

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
NW/S Francis Avenue, 50 ft. W	* ZONING COMMISSIONER
of Carville Avenue	* OF BALTIMORE COUNTY
1312 Francis Avenue	* Case No. 99-26-SPH
13th Election District	
1st Councilmanic District	
Halethorpe Community Church	
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1312 Francis Avenue in Halethorpe. The Petition was filed by Halethorpe Community Church, property owner. Special Hearing relief is requested to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (BCZR), Section 517.2 (510.2) of the Building Code and Sections 26-276, 26-670, and 26-172(a)(3) of the Baltimore County Code, all to permit construction of a two story building addition in a riverine flood plain. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was John H. Evans, a Deacon of the Halethorpe Community Church. Also appearing was Raymond Ritter, a Contractor engaged by the Petitioner to construct the proposed addition, and Anthony J. Vitti, a Professional Land Surveyor, who prepared the site plan. The Petitioner was represented by David K. Gildea, Esquire. Numerous individuals from the neighborhood and congregation appeared in support of the request. Their attendance is reflected on the sign-in sheet which is contained within the case file. There were no Protestants present.

Testimony and evidence presented was that the subject property is approximately 2 acres in area, zoned D.R.5.5. The property is an irregularly shaped tract with frontage on Francis Avenue in the older community

ORDER RECEIVED FOR FILING
 Date 10/19/98
 By [Signature]

known as Halethorpe. The neighborhood is largely residential in character. Immediately adjacent to the western property line of the tract is the Herbert Run, a small stream which meanders through the community.

The Church has owned the subject property for many years. Originally, the Church constructed its worship building on the site in 1949. Later, in 1963, an addition was constructed. Testimony offered at the hearing indicated that the Church wishes to build another addition. The addition will be two stories with a maximum height of 24 ft. It will be attached to the rear of the existing Church building so that a proposed elevator system can serve both the existing structure and addition.

It was indicated that the addition is needed to provide more room for church activities. Specifically, additional Sunday School classrooms are proposed as well as a gymnasium. Mr. Evans indicated that the Church desires to increase its facilities for children and younger families. In order to attract these members of the community, expanded facilities, provided within the addition, are proposed.

Messrs. Ritter and Vitti testified about the steps that had been taken by the Church in order to prepare for the construction. Originally, the addition was to be built immediately behind the existing building when same is viewed from Francis Avenue. However, after reviewing the County floodplain map, it was determined that this area was within the riverine floodplain. In view of this determination, the Petitioner relocated the proposed building further towards the eastern property line. Additionally, Mr. Vitti conducted a site inspection of the floodplain and determined that the County map is inaccurate. His inspection determined that the floodplain actually encompasses a larger area of the property than shown on the County map. Although outside the floodplain, according to the map, a part with the addition will be within the floodplain according to Mr.

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10/14/98
M. J. [Signature]

Vitti's investigation. Thus, the Petition for Special Hearing has been filed.

Additional information submitted included a letter of authorization to construct the proposed addition from the State of Maryland, Department of Environmental Water Management Administration. Additionally, correspondence from Robert W. Bowling, an engineer in the Development Plans Review Division, showed that the proposed site of the building had been reviewed and approved by Mr. Bowling's agency. Photographs of the site and neighborhood were also submitted at the hearing.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. It is clear that the Petitioner has made significant efforts to comply with the spirit and intent of the applicable floodplain regulations. In fact, the addition is outside of the area shown according to the County map. However, it is located within the floodplain, based on Mr. Vitti's field inspection. In any event, I find that the Petitioner has complied with the applicable provisions of law, specifically Section 26-670 of the Baltimore County Code. That section provides that waivers may be granted to the provisions of the floodplain regulations upon a showing of good and sufficient cause; a determination that the failure to grant a waiver would result in an exceptional hardship upon the applicant; and a determination of the granting of the waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflicts with existing local or State ordinances. The testimony and evidence offered at the hearing, as well as the written comments and letters received from the Development Plans Review Division of the Department of Permits and Development Management, the Department of

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Date 5/14/98
By [Signature]

Environmental Protection and Resource Management(DEPRM) of Baltimore County and the State Environmental Agency are all persuasive.

A statement is appropriate as to the Zoning Plans Advisory Committee (ZAC) comments which were submitted in this case. The Petitioner shall comply with the written ZAC comment prepared by Mr. Bowling on behalf of the Development Plans Review Division and the written comment from DEPRM. However, many of the concerns previously expressed by these agencies have already been resolved. A comment was also received from the Office of Planning. The office requested that building elevations for the east side of the proposed building be submitted and that efforts be made to design the building to break up the mass of that facade. At the hearing, the Petitioner offered photographs of the existing building which show that same is constructed in a manner to avoid the appearance of a long unbroken wall. The Petitioner indicated that the proposed addition would be consistent with the existing structure. Based upon this representation, I am satisfied that the proposed improvements will be appropriate and not detrimental to the surrounding properties. A comment was also offered requesting that a landscape plan be submitted as to this issue. I will defer to the County's Landscape Architect and the concerns previously raised by DEPRM. It is to be noted that additional planting has been undertaken in the areas adjacent to the floodplain.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of October 1998 that, pursuant to the Petition for Special Hearing, approval for a waiver, pursuant to Section 500.6 of the BCZR, Section 517.2 (510.2) of the Building Code and Sections 26-276,

CARDER RECEIVED FOR FILING
Date 10/14/98
By Dr. Howard

26-670, and 26-172(a)(3) of the Baltimore County Code, all to permit construction of a two story building addition in a riverine flood plain, be and is hereby GRANTED subject, however, to the following restriction:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The addition shall be architecturally compatible with the existing structures and designed so as to avoid the appearance of a large unbroken wall.

3. The Petitioner shall comply with the requirements of the Zoning Plans Advisory Committee (ZAC) comments from Development Plans Review Division and DEPRM.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
10/18/98
[Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

October 13, 1998

David K. Gildea, Esquire
Whiteford, Taylor and Preston, LLP
210 W. Pennsylvania Avenue, 4th fl.
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 99-26-SPH
Property: 1312 Francis Avenue
Petitioner: Halethorpe Community Church

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered 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 Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.

c: Deacon John H. Evans
Halethorpe Community Church
1312 Francis Avenue
Baltimore, Maryland 21227





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1312 Francis Avenue

which is presently zoned Dr-5.5

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

The undersigned, legal owner(s) of the property 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

a waiver pursuant to Section 500.6 BCZR, Section 517.2 (510.2), Building Code, and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit construction of a 2 story building addition in a riverine flood plain.

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

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

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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Whiteford, Taylor & Preston L.L.P.

(Type or Print Name)

210 W. Pennsylvania Ave., 4th Floor

Signature

Towson, MD 21204

Address Phone No.

(410)832-2000

City State Zipcode

Legal Owner(s):

Halethorpe Community Church

(Type or Print Name)

Dean M. Gates
Signature By:

Dean M. Gates

(Type or Print Name)

Signature

1312 Francis Avenue

Baltimore, MD 21227 242-7408

Address Phone No.

RAYMOND F. BITTER

City State Zipcode

Name, Address and phone number of representative to be contacted.

David K. Gildea

210 W. Pennsylvania Ave., 4th Floor

Address Phone No.

OFFICE USE ONLY

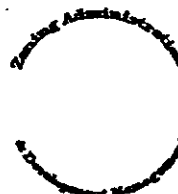
ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



99-26-SPH

Description

1.609 Acre Parcel

26

To Accompany Petition for Special Hearing

Northwest Side of Francis Avenue

Southwest of Carville Avenue

Thirteenth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

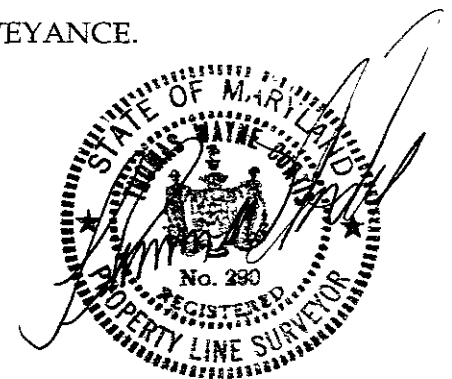
Environmental Professionals

Beginning for the same on the northwest side of Francis Avenue, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Francis Avenue (50 feet wide) and Carville Avenue (40 feet wide), viz: (1) Southwesterly along said centerline of Francis Avenue 195 feet, more or less, and thence with a line perpendicular to said first line, (2) Northwesterly 25 feet, more or less, to the point of beginning, thence leaving said point of beginning and binding on the northwest side of said Francis Avenue, (1) South 79 degrees 08 minutes 56 seconds West 129.13 feet, thence leaving said road and running the six following courses and distances, viz: (2) North 10 degrees 51 minutes 04 seconds West 277.39 feet, thence (3) North 07 degrees 22 minutes 28 seconds East 184.30 feet, thence (4) North 87 degrees 18 minutes 29 seconds East 164.14 feet, thence (5) South 02 degrees 41 minutes 31 seconds East 221.39 feet, thence (6) South 79 degrees 08 minutes 56 seconds West 59.57 feet, and thence (7) South 10 degrees 51 minutes 04 seconds East 210.00 feet to the point of beginning; containing 1.609 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 13, 1998

Project No. 97059 (L97059)



99-26-SPH

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

JLL 26

No. 050863

DATE 7/16/98 ACCOUNT R0016150
AMOUNT \$ 250.00

RECEIVED FROM: WHITEFORT TAYLOR, LLP
FOR: SPH WAIVER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
7/17/1998	7/16/1998	13:56:33
REC 4804	CASHIER HINCH KIM	DRAWER
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	058290	CPLN
CR. NO.	050663	

250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/20, 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 1 successive weeks, the first publication appearing on 8/20, 1998

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

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: #99-26-SPH
1312 Francis Avenue
NW/S Francis Avenue, 50' W
of centerline Carville Avenue
13th Election District
1st Councilmanic District
Legal Owner(s):
Halethorpe Community Church

Special Hearing: to approve a waiver pursuant to Section 500.6, BCZR, Section 517.2 (510.2), Building Code, and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit construction of a 2-story building addition in a riverine floodplain.

Hearing: Wednesday, September 9, 1998 at 2:30 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 concerning the File and/or Hearing, Please Call (410) 887-3391.

8/285 Aug. 20 c252083

CERTIFICATE OF POSTING

RE: Case # 99-26-SPH
Petitioner/Developer:
(Halethorpe Comm. Church)
Date of Hearing/Closing:
(Sept. 28, 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 perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

1312 Francis Ave. Baltimore, Maryland 21227 _____

**The sign(s) were posted on _____ Sept. 11, 1998 _____
(Month, Day, Year)**

Sincerely,

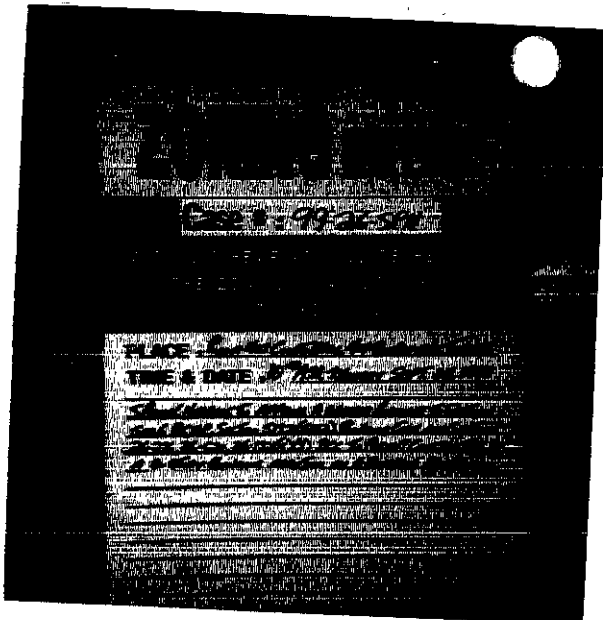
(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**



RE: PETITION FOR SPECIAL HEARING
1312 Francis Avenue, NW/S Francis Ave, 50' W of
Carville Ave, 13th Election District, 1st
Councilmanic

Legal Owners: Halethorpe Community Church

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-26-SPH

* * * * *

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
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 7th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

July 28, 1998

NOTICE OF ZONING HEARING

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1312 Francis Avenue
NW/S Francis Avenue, 50' W of centerline Carville Avenue
13th Election District - 1st Councilmanic District
Legal Owner: Halethorpe Community Church

Special Hearing to approve a waiver pursuant to Section 500.6, BCZR, Section 517.2 (510.2), Building Code, and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit construction of a 2-story building addition in a riverine floodplain.

HEARING: Wednesday, September 9, 1998 at 2:00 p.m.. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon
Director

c: David K. Gildea, Esquire
Halethorpe Community Church

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 25, 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
August 20, 1998 Issue - Jeffersonian

Please forward billing to:

David Gildea, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
4th Floor
Towson, MD 21204

410-832-2000

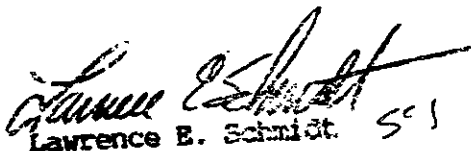
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HEARING: Wednesday, September 9, 1998 at 2:00 p.m.. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt. SCS

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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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.

For Newspaper Advertising:

Item Number or Case Number: 26

Petitioner: HALETHORPE COMMUNITY CHURCH

Address or Location: 1312 FRANCIS AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Whiteford, Taylor, Preston L.L.P. c/o David Gildea

Address: 210 W. Pennsylvania Ave 4th Floor
Towson, MD 21204

Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

99-26-SPH

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.: 99-26-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING FOR A WAIVER PURSUANT TO SECTION 500.6 BCZR
SECTION ~~517.2~~ 517.2 (510.2), BUILDING CODE, AND SECTIONS 26-276, 26-670,
26-172 (a)(3), BCC TO PERMIT CONSTRUCTION OF A 2 STORY BUILDING ADDITION
IN A RIVERINE FLOOD PLAIN.

POSTPONEMENTS 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



Baltimore County
Department of Permits and
Development Management

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

September 10, 1998

David K. Gildea, Esq.
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue, 4th Floor
Towson, MD 21204

RE: Item No.: 26
Case No.: 99-26-SPH
Location: 1312 Francis Avenue

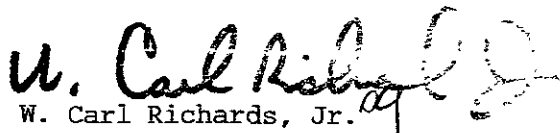
Dear Mr. Gildea:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 16, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





**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

RE: Baltimore County 8.17.94
Item No. # 99-24-SPHXA

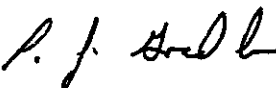
Dear Ms. Stephens:

WE have reviewed the referenced item and have no objection to approval. as a field inspection reveals that the existing entrance(s) on to MD:US 26 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

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

July 31, 1998

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

RE: Property Owner: 9420 Holding Corp. 022
John J. Germenko 024
Halethorpe Community Church 026

Location: DISTRIBUTION MEETING OF July 27, 1998

Item No.: 022, 024, and 026 Zoning Agenda:

Gentlemen:

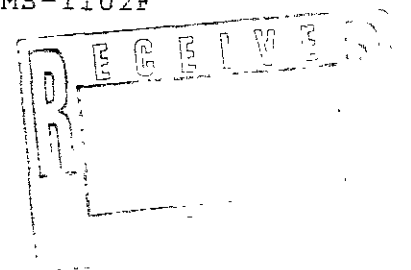
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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
DEPARTMENT OF RECREATION AND PARKS

Inter-Office Memorandum

To: Don Rascoe
Permits and Development Mgt.

Date: August 3, 1998

From: Jean Tansey



Subject: ZAC Agenda 8/3/98

This will confirm that the Department of Recreation and Parks has no comments on the ten projects (Items 019, 026, 029, 030) listed on the 8/3/98 DRC Agenda.

/js

Due Date: August 3, 1998

TO: Arnold Jablon
FROM: R. Bruce Seeley *RSJ/gh*
SUBJECT: Zoning Item #026

Halethorpe Community Church

Zoning Advisory Committee Meeting of July 27, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



**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

RE: Baltimore County 7-24-98
Item No. 026 JLL

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,

P. J. Arnold
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

*Copy Forwarded
directly to Zoning
Commissioner*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: September 25, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 1312 Francis Avenue

INFORMATION:

Item Number: 26
Petitioner: Halethorpe Community Church
Property Size:
Zoning: DR 5.5
Requested Action: Special Hearing
Hearing Date: September 28, 1998

SUMMARY OF RECOMMENDATIONS:

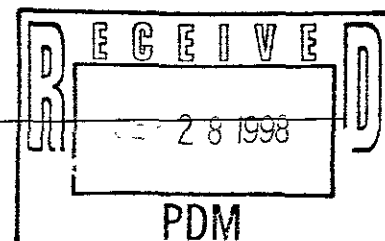
This Petition for a Special Hearing is requested by the Halethorpe Community Church located at 1312 Francis Avenue in a DR 5.5 zone. The proposal is requested in order to allow a major two-story addition on the rear of the building. The subject property is located within a Community Conservation area as designated in the Baltimore County Master Plan 1989-2000.

This office supports the requested Special Hearing provided the following recommendations are incorporated in the hearing officer's order:

1. A revised landscape plan should be submitted to the County's landscape architect for approval showing additional planting (deciduous trees) along the east side of the addition.
2. The east building elevation, adjacent to the rear yards of the existing houses on lots 1 and 2, Plat Book 8, Folio 21, needs additional articulation to break up the mass and bulk of that facade. Elevation drawings should be submitted to the Office of Planning for review prior to issuance of building permits.

Section Chief: *Jeffrey W. Long*

AFK:DI:lsn



ls
9/28

BALTIMORE COUNTY, MARYLAND

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Department of Permits and
Development Management

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Section Chief: Jeffrey W. Long

AFK:DI:lsn

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Anthony J. Vitti (DMW)

200 E. Penn Ave. Towson, Md.

RAYMOND RITTER

7501 Inwood Ave 21228

John H. Evans

5000 Durham Ct Columbia, Md.

David K. Golden

Whiteford Taylor + Preston

210 W. Penn. Ave.

Towson, Md. 21204

Dean Gates

1262 June Rd. Baltimore Md. 21227

ROY C HAYES

41 LINDA AVE N LINTHICUM MD 21090

Helen Hayes

" " " " "

MICHAEL L. REED

1238 Elm Rd, BALTIMORE MD 21227

ROMAINE EVANS

5010 DURHAM CT. COLUMBIA, MD 21044

JOHN P. PURCELL

210 MOUNTAIN RD LINTHICUM, MD 21090

Joyce E. Green

2107 Oak Lodge Rd, Catonsville, MD 21228

Messie J Rust

1717 S. Rolling Rd. Balt. MD. 21227

Edwin E Rust

1717 S. Rolling Rd. Balt. Md 21227

Raymond L. Swann

5537 LINK AVE BALTO. MD. 21227

Ch. Mearns

5601 Bradford Rd 21227

William J. Gill

1809 Woodside Ave. 21227



WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
dgildea@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0575

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

Soph
8/31/98
WDR
ok

August 28, 1998

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

**Re: Haldethorpe Community Church
Case No. 99-26-SPH**

Dear Mr. Jablon:

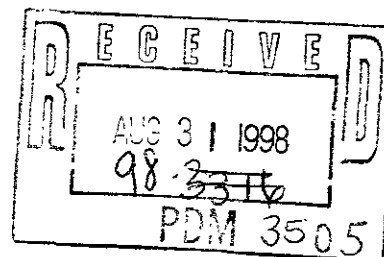
On behalf of the Halethorpe Community Church, this office requests a postponement of the hearing currently scheduled for September 9, 1998 due to the failure to post a sign on the property in a timely fashion.

Should you have any questions, please feel free to contact me.

Very truly yours,

David K. Gildea
David K. Gildea

DKG:sll





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 1, 1998

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 West Pennsylvania Avenue
4th Floor
Towson, MD 21204

Dear Mr. Gildea:

RE: Zoning Case Number 99-26-SPH, Halethorpe Community Church, 1312 Francis Avenue, 13th Election District

The above matter, previously assigned to be heard on September 9, 1998 has been postponed at your request. The case has been **rescheduled for Monday, September 28, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a small "scj" written below it.

Arnold Jablon
Director

AJ:scj

c: Halethorpe Community Church

Come visit the County's Website at www.co.ba.md.us



Baltimore County Government
Department of Permits and
Development Management

97059

#26



111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3335

June 27, 1997

Vitti & Assoc., Inc.
P. O. Box 276
Lutherville, MD 21093

RE: Halethorpe Community Church
1312 & 1314 Francis Avenue
DRC Number 03107H, Dist.13C1

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland and as provided in Section 602 (d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on June 23, 1997, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (A)(7), with the appropriate planting plan.

Now that you have received an A-7 limited exemption, please proceed with building permit application.

99-26-SPH

Vitti & Assoc., Inc.
Halethorpe Community Church
June 27, 1997
Page 2

A copy of this letter must be presented when submitting engineering/construction plans to this office and/or when applying for a building permit.

Please be advised that Phase 2 review fees may apply, depending on the amount of site disturbance and/or the requirement of a Public Works Agreement, also, please be advised that sidewalks will be required.

Herein find a commercial site plan checklist which will serve as a guide when preparing plans for building permit applications. Please be advised, plans not meeting minimum checklist requirements will not be accepted for filing, which will consequently delay building permit approval. Please note, the "conceptual" plan required for DRC review, does not necessarily meet the checklist guidelines. Therefore, it should not be assumed that the DRC plan is acceptable for building permit applications.

Should you have any questions regarding the above, please contact the Zoning Review Section at 887-3391.

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 27th day of June, 1997, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,



Arnold Jablon
Director

AJ:DTR:dak

c: Bruce Seeley
Joyce Watson
File
Enclosure

EIR
Variance
Granted

AJN, ECU, file,
Co. Book 97059



Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
410-887-3733
Fax: 410-887-4804

May 22, 1998

Ms. Julie A. Roth
Daft McCune Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

Re: Halethorpe Community Church
Forest Buffer Variance and
Mitigation Plan

Dear Ms. Jones:

A request for a variance from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on April 17, 1998. The request proposes construction of an addition within the one hundred (100) year floodplain. All disturbance is to occur on an existing macadam parking lot. The applicant proposes several forms of mitigation to offset any potential impacts, including removal of impervious surface, reduction of mowing schedule within the riparian buffer and installation of six shrubs and three understory trees.

This Department has reviewed your request and recognizes that the extent of the Forest Buffer required for this site presents design constraints. Also, we recognize the efforts that the applicant has made to reduce impacts to the resources on this site. Lastly, we acknowledge that a practical difficulty and unreasonable hardship exists due to the recently applied Forest Buffer of the current regulations to an existing, long established facility. Therefore, the Department will grant the variance under Section 14-334(a)(1) of the Baltimore County Code with the following additional requirements:

1. The western edge of the parking lot, where it meets the vegetated Forest Buffer, shall be posted with *informational and protective signage*, available from this Department, free of charge. This signage shall be installed prior to December 1, 1998.
2. The six (6) trees and three (3) shrubs shall be installed, watered and mulched prior to December 1, 1998.

It is the intent of this Department to approve this variance subject to the conditions above. Any changes in site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement on the following page and return a signed copy to this office within 21 calendar days. Failure to return a signed copy of this letter may render this variance approval null and void, or may result in delays in processing of plans for this project.

Ms. Julie A. Roth
May 19, 1998
Page 2

If you have any questions regarding these comments, please contact Michael S. Kulis at 410-887-3980.

Sincerely yours,


George G. Perdikakis
Director

GGP:MSK

I/We agree to the above conditions to bring my/our property into conformance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Halethorpe Community Church
Dean M. Hute 6/8/98
Property Owner Date
Chairman of The Board

Paul J. Jeltz 6/8/98
Administrator Date

MSK3/Halethcc.doc

ATV, ECH, file
97079

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION

LETTER OF AUTHORIZATION



AUTHORIZATION NUMBER: 98-NT-0524/199866353

EFFECTIVE DATE: September 11, 1998

EXPIRATION DATE: September 11, 2001

AUTHORIZED PERSON: Halethorpe Community Church
1312 Francis Avenue
Baltimore, Maryland 21227

Attn: Mr. Ray Ritter

IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(a), ANNOTATED CODE OF MARYLAND (1996 REPLACEMENT VOLUME), COMAR 26.17.04 AND 26.23.01, AND THE ATTACHED PERMIT CONDITIONS OF AUTHORIZATION, Halethorpe Community Church, ("AUTHORIZED PERSON"), IS HEREBY AUTHORIZED BY THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE WATER MANAGEMENT ADMINISTRATION, NONTIDAL WETLANDS AND WATERWAYS DIVISION ON September 11, 1998, ("APPROVED PLAN") AND PREPARED BY Daft-McCune-Walker, Inc. AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Placement of 18 cubic yards of fill within the 100-year flood plain of Herbert Run in order to facilitate the construction of an addition to an existing church. The project is located north of Francis Avenue approximately 500 feet east of the intersection of Francis Avenue and Ashbourne Road, in Baltimore County, Maryland. The proposed project will impact 1600 square feet of the 100-year floodplain associated with Herbert Run however, will not affect any nontidal wetlands of wetland buffers.

MD Grid Coordinates: 512152± N; 886264± E
Contract Number: N/A


Terrance W. Clark, Chief
Nontidal Wetlands & Waterways Division

cc: U.S. Army Corps of Engineers (David Olson)
Compliance Program w/ file
Daft-McCune-Walker (Julie Olson)

THE FOLLOWING CONDITIONS OF AUTHORIZATION APPLY TO ALL ACTIVITIES AUTHORIZED BY AUTHORIZATION NO. 98-NT-0524/199866353:

GENERAL CONDITIONS

1. **Validity:** Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. **Initiation of Work, Modifications, and Extension of Term:** Authorized Person shall initiate authorized activities within two (2) years of the Effective Date of this Authorization or the Authorization shall expire. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of the term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion.
3. **Responsibility and Compliance:** Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Environment Article, Annotated Code of Maryland (1996 Replacement Volume).
4. **Failure to Comply:** If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Frederick, Washington, Allegany and Garrett counties, Authorized Person shall call (301) 689-8494. For all other counties, call the Baltimore office at (410) 631-3510.
9. **Sediment Control:** Authorized Person shall obtain approval from the Baltimore Soil Conservation District (if required) for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.

10. Federally Mandated State Authorizations:

N/A **Water Quality Certification:** Authorized activities shall be performed in accordance with the attached Water Quality Certification.

N/A **Coastal Zone Consistency:** This Authorization constitutes official notification that authorized activities are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended. Activities within the following counties are not subject to this requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

11. Best Management Practices During Construction: Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.

12. Disposal of Excess: Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.

13. Temporary Staging Areas: Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.

14. Temporary Stream Access Crossings: Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.

15. Discharge: Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.

16. Instream Construction Prohibition: To protect important aquatic species, activities within stream channels are prohibited.

17. Instream Blasting: Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.

18. Minimum Disturbance: Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by Permit or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.

19. Restoration of Construction Site: Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.



Baltimore County
Department of Permits and
Development Management

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

#26

May 5, 1997

Mr. Anthony J. Vitti
Vitti and Associates, Inc.
P.O. Box 276
Lutherville, MD 21093

Re: Halethorpe Community Church

Dear Tony:

I have reviewed your request for building in the floodplain and I'm recommending approval of such. The building must meet all the other Building Codes in respect to floodplains.

You must go through the zoning process to get this approved by the Zoning Commissioner prior to it's okay.

If you have any questions, please call me at (410) 887-3751.

Very truly yours,

Robert W. Bowling
Robert W. Bowling, P.E., Chief
Development Plans Review Division

RWB:cab

cc: File
Herb Oberc

RWB139

99-26-SPH



FRANCIS AVENUE

HALETHORPE
COMMUNITY
CHURCH

Addition

100 Year
Flood
Elev.
as per
study

Field
Established
100 Year Flood
Elev.

(Add 2)

139

138

137

134

135

Herbert Run
Flood Study
11/2/85

