

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Fuselage Avenue, 312' W of * DEPUTY ZONING COMMISSIONER
Orens Road * OF BALTIMORE COUNTY
(1400 Fuselage Avenue) * Case No. 91-354-X
15th Election District
6th Councilmanic District
The Salvation Army
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to use the subject property for a new community center for the Salvation Army, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Robin Bush, Landscape Architect with Whitney, Bailey, Cox & Magnani, appeared and testified. Also appearing on behalf of the Petitioner was Captain John Poff, Joe Burkhardt with Whitney, Bailey, Cox & Magnani, Peter Ldoo with SMDA Architects, and Peter G. Dowley. There were no Protestants.

Testimony indicated that the subject property, known as 1400 Fuselage Avenue, consists of 1.713 acres zoned B.L.-C.S.A. and is presently unimproved but for a baseball field. Said property is located within the Chesapeake Bay Critical Areas near Middle River. Petitioner is desirous of constructing a one story building on the subject property, in accordance with Petitioner's Exhibit 1, for use as a community center which will be operated by the Salvation Army. Testimony indicated the Petitioner intends to allow the existing baseball field to the north of the subject site to continue to operate in its present location, although the existing backstop will be removed. Further testimony indicated that an existing soccer field and other recreational activities to the west of the proposed building site will be permitted to continue to operate. Petitioner testified as to the

requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and indicated that the use proposed meets the special exception requirements set forth therein.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S.A. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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

This property is located within the Chesapeake Bay Critical Areas

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and as such, is subject to the requirements of Section 500.14 of the B.C.Z.R. In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____ day of September, 1991 that the Petition for Special Exception to use the subject property for a new community center for the Salvation Army, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 3 -

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.

2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto, including, but not limited to, any final recommendations to be submitted by DEPRM upon completion of their review of this project. Written proof of compliance with any final recommendations made by DEPRM must be submitted to the Zoning Commissioner's Office for review and inclusion in the case file prior to the issuance of any permits.

3) Prior to the issuance of any building permits, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to this Office for final approval and inclusion in the case file prior to the issuance of any permits.

4) Prior to the issuance of any permits, Petitioner shall submit site elevation drawings for approval by the Deputy Director of Planning. A copy of the approved drawings shall be submitted to this Office for final approval and inclusion in the case file.

5) Petitioner shall obtain CRC approval or a waiver of their requirements prior to the issuance of any permits.

6) Petitioner agrees to allow the existing baseball field to the north of the subject property and the soccer field and other recreational activities currently operating to the west of the subject building site to continue to operate in their present locations.

7) The Petitioner has thirty (30) days from the date of this Order to take an appeal of this Decision. In the event that the Petitioner does not appeal this Decision, then by virtue of no appeal being taken, the Petitioner hereby consents and agrees to be bound by the restrictions stated above.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of

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Environmental Protection and Resource Management, as set forth in their comments dated June 21, 1991, attached hereto and made a part hereof.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 26, 1991

Ms. Robin Bush
Whitney, Bailey, Cox & Magnani
1850-C York Road
Timonium, Maryland 21093

RE: PETITION FOR SPECIAL EXCEPTION
S/S Fuselage Avenue, 312' W of Orens Road
(1400 Fuselage Avenue)
15th Election District - 6th Councilmanic District
The Salvation Army - Petitioner
Case No. 91-354-X

Dear Ms. Bush:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has 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,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Major David D. Jones
2602 Huntingdon Avenue, Baltimore, Md. 21211

Captain John Poff
8120 Callo Lane, Baltimore, Md. 21237

Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel
File

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PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-354-X

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 new community center for the Salvation Army.

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)
Signature: *THE SALVATION ARMY*
Address: _____
(Type or Print Name)
City and State: _____
Signature: *DAVID D. JONES, MAJOR*
Attorney for Petitioner: _____
(Type or Print Name)
Address: *2602 Huntingdon Ave. 366-4997*
City and State: *Baltimore, MD 21211*
Signature: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Robin Bush c/o Whitney, Bailey, Cox & Magnani
Name: _____ (301) 252-6060
City and State: _____
Address: *1850-C York Road, Timonium, Maryland 21093*
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1991, 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 _____ day of _____, 1991, at _____ o'clock _____ M.

FILED BY JLL 3/6/91
1/2 HOUR HEARING TIME
ANY TIME OR DAY
SEE H.O. WES.
NOTIFIED PET
CRITICAL AREA
J. Robert Haines
Zoning Commissioner of Baltimore County
GUNDER RECEIVED FOR FILING
Date: *9/26/91*
By: *BP*

DESCRIPTION OF TAX PARCEL NO. 1251 & TAX PARCEL NO. 231
THE SALVATION ARMY
LIBER 1495, FOLIO 524 & LIBER 1759, FOLIO 467

Commencing at the intersection of the centerline of Orens Road with the south right of way line of Fuselage Avenue (60 feet wide) and run in a westerly direction along the south right of way line of Fuselage Avenue 312 feet more or less to the said point of beginning #1. Thence the following courses and distances: From said point of beginning run thence along the south right of way line of Fuselage Avenue and a curve to the right, having a radius of 6214.58 feet, a central angle of 01 degrees 06 minutes 57 seconds, a distance of 121.03 feet; thence leaving the aforementioned right of way line and run South 00 degrees 26 minutes 03 seconds East, a distance of 274.76 feet; thence North 54 degrees 40 minutes 40 seconds East along the north right of way line of Orens Road, a distance of 147.17; thence leaving the aforementioned right of way line and run North 00 degrees 21 minutes 03 seconds West, a distance of 187.50 feet to the said point of beginning, as recorded in Deed Liber 1495, Folio 524 containing 27,903.61 sq. ft.

Commencing at the intersection of the centerline of Orens Road with the south right of way line of Fuselage Avenue (60 feet wide) and run in a westerly direction along the south right of way line of Fuselage Avenue 433 feet more or less to the said point of beginning #2. Thence the following courses and distances: From said point of beginning run thence along the south right of way line of Fuselage Avenue and a curve to the right, having a radius of 6214.58 feet, a central angle of 00 degrees 58 minutes 04 seconds, an arc distance of 104.97 feet; thence leaving the aforementioned right of way line and run South 00 degrees 21 minutes 03 seconds East, a distance of 256.23 feet; thence North 68 degrees 56 minutes 04 seconds East along the north right of way of Orens Road, a distance of 32.67 feet; thence North 48 degrees 25 minutes 12 seconds East along the north right of way line of Orens Road, a distance of 99.35 feet; thence leaving the aforementioned right of way line and run North 00 degrees 26 minutes 03 seconds West, a distance of 274.76 feet to the said point of beginning, as recorded in Deed Liber 1759, Folio 467 containing 33,112.97 sq. ft.

91-354-X
Robin Bush
3/6/91

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 154 Date of Posting: 9/14

Posted for: Special Exception

Petitioner: The Salvation Army

Location of property: 312 W of Orms Rd
1400 Funslope Ave

Location of Sign: Front Funslope Ave across 28 E. Reddy
On property of Petitioner

Remarks: _____

Posted by: [Signature] Date of return: 9/29/91

Number of Signs: 1

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:

Case Number: 91-354-X
5/5 Funslope Avenue, 312' W of Orms Road
1400 Funslope Avenue
15th Election District
6th Councilmanic District
Petitioner(s): The Salvation Army
Hearing Date: Tuesday, May 7, 1991 at 10:30 a.m.
Special Exception: A new community center for the Salvation Army.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
4100 April 11

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/15, 1991

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 4/11, 1991.

THE JEFFERSONIAN,
S. Zake Orlow
Publisher

\$ 32.83

receipt

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

Account: R-001-6150
Number

Date: 3/06/91 H#100342

PUBLIC HEARING FEES	QTY	PRICE
350 -SPECIAL EXCEPTION	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: SALVATION ARMY

Please Make Checks Payable To Baltimore County
04A04M0005HICHR
0002:50P03-06-91 \$175.00

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 9/14/91

RE: The Salvation Army
2602 Huntingdon Avenue
Baltimore, Maryland 21211

ATTN: MAJOR DAVID D. JONES

RE: Case Number: 91-354-X
5/5 Funslope Avenue, 312' W of Orms Road
1400 Funslope Avenue
15th Election District - 6th Councilmanic
Petitioner(s): The Salvation Army
HEARING: MONDAY, SEPTEMBER 16, 1991 AT 9:00 A.M.

Dear Petitioner(s):

Please be advised that \$ 26.00 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 ORDER 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.

cc: Robin Bush

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 154 Date of Posting: 4/12/91

Posted for: Special Exception

Petitioner: The Salvation Army

Location of property: 312 W of Orms Rd
1400 Funslope Ave

Location of Sign: Front Funslope Ave across 28 E. Reddy
On property of Petitioner

Remarks: _____

Posted by: [Signature] Date of return: 4/29/91

Number of Signs: 1

Friday, April 12, 1991

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:

Case Number: 91-354-X
5/5 Funslope Avenue, 312' W of Orms Road
1400 Funslope Avenue
15th Election District - 6th Councilmanic District
Petitioner(s): The Salvation Army
HEARING: TUESDAY, MAY 7, 1991 AT 10:30 A.M.
Special Exception: A new community center for the Salvation Army.

J. Robert Haines
Zoning Commissioner of Baltimore County

The Times

Middle River, Md., April 12, 1991

This is to Certify, That the annexed BO # 011832

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 12th day of April, 1991

[Signature] Publisher.

receipt

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

Account: R-001-6150
Number

Date: 4/12/91

Please Make Checks Payable To Baltimore County
04A04M0005HICHR
0002:50P03-06-91 \$175.00

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 4/23/91

RE: The Salvation Army
2602 Huntingdon Avenue
Baltimore, Maryland 21211

ATTN: MAJOR DAVID D. JONES

RE: Case Number: 91-354-X
5/5 Funslope Avenue, 312' W of Orms Road
1400 Funslope Avenue
15th Election District - 6th Councilmanic
Petitioner(s): The Salvation Army
HEARING: TUESDAY, MAY 7, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 73.58 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 ORDER 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.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Robin Bush

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 27, 1991

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:

Case Number: 91-354-X
5/5 Funslope Avenue, 312' W of Orms Road
1400 Funslope Avenue
15th Election District - 6th Councilmanic
Petitioner(s): The Salvation Army
HEARING: TUESDAY, MAY 7, 1991 at 10:30 a.m.

Special Exception: A new community center for the Salvation Army.

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

cc: The Salvation Army
Robin Bush

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 26, 1991

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:

Case Number: 91-354-X
5/5 Funslope Avenue, 312' W of Orms Road
1400 Funslope Avenue
15th Election District - 6th Councilmanic
Petitioner(s): The Salvation Army
HEARING: MONDAY, SEPTEMBER 16, 1991 AT 9:00 A.M.

Special Exception: A new community center for the Salvation Army.

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

cc: The Salvation Army
Robin Bush

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 23, 1991

Mr. David D. Jones
2602 Huntingdon Avenue
Baltimore, MD 21211

RE: Item No. 342, Case No. 91-354-X
Petitioner: The Salvation Army
Petition for Special Exception

Dear Mr. Jones:

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 MINIARSKI. 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: Ms. Robin Bush
Whitney, Bails, Cox & Maganai
1850-C York Road
Timonium, MD 21093



Your petition has been received and accepted for filing this
20th day of March, 1991.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

Received By:

James E. Hagan
James E. Hagan
Chairman,
Zoning Plans Advisory Committee

Petitioner: The Salvation Army, et al
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 12, 1991

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

SUBJECT: The Salvation Army, Item No. 342

In reference to the petitioner's requested Special Exception,
staff offers the following comments:

- Prior to development of this project, a CRG or waiver is required.
- The applicant shall submit a landscape plan to the Baltimore County landscape planner for review, and the deputy director of the Office of Planning and Zoning shall approve the plan prior to the issuance of any permits. Subsequent to Planning's approval, a plan should be provided to the Zoning Office by the applicant so that record of the action can be maintained in the official case file.
- The petitioner shall submit elevation drawings to the deputy director of the Office of Planning and Zoning prior to the issuance of any building permits.

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
ITEM342/ZAC1

DATE: April 3, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili
Traffic Engineer II

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 19, 1991

Dear Mr. Haines:

This bureau has no comments for items number 327, 334, 335, 336, 339, 342, 343 and 345.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
Date: April 19, 1991

FROM: David C. Flowers

SUBJECT: Zoning Hearing - Item 342

The Chesapeake Bay Critical Area Program requests an extension for the review of the petition request for a Special Exception for the Salvation Army. A Findings Plan has been under review for this project but has not satisfied all Critical Area Requirements. We are presently awaiting a revised Findings Plan. When a Findings Plan is approved, the written Findings will be forwarded to your office.

For further information, please contact Ms. Nancy Sanford at 887-2904.

David Flowers
David C. Flowers, Coordinator
Chesapeake Bay Critical Area Program

DCF:NS:ju

cc: Mrs. Janice Outen
Ms. Gwen Stephens
David Jones, Major
Ms. Robin Bush



MARCH 26, 1991

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

RE: Property Owner: THE SALVATION ARMY
Location: #1400 FUSELAGE AVENUE
Item No.: 342 Zoning Agenda: MARCH 19, 1991

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: *John J. Kelly* 3-26-91 Noted and Approved
Planning Group Captain *F. Bowling* / Chief
Special Inspection Division Fire Prevention Bureau

JK/KEK

received
3/27/91

toad

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: March 14, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 327, 334, 335, 336, 338, 339 and 345.

For Item 337, a County Review Group Meeting may be required for these additions.

For Item 342, a County Review Group Meeting is required for this site.

For Item 343, the previous minor subdivision comments supplied for this site will apply.

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

RWB:ts

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
Date: April 19, 1991

FROM: David C. Flowers

SUBJECT: Zoning Hearing - Item 342

91-354-X

The Chesapeake Bay Critical Area Program requests an extension for the review of the petition request for a Special Exception for the Salvation Army. A Findings Plan has been under review for this project but has not satisfied all Critical Area Requirements. We are presently awaiting a revised Findings Plan. When a Findings Plan is approved, the written Findings will be forwarded to your office.

For further information, please contact Ms. Nancy Sanford at 887-2904.

David Flowers
David C. Flowers, Coordinator
Chesapeake Bay Critical Area Program

DCF:NS:ju

cc: Mrs. Janice Outen
Ms. Gwen Stephens
David Jones, Major
Ms. Robin Bush



May 1, 1991

Robin Bush
Whitney, Bailey & Cox & Magnani
1850-C York Road
Timonium, Maryland 21093

Re: The Salvation Army
Case Number: 91-354-X

This to confirm the following:

- 1) This case has been pulled from the May 7, 1991 docket and will be reset in the latter part of June 1991.
- 2) You are actively working with Planning and the DEPRM's Critical Area Department to iron out problems and supply needed information. The agencies' comments, based on data furnished by you, must be received by this office prior to June 21, 1991. As such, it will be necessary for you to get your paperwork to them sometime prior to this date. Please contact Planning and DEPRM to ascertain their individual deadlines for you to complete your findings.
- 3) Currently no attorney has been employed. If one is hired, please have him or her enter an appearance immediately.

Very truly yours,

G. Stephens
G. Stephens
(301) 887-3391

cc: The Salvation Army/Major David D. Jones
David Flowers/DEPRM
Pat Keller/Planning

91-354-f ~~91-354-f~~ May 7th

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: June 21, 1991
FROM: Mr. J. James Dieter
Sgt #342
ZONING OFFICE
SUBJECT: The Salvation Army Middle River Community Center
Petition for a Variation of Standards From the
Development Regulations in the Chesapeake Bay Critical Area.
Chesapeake Bay Critical Area Findings.

SITE LOCATION
The subject property is located between Orens Road and Fuselage Avenue. Approximately 0.69 acres of the 1.41 acre site lies within the Chesapeake Bay Critical Area, and is classified as an Intensely Developed Area (IDA).

APPLICANTS The Salvation Army
APPLICANT PROPOSAL
The applicant proposes to develop a community center on this site.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM
In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Chesapeake Bay Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" (COMAR 14.15.10.01.D).

Mr. J. Robert Haines
June 21, 1991
Page 2

REGULATIONS AND FINDINGS

1. **Regulation:** "Grading, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Program" <Baltimore County Code, Section 22-211>.

Finding: Non-tidal emergent wetlands are present on this site in the Chesapeake Bay Critical Area. The wetlands are relatively low quality in terms of their plant and wildlife habitat and water quality values, due to past disturbances. The proposed construction of the stormwater management facility will cause disturbance at the edges of the wetland. The stormwater management facility has been located to avoid intrusion on an existing sanitary easement, avoid disturbance of an existing baseball field used by the adjacent community, and to coincide with the natural drainage flow patterns on the site. The applicant shall minimize disturbance of the wetland by limiting construction disturbance areas to the minimum necessary. The applicant shall restore the disturbed areas after construction is complete, in accordance with the Chesapeake Bay Critical Area Commission Guidance Paper No. 3, "Guidance for Protecting Non-tidal Wetlands in the Critical Area." This type of utility development will be permitted since the disturbed non-tidal wetland will be restored, and the habitat value of the wetland will be enhanced with additional plantings. The development will, therefore, not be detrimental to the County's wetland management programs.

2. **Regulation:** "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code Sec. 22-212(a)>.

Finding: The applicant has requested a Variation of Standards from this regulation to allow a non-tidal wetland buffer of less than 25 feet. The proposed buffer will vary from a minimum of 10 feet to a maximum of 25 feet. The buffer on the east side of the wetland will be reduced due to the construction of the proposed building. The proposed community center has been located with a zero lot setback on the east side of the property to minimize intrusion on the wetland buffer. In addition, the foundation of the building will function as a retaining wall so that regrading of the slope adjacent to the building will not be necessary, which

Mr. J. Robert Haines
June 21, 1991
Page 3

will further minimize disturbance of the remaining buffer. The buffer on the west side of the wetland will be reduced due to construction of the proposed stormwater management facility.

The existing buffer area is currently mowed lawn. The applicant shall enhance the buffer by planting a vegetative screen and by fencing the area, to provide greater protection of the wetland and buffer. The planting plan for the buffer shall use native species and shall be approved by the Department of Environmental Protection and Resource Management.

3. **Regulation:** "The hydrologic regime and water quality of non-tidal wetlands shall be protected by minimizing the alterations to the surface or subsurface flow of water into and from the wetlands, such as by:

- (1) Maximizing the infiltration of water throughout the site, rather than concentrating flows into direct discharge points, and
- (2) Decentralizing the discharge points if their use cannot be avoided for stormwater management" <Baltimore County Code, Section 22-212(b)>.

Finding: The existing drainage area for the wetland will be reduced due to the construction of the proposed building which will have rooftop runoff piped to a stormwater management facility, thereby bypassing the wetland. However, the proposed regrading of the adjacent field to direct stormwater runoff to the stormwater management facility will also direct runoff to the wetland area, thereby maintaining the hydrology of the wetland. The vegetative buffer to be planted around the wetland will filter runoff going into the wetland, enhancing the water quality of the wetland.

4. **Regulation:** "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

"The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 22-214, vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" <Baltimore County Code, Section 22-213(d)>.

"Development activities, including redevelopment activities and including structures, roads, parking areas and other impervious surface, mining and related facilities, or septic systems, may not

Mr. J. Robert Haines
June 21, 1991
Page 4

be permitted in the buffer, except for those necessarily associated with water-dependent facilities" <Baltimore County Code, Section 22-213(e)>.

Finding: There are no tidal waters or tidal wetlands on or within 100 feet of this site. A tributary stream is located in the Chesapeake Bay Critical Area approximately 165 feet southwest of this property. The applicant has requested a Variation of Standards to allow disturbance of the 100 foot buffer of this stream for construction of the outfall pipe for the proposed stormwater management facility. The proposed outfall pipe will connect to the closest existing storm drain system that is adequately sized to accommodate the increased flow. The outfall pipe shall be located as close to the existing roadway as is possible, given existing utility development, to minimize disturbance of the nearby stream. The area disturbed during construction shall be the minimum necessary for construction and shall be restored after construction is complete.

5. **Regulation:** "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Sec. 22-216>.

Finding: The portion of this site within the Critical Area currently contains approximately 2% impervious surface and generates a pre-development pollutant load of approximately 0.10 pounds per year. The post-development portion of this site within the Critical Area shall be approximately 32% impervious with a pollutant load of approximately 2.10 pounds per year, prior to water quality management. The resultant 10% pre-development pollutant removal requirement is approximately 2.01 pounds per year.

The Findings Plan indicates that the 10% reduction in pre-development pollutant loadings shall be achieved through the use of an underground extended detention facility. This facility shall be designed to detain the first one inch of runoff for 24 hours, for a pollutant removal efficiency of 45%. The facility shall treat approximately 94% of the drainage area in the Critical Area to remove approximately 0.99 pounds of pollutants per year. The facility shall also treat approximately 85% of the drainage area outside the Critical Area to remove approximately 1.36 pounds of pollutants per year. The facility shall therefore remove approximately 2.25 pounds of pollutants per year, to provide compliance with the 10% reduction in the pre-development pollutant load requirement.

91-354-x

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM (2)(Pre-App Permit only) DATE: September 27, 1991
Mr. Powell / EIRD
Mr. Pilson / WES
Mr. Flowers / CBCA
Mr. Maxanto / Planning
Mr. Richards / Zoning
Mr. Bowling / DED (2)
Mr. Famili / Traffic
Mr. Weigs / Sanitation
Mr. Beaumont / Land Acq.
Ms. Lutz / House Nos.
Capt. Kelly / Fire Dept.
Mr. Kincer / Rec.&Parks
Mr. Brocato / SHA
Mr. Butcher / CSP
Mr. Keller / OPZ Deputy Director (FYI)

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 15C6
Project Name: Salvation Army - Middle River Community Center - 1400 Fuselage Avenue
Project No.: 91205
Engineer: Whitney, Bailey, Cox, Magnani
Phone No.: 252-6060

ACTION REQUESTED:
CRG Plan Review (Meeting Waived) / :XK, W-91-124
CRG Plan Refinement Review
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review:
Panhandle Minor CRG Plan Review :
Minor Subdivision Review :

Pre-Approved Building Permits: No

Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 10/21/91 if you have no comments or do not need to review this plan, please indicate by placing your initials here _____.

Thank you for your attention to our request.

SDW:mmm
cc: File

CRG Waiver Plan Review
Plan Date: 9/18/91
Comments For: 10/21/91
Comments Date: 10/1/91
Comments Completed: 10/3/91

HISTORY -- Provide a zoning history by case number on the plan including the date of the last order, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case number 91-354-X. Clarify if any special exception was ever utilized within the required 2 year period in accordance with Section 502.3 (B.C.Z.R.). If utilized, the owner must submit a red-lined public hearing plan to the Zoning Commissioner to request a determination of whether or not a public hearing would be required to abandon or remove the "in place" special exception on the property.

Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

Any requests for further information from the Zoning Office must include a reference to the waiver file #W-91-121 and written correspondence or revised plans must be accompanied by a copy of these comments.

JOHN L. LEWIS
PLANNER II

JLL:acj

cc: Current Planning
Zoning File - 91-354-X
Waiver File

Mr. J. Robert Haines
June 21, 1991
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Conclusion

With an approval by the Baltimore County Planning Board of this Variation of Standards request, and upon implementation of the Regulations and Findings as stated above, this project will be in compliance with the Baltimore County Development Regulations in the Chesapeake Bay Critical Area.

Please contact Mr. David C. Flowers at 887-2904 if you require additional information.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JUD:DCF:ju

Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
The Salvation Army

EVA BURROWS
Lieutenant



The Salvation Army

FOUNDED IN 1865 BY WILLIAM BUSHY

2641 MARYLAND AVENUE
P.O. BOX 7790
BALTIMORE, MARYLAND 21218
FAX: (301)889-5060

MAJOR PHILIP SWYERS
Divisional Commander

February 20, 1991

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KENNETH L. HODDER
Treasurer/Commander

Mr. John Lewis
Baltimore Office of Planning and Zoning
111 N. Chesapeake Avenue
Room 107
Towson, MD 21204

RE: SIGNATURE AUTHORIZATION

Dear Mr. Lewis,

This letter will serve to inform you that Major David Jones, Baltimore Area Commander, is duly authorized to sign for the Salvation Army, the Petition for Special Exception.

If you have any problems with this or there is something further we need to do, please feel to contact me.

Kind regards,

Sincerely,

WILLIAM Mockabee, Captain
DIVISIONAL SECRETARY

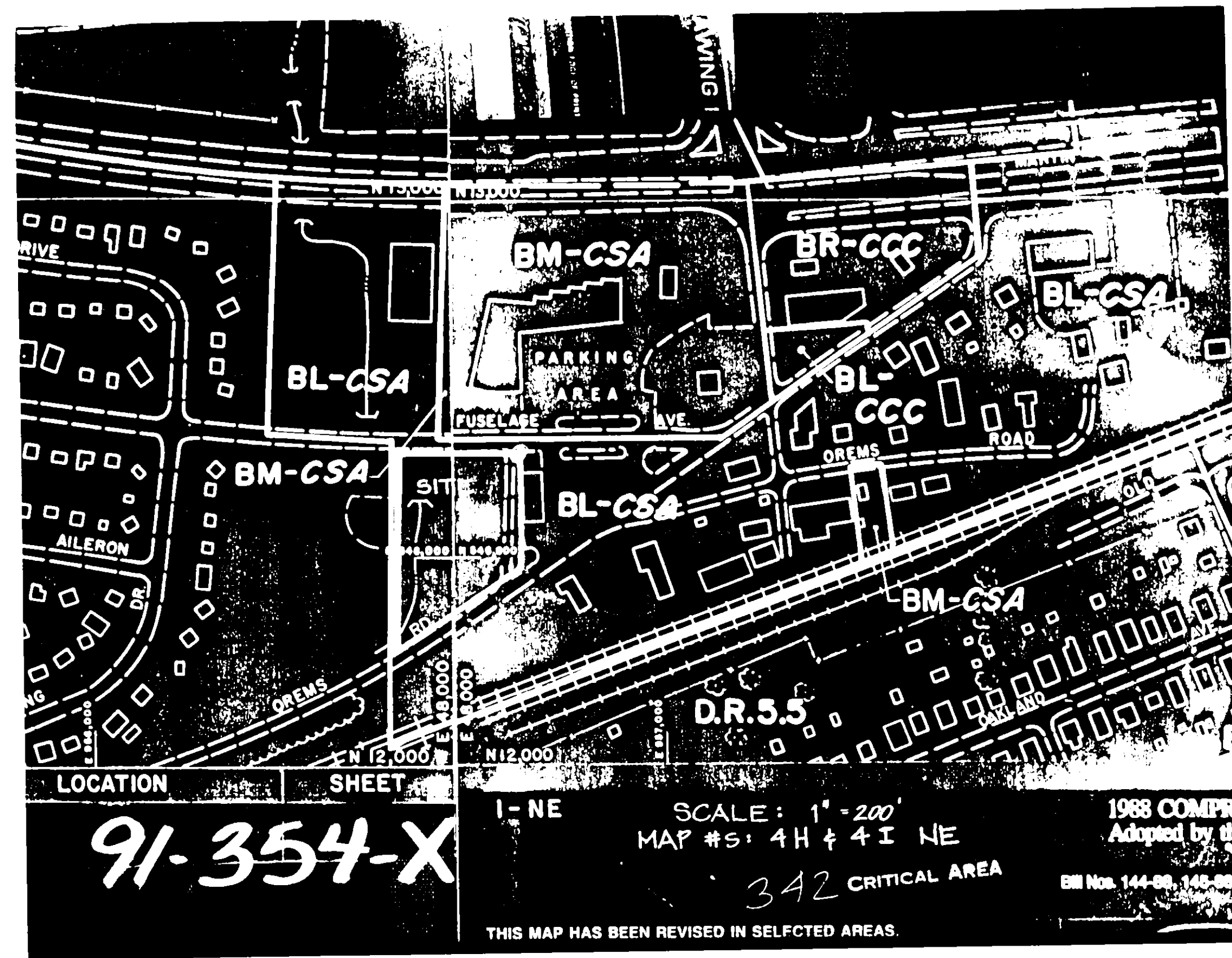
WM/ba

91-354-X

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
① ROBIN BUSH	WFCM
② PETER CROD	12520 York Rd Timonium MD 21092
	SMDA Architects
	107 E PEBBLES ST. 21202
③ Captain John Poff	8120 Calhoun Lane Baltimore Md 21257
④ JOE HUCKHART	WFCM 12520 YORK RD
⑤ Peter G Dowley	3412 Kemper Ave Balto Md 21213



Case 71-208
 File w/ 91-354-X

BAaltimore COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

ZONING CASE
91-354-X
W-91-121

SALVATION ARMY
Middle River
W-91-121

TO: Mr. Wirth / SWM (2)(Pre-App Permit only) DATE: January 30, 1992
Mr. Powell / EIRD
Mr. Pilson / W&S : Please indicate here if your :
Mr. Maranto / Planning : agency requests DPW/Bureau of :
Mr. Richards / Zoning : Land Acquisition to acquire: :
Mr. Bowling / DED (2) : REQ. BY: :
Mr. Famili / Traffic : HIGHWAY WIDENING :
Mr. Weiss / Sanitation : FOREST BUFFER :
Mr. Beaumont / Land Acq. : GREENWAY :
Ms. Lutz / House Nos. : FLOODPLAIN :
Capt. Kelly / Fire Dept. : DRAINAGE/UTILITY ESMT. :
Mr. Kincer / Rec.&Parks :
Mr. Brocato / SEA
Mr. Butcher / CAP
Mr. Kellar / OP2 Deputy Director (FYI)

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 1506
Project Name: Salvation Army - Middle River
Project No.: 91205
Engineer: Whitney, Bailey, Cox, Magnani
Phone No.: 252-6060

ACTION REQUESTED:
CRG Plan Review (Meeting Waived) :XX Second Revision
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review :
Fanhandle Minor CRG Plan Review :
Minor Subdivision Review :

Pre-Approved Building Permits: No

Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 2/20/92. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____.

Thank you for your attention to our request.

SDW:mmm
cc: File

CRG Waiver Plan
Second Revision
Plan Date: 1/22/92
Comments Due: 2/20/92
Comments Date: 2/92
Comments Completed: 2/21/92

1. This plan appears to be in agreement with the approved zoning public hearing plan in Zoning Case #91-354-X. This being the case, this plan is approved for C.R.G. revision with this understanding.
2. On all future plans for zoning approval, reference the C.R.G. waiver #W-91-121 and comply with the previous waiver comments which have not been addressed (copy attached).

JLL:scj

cc: Current Planning
Waiver File
Zoning File - 91-354-X

JOHN E. LEWIS
Planner II

