

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
N/S Greenspring Valley Road, 1,160' W of	* ZONING COMMISSIONER
Its intersection w/Greenspring Avenue	* OF BALTIMORE COUNTY
(1400 Greenspring Valley Road)	* Case No. 00-181-SPH
3 rd Election District	*
3 rd Councilmanic District	
Koinonia Partnership/	
Gramercy Bed & Breakfast	
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, the Koinonia Partnership/Gramercy Bed and Breakfast, by Anne Pomykala, General Partner, through their attorney, C. William Clark, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan(s) and Order(s) issued in prior zoning Cases Nos. 90-355-SPH and 1745-S, and specifically, Case No. 96-230-SPHA, which granted approval of a Bed and Breakfast on the subject property. Relief is requested to confirm that approval and to permit an addition to the Gramercy Mansion, a historic building, to provide access for the disabled, including guest suites and restrooms, new stairways and other improvements, as shown on the previously approved site plan. In addition, the Petitioners request a special hearing, pursuant to Sections 26-171 and 26-172b of the Baltimore County Code, to approve a waiver of Sections 26-203(c)(8) and Section 26-278 of the Code to allow construction of the proposed addition to the Gramercy Mansion. The subject property and requested relief are more particularly shown on the site plan submitted with the Petition filed which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of this request were Anne Pomykala, a General Partner of the Koinonia Partnership/Gramercy Bed & Breakfast, property owners, David S. Thaler, Professional Engineer who prepared the site plan for this property,

Jeffrey Lees, the Architect who designed the proposed improvements, and Steven J. Nolan, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

This is the second case that has come before this Zoning Commissioner regarding the subject property. I previously considered a Petition for Special Hearing for this property under Case No. 99-333-SPH. In that case, I authored a nine-page decision, dated July 20, 1999, which granted certain relief requested by a neighbor (Jack Luskin). The decision issued in that case fully describes the subject property and outlines its history and use. To the extent that the findings and conclusions set out therein are not expressly amended by this decision and Order, those findings and conclusions are adopted herein.

Essentially, the subject property consists of a gross area of 44.8 acres, more or less, split zoned R.C.2 and R.C.5. This irregularly shaped parcel is located in the Greenspring Valley, with road frontage on Greenspring Valley Road, not far from Villa Julie College. The property is improved with a large structure, known as the Gramercy Mansion, which was built in 1902 and is listed on the Maryland Historical Trust Inventory as Item BA1679. The historic use of the building and grounds as a training center/retreat is more fully set out in the findings issued in prior Case No. 99-333-SPH. Dr. and Mrs. Pomykala, through their partnership, acquired the subject site several years ago and converted same to a bed and breakfast inn, pursuant to the special hearing and variance relief granted by this Zoning Commissioner in prior Case No. 96-230-SPHA. The site is being used in that fashion at the present time.

Apparently, as the result of an inspection of the property by the Fire Marshall, the Petitioners have decided to construct an addition to the historic building. This addition is necessary so that the property can be brought into compliance with the American Disabilities Act (ADA) standards and also local building codes. Obviously, when originally constructed in 1902, there were no such codes or requirements in place. The improvements have been designed so as to provide access for disabled individuals, to provide a safer building in terms of fire protection and suppression (sprinkler installation), and generally bring the building up to code.

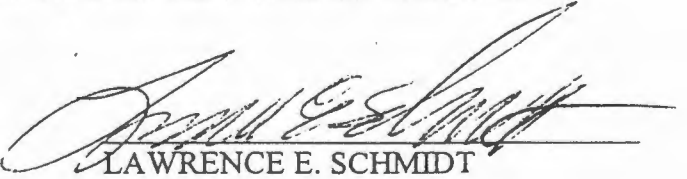
As a historic building, the site is protected by the requirements of Section 26-203(c)(8) and Section 26-278 of the Baltimore County Code. Those Code Sections require that historic buildings "be preserved." Under the procedure implemented by the Department of Permits and Development Management (DPDM), the Petitioners seek special hearing relief so as to approve a new site plan reflecting the modifications/improvements proposed herein. Waiver relief is also requested, pursuant to Sections 26-171 and 26-172(b) of the Development Regulations set out in Title 26 of the Code, to allow construction of the proposed addition, and a finding that the proposed improvements are consistent with the historic building.

Testimony was offered by Mrs. Pomykala, Mr. Thaler, and Mr. Lees. Mr. Lees in particular, presented building elevation drawings depicting the proposed improvements. The cumulative testimony offered by these witnesses was persuasive to a finding that the Petition for Special Hearing should be granted. In my judgment, the proposed improvements are altogether appropriate and will be an asset to the use and preservation of the property. The addition has been designed so as to reflect and be consistent with the historic character and architecture of the building. In addition to satisfying public safety concerns, the historic character of the building will be preserved and protected if the additions are undertaken and the site plan amended. I find that the Petitioners have met all of the legal requirements set forth in both the Baltimore County Code and the Baltimore County Zoning Regulations (B.C.Z.R.) for this relief to be granted. Clearly the nature of the proposed improvements will confer a benefit upon not only these property owners, but the public who utilize this facility. Thus, the Petition for Special Hearing shall be granted. It should also be noted that the Baltimore County Landmarks Preservation Commission recommended approval of the requested relief at its meeting of September 9, 1999 and the Maryland Department of Housing and Community Development, Division of Historical and Cultural Programs, also recommended approval of the requested relief.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of January, 2000 that the Petition for Special Hearing to approve an amendment to the previously approved site plan(s) and Order(s) issued in prior zoning Cases Nos. 90-355-SPH and 1745-S, and specifically, Case No. 96-230-SPHA, to permit an addition to the Gramercy Mansion to provide access for the disabled, including guest suites and restrooms, new stairways and other improvements, and a waiver, pursuant to Sections 26-171 and 26-172b of the Baltimore County Code, of Sections 26-203(c)(8) and Section 26-278 thereof, to allow construction of the proposed addition to the Gramercy Mansion, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed addition to Gramercy Mansion shall be constructed in accordance with the building elevation drawings reviewed and approved by the Office of Planning/Landmarks Preservation Commission.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND ZONING VARIANCE *
 930 ft. W of c/l Greenspring * ZONING COMMISSIONER
 Avenue *
 1400 Greenspring Valley Road * OF BALTIMORE COUNTY
 8th Election District *
 3rd Councilmanic District * Case No. 96-230-SPHA
 Koinonia Partnership *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on both Petitions for Special Hearing and Zoning Variance for the property located at 1400 Greenspring Valley Road, within the Greenspring Valley area of northern Baltimore County. Special Hearing approval is requested to to approve a use permit for Bed and Breakfast Inn, pursuant to Section 402.D of the Baltimore County Zoning Regulations (BCZR). Variance relief is requested from Section 409.4 of the BCZR to permit parking and drive aisles with a minimum width of 14.5 ft.(+/-) in lieu of the required 22 ft.; and also from Section 409.3 of the BCZR to permit a parking space area minimum of 7-1/2 x 16 ft., in lieu of the standard 8-1/2 x 18 ft. The subject property and relief requested are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case were Ronald and Ann Pomykala, partners of Koinonia Partnership, property owner. Also appearing in support of the Petition was David S. Thaler, Professional Engineer and Registered Land Surveyor. Mr. Thaler is the principal of D.S. Thaler and Associates, Inc. That company prepared the site plan. Also appearing in support of the Petition was Stuart D. Kaplow, Esquire, on behalf of the Baltimore County Chamber of Commerce. The Petitioner was represented by Stephen J. Nolan, Esquire.

ORIGINAL RECEIVED FOR FILING

Date

By

MICROFILMED

1
Appearing as interested persons were several residents of the surrounding locale. They included Thomas W. and Marianne Brundige, III, Lynne Ellis, Lucy Harvard, Steve Howard, Richard Buck and Mary Arnold. Kristen Forsyth of the Valleys Planning Council also appeared.

An examination of the site plan shows that the subject property is approximately 44.8 acres in area, split zoned R.C.2 and R.C.5. The predominant zoning is R.C.2 (42.9 acres), with a small sliver of R.C.5 (1.9 acres) along the northwest tract boundary. The subject property is improved with several buildings, the main structure being a building known as Gramercy. This structure is on the Maryland Historical Trust inventory list and is used as a Bed and Breakfast Inn. Mrs. Pomykala, who operates the bed and breakfast business with her daughters, described the premises as same is shown on the site plan. She indicated that the main house was constructed shortly after the turn of the century and that she and her husband purchased the property under the name of Koinonia Partnership in approximately 1985. She also described the bed and breakfast business which is operated on the site. She indicated that only breakfast meals are served at the Inn (no dinners) and there are no cooking facilities in the rooms. She indicated that approval is sought, pursuant to the Petition for Special Hearing, to continue operations of the bed and breakfast, pursuant to Section 402.D of the BCZR. That section specifically regulates bed and breakfast inns and requires, in part; that the owners shall reside on the premises; that the Inn building be officially designated as a historic building, or located within a historic district; and that the property must be located outside the urban-rural demarcation line-etc. It is clear that the business, in fact, complies with these requirements contained in Section 402.D.

ORIGINAL RECEIVED FOR FILING

Date

By

Mrs. Pomykala also indicated that 5 rooms presently are operational, however, plans have been made to expand the Inn to provide 12 rooms. Moreover, in accordance with Section 402.D, a maximum of 16 guests will be accommodated. All of the rooms are located within the main house.

Stuart D. Kaplow, Esquire, from the Baltimore County Chamber of Commerce, also testified. His organization considered the proposal and unanimously supports same. Mr. Kaplow indicated that the Chamber believes that this use on the subject site is beneficial to Baltimore County.

Mr. Thaler also presented testimony regarding the site plan and proposed use. He described vehicular access to the property and opined that the site is suitable for a bed and breakfast inn. He also described, in detail, the requested variances. One of the variances relates to the lengthy driveway which leads to the house and accessory structures from Greenspring Valley Road. A portion of the driveway is narrow in certain areas with a minimum width of 14-1/2 ft., in lieu of the required 22 ft. Mr. Thaler believes that granting of the variance will preserve the historic nature and character of the site. Traffic volumes are minimal within the property and he believes compliance with the strict regulation would be unduly burdensome.

The second variance relates to the parking spaces. Again, these are undersized owing to the historic use of the property. Again, Mr. Thaler opined that strict adherence to the regulations would be impractical and would cause the Petitioner practical difficulty as defined by law.

Testimony was also received from a number of Protestants. Many of these Protestants reside nearby. Their chief concern may be generally described as a fear of over-commercialization of the subject site. In this regard, a copy of the prior opinion issued by the Board of Appeals of Baltimore County in case No. 90-355-SPH was offered. That opinion was

rendered as a result of a Petition for Special Hearing before the Board in 1989. That Petition sought approval and confirmation of the lawful nonconforming residential institutional and other uses as described in the Petition. The Protestants in the instant case were concerned that any Order issued herein would rescind or reverse that Order.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the Petitions for Special Hearing and Zoning Variance. As to the Special Hearing, it is my judgment that the Petitioner complies with the provisions of Section 402.D of the BCZR. The Bed and Breakfast use, as described and regulated within that section, is an appropriate use of this site. It reflects the historic use of this site and, as limited by Section 402.D, should not cause detriment to the health, safety or general welfare of the locale.

I am also persuaded to grant the Petitions for Zoning Variance. In this regard, strict adherence to the regulations would be impractical and would not benefit the property or surrounding locale. To the contrary, the quiet and historic character of the property should be preserved and new construction to bring the site into compliance with current standards is unwise.

Moreover, recognizing the Protestants' concerns, I shall restrict the relief granted by specifically adopting, to the extent applicable, the Board of Appeals' decision of August 2, 1991. That is, it is to be recognized that the decision in the instant case does not represent a reversal or override of the Board's decision. The terms and conditions of that prior Order shall remain in full force and effect, except as expressly amended hereby.

ORDER RECEIVED FOR FILING

Date

By

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of May, 1996 that, pursuant to the Petition for Special Hearing, approval of a use permit for a Bed and Breakfast Inn, under Section 402.D, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 of the BCZR to permit parking in drive aisles with a minimum of 14.5 ft.(+/-) in lieu of the required 22 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.3 of the BCZR to permit a parking space minimum of 7-1/2 x 16 ft., in lieu of the standard 8-1/2 x 18 ft., be and is hereby GRANTED; subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Board of Appeals' decision of August 2, 1991 is hereby ratified and confirmed, to the extent that same is not expressly amended herein.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

UNDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



See
00181 SPT

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 28, 1996

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

RE: Petitions for Special Hearing and Variance
Property: 1400 Greenspring Valley Road
Case No. 96-230-SPHA
Legal Owner: Koinonia Partnership

Dear Mr. Nolan:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, with restrictions.

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 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

- c: Mr. and Mrs. Ronald Pomykala, 1400 Greenspring Valley Road, 21153
- c: Stuart D. Kaplow, Esquire, 502 Baltimore Avenue, 21204
- c: Ms. Kristen Forsyth, Valleys Planning Council, P.O. Box 5402, 21285
- c: Mr. and Mrs. T. Brundige, III, 1520 Greenspring Valley Rd.
- c: Ms. Lynne Ellis, Ms. Lucy Harvard, 11044 Greenspring Avenue
- c: Mr. Steve Howard, P.O. Box 48, Stevenson, Md. 21153
- c: Mr. Richard Buck, 11219 Greenspring Avenue, Lutherville, 21093
- c: Ms. Mary Arnold, 11042 Greenspring Avenue

110507127



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,

A handwritten signature in black ink, appearing to read "John L. Lewis", is written over a large, stylized, looped flourish.

John L. Lewis
Planner II

JLL:ggs



REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number:

Petitioner(s): Stephen S. Howard

Location:

1400 Greenspring Valley Rd

Note: sign says 1400 Greenspring Ave.

I/WE, Stephen S. Howard Personal Representative
Name(s) (TYPE OR PRINT) Estate of W. James Howard

(☒) Legal Owners () Residents, of
unimproved property on
Greenspring Avenue

Address

Lutherville MD 21153 484-4762
City/State/Zip Code Phone

which is located approximately adjacent feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

[Signature] 8-28-95
Signature Date

Signature Date

PO Box 48
Stevenson MD 21153

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

No.

007017

DATE 8/28/95 ACCOUNT R-001-6150

AMOUNT \$ 40.00

RECEIVED
FROM:

FOR: Request for a Hearing (90-355SPH)

03A03#0521MICHRC Amend #48-90 P1
BA C001#32PADB-28-95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

3 Column For
IDENTITY USE ONLY

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letter attached?)

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to be eligible!

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119

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in site plan ok?
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Brandfathered
28 00

Date Submitted

Deu & Breakfast USE PERMIT APPLICATION

This Use Permit is requested in accordance with Sections 402D, and 500.4 of the Baltimore County Zoning Regulations. The property in question is situated in the 3rd Election District of Baltimore County, and is more specifically located at Green Spring Valley Road

on the North _____ side of the street, 930[±] feet West of Greenspring Avenue; is
(nearest intersecting street)

(check at least one; and all that are applicable)

1. ☐ on a Class I Commercial Motorway; or
2. ☐ on a Class II Commercial Motorway; or
3. ☐ a certified historic site _____, or
(ID #)
4. ☒ in a certified historic district Green Spring Valley, or
(name)
5. ☒ eligible to be a certified historic site or district
(attach supporting letter from Secretary to the Baltimore
County Landmarks Commission), or "Gramercy"
6. ☒ outside of the Urban-Rural Demarcation Line (URDL).

The zoning classification of the parcel is RC-2.

The use for which this permit is requested is as a

bed & breakfast home or

X bed & breakfast inn

7. with a total of 8 rooms for rent (as more specifically detailed on the attached scaled interior floor plan).
8. The total area of the parcel is 44.86 ^{acres} ~~square feet~~, with a front lot width of 1400[±] feet and sideyard setbacks of 450[±] feet and 320[±] feet.
9. The total number of off-street parking spaces provided is 70.
10. A special hearing is requested of the Zoning Commissioner to allow reduction in the parking requirements in order the preserve the following existing amenities None Sought
11. Said use is more specifically detailed on the attached scaled site plan.
12. This use was in existence prior to September 15, 1988 as the reservation book/log presented indicates.

Requested By:

KOINONIA PARTNERSHIP
(Please Print)

Address Box 119

Stevenson, Maryland 21153

Anne Pomysla
(Signature) Legal Owner
General Partner

Koinonia Partnership
Patricia / Anne Pomyka ^{Legal} Owner

Reviewed By:

96-230 SPHA

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

August 14, 1995

(410) 887-3610

Steve Nolan, Esquire
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204-5340

RE: Zoning Review of a Proposed
B & B Inn Use
Permit Approval for Koinonia
Greenspring Valley Road
3rd Election District
(Zoning Case No. 90-355 SPH)

Dear Mr. Nolan:

Section 402.D.9 of the Baltimore County Zoning Regulations (BCZR) requires that any structure established as a bed and breakfast in operation as of October 30, 1988 shall be considered a lawful existing use, provided the owner of such facility applied for a use permit within 30 days of the above-referenced date and ultimately received zoning approval of same.

Based on this requirement, no "grandfathering" of this use has occurred and all provisions and requirements of Sections 402.D.1 and 402.D.2, BCZR, must be shown to be met.

A revised site plan with this information, utilizing a labeled zoning use division line in which all supporting areas; square footage; lot widths; building front orientation; parking pursuant to Section 409, BCZR; screening (if required); etc., will be necessary for zoning review. The floor plans should clearly indicate and designate the family use areas versus guest bedrooms and include a statement to the effect that none of the bedrooms will contain cooking facilities per Section 402.D.3, BCZR, and that the owners reside in this proposed B & B Inn. For your convenience, I have provided a partial copy of the 1"=100' scale drawing that, if revised as stated, will suffice for a site plan.

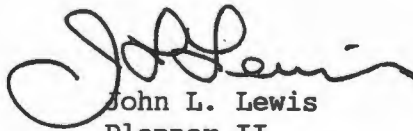
A last but equally important point is that, due to the nature of the nonconforming use of the site as ultimately approved by the County Board of Appeals in zoning case No. 90-355-SPH, staff will require a posting of the property giving public notification of the use permit application. This posting will be made by this office for a period of 15 days at a cost to you of \$35.00. You will also be responsible to return the sign and post to this office after the required posting

Mr. Steve Nolan
August 8, 1995
Page 2

period. A zoning special hearing concerning the permissability of the proposed B & B Inn as it relates to the nonconforming use, will be required should this posting result in a public hearing request. Revised plans must be received and accepted as showing compliance with Baltimore County Zoning Regulations (BCZR) requirements and all fees must be paid prior to final approval of the use permit. I hope this clarifies the requirements for the B & B Inn use permit approval.

Should you have any questions, please feel free to contact me at 887-3391.

Sincerely

A handwritten signature in black ink, appearing to read "John L. Lewis". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John L. Lewis
Planner II
Department of Permits and
Development Management

Enclosure

JLL:bb

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-355-SPH

District 3A Date of Posting 8/11/95
Posted for: Use Permit
Petitioner: Koinonia Partnership
Location of property: N/S of Green Spring Valley Rd.
Location of Signs: Facing roadway on property being zoned for
Remarks: _____
Posted by [Signature] Date of return: 8/18/95
Signature
Number of Signs: 1



NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
J. JOSEPH CURRAN, III
STUART A. SCHATZ

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

8/1/95 2M
JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
8237853

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

August 1, 1995

VIA HAND DELIVERY

Mr. John L. Lewis
Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Use Permit Application for Bed and Breakfast Inn
Property Owner: Koinonia Partnership

Dear Mr. Lewis:

On July 13, 1995 our office submitted a Use Permit Application for Bed and Breakfast Inn on behalf of Koinonia Partnership located at 1400 Greenspring Valley Road.

You had requested that I furnish you with this follow-up letter to confirm that the prior County Board of Appeals Case (No. 90-355-SPH), had indeed been completed at both the Circuit Court and Appellate levels.

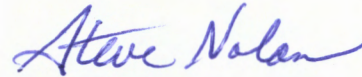
For your information I am enclosing herewith a copy of an Opinion dated August 2, 1991 by the County Board of Appeals of Baltimore County which approved the Petition for Special Hearing to approve and confirm the lawful, nonconforming residential, institutional and other uses shown on the Site Plan that accompanied that Petition. The Board of Appeals also approved the continuation of the approved special exception use for educational purposes. Ledger Hill Neighbors noted an appeal to the Circuit Court for Baltimore County and that appeal was subsequently dismissed by Judge Turnbull. Ledger Hill took a second appeal to the Court of Special Appeals of Maryland, which affirmed the Circuit Court dismissal below. A Petition for Certiorari, was filed by certain neighboring residents to the Court of Appeals of Maryland; however, that Petition was denied. Accordingly the Opinion of the County Board of Appeals was in effect affirmed.

Mr. John L. Lewis
Zoning Administration and
Development Management
August 1, 1995
Page Two

Throughout the time that Gramercy, the main house was used by the Koinonia Foundation, it served as guest quarters for many of the Koinonia members who would visit the property for training and conferences. For your information I am enclosing herewith a copy of a portion of the guestbook from Gramercy maintained by our client, the first entry of which is June 14, 1986 and continuing through August 30, 1987. In summary, the Use Permit request by Koinonia Partnership does not involve a conversion of the building, because it has since the 1950's always been used in the nature of a bed and breakfast inn. To the extent that the regulations require that the property be posted, we ask that the posting proceed so that our clients use permit application will have been properly processed.

If you have any questions, please contact me.

Very truly yours,



Stephen J. Nolan

SJN/dlp

Enclosure

cc: Koinonia Partnership
Attention: Ms. Anne Pomykala

3295-95

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
J. JOSEPH CURRAN, III
STUART A. SCHATZ

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7853

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

July 13, 1995

7/17/95
8
UP + STI?
To: JLL
7/18/95 ucr
7/18/95 gwa

Carl W. Richards, Jr., Esquire
Zoning Supervisor
Office of Planning and Zoning
111 W. Chesapeake Avenue, Room 109
Towson, Maryland 21204

Re: Koinonia Partnership
Use Permit Application for Bed and Breakfast Inn

Dear Mr. Richards:

On behalf of our client, Koinonia Partnership, I am submitting herewith a Use Permit Application for their Bed and Breakfast Inn at 1400 Greenspring Valley Road. Also enclosed is the filing fee together with three (3) copies of the site plan.

It is my understanding that this property will now be posted pursuant to the Regulations as part of the Use Permit Application procedures.

Thank you very much for your assistance.

Very truly yours,
Stephen J. Nolan
Stephen J. Nolan

SJN/mao
encl.

cc: Koinonia Partnership

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IN THE MATTER OF THE
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

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 90-355-SPH
*

* * * * *

O P I N I O N

This matter comes before the Board from an appeal of the Zoning Commissioner's Order of July 16, 1990 denying the Petition for Special Hearing to approve and confirm the lawful, nonconforming residential, institutional and other uses requested by the Petitioner. Testimony was taken over a two-day period both by live witnesses and video tape deposition.

Mr. Eugene Raphael, a registered professional land surveyor, testified as an expert on behalf of the Koinonia Partnership. He advised the Board that the site consisted of approximately 45 acres located in the Greenspring Valley having a zoning designation of R.C. 2. Mr. Raphael reviewed the early blueprints and tracings for the subject site and indicated that these documents date back to 1955. Those tracings and site plans indicate at least eight individual buildings to exist on the site and named those buildings. Testimony throughout the hearing referred to those buildings by name and were further portrayed in Petitioner's Exhibit No. 9, a photographic layout of the site. The video tape deposition viewed by the Board of Marion Carnes further enlightened this Board as to these buildings and as to their history. Ms. Carnes, an 82-year-old resident of the Presbyterian Home and still active Koinonian, first arrived at the subject property in 1954 for

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, whose 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 be 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.

O R D E R

IT IS THEREFORE this 2 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

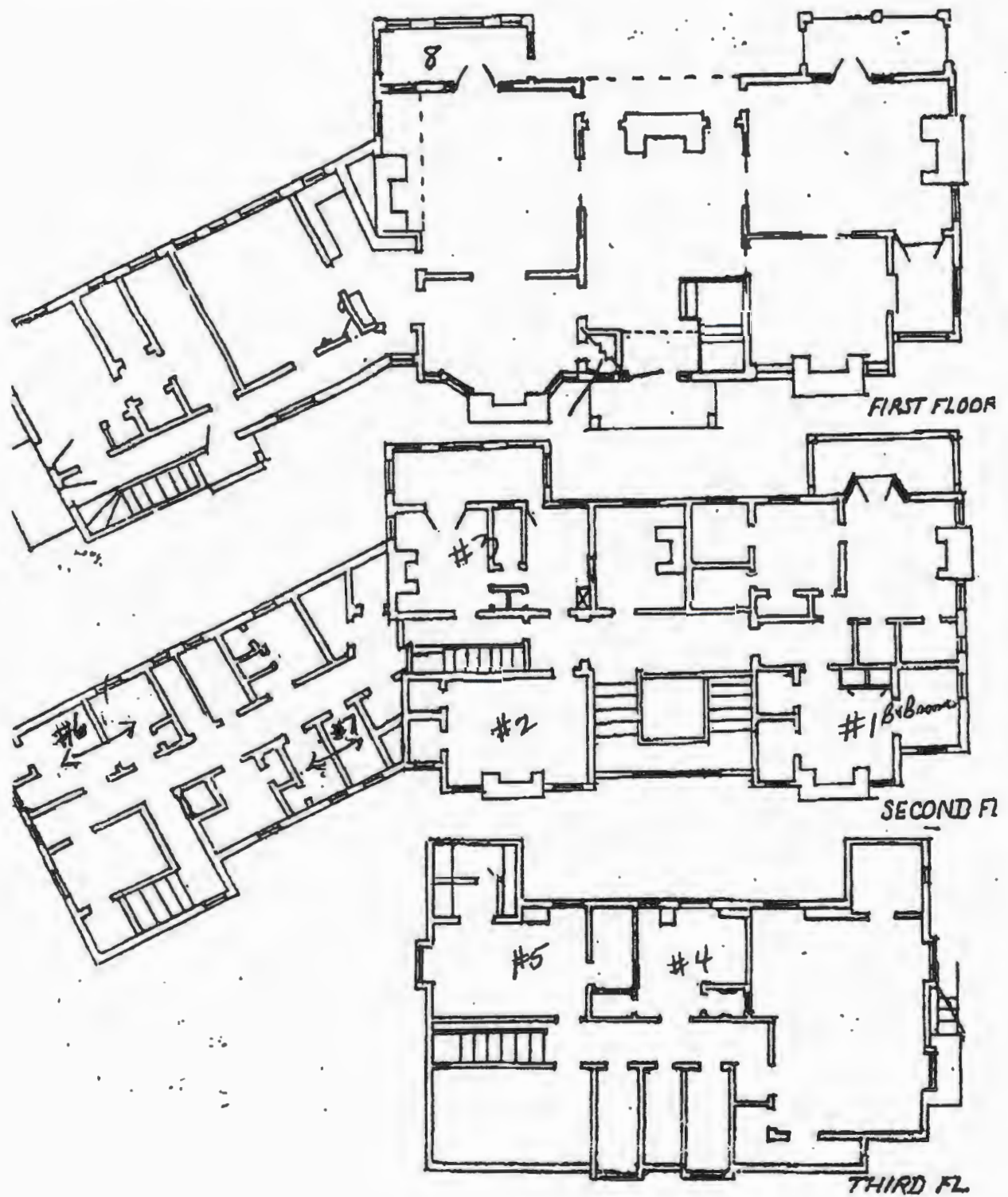
Guests

Date	Name	Address	Phone
June 14 1986	Mr + Mrs Rick Holmger	STREET 2523 Rambling Road CITY Vienna STATE VA 22180	703- 281-71
July 3, 4, 5	Mr + Mrs Miguel Jorrado	STREET 44 Mercer Ave CITY Hartsdal, NY STATE 10530	
Oct 3, 4	Lance Allbaugh Sally Wilson	STREET Box 401 CITY The Plains STATE VA 22171	703- 253-4
Oct. 11/26	Mr + Mrs L. J. Link	STREET 629 Regester Ave. CITY Malto, Md. STATE 301-277-0075	
Nov. 14- 1986	Mr. & Mrs. Gerald Oetzel	STREET 32 E. Germantown Ave. CITY Maple Shade STATE N.J. 08052	609 482-60
Dec. 31 - Jan. 1, 1987	Mr. Mark J. Seidler & Beckie	STREET 5934 Woodbine Rd. CITY Woodbine STATE Md. 21797	301- 795-26
Feb 8, 1987	Gary L. Hartz Nancy Merchant	STREET 11974 Sentinel Pt CITY Reston, Va. STATE 22091	
FEB 14, 1987	CARRIE ZIMMEISTER MICHAEL FERGUSON	STREET 10 W. HILL ST. CITY BALTIMORE, MD STATE 21230	301- 539-282
28 Feb 87	ROBERTA SAKRY	STREET 3306 Camalier Dr. CITY Chevy Chase STATE md 20815	
5/16/87	Mark & Janice Schott	STREET 5439 Royal Ave CITY Pennsauken NJ STATE 08109	609 662- 4634
6-25-87	JILL COOPER DAN WISEMAN	STREET 1064 WENDT TERRACE CITY LAGUNA BEACH STATE CA	921051
7-02-87	Susan and Jim Chapman	STREET 8907 Jamar Dr. #202 CITY Columbia STATE MD 21046	730- 0853
7/24/87	Arthur and Carol Freeman	STREET 6835 Tulip Hill Terrace CITY Bethesda MD 20816	301 229- 1360
8/3/87	Bryan & Tracie Thomas	STREET P.O. Box 386 Lampeter Rd CITY Lampeter STATE PA	464-4481
8/30/87	Liz Oborn	STREET 512 K Lake Vista Circle CITY Cockeysville STATE MD 21030	467- 1183

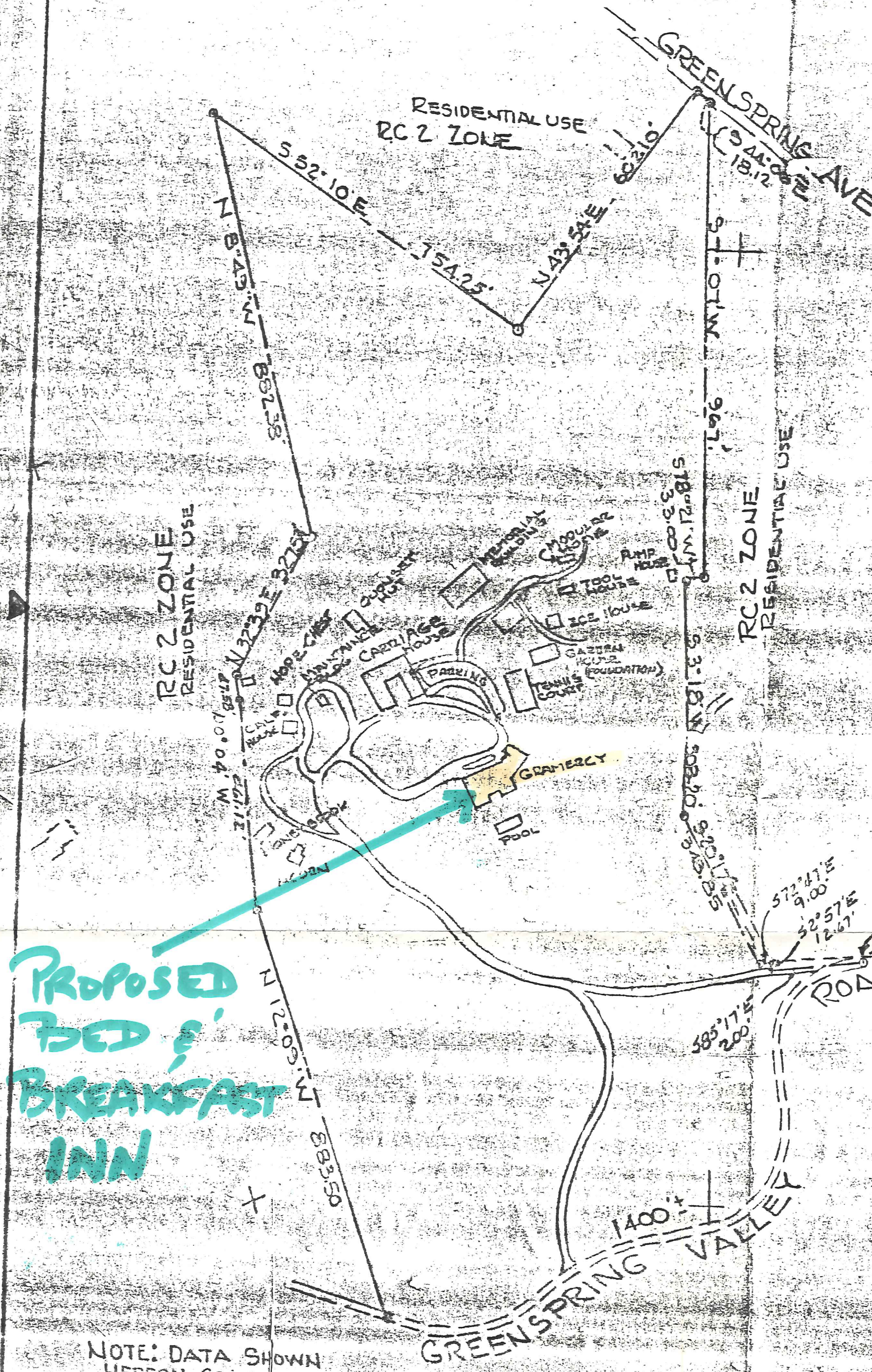
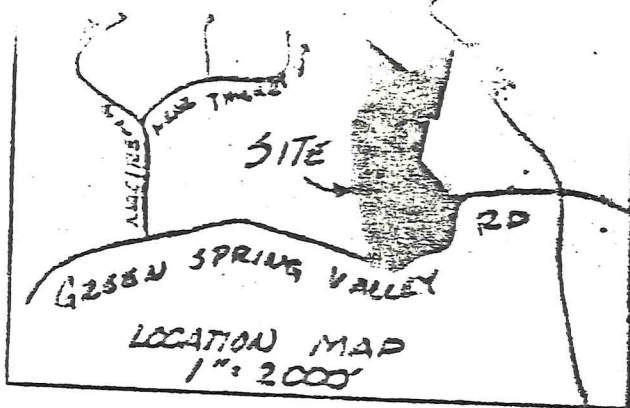
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8/3/87	Bryan & Tracie Thomas	STREET P.O. Box 386 Lampeter Rd CITY Lampeter STATE PA	464-48
8/20/87	Liz Osborn	STREET 512 K Lake Vista Circle CITY Cockeysville STATE MD 21030	467- 1183

GRAMERCY MANSION BvB



NW 12 D
G-SV NRHD ON MAP



PROPOSED
BED &
BREAKFAST
INN

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

GENERAL DATA

AREA OF SITE	44.3 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 (IDEA 79-Y42X)

Case No.: 90-355-SPH
Petition for Special Hearing Granted By Order
of County Board of Appeals Dated August 2,
1991 to Approve and Confirm the Lawful and
Non-Conforming Residential, Institutional and
Other Uses as Shown on this Plat and the
Continuation of the Approved Special Exception
Use for Educational Purposes

PLAT FOR SPECIAL HEARING
1400 GREEN SPRING AVENUE
Koinonia PARTNERSHIP
3rd ELECT. DIST.
SCALE 1"=200
BALTO. CO.
DEC 20 1989

90-355-SPH



E. F. RUFFEL & ASSOC.
REGISTERED PROFESSIONAL SURVEYORS
205 COURT ST.
BALTIMORE, MARYLAND

209

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