

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE * ZONING COMMISSIONER
S/S Sulphur Spring Rd., 470 ft. E *
of c/l Shelbourne Avenue * OF BALTIMORE COUNTY
1101 Sulphur Spring Road *
11th Election District * Case No. 93-463-SPHXA
1st Councilmanic District *
William J. Callis, Jr. *
Petitioner *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception, Petition for Special Hearing and Petition for Zoning Variance; all for that property known as the Arbutus Memorial Park Cemetery, located at 1101 Sulphur Spring Road in the Arbutus section of Baltimore County.

The property owner seeks approval pursuant to the Petition for Special Exception to operate a cemetery in that portion of the site zoned D.R.5.5, pursuant to Section 1802.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Further, relief is requested within the Petition for Special Hearing to establish a nonconforming use for a cemetery in that portion of the site zoned D.R.10.5. More particularly, the property owner requests that the validity and boundary of a 1941 special permit approval for a cemetery be verified. Further, the Petition for Special Hearing requests a determination that Residential Transition Areas (R.T.A.) do not apply to the site from the adjacent Baltimore County parcel which is more than two acres, pursuant to Section 1801.1.B.1.C. Lastly, under the Petition for Variance, relief is sought from Sections 1801.2.C.1.a and 1802.2 of the B.C.Z.R. to permit a minimum setback of 10 ft. between non-residential buildings within the area designated on the site plan, in lieu of the required 70 ft. maximum. All of the relief is more fully described within the Petitions which

have been filed and the site plan which has been submitted as Petitioner's Exhibit No. 6.

Appearing at the public hearing in support of these Petitions was William J. Callis, Jr., owner of the subject property and Chief Executive Officer of the business located thereon. Also appearing in support of the Petition was William Monk, a Land Use Consultant, and James E. Dyer. Mr. Dyer appeared as an expert witness with expertise in the history and interpretation of the Baltimore County Zoning Regulations.

Numerous individuals appeared as interested persons/Protestants. These individuals all reside in the immediate neighborhood of the property. Collectively, they were represented by Edward N. Kane, Jr., Esquire.

At the onset of the hearing, Mr. Callis amended his Petitions. Specifically, he withdrew a previous request within the Petition for Special Exception to permit a funeral home on the site. That amendment was accepted and thus the special exception request is limited to the existing cemetery use on the D.R.5.5 portion of the property.

Mr. Callis testified that he has worked at the site and been familiar with the same for many years. In 1985, he and his father purchased the property and he became sole owner in 1988. Mr. Callis recounted the long and impressive history of the Arbutus Memorial Park. The property has been used as a cemetery since approximately 1936. In those times, segregation between the races was a fact of life and the cemetery was established to provide a prestigious final resting place members of the the African-American community. Indeed, the list of African-Americans interred at the cemetery is impressive. Many of the former leaders of the African-American community in the Baltimore Metropolitan area are buried here. The neighborhood residents who appeared at the hearing obviously wish to ensure the continuation

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of the prestigious tradition associated with this cemetery, a sentiment which is shared by Mr. Callis.

Mr. Monk also testified and presented the site plan. That plan depicts the subject property, which is approximately 72 acres in area and is split zoned D.R.5.5 and D.R.10.5. As the site plan shows, most of the site is zoned D.R.5.5, however, a small rectangular shaped parcel is zoned D.R.10.5. As noted above, the rectangular tract zoned D.R.10.5 is the subject of the property owner's Petition for Special Hearing. Unlike a D.R.5.5 zone, a cemetery is not permitted either by right or special exception in a D.R.10.5 zone. Thus, in order for the cemetery use to be permitted in the rectangular parcel, the nonconforming nature of same must be established. For the larger balance of the tract, zoned D.R.5.5, the property owner seeks approval under the Petition for Special Exception.

As to the existing improvements on the property, the site features an administrative building and several mausoleum structures which are clustered on the northwest side of the tract near the administration building. Further, a mausoleum building is located in the center portion of the D.R.5.5 acreage. There are no improvements on the D.R.10.5 parcel.

Mr. Monk and Mr. Callis' description of the history of the ownership and zoning of the property is significant. As noted above, the cemetery was established in approximately 1936. It is clear that the original owners of the property held significant acreage in this locale above and beyond what is presently owned. However, certain tracts were sold off and Mr. Callis now owns only the D.R.10.5 parcel and the D.R.5.5 parcel, as described above. It is noted that these parcels total 72 acres. Also, it is clear that the cemetery's owners originally held an adjoining parcel now owned by Baltimore County. Further, property to the south, which has now been devel-

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oped with row houses in a subdivision known as Arbor Manor, was also owned by the cemetery.

Additional testimony regarding the history of the property and the Prior County approvals was offered by James E. Dyer. Mr. Dyer was formerly employed by Baltimore County for many years. He enjoys a wealth of knowledge pertaining to the development of zoning in Baltimore County; having been employed in the Zoning Commissioner's office for many years. Mr. Dyer noted that the first zoning regulations came to Baltimore County in 1941. Those regulations are significantly different than the present regulations and were limited in scope. However, they did provide for a mechanism known as a Petition for Zoning Reclassification under which landowners could obtain approval for certain uses. In fact, evidence was offered that such a Petition was granted in 1941 approving the use of the property as a cemetery. Thus, it appears clear that the subject site did receive County approval for its current use over 50 years ago. Further, the testimony was persuasive that this use has continued uninterrupted since that time. As is the case with all cemeteries, grave sites are prepared based upon demand and full utilization of the property for burial can take many years. Although room remains at this property for additional grave sites, the existence of utilized land does not constitute any type of abandonment of this use.

As to the Petition for Special Hearing relating to the nonconforming use, it is to be noted that comprehensive zoning came officially to Baltimore County on January 2, 1945 pursuant to previous authorization by the General Assembly. Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. These regulations dealt with the issue of nonconforming use in Section 104. That section remains in the current

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version of the B.C.Z.R., however, has been amended over the years. Most recently, this section was amended by Bill 91-124.

Further, a nonconforming use is defined in Section 101 of the B.C.Z.R. Among the uses which are nonconforming, are those which pre-exist the effective date of legislation which prohibits the said use in a particular zone. In this instance, a cemetery is not permitted under the current regulations in a D.R.10.5 zone. However, it is clear that the approved cemetery use of the D.R.10.5 parcel in 1941 predates the adoption of zoning classifications in Baltimore County. Thus, the use is properly grandfathered and may continue to be used as a cemetery. Testimony and evidence was clear that the use has not been discontinued, abandoned or substantially altered since the founding of the cemetery in 1936. Thus, the Petition for Special Hearing grandfathering the use of the parcel zoned D.R.10.5 as a part of the cemetery should be granted.

Mr. Dyer's testimony was also persuasive as to the remaining request within the Petition for Special Hearing. Specifically, the Petitioner requests a determination that the site is exempt from R.T.A. requirements from the adjacent Baltimore County parcel. Mr. Dyer testified that the adjoining County property does not contain a single family dwelling, semi-detached or duplex dwelling. Further, although vacant, the property is greater than 2 acres in area. Thus, pursuant to Sections 1801.1.B (1) and (2), an R.T.A. is not generated. Therefore, the Petition for Special Hearing in this respect should also be granted.

As to the Petition for Special Exception, same is sought for the D.R.5.5 tract. A cemetery is permitted in a D.R.5.5 zone by special exception, pursuant to Section 1802.1 of the B.C.Z.R. As has been noted in prior opinions of this office and is well settled, a special exception use is part

of the comprehensive zoning plan and enjoys a presumption that it is in the interest of the general welfare and is, therefore, valid. See Anderson v. Sawyer, 23 Md. App. 612, 329 A2d. 716 (1974). Thus this special exception use should be approved, if the Petitioner adduces compelling testimony that said use complies with the standards imposed by the local jurisdiction. See Schultz v. Pritts, 291 Md. 1, 432 A2d. 1319 (1981). In Baltimore County, the test for any special exception use is found in Section 502.1 of the B.C.Z.R. In this instance, the Petitioner has shown that the use conducted at this site is without real detriment to the neighborhood and does not adversely affect the public interest. The use is not detrimental to the health, safety or general welfare of the locality, does not tend to create congestion in roads in roads, streets, or alleys therein, and is not inconsistent with the purposes of the property's zoning classification. Clearly, the cemetery use at this location is consistent with the spirit and intent of the B.C.Z.R. Therefore, the Petition for Special Exception should likewise be granted.

As further support for this approval, it is to be noted that this cemetery has operated at this location for many years. Continued operation and maintenance of this cemetery in a manner consistent with past practices is appropriate and will continue to provide the African-American community with a valuable asset which need be preserved.

Lastly, the Petitioner has requested variance relief from Sections 1801.2.C.1.a and 1802.2. It is to be noted that this variance request relates to distance between buildings located in the interior of the site. That is, the Petitioner will maintain all property line setbacks. Thus, there will continue to be an adequate buffer between the cemetery and the surrounding properties. Nonetheless, the requested variance is necessary

for contemplated construction of mausoleums buildings. It is noted that mausoleum buildings are present on the northwest side of the site, having been approved pursuant to an Order of this office in case No. 78-209-A. As the site plan notes, additional mausoleums may be constructed on the south central portion of the site. The Petitioner requests the variance relief so that said buildings may be grouped in a consistent manner so as to properly utilize and preserve the architectural scheme of the property. Further, the Petitioner has proven that the granting of the variance will not be detrimental to the surrounding locale. Clearly, a denial of the variance would constitute practical difficulty upon the Petitioner and his property for the reasons set forth above. Thus, the Petitioner has satisfied his burden under Section 307.1 of the B.C.Z.R. and the variance should be granted.

For the reasons given above, I am, therefore, persuaded to grant the Petition for Special Exception, Petition for Special Hearing and the Petition for Zoning Variance.

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

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 10th day of August, 1993 that the Petition for Special Exception for permission to use the D.R.5.5 portion of the property for an existing cemetery, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing for validation of the nonconforming use status of the D.R.10.5 portion of the site, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that the Petition for Special Hearing to determine that an R.T.A. requirement is not generated by the adjoining parcel owned by Baltimore County, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Variance from Sections 1801.2.C.1.a and 1802.2 of the B.C.Z.R. to permit a minimum setback of 10 ft. between non-residential buildings within the area designated on the site plan, in lieu of the required 70 ft. maximum, be and is hereby GRANTED, all in accordance with Petitioner's Exhibit No. 6, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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

LES:mmn

LAWRENCE E. SCHWIDT
Zoning Commissioner for
Baltimore County

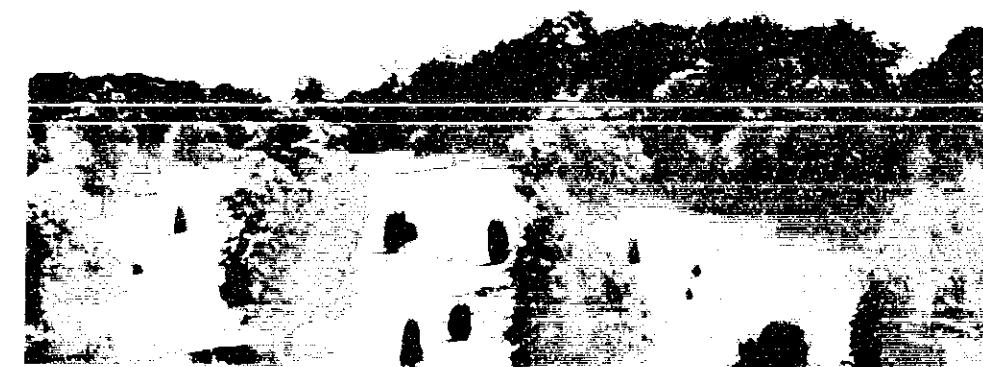
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WILLIAM MONK, INC.

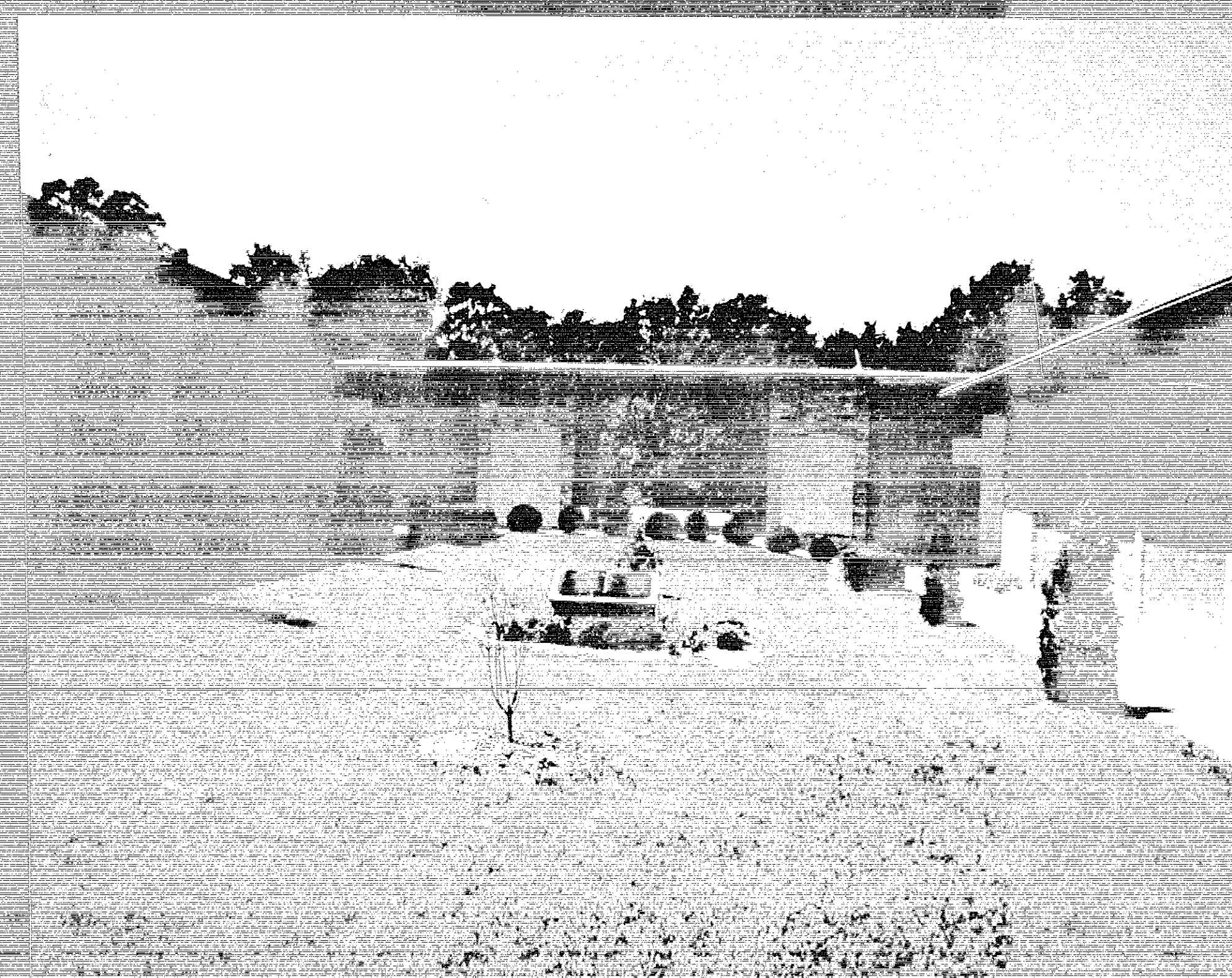
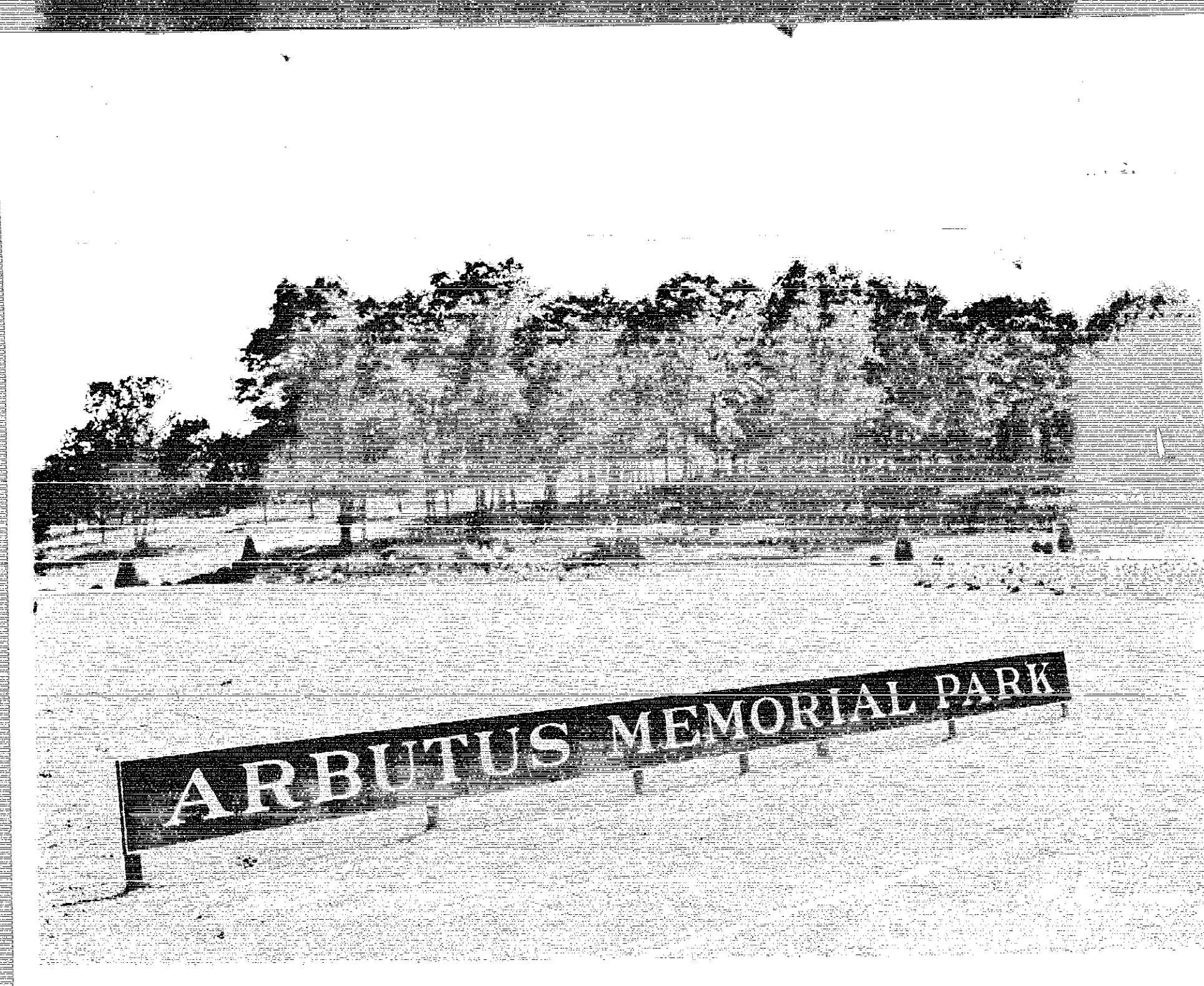
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

WILLIAM MONK, INC.
Courthouse Commons
222 Seely Avenue, Suite B.7
Towson, Maryland 21204-4300

**LOCATION FOR PROPOSED MAUSOLEUMS
ALONG SOUTH PROPERTY LINE**



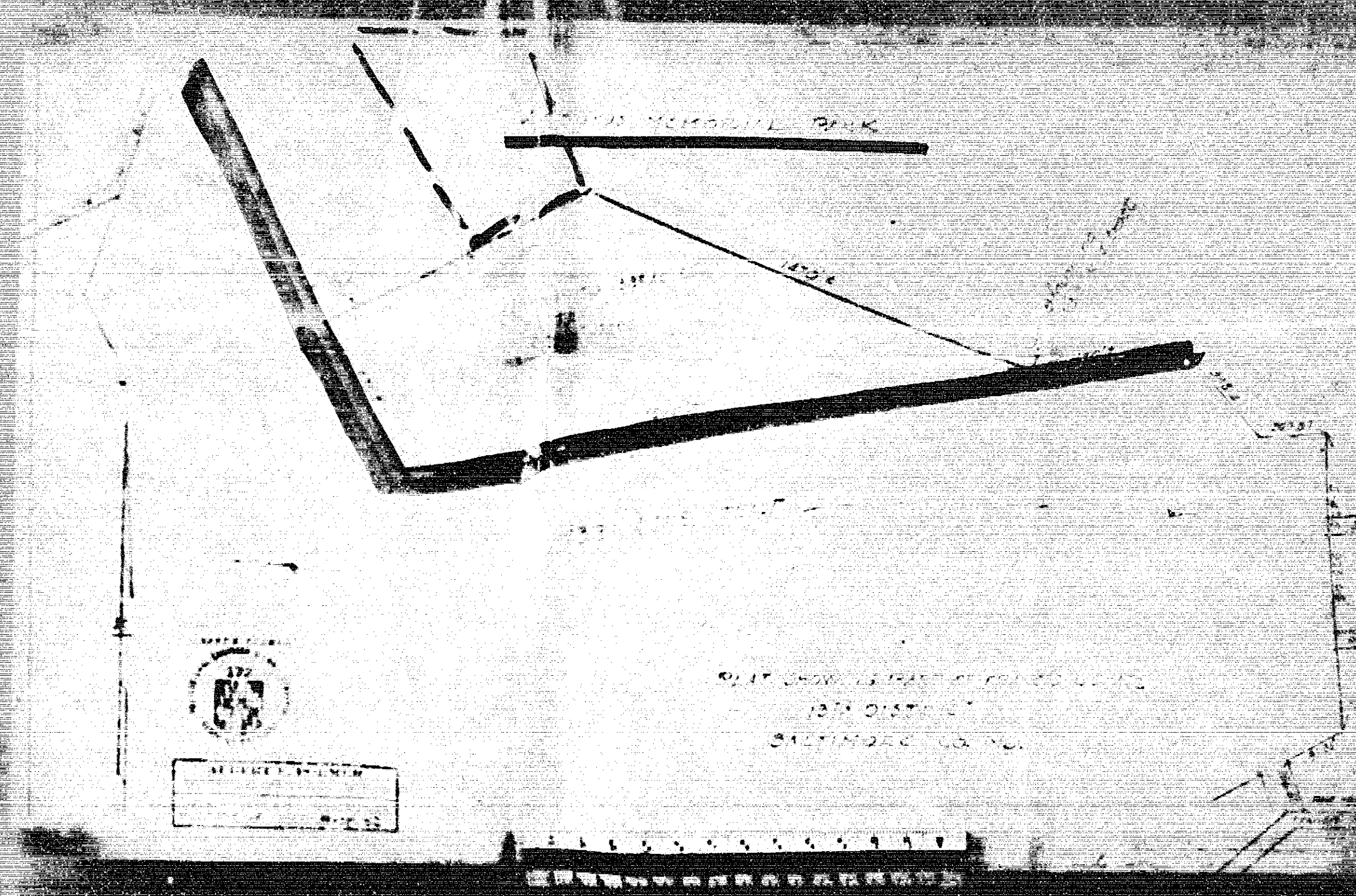
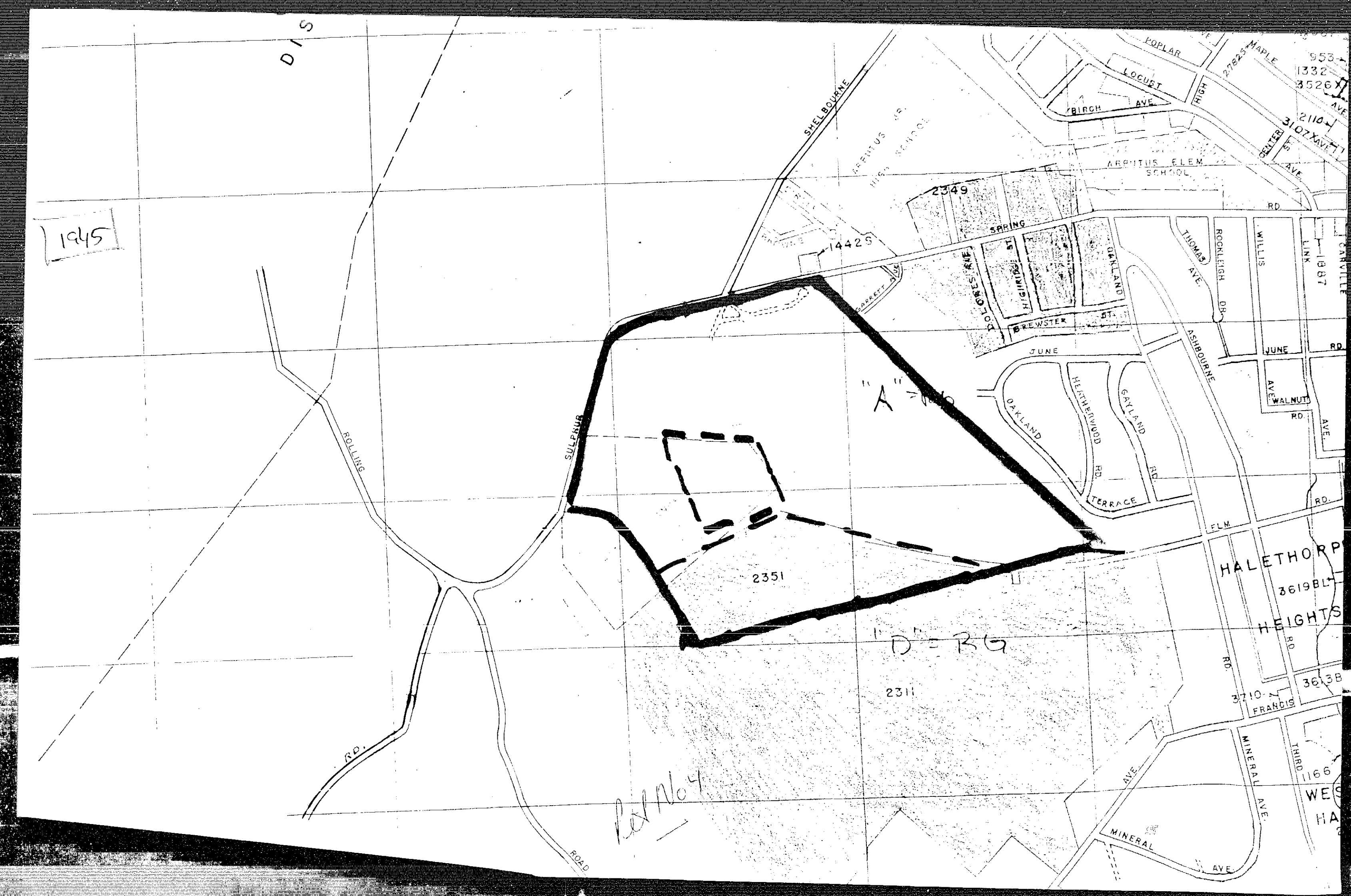
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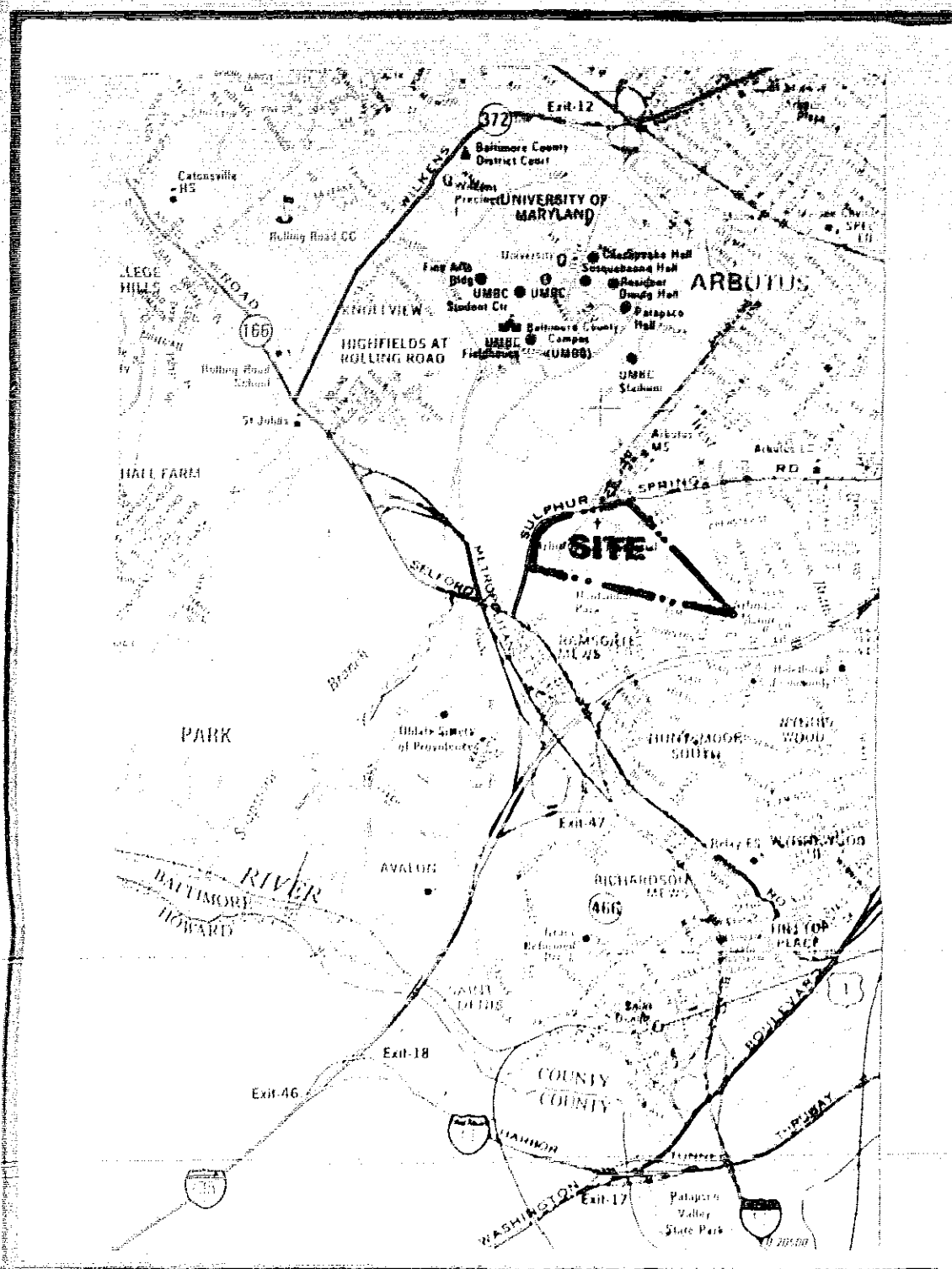


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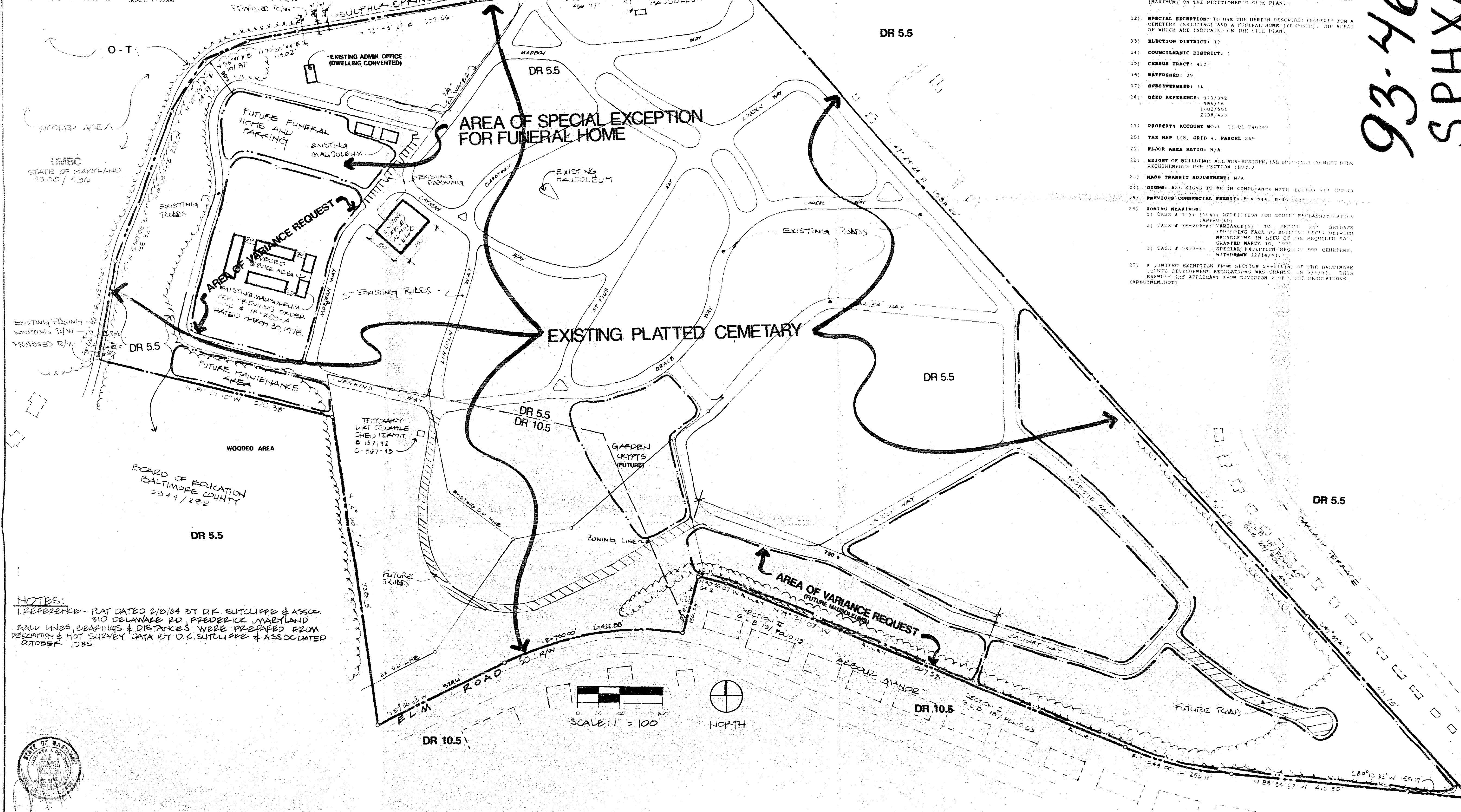
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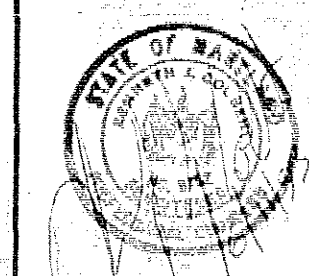




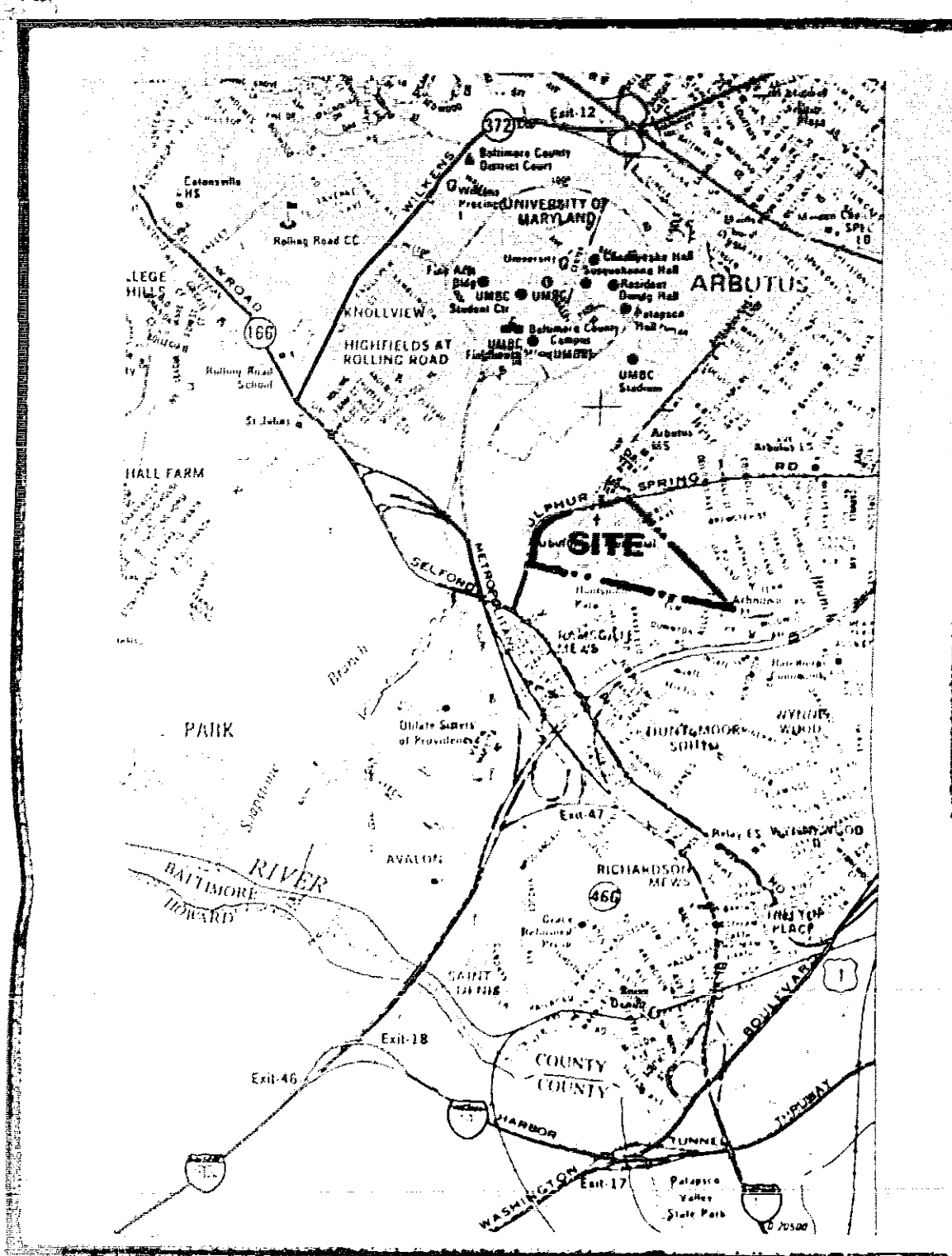
VICINITY MAP
SCALE 1" = 2000'



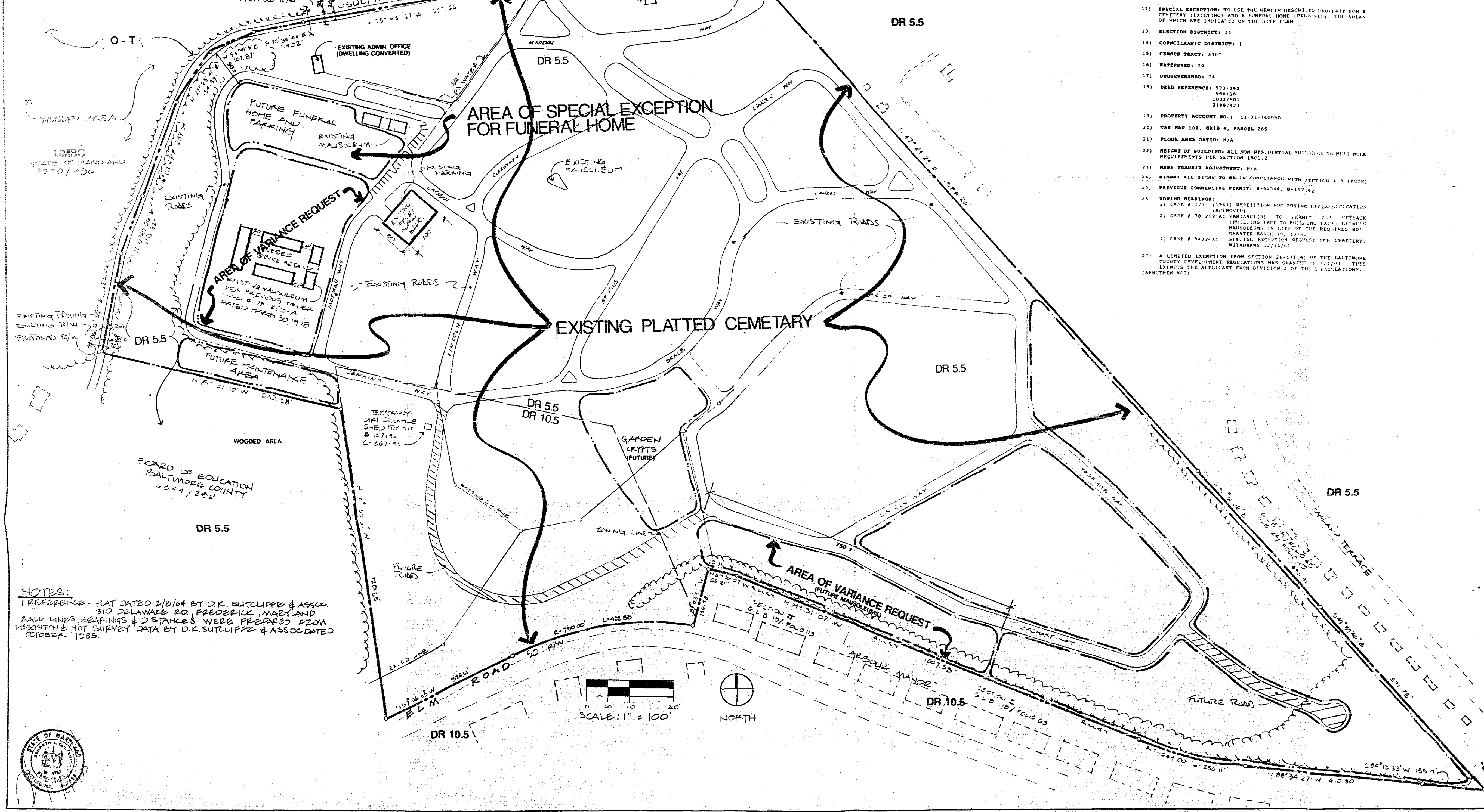
NOTES:
1. REFERENCE - PLOT DATED 2/10/84 BY D.K. SUTCLIFFE & ASSOC.
2. 310 DELAWARE RD. FREDERICK, MARYLAND
3. ALL LINES, BEARINGS & DISTANCES WERE PREPARED FROM
RECORDS & NOT SURVEY DATA BY D.K. SUTCLIFFE & ASSOCIATED
REGISTERED PROFESSIONAL ENGINEER - 1985



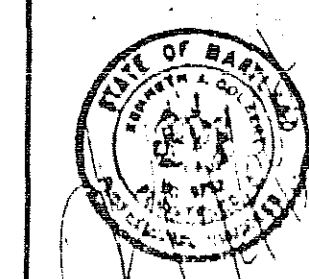
- NOTES:
1. PROPERTY OWNER AND APPLICANT: ARBUTUS MEMORIAL PARK, INC.
1101 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
 2. ZONING:
EXISTING - DR 5.5 & DR 10.5
PROPOSED - DR 5.5 & DR 10.5 (NO CHANGE)
 3. LOT AREA: 72.208 ACRES
 4. EXISTING USE: CEMETERY
 5. PROPOSED USE: CEMETERY AND FUNERAL HOME
 6. BUILDING ENTRANCES: PER SECTION 1801.2 (C) (1) (A)
- RESIDENTIAL
PRINCIPAL BUILDING ENTRANCES
IN D.B. 2008
- | FRONT | SIDE | REAR | STREET | MIN. |
|-------|------|------|--------|------|
| 120 | 40 | 40 | 20 | 10 |
| 120 | 40 | 40 | 20 | 10 |
| 120 | 40 | 40 | 20 | 10 |
- * See Note # 11
7. BUILDING AREA: EXISTING BUILDING 8,000 SQ. FT. (ADMINISTRATIVE OFFICES AND MAINTENANCE FACILITY)
 8. PARKING:
REQUIRED - NONE
PROVIDED - AREA PROPOSED FOR THE FUNERAL HOME WILL PROVIDE PARKING CONSISTENT WITH SECTION 1801.2 (A) (1) (A) AT SUCH TIME WHEN A PLAN IS SUBMITTED FOR APPROVAL. EXISTING PARKING AS SHOWN ON PLAN TO REMAIN.
 9. UTILITIES:
SEWER - PRIVATE (NO BUILDING EXPANSION IS PROPOSED AS PART OF THIS APPLICATION)
WATER - PUBLIC
 10. SPECIAL EXCEPTION: TO APPROVE THE NON-CONFORMING STATUS, BOUNDARY AND LAYOUT OF THE 2441 SPECIAL EXCEPTION APPROVAL OF THAT PORTION OF THE ARBUTUS MEMORIAL PARK AS CEMETERY AS SET FORTH IN THE ZONING REGULATION, SAYING AND EXCEPTING THAT FROM THE ADJACENT BALTIMORE COUNTY PARCEL OF 100 ACRES, A CEMETERY PER SECTION 1801.2 (C) (1) (A).
 11. VARIANCE FROM SECTION 1801.2 (C) (1) (A) AND 1801.2 (D) TO PERMIT A MINIMUM SETBACK OF 10' BETWEEN NON-RESIDENTIAL BUILDINGS WITHIN THE AREA DESIGNATED IN 1801.2 (D) OF THE REGULATION TO PERMIT (MAXIMUM) ON THE PETITIONER'S SITE PLAN.
 12. SPECIAL EXCEPTION: TO USE THE HEREIN DESCRIBED PROPERTY FOR A CEMETERY (EXISTING) AND A FUNERAL HOME (PROPOSED) THE AREA.
 13. ELECTION DISTRICT: 17
 14. COUNCILMANIC DISTRICT: 1
 15. CENSUS TRACT: 4307
 16. WATERSEED: 29
 17. SUBWATERSEED: 74
 18. DEED REFERENCE: 11/13/92
946/124
1702/261
2198/423
 19. PROPERTY ACCOUNT NO.: 11-01-740000
 20. TAX MAP 104, GRID A, PARCEL 265
 21. FLOOR AREA RATIO: N/A
 22. HEIGHT OF BUILDING: ALL NON-RESIDENTIAL BUILDINGS TO HAVE MAX. HEIGHTS OF 35' TO 40' TO 45' TO 50' TO 55' TO 60' TO 65' TO 70' TO 75' TO 80' TO 85' TO 90' TO 95' TO 100' TO 105' TO 110' TO 115' TO 120' TO 125' TO 130' TO 135' TO 140' TO 145' TO 150' TO 155' TO 160' TO 165' TO 170' TO 175' TO 180' TO 185' TO 190' TO 195' TO 200' TO 205' TO 210' TO 215' TO 220' TO 225' TO 230' TO 235' TO 240' TO 245' TO 250' TO 255' TO 260' TO 265' TO 270' TO 275' TO 280' TO 285' TO 290' TO 295' TO 300' TO 305' TO 310' TO 315' TO 320' TO 325' TO 330' TO 335' TO 340' TO 345' TO 350' TO 355' TO 360' TO 365' TO 370' TO 375' TO 380' TO 385' TO 390' TO 395' TO 400' TO 405' TO 410' TO 415' TO 420' TO 425' TO 430' TO 435' TO 440' TO 445' TO 450' TO 455' TO 460' TO 465' TO 470' TO 475' TO 480' TO 485' TO 490' TO 495' TO 500' TO 505' TO 510' TO 515' TO 520' TO 525' TO 530' TO 535' TO 540' TO 545' TO 550' TO 555' TO 560' TO 565' TO 570' TO 575' TO 580' TO 585' TO 590' TO 595' TO 600' TO 605' TO 610' TO 615' TO 620' TO 625' TO 630' TO 635' TO 640' TO 645' TO 650' TO 655' TO 660' TO 665' TO 670' TO 675' TO 680' TO 685' TO 690' TO 695' TO 700' TO 705' TO 710' TO 715' TO 720' TO 725' TO 730' TO 735' TO 740' TO 745' TO 750' TO 755' TO 760' TO 765' TO 770' TO 775' TO 780' TO 785' TO 790' TO 795' TO 800' TO 805' TO 810' TO 815' TO 820' TO 825' TO 830' TO 835' TO 840' TO 845' TO 850' TO 855' TO 860' TO 865' TO 870' TO 875' TO 880' TO 885' TO 890' TO 895' TO 900' TO 905' TO 910' TO 915' TO 920' TO 925' TO 930' TO 935' TO 940' TO 945' TO 950' TO 955' TO 960' TO 965' TO 970' TO 975' TO 980' TO 985' TO 990' TO 995' TO 1000' TO 1005' TO 1010' TO 1015' TO 1020' TO 1025' TO 1030' TO 1035' TO 1040' TO 1045' TO 1050' TO 1055' TO 1060' TO 1065' TO 1070' TO 1075' TO 1080' TO 1085' TO 1090' TO 1095' TO 1100' TO 1105' TO 1110' TO 1115' TO 1120' TO 1125' TO 1130' TO 1135' TO 1140' TO 1145' TO 1150' TO 1155' TO 1160' TO 1165' TO 1170' TO 1175' TO 1180' TO 1185' TO 1190' TO 1195' TO 1200' TO 1205' TO 1210' TO 1215' TO 1220' TO 1225' TO 1230' TO 1235' TO 1240' TO 1245' TO 1250' 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TO 2920' TO 2925' TO 2930' TO 2935' TO 2940' TO 2945' TO 2950' TO 2955' TO 2960' TO 2965' TO 2970' TO 2975' TO 2980' TO 2985' TO 2990' TO 2995' TO 3000' TO 3005' TO 3010' TO 3015' TO 3020' TO 3025' TO 3030' TO 3035' TO 3040' TO 3045' TO 3050' TO 3055' TO 3060' TO 3065' TO 3070' TO 3075' TO 3080' TO 3085' TO 3090' TO 3095' TO 3100' TO 3105' TO 3110' TO 3115' TO 3120' TO 3125' TO 3130' TO 3135' TO 3140' TO 3145' TO 3150' TO 3155' TO 3160' TO 3165' TO 3170' TO 3175' TO 3180' TO 3185' TO 3190' TO 3195' TO 3200' TO 3205' TO 3210' TO 3215' TO 3220' TO 3225' TO 3230' TO 3235' TO 3240' TO 3245' TO 3250' TO 3255' TO 3260' TO 3265' TO 3270' TO 3275' TO 3280' TO 3285' TO 3290' TO 3295' TO 3300' TO 3305' TO 3310' TO 3315' TO 3320' TO 3325' TO 3330' TO 3335' TO 3340' TO 3345' TO 3350' TO 3355' TO 3360' TO 3365' TO 3370' TO 3375' TO 3380' TO 3385' TO 3390' TO 3395' TO 3400' TO 3405' TO 3410' TO 3415' TO 3420' TO 3425' TO 3430' TO 3435' TO 3440' TO 3445' TO 3450' TO 3455' TO 3460' TO 3465' TO 3470' TO 3475' TO 3480' TO 3485' TO 3490' TO 3495' TO 3500' TO 3505' TO 3510' TO 3515' TO 3520' TO 3525' TO 3530' TO 3535' TO 3540' TO 3545' TO 3550' TO 3555' TO 3560' TO 3565' TO 3570' TO 3575' TO 3580' TO 3585' TO 3590' TO 3595' TO 3600' TO 3605' TO 3610' TO 3615' TO 3620' TO 3625' TO 3630' TO 3635' TO 3640' TO 3645' TO 3650' TO 3655' TO 3660' TO 3665' TO 3670' TO 3675' TO 3680' TO 3685' TO 3690' TO 3695' TO 3700' TO 3705' TO 3710' TO 3715' TO 3720' TO 3725' TO 3730' TO 3735' TO 3740' TO 3745' TO 3750' TO 3755' TO 3760' TO 3765' TO 3770' TO 3775' TO 3780' TO 3785' TO 3790' TO 3795' TO 3800' TO 3805' TO 3810' TO 3815' TO 3820' TO 3825' TO 3830' TO 3835' TO 3840' TO 3845' TO 3850' TO 3855' TO 3860' TO 3865' TO 3870' TO 3875' TO 3880' TO 3885' TO 3890' TO 3895' TO 3900' TO 3905' TO 3910' TO 3915' TO 3920' TO 3925' TO 3930' TO 3935' TO 3940' TO 3945' TO 3950' TO 3955' TO 3960' TO 3965' TO 3970' TO 3975' TO 3980' TO 3985' TO 3990' TO 3995' TO 4000' TO 4005' TO 4010' TO 4015' TO 4020' TO 4025' 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TO 5695' TO 5700' TO 5705' TO 5710' TO 5715' TO 5720' TO 5725' TO 5730' TO 5735' TO 5740' TO 5745' TO 5750' TO 5755' TO 5760' TO 5765' TO 5770' TO 5775' TO 5780' TO 5785' TO 5790' TO 5795' TO 5800' TO 5805' TO 5810' TO 5815' TO 5820' TO 5825' TO 5830' TO 5835' TO 5840' TO 5845' TO 5850' TO 5855' TO 5860' TO 5865' TO 5870' TO 5875' TO 5880' TO 5885' TO 5890' TO 5895' TO 5900' TO 5905' TO 5910' TO 5915' TO 5920' TO 5925' TO 5930' TO 5935' TO 5940' TO 5945' TO 5950' TO 5955' TO 5960' TO 5965' TO 5970' TO 5975' TO 5980' TO 5985' TO 5990' TO 5995' TO 6000' TO 6005' TO 6010' TO 6015' TO 6020' TO 6025' TO 6030' TO 6035' TO 6040' TO 6045' TO 6050' TO 6055' TO 6060' TO 6065' TO 6070' TO 6075' TO 6080' TO 6085' TO 6090' TO 6095' TO 6100' TO 6105' TO 6110' TO 6115' TO 6120' TO 6125' TO 6130' TO 6135' TO 6140' TO 6145' TO 6150' TO 6155' TO 6160' TO 6165' TO 6170' TO 6175' TO 6180' TO 6185' TO 6190' TO 6195' TO 6200' TO 6205' TO 6210' TO 6215' TO 6220' TO 6225' TO 6230' TO 6235' TO 6240' TO 6245' 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VICINITY MAP
SCALE 1"=2,000'



NOTES:
1. REFERENCE - PLAT DATED 2/8/64 BY D.K. SUTLIPPE & ASSOC.
310 DELAWARE RD, FREDERICK, MARYLAND
RAW LINES, BEARINGS & DISTANCES WERE PREPARED FROM
RECONSTRUCTION & NOT SURVEY DATA BY D.K. SUTLIPPE & ASSOCIATES
OCTOBER 1985.



IT IS HEREBY ORDERED by the Planning Commission for Baltimore County, this 12th day of August, 1993 that the Petition for Special Exception for permission to use the D.R.5.5 portion of the property for an existing cemetery, be and is hereby GRANTED; and,
IT IS FURTHER ORDERED that the Petition for Special Exception for validation of the nonconforming use status of the D.R.10.5 portion of the site, be and is hereby GRANTED; and,
IT IS FURTHER ORDERED that the Petition for Special Exception to determine that an R.Y.A. requirement is not generated by the adjoining parcel owned by Baltimore County, be and is hereby GRANTED; and,
IT IS FURTHER ORDERED that a Petition for Variance from Sections 1801.2.C.1.4 and 1802.2 of the B.C.Z.R. to permit a minimum setback of 10 ft. between non-residential buildings within the area designated on the site plan, in lieu of the required 70 ft. maximum, be and is hereby GRANTED, all in accordance with Petitioner's Exhibit No. 6, subject, however, to the following resolution which are conditions precedent to the relief granted herein:

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

James E. Smith
JAMES E. SMITH
Zoning Commissioner for Baltimore County

NOTES:

11. PROPERTY OWNER AND APPLICANT: ARBUTUS MEMORIAL PARK, INC.
1101 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
 22. ZONING: EXISTING - DR 5.5 & DR 10.5
PROPOSED - DR 5.5 & DR 10.5 (NO CHANGE)
 33. LOT AREA: 72,208 ACRES
 44. EXISTING USE: CEMETERY
 55. PROPOSED USE: CEMETERY AND FUNERAL HOME
 66. BUILDING SETBACKS: PER SECTION 1801.2 (C)(1)(a)
PRINCIPAL BUILDING SETBACKS
IN D.R. 5.5 ZONE
- | | FRONT YARD | SIDE YARD | CORNER YARD | REAR YARD |
|-----------|------------|-----------|-------------|-----------|
| D.R. 5.5 | 40 | 20 | 20 | 20 |
| D.R. 10.5 | 25 | 20 | 20 | 20 |
- * See Note # 11
77. BUILDING AREA: EXISTING BUILDING 8,000 SQ. FT. (ADMINISTRATIVE OFFICES AND MAINTENANCE FACILITY)
 88. PARKING: REQUIRED - NONE
PROVIDED - AREA PROPOSED FOR THE FUNERAL HOME WILL PROVIDE PARKING CONSIDERENT WITH SECTION 409.41A(4) AT SUCH TIME WHEN A PLAN IS SUBMITTED FOR APPROVAL. EXISTING PARKING AS SHOWN ON PLAN TO REMAIN.
 99. UTILITIES: SEWER - PRIVATE (NO BUILDING EXPANSION IS PROPOSED AS PART OF THIS APPLICATION)
WATER - PUBLIC
 1010. SPECIAL HEARING: TO APPROVE THE NON-CONFORMING STATUS, BOUNDARY AND VALIDITY OF THE 1941 SPECIAL PERMIT APPROVAL OF THAT PORTION OF THE ARBUTUS MEMORIAL PARK AS A CEMETERY AS SET FORTH IN THE ZONING DESCRIPTION, SAVING AND EXCEPTING THAT PORTION ZONED DR 5.5, AND TO DETERMINE THAT IT DOES NOT APPLY FROM THE ADJACENT BALTIMORE COUNTY PARCEL OF MORE THAN 2 ACRES PER SECTION 1801.2 (B)(1)(C).
 1111. VARIANCE: FROM SECTION 1801.2(C)(1)(a) AND 1802.2 TO PERMIT A MINIMUM SETBACK OF 10' BETWEEN NON-RESIDENTIAL BUILDINGS WITHIN THE AREA DESIGNATED IN LIEU OF THE REQUIRED 70 FEET (MAXIMUM) ON THE PETITIONER'S SITE PLAN.
 1212. SPECIAL EXCEPTION: TO USE THE HEREIN DESCRIBED PROPERTY FOR A CEMETERY (EXISTING) AND A FUNERAL HOME (PROPOSED), THE AREAS OF WHICH ARE INDICATED ON THE SITE PLAN.
 1313. ELECTION DISTRICT: 13
 1414. COUNCILMANIC DISTRICT: 1
 1515. CENSUS TRACT: 4307
 1616. WATERBORN: 29
 1717. SUBDIVISION: 74
 1818. DEED REFERENCE: 973/392
884/14
1002/201
2198/223
 1919. PROPERTY ACCOUNT NO.: 13-01-740690
 2020. TAX MAP 108, GRID 4, PARCEL 265
 2121. FLOOR AREA RATIO: N/A
 2222. HEIGHT OF BUILDING: ALL NON-RESIDENTIAL BUILDINGS TO MEET BULK REQUIREMENTS FOR SECTION 1801.2.
 2323. MASS TRANSIT ADJUSTMENT: N/A
 2424. SIGNAGE: ALL SIGNAGE TO BE IN COMPLIANCE WITH SECTION 413 (SIGN)
 2525. PREVIOUS COMMERCIAL PERMIT: B-62544, B-157392
 2626. ZONING HEARINGS:
1) CASE # 7723 (1941) PETITION FOR ZONING RECLASSIFICATION (APPROVED)
2) CASE # 78-219-A (VARIANCE) TO PERMIT 20' SETBACK (BUILDING FACE TO BUILDING FACE) BETWEEN BUILDINGS IN LIEU OF THE REQUIRED 70' SETBACK GRANTED MARCH 19, 1974.
SPECIAL EXCEPTION WITHOUT VOTER COUNCIL, WITHDRAWN 12/14/81.
3) CASE # 7432-A-1
2727. A LIMITED EXEMPTION FROM SECTION 24-1311A) OF THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS WAS GRANTED IN 1979. THIS EXEMITS THE APPLICANT FROM DIVISION 2 OF THOSE REGULATIONS. (ARBITRARY NOT)

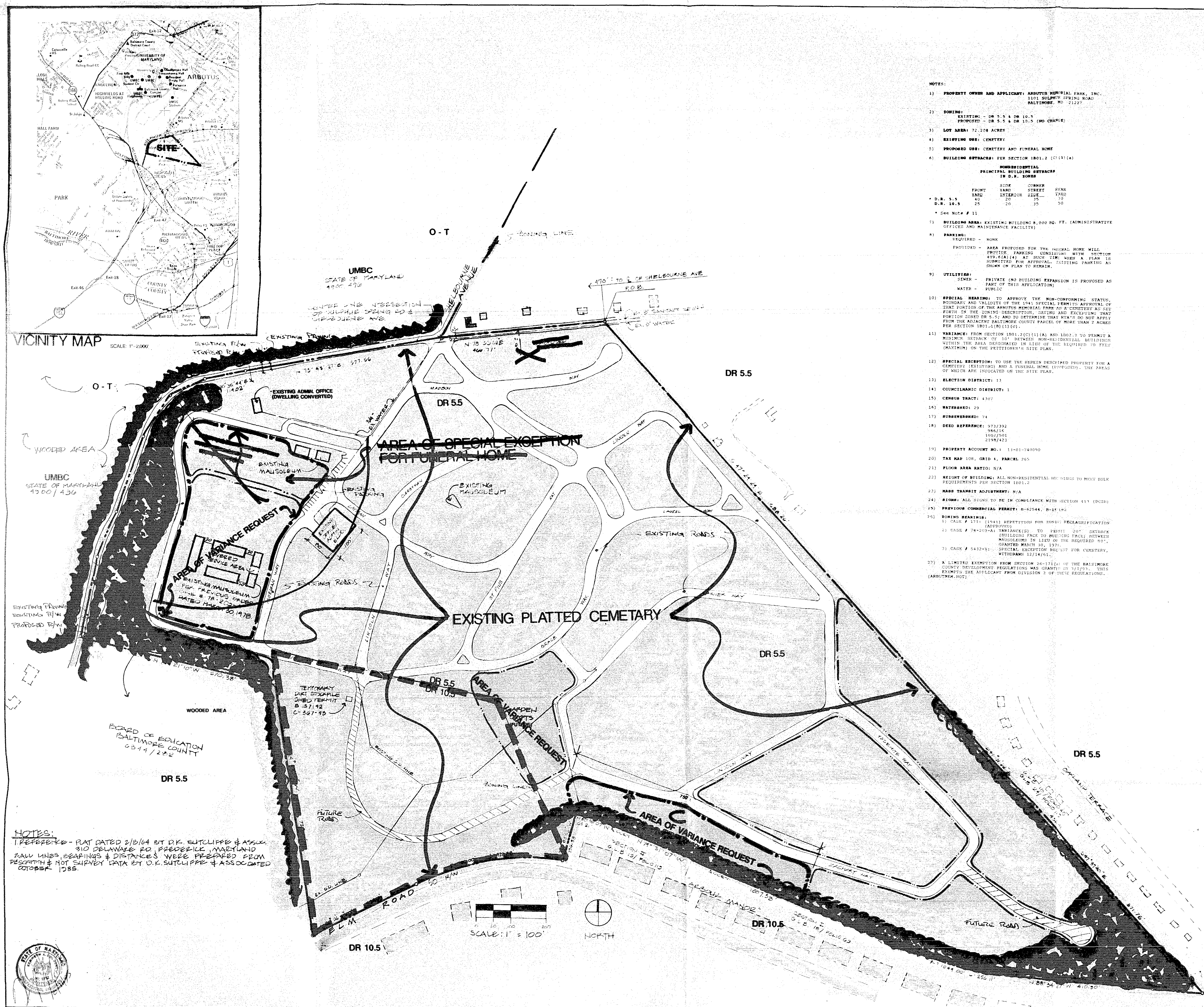
ARBUTUS MEMORIAL PARK
PLAT TO ACCOMPANY SPECIAL EXCEPTION,
SPECIAL HEARING, AND VARIANCE APPLICATION
1101 SULPHUR SPRING ROAD
BALTIMORE, MD. 21227

PROPERTY OWNER AND APPLICANT:
ARBUTUS MEMORIAL PARK
1101 SULPHUR SPRING ROAD
BALTIMORE, MARYLAND 21227

REVISIONS: 6/10/94 ADD ZONING ORDER GRANTED 6/10/93

WILLIAM MONK, INC
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
222 ROSLEY AVENUE, SUITE B-1
TOWSON, MARYLAND 21204
(410) 484-8931

03-463-SPHX4



ARBUTUS MEMORIAL PARK
PLAT TO ACCOMPANY SPECIAL EXCEPTION,
SPECIAL HEARING, AND VARIANCE APPLICATION
1101 SULPHUR SPRING ROAD
BALTIMORE, MD. 21227

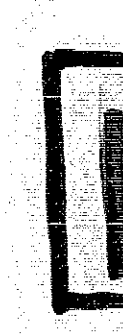
PROPERTY OWNER AND APPLICANT:
ARBUS MEMORIAL PARK
1101 SULPHUR SPRING ROAD
BALTIMORE, MARYLAND 21227

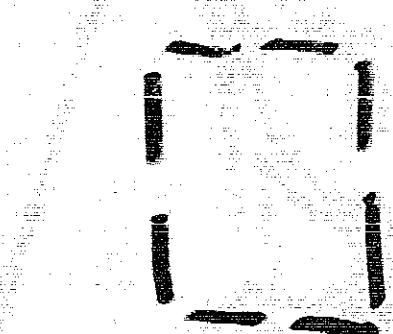
PETITIONER'S
EXHIBIT 6

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT

COURTHOUSE COMMONS
222 BOSLEY AVENUE, SUITE B-7
TOWSON, MARYLAND 21204
(410) 454-8931

 HOLDINGS OF ARBUTUS MEMORIAL PARK - CIRCA 1952

 HOLDINGS OF ARBUTUS MEMORIAL PARK - 1993

 AREA SUBJECT TO SPECIAL HEARINGS
TO ESTABLISH NON CONFORMING
STATUS OF THE CEMETARY

→ SOLD TO BALTIMORE COUNTY
BOARDS OF EDUCATION

ARBUTUS MEMORIAL PARK

2351
RECLASS
"A" RESIDENCE
TO "D" RESIDENCE

2311

2311
RECLASS
"A" RESIDENCE
TO "D" RESIDENCE

PETITIONER'S
EXHIBIT 0-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1993
DR No. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN PREPARED BY SELECTED AREAS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

H-SE G-SW
D-NE C-NW

1991 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1993
DR No. 151-92, 152-92, 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92, 160-92

William H. H. H.
Baltimore County Council

SCALE
1" = 200'
DATE
PHOTOGRAPHY
JANUARY
1986

LOCATION
HALETHORPE

SHEET
SW
6-E

PETITIONER'S
EXHIBIT 0-A



PETITIONER'S
EXHIBIT 9

SCALE 1" = 200' ±
DATE OF PHOTOGRAPH: JANUARY 1986
LOCATION: HALETHORPE

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 10, 1993

Mr. William Monk
William Monk, Inc.
Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204-4300

Mr. William J. Callis, Jr.
1101 Sulphur Spring Road
Baltimore, Maryland 21227

RE: Petitions for Special Hearing, Special Exception
and Zoning Variance
Case No. 93-463-SPHYA
Arbutus Memorial Park Cemetery
William J. Callis, Jr., Petitioner

Gentlemen:

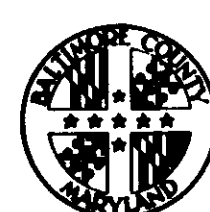
Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted, in accordance with the Attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
cc: Edward N. Kane, Jr., Esquire, Semmes, Bowen and Semmes
Mrs. Evelyn S. Revels c/o Cowdensville Improvement Association
Mrs. Dorothy Briscoe
Mrs. Patricia Ferguson



Petition for Special Hearing

93-463-SPHYA
to the Zoning Commissioner of Baltimore County

for the property located at 1101 Sulphur Spring Road at Shelbourne Road
which is presently zoned DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve the non-conforming status, boundary and validity of the 1941 special permits approval of that portion of the Arbutus Memorial Park as a cemetery as set forth in the zoning description, saving and excepting that portion zoned DR 5.5; And to determine that RTA's do not apply from the adjacent Baltimore County parcel of more than 2 acres per Section 1801.1(b)(1)(c).

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

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

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Signature
Address
City State Zipcode
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
Next Two Months
ALL OTHER DATE
REVIEWED BY: DATE

No REVIEW
6-23-93
WCR



Petition for Special Exception

93-463-SPHYA
to the Zoning Commissioner of Baltimore County

for the property located at 1101 Sulphur Spring Road at Shelbourne Road
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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 Regulations of Baltimore County, to use the herein described property for an existing cemetery and a funeral home. The areas of which are indicated on the site plan.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Signature
Address
City State Zipcode
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
Next Two Months
ALL OTHER DATE
REVIEWED BY: DATE

No REVIEW
6-23-93
WCR



Petition for Variance

93-463-SPHYA
to the Zoning Commissioner of Baltimore County

for the property located at 1101 Sulphur Spring Road at Shelbourne Road
which is presently zoned DR 5.5 & DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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 Variance from Section(s) 1801.2(c)(1)(A) and 1802.2 to permit a minimum setback of 10' between non-residential buildings within the area designated in lieu of the required 70 feet (maximum) on the petitioner's site plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

The spacing of the buildings consistent with the required setbacks would result in an inefficient utilization of the land.

These buildings are above ground mausoleums to be clustered together in appropriately designed garden settings.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Signature
Address
City State Zipcode
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
Next Two Months
ALL OTHER DATE
REVIEWED BY: DATE

No REVIEW
6-23-93
WCR

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1324 Date of Posting: 7/7/93
Posted for: Special Hearing, Exception & Variance
Petitioner: Mrs. Evelyn S. Revels c/o Cowdensville Improvement Assn.
Location of property: 1101 (S.E.) Sulphur Spring Rd., 400' E. of Shelbourne Rd.
Location of Sign: Facing Dr. Hwy, at entrance to cemetery
Remarks: *Arbutus Memorial Park*
Posted by: *Arbutus Memorial Park* Date of return: 7/14/93
Number of Signs: 3

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 8, 1993
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 July 5, 1993.

THE JEFFERSONIAN,

A. H. Smith
Publisher



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 6/23/93

Account: R-001-6150

Number
ITEM NUMBER 467

#020 - VARIANCE \$250.00
#030 - SPECIAL HEARING \$250.00
#050 - SPECIAL EXCEPTION \$300.00
#070 - COMBINATION OF ABOVE (MAX. FEE) \$650.00
#080 - SIGN POSTING \$35.00X 6 SIGNS \$210.00
TOTAL FEES \$860.00

William J. Callis, Jr.
1101 Sulphur Spring Road
(Arbutus Memorial Park)
13th E.D.

Petition Submitted By: William Monk, Inc.

03AD3H0284MCHRC \$860.00
SA 001:25PM06-23-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING DESCRIPTION

ARBUS MEMORIAL PARK
THIRTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

93-463-SPHYA
BEGINNING AT A POINT ON THE CENTERLINE OF SULPHUR SPRING ROAD, 470 FEET, MORE OR LESS, EAST OF THE CENTERLINE OF SHELBORNE AVENUE; THENCE LEAVING SAID CENTERLINE AND RUNNING SOUTH 47 DEGREES 24 MINUTES 24 SECONDS EAST 1588.26 FEET TO A POINT; THENCE SOUTH 47 DEGREES 31 MINUTES 22 SECONDS EAST 432.42 FEET TO A POINT; THENCE SOUTH 47 DEGREES 39 MINUTES 40 SECONDS EAST 571.75 FEET TO A POINT; THENCE SOUTH 47 DEGREES 39 MINUTES 40 SECONDS EAST 571.75 FEET TO A POINT; THENCE SOUTH 89 DEGREES 13 MINUTES 33 SECONDS WEST 155.17 FEET TO A POINT; THENCE NORTH 88 DEGREES 34 MINUTES 27 SECONDS WEST 140.50 FEET TO A POINT; THENCE BY A CURVE TO THE RIGHT, WITH A RADIUS OF 1044.00 FEET, A LENGTH OF 256.11 FEET WITH A CHORD BEARING NORTH 81 DEGREES 32 MINUTES 47 SECONDS WEST 255.47 FEET TO A POINT; THENCE NORTH 74 DEGREES 31 MINUTES 07 SECONDS WEST 1007.38 FEET TO A POINT; THENCE NORTH 80 DEGREES 56 MINUTES 07 SECONDS WEST 65.21 FEET TO A POINT ON THE WEST SIDE OF SAID ALLEY; THENCE 136.38 FEET SAID ALLEY SOUTH 09 DEGREES 03 MINUTES 53 SECONDS WEST 570.38 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF ELM ROAD; THENCE TO A POINT ON THE CENTERLINE OF SAID SULPHUR SPRING ROAD; THENCE BINDING ON SAID RIGHT-OF-WAY LINE AND RUNNING WITH A CURVE TO THE LEFT WITH A RADIUS OF 750.00 FEET, A LENGTH OF 422.88 FEET WITH A CHORD BEARING SOUTH 73 DEGREES 45 MINUTES 36 SECONDS WEST 417.30 FEET TO A POINT; THENCE SOUTH 57 DEGREES 36 MINUTES 33 SECONDS WEST 329.61 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NORTH 14 DEGREES 30 MINUTES 51 SECONDS WEST 728.85 FEET TO A POINT; THENCE NORTH 81 DEGREES 21 MINUTES 10 SECONDS WEST 570.38 FEET TO A POINT ON THE CENTERLINE OF SAID SULPHUR SPRING ROAD; THENCE BINDING ON SAID CENTERLINE AND RUNNING NORTH 06 DEGREES 16 MINUTES 52 SECONDS EAST 225.04 FEET TO A POINT; THENCE NORTH 12 DEGREES 40 MINUTES 06 SECONDS EAST 138.32 FEET TO A POINT; THENCE NORTH 16 DEGREES 03 MINUTES 43 SECONDS EAST 239.54 FEET TO A POINT; THENCE NORTH 16 DEGREES 03 MINUTES 41 SECONDS EAST 134.39 FEET TO A POINT; THENCE NORTH 27 DEGREES 23 MINUTES 11 SECONDS EAST 107.87 FEET TO A POINT; THENCE NORTH 70 DEGREES 35 MINUTES 44 SECONDS EAST 114.02 FEET TO A POINT; THENCE NORTH 73 DEGREES 45 MINUTES 27 SECONDS EAST 577.66 FEET TO A POINT; THENCE NORTH 78 DEGREES 35 MINUTES 52 SECONDS EAST 466.77 FEET TO THE PLACE OF BEGINNING.

CONTAINING 72.208 ACRES OF LAND, MORE OR LESS,

ARMEMKPK.DES



TO: PUBLISHER PUBLISHING COMPANY
July 8, 1993 Issue - Jeffersonian

Please forward billing to:

William J. Callis, Jr.
1101 Sulphur Spring Road
Baltimore, Maryland 21227
(410) 242-7700

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-463-SPHYA (Item 467)
1101 Sulphur Spring Road - Arbutus Memorial Park
470' E of c/o Shelbourne Avenue
13th Election District - 1st Councilmanic
Petitioner(s): William J. Callis, Jr.
HEARING: THURSDAY, JULY 27, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Special hearing to approve the non-conforming status, boundary, and validity of the 1941 special permit approval of that portion of the Arbutus Memorial Park as a cemetery as set forth in the zoning description, saving and excepting that portion zoned D.R. 5.5; and to determine that RTA's do not apply from the adjacent Baltimore County parcel of more than 2 acres.
Special Exception for an existing cemetery and a funeral home.
Variance to permit a minimum setback of 10 feet between non-residential buildings within the area designated in lieu of the required 70 feet (maximum) on the site plan.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 30, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-463-SPHX (Item 467)
1101 Sulphur Spring Road - Arbutus Memorial Park
S/S Sulphur Spring Road, 470' E of c/l Shelbourne Avenue
13th Election District - 1st Councilmanic
Petitioner(s): William J. Callis, Jr.
HEARING: TUESDAY, JULY 27, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve the non-conforming status, boundary, and validity of the 1941 special permit approval of that portion of the Arbutus Memorial Park as a cemetery as set forth in the zoning description, saving and excepting that portion zoned D.R. 5.5; and to determine that R2A's do not apply from the adjacent Baltimore County parcel of more than 2 acres.
Special Exception for an existing cemetery and a funeral home.
Variance to permit a minimum setback of 10 feet between non-residential buildings within the area designated in lieu of the required 70 feet (maximum) on the site plan.

Carl Jablon

Arnold Jablon
Director

cc: William J. Callis, Jr./1101 Sulphur Spring Road/Baltimore MD 21127
William Monk, Inc./222 Bosley Avenue/Towson MD 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 19, 1993

Mr. William J. Callis, Jr.
1101 Sulphur Spring Road
Baltimore, MD 21127

RE: Case No. 93-463-SPHX, Item No. 467
Petitioner: William J. Callis, Jr.
Petition for Special Hearing, Special
Exception and Variance

Dear Mr. Callis:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



7-7-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTD. CO.
Item No: + 467 (WCR)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
787 North Calvert St., Baltimore, Maryland 21203-0717

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

Date: July 7, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 12, 1993 - Meeting

- #402 - Space shall comply with the 1991 Life Safety Code.
- #456 - No comments
- #462 - No comments
- #463 - Site shall not interfere with Baltimore County's 800 Megahertz Radio Capability.
- #464 - No comments
- #465 - No comments
- #466 - No comments
- #467 - No comments
- #468 - No comments
- #469 - No comments
- #470 - Building shall comply with the 1991 Life Safety Code.
- #471 - Did not receive plan.
- #472 - No comments.

RECEIVED
JUL 8 1993

ZADM

JLP/dal

cc: File

CPS-008

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: July 26, 1993

SUBJECT: Arbutus Memorial Park

INFORMATION:

Item Number: 467

Petitioner: William J. Callis, Jr.

Property Size:

Zoning: D.R. 10.5

Requested Action:

Hearing Date: 7/27

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and a community meeting, staff offers the following recommendations:

- A) The proposed mausoleum, adjacent to Sulphur Spring Road, should be relocated to the interior of the cemetery. A site visit and community opinion indicates that the proposed location could be detrimental to the welfare of the adjacent Coddensville community.
- B) Should the Special Exception request for the funeral home be granted, subsequent development plans should be required to go through the entire development review process, including a community input meeting and hearing officer hearing.

Prepared by: *WJL*

Division Chief: *Carol S. Demilio*

PK/JL:lw

ZAC.467/ZAC1

Pg. 1

RE: PETITION FOR SPECIAL HEARING, : BEFORE THE ZONING COMMISSIONER
SPECIAL EXCEPTION AND VARIANCE : OF BALTIMORE COUNTY
S/S Sulphur Spring Rd., 470' :
E of C/L Shelbourne Ave. (1101 :
Sulphur Spring Rd - Arbutus : Case No. 93-463-SPHX
Memorial Park), 13th Election :
Dist., 1st Councilmanic Dist. :
WILLIAM J. CALLIS, JR., :
Petitioner :
: : : : :
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.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carol S. Demilio
Carol S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 13th day of July, 1993, a copy of the foregoing Entry of Appearance was mailed to William J. Callis, Jr., 1101 Sulphur Spring Rd., Baltimore, MD 21127, Petitioner; and William Monk, Inc., 222 Bosley Ave., Towson, MD 21204, which requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
JUL 13 1993

ZADM



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 3, 1993

Mr. William Monk
William Monk, Inc.
Courthouse Commons
222 Bosley Avenue Suite B-7
Towson, MD 21204

Re: Limited Exemption Approval
Arbutus Memorial Park ED-13 CD-1

Dear Bill:

On March 1, 1993, the Development Review Committee reviewed the plan submitted on the above referenced project and determined it to be a Limited Exemption under Section 26-171(a) of the Baltimore County Development Regulations. This exempts your development from Division 2 of these regulations; however, compliance with Divisions 3, 4 and 5 is still required, as is compliance with all applicable zoning regulations. The \$40.00 fee receipt is enclosed.

Accordingly, you may apply for a building permit with the Department of Permits and Licenses, in the County Office Building, Room 100, 111 West Chesapeake Avenue, Towson, MD. A copy of this Limited Exemption Approval letter should be presented when making application.

If you have any questions, please feel free to call me at 410-887-3353.

Respectfully yours,
Donald T. Rascoe
Donald T. Rascoe, Manager
Development Management

DTR:cab

Enc.

c: Arbutus Memorial Park, 1101 Sulphur Spring Road, Baltimore MD 21227

ARBUTUS.MEM/TATCAB



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1993

William Monk
222 Bosley Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #467)
Legal Owner: William J. Callis, Jr.
1101 Sulphur Spring Road
13th Election District

Dear Mr. Monk:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II

JLL:scj

cc: Zoning Commissioner

Enclosure: Receipt

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

September 21, 1993

(410) 887-4386

Mr. William Monk
Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204-4300

RE: Case No. 93-463-SPHXA
William J. Callis, Jr., Petitioner

Dear Mr. Monk:

Reference is made to your letter dated August 16, 1993. You are, indeed, correct that a temporary dirt stockpile shed is located on the DR 10.5 parcel of the property. This is clearly shown on the site plan which was submitted as Petitioner's Exhibit No. 6. I believe the context of my opinion was that the DR 10.5 parcel was not improved to the extent of office buildings, mausoleums, etc. Nonetheless, to avoid any future confusion, I am placing a copy of this letter in the case file to note that technical correction. I trust that will eliminate any possible confusion in the future. This letter should, therefore, be considered in that light.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: William Callis, Jr.

WILLIAM MONK, INC.

PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS, SUITE B-7
222 BOSLEY AVENUE, TOWSON, MD 21204

LETTER OF TRANSMITTAL

DATE	09/20/93	OUR JOB NO.	
FILE NO.		YOUR JOB NO.	93-463-SPHXA
ATTENTION	Arbutus Memorial Park 1101 Sulphur Spring Road		

TO: Z.A.D.M.

GENTLEMEN:

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

- ☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

DRAWING NO.	FILE NO.	DESCRIPTION	ACTION

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ As requested ☐ Submit _____ copies for distribution
☐ For your use ☐ Resubmit _____ copies for approval ☐ Return _____ corrected prints
☐ For review and comment ☐
☐ FOR BIDS DUE _____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS: for spring file - future permits - to show compliance with zoning order

COPY TO: file SIGNED: Susan Mupkes

If enclosures are not as noted, kindly notify us at once.

WILLIAM MONK, INC.

PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS, SUITE B-7
222 BOSLEY AVENUE, TOWSON, MD 21204

LETTER OF TRANSMITTAL

DATE	6/18/93	OUR JOB NO.	
FILE NO.		YOUR JOB NO.	
ATTENTION	JOHN LEWIS 1101 SULPHUR SPRING RD C SHELDONVILLE ROAD ARBUTUS MEMORIAL PARK		

TO: BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING

GENTLEMEN:

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

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

DRAWING NO.	FILE NO.	DESCRIPTION	ACTION
(3)		PETITION FOR VARIANCE	
(3)		PETITION FOR SPECIAL EXCEPTION	
(3)		PETITION FOR SPECIAL HEARING	
(2)		ZONING DESCRIPTIONS	
(1)		APPLICATION FEE FOR \$860.00 CHECK # 2336	
(12)		PRINTS	
(1)		ZONING MAP (200 SCALE)	

THESE ARE TRANSMITTED as checked below:

- ☒ For approval ☐ As requested ☐ Submit _____ copies for distribution
☐ For your use ☐ Resubmit _____ copies for approval ☐ Return _____ corrected prints
☐ For review and comment ☐
☐ FOR BIDS DUE _____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO: William Callis SIGNED: William Monk FF

If enclosures are not as noted, kindly notify us at once.

1941

"ZONING LAW"

—OF—

Baltimore County

ACT OF 1941—CHAPTER 247

Effective as of March 26, 1941

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
COWDENVILLE IMPROVEMENT ASSOC	SUMMIT RIDGE & SUMMIT 1500 West Pratt Street 21201
ATTY: Edward N. Kane, Jr.	Baltimore, MD 21201
NARINE BRNEY	104 Circle Terrace Arbutus Md. 21227
Evelyn S. Resels	1111 Sulphur Spring Rd. 21227
DOROTHY V. BRISCOE	1108 SULPHUR SPRING RD. 21227
HELEN P. MACRE	105 BROWN'S TERRACE 21227
Frances E. Williams	113 Brown Terrace 21227
Stanley Williams	103 Brown Terrace 21227
Laura L. Eversue	4517 Park Hythe Ave 21215-6793
William A. Feltschke	4009-10000 Ave 21227
Gaston C. Rouffain	2500 Edgewood Circle NW 21227
Alfred W. Ferguson	2033 Disston 21227
Adrian H. Jones	16 Hickory Ridge Ct. 21228 Catonville

JAMES
MICHAEL
BRODIE
ARBUTUS TIMES/
CATONVILLE
TIMES
STAFF WRITER

410-788-4500
FAX 410-788-4103



PATRICIA C. FERGUSON
President

16 Hickory Ridge Court
Catonville, MD 21228

Bun. # (410) 747-7200
Pager (410) 909-2375

WILLIAM MONK, INC.

PLANNING • LANDSCAPE DESIGN • ENVIRONMENTAL RESOURCE MANAGEMENT

COURT HOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931

August 16, 1993

Mr. Larry Schmidt
Zoning Commissioner
Old Court House
Room 113
400 Washington Avenue
Towson, MD 21204

Re: Case #93-463-SPHXA: Arbutus Memorial Park

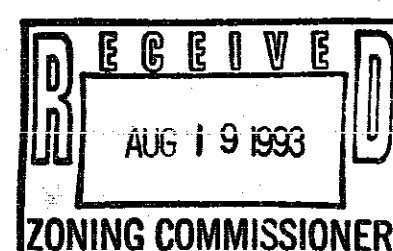
Dear Mr. Schmidt:

My client and I are in receipt of your order dated August 10th, 1993. I am respectfully requesting 1 minor amendment to the order which is so noted on page 3. The last sentence in the second full paragraph states "there are no improvements on the DR 10.5 parcel". There is in fact 1 minor improvement on this portion of the tract, that being a temporary dirt storage shed. This shed is so noted on the site plan and appropriate permits obtained are referenced therein. We are attempting to eliminate any possible confusion in the future and therefore we respectfully request that your order be amended to reflect same.

Cordially,

William P. Monk

cc: William Callis



ARBUTUS COMMUNITY ASSOCIATION INC.

TOWNHALL-1349 STEVENS AVENUE
BALTIMORE, MARYLAND 21227
FOUNDED 1928

Subject: Arbutus Memorial Park zoning hearing
Case #93-463-SPHXA



Dear Sir,

The Arbutus Community Association is concerned about the future development of our community.

At our last meeting we discussed the variance and exception being asked for by Arbutus Memorial Park. We feel that by granting this request that the area would be turning into a commercial zone. It also would have a negative impact to the existing neighbors. Traffic would be increased and the road layout will create a problem for a funeral home.

Therefore, we the Arbutus Community Association voted unanimously to oppose the granting of these zoning requests.

Sincerely,
Zoning Chairman Arbutus Comm. Assoc.
Ron Barnett

COWDENVILLE IMPROVEMENT ASSOCIATION OF ARBUTUS

ARBUTUS, MARYLAND 21227

July 27, 1993

Statement of Community Association
Re: Arbutus Memorial Park

The Cowdensville Improvement Association of Arbutus has been operating as a community organization for 50 years, since the early forties. The primary purpose of the Association has been to serve as a forum for the sharing of individual problems which may affect the community at large.

The Association has indeed been instrumental in solving community problems such as obtaining water in households in the entire Cowdensville community circa 1948, converting private septic systems to county sewage for individual homes around 1969.

The Arbutus Memorial Park, because of its proximity to Cowdensville has a profound impact on the general character of the community. Generally what affects the Cowdensville community, negatively or positively, affects Arbutus Memorial Park and vice versa: like traffic conditions, ground conditions, water problems, sewage problems. We, in a sense, are interdependent.

Because of this, the Association had original concerns about the proposed plan for the Arbutus Memorial Park specifically the special exception for the Funeral Home and the proposed mausoleum to the east of the main entrance to the cemetery facing Sulphur Spring Road. The informational community meeting held on Thursday, July 22, 1993 was educational and enlightening for all present. Following the meeting the petitioner withdrew the two requests previously stated.

The Association generally favors the remaining parts of the proposed plan for the Arbutus Memorial Park. Because of the above stated impact of the Memorial Park on the immediate community as well as its historical significance to the entire Metropolitan African-American community, it is our sincere hope that future plans for the park will not destroy the character of the original sections of the Park. It is also our sincere hope that because of our interdependence, there will be regular and consistent communication between the community and the Memorial Park.

Protestants
w/

Charles S. Resels Pres.
Stanley Williams Pres.

MAIDEN CHOICE COMMUNITY ASSOCIATION

P.O. Box 18262, Hialethorpe, Maryland 21227

PRESIDENT: Mike Kilgus 242-5476 VICE PRESIDENT: Peggy Rickie 242-4144 TREASURER: Eleanor VanDender 242-4137 SECRETARY: Doris Cameron 922-3799

July 26, 1993

TO: The Baltimore County Zoning Board
RE: Arbutus Memorial Park

The Maiden Choice Community Association wishes to express our opposition to the proposed Zoning exceptions on the following grounds:

- 1) We are greatly concerned that by allowing mausoleums or above ground "crypts" to be placed so close to Sulphur Spring Road, the already existing water run-off problems occurring at the intersection of Sulphur Spring Rd and Shelbourne Avenue would be exacerbated. This is already a big problem for the local residents, as well as the children walking on these roads on their way to Arbutus Middle School. These children (and cars travelling this intersection) are often forced into the middle of the road by the large amount of excess water that sits on the roads after heavy rain or snow.
- 2) We strenuously oppose the proposed building of a Funeral Home on this land. This is for two reasons:
 - a) This intersection is deadly. There is limited sight distance on this corner. The Baltimore County Division of Traffic reports 15 accidents from 1/1/87 to 1/1/92. Most of these accidents occurred during daylight hours on dry roads. The intersection currently handles approximately 4,000 cars per day.

This intersection cannot safely handle the increase in traffic volume a Funeral Home would cause.

Zoning Docket Book #1
4/15/41 To 4/9/42

171 Sulphur Spring Rd. S.S. 400 E. Fr. Shelbourne Rd. 13th Dist.

Re-Petition for Zoning Re-classification for - Public Cemetery Katie R. Williams. Petitioner

July 2, 1941, Petition for Zoning Re-classification & Order of Zoning Board thereon setting July 21, 1941, at 11 a.m., as date of hearing, filed.

July 14, 1941, Property posted, Certificate of posting, filed.

July 24, 1941, Certificate of Advertisement of notice of purpose of hearing, filed. July 26, 1941, Petition in writing, filed.

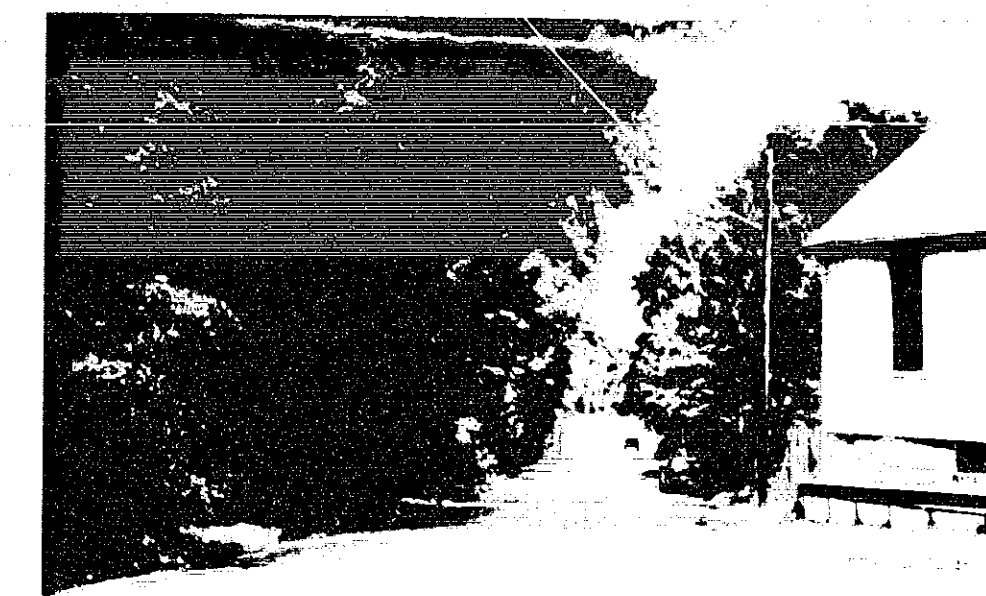
July 26, 1941, Hearing held by Zoning Board & his Order thereon, subject to certain requirements agreed to, granting petition for re-classification, filed.

Ref No 3

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

SULPHUR SPRING ROAD - VIEW LOOKING EAST



Ref 2A

SHELBOURNE AVENUE - VIEW LOOKING NORTH FROM MAIN ENTRANCE



WILLIAM MONK, INC.
Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204-4300

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING
SULPHUR SPRING ROAD

VIEW LOOKING WEST FROM MAIN ENTRANCE



Ref 2D

VIEW LOOKING WEST AT BEND IN ROAD



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



EXISTING LANDSCAPING



Ref 2D

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

MAIN ENTRANCE FROM SULPHUR SPRING ROAD



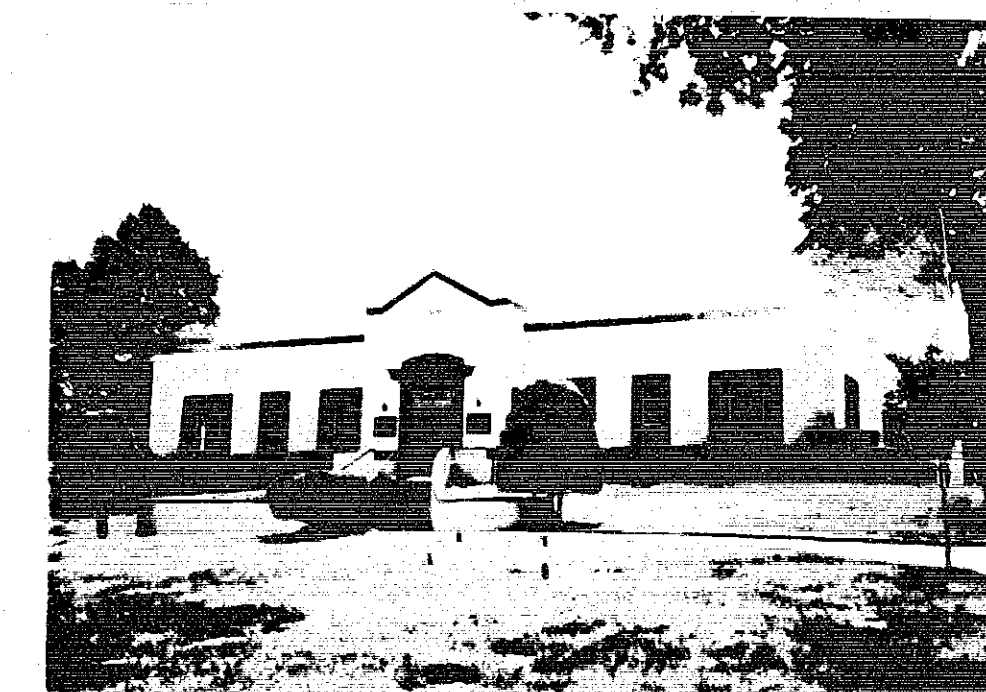
Ref 2E



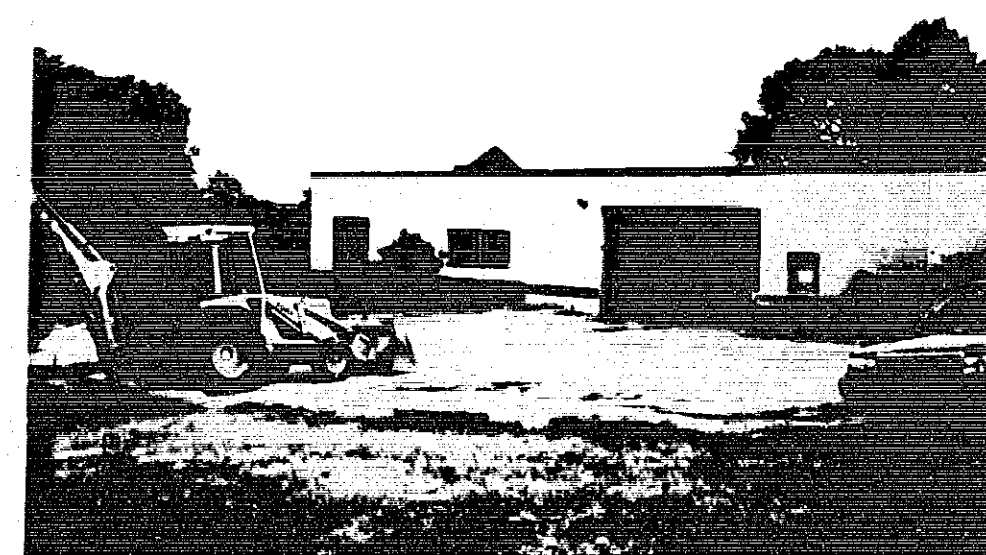
WILLIAM MONK, INC.
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Towson, Maryland 21204-4300

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING
ARBUTUS MEMORIAL PARK
ADMINISTRATIVE OFFICES



MAINTENANCE ENTRANCE



Ref 107 A

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

EXISTING DWELLING CONVERTED TO ADMINISTRATIVE/SALES OFFICES



Ref 103