

IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION - S/S Downes Road, E of I-83 (20444 Downes Road) 7th Election District 3rd Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 91-378-SPHX

Paul G. Tittel
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to a Petition for Special Exception, a church in an R.C. 2 zone, and a Special Hearing to approve the transfer of a .10 acre parcel, more or less, to an adjoining lot for density purposes, as more particularly described on Petitioner's Exhibit 1.

The Petitioner was represented by T. Rogers Harrison, Esquire. Appearing and testifying on behalf of the Petitioner were Paul Lee, Professional Engineer, and Phil Wilhelm. Mr. Wilhelm testified concerning the history of this particular congregation and the fact that they intend to use the subject property as a church. Also appearing in support of the Petitioner were approximately 32 members of the congregation. Appearing as Protestants in the matter were Dr. Richard W. and Gloria McQuaid.

Testimony indicated that the subject property, known as 20444 Downes Road, consists of 18.133 acres more or less, zoned R.C. 2, and is presently unimproved. Petitioner is desirous of subdividing the subject property into two lots as depicted on Petitioner's Exhibit 1, and constructing a new church on proposed Lot 1. Testimony indicated that on March 16, 1991, various members of the congregation visited approximately 250 homes in a one-mile radius from the site of the proposed church and spoke to approximately 65% of the homeowners that they visited. Petitioner obtained approximately 200 signatures in support of the proposed church

and entered said Petition into evidence as Petitioner's Exhibit 3. Testimony further indicated that the Petitioner is desirous of transferring a .10 acre parcel of land, more particularly described as Parcel "A" on Petitioner's Exhibit 1, to an adjoining .90 acre parcel of land, identified on Petitioner's Exhibit 1 as being owned by a George Davis. The purpose of said non-density transfer would be to square off the property and bring it up to a full one-acre parcel of land.

Dr. Richard McQuaid appeared and testified as a Protestant. His testimony indicated that he is not opposed to a church at the subject location; however, he did express serious concerns about the existence of a groundwater problem in this particular area of the County. Dr. McQuaid testified that he would also be opposed to the operation of any daycare facilities for children or the elderly on a daily basis on this site. It should be noted that this property will be served by private sewer and water facilities.

It is clear that the B.C.Z.R. permits the use proposed in an R.C. 2 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 ad-

verse 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.

Petitioners also requested a transfer of .10 acres, more or less, identified as Parcel "A" on Petitioner's Exhibit 1, to the adjoining property denoted as a .90 acre parcel owned by George Davis. The testimony presented indicated the subject transfer contains no density and is merely for purposes of creating a full one-acre parcel of land for the adjoining parcel.

After due consideration of the testimony and evidence presented, it appears the relief requested in the special hearing should be granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 25th day of July, 1991 that the Petition for Special Exception for a church in an R.C. 2 zone, in accordance with Petition-

er's Exhibits 1 and 2, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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) Although the testimony presented indicated that the Church has no present intention of operating a child or adult day care center or any similar type of activity on the subject property, it may be that these plans could change at some point in the future. Prior to the operation of any such facility, Petitioner, or the current occupant of the property, shall file a new Petition for Special Hearing to show that such use would not be detrimental to, or have any adverse effect upon the groundwater situation in the surrounding area.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the non-density transfer of .10 acres, more or less, said property being designated as "Parcel A" on Petitioner's Exhibit 1, to the adjacent parcel, identified as a .90 acre parcel owned by George Davis on Petitioner's Exhibit 1, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 7/25/91 By [Signature]

ORDER RECEIVED FOR FILING

Date 7/25/91 By [Signature]

ORDER RECEIVED FOR FILING

Date 7/25/91 By [Signature]

ORDER RECEIVED FOR FILING

Date 7/25/91 By [Signature]

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-378-SPHX**

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 church (in an RC-2 zone).

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: Paul G. Tittel
Address: 105 W. Chesapeake Avenue
City and State: Towson, MD 21204

Attorney for Petitioner: T. Rogers Harrison
Address: 105 W. Chesapeake Avenue
City and State: Towson, MD 21204

Attorney's Telephone No.: 828-1335

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of April, 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 28th day of May, 1991, at 9 o'clock A.M.

J. Robert Harrison
Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-378-SPHX**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve in addition to two buildable lots (Lots 1 and 2) an additional parcel (parcel A) for non-density purposes in an RC-2 zone to be added to an existing adjacent lot.

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

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

Contract Purchaser: Paul G. Tittel
Address: 105 W. Chesapeake Avenue
City and State: Towson, MD 21204

Attorney for Petitioner: T. Rogers Harrison
Address: 105 W. Chesapeake Avenue
City and State: Towson, MD 21204

Attorney's Telephone No.: 828-1335

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of April, 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 28th day of May, 1991, at 9 o'clock A.M.

J. Robert Harrison
Zoning Commissioner of Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 23, 1991

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
S/S Downes Road, E of the Baltimore-Harrisburg Expressway (I-83)
(20444 Downes Road)
7th Election District - 3rd Councilmanic District
Paul G. Tittel - Petitioners
Case No. 91-378-SPHX

Dear Mr Harrison:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception 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,
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc. Dr & Mrs. Richard W. McQuaid
1501 Harris Mill Road, Parkton, Md. 21120

People's Counsel

File

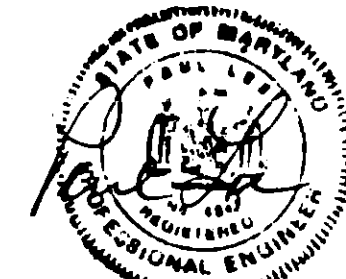
Paul Leo P.E.
Paul Leo Engineering Inc.
505 W. Pennsylvania Ave.
Towson, Maryland 21204
301-821-5341

91-378-SPHX

DESCRIPTION # 1
GENERAL DESCRIPTION
18.133 ACRE PARCEL
SOUTHEAST CORNER BALTIMORE HARRISBURG EXPRESSWAY (I-83) AND DOWNES ROAD
SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located at the intersection of the east side of Baltimore Harrisburg Expressway (I-83) and the south side of Downes Road, said point also being located westerly 30 feet ± from the center of Sampson Road; thence binding on the south side of Downes Road (1) S 88°59'40" E 102.38 feet, thence leaving said south side of Downes Road (2) N 22°59'40" W 22.30 feet to a point in the right-of-way of aforementioned Downes Road, thence running in said right-of-way (3) S 88°59'40" E 58.07 feet, thence leaving said right-of-way (4) S 08°18'30" E 237.37 feet, (5) S 88°59'40" E 217.88 feet, (6) S 22°59'40" E 1342.98 feet, and (7) N 83°23'37" W 900.66 feet to the east side of Baltimore Harrisburg Expressway (I-83), thence binding on said east side of Baltimore Harrisburg Expressway (I-83) (8) N 01°26' W 1314.48 feet, and (9) by a curve to the right R=5,539.58 feet for a length of 39.63 feet to the point of beginning.

Containing 18.133 acres of land, more or less.



Paul Leo P.E.

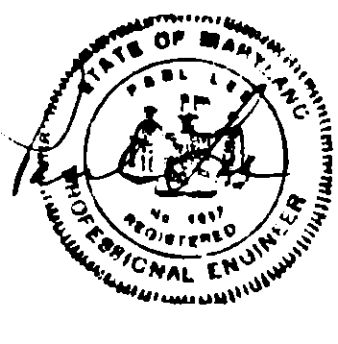
Paul Leo Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21284
301-821-5341

91-378-SPHX

DESCRIPTION #2 A
AREA OF SPECIAL HEARING
LOT 1 - 6.00 ACRE PARCEL
PART OF 18.133 ACRE PARCEL
SOUTHEAST CORNER BALTIMORE HARRISBURG EXPRESSWAY (I-83) AND DOWNES ROAD
SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located along the south side of Downes Road, said point also being located easterly 10 feet ± from the center of Sampson Road, thence binding on the south side of Downes Road (1) S 88°59'40" E 62.38 feet, thence leaving said south side of Downes Road (2) N 22°59'40" W 22.30 feet to a point in the right-of-way of aforementioned Downes Road, thence running in said right-of-way (3) S 88°59'40" E 58.07 feet, thence leaving said right-of-way (4) S 08°18'30" E 277.89 feet, (5) N 80°17'28" E 215.08 feet, (6) S 22°59'40" E 531.43 feet, and (7) S 85°07'41" W 554.57 feet to a point located 40 feet east of the east side of Baltimore Harrisburg Expressway; thence binding on a line parallel to and 40 feet from said east side of the Baltimore Harrisburg Expressway the two following courses and distances (8) N 01°26'00" E 718.92 feet, and (9) by a curve to the right R=5,579.58 feet for a length of 39.63 feet to the point of beginning.

Containing 6.00 acres of land, more or less, and referred to as Lot 1.



Engineers - Surveyors - Site Planners

12/27/90

359

Paul Leo P.E.

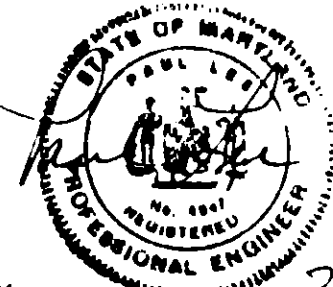
Paul Leo Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21284
301-821-5341

91-378-SPHX

DESCRIPTION #2B
AREA OF SPECIAL EXCEPTION IF SPECIAL HEARING IS DENIED
LOT 1 - 6.10 ACRE PARCEL
PART OF 18.133 ACRE PARCEL
SOUTHEAST CORNER BALTIMORE HARRISBURG EXPRESSWAY (I-83) AND DOWNES ROAD
SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located along the south side of Downes Road, said point also being located easterly 10 feet ± from the center of Sampson Road, thence binding on the south side of Downes Road (1) S 88°59'40" E 62.38 feet, thence leaving said south side of Downes Road (2) N 22°59'40" W 22.30 feet to a point in the right-of-way of aforementioned Downes Road, thence running in said right-of-way (3) S 88°59'40" E 58.07 feet, thence leaving said right-of-way (4) S 08°18'30" E 237.37 feet, (5) S 88°59'40" E 217.88 feet, (6) S 22°59'40" E 531.43 feet, and (7) S 85°07'41" W 554.57 feet to a point located 40 feet east of the east side of Baltimore Harrisburg Expressway; thence binding on a line parallel to and 40 feet from said east side of the Baltimore Harrisburg Expressway the two following courses and distances (8) N 01°26'00" E 718.92 feet, and (9) by a curve to the right R=5,579.58 feet for a length of 39.63 feet to the point of beginning.

Containing 6.10 acres of land, more or less, and referred to as Lot 1.



Engineers - Surveyors - Site Planners

3/19/91

359

Paul Leo P.E.

Paul Leo Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21284
301-821-5341

91-378-SPHX

DESCRIPTION #3
AREA OF SPECIAL HEARING
PARCEL "A" - 0.100 ACRE ±
PART OF 18.133 ACRE PARCEL
SOUTHEAST CORNER BALTIMORE HARRISBURG EXPRESSWAY (I-83) AND DOWNES ROAD
SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located at the end of the fourth line and beginning of the fifth line of the 18.133 Acre Parcel, said point also being located S 88°59'40" E 110 feet ± from Sampson Road and S 08°18'30" E 237.37 feet from the center of Downes Road; thence binding along the fifth line of the 18.133 Acre Parcel (1) S 88°59'40" E 217.88 feet, (2) S 80°17'28" W 215.08 feet, and N 08°18'30" W 40.52 feet to the point of beginning.

Containing 0.100 acre of land, more or less, and referred to as Parcel "A".



Engineers - Surveyors - Site Planners

12/27/90

359

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-378-SPHX

District: 7th Date of Posting: 3/19/91
Posted for: Special Exception Hearing
Petitioner: Paul G. Tittel
Location of property: 3203 Day Branch Rd. - E. of I-83
Location of Sign: 3203 Day Branch Rd. - E. of I-83
Number of Signs: 2
Date of return: 3/17/91

6-6-91 Posted with post-payment notice by FD

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/29, 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 4/25, 1991

THE JEFFERSONIAN,

S. Zeke Orlem Publisher

\$ 89.91

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25, 1991.

TOWSON TIMES,

S. Zeke Orlem Publisher

\$ 89.91

receipt

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284
Account: R 001-6150
Number
3/26/91 H9100359
PUBLIC HEARING FEES QTY PRICE
040 - SPECIAL HEARING (OTHER) 1 X \$175.00
050 - SPECIAL EXCEPTION 1 X \$175.00
TOTAL: \$350.00
LAST NAME OF OWNER: TITTEL M 404800981CHRC \$350.00
Please Make Checks Payable To: Baltimore County

Item # 359

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21284 887-3355

DATE: 5/7/91

Paul G. Tittel
3203 Day Branch Road
White Hall, Maryland 21161

RE:
Case Number: 91-378-SPHX
S/S Downes Road, 0' E of I-83 (N)
20444 Downes Road
7th Election District - 3rd Councilmanic
Petitioner(s): PAUL G. TITTEL
HEARING: TUESDAY, MAY 28, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 139.91 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
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: T. Rogers Harrison, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21284

May 8, 1991

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue
Towson, MD 21284

RE: Item No. 359, Case No. 91-378-SPHX
Petitioner: Paul G. Tittel
Petition for Special Exception and
Zoning Variance

Dear Mr. Harrison:

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 WIMBERSKI IF YOU HAVE ANY QUESTIONS REGARDING THIS. PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr Paul G. Tittel
3203 Day Branch Road
White Hall, MD 21161

receipt

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284
Account: R 001-6150
Number
3/26/91 H9100359
PUBLIC HEARING FEES QTY PRICE
040 - SPECIAL HEARING (OTHER) 1 X \$175.00
050 - SPECIAL EXCEPTION 1 X \$175.00
TOTAL: \$350.00
LAST NAME OF OWNER: TITTEL M 404800981CHRC \$350.00
Please Make Checks Payable To: Baltimore County

91-378

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
DATE: May 9, 1991
FROM: Pat Keller, Deputy Director, Office of Planning and Zoning
SUBJECT: Paul G. Tittel, Item No. 359

In reference to the requested Special Exception, the staff offers the following comments:
The Office of Planning and Zoning supports the requested petition provided the following conditions are met:
- Since this site is highly visible from I-83, an architectural rendering should be submitted for the approval by the deputy director of the Office of Planning and Zoning.
- The applicant's property is located within an area designated as Agricultural Protection in the 1989-2000 Master Plan. The petitioner should agree to restrict the use of the remaining 12.033 acres to agricultural and/or an agricultural use with one dwelling unit.
- All proposed buildings should be appropriately screened from residential properties to the east of the site.
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
ITEM359/ZAC1

received
5/10/91

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

April 9, 1991
TO: Zoning Commissioner, Office of Planning and Zoning
FROM: DIVISION OF GROUND WATER MANAGEMENT
SUBJECT: Zoning Item #359, Zoning Advisory Committee Meeting of April 9, 1991, Paul G. Tittel, S/S Downes Road, 0' E of I-83 (N) (#20444 Downes Road), D-7, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:
Soil percolation tests, have been conducted.
Revised plans must be submitted to this Office.
Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Impact Review at 887-3980.
In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

SSF:rmk

RECEIVED
MAY 10 1991
ZONING DIVISION

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500 (301) 887-4500

APRIL 9, 1991

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

RE: Property Owner: PAUL G. TITTEL
Location: #20444 DOWNES ROAD
Item No.: 359 Zoning Agenda: APRIL 9, 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.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. ENTRANCE DRIVE SHALL BE POSTED WITH FIRELANE SIGNS TO PERMIT FIRE DEPARTMENT ACCESS TO SITE.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

June 4, 1991

T. Rogers Harrison, Esq.
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number(s): 91-378-SPHX
Petitioner(s): Paul G. Tittel
Location: 20444 Downes Road

Dear Mr. Harrison

Confirming my telephone conversation with Laura of your office, the above matter, previously set to be heard on June 11, 1991, has been postponed and rescheduled for WEDNESDAY, JULY 17, 1991 at 1:00 p.m.

Very truly yours,

[Signature]
G. G. Stephens
(301)887-3391

cc: Paul G. Tittel
Dr. Richard McQuaid

Til

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353
May 16, 1991

T. Rogers Harrison, Esq.
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number(s): 91-378-SPHX
Petitioner(s): Paul G. Tittel
Location: 20444 Downes Road

Dear Mr. Harrison:

Please be advised that due to scheduling conflicts beyond our control, the above matters, previously set to be heard on May 28, 1991 cannot go forward on that date.

This case has been rescheduled for JUNE 11, 1991 at 1:00 p.m.

This office regrets any inconvenience caused by this change and thanks you for your cooperation and understanding.

Very truly yours,

[Signature]
G. G. Stephens
(301)887-3391

cc Paul G. Tittel
File Copy

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204 887-3733
June 20, 1991

Mr. Paul Lee
304 W. Pennsylvania Avenue
Towson, MD 21204

Re: Redeemer Lutheran Church, D-7
(Paul G. Tittel Property)
20444 Downes Road

Dear Mr. Lee:

A representative of this office, Mr. William Ensor, Jr., R.S. conducted soil evaluations on October 22, 1990 regarding the above referenced lot(s). The results are as follows:

Table with 4 columns: TEST PIT, DRAWDOWN, DEPTH, SOIL. Row 1: 1, 3 min., 5', Clay 0-4', PBS 4'-12' (Rock)

SEE ATTACHED SHEET

Based on the evaluations and the Revised Percolation Plan dated June 12, 1991, APPROVAL will be granted for the installation of a private sewage disposal system. Soil evaluation results will be valid for a period of three (3) years from the date of this Department's approval of the Record of Plat or Minor Subdivision Plat. In the case of a single lot of record, the date of the soil evaluation approval letter will initiate the three-year period. At the expiration of this period of time, the results will become void without notice to that effect having been given by the Approving Authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

The following are comments which concern persons developing property:
Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a building permit.

Mr. Paul Lee
Page 2
June 20, 1991

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. Questions regarding the subdivision process should be directed to J. Lawrence Pilson at 887-2762.

If there are any questions regarding this matter, please contact Mr. Guy C. Ward at 887-2762 between 8:30 - 9:30 a.m.

Very truly yours,

[Signature]
J. Robert Powell, Supervisor
Soil Evaluation Section
DIVISION OF GROUND WATER MANAGEMENT

JRP:mp
DOWNES/GWRMK/APPLTR

Mr. Paul Lee
Page 3
June 20, 1991

SOIL EVALUATION DATA

SUBDIVISION: Redeemer Lutheran Church, 20444 Downes Road, D-7
EVALUATION Date(s): October 22, 1990

Table with 5 columns: TEST PIT, LOT, DOWN IN MINUTES, DEPTH OF TEST, SOIL AND DEPTH AT WHICH POROUS SOIL WAS ENCOUNTERED. Rows 1-11 with soil data.

*PBS: Prettyboy Schist
DOWNES/GWRMK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM (2)(Pre-App Permit only) DATE: October 16, 1991
Mr. Powell / EIRD
Mr. Pilon / WSS
Mr. Flowers / CBCA
Mr. Maranto / Planning
Mr. Richards / Zoning
Mr. Bowling / DEB (2)
Mr. Family / Traffic
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acq.
Ms. Iutz / House Non.
Capt. Kelly / Fire Dept.
Mr. Kincaid / Rec.&Parks
Mr. Rvocate / SHA
Mr. Butcher / C&P
Mr. Keller / OPZ Deputy Director (FYI)

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 7C3
Project Name: Redeemer Lutheran Church
Project No.: 91255 **55 DOWNES RD, E BALTO-HARRISBURG EXPRESS**
Engineer: Paul Lee Engineering
Phone No.: 821-5941

ACTION REQUESTED:
CRG Plan Review (Meeting Waived): XX W-91-1111
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review:
Parhandle Minor CU 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 11/6/91. 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:ram
cc: File

TO: JLL
OCT 17 1991
By: acj

REDEEMER LUTHERAN CHURCH
358 Downes Road, E Baltimore-Harrisburg Expressway
W-91-111

CRG Waiver Plan Review
Plan Date: 10/1/91
Comments For: 11/6/91
Comments Date: 10/22/91
Comments Completed: 10/25/91

This site was approved in Zoning Case #91-378-SPHX. The plan, if in agreement with the approved hearing plan, is approved for Zoning.

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-91-111 and written correspondence or revised plans must be accompanied by a copy of these comments.

JOHN L. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
Zoning File - #91-378-SPHX
Waiver File

MARYLAND LINE AREA ASSOCIATION, Inc.

1501 Harris Mill Rd.
Parkton, Md. 21120
May 29, 1991

Zoning Commissioner
Baltimore County
County Office Building, 1st floor
Towson, Md. 21204

Dear Sir:

Re: Case #91-378-SPHX

I am writing this letter on behalf of the Maryland Line Area Association, Inc. to express our concerns and present our comments on the above referenced petition for special exception.

After careful study of the petition and the site plan, we feel that while we could support the special exception for a church, we would respectfully request that restrictions be placed on the uses of the church to prevent the operation of a day care center for either children or the elderly or infirm adults.

The area north of Belfast Rd. has a very limited supply of water due to the nature of the geological structure (Schists, Pretty Boy Schist, etc.) All of the water in this area is found in cracks and crevices in the vertical slabs of rock that constitute the bed rock of the area.

All of the properties adjacent to the proposed property for the church have low producing wells. A property on the other side of I-83, recently drilled four dry holes before getting an approvable well (one gallon/minute). Multi person water use on a five or seven day a week basis will greatly aggravate this situation. The adjacent area neighbors might find it necessary to drill other and deeper wells for their existence and their agriculture practices. Or, in the worst case scenario, be forced to use bottled water.

A day care center in this area should be prohibited because of the potential danger to the water supply.

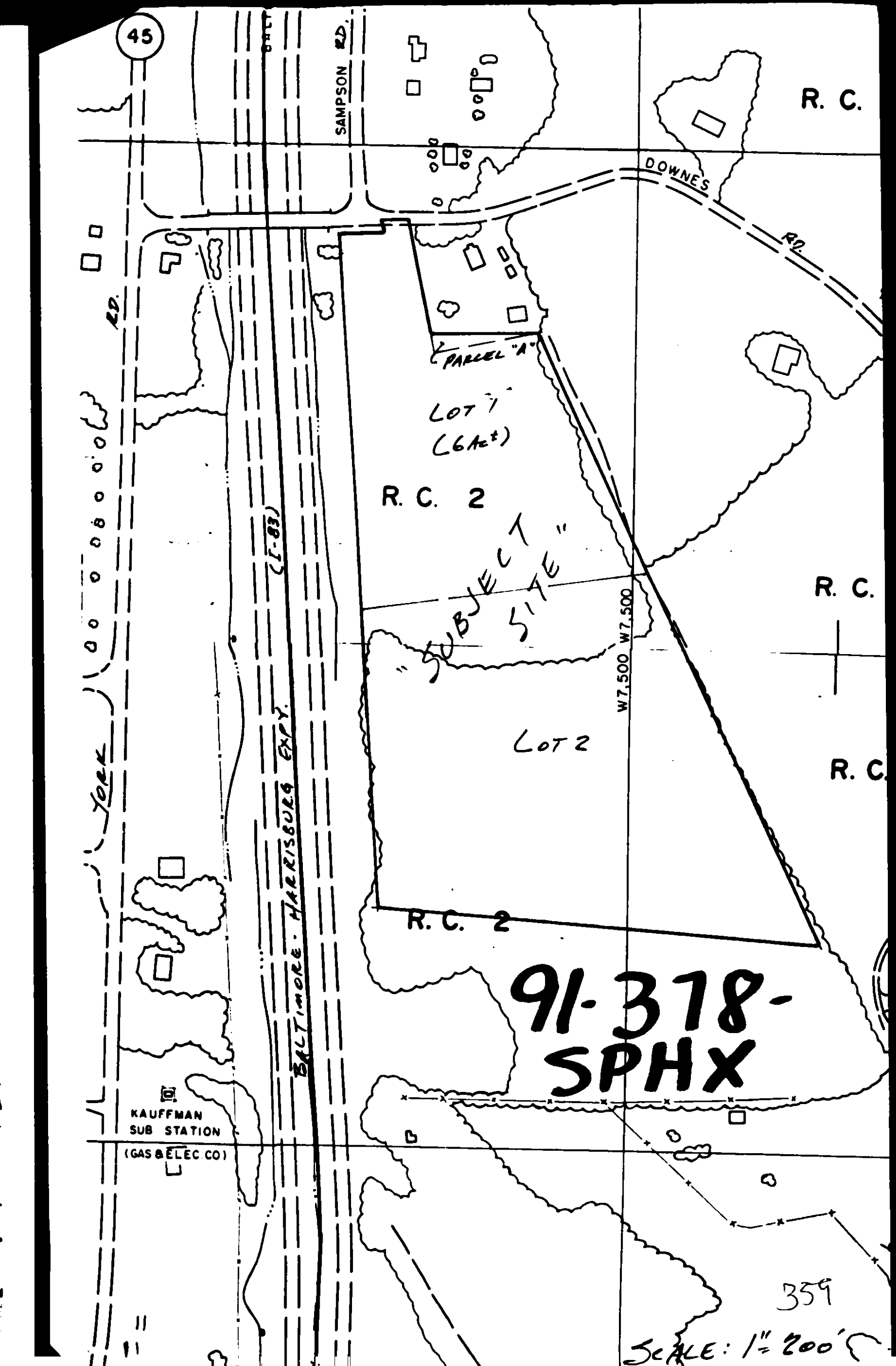
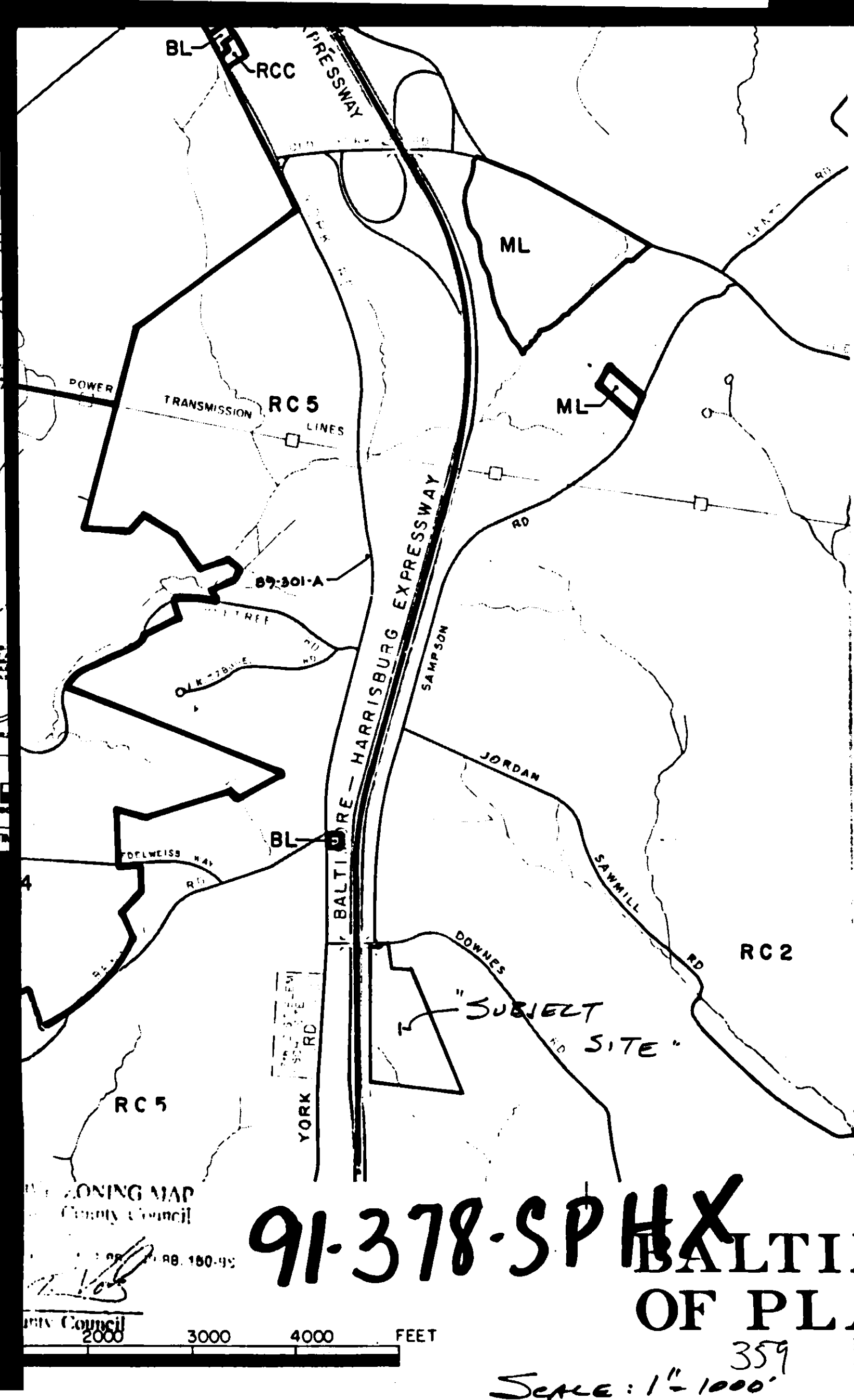
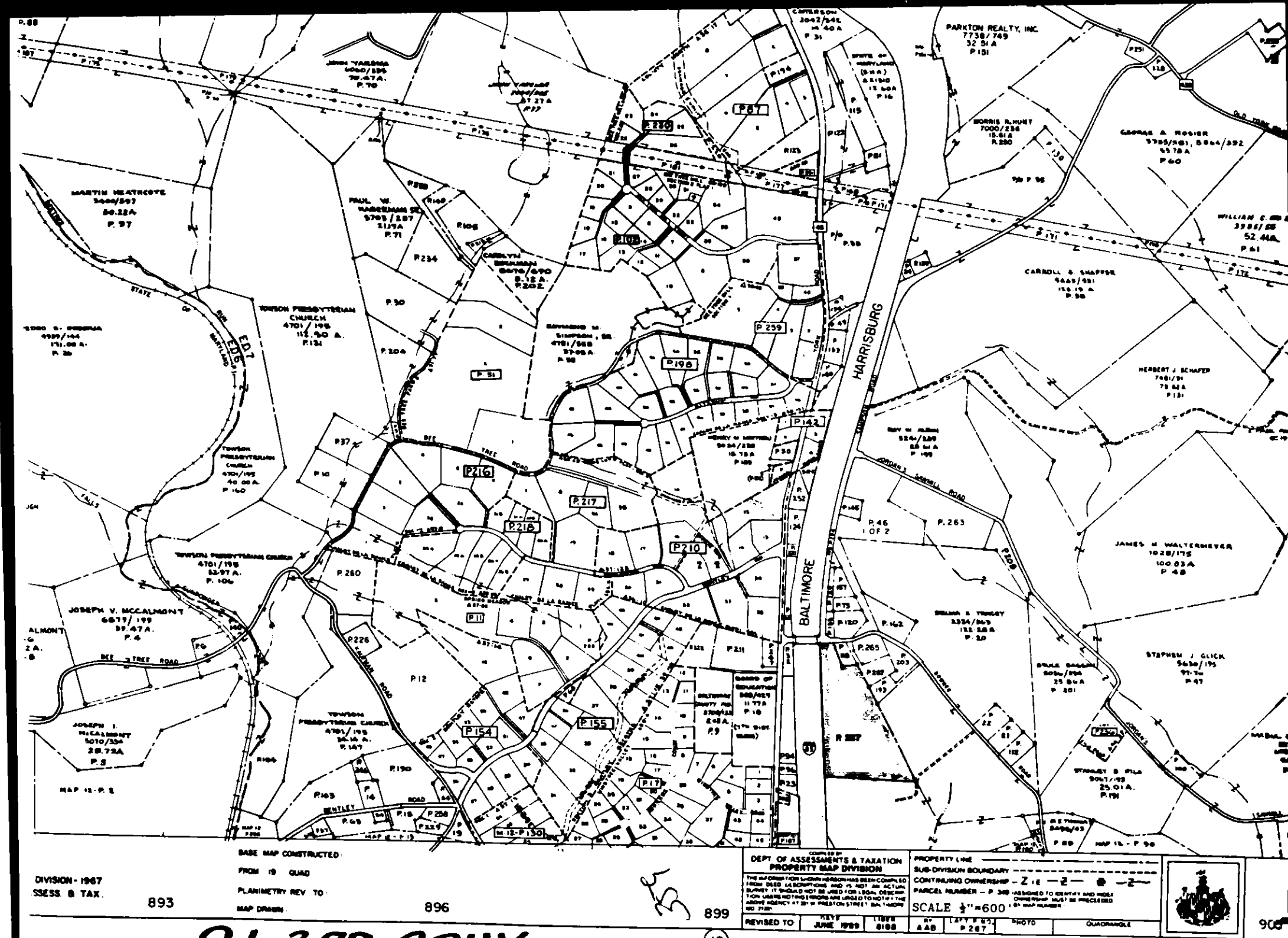
There is also a concern over the storm water run off from such a large macadamized parking lot. The run off will drain onto adjoining property and also the abandoned Parkton Landfill with its already troublesome leachate problem. Unfortunately, County Agencies allow solutions to this problem, and permit projects to proceed even though most of the solutions are not effective.

It is respectfully requested that any decision granting this special exception require that these problems be addressed and an approved solution be incorporated in the plan.

Thank you for your attention to these concerns and comments.

Very truly yours,
Richard W. McQuaid
President

c.c. Mr. P. David Fields
Mr. Nally Lippincott
Councilman C.A. Dutch Ruppersberger



Paul Lee, P.E.
Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21204
301 821-5941

July 24, 1991

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Redeemer Lutheran Church
Downes Road
Case #91-378-SPHX

Dear Mr. Kotroco:

Please find enclosed herewith one copy of the Site Plan along with the percolation test results as requested by your office at the Zoning Hearing for the above mentioned site.

Trusting you will find the enclosed in order, I am,

Yours sincerely,

Paul Lee

PL:l1
Enclosures
cc: Mr. T. Rogers Harrison w/enc.
Mr. Phil Wilhelm

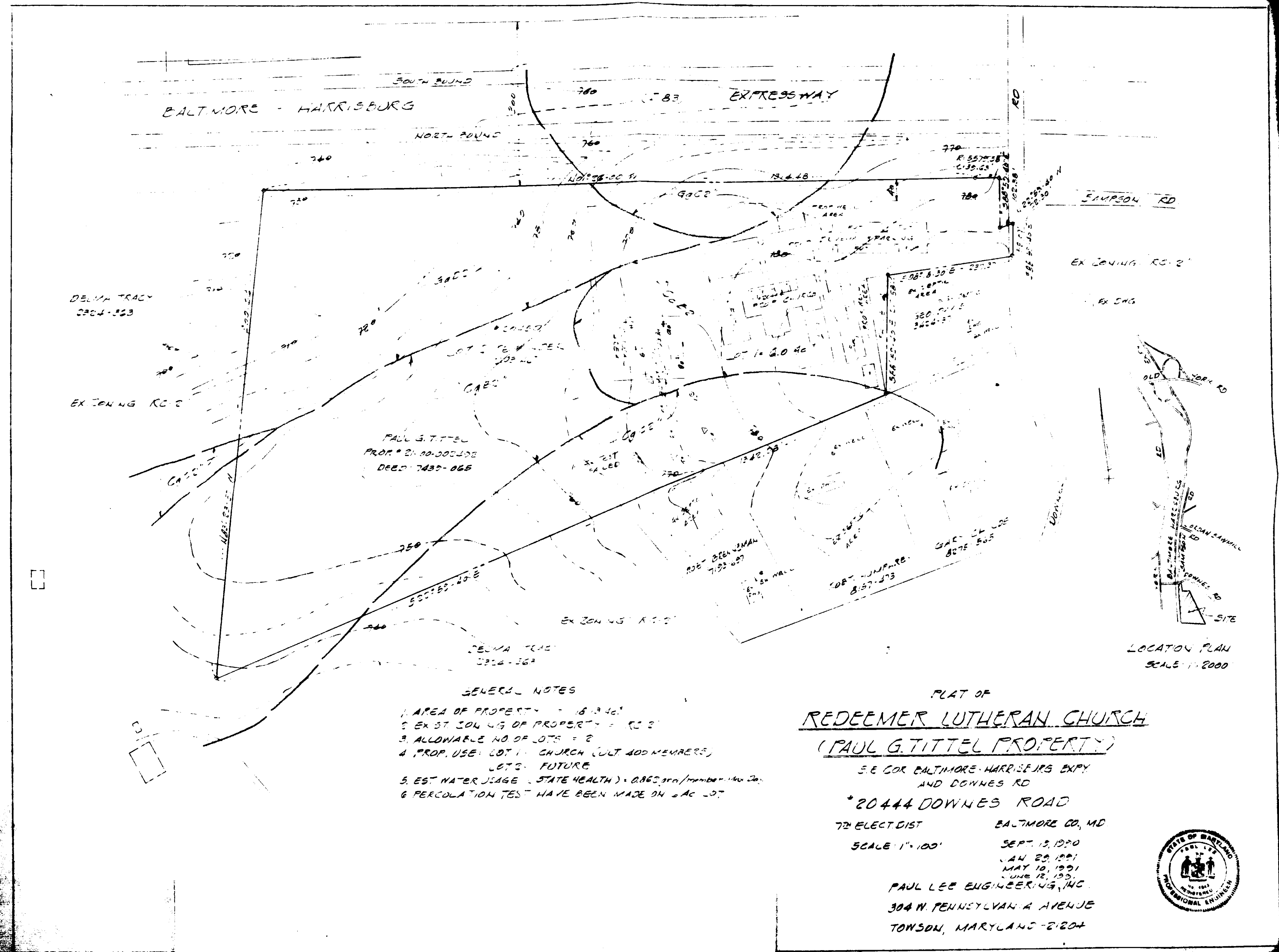
91-378-SPHX

IND DATE 03/26/91	OFFICE OF ASSESSMENTS INQUIRY (1)	TIME 08:55:29
PROPERTY NO. 07-04-000075	DIST GROUP CLASS 07 2 FH2 04	NU 00003 00321A
DAVIS	GEORGE W. JR	PRIMARY DESC. A 3.651 AC ES YORK RD
DAVIS	ELVA H	SUPPLEMENTAL DESC.
20430 DOWNES RD	IMPRV ADDRESS	YORK RD ES
PARKTON MD 21120	NEAREST INTER. 0400 S DOWNES RD	STATE CODE 000
	STRUCTURE	

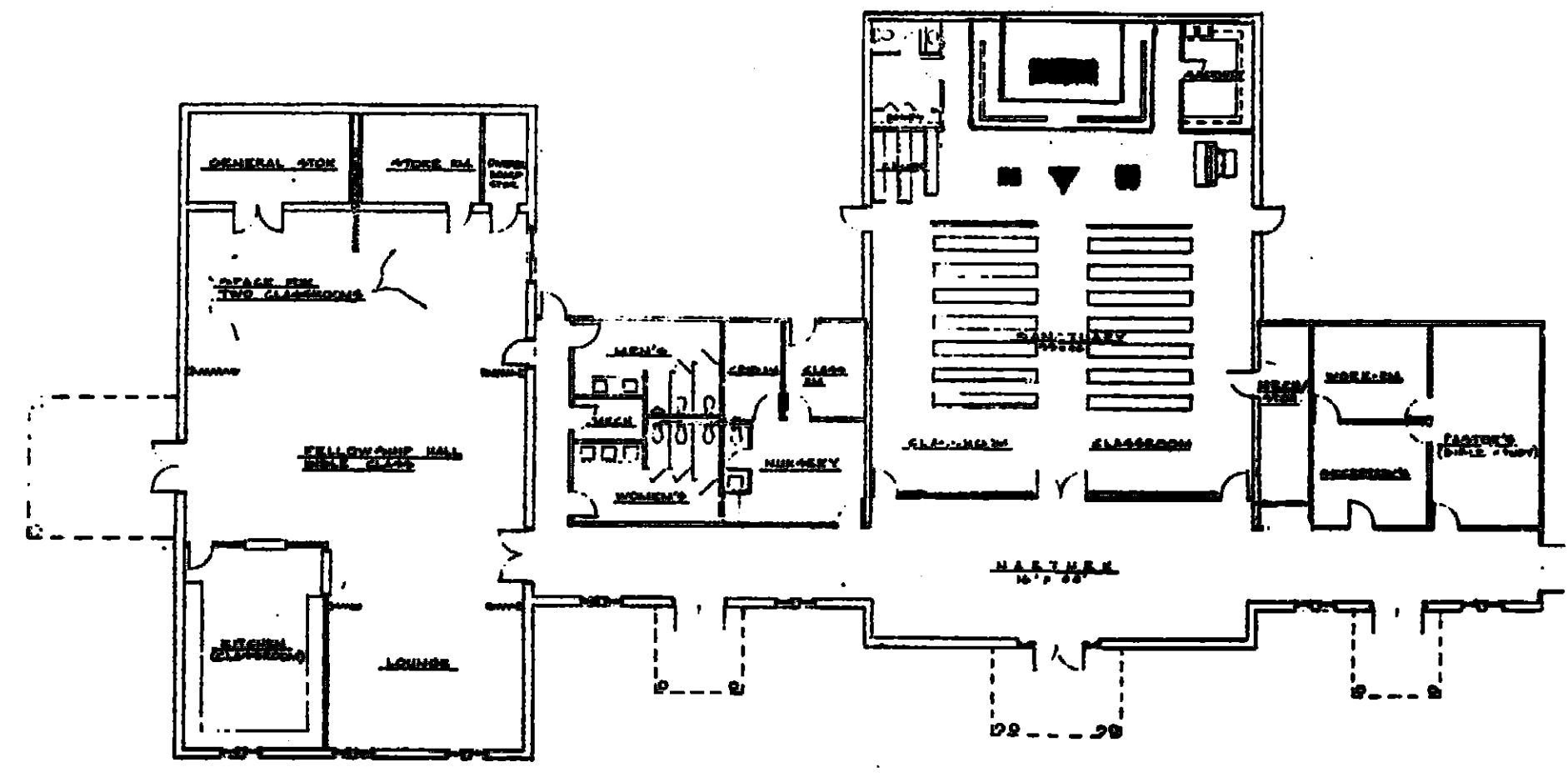
LOT....	HAP..... 007	FRONT... 00	TRANSFER DATE... 12/18/86
BLOCK....	BLUICK... 22	BACK... 00	BLIND
SECTION...	PARCEL. 00094	SIDE1... 00	PURCHASE PRICE 0
PLAT.....	LIBER.. 1566	SIDE2... 00	GROUND RENT... 0
BOOK.....	FOLIO... 0142	FORMER OWNER. TITTEL	PAUL G
FOLIO....	SQ FT LOT....	0 (A)	
FULL VALUE	LAND	IMPRV PREF-LAND CURTILAGE	EX LAND EX IMPRV BLIND
CURRENT	27,600	0	0
PROPOSED	50,970	0	0
****BASIS****	YRMO	TAX LAND TAX IMPRV	ADVAL EX LAND EX IMPRV EX ADVAL
91/92 ASSESSNT	9011	0	16,600
90/91 ASSESSNT	8909	0	13,100
89/90 ASSESSNT	8811	0	9,600

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Yvonne Wilhelm	1910 Tyson Rd White Hall Md 21161
PHIL WILHELM	1910 Tyson Rd
Richard R. Pohl	2516 G. Lyon Rd White Hall Md
CATHERINE C. WAGNER	1010 MAPLEHURST LA MONKTON MD 21111
Jeanne Hansen	316 Maryland Ave Towson, MD 21204
Charm E. Hoffmeister	4630 Littlefield Ave, Ellicott City, Pa 17361
Anna B. King	44 Wagner Rd New Tavern Pa 17361
Paul G. TITTEL	2203 Day BRANCH RD White Hall, MD 21161
Ruth Tittel	2403 Day Branch Rd, White Hall, MD 21161
EARL H. SMITH, JR	503 E. JOHN RD TOWSON 21204
MARY H. SMITH	56 BURLSHIRE RD 21204
RALPH W. SMITH	1705 GUNPOWDER RD, MILLERS, 21107
Beverly J. Zelinski	Box 4740 Felton, Pa 17322
Delores Hannahal	1926 Middletown Rd FreeLand 21053
Shirley Nueslein	1709 Walker Rd. FreeLand MD 21053
Lynette Wrostein	1709 Walker Rd. FreeLand MD 21053
Jeremy Wrostein	1709 Walker Rd. FreeLand MD 21053
Susan Platon	1129 FreeLand Rd FreeLand MD 21053
Andrew Milton	1129 FreeLand Rd FreeLand MD 21053
Michelle Schwartz	1 Brandywine Dr Shrewsbury Pa 17361
Carl Schultz	1 Brandywine Dr Shrewsbury Pa 17361
Maria Schwartz	1 Brandywine Dr Shrewsbury Pa 17361
Norma Seward DOWNS SILVER	1123 RAYVILLE RD PACECTON MD 21220
Luis SEMMESING	1971 MIDDLETOWN RD - FREELAND, MD 21053
KIM SEYLER	20444 DOWNES RD PACECTON MD 21220



GENERAL NOTES
1. AREA OF PROPERTY - 18.34 AC.
2. EX ST SOL 4/3 OF PROPERTY - RC 3
3. ALLOWABLE NO OF LOTS - 8
4. PROP. USE: LOT 1 - CHURCH (LOT 400 NEARERS),
LOT 2 - FUTURE
5. EST WATER USAGE - STATE HEALTH - 0.062 gpm/1000 sq ft
6. PERCOLATION TEST HAVE BEEN MADE ON 2 AC LOT



PETITIONER'S EXHIBIT 2

REDEEMER LUTHERAN CHURCH PACECTON, MARYLAND

PETITIONER'S EXHIBIT
REDEEMER LUTHERAN CHURCH

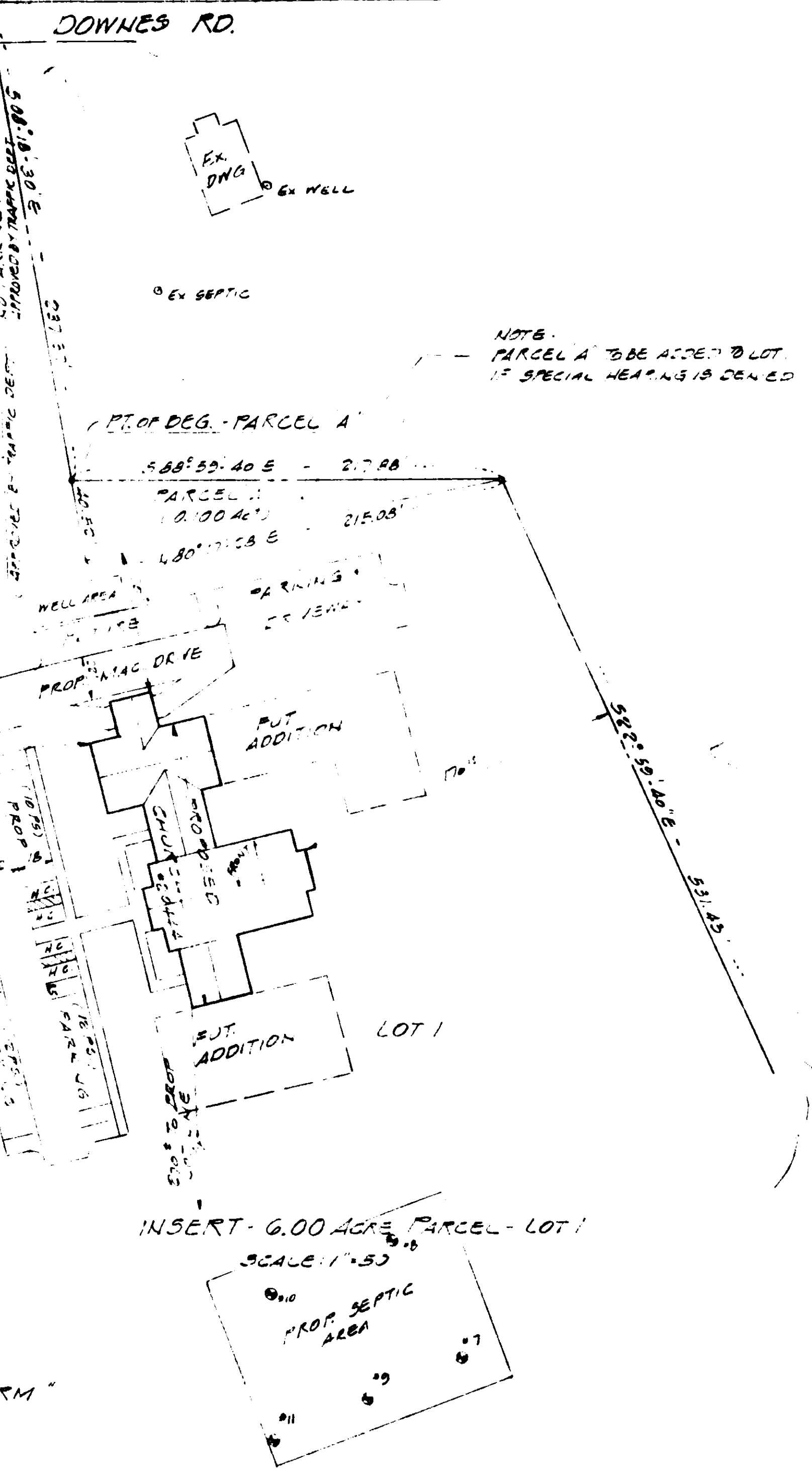
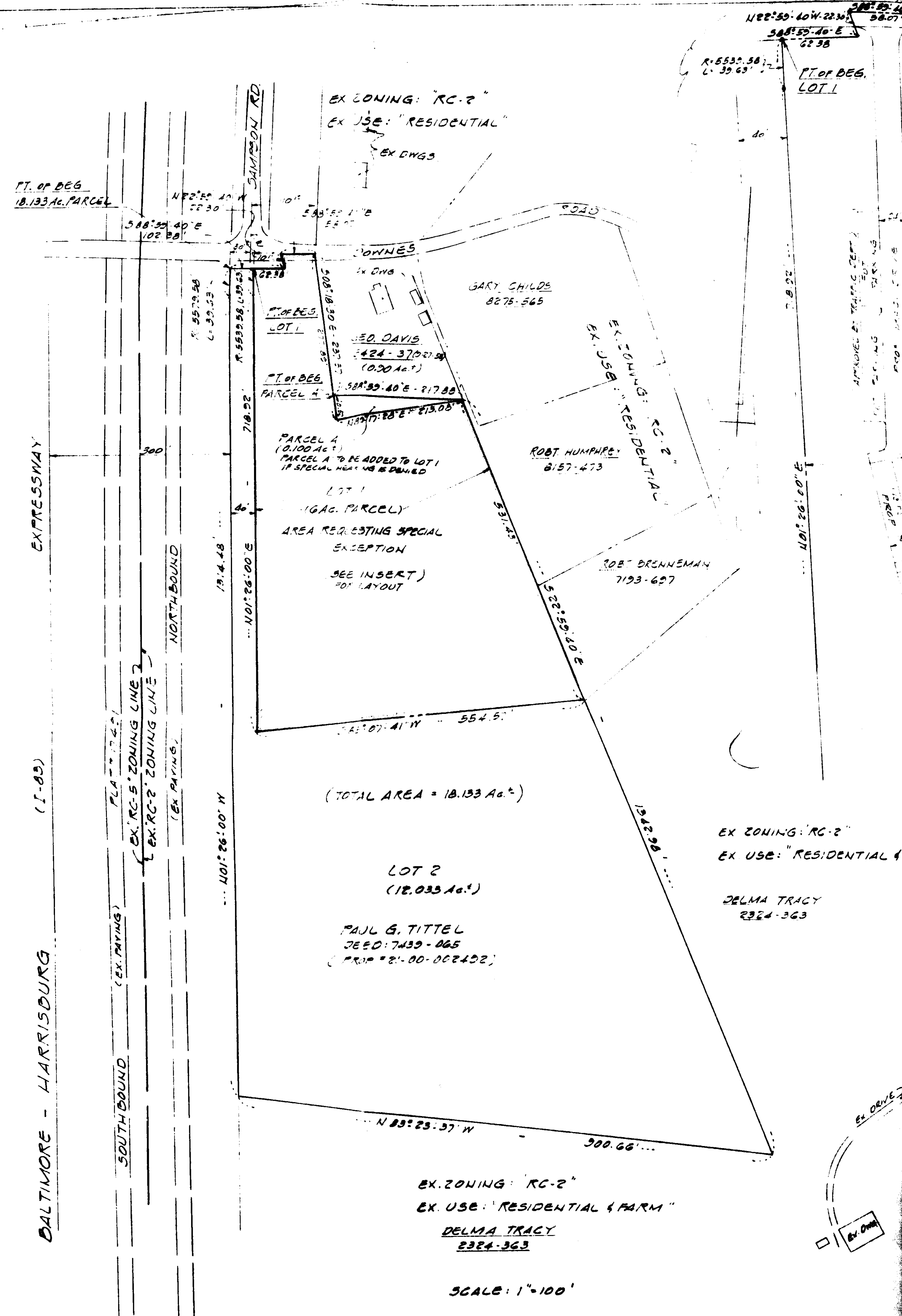
(A new congregation of 75 members at present meeting at the Gunpowder Baptist Church - FreeLand and Middletown Roads.)
is seeking a special exception to build a new church and educational building.
The proposed facility is to be built on the six acre tract located along Interstate 83 - just South of Downes Road. (Access will be off of Downes Road.)
Those residents who live in this general area are asked to give their personal encouragement and approval of the erection of a new church facility on this site.

NAME	ADDRESS	PHONE
Robert P. Bennett	20233 OLD HALL RD WHITE	357-8870
John O. Bennett	21218 W. G. East Rd. PACECTON	357-5653
John O. Bennett	Shrewsbury Rd. White Hall	
James C. Cottrell	White Hall Md	
Henry J. Lovell	10 Tyson Mill Ln White Hall MD	343-1391
James P. Smith	9126 Annapolis Rd	
George J. Smith	2616 McArthur Rd	
Ray Hollingshead	26330 West Liberty Rd	
Ray O'Neil	1752 7500th St. Towson	
William W. Wrostein	21205 W. Liberty Rd White Hall	343-0433
David Russell	20412 Old York Rd White Hall	343-7143
David Russell	1946 Old York Rd White Hall	357-5757
Sandra Brown	24701 WILKINSON RD	343-2070
Mike Adams	1681 27th St. Towson	357-5913
James P. Smith	1511 Old York Rd	
James P. Smith	1511 Old York Rd	357-5712

EX ZONING: RC-5
EX USE: RESIDENTIAL

(1-85)

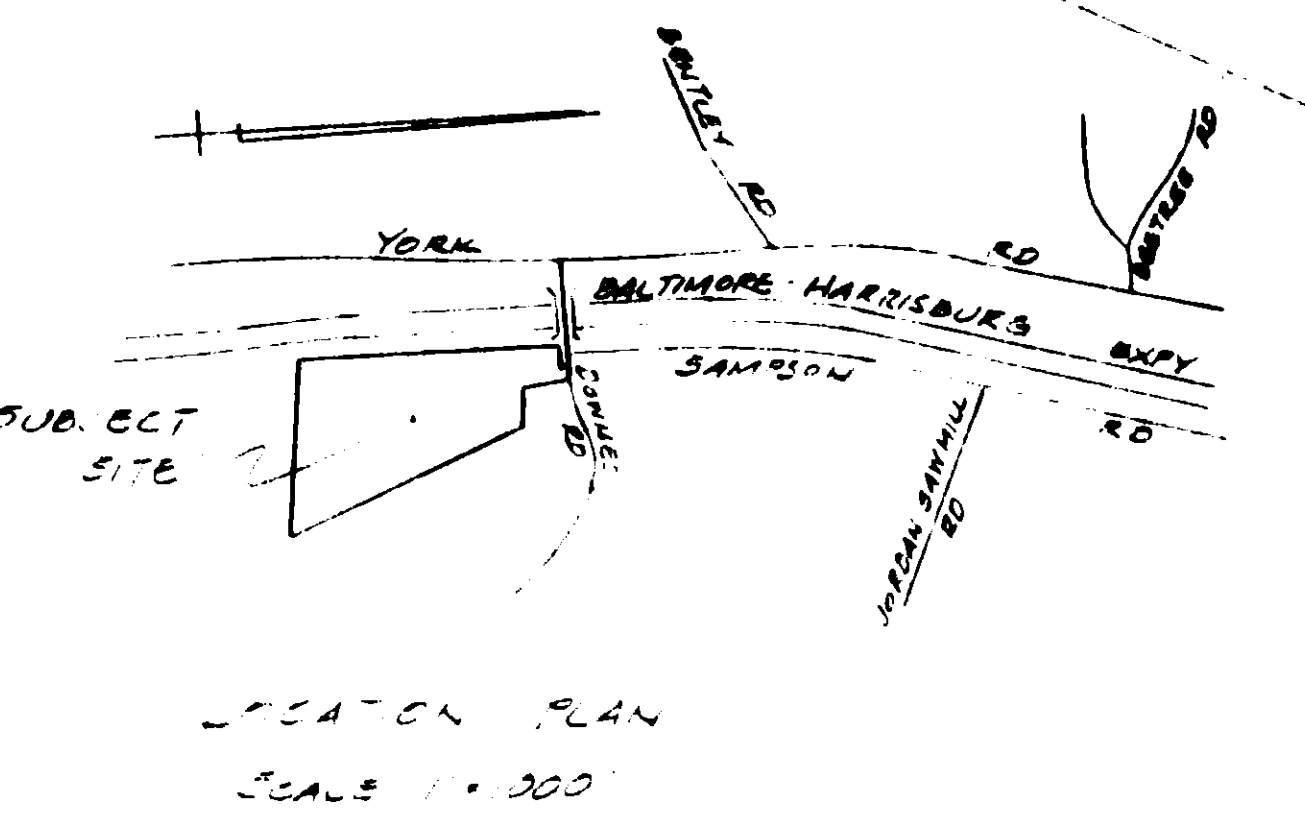
DALTIMORE - HARRISBURG



- GENERAL NOTES**
1. AREA OF PROPERTY = 18.53 ACRES & ACROSS LOT 1 & 2 & 3 & 4 AREA
 2. EXISTING ZONING OF PROPERTY = RC-5
 3. EXISTING USE OF PROPERTY = VACANT
 4. PROPOSED ZONING OF PROPERTY = RC-2 & RC-2 W/ SPECIAL EXCEPTION FOR LOT 1
 5. PROPOSED USE OF PROPERTY = RESIDENTIAL & CHURCH SITE - LOT 1 (PARCEL A TO BE ADDED TO LOT 1 IF SPECIAL HEARING IS DENIED)
 6. PROPERTY TO BE SERVED BY PRIVATE SEWER & WATER
 7. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A CHURCH SITE ON LOT 1 IN A RC-2 ZONE. IF SPECIAL HEARING IS DENIED, THEN SPECIAL EXCEPTION INCLUDES PARCEL A TO 6.1 A.C.
 8. PETITIONER REQUESTING A SPECIAL HEARING TO PERMIT IN ADDITION TO 2 BUILDABLE LOTS (LOTS 1 & 2) IN ADDITIONAL PARCEL (PARCEL A - 0.100 AC) FOR NON DENSITY PURPOSES IN A RC-2 ZONE TO BE ADDED TO AN EXISTING RESIDENT LOT
 9. PERCOLATION TEST FOR LOT 1 HAS PASSED
 10. NUMBER OF LOTS PERMITTED = 3
 11. NUMBER OF LOTS SHOWN = 2 + HIGH DENSITY PARCEL TO BE DECIDED TO AD. AGENT PROPERTY
 12. MAX. HEIGHT OF BLDG = 35'
 13. ANY SIGN(S) SHALL CONFORM WITH SECTION 413 OF THE PCZR AND HAVE ALL ZONING POLICIES
 14. PARKING AS SHOWN ON LAYOUT PRESENTS NO CONFLICT WITH VEHICLES (SCHEDULED) STREET ACCESS WITH TRAVELWAY & HAS BE APPROVED BY THE TRAFFIC DEPARTMENT
 15. ALL PARKING IS ON MAGADAN AND ALL PARKING SPACES WILL BE PERMANENTLY STRIPPED
 16. PROPERTY EXEMPT FROM LANDSCAPE POLICY
 17. IF SPECIAL HEARING FOR PARCEL A IS DENIED, PARCEL A AREA TO BE INCLUDED INTO AREA REQUESTING SPECIAL EXCEPTION
 18. 1.5% PERIOD PRESENT 162 SEATS FOR 400 SEATS 179 1/2 SEATS - 41 PS & 100 PS 1.8 PS 340M * 47 INCL 4HC
- PLAT TO ACCOMPANY PETITION FOR

- ZONING HISTORY**
1. ORIGINAL TRACT - 33 ACRES (DEED 567443 & 567447)
 2. PROPERTY SEVERED BY BALTIMORE HARRISBURG EXPT CONDEMNATION IN 1957
 3. DEED 7430 - 24 AC PARCEL ON THE EAST SIDE OF EXPT. 3. AC. RE-OPENED OCT 5, 1983
 4. PROPERTY HAS NOT BEEN SUBDIVIDED SINCE THE CONDEMNATION IN 1957

OWNER:
PAUL G. TITTEL (PROP. # 21-00-00744)
3203 ERY BRUCH RD.
WHITE HALL, MARYLAND 21161



SPECIAL HEARING & SPECIAL EXCEPTION

PAUL G. TITTEL PROPERTY

20444 DOWNES ROAD

125 SP. BALTIMORE HARRISBURG EXPT 120 DOWNES RD.
TOWNSHIP DIST. BALTIMORE COUNTY, MD.
SCALE AS SHOWN
MAR 10, 1991

91-378-SPHX

PETITIONER'S EXHIBIT 1

ENGINEER:
TAYLOR ENGINEERING, INC.
104 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204