are still many prestigious homes, these homes do not have the complement of servants which require numerous accessory servant houses as in previous years. These accessory houses are rented for residential use rather than serving as quarters for the estate personnel, exactly what is occurring on the subject site.

If it is to be said on the Koinonia property that if these various residential buildings, lawfully built and occupied in a continuous fashion for residential purposes during the Koinonia years and during the Pomykala years, cannot be so occupied now, what is to be done with them? Are we to take perfectly good residential buildings at a time when Baltimore County needs all decent available housing and tear it down? Alternatively, are we to allow these perfectly good residential units to be unoccupied, and to thus inevitably deteriorate, and perhaps be vandalized or otherwise destroyed?

The Petitioner respectfully asserts that a reasonable interpretation of the Regulations is that accessory portions of legal uses, basically unchanged in nature, as in the residential units involved here, should be allowed to continue for residential purposes, and be treated as any other nonconforming use. Certainly twenty or so occupants on 44 acres is not an intensive or harmful utilization of the subject property, and such residential use does not produce traffic or any other activity any more intensive than comparable properties of its size throughout the valleys.

For all of these reasons we respectfully ask that the special hearing relief as sought be granted.

Respectfully submitted,

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 1990, a copy of the aforegoing Petitioner's Memorandum in Support of Petition for Special Hearing was mailed postage prepaid to John P. Machen, Esquire, 100 Charles Center South, 36 S. Charles Street, Baltimore, Maryland 21201 and Phyllis C. Friedman, Esquire, People's Counsel, Suite 900, 409 Washington Avenue, Towson, Maryland 21204.

Stephen J. Nolan

3501B

RE: PETITION FOR SPECIAL HEARING
Greenspring Valley Rd., 930' W from C/L of Greenspring Avenue (1400 Greenspring Valley Road 3rd Election District 3rd Councilmanic District
KOINONIA PARTNERSHIP, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* CASE NO.: 90-335SPH
ITEM NO.: 209
* Hearing: May 15, 1990 at 9:30 a.m.

* *

PETITIONER'S NOTICE OF DE BENE ESSE DEPOSITION

The Petitioner, KOINONIA PARTNERSHIP, hereby gives notice that it will take the deposition upon oral examination of the following-named witness and that it intends to use and rely on said deposition at the hearing on this matter before the Zoning Commissioner or his Deputy on May 15, 1990, in lieu of the deponent's personal appearance at the hearing:

Deponent: and Place of Deposition:	Miss Marion Carnes Presbyterian Home of Maryland 400 Georgia Court Towson, Maryland 21204
Date and time:	Thursday, April 19, 1990 at 10:00 a.m.

The deposition will be taken before a Notary Public or some other person who is authorized to administer an oath.

Stephen J. Nolan

RECEIVED

Nolan, Plumhoff & Williams, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 1990, a copy of the aforegoing Petitioner's Notice of De Bene Esse Deposition was telecopied or hand delivered to: John P. Machen, Esquire, Piper & Marbury, 1100 Charles Center South, 36 South Charles Street, Baltimore, Maryland 21201; Phyllis Cole Friedman, Esquire, People's Counsel, County Office Building, 3rd Floor, Towson, Maryland 21204; Honorable J. Robert Haines, Zoning Commissioner, County Office Building, Towson, Maryland 21204; and Greenspring Valley Association, Inc., Box 304, Stevenson, Maryland 21153.

Stephen J. Nolan

2913B

MORE SPACE

IN RE: PETITION FOR SPECIAL HEARING
Greenspring Valley Road, 930' W from C/L of Greenspring Ave. 1400 Greenspring Valley Rd. 3rd Election District 3rd Councilmanic District
Koinonia Partnership, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 90-335-SPH

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, the Zoning Commissioner to approve and confirm the lawful nonconforming residential, institutional and other uses as indicated on Petitioner's Exhibits Nos. 3 and 10.

The Petitioner, Koinonia Partnership, by their General Partner, Ronald A. Pomykala, appeared, testified and was represented by Stephen J. Nolan, Esquire. Appearing and testifying on behalf of the Petition was Eugene Raphel, Professional Land Surveyor, Lane Beck, Anne Pomykala, William Werley and Pauline Gearhart. Noting their appearance on behalf of the Petition are individuals listed on the Petitioners Sign-in Sheet. Appearing in opposition to the requested relief on behalf of Peoples Counsel were Phyllis Friedman, Esquire and Peter Zimmerman, Esquire. Appearing as Protestants, and represented by John P. Machen, Esquire, were Daniel Toomey, Hamilton Moses, Richard Buck, Mary Arnold, and John Howard.

Testimony and evidence indicated that the subject property known as 1400 Greenspring Valley Road consists of 44.88 acres +/-, zoned R.C.2 and is improved with numerous structures utilized primarily for residential purposes, as indicated on Petitioners' Exhibits Nos. 3 and 10.

ORDER RECEIVED FOR FILING
Date 7/5/90
By Bn Zeller

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 1, 1999

Stephen J. Nolan, Esquire
Nolan, Plumhoff & Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204-4528

Dear Mr. Nolan:

RE: Spirit and Intent, Gramercy Bed and Breakfast, 1400 Greenspring Valley Road, 3rd Election District

Thank you for your letter of February 22, 1999 to Arnold Jablon, Director of Permits and Development Management. This correspondence, in which you request confirmation that the proposed addition to the Gramercy Bed and Breakfast is within the spirit and intent of Zoning cases #90-355-SPH and 96-230-SPHA, has been referred to me for reply.

I regret to inform you that the Baltimore County Zoning Office cannot administratively consider and approve this confirmation without a special hearing as the main Gramercy building is on the Maryland Historical Trust Inventory. Any actions such as razing, altering, and adding to such a building must be approved by a waiver of preservation of historic buildings or sites.

Also, please be advised that a special hearing was filed challenging the current use of the subject property. To eliminate any challenges of approvals that the Baltimore County Zoning Office may grant, we will currently require that any amendments to the site be approved by a public hearing. It is advisable that any future changes that are anticipated be addressed at a special hearing in addition to the waiver.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me or W. Carl Richards at 410-887-3391.

Sincerely,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:cjs

Enclosure

c: Zoning cases 90-355-SPH and 96-230-SPHA

Printed with Soybean Ink on Recycled Paper

APPEAL

Petition for Special Hearing
Greenspring Valley Road, 930 W from C/L of Greenspring Avenue
(1400 Greenspring Valley Road)
3rd Election District - 3rd Councilmanic District
KOINONIA PARTNERSHIP - Petitioner
Case No. 90-355-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Memorandum in Support of Petition

Zoning Enforcement Violation Notice

Petitioner's Exhibits:
1. Deposition of Marion Carnes
2. Video: Deposition - Marion Carnes
3. Plat for Special Hearing
4A. & 4B. Petition for Zoning Reclassification
4C. Plat to accompany Petition for SPX
5A. - 5C. - Copies of Petition for Special Permit and Cert. of Publication
6. Topography map of Koinonia Property
7. Original of Exhibit #8 wrapped in blind
8. White-lined map showing topography and improvement locations
9. Zoning Map
10. Photo Board w/ Plat for Special Hearing
11A. - 11J. - Auction Information
12. Koinonia Photo Exhibit
13A. - 13F. - Carriage House Reservations
14A. - 14D. - Articles regarding mushrooms
15. Koinonia Farm - Sales & Customers
16. Letter and copy of B.C.Z.R. Sections

MICROFILMED

Appeal Checklist - Case No. 90-355-SPH
KOINONIA PARTNERSHIP - Petitioner
August 16, 1990
Page 2

Protestant's Exhibits: 1A. - 1G. 1988 Comp. Zoning Map - Request for Change

2. Letter from The Valleys Planning Council

Zoning Commissioner's Order dated July 16, 1990 (Denied)

Notice of Appeal received August 10, 1990 from Stephen J. Nolan and Newton A. Williams, Attornies on behalf of the Petitioner

cc: Ronald A. Pomykaka - Koinonia Partnership
1400 Greenspring Valley Road, Stevenson, MD 21153

Stephen J. Nolan - Nolan, Plumhoff & Williams, CHTD
Suite 700, Court Towers, 210 West Pennsylvania Ave., Towson, MD

Newton A. Williams - Nolan, Plumhoff & Williams, CHTD
Suite 700, Court Towers, 210 West Pennsylvania Ave., Towson, MD

Eugene Raphel - E.F. Raphel & Associates
205 Courtland Avenue, Towson, MD 21204

John P. Machen, Esquire (Protestants),
36 South Charles Street, Baltimore, MD 21201

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

MICROFILMED

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
Greenspring Valley Rd., 930' W from C/L of Greenspring Ave. : OF BALTIMORE COUNTY
(1400 Greenspring Valley Rd.)
3rd Election District :
3rd Councilmanic District :
KOINONIA PARTNERSHIP, Petitioner : Case No. 90-355-SPH

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
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 26th day of February, 1990, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, and Nolan, Plumhoff & Williams, Chtd., Suite 700, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

IN THE MATTER OF KOINONIA PARTNERSHIP'S PETITION FOR SPECIAL HEARING TO CONFIRM NON-CONFORMING USE OF 1400 GREENSPRING VALLEY ROAD, THIRD COUNCILMANIC DISTRICT * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* ITEM No. 209
* CASE No. ____

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of John P. Machen and Piper & Marbury on behalf of Ledger Hill Neighbors, c/o John P. Machen, 1100 Charles Center South, 36 South Charles Street, Baltimore, Maryland 21201, an association of neighboring property owners of the property known as 1400 Greenspring Valley Road.

John P. Machen
Piper & Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

90Zsp:02/19/90
1315I-2

IN THE MATTER OF KOINONIA PARTNERSHIP'S PETITION FOR SPECIAL HEARING * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY * CASE NO. 90-355-SPH

* * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on March 16, 1990 at 9:30 a.m. in Room 106 in the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Commissioner.

Witness: Daniel M. Twomey, Esq.
Address: Hessey & Hessey
210 North Charles Street
Suite 1311
Baltimore, Maryland 21201

John P. Machen
Piper & Marbury
100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

ORDER

The witness named above is hereby ordered to so appear before the Zoning Commissioner of Baltimore County. The Commissioner requests the Sheriff/Private Process Server to process this Order in accordance with Zoning Commissioner's Rule IV (c) and issue the summons set forth herein.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of
Baltimore County

-1-

MICROFILMED

90Zsp:02/19/90
1315I-2

IN THE MATTER OF KOINONIA PARTNERSHIP'S PETITION FOR SPECIAL HEARING * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY * CASE NO. 90-355-SPH

* * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on February 26, 1990, I effected service of process by personally serving a Subpoena upon Daniel M. Twomey, Esq. at 210 North Charles Street, Suite 1311, Baltimore, Maryland 21210 to appear before the Zoning Commissioner of Baltimore County.

I further certify that I am over the age of 18.

I solemnly affirm under the penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

Kristin Coveleski
Legal Assistant

Piper & Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

MICROFILMED

-2-

90Zsp:02/19/90
1315I-2

In Re: PETITION FOR SPECIAL HEARING Greenspring Valley Road, 930 W from C/L of Greenspring Avenue 1400 Greenspring Valley Road 3rd Election District 3rd Councilmanic District * BEFORE THE COUNTY BOARD OF APPEALS * OF BALTIMORE COUNTY * Case No. 90-355-SPH

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

REQUEST FOR SUMMONS

Mr. Clerk:

On behalf of Dr. and Mrs. Ronald A. Pomykala, please issue a summons for the following persons, to appear for testimony before the Board on Friday, July 26, 1991 at 10:00 a.m., and to have him bring any information concerning the Gramercy Property.

J. Rodney Little, Director
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032

Stephen J. Nolan
Stephen J. Nolan

Nolan, Plumhoff & Williams
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 1991, a copy of the aforegoing Request for Summons was mailed, postage prepaid, to John Machen, Esquire, Piper & Marbury, 1100 Charles

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

Center South, 36 South Charles Street, Baltimore, Maryland 21201 and Phyllis Friedman. Esquire, People's Counsel for Baltimore County, 409 Washington Avenue, Suite 900, Towson, Maryland 21204.

Stephen J. Nolan
Stephen J. Nolan

7920B(5-6)

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

-2-

David W. Jones

Mary V. Jones

NOTARY PUBLIC
BALTIMORE COUNTY, MD

David W. Jones

Mary V. Jones

NOTARY PUBLIC
BALTIMORE COUNTY, MD

IN RE: PETITION FOR
SPECIAL HEARING
Greenspring Valley Road, 930 W
From C/L Of Greenspring Avenue
1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District

KOINONIA PARTNERSHIP

Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO.: 90-355-SPH

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

NOTICE OF APPEAL

Please note an appeal from the decision of the Zoning Commissioner for Baltimore County in the above-captioned matter, under date of July 16, 1990, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing. The appellant taking this appeal is:

Koinonia Partnership
1400 Greenspring Valley Road
Post Office Box 119
Stevenson, Maryland 21153

Stephen J. Nolan

Newton A. Williams

Nolan, Plumhoff & Williams, Chtd
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10TH day of August, 1990, a copy of the aforegoing Notice of Appeal was mailed, postage prepaid, to Phyllis C. Friedman, Esquire, People's Counsel, Suite 900, 409 Washington Avenue, Towson, Maryland 21204; and John P. Machen, Esquire, 100 Charles Center South, 36 South Charles Street, Baltimore, Maryland 21201.

Stephen J. Nolan

4099B

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 91CG3731 98/162
*

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

5/261

NOTICE OF APPEAL

Appellants, Dr. and Mrs. Charles J. E. Arnold, Mr. W. James Howard, Ms. Lucy L. Howard, Dr. Hamilton Moses, III, and Mr. and Mrs. Nathaniel E. Prentice, appeal from the November 14, 1991 Order and the December 13, 1991 Order of the Circuit Court for Baltimore County.

The requisite filing fee has been enclosed.

Roger D. Redden
John P. Machen
Carville B. Collins

Piper & Marbury
Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(410) 576-1632

Attorneys for Appellants

RECEIVED AND FILED
92 JAN 15 PM 3:35
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

92 JAN 15 PM 3:35

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 1992, a copy of the aforegoing Notice of Appeal was mailed first class, postage prepaid, to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 West Pennsylvania Avenue, Towson, Maryland 21204.

Roger D. Redden

26.202019A:01/07/92
10295-1

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JANUARY 29, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KOINONIA PARTNERSHIP

Location: #1400 GREENSPRING VALLEY ROAD

Item No.: 209 Zoning Agenda: JANUARY 16, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: Capt. Joseph Kelly 1-30-90 Noted and Approved Captain Lt. F. Bordi
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 11, 1990

Dennis F. Rasmussen
County Executive

Stephen J. Nolan, Esquire
Nolan, Plumhoff and Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Item 209, Case #90-355-SPH
Petitioner: Koinonia Partnership, et al
Petition for Special Hearing

Dear Mr. Nolan:

I have reviewed your letter dated April 7, 1990 regarding the above captioned matter. The situation that exists concerning Ms. Marion Carnes' health is an unfortunate one. However, your proposed resolution of this problem appears to be the best course available. The deposition may prove to be very critical to the underlying facts that establish a nonconforming use. Obviously, I must reserve judgment upon the probative value of the information contained in the deposition until after the hearing.

If you have any questions or need further assistance, please give me a call.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: John P. Machen, Esquire
cc: Phyllis Friedman, Esquire

MICROFILMED

Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

February 6, 1991

William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: KOINONIA PARTNERSHIP, Petitioner
Zoning Case No. 90-355-SPH

Dear Chairman Hackett:

I have just noticed that the aring for this case is set in on Friday, March 29th, which is "Erev Passover." This is a major religious holiday that Mr. Zimmerman and I both celebrate. We have discussed this and respectfully request that either the hearing be postponed or that it be conducted only until 2:00 p.m., which is the latest we can leave and still fulfill our commitments.

I am sending a copy of this letter to the other counsel who I would appreciate advising me directly if they have any problem with my request.

Sincerely yours,

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

cc: Stephen J. Nolan, Esquire
John Machen, Esquire
Newton A. Williams, Esquire
Eugene Raphel - E.F. Raphel & Associates

PCF:sh

LC-HILL 1-03316

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 27, 1991

John P. Machen, Esquire
PIPER & MARBURY
Charles Center South
36 S. Charles Street
Baltimore, MD 21201

RE: Case No. 90-355-SPH
Koinonia Partnership

Dear Mr. Machen:

The Board is in receipt of your letter requesting a postponement of the subject matter scheduled for hearing on Friday, March 29, 1991 due to the fact that your principal witness has a religious conflict. The Board is also in receipt of a letter from the People's Counsel for Baltimore County noting a possible religious conflict. The Board will further note that the Circuit Court is closed in observance of Good Friday on March 29th.

In light of these developments, the Board has no alternative but to grant the requested postponement, and will reschedule the case for Wednesday, July 24, 1991 at 10:00 a.m.

Very truly yours,

William T. Hackett

William T. Hackett, Chairman
County Board of Appeals

Enclosure (Notice)

cc: Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Phyllis Cole Friedman, Esquire
Eugene Raphel (E. F. Raphel & Associates)

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

August 29, 1991

John P. Machen, Esquire
Piper & Marbury
Charles Center South
36 S. Charles Street
Baltimore, Maryland 21201

Re: Case No. 90-355-SPH (Koinonia Partnership)

Dear Mr. Machen:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

KOINONIA PARTNERSHIP 90-355-SPH

Greenspring Valley Rd., 930' W from c/l Greenspring Ave. (1400 Greenspring Valley Road) — 3rd Election District, 3rd Councilmanic District

SPH-nonconforming residential, institutional and other uses; continued use of special exception for educational purposes.

January 17, 1990	Petition filed by Stephen J. Nolan, Esquire, on behalf of Koinonia Partnership for a Special Hearing to approve and confirm the lawful non-conforming residential, institutional and other uses as shown on plat.
April 17	Amended Petition filed by Mr. Nolan to include the continuance of the approved Special Exception us for educational purposes.
July 16	Order of the Zoning Commissioner DENYING Petition.
August 10	Notice of appeal received from Stephen J. Nolan, Esquire on behalf of Koinonia Partnership.
July 24, 1991	Hearing on appeal before the Board of Appeals.
July 26	Continued Hearing before the Board.
August 2	Opinion and Order of the Board GRANTING the Petition for Special Hearing.
August 29	Order for Appeal filed in the Circuit Court for Baltimore County by John P. Machen, Esquire on behalf of Protestants.
August 29	Certificate of Notice sent to interested parties.
September 5	Petition to accompany appeal filed in the Circuit Court by Mr. Machen.
October 4	✓ Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.
October 22	E Motion to Dismiss filed by Stephen J. Nolan, Esq. on behalf of Koinonia Part.
November 14	E/ Motion to Dismiss GRANTED. (John G. Turnbull, II, Hon.)
December 4	E Order issued DENYING Motion to Alter or Amend Judgment.
January 8, 1992	Order for Appeal to Court of Special Appeals filed in CCt, E&S by Piper & Marbury on behalf of Appellants - Ledger Hill Neighbors.

12/17/90 - Following parties notified of hearing set for March 29, 1991 at 10:00 a.m.:

Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Ronald A. Pomykaka - Koinonia Part.
John P. Machen, Esquire
Mr. Eugene Raphel
People's Counsel for Baltimore County
P. David Fields
Pat Keller
~~PUBLIC Services~~
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

2/07/91 -Letter from PC requesting (1) postponement or (2) adjournment by 2:00 p.m. due to start of Passover.

2/23/91 -Letter from Machen (Piper & Marbury) requesting PP due to Good Friday and unavailability of key witness beyond 12:00 noon on 3/29/91.

2/27/91 -Letter from WTH to Machen w/appropriate cc's --case PP to 7/24/91 at 10:00 a.m. due to Good Friday /Passover holidays.

3/7/91 - above parties notified of additional hearing day of July 26, 1991 at 10:00 a.m.

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL

DOCKET 93 PAGE 152 CASE NO. 91CG3731 CATEGORY APPEAL

CIVIL ASSIGNMENT

LEDGER HILL NEIGHBORS
Appellant

IN THE MATTER OF
THE APPLICATION OF
KOINONIA PARTNERSHIP
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON
GREENSPRING VALLEY RD., 930'
WEST FROM CENTERLINE OF
GREENSPRING AVENUE
(1400 GREENSPRING VALLEY ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. 90-355-SPH

ATTORNEYS

John P. Machen
Piper & Marbury
Chas Ctr S, 36 S Chas St (1)
576-1768 Appellant

Stephen J. Nolan
Nolan, Plumhoff & Wms, Chtd
Ste 700, Court Towers
210 W Penna Ave (4) 823-7800
KOINONIA PARTNERSHIP

	COSTS
CV GEN	91731 #
CV CLK	80.00
B LIBY	10.00
POST	2.00
CKCHECK TL	92.00
	MISCELLANEOUS RECEIPTS 113141
	08/29/91

(1) Aug. 29, 1991 - Appellant's Order for Appeal from the Order of the Baltimore County Board of Appeals fd. (Case # 90-355-SPH)

(2) Aug. 29,1991 - Certificate of notice, Fd.

(3) Sept.5, 1991 Appellant.'s Petition for Appeal, fd.

(4) Oct. 4,1991 - Transcript of Record, Fd.(Transcript in GI)

(5) Oct. 4,1991 - Notice of Filing of Record, Fd.

(6) Oct. 22, 1991 - Doft.(Koininia Partnership) Motion to dismiss & Memorandum fd. Rec'd. 9/30/91

(7) Nov 1, 1991 - App of Stephen J. Nolan for the Appellee, KOINONIA PARTNERSHIP and Same Day Reply to Appellant's Memorandum in Opposition to Motion to Dismiss fd.

(8) Nov. 8, 1991(10/16/91)Appellant's Memorandum in opposition to Motion to Dismiss fd.

(9) Nov. 8,1991 - Appellant's Memorandum, fd. (rec'd on Nov. 4,1991)

(10) Nov. 8,1991 - Appellee's Request that the motion to dismiss be assigned a Motion's Hearing, Fd.(rec'd on Nov. 7, 1991)

Nov. 14,1991 - Motion to dismiss (paper #6) Granted. Fd. (JGT,II)

1-8-92 -CSA Appeal

DOCKET 98 PAGE 162 CASE NO. 91CG3731

Form CA1

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754

Irene Summers — 887-2660
Civil Assignment Commissioner

Beverly Karmasek — 887-2661
Motion Assignment Clerk

January 9, 1992

TO: John P. Machen, Esq.
Stephen J. Nolan, Esq.
Office of Law

NOTE: Motion hearing set in on date below has been removed from docket. The sending motion has been considered by Judge Fader on November 14, 1991.

RE: 91-CG-3731 Ledger Hill Neighbors In the Matter of Koinonia Partnership

HEARING DATE: Monday, January 27, 1992, @ 10:30 A.M.

ON THE FOLLOWING: ALL OPEN MOTIONS IN THIS CASE.
IF YOU DESIRE TO SUBMIT, PLEASE CONTACT CIVIL ASSIGNMENT.

RECEIVED
JAN 13 1992
OFFICE OF L...

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

TIME ALLOTTED: No more than (½) hour is allotted for the hearing on "MOTION DAYS." If motions will take more than (½) hour contact the Assignment Office immediately.

COURT REPORTERS: A court reporter will not be present unless specifically requested. Court reporters will not be present on "MOTION DAYS". Request for reporters should be directed to the Assignment Office upon receipt of this notice.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Civil Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754

Irene Summers — 887-2660
Civil Assignment Commissioner

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

— 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

November 8, 1991

TO:

Kurt Fisher, Esq.
John P. Mchen, Esq.

Steven Nolan, Esq.

County Board of Appeals
of Baltimore, County

Office of Law

NOTE: CORRECTED NOTICE.

RE: Non-Jury 91-CG-3731 In the Matter of Koinonia Partnership

HEARING DATE: Monday, February 10, 1992, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 1 hour

Please see the below notations.

91 NOV 12 AM 11:55

UPON RECIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Form CA4

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754
October 22, 1991

Irene Summers — 887-2660
Civil Assignment Commissioner

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

— 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO: Kurt Fisher, Esq.
John P. Machen, Esq.

Steven Nolan, Esq.

County Board of Appeals

Office of Law

91 OCT 23 P1:12:01

RE: Non-Jury 91CG-3731 Ledger Hill Neighbors, In the Matter of Koinonia Partnership

HEARING DATE: Monday, January 13, 1992 @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 1 hour

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN *
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
LOUIS G. CLOSE, III
E. BRUCE JONES* *
GREGORY J. JONES

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

Law Offices
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210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX (301) 296-2765

JAMES D. NOLAN
(RETIRED)

J. EARLE PLUMHOFF
1940-1988

OF COUNSEL
RALPH E. DEITZ

T. BAYARD WILLIAMS, JR.

RICHARD L. SCHAEFFER*

WRITER'S DIRECT DIAL
823- 7853

November 5, 1991

Ms. Irene Summers
Civil Assignment Commissioner
Circuit Court for Baltimore County
County Courts Building
Towson, Maryland 21204

Re: Non-Jury Case No. 91CG-3731
Appellant: Ledger Hill Neighbors, In the Matter of Koinonia Partnership
REQUEST FOR CONTINUANCE

Dear Ms. Summers:

This will confirm a telephone discussion which the appellant's counsel, Kurt Fisher, and I had with your office on November 4 with regard to the above case. As you will note from the attached hearing notice, the appeal hearing has been scheduled for Monday, January 13, 1992.

In light of the fact that I am scheduled to begin the trial of certain consolidated asbestos cases on that same date, according to Judge Hinkel, I am respectfully requesting that this administrative appeal be assigned to a new date in late February.

Furthermore, I am also requesting that the pending motion to dismiss be assigned a Motion's hearing prior to the hearing on the merits. Although this request for a motion hearing is opposed by the appellant's counsel, we respectfully believe that the important threshold question which is embodied in the motion to dismiss should be considered by the Court before the parties are placed to the expense of briefing, preparing and arguing the entire appeal case.

Thank you for your consideration of this request.

Very truly yours,

Stephen J. Nolan
Counsel for Appellee

91 NOV -8 P1:15

cc: County Board of Appeals
Office of Law
Koinonia Partnership

PIPER & MARBURY
CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3010
301-539-2530
FAX 301-539-0489

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900
FAX 202 223 2085

101 BAY STREET
EASTON, MARYLAND 21601
301-820-4460
FAX 301-820-4463

31 WEST 52ND STREET
NEW YORK, NEW YORK 10019
212-261-3000
FAX 212-261-3001

14 AUSTIN FRIARS
LONDON EC2N 2HE
071-638-2833
FAX 071-638-1208

WRITER'S DIRECT NUMBER
(301) 576-1632

October 15, 1991

Ms. Suzanne Mensh
Clerk
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204-0754

Re: In the Matter of the Application of Koinonia Partnership for a Special Hearing on Property Located on Greenspring Valley Rd., 930' West from Centerline of Greenspring Avenue (1400 Greenspring Valley Road) 3rd Election District; 3rd Councilmanic District; Case No. 91CG3731
98/162

Dear Ms. Mensh:

Enclosed please find for filing the Memorandum in Opposition to Motion to Dismiss in the above-referenced case.

Thank you for your attention to this matter.

Very truly yours,

Kurt J. Fischer

KJF/jcd
Enclosure

cc: Baltimore County Board of Appeals
Stephen J. Nolan, Esquire
Phyllis C. Friedman, Esquire

91 NOV -1 P1:15

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT C. CAHILL, SR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
LOUIS G. CLOSE, III
E. BRUCE JONES**
KERA I. KOSTUN
GREGORY J. JONES

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

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(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
1940-1988

JAMES D. NOLAN
(RETIRED, 1988)

OF COUNSEL
RALPH E. DEITZ

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
823 - 7853

April 17, 1990

HAND DELIVERY

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Item No. 209, Case No. 90-355-SPH
Petitioner: Koinonia Partnership, et al.
Amended Petition for Special Hearing

Dear Commissioner Haines:

On behalf of the Petitioners, I am filing herewith three signed original copies of an Amended Petition for Special Hearing. This is only a slight amendment which merely recognizes the existence of an underlying special exception. There are no new educational uses proposed; however, we thought the petition needed this clarification.

Thanking you for your assistance, I am

Very truly yours,

Stephen J. Nolan

SJN/mao

CC: Ms. Gwen Stephens
John P. Machen, Esquire
Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Mr. Gary Freund, Zoning Inspector
Koinonia Partnership

90-355-SPH

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN *
ROBERT E. CAHILL, SR.
ROBERT L. HANLEY, JR.
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KERA I. KOSTUN
THOMAS X. ALDERMAN
ELMA I. KOSTUN

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

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1940-1988

OF COUNSEL
RALPH E. DEITZ

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
823-7853

November 21, 1989

HAND DELIVERY

Mr. W. Carl Richards, Jr.
Zoning Supervisor
Baltimore County Office of
Planning & Zoning
County Office Building
Towson, Maryland 21204

RE: Petition for Special Hearing for
Koinonia Partnership
1400 Greenspring Valley Road

Dear Mr. Richards:

In accordance with the appointed set aside back on November 27, we are presenting the following materials for filing on behalf of our client, Koinonia Partnership:

1. Three signed Petition for Special Hearing forms;
2. Site plans prepared by E. F. Raphel;
3. A 200 scale zoning map with the property depicted;
4. Zoning description prepared by E. F. Raphel;
5. Our firm's check to cover the filing fee.

Thank you for your assistance.

Very truly yours,

Stephen J. Nolan

SJN:brh
Enclosures

cc: Mr. James H. Thompson
Zoning Enforcement Coordinator

John P. Machen, Esquire

Koinonia Partnership
Attn: Ronald A. Pomykala, D.D.S.,
General Partner

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAHILL, SR.
ROBERT L. HANLEY, JR.
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LOUIS G. CLOSE, III
E. BRUCE JONES**
KERA I. KOSTUN
GREGORY J. JONES

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

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210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
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J. EARLE PLUMHOFF
1940-1988

JAMES D. NOLAN
(RETIRED, 1988)

OF COUNSEL
RALPH E. DEITZ

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
823 - 7853

February 20, 1990

Honorable J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Case No.: 90-355-SPH
Petitioner: Koinonia Partnership
Request for New Hearing Date

Dear Commissioner Haines:

On February 5, 1990, our office received a Notice of Hearing dated January 31 and scheduling the hearing for the above case on March 16, 1990 at 9:30 a.m.

Because of witness considerations and for other reasons, I am respectfully requesting a continuance of the March 16 hearing. This hearing may need to be specially set because I would estimate that testimony may take approximately four or more hours.

Therefore, I wish to suggest that Mr. Machen and I be contacted by Ms. Stephens about any new date before a final assignment is made.

Thank you for your kind consideration of this request.

Very truly yours,

Stephen J. Nolan

SJN/mao

CC: John P. Machen, Esquire

Ms. Gwen Stephens

Koinonia Partnership

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAHILL, SR.
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J. EARLE PLUMHOFF
1940-1988

JAMES D. NOLAN
(RETIRED, 1988)

OF COUNSEL
RALPH E. DEITZ

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
823-7853

April 7, 1990

HAND DELIVERY

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

RECEIVED
APR 10 1990
ZONING OFFICE

RE: Item No. 209, Case No. 90-355-SPH
Petitioner: Koinonia Partnership, et al.
Petition for Special Hearing

Dear Commissioner Haines:

As you know, the above case has been scheduled for a hearing on Tuesday, May 15, 1990 at 9:30 a.m. It has come to my attention that one of the petitioner's key witnesses, Miss Marion Carnes, who resides at the Presbyterian Home of Maryland will be unable to attend the hearing and because of certain health constraints, she would prefer to have her deposition taken at the Presbyterian Home.

I have discussed this matter with opposing counsel, John P. Machen, Esquire, and we have arranged, subject to your approval, to take a de bene esse deposition of Miss Carnes on Thursday, April 19, 1990 at 10:00 a.m. at the Presbyterian Home of Maryland.

Since this is a nonconforming use case, the testimony of this witness with regard to historical matters involving the property, is most important. Therefore, I am requesting that you approve the taking of this deposition so that I may proceed to formally file a Notice of Deposition in this case and thereafter file a copy of the deposition transcript which will become a part of the hearing record.

Thanking you for your consideration in this request, I am

Very truly yours,

Stephen J. Nolan
Counsel for Petitioner

SJN:brh

cc: John P. Machen, Esquire

Phyliss Cole Friedman, Esquire,
People's Counsel for Baltimore County

Mr. Gary Freund, Zoning Inspector

Koinonia Partnership

0100A

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
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OF COUNSEL
RALPH E. DEITZ

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(301) 922-2121

WRITER'S DIRECT DIAL
823 - 7853

April 17, 1990

HAND DELIVERY

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Item No. 209, Case No. 90-355-SPH
Petitioner: Koinonia Partnership, et al.
Amended Petition for Special Hearing

Dear Commissioner Haines:

On behalf of the Petitioners, I am filing herewith three signed original copies of an Amended Petition for Special Hearing. This is only a slight amendment which merely recognizes the existence of an underlying special exception. There are no new educational uses proposed; however, we thought the petition needed this clarification.

Thanking you for your assistance, I am

Very truly yours,

Stephen J. Nolan

SJN/mao

CC: Ms. Gwen Stephens
John P. Machen, Esquire
Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Mr. Gary Freund, Zoning Inspector
Koinonia Partnership

RECEIVED
APR 18 1990
ZONING OFFICE

EWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
HOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
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(1940-1988)
JAMES D. NOLAN
(RETIRED 1990)
OF COUNSEL
RALPH E. DEITZ
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RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
WRITER'S DIRECT DIAL
823 - 7853

August 10, 1990

Honorable J. Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
Koinonia Partnership, Petitioner
Case No.: 90-355-SPH

Dear Commissioner Haines:

Enclosed please find a Notice of Appeal with regard to the above-referenced case along with this firm's check in the amount of One Hundred Fifty Dollars ($150.00) for filing of the same.

Thank you for your attention to this matter.

Very truly yours,

Stephen J. Nolan

Stephen J. Nolan

SJN/mao

CC: Dr. and Mrs. Ronald Pomykala

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
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JAMES D. NOLAN
(RETIRED 1990)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(RETIRED 1990)
WRITER'S DIRECT DIAL
823- -7853

March 2, 1991

The Hon. William T. Hackett
Chairman, County Board of Appeals
County Office Building
Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 90-355-SPH
Koinonia Partnership

Dear Mr. Hackett:

I received a copy of your letter dated February 27 addressed to John P. Machen, Esquire, together with a copy of the Notice of Postponement and Reassignment.

The purpose of this letter is to request that two days be set aside for the hearing of this important case, namely, July 24 and July 25, 1991. If this is not possible, then I would request that at least a day and a half be reserved for this hearing.

Thank you for your consideration of this request.

Very truly yours,

Stephen J. Nolan

Stephen J. Nolan

SJN:brh

cc: Phyllis Cole Friedman, Esquire
Koinonia Partnership

0300A

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0489
CABLE PIPERMAR BAL
TELEX 908054

JOHN P. MACHEN
DIRECT DIAL NUMBER
301-576-1768

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

January 23, 1990

RECEIVED
FEB 1 1990
ZONING OFFICE

Zoning Development Control
Baltimore County Office Building
Room 113
111 West Chesapeake Avenue
Towson, Maryland 21204
Attention: Ms. Gwendolyn Stephens, Docket Clerk

Re: Special Hearing; Item 209

Dear Ms. Stevens:

Enclosed is an Entry of Appearance for myself and the law firm of Piper & Marbury on behalf of Ledger Hill Neighbors in the above-referenced Petition for Special Hearing before the Zoning Commissioner. Please let me know if there is anything additional I must do in order to receive copies of all documents, reports, comments, etc. filed in this matter. In addition, I would appreciate it if I might be informed of the case number for this matter once it has been assigned.

Thank you for your cooperation.

Very truly yours,

John P. Machen

JPM:pak
Enclosure

cc: Stephen J. Nolan, Esquire

8046p:01/23/90
13151-2

Entry of Appearance

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0489
CABLE PIPERMAR BAL
TELEX 908054

WRITER'S DIRECT NUMBER
576-1894

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

February 26, 1990

Ms. Marlene Novak
Zoning Commissioner's Office
Room 109
Baltimore County Office Building
Towson, Maryland 21204

Re: Subpoena for Case No. 90-355-SPH

Dear Ms. Novak:

Please find enclosed for your case file a copy of the Subpoena we served upon Daniel Twomey in case no. 90-355-SPH, as well as an Affidavit evidencing this service.

Do not hesitate to call me if you have any questions.

Sincerely yours,

Thomas E.D. Millspaugh

TEDM/eaw
Enclosures.

0190A:02/26/90
13151-2

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
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TELEX 908054

JOHN P. MACHEN
DIRECT DIAL NUMBER
301-576-1768

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

March 6, 1990

RECEIVED
MAR 9 1990
ZONING OFFICE

The Honorable J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-355-SPH
Petitioner: Koinonia Partnership

Dear Commissioner Haines:

The Petitioner in the above-referenced matter has requested a continuance of the special hearing currently scheduled for Friday, March 16, 1990 at 9:30 a.m. I understand that a continuance has been granted, but the hearing has not been rescheduled.

The property which is the subject matter of this special hearing has been inspected by Zoning Enforcement and cited for numerous zoning violations (Case No. C-88-2085). Zoning Enforcement has postponed any further action pending resolution of the instant special hearing. In light of these circumstances, my client, Ledger Hill Neighbors, an association of property owners which has filed an appearance in this matter and will oppose Petitioner's petition, respectfully requests that the new hearing be scheduled for as early a date as possible and that any future requests for a continuance be carefully scrutinized.

The zoning violation file indicates that Zoning Enforcement is of the opinion that the violations on the

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The Honorable J. Robert Haines
March 6, 1990
Page 2

PIPER & MARBURY

subject property are numerous and require detailed explanation. For this reason, we respectfully request that you ask James Thompson or another member of his staff knowledgeable with the inspection and conditions of the subject property to appear at the hearing and to be available for questioning.

Respectfully Submitted,

John P. Machen

cc: Stephen J. Nolan, Esquire
Mr. James Thompson

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PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3010
301-539-2530
FACSIMILE 301-539-0489
CABLE PIPERMAR BAL
TELEX 908054

WRITER'S DIRECT NUMBER
576-1841

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

April 26, 1990

Ms. Gwendolyn Stephens
Docket Clerk
Zoning Office
111 West Chesapeake Avenue
Mail Stop 1110
Towson, Maryland 21204

Re: Case No. 90-355-SPH
Petitioner: Koinonia Partnership

Dear Ms. Stephens:

Pursuant to our telephone conversation today, enclosed is a check payable to Baltimore County, Maryland in the amount of $16.00 for copies of all agency comments which have been returned and filed in connection with the above-referenced matter. It would be helpful if you could return a receipt for the $16.00 along with the copies.

Thank you for your assistance. Please do not hesitate to contact me with any questions.

Very truly yours,

Jeffrey K. Hettleman

JKH:dw
Enclosure

RECEIVED
APR 27 1990
ZONING OFFICE

Comments mailed 4/27/90 JH

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
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JOHN P. MACHEN
DIRECT DIAL NUMBER
301-576-1768

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

July 11, 1990

RECEIVED
JUL 12 1990
ZONING OFFICE

EXPEDITED

Commissioner J. Robert Haines
Zoning Commissioner
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing by
Koinonia Partnership;
Case No. 90-335SPH

Dear Commissioner Haines:

This morning I received from Steve Nolan a Memorandum in Support of Petition for Special Hearing in the above-referenced case. At the hearing you specifically stated that you did not wish counsel to file such post-hearing memoranda. Still, since the Petitioners have done so, I feel obliged on behalf of my clients to respond with a brief summary of their position in this case.

The Petitioners attempted to demonstrate at the hearing that their continuing residential activities on the Koinonia property are merely an extension of what has been going on for nearly forty years. There is no dispute over the fact that many people lived in the various outbuildings on this property for a long time. However, issues presented by this case go beyond these factual elements.

This is not a non-conforming use case. To raise an issue of non-conforming use, there must have been a legal use which, due to a change in zoning, became illegal. In this instance there is no zoning change relevant to the inquiry. There has only been a change in use; that is, from a private school operated by a 501(c)(3) tax-exempt foundation to a residential rental project with several multiple family

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