4/16/09

IN THE MATTER OF:

TOWSON UNITARIAN UNIVERSALIST

CHURCH-PETITIONER

W/S DULANEY VALLEY ROAD, 2,031' N OF
THE C/L POT SPRING ROAD

(1710 DULANEY VALLEY ROAD)

8<sup>TH</sup> ELECTION DISTRICT 4<sup>TH</sup> COUNCILMANIC DISTRICT BEFORE THE

**BOARD OF APPEALS** 

OF BALTIMORE COUNTY

CASE NO.: 98-109-A

#### ORDER OF DISMISSAL

This matter having come before this Board on appeal dated February 10, 1998 from a decision of the Deputy Zoning Commissioner wherein a Petition for Variance to allow the existing 30 square foot freestanding sign and the two existing single-faced connecting signs, 34" by 14" each, to remain was granted; a Petition for Variance seeking relief from Section 413.1.b of the Baltimore County Zoning Regulations to permit freestanding signs of 40 square feet total in lieu of the maximum permitted 30 square feet, for a proposed third, single-faced connecting sign, 34" and 14" in dimension, to identify Camp Dulaney was denied; and it was permitted to interchange the Montessori School sign with the Camp Dulaney sign to identify the respective use in session.

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible; and

WHEREAS, the subject matter has been held on the Board's docket since October 6 1998, and no further action has occurred in this matter;

the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.:: 98-109-A be and is hereby DISMISSED FOR LACK OF PROSECUTION.

COUNTY BOARD OF APPEALS
GF BALTIMORE COUNTY

Maureen E. Murphy, Chairman

IN RE:

PETITION FOR VARIANCE

W/S Dulaney Valley Road, 2,031'

N of the c/l Pot Spring Road

(1710 Dulaney Valley Road)

8th Election District 4th Councilmanic District BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* Case No. 98-109-A

Towson Unitarian Universalist Church

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Towson Unitarian Universalist Church, by Stephen Maslen, Head of Operations, through their attorney, Peter S. Saucier, Esquire. The Petitioners seek relief from Section 413.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit freestanding signs of 40 sq.ft. total in lieu of the maximum permitted 30 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Stephen Maslen and Bruce Luchansky, Esquire, who represented the Petitioner on behalf of Peter S. Saucier, Esquire. Appearing as Protestants in the matter were James Robinson and Charles Little, nearby residents of the area. Mr. Robinson was represented by J. Neil Lanzi, Esquire.

Testimony and evidence offered revealed that the subject property consists of a gross area of 6.98 acres, more or less, zoned D.R.-1 and is improved with a two-story masonry church owned by the Towson Unitarian Universalist Church. The property is located on the west side of Dulaney Valley Road, just north of its intersection with Pot Spring Road in Lutherville. Testimony indicated that the Church has existed on the property

ORDER RECEIVED FOR FILING

for the past 30 years. In prior zoning Case 76-90-X, the Petitioners were granted a special exception for a nursery school to operate from the premises in December 1975. The Montessori School subsequently became a tenant of the Church and has been operating its early learning school from the property since that time. In addition, a small art gallery, known as the Gallery Unicorn, began operating from the site about 10 years ago. Furthermore, a day camp for children, known as Camp Dulaney, is run from the subject site during the summer months when the Montessori School is At the present time, a double-faced, 30 sq.ft. freestanding sign identifies the Towson Unitarian Universalist Church and is located on the south side of its entrance off of Dulaney Valley Road. This sign is a ground-mounted sign, brown in color with white lettering, and is more particularly shown on Petitioner's Exhibit 2. The Petitioners obtained a permit to erect this sign approximately two years ago. Approximately one year ago, the Petitioners erected two, smaller, connecting signs to identify the Montessori School and Gallery Unicorn art gallery. These signs are single-faced signs, 14" x 34" each, which are connected by chains and hung from a pole that extends perpendicular from a large tree located on the north side of the entrance to the property. The Petitioners now come before me to legitimize the existing, smaller signs, and to add a third, small, connecting sign (also 14" x 34" in dimension) to identify Camp Dulaney.

Appearing in opposition to the Petitioners' request were Charles Little and James Robinson, adjoining property owners. Mr. Little objects to the signs associated with this property in that he feels the signs cause the property to be too commercial in nature. He believes the signs distract motorists who are travelling on Dulaney Valley Road, given the sharp

ORDER RECEIVED FOR FILING
Date
By

curve in the road at that location. In addition, Mr. Little believes the signs are too commercial in appearance and therefore, not appropriate for the subject property.

Mr. Robinson is also opposed to the signs on the site. He believes the art gallery and Montessori School are "for profit" organizations and therefore, commercializes the use of this property. He agrees with the dangerousness of the "S" curve in Dulaney Valley Road and that the signs distract motorists as they travel Dulaney Valley Road. Mr. Robinson believes that the signs should be eliminated and that the variance should be denied.

While the Petition was filed prior to the passage of the new sign regulations, which took effect October 20, 1997, the appropriate regulations to apply would be those in effect at the time of the hearing. Regardless, variance relief is still necessary in order to keep the three signs that currently exist on the property and to add the fourth sign.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant modified variance relief. The existing 30 sq.ft. sign which identifies the Towson Unitarian Universalist Church, and for which the Petitioners have a valid permit, shall be permitted to remain. The two, smaller connecting signs which identify the Montessori School and the Gallery Unicorn, shall also be permitted to remain. In my view, no adverse impact will result by allowing these two smaller signs, which have existed on the property for the past year without prior complaint, to remain on the property. However, I find that the relief requested for a third sign is not appropriate and should be denied. In my opinion, it is not necessary that identification signs for both Camp Dulaney and the Montessori School be displayed at all times, given that the two uses do not operate at the same time. The Petitioner shall be permitted to interchange the two signs to identify the respective uses when in operation. However, a use that operates during the summer months, only, does not warrant approval for an additional identification sign on the property.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16 day of January, 1998 that the existing 30 sq.ft. freestanding sign, which identifies the Towson Unitarian Universalist Church, and the two existing single-faced connecting signs, 34" x 14" each, which identify the Montessori School and the Gallery Unicorn, in

ORDER RECEIVED FOR FILING Date

accordance with Petitioner's Exhibit 2, are permitted to remain, and as such, the Petition for Variance is GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit freestanding signs of 40 sq.ft. total in lieu of the maximum permitted 30 sq.ft., for a proposed third, single-faced connecting sign, 34" x 14" in dimension, to identify Camp Dulaney, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner is permitted to interchange the Montessori School sign with the Camp Dulaney sign to identify the respective use in session; and,

IT IS FURTHER ORDERED that any dissatisfied party shall have thirty (30) days from the date of this Order to file an appeal of this decision.

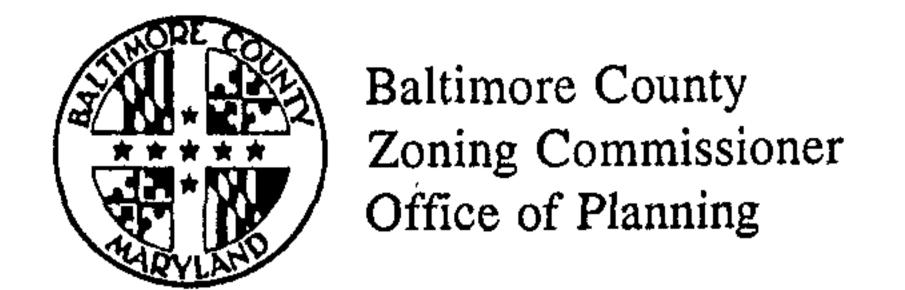
TO MOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date
By



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

January 16, 1998

Peter S. Saucier, Esquire Bruce Luchansky, Esquire Kollman & Sheehan 20 S. Charles Street, 8th Floor Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
W/S Dulaney Valley Road, 2,031' N of the c/l Pot Spring Road
(1710 Dulaney Valley Road)
8th Election District - 4th Councilmanic District
Towson Unitarian Universalist Church - Petitioner
Case No. 98-109-A

Dear Messrs. Saucier & Luchansky:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance, as modified herein, has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

luthy lotrace

for Baltimore County

TMK:bjs

cc: Mr. Stephen Maslen 1315 Margarette Avenue, Towson, Md. 21286

J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, Md. 21204 Mr. James Robinson, 1798 Dulaney Valley Road, Lutherville, Md. 21093 Mr. Charles Little, 1802 Dulaney Valley Road, Lutherville, Md. 21093

People's Counsel; Case Files



# Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at

1710 Dulaney Valley

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which is presently zoned

#109

DR-1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 413.1.b (BCZR) VARIANCE TO ALLOW A TOTAL OF 40 SQ. FT. (SINGLE FACE) FREE STANDING SIGNS IN LIEU OF REDUIRED 30 SQ. FT.

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

Montessori School, which is a tenant of Towson Unitarian Universalist Church and operator of an early learning school; Gallery Unicorn, which is an art gallery run by the church; and Camp Dulaney, which is a tenant of the church that runs a summer camp for children, require a sign in order to identify the location, since the area is heavily wooded and the buildings cannot be seen from the road. Neither the school, art gallery, or camp are identified in the church's existing sign. The requested signs are small and attractive and hang virtually from a tree near the entranceway. (See attached photos of Montessori and Gallery Unicorn signs.) Montessori has had a less attractive sign at the site for years without complaint.

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.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	TOWSON UNITARIAN UNIVERSALIST CHURC
(Type or Print Name)	(Type or Port Name)
Signature	By: Stgnature
	Stephen Maslen /
	Head of Operations
Address	(Type or Print Name)
City State Zipcode	Signature
Attorney for Petitioner:	(410)
Peter S. Saucier	1710 Dulaney Valley Road 825-6045
(Type or Print Name)	Address Phone No.
C - 28	Lutherville MD 21093
Signature	City State Zipcode Name, Address and phone number of representative to be contacted.
Kollman & Sheehan, P.A.	
20 S. Charles St., 8th Floor	Stephen Maslen
Address Phone No. 0.1.0.0.1	Name 1315 Margarett Ave. Towson MD
Baltimore MD 21201	2128 <b>6</b> (410) 583-5 <del>83</del> 1 5381
City State Zipcode	Address Phone No.
(410) 727-4300	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING UNevallable for Hearing
	the following dates Next Two Months
Printed with Soybean Ink	ALLOTHER
on Recycled Paper	REVIEWED BY: R.T. DATE 9.73.97
·	THE TENED OF THE T

ORDER RECEIVED FOR FILIND Date

# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at

1710 Dulaney Valley Road Lutherville, MD 21093

which is presently zoned

DR1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 413.1.b. VARIANCE TO ALLOW A TOTAL OF 40 SQ.FT (SINGLE FACE) FREE STANDING SIGNS IN LIEU OF THE REQUIRED 30 SQ. FT.

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

Montessori School, which is a tenant of Towson Unitarian Universalist Church and operator of an early learning school; Gallery Unicorn, which is an art gallery run by the church; and Camp Dulaney, which is a tenant of the church that runs a summer camp for children, require a sign in order to identify the location, since the area is heavily wooded and the buildings cannot be seen from the road. Neither the school, art gallery, or camp are identified in the church's existing sign. The requested signs are small and attractive and hang virtually from a tree near the entranceway. (See attached photos of Montessori and Gallery Unicorn signs.) Montessori has had a less attractive sign at the site for years without complaint.

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.

•		I/We do solemnly declare and a legal owner(s) of the property wh	dfirm, under the penalties of penich is the subject of this Petition	rjury, that twe are the
Contract Purchaser/Lessee:		Legal Owner(s):		
		TOWSON UNITAR	RIAN UNIVERSA	LIST CHURCH
(Type or Print Name)	. Ву:	(Type or Print Name)	Male	<del></del>
Signature		Stephen Masle	27)	
Address	•	Head of Opera		
City State Zipcode	;	Signature	<del></del>	<del></del>
Attorney for Petitioner: Peter S. Saucier		1710 Dulaney	Valley Road	(410) 825-6045
(Type of Print Name)	•	Address	Ph	none No
Buta S. Same		Lutherville	MD	21093 Zipcode
Kollman & Sheehan, P.A. 20 S. Charles St., 8th Floor		Name, Address and phone number	or of representative to be conta	
Address Baltimore MD 21201 City State Phone No. 21201		Name 1315 Márga 21286 (41	rette Ave. 1 LO) 583-5381	<del></del>
(410) 727-4300		Address	OFFICE USE ONLY	ne No.
\ . <b></b>		ESTIMATED LENGTH OF HEARIS		<del></del>
		the following dates	······································	Next Two Months
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#### ZONING DESCRIPTION

#### AREA SUBJECT TO VARIANCE HEARING 1710 DULANEY VALLEY ROAD

Beginning at a point on the west side of Dulaney Valley Road, which is 66 feet wide, at a distance of 2031 feet +/- north of the centerline of Pot Spring Road and at the west right-of-way line of Dulaney Valley Road. Thence the following courses and distances:

South 55 West, 20 feet;

North 35 West, 20 feet;

North 55 East, 20 feet;

South 35 East, 20 feet to the place of beginning,

containing 400 sq ft (0.01 AC +/-) which is a portion of the property recorded in Deed Liber 4741, Folio 431, also known as 1710 Dulaney Valley Road, and located in the 8th Election District.

This description is to be used for Zoning purposes only and is not to be used for property determination.

#### CERTIFICATE OF PUBLICATION

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 in Towson. Maryland on the property identified herein as follows:

Case: #98-109-A 1710 Dulaney Valley Road W/S Dulaney Valley Road, 2031\*+/- N of c/l Pot Spring Road 8th Election District 4th Councilmanic Legal Owner(s):

Legal Owner(s):
Towson Unitarian Universalist Church
Variance: to allow a total of
40 square feet (single face)
free-standing signs in lieu of
the required 30 square feet.
Hearing: Monday, October
27, 1997 at 10:00 a.m.,
Room 407 Courts Bldg., 401
Bostey Avenue. Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations. Please Call (410) 887-3351.

Please Call (410) 887-3391.

10/169 Oct. 9 C180284

TOWSON, MD.,

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 successive weeks, the first publication appearing on

THE JEFFERSONIAN.

**LEGAL AD. - TOWSON** 

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	044462		PROCESS WITH THE
DATE 9-23-97 ACCOUNT 12-001 020-VARIANICE AMOUNT \$ 250		50	REI Rei	9/23/1997 9/23/1997 09:40:10 WOOL COCHIER HUM CML DRAWD J 5 MISUELLANGUS CASH RECEIPT BIPT # 022695 (ET N
RECEIVED Stephen Maslen			IJĸ	NO. 044462 250.00 CHILK: TH Baltimore County, Waryland
FOR: 5/6N VARIANCE 98-109A				
DISTRIBUTION  WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	7,		ا د	CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 15000 MINING ACIDA
DATE $2/10/98$ ACCOUNT $R \cdot 001$	241/1998 2/11/1998 09:50:01
AMOUNT \$ .210.0	o karant l ossisa Ok wi. 19090s
RECEIVED T. Neil Carris P. A.	Maltimore Charly Karyland
FOR: Appeal - Case # 98-10	9-A
	,
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

#### OF POSTING CERTIFICAT

RE: Case No .: \_

Case No.: 98-109-A

TOWSON UNITARIAN

Petitioner/Developer: UNIVERSALIST CHURCH, ETAL

C/OMR. MASLAN

Date of Hearing/Closing: 10/27/97

Baltimore County Department of Permits and Development Management County Office Building, Room 111 Ill West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlement

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #1710 DULANEY VALLEY RD.

The sign(s) were posted on \_

( Month, Day, Year)

REPAIR-SIGN FIXED.

Sincerely,

uch M. OKeele 10/19/97

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(411) 666-5366

Poger (410)

(Telephone Number)



98-109-A # 1710 DOLANEY VALLEY RD P. 10/9/97 H-10/27/97

RE: Case No.: \_\_\_\_

Case No.: 98-109-A

TOWSON UNITARIAN

Petitioner/Developer: UNIVERSALIST CHURCH, ETAL

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #1710 DULANEY VALLEY RD.

The sign(s) were posted on

( Month, Day, Year)

REPAIR-SIGN FIXED.

Sincerely,

Patrick M. O'Kelle 10/19/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

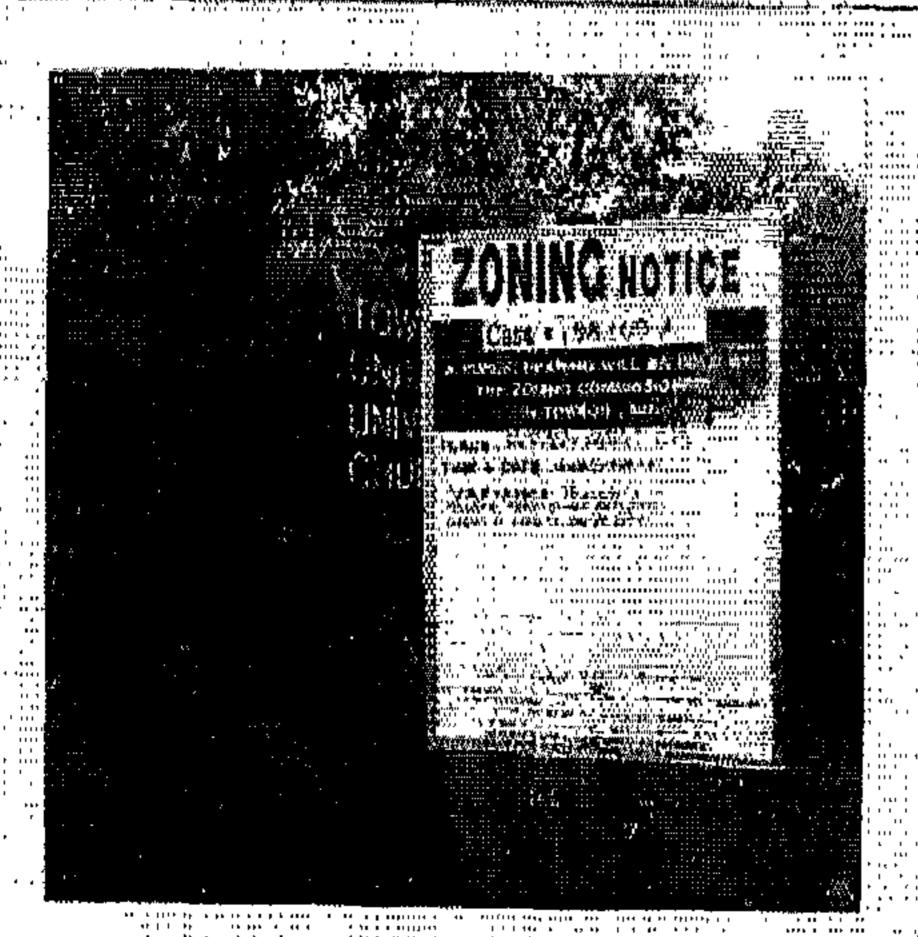
Hunt Valley, MD 21030

(City, State, Zip Code)

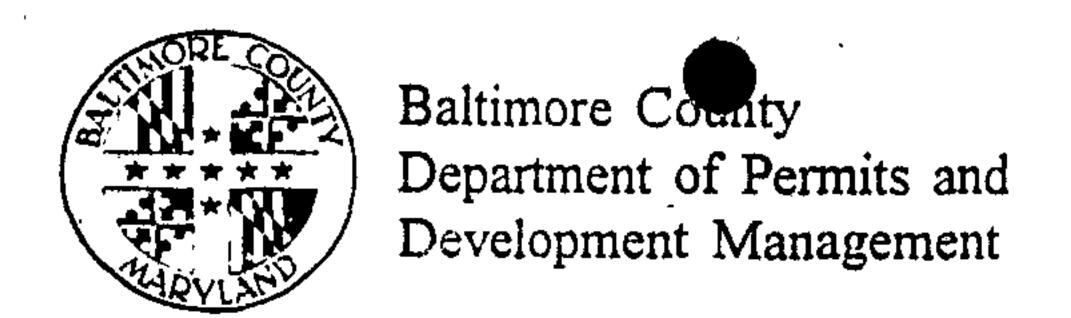
(410) 666-5366

Pager (410)

(Telephone Number)



# 1710 DOLANEY VAUEY RO TOWSON UNITABIAN UNIVERSALIST CHURCH P. 10/9/97 MASLAN H-10/27/97



Development Processing County Office Building 111 West Chesapeake Avenua Towson, Maryland 21204

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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 ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 109
Petitioner: TOWSON UNITARIAN UNIVERSAUST CHURCH
Location: 1710 DULANEY VALLEY RD LUTHERVILLE W
PLEASE FORWARD ADVERTISING BILL TO:  TOWSON UNITARIAN UNIVERSALIST CHURCH  NAME: STEPHEN MASLEN)
ADDRESS: 17/0 Dalaney Valley RD
Luther VIIILE MD 2:1093
PHONE NUMBER: 410-5020 825 6045
AJ:ggs

Printed with Soybean Ink

(Revised 09/24/96)

Request for Zoning: Vassence, Special Exception, or Special Hearing	
Date to be Posted: Anytime before but no later than	•
Format for Sign Printing, Black Letters on White Background:	

# ZONING NOTICE

Case No.: 98-109 A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *
DATE AND TIME:*
REQUEST: VARIANCE TO ALLOW A TOTAL OF 40 SQ. FT
(SINGLE FACE) FREE STANDING SIGNS IN
LIEU OF THE REQUIRED 30 SQ, FT.
-
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

SECT. 413.11B

9/96 post.4.doc

\*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

#### CERTIFICATE OF POSTING

RE: Case No.: 98	- 109 A
Petitioner /Develope	
	UNIVERSALIST CHURCH
Date of Hearing/Clos	
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalt	ies of perjury that th
necessary sign(s) required by law were pos	ted conspicuously on th
property located at 1710 DULANEY VALL	EY RD.
The sign(s) were posted on 3/25/98 (Month, Day,	Year)
Sincerely,	
Sung (Signature	of Sign Poster and Date
GARY Printed Na	C. FREUND
Address	
City, Stat	e, Zip Code
Telephone	Number

TO: PUTUXENT PUBLISHING COMPANY
October 9, 1997 Issue - Jeffersonian

Please foward billing to:

Towson Unitarian Universalist Church Stephen Maslen 1710 Dulaney Valley Road Lutherville, MD 21093 410-825-6045

\_\_\_\_\_

### 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 in <u>Towson, Maryland</u> on the property identified herein as follows:

CASE NUMBER: 98-109-A
1710 Dulaney Valley Road
W/S Dulaney Valley Road, 2031'+/- N of c/l Pot Spring Road
8th Election District - 4th Councilmanic
Legal Owner(s): Towson Unitarian Universalist Church

Variance to allow a total of 40 square feet (single face) free-standing signs in lieu of the required 30 square feet.

HEARING: MONDAY, OCTOBER 27, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue/

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.



#### County Board of Appeals of Baltimore County

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

Hearing Room -Room 48 Old Courthouse, 400 Washington Avenue

May 15, 1998

#### NOTICE OF ASSIGNMENT

CASE #: 98-109-A

IN THE MATTER OF: TOWSON UNITARIAN UNIVERSALIST CHURCH - Petitioner 1710 Dulaney Valley Road 8th E; 4th C

Petition for Variance GRANTED in part and DENIED in part.

ASSIGNED FOR:

WEDNESDAY, AUGUST 12, 1998 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

> Kathleen C. Bianco Administrator

Counsel for Appellant /Protestant:

Appellant /Protestant:

J. Neil Lanzi, Esquire

James Robinson

Counsel for Petitioner

Counsel for Petitioner

Deborah C. Dopkin, Esquire \_\_\_\_\_ Entered appearance Peter S. Saucier, Esquire

Petitioner

Towson Unitarian Universalist

Church /Stephen Maslen

Charles Little

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney J. NEIL LANZI, P.A.

ATTORNEY AT LAW

MERCANTILE BUILDING, SUITE 617

409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

I. Neil Lanzi

OF COUNSEL
Fred L. Coover\*

\*Also Admitted in District of Columbia

(410) 296-0686

FAX: (410) 296-0689

COLUMBIA

Suite 1200, Merrill Lynch Bldg 10320 Little Patuxent Parkway Columbia, Maryland 21044

Reply to Towson

June 4, 1998

County Board of Appeals Old Courthouse, Room 49 400 Washington Avenue Towson, MD 21204 Attn: Kathy Bianco

Re: Case No. 98-109-A

Dear Ms. Bianco:

Please be advised that I represent James G. Robinson in the above captioned case. Recently, I received a Notice of Assignment indicating the hearing has been scheduled for Wednesday, August 12, 1998. On behalf of my client, I hereby respectfully request the case be postponed and that the hearing be set in on a Monday or Tuesday. My client is unavailable Wednesday through Friday due to his every week out of state business commitments.

Thank you very much for your consideration.

Very tiruly yours

J. Neil Lanzi

cc: J.G. Robinson People's Counsel

Peter S. Saucier

crchdobk.lt2

John John John

98 JUN -5 PN 3- OF



#### County Board of Appeals of Baltimore County

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

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

June 19, 1998

#### NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 98-109-A

IN THE MATTER OF: TOWSON UNITARIAN UNIVERSALIST CHURCH - Petitioner 1710 Dulaney Valley Road 8th E; 4th C

Petition for Variance GRANTED in part and DENIED in part.

Which was scheduled for hearing before the Board on August 12, 1998 has been POSTPONED at the request of Counsel for Appellant due to calendar conflict; and has been

#### REASSIGNED FOR:

TUESDAY, OCTOBER 6, 1998 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

> Kathleen C. Bianco Administrator

CC:

Counsel for Appellant /Protestant: J. Neil Lanzi, Esquire

Appellant /Protestant: James Robinson

Counsel for Petitioner

Deborah C. Dopkin, Esquire

Petitioner

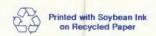
Towson Unitarian Universalist

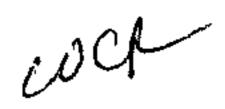
Church /Stephen Maslen

Peter S. Saucier, Esquire

Charles Little

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney







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Kathleen C. Bianco Administrator

Counsel for Appellant /Protestant: J. Neil Lanzi, Esquire cc:

Appellant /Protestant:

James Robinson

Counsel for Petitioner

: Deborah C. Dopkin, Esquire

Petitioner

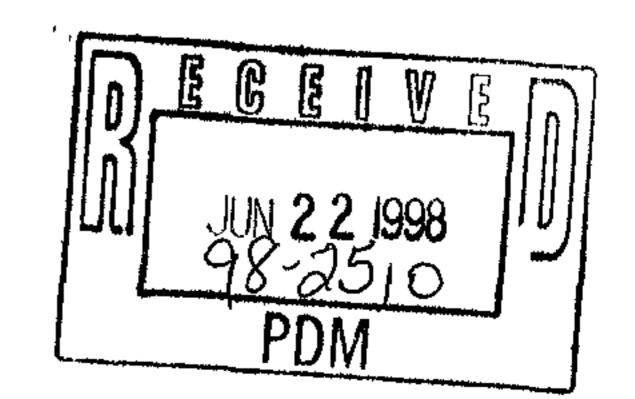
Towson Unitarian Universalist

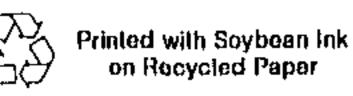
Church /Stephen Maslen

Peter S. Saucier, Esquire

Charles Little

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney





#### UNREPORTED

#### IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 01275

September Term, 1999

JAMES G. ROBINSON

BALTIMORE COUNTY, MARYLAND

97-404-X

V.

Wenner,
Thieme,
Long, Daniel M., (specially assigned),

JJ.

Opinion by Long, J.

Filed: June 14, 2000

} } ~~~

#### Circuit Court of Maryland

#### Go Back

#### Case Information

Court System: Circuit Court for Baltimore County - Civil System

Case Number: 03C99000485 (97-404-X)

Title: In The Matter Of: Application Of Towson Unitarian Universalist Church

Case Type: Admin. Agency Appeal Ex Parte Filing Date: 01/20/1999

Case Status: Closed/Active

Case Disposition: Decree or Order Disposition Date: 07/16/1999

#### Plaintiff/Petitioner Information

(Each Plaintiff/Petitioner is displayed below)

Party Type: Petitioner Party No.: 1

Name: Robinson, James G

Address: 1798 Dulaney Valley Road

.City: Lutherville State: MD Zip Code: 21093

#### Attorney(s) for the Plaintiff/Petitioner

Name: Fax, Esq, Charles S

Practice Name: Rifkin, Livingston, Levitan & Silver LLC

Address: 6305 Ivy Lane

Suite 500

City: Greenbelt State: MD Zip Code: 20770

Name: Gloor, Esq, Dana Michelle

Practice Name: Ferris, Baker & Watts, Inc.

Address: 100 Light Street

9th Floor

City: Baltimore State: MD Zip Code: 21202

Name: Lanzi, Esq, J Neil

Practice Name: J. Neil Lanzi, P. A.

Address: 409 Washington Avenue

Suite 617

City: Towson State: MD Zip Code: 21204

#### Defendant/Respondent Information

(Each Defendant/Respondent is displayed below)

Party Type: Respondent Party No.: 1

Business or **Towson Unitarian Universalist Church** Organization Name:

Attorney(s) for the Defendant/Respondent

Name: Dopkin, Esq, Deborah C

Practice Name: Deborah C. Dopkin P.A.

Address: 409 Washington Avenue

Suite 1000

City: Towson State: MD Zip Code: 21204

#### Court Scheduling Information

Event Type: Civil Non-Jury Trial Notice Date:

EXHIBIT B

#### ASSIGNMENT

THIS ASSIGNMENT, made this day of January, 1975, by and between PIETRO PERSICO and ANNETTE L. PERSICO, his wife, hereinafter the Grantors, and THE LONG QUARTER ASSOCIATION, INC., a Maryland corporation, hereinafter the Grantee.

#### WITNESSETH:

WHEREAS, the Grantors by Declarations dated October 17, 1956 and January 9, 1964, recorded among the Land Records of Baltimore County in Liber 3036, Pages 148 through 151, and Liber 4251, Pages 605 through 608 respectively, subjected the properties within the development known as Long Quarter, Sections I and Two, to certain covenants, conditions, restrictions and reservations, said Sections I and Two being shown on plats recorded among the Land Records of Baltimore County, Maryland, in plat entitled Section I, Long Quarter, recorded in Liber G.L.B. No. 22, Folio 91, dated January 13, 1956, as modified as shown by plat entitled Revision of Lots 8, 9, 21 and 22, Section I, Long Quarter, recorded in Plat Book G.L.B. No. 22, Folio 117, and in plat entitled Section Two, Long Quarter, recorded in Liber R.R.G. 29, Folio 91, dated September 23, 1963; and

WHEREAS, The Long Quarter Association, Inc. was duly incorporated by the State of Maryland on August 3, 1973 as a Maryland non-stock corporation, pursuant to Article 23, Sections 132 et seq., of Annotated Code of Maryland, as amended, for the purpose of being a community association for the residents of Long Quarter; and

WHEREAS, The Long Quarter Association, Inc. has by its Articles of Incorporation the power to receive, hold and enforce the covenants, conditions, restrictions and reservations which the Grantors placed upon the land comprising Long Quarter; and

WHEREAS, the Grantors desire to assign to the Grantee, and the Grantee desires to obtain the covenants, conditions, restrictions and reservations pertaining to Long Quarter.

NOW, THEREFORE, in consideration of Five Dollars (\$5.00) and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, the Grantor does hereby grant and assign to the Grantee all its rights, powers, and interests in the covenants, conditions, restrictions and reservations contained in the Declarations of the Grantor made October 17, 1956 and January 9, 1964 as recorded among the Land Records of Baltimore County, Maryland, in Liber 3036, Pages 148 through 151, and Liber 4251, Pages 605 through 608 respectively RESERVING HOWEVER unto themselves the rights, powers and interests in the aforesaid covenants, conditions, restrictions and reservations for Lots No. 4, 5 and 6, as shown upon the plat entitled Section Two, Long. Quarter, as recorded among the Land Records of Baltimore County in Liber R.R.G. 29, Folio 91, dated September 23, 1963.

WITNESS our hands and seals as of the date first above

34FFF MOCOSHAPItEENTU... Sanana acabess SL-L- 177 WITNESS: 7 1975 88 /0 Rec'd for record MAR Per Elmer H. Kahline, Jr., Clerk semmer. Mail to Annette Receipt Ho. - STATE OF MARYLAND, BALTIMORE . TO WIT: On this LIN day o Constant Notary Public, in and for the State and , 1974, before me, a) personally appeared PIETRO PERSICO and ANNETTE L. PERSICO, husband and wife, known to me to be the personal to the personal perso and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained. WITNESS my hand and Notarial Seal.

nand and notarial sear.

Notary Public

14.4

TG-Appl. No. 131,343 Written By: LP:TED THIS DECLARATION, Made this 17 day of October

in the year one thousand nine hundred and fifty-six, by PIETRO PERSICO and ANNETTE L. PERSICO, his wife, of Baltimore County, in the State of Maryland.

WHEREAS, the parties of the first part are the owners of record of Lots Nos. 1, 2, 3, 4, 5, 6, and 7, and Lots Nos. 10, 11, 12, 13, 14 15, 16, 17, 18, 19, and 20, as shown upon a Plat entitled Section I Long Quarter, which Plat is recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 22, folio 91, and are also the owners of record of Lots Nos. 8, 9, 21, and 22, as shown upon a Plat entitled Revision of Lots 8, 9, 21 & 22 Section I Long Quarter, which Plat is recorded among the Plat Record of Baltimore County in Plat Book G.L.B. No. 22, folio 117.

WHEREAS, Pietro Persico and Annette L. Persico, his wife, desire the above mentioned lots be subject to the covenants, conditions, restrictions, and reservations hereinafter set forth.

NOW, THEREFORE, THIS DECLARATION WITHESSETH: That in consideration of the premises, the said PIETRO PERSICO and ANNETTE L. PERSIC his wife, do hereby agree that all of said lots of ground hereinafter described and situate in Baltimore County, State of Maryland, shall be and are hereby made a part of a scheme of development and shall be subject to the following covenants, conditions, restrictions, and reservations:

- 1. It is expressly stated and provided that nothing her contained shall constitute a dedication of any street or road now or here. It shown on said Plats. The title to all such streets and roads being hereby pressly reserved to the Pietro Persico and wife, their heirs and assigns, no shall any Deed from Pietro Persico and wife hereafter made conveying any part of the land included in said Tract be held to convey title to or dedicate as same by said Deed unless specifically stated to do so in such Deed. Pietro Persico and wife reserve, however, to themselves, their heirs and assigns, right to dedicate to public use and the right to convey to any public author ty or to any corporation having power to acquire the same all their right, title, and interest in and to any street or road shown on said Plats or her and grant to any person acquiring land included in said tract the right to such use of the streets or roads shown on said Plats as may be necessary for the reasonable and convenient ingress to and egress from the land so acquire the reasonable and convenient ingress to and egress from the land so acquire.
- 2. Pietro Persico and wifo reserve to themselves, their heirs and assigns, the right and easement to construct, maintain, and repair a six-foot strip of land along the rear and side lot lines of each and ever lot in said tract hereinbefore described, poles, wires, anchors, and guys their attachment which may be necessary in furnishing electric current,

#### 15693036 MGE149

telephone or other public utility service to the occupants of said tract; the said strip may also be used for the construction, maintenance and repair of pipes or conduits to carry such wires below ground and for the construction and maintenance of storm water drains, land drains, sewers, pipe lines, supplying gas water or heat and for any other public or quasi-public utility or junction conducted, maintained, furnished or performed in any method beneath the surface of the ground. The said Pietro Persico and wife, their heirs and assigns, shall have the right to enter upon said reserved strip of land for any of the purposes for which sai easements and right of way are reserved and also to prime and trim any tree or shrub on any lot that interfers with the construction, maintenance or efficiency of said electric current, telephone or other public utility service. The said Pietro Persico and wife further reserve to themselves, their heirs and assigns, the right to grent, assign, or convey easements to and over said reservations to any public authority or to any Corporation having power to acquire the same. The said Pietro Persico however, assume no liability or obligation to install or maintain any of the aforesaid services.

- erected or maintained on any lot nor shall any addition to, change or alteration thereof be made until the exterior plans and specifications, the exterior color scheme, the approximate cost thereof, the grading plan and ground lay-out of the lot to be built upon shall have been submitted to and approved in writing by the said Pietro Persico or their duly appointed assigns. The said Pietro Persico, and wife, their heirs and assigns, shall have the right to refuse to to approve any such plans, specifications, color scheme, grading plan and ground lay-out which, in their opinion, are not desirable or suitable and in passing thereon, they have the right to take into consideration the suitability of the proposed building or structure and the materials of which it is to be built to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of such building or other structure as planned, on the outlook from the adjacent or neighboring property. No fence, hedge, or wall shall be erected or maintained without the written approval of the parties of the first part first being obtained and a copy of all plans approved shall be left permanently with the said Pietro Persico and wife.
- 4. Approval given hereunder shall become null and void unless construction is begun within six (6) months from the date of such approved and completed with reasonable expectation.
- 5. Pietro Persico and wife reserve unto themselves, their heirs and assigns, the right to determine the distance any structure shall be set back from the side of any street or road and from the front or rear lines of any lot and in case of any question in reference thereto, they shall have the right to determine what are the front, side and rear lines, of any lot and their judgment and determination, relative thereto, shall be final. The notation or designation of building lines or set-backs on any plat shall not constitute the establishment of the set-back to be determined as above.
- 6. The land included on said tract, except as hereinafter provided, shall be used for private residence purposes only and no building of any kind whatsoever shall be erected or maintained thereon except a private dwelling house designed for occupation by a single family and private garages for the sole use of the respective owners or occupants of the lots upon which said garages are erected. This residence shall not preclude a physician from having an office in his home. The above provision shall not prevent the erection buildings for use as schools, churches, libraries, art galleries and museums, the plans for which, however, shall be subject to approval as provided in Paragraph 3.

7. No liventock, domestic animals or fowl except those ordinarily kept as pets shall be kept on said tract.

8. No basement, garage, or any structure of a temporary character shall be, at any time, used as a residence temporarily or permanently.

#### 9. No commercial vehicles shall be parked or garaged on

#### said tract.

10. In the event of a violation or attempted violation of any of the herein covenants and provisions, it shall be lawful for the said Pietro Persico or such person, persons, corporation or organization then having the right to administer the provisions of paragraph 3 herein, or any other person or persons owning any real or leasehold property situate in said development, to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or provision, herein and to prevent them or him from doing so and to enforce the removal and abatement of such violation. The failure, however, to enforce any restriction herein contained shall in no event, be deemed a waiver of the right to enforce such restriction or restrictions thereafter, as to the same breach or as to one occurring prior or subsequent thereto.

11. Pietro Persico and wife reserve the right to enter upon any lot and trim or prune, at the expense of the owner maintaining the same, any hedge or other planting that, in the opinion of Pietro Persico and wife by reason of its location on the lot or the height to which it is permitted to grow, is unreasonably detrimental to the adjoining property, or obscures the view of street traffic, or is unattractive in appearance in the opinion of such person, persons, corporation or organization then having the right to administer the provisions of Paragraph 3 herein.

12. Violation of any restriction or condition or breach of any covenant or agreement herein contained shall give Pietro Persico and wife, in addition to all other remedies, the right to enter upon the lend upon, or as to which, such violation or breach exists, and summarily to abate and remove, at the expense of the owner thereof, any structure, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof; and Pietro Persico and wife shall not thereby be deemed guilty of any manner of trespass for such entry, abatement or removal.

13. No lots shall be divided or sub-divided except with the consent of such person, persons, corporation, or organization then having the right to administer the provisions of Paragraph ) herein.

14. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

15. It is covenanted and agreed by the parties hereto that the agreements and covenants herein shall run with and bind the land.

16. Any failure by any party entitled to enforce any of the covenants shall, in no event, be deemed a waiver of the right to do so.

17. Invalidation of any one of these covenants, by judgment or court order, shall in no way, affect any of the other provisions, which shall remain in full force and effect.

#### LIBER 3036 PAGE 151

18. The covenants and restrictions reinshave set out shall be in perpetuity, provided, however, that at any time after January 1, 1980, they may be cancelled, annulled, or abrogated, in whole or in part, by the recording of an appropriate instrument in writing, duly executed by a majority in number of the then lot owners, excluding mortgages.

19. Any and all rights reserved to the said Pictro Persicand wife in regard to the covenants and provisions herein, including all discretionary rights, may be assigned to any person, persons, corporation or organization.

It being the intention of Pietro Persico and Annette L.

Persico, his wife, that the above restrictions shall effect and be imposed upon Lots Nos. 1, 2, 3, 4, 5, 6, and 7, and Lots Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, as shown upon a Plat entitled Section I Long Quarter, which Plat is recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 22, folio 91, and also Lots Nos. 8, 9, 21, and 22, as shown upon a Plat entitled Revision of Lots 8, 9, 21 & 22 Section I Long Quarter, which Plat is recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 22, folio 117.

AS WITNESS: The hands and seals of Pietro Persico and Annette L. Persico, his wife.

GEORGE M. BAYLEY

Pietro Persico

STATE OF MARYLAND,

WITNESS:

OF BALTIMORE, TO WIT:

in the year one thousand nine hundred and fifty-six, before me, the subscriber a Notary Public of the State of Maryland, in and for the Bullo Co of Baltimore, personally appeared PIETRO PERSICO and ANNETTE L. PERSICO, his wife, known to me (or satisfactorily proven) to be the persons whose names are

subscrited to the within instrument, and acknowledged that they have executed to the purposes therein contained, and in my presence signed and

I HEREBY CERTIFY, That on this

Poo'de for flogord OCT 18 1956 at 27. M
Per George L. Byerly: Clork IN TESTIMONY WHEREOF, I have hereunto set my hand and affix

my notarial seal md. Little

My Commission Expires May 6, 1957

South My Ky VI. Not

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material by the

junction conducted, maintained, furnished or performed in any method beneath the surface of the ground. The said Pietro Persico and wife, their heirs and assigns, shall have the right to enter upon said reserved strip of land for any of the purposes for which said easements and right of way are reserved and also to prune and trim any tree or shrub on any lot that interfers with the construction, maintenance or efficiency of said electric current, telephone or other public utility service. The said Pietro Persico and wife further reserve to themselves, their heirs and assigns, the right to grant, assign, or convey essements to and over said reservations to any public authority or to any Corporation having power to acquire the same. The said Pietro Persico however, assume no liability or obligation to install or maintain any of the aforesaid services.

- 3. No building or structure of any kind shall be commenced, erected or maintained on any lot nor shall any addition to, change or alteration thereof be made until the exterior plans and specifications, the exterior color scheme, the approximate cost thereof, the grading plan and ground lay-out of the lot to be built upon shall have been submitted to and approved in writing by the said Pietro Persico, et ux, or their duly appointed assigns. The said Pietro Persico, and wife, their heirs and assigns, shall have the right to refuse to approve any such plans, specifications, color scheme, grading plan and ground lay-out which, in their opinion, are not desirable or suitable and in passing thereon, they have the right to take into consideration the suitability of the proposed building or structure and the materials of which it is to be built to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of such building or other structure as planned, on the outlook from the adjacent or neighboring property. No fence, hedge, or wall shall be erected or maintained without the written approval of the parties of the first part first being obtained and a copy of all plans approved shall be left permanently with the said Pietro Persico and wife.
- 4. Approval given hereunder shall become null and void unless construction is begun with six (6) months from the date of such approval and completed with reasonable expectation.
- 5. Pietro Persico and wife reserve unto themselves, their heirs and assigns, the right to determine the distance any structure shall be set back from the side of any street or road and from the front or rear lines of any lot and in case of any question in reference thereto, they shall have the right to determine what are the front, side and rear lines, of any lot and their judgment and determination, relative thereto, shall be final. The notation or designation of building lines or set-backs on any plat shall not constitute the establishment of the set-back to be determined as above.
- 6. The land included on said tract, except as hereinafter provided, shall be used for private residence purposes only and no building of any kind whatsoever shall be erected or maintained thereon except a private dwelling house designed for occupation by a single family and private garages for the sole use of the respection owners or occupants of the lots upon which said garages are erected. This is idence shall not preclude a physician from having an office in his home. The above provision shall not prevent the erection of buildings for use as schools thurches, libraries, art galleries and museums, the plans for which, lativer, shall be subject to approval as provided in Paragraph 3.

- 7. No livestock, domestic animals or fowl except those ordinarily kept as bets shall be kept on said tract.
- 8. No basement, garage, or any structure of a temporary character shall be, at any time, used as a residence temporarily or permanently.
- 9. No commercial vehicles shall be parked or garaged on said tract.
- 10. In the event of a violation or attempted violation of any of the herein covenants and provisions, it shall be lawful for the said Pietro Persico or such person, persons, corporation or organization than having the right to administer the provisions of piragraph 3 herein, or any other person or persons owning any real or leasehold property situate in said development, to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or provision, herein and to prevent them or him from doing so and to enforce the removal and abatement of such violation. The failure, however, to enforce any restriction herein contained shall in no event, be deemed a waiver of the right to enforce such restriction or restrictions thereafter, as to the same breach or as to one occurring prior or subsequent thereto.
- 11. Pietro Persico and wife reserve the right to enter upon any lot and trim or prune, at the expense of the owner maintaining the same, any hedge or other planting that, in the opinion of Pietro Persico and wife by reason of its location on the lot or the height to which it is permitted to grow, is unreasonably detrimental to the adjoining property, or obscures the view of street traffic, or is unattractive in appearance in the opinion of such person, persons, corporation or organization then having the right to administer the provisions of Paragraph 3 herein.
- 12. Violation of any restrictions or condition or breach of any covenant or agreement herein contained shall give Pietro Persico and wife, in addition to all other remadies, the right to enter upon the land upon, or as to which, such violation or breach exists, and summarily to abate and remove, at the expense of the owner thereof, any structure, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof; and Pietro Persico and wife shall not thereby be deemed guity of any manner of trespass for such entry, abatement, or removal.
- 13. No lots shall be divided or sub-divided except with the consent of such person, persons, corporation, or organization then having the right to administer the provisions of Paragraph 3 herein.
- 14. No signs of any kind shall be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
- 15. It is covenanted and agreed by the parties hereto that the agreements and covenants herein shall run with and bind the land.
- 16. Any failure by any party entitled to enforce any of the covenants shall, in no event, be deemed a waiver of the right to do so.
- 17. Invalidation of any one of these covenants, by judgment or court order, shall in no way, affect any of the other provisions, which shall remain in full force and affect.

18. The covenants and restrictions hereinabove set out shall be in perpetuity, provided, however, that any time after January 1, 1980, they may be cancelled, annulled, or abrogated, in whole or in part, by the recording of an appropriate instrument in writing, duly executed by a majority in number of the then lot owners, excluding mortgagees.

19. Any and all rights reserved to the said Pietro Persico and wife in regard to the covenants and provisions herein, including all discretionary rights, may be assigned to any person, persons, corporation or organization.

It being the intention of Pietro Persico and Annette L.

Persico, his wife, that the above restrictions shall effect and be imposed

upon Lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, as shown upon a Plat

entitled Section Two Long Quarter, which Plat is recorded among the Plat Records

of Baltimore County in Plat Book R.R.G. No. 29, Folio 91.

AS WITNESS: The hands and seals of Pietro Persico and Annette L. Persico, his wife.

WITNESS:

Pietro Persico (SEAL

Annette L. Persico (SEAL)

STATE OF MARYLAND,

OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, That on this day of in the year one thousand nine hundred and sixty four, before me, the subscriber, a Notary Public of the State of Maryland, in and for the of Baltimore, personally appeared PIETRO PERSICO and ANNETTE L. PERSICO, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they have executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

John Slaught Notary Public

My Commission Expires May 6, 1965

Resid for record JAN 8 1964 at 1964

ort R Gill Clerk

Rucelpt No. 7790/ \$ 2

, 4



Profestant's Exhibits Photos 1+2





existing sign -two-sided (30sq ft total) permit #B242069



2 Of three new signs (14x34" each) (one-sided)



Towson Unitatian Universalist Church 1710 Dulaney Valley Road Lutherville, MD 21093 410-825-6045





Richard L. Goodbar 1504 Long Quarter Court Timonium, MD 21093-5906

of Baltimore, County, Maryland

#### ARTICLE I

Name 3 Name 3

The name of this organization shall be The Long Quarter Association, hereinafter referred to as "the Association."

#### ARTICLE II

#### Object and Purpose

Section 1. The purpose of the Association shall be--

- a. To maintain and further the civic improvement of the community for the mutual benefit and common interest of all members.
- b. To cooperate with such other organizations as may further the aims of the Association.
- c. To interpret, enforce, protect, and defend recorded real property, covenants, restrictions, conditions, or limitations in effect and pertaining to the development of Long Quarter, as shown on the plats recorded in the Land Records of Baltimore County, Maryland, Liber G.L.B. 22, folio 91, dated January 13, 1956, and modified as shown by a plat entitled Revision of Lots 8, 9, 21, and 22, Section 1, Long Quarter, recorded in Plat Book G.L.B. 22, folio 117; and Liber R.R.G. 29, folio 91, dated September 23, 1963; and/or of those properties subject to the declarations of Pietro Persico and Annette L. Persico made October 17, 1955, and January 9, 1964, as recorded in Liber 3036, pages 148 and 151, and Liber 4251, pages 605 and 608, respectively; as well as such other real property whose owners may now and in the future qualify for and become members of the Association.
- d. To function as a source of collective action and to initiate such action relative to conditions, affairs, and events that may concern the betterment of the community.
- e. To assist in the abatement of any nuisance that shall appear to offer or cause consequent damage to the real or personal property of any member of the Association.

4			
29	f. To promote, establish, and further the principles and spirit of good		
30	neighborship neighborliness.		
31	g. To promote and provide for the common defense against any threat to		
32	the general safety, health, and welfare of the members of this Association and their families.		
33	Section 2. The Association shall be nonprofit in its operations as defined by		
34	legislation, judicial decisions, and/or administrative orders of any governmental branch or		
35	agency having authority to so define.		
36	Section 3. The Association shall not be concerned with nor-consider or take any		
37	aetion-whatsoever-pertaining to not discriminate in matters involving age, race, creed, color,		
38	gender, national origin, or political affiliations.		
39	Section 4. The Association shall have the power to create new restrictions,		
40	conditions, and limitations pertaining to real property within the boundaries of the Association		
41	and shall have the power to amend, add to, or delete any and all covenants now recorded and		
42	in the future assigned to the Association. Such actions must be approved by two thirds of the		
43	members, present and voting or by absentee ballot in an authorized meeting of the Association.		
44	ARTICLE III		
45	Membership		
46	Section 1. Membership shall be the right of, but not restricted to, all owners,		
47	excluding mortgagees, of real property within Section 1 and Section 2 of the subdivision		
48	known as Long Quarter as described in Article II, Section 1c, paragraph-"C", subject to the		
49	provisions of Section 3, below, of this article.		
50	Section 2. Any owner of real property, excluding mortgagees, not qualified under		
51	the provisions of Section 1 of this article whose property in whole or in part is included in the		
52	deed dated March 23, 1953, conveying 42.53 acres from Richard Randall to Pietro Persico and		
53	Annette L. Persico, as recorded in Land Records of Baltimore County in Liber G.L.B. 2264,		
54	folio 457, which may be discovered to be subject to a recorded declaration that is the same as		
55	those in Article II, Section 1c, paragraph-"C", shall have the same rights to membership as		
56	those qualifying for membership in Section 1, above.		









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57	Section 3.	Membership shall be available to any owner of real property, excluding	
58	mortgagees, in the vicinity of the area described in Sections 1 and 2 of this article who shall		
59	a.	Receive approval of his or her application for membership by a majority	
60	of the Board of Dire	ectors; and,	
61	b.	At his or her own expense declare and record in the Land Records of	
62	Baltimore County, 1	Maryland, his or her real property in the area of Long Quarter to be subject	
63	to the same covenar	its prevailing for the Long Quarter Association.	
64	Section 4.	A person, otherwise qualified for membership in the Association, upon	
65	renting or leasing hi	is or her dwelling may grant to this tenant the right to become a member of	
66	the Association in p	lace and instead of the owner.	
67	Section 5.	An applicant for membership shall submit his or her name and address	
68	and names of all persons resident at that address to the Secretary of the Association. Upon the		
69	Board of Directors' determination of eligibility of the applicant and following payment of all		
70	applicable fees and	charges, the applicant shall be promptly admitted.	
71	Section 6.	A paid-up membership shall not be rescinded except by a two-thirds'	
72	vote of members, I	present and voting or by absentee ballot in an authorized meeting of the	
73	Association.		
74	Section 7.	Each household shall be considered to be one membership and have one	
75	vote.		
76		ARTICLE IV	
77		Fiscal Year and Dues	
78	Section 1.	The Association shall have a fiscal year beginning June 1 and ending	
79	May 31.		
80	Section 2.	Dues shall be on a yearly basis and payable not later than June 1 and	
81	shall-be-in-the-amon	g-of-five dollars per-year shall be an amount approved by the membership,	
82	present and voting or by absentee ballot in an authorized meeting of the Association. In		
83	addition to annual dues, there shall be an initial fee of ten-dollars an amount approved by the		
84	membership, pres	ent and voting or by absentee ballot in an authorized meeting of the	





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Association.

Section 3. Special assessments may be levied from time to time for specific purposes provided that such assessments and the their purposes therefore shall have been approved by a majority of those present and voting or by absentee ballot, during an authorized meeting of the Association.

Section 4. Members A member whose dues and/or assessments are in arrears for 60 days shall be notified in writing by the Secretary, and if payment of all such arrearages is not made by September 1 next-following of that year, the member shall be declared suspended and shall have no vote of any kind in the affairs of the Association.

Section 5. A suspended member may be reinstated only upon payment of the arrearages due from him or her at the time of his the suspension plus a-reinstatement-fee-of five-dollars a fee to be established by the Association's membership, present and voting or by absentee ballot in an authorized meeting.

#### ARTICLE V

#### Officers and the Board of Directors

Section 2. Section 1. The officers of the Association shall be the-

- President, who shall be the chief executive of the Association and shall preside at all meetings. It-shall-be his duty to The President shall appoint and be an ex officio member of all committees, but without vote. The President-shall-fill by appointment-of-a member-or-members-any-vacancy-or-vacancies occurring-among-the-officers or the Board of Directors.-- A-member-so-appointed-shall-serve the unexpired-portion of the term-of the officer or-member of the Board of Directors he replaces.
- Vice-President, who shall in the absence of the President fulfill the b. duties of the President.
- Secretary, who shall receive all initial applications for membership and dues and fees therefore; advise the members as to the time and place of all authorized general meetings of the Association; keep minutes of all such meetings and present them at subsequent meetings; and retain all minutes, committee reports, legal cocuments, corporate seal, and other











records of the Association, and deliver these in good order to his or her duly elected successor.

d. Treasurer, who shall receive all initial membership dues and fees from the Secretary; bill and collect all future dues, fees, and assessments; invest and/or deposit all monies of the Association as directed by the Board of Directors; notify members who are in arrears; determine when a member is suspended and when reinstated, communicating both occurrences to the Secretary; keep up-to-date and accurate records of all matters relating to finances of the Association and make regular reports of the same them to the Board of Directors; and prepare and file with the proper authority all records, reports, and statements of a financial nature required of the Association by law or otherwise as directed by the Board of Directors.

Section 1. Section 3. Association-shall-have a The Board of Directors consisting shall consist of seven eight members of which whom four shall be the elected officers of the Association and three shall be elected from the Associations's membership. E. The immediate Past President who shall serve without with voting rights as an ex-officio member of the Board of Directors for a term of no more than six consecutive months after the annual electrion election of the officers and Board of Directors.

Section 3. Section 4. The term of office for members of the Board of Directors and officers shall be for one year, and no member of the Board of Directors or officers shall serve in such a capacity for more than two consecutive terms.

Section 4. Section 5. Members of the Board of Directors and officers of the Association shall receive no monetary or material compensation whatsoever for personal or professional services to the Association.

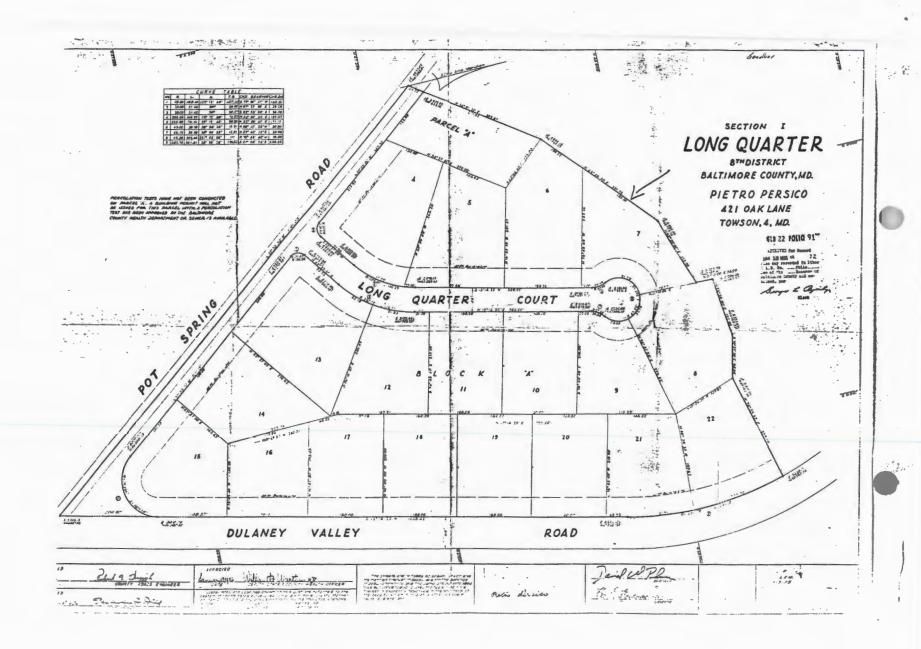
- Section 6. The Board of Directors shall act-as the committee of the whole for the enforcement and control shall enforce the covenants and regulations presently in force.
- a. Upon application by a member of the Association for advice and/or consent, the Board shall respond within 30 days from the date of the request.
- b. The decision of the majority of the Board members plus one shall be binding. No Board action shall contravene local building and zoning ordinances.

c. The resident Board of Directors shall fill by appointment of member-or
members any vacancies occurring among the officers or Board of Directors. A member so
appointed shall serve the unexpired portion of the term of the officer or member of the Board
of Directors he or she replaces.
ARTICLE VI
Meetings
Section 1. The annual meeting of the members of the Association shall be held
between any Tuesday occurring on or following September 2 and October 31 of each year, as
shall-be the date to be determined by the Board of Directors, and the time and place shall be
communicated The Board of Directors shall communicate the time and place of the annual
meeting to the membership no less that 21 days prior to the meeting.
Section 2. A special general membership meeting may be called by the President
upon ten-days' notice to the membership.
Section 3. A quorum at the annual meetings and all general membership meetings
shall consist of no less than ten members.
Section 4. Meetings shall be conducted according to Robert's Rule of Order, most
<u>recently</u> Revised unless otherwise provided for in these bylaws.
Section 5. Members not in good standing may be denied the floor by the presiding
officer.
Section 6. The President shall call a meeting of the Association upon receipt of a
written petition of seven members.
ARTICLE VII
Nomination and Election of Officers and Board of Directors
Section 1. Along with notice of the time and place of the annual meeting, the
incumbent Board of Directors shall present in writing to the members a list of candidates for
President, Vice-President, Secretary, and Treasurer, and for three members of the Board of
Directors. This list together with nominations made from the floor and duly seconded at the
time of the annual meeting shall constitute the final slate of officers and other directors. No

169	nomination shall be	made without the consent of the nominee.	
170	Section 2.	After the President shall have declared that the nominations are closed,	
171	he shall call for a vote which shall be secret and in writing, and the outcome shall b		
172	determined as follows:		
173	a.	Those persons nominated for the offices of President, Vice-President,	
174	Secretary, and Trea	surer shall be declared elected by receiving a plurality of votes cast for	
175	these specific offices.		
176	b.	Of those candidates nominated specifically and only for membership on	
177	the Board of Directors, the three who shall receive the highest pluralities among those		
178	nominated shall be o	declared elected.	
179	c.	In the event of a tie vote for any office, the President shall ask for a	
180	second balloting, an	d if this results in a tie, the outcome shall be determined by a majority vote	
181	of the incumbent Di	rectors, provided that a quorum of the Board is present.	
182	Section 3.	For purposes of voting, each household shall be considered one member,	
183	and each member sh	all have one vote only, but a suspended member shall have no vote.	
184	Section 4.	At all annual and general membership meetings of the Association,	
185	voting by proxy shall	ll be allowed on all questions.	
186		ARTICLE ¥H VIII	
187		Meetings and Voting of the Board of Directors	
188	Section 1.	The President shall give five days' notice to all members of the Board of	
189	Directors prior to an	y meeting of the Board of Directors.	
190	Section 2.	Any action of the Board of Directors may be protested by any member in	
191	good standing who	shall submit to the Board his or her written protest, which has been	
192	subscribed to by fi	ve other members in good standing. Upon receipt of this protest the	
193	President shall call a	general meeting of the members of the Association in accordance with the	
194	provision of Articl	e VI, Section 2, and the question in protest shall be voted on by the	
195	Association. If two	thirds of the members in good standing, present and voting or by proxy,	
196	shall vote contrary	to the decision in protest, the Board shall be overridden, and its decision	

shall be null and void. 197 ARTICLE IX 198 **Funds** 199 Section 1. All monies of the Association shall be deposited and/or invested by the 200 Treasurer as directed by the Board of Directors, subject to withdrawal by check signed by two 201 of the following officers: the President, the Treasurer, and/or the Secretary. 202 -- President; 203 ---Treasurer; 204 e.----Secretary. 205 No expenditure in excess of \$50.00 an amount that has been established Section 2. 206 as a matter of policy by the Board of Directors shall be made unless first approved without 207 prior approval by a majority of the Board of Directors, provided, however, that expenditures 208 may be made in excess of \$50.00 may be made, notwithstanding prior disapproval of the 209 Board of Directors, if approved by a the vote of two thirds of the members of the Association 210 in good standing, present or by proxy, at any annual or general meeting of the Association. 211 ARTICLE X 212 Amendments 213 These bylaws may be amended by a vote of two thirds of the members, present and voting or 214 by proxy, provided that, copies of the proposed amendments have been provided to members 215 21 days in advance of the meeting. 216 217 218 219 220 221 222 223 224

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Petition for Variance

Description of Property

Certificate of Posting

- Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: I - Plat to Accompany Petition for Variance

2 - Three Pictures of Existing Signs

Protestants' Exhibits: 4 - One Photograph

2 - One Photograph

3 - The Long Quarter Association Charter

Deputy Zoning Commissioner's Order dated January 16, 1998 (Granted in Part, Denied in Part)

Notice of Appeal received on February 10, 1998 from J. Neil Lanzi, Esquire on behalf of James G. Robinson

c: Peter S. Saucier, Esquire, Kollman & Sheehan, 20 S. Charles Street, 8th Floor, Baltimore, MD 21201

Mr. Stephen Maslen, 1315 Margarette Avenue, Towson, MD 21286

\*J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204 Mr. James Robinson, 1798 Dulaney Valley Road, Lutherville, MD 21093 Mr. Charles Little, 1802 Dulaney Valley Road, Lutherville, MD 21093 People's Counsel of Baltimore County, M.S. 2010 Timothy Kotroco, Deputy Zoning Commissioner

Arnold Jablon, Director of PDM

J. Neil Lanzi, Esquire
Mercantile Building Suite 617
409 Washington Avenue
Towson, MD 21204
(new address as of 5/98

Deborah C. Dopkin, PA 409 Washington Avenue Suite 920 Towson, MD 21204 (entered appearance on behalf of Towson 98 FEB 17 PM 2: 44

## APPEAL

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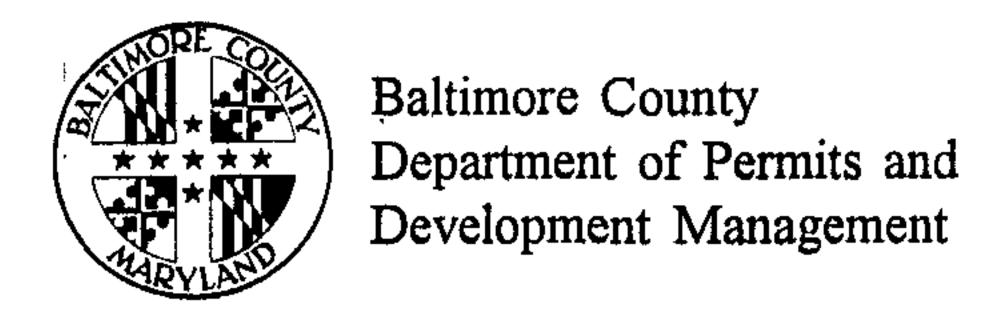
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Mr. Charles Little, 1802 Dulaney Valley Road, Lutherville, MD 21093
People's Counsel of Baltimore County, M.S. 2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3353

Fax: (410) 887-5708

July 7, 1998

J. Neil Lanzi Attorney at Law Mercantile Building, Suite 617 409 Washington Avenue Towson, Maryland 21204

Dear Mr. Lanzi:

RE: Unitarian Universalist Church, 1710 Dulaney Valley Road, Case # 98-109A

I am in receipt of your letter dated June 17, 1998, in which, on behalf of your client, you request this office issue citations against the Unitarian Universalist Church.

Please be advised that we decline to do so. The camp is an accessory use to the church; the sign is acceptable. There is no violation.

We have no idea whether the church has a traders license for the art gallery. The lack of a traders license is not a violation of the <u>Baltimore County Zoning Regulations</u>. The clerk of the court issues such a license.

Sincerely,

Arnold Jablon

Director

AJ:cab

# J. NEIL LANZI, P.A.

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

COLUMBIA

Suite 700, Parkside Building 10500 Little Patuxent Parkway Columbia, Maryland 21044

RECEIVED
2/10/98 RYS
CASHIER 2/10

Reply to Towson

J, Neii Lanzi

OF COUNSEL
Fred L. Coover\*

\*Also Admitted in District of Columbia

February 9, 1998

County Board of Appeals 111 West Chesapeake Avenue Room 111 Towson, Maryland 21204

Re: Case No. 98-109-A

Property: 1710 Dulaney Valley Road

Dear Sir/Madam:

On behalf of James G. Robinson, I hereby note this Appeal to the County Board of Appeals from the Order of the Deputy Zoning Commissioner for Baltimore County in Case No. 98-109-A, granting the Petition for Variance. Enclosed herewith, please find my client's check in the amount of \$285.00 for the filing fee for the Appeal.

Thank you very much for your consideration.

Very truly yours,

J. Neil Lanzi

cc: J.G. Robinson

People's Counsel for Baltimore County

Peter S. Saucier, Esquire Bruce Luchansky, Esquire

robinson\schmidtapp.ltr

J. NEIL LANZI, P.A.

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

J. Neil Lanzi

OF COUNSEL
Fred L. Coover\*

FAX: (410) 296-0689

June 17, 1998

COLUMBIA

10/22/95 please about
2000 per des

Suite 1200, Merrill Lynch Bldg 10320 Little Patuxent Parkway Columbia, Maryland 21044

Reply to Towson

\*Also Admitted in District of Columbia

Arnold Jablon, Director Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

Re: Unitarian Universalist Church, 1710 Dulaney Valley Road My Client: James G. Robinson

Dear Mr. Jablon:

Based upon recent observations by my client, James G. Robinson, it is again necessary to request that your office investigate possible zoning violations occurring at the above referenced property. Joseph Shrack has been the inspector assigned to this case for previous violations.

First, my client has observed a sign on the property advertising "Camp Dulaney" which apparently is for summer camp held on the church property. It is my understanding permits have been applied for and granted routinely for the past several years however, my reading of the zoning regulations indicate a special exception is required for daycamps such as Camp Dulaney. Accordingly, on behalf of Mr. Robinson, I am requesting the issuance of citations against the church for this use and/or a requirement that a special exception petition be filed.

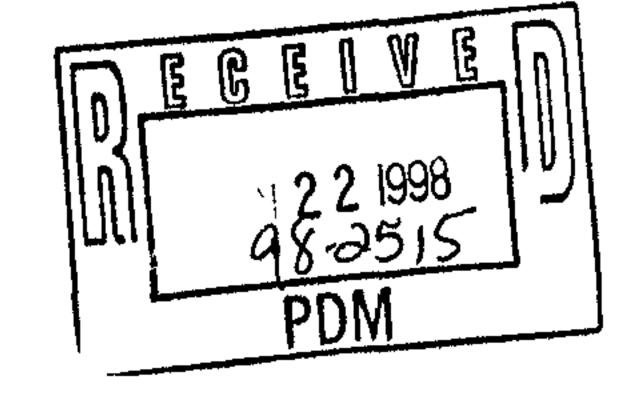
Second, my client is inquiring whether the Church has a trader's license for the commercial Art Gallery use of the property. For a commercial business to operate, it is our understanding such a license is required from the County.

Thank you very much for your assistance in this matter.

Very truly yours,

J. Neil Lanzi

c.c. J. G. Robinson
James Thompson
Joseph Shrack
(robinson\memgarden.lt6)





THE APPLICATION OF TOWSON

IN THE CASE OF:

FOR THE JUDICIAL REVIEW OF THE \*DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY \*

UNITARIAN UNIVERSALIST CHURCH

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

\* CA

CASE NO: 3-C-99-000485

97-404-X

#### OPINION and ORDER

A hearing in this appeal from the Board of Appeals for Baltimore County (hereinafter referred to as "Board") was held and argument of counsel for both parties presented on June 14, 1999. The Court has reviewed the transcript of the proceedings before the Board, the Memoranda submitted by counsel, and the Opinion of the Board dated December 31, 1998.

The Towson Unitarian Universalist Church, Appellee (hereinafter referred to as "Appellee) filed a Petition with the Zoning Commissioner for Baltimore County for a Special Exception to permit construction of a memorial garden and forty foot long columbarium structure on Appellee's property of approximately seven acres of D.R.1 residentially zoned land at 1710 Dulaney Valley Road in Baltimore County.

James G. Robinson, Appellant (hereinafter referred to as "Appellant") resides in D.R.1 residential property contiguous to Appellee's church location. Appellant has appealed from the Board's decision granting Appellee a special exception to permit the use of Appellee's property for the construction of a memorial garden and columbarium subject to certain restrictions. The Board restricted the columbarium's use exclusively to inter the remains of church members and "friends" of the Church, as defined by the Church, and their families,



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limited to spouse, children, father, mother, brother and sister, and further required a landscape plan sufficient as to landscaping and types of vegetation and trees necessary to shield Appellee's use from Appellant's property.

Appellant raised three issues in his appeal which have been restated by the Court as follows, namely:

- 1) That the Board erred as a matter of law in assigning to Appellant (Protestant below) the burden of proving that the proposed use did not satisfy the requirements of Sec.502.1 of the Baltimore County Zoning Regulations (hereinafter referred to as "BCZR"); and
- 2) That the Board's finding that the proposed use satisfied the requirements of Sec. 502.1 of the BCZR was not supported by substantial evidence in the record; and
- 3) That the Board's finding that the adverse effect of the proposed use on Appellee's property would be no greater than at any other site within the D.R.1 zone was not supported by substantial evidence in the record.

As to the first issue respecting a shift by the Board of the burden of proof, the Opinion of the Board fails to support Appellant's contention in this regard. In the course of its Opinion, the Board does compare the testimony of Appellee's expert witness, Frederick Chadsey, with that of Appellant and Charles Little, a neighbor in the general area of the subject site. Although the Board points out in its consideration of the evidence on a number of occasions that Appellant did not have expert testimony on the issue being considered, there is no indication that the Board shifted the burden of persuasion to Appellant. Such discussion is appropriate in connection with the Board's responsibility to resolve factual disputes and to

explain the Board's determination that Mr. Chadsey's testimony had more convincing force than the testimony of Appellant and Mr. Little. Nowhere in its Opinion does the Board evidence any confusion as to which party had the burden of proof.

With regard to Appellant's second contention that Appellee failed to satisfy the requirements of Sec. 502.1 of the BCZR, Appellant ignores the testimony of Frederick Chadsey, Jean Jung and Richard Nugent, and the reasonable inferences that the Board could draw from the evidence with respect to Appellee's proposed use.

As a threshold complaint, Appellant contends that there was insufficient evidence as to the nature of the proposed use for the Board to undertake the evaluation required by Sec. 501.2 of the BCZR. Such is just not the case.

Frederick Chadsey described the memorial garden and columbarium as bordering the parking lot and being situated to the south and east of the church building. The proposed garden would be approximately 250 ft. off the right of way of Dulaney Valley Road and consume approximately one-third of an acre. The garden would be a self-contained private area created by an earth berm upon which would be planted evergreens and a mixture of deciduous and ornamental flowering trees. The garden would have two entrances.

The columbarium would have four panels, each panel measuring approximately three feet deep, five feet high, and ten feet long and would contain forty-eight units. When completed,

the columbarium would be forty feet long and contain a total of 192 units with 96 units on each side. The garden would contain a bench for the purpose of meditation.

Although the final details with respect to the installation and construction had not been determined pending the outcome of these proceedings, the Board certainly had sufficient information upon which to base its consideration. The exact construction materials and the exact nature of the screening and the exact composition of the earth in the berm need not be finally resolved for the Board to undertake its consideration of Appellee's request for special exception.

In considering Appellee's Request for Special Exception, the Board considered whether the proposed use would violate the requirements of Sec. 502.1 of the BCZR, which requirements were specifically set forth in the Board's Opinion on page 12, namely:

- 1) 502.1 Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
  - a) be detrimental to the health, safety or general welfare of the locality involved;
  - b) tend to create congestion in roads, streets or alleys therein;
  - c) create a potential hazard from fire, panic or other dangers;
  - d) tend to overcrowd land and cause undue concentration of population;
  - e) interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements,

conveniences or improvements;

- f) interfere with adequate light and air;
- g) be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the zoning regulations; nor
- h) be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations.

After identifying specifically the factors to be considered, the Board then went on to consider all the evidence that had been presented. As already indicated in this Opinion, the Board was persuaded by the testimony and evidence presented by Appellee and determined that the memorial garden and columbarium would not be detrimental to the health, safety or general welfare of the locality. The Board had the opportunity to hear the witnesses testify, evaluate their credibility and accept or reject the testimony presented. The Board's determination as to subparagraph (a) of Sec. 502.1 of BCZR was supported by the testimony of Appellee's witnesses and the other evidence presented in the case.

With respect to the issue of road congestion, the Board relied upon the evidence in the record. In addition to the testimony of Mr. Chadsey, Jean Jung, a member of the Church, testified that memorial services are already being held at the Church and that there is no increase in such services anticipated merely because of the installation of the memorial garden and columbarium. The Board further considered the circumstance that the Maryland Department of Transportation and State Highway Administration had made no adverse comments following their review.

Appellant takes no special exception to the findings of the Board regarding the factors to be considered in Subparagraphs (c) through (f) of Sec. 502.1. The Board heard the testimony of Mr. Chadsey, and inferences drawn from that testimony and from the nature and scope of the project support the Board's determination that Appellee's use did not offend Subsections (c) through (f) of Sec. 502.1 of the BCZR. Appellant made no contention to the contrary in either his Memoranda or at oral argument.

Appellant does take exception to the Board's decision that the proposed use would not be inconsistent with the purposes of the property's zoning classification nor in any way inconsistent with the spirit and intent of the zoning regulations. Although Appellant characterizes the proposed use as a commercial or quasi-commercial use like the art gallery, Montessori School and summer camp, the Board did not so find. The Board determined that the proposed use would be accessory to the Church's principal use and insured that the proposed use would remain accessory by conditioning the grant of the special exception on a limitation of the use of the columbarium to Church members, friends of the Church as defined by the Church (individuals who attend Church, participate in Church activities and support the Church financially but have not signed the book as an indication of embracing the Unitarian faith), and their families (limited to spouse, children, father, mother, brother and sister).

The Board further insured that the proposed use would not be inconsistent with the purpose of the property's zoning or in any way inconsistent with the spirit and intent of the zoning

regulations by further conditioning the grant of the Special Exception on the construction of a berm with sufficient vegetation and large trees to provide screening from surrounding properties. Appellee's landscape plan for the memorial garden and columbarium must be submitted to the Baltimore County landscape architect for review and approval to make certain that the plan satisfies this condition.

With respect to Subparagraph (h) dealing with impermeable surfaces and vegetative retention, the Board found that the proposed use would not be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations. As testified by Richard Nugent, construction of the berm would require the introduction of appropriate soil and plantings for screening purposes, all of which would be subject to review by the Baltimore County landscape architect and the Department of Environmental Protection and Resource Management. The Board's finding that Subsection (h) of Sec. 502.1 of the BCZR was satisfied is supported in the record and addressed by the conditions imposed on the Board's grant of Appellee's Special Exception.

Although Appellant disagrees with the findings of and approach taken by the Board, both are supported in the record and satisfy the requirements of the Baltimore County Zoning Regulations

As to the third issue dealing with the requirements of <u>Schultz v. Pritts</u>, 291 Md..1, the Board opined on page 17 of its Opinion that, "While it is presumed that no matter where the

memorial garden and columbarium are located, it will have certain undesirable attributes, the Board finds that the use is compatible with other uses permitted on the land zoned D.R.1 in Baltimore County." This finding by the Board followed the Board's extensive quoting from Schultz v. Pritts, supra, including Judge Davidson's prohibition that, "Such uses (special exception uses) cannot be developed if, at the particular location proposed, they have an adverse effect above and beyond that ordinarily associated with such uses".

It is clear that the Board understood the holding in Schultz v. Pritts, supra, and that the Board found that the proposed use, as conditioned by the Board, would not have an adverse effect above and beyond that ordinarily associated with such uses in the D.R.1 zone.

Appellant takes exception to this finding and suggests on page 21 of his original Memorandum that, "in light of the pristine, rural character of the neighborhood, the evidence established that the columbarium and memorial garden will have substantially greater adverse impact on Mr. Robinson's property and other neighboring properties than would a columbarium installed at another site in the D.R.1 zone that is near commercial areas". Even assuming, without deciding, that it would have been appropriate for the Board to have considered D.R.1 property adjacent to commercial property as the appropriate standard against which to conduct the Schultz v. Pritts, supra, evaluation, and not D.R.1 property generally, the Board rejected Appellant's "commercial" characterization of the proposed use throughout its Opinion. The Board found the proposed use to be an accessory use to the Church, restricted its use to Church members and their friends within certain family

relationships, and conditioned this use upon screening from adjoining residential properties by an earthen berm, trees and other plantings.

The Board found that Appellee met the requirements of the BCZR for the grant of a special exception with the restrictions imposed. There was no misapplication of the law. The evidence was "fairly debatable." The decision of the Board was supported by substantial evidence. See Annapolis v. Annapolis Waterfront Company, 284 Md. 383 (1979).

For the aforegoing reasons, the decision of the Baltimore County Board of Appeals is hereby AFFIRMED on this / day of July, 1999, with the costs of this appeal to be paid by Appellant.

> JAMES T. SMITH, JR. JUDGE

JTS/ss

Copy: Deborah C. Dopkin, Esq. Gail Brashers-Krug

> J. Neil Lanzi, Esq. Charles S. Fax, Esq.

Board of Appeals for Baltimore County

IN THE MATTER OF THE \*
THE APPLICATION OF
TOWSON UNITARIAN UNIVERSALIST \*
CHURCH -PETITIONER FOR A
SPECIAL EXCEPTION ON PROPERTY \*
LOCATED ON THE W/S DULANEY
VALLEY ROAD, 1755' N OF THE \*

C/L POT SPRING ROAD
(1710 DULANEY VALLEY ROAD)
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 97-404-X

#### OPINION

This case comes before the Board of Appeals of Baltimore County based on an appeal by James G. Robinson of an Order of the Zoning Commissioner dated October 31, 1997, granting the Petition for Special Exception to permit the construction of a memorial garden and columbarium on the property of the Towson Unitarian Universalist Church at 1710 Dulaney Valley Road. The case was heard by the Board de novo on December 1, 1998 and public deliberation in accordance with Maryland's open meetings law was held on December 15, 1998. Representing the Petitioner was Deborah C. Dopkin, Esquire, and DEBORAH C. DOPKIN, P.A. Representing Appellant was J. Neil Lanzi, Esquire, and Dana M.S. Wilson, Esquire, SHAPIRO AND OLANDER, P.A. Charles Little appeared and testified as an interested party.

A hearing was originally held before the Zoning Commissioner for Baltimore County on April 29, 1997 at which no protestants appeared. The Zoning Commissioner issued an Order dated May 9, 1997 granting this Special Exception petition. Appellant James G. Robinson, who did not attend the April 29, 1997 hearing, through

his counsel, Mr. Lanzi, filed a Motion for Reconsideration, requesting that the matter be reset for an additional hearing. By agreement of the parties, the Zoning Commissioner entered an Order dated June 5, 1997 striking the prior Order. A second hearing was conducted on October 14, 1997 and on October 31, 1997, the Zoning Commissioner entered an Order granting the Petition for Special This appeal is from the October 31, 1997 Order. Exception. Petitioner seeks a Special Exception to construct a memorial garden and columbarium as a use accessory to the church and to amend the previously approved plan in Zoning Case No. 76-90-X. In support of its Petition, Petitioner presented Frederick Chadsey, a licensed civil engineer, who was admitted as an expert witness in civil engineering, zoning and land use in Baltimore County. Petitioner also presented Jean M. Jung, a church member designated as liaison in zoning matters involving the columbarium and memorial garden, and the Reverend Richard Nugent, the minister serving the Appellant presented Mr. Robinson as its sole congregation. witness. Mr. Charles Little was allowed to testify as an interested neighbor.

The church, which is located on approximately 7 acres of ground north of Pot Spring road, has been at the present location since 1972. The property is zoned Density Residential (D.R. 1). Mr. Chadsey testified that other than the church building and an adjacent parking lot, the property is unimproved and mostly wooded

A small stream runs along the northern side of the site adjacent to Mr. Robinson's property. Except for the church and the parking lot, the site slopes upward rather steeply close to the southern property line. The only access to the property is from Dulaney Valley Road by way of a driveway located near the northern boundary of the site. The general area in which the church is located is surrounded by residential properties which are all zoned D.R. 1.

Chadsey described the concept for the memorial garden and columbarium as bordering the parking lot and being situated to the south and east of the church building. The proposed garden is to be approximately 250 feet off the right of way of Dulaney Valley Road according to the Special Exception plat. The garden will consume approximately 1/3 of an acre and although the concept has not been finalized, the garden is intended to be a self-contained private area created by an earth sculpture or berm surrounding a 3-foot cut where the columbarium would be located. Around the berm the church intends to plant predominantly evergreens but also a mixture of some deciduous and ornamental flowering trees to blend into the natural aspects of the environment in accordance with the Unitarian principle. The garden is intended to have two entrances, one entering the garden and another coming in some manner into the parking lot to assist elderly and handicapped individuals.

The columbarium will stand approximately 5 feet high and will have four panels. Each panel would measure approximately 3 feet by

5 feet by 10 feet and contain 48 units (24 per face). When completed, the columbarium would be 40 feet long and contain a total of 192 units with 96 units on each side. The garden area would contain a bench for the purposes of meditation. In Mr. Chadsey's opinion, the columbarium would not be visible from outside the memorial garden itself because of the sculpture of the land. Mr. Chadsey testified that in his opinion the columbarium and the memorial garden would be an accessory use to the church, open to church members and "friends of the church." He testified that the memorial garden and columbarium would have no more detrimental an impact at the proposed location than at another location in the zone. In addition, Mr. Chadsey testified that the proposed use would not have an adverse effect on the health, safety or general welfare of the locality.

Chadsey further testified that the proposed use would not tend to create congestion in roads, streets or alleyways since the church currently holds memorial services, and, in his opinion, the utilization of the columbarium by church members would not increase the traffic or congestion on the roads, streets or alleyways, since no additional services would be held. He admitted he did not check traffic statistics because he did not think it was necessary. Chadsey stated that the proposed use would not create a potential hazard of fire, panic or other dangers or overcrowd the land and cause undue concentration of population. He testified that, in his

opinion, the proposed location of the use respected all of the residential transition areas on the site. In Chadsey's opinion, the columbarium and memorial garden would not interfere with the adequate provisions for schools, parks, water, transportation or other public requirements, conveniences or improvements. Mr. Chadsey testified that it would not interfere with the adequate light and air nor would it be inconsistent with the purposes of the property's zoning classification or in any other way be inconsistent with the spirit and intent of the Baltimore County Zoning Regulations (BCZR). He also testified that it would not be inconsistent with the impermeable surface and vegetation retention provisions of the zoning regulations. Finally, Mr. Chadsey stated that there were no adverse Zoning Advisory Committee comments on the proposal from any County or state agencies.

Jean M. Jung, a church member, testified that the Unitarian Universalist Church in Baltimore County was founded in 1916 and has been located on the Dulaney Valley site since 1972. It serves all members in its usual and customary ways, including regular Sunday services, memorial services, and various other religious activities, such as religious education, choir rehearsal, concerts, committee meetings, supported community activities and outreach. Ms. Jung described the purpose of the memorial garden and columbarium as a place "for meditation, for memory, for prayer, for

spiritual self-examination."

Ms. Jung reiterated that the Church desires to provide the columbarium use as a service to its "members and friends." She defined members of the Church as individuals who had "signed the book" as an indication of their commitment to the Unitarian faith. She stated that "friends" were individuals who attend Church, participate in Church activities, and support the Church financially but who have not signed the book and who have no voting privileges. Space in the columbarium would be available only for members of the Church, friends, and their families, but not to the general public.

Ms. Jung also indicated that the maintenance of the garden area would be the responsibility of the committee which is responsible for maintenance of the Church grounds as part of the operations counsel of the Church, as well as hired staff who would be responsible for maintenance. She stated that the Church had previously considered procedures for the columbarium but that such activities were suspended while the Church proceeded through the hearing and appeals process. Ms. Jung also stated that the community associates in the immediate area had been contacted by the Church and informed of the proposed use.

Richard Nugent, the current Minister of the Church, testified as a rebuttal witness. He indicated that the Church could not expand its building to the rear thereby locating the columbarium

along the south side of the building because the property lying to the rear of the building is subject to a restrictive covenant prohibiting building. In response to allegations that the proposed site for the memorial garden is underlain by rock and would not sustain plant life, Reverend Nugent testified that vegetation and trees currently grow in the area and that by constructing the berm, the Church would control the type of soils to be installed, thereby ensuring such soils will sustain plant life. He indicated that procedures regarding the columbarium, including brochures and other forms, are "on hold" until the appeals process has been exhausted.

Appellant presented the testimony of James G. Robinson. Mr. Robinson lives next door to the Church at 1800 Dulaney Valley Road and testified that the columbarium site is visible from his property. He stated that he has an unfettered view of the activities occurring on the Church property for 7 months of the year -- October through May, when the trees do not have their leaves. His house is 7 to 10 feet higher in elevation than the site of the proposed columbarium, and he indicated that residents of the house would be able to look down onto the columbarium. He felt that the landscaping which the Church proposed to install would not be effective to screen the columbarium from view since it is his contention that it is solid rock, and the trees simply will not grow to the size required to create an effective screen.

Mr. Robinson stated that the columbarium and memorial garden

will have an adverse impact on the neighboring properties for several reasons. First, there would be adverse impact because it is objectionable to place a cemetery or other place of interment in an already existing residential neighborhood. Second, property values will decline because potential buyers cannot be expected to pay the same price for property next to a cemetery as they will for residential property in a neighborhood of this area's present character. Based on Mr. Robinson's experience as an owner, buyer and seller of residential commercial properties in three major cities, he estimates that the construction of the columbarium would reduce the price of his property by as much as 15 percent to 20 percent of its value. Third, the Church already holds events for which it has grossly insufficient parking causing people to park their cars on Dulaney Valley Road and on Mr. Robinson's property. He contends that the columbarium would add to the frequency of these events and that the curve in front of the Church is the site of many accidents including fatal accidents. He feels that the risk of these accidents had increased each time the Church holds an event that causes people to park along Dulaney Valley Road. Moreover, the traffic on Dulaney valley Road is so heavy at times that egress from the properties neighboring the Church is all but blocked.

Mr. Robinson stated that other than the Church, there are no non-residential uses of any property in the vicinity beginning

south of the property and continuing for several miles north. property is zoned for residential use, and the owners chose it because they were assured of its rural character and that it would be protected by zoning. Mr. Robinson was also concerned by the substantial evidence that the columbarium actually would be another quasi-commercial activity of the Church. He has observed the Church's incremental expansion of the use of its property from the Montessori School that the Church permits to operate on its premises to the summer camp that is run on the property and an art store. He feels that the columbarium is a further encroachment of what should be considered commercial activity in the midst of a residential area. He feels that the Church wants to place the columbarium at the particular site chosen because it is visible and will make it easier to sell to members of the public. He feels that this is shown by the fact that the Church has no basis for embarking on the venture purely for the use of members and friends because congregants have expressed no interest in being interred in the columbarium. Mr. Robinson contends that there are other more appropriate places in the zone for building a columbarium where the impact of neighboring property owners adverse would be substantially less. He testified that there is a columbarium in Woodbrook Presbyterian Church, a residential area that has a commercial district. He feels that the columbarium fits better in a neighborhood of that character which has an established

commercial area.

Finally, Mr. Charles Little, a neighbor and interested party, testified that the building of the columbarium would be an imposition on himself and his family. He does not subscribe to cremation and believes that the construction of the columbarium would be a monument of the practice of cremation which would give much discomfort to him. He would be satisfied if there were a vault built on the back of the Church where remains could be interred and not be visible from the outside. He had no problem if the Church proceeded with the memorial garden. He was fearful that construction of the columbarium would cause financial loss to people in the neighborhood and that lawsuits would be forthcoming and that he would prefer not to go through that but would prefer to live in peace. He was very amicable to working out a solution that was agreeable to all concerned. On cross-examination, he stated that he did not think that the columbarium would fit in with the character of the neighborhood and that the columbarium would tend to increase traffic and create traffic congestion in the area. Once again, he felt that, if an additional room could be built on the Church, it would not have an adverse effect on the neighborhood.

#### BOARD FINDINGS

The Board finds that the proposed memorial garden and columbarium come within the definition of "an accessory use" as

defined by the BCZR. Regulations define accessory use as one which is customarily incident and subordinate to and serves a principle use or structure; is a subordinate area, extent or purpose to the principle use or structure; is located on the same lot as the principle use of structure served; and contributes to the comfort and convenience or necessity of the principle use or structure served (BCZR Section 101). The proposed memorial garden and columbarium fall within the definition of accessory use as defined by the Court of Appeals in County Commissioners of Carroll County v. Zent, 86 Md.App. 745, 587 A.2d 1205 (1991).

The memorial garden and columbarium do not constitute an accessory building since the columbarium has no walls nor rooms but is a structure which will provide repository "niches" for the interment of remains. The columbarium is not considered a "cemetery" and would be located within the memorial garden shielded by a berm with vegetation surrounding it. It would be a place of meditation, memory and prayer. It would be located on Church property next to the Church parking lot and would be at least 100 feet from any of the property lines. The use of the columbarium does not conflict with the principle Church use but is designed to contribute to the comfort and convenience of the Church members. As an accessory use to the Church, it would not be more detrimental at the proposed site than at some other location in the zone.

With respect to the request for Special Exception, the Board

is bound by BCZR Section 502, specifically Sections 502.1 and 502.2, which read:

502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- b. Tend to create congestion in roads, streets or alleys therein;
- c. Create a potential hazard from fire, panic or other dangers;
- d. Tend to overcrowd land and cause undue concentration of population;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air;
- g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor
- h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.
- 502.2-- In granting any special exception, the zoning commissioner or the board of zoning appeals, upon appeal, impose such conditions, restrictions, shall regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the zoning commissioner, or board of zoning appeals, upon appeal, shall enter into an agreement in writing with said zoning commissioner and/or the county commissioners of Baltimore County, stipulating the conditions, restrictions, or regulations governing such special exception, the same to

be recorded among the land records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer.

Petitioner's expert witness, Frederick Chadsey, testified that, in his opinion, the construction of the memorial garden and columbarium would not be detrimental to the health, safety or general welfare of the locality involved. Despite the testimony of Mr. Robinson and interested party Little, there is no expert testimony to the effect that the proposed memorial garden and columbarium would have an adverse effect on the property values in the surrounding neighborhood. Both Mr. Chadsey and Ms. Jung testified that the use of the columbarium would be strictly limited to Church members and friends and family. The Board finds, and the Petitioner has shown through expert testimony, that the proposed use would have no detrimental effect to the health or safety of the vicinity at this location.

With respect to the creation of congestion on the roads, streets or alleys therein, the Appellant presented an accident survey by the State Highway Administration concerning the stretch of Dulaney Valley Road in front of the location of the Church. However, the expert testimony of Mr. Chadsey as well as Ms. Jung indicated that the construction of the columbarium and memorial garden would not cause any increase in those services due to the

construction of the columbarium. Ms. Jung testified that the Church is trying to alleviate traffic congestion by scheduling two services on Sunday. No expert witnesses were called to testify as to increased traffic congestion due to the construction of the columbarium. In addition, there were no adverse comments or testimony from the Maryland Department of Transportation or State Highway Administration. Therefore, the Board finds that the construction of the columbarium will not create congestion in the roads, streets or alleys in the zone.

Mr. Chadsey also testified that, in his opinion, the columbarium would not create a potential hazard from fire panic or other dangers. There was no testimony to the contrary. Therefore, the Board finds that the construction of the memorial garden and columbarium will not create a potential hazard from fire. Mr. Chadsey also testified that in his opinion the memorial garden and columbarium would not overcrowd the land and cause undue concentration of population. No testimony to the contrary was offered. Therefore, the Board finds that there will be no overcrowding of the land and undue concentration of population due to the construction of the columbarium and memorial garden.

Mr. Chadsey testified that in his opinion the construction of the memorial garden and columbarium would not interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or

## Case No. 97-404-X /Towson Unitarian Universalist Church -Petitioner

improvements. In addition, it would not interfere with adequate light and air. There being no testimony to the contrary, the Board finds that the construction of the columbarium and memorial garden will not interfere with the adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or improvements nor will it interfere with adequate light and air.

In addition, Mr. Chadsey also opined that the construction of the memorial garden and columbarium would not be inconsistent with the purpose of the property's zoning classification or in any other way be inconsistent with the spirit and intent of the zoning regulations. Appellant submitted a letter from the Valley Garth Community Association. However, no representative of any property owner association appeared at the hearing, or filed an appeal of the granting of the exception by the Zoning Commissioner. While there was some testimony with respect to certain activities conducted at the Church which the Appellant considered to be commercial activities, such as an art gallery, the Montessori School and a summer camp, the testimony of both the expert witness, Mr. Chadsey, and Ms. Jung indicated that the use of the columbarium and memorial garden would be reserved for members of the Church and friends, as defined by the Church, and their families.

The Board finds that, based upon the testimony of Fetitioner's witnesses, the purpose of the columbarium and memorial garden will

# Case No. 97-404-X /Towson Unitarian Universalist Church -Petitioner

be as an accessory use to the Church and not inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the zoning However, the Board will limit the use of the columbarium to the interment of remains of Church members, "friends" of the Church as defined by the Church, and their immediate family members, which shall include spouse, children, father, mother, brothers, or sisters. Finally, Mr. Chadsey testified that, in his opinion, the memorial garden and the berm to be constructed around the columbarium would not be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations. Appellant offered testimony that there was solid rock on the site where the proposed columbarium and berm were to be constructed, thereby making it impossible for vegetation and large trees such as proposed for the memorial garden and cover to grow. However, no expert testimony was offered, and there were no substantial issues raised by any Baltimore County departments charged with the responsibility of determining whether the proposed use would be detrimental to the welfare of the community. Nonetheless, recognizing the fact that the neighbors consider the columbarium to be an offensive use, the Board will order that such a plan which is finalized be submitted to the Baltimore County Landscape Architect for his approval, and also be approved by the Department of Environmental Protection & Resource Management.

## Case No. 97-404-X /Towson Unitarian Universalist Church -Petitioner

The Board, in assessing this case, has applied principles established by the Courts of this State relative to the conditional use, or special exception as it is generally called.

The leading case authority in Maryland is <u>Schultz v. Pritts</u>, 291 Md. 1 (1981). In that case, Judge Rita Davidson stated:

"When the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses. Such uses cannot be developed if at the particular location proposed they have an adverse effect above and beyond that ordinarily associated with such uses."

\* \* \*

"The duties given to the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan."

t \* \*

"If [the applicant] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide."

While it is presumed that no matter where the memorial garden and columbarium are located it will have certain undesirable attributes, the Board finds that the use is compatible with other uses permitted on the land zoned D.R. 1 in Baltimore County.

#### ORDER

IT IS THEREFORE this 31st day of December, 1998 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to permit the use of the subject property for the construction of a memorial garden and columbarium in the D.R. 1 zone be and the same is hereby GRANTED, subject to the following restrictions:

- 1. The memorial garden and columbarium will be used exclusively to inter the remains of Church members, "friends" of the Church, as defined by the Church, and their families which shall be limited to spouse, children, father, mother, prother and sister.
- 2. The Petitioner shall submit a landscape plan for the memorial garden and columbarium to the Baltimore County Landscape Architect for review and approval. Said plan shall take into consideration the necessary landscaping and types of vegetation and trees necessary to sufficiently shield the property from the adjoining neighbor's property. The Plan shall also be considered by the Baltimore County Department of Environmental Protection & Resource Management.

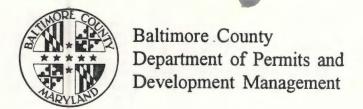
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Harry E. Buchheister, Jr.

Lawrence S. Wescott



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

October 22, 1997

Peter S. Saucier, Esquire Kollman & Sheehan, P.A. 20 S. Charles Street, 8th Floor Baltimore, MD 21201

RE: Item No.: 109

Case No.: 98-109-A

Petitioner: Stephen Maslen

Dear Mr. Saucier:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 23, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

W. Cont Richards St

W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 10 - 3 - 97

Item No. 109

RT

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

## BA I MORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

TO:

MC9

FROM:

R. Bruce Seeley . R. DS Jap.
Permits and Development Review

SUBJECT:

Zoning Advisory Committee

Meeting Date: Oct. 6

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

### BALTIMORE COUNTY, MARYLAND

OCT | 4 1997

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Dept. of Permits & Development Management

DATE: October 8, 1997

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos 109, 110, 111; 113, 114, 116, 117, 118, and 119

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Division Chief: Only L. Klens

AFK/JL

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: October 15, 1997

Department of Permits & Development Management

Robert W. Bowling, Chief Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for October 14, 1997

Item Nos. 108 (109) 111, 112, 113,

114, 115, 118, and 119

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

October 14, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 6, 1997

Item No.:

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

108, 109, 110, 111, 114, 116, 117, 118, 119

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RE: PETITION FOR VARIANCE

1710 Dulaney Valley Rd, W/S Dulaney Valley
Road, 2031'+/- N of c/l Pot Spring Road
8th Election District, 4th Councilmanic

Towson Unitarian Universalist Church Petitioner BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 98-109-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice 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

People's Counsel for Baltimore County

CAROLE S. DEMILIO

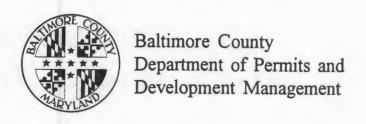
Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this May of October, 1997, a copy of the foregoing Entry of Appearance was mailed to Peter S. Saucier, Esq., Rollman & Sheehan, 20 S. Charles Street, 8th Floor, Baltimore, MD 21201, attorney for Petitioners.

PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 17, 1998

Peter S. Saucier, Esquire Kollman & Sheehan, P.A. 20 S. Charles Street, 8th Floor Baltimore, MD 21201

RE: Petition for Zoning
Variance
W/S Dulaney Valley Read, Response Road
2,031' N of the c/l Pot Spring Road
(1710 Dulaney Valley Road)
8th Election District
4th Councilmanic District
Towson Unitarian
Universalist Church Petitioner
Case No. 98-109-A

Dear Mr. Saucier:

Please be advised that an appeal of the above-referenced case was filed in this office on February 10, 1998 by J. Neil Lanzi, Esquire on behalf of James G. Robinson. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

ARNOLD JABLON

Director

AJ:rye

c: Mr. Charles Little People's Counsel



Case No. 98-109-A

VAR -To permit freestanding signs of 40 sq. ft. total in lieu of the maximum permitted 30 sq. ft.

1/16/98 -D.Z.C.'s Order in which Petition for Variance was GRANTED in part and DENIED in part.

- 2/25/98 -T/C from Bruce Luchansky (Kollman & Saucier); requesting Board's rules; CER mailed this date.
- 5/15/98 Notice of Assignment for hearing scheduled for Wednesday, August 12, 1998 at 10:00 a.m. sent to following:

J. Neil Lanzi, Esquire
James Robinson
Peter S. Saucier, Esquire
Towson Unitarian Universalist
Church /Stephen Maslen
Charles Little
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

- 6/05/98 -Request for PP from J. Neil Lanzi, Esquire, Counsel for James G. Robinson, Appellant -- Mr. Robinson is unavailable date of hearing.
- 6/19/98 -Notice of PP and Reassignment sent to parties; case rescheduled to Tuesday, October 6, 1998 at 10:00 a.m. (NOTE: Scheduled for a Tuesday hearing to accommodate request of Appellant re conflict days.)
- 10/06/98 -As indicated by prior telephone calls with D. Dopkin, Counsel for Petitioner, and counsel for appellant, parties appeared at scheduled time; Rick Chadsey appeared and requested continuance on behalf of the Church to amend variance request; N. Lanzi appeared on behalf of Appellant indicating no objection to same as parties were attempting to resolve matter. Case continued; to be reset only upon request. (C.M.F.)

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

COLUMBIA

Suite 700, Parkside Building 10500 Little Patuxent Parkway Columbia, Maryland 21044

RECEIVED
2/10/98 RYE

CASHIER 2/10

Reply to Towson

J. Neil Lanzi

OF COUNSEL
Fred L. Coover\*

\*Also Admitted in District of Columbia

February 9, 1998

County Board of Appeals 111 West Chesapeake Avenue Room 111 Towson, Maryland 21204

Re: Case No. 98-109-A

Property: 1710 Dulaney Valley Road

Dear Sir/Madam:

On behalf of James G. Robinson, I hereby note this Appeal to the County Board of Appeals from the Order of the Deputy Zoning Commissioner for Baltimore County in Case No. 98-109-A, granting the Petition for Variance. Enclosed herewith, please find my client's check in the amount of \$285.00 for the filing fee for the Appeal.

Thank you very much for your consideration.

Very truly yours,

J. Neil Lanzi

cc: J.G. Robinson

People's Counsel for Baltimore County

Peter S. Saucier, Esquire Bruce Luchansky, Esquire

robinson\schmidtapp.ltr

ATTORNEY AT LAW MERCANTILE BUILDING, SUITE 617 **409 WASHINGTON AVENUE** TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

COLUMBIA

RECEIVED COUNTY BOARD OF APPEALS

98 MAY 26 PM 1: 06

Suite 1200, Merrill Lynch Bldg 10320 Little Patuxent Parkway Columbia, Maryland 21044

Reply to Towson

J. Neil Lanzi

OF COUNSEL Fred L. Coover\*

\*Also Admitted in District of Columbia

May 21, 1998

County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, MD 21204 Attn: Kathleen C. Bianco, Administrator

Dear Ms. Bianco:

Thank you for forwarding the copy of the Order of Dismissal and Settlement Agreement for Case No. 97-586-XA. I currently have two other appeals pending before the Board and I wanted to provide you with my new address. All future mailings should be sent to 409 Washington Avenue, Suite 617, Towson, Maryland 21204.

Thank you for your cooperation.

Very truly yours,

J. Neil Lanzi

office\ctybd.add

100000 000 109-A Von 98-109-A Von 97-404-X

ATTORNEY AT LAW MERCANTILE BUILDING, SUITE 617 **409 WASHINGTON AVENUE** TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

COLUMBIA

Suite 1200, Merrill Lynch Bldg 10320 Little Patuxent Parkway Columbia, Maryland 21044

Reply to Towson

J. Neil Lanzi

OF COUNSEL Fred L. Coover\*

\*Also Admitted in District of Columbia

June 4, 1998

County Board of Appeals Old Courthouse, Room 49 400 Washington Avenue Towson, MD 21204 Attn: Kathy Bianco

Re: Case No. 98-109-A

Dear Ms. Bianco:

Please be advised that I represent James G. Robinson in the above captioned case. Recently, I received a Notice of Assignment indicating the hearing has been scheduled for Wednesday, August 12, 1998. On behalf of my client, I hereby respectfully request the case be postponed and that the hearing be set in on a Monday or Tuesday. My client is unavailable Wednesday through Friday due to his every week out of state business commitments.

Thank you very much for your consideration.

J. Neil Lanzi

J.G. Robinson CC:

People's Counsel

Peter S. Saucier

crchdobk.lt2

DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW

409 WASHINGTON AVENUE, SUITE 920 TOWSON, MARYLAND 21204

> TELEPHONE 410-494-8080 FACSIMILE 410-494-8082 e-mail dbdop@erols.com

DEBORAH C. DOPKIN

June 17, 1998

98 JUN 17 PM 12: 23

County Board of Appeals for Baltimore County Room 49, Old Courthouse 400 Washington Avenue Towson, Maryland 21204 Attention: Kathleen C. Bianco

RE: Case No. 98-109A

Towson Unitarian Universalist Church

Dear Ms. Bianco:

Please enter my appearance on behalf of Towson Unitarian Universalist Church in connection with the above captioned matter. It is my understanding that Neil Lanzi, counsel for the protestant has requested a postponement in this matter, to which we have no objection. I would appreciate your calling me before rescheduling so that we can determine a mutually convenient time.

Thank you for your attention to this matter.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

cc: Jean Jung

#98-109 A Lowson Unitarian Universalist James Raluison 1 Langelia Rick Chatskie - Church Reg continuence 110 amendment to variance 4505 By a freestanding sign. Lanzi. - parties levorkeng sign amendment will resolve - not sure can be handled here-not heard lielow. - put consolidate cases. Continue case

98-109-A

5/20/09 Status letter to Ms. Dopkin and Mr. Lanzi. Follow up 6/15/09



# County Board of Appeals of Baltimore County

### JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

May 21, 2009

Deborah C. Dopkin, Esquire 409 Washington Avenue Suite 1000 Towson, MD 21204 J. Neil Lanzi, Esquire Mercantile Building, Suite 617 409 Washington Avenue Towson, MD 21204

Re:

Towson Unitarian Universalist Church

Case No.: 98-109-A

#### Dear Counsel:

In January 2009 I returned to the Board of Appeals in the capacity of Administrator. I am currently in the process of reviewing all the files which still remain open on the docket. The majority of the files were located in a postponement file cabinet and have been sitting for many years.

Please be advised that the last activity that I have noted in this file is that on October 6, 1998, the parties appeared before the Board at a scheduled hearing and requested a postponement of the matter due to a possible resolution.

To date, the Board of Appeals has not been contacted with regards to re-scheduling the matter, nor has a Petition to Withdrawal the Appeals/Petition been received. This matter is still pending before the Board. Please contact this office upon receipt of this letter to determine the appropriate action with regard to this matter.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. She ton

eren ? Shelton

Administrator

#### DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200 FACSIMILE 410-823-8509 e-mail ddopkin@dopkinlaw.com DECEIVED:

DEBORAH C. DOPKIN

May 26, 2009

BOARD OF APPEALS

Ms. Theresa R. Shelton Administrator County Board of Appeals of Baltimore County Jefferson Building Second Floor, Suite 203 Towson, Maryland 21204

RE: Open Cases

Dear Theresa:

Congratulations on your return to the Board! Fortunately for my clients, I have had no appeals before the Board since you have been back.

Though I am sure you have written opposing counsel in each of the following cases, here is my understanding of the current status of each:

Case No. 93-41-A, 13021 Beaver Dam Road - I believe this matter can be dismissed. My client no longer lives in close proximity to the subject property and has no further interest in it.

Case No. 98-109-A, Towson Unitarian Universalist Church - This matter was appealed to Circuit Court and then to the Court of Special Appeals. In each case, the decision of the Board was affirmed. I believe opposing counsel, Mr. Lanzi, will confirm this information.

Case Nos. CBA-00-115 & CBA-00-121, 6516 N. Charles Street - My recollection is that this matter was settled and that opposing counsel was to send me a document memorializing the settlement. I have never received any documentation and believed the matter should be dismissed.

Ms. Theresa R. Shelton Administrator County Board of Appeals of Baltimore County May 26, 2009 Page 2

Case No. 04-169-A, 7112 Pheasant: Cross Drive understanding is that the appellants, who lived next door, moved away from the property and no longer have an interest in it, and accordingly the case should be dismissed.

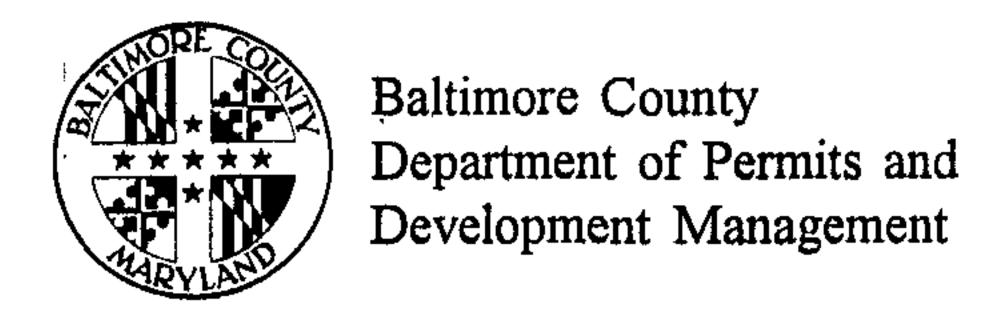
I hope this information is helpful to you. In each case, I have not heard from the client in years and am certain that none of them wants to pursue the proceedings.

I look forward to seeing you.

Very truly yours,

DCD/kmc

C:\docs\KMC\KMC\DCD\Letters 2009\shelton theresa 05 26 09.wpd



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3353

Fax: (410) 887-5708

July 7, 1998

J. Neil Lanzi Attorney at Law Mercantile Building, Suite 617 409 Washington Avenue Towson, Maryland 21204

Dear Mr. Lanzi:

RE: Unitarian Universalist Church, 1710 Dulaney Valley Road, Case # 98-109A

I am in receipt of your letter dated June 17, 1998, in which, on behalf of your client, you request this office issue citations against the Unitarian Universalist Church.

Please be advised that we decline to do so. The camp is an accessory use to the church; the sign is acceptable. There is no violation.

We have no idea whether the church has a traders license for the art gallery. The lack of a traders license is not a violation of the <u>Baltimore County Zoning Regulations</u>. The clerk of the court issues such a license.

Sincerely,

Arnold Jablon

Director

AJ:cab

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

J. Neil Lanzi

OF COUNSEL
Fred L. Coover\*

FAX: (410) 296-0689

June 17, 1998

COLUMBIA

10/22/95 please about
2000 per des

Suite 1200, Merrill Lynch Bldg 10320 Little Patuxent Parkway Columbia, Maryland 21044

Reply to Towson

\*Also Admitted in District of Columbia

Arnold Jablon, Director Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

Re: Unitarian Universalist Church, 1710 Dulaney Valley Road My Client: James G. Robinson

Dear Mr. Jablon:

Based upon recent observations by my client, James G. Robinson, it is again necessary to request that your office investigate possible zoning violations occurring at the above referenced property. Joseph Shrack has been the inspector assigned to this case for previous violations.

First, my client has observed a sign on the property advertising "Camp Dulaney" which apparently is for summer camp held on the church property. It is my understanding permits have been applied for and granted routinely for the past several years however, my reading of the zoning regulations indicate a special exception is required for daycamps such as Camp Dulaney. Accordingly, on behalf of Mr. Robinson, I am requesting the issuance of citations against the church for this use and/or a requirement that a special exception petition be filed.

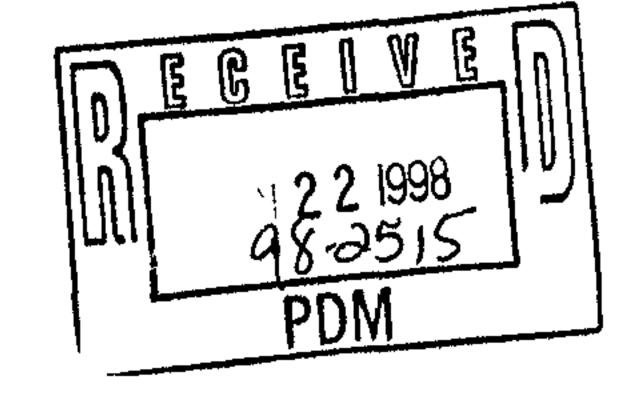
Second, my client is inquiring whether the Church has a trader's license for the commercial Art Gallery use of the property. For a commercial business to operate, it is our understanding such a license is required from the County.

Thank you very much for your assistance in this matter.

Very truly yours,

J. Neil Lanzi

c.c. J. G. Robinson
James Thompson
Joseph Shrack
(robinson\memgarden.lt6)



PLEASE PRINT CLEARLY

## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Bruce Lucharsky	Kollman a Sherham, 20 s. charles St., 8;
Stephen MASLEN	Kollman & Sherlan, 20 S. Charles St., 87 1315 MAPGARETTE AVR. Topson MD
•	

PLEASE PRINT CLEARLY

### PROTESTANT(S) SIGN-IN SHEET

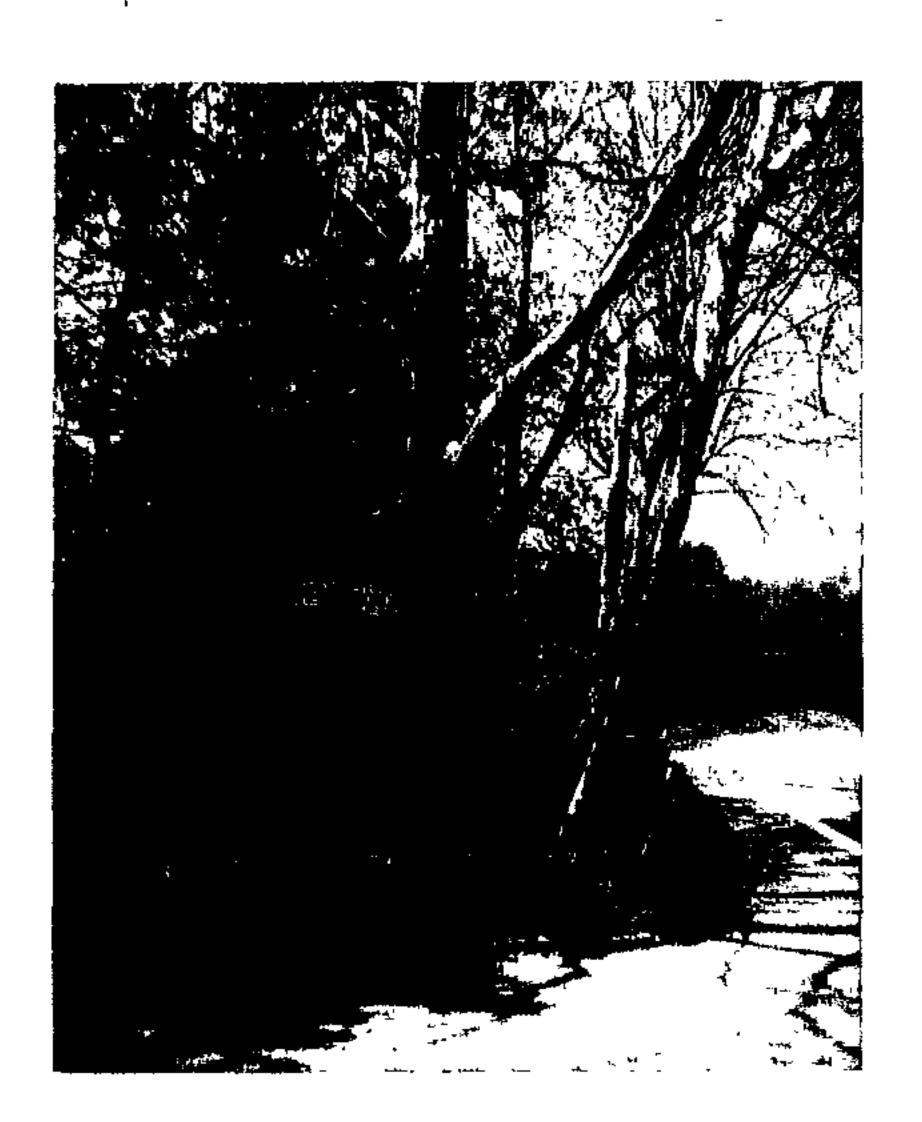
NAME	ADDRESS
Nece Canzi	300 allerhen avnu
James Robinson	1798 Dukney Valley Red
CHARLES LITTLE	1798 Dulancy Valley Red 1802 DULANDY VALL
	·



existing sign - two-sided -(30sq ft total)
permit # B242069



2 of 3 new signs - 14x34" each - one-sided



98-109-

Towson Unitarian Universalist Church 1710 Dulaney Valley Rd Lutherville MD 21093 410-825-6045

