

10/12/93 - John Sewell filed an appeal to the Court of Special Appeals
CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY 41/136/93C00056

IN THE MATTER OF THE APPLICATION OF
CIGNAL DEVELOPMENT CORP. FOR A SPECIAL
EXCEPTION ON PROPERTY LOCATED 123 WEST
SOUTHWEST OF CENTER LINE OF I-83 AT BEAVER
DAM ROAD (13015 Beaver Dam Road)
8TH ELECTION DISTRICT
3RD CONGRESSIONAL DISTRICT
HUNT VALLEY PRESBYTERIAN CHURCH, INC.
APPELLATE
COURT
JOHN SEWELL
HUNT VALLEY
Protestants

RODGER O. ROBERSON 539-5532
21206 484-6200
105 West Chesapeake Avenue
300 Jefferson Building
Towson, MD 21204
629-1335

John H. Zink, III
Robert A. Hoffman
210 Allegheny Ave.
P.O. Box 5517
21206 484-6200

Lindale M. Rasmussen, Legal Sec
County Board of Appeals No 49
Baltimore Old Courthouse
400 Washington Avenue (N4)
(410) 867-3180
Herald H. Burns, Jr., Sec 200
300 Cathedral St., 21201 528-0064
Lobby for John Sewell

BALTIMORE COUNTY BOARD OF APPEALS
JANUARY 1993
MEMORANDUM EXHIBITS IN BOX 108

CV GEN COUNTY 9300056
CU CLK 80.00
8 LMT 10.00
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RECEIVED
JAN 12 PM 3:00
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

pd (1) Jan. 4, 1993 Appellant's Order for Appeal form the Decision and
Order of the Baltimore County Board of Appeals, fd.

(2) Jan 20, 1993 - Board of Appeals of Baltimore County's Certificate of Motion
(rec'd 1/6/93)

ch (3) Jan. 13, 1993 - Protestants' Petition for Judicial Review fd.

cam (4) Jan. 19, 1993 Appearance of John H. Zink, III, Robert A.
Hoffman and Rodger O. Roberson as Attorneys for the
Appellants, Hunt Valley Presbyterian Church, Inc. and
Cignal Development Corp., and same day Motion to Dismiss
Protestants' Order for Appeal and to Correct Docket Entry
Error, memorandum and exhibits, fd. (request for hearing)

ch (5) Feb. 3, 1993 Proceedings before the Zoning Commissioner and
the Board of Appeals of Baltimore County fd. (2 folders, Box
108 in basement)

(6) Feb. 1, 1993 - Appellant's response to Appellants' motion to dismiss.
(4)

df (7) Feb. 5, 1993 - Appellants Hunt Valley Presbyterian Church, Inc.
Cignal Development Corporation, reply Memorandum in Support of Motion to
Dismiss and Exhibits fd.

True Copy Test
Circuit Court Clerk
JAN 13 1993
93C00056

CASE NO. 93-CV-56
Feb. 24, 1993 Appellants' Motion and Order of
Court that the time allotted to Appellants to
Oppose the Motion to Intend be Shortened from
15 days to 5 days, fd. (JUG)

(19) Feb. 24, 1993 Appellants' Motion and Order of Court that the time within
Appellants must respond to oppose the Motion for Extension of time to file
Rule 812 Memorandum is ordered to be on or before Feb. 26, 1993, fd. (JUG)

March 29, 1993 - Mon. John G. Turnbull, II. Hearing held. Order signed.

MM(10) Mar 30, 1993 Order of Court correcting filing date of Order of Appeal to 1/5/93 and
Correcting the Appellants Motion to Dismiss, fd. (JUG, 11)

sw (11) Apr. 21, 1993 Appellants' Rule 812 Memorandum, fd. (received 4/12/93)

(12) May 17, 1993 Appellants' Rule 812 Memorandum, fd. (rec'd 5-6-93)

May 27, 1993 Hon. Robert S. Cahill Sr. Hearing held. Ruling held sub-cur. Opinion to be
filed.

MM(13) Sep 23, 1993 Memorandum Opinion and Order of Court Affirming the decision of the
Board, fd. (REC, 24)

(sw) (14) Oct. 12, 1993 John Sewell's Order entering an appeal to the
Court of Special Appeals of Maryland from the judgments of the
Circuit Court for Baltimore County in the above-captioned
case, fd. (Docket 6, folio 211)

tr (15) Oct. 28, 1993 Hunt Valley Presbyterian Church and Cignal Development Corp.
notice of cross-appeal, fd. (rec'd Oct. 18, 1993)

ORDER
JUL 10 1993

IN THE MATTER OF
HUNT VALLEY PRESBYTERIAN
CHURCH
SOUTH SIDE BEAVER DAM ROAD
NORTH END POOLE ROAD
8TH ELECTION DISTRICT
3RD CONGRESSIONAL DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE C
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RESTITUTION OF DISMISSAL

The Appellants and Appellees, by their
attorneys, in accordance with Maryland Rule 2-506, hereby
stipulate to the dismissal of this administrative appeal,
without prejudice, and the Appellants shall pay the costs of
these proceedings.

RECEIVED AND FILED
92 JUL 10 PM 3:52
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

True Copy Test
Circuit Court Clerk
JUL 10 1993

9/28/93 - Circuit Court Affirmed CMA.
(Judge Robert Cahill, Sr.)

IN THE MATTER OF THE
APPLICATION OF CIGNAL
DEVELOPMENT CORPORATION FOR
SPECIAL EXCEPTION OF PROPERTY
LOCATED 1231 SOUTHWEST OF
CENTERLINE OF I-83 AT BEAVER
DAM ROAD (13015 BEAVER DAM ROAD)
8TH ELECTION DISTRICT
3RD CONGRESSIONAL DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 93CV00056
Case No. 91-466-X

MEMORANDUM OPINION AND ORDER

In 1991, Cignal Development Corporation, as owner, and Hunt
Valley Presbyterian Church, Inc. (hereinafter "Church"), as contract
purchaser, jointly petitioned the Zoning Commissioner to grant a
special exception which would allow the recently established
congregation to use an undeveloped parcel of land adjacent to the
western border of Interstate 83 as the location for its permanent
house of worship. The 23+ acre parcel, zoned RC-4, fronts on the
south side of Beaver Dam Road, beginning at the southwest corner of
its overpass above Interstate 83.

The Deputy Zoning Commissioner granted the special exception
subject to a limitation as to the seating capacity in the main
building and restrictions as to certain secondary uses. Both the
Petitioners and the Protestants appealed to the County Board of
Appeals (the Board) which, after hearing three days of testimony over
a four-month period, issued its findings of fact and granted the
special exception. However, the Board, like the Zoning Commissioner
placed certain restrictions on the Church's use of the property,

namely, a maximum seating capacity of 500 persons in the church
itself, a prohibition against operating any commercial day care or
nursery school, and a requirement that Sunday school classes be
restricted to parishioners.

The Protestants appealed the Board's decision on January 4,
1993. They seek a reversal based upon the following clearly
erroneous findings by the Board:

1. That the proposed use is out of character and
uniquely damages the surrounding community;
2. That the proposed use, as to its size and
purpose, violates the BCR and Master Plan;
3. That the proposed use substantially and
uniquely damages contiguous properties and the
surrounding neighborhood;
4. That the proposed use creates a unique and
hazardous traffic problem and unsafe environment;
5. That the site is "suburban" rather than
rural and, presumably, that is why the Board
failed to limit the square footage of the church
after having rejected the inclusion of a "fellow-
ship hall" as part of the main building.

Responding here to these contentions, the Church argues that the
Board should be affirmed because no error of law has been alleged and
all factual issues decided by the Board were "fairly debatable." (In
order to avoid losing the property under its contract with Cignal,
the Church closed on the property on April 23, 1993, thus removing
Cignal from the controversy.)

In a very recent opinion affirming another decision of the
Baltimore County Board of Appeals, Red Roof Inn v. People's

Council, 96 Md. App. 219 (1993), the Court of Special Appeals
summarized prior appellate holdings as to the standard which a
circuit court judge must follow when called upon to review a decision
of the board of appeals.

STANDARD OF REVIEW

The standard of judicial review as applied to
decisions of administrative agencies in general,
and to those of zoning boards in particular, has
been stated and restated in many decisions of this
Court and the Court of Appeals. "Once a decision has
been rendered by the zoning authority, it must be
affirmed by the reviewing courts if it is, in the
language of the cases, 'fairly debatable.' (Citations
omitted) In Page v. State, 253 Md. 533, 542, 253 A.2d
372 (1969), the Court of Appeals defined the term
'fairly debatable' as:

"We have made it quite clear that if the issue
before the administrative body is 'fairly
debatable' that is, that its determination
involved testimony from which a reasonable man
could come to different conclusions, the courts
will not substitute their judgment for that
of the administrative body, in the absence of
an unconstitutional taking of private property
for public use without the payment of just
compensation...."

In reviewing the zoning authority's decision,
the court must consider all of the evidence in the
administrative record. Sage v. Board, 44 Md. App.
633, 637, 410 A.2d 616 (1980) see also People's
v. Board of Appeals, 284 Md. 383, 391-98, 398 A.2d
1080 (1979). The reviewing court's role, however,
is confined to determining the legality of the procedure
employed and whether the decision was fairly debatable
in light of the evidence adduced before the zoning authority.
Yabing v. People, 45 Md. App. 218, 234, n. 17, 412
A.2d 1277 (1980); Seaton v. Prince Georges County, 32
Md. App. 256, 257-58, 360 A.2d 6 (1976).

93 Md. App. at 223-224

This Court has reviewed the evidence and carefully considered
the lengthy Rule 812 Memoranda submitted by the parties. As to
challenged findings 1, 3 and 4, those issues are fairly debatable,
because, if for no other reason, they were not "debated" by
opposing experts. Each side's Memorandum points to the testimony and
opinions of its experts as either disputing or supporting the Board's
findings. This shows that the Board had a choice to make in deciding
such things as the effect of the use on the surrounding properties,
the size of the proposed facility and the potential for hazardous
traffic conditions on Beaver Dam Road. In the eyes of this Court,
when each side to a controversy has found it necessary to offer
testimony from a highly qualified expert bearing upon the specific
issue to be decided, it is a clear indication that a "reasonable mind
reasonably could have reached the factual conclusion the agency
reached". Supervisor of Assess. v. Bly, 272 Md. 77, 84 (1974).

Although the Protestants argue generally that building a church
of the size proposed on this land "violates the BCR and Master
Plan", the only regulation, which the Board is alleged to have
ignored, is the 50' building height restriction found in Section
300.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). The
Protestants submit that, because the approved plan calls for a 95'
"steeple" atop the edifice and Section 300.1.A of the B.C.Z.R.
exempts only a "spire" from the height restriction, the Board has
acted arbitrarily and capriciously. Even had Moah Webster (or his
successors in name) not ordained that a spire is a steeple and a

steeple is a spire, the logic of concluding that the words are
synonymous is inescapable. And, since reasoning minds could, as the
Board did, reach that conclusion, this challenge must be rejected.

The contention that the contemplated use violates the Master
Plan is alleged to be based on the opinion of the Protestants' expert,
Phillip W. Worrell (Prot. Mem. p.12), although the Court could not find that statement on pp.85-87 of the August 4, 1992
transcript. If that is Mr. Worrell's opinion, however, the point is
that the Master Plan in no way prohibits the granting of a special
exception to construct a relatively large church in an RC-4 zone.
Indeed, the stated policy of the Master Plan at the time of its
adoption by the County Council on February 5, 1990 makes it clear
that the zoning regulations and the County Code will continue to be
the only legal standards for controlling land use in Baltimore
County.

POLICY:

This Master Plan shall serve as a guide to Baltimore
County government as it implements plans for the develop-
ment of this County. The propositions promulgated in
this Master Plan constitute recommendations and guide-
lines concerning how this County should grow and develop
as we approach the 21st Century.

Such of the authority of the Master Plan will be
realized when these and the other actions in the Plan
are incorporated into the County's regulatory structure.
To ensure that this is done, a procedure to monitor and
update the Master Plan in a timely fashion will be
developed. Additionally, the role of this Master Plan
should be studied before the 1992 Comprehensive Zoning
Process and, if necessary, clarified through changed [sic]

to the appropriate regulations and/or the Baltimore County Code. (N.P.P.7, emphasis supplied.)

Having found from the evidence that the Church met the criteria in Section 502.1 of the B.C.Z.R. for obtaining a special exception, even if the Board had agreed with Mr. Worrell that this use was somehow inconsistent with the Master Plan (and the Board obviously did not so agree), denying the Church's Petition on that basis would have been clearly erroneous.

The final contention arises out of the Board's opining that the vicinity where the site is located " * * * is no longer a purely farming area but is now more of a suburban area, and, as such, the church itself is not out of character with this neighborhood." (Bd.Op.p.5). Given the proximity of the site to the industrial complex at Hunt Valley and the new housing in the surrounding community, it is reasonable to conclude that this area of Baltimore County has changed substantially from its former character of farm land to a suburb of the Baltimore metropolitan area. As to the second prong of the Protestants' argument under this heading, the Court respectfully concludes that it is a non sequitur. Moreover, the simple answer to the allegation that the Board failed to limit the square footage of the approved building is that it is a matter of mathematical computation. One need only subtract the square footage of the rejected "fellowship hall" to arrive at the approximate size of the building which was approved.

6

This Court is satisfied that the evidence presented to the Board was sufficient to allow reasoning minds to make the factual determinations that the Board made, and, therefore, the issues were fairly debatable. Accordingly, the Board's decision is AFFIRMED.

Date: September 13, 1993 Robert E. Cahel
Judge

Copies sent to:
John B. Zink, Esq.
Roger G. Robertson, Esq.
T. Rogers Harrison, Esq.
Peter Max Zimmerman, Esq., Deputy People's Counsel
William T. Hackett, Chairman, County Board of Appeals

7

IN THE MATTER OF THE APPLICATION OF SIGNAL DEVELOPMENT CORPORATION FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED 123' SOUTH- WEST OF THE CENTERLINE OF I-83 (13015 BEAVER DAM ROAD) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

* IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

* CV Doc. No. 41

* Folio No. 138

* File No. 93-CV-00056

GARY SWATKO, ET AL, PLAINTIFFS
VS
SIGNAL DEVELOPMENT CORPORATION, DEFENDANT

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

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

No. 91-466-X

May 29, 1991 Petition filed by John B. Howard, Esquire on behalf of Petitioner for Special Exception to allow a church in an RC-4 zone.

July 16 Certificate of Posting of property.

July 18 Comments of Baltimore County Zoning Plans Advisory Committee.

October 9 Revised Petition for Special Exception filed by John B. Howard on behalf of Petitioner to allow a church in an RC-4 zone and to allow an amendment to the final development plan for Bishop's Pond to permit a church on lot 1.

October 31 Publication in newspaper.

Signal Development Corporation - Case No. 91-466-X
File No. 93-CV-00056

Nov. 21, 1991 Hearing held on Petition by the Deputy Zoning Commissioner.

December 26 Order of the Deputy Zoning Commissioner GRANTING Petition with restrictions.

Jan. 24, 1992 Amended Order of the Deputy Zoning Commissioner incorporating approval of five (5) year period in which to utilize special exception.

January 24 Notice of appeal received from T. Rogers Harrison, Esquire on behalf of Protestants.

January 24 Notice of appeal received from Robert A. Hoffman, Esquire on behalf of Petitioner.

February 19 Notice of appeal of Amended Order received from T. Rogers Harrison, Esquire on behalf of Protestants.

April 24 Hearing before the Board of Appeals.

July 30 Continued Hearing before the Board of Appeals.

August 4 Hearing completed before the Board of Appeals.

August 14 People's Counsel's Memorandum filed.

August 24 Protestants' Closing Argument filed by T. Rogers Harrison, Esquire.

August 25 Closing Arguments of Petitioners filed by Robert A. Hoffman, Esquire.

November 5 Opinion and Order of the Board GRANTING the Petition for Special Exception subject to restrictions.

November 12 Motion to Revise Order filed by Robert A. Hoffman, Esquire.

December 2 Protestants' Answer to Petitioners' Motion to Revise Order and Protestants' Motion to Revise Order and/or for Clarification filed by T. Rogers Harrison, Esquire.

December 3 Supplemental Order issued by the Board.

December 4 Petitioners' Motion to Revise Supplemental Order dated December 3, 1992 filed by Robert A. Hoffman, Esquire.

Signal Development Corporation - Case No. 91-466-X
File No. 93-CV-00056

Dec. 10, 1992 Petitioners' Motion to Revise Supplemental Order dated December 3, 1992 issued by the Board - DENIED.

Jan. 5, 1993 Order for Appeal filed in the Circuit Court for Baltimore County by T. Rogers Harrison, Esquire on behalf of Gary J. Swatko, et al.

Petition and Order for Appeal filed in the Circuit Court for Baltimore County by Mr. Harrison.

January 6 Certificate of Notice sent to interested parties.

February 3 Transcript of testimony filed.

Petitioner's Exhibit No. 1 - Plat of the site
2 - Minutes of the Planning Board
3 - Memo. to A. Jablon from D. Fields
4 - Final Devel. Plan for Bishop's Pond 3/7/91
5 - Amended Devel. Plan for Bishop's Pond 3/21/91
6 - Drawing of proposed church
7 - Travel Routes to Hunt Valley Pres. church
8 - A-R-Photos of approaching road
9 - Traffic Report 8/2/91
10 - Petition
11 - Sheet D-2 Baltimore County Zoning Map
12 - Photographic Map 1986 Aerial Cockeysville W 17-C
13 - Composite of 4 Tax Assessment Maps (41, 42, 50 & 51)
14 - Hunt Valley Pres. church (Plat of site)
15 - Hunt Valley Pres. church (Plat with arrows)
16 - A-R-Photos
17 - Petition and attachment
18 - Vehicle turning movement count summary (2 pgs.)

Protestants' Exhibit No. 1 - (ID only) - KARP Petition
2 - Erdman & Associates Study
3 - Plat - progression of line of sight
4 - Policy on geometric design of highways & streets
5 - Reduced scale progression of line of sight

Signal Development Corporation - Case No. 91-466-X
File No. 93-CV-00056

Protestants' Exhibit No. 6-Phil Worrell's C.V.
7-Valleys Planning Council 2/1/91 letter
8-Palls Road Comm. Assoc. (3 pgs)
9-Petition (13 pgs)
10-Churches within the P.R.C.A. membership area (8 pgs)
11-List of homes, public streets and roads in general vicinity of the church
12-Enlarged version of tax map w/color
13-A-R-photos
14-8/4/92 letter from Larry O'Neill
15-4/25/92 Gary Swatko letter

February 3 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer, Administrative Asst.
Linda Lee - Secretary
Secretary, County Board of Appeals
Room 415 - Basement, Old Courthouse
400 Washington Avenue, Towson, MD 21204
Maryland 21204 (410) 897-3180

cc: T. Rogers Harrison, Esquire
Robert A. Hoffman, Esquire
Peter Max Zimmerman, Deputy People's Counsel for Baltimore County

IN THE MATTER OF THE APPLICATION OF SIGNAL DEVELOPMENT CORPORATION FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED 123' SOUTH- WEST OF THE CENTERLINE OF I-83 (13015 BEAVER DAM ROAD) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT HUNT VALLEY PRESBYTERIAN CHURCH, INC.

V.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

CASE # 41/138/93CV00056

NOTICE OF FILING OF RECORD

Rodger O. Robertson, Esq. T. Rogers Harrison, Esq. John B. Zink, III, Esq.
216 E. Lexington Street 105 West Chesapeake Avenue Robert A. Hoffman, Esq.
Suite 100 300 Jefferson Building 210 Allegheny Avenue
Baltimore, MD 21202 Towson, MD 21204 P.O. Box 5517
Towson, MD 21204

Linda Lee Kuzmaul, Legal Sec.
County Board of Appeals, RM 49
Basement Old Courthouse
400 Washington Avenue, Towson, MD 21204

In accordance with Maryland Rule of Procedure B12, you are notified that a record in the above entitled case was filed on

February 3, 1993

LO 12 114 1-03365
STANDARD PROCESSING UNIT
00000000

Robert A. Hoffman
CLERK

IN THE MATTER OF THE APPLICATION OF SIGNAL DEVELOPMENT CORPORATION FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED 123' SOUTH- WEST OF THE CENTERLINE OF I-83 (13015 BEAVER DAM ROAD) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

* IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

* CV Doc. No. 41

* Folio No. 138

* File No. 93-CV-00056

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Harry E. Buchheiser, Jr. and Judson H. Lipowitz, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, T. Rogers Harrison, Esquire, MUDD, HARRISON & BURCH, 300 Jefferson Building, 105 W. Chesapeake Avenue, Towson, Maryland 21204, Counsel for Plaintiffs; Gary Swatko, et al, c/o T. Rogers Harrison, Esquire, MUDD, HARRISON & BURCH, 300 Jefferson Building, 105 W. Chesapeake Avenue, Towson, Maryland 21204, Plaintiffs; Robert A. Hoffman, Esquire, VENABLE, BAETJEN & HOWARD, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland 21285-5517, Counsel for Defendant; Signal Development Corporation, 108 W. Timonium Road, Suite 200, Timonium, Maryland 21093, Defendant; Donald Deuterman, President - Hunt Valley Presbyterian Church, 3 Forest Ridge Court, Timonium, Maryland 21093; Peter Max Zimmerman, Esquire, Deputy People's Counsel for Baltimore County, Room 47, Basement - Old Courthouse, 400 Washington Avenue, Towson, Maryland

Signal Development Corporation - Case No. 91-466-X
File No. 93-CV-00056
21204 and Michael B. Sauer, Esquire, c/o County Board of Appeals,
Room 49, Basement - Old Courthouse, 400 Washington Avenue, Towson,
Maryland 21204, a copy of which Notice is attached hereto and
prayed that it may be a part hereof.

Lindalee M. Kuzmaul
Lindalee M. Kuzmaul, Legal Secretary
County Board of Appeals, Room 49,
Basement - Old Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of
Notice has been mailed to T. Rogers Harrison, Esquire, MUDD,
HARRISON & BURCH, 300 Jefferson Building, 105 W. Chesapeake Avenue,
Towson, Maryland 21204, Counsel for Plaintiffs; Gary Swatko, et
al, c/o T. Rogers Harrison, Esquire, MUDD, HARRISON & BURCH, 300
Jefferson Building, 105 W. Chesapeake Avenue, Towson, Maryland
21204, Plaintiffs; Robert A. Hoffman, Esquire, VENABLE, BAETJER &
HOWARD, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland
21285-5517, Counsel for Defendant; Signal Development Corporation,
108 W. Timonium Road, Suite 200, Timonium, Maryland 21093,
Defendant; Donald Deuterman, President - Hunt Valley Presbyterian
Church, 3 Forest Ridge Court, Timonium, Maryland 21093; Peter Max
Zimmerman, Esquire, Deputy People's Counsel for Baltimore County,
Room 47, Basement - Old Courthouse, 400 Washington Avenue, Towson,
Maryland 21204 and Michael B. Sauer, Esquire, c/o County Board of
Appeals, Room 49, Basement - Old Courthouse, 400 Washington Avenue,

Signal Development Corporation - Case No. 91-466-X
File No. 93-CV-00056
Towson, Maryland 21204 on this 6th day of January, 1993.

Lindalee M. Kuzmaul
Lindalee M. Kuzmaul, Legal Secretary
County Board of Appeals, Room 49,
Basement - Old Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-3180

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 6, 1993

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Re: Case No. 91-466-X (Signal Development Corporation)

Dear Mr. Hoffman:

Notice is hereby given, in accordance with the Rules of
Procedure of the Court of Appeals of Maryland, that an appeal has
been taken to the Circuit Court for Baltimore County from the
decision of the County Board of Appeals rendered in the above
matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Lindalee M. Kuzmaul
Lindalee M. Kuzmaul
Legal Secretary

Enclosure

cc: Signal Development Corporation
Mr. Donald Deuterman, President
Hunt Valley Presbyterian Church
Valley's Planning Council
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Iotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 6, 1993

T. Rogers Harrison, Esquire
MUDD, HARRISON & BURCH
300 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-466-X (Signal Development Corporation)

Dear Mr. Harrison:

In accordance with Rule B-7(a) of the Rules of Procedure of
the Court of Appeals of Maryland, the County Board of Appeals is
required to submit the record of proceedings of the appeal which
you have taken to the Circuit Court for Baltimore County in the
above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you.
In addition, all costs incurred for certified copies of other
documents necessary for the completion of the record must also be
at your expense.

The cost of the transcript, plus any other documents, must be
paid in time to transmit the same to the Circuit Court not later
than thirty days from the date of any petition you file in Court,
in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been
filed in the Circuit Court.

Very truly yours,

Lindalee M. Kuzmaul
Lindalee M. Kuzmaul
Legal Secretary

Enclosure

cc: Mr. Gary J. Swatko, et al

IN THE MATTER OF
THE APPLICATION OF
SIGNAL DEVELOPMENT CORP.
FOR A SPECIAL EXCEPTION
ON PROPERTY LOCATED 123 FEET
SOUTHWEST OF CENTER LINE OF
I-83 AT BEAVER DAM ROAD
(13015 BEAVER DAM ROAD)
8TH ELECTRIC DISTRICT
3RD COUNCILLMANIC DISTRICT

* BEFORE THE COUNTY
BOARD OF APPEALS FOR
BALTIMORE COUNTY
* CASE NO. 91-466-X
* CIRCUIT COURT FOR
BALTIMORE COUNTY
* 41/138/93CV00056

PETITION FOR JUDICIAL REVIEW

Protestants Gary J. Swatko, John Sewell, Mary
Zinkham, Falls Road Community Association et al, by their
attorneys, T. Rogers Harrison and Mudd, Harrison & Burch,
submit this Petition for Judicial Review in accordance with
Maryland Rule B2(3), seeking reversal of the decision and
orders of the County Board of Appeals for Baltimore County
dated November 5, 1992, December 3, 1992, and December 10,
1992.

Jurisdiction

(1) Pursuant to Md. Code Ann. Art. 66B §408, persons
aggrieved by a decision of the local Board of Appeals may
jointly or severally appeal that decision to the Circuit Court
of the appropriate county.

(2) Protestants have standing to seek judicial
review because they participated in the hearing at the
administrative level and are aggrieved by the County Board of
Appeals' decision. *Brvnaraki v. Montgomery County Board of*

Appeals, 247 Md. 137, 147, 230 A.2d 289 (1967).

(3) Protestants are aggrieved because, as
neighboring property owners and an organization of community
property owners, their property rights are adversely affected
by the Board's decision in a way different from that suffered
by the public in general. *Wier v. Witney Land Company*, 257 Md.
600, 610, 263 A.2d 833 (1970).

Background Facts

(4) Signal Development Corporation as owner and the
Hunt Valley Presbyterian Church as contract purchaser submitted
a petition for special exception to allow a large church in an
RC4 zone to the Office of the Zoning Commissioner for Baltimore
County. That petition was granted, subject to certain
restrictions and limitations and appealed by the Protestants to
the Baltimore County Board of Appeals. The case was heard on
April 24, July 30, and August 4, 1992.

(5) Petitioners were seeking the right by way of a
special exception to construct an approximate 26,000 square
foot structure with a 95 foot steeple in an RC4 (Resource
Conservation) zone, which is a watershed protection zone. The
subject parcel has been devoted to crop farming through the
years and is located west of I-83, an area traditionally
protected from development.

Board's Decision

(6) The Board of Appeals issued its written decision
on November 5, 1992, granting the special exception subject to
certain restrictions.

(7) On November 12, 1992, Petitioners filed a Motion
to Revoke the Board of Appeals order requesting that the Final
Development Plan to Bishop's Pond be amended and further
requesting that the utilization period for the special
exception be extended for a five year period.

(8) On December 1, 1992, the Protestants answered
the Motion to Revoke filed by Petitioners and similarly asked
the court to reverse and clarify its order with respect to
allowable uses, permitted square footage, etc.

(9) On December 3, 1992, the Board of Appeals issued
its supplemental order denying in part and granting in part the
relief requested by the parties.

(10) On December 4, 1992, Petitioners again filed a
Motion to Revoke which was denied by the Board of Appeals by
its order of December 10, 1992.

(11) On January 5, 1993, the Protestants filed an
Order of Appeal.

Issues on Appeal

(12) The Protestants contend that the Board of
Appeals was correct in refusing to grant an extension from 2 to
5 years for utilization of the special exception but in all

other respects contend that the granting of the special
exception was inappropriate for the following reasons:

(a) The Board's decision was not supported by
competent, material and substantial evidence and was arbitrary
and capricious.

(b) The Board's decision was not supported by
evidence which could be said to be fairly debatable.

(c) That the Board misinterpreted and
misapplied application of Baltimore County's current Master
Plan.

(d) That a large church structure with a 95
foot steeple and 500 seat capacity is inappropriate, as a
matter of law and fact in an RC4 zone.

(e) That the Board made reference in its
written opinion to the suburban nature of the subject location
as a basis for granting the special exception when in fact the
subject parcel is in an RC4 Resource Conservation, Watershed
zone.

(f) That the Board disallowed Petitioners'
request for a "fellowship hall" characterizing it as a "huge
gymnasium type building" out of character with the neighborhood
but failed to specially reduce the allowable size of the
remaining structure or the nature and type of uses permitted
therein.

WHEREFORE, the Protestants/Appellants request that this Honorable Court reverse the order and decision of the Baltimore County Board of Appeals.

T. Rogers Harrison
T. ROGERS HARRISON
Mudd, Harrison & Burch
105 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204
(410) 828-1335

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 13th day of January, 1993, a copy of the foregoing was mailed to:

Peter Max Zimmerman, Esquire
Deputy People's Counsel
Room 47 Court House
400 Washington Avenue
Towson, Maryland 21204

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

Baltimore County Board of Appeals
Old Court House
400 Washington Avenue
Mail Stop No. 2013, Room 49
Towson, Maryland 21204

T. Rogers Harrison
T. ROGERS HARRISON

5

IN THE MATTER OF
THE APPLICATION OF
CIGNAL DEVELOPMENT CORP.
FOR A SPECIAL EXCEPTION
ON PROPERTY LOCATED 123 FEET
SOUTHWEST OF CENTERLINE OF
I-83 AT BEAVER DAM ROAD
(13015 BEAVER DAM ROAD)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE COUNTY
* BOARD OF APPEALS FOR
* BALTIMORE COUNTY
* CASE NO. 91-466-X

ORDER FOR APPEAL

Protestants Gary J. Swatko, John Sewell, Mary Zinkhan et al, by their attorney, T. Rogers Harrison, appeal the final decision and Order of the Baltimore County Board of Appeals in the above-captioned matter.

T. Rogers Harrison
T. ROGERS HARRISON
Mudd, Harrison & Burch
105 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204
(410) 828-1335

LI 9416 S-NV CG
JAN 14 1993
JAN 14 1993

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5th day of January, 1993, a copy of the foregoing was mailed to:

Robert Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

Peter Max Zimmerman, Esquire
Deputy People's Counsel
Room 47 Court House
400 Washington Avenue
Towson, Maryland 21204

T. Rogers Harrison
T. ROGERS HARRISON

2

IN THE MATTER OF THE
THE APPLICATION OF
CIGNAL DEVELOPMENT CORPORATION
FOR A SPECIAL EXCEPTION
ON PROPERTY LOCATED 123
SOUTHWEST OF CENTERLINE OF
I-83 AT BEAVER DAM ROAD
(13015 BEAVER DAM ROAD)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-466-X

TO REVISE SUPPLEMENTAL ORDER DATED DECEMBER 3, 1992

The Board is in receipt of Petitioners' Motion to Revise Supplemental Order Dated December 3, 1992 filed by Robert A. Hoffman, Esquire, Counsel for Petitioners in the above-entitled matter.

Upon this Board's review and consideration of the foregoing Motion,

IT IS HEREBY ORDERED by the County Board of Appeals of Baltimore County that said Motion to Revise Supplemental Order Dated December 3, 1992 filed herein be and the same is hereby DENIED.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

Jason N. Lipowitz
Jason N. Lipowitz

DATE: December 10, 1992



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 10, 1992

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MD 21205-5517

RE: Case No. 91-466-X
Cignal Development Corp.

Dear Mr. Hoffman:

Enclosed please find a copy of the Board's Ruling on Petitioners' Motion to Revise Supplemental Order Dated December 3, 1992, issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Holdenhamer
Kathleen C. Holdenhamer
Administrative Assistant

encl.

cc: R. Rogers Harrison, Esquire
People's Counsel for Baltimore County

IN THE MATTER OF THE
APPLICATION OF CIGNAL
DEVELOPMENT CORPORATION FOR
SPECIAL EXCEPTION ON
PROPERTY LOCATED 123
SOUTHWEST OF CENTERLINE OF
I-83 AT BEAVER DAM ROAD
(13015 BEAVER DAM ROAD)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-466-X

MOTION TO REVISE SUPPLEMENTAL ORDER DATED DECEMBER 3, 1992

Hunt Valley Presbyterian Church, Inc., ("the Church") and Cignal Development Corporation, Petitioners, by their undersigned attorney, hereby move the Board of Appeals, pursuant to Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals, to revise paragraph 2 of the Supplemental Order issued in the above-captioned case to permit utilization of the special exception within five years and to further modify that language so that the time for utilization of the special exception is from the date of a final order in this case. The grounds for this Motion are as follows:

1. Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals provides: within thirty (30) days after the entry of an order, the Board shall have revisory power and control over the order in the event of fraud, mistake or irregularity. See *Matta v. MacKenzie*, 273 Md. 628, 631 (1975) (interpreting "fraud, mistake or irregularity" under Maryland Rule of Procedure 2-535) and *J.T. Masonry Co. v. Oxford Construction Services, Inc.*, 74 Md.App. 598, 606-12 (1988).

2. In Protestants' Answer to Motion to Revise and Motion to Revise and/or for Clarification received by the Petitioners on December 2, 1992, it was averred that Petitioners presented no evidence or testimony at the hearing that the special exception should be extended for up to five years. The Petitioners strongly disagree; such evidence that it was essential to extend the special exception was presented at the hearing by Mr. Donald Deuterman, representative of the Hunt Valley Presbyterian Church.

3. There was no objection by the Protestants to Mr. Deuterman's testimony that the special exception should be up to five years. Refer to the record of Mr. Deuterman in this regard. Petitioners are willing to provide such a transcript of that testimony at their expense.

4. Therefore, Petitioners respectfully submit that the Supplemental Order of the Board of Appeals in this matter dated December 3, 1992, should be revised to grant Petitioners request for a five-year utilization period for the special exception.

5. Paragraph 2 of the Supplemental Order states that the utilization period for the special exception runs from the date of the Board's Supplemental Order. This is contrary to the provisions of Section 502.3 of the Baltimore County Zoning Regulations which read in pertinent part as follows: "A special exception which has not been utilized within a period of two years from the date of the final order granting same or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void" (emphasis added).

6. Article 25A of the Annotated Code of Maryland, § 5(u) entitled "County Board of Appeals" states that:

"any person aggrieved by the decision of the Board and a party to the proceeding before it may appeal to the circuit court for the county which shall have power to affirm the decision of the board, or if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing as justice may require. Any party to the proceeding in the circuit court approved by the decision of said court may appeal from such decision to the Court of Special Appeals."

Such powers on behalf of the Circuit Court and the Court of Special Appeals to reverse, modify or remand the decision in this case dictate that the Board's Order is not final until all such appeals have been exhausted. Therefore, the Board's Supplemental Order is the result of an irregularity or mistake, i.e., the Order seems to conflict with applicable law.

Accordingly, Petitioners respectfully request that the Supplemental Order of the Board of Appeals in this matter, dated December 3, 1992 should be revised to allow for utilization of the Special Exception from the date of the final order in this case, consistent with the Baltimore County Zoning Regulations and the Annotated Code of Maryland, and that the time for use of the special exception should be extended for up to five years from such date.

Robert A. Hoffman
ROBERT A. HOFFMAN
Venable, Baetjer & Howard
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204
(410) 494-6262

NOTED:MSH

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3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 1992, a copy of the foregoing Motion to Revise Order was mailed to:

T. Rogers Harrison, Esquire
Attorney for the Protestants
Hudd, Harrison & Burch
105 M. Chesapeake Avenue
Suite 300
Towson, Maryland 21204, and

Peter Max Zimmerman, Esquire
Deputy People's Counsel
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Robert A. Hoffman / CWH
Robert A. Hoffman

MD00183.FAH

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g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor (Bill No. 48, 1988.)

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. (Bill No. 48, 1988.)

502.B--In granting any Special Exception, the Zoning Commissioner or the Board of Zoning Appeals, upon appeal, shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a Special Exception is granted, if required by the Zoning Commissioner, or Board of Zoning Appeals, upon appeal, shall enter into an agreement in writing with said Zoning Commissioner and/or the County Commissioners of Baltimore County, stipulating the conditions, restrictions, or regulations governing such Special Exception, the same to be recorded among the Land Records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such Special Exception. When so recorded, said agreement shall govern the exercise of the Special Exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer. (B.C.Z.R., 1955.)

502.B--A Special Exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any Special Exception, shall fix within the aforesaid limits, the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a Special Exception. After a final order granting a Special Exception the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the Special Exception is not thereby extended for a period of more than five years from the date of the final order granting same. (B.C.Z.R., 1955; Bill No. 42, 1962; No. 89, 1967.)

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APPROVED JUL 0 1 1999

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
TEL. 410-781-1100
FAX 410-781-1117
UNLAWYER'S DIRECT NUMBER 410-484-9182

ROBERT A. HOFFMAN

December 4, 1992

HAND-DELIVERED

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Cignal Development Corporation
Case No. 91-466-X

Dear Chairman Hackett:

Enclosed is a copy of Petitioners' Motion to Revise Supplemental Order dated December 3, 1992, which we are submitting for your consideration in the above-captioned matter.

Yours truly,

Robert A. Hoffman / CWH
Robert A. Hoffman

BAH/tls
Enclosure

23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

IN THE MATTER OF THE APPLICATION OF CIGNAL DEVELOPMENT CORPORATION FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED 123' SOUTH OF CENTERLINE OF I-83 AT BEAVER DAM ROAD (13015 BEAVER DAM ROAD) 6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

SUPPLEMENTAL ORDER

The Board has considered Petitioners' Motion to Revise Order and Protestants' Answer to Motion to Revise Order, and Protestants' Motion to Revise Order and/or for Clarification, and supplements its original Order dated November 5, 1992 as follows:

- 1) Petitioners' request to amend the Bishop's Pond Final Development Plan is GRANTED subject to the terms and restrictions of this Supplemental Order and the Board's original Opinion and Order dated November 5, 1992;
- 2) Petitioners' request to extend the length of the Special Exception to 5 years is DENIED. Petitioners shall have until 2 years from the date of this Supplemental Order to utilize the Special Exception granted pursuant to the Board's original Opinion and Order dated November 5, 1992;
- 3) Protestants' request for this Board to specifically break down and limit the size of the various components of the church structure, such as the sanctuary, the offices associated with the church, the warming kitchen, and other such facilities, is DENIED. In accordance with the Board's original Opinion and Order dated November 5, 1992, the plan is approved as submitted with the exception that the fellowship hall shall not be permitted; and

Case No. 91-466-X Cignal Development Corporation
Supplemental Order

4) Protestants' request to limit to church members only the use of the proposed structure for Sunday school classes is GRANTED.

The Board's original Opinion and Order dated November 5, 1992 is incorporated herein in its entirety and supplemented hereto.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Mary E. Buchheiser, Jr.
Mary E. Buchheiser, Jr.

John H. Lipovits
John H. Lipovits

DATE: December 3, 1992



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
4101 887-3180

December 3, 1992

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 ALLEGHENY AVENUE
P.O. Box 5517
Towson, MD 21285-5517

Re: Case No. 91-466-X
Cignal Development Corp.

Dear Mr. Hoffman:

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

Very truly yours,
William T. Hackett
William T. Hackett
Administrative Assistant

encl.

cc: R. Rogers Harrison, Esquire
Donald Deuterman, President
Hunt Valley Presbyterian Church
Valley's Planning Council
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kozlowski
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Admin.

IN THE MATTER OF THE APPLICATION OF CIGNAL DEVELOPMENT CORP. FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED 123 FEET SOUTH OF CENTER LINE OF I-83 AT BEAVER DAM ROAD (13015 BEAVER DAM ROAD) 6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. 91-466-X

ANSWER TO MOTION TO REVISE AND MOTION TO REVISE AND/OR FOR CLARIFICATION

Protestants, by their attorneys, T. Rogers Harrison and Hudd, Harrison & Burch, and pursuant to Maryland Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals, hereby respond to the Motion to Revise filed by Petitioners herein on or about November 12, 1992; and, further move this Board to revise its Order and/or clarify certain portions of its Order issued in the above-captioned case:

- (a) To limit the length of the special exception to two years from the date of the Order, rather than the five years now requested by Petitioners; and
- (b) To specifically limit the size of the proposed church structure and offices associated with the church to no more than 10,000 square feet; and
- (c) To restrict and/or preclude inclusion of a warming kitchen in the proposed church structure; and

(d) To preclude use of the proposed structure for Sunday school classes other than for members attending church services; and

(e) To more specifically define the uses permitted and associated with the church; and

(f) To otherwise clarify, supplement or amend its Order to parallel the factual testimony offered by the Petitioners.

1. Protestants do not dispute that the Petitioners requested an ultimate amendment to the Bishop's Pond final development plan consistent with the Board's Order in this case.

2. Protestants object to any extension of the length of the special exception from two to five years from the date of the Order. While it may be within the purview of this Board's discretion to grant such a request, it is not appropriate to grant same by way of a motion to revise an issued Order, as opposed to a formal request made at the time of the hearing on the petition for special exception. Protestants recall no such request; nor do they recall the offering of any evidence or testimony with respect to that issue, and had it been offered, they would have objected to same at that time, plus examined witnesses providing such testimony and endeavored to offer evidence intended to persuade this Board that the appropriate exercise of its discretion

would result in the denial of the request for an extension of the special exception.

To coin a phrase used in these proceedings at another time, the effort requesting this Board to do now what it was not asked to do at the time of the hearing would constitute "an attempt at getting evidence in the back door."

The Protestants contend that no evidence was offered at the hearing before the Board of Appeals on Petitioners' request for special exception with respect to extending the time period for implementation of the Order, and the absence of such proof, no information exists upon which this Board could evaluate the reasonableness of such a request.

3. The Petitioners have merely identified a proposed structure including a sanctuary, classrooms, warming kitchen, meeting rooms, offices, entrances, hallways, cribbery, nursery, and fellowship hall without delineating specific proposed square footage for any of the facilities intended to house any said uses. The total square footage of the proposed structure is 25,175 square feet. Testimony offered by the Petitioners through Mr. Deuterman and Petitioners' expert architect, Mr. Shinsky, was that the standard acceptable architectural criteria of the design of the sanctuary was "12 to 15 square feet per individual or per seat." The testimony of the Protestants' expert architect, Philip Morrall, was that the generally accepted design criteria

was 9 square feet per seat or individual. Therefore, dependent upon which testimony this Board chooses to embrace, the total square footage necessary for the sanctuary, with maximum seating capacity of 500 individuals, is a maximum of 7,500 square feet.

Additionally, this Board expressly held that "offices associated with the church shall be permitted"; however, the "fellowship center as proposed and testified to shall not be permitted." Examination of the plat which accompanied Petitioners' petition for special exception reveals approximate dimensions of the fellowship hall of 62 feet by 125 feet, or a total of 7,750 feet (assuming the fellowship hall was intended to be depicted as a single story structure). Therefore, it must be implied that the remaining 9,925 square feet contains either offices alone and/or warming kitchen, cribbery, offices, classrooms, nursery, etc., which is clearly excessive.

Wherefore, this Board is asked to define the square footage limitation for the proposed sanctuary to a square footage not to exceed the testimony offered by Petitioners as complying with generally accepted architectural design criteria.

4. It is requested that the Board clarify its Order and deny that portion of Petitioners' request to provide for porous paving, to the extent it is now unnecessary given the reduced square footage of the buildings involved and the

reduced allowable individuals or seating capacity.

WHEREFORE, the Protestants respectfully request that this Board deny Petitioners' request to extend the length of the special exception to five years from the date of the Order and, rather, require compliance within the two year period of time, or require Petitioners to provide suitable acceptable reasons why compliance is not feasible or unwarranted, and the Protestants an opportunity to offer opposing evidence; and, amend and/or clarify its Order to limit the allowable square footage of sanctuary and ancillary offices to no more than a total of 16,000 square feet and specifically restrict the use of the facility, or any portion thereof, as a warming kitchen, meeting rooms, fellowship rooms, and/or other uses other than Sunday school class, nursery to be utilized in conjunction with church services, and offices required by a facility restricted to a maximum of 500 seats.

T. Rogers Harrison
T. ROGERS HARRISON
Mudd, Harrison & Burch
105 West Chesapeake Avenue
360 Jefferson Building
Towson, Maryland 21204
(410) 828-1335

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 1st day of December, 1992, a copy of the foregoing was mailed to:

Peter Max Zimmerman, Esquire
Deputy People's Counsel
Room 47 Court House
400 Washington Avenue
Towson, Maryland 21204

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

T. Rogers Harrison
T. ROGERS HARRISON

6

MUDD, HARRISON & BURCH

ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 828-1335
FACSIMILE (410) 828-1336
TELETYPE (410) 828-1337
TELEGRAPH (410) 828-1338
CABLE (410) 828-1339
HARRISON, HARRISON & BURCH
HARRISON, HARRISON & BURCH
HARRISON, HARRISON & BURCH
HARRISON, HARRISON & BURCH

December 1, 1992

Mr. William T. Hackett, Chairman
County Board of Appeals for Baltimore County
Court House, Room 47
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 91-466-X
Signal Development Corp.

Dear Chairman Hackett:

Enclosed is a copy of the Protestants' answer to Petitioners' Motion to Revise Order and Protestants' Motion to Revise Order and/or for Clarification, which we are submitting for your consideration in the above-referenced case.

Very truly yours,

T. Rogers Harrison
T. Rogers Harrison

TRH/lfc
Enclosure

IN THE MATTER OF THE
APPLICATION OF SIGNAL
DEVELOPMENT CORPORATION FOR
A SPECIAL EXCEPTION ON
PROPERTY LOCATED 137
SOUTHWEST OF CENTERLINE OF
I-49 AC BEAVER DAM ROAD
(13015 BEAVER DAM ROAD)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-466-X

MOTION TO REVISE ORDER

Pursuant to Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals, Hunt Valley Presbyterian Church, Inc. ("the Church") and Signal Development Corporation (together "the Petitioners"), by their undersigned attorney, hereby move the Board of Appeals to revise the Order issued in the above-captioned case: (A) to grant their request to amend the Bishop's Pond Final Development Plan consistent with the grant of the special exception for the church, and, (B) to extend the length of the special exception to five (5) years from the date of the Order. The grounds for this motion are set forth below, as follows:

A. The Amendment to the Bishop's Pond Final Development Plan.

1. Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals provides "[w]ithin thirty (30) days after the entry of an order, the Board shall have

revisory power and control over the order in the event of fraud, mistake or irregularity." See *Walt v. MacKenzie*, 373 Md. 628, 631 (1975) (interpreting "fraud, mistake or irregularity" under Maryland Rule of Procedure 2-535); J.T. Haggerty Co. v. Oxford Construction Services, Inc., 74 Md.App. 598, 606-12 (1988) (interpreting "fraud, mistake or irregularity" under Maryland Rule of Procedure 2-535).

2. Since the commencement of this matter, the Petitioners have consistently sought to obtain approval for an amendment to the Bishop's Pond Final Development Plan ("the FDP") as needed to establish the church on Lot 1 of that subdivision. See Petition for Special Exception and Amendment to FDP, attached hereto as Exhibit 1.

3. The County Board of Appeals is authorized pursuant to §§ 602(a) and 603 of the Baltimore County Charter and § 1801.3.A.7 of the Baltimore County Zoning Regulations to approve amendments to Final Development Plans.

4. The Petitioners indicated both in their testimonial evidence and in their written closing argument to the Board that it was necessary to approve the amendment to the Bishop's Pond FDP. See Closing Arguments of Petitioners, attached hereto as Exhibit 2. Sufficient evidence was produced before the Board to meet Petitioners' burden of proof under §§ 1801.3.A.7(b) and 502.1 of the Baltimore County Zoning Regulations

5. The Deputy Zoning Commissioner in his Amended Order, dated January 24, 1992 and attached hereto as Exhibit 3, granted the Petitioners' request to amend the Bishop's Pond FDP.

6. The County Board of Appeals in its Notice of Assignment, dated July 15, 1992 and attached hereto as Exhibit 4, reported the subject of the appeal as being a Special Exception and an Amendment to the Final Development Plan for Bishop's Pond.

7. It is respectfully submitted that through an inadvertent oversight, the Opinion of the Board of Appeals in this matter, dated November 5, 1992 and attached hereto as Exhibit 5, does not address the Petitioners' specific request for approval of an amendment to the Bishop's Pond Final Development Plan.

B. The Five (5) Year Utilization Period for the Special Exception

8. Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals provides "[w]ithin thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity." See *Walt v. MacKenzie*, 373 Md. at 631 (interpreting "fraud, mistake or irregularity" under Maryland Rule of Procedure 2-535); J.T. Haggerty Co. v. Oxford Construction Services, Inc., 74 Md.App. at 606-12 (interpreting "fraud, mistake or irregularity" under Maryland Rule of Procedure 2-535).

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9. Since the commencement of this matter, the Petitioners have consistently sought to obtain a five (5) year utilization period in connection with the special exception to use the subject property for a church. See Exhibit 1.

10. Upon the granting of a special exception under §§ 602(a) and 603 of the Baltimore County Charter, the County Board of Appeals is likewise authorized pursuant to § 502.3 of the Baltimore County Zoning Regulations to fix a utilization period for the special exception of anywhere between two (2) and five (5) years.

11. The petitioners indicated both in their testimonial evidence and in their written closing argument to the Board that it was necessary to extend the length of the special exception to five (5) years. See Exhibit 2.

12. The Deputy Zoning Commissioner in his Amended Order, dated January 24, 1992 and attached hereto as Exhibit 3, granted the Petitioners' request to extend the utilization period for their special exception to five (5) years.

13. Without the extension of the utilization period for the special exception, the Petitioners will be unable to obtain financing and to proceed with construction of the approved church.

14. It is respectfully submitted that through an inadvertent oversight, the Opinion of the Board of Appeals in this matter, dated November 5, 1992 and attached hereto as

Exhibit 5, does not address the Petitioners' specific request for approval of a five (5) year special exception.

WHEREFORE, THE PETITIONERS respectfully pray that the Board grant their Motion to Revise Order.

ROBERT A. HOFFMAN
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 1992, a copy of the foregoing Motion to Revise Order was mailed to:

T. Rogers Harrison, Esquire
Attorney for the Protestants
Madd, Harrison & Burch
105 M. Chesapeake Avenue
Suite 300
Towson, Maryland 21204, and
Peter Max Zimmerman, Esquire
Deputy People's Counsel
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Robert A. Hoffman

PREPARED BY

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
BALTIMORE, MD
WASHINGTON, D.C.
MELDEN, MD
HIGHTSIDE, MD
P.O. BOX 8817
TOWSON, MARYLAND 21204-8817
(410) 494-6200
FAX (410) 494-6201

November 12, 1992

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 91-466-X
Signal Development Corporation

Dear Chairman Hackett:

Enclosed please find a copy of the Motion to Revise Order which we are submitting for your consideration in the above-referenced case.

Sincerely,

Robert A. Hoffman

RAH/pj
Enclosure

cc: T. Rogers Harrison, Esquire
Peter Max Zimmerman, Esquire

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FBI - BALTIMORE

MUDD, HARRISON & BURCH

ATTORNEYS AT LAW
100 WEST CHESAPEAKE AVENUE
SUITE 300, TOWSON, MARYLAND 21204
(410) 494-6200
FAX (410) 494-6201
BALTIMORE, MARYLAND 21204
(410) 494-6200
FAX (410) 494-6201
HIGHTSIDE, MARYLAND 21204
(410) 494-6200
FAX (410) 494-6201
AMERICAN LAND TITLE
IN BALTIMORE, MARYLAND

November 13, 1992

Mr. William T. Hackett, Chairman
County Board of Appeals
Baltimore County, Maryland
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 91-466-X
Signal Development Corporation
Hunt Valley Presbyterian Church

Dear Chairman Hackett:

I am in receipt of Petitioners' Motion to Revise Order and ask the Board to withhold ruling upon same until I have the opportunity to meet with all Protestants, which is scheduled to occur on November 20, 1992.

Neither my clients nor I wish to act precipitously nor unnecessarily cause inconvenience or delay. However, consideration has been given to filing a Motion to Revise Order on different grounds by the Protestants, and this issue in addition to a response to Petitioners' Motion will be considered at the November 20 meeting. Thereafter I will formally advise the Board of Protestants' position by November 25, 1992.

As you are aware, Rule 10 of Practice and Procedure of the County Board of Appeals allows either party 10 days to move the Board to revise its order in the event of fraud, mistake or irregularity.

In the event counsel for Petitioners opposes this request, or the Board is not inclined to grant it, please accept this letter as Protestants' opposition to the Motion to Revise Order absent a reposting of the property, advertisement, and a formal hearing.

Mr. William T. Hackett
November 13, 1992
Page 2

Very truly yours,

T. Rogers Harrison

TRH/lfc

copy - Robert A. Hoffman, Esquire
Peter Max Zimmerman, Esquire
Mrs. Margaret Morrell

IN THE MATTER OF THE
THE APPLICATION OF
SIGNAL DEVELOPMENT CORPORATION*
FOR A SPECIAL EXCEPTION
ON PROPERTY LOCATED 1231
SOUTHWEST OF CENTERLINE OF
I-83 AT BEAVER DAM ROAD
(13015 BEAVER DAM ROAD)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-466-X

OPINION

This case comes before the Board on appeal from a decision of the Deputy Zoning Commissioner granting with restrictions the requested Petition for a church. In opening statement, the attorney for the Petitioners withdrew their appeal regarding the restrictions imposed by the Deputy Zoning Commissioner and agreed to accept the imposed restrictions. The Protestants, however, did not dismiss their appeal, and thus the case was heard. It will be noted that testimony in this matter consumed some three days of hearings, and the Board was presented with many exhibits.

Petitioners presented as their first witness Don Deuterman, who spoke on behalf of the church. He briefly went over the location of the proposed church, described the building requested under the special exception, and noted that the proposed project was to be built in three phases; phase one being the church, phase two being the offices, and phase three being the final phase, a fellowship center. He described the various uses associated with the church and testified to the need for same.

Petitioners' next witness was Anthony Shinsky, the architect, who testified that he designed the church, prepared the rendering of same, and went over the various dimensions involved. He noted

Case No. 91-466-X Signal Development Corporation

the church building proper to be less than 50 feet and the steeple associated with the request to be 95 feet high from the ground. On cross-examination, he testified that no other sites for this church were personally considered by him, and that it was his testimony that the building was positioned on site in the ideal location.

Petitioners' next witness was Mickey Cornelius, a traffic engineer, who testified at length as to the sight distances, to the generation of traffic, to the handling of that traffic, and the possibility of automobiles queuing trying to enter and exit the site. It was his testimony that, even if every parking space provided by the church was used, the levels of the surrounding intersections, all being at an acceptable rating level, would not be affected. He precatory part of his testimony on the fact that the church's principal use of the site would not be during what are generally accepted as peak hours.

Petitioners next presented two nearby residents, Marcia Brumworth of 13020 Jerome Jay Drive and Barbara Little of 13010 Jerome Jay Drive, both of whom testified in favor of the church. Both explained their reasons for supporting this Petition.

Petitioners next presented William Kirwin, an expert land planner who testified he had studied this request, reviewed the exhibits, studied the Petition, and visited the site several times. He made special note of the fact that this parcel contains 23 +/- acres and that less than 10 percent would be used by the proposed church, leaving approximately 90 percent in open space. He answered all parts of Section 502.1 of the Baltimore County Zoning

Case No. 91-466-X Cignal Development Corporation 3
Regulations (BCSR) as being non-detrimental and expressed the opinion that the use as planned was a proper, permitted and good use of the site with no detrimental effect on nearby properties. This basically concluded the testimony in the Petitioners' case, reserving the right for rebuttal witnesses.

Protestants presented as their first witness John Erdman, a traffic engineer, who testified he did a traffic analysis of the site. It was his opinion that the sight distances as proposed were not sufficient and testified that he arrived at this conclusion strictly by applying the principle of decision time to the proposal rather than accepted County standards as to distances.

The next witness was Phillip Morrell, an architect, who testified that the proposed building was much too large, was out of context with the neighborhood and therefore detrimental to the neighborhood, that the building was too high and too close to the road. It was his opinion that this proposed church was out of character with the entire neighborhood. In answering 502.1, he testified that its use would be detrimental to the neighborhood and that the proposed access produced unsafe traffic conditions.

Margaret Morrell, representing the Valleys Planning Council, testified that she is familiar with the site, lives in the area and opposes this church as being not in character with the neighborhood, and that it may well set a precedent for other R.C. 4 uses.

Arthur McComas, president of the Falls Road Community Association and an area resident, opposed the church and noted that

Case No. 91-466-X Cignal Development Corporation 4
his association passed a resolution opposing this church. It was his contention that the church is too large, creates unsafe traffic conditions, has the potential for water and sewer problems, and that he fears other activities may be conducted on the site beside the church services.

John Sullivan, general manager of Oregon Ridge Park, testified to potential activities scheduled on Sundays and the approximate number of people attending, and noted that on each of these occasions the Police Department directs the traffic, and that no problems are anticipated. It was his further testimony that the traffic approaching Oregon Ridge would in all probability be of a different route than that approaching the proposed church.

Protestants further presented neighborhood residents in opposition to the church; namely, John Sewell, George Houston, Mary Sinkham and Michael Turley. This concluded Protestants' testimony. Petitioners recalled Mickey Cornelius, who rebutted Protestants' traffic engineer's testimony and showed that the sight distance from the proposed entrance will exceed minimum standards and that queuing of automobiles will in no way present problems.

In addition to the testimony and evidence received at the hearing, the Board has also received from all parties memorandums in lieu of closing argument. From the facts contained in the above encapsulation, the Board renders its Opinion and Order as follows:

The special exception requested in this matter is to erect a large church on 33 acres of R.C. 4 zoned land. Under Baltimore County regulations, this is a permitted use on R.C. 4 land by means

Case No. 91-466-X Cignal Development Corporation 5
of a special exception if all the requirements thereto are met. The church as proposed will occupy less than 10 percent of the proposed site leaving approximately 90 percent in open space. The church itself is proposed to be less than 50 feet in height, with a total height of 95 feet to the top of the steeple, and these two dimensions comply with BCSR Sections 300.1.a, 300.1.b and 300.2.

Having met these basic requirements, the Board must now address whether the proposed structure is out of character with the neighborhood. Based on Mr. William Kirwin's testimony, the Board finds, as a fact, that the church itself and the offices connected to it are not out of character with the neighborhood. While neighboring residents did contend that their area is strictly rural, a study of the exhibits does not convince this Board that this is so. Residential development creeps ever outward from the metropolitan areas, and exhibits presented at this hearing show residential properties approaching, nearing and abutting this particular site. It is the opinion of this Board that this is no longer a purely farming area but is now more of a suburban area, and, as such, the church itself is not out of character with this neighborhood. It is the opinion of this Board, however, that the huge gymnasium-type building is out of character with the neighborhood. It is not church-like in appearance, nor is it church-like in size, and it appears to have a detrimental effect by its appearance in regard to nearby homes.

The Board must next address the lengthy testimony we had from several experts on traffic. Baltimore County regulations require

Case No. 91-466-X Cignal Development Corporation 6
400 feet of sight distance for an entrance to a facility of this type. The proposal provides over 500 feet of sight distance. While there are difficulties by an increase in the traffic in the area, the Board will especially note that normal church activities never take place during peak hours nor do they take place on work days. Based on Mr. Cornelius's testimony and from the corresponding on-site studies which are in evidence, the Board finds, as a fact, that the level of traffic in all neighboring intersections will not be altered and that the sight distance is adequate. The Board is granted the power under the BCSR to place reasonable restrictions upon any special exception that it finds valid. Based on the testimony and evidence presented and encapsulated above, the Board concludes that the requested use of the 23-acre site for the church as proposed should be granted with certain restrictions and will so order.

ORDER
IT IS THEREFORE this 5th day of November, 1992 by the County Board of Appeals of Baltimore County

ORDERed that the special exception to permit a church in an R.C. 4 zone as requested be and the same is GRANTED with the following restrictions:

1. Prior to the issuance of any permits, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be forwarded to the Zoning Commissioner's Office for review and inclusion in the case file.
2. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this order.

Case No. 91-466-X Cignal Development Corporation 7
3. The subject church shall be limited to a maximum seating capacity for 500 individuals.

4. Compliance with the comments of the Department of Environmental Protection and Resource Management, Division of Ground Water Management, dated May 28, 1991, attached hereto and made a part hereof.

5. Petitioners are prohibited from operating any commercial day care or nursery school at the subject site. Ordinary nursery services for children of parishioners during church-related functions will be permitted.

6. The church and the steeple as proposed shall be permitted; the offices associated with the church shall be permitted; however, the fellowship center as proposed and testified to shall not be permitted.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Mackett, Chairman

Harry E. Buchheiser, Jr.

Judson H. Lipowitz

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 40
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 5, 1992

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Case No. 91-466-X
Cignal Development Corp.

Dear Mr. Hoffman:

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

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: R. Rogers Harrison, Esquire
Donald Deuterman, President
Hunt Valley Presbyterian Church
Valleys Planning Council
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Admin.

IN RE: PETITION FOR SPECIAL EXCEPTION
1231 SW OF THE C/ 1 OF I-83 AT
BEAVER DAM ROAD
(13015 BEAVER DAM ROAD)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF
APPEALS OF
BALTIMORE COUNTY
Case No. 91-466-X

CLOSING ARGUMENTS OF PETITIONERS

The Petitioners in this case, Hunt Valley Presbyterian Church, Inc. ("the Church"), contract purchaser, and Cignal Development Corporation, legal owners, represented here by their attorneys, John J. Gessner and Robert A. Hoffman, with Venable, Baetjer & Howard, petitioned the Zoning Commissioner in 1991 for: (1) a special exception to use the subject property for a church, and (2) approval of an amendment to the final development plan ("FDP") for Bishop's Pond to permit the establishment of a church on Lot 1 of that subdivision.

On November 21, 1991, the Deputy Zoning Commissioner heard testimony on behalf of the Petitioners and Protestants and on December 26, 1991 granted the Petitioners' requested relief, but limited the size of the Church to 500 seats. On January 24, 1992 an amended Order was issued allowing the special exception approval to remain in effect for five (5) years. Both the Protestants and the Petitioners appealed to the County Board of

Appeals (the "Board"). The Petitioners subsequently withdrew their appeal, accepting the restrictions of the Deputy Zoning Commissioner's approval. On April 24, 1992, June 30, 1992 and August 4, 1992, the Board heard testimony on behalf of Petitioners and Protestants.

These written closing arguments summarize the evidence presented in this case, set forth applicable legal principles and the reasons why the Board, it is respectfully suggested, must grant the requested relief.

APPLICABLE LEGAL FRAMEWORK

The Petitioners request approval to permit a church on approximately twenty-three (23) acres of land zoned RC-4. The Baltimore County Zoning Regulations ("BCZR") permit churches or other buildings for religious worship by special exception in the RC-4 zone. Section 1A03.3.B.3A B.C.Z.R. Pursuant to Section 502.1 of the BCZR, the Board may grant such a special exception provided there is no evidence to show that the use proposed would cause dangerous traffic conditions or other adverse impacts or otherwise be detrimental to the health, safety or general welfare of the locality. Requests to amend FDPs are governed by Section 1B01.3A.7 of the BCZR which requires that such amendments are to be approved by the Board in

The Protestants also appealed the County Review Group's ("CRG") decision which approved this project on July 11, 1991. The CRG appeal was heard by this Board on March 3, 1992 and was affirmed on March 13, 1992. The Protestants appealed the Board's decision to the Circuit Court for Baltimore County.

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the same manner as special exceptions after approval by the Planning Board and a finding by the Board that the amended FDP is consistent with the spirit and intent of the original FDP and of Article 10 (Density Residential Zones) of the BCZR.

The law in Maryland regarding special exceptions is well settled and was discussed at length in the leading case of *Schultz v. Pettko*, 291 Md. 1 (1981). There the Court of Appeals said:

The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible, ~~without any fact or circumstance to be established.~~ The duties given the board ~~relating the presumption~~ the duties given the board are to judge whether the neighboring properties in the area to be affected would be adversely affected and whether the use in a particular case is in harmony with the general purpose and intent of the plan.

Whereas, the Applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be of benefit to the community. If he above to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring uses or area is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly open, the burden of proof is on the Board to decide. If there is no probative evidence of harm or disturbance in light of the nature of the zoning involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal. (Citations omitted; emphasis in original).

The Court in *Schultz* went on to say that:

(7) The appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location with the zone. 291 Md. at 22-23. (Emphasis added).

Maryland law is also clear that an expert's opinion is of no greater probative value than the soundness of his reasons given therefore will warrant. *Ruckelshaus v. Roth*, 258 Md. 263, 272, 265 A.2d 447, 451 (1970). Unsupported conclusions of a witness to the effect that the proposed use in a zoning case will or will not result in harm, amount to nothing more than vague and generalized expressions of opinion which are lacking in probative value. *Rockville Fuel v. Board of Appeals of the City of Gaithersburg*, 257 Md. 183, 192-93, 262 A.2d 504-505 (1970). As the Court of Special Appeals stated in *Gow v. Atlantic Richfield Company*, 27 Md. App. 410, 415 (1975), "it is the probability, not the mere possibility of danger, that justifies the denial of a special exception."

Therefore, in applying the legal principles set out above to this case, the Board must be guided by the fact that the Baltimore County Council has specifically determined as a part of Baltimore County's zoning plan that churches are permissible and promote the general welfare in the RC-4 zone.

² *Gow* was overruled by *Schultz* but on an unrelated issue.

Because of the presumption of validity that arises from that determination, the Petitioners only had to show the Board that this proposed use of the subject property can be conducted without real detriment to or adverse impact on the surrounding community. On the other hand, only if the Protestants had produced strong and substantial probative evidence to show that the establishment of the Church would give rise to unique and greater adverse effects than the establishment of such churches in other areas zoned RC-4 within the County could the Board properly deny the requested special exception.

NO SUBSTANTIAL EVIDENCE OF UNIQUE AND GREATER ADVERSE IMPACT

The Petitioners presented six witnesses, including Don Deuterman for the Church, the project architect, a land planner and a traffic engineer, in addition to two residents of the neighborhood to support their request and meet the burden of proof under Section 502.1 B.C.S.R. and *Schultz v. Pettko*. Both Mr. Kirwin, the land planner, and Mr. Cornelius, the traffic engineer, gave extensive testimony (as summarized below) that the establishment of a church at this location would not create any adverse impact under Section 502.1 and in fact was an excellent location within the RC-4 zone.

Conversely, the Protestants made quite clear their opposition to the Church. They testified that the Church was too large, would not fit within their "rural" community, would cause traffic congestion and would otherwise have a detrimental

effect on their property. However, when one examines their testimony carefully, it is clear that it lacked probative value. Accordingly, the presumption in favor of the special exception was not rebutted and, under *Schultz*, the Petitioners' request must be granted.

Donald Deuterman, the spokesman for the Church, testified that services are currently held in the Masonic Home in Hunt Valley which does not meet the needs of the congregation. He explained that the Church would be built in three phases: Phase One - a 600 seat sanctuary and nursery; Phase Two - administrative offices and Sunday school classrooms; and Phase Three - a fellowship hall. Mr. Deuterman stated that the fellowship hall was designed for indoor recreation and was a necessary part of MVPC's youth ministry. Mr. Deuterman made it very clear that MVPC will not rent the fellowship hall to organizations for fund-raising activities and it will not be used at the same time as worship services. A warming kitchen, which will not be used for food preparation, will be included in the Church for church meetings and functions.

Except on special holidays such as Thanksgiving and Christmas, worship services will take place on Sunday. At 11:00 a.m. Sunday worship service is anticipated and a small Sunday evening service is also planned. In the event the congregation grows sufficiently, an additional Sunday worship service would be held at 9:30 a.m. Normal church related activities such as Sunday school, weddings, funerals and occasional evening

meetings (with small groups of people) would also be held. MVPC has no plans to provide day care services. Mr. Deuterman emphasized that Sunday worship is the primary focus of the Church and that the church buildings will get only occasional use on other days.

Mr. Deuterman also requested that if the Board grants the special exception to make it be valid for five (5) years to provide sufficient time within which to raise the necessary funds to begin construction of Phase One.

Anthony Shinsky, architect for the proposed church building, testified regarding the design of the church building and its relationship to the site and community. Mr. Shinsky stated that he and his firm had extensive experience in church design. He displayed a rendering of the north elevation of the church building (Petitioners' Exhibit No. 6). Using the rendering, Mr. Shinsky pointed out that the church building has an exterior of brick and stone and an asphalt shingle roof. He explained that these features are consistent with the traditional colonial architecture he observed in the community. Mr. Shinsky said that the church building was designed to draw attention to the front of the building, away from the roof line of the sanctuary which was approximately 48 feet in height. A steeple, approximately 92 feet in height, was also incorporated into the church design.

Mr. Shinsky said that, in his opinion, the church building was a medium size church which was compatible with the

properties in the community. He added that he considered the church building an appropriate transitional use between the residential properties adjoining the subject property and the industrial properties located on the east side of I-83. Mr. Shinsky explained that it would not be desirable to reduce the height of the steeple because its height was directly related to the horizontal dimensions of the Church and a steeple was an important part of the church which clearly identifies the building. He testified that in his expert opinion, the church's design would not be objectionable to neighboring property owners.

On cross examination, Mr. Shinsky explained that size and design style must be considered together in analyzing the visual impact of a structure and that proper design style can help to make buildings of various sizes compatible with the community. Mr. Shinsky said that, in his opinion, given the size and design style of the church and given that it would be located on a large 23 acre site, it was compatible with the community.

The Protestants called an expert architect, Phillip Morrell, to testify in opposition to the Petitioners' request. Mr. Morrell said that in his opinion the proposed church was "much more than a church". He said that although he had not seen the floor plans for the church, the proposal of approximately 25,000 square feet was completely out of character with the "rural" nature of the community. He indicated that

placing this facility in the middle of a rural neighborhood would present a visual intrusion which would be adverse. He also expressed doubt as to the church's compliance with applicable height restrictions in the BCZR.

On cross examination, Mr. Morrell admitted that the fellowship hall, classrooms and other elements of the proposed church were normal and customary elements of church buildings. He said that in his opinion, the church's design was urban and while appropriate for such a community, was inappropriate for the subject community, which was rural. He claimed that the subject community was the same as rural areas zoned RC-4 in the northern part of Baltimore County. Finally, he said the proposed church might violate the applicable height restrictions in the BCZR.¹ Of course, many of the Protestants' witnesses testified that the area was residential and not rural in character, thus contradicting Mr. Morrell's testimony.

Mickey Cornelius of The Traffic Group, Inc., an expert traffic engineer, testified for the Petitioners. Mr. Cornelius said that based on his thorough traffic study, it was his opinion that the church would not have an adverse impact on the surrounding road network.

He explained that he conducted a traffic study (Petitioners' Exhibit No. 9) which included taking traffic

¹ Review of these regulations clearly indicates that Mr. Morrell is mistaken in his impression. The steeple of the church is not subject to height requirements and churches can clearly be built to a height of 50 feet under the BCZR. See Sections 300.1.A-8 and 300.2.

counts, performing a sight distance analysis, a vehicle capacity analysis and a vehicle speed study of vehicles travelling on Beaver Dam Road. Mr. Cornelius said that the study indicated that the access point to the subject property should be located approximately 125 feet west of the existing driveway. (The site plan to accompany the Church's request, Petitioner's Exhibit 1, shows the access to the proposed church in this location.) He noted that the Baltimore County Office of Traffic Engineering indicated that a 400 foot sight distance was adequate. By locating the access point as the Church proposes, sight distance would be 520 feet to the west and 530 to the east. Using photographs (Petitioners' Exhibit 8 A - G), which depicted the view of motorists travelling on Beaver Dam Road to the east and west at both the existing access point and the proposed access point, Mr. Cornelius testified that the sight distance would be more than satisfactory if the access point were constructed as proposed.

Mr. Cornelius stated that he then assessed a worst case scenario of 200 cars leaving the site at one time on a Sunday after services. Under those circumstances, the intersections in the area would continue to operate at a level of service A. Normally, Monday through Friday, between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. to 6:00 p.m., are the peak times when the heaviest volumes of traffic use the road network. In contrast, the church's prime period of operation is on Sunday morning.

Mr. Cornelius also explained that his firm conducted a speed study of Beaver Dam Road which indicated that 85% of the cars on the road travelled at a speed of 40 miles per hour or less. Based on the results of that speed study, he felt that he could state with even more certainty that the proposed access point for the church provided more than adequate sight distance. Also, he said his study indicated that even assuming the worst case scenario of 200 vehicles exiting the subject property at one time on Sunday morning, there would be no vehicle capacity problem on the surrounding road network.

Using a drawing he prepared (Petitioners' Exhibit No. 7), Mr. Cornelius testified that the most direct route to and from the subject property from I-83 south was shown in green and from I-83 north in orange. He explained that these routes would most likely be used by persons attending services at the church. In that event, cars would enter from the west and leave the site to the east via Beaver Dam Road and would not travel through the surrounding residential neighborhoods.

Mr. Cornelius also testified that given the limited number of vehicles travelling eastbound on Beaver Dam Road, there would not be a vehicle queuing problem caused by the church. He explained that with the roadway improvements proposed by the Petitioners, which include acceleration and deceleration lanes and widening of the access road to the subject property, approval of the Church's request would present no traffic problems. He said that owners of the properties to

the south who share the Church's access road would have the right-of-way and would not be hindered from exiting onto Beaver Dam Road by cars leaving the subject property. He also pointed out the large queuing area on the subject property itself and noted that this would reduce any likelihood of traffic congestion on the access road.

On cross examination, Mr. Cornelius explained that it would not be meaningful to perform a traffic design study based on relatively infrequent events such as those held at Oregon Ridge Park. He stated that for Oregon Ridge events that are likely to generate large amounts of traffic, local police routinely impose special traffic control requirements to mitigate any adverse traffic impact.

This testimony was confirmed by John Sullivan, the Park Manager for Oregon Ridge Park, who was called to testify by the Protestants. Mr. Sullivan stated that Sunday activities do take place at Oregon Ridge Park on a regular basis during the warm weather months. He indicated that most people arrive at the Park via the Baltimore beltway taking exit 20-B, then proceeding onto Shavon Road and then making a left turn onto Cuba Road. This, of course, is a different route than that likely to be taken by persons attending the church who arrive from the west along Beaver Dam Road. Mr. Sullivan acknowledged that when large events are held at the Park, officers of the Cockeysville Station of the Baltimore County Police Department work very closely with him in making sure traffic control

measures are implemented. Mr. Sullivan said that the police "do a great job" in making sure no traffic problems result.

Protestants produced an expert traffic consultant, Mr. John Erdman, who testified that a potential traffic hazard could occur if the church was approved. Through a series of documents (Protestants' Exhibit No. 2), Mr. Erdman testified concerning the problems which could result from approval of the church. First, Mr. Erdman speculated that the proposed parking might prove inadequate. He cited "ITE" parking data which indicated in excess of 250 parking spaces should be provided. Second, assuming all traffic generated by the church would pass through the intersection of Shavon Road and Cuba Road, traffic congestion might exist at that intersection. However, Mr. Erdman also testified that most of the traffic coming to the church would be travelling west on Beaver Dam Road and turn left into the site, which was consistent with Mr. Cornelius' testimony. Third, Mr. Erdman then said that vehicle queues could form on Beaver Dam Road at the church entrance which might cause a hazard. Mr. Erdman said that the "decision sight distance criterion" (i.e. the time it took for a driver faced with complex situations to select between choices regarding difficult maneuvers to react) should be applied in determining whether the location of the church entrance was acceptable. The sight distance information submitted by Mr. Erdman details a ten second time frame between initial recognition and deciding on an appropriate response. Based on his assumptions and

extrapolations of data, he testified that the decision sight distance for the church entrance was not adequate. He said that although he did not expect any specific queueing length to occur, a queue of some length could occur. He said that in his opinion, even a one vehicle queue could present a traffic problem.

On cross examination, Mr. Erdman said that he could not remember the last time he analyzed a traffic project using the decision sight distance criterion, obviously because it is never used in a case such as this. He also admitted that neither Baltimore County nor the Maryland State Highway Administration uses the decision sight distance criterion in analyzing any aspect of traffic safety. He also admitted that in performing his capacity analysis he assumed that all traffic will be travelling eastbound on Beaver Dam Road. If that assumption were correct, then, of course, no vehicles would turn left into the site from Beaver Dam Road and no vehicle queues would exist. Mr. Erdman also admitted that changing the timing of the signal at the Shavon/Beaver Dam Road intersection would improve the levels of service he projected there. He also stated that cycling all traffic through the Shavon/Beaver Dam Road intersection as he assumed in his capacity analysis was not realistic. If Mr. Erdman's testimony is closely scrutinized, his assumptions are contradictory, thus casting serious doubt on his conclusions.

Furthermore, Mr. Erdman acknowledged that the ITE trip rates he used in his parking analysis take into account that people leave and exit a church as one worship service ends and the next begins. Therefore, it was not proper to assume 400 cars would be entering and leaving the site at one time. Furthermore, he acknowledged it was inappropriate to assume, as he had done, that one parking space must be provided per car per worship service. He also admitted that overflow parking could be provided on the grass areas of the site and that the 200 spaces provided by the Petitioners were 50 more than required by the BCSR.

On rebuttal, Mr. Cornelius testified that he strongly disagreed with all of the conclusions expressed by Mr. Erdman. Mr. Cornelius pointed out that the "decision sight distance" criterion did not apply to the subject case since it envisions that different maneuvers must be considered by drivers in a given situation. The only maneuver to be decided by drivers travelling westbound on Beaver Dam Road as they cross the bridge over I-83 in this case is whether or not to stop. Any driver can certainly make this decision in far less than the ten second time period recommended by Mr. Erdman. Therefore, the stopping sight distance, which Mr. Erdman confirmed was adequate here, is the proper criterion to apply in evaluating traffic safety.

Mr. Cornelius added that the exhibit prepared by Mr. Erdman (Protestants' Exhibit No. 3) confirmed Mr. Cornelius' conclusion that adequate sight distance would still exist even

if a queue of 20 cars on Beaver Dam Road waiting to turn left into the subject property existed. Mr. Cornelius reiterated that based on his traffic study, the queues of a nature described by Mr. Erdman would not occur, given the low levels of traffic proceeding eastbound on Beaver Dam Road. Mr. Cornelius indicated that additional traffic counts taken just prior to the hearing on consecutive Sunday mornings (Petitioners' Exhibit No. 18) were consistent with the counts taken in 1991 and confirmed his conclusion in that regard. Furthermore, those counts include any traffic generated by Oregon Ridge events.

William Kirwin, an expert land planner for Petitioners, initially noted that the subject property is a relatively flat 23 acre site and that under the Church's proposal, just under ninety percent of the property will remain undisturbed. Mr. Kirwin explained that the subject property was zoned RC-4 to protect Beaver Dam Run which was a class III trout stream and the watershed protection area. He said that for the purpose of his analysis, the neighborhood surrounding the subject property was bounded on the south by Padonia Road, on the east by I-83, on the west by Falls Road and the north by Shavon Road.

Mr. Kirwin stated that as Petitioners' Exhibit No. 11, (a composite of tax maps 41, 42, 50 and 51) indicates, the neighborhood was not rural in nature but rather, a suburban growth area. The tax maps show the development of Mays Chapel Village, a large residential subdivision to the south. Mr.

Kirwin noted that State and County transportation authorities are considering extending light rail facilities to this area to handle commuter demands to and from downtown Baltimore.

Using Petitioners' Exhibit No. 14, Mr. Kirwin described how the church had been located on the site to maintain maximum distance from Beaver Dam Run and from adjoining properties. He testified that one major purpose of the Master Plan was to protect environmental features such as watersheds and stream systems. Because the stream distance criterion set forth in the Master Plan for developments in the RC-4 zone were not only met but far exceeded and only 10% of the site would be covered with impermeable surfaces, the church was entirely consistent with the Master Plan.

Mr. Kirwin stated that in his professional opinion, the church would not be detrimental to the health, safety or general welfare of the locality; would not tend to create congestion on roads, streets or alley ways; and would not create a potential hazard from fire, panic or other dangers. He also said that the church would not tend to overcrowd land and cause undue concentration of population, primarily because the 23 acre parcel would only be developed to the maximum of 108, preserving the remainder for open space use and because the church is only an occasional, passive use. Continuing to examine the special exception criteria set forth in Section 502.1, B.C.S.R., Mr. Kirwin expressed his opinion that the proposed use would not interfere with adequate provisions for schools, parks, water,

sewage, transportation or other public requirements, conveniences or improvements, noting that Oregon Ridge Park is located nearby and that issues regarding sewage had been satisfactorily resolved with the approval of septic areas by Baltimore County. He further testified that the proposed use would not interfere with adequate light and air of the area and would not be inconsistent with the purposes of the RC-4 zone nor the spirit and intent of the BCSR.

Mr. Kirwin said that in his opinion, the site was ideal for a church, given its location in relation to the existing road network, the opportunity to provide a buffer or transitional use between I-83 and the nearby residences, and the fact that the environmental protection objectives of the RC-4 zone could be better achieved here than elsewhere in an RC-4 zone. According to Mr. Kirwin, no adverse impacts under Section 502.1 would result from the approval of the Church's request. Therefore, there would clearly be no adverse impacts above or beyond any that might ordinarily be associated with churches located elsewhere in the RC-4 zone. Indeed, Mr. Kirwin pointed out that the roads in the area likely to be used by persons attending the church are designed to accommodate high volumes of traffic during peak traffic times. Because church activities would be conducted at off peak hours, this road infrastructure would be available to carry vehicles to and from the church. As a result, the subject property was a better site for a church than other properties zoned RC-4. Furthermore, Mr. Kirwin noted

that because the church was located much further from the stream and watershed protection areas than would be true on other sites zoned RC-4, the subject property was a better site for a church than others similarly zoned.

Mr. Kirwin went on to say that he was familiar with the requirements for amendments to a FDP set forth in the BCRZ. He confirmed that the Planning Board approved the amendment to the FDP to allow the church to be located on the site. (See Petitioners' Exhibit No. 3) Mr. Kirwin said that in his opinion, the spirit and intent of the BCRZ was to allow developments which were consistent with the purposes of the zone and the other requirements of the BCRZ. Mr. Kirwin stated that based on his previous testimony, it was clear that all the requirements in the RC-4 zone, Section 502.1 and the BCRZ were met. Accordingly, the spirit and intent of the BCRZ was met by the development of the site as a church.

Mr. Kirwin went on to say that in his opinion, the spirit and intent of the original FDP was to likewise allow a use which was consistent with the requirements of the BCRZ and the RC-4 zone. He felt that even though the impacts from a single family detached dwelling and a church were different, because both uses could be conducted in a manner consistent with the spirit of the BCRZ i.e., without adverse impact, the amendment of the FDP as proposed was consistent with the spirit and intent of the original FDP.

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On cross examination, Mr. Kirwin noted that there were many other principal permitted uses which could cause more impact on the site than the church including, but not limited to, uncontrolled excavations.

Mr. Kirwin also acknowledged that there are churches located on properties zoned RC-4 in the northern part of Baltimore County which is rural in character. Because these churches were meant to serve small rural enclaves vastly different from the area surrounding the subject property, they are smaller than the proposed church. Mr. Kirwin explained that RC-4 zones are found throughout Baltimore County in rural and suburban areas. Mr. Kirwin explained that the size of the Church was a factor to be considered in deciding whether the Section 502.1 test was met, but he concluded that given its design and location on the subject property, the size of this Church was not objectionable.

The Petitioners also produced the testimony of Marcia Brunnworth of 13020 Jerome Jay Way, Hunt Valley, Maryland. Mrs. Brunnworth indicated that her home is located in the Ivy Hill subdivision immediately south of Bishop's Pond. Although she is not a member of the Church's congregation, she testified that she supported Petitioners' request. She said the church was a good use for the site in that it provided a sense of community and the building would provide a buffer from I-83. She stated that the church has an attractive design and was not too large for the site. She said she has never experienced any traffic

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problems on Beaver Dam Road and did not feel the church would cause such problems.

Barbara Little of 13010 Jerome Jay Way, Hunt Valley, Maryland also testified. Ms. Little explained that she was a member of the Church's congregation. She said she supported the Petitioners' request for the same reasons cited by Mrs. Brunnworth. However, Mr. Little went on to say that because the church is a place where her family can conveniently worship and participate in church activities, the church would be an asset not only to the community but to her family as well.

Mrs. Little said that in April of 1992 she presented a petition to her neighbors indicating support for the church. At that time, she explained the nature of the Petitioners' request and displayed a photograph of the architect's rendering of the building. Many of her neighbors signed the petition. (Petitioners' Exhibit No. 10).

On cross examination, Mrs. Little verified that apparently one neighbor, a Mr. Karp, signed the petition in favor of the church and one petition opposing the church. However, she reiterated that in her opinion, the church was attractively designed and was not too large for the site given the square footage and height of the very large homes located in her own subdivision. Mrs. Little also confirmed that she

Mrs. Little indicated that the Petition and accompanying documentation against the church unfairly characterized the size and scope of the church which may have induced people to sign it.

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encountered no traffic problems on Sunday mornings on Beaver Dam Road and did not expect operation of the church to cause any such problems.

Margaret Worrall, Executive Director of the Valley's Planning Council, testified on behalf of the Protestants that because the area surrounding the subject property was rural in nature, the Church was too large. She also stated that approval of this Church would set a precedent which would enable further development to occur on the west side of I-83.

Arthur McComas, President of the Falls Road Community Association ("FRCA"), indicated that the FRCA circulated a petition which he prepared opposing the proposed church. Through various charts, maps and graphs, Mr. McComas indicated that the majority of persons in the area opposed the Petitioners' request. He said he had concerns about the traffic hazard which might result from the church and problems regarding water and septic disposal. Mr. McComas stated that he "did not accept what the experts said", i.e., that no such problems would result if the church were erected. He said he felt such problems would occur "although he could not prove it". Other residents expressed similar concerns.

Although Margaret Worrall, Mr. McComas and Phillip Worrall all indicated they believed the area surrounding the subject property was rural in nature, Petitioners' Exhibit No. 11 clearly shows that Mr. Kirwin's characterization of the neighborhood as a suburban area is far more accurate. Moreover,

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on cross examination, Mr. McComas acknowledged that the Petition he circulated referred to the community in which the church is to be located as "residential" and "suburban", not rural. He also admitted that the Petition which included an excerpt from the FRCA Newsletter, (Petitioners' Exhibit No. 17) indicated that the only use allowed on the subject property was a single family residential dwelling, an incorrect statement. The petition failed to contain a rendering of the church and did not indicate that only 10% of the site was being used. Under these circumstances, it is not surprising that certain members of the community signed a petition opposing the church.

SUMMARY AND CONCLUSION

Although the Protestants have attempted to convince the Board that the Petitioners are requesting approval to build a "cathedral" in a rural community which will cause adverse impacts of all kinds, the evidence shows otherwise. The Church would be located on a 23 acre lot adjoining I-83 in a suburban area.¹ Only 10% of the lot will be developed. The Church is located a great distance away from nearby residences and a stream. The view of the subject property includes a view of I-83 and the industrial properties across I-83. The Church would clearly provide a buffer between the residential neighborhood, I-83 and the industrial development adjoining it. No traffic

¹ Mr. Worrall admitted that the proposed church would be appropriate for an urban area. The area surrounding the site is far more urban than rural.

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congestion or problems with water supply and/or sewage disposal will result.

The Protestants have sought to convince the Board that all RC-4 zones are the same and simply because the proposed church is larger than other old churches located in RC-4 zones, the proposed church is too large and must be denied. Such an argument is fatally flawed. The unsubstantiated and contradicted testimony of Mr. Kirwin was that the RC-4 zone was mapped where streams exist throughout Baltimore County in rural areas in the north and in suburban areas such as the one in the instant case. Comparisons to small churches located in completely different neighborhoods, although they also happen to be zoned RC-4, are simply irrelevant.

Of course, the proposed church is bigger than the surrounding large residential structures. But, the lot upon which the church is located is many times larger than the lots upon which the residences are located. When one considers the very large homes in the Ivy Hill subdivision, the design style of the church and that only 10% of a large lot is utilized, it is clear that the church is not out of scale with the community.

The testimony of Mr. Erdman was completely discredited by his admissions on cross examination and the rebuttal testimony of Mickey Cornelius and, accordingly, is entitled to no weight. (See *Exhibit*). At best, his testimony (as well as that of Mr. Worrall) consisted of unsupported conclusions regarding possible impacts which, under GOML, cannot justify

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denial of a special exception. The testimony of the other Protestants' witnesses consists of unsupported concerns that adverse impact was possible if the church were approved. Under *Rockville*, such testimony lacks probative value and is no evidence at all. As such it cannot rebut the presumption in favor of the special exception use under Maryland law. Moreover, the Petitioners failed to produce any evidence to rebut that presented by Mr. Kirwin that the amendment to the FDP was appropriate.

Schultz calls for this Board to compare the evidence as to probable impact of the particular proposed use at the location proposed to the likely impact of a similar use in any other location in the zone. Petitioners do not have the burden to show that its use would benefit the community. Only if the impact of the particular proposed use proves to be more adverse than the impact of a similar use elsewhere is denial of the special exception legally justified.

In this case, the substantial evidence presented by Petitioners and summarized above clearly indicates compliance with Section 502.1, the requirements for amending a FDP and that any adverse impacts of the proposed church would be less than the impacts that could be expected were a similar church to be located elsewhere in the RC-4 zone.

Accordingly, Petitioners respectfully urge the Board to grant a special exception of five years in duration for the proposed church and to approve the amendment of the FDP.

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Respectfully submitted,

John J. Gessner
John J. Gessner
Robert A. Hoffman
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21204
Telephone: (410) 822-4111
Attorneys for Petitioners

ARGU410.454

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of August, 1992, a copy of the foregoing was mailed, postage prepaid, to T. Rogers Harrison, Esquire and Peter Max Zimmerman, Deputy People's Counsel, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

ARGU1410.454

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RE: PETITION FOR SPECIAL * BEFORE THE COUNTY
EXEMPTION * BOARD OF APPEALS
123' SW OF C/L OF I-83 AT * FOR BALTIMORE COUNTY
BEAVER DAM ROAD (13015
BEAVER DAM ROAD)
PTE SELECTION DISTRICT * Case No. 91-466X
3RD COUNCILMANIC DISTRICT

PROTESTANTS' CLOSING ARGUMENT

The Petitioners in this case, Signal Development Corporation, owner, and Hunt Valley Presbyterian Church, contract purchaser, petitioned the Zoning Commissioner for a special exception to use the subject property, zoned RC-4 in its entirety, as a church or building for religious worship.

On November 21, 1991, the Zoning Commissioner heard testimony on behalf of the Petitioners, represented by Venable Baetjer & Howard, and by Protestants who were unrepresented by counsel.

On December 26, 1991, the Zoning Commissioner granted the Petitioners' special exception use request subject to the following pertinent limitations and/or restrictions:

(4) The subject church shall be limited to a maximum seating capacity for 500 individuals;

(6) Petitioners are prohibited from operating any commercial day care or nursery school at the subject site. Ordinary nursery services for children of parishioners during church-related functions will be permitted.

Rec'd 1/14/92
CBA 3/1/92

(7) Petitioners are prohibited from operating lesser type functions or a bingo hall at the subject site and are prohibited from renting the church hall for commercial catering activities. Petitioners are permitted to use the church hall for church-related functions only.

The Protestants retained counsel and appealed to the County Board of Appeals.

The Petitioners appealed that portion of the Zoning Commissioner's order limiting seating capacity and restricting facility use, but dismissed its appeal, while acknowledging a willingness to abide by the Zoning Commissioner's restrictions at the initiation of the hearing process before the Board.

On April 24, July 30, and August 4, 1992, the Board of Appeals heard testimony on behalf of Petitioners and Protestants.

This written closing argument attempts to highlight the reasons why applicable legal principles, the record in this case, and the integrity of the Baltimore County Zoning Regulations and County Master Plan, it is respectfully suggested, compel the Board to deny the request for special exception.

Statement of Applicable Law

The Petitioners request approval to permit a "church" on approximately 23 acres, more or less, zoned resource conservation/watershed (RC-4), known as Bishop Pond Lot 1, and

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an amendment to the Final Development Plan for Bishop Pond to permit a church on Lot 1.

Without benefit of a special exception, the subject property allows development only as a single family residence.

The Baltimore County Zoning Regulations ("BCZR") permit churches or other buildings for religious worship by special exception in the RC-4 zone, §1A03.3B3A.

However, the BCZR also require assurance prior to the granting of any special exception that there is no reason to believe that the church being proposed will be detrimental to the health, safety or general welfare of the locality involved - and, in particular, that it will not interfere with, impair or cause contamination to the watershed, §1A03.1.

Section 502.1 of the BCZR sets out generalized descriptions of the types of detriment to the locality involved and watershed generally in light of which probative factual evidence should be carefully considered, weighed and resolved.

Additionally §502.2 mandates that the Zoning Commissioner, or the Board of Zoning Appeals, upon appeal shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties.

It is respectfully submitted that this provision of the BCZR facilitates the Board's imposing such restrictions and modifications as to the scope, size (both as to height, square

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footage, etc.) design and specific uses as it deems necessary to protect a neighbor, the surrounding neighborhood, the locality in which the use is proposed or the watershed.

Section 1A03.4B5 permits no more than 10 percent of any lot in an RC-4 zone may be covered by impermeable surfaces (such as structures or pavement).

Section 1A03.4A provides that no structure hereafter erected in an RC-4 zone shall exceed a height of 35 feet, except as otherwise provided under §300.

In pertinent part, §300.1a provides that the height limitation of 35 feet does not apply to church spires, belfries, cupolas ... and §300.2 provides that buildings for religious ... purposes may be built to a height of 50 feet in any zone which they are permitted ... (underscore added).

I have reached the point in this memorandum or argument wherein one traditionally identifies Schultz v. Fritze, 291 Md. (1981) and its progeny, such as People's Counsel v. Mangione, 85 Md. App. 738 (1991), as the beacon of light which will lead this Board to the only fair, rational and proper decision. It never ceases to amaze me how the slightest twist in interpretation can satisfy the arguments of Petitioners and Protestants alike.

It is beyond cavil that these cases apply and I have no doubt that this Board has experienced more able attorneys than I pontificating their teachings.

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The bottom line is that the special exception in this case should be denied if there are facts or evidence that show the particular use proposed at this particular location would have any adverse effects above and beyond those normally and inherently associated with such a special exception use irrespective of its location within the RC-4 zone.

Neither the immediate and contiguous neighbors, Swatka, Zinkhan, Turley and Sewell, nor the surrounding neighborhood, nor the Falls Road Community Association, nor the Valley Planning Council, oppose churches in RC-4 zones.

Quite simply, it is their position, clearly supported by the record in this case, that the BCZR and Master Plan never intended nor contemplated 26,000 square foot structures with 95 foot "steeple" in any resource conservation zone; that the size, scope and height of the proposed facility is out of character with the immediate neighborhood and surrounding community, while constituting both a visual and actual intrusion into the Protestants' use and enjoyment of their own properties; that in fact what has been proposed as to both size and use transcends any reasonable definition applied to a "church and other building for religious worship"; that the size of the proposed facility violates the permeable surface restrictions of the BCZR; that the height of the structure violates height restrictions of BCZR in that the so-called steeple is neither a "belfry, cupola, nor spire"; that the size

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of the proposed facility and its location in a critical watershed area, poses a danger of increased pollution, sedimentation and contamination, particularly in light of existing septic problems of contiguous properties.

Lastly, and notwithstanding even a substantial reduction in size of membership and square footage, the unique and peculiar grade and topography of Beaver Dam Road and access to the site, creates an actual hazardous condition which is neither correctable nor abated by a reduction in the number of vehicles accessing the site.

The Proposed Facility is Out of Character With the Surrounding Community

Just as there can be no dispute that the cases of Schultz and People's Counsel, supra apply, it is equally self-evident that what has been proposed is an "exceedingly large church." Indeed, this description is verbatim how this very Board characterized it in the CRD decision issued on March 12, 1992.

Petitioners' witnesses testified that the proposed "church" would include twenty-six thousand one hundred seventy-five square feet (26,175) with seventy-three thousand nine hundred seventy-three square feet (73,973) of paving. However, the sanctuary or worship area would accommodate 600 individuals and encompass 9,000 square feet. Admittedly, it is anticipated that a church might require accessory space to accommodate a vestry, offices, nursery and Sunday school

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activities, but in the subject case what has been proposed is in excess of seventeen thousand square feet of purported accessory space which transforms the use from a "church," defined by most dictionaries as a building for worship, to a structure of cathedral proportions, or an institutional use, which is clearly not permitted by special exception or otherwise in a resource conservation zone.

Mr. Shynsky and Mr. Kirwin rationalize the enormity of the structure and the visual intrusion it will create on contiguous properties and the community at large, by defining its locality to include the Hunt Valley Industrial Park to the east of I-83. Although both individuals expressed the magic opinions mandated by BCZR 502.1, those opinions are only as good as the facts upon which they are based. County Council v. District Land, 274 Md. 691 (1975); A. H. Smith Sand & Gravel v. Dist., 270 Md. 652 (1974). Mr. Shynsky did not attempt to define nor design a church compatible with the RC-4 zone in which it was proposed, but rather designed a structure which responded to his clients' demands as to square footage and use. He was only vaguely familiar with the BCZR or Master Plan, was unaware, by way of location, size, nor design, of any other churches located in RC-4 zones, and freely conceded that although he made every effort to choose architectural or design features compatible with surrounding structures, that in regard to size, he knows of no other structure, church or otherwise,

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in any RC-4 zone which remotely approximates the size of the proposed facility.

That the proposed structure is far too large is clear. Moreover, the Protestants believe that merely because a "church or building for religious worship" is generally permitted by special exception, under certain conditions, does not support that any structure is in fact a church. Indeed, Mr. Worrall testified within his purview of expertise that the proposed structure was neither compatible with the defined community nor in his opinion even vaguely representative of an architectural nor common sense definition of a church. He stated that generally accepted architectural design standards presumed nine (9) to twelve (12) square feet per seat with some additional space for vestry, classroom and nursery. A far cry from a 26,000 square foot structure.

Most importantly, it is implicit that in allowing a church use in a resource conservation zone, the legislative intent was to facilitate an anticipated community need compatible as to size, scope and use with that community and in light of its peculiar nature and the overriding interest of protecting the watershed.

I imagine that characterizing this structure as a cathedral is as meaningless as opining its locality to be industrial or suburban. If the Protestants' logic were to be extended, a forty-six acre site, surrounded by individual homes

and farmland in an RC-4 zone, would allow a 52,000 square foot building, as long as a part of it were used for religious worship and it were designed to appear like a gigantic house.

The Proposed Use Offends the Purpose and Integrity of the RCER and Master Plan

The bottom line is the RCER never intended to facilitate development of huge church structures out of character with the surrounding community in any resource conservation zone.

The bottom line is that a 7,000 - 9,000 square foot sanctuary does not require nor render another 17,000 - 19,000 square feet of buildings accessory to a church use.

The RCER should be read and where necessary interpreted or applied in conjunction with the Baltimore County Master Plan.

Ironically, Mr. Worrall helped author the introductory comments to the Master Plan which was adopted by the Baltimore County Council as prescribed by the Baltimore County Charter.

It is extremely hard to conceive how anyone might argue that RCER §1A03.38.3A and §502.1, when read in light of the Master Plan, permit the scope and size of use proposed in the subject case.

The Master Plan does represent a solemn promise to the community and context of understanding within which the RCER are interpreted and applied.

The overall objectives with respect to RC-4 zones are that these are critically sensitive areas in which resource based and resource conserving uses should have clear preference over all the other uses. Proposals for other kinds of uses, including non-farm residential, must prove there will be no immediate or cumulative adverse effects on the primary resource conservation purposes of the area.

If development is to be allowed, then it must be done so in a fashion and manner which promotes a compatible, liveable and pleasant environment, while ensuring adequate privacy, noise control, open space, while assuring that any new development is integrated with and compatible with existing environments, while minimizing site disturbances and visual intrusion on surrounding properties.

It is important to assure sensitive site design, layouts, size and architectural themes typical of that locality in order to promote a sense of order and harmony by discouraging jarring contrasts of scale, form, material and style.

I cannot take credit for the aforementioned objectives regarding development in RC-4 zones, for the author was far more eloquent than I and his comments are embodied in the Baltimore County Master Plan. However, I can suggest, in light of same, that the use as proposed in the subject case should be rejected as it inherently offends all of the above

criteria.

Proposed Use Impacts and Uniquely Damages Contiguous Neighbors

The Protestants presented the Board ample factual testimony and evidence, which satisfy the Schultz standard of particular adverse impact.

There was testimony that the neighborhood or locality in which the "church" is proposed is residential/agricultural with homes generally 2,000 - 3,000 square feet in size. The site is approximately 23 acres in size, is zoned RC-4, is approximately 1,000 feet from Beaver Dam Run. It is bordered on the east by I-83, on the south by the Turley and Carroll properties, on the west by Swacka and Sewell properties and on the north by Beaver Dam Road. Directly across Beaver Dam Road is the 130 year old home of Mrs. Zinkham. Generally, the community to the west of I-83 is represented by the Falls Road Community Association.

There was testimony of concerns over surface runoff and its effects on the Beaver Dam tributary. There was testimony over septic requirements and capabilities at such a large facility and of at least one failed septic system in the immediate area.

Mr. Sewell, who along with Mr. Turley, shares a common entrance and access lane with the proposed site, addressed the specific impact on his family if they are required to regulate access to their home in accordance with

church activities and the queuing of vehicles on site which will undoubtedly occur subsequent to any service. He described the unique and dangerous conditions on Beaver Dam Road as the roadway westbound funnels into a narrow single lane near the proposed entrance to the site and the fact that traffic customarily exceeds the posted speed limit due to road design and conditions and the fear he experiences when entering and exiting his property. If these road and traffic conditions are as he and others have testified, all the nice calculations and articulation of minimum required sight distance, do not change the fact that there is a dangerous and potentially hazardous condition now that will surely worsen with 200 vehicles entering and exiting the site, most of which will proceed to the site in a westbound direction.

There was testimony which clearly contradicted the assumptions regarding expected Sunday morning traffic counts from the manager of Oregon Ridge who identified numerous Sunday morning activities scheduled at the park, some of which attracted more than ten thousand (10,000) individuals to the area and occasionally necessitated the closing of Beaver Dam Road.

Finally, there was Mrs. Zinkham, who while sharing the concerns of her neighbors regarding traffic hazards, expressed deep concern over the obvious visual intrusion which would be created by such an enormous structure with a 95 foot

steeple just across the road. Interestingly, it was Mr. Worrall's opinion that what appears on the rendering is architecturally neither a "belfry, cupola nor spire" and therefore subject to a 50 foot height limitation. RCER 300.13 and 300.2.

The potential impact on Mrs. Zinkham is particularly severe in that her ability to even enter her own driveway will be affected by vehicles entering or exiting the subject site. If queuing along Beaver Dam Road westbound does occur, there is no passing lane, and the hazard identified by Mr. Erdman and Mr. Worrall will subject her property to potential damage, herself to potential injury, not to mention vehicular noises, vehicular exhaust and emissions.

The proposed use would clearly "overwhelm and dominate" the surrounding landscape and community, while representing an offensive intrusion into an RC-4 zone principally consisting of residential homes and farmland.

The Proposed Use Creates a Very Hazardous Traffic Problem Unique to this Location

Petitioners' traffic expert testified that his firm conducted a traffic flow and capacity analysis. Although the level of service at the intersection of Shaskan Road with Beaver Dam Road creates a C-intersection in peak hours, the proposed use would add little or no additional traffic volume to the system during these peak periods.

Additionally, he recommended a relocation of the proposed entrance to the site's westernmost boundary to enhance sight distance for vehicles exiting the site, which places the entrance in compliance with Baltimore County's minimum required sight distance of 400 feet.

Therefore, as he would have it, no hazard exists for exiting vehicles and the traffic effect of the proposed use would be minimal, since it occurs at non-peak periods.

However, a resolution of whether a hazardous or dangerous condition in fact now exists, or will occur or be worsened by the proposed use does not merely turn on the non-peak traffic counts on Beaver Dam Road, the timing of this church's proposed services, nor a theoretical computation or measurement of sight distance. Indeed, Mr. Erdman, Protestants' traffic engineer, did not materially disagree with Mr. Corneliuss's traffic counts nor his opinions of effects on nearest intersecting streets.

Minimum required sight distance is nothing more than a measurement in feet premised upon speed at which an entrance presumptively falls or passes, however, subject to peculiar and particular conditions at that real location that might rebut that presumption.

A speed of 30 miles per hour requires a minimum sight distance of 400 feet at any location.

However, the real conditions at the subject site have been described by Protestants and experts alike as a fairly wide paved roadway as one approaches the I-83 overpass westbound on Beaver Dam Road which funnels, curves and dramatically narrows as one crosses the overpass approaching the entrance to the subject site. Although a turning lane for traffic approaching the site eastbound might be proposed, there is no similar turning lane for westbound traffic which will by necessity be required to queue awaiting clearance of eastbound traffic along Beaver Dam Road prior to turning left into the site. With approximately 200 vehicles entering the site within the space of 20 - 30 minutes, can there really be any doubt that some queuing will not occur westbound? Moreover, although the sight distance for vehicles exiting the site might not be affected by this queuing, there is no sight distance for westbound traffic until it crests the overpass, and when it does, stopping distance for these vehicles will be dramatically affected by any queuing traffic preparing to enter the site, or exiting the site in a westbound direction.

The problem or hazard is created by this particular road configuration at this particular site. It cannot be rationalized or expertly qualified by resorting to nice calculations of speed, time, distance or traffic counts. It is a real condition and imposes a real danger.

Mr. Cornelius admitted that his own speed analysis revealed that it was a normal and expected condition for vehicles to exceed the speed limit at this location. At least, two of the actual vehicles identified were proceeding between 60 - 65 miles per hour and the average speed of all vehicles identified was between 6 - 10 miles (36 to 40 miles per hour) in excess of posted speeds.

Common sense tells us that Mr. Erdman is correct when he states that actual stopping sight distance for vehicles proceeding westbound is in reality sight/decision/stop distance. An individual does not see a danger, react to the danger and begin to stop all in one motion or in the same second. Rather, a condition is sighted or perceived and then reacted to but the process requires time. A vehicle traveling at 36 - 40 miles per hour requires 725 - 825 feet to see a danger, perceive it, react to it by braking and bring his or her vehicle to a stop. (See Erdman Exhibit K.) At 60 - 65 miles per hour, speeds at which vehicles are known to travel at this location, 1,257 - 1,450 feet are required to safely perceive, decide, react and stop.

Admittedly, the very same hazard exists now to a lesser degree and if the proposed use is allowed, irrespective of whether 200, 100 or 50 vehicles are involved, it will be substantially enhanced. Any queuing of westbound vehicles renders the hazard clearly obvious and substantial, but even if

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we were to concede for argument sake, no westbound queuing occurs, the hazard still exists. Assuming the sight distance for traffic proceeding westbound is identical to that of traffic exiting the site, i.e., 520 feet, it is insufficient sight/decision/stop distance to bring a vehicle to a halt at 40, or 50, or 60 miles per hour, prior to impacting the rear of the vehicle exiting the site and turning left or westbound on Beaver Dam Road.

The hazard, affected by speed and vehicles exiting or entering the site cannot be explained by bizarre coincidences, for it was the testimony of Mr. Murrell and several of the Protestants that the unique design of the roadway, the overpass, topography and grade that promotes speed and limits both sight and stopping distance at this particular location.

The proposed use will clearly tend to create congestion and an extremely dangerous traffic condition on Beaver Dam Road and it is therefore inconsistent with the spirit and intent of the RCER.

Conclusion

This request evolves from a presumption of compatibility of a church in an RC-4 zone subject to an assurance by Petitioners of no adverse effect upon neighboring properties in the general area. Board of County Comm'rs. v. Holbrook, 314 Md. 210 (1988) at 216 - 217 (quoting Schultz, 291 Md. at 11-13).

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There has been ample evidence produced by Protestants that the use and size and scope of use will in fact adversely affect neighboring properties and the neighborhood generally and concede the parameters of interpretation reasonably applied to a "church or other building for religious worship," violates both impervious surface and height restrictions of RCER, and is not in harmony with the general purpose and intent of the RCER and Master Plan.

There is such a thing as the law of common sense, and this Board is permitted to apply each Board member's own knowledge, developed through experience and training, to the evidence presented to resolve whether this 26,175 square foot structure and its 73,973 square feet of paving proposed in an RC-4 zone will overwhelm and dominate the surrounding neighborhood and create, or substantially worsen, a traffic hazard at the proposed entrance.

The Protestants recognize that it is not appropriate for the Board to visit the site and supplement or supplant the record made before them with personal evaluations made on site.

However, we do ask that you review the aerial plat, which depicts the site and surrounding community, reexamine the architectural rendering, while attempting to conceive just how big a 26,175 square foot structure really is! Reexamine the photographs of the site, Linham home, overpass and roadway, while trying to imagine 200 vehicles arriving and leaving in a

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short span of time. Then rely upon your own common sense to tell you whether the proposed use satisfies the requirements of RCER, and decide this case.

The Protestants can ask you to do no more than this, and respectfully submit that they are entitled to no less.

Respectfully submitted:

T. Rogers Harrison
T. ROGERS HARRISON
Rudd, Harrison & Burch
103 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204
(410) 828-1535

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 21st day of August, 1992, a copy of the foregoing was mailed to:

Phyllis Cole Friedman, Esquire
Barry's Counsel for Baltimore County
Peter Max Zimmerman, Esquire
Deputy People's Counsel
400 Washington Avenue
Room 47, Court House
Towson, Maryland 21204

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

T. Rogers Harrison
T. ROGERS HARRISON

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THE VALLEYS PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 582
Towson, Maryland 21285-5802
410-337-6877
410-296-5489 (FAX)

August 4, 1992

Mr. William T. Hackett, Chairman
Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: SPW 91-066-X Item 943B
Hunt Valley Presbyterian Church

Dear Mr. Hackett:

On behalf of the board of directors and members of The Valleys Planning Council, I would like to begin by saying that we are not opposed to churches in RC zones in general, but we are opposed to any institutional use of resource conservation land which will have a negative impact on this land because of its size, population, scale, and precedent.

The Baltimore County Zoning Regulations, section 502.1, specify that to be granted, a special exception "must be located with discrimination in relation to its surroundings...Under certain conditions, they could be detrimental to the health, safety, or general welfare of the public."

We have grave concerns about the scale and the size of the proposed special exception. Why is Hunt Valley Presbyterian Church requesting a special exception for 600 seats and a gymnasium-sized (105'x62') fellowship hall when, like many of the local churches, they have only 250-300 members?

The regulations list several situations, the violation of which would cause the special exception to be denied.

Because the petitioners have asked for such a huge capacity, The Valleys Planning Council believes that they will cause problems relating to section b, the congestion on the country road that will serve the church traffic; section d, the tendency to overcrowd the land and cause undue concentration of population; section e, the interference with adequate provisions for water and sewerage; and section g, an inconsistency with the purposes of the property's zoning classification and the spirit of the RC zoning on the proposed site.

We are concerned about the precedent of such a large institution on RC4 land, clearly an overcrowding environmentally. RC4 land is designated watershed protection because of its proximity to sensitive water resources. It is not so designated to allow for use by 600 or more people and cars at a time. Since there are no other churches of this magnitude on RC4 parcels, it is impossible to calculate the environmental impact. There is grave ecological and water quality damage to be done with a "try it and see" type of planning.

We are also concerned about who will take responsibility for such a large institutional use if the well and septic do not prove adequate for the church's future needs...or if the system as proposed should fail, as has happened elsewhere in the County.

We feel that we the taxpayers may be lead down a dangerous and expensive path whereby the County is forced to extend public utilities to this site in spite of the guidelines of the Master Plan, which call for no public water or sewer west of I-83.

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This particular RC4 property is unique in that the proximity of public water and sewer just to the east could create a precedent that would lead to the total erosion of such rural conservation properties now held for speculation, or offered for sale. The Master Plan 1989-2000 (p. 18) speaks to such a situation expressly:

Baltimore County is in a unique position to do something different. As is often said, we are at a crossroad. The course chosen will reflect whether we take advantage of the unique opportunities before us and build upon the wonderful efforts that precede us to conserve resources and achieve efficiency or whether we submit to the expedient, but potentially self-destructive pressure to accept the same fate that befalls most other urban regions.

Other churches in the RC areas are assets to the community, serving a comparatively small number of people at one time. St. John's on Butler Road has a membership of approximately 800 people and seats 120; Glyndon Methodist seats 198 maximum with 550 members; Grace Falls Road United Methodist seats under 100 people with a membership of about 200. Even brand new St. Stephen's Church at Hays Chapel and Jenifer Roads was approved for a capacity of only 210 seats.

Hunt Valley Presbyterian, although they have only 250 members, wishes approval for large buildings and facilities which will be used by an average of three times more people than that of other churches in the area who, like them, do not have access to public water and sewer, and suburban streets.

Issued by the Office of Planning and Zoning, the Baltimore County Growth Management Program, Proposed Guidelines for the

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1992 Comprehensive Zoning Map Process is quite clear on their plans for Resource Conservation areas.

These areas are intended to support a limited amount of residential development while still protecting the County's ground and surface water quality, forest resources, and significant plant and wildlife habitats. Zoning conversions which would increase development potential of land within this management area are inappropriate.

"Outside the Chesapeake Bay Critical Areas, the current combination of RC2 and RC4 is the best zoning mechanism for achieving the management goals of this classification. Changes to zones which permit additional residential density or increased commercial development should not be granted. It is especially important to avoid setting precedents that could lead to future upzoning."

Because of its proximity to the designated Hunt Valley growth area, this RC4 parcel is particularly vulnerable to requests for a change from compatible residential or agricultural use. Because the parcel is less expensive to purchase than similar parcels with appropriate zoning by right and available infrastructure in the growth-designated area, buyers constantly attempt to jump that buffer, that rural demarcation line, exceed the existing conditions and uses, and, like a PAC-MAN game, gobble up the rural conservation land.

When overuse causes failure of the individual services, the County---and the taxpayer---are forced to bail out the failures.

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qualification is that this is accompanied by constructing a part of the parking area with "porous paving."

3. There is a tendency to examine each zoning case without reference to the world around the immediate neighborhood. This is understandable in view of the necessity to review any unique problems presented which are particular to the neighborhood. On the other hand, the determination of what is unusual or unique in comparison with such use at other locations in the district demands a more wide ranging examination.

The delineation of the neighborhood is important. There is no set formula. Here, the core neighborhood would best be described as west of Interstate 83 and running along both sides of Beaver Dam Road, at least up to Shawan Road. Oregon Ridge Park would be the western edge of this core neighborhood. To be sure, it is on the fringe of the higher intensity area to the east of the Interstate, but has a lesser connection with it. It also has some connection to the rural area north of Shawan Road. Its connection here is greater because the church property has in common with the more northerly area its resource conservation zoning classification. On the other hand, the area to the north of Shawan Road tends to become more rural and less suburban. The core neighborhood itself is relatively low in residential density, but the individual houses are large.

In this neighborhood and surrounding milieu, the church proposes a structure of 28,000 square feet, with a length of approximately a football field, and having a large presence on

Beaver Dam Road. There should not be the slightest doubt that this church will be a very prominent institution in this community. The church sees this as a positive force. The Protestants see it in negative terms. The question is whether, objectively, as a matter of independent judgment, this particular church at this location, on this stretch of Beaver Dam Road, constitutes an excessive intrusion in the community.

There should also be no doubt the proposed church is far larger than any of the existing churches in the resource conservation zoning districts in the north county. These churches tend to run at one-third the size - whether measured in square feet, number of congregants, or parking spaces. These churches are on smaller sites, and many were built in another era. Because of the disparity in magnitude between the proposed church and other churches within the district, there is a serious question presented of compatibility. This is not a routine case, and the Board should not approach it with the idea that approval is automatic, or simply an extension of the "presumption in favor of special exceptions." The evidence in this case is such that the presumption is no longer useful. Rather, the question simply is whether or not the Board believes that this proposal satisfies the special exception standards.

4. The Board should maintain awareness that the appropriateness of prominent institutional uses in the fringe resource conservation areas is a recurring phenomenon. Whether we describe the area as low density residential, suburban, rural-

residential, or agricultural, we must confront the trend for relocation of large institutional uses outside the edges of the metropolitan area or population centers. There are a variety of explanations for these relocation decisions, such as cost, the availability of land, and the operational needs of the modern institution. But these explanations do not, in themselves, justify approval of each use.

This Board is currently considering the case of Hilbert F. Criste, et ux, Case No. 90-477-SPHX, on Cuba Road, approximately one mile north of this site. There, another large church is proposed in an agricultural zone. There are some differences in the two cases, but the main thrust is comparable. The Board's decision-making will have an enormous effect on the face and character of the resource conservation districts. In other words, what size, scale, and intensity of use is truly in character for an institution, such as a church, in a resource conservation district?

CONCLUSION

There is no mathematical way to decide this case. There is no exact engineering measure. As Oliver Wendell Holmes said on many occasions, general propositions do not decide particular cases. There is an element of human judgment in deciding when a legal situation passes over the border between acceptable and unacceptable. This is the highest form of human judgment and requires not only an understanding of legal standards but also the application of experience and wisdom. Accordingly, we

suggest that the Board devote its most serious attention and thought process to the evaluation of this entire record. The Board should articulate its thinking on each of the problems raised and come to a rational conclusion. In view of the competing points of view of the other parties to this case, and in view of the Board's own capabilities, we believe it is superfluous at this stage to attempt to dictate our judgment as to where the decision should fall.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 667-2186

I HEREBY CERTIFY that on this 14th day of August, 1992, a copy of the foregoing People's Counsel's Memorandum was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Ave., Towson, MD 21204; T. Rogers Harrison, Esquire, Mudd, Harrison & Burch, 105 W. Chesapeake Ave., 300 Jefferson Bldg., Towson, MD 21204; and Margaret Worrall, Executive

Director, The Valleys Town Planning Council, Inc., 212 Washington Ave., P.O. Box 5407, Towson, MD 21205-5402.

Peter Max Zimmerman
Peter Max Zimmerman

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MICHAEL V. STATE
IN RE: 90-1011
We agree with the State not, consequently, will discuss appellant's application. We are mindful that the cases upon which the State relies were decided in the context of the predecessor Rule to Maryland Rule 8-202, pertaining to appeals of right, rather than in the context of Maryland Rule 8-204, pertaining to Appeals for Leave to Appeal. That distinction is of no moment. Maryland Rule 8-202 requires that a "notice of appeal shall be filed within thirty days after entry of the judgment or order from which the appeal is taken." In that regard, it is almost identical to Rule 8-204(b)(1). However, the rationale for requiring strict adherence to the time requirements in the case of appeals of right is to less persuasive where application for appeal of right is sought. We hold, therefore, that as leave to appeal is sought, an appeal must be filed, as Maryland Rule 8-204(b)(1) prescribes, within thirty days from the date of the judgment from which appeal is sought and that the trial court may not, in the absence of specific authority to do so, extend that time.

APPLICATION FOR LEAVE TO APPEAL DISMISSED.

MSA 8-20 1335
PEOPLE'S COUNSEL v. MANGIONE, et al.
v.
Nicholas S. Mangione, et al.
No. 404, Sept. Term, 1990.
Court of Special Appeals of Maryland.
Feb. 1, 1991.

Landowners appealed decision of county board of appeals denying special exception to construct nursing home in residential area. The Circuit Court for Baltimore County, William M. Nicholson, J., affirmed, but then modified order

PEOPLE'S COUNSEL v. MANGIONE
IN RE: 90-1011
and recommended case for extraordinary hearing. Appeal was taken. The Court of Special Appeals, Cathell, J., held that: (1) circuit court improperly recommended case, and (2) landowners were not entitled to special exception.

Reversed.

1. Timing and Planning 09-01
Circuit court order recommending case to county board of appeals for extraordinary hearing on request for special exception to construct nursing home in residential area was final and appealable. Code, State Government, § 10-210(a), (2).

2. Timing and Planning 09-02, 738
Circuit court's denial of special exception to construct 280-bed nursing home in residential area was properly modified to remand case to county board of appeals for extraordinary hearing on alleged request to construct 120-bed facility where nothing indicated that application for 120-bed facility was ever filed with administrative agency or that original application for 280-bed facility was determined by proper method.

3. Administrative Law and Procedure 09-03
Petition of appeal to circuit court of decision of administrative agency is "binding."
See publication Words and Phrases for other judicial construction and definition.

4. Timing and Planning 09-04
Landowners' petition of appeal to circuit court after county board of appeals denied request to construct nursing home in residential area was "binding," and, thus, landowner was bound by submission in petition that application was for 280-bed facility and was prohibited from asserting in motion to alter and amend that county court judgment that application was for 120-bed facility.

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PEOPLE'S COUNSEL v. MANGIONE
IN RE: 90-1011
A. Timing and Planning 09-05
Special exception is part of comprehensive zoning plan and scheme presupposes that it is in interest of general welfare and is valid.

B. Timing and Planning 09-06
"Special exception" is one which has been legislatively pre-authorized to be conditionally compatible with use permitted as of right in particular area, condition being that zoning body must, in such case, decide under specified statutory standards whether presumptive compatibility exists.

See publication Words and Phrases for other judicial construction and definition.

1. Timing and Planning 09-07
Court of Special Appeals was required to give due deference to right of administrative agency, such as county board of appeals, to draw all reasonable inferences from facts and circumstances presented before it in proceeding for special exception to construct nursing home in residential area.

2. Timing and Planning 09-08
County board of appeals could conclude that 280-bed nursing home in residential area would have particular adverse impact and the landowners were not entitled to special exception to construct home; home was planned for dominant terrain where neighborhood, and testimony indicated problems with residential structure, and storm water runoff.

Peter Max Zimmerman (Offits Cole Friedman, on the brief, for appellant, People's Counsel, Towson.
Michael P. Thayer, Towson, for appellant, Delaney Valley Improvement Ass'n, Inc.
Joseph C. Laverghien, Towson, for appellee.
Argued before BLOOM, KARWACH and CATHELL, JJ.

PEOPLE'S COUNSEL v. MANGIONE
IN RE: 90-1011
CATHELL, Judge.
(1) This is a motion appeal from the order of the Circuit Court for Baltimore County recommending the case to the Baltimore County Board of Appeals (hereinafter "Board"). The appellant, Nicholas S. Mangione et al., requested a special exception for a nursing home and additional variance to permit a parking lot setback and a larger sign than ordinarily permitted. These requests were denied by the zoning commission. On appeal to it, the Board, after a hearing de novo, also denied the requests. Thereafter, the appellant appealed the Board's decision to the Circuit Court for Baltimore County. Initially, the circuit court affirmed the Board's decision. Thereafter the appellant filed a Motion to Alter or Amend Judgment. The circuit court granted the appellant's motion and remanded the case to the Board for a hearing de novo and finding, modifying its prior order. The appellant, People's Counsel for Baltimore County et al., then appealed to this Court.

The Issues
Whether the Circuit Court for Baltimore County abused its discretion in remanding the case to the Board; and whether the Board acted arbitrarily and capriciously in denying the appellant's request for a special exception to

1. The appellant argues that this appeal must be dismissed because the order from which the appeal is taken is not a final appealable order. The appellant argues that the order of the Circuit Court for Baltimore County recommending the case to the Board of Appeals is not a final appealable order. The appellant argues that the order of the Circuit Court for Baltimore County recommending the case to the Board of Appeals is not a final appealable order. The appellant argues that the order of the Circuit Court for Baltimore County recommending the case to the Board of Appeals is not a final appealable order.

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PEOPLE'S COUNSEL v. MANGIONE
IN RE: 90-1011
holds a convenient home in an area zoned for residential use.

The Holding
For the reasons that follow, we shall hold that the Circuit Court for Baltimore County abused its discretion in remanding the case to the Board, and that the Board did not act arbitrarily and capriciously in denying the appellant's request for a special exception to locate a convenient home in an area zoned for residential use.

The Facts
The appellant requested a special exception to build a convenient home on a four-acre parcel inside a single-family detached home area of Lutherville, Baltimore County, which is zoned for residential use (R.R. 5.5). The appellant also requested variances for a reduced parking lot set back and for a larger sign than ordinarily permitted. The property at issue is located in the part of Lutherville, west of York Road and just north of the Baltimore Beltway York Road exit serving Lutherville-Thousand. The subject property is a full block away from York Road, being parallel to York Road and one block westerly. The York Road corridor in this vicinity is primarily commercial in nature, but the area to the interior are residential.

On July 8, 1987, the zoning commission denied an application for a special exception, and the variances were dismissed as a consequence. The commission cited the interior residential location, the comparatively narrow front yard, and the limited access to York Road. It found that the proposed would have an unusual adverse impact as compared with other residential zone locations, and that it would be inconsistent with the purposes, spirit, and intent of the zoning scheme. The appellant then appealed to the

3. The appellant pleads the issues as:
1. Whether the Circuit Court abused its discretion in remanding the case to the Board of Appeals.
2. Whether the Board acted arbitrarily and capriciously in denying the appellant's request for a special exception to

PEOPLE'S COUNSEL v. MANGIONE
IN RE: 90-1011
Board pursuant to the Express Powers Act and the Baltimore County Charter. After a lengthy hearing, the Board affirmed the commission's decision. The Board concluded:

In doing so, the Board finds uncommon problems associated with this proposed development at this specific locale. Of particular concern is the size and scope of the proposed. The proposed facility houses 280 (280) beds, contained within two large wings. Additionally, a parking area large enough to house 100 vehicles is planned. Unquestionably, the project as proposed would overwhelm and dominate the surrounding landscape. This is particularly relevant in considering this site's location and surrounding community. Although not far from the commercial corridor of York Road, the proposal represents the deepest intrusion into the residential community of Lutherville Valley. The sheer size of the project from a building footprint standpoint would clearly encroach as already swarming storm water runoff situation within this community. Further, the Board remains unconvinced that the traffic generated by the home's employees and visitors would not overtax an interior community road system designed to accommodate residential traffic. At its essence, the Board finds as fact that the Petitioners have not met the burden that the proposed use is not detrimental to the health, safety or general welfare of the locality as provided in R.C.E.R. 282.

Upon appeal, the circuit court, applying the "substantial evidence" test, initially affirmed the Board's decision. After the court's opinion, the appellant filed a Motion to Alter or Amend Judgment. The court granted the appellant's motion and modified its earlier ruling for the following reason: "unpersuaded disparity in the findings and unexplained question as to what Appellees (appellants) is seeking in terms of the size of the nursing home." Thus

PETITION FOR SPECIAL EXCEPTION *
123' SW of C/L of I-83 at
Beaver Dam Rd. (13015 Beaver
Dam Rd.)
8TH ELECTION DISTRICT *
3RD CONGRESSIONAL DISTRICT *
CIGAL DEVELOPMENT CORPORATION,
Owner: HUNT VALLEY
PRESBYTERIAN CHURCH,
Contract Purchaser/Appellant

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, August 4, 1992 at 10:00 a.m. in Room 48, located in the Old Courthouse, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals.

Witness: James F. Powell,
Supervisor

Address: Department of Environmental Protection
and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the Chairman of the Baltimore County Board of Appeals.

Barbara A. White
Baltimore County Board of Appeals

SUB01030.BAW

PETITION FOR SPECIAL EXCEPTION *
123' SW of C/L of I-83 at
Beaver Dam Rd. (13015 Beaver
Dam Rd.)
8TH ELECTION DISTRICT *
3RD CONGRESSIONAL DISTRICT *
CIGAL DEVELOPMENT CORPORATION,
Owner: HUNT VALLEY
PRESBYTERIAN CHURCH,
Contract Purchaser/Appellant

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on Jeffrey B. Jollie, on the 22 day of July, 1992, by delivering and leaving a copy of the Summons.

I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

Barbara A. White
Barbara A. White

RTM0125.BAW

PETITION FOR SPECIAL EXCEPTION *
123' SW of C/L of I-83 at
Beaver Dam Rd. (13015 Beaver
Dam Rd.)
8TH ELECTION DISTRICT *
3RD CONGRESSIONAL DISTRICT *
CIGAL DEVELOPMENT CORPORATION,
Owner: HUNT VALLEY
PRESBYTERIAN CHURCH,
Contract Purchaser/Appellant

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

SUBPOENA

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Witness: Jeffrey B. Jollie,
Geohydrologist

Address: Department of Environmental Protection
and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the Chairman of the Baltimore County Board of Appeals.

Barbara A. White
Baltimore County Board of Appeals

SUB01031.BAW

PETITION FOR SPECIAL EXCEPTION *
123' SW of C/L of I-83 at
Beaver Dam Rd. (13015 Beaver
Dam Rd.)
8TH ELECTION DISTRICT *
3RD CONGRESSIONAL DISTRICT *
CIGAL DEVELOPMENT CORPORATION,
Owner: HUNT VALLEY
PRESBYTERIAN CHURCH,
Contract Purchaser/Appellant

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on James R. Powell, on the 26 day of March, 1992, by delivering and leaving a copy of the Summons.

I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

Barbara A. White
Barbara A. White

RTM0126.BAW

PETITION FOR SPECIAL EXCEPTION *
123' SW of C/L of I-83 at
Beaver Dam Rd. (13015 Beaver
Dam Rd.)
8TH ELECTION DISTRICT *
3RD CONGRESSIONAL DISTRICT *
CIGAL DEVELOPMENT CORPORATION,
Owner: HUNT VALLEY
PRESBYTERIAN CHURCH,
Contract Purchaser/Appellant

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday, April 24, 1992 at 10:00 a.m. in Room 48, located in the Old Courthouse, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals.

Witness: James R. Powell,
Supervisor

Address: Department of Environmental Protection
and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the Chairman of the Baltimore County Board of Appeals.

Barbara A. White
Baltimore County Board of Appeals

SUB01030.BAW

PETITION FOR SPECIAL EXCEPTION *
123' SW of C/L of I-83 at
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8TH ELECTION DISTRICT *
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CIGAL DEVELOPMENT CORPORATION,
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BEFORE THE
BOARD OF APPEALS
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BALTIMORE COUNTY
CASE NO.: 91-466-X

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Barbara A. White
Barbara A. White

RTM0125.BAW

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8TH ELECTION DISTRICT *
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CIGAL DEVELOPMENT CORPORATION,
Owner: HUNT VALLEY
PRESBYTERIAN CHURCH,
Contract Purchaser/Appellant

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

SUBPOENA

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Witness: Jeffrey B. Jollie,
Geohydrologist

Address: Department of Environmental Protection
and Resource Management
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401 Bosley Avenue
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The witness named above is hereby ordered to so appear before the Chairman of the Baltimore County Board of Appeals.

Barbara A. White
Baltimore County Board of Appeals

SUB01031.BAW

RE: PETITION FOR SPECIAL EXCEPTION *
123' SW of C/L of I-83 at
Beaver Dam Rd. (13015 Beaver
Dam Rd.), 8th Election Dist.
3rd Congressional Dist.
CIGAL DEVELOPMENT CORPORATION,
Owner: HUNT VALLEY PRESBYTERIAN
CHURCH, Contract Purchaser/
Appellant

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 21st day of February, 1992, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Ave., P.O. Box 5517, Towson, MD 21285-5517, Attorney for Contract Purchaser/Appellant; T. Rogers Harrison, Esquire, Mudd, Harrison & Birch, 105 W. Chesapeake Ave., 300 Jefferson Bldg., Towson, MD 21204, Attorney for Protestants/Co-Appellants; & Valley's Planning Council, P. O. Box 5402, Towson, MD 21285-4301.

Phyllis Cole Friedman
Phyllis Cole Friedman

Abstract

a sanctuary with a seating capacity for no more than 600 individuals. He also testified that a fellowship center would be constructed to provide meeting rooms, Sunday school classes, and a game room. Mr. Deuterman testified that a nursery would also be provided and operated only during the time that parents attended church services. Testimony indicated that there would be no bingo or hazard type functions held at this location. He also testified that Petitioners would not rent the hall for any catering activities. He also testified that cooking facilities will consist of a warming kitchen which in his view would not be consistent with any type of commercial kitchen.

Also appearing and testifying on behalf of the Petitioner was Anthony Shinsky, a registered architect. Mr. Shinsky testified that he and his company have designed many churches, primarily in the State of Pennsylvania. He testified concerning the building materials and the design of this particular church. Mr. Shinsky also provided an elevation drawing of the proposed church.

Mickey Cornelius, an expert in the field of traffic engineering, appeared and testified on behalf of the Petitioners. Mr. Cornelius is employed with the Traffic Group. Mr. Cornelius testified that he performed an extensive study concerning the effects that the proposed church will have on traffic patterns in the vicinity of the subject location. It was his expert opinion that the proposed church, even if at full capacity, would have no adverse impact on local traffic patterns.

Also appearing on behalf of the Petitioners was Bill Kirwin, a landscape planning expert. Mr. Kirwin testified concerning the landscaping which will be done to buffer the effects of the church on surrounding residences.

ORDER RECEIVED FOR FILING
Date
By

- 2 -

All of the witnesses and experts testifying on behalf of the Petitioners testified that the proposed church at the subject location would satisfy the requirements of Section 502.1 of the B.C.S.R.

Appearing and testifying in opposition to Petitioners' request were John Bentley, Valley Planning Council, Barbara M. Roman, a local resident and member of the Ivy Hill Community Association, Mike Turley, a local resident, Gary Swetho, Arthur McCombs of the Falls Road Community Association, and Mary Shabhan, a local resident.

The cumulative testimony of the Protestants was that they are opposed to a church being located on the western side of Interstate 83. They testified as to the rural character of this community and that this church, particularly the size of the church proposed, would be out of character at this location. The Protestants expressed considerable concern regarding the traffic problems that a church of this size may create on surrounding roads. They also testified concerning the water and septic systems in the area and indicated that the existing services are inadequate for the proposed church.

It is clear that the B.C.S.R. permits the use proposed in a B.C.4 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 has 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.S.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.

ORDER RECEIVED FOR FILING
Date
By

- 3 -

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. **Rebulet v. Potts**, 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.S.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. However, in the opinion of this Deputy Zoning Commissioner, a church with a maximum seating capacity for 500 individuals will adequately serve the Petitioners and I shall so order.

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.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of December, 1991 that the Petition for Special Exception for a church on the subject property zoned S.C. 4, pursuant to Section 1003.3.B.3A of the Baltimore County Zoning Regulations (B.C.S.R.), and an amendment to the Final Development Plan for Bishop's Pond to permit a church on Lot 1 thereof, in accordance with Petitioner's Exhibits 1 and 5, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the foregoing relief:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order.

ORDER RECEIVED FOR FILING
Date
By

MICROFILMED

- 4 -

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) Prior to the issuance of any permits, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be forwarded to the Zoning Commissioner's office for review and inclusion in the case file.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

4) The subject church shall be limited to a maximum seating capacity for 500 individuals.

5) Compliance with the comments of the Department of Environmental Protection and Resource Management, Division of Ground Water Management, dated May 20, 1991, attached hereto and made a part hereof.

6) Petitioners are prohibited from operating any commercial day care or nursery school at the subject site. Ordinary nursery services for children of parishioners during church-related functions will be permitted.

7) Petitioners are prohibited from operating hazardous-type functions or a bingo hall at the subject site and are prohibited from renting the church hall for commercial catering activities. Petitioners are permitted to use the church hall for church-related functions only.

THOMAS M. POWELL
Deputy Zoning Commissioner
for Baltimore County

THM:bjs

MICROFILMED

- 5 -

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

May 28, 1991

TO: Zoning Commissioner
Office of Planning and Zoning

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #438, Zoning Advisory Committee Meeting of May 28, 1991. Legal Owner: Cignal Development Corporation, Contract Purchaser: Hunt Valley Presbyterian Church, Inc., 123' SW of intersection of centerline I-83 and Beaver Dam Road, (#13015 Beaver Dam Road), D-B, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

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.

The two 10,000 square foot septic reserve areas established as a result of soil evaluations conducted on 9/25/90, 10/25/90 - 10/26/90, 11/29/90, and delineated on the Master Plot Plan dated 12/21/90, are acceptable for allowing construction of this facility. It should be noted, however, that a pumping system may be required to access the 10,000 square foot area located closer in proximity to Lot 2 should this area be needed for repairs or additions to the sewage disposal system in the future. It is advisable that you contact this office prior to application for a building permit in order to obtain information necessary for establishing the design and location of the sewage disposal system.

If you have any further questions concerning this matter, please contact Mr. Robert Powell at 887-2762.

ORDER RECEIVED FOR FILING
Date
By

SSF:rmk
4382HG/GWRMK

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

887-3555

December 26, 1991

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
123' SW of the c/l of I-83 at Beaver Dam Road
(13015 Beaver Dam Road)
8th Election District - 3rd Councilmanic District
Cignal Development Corporation - Petitioner
Case No. 91-466-X

Dear Mr. Hoffman:

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,

THOMAS M. POWELL
Deputy Zoning Commissioner
for Baltimore County

THM:bjs
cc: T. Rogers Harrison, Esquire
15030 Falls Road, Butler, Md. 21033

Mr. Mike Turley, 13021 Beaver Dam Rd., Hunt Valley, Md. 21030
Mr. Gary J. Swetho, 13031 Beaver Dam Road, Hunt Valley, Md. 21030
Mr. A. Douglas McCombs, 12405 Falls Road, Hunt Valley, Md. 21030
Mr. John Sewell, 13027 Beaver Dam Road, Hunt Valley, Md. 21030
Valleys Planning Council, P.O. Box 5402, Towson, Md. 21205-5402
People's Counsel; File

MICROFILMED

IN THE MATTER OF
123' SW of I-83 OF C/L I-83
AND BEAVER DAM ROAD
13015 BEAVER DAM ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
HUNT VALLEY PRESBYTERIAN
CHURCH, INC.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 91-466-X

AUDIENCE

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Thursday, November 21, 1991 at 10:00 a.m. in Room 106, located at the County Office Building and continuing thereafter as necessary for such witness' testimony and as scheduled by the Commissioner.

Witness: James R. Powell

Address: Supervisor
Department of Environmental Protection and
Resource Management
County Courts Building
401 Bowley Avenue, Room 416
Towson, Maryland 21204

ROBERT A. HOFFMAN
Esquire, Bartjae and Howard
210 Allegheny Avenue
P.O. Box 551
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the Zoning Commissioner of Baltimore County.

THOMAS M. POWELL
Deputy Zoning Commissioner
for Baltimore County

SUBPO111.BAN

MICROFILMED

IN THE MATTER OF
123' SW of I-83 OF C/L I-83
AND BEAVER DAM ROAD
13015 BEAVER DAM ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
HUNT VALLEY PRESBYTERIAN
CHURCH, INC.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 91-466-X

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on James R. Powell, on November 14, 1991, by delivering and leaving a copy of the summons.

I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

BARBARA A. WHITE
Barbara A. White

SUBPO111.BAN

MICROFILMED

IN THE MATTER OF
123' SW 1/4 OF 1/4 OF C/L I-83
AND BEAVER DAM ROAD
13015 BEAVER DAM ROAD
8TH ELECTION DISTRICTRICT
3RD CONGRESSIONAL DISTRICT
HUNT VALLEY PRESBYTERIAN
CHURCH, INC.
Petitioner
BEFORE THE
ZONING COMMISSIONER OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on LARRY PISON, on August 2, 1991, by delivering and leaving a copy of the summons.

I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

Barbara A. White
Barbara A. White

SUBP0111.BAW



MICROFILMED

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-466-X

The undersigned, legal owner(s) of the property situated 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 ... church in an RC4 zone under Section 1A09.3.B.3A of the RCZR.

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 am 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.

Caretaker/Purchaser:
Hunt Valley Presbyterian Church, Inc. (Type or Print Name)
210 E. Lexington Street
Baltimore, Maryland 21202
City and State
Attorney for Petitioner:
John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

Legal Owner(s):
Signal Development Corporation
(Type or Print Name)
210 E. Lexington Street
Baltimore, Maryland 21202
City and State
Attorney for Petitioner:
John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

ORDERED By the Zoning Commissioner of Baltimore County, this 23rd day of August, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of September, 1991, at 2:00 o'clock A.M.

J. Robert Harris
J. Robert Harris
Zoning Commissioner of Baltimore County.

500-001 (over)
MICROFILMED

All except
Jw 5-7-92
Nat July 5-12

1st
CMT
14 May 91

IN THE MATTER OF
123' SW 1/4 OF 1/4 OF C/L I-83
AND BEAVER DAM ROAD
13015 BEAVER DAM ROAD
8TH ELECTION DISTRICTRICT
3RD CONGRESSIONAL DISTRICT
HUNT VALLEY PRESBYTERIAN
CHURCH, INC.
Petitioner
BEFORE THE
ZONING COMMISSIONER OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Tuesday, August 13, 1991 at 9:00 a.m. in Room 106, located at the County Office Building and continuing thereafter as necessary for such witness' testimony and as scheduled by the Commissioner.

Witness: Jeffrey L. Hoffman
Address: Supervisor of Land Development Section
Department of Environmental Protection and
Resource Management
County Courts Building
401 Wesley Avenue, Room 416
Towson, Maryland 21204

Robert A. Hoffman
Robert A. Hoffman
Venable, Satterlee and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the Zoning Commissioner of Baltimore County.

J. Robert Harris
J. Robert Harris
Zoning Commissioner of Baltimore County

SUBP0111.BAW

IN THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ATTORNEYS AT LAW
210 BELL STREET, TOWSON, MARYLAND 21204
91-466-X

Description of Lot 1, Bishop Road,
Containing 21.7411 Acres of Land,
More or Less.
May 9, 1991

Beginning for the same at a point at the intersection of the west right-of-way line of Interstate 83 and the south right-of-way line of Beaver Dam Road, said point being South 56° 10' West 123 feet more or less from the center line intersection of Interstate 83 and Beaver Dam Road, thence binding on the west right-of-way of Interstate 83

- 1 - South 08° 45' 10" East 40.00 Feet,
- 2 - South 11° 36' 05" East 100.13 Feet,
- 3 - South 08° 45' 10" East 400.00 Feet,
- 4 - South 07° 19' 15" East 200.04 Feet,
- 5 - South 11° 36' 05" East 100.13 Feet,
- 6 - South 08° 45' 10" East 200.00 Feet,
- 7 - South 04° 59' 35" East 152.14 Feet thence leaving said right-of-way,
- 8 - North 78° 39' 36" East 999.18 Feet,
- 9 - North 37° 55' 21" East 62.95 Feet,
- 10 - North 06° 54' 40" East 40.59 Feet,
- 11 - North 02° 31' 46" East 93.78 Feet,
- 12 - South 87° 21' 17" East 30.00 Feet,
- 13 - North 02° 31' 46" East 93.78 Feet,
- 14 - North 39° 40' 35" East 6.30 Feet,
- 15 - North 20° 27' 40" East 912.05 Feet,
- 16 - North 18° 02' 40" East 77.04 Feet to a point on the south right-of-way line of Beaver Dam Road thence binding on said right-of-way
- 17 - Along a curve to the right 133 feet with a radius of 435.00 Feet,
- 18 - South 41° 21' 17" East 30.00 Feet,
- 19 - South 78° 13' 50" East 33.59 Feet,
- 20 - South 68° 18' 25" East 206.24 Feet,
- 21 - South 74° 26' 39" East 50.16 Feet,
- 22 - South 78° 01' 05" East 20.00 Feet,
- 23 - South 80° 15' 52" East 83.99 Feet to the point of beginning.

Being part of that parcel of land described in Exhibit A of a deed among the Land Records of Baltimore County, Maryland in Liber A.M. 748-204.

MICROFILMED



IN THE MATTER OF
123' SW 1/4 OF 1/4 OF C/L I-83
AND BEAVER DAM ROAD
13015 BEAVER DAM ROAD
8TH ELECTION DISTRICTRICT
3RD CONGRESSIONAL DISTRICT
HUNT VALLEY PRESBYTERIAN
CHURCH, INC.
Petitioner
BEFORE THE
ZONING COMMISSIONER OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on Rocky O. Powell, on August 2, 1991, by delivering and leaving a copy of the summons.

I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

Barbara A. White
Barbara A. White

SUBP0111.BAW

IN THE MATTER OF
123' SW 1/4 OF 1/4 OF C/L I-83
AND BEAVER DAM ROAD
13015 BEAVER DAM ROAD
8TH ELECTION DISTRICTRICT
3RD CONGRESSIONAL DISTRICT
HUNT VALLEY PRESBYTERIAN
CHURCH, INC.
Petitioner
BEFORE THE
ZONING COMMISSIONER OF
BALTIMORE COUNTY
CASE NO.: 91-466-X

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Tuesday, August 13, 1991 at 9:00 a.m. in Room 106, located at the County Office Building and continuing thereafter as necessary for such witness' testimony and as scheduled by the Commissioner.

Witness: Rocky O. Powell, Environmental Director
Address: Environmental Impact Review Division
Department of Environmental Protection and
Resource Management
County Courts Building
401 Wesley Avenue, Room 416
Towson, Maryland 21204

Robert A. Hoffman
Robert A. Hoffman
Venable, Satterlee and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the Zoning Commissioner of Baltimore County.

J. Robert Harris
J. Robert Harris
Zoning Commissioner of Baltimore County

SUBP0111.BAW

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/31/91

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 10/31/91.

THE JEFFERSONIAN,

S. Zeke Olson
S. Zeke Olson
Publisher

J 89.91

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/31/91

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 10/31/91.

TOWSON TIMES,

S. Zeke Olson
S. Zeke Olson
Publisher

J 89.91

CERTIFICATE OF POSTING
TOWSON, MARYLAND

91-466-X

State: P. 100
Posted for: Special Exception
Postmaster: Signal Development Corporation
Location of property: 123' SW 1/4 of 1/4 of C/L I-83 and Beaver Dam Road
Location of sign: 123' SW 1/4 of 1/4 of C/L I-83 and Beaver Dam Road
Number: 1
Postage: 10/31/91
Date of return: July 19, 1991

Postage: 10/31/91
Date of return: July 19, 1991

Postage: 10/31/91
Date of return: July 19, 1991

Postage: 10/31/91
Date of return: July 19, 1991

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/12, 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 7/11, 1991.

TOWSON TIMES,

S. Zafe Olorun
Publisher

\$84.29

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/12, 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 7/11, 1991.

THE JEFFERSONIAN,

S. Zafe Olorun
Publisher

\$84.29

CERTIFICATE OF POSTING

91-466-X

District: S. 8th
Date of Posting: February 2, 1992
Filed for: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of Sign: [Signature]
Remarks: [Signature]
Filed by: [Signature]
Date of return: February 2, 1992
Number of Signs: [Signature]

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

Account: R-001-8130
Number: 91-466-X

APPEAL FEE 1 X \$175.00
100 - OF A SPECIAL EXC. ORDER 1 X \$175.00
100 - POSTING SIGNS / ADVERTISING 1 X \$175.00
TOTAL: \$525.00
LAST NAME OF OWNER: CIGNAL, DEV CORP

Please Make Checks Payable To: Baltimore County \$520.00
BA 001277910-09-91

Cashier Validation

receipt

receipt

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

receipt

REVISION TO ITEM 438
(ADDED HEARING)

Account: R-001-8130
Number: 91-466-X

PUBLIC HEARING FEE 1 X \$175.00
100 - SPECIAL HEARING OTHERS 1 X \$175.00
TOTAL: \$350.00
LAST NAME OF OWNER: CIGNAL, DEV CORP

Please Make Checks Payable To: Baltimore County \$350.00
BA 001277910-09-91

Cashier Validation

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

receipt

See 91-466-X
Jan 438

REVERSE PUBLIC HEARING FEE 1 X \$175.00
100 - REVERSING CALL NUMBER 1 X \$175.00
TOTAL: \$350.00
LAST NAME OF OWNER: CIGNAL, DEV CORP

Please Make Checks Payable To: Baltimore County \$350.00
BA 001277910-09-91

Cashier Validation

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

receipt

91-466-X

Account: R-001-8130
Number: 91-466-X

APPEAL FEE 1 X \$175.00
100 - OF A SPECIAL EXC. ORDER 1 X \$175.00
100 - POSTING SIGNS / ADVERTISING 1 X \$175.00
TOTAL: \$525.00
LAST NAME OF OWNER: CIGNAL, DEV CORP

Please Make Checks Payable To: Baltimore County \$520.00
BA 001277910-09-91

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 11-4-91

Circuit Development/Just Valley Presbyterian
c/o John A. Howard, Esq.
210 Maryland Avenue
Towson, Maryland 21204

RE: CASE NUMBER: 91-466-X
127' 30" of Intersection of U.S. 140 and Beaver Dam Road
100 Electric Station - 3rd Consultant
Legal Owner: Circuit Development Corporation
Contract Number: Just Valley Presbyterian Church
(HEARING) TUESDAY, NOVEMBER 27, 1991 at 10:00 a.m.

Dear Petitioner(s):

- Please be advised that \$ 114.91 is due for advertising and posting of the above captioned property.
- THIS FEE MUST BE PAID AND THE DURING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE CHECK SHALL BE ISSUED. DO NOT ADVISE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.
- Please forward your check via return mail to the zoning office, County Office Building, 111 W. Chesapeake Avenue, Room 112, Towson, Maryland 21204. It should have your case number noted thereon as it is made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper checks under your name, candidate attention to this matter is suggested.

[Signature]
BALTIMORE COUNTY, MARYLAND

111-4-11-91

CASE NO. 91-CV-00054
IN THE MATTER OF THE APPLICATION OF CIGNAL DEVELOPMENT CORP.
RECEIVED FROM THE COUNTY BOARD OF APPEALS
EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ABOVE-CAPTIONED CASE,
AND ZONING COMMISSIONER'S FILE & EXHIBITS.
DATE: 2/6/92
CLERK'S OFFICE

Form CAG

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bayley Avenue
P.O. Box 6754
Towson, Maryland, 21205-6754
February 10, 1993
Re: Roderic O. Robertson, Esq.
V. Rogers Harrison, Esq.
John H. Elmer, III Esq.
Linda Lee M. Mummoli, Legal Secretary FF
County Board of Appeals SS 49
Baltimore Life Northwest
600 Washington Ave
Towson, MD 21204
Office Of Law
400 Washington Ave
Towson, MD 21204

RE: NOW JUST CV 56 CIGNAL DEVELOPMENT CORP., ET AL. VS. BALTIMORE COUNTY BOARD OF APPEALS
HEARING DATE: THURSDAY, MAY 11, 1993 @ 9:30 a.m.
ON THE FOLLOWING: Appeal 1 hour
Please see the below notation.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to confirm calendar. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Circuit Assignments-Joyce Graham 867-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record in the order of settlement is filed prior to trial.

RECEIVED
CIRCUIT COURT
JAN 13 11 21 AM '93

111 West Chesapeake Avenue
Towson, MD 21204
887-3353

DATE: 7/11/91

Just Valley Presbyterian Church
c/o David Dickinson, President
210 S. Lexington Street
Baltimore, Maryland 21202

RE: Case Number: 91-466-X
127' 30" of U.S. 140 and Beaver Dam Road
100 Electric Station - 3rd Consultant
Legal Owner(s): Circuit Development Corporation
Contract Number(s): Just Valley Presbyterian Church, Inc.
(HEARING) TUESDAY, NOVEMBER 27, 1991 at 10:00 a.m.

Dear Petitioner(s):
Please be advised that \$ 107.29 is due for advertising and posting of the above captioned property.
THIS FEE MUST BE PAID AND THE DURING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE CHECK SHALL BE ISSUED. DO NOT ADVISE 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 112, Towson, Maryland 21204 (15) before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: John A. Howard, Esq.

MICROFILMED

Form CA1

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE COUNTY COURTS BUILDING

401 Bayley Avenue
P.O. Box 4754
Towson, Maryland 21204-0754
February 10, 1993

Barbara Kammann - 887-3386
Median Assignment Clerk

TO: Edgar O. Robertson, Esq.
T. Rogers Harrison, Esq.
John A. Zink, III, Esq.
Robert A. Hoffman, Esq.
Linda Lee Kammann, Esq.

RE 93CV-56 - Hunt Valley Presbyterian Church, Inc. et al vs. Gary J. Southe et al

HEARING DATE: Monday, March 29, 1993 @ 11:30 A.M.

ON THE FOLLOWING: ALL OPEN MOTIONS IN THIS CASE.
IF YOU DESIRE TO SUBMIT, PLEASE CONTACT CIVIL ASSIGNMENT.

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to confirm calendar. Claim of not receiving notice will not constitute reason for postponement.
TIME ALLOTTED: No more than (4) hours is allotted for the hearing on "MOTION DAYS." If motions will take more than (4) hours contact the Assignment Office immediately.

COURT REPORTERS: A court reporter will not be present unless specifically requested. Court reporters will not be present on "MOTION DAYS." Request for reporters should be directed to the Assignment Office upon receipt of this notice.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Civil Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.
see for Ref #27-7250 7000/2000 mt. Bayley Section 1-800-724-2258

111 West Chesapeake Avenue
Towson, MD 21204

887-3355

FEB 14, 1993

NOTICE OF HEARING

The Sealing Commission of Baltimore County, by authority of the Sealing Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 48 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 91-466-X
123' SW of c/o of 1-83 at Beaver Dam Road (13015 Beaver Dam Rd.)
8th Election District
3rd Councilmanic District
Legal Owner(s): Signal Development Corporation
Contract Purchaser(s): Hunt Valley Presbyterian Church, Inc.
HEARING: THURSDAY, MARCH 12, 1993 at 9:00 a.m.

Special exemption for a church is an E.C.A. case.

Sealing Commission of
Baltimore County

cc: David "Gordon"
John B. Howard, Esq.

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

887-3355

FEBRUARY 22, 1993

NOTICE OF HEARING

The Sealing Commission of Baltimore County, by authority of the Sealing Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 48 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 91-466-X
123' SW of c/o of 1-83 at Beaver Dam Road (13015 Beaver Dam Rd.)
8th Election District
3rd Councilmanic District
Legal Owner(s): Signal Development Corporation
Contract Purchaser(s): Hunt Valley Presbyterian Church, Inc.
HEARING: THURSDAY, MARCH 12, 1993 at 9:00 a.m.

Special exemption for a church and an amendment to the final development plan for Bishop's Pond to permit a church on Lot 1.

Sealing Commission of
Baltimore County

cc: Signal Development Corporation
Hunt Valley Presbyterian Church
John B. Howard, Esq.
Litigants per Petitioner's Protestants' Sign-to-Stop

MICROFILMED



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 48
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

OLD COURTHOUSE
400 WASHINGTON AVENUE
JANUARY 30, 1992

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
January 30, 1992

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 55-79.

CASE NO. 91-466-X
SIGNAL DEVELOPMENT CORPORATION
123' SW of c/o of 1-83 at
Beaver Dam Road (13015 Beaver Dam Rd.)
8th Election District;
3rd Councilmanic District

SE-Church on property zoned RC-4;
amendment to Final Development Plan
for Bishop's Pond to permit church
on Lot 1 thereof.

12/26/91 - D.C.C.'s Order GRANTING
Petition with restrictions.

12/26/91 - D.C.C.'s Order GRANTING
Petition with restrictions.

ASSIGNED FOR: TUESDAY, MARCH 10, 1992 AT 10:00 a.m.

cc: Signal Development Corporation - Petitioner

Robert A. Hoffman, Esquire - Counsel for Contract Purchaser

Donald Deuterman, Pres. - Contract Purchaser
Hunt Valley Presbyterian Church

T. Rogers Harrison, Esquire - Counsel for Protestants

Valley's Planning Council

People's Counsel for Baltimore County

P. David Fields

Pat Keller

Public Services

Lawrence E. Schmidt

Timothy M. Kotroco

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director of Zoning
Administration

Linda Lee Kammann
Legal Secretary

RECEIVED
JAN 30 1992
ZONING OFFICE

MICROFILMED



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 48
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
January 30, 1992

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Hunt Valley Presbyterian Church

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Valley's Planning Council

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Administration

Linda Lee Kammann
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 48
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
February 19, 1992

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 55-79.

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on Lot 1 thereof.

12/26/91 - D.C.C.'s Order GRANTING
Petition with restrictions.

which was scheduled for hearing on Tuesday, March 10, 1992 has been
POSTPONED at the request of Counsel for Protestants due to schedule
conflict and has been

REASSIGNED TO: FRIDAY, APRIL 10, 1992 AT 10:00 a.m.

cc: Signal Development Corporation - Petitioner

Robert A. Hoffman, Esquire - Counsel for Contract Purchaser

Donald Deuterman, Pres. - Contract Purchaser
Hunt Valley Presbyterian Church

T. Rogers Harrison, Esquire - Counsel for Protestants

Valley's Planning Council

People's Counsel for Baltimore County

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James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director of Zoning
Administration

Kathleen C. Weidenhammer
Administrative Assistant

MICROFILMED



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 48
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
February 19, 1992

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conflict and has been

REASSIGNED TO: FRIDAY, APRIL 10, 1992 AT 10:00 a.m.

cc: Signal Development Corporation - Petitioner

Robert A. Hoffman, Esquire - Counsel for Contract Purchaser

Donald Deuterman, Pres. - Contract Purchaser
Hunt Valley Presbyterian Church

T. Rogers Harrison, Esquire - Counsel for Protestants

Valley's Planning Council

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Docket Clerk - Zoning

Arnold Jablon, Director of Zoning
Administration

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 48
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
March 5, 1992

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 55-79.

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on Lot 1 thereof.

12/26/91 - D.C.C.'s Order GRANTING
Petition with restrictions.

which was rescheduled for hearing on Friday April 10, 1992 has been
POSTPONED at the request of Counsel for Protestants due to schedule
conflict and has been

REASSIGNED TO: FRIDAY, APRIL 24, 1992 AT 10:00 a.m.

NOTE: NO FURTHER POSTPONEMENTS WILL BE GRANTED IN THIS MATTER.

cc: Signal Development Corporation - Petitioner

Robert A. Hoffman, Esquire - Counsel for Contract Purchaser

Donald Deuterman, Pres. - Contract Purchaser
Hunt Valley Presbyterian Church

T. Rogers Harrison, Esquire - Counsel for Protestants

Valley's Planning Council

People's Counsel for Baltimore County

P. David Fields

Pat Keller

Public Services

Lawrence E. Schmidt

Timothy M. Kotroco

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director of Zoning
Administration

Kathleen C. Weidenhammer
Administrative Assistant

NOTICE OF POSTPONEMENT AND REASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 88-79.

CASE NO. 91-466-X CITIGAL DEVELOPMENT CORPORATION
123' SW of C/1 of I-83 at
Beaver Dam Road (13015 Beaver Dam Rd.)
8th Election District;
3rd Councilmanic District

SE-Church on property zoned RC-4;
amendment to Final Development Plan
for Bishop's Pond to permit church
on Lot 1 thereof.
12/26/91 - D.E.C.'s Order GRANTING
Petition with restrictions.

which was rescheduled for hearing on Friday April 10, 1992 has been
POSTPONED at the request of Council for Protestants due to schedule
conflict and has been
REASSIGNED TO: FRIDAY, APRIL 24, 1992 AT 10:00 A.M.

NOTE: NO FURTHER POSTPONEMENTS WILL BE GRANTED IN THIS MATTER.

cc: Cignal Development Corporation - Petitioner
Robert A. Hoffman, Esquire - Counsel for Contract Purchaser
Donald Deuterman, Pres. - Contract Purchaser
T. Rogers Harrison, Esquire - Counsel for Protestants
Valley's Planning Council
People's Council for Baltimore County
P. David Fields
Pat Keller
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
Zoning Supervisor
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

Kathleen C. Meidenhamer
Administrative Assistant

NOTICE OF ASSIGNMENT
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Beaver Dam Road (13015 Beaver Dam Rd.)
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SE-Church on property zoned RC-4;
amendment to Final Development Plan
for Bishop's Pond to permit church
on Lot 1 thereof.
12/26/91 - D.E.C.'s Order GRANTING
Petition with restrictions.

ASSIGNED TO: THURSDAY, JULY 30, 1992 AT 1:00 P.M.
AND TUESDAY, AUGUST 4, 1992 AT 10:00 A.M.

cc: Cignal Development Corporation - Petitioner
Robert A. Hoffman, Esquire - Counsel for Contract Purchaser
Donald Deuterman, Pres. - Contract Purchaser
T. Rogers Harrison, Esquire - Counsel for Protestants
J. John Gessner, Esquire
Valley's Planning Council
People's Council for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

Linda Lee M. Ruzsmaul
Legal Secretary

NOTICE OF ASSIGNMENT
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CASE NO. 91-466-X CITIGAL DEVELOPMENT CORPORATION
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ASSIGNED TO: THURSDAY, JULY 30, 1992 AT 1:00 P.M.
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Robert A. Hoffman, Esquire - Counsel for Contract Purchaser
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Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

Linda Lee M. Ruzsmaul
Legal Secretary



John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204
Re: Item No. 438, Case No. 91-466-X
Petitioner: Cignal Dev. Corp., et al
Petition for Special Exception

Dear Mr. Howard:
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 reviewing members are received, I will forward them to you. Otherwise, any comment at 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 WIEGANDS. 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. David Deuterman
Hunt Valley Presbyterian Church
216 E. Lexington Street
Baltimore, MD 21202

MICROFILMED

Your petition has been received and accepted for filing this
25th day of May, 1991.

Arnold Jablon
Director

Received by:
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Cignal Development Corp.
Petitioner's Attorney: John B. Howard

MICROFILMED

The office of Planning and Zoning supports the applicant's request as the land use is appropriate at this time. Our support, however, is conditioned upon the following:

- The I-83 side of rear of the church should be finished with the same architectural detail as the front of the building.
- The landscape plan should incorporate aspects that favor native species of plants in order to accomplish a naturalistic design.
- The proposed church is of an urban, rather than rural, scale. Since the property will be served by a private well and septic system, comment regarding this issue should be provided by the Department of Environmental Protection and Resource Management prior to a final determination.

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.

JK/JL/cmm
ITEM438/2AC1

MICROFILMED

TO: Mr. J. Robert Heines
Zoning Commissioner
FROM: Rahee J. Famill
SUBJECT: S.A.C. Comments
S.A.C. MEETING DATE: May 28, 1991

This office has no comments for items number 427, 433, 434, 435, 436, 437, 438 and 440.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJT/lvd

MICROFILMED

TO: Zoning Commissioner
Office of Planning and Zoning
FROM: DIVISION OF GROUND WATER MANAGEMENT
SUBJECT: Zoning Item #438, Zoning Advisory Committee Meeting of May 28, 1991, Legal Owner: Cignal Development Corporation, Contract Purchaser: Hunt Valley Presbyterian Church, Inc., 123' SW of intersection of centerline I-83 and Beaver Dam Road, (#13015 Beaver Dam Road), D-8, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:
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 potentiality 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 887-3800.

The two 10,000 square foot septic reserve areas established as a result of soil evaluations conducted on 9/25/80, 10/25/80, 10/26/80, 11/26/80, and delineated on the Master Plot Plan dated 12/21/80, are acceptable for all construction on this facility. It should be noted, however, that a pumping system may be required to access the 10,000 square foot areas located closer in proximity to Lot 2 should this area be needed for repairs or additions to the sewage disposal system in the future. It is advisable that you contact this office prior to application for a building permit in order to submit information necessary for establishing the design and location of the sewage disposal system.

If you have any further questions concerning this matter, please contact Mr. Robert Powell at 887-2762.

SSP:rmk
438286/GWRMK

MICROFILMED



750 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JUNE 4, 1991

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

RE: Property Owner: SIGNAL DEVELOPMENT CORP.

Location: #13015 HEAVEN DAM ROAD

Item No.: 438 Zoning Agenda: MAY 28, 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: *Robert W. Bowling* Noted and Approved
Special Inspection Division Fire Prevention Bureau

JR/KEK

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991

FROM: Robert W. Bowling, F.E.

RE: Zoning Advisory Committee Meeting
for May 28, 1991

The Developers Engineering Division has revised the subject zoning items and we have no comments for items 427, 433, 434, 435, 436, 437 and 440.

For item 307, a revised County Review Group Meeting is required.

For Case #B-91-113, a County Review Group Meeting is required prior to development of this site.

For item 438, a County Review Group Meeting is required.

Robert W. Bowling
Robert W. Bowling, F.E., Chief,
Developers Engineering Division

RWB:s

received
6/14/91

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCETO: Arnold Jablon, Director DATE: November 8, 1991
Zoning Administration and
Development ManagementFROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Hunt Valley Presbyterian Church, Case No. 91-466

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

This office supports the request if note 36 is removed from the plan. The applicant's parcel is located within a RCA zone and the proposed development requires the entire site to meet the impervious surface requirements. This office sees this development as utilizing the site and therefore there are no remaining density units.

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/JLrdr

HUNTVLY/EXTROE

MICROFILMED

91-466-X Nov. 21

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCETO: Arnold Jablon, Director DATE: October 29, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, F.E.

RE: Zoning Advisory Committee Meeting
for October 22, 1991

The Developers Engineering Division has revised the subject zoning items and we have no comments for items 124, 127, 129, 129, 170, 173, 176, 178, 179, 180, 184, 186, 187, 188 and 189.

In addition, we have no comments at this time for Item #438 (Case No. 91-466).

For item 166, we will have no comments until the County Review Group Meeting.

For item 171, see our County Review Group comments dated October 10, 1991.

For items 174 and 175, minor subdivision review comments were prepared for this site, dated October 2, 1990.

Item 181 represents a minor subdivision, which should be processed through the minor subdivision procedure.

For item 182, no comments are necessary on density transfer.

Robert W. Bowling
Robert W. Bowling, F.E., Chief
Developers Engineering Division

RWB:s

MICROFILMED

APPEAL

Petition for Special Exception
123' SW of the c/o of I-83 at Beaver Dam Road
(13015 Beaver Dam Road)
8th Election District - 3rd Councilmanic District
SIGNAL DEVELOPMENT CORPORATION - Petitioner
Case No. 91-466-X

Petition(s) for Special Exception
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments (Included with ZAC Comments)
Petitioner's Exhibits: 1. Plat to accompany petition
2. No exhibit in file marked "2"
3. Travel Routes highlighted
4. Photographic Map
5. Memo Re: Amended FDP
6. 1st Amended Final Development Plan
7. CAC Meeting Summary
Protestant's Exhibits: 1. Valley Planning Council Testimony
2A & 2C & 3 - Photographs
Deputy Zoning Commissioner's Order dated December 26, 1991 (Granted with restrictions)
Deputy Zoning Commissioner's Amended Order dated January 24, 1992
Notice of Appeal received January 24, 1992 from Robert A. Hoffman, Attorney on behalf of Hunt Valley Presbyterian Church
Notice of Appeal received January 24, 1992 from T. Rogers Harrison, Attorney on behalf of the Protestants

cc: Donald Deuterman, President - Hunt Valley Presbyterian Church
3 Forest Ridge Court, Timonium, MD 21093
Robert A. Hoffman, Esquire - Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, MD 21204
T. Rogers Harrison, Esquire - Budd, Harrison & Burch
15630 Falls Road, Butler, MD 21023

MICROFILMED

91-466-X Nov. 11

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 6, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Robert J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 22, 1991

ITEM NUMBER: 438

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

Robert J. Famill
Robert J. Famill
Traffic Engineer II

RJR/lvd

MICROFILMED

91-466-X

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

OCTOBER 24, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: REVISED PETITIONS AND PLANS WERE RECEIVED FOR ITEM
#438 (CASE #91-466) Zoning Agenda: OCTOBER 22, 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.

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

REVIEWER: *Robert J. Famill* Noted and Approved
Planning Division Fire Prevention Bureau

JR/KEK

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

January 30, 1992 (410) 887-3353

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

RE: Petition for Special Exception
123' SW of the c/o of I-83 at Beaver Dam Road
(13015 Beaver Dam Road)
8th Election District, 3rd Councilmanic District
SIGNAL DEVELOPMENT CORPORATION - Petitioner
Case No. 91-466-X

Dear Board:

Please be advised that two separate appeals of the above-referenced case were filed in this office as follows:

1) January 24, 1992 by Robert A. Hoffman, Attorney for Hunt Valley Presbyterian Church, Inc. c/o Robert O. Robertson.

1) January 24, 1992 by T. Rogers Harrison, Attorney for Protestants.

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

Very truly yours,

Robert A. Hoffman
Robert A. Hoffman
Zoning Commissioner

LEJ:cwr

Enclosures

cc: Donald Deuterman, President - Hunt Valley Presbyterian Church
3 Forest Ridge Court, Timonium, MD 21093
Robert A. Hoffman, Esquire - Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, MD 21204

T. Rogers Harrison, Esquire - Budd, Harrison & Burch
15630 Falls Road, Butler, MD 21023

Valley's Planning Council, P.O. Box 5402, Towson, MD 21285-5402

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

RECEIVED
JAN 30 1992
FIRE DEPT

[illegible]

BOARD OF APPEALS

BOARD OF APPEALS:

BOARD OF APPEALS

Baltimore County Government
Planning Board



Oct. 24 43

067-3311

October 18, 1991

TO: Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: P. David Fields, Secretary
County Planning Board

SUBJECT: Amended Development Plan,
"Bishop's Pond"

VIII 524

Pursuant to Section 1801.3A.7.b.1 of the Baltimore County Zoning Regulations, the proposed Amended Final Development Plan of "Bishop Pond" was reviewed and approved by the County Planning Board at its meeting on October 17, 1991. The Zoning Commissioner's proceedings on this plan may now be concluded.

By a copy of this memorandum, a copy of the red-lined FDP, as approved, is being sent directly to Mitch Kellman.

P. David Fields
P. David Fields *ps*

FDP/FDP/MS
BIDR005.FDP/TRY/MJM

Enclosures

cc: Lawrence Schmitt, Esq.
Joseph V. Naranito
Michael J. Kellman
Robert A. Hoffman, Esq.



TRAVEL ROUTES BETWEEN
HUNT VALLEY PRESBYTERIAN
CHURCH AND I-83

GREEN = Most direct route to/from I-83 south
ORANGE = Most direct route to/from I-83 north
YELLOW = Alternate route to/from I-83 north

PL 86147

Pst. Ehl # 7



Pt. 8.1 #9

August 2, 1991

Venable, Baetjer and Howard
Mr. Robert A. Hoffman
210 Allegany Avenue
Towson, Maryland 21204

RE: Hunt Valley Presbyterian Church
Baltimore County, Maryland
Our Job No. 10014

Dear Mr. Hoffman:

As requested, The Traffic Group, Inc. has undertaken brief studies and analyses relating to the development of the proposed 600 seat Church, located in the southwest quadrant of 180 and Beaver Dam Road.

The principal reasons for undertaking our study were as follows:

- To determine the amount of traffic likely to be generated by the Church.
- To determine existing traffic volumes along Beaver Dam Road during the week and on the weekend.
- To determine the existing travel speeds along Beaver Dam Road.
- To determine the sight distance at the proposed access location for the Church along Beaver Dam Road.

The Traffic Group, Inc.
Suite 601
4011 Chesapeake Avenue
Towson, Maryland 21204
301-237-0075
FAX 301-237-0075
FAX 301-237-0458

PETITION

We, the undersigned, are property owners who reside in the vicinity of the Bishop's Pond subdivision located on Beaver Dam Road, southwest of I-83 in Baltimore County, Maryland. We understand that Lot 1 of that subdivision is proposed as the site of a 600 seat church to be known as the Hunt Valley Presbyterian Church ("Church"). We also understand that the Church is the subject of a special exception request in Case No. 91-466 pending before the Baltimore County Board of Appeals. Because we believe that the Church will not be detrimental to our community, we respectfully request that the Board of Appeals approve the Church's request in Case No. 91-466.

Approved by Arnold Jablon David Fields 3080 Decatur Hwy E.
 Printed Name of Property Owner Signature of Property Owner Property Address
Carl Rieberg Carl Rieberg 13018 J. Edgar
Tommy Little Tommy Little 15010 Jerome Ave. Dr.
Joseph J. Gallagher Joseph J. Gallagher 13009 Jerome Ave. Dr.
Nancy M. Gallagher Nancy M. Gallagher 4

Petitioner's Ex. #10

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

867-3211

October 18, 1991

TO: Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: P. David Fields, Secretary
County Planning Board

SUBJECT: Amended Final Development Plan,
"Bishop's Pond"



UHH-524

Pursuant to Section 1801.3A.7.b.1 of the Baltimore County Zoning Regulations, the proposed Amended Final Development Plan of "Bishop's Pond" was reviewed and approved by the County Planning Board at its meeting on October 17, 1991. The Zoning Commissioner's proceedings on this plan may now be concluded.

By a copy of this memorandum, a copy of the red-lined FDP, as approved, is being sent directly to Mitch Kellman.

P. David Fields
P. David Fields

FOR FILING
BISHOPS POND, MD

cc: Lawrence Schmidt, Esq.
Joseph V. Maranto
Mitchell J. Kellman
Robert A. Hoffman, Esq.

PETITIONER'S
EXHIBIT 5

COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, July 11, 1991

HUNT VALLEY PRESBYTERIAN CHURCH

DISPATCH 8-01

COUNTY REVIEW GROUP - THOSE PRESENT

Jose Escalante, Chairman - Dept. of Public Works
 Joe Maranto, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

Christine Botta - Councilman Ruppensberger's Aide
 Larry Pilson - DEPRM
 Ed Schamus - DEPRM/Storm Water Management
 James A. Logan - Developers Engineering Division
 Les Schreiber - Bureau of Public Services

DEVELOPER AND/OR REPRESENTATIVE

J. Strong Smith - G.W. Stephens & Assoc., Inc.
 Bert Petersen - G.W. Stephens & Assoc., Inc.
 J. M. Guckert - G.W. Stephens & Assoc., Inc.
 D. M. Deuteran - G.W. Stephens & Assoc., Inc.
 Roger Robertson - Hunt Valley Presbyterian Church
 Tony Shinsky - Hunt Valley Presbyterian Church
 Rob Hoffman - Crabtree-Kobush Associates
 Wendie, Baetjer & Howard

INTERESTED CITIZENS

Please See Attached

Mr. Escalante, Chairman, opened the meeting at 11:45 a.m. Introduced the staff, and explained the purpose of the meeting. Messrs. Deuteran and Smith presented the plan.

Mr. Maranto summarized the staff comments submitted from Fire Department, Developers Engineering Division, Storm Water Management, Department of Environmental Protection and Resource Management (DEPRM), Board of Education, Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks, Bureau of Sanitation, Bureau of Land Acquisition. These comments have been made a part of this summary, and a copy was also given to the developer and developer's engineer.

Staff comments to be addressed:
Fire Department - Proposed building to meet applicable provisions of Fire Prevention Code.

PETITIONER'S
EXHIBIT 7

WILLIAM F. KIRBY, INC.
Land Planning/Landscape Architecture
25 East Susquehanna Avenue
TOWSON, MARYLAND 21204

(301) 237-0075
FAX (301) 237-0077

LETTER OF TRANSMITTAL

DATE: Aug 14, 1992 FILE NO:

TO: Board of Appeals

Hunt Valley Presbyterian Church

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
- ☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
1 ea.	of 2		Petitioner's Exhibit No. 14 and 15

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit copies for approval
- ☐ For your use ☐ Approved as noted ☐ Submit copies for distribution
- ☐ As requested ☐ Returned for corrections ☐ Return corrected prints
- ☐ For review and comment ☐
- FOR BIDS DUE 19 ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO

SIGNED: William Kirby

PETITION

To the Board of Appeals of Baltimore County, Maryland

We, the undersigned, are concerned about the approval by the Deputy Zoning Commissioner of Baltimore County of a Special Exception for the proposed construction of THE HUNT VALLEY PRESBYTERIAN CHURCH on the property known as BISHOPS POND in the 13000 block of Beaverdam Road, Cockeysville, Maryland 21030. The proposed structure of approximately 26,000 square feet, with a 92 foot high steeple would be located on 23.15 acres of environmentally sensitive land currently zoned RC-4 for Watershed Protection intended to accommodate a single residence.

We feel that the scale of the proposed structure is incompatible with the character of our residential community and would create traffic congestion and safety problems on our streets and roadways. A smaller scale church and structure, designed to serve our own suburban community would be more accessible to the residents of area.

Therefore we do hereby petition the Board of Appeals to reverse the decision of the Deputy Zoning Commissioner.

NAME DANIEL KARP ADDRESS 13075 J. Edgar CITY HUNT VALLEY ZIP 21030 PHONE (410) 527-1208

JOY DR

Petitioner's Ex. #1

Edman and Associates, Inc.
Consulting Engineers

TRIP GENERATION

ITE Trip Generation
G.P.A. for Hunt Valley Presbyterian Church is
25,173 square feet
(Ref: Note 11 on Petitioner's Exhibit 1)

PAGE	DESCRIPTION	CURVE FORMULA	TRIP'S ANCHOR
		Avg. Trip Rate	TRIP'S RATE
795	Saturday ADT	NA	NA
		4.903	123
796	Peak Hour "Generator" Saturday	T = 0.73 (X) + 15	33
		1.291	33
797	Sunday ADT	T = 7.67 (X) + 612	805
		31.456	792
798	Peak Hour "Generator" Sunday	T = 2.65 (X) + 147.0	214
		8.359	210

Estimate
 400 seats - assume full occupancy with no standees
 Auto occupancy 3/Auto
 Therefore: 200 autos
 During peak hour of generator
 200 arriving at
 200 departing
 ADT
 200 arriving
 200 departing
 400 Total

Petitioner's Ex. #2

A POLICY on GEOMETRIC DESIGN of HIGHWAYS and STREETS

1984



American Association of State
Highway and Transportation Officials
Suite 225, 444 North Capitol Street, N.W.
Washington, D.C. 20001
(202) 634-5800

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Petitioner's Ex. #4

Protestant's Ex #14

8-4-92

Dear Barbara,

I won't be able to attend today, but here are a few points someone may want to make about the concern Pool Rd. residents have over the possibility that the county may punch the road through to relieve traffic congestion.

1. Pool Rd. has neither sidewalks nor shoulders. Farms run right down to the blacktop. Pedestrians, therefore, are accustomed to walking in the street itself. An obvious hazard where unfamiliar drivers are concerned.

2. There are 4 families with young children who are particularly concerned about through traffic and the likelihood of increased speeds.

3. Our dead end is an attractive feature to home buyers concerned about burglars. There has only been one break in (stuck) during the ten years I've lived here.

Best of luck,
Larry Orrill

Attention: Board of Appeals
Re: Special Exception - Hunt Valley Presbyterian Church

I feel that the proposed church for Lot #1, Bishop's Pond is uniquely adverse to my property on the following points:

1. Traffic - As proposed there will be a deceleration lane that will go across the road front of my property. I cannot help but feel that during its functioning hours that I am going to be trapped in my own driveway due to incoming traffic. The potential for queuing of vehicles in this lane back onto Beaverdam Road is very possible in my opinion. I personally, last year, experienced a property damage accident right where the proposed church entry will be, with the potential of opening traffic. I feel that there is a greater chance of some type of accident to occur in this location.
2. Property Devaluation - The factors of traffic and proximity to such a large and busy facility in my opinion cannot help but devalue my property. Being in the development industry myself I cannot help but feel that my buyer market will have shrunk significantly because of my location.
3. Size and Scope - As a homeowner and a participant with local community groups, I feel that I have been totally disregarded by Hunt Valley Presbyterian Church in their pursuit of their project. If I would have been asked, my opinion would have been to reduce the size of the overall structure by at least 50%. As the proposed church is presently designed, I feel it is totally out of character with the local community.

Thank you for your consideration in lieu of my absence.

Sincerely,

Gary J. Smith
Gary J. Smith

Bruce Seave
Bruce Seave

April 22, 1992
Date

James J. McShaw
James J. McShaw
My Comm. Exp. 11/2, 1995

Protestant's Ex #15

PETITION

To The Board of Appeals of Baltimore County, Maryland

We, the undersigned, are concerned about the approval by the Deputy Zoning Commissioner of Baltimore County of a Special Exception for the proposed construction of THE HUNT VALLEY PRESBYTERIAN CHURCH on the property known as BISHOP'S POND in the 13000 block of Beaverdam Road, Cockeysville, Maryland 21030. The proposed structure of approximately 26,000 square feet, with a 92 foot high steeple would be located on 23.15 acres of environmentally sensitive land currently zoned RC-4 for Watershed Protection intended to accommodate a single residence.

We feel that the scale of the proposed structure is incompatible with the character of our residential community and would create traffic congestion and safety problems on our streets and roadways. A smaller scale church and structure, designed to serve our own suburban community would be more acceptable to the residents of area.

Therefore we do hereby petition the Board of Appeals to reverse the decision of the Deputy Zoning Commissioner.

NAME ADDRESS CITY ZIP PHONE

Petitioner's Ex #18

VEHICLE TURNING MOVEMENT COUNT - SUMMARY									
Intersection of: Beaverdam Rd. and West of I-83									
Controlled by: T									
TIME	TRAFFIC FROM NORTH	TRAFFIC FROM SOUTH	TRAFFIC FROM EAST	TRAFFIC FROM WEST	TRAFFIC FROM NORTH	TRAFFIC FROM SOUTH	TRAFFIC FROM EAST	TRAFFIC FROM WEST	TOTAL
15-19	0	0	0	0	0	0	0	0	0
20-24	0	0	0	0	0	0	0	0	0
25-29	0	0	0	0	0	0	0	0	0
30-34	0	0	0	0	0	0	0	0	0
35-39	0	0	0	0	0	0	0	0	0
40-44	0	0	0	0	0	0	0	0	0
45-49	0	0	0	0	0	0	0	0	0
50-54	0	0	0	0	0	0	0	0	0
55-59	0	0	0	0	0	0	0	0	0
60-64	0	0	0	0	0	0	0	0	0
65-69	0	0	0	0	0	0	0	0	0
70-74	0	0	0	0	0	0	0	0	0
75-79	0	0	0	0	0	0	0	0	0
80-84	0	0	0	0	0	0	0	0	0
85-89	0	0	0	0	0	0	0	0	0
90-94	0	0	0	0	0	0	0	0	0
95-99	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

THE VALLEYS PLANNING COUNCIL, INC.

Testimony: Special Exception Hearing
August 13, 1991

Re: SPH 91-466-X Item #438
Hunt Valley Presbyterian Church

John W. Becerra
My name is John W. Becerra, I am the president of and authorized representative of the Valleys Planning Council. My address is P.O. Box 5402, Towson, Maryland 21285-5402.

On behalf of the board of directors and members of The Valleys Planning Council, I would like to begin by saying that we are not opposed to churches in RC zones in general, but we are opposed to any institutional use of resource conservation land which will have a negative impact on this land because of its size, population and scale.

We would support a church of a size and scale compatible with others in the neighborhood which operate without public water and sewer.

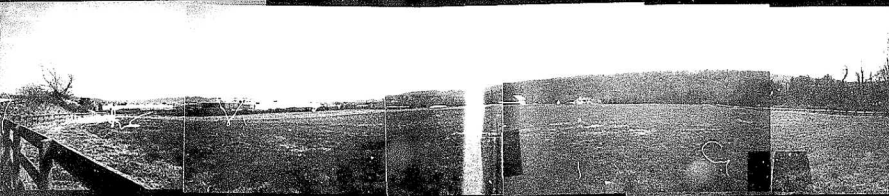
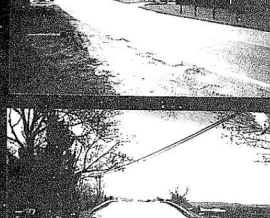
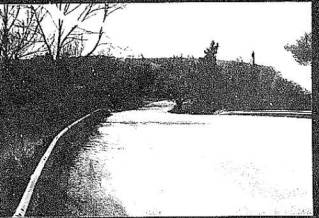
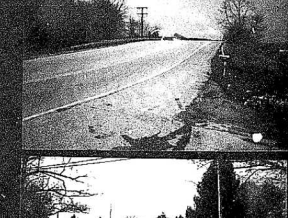
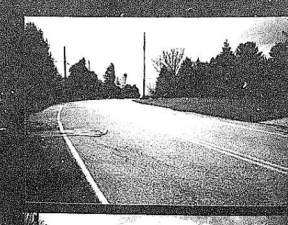
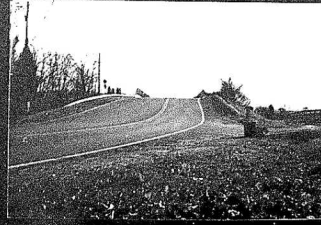
The Baltimore County Zoning Regulations, section 502.1, specify that to be granted a special exception "must be located with discrimination in relation to their surroundings....Under certain conditions, they could be detrimental to the health, safety, or general welfare of the public."

We have grave concerns about the scale and the size of the proposed special exception. Why is Hunt Valley Presbyterian Church requesting a special exception for 600 seats and a gymnasium-sized (80'x62') fellowship hall when, like many of the local churches, they have only 250-300 members? The regulations list several situations, the violation of which would cause the special exception to be denied.

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



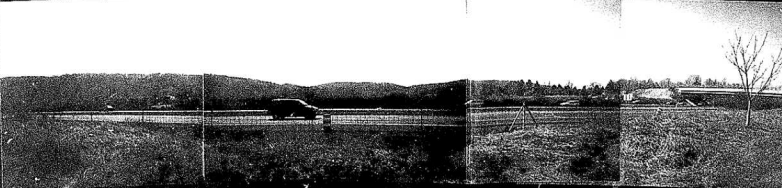
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 Case 91-466-X

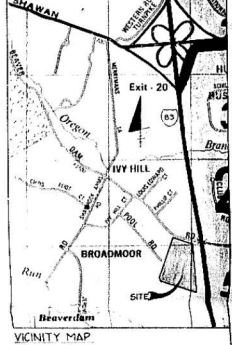


County Board of Appeals of Baltimore County
 ROOM 48 OLD COURTHOUSE
 TOWSON, MARYLAND 21204

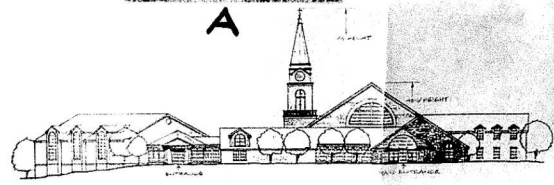
91-466-X Signal Dev.
 (Hunt Valley Forest Ch.)

Petitioner's 8A-8K 13a-P
 16A-16K

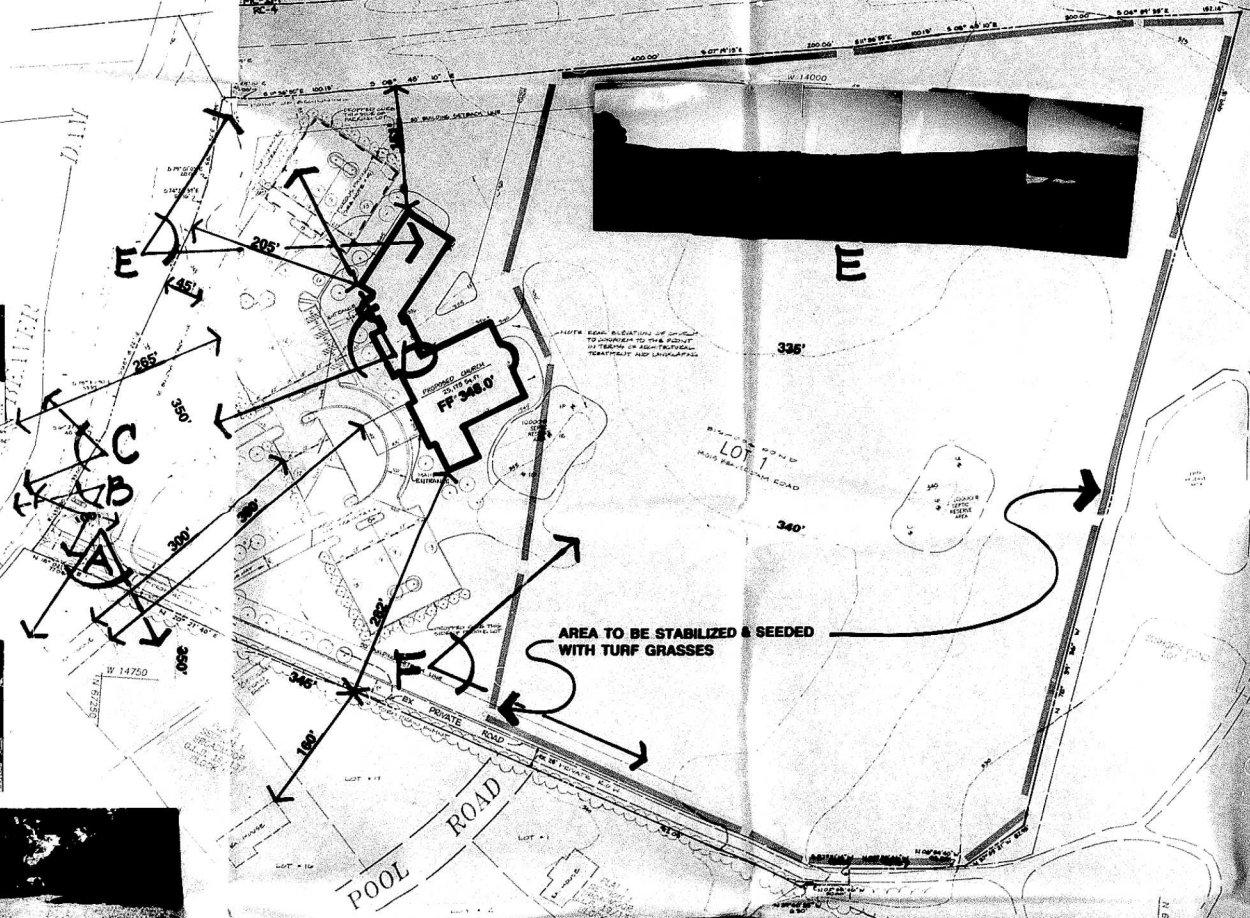




INTERSTATE 83



NORTH ELEVATION

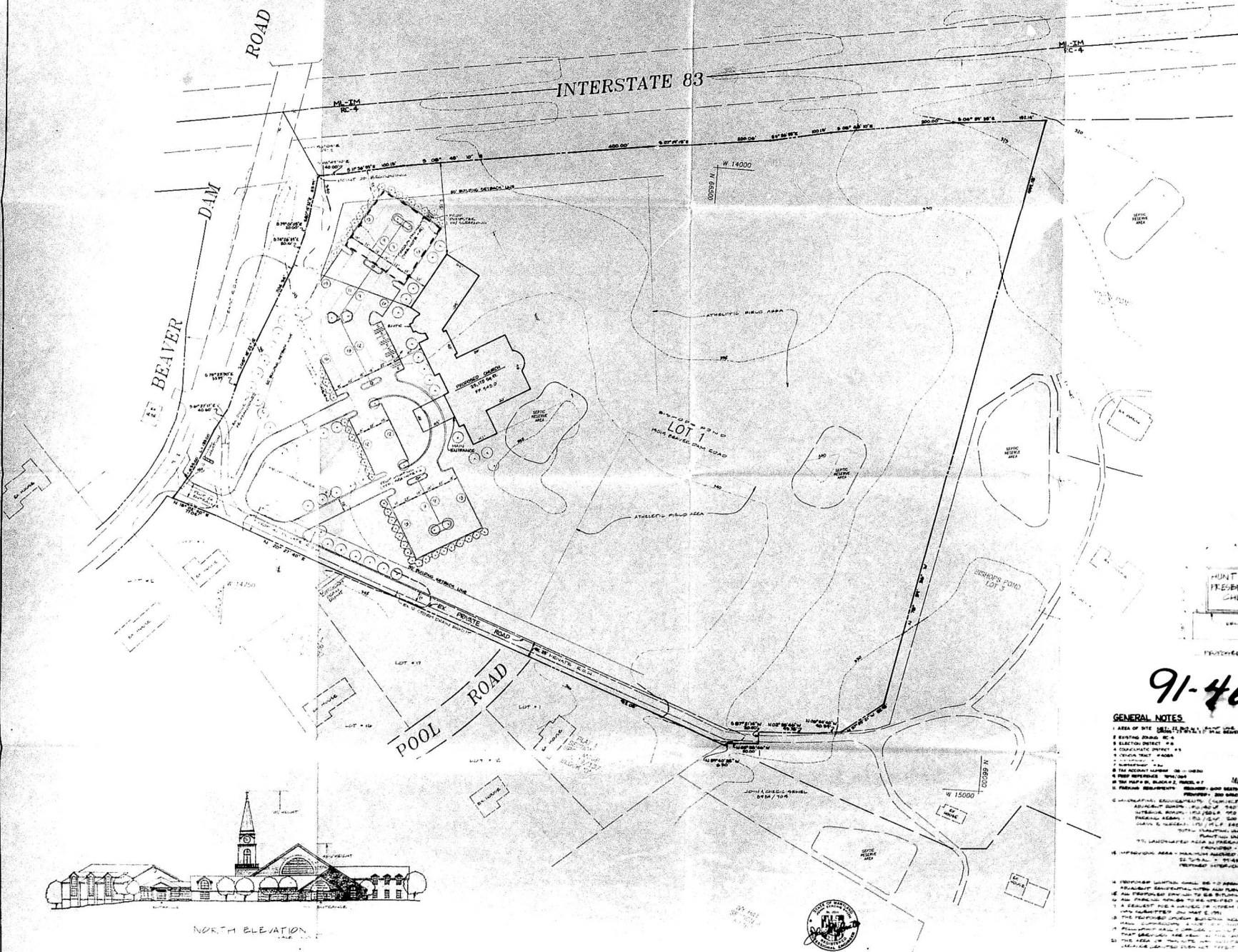


GENERAL NOTES

1. AREA OF SITE - 22.11 AC. (22.11 AC. IS WITHIN THE CHURCH PROPERTY)
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GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
1000 W. 10th St.
Baltimore, MD 21201
(410) 524-1100

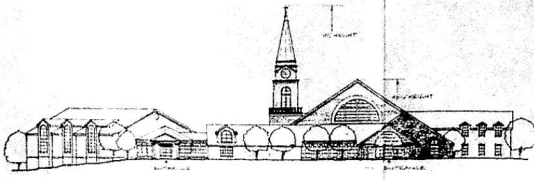
PLAT TO ACCOMPANY APPLICATION FOR A SPECIAL EXCEPTION FOR A CHURCH IN A RC-4 ZONE
HUNT VALLEY PRESBYTERIAN CHURCH
HUNTSVILLE, ALABAMA



91-466-X

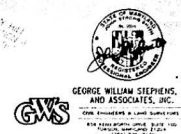
GENERAL NOTES

1. SEE OF SITE (SEE PLAN) FOR ALL UTILITIES (GAS, WATER, SEWER, ETC.)
2. EXISTING ROAD - R-4
3. ELECTION DISTRICT - 18
4. COMPLICATED PROJECT - 18
5. EXISTING TRAIL - 18
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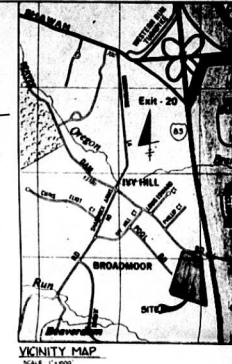


NORTH ELEVATION

Scale 1" = 50'
DATE 10/1/80



PLAT TO ACCOMPANY PETITION FOR A SPECIAL EXCEPTION FOR A CHURCH IN A RC-4 ZONE
HUNT VALLEY PRESBYTERIAN CHURCH
HUNTSVILLE, ALABAMA



INTERSTATE 83

ROAD

DAM

BEAVER

POOL ROAD

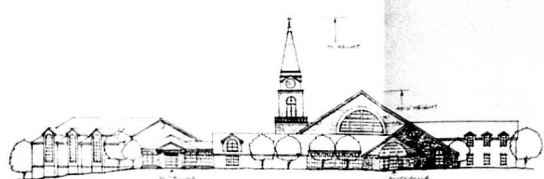
50' RUNNING SETBACK LINE

LOT 1



GENERAL NOTES

1. AREA OF SITE - 2.5 ACRES (SEE LISTING IN CULTIVATED CROPLAND)
2. EXISTING BUILDING - 10,000 SQ. FT.
3. EXISTING CHURCH - 10,000 SQ. FT.
4. EXISTING CHURCH - 10,000 SQ. FT.
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50. EXISTING CHURCH - 10,000 SQ. FT.



NORTH ELEVATION

Scale 1" = 50'

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & ARCHITECTS
1000 W. 14TH ST., SUITE 100
HUNT VALLEY, MD 21084

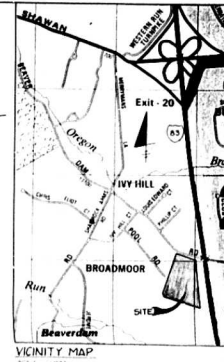
PLAT TO ADJUDICATE PETITION FOR A SPECIAL EXCEPTION FOR A CHURCH IN A RC-4 ZONE
HUNT VALLEY PRESBYTERIAN CHURCH
Petitioner's Ex # 14



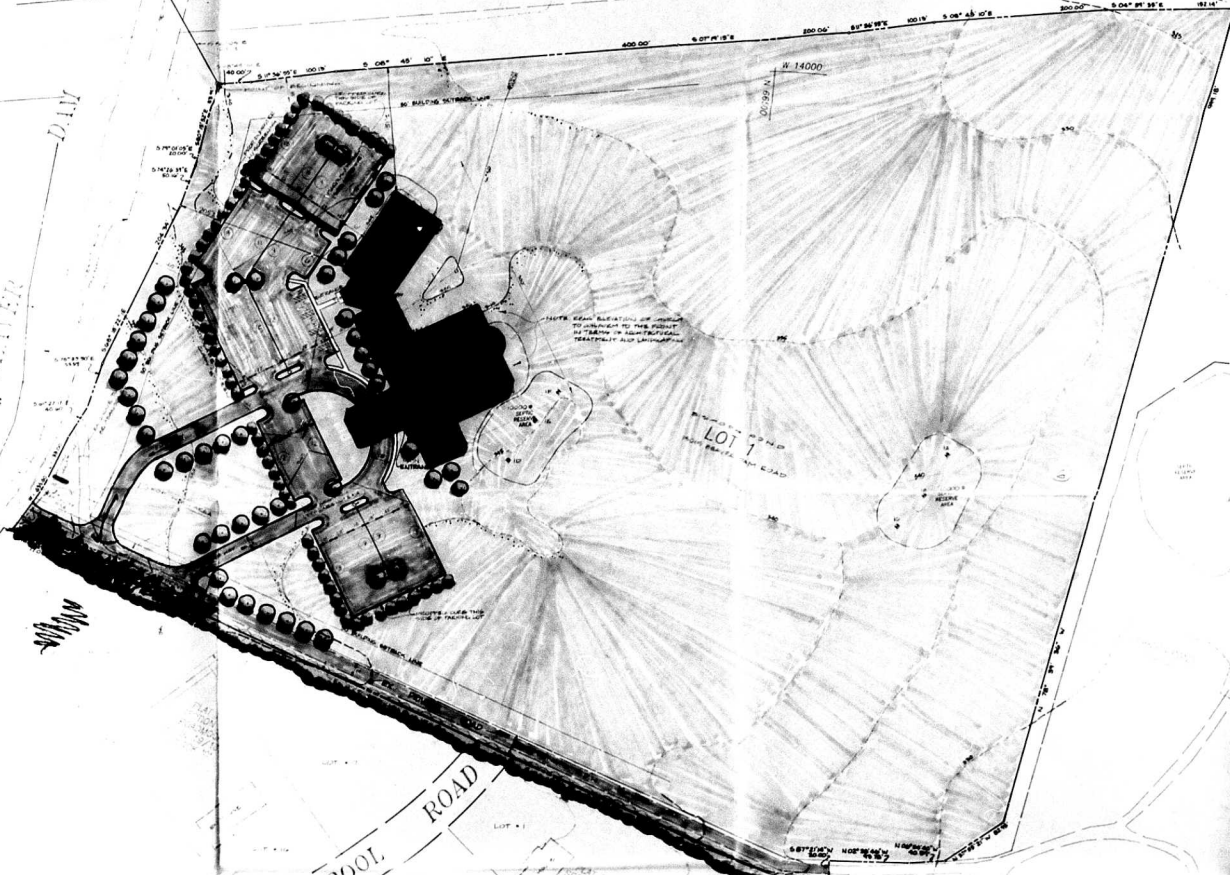
ROAD

INTERSTATE 83

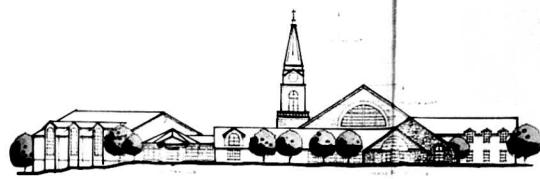
ML-EM
RC-4



PETITIONER'S
EXHIBIT 4



POOL ROAD



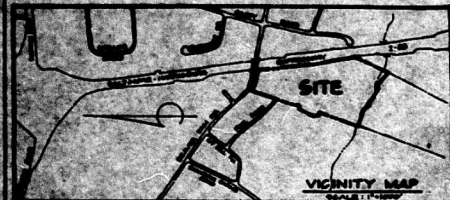
GENERAL NOTES

1. AREA OF SITE: 10.1 AC. (1.1 AC. EXISTING LOT 1 (CULVERTED CHURCH))
2. EXISTING CHURCH: 10,100 S.F. (10,100 S.F. BEAVERDAM ROAD ALICE)
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GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & ARCHITECTS
1000 E. MAIN ST., SUITE 100
BETHESDA, MD 20814
(301) 291-1111

PLAT TO ACCOMPANY PETITION FOR A SPECIAL EXCEPTION FOR A CHURCH IN A RC-4 ZONE
HUNT VALLEY PRESBYTERIAN CHURCH
HUNT VALLEY, BALTIMORE COUNTY, MARYLAND

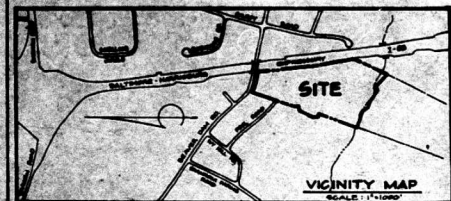
SOIL TYPES & LIMITATIONS			
SOIL TYPE	BLDG. WEIGHT	BLDG. WIDTH	PARKING
EX-1	EX-1	EX-1	EX-1
EX-2	EX-2	EX-2	EX-2
EX-3	EX-3	EX-3	EX-3
EX-4	EX-4	EX-4	EX-4
EX-5	EX-5	EX-5	EX-5
EX-6	EX-6	EX-6	EX-6
EX-7	EX-7	EX-7	EX-7
EX-8	EX-8	EX-8	EX-8
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EX-10	EX-10	EX-10	EX-10
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EX-100	EX-100	EX-100	EX-100



- | Year | 1990 | 1991 | 1992 | 1993 |
|------|------|------|------|------|
| ... | ... | ... | ... | ... |

at 11:00 AM on 11/11/11

SOIL TYPES & LIMITATIONS					
SOIL TYPE	BLOG - WORM?	ALG. WORM?	PARKING		
Red Soil	Yes	No	No		0
Black Soil	No	Yes	Yes		0
Sand	No	No	No		0
Clay	No	No	No		0



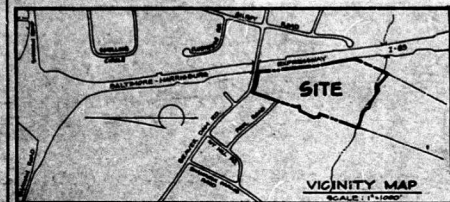
- [illegible]

[illegible]

- ACQUISITION STRATEGIES
1. Developments shown herein are NOT the location of all principal buildings only. Accessions, alterations, removal and replacement have made it impossible to include the complete location of all buildings with Section 100 and 201 of the Baltimore County Land Use Regulations. The Commission will be responsible for the location of all buildings.
2. Accession, alterations, removal and replacement have made it impossible to include the complete location of all buildings with Section 100 and 201 of the Baltimore County Land Use Regulations. The Commission will be responsible for the location of all buildings.
- GENERAL COMMENTS
- This development plan is prepared by the Planning Commission based on a representation of the existing buildings, that it contains only a general outline of the buildings. The Commission will be responsible for the location of all buildings. The Commission will be responsible for the location of all buildings.
- CONCLUSION
- This development plan is prepared by the Planning Commission based on a representation of the existing buildings, that it contains only a general outline of the buildings. The Commission will be responsible for the location of all buildings. The Commission will be responsible for the location of all buildings.
- THE PLAN
- This development plan is prepared by the Planning Commission based on a representation of the existing buildings, that it contains only a general outline of the buildings. The Commission will be responsible for the location of all buildings. The Commission will be responsible for the location of all buildings.

[illegible]

SOIL TYPES & LIMITATIONS		
SOIL TYPE	BLOG PW/BSMT	BLOG WO/BSMT
Gravel	OK	OK
Sand	OK	OK
Clay	OK	OK
Loam	OK	OK
Silt	OK	OK
Peat	OK	OK



- Pat. Springs Elementary School District**
School Capacity 286
1992 Enrollment 262

- 9. EN: BOUNDARY VALUE
- 10. EN: INITIAL-BOUNDARY PROBLEM
- 11. EN: CAUCHY PROBLEM
- 12. EN: WAVE EQUATION
- 13. EN: TRANSPORT EQUATION
- 14. EN: HIGHER ORDER PDE
- 15. EN: SEPARATION OF VARIABLES
- 16. EN: HOMOGENEOUS PDE
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- 97. EN: HOMOGENEOUS PDE
- 98. EN: HOMOGENEOUS PDE
- 99. EN: HOMOGENEOUS PDE
- 100. EN: HOMOGENEOUS PDE

- (E) ZONING REGULATIONS

- 1) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 2) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 3) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 4) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 5) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 6) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 7) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 8) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 9) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.
- 10) A PERSON MUST BE A U.S. CITIZEN OR A RESIDENT OF THE DISTRICT OF COLUMBIA TO BE QUALIFIED AS A "NATIVE TOWNSMAN" OF THE DISTRICT OF COLUMBIA.

- 46)
- ACCESSORY STRUCTURE
- NOT

- [illegible]

**PETITIONER'S
EXHIBIT 6**

- [illegible]

OFFICE OF PLANNING AND ZONING
 Approved by:

 Director of Planning Date: _____

 Zoning Committee member Date: _____

GWS

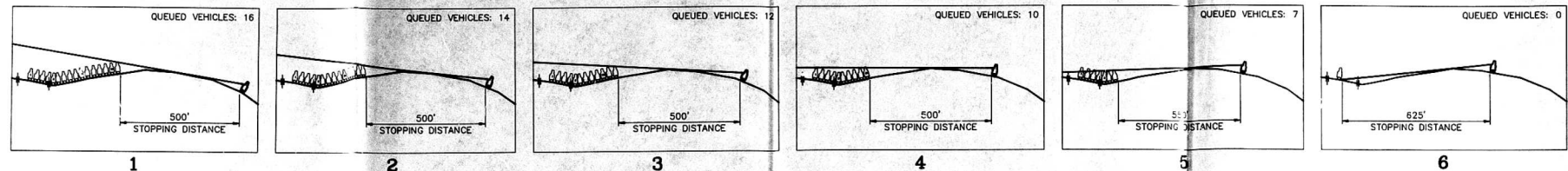
**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
OD 225-1800

1ST AMENDED
FINAL DEVELOPMENT PLAN

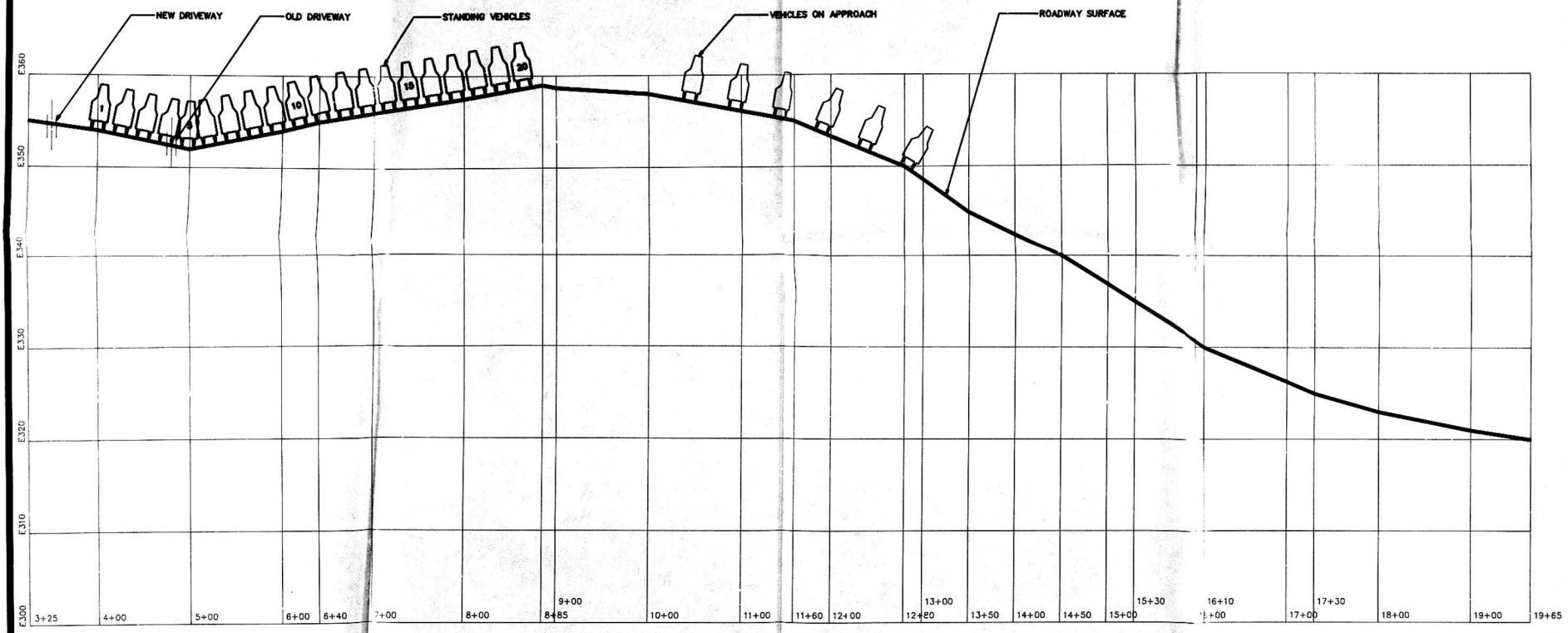
PUBLIC SERVICE COS. NO. 93044 APPROVED 3-7-9
DATE OF ORDER 3-7-9

OWNER / DEVELOPER
MUNICIPAL DEVELOPMENT CORP
1819 YORK ROAD
LUTHERVILLE, MD 2093
PH. (301) 820-0006

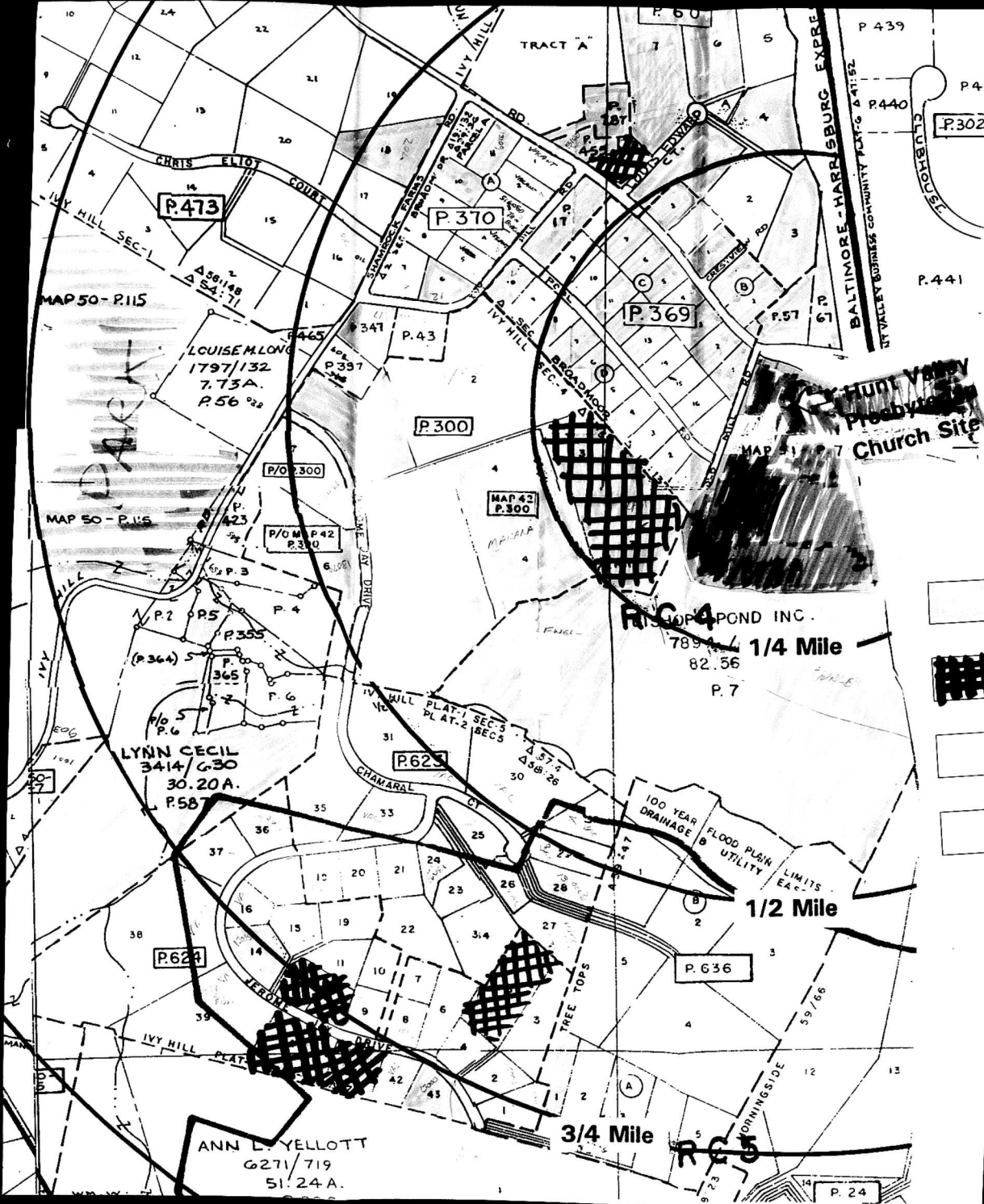
BISHOPS FND
BALTIMORE COUNTY, MARYLAND
SCALE 1" = 100' 5'



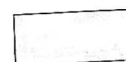
PROGRESSION OF LINE-OF-SIGHT ON APPROACH



ROADWAY PROFILE



LEGEND

-  **OPPOSED**
-  **FAVOR**
-  **UNDETERMINED**
-  **VACANT**

Protestant's Ex 412



Baltimore County, Maryland

A1	A2
B1	B2
C1	C2
D1	D2
E1	E2
F1	F2

SHEET

D-2

Scale: 1"=1000'

Revisions

1	2	3	4
5	6	7	8
9	10	11	12

Grid North

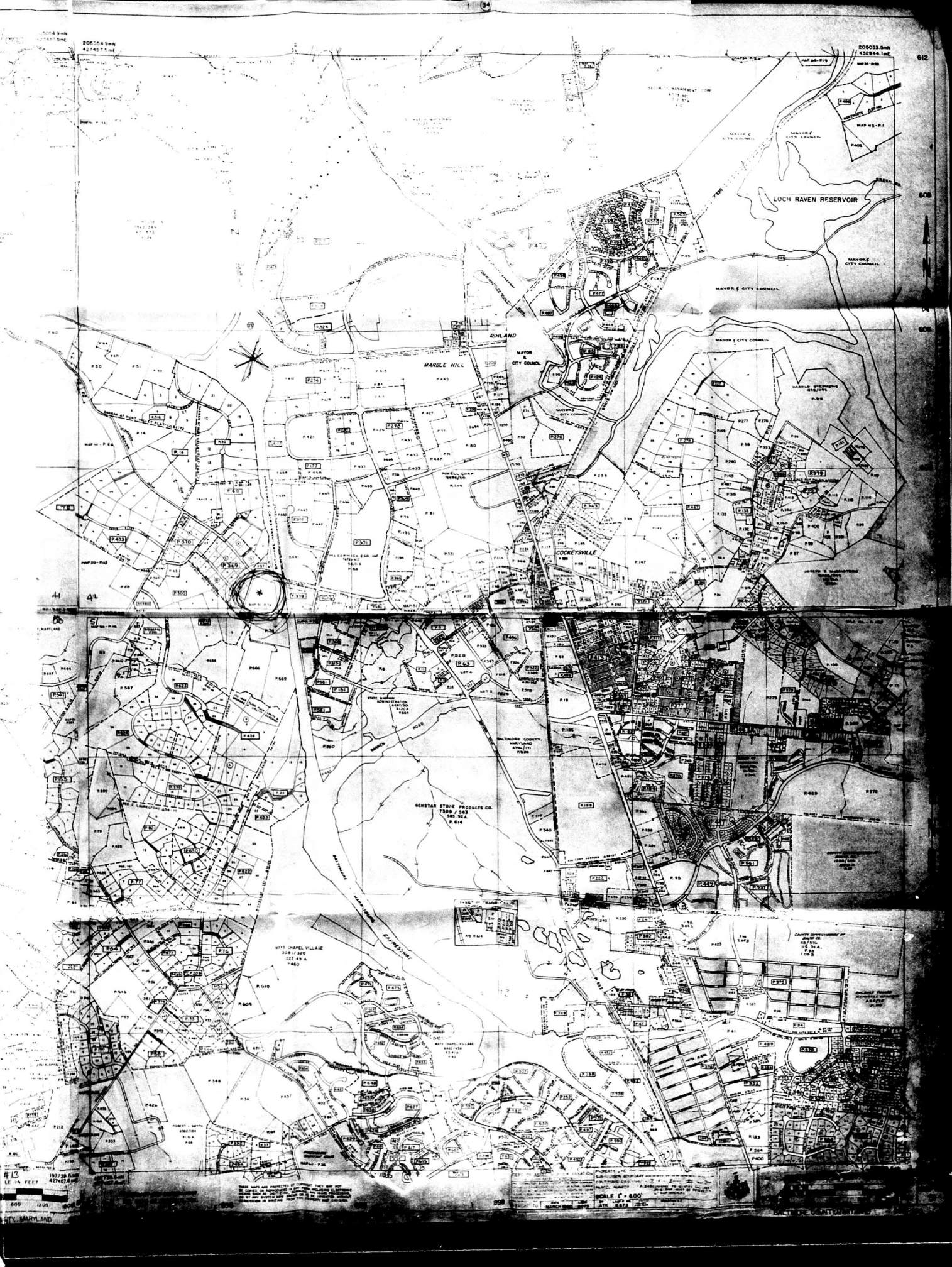
Miles

0 1 2 3 4

Feet

0 1,000 2,000 3,000 4,000 5,000

Map Index



208033.5m
432844.1m

208033.5m
432844.1m

LOCH RAVEN RESERVOIR

ASHLAND
MARBLE HILL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

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MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

MAYOR & CITY COUNCIL

NEWSTAR STORE PRODUCTS CO.
1700 P. 348
185 924
1914

WYO CHAPEL VILLAGE
121-120
122 49 &
1460

INLET OF MARBLE HILL
100 414

CHURCH OF THE
100 414
100 414
100 414

413
100 414
100 414
100 414

SCALE 1" = 400'
1" = 400'

7050648M
421971.DME



Handwritten signature

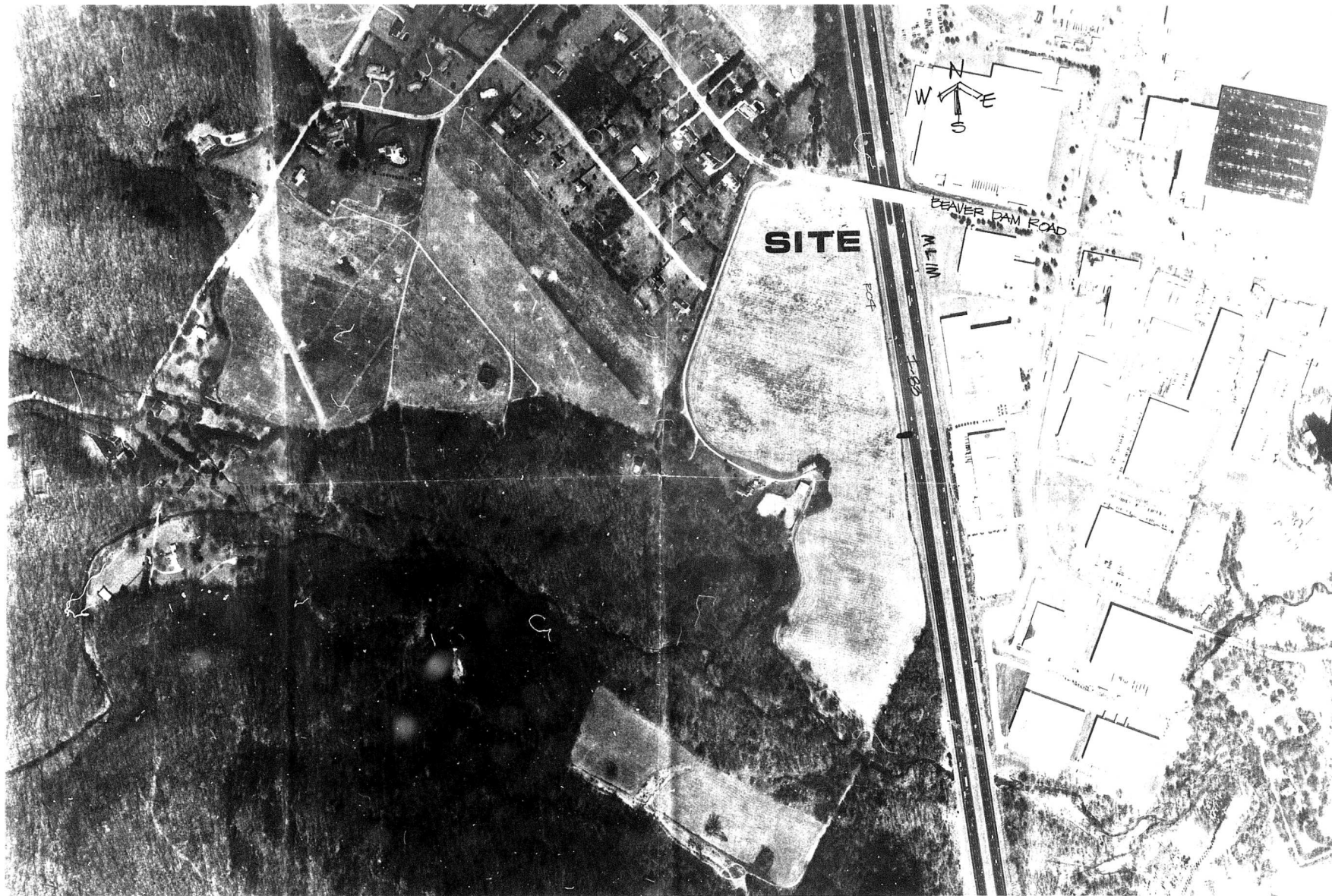
197730 4M
421971.DME

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MD. DEPT. OF ASSESS. & TAX.

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REDACTED EX #13
SCALE IN FEET
50
867 400 0 400 1200

B. TIMORE COUNTY, MARYLAND



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

EXHIBIT 4

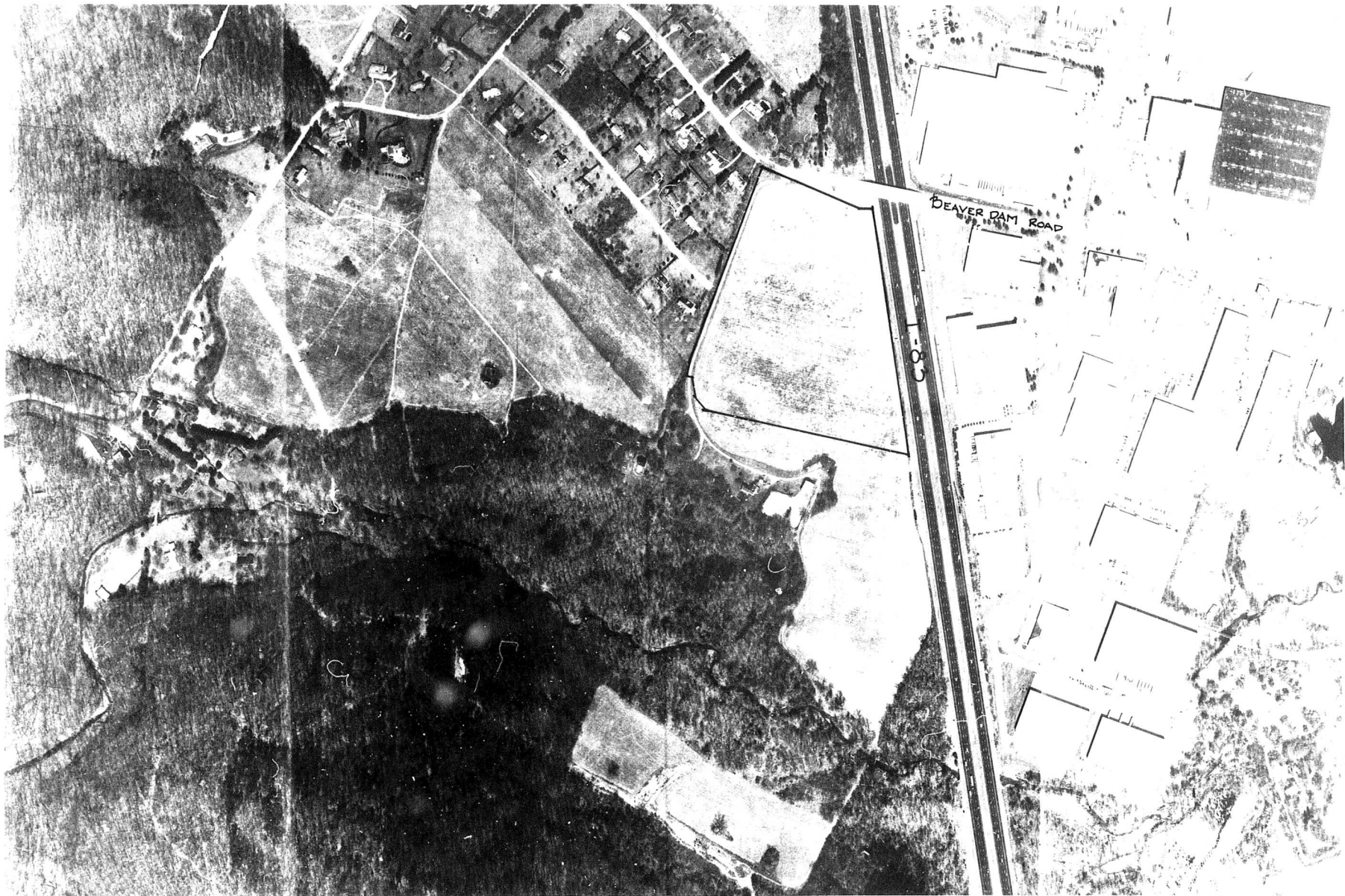
SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1966

LOCATION
COCKEYSVILLE

SHEET

N.W.
17-C



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

COCKEYSVILLE

N.W.
17-C