

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/O Philadelphia Rd., 700 ft. * ZONING COMMISSIONER
S. of c/o New Forge Road, end of *
Lloyd Avenue *
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 94-295-A
New Life Baptist Church *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commission as a Petition for a Zoning Variance for the property located at the end of Lloyd Avenue, not far from the intersection of that roadway and Philadelphia Road in the eastern section of Baltimore County. Relief is requested from Section 409.8.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a stone parking surface in lieu of the required durable and dustless macadam, concrete or equivalent surface; and a variance from Section 409.8.6 to permit non-striped parking spaces in lieu of the striped parking space requirements. The Petition is filed by Johnnie Brewer, Pastor of the New Life Baptist Church, property owner. All of the relief requested is more particularly shown on the site plan, submitted as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Reverend William H. Gray and Pastor Johnnie M. Brewer of the New Life Baptist Church. Also appearing was James M. Wikee and Geoffrey C. Schmitt, of McKee and Associates, Inc., the engineers/surveyors who prepared the plan. The Petitioner was represented by Darryl G. Fletcher Esquire. Carlie McBride and Robert Davis, neighbors, appeared as interested persons. There were no objectors present.

Relevant evidence presented was that the subject property is a flag shaped lot of approximately 5,913 acres. The property is split zoned

D.R.3.5 and R.O. The stem of the flag constitutes the roadway of Lloyd Avenue, a narrow roadway which extends from Philadelphia Road to the rectangular shaped portion of the parcel. This large section of the property abuts the John F. Kennedy Memorial Highway (I-95).

This matter previously came before the Zoning Commission under case No. 93-3-A in September of 1992. At that time, variance relief was granted from Section 409.8.2 to permit off street parking with direct access to vehicular travelways. Testimony and evidence offered at that time is that the site was to be developed as the home of the New Life Baptist Church. Phased-in development was contemplated. Although the variance relief requested was granted in that case, certain restrictions/conditions were added. Among these included a restriction that when the developer implemented Phase 2 of the development, the access to the property from Lloyd Avenue would be restricted to use for emergency and special events only. Other restrictions related to the proposed passage which was to be constructed and governed for future development.

The Petitioner comes before this office at the present time seeking a variance related to the use of Lloyd Avenue. It is proposed that vehicular access by the congregation of this Church will be provided along Lloyd Avenue with a 20 ft. wide private road. The Petitioner's engineer indicated that his review of the title documents and land records indicated that the Church was possessed of this property although residents along same have an easement for the use of the roadway. In that the use of Lloyd Avenue will be on an interim basis, the Petitioner proposes improving same only with a stone surface rather than a durable dustless surface. This would prevent an impervious macadam surface from being installed thereby preventing stone water runoff. Moreover, installation of the stone non-du-

rabie surface would be cheaper for the Petitioner and consistent with the ultimate use of the road. As noted above, the road will ultimately be used only by the few residents who own property adjacent thereto and by the Church members only in emergency or for special purposes. Indeed, Lloyd Avenue will be used only as a temporary solution to provide access to the Church and will be disregarded once the property has been fully developed.

The property owners who appeared did not appear in opposition to the plan. They expressed certain concerns about the ownership of the road. Obviously, as the Zoning Commissioner, I have no authority to resolve questions of title. These must be resolved within the Circuit Court for Baltimore County. However, the Petitioner's engineer indicated that his title search convinced him that the property is owned by the Church. Also, the neighbors do not object to the variance. In fact, favor construction of Lloyd Avenue as proposed and not with a durable and dustless surface.

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

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

Anderson v. Md. of Appeals, Town of Chesapeake Beach, 72 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the requirements from which the Petitioner seeks relief will unreasonably restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of March, 1994 that a variance from Section 409.8.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a stone parking surface in lieu of the required durable and dustless macadam, concrete or equivalent surface, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 409.8.6 to permit non-striped parking spaces in lieu of the striped parking space requirements, be and is hereby GRANTED; and.

ORDER RECEIVED FOR FILING
Date 3/14/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/14/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/14/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/14/94
By [Signature]

IT IS FURTHER ORDERED that, in all other respects, except as expressly set forth herein, the Findings of Fact and Conclusions of Law issued in case No. 93-3-A, dated September 4, 1992, be and is hereby ratified, adopted and incorporated herein, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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. The Petitioner shall cause Lloyd Avenue to be treated so as to prevent an excessive amount of dust from being generated from the parking lot by use of vehicles to the Church.

[Signature]
Lawrence E. Schmitt
Zoning Commissioner
for Baltimore County

LES:mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Sole 113 Courthouse
400 Washington Avenue
Towson, MD 21284 (410) 887-4386
March 9, 1994

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, Maryland 21284
RE: Case No. 94-295-A
Petition for Variance
New Life Baptist Church, Petitioner

Dear Mr. Fletcher:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has 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,

[Signature]
Lawrence E. Schmitt
Zoning Commissioner

LES:mm
att.
cc: Reverend William H. Gray, Jr.
Pastor Johnnie M. Brewer,
New Life Baptist Church
P.O. Box 54, White Marsh, MD 21162
cc: Mr. Carlie McBride, 6337 Lloyd Avenue, White Marsh, MD 21162
Mr. Robert Davis, 4109 Norfolk Avenue, Baltimore, MD 21216

ORDER RECEIVED FOR FILING
Date 3/14/94
By [Signature]

94-295A
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at End of Lloyd Avenue
which is presently zoned DR-3.5/R.O.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, together with the property owner in Baltimore County and each of them, do hereby certify and agree to use and grant the use and grant a parking facility in lieu of the required durable and dustless macadam, concrete or equivalent surface and section 409.8.6, to permit non-striped parking spaces.

of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or present difficulty)

To be addressed at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, the undersigned, do hereby certify that I have read the regulations and hereby agree to use and grant the use and grant a parking facility in lieu of the required durable and dustless macadam, concrete or equivalent surface and section 409.8.6, to permit non-striped parking spaces.

Owner/Petitioner: New Life Baptist Church - Carlie Brewer, Pastor
Address: 8905 Harford Road, Baltimore, MD 21284
P. O. Box 54, 335-3461
White Marsh, MD 21162
cc: Geoffrey C. Schmitt, Vice President McKee & Associates, Inc.
12 Shawan Road, Hunt Valley 527-3555
[Signatures]

94-295A
296
MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
SHAWAN PLACE & SHAWAN ROAD HUNT VALLEY, MARYLAND 21100
Telephone: (410) 527-3555
Facsimile: (410) 527-3593
January 25, 1994

SHOWING DESCRIPTION OF PROPERTY OF NEW LIFE BAPTIST CHURCH, LLOYD AVENUE 11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
Beginning for the same at a point on the west side of Philadelphia Road (Maryland State Route Number 7) (40 feet wide), at the distance of 700 feet south of the centerline of New Forge Road; thence running along Philadelphia Road, South 33° 28' 11" West 20.00 feet; thence along the south side of Lloyd Avenue (20 foot wide private road), North 56° 31' 49" West 147.94 feet and North 43° 59' 35" West 541.00 feet; thence South 37° 37' 21" West 820.38 feet and North 64° 53' 54" West 187.28 feet to a point on the east side of I-95; thence along said east side, North 46° 12' 08" West 476.48 feet to a point in the centerline of Lloyd Avenue; thence along said centerline, South 63° 11' 36" East 378.18 feet; thence North 28° 40' 38" East 10.20 feet to a point on the north side of Lloyd Avenue; thence along said north side South 43° 59' 35" East 382.80 feet and South 84° 31' 48" East 149.24 feet to the place of beginning, as recorded in deed Liber 8448, folio 526. Containing 25,580 square feet or 5.913 acres of land, more or less.



LES:mm
att.
cc: Reverend William H. Gray, Jr.
Pastor Johnnie M. Brewer,
New Life Baptist Church
P.O. Box 54, White Marsh, MD 21162
cc: Mr. Carlie McBride, 6337 Lloyd Avenue, White Marsh, MD 21162
Mr. Robert Davis, 4109 Norfolk Avenue, Baltimore, MD 21216

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 11A Date of Posting: 2/11/94

Parcel No: 11A-295-A

Petitioner: New Life Baptist Church

Location of property: 425 E. Lloyd Ave. Towson, Md. 21286

Location of signs: Commercial Variance sign too

Remarks: 250 =
35 =
Total = 285 =

Posted by: [Signature] Date of return: 2/11/94

Number of Signs: 1

receipt

Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21286

Account: R 001430

ET - Number: 296

Date: 1-28-94

Owner: NEW LIFE BAPTIST CHURCH
Address: End of Lloyd Ave

250
35
Total = 285

Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21286

Please Make Checks Payable To Baltimore County (703540) 29-74

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3333

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDERS.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 296
Petitioner: PASTOR JOHNNIE BREWER
Location: _____
PLEASE FORWARD ADVERTISING BILL TO:
NAME: NEW LIFE BAPTIST CHURCH
ADDRESS: 10916 PHILADELPHIA RD.
WHITE MARSH, MD. 21162
PHONE NUMBER: 395-5401

AJ:ggc (Revised 04/09/93)

TO: POTENTIAL FILING AGENT
Feb. 10, 1994 Issue - Jeffersonian

Please forward billing to:
New Life Baptist Church
10916 Philadelphia Road
White Marsh, Maryland 21162
335-5401

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by each city 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 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21286 as follows:

CASE NUMBER: 94-295-A (Item 296)
915 Philadelphia Road, 700' S of & off New Forge Road, end of Lloyd Avenue
11th Election District - 18A Councilmanic
Petitioner(s): New Life Baptist Church
HEARING: THURSDAY, MARCH 3, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Petitioner to present a stone parking facility in lieu of the required durable and dustless surface; and to present unapproved parking spaces.

LAWRENCE E. SCARBY
SENIOR COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARING AND SUBMITTED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3333.
(2) FOR INFORMATION CONCERNING THE FILE NUMBER HEARING, PLEASE CALL 887-3333.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb 14, 1994

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 Feb 10, 1994.

THE JEFFERSONIAN,
A. Henselback
LEGAL AD. - TOWSON

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NO. 451018

DATE: 2/14/94 ACCOUNT: _____

AMOUNT: \$ 285

RECEIVED BY: [Signature]

FOR: Photocopy

BALTIMORE COUNTY
OFFICE OF FINANCE - REVENUE DIVISION
211 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21286

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3333

FEBRUARY 4, 1994

NOTICE OF HEARING

The Zoning Commission 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 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21286 as follows:

CASE NUMBER: 94-295-A (Item 296)
915 Philadelphia Road, 700' S of & off New Forge Road, end of Lloyd Avenue
11th Election District - 18A Councilmanic
Petitioner(s): New Life Baptist Church
HEARING: THURSDAY, MARCH 3, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Petitioner to present a stone parking facility in lieu of the required durable and dustless surface; and to present unapproved parking spaces.

[Signature]
Arnold Jablon
Director

cc: New Life Baptist Church
Katie A. Kosciniak
Deputy Director

NOTES: (1) HEARING AND SUBMITTED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3333.
(2) FOR INFORMATION CONCERNING THE FILE NUMBER HEARING, CONTACT THIS OFFICE AT 887-3333.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3333

February 23, 1994

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, Maryland 21284

RE: Case No. 94-295-A, Item No. 296
Petitioner: New Life Baptist Church
Petition for Variance

Dear Mr. Fletcher:

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 respect 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 January 28, 1994, 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.

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 02/03/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: NEW LIFE BAPTIST CHURCH
LOCATION: W/S PHILADELPHIA RD., 700' S OF CENTERLINE NEW FORG RD.,
END OF LLOYD AVE. (NEW LIFE BAPTIST CHURCH)

Item No.: 296
Zoning Agenda: VARIANCE

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", 1993, edition prior to occupancy.

THE STONE PARKING LOT MUST BE CAPABLE OF SUPPORTING EMERGENCY APPARATUS WEIGHING 50,000 LBS ON TWO AXLES.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-6881, MD-11027

cc: File

RECEIVED
FEB 3 1994
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: February 15, 1994

SUBJECT: End of Lloyd Avenue

INFORMATION:
Item Number: 296
Petitioner: New Life Baptist Church
Property Size: _____
Zoning: D.R. 3.5/R.O.
Requested Action: _____
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comment:

Due to the proximity of the existing houses along Lloyd Avenue, staff believes a durable and dustless surface should be required for this project. Therefore, this office recommends that the applicant's be required to be denied.

Prepared by: [Signature]
Division Chief: [Signature]
PK/SLH

RECEIVED
FEB 1994
ZONING COMMISSIONER

ZAC.296/FE02R/ZAC1

Re: Baltimore County
Item No: **7.296 (JES)**

Ms. Charlene Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21284

Dear Ms. Minton:
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
for **ROGER B. HAYDEN, COUNTY EXECUTIVE**
John Conestable, Chief
Engineering Access Permits
Division

BS/

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: February 16, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for February 14, 1994
Item No. 295

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual's parking lot planting and residential buffer requirements. A Landscape Plan must be submitted to and approved by the Department of Public Works prior to release of the grading permit.

RWB:bjc

IMPORTANT MESSAGE

NO. *7014*
DATE *3/9* TIME *07:32 AM*

WHILE YOU'RE OUT
CALLER'S NAME *Robert Johnson*

OF *Call*
CALLER'S NO. *3980*

TELEPHONED PLEASE CALL

CALLER TO SEE YOU WILL CALL AGAIN

REASON TO SEE YOU *URGENT*

*Robert Johnson
3717 N. ...
Tel 410-333-1111
on ...*

Roger B. Hayden
County Exec

Room # For How *701* *3/17/94*

Mr. Robert Johnson
3717 N. ...

Mr. Robert Johnson
3717 N. ...

Mr. Robert Johnson
3717 N. ...

Mr. Robert Johnson
3717 N. ...

400 Washington Avenue
Towson, Maryland 21284
97-240

Mr. Marion E. Barton
3219 Alport Drive
White Marsh, Maryland 21162

Mr. Barton:

Thank you so much for taking the time to participate in our "Face-to-Face" program on Saturday, May 22, 1993. It was a pleasure to meet you and to discuss issues of mutual concern.

Within the next few weeks, you will hear from one of my staff members regarding our discussion. If I can be of further assistance, please do not hesitate to contact our office or stop in at a future "Face-to-Face" session.

Sincerely yours,
Roger B. Hayden
County Executive

RWB:bjc

*I called
Robert Johnson
& discussed his
concerns
JES
3/7/94*

Roger B. Hayden
County Executive

400 Washington Avenue
Towson, Maryland 21284
(410) 887-2430

July 16, 1993

Mr. Marion E. Barton
3219 Alport Drive
White Marsh, Maryland 21162

RE: New Life Baptist Church
11th Elective District

Dear Mr. Barton:
Thank you for bringing your concerns regarding the development of the property along Lloyd Road to my attention. After our meeting, I contacted the appropriate county agencies to provide me with the relevant information.

The proposed construction of the New Life Baptist Church, which was approved by the zoning commission on September 4, 1992, after a full and public hearing, includes the use of Lloyd Avenue for its main access only during the first phase of development. As the adjoining property, known as the Apparon property, is developed, the church will have its main access come through it. At that time, Lloyd Avenue will be an emergency service and secondary access point only.

Baltimore County does not own any property along the road and has only easements for a water line and fire hydrant. Therefore, the county cannot maintain or pay for improving Lloyd Avenue. In fact, ownership of Lloyd Avenue is with the adjoining property owners, who own to the centerline of Lloyd Avenue.

Under law, the county executive has no judicial authority. The approval or disapproval of development of any kind or type lies with the zoning commission, after a full and public quasi-judicial hearing, at which testimony and evidence will be heard and a decision rendered. It is inappropriate for the county executive to interfere with that process. I note that many neighbors appeared at this hearing and expressed their concerns.

I recognize that the problems you raise are very important, but the approval of this project lies in the quasi-judicial process established by law. If the development differs from the order issued by the zoning commission, then the county could take action to enforce the zoning commission's decision.

Ms. Marion E. Barton
Page 2
July 16, 1993

Decision. Otherwise, it is the zoning commission's authority which governs the process. For developments of projects, unless exempted by law, no authority exists for the county executive to interfere in that process.

Respectfully yours,
Roger B. Hayden
County Executive

RWB/AZ/arl

350 **LORELEY SCHOOL** - 1861 - 12446 Philadelphia Road opposite terminus of Allender Road. School for black pupils was erected in 1861 with proceeds of sale from the Scholars Plains property. In 1925, building was sold to Union of Brothers and Sisters. Two-story frame structure with small entrance porch. Now a residence.

DISTRICT 11

131 **LORELEY SCHOOL** - 1899 - 11330 Old Philadelphia Road, 0.5 mile south of Allender Road. The first free school in Baltimore County was located on a 100-acre tract called Scholars Plains and was given by Thomas Talley in 1723. That school was closed in 1789. The parish traces its roots to an open market put up on the same property in 1861; it is now used as a recreation center under Department of Recreation and Parks. Historic roadside marker was erected by the Baltimore County Historical Society in 1964.

132 **SAINT JOHN'S CHURCH** - 1817 - 11901 Belair Road at Kingsville Crossroads. A stone, stuccoed church of simple design was built by Edward Day in 1817 for the use of Saint John's Parish to replace the declining church of 1725 at Joppa Town. The parish traces its roots to an open market church set up in 1895 at Elk Neck, the present site of the Edgewood Arsenal Officers' Club. A Gothic church of Port Deposit-type granite was put up in 1894 designed by George Archer. Roadside marker put up by Baltimore County Historical Society, July 12, 1964.

133 **EDWARD DAY HOME** - 1843-66 - North side of Sunning Avenue, Park vicinity. Edward Day was a farmer and real estate agent who lived on what was then Joppa Manor Road. On July 11, 1864, a soldier of Colonel Barnum's 5th Connecticut Federalist raiding party burnt down the U.S. flag on Day's house and they shot the man, and then fled. The Roberts burned his house and barn. The house was only north 2100 in the county transferred. Day sold the 65-acre tract to George Dilworth, Jr. in Feb. 1869, and by the 1869 transfer book entries, Dilworth was owner of 9900 worth of improve-

PLEASE PRINT CLEARLY

PROPERTY LIST

OWNER
ADDRESS

GEORGE SCHULTZ
JAMES W. MCKEE
John C. ...
Wm. H. ...
Peter ...
Conce ...
Robert ...

S SHAWAN RD.
H N I

Prop. ...
332 P. ...
408 ...
406 ...
557 ...
419 ...

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE 5 SHAWAN ROAD HENT VALLEY, MARYLAND 21202
Telephone: (410) 527-1555
Facsimile: (410) 527-1560
March 3, 1994

Pastor Johannes Brewer
New Life Baptist Church
P. O. Box 54
White Marsh, Maryland 21162

Re: New Life Baptist Church
Paving Cost Estimates

Dear Pastor Brewer:

At your request, we have evaluated the construction costs of providing a macadam paving surface for the New Life site versus a stone surface and project the following estimates:

- Standard 11' Bituminous Concrete Paving Section**
(3' Bituminous Concrete Surface Course, 4" aggregate base course, and 4" aggregate subbase course)
5,375 sq. y. @ \$19.50/sq. y. = \$104,812.50
- Standard 8' Stone Paving Section**
(4" aggregate base course, 4" aggregate subbase course)
5,375 sq. y. @ \$19.50/sq. y. = \$104,812.50

Please note that these estimates are based on historical costs of similar projects McKee & Associates, Inc. has worked on within the past year. Also, these estimates include mobilization, maintenance of traffic, and Class 1A excavation.

I trust the above is sufficient for your use.
Very truly yours,
MCKEE & ASSOCIATES, INC.
George C. ...
Vice President

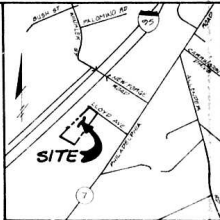
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rlw: [unclear]

GENERAL NOTES

1. Election District - 11
2. Councilmanic District - 5
3. Census Tract - 4113.02
4. Watershed - 5
5. Subwatershed - 20
6. Tax Account Number: 11-17-010490
7. Deed Reference: 9448/526
8. To the best of our knowledge there are no wetlands, significant geological formations, unusual natural formations, critical areas, archeological sites, endangered species habitat, or hazardous materials on this site.
9. Existing use of site: Vacant Woods
10. Proposed use: Religious Worship
11. Average daily trips: $(31 \text{ per } 1000 \text{ sf}) = 5202/1000 \times 31 = 162$
12. Maximum height of building: 40 ft.
13. There have been no previous commercial permits issued for this site.

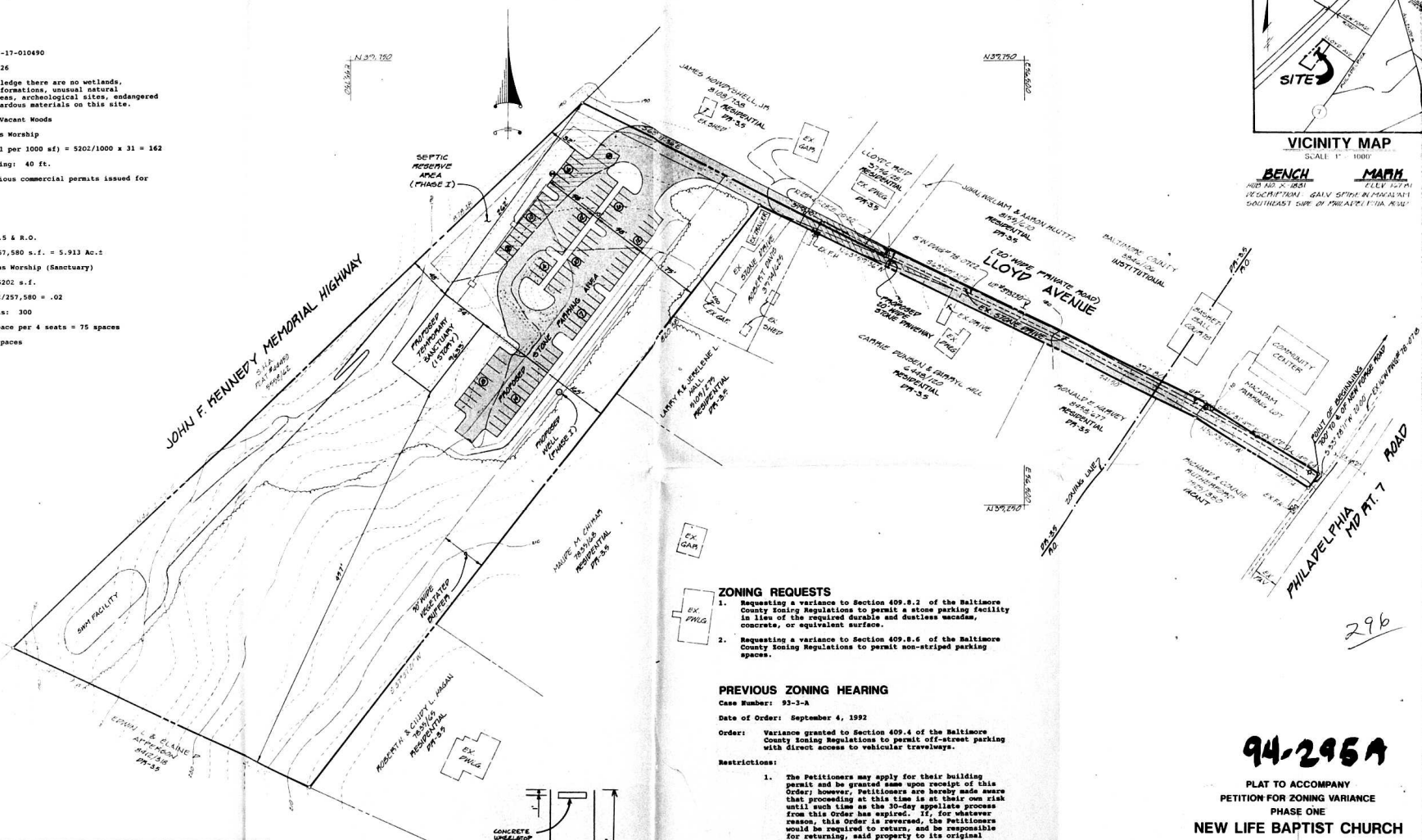
TABULATION

1. Existing Zoning: DR 3.5 & R.O.
2. Gross Area of Site: 257,580 s.f. = 5.913 Ac.:2
3. Proposed Use: Religious Worship (Sanctuary)
4. Proposed Floor Area: 5202 s.f.
5. Floor Area Ratio: $5202/257,580 = .02$
6. Number of Proposed Seats: 300
7. Parking Required: 1 space per 4 seats = 75 spaces
8. Parking Provided: 89 spaces



VICINITY MAP
SCALE: 1" = 1000'

BENCH MARK
ELEV. 122.41
DESCRIPTION: GALV. SIGN IN FORECAST
SOUTHEAST CORNER OF PHILADELPHIA ROAD



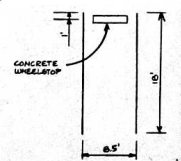
ZONING REQUESTS

1. Requesting a variance to Section 409.8.2 of the Baltimore County Zoning Regulations to permit a stone parking facility in lieu of the required durable and dustless curbs, concrete, or equivalent surface.
2. Requesting a variance to Section 409.8.6 of the Baltimore County Zoning Regulations to permit non-striped parking spaces.

PREVIOUS ZONING HEARING

Case Number: 93-3-A
Date of Order: September 4, 1992
Order: Variance granted to Section 409.4 of the Baltimore County Zoning Regulations to permit off-street parking with direct access to vehicular travelways.
Restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. In the event the developer implements Phase II of the subject development, he shall cause the access to the property from Lovell Avenue to be restricted to use for emergency and special events only.
3. The proposed passage to be constructed on that portion of the subject property known as Lot 26 shall be confined to residential and related uses, and shall not contain improvements for meeting rooms, conference centers, and similar activities.
4. All development shall be in accordance with the revised final development plan submitted herein and marked as Petitioner's Exhibit 2.



McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by _____
Drawn by _____
Checked by _____
Job Number: _____

James W. McKee
James W. McKee Date _____
(Maryland Registered No. 9072)

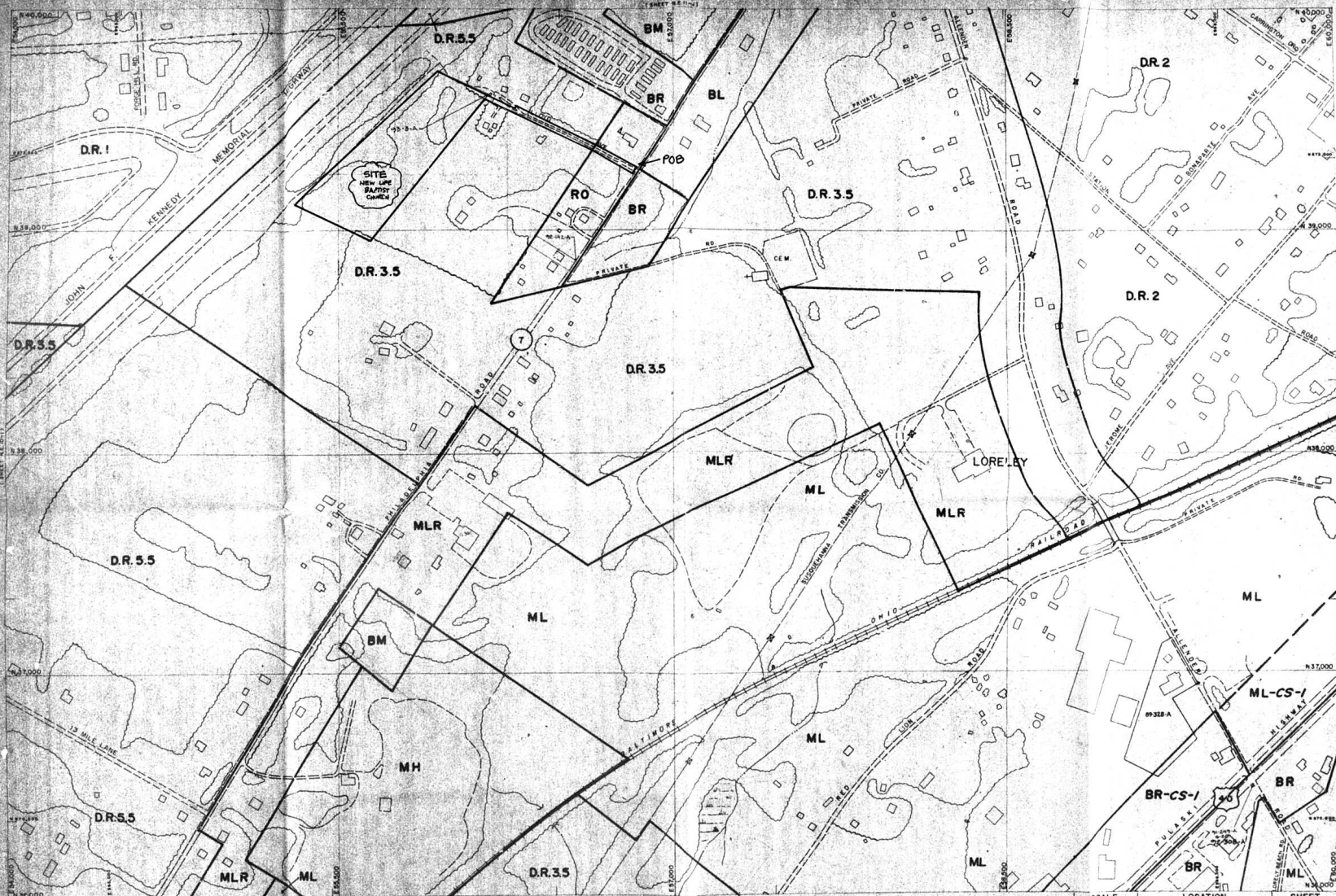
94-295A

PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE
PHASE ONE
NEW LIFE BAPTIST CHURCH

ELECTION DISTRICT 11C5 BALTIMORE COUNTY, MD
SCALE: 1" = 50' DECEMBER 6, 1993
PREVIOUS CASE NO. X1-884 & 93-3-A (PROJECT NO. 92-085-Z)
OWNER / DEVELOPER
NEW LIFE BAPTIST CHURCH
10816 PHILADELPHIA ROAD
WHITE MARSH, MD 21162
(410) 335-5401
SHEET 1 OF 1

PETITIONER'S EXHIBIT No. 1

296



M-NE M-NW
Q-SE QQ-EW

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
1992 No. 92-02, 04-02, 05-02, 06-02, 07-02, 08-02, 09-02
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
1992 No. 92-02, 04-02, 05-02, 06-02, 07-02, 08-02, 09-02
Chairman, County Council

SCALE 1" = 200'	LOCATION LORELEY	SHEET N.E. 10-J
DATE OF PHOTOGRAPHY JANUARY 1986	NEW LIFE BAPTIST CHURCH	

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY SURVEY (1974) INC. BALTIMORE, MD. 21215

94-295A