IN THE MATTER OF THE APPLICATION OF MT. CARMEL METHODIST EPISCOPAL CHURCH -PETITIONER FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE * SOUTHEAST CORNER MT. CARMEL ROAD AND PRETTYBOY DAM ROAD 5TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

*

BALTIMORE COUNTY

* CASE NO. 98-454-SPH

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on an appeal filed by William D. Shaughnessy, Jr., Esquire, on behalf of William and Cheryl Billett, Protestants /Appellants, and the appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from the July 16, 1998 Order of the Deputy Zoning Commissioner in which the subject Petition for Special Hearing was granted with restrictions on a Motion for Reconsideration.

WHEREAS, the Board is in receipt of a letter of withdrawal of Petition filed January 7, 1999 by Robert A. Hoffman, Esquire, Counsel for Petitioner /Contract Purchaser (a copy of which is attached hereto and made a part hereof); and

WHEREAS, Counsel for said Petitioner /Contract Purchaser requests that the Petition for Special Hearing filed in the abovereferenced matter be withdrawn as of January 7, 1999,

IT IS THEREFORE, it is this 15th day of January 1999 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing filed in Case No. 98-454-SPH is WITHDRAWN AND DISMISSED, and that the Deputy Zoning Commissioner's Order of July 16, 1998, including the relief granted therein, is rendered null and void.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks, Chairman Worrall Barranger

7



County Mourd of Appeals of Waltimore County

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

January 15, 1999

William D. Shaughnessy, Jr., Esquire KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. Tenth Floor - Sun Life Building 20 S. Charles Street Baltimore, MD 21202-3220

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 98-454-SPH /
Mt. Carmel Methodist Episcopal Church

Dear Counsel:

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

Very truly yours,

Charles E. Ralduffe Kathleen C. Bianco

Administrator

Enclosure

Cc: William and Cheryl Billett
David Miller and John W. Laufer, Jr.

/Mt Carmel Methodist Episcopal Church
Daniel Flannery /Comcast Cablevision
of Maryland
Bob Garrett
Steve Smith
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/10/42

IN RE: PETITION FOR SPECIAL HEARING

SE/Corner Mt. Carmel Road and

Prettyboy Dam Road

(Mt. Carmel Meth. Epis. Church)

5th Election District

3rd Councilmanic District

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 98-454-SPH

Mt. Carmel Methodist Episcopal Church

Petitioner

* * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, the Mt. Carmel Methodist Episcopal Church and Comcast Cablevision of Maryland, through their attorney, Thomas M. Meachum, Esquire seeking an amendment to the previously approved site plan and special ex- ception granted in prior Case No. 5401-X to reflect proposed modifications to the site. Specifically, the Petitioners sought a reduction of the land for the Mt. Carmel Church Cemetery by 10,804 sq.ft., from 5.635 acres to approximately 5.385 acres, for a proposed Comcast Cable utility easement, as shown on the site plan submitted into evidence as Petitioner's Exhibit 1

WHEREAS, a public hearing on the matter was held on June 24, 1998 during which testimony and evidence was presented, both in support of and in opposition to, the request. Apparently, Comcast Cable is interested in using this 1/4 acre parcel of land in conjunction with their cable operations in the area. However, due to the lack of information provided by the Petitioners as to how this property would be specifically utilized by Comcast, I denied the request by my Order issued June 29, 1998.

ORDER RECEIVED FOR FILING

By

By

WHEREAS, subsequent to the issuance of my Opinion, a Motion for Reconsideration and/or Rehearing was submitted by Counsel for the Petitioners on July 1, 1998, which supplied additional and specific information as to how the Petitioners propose to utilize the subject property. In addition, the Petitioners provided the following documents: 1) A Map of the property with accompanying photographs, which have been marked as Reconsideration Exhibit 1. The photographs had been taken from various points of view on the property as well as from surrounding properties, depicting the appearance of the property as it currently exists; 2) A landscape plan depicting the proposed location of a 22' x 26' building to be erected by Comcast Cable with extensive landscaping surrounding same, which has been marked as Reconsideration Exhibit 2; 3) An artist's rendering of the appearance of the proposed building, and a perspective of where it will be located and how it will appear on the subject property, which has been marked as Reconsideration Exhibit 3; and, 4) A letter dated July 8, 1998 from Comcast Cable addressed to this Deputy Zoning Commissioner which explains in detail the operation of the building itself and the manner in which it will be utilized, marked as Reconsideration Exhibit 4.

After considering the Petitioners' Motion for Reconsideration and all of the information and documents provided therewith, I am persuaded to grant the Motion and will amend my prior decision denying the Petition for Special Hearing. As noted above, the Petitioners failed to supply specific information at the hearing to justify the granting of the relief requested; however, I am persuaded that with appropriate conditions and restrictions imposed upon the Petitioners, as set forth hereinafter, the subject property can be utilized by Comcast Cable for the construction of the proposed

ORDER REGERENCE ORDER FILING

ORDER RECEIVED FOR FILING
Date
By

building, with extensive landscaping, without causing any detrimental impact upon the surrounding community.

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall be permitted to construct a 22' x 26', one-story building on the subject 10,804 sq.ft. parcel, in the area shown on Reconsideration Exhibit 2. The walls of the subject building shall be no higher than 9 feet and the building shall be permitted to have a gabled roof. In addition, a small generator shall be permitted to be located to the rear of the subject building.
- 3) The Petitioners shall be required to install the landscaping around the proposed building, as shown on Reconsideration Exhibit 2. The proposed landscaping appears to be sufficient to screen the proposed building from the view of surrounding properties as well as Pretty Boy Dam Road.
- 4) The proposed building will be unmanned. That is, there shall be no personnel employed at the subject site; however, technicians and service men shall be permitted to access the building when necessary.
- 5) The Petitioners shall not be permitted to store any commercial vehicles or other commercial equipment on the subject site on an over-night basis.
- 6) The Petitioners are prohibited from constructing a second story or any additional buildings on the subject property without applying for an additional Special Hearing to obtain approval for same.

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

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Thomas M. Meachum, Esquire, Reese and Carney 10715 Charter Drive, Columbia, Md. 21044

Mr. David Miller, 2415 Mt. Carmel Road, Parkton, Md. 21120 Mr. John W. Laufer, Jr., 2018 Falls Road, Parkton, Md. 21120

Mr. & Mrs. William Billett 17201 Prettyboy Dam Road, Parkton, Md. 21120

Mr. Steve Smith, 17118 Prettyboy Dam Road, Parkton, Md. 21120

People's Counsel; Case Files

7/1/98

IN RE: * BEFORE THE

PETITION FOR SPECIAL HEARING

SE/Corner Mt. Carmel Road and * DEPUTY ZONING COMMISSIONER

Prettyboy Dam Road

(Mt. Carmel Meth. Epis. Church) * OF BALTIMORE COUNTY

5th Election District

3rd Councilmanic District

Mt. Carmel Methodist Episcopal Church* Case No. 98-454-SPH

Petitioner

MOTION FOR RECONSIDERATION AND/OR REHEARING

The Trustees of Mt. Carmel Methodist Episcopal Church of Baltimore, Petitioner, by their attorneys, Thomas M. Meachum and Reese and Carney, LLP, respectfully request that the Deputy Zoning Commissioner reconsider his denial of the Petition for Special Hearing or, in the alternative, vacate the decision dated June 29, 1998, and grant a rehearing for the limited issue of the use proposed for the area proposed to be removed from the current special exception use for a cemetery as more particularly described in the Petition and testimony presented in the hearing, and in support thereof states as follows:

- 1. Testimony introduced at the hearing indicated that the Trustees have a special exception for a cemetery use at the northeast corner of Mt. Carmel Road and Prettyboy Dam Road. The subject of the Special Hearing was the Trustees' request to reduce that area set aside for the cemetery special exception.
- 2. The Petitioners respectfully believe that the issue in this case should have been, following Schultz v. Pritts, whether the reduction of this area for the cemetery use would result in that special exception use having an adverse impact above and beyond that normally associated with that use. The testimony from the representative of the Petitioner was uncontradicted that the

area to be removed was in the northwest corner of the property, vacant, and not in active use for the cemetery other than being available for grave sites. The witness testified that the reduction of this area of the cemetery would in no way cause the already granted special exception use to change from its current use, and not result in the cemetery causing an adverse impact as a special exception above and beyond that normally associated with the cemetery use. Therefore, the Petitioner respectfully requests that the decision be reconsidered, and the Petition be granted.

3. The decision denying the Petition is predicated upon an absence of information as to the proposed use for the 10,804 square foot area. While the Petitioner may respectfully disagree with the determination that the information relevant to the issue, if the request for reconsideration is not granted, the Petitioner requests that a rehearing be granted in which Petitioner would provide a witness that would provide the information deemed necessary in the decision. The testimony should not take more than 10 minutes, subject to cross-examination and any questions the Deputy Zoning Commissioner may have.

WHEREFORE, the Petitioner requests that the decision of June 29, 1998, be reconsidered, and the Petition granted; or, in the alternative, that a rehearing be conducted on the matter related to the issue of the proposed use of the area to be removed from the cemetery special exception use.

Respectfully submitted,

REESE AND CARNEY, LLP

Thomas M. Meachum

10715 Charter Drive

Columbia, Maryland 21044

(410) 740-4600

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of July, 1998, a copy of the foregoing Motion for Reconsideration and/or Rehearing was mailed by first class, U.S. mail, postage prepaid, to: Mr. and Mrs. William Billett, 17201 Prettyboy Dam Road, Parkton, MD 21120; and Mr. Steve Smith, 17118 Prettyboy Dam Road, Parkton, MD 21120.

Thomas M. Meachum

J:\USERS\MJB\WPDATA\COMCAST.MOT

IN RE:
PETITION FOR SPECIAL HEARING
SE/Corner Mt. Carmel Road and
Prettyboy Dam Road
(Mt. Carmel Meth. Epis. Church)
5th Election District
3rd Councilmanic District

* BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mt. Carmel Methodist Episcopal Church*
Petitioner

Case No. 98-454-SPH

ORDER

The Decision having been rendered in this matter on June 29, 1998, and the Petitioner having filed a Motion for Reconsideration and/or Rehearing, it is this ____ day of ______,

1998, by the Zoning Commissioner of Baltimore County,

ORDERED, that the Motion for Reconsideration is GRANTED; and it is further

ORDERED, that the Petition for Special Hearing to approve an amendment to the previously approved site plan and special exception granted in prior Case No. 5401-X to reflect a reduction of the land for Mt. Carmel Cemetery by 10,804 square feet from 5.635 acres to approximately 5.385 acres with Petitioner's Exhibit 1, be and is hereby GRANTED; and it is further

ORDERED, that the Protestants shall have thirty (30) days from the date of this Order to file an appeal of this decision.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

CC:

Thomas M. Meachum, Esquire Reese and Carney, LLP 10715 Charter Drive Columbia, MD 21044

Mr. and Mrs. William Billett 17201 Prettyboy Dam Road Parkton, MD 21120

Mr. Steve Smith 17118 Prettyboy Dam Road Parkton, MD 21120

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE		
SE/Corner Mt. Carmel Road and * DEPUTY ZONING COMMIS Prettyboy Dam Road	SIONER	
(Mt. Carmel Meth. Epis. Church) * OF BALTIMORE COUNTY 5th Election District 3rd Councilmanic District *	•	
Mt. Carmel Methodist Episcopal Church* Case No. 98-454-SPH Petitioner		
* * * * * * * *		
ORDER		
The Decision having been rendered in this matter on June 29, 1998, and the	Petitioner	
having filed a timely Motion for Reconsideration and/or Rehearing, it is this	day of	
, 1998, by the Zoning Commissioner of Baltimore County,		
ORDERED, that the Motion for Rehearing is GRANTED; and it is further		
ORDERED, that the Order dated June 29, 1998, denying the Petition for Special Hearing,		
be and the same is hereby VACATED; and it is further		
ORDERED, that this case shall be scheduled for rehearing on Comcast's use of the property		
on July, 1998, at a.m./p.m., in Room 407, County Courts Building, 40	01 Bosley	
Avenue, Towson, Maryland 21204. All individuals who appeared at the previous h	earing are	
hereby advised that they may appear at this rehearing and provide testimony and/or evidence on		
all issues before the Deputy Zoning Commissioner in this case at that time.		

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

CC:

Thomas M. Meachum, Esquire Reese and Carney, LLP 10715 Charter Drive Columbia, MD 21044

Mr. and Mrs. William Billett 17201 Prettyboy Dam Road Parkton, MD 21120

Mr. Steve Smith 17118 Prettyboy Dam Road Parkton, MD 21120

DAVID A. CARNEY DANIEL H. SCHERR LAURENCE B. RABER P. TYSON BENNETT KEVIN J. KELEHAN THOMAS M. MEACHUM JUDITH S. BRESLER JEFFREY A. KREW MICHAEL S. MOLINARO L. ROLAND STURM JOAN M. BECKER CONWELL F. SAPP SUSAN E. BEASLEY MARY C. REESE TRACEY D. FITZPATRICK MANISHA S. KAVADI STUART W. COX

REESE AND CARNEY, LLP

ATTORNEYS AT LAW 10715 CHARTER DRIVE

COLUMBIA, MARYLAND 21044

(410) 740-4600 WASHINGTON AREA (301) 621-5255

BALTIMORE FAX (410) 730-7729

WASHINGTON FAX (301) 621-5273

255 N. WASHINGTON STREET SUITE 505 ROCKVILLE, MARYLAND 20850 (301) 762-6210

(301) 762-6210 ------OF COUNSEL

Ministration of the second of

OF COUNSEL
CHARLES A. REESE

/(19\$1-1997)

THE PARKWAY BUILDING

200 HARRY S TRUMAN PARKWAY

SUITE 302

ANNAPOLIS, MARYLAND 21401

(410) 573-2001

DIC HUORTSBERG

July 1, 1998

HAND DELIVERED

Baltimore County Zoning Commissioner Office of Planning County Courts Building, Suite 405 401 Bosley Avenue Baltimore, MD 21204

Re:

CASE NO. 98-454-SPH

Dear Sirs:

Enclosed please find the Petitioner's Motion for Reconsideration and/or Rehearing, with two proposed Orders. I would appreciate your bringing this to the attention of the Deputy Zoning Commissioner at your earliest convenience.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

REESE AND CARNEY, LLP

Thomas M. Meachum

TMM/jb Enclosures

cc: Trustees

Trustees of Mt. Carmel Methodist

Episcopal Church of Baltimore County

Mr. David Miller

Mr. John W. Laufer, Jr.

Mr. and Mrs. William Billett

Mr. Steve Smith

Comcast Cablevision of Maryland

6/29/980

IN RE: PETITION FOR SPECIAL HEARING

SE/Corner Mt. Carmel Road and

Prettyboy Dam Road

(Mt. Carmel Meth. Epis. Church)

5th Election District
3rd Councilmanic District

DEPUTY ZONING COMMISSIONER

BEFORE THE

* OF BALTIMORE COUNTY

Case No. 98-454-SPH

Mt. Carmel Methodist Episcopal Church

Petitioner

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, the Mt. Carmel Methodist Episcopal Church, by David Miller, Trustee, and Comcast Cablevision of Maryland, by Daniel Flannery, Commercial Development Manager, through their attorney, Thomas M. Meachum, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan and special exception granted in prior Case No. 5401-X to reflect a reduction of the land for the Mt. Carmel Church Cemetery by 10,804 sq.ft., from 5.635 acres to approximately 5.385 acres, for a proposed Comcast Cable utility easement. 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 David Miller and John W. Laufer, Jr., Trustees for the Mt. Carmel Methodist Episcopal Church, owner of the subject property, several other members of the Church, and Thomas M. Meachum, Esquire, attorney for the Petitioners. Appearing in opposition to the request were William and Cheryl Billett, and Steve Smith, nearby residents of the area.

Testimony and evidence offered revealed that the subject property consists of a gross area of 5.635 acres, more or less, zoned R.C.2, and is

ORDER RECEIVED FOR FILING Date

3y

3y the site of the Mt. Carmel Methodist Episcopal Church cemetery. The property is located at the southeast corner of the intersection of Mt. Carmel Road and Prettyboy Dam Road in Parkton. This property was the subject of prior Case No. 5401-X in which the Petitioners were granted approval for a cemetery on the subject site on November 20, 1961. Testimony indicated that there are currently 175 gravesites within the cemetery; however, the cemetery will accommodate up to 11,000 gravesites. The Petitioners are desirous of leasing a 10,804 sq.ft. parcel of land in an unused area of the cemetery to Comcast Cablevision as a utility easement. However, in order for Comcast Cable to lease the property, the requested special hearing relief is necessary.

Testimony offered by the Petitioners was vague as to how this parcel will be used by Comcast Cable. The limited information offered at the hearing indicated that Comcast intends to construct some type of utility building, the design and placement of which was not offered at the hearing. However, it is clear from the site plan that some sort of utility building is planned to be constructed within this 1/4 acre parcel. The Petitioners did not believe that Comcast's use of the property was relevant to their special hearing request and therefore, chose not to disclose to me how this land was proposed to be used.

The citizens who appeared in opposition to the Petitioners' request are very concerned over how Comcast Cable intends to use the property. Testimony indicated that these citizens met with representatives of the Church in an effort to obtain information as to what Comcast proposed for this site; however, those citizens were left with several questions, many of which remained unanswered at the hearing before me. Further testi-

mony revealed that Comcast has already placed a trailer on the property and certain construction activity has begun as trenches have been dug.

am persuaded to deny the special hearing request. The Petitioners have failed to satisfy the burden imposed upon them by the B.C.Z.R. and Maryland case law. Comcast's use of the property is a relevant issue which must be addressed to insure that the health, safety and general welfare of the surrounding community is not compromised. Since the Petitioners' failed to disclose the intended use of this parcel by Comcast, I am persuaded to deny the relief requested and order that the 10,804 sq.ft. parcel shall remain a part of the special exception for cemetery use, only.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the special hearing shall be denied.

Baltimore County this granted and amendment to the previously approved site plan and special exception granted in prior Case No. 5401-X to reflect a reduction of the land for the Mt. Carmel Cemetery by 10,804 sq.ft., from 5.635 acres to approximately 5.385 acres, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

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

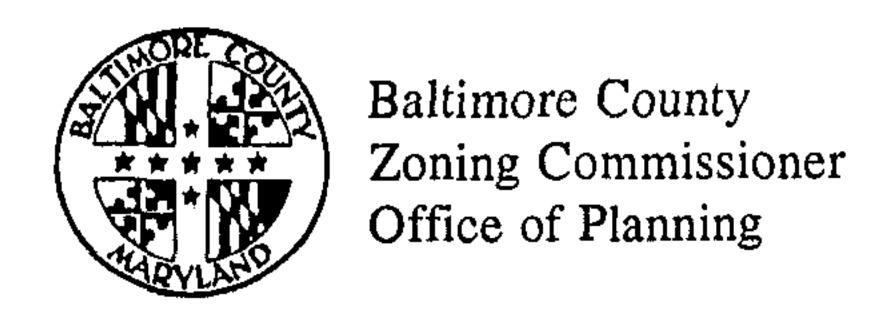
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

AR FILING



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

June 29, 1998

Thomas M. Meachum, Esquire Reese and Carney 10715 Charter Drive Columbia, Maryland 21044

RE: PETITION FOR SPECIAL HEARING
SE/Corner Mt. Carmel Road and Prettyboy Dam Road
(Mt. Carmel Methodist Episcopal Church)
5th Election District - 3rd Councilmanic District
Mt. Carmel Methodist Episcopal Church - Petitioner
Case No. 98-454-SPH

Dear Mr. Meachum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, 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

Mustly la troco

for Baltimore County

TMK:bjs

cc: Mr. David Miller, 2415 Mt. Carmel Road, Parkton, Md. 21120 Mr. John W. Laufer, Jr., 2018 Falls Road, Parkton, Md. 21120

Mr. & Mrs. William Billett 17201 Prettyboy Dam Road, Parkton, Md. 21120

Mr. Steve Smith, 17118 Prettyboy Dam Road, Parkton, Md. 21120

People's Counsel; Case Files



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

SEC Mt. Carmel and Prettyboy Dam Roads

which is presently zoned

R.C.-2

This Petition shall be filed with the Department of Permits & 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to zoning case

A reduction of the land for the Mt. Carmel Cemetery by 10,804 square feet, from 5.635 acres to approximately 5.385 acres, as not necessary for purposes of a cemetery. The original special exception was granted November 20, 1961, Case No. 5401-X.

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

to be bound by the recommendations agree to and the special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and

are to be bound by the zoning regulations and restrictions of Baltin	ising, posting, etc., upon filing of this petition, and further agree to and more County adopted pursuant to the Zoning Law for Baltimore County
Contract Purchaser/Lessee	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
Comcast Cablevision of MD Daniel Flannery Type or Print Name)	Legal Owner(s):
Type or Print Name)	Trustees of Mt. Carmel Methodist Episcopal
Signature Commercial Development	A Martimore County
8031 Corporate Drive	Signature Fruiter Trustee
Address	David MILLER TOUCTER OF IN
Baltimore, MD 21236	Type or Print Name) WILLER TRUSTER Chair.
State Zipcode	
—·p	Signature 4-10-343-1275
Attorney for Petitioner	
Thomas M. Meachum	Mount Carmel and Prettyboy Dam Roads Address Phone No
1 VCS of Print Name	Parkton MD 21120
2 Manu al Callum	City State State Zipcode Name, Address and phone number of representative to be contacted.
Strature Me Challen	
Reese and Carney, LLP 10715 Charter Drive 410-740-4600	Thomas M. Meachum, Reese and Carney, LLP
Address Phone No	Name 10715 Charter Drive Columbia, MD 21044 410-747-4600
MD 21044	Phone No
zibcone	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING
E Perious	unaveilable for Hearing
	ALL Next Two Months
	REVIEWED BY
5/2(178) 5/2	DATEDATE
	48.45U-5DU

DESCRIPTION OF LAND FOR SPECIAL EXCEPTION "MT . CARMEL METHODIST EPISCOPAL CHURCH" PARCEL 52 FIFTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEING part of a parcel of land, conveyed by George C. Heagy, Jr. and Frances L. Heagy, his wife, to Trustees of Mt. Carmel Methodist Episcopal Church of Baltimore County, a corporation of the State of Maryland, by deed dated November 24, 1956, and recorded among the Land Records of Baltimore County, Maryland at Liber 3069, Folio 458, being also part of that same parcel of land shown and described on a "plat" dated October 11, 1956, and prepared by C. A. Myers, surveyor, said parcel of land described herein being the area of special exception, and being more particularly described as follows:

BEGINNING for the Area of Special Exception of Parcel 52 at the southerly end of the First or N 03° 56′ E, 70.2 foot line of the westerly boundary of Parcel 52, as described a deed recorded among the Land Records of Baltimore County, Maryland at Liber 3069, Folio 458, said Point of Beginning also being located twenty (20) feet north of the centerline of Mt. Carmel Road and twenty (20) feet east of the centerline of Prettyboy Road, as described in the aforesaid deed, thence binding upon and running with all of the First thru Third lines of Parcel 52, and the east side of Prettyboy Road, as described in the aforesaid deed, the following three (3) courses, as surveyed by magnetic bearings of 1952,

- 1. N 03° 56' E, 70.2 feet to a point, thence
- 2. Along the arc of a curve to the right, said curve having a chord length of 478.4 feet, and a chord bearing of N 12° 38' E, to a point, thence
- 3. N 19° 30' E, 68.3 feet to a point, thence leaving said Prettyboy Road, and binding upon and running with all of the Fourth thru Sixth lines of Parcel 52, as described in the aforesaid deed, the following three (3) courses,
- 4. S 71° 15' 30" E, 519.5 feet to a point, thence
- 5. S 28° 25' E, 130.2 feet to a point, thence
- 6. S 59° 30' W, 681.5 feet to a point located twenty (20) feet north of the centerline on Mt. Carmel Road, as described in the aforesaid deed, thence binding upon and

Page 1 of 2





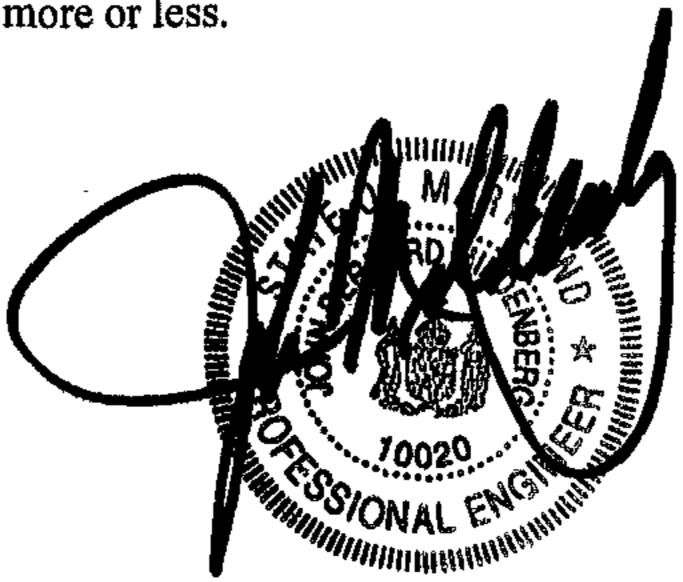
running with the north side of that said road, the following course,

N 74° 17' 30" W, 102.3 feet to the Point Of Beginning, containing 5.635 acres of land more or less.

SAVING AND EXCEPTING THEREFROM, however, all of that parcel of land reserved as a Comcast Easement, unrecorded, said parcel of land being more particularly described as follows:

BEGINNING for the Comcast Easement at a point located on the Third or N 19° 30' E, 68.3 foot line of the westerly boundary of Parcel 52, as described in the aforesaid deed recorded at Liber 3069, Folio 458, said Point of Beginning being located 21.21 feet distant from the northerly end of that said Third line, along the easterly boundary of Prettyboy Road, as described in that same deed, thence leaving the easterly boundary of Prettyboy Road, and running to cross Parcel 52, the following three (3) courses,

- S 70° 30′ 00" E, 135.00 feet to a point, thence
- S 19° 30' 00" W, 80.00 feet to a point, thence
- 3. N 70° 30' 00" W, 135.16 feet to a point on the Second call, or curve having a chord bearing of N 12° 38' E and a chord length of 478.4 feet, of the westerly boundary of Parcel 52, as described in the aforesaid deed recorded at Liber 3069, Folio 458, said point also being on the easterly boundary of Prettyboy Road, thence binding upon and running with the remainder of that curve, and with a portion of the Third line, and with the easterly boundary of Prettyboy Road, as described in that same deed, the following two (2) courses,
- Along the arc of a non-tangent curve to the right, said curve having an arc length of 32.91 feet, a radius of 1768.41 feet, a delta angle of 01° 03' 59", a tangent length of 16.46 feet, a chord length of 32.91 feet, and a chord bearing of N 19° 46' 33" E, to a point, thence
- 5. N 19° 30' E, 47.09 feet to the Point Of Beginning, containing 10,804 square feet or 0.25 acres of land more or less.



f\96058\wp\P52-desc.wpd May 19, 1998

Page 2 of 2



1 5 4	BALTIMORE COUNTY, MAT AND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	
	DATE 5/21/98 ACCOUNT 001-6/50	一
	RECEIVED COMCAST FINIALICIAL ACCURACY	一
	FOR: SPECIAL HEARING 98-454	A light finite for your
	MT CARMEZ + PRETTYBOY ROS DISTRIBUTION WHITE - CASHIER PINK - AGENCY VELLOW- SUSTAINTS	
17 	WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHER'S VALIDATION

HOTICE OF ZOHING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Haltimore County will light a public hearing in Tow-son. Maryland on the property identified herein as follows.

Case, #98-454-A E/S Prettyboy Dam Road, 530 N of centerline Mt. Carmel Road 5th Election District and Councilmanic District
Legal Owner(s): Trustees of
Mt. Carmel Methodist Episcopal Church of Battimore
County
Contract Purchaser: Comcast
Cablevision of MD

Special Hearing: to approve an amendment to zoning case number 5401-X.
Hearing: Wednesday, June 24, 1998 at 2:00 p.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County NOTES; (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353, (2) For information concern-ing the File and/or Hearing Please Call (410) 887-3391.

6/034 June 4

C233469

CERTIFICATE OF PUBLICATION

TOWSON, MD., 64, 1998
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 (19 19 19 19 19 19 19 19 19 19 19 19 19 1
THE JEFFERSONIAN, A. Hemilson LEGAL AD TOWSON

CERTIFICATE OF POSTING

RE: Case # 98-454-SPH
Petitioner/Developer:
(Comcast Cable)
Date of Hearing/Glasing:
(June 24, 1998)

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman;		
This letter is to certify under	the penalties of per	jury that the necessary sign(s) required by
law were posted conspicuou	sly on the property	located at
E/S Prettyboy Dam Road Bal	timore, Maryland 2	21120
The sign(s) were posted on	June 9, 19 (Month	998
	र*४=त===================================	Sincerely,
		() home classe/9/98
		(Signature of Sign Poster & Date)Thomas P. Ogle, Sr
		325 Nicholson Road_
		Baltimore, Maryland 21221
		(410)-687-8405
・ 1 日本の 日本では、 1 日本の 1		(Telephone Number)

CERTIFICATE OF POSTING

•	RE: Case No.: 78-454 5PH
	Petitioner/Developer:
	MTCARMEL MET. EPIS. CHURC
	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perjuence posted conspicuously on the property locate RD & PRETTYBOY DAM RD.	
The sign(s) were posted on $8/19/98$,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
(N	Aonth, Day, Year)
	Sincerely,
	Auy C. Freund 8/19/98
	(Signature of Sign Poster and Date)
	GARY C. FREUND
	(Printed Name)
	(Address)
	(City, State, Zip Code)
•	(Telephone Number)

Request for Zoning: Variance, 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.: 98-454-5PH

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

DATE AND T	
REQUEST:	SPECIAL HEARING. TO APPROVE AX
AMEN	DMENT TO ZONING CASE
	3ER 5401-X
OSTPONEMI	NTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

<u>For Newspaper Advertising:</u>
Item Number or Case Number: 98-454-5 PH
Petitioner: COMCAST CABISCUÍSION OF MON CIP.
Address or Location: EAST SIDS OF PRETTY BOY DAM ROAD 530' ANDR THE CENTRA CIAG OF MIT. CAVMEN
PLEASE FORWARD ADVERTISING BILL TO: Name: CO DAN FIANNEY CONCAST CABIE Address: 8031 CONDOXATE DR WHITE MANSH, MD. 21236
Telephone Number: (410) 931 - 8535



Baltimore County
Department of Permits and
Development Management

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

May 21, 1998

NOTICE OF ZONING 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 NUMBER: 98-454-A

E/S Prettyboy Dam Road, 530' N of centerline Mt. Carmel Road

5th Election District - 3rd Councilmanic District

Legal Owner: Trustees of Mt. Carmel Methodist Episcopal Church of Baltimore County

Contract Purchaser: Comcast Cablevision of MD

Special Hearing to approve an amendment to zoning case number 5401-X.

HEARING:

Wednesday, June 24, 1998 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jabion Director

c: Thomas M. Meachum, Esquire Trustees of Mt. Carmel Methodist Episcopal Church of Baltimore County Comcast Cablevision of MD

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 9, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

June 4, 1998 Issue - Jeffersonian

Please forward billing to:

Dan Flannery

410-931-8535

Comcast Cable

8031 Corporate Drive Baltimore, MD 21236

NOTICE OF ZONING 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 NUMBER: 98-454-A

E/S Prettyboy Dam Road, 530' N of centerline Mt. Carmel Road

5th Election District - 3rd Councilmanic District

Legal Owner: Trustees of Mt. Carmel Methodist Episcopal Church of Baltimore County

Contract Purchaser: Comcast Cablevision of MD

Special Hearing to approve an amendment to zoning case number 5401-X.

HEARING:

Wednesday, June 24, 1998 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



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

December 18, 1998

NOTICE OF ASSIGNMENT

CASE #: 98-454-SPH

IN THE MATTER OF: MT. CARMEL METHODIST EPISCOPAL CHURCH -Petitioner SEC Mt. Carmel Road and Prettyboy Dam Road 5th E; 3rd C

(Petition for Special Hearing GRANTED on Motion for Reconsideration by DZC.)

ASSIGNED FOR:

WEDNESDAY, JANUARY 20, 1999 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.

July July

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in whiting 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: Appellant

: Office of Reople's Counsel

Counsel for Appellants/Protestants: William D. Shaughnessy, Jr., Esquire Appellants/Protestants: William and Cheryl Billett

Counsel for Petitioners

: Thomas M. Meachum, Esquire

Petitioners

: David Miller and John W. Laufer, Jr. /Mt Carmel Methodist Episcopal Church

: Daniel Flannery /Comcast Cablevision

of Maryland

Bob Garrett Steve Smith

Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams Administrator

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

Baltimore County 6.4.9 V
Item No. 454 WCR RE:

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

1. J. Dredden Im Ronald Burns, Chief

Engineering Access Permits

Division

LG

ALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee
Meeting Date: Youre 29-

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

additional Itums.

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP



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

June 12, 1998

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

RE: Property Owner: Patrick J. Malec

Trustees of Mt. Carmel Methodist Episcopal Church of Baltimore County

Location: DISTRIBUTION MEETING OF June 8, 1998

Item No.:

442 and 454

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.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE TO: Arnold Jablon, Director Date: June 23, 1998 Department of Permits & Development Management Development Plans Review Division SUBJECT: Zoning Advisory Committee Meeting for June 15, 1998 Item Nos. 442, 443, 444, 445, 450, 451, 452, 453, (454), 455, 457, 458, 459, 462, 463, 464, 465 Use Permit for Farmer's Roadside Stand John D. Barone & Beverlae Barone E/S York Road, 260' S of Sparks Road (14943 York Road) 16844 Wesley Chapel Road Case No. 98-381-SPHA 1820 Clearwood Road Case No. 98-438-SPHA Hereford Plaza Case No. 97-308-SPHA The Development Plans Review Division has reviewed the subject zoning items, and we have no comments. RWB:HJO:jrb cc: File ZONEO615.NOC

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
Prettyboy Dam Road, E/S Prettyboy Dam Road, 530' N of c/l Mt. Carmel Rd, 5th Election District, 3rd	*	ZONING COMMISSIONER
Councilmanic	*	FOR
Legal Owners: Trustees Mt. Carmel Methodist Episcopal Church	*	BALTIMORE COUNTY
Contract Purchaser: Comcast Cablevision		
Petitioner(s)	*	Case Number: 98-454-SPH
	ىلە.	مله مله مله

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of 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

Carole S. Demilio

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

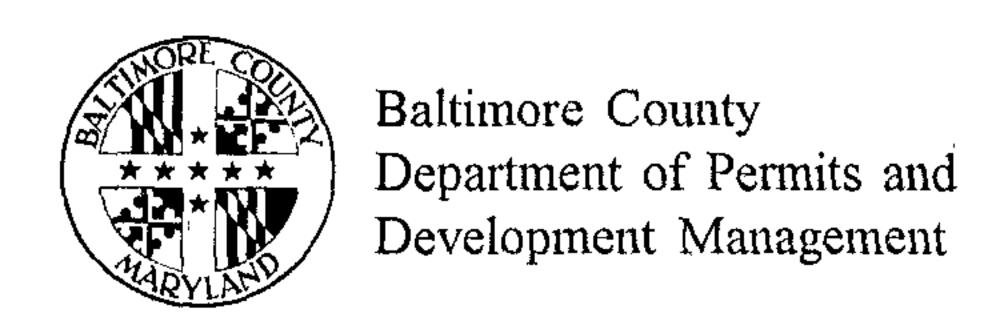
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Thomas M. Meachum Esq., Reese & Carney, 10715 Charter Drive, Columbia, MD 21044, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

August 13, 1998

Thomas M. Meachum, Esquire Reese and Carney, LLP 10715 Charter Drive Columbia, MD 21044

Dear Mr. Meachum:

RE: Petition for Special Hearing, Case No.: 98-454-SPH, SEC Mt. Carmel Road and Prettyboy Dam Road, District: 5c3, Mt. Carmel Methodist Episcopal Church - Petitioners

Please be advised that an appeal of the above referenced case was filed in this office on July 30, 1998 by Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel and on August 10, 1998 by William D. Shaughnessy, Jr., Esquire on behalf of William and Cheryl Billett. 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 the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon

Director

AJ:rye

c: Mr. Steve Smith People's Counsel

COUNTY SOATE OF A SEEKLE

Bultimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel July 30, 1998

CAROLE S. DEMILIO
Deputy People's Counsel

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

Hand-delivered

Re: PETITION FOR SPECIAL HEARING

Prettyboy Dam Road, E/S Prettyboy Dam Road,

530' N of c/l Mt. Carmel Rd

Legal Owner: Trustees Mt. Carmel Methodist

Episcopal Church

Contract Purchaser/Lessee: Comcast Cablevision

Case No. 98-454-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the ORDER ON MOTION FOR RECONSIDERATION dated July 16, 1998 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

JUL 30 1998

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: Thomas M. Meachum, Esq., Attorney for Petitioner

William and Cheryl Billett, Protestants Steve Smith, Protestant

APPEAL

Petition for Special Hearing
SEC Mt. Carmel Road and Prettyboy Dam Road
5th Election District - 3rd Councilmanic District
Mt. Carmel Methodist Episcopal Church - Petitioner
Case No.: 98-454-SPH

Petition for Special Hearing
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 Sheet

Petitioners' Exhibit:

√1 - Plan to Accompany Special Hearing

Reconsideration Exhibits: 1 - Mt. Carmel Church Comcast Easement Views Exhibit

2 - Plan to Accompany Building Permit

3/ Plan and Perspective Drawing

4 - Letter from William T. Beach, Area Director of Technical Operations for Comcast, to Timothy M. Kotroco, Deputy Zoning Commissioner, dated July 8, 1998

Motion for Reconsideration and/or Rehearing, from Thomas M. Meachum, Esquire to Baltimore County Zoning Commissioner dated July 1, 1998

Deputy Zoning Commissioner's Order dated June 29, 1998 (Denied)

Order on Motion for Reconsideration dated July 16, 1998 (Granted)

Notice of Appeal received on July 30, 1998 from Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel

Notice of Appeal received on August 10, 1998 from William D. Shaughnessy, Jr., Esquire on behalf of William and Cheryl Billett

c: Thomas M. Meachum, Esq., Reese and Carney, 10715 Charter Dr., Columbia, MD 21044 William D. Shaughnessy, Jr., Esquire, Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., Tenth Floor - Sun Life Building, 20 South Charles Street, Baltimore, MD 21201-3220 Mr. Daniel Flannery, Comcast Cablevision of MD, 8031 Corporate Dr., Baltimore, MD 21236

Mr. David Miller, 2415 Mt. Carmel Road, Parkton, MD 21120

Mr. John W. Laufer, Jr., 2018 Falls Road, Parkton, MD 21120

Mr. and Mrs. William Billett, 17201 Prettyboy Dam Road, Parkton, MD 21120

Mr. Steve Smith, 17118 Prettyboy Dam Road, Parkton, MD 21120

Timothy Kotroco, Deputy Zoning Commissioner

Arnold Jablon, Director PDM

¥ People's Counsel

Bob Garrett 17525 Prettyboy Dam Road Parkton, MD 21120 OUNTY EGABLES THUS

VE

Case No. 98-454-SPH

SPH -Seeking amendment to previously approved 5401-X; specifically, reduction of land for Mt. Carmel Church Cemetery by 10,804 sf to 5.635 acres to approximately 5,385 acres for proposed Comcast Cable utility easement.

6/29/98 -DZC's Order in which Petition for Special Hearing was DENIED.
7/16/98 -DZC's Order in which Petition for Special Hearing was GRANTED by Order on Motion for Reconsideration.

12/18/98 - Notice of Assignment for hearing scheduled for Wednesday, January 20, 1999 at 10:00 a.m. sent to following:

Office of People's Counsel
William D. Shaughnessy, Jr., Esquire
William and Cheryl Billett
Thomas M. Meachum, Esquire
David Miller and John W. Laufer, Jr.
/Mt Carmel Methodist Episcopal Church
Daniel Flannery /Comcast Cablevision
of Maryland
Bob Garrett
Steve Smith
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

1/07/99 -Letter from R. Hoffman, Esquire, entering his appearance as Counsel for Petitioner; also advising that Petition for Special Hearing is withdrawn; therefore, no need for hearing on 1/20/99; People's Counsel advised by Mr. Hoffman both by letter and by telephone.

Comcast Cablevision of Maryland, L.P. 8031 Corporate Drive Baltimore, Maryland 21236 410 931-4600 Fax 410 931-6345





July 8, 1998

Timothy M. Kotroco
Deputy Zoning Commissioner
Suite 405, Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Kotroco,

In support of the Motion that was filed you will find the following items:

- A description of the OTN building and its' use.
- A recap on how Comcast selects its' OTN sites.
- A detailed artist rendering of the OTN site.
- An Artist rendering showing the impact on the area including photographs.
- A plat showing the area to be carved out of the special exception in detail.

Description and function of the OTN

The building Comcast is seeking to erect is called an Optical Transition Node (OTN). Once in operation, the building will be an unmanned facility with visits to it by a Comcast technician occurring approximately once a month. The function of the OTN is to receive fiber optic transmissions and convert them to signals, which can be received by your television set.

The OTN will give Comcast the capacity to deliver over 200 channels of cable service to the 6,000 residents in northern Baltimore County. Residents will also be able to take advantage of "Comcast @ Home" a High-Speed internet service which is 75 times faster than ISDN. Future applications may include Telephone service and additional two-way interactive services.

In addition, the OTN has a bi-directional (two-way) fiber optic feed incorporated into its' design. This bi-directional feed allows the OTN to instantly switch the direction from which it gets its' cable signal in the event of an outage. This design feature will insure fewer service interruptions for our customers.

The OTN building will be five hundred seventy-two square feet in size (22'x26') and will be approximately nine feet (9') high (not including the gable roof). The OTN will be a prefabricated cement building. The building has been customized to blend in with the surrounding area and landscaping has been added to improve the aesthetics of the site.

Over the past year, Comcast has worked with the Mt. Carmel Methodist Church to make sure the OTN site was compatible with the area. During this process, the church leadership and members of the congregation have been very supportive. Comcast and the church trustees worked together on the OTN design so that it would match a series of barns which are located across the street from the building site. A gabled roof top was added to the building to make it look more like a barn. In addition, large evergreen trees will be planted around the building to shroud it from view. Comcast will have an on-going maintenance program for both the building and landscaping.

During one of our meetings with church members, two residents from the area who had heard about our project joined us for a detailed review of the project. We explained our design to them and offered them copies of our plans. They stated to us that they were satisfied and that they had no problem with what we were doing. Comeast thought that there were no other issues with this project until the posting of the zoning notice.

Once the zoning notice was posted, we were contacted by Steve Smith who lives across the street from the intended site. He wanted to know what our plans were for the site. We offered to set up a meeting with Mr. Smith and anyone else who had concerns with this project. On June 18, 1998 a meeting was held at the community center at Mt. Carmel Church. At the meeting we met with Mr. Smith and several members of the community. We gave them a detailed review of our plans including an artist rendering of the OTN site.

Site Selection

... F

Constructing a state of the art fiber optic network which will support advanced video, voice and data services to an area with over 6,000 residents requires that an optimum OTN site be selected. After reviewing engineering requirements for this OTN, the Mt. Carmel site was determined to be an excellent location which would maximize network performance, and facilitate increased network reliability.

A second offer by Comcast to meet with Mr. Smith to discuss any outstanding issues, has not yet been accepted. After several attempts we were not able to contact the Billetts.

In closing, I would like to thank you for you consideration in this matter. Should you have any questions, please feel free to call me at (410) 931-8527.

Respectfully,

William T. Beach

Area Director Of Technical Operations

cc: Mr. David Miller

2415 Mt. Carmel Road, Parkton Md. 21120

Mr. And Mrs. William Billett

William V. Beach

17201 Prettyboy Dam Road, Parkton, Md. 21120

Mr. Steve Smith

17118 Prettyboy Dam Road, Parkton, Md. 21120

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 29, 1999

Permits & Development Management

FROM:

Charlotte E. Radcliffe

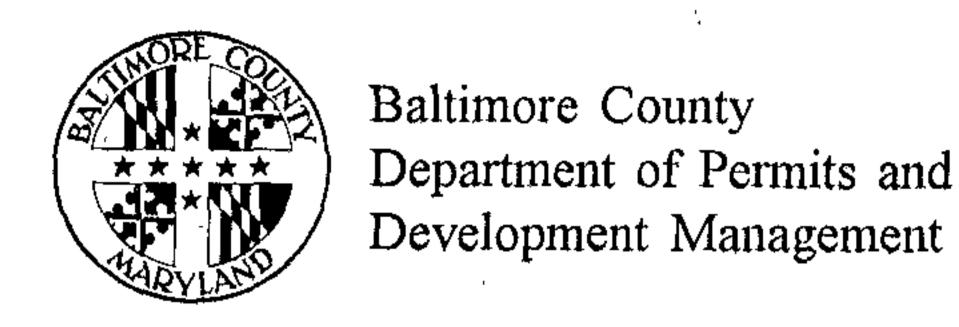
County Board of Appeals

SUBJECT: Closed File:

98-454-SPH /Mt. Carmel Methodist Episcopal Church

Since no further appeal was taken in the above captioned case, which was dismissed by Order of Dismissal of Petition dated January 15, 1999, we are hereby closing the file and returning same herewith.

Attachment (File No. 98-454-SPH)



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

June 12, 1998

Thomas M. Meachum, Esquire Reese and Carney, LLP 10715 Charter Drive Columbia, MD 21044

RE: Drop-Off Petition Review (Item #454)
SEC Mt. Carmel and Prettyboy Dam Roads
5th Election District

Dear Mr. Meachum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no imcomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

- 1

Planner II

Zoning Review

JCM:rye

Enclosure (receipt)

c: Zoning Commissioner

Including professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com

OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Robert A. Hoffman (410) 494-6262



January 7, 1999

HAND-DELIVERED

Mr. Arnold Jablon, Director Department of Permits and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

Charles L. Marks, Chairman County Board of Appeals of **Baltimore County** Old Courthouse, Basement 400 Washington Avenue Towson, Maryland 21204

Re:

In the Matter of Mt. Carmel Methodist Episcopal Church

Case No. 98-454-SPH 5th Election District

3rd Councilmanic District

Dear Mr. Marks and Mr. Jablon:

This letter should serve the dual purpose of entering my appearance on behalf of Comcast Cablevision of Maryland, LLP, contract purchaser, in the above-referenced matter and also to request, on behalf of Comcast, that the Petition for Special Hearing be withdrawn.

With this withdrawal, there is no need for a hearing on January 20, 1999, on the appeal by the People's Counsel for Baltimore County. I have advised People's Counsel of my client's decision both by phone and by copy of this letter.



Mr. Arnold Jablon, et al. January 7, 1998 Page 2

If you have any questions regarding this matter, please feel free to give me a call.

Yours truly,

Robert A. Hoffman

RAH/pam

cc: Peter M. Zimmerman, Esquire

Mr. Daniel Flannery

TO1DOCS1/pam01#77152 v1

99-52 1-71998 PDM LAW OFFICES

Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A.

TENTH FLOOR-SUN LIFE BUILDING

20 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201-3220

(410) 539-6967

FACSIMILE (410) 752-0685

August 7, 1998

SOLOMON KAPLAN

1918-1988

MICHAEL L FOREMAN'
RICHARD D. ROSENTHAL
OF COUNSEL

LISA L. JABLONOVER LEE B RAUCH MARYANN S COHEA HILARY M JONES

ALSO MEMBER OF PENNSYLVANIA BAR

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re:

CHARLES B. HEYMAN

WILLIAM H ENGELMAN

HERBERT J. BELGRAD

ABRAHAM L ADLER

SEARLE E. MITNICK

LOWELL G HERMAN

MICHAEL D BERMAN

BARRY WEISKOPF

WILLIAM D SHAUGHNESSY, JR

MARK D. DOPKIN

DANIEL S. KATZ

MANNES F. GREENBERG

PETITION FOR SPECIAL HEARING

Prettyboy Dam Road, E/S Prettyboy Dam Road

530' N of c/l Mt. Carmel Road

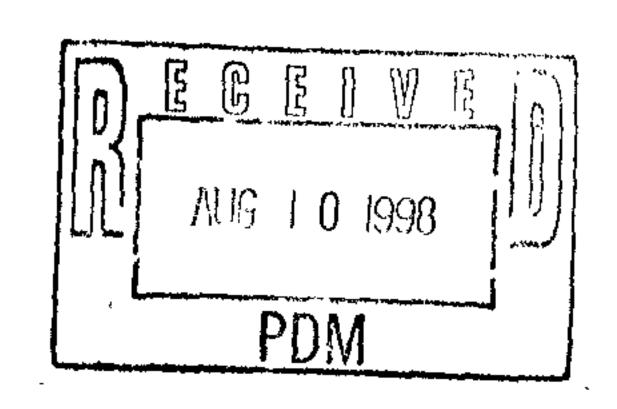
Legal Owner: Trustees Mt. Carmel Methodist Episcopal Church

Contract Purchaser/Lessee: Comcast Cablevision

Case No. 98-454-SPH

Dear Mr. Jablon:

This firm represents William and Cheryl Billett, PROTESTANTS in the above matter. On behalf of Mr. and Mrs. Billett, please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the ORDER ON MOTION FOR RECONSIDERATION dated July 16, 1998 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case. Enclosed is a check in the amount of \$285.00 to cover the appeal filing fee and sign fee.



LAW OFFICES

Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A.

August 7, 1998 Page 2

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.

William D. Shaughnessy, Jr.

WDS:glc

cc: Thomas M. Meachum, Esq.

Attorney for Petitioner

People's Counsel

Attn: Peter Max Zimmerman

Steve Smith, Protestant

William and Cheryl Billett, Protestants

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
CHERYLBILLETT	17201 PRETTYBOY DAMED MD 21120 17201 PRETTYBOY DAMED. MD 21120
William Bus FT	1920, DOCTER DINDS PARKTON
Steve Smith	1/20/ 1 PONT DOG WATER N. MD 21/20
Steve Swith	17/18 Parthy Bery Pan Re 21/20


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View A - Looking Northeast toward ex. house. Ex. trees screen views of the house.



View B - Looking East across corn field.



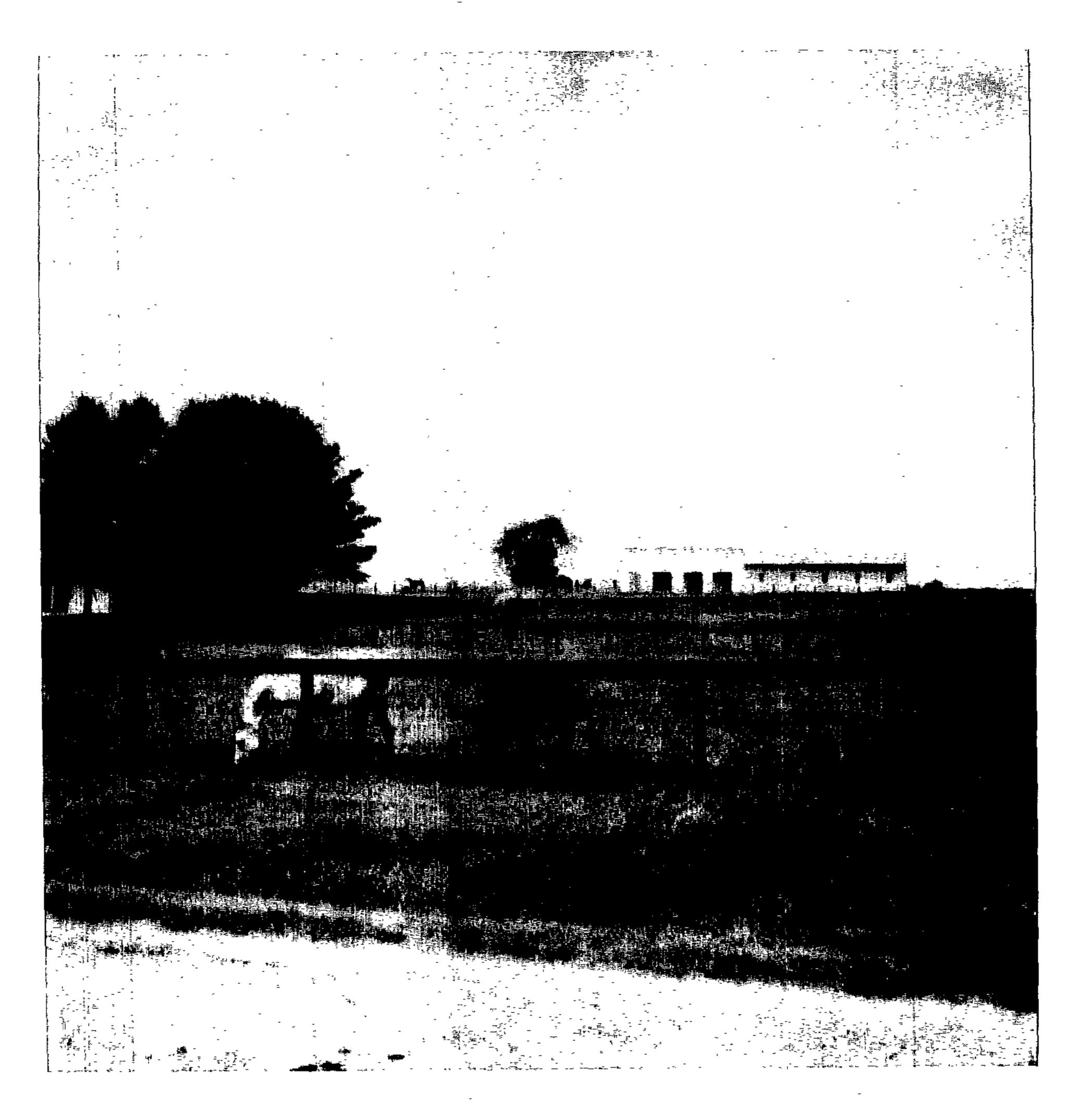
View C - Looking South toward
Mt. Carmel Road across
corn field.



View D - Looking Southwest toward ex. house. Ex. evergreen trees along driveway screen views of the house. Ex. barn shown on the right.



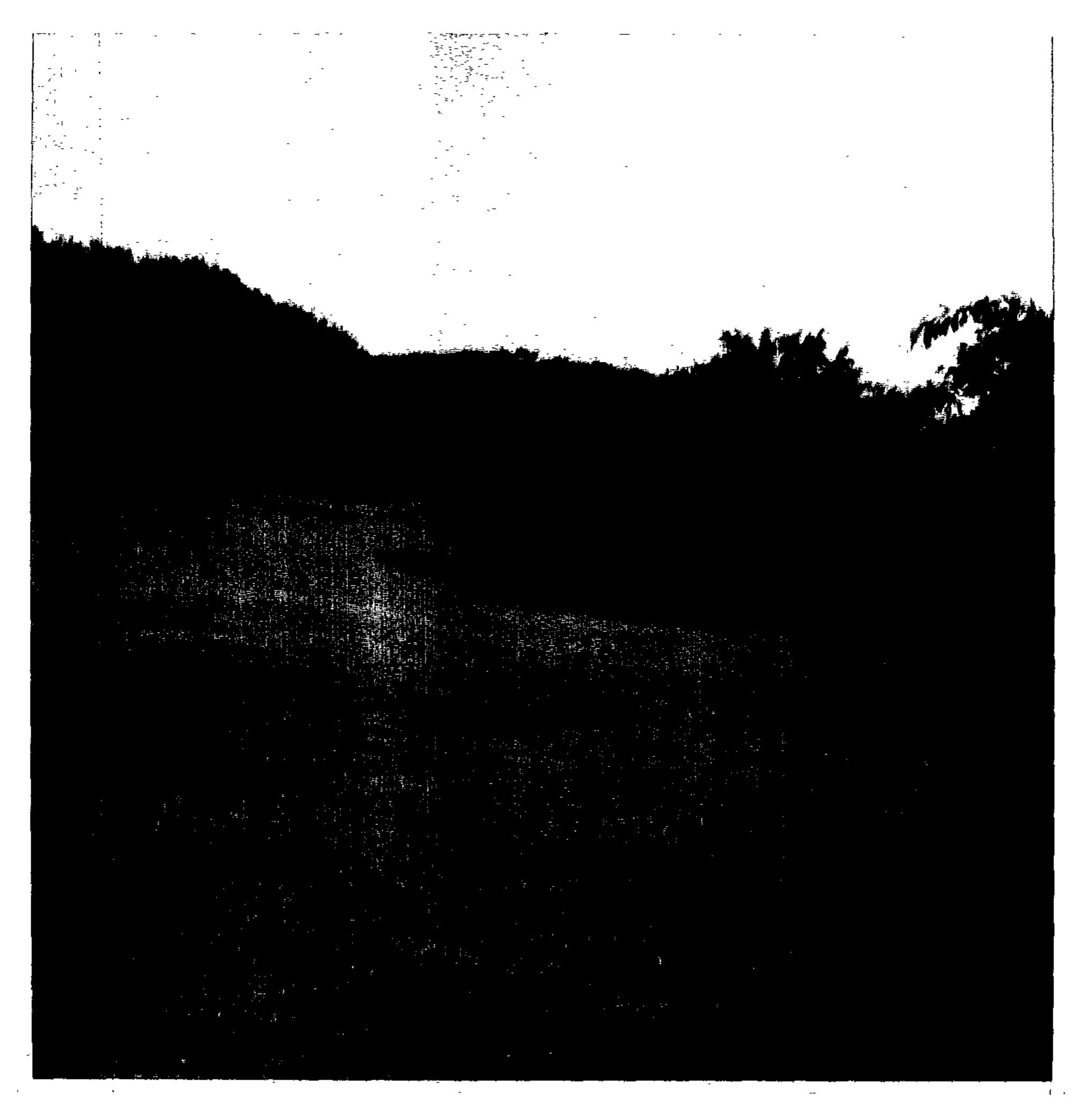
View E - Looking Southwest toward ex. house. Ex. evergreen trees along driveway screen views of the house.



View F - Looking west toward existing barn.



View G - Looking Northwest toward existing barn.



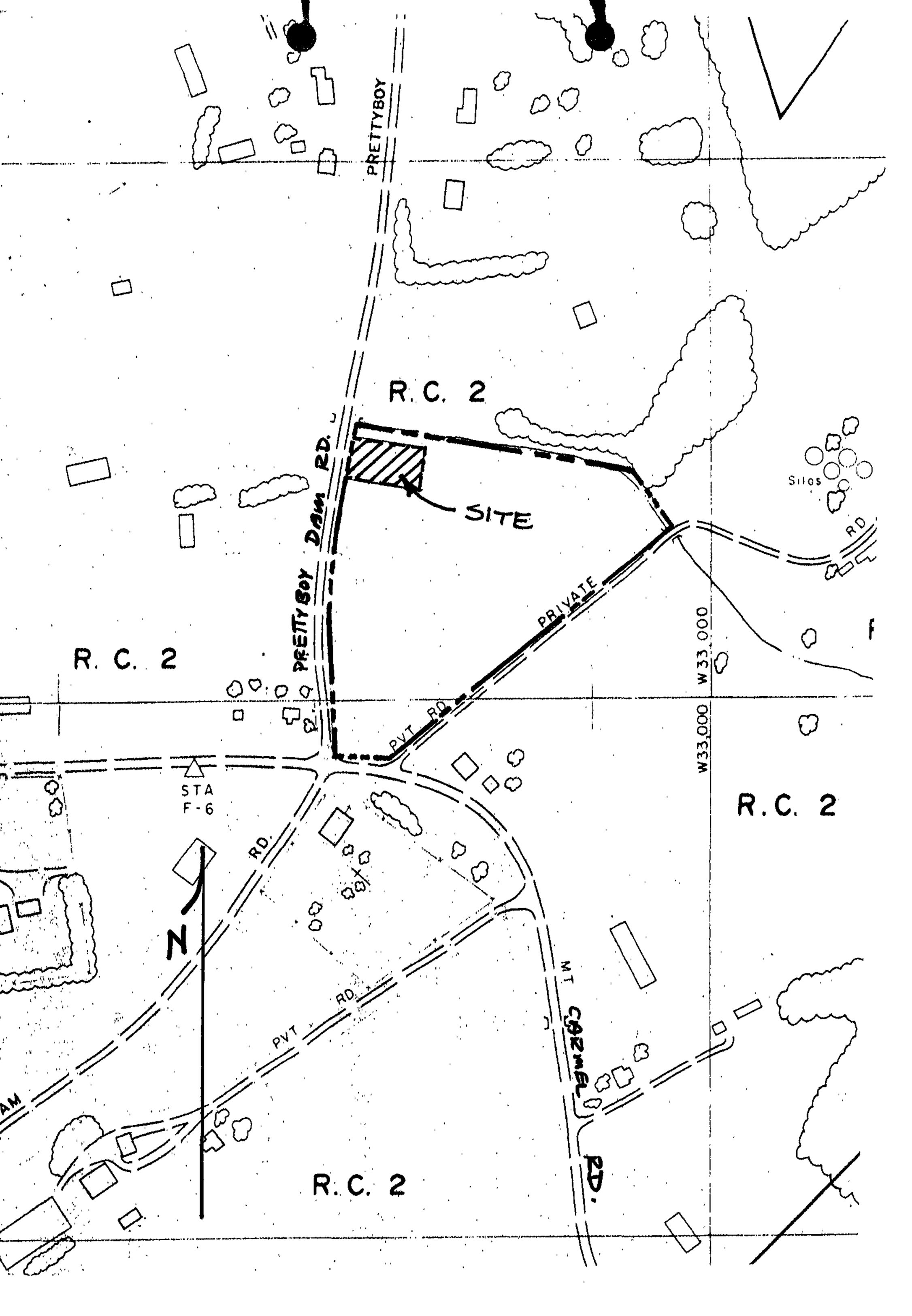
View H - Looking Northeast toward ex. house from Prettyboy Dam Road. Ex. trees screen views of the house.



View I - Looking East toward ex. house from Prettyboy Dam Road. Ex. trees partially screen views of the house.



View J - Looking South toward proposed building site from neighboring driveway. Temporary trailor is on-site.

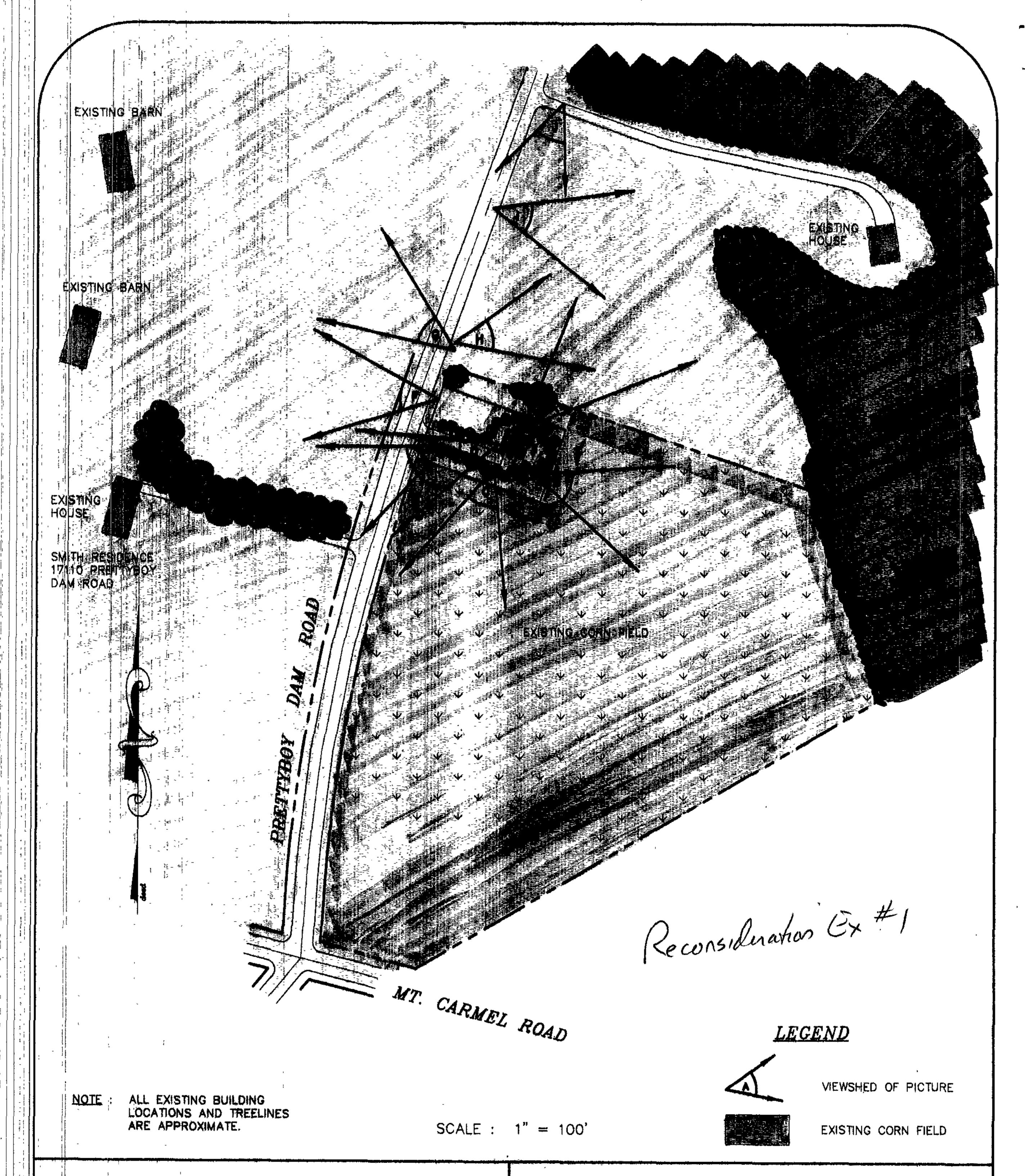


# 200' SCALE ZONING MAP

MT CARMEL CHURCH COMCAST EASEMENT

98.454.5PH

ZONING MAPS 27-F. & Z8F N.W.




MT. CARMEL CHURCH COMCAST EASEMENT VIEWS EXHIBIT



MILDENBERG,
BOENDER & ASSOC., INC.

Engineers Planners Surveyors

5072 Dorsey Hall Drive, Suite 202, Ellicott City, Maryland 21042 (410) 997-0296 Ball. (301) 621-5521 Wash. (410) 997-0298 Fax.



AS SHOWN

<u>VICINITY MAP</u> SCALE : 1" = 2000'

## GENERAL NOTES

- TOPOGRAPHY SHOWN HEREON IS BASED ON A SURVEY CONDUCTED BY MILDENBERG, BOENDER & ASSOCIATES, INC. ON OR ABOUT FEBRUARY 1998. THE SURVEY IS BASED ON ASSUMED COORDINATES AND ELEVATIONS.
- BOUNDARY IS BASED ON A PARTIAL BOUNDARY SURVEY CONDUCTED BY MILDENBERG, BOENDER & ASSOCIATES, INC. ON OR ABOUT MARCH 1997.
- 3. O.T.N. SITE IS LOCATED WITHIN A COMCAST CABLE EASEMENT CONSISTING OF 10,804 SQ. FT. ± ON THE MT. CARMEL CHURCH CEMETERY PROPERTY, LIBER 3069, FOLIO 458.
- 4 PROPOSED USE IS A COMCAST SWITCH BUILDING (O.T.N.) THERE IS NO PROPOSED COMMERCIAL OR RESIDENTIAL STRUCTURE. STRUCTURE IS A ONE-STORY BUILDING WITH A GABELED ROOF. DESIGNATED PARKING SPACES ARE NOT REQUIRED.
- PROPERTY INFORMATION

TAX MAP : 21 , PARCEL : 52 , GRID : 13 . ELECTION DISTRICT : FIFTH . COUNCILMANIC DISTRICT THIRD ZONING : R.C.2 TAX ACCOUNT NO.: 0520066451.

- 6. PROPOSED DISTURBANCE IS APPROXIMATELY 4950 SQUARE FEET.
- 7. NO FLOODPLAIN EXISTS ON-SITE.
- DENOTES THE 10,804 SQ. FT. COMCAST CABLE EASEMENT.
- 9. NO JURISDICTIONAL WETLANDS EXIST ON-SITE.
- 10. FLOOR AREA RATIO CALCULATION . 572 SQ. FT. / 10,804 SQ. FT. (EASEMENT) = 0.053

Reconsideration Ex #2

OWNER

MT. CARMEL CHURCH

MOUNT CARMEL & PRETTYBOY DAM ROAD

PARKTON, MARYLAND 21120

DEVELOPER
COMCAST CABLEVISION

8031 CORPORATE DRIVE

WHITE MARSH, MARYLAND 21236

(410) 931-4600

## PLANT LIST

SYMBOL BOTANICAL NAME PICEA ABIES

OF PICEA PUNGENS GLAUCA

NORWAY SPRUCE
BLUE SPRUCE

SIDE BUILDING PERSPECTIVE
NOT TO SCALE

WOUNT CARWEL WETHOUST EPISCOPAL CHURCH

SCANTARW E.H.K.,JR. 38 FOLIO 148 PARCEL 198

N19*30'04"E 24.41'

/100.53 /100.65/

BALTIMORE COUNTY

PLATE R-15

A = 01:03:59" ---

会 とは 1908 4 E

i. = 32.91 CB = N 19°46'33" E 32.91'

STANDARD ENTRANCE


- EXISTING COMCAST EASEMENT

10,804 SQ. FT (0.25 ACRES±)

5'-6' HT. MIN. 5'-6' HT MIN.

<u>TOTAL</u> 34 EVERGREENS

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Light Coth Sitte	David Miltel
PARKTON, MD 21120 DAM ROTHED JULY MARKET DAM RAD 21120 DAM SITHE	JOHN B' LITOMPS
CC1/201110 1110 1111 1111 1111 11111	
95118 JW 0003887 JY 51741 51891	JANAHM & 708HJ
OCIIC EM 123 AND ESER/	SI 3 SHOT A BESTA
2011 Falls Road forther 1821	50,11,54 g 521x011
1 1 110/3/11/1 11/1 /2-1/17 01/19	- not some it much

ADDRESS