

IN RE: PETITIONS FOR SPECIAL EXCEPTION • BEFORE THE
AND VARIANCE - E/S Providence Road, 180' N of the c/l of Green Acre Road (1105 Providence Road) 9th Election District 6th Councilmanic District • ZONING COMMISSIONER • OF BALTIMORE COUNTY • Case No. 91-138-XA
The Maryland Presbyterian Church •
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a cemetery (columbarium) in a D.R. 1 zone, pursuant to Section 1802.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and a variance to permit a parking setback of 0 feet from a public right-of-way in lieu of the minimum required 10 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by David B. Pedersen, Pastor, appeared, testified and were represented by David C. Halle, Esquire. Also appearing on behalf of the Petitions were Stacy Fisher, Landscape Architect, Robert H. Price, Martin D. Lawson, Robert C. and Marian E. Goetze, Laura Farrington, C. Earl Tingstrom, and Jeffrey Arrington. Appearing as Protestants in the matter were Stephen J. and Sharon C. Kormanik, James Bennett and James H. Bennett, III, Francis O. and Dorothy V. Furman, Joseph E. Mazikos, DDS, Leo B. Mason, Jesterin S. Donnelly, Gene Karolenko, Michael and Bonnie Furman, and William S. and Jean G. Kneavel.

Testimony indicated that the subject property, known as 1105 Providence Road, consists of 4.9766 acres zoned D.R. 1 and is the site of the Maryland Presbyterian Church. Petitioners are desirous of constructing a columbarium in the area depicted on Petitioner's Exhibit 2 with the ability to expand same at some point in the future. Testimony indicated that the proposed facility will be a 4-foot high wall, approximately 20' x

40' long, made of either brick or stone with provisions for 50 niches throughout the wall to store the ashes of those cremated. Petitioners introduced photographs depicting similar facilities throughout the area. The proposed columbarium will be located to the rear of the site behind the existing church building on property which slopes downward and is heavily wooded. Additionally, Petitioners have requested that the additional area outlined on Petitioner's Exhibit 2 be approved for the future expansion of the proposed columbarium. Testimony indicated the proposed facility will not be readily visible to adjoining residential property owners and that the nearest dwelling is at least 350 feet away. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

James H. Bennett, the nearest adjoining property owner, testified in opposition to the relief requested. Mr. Bennett's main concern was for his private well which he believes might become contaminated in some way from the use proposed. Mr. Bennett and the other Protestants further testified in opposition to the proposed rezoning of the subject property. It was explained at the hearing that the requested special exception is for a conditional use of the land which in accordance with the B.C.Z.R. is permitted in the D.R. zones. The property is not being rezoned.

A Special Exception is a granting by the Zoning Commissioner or Deputy Zoning Commissioner, pursuant to the existing provisions of the Baltimore County Zoning Regulations (B.C.Z.R.). It is subject to the guidelines and standards contained in the provisions of the B.C.Z.R. A Special Exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner or Deputy Zoning

Commissioner must, in each case, decide under the specific standards set forth in Section 502 of the B.C.Z.R. whether presumptive compatibility does, in fact, exist. See, Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). Furthermore, "...there cannot be a grant of a Special Exception unless the B.C.Z.R. provide that the conditional use sought is permissible in the zone in which the land involved is situated..." Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). The duty of the Zoning Commissioner or Deputy Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the zoning plan.

The Petitioner has the burden of producing testimony which will establish that the Petitioner's use meets the prescribed standards and requirements. He does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community, and furthermore, if the Petitioner shows to the satisfaction of the Zoning Commissioner or Deputy Zoning Commissioner that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, then the Petitioner has met his burden of proof. See Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

Although the neighbors are concerned about the proposed use and believe it is inappropriate, the County Council has determined that such use is appropriate by virtue of their approval of the zoning regulations. The Zoning Commissioner cannot change the regulations, only uphold them. There is no imperial evidence that the proposed columbarium would be injurious to the public. Additionally, the County does not require any

variances for the proposed facility in the location shown on Petitioner's Exhibit 1 as it is located within the building envelope of the existing church.

Petitioners have also requested that the additional area set forth on Petitioner's Exhibit 1 for the future expansion of the proposed facility be approved. In the opinion of the Zoning Commissioner, the area set aside for the proposed facility is of sufficient size to meet Petitioners' needs and the requested additional area is unnecessary at this time. In the event it becomes necessary to expand the proposed use at some point in the future, Petitioners shall file a new Petition for Special Hearing to determine the appropriateness of such expansion.

After reviewing all of the testimony and evidence presented, it appears that the special exception, as modified, should be granted with certain restrictions as more fully described below.

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

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

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

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-138-XA

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a cemetery (columbarium) in a D.R. 1 zone, as per Section 1802.1 of the Baltimore County Zoning Regulations. This is a facility to inter the ashes of cremated bodily remains.

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

I, or we, agree to pay expenses of above 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.

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: (Type or Print Name)	Legal Owner(s): The Maryland Presbyterian Church, a (Type or Print Name) Maryland Corporation
Signature	Signature Robert C. Goetze, President of Board of Trustees
Address	Address 1105 Providence Road City and State Towson, MD 21204 Phone No.
Signature	Signature David C. Halle
Address	Address 405-A Central Avenue City and State Towson, MD 21204 Phone No.
Attorney for Petitioner: David C. Halle (Type or Print Name) Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Robert H. Price, representative Name 7 Glenellen Ct., Towson, MD 21204 Address Phone No.
Attorney's Telephone No.: 321-7037	

ORDERED By The Zoning Commissioner of Baltimore County, this 19 day of Sept., 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 21 day of Nov., 1990, at 10 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O.-No. 1 (over)
ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
DATE BY: 8-28-90

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of December, 1990 that the Petition for Special Exception for a cemetery (columbarium) in a D.R. 1 zone, pursuant to Section 1802.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a parking setback of 0 feet from a public right-of-way in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the special exception relief granted herein is limited to the proposed facility, indicated as the "Initial phase" on Petitioner's Exhibit 1, which shall be no larger than 20 feet x 40 feet and provide space for 50 niches. In the event it becomes necessary to expand the subject facility in the future, Petitioners shall file a new

Petition for Special Hearing to determine the appropriateness of such expansion.

J. Robert Haines
Zoning Commissioner

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
December 28, 1990

David C. Halle, Esquire
405-A Central Avenue
Towson, Maryland 21204
RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
E/S Providence Road, 180' N of the c/l of Green Acre Road
(1105 Providence Road)
9th Election District - 6th Councilmanic District
The Maryland Presbyterian Church - Petitioners
Case No. 91-138-XA

Dear Mr. Halle:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception, as modified, and the Petition for Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: All Protestants

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 12/28/90
By [Signature]

91-138-XA 91-138-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.8A.4 of the B.C.Z.R. to permit a 0' parking setback from a public right-of-way in lieu of the required 10' setback.

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

Relief will allow the petitioner to improve traffic control, and thereby safety, as well as achieve aesthetic improvements along the public right-of-way by means of a 10' planted buffer and retention of existing significant trees, in accordance with the spirit of the landscape manual.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this 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.

Legal Owner(s):
The Maryland Presbyterian Church
(Type or Print Name)
Signature
Robert Price - Representative
(Type or Print Name)
Signature

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
David C. Halle
(Type or Print Name)
Signature
405-A Central Avenue
Address
Towson, MD 21204
City and State
Attorney's Telephone No.: 221-7037

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Mr. Price at 828-9548(H)
Address 1105 Providence Road, 684-2000(O)
Phone No.
Towson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Stacy Fisher, Landscape Architect
Address 1738 Boggs Road
Phone No.
Forest Hill, MD 21050 838-2216
Address

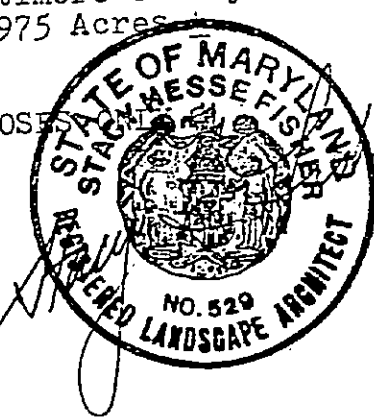
ORDERED BY The Zoning Commissioner of Baltimore County, this 19 day of September, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21 day of September, 1990, at 10 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO WEEKS (approx)
ALL CHECKS DATE 8-28-90
RECEIVED BY: [Signature] DATE 8-28-90

91-138-XA 91-138-XA

Beginning at a point on the east side of Providence Road, which is 90' wide, at the distance of 180' north of the centerline of Green Acre Road, which is 50' wide; thence the following courses and distances: 380' 16' 20" E 85' 75' ; 824' 39' 00" E 142' 84' ; N61' 14' 18" W 460' 15' ; S09' 43' 40" W 52' 84' ; N80' 16' 20" W 350' 14' ; thence in a southeasterly direction by a curve to the left having a radius of 2819.79' for a distance of 258.68' to the place of beginning as recorded in the land records of Baltimore County in deed Liber 3426, Folio 343, and containing 4.2975 Acres.

THIS DESCRIPTION IS FOR ZONING PURPOSES



10-26-1990 10-25-1990

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 1 successive weeks, the first publication appearing on 10-25-1990

THE JEFFERSONIAN,

S. Zebe
Publisher

\$87.05

91-138-XA 91-138-XA

District: 04 Date of Posting: 10/19/90
Posted for: Special Exception & Variance
Petitioner: The Maryland Presbyterian Church
Location of property: 1105 Providence Road, Towson, MD
Location of Sign: 1105 Providence Road, Towson, MD
Remarks:
Posted by: [Signature] Date of return: 10/19/90
Number of Signs: 2

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

J. Robert Haines
Zoning Commissioner

The Maryland Presbyterian Church
1105 Providence Road
Towson, Maryland 21204

Re: Petitioners for Special Exception and Zoning Variance
CASE NUMBER: 91-138-XA
E/S Providence Road, 180' N of c/l of Green Acre Road
1105 Providence Road
9th Election District - 6th Councilmanic
Petitioner(s): The Maryland Presbyterian Church
HEARING: WEDNESDAY, NOVEMBER 21, 1990 at 10:00 a.m.

Gentlemen:

Please be advised that \$137.05 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE OWNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: David C. Halle, Esq.

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

J. Robert Haines
Zoning Commissioner

October 9, 1990

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:

Petitioners for Special Exception and Zoning Variance
CASE NUMBER: 91-138-XA
E/S Providence Road, 180' N of c/l of Green Acre Road
1105 Providence Road
9th Election District - 6th Councilmanic
Petitioner(s): The Maryland Presbyterian Church
HEARING: WEDNESDAY, NOVEMBER 21, 1990 at 10:00 a.m.

Special Exception: A cemetery (columbarium) in a D.R.1 zone. This is a facility to inter the ashes of cremated bodily remains.
Variance: To permit a zero parking setback from a public right-of-way in lieu of the required 10 ft. setback.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: The Maryland Presbyterian Church
Robert H. Price
David C. Halle, Esq.

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

J. Robert Haines
Zoning Commissioner

November 9, 1990

David C. Halle, Esquire
405-A Central Avenue
Towson, MD 21204

RE: Item No. 86, Case No. 91-138-XA
Petitioner: Maryland Presbyterian Church
Petition for Zoning Variance and Special Exception

Dear Mr. Halle:

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
James E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: The Maryland Presbyterian Church
Ms. Stacy Fisher

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3304

Date

8/23/90

H9100086

PUBLIC HEARING FEES	QTY	PRICE
050 - ZONING VARIANCE (OTHER)	1 X	\$175.00
050 - SPECIAL EXCEPTION	1 X	\$175.00
TOTAL:		\$350.00

LAST NAME OF OWNER: PRESBYTERIAN CHUR

04040101041CHRC
04 0011364008-20-90 \$350.00

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3943

Date

11/21/90

PUBLIC HEARING FEES	QTY	PRICE
050 - ZONING VARIANCE (OTHER)	1 X	\$175.00
050 - SPECIAL EXCEPTION	1 X	\$175.00
TOTAL:		\$350.00

LAST NAME OF OWNER: PRESBYTERIAN CHUR

04040101041CHRC
04 0011364008-20-90 \$350.00

Cashier Validation:

Please make checks payable to: Baltimore County

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 13th day of September, 1990.

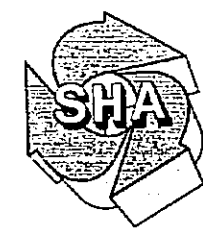
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: The Maryland Presbyterian Church

Petitioner's Attorney: David C. Halle



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

September 11, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Maryland Presbyterian Church
Zoning Meeting of 9-18-90
E/S Providence Road
180' North of Green
Acre Rd. - North of I-695
(Item #86)

Dear Mr. Haines:

After reviewing the submittal for a special exception for a cemetery, we have the following comment.

The plan shows parking spaces within State Highway Administration right-of-way. Currently, the property owner has submitted a request to SHA to purchase the right-of-way along Providence Road in order to construct these parking spaces.

This process is not yet complete and we will inform you of the outcome.

If you have any questions, please contact Larry Brocato at (301) 333-1350.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:mak

cc: Maryland Presbyterian Church
Mr. J. Ogile
Mr. David Muraw

SEP 21 1990

My telephone number is (301) 333-1350 (Fax #333-1941)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5052 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 16, 1990

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

SUBJECT: The Maryland Presbyterian Church, Item No. 86

The Petitioner requests a Variance to permit a zero ft. parking setback from a public right-of-way in lieu of the required 10 ft. setback.

In reference to this request, staff offers the following comment:

- The plat accompanying the Petitioner's request should be revised to show a limit of disturbance.

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

ITEM86/ZAC1

Rec
10/17/90

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(801) 887-3354

October 2, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 64
Property Owner:
Location:

Z.A.C. September 25, 1990
Thelma Iowais
Security Development Corporation

Existing Zoning:
Proposed Zoning:

D.R.-5.5
Variance to permit a 17' building and window to street right-of-way in lieu of the min. 25 ft. and 34 ft. building to street C/L.
0.204 acre
1st Election District
1st Councilmanic District

Area:
District:

Dear Mr. Haines:

Please see the C.R.G. comments for this site.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw



Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5300
(801) 887-4500
Paul H. Reincke
Chief

September 19, 1990

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

Dennis F. Rasmussen
County Executive

RE: Property Owner: THE MARYLAND PRESBYTERIAN CHURCH

Location: #1105 PROVIDENCE ROAD

Item No.: 86 Zoning Agenda: SEPTEMBER 18, 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.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Kelly* Noted and Approved
Planning Section Fire Prevention Bureau
Special Inspection Division

JK/FEE

RECEIVED
9/21/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
September 13, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 86
PROPERTY OWNER: The Maryland Presbyterian Church
LOCATION: E/S Providence Road, 180' N of centerline
Green Acre Road (#1105 Providence Road)
ELECTION DISTRICT: 9th
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS. SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 14, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 18, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 78, 80, 83, 84, 85, 86 and 87.

Item 82 is subject to the previous County Review Group comments. From a point 185 feet northeast of Stonewall Road the panhandle to Lot 3 is a single panhandle and as per the Highway Comments, should be 20 feet wide in this area. The increase in panhandle width will impact the setbacks for Lots 1 and 2.

We also recommend the disposition of the remaining parcel on Stonewall Road be noted as it will be below standard for DR-2.

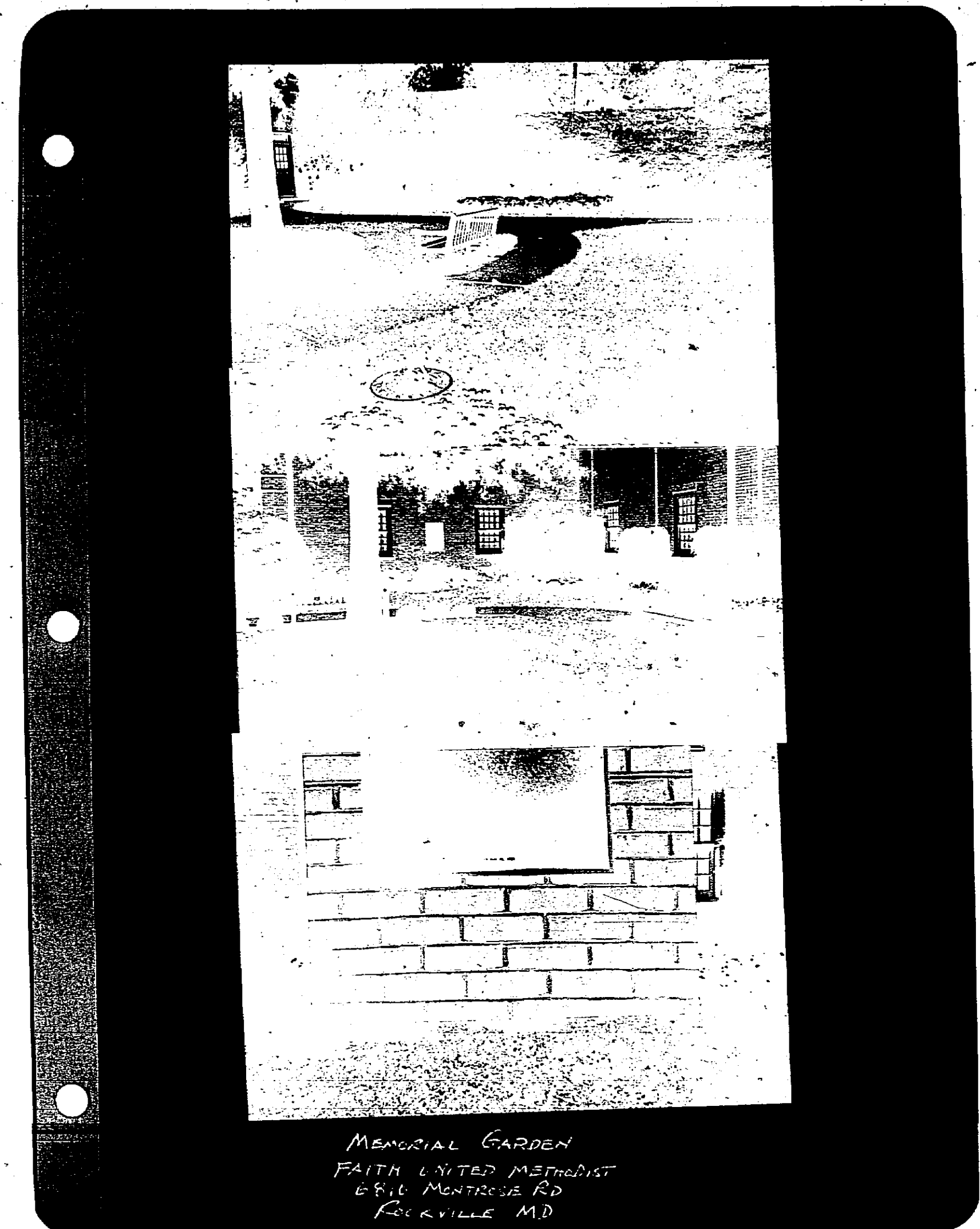
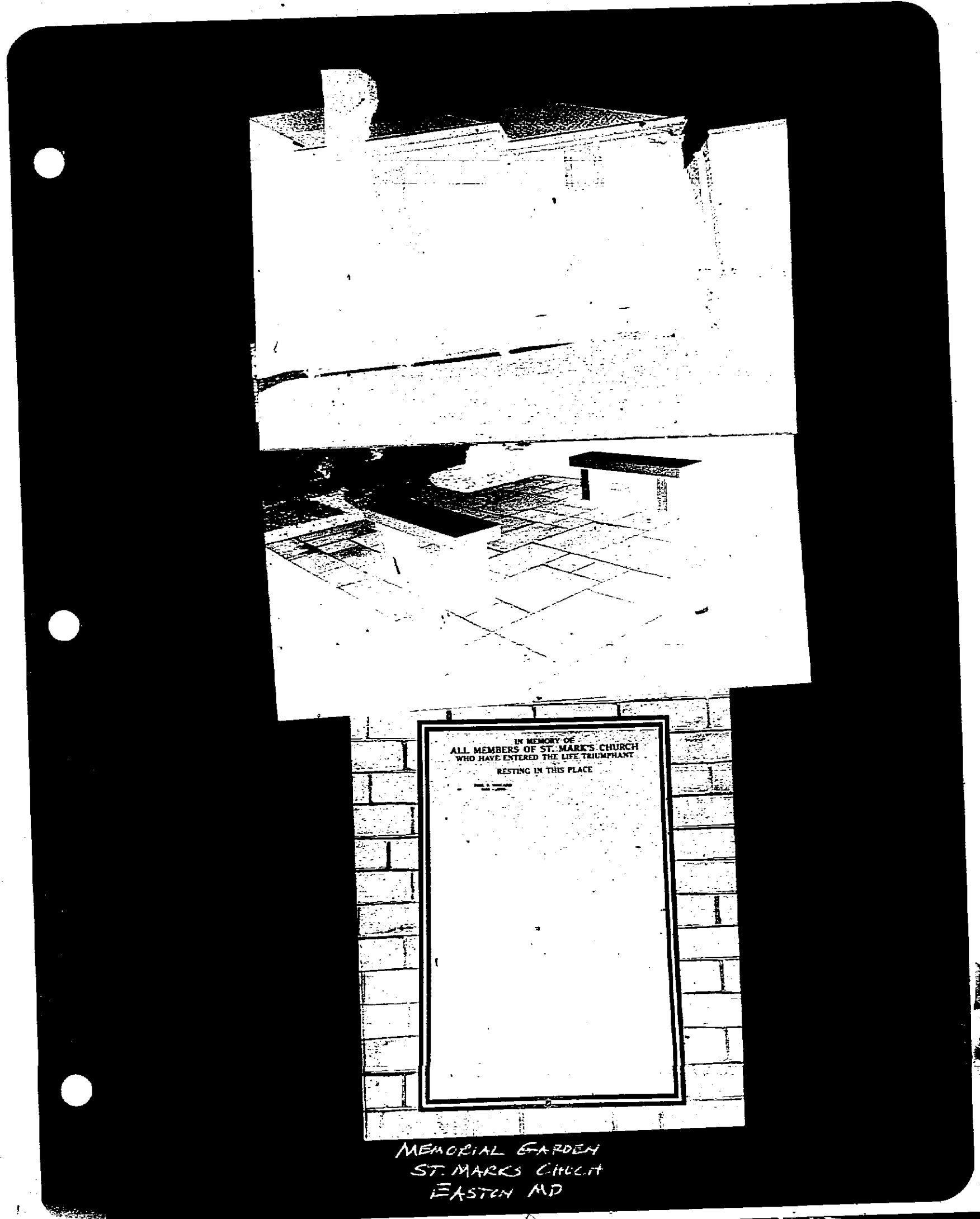
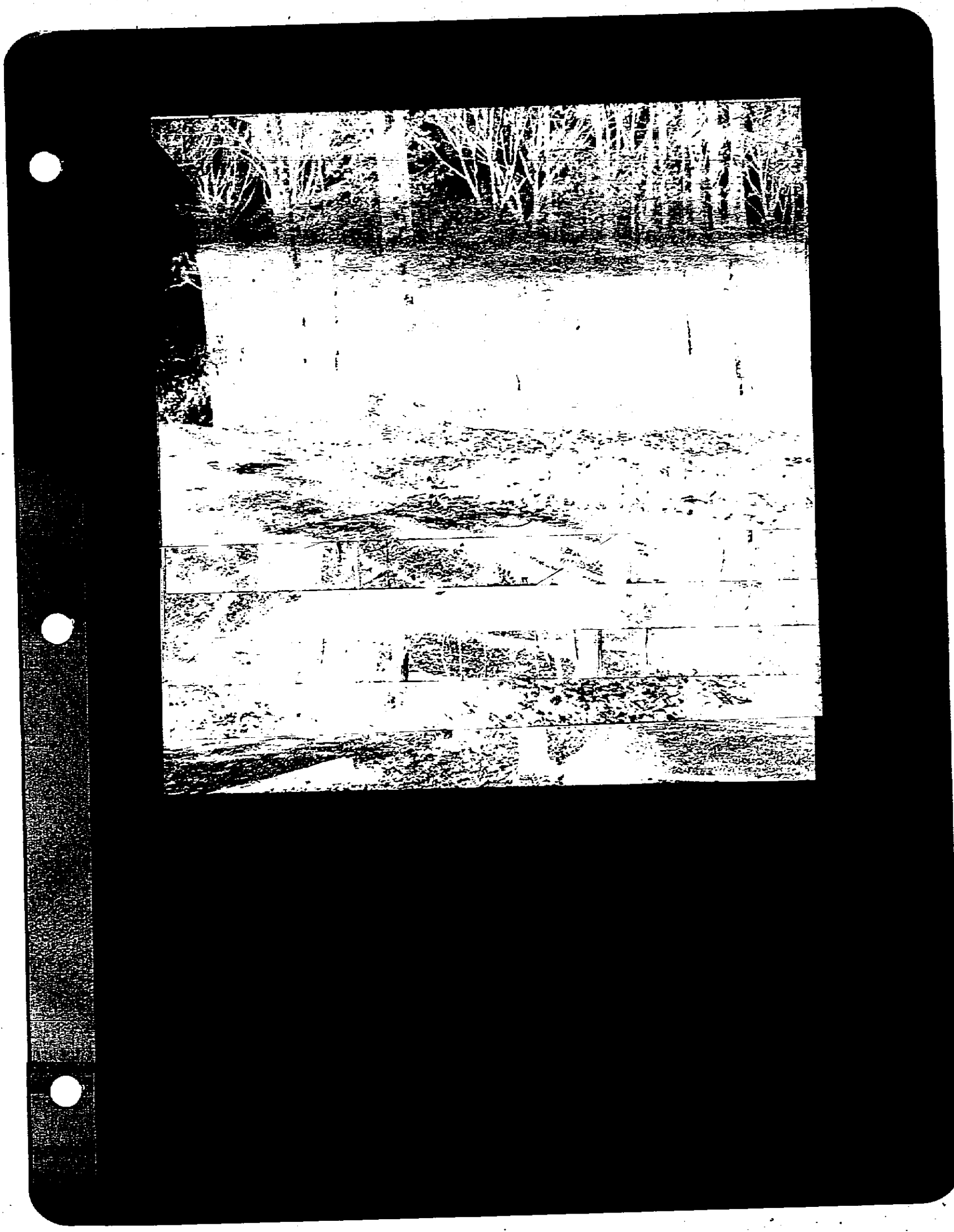
Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Stephen A. Kormanik</i>	1100 CANDLER CT
<i>George DeBoroff</i>	1015 CORDEUS RD. TOWSON
<i>F.O. Furman</i>	1109 PARADISE RD.
<i>Barth V. Furman</i>	1108 PROVIDENCE RD.
<i>Sdhar C. Kormanik</i>	1100 Candler Ct.
<i>Joseph P. Kormanik</i>	1012 Green Acre Rd.
<i>Leo D. Mason</i>	1007 Green Acre Rd.
<i>Justin S. Donnelly</i>	1000 Green Acre Rd.
<i>Gene Kozolentz</i>	1008 Green Acre Rd.
<i>Bonnie Furman</i>	1111 Providence Rd.
<i>Michael S. Furman</i>	1111 Providence Rd.
<i>Joseph P. Kormanik</i>	1012 Green Acre Rd.
<i>William J. Green</i>	1010 Green Acre Rd.
<i>John S. Kormanik</i>	1012 Green Acre Rd.





*Petersons
Exhibits
91-136-XA*



PETITIONERS
EXHIBIT 1

special burial, widely used through the ages, is an accepted practice of the world-wide Christian community and is in full accord with the practice and belief of our denomination. [2]

Three things involving our theology and liturgy require highlighting. We believe that a columbarium close to our sanctuary is a way of witnessing to our faith in Resurrection, of being reminded of the communion of saints, and of providing loving pastoral care to persons in need.

In the first place, our earthly journey consists of birth, life, death, and resurrection; and our belief and our worship are not complete without giving verbal and symbolic expression to the New Testament claim: "Death is swallowed up in victory. Thanks be to God who gives us the victory through our Lord Jesus Christ." [3] Our Christian theology and liturgical practice are unique in their clear word concerning the sacred inter-connection between birth, life, death and resurrection. It comes from Jesus' own words: "I am the resurrection and the life; he who believes in me, though he die, yet shall he live, and whosoever believes in me shall never die." [4] This structure placed beside the sanctuary of the church is a constant reminder that the whole natural process of life and our faith are grounded in Christ. The columbarium silently proclaims that all of human experience is a gift from God, now and for eternity. Everytime we enter this lovely garden or place the earthly remains of our loved ones within it, we affirm our faith in the words of scripture: "For I am sure that neither death nor life...nor things present nor things to come...shall be able to separate us from the love of God which is in Christ Jesus our Lord." [5]

Secondly, the columbarium reminds us of the affirmation which we make in the Apostle's Creed that "we believe in the communion of saints." [6] The presence of this facility close to our place of worship keeps us in touch with all of those times and experiences shared with our loved ones. We worship and serve God as a community, and we look forward to his bringing us together again in the fullest sense and in his own time. We are grateful for those who have fought the good fight and kept the faith and who inspire us to follow in the way of Christ. The columbarium in a beautiful garden setting silently

91-138XA

TO: THE ZONING COMMISSIONER OF BALTIMORE COUNTY

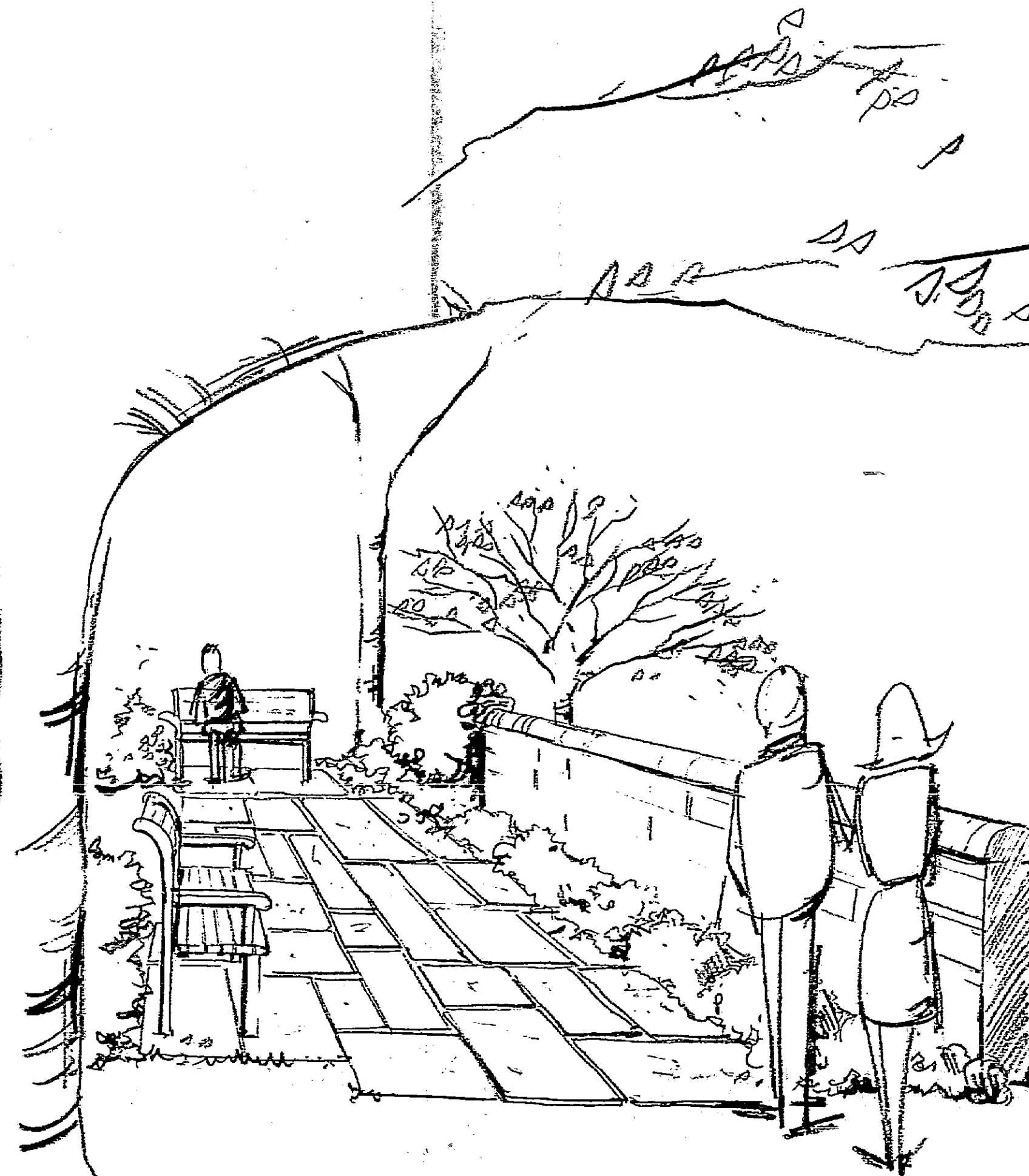
Dear Mr. Commissioner:

This is to inform you that the following home owners, living within close proximity of the Maryland Presbyterian Church, strongly object to the petitions for Special Exception and Zoning Variance Case No. 91-138-XA E/S Providence Road, 180' N of c/l Green Acre Road, 1105 Providence Road, 9th Election District of 6th Councilmanic. (See Attached Notice)

A primary reason for this objection is that a Cemetery or Columbarium burial place, in this prime Towson D.R. 1 residential zone, would adversely effect property values. It would be completely out of place.

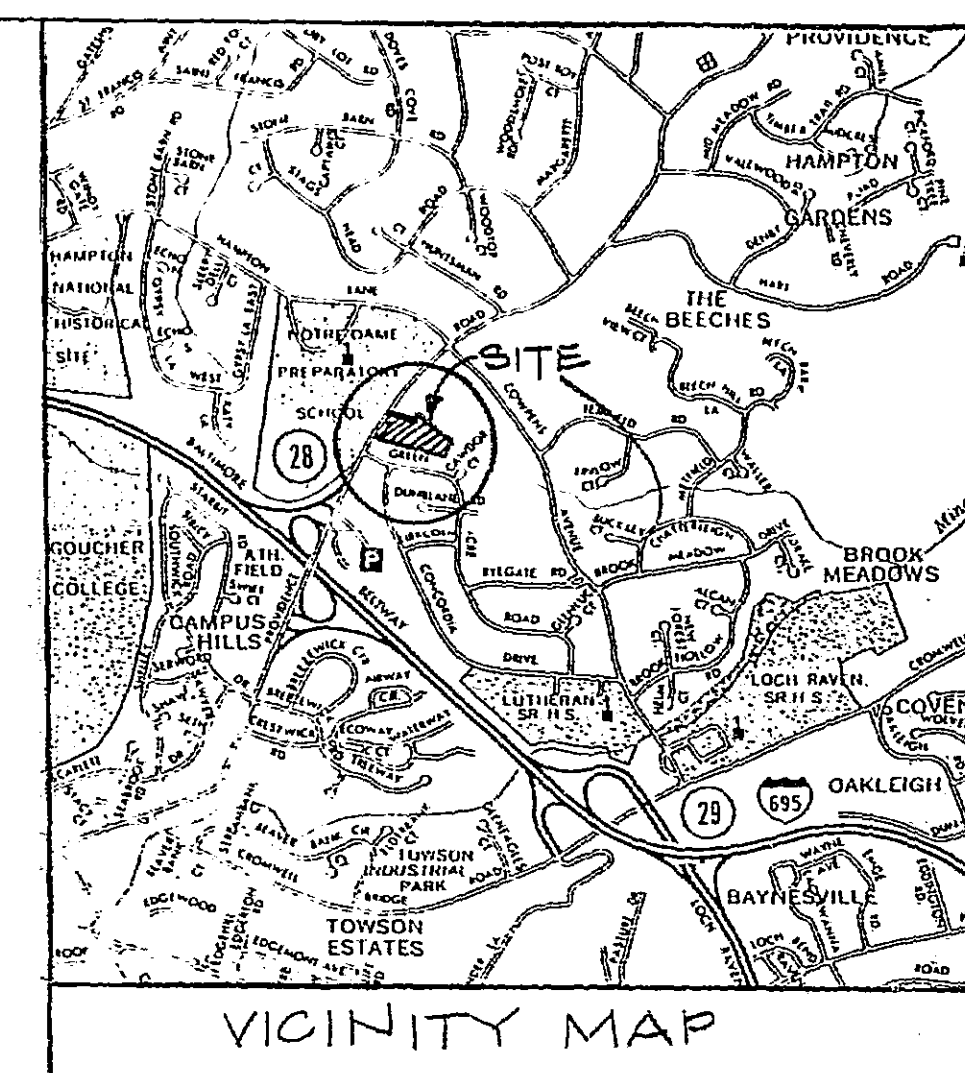
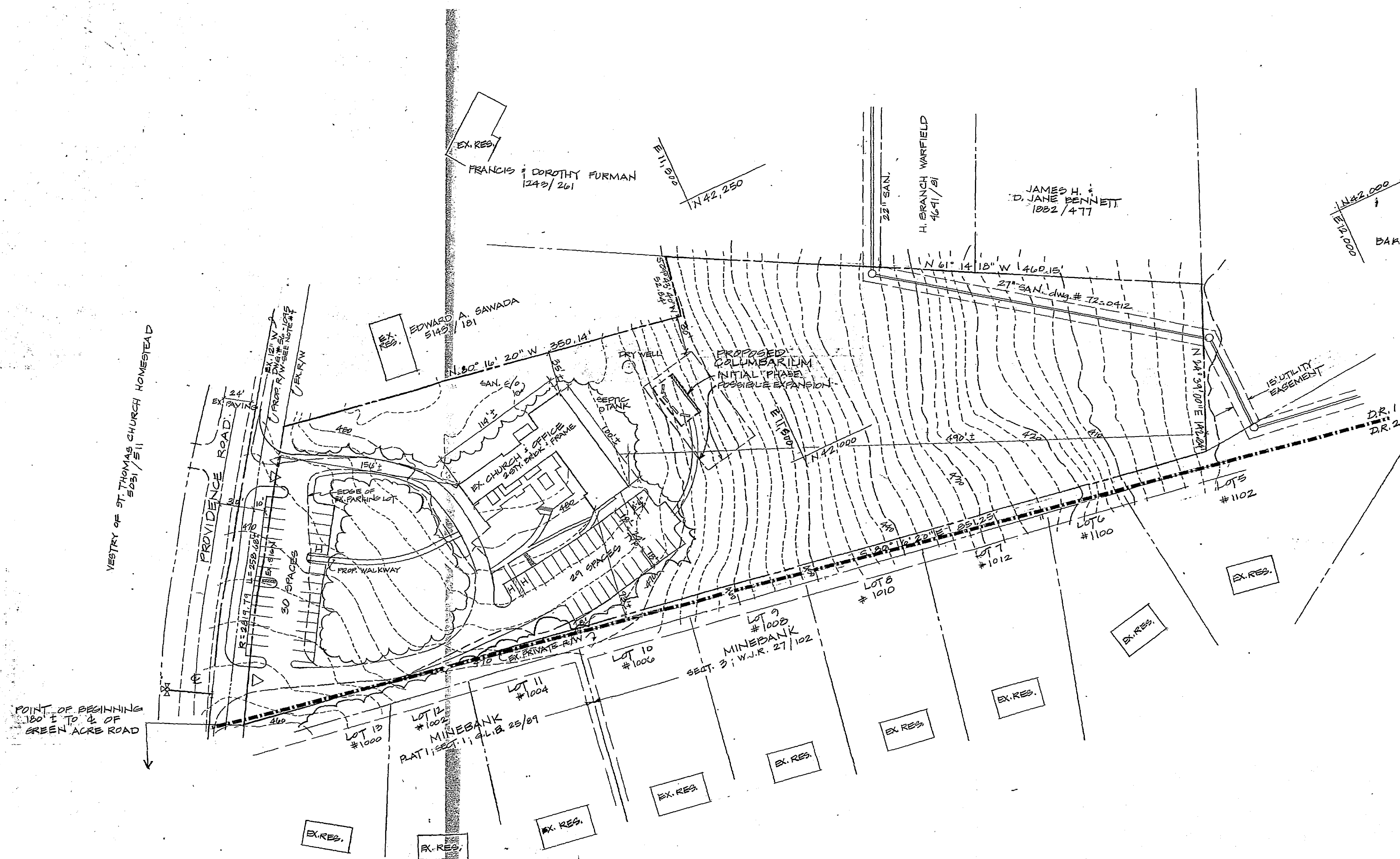
NAME	ADDRESS	PHONE NO	DATE
J.D. Furman	1109 Providence Rd.	763-8813	11/14/90
L.B. Lynch	1113 Providence Rd.	828-4188	11/14/90
K. L. L. L.	1115 Providence Rd.	825-7511	11/14/90
C. L. L.	1201 Providence Rd.	286-7126	11/14/90
J. L. L.	1000 Green Acre Rd.	337-0422	11/14/90
C. L. L.	1002 Green Acre Rd.	337-0422	11/14/90
R. L. L.	1007 Green Acre Rd.	337-0422	11/14/90
S. L. L.	1004 Green Acre Rd.	337-0422	11/14/90
M. L. L.	1111 Providence Rd.	825-7511	11/14/90
R. L. L.	1013 Providence Rd.	825-7511	11/14/90
K. L. L.	1113 Providence Rd.	825-7511	11/14/90
N. L. L.	1113 Providence Rd.	825-7511	11/14/90

PROTESTANT
EXHIBIT 1



PETITIONER'S
EXHIBIT 3

91-138XA



GENERAL NOTES

1. Election district 9; Councilmanic district 6.
2. Acreage: Gross = 4.9766 Acres² (includes 30' of Providence Rd. right-of-way along frontage)
Net = 4.2975 Acres²
3. Only permits for interior renovations have been issued since the addition was constructed in 1959.
4. A permit is being applied for to complete minor adjustments to existing parking lots and for resurfacing and curbing to be as shown on the plan. Discussions are in progress with the State Highway Administration regarding acquisition of the area between the existing right-of-way and the proposed right-of-way. The variance for a setback of 0' in lieu of the required 10' is being pursued in the event that those discussions are unsuccessful. The parking will be moved back to the existing right-of-way if the variance is granted for a 0' setback.
5. Current ownership of parcel:
The Maryland Presbyterian Church
1105 Providence Road
Towson, Maryland 21204
Deed reference: 3426 / 343
Ownership of adjacent properties in Minebank:
 - Lot 5 - Henry W. and June E. Schmidt 5348 / 958
 - Lot 6 - Stephen J. and Sharon C. Kormanik 5559 / 233
 - Lot 7 - Joseph E. and Carolyn B. Mazianis 5244 / 274
 - Lot 8 - Wm. S. Jr. and Genevieve Knevel 4226 / 138
 - Lot 9 - Thomas J. and Genevieve B. Karolenko 4040 / 492
 - Lot 10 - Robert S. and Carol L. Bennett 7588 / 551
 - Lot 11 - Dorothy M. Klima 3698 / 242
 - Lot 12 - Thomas Y. and Carol Lee Kotras 5621 / 907
 - Lot 13 - Thomas E. and Jestead S. Donnelly 4433 / 258
6. There are no permanent commercial buildings within 100' of a side property line.
7. The existing sign shown on the plan is 4'-8" high, double-faced, non-illuminated, with 25.28 square feet per face.
8. There are no known streams, stormwater management systems or drainage systems on the property.
9. Floor area ratio: $\frac{\text{total floor area} = 8950 \text{ s.f.}}{\text{gross site area} = 195000.7 \text{ s.f.}} = 0.0459$
Amenity Open Space is not required.
A height tent is not required since the building is less than 40'.
10. Parking required: 1 space / 6 seats = 120 : 6 = 20
Parking provided: 59 spaces

**PETITIONER'S
EXHIBIT 2**

#86

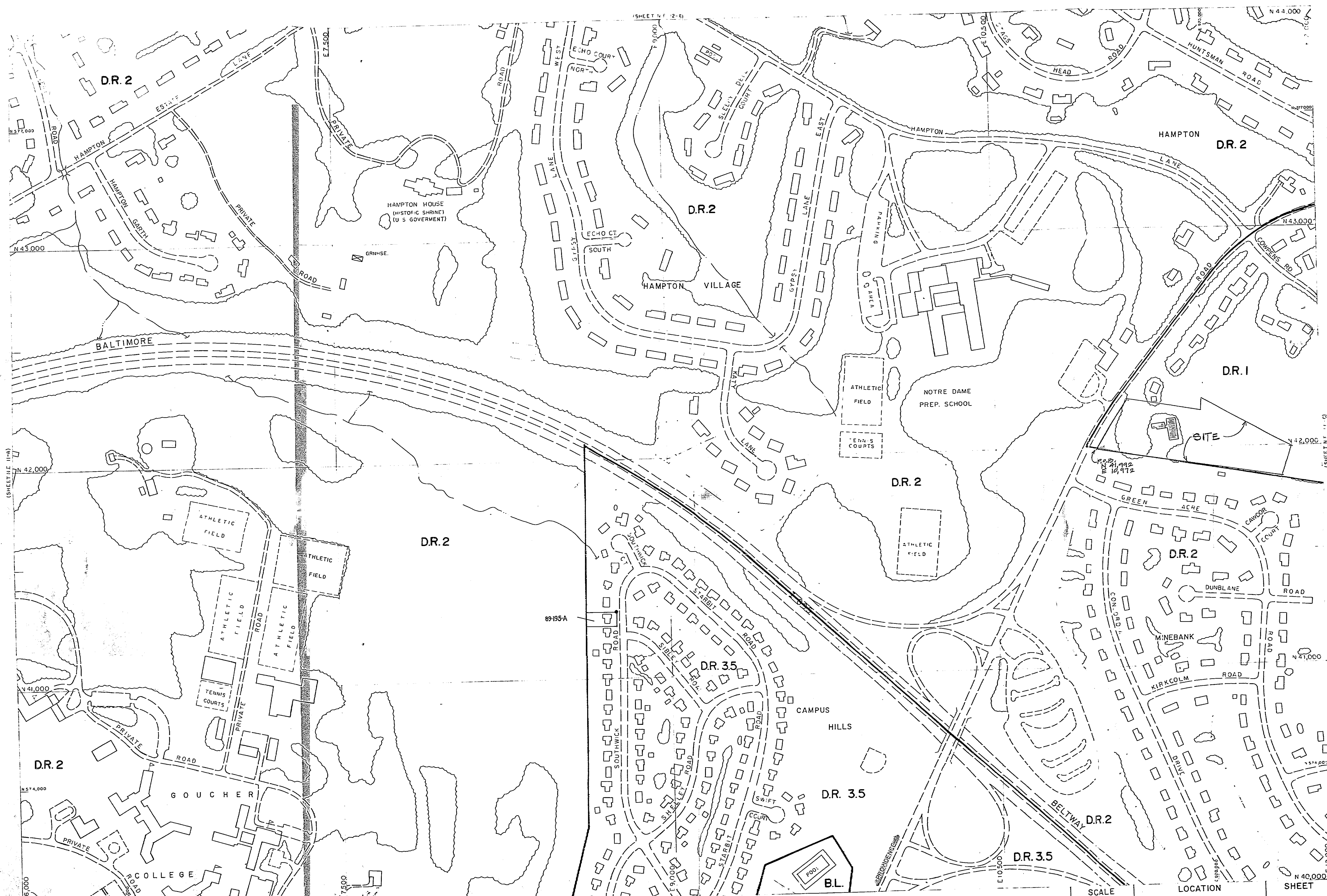
91-138XA

MARYLAND PRESBYTERIAN CHURCH
1105 PROVIDENCE ROAD TOWSON, MARYLAND 21204
AUGUST 28, 1990
SCALE: 1" = 50'

PLAN TO ACCOMPANY
SPECIAL EXCEPTION & VARIANCE
HEARING



STACY H. FISHER,
LANDSCAPE ARCHITECT
1738 BROWN ROAD
FOREST HILL, MARYLAND 21050
301-838-2216



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Chairman County Council

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 OFFICIAL ZONING MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

HAMPTON
91-138-XA
ITEM #80

LOCATION
SHEET
11-B